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PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 15, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day, O gracious God, when the Nation recalls the birth of Martin Luther King, Jr. we remember with gratitude the great gift of nonviolence and the power of that gift in the lives of people and nations. Yet we know too that because some seek selfish advantage over others that this goal of reconciliation can be lost in anger and hatred among peoples and in the flames of war among nations.

In spite of all the world's alarms, we pray, O God, that justice will be the shared goal of people of good will and peace their common gift.

We pray for those who are separated from home and family by all the tensions in the world. We remember the members of the armed services and their families. Gracious God, who gives life and light, keep them always in Your grace.

Especially do we pray for our President and all the leaders of the nations. May your spirit that brought the whole world into being be with them and encourage them to serve with faithfulness and honor in the cause of peace.

And may each of us, O God, so live our lives that we will do justice, love mercy, and ever walk humbly with You.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi [Mr. MONTGOMERY] please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A DAY OF DISCORDANCE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today is a day of discordance and dissonance. It is a day out of joint.

I just flew back to Washington from home and came into Washington across the Potomac River. A beautiful, sunny day outside, with the sunlight glinting off the Potomac, with the beautiful walkways and the beautiful green lawns. Yet today our Nation could go to war.

Today is the day we celebrate Martin Luther King, a man of peace, a man of nonviolence, and yet today is also the deadline day for what could be a war in the Middle East and the Gulf of Persia.

I take the well really to, as our distinguished Speaker did last Saturday, pray for President Bush, to pray for him to have the wisdom, and the insight and the courage that it takes to handle these weighty burdens. But also to pray that, if there is the least glimmer of hope that some other solution to the gulf crisis can be reached than a war or a military solution, that the President would exercise that courage and wisdom and insight and stand back from the precipice of war, and take the route of nonwar and nonviolence.

Once again, whatever happens, we have to stand behind the men and women in the gulf, and we certainly give them our respect and our love.

SADDAM'S NEWEST HUMAN SHIELDS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, once again Saddam Hussein is showing that he has absolutely no concern for human life by making innocent Kuwaiti and Iraqi women and children become human shields should a war break out—a war he, and only he, will be responsible for starting.

Responsible, caring leaders would make an effort to remove innocent civilians from military targets. Recall how thousands of British children were sent away from industrial centers to the countryside for their safety in World War II.

Saddam Hussein is doing just the opposite. He has deliberately placed hospitals next to military bases. He is deliberately placing thousands of innocent Kuwaiti and Iraqi civilians—including little children—at strategic targets. He doesn't care about them. He just wants to see them killed so that his propaganda machine can show the carnage on the news and blame us. To him the sadistic show must go on.

Saddam is 100 percent responsible for the fate of these civilians. He is forcing them at gunpoint into harm's way. Any harm to them is fully his fault. We will share in the remorse, but not in the guilt.

ANNUNZIO PRAISES SUPREME COURT SUPPORT OF MACHINE-GUN BAN

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise to praise Monday's action by the U.S. Supreme Court to uphold our law banning the sale of machineguns.

In 1986, the Congress acted to get these weapons off the streets. Our goal was to cut the risk to innocent citizens and police officers.

The Court acted wisely in upholding the ban. It makes no sense to allow sales of automatic weapons. They serve no useful purpose outside our Armed Forces.

Furthermore, FBI crime reports show that we need tougher enforcement of this law to stem our rising murder rate.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In 1989, nearly 21,500 Americans fell victim to homicides. During the first 6 months of 1990, our murder rate rose by nearly 8 percent.

These numbers tell a sad story that more than justifies the need for controls on automatic weapons.

IT IS UP TO SADDAM HUSSEIN TO PREVENT WAR

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, everyone in the world has seen the handwriting on the wall except Saddam Hussein. From the very beginning, the entire world voiced its outrage in many, many different ways, including 12 separate resolutions in front of the United Nations where in one form or another Saddam Hussein was told that he cannot prevail in this outrage in Kuwait.

The Congress of the United States just recently, backing its President to enforce the resolutions of the United Nations, sent another clear message. What more can the world do? Practically nothing.

It is up to Saddam Hussein himself to stand back, to see the terror and the horror that he himself has already caused and is potentially able to cause if he should pursue his course.

The handwriting on the wall should be read by him and his generals and his diplomats and his people for one last chance for peace. We beg of the world to send one more clear message to Saddam: Stand back from this terror. It is your fault that we have come this far. Stand back now before it is too late.

MILITARY FORCE HAS NO PLACE IN LITHUANIA

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, this past Sunday we saw the Soviet Union take a dramatic step backward in the process of democratization. Despite the progress the Soviet Government has made under Mikhail Gorbachev in recent years, this weekend's tragedy in Vilnius, Lithuania shows that true openness is still more a goal than a reality in the Baltic States.

There can be no doubt that Mikhail Gorbachev has played a lead role in bringing an end to the cold war. In fact, the independence the Eastern European nations enjoy today is a testament to President Gorbachev's understanding that the citizens of these countries must choose their own governments. These breakthroughs in Eastern Europe helped earn a Nobel Prize for President Gorbachev.

Sadly, President Gorbachev has not applied this understanding to the republics within the Soviet Union. When confronted with a democratic movement in Lithuania, the Soviet leader did not react with a policy negotiation. Instead, we saw a tragic scene repeated from the past as tanks rolled into Vilnius, killing 14 Lithuanians. This is hardly the type of response the international community expects from a Nobel peace laureate.

While the United States must continue to support the program of reforms in the Soviet Union, we also must make it clear that above all else, we support self-determination for all Soviet citizens. President Bush has already condemned the violence in Lithuania, and I urge him to make it clear to the Soviet leadership that continued cooperation from the United States is tied to the recognition of legitimate democratic movements within the Soviet republics.

Lithuania, with its history of independence, has a particularly strong case for establishing its own democracy. The growth of democratic movements in other Baltic States only reinforces the need for the United States to take a clear stand now against the use of violence as a tool for resolving this conflict.

President Gorbachev has a significant record of accomplishment which risks being tarnished by the use of military force. Self-determination is a fundamental part of any reform effort. I urge President Gorbachev to honor his commitment to continued reforms by searching for peaceful ways to address the desire of the Lithuanian people to choose their own government. Any other approach must be condemned by the United States.

THE PERSIAN GULF CRISIS

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, the laws of God and man were violated when Saddam Hussein and his Iraqi forces annexed the country of Kuwait and killed many of its people.

Today, the difference between peace and war—life and death—will likely be determined.

I am a man of peace but I will support the use of military force as a last resort. I believe it is the duty of the civilized nations of the world to unite in order to halt the illegal invasion of Kuwait and further aggressions. Crimes against humanity have been committed and cannot go unpunished.

Saddam has two choices: To continue to defy the world and force the coalition to go to war, or to withdraw his troops—reduce the risk of military force—and face the consequences of his evil acts.

Saturday's vote authorizing the President to send U.S. troops into combat if necessary sent a clear message that the American public supports the President's Persian Gulf policies. Moreover, that Congress supports the goals set out by the U.N. resolutions opposing the actions of Iraq.

It has been reported that some allies are not paying their fair share during this crisis—that the United States is once again shouldering the greatest financial burden. In order to address this problem, I have joined Congressman JERRY HUCKABY in cosponsoring House Concurrent Resolution 34. This resolution calls for the President to determine a fair burden-sharing plan. Countries which are benefiting from military protection—and have the money to do so—should contribute significantly.

Peace or war, I pray to God that President Bush and other world leaders have the strength to confront this crisis in a wise and honorable manner.

God bless our troops and God bless America.

□ 1210

IT WILL NOT BE BUSINESS AS USUAL WITH THE SOVIET UNION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday the whole world waited to hear what the response of Soviet President Mikhail Gorbachev would be to the violence in Lithuania over the weekend. We heard the surprising fact that he was asleep, that he did not order the action against the Lithuanian people. That was a surprise.

But what was unfortunately more disturbing, in fact very upsetting, was that he then went on to say it was the Lithuanians themselves that caused the trouble and ended up with the violence.

Of course, we are all disappointed that reform in the Soviet Union is not going as smoothly as some might hope where, in fact, as Gorbachev told us it would. But he must know right now that we will not overlook this activity in the Baltic States.

So many of us grew up in communities and had friends and neighbors who were of Baltic heritage, Lithuanians, Estonians, Latvians. These individuals, heartbroken over what happened to their countries, kept their tradition going, taught their children the dances, the language, they paid tribute to their country and hoped that it someday would be free. They never lost faith, and many of us joined with them and said, "We are with you for freedom for your countries."

The time now has come that that freedom should be allowed, that these countries, these Baltic lands, should join the Hungarys and the Czechoslovakias, and so we in the Congress say it will not be business as usual. We will not share our largesse with the Soviet Union. It will not be most favored nation. It will not be the way we wanted it to be, a new friendship, not if the Baltics have violence on top of all that has happened in the past.

MOSCOW MUST HEED AMERICA'S WARNINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, over the weekend as the eyes of the world understandably have been focused on Kuwait and the Persian Gulf region, a tragedy has occurred and is occurring in the tiny Baltic republics. On Saturday the first live shots were fired in an effort to put to an end the struggle for true self-determination in these tiny nations. People have been killed. Soviet soldiers and Soviet tanks have moved aggressively into the Lithuanian capital of Vilnius and are slowly and inexorably attempting to put to an end the independence movement there.

This repressive move is cynically timed when the world's attention is focused on the crisis in the Persian Gulf area.

Last night the violence spread to neighboring Latvia. Special forces of the Soviet military seized control of the national police academy and issued instructions for police officers to hand in their weapons. When Latvians set up cars and trucks at roadblocks, the Soviet Army firebombed and shot out the tires of these vehicles.

There are now reports of Soviet troop movements near the Estonian border.

In all three of the Baltic States, a large and volatile collection of Communist Party hacks and retired military officers have joined together to form pro-Moscow national salvation fronts. These fronts have demanded that they be allowed to replace the legally elected governments of Latvia and Lithuania and cause them to resign.

Mr. Speaker, in short, these shadowy pro-Moscow groups are seeking a return to the bad old days, and the bad old days when Stalin annexed these Baltic States.

Mr. Speaker, this is horrifyingly reminiscent of 1940 when Josef Stalin seized the Baltic States. In 1940, after the signing of the infamous Molotov-Ribbentrop pact, Stalin, with Hitler's agreement, grabbed the independent nations of Latvia, Lithuania, and Estonia while the world's attention was focused elsewhere. It is beginning to happen again, Mr. Speaker, and it is no accident, Mr. Speaker, that the first targets in this campaign have been the independent radio stations, television stations, and the printing presses. It is an attempt to silence Moscow's opponents and keep the world in the dark.

Soviet General Secretary Mikhail Gorbachev has insisted that he is not responsible for this crackdown. Indeed, he has argued that it is the people of Latvia and Lithuania that have initiated the violence and that Soviet military forces only responded after they were attacked. This is predictable, but it is absolutely not true.

Understandably, the central government of Moscow is trying to confuse the issue and disassociate itself from the violence in the Baltic States. I have no doubt, Mr. Speaker, that President Mikhail Gorbachev would have liked to have averted violence. I am quite sure that he did not want to deal with the bullet-riddled bodies of unarmed civilians, but he cannot deny responsibility for what is occurring.

Clearly Mr. Gorbachev intends to reassert control over the Baltic States, and the events leading up to this crackdown make it clear that this is an orchestrated effort to quash the self-determination movements in Latvia, Lithuania, and Estonia.

President Gorbachev cannot convincingly wash his hands of this matter. If it was true that he did not authorize or condone this action, then it raises grave doubts for the United States and the world whether he has sufficient control over the Soviet military to ensure his nation's compliance with the CFE Treaty and START, which is expected to be agreed to soon. This is an even more troubling matter than the heavy-handed repression of the Baltic States where he protests his noninvolvement.

This crackdown is the desperate action of an empire that no longer has the support of its people. It is reprehensible, and this body must condemn in the strongest possible terms the violence in the Baltic States.

The Soviet Union must be made to understand that the world will not ignore repression in the Baltic States, will not permit it to continue. This body must make it clear that these actions will have grave consequences.

The United States has sought to be a good friend and a supporter of Mikhail Gorbachev in his reform efforts, but it will be very, very difficult, and I would say impossible, Mr. Speaker, for this Member and the Congress to remain supportive of Mikhail Gorbachev if the repression in the Baltics continues.

We understand his need to stop the disintegration of the Soviet Union, but these three Baltic States are not a part of the Soviet Union, and he should draw the line around them.

Mr. Speaker, this Member joins with the many Members of this body who have come to the well in the past few days to condemn the violence in the Baltic States. This Member would urge in the strongest terms that Moscow heed America's warnings and those of the world community and permit the states of Latvia, Lithuania, and Estonia to pursue true self-determination.

□ 1220

Let the citizens of these captured nations go free.

DISTURBED WITH NATIONAL NEWS MEDIA

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, I rise today to express my outrage at the national news media which have in this time of crisis worked overtime, it would seem, to undermine public support for the President.

Their morbid obsession with the certain tragedy of war is designed to do nothing less than give aid and comfort to our enemies by unnerving the American people—especially the families of our troops. War is scary enough without it. What purpose does it serve?

This behavior is a far cry from the days of World War II when the news media supported our Armed Forces. Like all other patriotic citizens, the news media should be uniting the country behind our President in defense of principle.

The President of the United States does not desire war—no American does. But let's remember that this conflict started on August 2 when a vicious and ruthless dictator invaded a defenseless neighbor.

Why do we not hear about the horrible atrocities being committed by the Iraqi Army in Kuwait—about the babies being torn from their incubators, hospital equipment being confiscated, the torture, the mass killings, the brutal destruction of a people? Why do we not hear about the barbaric execution of over 100 of Hussein's own officers who had opposed these atrocities?

These things would inflame the American people to our cause and unite them, were the media to fairly report them. But no, the news media seems intent on eroding America's resolve. Whose side are they on?

REFLECTIONS ON MY VIEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I wish I had something profound to say today. I do not. However, today is January 15, and it is a somber day, and a day of concern for millions of Americans, and hundreds of millions of people throughout this planet. Therefore, I think it is maybe right that I share a little bit of my views.

Let me begin by saying that I think we all agree in this body, and throughout this country, and throughout virtually the entire world, that Saddam Hussein is an evil person, and what he has done in Kuwait has been illegal, immoral, and brutal. It seems to me, however, that the challenge of our time is not simply to begin a war which will result in the deaths of tens and tens of thousands of people, young Americans, innocent women and children in Iraq, but the real challenge of our time is to see how we can stop aggression, how we can stop evil in a new way, in a nonviolent way.

If ever there has been a time in the history of the world when the entire world is united against one small country, this is that time. It seems to me a terrible failing, and very ominous for the future, if we cannot resolve this crisis, if we cannot defeat Saddam Hussein in a nonviolent way. If we are not successful now, then I think all that this world has to look forward to in the future, for our children, is war, and more war, and more war.

There is an enormous responsibility on President Bush's shoulder, and to a large degree this body, the U.S. Congress which has for the last 5 months, abdicated its responsibility. The world, 5 months ago, was rejoicing because after 45 years the cold war was finally over. The hatred that existed between the two superpowers had finally ended, and all over the world people were saying, "Thank God. We cannot now put down the weapons. We can reduce military spending. We can begin to address the enormous social problems facing our Nation." There are 2 million people sleeping out on the street, a health care system which is disintegrated, an educational system which is failing, a nation in which our manufacturing base is declining, there are serious problems with the environment. Today, 30,000 children starve to death in the Third World, and all over the planet people were saying, "Finally, now we can begin to address those problems, deal with the needs for helping the Eastern European countries that are becoming democratic." There is rejoicing. Then suddenly once more we heard that as soon as we took a deep breath that the cold war was over, there is another war upon the world.

I want to say to President Bush that I know, as someone involved in politics, we are all involved in politics, that it is not too late to change one's mind. This is too important an issue to just go forward because of pronouncements made yesterday and in the last 4 months. The world looks to the President. He can play an historic role in leading the United States to solve this crisis in a nonviolent way.

Mr. Speaker, one of the issues that has concerned me, and I think millions of Americans, is that as we look at this crisis, we look at who our allies are, we have talked about the grand coalition. Let everyone stop for a moment and look at who our allies are: Egypt is our ally. It cost the United States $7 billion in debt forgiveness to bring them into the alliance. This is not a very strong or truthworthy ally. Saudi Arabia is our ally. Saudi Arabia is a feudalistic monarchy. It does not believe in democracy. It does not believe in the slightest degree in women's rights. Is that an ally we feel comfortable with? Kuwait, while it was a terrible thing that that Government be overthrown, the Government of Kuwait is a feudalistic monarchy. Syria: what does it mean to all Members? What does it mean to the children of this country when they see a President of the United States sitting down on a couch with Mr. Assad of Syria, when this Government today believes, quite correctly, that Mr. Assad and Syria is a terrorist nation? Are those the allies that we are proud of?

How do we explain to the fourth grade children in this country that where, 6 months ago, Syria was regarded as a terrorist nation, today it is our ally?

THOUGHTS FOR TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, as I said earlier today in the 1-minute section, this is a day that I would say is a day out of joint, a day of discordance, a day of dissonance.

I flew back from home just this morning, landed at National Airport, got in the car, came across the 14th Street Bridge, I could not help but remark on how beautiful a day it was and it is outside these Chambers. The sun is shining, the sky is blue, the breezes are mild, the grass is green.

It is almost as if the sky should not be this blue and the breezes should not be this mild, and the day should not be this sunny. It is almost as if this day ought not be the day we celebrate the birthday of Martin Luther King, a man devoted to nonviolence and to peace, because this is a day on which we could go to war.

So, this is a day out of joint. We are facing a time in which a war could be declared tonight, sometime at midnight or after midnight. Pray to God that is not the case. Yet we have outside a beautiful day. It is jangled and discordant. It is hard to grab onto this situation and understand it and digest it and assimilate it.

I returned, as I mentioned a moment ago, from home, where I spent the last 2½ days in extensive meetings around my community and in several different settings, anywhere from meetings with Boy Scouts to meetings with local business people, television shows, call-in shows, to get the flavor of the community. I think it is fair to say that the President, and correctly so, is revered and loved. We love our President. We love the Presidency. This is correct. This is the way our nation has been founded and why we remain a great Nation today, 200 plus years after its creation.

☐ 1230

But despite the love and the affection and the fealty we have for the President and the Presidency, there is a confusion about the goals and the means to reach these goals in the gulf.

For example, the argument is made that we have to move out soon, sooner rather than later, because the troops will lose their edge, because the restlessness and the restiveness of the troops will reduce their military offensive capabilities.

Well, that is a problem. I served my 2 years in the Army back in the 1950's. I was never in combat, but I realize these are delicate times and it is not easy to prepare your troops for battle; but on the other hand, there is a thing called rotation. If the troops' edge can be taken off from too long a deployment in the sands and now the mud of Saudi Arabia, perhaps a rotation back home where they can regain the edge and regain their composure might be the answer rather than to start the battle quickly.

Some have said that if the President were to back away from this, at this point, it would be a sign of vacillation or a sign of lack of resolve on his part, a sign of weakness perhaps. Well, there are moments, and I think all of us realize this within our families, our businesses, and in our professional lives, when we have shown courage by saying, "I'm sorry," courage by saying, "I made a mistake." We show courage, not lack of resolve, but courage by saying, "Let's take a second look at this whole thing."

So the President is a courageous man. He was shot out of the skies as a 17-year-old man in the Second World War, so his courage is on the books, proven. It is there for the world to see and share. He does not have to prove his courage to me and to us.

It would seem to me that maybe an act of courage on his part would be that, if there were another way, if there were a possible glimmer of something which can come out of this melange of diplomatic efforts under way now, maybe the President would decide that it is not the time to march off to a war that is going to kill.

I realize that statements have been made and things done, we have this saying back home that you can paint yourself into a corner if you're not careful you remove your alternatives, you wind up not near a door.

Well, let us paint a door on the wall. You have seen those cartoons. There is no door, and all of a sudden you paint in a door and you walk through the door to safety. This is what they used to call in the stage plays Deus Ex Machina: develop some way out.

All I say, Mr. Speaker, to the President, is that we certainly extend our love and affection and prayers to the President and ask the good Lord to give him the wisdom, and ask the good Lord to give him the strength to see him through these very difficult times.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 60 minutes, on January 16.

Mr. BEREUTER, for 5 minutes, today.

Mr. LEACH, for 60 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. SANDERS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes, on January 16.

(The following Member at his own request to revise and extend his remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. DANNEMEYER.

Mr. CAMPBELL of California.

Mr. BROOMFIELD.

Mr. EMERSON.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. DE LA GARZA.

Mr. PENNY.

Mrs. BYRON.

Mr. EDWARDS of California.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 16, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

325. A letter from the Deputy Director, Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend and amend the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

326. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-304, "Construction Codes Razing Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

327. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-303, "District of Columbia Government Comprehensive Merit Personnel Act of 1978 Section 401(a) Trust Fund Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

328. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-300, "D.C. Real Estate Appraiser Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

329. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-311, "District of Columbia Real Estate Appraiser Temporary Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

330. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-310, "Sale of Government Publications Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

331. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-309, "District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

332. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-308, "District of Columbia Cancer Prevention Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-305, "Low Income and Homeless Family Shelter Exemption Amendment Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-306, "Dwight David Eisenhower Freeway Designation Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-307, "Regulation of the Horse-Drawn Carriage Trade Act of 1990," and report, pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

336. A letter from the Secretary of Health and Human Services, transmitting the third triennial report on drug abuse and drug research on the health consequences and extent of drug abuse, including recent findings on the health effects of marijuana, cocaine, and the addictive properties of tobacco, pursuant to 42 U.S.C. 290aa-4(b); to the Committee on Energy and Commerce.

337. A letter from the Federal Trade Commission, transmitting the 1991 report on the description of sales, advertising, and marketing practices associated with smokeless tobacco products, which contains figures for 1988 and 1989 sales and advertising expenditures, pursuant to 15 U.S.C. 4407(b); to the Committee on Energy and Commerce.

338. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Jon David Glassman, of the District of Columbia, Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Paraguay, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting information that the President intends to sell defense articles and services to Turkey, and a memorandum of justification; to the Committee on Foreign Affairs.

340. A letter from the Chairman, Federal Communications Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for Fiscal Year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BATEMAN:

H.R. 529. A bill to provide for the conveyance of certain land at Fort A.P. Hill Military Reservation, VA; to the Committee on Armed Services.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 530. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. MARKEY, Mr. RINALDO, Mr. SCHEUER, Mr. MADIGAN, Mr. SWIFT, Mr. TAUZIN, Mr. HALL of Texas, Mr. ECKART, Mr. RICHARDSON, Mr. BRYANT, Mr. COOPER, Mr. MANTON, Mr. MCMILLEN of Maryland, Mr. OXLEY, Mr. BLILEY, Mr. RITTER, and Mr. MOORHEAD):

H.R. 531. A bill to establish procedures to improve the allocation and assignment to the electromagnetic spectrum, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 532. A bill to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

By Mr. CAMPBELL of California:

H.R. 533. A bill to amend the Export-Import Bank Act of 1945 to prohibit the Export-Import Bank of the United States from providing any credit in connection with exports to the Union of Soviet Socialist Republics if there is an excessive Soviet military presence in any of the Baltics; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DAVIS (for himself and Mr. BATEMAN):

H.R. 534. A bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. LAGOMARSINO:

H.R. 535. A bill to provide for the establishment of a National Voluntary Health Insurance Act; to the Committee on Energy and Commerce.

H. Con. Res. 36. Concurrent resolution expressing the sense of the Congress that the United States should not provide assistance or trade benefits for the Soviet Union until the Soviet Union terminates all its economic and military support for Cuba; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. PENNY (for himself, Mr. FRANK of Massachusetts, Mrs. UNSOELD, Mr. BEILENSON, Mr. RANGEL, and Mr. NOWAK):

H. Con. Res. 37. Concurrent resolution to express the sense of the Congress regarding the financial costs of military operations in the Persian Gulf region; jointly, to the Committees on Foreign Affairs, Armed Services, and Ways and Means.

By Mr. HERTEL:

H. Res. 32. Resolution to condemn the deployment of Soviet troops in the Baltic States of Latvia, Lithuania, and Estonia; to the Committee on Foreign Affairs.

By Mr. LAGOMARSINO:

H. Res. 33. Resolution calling upon President Gorbachev to refrain from further use of force against the democratically elected grovernments of Lithuania, Latvia, and, Estonia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. PORTER, Mr. HALL of Texas, Mr. CARPER, Ms. PELOSI, and Mr. GRAY.

H.R. 86: Mr. WALSH, Mr. CLINGER, and Mr. RHODES.

H.R. 123: Mr. ARCHER, and Mr. FAWELL.

H.R. 233: Mr. JACOBS, Mr. JOHNSON of South Dakota, Mr. FUSTER, Mr. MRAZEK, Mr. LIPINSKI, Mr. FASCELL, and Mr. DORGAN of North Dakota.

H.R. 300: Mrs. COLLINS of Illinois, Mr. ROE, Mr. COSTELLO, Mr. OLIN, Mr. STEARNS, Mr. ENGEL, Mr. WEISS, Mr. WHEAT, Mr. MILLER of California, Mr. GIBBONS, Mr. MARTINEZ, Mr. HOUGHTON, Mr. HENRY, Mr. MRAZEK, Mr. WALSH, and Mr. LANCASTER.

H.R. 371: Mr. TAUZIN, Mr. HATCHER, Mr. CHAPMAN, Mr. RICHARDSON, Mr. CLINGER, and Mr. FORD of Michigan.

H.R. 392: Mr. GEJDENSON, Mr. BROWN of California, Ms. PELOSI, and Mr. MRAZEK.

H.R. 482: Mr. OWENS of New York, Mr. MFUME, and Mr. HUBBARD.

SENATE—*Tuesday, January 15, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *Blessed be the name of God for ever and ever: for wisdom and might are his: And he changeth the times and the seasons: he removeth kings, and setteth up kings** * *.—Daniel 2: 20, 21.

Eternal God, sovereign Lord of history and Ruler of the universe, today we join with millions and pray for peace. We pray for divine intervention and ask Thee to do what is humanly impossible. We pray for President Bush in the awesome loneliness of decision. We pray for all of the military in the Persian Gulf and their loved ones. We acknowledge our need as a nation. We confess that, though we profess to believe in Thee, we live much of our lives as though Thou art nonexistent. We live as though man's destiny is dependent solely upon man, forgetting Thou art sovereign in history.

Forgive us, Lord, for all that we think and do contrary to Your righteous will. Draw us to Thyself. Help us turn from our Godless ways that Thy righteousness may shine as the noonday, Thy love and peace reign in our hearts and in our world.

In the name of Him who is incarnate love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 15, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, and I say to Members of the Senate, following the time reserved for the two leaders, there will be a period for morning business, with Senators permitted to speak for up to 10 minutes each. There will be no rollcall votes today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time and all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Massachusetts.

THE PERSIAN GULF

Mr. KENNEDY. Mr. President, the Nation and the world stand just hours away from the midnight deadline set for war against Iraq. We all hear the clock ticking steadily toward midnight, and the drums beating louder for war.

Fatalistically, the world seems to be acquiescing in the inevitability of war, at the very time when leaders of goodwill should be doubling and redoubling their search for peace.

The eloquent, famous and foreboding words of a British foreign officer standing at the window of his room in 1914 reflect the mood of our Nation now and the risks that war may bring. He said:

> The lamps are going out all over Europe. We shall not see them lit again in our lifetime.

Seventy-seven years later, the same ominous thought can be expressed about the Middle East, if we permit the lamp of peace to be extinguished now.

Conflict may seem inevitable. But nowhere is it written that it must be so. Nowhere is it required that the search for peace must end when the clock strikes 12 tonight. Nowhere is it ordained that the New World order must begin with a new world war.

As President Kennedy said in his address at American University in 1963, presenting his own view of the New World order after the Cuban missile crisis:

> Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings.

Let us honor those words now and in the days ahead. Time and patience are on our side, not Saddam Hussein's.

But as President Bush has indicated many times with respect to January 15, today's ominous date is an authorization—not a deadline—for war.

I hope the President will not rush to war too soon. I hope that he will respect the 11th-hour good-faith efforts for peace now being attempted in the United Nations and by other countries, that he will give these initiatives every possibility for success, and not cut any of them short by premature resort to war.

We all regret the failure of the missions by Secretary Baker and Javier Perez de Cuellar. But those failures do not, should not, and must not mean our only recourse is war.

Other nations continue their diplomacy, in the reasonable hope that patience and time can accomplish what strength and passion cannot. There remains the possibility of an Arab solution. If Saddam Hussein will not listen to the West, perhaps he will yet heed the Arab pleas for peace.

At this hour, we can only hope that communications will continue on all sides and by all reasonable means, and that the possibilities for peace will be given time to bear fruit before the irreversible decision for war is made.

The threat of war is real. But so are the consequences and costs of war. From the moment the bombs begin to fall, the war will become America against Iraq, not the world against Iraq.

The experts tell us that 90 percent of the casualties on our side will be Amer-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ican, that there will be 3,000 American casualties a week, and that 1 in 4 of them will die.

Conflict will bring other costs as well. Iraq has said that it will attack Israel, and Israel has said it will retaliate. The nature of the war will be transformed again. The Arab coalition against Iraq may crack, and the war will become more and more perceived each day as America and Israel against the Arab world. The deaths of thousands of Iraqis, including innocent civilians, could well polarize the Middle East against the United States and Israel for years to come.

And when Iraq begins to fight, with its back against the wall, chemical weapons may well be used. Perhaps biological weapons. Perhaps even terrorist attacks on the United States itself, that could bring a further massive escalation of the war.

These heavy human costs for America and the world demand—demand—that we go down every rational avenue for peace, before we give in to the irrationality of war.

By a strange irony of history, this January 15 date for one of the worse of wars falls on the birthday of one of the finest men of peace in this century.

All Americans know that in spite of the greatest of provocations to respond with violence and the greatest of temptations to abandon the path of peaceful change, Martin Luther King walked the farthest of miles for peace. Because of him, America today is a better, stronger, and fairer nation. And if we succeed now in finding the needle of peace in the haystack of war, we will have a better, stronger and fairer world.

As Martin Luther King said in accepting the Nobel Peace Prize in 1964:

> Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence.

If we heed those words today, there is still time for peace in the Middle East. I yield the floor.

COAL LIQUEFACTION IN THE 1930'S

Mr. FORD. Mr. President, recently I received correspondence from my friend and constituent, Mr. Bruce Stephens, Jr., of Hazard, KY.

Mr. Stephens is in the process of writing a history of a coal company with which he was associated for four decades. In the course of his research, he has run across some interesting facts; one of which I would like to share with the Members. A letter from the American Consul in London dated October 1, 1934, notes that seven squadrons of the Royal Air Force were flying on fuel derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it purchased in bulk in 1933.

What happened? This early opportunity was thrown away just as we have thrown away our opportunities over the last 20 years. I, for one, am going to try to ensure that we do everything we can so as not to lose our present opportunity to wean ourselves off foreign oil imports. This should be the Nation's priority for the 102d Congress and I will make it mine for so long as I serve in the U.S. Congress.

Mr. President, I ask unanimous consent that Mr. Stephens' letter dated January 11, 1991, together with its enclosures be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HAZARD, KY,
January 11, 1991.

Re coal liquifaction.

Senator WENDELL H. FORD,
Room 173–A Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: After 36 years in the business, I retired as Executive Vice President and General Counsel of Kentucky River Coal Corporation three years ago. Among other things, I am now engaged in writing a history of that important mineral land company.

In researching the files of the company, I came across the enclosed letter from the American Consul in London dated October 1, 1934 and an Article from the London England Financial News dated August 12, 1933. I found these of great interest because they recount the very substantial progress that had been made in the liquifaction of coal and the manufacture of gasoline and other products therefrom at that long ago date.

The letter notes that "seven squadrons of the Royal Air Force are now flying on spirit derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it had purchased in bulk in 1933".

The Article relates the history of this development in Germany, England and the United States. With respect to the U.S., it stated:

"The second really big development in the hydrogenation field was the Standard Oil of New Jersey plant at Bayway, N.J., at least one product of which—Essolube—is by now familiar to most motorists. The capacity of that plant . . . is 5,000 barrels (or 800 tons) of finished products (petrol, kerosene, lubricating oils, etc.) a day, or nearly 300,000 tons a year."

Considering the 1974 embargo and our present grave difficulties in the Middle East, one can only ask, what on earth have we been doing for the last 60 years?

Knowing your abiding interest and deep concern with this subject, I thought I would pass this along.

With best personal regards, I remain.

Sincerely,

BRUCE STEPHENS, Jr.

AMERICAN CONSULAR SERVICE,
London, W.1, England,
October 1, 1934.

KENTUCKY RIVER COAL CORP.,
812 Fayette National Bank Building,
Lexington, KY.

GENTLEMEN: Acknowledgement is made of your letter of September 14, 1934, enclosing a clipping regarding the formation of a new company in England which will operate plants for the production of motor fuel from coal, and requesting information regarding this process and its development.

The company referred to in the clipping is the National Coke and Oil Company Limited, which was formed in 1933 and which has recently decided to erect a plant at Cardiff, Wales, for the purpose above mentioned. This company is only one of several which are engaged in the extraction of motor fuel from coal. The most important organization engaged in such work is the Imperial Chemical Industries Limited which has appropriated £2,500,000 for this purpose and is at present constructing a very large plant which is expected to be in operation by next spring. Approximately £1,120,000 sterling have already been expended on the construction of this plant.

A summary of the developments in the low temperature carbonization industry in Great Britain was given by the Secretary for the Mines Department in the House of Commons on July 17, 1934. He stated that there are nine extracting plants in operation on a commercial and semi-commercial scale, the quantity of coal carbonized in 1933 was 318,000 tons and the yield of spirit was 741,000 gallons. The Secretary also noted that seven squadrons of the Royal Air Force are now flying on spirit derived from coal, and that the British Navy was satisfied with the fuel oil extracted from coal which it had purchased in bulk in 1933.

While experimental work on this process has been carried on for many years, it is only since the imposition in 1933 of a protective duty of fourpence per gallon that commercial developments have taken place. Incidentally, this duty works more as an equivalent to a fourpence per gallon subsidy for the industry rather than a duty on imports, owing to the form of the British Customs and Excise Laws and the fact that there is no petroleum oil produced in this country.

It is understood that the latest scientific data on the subject which is publicly available in Great Britain, is contained in the Report of the Fuel Research Board of the Department of Scientific and Industrial Research for the year ended March, 1932, and in a technical paper describing successful efforts to carry on low temperature carbonization of coal in brick retorts, also issued by the Department of Scientific and Industrial Research in 1933. Both these publications may be obtained from H.M. Stationery Office, Kingsway, London, W.C.2. The price of the former is two shillings net, and that of the latter sixpence net.

It is thought that the enclosed clipping from the London Financial News of August 12, 1933, should also prove of interest to you.

Very truly yours,

ROBERT FRAZER,
Consul General.

[From the Financial News, Aug. 12, 1933]

HYDROGENATION AND ITS FUTURE

II—FLEXIBILITY OF PRODUCT

(By O. W. Roskill)

The early history of the hydrogenation process; the vast number of different coals tested under different conditions by Bergius at Mannheim; the gradual evolution of the right type of plant and the right conditions of temperature and pressure; the "Makot" and the first International Bergin Co.; the entry of the Royal Dutch; the British Bergius Syndicate, which acquired the rights for this country; the entry of the I.G. and Mittasch's work in developing the process on a commercial scale; the Standard-I.G. Co., formed in 1929, and the International Hydrogenation Patents, Ltd., formed in 1930 by the final participants I.C.I., Shell-Mex, Standard Oil and the I.G., would make an interesting story both as regards the technical and the economic development; and may, perhaps, one day be put together. What, however, is not often recognized is how widely the process is already being developed and how flexible it has proved to different conditions and different raw materials.

The original Leuna plant of the I.G. started with a capacity of about 10,000 tons of motor spirit a year in 1928. This was rapidly increased, the maximum output being about 125,000 tons in 1931, falling to about 100,000 tons last year. The present capacity may be put at about 150,000 tons per year, and discussions are now in progress with regard to its further extension, the figure of 200-250,000 tons a year being mentioned.

The raw materials used have changed almost from year to year. Originally brown coal (of which there is a large output in the Merseburg area) was hydrogenated direct. Later it was found that costs could be reduced by using the brown coal for making hydrogen necessary for the hydrogenation and hydrogenating the brown coal tar obtained as a by-product or in other ways, or mixtures of this with brown coal. Then came the development of the Thuringian oilfield, the oil from which is rather poor in the lighter fractions, and consequently economically well suited to treatment by hydrogenation. During 1931 large quantities of this oil, together also with brown coal tar, were treated, but in January, 1932, there was a bad fire at the Volkenroda well belonging to the Burbach concern, which was one of the chief of those supplying Leuna, and this limited supplies of oil and necessitated a return mainly to brown coal tar.

AN AMERICAN DEVELOPMENT

Quite recently it was claimed that costs have again been substantially reduced and that, particularly, higher quality lubricating oils are now being made.

The plant started early in 1929 at the works of the Gesellschaft für Teerverwertung at Duisburg-Meiderich may be passed over quickly, as it was never a great success and was later closed down. The nominal capacity was about 30,000 tons of coal, equivalent to a maximum of 20,000 tons of oil a year, although nothing like this quantity was ever produced. Actually the plant treated mostly bituminous coal tar.

The second really big development in the hydrogenation field was the Standard Oil of New Jersey plant at Bayway, N.J., at least one product of which—

* * * * *

plant, which was built in two units, the first at a cost of about $5,000,000 and the second at about $3,500,000, is 5,000 barrels (or 800 tons) of finished products (petrol, kerosene, lubricating oils, &¢.) a day, or nearly 300,000 tons a year. It is almost impossible to compare the capital cost with that of the Leuna plant, since, among other reasons, in all these plants existing services are used to a greater or less extent—for example, at Leuna the synthetic ammonia plant and at Bayway the oil refinery—but one of the lowest estimates of the Leuna capital cost is Rm. 60,000,000, and it may, at any rate, be concluded that the capital costs of the process per ton year of products are lowest when it is worked in conjunction with an oil refinery.

The Bayway plant was preceded by a smaller experimental one erected by Standard Oil of Indiana at Baton Rouge. This company later completed a big plant of 8,000 barrels a day capacity in May, 1931. Baton Rouge has suitable natural gas available at low cost, and the hydrogen is made from this. Following the original Standard-I.G. agreement, a company called Hydro Patents Company was formed in 1930 to license oil refineries in the U.S. to use the process. A large number of the big oil companies participated, their total refining capacity being given as about 3,000,000 barrels a day, and a further important group joined in August, 1932.

Read in the light of the present oil situation, the license terms (5 cents a barrel of refining capacity, 5 cents a barrel of petrol, and 38 cents a barrel of lubricating oil) do not appear very encouraging, although they may have been altered since then.

There have been no new plants since Bayway and Baton Rouge were built; but it is understood that the Connecticut Hydrogas Corporation is erecting one at Portland, Conn., at the moment. Also, although there have been so many such negotiations in the past that they are bound to be regarded with reserve until a plant is actually put up, the I.G. is known to be interested in the possibility of starting a coal hydrogenation plant in New South Wales. Consideration has also been given to the opportunities offered by the Vereeniging coalfield in South Africa. A hydrogenation plant there would obviously have an important freight protection owing to the Standard Oil group, the company Hulles, Goudrons et Dérivés, which is one of the largest tar distilleries in France, together with an oil-refining company, Cie, Francaise de Raffinage, and one or two other participants, have got a small experimental plant (through-put about 10 tons of coal or tars a day) working at Vendin. The Japanese, who have a large shale oil plant at Fushun, in Manchuria, have started hydrogenating the crude shale oil on an experimental scale, and are stated to be going to put up a big plant. Another small plant treats tar from Varpalota coal in Hungary.

FLEXIBILTY OF PRODUCTS

The flexibility of the process with regard to raw materials has already been emphasised. Equally important is the flexibility as regards products, which can, within very wide limits, be controlled at will. The importance of this to oil refineries is obvious, since one of the greatest difficulties facing the latter has always been that demand varies widely for each product, while all products are produced, from a given crude, in but slightly variable proportions. The cracking process has done something to improve this position, but the hydrogenation process can do much more.

A subtler point concerns the whole future of the internal combustion engine. It is not so very long ago since petrol was an unwanted by-product from the manufacture of kerosene. The rapidity with which the compression-ignition engine has developed during the last few years suggests that it is by no means impossible that 10 years from now, say, the demand for petrol, at any rate for commercial transport, which accounts for about two-thirds of the total consumption in this country, may have fallen to almost negligible proportions. The effect of such a change on the oil industry is almost unthinkable: the capital cost of the cracking plants alone which would have to be amortised before a fall in the consumption of petrol relative to the total consumption of petroleum products begins to take place, is enormous. It is by no means impossible that hydrogenation will prove the key to this position.

Government interference in the oil industry is far less in this country than abroad, particularly, say, in France and Germany, where the regulations governing the purchase of alcohol by the oil companies in order to assist agricultural producers of potatoes and other raw materials for alcohol manufacture represent, probably, a considerably greater eventual burden on the consumer or taxpayer than will the present provisions in this country. The result of these provisions cannot really be measured in terms of the number of men who will be employed, the amount of coal which will be consumed, less the number engaged in importing oil thrown out of employment, and the loss of duty to the Treasury.

The Government have made a bargain and embarked on a gamble. It is unlikely that the bargain will prove to have been a bad one, and, at any rate, the gamble is one with limited risks and great potentialities.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

KURDISH REFUGEES

Mr. LEAHY. Mr. President, as the possibility of war in the Persian Gulf grows more real every day I want to call attention to the plight of a group of people whose past suffering at the hands of Saddam Hussein have too readily been ignored by the world community, including the Bush administration.

Today there are approximately 12,000 Kurdish refugees living in squalor in the Kiziltepe camp in Turkey, just 100 miles from the Turkey-Iraq border. They are among an estimated 30,000 Kurdish refugees living in camps inside Turkey along the Iraqi border. They fled Iraq in 1988, after Hussein bombed their villages with chemical weapons.

Although that has often been cited as an example of the barbarity that Saddam Hussein is capable of, it was only one of many outrages he inflicted on the Kurds. Their villages were flattened by tanks and their people tortured and executed in mass.

Mr. President, the Kurds are truly forgotten people, at least forgotten by the world's leaders. There are over 20 million Kurds, yet they are without a country or land of their own. They have learned to expect persecution wherever they go.

The Kurdish refugees on the Iraqi border are in grave danger if war erupts in the Persian Gulf. They are confined to closely guarded camps from which they cannot leave. If war spreads in their direction they will have no way of protecting themselves.

Three years ago the Bush administration was silent when Saddam Hussein ordered mustard gas to be used against the Kurds. I urge the administration to use its influence with Turkey and the governments of Western Europe, and the U.N. High Commissioner for Refugees, to ensure that these vulnerable people will not suffer again such a terrible fate.

Mr. President, I ask unanimous consent that a recent editorial from the Burlington Free Press on the Kurdish refugees in Turkey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Burlington (VT) Free Press, Jan. 2, 1991]

THE FORGOTTEN KURDS

If you're going to be a victim of Saddam Hussein, it helps to control a flock of oil wells. It helps to be a Kuwaiti, not a Kurd.

When Saddam rolled over the Kuwaitis, world leaders shivered with horror and dispatched half a million troops. President Bush discovered a new Hitler in his erstwhile ally.

Kuwaiti sheiks relocated their limousines and counting houses to Saudi Arabia and await deliverance in comfort.

The Kurds don't control any oil. So, when Saddam gassed them, razed their villages in northern Iraq and turned their land into a desert, nobody paid much attention. Nobody paid *any* attention.

This was not a new experience for the Kurds. About 17 million Kurds—a people of Indo-European roots and Muslim faith—inhabit the dusty plains and hills where the borders of Iraq, Iran, Syria and Turkey come together.

When the Ottoman Empire was dismantled after World War I, the Kurds were promised an independent Kurdistan. Instead, their territory was split among the four neighbors and a nearby area of the Soviet Union—almost all of whom set out to annihilate the Kurds' culture. Turkey, where about half the Kurds live, refuses to acknowledge their ethnicity, calling them "mountain Turks." In Turkey, it's a jailable offense to speak Kurdish in the street.

So there is some irony—lost on the Kurds—in the fact that Iraqi Kurds fleeing Saddam's poison gas sought refuge in Turkey. Saddam apparently decided to decimate the Kurds because they sided with Iran in the Iran-Iraq war.

"On 28 August 1988, they (the Iraqis) started bombing. They dropped chemical weapons on 70 points. I was there," said Akram Mayi, a Kurdish leader who is in the United States to receive a human rights award.

"The color of the gas was between white and yellow," he said, describing mustard gas. "It smelled of garlic. Thousands of men and women and children died. Thousands fled to Turkey."

And there they sit, about 30,000 of them, in three refugee camps, although Turkey calls them "guests" and declines international aid on their behalf. They have lived in tents and crude apartment blocks for two years, several families to a room. The food is plain but acceptable, Mayi said, but schooling is forbidden, and there is no work for the adults.

What the Kurds would really like, Mayi said wistfully, is to be given an autonomous region in northern Iraq if the United States destroys Saddam. Short of that, the Iraqi Kurds would like to be accepted as refugees in Western Europe and North America.

The United Nations refused to discuss the Kurds or Saddam's campaign of genocide. Until recently, the United States showed no interest in accepting them as refugees—although who could better show "a well-founded fear of persecution"? This month, Mayi said, the United States agreed to accept 300 families.

"Every day the Iraqis killed thousands of Kurds and nobody talked about it," he said with bitterness.

"And now they talk about 'human rights.' Human rights! It appears it is petrol rights, not human rights, that matter."

CONDEMNATION OF SOVIET ATTACK ON LITHUANIA

Mr. LEAHY. Mr. President, I want to condemn the brutal Soviet attack on peaceful citizens in Lithuania. It is a move reminiscent of Hungary in 1956 or Czechoslovakia in 1968—Soviet tanks crushing a peaceful movement trying to gain freedom from Moscow's empire.

I am awestruck at the bravery of unarmed Lithuanian citizens surrounding the Parliament building to defend their democratically elected Government. I also have great and enormous respect for those parliamentarians in that building who are willing to give up their lives to preserve democracy. I admire and support the refusal of President Landsbergis to bow to Soviet forces. I pay tribute to those courageous Lithuanians who fell under the savage attack of Soviet tanks. Unarmed civilians being crushed by tanks martyrs the Lithuanian freedom and independence and is a demonstration to all the world how strongly one can hold freedom within their heart and soul.

The message of the U.S. Government to Moscow has to be strong and unmistakable. There can be no equivocation. We are not going to provide aid to a government that seeks to maintain itself in power through brute force and that violently represses legitimately elected governments such as Lithuania, Estonia, or Latvia.

As chairman of the Agriculture Committee and chairman of the Foreign Operations Subcommittee, I call on the President to suspend immediately all United States assistance to the Soviet Union until Soviet occupying forces have withdrawn from Vilnius and the rights of the democratic Government of Lithuania are respected. No further American aid should go to Moscow until we know actually who is in control of the Soviet Government and what the policy of the Soviet Government really is regarding the use of force to suppress peaceful political activity. At the very least we ought to know who is running the Government. I defy anybody to say categorically today who is in charge of the Soviet Union. Certainly American aid of whatever kind should not be available to be used as a tool to repress democracy. Nobody in Moscow should be able to use American aid to punish democracy movements in the Soviet Union. I cannot imagine any person in this country wanting that to happen.

Next week the Senate Agriculture Committee, which has jurisdiction over food aid and agricultural export credits, will be holding hearings. I want to hear from the administration and what it intends to do to protest Soviet actions in Lithuania. I intend as chairman to make my very strong opposition to continuing to help the Soviet Government until the current situation in Lithuania is resolved.

I stated earlier, Mr. President, the situation in Lithuania asks the obvious question: Who is in charge? Is President Gorbachev, the recent winner of the Noble Peace Prize, responsibile for the decision to use lethal force or is he now under the control of the hard-liners and the military and the KGB?

Are perestroika and democratic reform over? Are we going to see a return to repression of dissent and political opposition inside the Soviet Union itself?

Nobody can suggest that democracy exists in the Soviet Union as peaceful protestors are crushed in the Baltics. I hope every supporter of democracy in the Soviet Union understands this and immediately raises their voice in protest.

Mr. President, I cannot imagine any Member of the Senate, Republican or Democrat, who has not been cheered at the prospect of democracy in the Soviet Union. I cannot imagine any Member of this body who is not discouraged by what appears to be rollback of any progress there. The hopes that all of us felt a year ago about the future of United States-Soviet relations are now threatened. It would be a tragedy if the chances for an era of cooperation are destroyed because President Gorbachev either has chosen the route of repression to stay in power or has fallen under the sway of those who would fight to preserve the Soviet Empire.

No one underestimates the vast problems confronting President Gorbachev in reforming the Soviet Union politically and economically. I think the United States is prepared to help him in every way we can so long as he stays on the course of democratic reform, of liberalization and peaceful negotiation with opposition forces, including those who seek independence.

As the country which stands for democracy and freedom, we cannot continue to help Gorbachev if he has turned back the clock to the days of Stalin and Khrushchev and Brezhnev.

THE PERSIAN GULF

Mr. LEAHY. Mr. President, as I left the meeting at the White House last night, I thought how grave the situation is in the Persian Gulf. I have never seen my colleagues, the President, and his Cabinet so grave and serious at a leadership meeting.

January 15 is not a military deadline. It is a political deadline. There is still a chance for peace. I acknowledge that the chances for peace are quickly disappearing. But I continue to wage caution and restraint. If there is even a glimmer of a chance for peace, we should show the restraint necessary to find out if it is real.

Saddam Hussein long ago should have understood the resolve of the President of the United States to use force to carry out the U.N. resolutions. He should realize he has the power, even at this late date, to bring about a peaceful resolution. I also urge the President to look yet again at whether there is any possibility for a peaceful resolution through restraint. If so, I hope we would pursue it.

I do not doubt for one moment the grave responsibility that rests upon the shoulders of the President of the United States. He told me yesterday that he has a due concern for the men and women who will die in combat as combatants as well as the noncombatants who will also die.

Only the President can give the order to initiate combat on our side. I know that he will not take that decision lightly, nor is it a decision he will take without a heavy heart.

As one Senator who supports giving sanctions more time, I hope that the President will continue to show restraint if at all possible. All of us, whether we supported or opposed the resolution to authorize force after January 15, hope the President will have the wisdom to make the right choice. All of us pray that war can be avoided.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

THE OBSERVATIONS OF WAR

Mr. CHAFEE. Mr. President, last Saturday the Senate and House both voted to authorize the President to use force, if necessary, to obtain the objectives nearly every Member of this Congress has agreed upon: That Iraq must leave Kuwait.

Neither I, nor I believe anyone else, took his or her vote, either for the resolution or against it, absolutely certain he or she was 100 percent correct.

We voted with hesitancy and with some doubt.

For me, despite those doubts, the arguments were far clearer on the side I voted, than on the other side. I voted to authorize the use of force, always with the hope that force would not be necessary.

My arguments were thoroughly stated last Friday evening so I will not review them here.

May I take this occasion, should force be required, to voice briefly some observations I have upon war, garnered both from study and experience.

First, no nation goes to war expecting it will lose. There are scores of ways to avoid a war, so when a nation chooses war, we must assume that nation is as confident of prevailing as the other side is.

Second, every war lasts much longer than originally expected. History is replete with the most viciously fought wars—notably our Civil War, 1861-1865, and World War I, 1914-1918, commencing with nearly everyone expecting the fighting would be of brief duration. It would be unwise to expect any war to be a short one of but several weeks.

Third, wars are filled with the intervention of the unexpected.

Terrible mistakes and misjudgements are made. The weather is not as predicted, the performance of equipment below expectations, commanders blunder, one side's forces underperform and the other side's troops show unexpected skill and determination.

As a 19-year-old marine on the beach at Guadalcanal on the night of August 8, 1942, I saw a Japanese naval force, with extraordinary skill and boldness, swoop down upon an unprepared American naval task force, sink three United States and one Australian cruisers, and depart unscathed, thus inflicting one of the worst defeats the United States Navy every suffered, despite the fact that the Japanese force had to make half its journey in daylight and was several times spotted by American aircraft and also by a United States submarine.

From that experience, the United States Navy learned a great deal and it was the last naval battle we lost to the Japanese, but it was a very costly lesson.

Fourth, he who underestimates the enemy does so at terrible peril. Neither clothing nor equipment determine the fighting spirit of a unit. "Stonewall" Jackson's foot cavalry were clad in the most varied assortment of clothes, and the Confederate units who came across the Potomac to fight at Antietam were so filthy they could be smelt at some distance—but these brigades were embued with steely determination.

Because units look ragtag or come from Third World countries, does not mean they cannot fight, and fight well. The extraordinary courage shown by North Korean soldiers, with tennis shoes on their feet in the winter snows in assaulting United States Marines entrenched positions, will never be forgotten by those on the receiving end of the attacks.

Mr. President, I make these points, not because I believe they are necessarily unique observations, but in order to forewarn the American public as to what possibly could occur, should there be shooting in Kuwait and Iraq.

I am confident our forces have the training, the equipment, and the determination to prevail, and I am absolutely confident we will prevail, but our military actions will neither go totally smoothly nor always successfully. There will be setbacks.

The American public must be prepared for some shocks and some disappointments. We must also be prepared to show resolve and determination.

Our troops have that resolve and determination and so must the American public.

I thank the Chair.

Mr. HARKIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa [Mr HARKIN].

THE GULF CRISIS

Mr. HARKIN. Mr. President, today is the fateful day of reckoning, the deadline day of January 15, at midnight tonight, when the United Nations Security Council resolutions permit member nations to take whatever means necessary to get Saddam Hussein and his forces out of Kuwait.

I am struck, Mr. President, that there are those who say that perhaps not all diplomatic and economic efforts have been expended. Certainly, in the debate that took place in this body last week, I was one of those espousing that position. I still feel that is so.

Perhaps there are some last-minute things that could be done. I know there are a lot of initiatives going on; the French, the British, and others. But I can tell you that this Senator was quite dismayed in listening to the Secretary General of the United Nations as he returned from his mission to the Mideast, and more specifically to Iraq this weekend, and his lack of finding any movement on the part of Saddam Hussein.

Today being the 15th, a lot of people are asking questions about are there any last-minute things that could be done. Mr. President, I do not know the answer to that question. But I do know that every avenue to peace ought to be explored prior to unleashing war. I am hopeful that will be done.

I was looking at the American eagle, Mr. President, so abundant around here, the symbol of the United States. In one claw, the eagle holds the arrows of war. In the other claw, the eagle holds the olive branch of peace. It is the olive branch of peace that is offered prior to the arrows of war.

President Bush is our President. Congress has voted to give him the authority to conduct our forces in war against Iraq. But I would hope that our President would hold out the other claw holding the olive branch of peace to the maximum extent possible.

In fact, I would hope that today that President Bush might pick up the phone and call Saddam Hussein. It is a simple thing. Just pick it up and call him. Let him know that they are going to place the call. They have translators there; we have translators here. See if Saddam Hussein would take his phone call; talk to him; get the two principals talking on the phone.

Maybe the President could get him on the phone and say, "Let us meet together this weekend in Geneva, face to face, the two Presidents, and see if we can resolve this."

I believe that the President would have the support of the people in Iowa, and all over this country, if he were to at least try, in a well-intentioned effort, to hold out that olive branch of peace to the last minute.

Again, I take the floor only to say that I hope that the President would do a simple thing like that: Just pick up the phone, call Saddam Hussein in Baghdad, and have a talk with him. See if they can get together face to face within the next couple of days. At least we would see if Saddam Hussein would even take his phone call.

Mr. President, I hope that our President, before that claw of the eagle unleashes the arrows, will hold out the olive branch one more time with a personal phone call to Saddam Hussein and try to get him to a meeting.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

PREPARING FOR WAR

Mr. LIEBERMAN. Mr. President, this past weekend, like others in this Chamber, I cast the most difficult vote of my life when I voted to support President Bush by authorizing the use of force to expel Saddam Hussein from Kuwait. I did so with the knowledge that war might indeed be the result, but I cast that vote in hopes that by being prepared for war, we would encourage peace.

But part of preparing for war involves taking steps to protect our economy here at home, as well. Our administration has been extremely effective in marshaling our Armed Forces and building a strong and united international and diplomatic alliance. But I believe that more must be done to make domestic economic preparations for the possibility of war. Just as we would not and do not leave Saudi Arabia's oil refineries and production fields undefended, we should not leave our economy undefended against the economic consequences of a possible military conflict.

Last Friday, the International Energy Administration announced that it had agreed on an emergency contingency plan which, if implemented, would include demand-reduction measures—that is, to reduce the demand for energy—and a drawdown of the strategic petroleum reserves worldwide that would total 2.5 million barrels per day. There, however, has been no public announcement by the International Energy Administration or its member nations that this plan would be implemented immediately in the event of an outbreak of war. All they have done now is to adopt that they are calling an emergency contingency plan. Here in the United States, despite the fact that the Secretary of Energy has recommended to the President that he should tap our strategic reserves in the event of war, the President himself has given us no indication yet that he intends to do so. According to news reports, the administration indicates that it would seek to prevent an oil shock by assuring markets that high inventories and the availability of oil reserves will provide supplies that are needed.

But, Mr. President, there is a very big difference between merely pointing to the oil reserves and saying, "There they are," and actually announcing that if conflict occurs, we are going to tap those reserves—600 million barrels that we have invested in and put away for a day like this—to get that oil onto the market to demonstrate our Government's clear commitment to avoid any shortage of oil.

There is, in fact, a tremendous amount of oil on world markets, not counting the strategic oil reserves. Stocks today in the United States are at 327 million barrels, which excludes the 600 million barrels that we have in the ground and hundreds of millions of barrels that other countries have as well. In addition, there are reportedly 100 million barrels of unsold oil that are being stored in tankers at sea. So there is plenty of oil around. That has been one of the sad facts of the Persian Gulf crisis since the beginning of August, that oil markets have not followed the traditional rules of supply and demand. There is plenty of supply and, if anything, the demand has gone down. But as consumers know, the price of oil went up as high as $40 a barrel, and all of us have seen the result in the price paid at the pump.

Despite the adequacy of existing supplies, the oil markets have proven that they are extremely unstable and prone to tremendous price increases that are based not on fact, but on fear. Last week, when Secretary Baker announced that his talks with Minister Aziz had not been fruitful, the price of oil shot up $7 in a matter of minutes, and that was without a single shot being fired. You and I will eventually pay the prie of that speculation at the pump. If war does come—and I continue to hope and pray that it will not—uncertainties about the length and curse of the war and its effect on gulf tanker traffic will undoubtedly fuel speculation that will raise the price of oil. The "fog" of battle, particularly at the outset of the conflict, will encourage tremendous speculation on oil markets if steps are not taken to assure that supplies will continue to be adequate.

That is why I think it is so very important to send a clear signal now to keep the markets calm about future oil supplies. The Department of Energy's Energy Information Administration has already come to the conclusion that price increases as a result of war "would be reduced significantly with the activation of the International Energy Agency plan." I, therefore, call on President Bush to announce as soon as possible that he will, in fact, tap our strategic petroleum reserve and demand activation of the International Energy Administration emergency plan in the event of any hostilities in the Persian Gulf.

Mr. President, there are two other forces in our society that can help to protect us from suffering unfair and unnecessary consequences of a possible military conflict. One is the oil companies themselves, who, I think, since August have profited unfairly at our expense. In the event that war does break out, I hope that American oil companies will exercise restraint, that they will not take advantage of a skyrocketing market, and that they will charge only what they have to charge to meet the increased costs of producing their product. I also believe that the Commodity Futures Trading Commission should consider implementing a short-term emergency closure of oil futures markets if war breaks out and panic buying ensues.

The New York Mercantile Exchange has announced some reforms in its trading rules to prevent wide price swings, but I am concerned that those reforms do not go far enough to protect us from serious economic dislocation in the event of war.

So I hope the CFTC will consider closing those oil futures markets to give the markets, the industry, and the world a few days for the panic to subside, for the President to announce, in fact, that the strategic oil reserves are being tapped, and for all of us to understand that if conflict occurs, the supply of oil will be there.

By acting now we can send one more clear signal to Saddam Hussein that, while we wish for peace, we are fully prepared should war occur. We are prepared in the sands of the Persian Gulf; we are prepared on the waters surrounding the gulf; and we are prepared here at home as well.

Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. EXON). The Senator from Kentucky is recognized.

CONTROL OF OUT-OF-STATE GARBAGE

Mr. McCONNELL. Mr. President, our Governor of Kentucky yesterday called a special session. Among the items on the agenda is the serious local crisis confronting our State, and that is the question of out-of-State garbage flooding across our boundaries. Indiana has a similar problem.

Mr. President, the States unfortunately have their hands tied behind their backs when it comes to the question of control of out-of-State waste. The reason is that the Constitution gives Congress all of the authority to regulate interstate commerce and decisions of the Federal courts have held that garbage is in interstate commerce. The conclusion I have reached is that our State, the Governor, and the legislature may well be wasting their time in seeking to legislate in this particular area without an enabling law at the Federal level.

Just last fall the Senator from Indiana [Mr. COATS] and myself worked to get legislation passed and, in fact, it did pass the Senate which would grant the States the authority to at least legislate higher fees for out-of-State garbage than for local garbage and under certain circumstances actually ban the import of long distance out-of-State garbage. This is a crisis not just in Kentucky but in various places all across the Southeast.

It is time that the Congress acted to grant the States the authority to have some control over long distance, long haul, out-of-State garbage which is a serious environmental concern, particularly in the Southeast. In that regard, Mr. President, yesterday I introduced legislation designed to give States control over out-of-State garbage.

Like last year, my action was prompted by the solid waste crisis confronting our States. Shrinking landfill capacity, public opposition to new landfills, ground-water contamination, and lack of funding to upgrade and modernize landfills are huge problems. For States like Kentucky and Indiana, the inability to regulate imported waste makes the situation practically unmanageable.

In Kentucky, as I indicated earlier, the Governor has called a special session of the legislature in an attempt to deal with the issue. In reality, though, any attempt by this special session to limit out-of-State garbage will end up being futile, a complete waste of time, because, Mr. President, there is an absence of a statement of congressional intent. Without that, the courts have consistently struck down efforts by States to legislate out-of-State waste.

The courts have recently done it again in Indiana. A similar court decision upheld a previous line of cases that have said that States in the absence of Federal enabling legislation simply do not have the authority to deal with this issue.

Why should Congress act now? Look at Kentucky's situation and the reasons become clear. Last year, my State imported 500,000 tons of garbage. This year, that figure will be in the range of 600,000 to 700,000 tons and could double in the next few years.

Out-of-State waste brings with it costs in the form of road wear, loss of landfill capacity, visual pollution, odor, and ground-water contamination. These costs are borne by Kentuckians, not the residents of exporting States and not the people generating the waste.

My bill helps States recoup these costs by allowing them to distinguish between in-State and out-of-State garbage by charging higher fees on the out-of-State waste.

This approach ensures that if other States want to send their garbage to Kentucky, the residents of those States, and not Kentuckians, pay the true costs of disposing of it. This approach is under consideration in the Kentucky Legislature, as we speak. I personally believe it is best for my State. I recognize, though, that each State has a different situation, and I support the congressional efforts that will grant more authority, in any form, to the States.

I have joined with my colleague and good friend from Indiana, Senator COATS, to introduce legislation which, in addition to allowing States to charge higher fees on out-of-State garbage, also authorizes the States to ban imported garbage if they have certain solid waste management plans. This Coats-McConnell bill passed the Senate last year but died over in the House.

Since last year's action many of my colleagues have expressed to me their interest in and concern with the inability of their States to control out-of-State garbage. These Senators are committed to getting this bill through the legislative process and into law. I am encouraged that the 102d Congress will act effectively on this issue.

As I have said many times before, we are attempting to help States handle an immediate problem: out-of-State waste. We recognize our approach is not a total solution to the Nation's garbage crisis, nor is it intended as such. The Federal and State governments must continue to work together to develop a responsible, comprehensive strategy which combines source reduction, recycling, combustion, and landfilling. In the meantime, we can provide immediate relief to States and give them some breathing room to get their own waste management problems under control.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, appoints Robert Malir, Jr., of Kansas, to the Board of Trustees of the American Folklife Center.

THE PERSIAN GULF SITUATION

Mr. KERREY. Mr. President, in this morning's Washington Post there is a story which describes the results of a meeting between congressional leaders and President Bush. Since the leadership represents me and I represent the citizens of Nebraska I choose to comment on reports of some statements made at this meeting.

President Bush apparently feels the pressure of the deadline upon him. He appears to be concerned about the impact upon Saddam Hussein's status if, as the Post story paraphrases "a senior official in the administration," he wins Arab approval for having faced down the United States deadline. Further, according to the administration official, there is concern that Hussein will begin to pull out his forces, which would make a military strike more "complicated."

The story carried a quote from this senior official of the Bush administration:

> I think if he (Saddam Hussein) is playing chicken, he will hope that he can get away with the deadline passing and he can claim he stood down the world, and he'll hope to have enough warning that he can back down later. Today (January 15) is a watershed date beyond which he can say he is a hero.

This troubling statement suggests the administration is intent on precluding any Iraqi boasting, no matter how hollow the boasts, no matter how high a price Americans must pay to prevent those boasts from being made. Compliance with the U.N. resolutions is suddenly no longer enough; now Iraq's humiliation is also required. If we can get Iraq to withdraw fully, I, for one, would rather suffer Iraq's fatuous spin-doctoring than thousands of American and Arab casualties.

Mr. President, I want to restate my belief we have put too much emphasis on Iraqi withdrawal. We have transformed January 15 from a deadline for Saddam Hussein into a deadline for our soldiers. We have put the pressure on ourselves.

The most persuasive objectives—protecting a vital economic interest, stopping aggression, and beginning to reverse the military power of Iraq—all of these have been accomplished. An early war will not necessarily bring them any closer.

The fear which pushes us toward an immediate war is not the military threat of Iraq. Their military forces have been more completely contained than any threat the United States has identified in the past. The fear expressed by the senior official of the Bush administration is a political fear that somehow a delay will give Iraq a public relations victory. Until yesterday, I was not aware that public relations was a vital American interest justifying loss of American life.

It is not too late for patience. My wise and distinguished colleague from New York, Senator MOYNIHAN, made this point eloquently in an op-ed in today's New York Times. I will ask unanimous consent that a copy of Senator MOYNIHAN's statement be printed at the conclusion of my remarks.

Perhaps the worst side of this impatient fear manifests itself when the potential for an Iraqi withdrawal from Kuwait becomes bad news. It would be tragic if Iraq admits defeat by beginning to withdraw but out leaders conclude that war is still necessary because something about the way in which the withdrawal occurs is not right.

Personal pride can blind us and make it difficult to see the obvious. Time, not pride, is our best ally.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 15, 1991]

RESTRAINT, MR. BUSH

(By Daniel Patrick Moynihan)

WASHINGTON.—As we wait to see what will happen now in the Persian Gulf, it may be useful to record what was supposed to happen but did not. We are supposed to see the emergence of a "new world order" in the course of the first crisis of the post-cold-war era. For a period, it looked as if we might just; then, in an instant, we relapsed into the cold war mode.

The Iraqi invasion caught us unprepared as to identity a friend and foe. We had been backing Iraq. A week before the invasion, the State Department stoutly opposed the Iraq International Law Compliance Act, as reported from the Senate Foreign Relations Committee, cutting off agricultural subsidies until they stopped using poison gas.

By contrast, we had endured Kuwait, a none too pretty principality much given at international conferences to pronouncements concerning "the Zionist entity" receiving "economic, technological and political assistance from the United States." How then to respond to an invasion that threatened, among other things, Saudia Arabia.

We turned to international law, a code of conduct neutral as to the parties' prior posturings. In one news conference in August, President Bush used the term six times. We turned to the U.N. for the first time ever such a situation, the permanent members were in accord.

Pursuant to Security Council resolutions, we dispatched forces to defend and to deter, and to uphold economic sanctions. Something very like a world police action commenced to take shape. Then, of a sudden, on Nov. 8 the body rejected the transplant. We lapsed back into the cold war mode of massive military deployment.

War plans were drawn. The public was informed that intelligence findings—necessarily secret—pointed to the inevitability of hostilities. Terror alerts were sounded. The F.B.I. began checking on yet another ethnic group. At the turn of the year, the President would state on TV: "Standing up against this aggression—no price is too heavy to pay for it."

This, of course, is the language John F. Kennedy used 30 years ago next Sunday, at the height of the cold war: "pay any price, bear any burden." Many thought Soviet Union had opened a lead in ICBM's, the ultimate weapon of destruction. World Communism was at its apogee, its progress declared irreversible; the next and final stage of history.

How could such terms come to be applied to the depredations of a third world thug? Any price? A million Arab civilian casualities? Of course not. Some price, to be sure. But a proportionate price. Our share. Curiously, this is more a possibility now than any time since November. Thanks to last week's debate and Saturday's vote in Congress. And thanks also to the Soviet tank in Vilnius crushing a human before our eyes.

Saturday's vote authorizes the President to go to war. He asked for this authority and got it. For a moment, there he was asserting, in the cold war mode, that he didn't need it. The Constitution took something of a beating during the cold war. How could it not have in the course of 30 to 40 years in which Presidents knew they would have 10 minutes at most to decide whether to launch a thermonuclear second strike?

All right; that was then. Now a certain normality reappears. Which is to say a sense of proportion. Why should this not now phase over into a sense of proportion about what is at stake in the gulf? Important principles, yes. Ultimate issues, no. Nothing worth the war now being contemplated. Time is on our side. Were Mr. Bush to show, in Dwight Eisenhower's phrase, "the courage of patience" he could end up with Mr. Eisenhower's stature as a military strategist.

Just as importantly, we have got to pay attention to the breakup of the Soviet Union. And to the fact that through half a century of the cold war our vast intelligence system learned everything there was to know about the Soviet Union except that it was breaking up. We could be returning to the chaos of 1919 in that vast wretchedly governed, wretchedly unhappy land. The 75 year struggle against totalitarianism has reached its endgame, but the final outcome remains, of course, uncertain. This is a state that still possesses 10,000 nuclear warheads, and civil war inches closer by the day. That for certain is a war the world does not need—which needs to be uppermost in our mind.

S. 41—THE 1991 COST-OF-LIVING ADJUSTMENT FOR DISABLED VETERANS AND THEIR DEPENDENTS

Mr. KASTEN. Mr. President, I rise today with several of my distinguished colleagues to introduce legislation which will provide a 5.4-percent cost-of-living adjustment [COLA], retroactive to January 1, 1991, for our Nation's disabled veterans and their widows and children.

I was very disappointed late last year when Congress was unable to reach agreement on granting this modest increase in benefits to a most-deserving segment of our society.

As the brave men and women of our Armed Forces prepare for the possibility of war in the Middle East, it becomes more necessary than ever that Congress show its support for all those who have led this country into battle. We must act quickly to ensure passage of this legislation. I believe that our best chance for success is a clean COLA bill.

The swift passage of a cost-of-living increase is a priority for all in this Congress. We have been divided only in how we can best provide for our veterans. There are bitter and deep divisions on this question. However, if we remain divided, we will not only fail in passing this legislation, we will fail all of our disabled veterans.

Our veterans have proudly served this great Nation and they deserve our utmost respect and support. They have given of themselves so that future generations of Americans could live freely. Congress must not let them down again. I urge my colleagues to support this bill.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,131st day that Terry Anderson has been held captive in Lebanon.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. BYRD. Mr. President, comprehensive campaign finance reform was introduced yesterday in the Senate. This will make the third consecutive Congress which has witnessed the early and emphatic introduction of this important legislation. Always accompanied by impassioned pleas for action, now, and much editorial ink, this fundamental and very important effort has, so far, foundered on the rocks of partisan mistrust.

Congressional campaign finance reform became a major issue in the 100th Congress when Senator DAVID BOREN and I introduced S. 2. Senate Republicans filibustered the bill, and after eight cloture votes, I reluctantly withdrew the legislation. Reform had been killed.

In the 101st Congress, Senator BOREN, Senator FORD, Senator MITCHELL, and I again introduced comprehensive campaign finance reform, S. 137. Six public hearings were conducted by the Rules Committee on our proposal and on several other proposals submitted by Senators of both parties. A task force was appointed by the majority and minority leaders to try to find common ground between the political parties. A substitute, encompassing many of the provisions of S. 137, was finally considered by the Senate, and the substitute measure was passed in the Senate on August 1, 1990. I am proud to say that an amendment offered by Senator DODD to ban honoraria was added to the Senate bill. I was a cosponsor of that amendment. I continue to believe that an honoraria ban must be part of any real reform. The House of Representatives also passed a campaign finance bill, but the conference to reconcile differences never really engaged, and the measures died at the end of the 101st Congress. It seems that we had found yet another way to kill campaign finance reform. This time we had found a way that allowed Members to claim support for reform in an election year.

Now here we are at the beginning of another Congress. We have come through yet another outrageously expensive, publicly nauseating congressional campaign cycle and nothing has been done about campaign finance reform. The public is disgusted, and still nothing has been done. It is my fervent hope that, free of congressional campaigns this year, the Senate will get serious, this time, about enacting campaign finance reform into law and that the other body will do like-wise.

Mr. President, candidates for congressional office have become addicted to big money. We are on a treadmill and we cannot seem to get off. As we raise more and more money in each cycle, the costs of hiring consultants, buying TV time, producing slick, negative commercials, and throwing fundraising events also rise each year. Like drug addicts, we do not seem to be able to find the discipline to get ourselves off the treadmill and on the road to recovery. And, like addicts the cure for the addiction has to come from within. We are the only ones who can stop the money chase.

The money chase has become an unending circular marathon. The share of money coming from small contributors has declined while the share contributed by PACS has increased. Candidates have to look more and more outside their home States to raise these big bucks. The traveling, the time away from the Senate, the time away from talking with constituents, the time robbed from reading and reflection, the personal time stolen from our wives, our children and our grandchildren, the siphoning off of our energies to the demands of collecting what has been called "campaign grease," is making us all less able to be good public servants. Ironically, we spend much time and raise huge sums of money in order to be reelected to the Senate so we can serve our States and our country. Then, once here, we cripple our ability to serve our States and our country by spending an inordinate amount of our time on the money treadmill so we can come back for yet another try at serving our States and our country.

Moreover, the intertwining of campaign money with legislative business is tainting the decisions that we do make when we are here and voting.

Let this be the year we take ourselves off the treadmill, drop out of the marathon, and kick the money habit. The bill introduced yesterday will help us all to go back to being what we came here to be—good public servants and serious, full-time legislators.

This legislation will allow for voluntary spending limits based on State voting age population. The limits could be increased by up to 25 percent of the total spending limit, if that amount is raised in contributions of $100 or less from in-State individuals. Note that the spending limits are voluntary, but once agreed to and accompanied by the raising of a threshold amount of 10 percent of the general election spending limit in individual contributions of no more than $250, one-half of which must come from in-State, the participating candidates are eligible for certain benefits. Those candidates would be eligible for lower mailing rates, lower broadcast rates and broadcast vouchers amounting to 50 percent of the general election limit, if the ads aired are between 1 and 5 minutes long. Eligible candidates would also receive public funds to respond to ADS by outfits like NCPAC or other so-called independently-financed broadcast ADS. If an opposing candidate exceeded the spending limits, complying candidates would receive additional public funding. These provisions are intended to stop the money chase by enacting voluntary spending limits, and encouraging compliance by having backup public moneys available to level the playing field with a nonparticipating opponent. These changes are also designed to help control the cost, while improving the content of TV campaign ads.

In addition, PAC's would be prohibited from contributing to Senate candidates, and limited in what they could contribute to national and State party committees.

The controls on soft money in Federal elections would be stiffened, and bundling to avoid contribution limits would be prohibited. These provisions would help to get the undue PAC influence out of the legislative process and evict the invisible PAC man from the Senate Chamber. Other important provisions in the bill would outlaw leadership PAC's, reform the Federal Election Commission, limit the spending of personal funds for election to the Senate, and prohibit the receipt of contributions after an election to repay personal loans.

Many times during the debate on S. 2 and in last year's debate we heard from opponents that the bills were only a partisan attempt to ensure the reelection of incumbents. In reality, it is the present system which protects incumbents. The fund-raising gap between incumbents and challengers has never been greater. The voluntary spending limits, back-up public financing, and other reforms in this legislation would serve to put the net at the same height for both challengers and incumbents.

I believe that at the root of the problem with enacting campaign finance reform are mistrust, partisanship and fear of losing advantage. Nothing will happen if we do not overcome each of our own personal fears of losing a leg up. This is an intensely personal place on matters of this nature, and the problems with enacting this legislation have a lot more to do with the dynamics in this Chamber than they do with most anything else.

In a sense, we politicians have lost faith in ourselves. We are afraid to let go of the slick ads and the high-priced consultants—afraid to let go of the PAC money and polls—unsure that we want to change the rules of the game that we all undertstand and know so well.

But the people understand the game, too, I hope. Sometimes I wonder, however. I have long felt that once the people really understood how much time we spend on fundraising and away from our committees and away from the floor and away from our families, and how this affects the perceptions of this institution, and how it undermines the trust in the institution—I have long felt that the people would rise up and demand that we clean up our act and enact legislation.

Thus far, they do not seem to have done it. They prefer to talk about limiting the terms of Members; limiting the terms of Senators; limiting the terms of House Members. I wonder if they would stop and think how they could limit the terms of Members if they would merely go vote on election day. If they do not like the Members of the Senate or Members of the House or any particular Member, they can vote those Members out. They are the final judge. They have the final act, and hold the final stamp of approval or disapproval.

It is a sad commentary on our political system when we look at the statistics and see how increasingly the American people are not going to the polls. And how an individual can stand up to his children and grandchildren and ask them to be good citizens, and he himself or she herself not go to the polls on election day and vote is beyond my comprehension.

But at least some people understand what is going on. And those who do, most of them I would say, do not like what they see. I would guess that even the people who have the PAC's, they probably would like to see some changes as well. I feel sure that they get tired of seeing us come to them with our hats in our hands and our little tin cups, asking them to contribute more and more and more.

The old song, you will recall: "Give me more and more and more of your kisses."

I expect those PAC people get tired of our coming and saying, "Give me more and more and more of your PAC money."

People do not like it, those who are aware of the amount of time that we consume in raising money and how it takes us away from our jobs to which we are elected. It would seem to me that they would believe that we are cheating them—we are cheating the people.

While we bemoan the lack of public confidence in public officials, we have it in our power to do something about it and to do it this year. We can act. We can put down the tin cup. We can stop mainlining the grease to oil the machine. We can regain some public respect and some self respect.

I implore my colleagues, let this be the year that we take ourselves and our responsibilities seriously. We are the problem, and only we can craft the solution. We will have an opportunity to do that this year, and I hope that we will not let that opportunity pass again.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE BALTIC CRISIS

Mr. MOYNIHAN. I thank the Chair, and I rise, as others have done, to support, as a cosponsor, the important resolution on the Baltic crisis that has been presented to the Senate by our eminently beloved President pro tempore, the Senator from West Virginia; the majority leader; and the Republican leader, respectively. I would like, if I may, not just to support their action, but to draw attention to the general implication that we have here, which is a Baltic crisis, and by extension a much more serious event, a yet more serious event, a crisis of the regime in the Soviet Union.

This has been coming for some time now, Mr. President. As late as the 1970's, a number of us, looking as best we could at the situation there, observed two phenomena about the Soviet Union which had been existing there for some time but now were becoming acute.

First was the failure of the Soviet economy. It was evident for anyone to see who had eyes to see with. The 1960's were years when we first began to have exchanges with our scientists to go to the Soviet Union, armament nuclear scientists and the Pugwash meetings, things like that. They would come back and say Soviet science was good—they have always had good scientists; they had great scientists in 1960—but that their economy was a disaster; it was in ruin.

We were asked to believe, in the more paranoid days of the cold war, that although the Soviets deliberately perceived a kind of reverse Potemkin village to the world—an outwardly awkward, barely functioning early 20th century economy, it could make steel and a few other things like that, but it could barely feed itself. It used to export food. But, in fact, behind this shabby facade was a gleaming monster of magnificent industrial and scientific capacity concealed from the rest of the world. The elevators did not work, oh, but those rockets.

Their rockets worked as long as the Germans, whom they shared with us in 1944, were working. Not to denigrate that, but basically the Soviet economy could not move from a command system of production, such as steel and coal, to the information-based economy of the present time. To this moment, Mr. President, Moscow does not have a telephone directory. Telephone numbers are state secrets. You do not share information. You do not let computer hackers tap into the 5-year plan. Information is rationed. It is kept very close. When a society depends on a diffusion of information, the economy fails.

Our intelligence system missed this completely. We start out with the Gaither Commission in 1957 which told us there was a missile gap; which told us that the Soviets were building twice the machine tools per year that we were; which told us that if you just used the algebra of where they were and the rate of growth half again as much as the United States, next year the Soviet GNP, the Soviet economy, would be larger than the American economy, probably at 25 percent.

But that was secret. This was what the President "knew." What the President knew was wrong, but it was a secret, and no one could say, in a matter of science, "It does not look right to me," and confirm or reject this analysis.

As late as 1979, Mr. President, the CIA estimated the Soviet Union to have 62 percent of American GNP. That ratio then in those terms would have almost doubled in 20 years. That is the rate at which they were closing on us so that by now it would have been closed completely. That is again what Presidents knew and from that information proceeded to build up vast weapons systems because they assumed the Soviets had the capacity to watch us.

Simultaneously, we could never understand the power of ethnicity, nationalism in the case of the Baltics. Latvia, Estonia, and Lithuania were members of the League of Nations. That is why we never recognized their absorption by the Soviet Union. The Soviet Union is a vast empire of mixed up ethnicities, lingual groups, half great Russian but spread everywhere.

There were two central facts of Marxism. Marxism-Leninism predicted that socialist production would be more efficient than capitalist production—that was absolutely essential—more efficient because of the built-in instabilities of capitalism, the tendency for there to be a diminution in the profit margins, the consequence and result being the misery of the proletariat and internal turbulence. Colonialism was used to explain a temporary abeyance of that imminent collapse. The capitalist world was going to collapse, having so many contradictions. The socialist economies would expand. Simultaneously, ethnicity would disappear. The red flag is red because the blood of all mankind is red, and as the Communist manifesto said, the working man has no nation; they will all unite. If you believe that, you will believe anything.

Toward the end of his life, Engels began to see it was not working out that way, and then in 1914, when the socialists in France voted credits for the war, Germany, Austria, so forth, it collapsed on site. Still, it was doctrine. And when those 20 central doctrines about the superiority of the economy and the disappearance of the preindustrial phenomenon as they thought of ethnic attachments, national attachment, language attachment, religious attachment, when those two things failed, there was bound to be a crisis of belief, and that in turn would lead to a crisis of the regime. One could argue that way. One did.

I regret speaking in the first person, but Newsweek in 1979 had a symposium on what would happen in the 1980's. I made a small contribution. I said in the 1980's, the Soviet Union would blow up and that would be a very dangerous thing because who gets custody of 10,000 nuclear warheads? It happened. Our intelligence community missed it completely. The cold war assumptions on which we built our executive branch just had no room for that, and they still do not seem to get it. They still do not seem to see the central crisis of the century is the breakup of the czarist empire called the Soviet Union. It could be devastating and violent, agonizing and bloody, potentially nuclear.

Somehow we have to involve the West in bringing some kind of stability out of that situation. That is what Senator BYRD wants to do. He knows perfectly well you cannot move to a repressive system, such as we saw in Vilnius over the weekend. It guarantees a spreading disaster.

The Ukraine next, Georgia, Moldavia, Byelorussia, Azerbaijan, Uzbekistan. Once one, then another. And inside each enclave other enclaves such as Ossetia, an area of Persian-speaking peoples in Georgia cut off by the Mongols from its Persian base. It is now demanding its autonomy from Georgia, and Georgia is denying it, that kind of thing.

We have to attend to this. It is entirely possible that Mr. Gorbachev is telling us the truth when he said he did not know. It is entirely true that the Red Army is asserting that the honor of the army is at issue here; the draft, and the army will assert its concerns. what will happen we do not know.

But we surely do understand a large interest in stability in that region, in the transition from a central control to either independence or confederation or some form of relationship yet to be invented, devised. That is the real object. That should be the center of our concern in the world just now. Senator BYRD has focused on it. We will once again have to be grateful to him for that.

I am delighted to yield the floor at this time.

The PRESIDING OFFICER. Does the Senator from Minnesota seek recognition.

Mr. WELLSTONE. Yes, I do. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I wish to thank the Senator from New York for his comments. I would love to have been a student in one of the Senator's classes. I say that as a teacher.

PHONE SADDAM HUSSEIN

Mr. WELLSTONE. Mr. President, yesterday many parents of men and women in the Persian Gulf were here.

They are so frightened that their children will die in a war in the gulf, and I believe that every single citizen in our country can understand their fear. I remember not too long ago at a gathering of Woodbury, MN, guardsmen who were to leave for the gulf. I did not know what to say, but these were the words that come to my mind.

I said to those men and women: "We are proud of you and we will support you." I said to those men and women: "we hope and pray that you never have to go to war." And then I said, I will do everything as a U.S. Senator to make sure that you do not have to go to war.

It is in this spirit that I rise to speak today. I heard Senator HARKIN say to the President of the United States—and I think he said it with eloquence and power—President Bush, pick up the phone, pick up the phone and call Saddam Hussein and talk directly to him.

There are those who say it is too late. It can never be too late. It can never be too late to aviod war and the resulting massive loss of life. The President of the United States has been very clear to Mr. Hussein about what will happen if he does not end his unlawful occupation of Kuwait. I believe we have made it very clear what war will be all about. But I hope the President of the United States today, as we approach war, can pick up the phone and also be clear with Mr. Hussein what will happen if he does leave Kuwait. He should be clear what this war is not about.

We should be clear to Mr. Hussein that this is not a war in opposition to a peace conference in the future. We are not opposed to a peace conference that will deal with a variety of important fundamental disputes and problems in the Middle East. In fact, we have gone on record supporting such a conference.

We should make it clear that we are not going to be involved in fighting a war which would prevent a just settlement of disputes between Iraq and its neighbors. In fact, the very first United Nations resolution makes that very point.

We should make it crystal clear to Saddam that we will not be fighting in a war to remove Mr. Hussein from power. We have already assured Saddam Hussein that if he leaves Kuwait—and he must leave Kuwait—there will be no such attack on his country.

Mr. President, it is very late. There were those in our debate who said they were not voting to go to war. They did not want to go to war. I know they meant that. Many of my colleagues said we are voting to give the President full strength to negotiate. We are not voting to go to war.

But as I speak today, it does not feel that way to me. It feels as if we are very close to war and to a terrible loss of life.

So I rise today to echo the words of Senator HARKIN and to say to the President of the United States, take that last step, take that last step. Pick up the phone and make that call and speak directly to Mr. Hussein. No harm would come from that. It can only do good, and it is never wrong to do everything you can to avoid war.

I thank the Chair.

The PRESIDING OFFICER. Since no one else seeks recognition, does the Senator suggest the absence of a quorum?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. WALLOP. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. The Senator is correct. The Senators each have 10 minutes during which to speak.

The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WALLOP. Mr. President, I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COUNTDOWN TO COMBAT

Mr. EXON. Mr. President, this is January 15, 1991, and this Senator finds himself in a position of not being able to concentrate on the other matters that have been discussed and have come before the U.S. Senate in the last few days, as important as many of those suggestions are.

I am most concerned, Mr. President, and my heart has never been heavier than it is right now with what I can only conclude is a countdown to combat. The news tickers have indicated that the latest initiative by the French, which most people thought was a last chance for some kind of a peaceful resolution, has collapsed.

There is one last hope. As of now, the United Nations is debating a one last appeal—and I think that is the only way to describe it—to Saddam Hussein to announce his withdrawal from Kuwait within a matter of the next few minutes or hours at the outside.

Meanwhile, we have domestic and economic distress here at home with the failure of many of our financial institutions. Overseas, in addition to the all-encompassing, overwhelming consideration of the combat situation that faces us up front and very, very soon, we see what this Senator feels may eventually be a disintegration of the Soviet Union at a time when stability from the Soviet Union would help possibly to assure some kind of a resolution of the problem at hand.

The news tickers also indicate today that, in addition to their forceful actions in Lithuania early this morning, Soviet forces also struck in the neighboring Baltic State of Latvia and forcibly seized a police academy. I have been very disappointed at the response from Mr. Gorbachev, the author of perestroika, and I am very fearful, Mr. President, that possibly Mr. Gorbachev himself has lost control of the military in the Soviet Union.

Therein lies another overpowering concern of mine. As chairman of the Subcommittee on Theater and Nuclear Forces of The Armed Services Committee, I have long struggled with the ultimate threat to mankind and that is the reascension in the Soviet Union of the hardline military leadership that I am very fearful is taking place right now. Now that concept has been pooh-poohed by many over the past year while we understandably became elated at the reductions in tensions between the two world superpowers and their heavy inventory of nuclear ICBM's.

I guess the good Lord is testing us at this time. The good Lord is certainly testing the President of the United States. I think it is all proper that we have been and will be praying for the President of the United States in making the absolutely deadly decision that he likely will reach in the immediate future.

There have been many suggestions as to what might be done at this turn. I hope that, after the expiration of the January 15 magical date, the President could possibly come up with one last attempt of some type to bring Saddam Hussein to his senses before he unleashes the attack that seems to be all but upon us.

So I hope that before the shooting begins—as I am extremely fearful that it will in the next few days at best—that our President will make one more last, final effort to see if some suggestions from some quarter might not eradicate the drive that is now on for immediate combat.

Mr. President, this is the beginning of my 21st year of high public service. I do not remember a time when I have been more uptight, more concerned, more unable to focus on the other duties that befall all of us than I am right here this late afternoon on the floor of the U.S. Senate. I guess that, as we approach the countdown to combat, we can only as best we can assure the dedicated troops—men and women alike that we have arrayed on that Saudi desert today—that if combat comes, once again, we will all unite and provide our forces with everything that they need for their protection.

Therefore, Mr. President, I can only say also to the friends and relatives, wives, sons and daughters, mothers and fathers who are going through untold hell right now that we understand their plight and we will continue to do everything that we can as a body of the U.S. Senate to ease their anguish and ease their pains as best we can.

I do not know what much else I can say because I think I said it all, as far as this Senator is concerned, in my address during the debate that we had last week, on Thursday of last week. I said at that time that I was not sure, without any equivocation or mental reservation whatsoever, that this one Senator's position was a correct one, but it was one arrived at after a lot of soul-searching.

I suggest, then, with the few minutes relative to countdown, we can all only hope and pray that some way, somehow, we will have a new birth of understanding to prevent what otherwise are going to be extremely grave consequences.

I close, Mr. President, saying that the United States of America and the people we have representing us today in the Saudi desert are strong, they are dedicated, and they are talented. When I watched last night, at about 11:30, some of those very young faces and saw their dedication and yet the concern one could see in their eyes, I could only say to them "Godspeed" in whatever you are called upon to do under the unfortunate circumstances that confront us.

The question, I think, on the minds of most people today is how long after midnight tonight, save some dramatic change of events—how long after that time are we likely to go into combat?

Unfortunately, I suggest probably that decision will most likely best be made and is likely best controlled by the weather in the Middle East area. If the weather for the next few days is not conducive to military activity—which I hope and pray it is not—then maybe the weather can be a factor here and at least give the leaders of this Nation and other nations the chance at one last attempt at some form of reconciliation.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection it is so ordered.

S. 23—VETERANS COST OF LIVING INCREASE

Mr. MURKOWSKI. Mr. President, as you know, our Nation's veterans have not as yet received the cost-of-living increase in the compensation paid to veterans with disabilities which were sustained while those veterans were on active duty. This occurred because Congress failed to enact such legislation in the 101st Congress. Our veterans deserve an explanation as to why that action did not take place.

Some Members of the Senate and House refused to permit what we called a clean cost-of-living or COLA bill from being passed by the Congress in the last hours of the 101st Congress. These Members sought to have the consideration of agent orange legislation tied to the cost-of-living bill. As a result, the Senator from Alaska sought to reach a compromise with those most active, the specific prime movers of the most controversial agent orange provisions. Several of my colleagues and I initiated a compromise which would have provided for an unbiased additional review of the evidence by appropriate scientific bodies with both the unquestioned ability and the independence from the Government.

Sadly, the compromise offer was rejected. I then sought to formulate a clean COLA bill. If a compromise on the agent orange question could not be reached, I sought to ensure a COLA for America's disabled veterans through a COLA bill unencumbered with controversial provisions. Unfortunately, this effort was also doomed to failure. Proponents of the controversial provision would not agree to a bill which did not include their agent organge provisons. In order to correct this situation, legislation must be quickly enacted so that our veterans can receive their COLA's.

Mr. President, I was pleased to join with my friend and colleague from Wyoming, Senator SIMPSON, as an original cosponsor of S. 23, which would provide for a COLA for our Nation's veterans. I look forward to working with Senator SIMPSON and other Members of the House and Senate and the Veterans' Affairs Committee to make sure that our veterans receive their COLA.

Mr. President, I reassure America's disabled veterans of our commitment to their benefits and to the necessity to protect those benefits from the adverse effects of inflation. The failure of the 101st Congress to enact COLA legislation will, of course, not be the last word on the issue. My efforts and those of others will continue to ensure that veterans get their deserved COLA. I also hope that the difficult issue of agent orange will ultimately be resolved.

I thank the Chair. I yield the floor.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GULF CRISIS

Mr. DURENBERGER. Mr. President, I think I know the reason why, but this is a very somber day in my life, in your life I suspect, in the committee hearings that we are in, in our offices, on the street, in this Capitol and I would imagine all over the world.

Mr. President, there is not much that can be said on this floor this evening that can make much difference about that. The American people are anxious tonight because they do not know what is ahead. They do not know what this particular moment in history that we are all living will mean. They do not know how events will effect them. As their leaders, we share their anxiety, and we feel it just as acutely as they do.

We are not at war. War is not inevitable. The passage of the deadline tonight at 12:01 Eastern Standard Time does not guarantee war. It only authorizes the President to use military force if he decides that is absolutely necessary.

Mr. President, George Bush is a fine man, and he is an experienced President. We could not ask that such a decision rest on better shoulders. It is Saddam Hussein, in fact, who is choosing war, one he started when he invaded Kuwait more than 5 months ago.

So, Mr. President, the choice rests with him. We all pray that he is rational enough to know that the only course is to begin to withdraw from Kuwait. Tonight we are all hoping for the best, and we are preparing for the worse.

If I could offer any words of advice to Minnesotans on this fateful night, they would be these: If you have an American flag, fly it proudly. If you have prayer in your heart for your leaders, and especially for your adversary tonight, pray. If you have a friend whose loved one is now in harm's way, write them—or better than that call them tonight, tell them you are with them, and you are really proud of them.

If you have a family gather together. And if you have children, talk to them tonight about how they live in the greatest country in the world, and remind them that as people we are great because we stand for principle, and we are willing to pay the price for taking that stand.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

ALASKAN AIR TRAFFIC CONTROLLERS

Mr. MURKOWSKI. Mr. President, I would like to take a moment to recognize the contributions to public safety made by a very special group of Alaskan air traffic controllers. These 19 individuals were the ones assigned to staff the temporary control towers set up in Valdez in response to the Prince William Sound oilspill, and in Tanacross in response to last summer's devastating forest fires.

These air traffic controllers were pulled from their jobs at the Anchorage and Fairbanks airports, and were given the demanding task of managing large volumes of air traffic in areas unaccustomed to such activity. Though it generally takes up to several years to fully learn to manage air traffic at any given airport, the diligent study and professional experience of the controllers allowed them to adapt rapidly to their assigned tasks. The result was a flawless performance.

During the peak month of the oilspill cleanup, in April 1989, Valdez airport saw a nearly twofold increase in air traffic volume. The over 8,000 takeoffs and landings made at Valdez that month gave the airport a traffic count comparable to those at McCarren Field, Las Vegas, and Orlando International Airport in Florida. These controllers were an essential part of efforts to mitigate the effects of this environmental tragedy.

The portable control tower at Tanacross, AK, was commissioned for only a week in July 1990, but was operational during the most unpredictable and dangerous days of the fire. The controllers managed a large volume of air traffic operating in a small area, and were challenged by both high winds and limited visibility. The controllers themselves were in danger of being trapped by the fire, but continued to man their stations until the last firefighting pilots were returned home.

Mr. President, as a direct result of the work of these 19 air traffic controllers, no human lives were lost in air travel during these dangerous times. I hereby offer my deepest thanks to these professionals, and ask unanimous consent that their names be printed in the RECORD. I thank the Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

These are the contractions for the following list:

(1) VDZ—Valdez, Alaska.
(2) TSG—Tanacross, Alaska.
(3) ADQ—Kodiak, Alaska.
(4) FAI—Fairbanks, Alaska.
(5) ANC—Anchorage, Alaska.
(6) MRI—Merrill Field Anchorage, Alaska.
(7) TWR—Control tower.
(8) REG—Regional Office Anchorage, Alaska.

Name	Assisted	Facility	From	To
Chuck Hallett	TSG TWR	FAI	7/21/90	7/27/90
Dave Levesque	TSG TWR	ANC	7/21/90	7/27/90
Allen Hoffman	TSG TWR	MRI	7/21/90	7/27/90
Brad Robinson	TSG TWR	ANC	7/21/90	7/27/90
Larry Lescanec	TSG TWR	ANC	7/21/90	7/27/90
Wayne Bates	VDZ TWR	REG	3/25/89	10/10/89
Gene Wehe	VDZ TWR	ADQ	3/26/89	10/14/89
Kevin Haines	VDZ TWR	FAI	3/29/89	4/27/89
Bernie Campau	VDZ TWR	FAI	3/29/89	4/12/89
Doug Coats	VDZ TWR	FAI	4/11/89	5/08/89
John Little	VDZ TWR	ANC	4/25/89	5/30/89
Randy Kline	VDZ TWR	FAI	4/27/89	8/28/89
Kevin Ford	VDZ TWR	FAI	4/27/89	10/14/89
John Brooke	VDZ TWR	FAI	5/5/89	10/5/89
Bob Phillips	VDZ TWR	ANC	5/7/89	9/28/89
Doug Moehle	VDZ TWR	FAI	5/27/89	10/7/89
Curt Faulk	VDZ TWR	ANC	5/29/89	7/15/89
Mark Caldwell	VDZ TWR	FAI	6/20/89	7/24/89
Les Habig	VDZ TWR	FAI	8/23/89	10/14/89

S. 150—AID TO EDUCATION

Mr. DANFORTH. Mr. President, I am proud to support S. 150, legislation to aid major colleges and universities and other charitable institutions in their efforts to expand and improve their facilities.

As part of the Tax Reform Act of 1986, Congress placed a cap on the amount of tax-exempt bonds that can be issued by organizations such as charitable groups and private colleges and universities. Because of this legislation, private colleges and universities and other philanthropic institutions may not have outstanding more than $150 million of tax-exempt obligations. But, the $150 million cap does not apply to bonds if the proceeds are used with respect to a hospital. This bill eliminates the $150 million cap for all qualified organizations. In other words, this bill will allow private colleges and universities and other qualified charitable institutions to issue tax-exempt bonds without limitation for the purpose of building, expanding, and improving their facilities and equipment. It should be noted that these tax-exempt bonds, will be treated in the same manner as governmental bonds, and that these private institutions will receive this tax-exempt status only with respect to their exempt activities.

Mr. President, every day we are bombarded by reports of our Nation's competitive deficiencies. Our trade deficit grows, jobs are exported while goods are imported, and new technology is increasingly being developed overseas. We are told that our declining position in the world economy is due to, among other factors, a decline in our country's educational system and our research facilities. Japan produces more engineers and scientists per capita than the United States. Both Japan and West Germany spend more of their gross national product on civilian research than the United States. It is said that in order for us to be able to compete effectively with economic leaders such as Japan and West Germany, our society must place more emphasis on educating our children, and must make a bigger commitment to research.

However, it is difficult to ask Americans to make such commitments when we on Capitol Hill have taken steps to devalue such important functions as education and research. Instead of encouraging more students to continue their education, we eliminated the deductibility of interest paid on student loans, and we tax some student scholarships and fellowships. Instead of working with higher education and industry to develop a joint Government-education-industry partnership to get America back on its feet, we raise business taxes, increase the cost of capital, limit incentives for private individuals to make gifts to colleges and universities, and increase the costs of research activities conducted on the campuses of our major private research colleges and universities.

The bill introduced today certainly doesn't address all of these pressing issues, but it would solve one problem. This bill says that private colleges and universities, as well as other charitable institutions, will be able to seek sorely needed financing.

In order for colleges and universities to continue to carry out their mission, they need to have access to resources sufficient to fulfill their needs. Tuition cannot be expected to pick up the slack, even though tuition almost doubled in the 1980's. Indeed, the magnitude of the problem is such that even if tuition doubled again, the unmet facilities' needs could not be funded. Instead, colleges and universities need to be able to turn to the bond market to fund their essential projects. Unfortunately, many premier research institutions are now or will soon be at the $150 million cap. Many millions are needed to fund these schools' pressing capital needs over the next 3 to 5 years. These needs include more research space, library expansion, and rehabilitation of existing structures. Without this bill, colleges and universities will make increased interest payments instead of improving facilities and holding the line on tuition. Let's help our colleges and universities educate our children, not discourage these institutions.

Listen to the words of D. Allan Bromley, Director of the Office of Science and Technology Policy, Executive Office of the President, testifying in front of the Senate Commerce Committee on July 21, 1989:

> A healthy and productive national economy is fundamental to all else that we do. Increasingly it is our know-how that constitutes our edge in an increasingly competitive global market. But to respond successfully to growing pressure from international competitors, we must continue to innovate at a rapid rate. That in turn means both continued investment in research and development, by both the federal and private sectors, and the development of policies and mechanisms to insure the rapid application of research discoveries and the maintenance of a healthy science base. We are unique among the developed nations, for example, in the demands that our private sector make upon our colleges and universities both for new fundamental knowledge and for the young minds trained to use it creatively. But after more than a decade of belt tightening, when even more than ever before is being demanded of them, these institutions find themselves with decaying infrastructures, obsolete equipment and growing shortages of both faculty and students in many important areas. These are problems that we can only ignore at our peril.

In its most recent survey of science and energy research facilities at the Nation's colleges and universities, the National Science Foundation [NSF] reports some alarming developments. The deferral of needed construction of science and engineering facilities at colleges and universities continues to grow; the current $12 billion of deferred capital projects represents a 40-percent increase over the level found by the NSF in 1988. The NSF found that for every dollar that will be spent for new facilities construction in 1990–91, $3.11 of needed construction will be deferred. By the end of 1991, the amount of deferred repair and renovation of research facilities will have increased by $4 billion, resulting in the deferral of $4.25 for every dollar spent for these purposes.

It is not getting easier to make up these deferred costs. Federal, State, and local safety and regulatory requirements—such as animal care facilities, toxic and hazardous waste storage and disposal facilities—as well as the needs for more sophisticated and costly systems add, not reduce, the costs of these facilities. The NSF survey shows that the costs of research facilities has increased by more than one-third since limitations were placed on tax-exempt bond financings for colleges and universities, from $207 per square foot in 1986–87 to $311 per square foot in 1990–91.

There can be no doubt but that limiting tax-exempt debt for private institutions is affecting their capacity to conduct needed research for the Nation. Nearly two-thirds, 19, of the 30 independent institutions that are among the 100 largest research performers in the Nation have already reached the $150 million maximum borrowing limit. The NSF reports that another three expect to reach the cap in the next 2 years. In contrast to the privately funded and supported colleges and universities, their public counterparts received almost half of all funds spent on facilities from State or local governments. Private colleges and universities, undertaking the same activities, must rely on private gifts—which are also negatively affected by other changes made in the Tax Reform Act—or more expensive forms of borrowings.

In 1989, Coopers & Lybrand's report "The Decaying American Campus," confirmed the NSF findings. Of the estimated $60 billion needed to renew and replace aging facilities, more than $20 billion, $7.2 billion represent urgent needs of research universities. Thus, the longer we wait to help these vital institutions, the more troubling and enormous the problem will become. Already, one-third of higher education's physical plants are at least 30 years old. Let me emphasize again that this problem is not solely these institutions' problem; it is our Nation's problem.

Leaders of public colleges and universities, that would not directly benefit from this legislation, endorse the idea of extending this proposed benefit to their private counterparts. Robert L. Clodius, president of the National Association of State Universities and Land Grant Colleges, has said that "* * * the cap on private universities merely increases the cost of research at U.S. institutions and must be removed if the United States is to retain its world leadership role." Dr. Hans Mark, chancellor of the University of Texas System, testifying in front of the Subcommittee on Taxation and Debt Management of the Committee on Finance on April 3, 1987, stated that "* * * in recent years, the tax exempt securities market has become an important source of funds for building new laboratories." He went on to state that the $150 million tax cap "* * * will affect many of our Nation's foremost research universities, and for that reason we should all be concerned." Although Dr. Mark was testifying with respect to eliminating the cap for research facilities, his concern was based on the recognition that basic research undertaken by our colleges and universities, regardless of whether they are public or private institutions, is essential to maintaining our Nation's leadership position in a world of rapidly expanding technological capabilities. This bill would provide support for this critical activity by allowing private colleges and universities to further all of their educational objectives more easily.

Others share this view that increased support of higher education will help solve our competitiveness problem. In 1986, the White House Science Council Panel on the Health of U.S. Colleges and Universities submitted its report, "A Renewed Partnership," to the President of the United States. This report emphasizes that increased Federal support of research conducted by our Nation's universities is critical to the health of our economy. The report states:

> We are certainly not alone in recognizing that science and technology are critical to our force. Nations everywhere are investing in these capabilities. We conclude that we must rethink and, in many ways, rebuild the critically important interaction between universities, government, and industry that has served this Nation so well in the past. The federal government-university relationship is too fundamental to the maintenance of our national science and technology base to be taken for granted, and the industry-university partnership is emerging as critical to exploiting that base in order to compete in the world marketplace.
>
> One conclusion is clear: our universities today simply cannot respond to society's expectations for them or discharge their national responsibilities in research and education without substantially increased support.
>
> The strength of the nation in trade, defense, and health has been directly related to past investments in science and technology. Our future position in global markets will similarly depend on our willingness to respond to opportunity and to mobilize our strengths today. To this end, we must promote a broad interdisciplinary approach to problem-solving by focusing on university-based centers that will improve cooperative

linkages between scientists, engineers, and industry.

This bill addresses only one of the issues that needs to be dealt with as we work to regain our competitive edge in the world, but I believe that it deals with an important issue in a positive, constructive manner.

Mr. President, I join with my distinguished colleague from New York in urging the Senate to act quickly to pass S. 150.

INCREASE PAYMENTS IN LIEU OF TAXES

Mr. BINGAMAN. Mr. President, I rise today in support of Senator WIRTH's legislation to increase the authorization for the Department of the Interior's Payments-in-Lieu-of-Taxes [PILT] Program and to index the PILT Program for inflation.

This bill amends the Payments-in-Lieu-of-Taxes Act of 1976. PILT was designed to compensate local governments for the presence of tax-exempt Federal lands within their boundaries.

More than 1,700 counties in 49 States benefit from this program. In my home State of New Mexico, 32 counties received in excess of $10 million in PILT payments for fiscal year 1989. These payments are extremely important for those communities whose tax base is limited because of Federal land ownership and rely on local taxation to fund essential governmental services like education, law enforcement, health care, and transportation.

These communities also assist in providing services to the users of our public lands: local law enforcement, hospital care, road maintenance, fire protection, and search and rescue. PILT helps to reimburse local governments for these services.

The problem is simple. PILT payments have remained constant for 14 years without taking into account inflation. This means that local governments are working with payments that in constant dollars are worth less than half of what they were when the program became law. This legislation would increase the authorization to restore the value of these payments in current dollar terms and would guard against the value of payments diminishing in the future.

An increase in the PILT Program is needed. Local governments deserve a fair tax return on those lands which are currently owned by the Federal Government. This bill would accomplish that end. I urge my colleagues to support this important legislation.

SHARING THE BURDEN

Mr. DOLE. Mr. President, I first wanted to have printed in the RECORD at this point a paper from the Department of Defense on sharing the responsibility for the coalition effort in the Persian Gulf. I think there are many of us who have been concerned about burden sharing and getting accurate figures. I believe these are accurate. I will put these figures in the RECORD so my colleagues will have an opportunity to check them and see if they agree or disagree.

I had heard a lot of debate, during the debate on the resolutions over the weekend, on how much we were paying and how little they were paying or vice versa, how much it was costing per day. I think all those are legitimate areas of debate if we have the facts and I doubted that many had the facts.

In any event, we are advised by Secretary of Defense that our incremental costs for Operation Desert Shield was roughly $10 billion in calendar year 1990. He indicates they have already received $6 billion in cash and in-kind support from our allies to defray these costs and they expect to receive another $2 billion for the 1990 costs, which would mean that about 80 percent of the incremental expenses have been picked up through December 31, 1990.

Now we are in a new year and we expect our allies—and I would say particularly Japan, to do more, Germany to do more—Saudi Arabia and the others to continue to give us their wholehearted support as they have in the past.

I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHARING OF RESPONSIBILITY FOR THE COALITION EFFORT IN THE PERSIAN GULF

Many other countries are doing their part to support the coalition effort in the Persian Gulf. Looking only at what has been accomplished so far, in calendar year 1990, our partners in the coalition have contributed in three ways:

—*First*, 28 other countries have their own military forces in the Persian Gulf, in Saudi Arabia, and in the Gulf states. They have now committed more than 245,000 troops, 64 warships, over 650 combat aircraft, and more than 950 tanks to the multinational coalition facing Iraq. Turkey has also significantly enhanced its defense capabilities opposite Iraq.

—*Second*, they have given money and other assistance to us for our Operation Desert Shield expenses. Our incremental costs for the operation were roughly $10 billion in calendar year 1990. We have already received $6 billion in cash and in-kind support from our allies to defray these costs. We expect to soon receive an additional $2 billion more that has already been pledged to meet these 1990 costs. With these sums, and assuming Congress enacts the necessary appropriation, our coalition partners will have covered some 80% of our incremental expenses through December 31, 1990.

—*Third*, they have taken on the responsibility for assisting those nations which have suffered the most from the effects of the international economic sanctions against Iraq. The Gulf Crisis Financial Coordination Group established by President Bush has received pledges of $13.5 billion for exceptional economic assistance for these hard-hit states, of which nearly $6 billion has already been disbursed.

These are the figures for the last year. As costs for CY 1991 occur, we will look to our allies to shoulder their fair share of our military expenses and exceptional economic assistance efforts.

Other Countries' Military Forces in the Gulf. Twenty-nine countries, including the U.S., have joined forces in responding to the crisis in the Gulf. In general, given their limited capabilities to support large-scale force deployments, other states have contributed what they can and what we have asked.

—Saudi Arabia, Kuwait, and the other GCC states have deployed their armed forces.

—Egypt has sent an armored division, a mechanized division, and a Ranger regiment—hundreds of armored vehicles and more than 25,000 troops, with thousands more en route. Syria, Pakistan, Bangladesh, Morocco, and other Muslim states also have put tens of thousands of soldiers in the field.

Britain is deploying a heavy armored division and has sent more than 70 combat aircraft, a total of over 30,000 soldiers and airmen. Eight French regiments are in place too, along with over 130 combat aircraft.

Canada and Italy have sent combat aircraft to the Gulf; Czechoslovakia has deployed a chemical decontamination unit.

Turkey has substantially strengthened its defenses opposite Iraq and NATO approved the unprecedented dispatch of its rapid deployment units—German, Belgian, and Italian planes—to help this Alliance member.

Fourteen navies now have fighting vessels patrolling the waters of the Gulf. Our coalition partners have stopped and boarded hundreds of ships to enforce the UN's economic sanctions.

Help For Operation Desert Shield. Saudi Arabia, Kuwait, and the United Arab Emirates (UAE) are providing substantial cash and host nation support. Host nation support includes food, fuel, water, facilities, and local transport for U.S. forces. In addition, Saudi Arabia is committed to funding transportation for our forces in Europe and the U.S. to the Gulf from the start of the second deployment in October.

Japan has contributed substantial cash and in-kind support, including support for transport costs and purchases of U.S.-made computers, vehicles and construction equipment. The Japanese Diet recently appropriated the second $1 billion allotment of Japan's promised $2 billion contribution to the multinational defense effort. Germany has provided cash and in-kind support, including heavy equipment transporters and other valuable equipment from existing stocks, such as 60 modern chemical detection vehicles. Germany has also provided extensive support for the movement of U.S. forces from Europe to the Gulf. Korea has provided cash and lift support since the earliest days of the operation.

Exceptional Economic Assistance. With our own resources concentrated on the military effort against Iraq, we organized the international effort to provide financial assistance to those nations most hard-hit by the crisis and sanctions. Our partners in this effort have made commitments amounting to $13.5 billion for assistance to front-line states and other countries. Nearly six billion dollars of this total has already been disbursed. Our Arab partners, Germany, Japan, and the European Community have been leading contributors and we look to them and other countries to accelerate the disbursement of funds already committed and make additional commitments. Additionally, in response to President Bush's proposals and with strong support from other creditor countries, the IMF and World Bank moved swiftly to adapt their lending procedures to enable them to alleviate more effectively the economic effects of the crisis on a wide range of countries.

The Facts on Windfall Profits. Reports of windfall profiteering made against our coalition partners from the Arab Gulf are misleading. For example, Saudi Arabia's increased revenue so far due to the increase in oil prices comes to about $13-15 billion. Saudi Arabia's Gulf crisis-related expenditures are estimated to be running ahead of their increased revenues. Saudi crisis-related expenditures include host nation support to coalition forces, aid to front line and other affected nations, increased Saudi military expenditures and arms purchases, and investment to expand oil production capacity.

More Needs to be Done. The contributions in 1990 were substantial and, in most cases, countries committed what we requested. We are working now to:

Ensure, in Desert Shield, prompt disbursement of remaining funds and secure new commitments to cover incremental costs in 1991; and

For the front line states, accelerate disbursements of previous commitments of economic assistance, particularly for Turkey, and obtain new commitments for the front line states and for Eastern Europe to help cover the emerging economic costs of the sanctions.

Annex: Countries Involved in Responsibility-Sharing.

PROVIDING MILITARY FORCES

Argentina (naval).
Australia (naval).
Bahrain (ground, air).
Bangladesh (ground).
Belgium (air—in Turkey, naval).
Canada (air, naval).
Czechoslovakia (ground).
Denmark (naval).
Egypt (ground).
France (gound, air, naval).
Germany (air—in Turkey, naval).
Greece (naval).
Italy (air, naval).
Kuwait (ground, air, naval).
Morocco (ground).
Netherlands (naval).
New Zealand (air).
Niger (ground).
Norway (naval).
Oman (ground, air).
Pakistan (ground, naval).
Qatar (ground, air).
Saudi Arabia (ground, air, naval).
Senegal (ground).
Spain (naval).
Syria (ground).
United Arab Emirates (ground, air).
United Kingdom (ground, air, naval).

ASSISTANCE TO OPERATION DESERT SHIELD

Germany.
Japan.
Republic of Korea.
Kuwait.
Saudi Arabia.

United Arab Emirates, (plus transit rights from numerous states and aid in moving forces from others, including Denmark, Greece, Italy, Norway, Portugal, Spain, United Kingdom, Poland, and Turkey).

EXCEPTIONAL ECONOMIC ASSISTANCE FOR FRONT-LINE STATES

Austria.
Belgium.
Canada.
Denmark.
European Commission (for the EC).
Finland.
France.
Germany.
Iceland.
Ireland.
Italy.
Japan.
Republic of Korea.
Kuwait.
Luxembourg.
Netherlands.
Norway.
Saudi Arabia.
Spain.
Sweden.
Switzerland.
United Arab Emirates.
United Kingdom.

IT IS NOT TOO LATE

Mr. DOLE. Mr. President, the only other thing I would note, it is now 10 of 6 in the United States. It is 8 hours later in Iraq. It is already the 16th in Iraq. It will be the 16th here in 6 hours and 7 or 8 minutes.

Some have said that Saddam Hussein would not take orders from anyone in the West or the United Nations. He would not leave on the 15th, nor would he give us any response on the 15th. Well, it is now the 16th in Iraq and he can state with clarity he has defied the United Nations, he did not get out on the 15th, and that he made no decision until the 16th, even though it is still the 15th in the United States.

So I hope if he is aware, in Baghdad or wherever he may be, he understands he still has this option and probably many others. I think many of my colleagues, and certainly I, have been puzzled and frustrated to some extent, trying to think of something that can be done at this last moment that would obviate the need for any armed conflict. But I would think that probably we are down to the point now where it is up to the man who started it. It is up to the person who started the aggression.

Someone suggested maybe President Bush ought to call him. Maybe he ought to call President Bush. I think they have a telephone in Iraq. He has access to it. I am certain he might be able to get in touch with the White House. In any event, that may or may not happen.

But I think it is fair to say that Saddam Hussein must now understand that, by a 76- to 22-percent poll result, the American people support what Congress did here on Saturday. For the most part, we are united. I think even those colleagues on both sides of the aisle who had different views have now rallied behind the Commander in Chief and our young men and women in the gulf. So the partisanship, if there was any, is over. And Saddam Hussein should know we speak with one voice, we have unity, that we do not want war, that we want peace and if he wants it, he can have it.

The January 15 deadline is a deadline for him. There is nothing in that U.N. resolution that says 1 minute after midnight we have to start a war of some kind. So there is still time. There is still time for him, not only to get the message but to relay a message or send some signal to anyone: the Saudis, the Egyptians, the British, the French, the Syrians, the United Nations, the United States—just send a strong, valid signal that he is prepared to withdraw from Kuwait and then negotiate some of the other problems.

The time is late but there is still time left and it is still my hope—and I am still optimistic enough to believe—that there can be a resolution without a shot being fired. I hope that is the case. I pray that is the case. I know I share and reflect the views of nearly every one of my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD (for himself, Mr. JOHNSTON, Mr. WALLOP, Mr. DOMENICI, and Mr. MCCONNELL):

S. 210. A bill to establish the United States Enrichment Corporation to operate the Federal uranium enrichment program on a profitable and efficient basis in order to maximize the long term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN:

S. 211. A bill to protect the cable consumer; to the Committee on Commerce, Science, and Transportation.

By Mr. COATS (for himself and Mr. BIDEN):

S. 212. A bill to further assist States in their efforts to increase awareness about and prevent family violence and provide immediate shelter and related assistance to battered women and their children; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys & Girls of America; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 214. A bill to provide procedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the United States Constitution; to the Committee on the Judiciary.

By Mr. JOHNSTON (for himself, Mr. Wallop, Mr. Bingaman, Mr. Wirth, Mr. Conrad, and Mr. Domenici):

S. 215. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products; to the Committee on Finance.

By Mr. WARNER:

S. 216. A bill to provide for the conveyance of certain land at Fort A.P. Hill Military Reservation, Virginia; to the Committee on Armed Services.

By Mr. HOLLINGS (for himself, Mr. Danforth, Mr. Inouye, Mr. Ford, Mr. Gore, Mr. Breaux, Mr. Robb, Mr. Gorton, and Mr. Wirth):

S. 217. A bill to clarify the Congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. Hollings, Mr. Gore, and Mr. Lautenberg):

S. 218. A bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. Akaka):

S. 219. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

By Mr. DOLE (for Mr. Garn (for himself and Mr. Helms)):

S.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 38. A joint resolution to recognize the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge; to the Committee on the Judiciary.

S.J. Res. 39. A joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer"; to the Committee on the Judiciary.

S.J. Res. 40. A joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD (for himself, Mr. Johnston, Mr. Wallop, Mr. Domenici, and Mr. McConnell);

S. 210. A bill to establish the U.S. Enrichment Corporation to operate the Federal Uranium Enrichment Program on a profitable and efficient basis in order to maximize the long-term economic value to the United States, to provide assistance to the domestic uranium industry and to provide a Federal contribution for the reclamation of mill tailings generated pursuant to Federal defense contracts at active uranium and thorium processing sites; to the Committee on Energy and Natural Resources.

COMPREHENSIVE URANIUM ACT

Mr. FORD. Mr. President, today I am introducing comprehensive legislation dealing with the Department of Energy's uranium enrichment enterprise. This legislation was passed twice previously by the Senate in the 101st Congress. Very similar legislation also passed twice in the 100th Congress. The Senate has consistently recognized the importance of this legislation. I am certain that the Senate will again pass this legislation early in the first session.

Unfortunately, throughout the period that the Senate has acted diligently on this issue the House has failed to act on any legislation to address uranium enrichment. I am personally very frustrated by our inability to get the attention of the House on this issue. We have continually made efforts to address issues raised by Members of the House throughout this process. Most recently, at the end of the 101st Congress, the House conferees on the energy portion of the budget reconciliation bill refused to consider our proposal, even though it would have saved taxpayers significant amounts of money.

I am introducing this bill today, however, to start the process anew. I am hopeful that this year we will be able to make progress. I believe there is reason to be optimistic. In the budget reconciliation conference of last fall, the House conferees agreed to give priority to uranium enrichment legislation in the first session. I am pleased by that commitment, and I expect it will be honored.

The legislation I am introducing today is essentially the same as the bill passed by the Senate in the 101st Congress. This comprehensive legislation has been developed over the past 4 years with the invaluable help of Senators Johnston and Domenici with our former colleague Senator McClure. This is a good bill, and it is a good place to start. The only difference in my bill today from what was passed by the Senate in the 101st Congress is the removal of licensing provisions that were enacted into law separately last year.

Last fall, the Senate's budget reconciliation proposal on uranium enrichment contained some additional provisions that would have saved taxpayers significant amounts of money in the context of the current budget process. Those provisions are not included in the bill I am introducing today. It may be appropriate, however, to add some of these provisions during the course of the legislative process.

Let me talk briefly about the issue at hand. It is quite simple to summarize, although the details can get pretty complex. The simple summary is that the Department of Energy's Uranium Enrichment Program is trying to operate under a statute that assumes DOE is a monopoly seller. This assumption is contrary to reality. The reality is that the uranium enrichment market is a highly competitive international market. Unless Congress changes the Federal law governing the Department of Energy Uranium Enrichment Program to reflect market realities, the laws of economics—which Congress cannot change—will force the collapse of DOE's program.

This collapse will be costly. The DOE's Uranium Enrichment Program today generates approximately $1.5 billion in revenue annually. In the early 1980's, the program generated over $2 billion annually. Today's uranium enrichment revenues include about $500 million in annual sales to foreign utilities. These sales represent an important contribution toward reducing our trade deficit.

In the coming decade, suppliers of uranium enrichment services worldwide will be competing for uncommitted sales to United States and foreign commercial customers worth tens of billions of dollars. A viable U.S. uranium enrichment enterprise could have a significant share of these sales. However, under today's statutory framework the DOE's program will simply be unable to compete.

In the past, revenues from commercial uranium enrichment customers have supported economies of scale that benefit our national defense. The defense of the United States depends critically on nuclear submarines. The fuel for these submarines comes from DOE's Uranium Enrichment Program. Without the revenue that is available to the DOE program from commercial customers, the taxpayer's bill for national defense would be $300 million dollars higher each year.

In the future, the revenue stream provided by DOE's commercial customers could help greatly to support the development of new enrichment technologies. A strong U.S. presence in world market for enrichment services could be a key factor in keeping the United States in the lead in enrichment technology. Being in the lead in enrichment technology is critical to national security and the achievement of our nonproliferation objectives. We have the lead in enrichment technology today, but it is a lead that could evaporate quickly. I submit that the continuing danger of the proliferation of nuclear weapons means that we as a nation cannot opt out of this kind of research and development. We must be involved, and we will be. The only question is how much of this burden falls on taxpayers and how successful we are at it.

There is another important task for the revenues from the commercial customers of a strong U.S. Uranium Enrichment Program. Some day—not soon, but some day—we will begin the decontamination and decommissioning of the facilities we have used to enrich uranium. The cost of decontamination and decommissioning of these facilities is unknown now, because we do not know when or under what rules these actions will take place. We do know the costs will be very substantial—in the billions of dollars. If we let the DOE Uranium Enrichment Program collapse, as it surely will if we do not act to change the law governing the program, these costs will fall entirely on taxpayers. On the other hand, if we provide for a continuing, profitable uranium enrichment program, the resulting revenue stream can be used to ensure an equitable sharing of decontamination and decommissioning costs among the program's customers.

How foolish we will look, to have thrown away the revenue stream that a strong, commercially viable program might have generated. My legislation provides for the accumulation from commercial and defense revenues of a fund for eventual decontamination and decommissioning of DOE's uranium enrichment facilities. The provisions included in the Senate reconciliation bill would have been even more aggressive and explicit in its treatment of decontamination and decommissioning funding in an attempt to respond to the ostensible concerns of House Members on this matter.

Today, with the introduction of this legislation, we are renewing our efforts on uranium enrichment. There is a very little time left to prevent a complete loss of confidence in DOE's program. In 1995, the long-time contracts that have held DOE's current customers will begin to expire. We must begin the restructuring of the DOE program well before that time if any of the DOE customer base is to be retained. We simply must have enactment of restructuring legislation next year to have a chance to reach this goal. Without restructuring, there is no way that the United States can remain a vigorous participant in the world uranium enrichment market.

I would like to believe that Congress will act to prevent a multibillion dollar domestic enterprise from slipping away so that foreign competitors can take over. I would like to believe that we are capable of organizing ourselves to protect our own security and to prepare adequately for our environmental responsibilities. I would like to believe we can accomplish these things before it is too late.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 210

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Comprehensive Uranium Act of 1991."

"TITLE I

SEC. 110. SHORT TITLE.—This title may be cited as the "Uranium Enrichment Act of 1991."

SEC. 111. DELETION OF SECTION 161v.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

SEC. 112. REDIRECTION OF THE URANIUM ENRICHMENT ENTERPRISE OF THE UNITED STATES.—The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011-2296) is further amended by—

a. inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY"; and

b. adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

"CHAPTER 21. Findings

"SEC. 1101. FINDINGS.—The Congress of the United States finds that:

"a. The enrichment of uranium is essential to the national security and energy security of the United States.

"b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of commercial uranium enrichment services.

"f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"g. Flexibility is essential to adapt business operations to a competitive marketplace.

"h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objectives of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"SEC. 1201. DEFINITIONS.—For the purpose of this title:

"a. The term 'Secretary' means the Secretary of Energy.

"b. The term 'Department' means the Department of Energy of the United States.

"c. The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"d. The term 'Corporation' means the United States Enrichment Corporation.

"e. The term 'Corporate Board' means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"f. The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"g. The term 'remedial action' has the same meaning as defined in section 120(24) of the Comprehensive Environmental Response, Compensation and Liability Act.

"h. The term "decontamination and decommissioning' means those activities undertaken to decontaminate and decommission inactive facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination.

"SEC. 1202. ESTABLISHMENT OF THE CORPORATION.—

"a. There is hereby created a body corporate to be known as the 'United States Enrichment Corporation'.

"b. The Corporation shall—

"(1) be established as a wholly owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. 9101-9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"SEC. 1203. PURPOSES.—The Corporation is created for the following purposes:

"(1) to acquire feed material for uranium enrichment, enriched uranium, the Department's uranium previously set aside for commercial purposes, and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development as required to meet corporate objectives for the purpose of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a commercial enterprise, on a profitable and efficient basis; in order to maximize the long term economic value of the Corporation to the United States Government including the payment of dividends to the Treasury as a return on the United States Government investment;

"(6) to conduct the business as a self-financing corporation and eliminate the need for appropriations or other sources of Government financing after enactment of this title;

"(7) to maintain a reliable and economical domestic source of enrichment services;

"(8) to conduct its activities in a manner consistent with the health and safety of the public;

"(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(10) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"a. shall perform uranium enrichment or provide for uranium to be enriched by others at facilities of the Corporation; contracts in existence as of the date of enactment of this title between the Department and persons under contract to perform uranium enrichment and related services at facilities of the Department shall continue in effect as if the Corporation, rather than the Department, had executed these contracts;

"b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"d. may—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law;

"e. shall sell to the Department as provided in this title, and without regard to section 57e. of title I or the provisions of section 1535 of title 31, United States Code, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"a. shall have perpetual succession unless dissolved by Act of Congress;

"b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"e. may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

""f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition; Provided, that the advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"j. notwithstanding any other provision of law, and without need for futher appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"n. may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to section 552(b)(3) of title 5, United States Code, when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests or those of a third party;

"o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"r. shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund (31 U.S.C. 1304). The provisions of the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671 et seq.) shall not apply to any claims arising from the activities of the Corporation after the effective date of this statute; *Provided*, That this subsection shall not apply to liability or claims arising from a nuclear incident, if such incident occurs prior to the licensing of the Corporation's existing Gaseous Diffusion Facilities under Section 1601 of this title.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—

"a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts, power purchase contracts and the December 18, 1987 Settlement Agreement with the Tennessee Valley Authority regarding payment of capacity charges under the Department's two power contracts with the Tennessee Valley Authority, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States; with regard to any claim seeking to impose such liability, section 1403 shall not be applicable and the United States shall be represented by the Department of Justice.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR.—

"a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation; Provided, however, That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"b. The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the President based upon the recommendation of the Secretary and the Corporate Board as provided in section 1503(c), except that in the absence of such determination compensation shall be set at Executive Level I, as prescribed in section 5312 of title 5, U.S.C.;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"c. (1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security; and

"(B) health, safety and the environment.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not reserved to the Secretary under paragraph (1), and, notwithstanding the provisions of section 9104(a)(4) of title 31, U.S.C., including the setting of the appropriate amount of, and paying, any dividend under section 1506(c) and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. CORPORATE BOARD.—There is hereby established a Corporate Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Corporate Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Corporate Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"a. (1) The specific responsibilities of the Corporate Board shall be to:

"(A) review the Corporation's policies and performance and advise the Administrator and the Secretary on these matters; and

"(B) advise the Administrator and the Secretary on any other such matters concerning the Corporation as may be referred to the Corporate Board.

"(2) The Board shall have the right to recommend removal of the Administrator. In the event such recommendation is made, it shall be transmitted to the President by the Secretary, together with the Secretary's own recommendation on removal of the Administrator.

"b. Members of the Board shall be provided access to all significant reports, memoranda, or other written communications generated or received by the Corporation, All the request of the Board, the Corporation shall make available to the Board all financial records, reports, files, papers and memoranda of, or in use by, the Corporation.

"c. When appropriate, the Corporate Board may make recommendations to the Secretary concerning the compensation to be received by the Administrator and the ten officers of the Corporation who may receive compensation in excess of Executive Level II as provided in section 1504(a). The Secretary shall transmit such recommendations to the President together with the Secretary's own recommendations concerning compensation. In the event that less than three members of the Corporate Board are in office, recommendations concerning compensation may be made by the Secretary alone. The President shall have the power to enter into binding agreements concerning compensation to be received by the Administrator during his term of office and by the ten officers described in section 1504(a) during their term of employment, regardless of any recommendation received or not received under this title.

"d. Except for initial appointments, members of the Corporate Board shall serve five-year terms. Each member of the Corporate Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"e. Upon expiration of the initial term, each Corporate Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"f. The members of the Corporate Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"g. The Corporate Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly. The Administrator or his representative shall attend all meetings of the Corporate Board.

"h. The Corporation shall compensate members of the Corporate Board at a per diem rate equivalent to Executive Level III, as defined in 5 U.S.C. 5314, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Corporate Board. Any Corporate Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"i. (1) The Corporate Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within ninety days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendations of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a justification for not implementing such recommendation. A copy of any response under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources and to the Speaker of the House of Representatives.

"SEC. 1504. EMPLOYEES OF THE CORPORATION—Officers and employees of the Corporation shall be officers and employees of the United States:

"a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of section 5301 of title 5, United States Code, with compensation levels not to exceed Executive Level II, as defined in section 5313 of title 5, United States Code; Provided, that the Administrator may, upon recommendation by the Secretary and the Corporate Board as provided in section 1503(c) and approval by the President, appoint up to ten officers whose compensation shall not exceed an amount which is 20 per centum less than the compensation received by the Administrator, but not less than Executive Level II. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of section 2301(b) of title 5, United States Code, relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (subchapter III of chapter 83 of title 5, United States Code) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (chapter 84 of title 5, United States Code). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under section 5551 of title 5, United States Code, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) an employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation in accordance with the provisions of this title.

"f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"a. The Secretary, as requested by the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following—

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: *Provided*, That facilities, real estate, improvements and equipment related to the Oak Ridge Gaseous Diffusion plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this paragraph except for diffusion cascades and related equipment needed by the Corporation for replacement parts: *Provided further*, That any enrichment facilities retained by the Department shall not be used to enrich uranium in competition with the Corporation. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity;

"(2) at such time subsequent to the year 2000 as the Secretary determines that the Oak Ridge Gaseous Diffusion Plant should be decommissioned or decontaminated, or both, the Secretary shall convey without charge equipment and facilities relating to the Oak Ridge Gaseous Diffusion Plant not transferred in paragraph (1) to the Corporation;

"(3) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology;

"(4) The Department's stocks of preproduced enriched uranium; but excluding stocks of highly enriched uranium: *Provided*, That approximately two metric tons of the Department's highly enriched uranium shall be loaned to the Corporation as required for working inventory;

"(5) the Department's stock of feed materials for uranium enrichment except for the quantities allocated to the national defense activities of the Department as of the date of enactment;

"(A) the Department's stockpile of enrichment tails existing as of the date of enactment, shall remain with the Department; and

"(B) stocks of feed materials which remain the property of the Department under paragraph (5) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if use by the Department is subsequently needed.

"(6) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

The transfer authorized by this section is not subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

"b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as "AVLIS", technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"f. Title to depleted uranium resulting from the enrichment services provided to the Department by the Corporation shall remain with the Department.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION:

"a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer. The Secretary of the Treasury shall hold such stock for the United States: Provided, That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"d. The Corporation shall repay within a twenty-year period the amount of $364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on twenty-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States for uranium enrichment activities prior to enactment of this title.

"SEC. 1507. BORROWING:

"a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: Provided, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of section 78c(c) of title 15, United States Code.

"c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: Provided, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING:

"a. For purposes of maximizing the long-term economic value of the Corporation to the United States Government, the Corporation shall establish prices for its products, materials and services provided to customers other than the Department on a basis that will, over the long term, allow it to recover its costs for providing the products, materials and services; repay the Initial Debt; recover costs of decontamination, decommissioning and remedial action; and attain the normal business objectives of a profitmaking Corporation.

"b. The Corporation shall establish prices for low assay enrichment services and other products, materials, and services provided the Department on a basis that will allow it to recover its costs on a yearly basis for providing such low assay enrichment services, products, materials and services, including depreciation and the cost of decontamination, decommissioning and remedial action, but excluding repayment of the Initial Debt and profit. In establishing such prices, the base charge paid by the Department in any given year shall not exceed the average base charge paid by customers other than the Department: Provided, however, That if the imposition of such average base charges as a limitation on the base charge paid by the Department in a given year does not permit the Corporation to fully recover its costs for providing such products, materials and services to the Department then, in subsequent years, the Corporation shall include such unrecovered costs in its prices charged the Department. Base charge shall mean the amount paid by a customer per separative work unit for low assay enrichment services during a given year (exclusive of any credits received under a voluntary overfeeding program), less the portion of such amount which represents the cost of decontamination and decommissioning and remedial action. The average base charge paid by customers other than the Department shall be determined by dividing the estimated total dollar amount of low assay enrichment services sales to customers other than the Department during a given year by the estimated amount of separative work units sold to customers other than the Department during that year. Adjustments between estimated and actual amounts shall be made upon receipt of actual sales data.

"c. The Corporation shall establish prices to the Department for high assay enrichment services on a basis that will allow it to recover its costs, on a yearly basis, for providing the products, materials or services, including depreciation and the costs of decontamination, decommissioning, and remedial action concerning enrichment property, but excluding repayment of the Initial Debt and profit. If the Department does not request any enrichment services in a given year, the Department shall reimburse the Corporation for costs required to maintain the minimum level of operation of the high assay production facility.

"d. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning, decontamination and remedial action for the various property of the Corporation, including property transferred under section 1505(a) at any time. Such costs shall be based on the point in time that such decommissioning, decontamination and remedial action are to be undertaken and accomplished: Provided, That by the year 2000 the Corporation shall have recovered and deposited in the Uranium Enrichment Decontamination and Decommissioning Fund 50 per centum of the estimated total costs of decontamination and decommissioning of all property transferred or to be transferred to the Corporation under section 1505, including the Oak Ridge Gaseous Diffusion Plant.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) For purposes of enabling the Corporation to meet the objective defined in paragraph (1) with respect to the Oak Ridge Gaseous Diffusion Plant, the Secretary shall periodically estimate the anticipated costs of decontamination and decommissioning and the time at which such decontamination and decommissioning is to be accomplished. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including but not limited to, any changes in applicable environmental requirements. The Secretary shall review such estimates every two years and convey this information to the Corporation.

"(4) With respect to property that has been used in the production of low-assay separative work,

"(A) The costs of decommissioning, decontamination and remedial action that shall be recoverable from customers other than the Department in prices and charges shall be in the same ratio to the total costs of decommissioning, decontamination and remedial action for the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning, decontamination and remedial action for such property shall be recovered in prices and charges to the Department.

"(5) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning, decontamination and remedial action shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of section 9105 of title 31, United States Code, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS

"a. The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC 1511. CONTROL OF INFORMATION

"a. The term 'Commission' shall be deemed to include the Corporation wherever such terms appears in section 141 and subsections a. and b. of section 142 of title I.

"b. No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS:

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 152, 153 b. (1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b. (1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventory or owner unless necessary to carry out the provisions of any Act of Congress.

"c. The Corporation, without regard for any of the conditions specified in paragraph 153 c. (1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b. (1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under section 181 of title 35, United States Code, through 187.

"f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING

"a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials and activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"b. Within two years of the enactment of this title, the Commission shall promulgate regulations or issue other regulatory guidance under title I for the licensing of facilities described in subsection (a) that employ the gaseous diffusion technology.

"c. Within one year after the promulgation of regulations or the issuance of other regulatory guidance under subsection (b), the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection (a). As part of its application, the Corporation shall submit an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act. The Commission shall adopt this statement to the extent practicable under the National Environmental Policy Act. In preparing such statement, the Corporation, and in making any licensing decision, the Commission, shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities. The Commission shall act on licensing requests by the Corporation in a timely manner.

"d. The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under the provisions of title I.

"e. The Corporation shall be subject to the regulatory jurisdiction of the Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES

"a. In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all state and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation its activities, and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria.

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: Provided, however, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: Provided, That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I.

"a. Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230 and 232 of title I shall be deemed to include the Corporation.

"b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"(1) The term 'Commission' shall be deemed to refer to the Secretary;

"(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"SEC. 1604. COOPERATION WITH OTHER AGENCIES.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"SEC. 1605. APPLICABILITY OF ANTITRUST LAWS.

"a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"b. As used in this subsection, the term 'antitrust laws' means:

"(1) The Act entitled: 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (15 U.S.C. 1-7), as amended;

"(2) The Act entitled, 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (15 U.S.C. 12-27), as amended;

"(3) Sections 73 and 74 of the Act entitled, 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

"(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I. Except that with respect to any licenses issued to the Corporation by the Commission, the Commission shall treat the Corporation and its contractors as its licensees for the purposes of Section 170 of this Act.

"SEC. 1607. INTENT.—It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"SEC. 1608. REPORT.

"a. Three years after enactment of this title or January, 1993, whichever is later, the Administrator shall submit to the President and to Congress an interim report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. Five years after enactment of this title, the Administrator shall submit to the President and the Congress a final report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator, in the final report, recommends such transfers, the report shall include a plan for implementation of the transfers.

"b. Within one hundred and eighty days after receipt of the final report under subsection (a), the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT.

"a. ESTABLISHMENT OF FUND.—(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the 'Fund'). In accordance with section 1402(j), such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"(2) The Fund shall consist of:

"(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"(B) Any interest earned under subsection (b)(2).

"b. ADMINISTRATION OF FUND.—(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress on the financial condition and operations of the Fund during the preceding fiscal year.

"(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"Sec. 1702. DEPOSITS.—Within sixty days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"SEC. 1703. PERFORMANCE AND DISBURSEMENTS.

"a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, or with respect to the Oak Ridge Gaseous Diffusion Plant at such time as the plant is conveyed to the Corporation, the Corporation shall enter into a contract for the performance of such decommissioning and decontamination.

"b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund.”.

SEC. 113. TREATMENT OF THE CORPORATION AS BEING PRIVATELY-OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal, State and local environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651–678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this title, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

SEC. 114. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of “wholly-owned Government corporation”) is amended by adding at the end the following: “(N) United States Enrichment Corporation.”.

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word “or” appearing before the numeral “(2)” is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: “or (3) are owned by the United States Enrichment Corporation.”.

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word “or” is inserted before the word “grant” and the phrase “or through the provision of production or enrichment services” is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended in section 318(1) by striking the period after “activities” and by adding the following:

“(D) any facility owned by the United States Enrichment Corporation.”.

(e) Subsection 905(g)(1) of Title II, United States Code, is amended to include “United States Enrichment Corporation” at the end thereof.

(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, P.L. 100-202, is repealed.

SEC. 115. LIMITATION ON EXPENDITURES.—For fiscal year 1991, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

SEC. 116. SEVERABILITY.—If any provision of this title, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this act, or the application of the same shall not be thereby affected.

SEC. 117. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this title shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this act; Provided, however, That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501(a) of the Atomic Energy Act of 1954, as amended by this Act and previous Acts.

“TITLE II—URANIUM

Subtitle A.—Short Title, Findings and Purpose, Definitions

This title may be cited as the “Uranium Security and Tailings Reclamation Act of 1991.”

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds for purposes of this title that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 percent drop in production, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past six years and have resulted in the domestic uranium industry being found “not viable” by the Secretary under provisions of the Atomic Energy Act of 1954, as amended;

(5) providing assistance to the domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901–7942);

(A) was enacted to provide for the reclamation and regulation of uranium and thorium mill tailings; and

(B) did not provide for a Federal contribution for the reclamation of tailings at uranium and thorium processing sites which were generated pursuant to Federal defense contracts;

(7) the owners of licensees of active uranium and thorium sites and the Federal Government have each benefitted from uranium and thorium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial actions at the commingled sites; and,

(8) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites.

(b) PURPOSES.—It is the purpose of subtitles B and C of this title to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and for the Nation's nuclear power program;

(2) provide assistance to the domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

SEC. 203. DEFINITIONS.

For purposes of this title—

(1) the term “active site” means—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Commission to be—

(i) in the vicinity of such site; and

(ii) contaminated was residual by-product material;

(2) the term “byproduct material” has the meaning given such term in section 11(e)(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(3) the term “civilian nuclear power reactor” means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(4) the term “Corporation” means the United States Enrichment Corporation established under section 1202 of Title II of the Atomic Energy Act of 1954, as amended;

(5) the term “Department” means the Department of Energy;

(6) the term “domestic uranium” means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

(7) the term “domestic uranium producer” means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment;

(8) the term “enrichment tails” means uranium in which the quatity of the U-235 isotope has been depleted in the enrichment process;

(9) the term “reclamation, decommissioning, and other remedial action” includes work, including but not limited to disposal work, accomplished in order to comply with all applicable requirements, including but not limited to those established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021). The term shall also include work at an active site prior to the date of enactment of this Act accomplished in order to comply with the foregoing requirements;

(10) the term “Secretary” means the Secretary of Energy;

(11) the terms “source material” and “special nuclear material” have the meaning given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term “tailings” means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

Subtitle B.—Uranium Revitalization

SEC. 210. VOLUNTARY OVERFEED PROGRAM.

(a) The Corporation shall establish, for a period of not less than five years commencing at the beginning of fiscal year 1992, a voluntary overfeeding program which shall be made available to the Corporation's enrichment services customers. The term "overfeeding" means the use of uranium in the enrichment process in excess of the amount required at the transactional tails assay.

(b) The Corporation shall encourage its enrichment services customers to participate in the voluntary overfeeding program as provided in this section. Uranium supplied by the enrichment customer shall be used by the Corporation for voluntary overfeeding in the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by the enrichment services customer. The dollar savings resulting from the reduced power requirements shall be credited to the enrichment services customer.

(c) In the event an enrichment services customer does not elect to provide uranium for voluntary overfeeding to be used to process its enrichment order, the Corporation shall establish a method for such uranium to be voluntarily supplied by other enrichment services customer(s) which have expressed to the Corporation an interest in participating in such a program and the Corporation shall credit the resulting dollar savings realized from the reduced power requirements to the enrichment services customer(s) providing the uranium.

(d) An enrichment services customer providing uranium for voluntary overfeeding shall certify to the Corporation that such uranium is domestic uranium which has been actually produced by a domestic uranium producer after the enactment of this Act or domestic uranium actually produced by a domestic uranium producer before the enactment of this Act and hold by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741.

(e) Within ninety days of the date of enactment of this Act, the Corporation shall establish procedures to implement this program. Such procedures shall include, but not be limited to, delivery, reporting and certification requirements, and provisions for failure to comply with the requirements of the voluntary overfeeding program. The determination of the voluntary overfeeding credit and sufficient data to support such determination shall be available to the Corporation's enrichment services customers and to qualified domestic producers.

SEC. 211. NATIONAL STRATEGIC URANIUM RESERVE.

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of 50,000,000 pounds of natural uranium contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on the date of enactment of this Act, use of the Reserve shall be restricted to military purposes and government research. Use of the Department's stockpile of enrichment tails existing on the date of enactment of this Act shall be restricted to military purposes.

SEC. 212. RESPONSIBILITY FOR THE INDUSTRY.

(a) The Secretary shall have a continuing responsibility for the domestic uranium industry, and shall take any action, which he determines to be appropriate under existing law, to encourage the use of domestic uranium; *Provided, however*, That the Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to paragraph (b) of this section.

(b) ENCOURAGE EXPORT.—The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of domestic uranium. Within one hundred and eighty days of the date of enactment of this Act the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

SEC. 213. GOVERNMENT URANIUM PURCHASES.

(a) After the date of enactment of this Act, the United States of America, its agencies and instrumentalities, shall only have the authority to enter into contracts or orders for the purchase of uranium which is (1) of domestic origin and (2) is purchased from domestic uranium producers: *Provided*, That this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered into before the date of enactment of this Act.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

SEC. 214. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to implement the purposes of this title.

Subtitle C.—Remedial Action for Active Processing Sites

SEC. 220. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the reclamation, decommissioning and other remedial action costs described in such subsection as are—

(A) determined by the Secretary to be attributable to tailings generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 221 and shall not exceed an amount equal to $4.50 multiplied by the dry short tons of tailings located at the site as of the effective date of this title and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed $270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed $30,000,000.

(D) INFLATION ESCALATION INDEX.—The amounts in subsections (A), (B) and (C) of this section shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—Provided however, (i) the Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated in section 222, when considered with the $4.50 per dry short ton limit on reimbursement, exceeds the total cost reimbursable to the licensees of active sites for reclamation, decommissioning and other remedial action; and (ii) if the Secretary determines there is an excess, the Secretary may allow reimbursement in excess of $4.50 per dry short ton on a pro-rated basis at such sites that reclamation, decommissioning and other remedial action costs for tailings generated as an incident of sales to the United States exceed the $4.50 per dry short ton limitation.

SEC. 221. REGULATIONS.

The Secretary shall issue regulations governing reimbursement under section 220. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a statement for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such statement for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 220.

SEC. 222. AUTHORIZATION.

There is authorized to be appropriated for purposes of this subtitle not more than $300,000,000 increased annually as provided in section 220 based upon an inflation index as determined by the Secretary.

By Mr. LIEBERMAN:

S. 211. A bill to protect the cable consumer; to the Committee on Commerce, Science, and Transportation.

CABLE CONSUMER PROTECTION ACT

Mr. LIEBERMAN. Mr. President, together with my friend and colleague in the House of Representatives, Congressman CHRIS SHAYS, I am pleased today to introduce the Cable Consumer Protection Act of 1991. This bill seeks to protect consumers from cable monopolists by both promoting competition and, until actual competition develops by allowing the government to check rampant cable rate increases.

In 1984, Congress passed the Cable Communications Policy Act of 1984, which I opposed vigorously as attorney general for the State of Connecticut. Today we must deal with the twin legacies of that Act—its success in making cable service available to almost 90 percent of homes in this country, with over 60 percent of these homes subscribing to cable, and its failure to encourage the development of any serious competition to keep cable companies from dramatically increasing prices.

The result now is that the vast majority of Americans are being victimized by an unregulated cable monopoly. With no competition and no government restraints on monopoly prices, the Consumer Federation of America now estimates that consumers are overcharged $6 billion for cable services. Since deregulation became fully effective at the end of 1986, cable operators have increased the monthly price for their lower price cable package and their most popular cable package over three times faster than inflation. And most Americans would undoubtedly be surprised to learn that cable companies can buy all of the 25 most popular cable services—from MTV and CNN to C-SPAN, the Nashville Network and Nickelodeon—for less than $4 per subscriber per month.

Complaints about cable's customer service efforts also reflect the lack of competition. The FCC recently concluded that "there is currently insufficient competition to provide a check on the quality of service offered by cable operators.

Let there be no mistake. I like what cable service now provides to us. In the long run, I would like to see competition in cable and cable-like services become robust and flourish. That is why the bill I am introducing today contains provisions to help reduce the barriers to competition.

But until such time as real competition does emerge in the cable marketplace, consumers demand and deserve protection. As the Chairman of the FCC told a convention of cable companies last summer, we "cannot expect Government to continue sanctioning, indeed, protecting and promoting cable as a sole-source provider of video services while, at the same time, foregoing the regulation that historically has been placed on monopoly operations."

The bill Congressman SHAYS and I are introducing today will provide real protection to consumers. Under our bill, wherever cable operators face no effective competition, the states and the FCC would be granted to power to ensure that cable rates are reasonable. I emphasize that this means that wherever there is head-to-head competition, cable rates will not be regulated and the marketplace, not the government, will restrain prices.

Our bill would require the FCC to issue minimum nationwide standards for customer service and picture and sound quality. States and franchising authorities would be permitted to impose tougher standards than those set by the FCC. Our bill also clarifies the procedures used to renew cable franchises, and allows franchising authorities to inject competition into the franchising process.

We make two proposals to help lower barriers to the development of competition in cable. First, we would prohibit a local cable company from unreasonably discriminating among its subscribers. This will prevent entrenched cable companies from lowering rates just in areas of their franchise where they may face competition, while continuing to charge monoploy rates to customers where there is no competition. Second, programming distributors that are affiliated with cable operators will be prohibited from unreasonably refusing to deal with other multichannel distributors of cable or cable-like services, or from charging prices or imposing other terms of their programming that would impede retail competition. Together these provisions would facilitate the development of new competitors.

Finally, our bill would reinstate the FCC's 1985 must-carry rules as a condition of cable's compulsory license of broadcast television programming under the Copyright Act. Cable draws a substantial benefit from thecompulsory license, which allows it to obtain CBS, NBC, and ABC for a nominal charge. It should be required to carry small, local independent and public stations as a condition of receiving this benefit. It is simply unrealistic to assume that people will disconnect their cable hook-ups in order to receive small broadcast stations.

I believe that public support for reform of our cable television laws continues to grow with each passing day, each exorbitant rate increase and each abuse of cable consumers. The FCC's recent trial balloons on changing its effective competition standard reflect this fact. But the FCC cannot address the basic problem, which is that the 1984 cable act is now out of step with the realities of the marketplace.

Under the 1984 act, even if a cable operator faces no effective competition—as defined by the FCC—franchising authorities will only be able to regulate the tier of service that contains local broadcast television stations. Cable operators could avoid regulation of the most popular cable services, such as CNN, C-SPAN, MTV, and ESPN, simply by moving these services out of their most basic package. Many cable operators have already started to do this. The foreseeable result is that the government will only be regulating those services consumers can already get free with an antenna. The service that most people buy cable for would remain unregulated. Cable companies would be able to continue to gouge the American public.

Last year, we came close to enacting what promised to be a strong, if not perfect, cable consumer protection bill. I am genuinely optimistic about our chances for making real progress in restoring protection for consumers until a free market develops. I look forward to working with my colleagues in the House and the Senate, especially Senators HOLLINGS, INOUYE and DANFORTH, to pass a strong cable bill this year. American consumers deserve prompt action.

Mr. President, I request unanimous consent that a summary of the bill and the text of the bill be printed in the RECORD immediately following my remarks.

SUMMARY OF THE CABLE CONSUMER PROTECTION ACT OF 1991 INTRODUCED BY SENATOR JOSEPH I. LIEBERMAN AND CONGRESSMAN CHRIS SHAYS

RATE PROTECTION FOR CONSUMERS

When cable companies have no effective competition, the States, upon certification by the FCC, and the FCC, in areas not subject to State regulation, are given the power to ensure that rates for all cable services (including premium services, equipment and installation charges) are reasonable.

Except for start-up cable operations (systems serving less than 30% of a community), a cable operator faces "effective competition" only when there are at least two cable or cable-like companies that each serve 80% of a local community and when the competitors to the largest cable company actually serves at least 30% of the households in the cable community.

States regulating cable rates must have procedures or regulations ensuring that uniform standards will be applied in a consistent manner throughout the state, which it can—but is not required to—meet by using a single state agency to adjudicate rates. The State is not precluded from delegating its rate regulation powers to franchising authorities, provided that it can ensure uniform standards and consistency of application of those standards.

The State must also provide a mechanism for judicial review of arbitrary or capricious regulatory actions. The FCC must ensure that rates are reasonable in areas where the states are not certified to regulate. The bill lays out factors that must be considered in determining whether rates are reasonable.

Cable operators are prohibited from unreasonably discriminating (i.e., charging different rates for the same services) among subscribers of the same cable system.

CUSTOMER SERVICE AND PICTURE/SOUND QUALITY PROTECTION FOR CONSUMERS

The bill requires the FCC to promulgate minimum nationwide customer service and picture and sound quality standards. States and franchising authorities are authorized to impose higher standards for customer service and picture/sound quality.

ACCESS TO PROGRAMMING

Video programmers which are owned or controlled by cable operators are barred from unreasonably refusing to deal with other multichannel video programming distributors such as wireless cable systems, alternative cable operators or any direct broadcast satellite systems.

Video programmers owned or controlled by cable operators are also barred from discriminating in the price, terms and conditions for the sale of video programming to other multichannel video distributors if such discrimination would impede retail competition.

"MUST-CARRY" REQUIREMENTS

The bill reinstates the FCC's 1985 "Must-Carry" provisions, which are essential to the significant public interest of promoting program diversity, as a condition of cable's compulsory license of broadcast television signals.

The bill protects television stations' channel position against reassignment by a cable operator.

OTHER PROVISIONS

The bill includes provisions limiting franchising authorities' liability for damages, but not injunctive or declaratory relief, arising from cable regulatory or franchising activities. The provision makes clear there is no immunity from damages in suits alleging race, color, sex, age, national origin or handicap discrimination.

The bill contains provisions to revise and clarify renewal procedures, and to inject competition into the renewal process.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Cable Consumer Protection Act of 1991".

FINDINGS

SEC. 2. The Congress finds and declares the following:

(1) Although the Cable Communications Policy Act of 1984 was intended to "promote competition in cable communications", competition has failed to develop. Very few consumers can now choose between two multichannel video programming distributors.

(2) The Cable Communications Policy Act of 1984, as implemented by the Federal Communications Commission, prohibits any direct scrutiny of rates by States and franchising authorities in 97 percent of all cable franchises. Cable consumers therefore are not protected by either competition or regulation.

(3) Since 1986, when the Cable Communications Policy Act of 1984 became fully effective thereby restricting States' and franchising authorities' ability to directly regulate the rates charged by the cable television industry, cable customers have been adversely affected by increased prices. According to the General Accounting Office, between 1986 and December 31, 1989, the monthly price for the lowest priced cable service increased 43.1% and the most popular cable service increased 39.4%. During the same period, the Consumer Price Index increased only approximately 12%. During 1989 alone, the monthly price for both the lowest priced and most popular cable services increased by approximately 10%—twice the rate of inflation.

(4) Customers have also continually complained about the quality of service they receive from cable operators in the absence of competition from another multichannel video provider. The FCC has concluded that "there currently is insufficient competition to provide a check on the quality of service offered by cable operators and responsive measures thus are necessary to ensure that consumers receive adequate service quality.".

(5) There is a substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technology media.

(6) Since nearly 59% of households in the United States with televisions now subscribe to cable television, and since this percentage is almost certain to continue to increase, it is now essential to the survival of local broadcast television stations, both commercial and noncommercial, that they be carried by local cable systems. There is a substantial governmental interest in ensuring that cable subscribers have access to these stations and in thereby ensuring the survival of these stations.

(7) The cable operators derive substantial benefit from the compulsory license of broadcast programming granted them pursuant to the Copyright Act of 1976. Continued receipt of these benefits should be contingent upon their providing their subscribers with access to local broadcast television stations through their cable systems.

DEFINITIONS

SEC. 3. (a) Section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)), is amended by deleting "and" at the end of subparagraph (A), and by adding at the end thereof the following:

"(C) the installation, rental or sale of equipment (including, but not limited to converters and remotes) used for the receipt or use of video or other programming services, and

"(D) other cable-related services (including, but not limited to, changes in service packages or tiers, disconnection and reconnection, additional outlets, and service and repair calls).".

(b) Section 602 of the Communications Act of 1934 (47 U.S.C. 522), as amended by this section, is amended by deleting "and" at the end of paragraph (15); by deleting the period at the end of paragraph (16) and inserting in lieu thereof a semicolon; and by adding at the end thereof the following:

"(17) the term 'effective competition' means that—

"(A) fewer than 30 percent of the households in the cable community subscribe to the cable service of such cable system; or

"(B) the cable community is—

"(i) served by at least two unaffiliated multichannel video programming distributors each of which make available comparable video programming to at least 80 percent of the households in the cable community; and

"(ii) the number of households subscribing to programming services offered by multichannel video programming distributors other than the largest multichannel video programming distributor exceeds 30 percent of the households in the cable community;

"(18) the term 'available to a household' when used in reference to a multichannel video programming distributor means (A) a particular household which is a subscriber or customer of the distributor or (B) a particular household which is actively and currently sought as a subscriber or customer by a multichannel video programming distributor and which is capable of receiving the service offered by the multichannel video programming distributor;

"(19) the term 'cable community' means all of the households in the geographic area in which a cable system has been granted a franchise to provide cable service;

"(20) the term 'multichannel video programming distributor' means a person such as, but not limited to, a cable operator, multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming; and

"(21) the term 'video programmer' means a person engaged in the production, creation, or wholesale distribution of a video programming service for sale.".

PROTECTION AGAINST MONOPOLY RATES

SEC. 4. Section 623 of the Communications Act of 1934 (47 U.S.C. 543) is amended to read as follows:

"REGULATION OF RATES

"SEC. 623. (a) Any Federal agency, State, or franchising authority may not regulate the rates (including, but not limited to, all fees, charges, and deposits) for the provision of cable service, except to the extent provided under this section and section 612.

"(b)(1) A State, upon written application to and certification by the Commission, may regulate rates (including, but not limited to, all fees, charges, and deposits) for cable service in any cable system within that State which is not subject to effective competition to ensure that they are reasonable.

"(2) The Commission shall ensure that the rates (including, but not limited to, all fees, charges, and deposits) for cable service in any cable system not subject to effective competition and not subject to regulation by a State pursuant to subsection (b)(1), are reasonable.

"(3) The Commission shall certify a State to regulate rates for cable service pursuant to subsection (b)(1), if—

"(A) the State has filed a written application with the Commission;

"(B) the State has administrative structures or procedures in place that ensure that uniform standards will be applied in a consistent manner in determining whether rates for cable service are reasonable; provided that any State that designates one agency of the State to determine whether rates for cable service are reasonable shall be conclusively presumed to have satisfied the requirements of this subparagraph;

"(C) the State procedural laws and regulations applicable to determinations concerning rates for cable service permit judicial review of determinations that are arbitrary, capricious, or otherwise not in accordance with the law; and

"(D) State procedural laws and regulations applicable to determinations of whether rates for cable service are reasonable, provide a reasonable opportunity for comment by interested parties and provide at least the level of protection to consumers as provided by the Commission.

Upon receipt of a written application by a State to regulate rates for cable service pursuant to this subsection, the Commission shall publish a notice of such request in the Federal Register and solicit comment by interested parties. If the Commission has not denied the State's application for certification within 90 days of receipt at the Commission, the application shall be deemed approved and may not be challenged except pursuant to paragraph (6), and the State shall be deemed to have been certified by the Commission to regulate rates for cable service pursuant to subsection (b)(1). If the Commission disapproves a State application for certification, the Commission shall notify the State of any revisions or modifications necessary to obtain approval.

"(4) In determining whether the rate for a cable service offered by a cable operator is reasonable, the Commission or a State shall consider, among other factors, the following:

"(A) the number of signals included in the service for which a rate is being established;

"(B) the direct cost, if any, paid by the cable operator to obtain, transmit, or otherwise provide the signals included in each service for which a rate is being established, and changes in such costs;

"(C) the revenues, if any, received by a cable operator from a supplier of programming or advertising carried as a part of the service for which a rate is being established, and changes in such revenues;

"(D) such portion of the joint and common costs of the cable operator (including the costs of constructing, maintaining, and improving cable system facilities, meeting customer service and signal quality requirements, and fulfilling the cable operator's obligations pursuant to section 611 of the Communications Act of 1934 and other provisions of the franchise agreement not attributable to a particular service) as is properly allocable to providing the signals included in the cable service for which a rate is being established, and changes in such costs;

"(E) the profitability of the cable service for which a rate is being established, and profitability of the cable system (including a reasonable profit for the cable operator on the operation of the cable system);

"(F) whether the cable operator has substantially complied with the terms and conditions of the franchise agreement;

"(G) the rates charged by the cable operator for other cable services in the franchise area; and

"(H) local conditions that may affect the reasonableness of a rate.

"(5) A cable operator or other interested party, after two years following certification of a State by the Commission pursuant to subsection (b)(3) of this section, may file a petition challenging regulation of rates for cable service rates by a State. If the petition establishes a prima facie case that the State has willfully and repeatedly acted inconsistently with the requirements in paragraph (3), the Commission shall review such regulation of rates for cable service by the State. If the Commission finds, after notice to the State and a reasonable opportunity for the State to comment, that the State has willfully and repeatedly acted inconsistently with the requirements in paragraph (3), the Commission shall so inform the State and shall inform the State that its right to regulate rates may be revoked if such inconsistency is not cured. After such notice and a reasonable period and opportunity to cure any inconsistency, the Commission may order such relief, including decertification of the State, as it shall deem proper. A State whose right to regulate rates is revoked under this paragraph may apply for recertification pursuant to paragraph (3) six months from the effective date of the Commission's determination.

"(6) Nothing in this title shall be construed as prohibiting a State from delegating its authority, pursuant to subsection (b)(1), to regulate rates for cable service to any agency or subdivision, including a franchising authority.

"(c) It shall be unlawful for any cable operator, directly or indirectly, to unreasonably discriminate among subscribers or potential subscribers of cable service in connection with the services offered or the rates charged for those services; provided that nothing in this subsection shall be construed to prohibit a franchising authority from enforcing ordinance or franchise provisions established pursuant to this title, including, but not limited to sections 611, 624 and 632 of this title.

"(d) Nothing in this title shall be construed as forbidding any Federal agency, State, or franchising authority from—

"(1) prohibiting discrimination among customers of cable service; or

"(2) requiring and regulating the installation, sale or rental of equipment which facilitates the reception of cable service by persons with disabilities.

"(e) Within 180 days of the date of enactment of the Cable Consumer Protection Act of 1991, the Commission shall, by regulation, require cable operators to file, on at least an annual basis, such financial information as may be needed for purposes of administering and enforcing this section. A cable operator shall provide all such financial information to a State certified to regulate rates pursuant to subsections (b)(1) and (b)(3). Nothing in this title shall prohibit a State from requiring a cable operator to furnish such additional information as may be necessary to ensure that cable rates are reasonable. Nothing in this title shall prohibit a State or franchising authority from requiring a cable operator to provide financial information for any other lawful purpose.

"(f) Nothing in this section shall be deemed to limit the power of a State or franchising authority to impose and enforce customer service standards which may cover items described in subsection 602(5)(D).".

SIGNAL QUALITY

SEC. 5. Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Consumer Protection Act of 1991, the Commission shall, after notice and opportunity for comment, issue rules that establish minimum technical standards relating to cable systems' technical operation and signal quality, including testing procedures and protocols used to measure compliance with such standards. The Commission periodically shall update such standards and procedures to reflect improvements in technology. A franchising authority may require as part of a franchise (including the modification, renewal, or transfer thereof), or a State may require as a matter of State law or regulation, provisions for the enforcement of the standards and procedures prescribed by the Commission under this subsection. Nothing in this section shall prohibit—

"(1) a franchising authority, as part of a franchise (including the modification, renewal, or transfer thereof), or

"(2) a State, as a matter of State law or regulation,

from establishing and enforcing technical standards and procedures that exceed the standards prescribed by the Commission under this subsection or are not addressed by the standards or procedures set by the Commission under this section.

CUSTOMER SERVICE STANDARDS

SEC. 6. (a) Section 632(a) of the Communications Act of 1934 (47 U.S.C. 552(a)) is amended by inserting immediately after the word "authority" the words "may establish and"; and by inserting immediately after the word "operator" the first time it appears, "that (A) either exceed the standards set by the Commission under this section or address matters not addressed by the standards set by the Commission under this section, or (B) exist prior to the adoption by the Commission of rules pursuant to subsection (d)(1) of this section".

(b) Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended by adding at the end the following new subsection:

"(d)(1) The Commission, within 180 days after the date of enactment of this subsection, shall, after notice and an opportunity for comment, issue rules that establish customer service standards that ensure that all subscribers are fairly served. Such standards shall include, at a minimum, requirements governing—

"(A) cable system office hours and customer service representative availability (whether in person or by telephone);

"(B) installations, outages, service calls, and response time to service complaints and requests (whether in person or by telephone);

"(C) billing and collection practices between the cable operator and the customer (including, but not limited to, standards governing bills, refunds, credits and service terminations);

"(D) disclosure of all available services, tiers, prices, rates, and rights available to customers, and changes in such services, tiers, prices, rates and rights; and

"(E) subscriber complaint resolution procedures, including notifying cable subscribers of grievance procedures and of regulatory bodies with the right to review customer complaints.

Thereafter the Commission shall regularly review the standards and make such modifications as may be necessary to ensure that subscribers are fairly served. A franchising authority may enforce the standards adopted by the Commission.

"(2) Notwithstanding the provisions of subsection (a) and this subsection, nothing in this title shall be construed to prevent the enforcement of—

"(A) any municipal ordinance, or

"(B) any State law,

concerning customer service that imposes customer service requirements that exceed the standards set by the Commission under this section, or address matters not addressed by the standards set by the Commission under this section.".

NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

SEC. 7. Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following new section:

"NONDISCRIMINATION WITH RESPECT TO VIDEO PROGRAMMING

"SEC. 640. (a) A video programmer in which a cable operator has an attributable interest and who licenses video programming for distribution—

"(1) shall not unreasonably refuse to deal with any multichannel video programming distributor;

"(2) shall not discriminate in the price, terms, and conditions in the sale of the video programmer's programming among cable systems, cable operators, or other multichannel video programming distributors if such action would have the effect of impeding retail competition.

"(b) A video programmer in which a cable operator has an attributable interest and who licenses video programming for distribution shall make programming available on similar price, terms, and conditions to all cable systems, cable operators, other multichannel video programming distributors or their agents or buying groups; provided however, that such video programmer may—

"(1) impose reasonable requirements for credit-worthiness, offering of service, and financial stability;

"(2) establish different price, terms, and conditions to take into account differences in cost in the creation, sale, delivery, or transmission of video programming;

"(3) establish price, terms, and conditions which take into account economies of scale or other cost savings reasonably attributable to the number of subscribers served by the distributor; and

"(4) permit price differentials which are made in good faith to meet the equally low price of a competitor.

"(c) No cable operator, cable system, or its affiliate may discriminate against any unaffiliated video programmer or require a financial interest in a video programmer or video programming service as a condition of carriage on a cable system.

"(d) The Commission shall prescribe rules and regulations to implement this section. The Commission's rules shall—

"(1) provide for an expedited review of any complaints made pursuant to this section; and

"(2) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(e) This section shall not apply to the signal of an affiliate of a national television broadcast network or other television broadcast signal that is retransmitted by satellite and shall not apply to any internal satellite communication of any broadcaster, broadcast network, or cable network.".

LIMITATION OF FRANCHISING AUTHORITY LIABILITY

SEC. 8. Part III of title VI of the Communications Act of 1934 (47 U.S.C. 621 et seq.) is amended by adding at the end the following new section:

"LIMITATION OF LIABILITY

"SEC. 628. (a) In any court proceeding pending on the date of enactment of this section, or initiated after such date, involving any claim against a franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity, arising from the regulation of cable services or a decision of approval or disapproval with respect to a grant, renewal, transfer or amendment of a franchise, any relief, to the extent such relief is required by any other provision of Federal, State or local law, shall be limited to injunctive and declaratory relief.

"(b) Nothing in this section shall be construed as limiting the relief authorized with respect to any claim against a franchising authority or other governmental entity, of any official, member, employee or agent of such authority or entity, to the extent such claim involves discrimination on the basis of race, color, sex, age, religion, national origin or handicap.

"(c) Nothing in this section shall be construed as creating or authorizing liability of any kind, under the Constitution of the United States or any law, for any action or failure to act relating to cable services or the granting of a franchise by any franchising authority or other governmental entity, or any official, member, employee, or agent of such authority or entity.".

FRANCHISE RENEWAL

SEC. 9. (a) Section 626(a) of the Communications Act of 1934 (47 U.S.C. 546(a)) is amended by adding at the end of the subsection the following:

"If a franchising authority does not initiate proceedings under this subsection on its own initiative, submission of a timely written renewal notice by the cable operator specifically requesting a franchising authority to initiate the formal renewal process under this section is required for the cable operator to invoke the renewal procedures set forth in subsections (a) through (g) of this section; except that nothing in this section requires a franchising authority to commence the renewal proceedings during the 6-month period which begins with the 36th month before the franchise expiration.".

(b) Section 626(b)(1) of the Communications Act of 1934 (47 U.S.C. 546(b)(1)) is amended by deleting all after the first comma, and inserting in lieu thereof the following: "as determined by the franchising authority, the franchising authority shall issue a written request for a renewal proposal.".

(c)(1) Section 626(c)(1) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)) is amended—

(A) by adding after "franchise" the first time it appears the words "submitted in response to a written request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)";

(B) by striking the words "completion of any proceedings under subsection (a)" and inserting in lieu thereof "date of the submission of the cable operator's proposal in response to a written request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)"; and

(C) by deleting "and" at the end of subparagraph (C), by deleting the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new subparagraph:

"(E) any other factors reasonably determined by the franchising authority to be relevant to the public interest in cable service.".

(2) Section 626(c)(1)(A) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(A)) is amended—

(A) by deleting the word "has" and inserting in lieu thereof the words "and its predecessors have"; and

(B) by inserting before the semicolon the words "throughout the franchise term".

(3) Section 626(c)(1)(B) of the Communications Act of 1934 (47 U.S.C. 546(c)(1)(B)) is amended—

(A) by inserting after "operator's" the words "and its predecessor's";

(B) by deleting ", quality, or level" and inserting in lieu thereof "or quality"; and

(C) by inserting before the semicolon the words "throughout the franchise term".

(d) Section 626(d) of the Communications Act of 1934 (47 U.S.C. 546(d)) is amended—

(1) by inserting after the word "renewal" the first time it appears the words "which has been submitted in response to a request for a renewal proposal issued pursuant to, and in conformance with, subsection (b)"; and

(2) by amending the second sentence thereof to read as follows: "A franchising authority may not base denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section if—

"(1) the franchising authority specifically, expressly and in writing waives its right to object to the conduct constituting a failure to substantially comply with the material terms of the franchise which is the grounds for denying renewal of the franchise, or

"(2) if the cable operator demonstrates by a preponderance of the evidence that it had no actual knowledge, and no reason to know, that its conduct failed substantially to comply with the material terms of the franchise, and that its lack of knowledge or reason to know that its conduct failed substantially to comply with the material terms of the franchise actually prejudiced its ability to comply with those material terms.".

(e) Section 626(e)(2) of the Communications Act of 1934 (47 U.S.C. 546(e)(2)) is amended—

(1) by inserting immediately before the semicolon in subparagraph (A) the words "and such failure to comply actually prejudiced the cable operator"; and

(2) by deleting the words "not supported by a preponderance of the evidence" in subparagraph (B) and inserting in lieu thereof "arbitrary and capricious".

(f) Section 626(h) of the Communications Act of 1934 (47 U.S.C. 546(h)) is amended by inserting immediately after the second sentence the following new sentence: "In addition, the provisions of subsections (a) through (g) of this section do not apply to any renewal proceeding which has not been commenced pursuant to subsection (a).".

(g) Section 626 of the Communications Act of 1934 (47 U.S.C. 546) is amended by adding at the end thereof the following new subsections:

"(i) Notwithstanding the provisions of subsections (a) through (h) of this section, a franchising authority may, at any time after it determines the proceedings under subsection (a)(1) are completed, solicit and receive competitive proposals for a franchise and may grant any such competitive proposal and, subject to the provisions of subsection (c), deny renewal to the incumbent cable operator if the franchising authority reasonably determines that the person(s) submitting the competitive proposal(s) has the financial, legal and technical ability to provide the proposed cable service and (1) the incumbent cable operator has failed to satisfy the standards in subsection (c)(1)(A) or subsection (c)(1)(B); or (2) the selection of the competing proposal(s) will better serve the public interest with respect to the factors set forth in subsections (c)(1)(C), (c)(1)(D), or (c)(1)(E); provided, however, that nothing herein shall preclude a franchising authority from awarding one or more cable franchises at any time pursuant to section 621(a)(1) or require a franchising authority to grant any competitive proposal pursuant to this subsection (i) or any other proposal for a franchise.

"(j) Notwithstanding the provisions of subsections (a) through (h), any lawful action to revoke a cable operator's franchise for cause shall not be negated by the initiation of renewal proceedings by the cable operator under this section.".

MUST-CARRY REQUIREMENTS

SEC. 10. (a) Section 111(c) of title 17, United States Code, is amended in paragraph (1) by striking out "where the carriage of the signals" and all that follows through the end of such paragraph and inserting in lieu thereof the following:

"where—

"(A) the carriage of the signals is permissible under the rules, regulations, or authorizations of such Commission; and

"(B) the cable system complies with section 641 of the Communications Act of 1934.".

(b) Title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following new section:

"COMPLIANCE WITH MUST-CARRY REQUIREMENTS

"SEC. 641. (a) A cable system complies with the requirements of this section if the Federal Communications Commission certifies that the cable system—

"(1) carries, as part of the basic tier of cable service regularly provided to all subscribers at the minimum charge and to each television receiver on which subscribers receive cable service, in full and in their entirety, the signals of television broadcast stations in accordance with sections 76.5 and 76.51 through 76.62 of title 47 of the Code of Federal Regulations as in effect on December 10, 1987; and

"(2) carries each such station on the cable channel on which it was carried on July 19, 1985, or on the channel number assigned to such station by the Commission, at the election of the television broadcast station, or on such other cable channel as may be acceptable to the television broadcast station.

"(b) The requirements of this section shall not be subject to an expiration date.".

By Mr. COATS (for himself and Mr. BIDEN):

S. 212. A bill to further assist States in their efforts to increase awareness about and prevent family violence and

provide immediate shelter and related assistance to battered women and their children; to the Committee on the Judiciary.

DOMESTIC VIOLENCE PREVENTION ACT

• Mr. COATS. Mr. President, today, I am pleased to reintroduce a bill, with my distinguished colleague Senator BIDEN, which I offered last Congress to address a deeply disturbing and pressing social problem—that of family violence. There are few issues as complex or troublesome as the violence which reaches into the very homes of many Americans. The incidence of reported cases is staggering. Every 15 seconds, a women or child is battered in our country. And every 11 days, a women is murdered by her spouse or boyfriend. Tragically, once a women has been victimized in a domestic setting, she has a strong chance of being abused repeatedly. And the experts agree that reported cases represent just a small fraction of the physical abuse and violence actually occurring in American homes each year.

Our society simply cannot afford to ignore brutal, criminal acts just because they occur within the sanctity of our homes. Last Congress, I developed legislation with the advice and consultation of a broad spectrum of domestic violence experts—battered women, prosecuting attorneys, police officers, State legislators, shelter operators, counselors. I urge my colleagues to act on this legislation which will empower States to more effectively prosecute offenders and will assist the victims of these tragic acts.

The Domestic Violence Prevention Act of 1991 addresses several key issues critical to combating violence. First, it enhances State enforcement efforts through Federal grant programs, and provides incentives to States to adopt stricter laws such as mandatory arrest and no drop policies. In addition, the act targets funds to shelters for victims, and encourages States to allow victims a greater voice in post-conviction sentencing and release hearings.

I appreciate the leadership and keen interest in these issues offered by my distinguished colleague, Senator BIDEN. Not only has he joined me as the primary cosponsor of my legislation, but I am pleased to note that he has included the provisions of my bill in a larger legislative package he has just introduced on the broader issues of violence confronting women in our society.

This Congress has an opportunity to send a strong, clear message to abusers. Our society will not tolerate domestic violence. We also need to assure victims that help and support are available to those brave enough to speak out. I believe that my legislation is an important step toward achieving these goals, and I urge my colleagues to support it.•

By Mr. THURMOND:

S. 213. A bill to amend the Federal charter for the Boys' Clubs of America to reflect the change of the name of the organization to the Boys and Girls Clubs of America; to the Committee on the Judiciary.

CHANGE IN CHARTER OF THE BOYS' CLUBS OF AMERICA

Mr. THURMOND. Mr. President, I am pleased to introduce today a bill to amend the Boys Clubs of America Federal charter to reflect the name change to Boys and Girls Clubs.

In August 1956, the Congress of the United States recognized the work of Boys' Club of America by presenting to it a Federal charter on the occasion of its 50th anniversary. This outstanding organization has a superlative record of service to youth with a special concern for girls and boys from disadvantaged circumstances.

For 130 years, the young people of this country have benefited from caring people who serve as board members and staff and who truly believe, "there's no such thing as a bad kid."

In 1860, the first clubs were founded in New England during the height of the industrial revolution. This concept of providing afterschool and evening growth-enhancing activities for young people grew and in 1906 the national organization, now known as Boys Clubs of America, was founded. For the next six decades, local clubs served a growing youth population primarily made up of boys.

Today, there are 1,100 clubs across the country serving 1.4 million girls and boys.

Mr. President, in May of last year, the National Council of Boys Clubs of America voted to change the name of the national organization to Boys and Girls Clubs of America in recognition of more than 400,000 girls who are now members of Boys and Girls Clubs across the country. Therefore, I urge my colleagues to join with me in supporting this amendment to the Boys Clubs Federal charter which reflects the change of the name of the organization to the Boys and Girls Clubs of America and also updates the names of the board members.

By Mr. HATCH (for himself and Mr. THURMOND):

S. 214. A bill to provide precedures for calling Federal constitutional conventions under article V for the purpose of proposing amendments to the U.S. Constitution; to the Committee on the Judiciary.

CONSTITUTIONAL CONVENTION IMPLEMENTATION ACT

Mr. HATCH. Mr. President, I am pleased to introduce today the Constitutional Convention Implementation Act of 1991. This important proposal was approved by the full Judiciary Committee in both the 98th and 99th Congresses.

Article V of the U.S. Constitution provides that constitutional amendments may be proposed in either of two ways. The first—the means by which every successful amendment to the Constitution has been proposed—requires the agreement of two-thirds of each House of Congress. The second requires the agreement of a convention called by Congress in response to the applications of two-thirds of the State legislatures. Ratification of amendments proposed through either method is to be done either by the legislatures, or by conventions, in three-fourths of the States, depending upon the determination of Congress.

Largely as a result of the fact that the convention method of constitutional revision has never been successfully employed, there are substantial questions that relate to it:

What constitutes a valid application to the Congress?

What procedures must a State follow in submitting an application?

Must the precise language of the proposed amendment be included within the application?

How similar must the language be in applications of various States in order to allow them to be aggregated?

How long does an application remain valid? May such applications be rescinded by the States?

What is the extent of congressional power to review applications? What is the extent of congressional power to restrict the deliberations of the convention?

What is the extent of State power to restrict the deliberations of the convention?

How is the convention to be organized? How are the States to be represented at the convention?

May Congress refuse to submit the product of a convention to the States for ratification?

How are constitutional convention-proposed amendments to be ratified by the States?

With respect to most of these questions, there is very little constitutional guidance. The relevant language of article V states simply:

> The Congress "on the application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments."

Nor are there useful precedents in view of the fact that there has never been a constitutional convention under article V. Each of the questions involved in this, the alternative means of amending the Constitution, is therefore a threshold question.

OBJECTIVES OF ACT

Article I, section 8, clause 18 of the Constitution invests authority in Congress to:

Make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States.

This provision clearly authorizes the Congress to pass legislation that would give effect to the convention method of constitutional alteration. This would be a direct function of its article V authority to call a convention pursuant to applications of two-thirds of the States.

I am introducing legislation, the Constitutional Convention Implementation Act, which would fill in the interstices of article V. It is similar to legislation which I have introduced during the previous four Congresses, and which was unanimously approved by the Subcommittee on the Constitution during the 97th Congress. It is particularly important that this body act on this, or similar legislation, in view of the fact that numerous State legislatures have already purported to submit applications to Congress for the convening of a constitution convention on the subject of a balanced budget amendment. I would only hope that this act, however, could be considered separately from the merits of this or any other specific amendment effort.

The Constitutional Convention Implementation Act is designed to establish what are basically neutral procedures to guide the conduct of constitutional conventions generally. While the imminence of a convention on the matter of a balanced budget has clearly created the urgency for this legislation, the act is designed neither to facilitate nor obstruct the eventual achievement of a balanced budget amendment, or any other constitutional amendment. The purpose of this legislation is primarily to insure that Congress has clear standards and criteria by which to judge convention applications before it, and that any convention that takes place under article V is conducted in an orderly and nonchaotic manner.

One must look to the policy underlying the establishment of the convention form of amendment in order to construct an appropriate procedures bill. Even a cursory analysis of the original Constitutional Convention—convened under the auspices of the Articles of Confederation—makes clear that the final provisions of article V resulted from a compromise between those delegates who sought to invest proposal authority solely in Congress and those who sought to invest it solely in the State legislature. The two modes of initiating amendments were viewed as essentially equivalent alternatives, each of which was to serve as a check upon the intransigence of either the national legislature or the State legislature in the matter of proposing constitutional revision.

In view of this fundamental purpose, I believe that legislation giving effect to the convention method of amendment should be such that resort to its use will not render the Constitution too mutable—the Federalist No. 43—while at the same time insuring that it will not be rendered null and void because it remains too cumbersome a method. The amendment process should never be one that can be successfully employed with great ease, yet neither should it be a process totally incapable of being used to alter the Constitution. The requirement that State convention applications relate to the same general subject or subjects serves to ensure the existence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area.

PROVISIONS OF ACT

I would like to briefly discuss the provisions of this act and explain their justification. I should add at the outset my debt to the efforts of our former colleague, Senator Sam Ervin. While my bill differs in a number of respects from legislation that Senator Ervin successfully shepherded through the Senate in 1971 and 1973, its basic structure is closely related to that measure. That legislation was approved unanimously on one occasion by this body, and by a voice vote on the other occasion.

Section I of my bill states that its short title is the "Constitutional Convention Implementation Act of 1989."

CONVENTION APPLICATIONS

Section 2 specifies the manner in which States are to make applications for a constitutional convention. It states simply that the legislature shall specify within its application for a convention, the general subject of the amendment or amendments to be proposed. The objective of this standard is to ensure that two-thirds of the States have a sufficiently similar purpose to warrant the aggregation of their applications.

The purpose of the application process is to determine that there exists some form of consensus among the States on the matter of a relatively well-defined area of amendment. This consensus cannot fairly be said to be in evidence if aggregation is to be permitted of applications that are, at best, only incidentally related.

On the other hand, it cannot be reasonably expected that identical, or even nearly identical, language be employed in petitions that ought to be aggregated. Such a requirement is highly unrealistic with respect to 50 diverse State legislative bodies; the imposition of such a rigid rule would effectively render the alternative method of amendment provided in article V useless. Further, to the extent that a petition was required to be precise, either with respect to the specific amendment sought, or the specific language sought, there would be little use for the convention itself. To limit the convention to the consideration of a single, meticulously worded amendment is to make the convention a farce. In order for the convention to be a meaningful part of the article V process, it must have some leeway within which to exercise its legitimate discretion.

LIMITED CONVENTIONS

That this discretion, however, is not without its limits is the subject of section 2(b), and, indeed, is the basic theme of the Constitutional Convention Implementation Act. This section states that the procedures provided in the act are to be followed only in the case applications for what are commonly referred to as "limited" conventions. Such conventions are defined for the purposes of this act as conventions designed to consider one or more specific predefined areas of amendment to the Constitution of the United States. Implicit in this section is the recognition that the States may call for the convening of either limited or general conventions; it is, however, simply with respect to the former that the terms of this act apply.

A general convention would be one in which the States petitioned for a convention, not with any specific or limited purposes in mind, but for the purpose of making whatever revisions were deemed necessary or desirable by the convention itself. It is this sort of convention that poses such great concerns to most observers, including myself. I am far from confident that a contemporary general convention could do much to improve upon the work of Madison, Hamilton, and Wilson. While there is no way that Congress, through passage of a simple statute, could preclude the States from requesting a general convention—this is their right under article V—neither is Congress precluded from clarifying that the States are fully within their rights in seeking a limited convention.

There is academic dispute as to the possibilities of a limited constitutional convention. Prof. Charles Black of the Yale Law School, for example, believes that the constitutional convention is a free agent, sovereign and without limitations. According to this theory, the convention represents the premier assembly of the people, and is therefore supreme to all other Government branches and agencies. It cannot be limited in the scope of its deliberations, whatever the limited nature of the grievances that brought the convention into being.

I would disagree with this interpretation. The constitutional convention, while clearly a unique and separate element of the Government—a temporary new branch of the Government—a new branch of the Government, so to speak—is subject to the same limitations and checks and balances as the other, permanent branches of the Government. A constitutional convention, as its name clearly implies, is a constitutional entity; it is appointed under the terms of the Constitution and subject to all of the express and implied limitations imposed by that document. As observed by Professor Jameson in his classic work on constitutional conventions:

> The convention's principal features is that it is subaltern—it is evoked by the side and at the call of a Government preexisting and intended to survive it, for the purpose of administering to its special needs. It never supplants the existing organization. It never governs. Though called to look into and recommend improvement in the fundamental laws, it enacts neither them nor the statute laws; and it performs no act of administration.

The Federal constitutional convention is an instrument of the Government, and acts properly only when it acts in comformity to its authorized powers.

There is nothing in the language of article V to suggest that the convention method of amendment cannot be limited to a single area of amendment. The symmetry between the competing processes of constitutional amendment is emphasized by Madison in the Federalist No. 43 in discussing the objectives of article V:

> That useful alteration will be suggested by experience, could not be foreseen. It was requisite therefore that a mode for introducing them should be provided. The mode preferred by the convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable; and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the general and the State governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other.

It was clearly contemplated that the article V primarily anticipated specific amendment or amendments, rather than general revisions, and that no distinction was to be drawn between the competing methods of amendment in this respect.

To enable Congress to propose specific constitutional amendments while allowing the States only to propose general constitutional revision is to confer markedly unequal powers of amendment upon these governments, an intention contradicted by the unanimous weight of documentary evidence. If the States are to have no ability to control the actions of a convention in the form of their convention applications, then there will be strong disincentives for them to seek such conventions. In the absence of broad-based dissatisfaction with the existing constitutional system, why should they want to risk the possibility of a convention acting beyond the scope of their application? Why, in seeking to originate the "amendment of errors" described by Madison should the State have to risk total revision of the constitutional system?

It is anomalous that in seeking to correct what might be a narrow defect in the system that the States should have to place the entire system in jeopardy. What better means could there be to perpetuate the discovered faults of the system? What better means could there be to place the convention system of amendment in an unequivalent position to the congressional system of amendment? What better means could there be to completely discourage any and all resort to the convention means of constitutional amendment?

As Prof. William Van Alstyne has remarked:

> I find it perfectly remarkable that some have argued for a construction of article V which not only limits the power of State legislatures to have a convention, but would limit that power to its least expected, least appropriate, most difficult (and yet most dangerous) use.

It is the States, not Congress, that ought to properly have the ability to limit the scope of the convention, through their convention applications. While Congress, under section 6 of the Constitutional Implementation Act, is empowered to specify in its call for the convention the scope of permissible deliberations, it is performing basically an administrative, nondiscretionary function in doing so; it is simply translating the State applications into formal convention call.

APPLICATION PROCEDURES

Section 3(a) of the act specified that the procedures to be followed in making a convention application are those adopted by the States themselves. Although a State is free to adopt procedures uniquely applicable to the convention application process—as the State of Illinois, for example, has done with respect to the amendment ratification process—it is anticipated that most States will follow procedures that govern the adoption of simple statutes or resolutions.

Section 3(b) provides further that questions concerning the extent to which States have acted in compliance with their own rules of procedure are also to be determined by the State legislatures themselves. While recognizing that, in pursuit of their authority under article V, the States are acting in quasi-Federal capacity rather than in a purely State role, *Leser* v. *Garnett* (258 U.S. 130, 137 (1922)), it would nevertheless be incongrous for anybody to determine whether or not there has been procedural regularity in a State legislative action other than the legislature itself.

In *Field* v. *Clark* (143 U.S. 649 (1882)), the Supreme Court held that the procedural requirements of the legislative process were presumed to have been satisfied when legislation was formally certified by the appropriate legislative officer. Rather than intruding Congress or the courts into these matters, there is no reason why this traditional rule ought not continue to apply with respect to convention application actions. There is no compelling reason why article V should require sacrifice by State legislatures of their inherent right to regulate their own proceedings.

Whatever the procedures in the State legislatures, such actions are to be considered valid without the assent of the Governor of the State. Thus, the term "legislatures" in article V is treated in the same manner, for the purposes of convention applications, as it has traditionally been treated for the purposes of amendment ratification, *Hollingworth* v. *Virginia* (3 Dall. 376 (1878)); *Hawke* v. *Smith* (253 U.S. 221 (1920)).

TRANSMISSION OF APPLICATIONS

Section 4 of the act specifies the means by which the States are to transmit their applications for a convention to Congress. Section 4(a) states that, within 30 days of the adoption by a State of an application, the appropriate official is to transmit copies to the President of the Senate and the Speaker of the House of Representatives.

Section 4(b) directs the States to include within their applications: The title of the resolution, the date of adoption, and an official certification. In addition, States are encouraged, but not required, to list in the application other pending State applications which are felt to relate to substantially the same subject. While such a listing is not to be considered conclusive with respect to Congress, it is nevertheless considered that such a listing will be useful to Congress in carrying out it responsibilities in aggregating applications.

Section 4(c) requires each House to establish a public record of each State application, and to notify each State legislature of the fact of each application. Through internal procedures to be determined by each House, Congress would be charged with making an initial decision on whether or not to aggregate applications within the 10-day period following each new application. The criteria would be whether or not the applications referenced the same "general subject or subjects."

These initial decisions, however, would not be binding. Under article V, Congress would not be compelled to make its final decision on aggregation of applications until that point at which it was required to make a decision with respect to an actual convention call. The requirement of an ongoing effort at determining the aggregation question is designed primarily to limit opportunities for political manipulation at this point of the application process, as well as to allow States which are not aggregated in what they consider the proper manner to amend their convention applications.

As observed earlier, it is the objective of the "same general subject or subjects" standard to ensure the existence of some real consensus among the States with respect to the need for constitutional revision in some relatively circumscribed area. At the same time, in order not to interfere with the legitimate freedom of action of a convention, there ought not to be the requirement of extreme precision, either in the text or the subject-matter. The language contained in the bill is designed to draw some rough balance between these considerations.

In order to ensure that the consensus for a constitutional amendment remains a relatively contemporaneous one, *Dillion* v. *Gloss* (256 U.S. 368 (1921)), section 5(a) states that an application shall be effective for no longer than a 7-year period, with shorter effective periods contained within the body of an application to be respected. The court in Dillion stated that:

> Proposal and ratification are not related as unrelated acts but as succeeding steps in a single endeavor, the natural inference being that they are not to be widely separated in time . . . We do not find anything in article V which suggests that an amendment once proposed is to be open for ratification for all time, or that ratification in some of the states may be separated from that in others by many years and yet be effective.

Similarly, State convention applications and the calling of a constitutional convention are not unrelated acts, but necessary, succeeding steps in a single endeavor. There should be a reasonable relationship in time, between these actions, *Coleman.* v. *Miller*, (307 U.S. 433 (1938)). There is the same need to avoid staleness of applications to Congress as there is to avoid staleness of amendment proposals to the States.

In view of the fact that every amendment proposed by Congress, except one, since the 18th amendment, has contained a 7-year time limitation, either in the body or in the enacting clause, it has been decided to use this same period for determining effectiveness applications.

Language has also been included in this section which maintains the effectiveness, for a minimum of 2 years, of those applications which have been submitted to Congress within the previous 16-year period, notwithstanding the expiration of the regular 7-year period. This provision is designed to ensure that those applications, submitted in recent years which have not had the statutory guidance of procedures legislation, are kept temporarily effective for a short transitional period.

Section 5(b) authorizes States to withdraw their applications at any time prior to the time that there are a sufficient number of valid applications before Congress to enable it to call a convention. There would seem to be no valid policy reason for denying them this right. Indeed, in order to ensure that the amendment process reflects the notion of contemporaneous consensus, it is vital that the States should not be dragooned unwillingly into an artificial consensus because of an inability to rethink earlier application decisions.

CALLING OF THE CONVENTION

Section 6 of the Constitutional Convention Implementation Act relates to the actual calling by Congress of the convention. It provides that, upon receipt in each House of the application putting two-thirds of the States in agreement on the need for some particular amendment or amendments, it is the duty of that House to call for convening of a Federal constitutional convention on the general subject or subjects. Congress is to designate the time and place of the meeting of the convention, and set forth the general subject of the amendment or amendments for consideration. The convention is to be convened not later than 8 months following the adoption by Congress of its resolutions.

Despite some misconceptions on this point, it is obligatory that Congress call a convention upon the receipt of valid applications by two-thirds of the States. Alexander Hamilton observed in the Federalist No. 85 that—

> The national rulers, whenever nine states concur, will have no option upon the subject. By the fifth article of the plan, the Congress will be obliged "on the application of the legislatures of two-thirds of the states to call a convention for proposing amendments" . . . the words of this article are peremptory. The Congress "shall call a convention." Nothing in this particular is left to the discretion of that body.

James Madison, in a 1789 letter, remarked further—

> It is to be observed however that the question concerning a general convention will not belong to the Federal legislature. If two-thirds of the States apply for one, Congress cannot refuse to call it.

CONVENTION DELEGATES

Section 7 relates to the selection of delegates to the constitutional convention. The language is taken nearly verbatim from article II, section 1, paragraph 2 of the Constitution concerning the selection of Presidential electors. The great compromise between the larger and the smaller States is carried over into the selection of convention delegates with each State being entitled to that number of delegates equal to the combined number of its Senators and Representatives in Congress. The States are given a free hand in selecting their delegates in whatever—constitutional—manner they deem appropriate.

If the experience of the electoral college is at all relevent—and I believe that it is—each of the States will no doubt introduce some means of popular election for the delegate positions. I would be personally opposed to any other manner of selection, although I do not believe that it is the business of this body to specify particular procedures for the States.

While there are those who would prefer to see a delegate selection system more precisely based upon population. I see no reason not to extend smaller States that slight disproportionate influence in the proposal of amendments through the convention system that they currently enjoy in the proposal of amendments through the congressional system. The apportionment procedures in section 7 is the method of delegate selection that most closely conforms to the basis for congressional representation and which would most closely align the alternative systems of proposing amendments.

Section 7 also excludes Members of Congress, the very embodiment of the national influence, from serving as convention delegates and confers the same immunity from arrest upon convention delegates, for the duration of the convention, that article I, section 6 of the Constitution confers upon Members of Congress.

CONVENING OF CONVENTION

Section 8 directs each delegate to the convention to subscribe to an oath by which he commits himself, during the conduct of the convention, to comply with the Constitution of the United States.

Administering the oath of office to the delegates would be the senior chief judge of the highest courts of the States. Rather than having the Vice President or Chief Justice of the United States, fill this function, it is my belief that what is basically a State convention should remain that and not run any unnecessary risks, however remote, of being influenced by national officials. I emphasize again the basic purpose of including the convention method of amendment in article V—the need for the States to be able to amend the Constitution in the face of an intransigent National Government.

CONVENTION PROCEDURES

Section 8 states that the convention itself is to have responsibility for drawing up its own rules of procedures, rather than Congress, except that there is to be no unit-rule voting procedures. No Federal funds may be appropriated specifically for the payment of the expenses of the convention, except that the Administrator of the General Services Administration is authorized to provide facilities for the convention, and incur whatever incidental expenses are necessary related to this provision of facilities. At the request of the convention, the Federal Government is also permitted to provide sundry technical information and assistance to the convention.

Section 9 provides that the convention is to maintain a daily verbatim record of the proceedings, analogous to the CONGRESSIONAL RECORD. All records of official proceedings are to be transmitted by the convention to the National Archives within 30 days following termination of the proceedings of the convention. This section also requires the termination of the convention within 6 months of its convening unless Congress agrees to extend it at the convention's request.

Section 10 again underscores that premise of this act that a limited convention may properly be called. It restates what is already implicit in the act that the convention called under its terms may not propose amendments of a general subject different from that stated in the convention's charter—the resolution approved by Congress. The convention exercises no legitimate governmental authority beyond that granted by the States through Congress. The convention thus is morally obliged to limit its considerations to the subjects set forth in the State applications; I believe further that it is appropriate for Congress to establish a legal obligation to this same effect.

SUBMISSION OF AMENDMENTS TO STATES

Section 11 concerns the procedures through which the convention product is submitted to the States for ratification. Within 30 days after the completion of the convention, its presiding officer is to transmit the exact text of any proposed amendments to Congress. The officers to each House, within 30 more days of continuous session, are to transmit the amendments to the General Services Administration who, in turn, is to submit the amendments to the States. The amendments are to be accompanied by a congressional resolution specifying, pursuant to article V, the model of ratification—whether it is to be ratified by the State legislatures or by special ratifying conventions within each of the States.

Congress may refuse to transmit an amendment and resolution to the States only if it makes the determination that the amendment relates to or includes a general subject which differs from, or was not included as one of the general subjects within the scope of the convention's authority. The objective is to provide some remedy for a failure by the convention to honor the limitations on its authority to propose amendments to the Constitution. Congress has no power whatsoever to refuse to submit an amendment because of disagreement with its substantive merits. Nor is it empowered to refuse to submit an amendment because of what it perceives as procedural irregularities in the proceedings of the convention. Convention procedure is not within the ambit of congressional concern; checks upon procedural abuse must come from the States themselves in the form of the ratification process. Because this check also exists with respect to conventions acting in an ultra vires manner, it is hoped that Congress will resolve any doubts as to whether or not the convention acted within the scope of its authority in favor of an affirmative finding.

RATIFICATION OF AMENDMENTS

Section 12 of the act, borrowing language directly from article V, states simply that amendments proposed by "limited" constitutional conventions are to become part of the Constitution when ratified in accordance with the terms of article V—by three-fourths of the States in a timely and proper manner. Certified copies of the ratification documents are to be forwarded by the States to the General Services Administration, although the ratification itself becomes effective once action is completed within the State legislature, *Dillion* v. *Gloss* (256 U.S. 368, 376 D (1921)).

Section 13 expressly holds that the States are free to reconsider and reverse their ratification decisions, at least until that point at which an amendment has been ratified by three-fourths of the States. Thus, any State may ratify a proposed amendment after having previously rejected it, or may rescind an earlier ratification of a proposed amendment. It is again my view that the most reliable determination of the existence—or lack thereof—of a contemporaneous consensus can be made if the States are free to reconsider and rethink their ratification decisions until that point at which three-fourths of the States are in agreement in support of amendment, or until that point that a reasonable period of time has passed for ratification. My views on the matter of rescission of ratifications are discussed at far greater length in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17043–S17045.

Section 14 imposes upon the General Services Administration the duty to proclaim the final ratification of an amendment once it is in receipt of certifications of ratification from three-fourths of the States. As section 16 clarifies, however, this is an administrative duty of a symbolic nature, not one with an impact upon the actual effectiveness of an amendment. Under article V—and section 16—the amendment becomes part of the Constitution at the moment the final State has ratified, or on any date specified in the body of the amendment itself.

JUDICIAL REVIEW

Finally, section 15 relates to the role of the judicial branch in the constitutional convention process. It establishes two express situations in which an allegedly aggrieved State may bring a direct action in the Supreme Court, pursuant to article III, section 2 of the Constitution. The first involves cases in which a State disputes any determination or finding by Congress, or the failure of Congress to make a determination or finding, with respect to its section 6 responsibilities. Section 6 requires Congress to "call" a convention upon determining the existence of valid applications for such a convention from two-thirds of the States.

The second situation involves cases in which Congress' actions, with respect to its section 11 responsibilities, are questioned. Section 11 requires Congress to submit amendments proposed by the convention to the States unless it determines that the convention acted on subject matter outside the purview of its authority.

Section 15(c) expressly states that these two actions may not be inclusive with respect to the right to a Supreme Court hearing, and that nothing in the act limits the right to judicial review of any other decision made under the act or such review as is otherwise provided by the Constitution or any other law of the United States. Section 15 further requires suit to be brought within 60 days of a claim against the Secretary of the Senate, the Clerk of the House, the General Services Administrator, or any other party as may be necessary to afford the relief sought.

Thus, the act would reject that version of the so-called political questions doctrine that suggests that all interpretative matters deriving from article V are to be resolved by Congress soley at its discretion. I find it ironic that so many individuals who have been so sympathetic to the advance of judicial activism in recent years are also those who would deny the Federal courts, particularly the Supreme Court, their constitutional obligation to interpret the plain language of that document. My views on the political questions doctrine are explained more throughly in the CONGRESSIONAL RECORD of October 4, 1978, at pages S17044–5.

CONCLUSION

Mr. President, the convention method of constitutional amendment has been defended and described as an essential component of our Constitution by such statesmen as James Madison, Alexander Hamilton, George Washington, Benjamin Franklin, and Abraham Lincoln. While no amendment has ever been ratified that has been proposed through this method, it has nevertheless exerted its influence in indirect ways. The 17th amendment to the Constitution, for example—providing for the direct election of U.S. Senators—was proposed by Congress in 1912 in response to an effort in the States to call a convention on this subject. Other convention efforts on such matters as Federal tax limitation and State legislative apportionment have also evoked a significant congressional response. It is clear, too, that the present balanced budget movement is having an impact upon national public policy.

It is necessary in order to insure some measure of symmetry in the alternative amendment processes under article V to establish clearcut procedures for resort to the convention method. While the absence of legislation such as the Constitutional Convention Implementation Act will not preclude the States from exercising their right to call a convention, it will insure that the amendment process will become bogged down in constant litigation, partisan political decisions, and constitutional uncertainty. The effect on this can only be to undermine the integrity of our constitutional system. In the process, also, we will erode one of the basic institutions for preserving some semblance of balance between the national and the State governments. As observed by Alexander Hamilton:

> The most powerful obstacle to the members of Congress betraying the interest of their constituents is the State legislatures themselves, who will be standing bodies of observation, possessing the confidence of the people, jealous of Federal encroachments and armed with every power to check the first essarys at treachery.

While there is not one who respects more than I do the achievement of the Founding Fathers, nor anyone who would place a greater burden of proof upon those who propose to alter the Constitution, I would nevertheless agree with Prof. Malcolm Eiselen who stated:

> To assume, as many apparently do, that a second convention could alter the Constitution only for the worse . . . is an unwarrantable libel upon the creative statesmanship and political sagacity of the American people.

The purpose of the Constitutional Convention Implementation Act is to prevent both Congress and the constitutional convention from acting outside the scope of each of their proper authority. It is designed to insure that the States, in the event that Congress remains intransigent with respect to some issue of constitutional controversy, are able to circumvent Congress and act on their own to remedy such a situation. It is designed also to insure that the States—and Congress—are not forced to surrender totally their sovereignty to the convention. It is designed to insure that the same matrix of constitutional checks and balances is applicable to the constitutional convention as to the other permanent institutions within our governmental system.

There can be no runaway convention unless, ultimately, the dissatisfaction of the people are so broad and pervasive that it is a runaway convention that they expressly desire. The best way that Congress can work to insure that this never becomes the case is to allow the people and the States to work their will under established procedures when their grievances are more narrow and more limited, rather than allowing them to fester as a result of contrived procedural irregularities. It is occasionally sobering to some of my colleagues, yet it is true, that ultimately it is the citizenry, not Congress, that is the responsible party in our political system.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD, immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Constitutional Convention Implementation Act of 1991".

APPLICATIONS FOR CONSTITUTIONAL CONVENTION

SEC. 2. (a) The legislature of a State, in making application to the Congress for a constitutional convention under article V of the Constitution of the United States, for the purpose of proposing one or more specific amendments, shall adopt a resolution pursuant to this Act stating, in substance, that the legislature requests the calling of a convention for the purpose of proposing one or more specific amendments to the Constituton of the United States and stating the subject matter of the amendment or amendments to be proposed.

(b) The procedures provided by this Act are required to be used whenever application is made to the Congress, under article V of the Constitution of the United States, for the calling of any convention for the purposes of proposing one or more specific amendments to the Constitution of the United States, each applying State stating in the terms of its application the subject matter of the amendment or amendments to be proposed. This Act is not intended to apply to applications requesting a convention for any other purpose under article V of the Constitution.

APPLICATION PROCEDURE

SEC. 3. (a) The rules of procedure governing the adoption or withdrawal of a resolution pursuant to section 2 and section 5 of this Act are determinable by the State legislature, except that the assent of the Governor as to any application or withdrawal shall be unnecessary.

(b) Questions concerning compliance with the rules governing the adoption or withdrawal of a State resolution cognizable under this Act are determinable by the State legislature, except that questions concerning the fact of final approval of such resolution by no less than a majority vote of each House of such legislature shall be determinable by the Congress of the United States.

TRANSMITTAL OF APPLICATIONS

SEC. 4. (a) Within thirty days after the effective date of the resolution adopted by the legislature of a State calling for a constitutional convention, the secretary of state of the State, or, if there be no such officer, the person who is charged by the State law with such function, shall transmit to the Congress of the United States two copies of the application, one addressed to the President of the Senate and one to the Speaker of the House of Representatives.

(b) Each copy of the application so made by any State shall contain—

(1) the title of the resolution, the exact text of the resolution signed by the presiding officer of each house of the State legislature, the date on which the legislature adopted the resolution, and a certificate of the secretary of state of the State, or such other person as is charged by the State law with such function, certifying that the application accurately sets forth the text of the resolution; and

(2) to the extent practicable, and if desired, a list of all State applications in effect on the date of adoption whose subject matter are substantially the same as the subject matter set forth in the application.

(c) Within ten days after receipt of a copy of any such application, the President of the Senate and Speaker of the House of Representatives shall report to the House of which he is presiding officer, identifying the State making application, the subject matter of the application, and the number of States then having made application on such subject. The President of the Senate and Speaker of the House of Representatives shall jointly cause copies of such application to be sent to the presiding officer of each house of the legislature of every other State and to each Member of the Senate and House of Representatives of the Congress of the United States.

EFFECTIVE PERIOD OF APPLICATION

SEC. 5. (a) An application submitted to the Congress by a State, unless sooner withdrawn by the State legislature, shall remain effective for the lesser of the period specified in such application by the State legislature or for a period of seven calendar years after the date it is received by the Congress, except that whenever within a period of seven calendar years two-thirds or more of the several States have each submitted an application calling for a constitutional convention on the same subject matter all such applications shall remain in effect until the Congress has taken action on a concurrent resolution, pursuant to section 6 of this Act, calling for a constitutional convention: *Provided, however,* That those applications which have not been before the Congress for more than sixteen years on the effective date of this Act shall be effective for a period of not less than two years.

(b) A State may withdraw its application calling for a constitutional convention by adopting and transmitting to the Congress a resolution of withdrawal in conformity with the procedures specified in sections 3 and 4 of this Act, except that no such withdrawal shall be effective as to any valid application made for a constitutional convention upon any subject after the date on which two-thirds or more of the State legislatures have valid applications pending before the Congress seeking amendments on the same subject matter.

CALLING OF A CONSTITUTIONAL CONVENTION

SEC. 6. (a) It shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives to maintain a record of all applications received by the President of the Senate and Speaker of the House of Representatives from States for the calling of a constitutional convention upon each subject matter. Whenever applications made by two-thirds or more of the States with respect to the same subject matter have been received, the Secretary and the Clerk shall so report within five days, in writing to the officer to whom those applications were transmitted, and such officer, no later than the fifth day subsequent to the receipt of such report during which the House of which he is an officer is in session, shall announce its substance on the floor of such House. It shall then be the duty of such House to determine whether there are in effect valid applications made by two-thirds of the States with respect to the same subject matter. If either House of the Congress determines, upon a consideration of any such report or of a concurrent resolution agreed to by the other House of the Congress, that there are in effect valid applications made by two-thirds or more of the States for the calling of a constitutional convention upon the same subject matter, it shall be the duty of that House, within forty-five calendar days following the day on which the report of the Clerk or the Secretary was announced on the floor of that House, to agree to a concurrent resolution calling for the convening of a Federal constitutional convention upon that subject matter. Each such concurrent resolution shall (1) designate the place and time of meeting of the convention, and (2) set forth the subject matter of the amendment or amendments for the consideration of which the convention is called. A copy of each such concurrent resolution agreed to by both Houses of the Congress shall be transmitted forthwith to the Governor and to the presiding officer of each house of the legislature of each State.

(b) The convention shall be convened not later than eight months after adoption of the resolution.

DELEGATES

SEC. 7. (a) In each State two delegates shall be elected on an at-large basis and one delegate shall be elected from each congressional district in the manner provided by State law. No Senator or Representative, or person holding an office of trust or profit under the United States, shall be elected as delegate. Any vacancy occurring in a State delegation shall be filled by appointment of the legislature of that State.

(b) The secretary of state of each State, or, if there be no such officer, the person charged by State law to perform such function, shall certify to the President of the Senate and the Speaker of the House of Representatives the name of each delegate elected or appointed by the legislature of the State pursuant to this section.

(c) The people of the District of Columbia shall elect as many delegates as the whole number of Senators and Representatives to which said District would be entitled in the Congress if it were a State. Any vacancy occurring in the delegation of the District of Columbia shall be filled by appointment of the District of Columbia Council. The Clerk of the District of Columbia Council shall certify to the President of the Senate and the Speaker of the House of Representatives the name of each delegate elected or appointed by the Council pursuant to this section.

(d) Delegates shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at a session of the convention, and in going to and returning from the same; and for any speech or debate in the convention they shall not be questioned in any other place.

CONVENING THE CONVENTION

SEC. 8. (a) The President pro tempore of the United States Senate and the Speaker of the United States House of Representatives shall jointly convene the constitutional convention. They shall administer the oath of office to the delegates to the convention and shall preside until the delegates elect a presiding officer who shall preside thereafter. Before taking his seat each delegate shall subscribe to an oath by which he shall be committed during the conduct of the convention to comply with the Constitution of the United States. Further proceedings of the convention shall be conducted in accordance with such rules, not inconsistent with this Act, as the convention may adopt by vote of three-fifths of the number of delegates who have subscribed to the oath of office.

(b) There is hereby authorized to be appropriated such sums as may be necessary for the payment of the expenses of the convention, including payment to each delegate of an amount of pay equal to that for Members of Congress prorated for the term of the convention, as well as necessary travel expenses for such delegates. In the event that such sums are not appropriated in a timely manner, or are appropriated subject to additional conditions, the convention shall be authorized to apportion its costs among the States.

(c) The Administrator of General Services shall provide such facilities, and the Congress and each executive department, agency, or authority of the United States shall provide such information and assistance as the convention may require, upon written request made by the elected presiding officer of the convention.

PROCEDURES OF THE CONVENTION

SEC. 9. (a) In voting on any question before the convention, including the proposal of amendments, each delegate shall have one vote.

(b) The convention shall keep a daily verbatim record of its proceedings and publish the same. The vote of the delegates on any question shall be entered on the record.

(c) The convention shall terminate its proceedings within six months after convening unless the period is extended by concurrent resolution of the Congress of the United States upon request from the convention.

(d) Within thirty days after the termination of the proceedings of the convention, the presiding officer shall transmit to the Archivist of the United States all records of official proceedings of the convention.

PROPOSAL OF AMENDMENTS

SEC. 10. No convention called under this Act may propose any amendment or amendments of a subject matter different from that stated in the concurrent resolution calling the convention.

APPROVAL BY THE CONGRESS AND TRANSMITTAL TO THE STATES FOR RATIFICATION

SEC. 11. (a) The presiding officer of the convention shall, within thirty days after the termination of its proceedings, submit to the Congress the exact text of any amendment or amendments agreed upon by the convention.

(b) Whenever a constitutional convention called under this Act has transmitted to the Congress a proposed amendment to the Constitution, the Congress shall in as expeditious a manner as possible, but in any case within six months thereafter, adopt a concurrent resolution—

(i) directing the Administrator of General Services to transmit forthwith to each of the several States a duly certified copy thereof, and a copy of any concurrent resolution agreed to by both Houses of Congress which prescribes the mode in which such amendment shall be ratified and the time within which such amendment shall be ratified in the event that the amendment itself contains no such provision. In no case shall such a resolution prescribe a period for ratification of less than four years; or

(ii) stating that the Congress does not direct the submission of such proposed amendment to the States because such proposed amendment relates to or includes subject matter which differs from or was not included in the subject matter named or described in the concurrent resolution of the Congress by which the convention was called.

(c) In the event that the Congress has not passed a concurrent resolution under subsection (b)(i) within the time prescribed therein, during the thirty days following any State may commence an action under section 15 of this Act seeking a declaration that the proposed amendment is consistent with the concurrent resolution by the Congress by which the convention was called and directing its submission to the States for ratification.

(d) Notwithstanding the issuance of such order, the mandate of the Court shall not issue prior to the expiration of the first period of thirty days following the date on which such order is issued. Congress may during such thirty-day period, adopt a concurrent resolution prescribing the mode in which such amendment shall be ratified, and the time within which the amendment shall be ratified in the event that the amendment itself contains no such provision. In no case shall such a resolution prescribe a period for ratification of less than four years.

(e) In the event that the Congress has not adopted a concurrent resolution under subsection (d) within the time prescribed therein, the mandate for such order shall issue forthwith. The mode for ratification in such case shall be by action of the legislatures of three-fourths of the States within a period of seven years, unless the amendment itself contains a different period.

RATIFICATION OF PROPOSED AMENDMENTS

SEC. 12. (a) Any amendment proposed by the convention and submitted to the States in accordance with the provisions of this Act shall be valid for all intents and purposes as part of the Constitution of the United States when duly ratified by three-fourths of the States in the manner and within the time specified consistent with the provisions of article V of the Constitution of the United States.

(b) The secretary of state of the State, or if there be no such officer, the person who is charged by State law with such function, shall transmit a certified copy of the State action ratifying any proposed amendment to the Administrator of General Services.

RESCISSION OF RATIFICATIONS

SEC. 13. (a) Any State may rescind its ratification of a proposed amendment by the same procedures by which it ratified the proposed amendment, unless other procedures are specified by such State, except that no State may rescind when there are existing valid ratifications of such amendment by three-fourths of the States.

(b) Any State may ratify a proposed amendment even though it previously may have rejected the same proposal or may have rescinded a prior ratification thereof.

PROCLAMATION OF CONSTITUTIONAL AMENDMENTS

SEC. 14. The Administrator of General Services, when three-fourths of the several States have ratified a proposed amendment to the Constitution of the United States, shall issue a proclamation that the amendment is a part of the Constitution of the United States.

JUDICIAL REVIEW

SEC. 15. (a) Any State aggrieved by any determination or finding, or by any failure of Congress to make a determination or finding within the periods provided, under section 6 or section 11 of this Act may bring an action in the Supreme Court of the United States against the Secretary of the Senate and the Clerk of the House of Representatives or, where appropriate, the Administrator of General Services, and such other parties as may be necessary to afford the relief sought. Such an action shall be given priority on the Court's docket.

(b) Every claim arising under this Act shall be barred unless suit is filed thereon within sixty days after such claim first arises.

(c) The right to review by the Supreme Court provided under subsection (a) does not limit or restrict the right to judicial review of any other determination or decision made under this Act or such review as is otherwise provided by the Constitution or any other law of the United States.

EFFECTIVE DATE OF AMENDMENTS

Sec. 16. An amendment proposed to the Constitution of the United States shall be effective from the date specified therein or, if no date is specified, then one year after the date on which the last State necessary to constitute three-fourths of the States of the United States, as provided for in article V, has ratified the same.

SEVERABILITY

Sec. 17. In the event that any part of this Act be held unconstitutional, the same shall not necessarily affect the validity of other sections of this Act.

By Mr. JOHNSTON (for himself, Mr. Wallop, Mr. Bingaman, Mr. Wirth, Mr. Conrad, and Mr. Domenici):

S. 215. A bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products; to the Committee on Finance.

ENERGY SECURITY ACT

• Mr. JOHNSTON. Mr. President, today I am joining with Senators Wallop, Bingaman, Wirth, Conrad and Domenici in introducing the Energy Security Tax Act to establish a variable fee on crude oil imports. The fee would be phased in whenever the price of internationally traded oil drops below $20 per barrel and would equal the difference between $20 the existing world market price. The bill provides an additional differential of $2.50 per barrel for product imports and petrochemical feedstocks, creating a floor price of $22.50 for those products.

In today's market the oil import fee would not be collected at all. But at a world price of $18 per barrel of oil, for example, this fee would raise approximately $6 billion in revenues.

More importantly, the fee would ensure the viability and vitality of our domestic petroleum industry and reduce our ever growing reliance on foreign oil.

The biggest reason today's higher oil prices are not producing a commensurate level of new activity in the oil patch is the widely perceived fear that prices will gyrate back down to very low levels, perhaps as low as single digits.

An oil import fee to help maintain a reasonable floor price for oil would give assurance to those who would drill for oil, and those who would lend them money to drill, that they will have some downside protection against that.

It is a way to provide a vast amount of incentive—in the form of longer term stability in oil pricing—and do so free of charge.

Mr. President, during 1990, our nation imported 7.957 million barrels per day (mmb/d). This amounted to 46.9 percent of domestic deliveries. Prior to Iraq's invasion of Kuwait, 50 percent of these imports came from OPEC nations, with 25 percent coming from the Persian Gulf.

Yet, at the same time, our domestic production declined in 1990 to 7.282 MMB/D, its lowest level in almost 30 years. The 1990 level represented a 5 percent decrease from domestic production in 1989, a substantial drop.

According to the Energy Information Administration, U.S. energy consumption in 1989 was 81.281 quads, the highest level ever. Consumption of petroleum products during the first 10 months of 1990 averaged 16.936 MMB/D.

Moreover, the price of oil has been far from stable. Oil prices hit a low of $10 in 1986, and soared to over $40 on October 9, 1990. This instability creates a very difficult environment for the domestic industry. Our domestic oil industry needs certainty and predictability.

On January 10, 1989, President Reagan approved a finding, pursuant to the Trade Expansion Act of 1962, that petroleum imports threaten to impair our national security. A Department of Commerce investigation had found that maintenance of U.S. access to sufficient supplies of petroleum is essential to our economic security, foreign policy flexibility, and defense preparedness. Yet, our nation did little to address this situation.

Unfortunately, Saddam Hussein has made tragically clear the importance of oil to our national security. However, we have the means to preserve the domestic oil industry and to assure that our vital interests are not again endangered by reliance on oil from the Middle East.

We must act, and we must act now. I believe one of the most effective remedies is an oil import fee, such as that provided for by the bill I am introducing today.

Mr. President, I urge my colleagues in cosponsoring this legislation. I ask unanimous consent that the text of the bill appear at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Tax Act".

SEC. 2. FEE ON IMPORTED CRUDE OIL OR REFINED PETROLEUM PRODUCTS.

(a) In General.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 55—IMPORTED CRUDE OIL, REFINED PETROLEUM PRODUCTS, AND PETROCHEMICAL FEEDSTOCKS OR DERIVATIVES

"Sec. 5886. Imposition of tax.
"Sec. 5887. Definitions.
"Sec. 5888. Registration.
"Sec. 5889. Procedures; returns; penalties.

"SEC. 5886. IMPOSITION OF TAX.

"(a) Imposition of Tax.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) any crude oil,

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative,

that has been imported into the United States, and

"(2) the use within the United States of—

"(A) any crude oil,

"(B) any refined petroleum product, or

"(C) any petrochemical feedstock or petrochemical derivative, that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) Rate of Tax.—

"(1) Crude oil.—For purposes of paragraphs (1)(A) and (2)(A) of subsection (a) the rate of tax shall be the excess, if any, of—

"(A) $20 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(2) Refined petroleum product.—For purposes of paragraphs (1)(B) and (2)(B) of subsection (a), the rate of tax shall be the excess, if any, of—

"(A) $22.50 per barrel, over

"(B) the most recently published average price of a barrel of internationally traded oil.

"(3) Petrochemical feedstock or petrochemical derivative.—For purposes of paragraphs (1)(C) and (2)(C) of subsection (a), the rate of tax shall be equal to the rate of tax determined under paragraph (2) of this subsection, except that 'barrel equivalent of crude oil feedstocks used in the manufacture of such petrochemical feedstocks or petrochemical derivative' shall be substituted for 'barrel' in paragraph (2)(A) of this subsection.

"(4) Fractional parts of barrels.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) Determination of Average Price.—

"(1) In general.—For purposes of this section, the average price of internationally traded oil with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) Basis of determination.—For purposes of paragraph (1), the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, shall determine the average price of internationally traded oil for the preceding 4 weeks, pursuant to the formula for determining such international price as is used in publishing the Weekly Petroleum Status Report and as is in effect on the date of enactment of this section.

"(d) Liability for Payment of Tax.—

"(1) Sales.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil, refined petroleum product, petrochemical feedstock, or petrochemical derivative within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil, refined petroleum product, petrochemical feedstock, or petrochemical derivative.

"SEC. 5887. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than crude oil produced from a well located in the United States or a possession of the United States.

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' shall have the same meaning given to such term by section 3(5) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 752(5)).

"(4) EXPORT.—The terms 'export' and 'exported' include shipment to a possession of the United States.

"SEC. 5888. REGISTRATION.

"Every person subject to tax under section 5886 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5889. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference to the tax imposed by section 5886 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, in the same manner as the tax imposed by section 4986 was treated immediately before its repeal by the Omnibus Trade and Competitiveness Act of 1988.".

"(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"CHAPTER 55. Imported crude oil, refined petroleum products, and petrochemical feedstocks or derivatives.".

"(c) DEDUCTIBILITY OF IMPORTED OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil tax imposed by section 5886.".

"(d) EFFECTIVE DATE.—The amendments made by this action shall apply with respect to sales and uses of imported crude oil, imported refined petroleum products, petrochemical feedstocks, or petrochemical derivatives on or after the date of enactment of this Act.●

Mr. WALLOP. Mr. President, I am pleased to join with the chairman of the Committee on Energy and Natural Resources, Mr. JOHNSTON, in introducing the Energy Security Tax Act, which will help improve our energy security by stimulating domestic crude oil production.

There is no question that we must take very step possible to encourage all forms of domestic energy production, particularly oil. As we are all too aware, today in the Persian Gulf there are roughly one-half million United States and allied troops standing ready to defend against the Iraqi aggression which threatens one-third of the world's oil supply and two-thirds of the world's proven oil reserves.

It is sadly ironic that many of those who oppose our defense of Kuwait and Saudi Arabia from Iraqi aggression are also opposed to taking those actions necessary to reduce our foreign energy dependence, such as is proposed by this bill.

If we are ever to reduce our dependence on foreign oil and insulate ourselves from supply interruptions, we must take affirmative action, not just simply wait and hope. Delay can only result in reduced domestic production and increased imports.

Day-by-day domestic oil production declines. Since the 1973 Arab oil embargo, total U.S. crude oil production has fallen by nearly 2 million barrels per day, a 20-percent decline, and lower-48 production has fallen by a staggering 40 percent. Just over the past 12 months, U.S. production has fallen by 5 percent. The United Statesd now produces less crude oil than we did back in 1962.

The dramtic fall in drilling over the past decade portends an even more significant production decline in the future as older wells begin to play out. From an all-time high rig count of 3,970 in 1981, only 984 rigs were in operation last year, a 75-percent decline. It is not surprising that U.S. proven reserves of crude oil fallen by more than 10 percent over the past decade.

Despite the decline in domestic production, we consume about as much oil as we did in 1973. This translates into growing foreign oil dependence: from one-third in 1973 to nearly half today. Moreover, most analysts predict that by the year 2000 our foreign dependency will reach at least two-thirds, if not more.

Not only does our foreign oil dependence jeopardize our energy security, it also threatens our economic well being. We must not forget the economic stagnation, the high unemployment rates, the double-digit inflation and the soaring interest rates that accompanied the oil shortages brought about by the 1973 and 1979 international supply disruptions. Nor should we lose sight of the fact that we spend more than $150 million every single day on imported energy—$60 billion per year—and that outflow is a very significant drag on our economy. If we had consumed domestically produced energy instead of imported energy, over the past decade we would have saved our economy $555 billion, wiping out two-thirds of our balance of trade deficit. As a result, the dollar would have been stronger, interest rates would have been lower, our deficit would have been smaller and our economy would have been stronger. I ask: Can we really afford to spend this amount on foreign-produced energy?

I am very pleased and encouraged that the administration has undertaken the herculean task of formulating a national energy strategy, and it is my hope—and expectation—that it will soon be completed and transmitted to Congress. That is why on January 9, 1991, Senator JOHNSTON and I wrote to President Bush urging that he submit to Congress the administration's national energy strategy proposal at the earliest possible date. I ask unanimous consent that this letter be printed in the RECORD at the end of of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Mr. President, the legislation I am today introducing along with Senator JOHNSTON addresses a key problem facing oil producers: Market stability. If enacted, this legislation would help shield U.S. production and producers from the classic tactic of those who seek to monopolize a market: Driving out competitors and eliminating competition by selling far below production cost.

The bill would do so by imposing an excise tax on imports in an amount equal to the difference between a base price and the average international sales price. The base price would be $20 per barrel for crude oil and $22.50 for refined petroleum products, petrochemical feedstocks and derivatives. It would not, I repeat would not, impose price controls. Importers, refiners and producers would be free to sell their oil at whatever price they were able to obtain in the market.

Because of the massive expenditures necessary to bring new supplies of oil on line, some modicum of market stability is necessary and appropriate if we expect domestic producers to undertake exploration for and development of new oil supplies. For example, it costs on average $300,000 to drill an oil well, but only 2 out of 10 new field wildcats and exploratory wells prove out.

Price expectations are also particularly critical for retaining marginal wells, which account for 15 percent of U.S. oil production. The United States has more than 450,000 stripper wells, which on average produce less than three barrels per day. As a point of reference, contrast that with Saudi Arabia's 588 oil wells, which produce an average of 10,000 barrels per day each. Is it any surprise that Persian Gulf producers are able to withstand price falls that bankrupt domestic producers? Once a marginal oil well becomes uneconomic to produce it is plugged and abandoned, and will never produce again regardless of how high oil prices go in the future. It is for these marginal wells that the price stability afforded by this legislation is critical. This is particularly important in light of the Department of Energy's recent assessment that shortly after the year 2000 between 60 and 70 percent of the Nation's remaining oil reserves in the lower 48 States could be shut-in and lost forever if today's rate of abandonment is not reversed.

In this connection, it is important to note that this bill would also help defend alternative and experimental energy sources—solar photovoltaic and oil shale, for example—from the ravages of wild price fluctuations, just as it will help promote conservation for the same reason.

Now, if the international price of oil were established solely through the free market forces of supply and demand without manipulation, there would be little need or justification for this legislation; but it is not. The vast majority of the world's oil supply is produced by government-owned oil companies. OPEC is a consortium of producing countries, not producing companies, and the world's largest producer of oil is the Government of the Soviet Union.

We have all seen stories on the nightly news of OPEC's quarterly and emergency meetings, where they decide to raise or lower production because the actual market price of oil is different from their target price. And who can forget that the 1973 oil shortage was intentionally created by Middle Eastern governments as a result of the Arab-Israeli war. Nor can producers forget that the major oil price decline in 1986 was the result of intentional flooding of the marketplace by OPEC producers in order to extinguish marginal production and alternative fuels. And once having done so, they tightened supply in order to enjoy the fruit of their efforts.

Now some will argue that this legislation will hurt consumers, but the truth of the matter is exactly the opposite. Promoting domestic oil production will result in the replacement of insecure supplies of foreign-produced oil with stable supplies of domestically produced oil, thereby assuring consumers reliable supply at reasonable prices. This legislation should be considered to be an insurance policy against future efforts by foreign producers to manipulate price and supply.

As policymakers, the Congress is responsible to looking at the long-term needs of our people and economy, not just at what is cheapest today. Our long-term economic growth rests on the three legs of the energy stool: adequate supplies, reasonable prices, and market stability. Take away any one and our economy falls.

No commodity is more essential to a modern society than is energy; it is an essential element of the fabric of our society just as it is a principle ingredient in all manufacturing processes. Yet it is taken for granted—at least until we are told we will have to do with less. The 1973 Arab oil embargo and 1979 Iranian revolution brought that point home all too painfully. Unless we take action now, the next shortfall will have no less political, social and economic damage than the two during the 1970's, and given our growing foreign dependence it will likely be far worse.

It is in order to prevent that from occurring that I am today pleased to cosponsor this legislation. I hasten to note, however, that this bill alone does not constitute an energy policy. It is but one part of a much more comprehensive package that both the administrative and Congress is now working on to promote the production of all forms of energy—oil, natural gas, coal, nuclear and coal-fired electricity, hydroelectric power, renewable resources, as well as others.

We now face a choice. We can act to help protect our future, or we can do nothing and place our energy and economic well being in the hands of foreign producers who have already demonstrated that they have their interest, not ours, in mind, I choose the former, and I urge my colleagues to do likewise.

Mr. President, it is for these reasons that I am today cosponsoring this legislation and am urging my colleagues to do likewise.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES, WASHINGTON DC., JANUARY 9, 1991.

The PRESIDENT,
The White House, Washington, DC

DEAR MR. PRESIDENT: We have watched with interest and anticipation the process that has been underway at the Department of Energy for the last two years to develop a national energy strategy (NES). Extensive effort and resources have been expended by Administration officials, representatives of affected constituencies, and members of the public in seeking to formulate the NES. We applaud the progress thus far.

However, we are concerned that presentation of the NES to the 102nd Congress and the Nation is in danger of being delayed for several months. Action at this time, we believe, is a necessity.

Legislative proposals and Congressional debate on this subject are at this time both important and inevitable. We intend to be very active in this debate and to urge consideration of legislation to address oil import dependence. The Secretary of Energy has asked that we withhold introduction of our own legislative proposals until after you transmit your budget for fiscal year 1992. We have agreed to do so.

Certainly, it is in the public interest for the Administration to be a full participant in this process. The Administration should be playing a leading role in helping to frame the energy debate in the Congress and the nation and in devising appropriate legislation. We, therefore, strongly urge you to personally take whatever actions are necessary to bring the NES to fruition at the earliest possible date. We, of course, stand ready to assist you and the Secretary of Energy in this effort.

Surely, now is the time to put forth our best proposals to address a dependence on imported oil that has led us to the brink of war. We have the attention of the American people. They expect intelligent, decisive action. With your leadership we can meet that expectation.

Sincerely,

MALCOLM WALLOP,
Ranking Minority Member.

J. BENNETT JOHNSTON,
Chairman.

• Mr. BINGAMAN. Mr. President, I am pleased to join my distinguished colleague, Senator JOHNSTON, in introducing the Energy Security Tax Act. This bill will help address the turbulent volatilty of crude oil pricing and ensure the continued viability of our domestic oil industry.

That volatility is reflected in the wide swing of crude oil prices from a low of $10/barrel in 1986 to a high over $40/barel in October 1990. This instability leads to uncertainty and unpredictability.

BACKGROUND

We must discard once and for all the myth that free trade in oil is possible and that market forces will tell us what mix of energy supplies is in our national best interest. The cold hard fact is that OPEC controls over 75 percent of world oil reserves. Saudi Arabia alone accounts for almost 26 percent of world reserves. Iraq, occupied Kuwait and Iran account for 29 percent of world reserves. The bottom line is that other governments, some of whom are openly hostile to the United States, and many of whom lie in highly unstable regions of the globe, control a significant portion of our oil supply and can dictate the price that we will pay for oil. They can bleed us by raising the price and can turn around and keep us dependent by lowering the price. Do we want to bet our future on the hope that we will remain in the good graces of such governments? I don't think so. We must assure that our vital interests are never again threatened by reliance on oil from the Middle East.

The answer is to institute a variable fee on crude oil imports. Even at today's prices, investors are reluctant to commit capital to the development of domestic oil and gas or the development of alternatives to oil for fear that oil prices will retreat as quickly as they have risen. An oil import fee or mechanism to stabilize the price of imported oil will restore the stability that is necessary to revive our domestic oil and gas industry and to launch the alternative fuels industry.

LEGISLATION

The legislation we introduce today would impose a fee on imports of crude oil, refined petroleum products, petrochemicals, and petrochemical derivatives. The fee on crude oil would be the difference between $20 and the price per barrel of internationally traded oil, with the fee staying in place until the price of oil reaches $20. The bill provides an additional differential of $2.50 per barrel of product imports and petrochemical feed stocks.

CONCLUSION

Regardless of the outcome of the current conflict in the Persian Gulf, we have learned that we must have a national energy policy that lets us reduce our dependency on foreign oil and provides a stable supply of reasonably priced energy.

The centerpiece of that policy must be action to help maintain a reasonable floor price for oil. This legislation would accomplish that goal.

I ask my colleagues to support this important legislation.●

By Mr. HOLLINGS (for himself, Mr. DANFORTH, Mr. INOUYE, Mr. FORD, Mr. GORE, Mr. BREAUX, Mr. ROBB, Mr. GORTON, and Mr. WIRTH):

S. 217. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

FAIRNESS IN BROADCASTING ACT

● Mr. HOLLINGS. Mr. President, today I am introducing the Fairness in Broadcasting Act of 1991. This legislation reinstates a 50 year-old policy upholding the important notion that the public, not private interests, owns the broadcast airwaves—a policy which is the basis for the entire broadcast regulatory scheme, a scheme which broadcasters themselves asked us to create. This policy, the fairness doctrine, is critical to the continued promotion of the public interest in broadcasting.

The fairness doctrine evolved out of the basic premise that broadcasters are licensed to serve the public interest. This regulation was the direct result of the scarcity of the electromagnetic spectrum and the limited number of broadcast channels in each market, as well as the lack of competition to the broadcasters. Because it is impossible to provide channels to everyone that would like to operate a broadcast station, those who have the privilege of being assigned a channel have special obligations to operate as public trustees.

First instituted in 1949 by the Federal Communications Commission [FCC], the fairness doctrine furthered the public interest goal of ensuring that a diversity of viewpoints is presented over the nation's airwaves. It enabled speakers other than station owners to present their views on controversial issues. At the same time, the fairness doctrine imposed a de minimus burden on broadcasters. We now have evidence that many broadcasters who opposed the fairness doctrine believe that the doctrine never caused them any problems in the past. The fairness doctrine gives broadcasters great flexibility and discretion in fulfilling its requirements. In other words, the fairness doctrine does not require that broadcasters provide every side of an issue with the exact amount of time in precisely the same period. Instead, broadcasters simply must ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion.

The need for the fairness doctrine has been demonstrated recently by efforts of public interest groups to gain access to broadcast stations to present viewpoints in opposition to the impending war in the Persian Gulf. Everyday the airwaves are filled with the voices of those who believe that we should go to war to protect Kuwait. However, there are members of the viewing public who feel that there is not sufficient coverage of the views of those opposed to the war. While I will not conclude here today whether their views are accurate, they should have some recourse to ensure that all viewpoints are heard. Without the fairness doctrine, they have no recourse.

In its decision repealing the fairness doctrine, the FCC asserted that: First, the electromagnetic spectrum is no longer scarce; second, the increase in the number of broadcast stations and other media outlets has changed significantly the media marketplace; and third, the fairness doctrine has a chilling effect on broadcasters.

The evidence does not support the FCC's conclusion. The contention that the spectrum is no longer scarce is utterly baseless. The greatest battles at the FCC take place over spectrum, because it is in such short supply. Today, people are clamoring for new spectrum. In recent years there has been a significant increase in the demand for available spectrum. In fact, my colleague Senator INOUYE and Congressman DINGELL are each introducing legislation today in their respective Houses intended to free up more spectrum for new technologies. The support for this bill, which passed the House last year, indicates that Congress recognizes that the Nation is suffering a severe shortage of frequencies. The additional spectrum to be made available by that legislation does not mean that there will soon be a glut of frequencies. It is estimated that these new frequencies will be completely allocated in the next 15 years.

Moreover, with the advent of high-definition television [HDTV] the broadcasters are concerned about the availability of spectrum for their uses and now assert that the spectrum is scarce. Thus, the fact remains that there are far more people who want broadcast licenses than there are licenses available. Without a doubt, there are far more people who desire to use the spectrum than there is spectrum available.

The FCC claims about increased competition are also not well-founded. Even though there has been a large increase in the gross number of broadcast stations, this does not necessarily indicate that competition exists. In fact, it does not. Some 2,000 communities are served by a single radio licensee—or AM/FM combination.

The FCC assertion that new video services create competition is simply wrong when applied to the issue of the fairness doctrine. The vast majority of the new video services merely retransmits other broadcast stations, or, in the case of cable, provides no local programming on a regular basis. Of course, some cable systems have a local access channel; however, that represents only one new voice on local issues. Since the new video services do not originate any local programming, they cannot be considered new voices on local issues. The fairness doctrine was designed to give members of the local community an opportunity to present opposing viewpoints on issues of concern to that community.

Finally, the FCC's contention that the fairness doctrine has a chilling effect on broadcasters' speech is equally meritless. Many overlook the fact that the fairness doctrine imposes an obligation on broadcast licensees to air matters of public importance in addition to requiring broadcasters to air an opposing viewpoint when only one side of an issue is presented. The FCC argued that once the fairness doctrine was eliminated, the American public would see a tremendous increase in the coverage of controversial issues. All I have seen is a greater desire on the part of broadcasters to put on entertainment programming to increase their bottom line. I have not seen an increase in editorials or news and public affairs programming.

Furthermore, this argument ignores the fact that the fairness doctrine was intended to protect the public's first amendment right to present viewpoints on controversial issues. The fairness doctrine permitted those who do not own broadcast stations to participate in important public debates and a greater range of issues upon which to make informed decisions. For the American people, the fairness doctrine was crucial in protecting their right to free speech, a position taken by the Supreme Court in Red Lion Broadcasting Co. versus FCC. It was the only vehicle through which members of the public could respond effectively to one-sided presentations of controversial issues by station owners. Of course, now, without the fairness doctrine, they can still get air time, but only if they can afford to purchase it and the station is willing to sell it to them, or if they can get on alternative media—if any exist—that genuinely reaches a significant audience. Clearly, the fairness doctrine enhanced speech and furthered first amendment rights.

In conclusion, I take this opportunity to urge all of my colleagues to support this legislation to reinstate the fairness doctrine. This legislation is critical if the principle that broadcasters are licensed to serve the public is to have any meaning.

I ask unanimous consent that the entire text of the bill be included in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness in Broadcasting Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite technological advances, the electromagnetic spectrum remains a scarce and valuable public resource;

(2) there are still substantially more people who want to broadcast than there are frequencies to allocate;

(3) a broadcast license confers the right to use a valuable public resource and broadcaster is therefore required to utilize that resource as a trustee for the American people;

(4) there is a substantial governmental interest in conditioning the award or renewal of a broadcast license on the requirement that the licensee ensure the widest possible dissemination of information from diverse and antagonistic sources by presenting a reasonable opportunity for the discussion of conflicting views on issues of public importance;

(5) while new video and audio services have been proposed and introduced, many have not succeeded, and even those that are operating reach a far smaller audience than broadcast stations;

(6) even when and where new video and audio services are available, they do not provide meaningful alternatives to broadcast stations for the dissemination of news and public affairs;

(7) for more than thirty years, the Fairness Doctrine and its corollaries, as developed by the Federal Communications Commission on the basis of the provisions of the Communications Act of 1934, have enhanced free speech by securing the paramount right of the broadcast audience to robust debate on issues of public importance;

(8) because the Fairness Doctrine only requires more speech, it has no chilling effect on broadcasters; and

(9) the Fairness Doctrine (A) fairly reflects the statutory obligations of broadcasters under that Act to operate in the public interest, (B) was given statutory approval by the Congress in making certain amendments to that Act in 1959, and (C) strikes a reasonable balance among the First Amendment rights of the public, broadcast licensees, and speakers other than owners of broadcast facilities.

SEC. 3. AMENDMENT TO THE COMMUNICATIONS ACT OF 1934.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsection (a) through (d) as subsections (b) through (e), respectively; and

(2) by inserting before subsection (b) the following new subsection:

"(a)(1) A broadcast licensee shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(2) The enforcement and application of the requirement imposed by this subsection shall be consistent with the rules and policies of the Commission in effect on January 1, 1987. Such rules and policies shall not be construed to authorize the application of any criminal sanction pursuant to section 501 of this Act.".•

• Mr. INOUYE. Mr. President, I rise today to announce the introduction of the Emerging Telecommunications Technologies Act of 1991. This bill is a revised version of the bill I introduced last year, S. 2904. These revisions reflect substantial input from the administration, the Defense Department, the Department of Commerce, the Federal power agencies, the Federal Communications Commission, and the private sector.

I believe that this bill goes a long way toward meeting the concerns of all these parties. I am particularly pleased that the Department of Defense decided not to oppose this legislation last year as a result of the changes made in this bill. I am also pleased to be able to work together with Chairmen DINGELL and MARKEY of the House of Representatives, who will also be introducing this bill today. I intend to move this bill quickly in this session of Congress and look forward to the support of my colleagues.

The issues surrounding the use and assignment of the radio frequency spectrum are becoming increasingly important to this Nation's technological development. Last year, Businessweek magazine recognized the significance of these issues with a cover story entitled "Airwave Wars: The Communications Spectrum Is Too Crowded. So How Do We Make Room For All Those New Technologies?" The National Telecommunications and Information Administration is planning to issue a major report concerning spectrum policies in the next couple of months.

At the same time, the Federal Communications Commission has launched an initiative to explore the potential for using certain frequency bands for new technologies. As the Chairman of the Federal Communications Commission testified last year:

> The availability of spectrum also has a direct bearing on the performance and global competitiveness of one of our major—and fastest growing—manufacturing industries, industrial and commercial electronics.

There is good reason for paying all this attention to the issues concerning spectrum allocation. It is widely recognized that the greatest potential for technological advance over the next decade will be in the area of wireless communications. If the 1980's were the decade of fiber optics, the 1990's are likely to be the decade of wireless technologies. The possibilities for the future are breathtaking.

Imagine owning one personal telephone number, similar to a social security number, that will follow you wherever you may travel—by car, by train, by airplane, or even walking down the street. Imagine taking this personal telephone number with you to the Swiss Alps or the jungles of South America.

Imagine receiving compact disc quality radio signals via satellite. Or watching television programs broadcast directly to you from other countries. Or engaging in sophisticated data communications with a mainframe computer while sailing across the Pacific Ocean.

These technologies may all become possibilities within the next one or two decades. In fact, some observers believe there will be more developments in spectrum-based technologies in the next decade than there have been in the entire history of spectrum-based communications. Without available spectrum to convey these signals, however, the public may never be able to take advantage of these technologies.

The United States has pioneered many of this Nation's spectrum-based technologies—from broadcast radio and television to satellite communications. This aggressive exploration of the spectrum has spurred economic development and enhanced the security of the American people.

Unfortunately, the United States is now paying for its past success. Available spectrum for new technologies is minimal and is shrinking fast. We must search for alternatives before the United States loses its leadership position in spectrum-based technologies.

Almost all observers agree that the Federal Government does not make full use of a substantial number of frequencies. Of course, some of these frequencies must remain clear for emergency and public safety purposes. Other frequencies, however, are not used for emergency services and could be used more efficiently by the commercial sector.

For these reasons, the bill I am introducing today will transfer 200 megahertz of the radio frequency spectrum from the Federal Government to commercial and public safety users. This will free up spectrum for new technologies. It should also promote research and development, since laboratories will be more likely to develop products if they know in advance that spectrum may be available to make the technology commercially successful.

Of course, the Federal Government provides many essential services using its spectrum, including for military purposes, drug enforcement, and air traffic control. This bill in no way seeks to downgrade the importance of these essential services. But the future of this country's telecommunications industry will depend heavily on the availability of new spectrum, and we must take the proper steps today to allow ourselves to plan for the future.

The bill I am introducing today contains several important changes from the bill that I introduced last year. The bill increases the amount of spectrum that can be made eligible for sharing from 20 to 50 percent. It removes the arbitrary limitation that such shared spectrum can only be retained for use by the Government in geographic areas that cover no more than 20 percent of the population. The bill instead includes a provision that guarantees that the maximum possible use by the Government of this shared spectrum must be substantially less than the potential use made by the commercial sector.

These two changes were made out of recognition that the Federal Government could incur significant costs in relocating its operations to new frequencies even if the existing Federal Government use were completely consistent with use by a new technology. The Federal Government can retain use of these frequencies and also recommend them for reallocation to the commercial sector as long as the two uses do not interfere with each other. As a result, the Government users of this spectrum will not be forced to move off of these frequencies, and thus will not incur those costs.

Further, the bill makes several references to the need for the Secretary of Commerce to take into account the cost to the Government of reestablishing its services on different sets of frequencies when deciding which 200 Megahertz of frequencies to recommend for reallocation. Thus, all the Government users will have a fair opportunity to convince the secretary that it would be too costly to move to a new frequency band.

The bill also adds the Assistant Secretary of Commerce for Communications and Information, the Chairman of the Federal Communications Commission, and one additional representative of the Federal Government to the advisory committee. This will ensure that the needs and opinions of the Government users are at least represented at the table when the private sector meets to consider the initial recommendations made by the Secretary of Commerce. These Federal Government representatives would not, however, retain any veto authority over the recommendations of the advisory committee. The bill allows the private sector committee to issue opinions based on a majority vote, not a unanimous vote, by recognizing that dissenting views can be filed.

The bill extends the time period for withdrawal of certain assignments if the Secretary determines that the frequencies should not be made available for use by the private sector for several years. When issuing his recommendations for the reallocation of frequencies, the Secretary is directed to include a timetable for the withdrawal of the assignments of those frequencies. This section replaces the previous requirement that all Government assignments must be withdrawn within 6 months of the receipt of the Secretary's report. The new provisions recognize that it is unreasonable to require the President to withdraw certain assignments and cause those frequencies to lie fallow awaiting a future commercial use that may not occur for 15 years. This extended time period will give those Government users greater time to move off the frequencies they are currently using and should impose a less drastic financial burden. This will be especially helpful when the frequency withdrawals are timed to occur along with the natural depreciation of their network equipment.

The bill leaves to the Commission the important question of deciding how these new frequencies will be allocated and assigned. This bill expresses no opinion on which particular members of the public should be awarded the right to operate over these new frequencies or which particular uses should be made of these new frequencies. We have deliberately avoided making any decisions concerning these matters. These decisions are precisely the kind of decisions that the FCC was created to make. I would only like to remind the Commission of the importance of recognizing the need to promote the participation of minorities and women in awarding the rights to operate over these new frequencies.

Finally, the bill recognizes that these new technologies can be made available for public safety services as well as new technologies. Any spectrum uses currently administered by the Federal Communications Commission will be eligible for these frequencies.

Once again, I would like to express my appreciation to all the representatives of the Department of Defense, the administration and the private sector. These parties have demonstrated a great deal of cooperation and have made honest efforts to work together in shaping this bill. The opening of additional radio frequency spectrum for new, emerging technologies will benefit all Americans and is fast becoming a necessary priority if this Nation is to remain competitive with its economic competitors.

I ask unanimous consent that the full text of the bill be printed in the RECORD as introduced.●

By Mr. INOUYE (for himself, Mr. HOLLINGS, Mr. GORE, and Mr. LAUTENBERG):

S. 218. A bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT

● Mr. INOUYE. Mr. President, I rise today as a cosponsor of the Fairness in Broadcasting Act of 1991. This legislation reinstates the fairness doctrine, a principle which served the public interest and was a cornerstone of broadcasting for almost 40 years. The fairness doctrine is a specific application of the public trustee concept that enhances speech and furthers first amendment principles. It is a reasonable condition on the use of a valuable public resource, the electromagnetic spectrum. Moreover, the doctrine has served to increase speech on issues of public importance. As such, it is no more than good journalistic practice.

As my distinguished colleagues are aware, the fairness doctrine requires broadcasters to afford citizens reasonable opportunities to hear and discuss issues of public importance. It requires broadcasters to: First, cover issues of public importance; and second, fairly reflect differing viewpoints on those issues. The fairness doctrine does not require that broadcasters provide every side of an issue with exactly the same amount of time in the same time period. Instead, broadcasters simply have to ensure that their programming taken as a whole presents issues of public importance and does so in a balanced fashion. Thus, in the real world, if a licensee aired only one side of a controversial issue, he or she has to permit, if requested, members of the public a reasonable opportunity to present an opposing viewpoint.

Mr. President, we are here today because the U.S. Court of Appeals ruled in 1986 in the TRAC case that Congress had never actually codified the fairness doctrine and because the FCC has taken that opportunity to repeal the doctrine. The time has thus come to make the fairness doctrine an explicit part of our Nation's communications law.

Some have suggested that the fairness doctrine violates the first amendment and actually chills free speech. Nothing could be further from the truth. Seventeen years ago, the Supreme Court unanimously upheld the fairness doctrine against the first amendment challenge in Red Lion Broadcasting Co. versus FCC. The Court held that in the context of broadcasting, the rights of the viewing public to hear contrasting viewpoints on issues of public importance, not the rights of broadcasters, are paramount, and that the fairness doctrine is both a permissible and effective means of vindicating those rights. The fact that far more people are willing and able to engage in broadcasting than can possibly be accommodated by the limited spectrum available and that there are no genuine alternatives to broadcasting for the discussion of issues of public importance justifies a regulatory scheme that requires licensees to serve as trustees and obligates them to present the views of those who are excluded from the airways. Since Red

Lion, the Supreme Court has consistently reaffirmed the scarcity and public trustee rationale, while upholding regulation of broadcasters against first amendment attack.

The argument that the spectrum is no longer scarce is without any merit and is flatly contradicted by the widespread support for legislation I introduced last Congress and am introducing again today to free up more spectrum for commercial use. The spectrum scarcity problem has become so intense that there is simply no more room to accommodate new technologies, for common carrier or broadcast purposes. Even the FCC Chairman has recognized the problem of spectrum scarcity. In testifying last year in support of the need to find more spectrum for new technologies, he stated that "radio-based innovations * * * are being slowed by an absence of available spectrum."

Supporters of the fairness doctrine accept that it may impose a mild burden on licensees. However, we believe that the burden is both necessary and minimal. As the Supreme Court stated in Red Lion, "[it] is the right of the viewers and listeners, not the right of the broadcasters which is paramount." While the Communications Act limits the rights of the viewers and listeners by excluding speakers from the airwaves, it mitigates this damage by enhancing speech through the fairness doctrine.

Past decisions of the Commission and the courts have carefully circumscribed the scope of the doctrine in order to minimize intrusion into the editorial discretion of broadcasters. For example, in determining whether there had been a violation of the fairness doctrine, the FCC did not monitor broadcasts. The Commission only acted if it: First, received a complaint; and second, determined that the complaint presented prima facie evidence of a violation. Only a tiny portion of complaints result in any FCC action.

Thus, the doctrine can only chill broadcasters' speech when they are unwilling to air both sides of an issue. In fact, broadcasters need only fear the consequences of presenting a single side of an issue in their overall programming. A broadcaster who acts according to the standards of his or her profession, on the other hand, has nothing to fear from the fairness doctrine, since it is only applied in the most egregious cases of imbalance. The chill argument is thus an attempt to clothe the first amendment language in an economically motivated refusal to fulfill the commitments they gave in return for the free grant of a valuable public resource.

Mr. President, the public interest standard ordained by Congress for broadcasting means that licensees are public trustees with unique public responsibilities. As Judge Burger stated in the 1966 United Church of Christ decision: "The Fairness Doctrine plays a very large role in assuring the public resource granted to licensees at no cost will be used in the public interest." The point is fundamental: Without the fairness doctrine, there is nothing to prevent a broadcaster from grossly abusing the public trust embodied in a broadcast license. If the legal requirement that the Commission grant licensees in the public interest cannot prevent such use of a broadcast facility, the public interest concept means nothing at all.

Mr. President, the time is long overdue for Congress to codify the fairness doctrine. I urge my colleagues to support this bipartisan effort.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emerging Telecommunications Technologies Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Federal Government currently reserves for its own use, or has priority of access to, approximately 40 percent of the electromagnetic spectrum that is assigned for use pursuant to the Communications Act of 1934;

(2) many of such frequencies are underutilized by Federal Government licensees;

(3) the public interest requires that many of such frequencies be utilized more efficiently by Federal Government and non-Federal licensees;

(4) additional frequencies are assigned for services that could be obtained more efficiently from commercial carriers or other vendors;

(5) scarcity of assignable frequencies for licensing by the Commission can and will—

(A) impede the development and commercialization of new telecommunications products and services;

(B) reduce the capacity and efficiency of the United States telecommunications systems;

(C) prevent some State and local police, fire, and emergency services from obtaining urgently needed radio channels; and

(D) adversely affect the productive capacity and international competitiveness of the United States economy;

(6) a reassignment of these frequencies can produce significant economic returns; and

(7) the Secretary of Commerce, the President, and the Federal Communications Commission should be directed to take appropriate steps to correct these deficiencies.

SEC. 3. NATIONAL SPECTRUM PLANNING.

(a) PLANNING ACTIVITIES.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of the Commission shall meet, at least biannually, to conduct joint spectrum planning with respect to the following issues:

(1) the future spectrum requirements for public and private uses, including State and local government public safety agencies;

(2) the spectrum allocation actions necessary to accommodate those uses; and

(3) actions necessary to promote the efficient use of the spectrum, including spectrum management techniques to promote increased shared use of the spectrum as a means of increasing commercial access.

(b) REPORTS.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of the Commission shall submit a joint annual report to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Secretary, and the Commission on the joint spectrum planning activities conducted under subsection (a) and recommendations for action developed pursuant to such activities. The first annual report submitted after the date of the report by the advisory committee under section 4(d)(4) shall include an analysis of and response to that committee report.

SEC. 4. IDENTIFICATION OF REALLOCABLE FREQUENCIES.

(a) IDENTIFICATION REQUIRED.—The Secretary shall, within 24 months after the date of the enactment of this Act, prepared and submit to the President and the Congress a report identifying bands of frequencies that—

(1) are allocated on a primary basis for Federal Government use and eligible for licensing pursuant to section 305(a) of the Act (47 U.S.C. 305(a));

(2) are not required for the present or identifiable future needs of the Federal Government;

(3) can feasibly be made available, as of the date of submission of the report or at any time during the next 15 years, for use under the Act (other than for Federal Government stations under such section 305);

(4) will not result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained by non-Federal licensees; and

(5) are most likely to have the greatest potential for productive uses under the Act.

(b) MINIMUM AMOUNT OF SPECTRUM RECOMMENDED.—

(1) IN GENERAL.—Based on the report required by subsection (a), the Secretary shall recommend for reallocation, for use other than by Federal Government stations under section 305 of the Act (47 U.S.C. 305), bands of frequencies that span a total of not less than 200 megahertz, that are located below 5 gigahertz, and that meet the criteria specified in paragraphs (1) through (4) of subsection (a). If the report identifies (as meeting such criteria) bands of frequencies spanning more than 200 megahertz, the report shall identify and recommend for reallocation those bands (spanning not less than 200 megahertz) that meet the criteria specified in paragraph (5) of such subsection.

(2) MIXED USES PERMITTED TO BE COUNTED.—Bands of frequencies which the Secretary's report recommends be partially retained for use by Federal Government stations, but which are also recommended to be reallocated to be made available under the Act for use by non-Federal stations, may be counted toward the minimum spectrum required by paragraph (1) of this subsection, except that—

(A) the bands of frequencies counted under this paragraph may not count toward more than one-half of the minimum required by paragraph (1) of this subsection;

(B) a band of frequencies may not be counted under this paragraph unless the assignments of the band to Federal Government stations under section 305 of the Act (47 U.S.C. 305) are limited by geographic area, by time, or by other means so as to guarantee that the potential use to be made by such Federal Government stations is substantially less (as measured by geographic area, time, or otherwise) than the potential use to be made by non-Federal stations; and

(C) the operational sharing permitted under this paragraph shall be subject to coordination procedures which the Commission shall establish and implement to ensure against harmful interference.

(c) CRITERIA FOR IDENTIFICATION.—

(1) NEEDS OF THE FEDERAL GOVERNMENT.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(2), the Secretary shall—

(A) consider whether the band of frequencies is used to provide a communications service that is or could be available from a commercial carrier or other vendor;

(B) seek to promote—

(i) the maximum practicable reliance on commercially available substitutes;

(ii) the sharing of frequencies (as permitted under subsection (b)(2));

(iii) the development and use of new communications technologies; and

(iv) the use of nonradiating communications systems where practicable; and

(C) seek to avoid—

(i) serious degradation of Federal Government services and operations; and

(ii) excessive costs to the Federal Government and civilian users of Federal Government services.

(2) FEASIBILITY OF USE.—In determining whether a frequency band meets the criteria specified in subsection (a)(3), the Secretary shall—

(A) assume such frequencies will be assigned by the Commission under section 303 of the Act (47 U.S.C. 303) over the course of not less than 15 years;

(B) assume reasonable rates of scientific progress and growth of demand for telecommunications services;

(C) determine the extent to which the reallocation or reassignment will relieve actual or potential scarcity of frequencies available for licensing by the Commission for non-Federal use;

(D) seek to include frequencies which can be used to stimulate the development of new technologies; and

(E) consider the cost to reestablish services displaced by the reallocation of spectrum.

(3) COMMERCIAL USE.—In determining whether a band of frequencies meets the criteria specified in subsection (a)(4), the Secretary shall consider—

(A) the extent to which equipment is available that is capable of utilizing the band;

(B) the proximity of frequencies that are already assigned for commercial or other non-Federal use; and

(C) the activities of foreign governments in making frequencies available for experimentation or commercial assignments in order to support their domestic manufacturers of equipment.

(4) OTHER USES.—

(A) APPLICABILITY OF CRITERIA.—The criteria specified by section 4(a) shall be deemed not to be met for any purpose under this Act with regard to any frequency assignment to, or any frequency assignment used by, a Federal power agency for the purpose of withdrawing that assignment.

(B) MIXED USE ELIGIBILITY.—The frequencies assigned to any Federal power agency may only be eligible for mixed use under subsection (b)(2) in geographically separate areas, but in those cases where a frequency is to be shared by an affected Federal power agency and a non-Federal user, such use by the non-Federal user shall not cause harmful interference to the affected Federal power agency or adversely affect the reliability of its power system.

(C) DEFINITIONS.—As used in this paragraph, the term "Federal power agency" means the Tennessee Valley Authority, the Bonneville Power Administration, the Western Area Power Administration, or the Southwestern Power Administration.

(d) PROCEDURE FOR IDENTIFICATION OF REALLOCABLE BANDS OF FREQUENCIES.—

(1) SUBMISSION OF PRELIMINARY IDENTIFICATION TO CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary shall prepare and submit to the Congress a report which makes a preliminary identification of reallocable bands of frequencies which meet the criteria established by this section.

(2) CONVENING OF ADVISORY COMMITTEE.—Not later than the date the Secretary submits the report required by paragraph (1), the Secretary shall convene an advisory committee to—

(A) review the bands of frequencies identified in such report;

(B) advise the Secretary with respect to (i) the bands of frequencies which should be included in the final report required by subsection (a), and (ii) the effective dates which should be established under subsection (e) with respect to such frequencies;

(C) receive public comment on the Secretary's report and on the final report; and

(D) prepare and submit the report required by paragraph (4).

The advisory committee shall meet at least monthy until each of the actions required by section 5(a) have taken place.

(3) COMPOSITION OF COMMITTEE; CHAIRMAN.—The advisory committee shall include—

(A) the Chairman of the Commission and the Assistant Secretary of Commerce for Communications and Information, and one other representative of the Federal Government as designed by the Secretary; and

(B) representatives of—

(i) United States manufacturers of spectrum-dependent telecommunications equipment;

(ii) commercial carriers;

(iii) other users of the electromagnetic spectrum, including radio and television broadcast licensees, State and local public safety agencies, and the aviation industry; and

(iv) other interested members of the public who are knowledgeable about the uses of the electromagnetic spectrum.

A majority of the members of the committee shall be members described in subparagraph (B), and one of such members shall be designated as chairman by the Secretary.

(4) RECOMMENDATIONS ON SPECTRUM ALLOCATION PROCEDURES.—The advisory committee shall, not later than 36 months after the date of the enactment of this Act, submit to the Secretary, the Commission, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report containing such recommendations as the advisory committee considers appropriate for the reform of the process of allocating the electromagnetic spectrum between Federal and non-Federal use, and any dissenting views thereon.

(e) TIMETABLE FOR REALLOCATION AND LIMITATION.—The Secretary shall, as part of the report required by subsection (a), include a timetable that recommends immediate and delayed effective dates by which the President shall withdraw or limit assignments on the frequencies specified in the report. The recommended delayed effective dates shall—

(1) permit the earliest possible reallocation of the frequency bands, taking into account the requirements of section 6(1);

(2) be based on the useful remaining life of equipment that has been purchased or contracted for to operate on identified frequencies;

(3) be based on the need to coordinate frequency use with other nations; and

(4) take into account the relationship between the costs to the Federal Government of changing to different frequencies and the benefits that may be obtained from commercial and other non-Federal uses of the reassigned frequencies.

SEC. 5. WITHDRAWAL OF ASSIGNMENT TO FEDERAL GOVERNMENT STATIONS.

(a) IN GENERAL.—The President shall—

(1) within 6 months after receipt of the Secretary's report under section 4(a), withdraw the assignment to a Federal Government station of any frequency which the report recommends for immediate reallocation;

(2) within such 6-month period, limit the assignment to a Federal Government station of any frequency which the report recommends be made immediately available for mixed use under section 4(b)(2);

(3) by the delayed effective date recommended by the Secretary under section 4(e) (except as provided in subsection (b)(4) of this section), withdraw or limit the assignment to a Federal Government station of any frequency which the report recommends be reallocated or made available for mixed use on such delayed effective date;

(4) assign or reassign other frequencies to Federal Government stations as necessary to adjust to such withdrawal or limitation of assignments; and

(5) transmit a notice and description to the Commission and each House of Congress of the actions taken under this subsection.

(b) EXCEPTIONS.—

(1) AUTHORITY TO SUBSTITUTE.—If the President determines that a circumstance described in paragraph (2) exists, the President—

(A) may substitute an alternative frequency or band of frequencies for the frequency or band that is subject to such determination and withdraw (or limit) the assignment of that alternative frequency or band in the manner required by subsection (a); and

(B) shall submit a statement of the reasons for taking the action described in subparagraph (A) to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) GROUNDS FOR SUBSTITUTION.—For purposes of paragraph (1), the following circumstances are described in this paragraph:

(A) the reassignment would seriously jeopardize the national defense interests of the United States;

(B) the frequency proposed for reassignment is uniquely suited to meeting important governmental needs;

(C) the reassignment would seriously jeopardize public health or safety; or

(D) the reassignment will result in costs to the Federal Government that are excessive in relation to the benefits that may be obtained from commercial or other non-Federal uses of the reassigned frequency.

(3) CRITERIA FOR SUBSTITUTED FREQUENCIES.—For purposes of paragraph (1), a

frequency may not be substituted for a frequency identified by the report of the Secretary under section 4(a) unless the substituted frequency also meets each of the criteria specified by section 4(a).

(4) DELAYS IN IMPLEMENTATION.—If the President determines that any action cannot be completed by the delayed effective date recommended by the Secretary pursuant to section 4(e), or that such an action by such date would result in a frequency being unused as a consequence of the Commission's plan under section 6, the President may—

(A) withdraw or limit the assignment to Federal Government stations on a later date that is consistent with such plan, except that the President shall notify each Committee specified in paragraph (1)(B) and the Commission of the reason that withdrawal or limitation at a later date is required; or

(b) substitute alternative frequencies pursuant to the provisons of this subsection.

(c) LIMITATION OF DELEGATION.—Notwithstanding any other provision of law, the authorities and duties established by this section may not be delegated.

SEC. 6. DISTRIBUTION OF FREQUENCIES BY THE COMMISSION.

Not later than one year after the President notifies the Commission pursuant to section 5(a)(5), the Commission shall prepare, in consultation with the Assistant Secretary of Commerce for Communications and Information when necessary, and submit to the President and the Congress, a plan for the distribution under the Act of the frequency bands reallocated pursuant to the requirements of this Act. Such plan shall—

(1) not propose the immediate distribution of all such frequencies but, taking into account the timetable recommended by the Secretary pursuant to section 4(e), shall propose—

(A) gradually to distribute the frequencies remaining, after making the reservation required by subparagraph (B), over the course of a period of not less than 10 years beginning on the date of submission of such plan; and

(B) to reserve a significant portion of such frequencies for distribution beginning after the end of such 10-year period;

(2) contain appropriate provisions to ensure—

(A) the availability of frequencies for new technologies and services in accordance with the policies of section 7 of the Act (47 U.S.C. 157); and

(B) the availability of frequencies to stimulate the development of such technologies;

(3) address (A) the feasibility of reallocating portions of the spectrum from current commercial and other non-Federal uses to provide for more efficient use of the spectrum, and (B) innovation and marketplace developments that may affect the relative efficiencies of different spectrum allocations; and

(4) not prevent the Commission from allocating bands of frequencies for specific uses in future rulemaking proceedings.

SEC. 7. AUTHORITY TO RECOVER REASSIGNED FREQUENCIES.

(a) AUTHORITY OF PRESIDENT.—Subsequent to the withdrawal of assignment to Federal Government stations pursuant to section 5, the President may reclaim reassigned frequencies for reassignment to Federal Government stations in accordance with this section.

(b) PROCEDURE FOR RECLAIMING FREQUENCIES.—

(1) UNALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have not been allocated or assigned by the Commission pursuant to the Act, the President shall follow the procedures for substitution of frequencies established by section 5(b) of this Act.

(2) ALLOCATED FREQUENCIES.—If the frequencies to be reclaimed have been allocated or assigned by the Commission, the President shall follow the procedures for substitution of frequencies established by section 5(b) of this Act, except that the notification required by section 5(b)(1)(A) shall include—

(A) a timetable to accommodate an orderly transition for licensees to obtain new frequencies and equipment necessary for its utilization; and

(B) an estimate of the cost of displacing spectrum uses licensed by the Commission.

(c) COSTS OF RECLAIMING FREQUENCIES; APPROPRIATIONS AUTHORIZED.—The Federal Government shall bear all costs of reclaiming frequencies pursuant to this section, including the cost of equipment which is rendered unusable, the cost of relocating operations to a different frequency band, and any other costs that are directly attributable to the reclaiming of the frquency pursuant to this section. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(d) EFFECTIVE DATE OF RECLAIMED FREQUENCIES.—The Commission shall not withdraw licenses for any reclaimed frequencies until the end of the fiscal year following the fiscal year in which the President's notification is received.

(e) EFFECT ON OTHER LAW.—Nothing in this section shall be construed to limit or othewise affect the authority of the President under section 706 of the Act (47 U.S.C. 606).

SEC. 8. DEFINITIONS.

As used in this Act:

(1) The term "allocation" means an entry in the National Table of Frequency Allocations of a given frequency band for the purpose of its use by one or more radiocommunication services.

(2) The term "assignment" means an authorization given to a station licensee to use specific frequencies or channels.

(3) The term "commercial carrier" means any entity that uses a facility licensed by the Federal Communications Commission pursuant to the Communications Act of 1934 for hire or for its own use, but does not include Federal Government stations licensed pursuant to section 305 of the Act (47 U.S.C. 305).

(4) The term "Commission" means the Federal Communications Commission.

(5) The term "Secretary" means the Secretary of Commerce.

(6) The term "the Act" means the Communications Act of 1934 (47 U.S.C 151 et seq.).•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 219. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect to be conducted by a psychiatric nurse practitioner or a clinical nurse specialist; to the Committee on the Judiciary.

PSYCHOLOGICAL EXAMINATIONS BY PSYCHIATRIC NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS

• Mr. INOUYE. Mr. President, today, I am introducing legislation that will allow our Nation's psychiatric nurse practitioners/clinical nurse specialists to provide mental health services to the Federal judiciary.

Mr. President, I feel that our Nation's judicial system deserves access to a wide range of behavioral science and mental health expertise. The time has come for the enactment of this legislation that, I believe, will be in the best interest of our Nation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (b) of section 4247 of title 18, United States Code, is amended by—

(1) striking out "or" after "certified psychiatrist" and inserting a comma; and

(2) inserting after "clinical psychologist," the following: psychiatric nurse practitioner, or clinical nurse specialist,"•.

By Mr. DOLE (for Mr. GARN, for himself, and Mr. HELMS):

S.J. Res. 37. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT ON THE RIGHTS OF THE UNBORN

• Mr. GARN. Mr. President, I am pleased today to join with some of my colleagues to offer an amendment to the Constitution of the United States to protect human life. January 22, 1991, marks the 18th anniversary of the Supreme Court's decision legalizing abortion. We join together for this anniversary to both censure the Court's error in this regard and to mourn the deaths of millions of unborn children who have fallen victims of it. It is my concern for the wholesale destruction of human life that leads me to once again, for the seventh consecutive Congress, introduce this amendment, known as the human life amendment, in the 102d Congress.

The amendment states that "with respect to the right to life, the word 'person' as used * * * in the Fifth and Fourteenth amendments to the Constitution * * * applies to all human beings, irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development." It goes on to specify that measures necessary to prevent the death of the mother should not be prohibited.

I thank those in this body who have joined me in cosponsoring this effort. I appreciate your support not only as colleagues, but because it is again an indicator to me of the support among the people of our Nation in the effort to resolve the tragedy of abortion. I commend, as well, the individual efforts of several of my colleagues in their fight to protect the unborn. I also thank, in advance, those thousands of citizens who will descend upon the Nation's Capital next week, on January 22, and those who will gather throughout the Nation to peacefully protest the Supreme Court's decision, and mourn the violent deaths of the unborn that continue to take place even now. I lend my voice to the protest and call upon you in this Congress to join with me.

In my readings of the Constitution, I have never found an all-encompassing right to abortion. That the Supreme Court erred in its holding in 1973 is unquestionable. The Court assumed for itself a legislative role and in effect wrote a statute governing abortions for the entire country, a statute more permissive than those enacted by any of the 50 States before them. I think that it is fair to say that those abortion decisions are the most criticized of our time.

Medical and biological science teaches unequivocally that new life begins at conception, not at birth. Indeed, medical advances are changing the way that many regard life in the womb. Surgery has been successfully performed on fetuses to correct medical problems before birth. Premature babies are being saved at younger ages. Doctors and others are acknowledging the very real possibility that fetuses endure terrible pain as a result of abortion techniques. Additionally, the moral and ethical questions of responsibility and, indeed, life must be addressed for babies who survive abortion procedures. Given all this, can it be possible to say that a viable fetus at 7 or 8 months' gestation, who is eligible for abortion under Roe versus Wade, is not human or alive when compared to a newborn at full gestation.

How can we, as civilized people, have such blatant disregard for the value of human life by allowing abortions to violently end the life of fetuses at up to 28 weeks' gestation, yet if a baby is born prematurely, even as early as 24 weeks, medical professionals and families rally around the child, making every human effort possible and praying for a miracle to save the child. How does the value of life change so dramatically from, literally, one moment to the next? We don't protect the fetus, but we make every effort possible to save babies at the moment of birth. A newborn is no less dependent on us for its survival than is a fetus. Their future, that of the unborn and the newborn as well, lies in our hands.

Mr. President, I am hopeful that steps can be taken in this Congress to preserve those guarantees found in our Constitution and to protect the life of our unborn.●

By Mr. THURMOND:

S.J. Res. 38. Joint resolution to recognize and commend the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge; to the Committee on the Judiciary.

COMMENDING THE "BILL OF RESPONSIBILITIES" OF THE FREEDOMS FOUNDATION

Mr. THURMOND. Mr. President, I rise today to introduce a joint resolution which recognizes and commends the Freedoms Foundation's bill of responsibilities.

Since 1949, Freedoms Foundation at Valley Forge has worked, through a variety of programs and activities, to help Americans learn more about their country—its origins, its history, its guiding principles. In conjunction with the Bicentennial of the Constitution and the Bill of Rights, Freedoms Foundation is expanding and refining its mission in an important way—to help promote a better understanding of the unique nature of American citizenship.

From its inception, the emphasis of the American experiment in self-government has been on individual rights. Because the creation of a society and government with this emphasis was such a radical departure from what had come before, the discussion and writings that accompanied the Declaration of Independence and the Constitution concentrated on these themes. That does not mean, however, that the Founding Fathers did not recognize a corresponding set of citizens responsibilities. They recognized that the long-term success of the American experiment rested on the maintenance of a proper balance of rights and responsibilities.

To help promote a better understanding of the necessary balance between rights and responsibilities in a free society, Freedoms Foundation has developed, as its contribution to the Bicentennial of the Constitution, a bill of responsibilities.

This bill is the result of nearly 2 years' effort on the part of scholars from throughout the United States, under the direction of a steering committee composed of members of Freedoms Foundation's Board of Directors and National Council of Trustees, including: Dr. Mark W. Cannon, Executive Director of the Commission on the Bicentennial of the Constitution; Morris I. Leibman, attorney; Ursula Meese; Robert W. Miller, president of Freedoms Foundation; the Honorable John J. Rhodes, former minority leader of the House of Representatives; and the Honorable Raymond P. Shafer, former Governor of Pennsylvania.

I urge my colleagues to join with me in recognizing and commending the Freedoms Foundation's bill of responsibilities.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 38

Whereas, the United States of America recently celebrated the two hundredth anniversary of the Presidency and Congress established by the Constitution of the United States; and

Whereas, "We the People" did ordain and establish a Constitution and Bill of Rights for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

Whereas, the United States of America prepares to commemorate the Bicentennial of the Bill of Rights on December 15, 1991; and

Whereas, the Bill of Rights still guarantees our liberties nearly 200 years after its ratification and continues to assure the Constitutional rights of "We the People"; and

Whereas, rights and responsibilities are mutual and inseparable; Freedoms Foundation at Valley Forge has offered a "Bill of Responsibilities" to commemorate the Bicentennial of the Bill of Rights and to urge all Americans to accept the following responsibilities in order to secure and expand our freedom as individual members of a free society:

(1) To be fully responsible for our own actions and for the consequences of those actions.

(2) To respect the rights and beliefs of others.

(3) To give sympathy, understanding, and help to others.

(4) To do our best to meet our own and our families' needs.

(5) To respect and obey the laws.

(6) To respect the property of others, both private and public.

(7) To share with others our appreciation of the benefits and obligations of freedom.

(8) To participate constructively in the Nation's political life.

(9) To help freedom survive by assuming personal responsibility for its defense.

(10) To respect the rights and to meet the responsibilities on which our liberty rests and our democracy depends. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress recognizes and commends the "Bill of Responsibilities" of the Freedoms Foundation at Valley Forge and urges the citizens of the United States to embrace these princples as a model of responsible American citizenship.

By Mr. THURMOND:

S.J. Res. 39. Joint resolution to designate the month of September 1991, as "National Awareness Month for Children With Cancer"; to the Committee on the Judiciary.

NATIONAL AWARENESS MONTH FOR CHILDREN WITH CANCER

Mr. THURMOND. Mr. President, I am pleased to introduce today a resolution which designates the month of September 1991 as "National Awareness Month for Children With Cancer."

Cancer causes more than 10 percent of all deaths among children in the United States between the ages of 1 and 14. It is second only to accidents as the leading cause of death in this age group.

Families confronted with childhood cancer face one of the most difficult experiences they will ever know. These families both need and deserve the best medical and emotional support we can provide. Every family touched by childhood cancer needs the patience and understanding of its friends, neighbors, teachers, and clergy. Parents need the support and compassion of their employers, and brothers and sisters of young cancer patients need special attention—not only at home, but also at school.

In recent years, our Nation has made unprecedented progress in the fight against cancer. Fortunately, dramatic progress has been made in the early diagnosis and treatment of childhood cancers. The number of children who die from cancer has declined by approximately one-third since 1973—a significant change over a relatively short span of time.

Many private sector organizations and Government agencies have been responsible for our Nation's progress in the fight against childhood cancer. The National Cancer Institute [NCI], part of the Department of Health and Human Services, is the Federal Government's principal agency for cancer research. Members of the NCI's pediatric branch and pediatric oncologists at universities and research institutes throughout the country are working tirelessly to develop improved methods for diagnosing and treating children with cancer.

Scores of other national and local health care organizations and charitable associations play a vital role in supporting such cancer research. These organizations also help young patients and their parents cope with the emotional and financial stress caused by cancer treatment, and their efforts deserve our praise and support. Through the generosity of these groups, children suffering from cancer may be able to spend time at a special summer camp or realize a heartfelt dream; they and their parents may receive free air travel for treatment; or parents may benefit from low-cost lodging while their children obtain care far from home. Across the United States, concerned Americans have rallied to help young cancer patients and their families by founding and supporting wonderful programs like these.

In closing, I urge my colleagues to join me in cosponsoring this worthy resolution which aims to draw attention to the opportunities for prevention, early detection, and successful treatment of cancer when it strikes our children.

I ask unanimous consent that the full test of this resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 39

Whereas cancer causes more than 10 percent of all deaths among children in the United States between the ages of 1 and 10;

Whereas cancer is second only to accidents as the leading cause of death for children in that age group;

Whereas families that have a child cancer victim encounter one of life's most tragic experiences;

Whereas parents of children suffering from cancer need the support and compassion of their employers, and the siblings of such children need special attention at home and in school;

Whereas dramatic progress has been made in the early diagnosis and treatment of cancer in children;

Whereas the number of children who die each year from cancer has decreased by approximately one-third since 1973;

Whereas private sector organizations and government agencies have been responsible for significant progress in the fight against cancer in children; and

Whereas these organizations and agencies, which help children suffering from cancer and their families cope with the emotional and financial stress caused by cancer treatment, are worthy of praise and support: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September, 1991, is designated as "National Awareness Month for Children with Cancer", and the President is requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

By Mr. THURMOND:

S.J. Res. 40. Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a joint resolution which authorizes and requests the President to designate the week of September 8, 1991, through September 14, 1991, as "National Historically Black Colleges Week."

This year represents the 9th consecutive year that it has been my privilege to sponsor legislation honoring the historically black colleges of our country.

The 6th of the 107 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of economically disadvantaged young people with the opportunity to obtain a college education.

Mr. President, hundreds of thousands of young Americans have received quality educations at these 107 schools. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer to our citizens a variety of curriculums and programs through which young people develop skills and talents, thereby expanding opportunities for continued social progress.

Recent statistics show that historically black colleges and universities have graduated 60 percent of the black pharmacists in the Nation, 40 percent of the black attorneys, 50 percent of the black engineers, 75 percent of the black military officers, and 80 percent of the black members of the Judiciary.

Mr. President, as this resolution is introduced, it is important to note that 1991 is the year Congress begins consideration of the reauthorization of the Higher Education Act. This act has greatly benefited historically black colleges over the years and I look forward to the reauthorization debate.

Mr. President, through passage of this joint resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this joint resolution, and I ask unanimous consent that a copy of the joint resolution appear in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 8, 1991, and ending on September 14, 1991, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. PELL], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 1, supra.

At the request of Mr. ADAMS, his name was added as a cosponsor of S. 1, supra.

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Michigan [Mr. RIEGLE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 8

At the request of Mr. DOLE, the names of the Senator from Florida [Mr. MACK], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation.

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 8, supra.

S. 9

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 10

At the request of Mr. DOLE, the names of the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 12

At the request of Mr. DANFORTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 12, a bill to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Michigan [Mr. LEVIN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 65, a bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State.

S. 88

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 89

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 89, a bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals.

S. 99

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 99, a bill to reduce the pay of Members of Congress and certain Executive Officers corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order.

S. 101

At the request of Mr. SANFORD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to receive testimony on U.S. national energy policy.

The hearing will take place on Tuesday, February 5, 1991, beginning at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC. Witnesses will testify by invitation only.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

COMMITTEE ON SMALL BUSINESS

Mr. Bumpers. Mr. President, I would like to announce that the Small Business Committee has postponed the two field hearings that were to be held in Hartford, CT, on January 17 and 18, 1991. For further information, please call Ken Glueck of Senator LIEBERMAN's office at 224-4041, or Laura Lecky of the committee staff at 224-3099.

ADDITIONAL STATEMENTS

TRIBUTE TO DANNY BARKER, RECIPIENT OF NEA 1991 AMERICAN JAZZ MASTERS FELLOWSHIP AWARD

• Mr. JOHNSTON. Mr. President, this past weekend the National Endowment for the Arts announced the recipients of the 1991 American Jazz Masters Fellowship Award. This award is given to individual artists each year in recognition of their contribution to jazz in the African-American tradition. This year, four individuals were honored, including Danny Barker, a native of New Orleans. In selecting Mr. Barker to receive this award, the nominating panel cited his outstanding talent, his commitment to introducing youth to jazz, his efforts at preserving jazz traditions and his ongoing contributions to New Orleans jazz. In my opinion, the panel could not have made a better choice.

Mr. Barker was born in 1909 to the musically inclined Barbarin family of New Orleans. He learned how to play the clarinet, ukelele, and banjo from his grandfather, Isadore Barbarin, leader of the New Orleans Onward Brass Band. His uncles, Paul and Louis Barbarin taught him to play the drums. In time, his instruments of preference became the guitar and banjo.

During his career, Mr. Barker developed a reputation as a rhythm player and performed with many legendary jazz artists, such as Willie Pajeaud, Louis Armstrong, Jelly Roll Morton, Lee Collins, and David Jones. In the 1930's, he settled in New York City where he collaborated with jazz greats such as Sidney Bechet, Cab Calloway, Lucky Milinder, Benny Carter, and Fess Williams.

In 1965, Mr. Barker returned to New Orleans to continue his musical career and to serve as assistant curator of the New Orleans Jazz Museum. Recognizing the need to instill in children an identity and appreciation for jazz, he formed the Fairview Baptist Church Brass Band and a group known as "Danny's Kids," an organization which takes children off the streets of New Orleans and teaches them to play music on a scheduled basis.

While Mr. Barker plays a variety of jazz styles, including blues, traditional, New Orleans style and 1920's Harlem Renaissance/1930's 52nd Street Big Band Swing, he is particularly known for fusing the New Orleans sound with characteristic rhythms of the Caribbean. His music often includes Creole folk melodies which are related to classic jazz.

Today, Mr. Barker is semiretired; however, he continues to be an active force in continuing the black jazz traditions of New Orleans music. Just last year, he testified before the Senate Energy and Natural Resources Committee on the need to establish a new unit of the National Park System in New Orleans to preserve and interpret the origin, development and progression of jazz in the United States. His testimony discussed the need to provide youth with an identity. Mr. Barker feels that jazz music provides such an identity to many children and presents them with an opportunity to recognize their individual talents and potential.

In closing, Mr. President, Danny Barker has left a lasting mark on the history and development of that unique American musical form known as jazz and I am sure that all my colleagues in the Senate join with me in offering him our gratitude and congratulations.•

THE 62D ANNIVERSARY OF BIRTH OF DR. MARTIN LUTHER KING, JR.

• Mr. SARBANES. Mr. President, on January 21, 1991, we will commemorate the 62d anniversary of Dr. Martin Luther King Jr.'s birth. As a cosponsor of the legislation enacted in 1983 which authorized the national observance of the Martin Luther King, Jr., birthday holiday, I am very pleased to once again rise to recognize one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all our citizens. I am also pleased to note that my State of Maryland has celebrated January 15, the actual birthday of Martin Luther King, Jr., as a legal holiday since 1974.

Since 1955, when in Montogmery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King made an extraodinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenent of nonviolence reawakened out Nation to the injustice and discrimination which continued to enactment of the guarantees of the 14th and 15th Amendments to the Constitution.

The holiday we will observe on Monday, January 21, will serve to remind us of the importance of Martin Luther King's dream which he articulated so dramatically in August 1963, in the march on Washington speech at the Lincoln Memorial:

> I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave owners will be able to sit down together at the table of brotherhood * * * I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Twenty-three years after his death, we are still working toward the fruition of Dr. King's dreams. Our national celebration of Martin Luther King's birthday serves not only to pay tribute to a great leader. It also places us on record as rededicating ourselves to the principles of justice and equality which Dr. King's life so richly exemplified. As Dr. King wrote so eloquently in a letter from a Birmingham jail:

> Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Dr. King dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. He moved our Nation in a lasting way, and inspired thousands to follow his principles of nonviolence and to join in the national movement for equality and justice for all. I am pleased and privileged to join with citizens all across the Nation in recognizing the enormous contributions of Dr. Martin Luther King, Jr., a great leader in the evolving history of the United States.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Ms. Mary Hawkins, a member of the staff of Senator DENNIS DECONCINI, to participate in a program in Germany, sponsored by USIA, in conjunction with the Congress-Bundestag Staff Exchange, from April 20 to May 6, 1990.

The committee has determined that participation by Ms. Hawkins in the program in Germany, at the expense of USIA, in conjunction with the Congress-Bundestag Staff Exchange, is in the interest of the Senate and the United States.•

ORDER FOR CONDITIONAL RECESS UNTIL 12 NOON TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the conclusion of today's session, the Senate stand in recess until 12 noon tomorrow, Wednesday, January 16, or subject to the call of the majority leader, if the majority leader, after consultation with the Republican leader, determines that convening the Senate prior to 12 noon is appropriate under the circumstances; and that following the prayer at the time the Senate next reconvenes, the Journal of proceedings be deemed approved to date.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Senate recess until 12 noon tomorrow, as under the previous order.

There being no objection the Senate, at 5:56 p.m., recessed until Wednesday, January 16, 1991, as under the previous order.

EXTENSIONS OF REMARKS

JAMES SCHLESINGER ON U.S. POLICY IN THE GULF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LaFALCE. Mr. Speaker, with the deadline for an Iraqi withdrawal from Kuwait 1 day away, I continue to strive for a peaceful and just solution to the crisis. I do not believe that the use of U.S. military force at this time is our best course.

I submit for the RECORD the edited congressional testimony of James R. Schlesinger, former Secretary of Defense and former Secretary of Energy. Secretary Schlesinger shares my views that there is a high probability that economic sanctions, if given enough time, will be successful in removing Saddam Hussein from Kuwait.

STATEMENT BY JAMES R. SCHLESINGER BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, NOVEMBER 27, 1990

Mr. Chairman, Members of the Committee: I deeply appreciate the invitation to discuss with this Committee the challenge posed to American policy and, potentially, to America's armed forces by the developments in the Gulf. When last I addressed this Committee at the beginning of the year, I examined the implications for American policy, attitudes, deployments, and budgetary allocations implied by the collapse of the Warsaw Pact and the decline of the Soviet threat. In a sense today represents the continuation of that earlier testimony, for what we are to examine beyond the details of the Gulf crisis itself, is how this nation should grapple with the altered conditions in this post-Cold War environment.

Mr. Chairman, if you will permit, shall deal initially with the shape of the post-Cold War world in which the sharp ideological divisions and the coalitions and alliance polarized to reflect those differences have now been muted. Some, stimulated by the response to the crisis in the Gulf, have expressed the hope that we are now engaged in fashioning a new international order—in which violators of international norms will be regularly constrained or disciplined through the instrument of collective security. Put very briefly, Mr. Chairman, I believe that such aspirations for a Wilsonian utopia are doomed to disappointment. What is emerging is likely to resemble the somewhat disordered conditions before 1938—an era of old-fashioned power politics—marked by national and ethnic rivalries and hatreds, religious tensions, as well as smash and grab, and the pursuit of loot. Such elements clearly mark that catalyzing event, Iraq's seizure of Kuwait, and has marked the behavior of a number of players since August 2nd. To suggest that the international order will miraculously be transformed and that the players on the world scene will be motivated by a dedication to justice and international law strikes me as rather naive.

Mr. Chairman, you and Senator Warner have posed the question: what are America's interests in the Gulf. I shall mention three—and leave it to the Committee to decide whether they are in ascending or descending order of importance.

First, is oil. There is no way to evading this simple reality. Oil provides the energy source that drives the economies of the industrial and underdeveloped worlds. Were the principal exports of the region palm dates, or pearls, or even industrial products, our response to Iraq's transgression would have been far slower and far less massive than has been the case. Nonetheless, this should not be misunderstood. Our concern is not primarily economic—the price of gasoline at the pump. Were we primarily concerned about the price of oil, we would not have sought to impose an embargo that drove it above $40 a barrel. Instead, our concern is strategic: we cannot allow so large a portion of the world's energy resources to fall under the domination of a single hostile party. Any such party, even Saddam Hussein, would ordinarily be concerned with the stability of the oil market, the better to achieve the long run exploitation of his economic assets. However, concern focuses on the extraordinary periods—during which he might use his domination of these oil resources to exploit the outside world's vulnerabilities for strategic mischief.

Second, the United States has had an intimate relationship with the Kingdom of Saudi Arabia. It reflects a number of shared strategic objectives—as well as Saudi efforts to stabilize the oil market, most dramatically in the period after the fall of the Shah. It is embodied in the Carter Doctrine which pledges military resistance to external assaults on the Kingdom, as well as the Reagan corollary which subsequently pledged resistance to internal subversion. Failure of the United States to honor such commitments would raise question about the seriousness of the United States, not only in the Middle East but elsewhere. It is notable that down through August 2nd Kuwait itself rebuffed attempts of the United States to provide similar protection—through President bush's remarks since that date have tended to establish a U.S. commitment to the security of Kuwait.

Third, since the close of World War II and, particularly, since the establishment of the State of Israel, the United States has had a generalized commitment to the stability of the Middle East and to the security of Israel. On numerous occasions this generalized commitment has led to U.S. diplomatic or military involvement in the region—not always marked by complete success.

Let me turn now to the alternative strategies available to the United States and its allies. The first, of course, is to allow the weight of the economic sanctions, imposed in August, gradually to wear down the capacity and the will of Iraq to sustain its present position. The embargo, backed up by a naval blockade, is the most successful ever achieved aside from time of war. Early-on it was officially estimated that it would require a year for the embargo to work. It now appears to be working more rapidly than anticipated. In three months time civilian production is estimated to have declined by some 40%. Oil exports are nil—and export earnings have dropped correspondingly. The hoard of hard currency, necessary to sustain smuggling, is dwindling away. The economic pressure can only grow worse.

While Iraq's military posture does not appear to have been seriously affected as yet, as the months go by that too will be seriously weakened. Lack of spare parts will force Iraq to begin to cannibalize its military equipment. Military industry, as yet significantly unaffected, will follow the downward path of civilian industry. In short, the burden on both Iraq's economy and her military strength will steadily increase.

We know that such burdens must ultimately affect political judgment and political will. In time, the original objectives of the United Nations will be attained. Already, Saddam Hussein shows a willingness, if not an eagerness, to compromise. One no longer hears that Kuwait is for all eternity the nineteenth province of Iraq. But for some ultimately may not be soon enough, and for others the original objectives may not be sufficient.

To the extent that those original objectives are augmented by demands that Saddam Hussein stand trial as a war criminal, that Iraq provide compensation for the damage it has done, that Iraq's military capacity must be dismantled or destroyed, or that Saddam Hussein must be removed from power, Saddam's determination to hang on will be strengthened. Some may prefer such a response in that it precludes a "settlement and makes recourse to military force more likely. Nonetheless, if one avoids this list of additional demands and is satisfied with the original objectives, the probability that the economic sanctions will result in a satisfactory outcome is very high. One should note that, since the original estimate was that the sanctions route would require a year, it seems rather illogical to express impatience with them, because they will not have produced the hoped-for results in six months time.

In this connection one should also note the frequently expressed view that Saddam Hussein must not be "rewarded" for his aggression, but instead must be "punished". As an expression of emotion it is understandable, but it must not be allowed to obscure our sense of reality. Saddam Hussein is being punished and punished severely. He has forfeited $20 billion of foreign exchange earnings a year—indeed $30 billion at the current oil price. Iraq's credit is totally destroyed, and the remnants of its hard currency reserves dwindling. When Saddam looks across the border at Saudi Arabia or the UAE, they are prospering because of his actions—from which he himself has derived no benefit. He is likely to be consumed by envy. His own economy is rapidly becoming a basket case.

Moreover, the position of preponderance that he had earlier achieved in OPEC is now gone. He is diplomatically isolated. His military position will slowly be degraded. His pawns in Lebanon have been wiped out—by his chief Baathist rival, Assad, who has immensely strengthened his own position. He has been forced to accept an embarrassing peace with Iran, and that nation's position

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

relative to Iraq is slowly being improved. Sympathetic nations like Jordan and Yemen have been harshly treated—and neither they nor he have any recourse. On the benefit side stands only the looting of Kuwait.

In brief, Saddam Hussein staked Iraq's position on a roll of the dice—and lost. Only if he has a deeply masochistic streak can he regard himself as "rewarded". To allow our political rhetoric to obscure the severe punishment that has already been meted out or to suggest that our current policy is in some way unsuccessful and that Saddam's position is now or is potentially enviable strikes me as misconceived.

That brings us to the second alternative—the military option.

There is little question that the United States and its allies can inflict a crippling military defeat on Iraq. It can eject Iraq from Kuwait; it can destroy Iraq's military forces and military industries; it can destroy, if it wishes, Iraq's cities. The question is at what cost—and whether it is wise to incur that cost. Whenever a nation accepts the hazards of war, the precise outcome is not predetermined. Depending upon the military strategy chosen and the tenacity of Iraq's forces, there could be a considerable variation in the outcome. In the event of an all-out assault on entrenched Iraqi positions, the casualties may be expected to run into several tens of thousands. However, if we avoid that all-out assault, make use of our decisive advantages in the air, and exploit the opponent's vulnerabilities by our own mobility, the casualties could be held to a fraction of the prior estimate. In between four and eight weeks, it should all be over—save for starving out or mopping up the remaining Iraqi forces in Kuwait. The question then becomes whether one goes on to occupy Iraq, to destroy the balance of Iraqi forces, and the like. That would be far more difficult and time consuming, but circumstances may make it unavoidable.

I think it prudent to say no more about strategy and tactics in this session. Suffice it to say that the immediate price will not be small. American forces would be obliged to carry a disproportionate burden in any struggle. This will affect the attitudes of our public and the attitudes in the Middle East regarding the United States.

I believe that the direct cost of combat—including that of a probable scorched earth policy in Kuwait—will be the lesser part of the total cost. The Middle East would never be the same. It is a fragile, inflammable, and unpredictable region. The sight of the United States inflicting a devastating defeat on an Arab country from the soil of an Arab neighbor may result in an enmity directed at the United States for an extended period, not only by Iraq and its present supporters, but ultimately among the publics of some of the nations now allied to us. To be sure, there are no certainties, yet that risk must be born in mind. Moreover, the United States will be obliged to involve itself deeply in the reconstruction of the region in the aftermath of a shattering war. In brief, the noncombat costs of a recourse to war, while not calculable in advance, are likely to be substantial.

On November 8 President Bush announced his decision to acquire "an offensive military option" and nearly to double U.S. forces deployed in the Persian Gulf. That announcement altered the strategic, diplomatic, and psychological landscape. The deployment of our additional armored divisions implied that the United States might itself choose to cross that "line in the sand" and forcibly eject Iraq's troops from Kuwait. As the President indicated that earlier deployment in August had been intended "to deter further Iraqi aggression".

One must recognize that to this point Saddam Hussein has remained unmoved by either appeals or international declarations. It is only the prospect that force might be used against him that has brought forth any sign of a willingness to compromise. The principal goal of the Administration in deciding on these deployments may simply be to increase the pressure on Saddam Hussein to withdraw from Kuwait.

It should also be noted that Mr. Primakov's observations were confined to the original objective of forcing an Iraqi withdrawal from Kuwait and the restoration of the legitimate regime. Of late, to those original objectives, some additional goals have been hinted or stated: the elimination of Iraq's capacity to intimidate her neighbors, the removal of Iraq's military capability, the removal of Saddam Hussein from power, and the ending of Iraq's quest for a nuclear capability. The general effect is to paint Iraq as a rogue or outlaw state—and that its menace to its neighbors and to the international order must be eliminated. To the extent that these additional objectives are embraced, either in appearance or reality, the prospect for a voluntary Iraqi withdrawal from Kuwait is sharply diminished. To achieve these objectives, there is really no alternative but to resort to war. Saddam Hussein's inclination to dig in will be stiffened—and in all likelihood the willingness of Iraqi forces to resist will be strengthened.

Consideration of the military option will be influenced by attitudes within the international coalition that the United States has organized. By and large that coalition has revealed strong ambivalence regarding the military option and a preference for a diplomatic solution—with those least directly involved most dubious about the military option. While the members of that coalition may be prepared to accept military force to drive Iraq out of Kuwait, to this point they have shown little inclination to embrace the sterner objectives of policy that have been stated but never officially presented or embraced.

There is, of course, a third strategic alternative: the possibility of a diplomatic solution. Though it remains an eventual possibility, I shall spend little time on it in this hearing for two reasons. First, the United States is probably precluded from any negotiations with Iraq by the position that it initially announced: we will not have any direct communication with Iraq until it has left Kuwait. For the United States itself to enter into negotiations would represent too much of a diplomatic retreat. To be sure, others have been willing to serve the role of diplomatic intermediaries. Since August the possibility of an "Arab solution" has been raised on several occasions. The Soviets, the French, and others have conducted explorations. But, as the probability of recourse to war rises, the probability of a diplomatic settlement, of necessity shrinks. That brings me to my second reason for limiting discussion of this alternative: if there is to be a diplomatic solution, it will be several months before the outlines jell. The United States, given its position, will be obliged to appear merely to acquiesce in such an outcome—out of deference to pressures from other elements of international community.

There is something more, however, to be said about the diplomatic situation. In your letter of inquiry, Mr. Chairman, you and Senator Warner inquired about the durability of allied support for the multinational coalition. In regard to the original demands on Iraq and the use of sanctions, that support has been firmer than we might have anticipated. Saddam's appeal to the "hearts and minds" in the Arab countries seems to have peaked in September. There has been little restlessness elsewhere in the coalition—no doubt, in large degree, due to the fact that the world can do without Iraqi and Kuwaiti crude. Moreover, the status quo includes authorization for the naval blockade, which can therefore be continued indefinitely. It would take a positive act of the United Nations to remove that authorization.

However, that coalition is likely to prove less durable, if combat takes place. Particularly would this be the case if the objectives turn out to be the new and sterner demands of war policy, reflecting the decision that Iraq has become an outlaw state that must be dealt with now. Needless to say, the international coalition has yet to embrace that line of reasoning.

Therefore, Mr. Chairman, I close with observations regarding two inherent difficulties in the emerging situation.

First, if the United States conveys the impression that it has moved beyond the original international objectives to the sterner objectives that Saddam Hussein must go, that Iraq's military establishment and the threat to the region must be dismantled or eliminated, etc., then whatever incentive Saddam Hussein may presently have to acquiesce in the international community's present demands and to leave Kuwait will shrink toward zero. This may please those who have decided that the war option is the preferable one, but it makes it increasingly hard to hold together the international coalition, which we initially put together to bless our actions in the Gulf. That brings us to the second observation: the more we rely on the image of Iraq as an outlaw state to justify taking military action, the more we make holding together the international coalition inherently difficult, if not impossible. International approval of our actions is something on which the Administration has set great store. It has provided the desire legitimacy. To abandon it would mean the undermining of any claim to establishing a new international order.

Mr. Chairman, if you will allow me one final word that goes beyond the crisis in the Gulf. That crisis has preoccupied our attention for more than three months and is likely to do so for many months more. It has diverted our attention from subjects that may be of equal or even greater importance. Six months ago all of us were deeply moved by the developments in Eastern Europe and in the Soviet Union—and with the prospect that those nations might move toward democracy and economic reform. Members of this Committee will recall our high hopes at that time. Yet, in the intervening period, with the diverting of our attention to the Gulf, those prospects have been dealt a grievous blow. First was the Soviet decision to force the former satellites to pay hard currency for their oil. Second, it was followed by the Gulf crisis that has sharply raised the international price of oil. The prospects and hopes for Eastern Europe, while our attention has been diverted, have been seriously damaged. Yet, to return to my original theme, in the shaping of the post-Cold War world it is not clear that the evolution of Eastern Europe and the Soviet Union may not be more important than developments in the Gulf.

EMERGING TELECOMMUNICATIONS TECHNOLOGIES ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DINGELL. Mr. Speaker, today I am reintroducing the text of the Emerging Telecommunications Technologies Act of 1991 together with the chairman of the Telecommunications Subcommittee, Mr. MARKEY. This important bill was passed by the House in the last Congress. The Senate Commerce Committee held a hearing on a companion measure late in the last session, but was unable to pass its measure prior to adjournment. It is my hope that both Chambers will act on this legislation expeditiously, so that it can be signed into law before the end of the year.

There are several differences between the bill we are introducing today and that which passed the House last July. Some are technical in nature, representing clarifications of provisions that were ambiguous. Additional changes are the result of conversations with public safety communications officials, clarifying their status and making sure that their needs will be addressed. Other changes are the result of discussions with the Senate, and take into account some of the objections to last year's bill that surfaced in the other body. Finally, we have continued to work with the administration, taking their concerns into account, in the hope that they will act more positively than was the case last year.

The thrust of the legislation remains the same. The Federal Government continues to have a claim on approximately 40 percent of the usable electromagnetic spectrum. Spectrum is a critical resource, essential for technological development. It is a finite resource, and its effective and efficient use requires careful management.

The record compiled last year by the Telecommunications Subcommittee leaves no doubt that the Government's share is too large, and is being managed inefficiently. Every single former Administrator of the National Telecommunications and Information Administration agrees with that assessment. Every former Administrator—Democrat and Republican alike—endorses this bill. Every one of them agrees that giving the Federal Communications Commission additional frequencies to allocate is essential for the development of new spectrum-dependent telecommunications products and services.

The legislation requires the Secretary of Commerce to identify 200 MHz of Government spectrum that can, over time, be turned over to the FCC. It establishes an advisory committee to assist the Secretary in this effort, and to propose changes in the way spectrum is allocated between the FCC and Commerce Department. Finally, the bill requires the FCC to plan for the disposition of the spectrum, taking into consideration not only the existing congestion that currently limits spectrum use, but also the spectrum needs of new technologies.

There are a host of potential new applications. High definition television is one such use. There is also the so-called personal communications networks—literally wristwatch radios that can connect individuals to the entire world, no matter where they might be. Satellite systems, radio systems, and other spectrum-dependent devices can only be developed if spectrum is made available.

Other nations recognize the linkage between spectrum decisions and leadership in developing new technologies. Great Britain, the European Community, and Japan each have aggressive Government-sponsored efforts to take leadership from American companies. Our innovators need our help. Unless this bill passes, each new use for spectrum will have to depend on someone else giving up—or being forced to give up—frequencies for the new use. This is a difficult and time-consuming task, and will delay the introduction of new technologies for decades.

Mr. Speaker, I am confident that the Committee on Energy and Commerce will bring this bill back to the full House expeditiously, and that the Senate will move equally quickly. Passage of this legislation is critical for America's leadership in spectrum-dependent technologies, and represents one of my highest priorities for the 102d Congress.

ENERGY POLICY AND THE PERSIAN GULF CRISIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, we have been presented with a number of rationalizations for the use of military force to remove the Iraqi occupation force from the oil kingdom of Kuwait. One of the most frequently heard justifications is that we must defend the integrity of the Middle Eastern oil-producing states in order to preserve our access to cheap, plentiful oil.

In November, Secretary of State James Baker said that:

> The economic lifeline of the industrial world runs from the gulf and we cannot permit a dictator such as this to sit astride that economic lifeline. To bring it down to the level of the average American citizen, let me say that means jobs.

Of course, Secretary Baker was only reaffirming policy laid out earlier by President Bush, who declared on August 15 that:

> We are talking about maintaining access to energy resources that are key, not just to the functioning of this country but to the entire world. Our jobs, our way of life, our own freedom, and the freedom of friendly countries around the world would all suffer if control of the world's great oil reserves fell into the hands of that one man, Saddam Hussein.

I rise to dispute that contention, Mr. Speaker. If we choose to endorse the ill-conceived policy of armed intervention in the gulf, then let us not mislead ourselves into thinking that we do so in order to maintain energy supplies that are either cheap or beneficial to our economy.

We are experiencing our third major disruption of oil production from the Middle East since the embargo of 1973. The Iraqi invasion of Kuwait caused prices to skyrocket some 170 percent in 3 months, exacerbating recessionary trends in our national economy, and causing real tragedy and suffering among the nations of the Third World. In fact, to underscore the instability in these markets, I note that recently, prices fluctuated some 30 percent in the brief period of 5 minutes, with the cost of oil increasing from $24 to $31 per barrel. Yet, Iraq's invasion did not cause more than momentary disruption of world oil production, only the perception that disruption may one day occur. As a result, oil producers and multinational energy companies have reaped a windfall of unexpected revenue, and both the concentration of wealth and the concentration of available reserves have increased.

The ripple effects of dependency on our cheap and plentiful oil suppliers in the Middle East has left the Dow Jones average at its lowest point since November, with some pointing out ominous similarities to the 1987 crisis in financial markets.

If we truly wish to protect our national interests, the fundamental problem we must address is our failure to enact those measures necessary to move toward an energy sector more reliant on alternatives to petroleum fuels. Reforms are urgently needed to motivate a transition to a policy climate that encourages the utilization of available and proven alternatives, such as solar, geothermal, wind, biomass, and improved energy efficiency. With a diversified and self-sustaining energy sector, we would be largely immune to the upheavals and geopolitical intrigues that plague the Middle East and can reasonably be expected to continue for the foreseeable future.

We must also realize the hidden costs of our cheap and plentiful oil supply. According to Worldwatch Institute estimates, energy industries in the United States received subsidies worth some $44 billion annually in 1984, the most recent year for which data is available. These subsidies have certainly increased in value since then, especially if you add in the $2.5 billion in tax giveaways that President Bush insisted on as part of last year's budget summit agreement—$46.5 billion in subsidies is almost $200 for every man, woman, and child in America added on to our burgeoning Federal deficit. Can we honestly call that cheap energy? And yet, Mr. Speaker, these figures do not even begin to account for the cost of our deployment of forces to the Middle East, which could easily equal the aforementioned cost of subsidies to the energy industry. And even before the commencement of Operation Desert Shield, our preparations for war in this region would add more than $60 to each barrel of imported oil, again according to the Worldwatch Institute, citing studies performed by the Economic Strategy Institute.

We must embark upon a coherent, comprehensive energy policy initiative that is both economically and environmentally sound. Let that be the offensive action urged upon the Nation by this body, Mr. Speaker, not a bloody and sustained conflict that will result in suffering on a scale not seen since the Vietnam war.

WHEN POLITICS OVERWHELMS SCIENCE: THE STORY OF ACID RAIN AND THE NAPAP STUDY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DANNEMEYER. Mr. Speaker, I have attached the transcript of an extraordinary segment broadcast on the CBS newshow "60 Minutes" on December 30, 1990, describing one of the greatest political success stories of the 1980s: the environmental party's ability to stifle all debate on the findings of the National Acid Precipitation Assessment Program [NAPAP] and enact into law an unnecessary and unduly expensive acid rain abatement program in the recently passed Clean Air Act.

As the only member of the House-Senate Clean Air Conference Committee to oppose this legislation, I brought the NAPAP findings to my colleagues' attention at every opportunity, but to no avial. Although quite a few of my fellow conferees acknowledged off the record that the NAPAP findings argued eloquently on behalf of a scaled-back version of the acid rain component of the Clean Air Act, none were willing to join me in my calls for such an approach.

What explains such a blatant disregard for sound science? Unfortunately, as the segment made clear, the environmental party in America is to blame. This party is so powerful that it succeeded in convincing the vast majority of our elected representatives to ignore the findings of these esteemed scientists and to pursue environmental demons that do not exist. Simply put, the environmental party has a ring through the nose of the Congress of the United States, which compliantly passes multi-billion dollar environmental regulatory programs that destroy hundreds of thousands of jobs and offer the American people little or no environmental protection.

The comments of the top lobbyist for the National Resources Defense Council sum up the attitude of these environmental activists: "(I)f the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then its responsive to do that." But, how can the American public decide that constitutes a legitimate environmental threat when supposedly credible organizations such as the NRDC ignore the best available scientific information and, through manipulative disinformation campaigns, convince well-meaning citizens of the need for costly and unnecessary solutions?

The answer lies in a responsible media that will place the NAPAP findings on page one before the Congress considers the issue and offer the American public enough information to make an informed and wise choice on environmental issues such as acid rain. A high level NAPAP official once told one of my colleagues on the Energy and Commerce Committee that in all the years of NAPAP's existence not once did the Washington Post file a report on its progress or conclusions. That sort of de facto censorship must end.

The environmental party, with its preference for additional layers of governmental regulation and massive and lengthy lawsuits, fears an outbreak of domestic glasnost. Such an openness, I believe, would strip away the credibility and the perceived political clout of the environmental party and allow Americans and their elected representatives to achieve a much-needed balance between the protection of our environment and the continued vitality and growth of the U.S. economy.

I urge my colleagues to review the "60 Minutes" transcript and consider its implications for future environmental policymaking.

[From 60 Minutes Transcript, Dec. 30, 1990]

ACID RAIN

KROFT: Acid rain and ecological catastrophe: two phases that in many people's minds have become almost synonymous. Acid rain—poisons falling out of the sky, killing our forests and ravaging the countryside, and all of it coming from sulfur-polluting smokestacks of the Midwest. But the most expensive and exhaustive scientific study ever conducted on an environmental problem, which took 10 years, hundreds of millions of dollars and thousands of scientists to conduct, is about to publish its final report, which takes the conventional wisdom about acid rain and shoots it full of holes.

JAMES MAHONEY, Acid Rain Expert: I think we can be very simple about it. Acid rain is definitely a problem that needs improvement. It is not an ecological catastrophe at the levels we see here in the United States.

KROFT: [voice-over] Dr. James Mahoney is director of the National Acid Protection Assessment Program—NAPAP for short. What he and his scientists found out while conducting the government study is really quite different from what most people have come to believe about acid rain.

Mr. MAHONEY: I think our science clearly shows that the effects are less severe by quite a bit than the most extreme stories we sometimes hear.

KROFT: [voice-over] And what are some of those stories: Well, here's an example. Earlier this year, *Newsday* reported that wispy clouds creeping silently through the Northeast's forests are slowly killing off trees.

Mr. MAHONEY: I think that's in the sense of poetic characterization.

KROFT: Overblown?

Mr. MAHONEY: In a word.

KROFT: [voice-over] In fact, the NAPAP study says acid rain isn't killing trees—period. We quote: "There is no evidence of a general or unusual decline of forests in the United States and Canada due to acid rain." The study did find that acid rain may be harmful to one kind of tree, the red spurce, at very high elevations, but that natural stresses like frost and insects are more significant factors in the loss of those trees.

Mr. MAHONEY: There is a broad view that acid rain kills trees on a broad basis. The scientific community, I believe even the environmentally active scientific community, now understands that this is not what we see.

KROFT: You certainly wouldn't get that impression reading news stories about acid rain.

Mr. MAHONEY: Our job is to carry out these scientific studies and to do the best job we can of being scientific fact-finders. News stories are much more likely to take an extreme position. It's much easier to write a story about a problem and to characterize it as being caused by acid rain.

KROFT: [voice-over] And what about the effect of acid rain on lakes? Well, for the past 10 years it's been widely reported that lakes in the Northeast are dying by the thousands and a report by the National Academy of Sciences in 1981 predicted that the number of acid-dead lakes would nearly double by the year 1990.

[interviewing] Has that happened?

Mr. MAHONEY: No definitely not.

KROFT: What's the increase been?

Mr. MAHONEY: Our best estimate is that the level of—the number of acid lakes is probably just about the same now as it was a decade ago, and that's a fundamental difference compared to the commentary that the National Academy of Sciences made 10 years ago.

KROFT: [voice-over] The study found that acid rain does contribute to the acidity of lakes and streams, and it did find a large number of lakes to be acidic particularly in New York's Adirondack Mountains, more than 200 out of several thousands. But most of those affected lakes are small in size, representing about 2 percent of the surface water in the Adirondacks, and many of those lakes were acidic before the industrial revolution, before there was acid rain. Acid rain, the study says, is one of many factors which causes acidity in lakes. The other reasons; acidic soil and wild vegetation.

Mr. MAHONEY: Interestingly, the percentage of acidic lakes and streams is highest in the nation in Florida, by quite a bit. We know that the causation in many of these is natural. It has nothing to do with acid rain.

KROFT: [voice-over] The study did confirm some concerns about acid rain. The sulfur emissions that cause it affect visibility. Acid rain itself does damage buildings and statues. But the problem is getting better, not worse. Sulfur emissions are down more than 25 percent since the Clean Air Act of 1970 went into effect, and those emissions will continue to drop as more and more old coal-burning factories are phased out and replaced.

Soil scientist Eg Krug [sp?] was one of many NAPAP scientists who looked into the effects acid rain on lakes and he says it's not a crisis.

EG KRUG, Acid Rain Expert: We believe that the effects of acid rain are there, but they're subtle. They're difficult to find. We can see other environmental insults very easily but acid rain—it speaks that it's not a particularly large problem.

KROFT: The New York Times reported recently that over the last 10 years, while NAPAP has been doing its study, the number of lakes turned into aquatic death-traps multiplied across New York, New England and the South, stretches of forest along the Appalachian spine from Georgia to Maine, once lush and teeming with wildlife, were fast becoming ragged landscapes of dead and dying trees. True?

Mr. KRUG: No. No. I don't know where they got that from. It appears to be another assertion, unsubstantiated, because we've spent hundreds of millions of dollars surveying the environment to see if that was occurring and we do not see the occurring.

KROFT: [voice-over] To be exact, they spent $570 million of government money and they are more than 3,000 scientists from places like Yale, Pennsylvania, Dartmouth and the National Laboratories at Oak Ridge and Argon [sp?].

Senator DANIEL PATRICK MOYNIHAN (D-NY): Good science—world-class science.

KROFT: [voice-over] Senator Daniel Patrick Moynihan wrote the bill which started this 10-year study because he was concerned about the lakes and the streams in his home state of New York.

Senator MOYNIHAN: We didn't know but what we were going to lose all our lakes and half our forests and God knows what else. It's good news to find that you don't have a devastating problem. It's also good news to know what kind of problem you have.

KROFT: [voice-over] It's not, however, been received as good news by most environmental groups. David Hawkins [sp?], a lobbyist for the National Resources Defense Council, says there's not much new in the NAPAP study. Hawkins says it confirms that acid rain is a problem and that the scientific community knew that 10 years ago.

DAVID HAWKINS: Environmental Lobbyist: The environmental community has spent almost no effort attempting to even monitor the progress of this program because we felt that this program was essentially a misdirection of resources and that our resources were better spent in trying to deal with the facts that we already have in hand about the damages due to acid rain. We have been working on trying to get legislation in Washington to clean up the problem, actually attack the pollution problem.

KROFT: So you've been working the political angle of it?

Mr. HAWKINS: I've been working the legislative angle of it, yes, trying to get a new law to control the pollution.

KROFT: Wait a minute. You seem to be saying it doesn't matter what the scientists say. What matters is passing the legislation.

Mr. HAWKINS. No, what we're saying is that you don't need additional years of documenting facts that we already have enough information about to know that the risks are so great that we should control pollution now rather than wait for additional years of research.

KROFT: [voice-over] Hawkins says that even if acid rain isn't a crisis, he considers it serious enough to require action and the legislation he's talking about is the tough acid rain provision of the new Clean Air Act, which his group, other top environmental lobbyists, the President and the Congress pushed through at the end of this last session. It will cost U.S. industries $4 billion to $7 billion a year to cut emissions that cause acid rain in half.

[on camera] What about the NAPAP study? It wasn't even a factor. The study received a one-hour hearing before a Senate subcommittee and was never even formally presented to the House of Representatives.

Senator JOHN GLENN (D–OH): We spend over $500 million on the most definitive study of acid precipitation that's ever been done in the history of the world anyplace, and then we don't want to listen to what they say.

KROFT: [voice-over] Senator John Glenn is concerned that the new legislation to cut down smokestack emissions will have a devastating effect on this home state of Ohio, not to mention Pennsylvania, West Virginia, Kentucky and parts of Indiana where high-sulfur coal, long blamed for causing acid rain, is not only the main source of energy but a major source of employment. Factories will be forced to install expensive new pollution control equipment. Utility rates are expected to jump by as much as 30 percent and 100,000 people could end up losing their jobs, many of them coal miners.

ROBERT MURRAY [sp?]. Owner, Ohio Valley Coal Company: We're out of business. We're out of business. Our jobs are gone.

KROFT: [voice-over] Robert Murray owns the Ohio Valley Coal Company. He says more than 400 jobs are at stake at his company alone and he can't understand why no one is listening to the scientists.

Mr. MURRAY: The networks, the electronic media, the written media, have place acid rain up to the point that our teachers, our students are totally confused about the issue, yet when the NAPAP study came out, you found it on page 34 of *The New York Times*. You didn't find it on CNN, CBS, ABC or NBC at all!

KROFT: You're very upset about this.

Mr. MURRAY: I am damned mad because this political issue is a human issue to me!

KROFT: [voice-over] About the only person who has written about the NAPAP study is this man, syndicated columnist Warren Brooks [sp?], who's made it a crusade.

WARREN BROOKS, Syndicated Columnist: It's sort of like trying to kill a gnat with a blunderbuss. I mean, it's just—we have this tendency to overdo it in this country. We just throw money at problems and I think we all agree that we don't have that kind of money to throw any more.

KROFT: [voice-over] Brooks has read the reports, studied the science and his conclusions have become the gospel for a growing number of people convinced that America is suffering from environmental hypochondria and that this acid rain legislation is just the most recent example.

Mr. BROOKS: If it's a crisis, we should act. We should—you know, damn the torpedoes, full speed ahead. What this study shows clearly is it's not a crisis. We should not damn the torpedoes. We should do it sensibly so we don't throw people out of work unnecessarily.

KROFT: Why has nobody listened to it?

Mr. BROOKS: Well, the point is that once their minds are made up—that is, "We're going to do something on acid rain. We're going to do something"—the politics is, "We're going to do something—

KROFT: That's happened. That's what's going on here.

Mr. BROOKS: That's what's going on.

KROFT: [voice-over] Brooks says the political agenda was set by candidate George Bush when he pledged to become the "environmental president" and to do something about acid rain. Brooks claims that Congress, looking at public opinion polls, decided voting against clean air was like voting against motherhood.

[Interviewing] So you're saying this has a lot more to do with politics than it does with science.

Mr. BROOKS: Absolutely. Absolutely.

KROFT: There are votes in it.

Mr. BROOKS: Yeah. Very simple.

Mr. HAWKINS: We live in a representative democracy and if the public believes that environmental protection is important and they are prepared to spend more of our wealth in protecting the environment, then it's responsible to do that.

KROFT: And you think the American public is well-informed on this issue.

Mr. HAWKINS: I think the American public can look out their windows and see what we're doing to the environment. They can read about it in papers. They can read about it in books.

KROFT: [voice-over] So what are we going to get for those billions spent to control acid rain, not to mention the lost jobs? Well, according to Warren Brooks, the only certain benefit will be the recovery of about 75 small lakes out of several thousand in New York's Adirondack Mountains.

Mr. BROOKS: Now, that's at $5 billion a year for, whatever, 50 years. That comes out to about $4 billion a lake.

KROFT: [voice-over] The Bush administration and environmental groups say there's much more to it than that, that what we're getting is cleaner air, better visibility, less damage to buildings and an insurance policy in case there are any unknown effects on human health which simply haven't been seen yet.

Mr. HAWKINS: We have very crude scientific tools. Even though we spent lots of money on it, the idea that a team of scientists can take a few years, wander around the forests and come up with "the answer"—well, the Greeks had a word for it. It's *hubris*. It's pride. And they're saying that because we spent a few years backpacking around these forests with a lot of instruments and we can't find anything, we should assume there is nothing.

Mr. KRUG: Actually, we do know a lot. We know that the acid rain problem is so small that it's hard to see, so it's the difference between an optimist and a pessimist, the classic example of whether the glass is full or empty. In this case, there's a couple of drops in the bottom of the glass and people are saying it's full and the rest of us are looking down and saying, "It looks mostly empty."

PAYING FOR THE DESERT SHIELD MILITARY OPERATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. PENNY. Mr. Speaker, along with our colleagues BARNEY FRANK, JOLENE UNSOELD, TONY BEILENSON, CHARLIE RANGEL, and HENRY NOWAK, I am today introducing a concurrent resolution that expresses the sense of the Congress on paying for the Desert Shield military operation.

While the threat of hostilities and our concern for the young women and men serving in the gulf must continue to be uppermost in our minds, the Congress must also express its constitutional responsibility to determine appropriations for the military.

And with the release of Office of Management and Budget [OMB] and Congressional Budget Office [CBO] reports last month, the Congress and the American people have only recently become aware of the potential liability of Operation Desert Shield. CBO estimates expenditures at just over $1 billion per month, while OMB pegs the final costs closer to $15 billion per year. If hostilities were to begin, the Center for Defense Information and economist Henry Kaufmann estimate expenditures to increase to $450 to $500 million per day, or approximately $13.5 to $15 billion per month. During testimony before the House Budget Committee recently, Comptroller Charles Bowsher estimated the final cost of the desert operation at $130 billion in fiscal year 1991. Unfortunately, the Department of Defense refuses to release any official projected estimates of the costs associated with Desert Shield, and the administration has also refused to divulge our allies' contributions.

We do know that our allies, notably the Saudis, are reaping a windfall. By recent estimates, increased oil production will result in $13 to $60 billion in additional revenue for the kingdom this year. Our other allies, the Europeans and Japan, who are more dependent on Middle East oil than the United States, have made only token contributions for the gulf operation.

With the deficit for the current fiscal year nearing $300 billion and with all the necessary funds for the gulf operation yet to be appropriated, the Congress must act to avoid a financial hemorrhage during a period of slowdown in the economy. The Congress must also keep faith with the budget agreement agreed to last year.

In keeping with the budget agreement and the new budget process, the resolution states that the costs of the desert operation must be equitably shared by our allies; and that in order to cover the financial costs to the United States of Operation Desert Shield that are not covered by allied contributions: First, reductions should be made in existing or planned military expenditures; and for any remaining cost, a surtax should be imposed on high-income taxpayers.

This course of action by the Congress will ensure that we do not borrow additional funds and increase the deficit to pay for the gulf operation and pass the burden of today's actions to future generations.

Mr. Speaker, I ask that a copy of the concurrent resolution be placed in the RECORD at this point:

H. CON. RES. —

Whereas the Congress fully supports the actions taken by the President and the members of the United Nations to defend Saudi Arabia, and demands that Iraq immediately withdraw from its illegal occupation of Kuwait; and

Whereas every diplomatic and economic initiative should be pursued to resolve the crisis in the Persian Gulf region brought on by such occupation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the financial costs of Operation Desert Shield should be equitably shared by our allies; and

(2) to cover the financial costs to the United States of Operation Desert Shield that are not covered by allied contributions—

(A) first, reductions should be made in existing or planned military expenditures; and

(B) for any remaining costs, a surtax should be imposed on high-income taxpayers.

BRZEZINSKI SUPPORTS SANCTIONS OVER WAR IN THE GULF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LAFALCE. Mr. Speaker, with 1 day remaining for Saddam Hussein to remove his troops from Kuwait or face a possible United States attack, I continue to firmly believe that at this time the United States should continue to vigorously enforce economic sanctions and pursue diplomatic negotiations. It should not engage in any offensive military action.

I submit for the RECORD the congressional testimony of Zbigniew Brzezinski, the former National Security Adviser under President Carter. He shares my views that diplomatic negotiations, coupled with severe economic sanctions, have a great potential to bring a peaceful and just resolution to this crisis; and at this time, war is not the answer.

STATEMENT BY ZBIGNIEW BRZEZINSKI BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, DECEMBER 5, 1990

If I may, Mr. Chairman, I would like to begin with a brief personal comment. As many of you know, I supported President Bush in the 1988 elections and I have supported his foreign policy all the way along. Moreover, I do not subscribe to the notion that the use of force is altogether precluded in international affairs. I mention this because I would not want my views to be interpreted as motivated either by political or by ideological biases.

Let me also say right off that I have supported and still support the initial decisions of the President regarding both troop deployments to deter any further Iraqi aggression and the imposition of sanctions on Iraqi for the flagrant aggression that it did commit. The President and his team are to be commended for the skill with which the international coalition has been put together and for the impressively prompt deployment of American power. The policy of punitive containment of Iraqi rightly gained almost universal international and domestic support.

In examining the fateful choices that America now faces, I have divided my testimony into two parts in the first, I argue that war is not necessary because ongoing policy represents an effective response to Saddam Hussein's misconduct; and in the second I outline the issues that the Congress should, in my view, explore more fully, given the apparent Presidential inclination to go to war.

WAR IS NOT NECESSARY

Most Americans, I am sure, share the hope that the President's recent—and laudable—decision to initiate a direct dialogue with the Iraqi government will lead to a serious and comprehensive exploration of a non-violent solution to the ongoing crisis. Wisely, the President indicated that the purpose of such a dialogue is not to merely convey an ultimatum but to convince Iraq that its compliance with the U.N. resolution is the necessary precondition for a peaceful settlement. It is thus not an accident that those who so fervently have been advocating war have promptly denounced the President's initiative.

To be meaningful, such a dialogue has to go beyond demands for unconditional surrender and involve also some discussion of the consequences of Iraqi compliances with the U.N. resolutions. That means that Iraq, in the course of the ensuing discussions, will have to be given some preliminary indications of the likely political, territorial, and financial aftermath of its withdrawal from Kuwait. I stress these points because those who favor only a military solution will now exercise pressure on the President to reduce the incipient dialogue essentially to a mere transmittal of an ultimatum. That, I trust, everyone recognizes would be pointless and counter-productive. It would simply accelerate the drift to war.

While it is premature to detail here the substance of a non-violent solution to the crisis that could emerge from the proposed dialogue, it is possible to envisage a series of sequential but linked phases, all premises on Iraq having satisfied the necessary preconditions regarding Kuwait.

(i) coercive sanctions would be maintained until Iraq implements its willingness to comply with the U.N. resolutions regarding a withdrawal from Kuwait.

(ii) binding arbitration by a U.N.-sanctioned body within a specified timeframe would be accepted by the Governments of Iraq and Kuwait regarding territorial delimitation, conflicting financial claims, and other pertinent matters;

(iii) an international conference would be convened to establish regional limitations on weapons of mass destruction, pending which a U.N.-sponsored security force would remain deployed in Kuwait and perhaps in Saudi Arabia to ensure needed security.

It is important to note that any dialogue to the above effect would be conducted while Iraq is being subjected to severe sanctions. The U.S. would be therefore conceding nothing while conducting the talks. It is Iraq that is under duress, not us. It is Iraqi power that is being attrited, while ours is growing. It is Iraq that is isolated and threatened with destruction, not us.

Nor would any such outcome as the one outlined above be tantamount to rewarding aggession. Those who argue that do so because they desire only one outcome, no matter what the price to America: the destruction of Iraq. Withdrawal from Kuwait would represent a massive setback for Saddam Hussein and a victory for the international order. it would be a dramatic reversal of aggression, humiliating and painful to the aggressor.

However, it is quite possible, perhaps even probable that the talks will initially prove unproductive. In my view, that should not be viewed as a *Casus belli*. Instead, we should stay on course, applying the policy of punitive containment. The policy is working, Iraq has been deterred, ostracized and punished. Sanctions, unprecedented in their international solidarity and more massive in scope than any ever adopted in peacetime against any nation—I repeat, ever adopted against any nation—are inflicting painful costs on the Iraq economy.

Economic sanctions, by definition, require time to make their impact felt but they have already established the internationally significant lesson that Iraq's aggression did not pay. By some calculations, about 97% of Iraq's income and 90 of its imports have been cut off, and the shutdown of the equivalent of 43% of Iraq's and Kuwait's GNP has already taken place. This is prompting the progressive attrition of the country's economy and war-making capabilities. Extensive rationing is a grim social reality. Over time, all this is bound to have an unsettling effect on Saddam Hussein's power. And sanctions can—and should—be maintained until Iraq complies with the U.N. resolution, at which point (as noted earlier). there will have to be some negotiations regarding the modalities of the implementation of the U.N. resolution as well as the adjudication of the some of the related conflicting issues between Iraq and Kuwait.

The Administration's argument that the sanctions are not working suggests that in the first instance it had entertained extremely naive notions regarding how sanctions actually do work. They not only take time; they are by their nature an instrument for softening up the opponent, inducing in the adversary a more compliant attitude towards and eventual non-violent resolution. Sanctions are not a blunt instrument for promptly achieving total surrender.

Worse still, the Administration's actions and its rhetoric have conveyed a sense of impatience that in fact has tended to undermine the credibility of long-term sanctions.

Instead of projecting confident but patient resolution, the President's message has been one of frustration and of a desire to get it over with. Perhaps the Administration felt that this was necessary to convince Saddam Hussein that it meant business. But the consequence has been to make the Administration the prisoner of its own rhetoric, with American options and timetable thereby severely constricted.

The cumulative result has been to move the United States significantly beyond the initial policy of punitive containment, with the result that the conflict of the international community with Iraq has become over-Americanized, over-personalized, and over-emotionalized. The enormous deployment of American forces, coupled with talk of no compromise, means that the United States is now pointed towards a war with Iraq that will be largely an American war, fought predominantly by Americans, in which (on our side) mostly Americans will die—and for interests that are neither equally vital nor urgent to America and which, in any case, can be and should be effectively pursued by other, less drastic and less bloody means.

Let me amplify on that last point.

The Iraqi invasion of Kuwait required a response to three major challenges to our interests:

1. It threatened our access to reasonably priced oil supplies—a matter of vital and urgent interest—and hence a unilateral American military response to protect Saudi Arabia would have been justified, even to the point of waging war;

2. It affronted the international order through the annexation of Kuwait, a matter of concern to the entire international community, a transgression that truly deserves punishment and that must be undone—but it is not an issue that demands an urgent American military response ahead of the international community and largely at American cost;

3. It raised the question of the regionally destabilizing character of Iraq's military power, an issue of obvious long-range importance that should first be addressed, if possible, through an attempt at a broader regional accommodation and not now through a preventive war.

In my view, we have already had a resounding success in responding to the first challenge; the sanctions are a punitive response to the second and should therefore be maintained for as long as necessary; and in the process preconditions are being generated for the eventual resolution by the international community of the wider issue of regional stability, especially as Iraq is being economically weakened and Saddam Hussein's power is being gradually undermined. This is why I feel that there is no urgent or vital American interest to go beyond punitive deterrence. In a word, war is not necessary.

Yet to justify military action, the Administration, echoing the advocates of war, have lately been relying on the emotionally charged argument that we confront a present danger because of the possibility that Iraq may at some point acquire a nuclear capability. In other words, not oil, not Kuwait—but Iraq's nuclear program has become the latest excuse for moving towards war.

This argument deserves careful scrutiny. The nuclear issue is of particular and understandable concern to Israel and its friends. Many of those who argue for preventive war give this matter the highest priority and derive their case therefrom. It is obviously an issue not to be taken lightly.

Nonetheless, once subjected to closer scrutiny, this latest case for war also does not meet the tests of vitality or urgency to the American national interest. First of all, it is relevant to note that when the United States was threatened directly by the far more powerful and dangerous Stalinist Russia or Maoist China, it refrained from engaging in preventive war. Moreover, Israel already has nuclear weapons and can thus deter Iraq, while the United States has certainly both the power to deter or to destroy Iraq. Deterrence has worked in the past and I fail to see why thousands of Americans should now die in order to make sure that at some point in the future—according to experts, some years from now—Iraq does not acquire a militarily significant nuclear capability.

Second, it is within our power to sustain a comprehensive embargo on Iraq to impede such an acquisition. Unlike India or Israel, Iraq does permit international inspection of its nuclear facilities. This gives us some insight into its program. Moreover, much can happen during the next several years, including Saddam's fall from power. Hence the precipitation of war now on these grounds meets neither the criterion of urgency nor vitality.

More than that, war would be highly counterproductive to the American national interest. A war is likely to split the international consensus that currently exists, the United States is likely to become estranged from many of its European allies, and it is almost certain to become the object of widespread Arab hostility. Indeed, once started, the war may prove not all that easy to terminate, given the inflammable character of Middle Eastern politics. It could be costly in blood and financially devastating.

This prospect is all the more tragic because the United States would thereby be deprived of the fruits of its hard-earned victory in the Cold War. We stand today on the threshold of a historic opportunity to shape a truly cooperative world order, based on genuine cooperation and respect for human rights. Yet our over-reaction to the crisis in the Persian Gulf is now adversely affecting both our priorities and our principles.

On the level of priorities, some of the funds being spent on the greatest U.S. military overseas deployment since the landings in Normandy might be better spent addressing some of our domestic problems which for decades we have had to neglect. Moreover, we surely should be doing more to ensure the success of democracy in the post-communist countries—a stake of truly historic magnitude. A costly military action will divert us even further from the needed responses to these challenges.

On the level of principle, one cannot help but worry that we may be buying support for our military undertaking by sacrificing Lebanon for Assad's cooperation, the Baltic peoples for Gorbachev's, the Chinese dissidents for Li Peng's, and perhaps the Eritreans for Mengistu's. And we are doing so because in fact the international community is not pressing for military action, but the Administration wants to obtain that community's sanction so that it can argue at home on behalf of military action by pointing to the international support that the Administration has thereby marshaled.

THE DILEMMAS OF WAR

In any case, it is war that soon we may have to face because of the combined pressures resulting from Iraqi intransigence, the imposition of a deadline, the lack of patience in the application of massive sanctions, and the consequences of massive troop deployments. Given the possibility, therefore, that the United States might be plunged by a Presidential decision into a war with Iraq, I would urge this Committee to examine carefully in its deliberations, and to press the Administration for answers regarding the following three clusters of critically important issues:

1. What are the political limits and the likely geopolitical dyanmics of war, once the President decides to initiate it?

For example, one has to be concerned that the use air power in order to mitigate casualties for U.S. ground forces will require the killing not only of the hostages but also of thousands—perhaps tens of thousands or even more—of Iraqi civilians, who are not to be held responsible for Saddam Hussein's flagrant misconduct. I wonder if this is politically viable, in terms of the longer-range relationship of America with the Moslem world. And is it morally admissible?

It is also not clear to me how the Administration envisages the termination of the war. Are we to expect a total surrender or are we counting on a negotiated outcome, after a spasm of violence? If a complete military victory becomes necessary, are we prepared to occupy all of Iraq, including the huge city of Baghdad? Are we logistically prepared for a war that is not promptly resolved by air power, and are we psychologically for heavy American casualties?

Also, once war begins, Iran and Syria may not remain passive and the war could thus spread. One has to anticipate the possibility that Iraq will seek to draw Israel into the war. Does the Administration have a contingency plan in the event that Jordan becomes a battlefield? What might be the U.S. reaction if some Israeli leaders seek to take advantage of an expended war to effect the expulsion of all Palestinians from their homes on the West Bank? The Gulf crisis and the Arab-Israel conflict could thus become linked, our efforts to the contrary notwithstanding.

I believe the Administration is paying insufficient attention to these inherent uncertainties of war. The war could prove more destructive, more bloody, and more difficult to terminate than Administration spokesmen—not to speak of sundry private advocates of war—seem to think. I also believe the Administration has not given sufficient thought to the geopolitically disruptive consequences of a war in a region that is extraordinarily incendiary. An American military invasion of Iraq would be likely to set off a chain reaction that could bog America down in a variety of prolonged security operations, in a setting of intensified political instability.

2. What are the likely broader after-effects of the war?

The Administration is yet to move beyond vague generalities regarding its concept of the postwar Middle East. Yet considerable anxiety is justified that subsequent to the war the United States might not be able to extricate itself from the Middle Eastern cauldron, especially if in the meantime the Arab masses have become radicalized and hostile to the Arab regimes that endorsed the U.S. Military action. How will that affect America's global position? I would think it likely that, with the United States embroiled in the Middle Eastern mess for years to come, both Europe and Japan—free to promote their own agendas—will pursue the enhancement of their economic power. In the region itself, it is probable that fundamentalist Iran will become the dominant power in the Persian Gulf, and that terrorist Syria will inherit the mantle of leadership among the Arabs. It is also possible that the destruction of Iraq by America and the resulting radicalization of the Arabs might leave Israel, armed as it already is with nuclear weapons, more tempted to use its military force to impose its will in this volatile region. How will all this affect the area's sensitive balance of power?

I believe that none of the above possible developments would be in the American interest. Yet I do not sense that sufficient strategic planning has been devoted by the Administration to an analysis of the wider shock effects of a war that is bound to be exploited by other parties for their own selfish ends.

3. Finally what is being done to ensure that the war's burdens and sacrifices are more fairly distributed among its potential beneficiaries or participants?

One cannot help but be struck by the relatively limited contributions of our allies. Moreover, as I understand it, some states with forces in Saudi Arabia have indicated that they will not participate in offensive operations. The American public certainly is not satisfied with the financial support extended by Germany and Japan. Is the Administration satisfied? What additional financial contribution can be expected from the Saudis and the Kuwaitis? It is noteworthy that Saudi Arabia has already benefited very substantially from the oil crisis, and that the Emir of Kuwait and his family are in the forefront of those arguing for Americans to initiate military action. Are we thus—despite all of our rhetoric about "the new international order"—not running the risk of becoming the mercenaries in this war, applauded and financed by others to do the fighting and the dying for them?

I believe that is already evident that the principal sacrifices of war—both financial and in blood—will in fact have to be borne by America, and to a massively disportionate degree. Such evident unfairness will inevitably have a very adverse impact on American attitudes towards its allies, with deleterious consequences for American public support for the so-called "international order".

These are tough issues. And unless the Administration responds to them satisfactorily, the war will lack domestic support while generating polarizing political passions. Even worse, unless the Administration thinks hard about such questions, it could embark on a course deeply damaging to our national interest.

Mr. Chairman, let me conclude with a word about the lessons of history. It is important to apply them with a sense of proportion. To speak of Saddam Hussein as a Hitler is to trivialize Hitler and to elevate Saddam. Iraq is not Germany—but a middle-sized country, on the scale of—say—Rumania, dependent on the export of one commodity for most of its income, unable on its own either to fully feed itself or to construct its own weapons. It is a threat to regional peace—a threat with wider global economic implications—but it is a threat we can contain, deter, or repel, as the situation dictates.

Therefore, in my view, neither an American war to liberate Kuwait nor a preventive war to destroy Iraq's power is urgently required, be it in terms of the American national interest or of the imperatives of world order. President Bush's initial commitment to punish Iraq and to deter it remains the wisest course—and one which this nation can resolutely and in unity sustain over the long haul. By any rational calculus, the tradeoffs between the discomforts of patience and the costs of war favor patience. Both time and power are in our favor—and we do not need to be driven by artificial deadlines, deceptive arguments, or irrational emotion into an unnecessary war.

THE FAIRNESS IN BROADCASTING ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DINGELL. Mr. Speaker, today I am reintroducing, together with Mr. MARKEY, a bill to codify the fairness doctrine. As many will recall, the Federal Communications Commission voted to repeal the fairness doctrine in 1987. That decision was contrary to the will of the Congress, and was the subject of legislation to reinstate the doctrine almost immediately. Regrettably, President Reagan vetoed the legislation, and as a result broadcasters are no longer required to abide by this important policy.

The fairness doctrine consists of a relatively simple set of requirements for broadcasters. First, it contains a requirement that broadcasters address significant issues of public importance. Second, it requires that when doing so, broadcasters must treat issues fairly. It is a minimal safeguard against abuse by those who have been given broadcast licenses by the Government, and is a policy supported by many broadcasters themselves.

Mr. Speaker, the House has voted repeatedly to codify the fairness doctrine. Support for this measure has been bipartisan, reflecting the strong support for the doctrine from people as far apart as Ralph Nader and Phyllis Schafly. It is my hope that we will be able to put this issue behind us this year, and move on to deal with the many other important issues that face telecommunications policymakers.

GERMAN PROFESSORS APPEAL FOR A PEACEFUL SOLUTION TO THE PERSIAN GULF CRISIS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, I recently received the following message calling upon President Bush to exercise every possible effort to obtain a political solution to the crisis caused by the Iraqi invasion of Kuwait.

This message, subscribed to by some 400 professors representing 90 different disciplines at German universities, suggests that war would result in the deaths of "thousands of soldiers, many of them American, and also large numbers of women and children would be killed * * * "

These educators continue, Mr. Speaker, to state that, "We condemn in the most decisive terms possible the aggression and breaches of human rights perpetrated by the Iraqi regime. The correct response to its crimes, however, is not a war whose sheer extent would make it a crime of a far greater order."

I am in agreement that, in order to save even one life, not to mention the thousands sure to perish in war with Iraq, we must leave no stone unturned. As I suggested to President Bush in a recent letter, we should not even rule out personal efforts by our Nation's leader to mediate this confrontation before making the grave and profound choice of armed intervention.

The text of the professors' appeal follows, Mr. Speaker, and I commend their plea to the attention of the membership.

DECEMBER 19, 1990.

Hon. GEORGE BUSH,
To the President of the United States of America.

DEAR MR. PRESIDENT: We hereby present to you an Appeal on the Gulf Crisis signed by some 400 professors from 90 different disciplines at various German universities.

Our appeal is directed also to the Congress of the United States of America. In the Federal Republic of Germany we intend to present our views to the Ambassador of the United States of America and to inform the Federal Government.

With our highest appreciation we remain.

Yours Sincerely,
Prof. Dr. K. Bonhoeffer, Prof. Dr. H.E. Richter, Prof. Dr. A. Buro, Prof. Dr. M. Stohr, Prof. Dr. A. Flitner.

AN APPEAL TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF AMERICA

This appeal is directed to you by citizens of Germany—a country from which, half a century ago, a criminal dictator precipitated the world into the carnage of the Second World War. At that time, there was no viable institution such as today's United Nations and hence no measure such as a united trade embargo to bring this inhumane regime to its knees by non-military means.

Now that the East-West conflict has been overcome, the world community of nations for the first time has the power to counter aggressors by concerted sanctions. It seems quite out of the question that Saddam Hussein can, in the long term, withstand the pressure of the effective economic blockade decided on and enforced by UN resolution.

And yet the world is at present witnessing the preparations for an international war—a war in which thousands of soldiers, many of them American, and also large numbers of women and children would be killed, a war which would unavoidably affect millions upon millions of people and nations outside the immediate area, and which would inflict incalculable damage upon the ecology. The fact that the likely deployment by Iraq of chemical weapons has been made possible by exports from, of all sources, our own country is something which fills us as Germans with shame.

We condemn in the most decisive terms possible the aggression and breaches of human rights perpetrated by the Iraqi regime. The correct response to its crimes, however, is not a war whose sheer extent would make it a crime of a far greater order.

In this situation we appeal to you with all urgency to seek, hand in hand with the United Nations, not a military but a political solution in the Gulf—a solution which would at one and the same time move forward the peace process in the entire Middle East region. The USA, as a world power, should at the earliest possible opportunity seize the initiative for a Middle East peace conference.

A peaceful solution, we believe, entails that the withdrawal of Iraqi troops from Kuwait be facilitated by the other side—through an immediate withdrawal of those troops stationed for offensive purposes.

We urge you to prevent, come what may, the catastrophe of a war which—quite apart from its terrifying consequences for human life, the ecology and the economy—would be a relapse into the militaristic power thinking which has hitherto deprived humankind of the physical and moral energy required to jointly combat both mass poverty and the deadly threats to our environment.

For the initiators,

Prof. HORST-EBERHARD RICHTER.
Prof. ANDREAS FLITNER.

EVENT IN LITHUANIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. MORELLA. Mr. Speaker, I am deeply concerned by the recent tragic turn of events in Lithuania, and I condemn the Soviet Union's suppression of Lithuania's democratically elected government.

Only last week, I joined with a number of my colleagues in writing to President Bush and to the Soviet Ambassador to protest the deployment of Soviet troops to the republics. We especially expressed our concern to the Ambassador that Moscow was abandoning its commitment to glasnost and perestroika, and warned of the consequences for United States-Soviet relations if steps were not taken to resolve this matter nonviolently. Unfortunately, it would appear that former Soviet Foreign Minister Eduard Shevardnadze's warning of a reactionary crackdown in the republics was accurate.

The Soviet Union's attack on nonviolent protesters and their chosen government warrants a strong United States response. A suspension of current American assistance to the Soviet Union would demonstrate that we will assist President Gorbachev only if he remains committed to restructuring his economy and respecting democratic freedoms. That commitment would be best demonstrated by an announcement from President Gorbachev that he will reopen a dialogue with elected leaders in Lithuania.

Currently, President Bush is scheduled to hold a summit with Gorbachev next month. I hope that he will use that occasion to express the depth of American concern regarding these events, and to warn of the consequences for United States-Soviet relations.

RECOGNIZING ROBERT M. DIVELY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CLINGER. Mr. Speaker, I would like to take this opportunity to recognize a constituent of mine, Mr. Robert M. Dively of Port Matilda, PA.

I recently received a letter from Mr. Dively in which he included a poem he wrote in tribute to the U.S. flag. Written on July 4, 1990, Mr. Dively creatively reminds us through his rhyme of the true meaning and glory imbedded in this symbol of our Nation. It has been published in local papers and was also given a 4th place award in world competition. I am very pleased to recognize Mr. Dively for his accomplishments and to publish his poem here for all to enjoy.

I AM YOUR FLAG

I rose high after many battles, by those who shared my pride,
Their weary eyes came wet with tears as we remembered those who died.
Children pledge my radiant colors as the school day does begin
and I hope their learning of the day will remember where I've been.
I adored the soldier and his God as he carried me place to place
and I hate those who burn me and try to shame my face.
To some I am not important and my past is soon forgot
but most know my true symbol and they will scorn me not.
My dream is for the future where all will live in trust,
as my waving arms reach out to those whose bodies turn to dust.
I am just a cloth of colors designed by those who cared to share
the hardships of our free land, the bravery and the dares.
Draped over a lonely casket my thoughts run long and deep
as I'm handed to a sad kin who tries to hold a weep.
In the many times of trouble I am lifted to the sky
and the famous who have honored me half mast will never die.
Tired and weary as I am I still remain the same
and as long as liberty has respect the fools will make no gain.
Freedom had its deadly price, which I am its very bound
and I pray to God in heaven a lasting peace will soon be found.

—Written July 4, 1990,
ROBERT M. DIVELY.

REPRESSION IN BALTICS MUST STOP

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. BROOMFIELD. Mr. Speaker, yesterday Soviet troops opened fire on unarmed civilians in Lithuania. This unprovoked assault led to the death or injury of numerous innocent people whose only crime was the desire for democracy.

Today, in Latvia, we saw the continuation of the Soviet crackdown in the Baltic Republics. Soviet elite troops stormed a police building beating the Latvian cadets inside and seizing their weapons. This escalation of violence and repression by Communist authorities cannot be allowed to continue.

President Gorbachev contends that he did not order the recent violence in Lithuania and Latvia. While this may or may not be true, he certainly created the environment in which it took place. He must be held accountable for these actions.

I fear that the world has watched passively as Gorbachev consolidated the powers of State control to a degree only surpassed by Josef Stalin. Will he now use this power to destroy the perestroika and glasnost which he created?

In the past year the world has seen a tragic and violent mistake by a dictator in the Middle East. I strongly urge President Gorbachev to avoid calling down the same world reaction on his Government. The repression must halt, the Soviet troops must be withdrawn, and a negotiated settlement must be found, or relations between our two nations will suffer immeasurably.

THE ANNIVERSARY OF THE BIRTHDAY OF REV. DR. MARTIN LUTHER KING, JR.

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, I address this body today with mixed emotions. On one hand, I am proud to stand here and offer a tribute to one of the great leaders of this Nation and an outstanding peace activist, the Reverend Dr. Martin Luther King, Jr., who would have turned 62 today. On the other hand, I am distressed by the events in the Persian Gulf and the fact that the President has chosen this day of all days, to draw the line in the sand for Iraq's Saddam Hussein.

Dr. King devoted his life to the quest for equality, justice, and peace. It is a sad irony that on the day we celebrate the birth and the life work of a world renowned humanitarian, we may fire the first strike in what will be a deadly, devastating war.

Most of use are well aware of Dr. King's efforts to help this country overcome the devisiveness of hatred and bigotry, and to become, instead, a Nation united under the banner of humanity.

Less well known is that, especially in the last few years of his life, Dr. King was also committed to a peaceful and expeditious resolution to United States involvement in the Vietnam war. I dare say that if Dr. King were alive today, he would be a vociferous opponent of both the military aggression of Saddam Hussein and of the move toward war by the United States.

Dr. King opposed the war and endured a great deal of criticism for his position. But he saw that the war in Vietnam and the struggle for civil rights here were inextricably linked. Among the difficulties Dr. King had with the Vietnam war, he could not answer the questions posed to him by black GI's. They asked why they should fight—and perhaps die—alongside white soldiers, against a people who had never hurt them, for peace and justice in a nation thousands of miles away. Because when these black GI's returned home to America they would not enjoy the full rights and privileges of citizenship as those same white soldiers, nor enjoy the freedoms that they were fighting to uphold for those people so far away.

Dr. King was a minister by profession, one who believed in and taught the sanctity of all human life. Building on this tenet, he noted in a speech in April 1967 that he felt that the Nobel Prize for Peace, which he was awarded in 1964, placed a responsibility on him to work toward peace for all mankind. Were our goals in Vietnam—or in the Persian Gulf—worth 1, 100, or 1,000 of our sons and daughters?

As a minister, Dr. King was also concerned about the spirit and soul of people and nations. He was concerned about the massive doses of violence the United States was heaping upon the people of Vietnam. He worried that the violence of the war itself and the way it was tearing apart families and friends here at home were "poison[ing] America's soul" and this was too heavy a toll to take on the Nation.

It is sad to note that just 24 years after Dr. King raised our consciousness about the war in Vietnam, we are again looking at United States involvement in another round of military hostilities. Now more than ever, we need to reflect on the life and teachings of Dr. King and his message of nonviolent change. Now more than ever, we need to heed the call for restraint and deliberation.

ADMIRAL CROWE ON U.S. POLICY IN THE GULF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LAFALCE. Mr. Speaker, with the U.N. deadline for the Iraqi withdrawal from Kuwait 1 day away, I continue to work and hope for a peaceful solution to the crisis. I believe that there is no quick solution to this issue that an offensive military action by the United States, at this time would be premature.

I submit for the RECORD the following congressional testimony by Adm. William J. Crowe, Jr., USN (Ret). Admiral Crowe served as the Chairman of the Joint Chiefs of Staff under Presidents Reagan and Bush; and he shares my views that economic sanctions should be given more than 5 months to have an impact. In addition, he notes that deposing Saddam Hussein will not be a panacea for the problems in the Middle East.

STATEMENT BY ADM. WILLIAM J. CROWE, JR., USN (RET.) BEFORE THE COMMITTEE ON ARMED SERVICES U.S. SENATE, NOVEMBER 28, 1990

Mr. Chairman, given U.S. interests in the Persian Gulf and Saddam Hussein's brutal takeover of Kuwait, the subject of U.S. policy in the region is of the utmost importance to all Americans.

Mr. Chairman, I do have some preliminary remarks I would like to make. Due to the press of time these will not deal with all aspects of the subject, but concentrate largely on the impact of the crisis on the gulf region. I assume, of course, the question period will range over the entire spectrum of considerations.

You would think we would have had a decent interval to celebrate the end of the Cold War and the vindication of our policies and values. But the recent events in the Middle East have demonstrated that the globe is still a dangerous place and that new threats may well replace the United States-Soviet contest.

Our difficulties with Iraq certainly suggest the type of challenge the new world may confront.

The most distinguishing feature of our disagreement with Iraq is that the Soviets are not backing Saddam Hussein. For the first time in 40 years we are confronting a major international crisis and not working at cross purposes with the Kremlin. This development has given the President an unprecedented latitude for maneuver and, in turn, severely constrained Baghad's options. This is the first time a post-war President has had such a luxury.

President Bush has taken full advantage of the new-found maneuvering room. He reacted quickly and, in my opinion, correctly, to constrain Hussein militarily to defend Saudi Arabia and to clamp a tight economic quarantine on Iraq.

Some of the major important early achievements were ones that the President had a large hand in himself, e.g., gaining access to Saudi Arabia for our forces (a previously unheard of concession), forging a rough political consensus among the leaders of NATO, the USSR and Japan, and encouraging a pan-Arab military effort in support of Saudi Arabia. We are for the time being, witnessing a remarkable display of collective political and financial support which is unprecedented in the post-war era. President Bush deserves full credit for this achievement.

Militarily, the United States has mounted an impressive deployment—with air, sea and ground forces. No other nation in the world could have in 60 days moved this size force 8,000 miles and put it in the field—not to mention the rather trying climate and topography in which it must operate. On balance the original deployment went extremely well.

As to the economic embargo, it is the first time we have been able to mount truly unified sanctions. No embargoed material is moving into Iraq by sea, and the air blockade is proving relatively effective. Undoubtedly there is some leakage—probably on the ground from Jordan and Iran—but I know of no significant breaks in the encirclement.

It is important to recognize what has been achieved thus far:

Some pundits contend that Saddam Hussein's primary goal is to control the bulk of the Middle East oil and to dictate the price of crude to the West. If that is correct, any such design has been frustrated. He has been served clear notice that he will not be allowed to capture the Saudi oil fields either now or in the future. A definite line has been drawn constraining him and his inflated ambitions.

The increased oil income Saddam had in mind has not materialized. In fact, Baghdad has forfeited 20 billion dollars of foreign exchange earnings a year and as Secretary Schlesinger pointed out, this figure would be $30 billion at the current oil price. In a country the size of Iraq that is not chopped liver.

Moreover, it has been graphically demonstrated that the West can live rather well without Iraqi and Kuwaiti oil. Granted some special areas of refined products are strapped, but those deficiencies are not having a heavy impact on the industrial nations. Frankly, the price swings we see have been generated as much by psychological factors as by supply and demand. We have been impacted by these oscillations, but fortuitously the bill has already been paid as the market has adjusted. Iraq cannot make that claim.

The embargo is biting heavily. Given the standard of living Iraq is used to and the increasing sophistication of Iraqi society, it is dead wrong to say that Baghdad is not being hurt; it is being damaged severely. That goes for the Iraqi military as well, which depends on outside support. Yesterday Secretary Schlesinger elaborated on these impacts. Iraq's civilian production has declined by 40 percent, exports earnings have sharply dropped, and economic flexibility is rapidly disappearing. Military industry will likewise be hit. It is the most effective peacetime blockade ever levied.

Granted that the embargo is not working as rapidly as many would prefer; but if we wanted results in two or three months, clearly a quarantine was the wrong way to go about it. Most experts believe that it will work with time. Estimates range in the neighborhood of twelve to eighteen months. In other words, the issue is not whether an embargo will work, but whether we have the patience to let it take effect.

Ultimately these trends will translate into political pressure. I genuinely believe we are already seeing the first signs that Saddam Hussein is seeking a way out—a face-saving way to withdraw.

Moreover, the logistic support that Iraq used to enjoy will never return to the past levels of generosity, if at all. Hussein has excited the resentment, contempt and suspicion of the nations he historically depended upon. In essence, under no circumstances can Iraq return to the world it left on August 2 and when the dust clears we must reinforce that outcome.

In sum, the President's initial moves have already achieved a great deal. The argument that Saddam is winning and being rewarded is both weird and wrong. Obviously this fact is often overlooked by those calling for more direct action.

It is true that the trauma is by no means over. The burning question now confronting the President (as well as the public) is what next? This is no mean question nor is it an easy one. In its most extreme form, we are talking about deliberately initiating offensive military operations—in other words, war. This is always a grave decision and one which deserves both deep thought and wide public discussion.

If Saddam Hussein initiates an attack on Saudi Arabia or U.S. forces, we have no choice but to react vigorously and to use force to bring Iraq to heel. I believe such a response would be defensible and acceptable to all constituencies, domestic and international. For that reason alone it is unlikely that Saddam Hussein will initiate further military action. Certainly everything we see to date suggests he is hunkering down for the long haul. If that prediction proves correct, President Bush will be confronted with some painful choices.

If deposing Saddam Hussein would sort out the Middle East and permit the U.S. to turn its attention elsewhere, and to concentrate on our domestic problems, the case for initiating offensive action would be considerably strengthened.

But the Middle East is not that simple. Put bluntly, Saddam's departure or any other single act will not make everything wonderful. In fact, a close look at the Middle East is rather depressing. While we may wish it otherwise, the fact is that the region has been, is, and will be for the foreseeable future plagued with a host of problems, tensions, enmities, and disagreements. For example:

The Arab-Israeli dispute is alive and well. To say the least the Palestinians have been irrevocably alienated by the Israeli government's policies. There will never be true stability in the area until this dispute is sorted out.

As Henry Schuler phrased it, "Neither the feudal monarchies nor the oppressive dictatorships enjoy the stability of an institutionalized popular mandate of political participation." This suggests that political maturity, hence stability, is still a long way off.

Income differences on both national and individual levels are a constant source of tensions and envy throughout the region. I lived in the Gulf in 1976 and 1977 and witnessed this friction at close hand.

Moslem fundamentalism is spreading and the process highlights the cultural, religious and ethnic differences that abound in the area as well as the widespread distrust of the West.

Boundary disputes are legion: Qatar vs. Bahrain, Abu Dhabi vs. Oman and Saudi Arabia, Yemen vs. Saudi Arabia, Kuwait vs. Iraq.

U.S. links to Israel and the dominant position of American oil companies have turned large segments of the Arab world against the U.S. in particular.

The current crisis has divided the moderate Arab states for the first time, e.g., Saudi Arabia has now split with Jordan and Yemen (now the most populous state on the peninsula at 10+ million) over their support for Iraq. This does not bode well for the cause of stability or pluralism—both of which U.S. interests.

These frictions—singly or collectively—have resulted in a succession of explosions, assasinations, global terrorism, coups, revolutions, producer embargoes, and full scale war on occasion. Secretary Schlesinger summed it up when he said the non-combat costs or recourse to war will be substantial.

Like it or not, the process of bringing stability to the Middle East will be painful and protracted with or without Saddam Hussein.

Moreover, the U.S., both as a leader of the free world and as the world's number one consumer of crude oil, will be integrally involved in the region, politically and economically, for the foreseeable future—just as we have been for the past forty years. It may not make us comfortable, but there is no way we can avoid this burden; it comes with our affluence and global reach.

This reality suggests that anything we do in that part of the world should be consistent with our past policies and our future role as an international leader. Put another way, today's problem is a great deal more complex than merely defeating Saddam Hussein.

In my view, the critical foreign policy questions we must ask are not whether Saddam Hussein is a brutal, deceitful or dreadful man—he is all of those things—but whether initiating conflict against Iraq will moderate the larger difficulties in the Gulf region and will put Washington in a better position to work with the Arab world in the future. I would submit that posturing ourselves to promote stability for the long term is our primary national interest in the Middle East.

It is not obvious to me that we are currently looking at the crisis in this light. Our dislike for Hussein seems to have crowded out many other considerations.

In working through the problems myself, I am persuaded that the U.S. initiating hostilities could well exacerbate many of the tensions I have cited and further polarize the Arab world.

Certainly many Arabs would deeply resent a campaign which would necessarily kill large numbers of their Muslim brothers and force them to choose sides. From the Arab perspective this fight is not simply a matter between bad and good; it's a great deal more complex than that and includes political and social perspectives deeply rooted in Arab History. The aftermath of such a contest will very likely multiply many fold the anti-America resentment in the Middle East. In essence we may be on the horns of a nowin dilemma, even if we win we lose ground in the Arab world and further injure our ability to deal with the labyrinth of the Middle East.

I firmly believe that Saddam Hussein must leave Kuwait. At the same time given the larger context I judge it highly desirable to achieve this goal in a peaceful fashion, if possible. In otherwords, we should give sanctions a fair chance before we discard them. I personally believe they will bring him to his knees, but I would be the first to admit that is a speculative judgment. If in fact the sanctions will work in twelve to eighteen months instead of six months, the trade-off of avoiding war with its attendant sacrifices and uncertainties would, in my view, be more than worth it.

A part of this effort, however, must be a strong military posture both to underwrite our determination and to give effect to the embargo. Of course, it may be necessary to return to a rotation policy to sustain such a presence. If the sanctions do not live up to their promise or if they collapse, then a military solution would be the only recourse, and we would be well placed to mount such a campaign. In any event, I am convinced that such an action will be much better received if we have visibly exhausted our peaceful alternatives.

If we elect a military option, I have utter confidence that our forces can prevail. It will not be cost free, of course. Casualties and the time schedule will depend on innovation, our military objectives and Iraqi determination. We cannot assume that Iraq will roll over.

Let is say a word about our objectives. It was my experience as Chairman that to get decision-makers to settle on specific military objectives was difficult at best. There is a strong tendency to talk in generalities when contemplating combat, but that is not satisfactory. In this case, what would we expect our commanders to do—drive to Baghdad, free Kuwait, destroy Iraqi forces, eliminate his nuclear capability, or all of the above, etc. The character of your objectives influences the whole operation and you tactical plans. The more ambitious the goals are the less likely a peaceful solution can be found, the greater the casualties, the lengthier the campaign, and the more difficult postwar reconstruction. I would strongly advise that our combat objectives run along these lines.

An intense air campaign aimed at disrupting his war-making industry—including nuclear installations, conventional warfare, and biological weapons facilities.

A subsequent ground campaign designed:

To cut off Kuwait and subsequently free it and

To destroy the effectiveness of the Iraqi forces both in Kuwait and on the southern border of Iraq.

I recognize that some would consider those objectives too limited. I disagree. These goals, if achieved, would deal Saddam Hussein a crushing political and military blow and dispel any further ambitions he might have to dominate either the Middle East or the global oil market. The point is to succeed with minimum effort, casualties, and political cost.

I understand that many believe our troops, our people and our allies don't have the necessary patience to wait out the quarantine. Militarily we have already lost the element of surprise; Saddam Hussein knows we are there. I believe our relative military position improves every day. It's curious that some expect our military to train soldiers to stand up to hostile fire, but doubt its ability to train them to wait patiently.

I am aware, of course, that many are concerned about the task of holding the domestic and international consensus together. While there will be grumbling, I believe the bulk of the American poeple are willing to put up with a lot to avoid casualties a long way from home. Similarly, I cannot understand why some consider our international alliance strong enough to conduct intense hostilities but too fragile to hold together while we attempt a peaceful solution. Actually, I sense more nervousness among our allies about our impetuousness than about our patience.

In closing, I would make a few observations that perhaps we should keep in mind as we approach this process:

Using economic pressure may prove protracted; but if it could avoid hostilities or casualties those are also highly desirable ends. As a matter of fact, they are also national interests.

It is curious that, just as our patience in Western Europe has paid off and furnished us the most graphic example in our history of how staunchness is sometimes the better course in dealing with thorny international problems, armchair strategists are counseling a near-term attack on Iraq. It is worth remembering that in the '50s and '60s, similar individuals were advising an attack on the USSR—wouldn't that have been great?

Time often has a way of achieving unexpected results. Already there are reports that the Palestinians in Kuwait, having witnessed Saddam's cruelty, are turning away from him and that others in Jordan are also having second thoughts. I am reminded how time changed the Panamanian population's view of Noriega. Autocrats often have a talent for alienating even friends and supporters.

Mr. Chairman, it may be that Saddam Hussein's ego is so engaged that he will not bend to an embargo or other peaceful deterrents such as containment. But I believe we should thoroughly satisfy ourselves that that is in fact the case and that hostilities would best serve our interests before resorting to unilateral offensive action against Iraq. It would be a sad commentary if Saddam Hussein, a two-bit tyrant who sits on 17 million people and possesses a GNP of $40 billion, proved to be more patient than the United States, the world's most affluent and powerful nation.

A TRIBUTE TO THE DISTINGUISHED CAREER OF MAYOR LIONEL J. WILSON AND COMMENDING HIM ON HIS MERITORIOUS SERVICE TO THE CITIZENS OF OAKLAND

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, I rise today to commemorate the dedicated and truly committed career of Mayor Lionel J. Wilson. Mayor Wilson's career of public service has been marked by extraordinary progress in achieving the goals of the Oakland renaissance and in the achievement of our hopes for a wonderful and prosperous future for the city of Oakland, CA.

Mayor Wilson has served the citizens of Oakland from July 1977 to January 1991. His 13 years of outstanding accomplishment are characterized by responsible leadership and compassion for the citizens of our city. Mayor Wilson's legacy includes over $1 billion in completed major construction projects, the nationally recognized Interagency Council on Drugs, a revitalized Oakland Private Industry Council, and community involvement in the University of California-Oakland Metropolitan Forum, the Coliseum Commerce Center Corp., the Minority/Community Equity Participation Task Force, the mayor's Hunger Relief Program, the mayor's Tennis Excellence Program, the mayor's Summer Jobs Program, the mayor's Trust/Earthquake Relief Fund, and the mayor's Toy Drive; all of which has improved the quality of life for our citizens and is a model for our Nation's cities.

Thank you, Mr. Speaker for this opportunity to address the House in celebration of Mayor Lionel J. Wilson's exemplary career of service to his community and Nation.

FREEDOM OF CHOICE ACT PROVIDES NATIONAL STANDARD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. EDWARDS of California. Mr. Speaker, on January 3, the first day of the 102d Congress, I introduced H.R. 25, the Freedom of Choice Act, with a bipartisan group of over 80 Members of the House. Today, that number has grown to 100, with more cosponsors being added each day.

One of the first to sign on as a cosponsor was the gentleman from California, Congressman TOM CAMPBELL. Our colleague was also a persuasive witness in behalf of the bill at hearings held last year by the Subcommittee on Civil and Constitutinal Rights, which I chair.

In an insightful commentary in the Country Almanac of Menlo Park, CA, Congressman CAMPBELL sets forth the reasons why enactment of the Freedom of Choice Act is imperative.

As our colleague notes,

> Women need a more solid assurance of their right to choose. They need to know that their right to choose an abortion cannot be instantly overturned by a Supreme Court decision.

Enactment of H.R. 25 would provide that assurance. The Subcommittee on Civil and Constitutional Rights intends to make passage of the Freedom of Choice Act a high priority for the 102d Congress. As work on this important legislation continues, I very much appreciate the support of the gentleman from California, and I call to the attention of my colleagues his thoughtful comments.

The article follows:

[From Country Almanac, Dec. 26, 1990]

FREEDOM OF CHOICE PROPOSAL NEEDS TO HAVE HIGH PRIORITY

(By Congressman Tom Campbell)

For almost two decades, we who favor a woman's right to choose an abortion allowed ourselves to become perhaps a bit too complacent. After the Supreme Court's decision in *Roe* v. *Wade*, we were comforted by the knowledge that every woman in America could make her own choice.

But the Supreme Court's decision in *Webster* last year woke us up. We were given a harsh reminder that abortion rights rested on a single Supreme Court decision—a decision many constitutional scholars were predicting would be soon overturned. We were reminded that the right to choose hangs by little more than a judicial thread.

Women need a more solid assurance of their right to choose. They need to know that their right to choose an abortion cannot be instantly overturned by a Supreme Court decision.

The solution lies in federal legislation. A well-drafted bill would be much less likely ever to be overturned by a court decision. It would give permanent, statutory assurance of the right of choose.

The Civil and Constitutional Rights Subcommittee of the House Judiciary Committee recently held hearings on a bill that would do just that. I was pleased to have the opportunity to testify in favor of that bill. H.R. 3700, the Freedom of Choice Act. The bill would guarantee the right of any woman in America to choose an abortion at any time before fetal viability or whenever her life is in danger.

The bill, sponsored primarily by my colleague, Rep. Don Edwards of San Jose, and co-sponsored by 127 other members, would be a national solution, not a piecemeal, state-by-state approach. If passed, the Freedom of Choice Act would be the most solid assurance we could give a woman that her right to choose would not be taken away.

While there is little likelihood the Freedoms of Choice Act will be enacted this year, it should become a top priority for pro-choice advocates in the coming years. For those of us who are working for choice, this is the most important battle we must fight.

Polls show that the American people strongly support the right to choose. We need to translate that support into statutory assurance that no woman's right to an abortion will be taken away.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CARDIN. Mr. Speaker, January 22 will mark the 73d anniversary of Ukrainian Independence Day. I am honored to join over 1½ million Ukrainian Americans in celebrating the spirit of freedom within the Ukraine.

Amidst the dynamic changes occurring in Eastern Europe and the Soviet Union, Ukrainian Independence Day is a particularly important occasion. We will continue to work for the promise of glasnost and perestroika to be realized in freedoms to be enjoyed by all Ukrainians. We pray for a government receptive to open and productive dialog rather than confrontation and violence.

The unique cultural identity of the Ukraine is a source of pride to the more than 50 million Ukrainians all over the world. On January 22, we extend best wishes and thanks to the Ukraine for its important contributions to the world in the visual arts, folk music, religion, world view, literature, physical sciences, architecture—but above all the Ukraine's greatest contribution: Her people.

DIVIDED WE FALL

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. EMERSON. Mr. Speaker, our identity as Americans is indeed difficult to define. We come in every size, shape, color, and culture. We have different interests; we eat different foods. But through it all, there is something that makes each of us American.

As a nation of immigrants, we have assembled possibly the most diverse society in the world; still, we have managed to make it work. We learn to respect, not fear, that which makes us different. We share our cultures, our food, and our heritages. We do this largely because we share a common tongue. We can communicate with each other.

Last month, Charles Krauthammer published a column entitled, "What's Left of the Left" in the Washington Post. That column is reprinted in the RECORD below. Mr. Krauthammer strikes a cord that is all too familiar when he points out the increasing fracturing of American society. We are now more diverse than ever, and now more than ever, it's important that we stand together. Like it or not, we are one nation, and the future of any one race or ethnic group is directly linked to the future of all other races and ethnic groups in America. Let us go forward into the future as unified whole, not as a fractured confederation.

Unity is as American as apple pie and enchiladas. Indeed, America was born of many peoples joining together in a common goal. With the stirrings of what would later become the birth of our nation, John Dickinson wrote, "Then join hand in hand, brave Americans all! / By uniting we stand, by dividing we fall."

[From the Washington Post, December 21, 1990]

WHAT'S LEFT OF THE LEFT; AFTER SOCIALISM, AN AGENDA FOR FRACTURING AMERICAN SOCIETY

By (Charles Krauthammer)

The Committee for the Free World, the most implacable and spirited anti-Communist voice in post-Vietnam America, closed shop this week. "We've won, goodby," founder Midge Decter told The Post's E. J. Dioune. The most skeptical coroner has spoken. Communism is dead.

Another story, however, has been largely missed: socialism is dead too. At a recent gathering of the left (for a memorial tribute to radical historian William Appleman Williams), Christopher Lasch, with admirable candor, said: "We have to ask ourselves whether [Gorbachev] isn't presiding not just over the collapse of the Soviet empire but over the collapse of socialism as well. It is all very well to argue . . . that the socialist ideal was never to be confused with [Soviet-style] 'actually existing socialism.' But the whole point of Marxian socialism as distinguished from Utopian socialism, if anybody remembers, was precisely that it was not merely a speculative ideal."

Socialism, despite what Gorbachev pretends, was never the doctrine of loving thy neighbor as thyself. It is a political doctrine of class conflict rooted in a rejection of private property and a faith in "social control"—i.e., political control—of the means of production (factories, industry, etc.)

Well, the returns are in. Socialism is a prescription for economic ruin. Ruin not only where deformed by Stalinism but even where practiced with a human face. Tanzania's experiment in "African socialism" utterly destroyed a once self-sufficient economy. Even Israel's much idealized kibbutz movement faces insolvency. No serious country today looks to socialism as a model for development.

Accordingly, socialists have generally abandoned socialism and become social democrats. Social democrats want to humanize the market by attaching safety nets. A noble meliorism, but it is not socialism. It is liberalism. The socialist vision of new economic and social relations is finished.

But if socialism is finished, what's left on the left? How will it occupy its time? Judging from its recent activities, it is improvising well. Its agenda:

1) Earth. Environmentalism is a natural successor to Marxism. Europe's Green parties led the way, showing friends of the Earth the connection between opposition to development, on the one hand, and antinuclearism, anti-imperialism and anti-Americanism on the other.

There is a certain shamelessness in the left adopting the environment as its cause, considering * * * the undescribable environmental wreckage left by "actually existing socialism" in Eastern Europe and the Soviet Union. Environmentalism is nonetheless the perfect escape hatch for the left because it enables the left to do precisely what it tried to do under the banner of socialism: allow educated elites to tell everyone else how to live. Social control, once asserted on behalf of the working class, is now asserted on behalf of the spotted owl.

2) Peace. With the Gulf crisis, the left (with some help from the isolationist right) has been busy trying to revive the long dormant antiwar movement. But here one gets the feeling of people going through the motions, of a reflexive, almost nostalgic anti-interventionism.

After all, the last time the peace movement got terribly exercised, it was to warn the world in panicked tones of the imminence of nuclear catastrophe and of the urgent need to take as many nuclear weapos as possible out of the hands of Ronald Reagan. Now that a Third World adventurer and thug—a man who has used weapons of mass destruction in the past and has pledged to use them again—is about to get his hands on a nuclear arsenal, the antiwar left can find no "just war" reason to disarm him.

This is more than inconsistency. This is bad faith. Hence, I suspect, the weakness of the peace movement so far.

3) The Balkanization of America. This is the major project of the left in the universities, the monastic refuge to which, like a defeated religious order, the radical left has retreated.

* * * * *

How? By proclaiming and championing a new oppressed, no longer the bloated and ungrateful working classes, but a new class of carefully selected ethnic and gender groups. Blacks, Hispanics, women, homosexuals, Native Americans—the list is long, the bids are open—are now wards of the left.

In their name is launched an all-out assault, first, on America's cultural past. As Prof. John Searle points out in the New York Review of Books (Dec. 6), the demand is not just for an expansion of the West's cultural canon to include works by women or people of color, but the destruction of this canon as representative of a white male-dominated system of cultural oppression.

So much for Western Civ. The other attack—on common citizenship—consists of the division of Americans into a hierarchy of Legally preferred groups based on race and gender. From Canada to Lebanon, every other multi-ethnic society that has attempted such tribal stratification has come to grief. (Canada hangs by a thread, Lebanon has been shredded.) No matter. The left, helped by a nobly motivated but intellectually bankrupt "civil rights community," would march us just that way.

Of the three projects, Balkanization is the most serious. America will survive both Saddam and the snail darter. But the setting of one ethnic group against another, the fracturing not just of American society but of the American idea, poses a threat that no outside agent in this post-Soviet world can hope to match.

CONGRATULATIONS ON NIRPC'S 25TH ANNIVERSARY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to commemorate the 25th anniversary of the Northwestern Indiana Regional Planning Commission [NIRPC].

Since its inception in 1966, as the Lake-Porter County Regional Transportation and Planning Commission, NIRPC has played a vital role in the planning and coordination of northwest Indiana's public works' policy. NIRPC's role coordinating the often disparate interests and needs of various local governments through thoughtful planning for the future has improved the lives of every person that lives or passes through our area.

Their fine work on the Little Calumet River flood control project and the revitalization of the south shore's commuter service are only two examples of their importance to our community. There is little doubt that northwest Indiana would suffer without NIRPC's technical expertise.

We in northwest Indiana are keeping an eye on the future as we reflect on the success of NIRPC's past 25 years. As we enter the last decade of the 20th-century northwest Indiana is planning to boldly enter the 21st century with a coordinated mass transit and highway infrastructure, a more productive and diversified economy, and a better quality of life for its residents. NIRPC's vision and expertise will help guide our area into a prosperous decade and a successful future.

I would be remiss if did not mention just a few of the people who have made NIRPC's first 25 years such a great success and guarantee at least another quarter century of accomplishment. The commission's first chairman, Dr. Joseph J. Forszt, and vice chairman, Virgil O. King, secretary William L. Staehle, executive director, Norman E. Tufford were essential in establishing and guiding the organization. NIRPC is currently under the direction of chairman, Mayor David Butterfied, vice-chairman, Mayor Elmo Gonzales, secretary, Karen Hughes, executive director, Jim Ranfranz—who served at NIRPC's inception as deputy director—and deputy director, Dan Gardner. The wide array of talent and ideas of these individuals and countless others has developed NIRPC's focus and promises its future success.

MAURICE STARR DAY IN THE DISTRICT OF COLUMBIA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. DELLUMS. Mr. Speaker, It gives me great pleasure to bring to the attention of my colleagues the wonderful work of famed record producer, Maurice Starr. Thursday, January 17, 1991, will be named "Maurice Starr Day" in the District of Columbia.

This day is being proclaimed in honor of Maurice Starr, better known as the General, in order to salute him for his efforts in making children's dreams come true and for his stong desire to maintain and continue to build entertainment empires in urban areas.

Born Larry Curtis Johnson, Maurice Starr is a musical genius and a multiformat hit maker who plays 40 different instruments. Coming from a musical family, entertaining comes naturally to Starr. In addition to writing and producing the songs his acts record, Starr creates the acts, trains, manages, stages, markets, promotes, and grooms the acts for major stardom. It is no wonder that he is responsible for the formulation of some of today's hottest groups, such as, New Edition, Perfect Gentlemen and New Kids on the Block.

Mr. Speaker, I know my colleagues will want to join me in extending our best wishes to Maurice Starr; a man that has made it a point to always give back to the community by providing the opportunity for stardom to urban area youths.

NATIONAL VOLUNTARY HEALTH CARE ACT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LAGOMARSINO. Mr. Speaker, it is estimated there are 32 to 37 million Americans without any form of health insurance. In addition, there are approximately 18 million Americans with minimal health care coverage.

The needs of the uninsured and the necessity of coping with the demand for long-term care are, at least in my estimation, the most pressing health care issues facing the country today. Because the cost of health insurance continues to skyrocket, there is a definite need to redefine our health care system so that the needs of all Americans are met.

I believe everyone should have access to decent and affordable health care. That is why I am reintroducing the National Voluntary Health Insurance Act. This measure is based on the system which is currently operating successfully in British Columbia, Canada. The plan would provide total coverage of all necessary medical and hospital care, without limits, exclusions or deductibles, for all Americans at about the same cost to the Government as the estimated present and projected cost of Medicare and Medicaid, which would be replaced.

I believe the program would provide a practical and effective means of stopping the present rapid inflation in hospital costs by greatly reducing administrative and malpractice insurance costs. I urge my colleagues to join with me by cosponsoring this vitally needed legislation.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. HERTEL. Mr. Speaker, I rise today to mark the occasion of the 73d anniversary of the proclamation of Ukrainian independence—January 22, 1918. This event will be recognized by many of my constituents in Michigan on Sunday, January 20.

This year's celebration will be of particular significance since this is a time of great anxiety for Ukrainian people throughout the world. Their struggle for independence from the unyielding Soviet regime has escalated dramatically in the last year, and specifically in the last week. The ethnic Russians living in the Ukraine have threatened to disrupt any events connected to this celebration, and efforts to reestablish Ukrainian sovereignty. In view of these circumstances, it is crucial for us as Members of the United States Congress to express our support for the Ukrainian people. Their commitment to human rights and the ideals of liberty and democracy are an inspiration to the world community.

My dear colleagues, please join me in recognizing this important anniversary celebration. Moreover, I ask you to give serious thought to the events currently unfolding in the Ukraine and the effect these may have on peace and stability in the post-cold-war world.

A WORLD RECORD ACHIEVEMENT—IN PEORIA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. MICHEL. Mr. Speaker, occasionally we come across events whose significance transcends the specific facts of the matter. Such events are rare, but when they do occur, they are worth noting.

Such an event happened on November 23, 1990. On that date, the Peoria Rivermen professional hockey team of Peoria, IL, a triple A franchise of the National Hockey League St. Louis Blues, set a record no other team has ever achieved in the history of professional hockey—by winning 18 consecutive games in league competition.

This world record of 18 consecutive wins surpassed the previous record of 16 wins by the American Hockey League Baltimore Skipjacks during the 1984–85 season and 15 consecutive wins by the National Hockey League New York Islanders during the 1981–82 season.

This record was achieved by a team in the second year of private ownership after faltering under local government operation. Mr. Bruce Saurs, a local businessman, purchased the Rivermen after the threat of disbandment due to lack of attendance, but Mr. Saurs proved once again that the free enterprise system is alive and well in Peoria. In a larger sense, this achievement is the kind of thing that reminds us that Americans, in an increasingly competitive world, can't be satisfied by merely doing the usual. We have to have the attitude shown by the Rivermen, an attitude that breaks records, sets standards, and inspires us all. My congratulations go to the players, the coach, the owners, and all those connected with this fine accomplishment.

THE ACHIEVEMENTS OF ALAN FRIEDMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. LEVINE of California. Mr. Speaker, I would like to bring the outstanding accomplishments of a dear friend, Mr. Alan Friedman, to my colleague's attention.

Alan Friedman served as the president of the Bet Tzedek, a free legal services provider to low income and senior citizens of Los Angeles County, from September 1989 to September 1990. In addition to his excellent service as Bet Tzedek president, Alan is a former Bet Tzedek vice president and 7-year board member.

Bet Tzedek gained statewide recognition for its new Home Equity Fraud Prevention Task Force, which pursues legislative, legal, and community education approaches to stemming the tide of home equity fraud perpetrated on the elderly. The Los Angeles Times featured Bet Tzedek in an editorial regarding the work it has done in this area.

Furthermore, Bet Tzedek initiated its housing conditions action team designed to transform some of the worst housing conditions in Los Angeles through aggressive outreach, negotiation and litigation. Bet Tzedek continued to win over 90 percent of its contested cases.

In addition to being a superb lawyer and having a fabulous wife, Susan, and two great daughters, Joanna and Katie, Alan has also played a leading role in Los Angeles civic affairs. Among a host of significant positions, Alan served as president of the Los Angeles Board of Civil Service Commissioners, a president-elect of the Constitutional Rights Foundation, and labor relations counsel to the Los Angeles Olympic Organizing Committee.

Alan has demonstrated a sincere and generous commitment to public service. We can all be proud of his impressive achievements and the extraordinary example Alan has set for the entire community.

FREEDOM FOR THE BALTICS

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. CAMPBELL of California. Mr. Speaker, the action by the Soviet authorities in Lithuania parallels the action of their Stalinist forebears in 1956. When the world's attention was then focused on the Suez crisis, Soviet tanks rolled into Hungary to suppress the flame of freedom that had just sparked to life there. Now, as the world looks to the Middle East once again, cynical Soviet leaders use the occasion to suppress freedom in Lithuania. What makes this all the more appalling is that Gorbachev had promised freedom to Lithuania, if Lithuania would only follow the steps outlined in the union documents. It now appears that his statements may well have been a sham; a lie to buy time until the world's attention was directed elsewhere.

What must Americans to? We must not turn our heads. As crucial as the successful outcome of the crisis in the Persian Gulf may be, the cause of freedom is no less important in Vilnius than it is in Kuwait City. The only hopeful sign in the Soviet Union is that presidents of other constituent republics, notably Boris Yeltsin of the Russian Federation, have condemned the brutal use of force. We must strengthen the hand of those of similar views within the U.S.S.R.—and the best way to do this is to say that economic rapprochement with the West hangs in the balance. Gorbachev cannot succeed if his economy fails.

Mr. Speaker, the United States has just announced generous export credits granted to the Soviet Union so that they can purchase American food in their present economic conditions. Those credits should be terminated at once. Today, I am introducing legislation to cut off this assistance. The people of the Soviet Union will soon know that their food lines are a little longer because of what their leaders have done in Lithuania. And we must continue to push in other ways as well for the full freedom of Lithuania, Latvia, and Estonia.

In the debate just concluded in this Congress concerning the Persian Gulf, frequent reference was made to the lessons of World War II. How cruelly apt these lessons are for the Baltics as well. Taken prisoner first by Stalin's Russia, then by Hitler's Gemany, Lithaunia, Latvia, and Estonia still have no freedom. Let us learn all the lessons of World War II. Let the call be as loud "Freedom for the Baltics!" as it has been "Freedom for Kuwait!"

VIOLENCE IN THE BALTIC STATES

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. McDADE. Mr. Speaker, while the attention of the world is focused on the Persian Gulf, we must not overlook the bloody military assault on the freedom-loving people of Lithuania and Soviet suppression in the Baltic States of Latvia and Estonia.

We must make it clear that the people of the United States deplore the attack Sunday that killed 14 peaceful protesters in Lithuania and injured 230 others. The United States and the rest of the free world must stand united in opposition to this powerful Soviet offensive against democracy.

President Bush is correct in condemning the violence in Lithuania and warning the Soviets that our relations with them could be affected. The upcoming summit with the Soviets, our trade relationship, and United States economic assistance should be reconsidered in light of the crackdown in the Baltic States.

We all rejoiced at the advance toward democracy during the past couple of years in Eastern Europe and the movement toward a more open society in the Soviet Union. It is most alarming and distressing that the independence movement is being squelched with tanks and military might. Bloodshed and suppression are not to be tolerated, and the Soviet leadership must be held accountable.

At a time when the United States is fighting aggression in the Persian Gulf, we must also stand firmly behind the rights of the people of Lithuania, Latvia, and Estonia to affirm their independence. I speak today to express my outrage and that of the people of northeastern Pennsylvania to the violence in the Baltic States.

CONGRATULATIONS TO CLEVELAND HEIGHTS HIGH SCHOOL NATIONAL MERIT SEMIFINALISTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute students from Cleveland Heights High School which is located in my congressional district. Twelve students from Cleveland Heights High were recently named National Merit semifinalists, after receiving high marks on the Scholastic Aptitude Test. This represents the highest number of semifinalists for any public school in Ohio.

I join the community in saluting these students and recognizing this outstanding achievement. I would also take this opportunity to commend Cleveland Heights principal, Charles M. Shaddow, and his faculty for their commitment to academic excellence. The selection of 12 merit semifinalists from the school certainly exemplifies that commitment. I wish Principal Shaddow, his faculty and students much continued success.

NATIONAL MERIT SEMIFINALISTS

Andrea Bresky
Romin Dickey
Rachel Fogel
Xantha Karp
Sharon Kutnick
David Maris
Lydia Neilsen
Michael Pelsmajer
Beth Phillips
Josh Rakow
Mark Richardson
Steven Trost

NATIONAL MERIT COMMENDED STUDENTS

Dudley Battle
Ian Blevans
Eric Frew
Joseph Iorillo
Roman Lasek
Susan McGowan
Pamela Morales
Julie Roth
Caitlin Sedwick
Sara Seidel
Robert Weinmann
Elizabeth Winston
Dallas Wood

NATIONAL ACHIEVEMENT SCHOLARSHIP PROGRAM FOR OUTSTANDING NEGRO STUDENTS

Lori Lake
Anika Simpson

NATIONAL HISPANIC SCHOLAR AWARDS PROGRAM

Michael Pelsmajer

STOP THE VIOLENCE IN LITHUANIA

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mrs. BYRON. Mr. Speaker, I rise today to express deep concern over the recent use of military force in Lithuania. The use of force to suppress freedom of speech in any circumstance is cause for concern, but in this case my concern is too great for me to remain silent. I just returned from spending an entire week in Moscow with four of my colleagues. By coincidence, Soviet tanks and paratroopers just happened to converge on Vilnius during my stay. My colleagues and I did not receive any word on Soviet troop movements from either soviet or American officials. Not one word.

According to the Soviet military, the troops were sent to enforce the military draft laws. By its actions this past weekend, the Soviet military demonstrated the true reason and purpose for its presence. President Gorbachev has denied ordering the attack as has Defense Minister Yazov. While this may be true, neither man can escape ultimate responsibility for what occurred in Vilnius and what is likely to occur in Tallinn and Riga. President Gorbachev must understand that the dramatic events in Eastern Europe in 1989 are still fresh in the minds of his countrymen.

Further military suppression of such efforts will only stoke the fire of independence and cost the Soviet Government any and all support from the civilized Free world. Over the past several years President Gorbachev has driven the Soviet Union down the road to reform. He is now approaching a fork in the road, and he faces a difficult decision. Let us hope he continues down the road to reform. A road which would end 50 years of injustice to the Baltic people.

THE EMERGING TELECOMMUNICATIONS TECHNOLOGY ACT OF 1991

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 15, 1991

Mr. MARKEY. Mr. Speaker, I am pleased today to join Chairman JOHN DINGELL in introducing the Emerging Telecommunications Technology Act of 1991.

Today, advances in telecommunications technologies are creating new opportunities for American businesses and exciting new services for the American consumer. The radio frequency spectrum or airwaves, are the lifeblood of these critical technological advances. Industries which rely on the spectrum—such as television and radio broadcasting, pagers, cellular telephone, shortwave radio, garage door openers, and satellite transmissions—together generate more than $100 billion in annual revenues.

Unfortunately, the commercial application of many of these technologies is threatened by the lack of available spectrum.

The FCC has reported that almost all of its usable spectrum, allocated for commercial activities, is currently assigned and heavily used. However, at the same time, a substantial portion of the spectrum allocated to the Federal Government, primarily the military, is underutilized.

This creative legislation should have become law last year. As many of you know, similar legislation was approved unanimously by the House last session but unfortunately fell hostage to the administration's budgetary posturing on peripheral issues. Hopefully, such shortsightedness will not prevent the swift passage of this critical piece of legislation this year.

The bill we are introducing today would require the Secretary of Commerce to identify 200 MHz of radio frequency spectrum, currently assigned to the Federal Government users, for reallocation to our Nation's commercial sector and public safety activities.

The cellular industry provides a dramatic example of the economic benefits we can realize by releasing spectrum for commercial development. In 1968, the Government relinquished approximately 50 megahertz of the spectrum for cellular services. Today, the cellular industry is a $4.5 billion industry serving more than three and one half million subscribers.

WIthout spectrum reallocation in 1968, the United States may not have become a world leader in the cellular industry. And without additional reallocation, we will be forced to choose between important new technologies such as HDTV and microcell communications, and among competing nonfederal interests, particularly from public safety users.

Even though the FCC, under Chairman Al Sikes is moving aggressively and taking positive steps to create the regulatory environment conducive to the maximum technological and economic progress possible, we need the additional radio spectrum that this legislation would reallocate to ensure that the United States fully invests in its technological future. While the FCC is bogged down in the lengthy administrative process attempting to best allocate the scarce spectrum between equally worthwhile applications, our competitors, particularly Japan and Great Britiain, are actively making spectrum available for new technologies. The United States must establish foward looking policy initiatives to keep pace. Indeed, our future economic health may depend upon it.

A host of exciting new wireless technologies, such as "personal communications networks" where people could carry lightweight portable phones in the shirt packets and place and receive calls in conceivably any location, eagerly await the breathing space in the radio spectrum this bill would provide and they need to flourish. We need to emphasize this progrowth attitude to our domestic economic policy especially in light of the Nation's deteriorating economic situation. Moreover, if America truly wants to be a leader in the manufacturing and service of this next generation of telecommunications technologies, we need to make this important commitment to that endeavor at the present time in order to compete successfrully in the global economy in the near future.

This legislation proposes a realistic and pragmatic means of effectively allocating spectrum to help ensure robust economic growth into the 21st century. It encourages the Government to employ more efficient spectrum management techniques and to free some of the unused and underrutilized spectrum for ressignment to emerging commercial technologies. This legislation also provides that the President can subsititute or reclaim any Government included frequency for any national defense emergency or other reason.

Our objective today is to meet the Government's current needs and weigh them carefully against industry's increasing needs and, develop a policy that both provides for America's national security needs and fuels economic growth into this decade and beyond.

HOUSE OF REPRESENTATIVES—*Wednesday, January 16, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, You have created the whole world and You have made us in Your own image. You have breathed into us the very breadth of life and You have nurtured us along the way of life. We respond to Your mighty acts with thanksgiving.

As Your greatest gift to each person on every side of every conflict, O God, is the gift of life, so we earnestly pray for peace. May the aggressors in every place turn away from their evil, may not the stronger sides force their will on the weaker and may each person share in the freedom of spirit that is their rightful and holy heritage.

We are aware of the burdens that our leaders bear at this time and so with one voice we pray for our President to whom great responsibility has been given. May Your spirit, loving God, that transcends all the differences between peoples, guide, guard and gird him and all our leaders in the paths of justice and of peace.

We place these prayers before You, O God, together with the secret petitions of our own hearts. All of this we pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. PAXON] to lead us in the Pledge of Allegiance.

Mr. PAXON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HOPE AND PRAY FOR PEACEFUL SOLUTION TO MIDEAST CRISIS

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, the deadline for Iraq to get out of Kuwait which was stipulated by U.N. Resolution 678 has now passed. I think it is appropriate to reflect on the meaning of that deadline.

January 15 was indeed a deadline for Saddam Hussein, and he must wait and wonder and worry every day, and indeed every hour, from this point forward about what the United States and its allies might do next. It was not, however, a deadline for us. We are not required to take any specific action today, or tomorrow, or on any other date certain.

Therefore, Mr. Speaker, I urge the President to continue to exercise restraint so that Saddam Hussein may reflect on the consequences of his actions and that he may reach the conclusion which has been reached by people throughout the civilized world; that in the event of a military conflict, he loses. And, having reached that inescapable conclusion, Mr. Speaker, we can only hope and pray that Saddam Hussein will make the decision to order the withdrawal of his troops from Kuwait and to end this crisis peacefully.

THE COMMUNIST WAR AGAINST LITHUANIA

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, various news reports from beleaguered Lithuania confirm what many of us have long suspected: The Communist government of the Soviet Union has reverted to form.

The ghost of Lenin must be smiling as he sees his Mr. Gorbachev once again using the party's ultimate argument against people who want to be free.

The New York Times this morning says:

> It appears that the script has precedents in Soviet political strategy dating to the Bolshevik Revolution.

The script is still the same: provoke quarrels, create an incident, and then respond by sending in tanks to crush freedom. Budapest in 1956. Prague in 1968. Vilnius in 1991.

Gorbachev has had to choose between the road to the future and the road to the past.

He has chosen to ride a tank down the road to the past, waving his Nobel Peace Prize as he passes by.

THE GULF WAR POSES DANGERS FOR OUR CIVIL LIBERTIES

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, the crisis in the Persian Gulf is fraught with many dangers, but I want to draw attention to the danger to our civil liberties here at home. We support the FBI's antiterrorism efforts and we want the Bureau to be vigilant, but we must caution the FBI and the other agencies in the Justice Department to avoid overreaction.

I intend later today, after the 1-minutes, to take out a special order to raise this issue and send a warning to my colleagues, to the executive branch and to the American people.

We must be alert to the threat that the gulf war and the fear of terrorism will result in an overreaction, making our Nation less free. It would be a tragedy if Americans were to give up some of their freedoms to restore the freedom of Kuwait.

ALL PEOPLE SHOULD BE FREED FROM YOKE OF TYRANNY AND REPRESSION

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, while the attention of the world is focused on momentous issues of war and peace in the gulf, Soviet President Gorbachev has made a mockery of his Nobel Peace Prize by brutally repressing the movement for freedom and independence in the Republics of Lithuania and Latvia.

Gorbachev's timing is no accident. As they did in Budapest in 1956, in Prague in 1968, now again in 1991 the Red Army has fired on freedom fighters, this time in Vilnius, men, women, and children, armed only with sticks, the desire for freedom, and their courage.

As long as the crisis in the Middle East continues, our ability to affect the course of freedom in the Baltics, as well as other foreign policy issues with equal moral weight, is seriously compromised.

All peace loving peoples of the world continue to hope and pray that the tyrant Saddam Hussein will end this crisis in what little time remains. If he does not, however, we must all understand that the overwhelming imperative we face to use appropriate force to bring about Saddam Hussein's end quickly is drawn not solely from Middle East issues, but from the issues of freedom and independence for all people who fall under the yoke of tyranny and repression.

AMERICA MUST KEEP FAITH WITH LATVIA, LITHUANIA, AND ESTONIA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, we are gathered here in Washington today, all of us, thinking about the same thing, the Mideast, as those all around the world are thinking of what is going to happen. Those that pray are praying that there is still time for a peaceful solution. But in the meantime, we can think about January 15, 1990, when all of us were so excited and so pleased that communism was taking a turn, that countries like Hungary and Czechoslovakia, Poland, would now be able to be free again. We all knew that those other countries, particularly the Baltic countries, were going to also follow suit, and find their voices of freedom.

So, today we must join our voices with theirs. We must join in their faith, that they can take off the yoke of communism and be free, too. We must keep faith with our neighbors of Latvia, Lithuania, and Estonia.

We must send a clear, unambiguous message from the Congress of the United States when we begin our work later in the month. There is no such thing as business as usual. Most favored nations, that cannot be when we have a situation like this.

Of course, we do not want people to go hungry in the Soviet Union, but can we stand shoulder to shoulder with the Soviet Union when tanks are going forward over people of Lithuania? No, we cannot. So this is a serious day all over the world. But we must remember we were the ones that held strong against communism, and we are going to have to be the ones to continually stay with those countries that now want their freedom, too.

□ 1210

AID TO EL SALVADOR

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, I rise in strong support of the President's announced decision that he will release $42.5 million in military aid to the Government of El Salvador within 60 days if the FMLN Communist guerrillas do not clearly indicate their good faith negotiations to bring about peace.

This Congress withheld that $42.5 million in the foreign aid bill last August attempting to send a signal to the FMLN asking them to go to the peace table. But by withholding that military aid we simply encouraged the FMLN Communist guerrillas to launch their fall offensive, which they did on November 20, and the result of that is 700 people have been killed, 1,200 people have been wounded, civilian targets have been blown up and indeed, Sandinistas from Nicaragua have sent SAM-14 missiles which have been used by the Communists in El Salvador. Indeed, just a few weeks ago the FMLN killed, murdered two U.S. soldiers flying their helicopter on a peaceful mission, and indeed, even more outrageously, added to that atrocity by attempting to murder the Army investigative team we sent down there to look into the atrocity.

So the President has acted responsibly, and I hope that, although I doubt, I nevertheless hope that the FMLN Communist guerrillas will finally get the message, go to the peace table and negotiate peace in El Salvador.

ANNUNZIO CALLS FOR IMPROVED ACCESS TO HEALTH CARE FOR SENIOR CITIZENS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I rise to support the efforts of this Congress to make quality health care available to all Americans.

Nearly 35 million Americans, including senior citizens, now have no health insurance. Many of them are now doing without proper medical care.

The results of a new study published in the Journal of the American Medical Association have confirmed my worst fears about this problem.

The study was led by researchers from Georgetown University. They looked at the records of nearly 600,000 hospital patients from across the country.

The study appeared to show that Americans who don't have insurance are nearly twice as likely to die during hospital stays than those who do have insurance.

To address the problems made clear by this study, I am cosponsoring the Universal Health Care for All Americans Act. If enacted, this bill will guarantee basic health care for all Americans, regardless of age or income.

The bill also includes a system to control costs so it won't add to the national debt.

GORBACHEV SHOULD EARN HIS PEACE PRIZE OR GIVE IT BACK

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, far to the north of the Persian Gulf, ignored by much of the world, a tragedy is unfolding.

The leaders of the Soviet Union are trying to crush the peaceful movement of the Baltic nations toward independence.

When Foreign Minister Shevardnadze resigned last month, he warned the world of a coming dictatorship. And this week, we've seen it begin to emerge. Thirteen young Lithuanians are dead, shot or crushed by tanks when the Soviet army took over the Vilnius radio station. Eighty more are missing.

In Riga, Latvians defending their government's buildings have been beaten and arrested. And President Gorbachev suggested this morning that he might suspend the freedom of the press. If he doesn't hear us now, worse is to come.

I say to Mr. Gorbachev, so recently awarded the Nobel Prize for Peace: The people of Lithuanina, Latvia, and Estonia seek only the right to determine their own destiny.

Your government has denied them that right for 50 years, but the days of Stalin are gone and cannot return.

If you want to move forward, you will have our support; if you take your country back into the past, you will not. No aid, no trade credits, no most-favored-nation status. Nothing.

You can still avoid disaster, if you listen to the voices of reason and reject this fateful course. Listen to President Yeltsin of Russia. Listen to the marchers outside the Kremlin.

Listen to the people of the republics. Listen to the veterans of the Afghan war, who can tell you the cost of denying a nation its freedom.

Mr. Gorbachev, earn your Nobel Prize or give it back. Step back from the brink while you still have time.

SITUATION IN EL SALVADOR

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, President Bush decided yesterday to release $42.5 million military assistance for the democratic Government of El Salvador because the Communist FMLN guerrillas have received significant outside supplies of weapons and have engaged in acts of violence directed at civilian targets. The administration has decided, however, to withhold obligation of the funds for 60 days in order to pressure the FMLN to agree to a cease-fire. If a cease-fire is reached, the aid will not be sent.

I strongly support this decision by President Bush. He has fulfilled the letter and the spirit of the El Salvador provisions in Public Law 101-513. The United States cannot stand idly by when the FMLN has launched an offensive which has resulted in more than 1,000 deaths. And the United States cannot stand idly by when the FMLN brutally assassinated two American servicemen in cold blood. If President

Bush did not act, the FMLN would escalate their senseless violence and more innocent people would die.

This body has heard much talk recently about giving peace a change. The President's decision not to disburse the military aid for 60 days does just that—it allows maximum pressure for an end to the Salvadoran war. The Central American Presidents, the Congress and the Salvadoran people have spoken for peace. It is now up to the FMLN to decide if they genuinely desire peace. If further military aid is sent to El Salvador, it will be due solely to FMLN intransigence.

MOBILIZING THE HOMEFRONT IN SUPPORT OF OUR TROOPS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the whole world is now in a no man's land timewise between the deadline of January 15 and the beginning of hostilities if they should come. And while our young people are mobilized in the sands of Saudi Arabia, we ought to be taking this time now to quietly begin to mobilize the homefront. We ought to be gathering our churches, communities, our Red Cross, and other entities within our communities for the purpose of establishing contacts with the families and support mechanisms for those families of our service people and to provide for communications, and updates, and to do all we can here at home to first of all demonstrate our support for our Armed Forces, and second, to make sure that the families who are left behind will also have the full measure of community entities keeping in touch with their loved ones and with the Government entities that are in charge of this enterprise of Desert Shield.

We on the homefront can do just as we have always done before: Give that superb support to our Armed Forces that they deserve.

EQUITY IN THE FDIC

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I realize that today as we are just a few hours after the passage of the January 15 deadline that much of our attention is focused on international issues, particularly those events in the Middle East. However, I would like to call to the attention of Congress and the Nation concerns about some domestic issues, and particularly one that was brought about by virtue of a decision of the Federal Deposit Insurance Corporation yesterday.

As many know, when the Bank of New England a few weeks ago shut down, the FDIC was able to give all depositors 100 percent of their deposits, while in the case of Freedom National Bank, which closed in December, they only gave 50 percent in addition to that which measured up to $100,000.

We believe that is an inequitable process and the FDIC agreed that that was the case. Today we come and ask that Members of this body join me as I introduce House Resolution 482 so that we might make sure that all of the citizens of this land understand that there are no policies which disregard some citizens while regarding fully those other citizens, and responding to them by giving them full return on their deposits.

We believe that this is an inequitable and unfair practice, and the FDIC says that it cannot act without some kind of legal guidelines from the Congress. Therefore, it is my hope that we will work together to try to solve this inequity so that all persons depositing in all banks will understand that the FDIC indeed insures them fully for their deposits.

□ 1220

NO. 2 MAN IN MEDELLIN CARTEL SURRENDERS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today, as tensions continue to rise in the Middle East, Colombia persists in her own struggle. The drug war in Colombia, which not long ago was on everyone's lips, unfortunately still endures unabated. Yesterday, marked an historic milestone in the drug war in Colombia. Jorge Luis Ochoa, the No. 2 man in the Medellin cartel surrendered to government officials.

Though this development is certainly cause for celebration, I do have some serious reservations. Ochoa's surrender, like his brother's surrender last month, was prefaced on the Colombian Government's assurance that drug traffickers would not be extradited to the United States and would receive lenient court treatment.

The extradition of drug traffickers has been the backbone of American international antidrug policy for one very important reason. The combined wealth and terrorist capabilities of these drug lords dilutes the ability of their domestic judicial system to effectively prosecute and punish them. However, if a promise or nonextradition is needed to facilitate the surrender of these murderous criminals, then so be it.

We all want these criminals brought to justice. We all want an end to their deplorable illicit drug trafficking. We welcome reports of Ochoa's surrender and to hear grumblings of Pablo Escobar's anticipated surrender.

Mr. Speaker, the Medellin cartel, is the largest drug trafficking network in the Americas. This cartel has claimed responsibility for thousands of murders and assassinations and numerous bombings. If Ochoa is convicted of merely one one-thousandth of these crimes, he still deserves at least life imprisonment.

Once again, I applaud this preliminary Colombian triumph, but the Colombian judiciary must act strongly. Any punishment short of what these murderers deserve would simply be unjust. If Colombia does not inflict severe penalties upon the surrendered traffickers then there will be no disincentive for these criminals to continue their abominable trade, and nothing will have been gained.

MAJORITY OF OUR MEN AND WOMEN STATIONED HALFWAY AROUND WORLD READY TO ENSURE WORLD SECURITY

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, last night as the U.N. resolution deadline for Iraqi withdrawal from Kuwait was realized, the world spent a restless night as our clocks chimed 12, and America began its lonely, hopeful vigil.

For many Americans, there is an eerie familiar mood in this country today. They remember the shock of Pearl Harbor and the cruel dictates of Adolf Hitler. They will never forget practice air raids, newsreels from the changing face of Europe, and the sorrow of losing loved ones. For some, this national preparation is without personal precedent. There are generations who have enjoyed every day of our lives as recipients and beneficiaries of wars gone by, as beneficiaries of difficult decisions made from the President in the Oval Office to the private on the frontline.

Our generation has been rocked out of its peaceful slumber, however, by threats of international destruction. Every man, woman, and child in our community of nations is Saddam Hussein's target of terroristic threats.

Mr. Speaker, clearly I am one of those fortunate Americans who has known peace in my lifetime due to the strength and resolve of my parents and grandparents, so ironically are a vast majority of our men and women now stationed halfway around the world, ready to do what they must to ensure world security for the next generation.

For them we stand here as Americans, we pray, for a tomorrow as free as was our recent past. We hope and we wait.

CONGRESS AND AMERICAN PEOPLE SOLIDLY BEHIND PRESIDENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, since last Saturday, you have supported the President now that Congress has acted on the Persian Gulf.

I commend you, from the bottom of my heart for it, because partisanship should stop at the water's edge.

And I would urge the entire Congress to follow your outstanding example. Unfortunately there are some of us who do not.

One way to do that, would be for each of us to urge our constituents to write to our troops in the Mideast.

Let us show the troops that we care, that we appreciate their sacrifices and the hardships they are going through.

Mr. Speaker, while in Saudi Arabia last week, I talked to hundreds of those young men and women, and I sure am proud of them all.

I am also very proud of what one community in the 24th District of New York has done.

On Monday past the town board of Dresden in Washington County, NY, led by Supervisor Joseph T. Rota, unanimously passed a resolution supporting the congressional decision granting the President the authority to enforce U.N. Resolution 678.

Mr. Speaker, it is too bad that the yes-men surrounding Saddam Hussein do not dare tell him about the Dresdens in northern New York and other towns across America.

Whether he knows it yet or not, the American people and the American Congress are solidly behind the President of the United States of America. God bless him and our troops overseas.

WE WILL NOT SIT IDLY BY AND CONDUCT BUSINESS AS USUAL

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it was something over a year ago when most of us recall the image on television of a young man in China, in Tiananmen Square, who stepped in front of a line of tanks and stopped them from breaking up what was a large demonstration for peace in China. The Chinese authorities and army, of course, eventually broke that demonstration, killed apparently thousands of Chinese students, young people, and others who yearned for and demonstrated for freedom.

The message, I think, tragically from us and others around the world, is we did not like it but there will be business as usual, the justification was that vital interests rise above human rights.

Mr. Gorbachev may have seen that and recognized that the United States often responds in such a manner. Mr. Gorbachev should now understand that in his treatment of the citizens of the Baltic States there will not be business as usual. We should not have done it with China. I assert that we must not do it with the Soviet Union.

We must, it seems to me, link human rights with this country's foreign policy. We must raise our voice to tell all of those around the world who would kill and otherwise maim their citizens who yearn and strive for freedom and seek to shed the yoke of tyranny, communism, and oppression that we will not sit idly by and conduct business as usual with those regimes.

TROUBLING OCCURRENCES IN THIS COUNTRY AND AROUND THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, one of my constituents called me a day or so ago and said that in the shadow of the darkness of potential war in the Persian Gulf she felt the need to speak out and to say something, but she said, "I really do not quite know what to say." I think that is the way many of us feel across this country, and especially here in Congress. We wait and we wonder, and we pray that in one way or another war will be averted.

I do not take the well today to rediscuss or redebate the merits or demerits of one strategy versus another, but I am, and have been in the past evenings, increasingly troubled by what is happening in this country and around the world. I do so fully understanding, the gravity of the situation.

□ 1230

I guess the process by which the American people and the world are being informed, and the process by which all of this is being laid out is very troubling. This is not diplomacy in a traditional sense, using words of persuasion to avert the use of weapons of war. It is not the traditional kind of contacts between countries. It is almost ratings week on our television stations.

We see daily polls, and the polls are trumpeted that the American people feel this way or that way, this morning or this afternoon. There are television specials. There are lines in the sand. There are deadlines and stopwatch diplomacy. It is unsettling.

This should not be a game of international confrontation played out on "Night Line," trying to connect world leaders through the device of television. It is a real and deadly potential committing the young people of our countries to war and conflict.

Everyone agrees the invasion of Kuwait was dreadful and cannot be allowed to stand. Saddam Hussein must be stopped, and he now is stopped. He is going nowhere. The question is, what tactic do we employ to move him back?

This Congress, without my vote, authorized the President to use force. It did not require him to use force. I still hope that in the hours ahead, one way or another, President Bush, Saddam Hussein, and others involved will find a way to resolve this peacefully.

Two nights ago I watched a television special that I believe was entitled "Countdowns to War." It was trumpeted as a very big special. It had a lot of the extras, the lighting and the maps that commentators exit in. It was ironically sponsored on television by a Japanese auto company, which I watched with some interest.

Our allies, especially including the Japanese and not Western allies, are doing nowhere near what they ought to be asked to do, and required to do in the Persian Gulf. Whether war comes, or whether the crisis is resolved—we preferably hope that it is—there will almost certainly be the requirement of a longer term peacekeeping force in the Persian Gulf. The question is who, who bears the risk? Who pays the cost of war for a peacekeeping force? It has largely become an answer from our allies that, "You do it, Uncle Sam. You take care of it. We will certainly cheer lead. We will help. We will contribute a little from our checkbooks, but you send your children." However, this should be the job of the United Nations—not the United States alone.

There is something wrong with that. Even, it seems to me, more difficult for the people of the free world to understand is precisely what this is about? Naked aggression? Yes. But does anybody really believe that a country that is one-tenth of the size of the State that I represent here in Congress, would command the movement of 400,000 American troops, and the kind of force and might that exists, if that country were raising artichokes and pineapples? No, of course not.

Naked aggression would be revolting even then, but artichokes and pineapples would not command the movement of troops to the Persian Gulf under those circumstances. The issue is oil, and the question for all citizens in this country to ask ourselves today, especially as we buy bigger cars and have no effective American conservation program, is "at what price oil? At what price in human lives? What is our long-term responsibility here in the area of energy programs and conservation, and the area of determining and trying to evaluate what our vital interests are in the long term in the Persian Gulf."

My hope is that the television specials, all of this trumpeting, all of the hype, all of the polling aside, that we will once again in the hours ahead see the professionals, the diplomats, the people who work with a quiet certainty about how to get things done, attempt in a thoughtful way to resolve this crisis through words of persuasion rather than through the use of weapons of war.

LIFE IS PRECIOUS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Madam Speaker, let me, before I start, commend my friend, the gentleman from North Dakota [Mr. DORGAN], on a very excellent statement. It certainly summarized the concerns and the difficulties all Members have had in wrestling with this issue of life and death in a context in which, with the greatest of respect to the media, it appears to be just an episode on television of "China Beach" or "MASH" or some such television show.

While it is important that the information get out to the people, and I believe we have the greatest land in the world because we have the greatest and the freest media in the world, I think we have to be very careful not to allow a rush to produce information, upon which the American people can base their decisions, to somehow recast what could happen today, what could happen a moment from now, but dear God, I hope does not happen ever, which is a war, a real, honest, shooting, bloody, killing war. Not a television special, but a bloody, killing war, which will take the lives of our men and now our women, at the flower of their youth, at the flower of their talents and abilities.

Madam Speaker, as is my custom and habit two or three times a week to stop over at St. Peter's Church on the way into the office in the morning, just to sort of get my head straightened out, just so that I am reminded periodically of what life is really all about, and what the values of life are, and what the important elements of life are, unfortunately in the welter of activities and the hustle and bustle of Capitol Hill, it is all too easy for Members to forget what life really is.

As I was at St. Peter's this morning and thinking of how blessed we are in this land and how personally blessed I am, my wonderful family, and the health we have, and I was thinking that today is my mother's birthday, and I am so pleased and happy and blessed with her, I was trying to think what should I be doing about the gulf. And, I was praying for the President, as all Members are, that he continue to have the stamina and the health and the wisdom and the insight to deal with these immense and terribly vexing problems, these immense weights on his shoulders. And, I prayed for him and his family.

While President Saddam Hussein and I profess to a different religion and to a different god, I think each of our gods has one idea about life. That life is precious. Human life is precious. Human life should not be sacrificed. So, I pray for Saddam Hussein that somehow in the midst of all this difficulty and tension and stress and madness—yes, madness—that somehow there is some moment of reflection which might cause a change in his attitude so that we would avert a war.

I was thinking just this morning what picture would, if I were to call a picture into Saddam Hussein's brain, what picture would I call? I would not call the picture of the armament that we have massed, which would clearly obliterate him and his country, but I would call the picture of the beautiful children of Iraq.

Once again, in all of this television, we tend to forget this is not a nation without a rich history. This is not a nation without a rich tradition, without a very rich civilization. After all, the cradle of civilization is where the Tigris and the Euphrates Rivers come to confluence, and that is in the nation of Iraq, where we have the earliest of civilizations.

I would call into Mr. Saddam Hussein's head the pictures of the beautiful Iraqi children, the boys and the girls, the innocents, because let me tell Members this will not be a television war, but this will be a real war, and the victims of this real war will be the innocents: the children, the boys, and the girls.

□ 1250

And so, Madam Speaker, I would hope that at this point when it is very difficult to believe that somehow we can avert a war, I hope and pray that we can. And, I hope and pray that our leader in this United States, our great President, is willing, if need be, to exercise the restraint and the courage to step back from the edge of war if one more day, one more hour, one more minute might somehow provide a peaceful solution.

And I would ask our adversary in this if he would think of the beautiful children of his land whose lives would be taken away, the flower of his country.

I hope, Madam Speaker, that all of us in this Nation will be able to continue to enjoy our freedoms without having to have a war that would cost us so very dearly.

THE GULF WAR AND THE THREAT TO OUR CIVIL AND CONSTITUTIONAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. EDWARDS] is recognized for 60 minutes.

Mr. EDWARDS of California. Madam Speaker, as the Nation faces the prospect of war, I am deeply worried about the impact on freedom in this country.

It is a sad fact of history that every foreign policy crisis has generated domestic fear, which in turn has lead to an erosion of individual rights. Early in our history, a Congress fearful of French and British hostility enacted the infamous Alien and Sedition laws. After World War I, Attorney General Palmer, seeing Russian revolutionaries in domestic social and political unrest, jailed hundreds of activists. As World War II began, loyal Japanese-Americans went to prison camps. In the 1950's, the onset of the cold war saw the birth of new sedition laws, McCarthyism and congressional witch hunts.

Today, we must ensure that history does not repeat itself. We must be alert to the threat that the gulf confrontation and fear of terrorism will result in an overreaction here at home, making us less free.

We want the FBI to be vigilant, and we support the FBI's antiterrorism efforts. But we must avoid infringements on our civil liberties. I would note the advice of William Webster, now the CIA Director. When he was FBI Director, Judge Webster warned against the danger of overreaction to the threat of terrorism. He stated in 1985, "A government that reacts to terrorism by repressive measures and suspends individual liberties plays into the hands of terrorists." On another occasion, Judge Webster noted, "To barricade ourselves is to let the terrorists win on the cheap."

The remarks of Judge Webster are important today. As a result of FBI programs initiated under his calm and measured leadership, terrorism has been largely kept from American soil. The number of terrorist incidents in the United States has declined dramatically, from over 100 a year in 1977 to less than 10 a year since 1987. In 1989, we had only four terrorist incidents on American soil. Even more remarkably, there has not been a single terrorist incident in the United States by a foreign group since 1983.

The FBI achieved these remarkable results by applying ordinary law enforcement methods in a calm and measured way. That is what we want them to continue doing. We want them to continue focusing their efforts on criminal conduct and suspected crimes.

However, last week, there was an ominous sign when the FBI began to contact ordinary Arab-Americans—citizens—and ask them what they knew about terrorism. I have received calls of concern from Arab-Americans in my district and from national organizations of Arab-Americans. They are upset and confused by the Bureau's actions.

The FBI should not have a special program aimed at Arab-Americans. Interviewing people on the basis of ethnic origin has an aura of discrimination that is not appropriate in our country. Arab-Americans are no more prone to violence than other Americans and no more likely to have information about terrorism. It is inappropriate to single out individuals for questioning on the basis of ethnic or national origin.

I am very concerned about what steps may be taken next. In World War II, our Nation went down the wrong road when we put in prison camps thousands of Japanese-Americans. We now know that it was wrong to do so. We now know that there was no justification for such an action. But that is how far fear can lead us.

A little later, I hope we will hear from the gentleman from California [Mr. MINETA] who had personal experience how prejudice coupled with the emotion of a war can victimize an entire ethnic community. We want no repeat of the Japanese-American experience. In times of international hostilities such as we face now, leaders in all branches of Government, the executive, the legislative, and the judicial, must protect all citizens from petty fears and prejudices that are so easily stirred up.

Whether or not there are terrorist acts in the United States, we must remain true to our basic freedoms and preserve our civil liberties. If we do not, we allow the terrorists to win.

The Justice Department must be very careful in any efforts to deport Iraqi nationals. It must be careful to avoid cases of mistaken identity and it must be careful not to detain American citizens or permanent resident aliens.

The political views of Arab-Americans should not be the concern of the FBI. The FBI should restrict its efforts to the investigation of criminal acts.

If the FBI has a reasonable suspicion that someone is engaged in criminal acts or is planning criminal acts, then the FBI should investigate. If the FBI has reason to believe that a particular individual may have information about a particular act or planned act of terrorism, then the FBI should question that person.

□ 1250

But civil liberties will suffer if the FBI casts a wide net and interviews people on the basis of their ethnic or religious or national origin or on the basis of their political views or their political activism.

Remember this, if there is one lesson that we have learned the hard way in this country, it is that political dissent is not evidence of an intention to use violence.

Madam Speaker, the Washington Post in this morning's edition had an excellent editorial on this subject, and I submit that for the RECORD at this time.

The article referred to is as follows:

SINGLING OUT ARAB AMERICANS

The Gulf crisis has raised the threat of terrorism—instigated by Saddam Hussein and directed against American targets both abroad and in this country. Hence, the increased security at federal buildings and airports, and the decision of the Immigration and Naturalization Service to photograph and fingerprint visitors holding Iraqi and Kuwaiti passports. These have been telling signs of a nation assuming a wartime footing. Given the pronouncements out of Baghdad, these countermeasures are inconvenient but necessary security precautions against possible terrorist attacks.

Yet it is exactly at times such as these that the government must take care not to circumscribe the rights and freedoms of its citizens. Regrettably, that may have happened last week during the course of a special Federal Bureau of Investigation program focused on Arab Americans.

FBI agents contacted more than 200 Arab-American business and community leaders across the country, ostensibly to inform them of the bureau's intention to protect them against any backlash from the Persian Gulf crisis. Investigating and prosecuting hate crimes and ethnically motivated violence spawned by Middle East turbulence is a legitimate job of federal law enforcement officials, so that aspect of the bureau's initiative was welcomed to Arab Americans. But FBI agents also used the occasion to gather intelligence about possible terrorist threats. This is where the FBI quickly wore out its welcome.

Organizations representing Arab Americans contend that agents asked citizens about their political beliefs, their attitudes toward the Persian Gulf crisis, Saddam Hussein and their knowledge or suspicions about possible terrorism. Deputy Attorney General William P. Barr denies any FBI intention to intimidate Arab Americans, as some community leaders fear. "At the same time," he says, "in the light of the terrorist threats . . . it is only prudent to solicit information about potential terrorist activity and to request the future assistance of these individuals."

But why does the government presume that Americans of Arab descent should know about "potential terrorist activity" or that this group of Americans is any more knowledgeable about such activity than any other? FBI spokesman Thomas F. Jones says it's because the bureau is aware of a number of terrorist organizations in the United States that "consist of people of Middle East descent" and that the "possibility exists that (terrorists) are living in Arab-American communities." In that way, he said, Arab Americans "could come into possession of information on potential terrorist acts."

It is a perilously flimsy rationale. It leaves the U.S. Government wide open to the accusation that it is dividing Americans by ethnic background and singling out one group as a suspect class. If that were true, the government's conduct would clearly be constitutionally offensive and morally repugnant. To imply that Arab Americans—some of whom are members of families that have been in this country since the turn of the century—may have a special link to terrorists is both insidious and harmful. The government cannot go around making judgments and presumptions about citizens on the basis of their descent.

Like all Americans, Arab Americans have the right to be accepted and treated as *individuals*, and the government has a constitutional duty to observe and protect that right. Neither should the government invade the privacy or trample the dignity of one class of citizens. What is being seen now recalls the negative stereotyping that served as a basis for the shameful treatment of Americans of Japanese ancestry during World War II. Such stereotyping, with all its ugly and unfair implications, should not be allowed to take hold.

Madam Speaker, it is now my pleasure and honor to yield to our colleague, a very distinguished Member who, as a young boy, had a very unpleasant and terrible experience where national hysteria took over the country, the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, Members of Congress care deeply about the American people in this time of crisis for our Nation. We meet here today in a race against time and the tide of events now unfolding in the Middle East.

On Saturday, the House went on record in an important matter related to the conflict between the United States and Iraq.

In this, the House voted overwhelmingly to reassert a key principle of our Constitution: That the President clearly has the obligation to seek the approval of Congress before starting a war.

It is now time to reassert another principle: That armed conflict in the Persian Gulf—if it comes—will not be a license to selectively strip away the civil liberties guaranteed every American by this same Constitution.

Madam Speaker, I would like to thank our good friend and colleague from San Jose—Congressman DON EDWARDS—for requesting this time today to sound a very real warning.

I am joining him in this because I know first-hand just how strong that warning needs to be.

On December 7, 1941, Japan attacked the United States at Pearl Harbor without warning. I was 10 years old at the time and living in the town in which I was born and raised: San Jose, CA.

When the Japanese Empire attacked Pearl Harbor, they attacked every American—including Americans of Japanese ancestry.

But Americans of Japanese ancestry soon found their civil liberties under attack not from the Empire of Japan, but by the United States Government.

On February 19, 1942, President Roosevelt issued Executive Order 9066—the first step toward excluding all Americans of Japanese ancestry from the west coast.

No charges were ever filed against us.

Our only crime was that by accident of birth we were of Japanese ancestry.

Madam Speaker, I spent 18 months—including my 11th birthday—in internment camps in California and Wyoming.

In all, more than 120,000 Americans of Japanese ancestry had their most basic human rights stripped from them, their personal justice denied for no reason other than their ancestry.

Many of those Americans lived behind barbed wire in harsh conditions while their sons and fathers and brothers were fighting the Axis powers. They served this country as military intelligence specialists in the Pacific Theater, and in Europe as part of the 442d Regimental Combat Team—the most decorated military unit in American history.

Our resolve at the end of the Second World War was that the American tragedy we had endured in the internment camps must never happen to anyone ever again.

Such was the apology and promise Congress and President Reagan made to the American people when we enacted The Civil Liberties Act of 1988, which redressed the internment.

But Madam Speaker, today I see the spectre of a challenge to that promise.

Madam Speaker, today many innocent Arab-Americans are worried that their civil rights may be caught up in the maelstrom of war hysteria should a military conflict erupt in the Middle East.

And Madam Speaker, theirs is a legitimate concern.

As early as 1979, when the revolution in Iran toppled the Shah, there was talk in our Nation's Capital about another roundup.

I recall that within a few days of the fall of the American Embassy in Teheren, the Departments of State and Defense and the intelligence agencies briefed Members of Congress about the situation in Iran.

And yes, sadly, I recall that there were then suggestions made that a "roundup" of all Iranian Americans and other fundamentalist Moslems in the United States might be a good idea.

Madam Speaker, at that moment in 1979, I suddenly realized how the seeds had been sown for my internment back in 1942.

Hysteria, racism, and weak political leadership had fed upon themselves.

The result was that the protections of our Constitution were simply set aside for a select and temporarily unpopular group of Americans.

This scenario reared its ugly head again in the 1980's. Arab-Americans were under attack.

Had the Immigration and Naturalization Service had its way, INS would have used its 100-acre prison complex in Oakdale, LA, as a detention center for so-called undesirables.

The "Option Paper," as INS itself described it, was designed to do one thing and one thing only—and in their words—"to locate, apprehend and remove a body of aliens from the U.S."

Why? Because of their ethnicity. Because members of certain ethnic groups held views on issues that were "dangerous."

Madam Speaker, the Constitution of the United States has only one master: The rule of law provided by the consent of the American people.

No one—not the President, not Congress, and certainly not a single Gvernment agency—has the authority to suspend anyone's civil rights without the due process of that law.

Now, Madam Speaker, we have yet another event that is part of the same pattern of policies that put expedience ahead of constitutional safeguards.

It is a pattern where mistaken assumptions about national security have been made and may be implemented without properly protecting the civil rights of individuals.

I refer specifically to the Federal Bureau of Investigation's recent pattern of interviews targeting Americans of Arab ancestry.

I, along with Congressman EDWARDS, have been briefed on this program by the FBI. We requested the briefing after some Arab-Americans in California had experienced a sort of random interrogation that raised the spectre of another tragic violation of civil rights.

Madam Speaker, the internment of Americans of Japanese ancestry during the Second World War was the culmination of a pattern of racism and hysteria. The same pattern may be at work today against Arab-Americans.

Threats of internment in the 1970's, a plan for camps in the 1980's, and now intimidation.

Madam Speaker, there was another time in our history when questions of this sort led to a tragedy of civil liberties.

In the 1950's, the FBI went to loyal Americans and asked questions about who they knew who might be "disloyal." Proving one's loyalty meant giving the names of people who might be suspected of disloyalty.

This was the time of the blacklist. This was the time of McCarthyism.

Now, loyal Arab-Americans are being asked about their views. They are being asked for names.

Rightfully, the duty and charge to the FBI is to fight terrorism.

Americans have a right to travel freely in the United States without the fear of attack.

Americans have a right to assemble in public without fear of being maimed or killed by insane madmen who would sacrifice themselves as human bombs.

Americans have a right to expect that their government will protect them from harm, and the FBI has an excellent record of doing just that—most often without the general public aware of the Bureau's day-to-day successes.

But despite the Bureau's capability and good intentions, the spectre of parallels to McCarthyism is too obvious to be ignored.

The United States is a diverse nation composed of a great tapestry of peoples and cultures. It is this tapestry that gives our Nation its strength and resolve to fulfill our ideals of freedom and democracy.

Every American should be alarmed at any threat to civil rights because tomorrow another ethnic group could be the target of suspicion. And another. And another. And another.

Madam Speaker, as much as we all pray against the possibility of a war, a war in the Middle East may soon be fought. Many say that the fight will be about the great principles of freedom, democracy, and human rights.

If this is the case, then I know of no more sacred duty the Members of this chamber have than to protect these very rights here in the United States.

Madman Speaker, if a war does begin in the Middle East, there will be legitimate fears of terrorism here in the United States.

There is today an urgent need for the Justice Department and the FBI to ferret out any and all enemy agents—citizen and noncitizen—who would maim and kill Americans.

But should terrorism hit at home as a result of a war in the Middle East, I fear that there will be calls for wholesale arrests that go beyond probable cause.

I fear there will be calls for internment.

Madam Speaker, when and if that happens, the civil rights of Americans and the rule of law must not be sequestered.

The great Constitution of the United States of America must not be allowed to become a casualty of our conflict with Saddam Hussein.

□ 1300

Mr. EDWARDS of California. Madam Speaker, I yield to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I thank the gentleman from California [Mr. EDWARDS], my dear friend and colleague on the Committee on the Judiciary, for yielding to me, and I thank him for taking this special order to call clear attention to the potential overreaction of our law enforcement agencies as a result of the difficulties which are now being experienced in the Gulf of Persia.

I would like, if I could, certainly to salute the gentleman from California [Mr. MINETA], my friend, as well, whose personal recital was both quite eloquent, as well as quite informative.

Mr. EDWARDS of California. Reclaiming my time just for a second to reemphasize what the gentleman from Kentucky [Mr. MAZZOLI] said, the gentleman from California [Mr. MINETA] made a major contribution and a splendid speech. He was the original author and secured the enactment of the Civil Liberties Act of 1988, which is very much to his credit, and I think the advice that he gave us and the advice that the gentleman from Kentucky [Mr. MAZZOLI] is giving us is terribly important, and the message should go out now, which did not happen before these other crises.

Madam Speaker, I yield again to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I thank the gentleman from California [Mr. EDWARDS], and I was going to say that I have had the opportunity of becoming very close personally and professionally to the gentleman from San Jose, CA [Mr. MINETA], both because our offices are in the same wing of the Rayburn Building and we have had the opportunity of walking back and forth many years to the Capitol, and, because our sons are about the same age, we have had a lot of reason to share thoughts and ideas.

It is beautiful that this man, who could have borne a grudge or resentment against this Nation of ours, or against law enforcement people, or against President Roosevelt, did not bear that grudge, but instead, by his loyal service to the Nation in uniform, and by his service as mayor of San Jose and by his distinguished service here in this body for many years has elevated, in the eyes of many people in this county, the talent, and the worthwhileness, and the spirit, and the zeal, and the imagination of Americans of Japanese heritage and Japanese ancestry.

He also has, despite having the difficulties of spending his 11th birthday in internment camp and despite being a little boy in his Boy Scout uniform not really understanding what was going on, come from that to give such great example is itself an example to me and to all of his colleagues, I would say, an certainly because of his personal experience, his admonition, his wise statement, his advice to us today and, by extension, to all this Chamber and this country of the need to be wary, and careful, and circumspect and restrained at this very moment even when war could break out I think is the most apt and appropriate advice anyone can give us. So I join with the gentleman from California [Mr. EDWARDS] in support of those statements on this issue and also with respect to the fact that in my hometown there are many people of Arab origin. Many, many people whose origins are from the Middle East; from Lebanon, from Syria, from Iraq, from Saudi Arabia, from Iran, who are the most wonderful people one can imagine, loyal, hard-working, disciplined, productive just simply because they happen to have the accident of being born of Arab descent, in the same way it was my accident to be born an Italian, would cause them to be interrogated, or questioned, or interned, pray God not, would certainly be not a happy chapter in our national history.

So, I think perhaps with this warning and with the fact the FBI is run by a very diligent judge who is very careful, and by special agents such as ours in Louisville who is a very careful, thoughtful individual, perhaps all of this combined would make sure that there are no excesses and that Americans are protected against the very people, the terrorists, the gentleman from California [Mr. MINETA] has identified, and yet the innocent people among us whose origins are not from places in the world that are now at peace would not suffer the ignominy and would not have the unhappy situation of having to be brought before law enforcement authorities.

So, I thank the gentleman from California [Mr. MINETA], my friend, and look forward to working with him on this issue.

Mr. EDWARDS of California. Madam Speaker, I thank the gentleman from Kentucky [Mr. Mazzoli] for his valuable contribution, and, Madam Speaker, the message is out now, and I hope that all of our colleagues pay attention to it and spread the word throughout the country that this time, if there is a war or another kind of a crisis, that we are not going to tolerate the same kind of behavior by government agencies, police agencies, that there was too much of in previous war and previous crises.

GENERAL LEAVE

Mr. EDWARDS of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentleman from California?

There was no objection.

RESOLUTION OF IMPEACHMENT OF PRESIDENT GEORGE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Madam Speaker, it is with great sadness, and yet with equally great, if not greater, conviction, that I introduce today a resolution of impeachment of President Bush. It is known as House Resolution 34, and I will provide this resolution as introduced to be appended at the end of my remarks today.

At a time when our Nation is deeply divided over the question of war, we find ourselves on the brink of a world war of such magnitude that our minds cannot fully comprehend the destruction that is about to be leveled. The position we are in is a direct result of the actions of one man and the reactions of another. The Iraqi people are as opposed to war as are the American people. The difference is that the Iraqi people have no choice but to support their country's leader, but the American people not only have the right to oppose and speak out in disagreement with the President, but they have the responsibility to do so if our democracy is to be preserved. Today I exercise this constitutional right and responsibility to speak out in opposition to war in the Middle East and in support of removal of our Nation's Chief Executive.

When I took the oath of office earlier this month, as I had numerous times before, I swore to uphold the Constitution. The President's oath was the same, to uphold the Constitution of the United States. We did not pledge an oath of allegiance to the President but to the Constitution, which is the highest law of the land. The Constitution provides for removal of the President when he has committed high crimes and misdemeanors, including violations of the principles of the Constitution. President Bush has violated these principles.

My resolution has five articles of impeachment. First, the President has violated the equal protection clause of the Constitution. Our soldiers in the Middle East are overwhelmingly poor white, black, and Mexican-American or Hispanic-American. They may be volunteers technically, but their voluntarism is based on the coercion of a system that has denied viable opportunities to these classes of our citizens. Under the Constitution, all classes of citizens are guaranteed equal protection, and calling on the poor and the minorities to fight a war for oil to preserve the lifestyles of the wealthy is a denial of the rights of these soldiers.

Let me add that since 1981 we have suffered the Reagan-Bush and now the Bush war against the poor, and to add insult to injury, we now are asking the poor to fight while here, as a result of this fight, even the meager programs that the Congress had seen fit to preserve as a national policy will suffer because the money for those programs will be diverted to the cause of this unnecessary war.

Article II of this resolution states that the President has violated the Constitution, Federal law, and the U.N. Charter by bribing, intimidating, and threatening others, including the members of the U.N. Security Council, to support belligerent acts against Iraq. It is clear that the President paid off members of the U.N. Security Council in return for their votes in support of war against Iraq or to abstain from voting contrariwise. The debt of Egypt was, for example, forgiven—$7 billion, without congressional approval. That, I think, casts doubtful validity on that Presidential action. The reason for the cancellation of that debt is so that we can then provide an equally enormous amount of armament for Egypt which it cannot obtain because of the debt outstanding. A $140 million loan to China was agreed to. The Soviet Union was promised over $7 billion in aid. This is a sum totally unreported in our country but very well discussed in foreign country presses such as Germany and others. Colombia was promised assistance to its armed forces. Zaire was promised military assistance and partial forgiveness of its debt. Saudi Arabia was promised $12 billion in arms, and more than that. Actually in October, the President let them have $2.2 billion, and there was a commitment for $21 billion more, but because of the outcry in Congress and the Israeli opposition, that is being postponed. But there is still a commitment for $22 billion. I am sure this month will see the initial efforts to bring about compliance with that commitment.

Yemen was threatened with the termination of support, and the United States finally paid off $187 million of its debt to the United Nations after the vote President Bush sought was made.

This is all so ironic. When our President ran for the U.S. Senate in the 1960's, he told the people of Texas that if he would be elected to the Senate, he would lead the fight to remove the United States from the United Nations if what he called Red China at that time was admitted. Fate and power almighty have a very, very mysterious way of working together. Who was to believe during that year in that race in Texas that years later this same man, now the President, would be the man the President would appoint to represent us in the United Nations and welcome Red China as a member of the United Nations.

The vote was bought, and it will be paid for with the lives of our poor elements who are going to shoulder the fight.

Article III states that the President has conspired to engage in a massive war against Iraq, employing methods of mass destruction that will result in the killing of tens of thousands of civilians, many of whom will be children. No civilian lives have yet been lost that we know of, but when we start using the weapons of massive destruction that are in place for this war, there is no doubt that thousands of innocent civilians will lose their lives. As killings occur, the principles laid down in the Nuremberg trials will be applicable. Their deaths will not only be a moral outrage, they will constitute violations of international law.

Article IV states that the President has committed the United States to acts of war without congressional consent and contrary to the U.N. Charter and international law. From August 1990 through January 1991 the President embarked on a course of action that systematically eliminated every option for peaceful resolution of the Persian Gulf crisis. Once the President approached Congress for a declaration of war, 500,000 American soldiers lives were in jeopardy, rendering any substantive debate by Congress meaningless. It is also ironic that what we have ended up with now is that the President has exchanged about 200 to 250 so-called hostages, Americans, all of them employees of oil companies in Kuwait or Iraq, and in exchange we now have close to 500,000 American soldiers as hostages. Hostages to the whims, the caprices, and the decisions and judgments made by other leaders, over which this President and our country has no control, all the way from Shamir of Israel to the immigrants in the Saudi sands.

□ 1320

Article 5 states that the President has conspired to commit crimes against the peace by leading the United States into aggressive war against Iraq, in violation of article 24 of the U.N. Charter, the Nuremberg Charter, other international instruments and treaties, and the Constitution of the United States.

Again, there is a violation of law by a President, who, believing and acting as if he is king, decides for the country, unilaterally, that war is the answer.

Madam Speaker, it is a sad day for our country, and it will be an even sadder day once the fighting starts. President Bush must be stopped. A divided Congress reflecting the divided country is no way to conduct a war. The preservation of lives is at stake, and the preservation of our country, indeed, our democracy, is at stake as well.

I urge my colleagues to support this resolution. All I ask is a hearing, as I have before, before the proper committee of proper jurisdiction, and that is it. I will argue the case there. The rest is up to the Members' judgment.

Madam Speaker, I urge interest and support of this resolution, and to stand up to the President on behalf of the soldiers who will die, the civilians who will be massacred, and the Constitution that will be destroyed if this country goes to war in the Middle East.

WHY AMERICA SHOULD NOT GO TO WAR

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, and gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, during these critical hours, I chose as one Member of this body not to remain silent. The State of Ohio and the district that I represent are patriotic beyond measure. Our people well understand the meaning of duty. Our Veterans of Foreign Wars, the VFW, has the second largest membership in the United States, even though we are not the second most populous State in the Nation. Ohio's American Legion sends more boys and girls to Boys State and Girls State than any other State in the Union, and we are not the most populous State in the Union.

We are home to Wright-Patterson Air Force Base and dozens of other Active Reserve units. In fact, Ohio leads the Nation in the number of Active and Reserve members of our Armed Forces who have enrolled in the GI educational benefits program. Most of our medical and Naval and Army Reserve units have already been called up. Others are on standby.

Mr. Speaker, I say this to illustrate that our citizens have the experience and willingness to serve and fight, but they want to be certain of why.

Mr. Speaker, the U.N. deadline has passed, and America is not yet at war. Not a shot has been fired. No missiles have yet been launched. Not one American has died in combat. A great silence has fallen over America, Mr. Speaker, the silence of 250 million Americans holding their breath.

The U.N. deadline has passed, but a deadline for war is never absolute. We do not have to have a war by stopwatch. If there is an inch of reason in which wisdom can prevail, let us use that inch.

The day after Britain entered World War I, the great writer Henry James wrote these words:

> The plunge of civilization into the abyss of blood and darkness * * * is a thing that gives way the whole long age during which we have supposed the world to be, with whatever abatement, gradually bettering, that to have to take it all now for what the treacherous years were all the while really making for and meaning is too tragic for words.

Mr. President, the world has been trying to better itself for several decades by creating a new world order, an order founded on the essential principle that conflict is resolved by negotiation and compromise. Progress has been made, but that new world order is still ever fragile. It can be lost and destroyed if we plunge into the abyss of blood and darkness, whether that abyss is in Lithuania or in the Persian Gulf.

Wars are never stabilizing, and war is the oldest habit of the old way of doing things. Wars are destructive. Wars are violent beyond measure. After the death of thousands of people, the diplomats always wind up where they should have been in the first place, at the conference table.

Wise men and women should never stoop to the level of fools. The American people do not want this war. No war for oil, Mr. President, no war for oil. It is the cry that I am hearing in every city in this country. It is getting louder and louder.

We are in the silence between the thunder and the lightning. For the moment everyone is looking up into the sky to see if the lightning will strike. We have heard the rumble and the thunder of war for 5 months. But this storm can pass by, as we all know, and the lightning can never strike. This storm can pass if nations and their leaders are wise.

The United States is a great and judicious power, and the measure of a great power is not only its army, but its wisdom, its capacity to go ahead, to measure its interest in the long term. Tyrannical aggressors like Saddam Hussein come and go. Brinksmanship in this situation has enlarged him far beyond what he is.

Iraq has 17 million people and its GNP by anyone's measure ranks it as a Third World developing nation.

A great power like the United States should bide its time and use its military power sparingly, if at all. We are a nation of 250 million people with the most powerful military force on the face of the Earth, including nuclear weapons, and a GNP the envy of all other nations in the world.

We have heard during recent days that we must level Iraq because she is another Germany, as Germany was during World War II and before.

Iraq is no Germany. Saddam Hussein is no Hitler. Hussein has been thwarted in his aggressive action during the last decade by nations in his own region.

In World War II, Hitler systematically rolled over the industrialized nations adjoining him. Though Hussein is indeed an aggressor, he has been turned back in his adventures by Israel, then by Iran, and he will be turned back in Kuwait as well. If he is a Hitler, he is certainly much less successful, and Iraq is not an industrial power as Germany was before and during World War II.

Letting the economic noose tighten slowly around Iraq by letting the sanctions work is a much more credible posture for the United States at this juncture because it involves the total support of all of our allies.

□ 1330

War should only be a last resort. The lives of our people and the civilians and others in that region are much too precious.

The Middle East has been a destabilized region of the world for some decades, some would say centuries. War has followed war. It is a region with numerous deep and unsettled issues awaiting resolution. Every war in that region has only begotten another war for the next generation.

At some point the world powers and the United Nations must find new, constructive formula for settling these long-festering and painful disputes. The United States is at the brink of war and finds this region in our vital interests because of oil. That is the reason, oil. Oil, and our dependency on the Middle East has been increasing despite all caution to the opposite.

Our allies depend on Middle East oil even more than we do. Oil, our oil dependency has been a destabilizing factor for the United States for the last two decades. How will history judge America in years hence for her slumber while foreign oil in greater and greater quantities coursed through her veins?

Ever since the first oil shock of 1973 when the price of oil then was only $2.50 a barrel, and now it is over $30 a barrel, Middle East oil has been a destabilizing factor for this Nation, indeed for the world. It pushed us into recession in 1973. I can still remember the gas lines in my district.

It then caused havoc when the price rose again, havoc to our economy in 1978, and now, just a few years later, in 1991, it pushes us to the brink of war.

The first oil shock came in 1973, but we did not heed its warning. The second oil shock came in 1978 and 1979 with the Iranian revolution. Again, we took only half-hearted measures. In 1987 our Navy was sent into the Persian Gulf to protect Kuwaiti tankers that had been reflagged by President Reagan. Now in 1991, we are at the very edge of a violent war. Always, always the reason is oil, the oil of the Middle East.

America saw this crisis coming. Some in America saw this crisis coming and were really willing to look it straight in the eye. This is not news to us. Over 15 years ago, the great U.S. Senator, Frank Church, a magnificent American, held hearings in the Senate on the role of the multinational companies and concluded then, and the RECORD states that if the world failed to set up international institutions capable of resolving Middle East oil-related disputes, and distributing the profits generated fairly, the world was headed for armed conflict.

Then in the late 1970's at the height of the U.S. energy crisis, President Carter warned that the energy challenge was the moral equivalent of war.

Rather than coveting someone else's oil, America must ask what is our proper role in a region where we have systematically seen the collapse of the old order, the oil-rich monarchies that kept the oil flowing from the Middle East for most of this century. Of late we have seen much in that region change.

Recall with me, we have seen the Shah of Iran deposed. I can still remember the scene of where they were putting him on the airplane to take him out of the country. Many in the West were surprised when that happened.

Then, shortly thereafter, we saw the President of Egypt, Anwar Sadat, assassinated in a public ceremony as his own army was coming before him. One week he had been on the cover of Time magazine as "Man of the Year," and shortly thereafter dead in his own land.

We have witnessed kings in that region overthrown. They were overthrown in Libya, and, in fact, Saddam Hussein overthrew a king. We have seen unrest in Sudan, and certainly in Israel, and we saw for 8 years in the 1980's in the Iran-Iraq war in which over 500,000 of their citizens died, and each of these governments has had to put down uprisings within their own lands because of the pent-up political frustrations of the people in each of these nations.

This is the time of America to recognize that the old order in the Middle East, based on kingdoms, not democracies, is being torn from within by powerful pressures for change, pressures even those nations cannot contain. Before going to war, America must ask how deeply and for how long does the United States intend to police entire Arab politics to preserve the old order and our continuing and growing dependence on that oil. What is America's obligation to bolster the power of monarchies in the Kingdom of Saudi Arabia and for the Emirate of Kuwait?

America cannot be the sentry at the gate for all of the upheavals that will be forthcoming in that region in the years hence, but we can be a constructive force with our allies to forge a Middle East version of NATO so those nations can resolve their internal disputes themselves.

For two decades, America has not heeded the warnings. For two decades, we have taken half-hearted measures, but no real measures to stabilize the Middle East, and unhook ourselves from Middle East oil. Indeed, over the years our dependency on this unstable source of energy has only increased.

Over half of the oil this Nation uses is imported as we sit here and stand here today, and the amounts are increasing, much of it from that region of the world. Now we must pay the price, a very violent price. Whether we go to war or not today, or tomorrow, or the tomorrow after tomorrow, this Nation must come to grips with this fundamental problem. It is in our most vital interest, for a nation's national economic interest is equal to its national security interest.

But I do not propose that we solve that problem in the Middle East. I propose that we solve the problem right here at home by investment in our own alternative energy sources. So I propose that we use that pause, this period before war, to go back in history and again reread the lessons that we have too long ignored, to begin reminding ourselves of what we did not do, of why we are on this very day at the brink of war.

So I will be here next week to begin this history lesson, and day after day I will be here to read the RECORD, to remind us of the many opportunities we had over the last two decades to unhook ourselves from Middle East oil.

No blood for oil, Mr. President, no blood at all.

A SOLEMN DAY IN THE HISTORY OF OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 60 minutes.

Mr. BATEMAN. Madam Speaker, this is indeed a very solemn day in the history of our country and in the affairs of mankind. Even as I address the House in this special order, it is possible before the course of my remarks is concluded that the forces of war and violence will have been unleashed in the Middle East either by our President and Commander in Chief's decision as authorized by Congress in a strike against the forces of Saddam Hussein in pursuit of our legitimate objectives in the Middle East, or because of a first strike, a preemptive strike that may be initiated by Saddam Hussein against our own forces. What a solemn occasion then this is.

How remarkable it is the diversity of this country as has been perhaps, or will be, demonstrated by the tenor of my remarks and the tenor of those remarks from the able speakers who preceded me. That is indicative of the inherent diversity of this great Nation. Yet, with all of that diversity, and we should not want it otherwise, there must be a cohesion within our Nation if nationhood is to mean anything.

In our country, under our political system, there is a glue that produces, or should produce, cohesion out of diverse opinions, and that cohesion comes from this being a representative democracy.

I, like so many of my colleagues, participated in the debate on the several resolutions late last week culminating in the historic votes that were cast in this body and in the other body on Saturday. There were many diverse points of view expressed, and after the longest debate in the modern history of the House of Representatives, this body did, indeed, vote, and by a margin of 250 to 183, performed the solemn act of giving authority to the President of the United States to utilize forceful means to require, or to bring about, Saddam Hussein's withdrawal from Kuwait. I voted in favor of giving the President that authority. I did so being very, very mindful of the awesome possibilities that it created. I did so with some optimism, however, that if this Congress authorized that use of force that, along with the sanctions which had been biting at Iraq, would convince Saddam Hussein ultimately and before the United Nations deadline that, indeed, he should give up his conquest of Kuwait and withdraw because of the awesome consequences of not doing so. He, of course, did not do so by the deadline of midnight, January 15.

Not only did he not do so, but his Foreign Minister failed, indeed refused, to even discuss Iraqi aggression against Kuwait when he met with our Secretary of State in Geneva.

Saddam Hussein, in all of the reports of the many meetings that he had held with various representatives of other governments and other figures within recent days, engages in not even a meaningful dialog or discussion about Kuwait or any circumstances under which he will withdraw from Kuwait.

This is a very great country. I am very proud to be an American, and Americans have so many things to be proud of. This country, as a nation and as a people, has contributed more to civilization in the last three generations than any nation or any people in recorded history.

Let me take a moment to remind ourselves of how great and how good this country has been.

We entered World War I in an effort to make the world safe for democracy, to see that the imperialism of the Kaiser would not prevail, and by contributing our blood and our treasury, we were successful in that endeavor. It was an American President, Woodrow Wilson, who became virtually the idol of all the civilized masses throughout the world as he spoke for peace and national self-determination and for a League of Nations that would provide, indeed, a new world order, that would secure the peace through the collective efforts of all of the civilized nations of the world.

We faltered after World War I, and this country elected not to become even a member of the League of Nations. This country chose, instead, to retreat into isolationism and to what has been described as Fortress America. This forced us ultimately to pay a very, very heavy price for, through our nonparticipation and through the disarmament that was rampant in the early 1930's, Western democracies were unprepared and unwilling to take measures necessary to reject and to deter aggression.

The Empire of Japan in 1931 invaded Manchuria, and the world stood by and took no action. In 1935, and I think the analogies to Saddam Hussein and Iraq and Kuwait are more nearly analogous to 1935 when Benito Mussolini's Fascist forces invaded Ethiopia, a helpless and defenseless people in an act of complete, blatant aggression, and in the course of that aggression against people who were armed virtually with no more than sticks and bones and bows and arrows, used poison gas to subjugate them, and the League of Nations met, debated and discussed, but took no action, and another fascist dictator named Adolf Hitler, learning from that example, then moved into the Rhineland, and in 1936 effected a forced unity between Germany and Austria. Then still no actions having been taken, Adolf Hitler then insisted upon the annexation of the Sudetenland of Czechoslovakia into the Third Reich.

At Munich in 1938, Western democracies caved in, appeased Adolf Hitler, gave him the Sudetenland based upon his empty and false promise that he would then be satisfied, only to find that within a few months of the annexation of the Sudetenland he moved into and annexed all of the remainder of Czechoslovakia, and so it was not until 1939 when Adolf Hitler, having reached his pact with Josef Stalin, moved into Poland, and not until then did Western democracies determine that they were then and finally forced to fight.

□ 1350

Therefore, World War II began. The United States stood remote from it until ultimately we were attacked at Pearl Harbor on December 7, 1941. Thereafter, this country expended so many lives and so much treasure in winning the war against the Axis power, a war that could have been avoided, a war that should have been avoided. Not having avoided that war and having fought it to a conclusion, this country, under the leadership of then President Franklin Roosevelt became the leader in the effort to create the United Nations as an entity in which the nations of the world could come together in a framework of collective security in order to maintain peace and to deter aggression and to punish it, to reverse it, were it to occur. How remarkable it is that one nation, one people could say that they had saved civilization, twice, in a period of 30 or 40 years. From 1945 and the conclusion of World War II, this country, because of the expansionist designs of the Soviet Union and, indeed, their having expanded a sphere of influence by force into Eastern Europe, was locked in a struggle, most of the times not violent, with communism, and led an alliance of free nations to contain it, in the sure and certain belief that if we did so, over time, the merits of our system, of our ideology, would prefer, and the communism ideology would fail of its own lack of merit. It took a long time. It took a lot of sacrifice. It took a lot of financial resources of the American people, and a lot of dedicated Americans who served their country in uniform, before ultimately in 1989, as predicted and as hoped, communism began to fall of its own weight, its own lack of merit, its inability to feed, to sustain, its people.

The Iron Curtain dissolved. All the countries of Eastern Europe threw off the choke of repressive Communist regimes. The Berlin Wall came down. All because this country and its people had the strength, the resolve, and the wisdom to resist an evil in the world that would have consumed everyone had we not done so.

What a great tribute to our people, and how much we are entitled to have enjoyed the fruits of their enormous victory. But then, as that victory was won and the cold war presumably was over, Saddam Hussein invaded a weak and powerless Kuwait on August 2. This country responded as all Americans would have wanted this country to respond, by condemning the act of aggression and insisting that it could not stand, and by doing some other things. First, by deploying American forces to the Middle East to try and assure that Saddam Hussein's aggression did not extend further into Saudi Arabia or other countries in the Middle East; and we went to the United Nations, that body that we were most instrumental in creating and for which we have all had the hope that it would provide the vehicle, the instrumentality, for a new world order, where all nations could be secure and at peace. Through our leadership, and at our urging, the U.N. Security Council on 11 occasions prior to November 8, not only condemned Saddam Hussein and his aggression, but insisted that he must get out of Kuwait, unconditionally and without reservation. Sanctions were imposed by the United Nations under the leadership of the United States. Those sanctions remained in effect, and if anything, were tightened during the period from which they were originally instituted until November of last year. However, Saddam Hussein was totally unrelenting and remained totally defiant. Now, there was no argument that sanctions alone, without a credible military threat, would not induce Saddam Hussein to leave Kuwait. The character of Saddam Hussein is sufficiently well known. His record is sufficiently clear that it would be naive in the extreme to think that economic sanctions which might inflict hardship upon his people would be sufficient to induce him to give up his conquest. There is nothing in his record, nothing in his history, that suggests that he would waver at the thought of tremendous sacrifice that would befall his people through economic sanctions.

Certainly, it is very clear that the last way that sanctions would have an adverse effect, would be upon his military capability because in that nation of 17 million people he has expended most of their treasury, not to improve the lot of his people but to expand his military capability, to maintain the fourth largest army in the world, to equip it with an enormous array of military hardware, to develop chemical weapons, and biological weapons, and indeed, there is no doubt of his desire and objective of developing nuclear weapons as soon as he is able to do so.

This is the nature of the person that we confront and whose aggression we are pledged to reverse. I as an American am very proud of the fact that our country has taken this position. It is a moral position. It is a noble position. It is a position worth taking risk for. If the United States and its people are unwilling to stand up and to accept risk on behalf of deterring the aggression against Kuwait, if Saddam Hussein is permitted to have any reward for having engaged in those acts of aggression, then the American people will have lost a resolve that will make the world a much more dangerous and unsafe world for Americans and for all mankind. It is my hope that we have not lost that resolve.

In November, the President, acting upon what I think was certainly a clear consensus internationally that sanctions alone without a credible threat of military force, announced that he was deploying additional American military resources to the Middle East in order that there would be a capability, if required, of using military force to assure that Saddam Hussein withdraw from Kuwait. That deployment of additional forces has been ongoing. Its design of developing a credible threat was perhaps to some extent ambiguous because of those in this country who cried out against the possible use of force, but ultimately this Congress, last Saturday, made that threat of force entirely credible. It was credible because the amount of that force which had been deployed was more than adequate for the mere protection of Saudi Arabia, but hopefully, and I believe adequate for purposes of military action that would require Saddam Hussein to withdraw. But not only was the extent of the force that was there and available a basis for it being a credible threat of force, this Congress, last Saturday, authorized the President of the United States to use that force if necessary.

□ 1400

Even with that, Saddam Hussein has been completely and totally unrelenting.

Now we hear, as we heard throughout the course of the debate last week, some who say that we should not use force, that we should wait and allow sanctions to work.

I would like very much to believe that that was a realistic and sound policy which would bring about our minimum objectives, but unfortunately I do not. I would suggest to those who say that it is that they must look at this not in the context of letting sanctions continue to work and thinking that nothing else in the equation will change, because the Middle East is a very dynamic and indeed an unstable area. Conditions and circumstances will not remain the same over the year, 18 months or more, that you can ever hope that economic sanctions alone would produce the result that the world requires of Saddam Hussein.

Saddam Hussein, while a secular leader throughout his career and since he seized power in Iraq, has begun to preach a rhetoric of Islamic fundamentalism. His role as an Islamic fundamentalist prophet is that I am sure of a false prophet, but nonetheless, that rhetoric has great appeal to the Arab masses throughout the Middle East. It has the capability of destabilizing the Middle East, of producing ferment on the streets of Cairo and places as far removed from the Middle East as Morocco, Algeria, and Tunisia.

Heaven only knows how destabilizing it already is in Jordan and for the possible future of King Hussein in that troubled country.

How disquieting it is to read that the ayatollah of Iran speaks in terms of a Jihad, a holy war, to expel the infidels from Saudi Arabia as an appropriate course of action.

How long through the efforts to have sanctions work can we confidently expect that Iran will not permit a flow of Iraqi oil through its facilities where it would be commingled and then Iraqi oil finds its way to world market and Saddam Hussein's hard currency be replenished, to be used to further strengthen his military capabilities.

I want the credible threat of force that is posed against Saddam Hussein to be sufficient to achieve our objectives. I hope and pray that that will be the result that will come about without the President using the force which he has been authorized to use. That awesome decision lies with our President and we should all join in praying for him, for his strength and for his wisdom as we move through this crisis, as he makes these terrible judgments.

I was thinking last night about the President and the awesome responsibility that he bears and there came to my mind from American history a picture of Abraham Lincoln alone in the White House having to make what was for him and for that time the awful decision as to whether or not to send supplies and reinforcements to Fort Sumter and signal that the beginning of the American Civil War was to come, or whether he chose not to do so in order to assure that war could be avoided.

We know the decision that Abraham Lincoln made. We know the incredible amount of blood and sacrifice that went into backing up that decision; for indeed, it was the Civil War which was the bloodiest struggle in the history of this Nation.

This is the kind of a decision that the present President of the United States has to make. I believe he can be relied upon to make that decision wisely. I believe in my heart that this country's objectives, its declared policy with respect to the Middle East, are worthy, and as I used the word earlier, even noble.

It is a part of trying to assure a new world order for now and into the next generations, a world in which the strong are not allowed with impunity to attack and vanquish the weak, where order and the rule of law are upheld, not defied, where aggressors are replused, not rewarded.

If we do not maintain our resolve, if we permit Saddam Hussein to be rewarded for his act of blatant aggression against Kuwait, it will be difficult for the poor people of Kuwait who have been raped and pillaged subject to inordinate tortures and cruelty, it will be something very, very sad and very disheartening for all the people of the world. We will have lost the opportunity to show that the civilized nations of the world are able and willing to join together to deter aggression. I find that noble, not demeaning.

I find that something more than fighting for oil. I am replused by the rhetoric that suggests that this conflict is about the price of gasoline at the gas pumps in the United States of America. This war is about a great deal more than that. That is not to ignore the fact that there are very meaningful substantial national security interests of the United States in whether or not more than 50 percent of the world's oil reserves come under the influence, domination, or control of Saddam Hussein. It is a matter of great consequence to this country that Saddam Hussein or others like him not be able to hold the world hostage because of his ability to control the world's energy supply, and while it would be wonderful and great for this country to have adopted a coherent and comprehensive energy policy and should have done so long ago, and I hope we will get about doing so very, very quickly, there is not energy policy that can make any sense at all, that does not suggest nonetheless that 50 percent of those petroleum reserves being in the Middle East is absolutely indefensible to the world's economy.

There are those who say, well, this should not concern the United States of America, that we get only a small percentage of our oil from the Middle East, and that certainly is true. If that is as far as you look, we could indeed get along without it; but I would ask all to bear in mind that if you eliminate that 50 percent of the world's oil reserves from the international market, all those who now get a 100 percent of their oil from the Middle East will be coming and competing against us to get it from where we now obtain it. So the economic shock waves are as much real for us as they are for anyone else.

No, this struggle, this possible conflict, is not about the price of oil, but it is about the viability of the American economy and America's national security. It is about whether or not aggression is rewarded or replused, noble purposes, going far beyond what is the price of oil at American gas pumps.

There are those who say we should not be engaged in any struggle in the Middle East because we have a disproportionate amount of the burden to be carried, that our allies, the members of this remarkable coalition that our President has put together, are not doing as much as they should. I have no quarrel with those who think that the Germans as a nation and as a people could be doing more than they have, and I am even more in agreement that the Japanese have not in any sense come up with their fair share of the financial responsibility for this crisis in the Persian Gulf.

□ 1410

And I would like to see our President and our Secretary of State less distracted in order that they could pursue as part of our diplomatic objectives getting that greater support from the Germans and the Japanese, and I believe it would be forthcoming.

But we should be mindful that this is a remarkable alliance that has been put together, that there are 24 countries that are participating in some form or another, in one degree or another, in the military forces that are in the Middle East on the ground, and 19 countries with naval resources deployed in the Middle East as part of the United Nations and our country's policies and objectives.

That is not inconsiderable.

There goes through my mind recollections when I was in my early teens of 1940 and 1941, before the attack on Pearl Harbor and Great Britain stood alone against Nazi Germany. Nazi Germany had already conquered and occupied, early on, Czechoslovakia, Austria, Hungary, Poland, France, Denmark, Norway. Yet England stood alone.

Would it have been unseemly, do you think, for Winston Churchill to have said, "Our friends and allies are not supporting us enough, we are in this all by ourselves"?

Would that have been something that would have put Winston Churchill down in the annals of history as one of the great leaders of our time? I think not.

So I think it perhaps not entirely appropriate that if our cause and if our policy, if our objectives are proper and noble, that we should hold back from doing that which our duty summons us to do while we quibble over whether we have as much support from other countries as we think we ought to have.

I do not believe that attitude is characteristic of what made America great or what made it possible for America to save the civilized world in the cause of freedom three times in three generations.

No, I do not think that is the case.

There are many reasons, of course, for not doing one's duty; there are many reasons involving pain and sacrifice. But the American people, I hope, will be equal to the degree of pain and sacrifice that is required if our cause is just, if our objectives are proper.

I represent a district, the First Congressional District of Virginia, which I am prone, immodestly, to describe as America's first congressional district.

Like all Members of Congress, I am inordinately proud of that district. My district happens to be the site of Jamestown, the first permanent English settlement in the New World. It is the site of Williamsburg, the intellectual capital of the American Revolution, where Washington and Jefferson and Henry and Lee and Wythe helped produce the great documents of freedom.

It also is the site of the Battle of Yorktown, where with our French allies and with the Marquis de Lafayette and Rochambeau, American and French forces defeated the British Army and brought about the surrender of Cornwallis and victory in our Revolution.

It is, of course, the birthplace of George Washington and the birthplace of James Madison.

So for those and many other reasons that I could say, I do refer to my district as America's first district.

In the context in which I am speaking today I can also speak of it perhaps as being America's first district in that there are probably more of my constituents, friends and neighbors who are deployed in the Middle East in the defense of our freedom and security than from any other district in America.

There are more than 40,000 of my friends and neighbors who are there. I care about them and their safety greatly, as does every Member of the Congress, however they voted or whatever position they have taken in this great debate on the Persian Gulf crisis.

I do indeed care about them very, very deeply, and I do not want them in harm's way:

But in addition to caring about them, I am extremely proud of them.

Madam Speaker, I went to Saudi Arabia in December and visited our young people wearing our country's uniform in the deserts of Saudi Arabia.

The American people have every reason to be incredibly proud of those young Americans. Every one of them there are volunteers, and I hope we will remember that they are there because they volunteered to serve their country in uniform. They are not only volunteers, but they are volunteers who, when they entered the Armed Services, ranked in the highest percentile in the aptitude tests that are taken before you enter the Armed Service.

Ninety percent or more of all of those volunteers are at least high school graduates. We have never deployed a force on behalf of the United States that was a more able, more dedicated, certainly no better trained force than those who serve our country in the Middle East and elsewhere throughout the world in our armed services.

They are truly magnificent and very prepared to do their duty.

One of the aspects of the discussion of the Persian Gulf which has been particularly disquieting to me and I guess I am sensitive to it particularly since I am the ranking member of the Subcommittee on Military Personnel and Compensation of our Committee on Armed Services, and that is the discussion about disparity of those serving in the military and who would be subject to taking casualties in the event there was a conflict.

Somehow, discussing these wonderful people who are volunteers in the context of classes within our society is obnoxious to me. There is no American wearing this country's uniform in the Middle East who is a second-class citizen or who comes from the lower classes. They are all Americans. They are all volunteers. If you have got to deal in terms of class, the only classification I am willing to accept is that they are first class.

If there are Americans who are elite, they are the elite Americans.

I would hope that this discussion about these remarkable volunteers who serve this country so well and who are prepared to make any sacrifice in terms of class structure would terminate.

I am not offended one iota if there are a disproportionate number of American young people who are minorities or of minority groups who have seen an opportunity to further themselves, to obtain an education while at the same time serving their country. I find it difficult to object to that. I do not know the social policy that says that is a wrong or that is an evil, that people who have had disadvantages in life should not be encouraged to find advantages and opportunities for themselves through volunteer service to their country.

□ 1420

How people can turn that around and twist it into being some antisocial or improper circumstance is beyond my ability to understand or to appreciate.

With respect to those forces that we have deployed in the Middle East and with respect to this country's military capability and whether or not the American people have gotten anything like their money's worth from the billions, even trillions, of their dollars that we have expended for our national defense, I think some observations are in order.

No country in the history of the world has ever deployed so many people and so much armament in so rapid a period of time as the United States has been able to deploy to the Middle East since August 2. When we talk about the contributions our allies have made and are making, I think we have to bear in mind that we certainly have the overwhelming preponderance of capability.

The Egyptians have no capability to move hundreds of thousands of forces from Egypt to Saudi Arabia or elsewhere. They do not have what it takes in order to make those kinds of deployments. They do not have the resources to arm all of their forces, as we have been able to arm ours. That is true of most all of the allied nations who have forces in the Persian Gulf.

So, inevitably we have more there because we are much more able to get it there and to sustain it there in the field.

To go to Saudi Arabia, to meet these young people, to see the way that they have been married up with their equipment and put in position, ready to defend themselves, and, if it cannot be avoided, to fight, is a very heartening experience which Americans should be very gratified that we do indeed have that capability and that America and its freedom and security is much the better because we have it.

I spoke earlier about the diversity of this country and how that is so much a part of our national life, and I hope that it ever will be so, but I also spoke of the need for our Nation at a time of crisis to be cohesive, and that cohesiveness that binds us together and makes this Nation able to function for these people of the United States of America to be a nation is representative government.

We have a President who was elected by a majority of the people in 49 of the States of the United States of America. Certainly he has a mandate and certainly is the overwhelming choice of Americans as to who should lead them as their President and to exercise the powers of Commander in Chief.

We have here in the House of Representatives a body elected from 435 elective districts, and we have come together and debated and discussed these awful issues and have resolved by our vote to authorize the President to use military force, having thoroughly and completely aired what are our objectives, what are the policies that took us to the Middle East and what our objectives must be before we are able to leave it. The Senate of the United States, the other body, has similarly voted in favor of giving that authority.

Now is the time for representative government to produce that cohesion throughout America, that America is entitled to expect of its citizens of this country. Let us pray that there will be no necessarity for military action, neither today, nor tomorrow, next week or next month. But if the time comes when that awful decision has to be made, the time will also have come for representative government to demonstrate that it is indeed alive and well in the United States of America and that American citizens, when the due process of law and representative government have run their course, will come together as a people, united in pursuit of those goals, those objectives and those policies that representative democracy have given to us.

Madam Speaker, that may entail pain, it may entail sacrifice, but if Americans are no longer willing to make a sacrifice, if we have become so self-indulgent that a price is no longer willing to be paid, then America will undoubtedly be on a decline, and it will be a precipitous one.

We are the only surviving superpower in the world. It is a role that we are not entirely comfortable with; I know I am not. But there are responsbilities that fall upon the American people today, as they fell upon the American people in 1941 and in 1917, and it will happen again. It is a part of the fact that God has enormously blessed this country and its people that we must bear burdens, we must be willing to accept risks, and we must be willing from time to time to make sacrifices.

I feel that we are in one of those critical junctures in our history where America must determine that it is still willing to make sacrifices on behalf of the policies and objectives that a democratic representative system has laid out for us. That has been done.

The Speaker of this House and the majority leader of this House in the course of Saturday's debate, and even though each of them voted in opposition to the resolution to authorize the President at this time to utilize force, called upon all Americans to support the President of the United States in the awesome decision that he was called upon to make whether or not they favored giving the President the authority to make that decision. I know not whether the President has fully and totally made a decision to use military means in the Middle East to make sure that the people of Kuwait are freed. If he has, he is entitled to expect the support of the American people because the American people, speaking through their elected Representatives, have made these policy choices, have laid out these objectives and have determined the course that we should take. The President can be a great leader of our time only if he has great people who are willing to accept leadership in the context of our free representative form of government.

Let us please come together. Let us be united in our objectives. It is the greatest assurance of peace now, certainly the greatest assurance for peace later, for we will either achieve those noble objectives about which I have talked for so long in this special order, we will achieve them now, or we either lose them or have to sacrifice much more in the future to achieve our minimum objectives than we would have to sacrifice if we stand up to our duties and to our responsibilities in the present.

□ 1430

Madam Speaker, we owe this to our future. We owe this to our children and our grandchildren.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MOLINARI) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 60 minutes, today.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. GRAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. NEAL of North Carolina, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, on January 17.

Mr. EDWARDS of California, for 30 minutes, on January 17.

Mr. NEAL of North Carolina, for 60 minutes, on January 17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. MOLINARI) and to include extraneous matter:)

Mr. BALLENGER in two instances.

Ms. ROS-LEHTINEN.

Mr. LEACH.

Mr. GRADISON.

Mr. BEREUTER.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. BONIOR in two instances.

Mr. FASCELL.

Mr. LEVINE of California.

Mr. KILDEE.

Mr. STUDDS.

Mr. KANJORSKI.

Mrs. KENNELLY.

ADJOURNMENT

Mr. BATEMAN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 17, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

341. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of January 1, 1991, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 102-4); to the Committee on Appropriations and ordered to be printed.

342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-334, "American Chemical Society, Inc. Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-335, "House of Mercy Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

344. A letter from the Chairman, Council of the District of Columbia; transmitting a copy of D.C. Act 8-333, "Takoma Park Baptist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-342, "Acquisition of Space Needs For District Government Officers and Employees Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-326, "Alternative Fuels Technology Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-323, "Redistricting Procedure Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

348. A letter from the Acting Secretary of Education, transmitting a copy of final regulations—Education Department general administrative regulations; to the Committee on Education and Labor.

349. A letter from the National Railroad Passenger Corporation, transmitting an evaluation of the feasibility of splitting Amtrak's existing California Zephyr/Desert Wind/Pioneer train into two separate trains, pursuant to Public Law 101-322, section 6 (104 Stat. 296); to the Committee on Energy and Commerce.

350. A letter from the Department of State, transmitting copies of Presidential Determination 91-14, and justification thereto, to the Committee on Foreign Affairs.

351. A letter from the Secretary of Agriculture, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

352. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

353. A letter from the Secretary of Education, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

354. A letter from the Secretary of Energy, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

355. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

356. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

357. A letter from the Secretary of the Interior, transmitting the semiannual report of the Department's inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

358. A letter from the Administrator, Agency for International Development, transmitting, the semiannual report of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526; to the Committee on Government Operations.

359. A letter from the cochairman, Appalachian Regional Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

360. A letter from the Board of Governors, U.S. Postal Service, transmitting a copy of the annual report of the agency's compliance with the Government in the Sunshine Act for calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

361. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

362. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

363. A letter from the Chairman and CEO, Farm Credit Administration, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

364. A letter from the Chairman, Federal Housing Finance Board, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

365. A letter from the Acting Chairman, Federal Maritime Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

366. A letter from the Chairman, Federal Trade Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

367. A letter from the Public Printer, Government Printing Office, transmitting the semiannual report of the inspector general,

pursuant to 44 U.S.C. 3903 (102 Stat. 2531); to the Committee on Government Operations.

368. A letter from the Acting Chairman, International Trade Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

369. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

370. A letter from the Chairman, National Capital Planning Commission, transmitting the review of the administrative procedures of the National Capital Planning Commission; to the Committee on Government Operations.

371. A letter from the Chairman, National Capital Planning Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

372. A letter from the Chairman, National Credit Union Administration, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

373. A letter from the Chairman, National Endowment for the Arts, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

374. A letter from the Chairman, National Labor Relations Board, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

375. A letter from the Chairman, National Railroad Passenger Corporation, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

376. A letter from the Chairman, National Science Board, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

377. A letter from the Occupational Safety and Health Review Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 32 U.S.C. 3512(c)(3); to the Committee on Government Operations.

378. A letter from the Chairman, Oversight Board of the Resolution Trust Corporation, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

379. A letter from the Chairman, Panama Canal Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

380. A letter from the Director, Peace Corps, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

381. A letter from the Secretary of the Treasury, transmitting the semiannual report of the inspector general, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2515, 2526); to the Committee on Government Operations.

382. A letter from the Secretary of Defense, transmitting the semiannual report of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (96 Stat. 750, 102 Stat. 2526); to the Committee on Government Operations.

383. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report of the inspector general, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526, 2640); to the Committee on Government Operations.

384. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

385. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

386. A letter from the Secretary, Smithsonian Institution, transmitting a report on the activities of the Office of Inspector General, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

387. A letter from the U.S. Information Agency, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

388. A letter from the Director, U.S. Information Agency, transmitting the semiannual report of the inspector general, pursuant to Public Law 99–399, section 412(a); to the Committee on Government Operations.

389. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

390. A letter from the Director, U.S. Trade and Development Program, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

391. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

392. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

393. A letter from the Department of Energy, transmitting a report on steel initiative management plan research and development activities, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

394. A letter from the Department of Defense, transmitting the report on Department of Defense procurement from small and other business firms for the period October 1989 through September 1990, and fiscal year 1990, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

395. A letter from the Department of Health and Human Services, transmitting the 14th annual report on the Child Support Enforcement Program for the period ending September 30, 1989, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

396. A letter from the Director, U.S. Office of Personnel Management, transmitting a report on Senior Executive Service positions in the Department of Housing and Urban Development; jointly, to the Committees on Appropriations and Post Office and Civil Service.

397. A letter from the Executive Director, Resolution Trust Corporation, transmitting status report for the months of November and December, 1990; jointly, to the Committees on Banking, Finance and Urban Affairs and Appropriations.

398. A letter from the Department of Energy, transmitting the Department's fifth biennial report on implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980, pursuant to 40 U.S.C. 795d(a); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

399. A letter from the Secretary, Department of Agriculture, transmitting the rehabilitation needs of each Forest Service region, resulting from disastrous forest fire damage during the previous year, pursuant to Public Law 101–286, section 202(1) (104 Stat. 174); jointly, to the Committees on Interior and Insular Affairs and Agriculture.

400. A letter from the Secretary of Energy, transmitting a copy of the program opportunity notice [PON] for the fourth round of the Clean Coal Technology [CCT] Demonstration Program; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 536. A bill to extend State jurisdiction over submerged lands and to allow States to grant mineral leases in the extended area; jointly, to the Committees on Interior and Insular Affairs, the Judiciary, and Merchant Marine and Fisheries.

By Mrs. BOXER (for herself and Mr. DOWNEY):

H.R. 537. A bill to exempt certain members of the Armed Forces from duty assignments that require the separation of the members from the minor children of the members; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 538. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from the unrelated business income tax of revenue received by 501(c) organizations that conduct amateur athletic events; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota:

H.R. 539. A bill to amend the Immigration and Nationality Act to prevent the unreasonable detention of certain aliens with dependent children; to the Committee on the Judiciary.

H.R. 540. A bill to amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles; to the Committee on Public Works and Transportation.

By Mr. GRADISON:

H.R. 541. A bill relating to the suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. HERTEL:

H.R. 542. A bill to prohibit foreign interests from owning concessions in units of the National Park System; to the Committee on Interior and Insular Affairs.

By Mr. LEVINE of California (for himself, Mr. THOMAS of California, Mr. MATSUI, and Mr. MINETA):

H.R. 543. A bill to establish the Manzanar National Historic Site in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OWENS of New York:

H.R. 544. A bill to amend the National School Lunch Act to restore food supplement benefits under the dependent care food program to adolescent youth; to the Committee on Education and Labor.

H.R. 545. A bill to amend the Domestic Volunteer Service Act to provide assistance to projects which utilize volunteers to protect students and employees of educational institutions from violence and criminal activity; to the Committee on Education and Labor.

H.R. 546. A bill to require that the Librarian of Congress appointed from among individuals with specialized training or significant experience in the field of library and information science; to the Committee on House Administration.

By Mr. RANGEL:

H.R. 547. A bill to require the Federal Deposit Insurance Corporation to treat all deposits at the Freedom National Bank of New York at the time such bank closed as insured deposits; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHUMER:

H.R. 548. A bill to provide a schedule for the implementation of the requirement that all eligible Federal prisoners desiring to participate in drug treatment programs be given such treatment; to the Committee on the Judiciary.

H.R. 549. A bill to amend title 18, United States Code, to provide increased penalties for workplace endangerment, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. PALLONE, Mr. DOWNEY, and Mr. WILSON):

H.R. 550. A bill to protect the cable consumer; to the Committee on Energy and Commerce.

By Mr. STOKES:

H. Con. Res. 38. Concurrent resolution expressing the sense of the Congress that the Secretary of Defense should revise restrictions on press coverage of military operations undertaken in the Persian Gulf region to limit such restrictions to those required for operational security and protection of classified information; to the Committee on Armed Services.

By Mr. GONZALEZ:

H. Res. 34. Resolution impeaching George Herbert Walker Bush, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. PAXON (for himself, Mr. BROOMFIELD, Mr. COBLE, Mr. DORNAN of California, Mr. DOOLITTLE, Mr. PACKARD, Mr. OXLEY, Mr. HORTON, Mr. THOMAS of California, Mr. LIGHTFOOT, Mr. KOLBE, Mr. LIVINGSTON, and Mr. ARMEY):

H. Res. 35. Resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom to Margaret Thatcher; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. BAKER, Mr. MOODY, and Mr. CARDIN.

H.R. 257: Mr. BARRETT.

H.R. 321: Mr. ABERCROMBIE, Mr. CARPER, Mr. FORD of Michigan, Ms. PELOSI, Mr. RANGEL, Mr. SMITH of Florida, Mrs. UNSOELD, Mr. JACOBS, and Mr. DURBIN.

H.R. 325: Mr. LEVIN of Michigan, Mr. OWENS of Utah, Mr. GOODLING, Mr. MACHTLEY, Mr. NEAL of North Carolina, Mr. FAZIO, Mr. SKEEN, Mr. ABERCROMBIE, Mr. HORTON, Mr. MINETA, Mr. MORAN, Mr. LIPINSKI, Mr. WHEAT, Mr. COSTELLO, and Mr. CARPER.

H.R. 482: Mr. TORRES, Mr. MINETA, Mr. TOWNS, Mr. ANNUNZIO, Mr. RANGEL, and Mr. HOCHBRUECKNER.

H.J. Res. 58: Mr. YOUNG of Florida, Mr. DELLUMS, Mr. BLAZ, Mr. WELDON, Mr. BUSTAMANTE, Mr. LENT, MRS. MEYERS of Kansas, Mr. ERDREICH, Mr. SCHUMER, Mr. BROOMFIELD, Mr. HASTERT, Mr. GILMAN, Mr. CONDIT, Mr. MANTON, Mr. NEAL of Massachusetts, Mr. DURBIN, Mr. MAVROULES, Mr. HARRIS, Mr. CLEMENT, Mr. HORTON, Mr. PALLONE, Mr. ROWLAND of Georgia, Mr. RANGEL, Mr. APPLEGATE, Mr. AUCOIN, Mr. FRANK of Massachusetts, Mr. SMITH of Florida, Mr. MCNULTY, Mr. MOLLOHAN, Mr. LIPINSKI, Mr. STALLINGS, Mr. PORTER, Mr. NOWAK, Mr. DICKS, Mr. HUGHES, Mr. ROYBAL, Mrs. BENTLEY, Mr. MCGRATH, Mr. WALSH, Mr. LANCASTER, Ms. KAPTUR, Mr. FASCELL, Mr. FAWELL, and Ms. PELOSI.

H. Res. 33: Mr. HOBSON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

15. The SPEAKER presented a petition of the city of Boston, MA, office of the mayor, relative to the urban summit; which was referred, jointly, to the Committees on Education and Labor, Ways and Means, Banking, Finance and Urban Affairs, and Government Operations.

SENATE—*Wednesday, January 16, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 12 noon on the expiration of the recess, and was called to order by the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The Lord is my light and my salvation; whom shall I fear? the Lord is the strength of my life; of whom shall I be afraid?—Psalm 27:1.

Gracious Father in Heaven, whose wisdom and power and love are without measure, help us to hear these words of the Psalmist in this day of suspense. Thou knowest, Lord, how difficult it is to wait under the best of circumstances. But we wait—the whole Earth waits—hoping still for some last-moment, peaceful solution to the Middle East crisis. Thou dost understand our fear, our apprehension, our strong wish for a last-minute alternative to the threat of war. History is in Your hands. We are in Your hands. Thou knowest our longings, our desperate desires. We turn to Thee, O Lord. We have no place else to go. Work Your will, in spite of us if necessary.

In the name of the Prince of Peace we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 16, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEAHY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the distinguished majority leader is recognized.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the time for the two leaders, there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD pertaining to the introduction of S. 220 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. D'AMATO addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

THE BALTIC STATES

Mr. D'AMATO. Mr. President, today brings us to a time in our history when the attention of the world and those of all our citizens is riveted, as it should be, on the Middle East, on the desert sands of Saudi Arabia, Kuwait, and the Iraqi crisis. We all hope and pray that our young men and women may be spared the ravages of war regardless of how remote that possibility is. It still is a possibility until the first shot is fired. We recognize that this is a dangerous time and it is one filled with a deep foreboding that so many of us feel.

While the eyes of the world are riveted on that situation and all Americans and the coverage attendant with it, it seems to this Senator that what is taking place in another area of the world that may be in the long run of greater consequence to this Nation and to mankind and to the world almost goes unnoticed. Certainly, the gravity of what the Soviets and Mikhail Gorbachev are now undertaking is not receiving the attention that it otherwise would. I speak about the suppression of the people of the Baltics.

Mr. President, on April 25 last year, I warned my colleagues on this Senate floor that Gorbymania was sweeping across our Nation, and I counseled that we should await action, not words, to determine the real Soviet agenda. That action has now been taken. It is chilling, cold, and it is the cold-blooded murder of those who stand for freedom and democracy.

We cannot remain silent in the face of these actions. I will cosponsor resolutions and bills which will impose sanctions against the Soviets for their actions. I have already called on President Bush to postpone the upcoming summit.

But these worthy actions are not enough. At this crossroad, we are morally compelled to speak with a clear voice to the Soviets. I am introducing a resolution calling on our President to grant full diplomatic recognition to the democratically elected governments of Lithuania, Latvia, and Estonia.

Only by granting diplomatic recognition to the embattled Baltic republics can we send the message that must be sent.

It is time to raise our voices for freedom. It is time to cast our lot not with those who seek to extinguish the fire of freedom, but with those who are willing to die for it.

Lithuania, and signs that further action will be taken against not only Lithuania, but Estonia and Latvia as well.

This is not just a pothole on the road to freedom—it is a detour back to the repressive, Stalinist tactics that led to 40 years of cold war confrontations.

Fourteen Lithuanians are dead, shot or steamrolled by Soviet tanks. Many more will die unless they renounce freedom. It is no longer a question of tactics in dealing with the Soviet Union, it is a question of fundamental principles.

What we are seeing in Lithuania today is an old Soviet ploy repeated once again, because on October 29, 1956, the Suez Canal erupted and the atten-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tion of the world was riveted. Four days after that the Soviet tanks rolled into Hungary to kill those fighting for freedom. Now, with the world distracted by the events in the Persian Gulf, Gorbachev has shown his true colors.

Mr. President, this is not some general who is doing this or someone behind the KGB. This is Mikhail Gorbachev who is talking about the suspension of the freedom of the press, which is the underpinning of glasnost. It is indicated that he may ask the Supreme Soviet to suspend freedom of the press.

I think it is about time that we made a clear and unequivocal statement to Mr. Gorbachev that he will not receive the benefits of a nation that talks about freedom, that talks about democracy, that talks about perestroika and glasnost but suppresses his people, but uses this as a window dressing to achieve its own purposes, finance aid, credits, normalization of relationships.

Mr. President, I will be offering a resolution, which I will not offer at this time because I will look to get others to cosponsor it, that says clearly and unequivocally that our President should grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia, and, by that, I mean full democratic recognition. To say that we really have never really recognized that these people and these nations are independent of the people of the Soviets is one thing, but to implement democracy, to stand up for democracy, to stand for the people who are being mowed down, that is another.

We have an opportunity now to make it clear, and I am not calling for the breaking of diplomatic relations with the Soviets. What I am saying is, do we have the courage to grant full diplomatic recognition to the people of the Baltics? Why should we not?

Mr. President, it seems to me if we continue to practice the policy of political expedience in dealing with countries throughout the world, that we will sow the seeds that bring us to the crisis that we face today because you see it was eight words that brought and sowed the seeds of dissention, allowed people to think they could do what they wanted, swallow up their neighbors, oppress peoples' rights, use chemicals in the killing of not only their own people but others that they come into conflict with. That, I believe, has created the situation which has resulted in a half million of our young men and women being in the Saudi desert today. That is the politics of political expedience. Those eight words are: "The enemy of my enemy is my friend."

Did we not practice that as it related to the Iraqis? Because, after all, they hated, they fought, and they were the menace of Ayatollah Khomeini and the Iranians. It was easy for us to look the other way. Then when Mikhail Gorbachev brought down the economic barriers and the sanctions—and he employed them ruthlessly a year ago against the Lithuanian people—the politics of political expedience once again reared its head and, after all, if the Soviets were our allies, if they were our friends after we had so much to work with and for, what did it mean that 3 million people were being suppressed? So we were quiet. Oh, yes, we passed some resolutions urging Mikhail Gorbachev to use restraint, but did we really stand for the people and send the right signals?

So today, a year later, we see the tanks, we see the forces of democracy being swept out, we see people being killed, we see television stations being driven off the air, and we see the suppression of free speech. We see the return of Stalinism. We see that Gorbymania was something that we wanted to believe but the reality of it was not backed up by deeds.

Mr. President, I hope that this administration, notwithstanding the incredible burdens placed upon it and the fact that we have a half-million young men and women in the Middle East, does not preclude us from doing what we should; that is, to give recognition to the legitimacy of the rights of the people of the Baltics, the rights of the people of Lithuania, Latvia, and Estonia. Do not take the political, expedient way. Do not be quiet. Do not pass mumbo-jumbo resolutions that mean little, if anything, and that translated into the practical day-to-day world that we live in will not deter the Soviets from making once again a fatal mistake and fatal error in saying that the world will be quiet and acquiesce. Do not, by our silence, plunge us into what then will inevitably be a return of the cold war.

Stand now. Recognize these nations, recognize their rights, and we have an opportunity to send the signal to the Soviets that may dissuade them from otherwise a course of action which I am certain will result in the total repression of these people.

Have we not learned by our past inadequacies, by being quiet as it related to addressing these situations when we have an opportunity, when we should have stood? Now is the time to stand up.

There are those who will say, "Will that create a problem in the Middle East? Will that change the Soviet attitude?"

Well, I do not believe that it will. At this point in time, I think it is important for us to stand for what is morally right, to do the right thing because it is the right thing to do, and to stand for those principles that we talked about and, yet, so many times turned our backs away from.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 1:15 P.M.

Mr. FORD. Mr. President, on behalf of the leadership, I ask unanimous consent that we now stand in recess until the hour of 1:15 p.m.

There being no objection, the Senate, at 12:33 p.m., recessed until 1:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. LIEBERMAN].

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Connecticut, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

OIL COMPANY PROFITEERING

Mr. LIEBERMAN. Mr. President, the attention of all Americans is naturally focused today on the Persian Gulf. The mood of the Congress of the United States and the people of the United States is somber and tense. We are all praying, naturally, that peace may yet be possible, and of course we are praying particularly for our troops, the men and women in American uniform in the Persian Gulf, should hostilities occur.

But while Americans prepare themselves for the toll of war, we hear reports that American oil companies are preparing themselves for the profit potential of war.

Mr. President, look at this headline from today's Wall Street Journal: "Pump Prices Look Ready for a Run Uphill."

I rise today to issue this warning to the oil companies. There is a worldwide glut of oil. That is a fact. There was a commitment by the International Energy Agency last week to tap into global oil reserves—which run to the hundreds of millions of barrels—if necessary, if war breaks out. To the oil companies I will say this: If you dare to seek unfair profit under cover of war, the American people will demand that Congress act swiftly and strongly in response to your profiteering.

One Texas oil industry spokesman said about the price of gas, "it will definitely go up." Some independent refiners have already boosted wholesale gasoline prices 15 to 20 cents a gallon just in anticipation of the possibility of military conflict. Yet there are hundreds of millions of barrels of oil in inventories, and approximately 100 million barrels in storage unsold in tankers at sea. That does not even count the hundreds of millions of additional barrels of oil that are today in strategic petroleum reserves in our country and in allied countries.

Absent panic or profiteering, there is absolutely no reason for gas, oil, or propane prices to rise immediately even if war breaks out. Some cite the threat to Saudi oil fields or refineries as an excuse for higher prices. But unless and until real damage occurs, dramatic price increases are simply not justified. Most experts, in fact, believe that the Saudi oil facilities are very well protected. Any immediate gas price increase, any immediate increase in the price of home heating oil or propane, that occurs if a war breaks out is profiteering, pure and simple.

Last year, Mr. President, I introduced an antiprofiteering bill, along with my colleague from Nevada, Senator BRYAN, who is with me on the floor today. That bill was aimed at halting oil profiteering during times of emergency by making it illegal. I also cosponsored a windfall profits tax amendment to the budget agreement. In the last session we were not successful in either of these measures. It is true that they were introduced late in the session.

But we are now receiving predictions that oil companies will report profits for the fourth quarter of 1990 that I have to describe as infuriating and astonishing. Six major oil companies are expected to reap $6 billion in profits. That is not gross revenues, but $6 billion in profit just for the last 3 months of 1990. That is a $2.3 billion increase over the same period just a year before. One analyst projects that Exxon will have a profit of $1.7 billion for the last 3 months of 1990, which is a 300-percent increase over the fourth quarter of 1989. Even an executive of an oil company reportedly called that profit margin obscene.

The news of record profits, if combined with wartime profiteering, would in my view impel Congress to push legislation—and pass it—that prohibits companies from taking unfair advantage of consumers at a time of national crisis.

While our young men and women are putting their lives on the line to protect America's security and the principles of international law and order, we simply cannot countenance oil companies threatening the stability of our economy at home. We cannot countenance any exhibition of greed at a time of national crisis.

I call on the oil industry—from the boardrooms of big oil to the service station owners down the block—to show restraint, to support America in our time of need. Profiteering in time of war is un-American, pure and simple. There is no excuse for it whatsoever. Any company that takes advantage of military hostilities in the Persian Gulf to profiteer will receive and deserve the contempt of American people.

I thank the Chair, and I yield the floor to my distinguished colleague and friend from Nevada, Senator BRYAN.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair.

PROFITEERING AND THE PERSIAN GULF

Mr. BRYAN. Mr. President, I associate myself with the comments of the distinguished junior Senator from Connecticut. I commend him for his leadership on this issue, not only in calling this to our attention today but during the past year with several pieces of legislation to which he alluded, and also in testimony before my subcommittee on a matter that was discussed that bears in point just a matter of 3 or 4 days after the invasion of Kuwait by Iraq.

As the distinguished junior Senator points out, the eyes of the American public are riveted to the Middle East. Americans are watching their television sets round the clock, anixously pondering, if we are going to be in a war, how soon that will occur, and contemplating all of the devastating consequences personally and otherwise that follow in the wake of that kind of an awesome decision.

I rise as a Member of this Chamber who supported the President in the resolution that was debated before Congress this past week. It is an awesome decision that the President must make, and I must say that if there is any solace or comfort that he may find in this very difficult time it is, although there is division as to policy, I think all of us in this Chamber and across the country stand in support of the fighting men and women in the Persian Gulf.

There is, as my colleague has just pointed out, one sector of the economy that because of its history of indifference to the country's concerns at large should be served notice, and that is the oil industry. The oil industry should understand that Congress and the American people will not tolerate unconscionable increases in the price of gasoline at a time when oil stockpiles are plentiful.

One can only look back a couple of years ago when the *Exxon Valdez* hit the reef off Prince William Sound, a time in which gasoline supplies were plentiful, and no sooner had that news been messaged to the world than immediately big oil seized upon this as an opportunity to begin a massive runup of the price of gasoline.

More recently, last August, the tanks had hardly rolled across the Kuwaiti border when, indeed, we were hearing almost as soon as the news of that tragic event was announced to the world that the oil companies were taking advantage of that opportunity and running up the prices in a massive and unjustified amount, at a time when our stockpiles were at record levels both in terms of the strategic petroleum reserves and the reserves that were on hand in the private sector. No justification.

In the aftermath of that action, the committee which I chair, the Consumer Subcommittee, held a hearing. The distinguished Senator from Connecticut was our leadoff witness at that hearing. Through what I would characterize as a very convoluted reasoning process the oil companies sought to assure us that they were indeed, not taking advantage of a national emergency; that, for reasons which were unpersuasive and unsatisfactory, I daresay to all of us who serve on the committee today, things occurred which could not be prevented. We were assured at that time that the big oil companies would act responsibly.

I must say that the evidence subsequent to the hearing is otherwise. Indeed, the history of this industry is shameful in terms of its lack of corporate responsibility. This is a history of which any industry and any good corporate citizen would be ashamed. It is as if national disaster and peril is a license to raid the public. Even President Bush, who traces with some pride his own roots to Houston, TX, has twiced warned the oil industry that he will not tolerate profiteering.

As my colleague has just pointed out, the Wall Street Journal today had some very troublesome news.

The oil companies are expected soon to post massive fourth quarter profits. This is a litany of profiteering on a massive scale. British Petroleum, Mobil Corp., Royal Dutch Shell, Exxon, Chevron, and Texaco profits—these are the words of the Wall Street Journal—"surged 62 percent."

Earnings of large domestic oil companies jumped 70 percent to $1.7 billion. That is up by some $700 million. Chevron's operating profit tripled. Mobil's profit showed a 25-percent increase in profit. Texaco showed a 42-percent increase, and Exxon will show a threefold profit of $1.7 billion, up from less than a half billion dollars this conglomerate earned in the same corresponding period of a year earlier.

One oil company's public relations executive commented "I understand Exxon's profits are obscene. It scares me."

Mr. President, it not only scares but these kinds of reports also enrage the public. These are very difficult times, difficult times for American citizens, difficult times for American industry. The economy is sliding into a recession, anxieties increase as the prospect of war appears imminent, and the loss of many young Americans as a consequence of that.

This is terrific news? Terrific for whom? As another oil company executive pointed out. It is certainly not terrific for the American public.

Profits jumping billions, up as high as 70 percent, may be terrific for big oil, but they are unmitigated disaster for virtually every citizen in this country. Oil prices have hurt the consumer. They have fueled inflation, and they have brought a weakened airline industry virtually to its knees with a number of weaker companies filing under the bankruptcy laws for protection.

If these profits do not constitute profiteering, the word has no meaning and should be struck from every dictionary. This is profiteering on a massive scale.

While our President wrestles with war and peace, while the public girds itself for the tragedy and loss of armed conflict, the oil companies are exploiting the American public.

Now as we sit at the brink of conflict, we are told that there is an ample supply of oil, that barring serious damage to the Saudi oil facilities, there will be no supply shortage.

Should the public, should the consumer, take any solace from these undisputed facts? Unfortunately, history's answer is based upon the performance of the oil companies. This simply provides them another opportunity to price gouge the American public. In short, the oil companies will use a war that no one wants as an excuse to go on a raiding expedition on their own, and their target is our wallets.

I will be working with Chairman HOLLINGS and others to hold a hearing shortly on the oil industry, their large profits, and their conduct, in the near future. There will be no respite from the drumbeat of criticism if big oil companies use this conflict to once again continue to plunder the public.

Mr. President, I yield the floor.

I note that no one else seeks recognition and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized for 10 minutes.

Mr. GLENN. Mr. President, parliamentary inquiry. Is there a limit of 10 minutes at the present time?

The PRESIDING OFFICER. That is the order that is now before the Senate.

Mr. GLENN. Mr. President, I imagine I will require a little more than 10 minutes to make my complete statement. If no one else is asking the floor, I will ask unanimous consent for more time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

S. 221—MILITARY PERSONNEL SAVINGS PLAN

Mr. GLENN. Mr. President, on January 14, I was back in my home State of Ohio, and in my absence and at my request, the majority leader, GEORGE MITCHELL, introduced four bills on behalf of myself and Senator MCCAIN concerning benefits for our military personnel deployed on Operation Desert Shield in the Persian Gulf. Today I want to reiterate in person here on the floor my feelings about these bills and my statement accompanying those four bills, and introduce a fifth bill on a savings plan for military personnel in Desert Shield.

Mr. President, on January 14, I elected not to introduce the savings plan bill, because I had received information that day that DOD decided to use its discretionary authority under the fiscal year 1991 Defense Authorization Act to implement the plan. That information turned out to be incorrect; consequently, I am introducing that bill today.

Mr. President, late last year I introduced legislation to provide certain benefits for military personnel deployed to the Persian Gulf in Operation Desert Shield. I took this action because it was obvious to me, after returning from a trip to Saudi Arabia, that there were certain compensation and benefit authorities needed for our military personnel. That trip was in late August and the first few days of September 1990.

I am gratified to note that most of the benefits I proposed, after coming back from that trip, and after talking to the troops and officers over there, were enacted last year in the Defense Authorization Act for fiscal year 1991.

Among the provisions enacted were, first, the authority for free mailing for our troops in the Persian Gulf. I add to that, it was a little bit hard to believe I was over there visiting the people in the desert up on the sand dunes, and they had to go find a stamp and try to send a letter back home. We came back and were able to put legislation in.

The Defense Department had authority to act on a wide range of benefits; some they did not, but mostly they did and acted on them. That was one I put in at that time—the authority for free mailing for our troops in the Persian Gulf.

Another was the authority for the retroactive payment of imminent danger pay, $110 per month, to the start of Operation Desert Shield in August for military personnel deployed in the Persian Gulf. Also, the Senate provided authority to pay reservists, National Guardsmen and retirees activated for Operation Desert Shield for unused accrued leave when they are deactivated. Also, the legislation included authority to pay activated reserve and National Guard medical personnel the same medical specialty pay authorized for active component personnel—the authority for the payment to activated reserve and National Guard personnel, the same variable housing allowance, VHA, as it is known, that is authorized for active component personnel; and finally, the authority for implementation of a savings plan that would allow military personnel deployed in the Persian Gulf to invest their pay in the U.S. Treasury at an interest rate not to exceed 10 percent per year.

Mr. President, with the exception of the savings plan provision, all of these provisions have now been implemented by the Department of Defense. Concerning the savings plan provision, I am somewhat puzzled as to why the Department of Defense has chosen not to implement it. We provided the Department of Defense with this particular authority with the full expectation that it would be implemented.

As most of my colleagues know, many of our military personnel are deployed to the Persian Gulf on very short notice. They did not have a lot of time to think about or make banking arrangements that would return them a favorable yield. I am talking here mainly about our single military personnel who may not have anyone they can turn to to help them put their money away prudently. It would be very difficult, if not impossible, for many of these personnel in foxholes or out there on duty in the desert to buy certificates of deposit or money market certificates for themselves, as some have suggested. Therefore, I believe we should require the Department of Defense to implement the savings plan we authorized last year, and that is the purpose of the bill I am introducing today.

In recognition of other concerns I have about the fair treatment of our men and women in uniform deployed in the Persian Gulf, on January 14, I introduced with Senator MCCAIN, a set of four bills. That is in addition to those I just mentioned. I hope the committees of jurisdiction will act expeditiously on these bills so they can be enacted early in this session of Congress.

The first bill would exclude military earnings accrued by a member while serving in the Persian Gulf in Operation Desert Shield from Federal income taxes. The exclusion would apply to the entire amount of military income for enlisted personnel and to the first $2,000 of monthly military income for officers. Current law provides this exclusion for members in combat zones. With what is going on right now, it may not be very long until that qualification is met. I think our military personnel in the Persian Gulf are just as close as you can get to combat without the bullets actually flying, and they certainly deserve this exclusion whether or not war starts in the next 48 or 72 hours, a week, or whatever. I introduced a similar bill, S. 3027, last year. The bill was referred to the Finance Committee. However, time ran out in the last session before the committee could take action on it. I urge, as strongly as I can state, for the Finance Committee to act expeditiously on this bill so we can vote on it early in this session.

The second bill would permit military personnel serving in the Persian Gulf to delay filing a 1990 Federal income tax return until 6 months after their deployment ends without any penalty. I know that Senator DOLE and Senator MITCHELL have introduced a similar bill that would provide an extension of 60 days, and I have signed up as a cosponsor on that bill, because I believe that Federal income tax filing relief is necessary, but obviously I believe that a longer period of time is preferable, and that is why I am introducing this bill.

I point out that current law provides for a 6-month delay for military personnel in combat zones. As I said before, this bill may become moot one of these days if we actually go into combat. But as of now, I think it is only fair to provide a 6 month suspension.

The bill I am introducing would extend that 6-month coverage for military personnel serving in the Persian Gulf in Operation Desert Shield for tax year 1990. This bill, in all likelihood, will also be referred to the Finance Committee, and again, I ask the committee to act expeditiously on this bill so we can vote on it early in this session.

I know there is some concern about the delay in receipt of revenue the longer the period of extension for filing. However, I think we need to recognize that many of our returning military personnel will face a very turbulent transition. Returning reservists have to readjust to civilian employment or reestablishing their businesses. In some cases, they must find housing. Active component personnel who may be returning for separation may be hunting for jobs and a place to live. Returning active component personnel may be transferring to other units, with all that entails, changing bank accounts, locations, and housing, and other personal matters. It seems to me that these considerations argue for a 6-month extension, notwithstanding the delay in receipt in revenues.

The third bill would provide flexibility to the Department of Defense to recall retired military personnel to active duty in the highest grade they held while previously on active duty. Under current law, the Department of Defense can recall retired miltary personnel to active duty only in the grade in which they retired. Within the retired military community, there are a number of individuals who voluntarily retired in a grade lower than they held while on active duty. For example, there are a number of medical personnel who are under retired recall orders who chose to retrie in a lower grade because they chose not to serve the 3 years in grade required to retire in their serving grade. I think that as a matter of fairness, we should provide the flexibility to the Department of Defense to recall these personnel in the highest grade that they served in while on active duty. Because some of these personnel are already under recall orders, my bill would make this authority retroactive to the beginning of Operation Desert Shield.

Finally, the fourth bill introduced January 14 would equalize the unemployment compensation between separated military personnel who are unemployed and civilian personnel who are unemployed. Under current law, military personnel are entitled to only 13 weeks of unemployment compensation if they are unemployed 1 month after separating from service. On the other hand, civilian personnel are entitled to 26 weeks of unemployment compensation if they are unemployed 1 week after job separation. My bill would make the military entitlement the same as the civilian entitlement. Certainly, our people deserve nothing less than that. The provisions of this bill were included in the defense authorization bill for fiscal year 1991 that the Senate passed last year. The provision was part of a transition package to aid military personnel who would be separating because of active duty military strength reductions by the military services over the next 5 years.

Because of jurisdictional concerns raised by the House Ways and Means Committee in our conference on the Defense Authorization Act for fiscal year 1991 last year, this particular provision was not adopted. I believe we have a commitment from the Senate Finance Committee to consider this matter early in this session, and I hope we can get this passed.

This provision is needed even more now because many military personnel who had intended to separate at the end of their service obligation have been involuntarily extended under the stop loss authority implemented by the Department of Defense. I expect that once the stop loss is lifted, there will be a relatively large exodus from the military. Many of these people have lost their prospective employment and will enter the job market at ground zero. I think we need to keep this in mind as we consider this proposal.

Mr. President, that summarizes the contents of the five bills I have introduced. I believe these bills provide for the fair and responsible treatment of our men and women in uniform deployed to the Persian Gulf in Operation Desert Shield. I think it is fair to say that all of them are certainly in harms way over there and that we certainly want to support them fully.

Mr. President, I also hope we can bring a just settlement in the Persian Gulf at this late date without going to war. That is my fervent hope and prayer. But, if we have to go to war, then I think we must do everything we can to make sure our forces prevail at the lowest cost in casualties. I have the highest confidence that our men and women in uniform will prevail if we go to war, they deserve our full support as they stand prepared to do exactly that.

Mr. President, because we introduced this legislation rather rapidly, and because we are not in our regular legislative procedure quite yet, I did not have the opportunity to circulate this to as many people for cosponsorship. I anticipate that a number of Senators will want to cosponsor any or all of these bills that I have introduced, that were introduced on Monday of this week and those that I have spoken about here today.

If any of the offices that may be watching or listening desire more information, please contact my office. We welcome cosponsorships on this legislation. Without exception, the Senate wants to make certain that we do what is right for our people over there and would be happy to cosponsor this legislation, and I welcome such cosponsorship.

Mr. President, just one final note, I have been chagrined, or I have been surprised that the Defense Department did not move more rapidly in these areas, some of which we are addressing by legislation again. I was surprised that in the interest of being completely fair with our people over there, the Defense Department had not opted on their own to make sure that all of these benefits were in place and operating.

We should not have to take committee action unless there is something that is not in legislation with authority for them to act.

I hope that in the interest of dealing fairly with the people over there, the Defense Department would take the initiative to address the benefits that our men and women deserve. That is what we are addressing with this legislation.

So I hope we will have the full support of both the Defense Department and the administration in this endeavor.

We look forward to the cosponsorship of as many Senators that want to be cosponsors. Contact me or my staff, give the office a call and we will be happy to add them as cosponsors.

I give credit to Senator McCAIN whom we worked with on this legislation. He has played a big part in this and I am sure he will have his own statement that he will make on the floor.

I wanted to make certain we would get this out so that as many people as possible can start considering this legislation so we can guarantee early passage when we go back in regular session in a couple of weeks.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALLIES SHOULD PAY COST OF PERSIAN GULF OPERATIONS

Mr. PRESSLER. Mr. President, Senator D'AMATO of New York and I have introduced a resolution that calls upon our President to ask Saudi Arabia to pay the entire costs of Operation Desert Shield from the windfall profits it is making from the sale of oil. Saudi Arabia is making nearly a billion dollars per week extra profit, or about $52 billion per year extra profit on the sale of oil.

This may sound like something that is introduced for purposes of making a point, as opposed to really trying to accomplish something, but I think it can be accomplished.

I recall going to Saudi Arabia last August with a group of Senators and meeting with King Fahd and his brother and his nephew, all of whom occupy the highest positions in the Saudi Arabian Government. They were somewhat startled by the demand of our group that Saudi Arabia pay more of the costs of Operation Desert Shield. That led me to the conclusion that our State Department and our administration are sometimes a bit timid in expressing how strongly the American people feel about getting more help in paying for the military operations in the Persian Gulf. I believe that our diplomats, perhaps the administration, maybe even the Secretary of State, have not forcefully stated to leaders of other countries how strongly the American people feel about the need for our allies—not only Saudi Arabia, but also Kuwait, Japan, Europe, and the other nations of the world—to contribute more to our common effort.

Today I learned that our projected budget deficit could increase to between $300 to $400 billion this year. In this Chamber, next September and October, when we are finalizing the budget, we will find ourselves faced by a much bigger deficit than we had last year. We all remember what a great struggle we had coming to a budget agreement last year and what a spectacle Congress became in the process. Indeed, the size of the budget deficit will be even worse this year.

With that in mind, I urge our President, our Congress and our Government to make renewed demands and requests to Japan, European governments, Saudi Arabia and Kuwait, as well as other nations of the world, for assistance in what Uncle Sam is doing.

It is true that some funds have been paid by these nations, and more have been pledged. The fact of the matter is that our National Guardsmen who have been called to active duty, for example, are losing ground financially. They are working, for the most part, at a lower salary than their civilian salaries. This will create a loss of revenue to the Federal Government. The efforts in the Persian Gulf, however they come out, will be expensive for years to come.

I do not know what will happen. I hope and pray we have peace. I was one of those Senators who voted to give the President the authority he needs to achieve objectives we all agree with, and we are all hoping and praying that negotiations will make war unnecessary. But whether it is necessary or unnecessary, I think that we should renew our efforts on the resolution Senator D'AMATO and I have introduced, and on which we will attempt to get a vote. It is not binding on Saudi Arabia, but it would have our Government ask that they pay the entire cost of the war out of their excess oil profits.

In addition to that, we should undertake stronger efforts along these lines with Japan. I remember standing on the deck of the U.S.S. *Wisconsin* and seeing a Japanese oil tanker go by with free American protection. Our European friends actually have a greater interest in the outcome of this crisis than we in terms of oil supplies.

As we move through this crisis, it is this Senator's view that our administration should make a greater effort to seek foreign contributions.

Let me say that almost every Senator here who holds listening meetings in his home State—and I am sure almost all of us do—will find that our citizens are demanding this action very strongly. I plan to hold some additional listening meetings and town meetings the weekend after this, and I am sure that this will be a topic on many peoples' minds. The American people are willing to do their share but are not willing to do more than their fair share.

Many of our allies have made great fanfare about sending a boat, two boats or three boats to the gulf to observe and report. Let us be clear that some of these ships were already in the Mediterranean or at sea and are now involved in the gulf at little additional cost. We are doing the real thing. We are supplying the fighters, paying the real cost, providing the frontline personnel—and all of this is very expensive and will be expensive for years to come. If we get into a situation where people are injured, there will be veterans' hospital bills to be paid for years to come. Benefits will accrue to the people involved that will be an expense to the taxpayers for years to come. It is not just the immediate incremental budgetary impact. So I think the American taxpayer deserves the break suggested by the D'Amato-Pressler resolution.

I know that our President and his Secretary of State have had to pull together a coalition. I hope we have not made promises of more aid to some countries that have provided assistance to Operation Desert Shield. In short, I hope that next September and October, when we are in this Chamber doing the budget and working to reduce a $320 billion deficit, that we are not told we were not aggressive enough in asking for some financial help from some of our allies around the world who are benefiting so much from our actions.

TRIBUTE TO TERRY MUILENBURG

Mr. HARKIN. Mr. President, whenever a member of my staff moves along, it is quite natural to me to feel both sad and glad. Sad, because as my colleagues are all too aware, a really good member of our official family is not easy to find. Glad, because I want to see my employees stretch their minds, their capacities, and grow. We have all been staff at one time or another.

Having said that, I want to take this opportunity to wish a former member of my Appropriations Subcommittee staff, Terry Muilenburg, all the best as she moves to her new position as staff director of the Connecticut State Office here in Washington, DC. Terry has been a Senate staffer for almost 10 years, beginning and ending her tenure on the Appropriations Labor, Health and Human Services and Education, and Related Agencies Subcommittee, with 4 years in between on the Labor and Human Resources Disability Policy Subcommittee. In all of her capacities, she has focused on health, education, and civil rights issues.

Terry's 10 years in the Senate speak volumes as to her capabilities—she will be sorely missed not only for her competence but her wit and good humor. It is a pleasure to join with her many friends in wishing her all the best in her new position.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

REGARDING SOVIET ACTIONS IN THE BALTIC STATES—SENATE RESOLUTION 14

Mr. BYRD. Mr. President, I am authorized by the majority leader and the minority leader to make the following request. It has been cleared with them both.

Mr. President, I send to the desk a Senate resolution and ask unanimous consent that consideration of the resolution, if granted, have the following condition: That no amendments to the resolution be in order.

I send to the desk a resolution, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title for the information of the Senate.

The legislative clerk read as follows:

A resolution (S. Res. 14) to express the sense of the Senate that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to the consideration of the resolution.

The PRESIDING OFFICER. The unanimous-consent request by the distinguished Senator is agreed to.

Mr. BYRD. Mr. President, I ask that the clerk read the resolution in its entirety.

The PRESIDING OFFICER. The clerk will read the resolution.

The legislative clerk read as follows:

S. RES. 14

Whereas, on January 7, the Soviet Defense Ministry announced the deployment of additional troops to the republics of Lithuania, Latvia, Estonia, Armenia, Georgia, Moldova (formerly Moldavia), and the Ukraine.

Whereas President Gorbachev has threatened to impose direct "presidential rule" on Lithuania in place of the democratically elected Government of Lithuania.

Whereas the peaceful resistance of the Lithuanian people has been met with brutal and violent actions by the Soviet armed forces.

Whereas, on January 11, more than a dozen people were killed and over one hundred injured when Soviet troops stormed and took control of the Lithuanian Republic's radio and television station effectively cutting off the Lithuanian Government's chief means of communication with the Lithuanian people.

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union.

Whereas the United States Government has repeatedly communicated to President Gorbachev that the use of force in the Baltic States could seriously jeopardize United States-Soviet relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

SECTION 1. The President should (i) immediately review all economic benefits provided by the United States Government to the Soviet Union, (ii) expeditiously report to the Congress on whether those benefits should be suspended in light of Soviet actions in the Baltic States, (iii) immediately suspend all ongoing technical exchanges, (iv) consider withdrawing United States support for Soviet membership in the IMF, World Bank, or GATT, and (v) not proceed with the provision of MFN trade treatment until the following events have occurred:

(a) Soviet troops refrain from obstructing the functioning of the democratic governments of Lithuania, Latvia, and Estonia;

(b) The troops that were deployed following the January 7 announcement by the Soviet Defense Ministry are withdrawn;

(c) Soviet authorities cease their interference with the telecommunications, print, and other media in these states;

(d) Good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun;

(e) Concrete assurances are received from President Gorbachev that grain purchased with United States credits will not be used to coerce the Baltic States, or any republic of the Soviet Union, to sign the Union Treaty.

SEC. 2. The United States should consult with and encourage our allies to follow a policy similar to that outlined in section 1.

Mr. BYRD. Mr. President, this is a sense-of-the-Senate resolution, and I submit it on behalf of myself and Senator MITCHELL, Senator DOLE, Senators BRADLEY, LUGAR, SIMON, RIEGLE, NICKLES, HELMS, D'AMATO, MIKULSKI, DECONCINI, GRAHAM, LAUTENBERG, INOUYE, BRYAN, JOHNSTON, LEVIN, MOYNIHAN, SMITH, MCCAIN, RUDMAN, KASTEN, CONRAD, and KENNEDY.

Mr. President, I hope for other cosponsors before the Senate takes action on the resolution.

Mr. President, I rise today to express my outrage and my sadness and my dismay at the bloody crackdown that began over the weekend in Lithuania and now appears to be spreading to Latvia.

Events of the last year and a half had bolstered the hope that the long suffering people of the Baltic nations might finally achieve their freedom and independence, to which they are entitled.

Glasnost and perestroika in the Soviet Union and the emergence of democracy across Eastern Europe fostered a feeling of optimism. Obviously, the fulfillment of that hope and optimism is slipping away from the Baltic peoples.

President Gorbachev has said that he did not order the troops to open fire on the unarmed civilians, but he cannot dodge responsibility so easily.

Over the past months, he has refused to negotiate seriously with the duly elected governments in Lithuania, Latvia, and Estonia.

His government approved the deployment of thousands of Soviet troops under the guise of rounding up draft evaders. He must have known of the well coordinated military occupation, even if he did not approve the use of force. Regardless of who gave the specific order, it is Mr. Gorbachev and the Soviet leadership who must be held responsible for the violence and deaths.

If Mr. Gorbachev was not aware of the planned action in Lithuania, then a more serious question arises as to whether he remains in control of his nation's internal security apparatus. If he did not give the order, has he lost power to the conservative hard liners? If the order did not come from the Kremlin leadership, is the military taking power into its own hands and stepping in to restore order? Whatever the answers are, there is a need to reexamine United States policy toward the Baltic nations and the Soviet Union.

A prophetic Washington Post editorial on April 25, 1990, pointed out that the "danger in the United States' muted response so far is that it is susceptible to being interpreted as acquiescence, encouraging the Soviets to go farther." Developments in the Baltic countries over the past few weeks show that we are now reaping the bitter fruits of that perceived acquiescence. The Soviets deployed thousands of additional troops into the Baltic States with the excuse of looking for draft dodgers. Soviet forces surrounded and occupied Government security buildings, printing operations, and communications facilities. Over the past months the Soviet leadership has refused to conduct good-faith negotiations with the freely elected governments of the Baltic nations, despite promises to do so. As the crisis worsened last week, the Soviet Government declined even to meet with Lithuania's representative in Moscow. Finally, violence erupted in the Lithuanian capital of Vilnius as Soviet troops occupied key installations around the city. Troops have begun to occupy buildings in Riga, the capital of Latvia.

During this escalation, the administration has winked and nodded and looked the other way as the Soviets have engaged in a process of "creeping crackdown" in the Baltic countries.

It is true that the President has publicly condemned the action, but it comes late. Perhaps that was the price for ensuring Soviet cooperation in the Persian Gulf; I do not know for sure. If it was, then it seems to me to have been a poor bargain.

Obviously, the Soviet timing of these latest steps was intended to take advantage of our preoccupation with events in the Middle East. The Soviets had, until now, avoided a Tiananmen Square-type incident, apparently hoping that, without such a focal point, the world's attention would remain focused elsewhere. Indeed our attention has been unavoidably fixed on the crisis in the Persian Gulf, but this blatant use of force to perpetuate the subjugation of the Baltic people must not go without rebuke. It would be a travesty to concentrate so much of our Nation's energy on stopping Iraqi aggression and freeing Kuwait, while ignoring Soviet aggression in the captive Baltic nations.

In many ways, the Soviets are repeating their original illegal occupation of the Baltic States, and repeating more than that. What we have seen on the evening news has been a repetition of the actions that we saw years ago when the Soviets paraded their tanks through the streets of the capitals of Hungary, Czechoslovakia, and other East European countries.

In 1939, the Soviet Union signed mutual nonaggression treaties with each of the Baltic States. These treaties allowed the Soviets to station troops in those countries. The Soviets then claimed that those troops were attacked and used that excuse for sending in reinforcements and cracking down on the existing regimes. Of course, the ultimate outcome was the forced incorporation, which we have never recognized as being legal, of the Baltic States into the Soviet Union.

We have never recognized it. We do not recognize it now. We are now witnessing a second violation of those mutual nonaggression treaties. I fear that the end result will be the same as it was in 1940.

Since the Baltic States reasserted their independence last spring, the United States has sent mixed signals to the Soviet leadership. We have continued to pay lipservice to our longstanding policy of not recognizing the illegal occupation of the Baltic countries of the Soviet Union. At the same time we were engaging in negotiations to widen economic ties and extend trade benefits to the Soviet Union,

I have been in favor of that. I think the hopes of Americans and peoples everywhere have been raised by what we have seen occurring in the Soviet Union over the last couple of years. But now are we to see our hopes dashed by the same king of repression to which we so long became accustomed under the hard liners, under the old regimes?

We must make clear to Mr. Gorbachev where we stand. There should be no confusion in our response to this latest brutal crackdown by the Soviet Union in Lithuania. It is wrong. There is no question about that.

There are 100 Senators who know that. Every man and every woman who graces a desk in this United States Senate knows that is wrong. It is a brutal crackdown. We should have no hesitancy, and should have no compunctions about saying so.

The continuation of repressive policies by the Soviet Union threatens to unravel the progress that our two countries have made in recent years on a broad range of issues. In light of the events of this weekend, I believe that the United States should suspend any trade and economic assistance to the Soviet Union.

As the President has said so often in recent weeks, aggression must not be rewarded. And I hope that 100 voices in this Senate today will by their votes say that, and let it be loud and clear.

Senators MITCHELL, DOLE, other Senators, and I are submitting this resolution that urges the President to review the possibility of such actions and to report to Congress on his decision.

I hope that the Senate will vote unanimously to adopt this position, and make it clear beyond any semblance of doubt that violent solutions to legitimate political controversies are not going to be accepted as business as usual in the new international order.

Mr. President, there are a good many Senators who are away from the Hill today. I will not ask for a rollcall vote. I would much perfer that, if Senators were all in town. But I did not want to ask for a rollcall vote when there would be Senators on both sides of the aisle who would miss that vote. I hope that other Senators will cosponsor this resolution, and that we can by our voices cast our votes and let the message be loud and clear to the Soviet Union. Let the peoples of Latvia, Estonia, and Lithuania hear it, too. I expect they are pretty lonely. And we should not let them think they are forgotten.

Mr. President, I ask unanimous consent that Senator ROCKEFELLER, my colleague from West Virginia, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. President, before the quorum call begins, I ask unanimous consent that Senator DOMENICI, the distinguished senior Senator from New Mexico, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. HARKIN and Mr. EXON be added as cosponsors to the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I commend the distinguished President pro tempore for his resolution calling for a concrete United States response to Soviet violence against the Lithuanian people.

The United States must to register its protest with specific actions.

This resolution calls on the President to suspend bilateral technical exchanges, consider withdrawing support for Soviet membership in international economic organizations, refuse to grant the Soviet Union most-favored-nation status, and possibly take other measures until all newly deployed Soviet troops are withdrawn from the Baltic States, the freely elected Baltic governments regain control of their territory, and good faith negotiations to resolve the issue of Baltic independence have begun.

I am pleased to join in cosponsoring this important measure.

It is appropriate and prudent for the United States Senate to express its clear and unequivocal condemnation for the Soviet military's action against innocent civilians and for its apparent attempt to extinguish Baltic independence.

President Gorbachev and other Soviet officials should harbor no illusions about the serious effect that violence against peaceful demonstrators will have upon relations between our two countries.

Secretary Baker frequently notes that Saddam Hussein repeatedly miscalculated in his actions during the gulf crisis.

Secretary Baker neglected to say that apparent American acquiescence to Iraqi claims against Kuwait may have contributed to the seriousness of Saddam's miscalculation.

I am concerned that if the United States fails to make clear the potential consequences of violent repression by the Soviet military, Soviet officials may mistakenly assume that violence against the Baltic States can go unnoticed in the midst of the current Persian Gulf crisis.

The relationship between the United States and the Soviet Union is too important to permit such a tragic miscalculation.

We owe it to ourselves, the Soviets, and the people of the Baltic States to make plain the seriousness with which the United States views the violent crackdown.

The world cannot ignore the military suppression of the Baltic peoples' peaceful claim to independence.

For five decades, the United States has refused to recognize the forcible incorporation of the Baltic States into the Soviet Union.

For 50 years, the United States has supported the right of the Baltic States to regain their independence.

The United States cannot abandon the courageous people of Lithuania, Latvia and Estonia.

It is therefore appropriate to call upon President Bush to suspend certain United States economic benefits to the Soviet Union until the Soviet military halts its violent intervention in the Baltic States.

Yesterday I called upon President Gorbachev to prevent further violence and return to a peaceful process of negotiating Baltic independence.

Failure to do so will, as this resolution makes clear, have serious consequences for relations between the United States and the Soviet Union.

Mr. BRADLEY. Mr. President, I rise to speak on the Soviet occupation of the Baltics, which is the matter that Senate Resolution 14 concerns.

Mr. President, last month when Eduard Shevardnadze resigned his position as Foreign Minister of the Soviet Union, he did so in a very dramatic statement before his whole country, and he did so by saying that he resigned in large part because he believed, in his words, that "dictatorship was gaining ground" in the Soviet Union.

In the days and weeks that have followed his resignation, one can only say that he knew things that the rest of us did not, because in the weeks since his resignation, the Soviet Union has militarily occupied the Baltic States for the third time in 50 years.

The Baltic States—Lithuania, Latvia, and Estonia—were illegally annexed into the Soviet Union as a result of the Soviet-Nazi treaty of 1939. The United States has never recognized that incorporation, yet the Soviets have continued to occupy those nations for 50 years.

In February of last year in Lithuania, there was an election—the first democratic election in almost 50 years—and a government was elected and took power. Since that time, the Soviet Union has systematically attempted to repress or suppress the governments of Lithuania, Latvia, and Estonia.

In the last several weeks, armored personnel carriers have crossed into Latvia. Paratroopers have landed in Estonia. And, over the weekend, there were many deaths—many more than have thus far been reported—at the hands of Soviet armed forces.

To add insult to bloody injury, on Soviet television on Sunday night, a Stalinist figure—the Interior Minister, Mr. Boris Pugo—went on television to state that those who had been killed in Lithuania were killed in self-defense. That statement was as offensive to the values of common decency we hold in this country as the statement of the Chinese Government in years past that the massacres of students in Tiananmen Square did not happen. We saw those massacres in Tiananmen Square. And last week we saw on our television sets Soviet military officers firing and brutally attacking unarmed civilians in the Baltics.

I was a member of a Senate delegation last April that went to the Soviet Union, and, in a meeting with President Gorbachev, that delegation conveyed to him directly that any use of force in the Baltics would have grave consequences for our bilateral relationship. It was not a subtlety. It was a direct statement of Mr. Gorbachev himself.

The events of the last 2 weeks add a sense of urgency for the Senate to act. Last Saturday morning at 3 a.m., the Senate agreed to a resolution that I submitted, a resolution which called upon Mr. Gorbachev not to use force in the Baltics. Today Senator BYRD, Senator DOLE, and many other Senators have introduced a resolution that calls on the President to immediately review all economic benefits provided by the United States Government to the Soviet Union and to report to Congress on whether those benefits should be suspended in light of Soviet actions toward the Baltic States, to suspend all technical exchanges and consider opposing Soviet membership in the IMF and the World Bank and GATT, until, among other things, good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on self-determination for those states have at least begun.

What is happening in the Senate through, first, the resolution on Saturday morning and, second, the resolution today is that the Senate is expressing itself in increasingly strong tones about the events that have taken place in Lithuania and in Latvia and in Estonia.

Even as we talk, the democratically elected government of Lithuania sits in its parliament buildings surrounded by Soviet military forces. Those legislators in those parliament buildings are risking their own lives to support democratic principles that we have held dear and defined as the essence of America since our founding.

It is imperative that we take action that is even stronger than the action we took with my resolution last Saturday morning, an action that is even stronger than the action contemplated in this resolution, which I hope will be passed overwhelmingly in the Senate today. That is why I hope at some point in the near future we will also consider a resolution that responds to Soviet actions in the Baltics, by saying that the Export-Import Bank may not issue any payment or insurance or guarantee financing exports to the Soviet Union; that the Soviet Union shall not be eligible to receive nondiscriminatory MFN treatment; that the United States would not proceed with any membership of the Soviet Union in GATT or the IMF; and that we oppose any waiver of restrictions of the European Bank for Reconstruction and Development as it pertains to the application of the Soviet Union for membership.

In addition, Mr. President, I believe we should rescind whatever additional authority the President stated in December he would seek to give the Soviet Union in terms of increased agricultural credit.

Those are the range of options and actions that I believe are appropriate at this time. I believe these steps must be taken so that we in the Senate, after having made a very direct statement to President Gorbachev himself, have acted upon what we said: using force in the Baltic would have grave consequences. It is just not possible to pretend that a brutal repression in the Baltic did not take place. We have seen this on television, just as we saw the massacre of the students in Tiananmen Square. Each should equally offend our moral and political principles and each requires us to take action.

So, when the Senate's action today is reported, let no one assume that that is the end. This is a stronger resolution than the resolution that passed on Saturday morning, and there will be stronger resolutions, so the Soviet Union will understand that our values and our action coincide.

It would be a sad irony if, as a result of Soviet support for freeing Kuwait, we would acquiesce in Soviet aggression in a small, illegally annexed country, such as Estonia, Latvia, or Lithuania. We cannot fail to take action.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

CRISIS IN LITHUANIA

Mr. LIEBERMAN. Mr. President, while the world was awaiting the outbreak of war in the Persian Gulf this weekend, hostilities broke out in the Baltic States. The Soviet Union sent its Army to crush the people of Lithuania—in some cases literally to crush to death Lithuanians lying down in the streets in peaceful protest. Soviet soldiers have killed 14 civilians so far, including a woman in a wedding dress. Latvia and Estonia will probably be next.

The Soviets apparently believe that with the eyes of the world riveted on the Persian Gulf, they can mount military coups in the Baltic States without major repercussions. The Soviet leaders are assuming that the world community can only handle one crisis at a time. This resolution will help to show them that they are wrong.

I urge the administration to join the Congress in showing the Soviets that there will be no business as usual as long as repression continues. Specifically, we should suspend agricultural credits immediately. Our agricultural sale should be restricted to the freely elected governments of the Soviet Union. These are the republics and some of the major cities, which are now the lonely centers of liberty among the growing conservative forces.

I also believe that the President should postpone his summit meeting with President Gorbachev until the current wave of repression stops. This is no time to meet with a leader who is either supporting military repression or who is incapable of preventing it.

When the Baltic States courageously assumed their independence last March, I urged the administration to grant official and immediate recognition to the new democratic Baltic governments. Specifically, I favored upgrading the existing Baltic Diplomatic missions in the United States from legations to fullfledged embassies and appointing a U.S. ambassador to each republic. These moves would be even more important today. They would express our solidarity with the Baltic peoples at a time when they may well feel that they have been abandoned by the West.

Unless we react strongly to this wave of repression, we will send a signal to the growing conservative forces in the Soviet Union that we are indifferent not only to the Baltics' fate, but to the fate of glasnost and perestroika in general. Unless they are put on notice that repression is unacceptable, they will continue to eat away at the freely elected governments throughout the Soviet Union.

Mr. President, the principle that the Soviets are attempting to crush in the Baltics—the right of small states to independence—is exactly what the world community is trying to ensure in the Persian Gulf. Fifty-one years ago, Stalin invaded the Baltic States as part of a secret pact with Nazi Germany, and the whole world stood by. Today, we must not stand by. We must mount a determined diplomatic effort to ensure that the repression of the Baltics ends.

The fate of small, weak nations is not a new subject. Many leaders have spoken eloquently about it, including President John Kennedy. It was nearly 28 years ago that he delivered a magnificant speech on this subject in Dublin:

> No nation, large or small, can be indifferent to the fate of others near or far * * * it matters not how small a nation is that seeks world peace and freedom * * * for the humblest nation of all the world, "when clad in the armor of a righteous cause, is stronger than all the hosts of error."

Those words ring as true today, whether it be in the gulf or the Baltics.

In another speech, perhaps the most dramatic of his career, President Kennedy went to Berlin shortly after the construction of the wall in 1961 to declare that he was a Berliner. Today we must not allow the Berlin Wall to be replaced by a wall around the Baltics. For Lithuania and the rest of the Baltic States belong to the vision of a free Europe just as much as the newly liberated peoples of Poland, Hungary, and Czechoslovakia.

The fate of the Baltic was also a central element in another famous speech in which Winston Churchill mentioned the Iron Curtain for the first time, in 1946. That Iron Curtain now has fallen in Eastern Europe, but we cannot allow it to go up again around the Baltics. This curtain, these walls, must come down if the cold war is to be truly over. Europe will not be entirely free until the Baltics have recovered the independence that was taken from them.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I first of all commend the distinguished chairman of the Appropriations Committee, the President pro tempore of the Senate, for originating this particular resolution and commend the respective leaders, the majority leader, Senator MITCHELL, and minority leader, Senator DOLE, for their support of this resolution that is now before the Senate. I am delighted, Mr. President, to be a cosponsor of this resolution.

It was just 4 days ago that I spoke in this Chamber on the situation in the Baltic States. Since that time, of course, dramatic events have occurred, especially in Vilnius, Lithuania. President Gorbachev, as we now know, has either acted or acquiesced to military action by his military leaders in direct contrast, I would note, Mr. President, to the words which stand behind his Nobel Peace Prize. I say that regretfully. Mr. President, we Americans are an optimistic people by nature, I think, who prefer to deal in good faith with almost everyone we come in contact with. Maybe somewhat naively we are ready to assume the best of almost every foreign leader.

And if we err, Mr. President, in our judgment of others it is because we are anxious I think to attribute rationality, humanity, a dedication of progress to others.

We, Mr. President, try to protect the values that generally motivate Americans into other foreign leaders. But from time to time, we are disappointed when a leader who has given the world so much to hope for and so much to be hopeful about acts in a ruthless fashion. Mr. President, there is no other conclusion one can draw, and make no mistake about it, the events and actions in Lithuania, and the threats that are occurring in Estonia and Latvia, what has occurred at the hands of the Soviet Union and its leaders in the last several days has been ruthless.

Do not misunderstand me, Mr. President, what has happened in the Soviet Union during the past 5 years is still historic and breathtaking by any account, but so is the reversal of the past 5 days in the Baltic States. What it teaches us regrettably, Mr. President, is to try and rid ourselves of some of our illusions and start to follow events in the Soviet Union in a more hardheaded fashion. The transformation the Soviet Union must undergo was never really expected to be as smooth as many wanted it. After last Sunday when Soviet tanks squashed unarmed civilians in Vilnius, we learned how far the Soviet Union has yet to travel on the road to democracy and freedom.

The inane assertions that the Lithuanians started it all, the suddenly emerging, as we see, Moscow stooges masquerading as "national salvation committees," the whole web, Mr. President, of pitiful lies causes me to wonder if, in fact, there has really been the fundamental change that we had hoped for in Moscow.

Four days ago, I stated that the Soviet reform process had reached a crossroads where the room for further marginal steps had been exhausted and the only remaining alternatives would be either a bold step ahead, or restoration. Mr. Gorbachev seems to have made his choice, at least that is what it appears to be today, and in carrying it out, he relies on the methods he learned from his former mentors, Mr. Andropov and Mr. Suslov.

While in many ways, we recall the tragic events in Hungary, Czechoslovakia, and Afghanistan, one aspect is certainly different: Those invasions were the reactions of a Soviet power that was still robust and potent for the time being. Today's Soviet power is that of a dying brute, lashing out for the last time to delay the inevitable. There is nothing that can save the Soviet Union as we know it, the least of all this shameful attack on the Baltic nations.

Lithuania is not alone. Hungary was alone in 1956. The idea of independence has permeated every constitutent republic. Even the elected President of the Russian republic, Boris Yeltsin, is a strong critic of the invasion, and on Saturday rushed to Estonia to courageously delare solidarity with the Baltic States and endorse their independence. It was held for many years that the major ingredient of Soviet expansionism had been Russian nationalism. One has to ask the intriguing question: What would be Soviet power without Russia?

The fact that the dying Soviet power singled out Lithuania to create a precedent to intimidate all other republics' independence movement lends further infamy to the Kremlin decision. First, the Baltic States' independence was crushed barely 50 years ago as a result of the Molotov-Ribbentrop Pact. This makes their occupation even more illegitimate and outrageous than those of other peoples under Soviet control, that is if we can establish degrees of legitimacy in this matter at all. Moreover, no other republic went about regaining its independence in the same disciplined and cultured fashion as did the Baltic nations. Many other republics are ravaged by internal ethnic conflicts, bloody rivalries regardless of the problems of Soviet domination. But if what happened in the Baltics in the past few years is a revolution, then that was the most gentle, most civilized, most humane, most disciplined revolution mankind has ever known.

Finally, Mr. President, there is one other aspect in this crisis where history must not repeat itself and that is our reaction to this outrage. We must not allow the Hungary-Suez parallel of 1956 to replay itself. I do not know how much our preoccupation with the gulf events has enterd Mr. Gorbachev's calculations, but I have no doubt that he tries, or is trying to take advantage of it. Let us provide him with another entry: sanctions. He has made his choice, let us make ours. Most of us were ready to support a reforming and liberalizing Soviet Union to a significant extent. We started to provide generous food credits and considered several other forms of assistance. We, however, want to help Mr. Gorbachev only in one direction, and that ought to be abundantly clear, and that is forward.

Now that he has switched into reverse, so shall we switch, in my view, into reverse with our assistance. No American credits, no favors, to bail out a rotting system that reverts to its old brutal self. Those inspiring, intelligent, courageous Estonians, Latvians, and Lithuanians deserve no less from us, Mr. President.

Again, Mr. President, like my colleague from New Jersey and others, I urge the overwhelming adoption of this resolution. Maybe, just maybe, Mr. President, this resolution, while it is nothing more than a series of words, does bespeak of some actions I hope we will be prepared to take in sending a message before more blood is shed and before more steps are taken that could reverse the tremendous effort that the Baltic nations have made in the last several years to achieve their democratic independence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that I might be added as a cosponsor to the pending resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, although we are understandably preoccupied with Persian Gulf crisis, we cannot ignore the reality of events in the Baltic Republics. The introduction of paratroops to the region and their use of lethal force deeply concerns and disturbs us all.

We in this body, and across the country, have a responsibility to raise our voices in protest of Moscow's escalating efforts to strangle the people of the Baltics. Even though our attention in focused on the gulf, we must remind President Gorbachev that his timing will never be good for this kind of violent crackdown. We are watching, Mr. Gorbachev, and we do care.

President Gorbachev must be reminded of our deep desire that the question of independence for the Baltic and other republics be resolved by peaceful, negotiated means.

The killings of some 14 unarmed civilians, coupled with the seizure of broadcast and other media facilities, and the possible seizure and dissolution of the freely elected Baltic parliaments represents a serious escalation in the level of violence, tension, and instability in the region.

The threat that President Gorbachev will impose direct Presidential rule over the republics is real and it is disturbing. The whole series of recent events calls directly into question Gorbachev's commitment to perestroika and glasnost. We acknowledge he has a difficult task.

He has secured enormous strides forward in opening up his country, improving democratization and individual liberties. And, correctly, the United States has been supportive and encouraging of these important advances.

However, Mr. Gorbachev risks losing all he has gained if this trend toward violent repression continues to escalate. If Mr. Gorbachev takes too many steps backward, it becomes increasingly difficult for him and his country to resume their forward progress.

Mr. President, given events in recent days and weeks, this Senator believes it is essential that the United States seriously review its policies toward the Soviet Union. This review must encompass the full range of United States-Soviet relations—diplomatic, economic, political, arms control, and all other aspects of our relations. I urge President Bush to evaluate closely U.S. interests in this context as he considers the appropriate response.

There have been suggestions that President Bush consider postponing or canceling the upcoming summit meeting with President Gorbachev in protest over events in the Baltics. I do not believe that is appropriate. President Bush should use the opportunity of a summit to express directly and assertively to Gorbachev the deep concern we feel on this matter. The summit would also provide an important forum for President Bush to make clear to Gorbachev the consequences that continued violence has for United States-Soviet relations.

Mr. President, these are difficult times for us all. We are anxious and uneasy about the standoff in the Persian Gulf. But we cannot permit our preoccupation with the gulf to blind us to the rest of the world, and especially now, to events in the Baltics. We are clearly at a turning point in the Middle East and we may well be approaching a moment of important decision vis-a-vis the Soviet Union as well.

I thank the Chair. I yield the floor.

Mr. McCAIN. Mr. President, the Soviet tanks that are today brutally defining the limits of glasnost and perestroika in the Baltic States, may ultimately crush beneath their treads humanity's aspirations for a new world order based on respect for the sovereignty of nations and the rights of man. Indeed, progress toward a world of free, independent nations at peace with one another may be more significantly reversed by the Kremlin's cruel repression of Lithuania than by Saddam Hussein's aggression in the Persian Gulf.

Even in the headiest days of liberalization in the Soviet Union and liberation in Eastern Europe, one could always sense the Kremlin's apprehension over the dynamics unleashed by Soviet reform policies. Yet, with each new advance of freedom within what once was called the Soviet Empire, the West had increasingly come to expect Moscow's toleration of rising nationalism and political instability as the inevitable early consequences of reform and modernization. We had come to hope that an enlightened Soviet leadership would endure the changes necessary to resuscitate their society and to become a responsible member of the international community. I fear that we may have let our hopes confound the lessons of experience.

In the historical drama now unfolding in Lithuania there are enough parallels to historical Soviet aggression to discourage even the most determined optimist. In 1956, the Soviets exploited the world's preoccupation with the Suez crisis to use the occasion to begin their bloody suppression of Hungarian freedom. In 1968, Vietnam absorbed the attention of the West, while Soviet tanks rolled into Prague to make plain

Moscow's contempt for even limited political reform within its empire.

Now, as Mikhail Gorbachev, or whatever authority presently governs the Soviet Union, commands Lithuania's submission to Soviet central authority, "old thinking" appears to be ascendant in Kremlin councils. To rationalize their tyranny, the Soviets present a familiar face to the West. Dour Kremlin ministers excuse their actions with time worn, specious arguments and despicable calumny. To restore order; in fraternal solidarity with the Lithuanian people; an effort to protect public safety—these are the lies upon which Soviet tyranny is again supported.

With 14 dead and counting in the siege of Vilnius, Gorbachev claims he is innocent of directing this crime. His protestations would ring truer were he to respond to the tragedy with anything other than criticism for the leaders of Lithuania's democratically elected government. Let him make clear his innocence by putting an end to this carnage and this tyranny now. Let him make clear his commitment to glasnost and perestroika by recognizing the Baltic States' right to self-determination.

It is the responsibility of the United States and the rest of the free world to make clear to the Soviets what they have risked in their resort to familiar practices of violent repression. The Soviet Union's status as a responsible member of the international community; the prospects for Soviet economic modernization; the termination of cold war hostilities—all are risked by this reckless return to the Brezhnev doctrine.

Clearly, Mr. President, the demise of "new thinking" in the Soviet Union should chill the sunny optimism of advocates for a build down of American defenses. The United States can ill afford to rely on Soviet promises of nonaggression while the resort to force in the Baltics is blamed on the political ascendancy of the Soviet military.

Like the leaders of Russia's former colonies in Eastern Europe, like some Russian leaders, and like the brave citizens of the Baltic States themselves, the United States must be outspoken in our condemnation of the attack on Lithuania. President Bush has firmly denounced Moscow's actions. Now is the time to emphatically state the costs that the Soviets will incur by continuing this aggression.

The disbursement of $1 billion in agricultural commodity credit guarantees should be halted, especially in light of Moscow's threat to withhold U.S. grain from areas that did not cooperate with the Kremlin. Neither should U.S. Export-Import Bank coverage and credit guarantees, nor U.S. assistance in securing associate membership status in the International Monetary Fund and the World Bank be provided the Soviets until they cease using force to impose their control over the Baltics.

Mr. President, we should also make clear to the Kremlin leaders that our trust in their good faith is so seriously undermined by their aggression in the Baltics that we cannot consider jeopardizing Western security by providing technical assistance to the strategic Soviet energy sector or liberalizing technology transfers. Of course, a Strategic Arms Limitation Treaty would be a certain casualty to a sustained Soviet attack on the sovereignty of the Baltic States.

The United States should not restrain our opposition to that attack out of desire for Soviet cooperation in the Persian Gulf crisis. We should not expect Lithuania to forbear claiming her freedom until we restore freedom to Kuwait. Lithuania should not care if her declaration of independence is considered impolitic or inopportune by the governments of other nations. Lithuania need not schedule the restoration of her freedom to serve the political, diplomatic or security purposes of other nations. Why should she?

If the United States had been occupied by a foreign power for 50 years would we be restrained in our efforts to regain our sovereignty? Would we defer to the objections of other nations or of the occupying power once we had recognized our opportunity to be free? No, Americans would seize that opportunity the moment we glimpsed it, and no counsel for patience, no argument for caution, no dire warning, no power on earth would deter us.

Mr. President, let us commend Lithuanians for the courage they have shown. Let us pray for their deliverance from this aggression. Freedom is for the brave. Let brave Lithuania have hers.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I am pleased to join Senator BYRD in offering this resolution.

I suspect that I speak for both of us in saying: I wish we could do more than this resolution—I know he has been working hard on that side of the aisle to produce a resolution that would exert even more directly the economic leverage that we have over Moscow. I commend him for his efforts.

But Senator BYRD and I share this view: We must do something, now.

We must let the Soviet Union know, now, that the Congress will not tolerate an old order reaction in the Baltics—even while our main attention is focused on a new order test of resolve in the Persian Gulf.

We will not tolerate unknown and unnamed Kremlin apparat implementing a neo-Stalinist crackdown in the Baltics—while we practice business as usual with Gorbachev in Moscow.

Mr. President, in launching its crackdown in the Baltics, I'm sure the Kremlin has banked on the fact that all eyes are focused on the Persian Gulf. I'm sure the Kremlin has reasoned that—with so much on the line in the gulf—we will not be inclined to rock the boat in United States-Soviet relations.

Mr. President, let no one misread where America stands, either in the Persian Gulf or in the Baltics.

There may be a line in the sand in Saudi Arabia—but there is no line which divides the principles at issue in the gulf, and in the Baltics. Indeed, there is a line of reasoning, or principle, which brings them together.

For what is on the line in the gulf is whether America will tolerate the brutal repression by a powerful and ruthless nation against a small and defenseless neighbor.

And what is on the line in the Baltics is, on the bottom line, exactly the same thing.

Explicitly and implicitly, we have struck a deal with Moscow.

We have agreed to a new structure of United States-Soviet relations not because we think Gorbachev is a great guy, but because we have perceived—and have been led to believe—that there is a new character to Soviet policies, at home and abroad. Those new relations serve American interests, and the interests of international stability and peace. We have come to believe that the Soviet power structure—not out of some new-born altruism, but the same old self-interest that guides all nations—has come to understand that it cannot prosper, or perhaps even survive, by pursuing the old order, Stalinist style of politics and policies.

Our fundamental commitment is not to Gorbachev—but to the reformist policies he has been espousing and implementing.

If he turns his back on those policies—the deal is off. That is the simple and strong message of this resolution.

Mr. President, President Gorbachev cannot construct a bubble around the Soviet Union and the Baltics, and—inside that bubble—cannot turn back the clock to the era of Stalin; and somehow think that will not affect United States-Soviet relations. It won't work in the Baltics. It will not wash in the Congress.

Mr. President, I urge that we send that message, strong and clear, to Moscow—by passing this resolution.

Mr. President, I indicated in December we ought to review what we are doing with the Soviet Union because of their actions, or at that point not actions but threats and more recently actions with 15 Lithuanians killed. I have said that we should suspend export credits. That is not the universal position in the State of Kansas which exports a lot of grain. But as I said before, farmers are not blood merchants and farmers understand human rights and human rights abuses and they understand that hopefully this signal will correct some of these problems. If Mr. Gorbachev did not know and if he now takes action to find out who perpetrated the acts of brutality and does not attempt to destroy democracy, then we will have made some progress.

Whether or not this resolution will have a direct impact, no one knows. But at least it is a strong bipartisan statement from the Senate which I believe will have an impact.

It is important that our friends and our allies and others who have offered credits and trade and other benefits to the Soviet Union do the same as we do. Otherwise, our producers are going to lose and their producers are going to gain. I think that is the one area that does properly concern American producers.

But morally we are on the right side, and I hope that our allies and the others will follow us in at least reviewing their credits and, if necessary, suspending credits until such time as the actions taken in this resolution have been complied with.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I merely wish to restate what I have said on this Senate floor on previous occasions during the past few days.

The consequences of the course of action now being pursued by the Soviet leadership are grave as they affect United States-Soviet relations. From time to time, those who are so affected by changes in U.S. policy contend that they were not aware in advance of what those consequences would be. There has been a great deal of debate and discussion, for example, about the events immediately preceding Iraq's invasion of Kuwait and whether or not that had any effect upon the invasion, the debate in the Senate, the position taken by the administration with respect to that debate on sanctions just prior to the invasion, and the now famous and controversial meeting between the United States Ambassador to Iraq and Saddam Hussein between the time of that debate and the invasion.

Whatever occurred there, this resolution following the one last week ought to make absolutely clear, and not subject to any misinterpretation by the Soviet leadership, that pursuing the current course of crackdown and repression in the Baltic States will have great consequences. No one will later be able to argue they did not understand what the consequences were. That is one reason and important reason for this resolution. Another is, of course, the reaffirmation of the principles in which we believe, by which we live, and which we advocate throughout the world.

So, Mr. President, I am pleased to join with our colleagues. I commend the distinguished chairman of the Appropriations Committee, Senator BYRD, for his leadership in this effort, as well as the distinguished Republican leader.

Mr. President, I ask unanimous consent that Senators DASCHLE and DIXON be added as cosponsors to the resolution.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, that will be the order.

It appears to the Chair that there are no further Senators seeking recognition.

Mr. MITCHELL. I ask unanimous consent that Senator AKAKA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, that will be the order.

The question is on agreeing to the resolution.

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 14

Whereas on January 7, the Soviet Defense Ministry announced the deployment of additional troops to the republics of Lithuania, Latvia, Estonia, Armenia, Georgia, Moldova (formerly Moldavia) and the Ukraine.

Whereas President Gorbachev has threatened to impose direct "presidential rule" on Lithuania in place of the democratically elected Government of Lithuania.

Whereas the peaceful resistance of the Lithuanian people has been met with brutal and violent actions by the Soviet armed forces.

Whereas on January 11, more than a dozen people were killed and over one hundred injured when Soviet troops stormed and took control of the Lithuanian Republic's radio and television station effectively cutting off the Lithuanian Government's chief means of communication with the Lithuanian people.

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union.

Whereas the United States Government has repeatedly communicated to President Gorbachev that the use of force in the Baltic States could seriously jeopardize United States-Soviet relations: Now, therefore, to it

Resolved, That it is the Sense of the Senate that,

SECTION 1. The President should (i) immediaely review all economic benefits provided by the United States Government to the Soviet Union, (ii) expeditiously report to the Congress on whether those benefits should be suspended in light of Soviet actions in the Baltic States, (iii) immediately suspend all ongoing technical exchanges, (iv) consider withdrawing United States support for Soviet membership in the IMF, World Bank or GATT, and (v) not proceed with the provision of MFN trade treatment until the following events have occurred:

(a) Soviet troops refrain from obstructing the functioning of the democratic governments of Lithuania, Latvia, and Estonia;

(b) The troops that were deployed following the January 7 announcement by the Soviet Defense Ministry are withdrawn;

(c) Soviet authorities cease their interference with the telecommunications, print, and other media in these states:

(d) Good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun;

(e) Concrete assurances are received from President Gorbachev that grain purchased with United States credits will not be used to coerce the Baltic States, or any republic of the Soviet Union, to sign the Union Treaty.

SEC. 2. The United States should consult with and encourage our allies to follow a policy similar to that outlined in section 1.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BALTIC CRISIS

Mr. DECONCINI. Mr. President, on May 11, 1940, the New York Herald Tribune announced that Hitler had invaded France—a small item on the bottom of the page noted that Red army troops had marched into the independent Baltic States.

Today, while the world's attention is turned to the crisis in Iraq, the Soviet Union is cynically taking advantage of the situation to crack down on Lithuania. This action is reminiscent of the Soviet Union of the cold war—of a Soviet Union which crushed Hungary while the United States and the West were preoccupied with the Suez Canal crisis—of a Soviet Union which snuffed out the Prague spring while the United States was consumed with the Vietnam conflict.

It is difficult to accept Mr. Gorbachev's excuse that he did not order the military action of the weekend. If this is so, we have to ask why he sent troops there in the first place. We have to ask why he has not yet condemned the action. We have to ask why he has not taken immediate steps to withdraw his troops and why they have taken over yet another Lithuanian Government building.

Mr. President, regrettably we also have to ask why it has taken the administration so long to react to Gorbachev's growing hardline position with respect to the Baltics. I am encouraged, however, that the President is finally speaking out forcefully.

I understand the President is reconsidering the summit. Several days ago, I wrote to President Bush to postpone the summit and to advise Mr. Gorbachev that United States-Soviet relations will not proceed on a business-as-usual course.

The Helsinki Commission, which I cochair with Congressman STENY HOYER, has written to the President asking that he take immediate steps to repeal the ill-timed partial waiver of the Jackson-Vanik amendment. I also believe that we should cancel the extension of any commercial and commodity credits. On January 9, the Soviet Union began drawing on our agricultural credits by placing orders of $800 million for soybeans and corn.

I call on the President to immediately revoke these credits and to let Mr. Gorbachev know loudly and clearly that there will be no improvement in our economic relations while he is flagrantly violating the human rights of his own people.

The Helsinki Commission has also recommended to the President that a high level, bipartisan mission from both the executive and congressional branches be immediately dispatched to the Baltics to assure them of our support.

Further, we are urging the President to instruct our United States delegations to raise this issue in the strongest possible terms at the meetings of the Conference on Security and Cooperation in Europe [CSCE] currently being held in Vienna, Austria, and Valletta, Malta. CSCE mechanisms designed to create dialogs on unusual military and human rights activities should be activated immediately.

Mr. President, Mr. Gorbachev was recently awarded the Nobel Peace prize for his leadership in reversing the cold war and setting the forces of democracy in motion in the Soviet Union and Eastern Europe. It is ironic, however, that while he has allowed the peoples of Eastern Europe to find their own way back to democracy he does not seem to be able to let the citizens of the Soviet Union and the Baltic States do the same.

It is time for the United States to stop paying lip service to our policy on nonrecognition and take a principled stand with respect to the Baltics. Lithuania, which held the first free and multiparty elections under Soviet power, moved quickly in March 1990 to declare the independence of its country. Mistakenly, as it turned out and, in my view, to the shame of the West, the Lithuanians believed that their action would be followed by support and recognition from at least the United States. Before any more blood is shed, now is the time for the United States to recognize, at long last, the independence of the Baltics.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The Senator from Rhode Island.

THE KILLING OF U.S. SOLDIERS IN EL SALVADOR UNDERLINES THE NECESSITY OF BRINGING AN END TO THE CIVIL WAR, NOT CONTINUING IT

Mr. PELL. Mr. President, while I deplore the tragic deaths of three United States servicemen in El Salvador, with the reported evidence that two of the deaths were murders and were the result of deliberate wounds to the head by FMLN guerrillas, I also believe that the incident underlines that we must continue to follow the policy that the Congress overwhelmingly approved last fall and work for an end to the civil war. We must not let this horrible act deter us from supporting the peace process and from working for the improvement of the political and social justice system in El Salvador.

Indications are that the administration, fueled by this incident as well as by recent FMLN military activity, is preparing to formally call for the resumption of the military assistance that was withheld as a result of congressional action a few months ago. The release of these funds will not, I believe, serve the cause of peace. Likewise, to the FMLN, I say that their recent actions, especially the heinous crime committed by their fighters, has damaged their own cause and certainly damaged the chances for peace. The FMLN should demonstrate its commitment to peace by bringing to justice and severely punishing those who were involved in the murder of the American soldiers.

This terrible deed has overshadowed the fact that the peace talks are continuing in Mexico City under U.N. auspisces. Providing the rest of the military aid will undermine the peace process and send the wrong signal to the Salvadoran military. It will undo the support that we in the Congress have given to those in El Salvador who want to bring real peace and justice to the Salvadoran people.

In the face of this crime, I am distressed also by the setback in the Jesuit case given the resignation of the two principal prosecuters because of interference from the Attorney General's office. We surely should not be releasing the funds in light of the problems that still persist in the resolution of the case of the murders of the priests.

The recent fighting and the tragic killing of the American soldiers should serve to invigorate our efforts to support the process which will end the bloody civil war. The military aid in question should not be restored.

I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,132d day that Terry Anderson has been held captive in Lebanon.

On Sunday, Parade magazine featured an ABC television movie, "Held Hostage: The Sis and Jerry Levin Story." Michael Ryan writes of the Levins' remarkable courage. Of their commitment to communication and mutual understanding. Of their commitment to bringing the other hostages home.

Mr. President, I ask unanimous consent that an excerpt "Lest We Forget," from the above mentioned article, be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From Parade Magazine, Jan. 13, 1991]

LEST WE FORGET

The joy that Americans felt when Jerry Levin escaped from captivity was repeated last year, when hostages Frank Reed and Robert Polhill were freed after years of imprisonment in Lebanon. But for six American families—as well as for families in England, Italy and Germany—the agony of waiting still goes on. These are the Americans still being held as hostages in Lebanon:

TERRY ANDERSON

On March 16, 1985, the Associated Press bureau chief in Beirut was taken captive by the Islamic Jihad, a radical group that threatened to keep him until some Arabs imprisoned for terrorism in Kuwait were released. They recently made new demands. Anderson, now 43, has been held prisoner longer than any other Westerner, despite vigorous public efforts by his sister, Peggy Say, and several journalists' groups.

THOMAS SUTHERLAND

The Dean of Agriculture at the American University of Beirut was taken on June 9, 1985, while driving from the Beirut airport to the university. Sutherland, 59, was born in Scotland but lived with his family in Fort Collins, Colo. He reportedly is being held with Anderson.

JOSEPH CICIPPIO

An accountant from Pennsylvania, Cicippio, now 60, was the acting comptroller of the American University of Beirut when kidnapped from his campus apartment on Sept. 12, 1986. The stress of his captivity has hung heavily on his family: Last fall, Cicippio's 35-year-old son—who had made public pleas for his father's freedom—succumbed to a sudden heart attack.

EDWARD TRACY

The 59-year-old book salesman and children's book author from Vermont was abducted Oct 21, 1986. The Revolutionary Justice Organization—one of many groups responsible for hostage-takings in Beirut—claims to be holding him.

ALANN STEEN

Now 51, this journalism professor at Beirut University College was kidnapped Jan. 24, 1987, by the Islamic Jihad for the Liberation of Palestine. Captivity did not break his spirit, at least at first. He made an escape attempt that almost succeeded—then local residents turned him in to his kidnappers.

JESSE TURNER

The 43-year-old mathematician from Beirut University College was taken on the same day as Steen. They reportedly are held together. His 3-year-old daughter, Joanne, lives with Turner's wife at his mother's home in Boise, Idaho. She has never seen her father—although he may have seen her last

October at a children's party which was videotaped and broadcast in Lebanon.

MESSAGES FROM THE HOUSE

At 1:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 4 of Public Law 100-494, the Speaker appoints Mr. Alexander to the U.S. Alternative Fuels Councils on the part of the House; and the minority leader appoints Mr. Lewis of California to the aforesaid Council.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD (for himself and Mr. BINGAMAN):

S. 220. A bill to establish a research and demonstration program to promote cofiring of natural gas and coal in certain boilers and to provide Federal funding to carry out the program; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself and Mr. MCCAIN):

S. 221. A bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a saving program for members of the Armed Forces assigned for permanent duty outside the United States; to the Committee on Armed Services.

By Mr. GRAMM (for himself, Mr. THURMOND, and Mr. BENTSEN):

S. 222. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make grants (in conjunction with the Secretary of Defense) for the establishment of research centers at qualifying medical schools to carry out medical research in areas of interest to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MCCONNELL:

S. 223. A bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes; to the Committee on Labor and Human Resources.

S. 224. A bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 225. A bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, VA; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 226. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

S. 227. A bill to amend title VIII of the Public Health Service Act to establish a scholarship program to enable professional nurses to obtain advanced degrees in professions related to the practice of nursing, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAMM:

S.J. Res. 41. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. KERRY, Mr. DECONCINI, and Mr. WALLOP):

S.J. Res. 42. Joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia; to the Committee on Foreign Relations.

By Mr. THURMOND:

S.J. Res. 43. Joint resolution to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. DODD, Mr. BRADLEY, Mr. LUGAR, Mr. SIMON, Mr. RIEGLE, Mr. NICKLES, Mr. HELMS, Mr. D'AMATO, Ms. MIKULSKI, Mr. DECONCINI, Mr. GRAHAM, Mr. LAUTENBERG, Mr. INOUYE, Mr. BRYAN, Mr. JOHNSTON, Mr. LEVIN, Mr. MOYNIHAN, Mr. SMITH, Mr. MCCAIN, Mr. RUDMAN, Mr. KASTEN, Mr. CONRAD, Mr. ROCKEFELLER, Mr. WARNER, Mr. EXON, Mr. DOMENICI, Mr. HARKIN, Mr. MACK, Mr. MURKOWSKI, Mr. COATS, Mr. SPECTER, Mr. DASCHLE, Mr. DIXON, Mr. SARBANES, Mr. WIRTH, Mr. GORE, Mr. KOHL, Mr. BREAUX, Mr. REID, Mr. KERRY, Mr. ROBB, Mr. COHEN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. DURENBERGER, and Mr. AKAKA):

S. Res. 14. Resolution to express the sense of the Senate that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States; considered and agreed to.

By Mr. HARKIN (for himself, Mr. HATFIELD, Mr. WIRTH, Mr. KENNEDY, and Mr. WELLSTONE):

S. Con. Res. 1. Concurrent resolution expressing the sense of the Congress regarding policy on underground nuclear explosions; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD (for himself and Mr. BINGAMAN):

S. 220. A bill to establish a research and demonstration program to promote cofiring of natural gas and coal in certain boilers and to provide Federal funding to carry out the programs; to the Committee on Energy and Natural Resources.

COFIRING PROMOTION ACT

Mr. FORD. Mr. President, on behalf of Senator BINGAMAN and myself, I am pleased to introduce the Cofiring Promotion Act of 1991, legislation which I believe will make a major contribution toward alleviating an important environmental concern while at the same time preserving the jobs of coal miners in my State and elsewhere in the coal fields.

What we are talking about is establishing a meaningful research and development program to promote the simultaneous combustion, or cofiring, of two of our country's greatest fuel resources—coal and natural gas.

Although some cofiring research has taken place as part of the Department of Energy's clean coal technology program, a much more focused effort should be made by the Government and the private sector as early as possible. It is time to step up the research and provide the incentives to get this technology into the market place.

Mr. President, cofiring is a modest portion of the current DOE clean coal technology program. In fact, five projects have been selected for DOE funding, one each in Ohio and Indiana and three in Illinois, to test various methods of cofiring natural gas with coal in different types of utility boilers. This technology combines the clean burning characteristics of natural gas with the attractive economics of existing base load coal powerplants. For certain types of boilers, combined coal-natural gas technologies may be the only practical method of achieving substantial sulfur dioxide [SO_2] and nitrogen oxide [NO_x] reductions.

What we need to do is expand and emphasize this program. This legislation will accomplish this result.

Without being too technical, the cofiring of natural gas with coal can be divided into three separate categories: First, basic cofiring; second, natural gas reburn; and third, reburn with sorbent injection. Let me briefly describe each technology and its benefits.

First, simple cofiring of natural gas with coal involves the injection of gas into the boiler to provide a fraction of its total heat input. Originally, it was thought that this technique would reduce the amount of SO_2 and NO_x, emissions in the same proportion that gas was used in the boiler. However, recent experience with Duquesne Light Co.'s Cheswick power station in Pennsylvania found that even greater than proportional reductions of SO_2 occurred. That test, which involved a 570 megawatt tangentially-fired boiler, found that cofiring 1 to 3 percent gas could obtain SO_2 reductions of approximately 3 to 10 percent. Similarly, 6 to 12 percent gas cofiring could reduce NO_x by 10 to 15 percent.

Second, reburn technology is aimed at reducing powerplant NO_x emissions. It also involved using gas as a small portion of the boiler fuel, but unlike basic cofiring, reburn technology involves injecting that fuel into a zone beyond the primary combustion zone to create a natural gas rich reburn zone. Over-fire air is added in the final burnout zone to complete the overall combustion process. In this reburn zone, much of the NO_x present is converted to elemental nitrogen. Pilot tests indicate that a majority of cyclone boilers could successfully apply this technology in order to reduce their NO_x emissions by approximately 60 percent. It is particularly significant that reburn technology is effective in reducing emissions from cyclone boilers, as no commercially demonstrated combustion modification technique exists for these boilers.

Third, gas reburn with sorbent injection refers to combining reburn techniques with the injection of dry calcium-based sorbent in the over-fire air area of the boiler to reduce SO_2 emissions. This method of sorbent injections avoids the cost and complexity of other systems of sorbent injection, improves sorbent utilization, and reduces the amounts of sorbent required. Using a 15 to 20 percent proportion of natural gas in a reburn-sorbent injection configuration can achieve the NO_x reductions cited above and also reduce SO_2 emissions by 50 percent.

The economics of using a particular natural gas cofiring technology at any given utility facility depend on various factors, including capacity, technical options, age of the plant, capacity factors, the sulfur content of the coal used, and the availability of gas.

One reason that cofiring is so promising is that the top 100 SO_2 emitting powerplants are an average of 5 miles from a natural gas pipeline, and sometimes are that close to two or more pipelines.

Mr. President, I made reference to the positive impact a successful cofiring technology could have on both the natural gas and coal industries if it is brought to the marketplace. We know undoubtedly that the recently enacted Clean Air Act Amendments of 1990 is going to impact today's utility industry and adversely affect employment in the high sulfur coal industry. We need to do all we can to minimize the economic dislocation that the new regulatory regime would impose.

Cofiring could, in many instances, actually help protect certain mining jobs that might otherwise be in jeopardy.

Faced with the need to reduce emissions from existing plants, utilities can choose to install a scrubber, switch to low sulfur coal, or cofire. Undoutbedly, the scrubber option will preserve current coal industry employment patterns by allowing plants to continue using the current coal supplies. But for many plants, scrubbers may be impractical—scrubber economics will be less favorable for older and smaller plants. In other cases, plants may not have the physical space for a scrubber, or an operator may need to achieve NO_x reductions in addition to SO_2 reductions. In these instances, the choice is between fuel switching, plant output reductions, and cofiring. Given these alternatives, cofiring preserves jobs by allowing plants to remain in normal operation and use current coal supplies.

A significant number of plants could be in this situation. While it is difficult to determine with precision the thresholds beyond which scrubbing becomes impractical, there are 550 boiler units under 300 MW in size and over 30 years of age. These 550 plants burn 84 million tons of coal annually which, based on industry employment indices, would support the employment of 16,000 mine workers.

Thus, the employment impacts of cofiring must be viewed in light of the alternatives facing the utility. In many cases, cofiring may be the least disruptive and most economic option and may preserve jobs that would otherwise be lost.

By generating additional demand for natural gas, cofiring would also help stimulate additional employment opportunities in the gas production sector. An economic impact study done at Southern Methodist University assessed the impact of higher natural gas production in Texas on employment. The study found a potential gain of 22,614 new jobs in Texas from an increase of just 379 Bcf of natural gas production. Based on this relationship, the employment growth resulting from expanded gas demand of 200 Bcf to 750 Bcf would be 12,000 to 45,000 jobs.

Natural gas cofiring is one of the most promising and cost-effective near-term clean fuel technologies, especially for retrofitting existing coal-fired boilers. As I noted, several demonstration projects are currently being funded through DOE's Clean Coal Program, but this option should be given a higher priority within the Department and encouraged in the market place.

Senator BINGAMAN and I introduced an earlier version of this bill, S. 1848, the Natural Gas Cofiring Promotion Act of 1989, in the 101st Congress. That bill was referred to the Committee on Energy and Natural Resources, was the subject of a hearing before the Subcommittee on Energy Research and Development, and was reported by the committee as an amendment to S. 324, the National Energy Policy Act of 1990. S. 324 was passed by the Senate, but was not taken up by the House.

Mr. President, I ask unanimous consent that the text of the Cofiring Promotion Act of 1991 and a section-by-section analysis of the bill be printed in the RECORD.

I urge my colleagues to join with Senator BINGAMAN and me in sponsoring the Cofiring Promotion Act of 1991. I am hopeful that our bill to promote cofiring will become law in the 102d Congress.

Mr. President, I ask unanimous consent that the test of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 220

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cofiring Promotion Act of 1991".

SEC. 2. FINDINGS.

The Congress recognizes that—

(a) coal is an enormous domestic resource;

(b) certain harmful emissions from the combustion of coal will limit the percentage of the resource base which is deemed "usable";

(c) natural gas is an abundant domestic resource that has superior environmental qualities;

(d) certain technologies combine natural gas with coal in order to reduce sulfur dioxide (SO_2) and nitrogen oxide (NO_x) emissions, particulates and carbon dioxide (CO_2) emissions from the combustion of coal; and improves the operating efficiency of some boilers by reducing slagging:

(e) certain technologies offer the potential to extend the usable coal resource base in the United States; and

(f) the United States will continue to rely on domestic coal as a primary fuel in electric generation. Therefore, it is in the national interest to encourage the utilization of those natural gas technologies that reduce SO_2 and NO_x emissions resulting from the combustion of coal.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(a) the term "cofiring" means the injection of natural gas and pulverized coal into the primary combustion zone of an electric utility or an industrial boiler and shall include gas return technologies;

(b) the term "gas reburn" means the injection of natural gas into the upper furnace region of an electric utility or an industrial boiler to produce a fuel-rich zone thereby reducing nitrogen oxide emissions; and

(c) the term "Secretary" means the Secretary of Energy.

SEC. 4. RESEARCH AND DEMONSTRATION PROGRAM.

(a) The Secretary shall establish and carry out a program of research, development and demonstration of cofiring in utility and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(b) The Secretary shall provide financial assistance under this section to appropriate parties for the research, development and demonstration of cofiring technologies.

(c) The Secretary shall not finance more than 50 per centum of the total costs of a cofiring technology project selected for financial assistance under this section as estimated by the Secretary as of the date of award of financial assistance.

(d) There is authorized to be appropriated to the Secretary not more than $9,000,000 for each of the fiscal years 1992, 1993, 1994 for purposes of this section.

SECTION-BY-SECTION ANALYSIS—THE COFIRING PROMOTION ACT OF 1991

Section 1: Short Title—The short title of this legislation is the Cofiring Promotion Act of 1991.

Section 2: Findings—It is found that it is in the national interest to encourage the utilization of natural gas cofiring technologies that reduce sulfar dioxide (SO_2) and nitrogen oxide (NO_x) emissions resulting from the combustion of coal.

Section 3: Definitions—the terms "cofiring," "gas reburn" and "Secretary" are defined for purposes of the legislation.

Section 4: Research and Demonstration Programs—

Subsection (a): The Secretary of Energy is authorized to carry out a research, development and demonstration program to determine optimal natural gas cofiring levels for environmental and operational benefits in electric utility and large industrial boilers.

Subsection (b): The Secretary of Energy shall provide financial assistance for the research, development and demonstration of cofiring technologies.

Subsection (c): The Secretary of Energy shall not finance more than 50 percent of the cost of a cofiring technology project selected for financial assistance.

Subsection (d): Not more than $9 million is authorized to be appropriated in each of fiscal years 1992, and 1993 and 1994 for the purposes of this section.

Mr. BINGAMAN. Mr. President, I rise to join with my distinguished colleague from Kentucky, Senator FORD in introducing the Cofiring Promotion Act of 1991, legislation that will provide incentives for the demonstration and deployment of natural gas cofiring technologies. I introduced identical legislation last session.

Natural gas is our Nation's cleanest fossil fuel. Its combustion emits virtually no particulates, sulfur oxides or reactive hydrocarbons, and it produces far lower emissions of nitrogen oxides per unit of energy than oil or coal. Natural gas produces only about half as much carbon dioxide per unit of energy as coal. What this adds up to is that natural gas can play an important part in achieving the emissions reductions required under the Clean Air Act Amendments of 1990.

As one of the Nation's top producing States of both natural gas and low-sulfur coal, New Mexico is in a unique position to help meet those national emissions reductions.

Cofiring refers to burning natural gas and coal together in the primary combustion zone of the same boiler. Basic natural gas cofiring involves the injection of natural gas with pulverized coal into the primary combustion zone of a boiler. Since natural gas contains virtually no sulfur or nitrogen, its substitution for a certain percentage of coal will naturally reduce emissions of sulfur dioxide [SO_2] and oxides of nitrogen [NO_x]. These two air pollutants are the precursors of acid rain. Tests have indicated that cofiring is potentially one of the most cost-effective ways to reduce SO_2 and NO_x emissions.

At Duquesne Light Co.'s Cheswick Power Plant, north of Pittsburgh, a demonstration program documented a 25 percent reduction of NO_x emissions using 6 to 10 percent natural gas cofiring. The program also documented greater than proportional reductions of SO_2 emissions under certain operating conditions. Clearly, this technology is worth pursuing.

In addition to SO_2 and NO_x emissions reductions, cofiring offers other advantages. First, cofiring offers a substantial number of operating flexibilities and efficiencies for electric utility and industrial coal plants and can help old plants operate at or near their rated capacities. Second, using natural gas in coal boilers can widen the range of coals that can be burned. Third, all of this can be accomplished at a very low capital cost and with virtually no technological risk.

In the context of compliance with the Clean Air Act amendments, basic cofiring can be an important bridge technology. Basic cofiring promises to be a cost effective means for electric utilities with older coal burning plants to achieve emissions reductions during the period preceding the commercial availability of innovative clean coal technologies. Without cofiring, electric utilities will be left with the choice between phasing out still useful old powerplants or making exceptionally large capital investments in retrofitting such plants with scrubbers.

Furthermore, cofiring might actually help to preserve mining jobs by making it possible for utilities to continue to burn high-sulfur coal. In many instances, scrubbers may be impractical. Cofiring will make it possible for electric utilities to continue to use their existing coal supplier when a powerplant would otherwise be forced to switch to low-sulfur coal, reduce output, or even close.

Advanced natural gas cofiring technologies promise to achieve even greater emissions reductions at low capital cost. These technologies are known as gas reburn technologies. This term refers to the injection of natural gas into the upper furnace region of a boiler to produce a fuel-rich zone that reduces NO_x. Tests indicate that 20 percent natural gas cofiring in a reburn application can reduce NO_x emissions by 60 percent and SO_2 emissions by 20 percent. When mated with sorbent injection technology, gas reburn can produce a 50-percent reduction in SO_2 emissions. A demonstration project using gas reburn with in-duct sorbent injection was selected for Federal cost sharing as part of the first round of the Department of Energy's Clean Coal Technology Program.

While basic cofiring technology is commercially available, further testing and full-scale demonstrations are needed. Some of the questions that remain to be answered include:

What is the optimal level of natural gas injection to achieve the maximum environmental and operational benefits of cofiring?

What influence might the use of different boiler types or different coal types have upon the effectiveness of cofiring?

In short, what is needed is a program to obtain critical operating data to define the optimum conditions for using cofiring to reduce emissions. This data will enable utilities and large industrial boiler operators to proceed with confidence in retrofitting their existing coal-fired boilers to accept cofiring.

The Natural Gas Cofiring Promotion Act of 1991 establishes just such a program. This legislation authorizes the Secretary of Energy to administer a 3-year, $27 million program for the research, development, and demonstration of cofiring technologies. These Federal funds would be available on a cost-sharing basis, whereby project sponsors would be required to provide no less than 50 percent of project funding from non-Federal sources.

The proposed level of funding should be enough to fund on a cost-sharing basis five separate cofiring demonstrations over a 3-year period. This could include three field evaluations of basic cofiring technology, one each in the three basic types of coal-fired boilers—tangential, wall-fired, and cyclone boilers—and two demonstrations of advanced natural gas reburn technologies.

In closing, cofiring technology has demonstrated great promise. The legislation that Senator FORD and I have introduced today is a modest measure that will help to ensure that this technology will live up to its promise when the time comes for compliance with the Clean Air Act Amendments of 1990. I urge my colleagues to join Senator FORD and me in sponsoring the Cofiring Promotion Act of 1991.

By Mr. GLENN (for himself and Mr. MCCAIN):

S. 221. A bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States; to the Committee on Armed Services.

(The remarks of Mr. GLENN on this legislation appear earlier in today's RECORD.)

By Mr. MCCONNELL:

S. 223. A bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in afterschool care, and for other purposes; to the Committee on Labor and Human Resources.

CHILD NUTRITION ASSISTANCE

• Mr. MCCONNELL. Mr. President, because of a growing number of dual-career and single parent families, there is an increasing need for child care. In 1968, Congress began the Child Care

Food Program [CCFP] as an addition to the National School Lunch Act. Authorized under Section 17 of the National School Lunch Act, the Child Care Food Program provides funds for food service to children in child care centers and family and group day care homes.

This has been an enormously successful and popular program presently serving over 1 million children. Major scientific studies have proven that children who participate in the CCFP benefit nutritionally. Furthermore, CCFP is the only Federal program which establishes nutrition standards for meals served to preschool children in family day care. CCFP along with other child nutrition programs are not only nutritionally beneficial but also economically beneficial. According to the Committee for Economic Development every dollar spent in early intervention saves $5 in remedial education, welfare, and crime control.

Mr. President, I believe that my colleagues will agree it is of utmost importance to ensure that our Nation's children receive proper nutrition. Unfortunately, certain inequities exist that prevent this from happening. The CCFP authorizes Federal funding for an afternoon snack in an approved child care facility. However, a complicated maze of regulations makes it difficult for a school to become an approved child care facility eligible for reimbursement of a meal supplement. Under these rules, in Kentucky, only one school would qualify for this reimbursement.

When the school day is over, a child has three options; go home, go to a child care facility or stay at school. While going home to parental supervision is the best option, many do not have a choice because of working parents. Currently, there are schools that provide after school child care from 2:30 to 6 p.m. Many schools provide a snack, however, they receive no Federal reimbursement. Public schools have both the classroom space and educational materials needed for child care. It does not make sense to close the doors as soon as the final bell rings. For this reason, I am introducing a bill to amend the National School Lunch Act to extend eligibility for reimbursement for meal supplements for children in after school care.

However, much more can be done. In this wealthy and prosperous Nation, it is an unacceptable tragedy that thousands of children are forced to go hungry. It is my intention that the legislation I am introducing today will further provide and enhance childrens' academic ability. By continuing these programs to furnish children with a steady, solid diet, we improve their performance in school, keep them healthy, and ultimately give them the chance they deserve to succeed in life.•

By Mr. McCONNELL:

S. 224. A bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the Child Care Food Program, and for other purposes; to the Committee on Labor and Human Resources.

ELIGIBILITY UNDER THE CHILD CARE FOOD PROGRAM

• Mr. McCONNELL. Mr. President, we have no greater responsibility than ensuring the health and well-being of our Nation's children. Meeting this responsibility is for me the most rewarding and inspirational part of public service. That is why I take great pleasure today in introducing legislation which will benefit millions of children nationwide, by providing them with nutritious meals.

The bill I am introducing today helps needy children and child care centers by changing the eligibility criteria for participation in the Child Care Food Program. Presently, participation is based on the number of title XX founded slots in a center. This discriminates against many States, particularly in the South, where there is a shortage of title XX funds available for child care. To better serve needy children, my bill bases eligibility for child care food benefits on the number of children who qualify for free or reduced priced meals under the National School Lunch Act.

Currently, a demonstration project of this nature is being conducted in Kentucky. Early figures show that the number of children receiving benefits of the Child Care Food Program under the new eligibility requirements for center participation to be rising. We should now be willing to offer these benefits to children in each and every one of the 50 states.

Mr. President, it is time that we focus on the needs of America's children. My hope is that all children will gain from this action, not only in physical well-being, but also in learning ability.•

By Mr. WARNER:

S. 225. A bill to expand the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, VA; to the Committee on Energy and Natural Resources.

EXPANSION OF FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK

• Mr. WARNER. Mr. President, I rise today to introduce legislation to include land that is historically significant to the Civil War Battle of the Wilderness within the boundaries of the Federicksburg and Spotsylvania County Battlefields Memorial National Military Park. The same bill has been introduced by my colleague in the House of Representatives, Congressmen FRENCH SLAUGHTER.

Mr. President, my colleagues in the Senate will recall that in 1988, they approved legislation later enacted into law authorizing the National Park Service to purchase 762 acres of private land and 593 acres in scenic easements for the expansion of the military park. In enacting this legislation, Congress recognized the significance of the Fredericksburg-Spotsylvania area. Four important Civil War battles occurred in this area on the way to the pivotal Battle of Richmond: Those of Fredericksburg, Chancellorsville, Wilderness, and Spotsylvania Court House.

The Confederate Army achieved substantial gains during both the battles of Fredericksburg, in December 1862, and Chancellorsville, in April 1863. The Chancellorsville engagement, however, was costly to the Confederate Army because of the loss of the famed Gen. Stonewall Jackson. During the battles of Wilderness and Spotsylvania Court House both in May 1864, General Grant succeeded in pushing Lee closer to Richmond, despite significant Union losses. Although these two battles are viewed by historians as Confederate gains, they mark the beginning of a long campaign in which the Federal army under U.S. Grant ultimately gained its objectives.

The bill I am introducing is designed to foster the preservation and interpretation of Longstreet's flank attack at Wilderness Battlefield. The site is currently owned by a private developer and slated for housing construction. The landowner has now indicated that he is interested in working with the National Park Service, Spotsylvania County officials, and private preservation groups to reach an agreement on the protection of this site. Secretary of Interior Lujan's plan to encourage public-private partnerships to protect battlefields, has expressed support for purchase of land, as the first test of his plan.

At this time, discussions among interested groups have yielded a plan for a private preservation group to purchase the land from the developer and hold it until the Department of Interior is able to purchase the land or until such time as it may be donated to the Federal Government.

Mr. President, I was pleased to be part of the legislative initiatives last Congress which established the Civil War Sites Advisory Commission and the 1-year Shenandoah Valley Civil War sites study.

While the mission of the Shenandoah Valley study is to identify those endangered sites and to provide the Congress with recommendations for preserving and interpreting these sites, it is critical to move forward with the expansion of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park at this time.

There is universal recognition that significant events occurred on this site. The landowner is anxious to reach an equitable agreement to preserve the property and local preservation groups are aggressively pursuing private fundraising efforts so this site can serve as a model for implementing Secretary Lujan's American battlefield protection plan.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 226. A bill to recognize the organization known as the National Academies of Practice, and for other purposes; to the Committee on the Judiciary.

NATIONAL ACADEMIES OF PRACTICE

• Mr. INOUYE. Mr. President, today I am introducing legislation which would provide a Federal charter for the National Academies of Practice. This organization represents outstanding practitioners who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, and veterinary medicine. When fully established, each of the nine academies will possess 100 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

Mr. President, as we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress have systematic access to the recommendations of an interdisciplinary body of health care practitioners.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The National Academies of Practice (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, social work, veterinary medicine, and other health care professions, and to improve the practices in these professions by disseminating information about new techniques and procedures.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating paragraph (72) as paragraph (71);

(2) by designating the paragraph relating to the Non Commissioned Officers Association of the United States of America, Incorporated, as paragraph (72);

(3) by redesignating paragraph (60), relating to the National Mining Hall of Fame and Museum, as paragraph (73); and

(4) by adding at the end thereof the following:

"(75) National Academies of Practice.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall terminate.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 227. A bill to amend title VIII of the Public Health Service Act to establish a scholarship program to enable professional nurses to obtain advanced degrees in professions related to the practice of nursing; to the Committee on Labor and Human Resources.

ADVANCED NURSE EDUCATION ACT

• Mr. INOUYE. Mr. President, I am introducing legislation today, together with Senator AKAKA, to provide special scholarships to professional nurses that wish to obtain an advanced degree in related fields such as law, public health, business administration, and psychology.

Mr. President, it is quite evident that our Nation faces a major nursing crisis. We believe that it is time to develop creative approaches to ensure the citizens of this Nation access to the highest quality health care possible. This legislation would allow nurses mobility within the health care field by providing them with the opportunity to obtain an advanced degree. We are confident that this will encourage other individuals to enter nursing as well as increase the number of professional nurses as well as increase the number of professional nurses being appointed to high-level health policy positions.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advanced Nurse Education Act of 1991".

SEC. 2. ESTABLISHMENT OF SCHOLARSHIP PROGRAM.

Part B of title VIII of the Public Health Service Act (42 U.S.C. 297 et seq.) is amended by adding at the end the following new subpart:

"Subpart V—Advanced Education in Related Professions

"SEC. 848. SCHOLARSHIP PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a scholarship program to enable professional nurses to pursue master's and doctoral degrees in fields related to the practice of nursing.

"(b) ELIGIBILITY.—To be eligible to participate in the scholarship program, an individual shall—

"(1) be accepted for enrollment, or be enrolled, as a full-time student in a course of study—

"(A) at an accredited educational institution in a State;

"(B) approved by the Secretary; and

"(C) leading to a master's degree or a doctoral degree in a field related to nursing;

"(2) submit an application to participate in the scholarship program; and

"(3) sign and submit to the Secretary, at the time of submission of the application referred to in paragraph (2), a written contract containing the information specified in subsection (d) to accept payment of a scholarship and to serve in accordance with this subpart for the applicable period of obligated service.

"(c) APPLICATION FORMS.—

"(1) CONTENTS.—In disseminating application forms and contract forms to individuals desiring to participate in the scholarship program, the Secretary shall include with the forms—

"(A) a fair summary of the rights and liabilities of an individual whose application is approved and whose contract is accepted by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled under section 848B in the case of breach of the contract by the individual; and

"(B) such other information as may be necessary for the individual to understand the prospective participation of the individual in the scholarship program and the service obligation of the individual.

"(2) CLARITY.—The application form, contract form, and all other information furnished by the Secretary under this subpart shall be written in a manner calculated to be understood by the average individual applying to participate in the scholarship program.

"(3) AVAILABILITY.—The Secretary shall make the application forms, contract forms, and other information available to individuals desiring to participate in the scholarship program on a date sufficiently early to ensure that the individuals have adequate time to carefully review and evaluate the forms and information.

"(d) CONTRACT.—The written contract between the Secretary and an individual shall contain—

"(1) a statement that the Secretary agrees, subject to paragraph (3), to provide the individual with a scholarship in each school year for a period of up to 7 years, as determined by the individual, during which period the individual is pursuing a course of study described in subsection (b)(1);

"(2) a statement that the individual agrees, subject to paragraph (3)—

"(A) to accept the provision of the scholarship to the individual;

"(B) to maintain enrollment in a course of study described in subsection (b)(1) until the individual completes the course of study;

"(C) that while enrolled in the course of study, the individual will maintain an acceptable level of academic standing (as determined under regulations of the Secretary by the educational institution offering the course of study); and

"(D) for a time period equal to 1 year for each school year for which the individual received a scholarship under the scholarship program, to serve in the full-time clinical practice of the profession of the individual, in—

"(i) a public or nonprofit private health care facility; or

"(ii) if approved by the Secretary, a private health care facility in a medically underserved area (as designated by the Secretary);

"(3) a provision that states that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the individual that is conditioned on the financial obligation, is contingent on funds being appropriated for scholarships under this subpart;

"(4) a statement of the damages to which the United States is entitled under section 848B for breach of the contract by the individual; and

"(5) other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this subpart.

"(e) ACCEPTANCE.—

"(1) IN GENERAL.—An individual shall become a participant in the scholarship program only on the approval by the Secretary of the application submitted by the individual under subsection (b)(2) anud the acceptance by the Secretary of the contract submitted by the individual under subsection (b)(3).

"(2) NOTICE.—The Secretary shall provide written notice to an individual of participation in the scholarship program promptly on the acceptance of the individual into the program under paragraph (1).

"(f) SCHOLARSHIP.—

"(1) IN GENERAL.—A scholarship provided to an individual for a school year under subsection (d)(1) shall consist of—

"(A) payment to the individual, or on behalf of the individual in accordance with paragraph (2), of the amount of—

"(i) the tuition of the individual in the school year; and

"(ii) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual in the school year; and

"(B) payment to the individual of a stipend of $400 per month, adjusted in accordance with paragraph (3), for each of the 12 consecutive months beginning with the first month of the school year.

"(2) CONTRACTS WITH INSTITUTIONS.—The Secretary may contract with an educational institution in which a participant in the scholarship program is enrolled for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (1)(A). Payment to the educational institution may be made without regard to section 3324 of title 31, United States Code.

"(3) ADJUSTMENT OF STIPEND.—

"(A) TIMING.—The amount of the monthly stipend described in paragraph (1)(B) shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 1992.

"(B) AMOUNT.—The Secretary shall increase for a school year the amount of the monthly stipend described in paragraph (1)(B), as in effect during the preceding school year, by the amount obtained by—

"(i) multiplying the amount of the stipend by the overall percentage increase, if any, made in accordance with section 5305 of title 5, United States Code, in the rates of pay under the General Schedule for the fiscal year in which the school year begins; and

"(ii) rounding the result obtained after performing the multiplication described in clause (i) by rounding to the next highest multiple of $1.

"SEC. 848A. OBLIGATED SERVICE.

"(a) IN GENERAL.—Each individual who has entered into a written contract with the Secretary under section 848 shall provide obligated service for the period of obligated service provided in the contract.

"(b) APPROVAL OF SERVICE.—

"(1) IN GENERAL.—Not later than 90 days prior to the date on which an individual described in subsection (a) is scheduled to complete the course of study for which the individual received a scholarship under the scholarship program, the Secretary shall approve or disapprove the position in which the individual proposes to provide the obligated service.

"(2) DISAPPROVAL.—If the Secretary disapproves the position described in paragraph (1), the individual shall, in accordance with procedures established by the Secretary, arrange the provision of the service in another position approved by the Secretary.

"SEC. 848B. BREACH OF SCHOLARSHIP CONTRACT.

"(a) FAILURE TO COMPLETE ACADEMIC PROGRAM UNDER SCHOLARSHIP.—An individual who has entered into a written contract with the Secretary under section 848 shall be liable to the United States for the amount which has been paid to the individual, or on behalf of the individual, under the contract, in lieu of any service obligation arising under the contract if the individual—

"(1) fails to maintain an acceptable level of academic standing, as determined by the educational institution under regulations of the Secretary, in the educational institution in which the individual is enrolled;

"(2) is dismissed from the educational institution for disciplinary reasons;

"(3) voluntarily terminates the training in the educational institution for which the individual is provided a scholarship under the contract, before the completion of the training; or

"(4) fails to accept payment, or instructs the educational institution in which the individual is enrolled not to accept payment, in whole or in part, of a scholarship under the contract.

“(b) AMOUNT OF DAMAGES.—

“(1) FAILURE TO BEGIN OR COMPLETE SERVICE OBLIGATION.—Except as provided in subsection (c)(2), if for any reason not specified in subsection (a) an individual breaches a written contract entered into this subpart by failing either to begin the service obligation of the individual or to complete the service obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the formula

$$A=3\phi(t-s/t)$$

in which—

“(A) ‘A’ is the amount the United States is entitled to recover;

“(B) ‘ϕ’ is the sum of the amounts paid under this subpart to or on behalf of the individual and the interest on the amounts that would be payable if at the time the amounts were paid the amounts were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

“(C) ‘t’ is the total number of months in the period of obligated service of the individual; and

“(D) ‘s’ is the number of months of the period served by the individual in accordance with section 848(d)(2)(D).

“(2) PAYMENT.—Any amount of damages that the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach of the written contract, or such longer period beginning on the date of the breach as is specified by the Secretary for good cause shown.

“(c) CANCELLATION, WAIVER, OR RELEASE.—

“(1) CANCELLATION.—Any obligation of an individual under the scholarship program, or a contract under the program, for service or payment of damages shall be cancelled on the death of the individual.

“(2) WAIVER.—The Secretary shall by regulation provide for the partial or total waiver or suspension of any obligation of service or payment by an individual under the scholarship program, or a contract under the program, whenever compliance by the individual is impossible or would involve extreme hardship to individual and if enforcement of the obligation with respect to any individual would be unconscionable.

“(3) RELEASE.—Any obligation of an individual under the scholarship program, or a contract under the program, for payment of damages may be released by a discharge in bankruptcy under title 11, United States Code, only if the discharge is granted after the expiration of the 5-year period beginning on the first date that payment of the damages is required.

“SEC. 848C. DEFINITIONS.

“As used in this subpart:

“(1) FIELD RELATED TO NURSING.—The term ‘field related to nursing’ includes the fields of law, public health, and psychology, and fields determined to be appropriate by the Secretary.

“(2) OBLIGATED SERVICE.—The term ‘Obligated service’ means the service described in section 848(d)(2)(D).

“(3) PERIOD OF OBLIGATED SERVICE.—The term ‘period of obligated service’ means the period described in section 848(D)(2)(D).

“(4) SCHOLARSHIP PROGRAM.—The term ‘scholarship program’ means the program established in section 848.

“SEC. 848D. AUTHORIZATION OF APPROPRIATIONS.

“To carry out this subpart, there are authorized to be appropriated $5,000,000 for fiscal year 1992 and each of the subsequent fiscal year.”•

By Mr. RIEGLE (for himself, Mr. KERRY, Mr. DECONCINI, and Mr. WALLOP):

S.J. Res. 42. Joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia; to the Committee on Foreign Relations.

SUPPORT FOR INDEPENDENCE OF THE BALTIC NATIONS

• Mr. RIEGLE. Mr. President, the tragic Soviet military assault on the Baltic people and their efforts to establish functioning democracies, which has left at least 15 civilians dead and over a hundred injured, must not go unanswered.

The United States, which for more than half a century has steadfastly refused to recognize Soviet illegal occupation of Lithuania, Latvia, and Estonia, has a responsibility to demonstrate its strong objection to the Soviet's use of force against the Baltic people. We have a further obligation to bring to bear what pressure we can on Soviet authorities to replace their armed aggression against the Baltic people with the peaceful negotiations repeatedly sought by the Baltic governments on issues regarding the restoration of their countries' independence.

That is why I am, today, along with Senators KERRY, DECONCINI, and WALLOP introducing legislation stating that, until the President certifies to the Congress that the Soviets have ceased their hostilities against the Baltic people, withdrawn their military forces from Baltic facilities and government buildings and initiated good-faith negotiations with the democratically elected Baltic governments, no United States consideration will be given to granting them most-favored-nation status, Eximbank insurance coverage and credit guarantees, membership in the IMF and World Bank or to waiving financing restrictions of the European Bank for Reconstruction and Development.

In order to strengthen the hand of the democratically elected governments of Estonia, Latvia, and Lithuania, the President is directed to—

First, redirect any Commodity Credit Corporation agricultural credits, extended to the Soviet Union, away from the central Soviet Government and into the Baltic States and those Soviet Republics which are seeking such direct assistance;

Second, provide emergency medical assistance to the Baltic people channeled through appropriate private voluntary organizations; and

Third, ask that the issue of Soviet aggression against the Baltic people be raised in the United Nations.

Finally, this legislation urges the President to open closer diplomatic ties with the democratically elected governments of Estonia, Latvia, and Lithuania, to pave the way for official United States recognition of those governments.

Mr. President, as described in a lead article in today's New York Times which carries the headline: “Wider Crackdown Is Feared in Baltics,” all indications are that the situation in the Baltic States will get worse before it gets better. The time is now for our Government to send the clear message to the Kremlin that its armed aggression against the Baltic people will do serious damage to United States-Soviet relations. President Bush has not sent that clear message. The Congress must.

I urge my colleagues to support this important legislation, and ask unanimous consent that the text of the resolution be printed in full at this point in the RECORD, along with relevant articles from today's New York Times:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 42

Whereas the United States has never recognized the illegal incorporation of Lithuania, Latvia, and Estonia into the Soviet Union;

Whereas the Soviet annexation of the Baltic States in 1940, like Iraq's annexation of Kuwait, is a blatant violation of international law:

Whereas in 1990, the people of Estonia, Latvia, and Lithuania held the first democratic elections in their countries since the Soviet annexation a half century earlier:

Whereas in those elections, the people of Estonia, Latvia, and Lithuania elected large majorities of candidates who supported the re-establishment of the independent, democratic Republics of Estonia, Latvia, and Lithuania;

Whereas, despite their status under international law as occupied countries, the Baltic nations followed the procedures of Soviet law in order to elect democratic governments;

Whereas the Baltic nations have repeatedly sought to engage Soviet authorities in peaceful negotiations on the issues regarding the restoration or their independence;

Whereas Soviet President Gorbachev has threatened to impose direct ‘Presidential Rule’ on Lithuania unless the Lithuanian government repeals all of its laws and reinstates the Soviet constitution;

Whereas coalitions of pro-Moscow forces in all three Baltic countries have demanded the resignation of the democratically elected Baltic governments and threatened to establish themselves as alternative government bodies;

Whereas Soviet military actions in Lithuania over the past several days have left at least 14 civilians dead and more than 160 injured; and

Whereas Soviet troop movements have also occurred in the Baltic Republics of Estonia and Latvia, where several people have been injured in troop attacks by the Union of Soviet Socialist Republics' Interior Ministry on Latvian government facilities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is the sense of the Congress that:

(1) the Government and the people of the United States strongly and unequivocally support the right of the people of Lithuania, Latvia, and Estonia to independence and democracy; and

(2) the Soviet Union should immediately cease all hostilities against the Baltic people, remove their troops from Baltic facilities and government buildings, and initiate good faith negotiations with the democratically elected Baltic governments regarding the restoration of the independence of the Baltic countries.

(b) Notwithstanding any other provision of law, until such time as the President certifies to Congress that the Soviet Union has ceased all hostilities against the Baltic people, has removed all Soviet troops from Baltic facilities and government buildings, and has initiated good faith negotiations with democratically elected governments of Lithuania, Latvia, and Estonia regarding the restoration of the independence of the governments of those countries—

(1) the Import-Export Bank of the United States may not issue, or make any payment on, any insurance, reinsurance, or guarantee with respect to the financing of exports to the Soviet Union;

(2) the Soviet Union shall not be eligible to receive nondiscriminatory (most-favored nation) trade treatment from the United States;

(3) the Secretary of the Treasury shall instruct the United States executive directors to the International Monetary Fund and the International Bank for Reconstruction and Development to oppose any grant of special association status to the Soviet Union in such institutions; and

(4) the United States shall oppose any waiver of restrictions of the European Bank for Reconstruction and Development applicable to financing within the Soviet Union.

(c) In order to strengthen the hand of the democratically elected governments of Estonia, Latvia, and Lithuania, the President shall—

(1) redirect any Commodity Credit Corporation agricultural credits, extended to the Soviet Union, away from the central Soviet government and into the Baltic States and those Soviet Republics which are seeking such direct assistance;

(2) provide emergency medical assistance to the people of Estonia, Latvia, and Lithuania channeled through appropriate private voluntary organizations; and

(3) request that the recent issue of Soviet aggression against the Baltic people be raised in the United Nations.

(d) It is further the sense of the Congress that the President should open closer diplomatic ties with the democratically elected governments of Estonia, Latvia, and Lithuania, to pave the way for official United States recognition of those governments.

[From the New York Times, Jan. 16, 1991]

WIDER CRACKDOWN IS FEARED IN BALTICS

(By Francis X. Clines)

MOSCOW, JAN. 15.—There were more signs today that the Kremlin was preparing to follow up the military crackdown in Lithuania with similar actions in the other Baltic states of Latvia and Estonia.

In the Lithuanian capital of Vilnius the National Salvation Committee, the new pro-Moscow body being used as an apparent front for inviting the Soviet military to intervene, called today for direct rule by President Mikhail S. Gorbachev.

Similar calls were heard as well in Latvia and Estonia at pro-Moscow rallies organized by Communist Party leaders loyal to Moscow.

In Lithuania, the National Salvation Committee charged that the government, which is led by Lithuanian nationalist seeking to reestablish an independent Lithuania and which has no army, was preparing to "unleash direct military actions" and "programs" against pro-Moscow Russians and other residents.

In Moscow, where the question for some days has been whether the apparent crackdowns came as the result of a Gorbachev order or were in effect forced upon the President, Mr. Gorbachev continued to defend the army's actions in the Baltics heatedly. As he staunchly spoke for the Lithuanian crackdown, he seemed very much the man in charge and hardly a reluctant figurehead.

POLITICAL PROVOCATION

The Soviet leader also directed anger at Boris N. Yeltsin, the president of Russia, the Soviet Union's largest republic, who has attempted to rally opposition to the Kremlin's Baltic actions. Mr. Yeltsin has just signed special mutual assistance pledges with the Baltics, fearing they are only the first targets in a nationwide reactionary wave by the Gorbachev Government.

Mr. Yeltsin's suggestion that Russia might need to form its own police force and army units in self-defense was criticized by Mr. Gorbachev as a "gross violation" of the law and a "political provocation" that heightens the nation's tension.

Mr. Yeltsin has been unyielding in his alarm that the nation is quickly moving back to central dictatorship.

"It seems to me that Gorbachev is under the impression that the democratic path is too hard and has decided to turn to the iron hand," he told reporters on Monday. "It may come to the point where we cannot defend our sovereignty without a Russian army. The Baltics could be only the first in a line of republics."

TOUGHER ATTITUDE, YELTSIN SAYS

He said that Mr. Gorbachev, in a recent conversation, had indicated his tougher attitude toward the republic sovereignty issue by commenting, "Society is moving to the right."

Today Mr. Gorbachev leveled criticism of Latvian officials in a way that some took as a signal that a crackdown in their republic might be next.

The Kremlin clearly sought to bolster the case for direct rule by Mr. Gorbachev in the republics by presenting an extensive television news dispatch tonight in which central authorities claimed to have intercepted secret coded instructions for a Lithuanian military plot against Communist and Soviet authorities.

The charge, unveiled as the outside world was preoccupied with the crisis in the Persian Gulf, echoed some of the pretexts of past Kremlin military interventions in Afghanistan, Czechoslovakia and Hungary.

The net effect was to suggest that advance justification was being laid by the Gorbachev Government for some major new Kremlin action.

In the face of this, the Lithuanian independence government focused on making a last defensive stand in Vilnius, building a 15-foot deep trench around the Parliament building and five-foot-high concrete barriers against a feared attack by Soviet tanks.

In the Baltic republic of Latvia, demands for the resignation of the democratically elected government were issued in Riga by a new National Salvation Committee similar to the one in Lithuania in whose name Soviet tanks seized the Vilnius broadcast center on Sunday. Thirteen people were killed in that action.

Similar demands for the Estonian government to resign were made in Tallinn, the capital, after 10,000 pro-Moscow workers organized by the Communist Party rallied in behalf of the republic's return to full control by the central Government.

ENCOURAGING PROVOCATION

"We're worried something may happen this night," a Latvian official said, adding that the Kremlin is clearly encouraging provocation to civil disorder by way of "hooligan" gangs. Early today, a raid was reported at the police academy armory in Riga, with scores of rifles, pistols and machine guns allegedly seized by a rogue militia group loyal to Moscow.

In Moscow tonight, the overall sense was of a Government attending to a scenario, to prepare the groundwork for direct presidential rule in the Baltics.

On the lengthy Government-controlled evening news show, Vremya, there were various dispatches contending that the ethnic Russian minorities in the Baltics were being so abused by the nationalist majorities as to require drastic protection.

In Lithuania, such protection was suddenly extended in the form of tank troops under the aegis of the hurriedly created and still mysterious National Salvation Committee. Kremlin officials, including President Gorbachev, have not explained the legal basis for such an initiative. Baltic officials and Western diplomats said it was a traditional K.G.B. operation outside the legal framework.

"The same processes are at work in all three republics—the sudden 'salvation' committees, the demands for government resignation and for direct presidential rule," said one Western specialist on the Baltics who sensed further military steps in preparation.

The Soviet Foreign Ministry, rebutting criticism that Mr. Gorbachev's foreign policy has now been undermined by a Kremlin retreat to autocracy, insisted today that "chaos" threatened the Baltics and that it is the result of the independence campaigns and not the new military drive to force fealty.

"Things happen spontaneously," contended Vitaly Churkin, the ministry spokesman. "Sometimes in the sharp turns of history we face moments when the choice is not between good and bad, but between bad and worse."

THE CRUSHING OF LITHUANIA'S INDEPENDENCE DRIVE: A PRECISE SCRIPT IS DETECTED

(By Bill Keller)

VILNIUS, LITHUANIA, January 15.—From a review of recent events in Lithuania and interviews with people on both sides of the conflict, it has become clear that the crushing of the republic's drive for independence was planned with precision.

The Kremlin's campaign against the elected Parliament, which remained barricaded tonight behind walls of five-foot concrete blocks, seems to have followed an artful script with precedents in Soviet political strategy dating to the Bolshevik Revolution.

The aim is to bring to heel the elected republican and local governments that have challenged Moscow's authority, and thus to preserve the center's power, even at the price of lives and terror.

The strategy is to create the impression that two popular groups are warring for power in Lithuania, and that the only solution is for President Mikhail S. Gorbachev reluctantly to impose direct Kremlin rule.

The main participants include the Communist Party, an array of front groups, the military, the K.G.B., and the major press and broadcasting organizations that remain under state control, especially the central television and the Tass press agency, which have recently returned to a pre-glasnost level of distortion.

PARLIAMENT VOTES FOR INDEPENDENCE

Events began last spring, when Lithuania used its first free elections under Soviet power to elect a government committed to restoring the republic's sovereignty, ended by annexation into the Soviet Union in 1940.

On March 11, Parliament voted 124 to 0, with 9 abstentions and absentees, to proclaim itself an independent state, and elected Vytautas Landsbergis, a soft-spoken music professor, to be the first President.

The Communist opposition does not deny that the Landsbergis government has a popular following, but they explain the elections as an aberration of history.

A split in the Communist Party between pro- and anti-independence factions left a power vacuum, they contend, and Mr. Landsbergis's independence movement filled it.

Juozas Jarmalavicius, the chief ideologist of the Lithuanian Communist Party and spokesman for a committee of unidentified members that claims to be the ruling power in Vilnius today, said the republics fell into a "national psychosis and euphoria," and set out to restore the "bourgeois" government that existed before World War II.

The elections and independence declaration did not polarize the republic to the extent that opponents now maintain. Opinion polls conducted throughout last year showed the government had overwhelming support from ethnic Lithuanians and substantial minority backing among the Russians, Poles and Byelorussians who make up 20 percent of the republic's 3.7 million people.

But there were divisions, especially in Vilnius, a formerly Polish city where the non-Lithuanian population is about 40 percent. Many of them resented the pressure from the new government to learn the Lithuanian language They felt discriminated against. The large military contingent permanently based here was insulted at being labeled an occupying army.

Since losing power, the Communist Party has devoted much attention to its traditional base in the centrally run factories, playing on ethnic resentments and warning that workers would lose their jobs when Lithuanians took over and introduced capitalism.

After economic sanctions and presidential decrees failed to make the republic back down, Mr. Gorbachev came under increasing pressure from hard-liners to take tougher measures.

THE CHRONOLOGY OF THE CRACKDOWN

Last month, things began to move like clockwork, as this chronology shows:

Dec. 16: The Communist Party of Lithuania organized a gathering it called the Congress of Democratic Forces of Lithuania, with representatives of 22 party groups and party-related organizations to protest the course of the independence government.

The congress named a five-man leadership headed by Nikolai M. Burokyavicius, First Secretary of the Lithuanian Communist Party, and four other party officials.

Dec. 20: In an unscripted development, Foreign Minister Eduard A. Shevardnadze announced that he was resigning with a warning that the country was headed toward dictatorship. He later said he had quit because he could not bear to defend the use of violence against his people.

Dec. 21: In the neighboring republic of Latvia, soldiers from all three Baltic republics organized an "independent" lobby group to protest the treatment of military families in the region. They warned that "any attempts to influence the activities of army units, as well as the everyday life of military garrisons and camps, would be stopped at once," Tass reported.

Jan. 7: Divisions with the Lithuanian government, between moderates and those favoring a more confrontational approach toward Moscow, came to a head on the issue of prices. The moderate Prime Minister, Kazimiera Prunskiene, announced sweeping price increases without a program to compensate low-income people. Parliament, headed by Mr. Landsbergis, voted the next day to rescind the new prices, in effect voting no confidence in the Prime Minister.

When Mrs. Prunskiene announced her resignation the following day, accusing Mr. Landsbergis of undermining her authority, the time was ripe for the opposition. The independent newspaper Respublika predicted in a front page editorial that the government's disarray would set the stage for a Kremlin crackdown, which would be timed to coincide with the world's focus on the Persian Gulf.

"Lithuania gave them the chance to begin the battle," the editor of Respublika, Vitas Tomkus, said in an interview today.

NO REASSURANCE FROM GORBACHEV

Jan. 8: Mrs. Prunskiene met with President Gorbachev. As she was leaving the Kremlin, she recalled in an interview Monday, she asked him whether he could assure her people that force would not be used against Lithuania.

"You cannot give them any assurances that I have not given you," she quoted the Soviet President as responding.

Thursday: Mr. Gorbachev sent a message to the Lithuanian government insisting on immediate compliance with the Soviet Constitution.

"Union authorities are receiving many appeals from social and political organizations, manufacturing collectives, and citizens of all nationalities," he said. "People are demanding that constitutional order be re-established, and that their security and living conditions be properly guaranteed. They have lost faith in the policies of the present authorities. They demand that presidential rule be established."

Friday: At a news conference in Communist Party headquarters, officials announced creation of the "National Salvation Committee of Lithuania." Mr. Jarmalavicius said the committee was appointed by the five leaders of the Congress of Democratic Forces. The membership has been kept secret.

Soviet Army troops using tanks and live ammunition soon captured the city's main publishing center and a building used by Mr. Landsbergis's fledgling militia, the Department of Territorial Defense.

PROCESS OF TRANSFER IS UNDER WAY

Saturday: "Now the process of the transfer of power in controlling the republics is under way," Mr. Jarmalavicius said, speaking for the Salvation Committee. "It will not be long."

At about midnight, a small group of workers showed up at a government building with a petition claiming to represent the views of workers in 19 industrial enterprises. It demanded that Parliament step down and surrender all power to the National Salvation Committee.

"We are tired of permanent terror, uncertainty in the future," the petition said. "We cannot entrust the future of our children to people who did many dark and shameful things in the past today."

A Lithuanian policeman who witnessed the event told Western reporters that the workers smelled heavily of alcohol. A nervous pro-independence crowd, on full alert after the shootings the previous day, took the group as opposition infiltrators and dragged them to the Parliament building to be interrogated.

Simultaneously, another worker delegation went to the Lithuanian state television studio to deliver a complaint about nationalist programming, and was also turned away.

The incidents seemed inconsequential, but later the Soviet Interior Minister, Boris K. Pugo, asserted on national television that they marked the start of hostilities. He said that after the workers had been turned away from the government "with real bayonets," the Salvation Committee intervened and appealed to the military for help.

Maj. Gen. Vladimir N. Uskhopchik, the commander of the Vilnius military garrison, had assured reporters a few hours earlier that he had had no contacts with the National Salvation Committee and did not know whom it represented. Yet an hour after the workers were turned away by the government, the general supposedly agreed to send his troops to carry out their request.

OFFICIAL PRESS GIVES ONLY OFFICIAL LINE

Sunday: The army's coordinated assault on the television studios and broadcasting tower began at about 1:30 A.M. The attacking forces ran over unarmed civilians with tanks and fired on crowds that stood in the way.

The raids, witnessed by numerous Western reporters and filmed by Lithuanian and foreign television cameras, left 15 dead, 64 missing and more than 100 wounded, by the latest official count.

The army tank convoys were accompanied by soundtrucks announcing that "all power" in the republic had fallen to the National Salvation Committee.

The main instruments of the official press, television and the Tass agency immediately began to disseminate the official version of events—that Lithuania was spiraling out of control because of the unbounded ambitions of its nationalist leaders, and that a legitimate alternative power had sprung up to defend the interests of the working class.

The most brutal of the military moves so far was carried out early Sunday morning. Most Soviet newspapers do not publish on Sunday or Monday, leaving two days in which the more independent elements of the Soviet press raised no challenge to the official account. Later some of the more independent national newspapers like Komsomolskaya Pravda would begin to question the official version, but their access to information was restricted and their editors came under pressure to toe the official line.

The Salvation Committee's pronouncements have been treated by television and Tass as official statements, without any attempt to explain where the committee derives its authority or who its members are.

Even Mr. Gorbachev professed ignorance and said he had no foreknowledge of what the army did in Vilnius on Sunday morning.

But Mr. Tomkus, who was a member of a Soviet parliamentary commission that investigated military violence against protesters in Georgia in April 1989, said the commission had established that only Mr. Gorbachev and Defense Minister Dmitri T. Yazov had authority to order the use of army troops.

A few hours after the bloodshed, a Kremlin delegation arrived to study the standoff in Lithuania. Their schedule of meetings with worker groups, Lithuanian intellectuals and military families seemed designed to confirm the impression of a republic near civil war.

"They're only here to gather facts and arguments to justify the imposition of presidential rule," Romualdas Ozolas, a Lithuanian official, charged after meeting with the delegation.

The delegation included one man no one regards as a puppet of the Kremlin, Levon Ter-Petrosyan, the nationalist leader elected to head the republic of Armenia. But Mr. Gorbachev may have felt that his presence would serve another purpose: to drive home to the leader of another restive republic the consequences of behaving like Lithuania.

YELTSIN RECOGNIZES REPUBLIC'S INDEPENDENCE

Monday: Another wild card. Boris N. Yeltsin, President of the Russian Republic, threw his popular authority behind Lithuania, recognizing the government as independent and signing a mutual defense protocol. He proposed to visit the republic, but Mr. Jarmalavicius said the National Salvation Committee had warned him in a telegram "that they would not guarantee his safety."

Mr. Jarmalavicius told reporters that the K.G.B. had unearthed documents showing that the Landsbergis government had an elaborate plot, Operation Shield, to kidnap Communists, take their families hostage and force them to recant or be interned. He assured reporters that the documents would be made public, and the next night they were, on central television.

Mr. Jarmalavicius said the K.G.B. would also show that the Landsbergis government had colluded with American and other Western intelligence agencies.

Despite the military seizure of publishing and broadcasting outlets, the daily Respublika used a clandestine printing plant to produce half a million copies of a broadsheet describing the army assaults, including a photograph of a man lying crushed under a tank.

The military made no moves against Respublika's editorial offices and did not shut off television and radio broadcasts in the second largest city in the republic, Kaunas, which has carried nearly continuous reports in defense of the independent government.

Why? One possibility was that it was needed to provide further evidence that the Landsbergis government was still functioning, that the situation was not under control and that presidential rule was needed.

"WE SHOT PEOPLE?" A MAJOR DENIES IT

Today: During a tour of the captured television tower for a handpicked group of six sympathetic Soviet reporters, the army major who said he commanded the attack asserted that no one had died there and that the only shooting had come from Lithuanian snipers in nearby buildings.

A reporter from the The Philadelphia Inquirer, who was allowed to join the tour, challenged the account, pointing out that he had himself witnessed the army firing on undefended civilians.

"We shot people?" responded the major, who identified himself only as Vitaly Ilyich. "You're fooling yourself." Asked about the 10 battered, crushed and bullet-ridden bodies lying in state in open coffins at the Vilnius Palace of Sports, the major shrugged and said, "Hard to say."

The main television news program, "Vremya," or "Time," tonight quoted several world leaders, often out of context, to suggest that the West understood—even if it had not fully approved—what was happening in Lithuania.

The world's reaction drew a look of dismay from Mr. Tomkus, the newspaper editor.

"The terrible thing is not that we have a new dictator, but that the whole world loves him," he said.●

By Mr. THURMOND:

S.J. Res. 43. A bill to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

● Mr. THURMOND. Mr. President, I am pleased to introduce a joint resolution which designates the month of May 1991 as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the efforts of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim a half mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care.

Last year during May, as part of the celebration of National Physical Fitness and Sports Month, 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Bush to declare May 1991 as National Physical Fitness and Sports Month.

Mr. President, I urge my colleagues to join with me and support this resolution.

I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 43

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1991 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

At the request of Mr. MITCHELL, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1, supra.

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 8

At the request of Mr. DOLE, the names of the Senator from Texas [Mr. GRAMM], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

S. 78

At the request of Mr. DOMENICI, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 78, a bill to provide a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 107

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 107, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. BAUCUS], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 196

At the request of Mr. COATS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 196, a bill to grant the power to the President to reduce budget authority.

At the request of Mr. COATS, the name of the Senator from Virginia [Mr. WARNER] was withdrawn as a cosponsor of S. 196, supra.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 39

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to designate the month of September 1991, as "National Awareness Month for Children with Cancer."

SENATE JOINT RESOLUTION 40

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 40, a joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week."

SENATE RESOLUTION 8

At the request of Mr. HARKIN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Resolution 8, a resolution expressing the sense of the Senate that Congress must approve any offensive military action against Iraq.

SENATE CONCURRENT RESOLUTION 1—RELATIVE TO UNDERGROUND NUCLEAR EXPLOSIONS

Mr. HARKIN (for himself, Mr. HATFIELD, Mr. WIRTH, Mr. KENNEDY, and Mr. WELLSTONE):

S. CON. RES. 1

Whereas the United States, the Soviet Union, and Great Britain expressed a commitment in the Limited Test Ban Treaty of 1963 and in the Non-Proliferation Treaty of 1968 to seek the discontinuance of all test explosions of nuclear weapons for all time;

Whereas the Threshold Test Ban Treaty, which entered into force in December, 1990, contains a commitment in Article I that the United States and Soviet Union shall ". . . continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests;";

Whereas the Fiscal Year 1991 National Defense Authorization Act expressed the sense of the Congress that ". . . the United States shares a special responsibility with the Soviet Union to continue the bilateral Nuclear Testing Talks to achieve further limitations on nuclear testing, including the achievement of a verifiable comprehensive test ban";

Whereas in 1988, States party to the Limited Test Ban Treaty formally proposed an amendment that would broaden its prohibition on testing in the atmosphere, in outer space, and under water to include underground testing;

Whereas the early prohibition of underground nuclear explosions would constrain the development and deployment of new generations of nuclear arms, reduce reliance upon nuclear arsenals, reinvigorate efforts to prevent nuclear proliferation, and end further radioactive contamination of the environment;

Whereas the reliability and safety of nuclear weapons of the United States as deterrents to nuclear war can be assured by means other than nuclear explosive testing;

Whereas recent advances in verification techniques and recent agreements and understandings between the United States and the Soviet Union regarding in-country monitoring and on-site inspection have helped open the way to effective verification of a comprehensive ban;

Whereas the Soviet Union has pledged to join the United States in completely and permanently banning nuclear testing; and

Whereas the parties to the Limited Test Ban Treaty are considering an amendment prohibiting underground nuclear explosions: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President of the United States fundamentally reassess the necessity of underground nuclear explosions, and instruct his representatives to support a comprehensive test ban at the Limited Test Ban Treaty Amendment Conference, the Conference on Disarmament, and the bilateral nuclear testing negotiations.

SENATE RESOLUTION 14—RELATIVE TO AN EXAMINATION OF SOVIET ECONOMIC BENEFITS IN LIGHT OF THE CRISIS IN THE BALTIC STATES

Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. DODD, Mr. BRADLEY, Mr. LUGAR, Mr. SIMON, Mr. RIEGLE, Mr. NICKLES, Mr. HELMS, Mr. D'AMATO, Ms. MIKULSKI, Mr. DECONCINI, Mr. GRAHAM, Mr. LAUTENBERG, Mr. INOUYE, Mr. BRYAN, Mr. JOHNSTON, Mr. LEVIN, Mr. MOYNIHAN, Mr. SMITH, Mr. MCCAIN, Mr. RUDMAN, Mr. KASTEN, Mr. CONRAD, Mr. ROCKEFELLER, Mr. WARNER, Mr. EXON, Mr. DOMENICI, Mr. HARKIN, Mr. MACK, Mr. COATS, Mr. SPECTER, Mr. MURKOWSKI, Mr. SARBANES, Mr. WIRTH, Mr. GORE, Mr. KOHL, Mr. BREAUX, Mr. REID, Mr. KERRY, Mr. ROBB, Mr. DASCHLE, Mr. DIXON, Mr. COHEN, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. DURENBERGER, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Whereas on January 7, the Soviet Defense Ministry announced the deployment of additional troops to the republics of Lithuania, Latvia, Estonia, Armenia, Georgia, Moldova (formerly Moldavia), and the Ukraine.

Whereas President Gorbachev has threatened to impose direct "presidential rule" on Lithuania in place of the democratically elected Government of Lithuania.

Whereas the peaceful resistance of the Lithuanian people has been met with brutal and violent actions by the Soviet armed forces.

Whereas on January 11, more than a dozen people were killed and over one hundred injured when Soviet troops stormed and took control of the Lithuanian Republic's radio and television station effectively cutting off the Lithuanian Government's chief means of communication with the Lithuanian people.

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union.

Whereas the United States Government has repeatedly communicated to President Gorbachev that the use of force in the Baltic States could seriously jeopardize United States-Soviet relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

SECTION 1. The President should (i) immediately review all economic benefits provided by the United States Government to the Soviet Union, (ii) expeditiously report to the Congress on whether those benefits should be suspended in light of Soviet actions in the Baltic States, (iii) immediately suspend all ongoing technical exchanges, (iv) consider withdrawing United States support for Soviet membership in the IMF, World Bank or GATT, and (v) not proceed with the provision of MFN trade treatment until the following events have occurred:

(a) Soviet troops refrain from obstructing the functioning of the democratic governments of Lithuania, Latvia, and Estonia;

(b) The troops that were deployed following the January 7 announcement by the Soviet Defense Ministry are withdrawn;

(c) Soviet authorities cease their interference with the telecommunications, print, and other media in these states;

(d) Good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun;

(e) Concrete assurances are received from President Gorbachev that grain purchased with United States credits will not be used to coerce the Baltic States, or any republic of the Soviet Union, to sign the Union Treaty.

SEC. 2. The United States should consult with and encourage our allies to follow a policy similar to that outlined in section 1.

ADDITIONAL STATEMENTS

THE SEEING EYE

• Mr. BRADLEY. Mr. President, today, January 16, 1991, the Seeing Eye of Morristown, NJ, the first and most famous dog guide school in North America, will reach a milestone when it places its 10,000th seeing eye dog with a blind person.

Since 1929, the Seeing Eye has enabled blind people from the United States and Canada to lead independent and fulfilling lives because of their seeing eye dogs. Indeed, the 10,000 dogs have meant a million opportunities for the thousands of blind people fortunate enough to have one.

Today, Seeing Eye graduates hold positions in such fields as law, teaching, computer programming, religion, health care, factory work, social work, and journalism. All went to the seeing eye with great expectations and, because of their seeing eye dogs, are realizing them.

Families and countless children throughout the country have been touched by the unparalleled friendship between a seeing eye dog and its master. They have been inspired by the accomplishments the dog has enabled the blind person to achieve. There are several accounts of seeing eye dogs enabling blind people to undertake everyday tasks such as commuting to work, visiting a friend, shopping, or walking on the beach. The Seeing Eye has brought national and international recognition to New Jersey since it moved to New Jersey in 1931.

Mr. President, the Seeing Eye is one of the Thousand Points of Light and it deserves recognition. I salute their valuable contribution to America.•

PRESIDENT BUSH SALUTES VIQAR SHAMIM AS 326TH "DAILY POINT OF LIGHT"

• Mr. PACKWOOD. Mr. President, I rise today to recognize the admirable efforts and successes of Viqar Shamim, a resident of Hillsboro, OR, who has been instrumental in making mathematics more enjoyable and interesting for young people in Oregon.

Mr. Shamim is a software engineer for Intel Corp. and has used his computer prowess to advance the learning of the youth in his area through a creative form of community service.

Several years ago when Mr. Shamim discovered that his son was having trouble with math, he created a compter program to assist his son in learning math. When the boy's math skills improved dramatically, Mr. Shamim realized the program helped make young people receptive to learning math.

Mr. Shamim then set out to help other students conquer similar learning difficulties. He redesigned the computer program to allow the students to challenge themselves according to their abilities and needs, and offered it to the Ladd Acres Elementary School in Aloha, OR, for use in its math classes.

However, the school could not use the programs because it did not have any computers. Mr. Shamim solved this problem by approaching his employer, Intel Corp., and obtained 15 computers and 5 printers as donations. He then spent a year installing the computers and completed the project in 1989.

But Mr. Shamim's dedication to this project didn't stop there. He continues to spend many mornings before work instructing teachers on how to use the software, and visits the classrooms on an ongoing basis to ensure that teachers and students are not having a problem with the program. Mr. Shamim provided additional assistance by writing a user-friendly guide to the system as well.

As recognition for Mr. Shamim's hard work and dedication to educating young Oregonians, President Bush has saluted Mr. Shamim as the 326th "Daily Point of Light." The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by Mr. Shamim.

On behalf of Oregon, and the many youngsters that he has helped, I say to Mr. Shamim, Thank you. His service is much appreciated.•

THE COMPREHENSIVE URANIUM ACT OF 1991

• Mr. JOHNSTON. Mr. President, I am pleased to join Senator FORD as a cosponsor of S. 210, the Comprehensive Uranium Act of 1991. Senator FORD has taken the lead on this very important issue, and I congratulate him for both his commitment and his persistence on this issue.

This legislation would restructure and revitalize the uranium enrichment enterprise of the Department of Energy. The Senate has passed similar legislation no less than five times during the last two Congresses. The Committee on Energy and Natural Resources has been diligent in its efforts over the past 4 years to address this issue. The state of the Department's enrichment program is one of the most important and serious issues within the committee's jurisdiction.

The text of S. 210 is essentially the same as that passed by the Senate in the 101st Congress. The only difference is that deletion of provisions related to licensing that were enacted into law separately at the end of the last session.

The Senate has dealt with the uranium enrichment issue persistently for the last 4 years. We have argued these issues over and over again. Therefore, I am confident that the Energy Committee will again move quickly to report legislation and that it will be passed by the Senate early in the first session. We moved this legislation further in the House in 1990 than ever before. This year, we must go the final distance with enrichment legislation to make it a public law.

The problems of Department's uranium enrichment enterprise are calling out for help from the Congress. The uranium enrichment enterprise is essentially a $1.5 billion business operated by the Department. Unfortunately, it is a business headed for collapse. The Department used to have revenues of over $2 billion annually. The Department used to have a substantial hold on the world market. But today the Department is selling uranium enrichment for twice the spot market price, and it has a little less than half of the world market.

The enrichment capacity in the world substantially exceeds the demand for enrichment services. There are large excess inventories being offered for sale, so it is a buyer's market. Unfortunately, the Department has become a high-cost supplier. As a result, major new, lost-cost suppliers are challenging DOE for market share. The biggest such supplier is the Soviet Union. Changes need to be made in the way the Department does business, so that it can continue to compete for this market. We cannot afford to have this enterprise slip away because of our failure to face up to the changes that need to be made.

The problems of the uranium enrichment enterprise stem from the fact that the Department is still operating under a statute that assumes it has no competitors. The pricing requirements and all of the administrative and financial controls of the enrichment program were designed under the presumption of monopoly control. The program still operates in context of this bureaucratic redtape, notwithstanding the fact that the market has changed dramatically. The market is now a highly competitive international market. The structure of the uranium enrichment enterprise must be changed accordingly if the program is to survive.

S. 210 would restructure the enrichment enrterprise as a wholly owned Government corporation and give it the flexibility to operate in a competitive environment. There is precious little time left to take these actions if this enterprise is to survive intact. By 1995, the Department's long-term contracts will begin to expire. The existence of long-term contracts between the Department and U.S. utilities is the main thing that has kept the enterprise alive for the past several years. As these contracts begin to expire, the utilities will go elsewhere for their supply unless the Department can compete in the marketplace. We must act now to avoid that colapse. We cannot afford to wait until 1995 when the problem will be even more readily apparent but when it may be too late to recover.•

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that at the conclusion of today's session the Senate stand in recess until 10 a.m. tomorrow, Thursday, January 17, or subject to the call the majority leader, if the majority leader after consultation with the Republican leader determines that convening the Senate prior to 10 a.m. is appropriate under the circumstances; that following the prayer at the time the Senate next reconvenes the Journal of Proceedings be deemed approved to date.

The PRESIDING OFFICER. Without objection it is so ordered.

CONDITIONAL RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, and there is no other business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m. Thursday, January 17.

There being no objection, the Senate, at 5:02 p.m., recessed until tomorrow, Thursday, January 17, at 10 a.m.

EXTENSIONS OF REMARKS

THANKS TO FUNDESA'S EFFORTS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. BALLENGER. Mr. Speaker, on January 3 I had the privilege of traveling to Guatemala as part of an international team to observe that country's Presidential election run-off.

What I saw was a very organized and open election. To say the least, I was very impressed and heartened at the steps Guatemala has taken toward democracy in recent years.

I would like to offer my sincere appreciation to the Guatemalan Development Foundation, better known as FUNDESA, for all it did to ensure that the Guatemalan election was both free and fair. FUNDESA is a nonprofit, nonpartisan, organization whose primary goal is to help to develop the country of Guatemala.

FUNDESA helped organize international observer teams for both the November election and the January 6 run-off election. Thanks to FUNDESA's efforts, close to 2½ million votes were cast in the two elections.

As we look to the future of Central America, we can rest assured that FUNDESA will be working to ensure a better tomorrow for the people of Guatemala. I would like to enter into the RECORD the attached statement released by FUNDESA following the run-off election:

PRELIMINARY FUNDESA OBSERVER DELEGATION STATEMENT

We congratulate the Guatemalan people on the occasion of today's election, which will mark the first transfer of power from one elected civilian to another in Guatemalan history. The second round of the 1990-1991 election is a major step in the evolution of democracy in Guatemala.

We would like to note that our delegation is composed almost entirely of new members, and the conclusions we have reached have not in any way been affected by the November delegation's report. Our conclusions are based solely on what we have observed today in 21 cities and towns in eight departments of Guatemala.

Our delegation was deeply impressed by the organization of the electoral process today. We had complete, unrestricted access in all areas the delegation visited. We were pleased to see that the two parties had volunteer observers at virtually all the polling places we saw. The orderly and efficient process indicates that elections have become almost routine in Guatemala—a significant and positive change from less than a decade ago.

We were pleased to see that the armed forces and police observed established procedures. The group observed no intimidation at the polls—another sign of the maturing of Guatemalan democracy.

Many voters expressed a strong sense of civic responsibility and pride. In many polling places, voting seemed to have become a "family affair"—another healthy sign for the future. We were also impressed by the participation of women and young people in the electoral process.

Some members of this delegation heard isolated charges of irregularities or intimidation. We will report these to the Supreme Electoral Tribunal, and we encourage them to investigate these charges. All members of the group agreed, however, that these allegations did NOT affect the overall integrity of the election process. Some members will also make recommendations to the Electoral Tribunal regarding such issues as the location of polling sites and the design of voting stands.

We commend the Electoral Tribunal, the government of Guatemala, and especially the Guatemalan people for this important step in the democratic process. Our preliminary conclusion is that today's election was free and fair, and that the Guatemalan democratic process has been strengthened. We recognize, however, that a final conclusion will have to await the tabulation of all ballots. In closing, we would also like to express our sincere gratitude to FUNDESA, the Guatemalan Development Foundation, for their generous support and assistance to our observer delegation.

FULL TEXT OF PRESIDENT BUSH'S LETTER TO SADDAM HUSSEIN

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. FASCELL. Mr. Speaker, during the House of Representatives debate on Saturday, January 12, 1991 reference was made to the President's letter dated January 5, 1991 to Saddam Hussein. I am today submitting the full text of this document and commend it to my colleagues attention. I am also including an analysis, as of today, on actions taken by the 28 countries who are providing military forces to the International Coalition in the Persian Gulf. That action is as follows:

British: 1-15-91, the British Parliament voted 534 to 57 in favor of the use of force to implement the 12 Security Council Resolutions to achieve Iraq's withdrawal from Kuwait.

France: 1-16-91, voted 523 to 26 to affirm the U.N. Resolutions, the 26 who voted in the negative were all communists.

Canada: 1-15-91, the debate in the House of Commons began with the Prime Minister and Foreign Minister giving statements. The debate is expected to last to the end of the week. The vote is scheduled for Friday. You should be reminded that the House of Commons voted on Nov. 29, 1990 to endorse the U.N. Security Council Resolution which included U.N. Resolution 678. There are 285 seats in the Canadian House of Commons the vote is expected to be along straight party lines and will carry by 20 votes.

Federal Republic of Germany—doesn't require parliamentary action for deployment of forces to Turkey since it is in the context of NATO.

Italy—The Italian Parliament has debated the Government policy to deploy Italian forces to the Persian Gulf. No formal vote is required.

Turkey—The Parliament has approved inviting foreign forces into Turkey for purposes of enhancing the defense of Turkish sovereign territory. A separate vote is required for Turkish forces to engage in any offensive action.

Egypt—No parliamentary action required and no debate has taken place.

Morocco—No parliamentary action required and no debate has taken place.

Pakistan—No parliamentary action required, however, the Parliament voted to commend the Prime Minister for sending ground and naval forces to the Persian Gulf.

THE WHITE HOUSE,
Washington, DC, January 5, 1991.

His Excellency SADDAM HUSSEIN,
President of the Republic of Iraq, Baghdad.

MR. PRESIDENT: We stand today at the brink of war between Iraq and the world. This is a war that began with your invasion of Kuwait; this is a war that can be ended only by Iraq's full and unconditional compliance with UN Security Council Resolution 678.

I am writing you now, directly, because what is at stake demands that no opportunity be lost to avoid what would be a certain calamity for the people of Iraq. I am writing, as well, because it is said by some that you do not understand just how isolated Iraq is and what Iraq faces as a result. I am not in a position to judge whether this impression is correct; what I can do, though, is try in this letter to reinforce what Secretary of State Baker told your Foreign Minister and eliminate any uncertainty or ambiguity that might exist in your mind about where we stand and what we are prepared to do.

The international community is united in its call for Iraq to leave all of Kuwait without condition and without further delay. This is not simply the policy of the United States; it is the position of the world community as expressed in no less than twelve Security Council resolutions.

We prefer a peaceful outcome. However, anything less than full compliance with UN Security Council Resolution 678 and its predecessors is unacceptable. There can be no reward for aggression. Nor will there be any negotiation. Principle cannot be compromised. However, by its full compliance, Iraq will gain the opportunity to rejoin the international community. More immediately, the Iraqi military establishment will escape destruction. But unless you withdraw from Kuwait completely and without condition, you will lose more than Kuwait. What is at issue here is not the future of Kuwait—it will be free, its government will be restored—but rather the future of Iraq. This choice is yours to make.

The United States will not be separated from its coalition partners. Twelve Security Council resolutions, 28 countries providing military units to enforce them, more than one hundred governments complying with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sanctions—all highlight the fact that it is not Iraq against the United States, but Iraq against the world. That most Arab and Muslim countries are arrayed against you as well should reinforce what I am saying. Iraq cannot and will not be able to hold onto Kuwait or exact a price for leaving.

You may be tempted to find solace in the diversity of opinion that is American democracy. You should resist any such temptation. Diversity ought not to be confused with division. Nor should you underestimate, as others have before you, America's will.

Iraq is already feeling the effects of the sanctions mandated by the United Nations. Should war come, it will be a far greater tragedy for you and your country. Let me state, too, that the United States will not tolerate the use of chemical or biological weapons or the destruction of Kuwait's oil fields and installations. Further, you will be held directly responsible for terrorist actions against any member of the coalition. The American people would demand the strongest possible response. You and your country will pay a terrible price if you order unconscionable acts of this sort.

I write this letter not to threaten, but to inform. I do so with no sense of satisfaction, for the people of the United States have no quarrel with the people of Iraq. Mr. President, UN Security Council Resolution 678 establishes the period before January 15 of this year as a "pause of good will" so that this crisis may end without further violence. Whether this pause is used as intended, or merely becomes a prelude to further violence, is in your hands, and yours alone. I hope you weigh your choice carefully and choose wisely, for much will depend upon it.

GEORGE BUSH.

THE REASONABLE DETENTION OF ALIENS ACT

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing a bill that relates to a situation that I believe is deplorable and reflects a tragic disregard for basic human decency in the way our country has treated refugees. Allow me to describe a situation in which I became personally involved.

About 2 years ago I awoke on a Saturday morning and read a story in the Washington Post that was very disturbing. The story was about a Salvadoran woman, with three young children, who was detained by the Immigration and Naturalization Service [INS] and sent to jail. The woman was nursing a 6-week-old infant who was suffering from a fever and an infection. The INS detained the woman when she went to the local immigration office for what she was led to believe was a routine interview. Despite the fact that she was the sole caretaker of three small children, one of whom was a sick infant, the authorities jailed her and made plans to deport her on the next plane back to El Salvador.

I became involved and urged the INS to release the woman. Eventually, the woman and her three children were granted refugee status by Canada, since our Government would not grant her permanent status in the United States. The significance of this story is not in the conclusion but in how our Government treats human beings—regardless of their legal status as aliens.

This tragic episode took place in what is supposed to be the most humanitarian country in the world, the United States. It is upsetting that our Immigration Service treats individuals who are seeking refuge in our country to escape oppression and violation of their human rights in such an insensitive way. This woman was no threat to society yet the INS arrested her and separated her from her children.

This kind of inhumane treatment of individuals who are seeking refuge in our country should not happen. The legislation that I am introducing today would prohibit the INS from detaining a mother, who has dependent children younger than the age of 2 years, for more than 24 hours. Last year I offered this legislation as an amendment to the Family Unity and Employment Opportunity Immigration Act. My amendment was adopted by the House but the provision was not included in the conference report and thus did not become law. Nevertheless, I firmly believe that this proposal is necessary.

This legislation is not complicated. It does not alter our immigration policy or effect the conditions of acceptance or rejection of aliens under current law. My amendment simply dictates that our Immigration Service must use a reasonable sense of human decency in detaining individuals who are caring for young dependent children.

I urge my colleagues to support my proposal. The text of this bill is as follows:

H.R. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reasonable Detention of Aliens Act".

SEC. 2. LIMITATION ON DETENTION OF CERTAIN ALIENS WITH DEPENDENT CHILDREN.

(a) IN GENERAL.—Section 242(c) of the Immigration and Nationality Act (8 U.S.C. 1252(c)) is amended—

(1) by striking "When" and inserting "(1) Except as provided in paragraph (2), when"; and

(2) by inserting at the end the following new paragraph:

"(2)(A) The Attorney General shall not detain any alien described in subparagraph (B) who is deportable under section 241, except in connection with the immediate departure of such alien. The period of such detention shall not exceed a reasonable amount of time based upon the particular circumstances of the alien and his or her dependent children, not to exceed a 24-hour period.

"(B) An alien described in this subparagraph is an alien—

"(i) who is not deportable under paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), (18), or (19) of section 241(a); and

"(ii) who is the mother of any child in the United States who is not older than 2 years of age and is dependent upon the alien for basic parental care.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any alien subject to a final deportation order on or after the date of the enactment of this Act.

FATHER MURGAS, WILKES-BARRE PRIEST, HONORED FOR ACCOMPLISHMENTS IN WIRELESS COMMUNICATIONS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. KANJORSKI. Mr. Speaker, on November 25, 1990, the citizens of Wilkes-Barre and I joined together to honor and remember a man who not only was kind, artistic, and devoted in his religious faith, but was a successful inventor as well.

Father Joseph Murgas served as pastor of Sacred Heart of Jesus Slovak Church in Wilkes-Barre, PA. Originally from Tajov, Slovakia, Father Murgas began experimenting with wireless communications in 1898 in a little shack behind his church.

Eventually, after much hard work, Father Murgas invented a new and more efficient system of wireless communication. Recording his success at the U.S. Patent Office, he began to receive recognition and kudos—including praise saying that his system was superior to that of Marconi's.

On November 23, 1905, a public demonstration was given and the phrase, "Glory Be To God" was transmitted, thus the first known system of workable overland radio was introduced.

Shortly thereafter, Marconi visited with Father Murgas and later introduced his own system to the world, one exactly like Father Murgas'.

Marconi has gone down in history as the "Father of Modern Radio," but Father Murgas certainly paved the way. Because the good priest was a modest and humble man, he did not seem to mind that he did not receive the credit he deserved. However, thanks to the hard work and dedication of Michael Novrocki and Scott Stefanides, Father Murgas has received the proper recognition for his contributions.

On November 25, 1990, the 85th anniversary of Father Murgas' first public transmission of sound over land, we dedicated a historical marker in Wilkes-Barre in his honor. This marker reminds us of Father Murgas and the countless others who led the way in progress and made this country what it is today.

BILLY GRANTHAM'S 40 YEARS OF SERVICE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. GORDON. Mr. Speaker, the Federal Government lost a valued, dedicated employee on October 3, 1990, when Billy Grantham of Brentwood, TN, retired as executive assistant to the Nashville District Commander, Corps of Engineers.

Mr. Grantham's retirement brings to an end a career that spanned more than 40 years of outstanding service to his Government and his country with the U.S. Postal Service, Army Aviation and the Corps of Engineers.

Mr. Grantham started his career in June 1950 when he was appointed postal clerk in the main post office in Memphis, TN. He served the public and the Federal Government until he was called to active military duty in 1951 with the famous 118th Tactical Reconnaissance Wing, Tennessee Air National Guard.

He served his country with honor in the United States Air Force during the Korean conflict, after which he was awarded the Good Conduct Medal and honorably discharged.

He returned to civilian Government service in 1952 with the U.S. Post Office in Memphis.

From 1960 until 1975, Mr. Grantham performed in a high-level management position with the U.S. Army Aviation Center and U.S. Army Aviation School at Fort Rucker, AL, which is now headquarters for the aviation branch of the Army. While at Fort Rucker, he continued to serve the public, his Government and his country with professionalism, distinction and dedication, receiving numerous honors for his contributions to the training of Army aviators and Army aircraft mechanics during ongoing military actions in Vietnam.

From 1975 until 1990, Mr. Grantham served his Government and the people of Tennessee in his highly-responsible position with the Corps of Engineers, Nashville District, Nashville, TN. During his time with the corps, he was recognized and rewarded for his performance above and beyond that expected of the average Federal manager.

In addition to his effective and efficient performance as a Federal worker, Mr. Grantham was an active contributor to the quality of life in his community. He has been a member of Kiwanis International for 15 years, attaining the position of lieutenant governor, Kiwanis, for the State of Alabama.

While with the corps, he served as president of the Middle Tennessee Federal Executives Association and has been a member of the board of directors of the Nashville post of the Society of American Military Engineers.

Our Government and the citizens of this great country will miss the faithful, professional, and dedicated service of Mr. Billy Grantham.

A TRIBUTE TO THE HONORABLE KENNETH J. SANBORN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. BONIOR. Mr. Speaker, I rise today on the occasion of the retirement of the Honorable Kenneth J. Sanborn, circuit judge for the Sixteenth Judicial Circuit in Mount Clemens, MI.

Over the years, Judge Sanborn has enjoyed a fine reputation as a distinguished jurist in our community and throughout the State of Michigan. He has shown his legal skill both as visiting judge on the Michigan Court of Appeals and as senior probate judge in Macomb County.

Before his appointment to the sixteenth circuit, Judge Sanborn represented Macomb County in the Michigan House of Representatives and was supervisor of Clinton Township. He was also a charter member of the Macomb County Community College Board of Trustees—the premier institution of higher education in our area.

Mr. Speaker, on this occasion of the retirement of Ken Sanborn, I ask my colleagues to join me in extending best wishes to Judge Sanborn and his entire family. His dedication and commitment will be greatly missed.

KILDEE HONORS FALL 1990 HOUSE PAGES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my personal gratitude to all of the pages who have served so diligently in the House of Representatives during the historic "Bicentennial Congress."

These dedicated and hard working young people will soon be leaving to complete their high school education. They are: Warren Aceron, Andrea Alfaro, Elisabeth Alkire, Elizabeth Ambrose, Kenneth Archer, Heather Arnet, John Baehr, Scott Beal, Roger Beckett, Christine Bergmann, Rachel Borak, Eskunder Boyd, Whitney Campbell, Adam Carstens, Benjamin Chinnery, Christopher Cohen, Misti Coy, Lauren Creamer, Allison Davis, Christopher Davis, Sean Donahue, Mark Easterday, Brian Fallon, Randall Fine, Eva Fisher, Genevieve Ford, Keri Francis, James Geraci, Andrew Grice, Ann Guthmiller, Maryann Hopson, Mary Hubbell, Karl Hughes, Vicki Irish, Jennifer Johnson, Karen Keller, Max Koltuv, Marian Leonardo, Samuel Lisman, Alfonso Martel, Vicki McAvoy, Camilla Messing, Matthew Miller, Cecilia Montalvo, Hilary Munger, Gilmer Murdock III, Gregory Newmark, Maria Phoenix, Ajna Pisani, Brian Ross, Abigail Rozen, James Sager, Anna Sieperda, Ann Silbert, Karla Staha, Jaco Stokes, Brent Tahajian, Damon Tandy, Nwadimma Uzoukwu, Bradley Walent, LaTonya Wesley, Raynarldo Whitty and Joshua Zeitz.

We all recognize the important role that congressional pages play in helping the House of Representatives operate. This group of young people, who come from all across our Nation, represent what is good about our country. To become a page these people have proven themselves to be academically qualified. They have ventured away from the security of their home and families to spend time in an unfamiliar city. Through this experience they have witnessed a new culture, made new friends, and learned the details of how our Government operates.

As we all know, the job of a congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. I am sure they will consider this to be one of the most valuable and exciting jobs of their lives, and that with this experience they will all move ahead to lead successful and productive lives.

Mr. Speaker, as Chairman of the Page Board, I ask my colleagues to join me in honoring this group of distinguished young Americans. They certainly will be missed.

A TRIBUTE TO BILL SPEYERS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding contributions and fine public service of Bill Speyers of Big Bear Lake. Bill is widely respected and has been a community leader for many years, most recently as mayor of Big Bear Lake.

Bill Speyers studied electrical engineering at the University of California, Berkeley, and received his MBA at the University of California, Fullerton. For 40 years, he has been a positive force in industry engineering, program management, forward planning, marketing and sales. Bill retired to Big Bear Lake in 1985 where he has become an active member of the community.

Bill served on the Big Bear Lake City Council for 4 years, 2 years as mayor. In that capacity, he has worked diligently to address local concerns including solid waste problems and obtaining funds for local road improvements. He was also appointed by former California Governor Deukmejian to the Santa Ana Regional Water Quality Control Board and has served as president of the San Bernardino Associated Governments. In addition, Bill has served as a member of the Valley Water Study Association, president of AARP, and worked on the League of California Cities' Resolution Committee and the local hospital board of directors.

Bill has been active in a number of community service organizations including the VFW, Elks, the Chamber of Commerce, the Republican Club, Hospital Auxiliary, and the Big Bear Amateur Radio Club. He plays an important role as a member of the San Bernardino County Flood Control District Advisory Committee and as chairman of the recently formed Mining Monitoring Committee.

Mr. Speaker, I ask that you join me and our colleagues as we honor the fine achievements of Bill Speyers. Bill is a model of community service and activism. His years of service certainly make him worthy of recognition by the House today.

MIDDLE EAST CONCERN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. HUBBARD. Mr. Speaker, I have recently received hundreds of letters and telephone calls expressing increased concern over the crisis in the Middle East.

At this time, I would like to share with my colleagues a recent thought-provoking letter from my friend and constituent William S.

Owen of Paducah, KY. In his letter Steve Owen expresses his deep concern over several issues, including the financial and defense implications of our involvement in the Middle East, the question of Arab loyalties if fighting begins or if Israel is brought into the conflict, and particularly the religious restrictions placed on American soldiers in Saudi Arabia.

I urge my colleagues to read the letter from William S. Owen. The letter follows in its entirety:

PADUCAH, KY, *January 8, 1991.*

Hon. CARROLL HUBBARD,
The Capitol Building,
Washington, DC.

DEAR CONGRESSMAN HUBBARD: I have become very concerned about our position in the Persian Gulf. It seems to me that we are putting too much military muscle in one confined area of the world. This is of concern for the following reasons.

1. If Saddam Hussein attacks Israel, what position will the United States be in when Israel counterattacks? Can we forsake our long time ally when the Arabs change loyalties with the blowing of the sands? Will the Saudis and the other Moslem forces forsake the United States led alliance and attack Israel also?

2. Once the shooting begins, will Moslem Iran join the fighting against us?

3. With so many forces in one place and with the Soviets beginning to revert to the old hard line, who will defend the United States mainland if we are attacked by foreign forces while the bulk of our forces are in the Persian Gulf?

I believe the Soviets will once again become a closed society in a matter of months.

Also, why are we bowing to a country's wishes against showing American military pride and not allowing our soldiers to openly worship as they please? Would we stop a Saudi from following his faith while in the United States? This just astounds me that we are worried about offending the Saudis. Believe me if I was an American Soldier in the Persian Gulf I would display the flag patch on my uniform as well as worship as a Kentucky Southern Baptist!

If the Saudis want us there, they should pay much more of the cost of the operation since they are making billions of oil dollars off of the crisis.

Congressman Hubbard, thanks for your time.

Sincerely,

WILLIAM S. OWENS.

THE CONTINUING CRISIS IN THE BALTIC STATES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. FASCELL. Mr. Speaker, while the world's attention is riveted on the situation in the gulf, the crisis in the Baltic States continues. The brave peoples and leaderships of these small nations are locked in a pitched battle for their survival and have called upon the nations of the West, and primarily the United States, not to forget them and their struggle at this pivotal juncture.

The Committee on Foreign Affairs is actively involved to focus attention of the plight of the Baltic people as well as to encourage congressional statements on their behalf. Representative LEE HAMILTON's Subcommittee on Europe and the Middle East will, in the very near future, hold hearings on the crisis in the Baltic States. Tomorrow, the Commission on Security and Cooperation in Europe, will hold its own hearing on the Baltic crisis. The witness is Mr. Raymond Seitz, the Assistant Secretary of State for Europe. A letter to Soviet President Gorbachev from the Committee on Foreign Affairs is being prepared which will strongly condemn Soviet actions in the Baltic States and urge a peaceful resolution of the crisis.

Mr. Speaker, I think a review of the current situation in the Baltic States is in order.

An uneasy truce prevails throughout the three Baltic States. Hundreds of thousands of Lithuanians turned out this morning for an emotional funeral for the 14 killed in the violence over the weekend. Yesterday, mass demonstrations were held by non-Lithuanians in support of continued union with the U.S.S.R.

In all three states, the freely elected Governments and Parliaments took steps to secure their buildings and facilities from takeover by the Soviet military and all of them have been holed up in their respective Parliament buildings. Thousands of Lithuanians remain outside the Lithuanian Parliament as they have for practically the past week. Lithuanian President Landsbergis today called on the United States and the Western nations to postpone military action against Iraq for a few days since it is obvious that the Kremlin is timing its crackdown on the Baltic States to coincide with Western preoccupation in the gulf.

In Riga, Latvia last night, antiterrorist units of the Soviet Interior Ministry raided a Latvian police academy, seized ammunition, roughed up some cadets, and then withdrew.

Russian Republic President Boris Yeltsin continues to play a rather prominent, even heroic, role in trying to pressure the Soviet military and Gorbachev into backing off from their confrontation with the Baltic States. Earlier today at a meeting with the Ambassadors of the Nordic countries—all of whom have been vocal and firm in their condemnation of Soviet actions in the Baltic—Yeltsin warned that the Russian Republic would be forced to take some kind of unspecified action if Gorbachev did not reduce pressure on the Baltic States. Yeltsin also warned that Russia, by far the largest of the Republics, would consider forming its own army to defend its newly declared sovereignty.

Gorbachev strongly criticized Yeltsin for these remarks and also stepped up his vocal attacks on the leaders of all three Baltic States, claiming his office has been inundated by telegrams and letters urging him to take decisive action to restore order. The shadowy National Salvation Committee in Lithuania—widely assumed to be a puppet of the pro-Moscow wing of the Lithuanian Communist Party—has also stepped up its rhetoric, charging that the Lithuanian Parliament has adopted laws that would unleash military action against the Soviet Army and cause the physical destruction of Communists, non-Lithuanians and others in the Republic. It reiterated calls for direct Presidential role in Lithuania.

Gorbachev has yet to show his complete hand but, according to the Washington Post today, there is widespread belief among both his supporters and opponents that he will end up imposing direct Presidential rule over Lithuania, at least. Direct, Presidential rule is a murky concept, adopted as part of emergency legislation late last year by the Supreme Soviet under the urging of Gorbachev himself. Under Presidential rule, Gorbachev—as the President of the entire U.S.S.R.—would have the following powers:

To take draconian measures to ensure public order in the event of a threat to the security of Soviet citizens or the state;

To ban public meetings and strikes;

Cut communications, impose curfews, and restrictions on the movement of citizens; and

Perhaps most importantly, to suspend democratically elected institutions, meaning all the Governments and Parliaments not only in the three Baltic States but all other Republics as well.

Needless to say, Gorbachev remains the key figure in the Baltic drama as well as in the Soviet crisis in general. Above all, Gorbachev has declared as his primary goal the preservation of the unity and integrity of the Soviet state. All his recent actions should be viewed in this context. To paraphrase an old Leninist dictum, he is taking "one step back"; that is, to impose, as peacefully as possible, Soviet control over the chaotic situation in all the potential break-away republics in order "to take two steps forward"; that is, to bring meaningful reform and democratization to the country which could include, eventually, independence—or at least special status—for the Baltic States.

In this goal of preserving the stability and unity of the U.S.S.R. Gorbachev has been forced to rely on the Soviet Army, the pro-Moscow rumps of the Baltic Communist Parties, and most of the nonindigenous peoples of the three Republics, all of whom are worried about their future in independent Baltic States. Slavic people—Russians, Poles, Ukrainians, and Byelorussians—account for about 20 percent of the population of Lithuania, nearly 50 percent of Latvia, and 40 percent of Estonia. Most settled there after World War II and have been employed primarily as industrial workers and military personnel, many of whom have retired in the region. While they are divided over the issue of Baltic independence, all fear the consequences of living under national-oriented, independent Baltic leaderships.

The situation in the Baltic States is tense and complex. Unfortunately, no easy, peaceful solutions are available. It is our duty and obligation to continue to press the Soviet Government and President Gorbachev in particular to cease their military pressure on the Baltic States and to immediately enter into honest negotiations with the democratic, freely elected Governments of these states aimed at assuring their self-determination and eventual independence.

PROHIBIT OPEN CONTAINERS IN VEHICLES

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, it seems to me that one of the most senseless and outrageous crimes in our society is drunk driving. The mixture of drinking and driving is more than dangerous—it is deadly. In 1988, over 23,000 people died on our Nation's roads in alcohol-related accidents. That figure was about half of the total number of traffic fatalities for that year. In addition to the lost lives and despair that are attendant to the carnage on the highways, drunk driving costs this country an estimated $24 billion a year.

Despite this frightening reality about alcohol-related traffic accidents, the States and the Federal Government have done little to curb this serious problem. Currently it is perfectly legal in 10 States in this country for a driver to get in a car, put one hand on the steering wheel and the other hand on a bottle of whiskey, drive off drinking. Also, in 28 States it is legal for passengers in a vehicle to be drinking while the vehicle is in operation. That is outrageous. In fact, you could load up a car with passengers in New Hampshire and meander as far west as Nevada with the driver or passengers drinking all the way and not break the law. It seems to me that something decisive has to be done urgently.

I believe that we in the Congress must do something at the Federal level to urge States to adopt open container laws. That is why I have introduced legislation today that would require States to enact laws that would prohibit open containers in vehicles. This legislation would withhold 5 percent of the State's highway funds if the State fails to enact laws prohibiting open containers in vehicles.

Drinking and driving cannot be seen as a personal moral decision. When someone decides to drink and drive, that person is not simply putting himself in danger. That person is a threat to innocent drivers, passengers, and pedestrians. The odds are that 2 out of every 5 Americans will be involved in an alcohol-related traffic accident, regardless of their drinking habits. The fact is that every third drunk driving fatality is an innocent victim—a nondrinking driver, passenger, or pedestrian.

Mr. Speaker, we have heard a great deal of tough talk about attacking the drug problem in this country. The country seems poised to mobilize to fight drugs and the crimes associated with the narcotics trade. However, America also has a very serious problem with alcohol and drunk driving, and we seem to be taking a vacation from our responsibilities in that area. My proposed amendment takes a positive step and makes good public policy. It provides a strong incentive for States to enact laws prohibiting the insane behavior of drinking in a moving vehicle. If States fail to comply, they would be subject to the same penalty that was utilized when the Federal Government enacted legislation requiring States to raise the minimum drinking age to 21 years of age—namely, withholding of 5 percent of Federal highway funds.

I urge my colleagues to support this legislation. The text of this bill is as follows:

H.R. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 159. Open container limitations

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

"(1) GENERAL RULE.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of each fiscal year succeeding the first fiscal year beginning after September 30, 1992 in which the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway, or the right-of-way of a public highway, in such State is lawful.

"(2) LIMITATION OF APPLICATION TO CHARTER BUSES.—If a State has in effect a law which makes unlawful the possession of any open alcoholic beverage container in the passenger area by the driver (and not the passengers) of any motor vehicle designed to transport more than 10 passengers, including the driver, while being used to provide charter transportation of passengers, such State shall be deemed to be in compliance with paragraph (1) of this subsection with respect to such motor vehicles in each fiscal year in which such law is in effect.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1994.—

"(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1994, shall remain available for apportionment to such State as follows:

"(i) If such funds would have been apportioned under section 104(b)(5)(A) of this title but for this section, such funds shall remain available until the end of the fiscal year for which such funds are authorized to be appropriated.

"(ii) If such funds would have been apportioned under section 104(b)(5)(B) of this title but for this section, such funds shall remain available until the end of the second fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(iii) If such funds would have been apportioned under section 104(b)(1), 104(b)(2), or 104(b)(6) of this title but for this section, such funds shall remain available until the end of the third fiscal year following the fiscal year for which such funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1994.—No funds withheld under this section from apportionment to any State after September 30, 1994, shall be available for apportionment to such State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State makes effective a law which is in compliance with subsection (a), the Secretary shall on the day following the effective date of such law apportion to such State the withheld funds remaining available for apportionment to such State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(A) Funds apportioned under section 104(b)(5)(A) of this title shall remain available until the end of the fiscal year succeeding the fiscal year in which such funds are so apportioned.

"(B) Funds apportioned under section 104(b)(1), 104(b)(2), 104(b)(5)(B), or 104(b)(6) of this title shall remain available until the end of the third fiscal year succeeding the fiscal year in which such funds are so apportioned.

Sums not obligated at the end of such period shall lapse or, in the case of funds apportioned under section 104(b)(5) of this title, shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State has not made effective a law which is in compliance with subsection (a), such funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5) of this title, such funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b) of this title.

"(c) DEFINITIONS.—As used in this section—

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning such term has under section 154(b) of this title.

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' means any bottle, can, or other receptable—

"(A) which contains any amount of an alcoholic beverage; and

"(B)(i) which is open or has a broken seal, or

"(ii) the contents of which are partially removed.

"(4) PASSENGER AREA.—The term 'passenger area' shall be defined by the Secretary by regulation.".

"(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of such title is amended by adding at the end thereof the following new item:

"159. Open container limitations.".

MSGR. JOHN C. MASAKOWSKI HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. KANJORSKI. Mr. Speaker, on November 25, 1990, a tribute was paid to Father John Masakowski, who had bestowed upon him the special honor of being named monsignor.

Monsignor Masakowski is a native of my hometown of Nanticoke. He attended Nanticoke High School and later graduated cum laude from St. Mary's College in Orchard Lake, MI. He received his degree in theology and was ordained into the priesthood on June 4, 1949, at St. Peter's Cathedral in Scranton.

Throughout the years and throughout the many parishes, Monsignor Masakowski has left his mark. A very kind and generous person, Monsignor Masakowski has brought people and communities together by organizing service groups.

In addition, his good works not only include helping his fellow man, but he has led the efforts to improve each of the parish churches at which he has served.

Monsignor Masakowski's devotion to his vocation has been an inspiration to all those whose lives he has touched. He has displayed tireless dedication and service to his congregations over the years and his community-minded spirit is an example we all should follow.

It is only fitting that he be honored and I know my colleagues join me in wishing him all the best for many years to come.

DAN HERRON: DEDICATED EDUCATOR

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. GORDON. Mr. Speaker, Gallatin High School in Gallatin, TN, is losing a legend. Education in Tennessee is losing a man who has been a true leader for more than three decades.

Dan Herron is retiring after 28 years as principal at Gallatin High School; 28 years marked by accomplishments often unparalleled by any school in the State.

Mr. Herron came to Gallatin in 1962. The next decade was one of marked change throughout the State and country but Mr. Herron and his outstanding staff guided the school through without much of the turmoil that marred other schools.

He developed a reputation of being firm but fair, a policy that drew support from students, parents and the community.

That solid foundation of cooperation and community backing continued into the 1970's, as Gallatin High School became known as a bastion of both academic and athletic excellence.

In 1983, Gallatin High School received the Presidential Award of Excellence, ranking it among the top schools in the Nation. The school's students have reaped numerous academic honors on the State and national level. Its athletic teams have excelled in State competitions.

Others from across Tennessee point to the school as an example of how to assemble an outstanding staff, develop innovative programs for a myriad of students, and attract and keep community support for a wide spectrum of activities. Herron's ability to combine those three ingredients have produced the sound learning environment that makes Gallatin High School outstanding.

Mrs. Jerri Guthrie, a long-time educator, once said of Herron, "He seems to have a sense of what makes a good teacher and has hired a lot of good ones over the years."

Dr. Hal Hooper, whose six children graduated from Gallatin High School, noted, "He gets the community involved and he should get a lot of credit for that."

Mr. Herron is leaving Gallatin High School, and education, for a position with a bank in the private sector. However, his abilities and innovations will not soon be forgotten.

He will continue to be loved and revered by his former students, faculty members, and parents. His legacy will live on in future Gallatin High School students who benefit from the school he helped build.

A TRIBUTE TO HON. GEORGE STEEH II

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. BONIOR. Mr. Speaker, I rise today with the distinct privilege of honoring a very close and dear friend who has recently retired as judge of the 41–B District Court in Mount Clemens, the Honorable George Steeh II.

While Judge Steeh is most recently concluding over 10 years of service on the bench as district judge, he will always be remembered for the compassion, decency, and, above all, fairness he brought with him into his relationships with other people.

The son of Lebanese immigrants, Judge Steeh was born in Mount Clemens in 1919. He completed his law degree from the University of Michigan after serving in the Pacific during World War II. In the 1950's, he formed the law firm of Neale, Steeh, & Hader, embarking upon his public career. At the same time he was raising a family of five children.

In the next dozen years, his path took him from successful Macomb County lawyer to distinguished elected representative in Lansing. There he served in the Michigan House of Representatives and Senate and was selected by the Detroit News, as one of Michigan's most effective legislators.

His political associations, however, did not stop there. In the early 1960's, as chair of the Macomb County Democratic Party, he helped forge the Democratic majorities that made Michigan one of the most progressive States in the Nation. He continued his active involvement with the Macomb County Bar Association and the State Board of Appeals. And in 1980, he was appointed to the position from which he now retires.

Mr. Speaker, over the years George Steeh has consistently illustrated the meaning of public service: to administer the law with compassion, to apply the truth with fairness. We in the Mount Clemens community are, indeed, deeply indebted to this fine individual. He has and will continue to be a touchstone for those of us privileged to know him.

A TRIBUTE TO FATHER EDUARDO LORENZO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding humanitarian from my hometown of Flint, MI, Father Eduardo Lorenzo. Father Lorenzo is being honored by Our Lady of Guadalupe Parish on the 25th anniversary of his ordination on Saturday, January 19, 1991.

Since arriving from Cuba in 1961, Father Lorenzo has been instrumental to the growth and development of parishes for the Spanish-speaking community throughout the State of Michigan. He has devoted countless hours to counseling members of his congregation and has worked tirelessly to assist all segments of the community.

Father Lorenzo was born and educated in Havana, Cuba and worked at the Cuban Motor Co., a division of General Motors, for several years. In 1956, he entered the Seminary of the Good Shepherd in Havana, where he studied for 5 years until the Castro regime forced the closing of the seminaries.

In 1961, Father Lorenzo came to the United States and entered St. Maur's Seminary in South Union, KY. During the summer of 1964, he came to the Lansing Diocese of Michigan and assisted with the Spanish-speaking Apostolate at Cristo Rey Catholic Parish.

After efforts to return to Cuba for his ordination failed, Archbishop Evelio Dias of Havana granted permission for Father Lorenzo to be ordained in Lansing. On January 22, 1966, Father Lorenzo became the first Cuban refugee from the Castro revolution to be ordained in the Catholic Priesthood of Lansing.

Father Lorenzo came to the Flint area on December 6, 1966, when he was named administrator of Our Lady of Guadalupe Church, to serve the growing Spanish-speaking Catholic community. Through his perseverance and efforts, Father Lorenzo was able to establish a large parish, and by 1973 the Hispanic community was able to move their congregation into a larger building. On April 14, 1973, the new structure for Our Lady of Guadalupe became the first Catholic church in Michigan built for and by the Hispanic community.

Wherever he has preached, Father Lorenzo has committed himself to serving God and the people of his community. He has been a very positive influence on me and an important part of my personal growth and formation. I am a better person for having known him, and Flint is certainly a better community for his presence.

A TRIBUTE TO THE 100TH ANNIVERSARY OF CONGREGATION EMANU EL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a wonderful celebration on February 2, marking the 100th anniversary of the Congregation Emanu El in San Bernardino. This gala provides the congregation an opportunity to rejoice in its history while allowing the community, State, and country to recognize the oldest Jewish community in southern California.

Congregation Emanu El's official charter was issued by the State of California on February 2, 1891. However, the diverse history of the congregation goes back to the 1850's when the first Jews arrived in the San Bernardino Valley. At this time, historical records indicate, religious services were held on major Jewish holy days in private homes and communal buildings. These early settlers also began to educate the young and establish businesses in the area.

In 1861, the Jewish community was given a piece of land as a cemetery. The Home of Eternity Cemetery, owned and operated by Congregation Emanu El, is now the oldest Jewish cemetery in southern California and is recognized as a State historical landmark.

Until the 1930's Congregation Emanu El was the only synagogue between Pasadena and Phoenix. Jews came together from the San Bernardino, Riverside, and Pomona area for religious, educational, and social activities. Today, the congregation has a membership of some 600 families who live and work in San Bernardino, Redlands, Colton, Grand Terrace, Rialto, Fontana, Riverside, the mountains, and high desert.

Since 1947, the congregation has been affiliated with the Union of American Hebrew Congregations, the national organization of reform synagogues, but has consistently followed a ritual form blending orthodox, conservative, and reform Jewish practice.

It is not known when the name Congregation Emanu El came into use. Rudolf Anker served as president of the congregation from 1881 to 1890, and was followed by I.R. Brunn. The first spiritual leader of the congregation was Rabbi Samuel Margolis who led the congregation in the 1920's. Jacob Alkow served as rabbi from 1932 to 1937, and Rabbi Norman Feldheym from 1937 to 1971 and as Rabbi Emeritus from 1971 to 1985. Rabbi Hillel Cohn has served as spiritual leader of the congregation since 1963. Congregation president Richard G. Simon is joined on the temple staff by director of education, Rabbi Tracy Guren Klirs, and Cantor Gregory Yraslow.

Mr. Speaker, I ask that you join me and our colleagues in recognizing this marvelous historic occasion. Congregation Emanu El has a rich and wonderful history that is certainly worthy of recognition by the House of Representatives.

UNFAIR BANKING PRACTICES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. HUBBARD. Mr. Speaker, earlier this month I received a copy of an excellent December 28, 1990, letter sent to President George Bush from Robert L. Chambless, Jr., chairman of the board of Hart County Bank & Trust Co., in Munfordville, KY, which I would like to share with my colleagues.

Bob Chambless has written about issues of great concern to the bankers of Kentucky and elsewhere in the Nation, specifically the unfair practices of the Federal Deposit Insurance Corporation in its regulatory practices. Although this is a more serious time for the President and our Nation with the threat of war with Iraq imminent, Bob Chambless urges the White House to take a serious look at "a domestic issue of great importance to us both, the FDIC." He urges scrutiny of the FDIC regulatory treatment of all financial institutions and their depositors.

I urge my colleagues to read the excellent comments of this outstanding banker from Kentucky. The letter from Bob Chambless follows:

HART COUNTY BANK AND TRUST CO.,
Munfordville, KY, December 28, 1990.

Hon. GEORGE BUSH,
President, United States of America,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: I know that you have your hands full with foreign affairs right now, but I wanted to mention a domestic issue of great importance to us both, the FDIC.

Our little country bank has assets of 26 million dollars and a capital ratio of over nine percent. We serve a county of approximately 14,000 persons, with agriculture as our main industry. Not only are we getting tired of paying for other people's mistakes; but also, we have had problems of our own in the past, due to agricultural land values declining, and, we weathered that storm without any outside help. I am hard pressed to see why we should continue to pay the bills for others' mistakes, and, we know that just the increase in FDIC assessments for 1991 will cost us in excess of $20,000, which results in our paying over two months of our 1991 earnings to the FDIC for that coverage. The fact that the FDIC chooses to fully cover uninsured and unassessed foreign deposits of the big banks is so unfair it escapes me why it is permitted to continue.

I do not need to take you through a history of what brought about the current problems, but there are three key things which come to mind immediately:

1. The deregulation of interest rates paid on deposits.

2. The deregulation of the savings and loan industry.

3. The unwillingness to let national corporations; such as, Chrysler Corporation and Continental Illinois National Bank go under, if in fact, they were broke.

Had these organizations been permitted to collapse, it would have had an awakening effect on the public and on government; and, maybe some folks' eyes would have been opened a little wider towards the future.

Best of luck and prayers to you in your efforts to resolve the many problems confronting this country today.

Yours very truly,

ROBERT L. CHAMBLESS, Jr.,
Chairman of the Board.

THE MANZANAR NATIONAL HISTORIC SITE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. LEVINE of California. Mr. Speaker, today I am introducing legislation which would designate the World War II Manzanar internment camp a national historic site. Such a designation will create a permanent reminder of one of the darkest moments in our Nation's history. Our internment of Japanese-Americans during the Second World War was inexcusable and unconscionable.

Manzanar was the first of 10 internment camps to house the 120,000 persons of Japanese ancestry, most of them American citizens, who were forcibly removed from their homes in coastal areas between 1942 and 1945.

We cannot allow these grave injustices to be forgotten. The Manzanar site will help teach future generations the risks of suspending civil liberties, and be a longstanding reminder of what can happen if our national commitment to freedom waivers.

Mr. Speaker, I ask my colleagues to join me in supporting this measure to preserve the historic record of the internment of Japanese-Americans during World War II. I hope it will forever remind us of what can happen when we forget what this country stands for.

H.R. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—In order to provide for the protection and interpretation of historical and cultural resources associated with the relocation of Japanese-Americans during World War II, there is hereby established the Manzanar National Historic Site (hereinafter in this Act referred to as the "site").

(b) AREA INCLUDED.—The site shall consist of the lands and interests in lands within the area generally depicted as Alternative 3 on map 3, as contained in the Study of Alternatives for Manzanar War Relocation Center, map number 80,002 and dated February 1989. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may from time to time make minor revisions in the boundary of the site.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the site in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the site, the Secretary is authorized to enter into cooperative agreements with public and private entities for management and interpretive programs within the site and with the State of California, or any political subdivision thereof, for the rendering, on a reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(d) COOPERATIVE AGREEMENTS WITH OWNERS.—The Secretary may enter into cooperative agreements with the owners of properties of historical or cultural significance as determined by the Secretary, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alternations shall be made in the property except by mutual agreement.

(e) With respect to lands acquired by the United States pursuant to this Act, the Secretary shall permit movement of livestock across such lands in order to reach adjacent lands, if the party seeking to make such use of the acquired lands was authorized to make such use as of the date of enactment of this Act; but any such use shall be subject to such terms, conditions, and requirements as the Secretary may impose in order to protect the natural, cultural, historic, and other resources and values of the acquired lands.

SEC. 3. ACQUISITION OF LAND.

The Secretary may acquire land or interests in land, and improvements thereon, within the boundaries of the site by donation, purchase with donated or appropriated funds, or exchange.

SEC 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Manzanar National Historic Site Advisory Commission (hereinafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of former internees of the Manzanar relocation camp, local residents, representatives of Native American groups, and the general public appointed by the Secretary to serve for terms of 2 years. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the development, management, and interpretation of the site.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the site. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(f) TERMINATION.—The Advisory Commission shall terminate on 10 years after the date of enactment of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as necessary to carry out this Act.

ANY WAR WITH IRAQ IS NOT SIMPLY ABOUT OIL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. BEREUTER. Mr. Speaker, some very vocal opponents to U.S. policy in the Persian Gulf region keep insisting that an effort to maintain cheap oil is our only motivation. They chant: "No blood for oil."

They are very wrong. A New York Times editorial of January 15, 1991, addressed this subject as follows:

> Those in the minority wholly opposed to war can best honor their cause by not caricaturing the views of the majority. To assert that the five-month-old gulf crisis is "only" about oil is as simple-minded as arguing that Saddam Hussein's rape of Kuwait is somehow less offensive because the emirate was not a democracy.

An opinion piece by Robert J. Sammuelson printed in the Washington Post of January 16, 1991, entitled "Our Purpose in the Gulf," also very well addressed this false characterizations as follows:

> Should it come, the war will not be about cheap oil—but about preventing oil power from being tragically misused. We have not sent nearly 400,000 Americans to the Persian Gulf to defend crude at $18 a barrel. They are there to keep Saddam Hussein from controlling two-thirds of global oil reserves and from using that control to blackmail the industrial world and make Iraq a nuclear power.
>
> The case for fighting Saddam now is, simply put, that he will be harder to fight later. And should last-minute diplomacy avert war, the success will be temporary unless it leads to effective measures to check Saddam's military strength and provide security in the Gulf.
>
> Because war is so awful, we must be clear that our purpose is worthy. The stakes are more important than a few cents on gas prices or restoring the emir of Kuwait. Nor are we defending opposition to all aggression, no matter how brutal. A president who did that would be "impeached after the first crisis in which there were significant U.S. casualties," as Foreign Policy editor Charles William Maynes says. . . .

Mr. Speaker, this Member also wants to call to the attention of his colleagues a relevant excerpt from the statement of Secretary of State James A. Baker III, before the House Foreign Affairs Committee on December 6, 1990. It may well be the best description or account of the reasons why American forces are deployed in the Persian Gulf area. It reads as follows:

> It is often said that there has been no clear answer given to the question of why we are in the Gulf. Much of this results from the search for a single cause for our involvement, a single reason the President could use to explain why the lives of American men and women should be put in harm's way in the sands of Arabia or the seas around it and in the air above it.
>
> Mr. Chairman, let us stop this search. Let us be honest with ourselves and with each other. There are multiple causes, multiple dangers, multiple threats. Standing alone, each is compelling. Put together, the case is overwhelming.
>
> Put bluntly: A very dangerous dictator—armed to the teeth—is threatening a critical region at a defining moment in history.
>
> It is the combination of these reasons—who is threatening our interests, what capabilities he has and is developing, where he is carrying out aggression, and when he has chosen to act—that makes the stakes so high for all of us.
>
> Let me explain.
>
> Strategically, Saddam is a capricious dictator whose lust for power is as unlimited as his brutality in pursuit of it. He has invaded two neighbors, is harboring terrorists, and now is systematically exterminating Kuwait. Saddam uses poisonous gas—even against his own people; develops deadly toxins; and seeks relentlessly to acquire nuclear bombs. He has built the world's sixth largest army, has the world's fifth largest tank army, and has deployed ballistic missiles.
>
> Geographically, Saddam's aggression has occurred in a political tinderbox that is crossroads to three continents. His success would only guarantee more strife, more conflict, and eventually a wider war. There would be little hope for any effort at peacemaking in the Middle East.
>
> Economically, Saddam's aggression imperils the world's oil lifelines, threatening recession and depression, here and abroad, hitting hardest those fledgling democracies least able to cope with it. His aggression is an attempt to mortgage the economic promise of the post-Cold War world to the whims of a single man.
>
> Morally, we must act so that international laws, not international outlaws, govern the post-Cold War world. We must act so that right, not might, dictates success in the post-Cold War world. We must act so that innocent men and women and diplomats are protected, not held hostage, in the post-Cold War world.
>
> Historically, we must stand with the people of Kuwait so that the annexation of Kuwait does not become the first reality that mars our vision of a new world order. We must stand with the world community so that the United Nations does not go the way of the League of Nations.
>
> Politically, we must stand for American leadership, not because we seek it but because no one else can do the job. And we did not stand united for forty years to bring the Cold War to a peaceful end in order to make the world safe for the likes of Saddam Hussein.
>
> These then are the stakes.
>
> If Saddam is not stopped now, if his aggressive designs are not frustrated, peacefully if possible, or if necessary by force, we will all pay a higher price later.

IRAQ CRISIS RESOLUTIONS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. WELDON. Mr. Speaker, I have sat through nearly 50 hours of testimony in the House Armed Services Committee, and through the entire discussion on the House floor about United States options to remove Saddam Hussein from Kuwait. I regret that Members have only had the chance to discuss, instead of debate, an issue of such magnitude in this democratic body. This is truly unfortunate, because many inaccuracies have gone unchallenged in the past 2 days.

We all have the right to form our own opinions, but facts are facts. I would like to submit some materials for the CONGRESSIONAL RECORD which address issues that have been discussed to ensure that the American people have adequate information on which to base their own opinions.

Members have repeatedly cited CIA Director William Webster's testimony as justification for continued sanctions. I noted 15 different interpretations of his statements during floor discussions, with many concluding that sanctions would remove Hussein from Kuwait in the near future. I would like to point out the following statement from Mr. Webster's letter of January 10, 1991, addressing this subject. His conclusion is, and I quote, there is "no evidence that sanctions would mandate a change in Saddam Hussein's behavior and that there was no evidence when or even if they would force him out of Kuwait."

Members have also asserted that the defensive effort in Saudi Arabia is purely an American one. I have repeatedly called on the administration to solicit greater support from some allies, such as Germany and Japan, that can afford to do more. However, there are many nations contributing significant financial and military resources to this effort, and they should not go unnoticed.

I would like to highlight one of the most glaring omissions from this discussion—and that is the fact that there are roughly 90,000 allied Arab soldiers located on the border between Saudi Arabia and Kuwait, of the 245,000 international troops committed to this effort; 33,000 Kuwaitis who managed to escape are also contributing to this military coalition. There are no American troops within 60 kilometers of the border. I would like to insert into the RECORD at this point a memo from National Security Adviser Brent Scowcroft fully outlining all military support, and a chart illustrating allied troop commitments in the Persian Gulf.

On a related note, many are stating that the United States is bearing the full cost of the military effort in the gulf. Again, I would refer to Mr. Scowcroft's memo outlining allied contributions. In a recent letter, Saudi Arabian Ambassador Bandar bin Sultan assured us that his nation is losing money as a result of the Desert Shield embargo. The Saudis have given U.S. troops carte blanche coverage of costs for food, water, construction, transportation, and fuel, and they have handed over entire facilities for exclusive U.S. use, including a brand-new airfield. Saudi Arabia has also provided $3.65 billion in economic assistance to neighboring Arab allies who have suffered as a result of the embargo, and they have forgiven over $4 billion in Egyptian debts. I urge my colleages to read Bandar bin Sultan's letter outlining Saudi contributions, and remind them to keep in mind his conclusion, that "After taking into account both higher revenues and higher expenditures resulting from the crisis, a clear Saudi budget deficit results."

The focal point of recent debate has been the length of time it will take for sanctions to succeed. Many witnesses before the Armed Services Committee expressed a desire to give sanctions a chance to work, and optimism that they could. But no one person could say with confidence how long it would take to make sanctions work, or that they ever would. I would like to share some of the more compelling statements on sanctions from a broad-based group of sources, many who testified before the Armed Services Committee.

The Washington Post reports that the sanctions are working like a "loose-meshed fishing net." "The borders are extremely porous," states a Western diplomat in Iraq. Said another foreign official, "I suppose if the sanctions continued for some years, they would eventually have an effect." the bottom line is and I quote "the sanctions have failed to create widespread shortages [in Iraq].

Jerrold Post, M.D., psychiatry and political psychology, Geo. Washington University: "He will only reverse his present course if his power and reputation are threatened. This requires a posture of strength, firmness and clarity of purpose by a unified, civilized world, demonstrably willing to use force if necessary. The only language Saddam Hussein understands is the language of power. Without this demonstrable willingness to use force, even if the sanctions are biting deeply, Saddam is quite capable of putting his population through a sustained period of hardship, as he has in the past * * *. It is a certainty that he will return at a later date, stronger than ever, unless firm measures are taken to contain him."

(Post said the possibility of sanctions working in a year was "iffy" in response to questions.)

Phebe Marr, senior fellow with National Defense University, gulf expert: "[Sanctions], in my view, will be a long, slow process that will be difficult to detect and possible for Saddam to contain, given his control over his populace. Support for Saddam, especially among his armed forces, can also be eroded by a credible military threat which, while riskier, is likely to end the crisis sooner."

(She also said that Hussein believes that America lacks the stomach for a military fight, and that this belief must be dispelled before we can get him to move from waiting out the sanctions to leaving Kuwait.)

William Webster, Director of Central Intelligence: "Our judgment has been, and continues to be, that there is no assurance or guarantee that economic hardships will compel Saddam to change his policies or lead to internal unrest that would threaten his regime."

"Saddam's willingness to sit tight and try to outlast the sanctions or, in the alternative, to avoid war by withdrawing from Kuwait will be determined by his total assessment of the political, economic and military pressures arrayed against him."

Jeane Kirkpatrick, former U.N. Ambassador: "I fear that Iraq can withstand sanctions longer than the rest of us can be relied upon to sustain them."

"I have never proposed the use of force to solve an international problem until now. I am reluctantly persuaded by Saddam Hussein's character, his record, and his record that there may be no alternative solution."

Joe Sisco, former Undersecretary of State: Two flaws with sanctions: (1) will not hurt in the right places, (2) no way that Iraqi citizen's sacrifices will translate into action against Saddam. The longer he can resist sanctions, the more of a hero he becomes in Arab community's eyes.

Congressman Bill Gray said on national news today it will take three to four years for economic sanctions against Iraq to work.

Colonel Dupuy, former Army officer, military analyst: "Waiting for sanctions to work is really avoiding war, and thus disastrous."

In recent testimony before the Senate Armed Services Committee, Dr. Henry Kissinger told Senator SAM NUNN that by the time we discover that sanctions are not likely to work, "it may be too late." He stated further that "I do not believe that we will see a day where the Iraqi leader will send us a letter saying he has now accepted our terms."

In short, these comments underscore the fact that sanctions cannot guarantee success. Even many who stand on this floor in support of sanctions admit that eventually force may have to be used. What they don't acknowledge is the fact that our forces may lose their edge over time, that we may lose allied military support over time, or get drawn into a conflict far greater than our present limited mission.

There are several other factors which might limit allied forces' ability to effectively resolve this crisis over time, including the Arab holy days, the weather, the potential splintering of coalition support over time and the fact that Kuwait as a nation might be completely destroyed if we wait too long to force Hussein out. Unfortunately, the more time Hussein gets, the more time he has to force the Palestinian question onto the international agenda and to build his standing in the Arab world.

Mr. Speaker, despite the intensity of debate, we all agree on our goal. No one wants war, we all seek peace. The debate is really one of timing. But that is critical, because timing may make the difference between success and failure. I have one nephew serving in the gulf, and one ready to deploy, and share the desire of all Americans for a speedy, peaceful resolution to this crisis.

In closing, I would like to share a quote made by former British Prime Minister Neville Chamberlain in 1938. Speaking of the German march through Europe, he said:

> How horrible, fantastic, incredible, it is that we should be digging trenches and trying on gas-masks here because of a quarrel in a faraway country between people of who we know nothing.

Mr. Speaker, two days later Mr. Chamberlian announced that the Munich agreement gave his nation "peace with honor * * * peace in our time." Eleven months later Great Britain was engaged in a desperate war of survival against Hitler's Germany.

Make no mistake about it. Desire for peace does not warrant appeasement. We must stand strong in the face of Hussein's brutal aggression, and ensure that our efforts secure peace not just today but in the future.

THE WHITE HOUSE,
Washington, DC, January 10, 1991.

Memorandum for the Vice President, the Secreatry of State, the Secretary of the Treasury, the Secretary of Defense, the Director, Office of Management and Budget, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and the Director of the United States Information Agency.

Subject: Administration Public Position on Sharing of Responsibility for the Coalition Effort in the Persian Gulf.

Having received agency comments, we have prepared the paper, attached at Tab A, describing the Administration's public position on what other countries have done to share the responsibility for the coalition effort in the Gulf. This guidance should form a common base within the USG for discussions of this issue with the public, the press, and with the Congress. You should feel free to deploy this material immediately in whatever way you feel will be most effective.

BRENT SCOWCROFT.

SHARING OF RESPONSIBILITY FOR THE COALITION EFFORT IN THE PERSIAN GULF

Many other countries are doing their part to support the coalition effort in the Persian Gulf. Looking only at what has been accomplished so far, in calendar year 1990, our partners in the coalition have contributed in three ways:

First, 28 other countries have their own military forces in the Persian Gulf, in Saudi Arabia, and in the Gulf states. They have now committed more than 245,000 troops, 64 warships, over 650 combat aircraft, and more than 950 tanks to the multinational coalition facing Iraq. Turkey has also significantly enhanced its defense capabilities opposite Iraq.

Second, they have given money and other assistance to us for our Operation Desert Shield expenses. Our incremental costs for the operation were roughly $10 billion in calendar year 1990. We have already received $6 billion in cash and in-kind support from our allies to defray these costs. We expect to soon receive an additional $2 billion more that has already been pledged to meet these 1990 costs. With these sums, and assuming Congress enacts the necessary appropriation, our coalition partners will have covered some 80% of our incremental expenses through December 31, 1990.

Third, they have taken on the responsibility for assisting those nations which have suffered the most from the effects of the international economic sanctions against Iraq. The Gulf Crisis Financial Coordination Group established by President Bush has received pledges of $13.5 billion for exceptional economic assistance for these hard-hit states, of which nearly $6 billion has already been disbursed.

These are the figures for last year. As costs for CY 1991 occur, we will look to our allies to shoulder their fair share of our military expenses and exceptional economic assistance efforts.

Other Countries' Military Forces in the Gulf: Twenty-nine countries, including the U.S., have joined forces in responding to the crisis in the Gulf. In general, given their limited capabilities to support large-scale force deployments, other states have contributed what they can and what we have asked.

Saudi Arabia, Kuwait, and the other GCC states have deployed their armed forces. Egypt has sent an armored division, a mechanized division, and a Ranger regiment—hundreds of armored vehicles and more than 25,000 troops, with thousands more en route. Syria, Pakistan, Bangladesh, Morocco, and other Muslim states also have put tens of thousands of soldiers in the field.

Britain is deploying a heavy armored division and has sent more than 70 combat aircraft, a total of over 30,000 soldiers and airmen. Eight French regiments are in place too, along with over 130 combat aircraft.

Canada and Italy have sent combat aircraft to the Gulf; Czechoslovakia has deployed a chemical decontamination unit.

Turkey has substantially strengthened its defenses opposite Iraq and NATO approved the unprecedented dispatch of its rapid deployment units—German, Belgian, and Italian planes—to help this Alliance member.

Fourteen navies now have fighting vessels patrolling the waters of the Gulf. Our coalition partners have stopped and boarded hundreds of ships to enforce the UN's economic sanctions.

Help For Operation Desert Shield: Saudi Arabia, Kuwait, and the United Arab Emirates (UAE) are providing substantial cash and host nation support. Host nation support includes food, fuel, water, facilities, and local transport for U.S. forces. In addition, Saudi Arabia is committed to funding transportation for our forces in Europe and the U.S. to the Gulf from the start of the second deployment in October.

Japan has contributed substantial cash and in-kind support, including support for transport costs and purchases of U.S.-made computers, vehicles and construction equipment. The Japanese Diet recently appropriated the second $1 billion allotment of Japan's promised $2 billion contribution to the multinational defense effort. Germany has provided cash and in-kind support, including heavy equipment transporters and other valuable equipment from existing stocks, such as 60 modern chemical detection vehicles. Germany has also provided extensive support for the movement of U.S. forces from Europe to the Gulf. Korea has provided cash and lift support since the earliest days of the operation.

Exceptional Economic Assistance: With our own resources concentrated on the military effort against Iraq, we organized the international effort to provide financial assistance to those nations most hard-hit by the crisis and sanctions. Our partners in this effort have made commitments amounting to $13.5 billion for assistance to front-line states and other countries. Nearly six billion dollars of this total has already been disbursed. Our Arab partners, Germany, Japan, and the European Community have been leading contributors and we look to them and other countries to accelerate the disbursement of funds already committed and make additional commitments. Additionally, in response to President Bush's proposals and with strong support from other creditor countries, the IMF and World Bank moved swiftly to adapt their lending procedures to enable them to alleviate more effectively the economic effects of the crisis on a wide range of countries.

The Facts on Windfall Profits: Reports of windfall profiteering made against our coalition partners from the Arab Gulf are misleading. For example, Saudi Arabia's increased revenue so far due to the increase in oil prices comes to about $13–15 billion. Saudi Arabia's Gulf crisis-related expenditures are estimated to be running ahead of their increased revenues. Saudi crisis-related expenditures include host nation support to coalition forces, aid to front line and other affected nations, increased Saudi military expenditures and arms purchases, and investment to expand oil production capacity.

More Needs to be Done: The contributions in 1990 were substantial and, in most cases, countries committed what we requested. We are working now to:

Ensure, in Desert Shield, prompt disbursement of remaining funds and secure new commitments to cover incremental costs in 1991; and

For the front line states, accelerate disbursements of previous commitments of economic assistance, particularly for Turkey, and obtain new commitments for the front line states and for Eastern Europe to help cover the emerging economic costs of the sanctions.

COUNTRIES INVOLVED IN RESPONSIBILITY-SHARING

Providing Military Forces

Argentina (naval).
Australia (naval).
Bahrain (ground, air).
Bangladesh (ground).
Belgium (air—in Turkey, naval).
Canada (air, naval).
Czechoslovakia (ground).
Denmark (naval).
Egypt (ground).
France (ground, air, naval).
Germany (air—in Turkey, naval).
Greece (naval).
Italy (air, naval).
Kuwait (ground, air, naval).
Morocco (ground).
Netherlands (naval).
New Zealand (air).
Niger (ground).
Norway (naval).
Oman (ground, air).
Pakistan (ground, naval).
Qatar (ground, air).
Saudi Arabia (ground, air, naval).
Senegal (ground).
Spain (naval).
Syria (ground).
United Arab Emirates (ground, air).
United Kingdom (ground, air, naval).

Assistance to Operation Desert Shield

Germany, Japan, Republic of Korea, Kuwait, Saudi Arabia, United Arab Emirates, (plus transit rights from numerous states and aid in moving forces from others, including Denmark, Greece, Italy, Norway, Portugal, Spain, United Kingdom, Poland, and Turkey).

Exceptional Economic Assistance for Front-Line States

Austria, Belgium, Canada, Denmark, European Commission (for the EC), Finland, France, Germany, Iceland, Ireland, Italy, Japan, Republic of Korea, Kuwait, Luxembourg, Netherlands, Norway, Saudi Arabia, Spain, Sweden, Switzerland, United Arab Emirates, and United Kingdom.

THE CRISIS IN THE BALTICS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. GRADISON. Mr. Speaker, last July, the Baltic Republics commemorated the 50th anniversary of their forced incorporation into the Soviet Union. In a joint declaration to mark the occasion, Lithuania, Latvia, and Estonia called July 21, 1940 a day of "injury, humiliation, and tragedy." Sadly, that was not the last day Soviet power would inflict harm to the peoples of the Baltic Republics. For nearly 50 years, their national identities and their sovereignty had been subjugated to the will of the Kremlin.

With the ascension to power in the Soviet Union of Mikhail Gorbachev in 1985, the promise of a more open, reformed, and tolerant society was born. In due course, Soviet military power and political control receded from Eastern Europe. This brought the cold war between East and West to a stunning and unexpectedly rapid conclusion. In the Soviet Union itself, genuine democratic reformers have struggled with those resisting change. Free and competitive elections have raised alternative voices to those of the Communist Party to positions of power. In the Baltics, those elections ratified the evident will of the people. The Baltic peoples have expressed themselves clearly and unequivocally that they desire to be free.

Since Lithuania first declared itself independent from Soviet rule in March 1990, Moscow and the breakaway republics have been on a collision course. Violence has already come to Azerbaijan and Georgia. In the last few days, the most serious, violent, and sinister repression of popular nationalist sentiment has occurred in Lithuania.

To date, 14 unarmed civilians have been killed in violent clashes in Vilnius and there are disturbing indications that the pattern of violence that has taken place in Lithuania might be repeated elsewhere in the Baltics.

The emergence of a Committee of National Salvation in Lithuania, inspired and created by the small pro-Moscow faction of the Lithuanian Communist Party, is disturbing evidence that not all Soviets accept the principles of an open society and that some are prepared to use force to retain control. The tragic events in Lithuania in the last few days are reminiscent of classic Soviet tactics, dating to the Bolshevik Revolution and refined by Josef Stalin, to expand and retain Soviet power. Today, President Gorbachev unfortunately suggested that the situation in the Baltics might require the suspension of press freedoms—freedoms which were guaranteed just last June.

I join with those who call upon the Soviet leadership to refrain from further violence in the Baltics, to seek a peaceful resolution of the problems there, and to continue with the paths of glasnost and perestroika. If the Soviet Union is to continue on the path of reform and democratization, the Baltics will be a critical test. The Soviet Union cannot expect that the improved relationship with the West, and, in particular, the United States, which has been so beneficial to all our peoples, can continue with the violent extinguishing of the aspirations of the Baltic peoples.

HEALTH CRISIS NETWORK'S AIDS WALK MIAMI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the Health Crisis Network of greater Miami [HCN] will be sponsoring the third annual AIDS Walk Miami on February 24, 1991, to raise much needed funds for HCN and other community based AIDS assistance organizations.

The Health Crisis Network is a not-for-profit community service concerned solely with the AIDS epidemic and its impact upon the Miami community. Founded in 1983 by a small group of volunteers concerned about the lack of needed services for people living with AIDS, HCN has grown to serve more than 2,300 people.

Men, women, and children from all walks of life are drawn to this event as a means of expressing their hope, compassion and determination in the face of AIDS. In the past, this event has attracted approximately 1,200 walkers and 5,000 contributors. Funds raised will go specifically to the support services for people living with AIDS, HIV infection, their families and loved ones. The funds will also be used to finance HCN's outstanding AIDS prevention/education campaign, as well as to intensify the role HCN plays in the drive to increase Government funding for AIDS research, education, and services.

Special recognition must be given to the organizers of this event: Catherine G. Lynch, executive director of HCN; Tony Valido, Walk chair; and Dr. Carmen Marina, public relations committee. Also deserving of recognition is the board of directors: Betty Alvarez, Gregory A. Baldwin, Larry Bloch, Samuel S. Blum, Russell Corbett, Rachel Dykes, Douglas Feldman, Sam Gentry, Barbara T. Gray, Robert Longstreth, Yvonne McCullough, A. Richard Pollock, Miguel Reyes, Lee Schrager, Mark S. Stienberg, Tony Valido, Frank Wager, Richard F. Wolfson, Jose Valdes-Fauli, and Rudy Molinet.

I commend the work of the Health Crisis Network and through their efforts Miami, as well as the rest of the Nation, will beat this terrible disease.

NEED TO EXTEND HOMEOWNER PROGRAM

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mrs. KENNELLY. Mr. Speaker, the mortgage revenue bond program is the only Federal assistance generally available to first-time home buyers at a time when home ownership rates are declining. Yet, at a time when families of modest incomes need more help than ever, this important program is scheduled to expire at the end of this year.

According to figures recently released by the U.S. Census Bureau, the national rate of home ownership declined from 65.6 percent in 1980 to 63.9 percent in 1989, the first decade-long decline since the 1930's. And a Harvard University study estimates that even with a 10-percent downpayment, only 14.5 percent of renters age 24 to 34 would qualify for a conventional mortgage loan.

Mr. Speaker, Congress has chosen to extend this program each of the four times it was scheduled to expire during the last decade, and an overwhelming majority of the House cosponsored legislation in the 101st Congress to extend the program. I believe, given its support, it is time to make this important home ownership program a permanent part of the Tax Code.

TRIBUTE TO LEWIS A. SHATTUCK

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today in honor of Lewis A. Shattuck, president of the Small Business Association of New England. Mr. Shattuck is retiring from the organization.

Lewis Shattuck has been a role model for the small business community. Respected on the Federal, State, and local levels of government, Lewis played an instrumental role in the organization and passage of the White House Conference on Small Business. Not only is Lewis Shattuck active in the National Small Business United, he is also active on the National Advisory Council of the U.S. Small Business Administration.

Under Lewis' leadership, the Washington presentation has grown to include companies from across the country. The Small Business Association of New England has grown from a staff of 2 and a membership of 300, to a staff of 12 and a membership approaching 2,000. This is a direct result of Lewis Shattuck's diligence.

It is with great pleasure that I salute Mr. Lewis Shattuck for his outstanding achievements for small business, the backbone of our country's economy. I wish him a happy retirement and continued success in his future endeavors.

TRIBUTE TO JOHN R. "JACK" GRAF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. FAZIO. Mr. Speaker, I rise to honor a very special man, a great friend of the community who has dedicated well over 35 years of his life to education. John R. "Jack" Graf is retiring as Yolo County superintendent of schools, a post he has held since 1983.

Jack's involvement in education and in the community began long before he held the superintendent post. In fact, he has taken on may different roles in his years with the school system: teacher, coach, athletic director, department chair, vice principal, principal, and countless others that are without title: chaperon, counselor, confidant, adover, mentor.

Jack has filled these many different roles in a number of different places. From 1956 to 1960, he was a teacher, coach, and departmet chair at Yuba High School. From 1960 to 1963, Jack was in Courtland as their teacher, coach, athletic director, vice principal. From 1973 to 1964, he served as the vice principal of El Dorado High School in Placerville. In 1964, Vanden High School opened at Travis Air Force Base and Jack was their first principal. He stayed there until 1967, when El Dorado High wanted him back as their principal. Jack remained there as principal until 1975 when he left to be principal of Winters High. After a year as principal at Winters, he became superintendent of Winters Unified School District; he was superintendent from 1976 to 1982. From 1983 until now he has been the Yolo County superintendent of schools.

Being a very innovative educational leader with a great deal of cretive vision, Jack has not confined his actions within the schools to merely teaching and administrative duties. He has helped develop many wonderful programs from which students benefit greatly. Among these are AIDS education, drug and alcohol awareness, the academic decathlon, and the Yolo County Career Fair. Jack has been concerned with reaching and helping educate those who do not fit within the confines of the usual education system. He has been extremely instrumental in the creation and development of such outreach programs as Yolo County Regional Occupation Program, Special Education, Teenage Parent Education, Midtown Alternative Education, as well as model programs for Juvenile Hall and Adult Education at the Yolo County Jail. Jack has never shunned those whose needs were different; he has worked diligently in mainstreaming handicapped students. Jack has always been concerned with those considered high risk. His willingness to reach out to those and see to their education only testify to the great academic leader and very caring person Jack is. The comprehensive board-administrative policy manual Jack developed for the Yolo County Office of Education serves as a statewide model for California School Board Association and reflects these many concerns of reaching the many educational needs of students.

Jack has recognized that student interest is not solely confined to academics. He chaired the California Intercollegiate Federation Study Committee for the Sacramento-San Joaquin section, which regionalized high school athletic playoffs. He likewise realized that interest in education is not limited to educators. He continuously reaches out and attempts to draw schools and the community even closer together. He has served as the education representative to the Yolo County Private Industry Council and assisted the Community Partnership Agency develop a proposal to fund the Business Labor Council.

Jack is recognized by the community and by his peers in education for his caring commitment and outstanding leadership abilities. He is a member of the capitol service region of California Association of County Superintendents of Schools and sits on their legislative committee and State directorship. Jack is also a member of the Association of California School Administrators, sitting on the legislative action and on the superintendency committees as well as former president of their Yolo County chapter.

In serving the community outside of his educational contributions, Jack has somehow found time to be a member of Rotary International, the Winters, Woodland, and Yolo County Hispanic Chambers of Commerce, the Yolo County Business and Professional Women's Organization, and the Yolo County Detachment Marine Corps League.

Jack has so long been a great part of the school system and of the community, that his name is simply synonymous with education in Yolo County. Few are held in such high esteem or as deservingly so as Jack. Even more so, he is regarded with warm affection for not just being a great leader, but also a great friend of the community. Jack is respected because his commitment to education and to the community is not only expressed by his words but also by his actions. His efforts to improve education are tireless and his contributions are ceaseless. For that he not only commands the admiration and respect of Yolo County but also has the deepest gratitude and heartfelt affection of its residents. Jack certainly has my appreciation for all he has done. It is with warmest regards that I congratulate my dear friend upon his retirement.

THE COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. HOYER. Mr. Speaker, many Americans have lent their valuable time and resources to the cause of democracy in Eastern and central Europe. For years, if not for decades, scores of dedicated individuals in the United States, with their friends and colleagues in Canada and elsewhere, fought to keep the dream of freedom alive in the East bloc countries, despite the many, frustrating setbacks which argued for giving up. Their vigilant efforts not only kept the dream of freedom alive, they helped to make the dream become reality in the miraculous wave of political pluralism which swept through the countries of Eastern and central Europe in 1989 and into 1990.

The members of the Coordinating Committee of Hungarian Organizations in North America are prime examples of these determined individuals. I would like to take this opportunity to say a few words about the admirable work of this organization, which decided to cease its activities last October, having concluded that, after one quarter of a century of tireless effort, its goals had finally and successfully been achieved.

As Chairman of the Commission on Security and Cooperation in Europe, often called the Helsinki Commission, I have had the pleasure in the past to work closely with the Coordinating Committee of Hungarian Organizations in North America, a consultative body of 15 major Hungarian organizations in the United States and Canada. I know that a number of other Members of the Congress maintained similar contacts with the Coordinating Committee over the years. The Committee's executive secretary, Istvan Gereben, has been a special asset to the Commission and to the Congress with the information and insight he has provided on developments in Hungary and in Eastern and central Europe as a whole. Whether it meant testifying before a congressional committee, preparing background documentation for use at CSCE meetings, or arranging meetings for visiting activists from Hungary, the Coordinating Committee could be relied upon to keep us informed. As just one example, I remember well the excellent and timely materials the Coordinating Committee provided the Helsinki Commission prior to its visit to Hungary in 1986, the first permitted for the Commission by that or any other Warsaw Pact country.

Many of the Coordinating Committee's members, today American and Canadian citizens, were citizens of Hungary 35 years ago, when that country first sought to break from the communist repression imposed on it since the end of the Second World War. That effort—the Hungarian Revolution of 1956—was brutally crushed by the Soviet Union. Imre Nagy and other leaders of the revolution were executed, and thousands of Hungarian freedom fighters were either imprisoned or fled the country. Many of them came to this country, where they found new lives and contributed enormously to our own society, but they neither forgot nor gave up on their original homeland. While the Soviet tanks rumbling down the streets of Budapest represented a crushing blow, for these men and women the struggle had only just begun.

Along with their fellow Hungarians already living abroad, these individuals organized and pressed Western governments to encourage democratic change in Hungary. Over time, much positive change did occur, especially following the signing of the Helsinki Final Act in 1975. The final act, as a common yardstick for measuring the human rights performance of its signatories, became a particularly timely and useful rallying point for human rights advocates in both East and West. The Coordinating Committee, along with other nongovernmental organizations concerned with human rights, strongly supported the establishment of the Helsinki Commission by the Congress in 1976, with a mandate to monitor and encourage compliance with the principles and provisions of the Helsinki Final Act and subsequent CSCE documents.

As Hungary's Communists, led by Janos Kadar, instituted political and economic reforms in what became popularly known as goulash communism, many saw in Hungary the best that a Communist state dominated by the Soviet Union could ever hope to be. While an increasing number argued that, as a reward for improved performance, Hungary should no longer be subjected to public criticism for its human rights record and should, in fact, be granted additional economic concessions, the Coordinating Committee and its members argued against this complacency, stressing forcefully that implementation of Helsinki commitments could be improved further, and that liberalization under the direction of a party which maintains a monopoly on political power fell far short of a democracy.

Today, Mr. Speaker, we can see that much more was possible. In March 1990, Hungary held its first free elections in more than 40 years, bringing into power a parliament and government dedicated to strengthening the democracy which now exists. In announcing that its work had come to an end, the Coordinating Committee concluded that:

> * * * the goal of its activities—the fulfillment of the demands of the 1956 Revolution—has been achieved. The inauguration of a democratically elected, free Parliament, and of government which is responsible to the Parliament and committed to the full recognition and implementation of political and human rights as defined in the Universal Declaration of Human Rights and in the Helsinki Final Act, ended a period in Hungary's history marked with brutal repression and foreign control of mind and territory. Freedom, democracy and independence are established.

The members of the Coordinating Committee of Hungarian Organizations in North America, Mr. Speaker, are to be commended for their hard work over the years, and congratulated on the successful result. They are an inspiration to us all. Their tireless efforts have contributed not only to the reestablishment of democracy in Hungary, but to the strengthening of American democracy as well. The enormous depth of their commitment to human rights reminds us of the freedoms we enjoy—freedoms to speak assemble, and worship which were also attained by only after a long struggle but which today we often take for granted. In this regard, Istvan Gereben and the other members of the Coordinating Committee have overfulfilled their assigned task, and we owe them our most heart-felt thanks and best wishes as they continue individually or in other organizations, as we know they will, to help Hungarian democracy and our own to grow and prosper.

I ask, Mr. Speaker, that the Coordinating Committee's resolution on fulfilling its mandate be printed in the RECORD in full.

STATEMENT OF COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA

The Coordinating Committee of Hungarian Organizations in North America at its semi-annual meeting held on the occasion of the 25th anniversary of its existence and the 34th anniversary of the 1956 Hungarian Revolution passed the following resolution:

The Coordinating Committee of Hungarian Organizations in North America has concluded that the goal of its activities: the fulfillment of the demands of the 1956 Hungarian Revolution has been achieved. The inauguration of a democratically elected free Parliament and government which is responsible to this Parliament and committed to the full recognition and implementation of political and human rights as defined in the Universal Declaration of Human Rights and in the Helsinki Final Act ended a period in Hungary's history marked with brutal oppression and foreign control of mind and territory. Freedom, democracy and independence are established.

The Committee recognizes the fact that after the parliamentary and local elections held recently in Hungary its mandate drawn from the will of the Hungarian people freely expressed during the 1956 Revolution was no longer in effect. With the termination of its mandate the Coordinating Committee of Hungarian Organizations in North America ceases its activities.

The Coordinating Committee of Hungarian Organizations in North America has come to this decision in the full knowledge that its members and its member organizations will not escape the universal Hungarian responsibility of furthering democracy in Hungary and will continue to serve the cause of freedom and human rights with renewed commitment and within organizational structures which accommodate the present needs and the new circumstances.

GOOD NEWS FOR DRUG WAR: MEDELLIN DRUG LORD GIVES UP

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. COUGHLIN. Mr. Speaker, today we learned that the No. 2 man in the Medellin cocaine cartel, the infamous Jorge Luis Ochoa, has surrendered outside Medellin, Colombia, on the heels of the surrender last month of his younger brother, Fabio, also a cartel leader.

This comes as welcome news to those of us who have been working closely with Colombian officials to bring an end to drug trafficking by this violent drug trafficking cartel. The Medellin cartel is responsible for killing hundreds of policemen and other officials in Colombia and for sending hundreds of tons of cocaine to the United States.

Last week, several of my colleagues and I who serve on the House Select Committee on Narcotics Abuse and Control traveled to Colombia where we met with President Cesar Gaviria and key members of his Cabinet. President Gaviria spoke convincingly of his commitment to the fight against drug trafficking and his determination to track down and put drug traffickers in Colombia out of business. He specifically outlined his policy of instituting a strong, competent judicial system as a means of fulfilling this commitment.

To the credit of President Gaviria, the Ochoa brothers were convinced to surrender, with the assurance that they would be prosecuted under new stronger court procedures in Colombia rather than extradited to the United States. They turned themselves in to Colombian authorities knowing that the Colombian Government would not give up in its attempts to capture them and that they might be killed.

It has been estimated that Ochoa's personal wealth exceeds $2 billion. If he had thought there was any way possible that he could have bought or fought his way out, he no doubt would have taken advantage of that option. Yet he obviously felt he had no viable option but to surrender, thereby demonstrating that President Gaviria's policies are working.

I hope that the cartel's top leader, Pablo Escobar Gaviria, who is still a fugitive, will also see the wisdom of surrendering to Colombian authorities.

Unfortunately, dismantling the Medellin cartel will not bring an abrupt halt to drug trafficking in Colombia. But if the Ochoa brothers receive and serve a proper sentence, this will demonstrate the continuing return to health of a civilized order in Colombia. Furthermore, it will show that the joint efforts of the United States and Colombian Governments to curb drug trafficking are making progress. The Colombian Government needs and deserves our continued support in this difficult job.

REPRESSION IN LITHUANIA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. STUDDS. Mr. Speaker, over the past weekend, the so-called National Salvation Committee of the Soviet Union has used military force to repress demonstrations advocating freedom and independence for Lithuania. More than a dozen Lithuanians have been killed.

Although the world is understandably preoccupied with events in the Persian Gulf, the crisis in Lithuania cannot—and should not—be ignored. This is true not only for humanitarian reasons, but because the Soviet Union's ability to cope rationally with demands for independence from the Baltic States and other nationalities may prove more important in the long run even than war in the gulf.

The ability of the United States to influence Soviet policies toward those demanding greater freedom from Moscow is limited. But we ought to make clear our belief in the right of Lithuania and the other Baltic States to independence; we ought to urge Soviet leaders to resist the temptation to use military force; and we ought to warn Soviet leaders that their actions now will have a significant impact on the future relationship between our two countries.

Accordingly, I urge the President to speak out more strongly against Soviet-sponsored repression in Lithuania; to withhold economic credits granted to the Soviet Union if that repression continues; and to urge Soviet leaders to exercise restraint in dealing with other national and minority groups in the weeks and months ahead.

THE SOVIET CRACKDOWN IN LITHUANIA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. VISCLOSKY. Mr. Speaker, I am outraged over the brutal Soviet repression of the Lithuanian independence movement and the recent violence that was instigated by the Soviet military in Vilnius. News reports describing the 14 civilian demonstrators' deaths by gunfire and tanks in the January 13 crackdown only fueled my anger.

The situation is especially maddening because Soviet President Mikhail Gorbachev has expressed no remorse or accountability for the military's heinous actions. Nor has President Gorbachev denied that he ordered the crackdown. Although it is still unclear whether Mikhail Gorbachev was directly responsible for the crackdown, he should have immediately renounced these tactics. His lack of remorse and possible role in the crackdown is particularly egregious in light of the fact that he was recently awarded the Nobel Peace Prize.

In addition, evidence is pointing to the likelihood that the Lithuanian crackdown is part of a larger Kremlin strategy to create the impression that two popular groups are vying for power in Lithuania in order for President Gorbachev to impose direct rule. The recent emergence of the National Salvation Committee, a pro-Moscow organization being used as a front for soliciting the intervention of the Soviet military, only reinforces these ominous signs. Other indications are appearing that the Kremlin was preparing to followup the crackdown in Lithuania with similar actions in the other Baltic States of Latvia and Estonia.

While most of the world's attention has been focused on the crisis in the Persian Gulf, I want to express my unwavering support for Lithuania and the other Baltic States in their peaceful efforts to achieve independence from the Soviet Union. Further, it is essential to send a clear and unequivocal message to the Soviet Union condemning the continued and resurgent Soviet repression in Lithuania and other Baltic Republics. Although I understand President Bush's concerns about provoking the Soviets in light of their support for the United Nations coalition in the Persian Gulf, I am very disappointed with the Bush administration's low-key stance on this brutal repression.

As a member of the Ad Hoc Committee on the Baltic States, I have cosponsored a measure (H. Res. 32) which condemns the recent Soviet actions in the Baltic Republics. The resolution demonstrates my support for Lithuania by imploring Soviet authorities to peacefully resolve the issue of Baltic independence and address the underlying problem of Baltic self-determination.

As I express my strong support for the Lithuanian independence movement, I also want to convey my sincere sympathies to the families of those who were killed in the recent crackdown. Let us hope that their ultimate sacrifice will not be in vain.

In closing, my message to President Gorbachev is clear: If he reverts to the hard-line Soviet political strategy of repression, he risks not only the Soviet Union's improved human rights record through glasnost, but he also jeopardizes his country's improved relations with the United States. The United States cannot allow this type of barbarism to continue.

BRUTAL REPRESSION IN LITHUANIA AND LATVIA

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. PAXON. Mr. Speaker, while the attention of the world is focused on momentous issues of war and peace in the gulf, Soviet President Gorbachev has made a mockery of his Nobel Peace Prize by brutally repressing the movement for freedom and independence in the Republics of Lithuania and Latvia.

Gorbachev's timing is no accident.

As they did in Budapest in 1956, and Prague in 1968, in 1991, the Red army fired on freedom fighters, this time in Vilnius; men, women, and children armed only with sticks, a desire for freedom, and their courage.

As long as the crisis in the Middle East continues, our ability to affect the course of freedom in the Baltics as well as other foreign policy issues with equal moral weight is seriously compromised.

All peace-loving peoples of the world continue to hope and pray that the tyrant Saddam Hussein will end this crisis in what little time remains.

If he does not, we must all understand the overwhelming imperative we face to use appropriate force to bring about Saddam's end quickly is drawn not solely from Middle East issues but from the issue of freedom and independence for all people who fall under the yoke of tyranny and repression.

A UNIFIED AMERICAN FRONT

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. ROWLAND. Mr. Speaker, this debate is not simply about war and peace. It is about the best way of achieving peace, which is our common goal.

Many people have written and called me to urge support for a resolution requiring President Bush to give sanctions more time and prohibiting the use of military force pending further action by Congress. I understand and respect their feelings. Unfortunately, I am much more pessimistic about sanctions today than I was a few weeks ago. All of the information I have indicates that sanctions are not working and may never work.

Saddam Hussein does not intend to stop with Kuwait. His goal is to expand his military control over the entire gulf region, controlling much of the world's oil reserves. He would then control the economic and military lifeline for much of the world, and he would use this power for destructive purposes. If Hussein were not evicted for Kuwait, the free world would be confronted with an even greater military threat in the future.

We cannot deny the President the military option and expect efforts to seek a peaceful withdrawal to succeed. The Solarz-Michel resolution makes this option available only when all reasonable efforts to seek a peaceful solution are exhausted. The chance for long-term peace and stability in the Middle East is best served by presenting a unified American front against Hussein's aggression.

THE 13TH HOUR PROSPECTS FOR PEACE

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. LEACH. Mr. Speaker, less than 12 hours after the United Nations deadline for Iraq to disgorge Kuwait, is the question of whether an eminently avoidable conflict can be averted.

Based on a series of assumptions and presumptions, I would suggest it is possible.

First, the assumptions:

The United States and the international community are precisely correct in their standing before international law and in the resolve to force Saddam to disengage from Kuwait without rewarding him for aggression;

Atrocities continue daily in Kuwait—rapes, torture, executions—which, if unchecked, could over the next several months reach genocidal proportions.

The cause of a prospective U.N. peacekeeping war against Iraq is just, although undesired.

The consequence of such a conflict is impossible to gauge, but the likelihood is that the loss of life will approach Gettsyburg proportions on the Iraqi sided, with the greatest havoc being wreaked from ordinance dropped or launched from multimile distances.

The possibility is high that Iraq will launch missiles, perhaps chemically tipped, against Israel, in which case Israel will respond, perhaps with nuclear weapons.

The likelihood is that an American decision to employ force will unleash acts of unprecedented terrorism against the United States and its allies on a global basis.

The long-term implications of the United States attacking an Islamic country—however brutally led—is incalculable, but certainly far-reaching; and

No sure scenario exists either for ending the conflict once it commences or dealing with the resulting chaos and psychological scars when it is concluded.

Second, the presumptions:

Based on superior military strength and solid philosophical convictions, the United States can afford and may even have a moral obligation to make a 13th hour demarche to Baghdad;

Such a demarche should not include a compromising of principle, but must reflect an understanding of the basis for discord in the region and a reasonable formula for face-saving for Saddam.

We may rightfully perceive this potential conflict as an international law enforcement exercise against an international brigand, but as brutally uncivilized as Saddam has been in oppressing his own countrymen as well as the Kuwaitis, we must recognize that unless the United States walks the extra mile for peace we could unwittingly turn a tinhorn Hitler into an Islamic Allende. While peacekeeping can in certain contexts such as this one be peacemaking, at issue is the oldest paradigm in the Judeo-Christian tradition of governance: the moral imperative for a search for peace.

We must understand that history has taught that more frequently that not "Holy Wars" are led by unholy men, and that Saddam, the medieval satrap, has ordered the words "Allahu Akbar"—"God is Greater"—inscribed on the red, white, and black flag of Iraq. Whether by coercion or inspiration, he apparently holds a more credible hold over his countrymen than an outside observer would assume reasonable or possible.

In this context, the administration might consider offering, preferably before but potentially at an appropriate point after hostilities break out, a 12-hour pause during which it might suggest the following:

First, that a hot line between Washington and Baghdad be established.

Second, that the President use it to inform Saddam or in the event of demise appropriate Iraqi authorities that a formula for peace could be considered based on four components:

The internationalization of the Rumalia oil fields, with the proceeds of oil revenues going to the poor, especially the children of the region. One of the principal if transparent rationalizations for Iraq's invasion of Kuwait was the claim that the Kuwaitis were stealing oil from the Rumalia field for the benefit of the al-Sabah family rather than the poor and dispossessed of the region. Kuwait is a small country with disproportionate if not unseemly wealth. Ironically, the best way to secure Kuwait's sovereign borders may be to internationalize part of its greatest resource—oil—and redistribute the petroleum profits of a few for the benefit of the many. Using the field as a carrot and ceding its proceeds to the "have nots" of the Arab world could help Saddam save face in an Arab context without allowing him to profit from aggression. At the same time, it might help satisfy Islam's call for Zakat, or almsgiving to the poor;

The agreement of the international community to guarantee the protection of an Iraqi offshore oil unloading facility in the Persian Gulf to serve as a man-made artificial port. To the extent that Iraqi access to the Persian Gulf for a deep-water port has been claimed by Baghdad to be one of those grievances leading to its conflict with Kuwait, the international community could, in the context of an unconditional Iraqi withdrawal from Kuwait, consider future guarantees for the protection of an Iraqi offshore oil unloading facility. In modern times the definition of a port need not entail the characteristics of a city resting on land. A metal platform may be more durable than a deep-water landing and more useful than a sand-encrusted island;

An agreement to proceed with good faith efforts to establish an international conference dealing with all problems of the Middle East, as envisioned by last month's Security Council resolution that the United States supported. Since America is formally on record in favor of such a conference, it is irrational to suggest we cannot agree to its holding as a condition for peace, presuming, of course, that no conference could convene until Iraq is in full compliance with all the Security Council resolutions applicable to its aggression against Kuwait; and

The Iraqi Government must agree to cease production and destroy under international supervision its chemical and biological weapons arsenals and comply with the constraints of the Nuclear Non-Proliferation Treaty.

Alternatively, Saddam should be aware that the precedent of this century is that war criminals must be held accountable for their crimes and that a Nuremberg-like tribunal looms on the horizon should he be apprehended. What, after all, is at stake in the prospective conflict is not traditional warfare with patriotic rationalizations, but criminal behavior abhorred and defined to be illegal by the entire civilized community of nations.

Saddam may aspire to martyrdom, but if he leads his people from prosperity to ruination, if from the cradle of civilization uncivilized judgment is prolonged, he will go down in history as an antiprophet, one of civilization's most injurious criminals.

The world community must thus underscore to Saddam that legal accountability is the real linkage with which an aggressor must deal. Linkages asserted by aggressors, however meritorious the causes espoused, amount to blackmail and must be treated as such.

Nonetheless, it is undeniable that the linchpin of any long-lasting resolution of almost all the disputes in the region rests with efforts to understand and address social and economic inequities in the Arab world. The President is correct in suggesting that formal linkage to other issues is spurious in the Iraqi context when the making of such linkage implies rewarding aggression. On the other hand, whether we prefer it or not a "new world order" implies not only greater attention to international law and international institutions but in the American philosophical tradition "a decent respect for the opinions of mankind." While psychologically difficult, the stronger party in a dispute should feel no compunction against offering precarnage settlements which might otherwise be offered in a post-conflict settlement. In this regard, it should be pointed out that the Saudis have at several stages formally indicated they would accept any agreements on territorial issues approved by the Kuwaits, implying potential acquiescence in an actual Iraqi border shift which the internationalization of the oil fields proposed above explicitly precludes

Perhaps the most difficult challenge of diplomacy is to put yourself in your adversary's shoes and seek common ground when little seems to exist.

In this context, the administration must understand the admonition of Sun Tzu that "when you surround an army leave an outlet free. Do not press a desperate foe too hard." As the British military historian and strategist B.H. Liddel Hart warned: "Never corner an opponent."

The prospect of a peaceful resolution of this international drama is real, if both sides can come to an understanding that based on Iraqi withdrawal from Kuwait good faith efforts can be undertaken to deal with disparities of wealth in the region and the problem of displaced people.

Aggression cannot be rewarded, but Saddam as much as any leader in the world has in his grasp the possibility of changing the stripes of his uniform. Instead of sacrificing thousands of innocents to glorify his stature; instead of continuing to oppress his and the Kuwaiti people, he has the extraordinary opportunity of becoming the champion rather than the slaughterer of the oppressed of the region. Such a tantalizing opportunity to reshape historical judgment as much as the threat of ruination of his own country should give him pause to reconsider the path he has chosen.

In 500 B.C. the Chinese sage Sun Tzu wrote in the classic The Art of War that "supreme excellence consists in breaking the enemy's resistance without fighting." Almost a thousand years later, the Roman General Belisarius counseled that "the most complete and happy victory is this: to compel one's enemy to give up his purpose, while suffering no harm to oneself."

Incredulously, if conflict can be averted, Saddam Hussein and George Bush have the possibility of each coming out of this confrontation with a personal political victory that is good for the region and international order. Obversely, if conflict ensues, one or both will be tarnished, with international order hanging in the balance.

TERM LIMITATION FOR MEMBERS OF CONGRESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 16, 1991

Mr. CRANE. Mr. Speaker, I have once again introduced legislation, House Joint Resolution 42, that would limit the number of terms a Member of Congress may serve. This legislation states that no person may be elected to the House of Representatives more than three times and that no person may be elected to the Senate more than once. House terms would continue to have a 2-year duration, and the Senate term would remain at 6 years. If a Member of Congress chooses to run for office in the other body after his or her tenure has expired in the body in which he serves, he or she may do so. Thus, an individual could serve a total of 12 years in Congress.

The purpose of this legislation stretches far beyond the obvious. Certainly, it is necessary to reestablish the true meaning of public service by eliminating the option of making a career out of being a Member of Congress. Instead, the field would be open to men and women who have a sincere interest in representing their constituencies—for the short term. But in addition to this, should this measure be adopted, the makeup of Congress would also benefit, making it a considerably more effective organization. It is indisputable that the leadership in both Houses is imperious, with little turnover. Every year an exorbitant amount of legislation is never voted on for the simple reason that the committee to which it has been referred is chaired by a well tenured Member, unwilling to give the proposal any consideration.

Those of us who support the idea of term limitation have fallen victim to remarks of critics who claim that if we were indeed supportive of term limitation, we should resign. Without a doubt, I intend to resign following the term in which this legislation is adopted. However, it would obviously be ludicrous for all of the term limitation supporters to vacate their seats in Congress before passage of this resolution, leaving behind few advocates to drum up support for this measure.

Public sentiment in suppport of this issue is becoming increasingly evident as disgruntled citizens remain dissatisfied with the imperial Congress. Last year we saw a majority of voters in both California and Colorado indicate that they favor term limitation. This legislation would not be a panacea for all ailments plagu-

ing Congress. It would, however, serve to attract individuals to Congress who are indeed interested in serving the people, and not his/her own private interests, and in addition, it would significantly reduce incentives for Members of Congress to vote in accordance with the wishes of wealthy special interests, instead of the will of the constituency. I urge my colleagues to support my resolution, and ask that you resist the temptation to insure yourself a job in Washington, DC for an indefinite period of time, and instead, act as you vowed that you would—in the interest of your constituents.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 17, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 18

10:00 a.m.
Budget
To hold hearings to examine the state of the economy, focusing on the views of the Federal Government.
SD-608

JANUARY 23

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on agricultural trade and agricultural reform in the Soviet Union, focusing on their effect on U.S. agriculture.
SR-332

Governmental Affairs
To hold hearings to examine the state of the U.S. government two years after President Bush took office, focusing on Desert Shield, the budget, and related issues.
SD-342

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to review the activities of, and funding for, the Resolution Trust Corporation (RTC).
SD-538

JANUARY 24

10:00 a.m.
Joint Printing
Business meeting, to review congressional printing by the Government Printing Office and other matters concerning GPO.
SR-301

JANUARY 29

9:30 a.m.
Energy and Natural Resources
To hold an organizational business meeting.
SD-366

JANUARY 30

9:30 a.m.
Energy and Natural Resources
To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.
SD-366

Governmental Affairs
To hold hearings to examine biological warfare defense, focusing on the Department of Defense research and development program.
SD-342

Rules and Administration
To hold an organizational meeting to consider committee's rules of procedure, committee's budget for 1991, Joint Committee on Printing and the Joint Committee on the Library membership, and other pending legislative and administrative business.
SR-301

FEBRUARY 5

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on U.S. national energy policy.
SD-366

FEBRUARY 6

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.
SD-342

Rules and Administration
To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.
SR-301

FEBRUARY 7

9:30 a.m.
Rules and Administration
To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.
SR-301

FEBRUARY 20

9:30 a.m.
Rules and Administration
Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991 and 1992, and other pending legislative and administrative business.
SR-301

FEBRUARY 21

9:00 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the Procurement Integrity Act.
SD-342

HOUSE OF REPRESENTATIVES—*Thursday, January 17, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Hear the words of the 46th Psalm:

God is our refuge and strength, a very present help in trouble.

Therefore we will not fear though the earth should change, though the mountains shake in the heart of the sea; though its waters roar and foam, though the mountains tremble with its tumult.

There is a river whose streams make glad the city of God, the holy habitation of the most High.

God is in the midst of her, she shall not be moved; God will help her right early.

The nations rage, the kingdoms totter; he utters his voice, the earth melts.

The Lord of hosts is with us; the God of Jacob is our refuge.

With one voice and in the bond of unity we pray, O God, for the members of the armed services during these days of conflict. May the duty and honor of serving their country ever make them faithful in their calling and may Your blessing be with them and those they love.

O God, our refuge and strength, our very present help in trouble, we admit our anxiety for the welfare of those who are in conflict or danger. May Your bountiful spirit, that is present with every person in every place, protect, sustain and comfort all who must bear the weight of battle this day and in the days to come.

We pray for the President and the Congress and all who have great responsibility in these times that they will be filled with wisdom and discernment in decisions and in their actions.

We place these petitions before You, O God, together with the private petitions of our own hearts and souls. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas [Mr. LAUGHLIN] please come forward and lead the House in the Pledge of Allegiance.

Mr. LAUGHLIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed so that I might inquire of the distinguished majority leader how we might be proceeding tomorrow.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, I would first say that there will be a briefing, it is my understanding, at 5:30 p.m. that will be conducted by representatives of the Department of Defense. I think it will be in the Armed Services room, 2118, in the Rayburn Building, and every Member of the Congress and the House is invited to that briefing. I believe the Senate briefing is at 4:30.

It would be our intention on tomorrow to meet at noon. In a moment I will ask for unanimous consent to establish tomorrow as a day for a suspension, and it would be our intention, after consultation with the minority leader, to try to bring forward a resolution at that time supporting our Armed Forces.

Mr. MICHEL. Might I inquire, that will be in the form of a concurrent resolution, will it not?

Mr. GEPHARDT. That is my understanding.

Mr. MICHEL. I suspect we would like to have the kind of language, therefore, that would be consistent with what the other body might pass. I understand they are going to be meeting today and consider it.

I saw some preliminary language that was pretty wishy-washy and rather mealy-mouthed, to say the least. I would hope that if we are going to ask Members to come back to register their vote that it will be something of substance, and that, of course, will be for us to work out, hopefully amicably together.

Mr. GEPHARDT. We will be talking with representatives of the Senate, and of course with the minority leader throughout the day.

Mr. MICHEL. I thank the distinguished gentleman.

PERMISSION TO CONSIDER A RESOLUTION UNDER SUSPENSION OF THE RULES ON FRIDAY, JANUARY 18, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1, rule XXVII, it may be in order tomorrow for the majority leader, or his designee, after consultation with the minority leader, or his designee, to move to suspend the rules and agree to a resolution expressing support for the U.S. Forces in the Persian Gulf; and that debate on said resolution shall be limited to not to exceed 2 hours, to be equally divided between the majority leader and the minority leader, or their designees.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SUPPORT FOR THE TROOPS IN THE PERSIAN GULF

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, now that we are engaged in a war in the Persian Gulf—which we all hoped and prayed could have been averted—we must rally fully behind all our forces there and give them our total support.

I fervently pray that the war is quick and decisive, with the minimum loss of life.

The Congress, like the Nation, was divided on the question of engaging in war.

But we are not divided in our commitment to giving our fighting men and women in the region every bit of support that they need for complete success.

Let us all pray that peace—genuine peace—will soon be achieved in the Middle East.

SUPPORT FOR OUR MEN AND WOMEN IN THE GULF

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, our thoughts, our hearts, our prayers, and our grateful thanks go out to our soldiers, sailors, airmen, marines and coastguardsmen in the Persian Gulf and to our military leaders who have planned these operations. The courage and professionalism of our forces appear to have been exemplary.

These have been surgical strikes by United States, Saudi, British, French, Kuwaiti, and other allied air and naval forces against specific antiair, nuclear, chemical weapon, ballistic missile, command and control and military sites. They were not strikes against the Iraqi people. It appears that the actions were conducted with surprise, precision, and at a minimum risk of loss of life.

We are united in support of our men and women in the Persian Gulf and in our prayers for their safety.

□ 1210

FULL SUPPORT FOR THE PRESIDENT AND OUR SERVICE MEN AND WOMEN

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, I rise to voice my full support for our President and for our service men and women now engaged in combat in the Persian Gulf.

The decision to use offensive military force against Saddam Hussein was indeed a last resort. It came only after extensive international efforts to avoid a military confrontation had failed.

It had become clear in recent weeks that Saddam Hussein would not abide by international law, has no concern for world opinion and no respect for basic human rights. I am convinced that military force was the only option to force his withdrawal from Kuwait.

Initial reports from the Persian Gulf are encouraging, and I hope that the mission will be completed quickly. I share the pride of service families who know that their sons and daughters answered the call of duty. I join with them in prayer that they will soon be safely united with their loved ones.

SUPPORTING OPERATION DESERT STORM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I strongly support Operation Desert Storm and President Bush's outstanding leadership during these very critical times.

While we are still in the very early stages of the operations which could run for some period of time, I am encouraged by the reported successes so far and am cautiously optimistic overall.

Today I have two prayers—one for the safety of all our brave service men and women in the gulf and another that Saddam Hussein will finally see the light and end this war he began and will lose.

Operation Desert Storm underscores the prudence of the Reagan-Bush defense policy. High-tech weapons, like the Tomahawk missile, previously criticized by some in Congress, proved their worth and lowered both American and civilian Iraqi casualties with their pinpoint accuracy. Our training in the deserts of California and Nevada have also proved to be an asset.

SUCCESS IN GULF NURTURES HOPE FOR THE FUTURE

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, we can all be proud of the performance and successes of our young men and women in the gulf. While we have only preliminary information, our successes at this opening stage of the engagements are substantial.

Let us not forget our feelings these moments and the lessons these successes, if they continue, will teach us. As this spring and summer progress, let us hope that we can apply the same degree of discipline, confidence and selfless determination here in Congress, that our young people displayed in the gulf last night, to solve the enormous domestic problems we face with our growing annual deficit and national debt, a banking system that needs a major restructuring of regulations, and numerous other very serious problems. Let us direct the confidence and excitement this can instill in America, if all goes well, to get us out of the morass of indecision and gridlock on other major problems and really get this country and Congress moving again.

My thoughts and prayers are with the families of our service men and women, and I hope the war will be over quickly and the casualties will continue to remain low.

DIFFICULT PHASE OF WAR IN GULF MAY LIE AHEAD

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, I am greatly encouraged by the early reports of the success of allied air attacks in the gulf. It appears that the initial phase of the effort to liberate Kuwait has gone far better than we might have expected. America's top guns have prevailed.

We have accomplished two of the most important early objectives in this conflict. First, we have gained air superiority which will enable us to give maximum protection to allied ground troops.

Second, we have apparently knocked out or damaged most of Iraq's missile, chemical, and nuclear sites.

But let us remember that this is only the beginning. Unless Saddam Hussein very quickly complies with the U.N. resolutions demanding his withdrawal from Kuwait, his ground forces will have to be removed. Although our air supremacy will be a great advantage, Iraqi troops are in well-fortified defense positions and could be expected to fight hard. This will be the most difficult and dangerous phase of allied action in the gulf.

Today, our thoughts and prayers are with America's men and women in the gulf. Let us continue to hope that Saddam will come to his senses so that our service men and women can return safely to us and to their families.

OPERATION DESERT STORM

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, with the initiation of Operation Desert Storm, we must now stand united as a government and as a nation behind our troops in the Persian Gulf.

The men and women of our Armed Forces should be given every resource available to secure a conclusive and prompt victory with minimal loss of life.

With yesterday's military action, I appreciate the President's enunciation of our Nation's specific and limited goals of achieving the Iraqi withdrawal from Kuwait and the implementation of the U.S. resolutions.

Now that force has been used, there should be no limitations placed on our fighting forces in the achievement of these goals.

This cannot be another Vietnam.

My prayers and those of everyone I represent are now with those selfless Americans who have answered their Nation's call.

REINTRODUCTION OF CONSTITUTIONAL AMENDMENT PROHIBITING PHYSICAL DESECRATION OF OUR FLAG

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, last night, President George Bush did what had to be done and he did it with full approval of the U.S. Congress.

And, Mr. Speaker, we can all be so proud of all the volunteer servicemen and servicewomen, who proved to the world they are the best.

What we cannot be proud of, Mr. Speaker, is the unshaven, shaggy-haired, drug culture, poor excuses for Americans, wearing their tiny round wire-rim glasses, a protester's symbol of the blame-America-first crowd, out in front of the White House burning the American flag.

Mr. Speaker, it is too bad our troops overseas have to see this on television. But to show our troops these druggies are small in number, I have reintroduced the constitutional amendment to prohibit the physical desecration of our American flag.

In support of our troops, I urge you all to sign on to this legislation.

TAKE GREAT PRIDE IN AMERICANS IN COMBAT

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, yesterday evening the inevitable came to pass. America and her allies took up the sword against Saddam Hussein.

I strongly support this action. Congress paved the way by its recent resolution to authorize force to free Kuwait from the bloody grip of Saddam Hussein.

This effort shows our investment over the past decade and extensive training and high-technology weapons, cruise missiles, Stealth fighters, AWACS has been a wise one. Thus far, the air campaign shows great professionalism, skill, and determination of our air forces, but I am convinced that the great battle still lies ahead.

Mr. Speaker, we can take great pride in those Americans who are now engaged in, or who will soon be engaged in, combat. They are the finest our Nation has to offer.

Our prayers, our hopes, and our thoughts are with them for a safe and successful mission.

OUR PRAYERS AND THANKS TO OUR TROOPS AND OUR LEADERS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, today is the day of messages.

First of all, to our troops in the gulf, our hopes and our prayers are with you in these difficult hours. May you go forth with the knowledge that your country and its Congress are standing with you in full support and with great pride for your efforts thus far.

To the families, we all extend to you our hearts, our hands in friendship and support, and know that your friends and neighbors at home and your elected officials wherever they might be stand ready to do whatever we can to help each and every one of you. Please find some comfort in the knowledge that your Government is pursuing a strategy which minimizes risk to the lives of your loved ones on duty.

To the President, to Secretary Cheney, to General Powell, first, our deep appreciation for the careful strategy that you have pursued, for a military plan that accomplishes our goals with minimal risk to our troops, for the technology that you have developed and employed which gives our troops such clear advantage.

Today we offer you our full support, our full confidence and our prayers.

□ 1220

To the United States, as a nation, the time for political discussion and Monday morning quarterback will come later. Today, let citizens become a family. Let citizens unite, and let citizens stand with each other in a common purpose in days ahead.

SUPPORT FOR TROOPS IN OPERATION DESERT STORM

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise to express my gratitude and offer my total support for our troops now participating in Operation Desert Storm. Although the operation is still in its infancy it is obvious to me that our pilots as well as pilots from the various countries joining with us are doing a tremendous job. Mr. Speaker, I would hope that all Americans put their differences aside at this time and offer their total support and prayers for the thousands of Americans who are offering the ultimate sacrifice for their country. I want everyone to know that I consider each and every member of our military force participating in this operation as the true heroes of our country. Mr. Speaker, my prayers are with each man and woman who now find themselves in harms way. I praise their efforts and feel great pride because of their dedication and patriotism. I urge all Americans to join with me in total support for our troops in the Mideast.

GORBACHEV FACING LOSS OF SUPPORT IN BALTIC STATES

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today, as we meet and pray for the safety and success of our troops in the Persian Gulf, hundreds of thousands of Lithuanians, Latvians, and Estonians are praying that the world will not forget them.

Hundreds of Lithuanians are camped behind sandbags around Lithuania's Parliament Building.

Latvian citizens are standing vigil by the Presidential Palace. Estonians are rallying in the Tallinn main square. They are hoping against hope that the Nobel Peace Prize winner in Moscow will relent.

Mr. Speaker, the Soviet leader needs to know one thing.

The glowing embers of the cold war can be reignitied by the chill wind of Moscow in the Baltic. Mr. Gorbachev, if you persist, you will lose much more than your Nobel Peace Prize. You will lose your support around the world.

Latvia, Lithuania, Estonia, their cry goes up.

Our cry goes up.

Mr. Gorbachev, can you hear them?

Mr. Gorbachev, are you listening?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair will remind all Members that all remarks directed to the Executive or to heads of state should, in fact, be directed to the Chair.

PRAISE FOR TROOPS

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, whatever may have been the feeling of some people that sanctions or diplomacy might have prevented this war, the President in his best judgment came to the conclusion that it had to be done, and had to be done at this time.

I think I speak for all Americans in saying we want to see this war successfully waged. We want to thank all those who are involved in trying to bring about an end to the war, on the battlefield and elsewhere, and we want to congratulate the President as the Commander in Chief on the plans that he had and he carried out.

In a way, we ought to think a little bit about Congress and the taxpayer, too, because for the last year there has been a lot of opposition for spending money for defense measures that were needed to be spent. Now we are reaping the benefit, because these materials have been very helpful in this present situation. We ought to think about that, because when it becomes popular to destroy our defenses simply to make money available for something else, we ought to recognize that we are hurting the people who may be fighting for our country in the future. Luckily for us in the last 2 or 3 years we have taken billions of dollars out of various exotic weapons and put it into conventional weapons which are now being used in the Desert Storm situation.

Therefore, I would like to say thank you people, who are in the service of our country today, in that area where all this combat is taking place. Thank you, Mr. President, for your leadership. We all stand behind the President and hope that the war will be over soon with the least possible casualties.

HUSSEIN'S DAYS ARE NUMBERED

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, please tell Saddam Hussein that we told him so. We told him in a thousand different ways, through the resolutions of the United Nations, through the insistence of the President of the United States, that this aggression will not stand, through a hundred private diplomacy efforts, through extra efforts by heads of state, but he refused to see the handwriting on the wall.

Now, he can begin to read that handwriting in the bunker in which he is going to be resigned for the duration of the effort by the United Nations, through the force in Desert Storm. Tell him, Mr. Speaker, that he can no longer take comfort from the flag burners, or those who still, at this late juncture, criticize the President of the United States and oppose his efforts on behalf of the free world in this staunch effort in Saudi Arabia, Kuwait, and Iraq.

Tell him, Mr. Speaker, that his days are numbered as a power in the Middle East, but he still has time to back down and to stand back.

PROUD OF UNITY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am very pleased that Congress will meet to express its concern, support, and pride in our men and women in the gulf, and also to their anxious families at home. I also hope that their professionalism will call up the professionalism in Saddam Hussein, and he will understand that it is abolutely ridiculous to continue this and to continue on the casualties. They will be on his conscience for ever and ever.

Let everyone hope that we can bring this to a sudden, quick, conclusion.

Then, I hope this body emulates the professionalism and the unity we see today, and that we go to the root causes that allow the cultivation of these dangerous dictators in the Middle East. We must deal with that and bring real peace to that region, long term. We must all insist our allies pay their fair share of the bill, and that our oil companies do not ravage our economy. There is going to be a lot for everyone to do.

I am pleased with the unity we are showing today. I hope it continues through this long and hard and arduous agenda. Our young people in the gulf have shown everyone the way, and I hope we have their discipline and professionalism to meet it.

WE STAND UNITED

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, prior to last night's events, many armchair generals and parlor strategists in Congress, the media, and elsewhere, put together an extensive list of reasons why the use of force was unwise and unlikely to succeed.

Many said the United States would go it alone. We are not. Some said our Arab allies would not fight. They have. Others said Israel would be immediately drawn into the fighting. They were not. Some said our high-technology weapons would fail in the harsh Desert Storm environment. They are not. Many said the price of oil would skyrocket. It has dropped. Others said the battle-hardened Iraqis would inflict major casualties from the outset. Thank God, they have not. Many said America would remain divided, but today, we stand united, united in our resolve, united in our support of our President and our heroic troops, and united in prayer for a quick and decisive resolution of this conflict.

PRIDE IN GULF FORCES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, despite any disappointment or dismay we might have that this advanced civilized society of ours would somehow fail to solve problems without the use of force, I think all citizens last night and today have experienced a surge of pride and happiness at the outstanding performance given, in our behalf, by the men and women of our fighting forces in the gulf, by their commanders, and by our Commander in Chief, President George Bush.

At this early stage, it is possible to believe that the casualties, not just of our military people and of our allies, but of the innocents, the young children and the women in Kuwait and Iraq, will be kept to a bare minimum. And, perhaps, these reports, while early, could encourage everyone to believe that possibly this could be a quick endeavor, quickly over, with the fewest casualties, allowing our men and women to return to their homes and to this United States.

□ 1230

Mr. Speaker, there is no doubt that all of our colleagues join in extending our love and respect to our fighting men and women. We send them our unequivocal support for all the resources they will ever need to conclude their mission quickly, with the greatest degree of success and with the greatest degree of safety. We send them our prayers and our best wishes.

THE MOST DECISIVE AIR ASSAULT IN HISTORY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, judging from initial reports coming out of the war zone, we may be witnessing the most significant, decisive, air assault in history.

I sincerely hope and pray that what we have achieved thus far can be continued.

I want to commend our men and women in the Armed Forces for their skill, their motivation, their teamwork, and last, but not least, their willingness to sacrifice their lives for their country, for us.

We are witnessing a remarkable team effort that extends all across the gulf, over land and sea, to the shores of the United States itself. Our troops deserve our solid support at home in this time of trial.

We owe it to them. Our troops are showing us their resolve. It is time for us to show them ours.

I find it ironic that many Americans feel compelled to demonstrate against our use of force to liberate Kuwait, yet remain silent over the Soviet Union's use of force to subjugate Lithuania.

I respectfully urge those demonstrators to think about that and apply their passions to right the real wrongs.

IN TOTAL SUPPORT OF OUR MILITARY PERSONNEL

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I believe that last week Saddam Hussein left no choice for the international coalition to act, and when the deadline of January 15 arrived, we did decisively.

This Congress agonized over the vote last week. Today it is in total support of our military personnel.

We are at war with Iraq now. It is time for us to stand behind the President and to give our troops unqualified and unyielding support that leaves no doubt in Saddam Hussein's mind that we will finish the task that he has compelled us to begin.

My hopes and prayers are with all our United States and allied troops in the gulf, to the sons and daughters, husbands and wives, mothers and fathers who have all volunteered for our national defense. Let us let them do their job quickly and let us bring them home to their families as soon as possible.

INVESTMENT IN THE MILITARY HAS PAID OFF

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, give it up, Saddam. You have no more SCUD's left.

Give it up, Saddam. You have virtually no Air Force.

Give it up, Saddam. You have had over 50 of your tanks give up and run up the white flag, and the numbers are increasing as the hours go by. Only if you begin a swift and total withdrawal from Kuwait can you spare your own people further suffering.

Make no mistake, Saddam. Kuwait will be liberated.

Mr. Speaker, the last few hours have shown us that the investment that the Americans made in the last several years for technologically strong warfare and the kind of technology we have seen used in the gulf has saved American lives. It saved lives of innocent civilians in Iraq and Kuwait and has saved the lives of our allies as well.

There is a strong lesson to be learned from that, and the criticism that President Reagan and some of the leaders in the Congress took in undertaking that modernization of our forces, it seems to me, was hollow and misplaced. We have learned a valuable lesson over the last several hours. I hope we do not forget it.

THE SADNESS AND SORROW OF WAR

(Mr. DELLUMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELLUMS. Mr. Speaker, on Saturday I entered the well of the House and I said to my colleagues that I do so with a very heavy heart. I tried without success to challenge my colleagues and the Nation to think beyond war as a way of solving international disputes. The position that I arrived at was after careful thought as a matter of conscience.

I enter the well today with a very heavy heart. Shortly after 6:30 p.m. yesterday evening, sitting before the television, I was suddenly numbed with the reality that we were in fact at war with Iraq, and the tears just began to flow, Mr. Speaker, and to my colleagues in the House. They flowed without control. I cried tears of sadness, tears of outrage, tears of disappointment and tears of self-doubt; tears of sadness because I realized that we have placed hundreds of thousands of people in harm's way.

I have said for 20 years here that I respect all life on this planet and have a profound respect for human life. I believe that we ought to treasure it and it should be perceived as quite precious.

I shed tears of outrage because I continue to believe resolutely that we did not have to go to war and that there is an alternative to killing and dying.

I shed tears of disappointment because again human beings on this planet have lost the great opportunity and we as a people have lost a great opportunity to show ourselves and the world that we have the audacity to think beyond war, that we can evolve as people beyond archaic notions of fighting and killing and dying as a way of solving problems.

Finally, I shed tears of self-doubt, Mr. Speaker, because I sat there in my living room crying, trying to figure out was there any other thing that I could have done, any other stone that I could have turned to try to prevent this incredible madness.

Finally, Mr. Speaker, as our Nation goes to war, I have great concern for our troops and for their families back home. While I offer every support for our military personnel and pray for their safety, I remain opposed to the political decision by President Bush to mobilize those troops to war.

Mr. Speaker, we must realize that there are no short wars. The long-term effects of this war, no matter how soon the shooting stops, will have to be addressed. The United Nations may be the first casualty. I am concerned that this war may set a precedent in which the United Nations becomes a vehicle for authorizing the superpower use of force, instead of the institution to which we turn for the peaceful resolution of international conflicts.

The possible radicalization of Arab States and their populations against the United States has to be considered as a byproduct of this decision. Beyond this, terrorism and the threat of terrorism now looms more than ever over Western populations.

Another casualty of war is the Federal budget. No one who went through the turmoil of last year's budget battle will soon forget it. We fought tooth and nail over million-dollar adjustments to programs. Today, we are anticipating the possibility of spending at least $10 billion a month on the prosecution of this war. At that rate, the equivalent of the entire budget for all of Federal spending on the education of our children in this fiscal year would be spent in less than 3 months.

Mr. Speaker, if we have demonstrated a military superiority in this conflict, let us call for a cease-fire and begin the negotiations necessary to complete this conflict with as little loss of life as possible.

UNITE BEHIND THE PRESIDENT

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, last night, like millions of Americans, I watched the solemn, serious, uncertain, and frankly scary announcement that we had begun the war to liberate Kuwait.

Last week in this well, we debated the appropriate course to achieve peace and to get Saddam Hussein out of Kuwait.

Today, despite any differences we may have had, we as Members of Congress and as American people must unite behind our servicemen and behind the decision of our President.

We have come to understand that Saddam Hussein is not a rational human being who values life as we do here in the United States, but he is a tiny human being who wants to flaunt his perceived power and threaten the world.

The American people must unite for our servicemen. We must share with them our concern. We must call their families. We must donate blood, and yes, I think we must even pray.

We must, in fact, in this body guarantee our servicemen that they will not come home ashamed of their role, embarrassed for their sacrifice and their service.

Thomas Paine said when this Nation was beginning, "We have it within our power to make the world over again."

Let us today as a body and as a nation make that same pledge that, yes, we do have it within our power to make this world over again into a more peaceful and a more profitable world where Saddam Husseins will never again threaten the existence of another country.

□ 1240

SOLIDARITY WITH OUR TROOPS IN THE PERSIAN GULF

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, now that war has begun in the Persian Gulf, the time has come to stand shoulder to shoulder with our troops in the field.

Across our great Nation, we must look proudly on our flag and pray that our Armed Forces can finish their liberation of Kuwait with minimal bloodshed.

We could have asked no finer group of young men and women to accept this challenge with boundless vigor, wisdom, and courage.

Their sacrifice brings to mind the words of Sir Winston Churchill who once remarked that "Never in the field of human conflict was so much owed by so many to so few."

OPERATION DESERT STORM

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, at this momentous time in the history of our Nation, I express my full support for President Bush and the Armed Forces of the United States, as well as the allied coalition, in the effort to dislodge Iraqi forces from Kuwait and to restore Kuwait's legitimate government.

It had become evident in recent days that, in spite of the authorization which President Bush received from Congress to use force, Saddam Hussein remained intransigent, and demonstrated that Iraq has no intention of adhering to the U.N. Security Council resolutions demanding its withdrawal. I am disappointed that this issue could not be resolved without the need for force.

The course which we have chosen was determined only after great deliberation and debate in Congress, and in accordance with the constitutional guidelines established by the Founding Fathers. At this time, I hope that all Americans will join with me in support of our men and women in the Armed Forces.

I am relieved by reports which so far indicate that the allied forces have been successful and that losses have been minimal. My prayers and thoughts are with the President and the brave men and women of the Armed Forces, as well as their families, as they face the difficult days ahead. I hope that any further military action in the coming days will be swift and successful with a minimum of casualties.

IT AIN'T GOING TO GET NO BETTER, SADDAM

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Slam, bam, thanks, Saddam. You should have took the letter. Now take the loss, reverse the course, because it ain't going to get no better.

COMPLETE VICTORY IN MID-EAST AWAITS FUTURE EVENTS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, last night—one of the pivotal dates in history—a decision was made that the world community, led by the United States, would resist aggression and international lawlessness.

President Bush's decision to implement force to reverse Iraq's aggression and atrocities was not capricious or arbitrary. Operation Desert Storm was initiated only after all diplomatic efforts had failed. It was made only after the United Nations and the Congress of the United States approved resolutions followed by extensive debate. It was made only after all efforts were exhausted to convince Iraq to comply with international law.

Our superb Armed Forces and our brilliant military leadership are deserving of our praise and we pray for their safety. But while we applaud their stunning achievements to date, we must not be premature in claiming victory. There is still a long road ahead.

All of us deeply regret the initial casualties that have been incurred. While we extend our condolences to their families and loved ones, we hope that their sadness may be somewhat assuaged by the knowledge that their sacrifices were made in the cause of freedom and for a better world; based on international law.

LET US UNITE BEHIND OUR TROOPS IN THE PERSIAN GULF

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I join my colleagues in expressing my support and gratitude for the men and women of the United States who are now engaged in combat in the Persian Gulf. Certainly our prayers and thoughts are with them and with their families at home at this trying hour.

Certainly early reports from the Middle East have been very encouraging. But, as Secretary Cheney and General Powell stated, this is an ongoing operation, and certainly it is too early to make definitive statements about how long it is going to take to achieve our objective of expelling Saddam Hussein from Kuwait.

However, I think this country at this time should be very proud of the men and women in the gulf and what they have accomplished even at this very early hour.

Listening to the interviews of the American pilots, it is clear that American service people have performed bravely and the equipment that they have taken with them into battle has lived up to its expectations.

Mr. Speaker, we send our best, now that the battle has been joined, to use the President's words, I think it is very important that our country unite behind our troops in the gulf and give them the support they need to do their job and then for them to get on home as soon as possible.

SUSPEND LEGISLATION PROHIBITING ASSASSINATIONS

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, as we are well aware, Saddam Hussein moved into a neighboring country where he has raped and pillaged and plundered the nation.

The United Nations of the world banded together to ask him to be removed. The Arab League, the Moslem leadership, the Communist leadership, certainly those in Europe and elsewhere have asked that something be done to prevent this man from spreading his terror throughout the Middle East.

Now it has become apparent that action has had to be taken, and we have now learned that the commander in chief of the Iraqi forces, Mr. Saddam Hussein, is directing the attack against our forces. There is a cocoon of protection that is placed around him because he holds the position that he holds as leader of his country.

In fact, the first question that was posed to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff was, "Have we targeted him?" To which they were forced to demur.

There is an executive order that prevents us from targeting the sources of the attack upon the American forces.

Mr. Speaker, that might make sense at the Kennedy School of Government, but to the average common sense of the taxpayer of southern Ohio it is foolish.

Therefore, I am introducing a resolution today that says simply Congress supports the suspension, with respect to the leadership of Iraq, of section 2.11 of Executive Order 12333, which prohibits assassinations of leadership, until Iraq has complied fully with all U.N. Security Council resolutions concerning the withdrawal of the Iraqi military forces from Kuwait.

In this trying time, those military planners, those secretaries of defense, those commanders in chief, that pilot who is flying into Baghdad, should not have to be faced with the possibility of having violated an executive order. This should be removed.

Common sense tells us that Saddam Hussein deserves no more protection than the mothers and fathers who are wearing the American uniform in the Middle East.

Mr. Speaker, I invite my colleagues to join me.

LET US UNITE BEHIND OUR COMMANDER IN CHIEF

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, over the past several months a great debate has raged in this country, indeed on Capitol Hill, not over our policy in the gulf as far as our objectives are concerned, but the means by which to achieve these objectives.

In my estimation, when the President took action last night, by virtue of the authorization which we gave to him, by virtue of our vote last Saturday, we entered a new phase. The time has come to unite behind our Commander in Chief. I for one am totally and completely supporting the President of the United States and the policy in which he has engaged our troops, and I join him and all Americans and people throughout the world in hoping and praying for an early end to hostilities so that the men and women who are fighting in the Persian Gulf will soon be home with their families and loved ones.

A MESSAGE TO THE FAMILIES BACK HOME

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, we all have different thoughts. We are all unique.

We are all saddened, but I would just like to say one thing particularly to the families back home in the area that I represent: "Your kids are terrific. We are so proud of them. They are the best this country has to offer."

□ 1250

In addition, Mr. Speaker, I say, "We're honored to be associated with you. We support you. We think about you as you wait, and you wait, and you wait."

S. HUSSEIN PERSONALLY RESPONSIBLE

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today in strong support for the men and women of our Armed Forces and those of our allies who have engaged Saddam Hussein's military machine in Iraq and Kuwait. At this time it is very difficult to do anything but pray for those men and women and for those innocent civilians who will find themselves involved in this conflict.

But as this war progresses, Mr. Speaker, we must not lose sight of where the blame of bloodshed lies. Saddam Hussein has had every opportunity to heed the call from nations of the world to withdraw from Kuwait. It is Saddam Hussein who has forced this conflict, and it is Saddam Hussein who will be held responsible.

Mr. Speaker, one of the U.N. Security Council's resolutions reaffirms international law which states that Iraq must pay reparations for the devastation it has inflicted upon Kuwait. If Saddam Hussein continues to rebuff the United Nations, continues this carnage, the people of the world will only stiffen their resolve that he be also asked to pay for the war crimes that he has committed, the atrocities that he has perpetrated against the Kuwaiti people. The longer this mad dictator holds out, the greater his punishment will be for putting the world on the precipice of disaster.

Mr. Speaker, it ought to be made very clear that the United States people will demand more than what the U.N. resolution has asked for, that Saddam be held personally responsible for the atrocities that he has committed.

GORBACHEV USING GULF CONFLICT AS A COVER

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, last week Congress engaged in heartfelt debate on the issue of military force in the Persian Gulf. Although views were divided, in the United States as a whole, there can be no division today concerning our brave young people serving our country. I firmly support our brave men and women in Saudi Arabia who are serving our country in the Persian Gulf and join in prayers for a speedy and successful resolution of the conflict and a firm resolve toward justice and peace in that troubled region.

Mr. Speaker, I visited our troops in December. They are the finest and bravest in the world. I deeply regret, however, that the press does not have full access in the same manner in which they have had access in the past. I think the American people deserve to know what is going on in that region, but, as we come together as a nation to support our Armed Forces, we must not neglect our vital areas of the world like the Baltic States. Clearly, President Gorbachev is using conflict in the Persian Gulf as a cover to reject glasnost and return to censorship and oppression. I am saddened and outraged by the Soviet Union's unconscionable use of force against the peaceful citizens of the Baltic States who have expressed their will to live in free and independent countries. The United States must speak out forthrightly in behalf of these beleaguered nations and communicate our opposition to Soviet aggression and our renunciation of any assistance to a regime that is orchestrating a return to the days of Stalinism. The actions of the Kremlin do not bode well for future peace and prosperity in the Soviet Union or, indeed, the world. We, as a country, cannot have a double standard.

DEFINITELY IN FRONT, BUT DEFINITELY NOT ALONE

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, I wanted to come to the well this morning and join that chorus of Members that are offering their full support to our men and women at war this morning. But I do not think it is inappropriate, now that the initial reports of the battle are filtering in to all of us, to say a word of thanks to those men and women that are not Americans that were also the first to fight last night, and I speak of the Saudi, and Kuwaiti, French, and British pilots who went in last night and sustained casualties. We know that the French saw four of their Jaguars damaged, we know that the Brits have lost a plane and a couple of pilots, and we also know that there will be more casualties to come.

But I think it is important to remember that, when this foray and this battle is reviewed by historians, it will not really be that important as to who was in Kuwaiti air space last night and who was in Iraqi air space. The point is that there was a coordinated plan, perhaps unique in history, where each nation and each member of the fighting force from that nation played his or her part magnificently, and, as we begin to hope that this battle will be a short one and our casualties will be de minimis, I hope it will always be remembered that the United States definitely last night was in front, but definitely not alone.

LAUNCHING OF OPERATION DESERT STORM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, I am saddened that the effort to force an Iraqi withdrawal from Kuwait has resulted in war. I continue to believe that we did not exhaust all nonmilitary options to avoid this confrontation. Now, we will never know whether continued sanctions and negotiations would have worked.

However, now that we are at war, we must give all our support and our prayers to the American men and women courageously serving in the Middle East and to their families here at home. Congress must come together to fully back our forces in the Persian Gulf and to demonstrate to Saddam Hussein our national unity.

While I remain cautious, I hope for a quick resolution of this confict with as few casualties as possible. I pray for the safe and prompt return of all U.S. military personnel.

PRAYER FOR WISDOM

(Mr. SKAGGS asked and was given permission to address the House for 1 minute.)

Mr. SKAGGS. Mr. Speaker, I come here this morning out of tribute, out of respect and out of a sense of prayer. Tribute for our forces, whose extraordinary skill and courage have wrought decisive victories in the early hours of this conflict. With renewed respect for this democracy. How important it was for this Congress, this Government, to have followed the constitutional requirement for debate and resolution of this issue before there was fighting! And with prayer for the future, not just for a quick and successful end to this conflict, with few casualties as important as that is. Beyond that, I pray for wisdom in this Congress, in this Government and across the world that we will be able to apply our human talents effectively to address and resolve the many trying issues and historic challenges we will have to face after the fighting ends.

THE END FOR SADDAM HUSSEIN IS NEAR

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, today is a momentous day for all Americans. A day for prayer.

All of us had hoped for a peaceful resolution to the crisis in the Middle East.

However, in recent days it became more and more obvious that Saddam Hussein was not interested in negotiating a settlement.

To those militant demonstrators who are protesting in front of the White House and in San Francisco, Chicago, and New York—my Kentucky constituents are tired of seeing you chanting hatred for President Bush, burning our American flag and expressing opposition to what we are trying to do to bring peace and civility in the Middle East. My Kentucky constituents would urge these angry demonstrators to go to Baghdad to protest in front of the Presidential Palace and to call on Saddam Hussein to bring about peace by quitting Iraq's criminal occupation of Kuwait.

The decision to launch Operation Desert Storm did not come without much thought.

I know that President Bush hoped to avoid armed conflict, and that he has struggled a lot with his decision.

We find ourselves involved in a crisis that will surely cause all Americans to now support the men and women of the Armed Forces—Americans and those in the multinational force.

The United Nations, President Bush, and the United States Congress all warned Saddam Hussein to get out of Kuwait by January 15. So, on January 16, we used our air power to try to convince Saddam Hussein we are very serious.

Saddam Hussein assumed we were full of rhetoric and lacked the backbone for action.

Well, we've made a believer out of Saddam Hussein.

The end for Saddam Hussein is near.

□ 1300

A TRIBUTE TO ALLIED FORCES IN THE MIDDLE EAST

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, my thoughts and prayers today are with those men and women in the Persian Gulf who are risking their lives in the service of this country, and especially with the 850 North Dakota guardsmen and guardswomen and reservists, and the hundreds of others serving in the regular Armed Forces who are there today. To their families and loved ones and to those who are serving their countries, I and my colleagues say that we support your mission, and we hope it is concluded quickly and safely with minimum casualties.

My thoughts today are also with those who all too often are the innocent victims of war on both sides, men, women, and children in Iraq and elsewhere. My thoughts and prayers are that they might be spared as well.

Finally, it is important for all of us to recognize again that war is a human tragedy of immense proportions. War is always a failure of men and women to resolve differences peacefully.

The responsibility, it seems to me, rests on the shoulders of Saddam Hussein, who has committed acts of brutal terrorism and taken over the country of Kuwait. Let us hope that this conflict is now resolved quickly, with minimum loss of lives, so that those who are now serving our country and all the allied forces can return home to their loved ones safely in the days ahead.

AN APPEAL TO THE WHITE HOUSE TO HALT BOMBING

(Mr. SANDERS asked and was given permission to address the House for 1 minute.)

Mr. SANDERS. Mr. Speaker, in a short while I will be speaking on this subject at greater length, but I did want to say a few words now. It is my intention to send a letter to the President, hopefully with the concurrence of other Members of Congress, dealing with this crisis, and the letter will read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 17, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As members of the U.S. Congress, we urge you to announce an immediate halt to the bombing of Iraq and Kuwait—a bombing whose severity may be unprecedented in human history.

The United States Air Force has already shown its total superiority and control of the air, and its ability to inflict untold death and destruction on Iraq. Now, in the name of humanity, is the time to halt the bombing and to ask the Secretary General of the United Nations to go to Baghdad to begin immediate negotiations with the Iraqi government for their withdrawal from Kuwait.

It is not necessary to continue the killing and the destruction. It is not necessary to risk the lives of young Americans in what could be fierce and terrible ground fighting. History will not look kindly upon us if we do not try every means within our power to prevent further bloodshed and destruction.

Mr. President, let us do everything that we can to stop the killing.

Sincerely,

A CHALLENGE TO GERMANY AND JAPAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I was among many Members of Congress that supported economic sanctions, but now that the decision has been made by the President, I fully support that action, and we all support our troops.

I want to address something that is very important today, and that is that early indications show that we had Saudi Arabia, Great Britain, Kuwait, and the United States in the initial air effort. The Japanese Foreign Minister and the Japanese Prime Minister recently mentioned that they were going to proceed with additional contributions to help United States forces in Saudi Arabia. Americans are going to be looking at this war effort and seeing if it in fact is truly an allied effort, so, Japan, we appreciate the votes in the United Nations, and, Germany, we appreciate the votes in the United Nations, but where is the beef? Where is the financial contribution?

This war is going to cost us close to a billion dollars a day. It is going to take resources away from education, from child care, and from many other domestic priorities.

Yes, we must proceed with this war effort, but Americans should not pay for this on their own with their lives and their blood and their resources. So, Germany and Japan, we are going to be watching what in effect you are going to be doing in the days ahead in helping what should truly be a multinational effort.

IDENTIFYING THE SUPPORTERS OF SADDAM HUSSEIN

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, now that the President has ordered in the troops and now that they have begun the air battle against the Iraqis and now that that effort seems to have been, as the dust settles, highly successful, although even the one casualty that we have suffered was too much, now that that has started, at least at the very beginning, we must begin to take stock of who is friend and who is foe.

The gentleman in the well who preceded me talked about those who have been singled out already by the Secretary of Defense and the Pentagon as having been in the front lines of this fight. But let us never forget that those who never left the side of Saddam Hussein, those who never accepted the U.N. resolutions, those who never were willing to take a stand against his actions are those who will tomorrow try to come back and get from the United States something to which they are no longer entitled, credibility. And those to whom I refer are Mr. Arafat, the people who run the country of Yemen, and a number of others, including some people even in this country who went over there thinking that they could pay homage to this Iraqi ruler, people like Farrakhan. I hope that this administration, the White House and the Secretary of State, and my fellow Members of Congress will remember and have a long memory that the United States was forced into a war because of cruel, unspeakable acts of international crime committed by Saddam Hussein, and remember those who stood with him against international order and against international peace and were willing to spit in the eye of the civilized world and watch as it went into war.

WETLANDS REGULATION

The SPEAKER pro tempore (Mr. MFUME). Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I rise today to discuss the regulation of our Nation's wetlands, an issue that is of vital importance to western New York and, indeed, to much of the country.

The preservation of true wetlands is an important environmental objective. Wetlands not only provide a habitat for birds, plants, fish, and shellfish; they can also play an equally important role in purifying our water and maintaining our planet's delicate ecological balance.

Since the first European settlements, the continental United States has lost a considerable portion of its natural wetlands. Fortunately, much has been done in the past 20 years to slow the loss of our wetlands.

But as important as preserving our wetlands is, it is also important that we achieve President Bush's goal of a "no net loss" of wetlands by efficient and rational regulatory means. Inappropriate and arbitrary restrictions on land development can cause personal and economic hardships and overlapping regulatory authority can create confusion and unnecessary delays.

It is important, at the outset, to recognize the great complexity of this issue. All regions and areas of the United States have valuable wetlands, but the circumstances and needs in each region and area may vary significantly. A definition of wetlands which might be appropriate to the bayous of Louisiana may or may not be appropriate to land in western New York. Similarly, policies which might be entirely appropriate in Florida's swampland might or might not be appropriate to the bogs on Cape Cod.

During the recent congressional recess, I discussed wetlands regulations with a large number of my western New York constituents. They represented a wide range of interests. Some were homeowners, some were farmers, some were developers, and some were small businessmen. Many were concerned about lengthy delays in getting regulatory approval. Some objected to the retroactive application of new regulations. Others complained about confusing and contradictory regulations. All, however, expressed a common concern: State and Federal wetlands regulations were causing personal hardship without necessarily advancing the goal of wetlands protection.

At the present time, responsibility for Federal regulations of wetlands is spread over a number of agencies, including the Environmental Protection Agency, the Fish and Wildlife Service, the Soil and Conservation Service and the Corps of Engineers. For nonagricultural lands, the principal source of Federal regulatory authority is section 404 of the Clean Water Act, which addresses the dredging and filling—but not draining—of wetlands. The Corps of Engineers has the primary responsibility for enforcement of section 404, but other agencies have a consultative role and EPA can veto proposed permits.

Over the years there have been five major concerns with reference to Federal wetlands regulation: First, the definition and delineation of wetlands; second, overlapping regulatory authority; third, regulatory delays in the issuing of permits; fourth, confusion over mitigation and enforcement procedures; and fifth, possible conflict with State regulation of wetlands. With respect to all five issues, concern is intensifying as the Bush administration steps up its wetlands enforcement in the implementation of its "no net loss" policy. All five issues, I believe, deserve closer scrutiny by this body and I would like to touch upon those briefly here today.

WETLANDS DELINEATION

For many years, Federal wetlands policy has suffered from conflicting regulatory definitions; the Clean Water Act does not expressly define wetlands and for many years each corps district office delineated wetlands on the basis of local environmental features and concerns. Two years ago, however, the corps, EPA, and other Federal agencies jointly developed a manual containing a single nationwide definition of wetlands that relies upon three technical determinants: vegetation, soil, and hydrology. The new definition of wetlands provides greater Federal uniformity, but the definition is too inflexible, too frequently an unreliable indicator; that is, some nonwetlands are often classified as wetlands, and fails to distinguish between vital wetlands and wetlands of minor or insignificant value to the environment. Perhaps this is because the manual was drafted without using required formal rulemaking proceedings, and, therefore, the new rules reflect a lack of adequate public input.

While the definition of wetlands is of the greatest concern, many people are also concerned that the Federal Government does not make an effort to comprehensively map or delineate wetlands; landowners are forced to rely upon private consultants, who vary greatly in knowledge and ability, in determining whether their land meets the Federal definition of wetlands.

REGULATORY OVERLAP

While Federal agencies have informally agreed upon a uniform definition of wetlands, the enforcement of wetlands law is still divided among several agencies. I know from talking to my constituents that some people are having to wait several weeks or months—after the corps has completed its assessment—for EPA's compliance review to be completed. In some instances, the corps must also consult with other Federal agencies, like the Fish and Wildlife Service, further adding to the potenital for delay.

REGULATORY DELAYS

Regulatory overlap is not the only possible cause of delays in permitting. In recent months, the Corps of Engineers has accelerated its enforcement efforts of existing permitting requirements. This increase in regulatory enforcement, which comes in response to the President's "no net loss" policy objective, has had the effect of greatly increasing delays in issuing permits.

It's reported that the number of permits handled in Buffalo has increased by 87 percent in the past 5 years. Without adequate personnel to handle the increased volume, delays have increased dramatically. The phones are literally ringing off the hook. In an effort to make headway, the local office of the Corps of Engineers has resorted to not answering the phones on Tuesdays and Thursdays. Developers, as a result of the growing backlog, must now wait an average of 6 months to receive a permit.

CONFUSION OVER MITIGATION REQUIREMENTS

The Bush administration has publicly pledged to implement a "no net loss" policy for America's wetlands, but it has offered little guidance on how to make that goal a practical reality. A memorandum of agreement on mitigation has been issued that requires developers to mitigate unavoidable adverse project-related impacts, but little instruction has been provided as to how that requirement can be satisfied. And the mitigation requirement, while generally applicable, is especially burdensome in cases where the wetland has no discernible function or value.

CONFLICT WITH STATE REGULATIONS

Unreasonably strict and rigid State regulations are also adding to the public concern over wetlands regulations. In New York State, the Department of Environmental Conservation [DEC] has issued proposed regulations that would change the classification, mapping, and delineation of State wetlands. While New York State does not generally regulate parcels of land less than 12.4 acres in size, the changes could significantly expand and affect the acreage subject to State wetlands regulation.

Many of my constituents in western New York have expressed concern about having to deal with two regulatory authorities operating with different and changing sets of rules and procedures. The State's proposed definition of wetlands is similar to the Federal Government's new nationwide standard, but it is not identical. In some instances, landowners have secured all local and State permits for housing projects, obtained financing, and only then discovered that Federal corps permits are required under the new nationwide definition of wetlands.

THE NEED FOR CONGRESSIONAL OVERSIGHT

The recent and proposed changes in wetlands regulations affect a large number of Americans, but as chairman of the Small Business Committee, I am especially concerned about the possible impact upon small businesses. Regulatory burdens and delays can be exceedingly costly for small businessmen for whom time is often money.

As a strong environmentalist, I support the commitment to the preservation of our Nation's true wetlands, but existing regulations must and can be made more rational and reasonable without jeopardizing our commitment to wetlands preservation. We should do so.

The President's Domestic Council Task Force on Wetlands is reviewing existing policy. Committees of legislative jurisdiction on this issue in both the House and the Senate are contemplating hearings and possible legislation on this issue. Some bills have already been introduced. For example, I am working with our colleagues, Representative HAYES, Representative TAUZIN, Representative RIDGE, and others on new legislation that would, among other things, define geographic areas and types of activities subject to the new regulatory program, categorize wetlands according to their ecological significance, and place increased administrative responsibility with the U.S. Army Corps of Engineers. I also hope that State regulatory changes, such as those now proposed in New York, could be put on hold pending clarificatioin of our Federal policy.

In the meantime, because of the importance of this issue to small business, I intend, as chairman of the Small Busienss Committee, to hold hearings on this subject here in Washington and in the field.

□ 1310

RESIDENTS OF THE DISTRICT OF COLUMBIA DESERVE A VOTE ON WAR AND PEACE

The SPEAKER pro tempore (Mr. CARDIN). Under a previous order of the House the gentlewoman from the District of Columbia is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, when war begins we gather our wagons round our President in respect and support of him, his office and the awesome responsibility that we have placed on him by majority vote. What most inspires us, however, is the commitment of troops in peril of their lives in our behalf.

I have reason to be especially proud of the district I represent, the District of Columbia. We are fourth per capita in the Persian Gulf today, yet when the vote was taken in this Chamber last Saturday my constituents had representation through my voice, but not my vote on the question of war, just as they have no voting representation on any other question that comes before this body. I can only hope that this untenable result causes the Congress to look favorably on the District's desire for greater home rule and for statehood as expressed through H.R. 51 that I will shortly be introducing.

The more than 600,000 people I represent want to claim the democratic rights our country is so successfully spreading to other parts of the world. Meanwhile, Members can count on the residents of the District to meet all of the obligations of citizenship, including its most difficult as our all-volunteer contingent is demonstrating this very moment in the Persian Gulf.

I have an 18-year-old son in college, but he has a draft lottery number, and I deeply identify with those whose sons and daughters are in the Persian Gulf. Our hopes and prayers are with all of our troops, especially those from the District and their families and friends. We stand in special solidarity with our troops today.

SUPPORT ON THE HOME FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, today we are a nation at war that should be at peace with itself. We have reached the decision to go to war in the manner envisioned by our forefathers.

The congressional debate witnessed by the American people last week was perhaps Congress' finest hour. Some of us were opposed to going to war with Iraq under any circumstances; more of us preferred to give sanctions time to work before initiating military force; and the majority agreed with the President that it was time to carry out the ultimatum expressed in U.N. Security Council Resolution 678.

Mr. Speaker, Saddam Hussein has proved himself to be history's greatest miscalculator. He guessed that the world would stand by while he stole, raped, and pillaged a neighbor. He miscalculated that the Congress would not support its President in enforcing the January 15 deadline, and he miscalculated that he could defend his country against the Armed Forces of the United States and its allies.

America should stand together today with our President and with the brave men and women who are representing us in war. We do have a constructive role to play on the homefront as our soldiers risk their lives on the battlefront. We can begin by giving blood to the Red Cross. The American Red Cross will need 5,600 pints of blood a week for the Persian Gulf when and if our ground troops engage in combat. I am asking the freshman class of Congress to fly back to Washington today to initiate a national blood drive, and I urge all my colleagues on both sides of the aisle to start such an effort in their districts through personal example.

Perhaps the most constructive thing we can do is to sustain the support of our military that we find so easy today. How many times have we cheered our team after a victory, only to boo them after the following week's defeat? What a disgrace if we were to show the same kind of fickle support for our soldiers.

There will be setbacks in this war. There will be casualties and there may even be days that give us cause to question our purpose. Let us resolve today to stand tall and straight alongside our troops through successes and setbacks until victory is won.

Mr. Speaker, let us learn from one of the most tragic lessons of Vietnam. Let us conclude this war as decisively and quickly as possible, and when our troops return home, let us receive these young men and women of courage as true American heroes. They have given us more than enough reason, as did their counterparts in the Vietnam war, with their professionalism, their skill, and their bravery. These troops have already set a standard with the accuracy and the sensitivity that our airmen have shown to the cultural and the religious buildings of Baghdad, and the discipline that our combined forces have exhibited in carrying out the command and control plans to perfection.

Mr. Speaker, we are neither a nation of peaceniks or a nation of warmongers. We are a nation of patriots. This war will leave a lasting legacy. Every bully and thug that might like to follow in Saddam Hussein's footprints should crawl back into their dark hole, for the cost of lawlessness and terrorism among nations is decisive defeat and humiliation.

Mr. Speaker, defeat must and will be decisive, because the free world is united in opposition, and because America will stand together to be a people of principle, forever proud of our purpose.

A TRAGIC DAY FOR HUMANITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, we should make no mistake about it.

Today is a tragic day for humanity, for the people of Iraq, for the people of the United States and for the United Nations as an institution. It is also a tragic day for the future of our planet and for the children—30,000 of whom in the Third World will starve to death today while we spend billions to wage this war, and 25 percent of whom live in poverty in our own country because we, apparently, lack the funds to provide them a minimal standard of living.

Mr. Speaker, despite the fact that virtually the entire world has been united against Saddam Hussein, a two-bit vicious dictator who illegally and brutally invaded Kuwait, the President concluded that there was no way of resolving this conflict and achieving our goals—other than waging a massive war, perhaps unprecedented in the history of the world in terms of the death and destruction wrought in its first day as a result of our aerial attack. I disagree with that assessment.

Mr. Speaker, there are three immediate concerns that I have regarding the current tragedy. First, despite the fact that we are now allied with such Middle Eastern Governments as Syria—a terrorist dictatorship; Saudi Arabia and Kuwait—feudalistic dictatorships; and Egypt—a one-party state which received $7 billion in debt forgiveness to wage this war with us, I believe that in the long run, the action, unleashed last night will go strongly against our interests in the Middle East. Clearly, the United States and its allies will win this war—but the death and destruction caused will not, in my opinion, soon be forgotten by the Third World in general—and by the poor people of the Middle East in particular.

I fear very much that what we said yesterday in that war, and the enormous destructive power of our Armed Forces, is our preferred manner for dealing with the very complicated and terrible crises in the Middle East. I fear that some day we will regret that decision and that we are in fact laying the groundwork for more and more wars in that region in years to come.

Second, Mr. Speaker, while there is no question in my mind that the U.S. Government and its allies will win this war, I am not at all sure that the people of our country—especially the working people, the poor people, and the elderly—will win. The 2 million homeless people in our country, sleeping out on the sidewalks and under the bridges, are not going to win this war. There will be no money available to house them. The tens of millions of Americans who cannot afford health care today are not going to win this war. There will be no money available for their needs. The family farmers in Vermont who are today being driven off of their land are not going to win this war, nor will the children or the elderly who, in all probability, will see cutbacks in their Social Security and Medicare checks in order to fund it.

Mr. Speaker, it is incumbent upon us to do everything in our power, now that the war has started, to prevent unnecessary bloodshed and to support our troops in the most basic way—by bringing them home alive and well. I urge my fellow Members to urge the President to stop the bombing immediately and request that the Secretary General of the United Nations go to Iraq to begin immediate negotiations for the withdrawal of Iraq from Kuwait and the cessation of the war.

Let us do everything in our power to stop unnecessary bloodshed.

□ 1320

RESOLUTION OF IMPEACHMENT OF PRESIDENT GEORGE BUSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday I addressed the House in respect to my resolution seeking impeachment of George Herbert Walker Bush.

The text of that resolution was inadvertedly not printed following my remarks.

I am, therefore, submitting the text of House Resolution 34 for inclusion in the RECORD at this point.

H. RES. 34

Resolved, That George Herbert Walker Bush, President of the United States is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against George Herbert Walker Bush, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In the conduct of the office of President of the United States, George Herbert Walker Bush, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prepared, planned, and conspired to engage in a massive war against Iraq employing methods of mass destruction that will result in the killing of tens of thousands of civilians, many of whom will be children. This planning includes the placement and potential use of nuclear weapons, and the use of such indiscriminate weapons and massive killings by serial bombardment, or otherwise, of civilians violates the Hague Conventions of 1907 and 1923, the Geneva Conventions of 1949 and Protocol I thereto, the Nuremberg Charter, the Genocide Convention and the United Nations Declaration of Human Rights. In all of this George Herbert Walker Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore George Herbert Walker Bush, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

In the conduct of the office of President of the United States George Herbert Walker Bush, in violation of his constitutional oath faithfully to execute the office of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has planned, prepared, and conspired to commit crimes against the peace by leading the United States into aggressive war against Iraq in violation of Article 2(4) of the United Nations Charter, the Nuremberg charter, other international instruments and treaties, and the Constitution of the United States. In all of this George Herbert Walker Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore George Herbert Walker Bush, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

In the conduct of the office of President of the United States, George Herbert Walker Bush, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has violated the U.S. Constitution, federal law and the United Nations Charter by bribing, intimidating and threatening others, including the members of the United Nations Security Council, to support belligerent acts against Iraq. In all of this George Herbert Walker Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore George Herbert Walker Bush, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE IV

In the conduct of the office of President of the United States, George Herbert Walker Bush, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has committed the United States to acts of war without congressional consent and contrary to the United Nations Charter and international law. From August, 1991, through January, 1991, the President embarked on a course of action that systematically eliminated every option for peaceful resolution of the Persian Gulf crisis. Once the President approached Congress for a declaration of war, 500,000 American soldiers' lives were in jeopardy—rendering any substantive debate by Congress meaningless. The President has not received a declaration of war by Congress, and in contravention of the written word, the spirit, and the intent of the United States Constitution has declared that he will go to war regardless of the views of Congress and the American people. In failing to seek a declaration of war, and in declaring his intent to violate the Constitution in disregarding the acts of Congress including the War Powers Resolution—George Herbert Walker Bush has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore George Herbert Walker Bush, by such conduct, warrants impeachment and trial, and removal from office.

CONGRATULATING MIDDLE SCHOOL STUDENTS OF THE PHILADELPHIA SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania, Mr. GRAY, is recognized for 5 minutes.

Mr. GRAY. Mr. Speaker, I want to congratulate the middle school students of the Philadelphia School in my district for winning the President's Environmental Youth Award. The school won the award for their "Protect Our Planet" environmental calendar that they produced and sold to the community to help fund their environmental education program.

President Bush presented the award to seventh grader Zachary Klehr and middle school science teacher Christopher Taranta in a ceremony at the Executive Office Building in Washington, DC, on November 14. Also attending the ceremony were eighth grader Charles Anthe and seventh graders Firial Aberra and Marisa Waxman.

The "Protect Or Planet" project was produced for Earth Day last year as a way of funding the school's environmental education program. With the leadership of Mr. Taranta, who was a 1989 recipient of the prestigious Christa McAuliffe fellowship, the calendars were first sold in the Philadelphia area, but soon were marketed nationally.

Environmental education plays an essential role in the Philadelphia School's curriculum. The school's founders felt that urban students should have a chance to spend meaningful time in the country. The students leave their urban school building on a regular basis and head to a nearby nature center, where they participate in a variety of activities that combine scientific study, hands-on experiences, and journal writing.

This program, which was in part funded through the sale of the calendar, encourages the students to not only study the environment for the sake of conservation education, but also prepares the students for possible careers in nature sciences. The Philadelphia School's calendar and environmental program have served as models for other schools around the nation.

As we become more concerned with the fate of our Nation's natural resources, we should commend the Philadelphia School which continually seeks to invest a sense of wonder and insight about the environment in its students.

FRUSTRATION AND SORROW REGARDING FAILURE OF DIPLOMATIC EFFORTS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I feel a deep sense of frustration and sorrow regarding the failure of diplomatic and other means to resolve this crisis in the Middle East and the final implementation of offensive military action which has led to war in the Persian Gulf. I am very concerned for the welfare of United States and allied troops and the population of the region.

I fully support the U.S. service men and women that are carrying out their responsibilities and duties.

My sincere hope and prayer is that this war will come to a swift conclusion with a minimal loss of life and the restoration of order and permanent peace in the Persian Gulf.

INTRODUCTION OF LEGISLATION REAFFIRMING BALTIC STATES' INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON], is recognized for 60 minutes.

Mr. WELDON. Mr. Speaker, I will not take the entire 60 minutes, but I would like to make some comments primarily about the actions that we have just laid witness to over the evening hours and into today, but before I do, I would also like to extend some comments about another very troubling situation in this world.

On Sunday, January 13, while the whole world watched the Persian Gulf, the newest Noble Peace Prize laureate tried to crush the independence movement in Lithuania. The Soviet Union, as it did in 1956, 1968, and 1979 is taking advantage of a world crisis to divert attention from their bloody repression of an independence movement. Like Hussein, Gorbachev has sadly miscalculated the U.S. determination to see sovereign states achieve freedom.

I have written to both President Bush and Soviet Ambassador Bessmertnykh to inform them of the severity of the situation in the Baltics. I have cosponsored legislation reaffirming the Baltic States' independence, condemning the Soviet military intervention, and calling for a withdrawal of Soviet troops from the Baltics.

As recent events demonstrate, the world sadly is not a stable place. The need for a unified world effort against Hussein seems to have convinced Moscow that it has free reign in the Baltics. I am here today to tell them they are sorely mistaken. We took action in the gulf in part because we could not afford to be held hostage by an opportunistic militarist such as Gorbachev.

As the President has acted in the Persian Gulf, the Congress must act on the Baltics. Congress must be clear: No aid should be given to the Soviet Union until the Baltics are free.

WE ARE ON THE RIGHT COURSE IN THE PERSIAN GULF

Mr. Speaker, I also would like to start off this afternoon in my comments about the Middle East by congratulating both President Bush and our troops for an absolutely fantastic effort.

As a member of the Committee on Armed Services, I sat through countless hours of debate during the month of December. The committee ended up having almost 50 hours of hearings and private briefings and sessions listening to all the possible ramifications of our actions dealing with the Middle East. I was able to travel to the Middle East and visit with our leaders, with our troops, and with our commanders and came back convinced that we, in fact, were on the right course, and played what role I could as a Member of this institution to support the President in his resolve to bring about a peaceful resolution of this conflict, wanting not to have an armed conflict but wanting to have a peaceful resolution instead.

As I sat last evening watching the news unfold in my office in the Cannon Building, I could not help but think of our troops in the desert, my own nephew, Lt. Jeff Freeman, serving with the Air Force in Operation Desert Shield and now Operation Desert Storm, thought of my neighbor and my former paper boy, a marine lieutenant, John Finn, who is serving in the desert sand of Saudi Arabia, and all the hundreds of other neighbors and friends and family members who are today serving in the Middle East on our behalf.

What I could not help notice was, as I sat through the evening and as the night wore on, listening to the events unfold, were some striking contrasts that came out in comparison to the arguments we heard just days and weeks before our vote here, our historic vote in this institution on whether or not to support the President.

I think the Washington Post perhaps today summed it up best in their editorial as they said, and in fact I would like to quote from the Post in the editorial, entitled "The War Begins," in the second paragraph, and I quote:

> Mr. Bush, to us, made a compelling case. There can be no question of the threat Saddam Hussein has posed to the American interest in an orderly world. Not only did he invade a sovereign state, rape it and remove it from the map—an act of total aggression though perhaps not in itself enough to distinguish him from all other tyrants. What made that threat distinctive was the combination of his strategic location, his grandiose ambition and his ruthlessness and hatred of the West, taken together with the wealth and weaponry to fulfill his purposes. Saddam Hussein hoped and had the capacity to go on from Kuwait to destabilize and

dominate a region crucial to world equilibrium.

Mr. Speaker, I think the Post has summed up in one paragraph the reasons why we did what we did and why President Bush was forced to take the action that did in fact have the full support of this body and the other body and the majority of the American people.

But some of the arguments that were given during, up, and to the actual vote on supporting the President, I think, need to be looked at, and I reflected on them as I sat watching events unfold last evening and into the early morning and throughout the day.

First of all, we heard continuously over and over again that our Arab allies would not fight, that they would not stand with us, and it would, in fact, be America alone. From the earliest inception, from the beginning of Desert Storm, we saw five nations joined together in the largest aerial bombardment of one nation ever seen on the face of this Earth involving not just America but Great Britain and France.

☐ 1330

Perhaps more importantly in terms of our allies, the Saudis and the Kuwaitis were there with the United States, not as bystanders and not watching the action, but very much involved in the action.

Certainly after the announcement was made that we, in fact, were attacking Baghdad, I called a friend that I have worked with over the last several weeks, Ambassador El Sabah from Kuwait. I called him at his residence because over the last several weeks I have worked with him and with Members of this institution as the chairman of the Kuwaiti Task Force, to look at the gross atrocities that Saddam Hussein has played upon the Kuwaiti people, to ask him what, if any response, he was getting. A person might ask, well, how could the Ambassador from Kuwait know what was happening inside of his war-ravaged country? Mr. Speaker, the Ambassador's brother has been the leader of the resistance movement inside of Kuwait since the Iraqis took over that nation on August 2 of last year. The Ambassador is in regular communication with his brother. They were able to bring into that country some advanced intelligence and communication system, that allows them to speak and communicate on a periodic basis.

I asked the Ambassador on the phone if he had, in fact, heard from his brother, and what the status of the Kuwaiti people was at the time of this action. He confirmed to me that he has talked to his brother, and the Kuwaiti people at least inside of Kuwait City were safe. The bulk of attacks were on the northern border between Kuwait and Saudi Arabia where the bulk of the Iraqi force is located, as well as the southern border with Saudi Arabia were the Iraqi forces are located. I asked if the Kuwaiti people were, in fact, involved and ready to go, and he said that the resistance was alive—it is well. In fact, it is ready to take up arms to help remove the Iraqis from the control of the sovereign nation of Kuwait.

I heard him say, with a great deal of pride on the phone, not just once, but in a second phone conversation that we had during the evening, that during the early morning hours of this morning, yesterday Iraq time and Kuwaiti time, that what is left of the Kuwaiti Air Force, the 50 or 60 or so jets from the Kuwaiti Air Force that were able to be gotten out before Iraq took over the entire nation of Kuwait, they would in fact be leading the attack on the Iraqi forces that were now assembled in Kuwait.

So here we had the Kuwaiti people, once again, not doing what we heard so repeatedly in this institution and through the country, but ready to stand up and be the first to go forward to help liberate their nation. Much as we saw last week, as Kuwaiti college students from all over America gave up their studies and went to Fort Dix for 7 days, young students, to be trained for a 7-day time period, and to be transported to the front lines where they were now assembled—assembled to assist our troops and to make sure that they could offer their assistance, whether it be in the form of interpretation, or whether it be hand-to-hand or armed combat. So in fact, the Kuwaitis and the Arab allies have stayed with the United States. They, in fact, are fighting side by side with our American forces as we have seen. They will take their casualties, just as all of the allied nations will, unfortunately, have to take their casualties.

We also heard a continuing argument that the United States could not control a multinational force, and even though we are in the very early hours of this operation, I think it is readily apparent to anyone that this has been an unbelievable experience in terms of bringing 28, 29 nations together in coordinating a totally multinational effort. That is, in fact, an extremely high degree of success up until this point in time, and let everyone hope we can continue that throughout the entire remaining operation.

We heard, in fact, that Israel would not be drawn into the operation immediately and thanks to the restraint on the part of the Israelis, and I think a very well-laid-out plan, that, in fact, has been the case. The Israelis have not been drawn in. Let everyone hope that we can keep Israel out of this operation in the Middle East.

We also heard that our troops would be met immediately with a battle-hardened Iraqi force. While we certainly cannot foretell the future, certainly in the first 12 to 14 hours our evidence has been that the Iraqis are not as hard as what we would have expected in earlier estimations. We also heard that perhaps Saddam Hussein has not been miscalculating in some of his decisions. We heard that from an Iraqi aide's response to a congressional vote, two indications that Hussein was completely surprised by last night's attack. He had repeatedly miscalculated throughout this entire episode since August 2, even to the point where the French officials' indication that there were no hopes for a peaceful settlement, even their attempt to negotiate with Hussein eventually failed over the preceding weekend.

Finally, the appearance that Hussein has been relying on a split America to force U.S. appeasement and not negotiations. Once again, he miscalculated. I think there was also some feeing in this body, and perhaps around the country that we were overestimating the Iraqi troops nuclear capability. We saw articles appear this week that the Iraqis are working on a crude device and that potential was there for a future threat. Thank goodness early indications are that we have been able to deal with that menace, and been able to assess and make sure that we are, in fact, able to take away that threat for the future from the standpoint of the Iraqis' nuclear capability.

Again, we heard that the conflict would have an immediate economic impact, and a negative sense on the market. If today's market is any indication, the Dow has risen up into the eighties and will probably drop down some, but certainly combined rapid escalation with the rapid decrease in the price of oil on the international market, I think that the resolution of the crisis appears to be more stabilizing than an extended uncertainty that goes with a long extended dragging out of the involvement in the Middle East.

A couple of ironies I thought about last evening as I watched the televised reporting of the entire situation. One of those ironies was that I was and still am greatly concerned about the possibility of casualites among our forces. But what amazed me most, as I watched and heard of the tremendously large antiwar and supposedly peace demonstrations and nonviolent demonstrations around the world, and especially in this country, what I heard was samples provided of police cars being set on fire, broken bottles being thrown into innocent crowds of people, of people who were supposedly demonstrating for peace using forms of violence, the same people who would argue that we had no right to move in and to use force in the Middle East. That, to me, was the ultimate irony. Certainly, even the irony today of those in this institution and around the country who would today come before Members, Mr. Speaker, and who would say they do not want another Vietnam. We have heard that cry repeatedly. Yet from some of those same voices we have heard that we now should get involved politically and try to exercise our will in terms of where we go from here in the Middle Eastern theater. That is exactly what caused Vietnam to become the Vietnam experience from which I think we all have learned lessons.

What I would say of this institution is that I hope we do what the President and what our leadership has said what we should do; that is, unite behind the President and get this entire operation over as quickly as possible, and not to attempt to insert divisiveness and micromanagement of an operation that has so far performed beyond our wildest expectations.

What has impressed me most, however, today, is what most opponents are now doing. We had a vigorous debate in this institution last week. We heard all the stories. I sat through the entire 3 days and was here on the floor until 3:30 in the morning on Saturday morning, and back on the floor again on Saturday morning at 9 a.m. I did a special order on Thursday evening and gave my opinions about the human rights atrocities in Kuwait. That debate was good for America. It was a lively discussion, and a chance for Members to present their views.

But once we voted, and once we took our stand, what has impressed me most is the fact that we have now come together. I was very much impressed by the gentleman from the other body, Senator NUNN, who praised the type of new allied cooperation evident today, and his comments on national TV were supportive of the President, and showing the willingness of even those who did not agree with the President that we must now unite together in this conflict against Saddam Hussein.

I was impressed with the leader of the other body, Senator MITCHELL, and the leader of this body, the distinguished Speaker [Mr. FOLEY], for their quick rallying to our President, and to support our troops, and to show that this Nation now must speak with one voice to convince Saddam Hussein that it is in his best interest to end this conflict as quickly as possible.

There is, in fact, a very vocal minority across the country who were opposed to this, and I can understand and appreciate that. However, I would say that the greater the U.S. resolve that Saddam Hussein sees, the more likely he is to resolve this conflict peacefully.

□ 1340

There are some things that we can do. My colleague and friend, the gentleman from Virginia, offered one here in the well a few moments ago, and that is to support the effort and the need of the American Red Cross for us to provide adequate blood supplies to our troops. I have been in contact with the American Red Cross and have suggested that we have a drive here on Capitol Hill to allow Members of Congress and the staffs of this institution to show our support for the troops in the Middle East by getting involved in providing that blood supply which is so vitally necessary.

The second thing we can do is we can encourage our medical professionals across the country to get involved and volunteer to support our troops.

I was somewhat dismayed to find out back in August when one of my friends and constituents from Pennsylvania, Dr. John Laskas, approached me about the possibility of him volunteering to serve as a medical professional to support the medical needs of our military, either in the gulf, either in the theater behind the front lines, or back here in this country treating the dependents of our military establishment.

I was dismayed because in following up his offer to volunteer, my office learned that in fact we could not accept his offer, that there were bureaucratic roadblocks in place that would not allow medical professionals to get involved as volunteers without pay to support the medical needs of our troops that are now in Saudi Arabia.

Well, through lengthy negotiations with both the Secretary of Defense's office and the Department of Defense, the Pentagon, and the American Red Cross, we will be announcing very shortly, and I will be announcing it actually preliminarily today, that we now have been able to clear up those roadblocks, that the Red Cross now is able to accept medical professionals around the country who would like to register their willingness to serve as volunteers, either locally or in their communities, to pick up perhaps where some of our medical doctors have been called back to active duties, to take care of their medical needs, to serve in our VA hospitals or our defense installations in this country or perhaps even to serve in other needed operations and facilities more close to the front lines in the Middle East.

If there are in fact medical professionals, Mr. Speaker, who would like to get involved in this operation and offer their services for free, they can contact their local Red Cross, or they can contact the National Red Cross Headquarters at area code (202) 639-3589. They can also play a role in helping to see that we are maintaining the proper support for our Military Establishment, which in fact is doing such a tremendous job at this very moment in the Middle East.

Mr. Speaker, I think this debate has been healthy for the country, but I think more importantly now we have in fact come together as a nation. The Democratic and Republican leadership is united. The people of America are united, but now is the time to rally behind our President to convince Saddam Hussein that we are serious about liberating Kuwait and stopping the gross injustices that have been placed upon these innocent people for the last 5½ months.

I would hope that all America would join with us tonight in showing their overwhelming support for our troops in any way possible, even if it is just flying a flag back home or sending cards and letters to the troops, but letting our troops know that we are behind them personally and when this entire thing ends that we welcome them back with open arms and give them the dignity that certainly they deserve as heroes for this Nation and for freedom-loving people throughout the world.

Finally, I would ask, Mr. Speaker, that all our colleagues and Members in this body and those individuals throughout America will remember that perhaps the most important thing we can all do over the next several days is to pray—to pray and ask God above to help us convince Saddam Hussein that he can end this bloody nightmare. He can end it once and for all if he will simply stand up and remove his troops from Kuwait and allow the people of Kuwait to take back the country that they lost on August 2.

A TIME FOR UNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. NAGLE] is recognized for 60 minutes.

Mr. NAGLE. Mr. Speaker, I appreciate the opportunity to come here today. I want to take the time for those here in the Gallery and those who may be watching this on C-SPAN to talk a bit about an aspect that we have not yet touched upon.

I should preface my remarks by telling you that I, in fact, was one of those 183 who did not vote to authorize the President's use of force at this juncture in the Persian Gulf.

I say that almost by way of attempting to establish, if I can, my credibility for the comments that I am about to make.

I not only was one of those 183 who voted not to authorize force, I was a rather vigorous advocate of waiting and allowing sanctions to work, permitting others perhaps to bear a greater portion of the burden, who was concerned then and am still concerned now about the number of casualties that Americans will suffer in the conflict and saw great difficulty in the future if we were the main combatant force.

I made all those arguments my colleagues, but I went beyond that. I lobbied extensively to those colleagues. I attempted to persuade them gently in that difficult moment to my point of view that in fact waiting was better. I actually talked to over 125 of the Members on the Democratic side about their position, attempting to say that perhaps force was not now ready to be dispersed in this gulf crisis, and as you know if you have followed the papers at all, and most of you have, I was utterly unsuccessful.

I took some measure of satisfaction, that narrow band of us who tried to lobby in the informal whip count on the success we had in reaching the magic number of 183. At one point we could not count more than 120 votes.

Nevertheless, on Saturday afternoon at the conclusion of our Speaker's comments the House stood and voted, as it should, and I was not on the prevailing side. The President was authorized, with the consent of Congress, to use all means necessary, including force, and chose, as we are all now aware, that at 7 o'clock Washington time, 6 o'clock Iowa time where I was yesterday, to in fact exercise that option.

The question I wish to address today is where goes at least one Member of that 183 who thought the use of force at this point was unwise, and what about those literally thousands of people out in the countryside who even yet as we talk are demonstrating? Is this country going to see the type of division that we witnessed during the Vietnam war, the polarization of our society into those who seemingly are against force and those who are for force, or is there some common ground that can be found? Is it inconsistent intellectually to both favor peace and also attempt to support the troops?

I would like to attempt to exercise a little political leadership, if I could here, and suggest, in fact, to you that those two goals, peace and the use of force successfully by American troops, are not in fact incompatible with such demonstrations, peace marches and prayer vigils, one of which my wife will attend in Iowa tonight to pray for peace, does not necessarily mean those Americans who did favor the use of force do not now support the President, or even worse, do not now support the troops.

We have seen a variety of public responses already across the country. In my own district, the Third Congressional District of Iowa, we have had buildings occupied, we have had recruiters offices occupied, we have had acts frankly of civil disobedience. We have, and I anticipate we will continue to have, marches for peace, not only there, but across this country. We will have prayer vigils, not only there but across the country, and I suspect very shortly there will be counterdemonstrations and counterprotests and countershows of support for the use of troops and the President's course of policy.

All of that, frankly, is still healthy in our society. One of the things that makes this country strong is the fact that when we do make the decision, it is an informed decision.

John Stuart Mill, who probably was one of the intellectual Fathers of this country and particularly of our first amendment, that of the right of free speech, argued in his book, "The Second Treatise on Liberty," that in fact debate and dissention was an absolute essential of a free society and it was one of its inherent strengths.

Mill argued, and I am stealing entirely from him at this juncture of my remarks, Mill argued that, in fact, debate and dissention was important in our country, first because the dissention might be correct. Those even if they be a minority would be allowed to speak might be able to persuade the majority that, in fact, the course of action was wrong, their course of conduct was in error, that, in fact, an opposite direction should be undertaken.

☐ 1350

Mill argued that even if it was one voice, if that one voice was what he called the marketplace of ideas, persuasion perhaps could overtake through time if the opportunity of the idea was to be heard. But second, Mill argued that even if that one voice was wrong, the majority was strengthened by the reasoning of putting down the argument against the course of conduct that it had chosen.

And third, Mill argued that even if the voice was wrong and even if ideas were not strengthened, society was still strengthened by the fact that divergent viewpoints could be expressed and debate and dissension could be aired in that manner as opposed to some other means.

When we approach this question today and one of the differences between us and the country that we are now at war with is the fact that when we made the decision we made it having heard the arguments of both the proponents and the arguments of the opponents, and I think the country was strengthened. Because war is at hand, that debate and that discussion does not necessarily need to stop. Of course, the conduct, once adopted, should always be reviewed. A policy once in place even at the height of war should always be reexamined to insure the correctness of its ways.

But one of the tests of this country today is going to be: Can we have that discussion, can we have that debate? Can we have that dissension and still present a united front to our foes abroad?

I happen to think that we can. I happen to think also, however—and I am trying to exercise a little political leadership up here—I would like to suggest to you that it is necessary to do that and to understand that, but to do that and understand it with more maturity than we saw in the debate and division during the Vietnam war.

When my wife chooses to go to that prayer vigil tonight, it does not by her conduct signify that she does not support the troops. My presence here today and purpose in discussing dissension and debate does not mean that I do not support now the President's actions once that decision has been made.

Certainly my presence and the presence of others who demonstrate for peace, I hope it will be kept in mind that this is not a litmus test: "You are either for the troops or you are for peace. There can be no dissension, there can be no debate." "Why raise this now beyond the historical memory of Vietnam?" I would like to suggest that historically in times of combat constitutional rights are sometimes felt as a privilege that we cannot afford, a right that we cannot endure.

At the outbreak of the Civil War, Lincoln chose to suspend the right of habeas corpus. Habeas corpus is a basic right of citizens not to be arrested and detained without the Government being required to show cause as to why they should be held, why their freedom should be removed from them.

At the outbreak of the Second World War, for example, we took Japanese citizens, American citizens with Japanese ancestry, and uniformly locked them up in concentration camps for periods of time. We stripped them of their property.

It was not until the 101st Congress that we corrected that oversight.

But when combat is going on, when loved ones are being threatened, it is very, very easy not to want to hear any voice prevailing different from the one that holds to you.

So I think one of the questions we are going to have to face as we move into troublesome days ahead is can we have peace demonstrations? Can we have discussion? Can American citizens legitimately question the wisdom of the course and still be understood to support the troops?

On the contrary, can those who support troops be legitimately, also, for peace?

I think a measure of the maturity of our Nation, if we understand our right to freedom and our right to speech, we probably can. But these are terribly, terribly, terribly difficult times for all of us.

I was at school yesterday in Iowa, a grade school, fifth, sixth, seventh, and eighth grades, called Amana, Clear Creek, in the middle of Iowa, practically the middle of nowhere.

Mr. Speaker, I took questions from students for about an hour. We did not pause once, those sixth, seventh, and eighth graders did not have a question. Surprisingly enough, those questions were remarkably well prepared and well formulated.

They knew about the war, they knew about the consequences of the war.

They said, "Why don't we use a nuclear bomb?" "Why do we have to fight?"

But halfway through that I stopped the students and I said to them in this small Iowa town, "How many of you have a friend or a relative present in the Persian Gulf?" Well, approximately a third to a fourth of them raised their hands.

One young lady, an eighth-grader, I believe, said her brother was there; another lady, a teacher, said her husband was flying an F-14.

I think of those students, I think of those teachers, I think of the calls that I have had at home at night from mothers and dads, husbands and wives, 11 o'clock at night, when they will call you up, as they did last week, and they will say, "Please, Congressman, I don't want my husband, I don't want my wife, I don't want my son, I don't want my daughter, I don't want my brother to go to that conflict."

And everything within you, if you are any kind of human being at all, feels the vibration of emotion and anxiety and fear that those people feel.

Well, now they are in combat. Now they are at war. Now they deserve all the support of every Member of Congress.

Now the President deserves our support. Now I can legitimately say that the President, making the decision that I did not agree with, deserves the support of this Member; the decision to launch the attack at the time that he chose, the manner in which that early attack was carried out, by all reports, both public and private, indicate in fact it was a stunning success.

But can you say that on the floor of the House of Representatives and at the same time then say, "Well, that is true, I might have disagreed with the President's decision, but I recognize that the die has been cast"? I think you can.

I think you can demonstrate for peace and still at the same time support the America effort. I think you can hope for peace and still support the American effort.

I think you can be the grandest of American Legion veterans thundering that we all ought to get that over with, we ought not to restrain our troops and, at the same time, recognize the legitimate concerns of your citizenry, your fellow citizens to also share that opinion but yet also fervently hope for peace and pray for peace; to keep the pressure on the administration at the first broad opening of an opportunity to attain our objectives and yet at the same time attain peace, that that is legitimate and compatible.

What I do not wish to see as we enter this difficult period—some way 7 days, some say 30 days, some say 6 weeks—what I do not want to see, however, is a demonstration, counter demonstration, anger, civil disobedience, because I do not think those are necessary.

I think this country can still continue its debate and still hope to pursue the objectives the President has enunciated.

Finally, let me say this simply: If we can exercise the political maturity, the civil maturity that is necessary, we can get through this and set an example for generations to follow us as to how you handle difficult and controversial questions in a society. And we can be measured not only because we are defeating a dictator who does not allow dissension or debate, we can establish for other people around the country, other people around the world, why we have our system.

The Czechs, the Poles, all of those countries did not revolt because of our military might; they revolted because of our system. They wanted our system. They wanted that right of free speech. If we can exercise it judiciously under these circumstances, we set an example for others to follow. And they will be watching us.

Finally, let me say in conclusion: No one wanted to avoid this more than this Member. But the die has been cast. I intend, presented with the resolution tomorrow endorsing the actions of the President, to endorse that resolution enthusiastically.

I as one Member, and I am sure others of my colleagues, Democrat and Republican alike, share my perception that there can be no step not taken, there can be no effort unfulfilled that does not insure the safety and successful prosecution of war.

I can do that, our country can do that, and we still can dissent and still can debate about the wisdom of the course.

But when the bullets are flying and the bombs are dropping, it is absolutely essential that we stand behind those troops and I intend to fulfill my constitutional responsibility and do so.

□ 1400

Mr. Speaker, this recitation and, perhaps, thoughts are a simple suggestion that we pause, that we look, not only in support at our flag, but also the meaning behind it in the difficult days ahead and that we realize that, when we go to war, we test, not only our own mettle and our own courage, we also test the Government framework, the Constitution as we do so, and we can meet both challenges, and we can meet both challenges successfully.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. CARDIN. The Chair would remind all Members that under the rules and precedents of the House it is not in order to direct remarks and debate to persons viewing the proceedings in the galleries or on television, or even to other Members who are, not being present in the Chamber, viewing the proceedings on television. All remarks should be addressed to the Chair.

GOVERNOR JOAN FINNEY: KANSAS PIONEER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, on Monday, January 14, 1991, Joan Finney made history as she was inaugurated Governor of the State of Kansas, the first woman to serve in that office. Governor Finney won her election in the spirit of Kansas populism, going to the voters, listening to them, and responding to their concerns. She ran a campaign that most would consider underfunded, but she showed that perseverance and caring are the underpinnings of a grassroots campaign. At her inauguration, she laid a wreath at a statue on the State capitol grounds which pays tribute to Kansas pioneer women. It was a tribute to all the women of Kansas who have helped build our State, one of whom is most certainly Gov. Joan Finney.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. DREIER of California, for 60 minutes each day, on January 17, 18, and 22.

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Mr. NORTON, for 5 minutes, today.
Mr. MORAN, for 5 minutes, today.
Mr. SANDERS, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GRAY, for 5 minutes, today.
Mr. NAGLE, for 60 minutes, today.

(The following Members (at the request of Mr. NAGLE) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on January 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. YOUNG of Alaska.
Mr. RIGGS.
Mr. GILMAN in two instances.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. KLECZKA) and to include extraneous matter:)

Mr. HOYER.
Mr. FASCELL in two instances.
Mr. GORDON.
Mr. STARK.
Mr. APPLEGATE.
Mr. COLEMAN of Texas.
Mr. HUBBARD.
Mr. MRAZEK.

ADJOURNMENT

Mr. NAGLE. Mr. President, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 18, 1991, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the second and third quarters of 1989, and the first and third quarters of 1990, in connection with foreign travel pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George Miller	3/23	3/26	Morrocco	5,955.60	709.00					5,955.60	709.00
	3/26	3/29	Hungary	18,891.50	332.00					18,891.50	332.00
	3/29	4/2	Germany	1,502.36	802.00					1,502.36	802.00
Military transportation							6,594.84				6,594.84
Hon. Barbara Vucanovich	5/28	4/31	Sweden	3,254.70	486.00			322.43	46.65	3,577.13	532.65
	5/31	6/6	France	5,664.40	833.00			2,040	300.00	7,704.40	1,133.00
Commercial transportation						2,000	298.64				298.64
Pamela Robinson	5/28	5/31	Sweden	3,254.70	486.00			322.43	46.65	3,577.13	532.65
	5/31	6/6	France	5,664.40	833.00			2,040	300.00	7,704.40	1,133.00
Commercial transportation						2,000	298.64				298.64
Sam Fowler	5/28	5/31	Sweden	3,254.70	486.00			322.43	46.65	3,577.13	532.65
	5/31	6/6	France	5,664.40	833.00			2,040	300.00	7,704.40	1,133.00
Sam Fowler											
Commercial transportation						2,000	298.64				298.64
Hon. Denny Smith	6/8	6/13	France	6,706.40	1,010.00					6,706.40	1,010.00
Military transportation							2,244.80				2,244.80
Committee total					6,810.00		9,735.56		1,039.95		17,585.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, Aug. 15, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. George Miller	6/30	7/9	Great Britain	1,071.19	1,673.00		[3]1,080.00			1,071.19	2,753.00
Committee total					1,673.00		[3]1,080.00				2,753.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Via government transportation. Amount reflects first class equivalent air fares.

MORRIS K. UDALL, Chairman, Aug. 15, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIOINS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank Wolf	1/3	1/5	Romania		28.00						28.00
	1/5	1/6	Germany		202.16						202.16
Commercial transportation							2,799.00				2,799.00
Committee total					230.16		2,799.00				3,029.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Dec. 4, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mike Espy	7/4	7/7	Switzerland		315.50		1,159.00				1,474.50
	7/7	7/9	England		681.00						681.00
Hon. Edward Madigan	8/5	8/8	Belgium		675.00		2,653.90				3,328.90
	8/8	8/12	Germany		598.00						598.00
	8/12	8/15	Hungary		522.00						522.00
	8/15	8/17	France		466.00						466.00
Codel Madigan other charges:											
Local transportation							1,562.20		[3] 262.00		1,788.20
Military transportation							6,810.00				6,810.00
Hon. Pat Roberts	8/5	8/8	Belgium		675.00		2,653.90				3,328.90
	8/8	8/12	Germany		598.00						598.00
	8/12	8/15	Hungary		522.00						522.00
	8/15	8/17	France		466.00						466.00
Chalres Hilty	8/5	8/8	Belgium		675.00		2,653.90				3,328.90
	8/8	8/12	Germany		598.00						598.00
	8/12	8/15	Hungary		522.00						522.00
	8/15	8/17	France		466.00						466.00
Hon. Mike Espy	8/26	8/30	Switzerland		450.00		3,753.00				4,203.00
Marshall Livingston	8/26	8/30	Switzerland		675.00		2,622.00				3,297.00
Committee total					8,904.50		23,831.90		262.00		32,998.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Telephone/miscellaneous.

E de la GARZA, Chairman, Dec. 4, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Les AuCoin	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Hon. Les AuCoin	9/7	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Norman Dicks	9/7	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Julian Dixon	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Bill Hefner	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. William Lehman	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Hon. William Lehman	8/27	8/31	Italy		1,165.00						1,165.00
Military transportion							529.30				529.30
Hon. Bob Livingston	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Bill Lowery	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Joseph McDade	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Matthew McHugh	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Hon. Clarence Miller	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. Alan Mollohan	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. John Murtha	9/6	9/8	Saudia Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Hon. David Obey	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Hon. Carl Pursell	8/4	8/5	France		142.00						142.00
	8/5	8/8	Belgium		675.00						675.00
	8/8	8/12	Germany		392.00						392.00
	8/12	8/15	Hungary		522.00						522.00
	8/15	8/17	France		283.00						283.00
Military transportation							2,270.00				2,270.00
Commercial transportation							2,764.90				2,764.90
Hon. Charles Wilson	8/31	9/7	England		1,674.00						1,674.00
Commercial transportation							3,026.00				3,026.00
Hon. Frank Wolf	8/22	8/26	Romania		472.00				30.63		502.63

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/26	8/27	Hungary								
Commercial transportation							3,577.70				3,577.70
Sally Chadbourne	8/23	8/28	Germany		1,338.00						1,338.00
	8/28	9/2	Switzerland		1,125.00						1,125.00
Commercial transportation							1,225.00				1,225.00
Delacroix Davis	8/12	8/15	Israel		546.00				34.00		580.00
	8/15	8/17	Turkey		296.00						296.00
	8/17	8/21	Germany		851.00				160.00		1,011.00
	8/21	8/24	United Kingdom		679.00				329.00		1,008.00
Commercial transportation							3,534.00				3,534.00
Robert V. Davis	8/24	8/25	Thailand		274.00						274.00
	8/26	8/30	Pakistan		466.00						466.00
	8/30	8/31	Hong Kong		210.00						210.00
Commercial transportation							6,253.00				6,253.00
Richard Efford	8/23	8/26	Czechoslovakia		588.00				56.00		644.00
	8/27	8/31	Italy		1,165.00				26.00		1,191.00
Commercial transportation							2,057.00				2,057.00
Military transportation							529.30				529.30
Sandra A. Gilbert	8/2	8/4	Belgium		450.00						450.00
	8/4	8/6	Spain		321.00						321.00
	8/6	8/15	Germany		1,406.50						1,406.50
Commercial transportation							3,192.60				3,192.60
Patricia Knight	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Mark W. Murray	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Terry R. Peel	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
John G. Plashal	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
Donald E. Richbourg	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
William Schuerch	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military transportation							3,697.74				3,697.74
Committee total					31,908.50		130,748.32		635.63		163,292.45
Appropriations, Surveys and Investigations Staff:											
Theodore J. Booth	8/25	8/26	Thailand		126.00		6,034.00				6,160.00
	8/27	8/30	Pakistan		366.75						366.75
	8/31	8/31	Hong Kong		120.00						120.00
Norman H. Gardner	8/25	8/26	Thailand		126.00		6,034.00		99.75		6,259.75
	8/27	8/30	Pakistan	366.75							366.75
	8/31	8/31	Hong Kong		120.00						120.00
Thomas L. Van Derslice	8/25	8/26	Thailand		126.00		6,034.00		81.65		6,241.65
	8/27	8/30	Pakistan		366.75						366.75
	8/31	8/31	Hong Kong		120.00						120.00
R.W. Vandergrift, Jr	8/25	8/26	Thailand		126.00		6,034.00		450.56		6,610.56
	8/27	8/30	Pakistan		366.75						366.75
	8/31	8/31	Hong Kong		160.00						160.00
B. Alan Weaver	9/25	9/30	England		960.50		1,731.00		50.00		2,741.50
L. Michael Welsh	9/25	9/30	England		960.50		1,731.00		89.59		2,781.09
Committee total					4,412.00		27,598.00		771.55		32,781.55

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES L. WHITTEN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Paul Gillmor	7/2	7/4	Italy		454.00						454.00
	7/4	7/8	France		932.00		996.80				1,928.80
							[3] 8,687.50				8,687.50
Hon. David Dreier	8/6	8/7	Nicaragua		112.50						112.50
	8/7	8/8	El Salvador		112.50		[3] 3,591.25				3,703.75
	8/12	8/15	Phillipines		234.50						234.50
	8/15	8/17	Indonesia		265.50						265.50
	8/17	8/18	Singapore		488.00						488.00
	8/18	8/20	Vietnam		288.00						288.00
	8/20	8/21	Hong Kong		210.00						210.00
	8/21	8/22	Taiwan		596.00		[3] 6,149.00				6,745.00
	8/23	8/25	Korea		390.00		514.00				904.00
Hon. C. Hubbard	8/30	9/6	England		215.00						215.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					4,298.00		19,938.55				24,236.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Denotes military transportation.

HENRY GONZALEZ, Chairman, Oct. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John D. Canatsey	8/31	9/4	England		1,463.00		5,774.00				7,237.00
Committee total					1,463.00		5,774.00				7,237.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEON E. PANETTA, Chairman, Oct. 30, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Henry Waxman	7/2	7/6	Israel		664.00						664.00
Military transportation							9,384.00				9,384.00
Janet Potts	7/24	7/28	Switzerland		900.00						900.00
Commercial airfare							2,552.00				2,552.00
Justin Lilley	7/24	7/28	Switzerland		900.00						900.00
Commercial airfare							2,552.00				2,552.00
John Shelk	6/30	7/4	Switzerland		900.00						900.00
Commercial airfare							2,552.00				2,552.00
David Nelson	6/30	7/4	Switzerland		900.00						900.00
Commercial airfare							2,552.00				2,552.00
Hon. Edward Markey	9/2	9/4	England		471.00						471.00
Committee total					4,735.00		19,592.00				24,327.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
P. Abbruzzese	7/9	7/15	Soviet Union		1,135.00		42.00				1,177.00
	7/15	7/16	United Kingdom		227.00						227.00
Commercial transportation							4,684.00				4,684.00
	8/26	8/30	Turkey		[3]471.00						471.00
Commercial transportation							6,089.00				6,089.00
N. Agris	7/5	7/9	Guatemala		[3]583.00						583.00
Commercial transportation							1,139.00				1,139.00
D. Barton	5/5	5/9	Switzerland		900.00						900.00
Commercial transportation							2,697.88				2,697.88
K. Bertelsen	8/16	8/18	Romania		376.00						376.00
	8/18	8/23	Czechoslovakia		980.00						980.00
	8/23	8/26	Poland		567.00						567.00
	8/26	8/28	East Germany		466.00						466.00
Commercial transportation							4,305.00				4,305.00
Total					5,705.00		18,956.88				24,661.88
S. Blankenship	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		402.34						402.34
Military transportation							11,351.67				11,351.67
Hon. B. Blaz	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
K. Bolognese	6/28	7/1	Denmark		720.00						720.00
	7/1	7/6	The Netherlands		1,679.56						1,679.56
Commercial transportation							4,386.00				4,386.00
F.M. Chambers	6/28	7/1	Panama		546.00						546.00
	7/1	7/5	Bolivia		533.00						533.00
	7/5	7/9	Peru		608.00						608.00
Total					7,449.58		27,089.34				34,538.92
	7/9	7/12	Colombia		628.00						628.00
Commercial transportation							2,488.40				2,488.40
Hon. G. Crockett	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. M. Dymally	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
	8/13	8/15	Japan		502.00						502.00
	8/15	8/18	Korea		780.00						780.00
	8/19	8/20	Singapore		338.00						338.00
	8/20	8/22	Malaysia		316.00						316.00
	8/23	8/26	Thailand		528.00						528.00
Total					6,707.36		25,191.74				31,899.10
	8/26	8/28	Hong Kong		420.00				24.13		444.13
Commercial transportation							4,684.00				4,684.00
Hon. E. Engel	7/2	7/6	Israel		721.00						721.00
Military transportation							9,384.00				9,384.00
D. Finn	8/18	8/19	Singapore								
	9/3	9/4	Singapore		398.00						398.00
	8/19	9/2	Indonesia		341.69						341.69
Commercial transportation							4,627.00				4,627.00
B. Ford	6/28	7/1	Panama		546.00						546.00
	7/1	7/5	Bolivia		533.00						533.00
	7/5	7/9	Peru		608.00						608.00
	7/9	7/12	Colombia		628.00						628.00
Commercial transportation							2,488.40				2,488.40
Total					4,195.69		21,183.40		24.13		25,403.22
Hon. Jaime Fuster	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
Hon. P. Goss	8/6	8/7	Nicaragua		112.50						112.50
	8/7	8/8	El Salvador		112.50						112.50
Military transportation							3,591.25				3,591.25
B. Hammond	8/24	8/25	Portugal		209.00						209.00
	8/25	8/31	Angola		1,410.00						1,410.00
Commercial transportation							5,762.00				5,762.00
L. Heyes	8/5	8/6	Japan		100.00						100.00
	8/6	8/16	China		1,880.00						1,880.00
Commercial transportation							3,546.00				3,546.00
Total					5,631.68		24,250,92				29,882.60
G. Ingram	6/28	7/3	France		890.50						890.50
	7/3	7/5	Switzerland		450.00						450.00
Commercial transportation							4,662.80				4,662.80
	8/1	8/4	Poland		472.00						472.00
	8/4	8/7	Hungary		522.00		95.00		29.00		646.00
	8/7	8/9	Czechoslovakia		392.00		107.00				499.00
Commercial transportation							4,551.00				4,551.00
B. Jenkins	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		402.34						402.34
Military transportation							11,351.67				11,351.67
R. Jenkins	8/5	8/8	Mexico		456.00						456.00
	8/9	8/12	Ecuador		406.25						406.25
	8/12	8/16	Colombia		785.00						785.00
Commercial transportation							1,907.00				1,907.00
Total					5,929.09		22,674.47		29.00		28,632.56
V. Johnson	7/5	7/9	Guatemala		[3]566.00						566.00
Commercial transportation							1,139.00				1,139.00
	7/20	7/24	Panama		[3]572.00						572.00
Commercial transportation							1,598.00				1,598.00
G. Kapen	8/15	8/25	South Africa		1,573.00						1,573.00
	8/25	8/27	Mozambique		352.00						352.00
	8/27	8/31	Angola		940.00						940.00
Commercial transportation							6,343.00				6,343.00
C. Kojm	8/1	8/3	Poland		472.00						472.00
	8/3	8/7	Hungary		522.00		95.00		29.00		646.00
	8/7	8/10	Czechoslovakia		273.00		107.00				380.00
Commercial transportation							4,723.00				4,723.00
Total					5,270.00		14,005.00		29.00		19,304.00
Hon. P. Kostmayer	7/5	7/9	Guatemala		[3]592.00						592.00
Commercial transportation					1,139.00						1,139.00
D. Latorre	8/16	8/18	Romania		376.00						376.00
	8/18	8/23	Czechoslovakia		980.00						980.00
	8/23	8/26	Poland		567.00						567.00
	8/26	8/28	East Germany		466.00						466.00
Commercial transportation							5,108.00				5,108.00
Hon. D. Lukens	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654,68
Military transportation							5,675.84				5,675.84
	7/9	7/12	Czechoslovakia		588.00						588.00
Commercial transportation							2,802.00				2,802.00
Total					6,515.68		13,585.84				20,101.52
	8/28	8/29	Nicaragua		380.00				40.00		420.00
	8/30	8/31	Panama		364.00				410.81		774.81
Commercial transportation							1,331.81				1,331.81
R. McBride	7/6	7/7	France		233.00						233,00
	7/7	7/9	Soviet Union		402.34						402.34
Military transportation							5,386.25				5,386.25
Commercial transportation							2,348.00				2,348.00
F. Marshall	7/8	7/13	Colombia		[3]569.48						569,48

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial transportation							1,430.00				1,430.00
S. Morrison	8/24	8/25	Portugal		209.00						209.00
	8/25	8/31	Angola		1,410.00						1,410.00
	8/31	9/1	Zimbabwe		152.00						152.00
	9/1	9/2	South Africa		143.00						143.00
	9/7	9/8	South Africa		143.00						143.00
Commercial transportation							6,605.00				6,605.00
Total					4,005.82		16,999.06		450.81		21,455.69
K. Nakamura	8/22	8/24	Vietnam		432.00		340.67				722.67
	8/21	8/22	Thailand		176.00						176.00
	8/24	8/25	Thailand		176.00						176.00
	8/25	8/28	Hong Kong		630.00				10.38		640.38
	8/28	8/29	Malaysia		158.00						158.00
	8/29	8/30	Indonesia		179.00						179.00
Commercial transportation							4,600.00				4,600.00
Hon. W. Owens	9/5	9/7	Egypt		306.00						306.00
	9/7	9/7	Syria		202.00				579.02		701.02
	9/7	9/10	Jordan		675.50						675.50
Commercial transportation							4,127.54				4,127.54
B. Paolo	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
Total					4742.18		20,419.88		589.40		25,751.46
Hon. D. Payne	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
	8/11	8/13	Malaysia		108.00						108.00
	8/13	8/15	Singapore		199.00						199.00
Commercial transportation							465.55				465.55f
K. Peel	7/6	7/7	France		233.00						233.00
	7/7	7/9	Soviet Union		402.34						402.34
Military transportation							5,386.25				5,386.25
Commercial transportation							2,384.00				2,384.00
G. Pitchford	8/24	8/25	Portugal		209.00						209.00
	8/25	8/31	Angola		1,410.00						1,410.00
	8/31	9/1	Zimbabwe		152.00						152.00
Total					4,521.02		19,587.47				24,108.49
	9/1	9/8	South Africa		286.00						286.00
Commercial transportation							6,614.00				6,614.00
M. Poloyac	7/2	7/6	Israel		830.00						830.00
Military transportation							9,384.00				9,384.00
	9/6	9/8	Saudi Arabia								
	9/8	9/9	Egypt		151.00						151.00
Military transportation							6,017.30				6,017.30
A. Roberts	6/30	7/7	East Germany		875.00						875.00
Commercial transportation							2,456.00				2,456.00
	8/11	8/18	Hong Kong		1,388.00						1,388.00
Commercial transportation							4,790.00				4,790.00
J.W. Roberts	7/1	7/5	Bolivia		533.00						533.00
	7/5	7/9	Peru		608.00						608.00
Total					4,671.00		29,261.30				33,932.30
	7/9	7/10	Colombia		314.						314.00
Commercial transportation							2,116.00				2,116.00
S. Roth	8/5	8/8	Yemen		240.00						240.00
	8/8	8/10	Egypt		[3]248.37						248.37
	8/10	8/11	Saudi Arabia		240.00						240.00
	8/11	8/13	Syria		404.00						404.00
	8/13	8/14	Jordan		188.00						188.00
	8/14	8/17	Israel		498.00				241.63		739.63
Commercial transportation							5,284.00				5,284.00
R. Scheunemann	7/2	7/5	Bolivia		[3]399.00						399.00
	7/5	7/9	Peru		608.00						608.00
	7/9	7/10	Colombia		314.00						314.00
Commercial transportation							2,116.00				2,116.00
Total					3,453.37		9,516.00		241.63		13,211.00
E. Schwartz	8/23	8/25	Thailand		352.00						352.00
	8/25	8/28	Hong Kong		630.00				10.34		640.34
	8/28	8/29	Malaysia		158.00						158.00
	8/29	9/1	Indonesia		358.00						358.00
	9/1	9/1	Singapore								
	9/1	9/2	Philippines								
Commercial transportation							3,361.00				3,361.00
M. Sletzinger	8/1	8/4	Poland		472.00						472.00
	8/4	8/7	Hungary		522.00		95.00		29.00		646.00
	8/7	8/9	Czechoslovakia		392.00		107.00				499.00
Commercial transportation							4,551.00				4,551.00
L. Smith	7/2	7/6	Israel		721.00		2,478.00		879.86		4,078.86
Military transportation							9,384.00				9,384.00
Total					3,605.00		19,976.00		919.20		24,500.20
S. Smith	7/12	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
	8/13	8/14	Japan		502.00						502.00
	8/15	8/18	Korea		780.00						780.00
	8/19	8/20	Singapore		388.00						388.00
	8/21	8/23	Malaysia		316.00						316.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/23	8/26	Thailand		528.00						528.00
	8/26	8/27	Hong Kong		420.00				24.13		444.13
Commercial transportation							5,484.00				5,484.00
Hon. S. Solarz	8/5	8/8	Yemen		240.00						240.00
	8/8	8/10	Egypt		[3] 276.90						276.90
	8/10	8/11	Saudi Arabia		240.00						240.00
Total					5,498.58		16,835.67		24.13		22,358.38
	8/11	8/13	Syria		202.00						202.00
	8/13	8/14	Jordan		188.00						188.00
	8/14	8/17	Israel		498.00				241.63		739.63
	8/28	8/29	Turkey		155.00						155.00
Commercial transportation							6,117.20				6,117.20
J. Weber	7/2	7/6	Israel		830.00						830.00
Military transportation							9,384.00				9,384.00
Hon. T. Weiss	7/2	7/4	Italy		454.00						454.00
	7/4	7/7	France		699.00						699.00
	7/7	7/9	Soviet Union		654.68						654.68
Military transportation							11,351.67				11,351.67
S. Weissman	8/24	8/25	Portugal		209.00						209.00
	8/25	8/31	Angola		1,410.00						1,410.00
Commercial transportation							5,762.00				5,762.00
Total					5,299.68		32,614.87		241.63		38,156.18
Grand total for 3d quarter											417,897.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.

DANTE B. FASCELL, Chairman, Oct. 30, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Carlos J. Moorhead	8/6	8/9	Finland		424.00		196.10				620.10
	8/9	8/13	Sweden		1,260.00						1,260.00
	8/13	8/17	Norway		928.00						928.00
	8/17	8/22	Denmark		670.00						670.00
Commercial transportation							2,285.00				2,285.00
Committee total					3,282.00		2,481.10				5,763.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Nov. 28, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William O. Lipinski	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00		[3] 3,697.74				4,089.74
Hon. Thomas E. Petri	8/20	8/21	Germany		214.00						214.00
	8/21	8/23	Poland		322.00						322.00
	8/23	8/24	Hungary		348.00						348.00
	8/24	8/26	Czechoslovakia		392.00		[3] 3,697.74				4,089.74
Hon. Bob McEwen	8/28	8/30	Japan		723.00						723.00
	8/31	9/2	Korea		390.00		[3] 10,000.00				10,390.00
Committee total					4,271.00		17,395.48				21,666.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transport.

GLENN M. ANDERSON, Chairman, Oct. 22, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Robert A. Roe	7/2	7/9	France	9,133.60	1,133.00					9,133.60	1,631.00
Commercial air							663.80				663.80
Robert Maitlin	7/2	7/9	France	9,133.60	1,631.00					9,133.60	1,631,90
Commercial air							846.80				846.00
James Miller	7/2	7/9	France	9,133.60	1,631.80					9,133.60	1,631.00
Commercial air							846.80				846.80
Regina Gorman	7/28	8/2	Canada	867.06	752.00					867.06	752.00
Commercial air							769.40				769.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Connie Morella	8/17	8/20	Ireland		606.00						606.00
	8/20	8/21	Germany	327.42	214.00					327.42	214.00
	8/21	8/23	Poland	3,042,900	322.00					3,042,900	322.00
	8/23	8/24	Hungary	21,569	348.00					22,569	348.00
	8/24	8/26	Czechoslovakia		392.00						392.00
Military air							3,697.74				3,697.74
Robert Palmer	8/26	9/2	Sweden	7,658.80	1,342,00					7,658.80	1,342.00
Commercial air							1,744.00				1,744.00
Catherine Rawlings	8/26	9/2	Sweden	7,658.80	1,342.00					7,658.80	1,342.00
Commercial air							1,744.00				1,744.00
Hon. J.F. Sensenbrenner	8/26	8/28	France	2,423.20	466.00			941.67	181.09	3,364.87	647.09
	8/28	8/30	Netherlands	626.71	358.00					626.71	358.00
	8/30	9/4	U.S.S.R		1,072.00						1,072.00
Commercial air							5,087.00				5,087.00
William Gordon	8/27	8/28	France	2,423.20	466.00			941.67	181.09	3,364.87	647.09
	8/27	8/30	Netherlands	626.71	358.00					626.71	358.00
	8/30	9/4	U.S.S.R.		1,072.00						1,072.00
Commercial air							1,844.00				1,844.00
Richard Oberman	8/27	8/28	France	2,423.20	466.00			941.67	181.09	3,364.87	647.09
	8/28	8/30	Netherlands	626.71	358.00					626.71	358.00
	8/30	9/4	U.S.S.R.		1,072.00						1,072.00
Commercial air							1,844.00				1,844.00
David Clement	9/1	9/3	England	246.08	472.00					246.08	472.00
	9/3	9/4	Belgium	7,254	225.00					7,254	225.00
	9/4	9/10	France	3,130.38	594.00			202.50	38.43	3,332.88	632.43
Commercial air							2,236.90				2,236.90
Robert Ketcham	9/1	9/3	England	246.08	472.00						472.00
Commercial air							693.00				693.00
James Miller	9/1	9/3	England	246.08	472.00						472.00
	9/3	9/4	Belgium	7,254	225.00						225.00
	9/4	9/10	France	3,130.38	594.00			202.50	38.43	3,332.88	632.43
Commercial air							978.90				978.90
James Greene	9/1	9/3	England	246.08	472.00						472.00
	9/3	9/4	Belgium	7,254	225.00						225.00
	9/4	9/10	France	3,130.38	594.00			202.50	38.43	3,332.88	632.43
Commercial air							978.90				978.90
Anne Marcantognini	9/1	9/3	England	246.08	472.00						472.00
	9/3	9/4	Belgium	7,254	225.00						225.00
	9/4	9/10	France	3,130.38	594.00			202.50	38.43	3,332.88	632.43
Commercial air							978.90				978.90
Committee total					21,535.00		24,954.14		696.99		47,186.13

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, Nov. 2, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1990

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kenneth M. Kodama, staff	8/10	8/18	Europe		1,224.00				135.59		1,359.59
Commercial airfare							3,524.00				3,524,00
Marijean T. Seelbach, staff	8/10	8/18	Europe		1,224.00				135.59		1,359.59
Commercial airfare							1,991.00				1,991.00
Hon. Henry J. Hyde	8/21	8/22	Australia		75.00						75.00
Commercial airfare							801.64				801.64
Thomas R. Smeeton, staff	8/19	8/25	Australia		875.00						875.00
Commercial airfare							5,077.15				5,077.15
Committee total					3,398.00		11,373.79				15,062.98

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ANTHONY C. BEILENSON, Chairman, Nov. 14, 1990.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

401. A letter from the Deputy Director, Federal Emergency Management Agency, transmitting a letter stating that on January 11, 1991, FEMA submitted to Congress legislation to amend the Defense Production Act, and due to an inadvertent clerical error, an additional page was attached to the legislation and request that this page be stricken from the draft legislation; to the Committee on Banking, Finance and Urban Affairs.

402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-321, "Gasoline Reid Vapor Pressure Requirements Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-320, "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-328, "Good Faith Donor and Donee Act of 1981 Amendment Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-327, "Medicare Catastrophic Coverage Repeal Minimum Guidelines Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-343, "District of Columbia Procurement Practices Act of 1985 Amendment Act of 1990," report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-339, "The Star of Bethlehem Church of God In Christ Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1-

233(c)(1); to the Committee on the District of Columbia.

408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–340, "Scripture Church of Christ Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–338, "Temple Sinai Fund, Inc. Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–336, "Israel Metropolitan CME Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

411. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–337, "The New Macedonia Baptist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–331, "District of Columbia Compulsory School Attendance Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–312, "Toxic Source Reduction Business Assistance Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–315, "Historic Landmark and Historic District Protection Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–314, "General License Law Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–330, "District of Columbia Drug Prevention and Children at Risk Tax Check-off Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–329, "Schedule of Heights Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–313, "H. Carl Moultrie, I, Courthouse of the District of Columbia Designation Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–332, "Closing of a Public Alley in Square 557, S.O. 89–289, Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–322, "Education Licensure Commission Amendments Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–324, "Alzheimer's Disease Study Commission Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–325, "District of Columbia Underground Storage Tank Management Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–319, "Consumer Credit Service Organizations Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

424. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–318, "D.C. Public Records Management Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–321, "D.C. Consumer Protection Procedures Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

426. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8–316, "Condominium Act of 1976 Reform Amendment Act of 1990," and report, pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

427. A letter from the Department of Justice, transmitting a report on the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on Education and Labor.

428. A letter from the Acting Secretary of Education, transmitting the annual report of the International Research and Studies Program; to the Committee on Education and Labor.

429. A communication from the President of the United States, transmitting a report for use in connection with section 2(b) of the joint congressional resolution authorizing the use of military force against Iraq, pursuant to Public Law 102–1, section 2(b) (H. Doc. No. 102–29); to the Committee on Foreign Affairs and ordered to be printed.

430. A letter from the Secretary of Labor, transmitting the semiannual report of the inspector general for the period April 1, through September 30, 1990, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on the Government Operations.

431. A letter from the Comptroller General of the United States, transmitting a followup to our December 10, 1990, report on compliance with the Budget Enforcement Act of 1990, our report on scorekeeping of lease-purchase contracts; to the Committee on Government Operations.

432. A letter from the Director, Congressional Budget Office, transmitting a report on unauthorized appropriations and expiring authorizing for fiscal year 1990, pursuant to 2 U.S.C. 602(f)(3); to the Committee on Government Operations.

433. A letter from the Chairman, Council on Environmental Quality, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

434. A letter from the National Endowment for Democracy, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

435. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

436. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

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438. A letter from the Department of the Interior, transmitting the 1991 update to the national plan for research in mining and mineral resources and the 1990 report on the Mineral Institute Program of the U.S. Department of the Interior, pursuant to 30 U.S.C. 1229(e); to the Committee on Interior and Insular Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN:

H.R. 551. A bill to amend title 39, United States Code, with respect to the mailing of wine, and for other purposes; jointly, to the Committees on Post Office and Civil Service and the Judiciary.

By Mr. ANNUNZIO (for himself and Mr. WALSH):

H.R. 552. A bill to award a congressional gold medal to the late Capt. Don Gentile; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLEMAN of Texas (for himself, Mr. BUSTAMANTE, Mr. BRYANT, Mr. ERDREICH, Mr. ROYBAL, and Mr. TORRES):

H.R. 553. A bill to repeal the testing requirements imposed on ability to benefit students by the Omnibus Budget Reconciliation Act of 1990; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 554. A bill to set forth U.S. policy toward Central America and to assist the economic recovery and development of that region; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. PENNY):

H.R. 555. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans reemployment rights and to improve veterans rights to reinstatement of health insurance; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. EDWARDS of California, Mr. HAMMERSCHMIDT, Mr. APPLEGATE, Mr. WYLIE, Mr. EVANS, Mr. SMITH of New Jersey, Mr. PENNY, Mr. BURTON of Indiana, Mr. STAGGERS, Mr. BILIRAKIS, Mr. ROWLAND, Mr. RIDGE, Mr. SLATTERY, Mr. JAMES, Mr. HARRIS, Mr. STEARNS, Mr. KENNEDY, Mr. PAXON, Mrs. PATTERSON, Mr. SANGMEISTER, Mr. JONES of Georgia, Ms. LONG, Mr. EDWARDS of Texas, Mr. NICHOLS, Mr. PETERSON of Florida, Mr. SANTORUM, Ms. WATERS, Mr. STENHOLM, Mr. JONTZ, Mr. PAYNE of Virginia, Mr. PARKER, Mr. GEREN of Texas, Mr. HEFNER, Mr. RICHARDSON, and Mr. JENKINS):

H.R. 556. A bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GILMAN:

H.J. Res. 78. Joint resolution to require that the U.S. Postal Service prescribe regulations under which the National League of Families POW/MIA flag may be displayed at facilities under the control of the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H. Con. Res. 39. Concurrent resolution stating that Congress supports the suspension, with respect to the leadership of Iraq, of the prohibition of Executive Order 12333 on assassinations until Iraq has complied fully with all United Nations Security Council resolutions concerning the withdrawal of Iraqi military forces from Kuwait; to the Committee on Foreign Affairs.

H. Res. 36. Resolution to express the sense of the House of Representatives that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic states; jointly, to the Committee on Foreign Affairs; Banking, Finance and Urban Affairs; and Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. VANDER JAGT, Mr. CRANE, Mr. CHANDLER, Mr. BUNNING, Mr. HARRIS, Ms. SLAUGHTER of New York, Mr. COMBEST, Mr. MACHTLEY, Mr. RIDGE, and Mr. GALLO.

H.R. 177: Ms. KAPTUR, Mr. DEFAZIO, Mr. HORTON, Mr. SMITH of Texas, and Mr. STAGGERS.

H.R. 178: Ms. KAPTUR, Mr. DEFAZIO, and Mr. STAGGERS.

H.R. 179: Mr. MRAZEK, Mr. HATCHER, Mr. MADIGAN, Mr. OBERSTAR, and Mr. SKEEN.

H.R. 258: Mr. MCNULTY, Mrs. MINK, Mr. JONTZ, Mr. LOWERY of California, Mr. FRANK of Massachusetts, and Mr. HORTON.

H.R. 303: Mr. AUCOIN, Mr. YOUNG of Florida, Mr. MINETA, Ms. ROS-LEHTINEN, Mr. SKEEN, Mr. HALL of Ohio, Mr. BROWDER, Mr. WALSH, Mr. STAGGERS, Mr. HOLLOWAY, Mr. LIPINSKI, Mr. BUSTAMANTE, Mr. SCHIFF, Mr. ABERCROMBIE, Mr. JACOBS, Mr. DAVIS, Mr. COMBEST, Mr. MORAN, and Mr. JONES of Georgia.

H.R. 321: Mr. COSTELLO and Mr. STUDDS.

H.R. 389: Mr. POSHARD and Mr. ABERCROMBIE.

H.R. 419: Mr. PETRI.

H.R. 469: Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. BUSTAMANTE, Mr. CLINGER, Mr. STEARNS, Mr. EMERSON, Mr. ECKART, Mr. QUILLEN, and Mr. RANGEL.

H. Con. Res. 2: Mr. STOKES.

H. Con. Res. 37: Mr. YATES, Mr. MRAZEK, and Mr. LAFALCE.

SENATE—*Thursday, January 17, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. LEAHY].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

I had fainted, unless I had believed to see the goodness of the Lord in the land of the living. Wait on the Lord: be of good courage, and he shall strengthen thine heart: wait, I say, on the Lord.—Psalm 27:13, 14.

Eternal Father, God of all comfort, Thou knowest the flood of emotions which have crowded our minds and hearts in these last 24 hours—anxiety, helplessness, weakness, vulnerability, brokenness, frustration, confusion, anger. Thou knowest the myriad questions which storm our brains.

We turn to Thee, mighty God, because there is nowhere else to go. Hear our prayers for all the men and women involved on either side of the conflict and for their loved ones. We pray for the people of Kuwait and Iraq, we pray for those who are casualties and for their loved ones. As Thou alone art able to do, cover them with Your love, Your grace, Your peace. If it be possible, mighty God, grant quick resolution to the conflict and minimal casualties.

We pray in His name who is incarnate love. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized, the distinguished Senator from Kentucky.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FORD. Mr. President, the leaders are at the White House at this moment visiting with President Bush and his advisers, and getting an update. So under those circumstances, on behalf of the leadership, I ask unanimous consent that we stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 10:02 a.m., recessed subject to the call of the Chair, whereupon, the Senate reassembled at 5:32 p.m. when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be 30 minutes equally divided on a resolution to be offered by myself and Senator DOLE on the Persian Gulf; that no amendments or motions be in order relative to the resolution; that the time be equally divided in the usual form; and that it be in order now to consider the resolution.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none. Without objection, it is so ordered.

SUPPORTING U.S. PRESENCE IN THE PERSIAN GULF—SENATE CONCURRENT RESOLUTION 2

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, I now send a resolution to the desk and I ask that it be in order for any Senator who wishes to do so to offer his or her name as a cosponsor thereafter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) Supporting United States Presence in the Persian Gulf.

Whereas the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi armed forces from occupied Kuwait.

Whereas 415,000 men and women of the United States Armed Forces are now involved in armed conflict.

Whereas 158,000 members of the Reserves and National Guard have been called to active duty since August 22 and may become involved in armed conflict.

Whereas Congress and the American people have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, the 30 minutes begin now, the vote will occur at 6:06 p.m. Senators should now be aware, their offices should notify them, that the vote will occur at 6:06 p.m.

Mr. NUNN. Will the Senator yield?

Mr. President, I would like to be added as a cosponsor to the resolution. I ask unanimous consent that be done.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair will notify Senators there is a unanimous-consent agreement for each Senator to be able to add his or her name.

Mr. MITCHELL. So it is not necessary.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield myself 3 minutes.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, this resolution expresses the support of the Congress for the men and women of our Armed Forces and for the President as Commander in Chief of our Armed Forces during the hostilities that are now underway in the Persian Gulf.

Last week we had what I believe to have been a historic debate in the Senate on the policies relating to the Persian Gulf crisis. That debate is over. A majority of the Senate has spoken. And now we should convey, in a form that sends a message of unity, an expression of our support for the courageous and skilled men and women of our armed services who have already performed the tasks assigned to them in a manner that makes Americans proud.

So I encourage my colleagues to support this resolution. I hope that the vote will be unanimous, or nearly so, and that the Senate will speak with one voice on this issue.

War is a sobering and saddening event. We prayed it could be avoided. We hoped that Saddam Hussein would recognize the seriousness of the international commitment to force his troops from Kuwait; and that he would withdraw.

Surely Saddam Hussein must now recognize the enormity of his miscalculation. Surely now Iraq must withdraw from Kuwait.

We disagreed among ourselves, as a Congress and as a Nation, about the need to resort to war at this time. Although I believe that the decision to authorize war at this time was pre-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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mature, the majority of the Senate and House of Representatives has spoken and the President has acted. The Congress has authorized the use of force in a proper exercise of its constitutional power to declare war. President Bush has made the decision to begin military action against Iraqi forces in Iraq and Kuwait.

The President informed me of his decision by telephone shortly after 5:30 p.m. yesterday, and at about 6:30 p.m. provided his written determination pursuant to House Joint Resolution 77—authorization for military force against Iraq resolution.

Preliminary reports of the military action provide reason for hope. The apparent success of the American and allied air strikes upon Iraqi missile sites appears to have diminished the danger of direct Iraqi attack upon Israel and other nations. The reduction of the Iraqi Air Force is underway. There is reason to believe that the United States and its allies have succeeded in establishing air superiority over the adversary.

These are encouraging developments.

Obviously, as Secretary Cheney and General Powell both said yesterday evening, it will take time to make a definitive assessment of the degree of success of our initial military effort.

Also obviously, the apparent early success of our initial attack does not wholly eliminate the challenges facing our forces in the days ahead.

Secretary Cheney reminded us all last night that the conflict "is likely to run a long time." Our troops will need their full measure of courage and skill to follow up these initial successes and complete the mission of removing Iraq's forces from Kuwait. We all hope that ground combat can be avoided, but there is little doubt that the apparent success of the initial air campaign is of significant importance in the event that ground forces engage.

So even as we know that our troops face further challenges and hardships in the days ahead, the men and women in uniform who played a part of the initial strike have already earned the Nation's gratitude. The Nation's thanks are accompanied by our wholehearted commitment to continued support for our people in the field.

A democratic nation can ask no greater sacrifice than that a few risk their lives on behalf of the many who risk nothing. In return, our troops deserve our full support. We have the obligation to provide nothing less.

We all pray that the most optimistic forecasts of a short, swift, and contained conflict will be fulfilled, with the least possible loss of life.

Mr. President, I reserve the remainder of my time, and I yield to the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The distinguished Republican leader.

Mr. DOLE. I yield 2 minutes to the distinguished Senator from Utah [Mr. GARN].

Mr. GARN. Mr. President, I thank the distinguished minority leader. I will be brief, because there is not much time on this resolution.

We have just come from a briefing by the Secretary of Defense and General Powell. I would simply like to say that as a retired—both Navy and Air Force—pilot myself, with more than 24 years of flying military aircraft, I commend our air crews. I am just overwhelmed with their performance, the accuracy and the success of their missions. I believe it is far beyond what any of us could have expected.

And while we are still not out of the woods, and I am sure there are some difficult times ahead, for the number of missions that were carried out in the last 24 hours, to only lose one aircraft is also beyond our expectations.

So I do not think this body can compliment enough our young men and young women who are involved in this for a truly superb performance, certainly the best that I am aware of in the 24 years that I spent flying military aircraft.

It is a tribute to their training; it is a tribute to the equipment that they have; and it is a tribute to the Congress for our willingness to supply them with the best means available to defend this country.

I thank the distinguished minority leader.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. I yield 1 minute to the distinguished Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the men and women in the military in the Persian Gulf for the exemplary manner in which they are conducting themselves during this war. I do not think I have ever known or read of a more successful conduct of an operation than we have learned about here.

I also want to commend the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and all those in leadership. They knew exactly what they were doing. They took the right step. And I am very proud that the Congress backed up our leaders in this manner.

Again, I am proud of the American military forces in the Persian Gulf, and I am sure they are going to continue to perform in an outstanding manner.

Mr. DOLE. Mr. President, I yield myself 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

AMERICA, UNITED

Mr. DOLE. Mr. President, for nearly 6 months, we gave peace a chance.

It did not work.

Not because we did not try hard enough, or because we were not patient enough.

For peace to have a chance, both sides must want it.

Saddam Hussein did not.

For peace to have a chance, both sides must value the human life that peace protects.

Saddam Hussein does not.

For nearly 6 months, we sought peace. President Bush went the first mile, and then the extra mile—again and again.

For 6 months, we sought peace—but Saddam Hussein insisted on war.

And now he has his war.

Mr. President, when America goes to war, as we now have, we go united. The President speaks for the Nation. Last night, he spoke clearly and eloquently. I believe the overwhelming majority in the Congress, and in the country, were moved as I was by what he said and stand squarely behind what he has done.

We have had our debates—for now, they are over. We have had our disagreements—for now, they are set aside.

We are Republicans and Democrats—but before that, we are Americans. And when Americans go to war, we go together—united in purpose, and determination, and support for our forces.

That is the message of this resolution, sent to our troops:

Our deep pride in their courage and patriotism. An unequivocal commitment to provide them whatever support they need to accomplish their mission. A prayerful wish for their safety and their quick return home.

And there is a message, too, for Saddam Hussein—though, sadly, he seems deaf to any voice but his own. It is a message that he can have no expectation, and should have no hope, that disunity at home will undermine American forces in the gulf. It will not happen. American forces will carry out their mission until they achieve their goals. The American Congress will fully support those forces until their job is done.

Mr. President, we are all pleased that the initial phases of our military operations have gone well, and that our losses so far have been minimal. But there is no joy in this day for any of us.

One American has already died. Inevitably, tragically, more will have to make the supreme sacrifice.

Without question, many Iraqis have already died, and many, many more will. Certainly, we take no joy or satisfaction in that, either.

This could be a long and costly and difficult endeavor. No one should doubt that possibility.

So this is a day with no joy. It is, instead, a day which we must fill with unity, courage, determination, patriotism, and—most of all—our prayers.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield 1 minute to the junior Senator from Georgia.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized for 1 minute.

Mr. FOWLER. Mr. President, after the Congress of the United States speaks, there can only be one Commander in Chief. This resolution commends the President for his calmness and his decisiveness. It commends the 415,000 men and women of the U.S. Armed Forces and the over 158,000 members of the Reserves and National Guard who have been called to active duty since August 22. We stand firmly behind them, as the minority leader just said, regardless of region, regardless of party.

We pray that there will be a swift resolution of this crisis after the courage and skill that we have seen demonstrated in the first 24 hours. Our prayers go out to the families as they sit with concern, and we hope that there will be a very swift end to a very fine beginning on behalf of our country.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 1 minute.

Mr. BENTSEN. Mr. President, just a few days ago the Senate was engaged in a debate, from the heart, about policy options in the Persian Gulf.

We were divided on tactics, but never on principle.

We all agreed that the Iraqi aggression against Kuwait could not stand.

And we all agreed that, in the event of war, Congress and the American people would stand united in support of our soldiers in the field and their Commander in Chief in the White House.

Today we have an opportunity to demonstrate that unity and express that support—to make it clear to our military personnel, to our allies, and to Saddam Hussein that the Congress and the people of the United States stand strong with our President.

Perhaps the most poignant moment in the process of democracy is when we ask young men and women to put their lives on the line in the defense of freedom, to defend the principles that make America unique in the world.

In the early years of this century, when Woodrow Wilson committed America to combat in World War I, he remarked that "it is a fearful thing to lead this great peaceful people into war." President Wilson understood then—as President Bush understands today—that we are a nation dedicated to peace, but we do not shrink from defending our values. We prefer the competition of ideas and products to the clash of weapons. But when the rule of law is shattered, when our interests and ideals are shattered, we can respond forcefully and effectively. Saddam Hussein is learning that lesson.

My heart goes out to those brave men and women from Fort Hood and Fort Bliss, now in the Saudi Desert; to those reservists recalled to active duty from their civilian jobs in Dallas and Houston and McAllen; to those men and women in San Antonio who have been working around the clock to give our forces the tools to finish the job; to those sailors from Corpus Christi, now stationed in harm's way. They and their loved ones are anxious and proud, concerned but committed. They deserve our support and they have our prayers.

Mr. President, Operation Desert Storm appears highly successful, and for that we are thankful. But we also realize that the hardest days, the more costly battles, may still lie ahead. We are well aware that the war may be far from over, but our allies and our enemies should understand that America's unity is as strong and resilient as our military might.

I am proud to join my colleagues in this expression of broad, bipartisan support for our troops in the field. I also want to express my appreciation to friends who have stood with us, especially to the British, French, and Saudi forces that have accepted the risks of defending freedom. I congratulate our Armed Forces on their performance. I hope and pray they will achieve their goal quickly and with minimal loss of life. And I hope this resolution will help assure them that, when this war is over, these brave men and women will return to an America that respects their sacrifice and honors their service on our behalf.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. Mr. President, I yield 3 minutes to the distinguished Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized for 3 minutes.

Mr. McCAIN. Mr. President, often when a nation goes to war, impassioned and reckless people will fill the air with boasts and slogans. But when a great nation goes to war, it wisely begs the aid of a just God, as Abraham Lincoln did when he spoke for his people: "Fondly do we hope, fervently do we pray that this mighty scourge of war may speedily pass away."

Today all of us pray that this terrible undertaking will be swiftly concluded. America's sons and daughters have again been ordered into combat to safeguard international stability and principles of international law. All Americans are united in our concern that these brave Americans be returned to their families safely and as quickly as possible.

No American wanted this war. President Bush, the United Nations, and virtually the entire world community explored every possible opportunity for a peaceful settlement of this crisis.

Saddam Hussein ignored all of these opportunities as he ruthlessly destroyed Kuwait and terrorized defenseless Kuwaitis. Prepared to endure economic sanctions even if it meant the starvation of his people, Saddam accelerated his military buildup and preparations for war. Let us be clear, Mr. President, Saddam Hussein forced this confrontation, because a love of peace and freedom are not values he shares with the rest of the world.

As horrible as war is, world opposition to Saddam is based on principles that cannot be ignored. America had an obligation to answer the call of the United Nations to preserve the security of the free world, the stability of the world, and the territorial integrity of nations. President Bush spoke forcefully of these concerns when he addressed the Nation last night.

Most importantly, Saddam Hussein's naked aggression was a direct challenge to the efforts of responsible governments to construct a post-cold-war order that is based on respect for national sovereignty, peaceful relations between nations, and the rights of man.

The United States is the only nation with the combined seapower, airpower, and landpower necessary to check Saddam's empire building. If we do not lead in the defense of the rule of law, no other nation can or will.

Saddam's ambition was to dominate the gulf, not simply Kuwait. Even now, in this grave hour, Saddam continues to issue threats to virtually every regime in the region. If he had emerged as the controlling political and economic power in the region, he would have gained direct control over immense oil wealth and consequently come to possess enormous military, economic, and political power. He would have held much of the world economically hostage to his will. Rising energy costs would spread inflation all over the world, throwing millions out of work, and effectively halting Third World economic development.

Most disturbing, Saddam would have amassed the wealth to build a huge military machine including new, high technology weapons systems, ballistic missiles, and nuclear warheads.

Mr. President, no expert that I know would have predicted that, at this stage of a conflict, we would have sustained so few losses. I think it is testimony to the equipment, the technology that we, under President Reagan and now President Bush, have invested so many trillions in dollars in to give us the capability to carry out an exercise of such enormous magnitude with an absolute minimum of loss of American lives.

Congress is now prepared to support a resolution of support for our Armed Forces and our President. This is a proper expression of our Nation's unity as America and our allies seek to enforce the just resolutions of the U.N. Security Council.

The initial reports of our air campaign indicate an unprecedented success for American and allied pilots. That is encouraging, but it is still early in the operation and we must refrain from celebrating victory until all of our objectives are achieved.

No one can predict the exact course of war, but we know that we are served by the finest men and women who have ever worn the uniform of the United States. Their courage and ability have raised the prospect of a quick and decisive victory. I earnestly pray that this will be so.

The United States, in the words of Winston Churchill, "has been proffered this bitter cup." We have not sought this challenge. We have not embarked on this undertaking recklessly or without regard to the danger involved. We can take great pride in the performance of the courageous men and women of the U.S. Armed Forces. We can take great pride in our Commander in Chief.

Let Congress now give voice to our national will. This is not the end of the ordeal. There are dark hours before us. But, Mr. President, we are resolute. We will prevail. We will see this thing through to the end. And with God's mercy, that end will come swiftly.

Mr. DOLE. I yield 2 minutes to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I think Lt. Col. George Walton of San Antonio, TX, said it best. He was the first pilot to take off in Operation Desert Storm in Saudi Arabia. He said: "I feel ready. We've waited a long time. It's the right thing to do. We are the right people to get it done."

Mr. President, I want to begin by thanking Ronald Reagan for providing the leadership under which we invested a trillion dollars to strengthen our defense in the 1980's. We recruited and have retained the finest young men and women who have ever worn the uniform of this country. We have built the best military weapons that could be devised by the mind of men, and they have worked incredibly well in the last 24 hours.

I thank our colleagues who opposed us on Saturday but who support us today, giving us a strong bipartisan base of support for the President's decision and for the men and women who are fighting in the Persian Gulf.

And, finally, I will simply say, Mr. President, that I am proud of our progress; I am proud of the young men and women; and I am prayerfully hopeful that this conflict will come to a quick end.

I yield back to the remainder of my time to the leader.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DOLE. I yield 1 minute to the Senator from Idaho, Senator SYMMS.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized for 1 minute.

Mr. SYMMS. Mr. President, I thank the leader for yielding me 1 minute.

I think Senator GRAMM from Texas said a lot of what was on my mind. Mr. President, as we have now seen 24 hours of this conflict, my prayers are still with those troops in the field who are in harm's way and with the anxious families who wait at home and hope for the safety of their loved ones.

I agree with what my colleagues have said before me here. I thank the leadership in the Senate for getting the Senate together to have a resolution to show our unified support of what it is we are about and what we are doing there.

I also think it is important that we look back at what happened in the last 10 years, and it has been important. It would not have been possible had we not made the commitment that we made starting in 1980 when President Reagan was elected to bring us to the point where we could be this successful.

Most of all, we owe a great debt of gratitude to our President, George Bush, in this hour, when there were so many people telling him how he should proceed and so much criticism from all different quarters, but he stayed on the track. He knew his purpose was correct. The men and women in the gulf know that the purpose is correct.

I appreciate the fact that when this vote is over, all the world will know we are behind them 100 percent. I thank the President, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and all of the men and women in the Armed Forces of the United States for the great job they have done.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DOLE. Mr. President, how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. The distinguished Republican leader has 4 minutes 49 seconds remaining.

Mr. DOLE. I yield 2 minutes to the distinguished Senator from Idaho [Mr. CRAIG] and the remainder of my time to the Senator from New York [Mr. D'AMATO].

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, last night, the United States and our allies began the liberation of Kuwait. In its early stages, the mission has gone according to plan. The allied forces have done an excellent job in carrying out Operation Desert Storm. However, we are at the beginning of this effort. If our forces in the gulf are to achieve their mission, we must continue to speak with a united voice.

Last Saturday, we supported our President's goals and those of the free world. Now is the time to demonstrate our support of the actions we take to achieve those goals. Now is the time to unite behind our President and our men and women in the gulf. I pray that the initial reports of success continue.

Today we will vote on a resolution supporting our President and our allies, commitment to getting Saddam out of Kuwait. I hope my colleagues will join me in sending our troops a positive message of thanks and support by voting for this resolution. It would also be appropriate, I think, for all Americans to pause and offer a small prayer for the success of our efforts and the safe and early return of our troops.

Mr. President, Mu'ammar Qadhafi said in his statement today that the American people do not support these efforts. Let us pass this resolution unanimously and send the Iraqis a strong message, that we—and those we represent—do oppose Hussein's annexation and occupation of Kuwait and that Americans will stand behind the decision to end it.

The death of even one American fighting man or woman is a grievous loss. But the low number of casualties reported thus far indicates to me that our defense establishment has taken every precaution possible and has planned this operation with great care. That fact is, at least, some consolation.

It is also clear that the decision this Nation made during the decade of the eighties, to make an investment in technology that would minimize human presence in combat, was a wise one.

The actions the Congress took last weekend helped pave the way for the success we have apparently seen thus far. The actions this Congress takes from this point on will, I hope, continue to aid our efforts to bring this conflict to an early and successful ending.

Mr. President, members of the Senate, I stand tonight not only a proud Senator from Idaho but a proud American in that this Nation had the resolve to stand strong at a time when it was critically necessary for the stability and the peace of the world. The last 24 hours have shown a phenomenal resolve. The strength of leadership of our President, the strength of this Senate, and this Congress combined to stand behind him at a time when it was so necessary that our Nation make a statement of national unity; to be able to recognize that in the decade of the 1980's we made an investment in technology, so for the first time we could reach out in the form of diplomacy and not extend the human factor but extend our technology and our science to be used in a way that would result in, I trust, a peaceful world.

Tonight we all pray the reports are valid and true and that we have been able to stand with our allies from around the world in an effort which will bring greater stability to the Middle East and ultimately greater stability for decades to come to a free world.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. D'AMATO. Mr. President, these have been tumultuous times, to say the least. But now, Mr. President, is the time for this Congress, as the American people, to come together to show that we recognize President Bush has displayed fortitude, patience, and courage in the face of adversity; that we stand shoulder-to-shoulder with our Commander in Chief; that we recognize his leadership; and, yes, that we recognize and respect, love and pray for those young men and women who are now on the battlefield. They need our support now more than ever, and the American people understand that.

Maybe, Mr. President, it is kind of old-fashioned, coming from my childhood in World War II when I remember some middle-class values at a time we were concerned and we came together, everyone, my dad in the Army, my uncles, all of our country came together because we had a love and a respect for this Nation, and, yes, for the shared sacrifices our young men and women were making.

So today, Mr. President, I hope that this resolution, the support from this body demonstrates we stand united in prayer and, yes, in fortitude and determination to undertake the challenge which now those brave young men and women are meeting in the Persian Gulf, and, yes, that we share with our President the burden he has undertaken and that we commend him for his leadership. His prayers are in our hearts and our minds and in our actions.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise today to first commend the brave men and women of our Armed Forces. They are doing a spectacular job and deserve our respect and, more importantly, our support. Now is the time to rally around our troops and the President. Regardless of how Members voted on the authorization to use force, now is the time for the Congress to speak with one voice in support of our troops. I hope this will be a short and decisive war.

Mr. President, I do not believe this war began last night. This war began when Saddam Hussein invaded Kuwait, an independent and sovereign nation, for reason of pure military aggression. I believe our Armed Forces should continue heavy bombardment until Saddam Hussein agrees to pull out of Kuwait. I do not believe we should become involved in a ground war in the Mideast.

It is my hope that President Bush will continue to apply maximum air power against Saddam Hussein. I believe a short and decisive war is still within our reach. We do not need or desire a prolonged ground war in the Mideast. I will work in the Congress to ensure that our troops have all available resources to finish this job and come home.

Mr. President, over the last several years, I have continuously supported our Nation's military buildup to ensure our freedom and to fight naked aggression, such as Iraq's invasion of Kuwait. I believe we can all see that our Nation's investment has not been wasted. America's military is not a paper tiger. The men and women in our Armed Forces, many of whom I am proud to say, are Alabamians, have performed with incredible skill and bravery.

I continue to believe my vote to support the use of force against Hussein was correct, and I hope this war will be short with as few casualties as possible.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from South Dakota.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized for 1 minute.

Mr. DASCHLE. Mr. President, about a week ago as we were debating this whole issue, many of us came to the floor to express our differences of opinion as to how we might conduct our policy in the Persian Gulf. But for now those differences have been set aside in order for us, in as unequivocal a way as possible, to indicate our strong support for our troops in the Persian Gulf. They are doing their very best, and as they continue to do their best, with results that many of us did not expect, we must do our best to remain unified and send as constructive a message as possible to ensure that they receive the maximum degree of support—support that they deserve. They are in our prayers, and we send them our best wishes for continued success, for continued demonstration that we have the finest forces in the world representing us so ably today, tonight, and tomorrow in the Persian Gulf.

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Mr. President, I thank the majority leader for this time.

I simply echo what the Senator from South Dakota said with considerable eloquence and power. We debated the policy in the gulf, but today is the day to support our military forces, which I believe is the import of this resolution.

All of us pray for a very quick end to this war, and we commend our forces. We support our military and support staff.

I wish to add to what the Senator from South Dakota said—and I think this would be fine with him—we want to put a special emphasis on supporting their loved ones here in our own country.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 1 minute.

Mr. LIEBERMAN. I thank the Chair. I thank the majority leader.

I am proud to stand in support of this resolution and to thank the bipartisan leadership of this Chamber for bringing it forward. The truth is that in a time of war, as we are in now, there are no Democrats; there are no Republicans; we are all Americans. We are all proud to stand behind the men and women in uniform in the Persian Gulf and to support our Commander in Chief.

Mr. President, we are off to a remarkable beginning of this war which was made necessary by Saddam Hussein. A lot of uncertainty remains, but I am so proud to be able to say simply that as a result of what the coalition forces have already done in the Persian Gulf, the world is a safer place this evening than it was last evening.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The majority leader has 7 minutes 46 seconds.

Mr. MITCHELL. Mr. President, I yield 1 minute to the Senator from Colorado and 1 minute to the Senator from Hawaii [Mr. AKAKA] and the remainder of my time to the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. WIRTH].

Mr. WIRTH. I thank the distinguished majority leader for yielding.

Mr. President, this resolution is a very important statement for all of us to make in support of the extraordinarily well trained, brave, and courageous young men and women who have done so very well for the country in the Persian Gulf.

These young people, coming from all across the country, so many of them from my own State of Colorado, deserve our thanks and our support.

The debate is over. We had what I thought was an extraordinarily good debate, with a very broad set of concerns on the Senate floor last Thursday, Friday, and Saturday, and now it is incumbent upon all of us, as it is all Americans, to put our support behind the President and our men and women.

I thank the leadership on both sides for bringing forth this resolution. This is an important statement for all of us to be making. We will be watching these events unfold. This is a very important first step.

I thank the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. President, we are now at war with Iraq because Saddam Hussein has refused to heed the community of nations and withdraw his armies from Kuwait. Like many in Congress and across the Nation, I have been praying for peace—but preparing for the worst.

And now that we are at war and the bombs have begun to fall, my prayers are for our American service men and women who are in harm's way. The families and loved ones of our brave soldiers should know that their anguish and pain is shared by all Americans. Their fears are our fears and their grief is our grief. America stands behind its troops in the gulf.

During the Senate debate on the resolution of war against Iraq, I was very clear about my opposition to war and my support for sanctions and diplomacy. But that debate is behind us. We are now at war and our fighting men and women—many of whom are from Hawaii—need all the encouragement and support that the American public can provide.

This war is not a dispute with the Iraqi people.

Our dispute is with Saddam Hussein and the ruthless conquest of his peaceful neighbor, Kuwait. Because Saddam Hussein has rejected all attempts to resolve this conflict peacefully, the President resorted to a military solution to expel Iraq from Kuwait.

The Pentagon has stated that efforts are being made to minimize civilian casualties. But in an operation of this magnitude, civilian losses are inevitable. And given the volume of firepower being trained on Iraq, casualty figures will rapidly mount.

We can only hope that the overwhelming air superiority of U.S. and allied forces and the inevitability of mounting casualties will bring Saddam Hussein to his senses so that the loss of life can be minimized. The message for Saddam is simple and clear: If you wish to spare your countrymen further anguish, withdraw from Kuwait. The world awaits your response.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

The Senator from Wyoming. Who yields time?

Mr. DOLE. I yield the remainder of our time to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, one of the toughest votes any of us have had to make was last Saturday. This will not be as difficult. It should not be.

It is very important that we show the fine men and women in this theater of operations exactly how we feel, and we are behind them 100 percent. They are in our thoughts and prayers; and, we commend this President for his great courage and patience. He stood by, carried out his mission, and presented the mission to the Secretary of Defense, and then to the Chairman of the Joint Chiefs of Staff, who has just given us the most impressive briefing that we cannot share with our fellow Americans.

I would just simply say that it is not a day—I agree with Senator Lieberman, who is a splendid participant in this debate—for Democrats and Republicans, or liberals or conservatives. It is a day for Americans and Congress to disclose that these people will have our full, total and complete support; and that they have our love, our prayers, and our care. That comes from the President and this Congress.

I thank the majority leader for his efforts today and the minority leader for a job well done.

The ACTING PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

The Senator from West Virginia is recognized for not to exceed 5 minutes 29 seconds.

Mr. BYRD. Mr. President, at 3 o'clock in the morning today, Persian Gulf time, war came to Iraq—the old land of Mesopotamia—the land of the two great rivers, the Tigris and the Euphrates.

It is a land that, from the centuries of antiquity, has witnessed the scenes of marching armies and the carnage of many battles; whose ancient hills and plains and valleys have many times reverberated with the noise of blaring trumpets, the clashing of swords and shields and horses and chariots, the yells and shouts of warriors, and the screams of dying men.

It was there that the Roman legions of the Emperor Julian met the Persian hosts of Sapor in 363 A.D.

And a hundred generations have fallen, like autumn leaves, into their graves since the Macedonian king, Alexander the Great, defeated the Persian monarch, Darius III, at the Battle of Arbela—also called the Battle of Gaugamela—in 331 B.C.

Today war came again to that ancient land. The Iraqi skies were lighted with the fury of battle's fire. The stillness of the desert night was shattered by the sounds of sirens and the blasts of exploding bombs.

While early reports are encouraging, there should be no euphoria over our initial success. This is no time for bombast or hyperbole. Rather, it is a time for prayer—prayer for our brave men and women in the gulf, for the allied forces, and for the innocents who unavoidably will be part of this conflict.

War leaves no nation where it found it, and Iraq will never be the same again. We, too, will pay a price. War loves to seek its victims among the young, said a great Greek dramatist. And my heart goes out to the mothers and fathers and grandparents and wives and children whose pillows at night are wet with the shedding of many tears.

Mr. President, the war that we all had hoped to avoid, but feared would come, has come. For those of us who counseled a different strategy in the weeks before the U.N. deadline, it is now time to unite in our support for the brave men and women of our Armed Forces who will prosecute this struggle and carry the alliance to ultimate victory. If Saddam Hussein had harbored a desperate hope for deep divisions here that he could exploit to his advantage, then he made one more serious miscalculation in his long line of miscalculations. He is a product of a different culture. He has no concept of the kind of open debate that characterizes our representative democracy. Saddam is clever; he is cunning; he is cruel. But, he has no understanding of the hard determination which our Nation will now bring to the task at hand.

So today and for the duration of this war, here in this Chamber, there will be no division, no separating aisle, no party line. Together we stand in our support for the men and women on the front line—one President, one Senate, one Nation, one destiny!

Mr. LAUTENBERG. Mr. President, I rise in support of this resolution. It expresses our strong support for our troops who are skillfully and bravely fighting to turn back aggression and madness in the Persian Gulf.

Our prayers are with our troops and their families. They have our full support. Our troops have the training, the resources and the backing they need. The country is rallying behind them. They must have the best in equipment. They must have the best in medical care. Our military commanders are using the power and the resolve to win as swiftly and decisively as possible, and to achieve our mission with the least harm.

Mr. President, on this vote we are not Republicans or Democrats. We are Americans, hoping and praying for the safe return of our troops. We are Americans, closing ranks behind them. Americans, praying for peace, but determined to do whatever it takes to win.

We are told that Saddam Hussein did not expect the assault that has hit him. Apparently, he also does not understand the way democracy works. Today, we join together, a nation united behind our troops.

Like all Americans, I hope for a quick, complete victory and an end to the fighting.

Mr. DODD. Mr. President, I rise to express my strong support for the pending resolution. And I want to congratulate the joint leadership in bringing it before the Senate in a very timely fashion.

While Congress has had its disagreements over the best course of action in the Persian Gulf, I believe that the time for debate is now behind us. Now is the time to rally behind the men and women who are serving this country proudly in combat. Here in Washington we debated long and hard about their mission. But for the troops in the gulf, the mission was clear from the beginning. They were there to serve their country. And Mr. President, they are doing so with great honor. They make us very proud.

Early reports from the conflict have been encouraging. If they prove to be accurate, we may be able to gain a quick victory over Iraq. But we must not allow our optimism to give way to overconfidence. There may still be a long way to go in this battle. Let us hope and pray for a short conflict and the safe return of our soldiers.

Mr. BOND. Mr. President, today I am deeply saddened that Saddam Hussein's miscalculations have resulted in the need for the United States and its allies to use military force in the Persian Gulf. Unfortunately, however, Saddam's actions have forced us into this action.

It seems apparent from initial reports that our superior capability in the air has proved extremely efficient during the first stage of Operation Desert Storm, effectively neutralizing Saddam's retaliatory capabilities.

I am grateful to the brave men and women of our armed forces, including many Missourians, who are carrying out this operation, for their courage and their superior abilities. They clearly are the foundation of our successful action so far. It is also a great benefit that we had the foresight to invest in the vastly superior technology which is contributing to our success and which is protecting the lives of American men and women. We can be proud of the contribution that Missourians have made to the operation by developing and building much of that technology.

It is important to note that this is an international operation and that forces of 28 nations have allied to oppose Saddam and evict him from Kuwait. Pilots from the British, French, Saudi, and Kuwaiti air forces joined United States pilots in the initial attacks; and all Americans are appreciative of their contribution.

Turning to some of the more long-term issues which we ought to be considering now that armed action has begun—in September the Senate passed a resolution that I introduced calling upon the President to prosecute Saddam Hussein and other Iraqi officials who are found to have committed war crimes. I call upon the President to make it clear that the civilized world intends to follow through on that threat and that we will hold Saddam and his lieutenants responsible for the crimes they have committed against innocent civilians in Kuwait.

Also, once diplomat efforts resume, we should take the opportunity to put pressure on our Arab allies to contribute to long-term Mideast pace by ending their state of war with Israel and sitting down at the peace table. The United States has gone to the farthest extreme to show its good faith and to make clear to the moderate Arab States that we will stand with them—that they can depend on us. When the current military conflict ends, they should repay us, in part, by helping to work for peace with Israel.

We all continue to pray that Saddam will come to his senses and finally announce that he will comply with the mandates of the U.N. Security Council by withdrawing from Kuwait. Saddam's actions have brought us to the point where we have been forced into military action. By announcing a withdrawal, his actions can bring an end to that action so that human suffering can be kept to a minimum. The decision lies with Saddam.

The world stands at a critical moment in history. Now is the time for Americans to unite. I hope the Senate today will pass a very clear resolution of support for our forces. Our fighting men and women stand against aggression overseas, and we must stand in support of them at home. Every American wants peace, and we must pray that this conflict leads to it. Let us all hope that the fighting will end quickly and bring us lasting peace.

Mr. DURENBERGER. Mr. President, the war that we all hoped could be avoided is now upon us. The President and the Congress have committed us to this course of action as leaders of the multinational force. Now, we must do what must be done.

It is absolutely essential that we now unite behind the President and especially behind the men and women of our armed forces. As a nation, together and unified, we will propel our forces to victory. Together, we will win this war that Saddam began 5 months ago. Never is it more true than when a nation faces war, that "In union there is strength."

I am proud to support our forces. The strength of our unity will embolden our fighting men and women. Agree or not with the President in this crisis, we now have a profound obligation to provide all manner of support for our forces.

This resolution provides an appropriate mechanism for us to express our moral and political support. And I thank the leadership of the Senate for bringing forth this resolution. I offer my strong and unequivocal support, and urge each of my colleagues to do the same.

Mr. President, by all accounts thus far, United States and allied forces have fought valiantly and successfully. We all hope and pray that we can sustain this progress and bring the war to a swift and decisive conclusion.

We must be prepared, however, for more difficult times ahead. We confront a formidable opponent, and the war has only just begun. It will take time. We will suffer losses. But we will win. Together. Unified. As one nation, we will endure the sacrifices and celebrate the courage and heroism of our forces.

Our hopes, our prayers, and our constant thoughts are with the U.S. forces and their loved ones here at home.

Thank you, Mr. President. I yield the floor.

WAR IN THE GULF

Mr. BROWN. Mr. President, our Nation is at war. The time for division is past. The brave young men and women of our Armed Forces are even now engaged in the fight to liberate Kuwait from the grasp of one of the world's most brutal dictators.

They are America's best and brightest. All of us here and throughout the United States are proud of their devotion to freedom and liberty, and their willingness to make the ultimate sacrifice on our behalf.

Colorado is especially proud. Last night's massive airstrikes against Iraq—some of the most successful in the history of airpower—were led by graduates of the U.S. Air Force Academy. Military intelligence officers trained in Denver are even now delivering critical briefings to flight crews as they depart for the next assault on Iraq. Units on the ground in Saudi Arabia gearing for action are led by proud Coloradans or by those who expertise was gained while stationed at Fort Carson. Reservists from Colorado are in thick of the action, and many of our best physicians stand ready to attend the wounded should the fighting become even more intense.

Duty called, and America's service men and women have responded. But will we?

A commitment to go to war must not and cannot be half-hearted. Sending our forces into a conflict where they do not have clear military objectives, the unqualified support of the Congress or the necessary resources to accomplish their mission is a formula for disaster. We must take every precaution now to ensure our men and women know of our unqualified support and our commitment to a speedy, total victory.

President Bush's swift response to Saddam's intransigence deserves the Senate's praise. Our President's resolute actions put the safety of American lives first, by committing us to achieve a clear victory with minimum casualties.

We here in the Senate and our colleagues in the House must not do anything that might undermine the safety of those engaged in battle.

The motto of the Marines is "Semper Fi," meaning "always faithful." We in Congress must return the faithful service of our men and women in the Air Force, Army, Navy, and Marines. They are risking their lives on our Nation's behalf. We must have the courage to abandon our differences of opinion, and stand firmly behind our men and women in uniform, and their Commander in Chief.

Mr. LEAHY. Mr. President, these are somber times. This morning I presided over the Senate as we reconvened under the cloud of reports about American and allied air attack against Iraq last evening.

My hopes for peace have given way to the reality of war. Nobody in this body is surprised. In what was the equivalent of a declaration of war, Congress voted last weekend to give President Bush authorization to use force in the gulf. I voted for continuing sanctions to compel Iraq to comply with the U.N. resolutions. I believed war should be the last resort.

There was and is no disagreement between Congress and the President on our goal. Iraq must leave Kuwait. However, many of us in this body differed with the President on how to achieve this objective. Once Congress voted to authorize the President to use force, the die was cast. Absent a dramatic and unlikely reversal by Saddam Hussein, war was inevitable. A vote to authorize the use of force was a vote for war.

Now all Americans support our brave men and women in the Persian Gulf, and pray for their safe and quick return to their homes and families. Initial reports indicate that the U.S. offensive has been massive and that our troops have operated with courage and skill. Let us all pray that the war ends quickly and successfully with as few casualties as possible.

I am also deeply concerned about the likelihood of substantial civilian casualities as the bombing shifts from strictly military targets to the military support structure. Department of Defense officials have indicated that the first wave of targets were military installations and chemical and nuclear plants. I urge the President to continue to take every precaution to avoid civilian casualties.

Mr. President, last night President Bush told the Nation that he hoped our men and women can be brought back quickly and safely. I fervently and completely join in that hope with the President.

Ms. MIKULSKI. Mr. President, this afternoon, my thoughts and prayers are with the men and women who are on the frontlines. Like so many people, I had hoped that it would not come to this. Now that our troops have been called to arms by the President, we must do everything we can to ensure that no American is in battle any longer than is absolutely necessary.

There can be no second-guessing, and no looking back. The debate on our policy ended with the vote last Saturday. Now, our actions and our words must back up the gallant men and women of our Armed Forces.

Every one of our troops in the desert is there at tremendous sacrifice and great risk. They are ordinary men and women who have been called to an extraordinary moment. And they have responded quickly and gallantly. We all owe them a great debt of gratitude.

I have been moved by their fitness for duty and extraordinary commitment. The last 24 hours have been a roller coaster of emotions. Hope for a last minute peace. Sadness that we found ourselves at war. Pride in the incredible job our Air Force, Navy, Coast Guard, Marines, and Army are doing. And pain at the loss of a single young American.

Our commitment must be more than ribbons and good words. We must back our commitment with action.

Mr. BRYAN. Mr. President, last night American and allied air forces began Operation Desert Storm, the enforcement of the U.N. resolutions calling for the complete withdrawal of Iraq from occupied Kuwait.

This is a war brought on by the aggression of Saddam Hussein. The Iraqi dictator rejected every effort to negotiate, to talk, and to withdraw. During the last few days, since Secretary Baker's meeting with the Iraqi Foreign Minister, every American has held out the hope that the Iraqi forces would withdraw. Our hopes have been crushed.

Now American forces are engaged in a great battle, waged in the dangerous skies above Iraq and Kuwait. Initial reports indicate that the strikes have been successful. But the American people should guard against the euphoria generated by the positive reports we have so far heard. While we all hope for a quick and painless conclusion to this war, history reminds us that this is not the usual course for war.

And we should not be blinded by the good news that our technology and machines of war are working well. The euphoria many felt after last night's glowing reports should be tempered by the sober reality that no Iraqi soldiers have yet been withdrawn from Kuwait.

More than a hundred years ago a witness to war's ravages wrote:

> You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it.

So wrote William Tecumseh Sherman about the brutal war he witnessed, our own Civil War. The cruelty of war is the bill Saddam Hussein is handing not only to his victims in Kuwait, our allied forces, but also to his own innocent civilians. We should entertain no illusions that the cost of stopping Saddam Hussein's ambitions, and defeating his lust for power and territory, will be cheap.

It is this dictator's unyielding stance, his inability to see reason that has brought his country this catastrophe. This dictator has already cost the life of one American pilot, and there have been British losses.

Saddam Hussein's ambitions have taught the world anew the need for collective security; for free nations to stand side by side and resist aggression. This century the world has been taught the bitter lesson that aggression not resisted firmly and early brings only worse and harsher wars. Nazi aggression in the 1930's, unchecked by the Western democracies and their well-meaning, but ultimately self-defeating, policy of appeasement, led to the worst war in history.

If history teaches us anything, it is that to yield to aggression is to invite more aggression, more war, and more disaster.

When diplomacy fails, when right meets unyielding wrong, when men and women of peace confront aggressors, we turn to the men and women of our armed services.

They are doing a magnificent job.

A few weeks ago I visited our forces in the Persian Gulf and witnessed firsthand their professionalism, their confidence and their patriotism. We in this country should be proud that the same spirit that reached for the musket and the long rifle above the hearth before Bunker Hill is still alive and well. That Americans, slow to anger, willing to give the diplomats their time, willing to be patient, are unwilling to surrender to aggression.

As a Nevadan, I am proud of the National Guard units sent to the gulf. As I watched television last night and heard of the airstrikes, it was with pride and concern that I thought of the Nevada Air National Guard reconnaissance unit, knowing that their Phantom jets would be flying into Iraq and Kuwait to assess the damage after the airstrikes.

Nevadans should be proud of the fact that the success over the skies of Iraq and Kuwait was born over the skies of Nevada. The contribution of Nellis Air Force Base and Fallon Naval Air Station to the preparedness and training of our forces has been a key ingredient in our success. Nevadans have many friends in the air over Iraq and Kuwait, pilots and airmen who trained at our airbases, and flew in our skies.

It has been said often in the last few days, that armies do not go to war, nations do. Our brave men and women need our support. They are facing grave dangers, nothing less than the hell of war. It will not make their task any easier, nor speed their return home, for this country to be torn apart by division. The record shows that our Armed Forces were not the aggressors, that the United States seeks not a single foot of Iraqi territory, that Americans wish nothing more than a quick conclusion to hostilities so that our service men and women in the Persian Gulf can return to our shores.

Saddam Hussein will regret the day that he underestimated our resolve, and he has made a mortal miscalculation that his military can possibly prevail against our united forces.

Now that the issue has been joined in the air over Iraq, our prayers and hopes should be for our Armed Forces in the field, and their families here at home. Our Nation should unite in solid unyielding resolve that this conflict be as swift and complete as possible. Long wars are costly wars, and we should spare no effort to make our victory a swift one, for a prolonged conflict will only add to the suffering and human cost.

Mr. HATFIELD. Mr. President, since its inception, I have vehemently opposed the policy which has brought us into this war. Even if the casualties of this war remain what we so delicately call "minimal," I believe with all my heart that any casualties on either side are too many.

That said, hundreds of thousands of this Nation's sons and daughters are now at war.

Those men and women volunteered to serve this country, and this country has put them there. I am proud of their courage, and grateful for their commitment to our country. No matter what our views on the policy, those people who have been called upon to implement it deserve our full support and fervent prayers. As an American, as a former officer in the U.S. Navy and as the father of four children, I humbly offer that support and those prayers to each and every one of them and to their families here at home.

These last hours have been solemn ones around the world. Some of human history's most lethal weapons have now been unleashed, and the expected and the unexpected results will be unfolding for years to come. I pray that we do not become blinded to the possibilities of long and bloody ground combat by what appear to be the initial successes of our air attack.

Above all, Mr. President, I pray that we do not become blinded to the possibility of peace in the midst of war. For the sake of our young men and women on the frontlines, and indeed for the sake of all humanity, war, and diplomacy must not become mutually exclusive.

Even now, the possibility of peace is very real indeed. As the air war appears to wind down, I urge the President to pause and consider a diplomatic overture to the Iraqis—before our nations become locked into a bloody ground war.

Our young men and women have pledged their loyalty to this country and have shown the courage to wage war, Mr. President. Can our leaders muster the courage to also wage peace?

Mr. MURKOWSKI. Mr. President, the time for debate has ended. It is now time to express support for the President, our troops, and the troops of the coalition, currently engaged in the liberation of Kuwait.

The debate we have had here in Congress over the past few weeks has served a very important purpose; it provided Saddam Hussein with a basic civics lesson in democracy. In a democracy we debate our policy goals and all methods available for achieving those goals.

On January 12, we in Congress voted to support our President and our troops abroad in authorizing the use of all necessary means to push Saddam Hussein back from Kuwait. Last night, President Bush determined that the "world could wait no longer."

As Commander in Chief, President Bush—in conjunction with the multilateral forces—ordered a massive air strike of key strategic and military targets in Iraq and Kuwait. U.S. forces "struck with an iron fist," but the President also held out the "olive branch of peace" to the Iraqi people. Let us hope they can be welcomed back into the peaceful world community within the next dew days. I admire and support our President in making these difficult decisions.

Based on contacts with the administration and our intelligence agencies, it appears that the initial reports coming out of Iraq and Kuwait show a highly successful operation with very low casualties. It is much too early in the operation to draw any conclusions, but there seems to be room for optimism.

President Bush made clear in his statement that he prayed we would not see one American casualty, or one Iraqi lost, but that Saddam Hussein himself must bear the brunt of that burden. Saddam Hussein had it in his power to keep the peace by withdrawing his troops, but he chose instead to dig in.

Now that our troops are engaged in maneuvers, we are all praying that this will indeed be a quick and decisive campaign, with as little loss as possible. In that light, it is useful to reflect on the preemptive strike taken by Israel in 1981 to cripple Iraq's nuclear ambitions. Should that strike not have occurred, we may have been facing an even greater threat today.

I was also pleased to learn that the President authorized the drawdown of our strategic petroleum reserve. We have already seen the reaction of the market, with oil prices stabilizing between $20 and $25 per barrel. Numerous American oil companies have announced a freeze on gasoline prices, minimizing the effects on our domestic economy.

So what can Saddam Hussein have learned from his civics lesson? While debate can and does occur in America, and indeed America prides itself on this debate, the Nation stands united today, united with our troops, our President, our coalition forces, and united to liberate Kuwait.

We take great pride in the performance of all our Armed Forces.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD:)

• Mr. GLENN. Mr. President, the President's decision to launch Operation Desert Storm means that last week's debate over whether or not to use military force against Iraq is now over. Now that American troops are engaged in combat, there are no Democratic partisans and no Republican partisans. We are all American partisans, and we all stand united behind our troops in the field. Our goal now must be to bring this war to a successful conclusion with as few casualties as possible.

All reports indicate that our military operations so far have been extremely successful, and I am immensely proud of the spectacular job that has been done by our air crews and their support personnel in the early going. Our prayers are with them and their families. Let us hope that Saddam Hussein will soon see the handwriting on the wall, agree to pull out of Kuwait, and bring this war to a speedy conclusion.•

Mr. KASTEN. Mr. President, I rise today to commend our men and women stationed in the Middle East and the President who is their Commander in Chief.

In the first 23 hours we have achieved a tactical surprise which no one expected to be so effective and successful. This result stems from the high degree of competence and professionalism our Armed Forces possess. I am particularly proud of the Wisconsinites who are doing an oustanding job as part of our overall effort.

We had hoped to settle this peacefully, but now we must be resolved to win. The brave men and women that have been sent into harms way were sent there to defend against naked aggression. I think they have begun to do so effectively.

Our goal here is one of peace. In this case Saddam Hussein has not heeded our warning and in doing so, has forced us to send him a clear message. We will win—and win with peace as our goal for the future.

Mr. GORTON. Mr. President, for more than 200 years Americans have been called upon to risk their lives in defense of the sacred principles of justice and self-determination.

Sometimes that service is as near as Bunker Hill. Beginning last night it was as far away as a storm in the deserts of the Middle East.

It is tragic that it has come to this. Tonight we have joined together. The Senate has resolved, unanimously, to stand firmly behind our President and our men, women, and allies on the front lines.

I believe that history will record this event as pivotal. History will record that we—the United States and the United Nations—soberly and prayerfully debated whether ending Saddam's brutal aggression was worth the terrible human costs of war.

We have answered this question correctly: We have said that the leader, the shining light of this world, must be willing to commit its most precious resource, its young men and women to the noble cause of justice, freedom, and peace, bound together now as always.

Every tyrant will take note of the truly profound warmaking capacity of the world united against Saddam Hussein. Every tyrant will be impressed by our dedication.

The bitter lesson we seek to impose on Saddam Hussein will prevent a far greater loss of American and allied lives which would have been made inevitable by allowing his aggression to succeed.

For we have shown other would-be aggressors of the world that they too will be punished with moral certainty and mortal consequence should they seek to swallow their neighbors.

We will never know how many acts of aggression and brutalization we have already prevented by this just use of force.

To close, Mr. President, I have two thoughts.

Through this somber day, a bright hope may yet emerge: My grandchildren, offspring of a serviceman themselves, may be spared war's horrors by the swift and sure response their father's peers are inflicting tonight.

May God ride with our servicemen.

Finally my heart goes out to the families whose loved ones are displaying their courage and skill this minute in the desert. Their pride must be tempered by their fears, and we, as community and nation, must place them all first in our thoughts and prayers as this conflict continues.

Mr. LIEBERMAN. Mr. President, John F. Kennedy, in remarks, prepared for delivery at the Dallas Trade Mart Luncheon on November 22, 1963, said that "we in this country, in this generation, are—by destiny rather than choice—the watchmen on the walls of world freedom."

There comes a time when watchmen must act to preserve the freedom that is borne of good, that protects us from evil. This is such a time. We are now joined in a conflict from which there can be no turning back. Because a victory by Saddam Hussein would be a victory of anarchy over order, war over peace, brutality over liberty, immorality over morality.

"A sound of battle is in the land, and of great destruction." That is how Jeremiah describes the battle againt Nebuchadnezzar, King of Babylon, a brutal dictator of history, and a hero to Saddam Hussein.

My thoughts turn first to God, and I pray He will lead the way toward peace, and protect our brave young men and women as they find themselves in harm's way. Our soldiers are heroes, and let no one doubt that they are risking their lives so that the security and stability of a civilized world can be preserved.

My prayers are for the families, too, the mothers and fathers, sons and daughters, brothers and sisters of those who serve in Operation Desert Storm.

I support American policy and President Bush in this time of great crisis. The President is a man of strength, courage, and prudence. I am confident he would not have initiated Operation Desert Storm if he had the faintest glimmer of hope that Saddam Hussein would end his aggression. To commit a nation's troops to battle is the most difficult decision a President can make. That he chose to do so is testament to the strength of his belief that this dictator must be stopped now. I agree with his judgment that, once war is begun, it must be waged to the fullest, lest even more lives are lost. As an Air Force sergeant in the Persian Gulf wrote to me just this week, "I do not hope we go to war * * * but if we do I hope that our government will let us fight it to our fullest potential."

We all pray that this war will conclude with dispatch, and that casualties will be low—on all sides, if possible. As I said on the floor of the Senate, in debate on the resolution authorizing the President to take the action he has undertaken tonight, "None of us wants war." None of us, all the way up to the President of the United States, who has known war, wishes to wage war. But we must, as Lincoln said, be ready to accept that war may be required.

Let us face the awful task before us with the conviction that the price we set for a civilized world is a price we are willing to pay.

Mr. MITCHELL. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. The yeas and nays have been ordered.

The question is on agreeing to the concurrent resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

I also announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—98

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NOT VOTING—2

Cranston
Glenn

So the concurrent resolution (S. Con. Res. 2) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

The ACTING PRESIDENT pro tempore. I move to lay that motion on the table.

Without objection, the motion to lay on the table is agreed to.

Mr. HEINZ. Mr. President, we have just had a vote of 98 to nothing on the pending resolution. Our presence here on the floor this afternoon to support the Commander in Chief and honor our brave men and women in the gulf is, of course, not an indication that the conflict is over. Of course, we all know it has just begun. Our actions do not mark the beginning of the end but the end of only the beginning. We all need to be aware that many more difficult days lie ahead.

The fact that this conflict has only just begun, despite the remarkable successes of the past 24 hours—and thank God for them—makes our vote of support for this resolution part and parcel of our efforts to attain the victory required to achieve our goal of forcing Iraq out of Kuwait. For without our support in this body, without the support of the American people, the struggle ahead would be only that much more difficult for our forces in the Middle East.

And, as to the forces, Mr. President, I want to say that I am immensely proud of those young men and women. I think I speak for all of us here when I say that they have undertaken a dangerous and difficult job with cool professionalism and quiet desperation. So it is with deep pride that I join with many in this body, maybe all, in saluting our sons and daughters so far away.

Our purpose here, Mr. President—and we have just done so—is to express our support for our President and our forces. But I also want to let this resolution serve another purpose as well. By a 98 to 0 vote, the Senate of the United States has reminded Saddam Hussein once again that he cannot and will not prevail. The American people cannot and will not be divided.

So I would add only one other thought, Mr. President. Through this resolution, we are telling our young men and women in uniform that we love them and that we support them and that we pray for them. To Saddam Hussein I say this: Do you love and honor your own young people? If so, let us stop this senseless waste of lives.

Our young men and women overseas are fighting for a cause long familiar to Americans, a cause we support, a just cause they support. The young Iraqi men whose lives Saddam has chosen to waste will only be sacrificed to the imagined glory of a tyrant. Again, I say to Saddam Hussein: Read this resolution, and read it carefully. The American people, the Congress, the President and our fighting men and women, our precious children are standing as one, both at home and with our allies against you. You cannot prevail and we call upon you. Saddam Hussein, in the name of your children, your country's children and ours, to stop and end this conflict now.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, I will momentarily seek consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

I am advised by staff that several Senators expressed a desire to speak now. The Senate will then recess until 2:30 p.m. on Tuesday.

I have requested from the administration a briefing tomorrow for all Senators, a classified briefing, and I will make announcement through the respective cloakrooms tomorrow morning in that regard. So those Senators who wish to receive an up-to-date briefing as of tomorrow during the day, that will be the case.

There will be a pro forma session tomorrow. It will be pro forma only. No business will be transacted at that time.

So Senators should be aware there is a briefing tomorrow, and at the time of that briefing or thereafter, I will make an announcement with respect to subsequent briefings.

There will be a pro forma session only tomorrow. We will recess over until Tuesday at 2:30 p.m.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

COMPLYING WITH SECTION 2(b) OF THE AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION

Mr. BYRD. Mr. President, I ask unanimous consent that the President's letter pursuant to section 2(b) of the authorization for use of military force against Iraq (H.J. Res. 77, Public Law 102–1) be printed in the RECORD at this point.

There being no objection, the President's letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE
Washington, January 16, 1991.

Hon. ROBERT C. BYRD,
President Pro Tempore of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Pursuant to section 2(b) of the Authorization for Use of Military Force Against Iraq Resolution (H.J. Res. 77, Public Law 102–1), I have concluded that:

1. The United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with U.N. Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, 677, and 678; and
2. That those efforts have not been and would not be successful in obtaining such compliance.

Enclosed is a report that supports my decision.

Sincerely,

GEORGE BUSH.

REPORT FOR USE IN CONNECTION WITH SECTION 2(b) OF THE JOINT CONGRESSIONAL RESOLUTION AUTHORIZING THE USE OF MILITARY FORCE AGAINST IRAQ

The report that follows is a summary of diplomatic and other peaceful means used in an attempt to obtain compliance by Iraq with the twelve U.N. Security Council resolutions relating to its invasion and occupation of Kuwait. It is not a definitive rendition of these means, because the Administration cannot, of necessity, include at this time all the factual data that would support a complete historical record. This report, therefore, should be considered in light of formal and informal information already provided to the Congress and that which will be provided in the future.

1. BACKGROUND

For over five and a half months, the international community has sought with unprecedented unity to reverse Iraq's brutal and unprovoked aggression against Kuwait. The United States and the vast majority of governments of the world, working together through the United Nations, have been united both in their determination to compel Iraq's withdrawl from Kuwait and in their strong preference for doing so through peaceful means. Since August 2, we have sought to build maximum diplomatic and economic pressure against Iraq. Regrettably, Iraq has given no sign whatever that it intends to comply with the will of the international community; nor is there any indication that diplomatic and economic means alone would ever compel Iraq to do so. Instead, Iraq has continued to reject the relevant U.S. Security Council resolutions and refuses to recognize them.

From the beginning of the Gulf crisis, the United States has consistently pursued four basic objectives: (1) the immediate, complete, and unconditional Iraqi withdrawal from Kuwait; (2) the restoration of the legitimate Government of Kuwait; (3) the protection of U.S. citizens abroad; and (4) the security and stability of a region vital to U.S. national security. In pursuit of these objectives, we have sought and obtained action by the UN Security Council, resulting in twelve separate resolutions that have been fully consistent with U.S. objectives.

The last of these twelve resolutions, UN Security Council Resolution 678 of 29 November 1990, authorizes UN Member States to use "all necessary means" to implement Resolution 660 and all subsequent relevant resolutions of the Security Council, and to restore international peace and security in the area, unless Iraq fully implements those resolutions on or before January 15, 1991.

The nearly seven week "pause of goodwill" established in UN Security Council Resolution 678 has now passed. Iraq has taken no steps whatever to fulfill these requirements. Iraq has forcefully stated that it considers the Security Council's resolutions invalid and has no intention of complying with them at any time. Iraqi forces remain in occupation of Kuwait, and have been substantially reinforced in recent weeks rather than withdrawn. Iraq has strongly and repeatedly reiterated its annexation of Kuwait and stated its determination that Kuwait will remain permanently a part of Iraq. The Iraqi closure of diplomatic and consular missions in Kuwait has in no way been rescinded.

In short, the Government of Iraq remains completely intransigent in rejecting the UN Security Council's demands—despite the exhaustive use by the United States and the United Nations of all appropriate diplomatic, political and economic measures to persuade or compel Iraq to comply.

This has been a truly international effort. More than two dozen other countries have sent their own military forces to the Gulf region, including more than 250,000 troops. They have given or pledged substantial funds and other assistance to us for our operations, including over $8 billion in calendar year 1990 alone. They have taken on the responsibility for assisting those nations that have suffered the most from the effects of international sanctions against Iraq and higher energy prices. As additional costs are incurred during 1991, we will look to our allies to shoulder their fair share of our military expenses and exceptional economic assistance efforts.

2. DIPLOMATIC AND POLITICAL ACTIONS

The extensive diplomatic and political efforts undertaken by the United States, other countries, regional organizations including the Arab League and the European Community and the United Nations to persuade or compel Iraq to withdraw from Kuwait have not succeeded. The UN Security Council and General Assembly have overwhelmingly and repeatedly condemned the Iraqi invasion and demanded Iraq's immediate and unconditional withdrawal from Kuwait. The Security Council has invoked its extraordinary authority under Chapter VII of the UN Charter, not only to order comprehensive economic sanctions, but to authorize the use of all other means necessary, including the use of force. The Security Council has directed other UN organizations (e.g., the International Atomic Energy Agency) to take appropriate actions toward the same end within their areas of competence, and they have done so where relevant.

The President, the Secretary of State and other U.S. officials have engaged in an exhaustive process of consultation with other governments and international organizations. The Secretary of State alone has, since August 2 of last year, held more than 250 meetings with foreign heads of state, foreign ministers and other high foreign officials. He has traveled over 125,000 miles in the course of these contacts. While this extensive diplomacy has been very successful in maintaining international solidarity in support of our objectives, it has not caused the Government of Iraq to withdraw from Kuwait.

Most recently, on January 9, the Secretary of State met at length in Geneva with Iraq Foreign Minister, who in six and one-half hours of talks demonstrated no readiness whatever to implement the U.N. Security Council resolutions. The Iraqi Foreign Minister even refused to receive a diplomatic communication from the President intended for Saddam Hussein. On January 13, the U.N. Secretary-General was rebuffed by Iraq for a second time, in this case in a direct attempt to persuade Saddam Hussein to withdraw from Kuwait peacefully. Many other heads of state, foreign ministers and private persons have made similiar attempts. In short, the internationl community has in an unprecedented way directed the full scope and vigor of its political and diplomatic means to produce an Iraqi withdrawal.

These exhaustive efforts have produced not the slightest indication of any intention by Saddam Hussein to meet the demands of the international community for immediate and unconditional withdrawal from Kuwait. For our part, the Administration made clear that there could be no reward for aggression lest we undermine prospects for an expanded constructive role for the UN Security Council and for a new, more peaceful world order. Attempts to link resolution of Iraq's aggression against Kuwait with other issues were rejected on the grounds that these issues were unrelated to Iraq's aggression and that such efforts would only serve to divert attention from the immediate challenge posed by Iraq.

3. ECONOMIC SANCTIONS

Since August 2 (in the case of the United States) and August 9 (in the case of the Security Council and the other UN Member States), comprehensive economic sanctions have been imposed on Iraq, prohibiting all trade and financial transactions with Iraq, with the exception of goods for a very limited category of essential humanitarian purposes. These sanctions have since August 25 been backed by an extensive maritime interception effort involving warships of many states, and since September 25 by rigorous controls on air traffic to and from Iraq. The United States and other countries have engaged in tireless efforts during this period to uncover and defeat attempt evasions of these sanctions around the world, whether by direct attempts to pass through the allied interception cordon or by the use of financial and trade intermediaries.

Our efforts have resulted in a very substantial reduction of the volume of trade to and from Iraq, and significant shortages in Iraq's financial resources. The most serious impact on Iraq thus far has been on the financial sector, where hard currency shortages have led Baghdad to take a variety of unusual steps to conserve or obtain foreign exchange. The sanctions have shut off 97% of Iraq's exports and more than 90% of its imports, and have prevented Baghdad from reaping the proceeds of higher oil prices or its seizure of Kuwaiti oil fields. The departure of foreign workers and the cutoff of imported industrial inputs has caused problems for a variety of industries.

Notwithstanding the substantial economic impact of sanctions to date, and even if sanctions were to continue to be enforced for an additional six to twelve months, economic hardship alone is highly unlikely to compel Saddam to retreat from Kuwait or cause regime-threatening popular discontent in Iraq. Due to a reduction of domestic consumption, cannibalization of Kuwaiti facilities, smuggling, and use of existing stockpiles, the most vital Iraqi industries do not appear to be threatened. The price of foodstuffs for the Iraqi population has sharply increased and rations have been reduced, but there is still access to sufficient staple foods, and new supplies are being injected from the fall harvest and smuggling.

While we might succeed in substantially reducing the overall Iraqi supply of food and other essential consumer commodities, Saddam Hussein has made clear his willingness to divert such supplies to his military forces, even at the cost of severe deprivation of his civilian population. Even if the international community were prepared to deprive the Iraqi civilian population of food, there is no reason to believe that this would change Saddam Hussein's policies.

The ability of Iraqi armed forces to defend Kuwait and southern Iraq is unlikely to be eroded substantially over the next six to twelve months even if effective sanctions could be maintained. Iraq's infantry and artillery forces probably would not suffer significantly, since Iraq could maintain the relatively simple Soviet-style weaponry of these forces. Low-technology defensive preparations could also be expanded. Iraqi's armored and mechanized forces would be degraded somewhat, but Iraq has large stocks of spare parts and other supplies that would ameliorate this effect. Iraqi air forces and air defenses would likely be hit far more severely by continued effective sanctions, but in any case, Iraqi air defense and air forces would play a limited role—in relation to the ground forces—with respect to Iraq's ability to hold Kuwait.

In short, while sanctions might degrade to some extent the operational readiness of some portion of the Iraqi armed forces, it is clear that Iraq would still retain very large and powerful land and air forces, as well as substantial capability to replace ammunition and other essential replacement items. Delay would also have important military consequences that might make any eventual military action more costly and increase U.S. and coalition casualties. Iraq has already exploited its five-month occupation of Kuwait to increase significantly its ability to resist coalition efforts to restore that country's sovereignty and to increase further its already formidable military capability. Iraq has increased the size of its forces in the Kuwait Theater of Operations by 450,000 personnel and has increased the overall size of its armed forces by mobilizing many thousands of combat veterans and reservists. Additional time has already permitted the Iraqis to extend and reinforce their fortifications along the Saudi border; more time would only make these defenses more formidable. Delay also would give the Iraqis more time to further develop, produce and weaponize weapons of mass destruction, thus making any eventual conflict more destructive and strengthening Iraq's ability to coerce other nations with the threat of mass destruction. Delay may also degrade the readiness of coalition forces.

In short, international sanctions have not caused Iraq to comply with the January 15, 1991 deadline in UN Security Council Resolution 678, or to retreat from its insistence that its annexation of Kuwait is permanent. Even if the world community were able to maintain the current high level of success in sanctions enforcement, these economic results would not produce such compliance.

Further, the longer the sanctions continue, the more likely it is that leaks in the sanctions enforcement system will develop, that intermediaries will devise ways to circumvent sanctions, and that Iraq will find means of using its own resources to fill critical shortfalls. Even more important, if the coalition fails now to carry through on the UN Security Council's demands for immediate Iraqi withdrawal from Kuwait, there will be strong pressures and temptations on various countries to ease their enforcement of sanctions and to compromise on demands that Iraq meet existing objectives fully and unconditionally.

In summary, diplomatic and economic pressures have not diminished Iraq's intransigence despite five and one-half months of unparalleled international effort, and continued reliance upon them alone could risk achieving the basic objective of bringing about Iraq's complete and unconditional withdrawal from Kuwait.

JANUARY 16, 1991.

WAR IN THE GULF

Mr. PELL. Mr. President, I am saddened. The war that we all had hoped against hope would not happen has now begun. As our Armed Forces gird for continued combat, I wish success to our brave soldiers, sailors and air men and women; and I pray for their safe return.

Saddam Hussein committed a grievous error when he invaded Kuwait and defied the United Nations' call to withdraw from the territory that he criminally seized and pillaged. He now knows that the United States and its allies in the gulf were serious about enforcing the January 15 deadline set by the U.N. Security Council.

Iraq has suffered considerable damage from the first wave of the allied attack, and it will suffer much more as and if the war continues. Now is the time for Saddam Hussein to come to his senses and withdraw from Kuwait. That is the only way to spare his country from widespread destruction.

Saddam Hussein's callous disregard for the fate of his own country stands in stark contrast with the concern demonstrated by American military commanders to avoid causing civilian casualties in Iraq. Under our military rules of engagement, only military targets are being hit, and there must be certainty that the targets are indeed military ones before they are attacked.

It is not in America's interest to destroy Iraq as a country. Our quarrel is not with the Iraqi people but with the tyrant that rules them. Saddam Hussein's thuggish regime may well collapse under the pressure of war, and it does not serve our long-term interests in the region for Saddam's successor to inherit a nation in ruins.

As we reflect on the events of yesterday and today, we in America should be thankful that all but one of our aircraft returned safely to their bases. But there are no grounds for rejoicing. One American pilot has already lost his life, and there may be many more casualties before the fighting ends. We are all proud and supportive of our military forces, and we wish them Godspeed. But the conflict may continue for many days or weeks, and many lives could be lost.

Even though war has begun, the search for peace must continue. We should leave no stone unturned in an effort to persuade Saddam Hussein to withdraw from Kuwait so that peace can be restored. I do not know if Saddam listens to anyone or values anyone's counsel; but if he does, we must try to get the message through to him that the war will indeed end if Iraqi forces are withdrawn from Kuwait and that there are nonviolent alternatives for Saddam to resolve his differences with Kuwait and other nations in the area.

In the meantime, I believe all of us—those of us who voted against the President, as well as those who voted with him—should close ranks and support our President and bring this war to a successful and speedy conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recongized.

Mr. NUNN. I thank the Chair.

(The remarks of Mr. NUNN pertaining to the introduction of S. 237 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THUS BEGINS THE LESSON

Mr. COATS. Mr. President, last night America began the application of overwhelming force in a cause that is both vital and just. We were exhaustive in our search for peace. We are justified in our conduct of war.

We fight, not for conquest, but with plans for a peaceful world. Remembering our own essential interests, we have not forgotten the suffering of others or the guidance of principle.

The details of our actions are still obscured by the pace of events. But the news so far tells of a triumph of American and allied arms, achieved according to the best in our military tradition. Precautions have been taken to spare the innocent. But no effort has been spared to strike the guilty. Once war has begun, the tenacious and total application of our strength is the quickest route to peace.

Yet the final success of our efforts will not be measured by the speed of our victory but by the justice of our cause. This will be the judgment of history and the burden shared by those who voiced their support for the President just days ago.

I bear that burden with prayer and anguish, but also with the assurance of hard reflection.

The chant of "Blood For Oil" is tired and empty. It rings hollow and timid in the face of advancing, aggressive brutality. Saddam Hussein does not seek control of oil to squeeze consumers of a few extra pennies at the pump. He seeks it to fund a military machine, to gain nuclear weapons, to unleash worldwide terrorism, and to bring tyranny to his neighbors. It is a threat of global reach and direct American interest.

But the moral case is also clear—as clear as in the gathering storm before World War II. Hussein is not an Arab nationalist, an updated Nasser. He is the author of uncounted atrocities. He is an aggressor of limitless ambition. His actions in Kuwait have revealed a bloody fanaticism.

His crimes exhaust the catalog of depraved hatred—the torture and murder of women and children, the use of chemical weapons against his people, the practice of terror and oppression.

Our actions in the Middle East are supported by both the breadth of our interests, and the depth of our outrage.

Now we hope for a broad and sure justice. We fight to transform Husein's pride into fear of approaching retribution. We do it without joy, but with certain commitment. And I believe the President deserves our firm support and urgent prayers.

Our actions have given evidence of a new world order. But it is simply the way the old order should have been—confronting aggression, seeking justice and defending the weak. That is the most effective way to ensure a lasting and honorable peace. That is that most effective way to guarantee our interests. And that is the American tradition.

Saddam Hussein calculated that aggression would be rewarded. He counted that we would ignore the pain of the oppressed. He bet that we would be paralyzed by division.

Thus begins the lesson.

SUPPORT OF SENATE JOINT RESOLUTION 35

Mr. SPECTER. Mr. President, I am pleased once again this year to join the distinguished Senator from South Carolina [Mr. HOLLINGS] and others in cosponsoring Senate Joint Resolution 35, a joint resolution to amend the Constitution to overrule the Supreme Court's erroneous decision in Buckley versus Valeo and allow Congress to regulate campaign spending. Because of the decision in Buckley, this constitutional amendment is the most direct way of establishing limits on campaign spending, which are so urgently needed.

The evidence is clear that campaign spending is out of control. Between 1974 and 1988, spending is the average Senate campaign increased from less than a half million dollars to almost $3 million. Final figures from the 1990 campaign are not yet available, but the data suggest that this trend continued. During the same period, spending for the average House race increased from about $50,000 to almost $300,000. Even if we use constant dollars to factor out inflation, the evidence demonstrates that costs have escalated dangerously. The 1988 Senate races cost almost 300 percent more, on average, in constant dollars than the 1974 races. In constant dollars, 1988 House races were more than twice as expensive as 1974 campaigns. And despite popular misconceptions, Democrats, on average, spend more than Republicans. Priority for me, and one of the policies that I believe must be addressed is spending limits, which help create a level playing field.

I come to this conclusion from personal experience. The 1974 legislation that was struck down in Buckley provided that Senate candidates in the 1976 primary in Pennsylvania would be limited to spending $35,000. That was just about all the money I had, and as no other candidate could spend more than that, I thought the same odds faced all primary candidates and decided to enter the race. On January 29, 1976, however, the Supreme Court decided Buckley and held that any candidate could spend as much of his or her own money as he or she chose. The Court upheld the limits on direct contributions. All of a sudden, the playing field that had been even was titled. The decision in Buckley provided me with firsthand experience on the importance of having preestablished campaign spending limits.

Mr. President, some opponents of this proposal to allow Congress to regulate campaign expenditures have argued that even if Buckley was wrongly decided, it would be an even greater mistake to pass this amendment and restrict first amendment rights. To this argument I respond that in my judgment we are not affecting a matter at the core of the first amendment, we are not restricting speech. Rather, this proposal would allow regulation of campaign spending. The two matters should not be equated under the first amendment. The Supreme Court, in Buckley, erroneously chose to equate the two. The Constitution expressly provides that Congress may correct such errant decisions of the Supreme Court through the amendment process. Thus, while the Constitution is sacrosanct, decisions of the Supreme Court, especially split decisions, are not. The Framers intended that Congress be able to overturn erroneous decisions. Hence the existence of the amending process.

It must be borne in mind that in passing this amendment, we would only be authorizing Congress to legislate in the area of campaign expenditures, we would be furthering debate on this important public issue. Article I, section 4 of the Constitution vests the authority in Congress to regulate national elections. The issue of campaign spending is too important to be left beyond the ability of the political branches to debate and address. Therefore, Mr. President, I urge my colleagues to consider this amendment carefully. When they do so, I am certain that they will recognize the need for this amendment and will support it.

CRISIS IN THE BALTIC STATES

• Mr. GLENN. Mr. President, I commend the Senate leadership on the timely introduction and passage of Senate Resolution 14 expressing the sense of the Senate concerning the unfolding crisis in the Baltic States. I have been following developments in the Baltic States with increasing concern and dismay. I hope that the Congress and the administration can speak with one voice, one strong and unanimous voice in opposition to the use of Soviet military forces against the peoples and governmental institutions of the Baltics. We cannot be silent in the face of the very real threat that force will be used to deprive the Baltic people of their newly reclaimed right to self-determination.

Mr. President, I have no way of knowing whether Soviet President Gorbachev knew of and/or approved last weekend's assault on the broadcasting facility in Vilnius. But whether he knew about and authorized this particular action is of lesser concern than the fact that he has repeatedly threatened to impose emergency Presidential rule in the Baltic States if they do not bow to Moscow's will. And he has certainly been vigorous in his defense of the military's unprovoked attack on unarmed civilians. If he did not authorize this recent action, he is certainly in a position to do something to correct the mistake by removing the Soviet troops from the streets of Vilnius and Riga and rescinding the threats made against the democratic governments of those states.

These claims the Soviet central government has been making about secret Lithuanian military plots and similar charges by the unknown and unseen National Salvation Committee that Lithuania, which has no army, is preparing to begin "direct military actions" is sheer and utter nonsense. It would be laughable if it were not so reminiscent of the justifications put forward by the Kremlin in the past for their interventions in other countries, like Hungary and Czechoslovakia.

I am extremely concerned by the increasing evidence that President Gorbachev is turning his back on his own political and economic reform programs. In my view, any attempt to reimpose tight central control and turn back the clock on the reforms will result in chaos throughout the Soviet Union. I implore President Gorbachev to send the army back to the barracks and to commit his government to a peaceful negotiated resolution with the duly elected governments of the Baltic States.•

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,133d day that Terry Anderson has been held captive in Lebanon.

OPERATION DESERT STORM

Mr. THURMOND. Mr. President, since the outset of this crisis in August, it had been my hope that we could resolve matters peacefully and that the sanctions imposed by the United Nations would force Saddam Hussein to withdraw his forces from Kuwait. Regrettably, the sanctions did not have the effect we sought.

Last Saturday, January 12, 1991, a brave majority of this body voted to support the President's and the U.N. stance against the Iraqi aggression. Saddam Hussein—to the detriment of his nation—misjudged the Congress and the determination of the United Nations, the allied coalition, and the people of the United States to reverse his occupation of Kuwait. Although I am disappointed that we had to resort to offensive action, I am confident that the President and the leaders of the allied coalition made the decision only after all diplomatic measures failed.

There may well be death and suffering in the days ahead. Nonetheless, I am proud of the U.S. Congress, our military commanders, and our President. It is time for courage and dignity and humility. Whether we agree or disagree on the events that led us to this moment in history, we must now unite behind our brave men and women in the Armed Forces and their families. Let us pray that we can quickly end this conflict with minimum loss of life on both sides.

Mr. President, God bless our brave men and women in uniform.

Mr. DODD. Mr. President, I did not have an opportunity prior to the consideration of the final vote on Senate Concurrent Resolution 2 to express my views on that matter. I supported the resolution, Mr. President. I am pleased to have done so. I commend the majority leader, Senator MITCHELL, Senator DOLE, and others who were principally involved in the crafting of that legislation.

I am delighted to see it passed the Senate overwhelmingly as it did and that despite the differences that provoked the debate last weekend, as I think most have admitted, one of the most historic and worthwhile debates certainly in my 10 years in the Senate of the United States, that once the firing commenced last evening our time I think everyone in this country, certainly everyone in this Chamber dropped whatever divisions or debate, policy discussions, certainly that were the subject of much talk over the last several weeks, and thought it was worthwhile to pull ranks together and to support our military personnel during this hour of need.

There will be plenty of time, Mr. President, in the coming weeks and months, I suppose, to debate policy questions as they emerge in the Middle East as a result of Saddam Hussein's invasion of Kuwait and the subsequent events, including the use of force here in the last 24, 48 hours. But certainly it is vitally important that Saddam Hussein know, but maybe more important that our own troops know, that despite the debate and division that may have been the subject of discussion here last week, every single Member of this body supports wholeheartedly these efforts, the admirable qualities and courage being evidenced by these people. They ought to know that. Certainly Saddam Hussein and his military cohorts and supporters ought to know it as well. We stand united at this moment, committed in purpose to bring this conflict to a speedy result and secure what the President has properly identified as our goal of Saddam's removal from Kuwait. Mr. President I am honored to support that legislation and be a cosponsor.

I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SPECTER] is recognized.

Mr. SPECTER. Mr. President, I did not have an opportunity to speak on the resolution because of a very limited time agreement. I therefore stayed to make a few remarks on the subject. I believe this resolution is important for a number of reasons. Twenty-four hours have passed since the first word came of the coalition attack on Iraq and enforcement of U.N. Resolution 678. It has been a very long day for America; a long day for the world—perhaps the longest day.

We have come to this day of reckoning after an extraordinary event: The countdown toward a war.

It was a surrealistic experience. We see countdowns with James Bond, and we know that he will intercept the countdown with perhaps only a second to go. This countdown expired at midnight on January 15, at which point the President of the United States was authorized by the Congress to enforce U.N. Resolution 678.

There was a very extensive debate last week. A very heavy atmosphere hung over this Chamber, the U.S. Senate, and over the other body, the House of Representatives, as a majority of both Houses authorized the President to use force.

The countdown continued, and it was the hope of all that Iraq would withdraw, but that did not happen. It was a very ominous day, all day, on January 16 until 24 hours ago word came on the ABC national television network that the hostilities had begun. We have been very fortunate in the intervening 24 hours to have had the kind of success with the very limited casualties.

The President of the United States spoke to the American people today and said it was a "great success." Just a few hours ago, the Secretary of Defense, Dick Cheney, and the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, briefed the Senators and gave us the details of the expanse of United States military force directed at Iraq.

It was absolutely awesome to hear that briefing and to see detailed the force which was directed at Iraq. The vast array of weapons just decimated Iraq. It was directed against military targets in an effort to spare civilians because the quarrel of the United Nations is not with the people of Iraq, but with the leadership of that nation. It is hoped that the leaders of Iraq and especially President Saddam Hussein will come to their senses and will not prolong this war.

This resolution is important for a number of reasons: First, it states that the Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery. This is important, Mr. President, because of the overhang of the Vietnam war. I heard an extended discussion within the past week of veterans of the Vietnam war who felt that they were not yet appreciated for their services because of public disapproval of the Vietnam war.

I echo, briefly, the comments of the distinguished Senator from Connecticut who mentioned the unity of the Congress in support of the President. This is a message for President Saddam Hussein and for Iraq.

Last week, the Senate voted 52 to 47 on authorizing the use of force by the President of the United States. But today, every last Senator present—98 to 0—commends and supports the efforts and leadership of the President as Commander in Chief.

Notwithstanding the success of the past 24 hours, it is important to express a note of caution. We have just begun a difficult task. While there is clear cut air superiority, there is an enormous Iraqi army, and we have to keep our fingers crossed. It is hoped that President Saddam Hussein will see the futility of carrying on a war and will see the massive force available to the United States and the coalition to carry out Resolution 678.

In the past 10 years there have been many difficult votes. We have appropriated substantial sums for the Armed Forces, approximately $300 billion a year. But when the time came for the projection of force in this instance, it was only the United States of America which had the will and the capability to commit forces to the Persian Gulf.

Mr. President, the use of collective security is a historic event for the world. We have talked about selective security for decades, really for centuries, and now a unique precedent has been established in pursuit, furtherance, observation and enforcement of international law. So that this resolution is timely today, Mr. President.

It is the hope of this Senator, and I know all Senators, all Americans that we will accomplish our mission in short order and that peace will be restored; that Iraq will be ousted from Kuwait, and that the terms of U.N. Resolution 678 will be carried out.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

SUPPORT FOR THE U.S. TROOPS

Mr. KERRY. Mr. President, when I spoke the other day on the issue of whether or not we should use force in the gulf, I spoke as forcefully as I knew how to try to counsel patience and completion of the process of the sanctions, but like many of my colleagues I acknowledged at that time there might come a point where force was in fact necessary, though I believed we could accomplish our goals without it.

I said at the time that I believed the situation in Iraq was most certainly not Vietnam. That is, obviously, of enormous consequence to all of us in America, the question of whether or not it might be. In making his decision and his announcement the other night, the President again reassured Americans it would not be.

As I said in my comments when arguing against the use of force at this moment, I suggested the targeting opportunities, the risks, the stakes, the military strategies—all of them, indeed, made this something that would most likely very much be different, and I said I thought the outcome would be different. I still believe that.

What is important now is truly that we support the troops. One of the most searing memories I have of Vietnam is the degree to which we were restrained, restricted, operating under a conglomerate of rules, all of which put us at much greater risk; indeed, I think in my unit the casualties were somewhere in the vicinity of 65 or 70 percent as a consequence.

It is my fervent hope in these next days all of us in this country will remember—and how could we do otherwise given the day-to-day, moment-to-moment coverage and the spectacle we witness as it carries out those risks; we must remember the extraordinary courage and commitment and devotion of those troops, and we must remember how imperative it is they not have a rug pulled out from underneath them, that they not somehow wind up with second guessing which then puts them at greater peril.

I am, personally, committed to the notion that whether for it or against it previously, the troops, the troops, the troops and their families must remain at the forefront of our consideration. I signal again my concern and my commitment to the notion that when they return—and they will—and when they return with the mission accomplished—and they will—this country not question its obligations with respect to those troops.

There are still two generations or more of veterans struggling to receive the benefits they ought to receive, the services they ought to receive, and the recognition they ought to receive. It is clear as a country that is also a mistake we do not want to have repeated ever again.

I think this resolution we have passed is a positive and strong statement of the commitment of Congress to all of those notions. It is my expectation that we will adhere to that commitment and not need at any time to be reminded of it.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 228. A bill to authorize an Irrigation Drainage Demonstration Program and the Lake Andes-Wagner Unit and the Marty II Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 229. A bill to provide supplemental appropriations for the Landsat program; to the Committee on Appropriations.

S. 230. A bill to authorize the transfer of certain programs and functions of the National Oceanic and Atmospheric Administration to the Department of the Interior, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS (for himself, Mr. D'AMATO, Mr. SMITH, and Mr. WALLOP):

S. 231. A bill to impose economic sanctions against the Soviet Union until the Soviet Union ceases to threaten or use military force against the Baltic States and enters into good-faith negotiations leading to the formal recognition of the independence of those states; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 232. A bill to amend title 38, United States Code, to increase the maximum amount of coverage under Servicemen's Group Life Insurance; and to direct the Secretary of Veterans affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase; to the Committee on Armed Services.

By Mr. GARN (for himself and Mr. HATCH):

S. 233. A bill to increase the amounts authorized to be appropriated for the Colorado River storage project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURDICK:

S. 234. A bill for the relief of Luis Gil Jain, Nevadita Garcia Jain, Louie Anthony Garcia Jain, and Liza Antoinette Garcia Jain; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. BURDICK, and Mr. MURKOWSKI):

S. 235. A bill to authorize additional positions for the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. MOYNIHAN:

S. 236. A bill to repeal certain cold war legislation and for other purposes; to the Select Committee on Intelligence.

By Mr. NUNN (for himself, Mr. WARNER, Mr. GLENN, Mr. MCCAIN, Mr. SASSER, Mr. BIDEN, Mr. BOREN, Mr. LEVIN, Mr. KASTEN, Mr. THURMOND, Mr. CHAFEE, and Mr. DODD):

S. 237. A bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger; to the Committee on Armed Services.

By Mr. DASCHLE (for himself, Mr. CRANSTON, Mr. KERRY, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. JEFFORDS, Mr. PELL, Mr. LEAHY, Mr. RIEGLE, Mr. BRADLEY, Mr. DODD, Mr. LAUTENBERG, Mr. GORE, Mr. SIMON, Mr. SANFORD, Mr. ADAMS, Ms. MIKULSKI, Mr. WIRTH, Mr. BRYAN, Mr. KOHL, Mr. COHEN, and Mr. CHAFEE):

S. 238. A bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. BOREN, Mr. BREAUX, Mr. BRYAN, Mr. FORD, Mr. FOWLER, Mr. GRASSLEY, Mr. KASTEN, Mr. KOHL, Mr. LEAHY, Mr. LOTT, Mr. MACK, Ms. MIKULSKI, Mr. NUNN, Mr. PACKWOOD, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMPSON, Mr. WIRTH, Mr. SASSER, and Mr. LEVIN):

S. Con. Res. 2. Concurrent resolution supporting the United States presence in the Persian Gulf; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. PRESSLER):

S. 228. A bill to authorize an Irrigation Drainage Demonstration Program and the Land Andes-Wagner Unit and the Marty II Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Energy and Natural Resources.

LAKE ANDES-WAGNER/MARTY II PROJECT

• Mr. DASCHLE. Mr. President, I rise today to re-introduce with my colleague Senator PRESSLER legislation to authorize the Lake Andes-Wagner/Marty II project and Selenium Drainage Demonstration program in South Dakota. I hope the Senate will give the bill prompt consideration and passage.

This legislation is almost identical to the bill that passed the Senate unanimously at the end of the 101st Congress as a title to H.R. 2567, the Reclamation Projects Authorization and Adjustment Act of 1990. Technical changes to the bill have been incorporated to clarify the funding of the South Dakota Biological Trust, to reference the bill to the appropriate sections of the 1990 farm bill, and to correct other minor technical errors.

Everything else is the same. The need in South Dakota is the same. The environmental benefits and precedents set by the project remain the same. The cost-effectiveness of the project remains the same. All that has changed is the efforts to authorize this project are extending to another year. It has now been 22 years since the project was first formulated, and there have been 22 years of refining the project to meet financial and environmental concerns. I am proud to sponsor this legislation, and I am confident that this investment in rural America is good public policy and important to the Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Drainage Demonstration Programs.—(a) The Secretary of the Interior (hereafter in this Act, the "Secretary"), acting pursuant to existing authority under the Federal reclamation laws, shall, through the Bureau of Reclamation, and with the assistance and cooperation of an oversight committee (hereafter "Oversight Committee") consisting of representatives of the Bureau of Indian Affairs, Environmental Protection Agency, United States Fish and Wildlife Service, United States Geological Survey, South Dakota Department of Game, Fish and Parks, South Dakota Department of Water and Natural Resources, Yankton-Sioux Tribe, and the Lake Andes-Wagner Water System, Inc. carry out a demonstration program (hereafter in this Act the "Demonstration Program") in substantial accordance with the "Lake Andes-Wagner-Marty II Demonstration Program Plan of Study," dated May 1990, a copy of which is on file with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(b) The objectives of the Demonstration Program shall include:

(1) development of accurate and definitive means of quantifying projected irrigation and drainage requirements, and providing reliable estimates of drainage return flow quality and quantity, with respect to glacial till and other soils found in the specific areas to be served with irrigation water by the planned Lake Andes-Wagner Unit and Marty II Unit and which may also have application to the irrigation and drainage of similar soils found in other areas of the United States;

(2) development of best management practices for the purpose of improving the efficiency of irrigation water use and developing and demonstrating management techniques and technologies for glacial till soils which will prevent or otherwise ameliorate and degradation of water quality by irrigation practices;

(3) investigation and demonstration of the potential for development and enhancement of wetlands and fish and wildlife within and adjacent to the service areas of the planned Lake Andes-Wagner Unit and the Marty II

Unit through the application of water, and other management practices;

(4) investigation and demonstration of the suitability of glacial till soils for crop production under irrigation, giving preference to crops that are not eligible for assistance under programs covered by title V of the Agriculture Act of 1949 (7 U.S.C. 1462 et seq.) or by any successor programs established for crop years subsequent to 1990.

(c) Study sites shall be obtained through leases from landowners who voluntarily agree to participate in the Demonstration Program under the following conditions:

(1) rentals paid under a lease shall be based on the fair rental market value prevailing for dry land farming of lands of similar quantity and quality plus a payment representing reasonable compensation for inconveniences to be encountered by the lessor;

(2) the Secretary will:

(A) supply all water, delivery system, pivot systems and drains;

(B) operate and maintain the irrigation system;

(C) supply all seed, fertilizers and pesticides and make standardized equipment available;

(D) determine crop rotations and cultural practices;

(E) have unrestricted access to leased lands;

(3) the Secretary may contract with the lessor and-or custom operators to accomplish agricultural work, which work shall be performed as prescribed by the Secretary;

(4) no grazing may be performed on a study site;

(5) crops grown shall be the property of the United States; and

(6) at the conclusion of the lease, the lands involved will, to the extent practicable, be restored by the Secretary to their pre-leased condition at no expense to the lessor.

(d) The Secretary shall offer crops grown under the Demonstration Program for sale to the highest bidder under terms and conditions to be prescribed by the Secretary. Any crops not sold shall be disposed of as the Secretary determines to be appropriate, except that no crop may be given away to any for-profit entity or farm operator. All receipts from crop sales shall be covered into the Treasury to the credit of the fund from which appropriations for the conduct of the Demonstration Program are derived.

(e) The land from each ownership in a study site shall be established by the Secretary as a separate farm. Each such study site farm will, during the demonstration phase of the Demonstration Program, annually receive planted and considered planting credit equal to the crop acreage base established for the farm by use of crop land ratios when it became a separate farm without regard to the acreage actually planted on the farm. Establishment of such study site farms shall not entitle the Secretary to participate in farm programs or to build program base.

(f) The Secretary shall periodically, but not less often than once a year, report to the Committee on Interior and Insular Affairs of the House of Representatives, to the Committee on Energy and Natural Resources of the Senate, and to the Governor of South Dakota concerning the activities undertaken pursuant to this section. The Secretary's reports and others information and data developed pursuant to this section shall be available to the public without charge. Each Demonstration Program report, including the report referred to in paragraph (3) of this subsection, shall evaluate data covering the results of the Demonstration Program as carried out on the six study sites during the period covered by the report together with data developed under the wetlands enhancement aspect during that period. The demonstration phase of the Demonstration Program shall terminate at the conclusion of the fifth full irrigation season. Promptly thereafter, the Secretary shall;

(1) remove temporary facilities and equipment and restore the study sites as nearly as practicable to their prelease condition. The Secretary may transfer the pumping plant and/or distribution lines to public agencies for uses other than commercial irrigation if so doing would be less costly than removing such equipment;

(2) otherwise wind up the Demonstration Program; and

(3) prepare a concluding report and recommendations covering the entire demonstration phase, which report shall be transmitted by the Secretary to the Congress and to the Governor of South Dakota not later than April 1 of the calendar year following the calendar year in which the demonstration phase of the Demonstration Program terminates. The Secretary's concluding report, together with other information and data developed in the course of the Demonstration Program, shall be available to the public without charge.

(g) Costs of the Demonstration Program funded by Congressional appropriations shall be accounted for pursuant to the Act of October 29, 1971 (85 Stat. 416). Costs incurred by the State of South Dakota and any agencies thereof arising out of consultation and participation in the Demonstration Program shall not be reimbursed by the United States.

(h) Funding to cover expenses of the Federal agencies participating in the Demonstration Program shall be included in the budget submittals for the Bureau of Reclamation. The Secretary, using only funds appropriated for the Demonstration Program, shall transfer to the other Federal agencies funds appropriated for their expenses.

SEC. 2. PLANNING REPORTS—ENVIRONMENTAL IMPACT STATEMENTS.—(a) On the basis of the concluding report and recommendations of the Demonstration Program provided for in section 1, the Secretary shall comply with the study and reporting requirements of the National Environmental Policy Act and regulations issued to implement the provisions thereof with respect to the Lake Andes-Wagner Unit and Marty II Unit. Using feasibility methodologies consistent with those employed in the Lake Andes-Wagner Unit Planning Report Final Environmental Impact Statement, filed September 17, 1985, the final reports prepared under this subsection shall be transmitted to the Congress simultaneously with their filing with the Environmental Protection Agency.

(b) Each report prepared under subsection (a) shall include a detailed plan providing for the prevention, correction, or mitigation of adverse water quality conditions attributable to agricultural drainage water originating from lands to be irrigated by the Unit to which the report pertains and shall be accompanied by findings by the Secretary and the Administration of the Environmental Protection Agency that the Unit to which the report pertains can be constructed, operated and maintained so as to comply with all applicable water quality standards.

(c) The construction of a Unit may not be undertaken until the final report pertaining to that Unit, and the findings referred to in subsection (b) of this section, have lain before the Congress for not less than 120 days and the Congress has appropriated funds for the initiation of construction.

SEC. 3. AUTHORIZATION OF THE LAKE ANDES-WAGNER UNIT AND THE MARTY II UNIT, SOUTH DAKOTA.—Subject to the requirements of section 2 of this Act, the Secretary is authorized to construct, operate, and maintain the Lake Andes-Wagner Unit and the Marty II Unit, South Dakota, as units of the South Dakota Pumping Division, Pick-Sloan Missouri Basin Program. The units shall be integrated physically and financially with other Federal works constructed under the Pick-Sloan Missouri Basin Program.

SEC. 4. CONDITIONS.—(a) The Lake Andes-Wagner Unit shall be constructed, operated and maintained to irrigate not more than approximately forty-five thousand acres substantially as provided in the Lake Andes-Wagner Unit Planning Report-Final Environmental Impact Statement filed September 17, 1985, supplemented as provided in section 2 of this Act. The Lake Andes-Wagner Unit shall include on-farm pumps, irrigation sprinkler systems, and other on-farm facilities necessary for the irrigation of not to exceed approximately one thousand seven hundred acres of Indian-owned lands. The use of electric power and energy required to operate the facilities for the irrigation of such Indian-owned lands and to provide pressurization for such Indian-owned lands shall be considered to be a project use.

(b) The Marty II Unit shall include a river pump, irrigation distribution system, booster pumps, irrigation sprinkler systems, farm and project drains, electrical distribution facilities, and the pressurization to irrigate not more than approximately three thousand acres of Indian-owned land in the Yankton-Sioux Indian Reservation, substantially as provided in the Marty II Unit Planning Report-Final Environmental Impact Statement referred to in section 2 of this Act.

(c) The construction costs of the Lake Andes-Wagner Unit allocated to irrigation of non-Indian owned lands (both those assigned for return by the water users and those assigned for return from power revenues of the Pick-Sloan Missouri Basin Program) shall be repaid no later than forty years following the development period. Repayment of the construction costs of the Lake Andes-Wagner Unit apportioned to serving Indian-owned lands and of the Marty II Unit allocated to irrigation shall be governed by the Act of July 1, 1932 (47 Stat. 564 Chapter 369; U.S.C. 386a).

(d) Indian-owned lands, or interests therein, required for the Lake Andes-Wagner Unit or the Marty II Unit may, as an alternative to their acquisition pursuant to existing authority under the Federal reclamation laws, be acquired by exchange for lands or interests therein of equal or greater value which are owned by the United States and administered by the Secretary or which may be acquired for that purpose by the Secretary.

(e) For purposes of participation of lands in the Lake Andes-Wagner Unit and the Marty II Unit in programs covered by title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) as amended by subtitle A of title XI of the Food, Agriculture, Conservation and Trade Act of 1990 the crop acreage base determined under title V as so amended and the program payment yield determined under title V as so amended shall be the crop acreage base and program payment yield established for the crop year immediately preceding the crop year in which the development period for each Unit is initiated. For any successor programs established for crop years subsequent to 1995, the acreage and yield on which any program payments are based shall be determined without taking into consideration any increase in acreage or yield resulting from the construction and operation of the Units.

(f) Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the facilities authorized by this section shall be concurrent with construction of the Unit involved and shall be on an acre-for-acre basis, based on ecological equivalency. In addition to the fish and wildlife enhancement to be provided by the fish rearing pond of the Lake Andes Unit, other facilities of that Unit may be utilized to provide fish and wildlife benefits beyond the mitigation required to the extent that such benefits may be provided without increasing costs of construction, operation, maintenance or replacement allocable to irrigation or impairing the efficiency of that Unit for irrigation purposes.

SEC. 5. INDIAN EMPLOYMENT.—In carrying out sections 1, 3 and 4 of this Act, preference shall be given to the employment of members of the Yankton-Sioux Tribe who can perform the work required regardless of age (subject to existing laws and regulations), sex, or religion, and to the extent feasible in connection with the efficient performance of such functions training and employment opportunities shall be provided members of the Yankton-Sioux Tribe regardless of age (subject to existing laws and regulations), sex, or religion who are not fully qualified to perform such functions.

SEC. 6. FEDERAL RECLAMATION LAWS GOVERN.—This Act is a supplement to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts supplemental thereto and amendatory thereof). The Federal reclamation laws shall govern all functions undertaken pursuant to this Act, except section 10, and as otherwise provided herein.

SEC. 7. COST SHARING.—

(a) IN GENERAL.—The Proposal dated September 29, 1937, supplemented October 30, 1987 (on file with the Committee on Interior and Insular Affairs of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate), pursuant to which the State of South Dakota (hereafter in this section referred to as the "State") and the Lake Andes-Wagner Irrigation District (hereafter in this section referred to as the "District") would provide funding for certain costs of the Lake Andes-Wagner Unit, and the District would also assume certain responsibilities with respect thereto, is approved subject to the provisions of subsections (b) and (c) of this section. The Secretary shall promptly enter into negotiations with the State and the District to conclude an agreement between the United States, the State, and the District implementing the proposal.

(b) The agreement shall include provisions for:

(1) the establishment and capitalization of the non-Federal fund, including, subject to the Secretary's approval, investment policies and selection of the administering financial institution, and including also provisions dealing with withdrawals of moneys in the fund for construction purposes;

(2) the District to administer the design and construction, which shall be subject to the approval of the Secretary, of the distribution and drainage systems for the Lake Andes-Wagner Unit;

(3) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the ring dike, not exceeding $3,500,000, the construction cost, if any, of such dike in excess of that amount being the responsibility of the United States but any such excess cost remains reimbursable, subject to the condition that construction of the ring dike shall not commence earlier than the sixth year of full operation; and

(4) financing, from moneys in the fund referred to in paragraph (1), the construction cost of the Unit's closed drainage system, not exceeding $36,000,000, the construction cost, if any, of the closed drainage system in excess of that amount being the responsibility of the United States but any such excess remains reimbursable, subject to the conditions that:

(A) construction of the closed drainage system shall commence not earlier than the sixth year of full operation of the Unit and shall continue over a period of thirty-five years as required by the Secretary subject to such modifications in the commencement date and the construction period as the Secretary determines to be required on the basis of physical conditions; and

(B) the District, in addition to such annual assessments as may be required to meet its expenses (including operation and maintenance costs and any annual repayment installments to the United States) shall, commencing three years after construction of the Unit (other than drainage facilities) has been completed, levee assessments annually of not less than $1.00 per irrigable acre calculated to provide moneys sufficient, together with other moneys in the fund, including anticipated accruals, referred to in paragraph (1), to finance not to exceed $36,000,000 of the construction costs of the closed drainage system.

(C) In the event the detailed plan for the Lake Andes-Wagner Unit referred to in subsection (b) of section 4 reduces the irrigated acreage of the Lake Andes-Wagner Unit to less than forty-five thousand, the District's maximum obligation hereunder shall be reduced in the ratio that the reduction in acreage bears to forty-five thousand.

(c) Notwithstanding any other requirements of this section, the Secretary shall require that the agreement to be negotiated pursuant to this section shall provide that the total non-Federal share of the costs of construction allocable to irrigation of the facilities of the Lake Andes-Wagner Unit to be constructed pursuant to subsection (a) of section 4 of this Act (other than the costs apportionable to serving-owned lands and the facilities described in the second sentence of that subsection) shall be 30 percent. The 30 percent non-Federal share shall include:

(1) funds to be deposited in the non-Federal fund referred to in paragraph (1) of subsection (B) of this section and interest earned thereon;

(2) savings to the United States by reason of paragraph (2) of subsection (b) of this section;

(3) savings to the United States by reason of administering the design and construction of any other feature or features of the Lake Andes-Wagner Unit, and of any feature or features of the Marty II Unit, the design and construction of which is administered by the District pursuant to an agreement with the Secretary;

(4) all funds heretofore or hereafter made available to the United States by non-Federal interests, or expended by such interests, for planning or advance planning assistance for the Lake Andes-Wagner Unit or for the Marty II Unit; and

(5) Any feature to which this section applies shall not be initiated until after the District and the State have entered into the cost-share agreement with the United States required by this section.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.—(a) LAKE ANDES-WAGNER UNIT.—There are authorized to be appropriated—

(1) $175,000,000 (October 1989 price levels) for construction of the Lake Andes-Wagner Unit (other than the facilities described in the second sentence of subsection (a) of section 4 of this Act) less the non-Federal contributions as provided in subsections (b) and (c) of section 7 of this Act; and

(2) $1,350,000 (October 1989 price levels) for construction of the facilities described in the second sentence of subsection (a) of section 4 of this Act, which amounts include costs of the Lake Andes-Wagner Irrigation District in administering design and construction of the irrigation distribution and drainage systems.

(b) MARTY II UNIT.—There are authorized to be appropriated $24,000,000 (January 1989 price levels) for construction by the Bureau of Reclamation in consultation with the Bureau of Indian Affairs of the Marty II Unit.

(c) DEMONSTRATION PROGRAM.—There are authorized to be appropriated such amounts as may be necessary to carry out the Demonstration Program.

(d) OPERATION AND MAINTENANCE.—There are authorized to be appropriated such amounts as may be necessary for the operation and maintenance of each Unit.

SEC. 9. INDIAN WATER RIGHTS.—Nothing in this Act shall be construed as affecting any water rights or claims thereto of the Yankton-Sioux tribe.

SEC. 10. SOUTH DAKOTA BIOLOGICAL DIVERSITY TRUST.—(a) From the sums appropriated under subsections (a), (b) and (c) of section 8 of this Act for the irrigation drainage demonstration program and the Lake Andes-Wagner Unit and the Marty II Unit, if any, the Secretary, subject to the provisions of subsection (d) of this section, shall make an annual Federal contribution to a South Dakota Biological Diversity Trust established in accordance with subsection (b) of this section and operated in accordance with subsection (c) of this section. The amount of each such annual contribution shall be for each fiscal year after 1990, 8 percent of the total amount appropriated for the same fiscal year under subsections (a), (b) and (c) of section 8, or 10 percent of the total amount so appropriated if a contribution to the Trust equal to 10 percent of all Federal contributions is provided or contracted for by the State of South Dakota from non-Federal funds. Contributions from the State of South Dakota may be paid to the Trust in such amounts and in such manner as may be agreed upon by the Governor and the Secretary. The total Federal contribution pursuant to this section, including subsection (d), shall not exceed $12,000,000. Federal contributions pursuant to this section, including subsection (d), shall not constitute costs of the Demonstration Program or of the Lake Andes-Wagner or Marty II Units.

(b) A South Dakota Biological Diversity Trust shall be eligible to receive Federal contributions pursuant to subsection (a) of this section if it complies with each of the following requirements.

(1) The Trust is established by non-Federal interests as a non-profit corporation under the laws of South Dakota with its principal office in South Dakota.

(2) The Trust is under the direction of a Board of Trustees which has the power to manage all affairs of the corporation, including administration, data collection, and implementation of the purposes of the Trust.

(3) The Board is comprised of five persons appointed as follows, each for a term of five years:

(A) 1 person appointed by the Governor of South Dakota;

(B) 1 person appointed by each United States Senator from South Dakota;

(C) 1 person appointed by the United States Representative from South Dakota; and

(D) 1 person appointed by the South Dakota Academy of Science.

(4) Vacancies on the Board are filled in the manner in which the original appointments were made. Any member of the Board is eligible for reappointment for successive terms. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed is appointed only for the remainder of such term. A member may serve after the expiration of his or her term until his or her successor has taken office. Members of the Board shall serve without compensation.

(5) The corporate purposes of the Trust are to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity, its rare species, exemplary examples of plant and animal communities and large-scale natural ecosystems.

(c) A South Dakota Biological Diversity Trust established by non-Federal interests as provided in subsection (b) shall be deemed to be operating in accordance with this subsection if, in the opinion of the Secretary, each of the following requirements are met:

(1) the Trust is operated to select and provide funding for projects that protect or restore the best examples of South Dakota's biological diversity; its rare species, exemplary examples of plant and animal communities and large-scale natural ecosystems in accordance with its corporate purpose; and

(2) the Trust is managed in a fiscally responsible fashion by investing in private and public financial vehicles with the goal of producing income and preserving principal. The principal will be inviolate, but income will be used to accomplish the goals of the trust.

(3) Proceeds from the Trust are used for the following purposes:

(a) $10,000 per year or five percent of the total funds expended by the Trust (whichever is larger) will be provided to the South Dakota Natural Heritage Program (currently part of the South Dakota Game, Fish, and Parks Department), to:

(i) Maintain and update the South Dakota Biodiversity Priority Site List.

(ii) Conduct inventory to discover and survey new sites for the Priority Site List.

(iii) Manage data to maintain the Natural Heritage Databases needed to produce and document the Priority Site List.

(B) Up to five percent of the costs of each project are used for preserve design or site planning to ensure that sites are selected for funding which are well-designed to maintain the long-term viability of the significant species and communities found at the site.

(C) Proceeds from the Trust may be used to complete land protection projects designed to protect biological diversity.

(D) Projects may include acquisition of land, water rights or other partial interests from willing sellers only, or arranging management agreements, registry and other techniques to protect significant sites.

(E) Ownership of land acquired with Trust proceeds will be held by the public agency or private non-profit organization which proposed and completed the project, or another conservation owner with the approval of the Board. The land will be managed and used for the protection of biological diversity. If the property is used or managed otherwise, title will revert to the Trust for disposition.

(F) Projects eligible for funding must be included on the South Dakota Biodiversity Priority List and located within the borders of South Dakota.

(G) At the discretion of the Board, Trust proceeds may be used for direct project costs including direct expenses incurred during project completion. Land project funding may also include the creation of a stewardship endowment subject to the following terms:

(i) up to 25 percent of the total fair market value of the project may be placed in a separate endowment.

(ii) The proceeds from the endowment will be used for the ongoing management costs of maintaining the biological integrity and viability of the significant biological features of the site.

(iii) Endowment funds may not be used for activities which primarily promote recreational or economic use of the site.

(iv) The endowment for each site will be held in a separate account from the body of the Trust and other endowments. The endowments will be managed by the Trust Board but the owner or manager of the site may draw upon the proceeds of the stewardship endowment to fund management activities with approval of the Board. Additional management funds may be secured from other public and private sources.

(H) Should the biological significance of a site be destroyed or greatly reduced, the land may be disposed of but the proceeds and any stewardship endowment will revert to the Trust for use in other projects.

(I) Proceeds from the Trust may be used for management of public or private lands, including but not restricted to lands purchased with Trust funds, except that only those management projects that results in the maintenance or restoration of statewide biological diversity are eligible for consideration.

(d) For each fiscal year after 1990, 2 percent of the Federal contributions for the same fiscal year, determined pursuant to subsection (a) of this section, shall be used by the Secretary to:

(1) restore damaged natural ecosystems on public lands and waterways affected by the Reclamation program outside South Dakota;

(2) acquire from willing sellers only other lands and properties or appropriate interests therein outside South Dakota with restorable damaged natural ecosystems and restore such ecosystems;

(3) provide jobs and suitable economic development in a manner that carries out the other purposes of this subsection;

(4) provide expanded recreational opportunities, and

(5) support and encourage research, training and education in methods and technologies of ecosystem restoration.

(e) In implementing subsection (d), the Secretary shall give priority to restoration and acquisition of lands and properties (or appropriate interests therein) where repair of compositional, structural and functional values will:

(1) reconstitute natural biological diversity that has been diminished;

(2) assist the recovery of species populations, communities and ecosystems that are unable to survive on-site without intervention;

(3) allow reintroduction and reoccupation by native flora and fauna;

(4) control or eliminate exotic flora and fauna which are damaging natural ecosystems;

(5) restore natural habitat for the recruitment and survival of fish, waterfowl and other wildlife;

(6) provide additional conservation values to state and local government lands;

(7) add to structural and compositional values of existing preserves or enhance the viability, defensibility and manageability of preserves, and

(8) restore natural hydrological effects including sediment and erosion control, drainage, percolation and other water quality improvement capacity.

(f) The Secretary shall annually report on its activities under this section to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Interior and Insular Affairs and the Committee on Appropriations of the House of Representatives.•

By Mr. PRESSLER:

S. 229. A bill to provide supplemental appropriations for the Landsat Program; to the Committee on Appropriations.

SUPPLEMENTAL APPROPRIATIONS FOR THE LANDSAT PROGRAM

Mr. PRESSLER. Mr. President, today I offer legislation to provide for continued operation of the Landsat Program. I recognize the lead role of the House of Representatives on appropriations measures. However, I believe so strongly in the importance of the Landsat Program that I introduce this bill today with the intention of later submitting it as an amendment.

The Landsat Program provides remote sensing from space to further our understanding of the Earth. The data from this program have been collected since 1972 and provide a unique baseline of information about land conditions and changes during the 1970's and 1980's. This information is not available from any other source. It is one of our most important sources of information for the continued study of global climate change, as well as long-term trends in deforestation, desertification, and land use.

The fiscal year 1991 Federal budget appropriated $9,500,000 for the operation of Landsats 4 and 5 during the first 6 months of fiscal year 1991.

The satellites are still functioning and providing land remote sensing data. The funding for continued acquisition of Landsat data will run out in March of this year. It is important we act now to provide the necessary funds for continued Landsat operations.

Taking this action now will minimize or lessen any data gap that may occur between the demise of Landsats 4 and 5 and the launch of Landsat 6 in 1992. Also, we must do all we can to assure Landsat data continuity right up to the launch of our first Earth observing system platform in 1998.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANDSAT.

There is appropriated to the Secretary of Commerce for fiscal year 1991, $9,500,000 for use in connection with the operation of the Landsat Program. The amount appropriated by this section shall be in addition to any amounts appropriated prior to the date of the enactment of this Act.

By Mr. PRESSLER:

S. 230. A bill to authorize the transfer of certain programs and functions of the National Oceanic and Atmospheric Administration to the Department of the Interior; to the Committee on Commerce, Science, and Transportation.

LAND REMOTE SENSING DATA ARCHIVING AUTHORIZATION ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation to transfer from the Department of Commerce to the Department of the Interior the responsibility for archiving the land remote sensing data acquired by the Landsat satellites.

This legislation has received strong support from the Secretaries of Commerce and Interior and the Office of Management and Budget. The legislation simply clarifies a decision already worked out to transfer funding for the remote sensing archive from Commerce to Interior.

The Land Remote-Sensing Commercialization Act of 1984 gave the responsibility for archiving to the Secretary of Commerce. At the time, that made sense. The Landsat Program fell under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA]. The archiving and processing of the Landsat data is handled at the Earth Resources Observation Systems [EROS] Data Center near Sioux Falls, SD. The EROS Data Center [EDC] is a U.S. Geological Survey [USGS] facility, but since NOAA was processing the Landsat data, it also made sense for NOAA to handle the archiving of that data.

But the 1984 Commercialization Act also began the process of getting NOAA out of the Landsat processing business. NOAA will be doing no processing of incoming data at EDC, once Landsats 4 and 5 discontinue operations. Without this legislation, NOAA would still be responsible for archiving the old data. To everyone involved, now is the proper time to give that responsibility to the Department of the Interior, which operates the facility and is also one of the biggest users of the accumulated data.

In May 1986, NOAA and the USGS signed a memorandum of agreement outlining such a transfer of responsibility. This legislation will be the final step in effectuating that move.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembed,

SHORT TITLE

SECTION 1. This Act may be cited as the "Land Remote-Sensing Data Archiving Authorization Act of 1991".

TRANSFER OF DATA ARCHIVING RESPONSIBILITY

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) section 602 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4272) directs the Secretary of Commerce to provide for the archiving of land remote-sensing data for historical, scientific, and technical purposes, including long-term global environmental monitoring;

(2) the Secretary of Commerce currently provides for the archiving of Landsat data at the Department of the Interior's EROS Data Center, which is consistent with the requirement of section 602(g) of such Act (15 U.S.C. 4272(g)) to use existing Federal Government facilities to the extent practicable in carrying out this archiving responsibility;

(3) the Landsat data collected since 1972 are an important global data set for monitoring and assessing land resources and global change;

(4) the Secretary of the Interior maintains archives of aerial photography, digital cartographic data, and other Earth science data at the EROS Data Center that also are important data sets for monitoring and assessing land resources and global change;

(5) it is appropriate to transfer authority to the Secretary of the Interior for the archiving of land remote-sensing data; and

(6) the Secretary of the Interior should explore ways to facilitate the use of archived data for research purposes consistent with other provisions of the Land Remote-Sensing Commercialization Act of 1984.

(b) PROVISION OF UNENHANCED DATA.—Section 402(b)(4) of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4244(b)(4)) is amended by inserting "of the Interior" immediately after "Secretary".

(c) ARCHIVING OF DATA.—Section 602 of the Land Remote-Sensing Commercialization Act of 1984 (15 U.S.C. 4272) is amended—

(1) in subsections (b), (c), (d), (f), and (g), by inserting "of the Interior" immediately after "Secretary" each place it appears; and

(2) by adding at the end the following new subsection:

"(h) In carrying out the functions of this section, the Secretary of the Interior shall consult with the Secretary to ensure that archiving activities are consistent with the terms and conditions of any contract or agreement entered into under title II, III, or V of this Act and with any license issued under title IV of this Act.".

By Mr. HELMS (for himself, Mr. D'AMATO, Mr. SMITH, and Mr. WALLOP):

S. 231. A bill to impose economic sanctions against the Soviet Union until the Soviet Union ceases to threaten or use military force against the Baltic States and enters into good faith negotiations leading to the formal recognition of the independence of those states; to the Committee on Foreign Relations.

SUSPENSION OF UNITED STATES AID TO THE SOVIET UNION

Mr. HELMS. Mr. President, the minds of Senators in the Chamber—indeed those of most Americans—are most certainly focused today on the developing situation in the Persian Gulf.

As important as is the situation in the Persian Gulf, the U.S. Government must also face up to the question of how to respond to the killing this past Saturday of at least 15 innocent Lithuanians and the injuring of hundreds of others in Vilnius at the hands of the Soviet Red Army.

Today I am introducing legislation which, in response to this military action, suspends all United States assistance to the Soviet Union. The legislation is cosponsored by the Senator from New York [Mr. D'AMATO], the Senator from Wyoming [Mr. WALLOP], and the Senator from New Hampshire [Mr. SMITH].

Mr. President, until August 2, 1990—the day Iraq invaded Kuwait—the State Department valued the friendship of Saddam Hussein. The State Department worked hard to prevent Congress from suspending United States aid to Iraq, and just days before the invasion of Kuwait, our Ambassador to Baghdad, April Glaspie, reportedly assured Hussein that the United States had no stake in disputes between Iraq and Kuwait.

Mr. President, yesterday the Senate approved a resolution proposed by the distinguished Senator from West Virginia [Mr. BYRD] urging the suspension of United States assistance to the Soviet Union because of the Soviet's oppression in the Baltic States. I was honored to be a cosponsor of that resolution, and I commend the distinguished Senator for his able leadership and his deep compassion for the Lithuanians and the other Baltic peoples.

However, my proposal is not a resolution; it is legislation building upon the sentiments of the Byrd resolution, and laying down criteria for suspension of aid. I believe that the Senate, upon reflection, will want to go on to enact definite legislative criteria.

In part, the 400,000 American troops whose lives are now on the line in the Persian Gulf attest to the U.S. State Department's judgment in this matter and on that occasion.

In the same fashion, the State Department offered massive aid to the Soviet Union, and stuck to the position that this aid should be provided, even while evidence was mounting that the Soviet Union was about to deploy force to crush democracy movements in Lithuania and other republics.

Senators may recall, that, on December 12, 1990, Secretary of State Baker announced that the Soviet Union would be offered up to $1 billion in credit guarantees for the purchase of United States agricultural commodities, and would be provided a temporary waiver of the Jackson-Vanik restrictions in order to permit these subsidized purchases. A little less than a month later, on January 10, 1991, the administration announced that up to $300 million in Export-Import Bank credits would also be made available to the Kremlin.

Shortly after hearing of Secretary Baker's initial announcement, I commented that it was scarcely sensible to grant credibility to the Soviet Government, and give it United States tax dollars, when Mr. Gorbachev is the most disliked man in the Soviet Union.

I said then, and I repeat now, that the United States should not, directly or indirectly encourage Mr. Gorbachev's efforts to force—utilizing the Red Army—centralized communism upon the people of Russia and the independent Republics.

Having been offered this massive assistance from the U.S. taxpayer, Mr. Gorbachev arranged to receive as much of such assistance as possible before such time as he saw the need to crack down militarily on the democracy movement in Lithuania.

Specifically, between the time agricultural credits were offered—December 12—and the date of the crackdown in Lithuania—January 13—Mr. Gorbachev's agents succeeded in contracting for 639.5 million dollars' worth of agricultural commodities. Since the Soviet Union is broke, it will never be able to pay for these commodities. As the guarantor of these purchases, the U.S. Government—or more specifically, the U.S. taxpayer—will be left with the tab.

Even before Secretary Baker announced the aid plan, evidence began to mount indicating that a military crackdown in Lithuania was in the offing. But, just as the State Department ignored all the signals being sent from Baghdad in the days preceding Saddam Hussein's invasion of Kuwait, the State Department ignored the evidence emanating from the Soviet Union—all as Mr. Gorbachev dug his hand deeper and deeper into the pockets of the American taxpayer.

One of the first warning signs of the impending military crackdown came on November 26, 1990. On that date, as he prepared for his trip to the United States to gain support for his fledgling democracy, Lithuanian President Vytautas Landsbergis attempted to prepare his people for what he saw was the coming use of force by the Soviet Red Army. He predicted in an address to his nation that blood would be spilled by the Red Army—on direct orders from Moscow.

Obviously, either the State Department missed this statement, or chose to ignore it—because the bureaucrats in Foggy Bottom just moved forward with their plan of sending U.S. tax dollars to bail out Mr. Gorbachev.

Mr. President, I ask unanimous consent that President Landsbergis' address to his nation of November 26, 1990, be printed in the RECORD at the conclusion of my remarks.

Mr. President, Mr. Gorbachev has claimed that he did not authorize the use of the Red Army to attempt to quash the democracy movement in Lithuania. This claim is simply ludicrous.

On January 7, 1990, Mr. Gorbachev issued orders that elite Soviet paratroopers be sent to seven captive nations. It was just 3 days later that the administration announced the availability of $300 million in Ex-Im Bank credits for the Soviet Union.

On January 10, 1990, Mr. Gorbachev issued an ultimatum to the Supreme Council of the Republic of Lithuania. He informed the Council that "the situation has reached a dead end," and that "the need to find a way out of the situation requires taking speedy steps."

The people of Lithuania read this as a threat—but the State Department obviously did not.

Mr. President, I ask unanimous consent that the Gorbachev ultimatum of January 10 be printed in the RECORD at the conclusion of my remarks.

Mr. President, just 3 days after Mr. Gorbachev issued this ultimatum, Soviet Red army troops began their attack upon innocent Lithuanian civilians; 15 innocent people are now dead, and countless others injured.

It is a shame upon our Nation that the State Department chose to open up the doors of the United States Treasury to Mr. Gorbachev as he planned and implemented the military crackdown on Lithuanian democracy. Unfortunately, there is little which can be done to reverse that.

However, Congress can—and must—suspend all assistance to the Soviet Union now. That is exactly what the legislation I am introducing today intends to accomplish.

Specifically, this legislation provides for a suspension of all United States economic assistance to the Soviet Cental Government and a prohibition on the granting of most-favored-nation trading status to the Soviet Union until the President determines that:

First, the Soviet Union has ceased the threat of, and the use of force against the peoples of the Baltic States;

Second, the Soviet Union has entered into negotiations with the democratically elected leaders of the Baltic States for the purpose of bringing about independence for Lithuania, Latvia, and Estonia; and,

Third, the Soviet Union withdraws all troops under its control from the territories of the Baltic States.

Mr. President, I ask unanimous consent that the full text of the legislation I am introducing today be printed in the RECORD at the conclusion of my remarks.

Mr. President, it was less than 10 months ago—March 11, 1990, to be exact—that the democratically elected Government of Lithuania redeclared their nation's independence. That was a proud day for Lithuanians, and indeed for all people who value freedom.

The parliamentarians who made that brave decision in Vilnius last March knew—as did the Founding Fathers of our own Nation—that their lives could be in danger. Today, their Parliament building is surrounded by Soviet tanks. No one knows what tomorrow will bring—except that strong, tangible steps by the United States can prevent further bloodshed.

The legislation I am introducing today—if enacted—would represent one such step. I urge Senators to join in seeking speedy consideration and passage of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds that—

(1) on January 7, Soviet Defense Minister Dimitri Yazov, on orders from Mikhail Gorbachev, ordered an extra dispatch of elite Soviet paratroopers to Lithuania, Latvia, Estonia, and the Ukraine, Armenia, Moldavia, and Georgia to begin rounding up young men who have refused to serve in the Soviet army;

(2) the people of Lithuania, Latvia, and Estonia have exercised their rights under the Geneva Accords of 1949, under which no one is required to serve in the army of an occupation power;

(3) several buildings belonging to the democratically elected Lithuanian and Latvian governments have been seized and occupied, and the railway station and airport in Vilnius closed, by the Soviet military in an attempt to impose presidential or military control in the Republic of Lithuania, the Republic of Latvia, and the Republic of Estonia;

(4) during the pre-dawn hours of January 13, 1991, at least 15 Lithuanian civilians who had gathered to conduct a peaceful vigil around the radio and television studio in Vilnius were brutally killed, and hundreds wounded, by Soviet tanks and troops;

(5) the United States has never recognized the annexation of Lithuania, Latvia, and Estonia by the Red Army in 1940 and has for 10 consecutive administrations of both parties remained committed to the independence of the Baltic nations; and

(6) President Bush has denounced Soviet aggression as disturbing and has stated that the military crackdown threatens to set back or, perhaps, even reverse United States-Soviet relations.

SEC. 2. Notwithstanding any other provision of law, the Export-Import Bank of the United States shall not issue, or make any payment on, any insurance, reinsurance, or guarantee with respect to the financing of exports to the Soviet Union unless a presidential certification is made under section 8.

SEC. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation shall not issue, or make any payment on, any credit guarantee with respect to the financing of exports of agricultural commodities to the Soviet Union contracted for or approved after January 16, 1991, unless a presidential certification is made under section 8.

SEC. 4. Notwithstanding any other provision of law, the Soviet Union shall not be eligible to receive nondiscriminatory (most favored-nation) trade treatment, and any commercial agreement concluded with the Soviet Union shall not take effect, unless a presidential certification is made under section 8.

SEC. 5. It is the sense of the Congress that—

(1) the President of the United States should not attend the summit meeting with the President of the Union of Soviet Socialist Republics scheduled for February 1991;

(2) the President of the United States should extend recognition to the democratically elected governments of Lithuania, Latvia and Estonia and should exchange ambassadors with such governments; and

(3) the Secretary of the Treasury should instruct the United States executive director to the International Monetary Fund and the International Bank for Reconstruction and Development to oppose any grant of special association status to the Soviet Union in such institution.

SEC. 6. (a) The United States-Soviet energy working group, jointly coordinated by the Departments of Commerce and Energy, shall be suspended until a presidential certification is made under section 8.

(b) The United States Government shall suspend all technical assistance in energy, science, and technology until a presidential certification is made under section 8.

(c) The United States Government shall not approve the export for the Soviet Union of any item controlled for national security purposes, under any agreement reached after January 16, 1991, with CoCom which liberalizes such controls until a presidential certification is made under section 8.

SEC. 7. The United States shall oppose any waiver of or modification of restrictions contained in the Charter of the European Bank for Reconstruction and Development applicable to the provision of loans to the Soviet Union, and shall oppose any loans by the European Bank for Reconstruction and Development to the Soviet Union unless a presidential certification is made under section 8.

SEC. 8. The certification referred to in this Act is a certification, submitted by the President to the Congress, (1) that the Soviet Union has ceased the threat and the use of force against the peoples of the Baltic States; (2) that the central government of the Soviet Union has entered into negotiations with the Baltic governments leading to the formal recognition of the independence of the states of Lithuania, Latvia, and Estonia; and (3) that all troops under the control of the central Soviet government have been withdrawn from the territories of those nations.

LITHUANIAN PRESIDENT TELLS HIS PEOPLE TO PREPARE FOR POSSIBLE KREMLIN COUP

NEW YORK, November 26, 1990.—Lithuania's president went before the nation on Lithuanian television Saturday night to warn that Soviet President Gorbachev appears to be planning to subvert the democratically elected government in the southernmost Baltic state, reports the Brooklyn-based Lithuanian Information Center.

In what was probably his grimmest address to the people since the Lithuanian-Soviet crisis last spring, Vytautas Landsbergis, President of Lithuania's Supreme Council (or Parliament), warned that the Republic of Lithuania was "in danger." Comparing the situation to the days preceding the Soviet invasion of independent Lithuania in 1940, he said that "right-wing" forces including "old-style Bolsheviks," "militant generals and colonels," "worshippers of Great Russian imperialism," and "red fascists" were itching to turn back the clock in the U.S.S.R. and Lithuania. He described President Gorbachev as "either the leader of the right-wingers or their prisoner."

The Lithuanian President harshly criticized the new powers given to Gorbachev last week by the U.S.S.R. Supreme Soviet, saying they granted him the authority "to 'reorganize' from Moscow the governments of republics."

Landsbergis put before the Lithuanian public a forbidding scenario: internal discord in Lithuania fomented by Soviet agents, followed by a violent provocation staged by the KGB against members of the pro-Soviet minority in Lithuania, which would then be used to justify the introduction of presidential rule and the replacement of the legitimate Lithuanian government by a "government established by paratroopers" that would be willing to sign the new union treaty designed by the Kremlin to stave off the disintegration of the U.S.S.R.

The Lithuanian President implied that the refusal of unnamed Western countries to defend the Baltic states' right to observer status at the Paris summit meeting November 19–21 could encourage Gorbachev to believe that he had a free hand in dealing with the Baltic states. More than half of the 34 members of the CSCE, including the United States, refused to challenge the Soviets when they moved to block Baltic observer status at the Paris conference.

Only at the conclusion of his speech did Landsbergis offer hope for the future, stating that a right-wing putsch against his government was not inevitable. He assured the Lithuanian nation that the triumph of reactionary forces, should it come to pass, would be a brief one because the Soviet empire is "crumbling."

Extended excerpts of Landsbergis' speech follow:

"Yesterday * * * I stated that our homeland—the Republic of Lithuania—was in danger.

* * * * *

"The general crisis in the Soviet Union is stirring up the fiercest right-wing forces. These are old-style Bolsheviks, militant generals and colonels who comprehend only the use of force through tanks and sharpened shovels, worshippers of Great Russian imperialism possessing a chauvinist hatred for smaller nations, especially those which have chosen freedom. They ruled, we were ruled, and that was called "order." Now that is no longer the case, hence such fury and desire at all costs to "control" everything once again. Among them are openly active proponents of red fascism, demanding that fists be used to stop up mouths, that reforms in the Soviet Union be terminated and democrats be persecuted, that bloody terror be employed as in Tbilisi and Baku. Such people come to Lithuania as well in order to egg on like-minded fellow party-members, and then later to report back to Moscow what they ostensibly learned and investigated.

"The entire Soviet Communist Party is moving to the right. The progressives are handing in their party tickets while Mikhail Gorbachev, who not long ago appeared to be a reformer, is becoming within his party either the leader of the right-wingers or their prisoner, the spokesman and agent of their will within the Soviet Union and against us.

"The Kremlin's greatest concern is how, in spite of the specter of famine, to preserve the empire. They deftly take advantage of the opportunity which perhaps they themselves created—namely Iraq's aggression—to pretend to be the West's friends and hope to receive favors from that quarter. And one of those favors could be the failure to notice if military force and coercion are used against the Baltic countries, or at least the most disobedient one of them.

"That certain governments of large democratic countries are able to behave in a not very honorable manner was demonstrated in Paris. From those events there will be certain positive, useful consequences, but one negative consequence is that they push Mikhail Gorbachev into making some new mistake. Meanwhile, more important for us are events in Moscow. We recall the second meeting of the Lithuanian and Soviet delegations there on October 20: attacks, threats, reneging on things that had already been agreed to, an obvious reluctance to advance even a little way toward negotiations.

"We recall also the ultimatum delivered to the three Baltic countries by comrades Ryzhkov and Maslyukov (Chairman of U.S.S.R. State Planning Committee—LIC) on November 10: if we disobey their rule, if all we desire is normal trade with the U.S.S.R., then they will rupture everything, ruin our economy and, having created great hardships, will cause discord within our society, in order to produce a chaos that is greater than that in their own society. We recall also the speeches of certain deputies—one can call them fascistic—in Moscow, at the meetings of the Supreme Soviet, and President Gorbachev's own dictatorial schemes, the menacing resolution in the making all week and adopted yesterday.

"We see a new campaign of slander under way against Lithuania and its government, its changes, its independence. Such was the Moscow television program aired the day before yesterday.

* * * * *

"The latest decision, adopted yesterday, proposes, that is allows, the President (of the U.S.S.R.—LIC) to defend the rights of citizens, and also their lives, health and wealth, even to the extent of adopting extraordinary measures. Which rights and what kind of citizen's wealth would require the exercise of extraordinary measures is not defined in any way. That means, according to Soviet custom, that the law can be used in any way that is at that moment desirable. They will manufacture some sort of provocation and then use it for their own purposes. And with respect to the republics, the Soviet Union's President is well empowered; he is to create a unified justice system under his own control, i.e. all internal affairs organs, courts, prosecutors, and promises even to 'reorganize' from Moscow the governments of republics . . .

"Of course, not just in the Baltic countries, but in many other places as well it will not possible to do this by any means other than brute military force. And the Baltic states have already stated that they will defend themselves. It is all too similar to the situation in 1940: it's even worse, but also more clear. I wonder if today one could find even one person childishly dreaming of Stalin's sunshine, about an improved Soviet system.

"Thus what can we and what should we expect?

"Violence will be used, i.e. blood will be spilled as Mikhail Gorbachev promised yesterday, when all the necessary preparations have been made. First it will be necessary for them to dismantle political and community life in Lithuania, in order to better prepare public opinion in the Soviet Union and throughout the world.

"They have specialists who understand how to set people of one country against each other, playing off their views and even personal ambitions, how to antagonize groups, political forces and government bodies.

* * * * *

"Let us say that imperial preparations have been concluded, Lithuania's people exhausted and antagonized, the Parliament paralyzed, a new Moscow-hatched Lithuanian government is to be led by two writers, the Soviet security forces organize another provocation, choosing as victims their own supporters, and the Kremlin releases its fist or, put in more polite terms, imposes presidential rule. Then Lithuania falls under an active occupation once again, as in 1940, and a search begins for more flexible collaborators willing to sign the union treaty and join the union of "sovereign" republics once and for all. What to advise?

"The first piece of advice comes from the methods of nonviolent political struggle. After the coup, refuse to participate in all, even the least significant, elections so that the government established by paratroopers would not have even the flimsiest cloak of legitimacy. The second piece of advice: to heed your heart and conscience. With the Soviet empire crumbling, the night would not be a long one. And perhaps it will not come at all if we stay calm, disassociate ourselves from suspicious hotheads and do not allow ourselves to be pitted one against the other."

GORBACHEV ISSUES ULTIMATUM TO LITHUANIA

NEW YORK, January 10, 1990.—Soviet President Mikhail Gorbachev issued an ultimatum to the Supreme Council, or Parliament, of the Republic of Lithuania today, demanding it "restore the validity of the U.S.S.R. Constitution" and demonstratively referring to it as the Supreme Soviet of the Lithuanian SSR, reports the Lithuanian Information Center of New York. An English translation of the ultimatum, provided by the Lithuanian government's Information bureau, follows:

"The situation which has developed in the Republic, and its sharp aggravation during the past few days forces me, as the President of the U.S.S.R., to appeal directly to the Supreme Soviet of the Lithuanian SSR.

"It is necessary to face the truth, and to see the real reasons of the current situation. They are conditioned by flagrant violations and deviations from the Constitutions of the U.S.S.R. and of the Lithuanian SSR, by violations of the people's civil and social rights, and under the guise of democracy, by seeking to implement policy, the goal of which is to re-establish a Bourgeois regime and order.

"The responsibility for this lies with the Republic's Supreme Soviet, which in ignoring constitutional laws, resolutions of the Supreme Soviet of the U.S.S.R. and of the U.S.S.R. Congress of People's Deputies, decrees and appeals of the President of the U.S.S.R., goes against the interests of the people.

"Essentially, the situation has reached a dead-end. The need to find a way out of the situation requires taking speedy steps. Union authorities are getting many appeals from social-political organizations, manufacturing collectives, and citizens of all nationalities. People are demanding that constitutional order be re-established, and that their security and living conditions be properly guaranteed. They have lost faith in the policies of the present authoritites. They demand that Presidential rule be established.

"I propose to the Supreme Soviet to immediately restore the validity of the U.S.S.R. Constitution and of the Constitution of the Lithuanian SSR, and to revoke the anti-constitutional acts adopted earlier.

"The Supreme Soviet of the Lithuanian SSR must understand all of its responsibility to the nations of the Republic and of the U.S.S.R."

By Mr. WARNER:

S. 232. A bill to amend title 38, United States Code, to increase the maximum amount, of coverage under Servicemen's Group Life Insurance and Veterans' Group Life Insurance and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase; to the Committee on Armed Services.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE ENHANCEMENT ACT

• Mr. WARNER. Mr. President, I rise today to introduce legislation to increase the coverage of Government-sponsored life insurance for the men and women of our armed services and to pay a death gratuity to survivors of members who died after August 1, 1990, and before the date of the increase.

Mr. President, the U.S. Government began the practice of insuring the lives of servicemen and women during the early days of World War I to provide financial protection for their families. The Government took this action because commercial insurance companies either refused to provide such insurance or charged prohibitive premiums.

The War Risk Insurance Act of October 6, 1917, established the U.S. Government Life Insurance [USGLI] Program for service members to buy yearly renewable term life insurance in amounts from $1,000 to $10,000. The Government was the insurer and assumed the cost of the "extra hazard" for insuring the members of the Armed Forces. Since that time, the benefits of the USGLI Program have changed several times. For example, the Servicemen's Idemnity Act of April 25, 1951, provided for a gratuitous indemnity of $10,000 payable to survivors of members who died on or with 120 days of active duty. This act also established a Veteran's Special Term Life Insurance [VSLI] Program to provide low-cost insurance in amounts of $1,000 to $10,000 during their transition from military to civilian life. However, the Servicemen's and Veterans' Survivor Benefits Act of August 1, 1956, abolished the $10,000 death gratuity and the VSLI Program. Survivor benefits were then covered under the Social Security System pursuant to the Dependency and Indemnity Compensation Program beginning January 1, 1957.

For the first time in 40 years, members and veterans of the armed services lacked a Government life insurance program. This situation continued until the act of September 29, 1965, when the current Servicemen's Group Life Insurance [SGLI] Program was established. The maximum amount of insurance available was $10,000—the same amount as originally provided 48 years earlier. A key difference between these two programs is that members on active duty are automatically insured for the maximum amount unless they decline in writing to a lesser amount or no insurance. Also, the program is administered by a private insurance company under the supervision of the Department of Veterans Affairs. Although the insurance program is financially self-sustaining, the Government pays the difference in insurance for deaths attributable to "extra hazard" of active duty service.

Twenty years after SGLI was established, the maximum amount of SGLI increased five times to the present amount of $50,000 in 1985. The program has also been amended to include coverage for cadets and midshipmen of the military academies, reservists, and to establish a new program of veterans' group life insurance [VGLI]. However, this maximum coverage of $50,000 is significantly less than the average life insurance coverage of $116,114 obtained by the average American, as reported in the "1988 Life Insurance Fact Book."

The bill I am introducing is designed to close this gap by establishing a maximum insurance coverage of $100,000 for both the SGLI and VGLI programs. This change will automatically take effect on the date of enactment. The amount of insurance coverage for each service member who is insured under SGLI on or before the date of enactment will automatically double. Moreover, to assure that service members are notified of this increase and to afford them the opportunity to elect in writing an increase in coverage to the new maximum of $100,000 or a lesser amount, my legislation requires the Secretary of Veterans Affairs to notify the service members within 120 days of enactment. During this period, the Secretary of Veterans Affairs, under this existing authority, may raise the insurance premiums commensurate with the new insurance increases.

Finally, Mr. President, recognizing the increased risks attributable to service members because of the United States military involvement in Operation Desert Shield in the Persian

Gulf, my bill would authorize the payment of a death gratuity to the beneficiaries of service members who died on active duty after August 1, 1990, but before the date of enactment of my bill in an amount equal to the SGLI coverage at the time of death. Eligibility for such death gratuity extends to the beneficiaries of any service member who died during this period of time, regardless of whether the service member died on official orders pertaining to the Desert Shield and Desert Storm Operation, providing the beneficiaries apply for the gratuity within 1 year of the date of enactment. There is a precedent for death gratuities under existing law. My bill authorizes the Secretary of Veterans Affairs to establish the necessary application procedures for the gratuity.

Mr. President, because of the gravity of the U.S. involvement in the Persian Gulf region and the enormous number of military personnel deployed in this region, we have a unique opportunity to recognize the serious hazards and risks associated with military service and the effect of those hazards and risks to the men and women of the Armed Forces and their families. We can do so by increasing the amount of life insurance coverage for active duty members and veterans and by compensating their families for any deaths that may occur. That is exactly what my legislation proposes to do. For this reason, I intend to address my legislation in hearings this year before the Senate Armed Services Committee.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Servicemen's Group Life Insurance Coverage Enhancement Act of 1991".

SEC. 2. INCREASE OF SGLI AND VGLI MAXIMUM AMOUNT.

(a) INCREASED AMOUNT.—Section 767 of title 38, United States Code, is amended by striking out "$50,000" each place it appears and inserting in lieu therefore "$100,000".

(b) CONFORMING AMENDMENT.—Section 777(a) of title 38, United States Code, is amended by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000".

(c) TRANSITION PROVISIONS.—(1) Effective on the date of the enactment of this Act, the amount of the insurance provided under section 767 of title 38, United States Code, for a person who is insured under such section on the day before that date shall be increased to the amount equal to twice the amount of the insurance provided for such person under that section on such day.

(2) The Secretary of Veterans Affairs, in consultation with the Secretary concerned, shall take such action as is necessary to ensure that each person referred to in paragraph (1) is notified of the increased insurance coverage provided under such paragraph and is afforded the opportunity to make an election under section 767 of title 38, United States Code, within 120 days after the date of the enactment of this Act.

SEC. 3. DEATH GRATUITY FOR PARTICIPANTS WHO DIED BEFORE THE DATE OF ENACTMENT.

(a) PAYMENT OF DEATH GRATUITY.—Subject to subsections (c) and (d), the Secretary of Veterans Affairs shall pay, out of any sums in the Treasury not otherwise appropriated, a death gratuity to each SGLI beneficiary of each deceased member of the uniformed services who died after August 1, 1990, and before the date of the enactment of this Act.

(b) SGLI BENEFICIARY DEFINED.—In this section, the term "SGLI beneficiary", with respect to a deceased member of the uniformed services, means a person to whom Servicemen's Group Life Insurance is paid or payable under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(c) AMOUNT AND DISTRIBUTION OF GRATUITY.—The amount of the death gratuity payable to an SGLI beneficiary in the case of a deceased member of the uniformed services under this section shall be equal to the Servicemen's Group Life Insurance paid or payable to such beneficiary under subchapter III of chapter 19 of title 38, United States Code, by reason of the death of such member.

(d) APPLICATION FOR GRATUITY REQUIRED.—A death gratuity shall be payable to an SGLI beneficiary under this section upon receipt of a written application therefor by the Secretary of Veterans Affairs within one year after the date of the enactment of this Act.

(e) REGULATIONS.—The Secretary shall prescribe in regulations the form of the application for benefits under this section and any procedures and requirements that the Secretary considers necessary to carry out this section.

SEC 4. DEFINITION.

In this Act:

(1) The term "uniformed services" has the same meaning as is provided in section 765(6) of title 38, United States Code.

(2) The term "Secretary concerned" has the same meaning as is provided in section 101(25) of title 38, United States Code.•

By Mr. GARN (for himself and Mr. HATCH):

S. 233. A bill to increase the amounts authorized to be appropriated for the Colorado River Storage Project, and for other purposes; to the Committee on Energy and Natural Resources.

CENTRAL UTAH PROJECT COMPLETION ACT

• Mr. GARN. Mr. President, today, Senator HATCH and I are reintroducing the Central Utah Project Completion Act. This is the identical bill which by itself passed both Houses of the Congress during the 101st session of the Congress, but which failed to reach the President's desk because of a disagreement over wholly unrelated provisions which were attached to the CUP bill dealing with the reclamation reform issue.

It is our hope that those issues can be resolved and that this important legislation for the people of Utah can be enacted into law during this session of the Congress. Senator HATCH and I are committed to doing everything we can to facilitate this process. We appreciate the willingness of the chairman of the Water and Power Subcommittee, Senator BRADLEY, for his willingness to work with us last year and for his willingness to hold hearings on the CUP bill during the early days of this new session of the Congress.•

By Mr. INOUYE (for himself, Mr. MCCAIN, Mr. BURDICK, and Mr. MURKOWSKI):

S. 235. A bill to authorize additional positions for the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Select Committee on Indian Affairs.

NATIONAL MUSEUM OF THE AMERICAN INDIAN AMENDMENTS ACT

• Mr. INOUYE. Mr. President, I am today introducing a bill that would amend the National Museum of the American Indian Act to provide a procedure for the repatriation of native American human remains, funerary and sacred objects, and items of cultural patrimony. The provisions of this bill are similar to those contained in generic repatriation legislation affecting federally-funded museums and institutions that was signed into law at the end of the last session of the Congress.

While I look forward to hearings on this bill and discussions with the Smithsonian Institution, I believe that the native people of this country have been heartened by the leadership the Smithsonian Institution has demonstrated in this sensitive area. I want to commend Secretary Adams for his thoughtful approach to an issue that is of great importance to native people.•

• Mr. MCCAIN. Mr. President, I am pleased to be a cosponsor of the National Museum of the American Indian Amendments Act. I would like to thank my good friend from Hawaii, Senator INOUYE for his leadership on these very difficult issues. This legislation will extend to the Smithsonian Institution the same standards for the respectful treatment and return of native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, that now govern all museums and agencies receiving Federal funds.

The Select Committee on Indian Affairs under the leadership of Senator INOUYE has held numerous hearings on these very difficult issues. Last Congress, two landmark pieces of legislation were signed into law by the President. Public Law 101–185, which established the National Museum of the American Indian, provided a standard for the treatment and respectful return of native American human remains and funerary objects in the collections of the Smithsonian Institution. Public Law 101–601, the native American Grave Protection and Repatriation Act created a national standard for the respectful treatment and return of native American human remains and funerary objects. In addition, Public Law 101-601 expanded the provisions to include native American sacred objects and objects of cultural patrimony.

I am pleased that the Smithsonian Institution is continuing to provide leadership on this very difficult issue. The provisions of this bill reflect a national consensus developed by the American Association of Museums, the Society of American Archaeology, the National Congress of American Indians and the Native American Rights Fund on Legislation to repatriate native American human remains, funerary objects, sacred objects and objects of cultural patrimony. I would especially like to recognize the contributions of the trustees of the Heard Museum and the personal commitment of Mr. Michael Fox, the former director of the Heard Museum, to facilitate and coordinate the discussions between museum professionals and native American leaders. I would also like to recognize the substantial contributions made by Mr. Philip Thompson the director of the Museum of Northern Arizona and Mr. Martin Sullivan, the new director of the Heard Museum to this process.

Finally, I believe this legislation strikes a balance between the interest of native Americans in the rightful and respectful return of their ancestors with the interest of our National Museum in maintaining the rich cultural heritage of our Nation. Above all, I believe this legislation establishes a process that provides the dignity and respect that our Nation's first citizens deserve.•

By Mr. MOYNIHAN:

S. 236. A bill to repeal certain cold war legislation, and for other purposes; to the Select Committee on Intelligence.

END OF THE COLD WAR ACT

• Mr. MOYNIHAN. Mr. President, the last 12 months have been among the most momentous in this century. The cold war is over. More. The 20th-century war, which began with the coming to power in Russia of the first totalitarian state, is also over. Since 1917 we have witnessed a global struggle between the competing visions of Lenin and Woodrow Wilson—messianic Marxism versus the rule of law and democracy. This struggle changed the world. It changed us as well. The time has come to ask, with the cold war over, can we purge the vestiges of this struggle from our laws, our bureaucracy and, most importantly, from our way of thinking? Can we muster the will to redefine ourselves? We will be living in a multipolar world. We need to ask, "What is no longer needed? Are new practices appropriate?"

Much has changed. We are now near to half a century from that fiery Sunday morning which ended, perhaps forever, America's sense of invulnerability. December 7, 1991—less than 1 year from today—will be the 50th anniversary of the bombing of Pearl Harbor. The advent of air power irremediably shrank our great buffer oceans. Once it had been enough to deprive potential rivals of nearby coaling stations by securing Hawaii and Midway Island. But apostles of air power like Douhet and Mitchell had warned that the United States was now vulnerable as never before. And the Japanese brought home their point with shattering effect.

And after the conflagration? America recovered from the physical blow the Japanese dealt at Pearl Harbor, but what of the psychic scars? This is what Hannah Arendt had to say in the aftermath of World War II:

> Two World Wars in one generation, separated by an uninterrupted chain of local wars and revolutions, followed by no peace treaty for the vanquished and no respite for the victor, have ended in the anticipation of a third World War between the two remaining world powers. This moment of anticipation is like the calm that settles after all hopes have died.

The course of the war added nuclear weapons to the threat of air power, so that man could say, as the god Vishnu had: "I am become death. The destroyer of worlds."—Bhagavad-Gita.

We have so long lived with this danger that it has come almost to define us. America has become a national security state. Geared for war at all times. A Chief Executive who is, in a real and active sense, a Commander in Chief. The two full generations of Americans who have lived their entire lives in a world with totalitarian enemies armed with nuclear weapons simply think and act differently than prior generations.

One important change is a wholly new tolerance—even admiration—for spying. It is almost impossible today to recapture the sense of an America in which Henry Stimson could say in disbanding America's Black Chamber code-breaking operation in 1929: "Gentlemen do not read each other's mail." Or the consternation that rippled through Woodrow Wilson's 1919 audience in a St. Louis auditorium when he warned that if America did not join the League of Nations, then—

> Knowledge must be accumulated by a system which we have condemned, because we have called it a spying system. The more polite call it a system of intelligence. And you can not watch other nations with your unassisted eye. You have got to watch them by secret agencies planted everywhere.

The cold war changed that. By 1947 the Christian Science Monitor would write:

> It is generally agreed that a good intelligence service is the first line of military defense today. "Aha!" says the average American. "Spies!" Yes, spies—such as all the major nations of the world maintain in order to know what the others are up to. There is no use being coy about the subject.

In 1947 the Congress adopted the National Security Act which, among other things, created the CIA. Testifying in favor of the act, Allen Dulles said:

> I do not believe in a big agency. If this thing gets to be a great big octopus, it [would] not function well.

Yet, it has been written that the Agency's secret slogan in 1947 was "Bigger than State by '48." Today the State Department has 9,975 employees within the United States; the CIA has roughly 20,000 employees and sprawls over 219 acres, 8 miles upstream from the Capitol. In addition to the CIA we have the DIA, the NSA, the NRO, the Army, Navy, Air Force, and Marine intelligence services, FBI counterintelligence, and bureaucratic spies at the Treasury Department, the Energy Department, the State Department, and so on. America's first master spy—cryptography genius Herbert O. Yardley—ended his life as a professional poker player after he was sent packing by Secretary of State Stimson for his ungentlemanly behavior. Today a former Director of the CIA sits in the Oval Office. George Herbert Walker Bush was the ninth Director, serving in that position for precisely 356 days.

Now, however, the cold war is over. There is much talk of the dollars and cents of the peace dividend. But we do not seem to realize that the greatest potential dividend is the opportunity to define ourselves anew. To quote Thomas Sowell, "the peace dividend is peace."

It remains to be seen if we are up to this challenge. I have my doubts. I was certain that in our penury the least we would do was dramatically reduce the size of our Armed Forces, but our most recent Defense budget failed to kill a single major weapons system and was $8 billion higher than the peacetime average for the entire cold war period even excluding the years when we were actually at war in Korea and Vietnam.

And what of the enormous sums spent on spying? During the 1980's our military budget grew to, and remains at, wartime levels. The budgets of the intelligence agencies skyrocketed as well. During the early 1980's the CIA budget grew by a reported 17 percent annually. Public estimates of the total cost of all U.S. intelligence activities have exceeded $30 billion. And yet, when I proposed this fall that the aggregate figure for all spending on intelligence activities be made public I was greeted with cries of alarm. To publish this one lump-sum figure, it was claimed, would reveal sources and methods. I had thought that with the cold war over this was the barest minimum that we might do to fulfill our constitutional obligation—under article I, section 9, clause 7—to publish "a regular Statement and Account of the

Receipts and Expenditures of all public Money." Hearings will be held, but I am not sanguine about the outcome.

Can we simply return to a Wilsonian America? Of course not. The world has yet to beat its nuclear swords into plowshares. Nor have we rid the world of terror. Terrorism is not new, of course. But the weapons of today's terrorists—like those which destroyed Pan Am 103—are unprecedented in their sophistication and power.

Still, the intelligence community has been occupied from its creation primarily with tracking a Soviet threat which for most intents and purposes no longer exists. Nor have we been notably successful even in that endeavor. We were told of a bomber gap which did not exist, of a missile gap which did not exist, of a Soviet-Sino alliance even as Soviet and Chinese troops were exchanging gunfire across the Amur River. We are now learning that the surging Soviet economic power which was reported from 1950 to 1980 was far less menacing than we were led to believe. I have recently chaired a hearing before this committee on this subject and, I must say, that it appears to me that this has been an intelligence failure on a par with—perhaps worse than—the missile gap of the late 1950's. As Lyndon Johnson said of that earlier error:

> [I]t turned out [that] our guesses were way off. We were doing things we didn't need to do. We were building things we didn't need to build. We were harboring fears we didn't need to harbor.

We now learn that just as the Soviet economy was collapsing we were launching the most massive peacetime military buildup in our history.

Now we can reconsider the function and necessary size of the intelligence community. But we see that the Nation's spies are eagerly searching for a new mission to justify their existence. The New York Times has reported that the National Security Agency, with a reported budget of $5 billion and 50,000 employees, has offered to spy on behalf of the Nation's businesses. Robert J. Samuelson has aptly dismissed this as "a prime example of a nutty idea being justified as furthering our 'economic security'." There will be other such ideas and more proposed missions. The notion that we need a vast intelligence community to ensure our safety has become ingrained over nearly 50 years.

The recent events in the Persian Gulf have brought home to us the difficulty of thinking anew. When the crisis began, President Bush announced that one of his most important goals in handling Iraq's invasion of Kuwait would be to help put in place a new world order. For the first 3 months of the crisis that is exactly what we did. He turned to the United Nations. He began to speak of the importance of international law. Indeed. At a press conference held on August 23, 1990, President Bush referred to international law six times in the space of 15 minutes, throwing in three references to the United Nations, chapter VII of the U.N. Chapter and "the rule of law" for good measure.

Of a sudden, President Bush lurched back into the modalities of the cold war. On November 8, 1990 the President announced a doubling of our troops in Saudi Arabia and a wholly new mission for them: expelling Iraq from Kuwait by force. What had been a multinational economic embargo became a bipolar military confrontation between the United States and a demonized Saddam Hussein. I fear that the present military attack, no matter how successful, will not put in place a new world order under these circumstances. Rather, it will reinforce the notion that the cold war methods of doing business are alive and well.

Last November the Committee on Foreign Relations held its first hearings on the implications of the end of the cold war. I chaired these hearings, and if there was a single point which our distinguished witnesses drove home again and again it was the enormity of the task of reshaping the American Government in the aftermath of the cold war. The cold war mentality is woven through all of our institutions; indeed, it frames our very efforts to think about international problems.

Today, I would like to begin this task by introducing a bill which will make certain basic changes which we can already identify as desirable. First, it will transfer the functions of the Director of Central Intelligence to the Secretary of State. The Secretary should be the Nation's spokesman, and the President's source of information on the state of the world. The creation of the Central Intelligence Agency, the quintessential product of the cold war, significantly undermined the ability of Secretaries of State to fulfill that role.

The bill will also require that the President publish a single figure for all intelligence outlays. This will allow the public to have a better understanding of the costs of collecting intelligence information and help produce a better informed debate on restructuring our intelligence institutions in the post-cold war world.

The bill will remove once and for all the authority of the executive branch to exclude persons from the United States because they hold views which the U.S. Government dislikes. As such, it will finally repeal the last vestiges of the infamous McCarran-Walter Act which, for 40 years has portrayed the American people as weak and frightened of ideas. The bill requires the U.S. Government to purge all lists of persons whose ideology is unacceptable to the United States.

The bill reintroduces an amendment which was adopted by the Congress last year, only to be vetoed by President Bush, which makes it a crime to solicit funds or arrange quid pro quo deals in order to carry out activities which have been prohibited by law. This bill will reassert a most important principle which was also lost in the fog of the cold war: that the executive branch may not resort to extralegal devices to evade the laws in national security cases. As our distinguished majority leader said during the debate on this amendment, it stands for a simple proposition: "Obey the law."

Finally, this legislation endeavors to fully and finally deal with what is literally a poisonous legacy of the cold war: the environmental degradation by the Department of Defense and the Department of Energy. One of the great tragedies of the secrecy system which grew up and festered during the cold war is the destruction which was secretly visited upon the United States, not by the Soviet Union, but by agencies of the United States.

Mr. President, the task of purging the cold war from our institutions and our statutes is enormous. It will require a sustained and determined effort. The legislation which I am offering today is but a start. No doubt it is imperfect. Much has been left out; perhaps there are flaws in what has been included. I offer it as a work in progress and welcome all comments and criticism.

I ask unanimous consent that the text of the bill repealing certain aspects of the cold war be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembed,

TITLE I—SHORT TITLE

SEC. 101. This Act may be cited as the "End of the Cold War Act of 1991."

TITLE II—ELIMINATION OF IDEOLOGICAL RESTRICTIONS AND LISTS

SEC. 201. FINDINGS.—The Congress finds that—

(a) During the Cold War the United States excluded and maintained lists of foreign persons (referred to within this title as "Lookout Lists") with "unacceptable" opinions for the purpose of excluding such persons from entry into the United States;

(b) During the Cold War the United States made it a criminal offense to express opinions concerning the desirability of inevitability of revolution even if persons expressing such opinions in no way incited persons or conspired to commit any other criminal offense.

(c) Such exclusion, Lookout Lists and criminalization of opinion are inconsistent with the fundamental American principles of free speech and the competition of ideas.

SEC. 202. PURGING IDEOLOGICAL LOOKOUT LISTS.—Within two years of the effective date of this Act the United States government shall delete from any Lookout List the name of any alien and all information pertaining to such alien placed on such list because of any past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States.

SEC. 203. REPEAL OF IDEOLOGICAL EXCLUSION AUTHORITY.—Subsection (c) of United States Code, Title 8, Section 1182 is amended to read—

"(i) IN GENERAL.—An alien whose entry or proposed activities in the United States the Secretary of State has reasonable ground to believe would have a serious adverse foreign policy consequences for the United States is excludable.

"(ii) EXCEPTION.—A alien shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States.".

SEC. 204. Nothing in this title requires the admission of or the deletion of any information pertaining to any alien believed to be a national security threat to the United States or whose name was placed on any Lookout List for a reason other than their past, current or anticipated beliefs, statements, or associations.

TITLE III—UNIFICATION OF UNITED STATES DIPLOMACY

SEC. 301. PURPOSE.—It is the purpose of this title to unify the formulation and execution of United States foreign policy by transferring intelligence functions to the Department of State.

SEC. 302. FINDINGS.—The Congress finds that—

(1) the creation of the Central Intelligence Agency as a separate entity during the Cold War undermined the role of the Department of State as the primary agency of the United States Government formulating and conducting foreign policy and providing information to the President concerning the state of world affairs;

(2) it is desirable for the Secretary of State to serve as the official primarily responsible for coordinating and managing the gathering of intelligence; and

(3) it is desirable for the functions and the personnel of the Central Intelligence Agency to be transferred to the Department of State.

SEC. 303. TRANSFER OF INTELLIGENCE FUNCTIONS.—

(a) Not later than two years after the effective date of this Act there shall be transferred to and vested in the Secretary of State all of the functions, powers and duties of the Director of Central Intelligence, the Director of the Central Intelligence Agency and any officer or component of the Central Intelligence Agency.

(b) Not later than one year after the effective date of this Act, the Secretary of State, after consultation with the Director of the Central Intelligence Agency and other relevant officials, shall transmit to the Congress a plan for (1) effecting the transfer of functions under this section and (2) administering those functions. In designing the plan the Secretary shall also consult with the Congress and the President's Foreign Intelligence Advisory Board.

(c) The Secretary of State is authorized to conduct the functions transferred by subsection (a).

(d) The transfer of a function or office from an officer or agency to the Secretary of State includes any aspects of such function or office vested in a subordinate of such officer or in a component of such agency.

SEC. 304. DISCLOSURE OF TOTAL INTELLIGENCE EXPENDITURES.—Section 1105(a) of Title 31 of the United States code is amended to add at the end thereof—

"(27) a separate, unclassified statement of the aggregate amount of budget outlays for the prior fiscal year for national and tactical intelligence activities. This figure shall include, without limitation, outlays for activities carried out under the Department of Defense budget to collect, analyze, produce, disseminate or support the collection of intelligence.".

TITLE IV.—PROHIBITION ON CHANNELING OR DIVERTING FUNDS TO CARRY OUT ACTIVITIES FOR WHICH UNITED STATES ASSISTANCE IS PROHIBITED

SEC. 401. (a) PROHIBITION.—(1) Whenever any provision of United States law expressly refers to this section and expressly prohibits all United States assistance, or all assistance under a specified United States assistance account, from being provided to any specified foreign region, country, government, group, or individual for all or specified activities, then no officer or employee of the Executive branch may—

(A) receive, accept, hold, control, use, spend, disburse, distribute, or transfer any funds or property from any foreign government (including any instrumentality or agency thereof), foreign person, or United States person;

(B) use any United States funds or facilities to assist any transaction whereby a foreign government (including any instrumentality or agency thereof), foreign person or United States person provides any funds or property to any third party; or

(C) provide any United States assistance to any third party, if the purpose of any such act is the furthering or carrying out of the same activities, with respect to that region, country, government, group, or individual, for which United States assistance is expressly prohibited.

(2) As used within the meaning of paragraph (1), assistance which is provided for the purpose of furthering or carrying out the same or similar activities for which United States assistance is expressly prohibited includes assistance provided under an arrangement conditioning, expressly or impliedly, action by the recipient to futher those activities.

(b) PENALTY.—Any person who knowingly and willfully violates the provision of subsection (a)(1) shall be imprisoned not more than 5 years or fined in accordance with title 18, United States Code, or both.

(c) PRESIDENTIAL NOTIFICATION.—(1) Whenever—

(A) any provision of United States law described in subsection (a)(1) expressly refers to this section and expressly prohibits the provision of United States assistance for specified recipients or activities, and

(B) any officer or employee of the Executive branch advocates, promotes, or encourages the provision of funds or property by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person for the purpose of furthering or carrying out the same or similar activities with respect to such recipients,

Then the President shall notify the Congress in a timely fashion that such advocacy, promotion, or encouragement has occurred. Such notification may be submitted in classified form.

(2) Nothing in this subsection shall be construed as authorizing any action prohibited by subsection (a).

(d) APPLICABILITY.—The provisions of this section shall not be superseded except by a provision of law enacted on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, which specifically repeals, modifies, or supersedes the provisions of this section.

(e) CONSTRUCTION.—(1) Nothing in this section shall be construed to limit—

(A) the ability of the President, the Vice President, or any officer or employee of the Executive branch to make statements or otherwise express his views to any party on any subject;

(B) the ability of an officer or employee of the United States to express the publicly enunciated policies of the President; or

(C) the ability of an officer or employee of the United States to communicate with any foreign country, government, group, or individual, either directly or through a third party, with respect to a prohibition on United States assistance covered by subsection (a)(1), including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of such prohibition.

(2) Nothing in this section shall be construed as waiving or otherwise derogating from any other provision of law imposing penalties or obligations with respect to any of the acts described in subparagraph (A), (B), or (C) of subsection (a)(1).

(f) DEFINITIONS.—For purposes of this section—

(1) the term "person" includes (A) any natural person, (B) any corporation, partnership, or other legal entity, and (C) any organization, association, or other group;

(2) the term "United States assistance" means—

(A) assistance of any kind under the Foreign Assistance Act of 1961;

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) export licenses issued under the Arms Export Control Act; and

(D) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981), excluding any activity involving the provision or sharing of intelligence information; and

(3) the term "United States assistance account" means an account corresponding to an authorization of appropriations for United States assistance.

TITLE V.—ENVIRONMENTAL COMPLIANCE

SEC. 501. SHORT TITLE.—This section may be cited as the "Federal Government Environmental Compliance Act."

SEC. 502. DEPARTMENTAL REVIEW.—

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall undertake a comprehensive review of existing environmental practices and procedures within the Departments of Defense and Energy.

(b) EVALUATION.—Not later than one year after the effective date of this Act,

(1) the Administrator shall submit a report to Congress detailing the degree to which facilities and or regulations of the Departments of Defense and Energy are in compliance with existing state and federal environmental statutes, and

(2) the Administrator shall provide written notice to the Secretaries of Defense and Energy detailing the degree to which their Departments are in compliance with existing state and federal environmental statutes.

SEC. 503. REPORT.—

(a) Not later than twelve months after notification by the Environmental Protection

Agency, the Secretaries of the Departments of Defense and Energy shall—

(1) report to Congress all previous and or on going violations of any state and federal environmental regulations, and

(2) report to all relevant states and municipalities all previous and or on going violations of any state or municipal environmental regulation, and

(3) submit to Congress a comprehensive plan, including time tables and schedules, detailing future plans to bring the Department into compliance with state and federal environmental regulations.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.—

(a) For the purposes of carrying out section 2 of this Act, there is authorized to be appropriated by the Administrator of the Environmental Protection Agency $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995. Such sums shall remain available until expended.●

By Mr. NUNN (for himself, Mr. WARNER, Mr. GLENN, Mr. MCCAIN, Mr. SASSER, Mr. BIDEN, Mr. BOREN, Mr. LEVIN, Mr. KASTEN, Mr. THURMOND, Mr. CHAFEE, and Mr. DODD):

S. 237. A bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger: to the Committee on Armed Services.

SPECIAL PAY FOR HOSTILE DUTY

Mr. NUNN. Mr. President, when Operation Desert Shield began last August, the Armed Services Committee and the Congress acted quickly to provide certain benefits to United States military personnel deployed to the Persian Gulf in Operation Desert Shield. These benefits were provided in recognition of the rigorous environment in which our men and women in uniform were serving and to address certain compensation equity concerns for both our active and reserve component personnel. The enactment of these authorities last year took care of these immediate concerns.

Last fall, in the fiscal year 1991 National Defense Authorization Act, the Congress authorized a set of benefits for our military personnel deployed in Operation Desert Shield. This legislation authorized free postal services for military personnel deployed to the Persian Gulf in Operation Desert Shield; authorized imminent danger pay—$110 per month—to be paid to eligible personnel from the start of Operation Desert Shield in August of last year; authorized the payment for unused accrued leave for reservists, national guardsmen and retirees called to active duty; authorized the payment of medical special pays to reserve and national guard medical personnel called to active duty; and authorized the payment of variable housing allowances to reservists and national guardsmen. These authorities have been implemented by the Defense Department.

We have continued to review the needs and benefits of our military personnel serving in the Persian Gulf, and I believe that additional legislation is needed to ensure that our military personnel deployed to the gulf are fully supported, treated fairly, and are not encumbered with having to tend to personnel affairs that could distract them from their missions.

Senator GLENN, the chairman of the Manpower and Personnel Subcommittee, with Senator MCCAIN, the ranking minority member have already introduced a series of bills to address a number of these problems. These bills include:

S. 203, a bill to extend the deadline for military personnel to file their Federal income tax returns for tax year 1990 for up to 6 months after they return from the Persian Gulf without penalty;

S. 204, a bill to provide for certain recalled retired military personnel to serve in the highest grade they held previously on active duty;

S. 205, a bill to provide equal treatment to military personnel for unemployment compensation by setting the criteria for entitlement to such umemployment compensation to the same criteria applicable to civilian personnel; and

S. 221, a bill to require the Defense Department to implement a savings plan for military personnel in the Persian Gulf that was authorized last year.

Senator MITCHELL and Senator DOLE have also introduced legislation to deal with the problem of the Federal income tax filing deadline for members of the military services in the Persian Gulf.

I am pleased to be a cosponsor of all of these bills.

There is another piece of legislation which I am introducing today along with Senator WARNER, Senator GLENN, Senator MCCAIN, Senator SASSER, Senator THURMOND, Senator BOREN, Senator BIDEN, Senator LEVIN, and Senator KASTEN. This bill would increase the imminent danger pay being received by military personnel from $110 per month to $150 per month.

Last fall, we pressed the Defense Department to implement this pay retroactive to the start of Operation Desert Shield in order to address the concern raised by military families about the loss of the basic allowance for subsistence.

The basic allowance for subsistence, $184 per month, is paid to married personnel who are not required to eat in the mess halls but are allowed to eat at home. When these personnel are deployed to field duty such as in Operation Desert Shield, they are fed Government rations and therefore do not receive the basic allowance for subsistence.

The perception among military families when this happens is that they are taking a pay cut right when their loved one is going over to face danger. This perception was fueled by the delay by the Department of Defense in paying imminent danger pay—$110 per month—from the start of Operation Desert Shield.

Mr. President, for that reason I believe this is a bill that is very important now. I believe that it is important to make sure that military families do not take a cut in pay, either in reality or in perception.

However, Mr. President, I also believe an increase in this special pay is due because the current rate of $110 per month was set back in 1985. An increase on the basis of inflation alone would be merited. I believe this increase in imminent danger pay will help ease the strain on the part of our military families while their spouses are in harm's way in the Persian Gulf.

Mr. President, I know that the welfare of every soldier, sailor, airman, and marine in the Persian Gulf is foremost on the minds of all of us today. For the last 5 months, our men and women in uniform have performed exceptionally well under very adverse and uncertain conditions. I have the greatest respect and appreciation for their personal commitment and sacrifice and those of their families. My own State of Georgia has been affected by the Persian Gulf in every corner of the State, from the division-sized deployment of the 24th Infantry Division, to the brigade size call-ups of the 197th Infantry Brigade at Fort Benning and the 48th Infantry Brigade of the Georgia National Guard, to individuals who have been called to replace active duty personnel who have been deployed. In fact, a recent news story indicated that the States of Georgia, Mississippi, and Louisiana have by far the largest number of Guard and Reserve personnel serving in Operation Desert Shield and we are very, very proud of them.

Mr. President, as I noted, other Senators have or will be introducing legislative proposals dealing with benefits for our military men and women. I have cosponsored other Senators' legislative proposals, and I would welcome any Senator who wishes to cosponsor the bill I am introducing today.

I hope the committees of jurisdiction will act on these proposals as quickly as possible. I intend to have the Armed Services Committee consider this bill and any others that have been referred to the Armed Services Committee in the very near future.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. I wonder if the distinguished chairman of the Armed Services Committee would yield for a question? One of the points that has come to my attention is the problem of those physicians who have been retired, that are calling back to active duty. The problems they are encountering are twofold, as I understand it. One is in connection with their medical malpractice insurance. Second, many of them had spent a number of years in-grade and thus were due for promotion. Yet as I understand the situation, when they are called back they slide back and have to start all over again, as far as serving the time in grade.

I do not expect the distinguished chairman to know an answer to both of those questions. But I would ask in the course of his hearings if he would be good enough to look into the doctors' situation; those who have been called back?

Mr. NUNN. I will be glad to do that, I say to my friend, the Senator from Rhode Island. I will do that.

I believe that S. 204, which is a bill I have cosponsored—Senator GLENN is the main sponsor—does address the matter of the grade of recalled retired military personnel. What happens is they retire in a lower grade than they served in. In many cases when they come back on active duty they are not entitled, under the current law, to pick up where they left off. Indeed they have a lower rank and that is inequitable, and that I believe will be remedied and we will look at the other question.

Mr. CHAFEE. I certainly would appreciate that. It is my understanding Senator GLENN is sponsoring legislation on the grade problem. But it is the medical malpractice I would also appreciate it if the distinguished chairman would take a look at.

Could I ask one other thing? I ask unanimous consent to be added as a cosponsor. Is this one bill the chairman is introducing now?

Mr. NUNN. One bill; that is right.

Mr. CHAFEE. That is the one bill addressing the matters he described.

Mr. NUNN. The matters I just described. Again, the Senator can cosponsor this bill plus the other bills which are now pending.

Mr. CHAFEE. I would like to be added as a cosponsor to this bill.

Mr. DODD. I would like to make a similar request of the Senator from Georgia and commend him on the legislation and also commend the Senator for raising the issue about the physicians; that is one we heard about in Connecticut as well.

Mr. President?

The PRESIDING OFFICER. The Senator from Connecticut Mr. DODD is recognized.

Mr. DODD. I want to commend the Senator from Georgia for the legislation he is introducing as well as Senator GLENN, dealing with the personnel matters facing families of military personnel.

I know there are some other ideas that are being discussed and have not yet taken legislative form, dealing with a similar area, that is the family and dependents of our military personnel who are fighting in the Persian Gulf at this very hour.

I think generally it is accepted that the incomes have been reduced by about 50 percent, on the average, of families who have heads of household or major breadwinners who are part of the fighting forces, part of Desert Shield in the gulf.

By Mr. DASCHLE (for himself, Mr. CRANSTON, Mr. KERRY, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. JEFFORDS, Mr. PELL, Mr. LEAHY, Mr. RIEGLE, Mr. BRADLEY, Mr. DODD, Mr. LAUTENBERG, Mr. GORE, Mr. SIMON, Mr. SANFORD, Mr. ADAMS, Ms. MIKULSKI, Mr. WIRTH, Mr. BRYAN, Mr. KOHL, Mr. COHEN, and Mr. CHAFEE):

S. 238. A bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes; to the Committee on Veterans' Affairs.

AGENT ORANGE ACT OF 1991

Mr. DASCHLE. Mr. President, 3 days ago I addressed the Senate upon introduction of S. 1, the Veterans Compensation Cost of Living Increase and Agent Orange Act of 1991. I reported to the Senate that negotiations toward a compromise on agent orange were ongoing and that I was optimistic about them. I am pleased to announce that those negotiations have been successful.

Today Senators KERRY, CRANSTON, and I are introducing the Agent Orange Act of 1991. This bill reflects a compromise between the lead authors of agent orange legislation passed by the Senate in the 101st Congress and members of the House Veterans' Affairs Committee.

The Agent Orange Act of 1991 remains true to the goals of the 101st Congress legislation Senators KERRY, CRANSTON, and I offered in the Senate and Congressman LANE EVANS offered in the House. It provides permanent presumptions of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma, and for chloracne that manifests itself within 1 year of service.

The Agent Orange Act of 1991 also sets in motion an independent, apolitical system for assessing the scientific evidence related to the health effects of exposure to agent orange and other herbicides used in Vietnam. Under the bill, the National Academy of Sciences will review all the scientific evidence related to the health effects of exposure. Over the next 10 years, the Academy will submit five reports covering all health effects suspected to be associated with exposure to the Secretary of Veterans Affairs. The Secretary will then make determinations, based on the Academy's work and other sound scientific evidence, as to whether or not each disease discussed by the Academy has a positive association with exposure. In cases where a positive association exists, he must provide disability compensation.

The bill covers many other important issues related to health care and future agent-orange-related research, and I ask unanimous consent that the text of a summary of the bill be printed at the conclusion of my remarks.

Mr. President, I will keep my statement brief, for I will save a more detailed explanation of the bill for later. For now, let me say that I am pleased we have reached an agreement on this legislation that should expedite its House and Senate floor consideration. It is important that meaningful agent orange legislation be enacted at the earliest possible date so that veterans and their families may begin to get the treatment and answers they deserve.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 would establish a permanent presumption of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma in Vietnam veterans (this would codify the Secretary of Veterans Affairs' decisions made in 1989).

The bill would also establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within one year of their service in Vietnam.

The legislation would provide a mechanism under which the Secretary of Veterans Affairs must determine, based largely on biennial independent scientific reviews covering all relevant evidence, whether permanent disability benefits should be given to veterans suffering any other diseases that may be associated with exposure to Agent Orange or other herbicide agents used in Vietnam. The organization conducting the reviews would be the National Academy of Sciences (NAS) unless NAS declines the contract. In making his determinations, the Secretary must provide a presumption of service connection for diseases that have a positive association with exposure.

The bill would extend veterans' eligibility for free medical care based on Agent Orange or ionizing radiation exposure through December 31, 1993.

The Secretary of Veterans Affairs would also be required to do the following unless he determines, taking into consideration recommendations received from the National Academy of Sciences, that these actions would not be feasible or cost-effective or "would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

Gather, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related to (1) dioxin or other toxic agents in herbicides; or (2) Vietnam service;

Establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate future research;

Fund appropriate independent pilot studies to facilitate future scientific research on Vietnam service-related disabilities; and

Fund voluntary testing of veterans' blood (appropriations are limited to $4 million per year).

The legislation would make technical changes regarding VA outreach services related to Agent Orange.

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON currently is undergoing treatment for cancer at Stanford University Hospital in California. Thus, I am submitting for him the following statement on this bill.

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs and an author or coauthor of every major agent orange bill that Congress has considered over the last 12 years, I am delighted to join my good friends, Senators DASCHLE and KERRY, my colleagues on the Veterans' Affairs Committee, Senators DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, AKAKA, JEFFORDS, and 16 other Senators in introducing S. 238. This legislation would establish a process requiring VA to determine, based on a review of relevant scientific information by the National Academy of Sciences, whether certain diseases of Vietnam veterans should be presumed to be service connected, based on exposure to agent orange.

I am pleased that so many of my colleagues, on both sides of the aisle, have joined us as original cosponsors of this legislation. This broad, bipartisan support will help ensure rapid consideration and, I hope, enactment of this measure. Many of the cosponsors are longstanding supporters of legislation to compensate Vietnam veterans for diseases possibly related to exposure to herbicides during their service.

Mr. President, the bill we are introducing today is substantively identical to a bill being introduced simultaneously in the House by my esteemed counterpart, Representative MONTGOMERY, chairman of the House Committee on Veterans' Affairs.

Mr. President, this bill represents a historic compromise among those who have had strong differences of opinion about compensation for, and the study of, diseases possibly related to exposure to agent orange in Vietnam. Enactment of this bill, which I fully expect to occur very quickly, can be a major step toward putting behind us one of the most contentious and divisive issues remaining from the war in Vietnam. It is ironic that we are so close to healing this wound from our last war just as the Nation has entered into a new war.

At the outset, I note the great leadership and energy that Senator DASCHLE has provided on the issue of compensation for veterans for diseases possibly related to agent orange exposure. From the time he served in the House, including his service as a member and subcommittee chairman of the House Veterans' Affairs Committee, Senator DASCHLE has been a chief proponent in the Congress of agent orange compensation legislation. Senator KERRY, too, has played a major role in this area and has been very active in developing this bill and the previous legislation on which it is based, including the three bills in the last Congress—S. 1153 and the agent orange provisions in S. 13 and S. 2100—and various other bills in previous Congresses. Senators DASCHLE and KERRY deserve congratulations for their contributions to this culmination of our efforts.

I also wish to express particular appreciation to House committee chairman, Mr. MONTGOMERY, and ranking minority member, Mr. STUMP, for the tremendous spirit of cooperation and the leadership that they brought to this process.

The bill we are introducing today is the result of intense negotiations among the parties in both bodies, which began very soon after the end of the last session when we were unable to gain Senate consideration of S. 2100. Both sides made compromises and I think that the bill we are introducing today reflects an excellent, improved approach to this subject.

Mr. President, one of the major changes reflected in this bill, compared to its predecessors, is the elimination of a requirement that the National Academy of Sciences categorize the degree of association between each disease that the Academy studies and exposure to agent orange. Instead, the Academy will focus on a purely scientific analysis of studies and other information regarding possible links between diseases and exposure to herbicide agents used in Vietnam.

The bill also simplifies the procedure that the Secretary must follow after receiving a report from the Academy. The bill would require the Secretary to evaluate all the diseases examined by the Academy to determine in each case whether there is a positive association between the disease and exposure to herbicide agents. If the Secretary finds a positive association, the Secretary would be required to establish a presumption that the disease is connected to service. This approach ensures that the independent scientific organization will make independent scientific judgments and recommendations, while the policymaker—the Secretary—will make the policy decision that determines whether VA must establish a presumption of service connection. This is the appropriate division of responsibilities.

Mr. President, resolution of the agent orange issue should help pave the way for early action on the veterans' compensation cost-of-living adjustment that was blocked by two Senators in the waning days of the 101st Congress. The distinguished majority leader, Senator MITCHELL, who is a member of our committee and a cosponsor of this bill, clearly indicated his intention to make enactment of the fiscal year 1991 veterans' COLA and the agent orange legislation one of the Senate's very highest priority when he introduced as S. 1 a bill containing the COLA and the agent orange provisions from last session's omnibus veterans' legislation, S. 2100. We will seek early Senate action on both the new compromise agent orange legislation and the fiscal year 1991 veterans' COLA.

I ask unanimous consent that a summary of the bill be printed in the RECORD following my remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROPOSED AGENT ORANGE ACT OF 1991

Section 2(a) of the bill would codify action that the Secretary of Veterans Affairs took last year to grant presumptions of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chlorance for veterans who served in Vietnam.

Section 2(a) also would create a procedure requiring the Secretary to establish a presumption of service connection for other diseases that the Secretary finds have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The findings would be based on (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

Section 3 would require the Secretary to seek to enter into a contract with the National Academy of Sciences, within two months after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. (If VA is unable to enter into a contract with NAS, VA would be required to seek a contract with another independent scientific organization comparable to NAS.) NAS would determine for each disease suspected of being associated with exposure to an herbicide (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would make recommendations for further study to resolve continuing uncertainty related to herbicide exposure. The first report by NAS would include the Academy's recommendations concerning the feasibility and usefulness of the programs that would be created under section 6-9. The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

Section 4 would expand the outreach activities required under Public Law 100-687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

Section 5 would extend from December 31, 1990, to December 31, 1993, priority eligibility for VA health care based on exposure to Agent Orange or radiation.

Section 6 would require VA to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment of Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange or radiation. The program would be subject to appropriations and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible.

Section 7 would require VA to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans. The program would be subject to appropriations and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible.

Section 8 would require VA to establish, in consultation with NAS, a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to appropriations and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible.

Section 9 would require VA to test for dioxin any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would have to provide tested veterans with the results of the test and an explanation of the meaning of the results. . The program would be subject to appropriations not to exceed $4 million a year and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible.

Section 10 would eliminate the Agent Orange functions of the VA Advisory Committee on Environmental Hazards six months after the Secretary receives the first NAS report or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer* v. *Department of Veterans Affairs*, No. C-86-6160 TEH (N.D. Calif.), whichever occurs first.●

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. SANFORD], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

S. 5

At the request of Mr. DODD, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Georgia [Mr. FOWLER], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 6

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 6, a bill to amend the Federal Election Campaign Act of 1971 to provide a voluntary system of flexible fundraising targets for Senate elections, to increase public disclosure of activities of Senators, to reduce special interest influence in Senate elections, to increase competition in politics, and for other purposes.

S. 10

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 11

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 11, a bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes.

S. 17

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 17, a bill to provide for a study of the Corinth Battlefield in the State of Mississippi.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Missouri [Mr. BOND], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 37

At the request of Mr. MOYNIHAN, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 37, a bill to amend the Foreign Assistance Act of 1961 to authorize the provision of medical supplies and other humanitarian assistance to the Lithuanian people to alleviate suffering during the current emergency.

S. 80

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 80, a bill to establish a national military park to commemorate the Battle of Corinth in the State of Mississippi.

S. 83

At the request of Mr. SYMMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 83, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 147

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 147, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 148

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 148, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 151

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 151, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 167

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 192

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 192, a bill to provide criminal penalties for the mailing of unsolicited sexually oriented advertisements, and for other purposes.

S. 196

At the request of Mr. COATS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 196, a bill to grant the power to the President to reduce budget authority.

S. 199

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 203

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from

Illinois [Mr. DIXON] were added as cosponsors of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 205

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. DIXON], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 221

At the request of Mr. GLENN, the names of the Senator from Maryland [Mr. SARBANES], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

At the request of Mr. SASSER, his name was added as cosponsor of S. 221, supra.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 11

At the request of Mr. SYMMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Virginia [Mr. WARNER], the Senator from Oregon [Mr. HATFIELD], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE RESOLUTION 14

At the request of Mr. GLENN, his name was added as a cosponsor of Senate Resolution 14, a resolution to express the sense of the Senate that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

SENATE CONCURRENT RESOLUTION 2—SUPPORTING THE U.S. PRESENCE IN THE PERSIAN GULF

Mr. MITCHELL (for himself, Mr. DOLE, Mr. THURMOND, Mr. BOREN, Mr. BREAUX, Mr. BRYAN, Mr. FORD, Mr. FOWLER, Mr. GRASSLEY, Mr. KASTEN, Mr. KOHL, Mr. LEAHY, Mr. LOTT, Mr. MACK, Ms. MIKULSKI, Mr. NUNN, Mr. PACKWOOD, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMPSON, Mr. WIRTH, Mr. SASSER, and Mr. LEVIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Whereas the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi armed forces from occupied Kuwait.

Whereas 415,000 men and women of the United States Armed Forces are now involved in armed conflict.

Whereas 158,000 members of the Reserves and National Guard have been called to active duty since August 22 and may become involved in armed conflict.

Whereas Congress and the American people have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO PALACE THEATER

• Mr. RUDMAN. Mr. President, on the evening of January 10, 1991, in Manchester, NH, the historic Palace Theater staged Czechoslovakian President Vaclav Havel's most recent play "Temptation." A powerful adaption of the Faust legend, it served as an important vehicle in Czechoslovakia's "velvet revolution"—a revolution that ultimately brought its author to the highest position of leadership in that nation.

The play has only recenty been translated into English. Until last Thursday evening this translation, most certainly a challenging production to stage, had only been mounted in this country in New York and Los Angeles. Its performance in Manchester was a significant event in the history of the Palace Theater and our State and an accomplishment for all those involved.

I want to specifically congratulate the director of the production and the executive director of the Palace Theater, Mr. Bob Shea, along with the board of the New Hampshire Performing Arts Center, the staff of the Palace Theater and, of course, the cast of "Temptation." Their masterful skills and hard work made it possible for the people of my State to enjoy a work of such historic importance that its effect can still be found in today's headlines.

I would like to include in the RECORD, following my remarks, a review of the Palace Theater's production by the Boston Sunday Globe along with an analysis of "Temptation" by New Hampshire Theater Arts writer Blanche Risteen and a further explanation of the Faust legend upon which "Temptation" is based by New Hampshire actress Kathy Somssich.

The material follows:

THE DANCE FLOOR OF THE DAMNED

(By Blanche Risteen)

At first glance "Temptation", the newest play by Czechoslovakian President Vaclav Havel, is simply a modern adaptation of the Faust legend, and on one level it is. But Havel uses that familiar structure loosely. He creates a complex study of the totalitarian state that existed in his homeland until November of 1989 by paralleling it to the "institute" where the play's characters work as members of a scientific community.

Havel uses a "theatre of the absurd" approach to this theme. The play can be confusing because Havel purposely creates characters trapped in a system where free speech is forbidden and ideas are suppressed. Therefore, many of the characters, when they speak at all, say nothing of consequence. They are simply part of the Institute's programmed norm. The Director of the Institute and his Deputy seem the most highly programmed, repeating each others speeches and perpetuating their mission to "rid the society of irrational tendencies". They play this role to absurd lengths as Havel's representatives of a meaningless system of conformity and censorship. They are recognized as fools but no one dare's to question their authority. They lead and everyone follows.

The sterile environment of the institute is balanced by Dr. Foustka's book-filled apartment. Havel creates mystery around this character. At first we are not quite sure what his true motives are, in our first introduction to his apartment he is drawing a circle around himself in chalk outlined by candles, reading from a large book and chanting. He is obviously involved in some sort of ritual and conjures up a crippled man whom we assume to be the devil. (His name, afterall, is Fistula, a direct play on Goethne's devil, Mephisotopheies). However, Havel doesn't deliver the standard Faustian story. Foustka's seduction of the beautiful, young Marketa follows, but it is anything but physical. Foustka shares ideas with her. His deepest thoughts and personal philosophy are what he uses to enchant her. She falls in love with his mind, not his body, even though her immediate reaction is to kiss him. Perhaps her freshly sparked awareness of the universal order can only be expressed in a way she understands. She is, afterall, living in a society where physical lust is not censored but metaphysical satisfaction is.

Foustka's seduction of Marketa is Havel's hint to us that Foustka is not a devil worshipper seeking sensual satisfaction, but a thoughtful, educated thinker trapped in a system where he cannot discuss his feelings openly. His meeting with Marketa is an innocent encourter by our standards, but in a censored society, his shared enlightenment could cost each of them dearly, and it does. Foustka is informed upon and eventually damned, and Marketa goes mad. The crashing of the chandelier when Marketa is dismissed is the symbolic ending of hope. The chandelier, an obvious remnant of a former society, is replaced by a bare light bulb, a symbol of imprisonment and the starkness of a world without art.

Havel takes the Faustian story and embellishes it with modernist socio-political commentary. He creates a large pattern in this play, using dancing as a metaphor for joining the socialist "party". It is interesting to listen for the dance imagery and watch the process through which each character joins in the dance. Fistula clearly states Havel's intention when he tells Foustka that he is creating a small dance floor on which to perform ritual celebrations of his principles."

Havel sets the scene for the Institute's dance floor early in the play. Only Foustka remains on the periphery watching his colleagues go along with the Director's plans, regardless of their personal objections. As the "dance" metaphor continues, Foustka remains true to his own dance, even as he openly rejects the overtures of the Director and puts his position in jeopardy.

This metaphor reaches into Foustka's personal life as well when he and his girlfriend, Vilma, are alone, they play a jealousy game that involves a Dancer. The game is intriguing. Havel seems to be telling us that although Vilma pretends to be on Foustka's side, she is really interested in joining the "dance" to make her place in society secure. The Dancer tempts her with violets and is persistent in his courting ritual. His persistence is much like the system. One gets along by going along and Vilma is seduced by his quiet persuasion. By the end of the play, the Dancer and Vilma are partners in the institute's dance and a part of the system's frenzy Foustka's jealousy of the Dancer is not sexual, however. He doesn't accuse Vilma of sleeping with him but of dancing with him. While Foustka's temptation is to admit his knowledge of forbidden subjects and seek freedom of thought, Vilma's temptation is to join the dance and accept her place in the institute's order. When he strikes her, he is striking out against the system. He is jealous of its control over her as it methodically robs him of a companion who once shared his desires.

The temptation of Foustka is misleading at first because Havel chose elements of black magic as the means by which Fistula seems to appear. We must remind ourselves that Foustka never actually does anything wrong by our democratic standards. Only in a censored society is the reading of certain books and the belief in mysticism (good or evil) forbidden. Foustka's circle of chalk in scene two places him at the center of a dimly lit, personal attempt to gain enlightenment. This foreshadows the circle of dancers in scene ten where he is again at the center, but darkness surrounds him and his attempts at "lighting" it are futile. His fate is sealed by the system's erotic dance of intellectual imprisonment. At the end of the play, Havel shouts his message in the same way he uses the loud, banal music to underscore the "witches sabbath". There can be no mistake; this final dance is indeed a dance of the damned and Foustka cannot escape the frenzy.

THE FAUST LEGEND

(By Kathy Somssich)

Little is known about the historical Faust, except that he was an alchemist and astrologer living in 16th century Germany. Over the years, however, he has come to symbolize in literature the intellectual in rebellion against authority facing complex moral and philosophical issues raised by life in the modern world.

In Goethe's definitive version of the Faust legend, Dr. Heinrich Faust, dissatisfied with his scientific and academic world, makes a wager with the devil Mephistopheles who promises to show Faust new worlds of more earthy and sensual pleasures. Thus Faust discovers through the love of Margarete, a simple girl whom he has seduced, the full meaning of life.

Vaclav Havel retells the Faust legend in terms of the intellectual seeking truth in a totalitarian society. In "Temptation" Havel's targets are his compatriots who get along by going along. It's the tragedy of the destruction of a man who seeks and recognizes truth in a society which can survive only when the truth is distorted or destroyed.

Havel's Margarete—Marketa, as she is called in "Temptation" refuses to renounce her quest for truth in the face of complete opposition. Alas, she pays for her courage with Ophelian madness.

The Faust figure embodies a human dilemma where the search for and possession of knowledge corrupts one's relationship to God. In "Temptation" and indeed in Eastern Europe before the tumultuous days of 1989, this quest for truth and knowledge could cost the rebel his freedom or even his life.

[From the Boston Sunday Globe, Jan. 6, 1991]

PALACE'S "TEMPTATION" HAS PROMISE

(By D. Quincy Whitney)

MANCHESTER.—Not often do the playwight's words begin to come off the page in the first rehearsal. It takes a good play, visionary director and impassioned actors to begin the process. The New England premiere of "Temptation" by Czechoslovakian playwright and president Vaclav Havel playing Thursday through Sunday at the Palace Theater has all three elements. If the sparks in a first rehearsal suggest the fire of performance, Havel's play will not only be good theater but an important and enjoyable way to begin the new year.

"I think there is a danger in the play to think that Havel is talking only about Czechoslovakia. He's talking about something much more universal than Czechoslovakia," said Bob Shea, artistic director of the Palace Theater, and director of "Temptation."

Havel set this Faust legend at "The Institute," a sanitized habor of scientific discovery, which could also double as the government, a science laboratory or society. The Institute is a place in which reason reigns over the "pre-scientific murky waters" of the occult disciplines like astrology, religion of black magic, a place made impotent by rules and regulations that have become objects of worship a place plagued by the idleness of people who have long since stopped thinking for themselves.

Into the pristine setting, Havel brought respected scientist Dr. Foustka (played by Kevin Gardner), who is stirring up the calm waters of The Institute by his reputed dabbling in black magic "out of scientific curiosity."

Enter Fistula (Paul Kerry), a devilish imp of a man with whom Foustka comes to an agreement. Foustka plays his hand against the state that accuses him of witchery and against the witch Fistula who demands protection and becomes a kind of double agent against himself as he discovers that even the devil demands loyalty.

Shea's ability to read between the lines and visualize the play is the momentum that propels a good rehearsal into a potent opening night.

The way Shea demonstrates in rehearsal a handshake between Foustka and Fistula, and jumps up and down like a panting devil to suggest the ripe readiness of Fistula to prove himself make the text come alive on a stage when Shea blocks the moves between Foustka and Fistula with the finesse of a chess game where every instance has checkmate potential.

"In a good play, characters are always lying; the more truthful thing is what people are doing rather than what they are saying," Shea said. "The more you stretch that elastic between the text and the subtext, the more interesting the play, and that tension is what pulls you into the play. It is the anticipation that something is going to happen."

Tension about truth is at the core of Havel's play as one of his characters indicates;

"As scientists, we all know well that by tearing a certain fact out of its context we can not only completely shift or change its meaning, but we can stand it on its end and thus make a lie out of the truth or vice versa," says the Deputy of the Institute.

Visually, Havel turned the play on its end by placing a serious truth quest into the lighthearted context of The Institute's innocuous office party, and later, a witches' costume party. Players dance off into the sunset when they are not playing games at relationships, making light of commitments or wallowing in the anonymous middle ground that Foustka eventually finds so alluring and dangerous.

The lighthearted setting only serves to underscore Havel's wit and poignancy, as he created the tempting setting in which it is socially acceptable to leave behind our humanity.

"It's no longer easy to point the finger at communism, the Eastern bloc countries or the Iron Curtain," Shea said, "Havel is really talking about all the compromises we make."●

PRESIDENT BUSH SALUTES THE VOLUNTEERS OF STEP FORWARD ACTIVITIES AS THE 345TH "DAILY POINT OF LIGHT"

● Mr. PACKWOOD. Mr. President, I rise today to recognize the hard work and dedication of the 20 volunteers of

Step Forward Activities. Based in Baker City, OR, Step Forward Activities provides the training and housing to mentally disabled individuals so they can leave State-run mental institutions and live independently.

Step Forward Activities was founded in 1976 and has since provided the means for dozens of mentally disabled persons in Oregon to leave State hospitals and learn to live and work on their own.

The organization manages three residences for the mentally disabled where residents live while attending the Step Forward Activities work center each day. At the work center, Step Forward Activities volunteers teach basic living skills and job skills training so that those they assist can seek gainful employment. The organization is also actively involved in job placement.

In addition to providing job training and placement, Step Forward Activities relies on its corps of active volunteers to prepare meals, supervise the residents overnight, take them shopping, to the library, and on picnics. The volunteers also promote community acceptance of individuals with mental disabilities.

As recognition for their hard work and dedication to improving the lives of the mentally disabled in Oregon, President Bush has saluted the volunteers of Step Forward Activities as the 345th Daily Point of Light. The Daily Point of Light recognition is intended to call every individual and group in America to claim society's problems as their own by taking direct and consequential action, like the efforts taken by Step Forward Activities.

On behalf of Oregon, and the many people in whose lives you have made a difference, many thanks to Step Forward Activities.●

ORDERS FOR FRIDAY, JANUARY 18, 1991, AND TUESDAY, JANUARY 22, 1991

Mr. KERRY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow, Friday, January 18; that Friday's session be a pro forma session only; that when the Senate recesses on Friday, it stand in recess until 2:30 p.m. Tuesday, January 22; that on Tuesday the Journal of proceedings be deemed approved to date and there be a period for morning business following the time for the two leaders with Senators permitted to speak therein for up to 10 minutes each; and that with respect to both listed recesses they be subject to the call of the majority leader, if the majority leader determines, after consultation with the Republican leader, that convening prior to the designated times or in a regular Senate session is appropriate under the circumstances.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONDITIONAL RECESS UNTIL 10 A.M. TOMORROW

Mr. KERRY. Mr. President, if no Senator is seeking recognition now, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:05 p.m., recessed until Friday, January 18, 1991, at 10 a.m.

EXTENSIONS OF REMARKS

IT'S TIME TO DRILL ALASKA'S REFUGE

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I would like to commend to my colleagues an excellent article concerning oil exploration in ANWR (Fortune, Jan. 18, 1991). I offer this exhaustive article as a clear demonstration of the case supporting further petroleum exploration in ANWR.

As this article explains, ANWR presents enormous energy potential. While foreign dependence steadily increases, ANWR could be one of the largest oil fields in the world. While we are in the midst of a recession, ANWR offers growth, jobs, and tax revenues.

This article also recognizes that claims of environmental fears are ill-founded. Surface disturbance would be miniscule: No impact at all during exploration and, at full development, only 0.07 percent of ANWR. Most importantly, we have other North Slope experience to show that oil development and the Arctic environment are fully compatible.

I encourage my colleagues to read the article and to support our coming efforts to utilize ANWR for all Americans.

IT'S TIME TO DRILL ALASKA'S REFUGE

(By Peter Nulty)

The Arctic National Wildlife Refuge is almost as big as Indiana. It begins as a phalanx of magnificent rocky peaks high in the Brooks Range in Alaska's northeast corner, from there tumbing down a broad expanse of rolling foothills to a tundra plain scored by streams and gullies beside the Beaufort Sea. In all: 30,000 square miles, or 19 million acres. With only about 210 permanent residents—mostly Eskimo whalers in the coastal village of Kaktovik—the Arctic refuge is as unaltered by man as any wilderness can be at a time when human footprints mark even the moon.

Powerful forces may soon clash over whether the refuge stays that way. A small corner of it represents America's best chance of discovering major new oil reserves. Geology even hints that within the refuge lies a rare opportunity to uncover Saudi Arabia-size oil fields. The chance is minuscule, but a chance nonetheless. And the stakes are huge: If major reserves turn up, they could in the long run hobble OPEC, substantially improve American's balance of payments, and make U.S. more energy independent.

The most tantalizing oil-prospecting territory in the U.S. is a strip of the flat coastal plain about 80 miles long and 20 miles wide that runs along the Beaufort Sea and makes up 8% of the refuge. This region is known by its bureaucractic name—the "1002 area"—after the clause in a 1980 federal law that directed the Interior Department to study the geology, flora, and fauna of the area and then advise Congress whether it should be explored for oil and gas or designated a wilderness closed to development. After exhaustive study the Interior Department concluded in 1987 that the coastal plan was "the Nation's best single opportunity to increase significantly oil production" and recommended leasing it to oil companies.

Some environmental groups, such as the Wilderness Society and the Sierra Club, would like to ban oil activity in the refuge permanently. Their cause has been aided mightily by the grounding in March 1989 of the tanker *Exxon Valdez* in Prince William Sound, which had the effect of sinking several bills in Congress that would have opened the 1002 area for exploration. But with U.S. oil production down 15% in the past two years, oil imports accounting for 55% of the foreign trade deficit and rising, and the oil-rich states of the Persian Gulf in danger of all-out war, the environmentalists' case for not exploring the coastal plain is being overwhelmed by economic and geopolitical imperatives. If a war in the Gulf damages Middle East oil fields or drives prices to the heavens—or both—then the debate over exploring the refuge, usually known as ANWR (pronounced *AN-war*), will get white hot. Even without war, this latest experience of Mideast turmoil will intensify concern about domestic energy sources—although developing ANWR, if it does contain commercial amounts of oil, would take 15 or 20 years.

Why not start drilling now? "The refuge is the last Arctic ecosystem untouched by man," says Don Hellman of the Wilderness Society. "To go in solely to satisfy our insatiable appetite for oil is a disgrace." Most environmentalists similarly focus on several emotionally compelling but inaccurate concepts, particularly that the coastal plain is unique and pristine. It is not quite either. The 1002 area is only two-thirds of the refuge's coastal plain, which itself is a small slice of the Arctic refuge. And the refuge is hardly America's only wilderness. The whole of ANWR makes up just 5% of Alaska's land area and 25% of the land in federal wildlife refuges in that state alone. The Interior Department estimates that oil production here, assuming oil is discovered, might require 12,700 acres of installations, or about 0.07% of ANWR's territory. Such facilities would look impressively large if you were standing in their midst, but in relation to all of ANWR they would be no more significant than a mosquito on a moose's rump.

Nor is the coastal plain virginal. The Eskimos travel in skimobiles and outboard motorboats, hunt with rifles, and watch television during the eight-month winters, when temperatures can reach −50 °F. and the sun doesn't rise for 65 days. In the brief summer season, which lasts as long as six weeks, about 150 adventurers show up annually to hunt musk oxen or grizzly bears or to ride the rivers in rubber rafts. As part of an electronic warning system against Soviet attack, the Department of Defense built three installations along the coast. Two are abandoned, their buildings empty shells. The third, a radar station and airstrip at Kaktovik, is still in use.

The most important human artifact may turn out to be a steel pipe six inches in diameter and five feet tall that sticks out of the tundra about 15 miles east-southeast of Kaktovik. The pipe is almost impossible to find without an expert guide, but it is at the center of the biggest mystery in the petroleum industry: How much oil is in ANWR?

The pipe marks a well, KIC–1, drilled in 1985 and 1986 by a joint venture of Chevron and British Petroleum, headed by Chevron, on land leased from the Eskimos. (The Eskimo land is inside ANWR and, like the refuge proper, cannot be drilled without permission from Congress.) KIC–1 is called a "tight hole" because Chevron won't reveal what was found in the well.

No one else has much information, since the Chevron venture has leased all the available land in the area. Tom Cook, a geologist with Chevron in Alaska, will only say coyly; "That's a pretty oily place around there." Arlen Ehm, an independent consulting geologist in Anchorage, says, "The scuttlebutt is that it's a great well, but what's a rumor worth?" Still, Chevron is lobbying hard to get the coastal plain opened for development, and the consortium recently renewed its leases with the Eskimos—four years before the leases were due to expire.

Why is this lonely stretch of tundra so alluring? The Geological Survey conducted seismic studies of the 1002 area in the early Eighties and found 26 geologic structures capable of trapping oil and gas. Not only is that a large number of traps for an area this size, but also two of the traps are bigger than the one in Prudhoe Bay that may eventually yield at least nine billion barrels of oil. "These two structures have Middle East-size capacity," says Ozzie Girard of the U.S. Geological Survey, "but they are probably dry as a bone." That's because oil may not have migrated into the traps. Many structures capable of capturing oil are empty or only partially full, or they many contain water.

No one can be certain that the traps in ANWR have much, if any, oil. (They may hold natural gas, which at today's low prices would probably be uneconomic to develop, though it could be valuable in the future.) But they are also gargantuan and, in the extremely unlikely event that even one is full, it would alter history. Assuming conditions that are not unusual in the region, the bigger of the two, known only as No. 18, could yield 300 billion barrels of oil or more if it is full. That is more than Saudi Arabia's present proved reserves of about 254 billion barrels. The odds of a monster like No. 18 being full of oil are incalculably small. But if it were full, the U.S. would once again be the world's greatest oil power, and OPEC would become moribund.

Finding out is of little risk to the environment: Exploratory wells are drilled when the tundra is frozen and nearly immune to damage. And someone may already have taken a peek. KIC–1, Chevron's mystery well, was directly over structure No. 18. (At best, KIC–1 would be only a peek because a single well rarely tells the full story of how much oil is or isn't in a reservior.)

The history of oil exploration shows that even when prospects are as enticing as this, the odds are still against the explorer. In ANWR the odds are not good, but they are better than average. The Interior Depart-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ment sees a 19% chance that the refuge holds commercial quantities of oil, compared with the norm of 5%. Turned around, that means the odds are 4 to 1 against finding anything exploitable at present prices, instead of the usual 19 to 1 against. If exploitable reserves are there, says Interior, they most likely will amount to 3.2 billion barrels, enough to provide 8% of U.S. production and reduce imports 9% by 2005. But oddsmakers don't create oil, nature does. Maybe ANWR holds untold riches, or maybe it holds nothing. The only way to find out is to drill.

Alaskans are eager to begin. Oil accounts for 80% of the state's total revenue, and Prudhoe Bay, the state's golden goose, is in a long, slow decline. All three gubernatorial candidates in the recent election, including winner Walter Hickel, who ran as an independent but had been a Republican governor of Alaska and Interior Secretary under Richard Nixon, favor exploring the coastal plain. They differed only on the question of who could drive the best bargain with Congress to split the royalties. William Noll, mayor of Seward, a fishing village on Prince William Sound, says, "It's a tragedy, or comedy of a high order, to put ANWR on the back burner because of the accident in Prince William Sound." Noll believes the cleanup is progressing "okay," (For the scientific community's assessment, see box.)

The Arctic Slope Regional Corp., one of 13 Alaskan native regional corporations established by Congress to manage the resources of native lands, favors opening the 1002 area. ASRC holds title to most of the native lands on the north slope, including the site where Chevron drilled KIC–1. The president is Jacob Adams, 44, an Eskimo whaling captain who hunts bowhead whales with a crew of about six men and hand-held harpoons out of a 20-foot boat. His view: "I love life in the Artic. But it is harsh, expensive, and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development."

Hellman of the Wilderness Society protests that "it's been proven time and again that oil is an inherently messy business." Yet the environmental record of Prudhoe Bay is one reason Alaskans believe ANWR can be developed safely. "It's a real marvel," says a manager with the U.S. Fish and Wildlife Service in Alaska. "You could eat off the floors up there, but to say that publicly is heresy in the temple."

When Prudhoe was being developed, the biggest environmental worry was that it might harm the wildlife, particularly the Central Arctic caribou herd that give birth to most of their young in calving grounds near the oil fields. But the caribout have adapted nicely to the fields. Seeking to escape the dense clouds of mosquitoes that infest the marshy tundra, the caribou often congregate on the raised gravel roads that connect the oil wells, industrial plants, and living quarters of Prudhoe Bay. And the Central Arctic herd has grown from about 3,000 in 1972 to roughly 15,000 now, perhaps because natural predators like bears and wolves that attack and eat young calves are more wary of man's works than are the caribou, even though the oilmen at Prudhoe Bay are forbidden to hunt to carrying firearms.

ANWR is seasonal home to the Porcupine herd of caribou, which numbers about 180,000. The herd migrates across the Porcupine River in Canada to ANWR in the brief spring and summer seasons to bear young and feed on tundra grasses. Again environmentalists are expressing concern for the herd's safety, but the Prudhoe experience suggests that in some ways the works of man offer more refuge than the wilderness.

Technologies that the industry has developed in the Prudhoe region, partly in response to relentless pressure from environmentalists, would make producing oil in ANWR even more compatible with the environment. Using the lastest drilling techniques, the industry can space wellheads ten feet instead of 100 feet apart, reducing the area needed for, say, a 50-well production complex from 60 acres to ten.

ANWR will also pose new problems. Drilling uses a lot of fresh water, and the region's coastal plan has less of it than the Prudhoe area. An environmental benign collection and storage system may be needed, or the pace of drilling could simply be restricted. With vigilance, such obstacles can be overcome.

A tougher nut to crack may be the philosophical question of whether the industry should enhance the ecosystem wherever possible, as it may have done inadvertently for the Central Arctic herd of caribou. For instance, the industry built thick gravel roads and drilling pads because running vehicles directly over the tundra would melt the permafrost and create impassable bogs. These additions, permanently dry, have created a more diverse habitat in the Prudhoe area. Some gravel quarries, connected by channels to rivers, have filled with fresh water and become favorite wintering quarters for fish, like the arctic char, which take refuge from the ice in deep pools. Their numbers may be increasing. Birds such as the common eider that need dry land for nesting might multiply if gravel roads and pads are revegetated rather than removed when their usefulness has ended.

Roger Herrera, an executive of BP in Alaska, asks, "Is biological value or aesthetic value more important here? Should the gravel be put back in the quarries to restore the environment for left to create new habitat?" Merely to have that choice suggests that development in remote areas has progressed a long way and that humans need suffer little guilt about pursuing their own ends in a corner of this wilderness.

WHY OIL SPILLS ARE A DIMINISHING DANGER

Next spring, when winter storms subside in Prince William Sound, teams of scientists from the National Oceanic and Atmospheric Administration, the state of Alaska, the Coast Guard, and Exxon will hit the beaches. They will be searching for what remains of the oil spilled by the tanker *Exxon Valdez* in March 1989—and they won't find much. Thanks to pounding surf, some remarkable microbes, and a lot of human toil, most of the beaches that were soiled by the spill are clean.

Not that all of the oil is gone. Some that seeped into crevices between rocks in certain places remains hidden below the surface. John Robinson, chief of NOAA's hazardous materials response branch, estimates that at the end of last summer between 250,000 and 1.2 million gallons (between 2% and 11% of the oil spilled) were still imbedded under the beaches, with the lower estimate being the likelier. But, says Robinson, "we tend to believe the remaining oil doesn't pose as much risk as some of the measures it would take to get it out."

The oil is most likely to remain in those places where it does the least harm. It tends to penetrate porous beaches with large rocks and big crevices that are not rich biological habitats, and in any case most of the toxic elements of the oil have long since evaporated. To remove what's left, heavy earthmoving equipment would have to turn over the beaches, exposing oil as deep as a yard to the cleansing of the waves. Exxon is testing this technique on several beaches this winter. But experience in previous spills, notably the wreck of the huge *Amoco Cadiz* off the coast of France in 1978, indicates that ripping up beaches only adds to the destruction of habitat and delays nature's recovery.

That lesson is worth remembering at perhaps the most soiled site in Prince William Sound, a two-acre salt marsh on Knight Island known to helicopter pilots who have been working on the cleanup as the Bay of Death. Here the oil has penetrated into a thick layer of mud that gets little or no cleansing from wave action. If the soiled muck is carted away as it was from some marshes after the *Amoco Cadiz*, it could be many years before plants and animals reestablish themselves in the marsh. Robert Clark, who recently retired as head of marine biology at Britain's University of Newcastle and is founding editor of *Marine Pollution Bulletin*, found grasses and barnacles flourishing in the salt marsh last summer. Says he: "Experience says it will recover a damn sight faster on its own. Let nature take its course."

The best technique for cleaning the remaining oil may be the nifty partnership between man and microbe called bioremediation. Certain bacteria in the earth's seas and soils eat hydrocarbons. They probably live mostly on oils given off by living or newly dead plants and animals, but they are not picky eaters. Cleanup crews in Prince William Sound have been powdering the beaches with nitrogen and phosphorous similar to common garden fertilizer. This causes the bacteria to multiply rapidly, and they then gobble the crude oil. Under development: a pelletized version that would penetrate into the lower crevices of Prince William Sound's beaches. Arco has successfully tested the technique on bacteria found in the Arctic (Prince William Sound is far below the Arctic Circle, at about the latitude of Leningrad), which means it could someday help keep Prudhoe Bay and ANWR clean of oil mishaps.

The waters of Prince William Sound appear even cleaner than the beaches. Robinson of NOAA says, "Evidence of slight exposure to oil has been found in some fish, but there is no evidence of danger, even for those who live on fish alone." The fish appear to have multiplied. Herring fishermen reported record catches last summer, and the harvest of pink salmon set a record, 44 million fish, 40% more than in the previous summer. The salmon catch was made up of fish that swam out to sea through Prince William Sound just after the *Exxon Valdez* went aground.

In addition to advances in cleaning up oil, the industry is taking a lot more precautions against spills. Previously, tankers were escorted by a pilot boat through a narrows about two hours from Valdez and then left on their own. Today tankers are escorted to open ocean, a journey of eight hours by two oceangoing vessels, each capable of towing a fully loaded tanker. When ice drifts into the shipping lanes, tankers are required to slow to four knots (five miles per hour). A collision with ice at that speed only scratches the paint, says Michael Williams, vice president for the environment at Alyeska, the consortium of companies that operates the trans-Alaskan pipeline and the loading terminal at Valdez. Before the oil spill, tankers would leave the shipping lanes to avoid ice in their path, a maneuver the *Exxon Valdez* was carrying out when it ran into trouble.

Alyeska now has enough equipment, including 30 miles of booms and five barges, to skim 25,000 barrels of oil per hour off the ocean. At that rate—assuming calm seas and favorable winds—the entire Valdez spill might have been mopped up in ten hours. As it is, Exxon has spent 20 months and $2.2 billion on the Valdez mess. And a company spokesman vows: "We are ready to go back in next summer and do whatever is necessary."

AGENT ORANGE COMPROMISE LEGISLATION

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. MONTGOMERY. Mr. Speaker, I am pleased to report today that, with the unanimous support of my colleagues on the Veterans' Affairs Committee, I am introducing legislation which reflects our best effort for a compromise acceptable to all factions of the complex and controversial issue of agent orange and possible long-term health effects of exposure to herbicides. The approach we are proposing is both rational and fair, and it relies heavily on science.

The bill would do several things:

First, it would codify the presumptions of service connection that have been administratively provided for chloracne, non-hodgkin's lymphoma, and soft-tissue sarcomas suffered by veterans who served in theater during the Vietnam war.

Second, it would establish a new mechanism for the Secretary of Veterans Affairs to use in making decisions about granting additional presumptions of service connection for diseases linked to herbicide exposure.

The compromise places heavy reliance on the expertise and opinions of a highly respected nonprofit, nongovernmental organization, the National Academy of Sciences, which would be asked to examine the body of scientific and medical evidence and report its findings to the Secretary. The Secretary would have 60 days to make a final decision on each of the Academy's recommendations after weighing the evidence supporting or not supporting an association.

The compromise would ask the Academy to make recommendations regarding the usefulness or scientific value of conducting additional studies on remaining unsolved issues surrounding exposure to toxic agents and whether other activities such as tissue archiving, blood testing, and compilation and analysis of clinical data should be carried out. If it were determined that such activities have scientific merit and are cost effective, the Secretary of Veterans Affairs would be required to implement them.

The compromise agreement would also expand the Secretary's outreach activities relating to the dissemination of information regarding new activities or developments surrounding herbicide exposure. It would extend health care eligibility for veterans who suffer from disabilities alleged to be related to herbicide exposure or ionizing radiation exposure, until December 31, 1993. It also would limit the mission of the Advisory Committee on Environmental Hazards to considerations regarding ionizing radiation only.

I want to give credit to several of my distinguished colleagues for their contributions to this long sought compromise: Representative BOB STUMP of Arizona, the ranking minority member of the Veterans' Affairs Committee; Representative TIM PENNY of Minnesota; Representative LANE EVANS of Illinois; and Representative DOUG APPLEGATE of Ohio. I also want to thank Senators ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee, TOM DASCHLE of South Dakota, ALAN SIMPSON of Wyoming, and FRANK MURKOWSKI of Alaska for their roles in the development of this agreement.

Mr. Speaker, the search for a fair and rational response to the concerns of our Vietnam veterans in this matter has been long and arduous.

I hope each of my colleagues will support the bill.

INTRODUCTION OF LEGISLATION TO REQUIRE THE U.S. POSTAL SERVICE TO PRESCRIBE REGULATIONS UNDER WHICH THE NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG MAY BE DISPLAYED

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. GILMAN. Mr. Speaker, in the waning days of the last session of the 101st Congress, I introduced legislation, House Joint Resolution 686, to require the U.S. Postal Service to prescribe regulations under which the National League of Families POW/MIA flag may be displayed at post offices across our Nation. Today I am reintroducing that measure for the consideration of my colleagues during the 102d Congress.

I believe this legislation is necessary because present postal regulations prohibit the displaying of any flag other than that of the United States or the U.S. Postal Service. It is my belief that the Postal Service, with offices throughout the country, is in an excellent position to display this flag.

My colleagues may recall that during the last Congress we passed legislation, and the President signed, Public Law 101–355, that designated this flag as a symbol of our Nation's concern and commitment to resolving as fully as possible the fates of nearly 2,300 Americans still prisoner, missing, or unaccounted for in Southeast Asia.

Mr. Speaker, when I met with Vietnamese Foreign Minister Nguyen Co Thach in the fall of 1990, I joined with my colleagues in making clear to him that we will not consider normalization or relations between our countries until we have the fullest possible accounting for the 2,296 American POW/MIA's who, as of today, remain unaccounted for. Minister Thach, in turn, pledged to us the full cooperation of his government.

Therefore, I believe it is of the utmost importance that we Americans continue to pressure Hanoi with signals that the POW/MIA issue remains a major national priority for us. We must not become discouraged because the progress toward a full accounting of our missing American heros may be slow. This is not the time to lose patience. The displaying of the National League of Families POW/MIA flag at our post offices, I believe, would assist us by focusing our resolve and in continuing to apply pressure on Hanoi by demonstrating how committed we, as a nation and a people, are to this effort.

Accordingly, I am introducing this measure, the text of which will be reprinted immediately following my remarks:

H.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas the people of the United States can never forget the noble sacrifices made by the men and women of the United States who served in the conflict in Southeast Asia and are still prisoner, missing, or unaccounted-for;

Whereas the United States Postal Service is in the unique position of having facilities in communities throughout the United States that are considered a focal point of the community and, frequently, the sole representative of the United States Government;

Whereas the display of the National League of Families POW/MIA flag is an effective means of maintaining and increasing public awareness of POW/MIA issues;

Whereas the National League of Families POW/MIA flag appropriately symbolizes the national recognition that the missing and unaccounted-for participants in all armed conflicts deserve;

Whereas the National League of Families POW/MIA flag has been officially recognized and designated, through the enactment of Public Law 101–355 (104 Stat. 416), as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of nearly 2,300 Americans still prisoner, missing, or unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation; and

Whereas regulations of the United States Postal Service currently prohibit the display of any flags other than those of the United States and the Postal Service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Postal Service shall, within 180 days after the date of the adoption of this resolution, prescribe regulations under which the National League of Families POW/MIA flag may be displayed at facilities of the Postal Service (including provisions relating to the occasions or days of the year on which the displaying of such flag would be particularly appropriate).

A SPECIAL TRIBUTE TO LIONEL NEWSOM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. STOKES. Mr. Speaker, I rise today to pay tribute to Lionel Newsom. It is with sadness and deep regret that I acknowledge the recent passing of this good friend and prominent educator. During his lifetime, Lionel served as president of three of the Nation's historically black colleges; Johnson C. Smith University, Barber-Scotia College, and Central State University.

His distinguished career exemplified Lionel's commitment to the education of our youth. He not only demanded academic excellence from his students and faculty, but he recognized the importance of corporate support and involvement in the educational process. Lionel successfully fostered such relationships.

From 1972 to 1985, Lionel served as president of Central State University. I benefited from our friendship and close working relationship on behalf of the university. I had the highest respect for his integrity and leadership.

Mr. Speaker, Lionel Newsom leaves a legacy for those who follow in his footsteps. He will be remembered as a gifted and talented educator, a committed individual, and a good friend. I hope that my colleagues will join me in extending our sympathy to his wife, Maxine Emerson Peterson, and his family.

LIONEL NEWSOM, 71, HEADED CENTRAL STATE

CHARLOTTE, N.C. (AP).—Former Johnson C. Smith University President Lionel Newsom, an educator credited with introducing JCSU to corporate Charlotte and building bridges toward an integrated society, died at his home Wednesday. He was 71.

In more than four decades as an educator, Mr. Newsom served as president of three historically black colleges—JCSU, Concord's Barber-Scotia College and Ohio's Central State University.

Mr. Newsom earned his bachelor's degree from Missouri's Lincoln University, his master's at the University of Michigan and a doctorate in sociology and anthropology from St. Louis' Washington University, where he was the first black Ph.D. candidate.

From 1964-66, he was president of Barber-Scotia. After two years with the Southern Regional Education Board in Atlanta, he became president of Johnson C. Smith in 1969.

During his tenure, Mr. Newsom raised academic expectations for faculty and helped make the campus part of the Charlotte community, university President Robert Albright said Wednesday.

"In my view, he is singularly responsible for introducing Johnson C. Smith University to corporate Charlotte," he said. The relationships he built with city powers such as the Belk family and NCNB National Bank "have paid off handsomely," Albright said.

Mr. Newsom left North Carolina in 1972 to serve as president of Central State University in Wilberforce, OH. When he retired from Central in 1985, he returned to Barber-Scotia, where he served as a United Negro College Fund distinguished professor until 1989.

In September 1989, when Barber-Scotia trustees fired their president because of philosophical differences, Mr. Newsom, a trustee, stepped in as interim president. He served in that post until early 1990.

Mr. Newsom is survived by his wife, Maxine Emerson Newsom of Charlotte; a daughter, Jacqueline Newsom Peters of Charlotte; and two grandchildren.

CENTRAL AMERICAN DEMOCRACY AND DEVELOPMENT ACT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. FASCELL. Mr. Speaker, I am pleased to introduce today the Central American Democracy and Development Act.

This legislation is the initiative of Senator TERRY SANFORD, who is introducing identical legislation in the Senate. The bill seeks to integrate the recommendations of the report of the International Commission for Central American Recovery and Development with current United States policy toward Central America. The bill also incorporates the President's recent enterprise for the Americas initiative.

The report by the Commission which, was established at the suggestion of Senator SANFORD was composed of 47 members from 20 countries, makes comprehensive recommendations to address social, economic, and political problems in Central America. The Commission's recommendations are consistent with U.S. policy and should help direct U.S. priorities. Similarly, the President's recent initiative to promote trade and investment opportunities and to ease the external debt burden of our southern neighbors is an important addition to U.S. policy.

I would also like to note that the five Central American Presidents, in their June 1990 Declaration of Antigua, adopted a plan for the development and economic integration of the region. The recommendations of the Commission, President Bush's initiative, and the integration scheme of the Central Americans all point to a consensus regarding the direction of development in and United States policy for Central America.

I commend Senator SANFORD for taking the initiative in attempting to develop a consensus, both within the United States Government and with leaders of Central America, on a framework for a United States policy response to the breadth of problems confronting the countries of Central America.

This bill has been developed with the cooperation of the administration, and I hope it will receive the appropriate bipartisan support.

FRATERNAL ORDER OF POLICE'S NATIONAL RESOURCE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. STARK. Mr. Speaker, I only intend to take a few seconds, but I did want to share for the printed RECORD for my colleagues a recent article on the Fraternal Order of Police's Don Cahill. Day in and day out, Don works tirelessly to represent the thousands of law enforcement officers who are committed to fighting on the front lines of our domestic war against crime and drugs. Don's counsel and advice on various issues, ranging from mandatory minimum prison sentences to pension and retirement issues to police officer death benefits increases, have been a great help to me and to many of my colleagues. I recommend the article for consideration:

THE COP CAPITOL HILL LOVES TO LISTEN TO

(By Doug Champeau)

Don Cahill spends a lot of time talking in Washington, DC. A lot of people listen. As legislative chairman of the Grand Lodge, Fraternal Order of Police, Cahill has become an influential national spokesman for police in the nation's capital.

He's a cop, too. Brooklyn born and raised, he's a uniformed corporal with the Prince William County, Virginia, Police Department, just an hour's drive from Washington, DC. He is also the Virginia FOP vice-president.

What makes a good police spokesman? Being Irish helps. "I'm Irish all year long," Cahill said. Consider the legend of the Blarney Stone in Ireland. Cahill made many trips to the Emerald Isle. On his first trip, his father dissuaded him from kissing the stone, an act assured to give the kisser the gift of "skilled flattery."

"Dad said, 'Don't bother kssing the stone.' I asked why. He said 'Cahills don't need it.'"

Don Cahill has never suffered from a loss of words.

And if you're going to speak on behalf of police, it's best to have someone who is both articulate and knowledgeable about police issues. Who better than a cop? "There's a need for someone to be up on the Hill representing police officers," Cahill said. "It needs to be a police officer."

"FOP is cops representing cops," he added. "We're real-life police officers speaking for police officers. We're not attorneys. We're not paid lobbyist. That gives us credibility that other oganizations don't have."

Cahill was appointed FOP legislative chairman more than three years ago by FOP Grand Lodge President Dewey Stokes and was reappointed when Stokes was reelected last year. The two have been a formidable pair on the hill.

"A lot of police groups are represented in Washington," Cahill said, "But we're the only police group active in Washington that's represented by police officers."

Congressional leaders know that, too.

"They say, 'I'm glad to finally talk to a cop instead of a lawyer or some lobbyist coming in here trying to tell me what cops want.' I've heard that numerous times," Cahill said.

Historically, getting politicians to listen to a cop talk wasn't an easy task. "I can remember when you would walk into a congressman's office and you'd say, 'My name's so-and-so from the Fraternal Order of Police,' and they'd say, 'Oh, and what is that?'"

Times have changed, especially during the 1980s, when law enforcement issues rose to the front of the public imagination, largely because of the realization of the growing illegal drug problem. Police and the FOP now have been able to get politicians' attention and have earned Washington's respect. "Congress is better informed today about police issues, because we're up there telling them," Cahill said, "As a result, they respond to us better. When they have a question, they call us. I think they found out that there are police out there who can help them."

Cahill and the FOP have had a major influence on legislation surrounding the recent crime bill, which was the focus of congressional debate earlier this year. FOP President Stokes and Cahill's committee lobbied hard for specific sections of the anti-crime package, primarily the assault weapons ban and inclusion of the federal death penalty provision.

Cahill's "beat" in Washington takes him to the Senate gallery, congressional hallways and many business luncheons. In appearance, this well-dressed, courteous and amiable Don Cahill seems a contrast to the man who began his police career in Prince William County, Virginia, 19 years ago. Then, he was assigned to an undercover narcotics detail for more than two years, infiltrating a motorcycle gang in the Washington-Maryland-Virginia area. "I had a beard down to here (gesturing to his stomach) and a pierced ear," Cahill said. Now he prefers a nice sedan to a Harley-Davidson.

As a member of the Prince William County Police Department, he served ten years in narcotics and five years in major crimes. He also worked in communications and on patrol. Prior to that, he served for eight years as a "grunt" in the U.S. Marine Corps, including six years in the Far East with tours of duty in Vietnam. In 1957 he was wounded and hospitalized; he later retired from the Corps as a result of his injuries. Before joining the Prince William County Police, he worked for a couple of years as a political fund-raiser.

How has he made the transition from toting a gun to toting influence?

"I think I'm adaptable to many things," Cahill said. "You can't look at it as toting influence unless you want to sit there and get a big head. I'm there representing the police officers of the United States. For too many years we've had a lot of congressmen making laws based on what a young, legislative assistant tells them and not getting any input from the people it affects, the cops on the street. Somebody needed to get in there and be the spokesman for the police officer."

Cahill gets his marching order, literally, from the FOP membership. Members vote and pass resolutions at the national FOP conference. Cahill and the rest of the FOP Legislative Committee make their decisions based on these resolutions, and follow closely any legislation that could potentially affect police. Cahill coordinates all legislative activity for the committee, and has primary responsibility for pension and tax issues. He also keeps an eye on judiciary issues. When in Washington, he can be found directing FOP activities from a seat in the senate gallery.

"You're bouncing back and forth. You're going up to the gallery, and you're watching the votes on this or that, then you're finding out what's coming up next. Then you go downstairs to make sure certain senators' offices get called. You call them or tell your people to call.

"Then you're out in the hall on the second floor where the senators come in off the elevator or they come in through the front door. They go through the hall en route to the floor of the senate. So if you can possibly stop and talk to them or at least let them see you, they know the FOP is there."

Cahill can be persuasive. There was once legislation proposed seeking $11 million to increase police officer death benefits from $50,000 to $100,000. It had been sitting in Congress for more than six years. Sponsors said the 218 votes needed to approve the bill were there. But there was a certain amount of "legwork" to be completed before the bill could move. "I talked to Dewey and said, 'Let's talk to the congressmen and see what it's going to take to move this thing.'" Cahill remembered.

Stokes and Cahill met with the right people and moved the paperwork. "This was on a Monday, and I remembered that the subcommittee had a meeting coming up that week. On Wednesday morning, I told them we had everything lined up."

The bill cleared the subcommittee and was put on the committee calendar to be discussed in two weeks. Then the measure met with unexpected opposition from groups within the Justice Department. Stokes and Cahill moved quickly to defuse the opposition, initiating a letter-writing campaign from the FOP. A compromise was soon reached. Opponents were convinced to release the bill from the committee, and it went to the Senate floor without recommendation. "We got the bill," Cahill said.

The FOP is far more influential today. "The FOP has come much further along than ten years ago," Cahill said. "Ten years ago, the FOP was doing a tremendous job. But they were limited to what they had. They didn't mave a whole hell of a lot. Every FOP (member) was a working officer who had to take leave to do anything for the FOP.

"Now, today, you still have the same thing except we're a little bit more educated in the area of politics. We've had people with the ability to understand the . . . political system."

Cahill says he may not be as experienced as his predecessors, but living so close to Washington, he's there more often. "You have lunch with the senator, lunch with the congressman, lunch with his aides. You get known, and you know who's doing what, and that's important. You've got to know what staffers to talk to, to get something done."

As topical as crime issues have been over the past few years, Cahill thinks there will be a need for FOP's influence as long as crime issues are unsettled. He isn't worried about losing influence if police objectives are met. "If we solve the problems, we can't let it go away. We have to keep it in the forefront. And that's up to us. It's up to us to make sure that the Congress focuses on crime."

ZIMBABWE'S SUCCESSFUL POPULATION PROGRAM

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. MOODY. Mr. Speaker, I would like to submit for the RECORD the following article from the International Herald Tribune. I urge all of my colleagues to read this article which explains Zimbabwe's progress in providing voluntary family planning for the people of that nation. It also reinforces the need for the United States to contribute to voluntary family planning programs.

The author of this insightful article, Robert Marino, has just recently returned from Zimbabwe where he participated in the Population Institute's 10th Annual Global Media Awards for Family Planning. Mr. Marino was there on behalf of the International Herald Tribune to collect an award from the Population Institute for the Tribune's excellent coverage on population.

I would like to congratulate the International Herald Tribune for receiving this award and also Mr. Marino for his thorough coverage of the population program in Zimbabwe:

[From the International Herald Tribune, Dec. 21, 1990]

HARARE'S WAR ON RELUCTANCE: HALTING POPULATION GROWTH MEANS PERSUADING THE MEN

(By Robert Marino)

CHINOTIMBA, ZIMBABWE.—Zenzol Hadebe fits the image of the model man in an experiment that has made Zimbabwe a model southern African country.

A laborer for the government electricity authority, Mr. Hadebe, 36, has committed himself to having no more than three children, breaking with African male tradition in an effort to improve his life and his family's.

He and his wife, Msandi, 20, live with their 2-year-old daughter in one of the cinderblock houses with corrugated roofs that dot the Victoria Falls suburb of Chinotimba, a northwestern village with small plots of baked red-dirt yards surrounding each four-room house.

By many standards, the people here are well off in a country where 90 percent of the population lives in rural brick and straw huts and falls below the poverty line of 387 Zimbabwe dollars (about $155) a year.

When the Hadebes' daugher is 3, Mr. Hadebe said, they will have another child, then wait three more years before their last one.

Like other developing nations worldwide, Zimbabwe is fighting unchecked population growth on the theory that it inhibits economic strides. But the reluctant troops are men.

"Men make the reproductive decision," said Dr. Alex Zinanga, acting director of the Zimbabwe National Family Planning Council. "We're addressing men."

If all Zimbabwean men thought as Mr. Hadebe does, the campaign to limit growth would be on a faster road to success. But the road is still bumpy. Growth is bout 3.1 percent annually, according to UN population officials, a rate that would double the nation's 10 million people in 26 years if it remained stable. In 1969, with a population of 5.7 million, the growth rate in what was then Rhodesia was 2.9 percent annually.

Because of advances in primary health care, a cornerstone of government policy since independence in 1980, the increased growth rate is largely a result of the lowering of the mortality rate. UN officials say, from 15 per 1,000 people then to 9 today.

"Zimbabwe is supposed to be the model for sub-Saharan Africa," said Dan D. Vandeportaele, the country director in Zimbabwe and Namibia for the United Nations Population Fund. Nearly every adult is aware of contraception, he said, but with only 36 percent of married women of childbearing age using modern methods, "there is a gap between what they know and what they do." Seven percent still rely on traditional methods, like withdrawal.

Yet Zimbabwe's embracing of birth control is the highest in southern Africa, and the improvements have been great. In 1984, 27 percent of such women used modern contraception, and in 1979, 14 percent did so. The fertility rate has dropped to 5.5 children per woman, from 6.5 in 1984 and nearly 8 in the late 1960s. The goal now is to have 50 percent of these women using contraceptives by 1995.

Looming over the population issues is AIDS. Zimbabwe has 17,500 patients with full symptoms of the disease, and the health minister, Dr. Timothy Stamps, says blood testing indicates that 500,000 people have contracted the virus, 1 in 20 Zimbabweans. In one coal-mining region where men work apart from their families and prostitution is widespread, 30 percent of the men who were tested showed signs of the virus.

AIDS has put the future of Zimbabwe in "great jeopardy," President Robert Mugabe warned on television recently as the government opened an AIDS awareness campaign. Twenty-five percent of the cases, he said, are children under 5 who contracted the disease from their mothers before or at birth, and 60 percent are people 20 to 40 years old, "young adults on whom the social and economic development of the country depends."

Of the estimated 36 percent of Zimbabweans who practice modern contraception methods, only about 15 percent use condoms, UN officials say. The U.S. Agency for International Development, which recently agreed to provide $15 million for six more years for family planning, provides contraceptive pills and will begin testing a five-year contraceptive implant for women, but stopped sending condoms this year.

The United States sent 5 million condoms in 1982 and 25 million last year. "Now the question is, how much of this is being used against AIDS," said Mr. Vandeportaele of the UN Population Fund. That agency will provide condoms next year.

Dr. Stamps, the health minister, says he does not see the increased use of condoms as an alternative to other, more reliable methods of birth control, despite their use as a barrier to infection.

"It's a foreign concept to Africans," he said, because condoms "take away from the male's sexual enjoyment."

Would the increased use of condoms help stem the AIDS epidemic in Zimbabwe, where transmission is largely a heterosexual phenomenon?

"We don't want to rely on condoms," he said. "We hope attitudes change."

Dr. Stamps hopes that, through educational campaigns, monogamous relationships become "the cultural norm." That would provide, he said, "twin advantages of the security of the couple and the acceptance of responsibility by the male partner."

Yet this ideal may be a long time in coming in a country where, as he acknowledges, polygamy is still accepted in rural areas and where there is "great opportunity for extramarital contact" in urban areas with high unemployment.

The notion is not lost on the family planning council. "We Zimbabweans are a fairly promiscuous people," said Thandy Nhliziyo, chief nursing officer for the council.

The role model for most Zimbabwe men—and for many African men—remains the man with many children.

Zimbabwe has no official population policy, but the cabinet is now weighing one that emphasizes three children as the limit.

"One for the father," Dr. Stamps said. "One for the mother. And one for the party."

Why the party?

"We see the stability of the government," he said, "as crucial to population stability and the fight against AIDS."

To reach men like Mr. Hadebe in Chinotimba, the quasi-governmental family planning council enlists the most respected women in villages to deliver its message that women use contraceptives.

"Men are the most resistant," said the council's information chief, Florence Chikara. "They're afraid their women will run around."

But urban men like Mr. Hadebe are the most receptive, Mrs. Chikara said. "They've been exposed to the economic problems."

The village women employed by the council, 747 of them nationwide, are given seven weeks' training in family planning. Then they set out to factories, farms, hotels and villages to encourage men to accept that their wives should use contraceptives.

These women, termed community-based distributors, also provide supplies of pills and condoms and refer their female clients to clinics for examination and insertion of the intrauterine device.

One of the council's most popular messages is a weekly radio soap opera, "You Reap What You Sow," in which Jonas the Cantankerous Male comes around to realize the benefits of smaller families. The show is broadcast in Shona, which four of five Zimbabweans speak, and is aimed at rural listeners.

The council also produced a short film in Shona and Ndebele, the other main tribal language, which is shown in theaters before the main movie. In the film, a village couple argue outside their hut as the grandfather listens out of view. The husband, who is on his way to a beer hall, insists that he and his wife must have a big family, as his grandfather did.

The grandfather intervenes and admonishes, in effect: "Where did you get that? Not from me. Your wife is right. Those times are gone. Having many children who work in the field is long past."

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. MONTGOMERY. Mr. Speaker, today I am introducing the Soldiers' and Sailors' Civil Relief Act Amendments of 1991, which would make amendments to the Soldiers' and Sailors' Civil Relief Act of 1940. It is very similar to a bill passed by the House last year, H.R. 5814. That bill was not concurred in by the other body, but I do not believe there was any substantive objection to any of the bill's provisions.

Due to the call up of some Reserve and National Guard units for Operation Desert Shield, our committee held a joint hearing with the Senate on September 12 to determine whether the protections provided by the act are adequate. There have been no amendments to the act since the Vietnam conflict.

Certain problems were brought out at the hearing which this bill would address. We expect to hold additional hearings on the act in this Congress.

The bill would increase the maximum rental amount from $150 to $1,200 for the purpose of staying eviction proceedings.

It would provide for health insurance reinstatement when members leave active duty.

It would provide for suspension of professional malpractice insurance for physicians serving on active duty. Once they leave active duty, their malpractice insurance will be reinstated as if they had never been called.

Two provisions have been added to this legislation; one would allow a stay of any civil action pending against servicemembers until July 1, 1991. The second change would prohibit creditors or insurers from taking any adverse action against any servicemember solely because the servicemember exercised rights available under the act.

All of us want to be certain that the provisions of the Soldiers' and Sailors' Civil Relief Act are adequate to protect our young men and women who serve their country, and especially those who are serving as part of Operation Desert Storm.

I urge my colleagues to support the bill.

INTRODUCTION OF LEGISLATION TO PERMIT THE INTERSTATE SHIPMENT OF WINE BY FEDERALLY LICENSED WINERIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. GILMAN. Mr. Speaker, as most of my colleagues know, the U.S. Postal Service is currently prohibited from accepting wine for shipment in the U.S. mail and I would like to take this opportunity today to discuss legislation that I am introducing that would permit small amounts of wine from federally licensed wineries to be mailed, under strict guidelines.

While I am in general agreement with the existing statutes regarding the shipment of alcoholic beverages, I believe there is room for improvement. There are many small wineries that have been established across our Nation in recent years with products produced in normally so small a quantity that it is not marketed through the normal outlets and is often available only at the winery itself to either local customers or tourists.

It is these small wineries I seek to assist by providing them an outlet to offer their products to the public. The onus for collecting the taxes, insuring the age of the recipient and shipping the product via "restricted delivery" or some other "deliver to addressee only" type of mail category, will be placed on the mailing winery.

I believe that adoption of this legislation will do a great deal to promote the production of American wines, increase the selection of these wines available to consumers, and will allow for the expansion of winery employment much of which exists in rural areas.

Several State legislatures, including my own in New York, have reviewed avenues such as reciprocal State agreements, however, I believe that the discussion and adoption of a Federal statute is the best way to address this particular situation. I am hopeful that we will be able to consider this issue further through legislative hearings as soon as possible and I look forward to working with my colleagues to fully address this matter over the next few months.

Mr. Speaker I insert the text of this legislation immediately following my remarks here, so my colleagues will have an opportunity to review the bill:

H.R. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3001 of title 39, United States Code, is amended by redesignating subsection (g) as subsection (h), and by inserting after subsection (f) the following new subsection:

"(g)(1) Wine shall be considered mailable if it is mailed by a licensed winery in accordance with applicable regulations under paragraph (2).

"(2) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection. Included shall be regulations providing that—

"(A) not more than 18 liters of wine may be mailed to an addressee (including as a joint addressee) in any calendar month;

"(B) the mailing shall be by restricted delivery or other means ensuring direct delivery to the addressee or a duly authorized agent;

"(C) the addressee (and any duly authorized agent) must be an individual at least 21 years of age;

"(D) the wine is not for resale or other commercial purpose; and

"(E) the winery involved shall—

"(i) explain in writing to the satisfaction of the Postal Service that the mailing will not be in violation of any provision of this subsection or regulation thereunder; and

"(ii) provide any other information or affirmation which the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

"(3) For the purpose of this subsection, a winery shall be considered to be 'licensed' if it holds an appropriate basic permit issued under the Federal Alcohol Administration Act.".

(b)(1) Section 1716(f) of title 18, United States Code, is amended by striking "mails." and inserting "mails, except to the extent that the mailing is allowable under section 3001(g) of title 39.".

(2) Section 1154(a) of title 18, United States Code, is amended by inserting "or, with respect to the mailing of wine, to the extent allowable under section 3001(g) of title 39," after "mechanical purposes,".

(c) The amendments made by this Act shall become effective on the thirtieth day after the date of enactment of this Act.

PRINTER PLANTS SEEDS OF CIVIC PRIDE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. STOKES. Mr. Speaker, Ben Kaufman has earned a very special nickname in our community. The owner of Brothers Printing Co. which is located in my congressional district is affectionately known as "Johnny Appleseed" for the trees which he purchased and planted to help beautify the community.

Because of Mr. Kaufman's efforts, Euclid Avenue from East 19th to East 123d Streets will now be adorned with beautiful honey locust trees. He views the trees as a "gift to the people who love the city as much as I love it." It is the second time that the merchant has planted trees on Euclid Avenue.

Since 1932, Ben Kaufman has operated his printshop on Euclid Avenue. Planting trees is not the only civic deed undertaken by this caring individual. Each year he collects funds for charities that feed the hungry and homeless and for many years he purchased American flags and flew them along Euclid Avenue on patriotic holidays. Kaufman's printshop—where garage parking is free and copies are still 2½ cents—is a landmark in the community. Likewise, Mr. Kaufman has earned the respect and admiration of those who know him.

Mr. Speaker, I am pleased to bring to the attention of my colleagues a recent article from the Cleveland Plain Dealer regarding Ben Kaufman—an outstanding and caring individual.

[From the Cleveland Plain Dealer (OH), Jan. 3, 1991]

PRINTER PLANTS SEEDS OF CIVIC PRIDE

(By William F. Miller)

For the holidays, longtime Cleveland printer Ben Kaufman gave his neighbors 30 honey locust trees. He paid a contractor $10,000 to have the trees planted on Euclid Ave. from E. 19th to E. 23rd Sts.

"I view this as a gift to the people who love this city as much as I love it," said Kaufman, 74, owner of Brothers Printing Co. at 2000 Euclid Ave.

"I feel better when trees bloom on Euclid Avenue in the spring, and I believe other Clevelanders feel the same way," said Kaufman, a friendly, optimistic man whose rough hands are stained with the ink of his trade. He has been a printer in Cleveland since 1932.

He had the trees planted last month on the tree lawn in front of all businesses on the south side of the street.

He said he hoped the trees would offer some beauty for students and professors across the street at Cleveland State University, which he says has done a great job of beautifying the campus with trees and new buildings.

It is the second time in 11 years that the printers' Johnny Appleseed has put his mark on Euclid Ave.

He planted 40 trees along the street 11 years ago, but most of them were killed or damaged by pollution and drivers who ran into them.

He had the two old linden trees that survived taken out and replaced with what experts told him was a variety more suited to the stresses of urban living.

He transplanted the lindens to his Shaker Heights yard. "They deserved a retirement in a quiet, clean-air environment," he quipped.

Hunter Morrison, Cleveland planning director, said Kaufman "is one of the most civic and goodhearted merchants in downtown Cleveland."

"If more property owners took a lesson from Kaufman and made such improvements, Cleveland would be the richer for it," Morrison said. "The city has a hard time to get some merchants to fix potholes in their sidewalks."

Morrison said last month that the city would remove unsightly cement planters along Euclid Ave. and replace them with trees planted in the ground. He said trees in the ground survive better and are more attractive than those in planters. Kaufman planted his trees in the ground.

Kaufman also is known for other charitable deeds at his small, cluttered print shop, which he runs with the help of his sons, Jay, 35, and David, 33, and 12 other employees.

Kaufman gives away about 8,000 apples and 250 pounds of hard candy yearly from his counter. The treats are free, but there is a dish if anybody wants to contribute to charity.

Every year at Christmas, he distributes $750 or more from the little dish to charities that feed the hungry and homeless.

For six years, until 1987, Kaufman bought American flags and flew them along Euclid Ave. on patriotic holidays. He said he had to stop when hardware added to light poles to hang banners got in the flags' way.

Kaufman said that as a goodwill gesture, he charges the bargain-basement price of 2½ cents for each photocopy in his shop, a deal that has proven particularly attractive to students and senior citizens. Parking in his adjacent garage is free.

He says his only civic disappointment was the city's rejection of his plan five years ago to put up a large electronic sign on his building to herald civic events and flash Cleveland-boosting slogans. He said the sign would not have been used for personal advertising. He says he still wants to put up the sign.

Knowing Kaufman's reputation for civic work, then-Mayor George V. Voinovich personally went over to the print shop to offer condolences when the plan was turned down.

"Conventioneers and others would love to see their name in lights," Kaufman said. But city officials felt the sign would be unattractive.

There is also another reason why Kaufman, an Orthodox Jew, performs good deeds for the city: "God has been good to me, and I do what I do because I don't ever want to make God mad at me."

THE CONTINUING CRISIS IN THE BALTIC STATES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. FASCELL. Mr. Speaker, as part of the ongoing effort of the Committee on Foreign Affairs to keep the Congress informed of developments in the Baltic States, and to keep these important events in the forefront of our attention and concern, I would like to share with you the following analysis of events in the Soviet Union and the Baltic States during the past 24 hours.

The outbreak of war in the gulf increases speculation that Soviet President Gorbachev will, in the near future, impose Presidential rule over the Baltic States if not the entire Soviet Union. Such an action would amount to the termination of the nearly 1-year of rule by the freely elected parliaments and governments of the Baltic States. In the past week, Gorbachev has made it very clear that he is seriously contemplating taking such action and the Soviet media has been full of calls for the imposition of Presidential rule from key figures in the military and from conservative pro-Moscow Communists in the Baltic States.

If Presidential rule is imposed, it is too early to predict how closely this will resemble draconian martial law or whether it will be milder. One thing is certain: Gorbachev will move to suspend the existing parliaments and governments in order to halt the year-long march toward independence in these States. Part of the rationale behind the current policy of gradual tightening of the screws, including random violence and use of force, is to prepare the Baltic peoples and leaderships for what is to come and to discourage the outbreak of violent opposition when it does.

Various unconfirmed reports are circulating this morning that Gorbachev has imposed at least some degree of press censorship to control reporting on the Baltic crisis. Whether this is a renewed move to totally suspend the new press law is not yet clear. Yesterday, Gorbachev backed off his proposal to suspend the new press law guaranteeing freedom of expression. He did this after several Supreme Soviet delegates firmly condemned this action as the abandonment of glasnost. However, Gorbachev succeeded in planting another element of unease among Soviet reformers. As a result of Gorbachev's initiative, the Supreme Soviet has formed a special commission to investigate objectivity in the press.

Understandably, war in the gulf has pushed the Baltic situation out of the news, at least for now. The few reports there are are not very encouraging. While there have been no new incidents of violence in the past 24 hours, about 1,000 courageous Lithuanian legislators and their supporters remain in the Parliament building, which has been fortified against a possible takeover attempt by the Soviet military. Increasing efforts are being made by Gorbachev and his supporters to portray the situation in the Baltic States as one approaching civil war, precisely the kind of scenario needed to justify the imposition of Presidential rule. The shadowy National Salvation Committee in Lithuania continues to issue noxious bulletins claiming the current Lithuanian Government has targeted Communists, military personnel, and non-Lithuanians for annihilation.

In Latvia, the situation is also tense as a similarly ominous National Salvation Committee has been formed. A Latvian truck driver was shot dead by security forces ostensibly because he passed too near a sensitive military site.

I will continue to make periodic statements on the unfolding situation in the Baltic States, not only as a means of informing the Congress but to emphasize the importance this body places on the peaceful resolution of the crisis in the Baltic States and the support we continue to give to their strivings for self-determination and independence.

EAST WILLISTON'S HEALTH AWARENESS WEEK

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to bring the attention of my colleagues to the East Williston, Long Island, Public Schools' Health Awareness Week, scheduled for February 4–8, 1991.

Health Awareness Week—the culmination of a unique cooperative effort by administrators, faculty, parents, and students—will feature many informational forums and activities aimed at increasing the community's awareness of health issues. Among the programs offered will be a health fair highlighting smoking-reduction programs, as well as programs to reduce drug and alcohol abuse. In addition, programs targeted for specific age groups will be demonstrated and discussed at schools throughout the school district.

Mr. Speaker, committees made up of faculty members, parents, and civic activists have worked together with Dr. Bruce L. Dennis, the superintendent of schools, to coordinate Health Awareness Week. I praise the efforts of everyone involved in this worthwhile program and wish them continued success.

ENHANCING TECHNOLOGY TRANSFER WITHIN OUR FEDERAL LABORATORIES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mrs. MORELLA. Mr. Speaker, at the beginning of the 102d Congress I introduced H.R. 191, the Technology Transfer Act of 1991. This legislation seeks to amend the Stevenson-Wydler Technology Innovation Act of 1980 in order to enhance technology transfer for works prepared under certain cooperative research and development agreements [CRADA's] between Government-owned and operated laboratories, private sector firms, and other associated parties. H.R. 191 would authorize agencies with the power to secure copyrights, on behalf of the United States, as author or proprietor in computer software prepared in whole, or in part, by Federal employees in their work under a CRADA. The bill would also provide royalties for Federal employee authors of computer software by extending the royalty provisions of the Federal Technology Transfer Act of 1986, which currently only applies to Federal employee inventors.

Currently, copyright protection is not available for any works of the U.S. Government. Therefore, Federal employees are not able to obtain copyright protection for their works created in the course of their official duties. Consequently, the incentives of proprietary rights and royalty sharing—so vital in the case of inventions—cannot be used to spur the development and commercialization of computer software in Federal laboratories.

Although affecting only those works developed under CRADA's, H.R. 191 will have a major impact in the effort to commercialize computer software and develop our international competitiveness. With the Government unencumbered by the concern that their work may fall into the public domain, private firms will more freely enter into CRADA's with the Government. Additionally, with an incentive to develop commercially viable software under such agreements, the morale and creativity of Federal employees will be greatly enhanced.

Without an appropriate policy dealing with the commercialization of federally developed computer software, the prospects for its development and commercialization are limited. Merely making software available without proprietary protection is insufficient to ensure its effective commercialization. Today's software is complex. The software contains thousands of code lines and is practically useless to businesses unless they are willing to make substantial investments of time and money. For software to be commercially valuable, it has to be debugged, simplified, and training materials must be written and supplied. Without a proprietary interest, a firm could not be assured of recouping the necessary investment in such services.

Such cooperation with the private sector coupled with incentives in our Federal laboratories will ultimately work to the benefit of all Americans and our Nation's economy. I urge my colleagues to support technology transfer and support H.R. 191.

TRIBUTE TO FLOYD LOWER

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. APPLEGATE. Mr. Speaker, it is with deep regret that I bring to the attention of my colleagues in the House of Representatives the passing of one of the finest citizens in my eastern Ohio congressional district. Floyd Lower of Lisbon, OH died on January 13 and with him a history of public service to his community. He was 97 at the time of his death.

Known as Mr. Lisbon, Floyd was active in at least 20 separate civic organizations at the local, county, and State level. The awards that he had received throughout his life are simply too numerous to mention. He was a veteran of World War I, a graduate of Ohio State University with a degree in agriculture and a member of the First United Methodist Church of Lisbon. He served as a county agricultural agent from 1920 until his retirement in 1963. Following his retirement, he helped organize the Lisbon Chamber of Commerce in 1964 and served as its executive secretary for 17 years.

"One of the finest organizers I have ever known," "the hardest worker I ever knew," "a super man," "he can never be replaced" were just a few of the comments of those who knew Mr. Lower. His commitment to Lisbon, Columbiana County, and the State of Ohio earned him respect and admiration of so many people, not to mention numerous "Outstanding Citizen of the Year" honors.

Lisbon area residents, and those in other areas as well will greatly miss Floyd Lower. He truly was one of a kind.

NOT IN FAVOR OF TESTING REQUIREMENTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. COLEMAN of Texas. Mr. Speaker, today I have introduced legislation that would repeal the testing requirements imposed on "ability-to-benefit" students by the Omnibus

Budget Reconciliation Act of 1990. This provision, the Student Loan Default Prevention Initiative Act of 1990, has created undue hardship upon thousands of students across this Nation, who are attempting to get an education and/or vocational training. In fact, Education Department regulations published in the Federal Register late last month interpret the new law's testing requirements for admission as applying to all college and trade school students, even if they do not receive federally guaranteed loans. The result has been a national disaster as thousands of worthy students nationwide will find their opportunity for educational advancement eliminated.

Needless to say, this regulation will disproportionately affect minorities and immigrant students. Whereas many of our Nation's community colleges, for example, have open door policies, this policy would require all students without a GED or high school diploma to pass this exam. As Dr. Dennis Brown, communications chair at the El Paso Community College, recently pointed out:

> At El Paso Community College, which is nestled in the heart of the largest United States-Mexico enclave, 3,000 highly motivated and academically prepared (Spanish language) current students, and thousands of future students, would be denied access to college.

This is of grave concern to me that the Federal Governments is, in effect, denying English as a second language students the ability to successfully pursue a postsecondary education.

Moreover, if an institution does not comply with these regulations, not only are the individual students ineligible for title IV student financial aid funds but the institution itself would be subject to losing eligibility. This could result in a loss of millions of dollars to our Nation's system of community colleges—which are often the first place where many of this country's citizens acquire the skills necessary to be productive in the work force. While I fully recognize the importance of attempts to close the loopholes in student aid—and that certainly was the intent of the Student Loan Default Initiative Act, I have become quite alarmed that the impact of the legislation will undoubtedly create more harm than good. As Sam Houston, one of the founding fathers of the State of Texas, said:

> The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Consequently, I would hope that Congress would take up this piece of legislation on an expedited basis. With higher education programs up for reauthorization this year, problems with student loan default rates can be carefully scrutinized and properly considered at that time. Let's not penalize our Nation's students and colleges for a rash legislative proposal that was created under the pressures of the budget summit agreement.

IRAQ AND TERRORISM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. FASCELL. Mr. Speaker, in view of the increased threat of international terrorism due to the situation in the Persian Gulf, I would like to draw the attention of the Members to two recent statements by the Department of State on this matter. The statements follow:

IRAQ AND TERRORISM

(Statement by Richard Boucher)

As January 15 approaches, Iraq shows no sign of respecting U.N. Security Council resolutions demanding that it withdraw from Kuwait or face possible military force.

Since Iraq's invasion of Kuwait, the Department of State has issued three public statements warning Americans of the possibility of Iraqi-sponsored terrorist attacks. These notices were general in nature; no specific targets were mentioned. They remain in effect.

The U.S. Government has evidence that terrorists supported by Iraq are planning to mount attacks in most regions of the world. We believe the Middle East and Europe are the most likely locations. We also have reports of terrorist planning in Africa, Asia, and Latin America. The American public should be aware that, in the event of military action involving the United States in the Persian Gulf, the threat of terrorism against American citizens would increase significantly. The Department of State recommends that Americans take the following action to minimize the threat:

All Americans traveling abroad should review existing travel advisories concerning the country or region to which they plan to travel.

Americans overseas should stay in close touch with the nearest U.S. embassy or consulate.

They should be alert and pay attention to anyone who may be observing them. If they become concerned about something unusual, they should contact the local police.

Americans overseas should exercise caution when in or near U.S. military or civilian facilities.

Should hostilities begin, Americans should keep informed through radio and television broadcasts.

While it is likely that terrorist events may occur for which we have no forewarning, should specific and credible information on a threat to the American public be received, the Department of State will provide information for travelers and other concerned parties.

TERRORISM: U.S. PRECAUTIONS

(Statement by Margaret Tutwiler)

In view of threatening public statements by Iraq, and planning activities undertaken by terrorist groups supported by Baghdad, the U.S. Government believes that acts of terrorism directed against American interests are likely in the event of hostilities. President Bush has said that the United States will hold Saddam Hussein directly responsible for any terrorist attack Iraq sponsors.

I would like to share with you some of the steps that the U.S. Government is taking to help counter this threat. Our measures include the following:

Since the Iraqi invasion of Kuwait we have released four public announcements warning of the risk of Iraqi-sponsored terrorist activities. These warnings remain in effect.

The Department has authorized or ordered the drawdown of personnel from most U.S. diplomatic facilities in North Africa and the Middle East. We have publicized this information in travel advisories, and we strongly urge that Americans considering travel abroad review all travel advisories affecting the region or country to which they plan to travel.

Ambassador Busby, coordinator for counterterrorism, has worked closely with the Federal Aviation Administration, which has implemented additional steps to strengthen aviation security that recognize the current world situation. These requirements apply to airports and airlines within the United States and to U.S. airlines providing service overseas. The international measures have been carefully coordinated with our major aviation partners.

Ambassador Busby has travelled extensively since August to discuss the terrorist threats with our allies. We are working closely with governments throughout the world to counter the threat posed by Iraqi-sponsored terrorism.

The Department has asked all U.S. diplomatic missions worldwide to review their respective security situations.

American embassies and consulates throughout the world have been briefing local American communities on steps that they can take to increase their personal security in this time of heightened tension.

As we have said before, while it is likely that terrorist events may occur for which we have no forewarning, should specific and credible information on a threat to the American public be received, the Department of State will provide information for travelers and other concerned parties.

BARBARIC ATROCITIES COMMITTED BY SOVIET TROOPS

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. RIGGS. Mr. Speaker, I rise, as do many of my colleagues on both sides of the aisle, to deplore the barbaric atrocities committed by Soviet troops and by the Kremlin.

I am outraged by the events that occurred this weekend in the sovereign State of Lithuania. Again, we have witnessed the horror of Communist troops firing on peaceful demonstrators, and Communist tanks crushing those, whose only crime was that of bearing their flag of independence and calling for their freedom.

It is the height of hypocrisy that during a time when a unprecedented worldwide coalition has joined together to condemn brutal aggression, a coalition the Soviets have allegedly been part of, that Gorbachev would now authorize his own brand of brutality.

Mr. Speaker, it is not that the Soviets thought this would go unnoticed. It is that they doubt the will or the stomach of Washington and the American people during this critical time in our history.

Last year Time magazine named Mikhail Gorbachev, "Man of the Decade." He then became the recipient of the "Nobel Peace Prize." These honors were bestowed on him, for his contributions to peace and stability in our world. I submit that these awards may have been premature.

I further submit the following—if there had been no Ronald Reagan, there would have been no Mikhail Gorbachev. I call on the Nobel Peace Prize Committee to act on their mistake and demand the return of the prize, so that it may finally be presented to President Reagan, whose legacy of peace through strength led to the collapse of communism worldwide and the ultimate liberation of millions of oppressed Eastern Europeans.

Finally, Mr. Speaker, I have this message for President Gorbachev, free Lithuania, free the Baltics, withdraw your forces within your own borders, end your occupation.

If you cannot conduct yourself in a civilized manner, if you are going to return to your ways of old, and thumb your nose at a new world order, then I ask the civilized nations of the world to take another look. And I ask President Bush to give serious consideration to suspending agricultural credits and all further economic aid. We must not subsidize Communist terror.

USE OF FORCE IN LITHUANIA BY THE SOVIET UNION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mrs. COLLINS of Illinois. Mr. Speaker, it is disastrous that Soviet troops have stormed into Vilnius to impose its will on the Lithuanian people over the past few days. It is especially tragic that these events took the lives of over a dozen civilians.

In any place, at any time, it is a somber moment when any government chooses to repress the free will and democratic expression of its people. But it is particularly ironic that the Soviet Union chose such a course at a time when the world community has begun to acknowledge the probable end of the decades-old cold war.

Under President Mikhail Gorbachev, the Soviet Union has been steadily progressing toward democracy during the 1980's. He has earned the respect of millions worldwide for his apparent realization that the Soviet postwar repressive rule is not only unjust but unproductive. He claimed to be on an irreversible path toward perestroika and glasnost.

However, we are now forced to ask ourselves whether Gorbachev was and is dedicated to those principles or merely engaged in a noble—but dispensable—experiment. Does he feel that his attempts failed? Have his Soviet comrades decided that he has not yet succeeded in the time that they were willing to allot him?

These and other questions are suddenly brought to the fore by the actions of troops in Lithuania. The concerns go far beyond the deplorable acts themselves. If Gorbachev gave his tacit approval, that would be terrible. Yet, if the troops acted, as he says, without his assent, then that is worse.

Mr. Speaker, the people of Lithuania, as well as Latvia and Estonia, have a long and turbulent history. The developments there toward peace and self-determination over the past few years are monumental and must not in any way be annulled. It is the duty and desire of the United States to urge the Soviets to be cautious in responding to the democratic undulations of their own people. Since the friendship between our two governments is by no means unconditional, an awful lot is riding on their progress.

UNFAIR TOO-BIG-TO-FAIL DOCTRINE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. HUBBARD. Mr. Speaker, last month I received an excellent letter from Ben T. Pugh, president and chief executive officer of Citizens Deposit Bank & Trust in Vanceburg, KY, which I would like to share with my colleagues.

Ben Pugh has written about an issue that I have previously brought to the attention of my colleagues—what happens when a financial institution that is deemed "too big to fail" is taken over by the Federal Government as compared to what happens to the depositors in an institution like Freedom National Bank of New York. The depositors of Freedom National Bank were treated unfairly by the Federal Government in that their accounts over $100,000 were not covered when Freedom National Bank failed. This was not the case, however, when the Bank of New England Corp. failed, because Bank of New England had been deemed "too big to fail," and all the depositors were insured no matter how large the account.

Ben Pugh also writes about the inordinate burden placed on community banks with the mountains of legislation, community and compliance issues, as well as an unfair share of the FDIC insurance assessment.

I urge my colleagues to read the excellent comments of this outstanding banker from Kentucky. The letter from Ben Pugh follows in its entirety:

CITIZENS DEPOSIT BANK & TRUST,
Vanceburg, KY, December 17, 1990.

HON. CARROLL HUBBARD, JR.,
2267 Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE HUBBARD: An article appeared in the December 5, 1990, issue of the Wall Street Journal and gave a description of "A Tale of Two Banks." This article highlighted the basic problem with the "Two Big To Fail Doctrine" currently being followed by the FDIC.

It compares the failure of the National Bank of Washington in August in which its depositors did not lose a nickel. The FDIC protected them all, even those who exceeded the $100,000 federally insured limit and those who maintained accounts in a foreign branch outside the governing protective umbrella. However, the depositors of Freedom National Bank were not so lucky. The FDIC announced it would pay depositors only up to the $100,000 limit. You may not have read this in the article, but the Fort Green Senior Citizens Council stands to lose $250,000. The loss would make the council unable to pay teachers, social workers and vendors.

Has this nation become so calloused by large corporate depositors that we do not allow the market driven system to carve out its own niche in the financial world? If the big bank fails it should be treated like New York's Freedom National Bank, cover the $100,000 depositors and let the balance suffer the consequences. And this nation especially should not cover accounts in a foreign branch that is specifically not covered by FDIC insurance. Everyone knows why these branches are set up in the manner they are. It is to avoid paying FDIC insurance on these deposits.

Congress should take immediate action to see that these foreign deposits are assessed the same as deposits within our border. It is obvious the intent of the FDIC, with backing from the Treasury Department, is to insure these deposits. If that is the case let them pay for the insurance they are currently receiving for free.

Many congressional representatives speak glowingly on how they have not forgotten the individuals. However, by placing an inordinate burden on community banks with the mountains of legislation, community and compliance issues, as well as an unfair share of the FDIC insurance assessment, it appears that the individual has been forgotten. Community banks stand for the individual more strongly than any money center bank could ever hope to. Community banks are the backbone of this nation and will continue to be if Congress acts and creates a more level playing field for us to survive within.

Sincerely,

BEN T. PUGH,
President & C.E.O.

PERSIAN GULF CRISIS IS CAUSING UNWARRANTED ANTI-ARAB BACKLASH IN OFFICIAL WASHINGTON AND BEYOND

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. RAHALL. Mr. Speaker, the news media, both print and broadcast, have made much of the recent discovery that FBI agents were interviewing Arab-American business and community leaders in an attempt to gather information about possible terrorist activity in the United States. While the measure was portrayed by the FBI as precautionary only, it was greeted with protests from Arab-American organizations.

Of course, we are reasonable men and women in a time of crisis involving Arab nations, and I believe that if the FBI has even one scintilla of evidence to the effect that Arab groups or individual members of such groups are likely to be involved in terrorist activities, then the FBI most assuredly should follow up suspicious interviews with full investigations.

I am very much afraid, Mr. Speaker, that the Federal Bureau of Investigation [FBI] has fallen prey to the misguided notion, held usually by people who are very ignorant, or very prejudiced, or both, that only Arabs, and all Arabs, are terrorists.

If I could point to one single factor as the primary obstacle to peace in the Middle East, it would be those people, individuals and groups, official and nonofficial, who take a whole ethnic group and, because of their ancestry, intimidate them by conducting investigations that are mostly unwarranted. It smacks of the mindset that prevailed when the United States Government incarcerated Japanese-Americans during World War II, which we have since deplored as a policy that was both inappropriate and immoral.

I am more than pleased to note that committees of Congress with oversight responsibility for the FBI have warned that the agency is treading on sensitive ground, and each such committee intends to make certain the FBI does not step beyond the bounds of propriety or otherwise get heavy handed in their interviews with Arab-Americans.

Mr. Speaker, there is discrimination against Arab-Americans going on in other sectors of our society. Witness the recent and numerous reports of harassment and discriminatory treatment of Arab-Americans, including the strip-searching of innocent women, while traveling on a U.S. Airline—a direct, obvious, and seemingly intentional violation of their civil liberties. It couldn't happen in America? It did happen, and it continues to happen in America.

Arabs are often portrayed in the media, and particularly in films in ways that do not present an objective and understanding of their culture, but are rife with bias and misinformation about the Arab world in general, and Arabs in particular. Some journalistic sectors, I am pleased to note, are making concerted efforts to deal with the issues fairly, and I hope to see an increase in this thoughtful, informed approach in the future.

In Michigan recently, an individual was sentenced to 6 months custody and 3 years' probation, after pleading in Federal court that he was guilty of charges that he mailed threatening letters to Arab Americans in the Flint, Michigan area, including the Arab-American Anti-Discrimination Regional Office in Detroit. Ironically, Mr. Speaker, in this case it was the FBI that was largely responsible for bringing this man to justice, which goes to show you that the system against hate crimes does work and well, when handled sensitively.

I am proud to be an American of Arab ancestry. Every Member of this body and every American has the right to be proud of his or her ancestry. My grandparents were born in Lebanon. But what must be kept firmly in mind, Mr. Speaker, is that my grandparents became American citizens. My parents were born here, as was I, and we are all proud Americans and proud of our Arab ancestry. We should all, regardless of ethnic origin, be concerned for America's best interests, and to put them first.

Mr. Speaker, It is incumbent upon me to express my concern here and elswhere on behalf of Arab Americans. Because of the Persian Gulf crisis which appears to be causing a growing outbreak of violence against Americans of Arab descent, it is even more important that we speak out today. For that reason, I commend my friend and colleague DON EDWARDS for his concern and foresight in arranging this special order on behalf of Arab Americans. Many other of my colleagues have expressed similar concerns to me, including my friend NORM MINETA of California, who has met with the FBI on the matter of their ongoing interviews with Americans of Arab ancestry in the United States.

These are emotional times, and I fear that if the United States does launch an attack against Iraqi emplacements in Kuwait, as a means of freeing that country from Saddam Hussein, and thousands of casualties occur as a result of that war, it is going to get a lot more emotional.

For that reason, I call upon the FBI, the State Department, the Defense Department, and the Immigration Service, to weigh their actions and their words carefully. During what may very well be appropriate and timely efforts by our Government to keep down terrorism, and to protect Arab Americans rather than harm them, and I applaud those efforts, every possible precaution must be taken to guard against the inadvertent fueling of the ugly fires of discrimination and bigotry.

Should an already volatile situation worsen, both in the gulf region and among policy makers of various Government agencies, including the FBI and Immigration as a result of the present crisis, and should unwarranted and overzealous interviews and investigations of Arab Americans become "heavy handed," I shall raise my voice in stronger protest.

My friend and colleague DON EDWARDS, who chairs the House Oversight Subcommittee on Civil and Constitutional rights, has already pledged to conduct intensive hearings should FBI and other agency anti-terrorist activities get out of hand, and I thank him for his foresight in issuing a strong warning to the FBI about the sensitivity of their investigations and or interviews with Arab Americans.

Mr. Speaker, I must reiterate that Arab Americans are American citizens, but we retain our pride in our heritage. It is time for America to stop creating, through innocence, or through ignorance, or deliberate bigotry, a suspect class of people who are, except for their country of origin, just like everyone else * * * people who would like to go about their lives in peace, without fear and intimidation, and with their civil rights as Americans intact.

THE AGENT ORANGE ACT OF 1991

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Ms. LONG. Mr. Speaker, I am pleased to cosponsor the Agent Orange Act of 1991, which will address the effects of Agent Orange on our Nation's Vietnam veterans. This bill is comprehensive in scope, and I am confident that it will serve its purpose in giving assistance to those veterans who have sacrificed so much in service to our country.

This legislation will automatically establish a service connection for three conditions; non-Hodgkin's lymphoma, soft-tissue sarcomas, and some cases of chloracne. In addition, it establishes a mechanism whereby the Secretary of Veterans Affairs will make additions to the original list of conditions after further studies determine a positive association between herbicide exposure and the occurrence of disease in humans. With the assistance of the National Academy of Sciences [NAS], studies will be conducted, and the results will be reviewed through periodic reports to the Secretary. This partnership between NAS and the Department of Veterans Affairs [DVA] will bring about positive changes and expansion of health care provided to veterans of our Nation's war in Vietnam.

A discussion of this legislation would not be complete without expressions of gratitude toward the chairman of the House Veterans' Affairs Committee. This bill is the product of thoughtful negotiations and hard work. It illustrates the firm commitment of Mr. MONTGOMERY and his staff to our Vietnam veterans.

This legislation is a textbook example of how well compromise and negotiations can work. I hope that this bill will be considered, passed by both houses of Congress, and signed into law quickly, so that veterans suffering the effects of Agent Orange can begin receiving care as soon as possible.

TROUSDALE COUNTY YELLOW JACKETS DESERVE PRAISE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Mr. GORDON. Mr. Speaker, on Saturday night, December 9, 1990, a group of young men from Trousdale County High School in Hartsville, TN, achieved the dream of their young lives by bringing home Tennessee's Class AA high school football championship.

Led by a group of scrappy seniors, the Yellow Jackets ended their opponent's 28-game winning streak to clinch the Clinic Bowl and the State crown that goes along with it.

Trousdale County's road to the State championship was not always easy. But, the team, coach Clint Satterfield and his staff persevered. They weathered the agony of defeat and learned from it in order to enjoy the thrill of victory.

Their winning efforts and true sportsmanship have brought pride to Trousdale County and recognition to all of middle Tennessee.

High school athletics at their finest not only build physical conditioning in the student athletes, they also build strength of character, teamwork, and an increased sense of responsibility. The Trousdale County Yellow Jackets are a perfect example of those traits.

Successful teams bring the entire school and community together in a common cause. They encourage students, teachers and administrators to work toward their overriding goal—preparing our next generation of young men and women to take their place as productive citizens of the Nation. In the community, the teams unite young and old, friend and foe, with pride in their school's team.

This spirit of cooperation and support will impart good memories that will last a lifetime for the athletes, their families, their friends, and the community.

I congratulate the Trousdale County Yellow Jackets and everyone involved with Trousdale

County High, and wish them the best of luck in the future. They have made us all proud.

MIAMI'S NE TASK FORCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 17, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, the NE Task Force is a group of 26 community residents and business owners who find ways to improve, restore, and promote Miami's Upper Eastside. Because of its location, extending 5 miles along beautiful Biscayne Bay, Miami's Upper Eastside is a very desirable place to work and live. Meetings of the NE Task Force are open to anyone who lives in, owns a business in, or is interested in the 11 neighborhoods that compose the Upper Eastside. Those unique areas consist of Edgewater, Magnolia Park, Bay Point, Buena Vista East, Brentwood, Morningside, Lemon City, Bayside, Belle Meade, Belle Meade Island, and Shorecrest.

Every year, more and more people are drawn to Miami's Upper Eastside. To conform to the incredible increase in growth, the NE Task Force has created six committees to help further their stated purpose—to study the current social and economic conditions of Miami's Upper Eastside and to make recommendations for its social and economic revitalzation. The NE Task Force committees are crime prevention, economic development, beautification, zoning and code enforcement, public relations/communications, and funding.

I would like to commend the following individuals for their dedication to their community by chairing a committee of the NE Task Force: Bob Grill of Belle Meade, Judy Clark of Morningside, Juan Crespi of Edgewater, Liz Kristin of Magnolia Park, Jan Grigsby of Edgewater, and Doug Broeker of Morningside. Through their hard work and selfless dedication of time, residents of Miami's Upper Eastside can boast of an attractive and close community.

SENATE—*Friday, January 18, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 18, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

CONDITIONAL RECESS UNTIL TUESDAY, JANUARY 22, 1991, AT 2:30 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 2:30 p.m., Tuesday, January 22, 1991.

Thereupon the Senate, at 10 o'clock and 37 seconds a.m., recessed, under the order of Thursday, January 17, 1991, until Tuesday, January 22, at 2:30 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Friday, January 18, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Hear these words from Psalm 33:

Blessed is the nation whose God is the Lord, the people whom he has chosen as his heritage!

You have promised, O loving God, that You hear our earnest prayers and in that spirit we place before You our words of thanksgiving for Your everlasting grace together with the personal petitions of our own hearts.

For the President and the Congress and the men and women of the armed services, we pray for courage and fortitude and strength. During these days, when our minds and thoughts are filled with the emotions of conflict, we reach out in prayer for those people who must take the lead and bear the burden of decision. We specially remember George Bush and Norm Schwarzkopf and others whom we name in our hearts before You. O gracious God, whose power created the heavens and the Earth and whose mercy is without end, bless and guide them and keep us all in Your mighty hand, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. LEWIS] come forward and lead the House in the Pledge of Allegiance.

Mr. LEWIS of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 2. Concurrent resolution supporting the U.S. presence in the Persian Gulf.

The message also announced that, pursuant to Public Law 94-201, the Chair on behalf of the President pro tempore, appoints Robert Malir, Jr., of Kansas, to the Board of Trustees of the American Folklife Center.

SADDAM HUSSEIN'S BOMBING OF ISRAEL PROVES HIS RUTHLESS INTENTIONS

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, if there was any doubt at all about the ruthlessness of Iraqi leader Saddam Hussein, that has now been dispelled. With last night's unprovoked bombing of Israel, Saddam laid bare to the world his intent to expand the conflict and his willingness to attack innocent civilians in order to further destabilize and terrorize the nations of the Middle East.

Throughout the last several weeks as Saddam Hussein threatened the nation of Israel, and in the immediate hours since the bombing, the Israeli Government has shown admirable restraint. Certainly, the instinct of any proud and free nation would be to respond immediately to an unprovoked attack, especially when there is danger of further attack.

It can be expected that Israel will respond to the attack on its civilian population. Certainly, a response is understandable. It is my hope, that the Israeli response will be measured and carried out in full coordination with the allied forces in the Persian Gulf.

As the conflict continues into its third day, as the horror and cost of war are fully realized, the allied nations in the gulf must remain united and committed. Saddam Hussein's brutal attack of Israel is a desperate attempt to drive us apart. It should instead, unite us and strengthen our resolve to end Saddam's reign of terror.

The resolution before us today gives this body another opportunity to renew our commitment to the men and women fighting in the Persian Gulf. And, just as Saddam Hussein's bombing of Israel removed any doubt of his ruthless intentions, passage of this resolution will remove any doubt that the United States Congress stands united with the President and shares his resolve to bring peace and stability to the Persian Gulf.

BIG OIL'S SHAM ATTEMPT TO STABILIZE OIL PRICES

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, the President should be commended for his decision late Wednesday night to release oil from the strategic petroleum reserve.

The possibility of flooding the market at this time with our stockpiles should keep the market stable in this time of crisis, and protect our economy from damaging high oil prices. Big Oil has even taken steps to keep oil prices down. Some oil companies decided to freeze oil prices. But they just do not know how to do something without hurting the American consumer.

Mr. Speaker, Big Oil announced their price freeze when the price of crude oil is dropping like a stone. In fact, yesterday the Mercantile Exchange was shut down because oil was dropping so quickly. It eventually settled $10.56 lower at $21.44 per barrel, the biggest drop in Merc history. Nice try Big Oil, but we will all be watching you.

PRAISE FOR ISRAEL'S RESTRAINT IN THE FACE OF ADVERSITY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, last night the world stood witness to the brilliant courage of our ally, Israel.

Israel, not even a member of the international coalition against Iraq, took Iraqi Scud missile hits to its largest civilian centers, and up to this point has not chosen to retaliate. What other nation in the world would lay down its right to self-defense after a wanton missile attack? What country in a sea of hostility would have the self-confidence and equanimity to wait?

Israel's great confidence in the United States and its willingness to forgo a military response to a missile attack is an example of awesome restraint.

In the future when Israel comes under increasingly heavy pressure to make a compromise in terms of territory for peace, we must all remember the difficulty of her position and her willingness to take the extra step for peace. What a tragic irony it would be if Israel's cooperation has sown the seeds of her demise.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSIAN GULF OPERATIONS CONTINUE

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, the latest turn of events in the Persian Gulf merits further comment.

First, we condemn, in the most unequivocal terms, the dastardly missile attack initiated on Israel by Saddam Hussein. This further aggression on a nation that was not a party to the conflict, against highly populated civilian targets, was a thoroughly cowardly misdeed. On the bright side, if there can be one, is the fact that chemical weapons were not involved in this attack. The evidence strongly suggests that the coalition's initiation of the liberation of Kuwait at this time, rather than after another 6 months or a year as some had argued, allowed us to strike before the Iraqis were able to perfect their plans to marry chemical warheads with their Scud and other ballistic missiles. This is but another strong justification for initiating the liberation of Kuwait now.

Second, I want to take this opportunity to commend the President and his administration for the excellent leadership that has been provided to date. I also want to commend our allies in the coalition, who stand with us now in the firmest way and have demonstrated concretely that the rape of Kuwait and Saddam Hussein's criminality are indeed world concerns.

Third, I would note that our ability to use our military technology effectively in the current conflict—one the likes of which have never been seen before—is unquestionably related to the attention that the Armed Forces received under the Reagan-Bush era. We have always emphasized our technology, training, and brain power in our military operations as America has always avoided using our servicemen and servicewomen as cannon fodder. The Reagan-Bush buildup, thankfully, provided our forces with the best and most technically advanced equipment and training available, and this without doubt has been a critical factor in enhancing our effectiveness and reducing our losses.

Finally, we call on all Americans to join together in their prayers for the safety of our service people and those of our allies—some of whom already, it seems, have made the supreme sacrifice—and to pray, too, for the earliest possible end to hostilities with the least loss of life.

□ 1210

LET US GET IT OVER WITH

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, today I come as one of those persons who voted against the resolution last week. I am still no more in favor of war today than I was a week ago.

However, there is a reality that we are now in the midst of a war. I think that all of us have an obligation to support the President, support our troops who are on the battlefield, to give forth in whatever manner we can our understanding of what it takes for us to be able to win this war.

Last night's events in Israel indicate to us very clearly that compromise will not come. Therefore, I am asking the President of the United States to go forth, let us end this quickly, let us get our troops back home, let us get it over with so that our people might be able to know the joy of peace once again.

WHAT A DIFFERENCE A WEEK MAKES

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, what a difference a week makes. Only a week ago, we were a Congress divided. Only 250 Republicans and Democrats showed their support for the President. Today, as Congress convenes, that vote of approval will be near unanimous. For the record, it should be noted that there were voices from the other side of the aisle who did not want to have today's resolution include expression of support for our President. Following that course would have injected pure partisanship into this crisis. To the leadership's credit, Members were convinced that they would look silly attempting to make political hay over who should get the credit for our successes. The Middle East challenge is an American challenge. Partisanship has no place in this debate.

WE DO NOT HAVE TO BE LECTURED ON PATRIOTISM

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I rise, like so many of my colleagues, to support our fighting men and women who are in the Persian Gulf. I support those who have volunteered and have dedicated themselves to protect our national security.

But I want to make it abundantly clear that I have more friends, more family, and more constituents in the military than probably most Members in this Congress, and I object to those who would say that we lack patriotism when we can support our men and women in the military and at the same time vigorously disagree with the policies of the President of the United States.

We do not have to be lectured on patriotism as it relates to the policies of the Commander in Chief of our Armed Forces, and so I reserve the right as a Member of Congress to support our men and women in the Persian Gulf, and nobody in this House or in this country is going to browbeat me about disagreeing with the President on our policy in the Persian Gulf.

TRIBUTE TO LT. COMDR. MICHAEL SPEICHER

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, America learned that Lt. Comdr. Michael Speicher of Jacksonville is our first to fall in Operation Desert Storm.

Our hearts go out to all who will miss Commander Speicher's wisdom and love in the years that should have been.

There is nothing this House can do like that which he has done.

But what we can do, we should.

We should join battle, when we must, armed with the best weapons America can devise, allied with the civilized world and with political goals and military objectives, work together to bring war to a quick end.

We should join battle, when we must, only in the cause of those who fought Nazi tyranny, who died because this Nation could not endure half slave and half free, who established American independence.

This government will provide for those who have borne the battle, and the widows and the orphans.

More important are friends and neighbors, offering support and love and prayer.

The rest we leave to God, who promised that though we walk in the valley of the shadow of death, we should fear no evil.

RESOLUTION SHOULD INCLUDE CALL FOR A MIDDLE EAST PEACE CONFERENCE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I oppose the use of force, and I still do not like the fact that it is basically Americans, once again, in the front lines. But now that our troops are in combat, I stand behind our troops and behind our President.

I say to those Americans who want to protest war, "Why do you not burn the Iraqi flag this time? You can protest war without burning Old Glory."

But I say today that I am going to support the resolution, but it does not go far enough. Congress should support and include a provision that calls for the convening of a Middle East peace conference immediately after this war. I submit to the Members that the Arab-Israeli conflict must be addressed, and that bombs will never cure cancer.

I would like to see that provision included in this, and hopefully when it is over a conference on peace, for a lasting peace, might take place in the Middle East.

AMERICA IS UNITED

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I would like to read a letter to you, because it shows how united this country is behind their President and his Persian Gulf policy. The letter comes from one of the towns I represent in the New York Hudson Valley:

> DEAR MR. PRESIDENT: I wish to congratulate you for the swift and immediate action taken to free the country of Kuwait from the Iraqi dictator Saddam Hussein.
>
> The town of Hyde Park, home of another great President, Franklin Delano Roosevelt, salutes you.
>
> We pray this conflict will soon end and that our military forces will return home safely.
>
> Mr. President, we support you one hundred percent.
>
> God bless,
>
> LEWIS J. DEPPNER,
> *Town Supervisor.*
>
> TOWN OF HYDE PARK, NY.

Mr. Speaker, America is united, and no matter how deep Saddam Hussein's bunker is, I am sure he is getting the message today.

TRIBUTE TO TROOPS FROM RHODE ISLAND

(Mr. REED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I rise today in the name of the 115th Military Police Company from Pawtucket, the 119th Military Police Company of Cranston, RI, the 76th Maneuver Training Command from Cranston and all the other troops activated from Rhode Island.

This week I was with the 115th at Fort Devens and the 119th and the MTC at Fort Pickett. I am extraordinarily proud of the job these young men and women are doing and I am honored to represent them here in the U.S. Congress.

I am thinking today of the LaPlume brothers, Mike and John, who are keeping each others spirits up, of Lieutenant Ryan whose husband Jack is home with Matthew and Jenny, and of 1st Sgt. Edward McConnell whose wife Deborah is organizing a support network for service families and whose son Edward will be celebrating his 11th birthday on January 25.

Last night, as I learned of the attack on Israel I thought of these troops and the job they would be called on to do. This unprovoked attack by Iraq is a reminder that we are in the beginning of what could be a lengthy military campaign.

I will vote on today's resolution in support of our troops because these fine men and women deserve just that from the Congress. They deserve this expression of our continued commitment to back their efforts.

IRAQ'S OUTRAGEOUS MISSILE ATTACK ON ISRAEL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to express my outrage at Saddam Hussein's latest and most diabolical act. Last night, Iraq launched 7 to 10 Scud missiles aimed at Israel. The cities of Haifa, Tel Aviv, Ha Tikva, and other Israeli communities were victimized by the fulfillment of Saddam Hussein's diabolical pledge to draw Israel into the conflict—a nation which up until now, has not been a part of this conflict.

It is obvious that the Iraqi missile attack on Israel was a manifestation of Saddam Hussein's attempt to divide the multinational allied forces in the Persian Gulf.

This, however, has not occurred, and it will not occur. President Hosni Mubarek of Egypt stated that: "Every nation has a right to defend itself." These sentiments were reiterated by Saudi Arabia's Ambassador to France in the context last night's attack. Both Egypt and Saudi Arabia condemned the attack.

Last night, Israel's Ambassador to the United States summed it up most poignantly when he noted that although his nation chose to be a noncombatant, "it has now suffered more than any of the allies involved in Desert Shield other than Kuwait itself" and that since Israel took a calculated risk in its tough decision to refrain from a preemptive strike, it now "reserves the right to respond in any way it deems fit."

Let us join President Bush in expressing our own outrage at this latest despicable act. It is now of the utmost importance that despite any possible reprisal by Israel that we convince our Arab allies to remain unified in our common purpose of overcoming the ruthless aggression of dictator Saddam Hussein.

□ 1220

OPERATION DESERT STORM

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute.)

Mr. BUSTAMANTE. Mr. Speaker, 6 days ago, the world watched as this body engaged in historic debate on the question of whether we should authorize the President to commit this country to a war against Iraq. Now—42 hours after the first wave of United States planes crossed Iraqi airspace—all indications are that phase 1 of our engagement is meeting with great success. As one who opposed the Solarz-Michel resolution, I rise to pledge my support for our troops who are engaged in battle and to our Commander in Chief.

On Saturday, this House was divided over the war question. It's now time to unite behind the President's decision and commit ourselves to providing our troops with every available resource they need to accomplish their mission swiftly, decisively, and with minimum casualties. A measure of tribute is due also to the U.S. defense industry. The $2.7 trillion investment this country made over the last decade in high technology, military hardware is now paying dividends.

Early accounts indicate that our smart weapons, our night-vision capability, our tactical fighters, our air defense systems are exceeding expectations with their precision and reliability. The technological advances of our defense industry equipped our soldiers with the means to engage in combat effectively, while maximizing their ability to protect themselves. The defense industrial base has delivered on its promises.

Like others, I, too, caution against predictions of an early victory.

However, the military display we have seen thus far is truly impressive. I share the hopes of many in our Nation for a quick conclusion to the conflict, and the safe return of our troops.

MESSAGE TO SADDAM HUSSEIN

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, in the Vietnam war from 1965 to 1972, we only used our technology and our personnel correctly for 8 days in December 1972. For the last 2 days in Iraq and Kuwait, we have also made proper use of our higher degree of technology and training. So we have learned from our Vietnam experience. In 1972 when we bombed Hanoi and Haiphong and other serious targets, for the first time in a decade, the air environment was maybe 100 times more dangerous than it is over Iraq. Recall that we lost 17 B-52's, and many fighters. Hanoi had tortured to death at least 12 of our pilots. In the prison camps they killed maybe 2 dozen enlisted men, torturing them in camps. Another 100 men were murdered in the fields and never made it to the camps.

Amman radio has reported that Iraq has a captured pilot in Baghdad. They brought him to town in a taxicab, and tonight they will put him on display the way the North Vietnamese did some of our B-52 crews in December 1972.

The rules of the House, Mr. Speaker, say we cannot address any person directly through C-SPAN or CNN. We have to talk through the Speaker. Therefore, I am telling the Speaker to tell Mr. Jasim, the Information Minister, who said he would torture, barbeque, and eat our pilots, that if one hair on the head of that naval aviator is harmed, he will hang from a gallows as did the camp commandant at Auschwitz. I stood and touched the gallows last year where they hanged the camp commandant. If he harms our pilot Jasim will go through a trap door and be hanged by the neck like Homma, the Japanese war criminal from Japan. Read the "Nuremberg Trials," Mr. Jasim and Mr. Saddam Hussein, and treat our prisoners the way we will treat your prisoners: With dignity and humane treatment under the Geneva Convention.

SUPPORT FOR SENATE CONCURRENT RESOLUTION 2

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I rise in support of our President and our military forces fighting in the Persian Gulf. I commend our other allies for their air participation and I stress that this is a U.N. operation, implemented by U.N. Resolution 678.

I have been a strong believer in the total force, where active and reservists train and fight side by side, whether in the air, on the ground or at sea.

I have learned that air guardsmen and air reservists were used in the initial airstrikes. We must not forget that the air guardsmen and air reservists have been flying C-141's, C-5A's, C-130's and KC-135 aircraft in the Persian Gulf every day since August 2.

For Saddam Hussein's information, we have thousands of reservists in the pipeline, training and getting ready to join Operation Desert Storm and give a rotation to our forces in the gulf.

And we still have 1 million selected reservists who have not been called to active duty and who are available, so a draft of young men is not necessary. The active forces feel they can make their recruiting strength quotas in the next few months with no problem.

If the Defense Department requests it, I will introduce and move through our Veterans' Affairs Committee a bill raising the limits of our GI life insurance from $50,000 to $100,000, and consider making it retroactive to cover Operation Desert Storm.

SUPPORT FOR RESOLUTION OFFERS ENCOURAGEMENT

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, many people in the media, analysts and commentators, have said, why is the Congress wasting its time with a resolution such as the one we are contemplating today? They said, does the Congress not have anything better to do, more important to do? At this juncture in our history, there is nothing more important than to signify our full support for the young people who are serving their country in the Persian Gulf.

Is there not an additional reason? Are there not those young people there being barraged with cries from protestors and antiwar people, just at the moment when they need the highest part of encouragement possible? That is why we need to pass this resolution, and to show them, once and for all, and continuously, that Congress, the people's representatives, are 100 percent behind them, are willing to do their part here in the home front to make sure that their mission will be accomplished successfully. I support the resolution.

PERSIAN GULF RESOLUTION

(Mr. MAVROULES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, I rise today to add my voice to the chorus of support for the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and remarkable bravery.

It was with great sorrow I learned of Iraq's reckless assault on Israel last night. Saddam Hussein's seemingly desperate and unjustified missile assault on Tel Aviv, Haifa, and their suburbs serves to underscore the precarious and uncontrollable nature of a war environment. Saddam's counterattack also highlights the critical need for unity—unity of purpose at home, and unity of resolve abroad.

The people of the United States, Israel, Kuwait, Saudi Arabia, and the 24 other nations of our international coalition share a common goal: the unconditional liberation of Kuwait. At a time when the coalition is being tested, in the aftermath of the Israeli assault, it is more important than ever to stand together as one nation—united in support of the men and women carrying out the courageous mission of Operation Desert Storm.

As the crisis grows, and military conflict escalates, emotions fluctuate more dramatically from fear to outrage, from despair to hope. And at this sensitive moment in history, I join my colleagues in saluting not just the men and women of our international coalition bravely executing Operation Desert Storm but also the innocent civilians in Israel, Saudi Arabia, Kuwait, and surrounding areas, traumatized and endangered by the outbreak of war in their region.

To the families of the courageous participants in Operation Desert Storm, we extend to you our sincere gratitude and hope, gratitude for your strength during this trying time, and hope for your loved ones safe and speedy return.

IRAQI AGGRESSION UNPROVOKED

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, last night's attack targeted on innocent Israeli civilians, underscored Saddam Hussein's brutality, and proves that no neighbor of Iraq is safe from Saddam's unprovoked aggression.

□ 1230

The Iraqi attack further justifies the ongoing destruction of Saddam Hussein's military capability by our allied forces.

Israel is America's only long-term ally and the only true democracy in the Middle East. An attack on Israel demands our response.

Moreover, the world community must react with anger and with action whenever innocent civilians are targeted by a tyrant like Saddam, whether it be in Kuwait, in Israel or wherever.

In its unprecedented restraint following the attack, Israel has certainly gone the extra mile in support of our overall objectives in the Persian Gulf.

Mr. Speaker, the people of Israel deserve our deep appreciation.

A COWARDLY AND HEINOUS ACT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, others have spoken. Last night Saddam Hussein committed a cowardly and heinous act, one worthy of the most evil figures in world history.

Last night Saddam's deadly missiles were used in a criminal act in a class with those evil figures. He fired armed missiles at the innocent civilian population of a noncombatant nation in the Persian Gulf conflict. This is, however, certainly consistent with his previous inhuman attacks on his own people and the rape of Kuwait.

This attack was conducted in full knowledge that the missiles could have fallen directly onto sleeping children and innocent women in Israel or in Jordan.

Fortunately, Mr. Speaker, last night's attack on Israel did not cause the damage it could have; but Saddam has once again shown his inhumanity with this cowardly and criminal act. This attack last night was a bigoted and despicable effort to concentrate hate and prejudice toward an innocent bystander and away from himself. That is indeed what Adolf Hitler did in the 1930's and 1940's. His effort to split the unprecedented coalition arrayed against him will fail, and his rhetoric will ring as hollow as his motives.

The Israelis have reacted with maturity and courage, saying this morning that they will not retaliate unless there is another attack; but Saddam must know that the forces allied against him in the gulf will take every step possible to permanently eliminate his military capability to attack Israel or any other of his neighbors.

The world, Mr. Speaker, must not forget this latest outrage.

TODAY'S RESOLUTION IS "OPERATION CYA" FOR DEMOCRATS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute.)

Mr. DANNEMEYER. Mr. Speaker, I wonder why we have been called back today to vote on a new resolution that simply confirms last week's resolution to support the President and the inevitability of Operation Desert Storm? Could it be that the Democrat leadership in the House has been watching public opinion polls supporting the President and Desert Storm? Could it be that the Democrat leadership has been caught with their sanctions down and has divined the political necessity to undertake their own strategic operation: Operation CYA.

Mr. Speaker, Members wishing to know the meaning of the code name should call the Democrat Cloakroom where operators will be eager to debrief Members. No doubt, concerned Members will also be able to receive the latest Democrat intelligence on how to deflect criticisms concerning past defense votes, votes which appropriated funds to pay for the high-tech weaponry used today to protect American lives and efficiently serve American interests.

SUPPORT OUR ARMED FORCES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I commend the patriotism, bravery, and professionalism of our Armed Forces at war in the Middle East.

I pray that the President will guide these loyal service men and women to victory with the lowest possible number of casualties.

With each passing minute, tens of thousands of our military personnel are risking their lives in this war. We as a Congress must support them and our President at this critical hour.

The time for debate has passed. Let us unite behind our troops as they fight for freedom. I urge bipartisan support for Senate Concurrent Resolution 2.

THE CONFLICT IN THE PERSIAN GULF AND THE MIDDLE EAST

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, as President Bush said, "The battle has been joined." The American people and the Congress have closed ranks, standing united behind our President and our brave men and women of the Armed Forces of the United States. They are truly the most professional and effective fighting force that has ever been assembled.

We all pray that our forces and the nearly 30-nation allied force arrayed against Saddam Hussein will be able to bring conflict to a decisive and speedy conclusion and with a minimum loss of life.

The world under the leadership of President Bush has acted to evict Hussein from Kuwait and to show that naked aggression will fail. I fully support the President in this troubling time.

TIME FOR GORBACHEV TO WITHDRAW FROM THE BALTICS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, our hearts and prayers are with our fighting forces in the Middle East and with the innocent victims in Israel, the most recent victims of Iraqi aggression; but I rise today to speak to another part of the world on another issue.

The most recent winner of the Nobel Peace Prize, Mikhail Gorbachev, has now sent tanks and paratroopers into Lithuania and killed 15 innocent people, their bodies ripped by machineguns and crushed by Soviet tanks.

What was the crime of these Lithuanian martyrs? They simply wanted freedom.

And what was the response of Mikhail Gorbachev? Mr. Gorbachev denied any responsibility for this savagery, and when the free press, the remaining free press in the Soviet Union contradicted the Soviet disinformation campaign about Lithuania, Mikhail Gorbachev called for press censorship.

Mr. Speaker, I pray that our dream of glasnost did not end on the bloody cobblestones of Vilnius. It is time for Mikhail Gorbachev to withdraw his intimidating forces from Lithuania and the Baltic Republics and for the United States to make it clear we will not tolerate the aggression of Saddam Hussein or Mikhail Gorbachev.

THE PRESIDENT AND OUR TROOPS NEED AND MERIT CONGRESSIONAL SUPPORT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, for the first time since June 6, 1944, members of the armed forces from many nations are joined together in a cooperative military operation that would do more than liberate Kuwait or protect oil. It is an operation that signals that power-hungry dictators will no longer hold the world hostage.

Any questions about the ambitions or the crazed nature of Saddam Hussein were dispelled forever by his unprovoked assault upon Israel last night. So, too, were the questions as to why military force is appropriate.

President Bush, with diplomacy and resolve, is solely responsible for building this effective coalition of the allied forces. The whole world is looking to us, Congress, to see whether we unconditionally support the President and the ongoing efforts in the gulf.

The President needs and merits our unconditional support. Our men and women in uniform and all of the coalition forces also need and merit our unconditional support.

Vote "yes" on today's resolution.

IN STRONG SUPPORT OF SENATE RESOLUTION TODAY

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, let me at the outset express my strong support for the Senate resolution in which both the House and the Senate will express virtual unanimity in their support for the President and our more than 400,000 magnificent troops in the Saudi Arabian desert. They have performed in an extraordinarily professional and effective manner this first 36 hours of the war. Our hearts go out to them in admiration for the extraordinary talent, dedication, and courage that they have shown.

I would also like to congratulate the Israelis for the very great restraint and wisdom that they have demonstrated by not responding to Saddam Hussein's cruel, vindictive, vicious, barbaric act of attacking yet another one of his neighbors in the Middle East in the last 5 hours.

The Israelis understand full well, as the Americans understand, that Saddam Hussein is exercising every wile, every deceit, every form of treachery, and every form of beguilement in an effort to suck the Israelis into this conflict, desperately trying to convert it into an Arab-Israeli War, a holy Jihad.

□ 1240

The Israelis know how destructive that would be; we all know how destructive that would be. Both sides understand perfectly what Saddam Hussein was aiming for and what he had in mind when he perpetrated that vicious, unprovoked assault last night.

I hope and pray that the Israelis can continue this sensitive balancing act between ignoring Saddam Hussein's bait and the need to protect the safety of the Israeli public.

They have performed with great responsibility up to now, and I only hope to God that they can continue in that course of wisdom and moderation.

ADEQUATE DEFENSE AGAINST BALLISTIC MISSILE ATTACK

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, we are already learning the lessons of the experiences of conducting the operations in Desert Storm.

I find it ironic, however, that it took CNN to bring home to us a lesson some of us have been trying to teach for some time, and that is that the defenses against ballistic missiles can work.

We finally saw it on CNN today when one of our Patriot missile batteries was able to shoot down a Scud missile somewhere in the vicinity of Saudi Arabia. It brings home to all of us the fact that ballistic missile defenses can work.

But the sad truth is that we do not have them deployed yet. The people of Tel Aviv and Haifa last night learned that lesson. We can only hope and pray that tonight that lesson will not be learned in a more devastating way with greater casualties, and in the days and evenings to come.

It is time for the U.S. Congress to support President Bush for the development and ultimate deployment of strategic defenses against ballistic missiles. It is time for us to support that program, and I am very hopeful that as we have the debate in the next months over support and financing of the SDI, that my colleagues will join me in supporting that program in the most robust way so that never again will we face the charge that we could have been ready but, because of our intransigence, we were not.

ISRAEL UNDER ATTACK

(Mr. MAZZOLI asked and was given permission to address the House and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the attack on Israel last night by Iraqi Scud missiles ordered by Saddam Hussein was cowardly and barbaric. But, I think it will be ultimately futile. I do not believe it will break the coalition apart.

Nevertheless it has ominous implications with respect to the Israelis, who are the ultimate target of those weapons who face the possibility of death. It has implications to the coalition and implications as well to people who live in Louisville and in Jefferson County, in my district, who have relatives and loved ones living in Israel today.

Israel has until now used admirable restraint and patience, almost that of Job under these provocative circumstances. We all hope that this admirable restraint continues.

Saddam Hussein must know, however, that continuation of his barbarisms will earn for him the continued enmity of the world. It will earn him the implacable opposition of all of the coalition partners and their implacable application of force against him. It will also make the ultimate settlement of Mideast grievances even more difficult.

Once again, we salute Israel on its remarkable patience under the circumstances. If that patience continues, so much the better, if it does not continue, it is not the fault of Israel but it is the fault of Saddam Hussein.

OUR BRAVE MILITARY PERSONNEL ARE PUTTING THEIR LIVES ON THE LINE

(Mr. ROHRABACHER asked and was given permission to address this House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, America is standing tall in the Persian Gulf. We are protecting our vital interests, and we are deterring the future aggression of dictators like Saddam Hussein. We should take time, and as we are today, to express our appreciation to the brave military personnel putting their lives on the line, putting themselves in harm's way for our benefit.

But let us remember that it was the Reagan policy of a strong national defense, it was the Reagan policy of providing our men and women in the military the weapons and technology they needed to defend this country that is permitting our military people to do their job and to come home safely.

As our military shrinks in the years ahead because we are entering a post-cold-war world, let us pray that that trend continues, but let us insure that our military people continue to have the weapons that they need, because if we have a smaller military, it behooves us as Members of Congress to allocate the funds necessary so that they never face a technologically superior enemy and they too can do their job and come home safely.

REAFFIRMATION OF WISDOM OF PROVIDING MODERN, SOPHISTICATED WEAPONS TO OUR PEOPLE IN UNIFORM

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, for many years our research and development of modern and sophisticated weapons, which we have fought many years to provide to our service people and our military and which are being used today in such a fine manner, reaffirms the wisdom of our investment in these systems through the years. We can all be thankful that today, without reservation, our soldiers and service people have the very best modern weapons systems in the world.

Let me take a moment, my friends, to caution us all against overoptimism about a quick solution to the Middle East conflict.

Saddam Hussein has proved to be a survivor through adverse conditions through the years, and we do not believe he is going to go easy. But, my friends, we know that he is going to go.

So let us not be overoptimistic at this time.

DESIRABILITY OF DEFENSIVE MISSILE SYSTEMS

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, it is very early to make any assessments, but I would like to associate myself with the gentleman from Arizona's remarks in terms of his comments on the desirability of some kind of a defensive system that we can use and our allies can use to protect us against ballistic missile attacks.

I have had some issue with an administration that wanted to go the full space-deployed system that was designed to operate against a full-scale Soviet attack. I was one who was skeptical about the success of such a system. But clearly this civilization is able to develop a ground-based system, perhaps even that has some air component, which can protect us against a ballistic missile attack.

As we sit and wait anxiously to see further developments in the gulf, it sure would be nice if we had developed and continued to develop a system that can protect not only our forces but also one that would give the Israelis an opportunity to fend off any ballistic missile attack that is coming. I know that there are some in the Armed Services Committee, such as Chairman ASPIN, who is willing to do research in this. I would just urge that we go forward on a bipartisan basis to make sure that ballistic missile technology is part of any future defense bill.

I think this situation, the current situation in the gulf right now, is the best example and offers us the best reasons as to why we must go forward in this critical area to protect our people against ballistic missile attacks.

OUR GOALS SHOULD BE: A COMPREHENSIVE ENERGY POLICY, NUCLEAR NONPROLIFERATION, AND RESTRICTIONS ON SALES OF ARMAMENTS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I too am very glad we are gathered today in the Hall of the House to pay tribute to our President and his generals and how they have planned and executed that plan these last 2 days.

I also, obviously, want to congratulate and salute those absolutely marvelous, well-trained professional pilots that we have for the United States of America.

But at this time I think it is not too soon to begin learning lessons about this whole situation. First, we should have a comprehensive energy policy, one that we can have and work toward not only for pollution but for situations that we have now that never again we will be so reliant on Persian Gulf oil.

The second thing we should do is rededicate ourselves to nonproliferation of nuclear weapons. How different the situation would be if Saddam Hussein had nuclear weapons at this very time.

The third thing I think we should pay attention to and think about and really begin to plan about is the whole question of the selling of arms. All through the history of the world there have been arms merchants, sales of armaments, whether they be in public or in the black market.

But how different last night would have been, as we held our breaths, when we knew that those scuds were going toward Israel, Soviet weapons given to Saddam Hussein, liquid-fueled fortunately, the destruction was contained but how different if they were nuclear missiles.

What if they had better, sophisticated weapons as we ourselves have been able to use?

We should be very, very much up front about saying we should not be the arms merchants of the world. We are a superpower, and we should be the ones who set what will happen in the future—and large arms sales is not the answer if we truly want a peaceful world.

□ 1250

IN SUPPORT OF SENATE CONCURRENT RESOLUTION 2

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to add my full and unequivocal support for the resolution we will be considering today commending the leadership of the President as Commander in Chief of the operations in the Persian Gulf, and in particular the men and women of the U.S. Armed Forces on the front lines in the gulf.

It is absolutely crucial that the Congress and the American people come together now, united behind the President and his efforts in carrying out the U.N. resolution calling for the withdrawal of Iraq from Kuwait.

I think the President has handled himself in a superb manner, and I think, when we pass this resolution, we are also commending Secretary of Defense Dick Cheney, who was a former colleague in our House who we should all, on both sides of the aisle in the House, be so proud of. I also think it is a commendation of Secretary Baker, and Gen. Colin Powell and all of our top leaders who are directing this operation.

It is doubly critical that we stand behind the United States troops, who have been called to action in the Persian Gulf and who are a part of the allied forces' campaign to liberate Kuwait, and for their commanding officers who are directing the multinational operation.

In the first hours of action on late Wednesday evening Washington time and since those early hours in this campaign we have witnessed the courage and skill of our Armed Forces. We have the finest and best trained fighting force in this Nation's history and they have the most sophisticated and technologically superior military hardware at their disposal. They are resolute in their purpose and we swell with pride in seeing and hearing of their patriotism.

It is our great hope and prayer that this action to drive Iraq from Kuwait will end swiftly and decisively that the men and women of our Armed Forces will return home soon with the most minimum of casualties.

We salute their professionalism and their bravery and pray for their safety, as we also keep in our prayers and thoughts their families and loved ones here at home. We also pray for wisdom and guidance for our President in his awesome responsibility as Commander in Chief.

IN PRAISE OF ISRAEL'S RESTRAINT

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as one of my Democratic colleagues said to me last night, "Thank God George Bush is in the position he is as Commander in Chief of our forces."

It is very important for us to recognize a number of developments which have taken place. In June 1981, many people in this country and in other parts of the world criticized our Israeli allies because they went into Baghdad to take out the nuclear facility that Saddam Hussein was building. Well, George Bush has once again demonstrated that he is able to hold this very fragile coalition together. He just a few moments ago in his news conference praised Israel, as we all should, for the restraint they have shown, recognizing that, having been hit themselves, they are not retaliating immediately.

Now I think that we really do need to take our hats off. Many people in this place occasionally bash Israel. We should take our hats off to them for working very closely with us, realizing that 12 of 21 Arab nations have joined in this coalition and to hold that together they must exercise restraint, and I encourage them to continue to do so.

TO EXPRESS SUPPORT FOR U.S. TROOPS IN THE PERSIAN GULF

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, as Pope John Paul II said yesterday, "War cannot be an instrument for solving problems between nations, and never will be." That, unfortunately, is a stark truth that we must confront daily alongside the now televised reports from the gulf region. The Persian Gulf war in particular will go down in history, I believe, as the war that should never have been. It should have been avoided. I would have been very pleased to see our Government allow more time for the problems to be solved by economic sanctions, diplomacy, and the international courts.

Nonetheless, Mr. Speaker, since we are presently at war, our top priority must be to spur our troops on to victory. The initial stage of this war has showcased our military as a superbly trained and talented force, and they deserve the highest praise for their commitment and patriotism. If we have to be at war, that war has to be fought at the highest degree of both emotional and economic support for our troops so as to insure them as quick a victory as possible.

Although I am not supportive of going to war, I wholeheartedly support each and every one of the men and women in the Persian Gulf theater, as well as our allies. They are doing a tremendous job for all of us, and I wish them a speedy, successful, and an early return to their homes.

THE SILENCE IS DEAFENING

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, many of our offices have been picketed by groups described as peace groups, and that is what makes America America. But the American people are asking some very critical questions:

Why have not these same groups picketed the Iraqi Embassy? Why have not they protested Saddam Hussein's brutal invasion of Kuwait? The silence is deafening.

Where is the peace movement in opposing and protesting against that enormous threat to world peace that is embodies in the Soviet reversion to Stalinism and the crushing of the Lithuanian people? Where was the peace movement when 10 years of Soviet genocide was taking place in Afghanistan? Where were the protests? Where is the protest now over Saddam Hussein's launching of missiles against noncombatant Israel, a heinous act taken against civilian populations? The silence is deafening.

Where were they in this Korean Airlines shootdown? Where were they in the crackdown on Solidarity?

Mr. Speaker, the silence is deafening, but the American people are listening for an answer.

HARD TO BELIEVE ONLY 2 DAYS HAVE PASSED

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. It's hard to believe that only 2 days have passed since the hostilities began in the Persian Gulf. It seems to me more than more like 2 weeks, 2 months. I am encouraged; I suspect many of us are encouraged, but I think there is as yet no cause for euphoria. If anything, there may be cause for optimism, but tempered with a note of caution. The Iraqis are clearly husbanding some of their assets from their lethal assets. Our forces are endeavoring to find and destroy them. They have the ability to still create mischief and, indeed, to create havoc.

Later here today we will praise our troops, the men and women of the U.S. Armed Forces. We will express our gratitude to them and to the allies with whom they fight, and, we should.

We also need to express, as others have today, our gratitude to the Israelis. Not for fighting alongside us, but for showing restraint. The hardest thing for anyone to do in this fracas may be to take a sucker punch, a punch cheaply thrown as they took yesterday, and not to strike back in kind. We appreciate that restraint more than you know. My hope and prayer is that restraint will be continued today and tomorrow and in the weeks, the tough weeks, to come.

ISRAEL DESERVES INTERNATIONAL RESPECT

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, last week I was privileged to be a part of the congressional delegation that ended its trip through the Persian Gulf and Israel. Clearly the beauty of the countryside of this wonderful country is underscored only by the resoluteness and strength of its people.

Let us face it, my colleagues. Last night's attack came as no surprise to the people of Israel, to its military leaders down to almost every one of its citizens. Perhaps the only ones that were ill prepared were the unfortunate casualties, the older woman who struggled and panicked while they put on their gas masks and were forced to suffocate. But the majority of the Israeli citizens have recognized and accepted the international reality that their continued existence depends on their continued courage, and everyone who was with the congressional delegation last week heard Prime Minister Yitzhak Shamir encouraged the U.S. Congress to pass the resolution that we passed last week supporting the President of the United States and supporting Resolution 678. They knew what was going to happen, they knew Saddam Hussein would be a man of his word. But they also know that courage takes time and patience.

Mr. Speaker, for that, for the reality that everyone is this world knows Israel is quite capable of defending themselves today, Israel deserves the international respect, support and continued friendship of the United States of America.

□ 1300

FULL SUPPORT URGED FOR TROOPS IN THE PERSIAN GULF

(Mr. LAFALCE asked and was given permission to address the House for 1 minute.)

Mr. LAFALCE. Mr. Speaker, last week, this House engaged in an historic debate. In democratic fashion, we gave our President the authority, if he deemed it wise, to launch a military counteroffensive in order to liberate Kuwait.

Regardless of our personal judgments, we are now confronted with the harsh reality of over 400,000 American men and women engaged in mortal combat. Whenever our troops are committed to battle, all divisions must end. All Americans, and every Member of Congress, must unite to give our troops our full and complete material, moral, and political support, so that we might achieve as swift and decisive a military victory as possible, with a minimum of casualties, on either side, American or Iraqi and so that we can then go on to a just and lasting peace, for all of the people of the Middle East, whether Arab or non-Arab, Palestinian, Jew, or Moslem. Let us hope for that, pray for that, and work for that.

INTRODUCTION OF RESOLUTION CALLING ON SHOW OF SOLIDARITY FOR U.S. TROOPS

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, yesterday afternoon, in front of my office in Fort Lauderdale, FL, there was a handful of picketers. They stayed there as long as the photographers were there and as long as the TV cameras stayed, and then they disappeared. But their picture did appear on the front page of our local paper this morning, as they hoped it would.

After leaving my office and the picketers yesterday afternoon, I went to a store front just outside the city of Fort Lauderdale in which some of the bravest men and women I have ever seen in my life were congregated. They were a group that calls themselves Operation Home Front. They are the mothers, the fathers, the sons, the daughters, the sisters, and the brothers of our brave people who are serving now in Saudi Arabia. It occurred to me at that time that we need to show our solidarity with our troops so that very small minority who are picketing and seeking publicity does not steal the entire show and send the wrong message to Saudi Arabia.

I am, therefore, filing a resolution today in which the Congress of the United States calls on all the people of the United States to fly the American flag in a show of solidarity to our troops in the Persian Gulf. I will be filing this resolution at the end of business today, and I urge any Member who cares to be an original cosponsor of this most important resolution to phone my office sometime before the conclusion of business today.

FULL REPRESENTATION, VOTE URGED FOR CITIZENS OF U.S. INSULAR AREAS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I would like to share something with my colleagues on both sides of the aisle here today. Like many other Members, I have just returned from my district. It is a small district. My population is about 120,000 people.

From my district, the Virgin Islands, we have over 200 brave men and women over in the gulf. I want to share with the Members my thoughts last Saturday when that resolution was voted on. I have served in this House for more than 16 years, and never have I regretted not having a vote as much as I did then, because the men and the women who are citizens of the U.S. insular areas, Guam, American Samoa, the Commonwealth of Puerto Rico, the Northern Marianas, and others, all of whom are serving in Operation Desert Storm, have no vote on the critical question of war and peace. Not only that, but they do not even have a vote on who shall be their President or the man or woman who shall be their Commander in Chief.

Mr. Speaker, I hope Members will help me to rectify this problem, a problem that is indefensible. It is an embarrassment to this great democracy, the greatest democracy in the history of the world. Let us correct this injustice.

NEED FOR ENERGY SECURITY POLICY REEMPHASIZED

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. Speaker, the support for the young men and women serving our Nation in the Persian Gulf is absolute, total, and unquestionable.

They have proven beyond doubt that they can handle the job given to them and we are proud of each and every one of them.

The real question we face today is: Can Congress handle its job? Are we willing to take on the difficult job of making this Nation less dependent on oil from the Persian Gulf?

I fear that unless we do so, we will either be forced to permanently station troops in the gulf or send them there again and again to meet threats to our oil supply.

The best way to show support for our troops is to ensure that they do not have to again hurl themselves into the storm of Middle Eastern politics.

Mr. Speaker, we must begin to look beyond Saddam Hussein, toward the future, a future which will see this Nation less dependent on foreign oil—particularly that coming from the Middle East.

It will be a future in which America will be more secure and more free.

It's no secret that our economic, military, and foreign policies are being driven to an increasing extent by our addiction to oil from the Persian Gulf.

We must set America on a new course which will free us from the tyranny of economic and political manipulation made possible by this addiction.

The sad thing is, Mr. Speaker, we have the capability and technology to become more reliant on our own natural resources by expanding the use of alternate fuels, such as ethanol.

What is lacking, however, is the political will and resolve to make the journey.

But, how can we face the troops now fighting on the sands of the Middle East and say we have not tried, that we were not willing to take even the first step toward energy independence.

I don't believe we can. They deserve more than that.

The U.S. Alternative Fuels Council, of which I am a member, has passed a resolution calling upon the President and the Congress to establish a national energy policy with the goal of displacing U.S. dependence on Persian Gulf oil.

The Council will meet in Denver in mid-February. I invite the Members to participate in that meeting. If they wish to send suggestions to me, I will see that they are incorporated in our recommendations.

The United States once declared its independence from foreign domination. I believe it is time to proclaim a new declaration of independence from a foreign domination made possible by oil.

Let us do something that our men and women in the Persian Gulf will really appreciate. After the victory, let us bring them home.

A NEW AND WELCOME TYPE OF DEMONSTRATION BY FLORIDA STUDENTS

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I want to report on a large demonstration that took place in my district in Florida yesterday directed at the activity of the war effort in the Persian Gulf. Just a short time ago I spoke with Dr. Carl Cutler, the president of the St. Petersburg Community College, a college with 5 campuses and 57,000 students.

At 11 o'clock yesterday, those campuses came to a halt. The students all stopped and stood with their heads bowed, and they observed 2 minutes of silence in honor of and in support of the Americans serving in the Persian Gulf. Then on each of the campuses a prayer session was held to pray for the safety and security of those Americans in that action.

Mr. Speaker, I would like to say that I am proud of the St. Petersburg Community College and its faculty and its many students and to say that that is the kind of demonstration I would like to see broadcast on all the television networks for the next couple of days to show that the vast majority of people in America want to show support for those Americans who are there, not because they want to be there but because they know that a job needs to be done and they are prepared to do it.

Mr. Speaker, I thank God for those Americans who are willing to stand and make that kind of a statement and that kind of a demonstration in support of the United States and its policies and its sons and daughters serving in the uniform of our Nation.

ADDITIONAL PATIENCE, EVEN MORE RESTRAINT ASKED OF ISRAEL

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, like many of my colleagues, I rise today to condemn Iraq for its attacks on Israel which cannot be justified in civilized society. I also commend Israel for its decision not to retaliate to that attack.

I go beyond that, however, by asking Israel to show additional patience in restraining itself in the future as well. The reality is that there is not very much likelihood that Iraq can inflict significant further damage on Israel. A further reality is that it is very unlikely that Israel in retaliating could inflict much damage on Iraq that is not already being inflicted by United Nations and U.S. forces.

☐ 1310

What Israel can do is to inflame an already volatile situation if it chooses to retaliate if there is a future attack. The provocation is great, the temptation is great for Israel to retaliate if more missiles are sent by Iraq to land on Israel. It is a natural reaction that any of us would have.

But nonetheless, I urge Israel to exercise further restraint, not to retaliate just because another missile happens to land in Israel. For Israel to retaliate would vastly complicate the effort going on now by 400,000 American troops in the Persian Gulf.

Mr. Speaker, on a different subject altogether, let me say the following:

A week ago this body engaged in an historic debate over the authorization of the use of military force in the Persian Gulf in order to force Saddam Hussein out of Kuwait. My colleagues and I were unanimous in our condemnation of Iraq's brutal and unprovoked aggression against its neighbor. We were also united in our belief that Iraq must withdraw from Kuwait.

Despite our agreement on these issues, there were very different opinions over what measures the United States should take to force Iraq out of Kuwait. Many members, myself included, argued against initiating an offensive military action against Iraq at this time. We argued that the economic sanctions, which had been put in place shortly after Iraq invaded Kuwait, had not been given sufficient time to work. We argued that the potential cost of a U.S.-led attack, first in the number of American and allied casualties and second in its economic ramifications, was too great to risk without giving economic sanctions every opportunity to succeed.

Mr. Speaker, as you know, my position did not prevail: Congress authorized the President to use force. On Wednesday, the President began what I hope and pray will be a short operation which will force Saddam Hussein to remove his troops from Kuwait. Despite my opposition to the use of force in the gulf, I want to be unequivocal in my support of our forces in the region. They acted bravely and professionally in carrying out their orders. They have proved, once again, that they are among the very finest men and women this country has to offer.

RECOGNITION FOR THE BALTIC STATES

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, they have no planes, they have no ships, no aircraft carriers, no battleships, no navy, they have no tanks, they have no missiles, but yet they are fighting an army that has everything that I just said. They are fighting an army with rocks, sticks, and the determination for freedom and independence.

Mr. Speaker, I encourage you to listen to not only the cries of the people in Kuwait, but listen to the cries of the people in Lithuania. For the past 50 years every President has never ever recognized the presence of the Soviet Union in Lithuania until now. As our President expresses his leadership in the Persian Gulf, we ask him to show his leadership for the Baltic States and give them that recognition that they so rightly deserve.

UNDERSTANDING FOR ISRAELI REACTIONS TO ATTACKS BY SADDAM HUSSEIN

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the mask is off. The brutal, sadistic international criminal terrorist bully of Iraq last night attacked again a noncombatant: First, a country which is not at war with Iraq; second, had no part in this coalition; and third, has been asked by many countries, including ours, to take a low profile and has, in fact, agreed to do so for the last many months, although threatened. And this low profile has cost them the capability to deter an attack on their own country. It has cost them the ability last night to be able to avoid having seven Israelis wounded, four dying from suffocation from gas masks, and the very strong possibility that tonight again they will be attacked.

Those who take this well and ask for restraint are doing so out of concern for the safety of the people of Israel I am sure, and out of concern for the fact that this coalition, currently doing so well against Iraq, not be weakened. But Mr. Speaker, all of the people of this country, this country more than any other, understand what it means to live in fear of others. We have been involved in helping others remove that yoke from their neck over the last 200 years, and if Israel is attacked tonight, and they may very well have to defend themselves and retaliate, I hope nobody misunderstands, that it is not to break the coalition. It is to save lives of the people of Israel. We would do the same, and we have no right to ask them to do anything less for their own people.

SUPPORTING U.S. PRESENCE IN THE PERSIAN GULF

Mr. GEPHARDT. Mr. Speaker, pursuant to the order of the House of Thursday, January 17, 1991, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 2) supporting the United States presence in the Persian Gulf.

The Clerk read as follows:

S. CON. RES. 2

Whereas the President of the United States, with the authorization of Congress, has ordered military action against Iraq in an effort to force Iraqi Armed Forces from occupied Kuwait;

Whereas 415,000 men and women of the United States Armed Forces are now involved in armed conflict;

Whereas 158,000 members of the Reserves and National Guard have been called to active duty since August 22 and may become involved in armed conflict; and

Whereas Congress and the American people have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities.

(b) The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery.

The SPEAKER pro tempore (Mr. GEJDENSON). Pursuant to the order of the House of Thursday, January 17, 1991, the gentleman from Missouri [Mr. GEPHARDT] will be recognized for 1 hour and the gentleman from Illinois [Mr. MICHEL] will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield myself 5 minutes to initiate the debate.

Mr. Speaker, the House meets at a moment of history filled with risk—but we meet in a spirit of firm resolve. We meet to close ranks and to express our solidarity and support of the 430,000 American troops, and the soldiers of our coalition partners, who are engaged in hostilities against the forces of Saddam Hussein. We meet today confident in the knowledge that from the crucible of combat America will once again emerge stronger, and hopeful in our prayer that from this conflict our loved ones will be delivered securely home to us.

But we also meet the day after Iraq has launched its second unprovoked attack against a peaceful neighbor in the region. First there was the invasion of Kuwait. Now we see Scud missiles hitting Tel Aviv and Haifa. This is a war with grave consequences for the entire region and the world. That is why our thoughts this afternoon are focused so deeply on the men and women who are standing and fighting on the frontlines.

Already there are countless tales of heroism and valor from this desert war.

Who among us will ever forget the young crewman who stood at attention with tears streaming down his cheeks as his comrades scrambled into their F-18 jets to roar off into that moonless night as the first wave of thunder in the Desert Storm?

Who among us will ever forget the lionhearted wives and husbands; parents and children; friends and fiances of our troops who gathered together for mutual support? They dried each other's tears, calmed each other's fears, and inspired us all with their true grace under real pressure.

Who among us will ever forget the newsmen—and women—who are risking their lives to bring the world news from the front, even as the bombs were bursting in air?

In every cafe and coffeehouse; every barbershop and bowling alley; in every home and here in this House, all Americans have turned our hearts to the Persian Gulf. We eagerly await the successful conclusion of this conflict and the swift return home of our troops.

I think it is fair to say that 6 months ago, few of us would have expected that we would be forced to war against Iraq.

But on August 2, 1990, Iraqi Armed Forces, at the order of the dictator Saddam Hussein, attacked, overran, and began terrorizing a tiny and peaceful neighbor, the Emirate of Kuwait.

At the onset of this unprovoked aggression, the Congress, the country, and the world united in opposition to this brutal invasion, and the grievous violations of human rights against the people of Kuwait.

For months, the United States and the world community pursued a policy of political isolation, economic embargo, and quarantine with the hope of convincing Saddam Hussein that his aggression could be ended without further bloodshed. And President Bush committed our Nation to the largest deployment of American service personnel since our involvement in Vietnam.

On November 29, the United Nations imposed a deadline of January 15 by which Iraq would be permitted to relinquish its evil grip on Kuwait peacefully, and through the extension of all diplomatic means. Saddam only dug in deeper. And so the President decided to turn up the heat.

Under our Constitution, the President is not permitted to hold in his hands alone the decision to make war against an enemy. Congress must share in that fateful decision.

Last Saturday—after the longest and perhaps the most eloquent debate in the modern history of the House—the authorization of Congress was given. The days had dwindled down to a precious few for this intractable dictator to leave Kuwait; the majority had spoken.

In my view, the debate that transpired last weekend was Congress at its best. We honestly, honorably, and without partisan rancor aired our differences over whether the commitment to go to war was our wisest course.

But as the Speaker said moments before the Solarz-Michel resolution was adopted, once the majority spoke, it was time to close ranks. For from that debate a majority emerged, and now we proceed to action united. Today's resolution symbolizes the unity we feel on behalf of our soldiers, sailors, airmen and marines as they face hostile fire in a faraway land.

The debate is behind us; the battle is upon us, and the victory is before us. All of us would now do well to heed the advice of Napoleon who said, "If you start to take Vienna, take Vienna."

Now that America and its allies have started to emancipate Kuwait, let us emancipate Kuwait.

America is not a nation of conquerers; we are a nation of liberators. We mourn the loss of life. And we especially mourn whatever civilian casualties may occur in Kuwait and Iraq. For these are the innocents who are caught in a cruel cross-fire between a brutal enemy and an enduring principle—the need to enforce the rule of international law.

But even though our hearts are heavy, our cause is clear.

The fact that this resolution is cosponsored by the distinguished minority leader is all the evidence Saddam Hussein needs that today we are one. The greatest strength of our democracy is that, unlike in Baghdad, here the people govern. And on both sides of the aisle, in both Chambers of the Congress, the people support our troops.

We will do everything in our power to aid them in their mission, even as we pray to a Higher Power to bring them home swiftly, safely and successfully when their mission is accomplished.

□ 1320

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to be able to join with our colleagues in this resolution supporting the President and our troops in the Persian Gulf.

Some say that with Operation Desert Storm already begun, a nonbinding declaration of congressional support must be purely a matter of form. But matters of form in a democracy like ours are not to be dismissed lightly.

Yesterday on the floor I criticized an earlier version of a draft of this resolution that emanated, I think, from the other side of the Capitol as containing weak and mealy-mouthed language. Why did I say what I said if, after all, this is just a matter of form? I did so because I believe that what Congress says about Operation Desert Storm is important. I did so because words do matter.

We in Washington, and I mean the Government and the media, are so used to rhetoric, to the use and abuse of the English language to gain political ends, that we have become a bit cynical. But I believe the American people and people all over the world take words more seriously than we do sometimes, and they are right to do so.

In an age when television cameras instantly bring the war to every living room, the sentiments we express also become an instant part of the events in the gulf.

Mr. Speaker, there are real differences about gulf policy in this Chamber. They were eloquently expressed during our debate last week. These differences are not going to go away or be papered over by what we say today. History and the American people will ultimately judge which of our views on gulf policy best reflect American ideals and national interests. Each of us will be held responsible for the stand he or she took during the debate.

But in this resolution we transcend the real differences we have for the specific purpose of supporting the President and our troops as they engage in battle.

How incomprehensible that must sound to Saddam Hussein, as the majority leader said in a little different way. And that perhaps is one of the distinctions to be made between a democracy and a dictatorship. In a democracy we can have differences openly, often fiercely expressed, and yet, paradoxically, be united. Such a concept is beyond the mind of dictators who confuse conformity with unity.

In this resolution we are telling Saddam Hussein, deep in his bunker, that the real differences we have as Members of Congress with each other are nothing compared to the differences all of us have with him, Saddam Hussein.

The men and women of our Armed Forces are showing the world what they can do, and the very least we can do for the President is to say, "Well done" to our troops and, of course, to the Commander in Chief, President Bush.

Maybe these are only words, but they are words spoken by freely elected Members of a great democratic institution, and that, indeed, makes all the difference.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, on January 16, at 6:30 p.m., the United States and the world watched as the U.S.-led allied forces transformed Operation Desert Shield to Operation Desert Storm. To quote the official confirmation of the commencement of the campaign, "our men and women will be the lightning and thunder of Operation Desert Storm."

The allied liberation of Kuwait has begun. We look to the Middle East with trepidation, with fear and with hope. My colleagues and I came together just 6 days ago and after much debate, we gave our consent to the President for the use of the U.S. Armed Forces for the enforcement of the U.N. resolutions. He is the one who brought the coalition of 28 nations together in defense of international standards and the family of nations. I believe that my colleagues and I owe him his due recognition. It is this coalition which has stood against Saddam Hussein as he continued through 5 months of his occupation of Kuwait, to buildup his forces in defiance of the international community. It is that fragile community of both traditional friends and foes who have stood together against Hussein's aggressions and brutality to defend the principles on which our global community stands. I applaud his leadership, his determination to drive this aggressor from Kuwait and his commitment to the restoration of peace and stability to our world community.

Our Armed Forces have now led a magnificent and expertly executed first few hours of this campaign. Our airmen, in conjunction with our allies, have led a massive strike on Iraq and Kuwait. Their expertise and superior ability have been demonstrated in a spectacular fashion. We, as a nation, should be proud. Our troops have sacrificed much already, by leaving the security of their family and friends. We continue to ask them to sacrifice and we owe them the glory and commitment of our men and women at home. We need to demonstrate our support for them and for their campaign. There can be nothing more demoralizing for those who have put their lives on the line than a divided nation. And there can be nothing more disheartening for them than a lack of patriotism at home. We need to counter their commitment with an equally strong commitment to them.

Today, we have the opportunity to voice our support for our troops and for the Commander in Chief who brought our formidable coalition together. Our allied troops are standing together as brave, skilled military professionals on whom the weight of the international community rests. I salute them and I proudly cast my vote today in favor of this resolution commending the leadership of our President and the bravery of our men and women in uniform.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, no one should ever doubt that the cause our military forces are fighting for is just.

They are fighting to protect the freedom, the security, and well-being of our own people and the people of the entire free world.

It is not a matter of "blood for oil." That slogan distracts from the truth. If Saddam Hussein succeeds in seizing control of a substantial percentage of the world's total oil reserves, he can impose his regime of brutality and terror over all the Persian Gulf and much of the world.

It's true our country gets only about 11 percent of its oil from the Middle East. But our economy is tied to the economies of other countries. If their economic lifeline is threatened, our own economy is threatened.

Mr. Speaker, this is not the first time economic issues have been linked to freedom and liberty. Our war for independence was fought over burdensome taxes that threatened the freedom and security and well-being of the colonists. And it is freedom and security and the well-being of our country and free world that is at stake today in the Middle East.

It is imperative for Americans to come together and back our forces in the Middle East with a unified home front.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Speaker, we in Congress couldn't pick a better time to show our support for the President. He has just made a tough, and, I believe, a wise decision in the Persian Gulf.

He knew that there would be some in this country who would criticize him harshly.

What he may not have counted on was the eagerness of some to play Presidential politics in the midst of a great national crisis.

I have been following the brief legislative history of this resolution with a great deal of interest.

I recall some of the comments made last weekend, when we voted to authorize the President to use force in the Persian Gulf.

What especially impressed me was the commitment by so many in this body to fully support the President after the vote was taken.

It is one of the great traditions of this Nation that its elected representatives of both parties have so often united behind the President in times of great crisis.

In the space of 1 week, I have watched that great tradition begin to unravel. I have seen it in remarks made to reporters and on television commentaries, and most of all I have seen it in the development of this resolution on the other side of the Capitol.

This resolution is quite rightly enthusiastic in praise of the American troops. They are splendid Americans doing a very tough and dangerous job. And yet this resolution is so tepid in support of their Commander in Chief.

Some reporters have asked me about this. They want to know if it has anything to do with Presidential politics.

Frankly, I do not know.

But for myself, and for many fellow Members, I know that we fully endorse the President's actions, that we consider what he has done courageous and in the best interests of America and of world peace.

That may not be written into the resolution we pass today, but I think the President should know that there are some in this body, on both sides of the aisle, who remained true to their word and true to the great American tradition that politics stops at the water's edge.

The President would like the enthusiastic support of Congress. But I also know he can live without it.

He knows that someone in this world must make the tough decisions, and that as the President of the greatest democratic nation in the world, the burden of leadership falls on his shoulders.

He did what he did because he knew it was the right thing to do. In his speech on Wednesday night, the President quoted a Marine Corps general, Walter Boomer. The general said that there are things worth fighting for.

He was right. It may sound odd, but we are fighting to maintain lasting peace in the world.

This is a perilous new age—an age when nuclear, chemical, and biological weapons have been acquired by nations both large and small, by governments both good and evil.

It is an age when the superpowers may be ending their conflict, and when smaller powers may feel free to settle old scores.

That is just what Iraq has done. Saddam Hussein was the first out of the box.

What has happened is that the nations of the world—led by President Bush—have decided to make an example of Iraq.

We have got to show Saddam, and any other tyrants with similar designs, that they cannot assault and rape and pillage smaller countries and expect to get away with their crimes.

George Bush, other members of the coalition, officials of the United Nations, they all did everything they could through diplomacy to convince Saddam to leave Kuwait. Saddam would not budge. The President was right to move when he did.

I have been encouraged by the early reports of the operation. What impresses me is the President's decision to zero in on Iraqi military and strategic targets and to spare, as much as possible, civilian areas. This restraint makes it clear that America has no intention of abusing its great military might.

I am also deeply impressed by the selfless idealism, high morale, and real professionalism of the American troops. I visited with them in August as part of a congressional delegation. Everything I have seen since then convinces me that America is very fortunate to be able to call on the partriotism of such splendid people.

Our cause is just, and this resolution rightly commends our American troops and their allies—young men and women with the character and courage to brave the rigors of war.

I would have preferred a stronger statement of support for the President. But I am a realist and I know that this resolution is better than no resolution at all.

I hope that my fellow Members will overwhelmingly pass this resolution and thereby give their full support to the brave men and women who are part of Desert Storm.

□ 1300

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I rise in strong support of this resolution. Let me say that I commend the leadership, our majority leader and the distinguished minority leader, for moving this legislation in a timely manner thereby allowing us the opportunity here today to express our full, strong, and complete support, as well as our deepest appreciation to the men and women who are serving in the Armed Forces, and to their leadership for what they are doing and accomplishing during the course of their implementation and completion of our current military operations. Such that the Congress can send this message to the President when requested.

In my view, it is very important that we express our thanks at this point, in order to show, as has already been pointed out by a previous speaker, that although we had differences of opinion on how we got to this point, we are, nevertheless, united in support of our men and women in the Armed Forces and the accomplishment of the objectives which have been agreed to by both the President and the Congress. I think this is very important. It shows the strength of the democratic process and the strength of our own country. It shows that despite our differences of opinion, we can unite together. I know that I would not want to go as far as saying that everything should be in lockstep. I know that I would not to go as far as saying that all differences of opinion should end at the waterfront. Even in war, there are legitimate cases and times where there may be serious differences that ought to be expressed and be aired, but they are done and should be done in the context of what a democratic society is all about. There should be no misunderstanding on the part of anybody else who is looking in on our families and processes.

After all, the freedom of expression is but one strength of our society and our democratic process. It is a strength that other people aspire to and cannot do it. Can Members imagine expressing a dissenting voice in Iraq? A person would not express it very long. If they did, they would be a dead duck. Therefore, Members should not be too timid in expressing differences of opinion. At the same time, Members should recognize, as we do in this resolution, that as a people, once we take a stand, with respect to what we value as to what we are willing to fight for, that we stand united in doing so. I think it is essential that this resolution be adopted and adopted unanimously regardless of whether Members voted for or against the consent to use military force that the President requested.

I would like to add one final thought on this matter. The question now arises, that with the two attacks on two independent countries, leaves little doubt in my mind, and this is a personal opinion, of the intentions of Saddam Hussein. I do not ask any Member to agree with me. But as far as the dictator of Iraq is concerned, not only was his mind made up, and not only is he not going to give up easily, this war is not over tomorrow. The other shoe has yet to fall. The Iraqis have considerable military capabilities that have yet to be deployed or utilized. Additional Iraqi military action will be taken and that is why this resolution is so important. This war will not be over tonight. This war will not be a 2-day or a 2-week or a 2-month affair. I do not know how long it will be. I can only reexpress the words of the President: That we shall continue in our efforts until our objectives are achieved. And, that the implementation of these objectives are being pursued by the men and the women who are on the front lines. It is our duty to support them in that effort.

Members should not be misled about what has happened so far, which in my opinion has gone extremely well. This is a difficult mission for the United States, and for the men and women who are out there at the front lines. At the same time, Members should keep in mind the attack that was carried out on another democracy today, and be grateful that the people of Israel have the courage, resiliency, and determination to resist the immediate desire to retaliate. As a sovereign nation, Israel has the right to self-defense. Nevertheless, they have showed remarkable and courageous restraint thus far in order to allow the international coalition to go on and get the job that has been done, done. They do so because they are satisfied that we are doing a job that they can do. At the same time, and make no mistake about it, they have reserved the right to respond, and they should reserve the right to do whatever is necessary to protect their own people.

That being said, we are here today to express the great admiration that we have, the thanks that we express, and the hopes and prayers we have for our men and women and their families all over this country, for the sacrifices they are making on our behalf. I am happy and proud to support this resolution and I am sure my colleagues are, too. Mr. Speaker, I urge the unanimous adoption of this resolution.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I am pleased to rise to lend my strong support to the Michel-Gephardt resolution commending and supporting the leadership and efforts of our President as our Commander in Chief, and proclaiming the unequivocal support of the Congress for the 415,000 brave men and women of our Armed Forces involved in armed conflict.

Mr. Speaker, over the past week, we have all been glued to our TV sets intently observing the fast moving events over the past few days. What has been most impressive to all of us is the courageous manner and excellent competence of our brave men and women fulfilling their responsibilities in our Armed Forces. Clearly, our Armed Forces are the cream of the crop. Our men and women represent the best trained force that our Nation has seen. Our hearts swell with pride when we see how impeccable and effective their performance has been.

Unfortunately, there is a sad note in any conflict. We all hope and pray that our casualties will be at an absolute minimum. Our deepest sorrow goes out to the families who have lost loved ones in this conflict.

We pray too that Saddam Hussein will soon see the light and abandon his brutal stance, turning toward peace.

As we support this resolution, our thoughts and prayers have been and will continue to be with our brave men and women of our Armed Forces serving our Nation in the Persian Gulf, dedicated to bringing freedom to the people of Kuwait.

Mr. FAZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I quote from the first paragraph of the resolution:

> The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery.

My personal link to this endeavor is Lt. Cmdr. Jorge de la Garza, USN, and Lt. Michael de la Garza, USN. Mike was in the Mediterranean Sea and took part in the Libya operation a few years ago. Jorge served as a base surgeon in Guantanamo Bay, Cuba, and is now a surgeon with the Marines at the front in Saudi Arabia. My provincial link is all the men and women in the Reserves who have been called into the service, and the 141st Infantry Texas National Guard that is now on active duty at Fort Hood, TX. My collective interest is all our men and women, many of whom I have seen personally while in the Middle East, and all who support their mission here and abroad.

Therefore, I say to them that we are proud of you. We are so very proud of you. We support you. Our prayers are with you. For that reason, I will support strongly this resolution, and urge all my colleagues, to do likewise regardless of their previous stance. This is what we say to those who are in the front lines in our behalf.

☐ 1340

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Speaker, I thank the distinguished minority leader for yielding me this time.

Mr. Speaker, I rise in support of this resolution which reinforces our support for President Bush and the other leaders of the international coalition at this critical time of war.

War is not an option that any of us would choose, if there were any viable alternatives available to us.

But, given the alternatives that we faced in this situation, I feel strongly that the evidence pointed toward support for action.

Any time you send young men and women into harm's way, it is a difficult decision.

I believe that President Bush, Secretary of Defense Dick Cheney and Joint Chiefs' Chairman Colin Powell deserve the heartfelt thanks of all Americans for choosing a course of action designed to maximize the damage to military targets, while minimizing the number of both military and civilian casualties.

Because of these measured actions, which show our concern for our own people and for the civilian population, I believe that we have made it clear that we are not at war with the Iraqi people.

Our fight is with Saddam Hussein.

As that fact becomes increasingly clear within Iraq and the Arab world, Saddam Hussein may find that he has a lot fewer supporters than he thinks.

Because of the high standard of professionalism and self-discipline being exhibited by our Armed Forces, we have been able to successfully translate our overall strategy into effective tactical responses.

Under the effective leadership of Gen. Norman Schwarzkopf, our forces have stayed focused on their missions and have not deviated from the plan.

The dedication and bravery of our young men and women, many of whom are facing enemy fire for the first time is very impressive to me and is reason for us to feel a great sense of pride in our military—for their humanity as well as for their determination.

There may be difficult days ahead, but we can take comfort in the fact that we are pursuing this course with professionalism and self-determination.

As a democracy, we are never comfortable with a decision to go to war, even when we firmly believe that it is the only realistic option available to us.

In that sense, our vote last week giving the President the power to take us into war was the most difficult vote I have ever cast, even though I had no doubt in my mind as to how I would vote.

My vote today in support of our young men and women in the gulf is also an expression of my hopes for an early and successful conclusion to this conflict and a more peaceful world to follow.

Our prayers go out for those who are missing in action and for a successful conclusion of our engagement, so that our forces can come home.

Mr. Speaker, I support the resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2.

I strongly support the President and our fighting forces in this moment of trial. This is a conflict Saddam Hussein has brought upon himself, as if he were determined to have war. It was he who started this conflict. It is we who will finish it. Unfortunately, the people of Iraq will pay the price of Saddam's aggression and intransigence. For 5½ months, the United States and the world tried to resolve this crisis peacefully. All diplomatic initiatives were rebuffed. Regretfully, but necessarily, we must now resort to force to liberate Kuwait.

I voted in support of the Solarz-Michel resolution because I realized economic sanctions would not dislodge Saddam Hussein from Kuwait. They were working, but would not work. I believed that the last best chance for peace was the threat of war. Yet, Saddam Hussein continued to ignore even the risk of his own destruction, intent on his delusion of Arab leadership. Wednesday night, I think he finally realized his miscalculation. Sadly, he has sacrificed the lives of thousands because of the immensity of his own ego.

The United States has committed itself to war. In this endeavor, the Congress and the people of this great Nation stand together and solidly behind our Armed Forces. Our vote today will demonstrate just how clear that support is. My concern now is for the safe return of our young men and women. Today, my heart goes out to the families of those with loved ones in the Persian Gulf. I pray that this conflict will be short and casualties will be few.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Illinois for giving me this time to say how truly proud I am of our President and to express my admiration for his courage in doing what had to be done to force Saddam Hussein from Kuwait. I would also commend Secretary Baker who has traveled so many miles and gave so much tireless effort to talk to leaders of other nations. He and the President and Secretary Cheney did everything humanly possible to persuade Saddam Hussein that he should not force us to go to war. President Bush went the extra mile, and another extra mile. Saddam Hussein has willingly made a choice to engage in armed hostilities. It is tragic that the situation has deteriorated to where it has and I know, personally, deciding to go to war was not something President Bush did without prayerful soul-searching. But, there are times when we must fight for peace. Saddam Hussein chose to ignore the warnings of the President, the Congress, and the United Nations and now his country is paying a terrible price.

I want to express my deepest respect, highest admiration and support for our brave men and women participating in Operation Desert Storm. I am impressed by the obvious degree of readiness, professionalism and training of our military. These are indeed, America's cream of the crop. Their leaders are highly responsible and perhaps the best the world has ever seen. They, obviously have formulated thoughtful, thorough plans designed to minimize United States and Iraqi civilian casualties. Our troops and their families are making tremendous sacrifices to stop Hussein's aggression. Some, I am saddened to say, have made the ultimate sacrifice with their lives, and our prayers go out to their loved ones. I am satisfied that it is because of the selflessness and heroism of these gallant men and women that future generations of Americans will find the world a safer and better place in which to live and rear their children.

The President and our troops deserve the unwavering backing of this Congress and the American people. We all wish our troops Godspeed and hope that they can return home safely and soon. This resolution leaves no doubt of our resolve and I strongly support it.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise in support of our fine men and women of our armed services, and I pray that the President will use his judgment well. I pray that he will do everything possible to end the bloodshed as soon as possible. I pray that he will attempt to bring people together in our country and the global community.

I met many of the American troops in December in the desert. They are decent, they are patriotic, dedicated, and self-sacrificing. They are bright and intelligent. They are our youth, the hope of all our tomorrows. They are truly our "profiles in courage."

Let us as a Congress dedicate ourselves to the value of life, of their American lives and the American lives lost and injured, the British lives lost and injured, the Italian lives lost and injured, the Kuwaiti lives lost and injured, and the Israeli lives lost and injured, and yes, the Iraqi lives lost and injured.

Let us rededicate ourselves to peace and an end to the anxiety with which the entire world is experiencing, and let us as a Congress rededicate ourselves to give these American soldiers a sound country to come back to; let us work for a sound economy, a national energy policy, full health care, full employment, and a decent quality of life for all.

We as a Congress can do better for them and we owe this to our soldiers and, indeed, we owe this to the American people.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Alabama [Mr. CALLAHAN].

☐ 1350

Mr. CALLAHAN. Mr. Speaker, this body met a week ago to debate our differences with respect to the President's authority to commit American troops to combat. Today we meet on another somber occasion to express what I expect to be our strong support for our troops in Operation Desert Storm.

Regardless of our votes last Saturday, each Member of this House shared one overriding concern—the welfare of American men and women in the Persian Gulf.

From what has transpired to date in Operation Desert Storm, it has been confirmed that our service men and women are highly professional and are dedicated to their country and to the cause of peace. There can be no question, regardless of our earlier votes, that these individuals must have the explicit support of the American people through this action of the Congress. Let us say to them that we are extremely proud of your commitment to the job the world is resolved to see accomplished and we wish you Godspeed in your important mission.

And to our President, I wish to add that I am grateful for your pledge to conclude this operation quickly with a minimum of human suffering. I am thankful that you have directed our technologically superior military arsenal to kill weapons and not people. I pray that this strategy will be successful, for we do not desire to harm innocent citizens of Iraq and we wish for the safety of members of the American and allied armed forces.

Finally, Mr. Speaker, I thank you for convening the House to afford us the opportunity to express our unwavering gratitude and pledge our support for our brave men and women in the Persian Gulf.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, hiding in his basement bunker, Saddam Hussein may believe that the American Air Force is his principal problem, or he may have concluded the Navy and its cruise missiles are the major threat. In truth, it is neither. The ultimate demise of Saddam Hussein lies in the seamless web of 250 million Americans, resolute, united, determined, and speaking with a common voice and ordering but one command from this capital to every ship, every aircraft, and every army unit: "End this menace, win this war, restore the peace that the world and all of its people so richly deserve."

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. RINALDO].

Mr. RINALDO. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2.

Mr. Speaker, my admiration for the bravery of the American men and women fighting to liberate Kuwait knows no bounds.

This morning, we saw pictures of the most amazing precision bombing in history. As more details are revealed, it becomes ever more clear that President Bush made the right decision in engaging Iraq, and that Congress' vote last Saturday to support that policy was correct.

If there were any doubt about our course, it was erased last night by Iraq's cowardly attack on innocent civilians in Israel.

While our planes have carefully targeted military installations, Saddam Hussein went after women and children.

While our pilots were told not to attack unless they could be absolutely sure of where their bombs would land, Iraq indiscriminately blew up apartment buildings.

Furthermore, last night's missiles could just as easily have contained nerve gas.

We are dealing with a man who has made the development of nuclear weapons a major priority. If he had possessed them last night, thousands and thousands would have died. If we don't stop him now, he will continue to develop his nuclear capability and will not hesitate to use it.

Our servicemen are showing amazing bravery in carrying out their missions. The precision of the bombing under such fire is proof of our pilots' dedication, courage and skill. The low number of aircraft lost is a tribute to the planning and execution of this operation.

In addition, our allies and their Armed Forces deserve our thanks. Finally, I want to pay tribute to the brave people of Israel, who have faced an unprovoked attack and had the strength to withhold an immediate response.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN of North Carolina. Mr. Speaker, I rise in unqualified support of our brave service men and women stationed in the Persian Gulf.

I congratulate President Bush, as our Commander in Chief, for securing the support of our allies to drive Saddam Hussein from Kuwait. While many in this Chamber disagreed on how to reach a peaceful resolution to this crisis, I believe now is the time for all to unify in support of our President and the troops now fighting in the gulf.

Mr. Speaker, over 18 percent of all the troops participating in Operation Desert Storm are permanently based in North Carolina.

No one enters into war lightly, particularly those with much to lose. That is why I am heartened by the support for the President's actions by so many of the residents of North Carolina.

It is important, as we seek to establish a new world order, that we are not deterred by the dangerous actions of a ruthless dictator. We seek a world based on the laws of reason, not on the laws of the jungle.

A young second lieutenant from North Carolina recently wrote that "there are reasons to fight." He fully supported the President, and I believe that the Congress can do no less.

It is unfortunate that the world community has had to resort to force to remove Iraq from its defenseless neighbor. We will not lose, and we shall not waiver in our commitment to bring about a world where peace exists without the constant threat of war.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, last Saturday this Congress exhibited a strength of our democracy; we disagreed openly and fairly and then we voted.

The majority spoke, and today we exhibit the unity of purpose that is also the hallmark of a nation that follows a democratic system of government and also is unified in its desire to remove tyranny from the Middle East. There is only one valid purpose for this resolution today, and that is to eliminate any doubt about the support of Congress and the American people for our troops in the Middle East.

We are letting both those who wage this battle in the Persian Gulf and our President who leads them know today how unified we are behind their common efforts.

These troops are faced with a tough job, but we are confident of their skill, their training and their commitment.

Let there be no question of our own commitment or support for those men and women whose bravery and dedication we pray will carry them through this battle and return them from their missions and eventually, safely home.

There has been a great deal of optimism, perhaps even the term euphoria should be used, about the fight we have already waged and, mistakenly, I fear, the fight that lies ahead.

There are many difficult and bitter times before us. We will not succeed in dealing with them unless we deal with them together as a nation. Today's vote is an effort to show that unity among a Congress that, while divided on many issues, is together in the support of the men and women who have volunteered to do this difficult job.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Speaker, I rise in total support of our troops in the Persian Gulf. I commend them for the job they are doing.

The Congress and the Nation must stand united behind those men and women and give them our fullest measure of support.

Our thoughts and prayers are with them and with their families.

I also want to commend the Government and the people of Israel.

Saddam Hussein's unprovoked attack on Israeli population centers had no military value. It was nothing less than a high-level terrorist act.

Until the attack, Israel was not a party to the conflict.

Despite a very real danger, and open threats by the Iraqi Government, Israel—at the request of the United States Government—refrained from preemptive strikes.

That restraint made them vulnerable to last night's missile attack. However, preparation and the bravery of the Israeli people kept casualties to a minimum.

Our troops as a part of the combined forces of the United Nations have a very difficult task. We must give them our full support.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate those who have drafted this resolution for putting forward one that can be very broadly supported. It gives those of us who share in the overwhelming admiration and gratitude we have for our fighting forces a chance to say so. But it does not, as it should not, suspend the principles of democracy and the Constitution which obligate us to debate policy where we continue to differ.

And I want to talk about one of the differences that most bothers me.

We have Israel showing enormous restraint at the request of the United States, taking a hit from a vicious thug, when it would ordinarily have prevented it. Now we have people saying that we in the United States should tell the Israelis not to defend themselves. Why? Because we cannot offend the coalition.

We have got the rest of the world to where they have read "Tom Sawyer" and they understand how to get America to paint their fences.

Not only do we do all of the dangerous and dirty work, we are supposed to be grateful to them for letting us do it.

Why doesn't the coalition worry about offending us? What are the Saudis and Kuwaitis going to do if they get mad? Tell us to stop defending them? Are we doing the Egyptians some disservice by being over there to defend them against a vicious dictator?

The notion that because we have put ourselves, our young people, our resources at risk to defend people against Saddam Hussein, who is a threat directly to a lot of people but not to the United States directly, we somehow act as if by their letting us do this we are obligated to them and we have therefore to tell the Israelis that they should sit by and be hit and hit.

□ 1400

Mr. Speaker, the Israeli Government has not only the right in my judgment, but the obligation to defend itself against this kind of aggression, and those in this coalition who tell us that they blame America, and it will be our fault, and we will move away from this coalition—this is a coalition most of whose members give us ice in the winter, this is a coalition which consists largely, apparently, of feelings about to be hurt—ought to be told that we will do the right thing and recognize the right of Israel to legitimate self-defense.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Speaker, first of all I would like to associate myself with my boss, the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL] describing this extraordinary quality of the American people to dissent, disagree and then to pull together again.

However, Mr. Speaker, now we have a job to do, and I suggest we get at it without further words.

Of course we support our President. Of course we support our allies. Of course we support the families of those in the Armed Forces. And of course, particularly we support those extraordinary men and women who are over there defending us with their lives.

Of course we can do no less.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I returned today from Chicago to cast my vote on this resolution, because I realize the grave importance of our troops in the Middle East.

I am utmostly in support of our troops in the Middle East because I truly value their lives, and want to see an immediate end to this conflict so that no additional lives are snuffed out. I am in support of our brave young men and women, yet I am torn about how to vote on this resolution today. I am torn because this resolution does not really exclusively express our support for the troops, but instead glorifies the President's decision to place our troops at risk. I could not support the President's actions last week and cannot support them today by saying, "amen, you are right Mr. President."

This is not a vote that questions one's patriotism, because I know that I am just as patriotic as any of my colleagues in this Chamber. However, we need to be honest about the intention of this resolution. We all know that this measure will carry overwhelming support here in the House. We also know that the media will tout these results all over the world as clear support for the President's actions. I must make a clear distinction in my position. I do not support the President's actions in the Persian Gulf and never will. I refuse to sanction more deaths. I will not contradict myself. However, I will never abandon my support for our troops, nor for the death of innocent human beings whether they are American, Israeli, or Arab. Everyone is entitled to the right to life.

So, I fully understand that this effort today is really much more cosmetic than truly meaningful because we all know that support for our troops is a given. My position is clear, I adamantly oppose this war, I believe our No. 1 priority should be the preservation of human life and I call for the President to immediately initiate serious negotiations so that there will be peace in the Middle East.

Let not our course of continued action be determined by partisan politics nor whether or not our so called experts save face in an effort to prove their decision right. Let right over wrong lead us to end this war.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 3. Like many of my colleagues, I have taken great pride in being a strong supporter of the administration and this President's handling of this situation in the Middle East since August 2. I have also taken great pride as a member of the Committee on Armed Services to support in both words and votes the tools and resources and equipment necessary to protect and benefit those brave, young military personnel currently serving in the gulf, as well as their dependents back home.

Last week's debate in this body and the discussion on Capitol Hill and around the world was democracy at its best, allowing Members to disagree, yet allowing us all to come together, in the final analysis, to respect the will of the majority. Some perhaps, however, would misread our democracy, would misread our debate and our public right of free expression of speech and dissent.

Mr. Speaker, I will give two cases in point as examples. I watched an interview this week with Mu'ammar Qadhafi as he tried to misinterpret what was happening in our democracy as evidence this country was not behind our President or not behind our troops, and I heard the poignant story of one of our front line military personnel who wondered what was happening back home as he saw the demonstrations in our cities and wondered whether or not we were united behind his actions and behind his efforts as a person.

Let this vote make it crystal clear, Mr. Speaker, to the soldiers in the Middle East, to Mu'ammar Qadhafi, to the world and, yes, to Saddam Hussein, that we are united as one nation in our support of our troops, and our President, and our resolve to free Kuwait and end the domination of Saddam Hussein.

Mr. GEPHARDT. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, let me rise in support of our dedicated men and women now serving our Nation in the Persian Gulf and join with their families and their loved ones in praying for their safe return to the United States, and I promise that this Congress will show the Nation's appreciation for the sacrifices that they have made.

When this sensitive and important issue was debated in this House of Representatives, it made the Nation, and indeed the Members, so proud, not because of the eloquence, but because of the nonpartisan way in which this matter of conscience was debated. I said then, "I don't see how you could oppose the President on moral and conscientious grounds, yet support this military initiative."

As one who was one of the first to go to Korea to serve in combat for a year, to leave with frozen feet, a Purple Heart and a Bronze Star, I make it abundantly clear that I take a back seat to nobody in terms of patriotism. As one who is a father of a service person and who represents a community that has made more than their share of sacrifices in Grenada, in Panama, in Vietnam and now in the Persian Gulf, I reserve the right to oppose our policies in the Persian Gulf and at the same time make it abundantly clear that we support the courage of our men and women who find themselves in this situation today.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, like all of my colleagues in the Congress, the loved ones of many of my constituents stand in harm's way as part of the United Nation's coalition forces now engaged in Operation Desert Storm.

The sons and daughters of many others, including Marine Corps Pvt. Steven Scott Carrow, the son of one of my staff members, are due to be dispatched to the war zone in the coming weeks.

We, as their elected representatives, have the moral obligation to give them, and their Commander in Chief, President Bush, our unequivocal support. Any sign of weakness, uncertainty, or division in this Chamber will serve to strengthen the resolve of Saddam Hussein to continue his insane military aggression in Kuwait, Saudi Arabia, and Israel; and it also will serve to undermine the morale of our brave sons and daughters.

I call upon my colleagues to stand above politics and voice their unequivocal support for President Bush, for our sons and daughters and the sons and daughters of our allied nations in Operation Desert Storm. We should vote out a resolution that states our unequivocal support, but we will not have that opportunity. Unfortunately, politics has become involved. However, I still urge my colleagues to vote for this irresolute resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, during last week's fateful debate, we all drew heavily upon the lessons of history. I drew the conclusion that continued unyielding sanctions would best achieve our mutually desired objectives; Sovereignty of nations, rule of law, diplomatic resolution of conflicts, and the restoration and preservation of peace.

Others, the majority, drew different conclusions and followed a more familiar path with a call to arms.

But now in the sober moments as our first casualties come home let us look again to history and make this firm resolution:

No matter what our earlier views, no matter how profound our concern about the wisdom of this policy, we will not forsake our young men and women in the gulf; we will cherish them, pray for their safe return and an early and successful resolution of this conflict; we will support their families in this time of need; we will welcome them home with open arms and honor their sacrifice. And when these veterans return home we will not neglect and forget them as we have so many veterans of past wars.

War is the result of failed diplomacy. But that should not deter the President from continuing to seek a diplomatic resolution to this conflict, even as he prosecutes the war.

I want us to make one other resolution: That for the sake of expediency, the United States will never again aid or abet a bloody dictator in his rise to power; that we will be determined to make long-term changes in our foreign policy that will create a true new world order of lasting peace.

□ 1410

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Speaker, 6 days ago, Saturday, January 12, this House voted, 250 yeas to 183 nays, to adopt a mirror resolution of the U.N. Security Council, Resolution No. 668. No one wanted war. No one wanted to put any lives at risk unreasonably, but Saddam did not listen.

Fortunately for us, this President will not turn his head to naked aggression. This President authorized military strategists and professionals to develop a plan which would effectively remove Saddam's forces from Kuwait. Fortunately, this President had the courage and foresight over past sessions to ask this Congress to make sure the United States was not only militarily prepared but that it is competent to overcome any force that threatens freedom on this globe. Fortunately for us, this President is now standing firm and resolute. He will not yield until Saddam says he will withdraw and comply with U.N. Resolution 668.

It is, indeed, appropriate and timely that this House, divided 6 days ago, should now come together in unanimous support for what is the most important statement for freedom the world has seen. We must join together. We must not turn our backs on our troops. The President is right. Our men and women are professionals. This Congress can do no less than this.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2.

Last weekend we decided that Congress was going to fulfill its responsibility under the Constitution to declare war. That has now been done. We are now at war. We have shown our feelings about the responsibility concerning this constitutional requirement.

Our leadership on both sides of the aisle has asked us to pass this particular resolution. The resolution speaks of our love and affection, our confidence, and our thanks to our men and women in the service and to our Commander in Chief. I join enthusiastically in doing all the things this resolution provides.

I particularly congratulate the quality of our Commander in Chief, a man of vision, a man of compassion, and a man of decision.

Now, today we are somewhat confronted in this country with people who are what we call peace activists. I would suggest that those peace activists might well show their best vision for the future by combining themselves with the idea of a new world order in the United Nations, and also by not demonstrating before the White House but instead by demonstrating in front of the Iraqi Embassy.

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, this provides that the Congress supports the efforts and the leadership of the President as Commander in Chief in the Persian Gulf hostilities, that the Congress unequivocally supports the men and women of our Armed Forces who are carrying out their mission with professional excellence, dedicated patriotism, and exemplary behavior.

Mr. Speaker, we can do no less than to pass this resolution, and we must do it with enthusiasm and almost unanimous support. This will allow a unified Congress and a unified America to send a message to our brave men and women in the Persian Gulf that America is with them. This resolution will send a message across this great country to the loved ones and the families of our men and women in the Persian Gulf, some of the bravest people I have ever known, that America is with them. And, yes, Mr. Speaker, this resolution will send the clearest of messages to Iraq that we are not Democrats, we are not Republicans, we are Americans all, and we will win. Make not mistake about it, we are unified, and we are determined and we will win.

Mr. Speaker, we made many mistakes in Vietnam, but perhaps the greatest mistake we ever made was in taking so long to recognize the bravery, the excellence, and the gratitude of this country to the service men and women who gave so much to us in Vietnam. But make no mistake about it, now America is unified. America is back.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, I rise today to pay tribute to our men and women in the gulf. Their competence and bravery stand as a shining example of those who would defend freedom, and oppose aggression everywhere in the world.

I also rise to pay tribute to the brave citizens of Israel. The Israelis have endured incredible hardship and incomprehensible pressure over the last four decades, and specifically and over the last several hours—as we have asked them to absorb a first strike. Imagine how we would feel today if our children and elderly, our spouses and our parents, were the targets of Saddam Hussein's horrible arsenal—and threatened with a frightening array of chemical and biological weapons.

Israel is an outpost of democracy in the Middle East. And we as a nation, owe the people of Israel, a debt of gratitude for helping us keep an unprecedented coalition of nations together against Hussein's evil aggression.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, last evening I spent time with many parents and friends of our service men and women who are overseas in the Persian Gulf. They were gathered as part of a very impressive local community support group that reaches out and provides support to families of our troops in Operation Desert Storm.

One woman, a leader of the group, was a mother who had already lost one son in an automobile accident—her other son is now serving in the Middle East. With pride and conviction she told me a good deal about the pain of losing a child—and then what it means to send a child into a combat zone. The remarkable thing is that she fully supports our action in the Persian Gulf and is encouraging others.

We have so many wonderful Americans supporting our brave young people now in harm's way. Overwhelmingly Americans are accepting the responsibility of world leadership and standing up for the principles on which this great Nation was founded.

Mr. Speaker, as I traveled in southwest Florida these past few days, holding town meetings and listening to my constituents, I was honestly struck by the level of commitment to backing our troops.

Everywhere I went, people of all ages and all political beliefs told me that it is time to pull together as a nation behind our troops, our allies, and our President.

From middle school students in Sarasota, to disabled vets in Naples, to parents and spouses of members of the Armed Forces in every community, and even to conscientious objectors who took the time to listen to me and share their views—whether they agreed with the decision to use force or not—the support for our people fighting in the Middle East was unwavering.

Mr. Speaker, I am very proud of my district—and I am proud to stand here today and add my unequivocal support for our troops and our President.

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Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, I was not a Member of this body when the Gulf of Tonkin resolution was unanimously adopted, but I was a Member when this same body expressed by majority vote its regret, considering that the Tonkin resolution was wrong in hindsight.

Well, I am opposed to this resolution, if I stand alone, because if the plan was wrong, and I argued and voted against Bush's plan last week, if the plan is wrong, then the execution is wrong.

For instance, if you are opposed to capital punishment, you cannot say you are opposed to it until someone is convicted and put on death row, and say, OK, go ahead with the execution. If you are against the plan, you must be against the execution, to be consistent.

Let me also add, I hear here people debating, talking about the few civilians that were harmed or killed in Israel last night. But I tell you, what about the civilians in Baghdad? We are all God's children, or we none are. We are all equally so.

Incidentally, when we talk about, and I think it was terrible, wrong, that Iraq would bomb Israel, but let us not forget that a few years ago Israel bombed Iraq. Where were all the expressions of moral indignation at that time in this body?

We talk about the heroism of the Lithuanians, fighting against the military might of the Soviet Union with rocks and sticks and what have you. Are not the Palestinians doing the same thing in the Gaza Strip and on the West Bank?

Let us be fair and evenhanded in this matter. I tell you, the problem cannot be solved in the Middle East by America's military might, because the problem is not just using force trying to enforce peace. There cannot be peace without justice. Justice is a prerequisite to peace. The military might must be on the side of bringing justice to the Middle East.

We need to bring our resources back home to provide justice in this country for African-Americans. This resolution I cannot support, because it commends the President. I cannot say this, when we said the opposite last week, that I commend and support the President.

I support our young men and women, the military in the Middle East, but the way to express that support best is to demand that they be brought back home immediately. The way to do that is to vote against this resolution.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I rise to commend the President for his superb leadership of the crisis in the Persian Gulf, also our brave young service men and women need to know how very proud we are of them. They are carrying out their missions with courage and professionalism. My thoughts and prayers are always with them and their families and let us not forget that these service men and women are members of an All Volunteer Force dedicated to fighting for freedom and are truly patriots.

From all accounts, we look strong and the outlook is encouraging. This is due, in part, to the brilliant planning of the President and his very able military advisers and commanders. I wish them continued success in the upcoming days.

I am also encouraged by the performance of those weapons which have never been tested in battle before. As you may know, my district in Nevada is the home base of the Stealth fighter. I understand that the stealth technology performed exactly as designed, and I am pleased with its initial performance.

I truly hoped that we would see a peaceful end to this hostility started by Saddam Hussein. No one wanted this war to occur, but the fact is we are at war, and we now must focus on driving Hussein out of Kuwait and getting our forces home as soon as possible.

God bless President Bush, and our troops, and God bless America.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, my vote today will show my support for the troops.

War has begun, and now our focus is clear, how to bring our service men and women home, to be reunited with their families, with a minimum number of casualties, and with a minimum number of innocent victims of war.

My heart is with those brave American troops and with their families, whom I speak to almost every day, and my heart will remain there until this war ends.

Mr. Speaker, I call on Saddam Hussein not to sacrifice his people in a futile battle against the most awesome force ever assembled.

My heart is also with the people of Israel, and I condemn the Iraqi attack on that country. Israel's restraint has been remarkable. That restraint indicates their strength.

As for opposition in this country, whether it is 10 percent of the people, or 20 percent, or 1 percent, let us continue to allow our people to express themselves peacefully, no matter what side they are on. That is the strength of this Nation.

Let us also ensure that our brave news correspondents do not face censorship as they attempt to inform the American people.

Finally, lasting peace in an area of the world plagued by war must be our goal, and I pray and I pray that the costs of this war will not echo in our country for too long, so that we can move America forward in peace and in unity.

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, when bombs burst in air and an Arabian desert landscape is illuminated by the rockets' red glare, there ought to be certain things which are self-evident. I thought until a few moments ago that one of them was that when American forces were under these circumstances, by authority of the majority vote of the elected representatives of the American people, that all Americans would be united in support of those troops. I hope that if there are any of us who are not, they will be mercifully very few.

Events of the last 2 days have demonstrated the incredible technology brought to bear in the Middle East by American forces. But those weapons, that technology, operate only through the skills, the dedication, the training, the professionalism, of an All Volunteer American Force. We have never fielded a finer one. We should be eternally grateful to them. Our thanks and our prayers are with them.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, the resolution before this House today expresses congressional support for the President's leadership and for our troops in the gulf. The passage of this resolution could not be more timely. By our action today, only 3 days into a struggle of undetermined duration, Congress sends an unmistakable message to the world. Last week we debated and voted. Today we are one. This message should be music to the ears of our troops. The men and women who have served in Desert Shield for the past several months have done so with a certain measure of fear. A fear that this Nation will not fully support their efforts. Time and time again they have asked will there be support. I sincerely hope that our troops after this debate, understand where we stand. I would also like to commend our personnel in the gulf, Active Duty, Reserve, and Guard on their outstanding efforts thus far.

We were quick to take action to remedy initial concerns about health and welfare, mail service, imminent danger pay, medical professional pay, and variable housing allowance for Reservists. As Desert Shield unfolded, it has become clear that more fine tuning of benefits and policies is needed. Now that Desert Shield has become Desert Storm, the need to act has taken on a new urgency.

As was the case previously, the focus of this legislation is on updating special pays, and protecting financial equity for Active and Reserve members. The bill would: Increase family separation pay, certain places pay, and the death gratuity, and extend certain places pay to officers and family separation pay to military couples without dependents; recognize the contribution of foreign language experts in the Persian Gulf with proficiency pay despite not being certified because of the rush to put them in the theater; remove the prohibition against payment of imminent danger and family separation pay when war or national emergency is declared; authorize a penalty free delay to the income tax filing deadline for those serving in the theater; extend the savings program investment limit for POW's and MIA's; and remove the limitation on selling back leave for survivors of members who die on active duty.

The activation of Reserve and retired forces has highlighted the need for a number of initiatives to facilitate the transition of the reservists and retirees from civilian life to the military, and hopefully back to their homes and families in the near future. The bill would: Extend the unexpired period allowed for reinvestment of profits from the sale of a home; recognize that unmarried reservists maintain residences by authorizing payment of housing allowance; preserve the entitlement to 6-month grace period for reservists repaying Government student loans; and authorize the recall of retired officers in the highest grade held on active duty.

Finally the bill includes a sense of Congress that the German Government be approached to provide medical care for military dependents in Germany in order to replace the military medical resources dispatched to the Persian Gulf to treat Desert Storm casualties.

I encourage my colleagues to act quickly on this legislation to protect the interests and welfare of the troops in the field and their families at home. As I stated at the outset, this is another step in an continuing effort. We will continue to examine personnel and pay systems closely to ensure that they provide the financial security that we intended. Given the level of financial sacrifice endured by many reservists, I am confident that the Congress will want to provide some assistance to offset the cost of patriotism, and protect the viability of Reserve recruiting in the future. Now that the Nation has committed our forces to combat, I believe the Servicemen's Group Life Insurance should be re-evaluated to ensure that it is providing the right level of protection. I will be working with the gentleman from Mississippi, the ranking majority member on my subcommittee and the chairman of the Committee on Veterans' Affairs, to examine the need for a change in the benefit level.

We speak of our high-technology arsenal achieving a high success rate, but let us not forget that there is a professional, patriotic man or woman operating these machines. It is a tribute to the dedication of these men and women, and something for which all Americans should be proud.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

☐ 1430

Mr. HUNTER. Mr. Speaker, we had a high level debate just a few days ago before a very historic vote authorizing President Bush to stop Saddam Hussein. I thought that that vote and that debate elevated this body.

Let me offer another opinion on the vote that we are having today. I think that the Democrat leadership made a mistake in bringing us back for a cover vote. I do not think we need a cover vote. I think Members who voted one way the other day can explain that to their constituents in town hall meetings and in press releases and interviews. I think that Members who in good conscience voted against it should not have any reason to change their position at this time, and those Members who voted for it have all of the same justifications before them that they had just a couple of days ago.

One point on a substantive issue that I think has been brought out by the attack on Israel yesterday. It is very clear now that we live in an age of missiles, and we are going to have to be able to stop missiles if we are going to secure our safety and that of our allies. The impact of the Scuds in Tel Aviv drove that point home. This Congress should leave politics behind in this year and we should dedicate ourselves to advancing the President's strategic defense initiative. Clearly the lives of Americans and our allies hang in the balance and hang on that decision.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, much of the national debate over U.S. policy in the Persian Gulf these past 5 months was couched, almost instinctively, in the classic moral categories and language of the just-war tradition. That is not a sign of weakness. It is, rather, a sign of strength, of resolve, and of the good will of the American people.

Now that we have engaged the forces of Iraqi aggression in the gulf, I would like to share with my colleagues a brief reflection on how United States action has satisfied the classic moral criteria of the just war tradition.

Is ours a just cause? A just cause has existed since August 2, 1990, when Iraq, in violation of the most fundamental norms of international law and civilized political behavior, militarily invaded Kuwait and declared it to be an integral part of Iraq. Resistance, including armed resistance, to Iraqi aggression is indeed a just cause, for it is armed resistance in defense of the basic moral and legal norms that proscribe such aggression.

Have we conducted ourselves with a right intention? We have no aggressive aims against the people of Iraq. As the President has insisted time and again, our quarrel is with the regime of Saddam Hussein. Moreover, we are acting in order to deter future aggression, to restore a minimum of order to the conduct of international affairs, and to create the conditions under which a stable peace might be built in the region.

Has the war in which we are engaged been authorized by a competent authority? Certainly. In domestic terms, our use of armed force has been sanctioned by the democratically elected President and Congress of the United States. Internationally, it has been sanctioned by the Security Council of the United Nations.

As to the criterion of proportionality—will the good to be achieved by the use of armed force clearly outweigh the evil that would result from leaving Iraqi aggression to stand—we should not forget that Iraq has already perpetrated a great evil, and has promised to do more. Iraq has systematically brutalized the people of Kuwait. It has flagrantly attacked the people of Israel. Condoning Iraq's aggression against Kuwait would have opened the door to further evil by an ambitious and aggressive dictator, Saddam Hussein.

Do we have a reasonable hope of success? This was always a judgment call, on which men of honor could disagree. But responsible political and military leaders, with access to the best available intelligence information, and with an intimate knowledge of the military and political capabilities of the coalition we had gathered, told the Congress and the President that we could indeed succeed.

Finally, the just war tradition asks us to treat military action as a last resort. That is precisely what we have done. Every effort to negotiate an unconditional Iraqi withdrawal from Kuwait failed, over a period of 5½ months. Sanctions, while effective in some respect, were sure to burden the civilian population of Iraq—those whom the just war tradition would urge us to consider as noncombatants—far more heavily than the country's military-political elite. Last resort in the just war tradition is not an arithmetic concept; one could always imagine just one more thing that could be tried. No, last resort asks us to judge that reasonable men would conclude that all reasonable efforts at a peaceful resolution of the war initiated by Iraq on August 2, 1990, had been made, and had failed. We could, and did, make that judgment in good conscience.

Therefore, Mr. Speaker, I think we can be confident that United States military action against Iraqi aggression satisfies the conditions under which the classic moral tradition of the West would sanction the resort to armed force.

As for our adherence to the moral laws of conduct within war as oultined by the just war tradition, I should like to emphasize for my colleagues the stress that has been put on our intention to avoid striking civilian targets in Iraq. Indeed, our forces are operating in such a disciplined manner, and under such strict rules of target recognition, that a number of pilots returned to base with their weapons unexpended, rather than risk an attack that might result in serious civilian casualties—and this, after spending at least an hour flying through hostile air space. I think it says something important about the United States and its Armed Forces, Mr. Speaker, that in confronting a barbarian we are holding ourselves accountable to civilized norms of military conduct. And I should like to commend the President, Secretary Cheney, General Powell, and the other leaders of our Armed Forces for their commitment to the just war tradition.

The just war tradition—a tradition which seeks to link the use of proportionate and discriminate armed force to the pursuit of peace, security, freedom, justice, and order—is alive and thriving in the United States of America, Mr. Speaker. Charges, from whatever quarter, that we are acting hastily and immorally are either willfully ignorant or morally obtuse.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, we all feel many emotions concerning the events of the last 2 days. My immediate emotions are pride and caution. How wonderful it is to be a citizen of this, the greatest nation on Earth. I'm proud of the courageous men and women who are willingly placing themselves in harm's way to defend and preserve the freedoms we all cherish. I'm proud of our President and his decisions concerning the Persian Gulf, and I'm proud of this congress which debated the United States' policy in the gulf, and voted to uphold the United Nations' resolution demanding Iraq's unconditional withdrawal from Kuwait.

I'm very proud in two other specific areas, Mr. Speaker. I am proud of the continued determination of the Congress and the American people, who over the last decade, supported funding for our defense preparedness. The Readiness Subcommittee, which I chair, has consistently supported the necessary funds for the well-trained and well-equipped operation we are now witnessing. I'm also proud of the contribution of my constituents in northwest Florida. The people of Florida's First District are directly involved in defense activities including training of naval pilots, developing and testing many of the weapons being used in this deployment, and researching and developing numerous activities in both the Navy and the Air Force. My district hosts an Air Force Tactical Fighter Wing, the Air Force's Special Operations Command, many special operations personnel, and a wide array of naval activities. I salute the tremendous contribution of these fine men and women.

Caution, however, is in order. Let us not forget that Saddam Hussein is a ruthless tyrant, as was so horribly witnessed last night when Scud missiles fell on Israel. Clearly, the intended effect of this attack on civilians was to strike fear and terror and to divide the coalition of U.S. allies.

Not only will the United States and our allies achieve the U.N. goal of liberating Kuwait, but, when it's over, hopefully we will have done the world a great favor by eliminating Saddam Hussein's future ability to wage nuclear, chemical, and biological warfare. Thank God, this future threat will not haunt mankind.

War is never easy. We must remain supportive of our Commander in Chief and united with our allies in our effort to oust this dictator from Kuwait. The pride of success must always be tempered with the resolve to deal with the aftermath of our actions and to ensure that war is always our last resort. My respect, prayers, and support not only go out to the brave airmen, soldiers, sailors, and marines, but to their family, friends, and neighbors as well.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I rise today in firm support of our President and our courageous service personnel today in conflict in the Persian Gulf region.

None of us wanted this conflict—no one here on Capitol Hill or in the White House, and certainly no one serving this Nation on the front lines in Saudi Arabia.

Everything was done within the bounds of reason and principle to persuade Saddam Hussein to leave Kuwait in peace, and we should be clear that no one outside of Iraq broke the peace. This must be placed squarely at the feet of Saddam Hussein, who covetously, brazenly, and without warning attacked his neighbor.

While my thoughts and prayers are first and foremost for the safety of our brave soldiers, sailors, and aviators in the gulf region, I remain convinced that Saddam was bent on escalating the armed conflict even beyond his invasion of Kuwait, and that any course short of abandoning our national interests, goals, friends, and allies in the region would have brought us to the present state of affairs regardless.

Furthermore, while we all would have preferred that sanctions had been more successful, I don't believe this would have moved Saddam to change his dark plans—and with this in mind, each day of delay meant only more misery, abuse, torture, and pillage for the people of Kuwait.

Now, Saddam has turned on another neighbor, Israel, a noncombatant nation not involved in Operation Desert Storm. Furthermore, this was an unprovoked terror attack, not a military strike, but targeted at unarmed civilians. This is further proof—if we needed it—that none of Saddam's neighbors are safe.

Stopping Saddam sooner rather than later will save lives in the long run and make the world a safer place to live for all of us. That is why our service personnel are in Saudi Arabia today.

I have nothing but tremendous pride, admiration, and deep gratitude for the men and women of our Armed Forces who, in the words of the resolution before us today, "are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery."

It cannot be better said, Mr. Speaker, and I wholeheartedly support its passage. Surely we can do no less.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, let me express my complete and unwavering backing for this resolution that expresses our support for the President as Commander in Chief and for the American forces engaged in combat against Iraq.

We should know that the liberation of Kuwait and the effort to reduce the threat of further Iraqi aggression in the region will not be done in a few days. There will be surprises and there will be setbacks, as we say with the Iraqi success in launching a handful of Scud missiles against Israel last night. Hard fighting remains, Mr. Speaker.

And yet, we can take comfort in the courage, professionalism, and dedication, of all those involved in this grand undertaking. The planners have done their job well. America has been very fortunate in the quality of the individuals who are proud to call themselves soldiers, sailors, airmen, and marines. They really are the finest this Nation has to offer. They have been trained well and provided the best equipment with which to do the job and we are seeing the results. When the military history of this century is written, the American effort in this conflict will be the premier example of planning and execution.

Our prayers, our hopes, and our thoughts are with them for the successful and safe completion of their mission. We want the young Americans in uniform to know of the overwhelming support from home that this resolution represents. God bless them and God bless America.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of Senate Concurrent Resolution 2. This resolution symbolizes as strongly as ever the unity and support of the U.S. House of Representatives, the People's House, to our courageous men and women serving our country in Operation Desert Storm. Many of them are my constituents from Montgomery County, MD. I even have a former staffer who is serving there, and many friends.

We in the House of Representatives representing the people are very proud of them, and we are very grateful to them for their professionalism and for their valor.

The resolution also shows, and I heartily agree, the unity and support of the United States House of Reprsentatives to our President, our Commander in Chief, who has shown valor, and calm resolute leadership in the Persian Gulf hostilities.

We are appalled that Saddam Hussein has resorted to the heinous act of desperation last evening in attacking civilian targets in Israel, our ally that has no part in this conflict. Israel has been heroic in its resistance.

Let there be no doubt that our country unites behind our troops, behind our Commander in Chief, and God bless them and God bless America.

□ 1440

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, let me first rise in very strong support of the resolution.

Let me commend the leadership of my friend, the gentleman from Missouri [Mr. GEPHARDT], our majority leader, both today and last Saturday. We are here today by reason of his leadership.

Whatever our views last Saturday, we have but one view today, and that view is to support our fighting troops in the gulf, to support their families, to support their commanders and to support our Commander in Chief, the President.

In that sense, I pledge to do everything possible so that we have "no more Vietnams" in the sense that our troops need to have our support for an application of total-force to win that battle in the Persian Gulf. They need our support by way of equipment and resources of all kinds. They need our moral support, and that is really what this resolution suggests: that they enjoy the undivided support of this Congress and of this Nation as they go about their task to complete their mission, to complete it quickly, to complete it successfully, and to complete it with as little bloodshed as possible.

They have our prayers and, Mr. Speaker, they have our support.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], who serves with such distinction on the Permament Select Committee on Intelligence and on the Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the resolution, the U.S. military forces—including a large number of my constituents—currently engaged in battle in the Persian Gulf, and support and appreciation for the leadership actions of our Commander in Chief, President George Bush.

Wednesday night, as news of the initial U.S. and allied retaliatory strikes filtered through to the West, this Member wondered what more our President could have done to resolve this crisis peacefully.

We organized the most comprehensive sanctions policy the world had ever known—and yet it had become clear the sanctions were not working. The embargo was leaking critical materials and technology, and the Director of the CIA had indicated that Saddam Hussein could hold out indefinitely because of the deprivation which he would be quite willing to inflict upon the Iraqi people.

All reasonable avenues of diplomacy were tried. Over and over the United States, the United Nations, the Arab League, the European Community, and others sought to achieve a peaceful solution—only to have their efforts summarily rebuffed.

Up to—and beyond—the January 15 deadline, diplomatic efforts were made to get Iraq to leave Kuwait. But Saddam Hussein never gave peace a chance. Surely we will all mourn the human suffering, but just as certainly the responsibility for that suffering rests with Saddam Hussein.

With no adequate and effective option remaining but the use of force, the United States and allied forces have responded magnificently. The esprit de corps, the idealism, and expecially the extraordinary professionalism exhibited at all levels has been exemplary. They are courageous men and women who have been assigned a hazardous mission, and their response is in the very best traditions of the U.S. Armed Forces. The contributions, sacrifices, and support of their families should also be recognized and this Member extends this tribute to them.

This body should also recognize the very major contribution of our allies. We have been informed that a very significant share of the air strikes against Iraq have been carried out by the Saudi and the Free Kuwaiti Air Forces. The British, the French, Canadians, and the Italians have also directly participated in the ordeal air strikes in important ways. This is a allied war effort, Mr. Speaker, and these allies rightly deserve praise.

Mr. Speaker, while this resolution rightly extends its unequivocal support for our men and women now engaged in combat in the Persian Gulf, this Member would have preferred to see a much stronger endorsement of our President. He is our leader, he is our Commander in Chief. And he rightly deserves commendation for making the very wrenching, difficult decisions of war and peace. Therefore, this Member would say—"Well done, Mr. President."

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I rise in support of our troops in the gulf.

Earlier this week, 30,000 people marched through my district to voice their hope for peace. I regret that their message was not heeded. I regret that a new generation of Americans must discover first hand the costs and consequences of war. And I regret that the new world order seems to have begun with a new world army.

I remain adamantly opposed to the policies that propelled us into this war. But one of the lessons I learned from Vietnam is that we must not let our opposition to policy weaken support for our people—for the individual men and women who have been asked to fight for us. These men and women are under enormous strain, facing constant danger. They volunteered to put their lives on the line, and no matter how strongly we may disagree with the policy that put them there, we must give them our unequivocal support. They are doing an outstanding job so far, and I join my colleagues in offering our gratitude and admiration for their work. This is not a vote to endorse our policy, but to support our troops.

I hope their mission soon will be finished and that their commitment will inspire us to do our own jobs better. Our troops are fighting this war because we had neither the vision nor the wisdom to prevent it. We can only hope now that they will be brought home as quickly and safely as possible.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 2, which expresses support for our men and women serving our nation in the Persian Gulf region. As one Member of Congress who supported a continuation of diplomacy and economic sanctions against Iraq, I can say unequivocably, today I stand in full support of our Commander in Chief, President Bush, and the men and women of our Armed Forces who are engaged in battle.

In the turbulent waters of the Persian Gulf, the hostile skies of Iraq and the threatening sands near the Kuwaiti border, our men and women are fully engaged in hostilities with Iraq. This is not the time for divisive political commentary whether the President's decision to liberate Kuwait is the right policy—because this is no longer President Bush's policy, it is America's policy as our troops are in battle. I know and understand there will be Americans who will voice opposition to our actions in the Persian Gulf. This is to be expected in a democratic nation which permits the wonderful freedoms of free speech and political dissent.

Our young men and women in the military have been ordered to carry out their mission, and preliminary reports indicate they are performing with professionalism, bravery, and care to avoid American and allied casualties. We must avoid the temptation to become overly optimistic about the difficult struggle we are involved in. The effort underway to drive Saddam Hussein from Kuwait and eliminate his nuclear, chemical, and biological threat will be successful. However, the military battle plan should pursue a course that brings us a swift and decisive victory over Iraq with the lowest level of American, allied, and civilian casualties. My thoughts and prayers lie with the men and women serving our Nation proudly and their loved ones here at home, in this time of great concern.

After the last bullets, bombs, and missiles have been unleashed, there will be ample opportunity for our Nation to review and reflect upon the political decisions which have been made which brought our Nation into hostilities with Iraq. On another day, we can use this thorough policy review to hopefully avoid similar battles in the future. But for today, we must stand in full support of our brave men and women who face hostilities in a faraway land.

I ask my colleagues to join my constituents and me in strong support of our Armed Forces in the Persian Gulf and indicate that support by casting a vote in favor of Senate Concurrent Resolution 2.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I commend the gentleman for putting this on the floor today.

Mr. Speaker, I think everybody agrees that this is an important and legitimate resolution for us to debate and to pass. Let me just say, because I believe we are all going to vote yes, let me just say, quite honestly, that we do thank the men and women of our Armed Forces for the work that they do when they join, and this is an All Volunteer Force, when they operate in the ranks here in the United States and overseas, and many of them have operated in the NATO theater for many years, and when they now are forced to go to war, they have acquitted themselves to this date magnificently. They are a constant source of pride to us whether engaged in warfare or not. Hopefully not.

But now they are engaged in the ultimate sacrifice for their country, putting themselves in the front lines. We thank them. We honor them. We hope that we can pay them enough respect and homage that they will understand from our words and by our deeds that we support them 100 percent, and when they come home, they will be recognized as having made a great contribution to the cause of freedom and justice in the country and in the world.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of the resolution, President Bush's leadership, that of Secretary of Defense Dick Cheney, Secretary of State Jim Baker, Chairman Colin Powell, our brave men and women deployed in the gulf carrying out their missions in Operation Desert Storm, and their brave and patriotic families.

While we are still in the early stages of operations which could run for some period of time, I am encouraged by the reported successes thus far and am cautiously optimistic overall. Clearly, our success is due to the professional excellence, realistic training, patriotism, and exemplary bravery of our GI's. I continue to pray for the safety of our forces and for a quick victory with minimal casualties to them as well as Iraqi and Kuwaiti civilians.

Today's resolution, which unanimously passed the Senate yesterday, is important because it sends a very clear and strong signal that the Congress, the elected Representatives of the American people, support Operation Desert Storm. Saddam Hussein, a dictator who has no concept or understanding of a real democracy and how it functions, may have taken comfort with our recent, lengthy debate on Persian Gulf policy options. He may have thought we were divided. We are not. This resolution and the very broad support it enjoys underscores American unity behind Operation Desert Storm.

Like all Americans, I do not want war. But, without question, the responsibility for hostilities lies solely with Saddam Hussein. He has the ability to stop it if he wants to. Unfortunately, Iraq's attack with Scud missiles against Israel, a noncombatant, last night appears to be an attempt to expand the war. Knowing he cannot win the military conflict he began, Saddam Hussein through attacking Israel is trying to turn this into a political and ideological conflict. Thanks to Israel's restraint, despite enormous pressure to retaliate, Saddam's efforts have not been fully successful. But, this attack only reemphasizes that none of Iraq's neighbors—especially civilian population centers which Saddam targets with Scuds—are safe from Saddam Hussein's aggression.

Last night's Scud attacks also reconfirm the wisdom of President Bush's order to use force sooner rather than later. Iraq has chemical weapons and has been trying to develop nuclear ones. However, I do not believe that Iraq has been able at this time to marry its chemical bombs to the Scud ballistic missile, despite an accelerated program to do so. If Iraq had been able to chemically arm the Scuds, I believe it would have done so in its attack against Israel. Imagine the horror of such an attack and the further escalation of war in the Middle East it would have created. Saddam Hussein, through gas warfare, would be continuing Hitler's genocide. And, it goes beyond saying, what the consequences would be if that dictator had atomic warheads for his missiles.

It is also apparent that American high-technology weapons systems have helped make the difference and, thus far, kept American and civilian casualties low, thanks in part to their pinpoint accuracy. These systems, like the extremely successful Tomahawk cruise missile, are the products of the Reagan-Bush defense program I supported. I recall some in Congress and the public unjustly criticizing this responsible defense program. Clearly, they were wrong and I am glad, and I can guarantee that our forces in the gulf are glad, that we did not listen to them.

For example, our forces were able to destroy an incoming Scud missile in midair by using the Patriot air defense missile. The Patriot's antiballistic missile capability proves the validity of the SDI and the success of the SDI technological developments.

The realistic training our ground and air forces received at Fort Irwin in California's Mojave Desert and at Nellis Air Base in the Nevada Desert, respectively, has helped make a difference that is paying off today in American lives saved and objectives achieved.

Operation Desert Storm is not the United States against Iraq. Rather, it is the world against Saddam Hussein and his aggression. With the consent of our allies, President Bush reluctantly ordered force be used only after exhausting every reasonable diplomatic effort and after recognizing that sanctions alone would not force Iraq to withdraw or cease threatening our national security interests in the region. We tried all reasonable peaceful approaches, only to be repeatedly rejected by Saddam Hussein.

Our actions are fully consistent with U.N. Security Council Resolution 678 and the authority this Congress granted to President Bush on January 12. Over 28 nations have military forces in the gulf allied against Saddam Hussein. Already, in addition to our contribution, initial air operations have included forces from Britain, France, Saudi Arabia, free Kuwait, Italy, and Canada. Like all our international partners helping free Kuwait and restore security and stability to the Persian Gulf, I hope all our objectives can be achieved expeditiously and with the least possible casualties.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise in strongest support of our troops in the Persian Gulf and this resolution commending the leadership of our President as Commander in Chief of our forces.

The time has now come to publicly and vocally restate our commitment to supporting our troops, their families, and our President during this critical time in our Nation's history.

Over the past few weeks we have had a great deal of public debate in this country over the best means of achieving and maintaining peace in the Middle East.

The points of disagreement have always been over the means and not the ends.

The debate has never been over the support of our troops.

I believe that every person in this Congress, as well as the American people are united, and have always been united in support of the troops stationed in the Persian Gulf region and their loved ones left behind.

We are a country in a community of nations who cannot be happy about war.

And yet, the world community has spoken unanimously in its condemnation of the invasion of Kuwait by Iraq.

The world has agreed that Iraq must withdraw from Kuwait completely and unconditionally.

Now that hostilities have begun, we must unite in support of our troops.

Now is the time to cease the debate.

The path has been chosen.

As I visited the troops stationed in Saudi Arabia just a few months ago, I was deeply impressed by the impact of United States public opinion on the morale of the troops.

Many of those stationed on the front lines, ready to defend our Nation's interests, expressed concern to me over the continued criticism of the President during this crisis.

This criticism does have a negative impact on troop morale and must stop. Our troops need to know in a tangible way the deep level of undivided support they have from people all across this great Nation.

I ask my constituents, my colleagues, and all of the American people to pray for peace, protection of our troops, comfort for their families, and guidance for our President. We hope and pray for a short war with few casualties.

May God grant us wisdom during these troubling days.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Speaker, Saddam Hussein has miscalculated on at least four scores: he underestimated the capacities of U.S. Armed Forces; he underestimated the resolve of the President; he underestimated the character and backbone of the American people; and, perhaps most importantly, he underestimated the commitment of the international community to the rule of law.

What I would like to emphasize at this time is not the first of their miscalculations, which have become so self-evident in the events of the past 48 hours, but the last—our obligations under international law.

It is incumbent on the world community to inform Saddam that at the end of this conflict he and his henchmen can be expected to confront a Nuremburg-like tribunal for crimes against humanity. After all, he has used poison gas in violation of both the Geneva Convention of 1925 and the Biological Weapons Convention of 1972, committed aggression in violation of the U.N. Charter, and violated an assortment of conventions on terrorism, human rights, and the treatment of diplomats.

Now, with the indiscriminate missile attack on innocents in Israel, this antiprophet must also be held accountable before the bar of all religious ethics.

Unholy men cannot lead holy wars. No religion on the face of the Earth condones the senseless slaughter of innocents.

☐ 1450

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, I, as a matter of record, did vote against the President, against Desert Shield. I do not think it is inconsistent at this time to rise and state my position. At that time I had sincere thoughts that the action was premature, that we should have done more. That is past.

Now the current events to me dictate the time for criticism has passed as well, now. In my mind, criticism serves no purpose at this time. It is now a time for this Nation to come together, behind the President, to support Desert Storm, and to work for the swift completion of this military action. Most importantly, we must stand together as a Nation at this time to support our troops in the Persian Gulf. These American men and women deserve our backing. They have been sent to a very hostile land to perform a very dangerous and a very necessary job at this time. They and their families back home, their parents, sisters, brothers and relatives need the understanding of all Americans, particularly all Members of this Congress. Remember, about 1 family of every 230 families in this country is being touched by this war. It would be unfair to them, basically and fundamentally unfair. The decision has been made, to be less than 100 percent behind this effort, their efforts, and the President's efforts.

Again, I state that I do not feel that I am inconsistent in a vote that I passed a few days ago in this position that I express upon the RECORD today.

If I may speak on behalf of my colleagues in the House, I say that we can only, outside of working and being resolved, we can only pray at this time that this conflict is resolved soon, and that Iraq will understand that though America may be slow to pick up its arms, once it does and enters a fray, it is there to win.

Mr. Speaker, on Wednesday, as we all know, President Bush, with the support and concurrence of other members of the United Nations coalition opposed to Iraq's unprovoked and illegal invasion of Kuwait, launched Operation Desert Storm to enforce the United Nations' imposed deadline for Iraq's withdrawal from Kuwait.

So far, the news is encouraging. American and coalition forces, including the British, French, and Saudis, have inflicted significant damage on Iraq's military capabilities. I can only pray that our intervention will continue with little loss of American lives.

Still, Mr. Speaker, last week, when the House debated the resolution to give President Bush the authority to begin offensive action by American troops, I voted for peace. I have seen the ravages of war first-hand in the Pacific in World War II and I had hoped never to see another war. Further, I had and still have no desire to see American men and women die in any war far from home.

But the time for debate is over. Both the House and Senate have given the President the authority to commit our forces to military action in the Persian Gulf, and the President has sent them to battle.

Current events dictate the time for criticism has passed as well. Criticism serves no purpose at this point in time. It is now time for this nation to come together behind the President, to support Operation Desert Storm, and to work for the swift completion of this military action.

Most importantly, we must stand together as a nation to support our troops in the Persian Gulf. These American men and women deserve our backing. They have been sent to a hostile land to perform a dangerous and, now necessary, job. They and their families back home—parents, children, sisters, and brothers—need the understanding of all Americans. Remember, about 1 family out of every 230 families in this country is being touched by this war in the Persian Gulf. It would be unfair to them, now that the decision has been made, to be less than 100 percent behind their effort.

We can only pray that this conflict will be resolved soon, and that Iraq will understand that though America may be slow to pick up its arms, once it does enter the fray, it is there to win.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of this resolution. We all hoped this war would never come. But on January 16 we crossed a bridge of no return.

This could not be more evident than it was last night, when Iraq launched nine Scud missiles on the innocent civilian population of Israel—a country which had not attacked Iraq and had even promised not to do so.

The American men and women in Operation Desert Storm are brave and well-trained; their equipment, as we've seen in the performance of our Air Force and Patriot Anti-Missile System, is the finest in the world—and by all accounts they are performing their mission superbly. We can all be truly proud of them, and I am confident they will prevail.

We face a war which may not be short and will certainly not be painless.

The consequences of failure, for the Middle East and for the entire world, would be devastating, and both our troops and their Commander in Chief must have the country's support in the effort.

This resolution, although symbolic, is an important part of the effort to show the country's support for its men and women in combat, and I hope everyone here will support it.

As Abraham Lincoln said long ago:

> With malice toward none, with charity toward all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in.

And after we have done so, let us again work to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

None of us can match those words, but their sentiment is as appropriate today as it was on the 4th of March, 1865. I would simply like to add a prayer.

Lord, please bless our young men and women with the support of their families, their friends and their united nations; and bring them back to us safely, with pride and with success.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, this morning at his press conference, the President said that we must keep two things in mind: First, that this effort will take some time; and second, that we must be realistic, that there will be losses. War is never cheap nor easy.

Mr. Speaker, as one who has been opposed to and continues to be opposed to the use of force in the Persian Gulf, I urge those who share my view to keep two things in mind. One is that we must continue to express our disagreement with this policy, but we must do so in a peaceful way. Those Members who are against the use of force have a special responsibility to express our disagreement in a peaceful and nonviolent way. Second, that there should be no doubt that although we have strong disagreement with the policy here, that there is no disagreement in our support and prayers for the troops and their families, that we support their courage, and we are grateful to those who put forth this resolution today to give Members this opportunity to demonstrate that support for those brave young people in the Persian Gulf.

Mr. MICHEL. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, last Saturday, January 12, 1991, this House voted to give President Bush authority to use military force to bring about a withdrawal of Iraqi military forces from Kuwait by the January 15 deadline imposed by U.N. resolutions.

The debate lasted for 24 hours and was characterized by sincere differences of opinion on the part of the Members of this body. The opponents of that resolution thought that more time should be given for diplomatic efforts and to give U.N. imposed sanctions additional time to work.

Indeed, further diplomatic overtures were attempted, after the vote, by the Secretary General of the United Nations and others. These attempts were arrogantly rebuffed by Saddam Hussein.

Every day that the time of reckoning was put off brought about more raping, murdering, and pillaging of a small nation.

While we waited and hoped and prayed, Iraq used the additional time to strengthen their defenses; thereby causing many more casualties amongst our forces.

On January 16, 1991, the effort to liberate Kuwait began when allied air forces attacked military targets in Iraq and Kuwait. Now that the battle has been joined, it is critical that this body close ranks in support of our President and the men and women of our Armed Forces. It is in the best interests of all of our men and women, their families, and the American people that we use massive force to bring this conflict to a successful conclusion with a minimum of casualties.

Mr. Speaker, I rise in unequivocal support of our President and of our brave men and women in the U.S. Armed Forces.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I am proud to be an American, but I have never been as proud as I have during the past 48 hours; fighting men and women, American men and women of our Armed Forces in Saudi Arabia and the Middle East have all made Americans proud. I stand wholeheartedly behind this resolution in saying that we support them. We support the work that they are doing, which is in the cause of freedom for all Americans. We support the President in these difficult hours.

My heart reaches out in support to the brave people of Israel who unprovoked have had bombs come down in the midst of the population.

I think, Mr. Speaker, this just goes to show what a thug Saddam Hussein is.

□ 1500

It goes to show what a threat he is not only to the nations of the Middle East, but to all of us around the world.

We stand with the people of Israel in this time of need. We stand with the brave people of Kuwait and Saudi Arabia and all the people in the Middle East in fighting aggression.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, there is no question today that most all of us, I assume all of us, are going to vote for this resolution and vote for it with great pride for our military and the accomplishments we have had in the last couple days, vote for it knowing the importance of sending a continued message to Saddam Hussein that indeed we are united, we are intent upon a victory, sooner rather than later in this war, and that indeed it will occur.

I am, however, compelled to make a couple of thoughts and comments to my colleagues as we make this vote. One of them is that, yes, we are proud of what has happened in that last couple days. The high technology is superb. It is obvious that our defense preparedness has been justified in the expenditures that we have spent for this purpose over the last few years, are now being revealed for all to see as the most superior military equipment in the world, as well, of course, the part that we are most pleased about, the men and the women serving in our Armed Forces are executing their game plan and using this weaponry with great skill.

But the second thing that I think is important is to reflect on the fact that this vote today is not the key vote. The vote that we had last week authorizing it was the role of this Congress in making its decision to support the President and the U.N. resolution and to begin this process of saying, OK, time is up, Saddam Hussein, we are not putting up with this anymore.

At this point in time it is the responsibility of the Congress, it seems to me, to simply sit back, observe what is happening, support the Commander in Chief, support our military who are making these decisions, and not get involved further in the process, except to help those families of those who may have casualties and those who may otherwise be affected by this war process.

That does not mean we should not be aware, that we should not be observing, but now is not the time for Congress to be involved in this war. Now is the time to let our Commander in Chief and our military experts be involved. Let them do their job. They are doing it well. We are proud of what they are doing.

We pray that the war is short. We pray that casualties continue to be low and we pray that Saddam Hussein comes to some rational sense in the shorter term, rather than the longer, and ends this process and gets out of Kuwait.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, in my district in central New York State, the news of the coalition attack against Saddam Hussein's military machine brought a strange mix of emotion I'm sure my colleagues will identify with: Excitement, relief, sadness, fear.

After months of talk, threats, diplomatic efforts, rising hopes, and desperate pleas—the passed deadline and the start of war seemed unreal.

Reaching us as they did around dinner time, the news reports were especially poignant for families with children who have many, many questions about such a terrifying ordeal. As we followed those news reports, we were encouraged by the successes—including, I am proud to add, those of the 174th Tactical Fighter Wing of the Air National Guard, the Boys from Syracuse.

"This is too good to be true," we said the next morning. And it was. The forces of good versus evil were never more clearly defined than when Saddam Hussein, in apparent desperation and with the cowardice of the cornered and exposed villain, struck out at Israel, the second state in the region to be attacked unprovoked by this menace to the world. It should not be lost on us or the world that Saddam's targets were neighborhoods while the targets of the United States and its coalition partners are strictly military-related sites.

Thanks in part to our forces, Kuwait will be free again. And I know no one in this Chamber who doubts that Israel will also remain free, intact, and with our total support.

As these events unfold, the people of central New York reacted in several ways.

Some people have marched to demonstrate against our involvement. Others have confronted these demonstrators with words of defense for our Government's course of action. Clearly, some are against force and others are in favor. But, Mr. Speaker, I believe all central New Yorkers and all Americans are unified on one point. Though we may hold separate judgments and believe in different means in attaining an end, we support—unflinchingly, unequivocally, and unendingly—our women and men in uniform who are fighting in the Persian Gulf region.

I believe the majority of Americans know this is the only course to a lasting peace. We know our forces are fighting for nothing less important nor less grand than freedom itself.

Mr. Speaker, the United States has been a model for the world during the tumultuous rush to democracy by formerly closed societies. Now we must continue to show the world the way our system works. I believe this resolution addresses an important part of the model: In time of war, let no nation or individual doubt the existence of our ultimate unity.

Last night in central New York a group of high school students took to the streets. Instead of throwing blood on the Federal building or burning draft cards or shouting obscenities into microphones, they did something quite amazing and moving—and I thought, inspirational. They did what we are trying to do today.

They marched, and while they marched they sang our national anthem. And their purpose, as one student stated when a reporter asked, was—"Not to say one way or the other whether we agree with the use of force. That is already happening. We are here to show our support for our troops."

I hope we will follow the lead of the Americans like those students and show the unanimous pride and confidence—and concern—that exists in this Chamber and in this Nation for our compatriots who are at this moment facing an ominous threat to freedom. To show that we are all, with them, proud to be Americans.

I wish them—and all central New Yorkers wish them—safety, success, and an early return.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise with pain in my heart, tears in my eyes, and with profound support for the safety of the young men and women in the Persian Gulf; however, if it was wrong to go to war against Iraq before hostilities began, it is wrong now that war has begun.

The commission of an immoral act does not remedy its morality.

I share with you the desire to support the Americans engaged in this conflict.

I cannot sleep at night thinking of all the young men and women in the gulf and their families. My own nephew is there. Thirty percent of the Armed Forces are African-Americans. Forty-eight percent of the women in the gulf are African-Americans.

Mr. Speaker, I can think of no better way to support them than by bringing this war to an end. I did not support the President when he threatened to commit this great wrong. I can think of no reason to support him now that he has done it.

Let me warn my colleagues that for the sake of restoring the Emir of Kuwait to his throne, a cause totally unrelated to any American interest, we may have begun a long and bloody conflict that all of us will have cause to regret.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, just 1 week ago, we exercised our rights as a free and democratic people to debate and to resolve the question of a military response to Saddam Hussein's brutal annexation of Kuwait. At the conclusion of the debate, we authorized the President, our Commander in Chief to use our armed services in support of the U.N.'s action against Iraq.

From the outset the President has pledged this would not be another Vietnam. From this reassuring words on Wednesday evening to the impressive performance of the collective military in the past 36 hours, it is clear that the administration has kept its commitment. Today we have the opportunity—and I might add responsibility—to make a symbolic, but equally significant commitment.

Today we meet, not to express differences over policy, but to declare our unity as a native and our unwavering support as individuals for the men and women of Operation Desert Storm and their families.

The chilling echoes of the antiwar movement still ring in the ears of many Vietnam veterans. Many have carried in their hearts and minds the belief that the lack of popular support and potential resolve did more damage to their effort then the best soldiers or equipment their enemy could bring to bear.

Regardless of personel feelings about the use of the military in the gulf, we must be united in vocal and visible support for our fellow Americans serving there.

It has been fundamental to the American experience that each generation builds on the successes and sacrifices of earlier generations. And there is no greater sacrifice that one American can make for his or her country then fighting and possibly dying to promote its ideals and defend its interest.

As a Nation we can have neither doubt nor dissent over our confidence in their personal commitment, abilities and resolve or our eternal gratitude for their enormous sacrifice.

We unite today in hope and in prayer that the hostilities will end soon and our service men and women will return home safety to a grateful Nation.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in support of the resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, this is another of the most difficult resolutions to have come before the House of Representatives in many years. Certainly, the most difficult I have ever cast was the one last Saturday when the House voted to give the President a blank check to go to war. I did not vote with the majority because I am opposed to war generally, and specifically in the Persian Gulf because I did not, and still do not, believe that all our alternatives—economic, diplomatic, and judicial—were exhausted.

It is my believe that when nations go to war it should be because they have exhausted their intellectual capabilities to reach a satisfactory solution of the problem, whatever it may be. As the Academic American Encyclopedia puts it, "In most modern societies, the resort to war usually occurs only when other methods of resolving differences have been exhausted. The generally preferred means of resolving differences among modern nations is through discussion, negotiation, and compromise—the tools of diplomacy." Looking at the gulf situation, I cannot recall a single instance of discussion between President Bush and Iraqi leader Hussein, nor any action resembling compromise by either party.

Senate Concurrent Resolution 2 states that the Senate—the House of Representatives concurring—resolve "That (a) the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities."

Mr. Speaker, I cannot in good conscience commend the President for taking this action at a time when all alternatives had not at least been attempted. To do so would not be in keeping with my action last week and would compromise those principles.

The second part of the resolution states that, "(b) The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery."

Mr. Speaker, there is no Member of this House more supportive of the 415,000 men and women of the United States Armed Forces over in the Persian Gulf or of the 158,000 members of the Reserves and National Guard who have been called to active duty than I. I fully support them in their efforts and pray that this war will quickly be over and that they will return safely and soon.

Had Senate Concurrent Resolution 2 not linked the commendation for the actions of the President and the support of our troops together, I would have voted against this Presidential action to place our young people in harms way, but a resounding "aye" in support of our young men and women who are either involved in or faced with armed conflict.

Therefore, Mr. Speaker, I shall probably record my presence when the vote occurs, but want our allies as well as our troops and their families to know that I fully support them.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, it was with a mixture of horror and revulsion that I followed the news of an Iraqi missile attack on densely populated coastal cities in Israel. We watched as innocent civilians prepared for nerve gas to penetrate their homes and their sealed rooms. We witnessed the birth of a new, ghastly image on our televisions—that of reporters, with eyes obscured and words garbled, speaking to us through gas masks. We saw the destruction wrought on a city block by an Iraqi Scud missile, and marveled in relief that no human life was taken.

The entire world faces an enemy today that not only disregards the safety of civilian noncombatants, but deliberately targets them. I take great pride that American and allied forces, in contrast, have sought to minimize civilian casualties and strike only at military targets.

I rise to join my colleagues today in expressing the unified support of the Congress and the Nation for the Commander in Chief and for our brave men and women who are daily risking their lives in Operation Desert Storm. I hope and pray that this terrible undertaking may be brought to a swift, decisive, and victorious conclusion with truly minimal cost to human life, American, allied, or Iraqi.

We have been urged—and I think wisely—to avoid euphoria, even as we learn of thousands of successful air missions and the remarkable conduct thus far of this operation. I think we have a long and painful road ahead. If we are to send any message, Mr. Speaker, to our troops in the field, it should be that we are proud of you. We are grateful for your courage and resolve. And we pledge our undying support for you in the dark days ahead.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2, which expresses the Congress' unequivocal support for the U.S. troops in the Persian Gulf.

Mr. Speaker, there are approximately 14,500 Active, Reserve, and National Guard personnel from Kansas who have been deployed in support of Operation Desert Shield and Desert Storm. Leading the way is the famed First Infantry Division—Fort Riley—the Big Red One, which has fought in both world wars, and in Vietnam. The Kansas Air National Guard's 190th Air Refuelling Group, Topeka, was deployed to Saudi Arabia just days after Iraq invaded Kuwait. Also deployed are the Army National Guard's 170th Maintenance Unit, Hays, and the following Army Reserve units: the 13th Quartermaster Co., Great Bend; the 13th Water Purification Co. Great Bend; the 467th Firefighters Unit, Garden City; the 456th Movement Control Unit, Manhattan;

the 410th Field Hospital Detachment, Topeka; the 842d Field Service Detachment, Kansas City; the 368th Finance Support Detachment, Wichita; the 1011th Quartermaster Support Co., Independence; the 475th Firefighting Detachment, El Dorado; the 129th Heavy Truck Co., Osage City; and the 531st Transportation Co.

Six days ago, Mr. Speaker, this House voted to give the President authority to use force against Iraq.

We all hoped he would never have to use it.

I recognize that there is some disagreement around the country—and in this Chamber—about our policies in the Persian Gulf.

But whether or not we support these policies, it is important that we stand behind our Armed Forces.

Mr. Speaker, while I was in the Persian Gulf last week, the question that I was most often asked was whether the American people and the Congress of the United States supported our troops that were there. That was the question I was most often asked.

Mr. Speaker, with the passage of this resolution today, I hope that those brave men and women will understand that they are overwhelmingly supported in their efforts by the people of this country and the Congress of the United States.

My heart goes out to our troops and their families who are serving our country during this dangerous hour of need. Their courage and selfless dedication to duty is an inspiration to me and to all Americans.

I urge our country to unite and to pray earnestly for the safe return of all of our young men and women serving in the Persian Gulf.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, as the war in the Persian Gulf approaches the end of its second day, the signs of our success continue to be encouraging and there is cause for cautious optimism. The battle has just begun.

Now is truly the time for the Congress and the American people to unify behind our men and women in the field. I join Americans across the country in hoping and praying we will get Saddam Hussein out of Kuwait as quickly as possible with the absolute minimum loss of life.

I take heart in the superb performance of our men and women in the field. We are witnessing a remarkable team effort that extends all across the gulf and over land and sea to the shores of the United States itself.

In addition to the pilots in the air and the front liners on the ground, superb work is being done by those who support our troops in the field, logistics, intelligence, maintenance, transportation, medical, and so many others.

To paraphrase the words of a patriot from another country and another time, this is their finest hour.

Some are unsure of our purpose. People in my own district have demonstrated against our use of force. I respect their right to express themselves. It is a right that makes America great.

I find it ironic, however, that these people have seen fit to denounce the United States' use of force and the United Nations' use of allied force to liberate Kuwait, but have remained deafeningly silent at the use of Soviet force to subjugate Lithuania.

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And as we pass this resolution which brings together the U.S. Congress behind our soldiers in the field, even though many Members have previously voted to deny the President the same support just a few days ago, I would urge the American people to also unify behind our President and troops and show Saddam Hussein that his war—and make no mistake about it, it is his war—will never be won in the United States of America.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in strong support of the resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, a week ago, this House was divided on whether to authorize the President to use force against the brutal dictator of Iraq, Saddam Hussein. Today, Mr. Speaker, this House is united in support for the brave American men and women who are carrying on the fight against Iraq.

What has happened over this last week? The Secretary General of the United Nations was rebuffed and humiliated by Saddam Hussein on his mission of peace to Baghdad. Saddam Hussein rejected out of hand a last-minute effort of the Government of France to avert war. Last night, the civilian population of Israel was wantonly attacked without provocation. These brutal actions only confirm the correctness of the bipartisan decision we made less than a week ago.

Mr. Speaker, the American people and this House have coalesced around our troops and their military commanders. I urge my colleagues to vote for the resolution of support for our military forces that is before us today.

Mr. MICHEL. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, it is fitting and proper that we should be in this Chamber today sending a heartfelt message to our men and women in the Persian Gulf region to tell them, rhetorically, something that is not precisely true. And that is that all America supports our fighting men and women.

How do we put it in this resolution? That "Congress and the American people have the greatest pride in the men and women of the United States and support them in their efforts."

The President said that this morning, and he also misspoke and he knows that. He watches television regularly. There are 14 percent of the people who in the latest scientific polls do not support the President's policies. Some—I hope most of those 14 percent—support the men in uniform. But some surely don't. We know that the United States is the last country in the world where Marxism teachers who thrive on our college campuses, are still respected. These professors have sent some of their pampered students into the streets to show their contempt for our fighting men and women in the field. It is a cultural and historical fact that a lot of American men sought a teacher's credential during the Vietnam war to avoid service. They milked Robert McNamara's policy encouraging them to stay in school. These draft evaders are teaching in high schools now, 15, 20 years later, and sending high school students into the streets to express their contempt for our system, for our country—not all of them, but some of them.

The media does not show this 14 percent on TV in correct proportion. I see 30 to 50 percent of the television coverage, depending on the market, spent on people out in the streets trying to burn American flags.

My two sons, grown men in their thirties, stopped five American flags that had been taken down from a Federal flagpole on Wilshire Boulevard from being burned. This was after the crowd had been inflamed first by Ron Kovich—the Purple Heart hero turned professional malcontent—and then by an FLMN Communist terrorist from Central America still blabbering on about mining harbors in Central America.

Now, that is an ugly scene, and the media had better get their act together and quit dwelling on this lunatic, left-wing fringe and begin to show the other 86 percent.

Now, this resolution has been described as a political figleaf for some Members of this body who want to cover their vote last week. I said in the well that a vote on either side was honorable because some, truthfully, analyzed that sanctions might work. But it seems now that this will be a figleaf for the political keisters of some who still come to the well and saying in a begrudging way that, "Well, maybe we should have waited."

Wasn't last night's Hitler-style terror-weapon shelling enough to convince you of the rightness of our cause? This attack was aimed at grandparents and women and children. Some people, in panic, began sticking themselves prematurely with needles meant to fend off nerve gas that never came. There were two grandmothers who may have died because they could not get the plastic off of their gas masks and they may have suffocated to death. This man, Saddam Hussein, has to be taken out now for all his war crimes. And, yes, this body should vote unanimously as did the Senate to let those men and women over there know that these demonstrators in the street, not the respectful ones carrying the flag and still taking exception to the violence of war, but those who are burning the flag, mouthing hatred for our country do not represent public opinion. They are such a tiny exception that it is time the media stop showing these jerks who mouth hatreds for the United States and our policy and calling us an imperialist country. The media should give them the half of a percent of the media time that they earn by their numbers. Do not cut away from the weather, from sports, from gulf reports, from combat situation reports, from the White House, to go to some pathetic Marxist-taught student, some pampered child in the street, or some older hippie who looks like he stepped out of a 1960's time capsule expressing hatred for our country.

Let us vote unanimously today for this excellent figleaf resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise in support of the resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, it should go without saying that every Member of this body supports our brave members of the Armed Forces in the gulf.

Their bravery, valor, and sacrifice can never receive adequate recognition. All of us hope that Saddam Hussein surrenders, leaves Kuwait and avoids further bloodshed. His Revolutionary Guard are being mass-bombed around the clock. If they do not die within days, they will be insane within weeks.

Our prayers also are for President Bush in his role as Commander in Chief. The stresses and agonies he must undergo are surely most terrible.

But my vote for this resolution still is not an endorsement of a flawed policy whose most dangerous repercussions remain vast beyond prediction.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. TRAXLER].

Mr. TRAXLER. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2, because it expresses my strongest possible support for the brave American men and women of our military forces now serving in the war in the Persian Gulf. I want to be clear that my support for this resolution should not be construed as an endorsement of the decision to deploy our military forces on January 16. I continue to believe that this conflict is not a wise use of our military or economic resources. This war is being fought plainly and simply on behalf of the oil interests of the Middle East. I believe the main beneficiaries of our efforts there will be our strongest economic competitors.

Mr. Speaker, from the very beginning, I have publicly dissented from the policies the President and the Congress are pursuing in the Persian Gulf. Neither the President nor the Congress has rethought what form our Nation's diplomatic and military policies should be in the post-cold-war era. Sadly, we are still behaving as the super cop of the world. As a result, we have embarked upon a war that is not serving, but will actually damage, our economic and foreign interests for years to come.

While we are wasting our economic resources and the lives of our precious young people in this war, we are also most assuredly weakening our ability to confront the urgent domestic problems facing our Nation. We are a nation that can quickly deploy troops on the other side of the planet to aid others, yet we cannot afford to fix our own roads and bridges, improve our water and sewer systems, restore our rail and air transportation infrastructure, or enhance our education and health care systems so that we can compete economically throughout the next century.

We are in the Persian Gulf today, plainly and simply, to defend the oil interests of the Middle East. Make no mistake about it—oil is the reason—and a reason that does not relate to our long-term vital national interest. We all know that we could be energy independent if we choose. Just ask the farmers of the Midwest.

The preservation of oil supplies for our economic competitors is not the proper use of our military. We cannot afford to strengthen our foreign rivals at our own expense. We should not be sending our sons and daughters into battle for the preservation of our competitors' economies. Indeed, the warfare of the 1990's and the next century is economic, not military.

Every dollar borrowed from Germany, Japan, and Arab nations to finance this war weakens our Nation's economy and our Nation's future. Repaying that additional debt will ultimately translate into a decreased standard of living for the average American, as a consequence of this military adventure.

The nations that stand to benefit the most from our efforts are unwilling to use their resources in this affair—they do not have to—they know America will do it for them. I believe we are being "Tom Sawyered"; the whole world has us whitewashing their fence. They've gotten us to volunteer to do the job; and they have even gotten us to pay for the privilege.

And so Mr. Speaker, I reiterate my unqualified support for our young men and women serving in Operation Desert Storm, but also note my disapproval of the policies that led our Nation to war.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. Mr. Speaker, I rise in support of the resolution and only to add that obviously we support our men and women in uniform performing so valiantly. But I think it is important that this body stand as well to try to bring reality to the situation and realize that there is a certain euphoria in the country because of the initial success, but this will be a sustained and serious and long effort.

We all hope and pray that it will be over as quickly as possible.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in support of our courageous men and women in the Middle East and in support of our President and in support of this resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 2. The time has come to put aside our differences and close ranks behind our President, our troops, and our allies in the Persian Gulf.

A united America is a strong America. Our top priority must be to support our forces as they courageously fight to free Kuwait and stop Saddam Hussein.

Let us join together in supporting our fighting men and women, and let us pray that they can bring this sad chapter in world history to a speedy conclusion, with a minimum of casualties.

The strategy employed by the allied forces has minimized casualties by the use of precise strikes at military targets. Not only is this strategy commendable, it again demonstrates the difference between the United States of America and dictators like Saddam Hussein. We place a great value on life itself.

Iraq's indiscriminate use of highly inaccurate missiles to attack Israel, a country that had done nothing to provoke such an attack, is another act of irresponsibility and outrage.

We are extremely proud of our forces. They are the best trained and best armed fighting force in history. Their professionalism and courage should be commended by all. They also deserve our country's eternal gratitude.

And when this conflict is resolved, I hope that we will work just as hard at developing a comprehensive solution to some of the longstanding problems in the Middle East. We must develop a lasting formula for peace, so that such conflicts will be avoided in the future.

This crisis has highlighted the importance of a strong United Nations. We need to strengthen the United Nations, and lay the groundwork for mobilizing international forces in the future in a way that will not depend upon the United States to supply the bulk of the fighting force.

Mr. Speaker, I urge my colleagues to join me in support of this resolution, and I urge all Americans to join me in supporting our troops as they confront Saddam Hussein.

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Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, this is a solemn moment for all of us as we await word on the fate of our loved ones in the Persian Gulf. Regardless of our feelings about the course of action the President has chosen, our hearts go out to the young men and women who willingly shoulder such an awesome responsibility in behalf of our country. We remember them in our prayers, as we ask for their safe return and also for the protection of innocent civilians throughout the Middle East.

I want to send a special message of appreciation to the courageous young people of my home State of New Jersey, and to their families. You are never out of my thoughts. Our communities stand by you and wish you Godspeed.

I still fervently believe that sanctions should have been given more opportunity to work.

Mr. Speaker, I continue to hope that we will reach a point when we can sit down and talk out our differences. Diplomacy and peaceful negotiations have worked in the past; I pray that we will not forever abandon these means of resolving conflicts as we strive to build a better and more stable world.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I completely support the men and women of our Armed Forces who are the foundation for the security of our country and of all of us who live in this country, and our relationships, of course, with other nations of the world. I say this, Mr. Speaker, even though I am still firm in my opposition to going to war at this time. I thought and still believe that there could have been time to allow sanctions to work.

Mr. Speaker, I completely support the men and women of our Armed Forces. They are the foundation for the security of our Nation and of all of us who live in this Nation in our relationship and intercourse with other nations of the world. They are now doing a most admirable job under most adverse circumstances and we take pride in their attitudes and achievements. They will continue to do their jobs bravely, conscientiously, and effectively.

I shall continue to support them as this resolution proposes despite the fact that I voted against the resolution of last week which granted the President of the United States congressional authority to activate our Armed Forces in a war against Iraq. I still am firm in my opposition to going to war at this time. I thought and still believe the President should have allowed the sanctionsmore time to cripple the economy of Iraq.

The President, however, has decided to take our country to war at this time. We pray that the war will be won as quickly and with as few casualties as possible.

I must also extend my admiration to the people of Israel who are faced with having to bear the brunt of the battle without the freedom to retaliate against an Arab foe as has been their policy since Israel was established. They have shown restraint against retaliation for the missiles that have already been showered upon their country by Iraq. Iraq will continue to aim its missiles at Israel, and we hope damage will be inconsequential as that damage caused by the first missiles. The time may come when Israel, in self-defense, will have no option but to retaliate against Iraq.

We pray, too, Mr. Speaker, that one of the results of this horrendous conflict will be the agreement by Israel's foes to make peace with it rather than to continue their war against it.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I thank the gentleman from Missouri [Mr. GEPHARDT] for yielding to me.

I have a prepared statement which will be made a part of the RECORD, but I want to use my 1 minute to say that I supported the President with hesitation and reservations. I support this resolution without any reservations whatsoever. But I would like to introduce into the debate a matter that I have heard very little, if anything, about.

One of the problems with the Vietnam conflict was that we required only a part of our citizens to make a sacrifice. I call on the President of the United States to send a message to the Congress advising us on how we should fund this war. It is not fair for us to ask for so much sacrifice from part of our citizens and not explain how we will pay, how we will bear this burden, in any way except to pass the obligation along to our children and grandchildren.

Mr. Speaker, we should not require these young men and women to fight and make the sacrifice and then come home and help pay for it.

Now I want to support the troops, but I suggest to my colleagues that there should be enough sacrifice here to go around. We should be required to pay as we go for this war.

Mr. Speaker, like every American, I regret that war in the Persian Gulf has become necessary. We have all followed news of the conflict with feelings of great pride in the performance of our military personnel mixed with great apprehension about the challenges and dangers they will continue to face in the days ahead.

What is clear, even at this early stage, is that the American forces are performing their mission with the highest degree of professionalism, effectiveness, and heroism. The great successes that have already been achieved are a tribute to the skill and dedication of every American in the gulf. They are doing an unwelcome job as well as it can be done.

What is also clear is that the allied coalition will achieve our objective. The Iraqi forces will be driven from Kuwait.

Ultimate victory by the allied coalition should now be apparent even to Saddam Hussein. I am hopeful that he will finally realize that continued intransigence in the face of a united world community will only result in further damage to his nation and suffering by the Iraqi people. The Iraqi dictator can avoid this additional devastation and tragedy simply by giving back what he has taken.

While victory is certain, we must focus clearly on the formidable obstacles that our forces must overcome before that goal is attained. The Iraqi military, crippled as it now appears to be, still poses a deadly threat to our troops.

For that reason, it is vital that the Congress join the American people in expressing unequivocal and total support for our forces in the gulf. We in the Congress must ensure that they have the tools to accomplish the task that has been given to them.

We must also ensure that they know that the nation that has sent them halfway around the world is united solidly behind them. They need our prayers as well as our hardware.

Mr. Speaker, I urge all of our colleagues to join in this expression of support. Last week in the Chamber I enumerated several questions about policy that remain unanswered. Those issues still need to be addressed, but that must take a back seat to meeting the needs of our troops. Those who are making the largest sacrifices and risking their very lives deserve our full backing.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I thank the majority leader, the gentleman from Missouri [Mr. GEPHARDT] for yielding to me.

Mr. Speaker, this resolution means, among other things, that a decision has been made last Friday, here in this Chamber and in the other body, by Congress. That decision authorized the President of the United States to use force to see that Iraq withdraws from Kuwait. As a result, the President has committed 400,000 American troops and the troops of other nations to military action to achieve that goal.

Mr. Speaker, I support that goal and have from the beginning. I still believe, however, that there were preferable and peaceful options to achieve the goal, but I also recognize that the time for that decision has passed.

The decision has been made, and now what we are called upon to do is to support our troops who have been committed to military action in that part of the country as a result of the actions of this body and of the President.

Mr. Speaker, that is what this resolution does, and I support it.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I have thought very carefully about the legislation before the House, and have tried to be as analytical and painstaking as possible in making my decision on how to vote on this resolution.

Mr. Speaker, were this simply a straightfoward resolution which expressed our support for the troops in the gulf, I would support it with enthusiasm, for it has never been a matter of debate in my mind that our troops must have our backing, especially when they are in harm's way. In fact, my opinion that they were being sent unnecessarily into harm's way was my most potent motivation for opposing the use of force in this crisis. I take this stance without any need for interpretation or justification.

Mr. Speaker, if this were a straightforward resolution supporting the president and his actions as Commander in Chief, I would rise in opposition to it for the same reasons I have risen in opposition to the position which has advocated a military solution throughout this crisis.

I am particularly distressed that we have been presented with an unamendable measure which is designed intentionally to blur the distinction between those two positions. Support for our troops is not even a matter of debate: We all come together on that. And the Congress last week debated with great dignity and eloquence the question of whether or not to go to war in the Middle East. The sincerity of those who argued on both sides of this question cannot be doubted.

But this measure demands that members, in declaring their backing of our Armed Forces, also declare that, and I quote: "* * * the Congress commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities." I do not dispute the fact that the Congress, with significant opposition, gave the President the authority to wage this war. But is was the President, as Commander in Chief, that decided to use force at the first opportunity, rather than give economic sanctions further time to work. I cannot, in good conscience, cast my vote to commend the Commander in Chief for such a decision.

I regret that this legislation is put before us in this manner. It does the Nation a disservice to cloud this important issue with ambiguity. Mr. Speaker and Members of the House, after serious and lengthy consideration, I come to the conclusion that the only legitimate position for me to take on this resolution, is to vote "present".

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in opposition to this resolution, and in a few moments, in a special order, I will address this issue at greater length.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, the stunning events of the last 2½ days have given all of us pause to reflect on the course upon which we have now embarked. The President concluded, in keeping with the resolution passed by the Congress last week, which I supported, that all appropriate diplomatic and other peaceful means to obtain Iraqi compliance with the U.N. resolutions would not be successful.

All of us hoped that the use of U.S. Armed Forces would not become necessary. Our thoughts and prayers are with the men and women in our armed services and the allied forces involved in the Persian Gulf. We all hope for a swift resolution of the conflict and for peace to be restored in this region and throughout the world.

I strongly endorse the passage of this concurrent resolution supporting our Armed Forces. The information we have received shows that our men and women have performed in an exemplary fashion. Over these last few days, our military effort has been superbly planned and executed, from General Powell, through the chain of command, to our pilots, ground crews, ship crews, technicians and all who have made this effort possible, including the over 5,000 reservists from Birmingham and Alabama, and the additional regular service personnel from Alabama on duty in the Persian Gulf.

For that we are thankful. We each individually, and, as a nation, support the courageous men and women of our Armed Forces and their families. We pray for the successful conclusion of this mission and for the safe return of all those involved in the Persian Gulf.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I rise with heartfelt pride in the young men and women serving our Nation in Desert Storm and for the successes that they have achieved in the early hours of this war. I take special pride in the Air Force because three of the frontline units are stationed in my State, and the architect and commander of the war in the air is Lt. Gen. Charles A. Horner who is based in my district at Shaw Air Force Base, the headquarters of the 9th Air Force.

Before the war started, skeptics wondered if all this technology would work on the battlefield as well as it worked on the testing ranges. The Air Force, under General Horner's superb leadership, has answered the skeptics and made us proud. This war is not over by any means, but it was begun with a battle plan that was as brilliantly executed as it was conceived.

Mr. Speaker, I salute all the men and women who are serving us in Desert Shield and Desert Storm, and I urge support from everyone for this resolution.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I thank the majority leader, the gentleman from Missouri [Mr. GEPHARDT], for yielding this time to me

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 2.

I support United Nations Resolution 678, the Solarz-Michel resolution passed by this House, and the decisive action which President Bush has taken in the Persian Gulf. Saddam Hussein continues to show no intentions of leaving Kuwait, and Iraq remains relentless in defiance of United Nations resolutions.

The time for policy debate has now passed. It is time for us all to stand united with our President, with our courageous men and women in uniform, and with the dependents and loved ones of our soldiers.

Our continued success in the days ahead cannot be taken for granted, and we must refrain from excessive euphoria during this early stage of the military campaign. The possibility of danger spreading beyond the theater of war, and into cities across the world in the form of terrorism, is a reality.

We have a responsibility, during the days ahead, to console and comfort our Nation. It is important that we provide all possible relief to our service families to reassure them that the safety of their loved ones in the Persian Gulf is our highest priority. Patience, compassion, and prayer are key words that we must actively use in the days ahead.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, there are times for debate and for persuasion, and there are times for coming together and for the common pursuit of our national objectives.

When this body debated the authority to wage war in the Persian Gulf, I spoke against the early use of force and for giving sanctions more time to work. But Congress voted its assent to the President's policy, and war has commenced.

Now American soldiers are fighting against the forces of Saddam Hussein in the Persian Gulf, and they are performing in a courageous and heroic manner under very difficult conditions. It is important, at this stage, that the U.S. Congress and the American people all join together in expressing our strong support for the men and women of the Armed Forces. And it is important to express our fervent hopes and prayers that their mission will be swiftly accomplished with minimal loss of life.

The events of the last 24 hours are an indication that this war is far from over, and that many difficult moments lie ahead. The Iraqi missile attacks against Israel and Saudi Arabia are yet another confirmation that Iraq's brutal dictator cares little for the value of life and is a serious long-term threat to world peace. In particular, Saddam Hussein's indiscriminate missile attacks against a civilian population in Israel has filled the hearts of the civilized world with horror and deep sorrow.

The men and women of the Armed Forces have been called on to turn back the serious threat that is posed by Saddam Hussein and his forces to stability throughout the gulf region. In this task, which is being carried out with skill, professionalism, and bravery, we wish them godspeed.

This resolution is an expression of our solidarity with the Persian Gulf forces, and a way of expressing our heartfelt hopes for the early completion of their task, for their safety in the face of the Iraqi threat, and for their swift return to their homes and families. I urge my colleagues to join in strong support of these fundamentally important objectives.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, our thoughts and prayers and complete support are with the brave men and women now engaging in battle in the Persian Gulf.

Although the American people and Congress have been divided on the question of whether military action was the best option at this time, the decision has been made.

We must face the sobering reality that we are at war. We must stand united behind our troops. We must reach out to comfort and sustain their families.

We all hope that Saddam Hussein will quickly come to his senses, that the war will end soon, and that the casualties will be few.

Our prayers are also extended to all the peoples of the Middle East in the hopes that this war may somehow lead us to a greater understanding of their sufferings. And that this battle may give way to a profound and lasting peace.

But above all, to the men and women who carry our flag in the Persian Gulf today, with the passage of this resolution, we say to you—this nation owes you its gratitude and highest honors. We draw strength from your courage. We will care for your families. And we will stand by you both now and when you return home.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I stand in strong support of this resolution and in strong support of our efforts in the Desert Storm operation.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the distinguished majority whip, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY. Mr. Speaker, 2 weeks ago I was walking through a hospital area in Dhahran when someone called out, "Reverend Gray."

His name was Nick Frederick. He was from north Philadelphia. He had been to my church. My father had married his parents.

It's young servicemen like Nick Frederick I think about as we discuss this resolution today.

It's a resolution that expresses support for our troops in the field. That is very different than the historic debate we had here last week.

During that debate I said I disagreed with the move from Desert Shield to Desert Storm.

Congress has spoken. The President made the decision and our troops are locked in combat.

I know what I want when that happens.

I want our troops to know we support them.

I want our troops to know we're praying for them.

I want our troops to know we want them home quickly.

And there's no doubt about the message this resolution sends Saddam Hussein: Don't confuse our divided opinions for a lack of resolve. Do not mistake the wonder of democracy for weakness.

One of the tragedies of war is that young men and women have to risk losing their lives in battle.

I think of the ones I met.

Like Debby Geiger, a young woman from the Lehigh Valley, a captain. I sat listening to her in Dharhan, as she talked about the important role women now play in the military.

Or like a tank crewman named MacIntosh, from northeast Philadelphia. We met him getting ready to ship out with his M1A1 tank for the front lines.

Last night, when I heard that an Iraqi Scud missile had come out of a launcher aimed for Dharhan, I did not think about policy debates. I thought of them.

Frederick. MacIntosh. Geiger.

This resolution is aimed at them. We want them to know we care. And when this is over we want to welcome them back home. I want to see Nick Frederick in my church again, and if he ever wants me to do a wedding ceremony—I will be there.

Mr. GEPHARDT. Mr. Speaker, I yield the balance of the time on our side to the distinguished chairman of the Democratic Caucus, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, let me remind the Members of this House that a few days ago we participated in a solemn, serious, sometimes somber and gut-wrenching debate.

There were deeply held convictions debated and a decision was made. Democracy was on display—and I believe the American people, divided themselves, were all proud of their Congress.

Today we express our pride for those who serve our Nation in the Armed Services.

No, Mr. Speaker, we do not make policy today. That was done some days ago. Today, we proclaim our unity as a nation in support of our Commander in Chief and for our fellow citizens who are now in the Persian Gulf to accomplish the objectives of our country and the United Nations.

Last week we made it clear that Saddam Hussein's aggression against Kuwait must not be allowed to stand. The President decided to initiate the military effort to accomplish this end. American lives, and the lives of our allies, are on the line to accomplish a goal upon which there is no disagreement—aggression cannot be rewarded and the benefits of it must not be allowed to be retained. Our men and women on the front lines have our united national resolve to support their efforts to accomplish this end.

The military actions of our Armed Forces are carefully designed to avoid the targeting of civilian populations and religious sites in Iraq. We all support and applaud the decision to carefully target only military sites, and all of the efforts taken to quickly end this conflict with the absolute least loss of life.

It is clear that Saddam Hussein can end this conflict with one phone call—and the complete withdrawal of his troops from Kuwait. I urge Saddam Hussein to take advantage of the fact that America is not an imperialist power, nor one desirous of war. We do not seek to control Iraq or rule its land. We do not seek the destruction of the Iraqi people or their nation. We seek only the restoration of peace and the withdrawal of Saddam Hussein and his military machine from Kuwait.

The President has begun the military effort to accomplish this end. I stand with my colleagues in this House in support of our men and women who are bravely risking their very lives in the performance of their duties. They do not do so with gladness or with relish or with a sense of vainglory. They do so because they realize there is a job to do and they want to get it done as quickly as possible. They pray, and we join their prayer, that they return to us whole and well. They pray, and we join their prayer, for a quick end to the fighting and a return of peace to the Middle East—a Middle East secure from aggression. But they do more than pray. They are fighting and risking their lives. We owe them no less than our full support and the full support of the resources, prayers, and resolve of this great Nation to guarantee their success.

There are difficult days ahead. And, as we overwhelmingly rise to declare our firm support for our sons and daughters, husbands and wives, brothers and sisters, friends and neighbors in the Middle East, I would recall the words of our Speaker just last week:

> I offer a public prayer for this House, for all of us, for the Congress, for our President—and he is our President—and for the American people, particularly those young Americans who stand willing to make the supreme sacrifice. May God bless us and guide us and help us in the fateful days that lie ahead.

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Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Speaker, I thank the majority leader for yielding.

On behalf of the more than 200 Virgin Islands men and women who are at this minute serving our Nation in the Persian Gulf in Operation Desert Storm, I urge strong support for this resolution.

Mr. GEPHARDT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of Senate Concurrent Resolution 2, which expresses this body's support for the President's leadership during the gulf crisis and for the brave men and women serving in the Armed Forces who are so bravely and professionally carrying out their missions.

Mr. Speaker, last Saturday I voted in favor of authorizing the President to use force against Iraq, if Saddam Hussein refused to comply with U.N. resolutions calling for a complete and total Iraqi withdrawal from Kuwait by January 15. It was my sincerest hope that Saddam Hussein would respond to a clear, unequivocal signal from Congress and the administration that the United States was prepared to stand shoulder to shoulder with the international community and enforce the U.N. resolutions.

Saddam Hussein failed to heed this body's warning and stubbornly rebuffed last minute peace efforts by the U.N. Secretary General, members of the European Community, and ever-present intermediaries like Jordan's King Hussein. In my judgment, President Bush and the international community responded appropriately and began the campaign to drive Saddam Hussein from Kuwait.

Early reports from the Middle East suggest that the United States and its allies will quickly control the skies over Iraq. America's Armed Forces deserve tremendous credit for this achievement. It is clear that America's service people are the best trained, best equipped, and most professional in the world. Their dedication, their willingness to risk their lives in the service of their country, and their heroism are superlative. All Americans owe our brave men and women in uniform their support and gratitude.

The President also deserves great praise for how he has handled the gulf crisis. His skillful diplomacy united the world against Saddam Hussein's brutal assault and rape of Kuwait. Before August 2, no one would have thought it possible to assemble a coalition involving the United States, the European Community, and the majority of the Arab world; nor would anyone have believed that the United Nations could function as an effective agent of collective security just as its founders had hoped. Yet, President Bush managed to accomplish both. His success is testament to the continued importance of American leadership in the world.

Now that the battle has been joined, to use the President's phrase, I believe the country must stand together and support our troops fighting in the Persian Gulf. Like many of my colleagues, I was encouraged by reports after the first day of fighting, but as yesterday's Iraqi attack on Israel indicates, the conflict in the gulf is just beginning and predictions about its course and the ease with which we will achieve our objectives are premature at best, dangerous at worst. I am confident that we will be successful and will continue to support my President, our troops, and my country, but I understand that there is more conflict to come.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, just 6 days ago, many Members in this House, including myself, supported the continuation of diplomacy and sanctions in the gulf crisis as an alternative to immediate war. This House and the Senate, however, voted to authorize the use of force after January 15, and we have now used that force.

We will never know what result might have come from having stayed the diplomatic course. We do know now, however, that our Nation is at war. We do know that the sons and daughters of all our many communities are engaged in the dangerous and unpredictable duty that falls to the Armed Forces in time of war.

Our purpose here today is not to revisit the debate over the policy that lead us to war. My opposition to the policy and flawed assumptions that led us into what I feel is a premature use of offensive force has not diminished. My conviction that untold and unwanted consequences await us in the future has not receded. My heartache at the potential loss of innocent lives, on all sides of this conflict, has not lessened.

But, our purpose now is to unite behind our troops, and the President in his role as Commander in Chief.

Let no one, least of all Saddam Hussein, doubt that whatever the nature of our democratic debate may have looked like last Saturday, or next week, we are all united in praying for a swift conclusion to hostilities and we are also united in our support for our soldiers and their families. Congress will not deny our men and women in the field whatever they need to accomplish their mission.

Mr. Speaker, I cannot let this moment pass without making reference to last night's unprovoked Iraqi missile attack on Israeli civilian population centers. Despite significant provocation and threats from Saddam Hussein, Israel has maintained its reserve, and at great risk to itself, held its collective breath against a surprise attack from Iraq.

That attack has now come. The people of this tiny and easily reached democracy are now living within the shadow of terror from a desperate dictator. It is my earnest hope that last night's attack will be an isolated event, and that Israel will not be drawn into this conflict. But if they are, I believe Americans will understand that self-defense will be totally justified.

Contrast, if you will my colleagues, the careful attempts by the allied forces to restrict our military action to noncivilian military targets with the indiscriminate missile attack on purely civilian neighborhoods in Tel Aviv and Haifa.

Mr. Speaker, I join with this House and with the people of Wisconsin and Americans all across the country in declaring our unequivocal support for the brave young men and women in the Persian Gulf.

The ability to bring peace to the region now rests with Saddam Hussein, and only with Saddam Hussein.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I rise in strong support of our President, our troops in the field, and in Senate Concurrent Resolution 2.

Last Saturday, when this House was considering what to do about Saddam Hussein's aggression, I was proud to voice my support for the President and his efforts to free Kuwait. At that time, I also expressed my confidence in the brave and dedicated men and women who serve in our Armed Forces. Following the events of the past week, I am very pleased to have another opportunity to do this and to discuss the situation in the Middle East.

Last night, the American people watched in horror as our enemy in the Persian Gulf conflict revealed that there is virtually no limit to his barbarity and inhumanity. The missile attack on civilian targets in and around Tel Aviv, Israel's largest city, is only the latest example of why we could afford to wait no longer to strip Saddam of his war machine.

While last night's missiles carried conventional warheads, there can be no doubt left about Saddam's willingness to use whatever weaponry he can get his hands on. He has already used chemical weapons on his own civilians and threatened to unleash his remaining stockpiles on our troops. It is indeed fortunate that Israel knocked out Iraq's Nuclear Research Program in 1981, because a world in which Saddam possesses a nuclear capability is too horrible to contemplate.

Mr. Speaker, the images that were broadcast last night of Israeli parents strapping gas masks on their infant children is one that will stay with me for as long as I live. Saddam, unable to effectively strike at military targets, lashed out at the civilian population of a country that was not involved in hostilities against him. For me, this clearly and unequivocally defines what is at stake now in the Persian Gulf for the United States and for the post-cold-war world.

President Bush knows that appeasing dictators is a prescription for disaster. The lesson that history offers us is clear—tyrants only grow stronger and bolder unless they are confronted and made to account for their deeds. In recognizing the threat Saddam poses to our way of life, to our friends, and to our allies, the President has provided this Nation and the world with extraordinary leadership.

The coalition that is now reversing Saddam Hussein's aggression is broad and diverse. Thanks to the President's skillful diplomacy it has already proven to be stronger and more cohesive than Saddam imagined. Last night was a particularly dark and uncertain night for the forces of freedom in the Middle East and there will certainly be more such nights ahead, but if anyone can maintain the fierce international pressure on Saddam Hussein it is George Bush. For this, he deserves our gratitude and our support.

Also deserving of the gratitude and support of this institution are our forces involved in Operation Desert Storm. By all accounts, our soldiers, sailors, marines, and airmen have performed brilliantly during combat and in every aspect of this conflict. Clearly, the impressive level of success that has been achieved thus far is a tribute to their skill and courage.

Every American shares a deep and solemn concern for each of our servicemen and servicewomen on the front lines of the struggle against a kind of tyranny and repression that has never been seen before. Over the last 48 hours, the attention of the entire Nation has been riveted on these young men and women and they will continue to be in our thoughts until their safe return.

For many, the events of the last 2 days have placed a new light on the situation in the Persian Gulf. The extent of Saddam's evil and the necessity of destroying his arsenal now have been pointed out as never before. So, in closing, I want to praise the Members of this institution for coming together in this time of national urgency. I am pleased that so many who last week did not support the President have decided to do so at this time. I know he, like our troops in the field, will welcome and appreciate the sentiments expressed in this resolution as they undertake the difficult tasks that lie ahead.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, in the last 36 hours, the 400,000 American service men and women in the Persian Gulf have begun to implement Operation Desert Storm, the military action authorized by Congress and the President to liberate Kuwait. These courageous and capable young people represent our country and its unprecedented commitment to face down aggression and to protect the right to human freedom and self-determination. These are our values, values that lie at the very foundation of our Nation and the rock upon which our entire existence and institutions rest.

Along with the rest of America, I pray the military action in the Middle East will be short, American casualties will be light, and our sons and daughters will return to us soon. I also hope that the level of casualties among innocent Iraqi civilians—who have been dragged into this conflict by their cold and cruel dictator and with whom we have no quarrel—can be kept to an absolute minimum.

Whatever may happen in the coming days, we want our American service men and women and the President to know that the American people stand united behind them. We are grateful to each one of them for their dedication to our country and its values, for their bravery in confronting evil, and for presenting to the world the strength of moral purpose and hope that is the essence of America.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, on Saturday, January 12, 1991, the House of Representatives voted 250 to 183 to authorize the President of the United States to use military force, if necessary, to implement the United Nations' resolutions regarding Iraq and Kuwait. I voted for that resolution for the following reasons:

First, the President of Iraq, Saddam Hussein, has consistently ignored all appeals to remove Iraqi military forces from Kuwait. His military forces are in Kuwait because last August, Hussein ordered them there, against the will of the Kuwaiti people. In the 5 months of occupation the country of Kuwait has literally been raped and pillaged. Thousands of Kuwaitis have been killed and billions of dollars have been stolen. Every knowledgeable observer has verified this fact. Unless Hussein believes force will be used, he will not end the occupation and withdraw his troops.

Second, Saddam Hussein's ambitions do not end with Kuwait. Until President Bush acted to send troops to Saudi Arabia, there is clear evidence that Iraq was preparing to invade Saudi Arabia. If Saddam Hussein controlled Saudi Arabia and Kuwait, the oil reserves of those two countries combined with the oil reserves of Iraq would compromise almost half of the known oil reserves of the world. Saddam Hussein would have the power to strangle the United States and the world economically. This is simply not acceptable.

A third reason I voted for the resolution is because, at that point in time, there were no clear, obviously superior alternatives. The alternative of waiting for economic sanctions to work has appeal, but even those who support it do not claim the sanctions will succeed in 3 months or 6 months, or even another year. Fidel Castro has been in power in Cuba for over 30 years, and for most of that time Cuba has been under United States economic sanctions.

Fourth, and most importantly, to truly do everything possible to avert war, I believed it was imperative to leave no doubt in Saddam Hussein's mind that the U.S. Congress supports President Bush, and the United Nations, in the determination to use all means necessary, including the use of force, to free Kuwait and stop aggression.

That vote was Saturday. Today, we have another vote. I will vote "yes" on this vote also. Our military forces are engaged. They are winning. We must support them.

George Bush, as President of the United States, and as leader of the free world, has adopted a policy of stopping the aggression of Saddam Hussein, now, before things get out of hand. That policy is working and will continue to work only if the Congress and the American people stand steadfastly behind the President. The vote today, in my opinion, does supply just such steadfastness, and I strongly support this vote.

Mr. GEPHARDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in support of the resolution today which states our strong and unequivocal support for the brave men and women of Operation Desert Storm. As these courageous Americans carry out the orders of their Commander in Chief, our thoughts and prayers go out to them and their families. Let there be no doubt that the American people and the U.S. Congress stand behind them as they carry out their duties in the name of freedom and the rule of international law.

It is already becoming apparent that Operation Desert Storm will involve not just a military effort, but a considerable political and diplomatic effort as well once the immediate military objectives of the coalition forces have been realized. While we are a long way from achieving all our goals, we must begin to project ahead. Many vexing questions will remain for U.S. policy in the region. We as a Congress must address these issues head on.

We will have to deal with the question of how we control Iraq's military in the future, and the shape of the political leadership in not just Iraq but Kuwait as well. What will the role of the United Nations be? How will the Soviet Union respond? And what will the role of the Gulf Cooperation Council and the Arab League be? The achievement of U.S. foreign policy goals in the Middle East will likely become more complicated as a result of this war, and it will be difficult for us to help our friends in the region cope with their long-standing economic and political problems. We must begin to consider not only foreign policy questions as a result of our involvement in the Middle East, but our domestic need to develop and implement a comprehensive energy policy. As our American troops work to liberate Kuwait, we must work to make clear our full support for them, and our willingess to provide the leadership on the difficult policy questions that will follow their military success.

Mr. STOKES. Mr. Speaker, last week when we debated the issue of war in the Persian Gulf, I opposed the resolution giving the President the power to launch an offensive action against Iraq. My opposition to this resolution was based upon my strong belief that under our Constitution, only Congress has the authority to declare war. In my opinion when Congress gave President Bush the authority to take this Nation to war, Congress abdicated its constitutional prerogative to declare war.

As a Member of Congress, I had my day in court. I spoke against it—I voted against it. The other side won, and under our system and form of government the majority rules. It was my fervent hope that we could continue the sanctions imposed upon Iraq, continue our diplomatic efforts, and continue our massive military presence in the Persian Gulf in order to avert war, keep peace and save human lives.

Part of my desire to see war averted was Saddam Hussein's threat to the United States that if an offensive attack was launched upon Iraq that he would attack Israel. The whole Middle East situation is so fragile that we did not need to test Saddam Hussein on this issue. The dangers inherent in this threat alone were enough it seemed to me for our Nation to take extra steps to avert the execution of this threat. Today we find ourselves in war. The war was begun by President Bush who ordered American and allied troops to launch an attack upon Iraq. Last night pursuant to his threat that if he were attacked that he would attack Israel, Saddam Hussein did exactly that, he attacked Israel. This whole Middle East situation has now been exacerbated by the actions of our President.

I reach out today to the people of Israel who were nonparticipants and who did not provoke this unwarranted attack upon their people. I also commend them for the restraint they have exercised under these difficult circumstances by acquiescing in the request of the United States not to counterattack against Iraq.

Today we are presented with debate and a vote on Senate Concurrent Resolution 2. I have agonized over how I shall vote on this resolution. I unequivocally support the men and women of our Armed Forces who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery. I also totally support their families and loved ones.

In supporting this resolution today, as an American citizen, a World War II honorably discharged veteran, and a Member of Congress, I reserve the right to speak out against the policies of the President whenever I deem it necessary. My vote in favor of this resolution today is not a vote in favor of the policies of the President. My opposition to the policies which began this war were based upon my conscience. I must live with my conscience. This resolution is so worded that I cannot vote my conscience relative to the policies of the President and simultaneously vote to support our troops. My support for the troops is manifest and therefore I am voting "yes" on this resolution in order to demonstrate my support for them.

Mr. SERRANO. Mr. Speaker, it is my intention to vote in the affirmative on the resolution before us today with heavy emphasis on the unequivocal congressional support for our Armed Forces. But I would be less than honest to my constituents, my colleagues and most important, to myself were I not to qualify that vote with the following comments:

I am more convinced than ever that diplomatic pressure and economic sanctions were the correct policy to pursue. I feel this way because sanctions would have avoided the inevitable tragic consequences of conflict. In my judgment, even prolonged sanctions would have been less of a drain on the national economy than the cost of waging war.

But now our forces are engaged, and one can only pray for an early end of hostilities with minimal casualties.

With the resumption of peace, I look to this Congress and a cooperative administration, to address the pressing domestic issues once again delayed as national attention is focused and national treasure expended on these tragic events abroad.

I refer to housing and education and health care among the most critical of neglected social programs, along with efforts to combat crime and drug abuse.

Mr. Speaker, there is not a district in the United States in greater need than my own. But let it be recognized that these social ills are national in scope and massive federally financed remedies will be needed to cope with them. They cry out for attention. Let nothing deter us from these pressing obligations.

In closing, Mr. Speaker, I wish to repeat my total support and admiration for our service men and women in the Persian Gulf. Their patriotism and courage are a source of national pride. My prayers are with them in these perilous days and it is indeed proper that we salute them and formally assure them of our whole-hearted support in this congressional resolution.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 2. I commend the leadership on both sides of the aisle for their work on this bipartisan resolution and for bringing it forward so quickly.

This resolution unequivocally supports the men and women of our Armed Forces, who are carrying out their missions with professional excellence, dedicated patriotism and exemplary bravery. I strongly endorse the sentiments of this resolution.

This resolution also commends and supports the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities. I agree that the President deserves our commendation for his efforts in conducting this war.

Like all my colleagues, I hope that this conflict will be brought to a quick conclusion. I also hope that our military efforts will be guided by our political objectives. We should stick with the political objectives outlined by the President on August 8, 1990, and keep our attention focused on achievement of those goals. We should not risk losing the focus of our strategy nor the support of our coalition partners by adopting other goals.

Finally, I believe we need to think about our long-term strategy for security and stability in the Middle East. Winning the war and winning the peace are quite different. We hope that this conflict will end in a matter of days. This means we need to address now the questions we will face in the months and years ahead. We will need to work with our allies and friends in the region on behalf of a strategy that will restore a balance of power, make progress toward an Arab-Israeli peace settlement, address political and economic instability in the region, and create a stable structure for the security of the gulf.

Mr. Speaker, I commend you for bringing this resolution forward. And I urge adoption of Senate Concurrent Resolution 2.

Mr. MFUME. Mr. Speaker, I rise in support of the Senate concurrent resolution supporting our service men and women in the Persian Gulf. We have been asked over the last few days to participate in the most agonizing decision of our political careers.

I did not support the bipartisan resolution to go to war. However, now that our troops have been committed to battle, the troops in Operation Desert Storm know that this country and this Congress are firmly behind their bravery and commitment.

Mr. Speaker, my yea vote for Senate Concurrent Resolution 2 is a vote in support of our troops. We pray that the situation they have been placed in due to the invasion of Kuwait by Saddam Hussein's Iraqi forces will soon be over. From Baltimore alone, Operation Desert Shield/Desert Storm has called up the Mobile Battalion Contingency Group 0603 operational support attachment, the ACU–2 LCM 8 Detachment 2806 amphibious support unit, the 531st Medical Detachment and the 290th Military Police Company.

Additionally, I have been contacted by dozens of families in my district regarding their loved ones who are in Saudi Arabia, or who are currently being deployed to bolster the forces in the region. My prayers and blessings go out to those who are directly affected by the gruesome concomitant affects of this war and I hope that the job can be done expeditiously so that our fighting women and men may be able to be reunited with their families as soon as possible.

Historically, both war and death have cast a diminishing light on mankind and the lasting and great achievements of the world. As our troops carry out their mission under the U.S. flag, may God continue to watch over them, our country and the innocent noncombatants caught in harm's way. All life is sacred and precious before God.

Mr. SKAGGS. Mr. Speaker, last week Congress conducted the debate over the use of force against Iraq required by our Constitution. That debate demonstrated the strength of this democracy. Now that force has been authorized and used, the world should know that we are united in our support of the military efforts to achieve our goals.

Our hearts go out to the 430,000 American men and women on the front lines, and to those of the allied forces. They are giving us their all, with skill, professionalism and courage, and have achieved stunning early successes.

They deserve, and we freely offer, our pride, respect, and support. More than anything else, we want them to complete their mission successfully and come home safely as soon as possible.

Much remains to be done, and I have no doubt that our forces will achieve the goals of this conflict. They are important goals. Iraq cannot be allowed to invade and plunder a neighbor. Its unprovoked missile attack last night on the cities of Israel was an outrageous act of terror against innocent citizens, clearly intended to broaden the war and weaken the allied coalition. This is yet more evidence of the importance of turning back Saddam Hussein's aggression and removing his ability to terrorize the region.

Mr. DYMALLY. Mr. Speaker, I rise to state unequivocally that I support our forces who are currently deployed in the Persian Gulf. It's my sincere hope that these brave men and women will soon return home unharmed. Mr. Speaker, in spite of my support for our troops I feel that their mission could have been averted if the President had continued to pursue our objectives through peaceful means.

Mr. Speaker, as I watch the events unfold in the Persian Gulf, I am more convinced of the futility of war. Mr. Speaker, war is not the answer, no one wins and everyone loses.

I still say let's give peace a chance. Mr. Speaker, because of my unwavering belief in the sanctity of peace and the absurdity of war, I am voting "no" on the resolution before us.

Mr. LEVINE of California. Mr. Speaker, I rise to pay tribute to the brave men and women of Desert Storm. While we may have differed on whether to authorize the use of force in the Persian Gulf, all of us are united in our admiration of the outstanding job being done by our servicemen and women in the gulf. They are putting their lives on the line in order to ensure the stability of the region, and indeed the entire world, as we stand up to a brutal and reprehensible dictator.

The initial attempts to destroy Iraq's lethal military arsenal and liberate Kuwait have been remarkable. Over 2,000 Iraqi strategic sites have already been hit with an 80-percent success rate. Allied casualties have been minimal. The allied military has shown enormous caution and expertise in avoiding civilian targets in Iraq. We should all be proud of their humane efforts to avoid harm to the innocent. The impressive performance of our Armed Forces deserves the highest admiration. We must all stand united in our support of these courageous men and women and hope that each and every one of them returns home safely.

Standing in stark contrast to our reverence for innocent civilian life is Saddam Hussein's unconscionable attempt to bring Israel into the conflict by attacking urban areas in the heart of Tel Aviv. This cynical attack further reveals the ruthlessness and brutality of this tyrant. We already know Saddam has used every weapon he has gotten his hands on, including chemical gas, on his own people. We have no way of knowing whether the allied bombing of strategic sites has reduced or eliminated the threat of chemical attack. The risk remains that Saddam will still load his Scud missiles with chemical warheads, and may still be capable of unleashing them on civilian populations throughout the region.

Aside from Kuwait itself, Israel has suffered some of the gravest consequences of Iraqi aggression. Congress should commend Israel for the tremendous restraint and courage she has displayed in absorbing a first attack and withholding any retaliation so as not to threaten the cohesion of the anti-Iraq coalition. Israel has risked the lives of her own citizens who continue to live in fear of yet another Iraqi attack. No greater sacrifice can be demanded of any nation. I wish to express my sincere remorse for the losses our democratic ally Israel has incurred.

We all feel sadness and anguish that the anticipated tranquility of the post-cold-war world was so abruptly shattered by Iraqi aggression. We pray that our unity and the skill and determination of our troops will bring a swift end to this conflict and will usher in a new era of peace.

Mr. TOWNS. Mr. Speaker, in the 8 years since I was first elected to the Congress, I have never voted "present" on any bill or resolution. Today, I find that, if I am to be true to my conscience and to those I serve, I must break with my past record.

I cannot oppose a resolution which rightly praises the remarkable performance of U.S. troops in the Persian Gulf. The men and women stationed in the gulf deserve the recognition of this body for the nearly flawless execution of the airstrikes against Iraq. They deserve our admiration for the tremendous personal sacrifices they are making in order to serve our Nation in the Persian Gulf.

And yet, I cannot in good conscience offer the same praise and support to a Commander in Chief who has drawn us needlessly into war, a war which will cost us lives abroad, and deep social and economic sacrifices here at home.

Having consistently expressed my support for a diplomatic solution to the Persian Gulf crisis, and having voted against the authorization of any offensive military action in the gulf, I cannot indulge in the hypocrisy of applauding a U.S. military attack now that it has begun.

I am voting "present" to let the troops, and their loved ones, know that I recognize and support the valiant efforts of United States troops in the mission against Iraq. I am voting "present" to tell the same troops, and loved ones, that I regret that we, as a nation, did not give sanctions an opportunity to work.

Mr. KANJORSKI. Mr. Speaker, I rise today to express my strong support for the resolution before us. Let me also clearly express my strong support for our President, and for our brave men and women engaged in this war in the Persian Gulf.

Any past differences of opinion are behind us now. We are united together as one country. We are united together as Americans, committed to repelling Iraq's wanton aggression.

During last week's debate each of us was called upon to exercise our individual judgment on how to best serve the vital interests of our Nation at that particular moment in time.

Different people reached different conclusions. However, when the voting was complete, our democratic system had produced a decision. The Congress of the United States of America authorized the President to take whatever steps he believes necessary in the Persian Gulf.

I said at that time, and I reaffirm here today, my support for our troops is unwavering. I stand solidly beside our President as he undertakes his grave responsibility as Commander in Chief of our Nation's Armed Forces.

The President has made the determination that now is the time to use military force to bring an end to Saddam Hussein's brutal aggression against Kuwait.

Let no one doubt that this is precisely what we shall do. Iraq will be forced from Kuwait, and Saddam Hussein will be dealt a crushing defeat.

I am confident the President will do everything in his power to see that our casualties are kept to a minimum. He can be assured that he and our troops have my unqualified support, as well as that of the Congress.

Although initial reports from the field are encouraging, the loyal Americans serving in the gulf will continue to be in our prayers in the difficult days and weeks ahead.

We wish them Godspeed, a swift victory, and a safe early return to their loved ones back home.

I thank God that our country is blessed with people such as these dedicated Americans who are so unselfishly making great sacrifices, and enduring enormous personal hardships, for their Nation and the principles of liberty and justice which it embodies.

Mr. ROYBAL. Mr. Speaker, a few days ago, I voted against the use of force as a means to resolve the crisis in the gulf. I am saddened by the failure of diplomacy in averting war. However, with war having begun, I am steadfast in my support for the men and women in our Armed Forces who are serving in the Persian Gulf during this difficult time. Our Nation and its leaders must not waver in their support for our military personnel.

War not only takes a high toll on the Armed Forces, it affects the families and loved ones of service men and women as well. My prayers are with these families who bear a special burden in this war. The suffering and separation endured by these families and the service men and women in the Persian Gulf is unfortunately an unavoidable part of war.

Mr. DICKS. Mr. Speaker, I rise to speak today on behalf of the concurrent resolution supporting the U.S. actions in the Persian Gulf over the past 2 days. All of us have watched with interest and anticipation as the news reports have brought the success of the Desert Storm operation home to us.

This resolution, appropriately, expresses the pride that we here in the Congress have in the brave men and women who are serving in the Middle East, and our continuing support for their efforts. Mr. Speaker, I do want to say a personal note about the success we have witnessed so far in this operation, particularly the demonstration of the technical superiority of the weaponry that we as a Congress have provided to our Armed Forces.

Having served on the Defense Appropriations Subcommittee for the past 12 years, I am encouraged that many of these highly sophisticated systems have, in fact, done what they were supposed to do. They have given the United States and allied forces a margin of superiority that has saved lives, and that has made a swifter victory more possible.

The ability of our electronic systems to evade and counter the defenses of the Iraqis has underscored the importance of the very significant investment we have made in high-technology weapons over the past decade, and I think it is important to note this fact as we consider this resolution today.

Of course, I join all of my colleagues here in the House in hoping and praying that the Persian Gulf conflict will be resolved as quickly as possible; that the superiority of our weapons, the bravery of our military personnel, and the wisdom of the joint military leadership in the gulf will result in the successful achievement of all the goals of the United Nations.

Mr. STUDDS. Mr. Speaker, I rise in support of this resolution. Although I did not agree with the decision to go to war, the decision to do so was made openly and democratically and constitutionally by the Congress and by the President. That issue—for better or for worse, has been settled; other issues concern us now.

American troops deserve, and I believe they have, the full support of this Congress and of the citizens we represent. They are in our prayers and in our hearts. We mourn the few, but still too many, who have died. We hope fervently that all our service men and women will be returning home safely and soon.

The people of Israel deserve this afternoon both our admiration and our respect. Their restraint in the face of danger has contributed greatly to the allied cause. We pray that the attack last night will have no successor, and that Israel will not become involved more deeply in this war.

Saddam Hussein deserves the burden of responsibility for the violence we have witnessed over the past 2 days. It was his decision to initiate war with Kuwait. His decision to ignore the United Nations. His decision to rebuff peace initiatives from nation after nation. And his decision to ignore repeated warnings that war would inevitably come. Now, it will be his decision whether to prolong this war, and to extend the suffering of his people, or to yield his illegal claims and withdraw from Kuwait in peace.

President Bush deserves both our continued prayers and our continued counsel. It is no secret that neither our people nor this Congress were united about the decision to go to war. And while I believe the President will have the support of all Americans in his effort to bring this conflict to an early and successful conclusion, war cannot be used as an excuse to stifle free debate in this country. The course of events does not run clear. Decisions will have to be made on a daily basis about military tactics, diplomatic initiatives, economic controls and planning for the aftermath of war. As these decisions are made, the President will deserve, and surely benefit from, the free expression of public and congressional views.

In closing, I want to reiterate my support, respect and concern for our Armed Forces. I urge the President to conduct this war in a manner that minimizes the risks to them. And I urge all Americans to pray for an early peace.

Mr. CLEMENT. Mr. Speaker, on behalf of the citizens of Tennessee's Fifth Congressional District I rise today in strong support of the resolution. I want to take this opportunity to voice my continued support for the United Nations, the President, and the men and women of the armed services of the United States and our allies present in the Persian Gulf. As a lieutenant colonel in the Tennessee Air National Guard, I particularly want to convey the prayers and thoughts of my fellow citizens for the 6,000 soldiers, sailors, and airmen from the State of Tennessee serving in Operation Desert Storm. The units serving are:

TENNESSEE ARMY NATIONAL GUARD

130th Rear Area Operations Center (RAOC), Smyrna.

176th Maintenance Battalion, Johnson City.

776th Maintenance Company, Elizabethton and Trade.

251st Service and Supply Company, Tullahoma and Lewisburg.

1175th Quartermaster Company, Carthage and Lafayette.

212th Engineer Company, Dunlap and Monteagle.

1174th Quartermaster Company, Dresden.

663d Medical Detachment, Smyrna.

268th Military Police Company, Ripley.

300th Mobile Army Surgical Hospital, Smyrna.

196th Field Artillery Brigade, Chattanooga.

1/181st Field Artillery Battalion, Chattanooga and Dayton.

155th Engineer Company, Waverly and Erin.

775th Engineer Detachment, Camden.

269th Military Police Company, Dyersburg.

118th Public Affairs Detachment, Nashville.

TENNESSEE AIR NATIONAL GUARD

134th Air Refueling Group, Knoxville.

151st Air Refueling Squadron, Knoxville.

228th Combat Communications Squadron, Knoxville.

118th Tactical Airlift Wing, Nashville.

118th Combined Aircraft Maintenance Squadron, Nashville.

The 3397th Reserve Garrison, of Chattanooga.

The 3346th Medical Detachment, of Fort Knox, Ky.

The 360th Quartermaster Detachment, of Memphis.

The 401st Military Police Camp, of Nashville.

The 306th Medical Company (Clearing), of Nashville.

The 332d Medical Brigade, of Nashville.

The 639th Transportation Company, of Kingsport.

The 212th Transportation Company, of Chattanooga.

The 382d Medical Detachment, of Nashville.

The 912th Surgical Hospital, of Johnson City.

The 678th Personnel Services Company, of Nashville.

The 807th Surgical Hospital, Paducah, Ky.

The 377th Combat Support Hospital.

These men and women have been asked to make a tremendous sacrifice and have responded admirably. Tennesseans have always taken great pride in their reputation as the Volunteer State.

I want to pay special tribute to the 164th Mobile Aerial Port Squadron, of Memphis, and the 134th Air Refueling Group, of Knoxville. Both units participated in the initial air strikes of Operation Desert Storm. Members of the 134th Air Refueling Group, of Knoxville, were involved in refueling allied aircraft involved in air attacks on Iraq and Kuwait, while some 100 members of the 164th Mobile Aerial Port Squadron prepared planes and handled flight lines as planes departed bases enroute to their targets. In past wars, Tennesseans have distinguished themselves in the service of their country and initial reports concerning the performance of the 134th and 164th indicate that this war will be no exception. We are all proud of them and pray for their safety.

I am encouraged by the initial reports which suggest that the operation has been strategically successful and that there has been a minimal loss of life. Throughout this crisis I have warned against the potential consequences of involving ourselves in a ground war. If one were asked to describe a successful scenario it would have to include the accomplishment of the goals as stated in the United Nations resolutions while incurring the least amount of human loss. In order to achieve success we must maintain control of the air. Each additional minute that we control the air guarantees the safety of those soldiers on the ground. I commend the action of the President thus far and urge him to stay the course and not commit ground forces until absolutely necessary.

In addition, I would like to compliment the remarkable coordination which was demonstrated by the multinational forces. This is the largest aerial assault ever launched against a single nation. An attack of this magnitude requires an extraordinary amount of cooperation, a cooperation which has been continuously demonstrated by this unprecedented coalition.

I compliment the leadership's initiative to bring this resolution forward and I urge my colleagues to support Senate Concurrent Resolution 2. Thank you, Mr. Speaker.

Mr. APPLEGATE. Mr. Speaker, I rise in support, strong support, of Senate Concurrent Resolution 2.

Mr. Speaker, less than 1 week ago we in the Congress debated at length over the issue of granting President Bush the powers to take all necessary actions against Saddam Hussein and Iraq if negotiations did not succeed. While the arguments in this Chamber were diverse and often opposing, there can be no doubt today that we must all stand firmly resolved in the face of Saddam Hussein's tyranny and that we need to be strongly united as Americans behind the men and women of our Armed Forces.

We, as Americans, and all free people throughout the world, owe a tremendous amount of gratitude to our service men and women in the Persian Gulf and to our many allies who have joined with us in the just cause to confront Saddam Hussein and Iraq. We must now stand behind President Bush and our Armed Forces in their attempts to carry out the edicts of the U.N. resolutions calling for the restoration of freedom and a legitimate government to Kuwait and calling for the necessary means to achieve these goals.

The Congress has spoken on behalf of the American people and, regardless of how we may have voted last Saturday, it is essential that all Members of the House and the Senate and that all Americans stand firmly behind our brave and courageous fellow Americans who are engaged in battle in the Middle East. If there's one thing we don't need in our country today it's divisiveness.

Let us pray that this conflict will be resolved as soon as possible, but let us not agree to offering up mounting casualties in our attempts to defeat Saddam Hussein and to liberate Kuwait. We need to maintain our vigilance during this very serious time and to focus on a future when victory will finally be won. We pray that there will be very minimal casualties and loss of life of Americans and our allies, and of all innocent people who have been drawn into this conflict due to Saddam Hussein's grab for power. We must stand strong and united.

Mr. HEFLEY. Mr. Speaker, I rise today to explain my boycott of today's resolution.

Last week, Members of Congress were called to Washington to vote on a measure authorizing the President to use all means necessary, including force, to remove Iraq from Kuwait. I voted in support of this resolution, once again confirming my strong support for the President and for our brave men and women who are putting their lives on the line in the name of peace.

Since Iraq's invasion of Kuwait, I have clearly stated my support for the masterful way in which President Bush has handled the gulf crisis, including the building of an international coalition comprised of 28 nations, in support of the belief that the aggression of Saddam Hussein must be stopped.

Since early August, economic sanctions have been in effect and all diplomatic avenues tried. Although I had hoped a peaceful resolution would be reached, I voted to give the President authority to use force if necessary to remove Iraq from Kuwait, convinced that the United Nations had exhausted all diplomatic avenues.

In supporting last week's resolution, I not only voted in support of the President and his policies, but for our troops and for world peace. Most in the majority voted against the measure.

Now, after hearing encouraging reports from the White House and the Pentagon about our offensive military actions thus far in the gulf war, those Members in the majority want to jump on the bandwagon in support of Operation Desert Storm. They want to save their backsides because they failed to support the President last week when their vote was really needed. Now, they are calling Members back to Washington for a mere couple hours of debate and vote on a new resolution. Sorry, too late in my book.

It's appalling for the leadership to call Congress back into session for nothing but a public relations gimmick for those who voted against last week's resolution. It is a gross waste of time, effort, and taxpayers' dollars to transport Members back to the Nation's Capital so that those who failed to commit their support last week, can do so now.

Frankly, I think it is more important for me to be in Colorado, explaining to the people of the Fifth District about U.S. involvement and ongoing developments in the gulf. I think the procedure to call us all back for an hour of debate in front of the TV cameras is a sham. Politicizing and trivializing on the fact that our sons and daughters, mothers and fathers, brothers, sisters, and friends are risking their lives for world peace is an abhorrence. It simply confirms the disgust and distrust the American people have for Congress.

Today, more than ever, I stand firmly behind the President and the international coalition on enforcing the U.N. resolutions. My support for our efforts to resolve the conflict in the gulf has never wavered. I will continue to watch the developments closely and look forward to the rapid resolution of the conflict and the speedy return home of our troops.

Mr. GOODLING. Mr. Speaker, 2 days ago, President Bush made the difficult decision to begin a military operation to contain Saddam Hussein and force him out of Kuwait. In the days preceding the onset of hostilities, it was my fervent hope that this crisis would be resolved peacefully, but Saddam ensured that this would not be the case.

President Bush's August 1990, response to Iraq's aggression was a prudent reaction to a dangerous and potentially deadly situation. He led an international coalition working toward a peaceful diplomatic solution to the crisis by stating unequivocably that Saddam's naked aggression would not be tolerated, deploying United States troops to Saudi Arabia, coordinating a multinational military force in the region, establishing a worldwide economic blockade, and urging the adoption of U.N. resolutions condemning Iraq's actions.

When Congress voted on this grave matter last week, the President could demonstrate that the world was serious about enforcing U.N. resolutions demanding an Iraqi withdrawal from Kuwait. This was one last attempt to convince Saddam to leave peacefully. The binding legislation passed by Congress did not call for a fight, but it was the final chance to resolve the crisis without war.

For 5 months, Saddam Hussein miscalculated the strength of the international community's resolve and chose to pursue his own course of action, despite furious diplomatic efforts to end the crisis. His intransigence has forced the President's hand. Now that President Bush has initiated military action to contain Saddam and restore the sovereignty of Kuwait, we must come together to support our men and women in the Persian Gulf.

All Americans should be proud of our dedicated men and women serving in the Persian Gulf. Their efforts will ensure that a dangerous dictator is contained and the rights of a sovereign nation are protected. In the long run, our brave soldiers, sailors, flyers, and marines will help establish a new world order in which relations between nations are based on trust and diplomacy rather than violence and intimidation. Let us pray for their safety and for a swift conclusion to the hostilities.

Mr. McGRATH. Mr. Speaker, I rise in full support of Senate Concurrent Resolution 2, a measure commending the President and our troops in the Persian Gulf.

The last 2 days have brought a Tom Clancy novel to life. The dispatches from the Middle East have kept the world tuned to media sources in a fashion not seen since World War II. We pray for an end to the hostilities and for the preservation of peace.

Last Saturday's vote was the most emotional action I have taken in my 10 years in the Congress. While we hoped for a diplomatic solution to the situation, we all knew the magnitude of our vote. Now that hostilities have broken out, we must unequivocally stand behind the Commander in Chief and our deployed forces. Our troops in the Middle East are a cross section of America's best and brightest young people. They look to the Congress and the United States for guidance and support. We must not turn our backs on these men and women. They must know that the Congress will support their mission during times of triumph and setback.

As members of the world's greatest deliberative body, we are responsible for much of the decisionmaking process that involves our Armed Forces. We can make no greater statement today than to pass a resolution that reflects support for the mission they are now designated to carry out. I urge my colleagues to cast yet another important vote, a vote of unparalleled support for members of the Armed Forces of the United States in the Persian Gulf.

Mr. POSHARD. Mr. Speaker, I rise in favor of this resolution and the Americans it supports in this time of peril.

I feel a great sense of pride and admiration for our men and women in the armed services. There is no doubt that when called upon, and when given the strategic and material support necessary, American soldiers are equal to any task. That is comforting to know.

What a blessed nation we are to have courageous and patriotic citizens who serve in this time of an all volunteer military. Let this put to rest any suspicion that the members of this generation are less willing to serve or are less enthusiastic about the American way of life than those who came before them. Their performance here and their sense of duty and honor in this service is a beacon of hope for our Nation. We are justifiably proud.

And let me say a word for our reservists, including those from the 1244th Transportation Company in my district in southern Illinois, who have played vital roles in the readiness which made the early days of this conflict so successful. Called to duty away from their families for long periods of time and facing unknown dangers, these reservists have proudly surpassed our expectations.

I want every family in southern Illinois who has a son or daughter, mother or father, husband or wife, friend or relative in Operation Desert Storm to know how thankful we are for their service to our area and our country in this time of trial. Their efforts are awe inspiring and humbling.

Of course the same is true for the men and women who are not from our districts but are just as important because they are Americans. Whether they're from the towns and farms of my district or the big cities far away, they represent the variety of backgrounds, races, and ethnic groups that make up these United States, and we love them all.

Even though I did not agree with the policy sought by the President, I, like so many of my colleagues have concluded that Congress took its obligation to debate, laid out the case for the American people, and now must support the administration in its efforts. My prayers are with President George Bush, who is performing as Commander in Chief with dignity and purpose.

I wish to express my sympathy for the loss of life wherever it has occurred, in the civilian populations where the fighting is taking place, for the American servicemen we know have been lost, and for those we will learn about in the hours and days to come.

We are here today with the boost of initial victory in our step and the resolve to end this war as quickly as possible in our hearts. We face an uncertain future, both in the near term for this conflict, and in the long term for what will transpire once our forces are successful in their mission. May we commit ourselves, just as we are committed to our forces in the Persian Gulf, to search for the answers to tyranny, hatred, and animosity and to work for real peace. The greatest and most lasting legacy of our brave men and women today would be to have answered the call that took the world away from terrible violence and toward an era of understanding and peaceful solutions to the hostilities that plague this world.

We pray for their safety, and pray for peace.

Mr. WEISS. Mr. Speaker, it is no secret that I opposed the resolution authorizing the use of force in the Persian Gulf. I was, and remain, convinced that economic and diplomatic pressure could have forced Saddam Hussein from Kuwait without resorting to war.

Nonetheless, this does not in any reflect a lack for respect, concern, or support for our troops in the field. These men and women are carrying out a mission ordered by the President and duly authorized by Congress, and they are doing so with great professionalism and courage.

Therefore, I support this resolution to commend the troops who have been put in harm's way by the current policy. They deserve our full support.

I would also like to express my outrage at the attack last evening by Iraq against innocent civilians in Israel. Although Israel is not a member of the anti-Iraq coalition and is a noncombatant state in the gulf conflict, Saddam Hussein launched an unprovoked attack against Israeli civilians. This despicable act deserves the strongest possible condemnation by the United States and the entire international community.

Finally, Mr. Speaker, I wish to express the fervent hope that this tragic conflict can be brought to a speedy end with as few casualties as possible.

Mr. KOLBE. Mr. Speaker, today's resolution on the Persian Gulf will help to send another message to the Middle East.

Saddam Hussein, if he has time to watch the news between the bombs that are falling around him, should know that Americans are united in their support of our troops and our action.

Our men and women, who are so bravely and professionally carrying out their duties in the Persian Gulf region, will know how proud all Americans are of them and how committed we are to their success and their safety.

As events of the last 40 hours have so amply demonstrated, we are not in this alone. Aircraft of several other nations have been engaged and a total of 28 nations are committed to help implement the U.N. resolution.

But international support and commitment is not enough. The strongest voices must be our own. I remember vividly my own experience as a Vietnam veteran, reading the accounts of protests in the United States, seeing them on the television screen. There is no doubt in my mind that these events affected the morale, the attitude of our men in Vietnam.

I support the right of Americans to protest peacefuly against actions taken by their government. Our right to dissent is one of the values we cherish. And I will never stand by while that right is taken away from Americans.

But, Mr. Speaker, this conflict is different from Vietnam. Then it could be argued with some truth that we slid into that war, that Congress never exercised its constitutional responsibility to commit American Forces to military action.

No one can say that about this conflict. Last Thursday, Friday, and Saturday, this Congress engaged in one of the longest, most intense and emotional debates in modern history. But there was no mistaking the meaning of our vote. All of us, whether we voted for or against the resolution giving the President the authority to use force to enforce the U.N. mandates, we knew that it amounted to a declaration of war.

Many of the phone calls and letters that I received before that vote were demands that Congress fulfill its constitutional responsibility. And I agreed with that sentiment. And Congress did debate the issue. And we voted. We voted to give the President the authority to commit troops to action in the Mideast.

There are many who still believe Congress made the wrong decision. Do they also believe in constitutional processes? Do they believe in the right of the American people to express their will through their elected representatives? If the answer to those questions is "yes," then those who protest this war in the streets of America today are wrong. Dead wrong.

They still have the right to protest. We will not deny that right. To do so only diminishes our own rights. But their protests should be limited to changing the minds of their elected officials or changing the elected officials themselves. They do not serve their cause or the American soldier by giving a false picture to the world, by suggesting to Saddam Hussein that Americans do not support our men and women who are fighting in the Middle East.

Because they do. Overwhelmingly, Americans stand behind our soldiers, our sailors, our airmen. Whatever our view was last week, we are now united as one. Let this vote today send that message around the world to all who may doubt.

Our fervent hope, our solemn prayer is that this war will be over quickly, that our men and women will return home to their families safely. Let no one mistake these isolated protests as a lack of resolve on our part to end the tyranny of Saddam Hussein.

Mr. MOODY. Mr. Speaker, on January 16, our country made the fateful decision to take military action in the gulf. I did not agree with that decision because I did not feel that every other means of forcing Iraq out of Kuwait had yet been exhausted. Everyday I regret the incredible suffering that this war—like all wars—brings. But the Congress has already debated the issue last week, and it voted to give the President authority to take this fateful step.

Since that time, many of us have made statements to our constituents that we stand behind our troops, that we support their courage and their sacrifice, and that we will provide all they need to do the job they have bravely taken on. But today, we come together to repeat this message as one body.

In passing this resolution, Congress is telling our servicemen and women in the gulf that we honor and respect them. We are telling them that when, God willing, they return home safely to their families, they will return as deserving of praise for their courage. With all the burdens weighing on their minds at this time, let them not worry about that.

Meanwhile, back here at home, I hope that we will continue to respect the differing opinions that exist. I hope that as we applaud the courage of our troops, none of us question the patriotism of those here at home who opposed the war during the recent national debate.

This war will be painful. The euphoria some have expressed is premature. It will require sacrifices and suffering from many quarters. I want at this time to recognize the special burden that falls on Israel in this tragic conflict. Yesterday, Iraq attacked Israel with Scud missiles. These missiles landed in civilian areas of Tel Aviv and Haifa for one reason: to draw Israel into the conflict. Deciding, as Israel did, to ride out a first strike, and not attack preemptively, was an extremely difficult decision. We must assume that Israel had accurate intelligence about where these Scud launchers were and, therefore, had the ability to address the bulk of this threat preemptively. But they did not, respecting President Bush's concern that the international coalition that the United States has worked to construct would come unraveled.

Now they have taken a second step that further demonstrates their restraint. They have not retaliated. How many countries, having come under direct attack with no provocation on their part, would show such restraint?

I am outraged at the Scud attack on population centers in Israel. Almost every country in the region is a member of the international military coalition arrayed against Iraq—but not Israel. Yet Israel is attacked. Worse of all Iraq fired its deadly missiles against purely civilian areas.

I fervently hope that further attacks on Israel will not follow. But I know, and Israel knows, that they might. If we ever had any doubts about the nature of Saddam Hussein, we have none now. He brutally invaded Kuwait, a small country that presented no threat whatsoever to Iraq. He has now attacked Israel when Israel has practiced restraint and not participated in the international military coalition.

We all hope that this war will end quickly, that our American service men and women will come home safely, that we will do all in our power to limit casualties among innocent civilians in all countries, and that we, as a country, will respect each other in our differing views.

Mr. RAHALL. Mr. Speaker, we are in session today, in the wake of congressional action to authorize the United States to use military force in the gulf situation, in accordance with the decision by the allied nations, to consider a resolution that expresses our support, and that I pray of a grateful nation, for our brave troops who are doing an outstanding job in the Persian Gulf.

Never have I been so awe-struck as I have been by those brave, and amazingly able young men and women who are now into their third day of the battle to liberate Kuwait from the clutches of Saddam Hussein.

My vote in favor of the resolution authorizing the President to take whatever action necessary, after all avenues toward a peaceful resolution of the crisis had failed to drive Iraq's Army from Kuwait, was the most difficult one I have made in my 14 years in the House.

None of us wanted war. None of us wanted any loss of innocent American lives, or the innocent lives of our allied nations' troops because it became necessary to send the terrible guns of war into the gulf region. Yet I cannot express—there are not sufficient words in the English language to adequately express—my sense of absolute awe of the magnificent job our troops, and those of our allied countries, in making their decisive strike against Iraq. Their success, their effectiveness, which has been described as "precise and surgical"—can also be described as absolutely brilliant.

In the words of Gen. Norman Schwarzkopf, they are truly the thunder and lightning of Operation Desert Storm.

I applaud the outstanding training that our armed services personnel have received, in the hands of their strategic planners, their instructors, that has enabled them to carry out their mission, with skill, precision, guts, and zealousness. It is this kind of training that will help keep them safe, and surely spare many casualties in battle.

Speaking of Operation Desert Storm, and the outstanding performance of both our troops, those of our allies, and the sheer excellence of the sophisticated equipment and technology available to them, I must reiterate here, in the strongest terms possible, that we must have more of a commitment from those allies on burden-sharing.

The costs of the Persian Gulf crisis, now that we are engaged in conflict, are expected to rise by as much as 58 percent, according to the Congressional Budget Office. We have to have financial support in greater amounts than those already pledged, but not yet paid, as well as additional pledges of support as we go along.

We do not know—we hope it isn't very long—but we do not know how long this war will last. The costs could be more than even our financially strapped taxpayers should reasonably be expected to underwrite. This is true especially in view of spending caps placed on our budget process last year. Whether we keep Desert Storm off budget or not, money is money and there is only one source of those funds—the taxpayers of this country.

Mr. Speaker, I have a sense-of-the-Congress resolution, House Concurrent Resolution 23, I have introduced, calling upon our allies to pay their fair share, and for the President of the United States to pursue commitments from those allies to increase their contributions to the gulf war costs.

I urge my colleagues to join with me in bringing this resolution to the floor of the House, and to vote to pass it, in order to assure that our outstanding troops can, without fail, continue to be resupplied with the arms and equipment they need to sustain them in the war against Iraq, and the liberation of Kuwait.

Mr. Speaker, I was able to talk to several West Virginia soldiers from my home district, who are assigned to Saudi Arabia, but who had returned home for a few days emergency leave before returning there.

Those soldiers begged me to allow them to do their duty as they saw it. They did not want to be left sitting any longer in the desert sands of Saudi Arabia, with nothing to do. They wanted, in their own words, "to go in, get the job done, get out, and come home—period."

I reiterate my sense of awe regarding the tremendous performance of our troops, and those of our allies. I believe they have so far been successful beyond our wildest dreams, for even we didn't realize just how very well-trained, how very ready, and how very able, our Armed Forces were. And I believe they will continue to be successful in the completion of their mission to liberate Kuwait, so that perhaps never again will one nation seek to overcome, to prevail over their neighbors, through the use of force and violence.

That is why we are there, and when we leave the Middle East in victory, I hope that we as a country can proceed to the next step of diplomacy, resolving other problems in that region that affect both Israel and the Arab world, so that this hard-won peace will prevail.

It was Thomas Jefferson who said, when this Nation was in its infancy, "Peace is our Passion." Peace is still our passion in the United States, and it will remain so through the very efforts to obtain peace that are being carried out in the gulf region today.

I hope this war is over with quickly. We have been told it will not, cannot become another Vietnam—to go on and on without cease, and without success. In the words of the West Virginia soldiers who spoke their hearts to me: "Let them go in, get the job done, get out, and come home."

And finally, Mr. Speaker, when these young men and women do come home, veterans of this war, let them be greeted with a hero's welcome. Let them feel the pride they are entitled to, make them feel no shame as Vietnam's veterans were made to feel shame. Let whatever their needs might be upon their return, and that of their families, be met willingly by a grateful nation. Let their needs never be challenged or neglected as they were for Vietnam's veterans.

And finally, I convey to every single man and woman, regardless of their country's origin, now fighting in the gulf region, my thanks for the defense of me, my family, my country, and my prayers for their safety and their sure return to their homes and families as quickly as possible.

Mr. LOWERY of California. Mr. Speaker, I rise to express my unequivocal support for the President's decision to begin Operation Desert Storm to secure the liberation of Kuwait and end Iraq's aggression toward its neighbors. In addition, I, like all Americans, am thankful for the courage and commitment of the men and women now carrying out this vital mission. The President, the Congress, and the Nation will give our troops every means of support to complete their task and return home safely. We can begin to express our support by passing the resolution before us today.

We are now at war with Iraq. We must strive to defeat its military quickly and completely, with minimum losses for our forces and among Iraqi civilians. We take no satisfaction in armed conflict, but Saddam Hussein has forced the hand of the civilized world and his brutal aggression will be stopped.

Iraq's unjustified invasion and occupation of Kuwait; its inhumane treatment of Kuwaiti citizens; and, its missile attacks on civilian targets in Israel graphically illustrate the danger to the world presented by Saddam Hussein's regime. He does not seek peace, he seeks to bring all the nations of the region under his violent control. The United States and the international coalition will not permit this to happen. Our goal is to end Hussein's reign of terror and to allow issues in the Middle East to be resolved peacefully.

Mr. Speaker, the initiation of Operation Desert Storm brings out a variety of emotions in us. We are very pleased by the early results of the air campaign against Iraqi military targets. The precise and effective execution of the battle plan by our service personnel is a tribute to them and a source of pride to us. At the same time, we feel a sense of apprehension and sadness at the prospect of casualties among our pilots and airmen. We have experienced only a few casualties and our operations are highly successful. Our deep thanks and prayers go to the servicemen who have sacrificed themselves for our Nation and to their families. Their efforts are a vital part of a victory over Iraq, the liberation of Kuwait and a halt to this aggression in the Middle East.

I want to pay special tribute to the over 55,000 Marines and Navy personnel from the San Diego area now participating in Operation Desert Storm. One out of eight service men or women now in the Middle East is from San Diego. Their dedication to their dangerous task and the support they receive from family and friends in San Diego are an inspiration to me and all Americans. I pledge my support to the troops in Operation Desert Storm and to the President in his effort to bring this conflict to a just and rapid conclusion. I ask all my colleagues in Congress to do the same.

Mr. PENNY. Mr. Speaker, today we vote on a resolution of support for the President and our troops in the gulf. In my judgment, we could have—and should have—cast this vote last Saturday immediately following the vote on the war resolution.

I was not prepared to vote for war prior to the January 15 deadline. However, in keeping with its constitutional obligation by a majority vote Congress committed the Nation to war on January 12. A thorough debate had ended. A decision had been made. I believed at the time, it was important to unite the country behind that decision. In my view, when we go to war—we must go as a nation in full support of the effort. That's the best way to support our troops and to assure success.

It is my hope that our vote today might help to further galvanize public support for the brave men and women in the gulf and the mission for which we have asked them to risk their lives.

Mr. KOPETSKI. Mr. Speaker, I support Senate Concurrent Resolution 2, a resolution expressing the support of the Congress for U.S. troops in the Persian Gulf.

Although there are many of us who disagreed with the decision to use force immediately after the U.N. deadline, we have been united always in our gratitude to and admiration for the men and women who serve in the Armed Forces.

The men and women of the U.S. military are unequaled in their bravery and dedication to their country. They deserve the full support of the Congress and the American public. They give their best and we should give our best—our best judgment, effort, and resources—to ensure their safe return home.

I am particularly proud that many residents of Oregon's Fifth Congressional District are serving their Nation in these difficult times. My heart goes out to them and their families. I pray for their safety and a swift end to this war.

Mr. MICHEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 2).

The question was taken.

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 6, answered "present" 6, not voting 24, as follows:

[Roll No. 10]

YEAS—399

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clinger
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
DeFazio
de la Garza
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Foglietta
Foley
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Dymally
Hayes (IL)
Sanders
Savage
Washington
Waters

ANSWERED "PRESENT"—6

Collins (IL)
Dellums
Gonzalez
Owens (NY)
Payne (NJ)
Towns

NOT VOTING—24

Applegate
Burton
Clay
Clement
Coble
Crane
Davis
Dixon
Fish
Ford (TN)
Hefley
Jacobs
Levine (CA)
Marlenee
Martinez
Morrison
Mrazek
Murphy
Rostenkowski
Snowe
Sundquist
Thomas (CA)
Udall
Weiss

□ 1622

The Clerk announced the following pairs:

On this vote:

Mr. Clement and Mr. Dixon for, Mr. Clay against.

Messrs. ARMEY, HUNTER, and ALLARD changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 2.

The SPEAKER pro tempore. (Mr. MURTHA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. CLAY. Mr. Speaker, due to difficult travel conditions abroad which accompanied the outbreak of the war, I was unable to reach Washington in time for the vote on the Persian Gulf resolution, I would like to take this opportunity to report that had I been present, I would have voted nay on Senate Concurrent Resolution, 2 supporting the U.S. presence in the Persian Gulf.

I have devoted my life to encouraging the peaceful resolution of conflict. Unlike most of my colleagues, I believe the situation in Iraq and Kuwait should have been the subject of more diplomatic negotiations. I am gravely distressed by the President's decision to bomb Iraq and I am praying for an end to this war.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for one minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time that I might inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Let me first inform Members that on tomorrow, Saturday, at 1:30, and on Monday at 1:30, and on Tuesday at 1:30, now that time may change, but that is the tentative time and Members may go through the Cloakrooms to get definite times, there will be briefings in the room of the Armed Services Committee, which is 2118 Rayburn, on the war in the gulf, so Members are all invited to those briefings.

On Monday of next week the House will not be in session, however, because of the recognition of the birthday of Martin Luther King, Jr.

On Tuesday, the House will meet at noon to consider two suspensions:

H.R. 3, Increasing the Rates of Disability Compensation for Veterans, and House concurrent resolution condemning the recent violence by Soviet forces in Lithuania. Votes on both those suspensions will not be held on Tuesday, but will be held on Wednesday, and also on Wednesday the House will meet at noon to take up two suspensions; first, a House concurrent resolution condemning the Iraqi attack on Israel. I know a number of Members are anxious for that resolution to come up. I know that all of us have disparaged the outrageous attack on Israel and want to commend the Israelis for their willingness to forego at least for the time being retaliatory action.

Then there will be H.R. 4, extending the IRS deadline for Desert Storm troops, and recorded votes on suspensions postponed from Tuesday, January 22, so all the votes will be on Wednesday.

There will be organizational matters relating to the convening of the 1st session of the 102d Congress, resolutions providing for the election of Members to committees of the House.

Then on Thursday, January 24, and Friday, January 25, the House will meet in pro forma session at 11 a.m. The schedule will be announced, but we do not expect rollcall votes on Thursday or Friday.

Mr. MICHEL. Mr. Speaker, I thank the distinguished leader.

MAKING IN ORDER ON WEDNESDAY, JANUARY 23, 1991, MOTIONS TO SUSPEND THE RULES

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order to consider on Wednesday, January 23, 1991, a motion to suspend the rules and pass a bill extending the Internal Revenue Service filing deadlines for Desert Shield troops, and a motion to suspend the rules and agree to a concurrent resolution condemning the Iraqi attack on Israel.

The SPEAKER pro tempore (Mr. SPRATT). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ENERGY SECURITY—THE SECOND FRONT THE NATIONAL ENERGY POLICY ACT OF 1991

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, we have obviously opened up a war front in the Persian Gulf, but the time has also come within this country to open up a second front with regard to energy policy. For that reason I am introducing today the National Energy Policy Act of 1991. It is a comprehensive bill relating to energy that promotes alternative fuel development and energy conservation and will help to develop a stable supply of energy for this country.

Mr. Speaker, we know that one of the primary causes behind this war was our dependence on oil in the Middle East. Ten years ago we knew that we were vulnerable to this kind of blackmail, and yet, after 10 years, we find ourselves being held hostage by our oil dependency.

It is absolutely essential that we understand that one of our goals in the Persian Gulf crisis must be now to establish a comprehensive energy policy for this country. It is thousands of bombs and missiles too late for an energy policy to resolve this conflict, but it is not too late for the future, and perhaps the best victory we can give men and women who are in the Persian Gulf is a return home to a country that has developed an energy policy that assures energy security for the future.

How many times do we have to learn this lesson? This is not the first time that our failure to develop a rational national energy policy has threatened our national security during a political upheaval in the Middle East. Regrettably, we have failed to recognize the dangers of our dependency on cheap Middle East oil and take steps to secure America's national energy security. It is now thousands of bombs and missiles too late for an energy policy to resolve this conflict. But it is not too late for the future. If the United States can bring to bear just a fraction of the funds and commitment given to military security, we can successfully develop a responsible national policy to give us energy security in the future.

If Congress acts to adopt the National Energy Policy Act of 1991, it will declare its willingness to confront this domestic vulnerability of oil dependence that keeps threatening our security. This comprehensive legisaltion would assure America's energy future over the short and long terms by taking immediate steps to make us significantly less vulnerable to energy supply disruptions, and by investing resources to promote the use of energy conservation and alternative fuels to curb our dependence on oil over the long term.

A full examination of our national energy needs and resources, taking into account our national concern for a cleaner environment, was conducted for the development of this bill. The result of this effort is legislation that will be effective not only toward improving our Nation's energy security, but also in developing a balanced stewardship of our resources for the future.

Mr. Speaker, I would like to take a moment to briefly describe the major components of the National Energy Policy Act:

SECURING AMERICA'S ENERGY FUTURE

STRATEGIC PETROLEUM RESERVE

The bill would seek to protect our economy from the effects of an oil supply disruption by dramatically increasing the strategic petroleum reserve [SPR] from its current level of approximately 590 million barrels to an eventual level of 2 billion barrels. With such a reserve the United States would be more than prepared to ride out a significant oil supply disruption for many months. Given the limited percentage of world oil resources contained in the United States, a large reserve is perhaps the strongest line of defense against a potentially crippling future oil disruption.

FLOOR PRICE FOR OIL

The world oil market is highly volatile by its very nature. It is particularly unstable and prone to large-scale disruptions because so much of the world's least expensive oil lies in a highly unstable part of the world. To help stabilize U.S. energy consumption and production, the legislation would enact a floor price for oil of $16 a barrel.

The purpose of this floor price is two fold: First, to give consumers the signal to continue conserving energy, and second, to give domestic producers the assurance that a future decline in oil prices will not wipe out their investments. The floor price would be triggered whenever imported oil prices fell below $16 a barrel. The bill would exempt from the tax all oil produced from onshore wells, except for those on State and Federal competitively leased lands.

WESTERN HEMISPHERE ENERGY COOPERATION

The legislation would also help diversify the world oil supply through the promotion of Western Hemisphere energy cooperation by the U.S. Government. The bill would require the President to prepare a report to Congress on Western Hemisphere energy cooperation. This report would discuss options for United States cooperation with countries such as Mexico, Venezuela, and Canada that would lead to higher oil production capability in these countries. The bill would also permit the President to exempt from the tax oil exports from Mexico, Venezuela, and Canada as a means of furthering Western Hemisphere energy cooperation.

PROMOTING ALTERNATIVE SOURCES OF ENERGY

ALTERNATIVE FUEL VEHICLES

Concerns over our dependency on imported oil, coupled with our national concern for a cleaner environment, compel the United States to increase its use of clean-burning alternate fuel vehicles. Unfortunately, gains in this area of energy development have been hampered by problems in the transportation infrastructure.

To address this problem, the bill would provide funding on a cost-sharing basis to State and local entities to invest in alternative fuel vehicles for vehicle fleets and mass transportation. The bill also would require Federal agencies to consider alternate fuel vehicles for Government fleets and require that, at a minimum, 60 percent of Federal vehicle fleets be alternate fuel vehicles by the year 2000.

RESEARCH AND DEVELOPMENT

In addition, the legislation would strengthen support of alternate energy sources through heightened research and development funding for energy conservation and alternative fuels.

RENEW CONSERVATION GRANTS AND REQUIRE CONSERVATION IN GOVERNMENT

ENERGY CONSERVATION GRANTS

The bill would promote energy efficiency by restoring adequate funding for energy conservation and weatherization grants for States, low-income homes, schools, and hospitals.

FEDERAL ENERGY MANAGEMENT PROGRAM

Furthermore, the legislation would establish a Federal Energy Management Program, to be managed by the Department of Energy, to promote energy conservation throughout the Federal Government.

PROMOTING ENERGY EFFICIENCY

ENHANCE CONSERVATION BY UTILITIES

To support and further the enactment of conservation measures by utilities, the bill would require State utilities to consider enacting energy conservation incentive plans—similar to those implemented recently by the California and New York Commissions—to reduce consumption.

TAX EXCLUSION FOR ENERGY AND WATER CONSERVATION REBATES

Additionally, the bill would exempt payments consumers receive from utilities for energy and water conservation measures from taxation.

REDUCED CONSUMPTION IN TRANSPORTATION SECTOR

MOTOR VEHICLE FUEL EFFICIENCY

As more than half of the oil consumed by this Nation is used in the transportation sector, initiatives to conserve motor fuels must be a cornerstone of our national energy policy. To this end, the National Energy Policy Act would increase the automotive fleet mileage efficiency targets required by the corporate average fuel economy [CAFE] law 20 percent by 1996 and 40 percent by the year 2001.

STAND-BY GASOLINE TAX

In an effort to continue to encourage the conservation of motor fuels, the legislation would also establish a contingency standby gasoline tax which would be implemented when crude oil prices drop by one-half the price of the drop. The tax will only go into effect when there is a drop in oil prices below the average price of oil at enactment. Thus, the tax will only grow when crude oil prices fall sufficiently and then by no more than one-half of the price decline.

It has recently been noted in news reports that, as an indirect result of the crisis in the Persian Gulf, many oil companies in the United States have experienced a significant increase in profits during the last quarter. This realization has prompted many in Congress to look toward the possible renewal of a windfall profit tax on the oil industry. While I have not included such a tax in this legislation, Mr. Speaker, I want to assure my colleagues that I will continue to closely monitor this situation to ascertain if such a provision would be appropriately suited for helping to meet the costs of the energy policy initiatives contained in this legislation.

Mr. Speaker, the degree to which we have risked our national security, economy, and the lives of hundreds of thousands of American troops in the Persian Gulf obligates the Congress to treat energy as a national security interest equal in importance to military capabilities.

We owe it to the American men and women defending our interests in the Persian Gulf to ardently pursue this second front to achieve a secure energy future. I urge my colleagues to join me in this effort by supporting the National Energy Policy Act of 1991.

The Washington Post included in its publication this morning an editorial on the urgent need for a national energy strategy. I believe this editorial raises many important points and would like to bring it to my colleagues' attention. A copy of the editorial, as well as a summary bill follows:

[From the Washington Post, Jan. 18, 1991]

NEEDED: AN ENERGY STRATEGY

The administration now enters its third year without a serious national energy policy. The war in the Mideast, having to do in part with oil, only underscores the lack. National energy demand is not among the things the administration has shown itself willing to attack.

World supplies of oil and gas may be larger than currently thought; they still are finite, and not enough are in this country. There is, of course, a need to try to increase domestic production as well as to shift to alternative fuels. But there remains also a need to conserve, for the sake of the environment as well as the economy and national security.

There are two ways to induce conservation of oil and its byproducts: raise the price or regulate the use. The first is the more efficient, but both should probably be tried; the problem is that serious. Transportation is the likeliest, though not only, place to look for savings. The auto is the source of waste.

The budget agreement between the president and Congress last fall included a nickel-a-gallon increase in the gasoline tax. That was a small step in the right direction. There should be further increases once the recession is over. They would strengthen the government's finances, finance other needed government programs and at the same time deter consumption. The regressive effects could be otherwise offset. No other energy tax would accomplish as much as simply. The companion proposals that have been made to require better auto mileage would help as well.

The administration has resisted such steps on philosophical grounds—the view that markets are wiser than governments—as well as for the obvious political reasons. It has not wanted to impose the burden. The Energy Department has been at work on a national policy statement for a year and a half. The work continues in part because of internal disputes on the question of curtailing demand, and it remains unclear what legislative form it may finally take, or when. Leaders of both parties in Congress have acknowledged the need for a balanced energy policy, but Congress will not produce such a policy on its own. Little will happen until an administration leads the way.

NATIONAL ENERGY POLICY ACT [NEP]

SUMMARY

(1) Strategic Petroleum Reserve: The bill would authorize the development and fill of a 2 billion barrel SPRO, with the fill above one billion barrels being dependent on the availability of "leased oil," or revenues from the taxes below. We now have 590 million barrels and the bill strongly encourages that the fill be acquired quickly, as soon as oil markets weaken after the Iraq crisis is over.

(2) Western Hemisphere Energy Cooperation: The bill calls for a report from the President by December 1, 1991, to propose specific ways to cooperate with these countries (particularly Mexico and Venezuela) to develop more oil production capacity in them. It asks for specific recommendations for U.S. assistance, including loans, price guarantees, and political risk insurance for the countries as well as the U.S. private sector.

(3) A $16 a barrel floor price on domestic on-shore produced oil: Whenever imported oil prices dipped below $16 a barrel, a variable tax on all oil to refineries and imported products, would be triggered with an exemption for domestic on-shore production. The bill would not give floor price protection to OCS produced oil or oil produced from Federal or State lands that will be competitively leased after enactment. The President could exempt up to 100% of a baseline period's oil imports from Western Hemisphere countries such as Canada, Mexico and Venezuela to help promote Western Hemisphere Energy Cooperation.

(4) Alternative Fuel Vehicles: DOE would be given $75 million in fiscal year 1992, rising to $150 million by fiscal year 1995, to help State and municipal agencies, mass transit agencies, and private sector vehicle fleets, buy new vehicles with alternative fuel capability (compressed natural gas, methanol, electricity or other). The Federal Government would be required to purchase an increasing percentage of its vehicle fleets (10% in FY 95 increasing to 60% in FY 2000) as alternative fuel capable vehicles.

(5) Energy R&D Funding: Authorizes an increase of $171 million (75%) by FY 1994 for energy conservation R&D, an increase of $200 million (87%) by FY 1996 for solar energy R&D, and FY 1996 increases of $37 million (82%) in fuel cell R&D and of $24 million (89%) in enhanced oil recovery R&D.

(6) New Federal Energy Management Plan: Federal agencies would be required to submit energy conservation proposals to DOE, and DOE could make loans to these agencies starting at $50 million in FY 1992 and rising to $100 million a year in FY 1993.

(7) Low-Income Weatherization and Schools and Hospitals Conservation Grants: Authorizes a $200 million weatherization increase by FY 1994, and $19 million by FY 1993 for schools and hospitals.

(8) An Amendment to PURPA to require all state public utility commissions to consider enacting energy conservation incentive plans similar to those implemented by the New York and California PUC's. If adopted by the PUC's, these would require their utilities to give their customers incentives to conserve energy, and allow the utilities to profit from doing so.

(9) Exempt from taxation payments made by utilities to consumers for energy and water conservation measures.

(10) Standby Contingency Gasoline Conservation Tax: The tax could only go into effect when the price of crude oil in the future fell below the average real price of crude oil during a period before enactment. The tax generally would be set at one-half of that decline in the price of crude oil.

Thus, the tax should start small and grow slowly, and could only grow if and when crude oil prices fell sufficiently, and then, by no more than one-half of the decline. If and when the tax increased, it generally would not raise gasoline prices, rather keep them from falling as much as they otherwise would.

The tax will be set initially at one-tenth of one cent per gallon in FY 1992, and two-tenths of one cent in FY 1993-96 to pay for the tax cuts given to consumers who will receive payments from utilities for adopting energy and water conservation measures.

(11) CAFE auto efficiency targets: This would require a 20 percent improvement in each company's efficiency by 1996, and 40 percent by 2001.

NO PAUSE IN ENFORCING U.N. RESOLUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAMPBELL] is recognized for 5 minutes.

Mr. CAMPBELL of California. Mr. Speaker, the suggestion has been offered that at this time, in the third day of the Persian Gulf war, the United States and its allies ought to pause, to allow time, it is said, for negotiations.

The idea is inconceivable. It would show the lack of resolve with which America's foes have long characterized her. Last Saturday, we took our vote. We agreed, in the fullness of debate and in keeping with the Constitution, to authorize the use of force. We knew that, in agreeing to that resolution, we were authorizing the use of force until the objectives set in our joint resolution were achieved. And now, not even a week later, there are calls for us to stop. The voice is heard again, let us give time for diplomacy to work. Can we not stay resolute, even for a week?

It is argued that pausing now would prevent the horrors of bombing. I grant that war is horrible. But in the modern history of mankind of war, never has technology been such as it is now, to allow the use of force to be so targeted to military objectives. America, and her allies, are attacking military targets and military targets alone. Indeed, according to what the Iraqi Government itself has announced, no more than 23 Iraqi lives have been lost in the first 24 hours, a day that saw over 1,300 air sorties—and it is unclear how many, if any of those 23, were civilian.

Contrast this with the Iraq's missile attack on Tel Aviv—an attack directed at population centers, intended to take civilian life. An attack upon a country that has not been involved in the present crisis. An attack that may be renewed even as we now speak, and that will continue until Saddam Hussein has no more Scud missiles, or planes, or terrorists at his disposal.

Yet voices are heard that we must stop. Stopping will allow Saddam Hussein more time to perfect the means of placing a chemical weapon warhead on top of his mobile Scud missile, to reinforce the defenses with which he has so far preserved the bulk of his air force, to resupply his troops in Kuwait and counter our attempts to induce them, isolate, to lay down their arms without further violence.

We know, now, the intentions of Saddam Hussein. We know he used the 5½ months since his invasion to dig in, to build defenses for his planes and tanks. We know how his minister would not even receive the letter from our President, how he rejected the efforts in the final days of the Secretary General of the United Nations, the Foreign Minister of France, and the Government of Yemen, to withdraw peacefully.

What, in the name of all that is sacred, do we expect he will do now? Come to his senses? Admit he was wrong? Withdraw from Kuwait? Voluntarily disassemble his chemical weapons facilities, voluntarily cease development of a nuclear potential, voluntarily dismantle his Scud missiles?

Any clear minded observer knows he will not. Saddam Hussein has, rather, staked his life on victory. He intends victory. He has buried his planes and tanks so that they can emerge when the bombing is over. He intends to engage the multilateral forces on the ground, in close contact, to neutralize our advantage in the air; hoping that the will of the people of the United States, and of the world, will break.

Even were he to withdraw now from Kuwait, Saddam Hussein would still keep his remaining mobile Scud missiles, and the chemical weapons facilities and stockpiles that have not yet been taken from him. Who can sanely believe he will not use them again?

There is no need to pause for Saddam Hussein to lay down his weapons. He can announce that to the world today, this minute. There is no shortage of news media in the Persian Gulf for him to use.

At another time, when another dictator threatened the world, one who had been allowed too much time, under the cloak of diplomatic negotiation, to build up his army, a champion stood to warn the world. When he was asked what was the policy of his government, he replied, it was to wage war, to wage war with the mighty resolve of which a free people was capable, to wage war until the world be rid of the tyrant's shadow.

Let us show resolve. The decision to use force was easy for none of us. But it has been made. In our country's name, let us now see it through.

□ 1630

THE VIRGIN ISLANDS AND THE PERSIAN GULF WAR

The SPEAKER pro tempore (Mr. SPRATT). Under a previous order of the House, the gentleman from Virgin Islands [Mr. DE LUGO] is recognized for 5 minutes.

Mr. DE LUGO. Mr. Speaker, our great Nation is now committed to war in the Persian Gulf. At this very moment our brave men and women are risking their lives, engaged in deadly combat against the forces of Iraq.

I have just returned from my home, the Virgin Islands. On the night of January 14, the eve of the United Nations deadline for Iraq to withdraw from Kuwait, I joined hundreds of my neighbors and friends at a prayer service for Virgin Islanders serving in the gulf.

A list of names of those from our community who are serving there was gathered by the members of the congregation, as best they could since no official listing is available. As we listened to a young Virgin Islander read name after name, more than 130 from St. Thomas and St. John alone, the full impact of the war on the people of our community began to strike home. It was sobering to hear the names of our friends and loved ones, those who now face death and whom we pray we will see again. Suddenly, the price of this war and the sacrifice we have been called on to make became very real.

After the list was read, we were invited to add the names of relatives and friends who had been missed. Many more were called out. I, too, added the name of a cousin. Soon, the list from our small community had reached 150.

The following morning when the service was played on a local radio program, listeners were asked to call in names of family or close friends whose names should be included. Telephone lines lit up. Parents called with the names of children. Wives called for husbands. I heard one woman add the names of her three sons and a daughter to the list.

This war in the Persian Gulf is very real to the people of the Virgin Islands. I believe that over 200 Virgin Islanders are serving in Operation Desert Storm at this very moment. They are serving their country proudly and we are proud of them and we support them fully.

So, I say to my colleagues, that last week when this House held its historic debate on the question of war and peace, those Virgin Islanders, their parents, their loved ones, indeed, all citizens, not only of the Virgin Islands but of all the U.S. territories in the Pacific as well as the Caribbean—Guam, American Samoa, the Northern Marianas, and the Commonwealth of Puerto Rico—had no vote in this Chamber. We had no vote on the most critical decision of all decisions: the decision to commit the lives of our sons and daughters, that most agonizing of all decisions, the decision of war or peace.

This week there was an editorial in the Washington Post about this situation as it relates to our Nation's capital, the District of Columbia. As I read that editorial I felt great sympathy for the men and women of the District. But I could not help but think that at least they have a choice and a vote in who will lead this country, who will be their Commander in Chief.

Citizens of the U.S. insular areas have neither a vote on the critical issue of war and peace nor a vote in deciding who will be their President and Commander in Chief, to make life and death decisions that will affect their sons and daughters who are called to battle.

This is an unconscionable shame to this democracy, and it is a difficult issue that must be resolved for the honor of this Nation.

AMERICA LOSES AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, each day the debasement of America's industrial might grows worse. We are rapidly selling off the means of industrial production, and our own Government appeares to be aiding and abetting in the sale.

Last weekend the Washington Post carried a story about the sale of Moore Special Tool Co., Bridgeport, CT, to a Japanese firm, Fanuec. The article by Kevin Kearns of the Economic Strategy Institute reported that Moore Tools is the world's best maker of ultra-precise machine tools. Fanuec is purchasing 40 percent of the Moore company with the right to take over the board in 2 years if Moore Tools does not make a profit during that time. It is my understanding from officials in the administration that the company is not expected to make a profit soon.

It is distressing that near control of Moore is being sold to the Japanese when there is, according to Government sources, an American company interested in the company.

Today's New York Times reported the administration cleared the sale although Moore Tools is considered a strategic company for the United States. According to the Times, "it is the only American company that makes precision machine tools that satisfy the requirements of the Defense and Energy Departments for making atomic weaponry." The other source for tools is the Japanese, Germans, and Swiss.

This sale should be stopped for several reasons. First, we should remember the Japanese deliberately targeted our machine tool industry.

The Government of Japan coordinated the attack of American industry while the Japanese companies dumped their machine tools in the United States. Japan's Government created bicycle races and passed through the profits from gambling to small Japanese companies not able to handle the dumping prices. Our machine tool industry was on its knees by the time the American Government finally moved to stop the dumping.

Second, we need to renew CFIUS which lapsed with the expiration of the Defense Production Act. However, we might have a difficult time doing it. The final SII Report of June 28, went into detail on CFIUS and stated "On May 29, 1990, the Secretary of the Treasury reaffirmed that Exon-Florio "has not been and will not be used as a barrier to direct investment in the United States.""

Third, the Treasury Department has recently carried this even further. Business Week, January 21, 1991, reported "that tough new lines on foreign investment is only a mirage." The story states that "Treasury Department lawyers were clipping the wings of the Committee on Foreign Investment in the United States [CFIUS]. The committee "can only probe the purchase of a majority stake in a U.S. business.""

Third, pertinent to this sale is evidence that shows what can happen when a foreign company is in control of a product needed by our military. Mobay Chemical Co. a German company in the United States refused to sell chemicals to the Army for weaponry. When challenged they told the Army it is policy—so sue us.

Now, if this happened with a German company, what happens when, given the Japan's aversion to nuclear weapons, a Japanese company refuses to sell the necessary machines to the Department of Energy or Defense? We certainly will be at the mercy of foreign firms.

Fourth, the General Accounting Office right now is investigating the charges that Japanese companies are withholding special components from United States firms so they cannot manufacture various products. Probably, the best known example of this is Go-Video of Scottsdale, AZ.

I have first hand knowledge of this firm and it's problems. The giant companies of Japan—Matsushita Electrical Industrial Co., Sharp Corp., and Sony have been involved in trying to quash this small American company. They even went to companies in other countries to stop Go-Video. Well, Americans never give up. These big companies will have to stand trial for trade conspiracy on April 2 in Phoenix, AZ.

It is time to change this alarming erosion of our industrial base. We must renew CFIUS and strengthen it. If foreign companies are withholding parts to us—then it is imperative that we keep these strategic businesses in the United States. It is time for America to wake up—time for the American people to say enough is enough. We cannot lose this economic war.

[From the Washington Post, Jan. 13, 1991]

WHO WILL BUILD AMERICA'S NUCLEAR ARMS?

(By Kevin L. Kearns)

Foreign takeovers of America's entertainment gaints are arguably benign, but you'd think that someone would draw the line at a company involved in our nuclear weapons program. Unfortunately, you'd be wrong. Just such a takover is imminent, and the hands-off attitude being adopted in Washington illustrates graphically the nation's abysmal lack of a sensible policy on foreign buyouts of U.S. businesses.

The acquisition target is Moore Special Tool Company, of Bridgeport, Conn., the world's best maker of ultra-precise machine tools, and one of America's industrial crown jewels. The prospective buyer is Fanuc, a major Japanese player in the machine tool field. Moore is the only U.S. supplier of high-precision machine tools that can meet Department of Energy needs. The components fabricated with these tools directly affect critical variables such as the explosive force of a nuclear weapon and the risk of accidental detonation.

The United States will now be totally dependent on foreign machines (German, Swiss and Japanese) for the most sensitive operations in maintaining the arsenal that has anchored its defense for almost 50 years. A double irony is that the most precise tools (from Moore) would be provided by Fanuc, whose home country has forsworn nuclear weapons as a matter of principle.

How did we wind up in such a fix? In general, it's the fault of the business environment in which U.S. companies operate. Our cost of capital is too high, partly as a result of government borrowing; our tax laws penalize investment and reward consumption; our piecemeal regulatory structure is insensitive to effects on international competitiveness. Moore also has specific problems of its own. The company has worked for the U.S. government on projects that were neither profitable nor applicable elsewhere. As a niche-market producer, Moore must depend on exports (more than 50 percent of sales) to generate enough volume to stay profitable. But because of the strategic value of Moore's machines, the Departments of Defense and Energy have blocked or delayed approval of key overseas sales.

Even so, the existence of alternative foreign suppliers has frustrated U.S. export control. Foreign customers, aware of Moore's problems in getting export licenses, have often settled for second-best but still satisfactory, products from other sources. The net result: Sales and profits dwindle for Moore but worrisome technology continues to spread as foreign competitors supported by their governments rush to fill the gap.

Concern that the machines might be misused or fall into the wrong foreign hands is valid, but the application of our export control laws often serves neither national security nor business interests. Ultimately, we can only influence the flows of technologies if we are a technology leader. If our companies are put out of business or sold to foreign concerns, then we have little leverage over the actions of others.

The lack of a coherent national economic strategy, where business decisions, government procurement, export control, antitrust and tax policy are all linked, has produced this situation.

Washington's mechanism for reviewing sales of U.S. companies to foreign entities is CFIUS, the interagency Committee on Foreign Investment in the U.S. The committee's guidelines, known as the Exon-Florio provisions, say that the acquiring company must be shown to pose a national security risk for a sale to be denied. But how should national security be defined? Is it military security only or should it encompass economic security as well?

To date CFIUS has chosen to define security only in narrow military terms. Of some 480 takeovers reviewed, the process has blocked only one sale—to a company owned by the Chinese government. A bill to make economic security an explicit criterion in the decision-making process failed to pass in the last Congress. Indeed, Congress failed to renew the entire Defense Production Act, of which Exon-Florio is a part. As a result, the world's greatest economy currently has no guidelines whatsoever on foreign takeovers.

Operating in a legal vacuum, CFIUS last week voted informally to recommend that the president approve the sale of Moore to Fanuc. Although many CFIUS agencies were uneasy, none was courageous enough to recommend denial. But if ever there was a clear national security case, even according to the narrow definition, the Moore case is it. What could be more deeply involved in national security than the machines that produce the nation's nuclear arsenal?

The United States has a long history of controlling exports for political reasons. What if the Japanese, Germans or Swiss decide not to sell to or service the DOE's nuclear program? After all, Switzerland is a neutral, Germany does not posses nuclear weapons and has a large, politically active anti-nuclear movement, and sensitivity to things nuclear is integral to modern Japan. Can we rely on these governments never to respond to political considerations and to continue to sell to DOE? The grudging cooperation we have received from Germany and Japan in the Persian Gulf crisis, as well as the stalled GATT negotiations, demonstrates vividly that these countries often do not view their respective national interests as coincident with ours, even on critical issues.

Further, will these countries tightly control the technologies involved and keep them out of the hands of the Saddam Husseins of the world? German companies have been heavily involved in the Iraqi chemical, missile and nuclear-weapons programs. The Arab blacklist for years has influenced Japan's relations with Israel, and Japanese companies have sole restricted technologies—the most famous case being Toshiba Machine's sales to nuclear submarine propeller-quieting technology to the Soviets.

Moore's plight is far from unique. Another current CFIUS case, for example, is also mired in policy confusion: the sale of SemiGas Systems to its Japanese competitor, Nippon Sanso. SemiGas is the key supplier of specialized gas cabinets to Sematech, the government-business consortium established to help our computer chip industry become competitive again. Although the Japanese would stand to gain valuable insight into the technology of their U.S. competitors by acquiring SemiGas, CFIUS approved the sale in August. But last week, the Department of Justice, which did not object in the CFIUS process, announced it would go into court to block the sale on antitrust grounds.

With respect to the impending sale of Moore, ordinarily, the president would have 15 days to act on the case. But the normal rules have lapsed thanks to Congress's inaction. Moreover, the president has plenty on his plate currently. Yet critical cases like Moore cannot be allowed to slide through even when the White House is caught up in an immediate crisis. A way must be found to keep Moore and companies like it in U.S. hands and to help them to prosper.

The problem is that such measures would look like "industrial policy"—a taboo to some key White House economic policy makers. Yet export controls, which they accept, are also a form of industrial policy. Such controls certainly hurt Moore financially. The real problem is not that we might wander into industrial policy but that we already have too many industrial policies, too many uncoordinated laws and regulations that sandbag our companies in their competition with foreign rivals.

We desperately need a more strategic approach to our national economy. Decisions to block the Moore sale and fully support the Justice Department's suit against the SemiGas acquisition are the places to start.

[From the New York Times, Jan. 18, 1991]

U.S. CLEARS JAPANESE STAKE IN ATOMIC-ARMS TOOLMAKER

(By Clyde H. Farnsworth)

WASHINGTON, January 17.—The White House has approved a Japanese company's purchase of 40 percent of the only American company that makes precision machine tools that satisfy the requirements of the Defense and Energy Departments for making atomic weaponry.

The deal between the Fanuc Company of Japan, which makes robots and machine tools—machines that make other machines—and Moore Special Tool Inc. of Bridgeport, Conn., was hotly debated within the Bush Administration.

The Committee on Foreign Investment in the United States, a Government review panel, recommended late last month that the White House approve the deal, and that recommendation has been accepted, people involved in the process say, A White House announcement is expected soon, perhaps as early as next week.

Approval is likely to provoke reaction in Congress, where many lawmakers think the Government should be taking stronger action to keep national security technology in American hands.

"Failure to stop this sale sends a clear signal that everything, no matter how vital to our interests, is for sale in the U.S.," said Representative Mel Levine, Democrat of California, chairman of the House High Technology Caucus.

The review panel has examined 517 foreign investments in the last three years, only one of which was blocked—a Chinese company's effort to acquire Mamco Manufacturing Inc., a Seattle company that makes aircraft components.

Foreign investments are reviewed under a law that permitted the President to block foreign purchases deemed a threat to national security. The 1988 Exon-Florio law has lapsed, but it is expected to be revived by the 102d Congress, and the Administration has proceeded as if the legislation were in effect.

The purchase of 40 percent of Moore, a private company employing 400 people in a plant near the Bridgeport airport, has been the subject of a debate within the Administration since the middle of last year, when the agreement with Fanuc was reached.

The Defense, Energy and Commerce Departments initially objected to the deal, fearing that vital security used to build nuclear weapons would pass to the Japanese. The State and Treasury Departments supported the deal, saying that if Moore did not find a strong financial partner it would close and the Government would lose the technology entirely.

Moore has been in the red for two years, and in recent years one of its prime sources of credit was the Bank of New England, which the Federal Government seized last week, saying it was insolvent.

To satisfy the critics' concern about Japanese access to weapons technology, Moore and Fanuc agreed to strict rules about what information would be shared. Fanuc officials, who will have two seats on Moore's five-member board, described their investment as passive and said they were interested only in the technology used for making machine tools used for nonmilitary products.

Moore's main products are computer-operated jig borers that gouge tiny, highly accurate holes in metal, and other precision machining equipment.

In addition to their use in making atomic weapons at Energy Department plants in Oak Ridge, Tenn., and Rocky Flats, Colo., the company's products are widely used in the manufacture of watches, cameras and other products.

More than 60 percent of Moore's output is exported, but because of their strategic value, the Moore tools often required Government export licenses that were not easy to obtain. The blocking or delay of major overseas sales is said to be one reason for the company's financial troubles.

The Fanuc deal was originally drawn so that within five years either the Japanese company or the Moore family, which controls the American company, could buy the other out.

This raised some Government objections that Fanuc could end up in undisputed control, so the agreement was modified, leaving the Moore family with the right to buy out Fanuc but no reciprocal right for the Japanese.

Under the revised agreement, should Moore continue to lose money over the next two years, Fanuc would take effective control of the company by naming a third director. Fanuc says one of its two initial directors will be American, and that if it is entitled to name a third director that person would also be an American.

Fanuc's control of the board would continue until Moore turned a profit, when the third board seat would be given up, under the agreement.

DECISION CALLED UNFORTUNATE

Kevin L. Kearns, a former Senate Foreign Relations Committee staff member now with the Economic Strategy Institute, a Washington research group, called the decision unfortunate and said it underscored that the United States "does not have any strategy for dealing with the surge of investment."

One Government official, who spoke on condition of anonymity, said the review panel had been persuaded that no similar technology could be purchased abroad. The decision, he said, came to a choice of "either save the company or lose the technology."

The company was founded by Richard F. Moore, who died two years ago. His son, Wayne R. Moore, a champion swimmer at Yale in the 1950's and a former Olympic gold medalist, is now president. He could not be reached for comment.

[From Business Week, Jan. 21, 1991]

THAT TOUGH NEW LINE ON FOREIGN INVESTMENT IS ONLY A MIRAGE

(By Paul Magnusson)

When the Justice Dept. filed suit on Jan. 3 to block a Japanese company's planned purchase of a San Jose (Calif.) maker of semiconductor manufacturing equipment, critics of foreign purchases of U.S. companies rejoiced. Coming on the heels of Interior Secretary Manuel Lujan Jr.'s outrage at the prospect of Japanese ownership of concessions in Yosemite National Park, the Bush Administration seemed to be taking a tougher line on foreign investment.

It appears that the celebrations were premature. Justice officials insist their opposition to the planned purchase of Semi-Gas Systems Inc. by Nippon Sanso was based entirely on antitrust concerns. In a suit filed in Philadelphia, the government charges that the acquisition would give the Japanese company too much control of the market for equipment to handle the hazardous gases used in semiconductor manufacturing.

CAPITOL SPARK

The government says the merged companies would control 48% of the U.S. market and a third of the world market. Filing suit, says Assistant Attorney General James F. Rill, "was purely an anti-trust decision" and was not cleared by the White House.

In fact, on other fronts, the Administration seems to be retreating from confrontations over foreign investment—a stance Congress may move swiftly to reverse. Even as Justice was moving against Nippon Sanso, Treasury Dept. lawyers were clipping the wings of the Committee on Foreign Investment in the U.S. (CFTUS). Until now, the interagency panel felt free to investigate technology transfers resulting from any foreign investment in a U.S. company. Under the new rules, CFTUS can only probe the purchase of a majority stake in a U.S. business.

Among those cases immediately affected were a proposed joint venture between Mitsubishi Advanced Materials and UCAR Carbon, a Danbury (Conn.) subsidiary of Union Carbide that manufactures graphite composites for Stealth aircraft. Another deal ruled off limits by the Treasury lawyers was Sanyo Electric Co.'s plan to buy 5% of Areal, a San Jose company that enjoys a lead in the technology for making glass platters for computer disk drives.

Critics charge that the Treasury has emasculated the committee. While the group has examined 495 cases, it has started investigations of only a dozen, and the President has blocked just one acquisition.

WORRIER

Congress will likely make an early effort to strengthen CFTUS. The Defense Production Act, which includes the agency's charter, expired last year and must be renewed. Representative Mel Levine (D-Calif.) says there is a concentration of certain high-tech industries in foreign hands. "We are ceding our ability to control our economic destiny through what amounts to a fire sale of American assets," says Levine. Congress may also try to broaden the definition of "national security" that the President can invoke to block a sale. Several Democratic proposals call for consideration of "economic security" when evaluating deals.

Senator J. James Exon (D-Neb.), co-sponsor of the 1988 amendment that gave CFTUS its new powers, says it should have broad discretion: "If we had a U.S. tiddlywink manufacturer who provided tiddlywinks to our troops in the Mideast, then the President ought to be able to tell a foreign company, 'You can't acquire them.'"

The disappointment of critics as they learn that the move against Nippon Sanso wasn't what it seemed will only strengthen congressional resolve to put the teeth back in CFTUS. The Administration doesn't like the idea, but it probably can't stop it.

□ 1640

WHY I VOTED "NO" ON THE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as I stand in the well of the House today I think about the Members of the U.S. Congress who in 1917, voted to take this country into World World I—a war which, it was said, would end all wars, but in reality accomplished nothing but the loss of millions of lives and perhaps accelerated the rise of Hitler.

Mr. Speaker, today I think back upon the abdication of responsibility of the United States Congress during the Vietnam war—and the Gulf of Tonkin resolution, passed unanimously by this House, but later regretted by many who supported it for the rest of their lives.

Mr. Speaker, I rise today in strong support of the men and women of the U.S. Armed Forces who are, at this moment, putting their lives on the line in the Persian Gulf, and who have already performed with great courage and ability under fire. I rise today to condemn Saddam Hussein, the vicious dictator of Iraq, for his brutal invasion of Kuwait and for his bombing of Israel, and to demand Iraq's immediate withdrawal from Kuwait.

I rise today to tell you that I voted against the resolution before us because I cannot indicate support for a President whose policies in the Persian Gulf are, to my mind, absolutely wrong and could lead to terrible loss of life for our young men and women—as well as for the people of the entire region. A policy which leads to unnecessary loss of life for young Americans, and to terrible suffering for their families, is not, to my mind, supporting our troops.

Mr. Speaker, I fear that President Bush will interpret this resolution in the precise way that Lyndon Johnson interpreted the Gulf of Tonkin resolution—that is, in support of his policies in the Persian Gulf.

Let us firmly support the young men and women in the Persian Gulf with all our hearts and all our abilities. But let us say no to the President's policy which, from the beginning of this crisis, has been inadequate in attempting to resolve it in a nonviolent manner.

Mr. Speaker, it is absolutely incomprehensible to me, that with virtually every nation on Earth united against Saddam Hussein, a two-bit dictator, that this crisis could not have been resolved without war.

Mr. Speaker, even as the bombs are falling today on Israel, on Saudi Arabia, on Iraq, and on Kuwait, the United States Congress cannot abdicate its responsibility to do everything in its power to make every last possible effort to prevent unnecessary bloodshed and to support our troops in the most basic way—by bringing them home alive and well. Let us ask the President to stop the bombing now, have the Secretary General of the United Nations go to Iraq immediately to negotiate a cease-fire and begin negotiations for the withdrawal of Iraq from Kuwait.

Mr. Speaker, a few months ago the entire world rejoiced that the cold war had finally ended, and that the hundreds and hundreds of billions of dollars being spent on bombs and tanks and missiles could finally be used to improve human life—not to destroy human life. Mr. Speaker, a major war in the Persian Gulf, costing us thousands of lives and tens of billions of dollars, could well be a disaster for the people of our country—especially the working people, the poor people, the elderly, and the children. I predict that this Congress will soon be asked for more money for guided missiles, but there will be no money available to house the homeless. I predict that this Congress will soon be asked for more money for tanks, but there will be no money or effort available to develop a national health care system, guaranteeing health care for all of our people—as virtually all of the industrialized world has. I predict that this Congress will soon be asked for more money for bombs, but there will be no money available to reindustrialize our Nation so that our working people can have decent-paying jobs. There will be no money available for education and for our children—25 percent of whom live in poverty. There will be no money available for the environment, or to help the family farmer—many of whom are being forced off the land today in my State of Vermont and throughout the country. Mr. Speaker, I predict that in order to pay for this war, there will be more cutbacks in Medicare for the elderly and even an effort to cut back on Social Security payments.

Mr. Speaker, I voted "no" on this resolution because this Congress cannot continue to abdicate its responsibilities to the President. Rather, we must, day after day, do everything in our power to stop the violence and find a peaceful resolution to this crisis.

Mr. Speaker, I will pray tonight for the young men and women of this country who are in the Persian Gulf and for their families. Let us do everything in our power to bring them home alive and well.

PAYING FOR THE WAR: IMPORT SURCHARGES ON THOSE WHO DO NOT CONTRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am introducing a bill today to ensure that the cost of the war in the Persian Gulf is paid for on a fairer basis by those who benefit from the liberation of Kuwait.

How will we pay for this war? The United States is in a recession. Unemployment is rising. Our deficit this fiscal year is about $323 billion—the equivalent of $10,300 in new red ink every second. The war will add a huge unknown amount to this staggering burden. Estimates vary widely depending on the length of the war, but range between about $30 and $90 billion. We shouldn't pile up more red ink by increasing the deficit. Imposing taxes on working Americans will only deepen the recession.

Many members of the United Nations who supported the resolutions against Saddam Hussein have contributed little or nothing to the war effort. Japan and Germany particularly come to mind. Some of these nations will receive enormous benefits by the liberation of Kuwait and a return to lower cost oil supply stability in the Persian Gulf. For example, with the fantastic successes of American and Allied forces on the first day of the war, the price of oil fell $10 a barrel.

I believe those who have not contributed but who stand to benefit by the blood, sweat, and tears of America should help pay for the cost of the war.

Therefore, my bill imposes a trade surtax—similar to the GATT-sanctioned balance of payments surtax—on the imports of products from countries based on their historical use of Persian Gulf oil. The surtax would be reduced by the amount of national expenditure that a particular country made in support of the war.

The surtax would be temporary, expiring once the cost of the war was recovered from the beneficiaries. The United States also uses Persian Gulf oil and the bill would not charge our trading partners for the proportion of gulf oil used by the United States. The exception from the surtax for de minimus users of oil from the gulf will protect the world's least developed nations from this extra expense.

Of course, an import surtax is a tax on Americans who use imported products—and that is all of us. But this tax will at least be absorbed in part by our trading partners who have not contributed to the cost of the Persian Gulf war. For example, to maintain market share and the volume of sales, many exporters to the United States will absorb all or part of the cost of the surtax, reducing their profit margins on the sales. To protect their exports to the lucractive U.S. market, some governments are likely to increase their direct contribution to the war effort, thus reducing the size of the surtax on their products. Our trading partners who do not contribute adequately to the war effort will be penalized by American consumers, who will purchase the products of our helpful allies or domestic products.

There is no ideal tax—but I can think of no better way of paying for this U.N. war than making sure that foreign freeloaders bear a fair share of the cost. While my proposal is not fully consistent with the GATT, it is temporary, deals with a clear economic emergency, and is the fairest way to ensure that all members of the United Nations do their duty.

GIVING FULL SUPPORT TO OUR ARMED FORCES IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. PARKER] is recognized for 5 minutes.

Mr. PARKER. Mr. Speaker, what all individuals of goodwill and peace had hoped could be avoided has occurred. The President, along with other world leaders, has made the decision that we, as a nation and a part of the international community, must move on Iraq. The die has been cast, and there is no turning back.

The President has said, military action "will be swift and massive * * * we will not have another Vietnam." I support the President, and I pray that his assessment of the timeframe is right.

But this crisis may last much longer than the American people want to believe. Although we are encouraged by the initial reports of military successes, America must prepare to support a long-term engagement if necessary. Because there is one thing of which I am certain—this will not be another Vietnam.

Now is the time for the Nation to unite, to demonstrate a unified national resolve and stand with the President. In so doing, we commit full support to the men and women of our Armed Forces, ensuring them of the total backing of their Government and of their country as they engage in battle.

Since we have been forced into war, let us do it and finish it. Every American should pray for our Nation and our troops in the Middle East. The future of world stability is in the balance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARLENEE (at the request of Mr. MICHEL), for today, on account of official business.

Mr. MORRISON (at the request of Mr. MICHEL), for today, on account of official business.

Ms. SNOWE (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. WEISS (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. CAMPBELL of California) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, today.

Mr. CAMPBELL of California, for 5 minutes, today.

Mrs. BENTLEY, for 5 minutes, today.

Mrs. BENTLEY, for 60 minutes each day, on January 29 and 30.

The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. DE LUGO, for 5 minutes, today.

Mr. SCHUMER, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. EDWARDS of California, for 30 minutes each day, on January 23, 24, and 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. CAMPBELL of California) and to include extraneous matter:)

Mr. SOLOMON in two instances.

Mr. FISH.

Mr. WELDON.

Mr. GREEN of New York.

Ms. ROS-LEHTINEN in two instances.

Mr. BLILEY.

Mr. LENT.

Mr. PORTER.

Mrs. BENTLEY.

Mr. HORTON.

Mr. BILIRAKIS.

The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. BONIOR.

Mr. MRAZEK.

Mr. TORRICELLI.

Mr. HUBBARD.

Mr. HALL of Ohio in two instances.

Mr. MAZZOLI in two instances.

Mr. ATKINS.

Mr. WEISS.

Mr. GUARINI in two instances.

Mr. TRAFICANT.

Mr. DONNELLY in five instances.

Mr. STUDDS.

Mr. RAHALL in two instances.

Mr. LIPINSKI.

Mr. PANETTA.

Mr. LEHMAN of Florida.

ADJOURNMENT

Mr. MCCLOSKEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 22, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

439. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Resolution 8–328, "Transfer of Jurisdiction over Lot 812 in Square 2939, S.O. 89–221, Resolution of 1990," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Resolution 8–330, "Commission to Study Reparation Proposals for African American Support Resolution of 1990," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Resolution 8–329, "Transfer of Jurisdiction over a Portion of U.S. Reservation 360, S.O. 89–245, Resolution of 1990," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

442. A letter from the Acting Director, Defense Security Assistant Agency, transmitting the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 4–91), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

443. A letter from the Secretary of Commerce, transmitting his notification that, pursuant to Executive Order 12730, foreign policy controls will be expanded to include two chemicals that can be used in the production of chemical weapons, pursuant to 50 U.S.C. app. 2405(o)(1); to the Committee on Foreign Affairs.

444. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

445. A communication from the President of the United States, transmitting his notification directing U.S. Armed Forces to commence combat operations on January 16, 1991, against Iraqi forces and military targets in Iraq and Kuwait, consistent with the War Powers Resolution (H. Doc. No. 102–30); to the Committee on Foreign Affairs and ordered to be printed.

446. A letter from the Secretary of Agriculture, transmitting the annual report under the Federal Managers' Financial Integrity Act for Fiscal Year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

447. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the Proceedings of the Judicial Conference of the United States, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

448. A letter from the Director of Personnel Management, transmitting a copy of the civil service retirement and disability fund [CSRDF] annual report for fiscal year 1988, pursuant to 5 U.S.C. 1308(a); 31 U.S.C. 9503; jointly, to the Committees on Government Operations and Post Office and Civil Service.

449. A letter from the Secretary of the Interior, transmitting the calendar year 1989 wildfire rehabilitation report for Department of Interior administered lands, pursuant to Public Law 101–286, section 202(1) (104 Stat. 174); jointly, to the Committees on Interior and Insular Affairs and Agriculture.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BYRON:

H.R. 557. A bill to provide additional support for the members of the Armed Forces participating in operations in the Persian Gulf region by improving military personnel policies and compensation, by extending the time for performing certain acts under the internal revenue laws, and by preserving the student loan repayment grace period; jointly, to the Committees on Armed Services, Ways and Means, and Education and Labor.

By Mr. BURTON of Indiana:

H.R. 558. A bill to amend the Small Business Act to make small business concerns owned and controlled by special disabled veterans eligible to receive procurement contracts awards under that Act; to the Committee on Small Business.

By Mr. CARDIN (for himself, Mr. DURBIN, Mr. NEAL of Massachusetts, Mr. JACOBS, Mr. MFUME, Mr. ROHRABACHER, Mr. MOAKLEY, Mr. ANNUNZIO, Mr. MCNULTY, Mr. WALSH, Mr. MCMILLEN of Maryland, Mr. MACHTLEY, Mr. DONNELLY, Mr. MCGRATH, Mr. FRANK of Massachusetts, Mr. ATKINS, Mr. HERTEL, and Mr. ESPY):

H.R. 559. A bill to make the independence of the Baltic Republics a condition on the granting of most-favored-nation treatment to the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mrs. KENNELLY, Mr. DELLUMS, Mr. TALLON, Ms. PELOSI, Mr. MORAN, Mr. STARK, Mr. POSHARD, Mr. BENNETT, Mr. WISE, Mr. CAMPBELL of California, Mr. OLIN, Mr. EDWARDS of California, and Mr. CONDIT):

H.R. 560. A bill to increase America's energy security in ways that are environmentally desirable and economically affordable; jointly, to the Committees on Energy and Commerce; Science, Space, and Technology; and Ways and Means.

By Mr. DONNELLY:

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to require the recapture of certain losses of savings and loan associations, and for other purposes; to the Committee on Ways and Means.

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to increase the distance requirements applicable to the deduction for moving expenses; to the Committee on Ways and Means.

H.R. 563. A bill to amend the Internal Revenue Code of 1986 to clarify that amounts paid to acquire certain intangible items are treated as being paid for goodwill; to the Committee on Ways and Means.

H.R. 564. A bill to repeal the increase provided under the Omnibus Budget Reconciliation Act of 1990 in the base composite rate used to determine the amount of payment for dialysis services under title XVIII of the Social Security Act; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RANGEL (for himself and Mr. VANDER JAGT):

H.R. 565. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 566. A bill to amend title XVIII of the Social Security Act to exempt skilled nursing facilities from certain requirements relating to advance directives, to provide an exemption from those requirements for providers of services electing not to be subject to the requirements based upon moral, ethical, or religious beliefs, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DORGAN of North Dakota:

H.R. 567. A bill to authorize the establishment of the Fort Totten National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. DYMALLY:

H.R. 568. A bill to create the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ENGLISH (for himself, Mr. MCCURDY, Mr. SYNAR, Mr. BREWSTER, Mr. INHOFE, and Mr. EDWARDS of Oklahoma):

H.R. 569. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. GREEN of New York:

H.R. 570. A bill regarding certain entries of N-Acetylsufanilyl chloride; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. YATES, Mr. HUGHES, Mr. GALLO, Mr. EVANS, Mr. SAXTON, Mr. DWYER of New Jersey, Mr. HORTON, Mrs. COLLINS of Illinois, Mr. RAVENEL, and Mr. LIPINSKI):

H.R. 571. A bill to repeal the concessioner preferences of the National Park Services Concessions Policy Act, to require that concessions be awarded pursuant to a competitive bidding process, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GUARINI (for himself and Mr. GALLO):

H.R. 572. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 573. A bill to provide that members of the uniformed branch of the U.S. Postal Inspection Services be treated as law enforcement officers for retirement purposes; to the Committee on Post Office and Civil Service.

H.R. 574. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.

H.R. 575. A bill to provide for a demonstration project relating to treatment for drug abuse and alcohol abuse under the health benefits program for Federal employees; to the Committee on Post Office and Civil Service.

H.R. 576. A bill to amend title 5, United States Code, to restore the 3-year basis recovery rule with respect to annuities under chapters 83 and 84 of such title for Federal income tax purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. OWENS of New York:

H.R. 577. A bill to require the Bureau of Labor Statistics to collect and report unemployment and related statistics by congressional districts; to the Committee on Education and Labor.

H.R. 578. A bill to provide for fair and nonpartisan administration of Federal elections; to the Committee on House Administration.

H.R. 579. A bill to amend title 18, United States Code, to eliminate the effect of the parental exception to the kidnaping prohibition in cases of kidnapings in violation of valid custody orders; to the Committee on the Judiciary.

H.R. 580. A bill to amend title 39, United States code, to require the disclosure of certain information in connection with the solicitation of charitable contributions by mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.R. 581. A bill to amend the Internal Revenue Code of 1986 to treat parsonage allowances as compensation for purposes of the limitations on benefits payable under defined benefit plans; to the Committee on Ways and Means.

By Mr. PICKETT:

H.R. 582. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 583. A bill to amend chapters 83 and 84 of title 5, United States Code, to make applicable to mine safety and health inspectors certain provisions which are currently applicable to law enforcement officers; to the Committee on Post Office and Civil Service.

By Mr. RINALDO:

H.R. 584. A bill to extend the temporary suspensions of duty on certain oxygen-function amino compounds; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself, Mr. Brown, Mr. Shays, Mr. Mineta, Ms. Long, Mr. Manton, Ms. Pelosi, Mr. McDermott, Mr. Pease, Mr. Lipinski, Mr. Walsh, Mr. Ritter, Mr. McMillen of Maryland, Mr. Neal of Massachusetts, Mr. Gilman, Ms. Kaptur, Mr. Faleomavaego, Mr. Levine of California, Mr. Price, Mr. Nowak, Mr. Gejdenson, Mr. Machtley, Mr. Hochbrueckner, Mrs. Lloyd, Mr. Clay, Mr. Fascell, Mr. Roe, Mr. Beilenson, Mr. Dwyer of New Jersey, Mr. Jontz, and Mr. Bonior):

H.R. 585. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources, to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space, and Technology.

By Mr. SCHUMER (for himself and Mr. Panetta):

H.R. 586. A bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. STARK:

H.R. 587. A bill to amend title 19, United States Code, section 2132 to provide temporary import surcharges to compensate for the disproportionate cost to the United States of America of the Persian Gulf war of 1991; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 588. A bill to direct the Secretary of Veterans Affairs to provide a marker for each grave in which the remains of a veteran are buried; to the Committee on Veterans' Affairs.

By Mr. WASHINGTON:

H.R. 589. A bill to amend the Social Security Act to authorize States and local political subdivisions of States to use Social Security account numbers for jury selection purposes; to the Committee on Ways and Means.

By Mr. BLILEY (for himself, Mr. Rhodes, and Mr. Rohrabacher):

H.J. Res. 79. Joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990; to the Committee on the District of Columbia.

By Mr. COX of California (for himself, Mrs. Boxer, Mr. Miller of Washington, Mr. Ritter, Mr. Hyde, Mr. Applegate, Mr. Hancock, Mr. Espy, Mr. Henry, Mr. Riggs, Mr. McEwen, Ms. Ros-Lehtinen, Mr. Pease, Mr. Dreier of California, Mrs. Vucanovich, Mr. Donnelly, Mr. Rohrabacher, Mr. Sarpalius, Mr. Thomas of Wyoming, Mr. Packard, Mr. Lent, Mr. Bilirakis, Mr. Schiff, and Mr. Hastert):

H.J. Res. 80. Joint resolution to revoke recently extended United States taxpayer subsidies to the Soviet Union as a consequence of its attacks on freedom of the press and democracy in the Baltic Republics in Lithuania, Latvia, and Estonia; jointly, to the Committees on Banking, Finance and Urban Affairs; Agriculture; Ways and Means; and Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Applegate, Mr. Armey, Mr. Ballenger, Mr. Barton of Texas, Mrs. Bentley, Mr. Bereuter, Mr. Bevill, Mr. Bilirakis, Mr. Bliley, Mr. Broomfield, Mr. Bunning, Mr. Emerson, Mr. Fawell, Mr. Gallo, Mr. Hansen, Mr. Herger, Mr. Hutto, Mr. Ireland, Mr. Jones of North Carolina, Mr. Lipinski, Mr. McCollum, Mr. Miller of Ohio, Mr. Montgomery, Mr. Porter, Mr. Quillen, Mr. Ravenel, Mr. Slaughter of Virginia, Mr. Spence, Mr. Stump, and Mr. Walsh):

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 82. Joint resolution designating September 25, 1991 as "National Reporters Day"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of physical desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mr. FASCELL (for himself, Mr. Broomfield, Mr. Gephardt, Mr. Durbin, Mr. Hamilton, Mr. Yatron, Mr. Solarz, Mr. Studds, Mr. Lantos, Mr. Kostmayer, Mr. Levine of California, Mr. Gilman, Mr. Lagomarsino, Mr. Bereuter, Mr. Miller of Washington, Ms. Ros-Lehtinen, Mr. Annunzio, Mr. Atkins, Mr. Bacchus, Mr. Cox of California, Mr. Fawell, Mr. Frank of Massachusetts, Mr. Hoyer, Mrs. Kennelly, Mr. Kleczka, Mr. Levin of Michigan, Mr. Lewis of Florida, Mr. Lipinski, Mr. Manton, Mr. McEwen, Mr. McNulty, Mr. Moakley, Ms. Molinari, Mr. Moody, Ms. Oakar, Mr. Roe, Mr. Russo, Mr. Saxton, Mr. Scheuer, Mr. Traxler, Mr. Waxman, and Mrs. Johnson of Connecticut):

H. Con. Res. 40. Concurrent resolution condemning the recent use of Soviet military force in the Baltic States; to the Committee on Foreign Affairs.

By Mr. FEIGHAN (for himself, Ms. Ros-Lehtinen, Mr. Fascell, Mr. Broomfield, Mr. Gephardt, Mr. Smith of Florida, Mr. Solarz, Mr. Owens of Utah, Mr. Hoagland, Mr. Waxman, Mr. Pallone, Mr. Andrews of Texas, Mr. Burton of Indiana, Mr. Annunzio, Mr. Bacchus, Mr. Borski, Mr. Gingrich, Mr. Weber, Mr. Zimmer, Mr. Cunningham, Mr. Paxon, Mr. Schumer, Mr. Aspin, Mr. Cardin, Mr. Hamilton, Mr. Yatron, Mr. Studds, Mr. Wolpe, Mr. Lantos, Mr. Kostmayer, Mr. Torricelli, Mr. Berman, Mr. Levine of California, Mr. Weiss, Mr. Ackerman, Mr. Udall, Mr. Fuster, Mr. Johnston of Florida, Mr. Engel, Mr. Faleomavaega, Mr. Gilman, Mr. Lagomarsino, Mr. Leach of Iowa, Mr. Roth, Mr. Hyde, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, Mr. Miller of Washington, Mr. Gallegly, Mr. Houghton, Mr. Goss, Mr. Frost, Mr. Frank of Massachusetts, Mr. Fazio, Mr. McHugh, Mr. Scheuer, and Mr. Lehman of Florida):

H. Con. Res. 41. Concurrent resolution condemning the Iraqi attack against Israel; to the Committee on Foreign Affairs.

By Mr. GOODLING:

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress in favor of the more equitable and more uniform treatment of federally funded and federally administered retirement programs for purposes of any deficit reduction measures; to the Committee on Government Operations.

By Mr. RAHALL:

H. Con. Res. 43. Concurrent resolution expressing the sense of the Congress that Israel should take immediate steps to reopen all the universities in the West Bank and Gaza; to the Committee on Foreign Affairs.

By Mr. SHAW (for himself, Mr. Gephardt, Mr. Michel, Mr. Dickinson, Mr. Aspin, Mr. Broomfield, Mr. Montgomery, Mr. Solomon, Mr. Fascell, Mr. Smith of Florida, Mr. Emerson, Mr. Hunter, Mr. Lagomarsino, Mr. Fish, Mr. Andrews of New Jersey, Mr. Anderson, Mr. Applegate, Mr. Armey, Mr. Frost, Mr. Fields, Mr. Hyde, Mr. Lewis of California, Mr. Kyl, Mr. Alexander, Mr. McCrery, Mr. Bevill, Mr. Bacchus, Mr. McMillen of Maryland, Mr. McDade, Mr. Roe, Mr. Roberts, Mr. Tauzin, Mr. McEwen, Mr. Machtley, Mr. Madigan, Mr. McCandless, Mr. McGrath, Mr. Barnard, Mr. Bilirakis, Mr. Dannemeyer, Mr. Callahan, Mr. Regula, Mr. Gallo, Mr. Manton, Mr. Ravenel, Mr. Bunning, Mr. Crane, Mr. Rhodes, Mr. Riggs, Mr. Doolittle, Mr. Rahall, Mr. Lewis of Florida, Mr. Bryant, Mr. Bartlett, Mr. Marlenee, Mr. Dor-

NAN of California, Mr. DERRICK, Mr. BATEMAN, Mr. BLILEY, Mr. REED, Mr. MCCOLLUM, Ms. MOLINARI, Mr. RAMSTAD, Mr. MYERS of Indiana, Mr. COBLE, Mr. MOORHEAD, Mr. NATCHER, Mr. TAYLOR of Mississippi, Mrs. MEYERS of Kansas, and Mr. VANDER JAGT):

H. Con. Res. 44. Concurrent resolution calling upon the people of the United States to display the American flag in show of support for the U.S. troops stationed in the Persian Gulf region; to the Committee on the Judiciary.

By Mr. YATES:

H. Con. Res. 45. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mrs. BOXER:

H. Res. 37. Resolution relating to press coverage of military actions in the Persian Gulf; to the Committee on Armed Services.

By Mr. PALLONE:

H. Res. 38. Resolution to commend the U.S. maritime industry and maritime community for their commitment to and cooperation with U.S. military forces involved in Operation Desert Shield; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FUSTER:

H.R. 590. A bill for the relief of Edgardo, Ismael, Juan Carlos, and Edilliam Cotto Roman; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 591. A bill for the relief of Petro Ruban; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. BORSKI, Mr. AUCOIN, Mr. CHANDLER, Mr. SOLARZ, Mr. TAUZIN, Mr. SHUSTER, Mr. ROGERS, Mr. GORDON, Mr. CAMP, and Mr. CUNNINGHAM.

H.R. 8: Ms. NORTON.

H.R. 25: Mr. BROWN of California, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. MORAN, Mr. SERRANO, Mr. RANGEL, Mr. PANETTA, Mr. BACCHUS, Ms. NORTON, Mr. SANDERS, Mr. FORD of Michigan, Mr. LANTOS, Mr. ABERCROMBIE, Mr. DOOLEY, Mr. JONES of Georgia, and Mr. ANDREWS of New Jersey.

H.R. 29: Mr. WYLIE.

H.R. 53: Mr. ABERCROMBIE, Mr. FRANK of Massachusetts, Mr. EMERSON, Mr. MILLER of Ohio, and Mr. FAZIO.

H.R. 127: Mr. ROE, Mr. NOWAK, Mr. GEJDENSON, Mr. GOSS, Mr. BURTON of Indiana, Mr. OXLEY, Mr. MCCLOSKEY, Mr. SCHEUER, Mr. KOSTMAYER, Mr. POSHARD, Mr. PRICE, Mr. BACCHUS, Mr. LEWIS of Florida, Mr. MRAZEK, Mr. MARKEY, Mr. SMITH of Florida, Mr. BOUCHER, Mr. WALSH, Mr. FAWELL, Mr. LANCASTER, Mr. WOLF, Mr. ABERCROMBIE, Ms. KAPTUR, Mr. WHEAT, Mr. COMBEST, Mr. GALLEGLY, Mr. EVANS, Mr. EMERSON, Mr. ECKART, Mrs. ROUKEMA, Mr. QUILLEN, Mr. HORTON, Mr. DWYER of New Jersey, Mr. BEVILL, Mr. BALLENGER, Mr. FAZIO, Mr. FOGLIETTA, and Mr. HUGHES.

H.R. 134: Mr. SHAYS, Mr. YATES, Mr. PENNY, Mr. BEREUTER, Mr. ROE, Mr. RAHALL, Mr. LAGOMARSINO, Mr. HORTON, Mr. FOGLIETTA, Mr. LIPINSKI, Ms. PELOSI, Mr. GEJDENSON, Mr. ESPY, Mr. TOWNS, Mr. SUNDQUIST, Mr. LEWIS of Florida, Mr. RANGEL, Mr. MARTIN of New York, Mr. KLECZKA, Ms. KAPTUR, Mr. FASCELL, Mr. ABERCROMBIE, Mr. MRAZEK, Mr. MCGRATH, Mr. MORAN, Mr. QUILLEN, Mr. EMERSON, Mr. KOLTER, Mr. KOSTMAYER, Mrs. BYRON, Mr. HOCHBRUECKNER, Mr. POSHARD, Mr. BATEMAN, Mr. OWENS of New York, Mr. HYDE, and Mr. DWYER of New Jersey.

H.R. 179: Mr. EMERSON, Mr. QUILLEN, Mrs. JOHNSON of Connecticut, Mr. PORTER, and Mr. FUSTER.

H.R. 233: Mr. DELAY.

H.R. 246: Mr. SHAYS, Mr. FAWELL, Mr. SKEEN, Mr. MCCRERY, Mr. DELAY, Mr. ROE, Mr. COMBEST, Mr. TALLON, Mr. WALKER, Mr. OXLEY, Mr. LOWERY of California, and Mr. RHODES.

H.R. 248: Mr. SHAYS.

H.R. 249: Mr. COLEMAN of Missouri, Mr. YOUNG of Florida, Ms. ROS-LEHTINEN, Mr. ALLARD, Mr. LAGOMARSINO, Mr. SKEEN, Mr. PAYNE of Virginia, and Mr. BILIRAKIS.

H.R. 253: Mr. HOCHBRUECKNER.

H.R. 303: Mr. STOKES, Mr. BEVILL, Mr. FAZIO, Mrs. BOXER, Mr. LAFALCE, and Mr. MRAZEK.

H.R. 317: Mr. BUSTAMANTE, Mr. DEFAZIO, Mr. ECKART, Mr. MANTON, Mr. WISE, and Mr. FAZIO.

H.R. 321: Mrs. BOXER, Mr. FAZIO, Mr. GORDON, Mr. MCGRATH, Mr. MINETA, and Mr. KILDEE.

H.R. 327: Mr. LIPINSKI.

H.R. 328: Mr. CLINGER and Mrs. JOHNSON of Connecticut.

H.R. 330: Mr. ROSE, Mr. RAVENEL, and Mr. DWYER of New Jersey.

H.R. 371: Mr. YOUNG of Alaska.

H.R. 381: Mr. BRUCE, Mr. LANCASTER, Mr. LIPINSKI, Mr. WALSH, Mr. ABERCROMBIE, Mr. FASCELL, Ms. PELOSI, Mr. MORAN, Mrs. MORELLA, Mr. QUILLEN, Mr. CONYERS, Mrs. BOXER, Mr. JENKINS, and Mr. HUGHES.

H.R. 384: Mr. JONTZ, Mr. LEACH, Mr. UDALL, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. OLIN, and Mrs. SCHROEDER.

H.R. 385: Mr. ABERCROMBIE, Mr. FASCELL, Mr. QUILLEN, and Mr. LAGOMARSINO.

H.R. 414: Mr. LIPINSKI.

H.R. 447: Mr. ABERCROMBIE, Mr. ANNUNZIO, Mrs. BOXER, Mr. DELLUMS, Mr. DOOLEY, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. FOGLIETTA, Mr. KLECZKA, Mr. LEHMAN of Florida, Mr. MACHTLEY, Mrs. MINK, Mr. MRAZEK, Mr. NEAL of Massachusetts, Ms. PELOSI, Mr. ROE, Mr. SHAYS, Mr. STARK, Mr. STOKES, Mr. SYNAR, Mr. WALSH, and Mr. WYDEN.

H.R. 473: Mr. MARLENEE, Mr. BLAZ, Mr. PACKARD, and Mr. LAGOMARSINO.

H.R. 474: Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. SKEEN, and Mr. RAY.

H.R. 481: Mr. GORDON and Mrs. PATTERSON.

H.R. 482: Mr. GILMAN, Mr. JEFFERSON, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. MANTON, Mrs. LOWEY of New York, and Mr. LEWIS of Georgia.

H.R. 525: Mr. GILCHREST, Mr. PAXON, Mr. BACCHUS, Mr. HORTON, Mr. ROE, Mr. BROWN of California, Mr. MACHTLEY, Mr. ERDREICH, Mr. MARTIN of New York, Mr. FROST, Mr. JONES of Georgia, Mr. ROHRABACHER, Mr. SKEEN, Mr. HYDE, Mr. UDALL, and Mr. GUARINI.

H.R. 555: Mr. KOPETSKI.

H.R. 556: Mr. GORDON and Mr. MCCLOSKEY.

H.J. Res. 1: Mr. BACCHUS, Mr. BEILENSON, Mr. BERMAN, Mr. COLEMAN of Texas, Mr. DICKS, Mr. DIXON, Mr. FASCELL, Mr. FOGLIETTA, Mr. FUSTER, Mr. GREEN of New York, Mr. HUGHES, Mr. JACOBS, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LOWERY of California, Mr. MACHTLEY, Mr. MANTON, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MOODY, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Mr. PENNY, Mr. PICKLE, Mr. RICHARDSON, Mr. ROYBAL, Mr. SANGMEISTER, Mr. SCHUMER, Mr. SHAYS, Mr. SMITH of Florida, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. WHEAT, and Mr. YATES.

H.J. Res. 51: Mr. ANNUNZIO, Mr. APPLEGATE, Mr. BACCHUS, Mr. BENNETT, Mr. BILIRAKIS, Mr. BLILEY, Mr. BROOMFIELD, Mr. CLEMENT, Mr. CLINGER, Mr. DOOLITTLE, Mr. EMERSON, Mr. FASCELL, Mr. GALLEGLY, Mr. HARRIS, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HORTON, Mr. IRELAND, Ms. KAPTUR, Mr. MACHTLEY, Mr. MARTIN of New York, Mr. MONTGOMERY, Mrs. MORELLA, Mr. OWENS of Utah, Mr. PALLONE, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. REGULA, Mr. ROE, Mr. ROYBAL, Mr. WALSH, Mr. WOLF, Mr. WYDEN, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, Mr. SAXTON, and Mrs. BOXER.

H. Con. Res. 14: Mr. FROST, Mr. ROE, Mr. DAVIS, Mr. LANCASTER, and Mr. BONIOR.

H. Con. Res. 23: Mr. POSHARD.

H. Con. Res. 35: Mr. LAGOMARSINO, Mr. HUNTER, Mr. LENT, Mr. BATEMAN, Mr. APPLEGATE, Mr. ROHRABACHER, Mr. BILIRAKIS, Mr. SHAW, Mr. RITTER, and Mr. DORNAN of California.

H. Res. 33: Mr. HENRY and Mr. RITTER.

EXTENSIONS OF REMARKS

IN MEMORY OF THE LATE COUNCILMAN GILBERT LINDSAY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DYMALLY. Mr. Speaker, during the holiday recess, my good friend, Los Angeles Councilman Gilbert Lindsay passed away.

I first met Councilman Lindsay in 1960, during the Kennedy campaign. He and I became best friends. We both entered public office the same year in 1963. The "Emperor" of the Great Ninth District, as he was fondly called, will be missed by his friends, colleagues, and constituents.

May he rest in peace. As part of his tribute, I would like to include the following January 9, 1991 article about the late Councilman Lindsay from the Los Angeles Sentinel, the largest African-American newspaper on the west coast.

[From the Los Angeles Sentinel, Jan. 3-9, 1991]

COUNCILMAN GILBERT LINDSAY IS DEAD AT THE AGE OF 90

(By A.S. Doc Young)

When Los Angeles City Councilman Gilbert W. Lindsay first described himself years ago as "the Emperor of the Great Ninth District," some people—fellow politicians among them—snickered.

They thought the claim was imperious, pompous, arrogant, hilarious. But, like the last baseball legend, Satchel Paige, Gil Lindsay was an American original, one of a kind and colorful both in speech and deed, a unique individual.

And, as Dr. Josie Bain, an administrative analyst at UCLA, said shortly after his death, "His uniqueness enabled him to say things and get away with things that others couldn't say."

Like Satch, when Lindsay spoke on his unique style and manner, he captured the attention of all who heard him. When he made political pitches, like Satch, he won impressively, establishing himself as a most unforgettable character in the process.

On issues and in matters large and small, downtown and uptown, he won so often and so skillfully that the snickering stopped, and the cynics realized that what he was, really, was awesome!

Just how awesome was conclusively proven in the hours following his death at 2:11 Friday morning, December 28, in the Queen of Angels/Hollywood Presbyterian Medical Center. He died as a result of a long illness which began with a severe stroke in early September that left him paralyzed on his right side and unable to speak and, at the end, was complicated by a heart attack.

It was proven by the warm, sincere, glowing tributes and testimonials paid to him by his peers and countless others who had known him. Not only was he highly praised for his great political achievements but also for numerous acts of human kindness.

"Gil Lindsay proved that you could do anything you wanted," said John Ferraro, president of the Los Angeles City Council; and Councilman Robert Farrell said: "He had a profound impact on the city. His hands and fingerprints are as much on downtown Los Angeles and the core of the city as anybody's."

"Under Councilman Lindsay's guidance," Mayor Tom Bradley said, "Central City became one of the premiere urban business centers in the country and the world. Downtown Los Angeles contains nationally recognized restaurants, cultural activities, gleaming skyscrapers, and developments that reflect rich cultural diversity.

His leadership of the Great Ninth District has included the development of senior citizens housing, recreation centers, child care centers, and the creation of the Vermont/Slauson Shopping Center."

Bradley also said: "He was a beloved public servant, one who declared on many occasions that he was giong to be emperor and councilman for life. He got his wish."

"He's been a long, hard worker," City Councilman Nate Holden said. "He was like a father to me. In fact, he looked like my father. I loved Gil Lindsay, and I still do."

Lindsay, who spent 27 years in the Los Angeles City Council after becoming its first Black member in 1963 at age 63, left behind credits galore that none less than a long, hard worker could have amassed.

The Great Ninth District extends from 81st Street on the south to Chinatown on the north. Lindsay liked to say that he was on call for his constituents 24 hours a day, seven days a week, 365 days a year. He demanded the same availability from his deputies, wearing out several of them who could not keep up the pace.

"In his prime, he could wear you out," said Deputy Councilman Robert Gay, who worked for him for 16 years. "He was really a man's man. He walked faster than most men. His grip was stronger. He could drink men under the table. . . ."

Hard-working Gilbert W. Lindsay was the chairman of the Council's Public Works Committee, vice-chairman of the Arts, Health and Humanities Committee, and was a member of the Community and Economic Development Committee.

"During his nearly three decades in office," City News Service Writer Cathy Franklin said, "the downtown area exploded into one of the premiere business centers in the world."

During his tenure, the Ninth District gained more than 24 million square feet of office, commercial-retail, and service-industry space. In addition, more than 4200 hotel rooms and 400,000 square feet of convention-exhibit space are now available in the Central City.

Other highlights of Lindsay's administration included the redevelopment of Little Toykyo and Chinatown. He worked to expand the amount of senior citizens housing in the downtown and South Central areas through projects such as the Stovall Foundation, Philips Temple Community Housing, and the Lindsay Recreational Center.

Also located in his district is the Angelus Plaza complex, the largest publicly subsidized senior citizens housing facility in the country with 1094 units.

His work in revitalizing the South Central area included the $12 million Vermont/Slauson Shopping Center and the creation of more than $14 million in low-interest loans to homeowners for rebuilding projects.

Lindsay also created child care centers such as the Children's Collective, the Betty Boop Child Care Center, and the Delta Sigma Theta Child Care Centers.

The California Medical Hospital dedicated the Gilbert W. Lindsay Child Abuse Center for the councilman's contributions to the Central City community.

As if all that did not make enough demands on his time and talents, Lindsay was an active member of the Democratic State Committee, the American Legion, the YMCA, Los Angeles Area Council, Boy Scouts of America, the Urban League, Town Hall and the Rotary and Kiwanis clubs.

"Personally," said City Councilwoman Ruth Galanter, "I learned a great deal about how this city works just by watching Gil Lindsay."

Congressman Mervyn M. Dymally said: "Councilman Gil Lindsay will go down in history as one of the great politicians of our time. I first met him when I worked for the Kennedy campaign, under the leadership of then-Assemblyman Gus Hawkins, and we remained friends over the last 30 years. He was a practical no-nonsense legislator. In my judgment, history will be kind in recording his accomplishments.

"In his prime," said Councilman Zev Yaroslavsky, "Gil Lindsay was one of the savviest politicians around. He will long be remember for paving the way for minority representation in the City Council."

Councilman Richard Alatorre said: "We have lost a leading citizen and public servant. Gilbert Lindsay devoted his entire life to working for his constituents and this work gave meaning to his life . . . it was his life."

City Attorney James K. Hahn said: 'Gilbert Lindsay never let anyone forget that the renaissance of downtown was in his 'Great Ninth' District, and he never took a back seat to anyone. He was loyal to his friends, no matter the cost."

Los Angeles County Supervisor Kenneth Hahn, the father of James K. Hahn said: "During his council career, Lindsay championed the cause of civil rights and projects that would benefit his Great Ninth District. He took care of the little and big things for his constituents. He was thoughtful, kind, considerate, and generous with his actions."

Someone else compared Gil Lindsay to the late Richard J. Daley, legendary mayor of Chicago (his son, Richard M. Daley is now major of that city).

But California Assembly Speaker Pro Tem Mike Roos captured the essence of Lindsay's career when he said, "His life was a true Horatio Alger story, an outstanding example of someone rising from humble origins to become a major, positive force in the City of Los Angeles. As the guiding force behind much of the major development planning in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

downtown Los Angeles, his place in our city's history is secure."

Gil Lindsay was born on a Mississippi cotton plantation on November 29, 1900. When he was a teenager, he left Mississippi and enrolled in a school in Pittsburgh. From there, he moved to Arizona, where he served with the U.S. Army in the 10th Cavalry and the 25th Infantry.

As part of an Army program, Lindsay attended the University of Arizona's School of Business Administration.

After leaving the military, Lindsay moved to Los Angeles and took a job as a janitor for the Department of Water and Power. While working, he continued to take classes in governmental administration and political science at USC and in business administration at UCLA.

C.A. (Bob) Barber first met Gil Lindsay in 1940.

"He was a janitor," Barber, a Los Angeles businessman, said. "His wife was from Greenville, Texas, about 75 miles from my home in Mt. Pleasant. . . . The thing I remember most vividly is that Gil Lindsay always was determined to do things, to be the best.

"He was a hellova janitor! That was an important job for Negroes in Los Angeles at that time. He gave the janitor's job the same respect he gave the council position. Whatever Gil was doing was very important to him."

Ruth Galanter said: "Mr. Lindsay's death marks not only the passing of a great man, but also of an era. Mr. Lindsay saw and overcame all the obstacles in his way. . . ."

"He made it!" Robert Farrel said. "He was 63 years old when he was appointed to the City Council. In ages 63 to 90, he exceeded everybody's expectations. When he was appointed to the City Council, some people expressed cynicism. 'What's his background?' they wanted to know. They were shocked when they were told that he used to be a janitor. But, he turned around where he came from and what he had done and made them a badge of pride. . . . He wore them as a badge of pride to stimulate and motivate people. Gil was a genius in his own way."

Lindsay, who had come to Los Angeles in 1923 (as one source has reported) or in 1924 (as he told me years ago), worked for the Department of Water and Power for 25 years—in the basement. Even after he became a DWP clerk, he worked in the basement. It was as if a department head was trying to hide him!

Lindsay began his political career in 1934, when he helped Augustus F. Hawkins run for the California State Assembly. (Hawkins recently retired after 28 years as a member of the U.S. Congress).

In 1947, Kenneth Hahn was teaching a class in political science at Pepperdine University, which was then located in South Los Angeles. One of Hahn's students was Herbert Howard, Lindsay's stepson.

One day, after Hahn told his class he was planning to run for the Los Angeles City Council, Howard said: "You should see my dad." Hahn agreed to go to see him. Howard also took Hahn to meet the late Rev. Clayton Russell, a minister often compared to New York City's Adam Clayton Powell, Jr., who was the pastor of the People's Independent Church of Christ at 18th and Paloma Streets.

Lindsay was, or was to become, a member there. (He was a People's Independent member when he died.) Rev. Russell greeted Hahn warmly, saying: "If Herbert is for you, I'm for you; and, if I'm for you, my church is for you."

Kenneth Hahn and Gilbert Lindsay were closely associated in politics and personal lives until Lindsay's death.

"Without his help," Hahn said, "I would not have been elected to the Board of Supervisors in 1952."

Lindsay was the associate manager of Hahn's 1952 campaign.

Kenneth Hahn also received substantial help in his political campaigns from the Women's Sunday Morning Breakfast Club, which was founded by Lindsay's wife, Mrs. Theresa Lindsay.

Gil Lindsay was quite proud of the fact that the Women's Sunday Morning Breakfast Club gave 24 full scholarships to college students and purchased five Life Memberships in the NAACP. Lindsay was a member of the NAACP's board of directors from 1953-58 and also was a vice-president of that organization.

Lindsay first made national Black political history when he was appointed as a deputy to Supervisor Hahn. After 10 years in that position, Lindsay was appointed in January, 1963, to fill the vacant Ninth District City Council seat, becoming, as Rick Orlov said in the Daily News, "the first Black to sit in one of the 15 high-backed leather chairs around the ornate council horseshoe." Lindsay replaced Edward Roybal, who had been elected to Congress.

Gil Lindsay stood only five feet, three inches tall. But, he felt like a giant of man after he made his way up from being a janitor to being a Los Angeles city councilman, and the first member of his race to do it, too. A few months later, Tom Bradley became the first Black elected member of the Los Angeles City Council. The other day, Bradley said he and Lindsay remained friends for 27 years.

In 1965, Lindsay was elected to the Los Angeles City Council in his own right, and went on to win six re-elections in the ninth district.

"Gil Lindsay was one of the few politicians who never ran for anything else," said his deputy, Bob Gay, who first went to work for him as a volunteer. "He really loved that district and that job."

When Lindsay last ran for reelection at age 89 in 1989, he received 73 percent of the Ninth District vote!

While recalling his appointment to the Los Angeles City Council in 1963, Lindsay once said:

"I helped everybody get elected around here—presidents, governors. I thought I should do something for myself."

"His ability to talk to virtually anybody, from the guys at the shoeshine stand to the corporate executive deeply impressed me," Gay said. "Gil Lindsay had a sensitivity to the average person. He loved young people; he loved senior citizens. He was open. His door was always open. He supported every good cause. He was exceptionally and intensely loyal."

He received loyalty in return from his employees, one of whom, Irene Matsubara, worked 27 years for him.

"I found him to be a very outgoing individual," said Dr. Josie Bain, who for seven or eight years was the program coordinator of the Women's Sunday Morning Breakfast Club. "He liked attention and wore it well. He was very interested in helping almost anyone in need. He would reach far beyond that which would be normally expected.

"He was proud of himself and rightfully so, knowing that he had come from the cotton fields of Mississippi. Such a background and such an achievement made him a very proud individual."

Businessman Celes King III, who came to Los Angeles with his family in 1936, knew Gilbert Lindsay most of his (King's) life.

"Los Angeles and America have lost one of the great community legislators," King said. "He had possibly more impact on more people than any other local politician.

"I can remember as a kid when I was sitting as an altar boy in the People's Independent Church and Gil Lindsay would read the announcements each Sunday. He is the person who took the younger members of the church and gave us a sense of direction.

"He made it clear that we must be accountable and we must be successful. He gave us a type of pride that carried many of us through."

James M. Woods, Sr., is another highly successful, Los Angeles businessman who knew Lindsay well.

"From time to time," Woods said, "we were very close. Once, when he was sick, I wanted to go to see him. Someone told me, 'You can't see him.' I said, 'Let me walk into the room.' Just as I walked in, he raised his head and said, 'Hello, Jim.'

"He put a lot back into the community. He changed the whole downtown area. People stayed on and didn't move out. He gave the people confidence. He was interested in his people. I think he'll be greatly missed."

Gilbert Lindsay's son, Melvin, died last year. Theresa, his wife of 49 years, died in 1984. He is survived by a daughter, Sylvia Thornton, who lives in Chicago, and stepson Herbert.

"Theresa Lindsay was a balance in his life," Howard said.

A family friend said:

"I believe Gil Lindsay began to decline mentally and physically after Theresa died."

Funeral services for Lindsay will be held at 10 a.m., on Friday, January 4, in the Victory Baptist Church, 4802 South McKinley Avenue, Los Angeles.

Victory Baptist is pastored by Rev. Charles Chapman, who once worked for Lindsay. The funeral is being held there because its auditorium is larger than the one in People's Independent Church of Christ. People's minister, Rev. William Naylor, will officiate at the funeral.

John Ferraro said:

"Anyone who knew Gil Lindsay and didn't love him—there had to be something wrong with them."

OPERATION DESERT STORM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MRAZEK. Mr. Speaker, it is time for the Congress and the country to unite. War is the greatest test not only of a soldier's physical and mental resilience, but also of a nation's. We will be most successful in this war if we are united in our support for the President's objective of ousting Saddam Hussein's forces from Kuwait, and united in our support for the courageous men and women fighting in the Persian Gulf.

Those men and women—who are risking their lives and making the greatest sacrifice possible simply because their country has asked them to—are deserving of our highest praise and admiration. I urge every Member of Congress and every American citizen to offer their full support, and their prayers, for those taking part in Operation Desert Storm.

Early battle reports, which are notoriously unreliable, are nevertheless very encouraging. This air campaign has obviously been extraordinarily well-planned and apparently well-executed.

It is the fervent hope of us all that it will be enough; that the war will be over quickly and with a minimum loss of blood and treasure; and that the further destruction of Iraq and a deadly ground war can be avoided. But it now depends on Saddam Hussein. He must come to his senses and act in a rational manner and remove his forces from Kuwait. It is the only path to peace.

EDITORIAL REFLECTS NATIONAL UNITY AND RESOLVE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SOLOMON. Mr. Speaker, the mood of the entire country seems to be somber but relieved on the morning after the beginning of Operation Desert Storm.

That double-edged mood is reflected in much of the editorial remarks in the Nation's newspapers. Typical editorials lament the failed diplomatic efforts and acknowledge the fact that Saddam Hussein has left us no other alternative but that of removing him by force from Kuwait. There also seems to be a national determination to do what's necessary, do it right, do it quickly, and bring our forces home. There is resolve, but no gloating. Relief over the unexpected success of initial attacks is tempered with a sober realization that this war is not over, and that Saddam Hussein is a resourceful as well as a brutal foe.

I place in today's RECORD a good example of that balanced editorial comment, a Thursday morning editorial in the Albany Times-Union. I would urge all members to read it.

[From the Times Union, Albany, NY., Jan. 17, 1991]

A BATTLE FOR KUWAIT, AND PEACE

The fighting that no American wanted, and all wished would never come, is now a part of history in the making. Sadly, it comes as no surprise. The last hopes for peace had faded with the collapse of a midnight-hour attempt at diplomacy by the French. Iraq's Saddam Hussein, arrogant as ever, refused to yield the Kuwait his forces had captured in August.

The battle has been joined, President Bush told the nation in a televised address Wednesday night. It's a confrontation that Saddam Hussein refused to avoid, and cannot be allowed to win. Nothing would bring him to his senses—not world condemnation, not economic sanctions, not warnings from President Bush or resolutions from the United Nations or the U.S. Congress. Nothing. Now the last method of persuasion is at hand, with all the pain and death that will mean for all involved.

Let no one mistake: This is a war Saddam Hussein brought upon himself. He scorned one attempt after another to find a peaceful solution. He was defiant even up to the last moment, as Iraqi forces began to move chemical weaponry closer to allied forces massed in Saudi Arabia. He was unresponsive to one entreaty after another.

There were numerous opportunities to respond. All were rebuffed, including concessions for a conference on Middle Eastern issues, United Nations Secretary General Javier Perez de Cuellar made one such offer, the French another proposal. Even the White House softened, while resolutely, and properly, refusing to link Iraq's aggression in Kuwait with the Palestinian issue.

With war upon us, some clear priorities need to be stated. One is to wage battle as forcibly as necessary to bring this confrontation to a quick resolution. Another is to hold casualties on both sides to a minimum, although the primary concern must be the American and allied service personnel who have placed their lives at risk.

The latter goal can't be achieved if political support weakens, as it did during the Vietnam war. Saddam Hussein is a student of that war, as well as the American Marine presence in Lebanon. Both chapters have led him to scorn American resolve in the face of casualties, while boasting of Iraqi courage. Both have given him a distorted confidence that Americans will soon tire of this conflict and retreat.

President Bush, mindful of Saddam Hussein's penchant for gross miscalculation, vows that no American or allied soldier will be asked to fight with one hand tied. That, too, must be a priority concern, along with removing Saddam Hussein from the world scene. Victory will come not only when Iraq's army is forced out of Kuwait, but also when Saddam is stripped of power.

Whether a long war or a short one, there will be a high price to pay in human life. Yet the cost has to be weighed against the much higher toll that surely would have been exacted had Saddam Hussein managed to build a nuclear arsenal. Civilized nations cannot abide vainglorious despots who would menace the world with weapons of annihilation.

TRIBUTE TO DR. DEMIE MAINIERI

HON. ILEANA A. ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I take this opportunity to pay tribute to an outstanding resident in my congressional district, Dr. Demie Mainieri. After 31 years of dedicated service as associate dean, atheltic director and head baseaball coach at the Miami Dade Community College, north campus, Dr. Mainieri is retiring.

Throughout his career, Dr. Demie Mainieri has distinguished himself as an educator, coach, administrator, and community leader as well as a major contributor to amateur baseball on the local, national, and international level. Dr. Mainieri has received numerous accolades resulting in his induction into the American Baseball Coaches' Hall of Fame, National Junior College Athletics Association Hall of Fame, Potomac State College Athletic Hall of Fame, and the West Virginia University Physical Education Hall of Fame.

Coach Demie Mainieri's Falcon baseball teams have won numerous championships at the State, regional, and national level. Coach Demie Mainieri is the first junior college baseball coach to ever record 1,000 coaching victories, finishing a prestigious career with 1,012 wins. Twenty-three former Miami Dade north players under Coach Mainieri's tutelage have had successful careers in major league baseball. More than 90 of Coach Demie Mainieri's former Falcon players have been drafted by professional baseball teams. Dr. Mainieri established a nationally acclaimed sports program for inner city youths and provided leadership for the training and development of over 500 recreational leaders.

Over the years, Dr. Mainieri has been honored by several organizations including a "Man of the Year Award" from the Italian American Foundation.

In honor of his service, a banquet will be held at the Radisson Mart Plaza Hotel on February 22. I commend the works of State Senator Carrie Meek, Dr. Mary Mahan, Ron Warnock, Jay Rokeach, Kathi Hanson, Bill Alheim, Mary Dagraedt, John Takovich, and Tom Prescott for putting this reception together.

Dr. Mainieri is certainly deserving of this recognition, for he has had significant accomplishments in community college athletics and a positive impact on thousands of south Floridians.

SUPPORTING THE HAMILTON/GEPHARDT RESOLUTION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MAZZOLI. Mr. Speaker, first, I would like to extend congratulations to my colleague, LEE HAMILTON. Not only has the gentleman from Indiana been my friend, but our districts adjoin across the Ohio River, and so I have had the opportunity to observe his performance for many years. I am now happy that the merit that we knew he had, but was somewhat hidden under the bushel basket, is now for the entire country and the world to view because he is certainly bringing great dignity to this debate.

I would like to extend congratulations to the majority leader, who has shown his leadership on this issue, as well as the budget issue last autumn; Speaker FOLEY, because it is Speaker FOLEY who showed the courage and the tenacity to bring that issue up as it ought to be brought up; and certainly last, but not least, the President of the United States, who has these tremendous and weighty burdens on his shoulders which all of us join in praying God that they be discharged in a way that will bring the situation in the Mideast to a speedy and, we hope, peaceful conclusion.

I think there are some postulates that ought to be talked about here as we get the debate started. One is that all Members—whichever resolution of the three before us that Members would support—are serious and have approached this with a great deal of thoughtfulness.

As one who has served in this body for over 20 years and having observed the debate for the last day or two, I think this is really going to be one of the high points of congressional service for all of us.

I think another postulate is that Saddam Hussein is a vile, mean, and evil man who ought not to be condoned in any fashion by any civilized nation of the world. I think I ought to say, as a veteran of the U.S. Army, back in the 1950's, that I believe wars need to be fought from time to time, that they are not totally avoidable. My belief is that this one ought not be fought now, but I believe many of us approach on the premise not that all wars are bad but that this war may not be necessary now.

Whatever is voted up at the end of the debate on the day after tomorrow, I think it is our responsibility as Members of the House to support the men and women in Operation Desert Shield, to be sure they have the materiel and all the support necessary to carry out their function.

Having said that, Mr. Speaker, I rise in very strong support of the gentleman's resolution. I intend, also, to support the resolution of our friend, the gentleman from Florida [Mr. BENNETT], which I think establishes correctly that the real power to declare war is vested in article I, section VIII of the Constitution, in the Congress, and not the President.

But the Hamilton-Gephardt resolution is a stay-the-course resolution. It allows that the sanctions currently in place be continued, and that those sanctions be tightened. It makes sure that all the diplomatic efforts which are underway are continued and strengthened. It keeps the forces we have in place so that they would be available to thwart any attack or to mount an offensive action if that is demand necessary and voted up by the body at some time in the future.

However, unlike the Solarz-Michel resolution, this one before us does not give the President a blank check or a carte blanche authority to take an offensive action.

I have to ask these very simple questions, Mr. Speaker. Why would we need to go to war right now or at midnight on Monday night, the beginning of January 15? The President's objectives have largely been realized. Our hostages have been returned. The oil supplies are protected. Neither Saudi Arabia nor any other nation in the area is threatened. The area is stabilized.

The two other things the President desires to be done, that Kuwait be rid of Saddam Hussein and his forces, and that the Sabah family be returned to the throne in Kuwait, I do not think are needed at this actual moment in time—needed eventually, but not right now needed enough to warrant going to war.

I hear so much about this fragile coalition which might fall apart unless a war is fought at midnight Monday night or soon thereafter. If the coalition is that fragile, then maybe it is not really a coalition except in name only.

Many of the members of the coalition are not paying the money they pledged. Many of the members of the coalition are not sending their men and certainly not their women into this fight. So what is the coalition? Maybe that coalition is not really one anyway, and so it should not be the determining factor of whether we send our men and women to a sure death, in some cases, in order to preserve this coalition.

I liken this to: "We will hold your coat while you do the fighting." That is what this is. There are a number of nations in the so-called coalition that said, "Hey, we will hold your coat, but we want you guys to do the fighting, and we then want you to pay for the fighting." They have not ponied up the money. They are not going to. They do not send us their troops, and they are not going to. But they want the benefits of our war. I do not think that is fair. I do not think that is something this House and this Congress ought to do.

The whole idea is to demonize Saddam Hussein and deify Kuwait. Kuwait: We hear so much about Kuwait. We have got to restore the Al Sabah family; this is a great nation that has been run over by an aggressor.

I will sum up by saying that Kuwait is a feudal dictatorship, a feudal kingdom. Its people do not vote. The majority of the people who lived within the bounds of Kuwait before the takeover were not even Kuwaiti citizens. They were guestworkers or U.S. people who were there doing work for the oil companies.

The fact of the matter is there is nothing free and democratic. There is nothing devoted to human civil rights in the nation of Kuwait. Why, pray tell, should we sacrifice ourselves and our future to restore that?

Mr. Speaker, I think what we ought to do is continue the sanctions, make sure they do not leak, make sure these members of the coalition who are knowingly allowing these leaks to take place do not take those actions, and then let us see what happens.

If later down the road we have to take offensive action, we will do so. We should do it. But, it ought not be done now at this point in time.

LEGISLATION TO PREVENT SWEETHEART DEALS BETWEEN THE NATIONAL PARK SERVICE AND CONCESSIONAIRES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GUARINI. Mr. Speaker, I am reintroducing legislation today that will prevent future sweetheart deals betweens the National Park Service and concessionaires and give the Secretary of Interior the authority to terminate existing contracts if they are owned or controlled by foreign interests.

In 1965, the Concessions Policy Act was created to provide incentives for businesses to build and operate concessions in our national parks. The act directs the Secretary of Interior to "* * * encourage continuity of operation and facilities by giving preference in the renewal of contracts or permits and in the negotiation of new contracts or permits to the concessionaires who have performed satisfactorily. * * *" According to a 1980 GAO report, Congress should repeal this provision because "* * * existing concessionaires already have a competitive advantage over others who want to operate in the parks—they do not need additional legal advantages."

The GAO also recommended that Congress eliminate the provision of the act which cites that a concessionaire has a possessory interest in the structures, fixtures, or improvements that it aquires or constructs. In order for the Park Service to terminate a contract, they must reimburse the concessionaire an amount equal to reconstruction costs less depreciation. In some cases, concessionaires have over $200 million of possessory interests invested at the national park. This makes it virtually impossible to compete for a new contract and discourages potential competitiors from even bidding on it.

The recent Matsushita takeover of MCA, which operates the concessions at the Yosemite National Park, has raised serious questions about how and why MCA was able to maintain a monopoly that generates over $75 million in annual revenues while paying less than $600,000 back to the Federal Government. The Secretary, to his credit, acted quickly to resolve an embarassing situation and had already publicly announced his intention in July to put a new concessions policy in place.

However, this can only be accomplished by repealing the two unnecessary provisions of the law—preferential rights and possessory interest. My legislation repeals these clauses and requires the Secretary of Interior to develop and implement a new system within 90 days for the renewal and extension of existing contracts and permits, the granting of new contracts and permits, and providing new or additional services through concessionaires in areas of the National Park System. This new system must secure competitive bids and advertising for concessions contracts and to the extent possible, limit the term of these contracts to 5 years.

Further, my bill would require the Secretary to review existing contracts, many of which are sweetheart deals, to determine if any of these contracts are owned or controlled by foreign interests or if any contracts were awarded outside of the normal Park Service procedures and if so, whether of not the contract can be terminated on that basis.

The Secretary is also required to provide access to Ellis Island by way of a bridge connecting Liberty State Park and Ellis Island. The working families of America deserve free and easy access to one of our greatest national monuments.

Finally, I have requested that the Secretary review the concession serving the Statue of Liberty and Ellis Island to determine if there is sufficient access for the public and if the cost of the ferry service to these national monuments is justified. The concessionaire virtually doubled its rate to the islands, limiting the access to the millions of people expected to visit this year.

HOW WE'LL KNOW WE'VE WON

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HALL of Ohio. Mr. Speaker, 1 week ago, I addressed the House to express my misgivings about the impending threat of a war in the Persian Gulf. In the absence of clear military and international objectives, I wondered, how would the United States know when we had achieved those objectives; how would we know when the war was over? Second, I expressed my sadness that, while we seem to have the will to fight, we do not have the heart for the poor and hungry.

I was pleased, therefore, to read this morning's Washington Post, which contained a column by David Broder entitled "How We'll Know We've Won," which sets out some long-term goals. I was particularly pleased to note that the final goal would be for the administration to address the problems of hunger and homelessness in this country. Clearly, Mr. Broder understands that a victory overseas is empty if it comes at the expense of needy American men, women, and children.

For the benefit of my colleagues, a copy of the article follows:

HOW WE'LL KNOW WE'VE WON

(By David S. Broder)

On Wednesday afternoon, two hours before the outbreak of hostilities in the Persian Gulf, Chuck Skaggs, 22, of Dale City, Va., finished up his paperwork at the Army recruiting office in Woodbridge, Va. A third-generation construction worker, whose grandfather had served in World War II and whose father had served in the '60s, Skaggs was absolutely clear on why he had just asked for "front-line combat infantry" training.

"I have always been taught, 'Defend your country at all costs,'" he said. "And if we can't help other people keep their freedom, what good are we?"

Skaggs' old-fashioned patriotism was very much on my mind as I walked to work later that night past posters reading, "Stop Bush's War Now."

Of course, the instant hostilities started, it stoppped being "Bush's War" and became a cause to which the overwhelming majority of Americans instinctively rallied. After days and nights of tension during the countdown to the Jan. 15 deadline for Iraqi withdrawal from Kuwait, there was relief from the growing sense of frustration with the diplomatic "stiff-arm" Saddam Hussein had given to all proposals for a peaceful solution.

Just as oil prices dropped, instead of rising, on the news of war, American spirits rose, instead of sagging. An ABC News-Washington Post poll showed three out of four people approving the president's decision to delay no longer on the resort to force. The patriotic impulse was enhanced by the upbeat tone of the first Pentagon news briefings.

Welcome as that surge of emotion has been, reason cautions that harder times lie ahead—and sterner tests for this nation's leadership.

Military strategists always assumed we could win the air war decisively. From all indications, that confidence was justified. But it will be several days at least until we know if the bombs and missiles have been effective enough to spare the allied armies in Saudi Arabia from the bloody task of uprooting the Iraqi forces entrenched in captured Kuwait. The attack on Israel last night threatens a wider war.

Each additional day of fighting will add to the controversy about the definition of "victory" for the anti-Saddam coalition. While Bush set the objective simply as the liberation of Kuwait and expressed the hope that "Iraq will live as a peaceful and cooperative member of the family of nations," it is by no means clear whether the forces in battle will tolerate Saddam Hussein's remaining in power.

Already, strong voices among American conservatives and supporters of Israel are arguing that it would be a travesty if he were allowed to salvage even a psychological victory as the ruler of Baghdad. But the overthrow of Saddam implies a conquest of Iraq—a task the United Nations has never sanctioned and one which could entail far heavier casualties.

Beyond that, the question of a new strategic balance in the Middle East remains largely unaddressed. And so does the impact of this war on what Bush has called the "New World Order."

His Wednesday night Oval Office address was a disappointment, even to those of us who strongly agree with the president that the world could not tolerate naked aggression in an area as vital as the Gulf by a dictator with Saddam's ambition and arsenal.

The Bush speech was backward-looking a rehash of the argument he already had won against those in Congress and the country who had, in good conscience, urged him to continue to rely on economic sanctions to bring Saddam to heel. It did little to clarify how and when we would consider the military action complete—and what we want to see afterward.

Assuming that the armed forces of America and its allies do their job, the president and his administration will ultimately be judged on how well they fulfill three missions only they can perform:

First, they must lead in creating a stable balance of power in the Persian Gulf, dominated by nations less objectionable than Iran or our crypto-ally-for-the-moment, Syria, and secured by something other than a permanent and massive U.S. military presence in the region. And they must lead in addressing the too long postponed question of reconciling Palestinian rights with Israel's security.

Second, they must bring that wonderful concept of "New World Order" down to Earth before it is defined by political opponents in ways they would not like. Where do those economic powerhouses of Japan and Germany so conspicuously on the sidelines in this struggle, fit into the NWO? How does Bush intend to induce them to play their part? That question must be answered, or Americans will be left thinking that our troops are the cops the world can summon whenever anyone is in a jam. And how about the Soviet Union? How long can we pretend not to see the increasing brutality of its internal policies?

Finally, the president and his administration must show their understanding of the American people's priorities by shifting as quickly as possible from targeting ammunition dumps and antiaircraft batteries to focusing on the evil here at home of hunger and homelessness, crime and drugs, illiteracy and disease.

The patriotism of a Chuck Skaggs and the sacrifices being made on the battlefields of the Middle East demand no less.

CONCURRENT RESOLUTION CONCERNING THE REOPENING OF UNIVERSITIES ON THE WEST BANK AND GAZA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAHALL. Mr. Speaker, I am pleased to introduce a concurrent resolution calling upon the Israeli Government to reopen the universities which have been closed under military order for more than 3 years, located in the occupied territories of the West Bank and Gaza.

In past years, until his recent retirement, our distinguished colleague Howard Neilson, had taken on himself the responsibility and duty to introduce such resolutions, expressing the sense of the Congress that these six universities be reopened, giving Palestinian students the opportunity to return to their careers in higher education. As it now stands, and as it has stood for 3 years, tens of thousands of university students and high school graduates have been cut off from any chance to pursue professional education and training.

Palestinians, very much like Israelis, have long taken pride in being the most educated group in the Arab world. The institutions that have been closed, most of which were established in 1971, are supported by student fees/tuition, and private contributions and gifts. They do not now and have never received financial support from the Israeli Government. The parents of these Arab children deeply deplore the lost opportunities their children are suffering, because they place high value on education, and have a history of sacrificing much to educate their children. In other words, Palestinians are like Americans and Israelis, all of whom place a high value on education as a basic right.

Concern for the universities is shared by many. For example, last year, a group of more than 400 Israeli academics held a press conference at Hebrew University, petitioning the Defense Ministry to reopen the schools. An all-day teach-in was held at Tel Aviv University in solidarity with the closed Palestinian universities.

Here in the United States, over 200 faculty and 800 students at Harvard and MIT signed a petition calling for the immediate reopening of the universities. Open letters to Congress, representing 30 American Jewish educators and scholars in the field of Jewish studies, have been received in support of past congressional resolutions calling for the reopening of the universities.

The United States Government has pressed repeatedly for universities to be reopened, according to congressional testimony by Assistant Secretary of State Richard Schifter given last May at a joint hearing of the Europe and Middle East Subcommittee and the Human Rights and International Organizations Subcommittee of the House Foreign Affairs Committee.

Mr. Speaker, I applaud recent events that have seen the Israeli Government reopen all elementary and secondary schools in both the West Bank and Gaza, along with many of the community colleges. Of equal note is the fact that since April 1990, Israel has reopened a portion of Al Quds, and just this past August allowed Bethlehem University to reopen. While this is more than a welcome sign, the rest of Al Quds and four other universities remain closed, including the Islamic University in Gaza.

Last year, House Concurrent Resolution 315, which commended the Israelis for steps already taken to reopen some schools, and urged them to continue the process, had a total of 82 cosponsors, as well as the support of the administration. Also last year, both the House and Senate passed amendments to foreign aid bills, again commending Israel's decision to open the two schools on the West Bank, and urging that the remaining universities be reopened as quickly as possible.

It is obvious that reopening all the universities on the West Bank and Gaza would make an important contribution to improving relations between Palestinians and the Government of Israel and the pursuit of peace in the region, as well as to improve trade relations between the European Community and Israel.

For this and many reasons, Mr. Speaker, I urge my colleagues to join me in cosponsoring this concurrent resolution, so that these institutions of learning, of such grave importance to the future of Palestinian youth, be reopened and remain open, and be regarded and respected by all parties as places of learning, and not be made the scapegoat of unrest created by the Intifadah.

In conclusion, Mr. Speaker, I would like to share with my colleagues the words contained in the open letter to Congress, written by 30 American Jewish educators and scholars:

> * * * to deprive a population of education this way is to impose a form of collective punishment on an entire society. This is not the way to move toward peace. Such steps only serve to embitter the Palestinians; a lasting peace will require that the two peoples treat each other with mutual respect. We urge you to call on Israel to reopen the universities. We make this request both as friends of Israel and out [of] the respect for education which is central to Jewish traditions.

I sincerely request the attention of my colleagues to this resolution again during the 102d Congress, and ask their support in obtaining its passage. Education is, after all, a basic human right that ought to transcend politics. It has been found that there is no evidence that the official justification for the closures in the first place, which was said to be to quell unrest resulting from the Intifadah, has any basis in fact.

The normal functioning of the education system on the West Bank and in Gaza City is of deep interest to both sides, and it will certainly benefit both. I believe these young Palestinians would be far better off involved in getting an education, than wandering the streets of the West Bank and Gaza.

Support academic freedom. Reopen the Palestinian universities.

INTRODUCTION OF LEGISLATION CONCERNING TAX TREATMENT OF CERTAIN INTANGIBLE ASSETS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to clarify the tax treatment of corporate acquisitions of certain assets. This legislation is similar to legislation which the House of Representatives adopted in 1987, and I urge its adoption by Congress this year.

Under current law, the goodwill of a business is not depreciable or deductible as a business expense. Over the years, however, many taxpayers have attempted to claim that the costs of acquiring a customer list or other similar asset is separable from good will, and subject to depreciation. The Internal Revenue Service typically challenges such deductions, and in 1987, the Committee on Ways and Means adopted language as part of the budget to clarify that a customer list or similar asset was, essentially, goodwill.

Unfortunately, the Ways and Means Committee provision was deleted from the budget in conference with the Senate. Since that time, the IRS has lost several major court cases on this issue; the courts have, in many respects, carved out a road map for taxpayers to take advantage of this uncertainty in the tax laws. My legislation would end this debate once and for all. It would also end some outrageous positions taken by taxpayers which were reported last summer in Forbes magazine, including an attempt to depreciate a recipe for pizza crust.

Mr. Speaker, I insert a technical description of my legislation at this point in the RECORD.

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

Taxpayers may claim depreciation on property used in a trade or business or for the production of income. Generally, a deduction for depreciation is available only if the property is a wasting asset or if the life of the property can be ascertained with reasonable accuracy.

In the case of intangible assets, depreciation is available only if the property has a limited useful life of more than one year and meets the trade or business or production of income test. However, no deduction for depreciation is allowable with respect to goodwill.

Some taxpayers take the position that, after a corporate acquisition, the costs of customer lists and other similar intangible assets are depreciable and separable from goodwill, generally on the grounds that such assets have a useful life that can be determined with reasonable certainty. Some recent court opinions seem to support this position (*see, e.g., Newark Morning Ledger* v. *U.S.*, 734 F.2d. 176; *Citizens and Southern Corporation* v. *Commissioner*, 91 T.C. 463), although the Internal Revenue Service does not agree (*see, e.g.*, Rev. Rul. 74-456, 1974-2 CB 65). The IRS will typically challenge claims that amounts paid for customer lists are separable from goodwill.

When a franchise, trademark, or tradename is transferred, payments on account of such transfer are allowed as an ordinary and necessary business deduction if they are contingent on the productivity, use, or disposition of the asset. If the transfer is not treated as a sale because the transferor retains any significant power, right, or continuing interest with respect to the subject matter of such asset, then any payment of a principal sum agreed upon in the transfer agreement is deductible over a period not exceeding 10 years (section 1253(d)(2) and (3)).

EXPLANATION OF PROPOSAL

The bill clarifies that any amount paid or incurred to acquire customer base, market share, or any renewing or similar intangible item is treated as paid or incurred for intangible property with an indeterminate useful life, and therefore is not amortizable or depreciable.

The items covered include, for example, customer and subscription lists; patient or other client records; the existing "core" deposits of banks; insurance in force in the case of an insurance company; advertising relationships and customer or circulation base in the case of a broadcast, cable, newspaper, cellular, or any other business; other contracts or relationships reflecting the value of the customer base; location advantage; workforce in place; and market share in the case of any business.

Finally, the bill is intended to clarify that section 1253(d)(2) or (3) does not apply to any payment made by the transferee of a franchise, trademark, or tradename to a transferor who does not retain any significant power, right, or continuing interest with respect to the subject matter of the franchise, trademark, or tradename. The fact that another party who is not the transferor may retain such a right thus does not permit the transferree to deduct any amount under section 1253(d)(2) or (3).

No inference is intended as to present law.

EFFECTIVE DATE

The legislation is effective for acquisitions after the date of enactment.

CHABAD WEEK

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MRAZEK. Mr. Speaker, I rise today in recognition of "Chabad Week", which was proclaimed from December 12–19, 1990 by the Chabad of Huntington.

The Chabad Lubavitch is a worldwide movement under the leadership of one of the most revered spirtiual leaders, Rabbi Menachem Schneerson. This movement has for many years promoted a greater awareness of the concepts of education, morality, and decency among all peoples. The Chabad of Huntington is a vibrant and growing organization within this movement.

Chabad Week coincided with the celebration of Chanukah, a commemoration of the rededication of the Jewish temple by the Maccabaeus in 165 B.C. During this week, members of the Chabad of Huntington personally contacted every Jewish household, and also made visits to local hospitals, care homes, and jails. In addition, the Chabad conducted Menorah kindling ceremonies in major shopping centers and constructed Menorah displays in local supermarkets and local town halls. The Chabad also sponsored a Chanukah mobile office offering information and gifts for children throughout the community.

Mr. Speaker, I praise the members of the Chabad of Huntington for their active civic participation. Not only did they make the Chanukah celebration in the Huntington area more festive, they helped to educate people from all walks of life about the significance of this ancient celebration of Chanukah. I wish the Chabad's members continued success in all of its endeavors.

ANNIVERSARY OF UKRAINE INDEPENDENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SOLOMON. Mr. Speaker, January 22 will be a truly important and significant day for the people of Ukraine and their friends and relatives here and around the world. On that date 73 years ago, the Ukrainian National Republic severed Ukraine's ties with the rest of the former Russian Empire and declared the Ukrainian Nation's independence. While the anniversary of this event is marked by Ukrainians with honor and pride, it is also observed with sadness. Within 4 years of its independence, Ukraine was again subjugated to Russian control, this time under the ruthless fist of the Bolsheviks.

In past observances of this important occasion, I have spoken here on the floor of the House of Representatives about the history of the Ukrainian Nation and its past role in the European Community. Today I want to look to the future and to the possible role that Ukraine may at long last again play as an independent member of that community—if the United States and the free nations of Europe reach out and offer it a hand in doing so.

At this moment, Ukraine and the many other nations under the control of the Soviet Union stand at a crossroads. They may at last be able to escape the clutches of the only empire that survived the First World War—under the guise of a so-called progressive ideology. On the other hand, however, they may well be forced back under the control of that empire—to the detriment of not only their national and cultural independence, but to the cause of democracy in the Soviet Union as well.

Unfortunately, the belief held by many here in the free world that the success of Soviet democratic reforms depends on keeping Mikhail Gorbachev in power is increasing the likelihood that the second result will be obtained instead of the first. It is the mistaken belief of policy makers here in the United States and in Europe that by supporting the striving of Ukraine and the other captive nations to achieve their independence we are undermining Gorbachev and his effort to carry out those reforms.

The spin that Gorbachev puts on the portrayal of the Ukrainian and other nationalist movements to this captive audience in the West is obviously meant to reinforce that belief—because it serves his effort to stay in power. The fact is that we shouldn't feel we have to choose between democratic reforms and freedom for Ukraine and the other captive nations. We instead need to choose both.

It is clear that today Ukraine and the other captive nations are nothing more than colonies for the Soviet Empire. In recent years, for example, Ukraine has provided an estimated 90 percent of its production to the central government in Moscow. In return, the Soviet system has paid it back with the long-term depletion of Ukraine's resources, and, most recently, the reactor explosion at Chernobyl that contaminated a large part of Ukraine's territory. The fact is that this colonization of Ukraine and the other captive nations of the Soviet Union has combined with the failed Communist economic system to literally sap their peoples of any desire to reinvigorate the Soviet system.

That is why Gorbachev has had to turn to the army and to the KGB to try to keep them in line. Gorbachev's continued description of himself as a "convinced Communist" and his continued proposal of unrealistic "constitutional" plans to keep Ukraine and the other nations under Soviet control shows that he is not facing facts. And the facts are that communism is a failure and the future of Europe must include freedom for these captive nations.

We here in the United States need to recognize these facts also. Economic prosperity and democratic reform in the Soviet Union are tied up with the question of nationalist self-determination. As long as Ukraine and the other captive nations are forced to remain under Soviet control—as long as they are not recognized by the United States and Europe as independent nations—neither democracy or prosperity will be achieved. Instead, we in the West will be asked to pour economic aid in to support the central Soviet Government—whose ideology and economic policies are outright failures with no chance of success.

I have long felt that what the peoples of the Soviet Union need most is not more aid, but more freedom. And that includes national freedom, which will provide newly liberated Ukrainians and other nations the incentives they want and need to rebuild their economies and invest in the future. I hope that the United States and its allies in Europe will take steps to establish more direct contacts with Ukraine and those other nations, recognize their recent declarations of sovereignty, and begin bringing them into the European Community.

On this, the 73d anniversary of the declaration of Ukrainian independence, the Ukrainian people have my best wishes for their future economic and political prosperity.

BIPRISA PARADE HONORS JOSE MARTI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on January 28, we will celebrate another anniversary of the birth of Jose Marti, the Cuban poet and national hero. The Bilingual Private Schools Association [Biprisa] will host the XVII Schools Parade in the City of Miami which will honor the 138th anniversary of Jose Marti.

Born in 1853, Jose Marti was a man who valued both words and actions and he gave his life for freedom while fighting for Cuba's liberation from Spain. The following obituary was published in The Sun in New York City on May 23, 1895:

> We learn with poignant sorrow of the death of Jose Marti, the well-known leader of the Cuban revolutionists. We knew him long and well, and esteemed him profoundly. For a protracted period, beginning twenty years ago, he was employed as a contributor to *The Sun*, writing on subjects and questions of the fine arts. In these things his learning was solid and extensive, and his ideas and conclusions were original and brilliant. He was a man of genius, of imagination, of hope, and of courage, one of these descendants of the Spanish race whose American birth and instincts seem to have added to the revolutionary tincture which all modern Spaniards inherit. His heart was warm and affectionate, his opinions ardent and aspiring, and he died as such a man might wish to die, battling for liberty and democracy. Of such heroes there are not too many in the world, and his warlike grave testifies that, even in a positive and material age, there are spirits that can give all for their principles without thinking of any selfish return for themselves.
>
> Honor to the memory of Jose Marti, and peace to his manly and generous soul!

It is with great pride that we celebrate the birth of Jose Marti. He will live in our hearts forever.

For their part in the organization of the parade, I would like to commend the members of the board of directors of Biprisa: Demetrio Perez, Jr., Antonio Brito Munoz, Zoila Sanchez Cifuentes, Nerida Valdes, Alicia de la Torriente, Caridad Perez, Mario Beovides, Gil Beltran, and Rev. Martin Anorga. Their efforts in organizing the parade have been tremendous.

I would also like to recognize the participating schools and their directors: Nuria Milanes of Arrowhead Kindergarten, Mario Beovides of Jose Marti School, Alicia de la Torriente of Highpoint Academy, Caridad Perez of Edison Private School, Rev. Martin Anorga of La Progresiva Presbyterian, Zoila Sanchez Cifuentes of Sunny Day School, Gil Beltran of La Luz School, Antonio Brito Munoz of Brito Miami Private School, Moravia Capo of Inter-American Military Academy, Demetrio Perez, Jr. of Lincoln-Marti School, Maria Elena Lozano of Seven Dwarfs Nursery School, and Miriam Morales of Roston Academy.

Also included are Vivian Gutierrez of Columbus Military Academy, Fernando Villamor of St. Agatha Catholic School, Dr. Maria Alonso of Champagnat Catholic School, Marta Vega of Hialeah Institute, Jose Vila of Cinderealla Nursery School, Nerida Valdes of Christ-Mar School, Alina Santos of Roblanca Academy, Toddler University, Inc., Holy Family Catholic School, Teresita Baldor of Baldor Schools, and Dr. Olga Farinas of II Savior Academy.

Other members of Biprisa include Aleida Machado of Aleida's Nursery, Maria de los A. Perez, Lincoln-Marti Day Care, Miriam Morales of Garces Commercial College, Octavio Oliu of Gingerbread House, Milagros Montero of Panamerican Institute, and Nancy Guillermo of Nancy's Land.

UNIVERSITY OF LOUISVILLE CARDINALS: 1991 FIESTA BOWL CHAMPS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to congratulate the University of Louisville football Cardinals on their 34 to 7 victory over the University of Alabama Crimson Tide in the 1991 Fiesta Bowl.

Led by head coach, Howard Schnellenberger, the football Cardinals have come a long way during the past 5 years. To illustrate, the 1991 Fiesta Bowl was the university's first bowl appearance in 13 years and its first major bowl appearance ever.

When Coach Schnellenberger came to Louisville to take the helm at University of Louisville—after a very successful career as a player and as a coach both in collegiate and professional ranks—Howard was coming back home.

He is a native Louisvillian, who played his high school football at Louisville Flaget High School. Coach Schnellenberger played his collegiate football at the University of Kentucky—ironically, under the legendary Paul (Bear) Bryant who led Alabama to greatness. So, Howard learned his coaching skills quite literally, at the master's knee.

To turn the Louisville program around, Coach Schnellenberger demanded much from his players and his staff. For those who chose to stay and be a part of his rebuilding program, the Fiesta Bowl victory was a sweet reward indeed.

A coach cannot, however, do it all. He needs a complement of players, assistants, coaches, trainers, managers, academic advisors, and the coach needs support from the student body and administration. Coach Schnellenberger enjoyed all these ingredients at University of Louisville—and then some—this season. And the university, not accidentally, achieved its best football record ever (10–1–1), and its highest Associated Press ranking ever; 14th.

Mr. Speaker, the Louisville community is still cheering about this notable Fiesta Bowl victory. I congratulate all who made this win possible, and I commend to the attention of my colleagues, the players, coaches, trainers, and officials—including university president, Donald Swain and athletic director, Bill Olsen—who made it all happen.

FIESTA BOWL

PLAYERS

John Tuyo, Randy Wyatt, Eric Broomfield, Klaus Wilmsmeyer, Anthony Cumming, Rawle Bynoe, Browning Nagle, Adrian Green, Greg Minnis, Robert Knuutila, Jeff Brohm, Andrew Cornell.

Erik Watts, Liggett Butler, Lito Mason, Kevin Gaines, Rhonyia Quick, Curtis Lipsey, Ralph Dawkins, Chris Fitzpatrick, William Blackford, John Gainey, Shawn Jackson, Rene Couto.

Pete Bynm, David Moyler, Teronnie Holmes, Bobby Hall, Latrell Ware, Ray Buchanan, Marcus Hill, Ben Sumpter, Joey Smith, Ron Bell, Ricky McFadden, Terry Quinn.

Tom Cavallo, Jim Simatacolos, Ed Reynolds, Merle Gardner, Derek Hawthorne, Paul McDowell, Pat Fitzgerald, Mark Sander, Ivey Henderson, Anwar Bell, Jerry Clarke, Brevin Smith.

Deron Williams, Reggie Johnson, Brian Hayes, Mel Mills, Carey Figg, Mike Nelson, Matt Johnson, James Lobitz, Dave Debold, Andy Culley, Darryl Swafford, John Bock.

Chris Hampton, Frank Perrotti, Billy Bosworth, Kevin Blumeier, Stephen Henchy, Jerry Crafts, Pete Burkey, Garin Patrick, Mike Ivory, Tom Carroll, Scott McAllister, Shawn Rodriguez.

Ken McKay, Brandon Brookfield, Zoe Barney, Joe Johnson, Anthony Semak, Kedall Brown, Chris Young, Jose Gonzalez, Fred Jones, Greg Brohm, Dave Dubois, Dan Gangwer.

Tom Triplett, Jim Hanna, Mike Flores, Leonard Ray, Ron German, Ted Washington, Len Jacobson, Willie Haynes, Danny Hurd, Brad Wendling, Bill Logan, Chris Collins.

Jeff Roberts, Curt Cromwell, Kevin Cook, Michael Neely, Matt Slyter, Eric Carter, Deral Boykin, Alan McClure.

ADMINISTRATION OFFICIALS

Donald Swain, Ray Nystrand, Burt Monroe, Bill Olsen, Dick Hill, Keith Inman, Rob Brawner, Betty Jackson, Kenny Klein, Kevin Miller, Jeff Schneider, Mike Batuello, Ron Padgett, Jack Tennant.

COACHES

Howard Schnellenberger, Brad Bradford, Danny Hope, Rick Lantz, Bob Maddox, Jeff Morrow, Gary Nord, Ty Smith, Trent Walters, Christ Vagotis, Ron Steiner, Kevin Beck, Randy Whitt, Kurt Beathard.

Jeff Carlberg, Jay Gruden, Craig Swabek, Tom Andrews, Terry Lantz, Clark Wood, Ray Ganong, Ed Ruscher, Mike Schnurr, Matt Axline, Jeff Lucas, Jamie Yanchar, Stewart Schnellenberger, Joe Nolder, T.J. Poelking.

TRAINERS

Mike O'Shea, Mike Palmisano, Raymond Shea, Chris Furr, Brad Anderson, Todd Beard, Mark Shepherd.

SECRETARIES

Michelle Cox, Pam Serotte, Donna O'Donnell, Deanna Curry, Denise Murphy, Laura Czerwonka.

MANAGERS

Jim McGhee, Paul Barker, Glenn Thompson, Steve Beswick, Steve Bruner, Walter Rhodes, Kevin Chinn, Albert Farmer, Homer Holland.

TAX INCENTIVES FOR THE USE OF MASS TRANSIT FACILITIES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing legislation which will eliminate a bias in the Tax Code against mass transit and make our environmental and transportation policies more rational.

Under current law an employee may receive unlimited free parking from his employer as a tax free fringe benefit. In some cities, this benefit is worth as much as $4,800 per year. Conversely, since the 1986 Tax Reform Act, employers cannot provide tax-free vanpool services. Nor can an employee receive tax-free more than $15 per month in mass transit benefits.

My legislation does not seek to change the tax treatment of employer-provided parking. It does, however, seek to place mass transit on a more equal footing with cars by excluding the value of vanpooling and up to $60 per month in mass transit benefits completely from the employee's gross income. It also makes it as easy as possible for employers to offer this benefit by not requiring them to do so pursuant to a written plan. Less paperwork will encourage employers to offer mass transit benefits.

Using the Tax Code to encourage mass transit makes sense. Even though we have just enacted the first revisions to the Clean Air Act in over a decade, much work needs to be done to implement this legislation. Automobiles emit large portions of carbon monoxide and ozone which pollute our air. Reducing their use will produce substantial environmental benefits.

Urban areas such as Hudson County, NJ, my home district, are especially vulnerable to automobile pollution. In the New York City-New Jersey metropolitan area, 90 percent of the carbon monoxide and 50 percent of the ozone fouling the air can be traced to automobile exhaust. Anything we can do to reduce automobile traffic will help our environment. Not to mention the incredible congestion that plagues our highways and turnpikes.

This legislation has three basic components. First, it provides that when an employer provides vanpool services to its employees, the value of the vanpool is not included in the employee's gross income. Prior to the 1986 Tax Reform Act, vanpool benefits were excluded from gross income.

Second, if an employer provides its employees with transit passes or vouchers as a fringe benefit, the employee may exclude from gross income up to $60 per month in such benefits, a four-fold increase from the current level of $15 per month. Forty-six rides, essentially a monthly pass, on the PATH costs $40, all of which would be covered by this benefit.

Increasing the exemption from gross income will make a significant difference, not just to the commuters, but to encouraging the use of mass transit generally. A 1984 survey conducted by the New York-New Jersey Port Authority suggests that as many as 26 percent of automobile commuters would switch to mass transit if they were given a subsidy.

This would mean thousands of fewer cars on the road throughout the country and my district, which is part of the traffic-clogged New York-New Jersey metropolitan area. Indeed, if we could reduce the number of drivers using the Lincoln and Holland tunnels by 10 to 15 percent, traffic delays during peak periods would drop by two-thirds, from 45 minutes to just 15 minutes.

To achieve this goal, we would have to encourage employers to provide this type of subsidy. The New York-New Jersey Port Authority, the Metropolitan Transit Authority and New Jersey Transit created TransitCenter in 1986, a public-private alliance to promote transit. TransitCenter developed the first regional transit voucher, called TransitChek, which was offered to area employers, who then could distribute this voucher to their employees as a fringe benefit.

Since 1987 about 1,200 companies have joined the TransitChek program, distributing mass transit vouchers to more than 25,000 of their employees. This is impressive, but undoubtedly, the $15 limit seriously reduces participation. Increasing it beyond this deminimus amount can be expected to greatly enhance employer participation in this program and others like it throughout the country.

Even with this increased subsidy, the disparity between automobiles and mass transit remains significant. For example, in New York City the average cost for parking is $192 per month; in Boston, $245; in Los Angeles, $120. Increasing mass transit benefits to $60 per month is hardly unfair or rash under these circumstances.

Third, the legislation removes what is known as the "cliff" effect from our current tax law. At present, if an employee receives $16 per month in mass transit benefits, just $1 more than the allowable amount, the entire $16 becomes taxable. Under my proposal, if an employee received $61 in benefits, only $1 would be taxable, not the entire amount.

This legislation will reduce the tax bias against mass transit, make mass transit more affordable, and therefore encourage its use. The environmental and transportation benefits of such an outcome would seem obvious. It is well past time that we start providing better tax treatment for mass transit.

OUTRAGED AT IRAQI ATTACK ON ISRAEL

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HALL of Ohio. Mr. Speaker, I am deeply outraged at the unprovoked Iraqi attack on Israel. I am relieved that no chemical weapons were used. Even so, the threat of chemical warfare still remains frighteningly real for the Israeli people. As we speak, the air raid sirens are sounding in Tel Aviv and Jerusalem.

I extend my most sincere sympathy and compassion for the victims of last night's attack, and for the entire State of Israel. The world community is united against Saddam Hussein, but it is Israel that could bear the brunt of the Iraqi wrath. Our troops need to protect Israel from another attack.

We need to fight this war hard and fast, and prevent Hussein from again attacking Israel. Israeli involvement could seriously disrupt the fragile alliance of Arab and Western forces.

To accomplish this goal, our troops need the full support of the United States I will vote for today's resolution because it expresses unequivocal support for the men and women fighting to end this war.

During floor debate on the Persian Gulf crisis, I voted against the Solarz-Michel resolution and for the Gephardt-Hamilton resolution because I hoped for peace, not war. Now that the fighting has started, our troops deserve and need unwavering support from the U.S. Congress so they can do their job quickly and accurately, and come home as soon as possible.

Many of my constituents have children and grandchildren, husbands and wives in Israel and in Saudi Arabia. I join with the Dayton community in hopeful prayer for their safety.

For the sake of all nations involved, let us all pray for a quick end to the fighting.

INTRODUCTION OF LEGISLATION RELATING TO MOVING EXPENSE DEDUCTION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today relating to the income tax deduction for moving expenses. This minor change in the tax laws would raise in excess of $1 billion over 5 years, and is fully justified on tax policy grounds. Last October, this amendment was adopted unanimously by the Committee on Ways and Means and I hope that it will be approved again this year.

Mr. Speaker, the moving expense deduction was added to the Internal Revenue Code as part of the Revenue Act of 1964. Prior to that date, moving expenses were not deductible for Federal income tax purposes. The courts and the Internal Revenue Service had reached conflicting results on the tax treatment of reimbursement for moving costs paid by employers; in addition, Congress was concerned that taxpayers whose moving expenses were not reimbursed by their employers were placed at a disadvantage for tax purposes. Consequently, in 1964, Congress decided that moving expenses should be deductible in computing adjusted gross income.

For purposes of determining whether moving expenses are deductible, taxpayers must meet, among other requirements, a distance test. In 1964, this test was satisfied only if the taxpayer's new principal place of work was 20 miles or farther from the taxpayer's old residence than his old residence was from his old place of work. In subsequent tax legislation, Congress modified this distance test three times: in 1969, the threshold was raised to 50 miles; in 1976, it was lowered to 35 miles.

It is my view that in this day and age, 35 miles is an unreasonably low threshold. In 1969, Congress noted that raising the 20 mile threshold was justified because the lower threshold "allows a taxpayer a moving expense deduction even where the move is merely from one suburb of a locality to another." (H. Rept. No. 413, 91st Cong., 1st Sess., at 75). In my mind, there is little justification for Congress subsidizing local moves. In this highly mobile society, only taxpayers who must travel long distances should qualify for the deduction; my legislation accomplishes that goal.

Mr. Speaker, I attach a technical explanation of my legislation for the RECORD.

TECHNICAL EXPLANATION OF LEGISLATION

PRESENT LAW

In computing taxable income, taxpayers may claim itemized deductions. Itemized deductions include a portion of medical expenses, home residence interest, certain theft and casualty losses, State and local income and real property taxes, and moving expenses.

Under present law, a taxpayer may generally deduct expenses related to moving if the move is related to commencing work at a new location. To be deductible, a taxpayer must satisfy a distance test, a length of employment test, and a commencement of work test. The distance test is only satisfied if the new principal place of work is 35 miles or farther from the taxpayer's old residence than his old residence was from his old place of work.

EXPLANATION OF PROPOSAL

Under the bill, the distance test would be increased from 35 miles to 200 miles.

EFFECTIVE DATE

The bill would be effective for taxable years beginning after December 31, 1991, unless the taxpayer commenced work at the new principal place of work before January 1, 1992.

A BILL PERMITTING EARLY RETIREMENT FOR MINE SAFETY AND HEALTH INSPECTORS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill, which I introduced during the 101st Congress, to make applicable to mine safety and health inspectors certain provisions which are currently applicable to law enforcement officers.

Namely, my bill will permit an early-out retirement opportunity for mine safety and health [MSHA] inspectors, at age 50 with 20 years service, due to stresses related to their jobs. The bill is identical to last year's measure, except that it now contains a one-time exemption for current MSHA inspectors from the mandatory retirement provisions currently applicable to other law enforcement officers. In other words, the one-time exemption from the mandatory retirement ages will apply to MSHA inspectors employed in those positions upon enactment of the bill into law. The only other change to the bill, different from last year's, was to conform the bill to laws enacted last year affecting law enforcement officers, such as pay comparability provisions.

I would like to reiterate my reasons for this legislation. First let me assure you that my long association with coal mining and related mining activities, I am deeply aware of the many job-related stresses that prey upon MSHA Inspectors.

My bill makes it imperative for each Member of Congress to take a look at the mine health and safety inspector's job, so that we can confront and acknowledge the physical dangers and hazardous conditions they face every day, year after year on the job. Among those hazards are: Exposure to explosive methane gas, unstable ground and roof, poisonous atmospheres, radiation and harmful dusts, and dangerous machinery. These are factors in the jobs of the men and women employed in more than 20,000 U.S. mining operations.

Job stresses in an MSHA inspectors job is both physical and mental, caused by such factors as: The performance of their jobs in underground settings, where it is dark, cold, and wet. Their work is more often than not performed in crouched or kneeling positions in areas no more than 26 inches high, for more than 4 hours at a time. A mine inspector's physical condition requires him or her to show they are able to maintain their bodies in kneeling positions for up to 4 hours, while at the same time breathing noxious gases and harmful dusts, and while subject to roof cave-ins and methane gas explosions. While they are performing such feats of endurance, they are also carrying backpacks containing testing and sampling equipment weighing from 40 to 80 pounds.

Mine safety and health inspectors are individuals appointed as authorized representatives of the Federal Government, under the jurisdiction of the Department of Labor. They are agents of the Government, sworn to enforce mine safety and health laws and, as such, they are law enforcement officers. In my view, the job-related stress of their jobs entitles them to an early retirement policy every bit as much as for agents of the Government employed by U.S. Customs, U.S. Marshals, or the DEA and FBI.

Mr. Speaker, when MSHA inspectors, who are aging on the job after 20 years of stress, become the least bit impaired either physically or mentally, it can mean the same sudden death for them and the miners they are attempting to protect, as the sudden death faced by other law enforcement officers with a gun pointed at their heads.

Just this past week, in my district in McDowell County, WV, there was a mine explosion that took the lives of two miners. I spent the better part of one afternoon and evening with the surviving members of these two families. Even in the best of times, mine accidents happen. You can imagine what it would be like if we did not have these dedicated, finely trained MSHA inspectors who keep down incidences of mine accidents that cause so much death and destruction. If you can't imagine it, you have only to study the history of coal and other mining operations to realize the carnage that was allowed when no standards for health and safety were in place, and few if anyone in charge of performing inspections of mines or enforcing such standards as were in place.

This is not to say that the McDowell County mining accident of this past week was the result of poorly performing mine inspectors who, if they were doing their jobs would have been avoided. The cause of the accident is still under investigation by MSHA inspectors. The point I am making is that the MSHA inspectors themselves fear for the day that one of them, because of age, because of poor health, because of job stress, will cause a fatal mining accident.

So Mr. Speaker, let this body pay attention, and let them think about the lives at stake—both miners and inspectors—and let them give serious and favorable consideration to this early retirement policy for MSHA inspectors.

I have talked with these men and women, and they tell me: Mr. RAHALL, passing the initial physical test for an MSHA inspectors job is very hard indeed for an 18-year-old; passing the physical test during subsequent job recertification tests for a man of 55 is impossible.

Mr. Speaker, MSHA inspectors work very hard, and take pride in their training and ability to reduce health and safety hazards by enforcing the mine safety and health standards that are in law. They save many lives each and every year through their diligence and attention to details on the job.

According to our most recent data, in 1988, there were 111,944 citations issued in the coal mine industry, 6,559 closure orders, 792 imminent danger orders, and 68 percent of the citations were determined to be significant and substantial. The same kind of statistics are found in metal and nonmetal mines, but not as many on an annual basis as in the coal mining industry. MSHA inspectors not only find and report, or cite, coal mine operators for these violations of mine safety and health law, they enforce them by closing mines. For doing their jobs, they face the ire of the coal mine operator who is losing business during such closures, which produces, over time, an additional job-related stress.

In conclusion, Mr. Speaker, I reiterate that MSHA inspectors under my bill will be given the right to retire at age 50 with 20 years experience, due to the physical and mental stress related to their working conditions in the performance of their jobs.

They are in danger every day, and at the end of 20 years service, the cumulative effects of the job-related stress could impair them both physically and mentally to the point where more, rather than fewer, mine accidents could occur, killing inspectors as well as coal miners. They deserve, and the coal miners who depend upon them for their health and safety would be better served, if MSHA inspectors are given this entitlement to early-out retirement options.

If my colleagues desire to cosponsor this legislation, I urge them to call me at 225–3452.

THE POSITION OF THE CROATIAN PEOPLE ON THE PERSIAN GULF CRISIS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. TRAFICANT. Mr. Speaker, please insert the following letter from Dobroslav Paraga, president of the Croatian Party of Rights, into the CONGRESSIONAL RECORD. It outlines the position of the Croatian people on the Persian Gulf crisis.

CROATIAN PARTY OF RIGHTS,
Zagreb, Croatia, January 15, 1991.

MR. PRESIDENT,
Members of Congress.

DEAR HONORABLE REPRESENTATIVES OF THE PEOPLE OF THE UNITED STATES OF AMERICA: While dramatic changes are still occurring daily in Eastern Europe and an unavoidable confrontation has developed in the Middle East I wish to personally thank you on behalf of the people of Croatia on your courageous assumption of world leadership to ensure that fundamental human rights and liberties are available to all.

As President Havel stated to me when I met with him in Prague on October 29, 1990—"if there are human rights violations going on anywhere, then human rights are threatened everywhere."

Your support of the freedom seeking peoples of the world, from Lithuania to Kuwait and beyond, is instrumental in the achievement of this goal and nowhere do we understandand this more than in Croatia.

While we Croatians have not yet completed our transition to democracy and independence I can personally testify that had it not been for the U.S. Senate passing S. Res. 169 on August 4, 1989 supporting my efforts to bring about increased respect for human rights in Yugoslavia that I would now not be writing to you as the President of the Croatian Party of Rights from our offices in Zagreb but rather from one of the jail or prison cells where I had previously been incarcerated and tortured for circulating a petition asking for amnesty for all political prisoners in Yugoslavia in 1980.

Although we in Croatia now have democratic political parties we do not yet have "government of the people, by the people, for the people." While we are patiently changing this we will not allow ourselves to be identified by the actions of those who still rule us but do not represent us.

On September 28, 1990 Associated Press ran a report on Iraqi jets being serviced by Yugoslavia in Croatia which Senator Dole noted with a request for an investigation in the Congressional Record of October 24, 1990 entitled "What are Iraqi Military Aircraft Doing in Yugoslavia?" And then on January 11, 1991 Reuters reported that Iraqi agents or terrorists may already be in place in Europe having infiltrated through Yugoslavia.

We have all watched these terrifying experiences unfold into dramatic statements of man's inhumanity to man and we've all wondered why and when will it end. The people of Croatia know how difficult it is, if not impossible, to end armed aggression and oppression without help and we feel that it is our duty to express ourselves to the people of the United States and the world community by volunteering our services to actively participate with the following declaration:

"DECLARATION

"We, the people of Croatia, join in this opportunity to stand, and side, with our friends, the United States of America and other governments of the world, who in this time of world crises have courageously assumed the burden of leadership in full implementation of the United Nations Resolutions; and whereas the Federal Government of Yugoslavia, and its offspring Governments in the Republics of Yugoslavia, have chosen a position of non-commitment; we feel that this international effort to stop the brutal aggression of Saddam Hussein demands the active support of all who care about preserving freedom and the rights of human beings to live peacefully within their own country.

"We, the undersigned, in our desire to actively participate, shoulder to shoulder, with other nations of the world, hereby, volunteer our services to the multinational forces united in resolve to secure the justice which will alone result in lasting peace, as well as extending our commitment to a multinational peace keeping force to preserve this new world order."

Presently the people of Croatia are expressing themselves by individually signing this declaration just as over 500,000 Croations have signed a petition for independence from Yugoslavia over the course of the last six months. Maybe someday soon the nation of Croatia will once again be able to express itself as a country in such an honorable commitment as is this participation in achieving the unalienable rights of all people—life, liberty, and the pursuit of happiness.

DOBROSLAV PARAGA,
President.

THE PROLIFERATION OF CREDIT CARDS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HUBBARD. Mr. Speaker, last month I received a well-written and thought-provoking December 21 letter from my constituent, David H. Piller, senior vice president of the Ohio Valley National Bank in Henderson, KY, which I would like to share with my colleagues.

Dave Piller has contacted me as a member of the House Committee on Banking, Finance and Urban Affairs about his serious concerns regarding the proliferation of credit cards and their financial burden to young families. As a financial counselor to young families, he is witnessing first hand the severe consequences to these individuals as they are burdened beyond help due to their inability to refrain from accepting the credit cards offered them with offerings of credit limits which bear no apparent relationship to the ability to repay.

I urge my colleagues to reflect upon the timely comments contained in Dave Piller's letter to me. His letter follows in its entirety:

OHIO VALLEY NATIONAL BANK,
Henderson, KY, December 21, 1990.

U.S. Representative CARROLL HUBBARD,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: Being aware of your position on the Banking, Finance and Urban Affairs Committee, I feel that you are the proper person to whom I should express a deep concern that I have regarding the proliferation of credit cards.

I donate a considerable amount of time gratis to the financial counseling of young families. In virtually all cases these families are burdened beyond help. It is not unusual for them to have three or more cards with total indebtedness of $14,000 or more at interest rates of 20 percent or greater! These cards have been mass mailed with offerings of credit limits which bear no apparent relationship to the ability to repay.

Of course, the large banks providing these cards defend themselves by pleading that they incur large losses which must be covered by higher rates. The reality is that the industry is reaping the consequence of greed unrestrained by any sense of responsibility or regard for the well being of those unfortunate enough to be lured into such debt. If the interest rates on these cards were restricted to 3 points over prime, for example, the providers would make certain that this form of credit would be extended only to those who were worthy of the credit.

As it stands, where will it end? Larger and larger losses, leading to more and more imprudent lending, at higher and higher rates. What a disgrace! Who really loses? All of us—taxpayers, families broken by the strain of impossible debt, social help agencies, etc.

I would very much like to visit with you when you are in town to discuss this further.

DAVID H. PILLER,
Senior Vice President.

A BATTLE ON THE HOMEFRONT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. STUDDS. Mr. Speaker, the administration prefers to downplay the unavoidable fact that American men and women are fighting—and dying—in the Persian Gulf because we badly need the oil that is produced there. And we have become dependent on that oil because the Reagan administration failed to learn any lessons from the oil crises of the 1970's.

As an editorial in today's Boston Globe points out, the Bush administration—with its continuing opposition to the development of a much-needed comprehensive energy policy—seems to be following down the same wayward path. I commend this editorial to the attention of my colleagues.

[From the Boston Globe, Jan. 18, 1991]

(A BATTLE OVER OIL WORTH FIGHTING FOR)

One does not have to think that the United States should be "fighting for oil" in the Mideast to agree that one lesson that is reenforced by the situation there is that the nation must reduce its dependency on foreign oil. It is a lesson that the Bush administration seems unwilling to learn.

The word in Washington is that a decision has been made in the White House to avoid any mention of energy policy in the president's State of the Union address, an obvious time to unveil any new thinking on the subject. The rationale for this decision, it is said, is that nothing the administration would be inclined to offer would make much of a dent in our oil dependence, and the administration doesn't want to call attention to that.

From the beginning, President Bush cavalierly rejected the idea that energy conservation should be any part of the initial response to the Iraqi invasion of Kuwait.

That posture put the president on the side of those forces in his administration, reportedly led by chief of staff John Sununu, who reject the development of a national energy policy on the grounds that the government role in such matters should be limited. It also contradicted the conviction of his own Energy Department that real savings in energy use are possible and wise.

The litany of what can be done has been recited for 15 years now: tougher fuel-efficiency standards for cars; a national model code for energy efficiency in housing; new standards of lighting in industrial and commercial buildings; tougher energy standards for appliances; federal incentives for states to encourage state regulators to promote utility conservation programs such as those already in place in Massachusetts.

A comprehensive national energy policy could reduce by 20 percent the United States' energy consumption in this decade. It may not be worth fighting a war to control foreign oil, but it is worth a political battle in Washington to reduce the nation's dependence on it.

INTRODUCTION OF LEGISLATION RELATING TO TAX BENEFITS FOR SAVINGS AND LOAN ASSOCIATIONS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today which would recapture the enormously generous tax breaks which several corporations received at the end of 1988 after acquiring some savings and loan associations. In my view, Congress should have never authorized these tax breaks, and in light of the scandals arising from the S&L crisis, my legislation is an appropriate and necessary response.

Mr. Speaker, during the 1980's, Congress enacted several tax breaks for banks and savings and loan institutions. Some of these breaks clarified unsettled areas of the tax laws. In November 1988, Congress decided to cut back on these tax breaks by 50 percent, effective on January 1, 1989. In December 1988 alone, tax breaks worth $4.6 billion were awarded to acquired savings and loan associations.

These tax benefits were enormously generous, and allowed acquirers of savings and loan institutions to take advantage of income tax benefits available to no other taxpayer. In fact, Tax Notes magazine described these benefits as the best tax shelter since the Tax Reform Act of 1986. The Committee on Ways and Means approved an amendment I offered in May 1989 to eliminate these tax breaks.

Those tax breaks were bad enough. What's worse is that many of the purchasers of the savings and loan institutions have no experience running a financial institution. They include cosmetic companies, automobile manufacturers, and investment bankers, many of whom purchased the savings and loans to take advantage of the tax breaks before they were cut back.

My legislation would, quite simply, recapture these tax benefits in certain abusive instances. In addition, the legislation clarifies an area of the income tax law relating to the tax treatment of the acquirer of a savings and loan after its disposition. In my opinion, Congress should act on this legislation as rapidly as possible, and I insert a technical description of this legislation at this point in the RECORD:

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

Consolidated return rules

If two or more corporations file a consolidated income tax return, losses of one affiliate can offset income of other members of the group. The Treasury Department has promulgated regulations to implement these consolidated return provisions of the Internal Revenue Code.

Under the consolidated return regulations, a parent corporation's basis in the common stock of its subsidiary is reduced by the amount of losses utilized by the parent. Consequently, the basis of the subsidiary's stock in the hands of the parent can become negative, creating an excess loss account. Under the regulations, the parent must "recapture" (i.e., recognize as income) the excess loss account in the case of certain disposition events, including the sale or transfer of the subsidiary's stock (*see*, Treas. Regs. 1.1502-19(b)).

Earnings and profits calculations

In general, a corporation's earnings and profits account is a measure of the corporation's ability to pay dividends. If a corporation has no E&P, distributions by the corporation to its shareholders are generally considered a return of capital. A member of a consolidated group owning stock in a subsidiary is required to make a positive adjustment in the basis of the subsidiary's stock for the allocable part of the subsidiary's undistributed E&P for the year (*see*, Treas. Regs. 1.1502-32(b)(i)).

The Internal Revenue Service has taken the position that payments by the Federal Savings and Loan Insurance Corporation to a corporation acquiring a savings and loan institution generate earnings and profits, even if those payments were tax-free to the acquirer under section 597 of the Code (*see, e.g.*, PLR 8850052, holding 13). Earnings and profits so generated therefore cause a positive adjustment in the acquiring corporation's excess loss account or investment account (*see, e.g.*, PLR 8912043, holding 12).

EXPLANATION OF PROPOSAL

Under the bill, certain events occurring with respect to specified acquired savings and loan associations would trigger a recapture of tax benefits from the parent organization.

After January 3, 1991, if such an association becomes subject to the jurisdiction of a court in a title 11 or similar case, or receives additional financial assistance from the Federal government, then the tax benefits available to that association are recaptured from the parent. The recapture amount would be equal to the reduction in tax on the parent by reason of the utilization of losses of the acquired institution incurred after January 3, 1991, reduced by required payments in respect of these tax reductions.

The bill applies to acquisitions of savings and loan associations which occurred after November 10, 1988 and before January 1, 1989 and with respect to which tax benefits repealed in 1989 were available.

In addition, the bill clarifies that amounts excluded from gross income under section 597 of the Internal Revenue Code (as in effect before its repeal by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) do not generate earnings and profits. Thus, these amounts would not increase the basis of a subsidiary's stock in the hands of the parent and a positive adjustment would not be made in the subsidiary's excess loss account or investment account on account of such amounts. Consequently, the bill overrules private letter rulings 8850052 and 8912043 and any other rulings which reach the same result.

EFFECTIVE DATE

The bill is effective for dispositions after January 3, 1991.

SUPPORT FOR NATIONAL KOREAN WAR MEMORIAL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. TORRICELLI. Mr. Speaker, I rise today to urge my colleagues and my fellow Americans to join me in support of a most worthwhile endeavor: The construction of a National Korean War Memorial here in our Nation's Capital. I would like to enter into the RECORD the following proclamation and urge support for this vital monument:

KOREAN WAR VETERANS ASSOCIATION

DEAR PATRIOT: We are now engaged in a fund drive to raise the money needed for the completion of a long overdue National Korean War Memorial in Washington, D.C. It will be built near the Lincoln Memorial and will honor those who served our country during the Korean War. That war where our nation and others of the United Nations did help rescue the Republic of South Korea from communist aggression. It required 38 months and many bitter battles to restore peace.

Many casualties, both military and civilian resulted from that action. As an act of gratitude and to commemorate victory South Korea erected many battle monuments. They have remembered that so many of our and their forces fought, suffered and died in that war. Let us now follow their example and contribute to build our own National Korean War Veterans Memorial.

We must show our concern for the following reasons: To properly record the deeds of our valiant forces into American history. Our proud history that has traditionally reflected the deeds of our patriots since the birth of our nation. That history that does neither glorify nor advocate war; but does show appreciation for those patriots who did fight our wars when called to do so. Our history that has always inspired our school children with "love of country" and instilled values into them that lasted for life. Those values have been and are still the essence of "Americanism".

The National Korean War Veterans Memorial will acknowledge the fact that over 54,000 American servicemen died and over 103,000 were wounded. Over 8,000 were missing in action and more than 7,000 were taken prisoner of war. The prisoner of war suffered extreme cruelty as attested to by the fact that about half of them perished. We must also remember that the parents and relatives of the brave fallen have also suffered greatly. We can now show them that we care and will prove it by our donations. Recently in Bergen County, New Jersey, a Korean War Veterans Memorial was dedicated. Many speeches were delivered and there was a large audience. We of the Korean War Veterans Association were also there with many members. Soon after the monument was unveiled we noticed an elderly woman walk to and place her hand upon the face of that monument. She briefly stared at it through tearing eyes. Then she quietly departed through the crowd. God bless that dear mother for she now knows that her son has been at last remembered by that county and soon shall be by a grateful nation, when the National Korean War Veterans Memorial is in place.

Let's join together and achieve a resounding victory in this the symbolic final campaign of the Korean War. You may consider your donation as an investment in "Americanism" and perhaps flag desecration will some day become unknown.

For further information contact the Korean War Veterans Association, Box 12205, Baltimore, MD 21281.

FORT TOTTEN NATIONAL HISTORIC SITE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today to introduce legislation designating that the Fort Totten State Historic Site, on the shores of Devils Lake, be declared a national historic site.

Fort Totten is one of the best-preserved frontier military posts in the trans-Mississippi west. It stands as a monument to the long standing relationship between the U.S. Government and the American Indians. Fort Totten's history reflects the Federal responses to the Indian question.

In 1862 a combination of white harassment, broken treaties, and an absence of military troops due to the Civil War caused the Great Sioux uprising. Congress then abrogated all existing treaties and sent Gen. Harry Hastings Sibley to quash the rebellion. As a result of this action many Sioux bands migrated to the Devils Lake areas for security. The Sioux then proceeded to attack trade, supply, and travel routes. The War Department saw this as a major threat to the security of the white people in the Devils Lake Area and to the expanding agricultural frontier. In 1867, under the direction of Capt. Samuel A. Wainwright, the 31st Infantry built Fort Totten about 900 feet from the shore of Devils Lake.

In 1890, because of the relative calm of the region, the fort was closed and placed under the jurisdiction of the U.S. Government to be used as a mission school. Shortly after this it became national policy that the Federal Government take responsibility to furnish primary and secondary education for all Indian children of school age residing on the reservation. This policy was set at an annual meeting at the posh Catskills resort of the Smiley brothers called Lake Mohonk, and was called the Mohonk Conference. The conference called for a comprehensive plan for Indian education and their calls were answered by Thomas Jefferson Morgan, the new Commissioner of Indian Affairs.

Reservation day schools were designed to familiarize Indians with the white communities style of living, so they would eventually be absorbed by the larger white society. This process involved the teaching of English and other basic academic subjects as well as manual and industrial skills. Also as an effort to introduce the Indians to civilized society, they were taught the responsibilities of citizenship and evangelical Christianity. Students were expected to learn enough to become successful farmers and tradesmen, but some went beyond the Indian schools to white preparatory, collegiate and professional schools. Fort Totten was selected as a site for one such school, and its history is a part of the successes and failures in the attempt to assimilate the American Indian. Those who attended the school were taught not to resist the process but to survive.

Fort Totten continued as a combination day and boarding school during 1934 to 1935 after which its function was expanded to include a preventorium for children with tuberculosis. Teachers as well as nurses and a doctor were staff members for the new institution. The preventorium was implemented by the National Government out of their concern for Indian health and to control the spread of tuberculosis. The day school then officially closed in 1937 in order to devote more time to health care After the 5-year trial period for the preventorium was over in 1940, Fort Totten was reverted back to a day and boarding school.

On March 6, 1959, a concurrent resolution was passed by the North Dakota Senate to accept the Fort Totten site from the U.S. Department of the Interior. The North Dakota State Historical Society was then charged with its oversight and maintenance.

The Fort Totten State Historic Site consists of approximately 9.81 acres and is located within the boundaries of the Fort Totten Indian Reservation. The area owned by the State of North Dakota was originally the drill and parade area and is enclosed by a square of buildings. Except for one company barracks the square proper descried above is exactly as it was when the post was closed in 1890.

The existing structures that comprise the Fort Totten Historic Site are of great historical value. The adjutant's office retains much of its original character and depicts 19th century army administration. The hospital is one of the few surviving examples of 19th century army hospitals.

The North Dakota State Historical Society since becoming trustee in 1960 has maintained the 16 remaining buildings while publicizing the site and its history. The society has restored much of the site and developed an interpretive center that includes exhibits and concessions. Although the site has been recognized for its State and regional history, it should not be overlooked for the contribution it has made in the history of the United States and its governmental policies in regard to the American Indian.

I urge my colleagues to support this legislation. The text of my bill is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Totten National Historic Site Act".

SEC. 2. FINDINGS.

The Congress hereby finds that—

(1) Fort Totten is one of the best preserved military posts surviving from the Indian wars in the trans-Mississippi west;

(2) Fort Totten has played a significant role in American Indian history, first as an Indian agency for Indians coming to the area and then, from 1890 through 1960, as an Indian industrial school; and

(3) Fort Totten is in immediate need of major repairs and restoration work which are beyond the financial capabilities of the State of North Dakota and which would be best undertaken by the National Park Service.

SEC. 3. ACQUISITION OF HISTORIC SITE.

In order to preserve Fort Totten, the Secretary of the Interior is authorized to acquire by donation from the State of North Dakota, the real property described in section 4 for the establishment and administration of a national historic site.

SEC. 4. DESCRIPTION OF SITE.

The real property referred to in section 3 is that real property known as the Fort Totten State Historic Site located approximately twelve miles southwest of the town of Devils Lake, North Dakota, on the south shore of Devils Lake on the Fort Totten Indian Reservation.

SEC. 5. ADMINISTRATION OF SITE.

The property acquired under this Act shall be known as the "Fort Totten National Historic Site", and it shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes"; approved August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4) and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

SEC. 6. GENERAL MANAGEMENT PLAN.

Within two years after the date of the enactment of this Act, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives a general management plan for the use and development of the site consistent with the purposes of this section, indicating—

(1) the lands and interests in lands adjacent or related to the site which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this section and the estimated cost thereof;

(2) the number of visitors and types of public use within the site which can be accommodated in accordance with the protection of its resources; and

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

SEC. 7. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PENSION BENEFITS FOR CLERGY MEMBERS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. PANETTA. Mr. Speaker, I am reintroducing legislation today which would address a problem faced by many retired clergy members, whose pensions are artificially limited by a technical provision of the Tax Code. My bill would enable them to receive the full pension to which they should be entitled based on their preretirement compensation.

The problem for many members of the clergy is that they receive a considerable portion of their usually modest compensation as a nontaxable payment for room and board, often known as a parsonage allowance. Section 107 of the Internal Revenue Code specifically gives this allowance tax-free status.

The law gives the Internal Revenue Service flexibility in determining what constitutes compensation for purposes of determining maximum pension payments. However, the IRS has chosen not to include parsonage allowances in this definition. Thus, I believe Congress must act.

For many individuals, taxable compensation may be below $10,000, while the combination of taxable compensation and parsonage allowance, which truly reflects their actual compensation, might be considerably greater than $10,000. The intent of the law—to limit overly generous pension benefits—is grossly distorted when it does not even permit these retired clergy members to receive an amount equal to their actual preretirement compensation.

The result is that many retired clergy members who have put in decades of service are arbitrarily limited to a $10,000 annual pension, when in fact they would be entitled under their pension plans to more—if they were permitted to include their parsonage allowance in determining their preretirement compensation. I do not think this is fair, and I do not think it makes sense.

My bill addresses this problem in a very simple way. It includes in preretirement compensation, for purposes of determining maximum pension benefits, the value of a clergy member's parsonage allowance.

Let me emphasize that this bill does not mandate any specific pension benefit for a clergy member. It simply allows a higher benefit to be paid for those who have worked long enough and been compensated enough to qualify for that higher benefit.

Mr. Speaker, this bill would correct what I believe is an unintended impact of the legislation we have passed in recent years to limit excessive tax-deferred pension plans. I hope my colleagues will support this measure.

Following is the text of my bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) paragraph (3) of section 415(b) of the Internal Revenue Code of 1986 (defining average compensation for high 3 years) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'compensation' includes amounts excluded from gross income under section 107."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1988.

TRIBUTE IN MEMORY OF DR. DESIDIR GALSKY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LEHMAN of Florida. Mr. Speaker, it was with great sadness that I learned recently of the tragic passing of Dr. Desidir Galsky in an automobile accident in Prague. Dr. Galsky was a tireless defender of the Czechoslovak Jewish community who worked diligently to assure the survival of Jewish culture in that nation. Many Americans will remember him for his role in the "Precious Legacy" of Judaic treasures exhibition which toured the United States. Dr. Galsky also was deeply involved in the underground Czech translation, publication and dissemination of great Hebrew literature, in children's education and in the general promotion of the Czechoslovak Jewish community. In tribute to Dr. Galsky, I would like to share with you some reflections on his life which I recently received from Mr. Mark Talisman, president of the Project Judaica Foundation, who worked closely with Dr. Galsky:

He was harassed by the authorities when they knew that they could not control him. He was harassed and shunned by some of our own groups not wanting to come into disfavor with the Communist regime. But he survived with great mental fortitude and a deep belief in the goodness of the survival of the Czechoslovak Jewish community.

When asked continuously whether his community would survive, as tiny as it was, as beleaguered as it had become, he would answer with a question—and how long does the American Jewish community expect to survive? It then became clear that he intended for his community to survive at least as long. As a tribute to his vision, many young vibrant Jewish leaders have emerged. Leo Pavlat is currently the Press and Cultural Attache in the new Czechoslovak embassy in Israel and will return to resume his leadership position. Jirka Danicek has just been elected interim Executive Vice President of the Jewish Community to lead the community until full elections are held. Both are under 35 years old! Karl Sidon is currently concluding his rabbinical studies in Israel and will return to Prague as its young, vibrant spiritual leader.

Many more projects were conceived by Dr. Galsky since freedom came to Prague in November of 1989. A house with many rooms was just purchased with help from the Central British Jewish Fund for rest and recreation in the countryside. A van was also bought for trips outside the city. Books in Hebrew and English are being sought for the library and personal use. We sponsored David Franklin, a recent graduate of Yale, to teach English classes in the Jewish Town Hall for community members, museum staff, and those wishing to learn; five classes are underway daily.

Galsky was to lead a delegation of distinguished Czech and Slovak non-Jewish leaders to Israel in January. He was very excited about the people from the highest levels of life in his country who were calling him to be included. That program, sponsored by Kalman Sultanik, a dear friend, will be taken over by Jirka Danicek immediately.

Galsky hosted a very productive visit by JDC's very creative director of international programs, Aryeh Cooperstock. He took him to the Castle to visit with Mrs. Havel's deputy and talked of creating a special program for handicapped children. He also spoke with a distinguished professor of agriculture about establishing Israel-Czech joint projects. Both are already in planning. Aryeh was the last person from abroad to be with Dr. Galsky and is committed to have these programs serve as a living memorial to him in areas he cared about greatly.

Dr. Galsky's greatest wish was to see his community be able to generate jobs and income from projects which would be based upon renovations of buildings now being returned to the Jewish Community having been expropriated first by the Nazis and then the Communists. The Chevra Kaddisha Building will soon be returned and needs to be renovated slightly to provide offices for the number of new and revived groups which have sprung up since freedom has returned. The Kafka Society, the Czechoslovak-Israel Friendship Society (2,500 members already), the new B'nai Brith, El Al, the Jewish Agency, and many more each needing a home. This is an ideal place.

There needs to be a high quality gift shop for the millions of visitors streaming through the Jewish community to visit the Jewish Museums and Alteneuschul. None of their tourist dollars benefit the very community whose objects the toursits visit.

There needs to be an organized tourist visitors center with maps, multilingual self-guided tour materials and a friendly reception on an organized basis. He wanted to have restoration of the age-old coffee house with readings of Jewish literature, poetry and music staffed by the community and profits returning to it.

He had a long, rich agenda. He was communicating and personally hosting leaders like Mitterand, Thatcher, Bush, the Dalai Lama, Genscher of Germany, a host of Israeli leaders, dozens of members of the U.S. Congress and Senate and thousands of our Jewish leaders. He distinguished himself during his articulations of his view of Jewish and general conditions in Europe during meetings of the European Jewish Congress in Paris and elsewhere. His trips to Israel since freedom made him a hero to the people of Israel.

When a very popular talk show host asked him during a recent live broadcast throughout Israel why he did not lead an aliyah to Israel of his Jewish communtiy, he reminded the host that he had just told Galsky his fondest wish was to be able to pray in the Alteneuschul in Prague (built in 1279). So, Galsky asked, if we are all in Israel, the Alteneu will have been locked up and will have become yet another museum of the Jewish past and there would be programs for anyone in the Alteneu.

It is not better, Galsky mused, to come to Prague, visit with a small but vibrant Jewish Community with whom he could *daven* in the Alteneu? Is it not better to have this small but influential community in Prague to relate to the Czech government in regard to Israel's future? Everywhere Glasky went in Israel, people approached to congratulate him on his comments, with which there had been total and widespread agreement.

So it is friends, that we were lucky enough to have been able to know him and to work with him. His ending is tragic. The sadness it has brought to Raphi, Jessica, Jill and me is indescribable. But his life was not a comet dissipating into nothingness. His touch was long, loving and will persevere through each person with whom he came into contact. His was fundamentally the life of a caring Jew whose leadership caused the elevation in dignity of people who otherwise would have known nothingness from their long darkness. His sun shined broadly, illuminating everyone around him in his country and far beyond. We are grateful beyond measure for his valor, fortitude, intellect and grace.

The Project Judaica Foundation has established a special fund to honor Dr. Galsky and his work. I hope others will consider helping them in continuing the projects which meant so much to him.

INTRODUCTION OF LEGISLATION TO MODIFY THE ADVANCE DIRECTIVE PROVISIONS OF THE MEDICARE PROGRAM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to substantially modify the provisions of the Medicare Program relating to advance directives which were added as part of the Omnibus Budget Reconciliation Act of 1990.

Mr. Speaker, advance directives such as living wills or durable power of attorney gained prominence last year after the Supreme Court's Cruzan decision. Partially in response to that decision, and partially to make the public aware of the existence of laws regarding advance directives, the Ways and Means Committee's Subcommittee on Health held hearings on these enormously important, emotional, and controversial issues, and legislation was introduced on the subject.

Because of strong concerns and reservations that I had over that legislation, I negotiated a compromise with its sponsor last summer. I had hoped that this compromise language would have been included in the reconciliation legislation; unfortunately, it was not.

Quite frankly, Mr. Speaker, I think the provisions ultimately adopted in the reconciliation legislation were adopted in haste, and I strongly oppose the legislation as it now stands. Most Members were unaware that the budget bill contained any language on this issue at all; those who were aware were receiving conflicting signals from lobbying organizations for hospitals on the provisions ultimately adopted.

The bill I am introducing today contains the compromise language which was worked out last summer on advance directives. The Committee on Ways and Means has approved similar legislation, and I urge its enactment this year.

Mr. Speaker, I insert a technical description of my legislation in the RECORD at this point:

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

Provisions in the Medicare program define the basic obligations of hospitals, physicians, and other providers of health services as a condition of participation in the program. Under present law, certain requirements are imposed on providers relating to advance directives, such as living wills or durable powers of attorney.

Generally, providers are required: (1) to make information available to their patients on the patient's rights under State law with respect to advance directives and the written policy of the provider respecting the implementation of these rights; (2) to document in the patient's medical record the existence of an advance directive; (3) not to condition care based on the existence or non-extistence of an advance directive; (4) to ensure compliance with State law governing advance directives; and, (5) to educate the staff and community on issues relating to advance directives.

The requirements generally apply to hospitals, skilled nursing facilities, home health agencies, hospice programs, and health maintenance organizations. Similar requirements exist under the Medicaid program for these providers, as well as for nursing homes.

EXPLANATION OF PROPOSAL

Under the bill, several modifications would be made to the advance directive provisions of the Medicare and Medicaid programs. First, the requirements relating to advance directives would not apply to skilled nursing facilities or nursing homes, but would apply to physicians. Second, providers and physicians could be exempt from the requirement relating to making information available to patients based upon religious, ethical,or moral considerations. Such an exemption would have to be requested by a certified letter to the Secretary stating the grounds for exemption. Third, employees of providers, and physicians, would be prohibited from witnessing an advance directive executed by a Medicare or Medicaid beneficiary who was receiving care from the provider or physician.

In addition, the provisions of the Medicaid program imposing requirements on providers similar to those imposed under the Medicare program would be repealed. The Secretary would be directed to make information on advance directives available to the general public and to Medicare beneficiaries. The requirement that providers educate the staff and general community on issues relating to advance directives would be repealed. Finally, the Secretary would be required to work with States or an appropriate State agency to develop necessary documents.

EFFECTIVE DATE

The provisions of the legislation are generally effective as if included in sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990.

INTRODUCTION OF THE NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SCHEUER. Mr. Speaker, biological diversity—the variety of life and its processes—is really the basis of our global richness. Biodiversity is the result of millennia of evolution, of trillions of interactions of plants, animals, and microorganisms.

The more one looks at nature and natural resources, one is drawn to the conclusion that life's diversity itself is our ultimate resource.

The Earth's biodiversity is being reduced today. The most conservative estimates are that 0.2 percent of all life's species are being extinguished each year. The rate may actually be closer to 2 percent—with tens of thousands of species being lost annually. This rapidly accelerating rate is already unprecedented in 65 million years. We are eliminating life's variety as if the world will end tomorrow. And in so doing, we are pushing the world in this direction.

Today, I am introducing the National Biological Diversity Conservation and Environmental Research Act. The principle behind the bill is that all life has value and that in order to protect it, we must understand life and direct our resources toward preventing additional losses.

The bill would: Bring together the resources of the science community with the conservation agencies; create a system whereby our knowledge of the biota is coalesced, enhanced, and rapidly made available to those involved in natural resource management; and eliminate the impediments of the current Federal piecemeal approach, and provide a system featuring coordination and strategic planning.

The bill states that it is our Nation's policy to conserve the diversity of life. It also establishes a National Center for Biodiversity Research to provide the information necessary to set conservation priorities. This information will be used through an interagency process to develop and implement a plan to conserve our Nation's biota. The essence of the plan will emphasize prevention as well as recovery.

The focus will be on protection and management of ecosystems as well as their parts. The idea being in order to save the trees—or the owls, or the squirrels—we must save the forest. And the way to start saving the forest is to start understanding it as a forest.

We need to manage our resources with respect to ecological laws and boundaries as well as according to political laws and boundaries. Only through this prevention approach that marries science and management will we be able to truly conserve life's diversity.

The fundamental nature of biodiversity conservation extends beyond saving individual endangered species or protecting individual ecosystems fragments. If we are to be effective in preserving our national resources we must adopt a comprehensive policy.

I urge my colleagues to support this legislation.

SUPPORT FOR SENATE CONCURRENT RESOLUTION 2

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GILCHREST. Mr. Speaker, 1 week ago today, I stood before my colleagues in the House of Representatives in strong support of the resolution authorizing the President of the United States to use force as an absolute last resort in the Persian Gulf situation. I supported that resolution as a strong signal of unity from the Congress of the United States in the hope of achieving a peaceful settlement in the Persian Gulf.

Less than 72 hours ago, President Bush, however reluctantly, addressed the American people, regarding the United States, British, Kuwait, Saudi, French, and Italian air attacks on Iraqi command and control centers, air defense, airfields, and missile sites attempting to cripple Iraqi forces before dawn, because, he said, "only force can make him leave Kuwait."

Today, I voted in support of the U.S. presence in the Persian Gulf. That resolution passed with an overwhelming margin of 395 to 6. Again, the Congress is united in its decision to support the President of the United States, acting as Commander in Chief, with regard to his actions in the Persian Gulf situation thus far.

We must get Saddam Hussein out of Kuwait as quickly as possible without the sacrifice or bloodshed of the United States or our allied forces men and women.

I stand in support of all 45 Maryland Army, Navy, Air Force, and Marine Reserve units as well as the six Army National Guard units presently deployed in the gulf. I recognize the tremendous sacrifice they are making and applaud their courageous acts.

As a veteran, I realize first hand the effects war has on individuals and their families, and I pray for the expedient return of all 415,000 men and women of the U.S. Armed Forces and the 158,000 members of the Reserves and National Guard.

Our collective courage and commitment will ultimately bring about the blessings of peace and stability in this most troubled region of the world.

THE 73D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. FORD of Michigan. Mr. Speaker, I rise today to join my colleagues in commemorating the 73d anniversary of Ukrainian independence.

On January 22, 1918, with Russian guns sounding from across the Dnieper, the Ukrainian Central Committee proclaimed an independent Ukrainian national republic dedicated to the principles of democracy, tolerance, and human rights. This declaration was the culmination of years of struggle by Ukrainians against czarist oppression. The new Ukrainian Government embraced freedom of speech, religion, assembly and the press, as well as numerous social reforms for all of its constituents.

Independence was short lived, however, as the Soviet regime eventually overran the young republic. The Soviets have kept the Ukraine in subjection for over six decades, trying at every turn to erase the culture and traditions of this region through stringent russification policies.

Months ago, as the Iron Curtain crushed to the ground, its links rusted and corroded by the inner contradictions of the system which supported it, free people everywhere expressed hope that Ukrainians would finally be able to realize the dream of that first independence day. Indeed, this hope was kindled by an all too brief period of greater openness for Ukrainians.

But this year, as in too many years before, there is little cause for celebration in the Ukraine. No banners will fly in Kiev on this independence day. No joyful speeches will be heard.

For even now, as the eyes of the world focus on the troubled Middle East, Soviet troops have once again tightened their grip on the Ukraine. Their mission is one of naked intimidation, launched in the desperate hope of extinguishing the nationalistic fire of self-determination which burns there.

Despite the pressure of an enormous armed presence, its press shackled, its legislature bound and gagged, Ukrainians continue to work to regain the democratic nation which was so brutally wrenched from them.

Young Ukrainians are the driving force of the democratic movement in the Ukraine today. The spirit of the Ukrainian people has not been broken. They continue to struggle bravely for their rightful inheritance, knowing, as their parents did, that self-determination is the only end and democratic struggle the only means.

Mr. Speaker, I am moved by the example of these courageous individuals. Their commitment to the ideals of liberty, democracy, and basic rights is a shining example to us all and a stirring testament to the strength of the human spirit to endure the harshest oppression.

I am thankful for the opportunity to pay them tribute and to remind the world that to forget or forsake their noble cause is to dim the light of democracy everywhere.

CONDEMNS IRAQ'S ATTACK ON ISRAEL

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAMSTAD. Mr. Speaker, today I rise to unequivocally deplore Iraq's attack on Israel. The attack against Israel was unprovoked, and it was against civilians. It was intolerable.

Saddam Hussein cares nothing about the lives of civilians, whether they are harmless neighbors or his own people.

With each day, it becomes more and more clear what kind of man Saddam Hussein is—a brutal, ruthless, imperial dictator. He has shown us that his naked aggression against Kuwait can easily be turned toward another innocent neighbor.

With each day, it becomes more and more clear why Saddam Hussein must be stopped and why the multinational force has coalesced against him. By confronting Saddam now, as a united force of nations, we are foregoing what might be a much more dangerous and unstoppable Saddam later.

By attacking Israel, Saddam Hussein is trying to draw Israel into the war and weaken the Arab coalition against him. He is trying to justify his invasion of Kuwait by erroneously linking it with the Palestinian cause. Yet from the beginning, there was no linkage.

Now, I believe, Israel has every right to retaliate. Most of her Arab neighbors, if not the world, agree.

While I hope that this situation will end quickly and with as few casualties as possible, I strongly support our objectives and believe that we should continue to use "whatever means necessary" to see the U.N. resolutions successfully carried out.

INTRODUCTION OF LEGISLATION TO REPEAL THE INCREASE IN MEDICARE PAYMENTS TO KIDNEY DIALYSIS CLINICS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to repeal the increase in Medicare payments to kidney dialysis clinics which was enacted as part of the Omnibus Budget Reconciliation Act of 1990. I am introducing this legislation because that increase in payments was unnecessary, unneeded, and in a time of $300 billion budget deficits, a waste of Medicare funds.

The budget agreement which Congress passed last October forced us to reduce the Federal budget deficit by one-half trillion dollars over a 5-year period. At a time when Congress was making the tough decisions to achieve these savings, it defied logic for Congress to provide an increase in payments to dialysis clinics which, quite simply, do not need the money.

Mr. Speaker, Medicare coverage of end stage renal disease patients has been described as a Government program born of compassion. Without question, the program has saved tens of thousands of lives; most dialysis patients would be unable to afford the tens of thousands of dollars necessary annually to treat their illness. But this compassionate program has turned into a tremendously profitable business for a handful of corporations.

A General Accounting Office audit showed that many dialysis clinics routinely post profits in excess of 20 percent. The GAO study showed as well that millions of Federal dollars have been paid to doctors and clinics for treatments that were never performed or were double-billed. The Nation's largest dialysis corporation used about $21 million paid by Medicare to finance a stock deal that benefitted stockholders and company executives. The program has created an industry that "pits profits against patients," in the words of the Philadelphia Inquirer.

That being the case, it is unclear to me why Congress voted to increase payments to these clinics. Horror stories of mistreatment of patients, reused equipment, and outrageous examples of conflicts of interest abound. Instead of giving more money to dialysis clinics, Congress should have cut spending to them, while insuring that the decrease in spending reduced profits and did not come at the expense of quality of care.

I will have more to stay about this issue later this year. For now, the easiest step that Congress could take would be to repeal the increase in last year's budget agreement, and take steps to reign in the burgeoning costs of this $3.5 billion program. My bill takes an important first step by saving $80 million over 5 years. I urge that it be acted on by the Committee on Ways and Means.

REGARDING EVENTS IN LITHUANIA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HORTON. Mr. Speaker, while our attention has been focused on events in the Persian Gulf, the people of Lithuania have been locked in a bloody battle for freedom and democracy against Soviet Armed Forces. It is becoming increasingly evident that Soviet officials are resorting to the use of force to suppress the democracy movement in Lithuania. I urge Premier Mikhail Gorbachev to resist the use of further force and allow self-determination for all Lithuanians.

The sight of Soviet tanks rolling through Vilnius, Lithuania earlier this week was reminiscent of Budapest during the Hungarian Revolution of 1956. Clearly, the progress the Soviet Union has made in human rights over the last few years stands in grave jeopardy.

For many years, I was active in efforts in the United States Congress to help bring democracy to Hungary. Recently, I had the honor of meeting with Mr. Gabor Demszky, the newly elected mayor of Budapest. Having fought against Communist oppression for many years, Mayor Demszky fully understands the challenges now facing the brave citizens of Lithuania.

The following are two letters of support to Lithuanian leaders. The first letter was sent by Mayor Demszky to Mayor Bernatonis of Vilnius, Lithuania. The second letter is from officials fo the Hungarian Freedom Fighters' Federation to Lithuanian Charge D'Affairs Stasys Lozoraitis.

BUDAPEST, HUNGARY,
January 15, 1991.

ESTEEMED MAYOR BERNATONIS: The tragic events of recent days created a sad and horryfying feeling among the citizens of Budapest. Please let the people of Vilnius know that we want to share the sorrow for the loss of their loved ones and we would like to offer our help for the relatives of the innocent victims. In the future, the citizens of Budapest will do everything in their power to help you in your effort to achieve peace guaranteed by international treaties.

We, Hungarians remember very well when in 1956 the leaders of Moscow—taking advantages of the crisis in Suez—created a puppet-regime attacked our country and wanted to crush our ambitions for freedom and independence by sheer force. The rulers of the Kremlin had to learn that the use of military force can delay results, but cannot stop us from fighting for our freedom.

There are those who detect a parallel between the events of 1956 and the event of 1991 in Vilnius. There may be common characteristics, but the differences are even more significant. The first is that since 1956 the world has experienced fundamental changes, and Moscow has to take into account the power that is the solidarity demonstrated by other nations for your cause. Secondly, the Soviet Union is not capable to fight against the rightful will of the people any longer. For this we are certain, that not arms, but reason will make the final decision in Vilnius.

Esteemed Mayor, in 1956 Budapest was titled the "Capital of Freedom." Today, we, the citizens of Budapest, regard upon Vilnius as the capital of freedom. A place, where the idea of freedom cannot be taken away from the people anymore. A place, where the idea of freedom will be victorious.

Dr. GABOR DEMSZKY,
Mayor of Budapest.

HUNGARIAN FREEDOM
FIGHTERS' FEDERATION,
Rockville, MD, January 15, 1991.
Hon. STASYS LOZORAITIS,
Charge D'Affairs, Lithuanian Delegation, Washington, DC

DEAR MR. LOZORAITIS, We, the undersigned representatives of Americans of Hungarian descent, express our strong solidarity with the Lithuanian people in their present struggle for Independence. We deplore the armed actions of the Soviet Union aimed at the destruction of freedom and democracy in the Baltic States.

The similarities between the circumstances in which the 1956 Hungarian Revolution was fought and the 1991 plight for Lithuanian Independence is waged reveal the fact that the fundamental mentality of Soviet dictatorship did not change during the past three and a half decades. Violation of human rights, international law and the rules of civilized behavior demand the unity of the world community in the condemnation of the heinous acts of the brutal, inhuman, unchanged Soviet system controlled and upheld by Mr. Mikhail Gorbachev.

Please convey our committed support of Lithuanian aspirations to your government and to your people.

With prayeful concern.

Eva Szorenyl, Co-President; John Dolinsky, Co-President, World Federation of Hungarian Freedom Fighters.
Jozsef Kovago, Former Mayor of Budapest.
Julius Belso, Honorary Chairman, American Hungarian National Republican Committee.
Dr. Andras Pogany, President; Istvan B. Gereben, Co-President; Rev. Baan Vitez O.F.M. Past-President; Rev. Vazul Vegvari O.F.M. Past-President, Hungarian Freedom Fighters Federation U.S.A.
Ferenc Czane, President, Hungarian Freedom Fighters Federation, Los Angeles Chapter.
Robert Harkay, President, Szechenyi Association.
Hugo Martonfalvay, President, Hungarian Veterans Association.
Ferenc Mozel, Editor, Szivarvany.
Dr. Karoly Balogh, President, Hungarian Association of Massachusetts.
Louis Lote, President, Committee of Transylvania.
Dr. Gabor Szent-Ivany, Secretary, National Committee of Hungarians in Czechoslovakia in the U.S.A.
Dr. Edmund Gaspar, Vice President, Federation of Free Hungarian Jurists.
Beata Gereben, Vice President, Magyar Studies of America.
Dr. Andreas Csaplar, President, Collegial Society of Hungarian Engineers.
Tibor Helcz, President, Federation of Hungarian Former Political Prisoners.
Gabor Bodnar, Executive President, Hungarian Scouts Association.
Dr. Lajos Koncz, Executive Secretary, Harvard Circle.

THE BALTIC INDEPENDENCE TRADE ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Friday, January 18, 1991

Mr. CARDIN. Mr. Speaker, as tanks roll through crowds of peaceful protesters in the streets of Lithuania's capital and Soviet paratroopers fire indiscriminately on unarmed civilians, we are again outraged by the brutal oppression of that troubled people. For all the progress that has been made in Eastern Europe, freedom has still not been secured in some countries whose people crave it.

Today, as a means of securing freedom and independence for Lithuania, Estonia, and Latvia, I am introducing the Baltic Independence Trade Act. This legislation would withhold most-favored-nation trade status from the Soviet Union until independence is granted to the Baltic Republics. Seventeen other Members of Congress join me as original cosponsors of the bill.

On March 11, 1990, the people of Lithuania stepped forward to demand the return of the independence stolen from them by the Soviet Union 50 years ago. Following Lithuania's lead, the other illegally seized Baltic Republics of Estonia and Latvia declared their intent to break free of Soviet domination as well.

The three Baltic countries enjoyed free democratic governments from 1918 until 1940, when they were illegally invaded and annexed by the Soviet Union as part of a secret agreement between Stalin and Hitler. The United States and other Western nations have always refused to recognize Estonia, Latvia, and Lithuania as parts of the Soviet Union.

From the first days of the independence movement last year, the Soviets have responded in a heavy-handed way to Lithuania's drive for freedom. They imposed a choking cutoff of vital supplies, and conducted frequent military maneuvers in the streets of Vilnius, the Lithuanian capital. With the Soviet military now moving to violently crush the movement for freedom and democracy in Lithuania, the United States can no longer forestall action. I believe this Nation needs to support the people of the Baltics by putting presure on the Soviets where it can have a real impact—their economy.

The fact is that the United States actually signed most-favored-nation status agreements with each of the Baltic Republics in the 1920's. While these agreements were suspended in 1951 as a result of the Soviet occupation, they have not been officially revoked. Until the Soviet Union releases its hold on the Baltic States, it would be a terrible irony for the United States to grant MFN status to the Soviets.

The legislation I introduce today would send a clear message to the Soviet leadership. A message that, while the United States wants increased trade and peaceful cooperation with Moscow, it cannot be had at the expense of the Baltic peoples. Over the last 50 years, the United States Government has stood with the people of Lithuania, Estonia, and Latvia in their quest to restore freedom. We can stand with them now by putting pressure on the Soviet Government to restore the independence of the Baltic States.

A TRIBUTE TO ALEX ACEY

HON. MICHAEL BILIRAKIS

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, January 18, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to a good friend to me and to my congressional district, Mr. Alex Acey, whom I was grieved to hear passed away on January 17.

It is a plain and simple fact that the time granted to each of us is limited; it remains for each of us to make the best use of that time. I hope that it is a comfort now to Alex's wonderful wife, Dorothy, his two brothers and two sisters, that Alex Acey's name is written large in this regard.

Alex was a demanding man—no less of himself than of those he knew and with whom he worked. However, the world would not be so full of the wonders and benefits that we all enjoy were it not for its Alex Aceys. At 81, Alex was as full of enthusiasm and high regard for a job well done as anyone of any age—and there were many jobs well done by his hands.

I won't take the time to list them all. Suffice it to say he was dedicated to his community just as he was to his family. Before moving to my district in Florida, he was a self-employed tailor for 40 years in Detroit. He reached out into his community—both in Michigan and Florida—through his active service in the Masons of both States.

He was a 33d degree member of the Scottish Rite Masons and Royal Order of Scotland, where he served as potentate of the Shrine in Detroit. He was a charter member of the York Rite Sovereign College in Detroit and the York Rite Bodies of Michigan.

In Florida, he was a member and past president of the West Pasco County Historical Society and was cochairman of the West Pasco Centennial Celebration, as well as being active in the county Republican Party.

He spoke on my behalf on many occasions when I was forced to remain in Washington by my congressional duties. I knew him well, as did my family, and I loved and respected him.

All of us will miss him, and his passing will be a great loss for the Ninth Congressional District. However, all of us are the better for having known him and he will always be an inspiration for me.

INTRODUCTION OF JOINT RESOLUTION TO DISAPPROVE THE DISTRICT OF COLUMBIA COUNCIL ACT, ASSAULT WEAPON MANUFACTURING STRICT LIABILITY ACT OF 1990

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Friday, January 18, 1991

Mr. BLILEY. Mr. Speaker, today, I am introducing a joint resolution which disapproves the

District of Columbia Council Act, the Assault Weapon Manufacturing Strict Liability Act of 1990. I ask my colleagues to disapprove this Council Act, not only because it is violative of the Home Rule Act, which restricts the council to enact laws which are exclusively applicable to the District of Columbia, but because it is bad law with far-reaching constitutional implications.

Specifically, this act seeks to hold gun manufacturers, importers, and dealers strictly liable for damages, regardless of fault or proof of defect, resulting from the use of certain handguns, rifles, and machineguns.

The act itself is an unconstitutional intrusion into interstate commerce which is beyond the authority granted by home rule, or to any other local government, and to any State government. The District cannot possess greater legislative powers than those reserved to the States. If the States cannot individually rewrite the Constitution, then surely the District cannot. It is our obligation to exercise the ultimate legislative authority over the District and we cannot turn a blind eye to this action without serious constitutional repercussions. The effect of the legislation has a scope extending far beyond any exclusive application within the boundaries of the city.

If there is to be a major overhaul of the tort laws of this country, with their widespread economic impact, then Congress itself must take up that task. Congress cannot delegate that responsibility to the District government. That, however, will be the precise effect if Congress fails to disapprove this council act.

This act is not about a victim receiving just compensation from the direct actions of another nor is it about receiving just compensation for negligence by a manufacturer. The District's own Corporation Counsel questioned whether the courts of the District of Columbia could exercise jurisdiction over nonresident manufacturers, importers, and dealers.

The legal theory upon which the act is based has already been litigated here in the District. The U.S. District Court for the District of Columbia and the Federal Court of Appeals have found that the "traditional tort theories—negligence and strict liability provide no basis for holding the gun manufacturer liable." But as certain as I am that this act would ultimately be struck down after very costly litigation, I do not believe we should leave this matter to courts. Congress has a constitutional responsibility which it should not abdicate.

Let me make this clear. This act, no matter how well-intended, is not about stopping the violence on the streets of Washington. The District Council banned these very same weapons 15 years ago. This act is an attempt to force manufacturers and dealers to pay for the consequences of criminal acts. The act applies to all designated weapons and would allow damages to be recovered from a manufacturer, dealer, or importer, regardless of whether they had any contact whatsoever with the victim or perpetrator. It would make no difference if the gun were stolen, purchased from a party many times removed from the original and lawful buyer, or acquired in a State where the purchase, sale, and ownership are sanctioned by law. It is clearly intended to drive legal businesses, large and small, into bankruptcy. This is not about recovering money from the deep pockets of a huge corporation. The local gun and bait tackle shop businessman is at the same risk of having a weapon he once legally sold end up on the streets of Washington one day as is Colt, Beretta, and Israeli military industries.

Some Members may hesitate to intervene in this matter because of home rule. This act clearly violates home rule. The purpose of District self-government is to "relieve Congress of the burden of legislating upon essentially local District matters." This is not a local matter. There are no handgun manufacturers in the District to be regulated. You cannot legally purchase one of these weapons in the District. Congress intended to prohibit the District from enacting precisely such over-reaching laws when it granted home rule.

The test of whether to adopt this resolution of disapproval, the only test of significance in this particular matter, is whether Congress would have passed this same measure for the Nation. I do not know whether Council Act 8–289 would become a public law for the entire United States if Congress exercised the legislative process, but there is no reason for us to implicitly approve and adopt that act now.

There is no question that the District's level of violence is devastating. But violating the commerce clause of the Constitution, threatening legal, private enterprises, and violating the Home Rule Act are not the solution to controlling the violence.

While I hope that the District Council will take it upon itself to reconsider whether this course of action is appropriate and whether it will achieve its objectives, I must also note that time is short before this act may take effect. Aside from immediate Council action, this resolution of disapproval is the shortest, easiest, and most appropriate manner in which Congress can exercise its obligations.

A MESSAGE TO MR. GORBACHEV

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. PORTER. Mr. Speaker, I come to the floor today to send a clear and simple message to Mikhail Gorbachev: If you hope to maintain even a shred of the friendship you have cultivated with Western nations in the past several years, you will cease your policy of bloodshed and repression in the Baltics immediately. Wednesday, I cochaired a Congressional Human Rights Caucus hearing on the Baltic situation and yesterday I participated in a special hearing held by the Congressional Helsinki Commission on the grave situation in Lithuania. At these hearings I heard testimony that made it clear that the assault on Lithuania was a premediated effort by the Soviet leadership to crush the peaceful call for freedom by the Lithuanian people and to send a powerful and sinister message to other republics that might be considering calling for their own active freedom.

No civilized nation can stand by and watch the tiny and peaceful Baltic States overrun by Soviet paratroopers. Until Mr. Gorbachev provides convincing evidence that the repression of the Baltics will end, we should cease all preference and aid to the U.S.S.R. and seriously reconsider our relationship.

A TRIBUTE TO LEOLA GAINES McCOY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. FISH. Mr. Speaker, I would like to honor a woman who has proven one individual can make a difference.

Leola Gaines McCoy of Peekskill, NY, has devoted her life to helping others. As a black woman born and raised in the segregated South, she made up her mind to be a force for good.

Ms. McCoy has made her mark as a supervisor/coordinator with the Association of Black Social Workers [ABSW] in which she has helped minority families adopt minority children. Ms. McCoy also has worked at the Peekskill Mental Health Clinic and reported and written for such newspapers as the Putnam County Courier, Patent Trader, the Amsterdam News and the Village Voice.

But perhaps Ms. McCoy's greatest achievement was her successful efforts to desegregate housing in the Syracuse, NY, area. As one who experienced segregation firsthand, it is not surprising Ms. McCoy would do all she could to fight it. Thanks to her, thousands of people in the Syracuse area are experiencing racial harmony.

Ms. McCoy's efforts have not stopped there. Her list of accomplishments is endless: Director of the Peekskill Westchester Black Professionals; cofounder of the Family Resource Center of Peekskill, which assists homeless families and was selected as the 1990 Westchester County project of the year; member of the NAACP-Peekskill chapter advisory board for more than 10 years; former board member of the Voluntary Service Society. For these and many other achievements she has been bestowed with many awards, such as her designation as the NAACP-Peekskill Woman of the Year.

On Saturday, January 26, a dinner by ABSW will be held to honor Ms. McCoy on the occasion of her retirement. While she may be stepping down, she is not stepping out. I am sure we will be able to count on Ms. McCoy to be on the front lines fighting for the people for many years to come.

TRIBUTE TO FRANK BACON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Frank Bacon. Mr. Bacon is being recognized for 20 years of service to the St. Clair County Probate and Juvenile Court.

Throughout his professional career he has always been a dedicated public servant. Frank served from 1948 through 1970 in the U.S. Air Force. Eventually he rose to the grade of chief master sergeant, becoming the superintendent of a mobile operations division in the Combat Mobile Communications Group.

Upon retiring from the Air Force, as a chief master sergeant, Frank worked briefly for the Capac Area School District as a mini manpower coordinator. In this position he placed deprived youngsters in a work/school program.

His compassion and desire to pursue this type of work led Frank to employment at the St. Clair County Juvenile Detention Center, and eventually at the St. Clair County Probate and Juvenile Court. In these capacities, he has worked hard to establish programs designed to help the youth of St. Clair County.

I am confident Frank will continue his sincere interest in the well-being of St. Clair County's youth. Through his involvement with various boards in our community, and by personally helping the youth of our area, Frank will always pursue the goal of making this a better community for all of us.

Mr. Speaker, it is an honor to recognize Frank on the floor of the House for his dedicated service to the youth of St. Clair County. We are all the fortunate beneficiaries of Frank's good work through the years. I am proud to be associated with him.

DO NOT FORGET LITHUANIA

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. ATKINS. Mr. Speaker, I rise today to condemn the recent attempts by the Soviet army to crush the freely elected democratic Government of Lithuania. While it is understandable why the world's attention would become focused on recent events in the Persian Gulf, it is important that we continue to pay the utmost attention to events in the Baltic republics. There is indeed a valid comparison between this crisis and the 1956 Soviet invasion of Hungary, which took place while the world's attention was focused on the crisis in the Suez Canal.

As little as a decade ago, many academicians scoffed when some experts suggested that the Soviet Union, an empire of over 100 distinct nationalities, would fall apart from within due to its ethnic diversity. Then the world watched in amazement at the tumultuous event which shook the Soviet Union in fulfillment of this prediction. We saw the Soviet Union's captive nations, longing for freedom, seize the opening offered by Soviet President Gorbachev's policies of glasnost and perestroika in their bid for freedom.

With the events of the last 2 weeks in Lithuania, the first of these proud nations to assert their independence, and the other Baltic republics, it is sadly becoming all too clear that the Soviet leadership intends to resist the persistent forces of history with brutality. On January 13, the Red army killed 15 peaceful protesters while taking control of the Vilnius broadcast facilities. Although the Lithuanian parliament has been fortified by a 12-foot high concrete wall and a 15-foot ditch, the Red army's tanks around the building awaiting attack orders from Moscow. We now even hear stories of Soviet-sponsored violence in Latvia and President Gorbachev's attempt to crack down on the newly acquired freedom of the press in the Soviet Union.

All of us desires to see President Gorbachev succeed in his efforts to reform the Soviet system. However, I agree with those who have wisely said that we must not confuse the cause with the man. There are many risks which can arise from further instability within the Soviet Government—most importantly the concern over an unstable superpower's possession of nuclear weapons and the loss of the little control the Soviet Government has overgrowing anti-Semitism in that country. But even in the face of this concern over stability and reform within the Soviet system, we must not turn a blind eye to the injustices by the Soviet Government in the Baltic republics. I support President Bush's condemnation of the Red army's actions in Lithuania, but I also feel that the administration ought to seriously consider further pressure against the Soviet Government. The administration ought to follow the lead of the European Community by warning that, if the Soviet Government continues to use military force and coercion against Lithuania and the other Baltic States, we will end all assistance and technical cooperation with the Soviet Union. We must not let the Soviet Government think that we will ignore their actions in the Baltic republics in exchange for their support of our policies in the Persian Gulf.

HONORING THE PALISADES HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate the Palisades High School Academic Decathlon Team on their victory in the Los Angeles Unified School District championship. The team demonstrated beyond a doubt that they are among the best and brightest students in the city.

The nine-member team is coached by teachers Rose Gilbert and Donald Walz and is captained by David Elashoff. The team members are: Neal Kaplan, David Elashoff, Ritu Batra, Amir Berjis, Robert Brombach, Matthew Gelbart, Eddy Kup, Thatbiti Sabahive, and Lesley Young.

After months of hard work studying space exploration, team members were prepared to answer questions on the subject in a wide range of categories, including: Math, history, science, economics, speech and fine arts. Their work paid off when they were able to score 44,981 out of possible 60,000 points to win the city title. The Palisades team will travel to U.C. Riverside in March to compete for the State championships.

Mr. Speaker, I urge my colleagues to join me in congratulating the Pacific Palisades Academic Decathlon Team, and in wishing them the best of luck in their next competition.

IT IS NEVER TOO LATE TO NEGOTIATE FOR PEACE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. OWENS of New York. Mr. Speaker, the men and women of our Armed Forces who are involved in Operation Desert Storm have my heartfelt prayers and support. A sizable number of them come from the 12th Congressional District and I know many of them personally and their families and loved ones. I unequivocally support our troops in the field by continuing to work intensely for peace.

Were this resolution simply an expression of moral support for these brave men and women I would not hesitate to vote "Yes." Unfortunately, this resolution goes beyond that and implicitly endorses the President's initiation of war against Iraq. I cannot and do not, as the resolution states, "commend and support" President Bush for pitching this Nation into war. Instead, I will vote "Present" and renew my appeal to the President to abandon force and pursue peaceful ends through peaceful means in the Middle East.

Nothing has changed in the past 2 days which convinces me that a non-violent resolution of the crisis still cannot and may not be achieved. Indeed, the push for peace is more important now than ever.

That Saddam Hussein is a bloodthirsty madman is no reason for the rest of us to abandon reason in our response to his mayhem. We can boldly, bravely, and resolutely face down this vicious barbarian without being goaded into further violence. We can pursue the liberation of Kuwait without forging another link in the horrible chain of violence that has for so long oppressed all peoples of the Middle East.

The world's only superpower can afford to be magnanimous. America does not have to worry about the loss of face. We can afford at this moment in the conflict to pause, to stop the violence, and give the Iraqi Government an opportunity to ponder and reconsider its intransigent position. Hussein may be a madman, beyond the reach of reason, but he is surrounded by military and civilian leaders who may be more rational and inclined to pursue negotiation rather than plunge deeper still into what threatens to be a calamitous bloodbath.

Our cause in the gulf is just and Americans can be proud of our efforts over the last several months to win back self-determination for the people of Kuwait. But war is still not the way.

It is not too late for a peaceful solution. It is never too late to struggle for peace. Break the chain of violence today; pursue peaceful ends through peaceful means now. Remember and reaffirm the wise words of Dr. Martin Luther King that every man and woman is a child of God, made in His image, and that "human life is too sacred to be taken on the battlefields of the world." In just a few days, politicians around the Nation will be remembering Dr. King in words and speeches. Today, in the sands of the desert, let us act to remember him with our deeds. Stop the war, struggle for peace. Even if just one human life is saved, negotiating peace is worth the effort.

TRIBUTE TO MR. SIDNEY J. FRIGAND

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize Mr. Sidney J. Frigand, who recently retired from his position as assistant executive director of government, community and public affairs for the Port Authority of New York and New Jersey.

Throughout Mr. Frigand's career in the public sector of New York and New Jersey, among other positions, he served as press secretary to the mayor of New York—1974–78, public affairs director of Metropolitan Transportation Authority of the State of New York—1970–74, and deputy executive director of the New York City Planning Commission—1965–67.

After attending Brooklyn College, Mr. Frigand never strayed far from the academic world. He was a visiting instructor at Pratt Institute School of Architecture and Planning, and a visiting lecturer at several colleges and universities including Manhattanville College, New York University's School of Public Administration, and at the Baruch School of City University Brooklyn College. He also has written articles and reports for the Museum of Modern Art, the New York Times, Ford Foundation, and numerous other institutional and professional publications.

In addition, Sidney Frigand is a member of several professional and civic organizations such as the New York Press Club, Citizens Budget Commission, and the Lower Manhattan Cultural Council. Likewise, he has received several awards such as the Page One Citation from the New York Newspaper Guild.

At this time, I should like to join my colleagues in commending my constituent, Mr. Sidney J. Frigand, a gentleman who dedicated his career to public service. Finally, I should like to wish Sidney all the best for a long and healthy retirement.

TRIBUTE TO DAN EHART

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Dan Ehart, former editor of the Suburban & Wayne Times, a weekly newspaper in my district, in Delaware County, PA. In December, Dan Ehart wrote his last editorial after 45 years on the job.

Dan Ehart is a man unafraid to speak his mind. All too often, our newspapers today print tepid, lukewarm editorials. They prefer summary and explanation to outspoken advocacy. Rare is the newspaper that will use unambiguous editorial commentary to challenge its readers to grapple with the central issues of the day.

The Suburban & Wayne Times under Dan Ehart was one such paper. Whether writing on local, State, or Federal issues, Dan Ehart pulled no punches. When his readers disagreed with his point of view, his letters section was always open. Give and take was a staple of Dan Ehart's editorial page. In any given week, a reader could find a stinging editorial about the Persian Gulf, a strong letter to the editor regarding the civil rights bill, and commentary pieces on Pennsylvania State auto insurance or the county charter. No issue was too large, or too small, to be cogently discussed.

The editorial page of the Suburban was fun reading, with bold viewpoints expressed with vivid prose. I did not always agree with Dan Ehart, nor he with me, but I was always pleased to express my views on his editorial page. When he disagreed with me, he let me know, often in an accompanying editorial. But when he agreed with me, he expressed his sentiments just as strongly. Dan Ehart was nothing if not fair.

But I will admit that I am biased. I have been pleased to know Dan Ehart since I began my career in public service in 1977. During that time, I am proud to say that he and I have become friends. I trust that our friendship will endure.

I will miss reading Dan's editorials each week. But his retirement is more than just a personal loss. It is in truth a loss to the entire journalistic community in the Delaware Valley. One of the last oldtime newspapermen has sadly, put down his pen.

NATIONAL SENIOR CITIZENS HALL OF FAME, INC.

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the National Senior Citizens Hall of Fame, Inc.

Established on September 10, 1990, this organization is dedicated to honoring seniors for humanitarian community service, par-excellence. The Legacy award is given to individual seniors not on a competitive basis, but for unselfish dedication and community service and the quality of life their touch bestows.

Those recognized with the Legacy for their contribution to society will have their names immortalized forever in the archives of the National Senior Citizen's Hall of Fame [NSCHF]. The Legacy sculpture depicts the hand of a baby in the palm of an aged hand, signifying the understanding and love between generations, and service to others regardless of race, creed, or color. Legacy places importance upon the value of a memory rather than just leaving monetary or material possessions to future generations.

The National Senior Citizens Hall of Fame, Inc. stresses the wisdom of aging and is incorporated as a nonprofit organization for the purpose of recognizing the value of our older generation and their contribution to society. The work of this organization is particularly important as we are indeed an aging society.

However, the aging of our society is not a thing to be feared. I certainly hope that we recognize the wisdom, experience and knowledge which seniors possess. Such qualities are a priceless resource not to be wasted. I feel confident with such groups as the NSCHF, our country will be ensured the benefits of perhaps one of our most valuable resources, our senior citizens. It is for this reason that I commend the National Senior Citizens Hall of Fame and thank them for their hard work and dedication.

Although the youth of today may be the leaders of tomorrow, I believe that seniors are equally responsible for shaping tomorrow as their wisdom should be shaping and guiding the youth of today.

THE WORDS OF A SOLDIER ON THE SANDS OF SAUDI ARABIA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mrs. BOXER. Mr. Speaker, the debate about war is as old as humanity itself. Here follows the words of a soldier on the sands of Saudi Arabia, sent to me by Barbara Seith of Los Gatos, CA:

Speaking of things I've never seen
Sometimes I catch myself in a lie
Thinking of things that are only dreams
Makes me feel the need to cry

To never be given the opportunity
And never be told why for
To see the unseen or fulfill the dream
Is it really worth a war?

I hope the man who runs the show
Knows everything he needs to know
About people and families and other things
About the troops in the sand still full of dreams

This man, he carries a lot of weight
He controls many to many lives
He owns stock in a lot of soldiers
Their husbands, children, and wives

He has to answer to no one
He is the man on top of it all
He doesn't have to explain why or what he does
Just says it's the nation's call

This man is the owner of our destiny
We're all just peas in the pod
They gave him the title of President
But for now he's posing as God

TO HONOR "THE MIGHTY EIGHTH" ON THE 50TH ANNIVERSARY OF THE 8TH AIR FORCE HISTORICAL SOCIETY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the contributions of the 8th American Air Force and its members who were dedicated to the freedom of our Nation.

In 1992 the 8th Air Force Historical Society will celebrate its 50th anniversary as a nonprofit veterans' organization. This society was established to perpetuate and preserve the proud history of the 8th Air Force or as they came to be known, the Mighty Eighth. The 8th Air Force has served in every American armed conflict and remains, without a doubt, the most powerful air striking force in the world.

During the Second World War, more than 350,000 Americans served in the Mighty Eighth. Its members received 17 medals of honor and countless awards for their distinguished service. Presently, 50,000 individuals are assigned to the 8th Air Force.

Each year the Historical Society sponsors a reunion to provide the opportunity for members to meet and memorialize those Air Force men and women who died in service for our country.

In recognition of the Historical Society's preservation of history and the service of those men and women of the Mighty Eighth, please join me in honoring all members of the 8th Air Force.

HOUSE OF REPRESENTATIVES—*Tuesday, January 22, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Just as we remember in prayer the members of the armed services, so too we recall their families who are so many miles away from those they love. May Your peace, O God, that passes all human understanding, strengthen them in their faith and support them with Your strong hand. O gracious God, whose spirit is all about and whose love is over all, bless those who turn to You and give them all Your good gifts and all Your grace that is new every day. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Georgia [Mr. JONES] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. JONES of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SADDAM HUSSEIN'S INHUMANE TREATMENT OF POW'S IS AN ABOMINATION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, my constituents and I—and the Nation as a whole—are angry today.

We are angry over the indecent treatment given American and allied prisoners of war by Saddam Hussein and his Iraqi minions.

The POW's, still suffering from shock and obviously injured—possibly at the hands of Saddam Hussein's troops and in need of immediate medical attention, instead are paraded ignominiously through the streets of Baghdad, herded into a television studio and then interrogated on camera in a degrading, undignified fashion.

As if these horrors are not enough, Iraqi officials now say these prisoners of war will be held as human shields and distributed around the nation at sensitive sites likely to be targets for allied air bombardment.

All of this is not only a flagrant and heinous violation of the Geneva convention, but a human abomination as well.

But, Saddam Hussein's latest act of barbarism and savagery will not succeed in turning world sympathy toward him and his people nor will it break apart the allied coalition arrayed against him.

Instead, it will galvanize, as nothing before in this war has, the world in disgust, in disapproval, and in repulsion for these outrageous misconducts, and it will serve to strengthen, not weaken, U.S. resolve to do what's necessary to win the war and return our POW's and our troops back home again.

JORDAN BEGGING WITH ONE HAND, SLAPPING US WITH THE OTHER

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, since 1962, the American taxpayers have given the people of Jordan more than $4.5 billion.

That is more than a thousand dollars for every man, woman, and child in Jordan—$174 million in 1986 alone. A few months ago, Jordan's Government asked us for more, to help cover the economic damage caused by Iraq's invasion of Kuwait. And we went along with $35 million more of the taxpayers' money. And what is Jordan's response? Western journalists beaten up in the streets of Amman. Americans told to leave because of the risk of terrorism. Scud missiles flying over Jordan and landing in Tel Aviv without a word of protest from His Royal Majesty the King. Jordan's Parliament voting unanimously last Saturday to support Iraq against the forces of cruelty led by the United States.

Maybe that is Jordanian for thank you. But I do not think so. I think they are begging with one hand and slapping us with the other. Well, they can forget it, Mr. Speaker. They had better wake up, or they will not get another penny if this Congressman can help it.

COMMENDING TWO MEMBERS OF THE 354TH TACTICAL FIGHTER WING

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I am proud to come before the United States House of Representatives to congratulate two members of the 354th Tactical Fighter Wing from Myrtle Beach, SC, for their heroic rescue of a downed United States pilot in the Iraqi desert yesterday.

Capt. Paul Dresden and Capt. Randy Goff undertook a harrowing 8-hour mission which included four in-flight refuelings for the A-10 Thunderbolts to locate and provide air support for the helicopter rescue.

Captains Dresden and Goff skillful search-and-rescue duty reflects their intensive training at Myrtle Beach Air Force Base.

We in the Grand Stand are proud of our men and our A-10's.

They have more than shown their mettle during the first few days of the war.

Godspeed to all.

IRAQ'S TREATMENT OF POW'S MUST BE CONDEMNED

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, Saddam Hussein's criminal treatment of prisoners from the United States and allied nations, evident from recent television footage, is but another example of the demented cruelty of this man, who has already raped Kuwait and indiscriminately bombed innocent civilians.

The entire civilized world, as well as organizations such as the International Committee of the Red Cross, condemns these violations of the Geneva Conventions in the strongest terms.

Not only Saddam Hussein, but all participants in these barbarous acts, are war criminals and are subject to prosecution as such. Nazi war criminals have been prosecuted and are still being hunted. Iraqi war criminals can expect no less.

INTRODUCTION OF LEGISLATION REQUIRING INCREASES IN FUEL EFFICIENCY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the world is in a time of crisis caused in part because of our dependence on pe-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

troleum, a crisis over the availability of oil in the world marketplace and the possibility that Saddam Hussein would singlehandedly disrupt the world economy should the oilfields of Kuwait, Iraq, and Saudi Arabia be destroyed by war.

Mr. Speaker, the need for national conservation has compelled me to introduce legislation increasing the fuel economy of the millions of cars on our Nation's roads and highways. Passenger cars and light trucks currently account for over 40 percent of U.S. oil consumption.

My bill will build on improvements in fuel efficiency and will further our goal of U.S. energy security. My bill requires each automobile manufacturer to increase fuel economy standards by 25 percent in 1996 and 50 percent in the year 2001 to average over 40 miles per gallon for each car on the road.

This bill will save 780,000 barrels of oil a day and will save American drivers nearly $15 billion a year.

There are many things we can do in this country to foster a sensible national energy policy, one which we would have had in the last 10 years which might have prevented war.

□ 1210

Some of those things involve conservation and alternative energy sources. They are two, but the best oil pool, the best energy resource we have in this country right now is in Detroit and in Tokyo, and it is time we build fuel efficient cars in this country.

BRING SADDAM HUSSEIN TO JUSTICE

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, why were we so shocked when we saw the pictures of our fellow Americans being mistreated at the hands of Saddam Hussein? It was predictable. Here was a man who shot his own lieutenants from time to time, who poisoned his own people, who has perpetrated atrocity after atrocity, and piles all of those up with one great atrocity in the invasion and aggression against Kuwait.

Why are we so shocked? People will say, "Well, world opinion will turn against him." And I think that that is true. However, he does not pay attention to world opinion. Had he been watching world opinion, he would not have done the thing in the first place of attacking Kuwait. Second, he would have withdrawn by now. So the answer is that he must be held accountable for these crimes against humanity. Therefore, our cry should be, throughout the world, that we must bring Saddam Hussein to justice.

To him and to his cronies, we say: "Your time is coming."

A REQUEST TO OUR PEDIATRICIANS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, America's pediatricians are a great national treasure. I hope in this time when we, as adults, are even having trouble dealing with all of the images about the war, we can imagine what our children are trying to do as they process it and try to understand all the different and new things that they are hearing.

I hope that the Nation's media, the Nation's religious community, education community and parents can all talk to our pediatricians to give everyone some guidelines and help all do the right thing as we try to explain to children what it is they are viewing and what is happening in the world, because I think otherwise the risks are much too high that they may have all sorts of problems long term on this.

I hate to ask our pediatricians to do more, but I think that they could be very helpful in sorting this out.

SIXTY-NINE-PERCENT INCREASED EARNINGS TO OIL COMPANY

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, There were a number of disturbing news elements yesterday. Obviously, one of those was the savagery of Saddam Hussein to the prisoners of war. However, a second disturbing element, quite frankly, occurred right here at home.

I am for business. I am for American business. It is the lifeblood of our economy. I am for profit. I think it is essential to the American free enterprise system, but I have to express some real dismay when one major oil company in this country announced their fourth quarter earnings were up 69 percent from a year earlier level.

That, my friend, is taking advantage of a bad situation when American men and women are laying their lives on the line in the Persian Gulf.

Yesterday, according to the New York Mercantile Exchange, oil prices closed at $21.30 and are apparently up and above that today. According to market analysts, supply-demand situation levels should suggest a price much closer to $15 a barrel, or just under that. I am all for profit, but I am not for American oil companies taking advantage of an international crisis for their own benefit.

DISPICABLE MEDIA PORTRAYAL OF POW'S

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, I, as everybody else, is proud of our Armed Forces in the Persian Gulf. They have most of America's prayers, and the support on this struggle to a quick victory, and to see that these young people come back home to their loved ones.

However, I am also mad as hell about the news media and some of the way that they are handling the situation with regard to POW's. They are airing and publishing statements made by prisoners of war held by the Iraqis, and some of the things they are saying is in opposition to what they are over there to do. They are decrying the efforts of the United States. These prisoners of war are brutalized, and they are tortured into making these statements. They know in this country, their families know, and we know that they do not mean these.

To further embarrass these young people is unwarranted, and it is irresponsible on the part of the news media. To those news media, just leave them alone. Just let their families and all America know that they are alive. They have earned that.

CONDEMNATION OF IRAQI POW TREATMENT

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I join my colleagues today in condemning the absolutely abominable treatment of our Nation's soldiers that have been captured by the Iraqi Government and are being held as prisoners of war. Saddam's treatment of prisoners is indicative of his regard for human beings in general. If there's one thing he's consistent at—it's killing and abusing people.

Whether it's his own citizens, Kuwaiti citizens or military personnel who are covered by the Geneva Convention, he has shown that he has little regard for human life. In fact, during the Iran-Iraq War, both countries captured hundreds of thousands of prisoners. Many of the Iraqi prisoners of war chose not to return to their homeland, however, because Saddam treated returning POW's as traitors and reportedly executed many of them. It is obvious from the TV coverage of our POW's that these soldiers have been abused—they have been beaten and tortured.

Let's send a united message to Saddam and let him know our resolve has not weakened and we are now more determined than ever to prevail.

HAVE A HEART, NEWS MEDIA

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, for 6 days now a broad alliance of countries led by the United States has been engaged in a desperate struggle to remove Saddam Hussein from Kuwait. In the course of the air battles aviators have been shot down and taken prisoner and we can be sure there will be more POW's. Hussein, consistent with his reputation for unbelievable cruelty, has videotaped these heroic flyers at the time when they are most vulnerable and provided these videos for playing in the United States to the horror of their families and countrymen. This activity has been widely condemned as a clear violation of the Geneva Convention and international law. We can be sure Saddam Hussein will continue as from his point of view this terrorism is having an effect. Shame on him.

But think about it. Can this sick policy succeed without the cooperation of our major networks who seemingly leap at the opportunity to play Saddam's tapes and then play them over and over and over again. To their credit ABC to my understanding has refused to run it. I would hope the editors would think about their part in this war before they continue doing Saddam's bidding in this cruel, sordid confirmed violation of international law. When our leading national magazines hit the streets this week you can bet there will be pictures of one or more of these hapless pawns—perhaps selected at random—featured, perhaps on the front page for a little bang bang. Come on people, have a heart. Perhaps this could be put on the agenda when you talk about your public service. That is not a piece of hamburger; they are American servicemen in big trouble who more than likely come complete with a wife and children or mothers and fathers and other relatives and hopefully millions of Americans who respect and love them dearly. Think about it. We are very proud of these men and know they are doing the best they can under very difficult circumstances.

□ 1220

IRAQ'S APPALLING ABUSE OF PRISONERS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, like most in this Chamber and most Americans across the country, I join in expressing the rage and total condemnation of Iraq's appalling abuse and flagrant illegal treatment of allied pilots.

But as painful as it is to see them there, it is gratifying that they are alive. And let no one doubt that they are heroes. Those that speculate they may have been speaking freely are clearly wrong. Those statements were forced. Our POW's have been abused. And the President's strong statement that Hussein will be treated as a war criminal after this is over is not a threat. It is reality.

What America watched in horror last night is a demonstration of who Hussein is. Clearly our fight is just. And our prayers now go out to those brave pilots, who to the best of their ability, are resisting Hussein's treatment. We should all be proud of them. My prayers also go out to the courageous families of those pilots.

ALVIN, TX, SUPPORTS OUR TROOPS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, last night I had the absolute honor of addressing a rally in support of our troops in Saudi Arabia and the ongoing military effort to liberate Kuwait and against madman Saddam Hussein.

Over 1,000 men, women, and children from the town of Alvin, TX, turned out to express their support. It was truly pleasing to see the masses of people who turned out on behalf of a son, daughter, cousin, brother, or sister.

As each had a chance to speak into the microphone, some grabbed it with their chests full of pride, others with tears of fear and anxiety. Many had pictures of their family members in uniform. There was a great deal of flag-waving and bands playing. There was an incredible sense of patriotism, more than I have ever felt before.

Mr. Speaker, a videotape will be sent to each soldier from Alvin to show that there are Americans other than protesters who love and support our loved ones.

I believe that rallies like this serve as a vent for the public to display their thoughts and feelings about loved ones halfway around the world engaged in a conflict of the utmost importance to the United States.

This rally would not have been possible had it not been for the determination and ingenuity of Stevie Johnson. Alvin has more heroes than just Nolan Ryan, and Mrs. Johnson is one of them. Mrs. Johnson thought to fill a void, to provide a forum in the form of a troop rally to show support for the allied effort.

I commend Stevie and all who assisted her to produce such a successful rally on short notice and encourage all Americans to lend their hand in supporting our Nation's efforts in the gulf.

IRAQ'S WAR CRIMES

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I rise to express shock and anger over Iraq's parading and brutal treatment of our POW's.

Iraq's videotape of seven captured pilots, all of whom were battered and who were apparently coerced into delivering halting statements against the war. These Iraqi actions violate the Geneva Conventions regarding the treatment of POW's, which Iraq has signed and agreed to. There should be no doubt that this harrowing scene represents the true character of a brutal dictator.

Let us not forget that Saddam Hussein has announced his intention to use these POW's as human shields, another significant violation of the Geneva Conventions, protecting his installations in the same manner as before, when he used civilian hostages just a few short months ago to protect his chemical and nuclear facilities.

And let us not forget that Saddam Hussein has twice attacked innocent civilians in a noncombatant country, Israel. The world has expressed its outrage with such an attack. It is gratifying that Saddam Hussein's two attacks against Israel have been relatively ineffective and that Israel's population centers are now protected by our Patriot defense systems.

The International Red Cross, the organization charged with monitoring compliance with the Geneva Conventions, has said that Iraq violated the international conventions by threatening to use allied prisoners as human shields to prevent enemy bombing, and by showing them on Iraqi television in a humilating manner.

Now, more than ever, we must let our troops know that Saddam Hussein will be held accountable for these war crimes. It is vital that we emphasize the fact that we stand fully in support of our Armed Forces, especially our POW's in Iraq. We in the Congress will not forget you and will be fighting for you in every way we can.

SUPPORT COLAS FOR VETERANS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in districtwide meetings I held this past week, the No. 1 issue on people's mind was the situation in the Persian Gulf. The No. 2 issue, was the fact that the U.S. Congress is taking better care of itself than our Nation's veterans.

Mr. Speaker, America's veterans don't understand or care to hear about bureaucratic snafus—they want to know why they have been singled out as the only group not to have been guaranteed their COLA for 1991—when even Members of Congress have already received a sizable increase.

We all know what happened in the waning hours of the 101st Congress—a lapse in the democratic process where one important bill became a hostage to the fate of another—but this was seen as nothing short of betrayal of veterans. We have reminded these brave men and women of their vulnerability to a system that can be unfair and insensitive.

Mr. Speaker, today's debate and tomorrow's vote on correcting the inequity we have created comes at a time when the Nation is, of course, watching closely to see if this Government will live up to its commitment to its veterans.

This Congress needs to earn credibility, and a fine way to start is to join me in voting to pass the veterans' COLA without any further delay.

WE ARE FIGHTING SADDAM HUSSEIN, NOT THE IRAQI PEOPLE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, especially now when our POW's are being brought before us on television and emotions are inflammed, I think it is important for the American people to realize that we are not fighting the Iraqi people. We are not fighting Arabs and we are not fighting Moslems. Our enemy is Saddam Hussein. Our enemy is not the Iraqi people. It is not Arabs and it is not Moslems.

We are standing shoulder to shoulder, in fact, with many Moslems, Egyptians and Saudis, against aggression. Even 2,000 Mujahidin freedom fighters from Afghanistan have volunteered to fight with us in Saudi Arabia against the aggression of Saddam Hussein.

The Saudi people have been our friends for many decades now and quietly the Saudi Government has provided support in America's fight for freedom in the 1980's; so let us reconfirm as emotions are high and that armed conflict is going on, let us confirm to our people and to ourselves that we will not let this war foster racism at home and that our Americans of Arab descent will not be victims of Saddam Hussein's aggression in the Middle East. Let us reconfirm this and let us reconfirm our principles.

OIL COMPANY PROFITEERING

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, for the last 6 months Americans families have followed the progress of events in the Persian Gulf and they have also followed the progress of gasoline prices here in America. We all recall when President Bush made an announcement to the American people that he would not tolerate profiteering by oil companies because of the Persian Gulf.

Just yesterday, the Amoco Oil Corp. of Chicago, IL, announced its fourth quarter profits, a 69-percent increase in their earnings, one of the most substantial increases in earnings that this industry has seen since the last oil shortage this United States faced years ago.

At a time when American families anxiously await news of the fate of their children in Operation Desert Shield, when everyone in this Nation is going to be asked to sacrifice for the good of our Nation, can we ignore any evidence which suggests profiteering?

President Bush said he would not tolerate it. We cannot. We must give the President the authority to identify essential commodities that must be protected during wartime so that during a national crisis no company, oil company or otherwise, can take advantage of American consumers.

Furthermore, we must turn to the strategic petroleum reserves to try to keep oil prices stable and under control even during the worst part of this crisis.

VIOLENT SOVIET CRACKDOWN IN THE BALTICS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the violent Soviet crackdown in Riga by Black Beret forces mirrors the actions of the Soviet paratroopers in Vilnius the week before. Clearly in each instance, the orders are coming from Moscow and signal the ascent of the hard-line Soviet reactionaries of the Communist Party, the KGB and the Red army, who are increasingly pulling the strings attached to the President, Mikhail Gorbachev.

□ 1230

The Soviet reactionaries should know these actions are intolerable to Americans; that our attention can be and is riveted in both the Middle East and the Baltics; and that the United States will not only condemn this violence, but take specific trade, diplomatic, economic, and political actions to counter it.

Some ignorant Soviets might believe their military action in the Baltics can be equated with ours in the Persian Gulf. Nothing could be further from the truth, Mr. Speaker, we fight for human freedom and self-determination and to repel the aggression of an enslaver. The Soviet paratroopers and Black Beret actions mirror not ours, but those of Saddam Hussein, in the invasion of a tiny, defenseless nation and the violent overthrow of its legitimate government.

URUGUAY ROUND OF GATT NEGOTIATIONS

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, America may not be serving its best interests by being too eager to return to GATT negotiations in Geneva in the near future. Being obsessed with achieving a GATT agreement can only undermine, not benefit, America's best interests.

I had hoped a strong and truly effective GATT would be the result of the past 4 years of negotiations. Regrettably, some of our major trading partners are not yet prepared to tear down their protectionist walls.

While I still hope for a world trading order in which all trade barriers are eliminated, the Uruguay round of GATT negotiations simply does not appear to offer such a world. Instead of always trying to please our trading partners, we must act in America's best interests, and concude bilateral, trilateral and regional trading pacts.

We would be better off with no GATT agreement at all, rather than signing off on a bad agreement just to be able to say one was concluded. An agreement for agreement's sake would be a tragic mistake.

PROTESTORS SHOULD PROTEST SADDAM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, Protesting is an American tradition—protected by the first amendment.

Historically, many Americans are isolationist—oceans separate us from most of the world; and many Americans believe that these distances should separate us from the problems of the world.

In the streets, a few Americans are saying, "No blood for oil." sanction only.

They have this constitutional right—but let us not forget that those men—fighting and dying in the gulf—are protecting this right.

Some would argue that Saddam Hussein's threat is too remote to justify military intervention.

But is he too remote? Ask the Israeli and Arab inhabitants of Tel Aviv and Riyadh.

Saddam has chemical and biological weapons. He wanted a nuclear capability. The sands run red with the blood of his victims; he has gassed his own citizens; he invaded Iran; then, he invaded a defenseless Kuwait. He cries for a jihad against the non-Arab world.

And, if given the opportunity, Saddam would gas us, too.

I find it ironic that antiwar protesters have demonstrated in front of the White House, in front of the Capitol, but not in front of the Iraqi Embassy. Our protesters should protest Saddam.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken tomorrow.

VETERANS' COMPENSATION AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3) to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

The Clerk read as follows:

H.R. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Amendments of 1991".

(b) REFERENCES TO TITLE 38.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) 5.4-PERCENT INCREASE.—Section 314 is amended—

(1) by striking out "$76" in subsection (a) and inserting in lieu thereof "$80";

(2) by striking out "$144" in subsection (b) and inserting in lieu thereof "$151";

(3) by striking out "$220" in subsection (c) and inserting in lieu thereof "$231";

(4) by striking out "$314" in subsection (d) and inserting in lieu thereof "$330";

(5) by striking out "$446" in subsection (e) and inserting in lieu thereof "$470";

(6) by striking out "$562" in subsection (f) and inserting in lieu thereof "$592";

(7) by striking out "$710" in subsection (g) and inserting in lieu thereof "$748";

(8) by striking out "$821" in subsection (h) and inserting in lieu thereof "$865";

(9) by striking out "$925" in subsection (i) and inserting in lieu thereof "974";

(10) by striking out "$1,537" in subsection (j) and inserting in lieu thereof "$1,620";

(11) by striking out "$1,911 and "$2,679" in subsection (k) and inserting in lieu thereof "$2,014" and "$2,823", respectively;

(12) by striking out "$1,911" in subsection (l) and inserting in lieu thereof "$2,014";

(13) by striking out "$2,107" in subsection (m) and inserting in lieu thereof "$2,220";

(14) by striking out "$2,397" in subsection (n) and inserting in lieu thereof "$2,526";

(15) by striking out "$2,679" each place in appears in subsections (o) and (p) and inserting in lieu thereof "$2,823";

(16) by striking out "$1,150" and "$1,173" in subsection (r) and inserting in lieu thereof "$1,212" and $1,805", respectively; and

(17) by striking out "$1,720" in subsection (s) and inserting in lieu thereof "$1,812".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases authorized by subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 315(1) is amended—

(1) by striking out "$92" in subsection (A) and inserting in lieu thereof "$96";

(2) by striking out "$155" and $48" in clause (B) and inserting in lieu thereof "$163" and $50", respectively;

(3) by striking out "$64" and "$48" in clause (C) and inserting in lieu thereof "$67" and "$50", respectively;

(4) by striking out "$74" in clause (D) and inserting in lieu thereof "$77";

(5) by striking out "$169" in clause (E) and inserting in lieu thereof "$178"; and

(6) by striking out "$142" in clause (F) and inserting in lieu thereof "$149".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 362 is amended by striking out $414" and inserting in lieu thereof "$436".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	"Pay grade	Monthly rate
E-1	$594	W-4	$852
E-2	612	O-1	752
E-3	629	O-2	776
E-4	668	O-3	831
E-5	686	O-4	879
E-6	701	O-5	969
E-7	735	O-6	1,094
E-8	776	O-7	1,181
E-9	[1]811	O-8	1,295
W-1	752	O-9	1,389
W-2	782	O-10	[2]1,524
W-3	805		

"[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

"[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.";

(2) by striking out "$65" in subsection (b) and inserting in lieu thereof "$68";

(3) by striking out "$169" in subsection (c) and inserting in lieu thereof "$178"; and

(4) by striking out "$83" in subsection (d) and inserting in lieu thereof "$87".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 413(a) is amended—

(1) by striking out "$284" in clause (1) and inserting in lieu thereof "$299";

(2) by striking out "$409" in clause (2) and inserting in lieu thereof "$431";

(3) by striking out "$529" in clause (3) and inserting in lieu thereof "$557"; and

(4) by striking out "$529" and "$105" in clause (4) and inserting in lieu thereof "$557" and "$110", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 414 is amended—

(1) by striking out "$169" in subsection (a) and inserting in lieu thereof "$178";

(2) by striking out "$284" in subsection (b) and inserting in lieu thereof "$299"; and

(3) by striking out "$144" in subsection (c) and inserting in lieu thereof "$151".

SEC. 7. EFFECTIVE DATE FOR RATE INCREASES.

Section 2(b) and the amendments made by this Act shall take effect as of January 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 3, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a clean COLA bill which now has some 290 cosponsors in the House. It would provide a 5.4-percent cost-of-living adjustment in the rates of compensation for veterans with service-connected disabilities and in the rates of dependency and indemnity compensation paid to surviving spouses or children of veterans who die of service-connected causes. The increases in these rates would be retroactive to January 1 of this year.

This is a clean bill. It contains no other provisions because we need to get the bill to the Senate and to the President without delay so that the increased rates contained in the bill can be included in checks which veterans will receive on March 1. In other words, Mr. Speaker, when the veteran receives his or her March check, it will contain the increases for January and February.

My colleagues may recall that, on October 15, 1990, the House passed a COLA bill, but the other body failed to take action. You may also recall that, on the last day of the 101st Congress, October 27, 1990, the gentleman from Arizona and I introduced a bill, H.R. 5962, that would have provided the same 5.4 percent COLA as contained in H.R. 3. However, when I attempted to bring that bill up for consideration by unanimous consent an objection was raised and the measure was not passed.

It is unfortunate it has taken so long to enact such vital and well-deserved legislation. I believe the leadership and Members in the other body are prepared to concur in the House bill and send it on to the President.

Mr. Speaker, this bill has also been endorsed by 28 veterans service organizations and military associations. I want to stress that most veterans and military organizations support this legislation. In this regard, I received the following letters supporting the clean COLA:

DISABLED AMERICAN VETERANS,
Washington, DC, January 2, 1991.

Hon. G.V. (SONNY) MONTGOMERY,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MONTGOMERY: As leaders of the below-cited Veterans' Service Organizations, we are writing to you on a matter of utmost importance to our respective national memberships.

The 101st Congress recently adjourned without approving a cost-of-living adjustment (COLA) in the service-connected entitlements of our nation's disabled veterans, their widows and orphans. The subsequent volume of mail that you have received on this subject will attest to the fact that your veteran constituents and their families feel unjustly aggrieved by this oversight.

We fully realize it was not a deliberate decision on the part of the entire Congress that led to the denial of these benefit adjustments. Rather, it was the eleventh hour intransigence on the part of a few individuals regarding the issue of Agent Orange that was the culprit. If disabled veterans were caught unaware by what occurred, in a very real sense, so were most members of the House and Senate.

Our request is simple and forthright:

When the 102nd Congress convenes give your full support to expeditious approval of a "clean" COLA bill. Do not accept the demands of those who will again insist that the COLA legislation be incorporated with provisions relating to Agent Orange. The issue of Agent Orange, as it should, can be debated and favorably addressed by the Congress in 1991. But to require 2.5 million service-connected disability and death compensation recipients to wait while this occurs is, by any standard, patently unfair.

As most of you are aware, "Sonny" Montgomery and Bob Stump, the Chairman and Ranking Minority Member of the Veterans Affairs Committee, will introduce such a "clean" COLA bill at the onset of the 102nd Congress. We strongly urge you to cosponsor and vote in favor of this legislation. Your support in this matter is eagerly awaited and depended upon by our nation's disabled veterans.

Sincerely,

American Ex-Prisoners of War Association; Francis W. Agnes, National Commander.
Non Commissioned Officers Association; Walter Krueger, President.
Paralyzed Veterans of America; Victor S. McCoy, Sr., President.
Jewish War Veterans of the U.S.A.; Alfred Schwartz, National Commander.
Blinded Veterans Association; Henry Berube, President.
Disabled American Veterans; Joseph E. Andry, National Commander.

THE MILITARY COALITION,
Alexandria, VA, January 7, 1991.

Hon. G.V. "SONNY" MONTGOMERY,
House Committee on Veterans' Affairs, Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The 101st Congress adjourned without completing action on an issue of vital importance to this Nation's veterans and their survivors.

Unfortunately, recipients of veterans compensation fell victim to the crush of business in the legislative maneuvering, which occurred in the waning days of the last Congress. Our Nation's veterans, who fought for and defended our way of life, and their widows were denied a cost-of-living adjustment (COLA) to their compensation benefits. This was not the intent of either the House Committee on Veterans' Affairs or the Senate Committee on Veterans' Affairs, as each had voted in committee to award a 1991 COLA. However, as we understand it, the COLA increase was not passed because of an impasse over an Agent Orange provision in the bill.

The Military Coalition, representing some 3.5 million members plus their families and survivors, has written every Member of Congress seeking support for immediate legislative action to provide veterans and survivors a 5.4% COLA retroactive to January 1, 1991. In this regard, we deeply appreciate your leadership in championing the cause for veterans by introducing H.R. 3, a "clean" COLA bill, for immediate action in the 102nd Congress.

Sincerely,

Paul W. Arcara, the Retired Officers Assn.
Erik G. Johnson, Association of the U.S. Army.
Angela McNamara, Air Force Association.
Robert L. Lewis, CWO & WO Assn., USCG.
Max B. Bralliar, Assn. of Military Surgeons.
Nelson Fink, Air Force Sergeants Assn.
John M. Adams, the Retired Enlisted Assn.
Laurence R. Gaboury, Marine Corps Reserve Officers Assn.
Sydney T. Hickey, National Military Family Assn.
Philip G. Saylor, Naval Reserve Association.
Dick Castor, U.S. Coast Guard CPO Assn.
Charles C. Partridge, National Assn. for Uniformed Services.
George A. Lange, Jr., Naval Enlisted Reserve Assn.
Jud Lively, Reserve Officers Assn.
Roberta McCorkle, Navy League of the United States.
Charles R. Jackson, Non-Commissioned Officers Assn.
Don Hess, U.S. Army Warrant Officers Assn.
Norman E. Pearson, Fleet Reserve Association.
Dr. Robert C. Laning, Society of Medical Consultants to the Armed Services.
William J. Lucca, Commissioned Officers Assn.
Charles Schreiber, National Guard Assn. of the United States.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, January 9, 1991.

To: U.S. Congress,
From: James L. Kimery, National Commander-in-Chief,
Date: January 4, 1991.
Subject: Cost-of-Living Adjustment (COLA).

As you know, for the first time last year the 101st Congress failed to approve a cost-of-living adjustment (COLA) for veterans service-connected compensation payments in the same year in which increases were provided to recipients of social security and similar beneficiaries.

In order to rectify this gross inequity we would now ask you to make the granting of this much deserved and needed COLA your first order of business in the 102nd Congress. Many service-connected disabled veterans depend on their VA compensation payments and the delay of a VA COLA constitutes an unjust hardship.

Therefore, in order to ensure that the COLA bill advances as swiftly as possible, we would ask you to support a "clean" COLA bill, one which is unencumbered by other legislative initiatives. We urge you to actively work for the expeditious advancement of a clean COLA bill so that America's 2.5 million service-connected disabled veterans will have to wait no longer for the cost-of-living increase that is to be provided to them by a grateful nation.

AMVETS,
Lanham, MD, January 7, 1991.

Hon. G.V. MONTGOMERY,
House of Representatives,
Washington, DC.

DEAR MR. MONTGOMERY: AMVETS is encouraged that Congress will soon correct the 1990 deficiency in Cost-of-Living Adjustment (COLA) legislation for veterans by committing itself to the passage of a COLA bill as a first order of business in the 102nd Congress.

AMVETS urges the expeditious enactment of an unencumbered COLA, free from provisions or amendments which may impede its legislative progress through the House and Senate. The merit of this legislation is beyond question and must be pursued with vigor.

The AMVETS constituency looks to the Congress for continued legislative effort on behalf of service-connected disabled veterans and their families. We eagerly await and depend upon your initiative to right the legislative inadequacy of the 101st Congress which shortchanged our Nation's well-deserving veterans. Thank you for your support and representation which will ensure equitable entitlements for veterans.

In service to America's veterans,

ROBERT L. JONES,
National Executive Director.

I thank Speaker of the House TOM FOLEY and the minority leader, BOB MICHEL, for their help and cooperation in bringing this bill up so quickly in this new Congress. It clearly demonstrates their concern and commitment to our veterans and their families.

I'm also grateful to the ranking minority member of our committee, BOB STUMP, and all members of the full committee for their support of the bill. Quick passage of this bill, Mr. Speaker, will send a clear message to veterans who have fought in previous wars and to the tens of thousands of our brave young men and women who are part of Operation Desert Storm that we stand behind them.

Last Friday we passed a concurrent resolution supporting our President and our U.S. troops who are successfully carrying out their missions in the Middle East. When the battle is over and some return home with disabilities resulting from their service, we want them to know that adequate compensation will be paid to them for their injuries.

There follows an additional description of the amendments that would be effected by the bill and an official cost estimate of the bill prepared by the Congressional Budget Office on January 4, 1991.

H.R. 3 would:

Provide a 5.4 percent (rounded to the nearest whole dollar) cost-of-living adjustment in the rates of disability compensation and dependency and indemnity compensation (DIC), effective January 1, 1991 for:

(1) Veterans receiving compensation benefits for service-connected disabilities;

(2) Surviving spouses and children of veterans who died of service-connected causes in receipt of dependency and indemnity compensation (DIC):

(3) Eligible veterans and surviving spouses who require the regular aid and attendance of another person in their day-to-day activities;

(4) Eligible veterans in receipt of the housebound allowance;

(5) Certain veterans paid additional amounts for dependents;

(6) Veterans whose service-connected disabilities require the wearing or use of a prosthetic or orthopedic appliance which tends to wear or tear the clothing (from $414 to $436);

(7) Surviving spouses in receipt of additional DIC for each child of the veteran under age 18 (from $65 to $68 monthly); and,

(8) Spouses' housebound rate (from $83 to $87 monthly).

COMPENSATION AND DIC RATES EFFECTIVE JAN. 1, 1991

	Increase (monthly rate)	
	From	To
Percentage of disability or subsection under which payment is authorized:		
(a) 10 percent	$76	$80
(b) 20 percent	144	151
(c) 30 percent	220	231
(d) 40 percent	314	330
(e) 50 percent	446	470
(f) 60 percent	562	592
(g) 70 percent	710	748
(h) 80 percent	821	865
(i) 90 percent	925	974
(j) 100 percent	1,537	1,620
Higher statutory awards for certain multiple disabilities:		
(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of these organs: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	66	68
(k)(2) Limit for veterans receiving payments under (a) to (j) above	1,911	2,014
(k)(3) Limit for veterans receiving benefits under (l) to (n) below	2,679	2,823
(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require aid and attendance	1,911	2,014
(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance	2,107	2,220
Percentage of disability or subsection under which payment is authorized:		
(n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hips as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis	2,397	2,526
(o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent or total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis	2,679	2,823
(p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed	2,679	2,823
(p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed	2,679	2,823
(p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed	2,679	2,823
(p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of	2,679	2,823
(q) [This subsection repealed by Public Law 90–493]	....	....
(r)(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates	1,150	1,212
(r)(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate	1,713	1,805
(s) Disability rated as total, plus additional disabiity independently ratable at 60 percent or over, or permanently housebound	1,720	1,812
(t) [This subsection repealed by Public Law 99–576]	....	....

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below.

	Increase (monthly rate)	
	From	To
If and while veteran is rated totally disabled and—		
Has a spouse	$92	$96
Has a spouse and child	155	163
Has no spouse, 1 child	64	67
For each additional child	48	50
For each dependent parent	74	77
For each child age 18–22 attending school	142	149
Has a spouse in nursing home or severely disabled	169	178
Has disabled, dependent adult child	169	178

DIC RATES EFFECTIVE JAN. 1, 1991

Pay grade	Increase (monthly rate)	
	From	To
E–1	$564	$594
E–2	581	612
E–3	597	629
E–4	634	668
E–5	651	686
E–6	666	701
E–7	698	735
E–8	737	776
E–9	[1] 770	[1] 811
W–1	714	752
W–2	742	782
W–3	764	805
W–4	809	852
0–1	714	752
0–2	737	776
0–3	789	831
0–4	834	879
0–5	920	969
0–6	1,038	1,094
0–7	1,121	1,181
0–8	1,229	1,295
0–9	1,318	1,389
0–10	[2] 1,446	[2] 1,524

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $875.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,633.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows.

	Increase (monthly rate)	
	From	To
One child	$284	$299
Two children	409	431
Three children	529	557
Each additional child	105	110

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 4, 1991.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for draft language as provided by the House Committee on Veterans' Affairs concerning increasing rates of disability compensation and dependency and indemnity compensation.

Because the bill would affect direct spending, we have provided an attachment with the estimate required by clause 8 of House Rule XXI. If the draft bill should be changed, we will make any necessary revisions to our estimate after receiving new legislative language from the Committee.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE, JANUARY 4, 1991

1. Bill number: None.

2. Bill title: Veterans' Compensation Amendments of 1991.

3. Bill status: Draft language as provided by the House Committee on Veterans' Affairs, December 19, 1990.

4. Bill purpose: To increase rates of disability compensation and dependency and indemnity compensation (DIC).

5. Estimated cost to the Federal Government: Because the compensation cost of living allowance (COLA) is assumed in the CBO baseline prepared under Section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, this bill would have no cost relative to that baseline. The costs of this bill relative to current law are shown in the table below.

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Budget authority	455	651	600	598	597	596
Outlays	406	651	600	646	597	548

The cost of this bill would fall in budget function 700.

BASIS OF ESTIMATE

This bill would increase the monthly rates of disability compensation and of dependency and indemnity compensation (DIC) by 5.4 percent, except that in calculating the new rates all amounts of less than a dollar would be rounded down to the next lower dollar. The new rates would be effective retroactively to January 1, 1991.

This estimate was calculated by multiplying the average costs in each year for all disability compensation and DIC cases by the COLA percentage in the draft bill. The resulting average increase in costs per year were then multiplied by the estimated number of cases in each program each year to calculate the annual cost. Future average cost and caseload levels were projected according to historical trends for recipients by period of service.

The effect of rounding down the benefit calculation was estimated by determining the payment rates that otherwise would have been rounded up. The sum of the payments made at each affected rate was then multiplied by the loss of $1 per month. The cost of the COLA was reduced by the resulting amount.

The budget authority and outlays for 1992 include the cost of one month of the 1991 benefit increase, estimated to be $50 million. In previous years, the disability compensation and DIC cost of living increases have been effective on December 1. This bill would make the increased rates effective on January 1, 1991. Nevertheless, pursuant to section 8005 of the Omnibus Budget Reconciliation Act of 1990 the benefits to be paid on January 1, 1992 must include an additional payment equal to the amount of the monthly increase on January 1, 1991.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The benchmark against which changes in direct spending or receipts are measured is the baseline as described in Section 257 the 1985 law. The spending increases shown above are included in that baseline. For this reason, this draft bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Sandra Clark.

11. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

CONGRESSIONAL BUDGET OFFICE ESTIMATE[1]

The "applicable cost estimate of this Act for all purposes of sections 252 and 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be as follows:

[By fiscal year in millions of dollars]

	1991	1992	1993	1994	1995
Change in outlays	0	0	0	0	0
Change in receipts	0	0	0	0	0

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3, the Veterans' Compensation Amendments of 1991. This is the 5.4 percent COLA Chairman MONTGOMERY and I promised would be our top priority in this new Congress.

In the closing days of the 101st Congress, the disabled veterans' COLA became entangled in the agent orange issue which has since been resolved. This is a noncontroversial clean COLA which we fully expect to be quickly considered by the Senate and which the President stands ready to approve.

Chairman MONTGOMERY and the House leadership deserve our commendation for moving this legislation at the first opportunity, and I urge my colleagues to give their unanimous support to it.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the great chairman of the Subcommittee on Compensation, Pensions, and Insurance of the Committee on Veterans' Affairs, the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I too wish to commend Chairman MONTGOMERY for his leadership in bringing this bill to the floor today. I am pleased to have been an original cosponsor, along with more than 220 of our colleagues in the House. This is a commitment I made to America's Veterans.

As the chairman has indicated, the bill provides a retroactive 5.4-percent COLA in rates of service-connected disability compensation and dependency and indemnity compensation for disabled veterans and their survivors.

It was indeed unfortunate that we were not able to pass this COLA at the end of the last session. Certainly, it was not due to a lack of effort of my committee or the leadership of the House and Senate committees. Unfortunately, however, unresolved issues surrounding the agent orange controversy kept any veterans legislation from being considered in the other body in the closing days of last session.

I am deeply gratified that, due to the efforts of the chairman and ranking minority member, as well as the leadership of the Senate Veterans' Affairs Committee, as well as Congressman EVANS and myself. A compromise agreement on agent orange has finally been achieved. I will support that compromise when the chairman brings it before the House.

As to future COLA's, I will do everything within my power to ensure that this type of delay in enacting legislation to provide both timely and full COLA's will never happen again. The COLA for America's most deserving should never be held hostage to any unresolved issues of any kind, particularly now when we will see hundreds of thousands of Persian Gulf veterans coming into the system.

I urge all of my colleagues to support this bill.

□ 1240

Mr. Speaker, I urge all my colleagues to support this, and, before I sit down, I would like to extend my thanks also to the vice chairman of the Subcommittee on Compensation, Pension, and Insurance, and that is the gentleman from Ohio [Mr. MCEWEN], and I congratulate him for moving on, if my colleagues want to call it that, to the Committee on Rules. Hopefully the gentleman from Ohio [Mr. MCEWEN] will be looking after the veterans issues while as a member of that distinguished body. But we will miss him on the Committee on Veterans' Affairs because he was a very honored and valued member of that committee, and I wish him well.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in strong support of H.R. 3, the Veterans' Compensation Amendments of 1991. This bill will provide a 5.4-percent cost-of-living increase in compensation benefits for service-connected disabled and their eligible dependents, retroactive to January 1, 1991. This bill is necessary because over 2 million disabled veterans were unexpectedly denied a cost-of-living increase before the 101st

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[1] An estimate of a bill to increase the rates of disability compensation and dependency and indemnity compensation provided to the Congressional Budget Office in draft form on December 19, 1990. This estimate was transmitted by the Congressional Budget Office on January 4, 1991.

Congress adjourned—the only Federal beneficiaries so denied.

On October 15, 1990, the House passed H.R. 5326, which would have provided veterans with a COLA for fiscal year 1991. However, the Senate failed to act on the bill as a result of its controversial provisions relating to compensation for agent orange.

Senior members of the House Committee on Veterans' Affairs subsequently fought to bring a clean COLA bill to the House floor in the waning hours of an all-night final session. Hopes of passing this legislation were defeated when one member objected to the bill.

As the first order of business in the 102d Congress, I introduced H.R. 332, as well as co-sponsored H.R. 3, in order to correct this grave injustice.

It is imperative that we immediately enact a fiscal year 1991 cost-of-living increase for service-connected disabled veterans and their eligible dependents, retroactive to January 1, 1991. The United States is unquestionably indebted to its veterans and in denying them a COLA, we have done them a great disservice. As our Nation once again commits large numbers of its citizens to battle, we cannot forget those who have previously answered a similar call in wars past.

I implore my colleagues to support H.R. 3, an unencumbered COLA bill, in order to show our veterans the respect they so rightfully deserve.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], my friend and chairman, for the time. Let me rise both in support of this very important legislation, which, as we know, was adopted by the House last year, but did not pass the other body, and also rise in support of the work that my friend from Mississippi has done as chairman of the Committee on Veterans' Affairs. He has stood stalwart for the years he has chaired that committee on behalf of our veterans, the men and women who serve the colors of this country.

Mr. Speaker, as has just so aptly been pointed out a moment ago, unfortunately there will be people returning from Desert Storm who will have been injured in the service of their country for whom COLA adjustments will become extremely important. So I think this is extremely urgent that we adopt this measure, retroactively to January 1, which provides a 5.4-percent cost-of-living adjustment to service-connected disabled veterans, unanimously, and move it through to passage in deference to the sacrifices made by current, past, and future veterans of this Nation.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in strong support of H.R. 3, the Veterans Compensation Amendments of 1991.

Mr. Speaker, last week this body overwhelmingly approved a resolution pledging support for our troops overseas. Fittingly, that vote is being followed today by consideration of a measure to provide a 5.4 percent COLA for disabled veterans and their dependents. American men and women engaged in hostilities in the Persian Gulf must be assured that their leaders at home support their efforts and share their confidence in ultimate success. But it is also important in these turbulent times to remember the sacrifices of all veterans who have heeded the call of duty and have paid dearly for their patriotism.

I applaud the leadership for taking swift action to correct the failure of the 101st Congress to enact a benefit adjustment for our disabled veterans. I congratulate my dear and wise friend, the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi, the Honorable SONNY MONTGOMERY, for his tireless efforts on behalf of America's veterans. I am also proud to acknowledge the dedicated work of the committee's ranking minority member, the gentleman from Arizona, the Honorable BOB STUMP. The gentleman pledged to bring a veterans COLA bill to the floor early in this session, and today's action represents fulfillment of that promise.

Mr. Speaker, I am proud to be an original cosponsor of H.R. 3. This legislation permits us to keep faith with veterans who rely on us to provide them with the modest assistance they require to live with dignity. It reassures the veterans who witnessed the death of last year's COLA bill that they have not been forgotten amid the legislative chaos. And it sends a signal to our present troops and Reserves that this country has a commitment to its servicemen and servicewomen which it will not abrogate.

Let no one question the commitment of the U.S. Congress to our troops and to our veterans. Although the character of battles fought and causes defended have varied over the years, the American patriot's response to the call of duty has been the same. He has served his country with pride, dignity, and respect. It is our corresponding duty, in the words of Abraham Lincoln, "to care for him who shall have borne the battle and for his widow and orphan."

Mr. Speaker, I urge my colleagues to unanimously support H.R. 3.

Mr. MONTGOMERY. Mr. Speaker, I yield 1½ minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise today to speak about a vital matter for our Nation's veterans. Today the House will consider under the Suspension Calendar House Resolution 3.

House Resolution 3 provides a 5.4-percent cost-of-living adjustment in compensation for those veterans with service-connected disabilities. In addition, this 5.4-percent adjustment will be given to dependents of veterans who die of service-connected causes. This 5.4 figure is the same percentage already provided to Social Security beneficiaries on January 1, 1991.

Last year, the House of Representatives overwhelmingly passed similar legislation. However, the other body failed to consider this issue before adjournment of the 101st Congress. If we act responsibly today, disabled veterans will receive this supplement in their checks in the near future.

Since these COLA's were already included in the budget baseline for fiscal year 1991, there will be no negative effect on the Federal budget. These provisions will not trigger a "pay-as-you-go" sequestration.

Mr. Speaker, I urge the support of the entire Congress for this important legislation.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3, a measure I have cosponsored, increasing the rates of disability compensation for veterans and their survivors.

I would like to commend the distinguished chairman of our Veterans Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for fulfilling his promise to our Nation's veterans in introducing this important measure, at this early date in the 102d session of Congress, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nation's veterans.

H.R. 3 authorizes a deserving 5.4 percent cost-of-living adjustment, retroactive to January 1, 1991, for disabled veterans as well as for families of veterans who died from service-connected injuries.

Mr. Speaker, 2.5 million service-connected disabled veterans depend on their VA compensation payments and the delay of their 5.4 percent VA COLA constitutes an unjust hardship. Expeditious passage of this important veterans benefits measure will confirm the support in the Congress for our Nation's veterans.

This measure further authorizes annual increases in the rates of compensation for service-disabled veterans and the survivors of service persons who die in service and veterans who die as a result of service-connected conditions.

Mr. Speaker, as "Operation Desert Storm" continues to escalate, it's timely that we send a clear message to our Nation's Armed Forces, as well as our Nation's veterans, that our Nation acknowledges their sacrifices and their dedication on behalf of our Nation.

Accordingly, I urge my colleagues to fully support H.R. 3.

☐ 1250

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY], a member of the Committee on Veterans' Affairs.

Mr. SLATTERY. Mr. Speaker, I thank the chairman of the committee for yielding this time to me.

Mr. Speaker, I rise today to express my strong support for H.R. 3.

As we stand here today, American men and women are risking their lives in the Persian Gulf.

Like millions of soldiers before them, they are fighting courageously for the beliefs they hold dear.

It is important that we honor the commitment we have made to all those who have answered their Nation's call to duty.

Last year, the House passed this measure and the budget agreement funded it, but the other body was unable to agree to give disabled veterans the same 5.4 percent cost-of-living adjustment received by other civil service and military retirees, and Social Security recipients.

Mr. Speaker, it is simply unfair to single out disabled veterans and deny them their cost-of-living adjustment.

Today, we must correct this injustice.

With almost 15,000 of my constituents currently serving in Operation Desert Storm, I pray that all of them will return safely.

But, in the event that some do not, I want to make sure that they know the Congress of the United States will honor the commitments made to our military personnel.

With the passage of H.R. 3 they will know the Congress stands with them and will treat them fairly in the matter of cost-of-living adjustments.

I urge my colleagues to support H.R. 3 and hereby express our unwaivering support for our Nations' disabled veterans.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, almost 120,000 veterans live in the part of the country in which I live. They disagree on much, but they are certainly together on this issue. They want to know, how did this thing happen with the COLA's, and can it be fixed? Of course, the answer to that is yes, we can fix it.

At this point I must congratulate the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking member, the gentleman from Arizona [Mr. STUMP], for their extraordinary activity, for their prompt and definite attention and taking the necessary action to get the fix done as promised.

I was told in correspondence and in dialog when I first heard about this that the first order of business when we came back in the 102d Congress would be to address this issue, and I would certainly agree that it has been the first order of business absent, one other unforeseen piece of business which all veterans would agree needed our support and needed our urgent attention.

I do not think that there is any question about the merits of this. We are not dealing with merit here; we are dealing with something that is business and that should have been completed. In my area, as, I suspect, in many other areas, veterans are underserved. We do not have all the veterans' centers we need, and we do not have all the hospital beds we need. We certainly are stretching our outpatient facilities. We are using facilities designed for 40,000 cases a year, and we now have 50,000 cases a year.

There are reasons why we have these shortages. We do understand that, but there is certainly no reason to be short of the COLA's retroactive to the first of January.

Mr. Speaker, I urge my colleagues to join in this legislation, a clean bill, with no baggage and no excuses. Let us pass H.R. 3.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. JONES], who also is a member of the Committee on Veterans' Affairs.

Mr. JONES of Georgia. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of H.R. 3, the veterans' compensation COLA. On behalf of the almost 80,000 veterans who reside in Georgia's Fourth District, I would like to express appreciation to the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], to the ranking minority member, and to the House leadership for expediting this overdue measure.

As has been noted, Mr. Speaker, H.R. 3 provides veterans who have service-connected disabilities with a 5.4 percent cost-of-living adjustment and provides dependency and indemnity compensation for dependents of veterans who die of service-connected causes.

It is timely that we deal with this vital measure today. By doing so, we recognize the sacrifices of America's service men and women who, as we speak, are standing vigilantly in the deserts of the Middle East.

This bill reflects a small part of our commitment to them, Mr. Speaker, in return for their courageous commitment to honor, to duty, to their country, and to the cause of peace.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Speaker, I rise today in support of H.R. 3, legislation that will provide a 5.4-percent cost-of-living adjustment or COLA to disabled veterans, as well as families of veterans who died from service-connected injuries. As a veteran and member of the House Veterans' Affairs Committee, this legislation has my full support, and I am pleased that the House has taken up its consideration so soon in the 102d Congress. Consideration and passage is long overdue because without this COLA many veterans and their families are deprived of an important benefit to which they are fully entitled.

As members of the full committee are fully aware, passage of this important legislation was stalled in the 101st Congress because of disagreement over the agent orange provisions. I hope, as do my colleagues, that with this clean COLA and the recent introduction of H.R. 556—by Chairman MONTGOMERY and Congressman STUMP—that these issues will be addressed and resolved in the 102d Congress. We owe this immediate action to our veterans, who expect nothing more than the benefits provided to other COLA recipients.

I trust that my colleagues will join in an overwhelming vote of support for this legislation as a show of support for our disabled American veterans who served so proudly in past conflicts. I also hope that this legislation will send an important message to the brave men and women serving in the Persian Gulf that our Nation's commitment to them will endure long after the last days and successful completion of Operation Desert Storm.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the chairman of the Subcommittee on Education, Training, and Employment of the Committee on Veterans' Affairs, the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise today in strong support of H.R. 3, legislation allowing a 5.4-percent cost-of-living adjustment in the compensation programs for disabled veterans and dependency and indemnity compensation [DIC] for surviving spouses and children of these veterans.

In the past 7 days we have gained heightened awareness of the costs of war—its human, emotional, and financial toll. This bill reminds us once again of the ongoing costs of war. It is our duty to provide adequate compensation to those who have carried out their duty on behalf of our country and have suffered disability as a result. We owe these veterans far more than what it is in our ability to compensate; we owe them our freedom and our way of life. This legislation is but small recognition of that debt.

Last fall, Congress failed to pass this same 5.4-percent COLA. It was unfortunate, and perhaps irresponsible, that the agendas of a few prevented this legislation from being passed in a timely manner. Instead, we are acting today to put in place a COLA retroactive to January 1. If the Senate and the President also act quickly, this still means that the COLA will not be in the hands of our veterans until the March check—at least a 3-month delay.

Some have argued the need for an automatically indexed COLA for these programs such as that in place for Social Security. With the support of veterans service organizations, we have rejected this approach in the past. I believe that we should continue to set COLA's on an annual basis, but we must also pledge that we will not allow delays to occur. Our disabled veterans and their families should not suffer as a result of our inability to act.

Mr. Speaker, I urge my colleagues to join me in support of this important legislation. I commend the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking minority member of the committee, the gentleman from Arizona [Mr. STUMP], and I appreciate the Speaker's cooperation in allowing this to be brought forward as one of the first items of business in this session of Congress.

□ 1300

Mr. STUMP. Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman from Arizona [Mr. STUMP] yield me 5 additional minutes?

Mr. STUMP. Mr. Speaker, I yield the gentleman from Mississippi 5 minutes. May I inquire of the Chair how much time that leaves?

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Arizona [Mr. STUMP] has 5 minutes remaining, and the gentleman from Mississippi [Mr. MONTGOMERY] has 11½ minutes remaining

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS], a new member of our committee. The gentleman requested that he be on our committee. This is the gentleman's maiden speech, and we are glad it is on veterans.

Mr. EDWARDS of Texas. Mr. Speaker, I rise to speak in behalf of H.R. 3, the veterans COLA bill, which I have cosponsored. As young American men and women are bravely fighting in the Persian Gulf, it is only right that this Congress reconfirms its commitment to our veterans, past, present, and future. As a former staff aide to the most decorated veteran to ever serve in Congress, the late Olin E. "Tiger" Teague, I believe no single group in America deserves greater support or loyalty than our veterans. When American soldiers die for us in wartime, it is our obligation, in fact our moral responsibility, to support them in peacetime.

Mr. Speaker, I commend the gentleman from Mississippi [Mr. MONTGOMERY] for his leadership in passing this COLA bill last year, and appreciate and respect his perseverance in seeing that our well-deserving veterans will receive their COLA this year. Mr. Speaker, our veterans fought for us; it is time for us to fight for them.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS], a new member of our committee, who also asked to be on the Committee on Veterans' Affairs.

Ms. WATERS. Mr. Speaker, I would like to express my thanks to the chairman and all of the members of this committee who have worked hard to bring this bill before us today.

Mr. Speaker, I rise in support of H.R. 3 which extends cost-of-living adjustment for veterans' compensation. However, I am also deeply concerned about the plight of our veterans, particularly in light of President Bush's recent decision to go to war in Iraq. Now more than ever it is critical that we deliver humane and just compensation to those Americans who have served and are serving this country in wartime.

Unfortunately, the state of veterans' program is a sad one. Our own Veterans' Administration reports a series of spending and programs shortfalls which make life for veterans more difficult than it already is. For example, a 1991 survey of VA hospitals revealed that 2,000 beds were closed nationwide because of inadequate resources and staff. This represents one-fourth of the total operating capacity. The VA has testified that they are 3 years behind in replacing old and worn out equipment, $700 million worth. Additionally, VA health care professionals are leaving the VA in significant numbers for the private sector because of the higher pay and benefits.

There is more bad news. At the end of fiscal year 1989, only 26.7 percent of original compensation claims were processed within 90 days—the VA has said its minimum requirement is for 35 percent to be filed within 90 days. Indeed, some veterans must wait 6 months for a decision on claims for compensation. And in fiscal year 1990, $92 million was cut from veterans' programs to fund the war on drugs and another $192 million was cut due to sequestration. The effects of these cuts were primarily felt in veterans' medical care programs.

At a time when the United States has seen fit to forgive nearly $7 billion in loans to the Government of Egypt because of their cooperation in the war in Iraq, it seems as though it would be possible to begin to address the woeful shortcomings in our veterans' compensation system. I hope that this legislation today in only the beginning of our commitment to veterans.

Mr. STUMP. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding. I just want to say, as a lifetime member of the American Legion and as a lifetime member of the Marine Corps League, I want to thank the gentleman from Mississippi [Mr. MONTGOMERY] and I want to thank the gentleman from Arizona [Mr. STUMP], and every member of the Committee on Veterans' Affairs for the great job they do for the veterans of this Nation. Sometimes one would think that we do not give good service to the veterans. We give great service to the veterans. I commend the Members for it.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR]. Mr. Speaker, I might say that a number of the members of her family have served in the service. She has been awfully supportive of our veterans' programs over the years.

Ms. OAKAR. Thank you very much, Mr. Chairman. To the distinguished chairman, General MONTGOMERY, you are a man of your word. You assured all of us that this would be on the front burner, restoring this benefit and commitment to our Nation's veterans, and we are here today, and I suspect this will pass unanimously. I want to congratulate the gentleman from Mississippi [Mr. MONTGOMERY], and the gentleman from Ohio [Mr. APPLEGATE], and the gentleman from Ohio [Mr. MCEWEN], and other distinguished minority members, for dealing with this issue.

Mr. Speaker, every year the administration forgets certain groups of older Americans, Federal employees, they forget the military, and railroad employees and retirees. Every year for the last 10 years I have introduced a bill to restore that cost-of-living adjustment. In the last session, we had about 340 cosponsors. I think everybody got the message that this was wrong to not include every older person for this cost-of-living adjustment. That is why H.R. 3, which grants a 5.4-percent COLA to all U.S. veterans, retroactive to January 1, 1991, is so important.

Mr. Speaker, there are 2.2 million Americans who will be affected by this legislation. There are 300,000 surviving dependents. COLA's range from $4 per month for those on the minimum 10-percent disability compensation to as much as $144 a month for severely disabled veterans.

Mr. Speaker, however great or small, this compensation is vital to these individuals, and is owed to them. It sends a very important symbol to our veterans that we care about them.

Mr. Speaker, the integrity of these benefits must be considered a sacred trust. As we ask a new generation of young Americans to lay down their lives on the line for their country in the Middle East, our brave American veterans must know that Congress' commitment to them is a sacred obligation. I urge Members to support this legislation.

Mr. STUMP. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in strong support of H.R. 3, and I am pleased to be listed as an original cosponsor of this measure.

I was disappointed that Congress failed to enact a cost-of-living adjustment for service-connected disabled veterans last year. This 5.4-percent retroactive COLA will resolve the problem, but it does not excuse the fact that the COLA for disabled veterans and their survivors was held hostage for nearly 3 months.

During these troubled times, when our brave men and women are risking all to liberate a small, defenseless country, we cannot help but remember other brave Americans who were in the service of their Nation.

Many of the veterans who will receive this COLA know the feeling of anxiety before combat. They have seen the horrible sights of compatriots lost in battle. They understand the fear, the awesome sense of responsibility, and the immense pride that those men and women involved with Operation Desert Storm now feel.

Mr. Speaker, we all hope that the current action in the Persian Gulf will not result in a great increase of disability compensation for veterans. Thus far, the gulf operation has proceeded with few casualties and few setbacks. However, as President Bush has repeatedly pointed out, war is never easy, and it is never painless.

The COLA legislation now before us recognizes the sacrifices made by veterans. They have served our Nation well; it is now time to keep up our end of the promise. We must adequately compensate disabled veterans and their survivors.

We also must realize that the servicemen and women of today will be the veterans of tomorrow. I know that our promise and responsibility to them will likewise be kept.

Mr. Speaker, I urge my colleagues to support H.R. 3.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in support of H.R. 3, legislation to provide a 5.4-percent cost-of-living increase [COLA] for service-connected disabled veterans and their eligible dependents or survivors.

Although the 101st Congress provided cost-of-living increases for our Federal retirees and Social Security recipients, we failed to grant a similar and proper increase in VA disability compensation. The failure to act did not diminish the support in Congress and throughout the country to our veterans, especially at a time when we have asked over 400,000 of our servicemen and women to serve in the Persian Gulf.

I want to commend Chairman MONTGOMERY and Representative BOB STUMP for their leadership in bringing this measure to the floor for a vote. The legislation, which was cosponsored by over a majority of House Members, will provide a COLA for 2.2 million veterans and 300,000 widows and children of veterans who have died of service-connected causes.

In Nevada we have 12,255 veterans receiving disability compensation and roughly 1,500 people receiving dependency compensation. The veterans receiving these benefits are those who were injured in war-related incidents, died in service, or of service-related causes.

When the veterans call upon their country for assistance, we must not fail. We cannot put a price on the service which they have performed. Veterans' benefits are not repayment, but a tribute to those who so bravely served their Nation.

Passage of this bill is a high priority and I am pleased to support approval of the legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BYRON], the chairman of the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services. We have worked very closely with her on veterans programs, as well as military personnel programs.

□ 1310

Mrs. BYRON. Mr. Speaker, let me suggest to the gentleman from Michigan that he needs not strike all of his words. He can leave the words that he is in support of H.R. 3 in the RECORD.

Let me say, first of all, that there are many times when we let this Nation down. I think the most important thing we have is our word, and our word to our veterans last year was not there.

H.R. 5326 was a bill last year. In the final hours of the 101st Congress, our veterans were let down.

I am delighted to say that H.R. 3, yes, H.R. 3 is important because it shows the concern and the importance that we give to this legislation that is up before us today. Our veterans have always been there when we needed them. Last year we were not there for them.

Today we have almost 478,000 American troops in the gulf, and, yes, those troops will be coming home veterans. They are volunteers.

What makes a veteran? A veteran is a young man or young women in this country in today's world who chooses to raise their hand to go out and to support their Nation, and so these veterans will be back. Let us only hope that when they do come back and become veterans that our word is there.

So H.R. 3, as we pass it today, once again, gives that word to those veterans who have gone before us that, yes, this Nation will stand behind them and will make sure that what is right is there.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to a former member of the Committee on Veterans' Affairs who went to the Appropriations Committee, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I join Chairman MONTGOMERY today in support of H.R. 3, a clean veteran's COLA bill, and correcting an egregious wrong.

This bill will provide a 5.4-percent cost-of-living increase for the 2.2 million veterans who were hurt while bravely serving our country.

As you remember, the House overwhelmingly supported this COLA last year. Unfortunately, the support we showed for our veterans was held hostage by the Senate.

We cannot allow the veterans to continue without this entitlement. Mrs. Dolores Chesterfield, of New Mexico, the wife of a disabled World War II veteran, asks me:

> Does it make sense to you that a COLA was approved for Social Security recipients, Federal employees and retirees, military personnel and retirees, but not for disabled veterans? Why should any one of those groups have priority over disabled veterans who gave so much for so many?
>
> What do you suppose goes through the mind of a serviceman in Saudi Arabia right now if he reads or hears that Congress did not approve a COLA for disabled veterans, but did approve one for the other groups?

This bill provides a 5.4-percent COLA in compensation for veterans with service-connected disabilities, as well as dependency and indemnity compensation [DIC] for dependents of vets who die of service-connected causes. The bill is retroactive to January 1, 1991.

I have received approximately 75 letters in support of this legislation and none in opposition.

This bill passed last October by voice vote, but no action was taken on it in the Senate. The Senate failed to act because the bill included other controversial provisions, particularly regarding agent orange compensation.

This bill will finally bring our deserving veterans their long overdue COLA, without the delays a more comprehensive bill might face. Other important veterans' issues will be addressed in the omnibus veterans' compensation bill, of which I am also an original cosponsor.

The cost of this COLA has already been included in the budget baseline and is not considered to produce new entitlement spending; for this reason, it would not affect calculations that trigger the pay-as-you-go sequestration.

The agent orange controversy has been resolved and will be dealt with in legislation next week.

SUMMARY OF COMPROMISE BILL ON AGENT ORANGE

Section 1 states the short title to be the "Agent Orange Act of 1991."

Section 2 establishes a statutory presumption of service connection in a new section 316 of title 38 for three conditions: Non-Hodgkin's lymphoma; soft-tissue sarcomas; and chloracne (if manifested w/in 1 year from last date of service in VN).

Section 2 also establishes a mechanism in new section 316 by which the Secretary of Veterans' Affairs can, by regulation, presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of disease in humans. For purposes of the Secretary's determination, an association would be considered positive if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

The Secretary would make his decisions based on reports and recommendations received from the National Academy of Sciences (NAS), with whom he would be required to enter into a contract for a comprehensive review of the scientific evidence pertaining to herbicide exposure, as well as all other valid medical and scientific information and analyses available to the Secretary. The Secretary would be required to make a determination with respect to each disease entity covered in each NAS report within 60 days after receiving the report and, if a presumption is granted, the Secretary would be required to publish proposed regulations within 60 days thereafter. He would have an additional 60 days to issue final regulations. The Secretary would be empowered to remove diseases from such regulations if, in the future, it is determined that a presumption is not warranted; veterans or survivors receiving compensation or DIC would not be affected by any such removal.

Section 3 requires the Secretary, within two months after the enactment of this Act, to seek to enter into an agreement with the NAS to review the scientific evidence and to make periodic reports to the Secretary. This section also provides that the NAS reports shall include determinations with respect to each disease considered of whether (1) a statistical association with herbicide exposure exists, (2) the increased risk of the disease among those who were exposed while in Vietnam, and (3) whether a plausible biological mechanism exists or whether there is evidence of a causal relationship between herbicide exposure and the disease. The NAS would transmit its first report within 18 months from the date of enactment of the Act. The NAS would also make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty and include these recommendations in its reports.

Section 4 would expand the Secretary's outreach activities required under Pub. L. No. 100-687 and require that updated information be provided on an annual basis to affected Vietnam-era veterans.

Section 5 would extend health care eligibility for veterans who suffer from disabilities alleged to be related to herbicide exposure or ionizing radiation exposure until December 31, 1993.

Section 6 would require the Secretary to compile and analyze clinical data obtained by the VA in connection with examinations and treatment furnished to veterans suffering from herbicide related disabilities and to report to the Committees on Veterans Affairs on an annual basis. This requirement would be subject to funding and would not take effect until after the Secretary has received a report from the NAS which contains its recommendation as to the feasibility or scientific value of such action.

Section 7 would require the Secretary to establish and maintain a system for the collection and storage of blood and tissue samples received from veterans who served in Vietnam. This requirement is also subject to the availability of funding and also would not take effect until after the Secretary received a report from the NAS as described in section 6.

Section 8 would require the Secretary to establish, in consultation with the NAS, a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from dioxin exposure, exposure to toxic agents in herbicides in Vietnam, or health hazards resulting from Vietnam service. Again, the conduct of such a program would be subject to available funding and would have the same effective date provisions as in section 6 and 7.

Section 9 would require the Secretary to test the blood of any veteran who served in Vietnam during the Vietnam era who is eligible for health care from the Department under section 610(e) of title 38 or who has filed a claim for disability compensation for a disability alleged to be related to herbicide exposure to ascertain the level of TCDD which may be present in the veteran's body. This section is also subject to available funding and has the same effective date provisions as the above sections.

Section 10 would make conforming amendments to Public Law 98-542 to change the mission and makeup of the Advisory Committee on Environmental Hazards, to limit it to considerations regarding ionizing radiation only.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the gentleman from New Mexico for what he said.

Mr. Speaker, we are planning on bringing up the agent orange issue next week. It is not included in this legislation. This is a clean COLA bill of 5.4 percent.

Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to voice my strong support for H.R. 3, which would provide for a 5.4-percent cost-of-living adjustment for veterans with service-connected disabilities. The failure by the Congress to pass this COLA last year was a slap in the face to those who have sacrificed so much for their country.

For the past several months my office has been swamped by letters and phone calls from individuals outraged by our inability to pass this veterans' COLA. Many of these people are not even veterans. Instead they are people concerned with the message that Congress, by our inaction, has sent to those troops stationed overseas as a part of Operations Desert Shield and Storm.

The events of the past several days have brought forth an emotional outpouring of support for the men and women in the Persian Gulf. All Americans are proud of our troops. My friends it is time for Congress to send a clear message to those who are serving and those who have already served their Nation that they will not be forgotten.

I strongly support the passage of H.R. 3, and urge my colleagues to do the same.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I urge my colleagues, once again to support H.R. 3. I also would like to commend the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the committee, for his tireless effort not only for H.R. 3 but in behalf of the veterans throughout the entire year.

Mr. HOYER. Mr. Speaker, today I rise in strong support of H.R. 3, the veterans' compensation cost-of-living adjustment bill. I would like to thank and commend Chairman MONTGOMERY and the ranking member of the Veterans' Affairs Committee, Mr. STUMP, for their vigorous efforts on behalf of this bill and for expeditiously bringing this legislation to the floor. I am pleased to be an original cosponsor of this bill.

The bill before us today provides a 5.4-percent cost-of-living adjustment retroactively for veterans with service-connected disabilities, and compensation for the dependents of veterans who die as a result of service connected injuries. Although the cost-of-living adjustment itself was not a controversial issue, other issues incorporated into the bill prohibited passage before the 101st Congress adjourned. I do believe that those issues should be addressed and will support them when they are brought to the floor for consideration. However, I am pleased that this bill has quickly made its way through the 102d Congress, and that we will give equal consideration to the agent orange issue as is certainly appropriate.

Mr. Speaker, we have had a very busy past couple of weeks. We passed a resolution authorizing the President to wage a war against the aggressive action of Iraq's Saddam Hussein and we passed a resolution in support of the over half a million American troops whose lives and limbs are on the line in an effort to force Iraqi armed forces from occupied Kuwait. This bill once again affirms our strong support of our courageous men and women serving in the conflict in the Middle East and in recognition, however meager, of the debt we owe them. It is for these reasons that I strongly support H.R. 3 and urge all of my colleagues to support this important and vital legislation.

Mr. MURTHA. Mr. Speaker, I rise in strong support today of H.R. 3, which will give disabled veterans a sorely needed cost-of-living increase. As a cosponsor of this measure, I know how critical it is to disabled veterans.

Disabled veterans represent the great tradition of our Nation. These dedicated veterans served heroically during wartime, and it is the privilege of our country to be able to assist these individuals. All of us would agree that these disabled veterans need and deserve a cost-of-living increase, and it was unfortunate that this COLA was bogged down in a separate dispute last year.

It is my understanding that the dispute which held up the cost-of-living increase at the end of last year's session has been resolved. The House last year passed legislation awarding important new benefits to disabled veterans, and through the efforts of the chairman of the House Veterans Committee, the ranking minority member, and the other members of that committee we will see legislation aimed at awarding these benefits to disabled veterans brought to the floor of the House in just a few days.

We have a new generation of American soldiers honorably serving their Nation today in the Persian Gulf. At this critical time, we must not forget those who have served in previous conflicts. Disabled veterans in Pennsylvania and all across the country, who have our everlasting gratitude for their sacrifices, will now have the cost-of-living increase which they so richly deserve.

Mr. HOUGHTON. Mr. Speaker, I want to add my support today for H.R. 3—meaning a 5.4-percent cost-of-living increase for our 2.5 million veterans who retired with service-connected disabilities. I was proud to cosponsor this bill. I commend SONNY MONTGOMERY and BOB STUMP for their efforts to bring it to the floor.

This clearly is not a controversial bill. Last year, we authorized funds for the COLA, yet due to difficulties involving the Senate, we weren't able to obtain final approval before adjournment. In a nutshell, we ran out of time. Today, we have the opportunity to finish the job started last year.

I don't think it is an understatement to say that now more than ever it's important to remember the sacrifices our veterans have made for their country. Those who risk their lives represent the very best of our country has to offer. I appreciate this opportunity to thank them for their sacrifices.

Mr. HUTTO. Mr. Speaker, I rise in support of H.R. 3. This measure will rightfully grant a 5.4-percent cost-of-living adjustment for our service-connected disabled veterans. The House approved this measure last session, but the Senate did not. We were remiss by not passing the COLA prior to the first of the year. We should not delay benefits to those who suffered injuries while serving our country. Especially in this time of armed conflict, we cannot forget the people who have fought to make this Nation great. I'm glad that other Government beneficiaries received a much needed increase in pensions, but as I've stated so many times before, we must treat everyone equally. Now is the time to correct the mistake that Congress made during the last year. I urge everyone to join me in support of H.R. 3.

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong support of H.R. 3, legislation to provide a 5.4-percent cost-of-living adjustment to our nation's disabled veterans.

In my opinion, this COLA is due, and should not have been tied to other issues of a more controversial nature. It is simply not fair for our disabled veterans to wait, year after year, while political issues determine the fate of their cost-of-living adjustment.

As a veteran myself, I have a sincere appreciation of our disabled veterans and the sacrifices they have made for our country. These men and women were willing to sacrifice themselves for the security of America. The least we can do is allow them to be secure in the knowledge that their COLA's will be forthcoming.

Mr. Speaker, we must remedy this unfortunate situation. I urge my colleagues to support H.R. 3, and give disabled veterans their full 5.4-percent cost-of-living adjustment.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 3, a bill that I have cosponsored. This legislation will provide our disabled veterans with a modest, cost-of-living increase in benefits.

Disabled veterans will receive their benefits retroactively to January 1 of this year.

Regrettably, the Congress last year neglected to approve COLA increases for disabled veterans. At that time, other Federal aid recipients, such as Social Security beneficiaries, did receive COLA raises. We must now correct this oversight and give the disabled veterans their raise.

The COLA increase will provide disabled veterans with a 5.4-percent increase in benefits. The extra money will help them keep up with inflation.

Given the sacrifices these brave men and women have made in defense of our country, this increase is more than justified.

I urge my colleagues to join me in supporting H.R. 3.

Mr. LAGOMARSINO. Mr. Speaker, I rise today in support of H.R. 3, the retroactive cost-of-living adjustment for America's disabled veterans and their families. I commend my colleague, the distinguished chairman of the Veterans' Affairs Committee for his swift action in bringing this important legislation before the House.

As a veteran myself. I lament the fact that America's disabled veterans have unfortunately become innocent pawns in an increasingly dirty match of political gamesmanship. This injustice is unwarranted. Last year when Congress gave a 5.4-percent COLA to all other retirees, disabled veterans were left out due to the actions of one Member of Congress. I supported a COLA for disabled veterans in the 101st Congress as I do today.

When the call came to serve their country, Americans responded and gave their all—many of these men and women never regained the physical abilities they once possessed. Today, when these same individuals need our support, it is not the time to haggle over issues that are of a separate and more complex nature. The agent orange issue needs to be addressed by this Congress. However, it should be addressed separately and in the proper venue. Legislative and political irresponsibility should not be added to the burden that these men and women already bear.

Mr. Speaker, I urge my colleagues to support this crucial legislation which will improve the lives of the more than 2 million disabled American veterans.

Mr. MICHEL. Mr. Speaker, I want to commend Chairman SONNY MONTGOMERY and ranking Republican BOB STUMP for bringing H.R. 3 to the floor so quickly.

I was pleased to join the chairman and others as an original cosponsor of the bill.

Regrettably, this bill did not pass last session, but with the determined action of our Veterans' Committee, we are now able to provide our veterans the cost-of-living increase they so richly deserve.

H.R. 3 will provide a 5.4-percent cost-of-living adjustment, retroactive to January 1, 1991, for veterans with service-connected disabilities and for survivors of certain disabled veterans.

Since the cost of this bill is already included in the baseline, it will not require further budgetary considerations.

The current situation in the Persian Gulf makes passage of H.R. 3 especially important. As we witness the great courage of our troops today, we remember the great sacrifices and great courage of our veterans.

Passing this COLA bill is a small, yet significant, way to commemorate the contributions of our veterans in the past and to celebrate the bravery of our soldiers today.

I urge all of my colleagues to vote for the important bill.

Ms. KAPTUR. Mr. Speaker, I am pleased that the chairman of the House Veterans' Affairs Committee, Congressman SONNY MONTGOMERY, and the ranking minority member, Congressman BOB STUMP, have brought this bill to the floor of the House on the first official day of the 102d Congress. As an original cosponsor of this important legislation, I join with the veterans of the Ninth District of Ohio and other veterans in thanking them for their efforts.

During this time when hundreds of thousands of brave men and women are serving our Nation so proudly in the Persian Gulf, passage of this legislation sends a signal that our Nation will defend the futures of those who defended our futures during times of international crisis.

Today we are ensuring that over 2 million service-disabled veterans and their dependents will finally receive the 5.4 percent COLA that was due to them on January 1. I am especially pleased that the payment will be retroactive—and will be in the March paychecks of these individuals.

I am also pleased that the controversy that held up final passage of the COLA legislation in the final hours of the 101st Congress has also been addressed. Under the compromise, administrative decisions by the VA to compensate Vietnam veterans for non-Hodgkins lymphoma and soft-tissue sarcoma would now become law. Future presumptions of service-connected illnesses may be added to the list of compensable service-connected illnesses by the Secretary after considering recommendations by the National Academy of Sciences.

Having served for years as a member of the House Veterans' Affairs Committee, I know first hand about the tragic stories of many of these veterans and their urgent need for compensation and quality health care. By allowing the National Academy of Sciences—a nongovernmental entity—to make recommendations to the Secretary of Veterans' Affairs on whether to add certain presumptions to the list illnesses, we have taken an important step in removing politics from the process.

Mr. ROTH. Mr. Speaker, I rise in support of H.R. 3, legislation to rectify a mistake by providing the 1991 service-connected disability benefits cost-of-living adjustment [COLA] for our Nation's 2 million disabled veterans. As an original cosponsor, I am pleased that my colleagues have joined me to make sure that disabled veterans receive the benefits they deserve.

There are over 40,000 disabled veterans in Wisconsin who rely on this COLA, and in northeast Wisconsin, 5,000 veterans qualify for benefits under programs affected by the COLA. H.R. 3 will boost by $412 million the total money available for our Nation's disabled veterans and their families. Passage of the COLA means that they can afford the basic necessities.

These veterans are our Nation's most deserving heroes. They answered their Nation's call and made the sacrifices that were asked of them. In return, America promised to provide for their special needs and those of their families. Congress must make sure that the promise made to America's disabled veterans is kept.

Last year, I voted for the legislation that provided the COLA for America's disabled veterans. The adjustment was part of an omnibus veterans measure with provisions on agent orange, health care, housing, employment, and education. The package also contained language to boost funding for veterans hospital staffing and provide care for those suffering from posttraumatic stress disorder [PTSD].

Although this package passed the House on October 15, 1990, it was delayed in the Senate by debate on the agent orange provisions. In the final hours of Congress, a clean COLA bill, minus the other provisions, was brought up again in the House. But one Member, who insisted the COLA include the agent orange provisions, opposed our effort, thus derailing the COLA legislation.

I know that the few in Congress who blocked the COLA did so to focus attention on the issue of agent orange. While I agree that the agent orange issue must be resolved, benefits for our Nation's disabled veterans should not be held hostage to that issue. It was wrong to deny the COLA to America's disabled veterans. We must insist, and we will insist, that America keep its promise to the disabled veterans.

Today, over 400,000 Americans stand ready in Saudi Arabia to defend our Nation's principles. Like the soldiers who served before them, these soldiers are ready to make the sacrifices our Nation asks of them.

Tomorrow, these soldiers will be veterans. Like the veterans today, they will expect America to keep its promise to provide for their needs and the needs of their families. Congress must do the right thing. We must pass this COLA and show that we will follow through on the promise made to veterans 125 years ago when Abraham Lincoln said that America will "care for him who shall have borne the battle, and for his widow, and his orphan."

Mr. ALEXANDER. Mr. Speaker, as an original cosponsor of this bill, I am proud to rise in strong support of the Nation's veterans and their families. With each news break of the war in the Middle East we are reminded of the sacrifices veterans have made for our great Nation.

In simple justice, the Nation owes no less to veterans and their families who have given so much in defense of the independence and liberties that are the birthright of all Americans.

The cost-of-living adjustment in this legislation helps insure fair treatment for eligible veterans and family members who have endured financial loss due to disabilities or death related to military service.

As of December, there were 25,923 veterans in Arkansas who were receiving service-connected disability compensation. According to the Department of Veterans Affairs, the average monthly payment to these veterans was $493.

In addition, there were 5,173 Arkansans receiving dependency and indemnity compensation payments as members of families of veterans who had service-connected disabilities.

Monthly payments to Arkansas service-connected veterans and eligible family members in December totaled $15.9 million.

This bill provides for a 5.4-percent cost-of-living adjustment in compensation payments to veterans with service-connected disabilities and in dependency and indemnity compensation.

This legislation before us is intended to help America fulfill its commitment to the men and women who accepted the responsibility of military service in order to protect the freedoms guaranteed to all Americans.

I urge its swift passage by this Congress.

Mr. SYNAR. Mr. Speaker, I rise in support of H.R. 3, a bill to provide a 5.4-percent cost-of-living adjustment [COLA] in compensation for veterans with service-connected disabilities and their dependents.

As a cosponsor of this measure, I am pleased with the broad base of bipartisan support for a COLA that would benefit more than 2 million veterans with service-connected disabilities, as well as 272,000 widows and 41,000 children of veterans who died of service-related injuries.

Even today, American servicemen and servicewomen stand vigil in the Persian Gulf and elsewhere around the world to defend human rights from oppression. We once made great strides in squaring our debt to those who have served this Nation faithfully and honorably. In recent years this has been a struggle. When budget resources are divided, veterans deserve a special priority and consideration. It is my sincere hope that the passage of this measure will be the 102d Congress' first step in safeguarding veterans' benefits and services across the board.

Mr. Speaker, in closing I commend SONNY MONTGOMERY, chairman of the Committee on Veterans' Affairs, for his sponsorship of H.R. 3. The veterans of Oklahoma know that Chairman MONTGOMERY is a staunch advocate for our Nation's veterans, whose sacrifices secured freedom for all Americans.

Mr. LEVIN of Michigan. Mr. Speaker, I strongly support passage of H.R. 3 which provides for a 5.4-percent cost-of-living adjustment [COLA] for veterans with service-connected disabilities.

As much as I want to see agent orange victims compensated, I do not believe it is right to pursue this goal at the expense of other disabled veterans. As one veteran from my district wrote to me:

> I am a disabled World War II veteran and I think it is very unfair to shelve the 5.4-percent COLA increase. Most of us are elderly and in poor health. Also we are on a fixed income and need the increase.

In restoring the disability COLA, retroactive to January 1, we are doing what's right for the nearly 2.1 million disabled veterans who are counting on this action. But I hope that the House and Senate will also move expeditiously to revisit the agent orange issue and do what's right for the veterans suffering from exposure to this herbicide.

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today in support of H.R. 3, the veterans compensation COLA bill. This legislation will provide a 5.4-percent cost-of-living adjustment [COLA] in compensation for veterans with service-connected disabilities as well as, compensation for dependents of veterans who died serving their country. A bill very similar to this legislation was passed by this House in the 101st Congress, but was not acted upon by the other body.

While I support this legislation, I am aware that it is overdue. Many veterans' organizations from the State of Maryland have contacted me expressing their disappointment that Congress failed to pass this important COLA when it should have been done—last October. I agree, there is no excuse. There are many individuals who's only source of income comes from this entitlement. A cost-of-living adjustment is not a bonus for these individuals, it is a necessity.

Certainly all of us here have been sensitized to the situation of disabled veterans due to the ongoing situation in the Persian Gulf. It is difficult to miss the irony that as this country sends more men into harms way, we fail to take care of those who have gone this way in the past and paid such heavy price.

However, I am pleased to see that the author of this legislation, my colleague Chairman MONTGOMERY, made sure that while the actions of this Congress may be late, no disabled veteran will be penalized for our delay. This legislation is designed to provide retroactive compensation effective from January 1, 1991, thereby ensuring that no veteran will loose compensation benefits. I commend the chairman for his action in introducing this legislation and for his obvious concern for this Nation's veterans.

I would like to finish my remarks by noting that the original COLA legislation passed by this House last October did include certain agent orange provisions which are lacking in this bill. It is my understanding that a separate piece of legislation will be brought to the floor in the near future to address the agent orange issue. While I support this legislation, I do believe that the agent orange issue must be considered as soon as possible.

I voted in favor of the agent orange provision in the original COLA legislation and I plan to support such provision in a separate bill. I cannot, however, support holding entitled compensation for disabled veterans hostage for the benefit of another, albeit equally deserving, group of disabled veterans.

For these reasons, I urge my colleagues to support this legislation. Our disabled veterans have waited long enough.

Mr. KYL. Mr. Speaker, I rise in support of H.R. 3, the veterans compensation COLA. Once again, we are given the chance to uphold our commitment to our disabled veterans, their widows and children by approving a 5.4-percent cost-of-living adjustment. Let us not be negligent. We cannot afford to become distracted and embroiled in other unrelated political issues that led to the failure of the prior COLA bill.

We have an obligation to those veterans and their families who have made supreme sacrifices for their country. How can we justify to our veterans that we approved COLA's for Social Security recipients and Federal employees while withholding a COLA from those men and women who put their lives on the line to defend our freedom and democracy? What message are we sending to our troops currently serving our country in the Persian Gulf? Failure to approve this measure would constitute an egregious breach of faith with our veterans and their families.

Mr. KANJORSKI. Mr. Speaker, I am very pleased to be able to rise today in support of our country's disabled veterans, those who so nobly risked their lives to protect and preserve this great country.

The first bill I introduced this Congress was one to provide service-connected disabled veterans and their survivors with a full 5.4-percent cost-of-living adjustment [COLA] for 1991. It is essential that we meet our obligations to our veterans and acknowledge their courageous service to the Nation.

As my colleagues know, although legislation for our Nation's disabled veterans passed the House last year, it unfortunately never became law. This unconscionable situation resulted because the other body failed to approve last year's House-passed bill. The House is therefore now taking swift action to not only correct this situation, but, as my bill proposed, to also make the 5.4-percent COLA retroactive to January 1, 1991, ensuring fairness to veterans and their families.

I have had the opportunity to sit on the House Veterans' Affairs Committee, and I am pleased, but not surprised, to see the quick action taken by Chairman MONTGOMERY and the full committee on this important legislation. As I have noted, it provides the full 5.4-percent COLA to which disabled veterans and their survivors are entitled, and makes the provision of this COLA retroactive to January 1, 1991, the date the COLA should have gone into effect.

I sincerely hope the Senate passes this legislation expeditiously so that it can be signed into law by the President. The Congress must never again let the vital needs of our disabled veterans fall prey to political infighting, endangering their health and well-being. Disabled veterans have fought unselfishly and courageously to defend our country, and the Congress must always remember their sacrifices and meet its responsibilities to provide the benefits to which they are unquestionably entitled.

Mrs. LOWEY of New York. Mr. Speaker, I rise today in strong support of H.R. 3, legislation to provide a cost-of-living adjustment [COLA] for our Nation's veterans who suffer from service-connected disabilities. I am proud to be a cosponsor and wholeheartedly support this urgently needed increase in benefits for those who have literally put their lives on the line for our country.

In this time of conflict, Congress more than ever should be sensitive in showing its strong support of our Nation's veterans. As we watch our troops in battle today, we are reminded of the hardships and brutality endured by many men and women during past military conflicts. Although we can never fully compensate veterans for these hardships, we must act to ensure that veterans' benefits are fair and appropriate. This means that veterans must receive a full cost-of-living increase just as beneficiaries of other Federal programs do. This is the very least to which our veterans are entitled.

I proudly support H.R. 3 because it will not only treat current veterans fairly, but also send a message to our troops abroad that in the years to come, after the hardships of this conflict are over, we will not forget the bravery and courage they display today. This bill follows through on our Nation's commitment to veterans, and I urge all of my colleagues to join in strong support.

Mr. McGRATH. Mr. Speaker, I want to express my strong support for H.R. 3, a bill providing a 5.4-percent cost-of-living adjustment [COLA] in compensation for veterans with service-connected disabilities, and dependency and indemnity compensation [DIC] for dependents of veterans who die of service-connected causes.

I want to thank the chairman of the House Veterans' Affairs Committee, Representative SONNY MONTGOMERY, for his commitment to make this bill a priority in the 102d Congress. I also applaud the chairman and members of the committee for coming to a compromise on agent orange benefits, the contentious issue that divided the Congress last year and held up the COLA legislation.

It is truly unfortunate that because of a procedural motion, we failed to pass this bill last month. While I support enhancing benefits to our veterans who suffer from effects of the herbicide agent orange, we cannot hold our most deserving veterans hostage on account of political squabbles.

I urge my colleagues to vote for H.R. 3 and support the Veterans' Affairs Committee agent orange compromise. We must continue to work to ensure that agent orange victims, as well as disabled veterans and their dependents, receive proper care and compensation.

Mr. EDWARDS of Texas. Mr. Speaker, I rise to speak in favor of H.R. 3, the veterans' COLA bill, which I have cosponsored.

As young American men and women are bravely fighting in the Persian Gulf, it is only right that this Congress reconfirms its commitment to our veterans—past, present, and future.

As a former staff aide to the most decorated veteran to ever serve in Congress, the late Olin E. "Tiger" Teague, I believe no single group in America deserves greater gratitude than our veterans.

When American soldiers defend us in wartime, we have an obligation, a moral responsibility, to support them in peacetime.

I commend Chairman MONTGOMERY for his leadership in passing this COLA bill last year in the House and for his perseverance in seeing that our veterans will receive this year this much deserved COLA benefits.

Veterans have fought for us. It is our time to fight for them.

Ms. LONG. Mr. Speaker, I rise today in support of H.R. 3, the veterans' compensation cost-of-living adjustment [COLA]. It is terribly unfair that veterans have been denied a basic benefit in this time of economic uncertainty.

Our veterans, brave men and women who have served our Nation in the Armed Forces, made tremendous sacrifices to protect our country. It is imperative that we restore full benefits to persons who rely on those benefits for their economic well-being and security.

H.R. 3 would enact a standard 5.4-percent COLA retroactive to January 1 of this year. We owe so much to our veterans. Immediate passage of this legislation will reaffirm our commitment to those persons who have made grave sacrifices to protect the United States and its allies.

In addition, a COLA for veterans will reassure our active duty personnel, like the servicemen and servicewomen in the Persian Gulf, that our commitment to their well-being and the well-being of their families will not falter when they need it most. Now is not the time for the Federal Government to backpedal on its responsibility to veterans. We must do everything possible to boost the morale of our troops throughout the world.

I join with many of my colleagues who believe that Congress has a responsibility to veterans with disabilities. We must pass H.R. 3 immediately. Our veterans have sacrified more than enough for our Nation. We must not ask them to do without the benefits they are entitled to receive.

Mr. BORSKI. Mr. Speaker, I rise today in strong support of H.R. 3, legislation to provide a retroactive cost-of-living adjustment [COLA] for veterans in 1991.

Mr. Speaker, last year the House approved a 5.4-percent increase in disability compensation for veterans. However, the Senate failed to act on that legislation before Congress adjourned, and veterans are now the only Federal beneficiaries without COLA's.

Our veterans deserve better. These are the men and women who served their country in its time of need. We must act now to correct this error and provide just compensation for veterans and their dependents.

H.R. 3 will do just that. This legislation will provide a 5.4-percent COLA, retroactive to January 1, for the 2.2 million veterans who receive compensation benefits for their service-connected injuries and disabilities.

That COLA will also apply to dependency and indemnity compensation [DIC] paid to 300,000 widows and children of veterans who have died of service-connected causes.

Mr. Speaker, over 200 of my colleagues have joined me in cosponsoring this important legislation. I urge the rest of the House to unite with us to support H.R. 3.

Mr. SAXTON. Mr. Speaker, I rise today to give my support for H.R. 3, increasing the rates of disability compensation for Veterans.

Many of you recall that in the 101st Congress we did not vote on a cost-of-living adjustment [COLA] for disabled veterans. This inaction left this Nation's 2.5 million service-connected disabled veterans and their surviving families without a COLA.

I have also believed that all our Nation's retirees should be treated equitably with regards to cost-of-living increases. An omission of COLA's for one segment of retirees is completely unfair.

As a disabled veteran of Cherry Hill, NJ, stated in a letter to me, "We're elderly and on fixed incomes. Disabled vets see the cost of food, housing, and health care go up just as the Social Security recipients do."

I applaud the efforts of the House Veterans' Affairs Committee to move this bill for a House vote at the first opportunity in the 102d Congress.

A cost-of-living adjustment for service-connected disabled veterans was certainly a top priority of my 1991 agenda. I maintained a correspondence with the chairman of the Veterans' Committee and now I am glad to see the fruits of this effort.

I am pleased that I have the opportunity to vote today on a retroactive 5.4-percent COLA for service-connected disablity veterans and their surviving families. My colleagues, I stand before you to urge you to join me in voting "yes" to grant this cost-of-living adjustment—a necessary shield against inflation.

Ms. SNOWE. Mr. Speaker, as an original cosponsor of H.R. 3, I would like to thank the chairman and ranking member of the Veterans' Affairs Committee for keeping their pledge to bring this important issue to the floor bright and early.

It is a matter of fundamental fairness that today we pass this legislation to provide a 5.4-percent COLA for our disabled veterans and the widows and children of those who died of their disabilities. And it is only right that this COLA be made retroactive to January 1.

Since October, I have heard veterans across the State of Maine express their dismay and frustration that Congress seemed to have forgotten them. After all, they served their country in its time of need, and they wanted to know what had happened to this country's promise to be there for them in return. That was a legitimate question.

As H.R. 3 is one of the first pieces of legislation to be adopted by the 102d Congress, I hope that this will send a message to our 2.2 million disabled veterans that the Congress and the Nation stand by them. The importance placed on providing the COLA is further evidenced by the support for the bill, which is cosponsored by fully two-thirds of the House.

The promises made the men and women who have served us in the past must be kept. I hope today's actions signal a renewed commitment to our veterans. We will also be sending a message to our troops in the Persian Gulf that their service will not be forgotten.

Mr. SMITH of New Jersey. Mr. Speaker, today I rise in strong support of H.R. 3, legislation to provide disabled veterans with a 5.4-cost-of-living adjustment in their monthly disability checks.

Similar legislation failed to pass at the very end of last session because the bill also contained some controversial provisions concerning compensation for certain veterans believed to have been exposed to agent orange. As a result, service-wounded veterans have not received the cost-of-living adjustment [COLA] that Social Security beneficiaries have already received.

Since last session, the cost-of-living adjustment and the agent orange issues have been dealt with individually. They are now under consideration in separate legislation, enabling H.R. 3 to be considered on its own merits. Pending passage of H.R. 3 in the House, it is intended that the Senate will take up the bill immediately. The increase would then appear in veterans' March disability checks, retroactive to January 1.

Mr. Speaker, I am pleased that this legislation has advanced to the floor so quickly this session but would like to emphasize that disabled veterans have been waiting for this increase and are aware that others have received a COLA and they have not. These veterans are the men and women who were injured during service for our country. They have made sacrifices on our behalf and should not have to wait for an appropriate disability payment.

Mr. Speaker, I urge my colleagues to join in my strong support for this legislation and grant disabled veterans the cost-of-living adjustment they are owed. This increase is past due.

Mr. ANDERSON. Mr. Speaker, at the closing moments of the 101st session of Congress, veteran recipients of disability compensation fell victim to the crush of the legislative process. These disabled veterans, who fought bravely for this great Nation, were denied a cost-of-living adjustment [COLA] to their compensation benefits. Controversy surrounding provisions in the COLA bill regarding agent orange caused its defeat, and left the disabled veteran out in the cold.

There are 2.5 million disabled veterans in the United States who depend on their compensation benefits to survive. Unfortunately, these men and women are being denied the full benefits they deserve. It is unjust to hold these disabled veterans, who risked their lives in defense of our Nation, hostage to the political wrangling of Congress. Immediate congressional action is needed to recitify this situation.

These veterans need to know that their sacrifices will not be forgotten with the passage of time. By passing this legislation today, our veterans, as well as those currently fighting in the Persian Gulf, will receive the message that this country not only appreciates its soldiers efforts during battle, but also cares for its veterans when the fighting is done.

For this reason, I offer my strong support for H.R. 3. This legislation includes provisions regarding the herbicide agent orange. Specifically, the National Academy of Sciences would be in charge of reviewing scientific studies on the health effects of agent orange. Furthermore, the Academy would be authorized to conduct an ongoing comprehensive review of all scientific and medical evidence on the long-term health effects of herbicide exposure, such as agent orange. This is a positive step forward in dealing with agent orange.

Most importantly, H.R. 3 will grant an immediate retroactive COLA to the disabled veterans of our Nation. I have continuously supported these brave men and women who valiantly represented our country. As these veterans shouldered the burdens of this Nation, now we must ease their hardships. Now is the time to recognize the sacrifices of these veterans by granting them the COLA they rightly deserve.

Mrs. MINK. Mr. Speaker, I rise today to express my strong support for H.R. 3, legislation which will provide a 5.4-percent cost-of-living adjustment for service-connected disabled veterans, their dependents, and survivors. Mr. Speaker, I can think of no other group more deserving of a cost-of-living adjustment than the people whose disabilities stem from the sacrifices they made for our country. These men and women were willing to give their health and well-being to preserve the freedoms, rights, and responsibilities that we as Americans enjoy.

Service-connected disabled veterans were the only group which did not receive their COLA in 1991. Non-service-connected disabled veterans, Federal employees, and Social Security recipients all received a 5.4-percent cost-of-living adjustment in their compensation checks this year. But the service-connected disabled veterans were caught in a web of political and legislative maneuvering at the end of the 101st Congress, which cost them what they rightfully deserve, their COLA.

As of January 1, 1991, the annual rate of inflation in the United States was 6.1 percent. Mr. Speaker, a 5.4-percent COLA is not an increase, but an adjustment that will barely give these disabled veterans and their families the ability to make ends meet in these times of economic hardship. The 10,000 disabled veterans and their dependents in the State of Hawaii, which has one of the highest cost-of-living rates in the Nation, cannot be made to live on last year's allowance. We cannot wait a moment longer and let these deserving veterans and their families go without this needed income.

Currently in the midst of war, where men and women are at this very moment laying their lives on the line, our Nation is reminded of the debt we owe to those who have already sacrificed so much for this country. What we are offering them today is but a small fraction of our debt and gratitude that we owe.

Mr. Speaker, let us make up for lost time and swiftly pass this essential piece of legislation.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise in strong and enthusiastic support of H.R. 3, which will provide for a cost-of-living adjustment for disabled veterans and dependents of veterans who died of service-connected causes. As an original cosponsor of this legislation, I am very pleased that the House has moved quickly to consider this bill.

It is very unfortunate for the thousands of disabled veterans and their dependents that this legislation failed in the 101st Congress and the disabled veterans did not receive the COLA they rightly deserve. I commend the chairman of the House Veterans' Affairs Committee for placing this bill on the fast track so that these veterans and dependents can receive the COLA that other beneficiaries of

Federal programs like Social Security received for 1991. This bill will allow the adjustment to be made retroactive to January 1, 1991.

I understand that there are some Members of the House, and in the other body as well, that would like to attach provisions to this legislation that would address other benefit issues for veterans such as compensation for agent orange.

While consideration of other compensation issues may certainly have merit, it seems to me that debate on these other compensation issues should take place separately from consideration of the COLA for disabled veterans. It is imperative that the Congress act on H.R. 3 in its present form. This will allow for speedy passage by both Houses of Congress and place this bill on the President's desk as soon as possible. I urge my colleagues to refrain from seeking to insert other issues into the debate on this bill.

Mr. Speaker, the crisis in the Persian Gulf underscores the dedication and sacrifice of our service men and women. We have an obligation to keep our promises to them to provide the benefits they deserve.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 3, legislation I have cosponsored to provide a fully scheduled 5.4-percent cost-of-living increase for disabled veterans, their families, and survivors retroactive to January 1.

The failure of the 101st Congress to enact this legislation before its adjustment last October was a tremendous disservice to our Nation's veterans who received lifelong injuries while serving in the defense of our Nation. Instead, our Nation should give thanks to those Americans, their widows, and their orphans who suffered service-connected disabilities which will remain as a constant reminder to them of the price we pay to preserve freedom throughout the world.

It was in 1990 that freedom flourished throughout the world. It was a year in which the Berlin Wall came down, the Iron Curtain melted, and free elections were held for the first time in more than 50 years in the Eastern bloc countries of Poland and Czechoslovakia. Throughout this historic year, I took every opportunity to remind those celebrating these new-found freedoms that the real heroes to which we should give thanks are America's veterans who have stood and fought for these great values on every continent of the world.

Their valor, courage, and sacrifices must never be forgotten by a grateful Nation, and a grateful world. To give thanks to our veterans, our Nation has made a firm commitment to provide them with the finest in medical care, compensation, and services in their time of need. Just as our veterans remain ever vigilant in their service to our Nation, this Congress must remain ever vigilant to ensure that we are living up to our commitments to them. This means never failing to do our job, as we did last October, to ensure the full payment of benefits to disabled veterans and their families.

It is my hope, Mr. Speaker, that in addition to correcting an injustice made by the 101st Congress that this newly convened 102d Congress will enact legislation to provide automatic cost-of-living increases for service-connected disabled veterans. Their pensions should never again be held hostage to other legislation or issues. They should be adjusted automatically as is the case with every other Federal pension program.

At a time when more than 500,000 Americans have taken up the cause of freedom in the Persian Gulf, this legislation sends a signal that we will honor our future commitments to them just as we have long honored our commitments to those Americans who have preserved freedom so many times, in so many parts of the world, throughout our Nation's history.

Mr. TALLON. Mr. Speaker, I rise in strong support of H.R. 3. Our disabled veterans have waited far too long for the 5.4-percent cost-of-living adjustment.

Last year, Congress and the President saw fit to ensure COLA's for non-service-connected veterans, Federal employees and Social Security recipients. But disabled veterans and their dependents were denied their deserved COLA's by an untimely and unseemly bureaucratic mess between the House and Senate.

As a cosponsor of H.R. 3, I am anxious to see that the 5.4-percent COLA is implemented as swiftly as possible. Even with the retroactive provision to January 1, many of our veterans will have to go until March before they see their COLA.

It is intolerable to me that during this time of military crisis, the Government has faltered in its obligation to veterans who have served this country. We have placed our trust in over 400,000 young men and women. How can we expect them to give their all for us if they cannot trust our Government to provide adequate veterans care when they return?

All our veterans deserve the best we can give them. Timely and equitable compensation payments are the very least we can provide them. Too often in this age of budget restraint, budget slashers demand cuts at the expense of our veterans. The legacy of budget cuts to veterans health care over the past 10 years is shameful.

To deny service-connected veterans and their families a barely adequate COLA because of political or bureaucratic reasons is insult upon injury. I urge my colleagues to vote "yes" on H.R. 3.

Mr. MATSUI. Mr. Speaker, I rise today to lend my voice in support of H.R. 3, the Veterans' Compensation Amendments of 1991. Failure to enact these provisions in the last Congress saddened me greatly because I am well aware that many families depend upon this yearly COLA for their very survival. For this reason it is imperative that we resolve this matter in a expeditious manner.

Without a doubt the bravest and most loyal Americans are veterans. Those who fought in world wars and other U.S.-involved conflicts risked their lives for the principles that our great democracy was founded upon. In this light we must ensure these veterans, especially those with service-connected disabilities, are compensated for their loyalty and patriotism.

We cannot ignore that shortly veterans will be returning from the Persian Gulf. We hope that war in the Middle East will be short and the casualties will be few, but we must face the reality that once the fighting has ceased young men and women will be returning to the United States to rebuild their lives. There will certainly be those who will have to overcome emotional and physical disabilities incurred while fighting for the principles of freedom. In this light, today's vote is a vote of support for all patriotic Americans.

Last year's conflict surrounding this legislative measure occurred because of controversial language on benefits for agent orange victims. Today there should be no such controversy, because Chairman MONTGOMERY has worked hard to create this clean COLA bill. In this form, H.R. 3 demands and deserves your support today.

Mr. GRADISON. Mr. Speaker, I am pleased that H.R. 3 has been reported to the floor for consideration without language mandating how the bill will be scored for budget purposes.

This bill will provide a 5.4-percent cost-of-living adjustment for veterans with service-connected disabilities and will also revise the rates of dependency and indemnity compensation for survivors of such veterans.

Without argument, this bill deserves to be debated and passed on its own merits so those who have served our country and paid a high personal price can receive the modest benefits promised them.

Mr. Speaker, your leadership in keeping this bill free of procedural matters is greatly appreciated by this Member. Without your involvement, we might well be debating a procedural question instead of the merits of veterans compensation adjustments.

In this time of crisis, I am pleased that we were able to agree on consideration of a clean bill that addresses the immediate concerns of our Nation's veterans and leaves the battle over scorekeeping to another day.

Mr. CAMPBELL of Colorado. Mr. Speaker, over the past several months our Nation has had to once again face the nearly forgotten questions of war. Our colleagues, our constituents and our families have shared our hopes and our fears as we watched American service men and women face down a ruthless enemy. I believe it is extremely appropriate that we pause now and acknowledge the price so many of our veterans have paid in the past. It is with pride that I express my strong support of H.R. 3, the Veterans Compensation COLA Act of 1991.

As a veteran of the Korean conflict, I fought alongside many men and women who will benefit from this legislation. Many of them lost limbs, their sight, hearing, or ability to walk as a result of armed conflicts in which they bravely participated. Each day they live with the memory of the sacrifices they made in the defense of our freedoms. I believe the Veterans Compensation COLA Act brings recognition that is long past due and will go a long way toward recompensating these ex-servicemen.

I want to express my thanks to Chairman MONTGOMERY for his dedicated support of this important legislation. His tireless efforts deserve the hearty applause of my colleagues and the veterans of this country. I understand that Chairman MONTGOMERY will continue to work toward an agreement of the agent orange issue and will address it at the earliest possible time. As we continue to send our prayers and wishes to the American men and women fighting for us in the Persian Gulf let us also send a message to them that their sacrifices will be saluted when they return home.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 3, the veterans compensation cost-of-living adjustment [COLA] bill. I commend Chairman MONTGOMERY, Congressman STUMP, the ranking minority member, and Congressmen EVANS, PENNY, and APPLEGATE for their leadership in forging the compromise which allowed this bill to come to the floor.

A cost-of-living adjustment [COLA] for our Nation's disabled veterans and their dependents is long overdue. Lost amidst the shuffle of the closing days of the 101st Congress, disabled veterans have been forced to forgo a COLA that others, including recipients of Social Security, are guaranteed every year.

Disabled veterans, many of whom rely on their monthly disability to survive, deserve and demand the support of Congress. I ask my colleagues, how can we ask soldiers to risk their lives in defense of their country if we cannot guarantee them a decent living if they are injured in combat?

I urge my colleagues to vote for this important legislation and reaffirm our commitment to the Nation's veterans.

Mr. SANGMEISTER. Mr. Speaker, as a member of the Veterans' Affairs Committee I rise to commend Chairman G.V. (SONNY) MONTGOMERY and ranking minority member BOB STUMP for their prompt action in bringing H.R. 3 to the floor. Although the 101st Congress had many shining moments, it was tainted by a disgraceful inequity served to one of the least deserving groups of Americans—disabled veterans and their dependents. Social Security recipients, retired military personnel, Federal employees—even Congress itself—all received cost-of-living adjustments for 1991, yet such an increase was not provided to the service men and women disabled in loyal service to their country. As we all know, their COLA was derailed because of disagreements regarding agent orange compensation.

To be sure, the issue of agent orange is complicated and of great concern to this body. For this reason, I am further indebted to my colleagues on the Veterans' Affairs Committee, LANE EVANS, DOUG APPLEGATE, and TIM PENNY. Their dedication to our veterans was brought to light over the last month when a compromise was reached allowing for the smooth passage of this retroactive COLA and the forthcoming consideration of H.R. 556, a bill to clarify questions surrounding agent orange compensation. I stand in strong support of both of these measures and applaud the Veterans' Affairs Committee's resolve in addressing these very emotional issues.

Mr. RANGEL. Mr. Speaker, I rise in strong support of this H.R. 3, legislation that will provide long overdue relief to America's veterans, their families and their survivors.

I am pleased that the Congress has considered this bill so early in its session because, in truth, we cannot wait any longer. This legislation is crucial because it provides the most essential of benefits: a cost-of-living increase. This country's 2.2 million veterans with service-connected disabilities and 911,000 survivors of veterans who died from service-connected disabilities need this 5.4 percent COLA in order to keep pace with inflation.

For so many disabled veterans, the hardest fight occurs after the war has ended. Those who return from combat carry with them the scars of battle—physical injuries and emotional trauma that will remain with the veteran throughout the peace. Veterans must return back to their communities, cope with their disabilities, and make the often painful transition to civilian life. Let us now, through the passage of this COLA, help them help themselves.

During a war, when the battles and skirmishes seize the attention of the Nation, America's Armed Forces have our concern. When the war has finished and the smoke finally clears, however, so often we neglect the veterans. Let us not forget them now.

This bill is especially important as the Nation lurches forward into an increasingly profound commitment of forces in the Persian Gulf. As we consider this bill today, I cannot help but think about the women and men bravely serving in Operation Desert Storm—how many of them will return with torn bodies and battered souls and how many will return in body bags, what the Pentagon is now euphemistically referring to as "human remains pouches."

This bill supports our veterans, just as I now support our women and men who bravely serve in harm's way in the Persian Gulf. Yet I cannot lend this support to the President, who myopically continues to rely on military might over diplomacy to resolve the crisis in the Persian Gulf. Mr. Speaker, these women and men will pay the heavy price for such intransigence.

While we in Congress are not now able to stay President Bush's hand and take our troops out of harm's way, we can act now to aid the Nation's veterans by supporting this bill. Passage of H.R. 3 will help millions of Americans to keep abreast of inflation.

Members of the military serve the United States in a unique and special way, entering into a relationship that could demand of them their very lives. As a veteran of the Korean war, I am especially mindful of the commitment made by the armed services. I am proud to honor them with this legislation.

Mr. BONIOR. Mr. Speaker, we have a special obligation to the men and women who served in defense of our country. Yet, when the 101st Congress ended, veterans were the only beneficiaries that did not receive a cost-of-living adjustment.

Today, we have an opportunity to correct that injustice. The bill before us is the second piece of legislation that will be passed by the new Congress. It will provide veterans with what they deserve and with what they have already earned—a retroactive 5.4-percent COLA.

At a time when we are facing the prospect of a bloody war in the Persian Gulf, we must demonstrate our national resolve by showing that we will take care of all of our veterans. The men and women serving in the Persian Gulf are being asked to sacrifice for their country—just as young Americans did in the Second World War, the Korean war, and in Vietnam.

We must show our troops in the Persian Gulf that we will welcome them home, we will heal their wounds and we will look after their families just as we have for the veterans of America's previous wars.

It is fitting that one of the first acts of this new Congress will fulfill our obligation to our Nation's veterans. By passing this legislation, we will restore the trust which disabled veterans have placed in our country.

Mr. POSHARD. Mr. Speaker, I rise in support of H.R. 3, a bill which I am proud to cosponsor here in the U.S. House of Representatives.

This bill provides a much needed cost-of-living increase for American veterans and their families, who have sacrificed so much to allow us the freedoms we enjoy today.

A 5.4-percent increase in the benefits we pay to veterans with disabilities or the families who had their loved ones taken from them is a small price for a very grateful nation to pay. As we involve ourselves in another war, creating another generation of American service veterans, we should be reminded of how fortunate we are to have loyal and patriotic citizens to defend our country and its ideals.

I have met with many veterans in my district who were anxious to have this increase approved so they could keep pace with everyday expenses. It was disappointing that this increase was not acted on in the previous Congress, but we are moving swiftly and with purpose now to correct that problem, and ultimately full benefits will be paid to those who are so deserving.

As this bill is approved today we should keep in mind the agent orange issue which kept us from passing the cost-of-living adjustment in the first place. As I am proud to cosponsor and support this effort to help improve the quality of life for American service veterans and their families, I am also proud to cosponsor H.R. 556, which will help address the problems of so many Vietnam veterans, who have for too long been ignored. I hope we are equally successful in supporting the compromise achieved by my friends and colleagues, Mr. EVANS of Illinois and Mr. MONTGOMERY of Mississippi. I have great respect for both gentlemen and their efforts on behalf of our veterans, and look forward to working with them to let our men and women know how truly thankful we are.

Mr. RAY. Mr. Speaker, our veterans have served this country with dedicated patriotism and courage, putting their lives in jeopardy to maintain our democratic way of life. The enactment of H.R. 3, the veterans' compensation COLA, is long overdue, and I am proud that the House has finally acted on this measure. I support H.R. 3, and I am an original cosponsor.

Many service-connected disabled veterans depend on these compensation payments as their injuries make employment impossible. The inability of the 101st Congress to pass this legislation created substantial hardship for these veterans and their dependents. These men and women should not have to wait any longer for the compensation they have earned, and I am pleased that Congress is rectifying this inequity.

I am also pleased that the 5.4-percent COLA is retroactive to January 1, 1991, thus ensuring adequate compensation for our Nation's 2 million service-disabled veterans. I also want to commend Congressman SONNY MONTGOMERY, chairman of the Committee on Veterans' Affairs, for his outstanding leadership in bringing this important legislation to the floor of the House in such an expeditious manner.

Mr. Speaker, I want to again urge my colleagues to vote yes on this legislation, and I am hopeful the Senate will act quickly on this measure.

Mr. BOEHLERT. Mr. Speaker, if at first you don't succeed, try, try, again. This is especially true when dealing with something really important, and what could be more important than seeing that a promise made, is a promise kept.

We as a nation made a commitment to disabled veterans, that we would never forget their sacrifices, and that their needs would be adequately addressed. Today we live up to that promise.

Following the disappointing outcome of the debate over the 5.4-percent cost-of-living adjustment for disabled veterans last year, I joined the chorus of protests, and urged consideration of legislation to provide this COLA retroactively, and as soon as possible.

Our Nation's veterans deserve this adjustment. Some of these former service men and women rely solely on this assistance, and many of them are on fixed incomes. It is not fair to deny them and their families the adequate resources they need to keep up with the cost of living. Considering economic forecasts—it is likely we will see a rise in the price of food, housing, and health care this year—it is critically important that these vets receive this COLA now.

Although their selfless and dedicated service can never be measured in dollars and cents, I am angered when the needs of all former service men and women are not adequately met.

In these precarious times, with Americans serving the Nation so valiantly in the Persian Gulf, a denial of this cost-of-living adjustment is a slap in the face to current and future veterans. The message we send today is that their sacrifices will not be forgotten.

Adequately providing for veterans who have a disabling illness or injury as a result of service to the Nation, and for their families, is a commitment we must uphold. A promise guaranteed over 126 years ago by President Abraham Lincoln, "To care for him who shall have borne the battle and for his widow, and his orphan."

I applaud Veterans' Affairs Committee Chairman MONTGOMERY's and ranking minority member STUMP's leadership on this issue. Their continued commitment and steadfast support of the veterans' community are equal to none. Because of their work and others, today the House will right a serious wrong.

Mrs. PATTERSON. Mr. Speaker, as we remember those currently serving in the Middle East, we must not forget those who have served us in past conflicts.

In the closing days of the 101st Congress, the Congress failed to pass a cost-of-living increase for service connected disabled veterans and their dependents. Even though Federal retirees and Social Security recipients received an increase, we failed to support our Nation's veterans at a time when we are asking a new generation of servicemen to serve their country in the Middle East.

Today we are considering H.R. 3, legislation to provide a 5.4 percent cost-of-living increase to these veterans. As a member of the Veterans' Affairs Committee, I am pleased to be an original cosponsor of the measure.

The legislation before us now recognizes the sacrifice made by our veterans. They have served us well and it is now time for the Congress to live up to its promise. Let us send a clear message to those veterans who served us so ably in World Wars I and II, the Korean conflict, and the Vietnam war that their sacrifice was not in vain. I urge passage of the measure.

Mr. CRAMER. Mr. Speaker, today I rise in strong support of H.R. 3, legislation that provides a 5.4 percent cost-of-living adjustment [COLA] for veterans with service-connected disabilities, and dependency and indemnity [DIC] compensation for dependents of veterans who die of service-connected causes. This adjustment is equal to the COLA provided to Social Security beneficiaries on January 1, 1991.

Many of the 2.5 million disabled veterans and their survivors call Alabama their home. In the town of Hartselle, AL, for example, there are more than 100 disabled veterans in local chapter 52 of the Disabled American Veterans. Throughout the Fifth Congressional District, which I proudly represent, and throughout Alabama there are thousands of well-deserving veterans who will be short-changed if this legislation is not passed by the Congress and signed by the President. I strongly urge my colleagues to support H.R. 3.

H.R. 3 is a fiscally responsible measure. Because it provides for a routine cost-of-living adjustment, which is automatic for other entitlement programs, the increase in spending has already been included in the budget baseline. Therefore, the bill is not treated as producing new entitlement spending, and thus would not affect calculations that trigger a pay-as-you-go sequestration at the end of the year under the 1990 Budget Reconciliation Act.

There are many issues confronting the American veteran that the Congress must address. However, there may not be one that needs such immediate attention as the COLA issue; especially during this difficult economic period for so many Americans. For those who have risked life and limb for the ideals that we believe in, we must be compassionate, understanding and helpful. Because they were there when we needed them, so must we be there today when they need us.

Mr. Speaker, I am confident that this measure will pass and that the President will sign it soon. To the 2.5 million diasbled veterans, rest assured that your concerns will be heard and addressed. I urge my colleagues to support the American veteran.

Mr. MAZZOLI. Mr. Speaker, I support Chairman G.V. (SONNY) MONTGOMERY in his efforts to advance H.R. 3, which provides a 5.4 percent cost-of-living adjustment [COLA] to veterans whose disabilities are service-connected.

I commend him, ranking member BOB STUMP and the leadership of the 102d Congress for making H.R. 3 such a high priority. I regret that the Senate did not act on this legislation in the last Congress, though I am proud this body did approve it overwhelmingly. I have every expectation that both bodies will work together in the 102d Congress to approve this measure expeditiously.

It is important that our service-connected disabled veterans, and family members of veterans who died in combat receive their COLAs, and I am pleased H.R. 3 provides the COLAs retroactive to January 1, 1991.

Disabled veterans fought valiantly for our country, and they endured the fear, uncertainties and dangers which attend service in the uniform of our country, especially if that service was in combat settings. Many of our veterans still suffer day-to-day with both the mental and physical wounds of war.

Because of Operation Desert Storm, a new group of veterans with service-connected, disabling injuries will soon be coming home. It is vital that Congress and the Nation welcome our warriors back home warmly and with love and affection. And, for those who have been injured we need to do more: we must adopt appropriate legislative measures and provide sufficient funds to take care of their hurts and assist them in resuming gainful and satisfying civilian pursuits.

Again, Mr. Speaker, all Americans must display and demonstrate to our uniformed men and women of the past, present and future, our constant love, affection, and respect. They deserve no less. We can do no less.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to register my unequivocal support for the legislation before us. How better can we assure those serving in the Persian Gulf today that they will be cared for long after this war is over, than by keeping the promises made to veterans who earlier served the U.S. Armed Forces? The time has come to legislate a cost-of-living adjustment in 1991 benefits payments to disabled veterans.

When the House addressed this same legislation last fall, I was one of its most ardent supporters. That bill passed the House unanimously because we recognized the significant debt owed this Nation's disabled veterans. America's disabled veterans have made the ultimate sacrifice for their country. In the name of freedom for all Americans, they have given their own freedom—confined today to crutches, wheelchairs, or hospitals beds. These veterans are among the most deserving.

I cannot ignore, however, that the bill unanimously approved by the House last fall contained provisions of vital importance to another very deserving group of veterans—the thousands of Vietnam veterans who, decades later, suffer the effects of exposure to agent orange. I understand that these provisions will be taken up by the House later this month and I want to take this opportunity today to underscore my support for this legislation. I was a cosponsor of the agent orange bill when it was initially introduced and I am committed to seeing the legislation passed by Congress.

As a child of World War II, I remember well the homecoming and victory parades of our Armed Forces. From those memories, I've gained a tremendous respect and appreciation for those who have bravely fought for freedom. For me, this profound appreciation has translated into an unwavering commitment to the health care, housing, and other quality of life interests of our Nation's veterans. In the 101st Congress, I supported legislation to improve the quality of health care personnel in veterans' hospitals, provide rehabilitation services to incarcerated veterans, counsel victims of post-traumatic stress disorder, and provide other necessary services. I am pleased this week to be able again to act on my commitment to veterans by supporting both the COLA and agent orange legislation.

To the Vietnam veterans for whom the effects of agent orange remain both a mystery and a painful reality, I pledge my support for the legislation we were unable to include in the bill we vote on today, but which the House will soon address separately. To the more than 400,000 future U.S. veterans now serving in the Persian Gulf, I promise that once peace is achieved and Operation Desert Storm is a part of history, I will not forget your courage and professionalism in serving the United States of America. I am proud of our Nation's veterans and I will not let their needs be ignored.

Mr. COSTELLO. Mr. Speaker, I want to express my support for H.R. 3, significant legislation that will provide an increase in rates of disability compensation for veterans.

It was extremely unfortunate that Congress adjourned last fall without approving cost-of-living-adjustments to disabled veterans. These brave veterans laid their lives on the line for their country, and we owe them the continued support of the Federal Government. To neglect this obligation would not only be a disservice to these disabled vets, it would send an irresponsible message to our forces now serving in Operation Desert Storm.

The legislation under consideration by the House will provide a 5.4-percent COLA retroactive to January 1, 1991, for veterans with service-connected disabilities. To avoid having this problem occur again this fall for the 1992 COLA, I have cosponsored H.R. 426, which would make this increase automatic every year. Under this bill, every time Social Security is increased, the service-connected disabled veterans' COLA will be increased by the same amount.

We have an opportunity to correct this situation by passing this legislation. I urge my colleagues to support this legislation which will be of needed benefit to our Nation's disabled veterans.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Arizona [Mr. STUMP] for the words he has said today and other Members of the Congress.

We are very proud that we do have this COLA up. It will go over to the Senate and to the President, and I hope that there will be fast action on this legislation.

Mr. Speaker, I hold up the names of the 290 Members who have cosponsored H.R. 3, the COLA bill, the 5.4-percent compensation increase.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONDEMNING RECENT USE OF SOVIET MILITARY FORCE IN THE BALTIC STATES

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 40) condemning the recent use of Soviet military force in the Baltic States, as amended.

The Clerk read as follows:

H. CON. RES. 40

Whereas the United States has strongly supported progress toward democracy in the Soviet Union and, consistent with this objective, the policies of perestroika and glasnost;

Whereas the full range of United States-Soviet bilateral relations has improved in recognition of democratic reform in the Soviet Union;

Whereas for the past 50 years the United States has refused to recognize the forcible annexation of the Baltic states and has long supported the principle of self-determination for the peoples of Lithuania, Latvia, and Estonia;

Whereas the Baltic states of Lithuania, Latvia, and Estonia each have established democratically-elected governments which have chosen to exercise their right of self-determination;

Whereas Soviet troops have sought to reimpose Soviet control in place of these democratically elected governments and President Gorbachev has threatened direct presidential rule;

Whereas Soviet troops have recently surrounded and occupied government buildings and other public facilities in the Baltic states as part of an attempt to intimidate the Baltic people and govenments and to assert Soviet control;

Whereas Soviet forces opened fire on unarmed protesters and local militia in Lithuania and Latvia resulting in at least 20 deaths and at least 150 injuries;

Whereas these actions violate the human rights of the people of the Baltic states and represent a troubling reversal of progress toward democracy in the Soviet Union; and

Whereas the Soviet actions in Lithuania, Latvia and Estonia are in direct violation of the Helsinki Final Act, the United Nations Charter, and other international documents guaranteeing human rights and the self-determination of all peoples: Now, therefore, be it:

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the recent brutal violence by Soviet forces in Lithuania and Latvia;

(2) calls in President Gorbachev to cease immediately the use of force against the people and the democratically-elected governments of Lithuania, Latvia and Estonia;

(3) supports President Bush's condemnation of the recent Soviet use of force and intimidation in Lithuania, Latvia and Estonia and calls on the President to make this issue a priority item on the agenda of the upcoming United States-Soviet summit or, should the summit be postponed, to convey the message directly to the Soviet Government;

(4) urges the President to review bilateral relations and, in consultation with our European allies, work toward a coordinated approach on economic sanctions in response to the Soviets continued use of military force and coercion against Lithuania, Latvia and Estonia;

(5) calls on President Bush to consider other actions to demonstrate the United States commitment to nonrecognition of the forcible annexation of the Baltic states by the Soviet Union and to show support for the people of the Baltic states during this difficult time;

(6) calls on the Soviet government to enter into peaceful and meaningful negotiations with Lithuania, Latvia and Estonia on the nature of their future relations;

(7) calls on the Soviet government to resolve peacefully disputes with all Soviet republics; and

(8) calls upon the Soviet government to abide by its obligations under the Helsinki Final Act, the United Nations Charter, and other international documents to respect human rights and the self-determination of peoples and urges that the new conflict prevention and resolution mechanisms created within the Conference on Security and Cooperation in Europe (CSCE) in November 1990 be employed to help resolve this crisis peacefully.

The SPEAKER pro tempore. The gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 40, as amended, condemning the recent use of force by the Soviet military in the Baltic States. I wish to commend our distinguished majority leader, Mr. GEPHARDT, and our colleagues, Mr. DURBIN of Illinois and Mr. BROOMFIELD of Michigan, the ranking minority member of the Foreign Affairs Committee, for their hard work in the crafting of this important resolution. I also wish to thank the distinguished chairmen of the Subcommittee on Europe and the Middle East and the Subcommittee on Human Rights, Mr. HAMILTON and Mr. YATRON, respectively, for their cooperation in bringing this measure to the floor in such a timely manner.

The outbreak of war in the Persian Gulf should not distract our attention from the extremely tense and dramatic events unfolding in the Baltic States where, for over the past week, forces of the Soviet military have been involved in a carefully planned campaign of violence and intimidation which to date has left at least 20 people dead and more than 150 wounded in Lithuania and Latvia. President Gorbachev, whether under duress or by design, is clearly trying to coerce the people and leaderships of the three Baltic States to abandon their quest for self-determination and independence.

This resolution condemns these Soviet efforts and puts President Gorbachev on notice that the United States will not sit idly by while he tramples on the legitimate aspirations of the Baltic peoples for democratic self-rule. The resolution urges the President to review our bilateral relations and, in consultation with our European allies, to work toward a coordinated approach to economic sanctions as a result of the Soviet's continued use of military force against Lithuania, Latvia, and Estonia. The resolution also urges the President to make this issue a priority item on the agenda of the upcoming summit or, if the summit is postponed in protest, to otherwise convey this message directly to the Soviet Government.

I would urge all my colleagues at this pivotal moment in the history of the peoples of the Baltic States, to support their strivings for human rights, self-determination, and independence. I, therefore, urge adoption of this timely and important resolution.

Mr. Speaker, I reserve the balance of my time.

□ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the Baltics are once again running with blood.

I'd like to be able to say that the events of the last few weeks were the work of a few out-of-control colonels and generals. But every day it becomes more clear that the source of the violence sits in the Kremlin.

When we originally considered assistance to the Soviet Union, the purpose was to ease the lot of the average Soviet citizen, to keep starvation from his door, to help in the transition to a free market economy and a democratic government.

At one time there may have been good reasons for considering assistance to the Soviet Union. But I doubt anyone in this body thought of it as a way to keep the Soviet Communist Party in power.

Yet if we continue to offer the Soviets assistance at a time when they are beating their citizens, bringing back censorship, and rolling back market reforms, then it is clear that the only purpose of this aid is to delay the day when the people of the Soviet Union bring down the party officials that have persecuted them for so long.

The resolution before us does not call for a complete halt of United States assistance to the Soviet Union. I wish it did. But rather, it urges the President to take steps toward this goal. However, in light of the continuing violence in the Baltic States, I feel that this will soon be the appropriate step for United States-Soviet relations.

Congress and the United States must respond to the brutal crackdown by Soviet authorities in Lithuania, Latvia, and Estonia. When Soviet troops opened fire on unarmed civilians in Lithuania—killing 14 and injuring 140 others—they were committing a crime not only against the sanctity of human life, but also against the spirit of democratic freedom.

The crackdown in Lithuania was no isolated incident, it was an omen of events to come. Soviet Black Berets in Latvia have stormed a police building and beaten Latvian cadets. An unarmed civilian was gunned down in his car. On Monday, January 21, an attack on the Latvian Interior Ministry left another five dead and scores wounded.

President Gorbachev contends that he did not order the recent violence in Lithuania and Latvia. While this may or may not be true, he certainly created the environment in which it took place. He and his government should be held accountable for these actions.

The world has watched passively as Gorbachev consolidated the powers of state control in the Soviet Union. I am afraid that the cold war rhetoric, the phony appeals for Soviet intervention by Communist agents in the Baltics, and limits on the free press may well signal a return to the era of repression.

I realize that America is fully engaged in the war to liberate Kuwait. But we should not allow the Soviets an open season on the Baltics. Gorbachev and his generals must know that there will be a price for their behavior—and that price will, at the very least, entail a reconsideration of their new relationship with the Western democracies.

President Bush is scheduled to visit the Soviet Union in mid-February. This resolution rightly urges him to inform the Soviets in the strongest possible terms of our position on the Baltic Republics. If the violence continues, however, the President should consider canceling the summit.

This resolution sends Gorbachev a message that the repression must halt, that Soviet troops must be withdrawn, and that a negotiated settlement must be found—or relations between our two nations will suffer greatly.

Finally Mr. Speaker, as much as we are concerned about the peril the Persian Gulf war poses to our dream of a new world order, the death of glasnost and perestroika may be an even larger threat to our hopes for peace and freedom in the 21st century.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. HAMILTON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 40, a resolution to condemn the recent use of Soviet military force in the Baltic States.

I want to commend Chairman FASCELL of the Committee on Foreign Affairs, and Mr. BROOMFIELD, the ranking Republican member of the committee, for their hard work and leadership in bringing this resolution forward. I also want to thank the gentleman from Illinois [Mr. DURBIN] for his strong leadership on this resolution.

This resolution: condemns the recent brutal violence by Soviet forces in Lithuania and Latvia; calls on President Gorbachev to cease immediately the use of force in Lithuania, Latvia, and Estonia; supports the President's condemnation of the recent Soviet use of force; urges the President to review bilateral relations and, in consultation with our European allies, work toward a coordinated approach on economic sanctions in response to Soviet actions; calls on the President to consider other actions to demonstrate the United States commitment to nonrecognition of the forcible annexation of the Baltic States; calls on the Soviet Government to enter into peaceful and meaningful negotiations with Lithuania, Latvia, and Estonia on the nature of their future relations; calls on the Soviet Government to resolve peacefully disputes with all Soviet republics; and calls upon the Soviet Government to abide by its obligations under the Helsinki Final Act, the U.N. Charter, and other international documents to respect human rights and the self-determination of peoples.

Mr. Speaker, the Soviet Union must understand that its conduct in the Baltics will have serious consequences for United States-Soviet relations. This resolution is a timely and important expression of congressional sentiment and I urge the resolution's adoption.

Mr. Speaker, I yield 4 minutes to the principal sponsor of this resolution, the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I certainly thank the gentleman from Michigan [Mr. BROOMFIELD] for his cooperative work on this, at least our second, maybe our third effort to speak for the people of Lithuania and the Baltic Republics.

If any Member missed the morning newspaper, they might have missed the latest news announcement from Oslo. It appears that the 1990 winner of the Nobel Peace Prize, Soviet President Mikhail Gorbachev, has confirmed that he will deliver a traditional message of peace in Oslo this spring. The Awards Committee made that announcement yesterday. What happened, the Soviet leader received the Nobel Peace Prize, sent an aide to accept the $700,000 check, and said that because of pressing business in the Soviet Union, he would not be allowed or would not be given enough time to make the traditional speech calling for world peace.

It is curious that the leader of the Soviet Union, this winner of the Nobel

Peace Prize, wants to wait until May to give his speech. Is President Gorbachev hoping that the spring rains will wash the blood from the cobblestone of Vilnius? Is he hoping that the spring breezes will dry the tears and the eyes of the mourners in Riga in Latvia? Or is he hoping that by this spring the world will have forgotten his brutality in the Baltic Republics?

Only a few weeks ago, Foreign Minister Shevardnadze resigned. In a surprise announcement, he warned everyone that reactionary forces were taking power in the Soviet Union. His words were prophetic and accurate. Brutality in the Baltic Republics is an ominous portent.

A few months ago I had an opportunity to visit Lithuania, immediately after the elections giving them their first democratically elected government in half a century. I met with the Cardinal of Lithuania, Cardinal Sladkevicius. This man, this tiny prelate, had been under house arrest for almost 20 years because of Soviet intimidation of the Catholic Church in Lithuania. However, he still had a smile on his face, and he said in English, to me, in a very quiet voice, "You know, Congressman, Moscow is afraid of Lithuania." And he kind of laughed, and I guess we both did because it is such a tiny, small country, an argarian economy, no military machine. However, why is it that Mr. Gorbachev continues to revisit the Baltic Republics as things get worse in the Soviet Union? Why is he pushing this force and intimidation on Lithuania, Latvia, and God, I hope not Estonia, as well. Could it be that there is a force at work here that troubles him more than the mighty armaments that he might face in some other parts of the world?

What is at work here is the courage, determination, is the commitment to freedom of the Baltic nations and the Lithuanian people. So, what has been the response around the world? Fifty years ago, the United States led the parade, standing up for the self-determination and freedom of the Baltic Republics. We ignored the Hitler-Stalin Pact, and now unfortunately, with our mind consumed with the events in the Persian Gulf, I suspect that we are not showing the leadership even some of our European allies are in making it clear to Mr. Gorbachev that if he does not bring an end to the brutality in the Baltic Republics, that he will pay a price. A price in terms of being treated as a partner in civilized nations of the world.

I hope that this resolution is a step forward, an encouragement to this administration, to use whatever power, peaceful powers at their disposal, to convince Mr. Gorbachev to reverse what he has done in the Baltic Republics. We cannot have a summit conference with business as usual while we have this sort of force and violence taking place in the Baltic Republics. We cannot send food to feed the twin beasts of the Soviet Army and the KGB when we know full well that they are fattening themselves so they can do battle with defenseless, unarmed people across the Soviet Union.

If the principle of fighting aggression is honest and true as we have said it is in the Middle East, it is certainly honest and true in the Baltic Republics, and we should make that meassage clear today.

Mr. BROOMFIELD. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, while the rest of the world has been preoccupied with the war Saddam Hussein started in the Persian Gulf, the Soviet leadership has taken advantage of these hostilities to repress the democratic reform movement in the Baltic States. While the Persian Gulf war should remain on the forefront of our minds, we must not ignore the outrageous and brutal actions by Soviet forces in Lithuania and Latvia.

Just as Saddam Hussein illegally and brutally seized and occupied Kuwait, so too did Stalin seize and occupy the sovereign, independent countries of Lithuania, Latvia, and Estonia. Just as thousands of innocent Kuwaitis have been murdered and imprisoned, so too have at least tens of thousands of Baltic patriots over the years.

Last year, with the incredible changes in Eastern Europe, the first step reforms in the Soviet Union, and the democratic elections in each Baltic country, I was very optimistic that the tragic chapter of occupation and terror in the Baltic States was coming to an end. Unfortunately, and I hope I am very wrong, I may have passed judgment too soon.

I condemn the Soviets' decision to use military might, tanks, and bullets, to repress the Baltic's legitimate and popular prodemocracy and proindependence movements. It is very troubling to me that the Soviets have deployed crack paratroopers, in fact the same units used to spearhead the crushing of the 1956 Hungarian Revolution and the 1968 Prague Spring, to the Baltics. I hope this deployment is not a foreshadow of violence to come.

Clearly, these events signal that the positive reforms that have occurred in the Soviet Union and about which many in the West and here in Congress have made such a big deal are not irreversible. The forces of repression are still alive in the Soviet Union. While I understand the situation, especially the political situation, in the Soviet Union is very complex, that is to excuse for recent violent actions in the Baltics. Further, events in the Baltic only reinforce that any aid we provide must have strings attached to ensure such help fosters real reforms, not subsidizes communist terror.

This crisis asks the question, which is the real Mr. Gorbachev? The Gorbachev who continued, in fact expanded, the war in Afghanistan and is now targetting the Baltics, or the Gorbachev who preached peristroika and glasnost and won the Nobel Peace Prize?

Last week I introduced House Resolution 33 calling upon President Gorbachev to refrain from further use of force against the democratically elected governments of the Baltic States. My resolution specifically noted that coercive tactics are unacceptable among the community of democratic nations, especially when the Soviet Union has united with us in opposition to a similar type of situation, the Iraqi annexation of Kuwait.

As a senior member of the House Foreign Affairs Committee who has been actively involved in Baltic issues for some time, I have cosponsored today's resolution incorporating the same condemnation of violence as House Resolution 33 and calling on the President to review our bilateral relations and take further coordinated actions with our European allies as necessary. Stressing peace, this resolution further calls on the Soviet Government to enter into peaceful and meaningful negotiations with the Baltic Republics and reminds the Soviet Union to abide by the Helsinki Final Act and other human rights instruments to which it is a signator.

Just as Iraq's aggression and repression threaten our national security interests and the promise for a more prosperous, peaceful future, so too do crackdowns in the Soviet Union. President Gorbachev and other Soviet authorities need to know that we will not ignore the troubling actions in the Baltics. Soviet actions will directly affect our relations today and tomorrow.

I believe that President Gorbachev and other Soviet leaders do want to make the Soviet Union a welcome, integral part of the community of western nations. I believe that today's resolution is a strong warning that continuing down the path of repression will not lead to this goal. The Soviets are testing just how far they can go. This resolution answers the test telling the Soviets they are going too far and such actions will not be ignored.

I hope President Gorbachev will act more like the fellow who won the Nobel Peace Prize than directed the Afghanistan war and end the use of military force in the Baltics.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, our hearts go out today to the people of Lithuania, Latvia, and Estonia, as once again they suffer under Stalinist type violence and repression.

I think feelings are especially true on the part of those Members of Congress who visited Lithuania just last March with such high hopes for the emergence of Lithuanian democracy.

I rise in support of this resolution because it is better than nothing. But not much. To be truthful, this is a very irresolute resolution.

□ 1330

Yes, Mr. Speaker, it does condemn the violence in Lithuania and Latvia and, yes, Mr. Speaker, it does ask us to consult with the European community on future steps; but here are some of the things that it does not do which it ought to do.

It does not put President Gorbachev on notice that if he continues the violence we will end farm credits and other economic and technology assistance. It does not call for an immediate meeting of the U.N. Security Council to discuss the violence and aggression that is going on in the Baltic countries. It does not call for the immediate recognition of the democratic countries of Lithuania, Latvia, and Estonia.

I think all of those items are things that I hope the Foreign Affairs Committee on which I serve will take up and address during the weeks to come.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. BROOMFIELD. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts [Mr. CONTE].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts is recognized for a total of 3 minutes.

Mr. CONTE. Mr. Speaker, I rise in strong support of this resolution.

With the world's attention focused on the Persian Gulf, the hardliners in Moscow are settling scores. They came for the Lithuanians a week ago, and left 14 people dead around the radio station.

Last weekend they came for the Latvians. On Sunday, Soviet special forces, armed with machine guns, attacked the Latvian Police Headquarters. They killed at least four Latvians and wounded a dozen more. Nobody knows what has become of the people they led off at gunpoint.

The Latvians know all too well that if the Kremnlin does not get a strong message, these crimes will only be the beginning.

They are mourning their dead and preparing for worse.

They blocked off the Parliament building in Riga yesterday, and set up an emergency medical clinic inside the cathedral. They know what may be ahead.

The Baltics are just the beginning, Mr. Speaker.

The violence that started in these small nations will spread to Armenia, to Georgia, to the Ukraine, and to the newly free cities of Russia itself. It will spread blood and terror across the entire Soviet Union if it is not stopped now.

There must be no question where the United States stands at this crucial moment. And this resolution makes sure there is none.

We are with the elected President of Russia, Boris Yeltsin, as he tries to stop what he calls a reactionary turn and an abandonment of democracy.

We are with the citizens of Moscow as they march outside the Kremlin by the tens of thousands, telling the Nobel laureate and his special forces to get out of the Baltics and get food to the people.

And we are with the free men and women of Lithuania, Latvia, and Estonia as they defend their nations against the terrible force of the Red army.

Mr. Speaker, the Baltic nations have already paid for their freedom in blood and tears. God forbid, there may be more to come. But make no mistake about it. The Baltics will be free.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. HAMILTON. Mr. Speaker, I yield 1 additional minute to the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for a total of 3 minutes.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of this resolution, and I urge its unanimous adoption by the House.

It now appears that Mikhail Gorbachev is determined to act as an accessory to the crimes of Hitler and Stalin. As every Member knows, the two greatest criminal masterminds of this century made a secret pact in 1940 which resulted in the brutal Soviet annexation of Latvia, Lithuania, and Estonia.

Those three Baltic Republics—which, historically, had been free and sovereign nations, were brought under the heel of Moscow by an act of unparalleled political treachery. And now, Gorbachev—the so-called reformer—seems bent on a course that serves to ratify the actions of Hitler and Stalin.

No one has ever suggested that Hitler and Stalin ever deserved a Nobel Peace Prize. I would suggest that awarding the Nobel Peace Prize to Gorbachev may well turn out to be the most ill-considered and premature action ever taken by the Nobel committee.

The issue is made all the more poignant by the fact that the principle at stake in the Baltic Republics' struggle for freedom is the same principle at stake in the Persian Gulf: The right of small, peace-loving nations to live in peace with larger, more powerful neighbors.

Mr. Speaker, a world in which the large are free to prey upon the small, and in which the peace-loving nations of the world are at the mercy of military machines, is a world that is degenerating into the law of the jungle.

Mr. Speaker, the Soviets need to be put on notice—as the language of this resolution plainly does—that the future of our bilateral relations with the Kremlin is at risk, so long as Gorbachev insists on dealing with the Baltic Republics by use of force and coercion.

At the very least, Mr. Speaker, I believe our Government must extend formal diplomatic recognition to the freely elected Parliaments of Latvia, Lithuania, and Estonia. And we must work toward seating the accredited representatives of those Parliaments as members of the United Nations. Maybe then the Kremlin will get the message.

I urge unanimous support for this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, several speakers have stated their concern about the fact that this resolution does not go far enough.

As the original author with the gentleman from Michigan [Mr. BROOMFIELD] of the language, I can tell you that our language was much stronger. We have worked through several revisions, working with the Department of State and the National Security Council in an effort to accommodate their concerns.

I think everyone speaking today would like to see a stronger resolution, and certainly if we do not see a reversal of the policy by Mr. Gorbachev on the Baltic Republics, you can expect one.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I commend the resolution; but concurrent resolutions and condemnations by the President and the Congress are at the bottom line just words. It is important that the Soviets know our feelings, Mr. Speaker, but just words fall far short of the depth of our commitment to human freedom and the independence of Latvia, Lithuania, and Estonia, and far short of the emotions of the American people as Soviet black berets kill innocent Latvians and Lithuanians yearning for freedom.

We need actions, Mr. Speaker. We need to delay the summit. We need to withdraw the Jackson-Vanik waiver and any trade preferences for the Soviet Union.

We need to oppose the associate membership of the Soviet Union in the World Bank and the IMF.

We need to cut off technology transfers and trade credits. We need to channel food aid and other economic assistance directly through the legitimate governments of the Baltic Republics. We need perhaps even to delay the CSCE meetings on human rights scheduled for Moscow in September.

I strongly support the resolution, Mr. Speaker, but the President and the Congress must quickly go beyond just words and take specific actions to pressure the Nobel Prize winner, Mr. Gorbachev, now dancing at the ends of the strings increasingly manipulated by the Soviet reactionaries of the Red army, the Communist Party, and the KGB. He must be pressured to respect the rights of the Baltic Republics and their independence and self-determination.

Mr. Speaker, the newspaper accounts of the repression in the Baltic States in the last week bring to mind the horrible massacre of innocent civilians peacefully protesting in Tiananmen Square in Beijing in June 1989. A brutal and fickle regime chose, rather than to hear the calls of the people for freedom, to crush their hopes under the treads of a tank.

We are on the floor today, as we were in 1989, to call attention to this atrocity and to tell the oppressor that brutal repression is not acceptable no matter where it takes place or what the political circumstances a government faces. A government never gains legitimacy in the eyes of its people nor acceptance in the world community by choosing unprovoked violence as its modus operandi.

Today, by passing this resolution, we will tell the Soviet regime and Mr. Gorbachev in no uncertain terms that the violence against the people of Lithuania and Latvia is not acceptable and has not escaped our attention in this time of crisis; not by a longshot. Mr. Gorbachev's ploy to perpetrate this outrage while the rest of the world is preoccupied with ensuring the world order by disarming a ruthless dictator in the Middle East and restoring the sovereignty of Kuwait has backfired on him.

Not only have his actions drawn the contempt of the world, but his effort to take advantage of the Middle East situation has called into question his commitment to leading the Soviet Union out of the cold war era and into a position of normalized diplomatic and economic relations with the rest of the world.

This resolution sends a clear message to Mr. Gorbachev—the actions in the Baltics signal a new American way of thinking about our relationship with the Soviet Union. Congress will begin to reconsider the United States relationship with the Soviet Union and it urges the President in the strongest terms to do the same. Every day that goes by without peaceful resolution of the Baltic crisis further erodes already tenuous ties between our two nations.

The Soviets and Mr. Gorbachev have one option if they wish to maintain any shred of the relationship we enjoyed before the repression of the Baltics began—stop the slaughter and begin acting like a responsible member of the family of nations.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Nebraska [Mr. BEREUTER].

Mr. HAMILTON. Mr. Speaker, I yield 1 additional minute to the gentleman from Nebraska.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. BEREUTER] is recognized for a total of 2 minutes.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as an original co-sponsor of House Concurrent Resolution 40, I rise in strong support of Baltic self-determination and to condemn the continuing Soviet use of violence and intimidation in the Baltic States.

Today I join with Lincoln, Nebraska's Latvian-American community, and with Omaha's Lithuanian-American community, and with all Americans who cheered last year when the Soviet Union moved away from its previous policies in the Baltics in saying, "Mikhail Gorbachev, you have gone too far."

It is with great sadness and a sense of betrayal that this body must turn its attention to the political conditions in the Baltics. It was just a year ago that the Soviet Congress of People's Deputies condemned the Molotov-Ribbentrop Pact, the secret agreement that carved up central Europe between Nazi Germany and Stalin's Russia. In December 1989, the Soviet Congress overwhelmingly—1,432-252—condemned the Molotov-Ribbentrop Pact—the agreement under which Latvia, Lithuania, and Estonia were violently annexed—as "legally untenable and invalid." Thus, the Soviet legislature is unequivocally on record in admitting that the Soviet Union had no legitimate territorial claims on the Baltic States—that they were captive nations.

Yet, scarcely a year after the Soviet legislative body made that admission of earlier Soviet aggression, we are witnessing an organized, violent effort to squelch the legitimate Baltic drive for self-determination. Moscow is slashing out in an effort to maintain their tottering empire, and Soviet President Mikhail Gorbachev is threatening to impose "Presidential rule." In the course of one short year, Mr. Speaker, Moscow has moved from acknowledging they have no claim on the Baltics to threatening martial law! They have cynically, covertly created artificial provocation so that the Soviets can have an excuse to use force against the citizens and elected governments of the Baltic States—allegedly to restore order. Our intelligence reports predicted this tactic would be used once again in Lithuania and then in Latvia. The latter is seen as a less dangerous environment for Soviet action than Lithuania—less difficult for them to demonstrate their resolve in stopping the independence movement of all the Soviet Republics that are watching the situation in the Baltic quite closely. Action is also threatened in the case of Estonia.

The people of Latvia, Lithuania, and Estonia have proceeded in a slow, measured effort to separate from the U.S.S.R. Each of the Baltic States has held scrupulously clean elections, where the supporters of self-determination won overwhelming victories. Each of the three Baltics understandably rejected Gorbachev's proposed New Union Treaty, but agreed to negotiate exactly how the separation would take place.

What has been the response from Moscow? Instead of negotiating in good faith, Moscow initiated an embargo in order to break the will of the Baltic peoples. Food boycotts, energy boycotts, and boycotts on basic consumer goods. And while the Baltic States struggled to establish a dialog with Moscow, they were met with a stern refusal to negotiate seriously. Then, as world attention was focused on the crisis in the Persian Gulf, Moscow's crackdown grew violent.

We have watched with outrage, and some measure of disbelief, at the violence that has left 14 dead in Lithuania and 5 in Latvia. We saw the concerted efforts of Soviet paratroopers to seize communications facilities and shut down the parliaments, shooting or clubbing any who stood in their way. We have been appalled at Moscow's support for hard-line Communist front groups that are trying to oust the freely elected Baltic governments. And we have not been misled by Mikhail Gorbachev's ludicrous claim that the Baltic peoples instigated the violence.

Mr. Speaker, today's resolution sends a first congressional message to Moscow. More should follow. This body is telling the Soviet Union, too timidly in this Member's judgment, that they cannot expect to enjoy a continuation of the warm and positive relations that we have enjoyed in recent months if they continue to repress the freely elected governments of Latvia, Lithuania, and Estonia. They should not expect the United States to support them during their economic woes if they ignore the will of the Baltic peoples. Very simply, we are telling Mr. Gorbachev to let the captive nations of the Baltic go free.

Mr. Speaker, I urge my colleagues to support this resolution.

□ 1340

Mr. BROOMFIELD. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker and my colleagues, we have to remember the Baltics are different from other Socialist Soviet Republics. They never were a part of the Soviet Union. They were stolen in 1939. Shevardnadze and Gorbachev have admitted that.

So the invasion of these provinces, or whatever the Soviets want to call them, is just dead wrong. We have never recognized their assimilation into the Soviet Union and they should be treated differently from any other elements of the Soviet Union.

Now, this resolution is OK, but just that. It is a concession to the Department of State and to the National Security Council, that comes a few years late. I wish the gentleman from Indiana [Mr. HAMILTON] had been more deferential to the State Department or the National Security Council when Central America was at issue.

But now that we are talking about the Baltics, why, we have to achieve the lowest common denominator by expressing concern and urging negotiation. But it just does not do anything.

Now, a resolution was introduced today by the gentleman from Michigan [Mr. PURSELL], the gentleman from Illinois [Mr. PORTER], the gentleman from California, [Mr. DORNAN], the gentleman from California, [Mr. GALLEGLY], and myself which is certainly no Magna Carta for the Baltics, but it specifies that we should suspend all trade assistance, including commodity credits and export-import credits, and establish full diplomatic relations, send ambassadors to Lithuania, Latvia, and Estonia.

Now, there is much more that could be done if we put our minds to it.

The money that we withhold from the Soviets we should send to Lithuania and to Latvia. The Nobel Prize that President Gorbachev has received, $750,000, should go for hospital care for people who were shot by rogue military, which have been explained away by the Soviet Union.

They must have more rouge military than anybody since the French and Indian wars.

In April 1989, 19 people were murdered in Georgia, in Tblisi, by sharpened shovels and poison gas, and they blamed local military forces. In March 1990, scores of SS-23's, short-range nuclear missiles, that were banned in their 1987 treaty, were found hidden in East Germany, Czechoslovakia, and Bulgaria, and they blamed the military. On January 4, a ship, the *Dimitri Fermanov*, which sailed from Odessa, was intercepted and rerouted to the Red Sea. That was headed to Aqaba, Jordan, loaded with command-and-control vehicles, rocket launchers, explosives, and no doubt headed for Iraq. That was termed a renegade ship. It just looks like nobody is in command. I do not believe that.

So this resolution deserves the support of everybody, but I think if we watch this very carefully in the Baltic States, we can come up with successor resolutions that do more and perhaps send a greater signal of hope to the people in the Baltic regions.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Foreign Affairs.

Mr. GOSS. Mr. Speaker, conventional wisdom has it that the sun is setting in the West. Today the question, Mr. Speaker, is: Is the Sun setting in the East?

The dawn of freedom and self-determination that had emerged around the world is now being set back in the Baltic States, where, in the dark of night, Soviet repression and brutality once again are revealed in the harsh glare of TV lights and eyewitness accounts.

As the world focused on events in the Persian Gulf, Soviet tanks and troops rolled into Lithuania, and now Latvia, crushing property and killing innocent people. But make no mistake, this vicious reminder of hard-line oppression in years gone by has not crushed the spirits of the peace-loving people in the Baltic States, nor has it weakened our resolve in this country to support their efforts.

Mr. Speaker, I urge my colleagues to join in voting to condemn the Soviet crackdown in the Baltics, while calling on President Bush to think carefully about our future assistance and relations with the Soviets. We all understand that we don't want to force Gorbachev into the arms of the Soviet hardliners—but it would be far worse to a watching world for us to reward Gorbachev for making a u-turn and heading back into the dark ages. We need to send a strong message from this House and do it now. Let us do it.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Speaker, I rise in support of House Concurrent Resolution 40 and I want to congratulate the gentleman from Michigan [Mr. BROOMFIELD] for his leadership and his remarks. I also want to congratulate the gentleman from Illinois [Mr. HYDE] on his bill that I have cosponsored that will force stronger measures on the Soviet Union with respect to the Baltic nations.

If we are going to liberate Kuwait, we should also do everything within our power to ensure self-determination for the Baltics. The standing committees of both the House and the Senate should take this opportunity to develop a very forceful, aggressive, and positive foreign policy measure on behalf of this country and the President that will liberate the Baltics and ensure the sovereignty of the Baltic peoples. Obviously there are several measures, including economic sanctions, that could develop.

From a historical perspective, the United States has never recognized the forcible annexation of the Baltic States. In the hearts and minds of all Americans, Lithuania, Latvia, and Estonia will always be considered as independent European nations. Their occupation by a foreign power is inconsistent with the Helsinki Final Act, the U.N. Charter, and other international accords on human rights and self-determination. Soviet attempts to suppress democratic development and to prevent the Baltic peoples from choosing their own destinies must be condemned.

But the Congress and the administration must do more than debate and approve nonbinding resolutions showing our displeasure with Soviet actions. In affirming our historical commitment to the nonrecognition of Soviet domination of these countries, we need to pursue a policy of expanding our diplomatic contacts with the Baltic States, eventually leading to official diplomatic recognition of these countries. Rather than rotating State Department officials through these countries for only days at a time, the Congress should approve legislation that would facilitate the placement of U.S. ambassadors and their staffs in the Baltic capitals. Likewise, the Baltic legation offices here in Washington should receive official designation as the Embassies of Lithuania, Estonia, and Latvia. This would conclusively demonstrate to the Soviet Government and the people of the Baltics that we are serious in our efforts to work with their freely elected legislative bodies and public officials.

In addition to establishing diplomatic relations, the United States must do everything possible to increase the number of cultural, commercial, and educational contacts with the Baltic States. There is little question that democracy is a virus that infects every Communist and totalitarian regime in the world. Increasing the number of contacts between Lithuanians and Americans, for example, of all walks of life would ensure that the disease becomes terminal to those governments who seek to deprive its citizens of basic human rights.

Finally, the United States must suspend all proposed economic programs such as commodity credits and favorable trade relationships. These programs send the wrong message to the Soviet Government and will only impede the march toward freedom and self-determination.

I strongly support the resolution, and thank the leadership for their work in bringing this to the floor, but I remind my colleagues that our work has only just begun.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Speaker, the last 5 years, I have had the honor of being the cochair of the Baltic States and Ukraine caucus. We have 150 members from both parties of this House in that caucus.

We are calling for the complete recognition of the independent Baltic States of Latvia, Lithuania, and Estonia at this very severe time.

I want to condemn the murders that have taken place, the illegal actions that have taken place. We want to condemn all those responsible in the Soviet Union, including Gorbachev himself. We think that we should demand to stop all economic aid to the Soviet Union until they allow for the independence of all three of the Baltic States.

The first resolution I had the honor of introducing in this Congress was one of solidarity with Poland in 1981. This Nation and our people have stood in solidarity with the Polish people through their fight for independence unto today with economic aid.

It has been a bipartisan agreement, it has been a strong feeling on behalf of the American people.

Now we all stand united once again with the brave people of the Baltic States. We call for their independence, we call for their democracy, we call for our Nation, our leadership in this Nation, this administration, to do everything it possibly can to lead to those ends finally and totally.

For the membership, I want to remind them that tomorrow at 1 o'clock in the Merchant Marine Committee room, we will be honored to have the Vice President of Latvia and the Vice President of Lithuania. Many of us over the years, the past few years, have had a chance to meet with these people, these leaders. We know how brave they are, how courageous they are, how dedicated they are to independence, and we stand with them united in passing this resolution today. And I think we will, as the ranking member said, and the chairman of the subcommittee, we will be passing further resolutions to deny all economic aid, aid of all sorts in the future.

☐ 1350

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 40, condemning the recent use of Soviet military force in the Baltic States, and I would like to commend the distinguished chairman of the Foreign Affairs Committee, Mr. FASCELL, as well as the distinguished ranking Republican member of our committee, Mr. BROOMFIELD, for their outstanding and timely work on this measure.

For the last 2 years we have marveled at the political sea change in Eastern Europe. It is clear that the quest for human freedom once unleashed, cannot be again contained. Freedom is not like the volume knob on a television. It cannot be manipulated by some remote control device in President Gorbachev's living room. It is an abstract concept the desire for which is inherent in all living things.

For the past 50 years the United States has refused to recognize the forced annexation of the Baltic States, and has long supported the principle of self-determination for the peoples of Lithuania, Latvia, and Estonia. Now the States of Lithuania, Estonia, and Latvia have established democratically elected governments which have chosen to exercise their right to self-determination.

During the last 2 years, United States-Soviet bilateral relations have improved, in response to the democratic reform in the Soviet Union. We have fully supported President Gorbachev's policies of glasnost and perestroika. Recent events in the Baltics are a cause of enormous concern to the United States, and will have important repercussions for United States-Soviet relations.

Soviet troops have surrounded and occupied government buildings and other public facilities in the Baltic States in an attempt to intimidate the Baltic peoples and governments and to assert Soviet control over those States.

It seems to me that these events represent a serious reversal of progress toward democracy in the Soviet Union. For these reasons, I join my colleagues in condemning the brutal, violent crackdown by Soviet forces in Lithuania, and in calling for President Gorbachev to immediately cease the use of force against the people of Lithuania.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I rise in strong support of House Concurrent Resolution 40.

We, as a free country, cannot stand silent when people around the world seek freedom on their own.

Mr. Speaker, this is a good resolution. It is not a resolution that should be cast aside as action, but small action at best. In fact, it is vital to our credibility around the world and at home that we stand strong in support of those who seek freedom.

I commend the committee for their fine efforts in this regard, and I urge all Members of this House to support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the very distinguished chairman of the Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], for yielding this time to me.

Mr. Speaker, this is an important resolution. It is a shame that the House is not full. We spent 3 days; the Speaker has said the longest debate since the close of World War II, on an issue debating whether Iraq ought to get out of Kuwait. What is Kuwait? Kuwait is an emirate, not a democracy, not elected freely by the people of Kuwait.

Mr. Speaker, three emerging democracies stand threatened today. The people of Lithuania, of Latvia, and Estonia, under the leadership of President Gorbachev were allowed to move ahead to elect their governments, and they have done so. Again under the leadership of President Gorbachev the people of the Soviet Union to some degree selected a Congress of People's Deputies, to some degree democratically, and they in December 1989, in reviewing the history of Estonia and Latvia and Lithuania, observed that the incorporation of those countries, at least to the extent that it was posited upon the treaty of Stalin and Hitler, was legally untenable. Now the Soviet leadership tries to project that at some subsequent date after the two tyrants of their time, Joseph Stalin and Adolph Hitler, tried to divide up central and Eastern Europe, the leadership tries to maintain that at some time subsequent to that the people of Lithuania and Latvia and Estonia all of a sudden, occupied by Soviet troops at the time, decided that, oh, yes, they no longer wanted to be free nations of the world, that they wanted to be subjugated under the heel of Joseph Stalin.

Does anybody in this body believe that? Does anybody in this country believe that? Does any citizen who loves freedom in the world believe that? I think not. I hope not. I pray not.

We have arrayed the largest army since the Second World War on the borders of Kuwait, one of the largest armies since the Second World War arrayed on the borders of Kuwait, to defend and with the stated objective of expelling another tyrant of the world, Saddam Hussein, and his army from Kuwait. I share that objective. In a world of law we cannot allow and must not allow larger nations to gobble up smaller nations, but let us not forget that the passage of time does not justify that, and although this war has been going on for 5 days in the Middle East, for five decades the Soviet military has imposed the will of the Central Soviet Government on Lithuania, Latvia, and Estonia.

Mr. Speaker, this resolution says that, although we are committed in the Middle East, we are not distracted from the threat to freedom in other places on our globe. Let us pass this resolution, and let us speak out, 535 strong, Representatives of the people of America, and let us also urge our President to speak out strongly, and, if action is required, not necessarily militarily, but economically certainly, then let us be willing and ready to take that action on behalf of the freedom and freely elected governments of what this Nation perceives to be the independent and sovereign nations of Lithuania, Latvia, and Estonia.

Mr. Speaker, just last week, in response to the outrageous events of the previous weekend in Lithuania, I rose to call upon President Gorbachev to withdraw his troops from Lithuania, Latvia, and Estonia. At that time I pointed out that the Soviet Union's own Congress of People's Deputies had declared that the presence of troops in the Baltics was legally untenable. Regrettably, those troops, reinforced by others, are still there. In the meantime, the actions of Soviet troops against the innocent citizens of Lithuania have been condemned universally. This condemnation has been joined not just by nations outside the Soviet Union but by leaders of reform-minded republican governments within the Soviet Union.

What has been the official Soviet response to the events in Lithuania and the expression of world concern? Unfortunately, it has been anything but constructive. Instead of trying to mend the damage of the last several days, President Gorbachev disclaimed responsibility by asserting that he only learned of the violent turn of events in Vilnius after the fact; and then, in an egregious attempt to "blame the victims," further stated that those who were killed and injured brought it on themselves. When several proreform Soviet newspapers criticized the central government's violent intervention in Lithuanian affairs, President Gorbachev's response was to try to have the new law on freedom of the press rescinded and to reinstate firm state censorship. Furthermore, we have witnessed the rollback of glasnost in the cynically inaccurate reporting of central television's news coverage of events in Lithuania.

Today, at a time when the world's attention and energies are concentrated upon events in the Persian Gulf, we must not allow our attention to become so focussed that we neglect to respond properly to the Soviet Union's outrageous and illegal use of force to suppress the development of democracy in Lithuania and the other Baltic states.

To this end, the Commission on Security and Cooperation in Europe—the Helsinki Commission—held a hearing on January 17, with Assistant Secretary of State for European and Canadian Affairs as a witness, and we have just heard testimony from the vice presidents of the Lithuania and Latvia Parliaments. Further, United States representatives in CSCE fora in Vienna and Valetta have joined other member states in the Helsinki process in condemning Soviet Government action in the Baltics and calling for a restoration of peaceful negotiation there.

Mr. Speaker, I rise as cosponsor of this resolution and urge my colleagues to do so. I commend the Foreign Affairs Committee, and its chairman, Congressman FASCELL, for bringing this resolution to the floor so quickly.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, it is excellent that we have begun this Congress by moving resolutions that have to do with human rights to the floor so quickly.

Mr. Speaker, Kuwait is 1.9 million people, and there are hats being worn all across this country that say, "Liberate Kuwait," and I strongly support that liberation. They are part of the human family.

As the great English poet of the 1600's, John Donne, wrote: "Any man's death diminishes me, because I am involved in mankind," and he went on in his great poem to write that, "No man is an island, entire of itself; every man is a piece of the continent, a part of the main." He concluded that every time you heard the bell, do not look to whom it was ringing for; the bell "tolls for thee."

Well, Kuwait is a Moslem country; Estonia, Latvia, Lithuania are Christian countries. Lithuania is a Christian country of my faith, the Roman Catholic faith. There are more people in Lithuania than there are in Kuwait by double. There are 3.7 million people in Lithuania, 2.7 million in Latvia, 1.6 million in Estonia. That makes 8 million fellow Christians who are suffering.

As we talk, a nation that shares our very heritage, our very Bible, our Judeo-Christian heritage—the nation of Israel—has been attacked. Her people are just now coming out of the bomb shelters. This was just on television.

□ 1400

They have been under a missile attack for the last couple of hours. Patriots, again barely installed, are already apparently scoring victories though one Scud may have gotten through. How can we separate these two crusades in our minds, to liberate Kuwait or to secure the small State of Israel, with a little over 4 million citizens? And can we just let these three Baltic countries disappear again under a Communist heel of oppression?

Stalin's troops first conquered Lithuania on June 15, 1940. He moved on the next day up to Latvia, following the same exact pattern that Mr. Gorbachev's troops are following, and on the third day, Estonia, on June 17, 1940. Why did the world not notice? Because France collapsed that day, and within a month, on July 10, the Battle of Britain was under way, a battle fought entirely in the air, just as we are fighting in the Middle East today.

How can we write off these three countries when we have never ever recognized the Stalin conquest and occupation?

The first thing I did as a freshman was to visit their legations, and I recommend that every Member do the same. I thank the gentleman from Florida [Mr. FASCELL], the gentleman from Indiana [Mr. HAMILTON], and particularly the gentleman from Michigan [Mr. BROOMFIELD] for getting this concurrent resolution to us and having it debated on the floor so quickly. Though it is far weaker than the Hyde resolution, which I have cosponsored, it still sends a message. I wish, however, we would for once hold Gorbachev to the same standards as other tin-pot dictators.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair wishes to state that the gentleman from Michigan [Mr. BROOMFIELD] has 30 seconds remaining and the gentleman from Indiana [Mr. HAMILTON] has 3 minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH].

Mr. BROOMFIELD. Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. LEACH].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] is recognized for 1½ minutes.

Mr. LEACH. Mr. Speaker, I thank both the gentleman from Michigan and the gentleman from Indiana for yielding this time to me.

Mr. Speaker, many have asked, what is the connection between U.S. policy in the gulf and U.S. policy in the Baltic States? The similarity is profound. While Saddam Hussein has properly been characterized as a tinhorn Hitler, he is also a Stalinist committing unjust aggression that the sands of time should not be allowed to sanctify.

In the Baltics, where Stalinist aggression occurred in 1940, the current Soviet Government is employing tactics that go back to this particular Soviet leader that cannot be characterized as modern or democratic in any sense that Mr. Gorbachev would like us to believe. Stalinist tactics are being employed in the Baltics today just as they were 50 years ago.

While in Kuwait we have the capacity to act, whereas we do not in the Baltics, and we should not imply that we can, at least militarily, philosophically we stand rock solid for the principle of self-determination. Moscow must understand that it will be impossible to have normal relations with the Soviet Union until this issue of the Baltic States is resolved under international law in complete accordance with the American philosophical perspective, which is that consent is the only manner in which legitimacy of government is derived.

In short, Mr. Speaker, this is no time for the Congress of the United States to mince words. The threat to freedom in the Baltic republics is dire. During the past fortnight the paws of the Russian bear have made savage swipes at Riga and Vilnius, with tragic consequences for all the world to see. Through both brute force and clandestine subterfuge, Moscow today appears recklessly bent upon overthrowing and undermining the independence movements in the Baltics with which the whole free world so thoroughly identifies.

History has shown that in the end the Kremlin cannot succeed. The spirit of Baltic independence cannot be quenched either by Bolshevik or tsarist tyranny. But America must do more than rest secure in the knowledge that the days of multiethnic and multilingual imperial constellations are on the wane and that, eventually, the Baltic peoples will be free.

As President Bush has forthrightly warned in recent days: Continued Muscovite coercion in the Baltics not only jeopardizes superpower summitry, but places in grave jeopardy a whole spectrum of possible United States-Soviet cooperation. In particular, it will undoubtedly block further progress in United States-Soviet economic relations, from banking and credit to tourism and trade.

In the Soviet Union today, the sinister forces of reaction, of great Russian imperialism, and of authoritarian state controls are on the prowl. The West has seen this grim Soviet visage before. Consequently, we have no illusions about the nature or purposes of the shadowy so-called national salvation committees that have suddenly sprung forth in the Baltics, and may yet leap out from the stygian Stalinist legacy elsewhere in the Soviet Union to strangle democratic progress in other republics.

Reminiscent of the organizational elitism set forth by Lenin in 1903, "What Is To Be Done?", such bodies are the conspiratorial agency of a possible reactionary Communist coup d'etat.

In steps reminiscent of its forcible takeover of the Baltics in the 1940's, the Kremlin appears embarked on a cynically coordinated strategy to create the facade of internal disorder in order to justify the imposition of a quasi-marshal law regime or direct Presidential rule. No leader in human history has used the rhetoric of democracy more to justify the accumulation of dictatorial powers than Mr. Gorbachev.

The Goebbels-like assertion made by him and his epauleted associates that the violence in Latvia and Lithuania was precipitated by the Baltic peoples themselves is patently absurd. It is flatly contradicted by numerous news reports from East and West.

Mr. Gorbachev and his closest associates cannot evade responsibility for this new brutality in the Baltics. After all, Gorbachev himself in recent statements both presaged and attempted to justify, in general terms, precisely the course that the Red army, Soviet internal security, and pro-Moscow fifth column elements in the Baltics have so brazenly embraced.

Despite denials by the Soviet leadership that it is moving toward dictatorship, Gorbachev has repeatedly forewarned Soviet society that Moscow might undertake forceful measures—including imposition of a state of emergency or direct Presidential rule—to control secessionist republics and disorder in the country.

In response to pressure from traditionalist party organizations, military leaders, and the Soyuz deputies group, Gorbachev on December 1 changed the Ministry of Internal Affairs leadership, replacing Vadim Bakatin with Boris Pugo as minister and Gen. Boris Gromov—former Red army commander in Afghanistan—as first deputy. In the late fall, Gorbachev ordered Defense Minister Yazov and KGB Chairman Kryuchkov to make statements on television expressing their willingness and ability to participate in a crackdown, Gorbachev has also gone out of his way to identify himself with the armed forces, praising the Red army as the bulwark of external state sovereignty and even internal stability.

Mr. Speaker, in attempting to halt the breakdown of central government and Communist party authority, as well as to stem Soviet disunion, Gorbachev is evolving from a tsar-liberator to Nicholaian or Brezhnevite reactionary. As one commentator suggests, Gorbachev has performed a coup on himself. Not only glasnost but perestroika hang in the balance.

The United States can do little to shape the outcome of the tumultuous political struggles in the Soviet Union. It may well be that the U.S.S.R. will experience a period of protracted internal crisis, a new "smuta" or time of troubles.

Likewise, the United States cannot guarantee that the Baltic States will regain the sovereignty so cruelly and illegally snatched from them in 1940. But even as the independent governments in Riga and Vilnius prepare to make a last defensive stand around the symbols of democracy, their Parliament buildings, America can guarantee that it will not lend its voice to illegitimate Soviet claims nor lend a hand to Soviet designs for significant Western economic assistance if it continues to stifle the voices of freedom. Stalinism should not be fed.

Mr. GEPHARDT. Mr. Speaker, like all those who love freedom and revere democracy, I watched with horror the images of Soviet black berets attacking the people of the Baltic States. It appears that it has become the policy of the U.S.S.R. to use military force to oppose the exercise of democratic rights by freely elected governments in the Baltic Republics. If this is indeed the new Soviet policy, America must vigorously register its outrage and opposition. For repression of freedom anywhere is a threat to freedom everywhere. And so this Congress, and this country, are right to stand up and be heard whenever and wherever freedom is under attack.

For some 5 years now, we have watched in fascination, and trepidation, the metamorphosis of the Soviet Union. That the Soviet Union is undergoing fundamental change is certain; that the change will be for the better is not. To their credit, the reformers in the Soviet Union withdrew their military forces from Afghanistan, finally recognized the right of the people of Eastern Europe to self-determination, and began a policy of openness at home. But as time has passed, the Soviet economy has weakened reformers have been replaced with hard-liners, and authoritarianism threatens once again.

In this era of change, there has been a great debate over how America should respond. Because there is no guarantee that change will bring progress, some voices of leadership in this country have been immobilized by apprehension, disguising the vice of timidity as the virtue of caution. Others have called for action. I count myself among the activists. I have long believed that a proactive, forward-looking foreign policy was essential if America was to seize the day and shape the change in what we used to call the eastern bloc. I called for a policy of economic, political and cultural engagement—all to foster change and nurture the infant movement toward democracy and free enterprise in Eastern Europe and the Soviet Union. Our policy should include both carrots and sticks. I believe we were too timid and tardy with our carrots; that at a time when encouraging democracy and free enterprise in the Soviet Union were within our power, we hesitated. Let us not make the same mistake when we must apply the stick.

As we have seen in recent months, democracy is a fragile thing. That is why it is America's special mission in the world, as the shining beacon of freedom for all the world, to aid freedom. Part of that duty is to speak out when freedom is under fire. That is why I am proud to be a cosponsor of the resolution offered by the distinguished chairman of the Committee on Foreign Affairs.

The courageous and embattled men and women of Riga and Vilnius must know that the American people hear their pleas—and the leadership of the Kremlin must know that as well. It is my fervent hope and prayer that the Soviet Union will turn away from dictatorship and toward democracy. There is much America can do to shape that decision. Today's resolution is just such a measure, and I urge my colleagues to join me in supporting it.

Mr. MICHEL. Mr. Speaker, I join with our colleagues in support of House Concurrent Resolution 40 condemning the recent brutal violence by Soviet forces in the Baltic States.

For 50 years the Baltic States have been symbols of two different things: unprovoked and savage oppression by communism and heroic, enduring sacrifice by the people of Lithuania, Latvia, and Estonia.

In recent years, we allowed ourselves the false hope, based on absolutely nothing but Mr. Gorbachev's words, that the situation had changed.

We had come to believe that the words "glasnost" and "perestroika" actually meant a slow, but inexorable movement toward freedom for the Baltic nations.

Now we know better.

In one sense, at least, there is something to be gained from the recent tragedy.

At last we are free of our delusions about a gradual evolving toward democracy in the Soviet Union.

It will be impossible for any of us to see Mr. Gorbachev as the sweet-talking, reasonable man of peace the West has been deluding itself he is.

It is better to be disappointed by a harsh truth than to be deluded by a false hope.

And yet, despite the current situation, there is a reason to hope.

Neither the rulers of the Soviet Union nor the rest of the world can erase what the brave people of Lithuania, Latvia, and Estonia have done in recent years.

No amount of propaganda can change the fact that the Baltic people have proclaimed they are free.

Their freedom has not yet become a reality in diplomatic terms. But it has become a reality in terms of intention. No matter what occurs in the Baltic States, there can be no turning back now.

Mr. Gorbachev is deluding himself if he truly believes that he can enforce through tanks today what 50 years of tyranny couldn't enforce.

The sooner he learns that, the sooner the United States can start to reconsider our position in regard to his government.

I am glad to be able to get the chance to join with our colleagues in support of this resolution.

It is our way of showing that the House of Representatives and the American people have not turned our backs on the Baltic States.

Yes, our minds and hearts are directly concerned with the Persian Gulf—but we are aware of what is happening in the Soviet Union, and Mr. Gorbachev should not forget it.

What he has done, does Mr. Gorbachev no good in the long run.

Whatever gains he might think he is making in trying to stop the movement toward freedom are nothing compared to the losses he has suffered in prestige and credibility around the world.

The United States of America, under 10 Presidents of both parties, has never recognized the forcible incorporation of the Baltic States into the U.S.S.R.

That has been our position and it remains our position. Everything we do diplomatically toward the Soviet Union in the future should begin and end with that truth in mind.

Mr. ANNUNZIO. Mr. Speaker, I rise to condemn the Soviet repression of democratic reform in the Baltic Republics.

We as a Congress must let Mikhail Gorbachev know that we won't tolerate a continuation of the violence we've recently seen in Latvia and Lithuania. We must act now before more Baltic citizens join the dozens of victims who have died or received serious injuries at the hands of Soviet troops.

I endorse the call for a peaceful solution to this crisis that is contained in House Concurrent Resolution 40, which I have cosponsored.

I also support the bill's call for a reevaluation of our policy on trade and economic aid to the Soviets. We can't help Gorbachev unless he finds a peaceful solution to this problem.

Further, we must consider recommending a cancellation of the President's upcoming summit meeting with Gorbachev if the Soviet leader's treatment of the Baltic Republics doesn't improve.

The resolution before us now represents a positive move in support of democracy in the Baltic Republics. I urge my colleagues to support House Concurrent Resolution 40.

Mr. BILBRAY. Mr. Speaker, I rise today with outrage and condemnation of the recent actions by the Soviet Army in the Baltic regions. It is extremely unsettling, that one of the principal partners in our international resolution to establish a new peaceful world order can so barbarically strike against their own people. As the rest of the world community stands shoulder to shoulder in defending the rights of other sovereign states, it is time that the Soviets also begin to reevaluate their own internal situation and acknowledge the sovereign rights of states swallowed by previous Soviet regimes.

The Republics of Latvia, Lithuania, and Estonia clearly saw development of the last few years not as a chance to break away, but as the opportunity to finally assert their sovereign rights as independent states. For too long these peaceful Baltic nations have been held prisoners of the Soviet Union with the excuse of protecting Soviet security. But there is no longer a threat. There is no threat from Finland, Sweden, Poland, or any other European country. Many of these are struggling states trying to affirm democratic values and establish Western type economies. They have no time or desire to threaten the Soviet Union.

These three states simply strive to coexist with their neighborhoods as vital, productive neighbors. Why not allow them this right? Mr. Gorbachev's other argument is that he will not be able to preserve the Soviet Union if he allows any pieces to be broken off. I wonder if he has looked out the windows of the Kremlin over the last several days. The people there are not part of an orchestrated May Day march. They are independent, free thinking human beings condemning the blood that he has brought upon his hands. It is time for Mr. Gorbachev to stand up and break the yoke of the Communist Party, the army, the KGB, listen to the masses and realize that he cannot and should not stop the changes that have already begun.

To my colleagues and to the world, I hope that my previous words have expressed the outrage that I feel about these brutal actions. However, I want to express a note of caution. The military power of the Soviet Union, the nuclear power, is still very much alive. We stand on the threshold of a historic era, when the possibility of a drastic reduction in the world's nuclear threat is finally within our grasp. Although we must stand against the outrage committed in these states, we must allow the Soviets room to continue the changes that they have started. The last year and a half has seen changes that few if any of us could have dreamed. They have been drastic, rapid, and unexpected, leaving many, especially the Soviets, unprepared for the problems that it would bring with them. We must continue to carefully watch the situation and its developments and use the economic and international tools that we have, not drastic, thoughtless action which would hamper the gains made in the recent past.

I strongly support the motion which we have today, especially the care which we have used to include our European partners. It must be a priority to show the Soviets the bond that continues to build in Europe, especially the newly formed bonds between East and West. We must continue to show Mr. Gorbachev that he no longer must fear the West militarily but must seriously estimate Europe's economic might. As the awakening democracies of Eastern Europe join the European community, he is going to find that he is going to have to practice what he preaches. He must show Soviet citizens the same restraint and openness that he showed to the former Soviet satellites in their roads to freedom.

Let us not move forward ill prepared, unwittingly laying the groundwork for a return of the cold war. There is no doubt that what is going on is wrong and must be stopped. However, let us use economic muscle against Mr. Gorbachev, at a time when he desperately needs our help. Mr. Speaker, fellow colleagues, I rise in strong support of this resolution, and urge all of you to join me in condemning the atrocities being perpetrated in the Baltic Republics.

Mr. HORTON. Mr. Speaker, I rise today in support of House Concurrent Resolution 40, As the world has focused its attention on the war in the Middle East, recent serious human rights abuses in the Soviet Union have gone largerly unnoticed. It is for this reason that I am proud to support the passage of House Concurrent Resolution 40, condemning the use of Soviet military force in the Baltic States. The use of Soviet military troops to supress democracy movements in Lithuania and Latvia is reminiscent of an earlier area where Moscow's totalitarian regimes sent tanks rolling through the streets of Hungary and Czechoslovakia.

While I have supported President Gorbachev's policies of perestroika and glasnost in the past, I am deeply troubled by the recent events in Lithuania and Latvia. The Soviet leader has maintained that he was unware that military forces would be used in the Baltic States. I find it highly unlikely, however, that such actions could have been taken without Moscow's approval.

I have joined several of my House colleagues in urging President George Bush to cancel his planned February summit with President Gorbachev in protest over actions in Lithuania. We must prove to President Gorbachev that, though tremendous progress has been made in improving United States-Soviet relations, this stands in jeopardy if further force is used against the Baltic States. This would be highly unfortunate not only for the citizens of Lithuania and Latvia, but for the leadership of the Soviet Union and the rest of the world community.

Mr. YATRON. Mr. Speaker, I rise in strong support of this critical and timely resolution.

It strongly condemns the recent violence by Soviet forces in Lithuania and calls on President Gorbachev to cease the use of force against the democratically elected Baltic governments. It further calls on the Soviet Government to peacefully negotiate its differences with the Baltic States and Soviet republics, and to abide by its human rights commitments. The resolution supports President Bush's condemnation of the Soviet actions and calls on him to reassess United States-Soviet relations.

Mr. Speaker, the bloody crackdown in Lithuania and in Latvia is as sad as it is tragic. It is a stark betrayal of the spirit of glasnost and of the democratic and economic reforms sweeping throughout Eastern Europe. The Soviet action constitutes a violation of the Helsinki Final Act, the U.N. Charter, and other international human rights covenants.

It is most ironic that this violence was sanctioned, if not ordered, by a Novel Peace Prize winner, at a time when the international community acted resolutely in Iraq to thwart the use of force as a means of resolving disagreements between peoples and governments.

Clearly, the dark forces of repression are far from dead in the Soviet Union. Recent actions against the independent press, ominous statements by the head of the KGB, the appointment of antireformists to key positions, and the bleak warning by former Foreign Minister Shevardnadze are extremely foreboding developments.

I have written to President Bush and President Gorbachev expressing my disdain over the use of force in Lithuania. The United States has never recognized Soviet domination of the Baltic States and passage of the resolution will demonstrate that the United States remains committed to this policy.

I want to commend the chairman of the Foreign Affairs Committee, Congressman FASCELL, and ranking member, Congressman BROOMFIELD, for their bipartisan leadership on this issue. I want to also commend Mr. HAMILTON, Mr. DURBIN, Mr. GILMAN, and Mr. BEREUTER, for their outstanding efforts as well.

Mr. Speaker, this resolution deserves the support of every Member of this Chamber.

Mr. MOODY. I am proud to be a cosponsor of this resolution condemning the recent brutal repression in the Baltic Republics. The current Soviet suppression of freedom in Lithuania is shocking.

For the past few days, Congress and most of the world have been focused on the crisis in the Persian Gulf. While the world had its back turned, Gorbachev has sent troops into the Baltic States and other republics and used brutal force to reassert central control. Despite our concerns about war in the Middle East, we must not fail to speak out about this tragedy.

As the world watches in horror, Soviet authorities are moving to dismantle the growing machinery of democracy in the Baltics. Gorbachev is attempting to declare null and void the recently elected parliaments in the Baltics and has tried to shut down all opposition press.

The people of the Baltic States are not afraid to fight for their own democracy. In fact, they are willing to make the ultimate sacrifice as we have seen. But these small republics have dared to challenge a superpower and they cannot do it alone. We have seen the horrific photographs of peaceful Lithuanians being rolled over by Soviet tanks. Nothing could state more clearly the odds that the Lithuanians, Latvians, and Estonians are up against. They desperately need our help and the help of the entire international community.

Unfortunately, the Soviet Union has yet to learn a lesson that has brought down governments around the world: In the long term, the peoples' cry for democracy must and will be heard. To struggle against that tide will cause tremendous suffering and will, I believe, ultimately fail.

Many in this country had placed great hopes on Gorbachev's program of reform. These recent actions cast doubt on what that program has been and what it may become. If Gorbachev is leading this effort, there is great cause for concern. If this policy shift is an indication of his slipping control, there is equal cause for concern.

I encourage President Bush to show leadership in this critical moment. He must not hesitate to respond. He has many tools at his disposal including the approaching United States-Soviet summit, Western credits and preferential trade treatment. I believe that current Soviet actions in the Baltics will have tremendous repercussions for United States-Soviet relations.

On behalf of the Lithuanian, Latvian, and Estonian communities in my district, I demand—and continue to demand—independence for the Baltic Republics. We must work together to help these republics realize their long-delayed aspirations for liberty and self-determination.

Mr. LEVIN of Michigan. Mr. Speaker, I rise today in support of House Concurrent Resolution 40 and condemn the the brutal actions of the Soviet Government in Lithuania and Latvia. At a time when Americans are risking their lives in the Middle East, we cannot allow terror to triumph in the Soviet Union.

We in Congress have strongly supported the policies of perestroika and glasnost. But actions speak louder than words. And promises of reform mean nothing when innocent people are being murdered merely because they seek the freedom that has been denied them for 50 years.

We have heard words of denial from the Soviet military. We have heard Soviet leaders try to shift the blame for last week's deadly assault.

But pictures, like actions, speak louder than words. We cannot forget the image of a young Chinese student defying a tank in Tiananmen Square. We also cannot forget the photograph last week of a Lithuanian being crushed beneath the treads of a Soviet tank. And the more recent picture of a Latvian slain during a Soviet attack on the Latvian Interior Ministry.

As Americans battle a ruthless dictator in the Middle East, these photographs serve as an unfortunate reminder that brutality can be found even among those with whom we are forging closer ties.

But those ties were based on an understanding that the Soviet Union had begun to shed the tyranny of its past. With 15 dead in Lithuania and 5 dead in Latvia, we see little evidence of such a commitment.

Last winter, the people of Lithuania declared their independence from the Soviet Union. When the Soviet Government responded with acts of intimidation, we in Congress sought to persuade Soviet President Gorbachev to enter negotiations with the Lithuanians.

Now the Soviets have taken more drastic steps to crush the Lithuanians, and we in Congress must also take more drastic steps toward the Soviet Union.

Mr. KANJORSKI. Mr. Speaker, I rise today in strong support of the resolution before us, of which I am a cosponsor, condemning the Soviet violence in Lithuania.

If the leaders of the Soviet Union feel that the United States is too preoccupied with the current war in Iraq to respond to the brutal actions in Lithuania, they are mistaken. To them, I must report that the violent injustice that the Lithuanian people have incurred has been monitored carefully by the American public.

To the brave citizens of Lithuania, I would like to say that they have the American public's support in their struggle for freedom.

We in the United States must work to see that this injustice is reversed. The violence in Lithuania, and its implications for all of the Baltic States, cannot be ignored. The resolution before us specifically calls on President Bush to make this issue a priority item on the agenda of the upcoming United States-Soviet summit.

I urge President Gorbachev to reverse the recent trend toward violence in Lithuania, and to enter into negotiations to allow the brave people of Lithuania to pursue their human rights, and their right for freedom and self-determination.

Mr. FEIGHAN. Mr. Speaker, as the United States leads the world in stopping the aggression of a cold and brutal dictator in the Middle East, we must also call attention to the horrible and unlawful aggression taking place right at this moment in the Baltic States of Lithuania, Latvia, and Estonia.

Following the cowardly and cynical examples of Stalin and Khrushchev, Gorbachev has tried to capitalize on a world crisis that diverts attention from his own brutality. On the day after Nazi forces entered Paris in June 1940, Soviet tanks rolled into Vilnius. Again, with the world's attention on the Suez crisis in 1956, the Soviets crushed a democratic rebellion in Hungary. Now, also the world watches the crisis in the gulf, Soviet shock troops are reasserting central control in the Baltics and killing defenseless civilians in the process. The West must not follow the wornout script of resignation in the face of Soviet aggression. We must act decisively and immediately.

The resolution before us puts Congress on the side of democracy and the self-determination of peoples in the Soviet Union. For 50 years, Congress and the American people have not recognized the forcible incorporation of the Baltic States in the Soviet Union. We have shared the joy of the Baltic peoples as we saw their dream of true independence move closer to reality in the last year. We refuse to see the clock turned back after having come so far.

In passing this resolution, we will tell Gorbachev and his conservative clique that they cannot expect the United States to stand by and watch the evolutionary process reversed. History is on our side. We will actively oppose any attempt to turn the clock back. The resolution before us will make this known to Gorbachev and it will urge the administration to do the same.

But after this day is done and the resolution passed, we must not stop there. We must go beyond words and use our power, our resources and our influence to protect democracy and freedom in the Baltic States. We must reconsider our offer for those items which Gorbachev wants—indeed, takes for granted—from us. That is, we must suspend trade concessions and credit guarantees. President Bush should reconsider the schedule for the upcoming summit meeting. The President should send a high-level U.S. delegation to meet Baltic leaders, express our support, and observe the situation first hand. Finally, we must act upon our pledges to send aid directly to the Baltic governments.

The time to do this, Mr. Speaker is now. The United States should not sit back and observe the suppression of democracy. I urge all my colleagues to support this resolution. More importantly, I urge them all to be active in support of Baltic freedom.

Mr. MCGRATH. Mr. Speaker, I rise in strong support of House Concurrent Resolution 40, condemning the recent Soviet ordered violence in Lithuania.

During the past week, Americans have been focused on events surrounding the Middle East and rightfully so. This country is now engaged in a fight to free Kuwait and to dispose of a terrorist dictator. However, there is a situation taking place in the Soviet Baltic States that deserves the attention of the Congress and the President of the United States.

On February 24, 1990, the Lithuanian people participated in free, multiparty elections for the first time in 72 years. Saujdis, the independence party, won a clear mandate in that election, winning 72 of the contended seats—a majority in the 141 seat legislature. Shortly afterward, the Lithuanian people declared their independence, yet the Soviet Union refuses to recognize the new government. On January 13 of this year, the Soviet Government attempted to intimidate the Lithuanians by sending armed Soviet troops rumbling into the capital city, killing 15 unarmed civilians and injuring over 100 others.

One of the principles on which our Nation was established is the right of self-determination. If we are to remain true to ourselves, we cannot deny this right today to the people of Lithuania who seek to dissolve the bonds which have connected them to the Soviet Union. We all want to see President Gorbachev succeed in reforming his country, but if the price of that success is the compromise of our most basic principles, then the price is very high indeed.

Fifty years ago, America spoke with outrage as Stalin and Hitler conspired to deny Lithuania her sovereignty. Two generations later, the proud people of Lithuania seek to repair this terrible injustice and are looking to the United States for support. To remain silent at this moment would make us accomplices in the Soviet effort to smother Lithuanian independence, and would deny the principles that we hold most dear as Americans. We must commend their courage and stand by them in their struggle for freedom.

I urge my colleagues to join me in support of House Concurrent Resolution 40. If ever there was a time for the Congress to speak out unanimously in defense of freedom and independence, as the Lithuanians themselves have, it is now. President Landsbergis and his countrymen have withstood Soviet pressure with remarkable courage and resolve, but they cannot go it alone forever. They have appealed for the recognition and support of their friends in the West, and it is time we give it.

Ms. SNOWE. Mr. Speaker, I rise in strong support of the resolution introduced by the gentleman from Florida [Mr. FASCELL] and our distinguished colleagues, and I commend them for bringing the plight of the Baltic States before the Congress.

At a time when the world has united to condemn unprovoked aggression against a small nation by a larger, more powerful and undemocratic neighbor in the Persian Gulf, it would be tragic indeed if the Soviet Union were allowed to impose its will against the Baltic States without attracting the attention and the condemnation of the world community.

It is shameful and disturbing that the Soviet Government of President Gorbachev has chosen this time of conflict against Iraq to crack down on the democratically elected governments of the Baltic States, and to reverse the policies of openness and candor which Mikhail Gorbachev has himself promoted.

Last year, I joined many of my colleagues in cosponsoring a resolution condemning the Soviet pressure and economic sanctions against Lithuania, as it moved peacefully to reassert the independence of which it was so cruelly deprived by Stalin in 1940.

That resolution received the overwhelming support of the House at that time, and I urge my colleagues to join again now in reaffirming United States support for Baltic freedom, and to warn the Soviet Government that its apparent choice to revert to a policy of cracking down on internal dissent will have immediate consequences on its improved relations with the United States and the West.

Mr. ROTH. Mr. Speaker, I rise in strong support of this resolution condemning the Soviet repression in the Baltic States.

Fifty years ago, in one of the most sinister alliances ever formed, the Soviet Union and Nazi Germany signed a nonaggression pact that divided up Poland and the Baltic States, setting the stage for the start of the most deadly war so far in history. The Soviet Union under Joseph Stalin occupied the three Baltic States of Lithuania, Latvia, and Estonia. In return, Hitler invaded Poland without Soviet interference. Not until the end of World War Two did the rest of the world discover that the so-called nonaggression pact was really the curtain call for 20 years of peace and freedom for the Baltic people.

Since that fateful August in 1939, when the pact was signed, the Baltic peoples have lived under the yoke of both Nazi tyranny and Soviet brutality. The allied victory in World War Two marked the end of nazism. However, with the Soviet Union occupying all of Eastern Europe and the Baltic States bordering the Soviet Union, the fate of the Baltic States seemed to be sealed.

Despite the dark days that followed, the heroic peoples of the Baltic Republics held out hope that one day their independence would be restored.

Buoyed by the United States' refusal to recognize the annexation of the Baltic States, the Baltic peoples waited for the day when the Soviet grip would loosen. That day came last year when freely elected parliaments in the Baltic States voted to form independent republics. The world, and the Baltic people, waited for the response from the Soviet Union's President, Mikhail Gorbachev.

The Soviet leader threatened and postured, sending Soviet armored personnel carriers through the streets of each of the three Baltic capitals. The resolve of the Baltic people remained unshaken. Economic sanctions were imposed. The resourceful Baltic people continued to defy the Soviet President.

For over a year, the Baltic Republics stood firm against the intimidations of the Soviet leaders and their military. With the world's attention becoming more focused on the gulf crisis, an important event—the resignation of Soviet Foreign Minister Eduard Shevardnadze—signaled that a dramatic change in the Soviet posture toward the Baltic Republics was about to take place.

Shevardnadze's resignation on December 20, took many in the international community by surprise. His short, direct, and pointed statement that "the Soviet Union was heading for dictatorship" was even more surprising given the hopes and promises that glosnost and perestroika have created over the last few years. How prophetic his words were.

On January 2, the Soviet Union's elite paratroopers and special police began a systematic crackdown on the Baltic States.

They took action in Latvia first, seizing the main publishing house in Riga, the Latvian capital, 6 days after it announced plans to become an independent company.

During the next 3 weeks, the Soviet Union under Gorbachev repeated in striking fashion the takeover of the Baltic Republics by Stalin over 50 years ago. Soviet tanks rolled through the streets killing at least 14 people and injuring over 140. Special police forces took control of key areas of communication as the Lithuanians and Latvians built makeshift barricades to defend their freedom. As yet, the Soviet military crackdown has not hit Estonia, but those people stand ready against the black berets of the Soviet storm troopers.

Although America's attention is focused on the gulf war, we must stand behind the democratic movement in the Baltics.

After 50 years of standing firm, the resolve of the United States must not weaken.

Instead, our message to Gorbachev should be clear and unambiguous. Improvement of United States-Soviet relations is contingent on independence for the Baltic peoples. Continued repression will do irreparable damage to United States-Soviet relations as well as to glasnost, which holds so much promise for the Soviet people.

Already, the Europeans have acted to suspend $1 billion in aid to the Soviet Union and further action is being considered. The United States must show its determination that this repulsive act by the Soviet Union be reversed.

This resolution puts Congress on record against the Soviet repression of the Baltic Republics. But let's put some resolve in the resolution. I urge that we take further action that will let the Soviets know that their aggression will not stand. These are the darkest days for the Baltic people; since 1939, and our support of their cause is crucial as they struggle to regain the freedom denied them 50 years ago.

Mr. KYL. Mr. Speaker, I rise in strong support of House Concurrent Resolution 40, condemning Soviet violence in Lithuania.

The Soviet military crackdown in Lithuania, leaving 13 civilians dead and 200 wounded, is a tragic reminder that old habits die hard.

And, it doesn't stop there. Soviet forces also launched an assault Sunday on the Latvian Interior Ministry, killing 5 and wounding 10.

The policies of glasnost and perestroika advertise a Soviet Union committed to political and economic reforms. However, Soviet actions in Lithuania demonstrate that the Soviet Union is guilty of false advertising.

The United States must signal the Soviets that their actions will not be tolerated; that the Soviet turn to the repressive policies of the past, doom United States-Soviet relations in the future.

Mr. SMITH of New Jersey. Mr. Speaker, while the eyes of the world are riveted on the hostilities in the Persian Gulf and Iraq, the Soviets have violently and systematically abused the human rights of the people of the Baltic States. Perhaps Soviet officials thought their actions would go unnoticed or even be overlooked. However, the events of recent days—the storming of Government buildings and the firing of live rounds onto unarmed protestors resulting in many deaths—demand our condemnation and justifiable response.

The United States rightfully never recognized the forcible annexation of the Baltic States. In recent years, Mr. Speaker, the advances of reforms within the various republics provided hope for freedom-loving peoples inside and out of the Soviet Union. Indeed, the reforms offered the opportunity for democratic change through multiparty elections in Lithuania, Estonia, and Latvia. I commend the Baltic parliaments for their courageous steps taken in keeping with their right to self-determination. Mr. Speaker, today we grieve with the tens of families whose loved ones met face to face with the brutality of Soviet forces. Mr. Speaker, let us not be all-consumed by the gulf crisis such that we fail to condemn openly and diplomatically this brutal crackdown of the Baltics. Our condemnation must be unequivocal.

Let Mr. Gorbachev not forget that this branch—the legislative branch—must approve the United States-Soviet trade agreement signed last June—which the President has not yet submitted for consideration—before most-favored-nation trading status will become effective. In fact, I believe we must reconsider the extension of credit guarantees to the Soviet authorities which was cleared as a result of the partial waiver of the Jackson-Vanik amendment.

Mr. Speaker, I strongly support the resolution which we are considering today and I feel it is extremely important that the Congress is given this opportunity to go on record against the Soviet aggression.

I encourage my colleagues to join in a united voice in favor of this resolution. Mr. Speaker, it is my hope that our action taken today will be immediately transmitted to the authorities in Moscow and the military leaders as a clear statement of our intentions and conveyed to the democratic leaders in the Baltics to further bolster their commitment to democratic principles and genuine freedom from military aggression.

Mr. KLECZKA. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 40 which condemns the recent Soviet violence in Lithuania.

As an original cosponsor of this resolution and a founding member of the Baltic freedom caucus, I am outraged by the recent upsurge of Soviet threats and attacks on the peaceful people of Lithuania, Latvia, and Estonia.

Let me briefly describe the heinous violence we are condemning today.

On Sunday, January 13, the world watched appalled as Soviet Army paratroops brutally stormed a Lithuanian Government television station and transmission tower in Vilnius, killing at least 13 civilians.

One week later, vicious Soviet Black Berets were unleashed on neighboring Latvia, where they attacked and briefly occupied the Latvian Interior Ministry building in Riga and killed at least four civilians.

Despite considerable evidence to the contrary, Soviet President Mikhail Gorbachev and his Defense and Interior Ministers neither condemned these unprovoked attacks nor admitted ordering them.

Instead of acknowledging their responsibility for the actions of forces directly under their command, the Soviet leaders absurdly blamed the Baltic independence movements for instigating the assaults, arguing that the troops were protecting themselves from civilians.

While Mr. Gorbachev spoke soothing words to reporters yesterday in his press conference, his actions speak louder than his words.

We in America will also be judged by our actions, and not only by our words.

That is why House Concurrent Resolution 40 not only denounces Soviet violence but also suggests specific actions America can take to do something about it.

Most importantly, the resolution urges President Bush to consider imposing economic sanctions and other punitive measures on the Soviet Union if it continues to use force in the Baltics.

Considering the enormous effort we are making to free the people of occupied Kuwait, how can we not take even these few steps on behalf of the people of the occupied Baltic States?

If America is serious about promoting a new world order in which democracy reigns and disputes are resolved peacefully, Congress must act today to protect the Lithuanians, Latvians, and Estonians.

I strongly urge my colleagues to vote for this resolution.

Mr. COUGHLIN. Mr. Speaker, I rise today in support of the resolution to condemn recent Soviet actions in the Baltic States and to call in the strongest way for the Soviets to withdraw their forces of repression from the Baltic area immediately.

Last week, under the cover of developments in the Persian Gulf, Soviet military forces attacked a television station in Lithuania, causing at least 14 deaths and well over 100 injuries. Soviet President Mikhail Gorbachev and other leading Soviet officials asserted that they did not order this crackdown, and further maintained that it was precipitated by the Lithuanian side. A host of international reporters were on the scene and have reported, however, that the Soviet troops acted without provocation against peaceful, unarmed protesters, in some cases literally running over them with tanks. There can be no doubt in anyone's mind that the Soviet forces alone were responsible for these atrocities and that the Soviet leadership, which has yet to denounce these activities or take actions against the perpetrators, holds full responsibility for these terrible misdeeds.

Over this past weekend, Mikhail Gorbachev compounded this earlier outrage by pursuing similar actions in Latvia. His black beret internal security troops stormed the Latvian Interior Ministry on Sunday, killing at least four and wounding almost a dozen more. Again, the incident has been blamed on an innocent party, in this case Latvians holed up in their Interior Ministry Building. Again, the Soviet justification is a sham.

It is clear that these and related acts of terror undertaken by some within the Soviet establishment are part of a larger effort to turn back the clock and reimpose strict Communist rule throughout the U.S.S.R. A coalition of military, KGB, and Communist Party officials, led by hard-liners like Soviet Defense Minister Dmitri Yazov, KGB Chairman Vladimir Kryuchkov, Interior Minister Boris Pugo, and others are behind this effort. They justify their behavior on the basis of enforcing Soviet law in the Baltic States, which were illegally annexed by Joseph Stalin in 1940, and today are among the most advanced of the republics in terms of asserting their own independence from Moscow. The people of the Soviet Union, however, should make no mistake: What is happening today in the Baltics will occur tomorrow throughout the rest of the U.S.S.R. unless it is halted now. All of the people of the Soviet Union, who have suffered so terribly ever since the imposition of Lenin's dictatorship, are about to have their newly won freedoms usurped by yesterday's forces of darkness.

Some have suggested that President Gorbachev has lost control of events and is now essentially a puppet of those who are conspiring to turn back history. Others maintain that Gorbachev has willfully allied himself with these elements and is bent on destroying the legitimate and democratically elected governments in the Baltic Republics. Whatever version of events one subscribes to, however, there can be no doubt that we must hold him, as the Soviet President, responsible for these events.

Indeed, the resolution before us today does this in no uncertain terms. It urges the Soviet leader to withdraw his military forces from the Baltic States immediately and puts him on notice that Moscow's actions represent a serious threat to the progress that has been made in United States-Soviet relations over the course of these last few years. A continuation of the repression that has been witnessed in the Baltic States cannot but have the most severe consequences for United States-Soviet relations in the days ahead.

Mr. Speaker, I know that all of my colleagues join me in calling on the Soviet leadership, in the strongest terms, to move forward with democratization and to resolve any differences with the Baltic States only through negotiations.

Mrs. MINK. Mr. Speaker, I want to join with the sponsors of House Concurrent Resolution 40 in expressing my strongest opposition to the use of force by Soviet militia against unarmed citizens in Lithuania and Latvia.

The unprovoked violence by Soviet troops against these two countries that seek only to consummate their peoples desire for independence must be condemned as contrary to the universal principles of self-determination.

With the tacit approval of the Soviet Union, this decade began with the remarkable burst of democratic movements throughout eastern and central Europe. We all were cheered by these astonishing developments.

We saw the Berlin Wall crumbled under the powerful stampede of the will of oppressed people to be free at long last.

But, now, cruelly, and without justification, similar hopes and aspirations of the people of Lithuania and Latvia are torn to shreds under gunfire and irreconcilable intolerance.

These Baltic States have the historic right to reclaim their independence. We are in a period when this right must be fulfilled. And America must lead the way for this to occur.

America's role is self-evident. We must grant immediate recognition to the States of Latvia, Lithuania, and Estonia as free and independent nations entitled to sovereign status including representation in the United Nations.

Not only must we express our abhorrence of the violence that took place over the weekend, but we must actively bring about the immediate recognition of these countries as free and democratic nations. It is inexplicable to me that the United States has not, in the spirit of the new world order, already announced its recognition of the independent States of Latvia, Lithuania, and Estonia, not in defiance of the Soviet Union, but rather ironically in recognition of the new changes fostered by President Mikhail Gorbachev which have increased the aspirations of Baltic peoples that they too could be free.

I ask this House to go beyond the context of this resolution and urge the recognition of the independent Baltic States as free and democratic governments. And I urge the United States to petition the United Nations to admit these three countries as full-fledged members.

The right of the Baltic States to be accorded nation status must be made a matter of the highest priority. Human dignity and self-determination cries out to be heard. If not by America and the United Nations, then by whom?

Mr. MAZZOLI. Mr. Speaker, I rise today with my colleagues to denounce the Soviet Union's aggressive actions against the people of Lithuania.

The Baltic States—Lithuania, Estonia, and Latvia—were illegally annexed by the Soviet Union in 1939 under the infamous and treacherous agreement struck by Molotov and Von Ribbentrop, the Foreign Ministers of the Soviet Union and Nazi Germany. So, for over 50 years, the Balts have been denied their basic rights of national self-determination and sovereignty.

There is no denying, Mr. Speaker, that the cold war has thawed somewhat.Credit for this positive development must be given to Soviet President Mikhail Gorbachev. He is much beleaguered at home, in the Kremlin, and in the 15 constituent republics of the Soviet Union for this change of attitude and action.

Some of the Soviet hard-liners call Gorbachev's actions those of apostasy and heresy. Call them what one will, they are courageous steps in the right direction, but, I fear Mr. Speaker, that President Gorbachev's actions may come to naught unless he denounces in the strongest terms the shameful military and police reprisals against the Lithuanian people and moves swiftly and resolutely to penalize severely the perpetrators and to enact safeguards to guarantee these episodes will not be repeated.

At stake for the Soviet Union are improved relations with the West, most-favored-nation status, continued grain sales, trade pacts—all of which are vitally important if the U.S.S.R. is to improve living and working conditions for its people.

President Bush should not shrink from acting to suspend aid programs and trade pacts with the Soviet Union. He should be no less resolute in his stance toward the situation in Lithuania than he is toward Iraq and the crisis in the Persian Gulf. Likewise, the United Nations should be as firm and unyielding toward aggression against Lithuania by Soviet officials as it has been toward aggression against Kuwait by Iraqi troops.

Without these moves, Mr. Speaker, the cool war could quickly be warming up, if recent moves could cool down again to everyone's disadvantage.

Ms. DELAURO. Mr. Speaker, not so long ago, the world rejoiced at the wave of freedom that swept over Eastern Europe and sang the praises of Mikhail Gorbachev. Never had the nations of the modern world seen a leader of the Soviet Union who was more tolerant of dissent, more committed to peace and progress, or more visionary in his relations with the East bloc countries and with the rest of the world.

Now, only months after President Gorbachev received the Nobel Peace Prize, he has sent troops to suppress democratically elected governments in his own backyard. Mr. Speaker, one of this world's greatest hopes for peace is disintegrating before our eyes.

Reports of Soviet tanks smashing peaceful protesters are too reminiscent of the gruesome scenes in Tiananmen Square. Only a year and a half ago we were contrasting the butchers of Beijing with the enlightened leadership of the Soviet Union.

When he resigned recently, former Soviet Foreign Minister Eduard Schevardnadze condemned Gorbachev's move away from reform and enlightenment.We, too, must condemn this movement backward to the ways of Brezhnev and Andropov.

President Gorbachev has denied responsibility for the bloodshed in the Baltics. Whether or not he ordered the crackdown, the President is responsible. Mr. Gorbachev encouraged the military and Mr. Gorbachev has failed to denounce these brutal acts.

Although all eyes are on the Middle East, we are not blind to the vicious acts of the Soviet Army and internal security forces. I urge my colleagues to support this resolution and send a clear message to President Gorbachev that the world is not blind to Soviet aggression in the Baltics.

Mr. SKAGGS. Mr. Speaker, I am glad to see the House of Representatives bring this resolution to a vote so promptly. It is important that we speak with one voice in condemning the recent military crackdown in Lithuania and Latvia.

Not very long ago, the world watched and dealt with the Soviet Union through a curtain. The Iron Curtain served not only as a military boundary, but as a political boundary past which our power and opinion had little practical effect. Events that took place behind that curtain, even when unacceptable or illegal by western standards, were usually thought to be beyond our influence.

Then, in 1989, the curtain lifted. Cold war reality and "evil empire" rhetoric gave way, first in disbelief; and then with hope that fundamental change in the Soviet Union was actually underway. We cheered as the Berlin Wall came down; as democratic governments emerged in Eastern European countries; as President Gorbachev seemed genuinely to welcome political, social, and economic reform in his own country. The world was so enthralled by Mr. Gorbachev's willingness to let go of Eastern Europe, and by his claimed conversion to reform politics, that he won the Nobel Peace Prize.

And now, suddenly, history has gone into reverse. On January 7, using tactics and rhetoric reminiscent of the old Soviet Union the Soviet Defense Ministry ordered thousands of paratroops into the secessionist republics and threatened the Baltic Republics with military action. A week later, Soviet troops stormed the Lithuanian radio-television center, killing 15 people and injuring hundreds. And 3 days ago, Soviet black beret commandos stormed the Latvian police headquarters, killing five people.

The easing of tensions between the Soviet Union and the United States has been a wonderful and welcome development. It is the course on which we would choose to continue. But it is not a course we will follow at any cost to the people of the Soviet Republics.

President Gorbachev must be made to know this. He should be under no illusion that our attention is so riveted to the Persian Gulf that we do not notice brutality and violation of human right in the Baltics. President Gorbachev must be made to know there will be no business as usual—with economic agreements, with commodity credits and other trade concessions—while tanks and guns are used against citizens in the Baltic Republics.President Bush said the planned February summit is "up in the air" in light of the events in Lithuania.

President Bush said the planned February summit is "up in the air" in light of the events in Lithuania. He has said the administration would be reevaluating recently concluded economic agreements with the Soviet Union. Mr. Gorbachev must be made to know that canceling the summit and revoking trade agreements are steps this Government is willing to take if the Soviet Government resorts to rule by tanks and military force; that we cannot acquiesce in a return to repression.

Our long-term relationship with the Soviet Union depends upon a clear showing by the Soviet Government that it is committed to democratic and economic reform. We take this position not just because it comports with some Western notion of what is proper. We do it because a constructive relationship depends on mutual trust and respect, and because history has taught us that governments which do not enjoy the trust of their own people are not likely to be reliable friends.

Mr. RAMSTAD. Mr. Speaker, today I rise to condemn the Soviet Union's treatment of the Baltic nations.

With the collapse of communism in Eastern Europe and the advent of glasnost and perestroika, it seemed as though our world was approaching a time of peace and reform. There was a sense of euphoria spreading throughout the world community as the future of democracy was looking brighter.

Now we find ourselves in the midst of fighting naked aggression in the Middle East. As our attention is focused on our goal to liberate Kuwait and stop Saddam Hussein, we have seen unconscionable acts committed against the people of the Baltic States.

The Soviet military, in surrounding and taking over government buildings and public facilities in Lithuania and Latvia, has killed at least 14 and injured at least 140 people. The Soviet Union is attempting to reimpose dictatorial control over the people. We cannot tolerate the recent human rights violations of the worst kind.

Fifty years ago, the Soviet Union forcibly annexed the Baltic Republics of Lithuania, Estnia, and Latvia. The United States refused to recognize this action.

We were right then, and we are right now, as we condemn the Soviet Union's brutal violence against the Baltic States and call on President Gorbachev to end the naked aggression immediately.

Mr. LEVINE of California. Mr. Speaker, I rise to express my deep concern about recent events in Lithuania.

The Soviet regime has suppressed the Lithuanian independence movement with a brutality not seen since the Tiananmen Square massacre. Almost overnight, the promise of glasnost and perestroika has vanished. The murderous outrages committed by the Soviet regime against the people of Lithuania and the other Baltic States has shattered our hopes that the Soviet Union was finally prepared to honor the fundamental human rights of its citizens.

This crackdown has made a lie of Gorbachev's windy phrases of commitment to reform and democracy. The sounds of rolling tanks and lethal gunfire have rekindled memories of Hungary and Czechoslovakia.

To compound the outrage, the Soviets military cynically waited for the world's attention to be focused on the gulf war to begin its crackdown. With a style reminiscent of Joseph Stalin, "salvation committees" were created to support the Central Government and to justify Moscow's military action. And the last shreds of glasnost were tossed in the trash heap when censored news reports of the crackdown bore no resemblance to what really happened in Vilnius.

As much as the Bush administration would like to ignore the events in Lithuania and Latvia, Congress must respond firmly and immediately to the crisis. We cannot remain silent about this outrage.

I am pleased we have taken up this important resolution so quickly. But we must be prepared to move further if the administration refuses to take concrete action in response to the continued terrorization of the Baltics by the Soviet regime.

I strongly urge my colleagues to support House Concurrent Resolution 40, and send a firm message to Moscow that it will pay a high price for its ruthlessness.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today in strong support of the resolution condemning recent Soviet violence in Lithuania. At least 15 innocent and unarmed Lithuanians were killed January 13 for no reason other than their unwillingness to concede the struggle for self-determination.

Today's resolution is not just about Lithuania. It's about people everywhere who seek to affirm the basic rights of self-determination movement and autonomy. It's about the struggle in Estonia and Ukraine. It's about Latvia, where volunteers staunchly defend their parliament building against further attacks by Soviet forces. Today, as we vote on this resolution, Latvia mourns her own dead—four people killed by Black Beret internal security troops who stormed the Latvian Interior Ministry this weekend.

There's another bitter irony about the timing of this resolution. Today, we lend our voices to the call for independence in the Baltics while this same week, the 53 million people of Ukraine commemorate their more than 70-year struggle to regain their own independence. January 22, 1991, marked the 73d anniversary of Ukrainian Independence Day, reminding us all that for Ukraine—like the Baltic States—Independence is long overdue.

A New York Times editorial today asserts that "today's Soviet Union has come a long way from its totalitarian past, too far to retreat." The United States has come to recognize Mr. Gorbachev as a friend and a leader who holds out the promise of freedom in the Soviet Union. We, the United States Congress appeal to him today, to put an end to the violence in the Baltic States. We call on Mr. Gorbachev and the Government of the Soviet Union to initiate peaceful and meaningful negotiations with all the Soviet republics as they struggle to regain their national sovereignties.

The experiences of Eastern Europe—in Poland, Czechoslovakia, Hungary, and East Germany—have proven that self-determination can be won peacefully and that freedom can be exercised without repression, censorship, or bloodshed. For Latvia, Lithuania, Estonia, and Ukraine, the same peaceful change is possible. We must stand behind them as they struggle to achieve it.

Mrs. LONG. Mr. Speaker, as the events of the Soviet Union continue to move toward greater and greater political instability, I urge the adoption of House Concurrent Resolution 40 condemning Soviet violence in Lithuania. In addition, I urge our Department of State to maintain open communication with the leaders of the Baltic States, as well as Soviet leaders in Moscow.

During the past few weeks, events in the Baltic States have escalated, and we have learned of civilian deaths in Lithuania and Latvia by the Soviet military. Now, we face disarray in the Soviet Union and the serious possibility of further unrest in outlying Soviet republics. Any Soviet crackdown in an attempt to control the ethnic regions would surely bring more bloodshed to those determined to control their own destinies.

House Concurrent Resolution 40 outlines several important courses for United States policy toward the Soviet Union, Lithuania, Estonia, and Latvia. It sends a clear message to President Bush that the Baltic issue should be a priority during the United States-Soviet summit of February 10. It calls on the administration to demonstrate the United States support of the Baltic States, and to emphasize our lack of recognition for the Soviet annexation of the Baltic States.

Maintaining open lines of communication with the political leaders of the independence in the Baltic States is critical, and would fulfill two goals. First, it would aid the United States in gaining accurate information regarding the political and military situation in the area of concern. Second, it would send a message to Mikhail Gorbachev that the United States is serious about peace in all Soviet republics, and that the Baltic situation must be resolved without violence.

When President Bush participates in the United States-Soviet summit next month, the administration should also consider initiating summits with the presidents of those republics which have enacted declarations of independence. These Baltic State leaders are elected directly by the people of their respective republics, and diplomatic initiative on the part of the United States would underline our support for their cause and their commitment to the emerging democratic process in the Baltic States.

As we face increasing risk of great disorder in the Soviet Union, our Government needs to be particularly vigilant with regard to this issue. I urge the enactment of House Concurrent Resolution 40 and the pursuit of additional diplomatic relations with the Baltic States. The United States must take a committed stand for peace and democracy in the U.S.S.R.

Ms. PELOSI. Mr. Speaker, we were all filled with hope at the new course taken by the Soviet Union when it embarked on its policy of glasnost. We celebrated the reduction in tensions, the freeing of Eastern Europe, the end of the cold war. We welcomed the freeing of dissidents, the flowering of free expression.

It is therefore with great sadness that I rise to condemn the Soviet Union for reverting to its previous pattern of brutal repression, denial and press censorship in the Baltic Republics.

As our own revolutionary history illustrates, there can be no greater objective of a people than to control its own destiny. Dedication to this objective was the foundation of our great country; now a similar dedication is being shown by the people of Lithuania, Latvia, and Estonia. We must not ignore it.

I do not want to see a return to the cold war and yet I believe strongly that the United States should back the people of the Baltic Republics who ask merely for the ability to exercise their right of self-determination.

Mr. Speaker, I fear that the courageous people of Lithuania, Latvia, and Estonia may be forced to pay the consequences of our ill-conceived policy of violence in the Middle East. They may be forced to pay because of the President's unwillingness to confront an important member of the anti-Iraq coalition. They may be forced to pay because our attention is diverted by legitimate concerns for the safety of our young people in the gulf.

Such would be our folly, for if we believe that Iraq's aggression cannot be allowed to stand, we must hold the Soviet Union to the same standard, alliances notwithstanding.

I, therefore, call upon the President to take a stronger stand against Soviet aggression in the Baltics. And I call upon my colleagues in Congress to be consistent—to take strong measures against this injustice, beginning with the passage of this resolution.

Mr. FRANKS of Connecticut. Mr. Speaker, while we all watch and hope for a speedy resolution to the conflict in the Persian Gulf and the eventual liberation of Kuwait, we should also keep in our hearts and minds on the outrageous actions by Soviet backed forces imposing their will on the freely elected Governments of Lithuania and Latvia.

Although the Soviet Government has publicly supported the coalition forces seeking to remove Iraq from Kuwait, those statements ring hollow when we watch with horror the murder of innocent, freedom-loving people in the streets of Vilnius and Riga.

What is most troubling is the indication that these actions, sanctioned by Moscow, may only be a warmup for a similar crackdown in Estonia.

This country should stand ready and resolute to rethink the way we do business with the Soviets if they try to return to the days of bullets and bayonets.

Mr. Speaker, I hope this Congress will act soon on legislation that sends the Soviets a clear signal that we cannot help them change their country through economic aid if they don't alter their thinking of the new world order.

The Lithuanian and Latvian people are giving all of us an inspirational display of courage as they defend their hard won right to choose how they will be governed.

Despite barricades, sheer will, and the popular support of the people in the Baltic States, and Soviet forces are formidable and ruthless.

We should at the very least pledge to directly aid the Baltics and show the Lithuanian, Latvian, and Estonian people we support their struggle for freedom.

We cannot allow a new Iron Curtain to be pulled shut over the Baltic States.

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is hard for me to believe that only 2 weeks ago I, along with several of my colleagues, were meeting with members of the Supreme Soviet to discuss how the branch of government which is closest to the people—the legislature—functions in a democracy.

During my speech to the group of Soviet legislators, I discussed the aspirations of the Baltic nations, and how the United States has never recognized the illegal annexation of Latvia, Lithuania, and Estonia by the Soviet Union. They were surprised when I told them of the strength and commitment of Americans of Baltic descent in seeing freedom for their homelands and of the many Baltic Independence Day rallies I have participated in throughout my years as the Sixth District Representative. I must admit that my remarks were not well received by the Soviets, but felt that at least I had communicated to them the strength of our resolve and the level of concern Baltic freedom holds for many Americans.

How ironic that during the frank exchanges, symbolic of a new world order which the nations of the world were pledging to uphold in the Persian Gulf, an insidious reminder of the old world order was erupting along the borders of the Baltic nations. The day our envoy left Moscow, the tanks began moving on Lithuania. The Baltic nations were again in danger of falling victim to the might of the Soviet Army, the very same power that stripped these nations of their independence over 50 years ago.

But the people of the Baltic nations have not fallen. Neither 50 years of Soviet occupation and suppression of their culture, nor the deportation of thousands of their families and friends to Siberia during 1940, nor months of economic and political intimidation from Moscow, has extinguished the flame of independence and freedom in the hearts of the Baltic peoples.

I rise today in support of the resolution to honor their courage and perseverance and to condemn the use of military force by the Soviet Union in the Baltic nations. I urge President Mikhail Gorbachev to withdraw his troops immediately from Latvia, Lithuania, and Estnia and adhere to the rule of international law and seek peaceful means of resolving this conflict. During our vigilance in ensuring that aggression is not rewarded in the Persian Gulf, we must not let the Baltic nations slip from our sight behind another iron curtain.

Mrs. LOWEY of New York. Mr. Speaker, rise today in strong support of House Concurrent Resolution 40, to condemn the brutal Soviet crackdown in the Baltic Republics.

For years, our Nation has watched with awe and even admiration as President Gobachev of the Soviet Union has guided his nation away from the path of repression and totaltarian rule. Under his rule, the Soviet Union finally relaxed its oppressive grip on the nations of Eastern Europe and initiated serious economic and social reforms in the Soviet Union itself.

However, the recent brutal crackdown in Lithuania and Latvia represents a dramatic regression to the days of Stalinist repression in the Soviet Union. We feel a sense of dismay and outrage at President Gorbachev's public justifications of the Communist-led violence in the Baltic Republics. And we feel a sense of abandonment that this leader, who has been honored with the Nobel Peace Prize, would allow a return to the path of violence in the face of the worthy attempts by the Baltic Republics to reestablish their independence and freedom from Soviet occupation.

There can be no question that Gorbachev is facing difficult problems in the Soviet Union that threaten his rule and threaten to create serious instability in that nation. But there can be no valid justification for the brutal Soviet response to the independence movements in the Baltic Republics. There can be no support in the United States or the civilized world community for this return to the dark ages of repression in the Soviet Union. Rather, we must join in a strong condemnation of these atrocities, and express our firm commitment to do what we can to prevent their recurrence.

It is especially unnerving that this crackdown is happening at the very time when the international community has reached an unprecedented level of cohesion and cooperation. If the Soviet Union wishes to rejoin the world community as a full participant—and to remake its economy so that its citizens can enjoy a better standard of living—it must never again return to the path of cruelty and repression.

The Soviet Union must end this crackdown, immediately and unconditionally. If it does not, the United States must be prepared to take strong actions to demonstrate our firm and unyielding opposition to this new course in that nation.

The road to democracy from totalitarianism is long and arduous. But we must work to ensure that the Soviet Union continues to travel that road. Although progress has been made, the current situation is unacceptable to the nations of the world which value peace and freedom.

I urge my colleagues to join me in strong support of House Concurrent Resolution 40. One of the greatest virtues of the United States is our commitment to freedom. We cannot remain silent in the face of brutal oppression by the Soviet Union or by any other nation.

Now is the time for us to speak out against the horrors of Soviet violence in the Baltic Republics.

Now is the time to express our support for the heroic independence movements in those Republics.

And now is the time to help build a new world order, supported by the foundations of independence and freedom to which all human beings are rightfully entitled.

We must send this strong message to the Soviet Union that the only path which holds hope for the future is the path of freedom and democracy.

Mr. KENNEDY. Mr. Speaker, I rise today in strong support of the resolution offered by Mr. FASCELL condemning Soviet military occupation of the Baltic States. I would like to especially thank the chairman of the Foreign Affairs Committee for his quick response to the crisis and commitment to advancing human rights in the Soviet Union.

The United States has never recognized the 1940 annexation of the Baltic States. We have instead supported a policy that encouraged the economic and political empowerment of Lithuania, Latvia, and Estonia. The results of that policy were realized when democratic elections were successfully held last year. However, after witnessing 10 months of Soviet confrontation with the Baltic States many of our raised expectations have been dampened.

The Baltic people have suffered a great harm at the hands of Soviet forces in recent days. In Lithuania, 15 have been killed, 64 remain missing, and over 300 injured. In Latvia over the weekend, five Latvians have joined the total death count. And throughout the Baltics, moreover, large cities are shut down and normal life has once again been changed by violent repression.

Mr. Speaker, while I am encouraged by Mr. Gorbachev's promise yesterday to peacefully resolve the crisis, the United States cannot stand by idly and let the brutal crackdown in the Baltic Republics go unnoticed. We must take concrete steps to ensure that this style of coercion will not happen again.

House Concurrent Resolution 40 is a preliminary response. It calls on the President to continue condemning the occupation, urges him to place the Soviet policy in the Baltics on the next summit agenda, and invites the President to review all bilateral programs should punitive measures become necessary. As a cosponsor of this resolution and member of the human rights caucus, however, I believe he needs to do much more.

At today's end, both the Senate and House will have spoken on America's outrage to Mr. Gorbachev's policy in the Baltic States, and both houses will have signaled to the President that stronger action may be needed.

The Lithuanian people have the right to seek economic and political freedom and clearly the Soviet Government has the duty to protect those rights. No justification can be given for what has transpired, and certainly no value can be placed on the lives now lost.

I would hope therefore that President Gorbachev would heed the signal from the Congress, and keep his promise to resolve the dispute in a peaceful manner by removing all Soviet troops. The international community has displayed confidence in Mr. Gorbachev, and I hope he will not fail us in this request.

PERSONAL EXPLANATION

Mr. HAYES of Louisiana. Mr. Speaker, as we begin consideration of our legislative agenda for the 102d Congress, we are confronted with the harsh realities of our Nation being at war and the emotional and physical dedication that this commitment carries with it. I regret that my duties as a Congressman would require me to be in two places at one time and effectively making it impossible for me to participate in the floor debate today on several of these important issues. Unfortunately, I am called to the district for an environmental forum and would therefore like to submit this statement as my position on the House agenda to be considered today.

I would have voted favorably on all four of the following resolutions: H.R. 3, Veterans' Compensation COLA; House Concurrent Resolution 41, Condemn Iraqi Attacks on Israel; H.R. 4, Extend Tax Deadline for Persian Gulf Personnel; and House Concurrent Resolution 40, Condemn Soviet Violence in Lithuania.

I think it is a terrible shame that as we call on the courage of our Armed Forces to fight our battle in the Middle East, we have at this late date not passed a cost-of-living adjustment for our veterans. I fully support H.R. 3 and hope that this bill receives the unanimous support of my fellow colleagues. In speaking with various veterans groups across my district, I have often stated my opposition to any plan that would allow other groups, such as Social Security recipients, to receive their COLA while denying this increase in benefit payment to veterans. In my opinion, the unthinkable has happened and we must correct this inequitable without further delay.

Moreover, I believe it is necessary that our troops be provided with every possible amenity including an extension on their 1990 tax returns as called for in House Concurrent Resolution 41. It is inconceivable that we would further burden the families of our military with penalties for late payment on their taxes and other debt responsibilities when we have placed them in a situation that prevents them from taking care of their financial matters. I support this resolution and other proposals to help ease the financial responsibilities of our military and their families.

Furthermore, I am disappointed but not shocked by the actions of Saddam Hussein against the innocent citizens of Israel and support House Concurrent Resolution 41 in condemning this unprovoked attack. It is clear that Saddam Hussein is attempting to bring Israel into the Middle East conflict in order to erode Arab support. I hope that our Arab allies in the Middle East remain firm in their commitment to expel Iraq from Kuwait and that the good people of Israel may soon rest without the threat of Iraqi aggression.

Finally, while our eyes and hearts remain fixed on the Middle East, we must also voice our opposition to Soviet violence against the people of Lithuania. We cannot condemn aggression in the Middle East without speaking out against Soviet attacks in Lithuania in the which citizens striving for democracy are being subjected to the full force of the Soviet military in order to stop their progress.

Mr. GALLO. Mr. Speaker, I hope the leaders of the Soviet Union—and especially Mikhail Gorbachev—get the message that the House is sending them today by adopting House Concurrent Resolution 40: Stop the violence in Lithuania, Latvia, and Estonia.

The United States has never recognized the illegal annexation of the Baltic States by the Soviet Union. We have always expected that the Lithuanian, Latvian, and Estonian people would regain the freedom which was snatched from them.

Under his policies of glasnost and perestroika, President Gorbachev held out that hope for a peaceful return to sovereignty in the Baltics. Tragically, recent events have seriously undercut both his credibility and the orderly transition toward independence.

I am very disturbed that the violence and suppression continues. We all hope that this pattern of abuse will cease. If it does not, I believe we should consider canceling next month's summit and suspending any emergency aid to the Soviet Government.

The forces of freedom and self-determination are on the march throughout the world. President Gorbachev may think that he can prevent it from sweeping the Baltic, but he is mistaken. Lithuania, Latvia, and Estonia will be free.

I call on the Soviets to let independence return to the Baltics in peaceful and orderly fashion. President Gorbachev has the ability to put the process back on track. If he does, he will regain the respect of the world. If he does not, he will have earned the condemnation of all those who love freedom.

Mr. SANTORUM. Mr. Speaker, while the world intently watched the outbreak of conflagration in the Persian Gulf, a cry from the north clamored for our attention. No matter how intense our concern for those brave Americans who are risking their lives for the cause of freedom and justice in the Middle East, we could not fail to hear the cries of the peace-loving citizens of the Baltic States. The people of Lithuania, Latvia, and Estonia, after 50 years of involuntary membership in the Soviet Union, continue to express their desire for an independent homeland in absolutely peaceful fashion, without the slightest tinge of violence. Nevertheless, they have once again been victimized by violence from Soviet forces in reply.

This violent suppression of peaceful activity by the people of the Baltics is intolerable, and we as a Congress must not let it pass without our clearest expression of support for the Baltic peoples and of outrage at this latest series of injustices they have suffered.

President Gorbachev has said that he did not order the utterly unprovoked assaults carried out against peaceful protesters in Lithuania and Latvia. But that is not enough. We must have a clear statement that the Soviet leader repudiates this violence and will take steps to ensure that it does not happen again.

The question has been raised whether we should speak out against the Soviet Union at the same time as we seek Russian support for global coalition against Iraq. On the contrary, it is essential that we do continue to monitor and address the situation in the Baltics. We have heard, not only from Iraq but from other Arab States, the charge that the United States takes the high moral ground only when it is convenient—that we conveniently overlook injustices when they are committed by our allies. I do not believe that charge is justified. But I believe it would be justified if we turned a deaf ear to those cries that have emanated from Vilnius and Riga in the past week.

I commend my western Pennsylvania colleague in the other Chamber, Senator JOHN HEINZ, for his resolution that would cut off United States economic aid to the Soviet Union until this latest military occupation ceases and a process for negotiation with the elected leaders of the Baltic States is instituted. I hope my colleagues in the House will see that we must not overlook the Baltic crisis if we expect the new world order that is now upon us to be any more characterized by justice than was the world order that preceded the crumbling of the Iron Curtain.

Mr. WALSH. Mr. Speaker, I rise today to reaffirm my support for the Ukrainian people and to praise them for their diligent efforts to promote the ideals of freedom, democracy, and self-determination.

On this 73d anniversary of Ukrainian Independence Day, I am concerned that the recent events in the Baltic Republics could signal an ending of glasnost and perestroika. The Ukrainian commitment to human rights and the progress that the Ukrainian people have made toward the creation of a society based on democratic values is laudable and I am hopeful that the Soviet Union will not revert to the policies of repression by preventing Ukrainian participation in peaceful political activities.

The unique traditional and cultural heritage of the Ukraine is an inspiration to the more than 50 million Ukrainians throughout the world. I ask my colleagues to join with me in saluting the spirit and will of the Ukrainian people and to join with them in commemorating this important anniversary celebration.

Mr. BENNETT. Mr. Speaker, I strongly support House Concurrent Resolution 40, a resolution condemning the use of military force to stifle democracy, freedom, and independence among the peoples of the Baltic States. The peaceful future of the world is a quest avidly desired by all Americans. It can best be achieved by allowing people to freely choose their own official leaders and practice the policies of government which they voluntarily choose.

It is sad that the Soviet leader Gorbachev seems to be destroying his well-earned reputation as a man dedicated to the freedom of persons to choose their form of government and to reject military force against those who wish to regain their freedom and control of their destinies.

Mr. BLILEY. Mr. Speaker, on January 13, 1991, 2 days before the allied liberation of Kuwait began, Soviet tanks rolled into the Lithuanian capital of Vilnius and the Soviet troops fired openly on unarmed civilians, killing 15 people. In his explanation of this brutal repression, Gorbachev not only failed to condemn the acts taken purportedly without his approval but he placed them under the guise of an effort to calm and control the Republics. Any reluctance or hesitancy by the United States and the international community to signal to the Soviets that these policies are unacceptable smacks of hypocrisy.

Since 1922, the United States has recognized the Baltic Republics as sovereign nations responsible for their self-determination. And within just 1 year of the beginning of their democratic movements, Soviet tanks have crushed their efforts. With the new warming between East and West, the Soviet leader has accepted the Nobel Peace Prize with one hand while with his other hand he is systematically quashing the peaceful democratic movement undertaken by the Baltic Republics. You could say that Gorbachev is speaking out of two sides of his mouth. He has sided with the allied coalition in condemning the Iraqi invasion of its sovereign neighbor, Kuwait, while at the same time he has permitted the ruthless crushing of a similarly peaceful people in search of their democratic freedoms.

We must send a strong signal to the Soviets that the world community is not tolerant of repression and that the road to improved relations between the Soviets and the United States may have been so severely damaged that the Soviets may never again earn the trust of the United States. I strongly support this legislation because it signals to the Soviets not only that this behavior is unacceptable but also that the price that must be paid for this behavior is high and they must be prepared to accept the consequences of their actions. I am afraid their pockets will feel the results.

I am amazed that the Soviets feel that the suppression of a group of people would be ignored in one part of the world while the international community has taken such drastic steps elsewhere, where similar suppression of another people has taken place. Mr. Chairman, now is the time to let them know that there are no exceptions when brutal aggressors attempt to repress sovereign, independent nations.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 40, condemning the recent brutal violence by Soviet forces in Lithuania. This is an important signal to the people of Lithuania and the Soviet Government that even with world attention focused on constantly changing developments in the Persian Gulf, this Congress maintains its support and ever vigilant watch over the freedom-loving people of the Baltic States.

In a little more than 3 weeks, Lithuania will celebrate its 73d anniversary of the declaration of independence of its homeland. While this celebration has been muted year after year by the ruthless Soviet rule which has attempted to destroy the national identity and culture of the Baltic people by any means possible, this years independence day celebrations will be even more subdued with Soviet military and police forces patrolling the broadcast studios, newspaper offices, streets, and other public gathering places of Lithuania.

The march of Soviet force into Lithuania this month is a stark reminder of that ominous day 50 years ago when Josef Stalin sent his tanks and troops into Lithuania resulting in the subsequent brutal military occupation and annexation of that nation into the Soviet Union. The horror of June 15, 1940, is never far from the thoughts or dreams of the Baltic people.

Despite more than half a century of military occupation and oppression, the spirit of the citizens of Lithuania and the other Baltic States of Estonia and Latvia remain unbroken and their desire for national independence remains unabated. In response to Soviet President Mikhail Gorbachev's claims of perestroika and glasnost these three Baltic States have established democratically elected governments and made movements toward independence.

However, just as the people of the Baltic States have begun to dramatically turn their course toward freedom and independence, the Soviet Union appears to be turning its course toward control through terror and oppression. Moscow has used economic boycotts, propaganda, and the recent show of military strength to intimidate the Lithuanians and other Baltic States, which remain intent on regaining their independence lost when they were seized by the Soviet troops in 1940. Less than 2 weeks ago Soviet forces moved to occupy several buildings in Lithuania, firing on unarmed civilians and protesters. This occupation resulted in at least 14 deaths and another 140 injuries. In Latvia, members of the Soviet black berets stormed the Latvian Interior Ministry leaving at least four people dead and nearly a dozen wounded, and just today Soviet troops have taken over facilities of a major newspaper in the Lithuanian capital of Vilnius.

So today, for the peaceful and freedom-loving people of Lithuania, the events of June 15, 1940, seems to be unfolding upon them again. The tanks and troops of the Soviet Union have returned, and the result has been no less brutal. However, unlike 1940, which we can only learn from, today we can do something about this brutality. We must continue to speak out against this oppression and be heard. The right of self-determination should and must be returned to the peoples of Lithuania, Latvia, and Estonia, and the brutality must stop. As the Congress and the American people stand so strongly behind our President and our troops fighting in the Persian Gulf, we must not turn our backs on the brave people of the Baltic States.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Florida [Mr.FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 40, as amended.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE QUEST FOR INDEPENDENCE BY LITHUANIA

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Mr. Speaker, last March, the democratically elected Government of the Republic of Lithuania declared its independence from the Soviet Union. The initial response from Moscow was an outrageous demand for billions in economic reparations. From there, the Soviets began to tighten the noose in the form of an economic blockade. Soon thereafter, the Lithuanian Parliament, having no other recourse, placed a freeze on its earlier declaration of independence. Once again Soviet intimidation had successfully stopped democratic political momentum dead in its tracks.

During the crisis of 1990, the response from the administration was somewhat half-hearted—despite continued pleas for recognition from Vilnius. Less than 1 year later the Soviets are at it again. This time however, a number of Lithuanians and neighboring Latvians lie buried because the Soviets have failed to learn an important lesson—the spirit of independence cannot be ground out beneath a jackboot. The unspeakable acts of violence that we have recently witnessed demand a continued response. For one thing, I think that this administration should commence tightening the economic noose around the Soviet Union.

For the past 51 years, we have steadfastly refused to recognize the Soviet occupation of Lithuania and I am firmly convinced that we must begin to elevate the debate on issues effecting the Baltic Republics. To date, there has never been a peace treaty resolving the territorial and legal questions surrounding the illegal occupation of Lithuania. The sense-of-the-House resolution that I am introducing today, encourages the President to bring the case of Lithuania before the Conference on Security and Cooperation in Europe [CSCE] and other appropriate international forums. Mr. Speaker, passage of this resolution is a concrete step toward aiding the Lithuanian people in their quest for independence, which so nobly mirrors our own.

Mr. ANDERSON. Mr. Speaker, on January 2, the Soviet armed forces seized control of the main press center of Vilnius, Lithuania. Eleven days later, Red Army paratroopers brutally attacked the radio and television stations of the same city, virtually cutting off their communication with the rest of the world. The peaceful, unarmed, proindependence demonstrators who were defending the stations were crushed by tanks and fired upon, leaving 14 dead and nearly 200 wounded. The Lithuanian Parliament building was surrounded by tanks and soldiers with similar violence threatened against the Lithuanian deputies who refused to leave the building. But the brutality has not stopped there. On Sunday, the 20th of January, the specialized Soviet internal security force, the Black Berets, seized control of the Latvian Interior Ministry, home of the newly organized independent Latvian police. Five Latvian nationals were killed and nine were wounded. That attack came a few hours after 100,000 people gathered in Moscow to denounce the Lithuanian attacks.

I strongly condemn this Soviet use of force against a people's right of self-determination. A people have the right to create their own nation through a democratic process free from interference by those who would, by naked force, suppress their efforts. This is a principle that America has held inviolable since the founding of our country. It is a principle tenet of our own independence.

This Soviet use of force is, unfortunately, reminiscent of the Stalinistic, iron-fisted treatment of the peoples of Czechoslovakia and Hungary. It follows a long established pattern of repression begun in the early stages of Czarist Russia. What does this attack mean for the future? Does this Soviet oppressive action against Lithuania mark the end of the much heralded glasnost and perestroika? Are Gorbachev's democratic reforms dead? Have his promises for reform been merely idle words? Have the rightwing, hard-liners regained control of the Soviet Union? Did Gorbachev order the assault in Lithuania? Certainly, it would be ironic if the 1990 Nobel Peace Prize recipient was the mastermind behind this action. Many observers of our erstwhile opponent have questioned how much longer Gorbachev will remain in power.

Since Mikhail Gorbachev's presidency, I have been encouraged by the progressive reforms we have witnessed in the Soviet Union. Furthermore, I have applauded the Baltic people's movement toward independence. The Soviets initially met this independence movement with an open display of armed power and an economic embargo. But until very recently, Gorbachev seemed content to allow the Baltic States to go their own way, as long as they did so quietly. It is my deepest desire that the remarkable moves toward democracy and new respect for human rights we have seen in the Soviet Union will be preserved. For if they are not, I see troubled times ahead for United States-Soviet relations. We have all enjoyed the end of the cold war and I sincerely hope that the United States and the Soviet Union can continue to work together toward peace. But peace cannot be bought through the sacrifice of the Baltic people. This is why the Soviet Union must hear, in clear and unequivocal words, the United States condemnation of its aggression.

□ 1410

RIGHTEOUS PEOPLE HAVE MUCH TO DO IN A TOUGH ROUGH WORLD

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. DORNAN] for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I am sorry I was a little bit late here. I was watching CNN to get an update on the rocketing of the small State of Israel, a state that had not even been involved in this war, by the Scud missiles of Saddam Hussein. From what I could determine, Patriots, which had barely been brought on line there, have already taken out some of the Scuds, and they have given the all-clear siren. One missile may have gotten through.

It is 10:10 p.m. in the Persian-Arabian Gulf area, but it is an hour earlier, 9:10, in Israel.

This man Saddam Hussein is now showing to the world the faces of the beaten Italian pilot, the two British crewmen, and now five Americans. He also showed the proud face of the Kuwaiti A-4 Skyhawk pilot sitting with his arms folded defiantly. Saddam has shown again the level of his brutality.

One thing I think most Members missed was the "60 Minutes" story just last Sunday on CBS. Morley Safer traced down a bodyguard of Saddam Hussein. This bodyguard told a story so horrendous that it just brought up your sense of disbelief, incredulity.

Then they put on a man that said this bodyguard was exaggerating, and that he was not a bodyguard. But CBS, through its extensive library of film and videotape, brought up color pictures of this man walking in uniform at Saddam Hussein's right arm, obviously confirming he was an inner circle bodyguard.

The man told of Saddam Hussein immersing enemies, some of whom were his friends only a few minutes before, in a bath of acid. I looked at my wife and said, "Am I hearing this correctly?"

Then he went on to tell his story of how Saddam Hussein burned people alive. Then Morely Safer, in disbelief, said, "Would they turn their eyes away after these people had been immersed in a bath of acid?" The bodyguard said no. Remember he used the word "they," plurai, meaning Saddam Hussein, probably his 35-year-old son-in-law and paternal cousin, Hussein Kamil Majid, or his half-brother, Barzon AtTakriti. They, he said, they would stay and watch their colleagues die this unbelievable death, something conjured up out of not the Middle Ages, but the Dark Ages.

Then they brought up film I did not know existed, black and white, a kind of green video tape, but clear enough to see Saddam Hussein at his inaugural celebration, the day he was sworn in as President of that country, July 22, 1979. I have read of this meeting and what I read matched with the video. Saddam was in an auditorium much bigger than this House Chamber, Mr. Speaker, and he calls off the names of some of his colleagues in the Baathist Party. They stand up with this look of terror on their face and are marched out of the chamber, all of them, to be executed.

When he was through fingering for death about 50 of his Baathist Party colleagues, the whole room then cheered, in a kind of "I am saved, I have made it," bootlicking cheer. Morley Safer says, "Notice what Saddam Hussein is doing. He is at the top. He is supposed to be a Muslim. They are supposed to reject drinking and smoking. Yet here he is lighting up a big cigar, Cuban, I am sure. Lighting a cigar as he has fingered for death 50 of his colleagues."

From the acid bath stories to the stories of him being a hit man at 14 years of age, an assassin by the time he was 20 who tried to kill the President of his country, barely escaping out of the country to Amman, it is clear we are dealing with a ruthless murderer. And witness rockets slamming in the night and the daytime, not into Saudi Arabia, which is now at war with Iraq, but into Israeli cities, Tel Aviv, Haifa, and one that I did not even hear about until I saw it in the newspaper, Safed, the mystic holy city, one of the four great holy cities of Judaism, a city from which Jews were never removed in the past two millenia. They have been there since the time of Christ, the first century. A city of Jewish mysticism, Safed. Saddam knew exactly what he was targeting.

We do not know if the Scud that got through to Tel Aviv killed anyone. It is almost biblical that nobody has died from any of these rocket hits into either Saudi Arabia or these three Israeli cities.

All this after seeing the brutally punched faces, and we only see their faces, of captured allied pilots. Especially moving and infuriating was the British flight lieutenant, John Phillips, his head down.

Mr. Speaker, there is a crowd of 50,000 or more people in town, prolife marchers. I just got finished marching with them. Three American babies are killed in their mothers' wombs every minute. Every minute. In 6 days of air war, we have only lost one man killed, eight missing in action, five abused POW's, and one rescued yesterday.

We have got a cultural war at home with abortion, and a Middle East war with problems galore. The Berlin Wall came down a year ago November 9. Mr. Speaker, but this is still a tough, rough world, with plenty of work to be done for good and righteous people.

SUPPORT FOR HOUSE CONCURRENT RESOLUTION 40

Mr. BURTON of Indiana. Mr. Speaker, Lithuania, Latvia, Estonia cannot wait much longer. Last year, President Landsbergis of Lithuania denounced President Bush's decision not to impose sanctions against the Soviet Union as "another Munich." "We were afraid that America would sell us down the river," Mr. Landsbergis said in Vilnius. Mr. Speaker, that is exactly what we appear to be doing.

Mr. Speaker, at least 14 Lithuanians were killed when Soviet paratroopers seized the main Lithuanian television and radio station; some gunned down by automatic weapons, some crushed under tanks. Yesterday, Latvia's Parliament voted to form a volunteer militia and authorities bolstered defenses at public buildings after Soviet commandos staged a predawn assault that killed 5 persons and wounded 10.

We must act now, Mr. Speaker, before it is too late. We have to pub Mr. Gorbachev on notice that there will be real costs should Moscow continue its aggression in the Baltics. In the last year and a half, Mr. Gorbachev has been named the "Man of the Decade" by Time magazine, he's been awarded the Nobel Peace Prize, and he's been offered billions of dollars in Western aid. Now he's showing his appreciation by ordering the bloody suppression of the freedom movements in the Baltic Republics. Once again, we are seeing a classic case of how easily the West is fooled by so-called reform-minded Soviet leaders.

It's outrageous that the Soviets are trying to take advantage of the Persian Gulf crisis to crack down on the Baltics. It is nothing short of coldblooded calculation by Gorbachev and the KGB that the world is too preoccupied with the Middle East to take a stand against the suppression of Lithuania. Khrushchev did exactly the same thing in 1956, when he ordered Soviet tanks into Hungary during the Suez Canal crisis.

Mr. Speaker. I call on President Bush to cancel his offer of $1 billion in United States credits to help the Soviet Union get through food shortages this winter. This is not the time to be rewarding Gorbachev with financial assistance. The Soviet Union is still spending 15 to 20 percent to its GNP on its military, which is crushing democratically elected governments and murdering innocent civilians. President Bush must immediately withdraw the United States credits he offered Gorbachev, and he should insist that the Soviets start respecting human rights before attending any future summit meetings. The United States should demand no less than the withdrawal of the Soviet Army from the Baltic States and freedom for Lithuania, Latvia, and Estonia.

Mr. Speaker, we have been fooled by Gorbachev just like we were fooled by Lenin, Stalin, Khrusnchev, and Brezhnev before him. Gorbachev only let go of Eastern Europe because it was an absolute economic necessity. The Soviet Union simply couldn't afford to maintain its control of those countries. We must make them pay an equally high price for their domination of the Baltic States.

ALLIED COALITION PARTNERS BEING UNREASONABLE IN MIDEAST CRISIS

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to address one aspect of the crisis that now rages in the Middle East, in both its immediate and its broader implications, and that is the murderous Iraqi attacks on Israel. It is quite clear from the nature of these attacks that their purpose is simply killing civilians. They are not geared militarily. There is no conceivable military purpose. They are attacks launched by Saddam Hussein and his regime on a nation which has been scrupulously observing a peace with Iraq.

Mr. Speaker, it is important to examine the reaction of Israel, and also to understand the implications of these attacks for policy in the Middle East in general.

I have been unhappy during much of this crisis with the behavior of many of those whom we call allies. The British have been staunchly supportive, for which I believe this Nation is grateful.

□ 1420

Others, however, who are said to be our allies have in fact acted in a somewhat peculiar fashion for people who say they are allies.

The United States has undertaken a very difficult and dangerous task in the gulf. War is never fun. War is not a game. It is difficult in terms of the young people whose lives are disrupted, of the people whose lives are at risk, of families at home who suffer the anxieties of having those close to them overseas.

It Costs us a great deal of public money at a time when our own deficit is a serious problem.

It ought to he very clear that America's purposes over there are not simply American. There is virtual unanimity in this House, and I believe in this country, that Saddam Hussein is a despicable tyrant whose actions required resistance. There has been debate about how much, but remember when Saddam Hussein invaded Kuwait and the American reaction was a large troop presence in Saudi Arabia prepared to do battle with Saddam Hussein to prevent further aggression, that was virtually unanimously agreed to in this country. And there has been very broad agreement that we should be pressing further to deal with Kuwait. There have been differences among us as to how. They are not differences from which Saddam Hussein ought to draw any comfort whatsoever, because they come within a context of virtual unanimous condemnation of his acions and a willingness under various circumstances to oppose him by force of arms, if necessary, to get him out of Kuwait. The differences were over the circumstances.

One of the circumstances that disturbed me was the extent to which many of our allies were prepared to leave most of the difficult work to us. Contrast that with the attitude of the State of Israel. Unlike many who have been prepared to cheer America on, but do very little, and in fact imposed restrictions on us as we performed the common task, the State of Israel deviated from one of the most solemn and strongly defended policies of that nation.

Israel is physically a small nation living in the midst of more hostility than any other nation. No nation in the world is as surrounded by enemies unreconciled to its very existence than Israel. For that reason, for that combination of reasons Israel has always had a policy of responding at the earliest moment to physical threat. It has not got the vast territory in which people can hide, it has not got the luxury of defense in depth.

The Israei Government, in the months leading up to the advent of war in the gulf, behaved in a manner that was almost passive, and they did it for one reason. The U.S. Government asked them to do it and asked them as part of a common goal of bringing ultimately stability and peace to that area. The United States Government asked the Israelis to adopt a posture which they have not thought to be in their interest in the past, understandably. The United States Government asked them to be quiet, to hold back, not to act in their own vigorous self-defense, and the Government of Israel did that. The Government of Israel turned the other cheek many, many times.

Then when war broke out, Saddam Hussein's response was to attempt, with the Scuds, to murder as many Israeli civilians as he could, and to do this in a way that has brought a significant degree of fear and disruption to Israel as a whole. People have been injured. Property has bean destroyed. People have died taking the precautions that they had to take because this despicable man has threatened gas and chemical warfare, and he has done it before.

Several times now Israel has not only not anticipated the physical danger, they have allowed themselves to be physically attacked Saddam Hussein. They have refrained from responding in a policy which is extraordinary in Israeli history. Why? Out of consideration for the common interests they share with this country, and at the request of the U.S. Government.

Why was the U.S. Government forced to make this extraordinary request? Why do we say to this small nation that has been so staunch in its support of the United States: Allow Saddam Hussein to seek to murder your citizens and do nothing overt yourself in self-defense? Why does Israel, which clearly has the technical capacity to respond in very effective ways, why does it do this? Again, out of a willingness to be cooperative with the United States.

But why does the United States have to ask? Because we are told some of our coalition neighbors or coalition allies will not like it if Israel defends itself. What kind of a coalition is it when people say to America you must tell the Israelis, of all the countries in the world, that they alone are not allowed to defend themselves against Saddam Hussein? We agree Saddam Hussein is a vicious despot, we agree that his actions in Kuwait have been so outrageous that they warrant armed resistance, but for Israel, contrary to everybody else, we want them to sit there and be attacked and attacked and attacked again and not respond.

Coalition partners who would make such an outrageous request are not genuine partners, and we ought to understand that. The people in the Government of Israel are entitled to have that contrast drawn sharply between nations whose response to the United States at a time of trial for our country is to make unreasonable demands on us, which is what apparently Syria and other Arab nations have done. They have made unreasonable demands on America at this time, and then we have Israel, which has acceded to frankly unreasonable demands which we, the United States, have made on them. We have made them not out of our own desires, but because we felt the need to accommodate our partners.

I must say, Mr. Speaker, I think we have probably been mistaken in our estimate of these partners. Who are the Arab partners in this coalition that have said to us: Tell Israel not to defend itself? Kuwait, Saudi Arabia, Egypt, Syria.

From Syria we are getting nothing. I suppose by the standards of the Syrian Government, we should be grateful that they are not now actively encouraging terrorism of the sort in which they have specialized. For the Syrians, who have given us mere lipservice, who have put troops in Saudi Arabia with the understanding that they will do nothing to help us in either Iraq or probably Kuwait, for the Syrians to say, "And oh, by the way, as part of this you have to tell the Israelis to sit there and let Saddam Hussein try to murder them," that is a confirmation of how little we can depend on the Syrians. They make no contribution of any substance, and in return ask us to tell Israel to allow itself to be systematically attacked again and again.

The Kuwaiti Government in exile in Saudi Arabia they are there and after all they are the victims of Saddam Hussein, the Kuwaitis directly and the Saudis potentially. I believe the Saudis would have been attacked if we had not done what was widely supported in this country and sent troops there to their defense in August. But are they honestly telling us we have to tell Israel not to defend itself? And by what license do they, if that is the case, dictate to us? We are there to defend them. Americans are in the gulf not to defend primarily American interests in certainly the first cut, but to defend Saudi Arabia, to try to free Kuwait. By what strange reversal of logic do the beneficiaries of this enormous American effort now dictate to us the terms on which we are going to be allowed to help them? It is as if someone who had a fire stood at the door of his or her house and said to the fire chief as the firefighters entered, "I don't like the way this one is dressed, and I don't like that one's friends." We are there in response to their needs. To be met with a demand that we make absolutely outrageous demands on the nation of Israel makes no sense.

So first, let us be very clear, as far as I am concerned, and I believe this is the majority sentiment in this House and this Congress, if the Government of Israel decides in its own self-defense that it is useful for it to defend its citizens by physical response to Saddam Hussein, they have every right to do that. And if the Government of Israel instead decides, in deference to America's request, which I think we are mistakenly making in many ways—I think we have frankly fallen into the mindset where, as I have said, we have made Tom Sawyer the most popular and widely followed book in the world in which other countries figure out how to get America to come and paint their fence, and then act as if they are doing us a favor by letting us wield the brush.

We are there doing the most difficult, dangerous, and expensive work. It hardly follows from that that we ought to be pressured into asking Israel to abandon its own necessary policies of self-defense.

□ 1430

But if the Israelis decide out of a sense of solidarity with the United States, which I believe they are showing, that they will do that, even if it is not a reasonable request for us to make, but if they do the extra many miles to do that; first, the contrast between their own behavior and that of some of our very, very temporary allies is clear; and second, it seems to me that it entitles the people and the Government of Israel to a solid degree of understanding of their problems on the part of the United States and perhaps some reassessment.

Ironically, Saddam Hussein, who has decided he will try to kill Israelis because he is going to unveil this American-Israel entente, is dealing with an administration which has been over its 2 years less supportive of many of the issues that are important to the Israeli Government than any other. Relations between the President of the United States and the Prime Minister of Israel are now as they should be, very strong, and they are that strong in part because Saddam Hussein's murderous tactics have, I believe, in the political sense backfired, although that hardly makes them welcome given the destruction and the violence and the terror that they inflict. But it does, I think, entitle the Israeli Government to say that they have shown a willingness to accommodate America, to allow America in turn to accommodate much less reliable allies, and those are factors that ought to be taken into account as we work out matters with the Government of Israel.

For example, I hope that it will not again be the policy of our administration to call into question the right of the people of Israel to call unified Jerusalem as their capital, and this is not simply a matter of acknowledgement of what they have done for us, but the fact that Saddam Hussein has attacked Israel and the fact that so many of the other Arab States have said to America, "We are not going to let you defend us unless you pressure Israel out of defending itself," because remember that this is what we are being told: "America, we will let you come to our defense if you will make Israel not defend itself."

Mr. Speaker, think what it is like to be a small nation living under that kind of hostility, and people who wonder why sometimes the Government of Israel is not more forthcoming as there are suggestions that are made from here, people who wonder why they have been resistant to the proposals from Saddam Hussein for an international conference in which he will sit presumably and help decide what happens in the immediate environs of Israel. People ought to understand why there is such an unwillingness on the part of Israel to do these things.

Here is a nation which at this point was quite deliberately minding its own business, almost going out of its way not to comment even on important regional matters, and they are murderously attacked by Saddam Hussein, and even people who say, "Oh, Saddam Hussein, terrible man, but Israel should be attacked and not respond."

It is important that people reflect on what this says about the atmosphere in which Israel lives. Can you imagine being a small nation and being located in a region where at present the moderates are the Syrian Government, to live in a place where the people want to talk about someone who is beneficent and they are talking about Hafez Assad, who is in many ways morally closer to Saddam Hussein than virtually anyone else we can think of? In other words, I believe that American policy toward Israel after this crisis, during but even more after, has to reflect not just the willingness of the Government and the people of Israel to go to such lengths to accommodate America's requests, but to reflect an understanding of the kind of hostility to its very existence with which Israel has to live.

Here is Saddam Hussein at war with the world. And what does he do? He reaches out to attack one of the few countries that has not participated overtly in the coalition against him, or even covertly, because of the arguments of the United States. He does it not simply because he himself is a man of no scruples, and we understand that, but from the standpoint of Israel, people have to understand why does Saddam Hussein single out Israel for that? He could have attacked other gulf states, other neighbors. He attacks Israel because he believes that by so wantonly attacking Israel, he will engender sympathy in other Arab States, and that is the central problem that Israel confronts.

When a Saddam Hussein decides that the one popular thing he can do is try to murder innocent Israelis, that is the one way in which he can enhance his appeal in other Arab countries, you then understand why the Israelis are much more skeptical of various peace proposals than others. Specifically, I would say to some, some who I have been allied with on some issues, who feel one of the answers to the gulf crisis is an international peace conference, they ought to understand the implications of these Scud attacks to that.

I do not think it is reasonable to say to the Israelis, and I did not agree before but certainly now, that after Saddam Hussein has tried in the most indiscriminate fashion to rain destruction on them, that they should now be asked as the price of his getting out of an invasion that he never had a right to get into in the first place, to sit and let him be a participant in deciding their future. No, they are not going to agree to that. It makes no sense whatsoever to let Saddam Hussein Scud his way into an international peace conference, which is very bad public policy, and no one ought to be surprised at all when the Israelis reject it.

We will be debating a resolution tomorrow, Mr. Speaker, which I believe thanks the Israelis for their restraint. We ought to be clear, because I think it is a majority sentiment here, that in thanking Israel for the restraint they have shown so far, I do not think any of us are saying that they were obligated to do it. I do not think any of us would have disagreed had the Israelis decided on their own to take necessary measures in their self-defense, and that it is an option that they still retain. They have the right to decide that there are better ways to pursue it. They have the right to do it.

We in this country ought to be taking profound notice of Israel's willingness to make this sacrifice for us, first, in the short term, the contrast it shows between Israel's responsiveness to a sense of mutuality with the United States and those of some even who claim to be our coalition partners, and in the broader sense when we turn our attention to the question of peace in the Middle East in general, people should understand that a small nation that lives surrounded by Syria, Syrian-controlled Lebanon, Jordan, which has shown its inability to stand up to the Iraqis, the Saudis and Iraqis not far away, a nation which has that sort of set of neighbors in which one sends rockets against their civilian population, and the others say to the United States, "Do not let them defend themselves," and we are told that this is a very popular political thing for him to do, living in that sea of hostility which has now turned murderous, being told not to defend themselves, Israel obviously will approach a peace conference, a peace process, anything that has to do with trying to bring the peace that I believe Israel wants, with a very justified sense of skepticism, and certainly any proposal that is going to bring into that room the Syrians and the Iraqis, people who today can agree on only one thing, what a good idea it is a kill innocent Israelis, this is not a group with which Israel ought to be expected to sit down.

I hope that we will be able to participate with the Government of Israel in finding solutions to the problems of Gaza and the West Bank. Like I believe the majority of the people in Israel, I believe that is a situation that has to be made normal, that has to be accommodated, that has to be adjusted, and in which the people who live there have a role to play. But that is very, very different from allowing a Saddam Hussein through the use of his terror missiles to first, persuade his Arab enemies that the one issue on which they can agree is that Israel should be terrorized and not to defend itself, and second, to allow him and some of those others to shoot their way into a seat at a peace table in which Israel's physical borders are determined.

I hope that as the Israeli and American Governments continue to work together well, as they are with the Patriot missiles and other very legitimate forms of defense, we see a new form of cooperation that outlasts this current short-term crisis and carries over so that our nations can work together in formulating a genuine peace process which will take better recognition than I think American policy has in the past of the kinds of problems that Israel faces, that Saddam Hussein has made so blatant.

□ 1440

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on January 22, 23, 24, 25, 28, 29, 30, 31, and February 1.

Mr. GINGRICH, for 60 minutes, on January 22, 23, 24, 25, 28, and 29.

Mrs. BENTLEY, for 5 minutes, on January 22.

Mr. DORNAN of California, for 5 minutes, on January 23, 24, 25, 28, 29, 30, 31, and February 1.

(The following Members (at the request of Mr. EDWARDS of Texas) to revise and extend their remarks and include extraneous materials:)

Mr. ECKART, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today and on January 23.

Ms. KAPTUR, for 60 minutes, today and on January 23 and 24.

Mr. DURBIN, for 60 minutes, today and on January 23.

(The following Member (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. MOODY, for 60 minutes, on January 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. DICKINSON.

Mr. PORTER.

Mr. WELDON.

Mr. RINALDO.

Mr. DORNAN of California.

Mr. BEREUTER.

(The following Members (at the request of Mr. EDWARDS of Texas) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. YATRON.

Mr. STARK.

Mr. MARTINEZ.

Mr. MAZZOLI.

Mr. RANGEL.

Mr. RAHALL.

Mr. RICHARDSON.

Mr. BUSTAMANTE in two instances.

Mr. HOYER.

ADJOURNMENT

Mr. FRANK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 41 minutes p.m.) under its previous order, the House adjourned until tomorrow, Wednesday, January 23, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

450. A communication from the President of the United States, transmitting a copy of an Executive order ordering the Ready Reserve of the Armed Forces to active duty, pursuant to 10 U.S.C. 673 (H. Doc. No. 102–31); to the Committee on Armed Services and ordered to be printed.

451. A letter from the Acting Secretary of Education, transmitting a copy of final regulations for the Pell grant program—expected family contributions for students with special conditions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

452. A letter from the Department of Energy, transmitting meeting notice of the Industry Advisory Board [IAB] to the International Energy Agency [IEA] will be held on Monday, January 21, 1991; to the Committee on Energy and Commerce.

453. A letter from the Administrator, Energy Information Administration, transmitting notification that the Energy Information Administration will issue a report on preliminary petroleum price and profit data for the fourth quarter 1990, on February 15, 1991; to the Committee on Energy and Commerce.

454. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the third "Annual Report to Congress—NASA Progress on Superfund Implementation in Fiscal Year 1990," pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

455. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Egypt (Transmittal No. DTC–33–90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

456. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Canada (Transmittal No. DTC–15–90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

457. A letter from the Secretary of Commerce, transmitting his notification that, pursuant to Executive Order 12730, that he is extending for the period January 21, 1991, through January 30, 1992, export controls maintained for foreign policy purposes under the Export Administration Regulation, pursuant to 50 U.S.C. app. 2405(o)(1); to the Committee on Foreign Affairs.

458. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in December 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

459. A letter from the Comptroller General of the United States, transmitting the annual report of the General Accounting Office for the fiscal year ending September 30, 1990; to the Committee on Government Operations.

460. A letter from the National Archives, transmitting its fiscal year 1990 implementations of the Competition in Contracting Act [CICA]; to the Committee on Government Operations.

461. A letter from the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting the annual report of the activities of the Foundation, pursuant to 20 U.S.C. 4711; to the Committee on Science, Space, and Technology.

462. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the 1990 annual report on the performance of its industrial application centers and on the ability to interact with the Nation's small business community, pursuant to 15 U.S.C. 648(f); to the Committee on Small Business.

463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on El Salvador, pursuant to Public Law 101–513, section 531(i); jointly, to the Committee on Appropriations and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE:

H.R. 592. A bill relating to the treatment and disposal of solid waste, authorizing States to regulate solid waste in interstate commerce, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUSTAMANTE:

H.R. 593. A bill to amend Public Law 81–874 to provide for an increase in the minimum local contributions rate for local educational agencies for which the boundaries of the school districts are coterminous with the boundaries of military installations; to the Committee on Education and Labor.

H.R. 594. A bill to create an interagency task force to review programs relating to the education of students in certain school districts receiving assistance under the Impact Aid Act; to the Committee on Education and Labor.

By Mr. DORNAN of California:

H.R. 595. A bill to amend title 10, United States Code, to provide that a member of the Armed Forces, upon the member's release or discharge from active duty, shall be provided with a copy of the member's medical and personnel records; to the Committee on Armed Services.

By Mr. DORNAN of California (for himself, Mr. HUGHES, Mr. DANNEMEYER, Mr. DELAY, Mr. STUMP, Mr. DUNCAN, Mr. PAXON, and Mr. ROGERS):

H.R. 596. A bill to require that the death penalty be imposed on individuals convicted of certain crimes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KILDEE:

H.R. 597. A bill to amend the Older Americans Act of 1965 to improve the participation of special populations of older individuals in activities under title III of such act and to provide supportive activities for individuals who without compensation provide in-home services to frail older individuals; to the Committee on Education and Labor.

By Mr. APPLEGATE:

H.J. Res. 84. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

H.J. Res. 85. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office of the judges of the Supreme and inferior courts; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.J. Res. 86. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

By Mrs. BENTLEY (for herself, Mr. MOODY, Mr. HENRY, Mr. HORTON, Mr. ROHRABACHER, Mr. DORNAN of California, and Mr. RITTER):

H. Res. 39. Resolution expressing the sense of the House of Representatives that the President should bring the matter of Lithuanian territorial sovereignty before the Conference on Security and Cooperation in Europe [CSCE] and other international organizations; to the Committee on Foreign Affairs.

By Mrs. BOXER (for herself, Mr. AUCOIN, Mr. SCHUMER, Mr. MILLER of California, Mrs. JOHNSON of Connecticut, Mr. LEHMAN of Florida, Mr. YATES, Mr. CONYERS, Mr. KOSTMAYER, Mr. RAVENEL, Mr. KENNEDY, Mr. DIXON, Mr. WILSON, Mr. LEWIS of Georgia, Mr. SCHEUER, Mr. BRYANT, Mr. GREEN of New York, Mrs. SCHROEDER, Mr. SHAYS, Mr. ESPY, Mr. ROYBAL, Mr. LEVINE of California, Ms. PELOSI, Mr. JOHNSTON of Florida, Mr. STOKES, Mr. BERMAN, Mr. MCDERMOTT, Mr. MARKEY, Mr. OWENS of New York, Mr. DELLUMS, Mr. BUSTAMANTE, Mr. WOLPE, Mr. PAYNE of New Jersey, Mr. SOLARZ, Mr. STUDDS, Mr. DICKS, Mr. DEFAZIO, Mr. MOODY, Mr. WEISS, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. SMITH of Florida, Mr. MCCLOSKEY, Mr. WYDEN, Mr. RICHARDSON, Mrs. UNSOELD, Mr. BOUCHER, Mr. STARK, Mr. HAYES of Illinois, Mr. TORRES, Mr. UDALL, Mr. TOWNS, Mr. SKAGGS, Mr. PANETTA, Mr. BOEHLERT, Mr. JONTZ, Mr. GILMAN, Mr. FAZIO, Ms. SLAUGHTER of New York, Mrs. LOWEY of New York, Mr. FROST, Mr. MARTINEZ, Mr. OWENS of Utah, Mr. DURBIN, Mr. MRAZEK, Ms. SNOWE, Mr. GEJDENSON, Mr. FOGLIETTA, Mr. ATKINS, Mr. EVANS, Mr. PEASE, Mrs. KENNELLY, Mr. BROWN of California, Mr. GONZALEZ, and Mr. SERRANO):

H. Res. 40. Resolution expressing the sense of the House of Representatives permitting medicaid funding of abortions in the case of rape or incest; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. PURSELL, Mr. PORTER, Mr. DORNAN of California, and Mr. GALLEGLY):

H. Res. 41. Resolution to express the sense of the House of Representatives that the United States should suspend trade assistance and benefits for the Soviet Union until all Soviet troops have been removed from Lithuania, Latvia, and Estonia, and should reaffirm its recognition of the independence of those nations; jointly, to the Committees on Foreign Affairs; Ways and Means; Banking, Finance, and Urban Affairs; and Agriculture.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. NICHOLS, Mr. LUKEN, Mrs. UNSOELD, Mr. GILCHREST, Ms. HORN, Mr. GEKAS, Mr. FRANKS of Connecticut, Mr. LAROCCA, Mr. PETERSON of Minnesota, Mr. OBEY, and Mr. BROOKS.

H.R. 233: Mrs. BOXER, Mr. KOSTMAYER, and Mr. STOKES.

H.R. 303: Mr. COX of California, Mr. ESPY, Mr. DREIER of California, and Mr. HATCHER.

H.R. 318: Mr. LIPINSKI and Mr. BROWN of California.

H.R. 321: Mr. BOUCHER, Mr. KOSTMAYER, Mr. MCDERMOTT, and Mr. WILSON.

H.R. 482: Mr. MCHUGH.

H.R. 555: Mr. HARRIS.

H.R. 556: Mr. KILDEE, Mrs. UNSOELD, Mr. ALEXANDER, Mr. ABERCROMBIE, and Mr. GLICKMAN.

H. Con. Res. 23: Mr. PEASE, Mr. RAVENEL, Mr. BACCHUS, and Mr. MORAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

16. By the SPEAKER: Petition of the Embassy of the Republic of the Marshall Islands, relative to support for the United States and the multinational force in the Persian Gulf; to the Committee on Foreign Affairs.

17. Also, petition of the city council of the city of Seattle, WA, relative to the crisis in the Middle East; to the Committee on Foreign Affairs.

SENATE—*Tuesday, January 22, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the Honorable TERRY SANFORD, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For when they shall say, Peace and safety; then sudden destruction cometh upon them * * * .—I Thessalonians 5:3.

Mighty God, perfect in truth and justice and mercy, we raise our voices in gratitude to Thee for the men and women who provide security on Capitol Hill, who devote their lives for our protection. As threats of terrorism increase and elaborate security precautions are made, help us not forget that these faithful men and women stand between us and destruction. For hours, days, weeks, months their duty is monotonous routine. Then, suddenly, some incident, unexpected, occurs and their lives are instantly at great risk. Gracious Father in Heaven, bless these, Your servants, protect them, encourage them, their loved ones, and help us to show our appreciation for their faithful commitment to duty.

In the name of Jesus who is incarnate love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TERRY SANFORD, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SANFORD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time reserved for the two leaders, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

I intend to recess the Senate at 3 p.m. for Senators to receive a classified briefing on events in the Persian Gulf as well as in the Baltic States.

The Senate will reconvene following that briefing.

GENEVA CONVENTION

Mr. MITCHELL. Mr. President, in 1949, four conventions relevant to the conduct of war were signed in Geneva. The United States and Iraq are parties to the conventions. These are often referred to as the Red Cross Conventions since the International Committee of the Red Cross is involved in implementing the conventions.

I ask unanimous consent that there be placed in the RECORD at this point a summary of the articles of the third Geneva Convention relevant to the treatment of prisoners of war which appeared in this morning's Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF GENEVA CONVENTIONS

There were four Geneva Conventions, agreed to on Aug. 12, 1949, and eventually signed by 164 nations. The Geneva-based International Committee of the Red Cross over-sees the implementation of the Conventions.

The First Geneva Convention deals with wounded and sick in armed forces in the field.

The Second concerns wounded, sick and ship-wrecked members of armed forces at sea. The Fourth relates to the protection of civilians in time of war.

The Third Geneva Convention, consisting of 143 articles and several annexes, deals with the treatment of prisoners of war and includes a wide range of additional matters such as food and clothing, hygiene and medical attention, religious, intellectual and physical activities, penal and disciplinary sanctions, and release and repatriation.

Some of the pertinent articles the allied forces have accused Iraq of violating:

Article 13 states, in part, prisoners of war "must at all times be treated humanely" and "must at all times be protected against acts of violence or intimidation and against insults and public curiosity."

Article 14 states, in part, prisoners of war are "entitled in all circumstances to respect for their persons and their honor."

Article 17 states, in part, "Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information. * * * No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind."

Article 19 states, "Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger."

Article 23 states, in part, "No prisoner of war may at any time be sent to, or detailed in, areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain posts or areas immune from military operations."

Mr. MITCHELL. Mr. President, in particular article 23 states essentially that prisoners of war shall not be used as human shields.

According to press reports today the International Committee of the Red Cross based in Geneva has supported the United States position that Iraq's abuse of prisoners or threat to use them as human shields would violate the Geneva Convention.

Mr. President, this is a matter of the utmost gravity and concern for all Americans, and I join in what I know is the view of all Senators and Americans in strongly condemning and deploring such action, and urging in the strongest possible terms that it end.

All prisoners of war are entitled to appropriate treatment, humane in nature, without coercion, without physical or mental abuse, and are entitled to be located in camps away from combat zones.

The actions of the Iraqi Government are in contravention of the Geneva Conventions, the so-called Red Cross Conventions, and should and must immediately be ended.

BALTIC INDEPENDENCE

Mr. MITCHELL. Mr. President, 9 days ago, a tragedy occurred in Lithuania. Soviet troops shot dead at least 14 unarmed people standing peacefully for the independence of their land.

The action was unjustified. It was rightly condemned throughout the world.

Two days ago, this tragedy was repeated in Latvia.

The same pattern of events occurred: A National Salvation Committee was announced; additional Soviet troops arrived in the capitol; residents took to the streets in a nonviolent defense against Soviet aggression; and finally, Soviet troops used force, killing innocent proponents of their own independence.

At least four people were killed in Latvia.

The repetition of the action makes it even more outrageous.

The killings cannot intimidate the courageous people of the Baltic States.

Force cannot suppress the desire for independence.

I had hoped that Soviet authorities finally learned this lesson from events in Eastern Europe. Yet apparently they did not.

Their violent actions have only increased the opposition to the conservative tide in Moscow.

It is not just the people of the Baltics, but people throughout the Soviet Union who are protesting the repression.

They are fearful of what the violence means for the future of the Soviet Union.

Conservatives have said that President Gorbachev approved the formation of the National Salvation Committee and the use of force in the Baltic Republics. The reality is that regardless of whether Gorbachev issued specific instructions, he must now take responsibility for what has occurred.

President Gorbachev is at a crossroads in defining the future of the Soviet Union, its internal character and its relations with the United States and the rest of the world.

Many in the Soviet Union hoped it would become a country of political and economic freedom for all.

Given recent events, it is difficult to discern whether President Gorbachev remains committed to such a future. Gorbachev's estrangement—through dismissals and resignations—from those advisors most closely identified with reform and Gorbachev's increasing reliance upon conservative officials is deeply troubling.

Gorbachev appears to have abandoned his commitment to resolve the issue of Baltic independence peacefully.

The United States and other Western nations must take concrete action to demonstrate the condemnation expressed by leaders of these nations.

Particularly from those nations that have placed their hopes in Gorbachev's commitment to democratization, action is now required.

There must be no misunderstanding on the part of President Gorbachev.

The Bush administration now regrets that it did not send a clearer message to Saddam Hussein prior to his August 2 invasion of Kuwait. The administration must now act to prevent miscalculation by Soviet officials in this crisis.

Last week, the U.S. Senate urged President Bush to act. The Senate called upon the President to review and consider suspending all economic benefits provided by the United States Government to the Soviet Union; to immediately suspend all ongoing technical exchanges; to consider withdrawing United States support for Soviet membership in the IMF, World Bank, or GATT; and to remain from providing MFN trade treatment until Soviet troops no longer threaten the democratic governments of the Baltic States and good faith negotiations on Baltic independence have begun.

I urge President Bush to immediately take such concrete steps. I hope that Secretary Baker's meeting with Lithuanian and Latvian officials have helped convince the President of the urgency of the situation in the Baltic States.

For 50 years, the United States has supported the Baltic States' efforts to regain their independence. We must continue to do so. We must forcefully define our interest in a peaceful resolution of this crisis.

It would be tragedy if our hopes for the future of the Soviet Union were buried in the bloodshed of peaceful advocates of Baltic independence.

It would be inexcusable for the West to fail to do everything possible to prevent this from occurring.

Mr. President, I reserve the remainder of my leader's time.

I yield to the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. First let me commend the distinguished majority leader for both statements. I say, in reference to the statement on the Baltics, that we were briefed at our policy luncheon today, and that many of the matters that the majority leader has underscored are now being undertaken by the administration.

At 3 o'clock today the Secretary of State meets with representatives from Estonia, Latvia, and Lithuania. It may be too late to stop the export credits, because many have been obligated. The administration is looking, in a very broad sense, at a number of areas where we have been offering assistance to the Soviet Union. It goes without saying that this is not a partisan issue. This is one where I believe the feelings are shared on both sides of the aisle in the U.S. Senate. We want independence and freedom for the Baltic States. We understand this poses a great dilemma for Mr. Gorbachev. But we also understand that you cannot have it both ways. You cannot get the Nobel Peace Prize and then start killing people in the streets of Lithuania and Latvia, so far.

I say to the distinguished majority leader that I believe the areas under review by the administration—and the President has talked on two occasions that I know of in the past 72 hours to Mr. Gorbachev, and both calls were initiated, I understand, by Mr. Gorbachev, expressing the concerns of the American people, and the Congress and the President of the United States.

Mr. MITCHELL. I thank my colleague for his comments. He is most assuredly correct in his assertion that this is not a partisan matter, and that there are strong, and I believe perhaps unanimous, feelings in the Senate on that subject; certainly the overwhelming majority share the views that the distinguished Republican leader and I have expressed here today. It is my hope that the Senate, already having spoken twice on the subject in the past week, will be prepared to do so again in the near future. I look forward to working with the distinguished Republican leader in that regard.

THE PRISONERS OF WAR

Mr. DOLE. With reference to the prisoners of war—and I know the Presiding Officer could speak on this issue as well as the Senator from Kansas—if one watched television yesterday and saw these brave young men paraded before the television, it sort of made you sick to your stomach. If Saddam Hussein thinks he can gain anything in world opinion with that kind of tactic, I think he will find he is sadly mistaken.

Yes, maybe it demonstrates to the people in Iraq that he has captured American and British pilots. But there is no doubt about it—and I listened to my good friend and colleague, the Senator from Arizona, JOHN McCAIN, who was a prisoner of war himself for many years, speaking on television last night—these men were coerced. They were not voluntary statements.

What I think it really shows is the desperation of Saddam Hussein. Let us face it. We have people in America who have different views on the gulf crisis and our entrance into hostilities in the gulf crisis, but I am willing to bet there is one thing they do not disagree on, and that is mistreatment of prisoners—our, theirs, or any other prisoners who may be held as a result of this conflict. If we were violating the rights of Iraqi prisoners of war, you would have Members on this floor complaining about that. So I say to Saddam Hussein, if you want to unite the American people, you certainly picked the right way to do it. While it may not be much comfort to these young men whose pictures we saw yesterday, they will probably never know how much they have done to get people to focus in the right way on this terrible conflict in the Mideast.

This seems to fit Saddam Hussein's pattern of torture and cruelty, whether it is on the Kurds, people who live in his own country, or whether it is on—at least allegations of it—his own family members and officers around him he distrusted. So torture and cruelty are not new to Saddam Hussein. I believe he has had a history of misjudging the American people. He has proven again that he knows very little about the American people, and I think very little about people anywhere, other than Iraq. He has been isolated all his life. He has rarely traveled outside of the boundaries of Iraq; maybe two or three times. He does not know anything about the world or anything about the people. Apparently, he places little value on human life, even his own people's human life.

As the distinguished majority leader said, they are a signatory to the Geneva Convention since 1956 or 1966. I will furnish that for the RECORD. They indicate that they will abide by the Geneva Conventions. At the same time, they indicate that they are going to place these young men and others who become prisoners of war, in strategic areas, and there will be others. Regarding all this talk about the war ending in 5 days or a week, I think that is going to go out the window soon. He is going to place these prisoners in strategic areas. In other words, at some area of strategic importance to Iraq, he will place an American POW, or Italian, or Kuwaiti, or British, or one or more, in that area, so if there is an attack, they will be destroyed in the process.

Saddam Hussein does not play by the rules. If he played by the rules, we would not be in the gulf today. He would not have taken over the country of Kuwait. Maybe it does not make any difference to Saddam Hussein, but if he wants to be tried as a war criminal after this is over, that is good enough for me.

So I say to Saddam Hussein, or others in authority in Iraq who may be checking on what we are saying in the United States Senate, that you have an obligation as a signatory to the Geneva Conventions—there were four of them—to provide humane treatment for prisoners of war. You have an obligation to remove them from areas of danger, areas of combat, if you signed as a signatory, as Iraq did, the Geneva Conventions. You cannot hold prisoners of war up to ridicule and you cannot coerce them. You cannot beat them and torture them.

If some were uncertain about their resolve and our purpose in the gulf, Saddam Hussein will firm up that resolve and firm up that purpose and the American people will remain united for a long, long time.

THE 1ST INFANTRY DIVISION FORT RILEY, KS

Mr. DOLE. Mr. President, recently I spoke to the Senate about the thousands of brave men and women of the 1st Infantry Division at Fort Riley, KS, who are deploying to the war zone in the Persian Gulf as part of Operation Desert Storm. As we watch developments in the region with a sense of awe, we are reminded that these brave soldiers—our neighbors and friends—are real heroes in the true American tradition.

Mr. President, my colleagues are now familiar with the tremendous community support the families of these soldiers are getting back home in Kansas. I outlined the terrific effort being performed in Junction City and the surrounding Geary County area. Today, I would like to address the efforts being undertaken in Fort Riley's other sister city: Manhattan.

The Manhattan Chamber of Commerce sponsored a farewell luncheon for the division's command staff with the Junction City Chamber of Commerce. Approximately 150 attended the event where proclamations of support were read by community leaders, and a giant card signed by K-State students and KSU flag was presented to the division.

Project Manhattan Cares has been a total community effort to provide assistance to the dependents of the Big Red One. The mission statement of Project Manhattan Cares describes the project as "an informal, inclusive group of caring, concerned individuals, organizations, businesses, churches and educational institutions whose purpose is to facilitate a supportive, caring environment for military families in a time of crisis."

Project Manhattan Cares, led by Angie Fryer, who also heads the military wives effort in Manhattan, borrowed its name from Patti Sampleton, whose husband Otis, was sent to the gulf region. Patti had been using the name in an effort which involved sending magazines and other items to the desert.

Projects and programs which have evolved under the Manhattan Cares umbrella include:

The establishment of an information center and a hotline at the Manhattan Town Center that has become an important link for family members. The hotline phone number has been widely publicized and is being used by family members who have questions, needs and concerns. The hotline is staffed by volunteers, as is the information center. The Manhattan Town Center has donated space so visitors can see desert uniforms on mannequins, rations, and other Desert Shield related items. The outside of the Manhattan Town Center has been painted in a desert camouflage.

In addition, other activities that should be noted include a yellow ribbon campaign with yellow ribbon bows being made available to local citizens at cost; supplemental food has been made available through the breadbasket and pantries of local churches to the families of military personnel who may have short-term needs—Thanksgiving and Christmas baskets were also distributed through the breadbasket; KMAN-KMKF made available for distribution bags filled with personal comfort items; Century Systems, Inc./U.S. Sprint made available free 5-minute phone calls and fax messages to the troops. Also, Red Cross canteens were set up at both Marshall Army Air Field and Forbes Air Force Base in Topeka, and the Manhattan Cares group assisted in getting volunteers to staff the canteens. Counseling has been made available for those in need and the Pawnee Mental Health Center is cooperating in this endeavor.

In addition, a short-term baby sitting program has beeen established to assist those spouses left alone with children; a lend-a-hand committee has been formed to handle small handyman type projects for spouses unable to tackle certain household chores; a neighbor-to-neighbor effort is underway to encourage residents throughout the community to pay attention to the needs of the members of military families left behind; and paperback books and packages of personal comfort items are being collected to send to members of the Big Red One in the desert.

In addition, a Desert Partners Sponsor-a-Unit effort has been developed by the Manhattan Chamber of Commerce. Chairman Steve Riese, an Army captain on active duty who is enrolled at Kansas State University, is coordinating the assignment of units to business, professional and other groups, including many at K-State, who wish to sponsor a 1st Division Unit. Sponsors will send personal comfort items, signed banners, letters, and will make other contacts with their unit. To date, over 20 units have been adopted.

The Manhattan Chamber of Commerce has organized several other activities as well, including placement of a "Manhattan Cares" banner in the city and a large highway billboard near Fort Riley, also a large number of local businesses, at the chamber's encouragement, have displayed marquee signs wishing success to the Big Red One. In addition, the chamber has provided two large screen television sets for use by the military at the predeployment sites at Marshall Army Air Field. During the holidays, they also provided a Christmas tree and decorations for the family assistance center.

Mr. President, large American flags are flying indefinitely in downtown Manhattan on a 24-hour basis. The people of Manhattan and Riley County are united in their support for the troops at Fort Riley who are serving their country in this time of crisis. I would ask at this time that a copy of a proclamation issued by the Manhattan City Commission be entered into the RECORD. In addition, I would note, although not appearing here, that the

Riley County Commission, chaired by Dick Jepsen, adopted a similar proclamation.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, the men and women of the 1st Infantry Division have been called upon to be a key element in the world's effort to deter aggression, and

Whereas, the Big Red One has become an integral part of the Manhattan community, and

Whereas, the welfare of the soldiers of the First is paramount in the hearts of Manhattan, and

Whereas, the well-being of the military dependents is of deep concern to the members of the Manhattan community: Now hereby be it

Resolved, That, the Manhattan City Commission does declare that *Manhattan Cares*, and urges each and every Manhattan citizen to show in various individual and community actions that concern and care; and

The Manhattan City Commission does hereby sincerely express its hope that the men and women of the Big Red One will return to Fort Riley safely, and that they will return quickly with their mission accomplished.

RICHARD B. HAYTER,
Mayor.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

WAR CRIMES

Mr. REID. Mr. President, when I spoke last week in support of firm measures against aggression I drew an analogy to events preceding World War II. Today I would like to continue that comparison with a discussion of steps taken by the victorious Allies following the successful conclusion of the war. I refer to the war crimes trials in Nuremberg and Tokyo.

The Nuremberg trials were conducted under a charter drafted by representatives of the United States, Great Britain, France, and the U.S.S.R., and affirmed by 19 other nations.

In 1946, the U.N. General Assembly unanimously adopted Resolution 95, which affirmed the principles of international law, recognized by the Charter of the Nuremberg Tribunal. In 1950, the International Law Commission of the United Nations adopted a statement accepting those principles.

Article 6 of the charter sets forth the crimes under which the principal defendants in the first Nuremberg trial were indicted. It covers three kinds of crimes; those against peace, those against humanity, and war crimes.

Mr. President, as I catalog and discuss those crimes as defined under the charter, I would ask this body to think seriously of their application in the present conflict in which we, and much of the rest of the world, find ourselves embroiled.

Crimes against peace included:

> Planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements, or assurances, or participation in a common conspiracy for the accomplishment of any of the foregoing.

War crimes involved violations of the laws and customs of war including but not limited to:

> * * * murder, ill-treatment, deportment for slave labor or any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.

Crimes against humanity completed the awful list:

> * * * murder, extermination, enslavement, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crimes within the jurisdiction of the Tribunal, whether in violation of the domestic law of the country where perpetrated.

The charter made it clear that:

> Leaders, organizers, instigators, and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Mr. President, it also became clear at Nuremberg that the commencement of hostilities was not the point at which responsibility for crimes against humanity began, and that crimes against humanity directed at a war criminal's own population were punishable by an international tribunal.

In the first and most famous German trial, the Allies heard voluminous evidence against the chief surviving architects of the Nazi horrors. They included Hitler's Deputy Fuhrer Rudolph Hess, and his Air Marshal Herman Goering. The Allies also tried the commanders of the army and navy, the ministers of justice, economics, interior, production, and of the occupied territories. Certain diplomats and security service personnel were also included.

Each was judged on his merits. Some were acquitted. Many were found guilty of war crimes. Eleven were sentenced to death.

Those tried under the charter, in addition to the chief defendants in the first trial, included doctors and lawyers who perverted the humanitarian codes by which they were required to serve humanity to instead use them as a tool for the suppression and oppression of mankind. They included jurists, police officials, industrialists, financiers, generals, and government ministers. Some were convicted, some acquitted under the evidence presented. Each was given a full and fair trial.

I would also remind this body that, in addition to the international Military Tribunal, war crimes were tried by the United States in Military Government Courts. A number occurred, but I have specifically in mind the Russelheim case involving the killing of several American airmen in a populated area by a mob.

Mr. President, I have not set out in such great detail this litany of horrors merely to provide this body with a history of man's inhumanity to man. It has direct application to the present situation in which we and the world find ourselves. Like the analogy between collective action which we are taking on behalf of Kuwait, and which could and should have been taken on behalf of Ethiopia, and China, and Czechoslovakia, and all the oppressed and subjugated peoples of Europe, the trials of war criminals by an international military tribunal seems a fitting precedent for the action we can and must take following the conclusion of our current efforts.

Yesterday, we watched what we knew we would eventually see when we voted to support armed collective action, and what I fear we will continue to see; the parading of prisoners of war before cameras. The pictures of these beaten, injured, and battered aviators will be a picture that will not fade from our minds. It is reprehensible and it is a violation of the laws of war.

What the Iraqis did yesterday is a violation of the Geneva Conventions governing treatment of Prisoners of War. What they propose to do, placing prisoners as hostages at strategic locations is also a violation of law. They are both serious crimes, but they are by no means the first violations of international law committed by Saddam Hussein and the Iraqi Government.

This conflict began in August with the invasion of Kuwait, a sovereign nation at peace with its neighbors. That aggression has already been condemned by the United Nations as a violation of international law. Under the Nuremberg Charter, it is a crime against peace and those in the Iraqi Government responsible for that invasion must be prosecuted.

Mr. President, following that invasion the people of Kuwait were subjected to a regime of looting, murder, torture, rape, and brutalization. Each of those acts by members of the Iraqi military was a war crime. That troops were permitted to perpetrate those brutish horrors, both by their military commanders and as a matter of Iraqi Government policy is a separate and even more serious crime. Each of those criminals must be found, tried, convicted and punished in the most expeditious fashion.

Iraq, however, has not restricted its criminal activities to its tiny neighbor. It has also directly made war on civilian populations both inside and outside its borders using illegal methods and weapons banned by international law.

In the last week, we have seen the indiscriminant bombardment of civilian populations of a neutral neighbor when Iraq poured Scud fire into Tel Aviv and Haifa. We have seen attempts, fortunately defeated by technological wizardry, to do the same to the civilian populations of Riyadh and other Saudi cities. We have heard threats that the Iraqis intend to use nerve gas against those civilian populations and against our troops in the field. We can take those threats seriously because Iraq has used those weapons on more than one occasion previously.

Investigation has revealed that Iraq has struck not only Iranian troops with gas weapons clearly banned by the Geneva gas protocols, but also its own minority Kurdish population. The use of gas against troops is a war crime. The use of that weapon against civilians, and the indiscriminant bombardment with missiles of civilian populations of cities, is a war crime. It is also a crime against humanity; indeed, it may well be attempted genocide under the Genocide Convention, for the Iraqis to have tried to eliminate the national life and culture of the Kuwaiti people.

Viewed in that light the most recent crimes of Saddam Hussein and the Government and military authorities of Iraq are probably to be expected. They will most likely not be their last misdeeds, although I fully expect that we will put a final end to their ability to engage in further criminal conduct in the not too distant future.

In the meantime, and until that day arrives, Mr. President, I call on the Government of the United States, as a permanent member of the U.N. Security Council, to introduce a resolution creating an international tribunal empowered to investigate and prosecute those crimes committed by the Iraqi leadership, both civilian and military, as well as by those brutes who carried out their orders. It is not a day too soon to put Saddam Hussein, his government, and the armed forces of Iraq on notice that the nations of the world will exact full justice and complete retribution for every misdeed.

Perhaps, Mr. President, such a resolution will be viewed by those who run Iraq with the same scorn as prior U.N. demands. Perhaps they will continue to commit war crimes, and crimes against peace, and crimes against humanity. Perhaps the Iraqi generals and their troops will continue to feel free to loot, and rape, and torture.

But perhaps, Mr. President, as the end draws near, as it most surely must; perhaps as our troops and those of our allies move forward to the victory which justice and humanity and peace among nations requires; perhaps then they will remember this warning.

On a cold November day in 1946, following the conclusion of the Nuremberg trials, 10 members of the German Government and high command were led from their cells. They were taken to a courtyard where a master sergeant in the U.S. Army placed a rope around the neck of each man. They paid the highest price for the crimes they committed. Before further crimes are committed in the gulf, Saddam Hussein, his government, his generals and the members of his army in Kuwait would do well to profit by this example.

UNITED SERVICES ORGANIZATION

Mr. GRASSLEY. Mr. President, recently, an Iowan serving in Operation Desert Shield with the Navy wrote to me expressing his appreciation for the good work and the sacrifices that volunteers of the United Services Organization [USO] make, in order to serve those in the Armed Forces. I agree. I think it is an appropriate time to take a moment to commend the volunteers of the USO, an organization that serves our military personnel while our military personnel serve our country. There are thousands of heroes in the gulf; those who serve in the USO are among them.

The USO, founded in 1941, is a congressionally chartered, nongovernmental, nonprofit organization that receives no tax funding; therefore, it is heavily reliant on volunteer efforts. The numerous services that the USO provides are possible because of the many sacrifices made by volunteer celebrities, other volunteer workers, the support of the American public, and corporate sponsorship.

When many of us think of the USO, we probably envision the USO of World War II, with young women hosting dances, serving coffee and doughnuts and offering ready empathy to our service members who were departing to fight against the Axis Powers. Or perhaps we are reminded of the many USO celebrity shows presented by persons who volunteer their time and effort to entertain the troops on the front lines.

Although accurate, the USO of today is much more than this. Since its founding in 1941 through today, the USO has evolved in order to meet the changing needs of a military with a changing composition. It now provides extensive human services to a population of over 5 million service personnel and their family members.

These services include airport centers and fleet centers located worldwide that assist military personnel and their families in foreign air and sea ports. Family and community centers have been established to provide support systems and activities for service members. And USO affiliates offer orientation and intercultural programs designed to educate those serving in foreign countries about resources within the civilian community there.

Furthermore, just as USO shows were a vital part of USO services in earlier years, the celebrity entertainment is still a vital dimension of the USO. Whether it is a star-studded USO gala event or merely one celebrity chatting and shaking hands with troops on the front line, USO entertainment is an effective moral booster that helps relieve the emotional fatigue and stress of serving in the military.

Most importantly however, the USO entertainment, along with the many other services that the organization provides, delivers the message to our troops that their country supports them, needs them, cares about them and has not forgotten them.

That message is especially important now, so I am grateful to the USO and its volunteers who, through their many sacrifices, deliver that message to our troops for all of us. They deserve to be commended for these worthwhile efforts.

RECESS UNTIL 4:30 P.M.

Mr. REID. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until 4:30 p.m. today.

There being no objection, the Senate, at 3:01 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KOHL].

The PRESIDING OFFICER. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, the period for morning business, during which Senators will be permitted to speak, will continue. There will be no rollcall votes today.

I have discussed with the distinguished Republican leader and other Senators the proposed schedule for the remainder of the week, and I hope to have an announcement in that regard before the close of business today, giving Senators and members of the public at least an outline of the timing and subject matter of sessions for the remainder of the week.

Seeing that no Senator is now seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING ECONOMIC HARDSHIPS

Mr. BUMPERS. Mr. President, I am increasingly getting calls and mail from constituents in my State who have sons and daughters and husbands and wives in the Persian Gulf, and the calls deal with the increasing economic hardships that they are having as a result of their loved ones being called up in the National Guard or the Reserves. The hardships are because many of these men and women were making good money in civilian jobs when they were called up. Of course, their income is seriously reduced when they go on military pay.

I have heard people talk about difficulty in making their car payments, and their house payments, and other hardships that they are experiencing. While it is very trying to those left behind to fend for themselves, it is also extremely difficult for parents to face their children when their parents are in the Saudi Arabian desert and they are told that even though their parents are over there in what is now becoming a combat zone, according to the Presidential directive, that they are worse off financially. It is a perverse and unacceptable situation.

So, Mr. President, a task force is being put together here to come up with proposals to update all of the existing laws to try to redress these problems. They are almost limitless.

For example, under the old law you could not evict somebody from a rental unit if the rent was $150 a month or less. That was upgraded from 1940, when I think it was maybe $80 a month, and in 1960 the figure became $150. You and I both know there are precious few places in this country that you can find to live with your family for $150 a month. So that figure ought to be raised to a $500 to $1,000 limit to make it more realistic.

Then there are questions of health care. If your husband, for example, had a job at a factory or someplace where he was covered under health care and maybe he is not going to be carried any longer because he does not work there anymore, that could present a terrible dilemma for those left behind. There are some youngsters who are making student loan payments, and they are not going to be able to make those payments because their income is seriously reduced. Certainly those payments ought to be deferred. People who are making house payments and cannot make them because their spouse has been called into combat ought not to be foreclosed on, even if that means a Government no interest loan or whatever. I certainly hope that this task force will address all of these issues, and there are a host of them.

Having said all of that, Mr. President, one of the most important things is to make sure that all families of those serving in the Arabian Peninsula have the best counseling available. I am not talking about just the psychological counseling that is so important, especially to children, I am talking about counseling as to all of the things that are available to them from a tax standpoint, from an income standpoint, all of these things that I hope we are going to adopt on this floor very shortly to assist these families.

Mr. President, it was said very often during the debate the week before last that everybody supports our troops; no matter whether they felt the attack should have been postponed for some period of time to allow the sanctions to work or diplomatic solutions to work, everybody supports our troops. Congress can do some of the big things, but individual people across the Nation can do some of the small things that are so meaningful to families, to reach out to them and let them know we really care about them. If you want to support the troops and our forces in combat, those unbelievably brave men and women who have already demonstrated their patriotism and their bravery, one of the best ways to do it is to support the families they have left behind.

I thoroughly applaud the President for declaring it a combat zone because it certainly is that. The tax benefits and the deferral of taxes, collecting of interest on tax refunds, are all fine and good as far as they go. I applaud them. Certainly when that comes up on the floor, probably on Thursday, I will wholeheartedly support it.

But I hope this package which we are about to put together will help those people who are so bereaved and so anxious and apprehensive about their loved ones in the Arabian desert. You can assist them and give them some small peace of mind by letting them know they are not going to be evicted from their apartment, or their home is not going to be foreclosed on, or they are going to have health care, or that the payments they are not making on their student loans will not cause defaults, and a whole host of other things. Let them know that a grateful Nation will see to it that these things are not going to happen to them.

Having said that, Mr. President, I should also point out there is another group which should not be forgotten, and that is those who have already fought the wars for this country—our veterans, who were deprived of their cost-of-living increase last fall before we adjourned. Some of us tried desperately to pass a bill to provide them with a cost-of-living increase. As most of us know, it was held up because it contained the agent orange language. It is my understanding that that has been resolved; the House is sending a bill over here that has a cost-of-living increase in it, but it does not have the agent orange provision in it. I would like to see both of them pass.

Mr. President, I think it is conclusively established now that there are two forms of cancer and one terrible skin condition which are definitely caused by exposure to agent orange. There are some people who might still not want to accept that. Not to accept that agent orange did, in fact, and continues to cause problems for Vietnam veterans if they were exposed to it, to continue to hold out that that is not the case, is to fly right into the face of all the medical evidence we have.

I have had a number of veterans say to me, what kind of gratitude is it to deprive those who have fought the last war a cost-of-living increase when every single person, including Members of Congress, received a cost-of-living increase? It is not easy to answer that.

I am a cosponsor of this bill about which we will talk later. I do not think there will be any debate. I think it is going to pass with 100 votes in the Senate. I certainly hope so. It seems to me it would be almost unthinkable for it not to. But I would like to know that on Thursday afternoon I can start writing to all the veterans who have written to me and say I apologize that it took us so long to do it; it has now been passed and you will receive your cost-of-living increase.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

THE BALTIC STATES

Mr. RIEGLE. Mr. President, I had the occasion this morning to participate in the meeting of the Helsinki Commission, and to hear testimony today from the Vice President and a member of the Parliament from Lithuania and also from Latvia. These two men were here today in Washington to bring to us a firsthand account of the terrorism that is being directed at their democracies by Soviet officials at the present time.

We all know from news accounts, and we have seen and read that violent repressive steps were taken, first in Lithuania, where people were shot and killed by Soviet forces, and then more recently, in the last several days, in Latvia we have seen a repeat of that same situation.

This is deeply distressing to those of us who feel deeply about the need to try to free the captive nations of Lithuania, Latvia, and Estonia, particularly in view of the fact that they have been kept in a captive nation status now for literally half a century.

In a sense, if we were to lose these young democracies that have been established there within the last year or so, I think they will be seen as among the first casualties of the Persian Gulf

War. It will be one of the great historic ironies and tragedies if, while we are attempting to restore a monarchy in Kuwait, we end up losing a democracy in Lithuania or Latvia or Estonia. That, I think, is precisely the risk that we are running at the present time.

So I hope that our Government, in light of these developments, will speak with great force and directness to Mr. Gorbachev about the Soviet central officials' outrageous attempts to intimidate and, presumably, destroy these democracies in the Baltic States.

I think it is very important that our President raise these issues directly with the Soviet leader and that he not just do so in passing conversation in a phone call that might be initiated by Mr. Gorbachev. Rather, President Bush should consider, and then take the step himself, at some point early in time, or initiating his own contact with Mr. Gorbachev on this subject, not on other subjects where this is a collateral matter, but on this subject directly. I think it is very important that our country be heard from directly through our President on this issue, and that the Soviet officials at the top of that system understand clearly the importance that we attach to preserving the integrity of these young democracies in the Baltic States.

Today, in the Helsinki meeting that we had over in the Dirksen Building, we heard from the young Vice President from Latvia. He is a man who, throughout his entire life, has known only the subjugation and the captive nation status in his own homeland. And so now, just in the last year or two, with the movement toward democracy and the opening up of that society and the freely elected parliament having been established, he, for the first time, and his fellow Latvians, are experiencing a measure of freedom and self-determination that we stand for and which they have not known at any other time in their adult lives.

We cannot let that be snuffed out. They are looking to us for help and for a concern about sharing their commitment to values that are our values. I cannot help again but note in passing the fact that we have an enormous wartime armada applied in the cause of restoring a monarchy in Kuwait. Yet, we have over here the very possible loss of democracies—not monarchies, but authentic democracies—in the Baltic States that have been suppressed for literally 50 years.

So I hope that we will find, in our foreign policy objectives, the way and the means by which to assert a very strong message from the very top of our Government.

The legislation that I have drafted and introduced here with cosponsors Senator DECONCINI, Senator WALLOP, Senator KERRY, Senator KASTEN, and Senator SPECTER, would withdraw certain economic benefits to the Soviet Union that otherwise could go forward, unless we see restraint and the release of this pressure and intimidation, and the brutalizing that we are seeing now of these democratic forces in the Baltic States.

So I hope that our fellow citizens, if you will, citizens of the world in the Baltic countries, understand that we in America are staying with them in terms of their aspirations to seek and maintain the freedom and integrity of their own sovereignty, and that we support their efforts to reestablish and to maintain their nations, reflecting, as they properly should, the character and the history and culture of their own people.

So, it would be my hope that, with the tremendous attention that the gulf war necessarily has to receive, and properly should receive, we should not at the same time allow other events to go on in the world that cut directly against the objectives that we have set forth behind our efforts in the Persian Gulf.

As I say, we have democracies on the line in the Baltic States. Time may be running out. We need to be certain that a very strong stand is taken by our Government. It is very important that the President himself, in this Senator's view, take the initiative at an appropriate point and make that phone call to Mr. Gorbachev so there is no mistaking the importance that this Nation and this President attach to that issue.

I thank the Chair and yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HEINZ. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the Submission of Senate Resolution 16 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, are we permitted to speak as if in morning business.

The PRESIDING OFFICER. The Senator is correct.

THE NEWS MEDIA REPORTING PROCESS ON THE WAR

Mr. KERRY. Mr. President, I would like to just take a couple of moments, if I may, to say a few things about something that I perceive as a problem of some concern with respect to the reporting process on the war.

Obviously, there are deep-felt memories in the Pentagon of the Vietnam experience. Many of the senior officers were platoon leaders or otherwise engaged in Vietnam and there was an awful lot of analysis in the post-Vietnam years about the impact of the reporting process of the news media on the war and on the attitude of America towards that war. So, needless to say, as we are now engaged in another war, there is a reflection of that concern and analysis and the approach the Pentagon is taking to the release of news and also to the process by which the news media is permitted to gather that news.

In the first hours of this war, there was not an American—there was not anybody in the world, for that matter—who had access to the live reports who was not riveted by those initial reports, and much has been written about that in the last few days. This Senator recognizes and acknowledges readily the importance of restraint with respect to a lot of aspects about what might be reported. I would be the first to say that I think there was an inadvertent impact by some of the reporting that in fact could permit the Iraqi pinpointing of missiles or targeting and so forth and I think much of that has been corrected. And my sense is that the media would be readily prepared to be cooperative and is cooperative in the efforts to try to guarantee that those sorts of mistakes are not made.

On the other hand, it seems to me there are some important considerations which a country such as ours should not forget and must not forget in the process of prosecuting a war. No member of the press that I have ever talked to would suggest that they have a right somehow to news that would permit a family in this country to learn, almost live, of a casualty. And so, contemporaneous reporting, given new technology, has its obvious drawbacks.

But it seems to me there is a level of predetermined restraint, of censorship, that has been placed on reporting which goes beyond the norms or beyond even what most people would recognize as a permissible balance. And I think it is absolutely vital that we have a permissible balance here. Americans should not believe that every single bomb fired is a smart bomb or that every single bomb fired somehow finds its way down a chimney, and they should not have a sense that there is an arcade game nature to this war.

Obviously, the pictures of POW's that came out the other day outrage every American, and that certainly destroys any notion of the lightness of this endeavor. But those pictures came from Iraq, released, obviously, by the Iraqis and released for a purpose. It seems to me that we need a balance in our own access to news which maintains the integrity of our own democratic ideals and our approach, as well as maintains the integrity of our capacity to prosecute the military process.

Let me give one example. I know of a newspaper that sought an interview with a nurse in the back areas but because you have to have a military person assigned to you in order to cross the street to approach the nurse to get the interview, and no military person was available, the interview could not take place. The interview was simply a feature story, background material, something that ought to be of interest and something that legitimately, I think, we should want people to be reading about: why people are there, what they care about, what brings them to be part of the service. Indeed, it would build patriotic spirit and I think good will toward this endeavor.

But equally important, it seems to me, is that Americans have a full sense of what happened the day before or in the days preceding, and that not be selected in such a way it represents only what those prosecuting the war think we ought to hear in America. It ought to be what a free press has the right to write about in keeping with the spirit of this country. We will be stronger for that, and Americans will have a better opportunity to make the kinds of judgments which we are called upon to make as we continue this effort.

I hope the Pentagon might review that balance and the administration might review that balance in the interests of trying to guarantee that Americans and our democracy are well served, as well as the war effort being well served by that policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, do I have any leader's time remaining?

The PRESIDING OFFICER. The leader has 1 minute and 4 seconds remaining.

Mr. DOLE. I ask that I may proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUGOSLAVIA IN CRISIS

Mr. DOLE. Mr. President, I have made the point over and over since the onset of the crisis in the Persian Gulf that there are other trouble spots in the world besides the gulf—other countries and events that bear close watching.

Clearly, at the top of the list is the Soviet Union; in particular, the crisis in the Baltics. But, of equal concern to those interested in the survival and spread of democracy are events in Yugoslavia.

Last night, at midnight, the clock ran out on a decree issued by the Federal Presidency of Yugoslavia—a decree demanding that so-called irregular units throughout Yugoslavia be disarmed. If these units did not disarm, the Presidency threatened that the Yugoslav Army would step in to ensure that all illegal units surrendered their arms.

Only hours before the deadline did the President of Yugoslavia clearly indicate to Croatian Government officials that the central government considered the Croatian Republic's own police and national guard units to be so-called irregular or illegal units. This confirmed the Croatian Government's worse fears. The democratic Governments of Croatia and Slovenia had been expecting for some time now that the Yugoslav central government would seek to create an excuse for armed intervention in both republics in order to topple the non-Communist regimes elected last year. And, while the deadline has passed and Yugoslav Army has not yet deployed its forces in Croatia and Slovenia, the situation is uncertain and very tense.

In fact I felt compelled to call their ambassador, Ambassador Zimmerman, today and had a conversation with him about the events in Yugoslavia and about how tense they really were and how tense the feelings were and to express my view if force were used I think Congress would react almost unanimously, and it will not be business as usual dealing with the Yugoslav central government.

It is my understanding that the United States Government has communicated with the Yugoslav Federal Government through diplomatic channels in order to state our firm opposition to the use of force against the fledgling democratic Governments of Slovenia and Croatia. But, the central government has not yet given any assurance it will not use force.

It could be that the President of Yugoslavia and the Yugoslav Defense Minister are waiting to see if anyone in the Congress notices this threat—if anyone in the Congress cares whether or not these fledgling democratic governments are crushed under Yugoslav Army tanks.

Mr. President, I care. And, I know that many of my colleagues care. The Senate has communicated its concern for the 2 million Albanians in Kosova who are suffering under police state conditions imposed by the hardline Communist Government of Serbia. The Senate has also shown its support for the democratic republic governments in Yugoslavia and has recently met with their officials. I think I can say with confidence that my Senate colleagues have been hoping for peaceful change and the spread of democracy in Yugoslavia.

But, Mr. President, the Yugoslav central government in Belgrade is clearly not committed to peaceful change and democratization. Rather, the Belgrade government is committed to the use of force to destabilize the democratic governments and spread police state conditions throughout the country. The model for the central government in Belgrade is the brutal oppression we are seeing in the Baltics at this very moment. There is no doubt that we are on the verge of a serious crisis in Yugoslavia, a crisis like the Baltics, where democracy and human lives are at stake.

The people of Croatia and Slovenia waited 45 years for the opportunity to freely elect democratic governments. Let us not stand silent as the Yugoslav Government and Yugoslav Army prepare to demolish democracy. Let us not watch quietly as Yugoslavia becomes the last refuge of communism in Eastern Europe.

We need to let the Yugoslav central goverment know that if force is used, if the democratic governments are not allowed to function freely, the Yugoslav Government will pay the price.

Mr. President, I reserve any time remaining and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF HUNGARY—MESSAGE FROM THE PRESIDENT—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

In July 1990 I determined and reported to the Congress that Hungary continues to meet the emigration, criteria of the Jackson-Vanik amendment to, and section 409 of, the Trade Act of 1974. This determination allowed for Hungary to retain most favored nation (MFN) status without an annual waiver.

As required by law, I am submitting an updated formal report to the Congress concerning emigration laws and policies of the Republic of Hungary. You will find that the report indicates continued Hungarian compliance with U.S. and international standards in the areas of emigration and human rights policy.

GEORGE BUSH.

THE WHITE HOUSE, *January 22, 1991.*

EMIGRATION LAWS AND POLICIES OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2) of the Trade Act of 1974 (the Act) (19 U.S.C. 2432(c)(2)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Bulgaria will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect of the emigration practices of Bulgaria required by section 402(c)(2)(B) of the Act.

Pursuant to section 402(c)(2), I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Bulgaria.

GEORGE BUSH.

THE WHITE HOUSE, *January 22, 1991.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES (for himself, Mr. LEVIN, Mr. KENNEDY, Mr. DECONCINI, Mr. BURDICK, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. GORE, Mr. GRAHAM, Mr. AKAKA, Mr. RIEGLE, Mr. METZENBAUM, Mr. WIRTH, Mr. FOWLER, Mr. LIEBERMAN, Mr. BRADLEY, Mr. HEFLIN, Mr. PELL, and Mr. HATCH):

S. 239. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administation.

By Mrs. KASSEBAUM (for herself, Mr. BOND, Mr. COHEN, Mr. CRANSTON, Mr. DOLE, Mr. HEINZ, Mr. GRASSLEY, Mr. DANFORTH, and Mr. MCCONNELL):

S. 240. A bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans; to the Committee on Commerce, Science, and Transportation.

By Mr. WARNER:

S. 241. A bill to authorize States to regulate the treatment, disposal, and other disposition of solid waste; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. ROTH, Mr. DODD, Mr. SARBANES, Mr. PRYOR, Mr. LEVIN, Mr. D'AMATO, Mr. AKAKA, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. LUGAR, Mr. MCCAIN, Mr. LIEBERMAN, Mr. FORD, Mr. WARNER, and Mr. ROBB):

S. 242. A bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO:

S. Res. 15. Resolution relating to the prosecution of Saddam Hussein and responsible members of the Iraqi Government for war crimes; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. HELMS):

S. Res. 16. Resolution urging the denial of all United States trade credits and economic assistance to the Soviet Union; to the Committee on Foreign Relations.

By Mr. MACK:

S. Con. Res. 3. Concurrent resolution encouraging Americans to fly the flag in support of American troops overseas; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself, Mr. LEVIN, Mr. KENNEDY, Mr. DECONCINI, Mr. BURDICK, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. GORE, Mr. GRAHAM, Mr. AKAKA, Mr. RIEGLE, Mr. METZENBAUM, Mr. WIRTH, Mr. FOWLER, Mr. LIEBERMAN, Mr. BRADLEY, Mr. HEFLIN, Mr. PELL, and Mr. HATCH):

S. 239. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia; to the Committee on Rules and Administration.

MARTIN LUTHER KING, JR., MEMORIAL

• Mr. SARBANES. Mr. President, I am pleased to again introduce legislation to authorize Alpha Phi Alpha, the oldest black fraternity in the United States, to establish a monument to Martin Luther King, Jr., on Federal land in the District of Columbia. Senators LEVIN, KENNEDY, DECONCINI, BURDICK, DURENBERGER, MOYNIHAN, GORE, GRAHAM, AKAKA, HATCH, RIEGLE, METZENBAUM, WIRTH, FOWLER, LIEBERMAN, BRADLEY, HEFLIN, and PELL are joining me in introducing this measure. An identical bill was reported by the Senate Rules Committee in the 101st Congress, but did not come before the full Senate for consideration prior to adjournment.

It is especially timely to introduce this measure on the day following the national observance of the 62d anniversary of Dr. Martin Luther King, Jr.'s birth.

The Alpha Phi Alpha Fraternity, of which Dr. King was a member, will coordinate the design and funding of the monument. The bill provides that the monument be established entirely with private contributions at no cost to the Federal Government. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, shall select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University and has hundreds of chapters across the country and many prominent citizens as members, including Supreme Court Justice Thurgood Marshall. Alpha Phi Alpha has endorsed the Martin Luther King, Jr., Memorial project and has committed its considerable human resources to the project's development.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN, in 1963, Martin Luther King, Jr., made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emanicipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

A memorial to Dr. King erected in the Nation's Capital will provide continuing inspiration to all who visit it, particularly to the thousands of students and young people visiting Washington, DC, every year. These young people have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure. They do understand, however, that there is still more to be done.

As Coretta King said:

> Young people in particular need nonviolent role models like him. In many ways, the Civil Rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It has never been done before; it has not been duplicated since.

Mr. President, it is my hope that young people who visit the monument will come to understand that it recognizes not only the enormous contribution of this great leader, but also two very basic principles necessary for the healthy functioning of our society. The first is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of this Nation.

Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. I urge all of my colleagues to join me in this effort to ensure that the essential principles taught and practiced by Dr. King are not forgotten.●

By Mrs. KASSEBAUM (for herself, Mr. BOND, Mr. COHEN, Mr. CRANSTON, Mr. DOLE, Mr. HEINZ, Mr. GRASSLEY, Mr. DANFORTH, and Mr. MCCONNELL):

S. 240. A bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans; to the Committee on Commerce, Science, and Transportation.

AIRLINE BANKRUPTCY PASSENGER PROTECTION ACT

Mrs. KASSEBAUM. Mr. President, I rise today on behalf of passengers and ticket holders of financially troubled airlines.

On January 18, Eastern Airlines, having been in bankruptcy proceedings since 1989, ceased all operations. In doing so, Eastern joined a growing list of airlines that have liquidated after initially filing for reorganization. When these airlines shut down the inevitable result is chaos. Passengers are left stranded and thousands of ticket holders are left with worthless tickets. We can no longer allow this disturbing situation to repeat itself.

In 1989, immediately following the shutdown of Braniff Airways, I introduced a bill to protect air travelers holding airline tickets in the event an airline declares bankruptcy. The bill required the airline industry to develop a plan which would protect travelers holding tickets which are no longer honored because of an airline's insolvency. Unfortunately, the bill did not become law. Today, on the heels of yet another shutdown, I am again introducing this legislation.

The purchase of airline tickets is a significant consumer expense. The airlines, through their early purchase programs, encourage consumers to purchase the tickets far in advance. Consumers are willing to make these advanced purchases, but they need assurance that these licensed carriers will be obligated to fulfill their responsibilities under the license. In the case of Eastern, many commentators have suggested that the airline's inability to attract customers was, at least in part, the result of customer uneasiness over reports that a shutdown was possible. It is ironic that the public's fear of a shutdown actually helped lead to the shutdown.

To restore public confidence in air travel, I believe that some sort of insurance fund should be established by the airline industry to ensure that ticketed passengers will not lose their money. This concept is not unique. In my home State of Kansas, the insurance industry has a private fund which reimburses policyholders of bankrupt insurance companies up to a statutory limit. The fund is financed by a portion of each insurance policy sold in the State and does not use State revenues. Given the turmoil of the airline industry, I think a similar fund would be wise. This fund would ensure the integrity of the licensed carrier to stand behind their obligations to provide public transportation or, at least, hold harmless those consumers who rely on this representation. I also think that the airline industry should be required to devise a reasonable plan to prevent the stranding of passengers.

Currently, a number of major airlines are operating under chapter 11 bankruptcy protection. Other airlines, while not currently in bankruptcy proceedings, are posting record losses and clearly struggling under heavy debt burdens. Given the precarious financial shape of so many airlines, it is reasonable to assume that more airlines will be forced into bankruptcy proceedings. We can no longer sit by and do nothing for the traveling public.

Airlines are a vital part of our national transportation system. The integrity of the airlines is directly related to the integrity and reliability of our public transportation. Airlines are licensed to carry travelers. This license should carry with it the responsibility that the airline is financially capable of fulfilling this function. To the extent legislation is necessary to maintain integrity and financial responsibility in our public carriers, I believe it should be pursued.

Accordingly, I am introducing today, along with seven cosponsors, the Airline Bankruptcy Passenger Protection Act of 1991. Under this legislation, the airline industry would be required to develop a plan which protects airline ticketholders in the event the airline declares bankruptcy after the purchase date. If a satisfactory plan is not submitted by a specific deadline, the bill requires the Secretary of Transportation to issue regulations requiring all covered air carriers to provide air transportation for such ticketholders. This legislation will help restore the public confidence necessary to maintain the integrity and reliability of such a vital component of our public transportation system.

Mr. DOLE. Mr. President, I am joining my distinguished Kansas colleague, NANCY KASSEBAUM, as an original cosponsor of the Airline Bankruptcy Passenger Protection Act. This much-needed legislation is designed to be a safety net for air travelers who are in the unfortunate position of holding airline tickets at the time an airline declares bankruptcy. I was proud to cosponsor this legislation in the 101st Congress and believe that the remedy this bill provides is long overdue. Many of my Kansas constituents were left holding the bag when Braniff Airlines went bankrupt. The same thing has happened when other air carriers have declared bankruptcy and suspended flights. And now, with the demise of Eastern Airlines, airline passengers are once again the last in line with little or no recourse in this situation.

This bill, which I hope will be swiftly enacted by my colleagues, directs the Secretary of Transportation to issue an order authorizing airlines to develop a contingency plan to provide alternative air transportation for airline ticketholders in the event the airline declares bankruptcy. Should the plan be unacceptable to the Secretary, the Department may issue regulations establishing a suitable plan.

Mr. President, this legislation is a commonsense approach to the problems that have been encountered by thousands of airline travelers who have found themselves stuck and out of luck because a carrier is unable to continue operation. As creditors, airline ticketholders deserve some protection and this legislation will provide it.

By Mr. WARNER:

S. 241. A bill to authorize States to regulate the treatment, disposal, and other disposition of solid waste; to the Committee on Environment and Public Works.

STATES SOLID WASTE REGULATORY AUTHORITY ACT

• Mr. WARNER. Mr. President, I rise today to reintroduce legislation that I sponsored during the 101st Congress to regulate the interstate transportation of solid waste for purposes of disposal and treatment.

The practice of solid waste disposal has changed little since I first introduced my legislation in October last year. States are committed to placing the burden of waste disposal on the waste-generating State. Their efforts to restrict waste imports however, have repeatedly been enjoined by the courts. For these reasons in my view, this legislation is needed to provide States with the authority to regulate the flow of out-of-State trash and to assure that States develop comprehensive plans to manage wastes generated within their borders.

Mr. President, citizens are waging a tough, uphill battle to protect their neighorhoods from being used as dumping grounds for the more than 12 million tons of solid waste that crossed State lines in 1989 for disposal. In some cases, this waste is being shipped hunderds of miles from distances as far away as New York to New Mexico, Connecticut to Ohio, and New Jersey to Alabama. Virginia alone receives solid wastes from four States—the District of Columbia, New Jersey, New York, and Pennsylvania. The District of Columbia for example, disposes of virtually all of its solid waste—estimated at 700,000 tons per year—at a regional landfill on federally owned land at Lorton, VA.

Waste shipments are occurring and expected to increase in large part because this country is running out of landfill space. Some States, such as New York and New Jersey, are experiencing a temporary shortage of disposal capacity. With the U.S. Environmental Protection Agency [EPA] estimating that 73 percent of our Nation's solid waste is landfilled and further, that half of all landfills existing in 1989 are expected to close by 1994, it quickly becomes clear why citizens are anxious to address this problem.

Mr. President, Americans must begin to shift from relying on landfilling as the principal means of waste management to initiatives to encourage waste reduction and recycling. States have a duty and obligation to their citizens to plan for and manage the capacity of solid wastes generated within their borders. Some States are doing a better job than others of managing their waste through programs such as recycling. Virginia State law requires all localities to recycle 25 percent of its solid waste by 1995. However, this goal may be seriously undermined by the State's inability to control solid waste imports.

Mr. President, States that plan responsibly for the future to provide adequate waste disposal capacity should not bear the burden of treating and disposing of waste generated by States that do not. However, States and local governments that have tried to achieve this goal by banning out-of-State trash have had their efforts frustrated by the courts. In City of Philadelphia versus New Jersey, the Supreme Court struck down as unconstitutional under the commerce clause a New Jersey law banning out-of-State waste.[1] The Court found that New Jersey could not discriminate against articles of commerce from outside the State absent some reason to treat them differently.[2]

This decision and those following it have not discouraged many States and local jurisdictions from regulating interstate waste disposal. According to the National Solid Waste Management Association, 33 States have considered ways to restrict the transportation of out-of-State trash. Because State efforts to regulate waste imports are ongoing, litigation is expected to continue until States are given the authority to refuse out-of-State waste shipments.

For this reason, I believe that Congress has a responsibility to provide States with the necessary incentives to manage their own wastes. To achieve this objective, Congress must grant States the right to ban solid waste imports. Only with this authority will States have the power they need to manage wastes within their borders.

My bill does just that. Initially, it allows States to set higher fees for out-of-State trash and allows them to enter into agreements with one or more States, if they so choose, to collectively manage solid wastes. Moreover, it gives States with approved or effective solid waste management plans the authority to ban waste imports. States will continue to have primary responsibility for providing solid waste treatment and disposal capacity that meets the needs of its citizens.

Specifically, my bill would delegate congressional authority to States to impose progressively higher fees on the disposal and treatment of imported solid wastes beginning in 1991. Enactment of the fee would be left to the discretion of the State. Moreover, States would be authorized to double the fee each year, over a 5-year period, starting with a 50-percent increase over the fee imposed by the State on December 31, 1990, or later, if the State receiving the solid waste determines that a higher baseline amount is more appropriate.

Once 5 years have passed and a State has an approved or effective solid waste management plan, States may refuse solid waste imports or set a different fee structure, as allowed by State legislation. Such legislation may provide for setting different fees for wastes generated out-of-State. Five years is a reasonable amount of time within which a State could plan, finance and begin construction of new and expanded treatment or disposal facilities, including those intended for recycling and resource recovery and to enter into agreements with other States to plan for regional treatment and disposal facilities.

To further assure that States act to provide adequate waste disposal capacity for its residents, my bill allows States to charge fees equal to that of the transporting State. Conversely, to encourage partnerships between States and the private sector to build and operate recycling and resource recovery facilities, my bill would also allow States to enact legislation providing lower fees for solid wastes intended for these purposes. States would not be discouraged from exporting solid wastes destined for recycling, resource recovery, and waste-to-energy facilities.

While my bill does not specify how the fees should be used, it is my hope that States will use the additional resources to manage their waste programs, in furtherance of waste reduction objectives. These fees will have the added effect of ensuring that all States, particularly those which have traditionally relied on waste exports as a primary means of disposal, to begin planning to provide disposal capacity and waste reduction programs for solid wastes generated in-State.

My bill would also strengthen existing State solid waste management plan requirements of RCRA, which were first mandated in 1976. It requires States to develop a 10-year plan that will ensure adequate treatment and disposal capacity for all solid wastes generated within the State, with an emphasis on reducing waste at the source to mitigate the need for landfills. Under the bill, EPA would be required to review a plan within 6 months of receipt. The plan would automatically become effective if EPA fails to act within that time period.

Based on current trends and information, EPA projects that only 20 to 28 percent of solid waste will be recovered annually by 1995. States must redirect their efforts to develop comprehensive programs that seek to maximize the use of technically feasible waste management alternatives, such as recycling and resource recovery. However, waste-to-energy facilities must not impede the objective of source reduction. Wastes nevertheless requiring disposal may first be treated to minimize any harmful constituents.

The cornerstone of the plan will be the public's acceptance of the need for alternative waste management practices. To this end, I share the view of my friend and colleague from Rhode Island, Senator CHAFEE of the importance of educating the public, including children and students, on the benefits and opportunities of participating in source reduction and recycling programs. Habits are not easy to change, but through the involvement of citizens, businesses, government, and other sectors of the community, States will be able to develop sound waste management plans that address the needs of the State.

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[1] 437 U.S. 617 (1978).

[2] Id. at 626-627.

Finally, my bill clarifies a State's right to negotiate agreements with one or more States to collectively manage solid wastes by constructing and operating regional waste treatment and disposal facilities, including waste reduction and recycling facilities, if they determine that such an approach is in the best interest of their State. These agreements would be reviewed by the Congress, as required by the compact clause of the Constitution, unless States choose to codify provisions of the agreements into State law. Similarly provisions already exist in the Clean Air Act.

Mr. President, solid waste management is a problem facing all Americans. State and local governments are on the front lines of defense to develop meaningful strategies to take care of their own trash and to protect the health and environment of its residents. My bill will help them in this effort by delegating congressional authority to States to ban or discourage the practice of interstate waste disposal with approved or effective solid waste management plans.

Mr. President, I ask unanimous consent that the text of my bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "States Solid Waste Regulatory Authority Act".

SEC. 2. AUTHORITY TO REGULATE SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 4011. REGULATION OF DISPOSAL OF SOLID WASTE.

"(a) AUTHORIZATION.—Subject to limitations described in this section, each State is authorized to enact and enforce laws regulating the treatment, disposal and other disposition of solid waste within such State.

"(b) LAWS REGULATING TREATMENT AND DISPOSAL.—

"(1) FEES.—

"(A) Subject to the limitations described in this paragraph (1), each State is authorized to enact and enforce laws imposing and collecting fees in connection with the treatment, disposal, or other disposition within such State of solid waste generated in another State.

"(B) Beginning in calendar year 1992, any increase in a fee described in subparagraph (A) of this paragraph (1) shall not exceed an amount which is equal to the base amount multiplied by the applicable percentage for such calendar year.

"(C) The applicable percentage for calendar years, beginning with calendar year 1992, shall be determined in accordance with the following table:

"In calendar year:	The applicable percentage is:
"1992	50
"1993	100
"1994	150
"1995	200
"1996 and thereafter (Such amount as the receiving State may determine).	

"(D) For purposes of this paragraph (1), the term 'base amount' means the fee imposed by the State on December 31, 1991, or if no fee was imposed on December 31, 1991, the fee first imposed by the State after such date.

"(E) In the case of any State that imposes a fee after December 31, 1991, the table in subparagraph (C) shall be applied—

"(i) by substituting the first calendar year beginning after the calendar year in which such fee is imposed for 1992;

"(ii) by substituting the second calendar year beginning after the calendar year in which such fee is imposed for 1993;

"(iii) by substituting the third calendar year beginning after the calendar year in which such fee is imposed for 1994; and

"(iv) by substituting the fourth calendar year beginning after the calendar year in which such fee is imposed for 1995.

"(F) Notwithstanding any other provision of this section, at any time the fee of a State transporting solid waste to a receiving State for the treatment, disposal, or other disposition of such solid waste exceeds that of the receiving State, such receiving State may collect from such transporting State a fee equal to that of the transporting State.

"(2) BANS ON SOLID WASTE IMPORTATION.—Each State is authorized to enact and enforce laws imposing a ban on the importation of solid waste if—

"(A) the 5-year period beginning on the date of enactment of this paragraph has expired; and

"(B) the State has an approved or effective solid waste management plan meeting all of the requirements of section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943).

"(3) COMPACTS; AGREEMENTS.—Any two or more States are authorized to negotiate an agreement or compact, not in conflict with a Federal law or treaty, for the purpose of providing for the treatment, disposal or other disposition of solid waste, but no such agreement or compact shall take effect until it has been approved by Congress.

"(c) DEFINITION.—As used in this section, the term 'solid waste' shall have the same meaning as that provided in section 1004(27) of this Act, but such term shall not include hazardous waste as referred to under subtitle C.".

SEC. 3. STATE SOLID WASTE MANAGEMENT PLANS.

(a) AMENDMENT.—(1) Section 4003(a) of the Solid Waste Disposal Act (42 U.S.C. 6943(a)(6)) is amended by deleting paragraph (6) and inserting in lieu thereof the following:

"(6) The plan shall provide that the State, directly or through regional or local planning units as may be established under section 4002(a)(1), shall (A) identify the amount of solid wastes by waste type that are reasonably expected to be generated within the State or accepted from another State during the 10-year period following the date of the enactment of the States Solid Waste Regulatory Authority Act, (B) identify the amount of solid waste to be reduced during such 10-year period through source reduction, recycling and resource recovery, and (C) establish a process to assure the availability of solid waste treatment, storage and disposal facilities, including recycling facilities, permitted pursuant to section 4010 of this Act, including resource recovery and recycling facilities with adequate capacity to manage all such solid wastes in an environmentally sound manner.

"(7) When identifying the amount of solid waste management capacity necessary to manage the solid waste identified in paragraph (6), the State shall take into account solid waste management compacts in effect on the date of enactment of the State's Solid Waste Regulatory Authority Act that exist within the State and one or more States.

"(8) The plan shall require laws, regulations, and ordinances for development of new and expanded solid waste management facilities necessary to provide the capacity requirements in paragraph (6), including the establishment of a process for the siting of such facilities and a schedule for the approval and construction of such facilities. To the extent any capacity is provided outside the planning unit, the State shall act to ensure such capacity is available and is identified in the plan. The plan shall reserve to the State authority to take such actions on behalf of a regional or local planning unit, including compacts with other States if appropriate, to assure the availability of such capacity when such planning unit has failed in a timely way to provide adequate capacity for waste volumes identified by a State, regional, or local plan established pursuant to paragraph (6) of this subsection.

"(9) Each such plan shall describe solid waste management practices and programs, based on the State's environmental and economic conditions, that promote source reduction and recycling. Such programs shall include public education campaigns and the plan's description of such programs shall include, but not be limited to, the following areas:

"(A) coordination among State and local officials, including public education officials;

"(B) course curriculum development for primary and secondary schools regarding the benefits of and opportunities to participate in source reduction and recycling programs; and

"(C) projects to inform all members of the public and private sectors, including government agencies, institutions, the industrial and business communities, and consumers, of the benefits of and opportunities to participate in source reduction and recycling programs.

"(10) The plan shall identify existing State and regional markets for recyclable materials and actions that the State will take to promote and develop recycling markets.

"(11) The plan shall provide for a program requiring all solid waste management facilities to register with the State and that only registered facilities may manage solid waste identified in the plan. Such registration shall at a minimum, include the name and address of the owner and operator of the facility; the address of the solid waste management facility; the type of solid waste management used at the facility; and the amounts by waste type and source of waste to be managed at the facility.

"(12) The plan shall provide for technical and financial assistance to local communities to meet the requirement of the plan.

"(13) The plan shall specify the conditions under which the State will authorize a person to accept solid waste from other States, for purposes of solid waste management other than transportation, and ensure that such waste is managed in accordance with the plan and that acceptance of such waste will not impede the ability of the State of final destination to manage solid waste generated within its borders.".

(2) Section 4003 of the Solid Waste Disposal Act is amended by deleting subsection (d) and inserting in lieu thereof the following:

"(d) WASTE-TO-ENERGY FACILITIES.—It is the intention of this Act and the planning process developed pursuant to this Act that determinations regarding the need for or size of waste-to-energy facilities for solid waste management shall not in any way interfere with the achievement, to the maximum extent possible, of the objectives and policies of this Act.

"(e) ADDITIONAL PLAN PROVISIONS.—Any State plan submitted under this subtitle shall include provisions to carry out each of the following unless the State demonstrates, to the satisfaction of the Administrator, that the inclusion of such a provision is not practicable:

"(1) A policy which would require the State and political subdivisions of the State to procure products made with recyclable materials.

"(2) A program to encourage composting of yard waste, agricultural waste, and other waste streams as appropriate.

"(3) A system for curbside pickup of source-separated materials or separation at recycling facilities, or both.

"(4) A policy requiring—

"(A) that recyclable materials in solid waste from residences, commercial establishments, and office buildings be separated, to the maximum extent economically practicable, prior to treatment or disposal in solid waste management facilities. Recyclable materials to be considered in the State plan shall include but not be limited to corrugated cardboard, office paper and paper products, newspaper, glass, plastic materials and products, ferrous and nonferrous, and metals, yard waste, beverage containers; and

"(B) the imposition of a surcharge on tipping fees for any solid waste from commercial establishments or office buildings that (i) is delivered to a landfill, waste-to-energy facility or waste treatment facility and (ii) is not source-separated.".

(b) AMENDMENT.—Section 4006 of the Solid Waste Disposal Act (42 U.S.C. 6946) is amended by adding at the end thereof the following:

"(d) SUBMISSION OF PLANS.—Not later than 6 months after the date of enactment of the States Solid Waste Regulatory Authority Act, each State shall, after consultation with interested parties, and local governments, submit to the Administrator for approval a plan that complies with the requirements of section 4003(a) of this Act.

"(e) FAILURE OF THE ADMINISTRATOR TO ACT ON A STATE PLAN.—If the Administrator fails to approve or disapprove a plan within 6 months after a State plan has been submitted for approval, the State plan as submitted shall become effective at the expiration of 6 months after the date on which such plan was submitted. The plan shall remain in effect as submitted and subject to review by the Administrator and revision in accordance with section 4007(a).".

By Mr. GLENN (for himself, Mr. ROTH, Mr. DODD, Mr. SARBANES, Mr. PRYOR, Mr. LEVIN, Mr. D'AMATO, Mr. AKAKA, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. LUGAR, Mr. MCCAIN, Mr. LIEBERMAN, Mr. FORD, Mr. WARNER, and Mr. ROBB):

S. 242. A bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees, and for other purposes; to the Committee on Governmental Affairs.

ETHICS IN GOVERNMENT ACT

• Mr. GLENN. Mr. President, today I am introducing a bill, cosponsored by Senators ROTH, LEVIN, DODD, SARBANES, PRYOR, D'AMATO, AKAKA, MIKULSKI, MOYNIHAN, LUGAR, MCCAIN, LIEBERMAN, FORD, WARNER, and ROBB which addresses an important problem created by the Ethics Reform Act of 1989 concerning the prohibition on honoraria for the great majority of career Federal employees who are at the mid and lower levels on the pay scale. This bill is in all important respects identical to legislation Senator ROTH and I introduced at the end of the 101st Congress, which passed the Senate by unanimous consent, but was not acted upon by the House prior to sine die adjournment. The bill I am introducing today will not modify the absolute ban on honoraria for Members of the House of Representatives, top level executive branch officials, or judges, which went into effect on January 1, 1991.

Prior to January 1, employees in all three branches of the Government could receive honoraria for speeches, articles, or appearances that were not related to their official duties or status. The scope of these activities was limited by the conflict of interest laws, Executive order, and regulations. The Ethics Reform Act that was passed in 1989, however, provided that the rule on honoraria beginning January 1, 1991, would be that all House Members and all other Federal officials and employees—with the exception of Senators and Senate staff—are prohibited from accepting any honoraria for any purpose.

Prior to the adjournment of the 101st Congress, and certainly since the failure of the Glenn-Roth legislation to be enacted, my office and many other congressional offices, as well as the Office of Government Ethics, received many phone calls and letters from Government employees and organizations representing them and other interested parties who think that this new rule is unnecessarily restrictive and, therefore, unfair. Letters have been received from the National Treasury Employees Union, American Civil Liberties Union, American Federation of Government Employees, Federal Bar Association, National Academy of Public Administration, American Military Institution, and the Association of American Medical Colleges. For example, many Government workers pursue avocations that have nothing to do with their Government duties. They write newspaper articles on gardening or antique automobiles, or they lecture on stamp collecting or some other hobby. In addition, there are part-time Federal employees, like the career VA doctors with joint appointments to medical school faculties, for whom writing and lecturing on matters unrelated to their official duties or status is an integral part of their profession. This is also true for full-time career scientists working at Federal agencies like NIH.

These employees get paid for these outside activities. Sometimes it's strictly for pleasure or professional development, and any compensation just pays their expenses; other times, these outside activities supplement the family income. These career Federal workers are concerned and angry that since January 1, they won't be able to accept honoraria for these activities—unrelated to their official duties or status. I agree that this rule is too restrictive and therefore unfair.

Section 1 of this bill will correct the situation. First, senior people in each branch of government—defined as noncareer employees whose rate of basic pay is above GS-15—will be subject to an absolute ban on the receipt of honoraria. However, all other Federal employees will be allowed to accept honoraria as long as certain conditions are met: the subject for which the honorarium is offered cannot be related to the individual's official Government duties, and the honorarium cannot be offered because of the individual's status as a Government employee. In addition, the person offering the honorarium cannot have any interests that might be substantially affected by the performance or nonperformance of the recipient's official duties. Finally, the amount of the honorarium may not exceed the usual and customary fee for such services, up to $2,000, and confidential financial disclosure rules will apply.

I repeat that nothing in this bill affects the current rules applicable to Members of the House of Representatives, Senators, and Senate staff. The original legislation was drafted after consultation with Common Cause and received the approval of the Director of the Office of Government Ethics. In my view, this bill serves the public interest by maximizing the freedom of the rank and file Government employees to pursue outside activities while guarding against potential conflicts of interest.

Section 2 of the bill would also resolve a problem identified by the Secretary of the Senate in a letter to me dated September 10, 1990. The Ethics Reform Act expanded the period before filed financial disclosure forms are to be made available to the public from 15 to 30 days. This is to give filers an opportunity to correct obvious mistakes that may be identified by reviewers in the ethics offices. However, the act also requires the Senate and the House to send the financial disclosure forms to the States of those Members and individuals who are up for election within 7 days of filing. That means there would be a 23-day gap between the time the form could be made public in the State and the time it could be made public in the Senate or in the House. It was suggested that it would be appropriate to change that 7-day period to 30 days to coincide with the Ethics Reform Act. The bill I introduce today would do that too.

This bill deserves speedy action in committee and the full Senate to mitigate the harshness of the current honoraria ban, and I urge my colleagues to give it their full support.

I ask unanimous consent that a letter dated September 10, 1990, from Mr. Walter J. Stewart, Office of the Secretary, U.S. Senate, to me be included in the RECORD at this point, and the bill be printed in the RECORD following that.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE ETHICS IN GOVERNMENT ACT OF 1978.

Section 501(b) of the Ethics in Government Act of 1978 is amended—

(1) by striking "An individual" and inserting "(1) Except as provided in paragraph (2), an individual", and

(2) by adding at the end the following new paragraph:

"(2)(A) In the case of an officer or employee described in subparagraph (B), paragraph (1) shall not apply to an honorarium paid to such individual for an appearance, a speech, or an article published in a bona fide publication if—

"(i) the subject of the appearance, speech, or article and the reason for which the honorarium is paid is unrelated to that individual's official duties or status as such officer or employee; and

"(ii) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of that individual's official duties.

"(B) The officers and employees to whom subparagraph (A) applies are any officer or employee other than a Member and other than a noncareer officer or employee whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.

"(C) A report on the acceptance of any honorarium under subparagraph (A) shall be filed in accordance with rules and regulations established by each supervising ethics office under section 107 of this Act.

"(D) The amount of any honorarium accepted under subparagraph (A) shall not exceed the usual and customary fee for the services for which the honorarium is paid, up to a maximum of $2,000.".

SEC. 2. EXTENSION OF FILING PERIOD.

Section 103(i) of the Ethics in Government Act of 1978 is amended by striking "7-day" and inserting "30-day".

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, September 10, 1990.
Hon. JOHN GLENN,
Chairman, Committee on Government Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: As custodian of records filed under The Ethics in Government Act of 1978, I would like to call your attention to a provision of Public Law 101-280, which made technical corrections to the Ethics Reform Act of 1989, and which may have resulted in some unforeseen difficulties with access to financial disclosure reports filed by Members of the Senate.

By way of background, the Ethics in Government Act of 1978 originally required Members of the Senate and candidates for the Senate to file financial disclosure reports with Secretary of the Senate. Public Law 95-521, §103(b). The Secretary was required to send copies of the reports to the "appropriate State officer(s)" as designated in accordance with the Federal Election Campaign Act, within 7 days of receipt, *Id.* at §103(c), and make the reports available to the public within 15 days of receipt. *Id.* at §104(b).[1]

The Ethics Reform Act of 1989 amended these provisions of the 1978 Act in several respects. The 1989 Act required reports to be filed with the Senate Select Committe on Ethics, instead of the Secretary of the Senate. Public Law 101-194, §103(a). The Ethics Committee, in turn, was required to make those reports available to the public within thirty days of receipt. *Id.* at §105(b)(1). The Ethics Committee used that thirty day period to review Members' reports and to seek clarifications and amendments, where necessary.

Public Law 101-280 made a number of technical corrections to the 1989 Act including the replacement of the requirement that the reports be filed with the Ethics Committee with the requirement that the reports be filed with the Secretary of the Senate, the addition of the new requirement that the Secretary must forward the reports to the Ethics Committee within 7 days, and the reinstatement of the requirement that the Secretary send the reports to state officers within seven days. Public Law 101-280, §3(4)(E). As a result of these changes, the gap in time between the provision of the reports to the states and provision of the reports to the public is now twenty three days, as opposed to eight days under the 1978 Act.

This increased gap in the times between when the Secretary makes the reports available to state officers and to the public creates several problems. First, if a state has a report for a long period of time prior to the time when, following review by the Ethics Committee, the Secretary makes a report available to the public, the chances are increased that a state may make the unreviewed version of the report available to the public. Consequently, some members of the public may receive an original report and some may receive an amended version, resulting in confusion over which report is the "correct" one and giving rise to questions about the differences between versions. Second, the technical amendments may create administrative burdens for state governments. And states that do make original reports available may be faced with notifying recipients of the original version of a report that it has been changed and providing any amendments. These concerns posed potential problems under the original 1978 Act as well, but the now much larger gap between the provision of the report to the states and its availability to the public through the Secretary increases the likelihood that members of the public seeking members' reports may receive different versions.

Our solution would be simply to require the Office of Public Records to mail reports to states no later than the date that reports are made available to the public by that office, thus eliminating the potential for confusion and reducing administrative processing as well.

I call this matter to your attention in the event that you may wish to consider corrective measures. If I can be of assistance, please contact me directly or staff may wish to contact the Assistant Secretary, Jeri Thomson.

Sincerely,

WALTER J. STEWART.•

• Mr. ROTH. Mr. President, today I am pleased to join once again with Chairman GLENN in offering legislation regarding the receipt of honoraria for articles, speeches, or appearances by mid-level and low-level Federal employees. The legislation we have introduced does not affect the honoraria rules that apply to Members of Congress, political appointees, or Federal judges.

On January 1, 1991, a honorarium ban of considerable overbreadth went into effect for Federal employees. The matter is in litigation. It is hoped that this legislation can be processed in an expedited manner to remedy this overbreadth and obviate the need for the protracted litigation.

For an employee to receive the benefit of this legislation, three conditions would have to be met:

First, the subject of the appearance, speech, or article and the reason for which the honorarium is paid must be unrelated to that individual's official duties or status as such officer or employee;

Second, the party offering the honorarium must have no interests that may be substantially affected by the performance or nonperformance of that individual's official duties; and

Third, the individual must be someone other than a Member or noncareer employee whose rate of basic pay is equal to or greater than the annual rate of basic in effect for grade GS-16 of the General Schedule.

Mr. President, the problem of this overbreadth is one that has been brought to my attention by constituents and Federal employees. It is hard to see why an employee cannot write a paid article on his or her hobby or some area of expertise so long as he or she fulfills the above conditions. Part-time VA doctors and full-time CRS lawyers ought to be able to advance their careers as experts without violating the law.

Last October, the Senate passed a similar provision with the strong support of the Office of Government Ethics and the tacit approval of Common Cause. But the House refused to consider it and the remedy died with the adjournment of the Congress. Apparently, certain House leaders believed that the Senate remedy did not go far enough in relaxing the ban. Consequently, no remedy resulted.

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[1] In practice, the Office of Public Records made the reports available to the state officers and the public at the same time in order to simplify administration of these responsibilities.

Chairman GLENN and I are willing to try again.

Section 2 of the bill deals with an entirely different subject, a technical problem brought to our attention by the Secretary of the Senate concerning the timing of the public release of financial disclosure forms.

Mr. President, few would defend the current provision with its broad sweep. Belatedly, the problem is gaining recognition, and there is a growing desire for change. I hope that those seeking change do not stumble over the differences in the diverse remedies to be considered. Let us not in 1991 repeat the mistake of 1990 that has allowed the mistake of 1989 to continue in effect.●

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DOLE, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Louisiana [Mr. BREAUX], the Senator from Delaware [Mr. ROTH], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 8, a bill to extend the time for performing certain acts under the Internal Revenue laws for individuals performing services as part of the Desert Shield operation.

S. 9

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 14

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 14, a bill to assist in the restoration of the Chesapeake Bay, and for other purposes.

S. 23

At the request of Mr. SIMPSON, the names of the Senator from Washington [Mr. GORTON] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 23, a bill to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 100

At the request of Mr. SANFORD, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Oregon [Mr. HATFIELD], the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 100, a bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

S. 105

At the request of Mr. D'AMATO, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 105, a bill entitled "The Drug Kingpin Death Penalty Act".

S. 147

At the request of Mr. THURMOND, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 147, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 173

At the request of Mr. HOLLINGS, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 194, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

At the request of Mr. ROTH, his name was withdrawn as a cosponsor of S. 194, supra.

S. 199

At the request of Mr. GLENN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 203

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 205

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employee of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 217

At the request of Mr. HOLLINGS, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of

S. 217, a bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

S. 221

At the request of Mr. GLENN, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from Kentucky [Mr. FORD], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

S. 238

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Michigan [Mr. LEVIN], the Senator from Iowa [Mr. HARKIN], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. BIDEN], the Senator from Alabama [Mr. SHELBY], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. FORD], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 238, a bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. DIXON] and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 35

At the request of Mr. HOLLINGS, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Georgia [Mr. FOWLER] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE CONCURRENT RESOLUTION 3—URGING AMERICANS TO FLY THE FLAG IN SUPPORT OF AMERICAN TROOPS OVERSEAS

Mr. MACK submitted the following concurrent resolution; which was referred to the Committee on Judiciary:

S. CON. RES. 3

Whereas the people of the United States strongly support the nearly 500,000 United States troops in the Persian Gulf region;

Whereas keeping troop morale high is an indispensible key to victory; and

Whereas the American flag is a patriotic symbol of both the United States and the values of its people: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the people of the United States to display the American flag in show of support for the United States troops stationed in the Persian Gulf region.

• Mr. MACK. Mr. President, as we watch the developments in the Persian Gulf day by day and hour by hour, Americans are struck by the bravery and dedication of our fighting men and women. Our troops represent our Nation's undying commitment to freedom.

Today, therefore, I rise to introduce a resolution which encourages Americans everywhere to proudly fly our Nation's flag in support of those who are risking their lives so far from home. Not only will we demonstrate solidarity with the members of our Armed Forces, but we will provide a constant reminder to ourselves and each other that they are there.

A sea of red, white, and blue will show the world that we on the home front stand behind our troops overseas.•

SENATE RESOLUTION 15—RELATING TO PROSECUTION OF SADDAM HUSSEIN AND MEMBERS OF THE IRAQI GOVERNMENT FOR WAR CRIMES

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 15

The Senate finds that:

As ordered by Saddam Hussein, Iraq engaged in unprovoked aggression in its conquest and occupation of Kuwait;

The Iraqi occupation force has treated Kuwait citizens barbarously;

Saddam Hussein used American and European civilians as "human shields" in an attempt to protect strategic facilities throughout Iraq and has now directed that captured American and Allied prisoners of war be used for the same purpose;

Saddam Hussein ordered his military to launch missile attacks against innocent civilians in Israel and Saudi Arabia; and

President Bush has rightly warned Saddam Hussein and Iraqi Government officials that they would be held responsible for any abuses they have caused; Now, therefore, it is

Resolved, That it is the Sense of the Senate to urge the President to request the United Nations to establish a tribunal to charge Saddam Hussein and other responsible Iraqi Government officials for war crime, acts of aggression, and crimes against humanity they have committed.

Mr. D'AMATO. Mr. President, once again Saddam Hussein has shown the world that he is a butcher; the Butcher of Baghdad has struck again. We have just learned of another unprovoked attack against the State of Israel. Israel, Mr. President, has been besieged by the coalition to show restraint, and she has done exactly that. Repeatedly, she has endured the terror of the thought of those attacks which bring to the minds of its citizens fear, fear for their loved ones, fear that they know not when they may be facing the peril of poisonous gas.

Mr. President, just the idea of poison gas being used against Israel should make the entire world cringe. Saddam shows that not only does he not recognize restraint, but he is going to continue this senseless onslaught.

Yesterday, he showed the entire world what he thinks about the Geneva Convention and about human rights, showing beaten and tortured POW's, and now threatens to use them as human shields. He has launched missiles to terrorize and kill innocent civilians, and now he is going to use POW's at various sights to protect himself. He has even used poisonous gas, the Butcher of Baghdad, on his own citizens. He thinks he is above the international law governing the treatment of POW's.

Mr. President, it is time that we showed him he is wrong. It is time for more than rhetoric.

It is time for more than just the outrage that the whole world justifiably has for him. He should be captured, Mr. President, brought to trial, found guilty, and executed.

Today I have introduced a resolution expressing the sense of the Senate that our President should request immediately that the United Nations establish a tribunal to charge Saddam Hussein and other responsible Iraqi officials for the war crime acts of aggression and crimes against humanity. It is time, Mr. President, to let Saddam

Hussein know that he will pay for the deaths that he has caused.

Mr. President, rhetoric, outrage, and indignation are one thing but action is what the entire world has a right to expect; action is what the families of those POW's have a right to expect; action is what those POW's expect. They are there not only for the people of this country but for all humanity to see that the killing machine that Saddam has set up is dismantled, to give peace an opportunity in that troubled area of the world.

Now, Mr. President, is the time for us to demonstrate our resolve, and act to move to see that a tribunal is set up immediately so the wheels of justice may be heard and may continue.

SENATE RESOLUTION 16—URGING DENIAL OF TRADE CREDITS AND ECONOMIC ASSISTANCE TO THE SOVIET UNION

Mr. HEINZ submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 16

Whereas the recent improvement in the Soviet-American relationship was not a spontaneous occurrence but instead predicated on dramatic changes in Soviet behavior; and those changes included an apparent recognition on the part of the Soviet leadership of the rights of self-determination both in Europe and the several republics of the Soviet Union; and

Whereas the central authorities of the Soviet Union have abandoned this constructive course in favor of violence and coercion; and

Whereas Soviet military forces have killed and wounded unarmed civilians in their successful efforts to capture installations and institutions that are the rightful property of the democratically elected governments of the Baltic states; and

Whereas the Soviet republics of Lithuania, Latvia, and Estonia were once sovereign nations and continue to be recognized as such by the United States; and

Whereas the benefits of economic cooperation with the United States, including trade credits and other forms of assistance, should rightfully only be extended to states that share our values and act in accordance with those values: Now, therefore, be it

Resolved, That the President shall immediately suspend any extension of official trade credits or other forms of economic assistance to the Soviet Union by the government of the United States, and shall direct U.S. executive directors of each of the international financial institutions of which the United States is a member state to vote to bar all assistance from such institutions until such time as the President finds that Soviet military forces have relinquished control of political institutions, communications facilities and other buildings or property of the Baltic States and the President of the Union of Soviet Socialist Republics has entered into good faith negotiations with the representatives of the democratically elected governments of the Baltic States regarding their future status with regard to the rest of the Soviet Union.

Mr. HEINZ. Mr. President, I am today introducing legislation to end all economic assistance and finance credits to the Soviet Union until and unless the Soviet government ends its military assault on the legitimate governments of the Baltic States.

The President announced his economic assistance package with the Soviet Union in early December. The policy of extending Eximbank financing to the Soviet Union was announced only on December 29. These changes in American policy were premised on Soviet pursuit of the policy of glasnost, or political and economic liberalization, as a basis for improving economic and political relations between the United States and the Soviet Union.

Since glasnost has now been rejected in favor of Soviet military action in Lithuania and Latvia, United States policy must change to reflect this reversal of direction.

We all know that the democratic experiment taking place in the Baltic States is indeed the very essence of what glasnost was supposed to be about. The political process was supposed to be opened up to permit the legitimate political aspirations of the people within the Soviet Union to be realized. Instead, Mr. President, we have witnessed during these last 10 days in Riga and Tallinn resort to the unprovoked use of force, bloody and deadly, against unarmed and innocent civilians.

Use of military force against duly elected governments and peaceful protesters constitutes a total repudiation of the policy of glasnost and invites our reaction.

The timing of the assault on the Baltic States appears to reflect the hope of the Soviet Government that it could restore Stalinist-style dictatorship while the world is preoccupied with the war to free Kuwait and while the United States would be loath to risk the loss of Soviet support during this Middle East crisis. We cannot allow this effort to succeed because of our present occupation with the gulf.

The United States must let the Soviets know that there are consequences to reversing the policy on which our rapprochment is based. Soviet militarism, if pursued, must result in a total reevaluation of our policy toward the Soviet Union. As a first step, the legislation I am introducing today directs the President to revoke and suspend all economic assistance and Eximbank credits to the Soviet Union until the Soviet Government rejects the use of military force, restores political control to the duly elected governments of the Baltic States, and enters into negotiations regarding their future status in the Soviet Union on the basis of self-determination.

I believe this is the minimum we can do to put the Soviets on notice that the policies of the past—and particularly of the past few weeks—are totally unacceptable. We need and we seek a world order which requires respect for political and human rights not just by madmen like Saddam Hussein but by the leaders of the world powers as well.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on February 7, beginning at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive administration views on legislation to provide for a referendum on Puerto Rico's political status.

For further information, please contact Allen Stayman, at (202) 224-7865.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 207, the Futures Trading Practices Act of 1991. The hearing will be held on Thursday, February 7, 1991 at 9 a.m. in SR 332. For further information, please contact Ken Ackerman of the committee staff at 224-2035.

ADDITIONAL STATEMENTS

UKRAINIAN INDEPENDENCE DAY

• Mr. SIMON. Mr. President, on this 22d day of January 1991, we celebrate the 73d anniversary of the proclamation of independence of the Ukrainian Republic. History tells us that the independent Ukrainian Republic lasted less than 5 years, but it is clear that their spirit of freedom has survived to this day.

Today's anniversary takes on new significance in light of recent developments in Ukraine and in the whole of the Soviet Union. The past year has seen events that mirrored those in 1918. The reforms instituted by President Gorbachev more than 5 years ago gave us all cause for hope. In 1990, we saw the growth of a free press and a multiparty system, as well as the revival of a rich national culture. Finally, on July 16, 1990, nearly three quarters of a century after the original proclamation of independence by Ukraine, the Ukrainian people declared their state to be a sovereign nation. Unfortunately, there now seems to be a reversal of the political opening we know as glasnost and perestroika.

The past months in Ukraine have seen the arrest of two prominent political figures: Stepan Khmara and Oles Donij. Stepan Khmara, a member of the Ukrainian Parliament, was arrested on the 17th of November under very suspicious charges and the date of his trial has been repeatedly delayed. Mr. Khmara has already spent 7 years in jail for his writings that revealed corruption in the Soviet Union, and it seems that his quest for justice is once again being punished by imprisonment. Oles Donij was arrested exactly 2 weeks ago on January 8. As the president of the Ukrainian Student Union, his efforts were crucial in student demonstrations that forced the Communist government to enact significant reforms. He is now in jail for those efforts. There has also been the inevitable military response to the fledgling steps taken by the Ukrainian Republic. Soviet troops in Ukraine, as in the Baltic Republics, now menace the Ukrainian freedom. The Ukrainian fight for liberty has come nearly full circle; a circle we do not wish to see completed.

I urge President Gorbachev to renew his vision of an open society and allow the Ukrainian people to continue their march toward a free society; a society that will give hope to all nations that are struggling for freedom. Today, we celebrate the memory of a brief period of liberty for the Ukrainian people. It is my hope that a year from today, we will join the Ukrainian people in celebrating a living, breathing freedom; a freedom they have waited 73 years to regain.•

ANOTHER SUCCESS FOR CLOSED-CAPTIONED TELEVISION

• Mr. SIMON. Mr. President, during the past Congress we passed the Television Decoder Circuitry Act (Public Law 101-431), requiring new television sets to have built-in decoder circuitry to display closed-captioned television programming. Along with Senator HARKIN, the chief sponsor, I believed that this legislation would benefit more than the 24 million hearing-impaired Americans—that the millions of functionally illiterate Americans and those learning English as a second language would also benefit substantially.

A study recently brought to my attention confirms the possibility of these benefits. The findings indicate that students learning English as a second language can dramatically improve their language skills by viewing closed-captioned television. After a 12-week test, involving 129 Asian and Hispanic background students, those who had watched a science series with closed-captioning were found to be better able to understand word meaning and pronunciation, recognize spellings, and grasp concepts much more quickly. These are significant results, and I hope that educators are taking a close look at how they can use these new educational tools.

We should be grateful to the National Captioning Institute and the Pew Charitable Trusts for undertaking this study. I hope we will soon have additional positive results showing the effects of closed-captioning on teaching the illiterate to read and the funcationally illiterate to improve their reading skills. I call the attention of my colleagues to the following article from "GA-SK Newsletter."

The article follows:

NEW STUDY REVEALS THAT CLOSED-CAPTIONED TV HELPS ASIAN AND HISPANIC-AMERICANS LEARN ENGLISH

Millions of Asians and Hispanic-Americans may soon be learning English with help from a most surprising teacher—closed-captioned television.

A new study commissioned by the National Captioning Institute (NCI), and funded by The Pew Charitable Trusts, Philadelphia, shows that students learning English as a second language (ESL) can "dramatically" improve their language skills by viewing closed-captioned television.

In the 12-week study conducted in Lowell, Massachusetts, 129 seventh and eighth-grade students from Asian and Hispanic language background were randomly assigned to four groups: 1) viewing closed-captioned, 2) viewing television alone, 3) reading and listening to test, and 4) reading alone.

Twice a week, the students either viewed or read segments of "3-2-1 Contact"—a science series produced by the Children's Television Workshop. They were then tested on their ability to recognize and comprehend 90 target vocabulary words such as "respiratory system," "carbohydrates" and "predator."

In all cases, "students watching closed-captioned television scored higher on a number of written tests than any other treatment groups," says Temple University professor, Dr. Susan Newman, chief researcher on the study. "they were better able to understand word meaning and pronunciation, recognize spellings, and grasp onto concept much more quickly than by reading alone."

"For years, it's been believed that captioned television could have tremendous potential as a language teaching tool," says Newman. "Now we have evidence proving that foreign language speakers can improve their Engish language skills through captioned TV."

Closed captioning is effective as an educational tool because it provides the students with three contexts that support word learning. They simultaneously see the visual image, hear the spoken dialogue or narration, and read the written work in proper sentence form.

The focus of the Pew-funded study was to determine if captioned television is an important source of "comprehensible input"—the process by which people learn language and literacy without formal instruction, using the language they already know and cues from the environment. For example, on one of the science programs, Newman says, children were able to understand the word "suffocate" by seeing a girl covering a fire with dirt.

Although NCI has commissioned short-term studies in the past, this is the first time a long-term study has been conducted on the benefits of captioning as a language teaching tool.

The report findings provide encouraging news for one of the fastest growing segments of the U.S. population.

"Over 35 million of our nation's children come from homes where English is not spoken," says Neuman. "Closed-captioned television helps them learn their new language faster, which means they'll be beter able to keep up in school, compete in the workplace, and assimilate into mainstream Americans culture."

NCI's decoder purchasers include Chinese, Japanese, Koreans, Vietnamese, Mexicans and Cubans. These purchasers range from recently immigrated families whose children learn English while watching "Sesame Street," to foreign students studying abroad and foreign executive of international corporations.

Neuman believes that closed-captioned television will eventually become a mainstay in every ESL classroom.

"Captioning creates a 'shared' learning environment," she says. "Many students, particularly if you have a mix from various ethnic backgrounds, are very resistant to trying to speak in English because of their fear of failure. Once you put a television in the classroom with closed captioning, they immediately open up and respond."

Accompanying the research report is a Curriculum Guide for using captioned television in the teaching of ESL students. The 45-page guide features lessons plans, examples and worksheets.

First Lady Barbara Bush, who has made literacy one of her personal projects, has voiced support for using captioning as an educational tool. Following a demonstration of closed-captioned technology at a recent White House meeting, Mrs. Bush commented, "It is exciting to learn about the research that indicate captioned television can help adults and children improve their reading skills, both at home and in a classroom."

The National Captioning Institute has toll-free numbers for information on the benefits of captioning and the TeleCaption decoder: 1-800-533-9673(V) and 1-800-321-8337(TDD).•

ASAT—BOONDOGGLE THAT WOULD NOT DIE

• Mr. KERRY. Mr. President, last week, I noted with pleasure that after a decade of fighting off congressional attempts to stop this program, the Defense Department had finally agreed to kill its antisatellite weapons program, saving the taxpayers billions in the process.

Unfortunately, to plagiarize Mark Twain, rumors of the Asat's death were greatly exaggerated. Defense News, the same publication which last week published the account of the cancellation of the Asat Program, this week reported that the White House "reversed itself early last week" after seven Republican Senators protested that "the military is paying more attention to what is politically salable to the Democratic majority in Congress rather than the actual threat" posed by the Soviet Union.

According to the Defense News article, this political decision to restore Asat was made essentially at the behest of this small group of pro-Asat legislators—not because of any inherent merit in the program that had been canceled just 2 weeks earlier.

The Asat Program is a relic from the cold war. Its mission is to target Soviet satellites at the start of a strategic nuclear conflict between the United States and the Soviet Union. While we all are concerned about what is happening in Latvia and Lithuiana, it is hard to understand why we need an antisatellite weapon as a result. Is there a secret plan to shoot-down Soviet satellites over the Baltics? I hope not.

The truth is, the United States Asat Program has no application to the current crisis in the Soviet Union, or that in the Persian Gulf. In fact, the program is either designed to shoot down Soviet satellites under circumstances that are exceedingly hard to imagine, or to shoot down Iraqi or other Third World satellites which do not exist.

When we have so many other pressing needs, from our immediate military requirements in the gulf to many deferred domestic demands, the American people deserve at least the peace dividend that would be created by terminating Asat. Unfortunately, the Pentagon and White House once again seem determined to prove that politics will keep this program alive, when policy alone would justify terminating it and saving the taxpayers' money.

I ask that the article, "Soviets Help Fuel Asat Reversal" appearing in the January 14, 1991, issue of Defense News appear in the RECORD at the conclusion of my statement.

The article follows:

SOVIETS HELP FUEL ASAT REVERSAL—WHITE HOUSE INCREASES FUNDS FOR RAILCAR-MX NUCLEAR MISSILE

(By Philip Finnegan)

WASHINGTON.—The White House has reversed its decision to cancel the antisatellite weapons program and has increased research funds for the strategic nuclear railcar-MX missile, following growing concerns about a possible Soviet draft toward Cold War policies.

Soviet troops took over Lithuania's main printing plant and the headquarters of the Lithuanian national guard last Friday, in the latest of a series of Soviet actions arousing administration concern about a possible military crackdown in the three Baltic republics.

Only three days earlier those concerns led White House spokesman Marlin Fitzwater to issue an appeal that the Soviet Union "cease attempts at intimidation [of the Baltic republics] and turn back to negotiations."

Before that public appeal, the White House already was working to reverse decisions that would have killed or cut back a number of strategic weapons systems in the proposed 1992 defense budget, which will be submitted to Congress next month.

Although the White House approved the cancellation of its antisatellite weapon program last month, it reversed itself early last week and revived both kinetic and directed energy antisatellite weapons, according to Defense Department sources.

A total of $65 million will now be split between kinetic and directed energy antisatellite weapons, a funding level that industry sources expect will delay the kinetic energy program by one or two years.

Termination of the final research and development portion of the railcar MX program was also reversed early last week, a source said. The proposed new funding levels, which would enable the completion of research on the program, total $220 million in 1992 and $65 million in 1993. This would be in addition to $352 million committed to the program in 1991.

Despite the addition of funding for railcar MX research, no funding has been added for production of MX missiles so the production line will shut down once the $655 million of 1991 funds for 12 test missiles is spent.

The budget of the Advanced Warning System, an advanced satellite system that would be able to detect ballistic missile launches, was scheduled to be reconsidered in a meeting last Friday.

Funding for the system had been deleted in the proposed 1993 budget, but an industry source said that an option would be evaluated under which funds might be transfered from the older Defense Support Program satellite system to more aggressively pursue the next generation Advanced Warning System.

Each of those strategic weapon systems had been cited in a Jan. 3 letter to the White House by seven Republican senators, including Senate Minority Leader Robert Dole, R-Kan., and six members of the Armed Services Committee. The senators protested decisions being taken in the preparation of next year's budget as premature in light of growing instability in the Soviet Union.

"Given the relentless and comprehensive nature of Soviet strategic modernization programs, coupled with disturbing signs of possible civil war and the reemergence of hardline traditionalists in Soviet leadership positions, we believe such terminations or scaling back of programs would send the wrong signal to the Soviet Union," said the letter.

Those follow-on talks would focus on reducing the number of multiple warhead missiles such as the 10-warhead MX missile.

The letter reflects a growing concern among congressional Republicans that the military is paying more attention to what is politically saleable to the Democratic majority in Congress rather than the actual threat, according to one Republican staff members.●

VENICE AMERICAN LEGION POST OBSERVES FOUR CHAPLAINS DAY

● Mr. GRAHAM. Mr. President, I rise today to join with the millions of Americans who will observe Four Chaplains Day this year with special meaning and reverence.

This commemoration honors the spirit of the four Chaplains—Catholic, Jewish, and Protestant—who stood united in prayer as they went down with the S.S. *Dorchester* in World War II.

Mr. President, the message of the Chapel of the Four Chaplains is brief and powerful: "The irreducible minimum for an adequate defense of America is American unity. Not uniformity. All races, faiths and economic degrees, living and working together as Americans all."

That message hits home today, Mr. President, as our dedicated men and women of Operation Desert Storm pursue their mission half-way around the world. This, too, is a time for national unity.

Among the many Americans who will pause in prayer to honor Four Chaplains Day are the members of Venice American Legion No-Vel Post No. 159 in Florida, the third largest post in our State.

The members of post 159 will gather on February 3 for a special memorial service, Mr. President, we join in their prayer for national unity and for the safe return of our troops from the Persian Gulf.

God bless America.●

UKRAINIAN INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 73d Anniversary of the Ukrainian Rada's 1918 Proclamation of Independence. With its issuance of the Fourth Universal in Kiev's St. Sophia Square, the word observed the establishment of the Ukrainian National Republic.

The Ukrainian National Republic, established on a democratic, constitutional basis, guaranteed the basic freedoms of speech, religion, assembly, and the press. Indeed, these freedoms model those found in our own Constitution.

With the advent of political and economic reforms in the Soviet Union, President Mikhail Gorbachev has led the world to believe he was willing to allow the Republic of the Soviet Union the opportunity to freely establish their sovereignty and independence. However, the events of the past week, especially the unleashing of Soviet tanks and troops against the Baltic Republics, in addition to Stalinist repression in Moldavia, Georgia, and the Ukraine, have made the world community painfully aware of how tenuous freedom has become for the Soviet people.

The American public is outraged and deeply concerned over the actions of the Soviet President. Mr. Gorbachev needs to know that there can be no improved relations with the United States, no summit, no credits, and no food aid to the Kremlin until it supports the rights of citizens throughout the world to elect their own representative governments.

The ideals of freedom, democracy, and self-determination were primary goals when the Government of the Ukraine reasserted its independence by approving the Declaration of State Sovereignty on July 16, 1990.

Mr. President, our support for these goals is needed now more than ever before. The United States, and indeed the world community, must not allow the crisis in the Persian Gulf to cloud our vision of a peaceful transition of the Ukraine and the other Soviet Republics to full independence.

Now is the time to cast our lot not with those who seek to extinguish the fire of freedom, but with those who are willing to die for it.●

SECESSION OF THE SUCCESSFUL

• Mr. RIEGLE. Mr. President, an important article appeared in the New York Times Sunday magazine on June 20, that I want to bring to the attention of colleagues and other readers of the RECORD.

The author, Mr. Robert Reich, has written an article entitled "Secession of the Successful," which describes disturbing and dangerous economic trendlines that are fragmenting our society.

In order to consider national economic strategies that center on the well being of the whole or our Nation—rather than just some parts—we must first comprehend important new economic trendlines now at work in our society. This article describes some of them.

At a time of major crime problems throughout our country, Mr. Reich notes for example, that within our society there are now more private security guards in the United States than the number of public police officers.

If we can fathom these adverse trendlines at work within our Nation, surely we can develop strategies to deal with them.

Mr. President, I ask that the full text of the article from the New York Times be printed in the RECORD.

The article follows:

[From the New York Times, June 20, 1990]

SECESSION OF THE SUCCESSFUL

(By Robert B. Reich)

The idea of "community" has always held a special attraction for Americans. In a 1984 speech, President Ronald Reagan celebrated America's "bedrock"—"its communities where neighbors help one another, where families bring up kids together, where American values are born." Gov. Mario M. Cuomo of New York, with a very different political leaning, has been almost as lyrical. "Community . . . is the reality of which our national life has been founded," he said in 1987.

There is only one problem with this picture. Most Americans no longer live in traditional communities. They live in suburban subdivisions bordered by highways and sprinkled with shopping malls, or in tiny condominiums and residential clusters, or in ramshackle apartment buildings and housing projects. Most of them commute to work and socialize on some basis other than geographic proximity. And most people pick up and move to a different neighborhood every five years or so.

But Americans generally have one thing in common with their neighbors: they have similar incomes. And that simple fact lies at the heart of the new community. This means that their educational backgrounds are likely to be similar, that they pay roughly the same taxes, and that they indulge in the same consumer impulses. "Tell me someone's ZIP code," the founder of a direct-mail company once bragged, "and I can predict what they eat, drink, drive—even think."

Americans who own their homes usually share one political cause with their neighbors: a near obsessive concern with maintaining or upgrading property values. And this common interest is responsible for much of what has brought neighbors together in recent years. Complete strangers, although they may live on the same street or in the same condominium complex, suddenly feel intense solidarity when it is rumored that low-income housing will be constructed in their midst or that a poorer school district will be consolidated with their own.

The renewed emphasis on "community" in American life has justified and legitimized these economic enclaves. If generosity and solidarity end at the border of similarly valued properties, then the most fortunate can be virtuous citizens at little cost. Since most people in one neighborhood or town are equally well off, there is no cause for a guilty conscience. If inhabitants of another area are poorer, let them look to one another. Why should we pay for their schools?

So the argument goes, without acknowledging that the critical assumption has already been made: "we" and "they" belong to fundamentally different communities. Through such reasoning, it has become possible to maintain a self-image of generosity toward, and solidarity with, one's "community" without bearing any responsibility to "them"—the other "community."

America's high earners—the fortunate top fifth—thus feel increasingly justified in paying only what is necessary to ensure that everyone in their community is sufficiently well educated and has access to the public services they need to succeed.

Last year, the top fifth of working Americans took home more money than the other four-fifths put together—the highest portion in postwar history. These high earners will relinquish somewhat more of their income to the Federal Government this year than in 1990 as a result of last fall's tax changes, although considerably less than in the late 1970's, when the tax code was more progressive. But the continuing debate over whether the wealthy are paying their fair share of taxes obscures a larger issue, with more profound implications for America: the fortunate fifth is quietly seceding from the rest of the nation.

This is occurring gradually, without much awareness by members of the top group—or, for that matter, by anyone else. And the Government is speeding this process as Washington shifts responsibility for many public services to state and local governments.

The secession is taking several forms. In many cities and towns, the wealthy have in effect withdrawn their dollars from the support of public spaces and institutions shared by all and dedicated the savings to their own private services. As public parks and playgrounds deteriorate, there is a proliferation of private health clubs, golf clubs, tennis clubs, skating clubs and every other type of recreational association in which costs are shared among members. Condominiums and the omnipresent residential communities dun their members to undertake work that financially strapped local governments can no longer afford to do well—maintaining roads, mending sidewalks, pruning trees, repairing street lights, cleaning swimming pools, paying for lifeguards and, notably, hiring security guards to protect life and property. (The number of private security guards in the United States now exceeds the number of public police officers.)

Of course, wealthier Americans have been withdrawing into their own neighborhoods and clubs for generations. But the new secession is more dramatic because the highest earners now inhabit a different economy from other Americans. The new elite is linked by jet, modem, fax, satellite and fiber-optic cable to the great commercial and recreational centers of the world, but it is not particularly connected to the rest of the nation.

That is because the work this group does is becoming less tied to the activities of other Americans. Most of their jobs consist of analyzing and manipulating symbols—words, numbers or visual images. Among the most prominent of these "symbolic analysts" are management consultants, lawyers, software and design engineers, research scientists, corporate executives, financial advisers, strategic planners, advertising executives, television and movie producers, and other workers whose job titles include terms like "strategy," "planning," "consultant," "policy," "resources" or "engineer."

These workers typically spend long hours in meetings or on the telephone and even longer hours in planes or hotels—advising, making presentations, giving briefings and making deals. Periodically, they issue reports, plans, designs, drafts, briefs, blueprints, analyses, memorandums, layouts, renderings, scripts or projections. In contrast with people whose jobs tend to be tedious and repetitive, symbolic analysts find their work varied and intellectually challenging. In fact, the work is often enjoyable.

These symbolic analysts are in ever greater demand in a world market that places an increasing value on such deals by threatening to move their operations—and jobs—to places around the world with a more congenial tax climate. The paradoxical result has been even less corporate revenue to spend on schools and other community services than before. The executives of General Motors, for example, who have been among the loudest to proclaim the need for better schools, have also been among the most relentless in pursuing local tax abatements and in challenging their tax assessments. G.M.'s successful efforts to reduce its taxes in North Tarrytown, N.Y., where the company has had a factory since 1914, cut local revenues by $1 million in 1990, part of a larger shortfall that forced the town to lay off scores of teachers.

The secession of the fortunate fifth has been most apparent in how and where they have chosen to work and live. In effect, most of America's large urban centers have splintered into two separate cities. One is composed of those whose symbolic and analytic services are linked to the world economy. The other consists of local service workers—custodians, security guards, taxi drivers, clerical aides, parking attendants, sales people, restaurant employees—whose jobs are dependent on the symbolic analysts. Few blue-collar manufacturing workers remain in American cities. Between 1953 and 1984, for example, New York City lost about 600,000 factory jobs; in the same interval, it added about 700,000 jobs for symbolic analysts and service workers.

The separation of symbolic analysts from local service workers within cities has been reinforced in several ways. Most large cities now possess two school systems—a private one for the children of the top-earning group and a public one for the children of service workers, the remaining blue-collar workers and the unemployed. Symbolic analysts spend considerable time and energy ensuring that their children gain entrance to good private schools, and then small fortunes keeping them there—dollars that under a more progressive tax code might finance better public education.

People with high incomes live, shop and work within areas of cities that, if not beautiful, are at least esthetically tolerable and reasonably safe; precincts not meeting these minimum standards of charm and security have been left to the less fortunate.

Here again, symbolic analysts have pooled their resources to the exclusive benefit of themselves. Public funds have been spent in earnest on downtown "revitalization" projects, entailing the construction of clusters of post-modern office buildings (complete with fiber-optic cables, private branch exchanges, satellite dishes and other communications equipment linking them to the rest of the world), multilevel parking garages, hotels with glass-enclosed atriums, upscale shopping plazas and galleries, theaters, convention centers and luxury condominiums.

Ideally, these complexes are entirely self-contained, with air-conditioned walkways linking residences, businesses and recreational space. The lucky resident is able to shop, work and attend the theater without risking direct contact with the outside world—that is, the other city.

Carrying the principle a step further, several cities have begun authorizing property owners in certain affluent districts to assess a surtax on local residents and businesses for amenities unavailable to other urban residents, services like extra garbage collections, street cleaning and security. One such New York district, between 38th and 48th Streets and Second and Fifth Avenues, raised $4.7 million from its residents in 1989, of which $1 million underwrote a private force of uniformed guards and plainclothes investigators. The new community of people with like incomes and with the power to tax and enforce the law is thus becoming a separate city within the city.

When not living in urban enclaves, symbolic analysts are increasingly congregating in suburbs and exurbs where corporate headquarters have been relocated, research parks have been created, and where bucolic universities have spawned entrepreneurial ventures. Among the most desirable of such locations are Princeton, N.J.; northern Westchester and Putnam Counties in New York; Palo Alto, Calif.; Austin, Tex.; Bethesda, Md., and Raleigh-Durham, N.C.

Engineers and strategists of American auto companies, for example, do not live in Flint or Saginaw, Mich., where the blue-collar workers reside; they cluster in their own towns of Troy, Warren and Auburn Hills. Likewise, the vast majority of the financial specialists, lawyers and executives working for the insurance companies of Hartford would never consider living there; after all, Hartford is the nation's fourth-poorest city. Instead, they flock to Windsor, Middlebury, West Hartford and other towns that are among the wealthiest in the country.

This trend, too, has been growing for decades. But technology has accelerated it. Today's symbolic analysts linked directly to the rest of the globe can choose to live and work in the most pastoral of settings.

The secession has been encouraged by the Federal Government. For the last decade, Washington has in effect shifted responsibility for many public services to local governments. At their peak, Federal grants made up 25 percent of state and local spending in the late 1970's. Today, the Federal share has dwindled to 17 percent. Direct aid to local governments, in the form of programs introduced in the Johnson and Nixon Administrations, has been the hardest hit by budget cuts. In the 1980's, Federal dollars for clean water, job training and transfers, low-income housing, sewage treatment and garbage disposal shrank by some $50 billion a year, and Washington's share of spending on local transit declined by 50 percent. (The Bush Administration has proposed that states and localities take on even more of the costs of building and maintaining roads and wants to cut Federal aid for mass transit.) In 1990, New York City received only 9.6 percent of all its revenue from the Federal Government, compared with 16 percent in 1981.

States have quickly transferred many of these new expenses to fiscally strapped cities and towns, with a result that by the start of the 1990's, localities were bearing more than half of the costs of water and sewage, roads, parks, welfare and public schools. In New York State, the local communities' share has risen to about 75 percent of these costs.

Cities and towns with affluent inhabitants can bear these burdens relatively easily. Poorer ones, faced with the twin problems of lower incomes and greater demand for social services, have had far more difficulty. And as the gap between the richest and poorest communities has widened, the shift in responsibility for public services to cities and towns has functioned as another means of relieving wealthier Americans of the cost of aiding less fortunate citizens.

The result has been a growing inequality in basic social and community services. While the city tax rate in Philadelphia, for example, is about triple that of communities around it, the suburbs enjoy far better schools, hospitals, recreation and police protection. Eighty-five percent of the richest families in the greater Philadelphia area live outside the city limits, and 80 percent of the region's poorest live inside The quality of a city's infrastructure—roads, bridges, sewage, water treatment—is likewise related to the average income of its inhabitants.

The growing inequality in government services has been most apparent in the public schools. The Federal Government's share of the costs of primary and secondary education has dwindled to about 6 percent. The bulk of the cost is divided about equally between the states and local school districts. States with a higher concentration of wealthy residents can afford to spend more on their schools than other states. In 1989, the average public-school teacher in Arkansas, for example, received $21,700; in Connecticut, $37,300.

Even among adjoining suburban towns in the same state the differences can be quite large. Consider three Boston-area communities located within minutes of one other. All are predominantly white, and most residents within each town earn about the same as their neighbors. But the disparity of incomes between towns is substantial.

Belmont, northwest of Boston, is inhabited mainly by symbolic analysts and their families. In 1988, the average teacher in its public schools earned $36,100. Only 3 percent of Belmont's 18-year-olds dropped out of high school, and more than 80 percent of graduating seniors chose to go on to a four-year college.

Just east of Belmont is Somerville, most of whose residents are low-wage service workers. In 1988, the average Somerville teacher earned $29,400. A third of the town's 18-year-olds did not finish high school, and fewer than a third planned to attend college.

Chelsea, across the Mystic River from Somerville, is the poorest of the three towns. Most of the inhabitants are unskilled, and many are unemployed or only employed part time. The average teacher in Chelsea, facing tougher educational challenges than his or her counterparts in Belmont, earned $26,200 in 1988, almost a third less than the average teacher in the more affluent town just a few miles away. More than half of Chelsea's 18-year-olds did not graduate from high school, and only 10 percent planned to attend college.

Similar disparities can be found all over the nation. Students at Highland Park High School in a wealthy suburb of Dallas, for example, enjoy a campus with a planetarium, indoor swimming pool, closed-circuit television studio and state-of-the-art science laboratory. Highland Park spends about $6,000 a year to educate each student. This is almost twice that spent per pupil by the towns of Wilmer and Hutchins in southern Dallas County. According to Texas education officials, the richest school district in the state spends $19,300 a year per pupil; its poorest, $2,100 a year.

The courts have become involved in trying to repair such imbalances, but the issues are not open to easy judicial remedy.

The four-fifths of Americans left in the wake of the secession of the fortunate fifth include many poor blacks, but racial exclusion is neither the primary motive for the separation nor a necessary consequence. Lower-income whites are similarly excluded, and high-income black symbolic analysts are often welcomed. The segregation is economic rather than racial, although economically motivated separation often results in de facto racial segregation. Where courts have found a pattern of racially motivated segregation, it usually has involved lower-income white communities bordering on lower-income black neighborhoods.

In states where courts have ordered equalized state spending in school districts, the vast differences in a town's property values—and thus local tax revenues—continue to result in substantial inequities. Where courts or state governments have tried to impose limits on what affluent communities can pay their teachers, not a few parents in upscale towns have simply removed their children from the public schools and applied the money they might otherwise have willingly paid in higher taxes to private school tuitions instead. And, of course, even if statewide expenditures were better equalized, poorer states would continue to be at a substantial disadvantage.

In all these ways, the gap between America's symbolic analysts and everyone else is widening into a chasm. Their secession from the rest of the population raises fundamental questions about the future of American society. In the new global economy—in which money, technologies and corporations cross borders effortlessly—a citizen's standard of living depends more and more on skills and insights, and on the infrastructure needed to link these abilities to the rest of the world. But the most skilled and insightful Americans, who are already positioned to thrive in the world market, are now able to slip the bonds of national allegiance, and by so doing disengaged themselves from their less favored fellows. The stark political challenge in the decades ahead will be to reaffirm that, even though America is no longer a separate and distinct economy, it is still a society whose members have abiding obligations to one another.●

COMMEMORATING UKRAINIAN INDEPENDENCE DAY

● Mr. CONRAD. Mr. President, it is an honor to join my colleagues in commemorating the 73d anniversary of the Declaration of Independence of the Ukrainian people.

We celebrate this year's anniversary with a special sense of sadness and poignancy. Just 1 year ago, our hopes were high for all those who have struggled so long for freedom and self-determination.

The Berlin Wall fell almost overnight, and regimes of terror toppled before the unarmed strength of angry citizens who had simply had enough. In the Soviet Union, President Gorbachev's embrace of glasnost seemed to hold promise not only for a new relationship with the democratic West, but also for the dawn of a new relationship among the Republics of the Soviet Union—a more mature relationship that might give expression to the natural yearnings for freedom of those Republics who were brought into the Union through conquest or terror.

I think back today to last year's joyous celebrations across the Ukraine. Hundreds of thousands gathered in Kiev and in towns and villages across the Republic to commemorate the 1918 Declaration of Independence and to celebrate the many nationalities that are the Ukraine of today.

I remember the faith and hope of those Ukrainians who went to the polls last March and elected representatives of the democratic bloc to over 30 percent of the seats in the Supreme Soviet of the Ukrainian S.S.R. And I remember the overwhelming 355-4 vote by which that body proudly passed the Ukraine's Declaration of Sovereignty.

But as we stand here today on the Senate floor, those gains of the past year are under attack by a Soviet regime that may be retreating to the traditional policies of military pressure and coercion. Soviet airborne troops have been sent into several Republics, including the Ukraine. The crackdown throughout the Soviet empire is justified by the tired, discredited explanations of old—we need to restore law and order, criminal elements are out of control, these are just temporary measures which are necessary now if we are to have reform later—it's a sad litany that is all too familiar to us, Mr. President.

At this time of severe trial for freedom-loving people in the Ukraine and throughout the Soviet Union, it is especially appropriate that we pause on this anniversary date to pay tribute to their struggle, to convey our deep concern for their welfare, and to reaffirm our commitment to the principles of self-determination.•

SOVIET SUPPRESSION IN THE BALTIC NATIONS

• Mr. SMITH. Mr. President, over the past 10 days our Nation has been understandably focused on the gulf war. Indeed, all of my colleagues here in the Senate have now gone on record supporting the military actions by our allied forces to reverse Iraq's brutal invasion and annexation of Kuwait. We all hope and pray for early successes with minimal casualties.

At the same time, Mr. President, casualties are now mounting in another area of the world that has been subject to forced annexation and occupation by an outside power. I speak specifically of the situation in the Baltic States. While Kuwait has now been occupied for more than 5 months, I remind my colleagues that the Baltics have been under Soviet domination for over five decades.

I would also remind my colleagues that the United States has been consistent during these five decades in not recognizing the Baltics as part of the Soviet Union.

Through the media, we have all witnessed the most recent killing by Soviet black beret commandos of individuals trying to defend the institutions of their democratically elected governments. Mr. President, the use of brutal force against the democratic principle of self-determination is more than deeply troubling to this Senator—it's reprehensible—and it requires a firm response by the United States and its democratic allies throughout the world.

Mr. President, as we begin trying to build a new world order where democracy and independence can flourish, we must learn from the tragic mistakes of the past. History has taught us that we must raise our voices loud and clear against aggression wherever and whenever it occurs if we are to spot it.

When Soviet tanks rolled into Hungary in 1956, our voices were preoccupied with the Suez crisis. Aggression was allowed to stand with the world's attention diverted. As a result, the people of Hungary suffered greatly. The gulf crisis must not allow us to make the same mistake.

By speaking out in this Chamber, we can help focus the world's attention on the unprovoked aggression in the Baltic nations. If we truly want to see communism unravel, we must call attention to Soviet aggression and suppression of individual rights and self-determination.

In this regard, Mr. President, let me also point out that today, January 22, is the 73d anniversary of the Declaration of Independence of the Ukrainian nation. While these people are still under Soviet domination, we hope and pray that the central powers in Moscow will finally recognize that the Ukrainian people, like their counterparts in the Baltic nations, are an independent people who have expressed their right to self-determination.

Mr. President, I urge my colleagues to join with me in speaking out against the Soviet crackdown in these sovereign nations. Their democratically elected leaders are pleading with us, as the leader of the free world, to stand up for the principles that have guided our own history.

This morning, the Vice Presidents of Lithuania and Latvia came right here to the Senate to make their plea at a congressional hearing. What more do they have to do for the United States to take clear action in response to this Soviet aggression?

How many more people will have to die, Mr. President, before we tell the Soviets, in no uncertain terms, that we will postpone the upcoming summit and impose economic sanctions until they withdraw their troops? How long will the Baltic nations have to wait for the United States to grant them diplomatic recognition? If we don't recognize them as part of the Soviet Union, and rightfully so, then what are they? The answer is they are independent nations with democratically elected governments. At the very least, they deserve diplomatic recognition from the Western World.

Earlier today, Soviet leader Mikhail Gorbachev addressed his nation stating that the Baltic question is an internal matter for the Soviet Union alone to solve, not the outside world, not the West, and not the United Nations. Obviously, Mr. Gorbachev does not realize that this is not an internal matter as far as the Baltic people or the outside world is concerned.

In view of Mr. Gorbachev's statement, I believe it is even more imperative for the outside world and we here in the United States to act now with a firm response against this Soviet aggression. Specifically, we should suspend economic assistance and postpone the summit until his troops are withdrawn. We should also extend diplomatic recognition to the Baltic nations.

Mr. President, if we ignore reality and ignore our responsibility, I fear there will be further bloodshed and there will be no one to blame but ourselves. I repeat—the time to act is now.

Resolutions will shortly be introduced in this body to support, with strong measures, the expressed desire of the Baltic people for democracy and self-determination. I urge my colleagues to support these measures and other measures which have already been introduced and are now pending before this body.•

NATIONAL SCHOOL COUNSELING WEEK

• Mr. D'AMATO. Mr. President, February 3 to 9 marks National School Counseling Week. During this week, the American School Counselor Association will be honoring the wonderful work and dedication of professional school counselors in the United States. I would like to recognize the tremendous contribution that these tireless counselors make all year long to the character and development of our school students.

There are more than 73,000 professional school counselors in the United States who work with students in prekindergarten through the 12th grade. In addition to the work of curriculum and graduation requirements, the school counselor must assist our youth with their personal, social, and career development.

School counselors are at the forefront in assisting our Nation's students understand themselves, and their interactions with their peers, their family, and their community. Problemsolving and decisionmaking are but two of the tasks which today's professional school counselors must address.

The school counselor is an individual who must be able to understand the constant changes in society which impact on a young person, and they must know how to deal with the problems faced by students of the nineties. Furthermore, school counselors work with parents. In fact, it is the parent-student-counselor relationship that is oftentimes critical to the welfare and success of the student.

Today's school counselors implement comprehensive developmental counseling programs and provide numerous types of assistance to our Nation's youth on topics which include: Understanding themselves, goal setting, career decisions, academic and social concerns.

Finally, let me add that the American School Counselor Association, a division of the American Association for Counseling and Development has been active in setting the professional standards for school counselors, and has been responsible for more than 30 years in providing the most up-to-date information for their members.

Mr. President, I hope that my colleagues will join me in saluting the work of our Nation's school counselors during this the National School Counseling Week.●

PRO BONO CHAMPION

● Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize an outstanding American—and a very caring Coloradan—Ms. Helen Stone.

Helen recently received the American Bar Association's Pro Bono Publico Award for legal services she has donated to low-income individuals. For more than 15 years, Helen has provided free or minimal cost legal assistance for hundreds of families in Colorado. She helped found the Boulder County Legal Services program—which is a model for pro bono legal service in the country.

Helen Stone is the kind of lawyer who represents the very best traditions of the bar: A commitment to community service, dedication to helping people, and compassion for those who are most vulnerable in our society.

Mr. President, I join all Coloradans in thanking Helen Stone for her record of service, and ask to have the following tribute which appeared as a feature story in the Boulder Daily Camera printed in the RECORD:

The article follows:

A MONDAY MORNING ROSE TO: HELEN STONE—LAWYER GETS LEGAL HELP FOR POOR

(By Bruce Langer)

In an age when lawyers are stereotyped as money-hungry sharks, Helen Stone stands as a reminder of what is best about the practice of law.

For 17 years, Stone has been an irresistible force in Boulder County's legal community for the interests of the less fortunate. Her guidance, and a healthy dose of leading by example, have spurred local lawyers to volunteer their time pro bono—at no cost—to clients who cannot afford legal represenatation.

On Aug. 5, Stone will be honored with the prestigious American Bar Association Pro Bono Publico Award, one of our recipients this year. Closer to home, she recently received the Colorado Bar Association's Donald W. Hoagland Pro Bono Award.

"Her name is virtually synonymous in Boulder County with private bar involvement in pro bono work," Ann Mygatt, past president of the county bar association, said in a letter nominating Stone for the national award. "I can't think of any individual who is more deserving of this award, or who would more symbolize leadership and dedication to the goals and ideals of legal services to the poor than Helen Stone.

Stone's nomination was accompanied by 21 letters of support from local lawyers, judges and law school professors.

Stone began her legal career in 1973 and immediately volunteered in a bar asociation legal clinic. She chaired the committee operating the clinic in 1975 and 1976, and helped found the more structured Boulder County Legal Services program.

"Although she was barely making a living, she spent countless hours representing the poor and helping organize delivery systems for legal services to the indigent population of Boulder County," said attorney Claudia Bayliff.

As president of the organization from 1977 to 1988, Stone developed a model program for delivering free or very low cost legal aid to poor clients. Signing up volunteer lawyers and fund-raising were among her most crucial duties.

"I'm sort of a product of the '60s," Stone said. "I never changed my ideals."

It is getting harder and harder to meet the needs of poor clients, because there are more of them and fewer lawyers coming out of law schools with "the social aspirations that I did," Stone said. Sharply higher expenses also make it harder for lawyers to support pro bono clients.

"It's very gratifying that someone noticed," Stone said. "I don't do this to give lawyers a good name, but I think it's unfortunate that we have such a bad reputation. Lots of lawyers do really good work."●

UNITED STATES AID TO EL SALVADOR

● Mr. LEAHY. Mr. President, as most Senators probably know by now, President Bush has determined that he has grounds to release the $42.5 million in military aid to El Salvador that was withheld as a result of a provision sponsored by myself and Senator DODD in last year's foreign aid appropriation. The President states that he will not obligate this money for 60 days, however, to give more time to the peace talks between the FMLN rebels and the Government.

The Dodd-Leahy provision was supported by strong majorities in both the Senate and House. It puts real pressure on the Government of El Salvador and the FMLN to find a negotiated settlement of a 10-year civil war neither side can win.

I do not understand President Bush's reasoning in making this decision now, when there has been encouraging progress in the peace talks. It sends the wrong signal and will embolden the hardliners in the Salvadoran Army and Government to resist any serious peace proposals. It will also strengthen those in the FMLN who still think victory on the battlefield is possible, and who are trying to block progress at the negotiating table.

The 60-day delay in obligating the money gains nothing. It makes no sense, and I do not see what the administration thinks it is accomplishing by this muddled action. The President was not required by the Dodd-Leahy law to make a determination now, only to report on the present situation in El Salvador. If he really wants to give the peace negotiations a chance, he should have waited longer before making his determination.

I am very disappointed in how the administration is handling the military aid withhold. It is failing to take advantage of this fragile window of opportunity to settle the war on the basis of a negotiated peace framework. We in Congress have acted in good faith with the administration in the search for peace, and I do not see our good faith being reciprocated in this decision.

After 10 years of effort, billions of American tax dollars wasted, and tens of thousands of senseless deaths, the Congress passed this legislation because we do not believe the American people will support unending war in El Salvador. I am convinced Congress' willingness to finance a futile and unwinnable war in El Salvador is at an end. There are other far more pressing and more just uses for our scarce foreign aid dollars.

Our legislation was intended to give peace a chance, to slow the flow of guns and bullets that have too often caused the deaths of innocent civilians. It is aimed to stop the political assassinations and disappearances, and to strengthen the role of the U.N. Secretary General in mediating the negotiations.

We are convinced that without an active role for the United Nations there is no hope for peace in El Salvador.

Our legislation puts pressure on both sides. We tied the withholding of half the aid to compliance by the FMLN with certain conditions, including that they negotiate in good faith, that they not receive significant shipments of weapons from outside El Salvador and that they not assassinate or abduct civilians.

We also imposed conditions on the Government. Among other things, the law requires that unless the Government conducts a thorough and professional investigation of the murders of the Jesuit priests all the military aid is to be withheld.

Shortly after the legislation was enacted the two sides agreed that the U.N. Secretary General should take a more active role in the negotiations. Then, in December, Mr. Alvaro de Soto, the Secretary General's representative, offered an ambitious set of ideas for the reform of the Salvadoran Armed Forces.

I am told the two sides have responded constructively to Mr. de Soto's suggestions and in subsequent meetings have narrowed their differences. There is reason to hope the core issue of the status and structure of the Salvadoran Armed Forces will be solved soon. That would open the way to rapid resolution of the other negotiating issues.

Despite these positive developments, the President has determined that the FMLN has violated certain conditions in the legislation. But, the President says he will postpone obligating the aid for 60 days.

Mr. President, I hole no brief for the FMLN. Just as the Salvadoran Army, it too has conducted a savage, merciless war in which most of the victims are unarmed civilians. None of us who voted to withhold aid were so naive to believe that the fighting would stop before a political settlement. We recognize that the war will continue until there is a cease-fire, and cease-fire will only come after the two sides agree on the political issues that divide them.

We also knew the conditions in the legislation were subject to interpretation, and that the President would be the one to decide whether they had been violated.

But the law is intended to be balanced in the pressure it exerts on the two sides. We expected the President to apply the law evenhandedly, and in a manner that will advance, rather than thwart, the chances for peace.

The President's action, only 73 days after signing our legislation into law, does neither. It is a one-sided application of the law which will only undermine its effect.

The President's decision ignores the irrefutable failure of the Government of El Salvador to carry out a thorough investigation of the Jesuit murders, and signals to the Salvadoran military that its obstruction of justice in the Jesuits' case carries no penalty. Unfortunately, it also encourages both sides to stall in the negotiations. This would mean that more innocent people will die in El Salvador.

The President's action is based on two findings. First, that the FMLN has obtained shipments of weapons from abroad since the date the law was enacted on November 4 of last year. The facts in support of this finding are classified, but let me say that I do not find the evidence convincing.

I am not able to independently verify whether the FMLN has violated this condition. However, our law should not be undercut on the basis of suspicion or assumption.

Second, the President has determined that the FMLN has engaged in military actions that have resulted in civilian deaths. Undoubtedly that is true. But the administration apparently would have us believe that only the FMLN's bullets and mortars have caused civilian deaths, not the bombing and shelling of the Salvadoran military.

In that particular condition, our intent was to curb killings of civilians by both sides through assassinations and deliberate targeting of civilians. We well knew we could not prevent civilian deaths which are the inevitable byproducts of military actions.

It is significant that the President did not find that the FMLN has assassinated or abducted civilians, which is in fact what the law was designed to prevent.

Mr. President, the truth is that neither the Government of El Salvador nor the FMLN has fully complied with our law.

As proof of that assertion, let us look at the other side of the picture.

According to a report released just last week by Speaker FOLEY's Task Force on the Jesuit murders:

> The armed forces wrote the first act of the Jesuits' case by murdering the priests; now, they are writing the final act by controlling the investigation.
>
> Every effort to expand the circle of suspects have been contained by perjury, amnesia, obstructionism or silence on the part of the armed forces.

The report lists dozens questions which are crucial to a thorough investigation. It details how the military has thwarted every attempt to answer them.

I am informed that officials in the State Department do not disagree with the findings in the report, at least privately.

And, also last week, two of the prosecutors in the Jesuit case resigned in protest. They blamed the Salvadoran Attorney General for failing to stand up to pressure by the Salvadoran military to impede the investigation.

Mr. President, under our law when the Government of El Salvador fails to comply with any of the conditions pertaining to its conduct, all aid must be withheld. I believe at least as strong a case can be made that the Government has violated the law as the FMLN, because of its utter failure, measured against any reasonable standard, to thoroughly investigate the Jesuit murders.

The President has made his decision. In a meeting with Assistant Secretary Aronson, Senator DODD and I told him we firmly believe it is the wrong decision. We tried to persuade Assistant Secretary Aronson to recommend to the President that he make no determination at this time, but to no avail.

I will be talking with Senator DODD, Congressman MOAKLEY and others in the days ahead about what action the Congress should take in response to this regrettable decision. We cannot stand by while the chances for peace are undermined.

Mr. President, a few days ago, the FMLN shot down a United States military helicopter that was flying at low altitude above a conflict zone in El Salvador. Three American servicemen died. According to an autopsy, two of the Americans were shot in the head at point blank range.

Although no complete or independent investigation has been done, from the available evidence there is every reason to believe these Americans were shot by the FMLN, after they were prisoners of war.

This is a violation of the laws of war and I totally and unequivocally condemn it. Mr. President, I immediately wrote the leadership of the FMLN to protest these killings. I ask unanimous consent that my letter to the FMLN, as well as letters I sent to U.N. Secretary General Perez de Cuellar and to President Cristiani be inserted in the RECORD at the end of my statement.

My information is that, after initially claiming the Americans had died of wounds, the FMLN now accepts that two of them were killed while unarmed prisoners of war. The evidence was too specific and unavoidable for the FMLN to evade responsibility. It has arrested two members of the unit involved. The FMLN should understand that justice must be done, and swiftly.

This tragic and senseless incident once again illustrates that both sides in El Salvador are capable of unspeakable brutality, and that they will deny responsibility until the truth is inescapable.

Mr. President, I say once again that the patience of Congress with this bottomless pit of American foreign aid in El Salvador is fast coming to an end. I call on President Bush to use the military aid withhold to induce the sides to negotiate a political settlement to the conflict that will at last give the longsuffering Salvadoran people a chance for peace.●

UKRAINIAN INDEPENDENCE DAY

• Ms. MIKULSKI. Mr. President, I am pleased to offer my congratulations to Ukrainians throughout the world as they celebrate the 73d anniversary of their declaration of independence.

The conflict of World War I, the Russian Revolution, the collapse of the Russian and the Austrian-Hungarian empires, and the early Bolshevist conflict gave the Ukraine the opportunity to declare its independence in November 1917. Although the Ukrainians have experienced enormous pressure from the central Soviet Government, their ideals of freedom have endured and been expressed in today's democratic movement.

In 1918 the Ukrainian National Republic established a constitution which guaranteed the basic freedoms of religion, speech, assembly, and the press. It guaranteed the rights of minorities and established separate cabinet post for these groups. These ideals are identical to those on which our own country was founded. Sadly enough, the Soviet regime has temporarily halted this earnest quest for freedom.

Because of the outbreak of freedom in Eastern Europe during the past year, this anniversary of the Ukraine's 1918 declaration of independence has a special significance for all Ukrainians. And the current fighting in the Baltic States adds an extra poignancy to the celebration. I join them in celebrating this event and extend my most sincere wishes to these wonderful people.•

HUMAN RIGHTS IN CHINA

• Mr. SIMON. Mr. President, I rise today to speak about the ongoing human rights abuses in the People's Republic of China. Since the massacre at Tiananmen Square, frankly, things have only gotten worse for the democracy movement.

Not so many years ago, many of us had high hopes for a bright future for China. Its economic liberalization seemed the harbinger of welcome political openness. Today, 19 months after the Tiananmen massacre, that bright prospect has been severely dimmed. The recent trials and convictions of leaders of the Tiananmen protest demonstrate again that the Government is unwilling to pursue a more enlightened policy.

Mr. President, these protestors deserve to be honored, not jailed, and certainly not tried in secret. They touched the hearts of the world, and raised hopes for democratic change in China. The popularity of the demonstrations in Beijing, Shanghai, Chengdu, and elsewhere in the spring of 1989, and the sympathy shown the protesters by members of the Chinese establishment, including former Prime Minister Zhao Ziyang, make clear that the demonstrations represent a mass popular movement.

To prosecute the demonstrators now would be shortsighted. I am confident that these courageous men and women will be the next generation of Chinese leaders, while the old guard will be gone and discredited. I call on Premier Li Peng and Party Secretary Jiang Zemin to reconsider their course. Do not convict and jail some of the best men and women of China's future.

If moral suasion does not work on the leaders of China, I would like to add a more pragmatic warning. The continued prosecution of the Tiananmen protesters will further set back Sino-American relations and will threaten all the progress we have made in recent years. The threat is not merely to the political relationship. China's goal is to quadruple its economic production by the year 2000. I fear that ambitious goal is unattainable without increased trade with and investment from the nations of the West and the emerging economic powerhouses of East Asia. That will require the cooperation of the United States and others, and I submit that cooperation will not be forthcoming without an improvement in China's treatment of its dissidents.

Mr. President, I would like to see strong and healthy ties between China and the United States. Our countries have enormous potential, working together, to build a better world and to improve the lives of our peoples. The full potential of that relationship cannot be realized, however, until China's leaders alter their current course of intolerance and lack of respect for the rights of its people.•

CONDEMNING BRUTAL TREATMENT OF ALLIED PRISONERS OF WAR

Mr. McCAIN. Mr. President, I wish to add my voice to the chorus of voices throughout the world who have condemned Saddam Hussein's brutal treatment of allied prisoners of war and his blatant disregard for the Geneva conventions governing treatment of prisoners of war. This latest outrage, like his aggression against Kuwait, will not stand. The judgment day is fast approaching for Saddam. His crimes will be punished. But before I discuss the certainty of swift justice any further, I wish to say a few things about the brave men of Operation Desert Shield who are now held prisoner in Iraq.

Let no one believe for even a moment, that these good men have not conducted themselves in captivity honorably, dutifully, and in accordance with the code of conduct which they are honor bound to obey. I have no doubt, whatsoever, that these men stayed faithful to the letter and spirit of that code. That these men were under great physical and mental duress is apparent to anyone who watched their forced statements on the videotape received from Iraq. Moreover, with the stilted, halting manner in which they delivered their statements they made it clear to the world that these statements were coerced from them under circumstances that nearly surpass the imagination. From the marks on their faces, it was clear that they had resisted to the best of their ability.

These men are heroes, and I pray that their captivity will soon be ended. I say again, Mr. President, these men are heroes, and I hope that I may some day have the great honor of meeting them.

Mr. President, amidst the brutality of war it may seem naive to expect that prisoners of war be treated humanely and with respect for the rights accorded them under the relevant Geneva conventions. It may seem doubly naive to expect a tyrant like Saddam Hussein to treat prisoners of war lawfully either out of a sensitivity to the decent opinions of mankind or even in acknowledgment of his country's obligations as a signatory to the Geneva Convention.

Men like Saddam seldom exhibit such sensitivities. He has inflicted violence and suffering on his own people that violate the norms of every civilized nation on Earth. He has earned his reputation as a butcher, and Americans have few illusions that he can be trusted to safeguard the welfare of American prisoners of war in Iraq.

Mr. President, America does not expect Saddam to change the habits of a lifetime and become responsive to world opinion. But, perhaps, we can expect Saddam to make certain decisions based on his own instinct for self-preservation. Unfortunately, that instinct has not been evident in Saddam's recent behavior as he led his country recklessly into war.

Nevertheless, Mr. President, it is incumbent on the governments of the allied countries participating in Operation Desert Shield, and, indeed, on the entire international community, to make clear to Saddam the unavoidable consequences of his actions. We must make clear, not just to Saddam Hussein, but to the rest of the Iraqi political and military leadership that if they mistreat allied prisoners, they do so at their own grave peril.

Mr. President, let us be clear about one fact that I fear Saddam does not yet appreciate. This war will not be another Vietnam. The United States and its allies will win this war. We will win it conclusively and in less time than Saddam ever expected. Therefore, the President of the United States can say with confidence, as he has, that those responsible for mistreating American prisoners of war will be held accountable. They will pay a severe price for their brutality. They will be made to regret their contempt for international law and human life. Saddam, in the words of President Bush, "can count on it."

CONDEMNING THE UNPROVOKED ATTACKS ON ISRAEL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the text of a concurrent resolution that will be submitted tomorrow on behalf of myself, the Republican leader, and others be printed in the RECORD at this point for the information of all Senators.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. —

Whereas Israel is a major ally and close friend of the United States.

Whereas Iraq, without provocation, has launched several Scud surface-to-surface missile attacks on civilian targets in Israel.

Whereas some experts believe that Iraq may have the capability to arm its Scud missiles with chemical warheads, dramatically increasing the potential that such missiles could do serious damage to Israel.

Whereas Iraq has threatened to "burn half of Israel" with chemical weapons.

Whereas every country has the right to defend itself.

Whereas Israel has exhibited exceptional restraint in the face of Iraq's repeated threats and Scud attacks, has absorbed Iraqi Scud attacks and, to date, has refrained from military retaliation against Iraq, and continues to support implementation of United Nations Security Council Resolution 678 through the unprecedented international coalition of forces in the Persian Gulf.

Whereas the United States has provided Patriot anti-missile missiles to Israel, to help defend against further Iraqi Scud missile attacks.

Resolved by the Senate (the House of Representatives concurring), That the Congress:

1. Condemns the unprovoked attacks by Iraq on Israel;
2. Expresses profound sympathy for the loss of life, casualties and destruction caused by the Iraqi attacks;
3. Recognizes Israel's right to defend itself;
4. Commends the Government of Israel for its restraint;
5. Commends the people of Israel for their brave and composed perseverance in the face of the Iraqi attacks;
6. Commends the administration for its decision to provide Patriot missiles to Israel; and
7. Reaffirms America's continued commitment to providing Israel with the means to maintain its security and freedom.

Mr. DOLE. Mr. President, the concurrent resolution we have printed in the RECORD will be submitted tomorrow by Senator MITCHELL and myself. I anticipate we will have a large number of cosponsors. I know that Senators METZENBAUM, MACK, JOHNSTON, and NICKLES will be original cosponsors.

I will have a longer statement tomorrow, but I did want to make three basic points.

First, the purposeful Scud attacks by Saddam Hussein on civilian targets in Israel is terror, pure and simple. Tragically, in war, civilians often fall in harm's way. But subjecting innocent civilians in a nonbelligerent country to missile attacks is not even warfare, but high technology terrorism. Today's attack, in which many were apparently seriously wounded, carries this terrorism to yet another terrible stage.

Second, the United States stands together with the people of Israel in this terrible hour. We admire the courage and calm of the Israeli people, and the enormous restraint shown by the Israeli Government. We have provided Patriot missiles, and we will continue to do all we can to help Israel defend itself.

Finally, we recognize Israel's right to defend itself. But we do hope that, as Israeli Deputy Foreign Minister Nathanyahu said today, that great nation will continue to respond not only with its heart, but its head. In the long run, I continue to believe that by a policy of restraint Israel can best serve its own national interest, and the common interest we all have in seeing Saddam Hussein's aggression repulsed, and seeing him punished for his aggression and terror.

Mr. President, I know that many other Senators will speak tomorrow on this resolution, and I am confident it will be adopted by a unanimous vote.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,138th day that Terry Anderson has been held captive in Lebanon.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. MOYNIHAN. On January 22, 1918, the people of the Ukraine declared their independence. Today, 73 years later, they are still struggling to achieve self-determination. It is now over 6 months since the state government in the Ukraine adopted the Declaration of State Sovereignty of the Ukraine.

Many peoples suffered under Stalinism, but few if any suffered like the Ukrainians. During the great famine of 1932–33 more than 7 million Ukrainians died of starvation as a result of deliberate Soviet policies. That famine—one of the greatest tragedies of a century marked by tragedy—was only the most extreme manifestation of a Soviet policy intended to suppress the unique ethnic and national identity of the Ukrainians.

I have written for many years that the Marxist totalitarian effort to crush the unique identity of the Ukraine and the other Soviet republics would fail. In 1979 I wrote as part of a Newsweek symposium on what would happen during the 1980's that the determination of the Ukrainians, the Georgians, the people of the Baltic Republics and others to retain their unique identities would tear the misnamed Soviet "Union" apart:

> Now the nationality strains begin. Whatever Marxism may have meant to intellectuals, it is ethnic identity that has stirred the masses of the twentieth century, and they are stirring near the Russian borders. John Paul II at the United Nations spoke to both these Soviet realities: that Soviet man is not free; that the Soviet peoples are enslaved. Since 1920 the Communists have * * * ruthlessly suppress[ed] ethnic politics. It won't work.

Mr. President, I salute the tenacity of the Ukrainian people. For 73 years they have clung to their unique and colorful heritage. Despite the horrors of Stalinism—starvation and labor camps—they have preserved the ways of their fathers and grandfathers. I celebrate this anniversary with confidence that the Ukrainian people, having survived all this, will inevitably achieve the freedom they so richly deserve.

ORDER FOR STAR PRINT

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 53 be star printed to reflect the following changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have no further business at this time. I understand that Senator GORTON wishes to be recognized, and Senator HELMS.

With the consent of the Republican leader, I am going to propose that they be recognized in that order to speak for such time as they wish, and that on the conclusion of Senator HELMS' remarks, the Senate will be in recess, under the previous order, until noon tomorrow.

If there is no objection then, Mr. President, I ask unanimous consent that Senator GORTON be recognized to speak, and that following the conclusion of his remarks, Senator HELMS be recognized to speak, and that at the conclusion of Senator HELMS' remarks, the Senate stand in recess, as under the previous order, until 12 noon Wednesday, January 23.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

PROUD TO BE AN AMERICAN

Mr. GORTON. Mr. President, never have I been more proud to be an American than I have been since last Thursday. For the first time in our history, we have entered an armed conflict thoughtfully and rationally and after a prolonged national debate on first principles and on America's role in the world. As we move forward with our campaign in the desert, we are certain to face diversions, setbacks, and tragedy, so it is well now, at the outset, to express those principles, our resolve, and our pride.

I am proud, Mr. President, of our willingness to risk so much for a set of intangible principles: the creation and maintenance of order in a new world, the punishment of brutal aggression, the reversal of an assault on the vital interests of the international community, and the eclipse of a ruthless tyrant together with the power he has amassed to threaten his peaceful neighbors.

Our principles are rooted so deeply in our history that they define us: Freedom, justice, and peace—and the knowledge that without the first two, the latter is an illusion. For more than 200 years, since our forefathers saw these principles to be so vital as to be worth the hazard of their own lives, Americans have been uniquely willing to sacrifice in their defense.

We must never forget that in order to win our right to freedom, justice, and peace, a long and bloody war was required.

Later, during a civil war and two world wars, Americans fought and sacrificed and died for those goals, on each occasion advancing the cause of justice and freedom and bringing closer the dream of peace.

To those ends, we dedicated countless treasure for almost half a century, and thousands of American lives in Korea and Vietnam. In the end, the cold war terminated in a victory for our principles and for America's dedication to them.

Now we face our first post-cold-war challenge, a challenge from a dangerous antagonist, armed to the teeth and committed to goals destructive of our principles. Reflecting on the lessons of the 1930's we are convinced that the ambitions of a ruthless dictator are dealt with best and at the lowest cost in lives early and at a distance.

It is this response to Saddam Hussein that leads me to say that I have never been more proud to be an American.

Between the two world wars, we learned that without teeth, united international action has a meaning. Diplomacy, should be our first, and nearly always our only method of problem solving, but we do not stop there, always as we did with the useless economic sanctions against Mussolini in 1935. Today's united action of the United Nations has real meaning—meaning even a Saddam Hussein is coming to understand.

Second, again from World War II, we learned that acting sooner rather than later saves lives. Embolden Saddam Hussein, sacrifice Kuwait, and we would simply empower him to destroy more lives and wreak more destruction later.

Third, a lesson from Vietnam: Debate our course of action openly, accept dissent as patriotic, but once a course is chosen, act decisively.

This lesson led us to the fullest debate over a proposed conflict in American history. It has led us to all out rather than limited effort. And it will, I am overwhelmingly convinced, save American lives.

In this time of pride and dedication one individual and several special groups of Americans and others are especially deserving of our admiration and our prayers.

I am proud of our President. George Bush has shown the moral courage to act, to risk his Presidency, when others could not or would not. Not only has the President acted, he has acted wisely. He has revived an almost dormant United Nations which, if it is successful in this conflict, may yet live up to the dreams and promises of its founders almost half a century ago. Now, while the result is not certain, is the time to praise our President for so noble and consequential a goal.

I am proud, Mr. President, of our American society and of this Congress. Never before has this Nation gone to war after so long and so thoughtful a debate over principles. Never have all sides had such an opportunity to be heard. Rarely have so deep a set of divisions been so rapidly repaired. This Congress reflected and expressed those divisions. It now both expresses and articulates our unity.

But above all, Mr. President, I am proud of our men and women in uniform on the Arabian desert. Many are professional military personnel whose strength and dedication have kept this country free through a long and often dangerous cold war. Others, also regulars, enlisted for other reasons, for adventure, for an education, for comradeship, many without ever dreaming that they would be required to use their new skills in combat. Still others, by the thousands, are reserves uprooted from careers, communities, and families for risks and duties hardly imagined in the camaraderie of reserve meetings and encampments at home.

Some are cocky, others quietly resolved, others justifiably frightened, but all are dedicated to the triumph of their just cause. All deserve our voices, our prayers, and our support.

I am proud, Mr. President, of our American ingenuity and our technology. After years of uninterrupted criticism of high technology systems, we seem to have discovered that the majority of our defense contractors and workers have given value for what they have received. Thousands of American lives will be preserved as a consequence of their genius.

I am proud of our allies, Mr. President, and especially of the United Kingdom and Egypt, both of which have risked greatly to stand with us with such resolve.

I am proud of the State of Israel, our true friend, which has shown such patience and courage under unprovoked attack. We are reminded once again of how easy it has been to advise Israel, from a distance of 5,000 miles, to turn the other cheek to enemies resolved to obliterate it, and how difficult and dangerous it is to do so on the spot.

As an aside, Mr. President, we can have no pride in Germany or Japan, nations we were recently told were to be our successors as superpowers. Their free-ride mentality, their indifference to the cause of justice and freedom for others are a disgrace. But that is a subject for a different set of remarks.

During the last decade, Mr. President, our armed services, our industries, our firmness and dedication, our regained national confidence have ended victoriously a long cold war. They have removed almost entirely our fear of a nuclear holocaust. They have given us a military capable of moving around half a world to meet the fourth largest army in the world on overwhelmingly favorable terms. We have spent more than $1 trillion, Mr. President, and we have been given our money's worth.

I am, especially proud, Mr. President, of the families of the men and women at risk. They, here at home, carry with quiet courage the massive burden of simply waiting. They must bear daily the criticism of the task their loved ones have been sent to perform. They provide the moral support, the strength those dear to them require in a time of danger. They need every tribute and all the support we who are also here at home can provide.

Mr. President, we have launched a war for a set of principles, of ideals. A successful result and a better world are certain if we continue to show the courage to match our principles. The cost is unknown, but the greater our resolve, the more rapid our triumph will be. We fight, Mr. President, for justice, freedom, and peace. No cause could be more worthy.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Before my distinguished friend from Washington leaves the floor, I commend him on his eloquent comments, to which I fully subscribe. I may have some comments in which he will be interested which are directly related to the subject he discussed.

MISSILE ATTACK ON ISRAEL

Mr. HELMS. Mr. President, this evening Middle East time an Iraqi missile struck the city of Tel Aviv in Israel, reportedly resulting in 60 casualties. We do not know at this time whether people were killed or not. But clearly there were extensive casualties.

Mr. President, this is a picture of the type of missile which struck Tel Aviv this afternoon. This picture was taken by Mr. Kenneth Timmerman at the Baghdad Arms Show in May 1989. The Iraqis call this missile "Al Abbas." But it is in fact a modified version of the Soviet SS-1, known by its NATO designation as the Scud B. You will note the transporter-erector in the picture is called a "Scania." It was made by a Swedish company, Saab.

I do not need to remind any Senators that Saab sells a lot of cars and trucks in the U.S. market. I will get to that in just a minute.

Mr. President, in addition, I have an official German Government document, dated August 21, 1990, and translated for me by the Congressional Research Service, which identifies five German companies as having participated "in the Iraqi project to modernize or increase the range of Russian Scud missiles."

Mr. President, the meaning of all this is that German companies gave the Soviet missiles the extra range to reach Israel, and Saab, the Swedish company, gave the missiles mobility so that United States pilots and pilots of our allies cannot find these missiles.

But the point is this: it is precisely these mobile missiles that our young men and those of Great Britain and Saudi Arabia, and Egypt, Kuwait, France, Italy have risked their lives to seek, find, and destroy. Now we find that some of them have become prisoners of the regime of Saddam Hussein.

So let me raise this question, and I will not take long in doing it, Mr. President: Are we going to continue to listen to the excuses of foreign governments whenever their firms are caught, undeniably, helping some tyrant in the Third World develop ballistic missiles?

Many times I have come to this floor and raised this question. Many times I have raised it in my capacity as ranking member of the Senate Foreign Relations Committee. For 3 years, Mr. President, 3 years, the Senate has worked very hard trying to craft legislation imposing penalties on companies which assist the production of chemical weaponry, biological weaponry, and ballistic missiles in and for the Third World.

As a matter of highest priority, this Congress needs to complete that work with no further delay. If the Swedes should discover that they can no longer sell any more trucks in the United States because they have provided and increased the capacity of Iraq for weapons of mass destruction, maybe the Swedes would be a lot more careful about the deals they make with dictators overseas.

That is it, Mr. President. I have raised the question, and implicit in that question is my pledge to do the best I can to have this Congress act on it.

In conclusion, Mr. President, I ask unanimous consent that the report of the German Government dated August 21, 1990, as translated by the Library of Congress for me be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Congressional Research Service]

BONN, GERMANY,
August 21, 1990.

ADMINISTRATION REPORT ON PARTICIPATION BY GERMAN COMPANIES IN ARMS SUPPLY AND THE EXPORT OF TECHNOLOGIES PERTAINING TO ARMAMENTS TO IRAQ

I.

Before I took office, I was occupied with mastering the legal ramifications of the Rabta crisis. Even before the Imhausen case was brought to light, there had been other, equally disturbing, cases of irresponsible or even intentional exports of lethal technologies. They are catching up with us now as we learn more and more about them, and once again it is a poor reflection on German foreign trade. As early as 1983 equipment for the manufacture of poison gas was being illegally exported to Iraq. The proof of this has been available since last week. In the early 1980s participation by German companies on the military project called "Saad 16" began and later in the industrial arms complex called "Taji." I shall come back to these and other areas in more detail later. At the present time, we know of criminal investigations of 25 companies in connection with Iraq alone. In most cases, the Federal Government instituted these proceedings itself. Also, the number of party foreign trade audits has been sharply increased.

That companies from numerous other countries have also participated in arms projects in Iraq is absolutely no excuse; rather, it shows the urgent necessity of an international agreement to prevent proliferation of lethal technologies. We must expect that even these days, during the embargo, perhaps even right now, Iraq will be trying to complete its arsenal through crafty purchasing operations in the industrialized countries, even here, in Germany.

I am responsible for the overall legal framework for exports, as well as legal judgments as to the admissibility of individual exports. In addition, the Federal Government is responsible for preventing as far as possible any export proceedings that illegally circumvent the licensing authorities in Frankfurt by not even contacting these authorities in the first place or by exporting items with other characteristics than those on the export license. Investigate or criminal proceedings were or are still in progress, from the poison gas factory to the missile plant and the arms manfacturers to the nuclear area because there was, or is, suspicion of illegal exporting.

As important as it is for deterrence, I cannot rest content with just criminal prosecution or sentencing, because as a rule, the results, which were actually what was to be prevented, will have already occurred. The dangerous porliferation has already taken place. Our country's international reputation, on which we are so dependent, has already been damaged.

A very large part of the reform package for strengthening foreign trade controls has already gone into effect, and I do not have to list these items here separately. The personnel in the Federal Office, for instance, was more than doubled in the area of control and will be further expanded this year. We have also had to tread some unfamiliar paths, even as concerns payment, in order to get ahead on the Frankfurt labor market, which has been swept clean. During the licensing procedure itself, all suspicious circumstances are available to the processors on line at last. But we need still more:

First of all, we urgently need the much more comprehensive and rigorous deterrent framework provided by the Arms Control Bill, which also pertains to all activities abroad. I appeal to all of you on the parliamentary investigating committee to pass the proposed legislation quickly.

Secondly, we have need of the legal underpinnings, also still in committee, to enable us to construct an oversight system whereby all data are shared by the various authorities.

Thirdly, as unusual and as costly as it might seem, when the general embargo has been lifted, we will have to subject Iraq to a special system whereby practically everything, from technological/industrial products up to and including foodstuffs, textiles, and such, will be controlled for their use in a single licensing procedure. We have already begun to build up a system like this by making use of the 9th ordinance to amend the Foreign Trade Regulations to require, unlike other Western nations, licensing of even presses and forges, less sophisticated kinds of mass printing and balancing machines, and even civilian versions of the helicopter.

Also urgently needed, it would seem, is improvement of international agreement on export controls, not only in the nuclear sphere, but in all other arms-relevant areas: Here the Federal Government should take the initiative, also in respect to the EC domestic market. It should make use of its experience with COCOM.

II.

I come now to individual cases and would like request Minister Stavenhagen and Dr. Schmutzer from the Ministry of Finance, which is responsible for customs, to supplement my remarks. As I plan to talk about individual companies and go into interim investigatory results, I would like the committee to establish confidentially (VZ-V).

1. Armaments

The best-known project in the area of armaments is the *Taji Complex*.

This is a large, heavy-industry complex for producing and processing metals especially. It comprises all stages from smelting to finishing the end product. For a long time this complex was considered a civilian industrial complex, before the first suspicious circumstances made their appearance. Famous German companies have taken part in this complex, such as, for example, Ferrostaal AG, Klockner Industrieanlagen GmbH, Thyssen-Rheinstahl Technik, Schloemann SIEMAG, Hasenclever Maschinenfabrik GmbH, Buderus/Wetzlar, or Hoch-Tief AG, the construction company. If I name these names, it does not means that they all came in conflict with the Foreign Trade Bill. It is just to demonstrate the great extent of German involvement in this complex.

Late last November the Ministry of Economics initiated an audit of the foreign trade dealings of the associate chiefs of a smelting plant in the complex, the Ferrostall AG company. This inspection resulted in an investigation by the public prosecutor, which is being carried out on-the-spot by the prosecutor's office in Bochum. A great deal of evidence was produced during the investigation of Ferrostaal which is still far from being fully evaluated. At the present time, about 20 German companies have been drawn into the investigation. The Federal Government is not sure right now, which individual companies are among the accused and which are witnesses.

In 1988 the Ferrostaal Company requested and received from the Federal Office of Foreign Trade four clearances for a universal smelting plant for Taji. The plant is valued at about 130 million marks and is at present nearly complete. The evidence gathered shows a wealth of indications that confirm suspicions that the Ferrostaal Company knew from the start that this was no civilian smelting plant; it was intended for the manufacture of gun barrels. The clearances which were granted have since been revoked. The withdrawal of other clearances granted to other companies in connection with the Taji complex is being worked out in close coordination with the prosecuting attorney's office and the Bureau of Foreign Trade and the Ministry of Economics. Because of the recently enacted embargo against trade with Iraq, time is extremely short; we are trying to avoid damage suits against the Federal Republic due to unwarranted withdrawal of clearances.

A consequence of the Taji information has been that the Federal Republic has since required licensing for the export, to Iraq, of a number of smelting plant components, which previously were not subject to this, so that even after the embargo is lifted, in the future such goods may not simply be exported to Iraq.

2. The "Big Gun" Project

Project Big Gun should be differentiated from the Taji complex. Primary here was *preventing through-shipping of goods* from other European countries, in particular Great Britain, from the Frankfurt Airport. Late last April, acting on information received from the British Government, German customs officials seized those shipments. Since the Federal Trade Regulations do not require a license for through-shipping of other goods, the Government passed a prohibition on through-shipments to this project on June 21, 1990. In addition to this the export list was expanded to a not previously included item: hydraulic bolt tighteners, etc. It was thus possible to prevent shipments of goods to this project via the Federal Republic of Germany.

In addition, there is evidence which indicates that German companies have participated in the production of parts for Big Gun. A total of six German companies have been named in this connection. There is no further information at present, especially concerning how and to what extent German companies could have participated.

Missile Technology

3. The Saad 16 Project

For this project, we are dealing with a laboratory complex in which, according to our most recent information, militarily usable missiles, aircraft and other armaments are said to be developed, but in which, probably only smaller-sized missiles can be produced. The German company Gildemeister was/is its general contractor. Its biggest subcontractor was the MBB Company.

From 1985 until 1987, the Federal Trade and Industry Bureau granted licenses for the export of so-called "dual-use goods" to the Saad 16 Project. The Bureau was acting on the basis of a presumptive research project at the University of Mossul, as this was how the company listed the project on the application for an export license. Export and/or re-export licenses were granted by the U.S. Government as well for this project up until spring of 1987.

After the first indications appeared as to the military nature of this project, a stop was put on all licensing in 1987 and as of 1988 all previously accumulated applications on behalf of this project were rejected definitively. In May of 1989 all previously granted export licenses were revoked in order to prevent employing German staff on the spot with technology-pertinent work.

In early 1989 the Government initiated a review of foreign trade at Gildemeister MBB which ended in their being investigated by the Bielefeld public prosecutor. These investigations are still underway. The prosecutor's office has already indicated, however, that it looks as if not enough material will be left over to bring a charge.

4. Modernization of Russian Saud Missiles

In the course of 1989 indications appeared that some German companies were participating in the Iraqi project to modernize or increase the range of Russian Saud missiles. These were middle-class German companies such as Havart Handelsgesellschaft mbH, Inwako, Müller, Gräser, GmbH, or Martel. The Government had carried out audits of these companies' foreign trade arrangements. Shipments from the other companies to the project were seized by customs officials during customs inspections. Some of the exports did not require a license, and in some cases the question as to whether a license should be required is still under consideration. The Bureau of Trade and Industry probably. Abbreviation is illegible—Trans., the Customs Crime Insititute, and German intelligence services are working closely on this. With the exception of Inwako, none of the foregoing inspections has led to an investigation by the prosecutor's office. In contrast to the Saad 16 Project, there is no German general contractor here. These were isolated shipments carried out at Iraqi request.

5. The Nuclear Area

In various publications, especially in the press, the impression has been given that German companies have also been crucially involved in the Iraqi nuclear arms program.

The information at present available to the Government gives no direct evidence of any involvement in the Iraqi nuclear program. But there are increasing indications that Iraq, although a signatory of the Non-Proliferation Treaty, has been making efforts, some successful, to obtain gas ultracentrifuge technology from various countries and is making preparations for mass production of a part of the necessary components. Tbe gas ultrafuge is usually used to produce low grade enriched uranium fuel, but can also be used to produce highly enriched uranium for nuclear explosives. For this reason, in the Federal Republic of Germany, Great Britain, and the Netherlands, which all use this technology for industrial purposes, it is subject to strict export controls and secrecy regulations.

As far as the Government knows, German companies and German engineers are being brought into contact with Iraqi procurement efforts as follows:

Engineering: Components and partially also system parts of the Iraqi gas ultracentrifuge show the engineering characteristics of various types of German gas ultracentrifuge. The assumption is being made that an important role in this was played by two former employees of the MAN Technologien GmbH Company in Munich. One of them had access during his period of employment there to the engineering specifications of various types of centrifuge. After they left the company, both of them were in Iraq for extended periods in 1988 and 1989. They also attempted, without success, to obtain other centrifuge experts for Iraq. The investigations carried out by the Federal Bureau of Criminal Investigation at the behest of the Attorney General's Office—they had originally to do with the activities of secret agents—yielded no evidence to confirm suspicions of illegal technology transfer.

The H.u.H. Metalform Company, 50% Iraqi-owned, shipped three hydralic presses requiring an export license to Iraq in 1987 and 1988. The Bureau of Trade and Industry had granted the required licenses because they had been told they were for civilian use. When suspicions later arose concering the Iraqi purchaser, the company was subjected to an audit of its foreign trade, which, however, gave no evidence of violations of the Foreign Trade Bill. As the company, according to the latest information, is supposed also to be involved with further technology procurement for Iraq, the Government has requested an explanation of the facts of the case.

Although in the COCOM hydraulic presses were stricken from the list in July of this year, the Federal Republic maintained the licencing requirement nation-wide and lowered the technical parameters even more drastically for Iraq.

Two other compaines that maight be involved in the Iraqi nuclear procurement program are the Inwako Company and the Export Union Düsseldorf GmbH Company. Lnwako is suspected of having arranged to supply Iraq with a shipment of ring magnets from Great Britain via an unapproved through-shipping deal. The Export Union Düsseldorf GmbH Company dealt in certain steel alloys for which the company applied for and received a clearance from the Bureau of Trade and Industry, whereby at the present time investigations are being carried out to determine whether the company obtained its clearance on the basis of incomplete information. The prosecutor's office is investigating in both cases.

6. The Poison Gas Complex in Samarra

Since 1987, the Darmstadt prosecutor's office has been conducting an investigation of the people responsible at the following companies: Karl Kolb, Pilot Plant, WET/Hamburg, Preussag AG, and others. They are suspected of *illegally* exporting technologies, facilities, and construction components for building a chemical weapons plant and bottling installation in Samarra/Iraq. Comperhensive documentation of this deal has been secured. Because of contradictory evaluations, the prosecutor's office contracted an expert (in Switzerland) to address the question as to whether the plant shipped to Iraq by the accused was *specially build* for the manufacture of chemical weapons.

The plant was exported for the most part in 1983 and early 1984, but other illegal shipments kept being made until 1987. Until 1984 only "specially constructed" installations required the export license. But in August 1984, because of these shipments, the Government extended the licensing requirement to include plants *suitable* for the manufacture of poisonous materials. Our partners here in the Wast, especially within the so-called "Australian Initiative," have not yet followed us in taking this step.

The expert contracted by the Darmstadt prosecutor's office came to the conclusion in late July that this was indeed a specially built installation. The arrest reported in the press concerned three responsible persons at the Karl Kolb GMBH & Co. as well as four responsible people at the WET Hamburg Co. and Pruessag AG, among whom was Kaser Al Khadi, identified in *Der Spiegel*.

The Administration has repeatedly reported on this project in the Bundestag and before the Economics Committee.

III.

The courts must now pronounce on this series of cases I have mentioned. I cannot make any pre-judgements. But I do regret that the penal provisons in the Foreign Trade Bill at the time of these deeds—and these provisions are the ones that must be applied—do not admit of a suitable sentence in case of a verdict of guilty. We have corrected this situation in the meantime with a sentence of 3 to 10 years in prison.

There have already been demands for additional tightening of the Foreign Trade Bill. If, in spite of the comprehensive amendments passed in 1989 which Parliament passed jointly-right up to the weapons control bill—there still exists some need for treatment, we will take up any reasonable future suggestion immediately.

(Translated by David Skelly, CRS-Language Servcies, October 4, 1990.

Mr. HELMS. Mr. President, I thank the Chair, and I yield the floor.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 276, as amended, appoints the Senator from North Carolina [Mr. SANFORD] as chairman of the Senate delegation to the Interparliamentary Union during the 102d Congress.

The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, sections 276h–276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 102d Congress.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Wednesday, January 23; that following the time for the two leaders, there be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, I have been consulting with the distinguished Republican leader and with several Senate committee chairmen regarding the schedule for the remainder of the week.

For the information of Senators and for the staffs of those Senators who are not present, which will enable them to plan their schedules, it is my hope that we will be able to take action on several measures during this week. The possibilities include a bill providing tax benefits for American troops in the Persian Gulf; a bill providing for a veterans compensation COLA; a bill dealing with the problem of agent orange for Vietnam veterans; and three resolutions dealing with the subjects of prisoners of war, the situation in the Baltics, and Israel.

It is my hope that we can on tomorrow reach agreement to take up as many of these as possible and to have such rollcall votes as are necessary to occur on Thursday between noon and 3 p.m., so that Senators can be aware that it is at least my intention to schedule votes during the period between noon and 3 p.m. on Thursday, if we can get agreement in that regard.

Obviously, if we cannot get agreement, then votes may occur at other times during the week. But I believe it is more convenient for Senators and more orderly if we can schedule the business in a way that enables us to complete action on as many of these measures as is possible in the manner I have just suggested.

I will be pleased now to yield to the distinguished Republican leader.

Mr. DOLE. Mr. President, in my view, this will help. We will check with Members who are absent on official business. Most of our Members are here. I guess there could be as many as six rollcall votes; probably not. There probably will be a minimum of two; maybe more. Somewhere between two and six votes, would be my guess, will occur between 12 noon and 3 p.m. on Thursday.

We will be in touch with Members on this side and hope to be able to inform the majority leader, if not tonight, then early in the morning. So if it is possible to get some agreement during the day tomorrow, Members can debate any or all—or at least discuss any or all—of the resolutions or bills that may be coming this way.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 12 noon tomorrow.

Thereupon, the Senate, at 6:01 p.m, recessed until tomorrow, Wednesday, January 23, 1991, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 22, 1991:

DEPARTMENT OF EDUCATION

ANDREW LAMAR ALEXANDER, JR., OF TENNESSEE, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF LABOR

LYNN MARTIN, OF ILLINOIS, TO BE SECRETARY OF LABOR.

EXECUTIVE OFFICE OF THE PRESIDENT

BOB MARTINEZ, OF FLORIDA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE WILLIAM J. BENNETT, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ARTHUR E. HENN
JOHN N. FAIGLE
PETER A. BUNCH
DAVID E. CIANCAGLINI
WILLIAM J. ECKER

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOHN L. LINNON, JR.
RUDY K. PESCHEL
GERALD F. WOOLEVER
RICHARD D. HERR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY (DENTAL CORPS) OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be brigadier general

COL. JOHN J. CUDDY, [redacted] U.S. ARMY

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

To be ensign, permanent

ACFALLE KENNETH S
ADAIR THOAMS B
ADAMS DANIEL H
ADAMS KECIA A
ADKINS WILLIAM M
ADONA JEREMIAS S
ADSIDE RICKIE V
AGUILA HARRY J
AGUINALDO MICHELLE L
ALANI TAREK R
ALBRITTON JAMES T
ALCORN WILLIAM L JR
ALEXANDER TRACEY B
ALLEN ERIC N
ALLENA JOSEPH T
ALLICK SUSANNE M
ALLTMONT RENE C
ALOISE MICHAEL E
AMBROSE JOHN Z
AMICK BOBBY D
AMODIO PAUL A
ANASTASIO ONOFRIO A
ANDERSON ANGUS E
ANDERSON DAVID A
ANDERSON HOBIE E
ANDERSON JAMES C
ANDERSON JEFFREY B
ANDERSON JONATHAN D
ANDERSON THOMAS J
ANDING DARREN E
ANDREW JAMES W
ANDREWS ERIN I
ANDRUS ROSALIND Y
ANGELOPOULOS MICHAEL J
ANGERHOFER TODD E
ARAGON DONALD J
ARCHER DAVID E
ARCHIBALD BRYAN D
ARIS ROBERT M
ARMES MICHAEL W
ARMSTRONG ERRIN P
ARMSTRONG STEPHEN E
ARNDT CHRISTOPHER D
ARNETT ROBERT C
ARNOLDI SHELLY M
ARNOW MONICA L
ARRIOLA STEPHEN E
ARTER AARON M
ASNER GREGORY P
ATCHESON MICHAEL J
ATKINS DOUGLAS G
AUBUT MICHAEL P
AUGENSTEIN RICHARD B
AUSTIN JOHN G III
AUSTIN THOMAS F III
AUTENRIETH DOUGLAS J
AVENA OSCAR F
AVERY MARK A
AYERS MICHAEL T
BAAS WILLIAM A
BAASEN CHAD M
BAENZIGER MARK M
BAGG SARAH M
BAGWELL SARAVOOT P
BAILEY ANASTASIA R
BAILEY JERRY J
BAILEY SEAN R
BAIR WARREN P
BAKER ALBERT R
BAKER STEVEN L
BAKER TODD R
BALDWIN ERIC A
BALLARD THEODORE A
BALLINGER DAVID M
BANKS ROBERT
BARBER DANIEL J
BARBER DAVID R
BARGE HEZEKIAH
BARKER JOHN E
BARKHIMER ERIK R
BARNES JOHN M
BARNETT OLIN L
BARTA CHRISTINE A
BARTHOLOMEW DANIEL P
BARTLING CHARLES A
BARTOSH BRADY J
BASS ANDREW A
BASSO MARK J
BATES ROBERT A
BAUER ANTHONY J
BAUMGARTEN JEFFREY A
BAUREGGER FRANK N
BAXTER ROBERT L
BAYONA FERDINAND B
BEAL CLAYTON R
BEALS STEVEN A
BEAN CLIFFORD W III
BEARD TIMOTHY D IV
BEARDEN JAMES D IV
BEAUDOIN JASON A
BEAUREGARD DEVIN L
BEAVER DOUGLAS J
BECKER BRIAN C
BECKER SEAN M
BECKLES MIGUEL A
BEDFORD DANIEL W
BEEBE ADAM L
BELIVEAU JOHN B
BELLIS ROBERT H
BELYEU GRADY A
BENFIELD CHARLES T
BENFIELD DARREL C
BENNETT JOHN F
BENNETT JOHN L
BENNETT LYNNE M
BENTLEY WILLIAM K
BENTON DANIEL A
BERENS STEVEN J
BERG CHARLES L
BERG LAWRENCE J
BERGAD DANIEL N
BERGER ROBERT D JR
BERGIN FRANCIS T III
BERGIN THOMAS P
BERGMANN LEON G
BERLANGA GERARD A
BERRIOS JOSEPH S
BETTIS ROBERT M
BEWLEY SCOTT A
BICE JEFFREY H
BICKNELL CRAIG A
BIENKOWSKI STEVEN A
BIGGERS CLARK H
BILLINGSLEY BRIAN T
BILLS JOHN V
BIORN MICHAEL D
BITTLE BARDFORD P
BLACKBURN DANIEL S

BLAKLEY MATTHEW K
BLANTON WINN S
BLATNY SHELLY A
BLATTER SCOTT W
BLAU ERIC C
BLIER ERIC F II
BLOOD MICHAEL J
BLUMENSCHEIN DANIEL L
BOARDMAN RAYMOND C
BOGDANOWICZ EDWIN F
BOHANAN LESLIE K
BOHN STEPHEN J
BOHN WILLIAM B
BOISVERT PRESCOTT M
BOIT SAMUEL H
BOLDT JONATHAN H
BOLTON BRETT A
BONACCI DAVID E
BOOTH ERIC S
BOOTH GREGORY L
BORDONARO RICHARD J
BOREK CHRISTOPHER J
BOROUGHS HOWARD J
BOST MICHAEL D
BOSWELL ANGELA I
BOUCHER MICHELE L
BOULOS MATTHEW H.
BOURGEAU DAVID C
BOWDEN CRAIG T
BOWERS THOMAS S
BOWLES BRIAN E
BOYER TIMOTHY E
BOYLES ROBERT C
BOYT MARY K
BRABEC CRAIG R
BRACE DAVID L
BRACKNELL ROBERT G
BRADLEY KEVIN T
BRADY MICHAEL G
BRANDON HOWARD S
BRANTLEY RICHARD W
BRANUM IAN D
BRASWELL JEFFREY E
BRAWER ANDREW J
BRAZA BILL
BRECKENRIDGE MATTHEW L
BREES SCOTT E
BREITINGER JEFFREY G
BRIAN HAROLD D
BRICK STEVEN A
BRIEGEL JOHN R
BRIGGLER CLEMENS V
BRISCOE DANIEL F
BROOKS ROBERT A JR
BROSSEAU SEAN P
BROWN CRAIG T
BROWN EDWARD S
BROWN ERIC I
BROWN GLENN A JR
BROWN GREGORY A
BROWN JOHN J
BROWN LARRY D
BROWN LARS T
BROWN MICHAEL T
BROWN TRACY M
BROWN WILLIAM
BROWNING MATTHEW J
BRUEN LIAM M
BRUMFIELD CORY E
BRYAN KYLE A
BRYER SUSAN M
BUCHANAN HOWARD C
BUCHEIT PATRICIA L
BUCK MARK A
BUCKLEY EDWARD M
BUCKLEY JUANITO R
BUCKON DANIEL K
BUELL RICHARD C
BUNNELL PAUL
BURD JAMES
BURDETTE PHILIP A
BURGESS BRAIN T
BURGESS CHRISTOPHER J
BURGOS MANUEL JR
BURKE ERIC J
BURKE PAUL M
BURKEMPER RAYMOND R
BURSON PATRICK A
BUSHEE DAVID A
BUSHEY JOHN F
BUSHMAN MICHAEL J
BUSHNER JOSEPH A
BUTTS EDWARD L
BUTZIRUS EDWARD T
BUWALDA AMY L
BYFORD GEORGE J
BYRNE KEVIN M
CAIN MAX W
CALLAHAN MATTHEW A
CAMP CHRISTOPHER J
CAMPBELL HANNELORE
CAMPION DAVID A
CANEDO GUILLERMO A
CANETE KENNETH B
CANNELLA CAROLYN M
CAPEZZONE DAVID L
CAREY WILLIAM J
CARL ERIC S
CARLSON WILLIAM V
CAROZZA JOHN L
CARPENTER CARLIN D
CARR KATHLEEN
CARREIRO BETH A
CARROLL THOMAS W
CARTER GREG H
CARTER MICHAEL P
CARTER STUART J
CARTWRIGHT CURTIS J
CARTWRIGHT LISA M
CARVER PATRICIA A
CASEY BRANDT C
CASEY PAUL J
CASSONI RICHARD
CASTLE FREDERICK S
CASTLE MICHAEL N
CATAROJA REX J
CAULK JEFFREY V
CAVANAGH PATRICK J
CERVENY STEVEN E
CERWONKA CHRISTOPHER J
CHAMBERLAIN MICHAEL J
CHAMBERLIN GEORGE E
CHAN ALFONSO G
CHAN PAUL A
CHANG DENNIS C
CHARLES ERIK W
CHASE MICHAEL D.
CHATHAM DAVID J
CHATTERTON GEOFFREY W
CHEN ALAN C
CHERNESKY JOSEPH F
CHESTNA PETER J
CHIEN STANFIELD L
CHINLOY JOANNE G
CHOW LYNN T
CHRISTENSEN JAMES P
CHRISTENSEN JOHN A
CHRISTIAN WILLIAM A
CHRISTMAN DEREK L
CHRISTMAN STEVEN R
CHUNG TAE H
CLARK DALE
CLARK DOUGLAS K
CLARK GARY M
CLARK JAMIE A
CLARK VINCENT T
CLARKE TRISHA L
CLARKSON GAVIN S
CLEMENTS WILLIAM J
CLIMER JASON A
CLYDE KEVIN P
COBB WILLIAM E
COCHRAN ALTON L JR
COCHRAN PATRICK B
COCKING DAVID N
COE ADAM C
COHEN ELIZABETH A
COHEN ERIC L
COLLINS DANIEL I
COLLINS HERBERT M II
COLLINS ROBERT K IV
COLON EDWIN R JR
COLWELL CHRISTOPHER P
COLWELL WILLIAM J
COMEGYS CARL R
CONE MICHAEL J
CONKLIN NORMAN J
CONLEY NORMAN B III
CONNOLLY SCOTT
CONWAY ROSANNE Y
CONWAY WILLIAM T
COOGAN JAMES J V
COOK KENNETH B
COOLEY ROBERT W
COONEY MARK E
CORCORAN PATRICK C
CORDERO DANIEL K
COREY JAMES M
CORNER SCOTT T
CORRADI DAVID T
CORY CHRISTOPHER B
COSTELLO TERRENCE W IV
COTTER LYNDA T
COULTER SHANNON E
COVEY JEFFREY G
COWAN JOSEPH M
COX CHARLES B
COX JILL A
COYKENDALL WILLIAM E
CRAM MICHAEL W
CRAMP GREGORY B
CRAUGH LINDA E
CRAWFORD MATTHEW
CREGER LEO C
CREWS JOHN E
CREWS TIMOTHY S
CRISS MICHAEL L
CRISSMAN SHERRY D
CRIST PETER L
CROSBY DAVID L
CROSS GORDON A
CROWLEY PAUL R
CRUMLISH KEVIN G
CRUZ CHRISTOPHER A
CURA ENRIQUE T
CURFMAN WALTER R
CURRAN MICHAEL T
CURRY TODD A
CURTIS DARIN C
CURTIS JENNIFER L
CURTIS MICHAEL R
CUSHING DAVID B
CYLC BERNARD J
DAHM SCOTT E
DAINS RONALD R
DALTON JOE W
DALY WALTER F
DANIELS TOMOTHY L
DANNENFELDT JOSPEH A
DAU BRIAN T
DAVENPORT ALICE C
DAVIES PAUL H JR
DAVIS CRAIG M
DAVIS GAVIN H
DAVIS JACK D
DAVIS LAURA L
DAVIS LEONARD O
DAVIS PAUL G II
DAVISON CHRISTOPHER M
DAY MARK E
DAYS TEDDY L
DEAZEVEDO DAVID K
DEDRICK KYLE R
DEGREGORY CHRISTOPHER P
DEGRUCCIO JAMES G
DEGUIRE FRANK C JR
DEICHERT MARTIN K
DELANY PATRICK T
DELAROSA CHRISTIAN N
DELGADO RAYMOND R III
DEMBICKY ROBERT A
DEMERS JAMES R
DENEERGAARD PETER E
DEROSA FRED A
DESAGUN ROBERTO D
DESOPO ROBERT A
DEUTERMAN DANIEL T
DEUTERMANN DAVID W
DEUTSCH PAUL T
DEVLIN DAVID L
DEWILDE CHRISTOPHER R
DEWITT ERIC T
DIAMOND JAMES L
DICKINSON MICHAEL W
DIEBOLD PETER J
DIEHL WILLIAM J
DIEKEMPER JOSEPH
DIETSCH ALLAN J
DILL ANTHONY R
DILLON PETER J
DINETTE JAMES M
DIXON MATHEW A
DOLAN THOMAS P
DOMBROW JENNIFER N
DOMINGUE RONALD A
DOMINICK PETER B
DOMINICK RANDALL W
DOMKE TODD C
DONAHUE TIMOTHY F
DORMAN BENJAMIN R
DORNAK DAVID B
DORNBIRER WAYNE M
DORR MATTHEW M
DOUCETTE RODNEY J
DOUGLAS CHRISTINA A
DOWLING CHARLES
DOYLE JOSPEH M
DRENNAN DARRELL D
DROPICK CHRISTOPHER M
DUFFY WILLIAM M
DUNBAR BRADUN
DUNCAN JOSEPH A IV
DUNHAN DARIN T
DUNICAN PETER B
DUNN DAVID L
DUNNE TIMOTHY J
DUNNIGAN JEROME A
DUNTON EDWARD S
DURBIN PHILLIP E
DVORAK JAMES A
DWONCH YVETTE A
DWYER MATTHEW D
EASLEY MONA E
EAST CHRISTOPHER M
EDWARDS CHARLES V
EDWARDS DAVID B
EDWARDS JAMIE L
EGAN GREGORY T
EHLERS GEORGE E
EIGENHEER TRACY L
EISNER EDWARD T
EISON DAVID L
EKINCI KRIS F
ELBERT MICHAEL J
ELDERS JEFFREY S
ELK BARRY L
ELKINS KIMBERLY M
ELLIOTT DUGLAS J
ELLOTT KELLY J
ELLIS CHARLES H
ELROD GERALD L
ELWOOD DAVID D
ELY DAVID M
EMMERT JOHN T
ENDERS THEODORE P
ENDRIES MICHAEL F
ENSIGN SEAN H
ENSMINGER DANIEL J
ERVIN MILES T
ESCHIMI MICHAEL T
ESPESETH CRAIG D
ESTELA ERNEST
ETTINGER JOHN R
EVANS CHRISTOPHER J
EVANS DAVID B JR
EVANS DAVID K
EVANS JOHN W JR
EVERLETH KREG R
EVERSON PAUL J
EYMAN RICK C
FAILLA CHRISTOPHER P
FALLAVOLLITA GREGG
FAMBRO DILLARD H
FANEUF PAUL R
FARLEY WILLIAM S
FARNAN PAUL W
FARRY GREGORY S
FECHTER GEORGE L
FEE BRIAN W
FEE DANIEL J
FEGLEY KEVIN D
FELICIAN PAUL L
FENNESSEY STEVEN C
FERNANDEZ CHRISTOPHER J
FEUILLE SCOTT A
FEILITZ ROBERT A
FILLEY STEVEN D
FINCH MARY C
FINN JOSEPH F
FISH SHANNON M
FISHER THOMAS M
FISKE PAUL A
FITZPATRICK BRIAN G
FITZPATRICK TIMOTHY F
FLANAGAN SEAN P
FLENIKEN JAMES G
FLINTER EDWARD P
FLOR JOHN
FLOYD JOHN E
FLOYD REUBEN M
FLYNN MICHAEL W
FOLTA GREGORY D
FORCE CHRISTOPHER J
FOREMAN RICHARD L
FOSCATO MATTHEW W
FOSTER JAMES W
FOSTER MARK E
FOUTS MIGUEL L
FRANCIS THOMAS R
FRANCISCO ALFRED T
FRANK JOSEPH A
FRANK STEVEN J
FRANKS JAMES R
FRANSSON LARRY L
FRASER GREGORY S
FRAZIER ANDREW
FREDERICK WILLIAM G
FREEMAN CHRIS J
FREEMAN MARK T
FREER CHRISTOPHER R
FREIVALD JACOB D
FRETTER MICHELLE J
FREUDENTHAL MICHAEL J
FREY CHRISTOPHER J
FRUTSCHE MICHAEL S
FRY DEREK K
FREY EDWARD L
FUENTES RANDALL
FUJISAKA JEFFREY W
FULFORD THOMAS S
FULLER CHARLES E JR
FULLER SCOTT K
FUTCHER FRANK W
FYALL DARRYL J
GAILEY JOHN B
GALANTE JULIE A
GALLAHER JENNIFER M
GALLI MICHAEL F
GALLINARO JOHN T
GANDT PHILLIP B
GARCIA JONATHAN G
GARCIA RICHARD A
GARCIAINIGUEZ RAFAEL H
GARD DAVID L
GAREFFA ANTHONY J
GARRECHT ALEXANDER C
GARTZKE JEAN M
GARVIN JULIA N
GASKILL MARK E
GEBREEGZIABHER DEMOZ
GEER MICHAEL T
GEIS DAVID S
GENGRAS SCOTT R
GEORGE ANDREW J
GEORGULIS CHRISTOPHER P
GERMANN MATTHEW I
GERONIME MARK T
GETSCHMAN TEDMAN E
GETTINS EDWARD S
GIARD LYNN T
GIBERSON PAUL G
GIBSON MICHAEL
GIDEONS CHRISTOPHER D
GILBERT DAVID E
GILBRETH TIMOTHY L
GILL FRANK T
GILMORE BRIAN J
GILMORE CHARLES A
GILTINAN BRIAN D
GINDER JAMES B
GINGRAS OMER M
GIROUX RAYMOND G
GIVENS RONALDO D
GLICK LANCE E
GLOSTER DEXTER K
GLOVER KING S JR
GODBEE FRED O
GODFREY STEFANNIE L
GOEBEL JEFFREY J
GOLDEN GREGORY G
GOMINIAK JOHN P
GONCALVES ANTONIO M
GONZALES ROBERT H
GONZALEZ ANGELA
GONZALEZ RAMIRO
GOODHART CHRISTOPHER A
GOODMAN RUSSELL G
COODPASTURE MIGUEL C
GOODRICH MARK R
GOOLSBY JERRY D
GORDON JEFFREY D
GORDON THOMAS J IV
GORGAS DAVID P
GORMAN MICHAEL F
GOUTINK EDWARD N
GOVER STEPHEN D
GRABAN MICHAEL C
GRAEBNER THOMAS E
GRAFF MARK L
GRAFF TAMARA R
GRALER BRUCE G
GRANT KATHLEEN H
GRANVILLE MALCOLM F
GRAY BRIN S
GRAY MARK A
GRAY PAUL H

HACHADOORIAN LEE H
HACKETT DAVID G
HAEN JASON R
HAGEN CHRISTOPHER J
HAGGERTY MICAHEL D
HAHM JIMMY L
HALDEMAN DAVID J
HALL LYLE D
HALL SIDNEY E
HALL TODD I
HAMEL PAUL A
HAMILTON ERIC E
HAMILTON JENNIFER M
HAMILTON JOHN G
HAMILTON JOHN G III
HAMILTON MARK D
HAMMOND ANDREW W
HAMMOND EDWARD P IV
HANCOCK BRADLEY S
HANOLN JOHN P
HANNAFORD SHANE E
HANNIFIN PATRICK J
HANRAHAN JOSEPH A
HANSEN CAM R
HANSEN KEITH A
HANSEN MAIA A
HANSEN ROBERT A
HANSON CRAIG M
HANSON ELIN D
HANSON SCOTT A
HARLEY SEAN M
HARMAN MICHAEL J
HARRIGAN NICHOLAS P
HARRILL THOMAS V
HARRINGTON MARK R
HARRIS JAMES M
HARRIS JASON E
HARRIS KEITH S
HARRIS SAMUEL W
HARRIS SHANE G
HART THOMAS A JR
HARTENSTEIN JOHN P
HARTSHORN CHRISTIAN J
HARTZELL FREDERICK B
HARVEY JAMES D
HARVILL RICHARD L
HARWELL THOMAS W JR
HATCHER JAMES C
HAUNTY JOHN H
HAWKINS JAMES D
HAWKINS TED J
HAYES JOHN R
HAYES PERVIS D
HAYNES PHILIP H
HAYNES WILLIAM D
HEALEY RICHARD A JR
HEALY MICHAEL J
HEASLET WILLIAM C
HECHT SABRINA J
HECKEL MARK E
HEÇKER JONATHAN D
HEDDING MATTHEW E
HEDGES WILLIAM K
HEFFERN THOMAS V
HEFFERNAN CHRISTOPHER M
HEFFNER JOHN R
HELFIN EDWARD L
HEIDRICK LISA M
HEINE JEFFREY J
HEINZE MARTIN J
HELSEL BRADLEY A
HEMELSTRAND SCOTT W
HENDERSON ANTHONY N
HENDERSON EDWARD E
HENDRICK GEOFFREY M
HERALD ASA J
GRAY TIMOTHY J
GREELEY ROBERT S
GREEN FRANKLIN C
GREEN MARIE E
GREEN MARK W
GREENE KEVIN A
GREENE NICHOLAS C
GREENE SHIRLEY R
GREENFIELD ALAN R
GREENLEE DANIEL F
GREENWOOD ANDREW H
GREGG ANTHONY J
GREGG CHARLES R
GREGG THEODORE W
GRIFFIN MICHAEL C
GRIMES PAUL G
GRIMM MICHAEL J
GRIMSRUD ERIK R
GRISSOM BRUCE W
GROESCHNER SCOTT E
GROSS MOSS W
GROUT ROBERT S
GUALTIERI MICHAEL C
GUECK STEPHEN L
GUNDAYAO JENNIFFER D
GUNDLACH DAVID A
GUNN ERIC
GUSEWELLE TIMOTHY J
GUTIERREZ JESSE V
GUTIERREZ JONATHON R
GUTIERREZ VICTORJR M
GUZZIO MICHELLE E
GUZZO MARK A

HERBERT ERIC W
HERBERT WAYNE M
HERNANDEZ GILBERT
HERNANDEZ RAYMOND M
HERNON JAMES A
HERRING MARC A
HESS MICHAEL K
HESSER ROBERT W
HEYM BRIAN L
HICKS GOEFFREY T
HICKS JOHN D
HILDEBRAND MARK D
HILL DAVID W
HIMSTREET THOMAS G
HINSON EDWARD D
HLADON JOHN D
HOBBS THOMAS K
HOBBS THOMAS V
HOBBS WILLIAM H
HOEFT TERENCE A
HOEGMEYER TIMOTHY J
HOFFMAN RAYMOND JR
HOFFMANN RONALD E
HOKANSON LAANS R
HOKOM MICHAEL S
HOLDEN ROBERT T
HOLLAND JOHN R
HOLLAND WILLIAM B
HOLLES JOSEPH H
HOLLINGER PAUL J
HOLLINGSHEAD THOMAS P
HOLMES WILLIAM H
HOLT CREIGTON D
HOLTAN DOUGLAS L
HOLWEG ERIC J
HOMAN MICHAEL K
HOMAN RUSSELL J
HOMER WILLIAM J
HOMMEL MICHAEL P
HOOYMAN GARY
HORNER ERIK R
HORTON SHELIA R
HOSTETTER DANNIE J
HOUSE DAVID A
HOUSEL REUBEN P
HOUSTON PAUL R
HOWELL HEATH M
HOWELL SCOTT B
HRYCYSZYN GERALD
HUBBELL JAMES M
HUFFMAN EDWARD G
HUGHES JAMES M
HUGHES KEVIN L
HULSE ANDREW J
HUMISTON KARL F
HUMPHREY CHRISTOPHER E
HURST CHARLES E JR
HUSMANN GREGORY A
HUTCHINSON DAVID K
HUTCHISON WILLIAM A
HYINK JEFFREY F
IANNUCCI JAMES P
ISAACS WILLIAM O II
ISERNHAGEN JONATHAN G
ISHAM SUZANNE C
IVARSEN RODNEY W
JACKSON ELIZABETH L
JACKSON LARA M
JACKSON MATTHEW J
JACOBS DAVID E
JACOBS JOHN C
JAKUC PETER A
JAMES DAVID A
JANCZEWSKI JULIE A
JAROMIN CHRISTOPHER J
JAUREGUI THERESA M

JENKINS TODD M
JENNINGS TIMOTHY P
JIBAJA GILBERT R
JOHANSSON JOHN W
JOHNSON BRETT T
JOHNSON BRIAN E
JOHNSON ERIC D
JOHNSON ERIC S
JOHNSON ERIK L
JOHNSON JACK J
JOHNSON KRISTI A
JOHNSON MARVIN R
JOHNSON PAUL H III
JOHNSON SCOTT E
JOHNSON STEVEN C
JOHNSON TODD A
JOHNSTON JAMES M
JOHNSTON LANNY G
JOHNSTON PATRICK T
JOHNSTON ROBERT D
JONES BOBBY S
JONES BRANDON L
JONES CHARLES D
JONES CRAIG A
JONES JAMES L
JONES JASON K
JONES KIRSTEN M
JONES LEWIS J
JONES MICHAEL L
JONES NIGEL W
JONES RANDAL T
JONES TERRELL
JONES TIMOTHY F
JORDAN ANDREW H
JORDAN CHARLES L
JORDAN DOUGLAS A
JORDAN KIMBERLY A
JOSEPH DANIEL S
JUIDICI ROBERT P
JULIAN FRANKLIN D
KAHL STEVEN J
KAHM HENRY D
KAHRL MARK T
KAHRL PHILLIP A
KAISER CHRISTOPHER T
KANE DAVID M
KANG SOO B
KANZ MARCUS E
KAPPLER JOHN A II
KARASEVICH DAVID M
KARNEY THOMAS C
KASPER LEWIS P JR
KAUFFMAN DANIEL C
KEELE DAVID A
KEELING ROBERT R
KEENAN JOSEPH M
KEHOE TROY D
KELLER CHARLES E
KELLEY JAMES J
KELLY BRIAN P
KELLY PATRICK W
KEMP DAVID S
KENDALL JAMES R
KENEFICK CHRISTOPHER K
KENNICK ANTHONY P
KESSELRING MARK D
KESSLER WILLIAM C
KESTER MARK C
KEY JOSEPH F
KHAN IQBAL M
KIM JOHANN S
KIMBALL PETER J
KINDLEY DAVID D
KING BRIAN D
KING BRIAN J
KING BRIAN S
KING CHRISTOPHER C
KING PATRICK E
KING SUEANN
KIRBY JAMES E
KIRCHNER JEFFREY S
KIRK JEFFREY J
KIRKPATRICK JEFFREY T
KIRKPATRICK ROY F
KISALA ERIC J
KITTLESON NEIL D
KLEINHENZ MARK W
KNIGHT STEVEN P
KNIPPENBERG BRENT A
KNOWLED CHARLEY A
KNUTSON JASON R
KOHN KENNETH L
KOLODZIEJ KELLY M
KONOPKA PAUL A
KONST MARK E
KOPPLIN PAUL A
KORADE BRETT J
KORTEKAMP TODD
KRAINE EDWARD M
KRAKOW RICHARD J
KRAKUSZESKI JOHN A
KREPPEIN JOHN F III
KRESHO JOHN P
KRIMINS ETHAN M
KRUGGEL PAUL L
KRUSSOW MATT D
KRUSZKA STEPHEN J
KUCHLER MICHAEL R
KUHN RUSSEL R JR
KURGAN CHRISTOPHER M
KWON SAMUEL
LADWIG BRADLEY T
LAFORTEZA LEONARD D
LAMASTUS GREGORY S
LANDAU FREDERICK W
LANDRY FRANCIS E
LANGFORD GEORGE M
LANGLOIS JAMES M
LAROWE THOMAS H
LARSON DONALD P
LAUBE PAUL A
LAUDERBAUGH DAVID P
LAVAN DEREK M
LAWRENCE RALPH T
LAWSON JAMES A
LAWSON STEPHEN A
LAZARUS PETER E
LECLAIR THEODORE P
LEDBETTER EZRA J
LEE CHARLES C
LEE FRANKLIN P
LEE PETER J
LEE THOMAS H
LEGEAR RUSSELL E
LEHMAN FREDERICK J
LEITNER MICHAEL A
LELAND FERDINAND A
LENTS PAUL M
LEONARDI MARY L
LESSLIE RANDALL S
LEWIS JAMES S
LEWIS MARK C
LEWIS OLIVER T
LIERNI PETER C
LIMBERG ALBERT R
LINCE MATTHEW K
LINCH DAVID M
LIND WILLIAM A
LINK DONALD P
LISTIAK JEFFREY K
LITTLE ROBERT O
LIU DEREK S
LIU LEE W
LOCKWOOD MICHAEL R
LOMBARDO VICK A
LONG MATTHEW M
LONG WILLIAM H III
LONGO MARY P
LONZA DAVID G
LOO WAYNE
LOOMIS MONICA L
LOPEZ BRYAN S
LORENZ WILLIAM A
LOVEJOY JONATHAN C
LOWE VERNON L
LOZIER DAVID D
LUBY CORD H
LUCAS JAMES J
LUCAS KEVIN P
LUCHSINGER JOHN A JR
LUCIA JOSEPH A III
LUDWIG JOHN R
LUEDERS KEVIN E
LUENZ JASON C
LUMALCURI VINCENT J
LUTZ DAVID W
LWIN MARK R
LYLE ROBERT M
LYNCH MICHELLE L
LYONS DANIEL B
MACARANAS JAMES R
MACCLARY RICHARD A
MACDONALD SCOTT D
MACKIN WILLIAM C
MACKY ROBERT C III
MACNER GERALD J JR
MACPHERSON SCOTT M
MADDOX TODD D
MADDUX GARY L
MAGALLANO ROBERTO Q
MAGEDMAN DOUGLAS M
MAGRISI GREG T
MAHER CHARLES H III
MAHONEY PHILIP J
MALACHI RONALD L
MALESENKA WILLIAM J
MANACO DENNIS A
MANDEVILLE BRIAN W JR
MANGAN JULIE C
MANGOLD DAVID G
MANNING JOHN J
MANNING MARK J
MANOR THOMAS A
MANTZOURIS MICHAEL N
MARANO STEPHEN C
MARBLESTONE ALAN M
MARBURGER KEITH A
MARCHWINSKI MICHAEL J
MARCUCCI MICHAEL J JR
MAREK JAMES E
MARINO MARK G
MARION ERLE
MARKHAM MICHAEL S
MARQUEZ RODNEY R
MARQUIS NATALIE R
MARQUIS PAUL W
MARR PAUL J
MARRERO MICHAEL A
MARRO ANTHONY M
MARSHALL ALRFED D
MARSHALL ROBERT C
MARTIN CHRISTOPHER J
MARTIN SHERYL G
MARTINEZDE JOAQUIN J
MARULLO RONALD N
MATEO NIELS F
MATHERNE KEITH P
MATLIN WILLIAM M
MATTHEWS ANDREW M
MATTHEWS RODNEY O
MATUSZAK THOMAS
MATUSZEK CHRISTOPHER J
MAY TIMOTHY M
MAYER CONRAD J
MAYO TROY C
MAYVILLE DANIEL P
MCARTHUR TARA M
MCAULIFFE ROBERT J JR
MCCALLUM KRISTY D
MCCARRON GEORGE J
MCCARTHY GREGORY C
MCCARTHY THOMAS J
MCCARTY CHRISTOPHER E
MCCARTY PRICE R
MCCLAREN GAVIN T
MCCLINTIC MICHAEL D
MCCOLLOUGH KEVIN D
MCCOLLOUGH WILLIAM E
MCCOMB EDWARD P
MCCORD CHRISTOPHER R
MCCORMACK TIMOTHY P
MCCORMICK DANIEL J
MCCORMICK PETER W
MCCOWN GREGORY T
MCCURLEY JORGE A
MCCUTCHEN DOUGLAS E
MCDONALD CRAIG A
MCDONALD MICHAEL J
MCDONALD TIMOTHY D
MCDONOUGH MARK D
MCGHEE FRED L
MCGINITY TIMOTHY B
MCGRATH RICHARD G JR
MCGREW GEORGE A
MCGUIRE ANDREW E
MCKAY CHRISTOPHER T
MCKERROW GARY R
MCKIBBINS PHILLIP G
MCLAUGHLIN MATTHEW P
MCLAUGHLIN TIMOTHY J
MCLEAN CHARLES A II
MCLEOD IAN G
MCMAHON BERNARD F
MCMANIGAL CHRISTOPHER A
MCNEAL WILLIAM B
MCPHERSON MICHAEL B
MCSORLEY WILLIAM D
MEADE JERRY E
MEADOWS RICHARD J
MEAGHER MAURICE F
MEDEARIS LYNDALL C
MEFFERT BRUCE A
MEGARGLE SHARON P
MEIER MICHAEL J
MEINTZER EDWARD P
MELENDEZ MAX E
MENDEZ PIERRE
MENGE DANIEL J
MENONI JOHN V
MENTZ JOHN W
MERCAN MELANIE A
MERCER WILLIAM N
MERLENE ROBERT E
MERRELL JEFFREY A
MERRY NICHOLAS L
MERWIN CHRISTOPHER A
MESERVE DONALD E
MESSERLY JEFFREY S
METHERD BRUCE C
METOYER EDWARD R
METTIN KYLE D
METZGER MICHAEL G
MEUSER CARL W
MICOU PAUL D
MIDDLETON PATRICK M
MILBY BRIAN W
MILIUS MARK E
MILLER DAVID E
MILLER DAVID J
MILLER JEFFREY M
MILLER MARK W
MILLER MATTHEW C
MILLER PHILIP
MILLER SCOTT E
MILLS CHRISTOPHER M
MILLS JAMES H
MIN ALEXANDER B
MIN DONALD D
MINER MARK S
MINOR DANIEL A
MIRANDA MELODEE A

OAKES KEVIN C
OATES DAVID B
OBERMEYER KURT D
OBERWEISER ROGER L
OBRIEN EUGENE L
OBRINGER MICHAEL C
OBRIST MICHAEL G
OCHBERG ABIGAIL K
OCLOO SETH L JR
OCONNELL KEVIN J
OCONOR KEVIN J
OCONNOR PATRICK J
ODM DAVID L
MIRIANI DENNIS G
MISKE CHRISTINA M
MITCHELL MELISSA A
MITCHELL MICHAEL V
MITTS WILLIAM R
MODINGER EDWARD C
MOENTER DAVID S
MOHAR DEREK C
MOHR DEREK D
MOLISKI WILLIAM J
MOLL JAMES S
MOLNAR STEPHEN M
MONAGLE MICHAEL F
MONDON DANIEL F
MONDRAGON THOMAS A
MONISMITH CRAIG D
MONTANA MATHEW J
MONTGOMERY DANIEL W
MONTILLA JONATHAN G
MOORE JONATHAN E
MOORE LAURA C
MOORE MARK L
MOORE RICHARD G
MOORE ROSEMARY L
MOQUIN LYMAN R
MORALES ANGELA
MORDHORST SEAN D
MOREAU WILLIAM E
MORGAN BRECKENRIDGE S
MORGAN DEVIN L
MORGAN TINA M
MORIN CHRISTOPHER A
MORIN DAVID N
MORRISON CHRISTOPHER L
MORRISSEY PATRICK F
MORROW THOMAS M
MORSE MICHELLE D
MORTON JEFFERSON S
MOSER CHARLES S
MOSLENER CARL F II
MOSS ROBERT B
MOTSKO WILLIAM A JR
MOTZ SUZANN M
MRAK DOUGLAS J
MUIR KEVIN J
MULCAHY FRANCIS S
MULHAIR KEVIN R
MULLEN JEFF S
MULLIS TODD A
MULTALA HENRY M
MUMMA MITCHELL D
MUNSON TODD R
MURPHY BILL F
MURPHY GERALD D
MURPHY JOHN E
MURPHYSWEET PHILIP A
MURRAY JOHN R
MUSSELWHITE ALBERT M
MUSSON STEPHEN E
MYERS FRANKLIN P
MYERS JAMES R
NAFRADA KENNETH E
NAGGIAR EDOARDO R
NAJARIAN HOLLY L
NANCE MICHAEL C
NAUMOVSKI GEORGE
NEAL JEFFREY H
NEIDHART CURTIS J
NEIDIGH MICHAEL T
NEILL THOMAS M
NELLES JAMES R
NELSON CRAIG T
NELSON DAYTON C
NELSON SCOTT E
NEMETH EUGENE J
NEMETH WILLIAM J
NENNINGER GARET G
NESS STEVEN R
NICCOLIA MARINO A
NICHOLS DAVID A
NICKERSON ERIC J
NIEDERMAIR JOSEPH C
NIKOLICH ANITA
NINO TEOFILO C JR
NIZIALEK JASON C
NOBLE MICHAEL E
NOEL MICHAEL P
NOLAN ELIZABETH C
NOLAN FRANK G
NOONAN TIMONTHY F
NOORDYK JEFFERY S
NORBY ERIC S
NORMAN KEVIN K
NORTH JENNIFER L
NORTHROP HEIDI L
NORTON JAMES E
NORTZ RICHARD J
NUNNALLY DAVID L

OESTEREICHER MICHAEL P
OGLESBY KENT S
OHANLON TIMOTHY J
OKON JOHN A
OLEARY MICHAEL S
OLIVE JACK P
OLSEN DANIEL S
OLSON MATTHEW F
ONEAL CHARLES
OOSTBURG EGBERT J
ORSMOND ANDREW J
OSER ROGER J
OSHIRO REID H
OSORNO ANDRES J
OSTER STEPHEN B
OSTOIN STEVEN D
OSTROWSKI SHAUGN E
OVERBAY JONATHAN A
OVERTON BRIAN R
OZMELEK BENJAMIN R
PACCHETTI JOHN M
PADILLA DUANE Z
PAGE GREGORY J
PAGE RANDOLPH T
PAINCHAUD ANTOINETTE
PAK HUI K
PALACIOS FRANCISCOJR F
PALMERINO BRADY R
PAMPO FIDENCIO S
PANICO MICHAEL A
PARKER ALLEN B
PARKER CHRISTOPHER D
PARKER JEFFREY F
PARMARTER SAMUEL N
PARNELL GEOFFREY J
PARRAN GREGORY A
PARRISH DOUGLAS K
PARRY EDWIN H JR
PARSONS DOUGLAS E
PASEKA KELLY J
PASTINO PHILIP M
PATTERER WILLIAM J
PATTERSON DOUGLAS R
PATULSKI DOUGLAS M
PAULEY ROBERT E
PAYNE DENNIS M
PAYNE HAROLD A
PAYNE JOHN C JR
PEARL RAYMOND C
PEARL THOMAS M
PEARSON SCOTT W
PEEDERS HANS C
PENASTARAL URSULA
PENDERGRAST ANDREW E
PERKINS DANA W
PERRY EFREM
PERSKY DAVID M
PETERS DAVID M
PETERSEN RONALD L
PETERSON DENNIS C
PETERSON SIGURD T III
PETKEVICIUS PAUL A
PETKO SCOTT A
PETTY GEORGE E
PFEIFFER FRITZ W
PFEIFLE WILLIAM D
PFLEPSEN GERRY C
PHILLIPS JASON F
PHILLIPS MARK D
PHILLIPS RODNEY
PHILLIPS WILLIAM B
PICKERILL JOHN T
PITERA RUSSELL T
PITTS KENNETH W
PITTS MICHAEL M
PLATT CHRISTOPHER R
PLEXICO ALVIN A JR
PLUMMER DONALD M
PLUMMER RITA M
POELLNITZ JOSEPH M
POLACEK KRISTINE L
PONTIER SAMUEL D
PONTON STEPHEN M
PORTER LAURIE M
POULIN JOHN P
POWANDA DOI
POWELL DAVID J
POWELL JOHNATHAN
POWELL RAYMOND T
POWERS WILLIAM E
PRATT THOMAS M
PREDDY LEWIS L
PRESTON CRAIG A JR
PRESTON RICHARD J
PROUTY MARSHALL R
PRUITT BETH L
PUCKETT JAMES E II
PULLEN JOHN T
PYLE WESLEY K
QUIGLEY RODNEY G
QUIN BRIAN J
QUINCY KEITH E
QUINN MATTHEW P
QURESHI NAVED A
RABANAL PAUL P
RAHL GARY M
RAHMER DAVID S
RAMIEH MOSE T III
RAMIREZ JAMES V
RAMIERZ TONY J
RANDALL MARTIN M
RANKEL MATHEW
RANKINGOSHIE MICHAEL J
RAPHAEL ROY A
RASCOLL ROBERT J
RATH JUSTIN L
RAUP PETER A
RAY PAUL W JR
REC JOHN D
RECKER VINCENT P
REDIFER STEPHEN E
REDMAN JAMESON L
REED ALVIN E
REESE JAIMIE K
REESE MATTHEW G
REGAN ANDREW M
REILLY MICHAEL T
RENARD ALAN D
RENARD ROBERT A
RENTALA SHASI
RESTIVO RICK A
REUER CHARLES R
REVELS JEFFREY
REYES MEDARDO O
RHODES FORREST T JR
RICE CARYLL G
RICHARDS CHAD M
RICHARDS DAVID E
RICHARDS JAMES F
RICHWINE DONALD B
RIEKIN DANNY M
RIELAGE DALE C
RIELY MONICA N
RIGDON JENNIFER C
RILEY BRIAN J
RILEY MICHAEL B
RITCHEY JOHN W
RIVERA FELIX F
ROBB SAMUEL J
ROBBINS THOMAS M
ROBERTS CHRISTOPHER T
ROBERTS ROBERT T
ROBERTS ROBERT G
ROBERTSON SCOTT F
ROBINSON ERIC L
ROBINSON PAUL
RODENFELS WILLIAM J
RODGERS STEPHEN M
RODRIGUEZ ADOLFO R
RODRIGUEZ CARLOS J
ROEDER ROLAND C
ROESING MEREDITH L
ROGERS WALTER E II
ROHAN PATRICK T
ROHLFS MICHAEL P JR
ROMMTTI TERESA M
ROOSILD TARMO PL
ROSE DOUGLAS J
ROSE MATTHEW J
ROSENBLOOM MATTHEW D
ROSEN BRIAN K
ROSHAVEN BRIAN M
ROSS JEFFREY M
ROTH JOSEPH
ROTHWELL WILLIAM B
ROUSSELL ANDREW P
RUCK CHRISTIAN W
RUIZ CHRISTOPHER S
RUMRILL MARTIN R
RUPERT PAUL N
RUPPEL DAVID T
RUSCHEINSKI STEPHEN J
RUSNAK MARK E
RUSSELL CRAIG H
RUTTER JAY A
RYAN JAMES B
RYAN JEROME J
RYAN MICHAEL A
RYERSON GORDON L III
RYSEDORPH TROY T
SAGLINE FRANK J
SALTER ALAN H
SALYER ROBERT E
SAMPSON MICHAEL B
SAMS RICHARD W
SAMUELS MICAH T
SANABRIA MERY A
SANDERS SCOT T
SANFORD RICHARD D JR
SANTILLA MARTIN A
SANTOS DAVID D
SANZI THOMAS J.
SARAN DALE F
SATTERWHITE STUART C
SAUER PAUL A
SAUVAIN VERONICA M
SAVAGEAUX MICHAEL K
SAVIN PETER J
SAWDYBOWES PAULA F
SAWIN MICHAEL B
SCALES THOMAS R
SCARFE STEPHEN C JR
SCARFF MICHAEL P
SCHAAL MATTHEW P
SCHAEFER CHRISTOPHER J
SCHAEFER ERIC W
SCHAEFFER MARK E
SCHAFFER ROBERT J
SCHANG STEVEN J
SCHEIDT JEFFREY S
SCHERZER DALE R
SCHGALLIS RICHARD J
SCHMIDT ERICH B
SCHMIDT JEFFREY A
SCHMIDT RAYMOND W
SCHMINKY MIGNON M
SCHMITZ JEFFERY L
SCHNABEL CHRISTOPHER S
SCHNEBELEN PAUL R
SCHNEIDER ERIC R
SCHNEIDER JACK H
SCHNEIDER JAMES S
SCHNEIDER STEVEN A
SCHOCH ERIC J
SCHUESSLER DONALD A
SCHULTZ ELIZABETH A
SCHUMAKER ROBERT G

SCHUMAN CHARLES E
SCHUMANN MICHAEL A
SCHWARTZBECK JOHN R
SCHWARZ JOHN P
SCISLOWICZ JAN K
SCOTT CATHERINE S
SCUDI JOHN P
SEAY SHANNON E
SEBRING JEFFREY L
SEGAL STEVEN D
SEGELHORST ROBERT J
SEGO EDWARD B
SEILE SHON M
SELLAND RICHARD D
SEMBROT JAMES T
SENESKY DANIEL J
SENTER JASPER W
SERENYI NICHOLAS J
SEVERN STEPHEN E
SHANNON MICHAEL T
SHARDY ELISABETH A
SHAW HOWARD W III
SHAW ROBERT L
SHEA KEVIN A
SHELDEN STEVEN W
SHELDON GERALD E
SHELTON DELARUE S
SHELTON FRANK T
SHEPARD KIP M
SHEPHERD MARK A
SHERMAN DARREN C
SHERMAN MICHAEL D
SHEWFELT STEVEN D
SHIMON EDWARD J
SHIRING STEVEN P
SHOEMAKER CHRISTOPHER J
SHOENFELT TANYA L
SHORTER JOHN D
SHOUP MICHAEL A
SHRADER RODNEY A
SHULTS MICHAEL B
SHUSTER MARK A
SICKLER JOHN C
SIEBER MATTHEW M
SIEDEL KATHERINE P
SIEROTA DAVID M
SIKORSKI ROBERT J III
SILER TODD R
SILSDORF SCOTT D
SILVERNAIL DAVID M
SILVEY DANA L
SIMANEK FRED A
SIMINGTON CHRISTINA L
SIMMONS PAUL J
SIMMONS TORRENCE P
SIMONS DANIEL J
SINGLETON JONATHAN D
SISK ERIK D
SITKOFF LLOYD A
SIWIK CHRISTOPHER D
SKALICKEY ANGELIQUE C
SLIBECK JASON B
SLISKI THOMAS A
SLOAN KEITH A
SMALLEY TODD C
SMALLWOOD MACEO L
SMITH CHRISTINE T
SMITH CHRISTOPHER E
SMITH, DAVID E.
SMITH, DAVID J.
SMITH, EDWARD R.
SMITH, JAMES R.
SMITH, JAMES W.
SMITH, LESLIE B., III
SMITH, MATTHEW L.
SMITH, MICHAEL P.
SMITH, PATRICK N.
SMITH, STEPHEN J.
SMITH, STEVEN E.
SMITH, THOMAS D.
SMITH, TRAVIS R.
SMITHERMAN, JEFFREY C.
SMRKOVSKY MICHELLE R.
SNIDER, BRANDON G.
SNYDER, MIKE D.
SODANO, MICHAEL A.
SOESBEE, RONALD E.
SOHA, GREGG E.
SOLBERG, BENNETT J.
SOLDON, ROBERT S.
SOPP, WALTER C., JR.
SORCI, JOSEPH M.
SOTO, ELENA P.
SPARKS, BARRY V.
SPARLING, JAMES T.
SPENCER, HITE M.
SPICER, MATTHEW A.
SPINELLI, JOSEPH J.
SPITZER, ERIK A.
SPROUSE, MATTHEW C.
SPUNAR, CHRISTOPHER M.
SQUIER, RENEE J.
SQUILLACOTE, PAUL R.
STADTHERR, MARK T.
STAINBROOK, MARK G.
STALZER, CHARLES A.
STANAVE, FRANK J.
STANNERT, LAUREN L.
STARCHER, WILLIAM R.
STARKEY, SCOTT B.
STAS, JASON N.
STCLAIR, JAMES A.
STEARNS, RANDY C.
STEENMAN, DARYL G.
STEFANEK, PATRICK A
STEIMLE, MARTIN C.
STEINER, RON A.
STEINWINDER, JAN S.
STELTER, PETER T.
STEPHENS, LESLIE N.
STEVENSON, MATTHEW P.
STEWART, BRYAN J.
STEWART, CHARLES S.
STEYN, CHRISTOPHER
ST. JOHN, ANDREW B.
STOLZE, CHERYL R.
STOVER, MICHAEL D.
STRATTON, JASON, G.
STRATTON, STEVEN D.
STREETER, CRAIG H.
STREICHER, JAMES E., JR.
STREIFEL, THOMAS M.
STUART, JEFFREY A.
STUHLFIRE, JOHN F.
SUH, JUNG Y.
SULLIVAN, BETH A.
SULLIVAN, JUDITH T.
SULLIVAN, MARK C.
SULLIVAN, PAUL G.
SUTTON, TRAVIS L.
SWADENER, WILLIAM E.
SWAN, JOHN R.
SWANSON, WILLIAM J.
SWAYNE, TIMOTHY B.
SWEDENBORG, MARK C.
SZATKOWSKI, JOHN J.
SZYPULA, JOHN
TALLANT, DAVID S.
TAMBLING, DAVID, H.
TAMBONE, MICHAEL A.
TANKEL, JASON E.
TARR, STACEY A.
TATIAN, HENRY K.
TAYLOR, ANDREW A.
TAYLOR, BENJAMIN N.
TAYLOR, JOHN E.
TAYLOR, RICHARD M.
TEDFORD, STEPHEN R.
TEMPLE, DANIEL W.
TENNY, JAMES R.
TERASHIMA, ERIC K.
THENELL, STEPHEN M.
THERIAULT, JOHN B.
THIBODEAUX, CHRISTOPHER C.
THOMAS, JACK S.
THOMPSON, JEFFREY J.
THOMPSON JOHN A
THOMPSON MICHAEL J
THOMS JOHN W
THORNE RICHARD L
THORNTON HILARY M
THORNTON LAURENS W
THORSEN SHY L
THORSETT KAREN A
TIBBETTS TRAVIS R
TIBBS JEFFREY M
TIERNAN JAMES E JR
TILDEN ROLAND S
TINGLE MARK E
TITZELL MELISSA J
TOBLER NORMAN M II
TOBON EDWIN
TONOFF BARRY L
TOPPIN DARRYL M
TORGERSEN GREGORY P
TORKELSON KAI O
TORONTO JOHN D
TOUCHTON MARC E
TOWERY KENDALL S
TOYRYLA MICHAEL D
TRAVIS MATTHEW K
TRI DENIS G
TRICARICO MARK A
TROMPETER THOMAS J
TROYER MATTHEW P
TRUBY TODD J
TRUPP TRAVIS J
TRUSSO MICHELLE L
TUCKER CURTIS C
TUCKER THOMAS A
TUGGLE JEFFREY D
TUNSTALL MARC E
TUPAZ JESSE D
TURNER JOHN C JR
TURNER ROBERT R
TURRUBIATES RODNEY
TWOREK TROY J
TYNER JOHN S
ULRICH DONALD J
ULRICH JON K
UNREIN LOUIS T
UPRICHARD JOHN D
VAHEY BRIAN P JR
VANBUREN KENNETH R
VANCE DARRELL G
VANDENBERG SCOTT M
VANFLEET SCOTT P
VANMESSEL JOHN A
VANVALZAH STEVEN W
VANWINKLE MARK D
VANWORMER MARK E
VARIAS MICHAEL A
VARNADO RYNOLD O
VECCIA JAMES E
VELASQUEZ SCOTT A
VERRY THOMAS J
VIGIL ANGELO E
VIGUE LIONEL C
VINCENT TRACY A
VLASAK MATHEW S
VLATTAS JOHN
VOELKER BRENT M
VOLKIR SHEARING P
VONLUHRTE SUZZANE H
WADE ROLANDO M
WADE TIMOTHY A
WAGNER BRETT S
WAGNER DAVID E
WAGNER MARK E
WALCH DAVID A
WALDREP CHARLES W
WALFORD DANIEL J
WALKER JEFFREY H
WALKER RICHARD S
WALKER ROBERT G
WALLACE TYE R
WALLEY MATTHEW P
WALTERS ALLAN R
WALTERS SEAN T
WANG KENNY H
WANNAMAKER HOWARD
WARD BRAD L
WARD BRUCE G
WARD MICHAEL H
WARNER MARK R
WARNKE CHRISTOPHER J
WASSON NOEL W
WATKINS JOHN A
WATKINS LARRY D
WATSON BENJAMIN T
WATSON JAMES M
WATSON JONATHAN T
WEBB CLAEFER B
WEBB JOSEPH M
WEBER RICHARD L
WEDAL ALAN C
WEDEL TREY P
WEEKLEY KARIN R
WEEKLY SARAH A
WEGHORN PETER A
WEGNER MATTHEW C
WEIGEL LAURA R
WEIR THOMAS S
WEISGERBER MARK W
WELCH DENNIS D
WELLS DONALD J
WELSS ELKE E
WELTS RONALD D
WENTWORTH STEPHEN F
WERENSKJOLD GEORGE K
WEST OWEN C
WESTON CODY M
WHEELER STEPHEN J
WHELEN CATHERINE A
WHIPPLE STEPHEN J
WHITE BRIAN C
WHITE CAROL E
WHITE DANIEL F II
WHITE EDWARD T
WHITE WILTON D
WHITEFIELD CURT J
WHITFIELD MICHAEL P
WIATROWSKI THOMAS
WICK CRAIG A
WICK ERIC J
WIDDOWSON BRIAN L
WIDEN STEPHEN H
WIENKER STEPHEN R
WILBANKS JAMES R
WILEY WILLIAM J
WILKERSON MICHAEL W
WILKERSON PATRICK D
WILKES LLMON A
WILKINSON PATRICK W
WILLEY JAMES D
WILLIAMS BRIAN H
WILLIAMS BROOKE A
WILLIAMS GLENN D
WILLIAMS JAMES M JR
WILLIAMS MARTY T
WILLIAMS MICHAEL E JR
WILLIAMS ROBERT E
WILLIAMS ROBIN S
WILLIAMS SEAN L
WILLIAMS SHARON L
WILLIAMSON JOHN J
WILSON RAYMOND P
WINCER ROBERT L
WINDFIELD LEROY A
WINER BRADLEY S
WINSTEAD SCOTT T
WISE ERIC S
WITTKOFF EUGENE P
WOLF JAMES K
WOLTER ANDREW J
WOMBLE WENDELL
WONG GREGORY M
WOOD AMY L
WOOD LAWRENCE E
WOOD ROBERT D
WOODFORD DUFFY H
WOODSIDE JULIE A
WORTHEY CLAYTON T
WORTHY KENNETH L
WOZNIAK KEITH F
WYDAJEWSKI KENNETH J
WYLIE MICHAEL P
YAM ASA
YATES DAVID J
YATES WILLIAM S
YATES WILLIAM W
YING STEPHEN J
YODOWITZ STEVEN M
YORDY DELBERT G
YOSS KENNETH A
YOUNG BRIAN S
YOUNG CHRISTOPHER B
YOUNG DEAN M
YOUNG JONATHAN D
YOUNGMANN ANNE M
YUM SUNHI K
ZACCHEA JEANNE E
ZACCHEA MICHAEL J
ZACHARIASIEWICZ ROBERT F
ZAMAGNI WILLIAM E
ZAMBRANO MANUEL R
ZAYATZ CHRISTOPHER J
ZEGER KIRBY D
ZELLER HENRY R
ZIAJA MARTIN E
ZIMMER MARK E
ZIMMERMAN JAMES L
ZINK RUSSELL T
ZINNER MARC A
ZOMAR REESE K
ZUCHOWSKI JODI L
ZURCHER MATTHEW S
ZWEERINK DOUGLAS J
ZYCH KIMBERLY A

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

ROBERT T. ADAMS [redacted]
DANNY G. AKIN, [redacted]
NORRIS E. ALDERSON [redacted]
PASQUALE A. ALESIA, [redacted]
WILLIE A. ALEXANDER [redacted]
GARY L. ALLEN [redacted]
GARY R. ALLEN [redacted]
ANDREW D. AMERSON [redacted]
JOHN L. ANDERSON [redacted]
ANTHONY J. ANZALONE, JR [redacted]
WILLIAM I. APGAR [redacted]
LANDRY K. APPLEBY [redacted]
RICHARD R. APPLING [redacted]
GORDON L. ARABIAN [redacted]
STEPHEN E. AREY [redacted]
NORM ASCHENBRENNER [redacted]
DONALD J. ASHWORTH [redacted]
RICHARD ATTANASIO [redacted]
ALEXANDER O. ATZERT [redacted]
MICHAEL J. AVENICK [redacted]
JOHN AVILA, JR [redacted]
ROBERT L. AYOTTE [redacted]
WILLIAM E. BABB [redacted]
CLARK H. BABL [redacted]
DORN B. BACKMAN, [redacted]
STANLEY BAGDON, JR [redacted]
PAUL BAKER [redacted]
ROGER H. BALDWIN [redacted]
MARSHALL H. BALLARD [redacted]
HECTOR BANCHNEGRON, [redacted]
WILLIE BANKS, JR [redacted]
DALE R. BARBER [redacted]
DENNIS C. BARLOW [redacted]
BRICE H. BARNES [redacted]
GROVER E. BARNES [redacted]
CHARLES J. BARR [redacted]
TIMOTHY C. BARRICK, [redacted]
CHESTER P. BARTON, [redacted]
DAVID A. BARTRUFF [redacted]
ROBERT BARZILOSKI [redacted]
GEORGE D. BAXTER, [redacted]
WILLIAM A. BAXTER, JR [redacted]
MICHAEL J. BAYER [redacted]
CLARENCE E. BAYLESS [redacted]
MICHAEL J. BEARD [redacted]
RICHARD BEARDSLEY [redacted]
DOUGLAS S. BECKER [redacted]
LARRY BEDINGFIELD [redacted]
ROBERTO BENAVIDES [redacted]
LYLE D. BENDER [redacted]
KENNETH BERGQUIST [redacted]
GIRARD BESANCENEY [redacted]
MARVIN H. BESEL [redacted]
CHARLIE D. BETTS [redacted]
DAVID W. BEVINS [redacted]
PARK P. BIERBOWER [redacted]
ALEXIUS O. BISHOP [redacted]
WILLIAM G. BLACK [redacted]
CLIFF B. BLACKERBY [redacted]
RICHARD E. BLAKE [redacted]
JOHN C. BLANCHARD [redacted]
ROBERT E. BLANCHARD [redacted]
JEFFERY L. BODOUIN [redacted]
THOMAS F. BOLAND [redacted]
JAMES J. BONATO [redacted]
J. E. BOUCHELL [redacted]
COTTON W. BOWEN, [redacted]
JOSEPH C. BOWSHER [redacted]
CHARLES H. BRACKEN [redacted]
RICHARD L. BRADLEY [redacted]
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WILLIAM R. BRANNON [redacted]
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STANLEY D. BROWN [redacted]
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JIMMIE C. BUGG [redacted]
JOSEPH W. BULLOCK [redacted]
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HARRY B. BURCHSTEAD [redacted]
CHARLES D. BURDICK [redacted]
DAVID M. BURGETT [redacted]
BRADLEY B. BURGRAFF [redacted]
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WILLIAM J. BURKE [redacted]
REX C. BURNS [redacted]
STAN A. BURWELL [redacted]
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EDMUND R. BUTCH [redacted]
JAMES P. CAIE [redacted]
STEVEN J. CALDWELL [redacted]
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JOHN R. CALPINI [redacted]
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DANIEL W. GIFFORD [redacted]
ALFONSA GILLEY [redacted]
THEODORE V. GILLRUP [redacted]
FRANCIS X. GINDHART [redacted]
LARRY H. GINGRICH [redacted]
JOHN J. GOFF, JR [redacted]
JACK N. GOLDEN [redacted]
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WILLIAM E. GORE [redacted]
JOHN P. GRABFELDER [redacted]
RANDALL C. GRAHAM, [redacted]
CARL T. GRASSO [redacted]
JAMES R. GRAY [redacted]
VIRGIL S. GRAY [redacted]
LINWOOD G. GREENE, [redacted]
THOMAS R. GRIBBONS, [redacted]
JAMES M. GRIES [redacted]
JOHN B. GRIMBALL [redacted]
FORREST M. GRIMES [redacted]
PAUL L. GROSS [redacted]
TRAVIS L. GUTHRIE [redacted]
RICHARD HABERMANN, [redacted]
JOHN R. HACKBARTH, [redacted]
JOHN W. HAGEMAN, [redacted]
JAMES R. HAGER [redacted]
DIANA C. HAGLE [redacted]
STANLEY R. HAJENGA [redacted]
GARY P. HALE [redacted]
ARCHIBALD L. HALL, JR [redacted]
ROBERT L. HALVERSON [redacted]
MICHAEL HALVORSON, [redacted]
MERRITT W. HANEY [redacted]
GEORGE K. HANSEN [redacted]
MAHLON F. HANSON, [redacted]
JOHN K. HAO, [redacted]
JOHN W. HARDINK [redacted]
GEORGE L. HARGROVE [redacted]
DONALD B. HARMON, [redacted]
TRAVIS L. HARPER [redacted]
CLAUDE HARRIS, JR [redacted]
ROBERT E. HARRIS [redacted]
RANDOLPH HARRISON, [redacted]
DAVID T. HARTLEY [redacted]
JAMES A. HARTZ [redacted]
JAMES E. HATCHELL [redacted]
ROLAND C. HAUN, [redacted]
DAVID S. HAWKINS [redacted]
DONALD F. HAWKINS, [redacted]
WILLIAM A. HAWKINS, [redacted]
RODERIC L. HAWORTH, [redacted]
JOHN J. HAYES [redacted]
JAMES R. HAYNIE [redacted]
BERNARD D. HEER [redacted]
KENNETH A. HEFFNER [redacted]
GEORGE J. HEID [redacted]
DENNIS L. HEIKKILA, [redacted]
CRAIG R. HEISE [redacted]
THEODORE W. HEJL [redacted]
CHARLES HENNESSEY [redacted]
RICHARD B. HENSLEY [redacted]
RICHARD F. HERBEK [redacted]
STEPHEN L. HERMANN [redacted]
MORRIS G. HERNDON, [redacted]
JOHN W. HIGGINS [redacted]
ROBERT A. HILLYER [redacted]
DAVID HIMMELSBACH [redacted]
TIMMY L. HINES [redacted]
HUBERT T. HODGSON, [redacted]
DAVID W. HOLBROOK, [redacted]
CLARENCE O. HOLLIS [redacted]
WILLIAM D. HOLMAN, [redacted]
RONALD E. HOOVER, [redacted]
BRUCE L. HOPKINS [redacted]
THOMAS J. HORAN [redacted]
DONALD R. HORLACHER, [redacted]
NATHAN N. HORNE, [redacted]
WILLIAM HORVATH [redacted]
RYLAND L. HOSKINS [redacted]
HAROLD R. HOSTETLER [redacted]
CHARLES R. HOUSTON [redacted]
JON K. HOVDE, [redacted]
EARL L. HOWARD [redacted]
GUY E. HOWERTON, [redacted]
NICHOLAS W. HUBBELL [redacted]
ROBERT C. HUGHES [redacted]
JEFFREY V. HULTING [redacted]
PHILIPPE A. HUMBERT [redacted]
MORTON C. HURSTON, [redacted]
IHOR W. HUSAR, [redacted]
MELVIN G. HUTH [redacted]
GARY J. IANNANTUONO [redacted]
JERRY D. ICENHOWER [redacted]
JACY D. IGOU, [redacted]
EARL INGRAM, II [redacted]
CALVIN D. JAEGER [redacted]
DAVID C. JENKINS [redacted]
ARNOLD W. JENSEN, [redacted]
EDWARD J. JIRAN [redacted]
BRIAN A. JOHNSON [redacted]
CHARLES S. JOHNSON [redacted]
CHARLES S. JOHNSON [redacted]
CRAIG F. JOHNSON [redacted]
DONALD D. JOHNSON, [redacted]
JAMES D. JOHNSON [redacted]
JON B. JOHNSON [redacted]
KENNETH N. JOHNSON [redacted]
RODNEY C. JOHNSON, [redacted]
THOMAS C. JOHNSON [redacted]
WESLEY L. JOHNSON [redacted]
DONALD W. JOHNSTON [redacted]
ARTHUR J. JONES [redacted]
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FREDDIE L. JONES [redacted]
IRA K. JONES [redacted]
MICHAEL C. JORDAN, [redacted]
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JAMES R. KANE [redacted]
JAMES E. KASPRZAK [redacted]
RICHARD B. KAUFMANN, [redacted]
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RODNEY L. KELLEY [redacted]
WILLIAM J. KELLEY [redacted]
ROBERT M. KELLY [redacted]
ROBERT W. KENDALL, [redacted]
WILLIAM N. KIEFER [redacted]
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CLARENCE E. KNIGHT [redacted]
NOBORU KON, [redacted]
RONALD L. KOPROWSKI [redacted]
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IHOR O. KOTLARCHUK [redacted]
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DONALD L. LAFLIN [redacted]
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RICHARD L. LININGER [redacted]
JOHN P. LODS [redacted]
DANIEL E. LONG, [redacted]
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FEDERICO LOPEZ, III [redacted]
ANDREW E. LUCAS, [redacted]
CHARLES E. LUCCHESI [redacted]
STEVEN C. LUND, [redacted]
CARL F. LUNDELL [redacted]
ARNOLD H. LUNDQUIST [redacted]
DRANNAN E. LUNN, [redacted]
WOODROW G. LYON, [redacted]
BRUCE P. MACGREGOR, [redacted]
ORRIN B. MACMURRAY, [redacted]
DOUGLAS M. MAGEE, [redacted]
ROBERT V. MAGNUSON, [redacted]
THOMAS K. MAHAN, [redacted]
DEAN J. MALLIRES [redacted]
WILSON L. MALOZ, [redacted]
ANTHONY J. MANGAN, [redacted]
RONALD S. MANGUM, [redacted]
FREDERICK H. MANN [redacted]
DANNY G. MARLER, [redacted]
TIMOTHY P. MARONEY, [redacted]
CHARLES E. MARTIN [redacted]
MATTHEW M. MARTINEZ [redacted]
STONEY MASSEY, [redacted]
WARREN T. MATTHEWS, [redacted]
STEPHEN A. MAYHEU [redacted]
JAMES R. MCCALL [redacted]
THOMAS M. MCCOY, [redacted]
MICHAEL C. MCCURRY, [redacted]
TERRY A. MCDOWELL [redacted]
JOHN W. MCGEE, [redacted]
JOHN L. MCGRUDER, [redacted]
MICHAEL J. MCKEON, [redacted]
MATT D. MCKNIGHT, [redacted]
SUE AN W. MCMAKIN, [redacted]
GARY E. MCPHILLIPS [redacted]
LARRY O. MCQUINN, [redacted]
JAMES N. MEADE [redacted]
BERTRAM W. MEDLEY, [redacted]
CORDELL D. MEEKS, JR [redacted]
GARY W. MEEKS, [redacted]
JAMES MEINERSHAGEN [redacted]
NORMAN MEKDSY, [redacted]
BRUCE W. MENNING, [redacted]
JOHN V. MEYERS [redacted]
JACK B. MIDYETTE, [redacted]
STANLEY A. MILLAN [redacted]
HAROLD K. MILLER [redacted]
WILLIAM E. MILLER [redacted]
LARRY M. MIMS [redacted]
GERALD P. MINETTI [redacted]
BILLY N. MITCHELL, [redacted]

KIM I. MITCHELL [redacted]
RICHARD S. MITCHELL [redacted]
GERALD J. MOLNAR [redacted]
JAMES MONTEMORANO [redacted]
FRANK E. MOODY [redacted]
CHESTER M. MOORE [redacted]
NEIL J. MOORE [redacted]
JAMES R. MORAN [redacted]
JIM E. MORFORD [redacted]
AUDY C. MORGAN, JR [redacted]
WALTER N. MOROSKY [redacted]
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DAVID R. MOWRER [redacted]
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MICHAEL J. MULLIGAN [redacted]
JOHN R. MULLIN [redacted]
DONALD F. MUNCH [redacted]
KENNETH J. MUNNELL, JR [redacted]
KENNETH MURCHISON [redacted]
JAMES C. MURPHY [redacted]
SIGURD E. MURPHY [redacted]
TIMOTHY M. MURPHY [redacted]
PAUL E. MYRON [redacted]
EVERETT H. NAGEL [redacted]
JERRY L. NEF [redacted]
LARRY J. NEIL, [redacted]
LESLIE H. NELSON [redacted]
RONALD A. NELSON [redacted]
RONALD B. NEMETH [redacted]
ROGER E. NEPPL [redacted]
DENNIS M. NERNEY [redacted]
HAROLD J. NEVIN [redacted]
BERTRAM NICHOLLS [redacted]
THOMAS P. NICHOLSON, [redacted]
JAMES P. NOLL [redacted]
MICHAEL L. NOLL [redacted]
EDMOND B. NOLLEY [redacted]
RICHARD D. NORMAN [redacted]
WARREN E. NORRIS [redacted]
PATSY D. NULL [redacted]
GLEN L. ODELL [redacted]
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JOHN E. OHARA [redacted]
JOHN P. OLJAR [redacted]
RONALD F. OLSOMMER [redacted]
RICHARD L. OLSON [redacted]
RICHARD M. OMEARA [redacted]
DEAN ONEIL [redacted]
PETER W. ONOSZKO [redacted]
STEPHEN A. ORDAHL [redacted]
GEORGE A. ORLICKI, [redacted]
RAYMOND G. OSTER [redacted]
PAUL T. OTT [redacted]
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BILL E. OVERSTREET [redacted]
WAYNE E. OVERTURF [redacted]
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GREGORY D. PARRISH [redacted]
FLOYD D. PARRY [redacted]
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PAUL D. PATRICK [redacted]
DWAYNE G. PAXTON [redacted]
GREGORY C. PECK [redacted]
JAMES C. PECK [redacted]
JAMES R. PENNINGTON [redacted]
JAMES I. PERKINS [redacted]
KENT R. PETELLE [redacted]
RAYMOND C. PETERS [redacted]
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ORLAN L. PETERSON [redacted]
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DANIEL H. PHLEGAR [redacted]
ROBERT C. POLAND [redacted]
WILLIAM H. POLAND [redacted]
PHILLIP L. POOLE [redacted]
RAYMOND W. POORE [redacted]
DAVID G. POPHAM [redacted]
ROBERT E. POPKEN [redacted]
DANIEL J. PREECE, JR [redacted]
LARRY D. PRICE [redacted]
STEVEN M. PRICE [redacted]
GEORGE R. PRINCE [redacted]
PAUL E. PROFFITT [redacted]
LYLE E. PUFAHL [redacted]
ASA W. PULLIAM [redacted]
ROBERT J. PULVER [redacted]
DAVID A. PUPO [redacted]
WILLIAM J. RAABE [redacted]
CARLOS L. RABREN [redacted]
JEFFREY RACE [redacted]
MAURICE D. RACINE [redacted]
VERNON W. RAE, JR [redacted]
WILLIAM A. RAHKOLA, [redacted]
GREGORY F. RAISOR [redacted]
WILLIAM A. RAMIREZ [redacted]
ERNE RAMOSSANTIAGO [redacted]
DAVID L. RATAJIK [redacted]
ALFRED V. RAWL [redacted]
ELDON W. RAWLINS [redacted]
DAVIS S. RAWSON [redacted]
RICHARD H. RAY [redacted]
CHARLES R. RAYL [redacted]
CARL A. REA, JR [redacted]
ROBERT E. READER [redacted]
CHARLES K. REBER [redacted]
DONALD R. REBSAMEN [redacted]
DANIEL E. REEVES [redacted]
THOMAS M. REEVES [redacted]
WILLIAM M. REFFETT [redacted]
LEE R. REID, JR [redacted]
WILLIAM V. REQUA [redacted]
WALLACE W. REYNOLDS [redacted]
JERRY G. RHYNE [redacted]
WILLIAM C. RICHAR [redacted]
HARVEY W. RICHARDS [redacted]
GERALD RICHARDSON [redacted]
THOMAS RICHARDSON [redacted]
VIRGINIA K. RILEY [redacted]
JOHN M. RINGLER [redacted]
RICHARD T. RINTZ [redacted]
GARY D. ROARK, [redacted]
HERSCHEL P. ROBERTS [redacted]
GEORGE J. ROBINSON [redacted]
PAUL L. ROBINSON [redacted]
RAYMOND C. ROBINSON, [redacted]
EDWARD A. RODIER [redacted]
NICKLAS ROGERS, [redacted]
EDMUND F. ROLEFF [redacted]
JOSEPH ROMANOSKY [redacted]
ROBERT O. ROSE [redacted]
ALFRED T. ROSSI [redacted]
ROBERT W. ROTH [redacted]
LARRY D. RUCHTI [redacted]
RICARDO RUIZ [redacted]
RALPH D. RUNNEBAUM [redacted]
PAUL L. RUSHING [redacted]
EDWARD H. RUSSELL [redacted]
ROGER D. RUSSELL [redacted]
WILLIAM H. RUTLEDGE [redacted]
ALAN K. RUVELSON [redacted]
JAMES F. RYAN [redacted]
KEVIN M. RYAN [redacted]
ALGERNON P. RYLAND [redacted]
JAMES O. SABOE [redacted]
ROBERT Y. SALKA [redacted]
WILLIAM A. SANCHEZ [redacted]
DAVID B. SANFASON [redacted]
WILLIA SATTERFIELD [redacted]
DONALD SAUERESSIG [redacted]
TERRY W. SAULTER [redacted]
GROVER E. SCEARCE [redacted]
JAMES E. SCHEURICH [redacted]
DAVID L. SCHUMACHER [redacted]
GERALD SCHUMACHER [redacted]
ANDREW M. SCHUSTER [redacted]
MICHAEL A. SCHUSTER [redacted]
JOHN L. SCOTT [redacted]
LLOYD R. SCOTT [redacted]
ALAN M. SEPE [redacted]
WILLIAM A. SERIE [redacted]
PHILIP M. SERRA [redacted]
EDWARD J. SHAGORY [redacted]
JOHN M. SHANK, JR [redacted]
HOWELL L. SHAY [redacted]
DENNIS J. SHEA [redacted]
SIMON J. SHEFFIELD [redacted]
REX A. SHEPPARD [redacted]
RONALD C. SHICK [redacted]
RAYMOND SHOEMAKER [redacted]
CARL D. SHORES [redacted]
DAVID J. SIEFERT [redacted]
BOBBY G. SIMMONS [redacted]
MILTON E. SIMMONS [redacted]
BERTUS L. SISCO [redacted]
GENE SISNEROS [redacted]
JONATHAN P. SMALL [redacted]
RONALD L. SMAY [redacted]
GERALD L. SMITH [redacted]
KENNETH W. SMITH [redacted]
LARRY L. SMITH [redacted]
LLOYD K. SODETANI [redacted]
STEVEN P. SOLOMON [redacted]
JAMES R. SPACKMAN [redacted]
JOHN C. SPENCER [redacted]
JOHN P. SPICKELMIER [redacted]
RAYMOND J. SPIRLET [redacted]
STAN SPRECKELMEYER [redacted]
MELVIN R. SQUIRES [redacted]
THOMAS A. STAADT [redacted]
JAMES R. STARKE [redacted]
RONALD C. STECKLEIN [redacted]
ROBERT L. STEER [redacted]
PAUL J. STEISKAL [redacted]
THOMAS M. STENGER [redacted]
THOMAS M. STEPHEN [redacted]
LOUIS B. STEPHENS, JR [redacted]
PHILIP C. STEPHENS [redacted]
PHILLIP D. STEVENS [redacted]
LARRY N. STEWART [redacted]
LAWRENCE M. STEWART [redacted]
WILLIAM C. STJOHN, JR [redacted]
JOHN P. STORM [redacted]
LARRY J. STOVALL [redacted]
MARVIN I. STRAWN [redacted]
WOODROW A. SULLIVAN, [redacted]
JAMES A. SWANKE, [redacted]
JOHN H. SYDOW [redacted]
BERNARD K. TAKANO [redacted]
VERNON A. TAYLOR [redacted]
CYRIL M. TAZIK [redacted]
GEORGE G. TEEBAY [redacted]
GARRY R. TENNEY [redacted]
JOSEPH P. TESTA [redacted]
FREDERICK THIBAULT [redacted]
ERIC E. THOMAS, [redacted]
GEORGE D. THOMAS [redacted]
DUNCAN M. THOMPSON [redacted]
JOHN R. TINDALL [redacted]
JAMES E. TITSWORTH [redacted]
DENNIS C. TOMCIK [redacted]
DAVID N. TOOL [redacted]
LUIS R. TORRES [redacted]
RAYMOND R. TUTTMAN [redacted]
DWIGHT G. UHRICH [redacted]
RONALD L. ULRICH [redacted]
RICHARD UNDERWOOD, [redacted]
JAMES A. VAITKUNAS [redacted]
ALEX P. VANHEUVEL [redacted]
MILES L. VAUGHAN [redacted]
JOHN M. VIEIRA [redacted]
WILL VONDERSCHMIDT [redacted]
NOLLIE W. WAGERS [redacted]
PHILIP A. WAGGONER [redacted]
JAMES H. WAKEMAN [redacted]
GEORGE H. WALKER [redacted]
ROBERT D. WALKER [redacted]
JERRY L. WALL [redacted]
STEPHEN L. WALLACE [redacted]
DONALD A. WALLER [redacted]
WILLIAM D. WALSH, [redacted]
JERRY B. WARDEN [redacted]
JERRY W. WARNER [redacted]
CALVIN B. WARREM, [redacted]
DAVID J. WEBBER [redacted]
THOMAS E. WEIFORD, [redacted]
JOHN P. WEISS [redacted]
JUDITH A. WELKER [redacted]
MICHAEL A. WERMUTH [redacted]
ROBER WESTMORELAND [redacted]
JAMES A. WHITEHEAD [redacted]
CHRISTOP WHITTAKER [redacted]
THOMAS C. WHITTEN [redacted]
RICHARD O. WIGHTMAN [redacted]
DANIEL B. WILKINS [redacted]
ANDERSON WILLIAMS [redacted]
DAVID R. WILLIAMS [redacted]
JESSE WILLIAMS, JR [redacted]
RICHARD A. WILLIAMS [redacted]
STEPHEN T. WILLIAMS [redacted]
TOMMY L. WILLIAMS [redacted]
CHARLES WILLIAMSON [redacted]
CHARLES H. WILSON [redacted]
DANIEL E. WILSON [redacted]
LAMAR J. WILSON [redacted]
TED O. WILSON [redacted]
DAVID E. WINDMILLER [redacted]
RICHARD D. WINDSOR [redacted]
BRIAN D. WINTER [redacted]
PHILIP B. WIRSING [redacted]
JERRY M. WISE [redacted]
GEORGE P. WISELL [redacted]
GERARD A. WITTRIEN [redacted]
KURT D. WOELFEL [redacted]
JOSEPH T. WOJTASIK [redacted]
MICHAEL C. WOLKOW, [redacted]
PETER O. WOLLNER [redacted]
WAYSON W. WONG, [redacted]
JACKIE D. WOOD [redacted]
DONALD E. WOODARD, [redacted]
EDWIN H. WRIGHT, [redacted]
JOHN D. YACKA [redacted]
RONALD G. YOUNG, [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

WILLIAM V. ARBACAS, JR, [redacted]
BILLY T. BABIN, [redacted]
ROBERT E. BALL, [redacted]
RICHARD W. BATES, [redacted]
ERNEST G. BEINHART, III, [redacted]
JOSEPH A. BEKERIS, III, [redacted]
DOUGLAS M. BLACK, [redacted]
ROBERT R. BLACKMAN, JR, [redacted]
GEORGE B. BROWN, III, [redacted]
JAMES Q. BUTLER, JR, [redacted]
KENNETH D. CAMERON, [redacted]
CRAIG L. CARVER, [redacted]
DAVID L. CHADWICK, [redacted]
JIMMY H. CHURCH, [redacted]
JAMES T. CONWAY, [redacted]
CHRISTOPHE CORTEZ, [redacted]
RICHARD A. COTE, JR, [redacted]
JOHN D. COUNSELMAN, JR, [redacted]
JIMMY R. CRANFORD, [redacted]
JERRY L. CREED, [redacted]
RONALD J. CRUZ, [redacted]
RONALD K. CULP, [redacted]
RICHARD J. DALLAIRE, [redacted]
CHARLES E. DAVIS, JR, [redacted]
ALPHONSO B. DIGGS, JR, [redacted]
ANDREW S. DUDLEY, JR, [redacted]
PERRY R. DUNN, [redacted]
ROBERT G. ESSINK, [redacted]
HAROLD W. EVANS, III, [redacted]
MICHAEL O. FALLON, [redacted]
WILLIAM A. FAVOR, JR, [redacted]
ARNOLD FIELDS, [redacted]
ORD J. FINK, JR, [redacted]
THOMAS H. FLOWERS, [redacted]
JAMES C. FLYNN, [redacted]
MELVIN W. FORBUSH, [redacted]
ROBERT A. FORRESTER, [redacted]
RICHARD B. FRENCH, [redacted]
ROBERT D. GARNER, [redacted]
WILLIAM J. GIBBONS, [redacted]
BRUCE A. GOMBAR, [redacted]
GEORGE G. GOODWIN, III, [redacted]
JAMES M. GUERIN, [redacted]
THOMAS B. GUINEY, [redacted]
STEPHEN D. HALEY, [redacted]
JOHN B. HALL, [redacted]

BARRY L. HANCHETT, [redacted]
KI L. HARVEY, [redacted]
JAMES M. HAWKINS, [redacted]
ALLEN T. HEAD, JR., [redacted]
WERNER HELLMER, [redacted]
JOHN P. HERTEL, [redacted]
FRANK W. HICKS, [redacted]
ROSS J. HIEB, [redacted]
KENNETH W. HILLMAN, JR., [redacted]
DAVID C. HILMERS, [redacted]
DIANE S. HOEFT, [redacted]
KEITH T. HOLCOMB, [redacted]
RICHARD F. HOLIHAN, [redacted]
ROBERT E. HOUSER, [redacted]
PHILIP E. HUGHES, [redacted]
GARY H. HUGHEY, [redacted]
JAN C. HULY, [redacted]
JERRY D. HUMBLE, [redacted]
THOMAS S. JONES, [redacted]
WILLIAM R. JONES, [redacted]
JERRY W. KAHLER, [redacted]
KEVIN M. KENNEDY, [redacted]
MICHAEL J. KENNEDY, [redacted]
JEFFREY C. KOTORA, [redacted]
EDWARD R. LANGSTON, JR., [redacted]
RONALD L. LARD, [redacted]
JACK D. LARSON, [redacted]
VALENTINO L. LENDARO, [redacted]
KENNETH B. LEVAN, [redacted]
HOWARD LOVINGOOD, [redacted]
MICHAEL E. LOWE, [redacted]
TERRY L. MARTIN, [redacted]
HAROLD MASHBURN, JR., [redacted]
KEITH L. MAXFIELD, [redacted]
JERRY C. MCABEE, [redacted]
ROBERT P. MCALEER, [redacted]
DWIGHT R. MCGINNIS, JR., [redacted]
BILLY D. MCMILLIN, [redacted]
ROBERT S. MELTON, [redacted]
PETER T. METZGER, [redacted]
BENJAMEN P. MILLER, III, [redacted]
JAMES H. NAPIER, [redacted]
JAMES M. NAYLOR, [redacted]
GREGORY S. NEWBOLD, [redacted]
MIKEN J. NIELSEN, [redacted]
JOHN J. NIEMYER, [redacted]
WARREN W. NORTH, [redacted]
HARVEY R. NORTON, [redacted]
RAYMOND L. NYMEYER, [redacted]
DOUGLAS A. OKLAND, [redacted]
PAUL R. OTTINGER, [redacted]
LARRY D. OUTLAW, [redacted]
CLARENCE F. PATTEN, III, [redacted]
RALPH E. PEARCY, II, [redacted]
FREDERICK C. PECK, [redacted]
KENNETH L. PRIESTLY, [redacted]
DAVID A. PROFFITT, [redacted]
JAMES R. PRUDEN, JR., [redacted]
PAUL F. PUGH, [redacted]
JOHN R. QUATTLEBAUM, [redacted]
GARRETT V. RANDEL, JR., [redacted]
KERRY O. RANDEL, [redacted]
LOUIS A. REHBERGER, III, [redacted]
JAMES L. REID, [redacted]
ROBERT S. ROBICHAUD, [redacted]
HUMBERTO W. RODRIGUEZ, [redacted]
JEFFREY E. SCHEFERMAN, [redacted]
JOHN W. SCHMIDT, [redacted]
JAMES R. SCHWENK, [redacted]
DONALD R. SELVAGE, [redacted]
ROBERT M. SHEA, [redacted]
ROBERT I. SICKLER, JR., [redacted]
VICTOR A. SIMPSON, [redacted]
JAMES E. SMITH, [redacted]
RODNEY N. SMITH, [redacted]
JON W. SMYTHE, [redacted]
MICHAEL J. SONIAK, [redacted]
CRAIG E. SOOY, [redacted]
ASHER W. SPITTLER, II, [redacted]
WAYNE A. STANLEY, [redacted]
JON O. STEINER, [redacted]
PETER R. STENNER, [redacted]
THORYS J. STENSRUD, [redacted]
DAVID A. STOCKWELL, [redacted]
ALAN P. SULLIVAN, [redacted]
DAVID T. SWAN, [redacted]
GEORGE C. TULLOS, [redacted]
CRAIG J. TURNER, [redacted]
DAVID M. WELLS, [redacted]
MICHAEL E. WILLIAMS, [redacted]
NORRIS E. WILLIAMS, [redacted]
DAVID L. WITTLE, [redacted]
JOHN P. WRIGHT, [redacted]
BRIAN M. YOUNGS, [redacted]

EXTENSIONS OF REMARKS

RACING FOR KIDS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. BROOMFIELD. Mr. Speaker, I rise today to recognize Robbie Buhl and the Racing for Kids Program affiliated with Children's Hospitals of North America. Founded by Children's Hospital of Michigan in 1989, the Racing for Kids Program is designed to use the popularity of motor sports to bring public attention and added funding to children's hospitals.

Robbie Buhl, one of the top young drivers in North America, is the official spokesman for the Racing for Kids Program. Buhl is the 1989 Barber SSAB Pro Series National Champion. He will be competing in the American Racing Series this year before moving up to Indy cars in 1992.

As spokesman for the Racing for Kids Program, Buhl visits children in hospitals at each of the locations where he races and participates in media events. He also assists each hospital in fundraising efforts and generously has offered to donate a percentage of his winnings to Children's Hospital of Michigan.

Innovative programs like Racing for Kids offer a unique way to focus public attention and funding on the health needs of our Nation's greatest resource, our children. Buhl's enthusiasm, hard work, and commitment to kids has helped link children's health care to the largest spectator sport in America. I encourage others to rev their engines and join Buhl in supporting the Racing for Kids Progam.

LETTER FROM A SOLDIER

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. RAHALL. Mr. Speaker, on January 12, 1991, 250 Members of this body, including myself, voted in favor of a resolution authorizing the President to use force, if necessary, in resolving the gulf crisis, in keeping with U.N. Resolution 678.

Since January 16, 1991, this country and its allies have been at war with Iraq, in order to force that country's military machine out of Kuwait, and in order to try to return that sovereign nation to its normal state and stability if at all possible.

As we all know, the President began deploying troops, originally as a defensive force, to Saudi Arabia soon after Saddam Hussein invaded and began to occupy Kuwait on August 2, 1990. By November, the President deployed another 200,000 or more troops from the United States to Saudi Arabia, as an offensive force should one be needed, that is, if Saddam Hussein failed to obey the United Nations resolution ordering him to quit Kuwait by a date certain.

In the second deployment, a soldier named Roger Kessler, a combat engineer from Rupert, WV, assigned to the 1st Engineering Battalion, Fort Riley, KS, was called up. Spc. Roger Kessler was not only able to answer the President's call, he was willing. But he was troubled, as all young men are who are called to war by their elders.

Even before the offensive action against Iraq began, and before he arrived in Saudi Arabia, Spc. Kessler knew that if war came, there might be those who would protest against what he and others were doing—their duty. He also wanted our assurance that upon their return, they would receive a hero's welcome, and not the pain and neglect and shame inflicted upon returning veterans of the Vietnam war. Finally, Spc. Kessler, from Rupert, WV, wanted our assurances—he prayed for them—that we would stand by him and his fellow soldiers till the very end.

Mr. Speaker, let Spc. Roger Kessler tell us his feelings about serving in the Persian Gulf, in defense of each of us, our families, our country, and peoples of other countries worldwide, in his own eloquent, if heartbreaking, words. This is what Spc. Kessler wrote:

LETTER FROM A SOLDIER

I am 21 years old and in the United States Army. I am a combat engineer assigned to the 1st Engineering Battalion, Fort Riley, Kan., and I am one of the many preparing to join other forces in the Middle East.

Like many, I joined the Army straight out of high school. Back then I was a confused 18-year-old boy with no idea of how serious was the commitment that I was making.

Now I am a 21-year-old man who loves his country and its people very much. I understand that as one of thousands, I have a very important commitment to my country and the men and women I serve with.

I have two major fears of going to war. The most obvious, of course, is the fear of death.

The other fear however, is just as strong. It is the fear of surviving the hell of war only to return home to the land and people I cherish and learn that the people no longer support and love us, the United States soldier and fellow countrymen.

The horror that the men and women who fought in Vietnam must have felt fills me with sorrow and anger and terrifies me. Not the horror of battle, but the horror of hatred and ridicule from home.

I personally will not be fighting for cheaper oil. I can just as easily ride a horse as I can die for a few more cents off the price of a gallon of gas.

But I have been called to do what I am trained and prepared for. My duty. And I will do my duty with my country and people strong in mind and heart.

Whether right or wrong, and why we are there is not for me to decide. The President has called my fellow soldiers and me and it's our honor and obligation to obey his orders with no questions asked. He represented the people of the United States, for we, the people, elected him.

My point is, please don't let your men and women, sons and daughters go into battle with protesting, spitting and verbal abuse from some here at home who do not think us worthy of their support.

Your support for us could be one of the most important factors in our ability to survive and return home. It's just like the winning football game—if the fans don't care, then neither can the team.

I am just a man from a small town called Rupert, West Virginia, but I am part of a team made up of many brave men and women from all over this beautiful country, part of you. I pray to the good Lord above that you stand by us till the very end. Thank you for being there.

UKRAINIAN INDEPENDENCE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. YATRON. Mr. Speaker, I rise to say a few words to commemorate this very special day. On January 22, 1918, the people of the Ukraine declared their independence. The Fourth Universal, which embraced the principles of freedom, democracy, and self-determination, was issued by the Central Rada in St. Sophia Square, Kiev—Ukraine's capitol. The Ukrainian National Republic guaranteed basic freedoms of speech, press, religion, and assembly. The rights of minorities were recognized and separate cabinet posts in the new government for Jews, Poles, and Russians—the three largest minorities in the Ukraine—were created. The Ukrainian National Republic also instituted progressive reforms including distribution of land to the peasants and an 8-hour work day. Unfortunately, by 1922 Ukrainian independence was destroyed by the new Soviet regime.

As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, I have been enthusiastically following the astounding developments in the Ukraine over the past year. I have actively supported the process of self-determination in the Ukraine. It is clear that after almost 70 years of Soviet oppression, the Ukrainian people have not lost their aspiration for freedom, democracy, the rule of law, and a prosperous market economy.

The reforms throughout the U.S.S.R. have been impressive. Unfortunately, the dark forces of oppression have been active in recent weeks, as events in the Baltic States, Ukraine, and elsewhere in the Soviet Union have demonstrated. The unjust incarceration and mistreatment of democratic activist Stepan Khmara, and the arrest of the president of the Ukrainian Student Union, Oles

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

Doniy, on fabricated charges are foreboding developments indeed. It seems clear that the real reason for the actions taken against them was their participation in peaceful political activities. These rights are guaranteed by the Helsinki Final Act, the Universal Declaration of Human Rights and other international covenants to which the Soviet Union is a party. Other ominous steps to arrest the evolution of democracy in the Ukraine have been manifest as well.

I, along with several of my colleagues have written to Soviet President Gorbachev urging him to correct the injustices committed against Mr. Khmara and to comply with his international human rights commitments. I also call on President Bush to reevaluate United States policy with the Soviet Union if human rights continues to deteriorate. We must take a strong stand so that there is no doubt in the Kremlin that the United States views any return to oppression as completely unacceptable.

The people of the Ukraine are to be commended for their courage, perseverance, and devotion to democratic principles. I stand with them at this critical moment in history.

A BILL TO ESTABLISH AN INTERAGENCY TASK FORCE TO STUDY THE IMPACT AID PROGRAM—PUBLIC LAW 81-874

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. BUSTAMANTE. Mr. Speaker, today, I am introducing legislation that proposes to create an interagency task force for the purpose of reviewing and evaluating the Impact Aid Program, Public Law 81-874. The Impact Aid Program provides important financial assistance to many school districts of the 23d Congressional District and to many school districts throughout the Nation.

For those familiar with the Impact Aid Program, it is well known that there is very little interagency coordination between the Department of Education and the Department of Defense in addressing the fiscal needs of local communities and school-age military dependents. The Departments of Housing and Urban Development [HUD] and Interior also have key constituencies which rely on the Impact Aid Program for helping to provide children residing in low-rent housing or on Indian lands with a suitable free education.

The interagency task force proposed under my bill would serve as a formal consultative mechanism for reviewing the adequacy of the Impact Aid Program. Specifically, the task force would be responsible for:

Reviewing the adequacy of impact aid funding to heavily impacted school districts;

Determining whether military dependents attending public schools on military installations in the United States receive educational opportunities equal to that of nonmilitary dependent students in comparable school districts;

Assessing whether children residing on Indian lands receive educational opportunities of the same quality as that of students in other school districts and those funded by the Bureau of Indian Affairs;

Examining the need for the establishment of priorities in the funding of impact aid programs affecting federally connected children; and

Making other recommendations for improvement as deemed appropriate.

Besides representation from the key executive branch departments, membership on the task force would also include representatives from other governmental and nongovernmental organizations as considered appropriate by the Secretaries of the four departments.

The Impact Aid Program is scheduled for reauthorization 2 years from now. The task force I propose could make a valuable contribution to making improvements in the Impact Aid Program when Congress begins consideration of reauthorizing legislation in 1993.

Mr. Speaker, I am hopeful that my colleagues on the Committee on Education and Labor look on this legislative proposal favorably and will give it early consideration in this session of Congress.

SADDAM'S GOALS ARE CLEAR

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. PORTER. Mr. Speaker, with each passing day, Saddam Hussein gives the American people a better understanding of why our troops are in the gulf. Two recent events typify the depth of Saddam's depravity and ambition.

Saddam's attacks on civilian targets in Israel, a noncombatant in the gulf war, is clear evidence that his goal is nothing less than regional instability. There is no military reason to fire Scuds at Israel.

Saddam's goal is to draw Israel and noncombatant Arab nations into the war, increasing the level of bloodshed and death manifold.

No American who says the pictures of the illtreated allied servicemen recently captured by the Iraqi Army can doubt the lengths to which Saddam will go to achieve his goals. Clearly, the Geneva Convention, to which all civilized nations subscribe, mean nothing to Saddam.

As we come to understand his modus operandi—a desire to increase his power at any price laced with cruelty and disregard for even the most basic of human rights—it becomes even clearer that his ambitions extend far beyond the conquest of his tiny neighbor and must be contained.

SINGLING OUT ARAB-AMERICANS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. COMBEST. Mr. Speaker, there has been some controversy regarding FBI inquiries among the Arab community, which seek to forestall terrorism related to the Persian Gulf crisis. Some have considered these interviews an intrusion on civil liberties.

In an editorial published in the January 21 Washington Post, Ambassador Charles Lichenstein and Paul Joyal present the other side of the argument. I am submitting this article for the RECORD so the FBI's perspective on this receives a fair hearing. My personal belief is that we should support such FBI activities, so long as the agency remains sensitive to correct procedure, substance, and tone.

[From the Washington Post, Jan. 21, 1991]

SINGLING OUT ARAB-AMERICANS

(By Charles M. Lichenstein and Paul M. Joyal)

Now that war between the U.S.-led coalition and Iraq is underway, we must take seriously Saddam Hussein's threat to unleash the full arsenal of terrorism against us wherever in the world we are to be found, including here at home: "America," he warns, "will swim in its own blood." Exaggeration? Maybe. But he and his coven of terrorists have had lots of practice and no known inhibitions. So what do we do about it?

The first thing we do is take the threat seriously—not to the extent of tearing apart the fabric of our free and open society, nor of promiscuously suspending constitutional protections of the rights of citizens and resident foreign nationals, but seriously.

The second thing we do, if we're serious about the prospect of terrorist attack, is to call on the experts in the business of counter-terrorism. That means the FBI and local police, because terrorism by definition obliterates state boundaries. Moreover, we then grant our law enforcement professionals a reasonable amount of elbow room to do their jobs effectively and with the greatest chance for success.

What we do not do is fall prey to hysterical overreaction, either to the threat itself or to the quite routine, ordinary, even dull investigative techniques employed by the forces of counter-terrorism.

One of the most common of these investigative techniques is to ask people questions. And not just any old people, of course, but those who are in the best position to know something about the activity in question, or who might even engage in it themselves (whether willingly or under duress), or who might possess information about it (often without even suspecting its significance)—precisely because of who they are, and the circles of their acquaintance, and their susceptibility to the pressures of, let us say, ethnic "solidarity" (also known as blackmail).

If the activity under investigation is Iraqi-sponsored terrorism against American targets, one very logical focus of such question-asking is the Arab-American community. Not because the local police or the FBI are anti-Arab, but because, in trying to head off potential terrorist attack, they go where the ducks may be or may seek sanctuary and support.

If anything, members of the Arab-American community are likely to be more the beneficiaries than the victims of effective counter-terrorism: they themselves need (and would receive) protection against the self-appointed vigilantes that terrorist atrocities might spawn.

All of which brings us to the ongoing FBI interview program within the Arab-American community—and, even more, to the hysterical reaction it has provoked among those who style themselves the protectors of American civil liberties. The Post's editorial of Jan. 16 ["Singling Out Arab-Americans"] mirrors these concerns and even conjures up images of the internment of Japanese-Americans during World War II.

It is true that all Americans are individuals under the law; but by choice or by circumstance most of us also are identified by groups. Given the limited counter-terrorism resources available to us in this country and the right of any American to simply say no to questions from law enforcement officers, the charge that Arab-American business and community leaders are being singled out for some sinister motive, or might even be candidates for internment camps, is—to put it bluntly—irresponsible. This overreaction to legitimate investigative technique ignores the duties and responsibilities of citizenship and demeans the professionalism of those whose job it is to defend the Constitution and all our citizens.

Be it tighter security at our borders, or eliciting important and timely information from those who may be in a position to help prevent terrorism, any democratic government and free society must rely on the cooperation of its citizens. The world situation and the imminent threat of terrorism require action. The challenge is to respond in a reasonable way—like, for example, the FBI interview program.

(Charles M. Lichenstein is a former U.S. deputy representative to the U.N. Security Council. Paul M. Joyal is the former director of security of the Senate Select Committee on Intelligence.)

EXPANDED SERVICES FOR OLDER AMERICANS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. KILDEE. Mr. Speaker, today I am pleased to introduce the Older Americans Equity and Service Improvement Amendments of 1991. This legislation will enhance ongoing efforts to increase services to elderly minority individuals and will provide desperately needed support to those caring for frail elderly persons.

Mr. Speaker, over the past 25 years Congress has worked diligently to ensure that all elderly individuals have access to the important services authorized under the Older Americans Act. The amendments I am introducing today will build on that tradition by enhancing the accountability measures in the process of determining need and providing services.

Over the past several years, organizations representing elderly persons have continued to express concern that minority individuals were not being adequately served by programs authorized under title III of the Older Americans Act. This concern culminated in a hearing before my subcommittee in June, 1988. Testimony presented at the hearing clearly indicated that minorities have been and are being underserved by title III programs when measured against their need for services. I subsequently requested the General Accounting Office to look into the matter and several of their recommendations for rectifying the situation are included in the bill.

First, area agencies on aging, working with service providers, will be required to more clearly define their objectives for serving elderly persons in their service areas.

Second, State agencies are to include the formula they use for distributing funds within their State in the plans they submit to the administration on aging.

Finally, the Commissioner of the Administration of Aging will be given authority to approve State plans, including intrastate funding formulas, to ensure they adequately reflect the targeting provisions of the Older Americans Act.

Strengthening the three levels of administration will assure all elderly persons access to the valuable services of the Older Americans Act.

The Older Americans Equity and Services Improvement Amendments of 1991 also authorizes supportive activities for persons who provide in-home services to frail older individuals.

Due to a number of factors, including the aging of the population and the increases in life expectancy, more and more families are caring for an elderly relative in their homes. According to the Pepper Commission report on comprehensive health care, "Almost three-quarters of severely disabled elders receiving long-term care at home or in the community in 1989 relied solely on family members or other unpaid help."

Persons caring for frail elderly individuals are typically women, wives or daughters, who struggle to provide consistent care and to manage their own lives as well. I am aware of elderly women who not only care for a frail husband but a disabled child as well. These individuals desperately need a variety of supportive services including someone to come into the home for brief intervals to allow them to conduct personal business, keep doctors appointments or go grocery shopping without having to worry about the safety of their loved one.

The Older Americans Equity and Service Improvement Amendments of 1991 will assist States in developing comprehensive services for those individuals caring for frail elderly persons. These services to caregivers will provide a system of support to address the many difficulties they face including counseling and support, training, and linkages with other services.

Mr. Speaker, 1990 was the 25th anniversary of the signing of the Older Americans Act. Since its enactment the act has grown into one of the most important programs serving elderly individuals. I am confident that 1991 will be the start of another 25 years of providing critical services to older Americans.

SUPPORT FOR OUR PRESIDENT AND ARMED FORCES PERSONNEL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. BEREUTER. Mr. Speaker, this member wishes to call the attention of my colleagues to the following excellent editorial from the January 18, 1991, edition of the Fairbury Journal-News of Fairbury, NE, which is representative of many similar editorial comments in the First District of Nebraska:

[From the Fairbury Journal-News, Jan. 18, 1991]

NOW IS THE TIME TO RALLY AROUND THE UNITED STATES

War. It is no longer a debatable matter of when, or if. It is now a reality. And now that the first stages of the liberation of Kuwait have begun, as Americans it is time that we rally around our president and country.

George Bush is neither a warmonger, nor a wimp. Rather he is a man who was forced to make a decision and did so. We wonder how many of his liberal critics would have had the courage to take a stand. As we all know, it is a lot easier to stand back and be critical of things which we know nothing about or can never possibly be involved in.

Fortunately, early Gallup polls indicate that nearly 90 percent of our nation agrees with what the president did, with 7 percent undecided. That leaves plus or minus 3 percent of the population who disfavors military involvement. But unfortunately, it is this small margin which we seem to read and hear about so much on television and radio. We do wish that liberal members of the media would also pick up on areas, groups and individuals who support the president's action. . . .

It most assuredly is our constitutional right to voice our opinion, and disagree if deemed necessary. But it seems to us that rather than "Bush Bashing," our nation would be better served if we put those thoughts into rallying around our country, praying for the safety of our personnel in the Middle East, and hoping for a quick end to the crisis.

ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. BROOMFIELD. Mr. Speaker, January 22 marks a special day in the history of freedom, the 73rd anniversary of the Declaration of Independence of the Ukrainian Nation in Kiev on January 22, 1918.

By 1922, the sovereign nation of Ukraine had been destroyed by the Soviets and forcibly incorporated into the Soviet Union. Gone were the basic human liberties for which the freedom-loving Ukrainians had struggled.

The flame of freedom that gave birth to the Ukrainian Declaration of Independence still burns brightly in the Ukraine today as the welcome winds of freedom blow across Eastern Europe. Last year, over 1 million Ukrainians formed a human chain across their republic. In addition, the Ukrainian Declaration of Sovereignty was passed and many representatives of the democratic bloc were elected to the Ukrainian Parliament. Progress was being made.

Recent tragic events in the Baltic States, however, remind us of the Soviet Union of old and will have an impact on the future of the Ukraine. President Gorbachev appears to exercise little control over Soviet military units and police. Soviet "black berets" recently killed and wounded unarmed civilians and local militia in Lithuania and Latvia. My heart goes out to the families of those innocent victims of brutal repression.

We must not have business as usual with a government that allows its military to crush innocent human beings. This is the time to ask some hard questions. Should President Bush have a summit in Europe next month with the Soviet leader? In light of these recent atrocities, should we continue our economic aid to the Soviets and grant them special trade preferences? Will Estonia and the Ukraine be the next victims of Soviet military operations? It is clearly time to reevaluate our present relationship with the Soviet Union and, if necessary, respond to what appears to be an effort to crush Baltic separatism.

Despite the tragic events in the Baltic States, I am confident that the brave people of the Ukraine will continue to steer by the bright star of freedom and democracy during these difficult days. Their desire for basic human liberties is still strong and the Ukrainian people remain unyielding in their struggle for autonomy and self-determination.

The Ukrainian people know that their historic march for freedom and sovereignty will not be ignored by Congress and the American people. As we mark Ukrainian Independence Day, I am confident that the Soviet military crackdown in the Baltics will not extinguish the flame of hope that burns inside each Ukrainian. I salute them on this special day.

UKRAINIAN INDEPENDENCE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. WELDON. Mr. Speaker, on January 22, 1991, over 3 million Ukrainians and their descendants will celebrate the anniversary of the short-lived 3-year period of independence in the former nation of Ukraine.

The Ukraine issued its Proclamation of Independence on January 22, 1918 and a year later, a formal act of union was proclaimed in Kiev between the Western Ukrainian Republic and the Ukrainian National Republic of Russia. With an elected Parliament, the nation enjoyed diplomatic relations with several nations and the freedom of structuring a democratic way of life.

Unfortunately, the freedom of Western democratic life the Ukrainians so enjoyed was terminated in 1921, when the Ukraine was forcibly incorporated into the Soviet Union as the Ukrainian Soviet Social Republic. Needless to say, this abominable action by the Bolsheviks, which was continued by Stalin's brutal reign, has left sadness in the hearts of many Ukrainians in Delaware County and all America.

I join with the Ukrainian people in prayer and spirit, Mr. Speaker, that the Ukraine will once again achieve the freedom that it so rightfully deserves.

A BILL TO AMEND THE "COTERMINOUS AGENCY RULE" UNDER THE IMPACT AID PROGRAM—PUBLIC LAW 81-874

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. BUSTAMANTE. Mr. Speaker, I am introducing legislation that would amend section 3(h) of the impact aid law, Public Law 81–874. This bill would allow coterminous school districts under the Impact Aid Program to receive impact aid payments at 125 percent of one-half the national per pupil expenditure.

Coterminous school districts are unique entities under the impact aid law. They are school districts whose boundaries are the same as the military installations they serve. Six such school agencies exist, three of which are located in San Antonio, TX: Fort Sam Houston Independent School District, Randolph Field Independent School District, and Lackland Independent School District.

Whereas school districts receiving impact aid assistance have a local tax base, coterminous school districts do not. They are entirely dependent on impact aid payments and State aid for their operating costs.

Since 1987, the impact aid portion of these school districts' funding has been shrinking. Their level of funding for fiscal year 1991 is lower than what they received in fiscal year 1986. Two of these school districts, Fort Sam Houston ISD and Randolph Field ISD, have had to cut personnel in order to avoid shutting its doors. Lackland ISD's revenues have been sufficient to cover expenditures up to this point, but it is projected to experience a funding deficit toward the end of the 1990–91 school year.

Under current law, coterminous school districts are eligible to receive 70 percent of the national average per pupil expenditure if the amount does not exceed the State average. The payments received by these school districts do exceed the State average. The small student populations in these school districts drive up the unit costs of education. Additionally, these school districts have a higher than average handicapped student population. Handicapped students, because of their debilities, also increase per pupil costs.

Mr. Speaker, the bill I am proposing would assist these three school districts to maintain the delivery of educational services at current levels. I urge my colleagues on the Education and Labor Committee to look on my proposal favorably. It is a measure of fairness to the dependents of military parents who work and reside in the three military installations in San Antonio, TX.

ENGLISH AS OUR OFFICIAL LANGUAGE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. DICKINSON. Mr. Speaker, Alabama is the most recent State to approve a constitutional amendment that would make English and official language. This makes Alabama the 18th State to pass such a measure. A national English language amendment would secure the harmony of our country, encourage all citizens to learn English, and ensure equal economic, political, and judicial opportunity for all Americans. For that reason, I have introduced House Joint Resolution 81 which will amend the U.S. Constitution to designate English as the official language.

Such legislation is needed to ensure the unity of our society and equal economic, political, and judicial opportunities for all Americans.

Today, many American citizens do not speak English and are not encouraged to learn our language. Since the United States has no official language, we could be heading toward a bilingual society.

While language conflicts in our country are serious now, they are not severe. But as the Canadians have learned, language problems can often take as long as 200 years before erupting. In contrast to Canada, the United States is historically English speaking. In our Nation's history, immigrants have recognized the necessity to learn the common language.

Should the unifying forces in Canada prevail, there is still a lesson for the United States concerning our own current language debate. To ensure that we remain a nation of unity, one in which strength is constructed from rich cultural diversity through a common language, I urge my colleagues to join me in cosponsoring House Joint Resolution 81, the English language amendment to the Constitution, designating English as the official language of the United States.

WAR HAS BROKEN OUT IN THE PERSIAN GULF AND OUR TROOPS DESERVE NO LESS THAN OUR COMPLETE AND TOTAL SUPPORT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. MAZZOLI. Mr. Speaker, war has broken out in the Persian Gulf, so I rise today to extend my thoughts and prayers to the young men and women serving our Nation in Operation Desert Storm.

As a U.S. Army veteran myself, I know firsthand the pride and self-satisfaction that comes with serving one's nation. Our troops now in Saudi Arabia and elsewhere in the gulf are experiencing this same sense of pride and satisfaction. But, they now face something I did not face: Combat and danger from enemy fire.

Mr. Speaker, on January 12 I supported a resolution which would have given sanctions and diplomacy more time to work in the gulf dispute before force was ordered. In the end, however, the Congress gave its support to another resolution which authorized the President to use military force, sooner rather than later. It is pursuant to the authority of this resolution that the President ordered United States and coalition forces into offensive action against Iraq and occupied Kuwait.

Now that war has broken out, we all must stand behind the Commander in Chief and our soldiers, sailors, and air forces and provide for them all resources necessary for them to complete their mission, to complete it speedily, safely, and with as little bloodshed to combatants and noncombatants alike, as possible.

We must also display and demonstrate toward our uniformed forces our constant love, affection, and respect. They deserve no less. We can do no less.

Mr. Speaker, since last August, our troops in Desert Shield, and now Desert Storm, have experienced many hardships—searing temperatures, rudimentary facilities, slow mail, holidays away from home, monsoon rains and, now, the fears and uncertainties and dangers of combat.

Mr. Speaker, war has come, and I know our troops will fight valiantly and successfully and reflect honor and credit to their country.

We need to support these men and women now, to support them when they come back home, and to support them for all time to come.

UKRAINIAN INDEPENDENCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. ANNUNZIO. Mr. Speaker, while we are witnessing the violent suppression of democratic reforms in the Baltic Republics, it's important to note that another captive nation under Soviet domination is celebrating its declaration of independence today.

Seventy-three years ago, citizens of the Ukraine declared themselves free from foreign domination.

Unfortunately, the Ukrainian dream of independence has yet to become a reality.

In 1922, the Ukrainians fell under the yoke of Soviet oppression following a bloody war with the Communists.

Years of misery followed. The victims of Soviet oppression included an estimated 7 to 10 million Ukrainians who died in the early 1930's following a takeover of private farms by the dictator Joseph Stalin.

The democratic reform movement in the Ukraine remained largely dormant until Mikhail Gorbachev's rise to power.

During 1990, Ukrainians made significant moves toward independence and freedom. On July 16, the country's parliament formally endorsed the right of Ukrainians to self-determination.

Other reforms included a loosening of restrictions on travel, commerce, and religion. For the first time in decades, Ukrainians have now reasserted their right to worship freely.

Recently, however, Gorbachev has put a damper on the reform movement in the Soviet Union. We've seen a violent crackdown in the Baltic countries that has left dozens of people killed or injured.

In the Ukraine, the crackdown has included a tightening of restrictions on peaceful demonstrations and the arrest of political prisoners. Among these is Stepan Kmara, an outspoken democratic opposition leader who was arrested last November. Amnesty International officials have protested Kmara's arrest and harsh treatment by Soviet authorities.

In light of these developments, as we a Congress cannot continue to authorize improved trade and diplomatic ties to the Soviets while the crackdown continues.

Instead, we must continue to bring pressure to bear until Ukrainians here and abroad can celebrate their independence in an atmosphere of true freedom and autonomy.

TRIBUTE TO ED HERZOG AND PATRICE O'NEILL

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mrs. BOXER. Mr. Speaker, what began as a monthly program on local public television has grown in a very short amount of time into a well-respected, informational, and entertaining documentary series with national coverage. "We Do The Work" is a public affairs program which focuses on our working people, the issues which confront them, and their ongoing contributions to our society. While still in its infancy, this program has received much praise for its innovative approach to the real-life triumphs and frustrations of working people. This program's success owes much to its ability to reach beyond the traditional blue collar—white collar boundaries, by bringing us real people in real situations, which allow us to understand, emphathize and appreciate the average worker.

In its 4 years of local and national coverage, Ed Herzog and coproducer Patrice O'Neill have produced programs which have addressed such issues as child care, minimum wage, workplace safety, and employee benefits with warmth and insight. They have addressed issues which the other media have missed, such as the Pittson coal strike, and have done so from a deeply personal perspective, that of one family's struggle to cope, in their show called "Family Fuel."

They aired a program called "Buyout Zone," which explored hostile takeovers and the attempt by United Airlines' employees to keep their jobs by buying the company. And in "Heroes of the Quake," they celebrated the Bay Area's rescue workers' efforts during the earthquake of 1989.

Those who have followed this documentary series have much praise for it. Arts organizations, unions, the general public, and corporations have voiced their support of it, for their continued creativity in presenting a forgotten segment of our society in a much deserved and supportive light. It is like no other program, for it treats issues and life from an average employee's perspective. Producer Ed Herzog has said that:

> It's their show and they are the stars. . . . There are a lot of people out there doing important and interesting work (and) I think (that) their stories need to be told.

And I concur. On a modest budget, and with consistent care, Ed Herzog and Patrice O'Neill have developed a program which is worthy of our attention and our praise.

I call upon my colleagues to applaud the work of these two fine and innovative producers and to commend them in their ongoing efforts to tell a story which talks to each of us. It is a story which is as old and yet remains as fresh and new as America's promise. It is a story of the uncommon, common man and woman, the ordinary workers of our society, their lives, and the struggles they face.

HONORING STEVEN BENARDO

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. ENGEL. Mr. Speaker, for more than 20 years, Steven Benardo has served the students and families of New York City as a distinguished employee of the city board of education. This week, his colleagues and friends are gathering to wish him the best of luck as he ends his tenure with the board and embarks on a new and exciting phase of his career.

I have witnessed firsthand the care and dedication that Steve has brought to the many tasks he has performed on behalf of the students in Bronx County. For the past 8 years, Steve has been the Deputy Assistant Superintendent for the Bronx Special Education Regional Office, where he is responsible for more than 30,000 students in 186 schools. He has handled this awesome job with skill and grace. As if this important task was not enough, Steve has also served as a rating officer for more than 1,000 professionals in the city and as a budget advisor to the board of education, among other tasks.

On behalf of the students, parents and educators in the Bronx, I want to extend our thanks and appreciation to Steven Benardo for his tireless efforts. We also wish him good luck in his new role as superintendent of the Kiryas Joel Village Union Free School District in Monroe, NY. Surely, that district's gain is our loss here in the Bronx. Yet, we are grateful to have had a professional like Steven Benardo in our midst for such a long and productive period of time.

THE 73D ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. HORTON. Mr. Speaker, today marks the 73d anniversary of the Ukrainian National Republic. I am proud to use this occassion to reiterate my strong support of self-determination for all Ukrainians.

On this date in the year 1918, the Ukrainian Central Rada issued the Fourth Universal proclaiming a free and independent Ukrainian National Republic. Even today, 73 years after the Fourth Universal, the ideals of freedom, democracy, and self-determination continue to endure in the Ukraine.

As all of you are aware, recent events in the Soviet Union may represent ominous signs for the future of the democratic movements with the Soviet Union. The use of force of suppress popular movements in the Baltic States calls into question the sincerity of officials in Moscow and threatens the progress that have been made in United States-Soviet relations.

I have signed numerous letters condemning the Soviet leadership's use of force to silence democratic movements in the Baltics. Further, I have urged Soviet representatives to refrain from using violence to deny the Ukrainian people the basic freedoms that they are striving to obtain.

My sincere hope is that the Soviet leadership will reverse its actions in the Baltic States and facilitate a peaceful transition of the Ukraine and other republics to full independence. As the leader of the democratic world, I believe it is the responsibility of the United States to support the growing democracy movement in the Ukraine. As we enter the new year, I vow to continue my work in Congress to ensure that America offers this support.

UKRAINIAN INDEPENDENCE DAY—1991

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. HOYER. Mr. Speaker, over the course of the last year, since we last commemorated the 1918 anniversary of Ukraine's independence, Ukraine has seen the goal of Ukrainian freedom and independence become a more real possibility. The Ukrainian Parliament's July 16, 1990, declaration of sovereignty, and subsequent legislation, were significant steps in this direction. The political, cultural, religious, and environmental reawakening, which intensified over the past year following decades of repression and Russification, attests to the widespread popular support for genuine self-determination in Ukraine.

Even as new-found possibilities exist in realizing freedom these hard won gains of the people of Ukraine are increasingly threatened. The ominous decision by Soviet authorities to send military forces to the Baltic States, Ukraine, Georgia, Armenia, and Moldova in order to enforce its conscription policies resulted in the brutal killings of civilians in Lithuania and Latvia. This is the strongest evidence yet of the Kremlin's fear of democratically elected republican parliaments and the freedom movements within the republics.

In Ukraine, Mr. Speaker, the treatment of Ukrainian Supreme Soviet Deputy Stepan Khmara, and the recent detention of Oles' Doniy, one of the student leaders in the October hunger strike in Kiev, give us great cause for concern. While these developments are undoubtedly less dramatic than the tragic events in Lithuania, it should be remembered that they are unfolding against a background of an increased Soviet military presence there. The Commission on Security and Cooperation in Europe will continue to follow closely developments in Ukraine and will maintain its strong support for the right of the people of Urkaine to peaceful and democratic self-determination.

In commemorating the anniversary of Ukrainian independence, it is appropriate to recall Oksana Meshko, a tireless proponent of human and national rights, who died earlier this month at the age of 85. Mrs. Meshko was a founding member of the Ukrainian Helsinki Monitoring Group and the oldest Helsinki Monitor of all of the Soviet Helsinki Groups. It is, after all, committed and courageous individuals such as Mrs. Meshko, who spent 5 years in internal exile for her convictions, who made possible many of the positive changes of the last few years. Even after her release in 1985 at the age of 81, she continued to labor for the inextricably woven ideals of human rights, democracy, freedom, and self-determination—the very ideals which we commemorate today.

HABITAT FOR HUMANITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the inspiring work of an organization which is committed to helping the needy of the community not through charity, but through volunteer work and assistance.

Habitat for Humanity is an international, nonprofit, ecumenical organization which is dedicated toward eliminating substandard living conditions by working with needy people to help them build and own their own home. Habitat for Humanity does not accept any government funds, but totally relies on the good will and generosity of others.

Habitat volunteers work in partnership with responsible low-income families to construct inexpensive but sturdy homes. Building sites are donated to or purchased by Habitat. Local volunteers, churches, and businesses then donate or help raise funds to purchase materials, tools, labor, and services.

The family who receives the house pledges 400 hours of service in the building of their house or the houses of other recipients. Habitat houses are solid, durable, and efficient structures. The family then pays back the total cost of the house and lot over a 15- to 20-year period at no interest and no profit. These payments are channeled back into constructing other homes.

The Great Miami affiliate of Habitat for Humanity is working to alleviate the problem over 20,000 substandard houses in the Miami area. They will soon receive a boost in their efforts from former President Jimmy Carter who will come to Miami on June 16–22 to build houses in Liberty City.

I commend Mr. Bob Rosasco, chairman of the board of directors for Habitat for Humanity of Greater Miami and the entire board for their exemplary effort: Larry Henize, vice chairman; John Fernsler, vice chairman; Anne C. Wilson, secretary; G. Nancy McKee, treasurer; Dirk J. Holkeboer; Calvin Babock; Ignacio Del Valle; Thomas Endter; George Kingsbury; Robert Munz; Antonio Prado; Rev. Walter Richardson; Bruce Batchelor; Shalley Jones; Barbara Scott; Jimmie L. Brown, and Tom Phillips.

Mr. Speaker, in this fast-paced, material world in which we live, it warms my heart to see that the spirit of voluntarism still thrives in America through the actions of love and care of organizations such as Habitat for Humanity.

TRIBUTE FOR JOE VENTRESCO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Joe Ventresco of my 17th Congressional District of Ohio.

In the early morning hours of January 17, 1991, Mr. Ventresco entered the burning home of Mary DeCerbo at 173 Runnemede Drive and pulled Mrs. DeCerbo's two mentally retarded sons from the blaze. This fire, which caused over $60,000 in damage, awoke Mrs. DeCerbo sometime after 5 a.m. forcing her to jump from her second floor bedroom window and seek help from her neighbor Mr. Ventresco. Joe responded to Mrs. DeCerbo's plea for help by rushing to the DeCerbo house with a ladder and climbing into the house and pulling Joe and Tony DeCerbo to safety. When asked later what went through his mind during the incident, Mr. Ventresco responded by saying, "I just felt like I did what I had to do."

This type of selfless heroism makes me extremely proud to be the Representative of the 17th Congressional District of Ohio. The heroic effort of Mr. Joe Ventresco is symbolic of how the citizens of my district look out for one another, and it gives me great pleasure to rise today to pay tribute to this heroic deed.

RUBY STEINER: AVENTURA MAN OF THE YEAR

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. LEHMAN of Florida. Mr. Speaker, the wonderful community of Aventura, FL, in northeast Dade County is home to many of south Florida's most caring, astute, active, and successful community activists. Among the finest of this special group is Ruby Steiner, who has been honored by Aventura as its 1990 "Man of the Year."

For nearly two decades, Ruby Steiner has unselfishly devoted his time and talent to make our community a better place in which to live. His work has included distinguished service on condominium and neighborhood associations, synagogue and Jewish community groups, governmental advisory bodies, and political organizations. He has even had international impact through his work on behalf of the State of Israel, for which he and his wife, Gladys, received special recognition.

Mr. Speaker, every Member of this House knows that the contributions of a handful of key individuals often have a huge effect in shaping the quality of life in our community. Ruby Steiner is such a person. I am delighted to join with his many friends in offering our congratulations on his selection for this honor and our thanks for a job well done.

UKRAINIAN INDEPENDENCE DAY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. ROE. Mr. Speaker, I rise today to focus attention on the 73d anniversary of the Ukraine's 1918 declaration of independence. The recent tragic events in Lithuania and the dispatch of Soviet forces to the Ukraine are a fitting and timely reminder of the importance and significance of Ukrainian independence day.

In November 1917, the Ukrainian National Council proclaimed the establishment of the Ukrainian National Republic. The Council guaranteed the basic freedom of speech, religion, assembly, and the press. The Republic also abolished capital punishment, introduced the 8-hour workday, and distributed land to the peasants. Much of the language in the Ukrainian proclamation echoed the language of our own Bill of Rights. Moreover, the Ukrainian National Republic guaranteed the rights of minorities and created separate cabinet posts in the Government for the minorities in the Ukraine.

As an independent nation, Ukraine survived until 1922, when the Soviet Communist regime destroyed this democracy, and it became part of the Soviet Union. But the ideals and values embodied in the proclamation of 75 years ago were not extinguished over that time, despite the cruelties visited on the peoples of the Ukraine by both Hitler and Stalin. The democratic movement in the Ukraine today has been revived, after a 75-year interruption.

On January 22, 1991, Ukrainians throughout the world will celebrate Ukraine's 1918 declaration of independence. I am pleased to join with Ukrainian-Americans in that celebration. As a member of the Ad Hoc Congressional Committee on the Baltic States and the Ukraine, I salute you on your efforts on behalf of the peoples of the Ukraine. I firmly believe that the Ukrainian's quest for freedom cannot and will not be forgotten, and that they should have the right to determine their own destiny.

UKRAINIAN INDEPENDENCE DAY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. KOSTMAYER. Mr. Speaker, 73 years ago today the people of the Ukraine broke free from czarist Russia and celebrated their Declaration of Independence. But the hope of these celebrants was sadly crushed by the Bolsheviks in 1920 when they forcibly incorporated the Ukraine into the Soviet Union

New hope has been given to Ukrainians as they have witnessed the rapid collapse of communism around the world during the past momentous year. The surge of democracy and freedom in the former satellites of the Soviet Union, and the declaration of sovereignty of the 15 Soviet republics, including the Ukraine, have fueled rising expectations.

Tragically, hope is dimming with the removal of reform politicians from the Soviet Government, the killing of innocent people in Latvia and Lithuania, and the increasing threats toward the Ukraine and other republics designed to force them to halt their reforms.

We must send a strong signal to Soviet President Mikhail Gorbachev to resist using force in any of the Soviet Republics. We must unite in our solidarity with Ukrainians all over the world as the Ukraine strives to develop a new relationship with Moscow, negotiated peacefully and based on mutual respect and the rule of law.

UKRAINIAN INDEPENDENCE DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mrs. MORELLA. Mr. Speaker, while the war in the Persian Gulf has focused our attention on that part of the world, recent events in the Soviet Union make clear that it is vital that the Congress reaffirm our support for the right of all peoples to self-determination.

Today, Ukrainians throughout the world celebrate Ukraine's 1918 Declaration of Independence. The ideals of freedom, democracy, and self-determination embodied in the fourth universal, which established Ukraine's independence, have endured and found expression in the democratic movement in Ukraine today. The Ukrainian Government's approval of the declaration on state sovereignty of Ukraine last summer represents a major step toward these goals.

Events during the past month, such as the dispatching of Soviet troops to the Ukraine and other republics and the arrest of Ukrainian human rights and political figures, threaten the peaceful transition of Ukraine and the other republics to full independence. Moscow must recognize that we in Congress will not tolerate a return to the policies of repression, and that we will not forget the populations of Ukraine and other republics which yearn to be free.

JEFFREY C. TENZER, DEDICATED TEACHER, TO BE MISSED BY ALL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to remember my constituent Jeffrey C. Tenzer, a dedicated teacher, who passed away unexpectedly last year at the age of 39.

On December 5, 1990, the Auxiliary Services for High Schools, a high school equivalency program located throughout New York City, renamed its Forsyth Learning Center in Manhattan the Jeffrey C. Tenzer Center.

Although I never had the pleasure of meeting Mr. Tenzer, I should like to call attention to his efforts to better the educational experience of his students. Throughout his tenure as a devoted educator and later as assistant principal for the Auxiliary Services for High Schools, Jeff Tenzer left his mark on all those with whom he came into contact. His commitment to his students and all children in New York City was his most respected attribute.

In addition to his work with Auxiliary Services, Mr. Tenzer was secretary of the board of the Staten Island Children's Center, an origninal member of the New York City Literacy Initiative, and a member of the executive committee of the Council of Supervisors and Administrators.

At this time, I should like to join my colleagues in extending best wishes to Mr. Tenzer's wife Ilene, and daughter Andrea. Mr. Tenzer was a caring individual and an excellent teacher who surely will be missed by all.

SUPPORT FOR THE U.S. FORCES IN OPERATION DESERT STORM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. MATSUI. Mr. Speaker, our Nation has initiated a war against the brutal dictator, Saddam Hussein. I offer my fervent prayers to each of our Nation's 400,000 military servicepeople deployed in the Persian Gulf. I believe that their cause is just, and I throw my complete support behind their valiant efforts in Operation Desert Storm. My deepest sympathies extend to the service-people's parents, wives, husbands, and most of all—their children—who must wait anxiously as our military campaign unfolds.

I disagreed with the President and some Members of Congress over the timing of employing forces against Iraq. In the President's judgment, all other peaceful means to settle the crisis were futile. I can only hope that he was right. We have irrevocably committed ourselves and all must now support the actions of our military forces. Where military threats did not compel Hussein to withdraw from Kuwait, perhaps military attacks will.

Undoubtedly, some sacrifices will be made during Operation Desert Storm. Our allies are making sacrifices. Israel is making sacrifices. However, our Nation's resolve is firm. Despite Saddam's attempts to strain the international alliance, we will prevail against his aggression. We were reluctant to enter into war, but we are not reluctant to end it.

JAPANESE DISAPPOINTMENT IN UNITED STATES BUDGET DEFICITS; HOW ABOUT SOME MORE HELP IN THE PERSIAN GULF?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. STARK. Mr. Speaker, Saturday's papers reported on the latest United States-Japanese trade talks, with the United States side claiming only slow progress on Japanese trade liberalization and with the Japanese delegation "expressing disappointment with Washington's inability to shrink the United States budget deficit."

Gee, I wonder why we are having trouble reducing it? We just added about $60 billion in red ink in the last week, so that the world—and particularly the Japanese could benefit from lower and stable oil supplies. With the fantastic success of our air attacks, the price of oil fell about $11 a barrel, and Japan takes over 3 million barrels a day of oil out of the Persian Gulf. The United States air action has saved Japan about $1 billion a month just on its purchases of Persian Gulf oil.

Therefore, I offer a modest proposal: Why not quit complaining about our budget deficits and help pay more of the cost of the Persian Gulf operation?

Friday, I introduced a bill, H.R. 587, to place an import surtax on countries that import large amounts of Persian Gulf oil but who have not contributed much to the Persian Gulf operations. I hope that the Congress can consider this bill in the near future.

UKRAINIAN INDEPENDENCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. RICHARDSON. Mr. Speaker, on January 22, 1918, in St. Sophia Square in Kiev, Ukraine's capital, a free and independent Ukrainian national republic was proclaimed. Articulating many of the same freedoms found in the U.S. Bill of Rights, the new republic constitutionally guaranteed the basic freedoms of speech, religion, assembly, and the press. Progressive reforms, including guaranteeing the rights of minorities, the abolition of capital punishment, the distribution of land to the peasants, and the introduction of the 8-hour work day, were implemented.

Exactly 1 year later the western Ukrainian Republic united with the eastern Ukrainians to form a Ukrainian National Republic of 250,000 square miles and 35 million people. By 1922, however, Ukrainian independence was destroyed by the new Soviet Russian regime.

Mr. Speaker, during the democratization of Eastern Europe in the last year, the United States, as the premier example of the blessings, rights and obligations of freedom, spoke out on behalf of all people who yearn for independence. Now many of the Soviet Republics are voicing their desire for freedom with increasing urgency. It behooves us to reaffirm our commitment to the basic right of all peoples to determine their own destiny. The Ukrainian National Republic's quest for freedom has not been forgotten by the people of the United States.

LAW AND ORDER IN THE NATION'S CAPITAL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. DORNAN of California. Mr. Speaker, last year I introduced H.R. 4589, which would make the death penalty applicable in the Federal District of Columbia. Today, I reintroduced this important legislation.

As we are all aware, the past few years have brought to the District of Columbia the indecorous monicker of the murder capital of the United States. In 1987, there were 223 murders in the district, or an average of over 18 per month. Three years later, that number almost tripled reaching a recordbreaking total of 703 homicides in 1990.

I believe it is time for the District of Columbia to be held to the same standards as the capital cities of other States. Currently 37 States provide for the possibility of the death penalty as a sentencing option, chiefly for the crime of murder or felony murder. The death penalty is supported by the majority of the American people. A Gallup poll conducted a little over 2 years ago found that 79 percent of Americans favor the death penalty. A CBS poll conducted a few months later found that 75 percent of respondents indicated there were circumstances in which they thought the death penalty was justified. Examples include: first degree murder, cop killing, and drug kingpins.

My bill makes it very clear that the jury is never required to impose a death sentence and it requires that the jury be so instructed. In fact, the jury is only allowed to consider the death penalty as an option in certain particularly heinous circumstances, and the jury must be unanimous in its decision. This is in line with constitutional requirements. Specifically:

In addition to the crime of murder, the jury must also find aggravating factors, such as previous convictions of homicide, commission of the crime for money, and torture of the victim;

A separate hearing must be held to determine the sentence once there is a guilty verdict for a capital crime. Also, the penalty of death is descretionary rather than mandatory; and,

It prohibits carrying out the death penalty on a person who was under the age of 18 at the time the crime was committed, or upon a person who is mentally retarded.

As the Supreme Court has stated:

> Capital punishment is an expression of society's moral outrage at particularly offensive conduct . . .(i)t is essential in an ordered society that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs.

I urge all my colleagues to join with me and cosponsor this timely legislation.

MR. ROBERT D. DALZIEL HONORED

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. RINALDO. Mr. Speaker, this weekend Mr. Robert D. Dalziel will be honored by his friends and coworkers on the occasion of his retirement from AT&T.

He is being honored for his many contributions to the industry and for leading the effort to establish "Desert Fax"—the fax service underwritten by AT&T which allows family and friends to send faxes to members of our Armed Forces stationed in Saudi Arabia. Since the inception of the service last September, over 5,000 fax messages per day have been sent totaling more than 600,000 to date.

Robert Dalziel's career at AT&T began in 1956. During the major turmoil which encompassed the telecommunications industry with divestiture, Robert Dalziel was at the forefront in divestiture planning, putting together Bellcore, the joint research and staff organization for the seven regional Bell operating companies.

In his more recent assignment, as vice president of Global Networks, he was responsible for several key AT&T operations, from submarine systems to global messaging, from support of AT&T's efforts in Japan and the United Kingdom to customer requests for global networks. In addition, he is a trustee of the Roosevelt Study Center Foundation in the Netherlands, president of the Theodore Roosevelt Association in the United States, and a fellow of Polytechnic University.

Robert Dalziel has had a career of admirable achievements, and his contributions to the telecommunications industry will have a lasting impact on all of us. I salute Rob Dalziel on his outstanding career and extend best wishes for the future.

SUPPORT FOR OUR TROOPS IN THE PERSIAN GULF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1991

Mr. MARTINEZ. Mr. Speaker, with hostilities against Iraq under way, all Americans, regardless of our previous reservations about the timing of such a conflict, should unite behind our President and our troops in the Persian Gulf.

In time of war, our Nation must come together in its determination and strength to support our brave men and women in combat. I stand in full support of our troops in Operation Desert Storm and will support whatever resources they may need to accomplish the somber task at hand.

I pray for a quick, decisive victory and resolution of this conflict with minimum loss of life. I pray for the safety of our troops and their families back home. And I pray for this great Nation that finds itself, once again, in conflict on foreign land.

HOUSE OF REPRESENTATIVES—*Wednesday, January 23, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Hear these words from the 107th Psalm:

O give thanks to the Lord, for he is good; his steadfast love endures for ever! Let the redeemed of the Lord say so, whom he has redeemed from trouble and gathered in from the lands, from the east and from the west, from the north and from the south.

O God, Your majesty is seen in the whole world and Your steadfast love touches us in our most immediate needs.

We hear Your Word, O God, that has called people from all the points of the Earth—a word for every person on every side, a word calling for respect between peoples and reverence for Your gift of life.

And just as we pray for the needs of our world, O God, we pray too for ourselves. Bless each member of the armed services, keep them all in Your grace and may Your benediction accompany them this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from California [Mr. CAMPBELL] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. CAMPBELL of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House:

Mr. DICKS of Washington;
Mr. BARNARD of Georgia;
Mr. HEFLEY of Colorado; and
Mr. DELAY of Texas.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a) of title 14, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House:

Mr. GEJDENSON of Connecticut; and
Mrs. JOHNSON of Connecticut.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 1295b(h) of title 46, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House:

Mr. MANTON of New York; and
Mr. BUNNING of Kentucky.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of section 4355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House:

Mr. HEFNER of North Carolina;
Mr. LAUGHLIN of Texas;
Mr. FISH of New York; and
Mr. LOWERY of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO THE U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House:

Mr. MCMILLEN of Maryland;
Mr. MRAZEK of New York;
Mr. SKEEN of New Mexico; and
Mrs. BENTLEY of Maryland.

JOINT SESSION OF CONGRESS—STATE OF THE UNION ADDRESS

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 46) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 46

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 29, 1991, at 9 o'clock post meridian, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER CONSIDERATION OF ADDITIONAL MOTION TO SUSPEND THE RULES ON TODAY

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order today to consider an additional motion to suspend the rules and agree to a concurrent resolution condemning the Iraqi treatment of allied prisoners of war.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, I just want to tell the majority leader and the Speaker that we have had a chance to examine that resolution. It is an excellent resolution, and we would look forward to its coming on the floor this afternoon.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WE PAY TRIBUTE TO VETERANS BY PASSING H.R. 3

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. LLOYD. Mr. Speaker, I rise today to commend this body for its prompt consideration of legislation which provides America's disabled veterans with a cost-of-living increase for fiscal year 1991 of 5.4 percent.

In the context of Operation Desert Storm, it is fitting that one of the 102d Congress' first orders of business is to honor a commitment to those individuals who have sacrificed so much for their country. Without the contributions of America's veterans, [without their sacrifices] the United States would not be the great country that it is today. By honoring these veterans, we are sending a message to every man and woman serving in the gulf that they will return to a country that appreciates what they are doing, and to a government that will fulfill the commitments it has made to them.

America owes its disabled veterans its unending gratitude for their service and sacrifice. We pay tribute to these veterans today by passing H.R. 3 and providing them with the cost-of-living increase they deserve.

UNITED STATES COMMITMENT TO KUWAIT SHOULD BE RECOGNIZED

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I applaud the Kuwait Government-in-exile's creation here in Washington of a group of experts to develop a blueprint to rebuild Kuwait after Iraqi forces depart, and I have a suggestion for the group.

My resolution (H. Res. 18) suggests the Kuwaitis should limit reconstruction contracts to firms of those nations with troops deployed and engaged in its liberation of Kuwait, with the percentage of awards would be commensurate with the level of commitment. In other words, United States firms would obtain 55 percent of the contracts; the United Kingdom, 15 percent; Egypt, 10 percent and so forth.

While the percentages are fluid and could change by the time Kuwait is free, I contend we deserve a commitment. This resolution is necessary.

A maritime company with both United States and United Kingdom ties advised me this week that it lost a bid on a large intra-Saudi Arabia contract to a Saudi-Japanese joint venture. I find it ironic that the Japanese Diet votes not to send a single troop to Saudi Arabia, withdraws its dozen or so medical personnel, and even debates about funding, yet Japan prospers financially from its policy of no forces and limited financial help only if a Japanese firm profits.

House Resolution 18 will ensure this farce is not repeated when Kuwait is ready to rebuild.

Businesses from Japan and other countries not committed to Operation Desert Storm should not benefit from the blood spilled by United States and coalition forces.

I urge my colleagues to endorse House Resolution 18.

□ 1210

MIDDLE EAST REPRESENTS A POWDER KEG FOR AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, where are our allies? Out of 12,000 sorties in the Persian Gulf, 85 percent were by American crews. What is really worse, the Associated Press said that when the shooting started, the Saudi soldiers turned and ran home, leaving the Americans by themselves on the front line. Let me tell Members something: With allies like this, we better get some desert shields on the backs of our American soldiers. What is bothering me, were these allies bought off? Egypt got $7 billion, Jordan and Turkey got billions, Syria got Lebannon, we promised Gorbachev the world. Now Israel wants $13 billion.

Now, I agree that we should be protecting and helping Israel. And I condemn the attacks on Israel. However, let me tell Members something. Folks, if we are ready to tax mom and dad again, I am not, and I say that we better start thinking about when it is over, because we will have 200 million Arabs and 1 billion Moslems hating America.

I think we better take a look at the Middle East for what it is, a real powder keg for America. Help our friends and take care of our interests, too.

DON'T ABOLISH THE CIA

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I was astonished to see that the distinguished senior Senator from New York, a man for whom I have the greatest respect and admiration in the other body, has proposed legislation to eliminate the CIA and give the intelligence functions of this Nation to the State Department.

Now, I have been a critic of the CIA, but this proposal is ill-timed and ill-conceived. In fact, it reminds me of the proposal by the director of the Patent Office back in the late 1800's who proposed that the Patent Office should be closed because, he said, "that everything that could be invented already had been invented."

Well, it is a different world, but it is still a very dangerous world. It would be foolhardy for Members to eliminate our intelligence capability, and indeed to put it in the State Department, which would violate one of the most fundamental reasons for our having a separate intelligence agency, and that is to keep intelligence estimates separate from policymakers so there cannot be any cooking of the books.

It is an awful idea. It ought to be buried, along with Saddam Hussein. Indeed, it also brings one to mind, Lord Russell's famous comment, "This is one of those views which are so absurd that only the very learned could possibly adopt them."

ANNOUNCEMENT BY THE SPEAKER

Mr. SPEAKER. The Chair wishes to remind the Members they may refer to Members or actions of the other body. However, it is not in accordance with House rules to characterize them in any way.

VETERANS DESERVE OUR RESPECT AND SUPPORT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday we debated, and today we will adopt unanimously, a resolution calling for a 5.4-percent COLA adjustment for veterans who have service-connected disabilities. Then, I believe we will take up the issue from the Committee on Ways and Means to allow our service people in Desert Storm to be able to delay paying their income taxes until they come back home. Those are two very salutary reactions on the part of the Congress and the country to acknowledge the sacrifices made by these valiant people.

Mr. Speaker, that is simply the beginning. We will not have another Vietnam. We have said that in this Chamber, and we mean it. Not just that the prosecution of the war against Iraq will be different, but the way we treat veterans of Desert Storm and the way we receive them when they come back home will be different.

We have to receive them with love and affection and with the highest degree of respect.

I am glad that the Congress is beginning the process of reconciliation, even today while the war is still under way.

WINDFALL PROFIT TAX FOR OIL COMPANIES

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, we have heard talk lately about a war tax to pay for our military operations in the gulf, about taxing the American people to pay for Operation Desert Storm.

Mr. Speaker, the American people are already paying dearly for this war.

Every time Americans buy a gallon of gas, we pay a war premium. Every time Americans fill the tank with home heating oil, we pay a war premium. And every time Americans purchase an airline ticket, we pay a war premium.

Mr. Speaker, American consumers have paid for this war, and it's time to share the burden with those who are profiting from this conflict. Big Oil is now reporting astronomical profits.

Chevron made $700 million in the fourth quarter alone.

Amoco profits are up 69 percent.

And Mobil made $651 million.

Mr. Speaker, it is time to share the burden with those who can afford to pay. It's time to levy a windfall profit tax on oil companies to pay for the gulf war. Join me in cosponsoring my windfall profit tax bill.

The American people have paid too much already.

IRAQI WAR CRIMES RESOLUTION

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, last year, following Saddam Hussein's invasion of Kuwait and his taking of civilian hostages, I introduced a measure (H. Res. 474) to establish a United Nations [U.N.] War Crimes Commission to investigate Iraq's actions toward foreign nationals and a U.N. Tribunal before which those responsible for Iraqi war crimes could be prosecuted and held accountable for their actions.

Today, I have introduced a revised resolution that would hold Saddam Hussein and his accomplices responsible for their inhumane acts against civilians and prisoners of war [POW's].

It is my hope that this resolution will let Saddam Hussein know that we are serious in our resolve against war crimes. It may also serve as a deterrent against additional mistreatment of American and allied POW's.

Last weekend, Saddam Hussein once again demonstrated his utter disregard for the Geneva Conventions and other provisions of international law when he broadcast footage showing blindfolded pilots being paraded through the streets of Baghdad as prisoners of war and forcing them to make statements against U.S. and allied interests. Attempting to thwart United States forces, Saddam also announced that these and other prisoners would be used as human shields at strategic sites in Iraq and Kuwait.

These criminal actions are not acceptable to civilized nations of the world! Just as Nazi war criminals were brought to justice at the Nuremberg trials, this resolution would be applied to Saddam Hussein and other Iraqi war criminals. While Iraqi war crimes are the major impetus for the establishment of a U.N. War Crimes Commission and Tribunal, it is my hope that, once established, these bodies could remain as a permanent deterrent to future war crimes.

I urge you and the rest of my colleagues to support this important legislation.

DISABLED VETERANS DESERVE COLA

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, today we are considering legislation to authorize a 5.4-percent cost-of-living adjustment for disabled veterans. I am an original cosponsor of this bill.

Over the past several weeks, I heard from many dissatisfied veterans who felt that they had been unfairly treated by the Government they had defended. We awarded COLA's to other beneficiaries. However, because of political circumstances we were not able to give our veterans the same courtesy. These COLA's should have been awarded at the same time as those for other Government programs. After all, the most deserving are disabled veterans.

I am pleased that we are rectifying this situation. However, I am not happy that veterans have been used as political pawns.

With the current situation in the Persian Gulf, now is the time for us to show our appreciation for our veterans.

In the future, I hope Congress will not attempt to use support for our veterans as political gamesmanship.

WHERE ARE GERMANY AND JAPAN?

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, America is at war, and few here at home would have contemplated such a turn of events 6 months ago. Americans will remember those members of the West that have stood with us at this difficult time. A special place will be reserved for Great Britain, a country that understood its international obligations from the very beginning of this crisis. Our allies the French, despite having a population of 4 million Arabs, must be given credit for fulfilling their duty in a situation that is especially trying for them. Egypt and Turkey will also be remembered as steadfast allies.

On the other hand, the behavior of Germany and Japan is simply bewildering. I recently received two letters—one from the German Ambassador to this country, the other from the Japanese Ambassador trying to explain their roles in the gulf crisis. Their countries simply appear not to understand what is going on in the world, especially in the Persian Gulf, which is of vital concern to them also. While they should be accepting more responsibilities, they are shirking them. Americans will not forget the role they played either.

□ 1220

CORRECTING INJUSTICE TO DISABLED VETERANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today we will vote to correct an injustice that was done to disabled veterans last session. We will vote on H.R. 3, to give these veterans a 5.4-percent cost-of-living adjustment in their monthly compensation checks.

I rise in strong support of H.R. 3, and I commend my colleagues on the Veterans' Committee, Mr. MONTGOMERY and Mr. STUMP, for the swift manner in which they brought this bill to the floor.

The disabled veterans of America, who served our country so well, deserve special treatment from the Government. They did not deserve to be the only group denied a cost-of-living increase last session.

Mr. Speaker, I am sure many of my colleagues share my concern that disabled veterans may be overlooked in the future. In order to avoid this from happening, I have sponsored a bill that will make the disabled veterans' COLA automatic every year. Any time Social Security benefits are increased, disabled veterans compensation rates will be increased by the same percentage.

I urge my colleagues to vote for H.R. 3 and to cosponsor my automatic COLA bill, H.R. 426. Let us show the disabled veterans of America that we in Congress recognize their past efforts and care about their future.

SUPPORT FOR U.S. FORCES IS THEME OF ROMNEY, WV, RALLY

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. STAGGERS. Mr. Speaker, this past Saturday, I joined with the citizens of Romney, WV, as they rallied at the local courthouse in a show of support for U.S. forces in the Persian Gulf.

Among those gathered for prayers and songs were the families and friends of the West Virginians called to active duty with the 351st Ordnance Company.

Mr. Bruce Nicholson and others in Romney deserve the credit for putting the rally together. However, the success of the rally and the large turnout in show of support of the West Virginia servicemen and women belongs to the people of the community.

There has been much said on the House floor about the war in the Persian Gulf. Today, I would like to add the words of sixth grader Kimberly Gray of Romney.

Kimberly read her original poem, "Pray That It Turns Out Okay" at the rally for the members of the 351st. I will include the poem in its entirety as a part of the RECORD.

Kimberly's poem ends with an expression of feeling I believe all the citizens of West Virginia share: "Who will win only time will tell," wrote Kimberly, "but let's hope and pray that God lets the U.S. do well."

PRAY THAT IT TURNS OUT OKAY

(By Kimberly Gray)

August Second was the date
That Iraq took over Kuwait
The soldiers oh how mean they were
Took their oil which is worth more than myrrh
The Kuwaities were forced to roam
Without clothes, nor food, nor home
The reason they did it because they were in debt
While they were killing, world leaders met
President Bush from the red, blue, and white
Said Saddam wouldn't leave without a gosh darn fight
So President Bush sent lots of troops
While other world leaders met in many different groups
They waited and waited till their day came
But Saddam Hussein thought it was all a big game
President Bush considered January 15 the deadline
But Saddam was happy because on the news he was a headline
On January 15 everyone was asking what would bring of the day
While Saddam said everything would be going his way
On that day however war did not start
But the soldiers from France, Britain, Saudi, Kuwait, and the U.S. did not depart
On the 16th at six o'clock
The Americans put the first bomb in Iraq
Who will win only time will tell
But let's hope and pray that God lets the U.S. do well.

THE EVIL OF SADDAM HUSSEIN

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, why were we so shocked when we saw the pictures of our airmen in the hands of Saddam Hussein and the unbearable treatment they are undergoing? Why should we be so shocked? Here is a man who has poisoned his own people, shot his own lieutenants, raped Kuwait, and performed atrocities in that country, lobs Scuds into innocent populations and does a hundred other things that brings the hatred of the world upon him.

We should not be so shocked. It will not be enough for us to marshal world opinion against him; rather, we should be preparing now to bring this man to justice and to bring his criminal lieutenants to justice. That is the only way that we can compensate for the evil that he has perpetrated upon that sad region of the world.

So we need a Nuremberg in 1991.

BRUTAL OCCUPATION OF BALTIC STATES BY SOVIET MILITARY

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, in recent weeks we have witnessed the brutal occupation of the Baltic States by the Soviet military, and the slaughter of unarmed civilians by Soviet troops. The Soviets have systematically moved to take over and control agencies of the Government and the media in Lithuania, Latvia, and Estonia.

These actions represent a major step backwards in the Soviet Union's movement toward a more open and democratic society. It is even more distressing that the military occupation of the Baltics was perpetrated while the eyes of the world were focused on the Persian Gulf. But if Mr. Gorbachev believes that the people of the world are distracted from events in the Baltics by the gulf war, he will be sadly mistaken.

Mr. Speaker, we need to send a clear message to the Soviet Union that freedom-loving people will not stand idly by as the hopes of the Baltic people to achieve their independence are crushed. I support the use of economic sanctions against the Soviet Union to demonstrate our resolve in bringing an end to the current violence in the Baltics, and urge all my colleagues to join me in calling on President Bush to press this issue directly with President Gorbachev.

IN SUPPORT OF VETERANS' COLA'S

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, today Congress has the opportunity to correct a grievous error that was committed last year against the veterans of this Nation. Despite the overwhelming support of both Houses, Congress failed to pass a COLA bill for the Nation's veterans. Unfortunately, politics interfered with common sense and prevented the passage of legislation that is vital to the veterans of this Nation. These men and women, like those who are currently serving in the Persian Gulf, defended this Nation in times of need and worked to preserve the principles of freedom and democracy that are dear to America. Our debt to them can never fully be repaid, but we have an obligation to fulfill, and the passage of a COLA bill is part of that obligation.

As a Member of the House Committee on Veterans' Affairs, I am pleased to see that Congress has acted quickly to correct this error. Passage of this legislation today will provide a 5.4-percent COLA retroactive to January 1 to all veterans. It is essential, as many veterans depend on this income for basic living needs. As an original cosponsor, I have strongly supported this legislation, and I urge all of you in this House today to pass this promptly. Let us send a message to all those who serve or have served in the Armed Forces that we will not forget their sacrifices, and we will not break our promises to them. Pass this COLA legislation now.

A RIGHTFUL COST-OF-LIVING ADJUSTMENT FOR VETERANS

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, I want to commend the chairman of the Veterans' Affairs Committee, the gentleman from Mississippi, Mr. SONNY MONTGOMERY, and his committee for bringing to the floor H.R. 3.

Mr. Speaker, this measure will rightfully grant a 5.4-percent cost-of-living adjustment for our service-connected disabled veterans. The House approved this measure last session, but the other body did not. We were remiss by not passing the COLA prior to the first of the year. We should not delay benefits to those who suffered injuries while serving our country.

Especially in this time of armed conflict, we cannot forget the people who have fought to make this Nation great. I am glad that other Government beneficiaries received a much-needed increase in pensions, but as I have stated so many times before, we must treat everyone equally. Now is the time to correct the mistake that Congress made during the last year. I urge everyone to join me in support of H.R. 3.

ISRAEL A PROVEN FRIEND AND INCREDIBLE WARRIOR

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, maybe it is time to review a little history. Since Israel's 1948 independence, they have constantly been the victim of aggression, and each time they prevailed with their citizens' militia in spite of being outnumbered.

In 1948, 1956, 1967, 1973, it was the same story, and let us not forget 1981 when Israel became the guardian for the entire civilized world by destroying Iraq's growing nuclear capability.

Now Israel's civilian population has sustained three unprovoked attacks and Israel has not retaliated. They have shown a restraint that is unprecedented.

If any of our allies object to retaliation now, I would have to question the depth of their commitment to the coalition.

Israel, you have been a proven friend and an incredible warrior. Let us go after Saddam Hussein together.

THE A-10'S, A TREMENDOUS ASSET

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, bad weather in the Middle East has hindered some allied air missions in Operation Desert Storm.

But the A-10 Thunderbolts keep on flying. They have been destroying tanks, artillery, and armored vehicles behind Iraqi lines.

Most impressively, the tried and true close air support plane has emerged in the Iraqi war as a premier "Scud buster" taking out launchers that no other equipment could find.

The A-10's are highly versatile and maneuverable in close air support, search, and rescue and now Scud busting missions.

I hope that the Air Force and the Pentagon will now see what a tremendous asset we have in the A-10's and the men and women who fly them.

□ 1230

ONE MARINE'S OPINION ON WHAT AMERICA STANDS FOR

(Mr. KLUG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLUG. Mr. Speaker, in this body and across America many voices are rising in debate over our Nation's role in the war against Iraq. I would like to bring one more voice to that debate, the voice of a young Wisconsinite, 1st Lt. Scott Fosdal, who is now serving with the U.S. Marines in Saudi Arabia.

"The way I see it," writes Lt. Scott Fosdal:

> The invasion of Kuwait was wrong and just because (Kuwait) wasn't a democracy doesn't make it any less wrong. If the form of government determines whether we should help, maybe skin color or religion should determine who we help as well. What's the difference, a wrong has been committed. The beauty of America is that we optimistically try to help those who cannot help themselves. The rights of the accused in our judicial system, our welfare and Medicare payments, and our abortion laws all bear witness to the fact that we believe in helping. Are we so shallow, so fickle, that when asked to back our beliefs with our lives instead of our money we balk? If this is the case then a tear must be shed for the sacrifice of the hundreds of thousands who gave their lives for what they felt America stood for.

Scott, our thoughts and prayers are with you. Be safe and be home soon.

CONDEMNING THE BRUTAL CRACKDOWN OF SOVIET TROOPS IN THE BALTICS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, soon we will vote on a resolution condemning the brutal crackdown of Soviet troops in the Baltic States. I commend Representatives DURBIN and FASCELL for working together on this important resolution. It is an essential statement for the U.S. Congress to make.

Now I stand before you to say, we must take our outrage a step further—we must appeal to the world community to express its outrage and to apply its diplomatic pressures to prevent the Soviet Union from further terrorizing the peaceful peoples of the Baltic States. People who want their rightful independence.

Today I am introducing a resolution calling on the U.N. Security Council and the U.N. Commission on Human Rights to take up this issue. The United States and many of the U.N. member states have never recognized the forced annexation of the Baltic States into the Soviet Union. And now we must speak out against the brutal repression and intimidation of these states.

I urge my colleagues to join me in this important message by cosponsoring this resolution.

GORBACHEV SHOULD GIVE BACK THE NOBEL PRIZE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, Gorbachev was given the Nobel Prize for leading his country toward democracy. Well, if Gorbachev is now leading the Soviet troops into the Baltics, he should give back that Nobel Prize.

Now he says he did not give the orders to send the tanks into the Baltic Republics. Well, if he did not give the orders to send them in, he can certainly give the order to take them out.

Gorbachev may or may not be in control of events in his own country, but we as elected officials are in control of what our Government does.

If Soviet troops are still in the Baltics, President Bush should not be going to a summit with the Soviet commander in chief. If the Soviets' slide into renewed repression continues, there will be consequences.

If the Kremlin bosses think they can murder the democracy movement and still receive American credits, still enjoy new commercial ties and technical exchanges, they have got another think coming.

Desert Storm has not blinded us to Baltic genocide. Gorbachev has a choice to make: He can be either on the side of democracy and be friends of the American people, he can reject the Hitler/Stalin pact and be for free Baltic Republics, or he can side with repression.

We are watching.

SADDAM HUSSEIN: A MORAL OUTRAGE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, the treachery of Saddam Hussein knows no bounds. I suppose we should not be surprised. This is the man, after all, who murders opponents with casual disregard and who showed no moral compunction about using chemical weapons against his own people. He is, quite simply, depraved.

Even so, it still shocks our sensibilities—and it should—to see so much that is so awful in so short a span of time. In the past 2 days alone, Saddam has cavalierly violated the requirements of international law governing the treatment of POW's and has resorted again to terror against innocent civilians in the Scud bombing of Tel Aviv.

I am under no illusion that my moral outrage is likely to be heard in Baghdad. It is nonetheless important for us to express that outrage, especially in time of war, when the pressures of conflict can tempt us to forget about distinctions between ends and means.

It is profoundly important for the civilized world to continue to remind itself of what makes it civilized. War inevitably tests the ability of the best of us to fulfill our commitment to principles of civilized behavior.

May God grant us the wisdom to know what is right and the discipline to do it.

SUPPORT URGED FOR INCREASE COMPENSATION FOR DISABLED VETERANS

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to review and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, as an original cosponsor, I want to express my strong support of H.R. 3, legislation which we shall vote on today, thus increasing the rates of disability compensation for veterans.

I have received hundreds of letters from my constituents expressing their outrage that Congress adjourned last October without providing disabled veterans with the cost-of-living increases they deserve. I explained to them that Congress did not try to balance the budget on the backs of the disabled veterans, and that in fact, the House had passed legislation providing a COLA comparable to the one received by Federal retirees and Social Security recipients. However, my explanations will not help pay their bills or put food on their tables.

Many of the country's 2.2 million disabled veterans are trying to survive on fixed incomes. As inflation diminishes the purchasing power of the dollar, these veterans rely on annual COLA's to maintain an adequate standard of living. Can you imagine the anxiety these men and women must have felt when they thought they might have to face the new year without the same 5.4 percent cost-of-living adjustment received by other retirees?

The war in the Persian Gulf clearly demonstrates the importance of maintaining the high quality of our Armed Forces. How can we hope to attract the best and brightest to military service if we do not fulfill our past promises to provide veterans with the compensation they have earned through their sacrifices?

As the war continues, we must provide the members of military services with our full support. This includes providing the brave men and women in the Persian Gulf with assurances that if they are injured in the line of duty that the Nation will not abandon them in their time of need.

Last year we failed to fulfill our responsibility to the veterans who have sacrificed so much to protect the Nation's freedom. We must rectify the situation by enacting a retroactive cost-of-living increase. Our veterans cannot afford for us to procrastinate.

I urge my fellow Members to support the COLA for our veterans.

RESTORE COST-OF-LIVING ADJUSTMENT FOR DISABLED VETERANS

(Mr. VALENTINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VALENTINE. Mr. Speaker, I rise today to express my strong support of H.R. 3, which we will be voting on later today. This bill will restore the cost-of-living adjustment for our disabled veterans and their families.

I am pleased with the alacrity that Chairman MONTGOMERY and the House leadership have shown in bringing this legislation to the floor. I believe that it is especially important to show support for our disabled veterans at this time of world conflict.

These people earned their benefits through their personal sacrifices, and our Nation should express its gratitude and admiration for their achievements.

I urge all my colleagues to support this legislation.

THE RELEASE OF A COLOMBIAN DRUG LORD

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, earlier this week, the Government of Colombia announced the release of one of their nation's most notorious drug trafficker, Gonzalo Mejia, the first trafficker to surrender under President Gaviria's promise to waive extradition.

This distressing report extinguishing the hope that both American and Colombian officials held following the surrender of the Medellin Cartel's No. 2 man, Jorge Luis Ochoa.

Mr. Speaker, if this kind of illegal lenient, unjust, and downright absurd treatment of murderous drug traffickers is what we can expect from the new Colombian Government, then our war on drugs has been inflicted a serious blow.

Last week, I stood in this very well, commending Colombian officials for facilitating the surrender of Ochoa and other drug traffickers. At that time, I voiced my reservations with regard to the uncertainty of the ultimate administration of justice in the case. Regrettably, today those reservations are based on fact.

I sincerely hope that the Colombian Government will be successful in bringing criminal charges against the judge who paroled Mejia. More importantly, we hope that this appalling case is an exception and is not indicative of the future trend in the Colombian judicial system.

If we are going to be effective in our war on drugs, we need the cooperation and firm commitment of the entire international community.

☐ 1240

STATE SHOULD HAVE THE RIGHT TO REGULATE WHAT COMES INTO THEIR STATES

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, much of our discussions today have been on Saddam Hussein. I want to talk about another piece of garbage.

Mr. Speaker, this has to do with the importation of garbage into States who do not want it. Yesterday I introduced legislation onto the floor to give States the authority to be able to control the importation of garbage and toxic waste. Now, because of the interstate commerce clause in the U.S. Constitution, States have no say whatsoever as to what comes into their State because it is interstate commerce. They do not have any right to say whether or not they want toxic wastes, any medical wastes or any kind of garbage, and I think that they need this authority to be able to say that.

Mr. Speaker, it seems strange in a land of great technology that we live within that we are still using Neanderthal ways to get rid of our garbage, and that is to dig holes and kick it into it, and I say that we need to change that. I think more emphasis should be put on incinerators, but those States who want to ship it into the Midwest, into the strip pits, better start finding ways to incinerate it in their own areas. We do not want the waste over there, and I would ask those of my colleagues who have the same problems to come to me and to help by cosponsoring this legislation.

Mr. Speaker, States should have a right to be able to regulate what comes into their States.

THE PERSIAN GULF GI BILL OF RIGHTS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, as America and this Congress pray for the safe and swift return of our courageous and dedicated men and women under arms in the Persian Gulf, let us today recommit ourselves to alleviating the pain and economic hardship caused to them and their families because of their military responsibilities.

Because the majority of military men and women on active duty in the reserves have families with incomes below and near the poverty line, and because the call up of the Reserves has caused in many cases economic hardships on the families left behind, and that is true in the congressional districts of many of my colleagues. In our offices, there has been a dramatic increase in telephone calls and letters from those families seeking help.

In order to show our support for our troops and their families, I will be asking my colleagues to join me in supporting a Persian Gulf GI bill of rights.

This bill shall, among other things, set aside a billion dollars to set up a fund to be administered by the American Red Cross—or some other agency designated by the Congress—for the sole purpose of providing economic assistance to the families of GI's serving in the Persian Gulf who are in need of economic assistance. One billion dollars—less than the cost of 2 days of war in the Persian Gulf—is little to invest in those families who have seen their loved ones sent off to a far off country under arms.

In addition, I am in the process of drafting legislation to be included in the GI bill of rights that will provide for a bonus of no less than $10,000 for every person serving 1 month or more on active duty in the Persian Gulf.

In addition, legislation is being drafted that would provide that employers of military reservists called to active duty shall maintain the possibility of employment once the reservists have returned home from active duty.

Additional legislation is also being drafted to provide assistance under the Persian Gulf GI bill of rights for educational training benefits, the acquisition of homes and various social services—to be administered by the Veterans' Administration. Let no one say that this Congress subjected our returning warriors to the shelters of the homeless and the addict population, or to the dark realm of the hopeless.

NIOBRARA SCENIC RIVER DESIGNATION ACT OF 1991

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, I am proud today to reintroduce the Niobrara Scenic River Designation Act. I am joined in this introduction by my good friend and colleague from Nebraska, DOUG BEREUTER.

As many of you may remember, an early version of this bill passed by an overwhelming bipartisan majority last June. The version I am introducing today is a compromise reached between the House and Senate last fall.

This legislation is the culmination of years of meetings, hearings, and negotiations. It is the end result of compromise. The primary purpose of the Niobrara Scenic River Designation Act will be to protect this valuable river resource under the Wild and Scenic Rivers Act with minimal infringement of the private property rights of local landowners along the river.

This bill has the support of a majority of Nebraskans across the State. It also has the support of both Senators from Nebraska. Senator JIM EXON will be introducing an identical version of this bill in the Senate today, cosponsored by Senator BOB KERREY.

The Niobrara River Valley is one of the most unique natural resources in the Midwest. It is visited by thousands of Nebraskans each year, hikers and campers, canoers and ornithologists, as well as people from all over the region.

This bill will protect a 76-mile stretch of this beautiful river for generations to come.

Mr. Speaker, I urge my colleagues to support the passage of this important piece of legislation to protect a special part of Nebraska.

INTERNATIONAL TRIBUNAL TO TRY SADDAM HUSSEIN

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, Members of the House, we have all known of the atrocities of Saddam Hussein and his subordinates in Kuwait. We knew what he did to his own people before he invaded Kuwait. We now find that he is committing acts of terrorism against the populace and the citizenry, not the military, but the citizenry, of Israel. We find that he is not living up to the Geneva Convention dealing with prisoners of war, but is violating those with atrocities against our prisoners of war.

Mr. Speaker, as others have spoken in this well this morning, we need to do something about it. We know that we and our allies are going to win the war and that we will free the country of Kuwait from Iraq and from Saddam Hussein. What happens after that?

I am today introducing a resolution, Concurrent Resolution 47, asking that the United Nations set up an international tribunal to try Saddam Hussein and his subordinates for the atrocities and war crimes that they have committed against the people of Kuwait, against the people of Israel, and against our prisoners of war.

THE LATEST DEMONSTRATIONS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, a lot of decent people who have been out on the street demonstrating over the last week are starting to pack it in and go home. They realize, as honorable people, that this debate has ended. After an initial round of protests since the House debate and for about a week thereafter, the wind has gone out of the antiwar protestors' sails. That is it for disagreeing with the President's policy. Indeed, now over 92 percent of Americans support getting rid of this killer, Saddam Hussein.

This picture on the front page of today's Washington Times says it all: A beautiful young lady in Israel lies torn apart at the personal order of Saddam Hussein, who controls the launching of each and every Scud missile. Most Americans are for the Patriots. There are still a few Scuds in the streets rooting for the Scuds in Iraq. Speaking of demonstrations, I marched yesterday with 25,000 people for life, another cultural battle and another holocaust going on. Molly Yard was there with about 15 women by the side of the curb.

Do my colleagues know what Gunga Dan Rather, rather not, said last night? He said;

> There was a demonstration, in spite of the war, for people who are opposed to abortion, but there was also a counterdemonstration for people who support a woman's right to choose.

Choose what? Choose death much like Saddam has chosen death. Killing her child in her womb. This is moral equivalency for Dan Rather not; 30 or 40 proabortion lunatics get more attention than the 25,000 or more marching to oppose abortion. That explains why the puny number of antiwar protesters get so much time on the evening news. For Gunga Dan, the more radical the cause, the more air time it receives. No wonder Danny Boy is on the bottom of the heap.

Dan, get your head straight, and deal with the demonstrators on your own set. And why not start ending your program with the word "courage" again since you are sucking pine breath on the evening news delivery?

□ 1250

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the Members of the House that it is not within the House rules to directly address a person not in this Chamber. The gentleman must address the Chair.

THE THIRST FOR FREEDOM IN LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, can we imagine what it would be like to have tanks and troops pull into our town and gather everybody in the town out into the streets and ask many of them to raise their hands and admit publicly that they had a belief in their God or that they had any education or any training, and then execute every one of them?

That is exactly what happened to the people of Lithuania 50 years ago when the Soviets marched into Lithuania and took control of that country. That enthusiasm for independence and freedom is something that has been in their hearts ever since then.

I had the privilege of going to the country of Lithuania about a year ago, and met with the Catholic Cardinal who had been in prison for 23 years. He was released and came home to his church and found it as an atheist museum. He began taking the material and throwing it out into the streets. A large crowd gathered, and he brought a little wooden table into the front and knelt down on his knees and began practicing religion once again.

That spark led to a fire that spread throughout that country, and that is the freedom of religion. The many freedoms that we take for granted in this country are now alive and well in those people.

Mr. Speaker, I encourage my colleagues to support House Concurrent Resolution 40 today, which condemns the actions the Soviet Union has taken against that country which has voted for independence and freedom.

COMBATING THE INHUMANITIES OF SADDAM HUSSEIN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Saddam Hussein has killed innocent citizens in his own country with chemical weapons. He used them in the Iran-Iraq war in violation of the Geneva Convention. He killed innocent women and children when he took Kuwait, including bayonetting pregnant women and taking children who were in incubators off of the incubators and letting them die—300 to 400 of them.

On "60 Minutes" this week, it was told by one of his former bodyguards that he took pleasure in putting people to death by burning them alive and dipping them in acid, and they said that he even laughed when these atrocities took place.

This man is really a monster. We now see on television the kind of torture he is putting our pilots through. It is very evident what he is doing to American and allied pilots. This man deserves no quarter whatsoever in dealing with him.

Now I have been told by some people in the military that there is a possibility there may be chemical mines buried along the battlefront between his troops and our troops in the Kuwait-Saudi desert.

Mr. Speaker, I would just like to say to our colleagues and to our military people that before we send our troops into combat that we should use every bomb in our arsenal to deal with his troops. Let us hit military targets with conventional bombs and with nuclear bombs, if necessary, to get them to surrender. We should not send our troops into that kind of a situation unless it is absolutely necessary. This man knows no boundaries as far as war is concerned. He is an inhumane person, and we should use everything in our arsenal to protect our troops in this war.

STRONG SUPPORT URGED FOR VETERANS' COMPENSATION COLA

(Mr. RAY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, yesterday we debated under suspension the Veterans' Compensation COLA Act, H.R. 3, and today we are going to vote on it. This bill will provide a 5.4-percent COLA retroactive to January 1, 1991, for veterans with service-connected disabilities.

The House of Representatives strongly supported this bill last Congress and passed it, only to have the U.S. Senate fail to act because of the inclusion of agent orange benefits. This bill today is expected to pass the House and Senate.

Mr. Speaker, I frequently hold office hours in my district offices, and an overwhelming number of veterans come to see me each time. Their major concern is the bureaucracy and the problems veterans have in getting the support they have been promised and are entitled to. We as a body ought to make the promises made to our veterans a strong priority and do our best to resolve the aggravation they are presently undergoing.

The 1991 COLA foulup is just an example of the constant and ongoing problems facing our veterans. The gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs, is to be commended for his very fast reaction to this particular problem.

Mr. Speaker, I urge strong support for this important legislation as it comes up for vote today.

A DEMAND THAT JAPAN AND GERMANY SHARE BURDENS IN THE PERSIAN GULF

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, today young American soldiers are risking their lives in the Persian Gulf, and the American taxpayers are asked to pay the bulk of the enormous costs of the war to liberate Kuwait.

While America risks its young lives and its treasury, Japan and Germany and some other allies are sitting this one out. They are the spectators on the sidelines, leading the cheers. So we borrow money from Japan and Germany so that we can defend an oil supply that is much more important to them than to us.

Mr. Speaker, it is time for this country to demand that Japan and Germany and those few other allies who are behind us—way behind us—start standing with us. They ought to begin to pay and pay now. The fact that they cannot send troops to the Persian Gulf does not mean they cannot send engineers and doctors and nurses and the tens of thousands of other support roles that are necessary in that war. It does not mean they cannot send money to help pay the bills.

Mr. Speaker, it is time for America to demand—yes—demand—that Japan, Germany, and others help bear the fair share of the burden and help carry the load.

APPROVAL SOUGHT FOR VETERANS' COLA'S RETROACTIVE TO JANUARY 1

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, disabled veterans and their families from my area of the country are having difficulty understanding why their promised cost-of-living adjustments have been withheld from them.

So am I. And I am sorry that their security and well-being, and the security and well-being of their families, has been held hostage over another issue that—while important—had nothing to do with the COLA's. Everyone else who receives a COLA is receiving it on time. But those who have suffered disabilities while serving their country have not received the same consideration.

We all know what happened, Mr. Speaker. We did our best in the House to the get the COLA enacted. We pointed out that millions of service-connected veterans, and dependents of veterans who died of service-connected causes, needed and deserved this compensation. Our chairman, Congressman MONTGOMERY, and others on the House Veterans' Affairs Committee, the ranking minority member, Congressman STUMP—and in fact, many in the other body—tried every parliamentary maneuver possible. Nevertheless, it did not get through the other Chamber.

We now have an opportunity to correct this wrong. Let us approve the COLA as quickly as possible, retroactive to January 1, so that our veterans receive all of the benefits they have earned.

BALTIC STATES NEED UNITED STATES SUPPORT IN QUEST FOR FREEDOM

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, right now while the attention of the world is gripped by images of missile fire and POW's in the Persian Gulf thousands of Lithuanians are gathered around their parliament, using their own bodies as human shields, in protection from the threat of a Soviet crackdown. At least 19 people have been killed and over 200 wounded during attacks by troops of the Interior Ministry, on various public buildings in both Latvia and Lithuania. The central Government of the Soviet Union has reversed the recent trends of openness and restructuring, between and within, the various republics by directly attacking democratic institutions re-establishing control over the media and press, and instilling a general feeling of terror within the Baltic States.

Mr. Speaker, we cannot stand by quietly and watch a methodical return to dictatorship in the Baltic States—especially while the nations of Eastern Europe struggle to establish their own infant democracies, and the world, including the Soviet Union itself, stands against aggression in the Middle East. We must use the strongest language in condemning these actions and do our utmost to pressure the Kremlin into preventing further aggression.

Mr. Speaker, President Gorbachev claims that he did not order the attacks. However, first, he sent troops into Lithuania, ostensibly to collect deserters, and 14 people died. Then he sent troops into Latvia using the same excuse and five people died there. Now, he has announced that troops are being sent into Estonia and that small nation braces for its attack. There is no doubt, that no matter where orders to attack originated, the people of the Baltic States are unable to practice democracy in the current environment of threat and censorship.

Mr. Speaker, the citizens of the Baltic States need our support. They need to know that United States will not tolerate oppression or unprovoked aggression no matter where it occurs. They need to know that they will not be ignored, forgotten, or forsaken. And if they are to survive under democracy, they will need our will and our determination to strengthen their own. Therefore, Mr. Speaker, I join with my colleagues in supporting House Concurrent Resolution 40, condemning the use of violence, and calling, instead, for the use of restraint and cooperation by the central authorities of the Soviet Union.

□ 1300

THE SUPER BOWL XXV CHAMPIONS: THE BUFFALO BILLS

(Mr. LAFALCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAFALCE. Mr. Speaker, as a member of this body's New York delegation, no one is more pleased than I that two teams with a New York connection will compete in this year's Super Bowl. But lest there be any confusion, there is only one genuine article—only one team that actually plays in the great State of New York—and that team is the Buffalo Bills.

I have nothing against the New Jersey Giants. They are a great team and a worthy opponent. If my colleagues from New York City wish to desert their home State and root for a foreign team, a pretender, that is their prerogative. But for those who followed either last Sunday's clash between the Los Angeles Raiders and the Buffalo Bills or the December 15 clash between New York's Bills and East Rutherford New Jersey Giants, there can be little doubt about the final outcome of this Sunday's contest: The Buffalo Bills are the true football "giants" of New York State and the United States. Buffalo has one more river to cross; and cross it we will and then be proclaimed the champions of Super Bowl XXV.

FLAMES OF WAR

(Mr. ECKART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ECKART. Mr. Speaker, we all understand that the flames of war burn brightly in the Middle East, but they flicker in the Baltic nations as well. What the Soviet Union has done to the proud people of the Baltic region, particularly in Latvia and Lithuania, is to be decried as an outrage by each and every single one of us that hungers and thirsts as they do for freedom.

In the 1940's, these States were seized illegally by the Soviet Union. Our country never recognized this annexation. Yet they persist in their thirst and hunger for freedom and the fruits of democracy.

Mr. Speaker, it is indeed ironic that Mr. Gorbachev received the 1990 Nobel Peace Prize for what he helped to allow happen throughout Eastern Europe. But to accept that prize and speak of peace now is a fraud. Mr. Gorbachev calls upon Saddam Hussein to end the war in the gulf, yet he wages war in the Baltics. We must stand united today in condemning the actions of the Soviet Army in the Baltic States. We should cut the agricultural credits our country recently granted them. We should reinstitute the Jackson-Vanik amendment and bring real pressure on the Soviet Union. Human rights trampled, whether in Kuwait or Lithuania or Latvia and Estonia, are human rights denied.

Mr. Speaker, Hussein kills Jews; Gorbachev crushes Eastern Europe. The new world order, Mr. Speaker, looks suspiciously a lot like the old.

STOP AMERICAN AID TO JORDAN

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, it is a sad day for the United States, being involved in a war, watching, as some of our young people go off, never to come back or to be taken prisoner. Because it is so sad and because it is so difficult and trying for the United States, some of us need to stand in this well and remind Americans about who is our friend and who is our enemy, who has made statements supporting the coalition and the United States, and who has made statements against.

To this day we can look to two groups of people. One is the PLO, Mr. Arafat, who has sided completely with Saddam Hussein from the first day, who has refused to do anything but leave his side, who has refused to try and bring peace, but fomented war, to the point where Palestinians, who may die because Scuds are being rained on Israel, are cheering when Scuds are coming over. I think we ought to remember Mr. Arafat way into the future.

We also must remember King Hussein, the man who over these years we have tried to help, tried to coerce into a moderate Arab stance, tried to bring into the peace process. He has allied himself completely with Saddam Hussein. He has protected him, he has helped him, he has refused to honor the embargo, and has, as recently as the other day, when asked about the Scud missiles going across his territory because of violation of his air space, said, "I cannot condone, and I cannot condemn."

Those Scuds are killing people, innocent civilians, in Israel, and are being rained on our servicemen in Saudi Arabia.

When it comes time to vote for Desert Shield, I intend to try to empty the pipeline of money for Jordan. If he hates us so much with his anti-American statements and his support for Saddam Hussein, not one penny of American money should flow to him. Let Saddam Hussein prop him up for a change.

AMERICAN PEOPLE ARE ENTITLED TO TRUTH FROM GOVERNMENT

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, the Pentagon and the White House are not only withholding information on the war from the press, and therefore from the American people, but they may well be exaggerating and distorting the little information they are providing. No one quarrels with rules governing press coverage which protect our troops or keep vital information from the enemy. But the administration, in its efforts to sanitize this war, has gone far beyond the rules which governed press coverage in Vietnam or World War II.

Contrary to earlier claims by the Pentagon, air superiority over all of Iraq has not been achieved nor have the Pentagon's boastful assertions that Iraq's Scud missile launching capability has been largely destroyed proved true. The relentless and so far unsubstantiated boasting by the Pentagon, their failure to provide adequate and documented information to the country, can only recall the distortions and outright government lies of Vietnam.

The American people are entitled to the truth, good or bad. When will the White House and the Pentagon give it to us?

CONDEMNATION OF IRAQI ATTACKS ON ISRAEL

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, I rise to condemn in the strongest possible terms the strikes by Saddam Hussein against the civilian population of Israel.

The missiles are crude and they are inaccurate. Saddam is using them—with the twisted threat that the next one may deliver deadly gas—not for military purposes, but to spread terror in civilians and for political gain.

We cannot begin to know the effects of this particularly cruel and indiscriminate warfare on a national psyche shaped by the Holocaust.

We watch and read of the Israeli citizens reeling in the bloody, chaotic aftermath of the attacks and, while some urge restraint, others are talking about retaliation. "We've suffered enough. We're sick of it. It's time to finish him off," or "It's unbearable. We can't just sit here like this." And we understand.

Against this emotional backdrop, the Israeli Government has demonstrated patience and restraint and has used rationality instead of reflex. We all know its national canon is to reserve the right to defend itself, and it has correctly not surrendered that right; we would not and could not expect such a surrender. But, for now, it has opted to take a substantial risk and not to be manipulated by Saddam and his provocations into a military response; instead it has been relying on U.S. assurances and is urging its own citizens to go to work and to continue living their normal lives.

We take this opportunity today in the United States Congress to restate our solidarity with the leaders and the people of Israel. We, like the rest of the world, salute their courage and their steadiness, and we pledge our steadfast commitment to help defend their right to security in the face of our common foe.

VIRGIN ISLANDERS' SACRIFICE

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, although unable to vote for our Commander in Chief or cast a ballot in these Chambers whether or not our Nation should go to war, the people of the Virgin Islands stand proudly beside their fellow citizens from the 50 States and the other offshore territories as they, too, wear the uniform of the American armed services and place their lives in harm's way when this great Nation calls them.

Even before the battle was joined by U.S. troops in the Persian Gulf on January 16, three Virgin Islanders had already paid the ultimate price, sacrificing their lives in the line of duty, in Desert Shield now Desert Storm.

Navy Fireman Wilton L. Huyghue, Jr. and PO2c. Philip Livingston Wilkinson lost their lives in a tragic accident at sea when the ferry boat in which they and 19 other sailors from the U.S.S. *Saratoga* were riding capsized at Haifa, Israel.

Just a few days later, PO2c Troy Josiah perished in a helicopter crash near Guam during training exercises as the military prepared for war in the Persian Gulf.

To the families and friends of these brave men we offer our heartfelt condolences for their supreme sacrifice on behalf of their nation. Words cannot express the sympathy our entire community feels at their passing. They served their country well and take their rightful places among the heroes of this war and of this Nation.

May they rest in peace.

□ 1310

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC, January 22, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House at 3:11 p.m. and 5:43 p.m. on Tuesday, January 22, 1991, as follows:

(1) Said to contain a message from the President and a report concerning formal update of emigration practices in the Federal Republic of Hungary, and

(2) Said to contain a message from the President whereby he transmits a message stating that he has determined to grant Bulgaria most favored nation status under the Jackson-Vanik Amendment. Attached is a copy of Presidential Determination No. 91-18, dated January 22, 1991.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF HUNGARY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-33)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, January 22, 1991, at page S1006.)

EMIGRATION LAWS AND POLICIES OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-34)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, January 22, 1991, at page S1007.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote of the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on today's motions to suspend the rules and prior to those votes on motions to suspend the rules postponed from yesterday.

CONDEMNING THE IRAQI ATTACK AGAINST ISRAEL

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 41) condemning the Iraqi attack against Israel, as amended.

The Clerk read as follows:

H. CON. RES. 41

Whereas Iraq, without provocation, has repeatedly attacked Israeli civilian targets with surface-to-surface missiles;

Whereas Israel is a close democratic friend of the United States and a major non-NATO ally;

Whereas Iraq has threatened to "burn half of Israel" with chemical weapons;

Whereas Israel has exhibited exceptional restraint in the face of these circumstances;

Whereas Israel agreed to absorb a first strike and has sustained two additional attacks;

Whereas the United States has provided Patriot missile crews to Israel in order to help defend Israel from these attacks;

Whereas Israel continues to support the implementation of United Nations Security Council resolution 678 through the unprecedented international coalition of forces in the Persian Gulf; and

Whereas every country has the right to defend itself: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns these unprovoked attacks by Iraq on Israel;

(2) expresses profound sympathy for the loss of life, casualties and destruction;

(3) declares heartfelt solidarity with the people of Israel;

(4) commends the citizens of Israel for their brave and composed, perseverance;

(5) commends the Government of Israel for its restraint;

(6) recognizes Israel's right to defend itself; and

(7) reaffirms America's continued commitment to provide Israel with the means to maintain her freedom and security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. FASCELL] will be recognized for 20 minutes and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield myself 2 minutes.

Mr. FASCELL. Mr. Speaker, I rise in strong support of this resolution which condemns Iraqi missile attacks against Israel. At the outset, I would like to commend one of my good friends and colleagues on the Committee on Foreign Affairs who is a member of the Europe and Middle East Subcommittee, the gentleman from Ohio [Mr. FEIGHAN], for his leadership and his diligence in bringing this resolution to the floor.

Mr. Speaker, this resolution has both solid and broad bipartisan support and I am sure it will be adopted unanimously.

As many of us have observed before, we should really not be surprised at anything Saddam Hussein does. Nevertheless, this latest atrocity of an unprovoked attack on Israel is most appalling. Clearly, this act which included the killing and maiming of innocent civilians is brutally designed by Saddam Hussein in order to draw Israel into this conflict thereby widening it.

In this regard, I would remind my colleagues that it was Saddam Hussein who said he would burn half of Israel. It was Saddam Hussein who declared a holy war on Christians and Jews. And, it was Saddam Hussein who brought this war upon us.

There is absolutely no doubt in my mind that had the international coalition not acted in concert in order to keep Saddam Hussein out of Saudi Arabia that the next attack would have been on the State of Israel. Had this occurred, we would now be witnessing a much more horrific event. Obviously, such an event would occur at greater cost to the world, but more especially at greater cost to the people of Israel.

Simply stated, this resolution commends Israel for its fortitude, courage, perseverance, and resilience in the face of these terroristic hostilities that Saddam Hussein has unleashed against them. It also commends Israel for its willingness to exercise extreme restraint during a time when emotions run high and the desire to retaliate is demanded by the Israeli people.

Israel has an absolute right to defend itself and to respond in any way they deem appropriate. That is the right of a free and sovereign people, and the right of a free, independent, and sovereign nation. Nevertheless, Israel has continued to be willing to work with the international coalition. In this regard, this resolution commends them for their courage, perseverance, and wisdom.

House Concurrent Resolution 41 has a broad base of bipartisan support. I urge Members to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to join in commending the gentlewoman from Florida [Ms. ROS-LEHTINEN] for her sponsorship, along with the gentleman from Florida [Mr. FASCELL], the gentleman from Ohio [Mr. FEIGHAN], and about 50 other Members who have also sponsored this bill.

Mr. Speaker, there have been many acts of bravery on the field of battle in the Persian Gulf, but few equal the courage and grace under pressure displayed by the Israeli Government in the face of unprovoked and savage attacks by Saddam Hussein.

Israel has had every right to respond to Iraq's Scud missile attacks, but it has chosen the better part of valor and sacrificed its own immediate interests by showing admirable restraint.

Throughout this crisis, for almost 6 months, Israel has chosen to keep a low profile. It has done this because it is a close democratic friend of the United States and a major non-NATO ally.

We knew, the people of Israel knew, and the rest of the world knew that the Government of Israel had adopted a low profile because it was in the best interest of the international coalition and in the best interests of world peace.

In spite of Iraq's threat to burn half of Israel with chemical weapons, Israel adopted a low profile, even though it knows it has a very powerful and effective military force.

I know of no other strong and proud nation that would be willing to absorb a first strike without launching its own preemptive strike, or at the very least, without launching some form of retaliation.

Israel has now absorbed 13 Scud attacks with over 100 casualties. Many people in Israel understandably want their Government to respond to these acts of terror.

I commend the Israeli Government for its continued restraint in the face of Saddam's cynical and savage attacks, and at the same time I recognize the rights of Israel to defend itself should it so decide.

I urge my colleagues to support this resolution, so that the United States Congress can demonstrate to our friends in Israel the same loyalty and friendship that they have so courageously shown toward us.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this concurrent resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 41 deploring the unprovoked Iraqi Scud missile attacks on Israel.

I commend my colleagues, Chairman FASCELL, the gentleman from Ohio [Mr. FEIGHAN], and the gentlewoman from Florida [Ms. ROS-LEHTINEN], for their initiative in bringing this resolution forward.

Mr. Speaker, the Government of Israel is to be commended for the restraint it has shown in the face of repeated and indiscriminate Iraqi Scud attacks on Israeli civilian areas. This restraint is not easy for Israel when it is threatened by constant attack and when there is loss of life.

Israel has shown enormous patience. A few years ago when Israel started to express deep concerns about the directions in which Iraqi policies were moving, few listened. Now the international coalition and countries outside the coalition, such as Israel, are facing a common threat. We must all work to reduce that threat.

I do not know how Israel will react to these repeated attacks, but I am confident that Israel and the United States can and will work together to reduce this problem and that Israel will consult with us before it takes any independent action. I am confident that Israel sees it in its own national interests to have an early and successful conclusion of Operation Desert Storm, to maintain the impressive international coalition now united against Iraq, and to be in a position after this war to create a more stable and peaceful Middle East.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield 2 minutes to the distinguished chief sponsor of this concurrent resolution, the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, first let me commend my chairman, Mr. FASCELL of Florida, along with our ranking Republican member, Mr. BROOMFIELD of Michigan, for moving this resolution to the floor in such a timely fashion. I also want to thank my lead Republican original cosponsor, Ms. ROS-LEHTINEN, for her efforts in making this a fully bipartisan resolution.

Mr. Speaker, last week the House met to approve, in virtual unanimity, a resolution of support and commendation for the brave men and women fighting in the gulf and for the President—Commander in Chief of our forces. Today, each one of us feels both pride and awe as we watch our troops engaging an enemy who demonstrates his barbarism almost hourly.

The resolution we consider today is offered in the wake of the latest example of Saddam's barbarism—his unprovoked attack on the civilian population of Israel.

The purpose of this resolution is threefold. The first is to condemn Iraq's attacks on Israel's population centers.

The second is to commend Israel's restraint in response to this aggression while affirming Israel's right—the right of all nations—to defend its own people.

And, third, is to assure the people and Government of Israel that the Congress of the United States stands in solidarity with them during these hours of maximum danger.

The sad fact is that Saddam Hussein's barbarism shouldn't surprise any of us. This is the man who used deadly poison gas against Kurdish and Iranian women and children.

This is the man who tortured and killed hundreds, and perhaps thousands, of Kuwaitis—including women and children—to suppress opposition to his occupation of Kuwait. And this is the man who promised, over a half year ago, to use chemical, germ, or nuclear warfare to "burn half of Israel."

Now, he thinks he has his chance. His chance, in his sickening phrase, to turn Tel Aviv into a "crematorium."

But that is not the prime reason for his Scud attacks on Israel. No, in this rare case, Saddam's genocidal goals take a back seat to his political goals, and specifically to his determination to split the 28-state coalition that has joined to push him out of Kuwait.

Saddam believes, wrongly I think, that any Israeli retaliation against Iraq will cause our Egyptian, Saudi, Kuwaiti, and Syrian coalition partners to abandon the war effort against Iraq in favor of another jihad against Israel.

It is for that reason that President Bush has asked Israel not to retaliate against Iraq for the repeated Scud attacks on Tel Aviv. President Bush understands Israel's situation. He has rightly called Iraq's attacks "acts of terror, with absolutely no military significance at all."

But at the same time the President has asked Israel to hold back. And he has coupled his request with the delivery of additional Patriot antimissile systems and with the crews to operate them.

It is the President's hope that the Patriots will guard Israel against the Scuds, thereby allowing Israel to maintain its resolve not to respond immediately to Saddam's attacks.

But let's not deceive ourselves. In asking Israel not to respond to missile attacks against its people, we are making an incredible request.

Israel was established, almost 43 years ago, specifically to enable the Jewish people to respond to attacks like the one launched by Saddam.

During the 2,000 years of Jewish history that preceded the establishment of modern Israel, Jews were the repeated targets of tyrants and dictators who knew that they could attack and kill Jews without fear of a Jewish military response.

The Holocaust was the ultimate example of Jewish powerlessness and provided the ultimate reason for the creation of a strong Israel in its wake.

For almost 43 years Israel has performed the mission of protecting its people well. Dictators and tyrants alike knew that any attack on Israeli civilians would produce a speedy reaction from Israel.

That knowledge, combined with the skill of the Israel defense forces, served as a deterrent against attack and provided a shield of protection for the Israeli people.

Now, in the face of the first missile attacks against Israeli civilians in 43 years, we are asking Israel to put aside that shield and not respond to Saddam's missiles in order to preserve the United States-led coalition in the gulf.

I hope that Israel is able to maintain its resolve to hold back but, at the same time, I have to say that a military response to this provocation would be more than understandable.

After all, how long would we wait to respond if missiles fell on Cleveland or Los Angeles? How long would the American people allow us to hold back?

However, in weighing its options, the people of Israel should understand one thing. As never before, the American people and the American Government stand behind the people of Israel and the Israeli Government.

This friendship between our two countries is nothing new. Israel is an ally and a fellow democracy. The ties between the Israeli and American people run deep.

But the last week has taken those ties and forged them into steel. Seeing the mayor of Tel Aviv walk through the ruins of a neighborhood in his city and remarking with a sign that "war is not summer camp."

Seeing Israelis cheering the Americans who came to install the Patriots, and, most of all, watching an Israeli mother fastening a gas mask on her child's face and then covering her infant's crib with gas resistant plastic.

Israel's security difficulties are no longer an abstract for Americans. No, from now on there will be few Americans who will say that Israelis are paranoid about their security or suffer from some kind of "Masada complex."

And there will be few who question whether Israel really needs security assistance from the United States.

Iraq's actions during the past week demonstrate, once and for all, how precarious Israel's security situation is. And Israel's actions, in not immediately responding out of consideration for United States policy goals, demonstrates the kind of ally Israel is.

In approving this resolution, Congress sends a message to the Government and people of Israel. You are not alone. The United States stands with you as you have, so often, stood with us. Together, we will work for the day when, in the words of the prophet, "nation shall not lift up sword against nation, neither shall they make war no more."

□ 1320

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN], cosponsor of this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I urge my colleagues to support this resolution commending Israel for its incredible courage during this time of danger and uncertainty. It is important for the United States Congress to go on record in backing our most loyal and democratic ally in the Middle East, the State of Israel. Last week, well over 100 of our colleagues sent a letter to Prime Minister Shamir reaffirming our commitment and support to Israel. But today, this message can be reiterated even stronger with the passing of this resolution.

Yesterday, Saddam Hussein committed another brutal attack against Israel. We should all be proud of the Israelis for their endurance in the face of such hostility. After these horrible attacks, Israel has every right to defend herself. However, I commend the Israelis for their restraint.

In 1948, Israel became a state. Our support for a Jewish state had grown with the desire of the United States to help settle the large number of refugees and survivors of the Nazi Holocaust. These survivors, the citizens of Israel, and the new immigrants today, contemplate whether there will still be an Israel tomorrow.

In over four decades of its existence, Israel has been involved in six wars. In those four decades, Israel gained a reputation among its neighbors for having a military force that is taken seriously. But make no mistake, the Israeli people long for peace.

The necessity of being ready for a military confrontation has been a drain on Israel's resources and a strain on every family. Yet the Israelis are tough people. They experience something many Americans never know—the constant reality and fear of terrorism which is an integral part of their daily lives. Anyone who has ever visited Israel and has seen the young men and women carrying guns will understand. It is an eye opening experience for many; but for the Israelis, it is the way of life in Israel.

As a nation state, there is no question but that Israel represents the strongest form of democracy in the Middle East. Since the founding of the Jewish state in 1948, Americans and Israelis have solidified a relationship based on the fundamental belief that democratic self-government is the best guarantee of peace and freedom. While there may be some differences between us, as there will always be between two sovereign nations, there is a special bond between America and Israel that transcends international relations.

Israel's contributions to the security of the Western world through her efforts in strategic cooperation, intelligence gathering, and antiterrorist activities are unparalleled by any of our allies.

We share common goals and values with Israel. We all need to remember: Because of our past United States-Israel relations, Israel is strong today, and because of the intimate relations between our countries, the Jewish state will remain strong for the foreseeable future. But Israel is all too aware of how perilous the march toward peace is to their sovereignty—every step toward this common objective is fraught with danger. The risks are enormous, the variables extreme, and the unknown plentiful.

During this time of emotion, it is incumbent upon the United States to express support for the Government and the people of Israel.

Now is not the time to hesitate. Now is not the time to give strength to Israel's enemies. Now is the time to join our colleagues and stand up for America's best friend in the Middle East, Israel.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I want to commend my colleague and good friend, the gentleman from Ohio [Mr. FEIGHAN] for bringing this resolution to the floor with the gentlewoman from Florida [Ms. ROS-LEHTINEN].

This is a nonpartisan issue. This is an issue that we all share a concern about, and this is one that we have to be mostly concerned about because it concerns the ideals, the interests, and the future pursuits of the United States.

An ally of ours is in serious trouble right now. It is being attacked. It is being subjected to the most brutal of terrorist activity. People are dying. People are being injured. We are asking them, contrary to their policy, and contrary to what we do ourselves if attacked in the same brutal fashion, to withhold. So far they have withheld because they respect what the United States wants to do, and they are as interested as we are in ultimately bringing peace to this region.

Let people make no mistake about it. Israel is not the cause of this war. Saddem Hussein attacked Kuwait for his own reasons and had nothing to do with anything else in the gulf except aggrandizing his own power. I urge all of my colleagues to adopt this resolution, pay tribute to Israel and the relationship between the United States and Israel and tell them that there is no double standard for Israel when it comes to Israelis dying. We support them completely.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], ranking member on the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to express strong support for House Concurrent Resolution 41, condemning the Iraqi attacks on Israel, and I commend the gentleman from Ohio [Mr. FEIGHAN] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] for their leadership in proposing this measure, in addition to the support of our distinguished Foreign Affairs chairman, the gentleman from Florida, Mr. FASCELL and the ranking minority member, the gentleman from Michigan, Mr. BROOMFIELD.

Since the inception of the Persian Gulf crisis we have heard the same message repeated over and over: "Israel, at all costs, must stay out of the conflict to keep the coalition together". Remarkably, despite Iraq's terrorist attacks, Israel has stayed out but the cost has been great. Without provocation, Iraq has launched a series of ballistic missile attacks aimed at the civilian population of Israel, a noncombatant nation. It is difficult for us to fathom just what sort of diabolical thinking is capable of perpetrating such abhorrent, outrageous, hostile acts and which has threatened to burn half of Israel with chemical weapons.

Throughout this conflict, we have heard a variety of critical views regarding Israel's role in the Persian Gulf. Some have even asked "where our friends the Israelis are when we need them," incredulously intimating that Israel wants us to fight their war for them. There has even been a slanderous allegation that our "Christian soldiers have been called on to fight this battle for the Israelis". Let me remind those dissidents of two salient facts: First, the United States Government has asked and urged Israel to stay out of this conflict. Second, we must bear in mind that virtually all of the religions in the world are represented in the United States Armed Forces and in our Coalition of Allied Nations. It is not comprised of any one religion.

Mr. Speaker, this resolution in comdemning these despicable Iraqi attacks against Israel, expresses profound sympathy for the loss of life, the casualties, and the destruction in Israel. We join in commending the citizens of Israel for their judicious restraint, for their brave and composed perseverance throughout this crisis. At the same time as we recognize Israel's right to defend itself, we reaffirm America's commitment to provide Israel with the means to maintain her freedom and security.

Accordingly, I strongly urge my colleagues to fully support this resolution condemning the Iraqi attacks on Israel, our Nation's best friend in the Middle East.

□ 1330

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, Saddam Hussein's terrorist assaults on Israel, a noncombatant nation, is an affront to all civilized countries. The indiscriminate launching of missiles against the citizens of Tel Aviv by this despicable dictator is further proof of why we must end Iraq's capability to carry out these acts of terror. It must by now be clear that this expansionist tyrant is not merely intent on subjugating his immediate neighbor, Kuwait, but is a grave danger to the entire region.

Israel's leaders have often characterized their country's predicament as "living in a dangerous neighborhood." Many elsewhere have questioned what is sometimes seen as an obsession with security. It is now clear that this is not an idle concern and that constant vigilance is both understandable and necessary.

These tragic events illustrate what I have always believed about this confrontation. This was never a question of war versus peace. At issue was whether we fight a war with Iraq now or later. We could choose to halt this tyrant's unprovoked rampage at this juncture, or we could avert immediate conflict and allow Hussein to inexorably consolidate and improve his war machine.

The lesson of this brutal war must be that we cannot return to the status quo ante. Any cease-fire that is not accompanied by rigorous arms control in the region will not bring real peace. Let this administration be on notice that the Congress will not passively consider massive new arms sales to any party in the Middle East. It is time for all nations to put an end to this destabilizing arms race.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, the recent attacks on Israel, a noncombatant in the gulf war, clearly shows that Saddam Hussein is, indeed, a very serious threat to all his neighbors, even those with which Iraq does not share a border.

I strongly support today's resolution condeming Iraq's barbaric attack on innocent civilians in Israel. This resolution, of which I am a cosponsor, also reaffirms our support for Israel and recognizes Israel's right to defend itself. It also commends the Government of Israel for the restraint it has shown thus far, despite Saddam's terrorist actions. Israeli restraint has denied Saddam Hussein one of his key objectives; namely, turnng this into an Arab-Israeli war. Knowing he cannot win the military conflict he began, Saddam Hussein, through attacking Israel, is trying to turn this into a political and ideological conflict. Fortunately, Saddam continues to fail. Interestingly, even Syria, an arch enemy of Israel, recognizes what Saddam is trying to do and has stated it will not be led into the Arab-Israeli trap by Iraq's unprovoked attacks.

The fact that Saddam Hussein is targeting civilian population centers, like Tel Aviv, with his Scud missiles is also very telling. Saddam Hussein doesn't care about innocent human lives whether they be Israeli, Saudi, Kuwaiti, or even Iraqi. While we are making every effort to hit only military targets, Saddam is doing just the opposite by targeting cities.

These Scud attacks on Israel also reconfirm the wisdom of President Bush's order to use force sooner rather than later. Iraq has chemical weapons and has been trying to develop nuclear ones. However, I do not believe that Iraq has been able at this time to marry its chemical bombs to the Scud ballistic missile, despite an accelerated program to do so. If Iraq had been able to chemically arm the Scuds, I believe it would have done so in its attack against Israel. Imagine the horror of such an attack and the further escalation of war in the Middle East it would have created. Saddam Hussein, through gas warfare, would be continuing Hitler's genocide. It goes beyond saying what would happen if that dictator had been able to develop nuclear missiles.

Saddam Hussein's attempts to expand his gulf war also have been mitigated by the Patriot missile. I'm glad we didn't listen a couple of years ago to those in Congress advocating elimination of this defensive system, among others. Interestingly, the Patriot was designed to be an antiaircraft missile. In 1987, the Patriot was upgraded to a missile with the optics and speed to attack incoming enemy missiles. The upgrading was handled by the Strategic Defense Initiative Office in the Pentagon. The Patriot's antiballistic missile capability proves the validity of the SDI and the success of SDI technological developments. Hence, SDI funding has certainly not been the waste some in Congress erroneously claim. Just ask our troops in Saudi Arabia. While one Scud was able to get through to Tel Aviv—and we don't yet know why—the fact remains that the Patriot is an effective shield.

Today's resolution reminds us of the murder and bloodshed Saddam Hussein continues against innocent people, including noncombatant nations like Israel. The United States will continue to stand by these innocent allies and help thwart Saddam's attempts to expand the gulf war he began. I urge my colleagues to join me in strongly supporting this resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, somewhere in America there may still be someone who doubts the unique danger of Saddam Hussein, someone who failed to see the million lives lost by war with Iran or the brutal attack on Kuwait. Those people today need see no further than the brutal, senseless attack on Israel, a nation that was living in peace, not even a part of the international coalition, and yet brutally and senselessly attacked, with her citizens murdered in their sleep.

Mr. Speaker, I rise to commend the Government of Israel for her cooperation and for her strength, for her resolve; but more than that, I rise in the hope that we will all commit ourselves again to this coalition, to the winning of this war.

There is time, Mr. Speaker, for us all to differ, Israeli, Arab, American. There are issues that will divide us in the future, but there is one common purpose now, to win this struggle and to rid the world of Saddam Hussein.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I rise in strong support of this important resolution.

Rarely in history has a country acted so unselfishly to further the interests and goals of others. When Saddam Hussein hurled his missiles toward Tel Aviv, the Government of Israel had every right and justification to respond to the unprovoked terrorism against its civilian population; but Israel did not respond, and for that the United States, Britain, France, Egypt, Saudi Arabia, Syria, and the entire coalition should be grateful.

In fact, I hope those countries which do not even recognize Israel's right to exist pay particular attention to this courageous act by Israel. Perhaps these countries will now realize that while many problems remain to be addressed in the Middle East, including the future of the Palestinian people, the major threat to peace and justice in the Middle East is not from Israel. It is from the type of tyranny represented by Saddam Hussein.

This resolution says to the people of Israel, "You are not alone. We here in the United States are with you."

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, this gulf war will be painful. Many are beginning to realize that the early euphoria was premature. It will require sacrifices and suffering from many quarters. We are here today to recognize the burden that is falling to Israel in this tragic conflict.

Yesterday, Iraq again attacked Israel with Scud missiles. Three innocent civilians died and scores were wounded. In previous days, missiles landed in civilian areas of Tel Aviv and Haifa. In the midst of these attacks, Israel continues to wait. Rather than being drawn into the war—which is exactly what Saddam Hussein wants—Israel made a conscious decision to ride out a first strike and has continued to ride out successive attacks.

This must have been an extremely difficult decision. We must assume that Israel had very good intelligence about where these Scud launchers were and, therefore, had the ability to address the bulk of this threat preemptively. But they did not, because it would have threatened to unravel the international coalition that the United States has worked to construct.

Israel has had tremendous provocation. Hussein's attacks are clearly terrorist in nature. They are directed solely at civilian targets. Yet Israel did not preempt and has not retaliated. I wonder if our country, having come under direct attack with no provocation on our part, could show such restraint.

I urge Israel to continue to show herculean restraint. Broadening the war will only create greater division and greater suffering. I believe that is exactly what Saddam Hussein hopes will take place.

It is so wrong that Israel has been the victim of these attacks. Almost every country in the region is a member of the international coalition arrayed against Iraq. But Israel is not among them. Yet Israel is attacked. Yet Iraq fires its deadly missiles against purely civilian areas there. I know that my colleagues must have shared my outrage as we watched the tragic, painful pictures from Tel Aviv yesterday. One mother described a wall collapsing on her child. It was a miracle, she said, that her child survived.

I fervently hope that further attacks on Israel will not follow. But I know, and Israel knows, that they might. If we ever had any doubts about the nature of Saddam Hussein, we have none now. He brutally invaded Kuwait, a small country that presented no threat whatsoever to Iraq. He has now attacked Israel when Israel has taken no part in the international coalition against him.

I dearly hope that this war will end quickly, that our American service men and women will come home safely, and that the people of Israel will be spared further suffering.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I join my colleagues on both sides of the aisle in expressing my outrage at Saddam Hussein's unprovoked aggression against a peaceful and civilized people.

I am reminded, Mr. Speaker, that I stood in this well 10 years ago commending the Israeli Air Force for taking out Saddam Hussein's nuclear capability. Had they not done so, our troops in Saudi Arabia today would be facing a nuclear-equipped Saddam Hussein, and there is no one in this body who believes that Saddam Hussein would hesitate a moment in using his nuclear capability if he had one.

The civilized world will triumph. This will not be a replay of the appeasement, Neville Chamberlainism and the decline of civilized and free people to fight for the values we share.

The Congress of the United States is united in expressing its solidarity with the people of Israel and in commending its government for its statesman-like actions.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Speaker, I want to pay tribute to the gentleman from Ohio for introducing this resolution, which eloquently expresses our sense of sympathy and solidarity with Israel at this moment of national agony for them.

I would hope, Mr. Speaker, that the utterly outrageous and unprovoked missile attacks against population centers in Israel would have eliminated whatever residual doubts may remain in this Chamber and in the country about the wisdom of our having moved against Saddam Hussein when we did.

The truly brutal and barbarous character of his regime has been exposed for one and all to see. The statement Saddam issued a few days ago, saying that his missile attacks against Israel had transformed Tel Aviv into a crematorium, was perhaps the most outrageous statement of them all. That word "crematorium" did not end up accidentally in the communique. It was put there deliberately, and it suggests that Saddam Hussein is attempting to finish the job which Hitler began over a half century ago.

Thank God our country, this time around, had the courage and the wisdom to move against the tyrant when there was still time to stop him.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

□ 1340

Mr. SCHUMER. Mr. Speaker, I rise in support of this resolution, and I hope as we consider this resolution we will remember in the months ahead we will remember the fate that Israel is up against, how many of its enemies are real and truly aimed at her destruction. We will remember why Israel has had to do so many of the things she has had to do, such as taking out the nuclear reactor in 1981; we will remember the fortitude of her people day in and day out.

I also hope we will remember what the PLO is really like. Some have thought, "Oh, well, maybe the PLO really wants peace or did until August." But let us remember that it was Yasser Arafat and the PLO that cheered the Scuds on and members of the PLO who hoped they would see dead Israelis as a result of those actions.

To ask Israel to sit down and negotiate with this group would be unbelievable. Finally, let us remember one more thing, let us remember the awesome forbearance and restraint of Israel.

Any other nation under these circumstances would have attacked back time and time again, but because of her consideration for her alliance with the United States, Israel has forborne thus far.

She has every right to hit back. She may have to. But let us never forget what she has done for us and for the world.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Foreign Affairs.

Mr. GOSS. Mr. Speaker, sometimes the true measure of character comes in the ability to practice restraint—even under the most terrible provocation.

We watched in horror yesterday the images of Saddam Hussein's vicious attack on civilians in Tel Aviv, and the world saw proof once again of Israel's extraordinary strength and courage.

Mr. Speaker, innocent people lost their lives, scores watched their homes crumble under the impact of Saddam's Scud missile launched directly into a residential community in the heartland of Israel.

Saddam Hussein brags about his military conquest: "Hey look at me—I can attack unarmed women and children and innocent bystanders. I am truly a big deal."

Well, how pathetic and how tragic. What Saddam Hussein really is: Is a big loser the whole world knows that the Iraqi dictator's only purpose is to lure Israel into the conflict to inflame Arabs and undermine the international coalition. Israel has given new meaning to the tradition of "the patience of Job." Her people and leaders have shown unbelievable patience in the face of the most outrageous aggression.

There is no question that Israel has every right to defend herself. Asking her to continue to wait like a sitting duck is asking a lot. I can only imagine how long it would be before the people of Florida would demand that we respond if Castro's Cuban missiles were launched against a city in my district.

The world has not been fooled by Saddam Hussein's bombastic pronouncements about his supposed interest in promoting a solution of the Palestinian issue—it's very clear that his only interest lies in promoting himself and championing his holy wars.

A resolution condemning Saddam's latest brutality with the unanimous support of this House would send a strong message to Saddam Hussein that he will be held accountable. It would be a welcome message to our beseiged, loyal allies that we in Congress are steadfast. I urge support of this measure House Concurrent Resolution 41.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I rise today for the first time as a Member of this House.

I rise as an original cosponsor of this resolution.

I rise because America has a friend in Israel, and Israel is a friend in need.

The courage of the Israeli people is legendary. Yet never before have they shown so much courage as they show now.

The restraint of Israel in the face of the unprovoked and unjustified bombings by the terrorists of Iraq makes this Israel's finest hour. The Israelis have proven themselves to be true citizens of the world, citizens willing to risk their lives and the very survival of their nation for the hope of a new and different world.

How ironic that this nation, this nation that has fought for more than 40 years just to be recognized by other nations, is today selflessly foregoing its basic right of self-defense for the sake of such a hope. How ironic that this nation, this nation so often maligned as militaristic, has kept its guns silent in a salvo for peace.

I applaud the President's decision to help defend Israel. I will support all additional measures needed in Israel's defense. We owe no less to the people of Israel, given the selflessness they have shown in this time of peril.

Amid this peril, we must be clear in our purpose. Our President says we are fighting for a "new world order." I believe he is right. Yet I believe also that much more must be done than he has done to put this lofty, elusive phrase in plain words that can be understood by the American people.

We are not fighting for oil. We are fighting for the future. We are fighting for a dream.

We fight for the world that Jefferson and Lincoln, Wilson and Roosevelt, Truman and Kennedy all dreamed of making: A world in which nations come together and work together to stop aggression, find peace, and create prosperity; a world in which people everywhere realize the timeless American dream of "life, liberty, and the pursuit of happiness."

This is a dream worth fighting for, a dream worth dying for, a dream worth living and working and struggling for. This is a dream we share with the people of Israel.

We must remember this dream when the Desert Storm is over. We must remember, too, the heroism of those who share this dream in Israel. And we must resolve now to work then with Israel and with other nations for a lasting peace in the Middle East—a peace that will ensure both sovereignty and security for Israel in the new world we are making. Such a peace in such a world is long, long overdue.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, I take the floor today to support this resolution, and to condemn the actions taken by Saddam Hussein and his Iraqi war machine.

The State of Israel has shown unprecedented restraint following the attacks made on their largest urban center. Last night's bombing of Tel Aviv proves to the world that Saddam Hussein has no compassion for human life. My thoughts are with the people of Israel who were injured in last nights bombing, and with those others who spend each day terrified of what the next hour might bring.

The people of Israel have lived with the threat of war since its formation in 1948, but this is the first time Israel has chosen to absorb an attack by one of its neighbors.

I recognize Israel's right to defend herself from such attacks and praise her prudence in choosing to not retaliate so far. And I praise the United States's decision to provide Patriot missiles to Israel in order to help her defend herself. Both of these actions are important and deserve our support.

By passing this resolution today, the U.S. Congress will take its own important action to condemn the actions taken by Saddam Hussein. There can be no doubt that the State of Israel is a true friend of the United States, and we will do all that is possible to make sure another attack like the one that occurred last night will not happen again.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I rise in support of the resolution. Saddam Hussein's murderous launching of Scud missiles against innocent populations in Israel is much more a backfire than a bull's eye.

The people of the world are horrified by these uncivilized acts of aggression. It has convinced even the nonbelievers in the use of force in the Persian Gulf that Saddam Hussein is a criminal and when he talks about turning Tel Aviv into a crematorium, we all know in this country and worldwide with whom he is associating himself.

I want to say something about the Arab populations: They are not blind followers of such criminal actions, they are intelligent enough, outside of some extremist elements, to understand full well these acts of desperation and criminality.

Israel and its people deserve our sympathies and our commendation for their patience, for their fortitude, and for their reserve.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 41, a resolution to condemn the brutal and unprovoked attacks on Israel by Iraqi Dictator Saddam Hussein. This resolution also recognizes Israel's right to defend itself and reaffirms America's continued commitment to provide Israel with the means to maintain its freedom and security.

I am certain that all Americans felt a sense of grief and horror as we heard reports of air raid sirens and devastating explosions in Israel.

We felt deep anger as Israel suffered repeated attacks by Iraqi Scud missiles.

We felt great sadness upon seeing the twisted wreckage in Tel Aviv and other cities and upon learning that innocent Israeli citizens were injured and killed in these indiscriminate attacks.

And we are outraged and horrified at the possibility that future attacks could involve chemical weapons—weapons with the potential to bring death to innocent civilians in the same manner that Jews were annihilated a half century ago during the Holocaust.

Of course, the use of deadly force against Israel is not new. We are all aware that our close ally has suffered through the repeated hostile invasions of foreign nations—a cold-blooded campaign of terror against innocent civilians—and a worldwide campaign of lies and distortions aimed at poisoning Israel's standing in the world community.

But the fact that attacks on Israel are not a new occurrence does not make them justifiable or easier to bear. The grim reality of Iraqi missile attacks on Israel's civilian population is a tragic reminder that the threat to Israel's survival continues to be very real. The Middle East's only outpost of freedom and democratic values continues to be threatened—day in and day out—at the hands of cruel and inhuman adversaries who remain wholly committed to Israel's destruction.

It is hard for us to imagine the full range of emotions which is now being felt by Israeli citizens in the face of the first attacks on Israeli cities since 1948. The Israeli Government has shown enormous restraint in the wake of these brutal and unprovoked acts of aggression against a noncombatant in the gulf war, and they deserve our commendation for their contributions to keeping the anti-Iraq coalition intact. Certainly, Israel has every right in this situation to do whatever she deems necessary to provide for her defense—including a military response to the brutal Iraqi aggression.

At this time of crisis for Israel, it is essential that we all raise our voices to demonstrate our solidarity with the people of Israel, and our unyielding commitment to the immediate and long-term safety and security of the State of Israel.

We must recognize that Saddam Hussein is an evil tyrant whose threat to Israel and the Persian Gulf region must be eliminated. And we must never forget the fundamental importance of continued close ties and cooperation between the United States and Israel. We have a responsibility and a commitment to stand by our close ally at this extremely difficult time.

Clearly, that commitment includes doing absolutely everything possible to protect the State of Israel from further attack. In that regard, I am pleased that the allied forces have made it a priority to find and destroy all Scud missile sites. In addition, I commend President Bush for his decision to send Patriot missiles to Israel—along with American technicians to operate them—in order to provide protection against these brutal and unprovoked attacks. Although the Patriot system was unsuccessful in blocking a serious attack on Israel yesterday, we remain hopeful that these defenses will be improved and that Israel will be spared from future devastation.

At this moment, the forces of the United States and its allies are engaging Iraqi forces in an attempt to end the Iraqi occupation of Kuwait. In addition, the allies are working vigorously in an all-out effort to eliminate the capability of Iraq to strike at Israel and the allied forces with Scud missiles or any other weapons of destruction. In these tasks, which are being carried out with skill, professionalism, and bravery, we wish them godspeed.

Today, we join in expressing our heartfelt wishes and prayers for the early completion of the mission of the allied forces and for the swift return of our young men and women to their homes and families. And we express our heartfelt prayers for the safety and security of the Jewish state in the face of these latest atrocities.

Israel's survival, like its birth, is nothing short of miraculous. Surrounded by huge armies and weapons of devastating power, and threatened by terrorists whose murderous acts know no bounds, Israel has remained triumphant. Israel's survival is a testament to the will and fortitude of the Jewish people, and it is a testament to the courage and perseverance of Israel's friends and allies around the world, who have stood by this nation in its times of need.

Today, in approving this resolution, we reaffirm our commitment to stand by Israel at this time of crisis in the Persian Gulf and in the future, and we express our commitment to join Israel in working for a future of peace throughout the Middle East. We must continue to do everything we possibly can to ensure a swift victory for the allied forces in the Persian Gulf and to end the Iraqi threat to Israel.

At this very difficult time for Israel, the United States and other civilized nations of the world, we must not shrink from the commitments that we know to be right and true. We must stand up now and forever for the security of the State of Israel—a security that gives light to peace and freedom around the globe.

I urge all of my colleagues to join in unanimous support of this extremely important resolution.

☐ 1350

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to gentleman from Georgia [Mr. JONES].

Mr. JONES of Georgia. Mr. Speaker, I rise in support of this resolution and in support of the courageous people of Israel who have suffered again and again the terror of an unprovoked attack by a diabolical enemy, and again and again have shown extraordinary restraint in the face of this outrage.

Mr. Speaker, as we watch the news coverage of these attacks, we see the pain and misery of war, and we see, too, the remarkable display of grace under pressure that has been exhibited by the people of Israel.

Mr. Speaker, by this resolution we let them know that we are with them in their time of trial, and to Saddam Hussein, who has brought nothing but grief and war to his people and to his neighbors, let us send an ancient message:

> Be not deceived. God is not mocked. For whatever a man soweth, that shall he also reap.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I rise in favor of the resolution.

Mr. Speaker, I rise today in strong support of the resolution condemning the Iraqi missile attacks on Israel.

Last week, the Israeli people were pulled into a conflict which has nothing to do with their nation. Saddam Hussein has tried to sell the world the idea that his invasion of Kuwait is part of a plan to resolve the Palestinian question. However, the effort to link these two issues must be seen for what it is: an attempt by a dictator to justify his ruthless invasion of another sovereign nation.

Sadly, international condemnation has not stopped Saddam from following through on his threat to attack Israel. I know all of my colleagues and my constituents join me in extending deepest sympathies to the Israeli people, particularly the residents of Tel Aviv who experienced tragic losses last night.

The American people deeply respect and admire the restraint Israel has shown in not retaliating for any of these attacks. Israel, perhaps more than any other nation in the region, has demonstrated a genuine understanding of the need for cooperation among the allies in this conflict. The Israelis' restraint will go a long way toward bringing what we all hope will be a swift end to the fighting in the Middle East.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I thank the gentleman from Indiana [Mr. HAMILTON] for yielding this time to me.

I rise today to praise the will of the Israeli people and to condemn the brutal attack on the Israeli nation by Saddam Hussein. These crimes, together with his treatment of allied war prisoners, mark him as a war criminal. We will defeat him, and then we will deal with him as such.

Mr. Speaker, I support this resolution, and I salute the brave, isolated, friendly nation of Israel. While retaliation for these cowardly assaults on innocent civilians would certainly be understandable, I commend the restraint of the Israeli Government in not retaliating to this obvious provocation.

I am saddened by the brutal efforts of Iraq's dictator to maintain his dominion over Kuwait and to wage war with peaceful neighbors, but I am not surprised. A madman that would use poison gas on his own citizens and deny basic resources and assistance to his civilian population must be stopped by a united effort backed by the world community.

Mr. Speaker, I cast my vote in support of the use-of-force resolution 2 weeks ago with a heavy heart but with a strong conviction that it was the only appropriate response. Now that this country is engaged in war as part of a united coalition, I reaffirm my support for our troops and for the action in which they are engaged. With our total commitment, they will achieve our objectives in the region.

Although this concurrent resolution does not address the issue of the treatment of prisoners of war, I continue to pray for the safety of our troops and the successful completion of this military action as soon as possible. Saddam Hussein's treatment of our American POW's is an abomination, and a flagrant example of his willful disregard for the Geneva Conventions regarding the treatment of prisoners of war. He should understand that he will be held accountable for his actions.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 41.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, several centuries ago, William Shakespeare wrote, "The better part of valor is discretion."

The people of Israel have proven this quite admirably through their restraint in the past week.

Probably nothing in this conflict has surprised or upset Saddam Hussein more than Israel's refusal to play into his evil hands.

The death of those innocent people in Tel Aviv show that Saddam Hussein will go to any length to accomplish his goals.

Killing innocent people is nothing alien to Saddam Hussein; for him, the blood of the helpless has been the fuel for his ascension to power.

If Israel succumbs to Hussein's ploy, then these deaths will accomplish exactly what he wants of them. The death of these Israeli people will have delivered Hussein a victory—a terrible thought.

My message to Israel, through you, Mr. Speaker, is: Please do not let that happen.

I want to close by extending my deepest sympathy to the people of Israel and Jews all over the world. I also want to extend the hope that Israel can continue its temperate course.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, the conflict in the Persian Gulf has been described as a Nintendo war; a marvel of modern technology in which laser-guided smart bombs and cruise missiles obliterate military targets with pinpoint precision. Press a button under the water miles away, and no square inch of Iraq is safe from a missile strike, courtesy of General Dynamics. At allied bases far away from the violence, Patriots by Raytheon guard the night sky.

Eight days into Operation Desert Storm, with thousands of sorties flown and countless tons of ordinance delivered, we are reminded by innocent victims that this is anything but bloodless. It is not clean. It is not without suffering.

Last night, another Iraqi Scud missile crashed into a residential neighborhood in Tel Aviv. Innocent civilians in Israel, a country that is not a member of the international coalition, fell bleeding from shattered glass and concrete, a world away from the occupation of Kuwait and the combat over Iraq.

Launched with only a vague notion of where they will land, these Scud missiles aimed at Israel, a noncombatant in this war, serve no military function. They are weapons of terror used cynically to try to break the resolve of our Arab partners. They testify to Saddam Hussein's transparent malicious intent.

Terror in Israel will not split the coalition of nations united to liberate Kuwait. It will not avert our commitment to hobble a military machine which threatens the security of the region and the rest of the world. And terror will not link the unprovoked and brutual invasion of Kuwait with the Palestinian problem. The world is too sophisticated to be fooled by that cynical tactic.

Mr. Speaker, I rise in strong support of this resolution today to deplore Iraq's missile attacks on innocent civilians in Israel. I join my colleagues today in expressing heartfelt sorrow for our friends who have fallen victim to this aggression, and to pledge an equivocal commitment to Israel's security in the uncertain days which lie ahead.

I commend Congressman FEIGHAN and Congresswoman ROS-LEHTINEN for their leadership is seeing that this appropriate statement of support and solidarity received prompt consideration.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in strong support of the resolution. The brave people of Israel know that the United States stands by them in their hour of need. Let Saddam Hussein know that by dropping bombs indiscriminately upon civilian populations in Israel, he shows to the world what a brutal thug he is. Let him also know that in a perverse sort of way his dropping of bombs has brought Israel and the United States even closer together, realizing the two nations share a common vision, realizing that the two nations share a common cause.

Mr. Speaker, one can only wonder what would have happened if we had done nothing and allowed Saddam Hussein to grow even stronger. I am afraid that the bombs that are now dropping on Tel Aviv might have had nuclear warheads on them or might have had chemical or biological weapons on them, if we had allowed him to succeed, and sat back and did nothing. This to my mind, Mr. Speaker, shows that Operation Desert Storm was the right operation, the right time, and the right place.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, since the beginning of the gulf war, it has become clear that Saddam Hussein's only method of retaliation is the indiscriminate use of terror. As we have sat in front of our televisions night after night we have seen his missiles of terror rain down on Riyadh, Dhahran, and most visibly Tel Aviv. It is in Israel that we have most clearly seen the damage and the terror that Saddam has brought upon helpless, innocent civilians.

In a state of war one must expect casualties and deaths. However, there are rules of basic humanity that actors in these conflicts long ago agreed to live by. Saddam has ignored the Geneva accords dealing with the treatment of prisoners of wars, parading his prisoners, beating them, and forcing them to make statements against their will. It is not clear what his intentions were but it is clear that what he has done has sickened us and hardened our resolve to make this man pay for his crimes.

The same set of questions can be asked of his attacks upon Israel. What is his strategy? Has he not learned yet that linkage is not an issue in this conflict. Israel had no part in Saddam's invasion of Kuwait, yet he has continued to try to bring Israel into a conflict that they have remained clearly neutral in. Saddam's strategy has been to indiscriminately lob his missiles into the Israeli civilian areas, not caring where they land, not caring who they kill. His targets are not strategic and they are certainly not military. What he is engaging in is pure and simple terror. There are no excuses or reasons for this behavior. Thankfully, his first attacks did not cause casualties giving the allied forces the chance to reinforce the Israeli defenses with our now battle proven Patriot defense missiles. Regretfully, yesterday we finally saw that no system is foolproof, as some of his missiles did get through and 3 civilians were killed with over 100 injured.

Israel must be commended on the patience and the perseverance that it has shown. From the beginning of this crisis they have perceived the delicacies of the situation in the Persian Gulf. Since its inception, Israel has survived in the most dangerous and volatile area of this world. Time and time again they have rightfully defended themselves when they have been attacked. They have withstood more indignation than any member of the world community should ever have to face. Through their actions in the present crisis, they have truly shown us their resolve that this matter be dealt in a correct and internationally accepted manner. For their patience they are truly to be commended.

But now the stakes have changed. Not only has Israel been repeatedly attacked. Now its innocent citizens have been killed. Throughout the crisis, Israel has reserved the right to retaliate any attacks upon its territory. In historic statements, traditional Arab enemies of Israel have acknowledged this right. Never before have we seen this kind of regional support for Israel. I am not advocating an Israeli strike, but merely trying to show the acknowledgement by Syria, Egypt, and Saudi Arabia that Israel has been wrongly attacked by Iraq.

Yet, there is one other concern that must be mentioned, that is Jordan. Throughout this crisis, the government of King Hussein has asserted the sovereignty of his state. He has attempted to mediate all sides of this conflict and tried to achieve a peaceful conclusion. For this I commend him. What I do not understand is his inability to stand up to Iraq's violation of his state. He has allowed Saddam's missiles to overfly his territory time and time again, with little or no condemnation. It is understandable that Jordan does not have the military might or resources to stop these missiles. However, it is time that King Hussein realized the threat that Saddam poses to his territory, condemn the missile attacks, and join the other states in acknowledging the right of Israel to retaliate.

It is hoped that the resolution of this crisis will bring a new, peaceful understanding to the region. It is my hope that as an outcome long standing regional conflicts will finally be discussed and hopefully resolved. But for now, we must continue to condemn the vile actions of Saddam Hussein and support the efforts of Israel to defend itself. I encourage all my colleagues to join me in supporting this condemnation of these Iraqi attacks and pray that this war will be quickly resolved.

Mr. Speaker, I rise in most resounding support of this resolution.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, the world got another look at Saddam Hussein's cowardliness and depravity this week as he began randomly firing scud missiles at civilian targets in Israel, a noncombatant in the gulf war. Yesterday, the Scuds sadly took a toll, killing 3 innocent Israeli civilians and wounding 70.

Saddam's attacks on civilian targets in Israel are clear evidence that his goal is nothing less than regional instability. Saddam is desperately trying to draw Israel and noncombatant Arab nations into the war, increasing the level of bloodshed and death manifold.

Egypt and Syria have recognized Saddam's ploy for what it is. They have indicated that they believe that Israel has a right to defend itself and would not interfere if it did. But Israel has proven smarter than to play into the hands of Saddam. The Israeli's have vowed to retaliate, but on their terms and in their own time.

Mr. Speaker, this resolution sends a clear message to the Israelis that the people of the United States appreciate their restraint and will stand by them in their hour of need.

It also sends an equally strong message to Saddam Hussein that his unprovoked attacks on civilian targets in Israel are, in no way, a legitimate offshoot of the war in the gulf. They are the frantic acts of a desperate man to enlarge the conflict that the rest of the world wants to end.

No government gains legitimacy or support by killing innocent civilians. Saddam should have learned this lesson in 1989, when he provoked the enmity of the entire world by killing thousands of Iraqi citizens with poison gas. Saddam will gain nothing by bombing the people of Israel. His action has only made the allied coalition against him stronger and further alienated him from the family of nations.

I strongly support this resolution condemning Saddam Hussein and I applaud the courage and patience of the people of Israel during these difficult days.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in support of the resolution. I would make a couple of points, some of which have been made very artfully by my colleagues.

The bombing, using Scud missiles, of Israel shows the great vulnerability of that country both geographically and politically, something that in dealing with long-term Mideast issues is going to always have to be kept in the backs of our minds.

No. 2, contrary to what some people who might have thought about Israel, the Israeli reaction to things in the past, the Israelis have shown a profound astuteness in their policy of restraint, something which has been a dramatic help to this great country of ours.

No. 3, it shows, the bombing, the nature of Saddam Hussein, what a perverse view of the world he has, how he turns the values of right on their head. I am reminded in the law there is a slogan "res ipsa loquitur," which means a thing speaks for itself. Saddam's actions historically in his own country using poison gas and his actions in sending missiles on innocent civilian populations speaks for itself.

This man is cruel, corrupt man, and, Mr. Speaker, I applaud the committee for bringing this resolution to the floor.

Mr. MICHEL. Mr. Speaker, at this point in the debate I would like to insert a letter in which I joined with many of our esteemed colleagues, in telling the Israeli Prime Minister, Yitzhak Shamir, of our support in this critical time. This letter expresses in no uncertain terms our condemnation of the unprovoked Iraqi attacks on Israel, and our continued support of Israel during this time of blatant animosity and politically inspired aggression. The text of the letter follows:

JANUARY 18, 1991.

Hon. YITZHAK SHAMIR,
Prime Minister, State of Israel, Jerusalem, Israel.

DEAR MR. PRIME MINISTER: At this time of danger and uncertainty, we write to express our heartfelt support for and solidarity with our most stalwart and democratic ally in the Middle East, the State of Israel.

With the launching of Iraq's direct and heinous attack on Israel's civilian centers, we recognize that this is a moment of great concern for the people of your country. We condemn this brutal Iraqi attack and this blatant attempt by Saddam Hussein to draw Israel into the Gulf conflict.

At few times has Israel's situation—a small nation surrounded by nations which do not accept her very existence—been brought so vividly before the eyes of the world. We commend the Government and people of Israel for their courage in the face of these attacks and we reaffirm our commitment to help Israel defend itself and maintain its freedom and security.

Sincerely,

————.

Mr. FRANKS of Connecticut. Mr. Speaker, we all suspected that Saddam Hussein would resort to this type of cowardly attack on innocent civilians—and now our nightmares have come true.

The missile attacks on Israel and in particular, the residents of Tel Aviv, have shown us that there is no limit to the cruelty and madness of the Iraqi leader.

But that is always the case when the enemy is led by a dictator.

Saddam Hussein's treatment of captured soldiers from this country and the allied forces proves the only rules this dictator follows are his own.

While the resolution of the Israeli people and the soundness of the coalition has been strengthened and will serve to defeat Iraqi, we should realize that Israel has the right to defend itself against such aggression.

The images of injured Israeli men, women, and children last night on the television stirred the emotions of all Americans and Israelis.

This type of action, absent of any code of war, should remind us that we are battling a determined, ruthless enemy, one who will unleash whatever means necessary to divide us from our allies and weaken our resolve.

Saddam Hussein has miscalculated again.

These incidents will only strengthen our spine and focus our energies to resolve this conflict quickly.

Mr. Speaker, we must hope that the allied forces will continue to find these missiles aimed at Israel and destroy them. We must continue to show our support for the Israelis, a people who have exhibited bravery and extreme patience under fire.

Mr. REED. Mr. Speaker, I rise today to express my outrage at Iraq's repeated missile attacks of Israel. Seldom have base intentions been so obvious. Saddam Hussein is trying to use the people of Israel as human wedges to split the international coalition that so solidly opposes his brutal occupation of Kuwait.

I am proud to represent the great State of Rhode Island, whose original founding expressed the hope for religious freedom. The right of Jews to live in peace has been synonymous with the State of Rhode Island. In 1684 the colonial government of Rhode Island passed an order protecting its Jewish inhabitants. In 1763 a congregation of Sephardic Jews, present in Newport since 1658, built Touro Synagogue, the first synagogue in America.

Unfortunately, for many Jews living outside of Rhode Island and outside of America, religious freedom has been an unattainable dream. The Holocaust brought home to all of us why Jews need a country where they can be safe, and why Israel must be protected as a homeland and sovereign country.

That is why I am outraged to hear another totalitarian dictator state his intent to turn a home of the Jewish people into a crematorium. We cannot allow this brutal terrorization of an entire people to continue.

Saddam Hussein will learn that he cannot use religion to divide the people of America by fanning the flames of racial hatred any more than he can by his parading our prisoners of war before us. His cruel and inhuman actions only strengthen our resolve to defeat his army and put an end to his brutal regime.

Finally, I want to express my sorrow to those who are worried about friends and relatives in Israel. My thoughts and prayers are with you—and them—during this very critical time.

Israel has shown amazing courage in receiving these attacks without firing back on Iraq. I don't think anyone would today deny the right of Israel to defend its borders and its people but clearly, the government of that brave country recognizes the need for consideration of long-term interests.

In the days, weeks and months ahead it is impossible to predict what may happen. But let us remember that if we all stand united, Saddam Hussein will certainly fail and justice will prevail.

Mr. RAY. Mr. Speaker, I rise today in support of House Concurrent Resolution 41, which condemns Iraq's unprovoked attacks on Israel.

The recent attacks by Saddam Hussein on Israel are yet another example of his willingness to use brutality against those who stand by innocently. Saddam Hussein's unprovoked terrorist attacks upon the citizens of Tel Aviv are even greater reason for us to put an end to this destabilizing tyrant and his ruthless military regime.

Mr. Speaker, I commend our friends in Israel for their patience and resolve in dealing with this vicious assault on their soil. Israel's restraint has been unprecedented, and we certainly must appreciate her allegiance to our objectives in the Persian Gulf.

My colleagues, let us remember this latest example of Saddam Hussein's desire to advance his own personal holy war, his own aggression, and his own selfish objectives. He continues to inflict unforgivable brutality on innocent victims. He respects no one, and we must condemn his continued violence.

I urge my colleagues to support this resolution overwhelmingly.

Mr. RAMSTAD. Mr. Speaker, today I rise to reaffirm my support for Israel and to condemn Iraq's third attack on Israel in less than a week. Again it was unprovoked, again it was against civilians, and again it was intolerable. This time, however, people died, and many were seriously injured.

Saddam Hussein's ruthlessness seems to only grow. His barbarism, combined with his potential for military might, show us again that he must be stopped now.

It is no secret that Iraq's attacks against Israel are attempts to draw Israel into the war and thereby weaken the Arab coalition against Saddam Hussein. The attacks would also draw the Palestinian issue into the war—an issue that had nothing to do with Saddam's invasion of Kuwait.

Israel is facing a serious predicament. If Israel restrains from retaliation, her people face continued attacks and possible resentment toward those of us involved in the war.

If Israel does retaliate, the Arab coalition against Iraq may indeed weaken. More lives undoubtedly will be lost.

The long-term consequences of Israel's involvement in the war, however, might be the most severe. Israel's very survival is at stake. The United States simply cannot afford to let Israel, the only democracy in the Middle East and one of our strongest allies, be weakened or destroyed.

In the event the war is prolonged, the American public's perception of the United States purpose for involvement in the war may become skewed. If the sentiment arises that the United States is fighting for the sole purpose of saving Israel, this inaccurate perception could give rise to a wave of anti-Semitism.

So let's hope this will not be a long, dragged out war. Let's hope the coalition against Iraq will only be strengthened as we see more and more evidence of Saddam's brutal nature. And let's hope our support for Israel will never wane.

Mr. BONIOR. Mr. Speaker, the war in the Persian Gulf is beginning to take its terrible toll.

The world is outraged at the indiscriminate bombing of Israel by Iraq—by the deaths and injuries of innocent civilians, the destruction of homes, the uprooting of families.

There can be no military justification for such terror against Israel. It is a deliberate and desperate attempt by Saddam Hussein to widen the war and to spread his reign of terror.

I rise in strong support of this resolution condemning Iraqi attacks on Israel.

Saddam Hussein must know that America is united in opposition to his brutal actions. And he must know that his brutalities will only make us more steadfast in our determination to stop his aggression.

Our thoughts and prayers are with the people of Israel. May their great courage in the face of this continuing terror give strength to us all. Our prayers go out as well to all the innocent vicitms of Saddam's war machine throughout the Middle East. Let us hope that Saddam will come to his senses and this brutal war will be brought to an end soon.

Mr. WEISS. Mr. Speaker, last night Saddam Hussein attacked a Tel Aviv neighborhood with a Scud missile causing the deaths of 3 innocent civilians and injuring at least 67 others. This strike represents the third attack on Israel, a noncombatant nation in the Persian Gulf crisis. I want to express my support for House Concurrent Resolution 41; to condemn these unprovoked, despicable Iraqi attacks.

Saddam Hussein's Scud bombings of Israel are a brutal attempt to split the international coalition built against him. But Israel is showing peerless restraint in delaying retaliation. By using its head instead of its arms, Israel is denying Saddam Hussein a strategic victory and demonstrating to the world its courage, self-confidence, and equanimity. House Concurrent Resolution 41 commends Israel's brave and composed perseverance. Its actions deserve international respect and support and continued friendship and assistance from the United States.

I also extend my most sincere sympathy and compassion for the victims of last night's attack and for the entire State of Israel. I hope its citizens will find the strength to continue to meet Saddam Hussein's heinous aggression with patience and forbearance.

Mr. FROST. Mr. Speaker, Israel has tried so very hard to stay away from the line in the sand. Saddam Hussein is so very determined to drag Israel into the war and then into the sea.

Now the sirens are wailing for the third time in 5 days. Gas masks are donned, syringes are poised above the thigh, hearts are racing and we wait. Anxiously we wait for the worst.

Instantly, images of the most painful time in modern Jewish history flash before us. Are we slowly creeping back in time to the days of the Nazis? Huddling in sealed rooms, everyone prays it won't be poisonous gas.

Today, thank God, it's not.

With incredible restraint, Israel has held back. While insisting upon its right to retaliate, Israel has denied Saddam Hussein the victory of destroying the anti-Iraq coalition. Yet Hussein has unleashed a third wave of Scud missiles upon Tel Aviv. An apartment of innocent civilians has been decimated, many are injured and all are fearful.

How much longer can Israel endure? When will the bravado become imminent self-defense? Today we are here to let Israel know that we are behind her 100 percent. We do understand the meaning of insecure borders. We know it must be awful We know it must be tough to allow another nation responsibility for your safety.

Israel, let there be no doubt that we stand with you in your time of need with our hearts full and our hands ready to face the common enemy.

Mr. ANDERSON. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 41 and to vehemently condemn the Iraqi Scud missile attacks against Israel.

Saddam Hussein has consistently tried to make Israel bear the burden of his invasion of Kuwait. He proudly claims that Iraq assaulted Kuwait to protect the Palestinians from Israel. He lies. His invasion of Kuwait has absolutely nothing to do with the Palestinian problems. Not even for 1 minute did he consider the welfare of the Palestinians. Remarkably, the best evidence of his twisted rationale can be found in the absolute lack of response to this falsehood on the part of his Arab neighbors. Only the Palestinians, forever, manipulated by their supposed benefactors, fall prey to Saddam's fabrications. Saddam Hussein poses as the great Arab protector and nationalist only for his own aggrandizement and in a vain attempt to split the multinational coalition against him. We should not be so simple minded as to find any connection between the Palestinian problem and his forcible takeover of Kuwait, no matter our concern for human rights in the occupied territories.

Now, when Saddam Hussein pays the price for his belligerence and failure to understand the commitment of the United States and its allies, he cowardly attacks the civilian population of Israel. Again, Israel bears a burden it neither wants nor deserves. Remarkably, Israel has shown a restraint almost beyond understanding. For military and political reasons, the United States has asked our friend not to retaliate against Iraq at this moment. She has done so, though she is well within her right to defend herself. This right has even been supported by Saudi Arabia, Egypt, and Syria. As I condemn Iraq, I also praise Israel. I applaud the President's decision to send further batteries of Patriot antimissile launchers and missles to Israel. This is just one sign of an enduring American commitment to defend the existence and well-being of a brave Israeli nation.

Mr. ANNUNZIO. Mr. Speaker, as an original cosponsor of this resolution, I rise to condemn Iraq's aggression against the State of Israel.

If the world community still needed convincing of Saddam Hussein's barbarity, the launching of several Scud missiles at the unarmed men, women, and children of a noncombatant state should suffice.

Mr. Speaker, I am appalled that Jews are once again being targeted for being Jews, by an aggressor who has vowed to turn the "criminal Zionist entity" into a "crematorium." That hundreds of unarmed civilians have not been killed is a miracle, but clearly this was not Saddam's intent.

Now, after no air raid sirens disrupted the night air for 3 days after the initial attacks, yesterday's attack proves that even American Patriot missiles cannot guarantee Israeli safety.

The choices facing Israel are neither easy nor obvious. Strong arguments can be made that any one of several responses would best protect Israeli security. Perils abound in any scenario.

But let me make one point perfectly clear. As abhorrent as these attacks are, as vivid as television reports have made them, from half a world away we cannot know the horrors of life when your citizens "have to walk around with gas masks and when even the sound of an espresso machine sounds like a siren," as one Israeli hauntingly described it.

Mr. Speaker, the Scud missiles did not land in Chicago or Washington, but in Tel Aviv and Haifa. No matter what our State Department says, the decision to respond is and should not be ours to make, but Israel's.

And I, for one, am willing not only to condemn Iraq's misjudgment, but more importantly to trust Israel's judgment, as a sovereign nation, to act in the best interests of her citizens.

I urge my colleagues to give their bipartisan support to House Concurrent Resolution 41.

Mr. McGRATH. Mr. Speaker, Saddam Hussein has done it again. The Middle East master of terrorism has now launched three missile barrages at civilian targets in Israel. Yesterday's bombing resulted in three deaths, scores of injuries and was the latest effort by Saddam to bring Israel into the war and break the Arab alliance.

What Saddam does not understand, that he will not dissolve the alliance and he will not break the resolve of Israel. He is grasping at straws, looking for solutions to a problem that he has perpetrated and has no chance to win. By sending Scuds into populated areas, he has shaken a giant, made a proud people ever more determined to rid the world of a ruthless dictator.

The resolution we are debating today states that every country has a right to defend itself and Israel is no exception. While Israel has shown great restraint I support their right to retaliate. There is no question that having absorbed a first strike, Israel is now in a position not only to shield her borders, but to counter Saddam's missile assaults in a way she sees fit.

My colleagues, we are engaged in a fight to free Kuwait and dispose of Saddam Hussein.

It is paramount, however, that we must not forget that Israel is our strongest ally in the region and we cannot let her stand alone in her struggle to protect her people. The United States has stood by Israel for nearly 50 years. There has never been a time when Israel has shown greater alliance to the United States than now. We commend the people of Israel for their courage, thank them for their restraint, and vow to defend them at any cost.

Mr. Speaker, I urge all Members to vote for House Concurrent Resolution 41, and send two messages. One, that we are again united in our fight to free Kuwait and dispose of Saddam Hussein and two, that we praise the people in Israel and will continue to fight for their liberty.

Mr. LIGHTFOOT. Mr. Speaker, I would like to voice my strong support for House Concurrent Resolution 41 before us today, and I urge the full support of my colleagues for this resolution.

The country of Israel has been noble in enduring the outrageous attacks it sustained by Iraq's Scud missiles. The attacks by Iraq on Israel are no less than terrorism—hitting civilian targets, entirely unprovoked. Israel has been a tremendous ally to the United States, and its restraint in withholding retaliation deserve our utmost gratitude.

I believe it is entirely appropriate for Congress at this time to reaffirm our close relationship with Israel and recognize the sacrifice Israel and her citizens have taken in the effort to preserve the multinational coalition fighting to dislodge Iraq from Kuwait. The Israelis have demonstrated great courage in the face of loss of life and destruction. My sympathy goes out to the families and residents of Israel whose lives have been so disrupted. Israel has the support of America and its gratitude, as demonstrated by our passage today of House Concurrent Resolution 41.

Ms. SNOWE. Mr. Speaker, I would like to express my strong support for House Concurrent Resolution 41, condemning Saddam Hussein's terrorist missile attacks against Israel. This resolution expresses Congress's condemnation of this barbaric action, and reaffirms our continued commitment to Israel's security.

In his efforts to draw Israel into a war that is not its own, Iraq's brutal dictator has once again made a serious miscalculation—one in a long string of apparent miscalculations by a supposedly shrewd dictator.

In reality, this action and these miscalculations show more than Saddam Hussein's willingness to disregard the norms of the civilized world. They show that his megalomaniacal barbarism is such that he is fundamentally unable to understand the civilized values of those who oppose his acts of subjugation, genocide, and international gangsterism.

In this way, Saddam Hussein appears unable to grasp how his latest unprovoked attacks against Israel only serve to underscore the rightness of our cause. It has also further strengthened international resolve—including the resolve of allied Arab States such as Saudi Arabia and Egypt—to free Kuwait from Saddam's tyrannical hold.

The American people nightly join the Israeli people in dread anticipation of the possibility of missile attacks striking randomly in the cities of Israel. Israel's refusal to play Saddam's cynical game, however, shows the fortitude of the Middle East's strongest democracy and closest American friend. While, ultimately, Israel has the right to do what is necessary to ensure its own security, it has refrained from taking the kind of immediate response Saddam has hoped for.

The crisis has also served to strengthen the ties between the United States and Israel, another consequence Saddam clearly had not intended. While the multilateral effort to restore the independence of one Arab State subjugated by another is not Israel's fight, the American people are proud that President Bush acted swiftly to help protect Israel with the Patriot missile defense system.

Mr. Speaker, the fact that Israel has made significant efforts for the alliance, of which it is not formally a part, stands in sharp contrast to the inadequate support provided by some of our allies, such as Japan and Germany.

Japan, for example, has not even lived up to the minimal pledges of support it made. Much of its support for the endangered economies of some of the Middle East nations comes in the form of loans, not grants. And in Bonn, an Associated Press story said, the Government is "splitting hairs over just how big and Iraqi assault on NATO member Turkey would be necessary for Germany to enter the ever-widening war."

I sincerely hope that these unfortunately reluctant allies will taken a cue from Israel's inspiring performance and increase substantially their own contributions.

And I sincerely hope that Saddam Hussein will see the adoption of this resolution as another sign of American steadfastness of purpose in the face of his unwarranted and contemptible airborne terrorism.

Mr. OWENS of New York. Mr. Speaker, I rise to continue my support for our troops and to pledge to work hard for them by pushing for a negotiated peace. I also rise in support of the innocent victims in Israel who have been dragged into this hellish war.

This resolution we have before us now is not one about our presence in the gulf. It is about a completely amoral attack against a sovereign nation not at all involved in the current conflict. The Iraqis have consistently tried to get Israel embroiled in this conflict, first by attempting to link the Palestinian issue to the gulf crisis, and now by ruthlessly attacking her civilians.

While our stated goals in this war have been to avoid population centers and attack Iraq's military strength, Saddam Hussein has specifically and solely targeted the mothers, fathers, children, and grandparents of Israel with his Scud missiles.

Saddam Hussein has proven himself an evil monster of a dictator. The degree of ruthlessness necessary to launch repeated missile attacks on the innocent residents of densely populated cities demonstrates to the entire world the caliber of the man we are dealing with in this war. Israel's people never stray far from home, and when they do, they never leave home without their gas masks. Children now know the horror of being locked in small gas proof rooms or bomb shelters—a terror most of our children will never know. Israel is a country under siege.

The world knows of Saddam's vicious twisted strategy to create an Arab-Israeli conflict by dragging Israel into this war. Israel has indeed showed remarkable strength and conviction in thus far resisting his goading attacks. I am not at all certain that if the United States was in the same position we would have the courage to remain still as our allies retaliated for offenses launched against our cities.

Israel is doing us and the rest of the world a magnanimous favor by thus far remaining separate from the conflict. How much longer will she be able to hold out? Hopefully for just as long as it takes for the United States promises to ring true, and for Saddam's capability to wreak further havoc on Israel's innocent people to be thoroughly extinguished.

The Iraqi attacks on Israel are truly abhorrent. But they come as no surprise. Saddam Hussein swore that if attacked by the United States he would launch his missiles to Tel Aviv. Few of the experts believed he had the capability. They have been proved wrong over and over again during the past week. Now it is our responsibility to keep Israel out of this war—we must protect Israel from further damage and casualties.

For my part, I will continue to support peace. A peace which, had it been maintained, would not have seen the casualties taken through the pilots we and our allies have lost, the prisoners of war the Iraqis have taken, and the innocent Israeli civilians who have already lost their lives.

Yes, Mr. Speaker, I will vote for this resolution condemning the vicious Iraqi attacks on Israel. Even more important, I will continue to work for peace in the Persian Gulf.

Mr. LEVINE of California. Mr. Speaker, anyone who has been to Israel knows that the death of even one civilian life brings the entire country into a state of mourning. The horrors the Israelis are now suffering as a result of Iraq's coldblooded attack on innocent civilian populations in the heart of Tel Aviv have terrorized the nation. These people live every day and night in fear of yet another attack. I express my sincere remorse for the loss of life, casualties, and destruction, Israel has so needlessly incurred.

Israel never asked for war. They do not want to be involved in this war. And yet, they are not free from Saddam's brutal attempt to bring Israel into the conflict in his effort to weaken the anti-Iraq coalition. This cynical and unconscionable attack by Saddam only further demonstrates the ruthlessness of this dictator and the tremendous threat his lethal military capabilities pose to the entire region.

This trial that Israel is enduring has resonated with every American. What other country, when facing an imminent threat of attack, would willingly withhold any response and allow its civilian population to be vulnerable to a first strike with missiles potentially tipped with chemical agents? What other country, after such enduring attacks, would subjugate its interests to the larger interests of its ally, the United States? The images of Israeli men, women, and children running for shelters as they struggle to put their gas masks on should profoundly touch the heart of every American.

We can only feel sadness and anguish that our most reliable and only democratic ally in the Middle East is subjected to such unprovoked and brutal aggression. I commend Israel for the enormous courage of its people and the admirable restraint of its leaders in the wake of Saddam Hussein's outrageous actions.

However, no praise can compensate for the tremendous hardships the Israelis are suffering at the hands of the Iraqi tyrant. We can only hope that this conflict will end swiftly and bring about a true and lasting peace to this volatile area of the world. Only then can the Israelis, and indeed all the peoples of this war-ridden region, sleep soundly at night.

Ms. VUCANOVICH. Mr. Speaker, I rise in support of House Concurrent Resolution 41. Shortly before the January 15 deadline, Iraq's Foreign Minister Tariq-Aziz stated that his Government without a doubt would launch missiles at Israel if the United States-led coalition attacked Iraq.

Saddam Hussein's priorities were as apparent then as they are now. He had made good on that threat to attack Israel. His efforts are focused more on the random killing of innocent Israeli civilians including women, children, and the elderly, than on the planes, missiles, tanks, and troops determined to annihilate his military.

Firing his Scud missiles at Haifa and Tel Aviv, Saddam Hussein has made his intent clear. He has more in mind than simple terrorism. Those Scud missiles represent the heart of his entire strategy: To force Israel to respond, to divide the coalition, and to rally the Arab masses behind him.

From all indications, Hussein is failing miserably at his objectives. The Israeli Government is too experienced in defending itself against aggression to fall for such an obvious ploy. It has wisely and bravely restrained itself from playing into Saddam's hands.

Israel has a very long history of demonstrating its ability and resolve to defend itself against attacks on its citizens. It has nothing to prove; its credibility on this issue is absolute.

Israel's restraint now only demonstrates its ability to deal with threats to its security in a precise, calm manner based on self-interest rather than emotion.

If Saddam Hussein continues to miscalculate the allied forces' resolve, he will continue to fail again and again until he is finally driven from Kuwait and brought to justice. I urge my colleagues to support House Concurrent Resolution 41.

Mr. WAXMAN. Mr. Speaker, I am proud to be an original cosponsor of this resolution condemning Iraqi attacks on Israel.

Iraq's missile attacks against the innocent civilians of Tel Aviv must be deplored in the strongest terms. Saddam Hussein's futile attempt to link this brutality and aggression against Kuwait with the Arab-Israeli conflict would be laughable if the consequences of his delusions were not so serious.

Mr. Speaker, Hussein's use of missiles against civilian targets indicates that this man will always be a threat to the Middle East. As Hussein continues in his attempts to bomb Israel with his Scud missiles, I hope that the Bush administration is taking careful note of those who are cheering every launch. Not only must Saddam Hussein's brutality be dealt with, but those who condoned his outrageous actions should be remembered when this war is over.

In stark contrast with the behavior of Iraq and their allies is the conduct of Israel—especially the brave inhabitants of Tel Aviv. Despite three missile attacks, numerous casualties, and several deaths, the Israelis have shown remarkable restraint. While I compliment them on this restraint, I agree with Israel's assertion that they have every right to respond when and how they see fit.

One bright spot in this terrible episode is the renewed cooperation between Israel and the United States. I would like to commend the President for sending Patriot missiles—and Mr. Eagleburger—to Israel. While I am sure that Israel would prefer to defend herself, Mr. Bush's actions were a sign of tremendous goodwill. Hopefully, the goodwill between the Bush administration and Israel will continue.

Finally, I would like to commend the brave citizens of Israel. Despite three attacks, the Israelis have shown incredible resolve and an ability to stay calm. I only hope that they do not have to experience the terror of more missiles falling into their cities.

Mr. KANJORSKI. Mr. Speaker, as a cosponsor, I rise today in strong support of this resolution. I would also like to take this opportunity to add my personal accolades to Israel for their extraordinary restraint and courage in the face of Saddam Hussein's brutal and unprovoked attacks against innocent Israeli citizens.

As we all know, Israel has shown great restraint in recent days by not conducting a retaliatory attack against Iraq. This cannot have been an easy decision to make, nor an easy policy to maintain. With each night, it seems Israel is victim to a new bombing raid.

Clearly Saddam Hussein is attempting to undermine the unity of the allied forces against Iraq by provoking Israel into retaliation. By refusing to play into Saddam Hussein's hand, Israel is paying a high price to assist the United States and our allies.

I urge my colleagues to support this resolution and to show the Israeli Government, and its people, how much we respect their reserve and how appreciative we are of their placing their faith in the allied war effort.

Mr. BLILEY. Mr. Speaker, I find it reprehensible that Iraq has mounted this campaign against Israel. Once again, Iraq has disregarded international standards and violently struck an innocent people. As the world watched, Israel, who is not even a member of the military coalition formed in the Persian Gulf, sustained three unprovoked attacks from Iraq. Israel has been rocked by Saddam Hussein's terrorism in the form of Scud missiles, first with threats and then with attacks. The toll that these attacks have taken on Israeli human life and way of living are immeasurable.

In the face of those attacks, Israel has not used its military to retaliate against Iraq and Hussein's attempts to psychologically destroy and undermine both the Israeli nation and the allied coalition have backfired. Israel's restraint has held the coalition together well beyond Hussein's expectations. Again, he has miscalculated. As a historically strong ally and firm partner, Israel deserves our support and our recognition in the face of these attacks. Hussein's naked aggression has no bounds and it has taken profound courage on the part of the Israeli citizens to withstand his attempts to terrorize them. Like all nations, Israel has the right to self-preservation and self-defense yet has demonstrated restraint, a decision which is not easy militarily or politically.

I grieve for the Israeli families who have too closely felt the repercussions of Iraqi missile attacks and I commend their courage in the face of the Iraqi threats. Mr. Speaker, I strongly urge all my colleagues to recognize the courage of the Israeli people and their Government in the face of this naked aggression by voting in favor of this resolution.

Mr. BILIRAKIS. Mr. Speaker, even while speaking solicitously of "the Arab nation," he turned on a virtually defenseless neighbor, Kuwait, invading and brutally seizing that country. He continues to pillage and rape Kuwait to this day.

By refusing each and every opportunity to negotiate, by ignoring the pleas of the world expressed through the United Nations, and by ruthlessly pursuing his loathsome ambition of spreading armed conflict throughout the Mideast, he has contemptuously plunged the world into a destructive conflict.

Now, Saddam has turned on another neighbor, Israel. Last night's missile attack without warning fell into a residential district of Tel Aviv leaving in its wake many dead and wounded civilians.

What makes this and his previous missile attacks on Israel a particularly craven and heinous act is that Israel is a noncombatant nation, uninvolved in Operation Desert Storm. It is bad enough to arrogantly launch deadly warheads into the cities of Saudi Arabia, a nation involved in the present conflict, but these attacks on Israel are horrendous, unprovoked terror attacks. They have no military value—indeed, no military installations were targeted—they are random strikes on unarmed civilians.

These latest actions make plain that from the beginning Saddam had no interest in negotiation, no interest in peace. His was and is an agenda of destruction, conflict, and death. Far from seeking to limit and bring to an end the present armed struggle, he seeks to widen it, to draw in nations presently uninvolved.

Saddam has no desire for peace, he has no desire for a balanced, regional settlement. Let no one be further deluded: Neither negotiations nor sanctions ever had a chance of bringing this murderous despot to his senses. He is pursuing power, power he is willing to win by the sword at any opportunity.

He deserves the world's full scorn and retribution that he has brought down upon his own head.

Finally, Mr. Speaker, I want to commend Israel for valiantly absorbing the first strikes launched by this barbarian without retaliation in the hope that the conflict can be contained and extinguished as quickly as possible. I commend Israel's citizens for their courage and sacrifice and I join my colleagues today in condemning these Iraqi attacks.

Ms. PELOSI. Mr. Speaker, I rise today to support this resolution condemning the brutal and unprovoked attacks by Iraq on the civilians of Israel. I would like to commend my colleague, Mr. FEIGHAN for sponsoring the resolution which makes an important statement in support of Israel.

Last night's attack on a Tel Aviv neighborhood, in which nearly a hundred civilians were injured, demonstrates clearly the sacrifices made by the Israeli people who are being victimized by a war in which they are not combatants.

The restraint that Israel has shown in not retaliating, an option that is clearly the right of any nation under attack, is demonstrative of Israel's keen understanding of the politics of the gulf region and of the current crisis. It is precisely this complex set of political considerations that Saddam Hussein is ruthlessly attempting to exploit.

Despite the political ramifications of Israeli defensive action, after three attacks against civilian targets, Israel's latitude for taking defensive action must not be restricted further by the United States. Israel must not be asked to be a pawn in a ruthless Mideast chess game, vulnerable to attack but restrained in its ability to attack back.

Iraq's attacks on Israel also demonstrate clearly the dangerous consequences of our gulf policy. They highlight the political instability of the Arab component of the anti-Iraq alliance. They call into question the allied ability to keep the conflict directed against Iraq amidst the shifting sands of Mideast politics.

The United States must now dedicate itself to the defense of Israel, our most loyal ally in the region. As a first step, I urge my colleagues to support this resolution.

Mr. MCCANDLESS. Mr. Speaker, as an original cosponsor of House Concurrent Resolution 41, I rise in strong support of the resolution.

Last week I made a statement on the floor of the House of Representatives that is as appropriate today as it was then:

> I want to commend the government and the people of Israel. Saddam Hussein's unprovoked attack on Israeli population centers had no military value, and was nothing less than a high level terrorist act. Until the attack, Israel was not a party to the confict. Despite a very real danger, and open threats by the Iraqi government, Israel—at the request of the U.S. Government—refrained from pre-emptive strikes. That restraint made them vulnerable to last night's missile attack. However, preparation and the bravery of the Israeli people kept casualties to a minimum.

As a general rule, I do not support what is categorized as foreign aid. However, I have long held the position that aid to Israel is essential in maintaining a stable democracy in the midst of a volatile region. I would hope that the people of Israel will view this resolution as an expression of strong support. And I would hope that in the future, the House leadership will give us the opportunity to vote directly on the issue of aid to Israel and separate that vote from an omnibus foreign aid bill that, as a whole, may be objectionable.

That is an issue for another time. The resolution before us is a clear statement condemning Iraq's unprovoked attack on the people of Israel, expressing our sympathy to the victims and families of Saddam Hussein's terrorist actions, and commending the people and the Government of Israel. As such, it deserves our unanimous support.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of this resolution, in support of our troops in the gulf, and in support of our loyal, courageous friends in the State of Israel.

It is important for us to make clear that we stand four square behind Israel at this time of crisis. The brutal attack on completely innocent Israeli civilians is just one more example of the evil monstrosity of Saddam Hussein. There are no words that can describe how low and disgusting he is. The Scud attacks also provide graphic evidence of what the people of Israel have been facing for the past 40 years. It is hard for us to imagine an existence that is constantly threatened. Yet that is exactly what Israel endures on a daily basis. To this day, Egypt is the only Arab country that has recognized Israel. How can anyone expect Israel to make concessions when none of its neighbors accept its very existence?

I repeat: The Arab countries, including Kuwait and Saudi Arabia have yet to recognize the State of Israel. It is only because of their strength, incredible courage, smarts, and I believe the will of God, that Israel has managed to survive.

It is about time we made one thing clear: We should not pressure Israel to make concessions until the Arab world recognizes its right to exist. Only when the Arabs realize this will there be a chance for peace. The only thing more chilling than the Scud attacks on Tel Aviv is the reaction of the so-called Arab masses in the West Bank and in Jordan. The Palestinians there were actually cheering for Saddam Hussein to kill civilians in Israel. This, Mr. Speaker, is what the State of Israel is up against. Please do not forget it when this crisis is over. The PLO is Saddam Hussein's No. 1 ally. If the PLO were allowed to set up a state on the West Bank, Israel would have Saddam Hussein clones within a few miles of its population center. No nation in their right mind would do such a thing. We must not ask Israel to do so either.

Recognition of Israel is still the crux of the issue. Once Israel's right to exist is recognized and guaranteed, the Palestinian problem can and should be dealt with fairly. But first the Arab world must come to grips, at long last with the reality and justice of the creation of Israel.

It is time we encouraged moderation in the Arab world. We must press the Arab States to accept Israel's existence. We must make life difficult for all those extremists in the Arab world who stir up the Arab masses for evil purposes. Step No. 1 is to completely wipe out Saddam Hussein, using any means at our disposal. None of our weapons, including nuclear weapons, should be ruled out against military targets. The lives of our troops and total victory must come first. Second, in the aftermath of the war, we must cash in our chits. The Arab world owes us, not the other way around. We must convince them to pursue peace, including with Israel, and to pursue moderation and democracy. We must make it worthwhile to support America, and very painful to oppose America. The Arab masses will surely follow, as they did in Egypt.

To the people of Israel, I say this: We face a common enemy who is the scum of the earth. I know you have exhibited superhuman patience. You are not alone. We are behind you, and together, we shall prevail.

Ms. SLAUGHTER. Mr. Speaker, the people of Israel awoke this morning to another day of uncertainty and terror. The resolution which the House votes on today, and which I unequivocally support, can provide little comfort to those in Israel who have already suffered injury or casualty from the brutal and unprovoked attack by Iraq. Our resolution can do little to assure the Israelis who still live in fear of subsequent attacks. But the message that we send by passing this resolution today is a necessary and significant one.

Today, we give one clear and resounding voice to the moral outrage of millions of Americans across the country who have witnessed, through the media, Saddam Hussein's reign of terror. Today, we reaffirm our commitment to defending Israel's freedom and security. Today, we say to the people of Israel and to their families here in America that our hearts are with them. We condemn Iraq's unprovoked attack on their country and we commend the Israeli Government for exercising a clearly difficult restraint in responding to the Iraqi bombings. We continue to hope that victory for the allied forces in the Persian Gulf will soon be achieved so that the people of Israel can live in peace once again.

Mr. PALLONE. Mr. Speaker, I rise in support of House Concurrent Resolution 41 that commends Israel and declares solidarity with the Government and the people of Israel at this time of crisis.

Israel is a country under attack; its citizens brace for the possibility of an Iraqi Scud assault each evening. Sleepless nights are spent in small sealed rooms with children in gas masks and the sound of air raid sirens wailing.

At the urging of the United States, Israel has still not responded to these terrorist acts. To date, Iraq has fired 12 missiles and 8 have hit Israel. There are few cases in history when a nation has the ability to strike back, but has forgone that option to protect a fragile coalition.

The people of Israel have acted with valor in the face of danger, and deserve the support of the United States Congress.

Mr. GEJDENSON. Mr. Speaker, this morning's Washington Post contained several photos of yet another Scud missile attack on Israel. As I studied the pages, I could not help but focus my attention on a picture of one particular older man, wounded and being carried from the wreckage of his home.

Often in the United States, we are too complacent about reports of Israeli adversity. Life for the average Israeli has never been easy. Israel is a nation whose citizenry has existed from day to day in the face of countless threats. The Israeli people are accustomed to hardship, accustomed to suffering, and accustomed to an insecure existence.

As I look at the picture of this man several questions come to mind. I have to ask myself, is this a man who was forced to flee his home as his village and way of life burned down around him? Is this a man who spent countless days fighting for his life in Nazi work camps? Is this a man whose wife and children perished in the gas chambers of Auschwitz? Is this a man whose ship was turned away at nearly every shore as the world refused to grant him shelter? The answer is yes. Unfortunately, I could go on. Sadly enough, this man is not unlike every other citizen in the State of Israel. As I looked at the photograph of this man I could not help but think how many others are like him. Mr. Speaker, I cannot help but say, how much more?

Historically, the Middle East has never been a stable region, and has been embroiled in battle for thousands of years. The current instability exemplifies the fragile relationships which exist not only between Israel and the Arab world but also among the Arab nations themselves. In the aftermath of the current crisis, one conclusion is certain: a return to the status quo will not be possible. If we examine the circumstances which contributed to this conflict, there are many areas where both the United States and its Western allies can take steps to stem future opportunities to employ such brutal tactics. To begin with, we must address the troubling issue of continued financing of known terrorists by moderate Arab governments. Our Western allies, who are in no way as committed to this alliance as the United States, spent years aiding suspect nations in the acquisition and assemblage of nuclear, chemical, and biological weapons. American men and women now face these weapons of destruction. Can any one of us comprehend the horror confronting many Israeli citizens who face the threat of poison gas for the second time in their lives?

We must insist that traditional ethnic rhetoric be cast aside. As the lesson of Saddam Hussein shows, the existence of a belligerent aggressor poses a danger to us all. Finally, it is imperative that we address the prospect of arms control for the entire Middle East. A total arms embargo, followed by a reduction in arms in the region could be achieved through the coordinated efforts of our allies and nations in the region. If the United States is willing to risk the lives of its young men and women for two feudalistic kingdoms, we should not be reticent in securing specific goals in the aftermath of the current conflict.

Mr. Speaker, when I look at the man in this morning's Washington Post, I cannot help but wonder. Can we afford to allow another generation of children to be raised in terror?

Mr. STOKES. Mr. Speaker, I rise today in support of House Concurrent Resolution 41. This resolution condemns the Iraqi attack against Israel, and commends Israeli citizens for their brave and composed perseverance in these difficult times. I also commend my colleague, ED FEIGHAN, for his foresight in bringing this important measure to the floor today.

Mr. Speaker, most agree that the recent unprovoked missile attacks against the citizens of Israel would warrant a swift military response. However, in light of the volatile atmosphere which engulfs the Middle East, the Government of Israel has instead shown tremendous restraint in its decision not to retaliate against Iraq.

House Concurrent Resolution 41 not only expresses our support for the Government of Israel, but also our pride and admiration for the people of Israel. At a time of danger and aggression, Israel should be commended, and their restraint should serve as an example of courage and great strength.

As we debate this resolution today, we extend heartfelt sympathy to those who have suffered as a result of the Persian Gulf war. We also reach out to the people of Israel who, although they are nonparticipants, have made a tremendous sacrifice and will always be remembered for this courageous act.

Mr. Speaker, I am proud to rise today in this fitting acknowledgement to the people of Israel. I join my colleagues in support of House Concurrent Resolution 41.

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 41, which condemns the Iraqi attacks against Israel. Israel is not involved in the gulf war, yet Saddam Hussein has launched vicious and unprovoked attacks against Israel's civilian population. These attacks have shown Saddam's viciousness, his lack of respect for human life, and his contempt for the State of Israel and its citizens.

Saddam rules by terror, and it is sheer terror that he is inflicting on the people of Israel. Unfortunately, Israel is a country that has known war ever since its establishment in 1948. Israel's Arab neighbors, with the exception of Egypt, do not recognize its existence and have made repeated attempts during the last 43 years to annihilate the Jewish State. Against overwhelming odds, Israel has succeeded in warding off attacks by its enemies and has triumphed every time. Israel's policy of preempting pending attacks has been vital to its military success and ability to survive in such hostile surroundings. It has taken profound bravery and self-discipline on the part of the Israeli Government and its people to forgo this policy of preemption for the sake of the allied effort and absorb Iraqi strikes.

Saddam Hussein has threatened to "burn half of Israel." It is a threat that the Israelis take seriously, and with good reason. Saddam has shown that he is capable of unspeakable atrocities, even against his own people. The unprovoked attacks on Tel Aviv and Haifa have reinforced the knowledge that Saddam must be stopped, for he will stop at nothing to achieve his expansionist goals.

An attempt has been made to link an Iraqi withdrawal from Kuwait with Israeli withdrawal from the West Bank and Gaza Strip. Saddam and his allies have repeatedly tried to distort the situation in the Persian Gulf, and make a settlement dependent on the creation of a Palestinian State. There is no analogy between the Iraqi invasion of Kuwait and the Israeli presence in the West Bank and Gaza. Iraq invaded Kuwait, a sovereign state with which it was at peace, in order to achieve its own economic and political goals. Israeli occupation of the territories is a result of the 1967 Six-Day War in which Israel was attacked by almost every Arab State in the region. In defending its very existence, Israel repelled the invading troops and captured territory vital to its self-defense. No analogy between the two events can be made.

Saddam has made his desire to destroy Israel very clear. His attempt to involve the Israelis in the gulf war to break apart the allied coalition opposing him has failed. Israel has not played into his hands, and the world has witnessed his duplicity.

It is with great pride that I commend the State of Israel for its bravery. Israel has shown exceptional restraint in the face of repeated Iraqi terror, and must be commended. Every country has a right to defend itself. Israel, a nation born from the ashes of the Holocaust, has a particular right to protect itself and its citizens. I praise the State of Israel and the Israeli people for their perseverance and bravery, and I condemn the Iraqi attacks in the strongest possible way.

Mr. BENNETT. Mr. Speaker, I strongly support the passage of House Concurrent Resolution 41, a resolution to condemn the unprovoked attack by Iraq on Israel.

Mr. Speaker, Israel has done nothing to justify the attack. It was apparently done to create friction among the world community of nations, which seeks to remove Iraq from its unjustified occupation of Kuwait.

Iraq has been thwarted by the allies, who seek the liberation of Kuwait and Israel has nothing to add to the troubles of the area. Iraq, on the contrary, refuses to acknowledge the rights of Israel and of Kuwait and others of Iraq's neighbors.

If Iraq has a peaceful solution to the troubles of the area, the time is ripe for it to suggest clearly and publicly what it feels would provide a diplomatic solution to those problems from its point of view. Perhaps further bloodshed could be prevented. The cruelty of the Iraqi Government has been seated on innocent people in Kuwait and Israel. Iraq cannot possibly succeed in its course. The world is aligned against that. America is united in dedication to a victory, which is sure to come about.

Israel would be justified if it replied in force against Iraq. She would be within her rights to do that or to abstain.

Iraq deserves no advantage because of its aggression in Kuwait and Israel; but if it seeks a peaceful end of the present war, time is running out for it to suggest how a cessation of war could thus be brought about. Attacking Israel does not add to the chances of peace. It certainly is not of any assistance to Iraq. On the contrary it consolidates public opinion in opposition to Iraq's reckless and culpable aggression.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 41, as amended.

The question was taken.

Mr. BROOMFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONDEMNING THE BRUTAL TREATMENT BY IRAQ OF CAPTURED SERVICE MEMBERS

Mrs. BYRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 48) condemning the brutal treatment by the Government of Iraq of captured service members of the United States and its allies in the Persian Gulf conflict.

The Clerk read as follows:

H. CON. RES. 48

Whereas in the Convention Relative to the Treatment of Prisoners of War (done at Geneva, August 12, 1949; hereinafter in this resolution referred to as the "Third Geneva Convention") the international community has prescribed rules concerning the treatment of prisoners of war;

Whereas more than 160 nations, including Iraq, are parties to the Third Geneva Convention;

Whereas the Third Geneva Convention requires the humane treatment of prisoners of war at all times; prohibits acts of violence and intimidation against prisoners of war; prohibits physical and mental coercion against prisoners of war to obtain information of any kind whatever; provides that no prisoner of war may at any time be sent to or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations; prohibits the public display of prisoners of war; and requires that a government that is holding prisoners of war permit representatives of the International Committee of the Red Cross to visit those prisoners of war;

Whereas beginning on January 19, 1991, captured United States and allied service members held prisoner by Iraq in the Persian Gulf conflict have been displayed and interrogated before television cameras;

Whereas these televised interrogations strongly suggest that those service members have been subjected to physical and mental torture; and

Whereas the Government of Iraq has announced that it intends to hold captured United States and allied service members at potential military targets: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the abuse by the Government of Iraq of captured United States and allied service members, including the apparent use of physical and mental coercion;

(2) condemns the Government of Iraq's stated intention to disperse prisoners of war to potential military targets;

(3) condemns the Government of Iraq's failure, thus far, to permit representatives of the International Committee of the Red Cross to visit and interview prisoners of war;

(4) condemns the flagrant and deliberate violations by the Government of Iraq of the Third Geneva Convention;

(5) calls on the Government of Iraq to comply fully and immediately with its obligations and responsibilities under the Third Geneva Convention; and

(6) urges the President, together with our partners in the international coalition against Iraq and with the United Nations Security Council, to consider appropriate means for bringing to justice any individuals in Iraq who are responsible for violating the rights of prisoners of war under the Third Geneva Convention.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. BYRON] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes.

The Chair now recognizes the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 48. The reason I rise and urge such strong support is that events of this week suggest that the Government of Iraq is violating the Geneva Convention concerning the treatment of prisoners of war, and the prisoners of war who are being mistreated are American and allied aviators, the brave young men who we all hold so dear.

After witnessing missile attacks on Israel, seeing television pictures of our captured aviators, and hearing Iraqi threats to use them as human shields, Saddam Hussein's brutality and criminal actions are obvious. We now need to make clear that Congress will not stand for this kind of brutality, illegality, and maltreatment. This resolution is an important first step in sending Saddam another message that we know about his evil deeds and that we intend to see that those who engage in war crimes are brought to justice.

As chairman of the Military Personnel and Compensation Subcommittee, I have a special responsibility to look out for the welfare of our young men and women who wear the uniform and so proudly serve this great country. I intend to do all I can to see that our service members are protected as POW's and afforded every benefit that the Geneva Convention allows. We all are outraged at Saddam Hussein's conduct, and I strongly urge all my colleagues to let their outrage be known by voting for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today on another essentially very solemn occasion, an occasion in which we offer a resolution in the Congress of the United States condemning the flagrant violations by Iraq and Saddam Hussein of the Geneva Conventions to which Iraq is a signatory, as are 159 other nations.

The evidence that they have violated these Conventions dealing with the treatment of prisoners of war is certainly clear and compelling. In the context of what we have seen on our television sets, not only with reference to the way they have dealt with these prisoners of war but in terms of the entire context and rhetoric utilized by Saddam Hussein, we note the almost joy with which they view the killing and wounding of innocent civilians in Israel and the way they cry out for our forces being bathed in blood, which is in such sharp contrast with the essential goodness and humaneness that characterizes this country and its people who, while forced to engage in war—a just and moral war—sought, in my opinion, in behalf of a noble cause, to do it with constraint, and we do it with every effort to minimize innocent civilian casualties.

What a marked contrast between the tactics of terror utilized by Saddam Hussein. As outraged as I am by their treatment of our prisoners of war, I guess, while outraged, I could not be surprised, given the constant rhetoric we have heard from this man.

It is my hope that these hostilities will be soon concluded, and that even Saddam Hussein will understand that if there is an iota of decency in him, these hostilities should be concluded earlier rather than later, with less casualties rather than greater casualties. Nothing could be more of value to all humankind than to have that happen. Yet, given his record and given his rhetoric, I am not sure that we Americans and our allies can anticipate that will be done.

This conflict is being very well fought by those outstanding young people who serve our country in military uniforms in Operation Desert Shield. We have never had better people to train, we have never trained them better, we have never equipped them better, and we have never married them and their equipment better than we have done in this military operation. It will be a textbook operation for military historians for many, many years to come.

We ought to have inordinate pride in these young Americans and their allies, and certainly we in the Congress, and all of the American people owe it to them that we do proclaim our outrage at the violation of the Geneva Conventions, and that we must insist that as soon as these hostilities can be terminated, those who are responsible for their ill treatment and violation of the Geneva Conventions are brought to account. I share, with the gentlewoman from Maryland, responsibilities on the Subcommittee on Military Personnel and Compensation.

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All of these people in our uniforms we look upon as being our special charges. In addition to the responsibilities that fall on me as ranking member of that subcommittee, I represent the congressional district in this country that probably has more of its citizens serving in Operation Desert Shield than any other district. So they are not only great young Americans who are serving their country with ability and distinction, they are also my friends and my neighbors. We do indeed wish them the very best. Certainly I hope that the resolution that we adopt today, and which I feel confident will be adopted unanimously, will reach Saddam Hussein and will be taken by him as a measure of this Nation's concern and its determination, that its forces, when and if they are unfortunate enough to be captured and held prisoner of war, will be either treated humanely, or those who do otherwise will be held accountable.

Mrs. BYRON. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I thank the gentlewoman for yielding. I am happy to join her and others who have cosponsored this resolution which condemns the acts that Saddam Hussein has taken with regard to the treatment of captured United States and allied military service personnel. We have seen their drawn faces. We have heard their hoarse voices. I daresay, only those who have suffered similar fates can understand that torture that they are enduring and the torture that their families are enduring at this time.

We cannot speak in a voice harsh enough to raise the condemnation that should fall on the head of Saddam Hussein in violating every norm that exists with regard to the humane treatment of prisoners of war. Saddam Hussein is fast rising to the top of the list of man's inhumanity to man. He stands at the top of that list today. He certainly made the top 10 before this date. Now it is sad to say that he has established a new historical record, one of which no one could be proud.

Mr. Speaker, I rise in support of this resolution condemning the abusive treatment of captured United States and allied members of the armed services.

Mr. Speaker, we have seen the faces and heard the words of United States and allied aviators held by the Iraqis. None of us can fail to be deeply moved by their appearance. Their words can hardly be their own. It is clear that the Government of Iraq has subjected these men to abusive treatment in flagrant violation of the Third Geneva Convention to which they are a party.

Not only have these prisoners been subjected to inhumane treatment and public display, now we hear that they will be used as pawns in the continuing hostilities, just as Saddam Hussein used civilian hostages earlier in this crisis. Iraq's intention to make POW's human shields at potential military targets in Iraq is yet another outrageous violation of the Geneva Convention.

Mr. Speaker, there has been no recognition by the Government of Iraq of the rudiments of international law or convention since this conflict began, but these acts against our individual service members attack our deepest sensibilities and sense of outrage. I urge my colleagues to support this resolution condemning Iraq's treatment of these service men, calling on the Government of Iraq to comply with its international obligations under the Third Geneva Convention, and urging the coalition members to consider all means to bring those accountable for these acts to justice.

Mr. BATEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the ranking member of the Committee on Foreign Affairs.

Mr. BROOMFIELD. Mr. Speaker, during the last few days, Iraqi television has broadcast statements by United States and allied service members criticizing attacks on Iraq by United States and allied Armed Forces.

These statements, along with the physical appearance of the prisoners of war, strongly suggest that these prisoners have been tortured and that their statements were obtained by means of physical and mental duress.

In another action deserving of world condemnation, the Iraqi Government has announced its intention to disperse prisoners of war to strategic sites subject to United States and allied military attack.

Iraq's actions are in flagrant violation of the Third Geneva Convention, which relates to the treatment of prisoners of war. These violations are but the latest and most outrageous examples of Iraq's longstanding refusal to respect fundamental principles of international law and human rights.

This resolution condemns Iraq for these abuses and calls on Iraq to comply fully and immediately with its obligations under the Third Geneva Convention.

As an original cosponsor, I call upon all Members to support this timely resolution.

Mrs. BYRON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Speaker, I rise to support this resolution, to condemn the Iraqi Government for the mistreatment of our American fighting men captured in combat. We must condemn their treatment under all the international laws and all the precepts set before us in the Geneva Conventions. It is important that we condemn this, to make sure that we remain strong internationally, and keep that document before all aggressors, that they will be held accountable for any mistreatment to any prisoner held in their hands.

Our prisoners have been obviously used for propaganda. They have been denied their basic needs. They have been humiliated. They have obviously been tortured. Now they wish to use them as human shields. This is totally intolerable.

Mr. Speaker, I stand before you as one who has endured this kind of treatment by another captor in Vietnam. I find it absolutely agonizing and totally intolerable. I condemn it.

Mr. Speaker, I ask Members in this House to make this a unanimous condemnation by their vote for this resolution this afternoon.

Mr. BATEMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. GILMAN], a member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I rise to express my support for our POW's captured by the Iraqis, and their families, and I commend the distinguished chairman of our Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN], the ranking minority Member, the gentleman from Alabama [Mr. DICKINSON], the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL] and its ranking minority Member, the gentleman from Michigan [Mr. BROOMFIELD] for bringing the issue to the floor in this timely manner.

Two days ago, Iraq broadcast a videotape of seven captured pilots, all of whom were battered and delivered apparently coerced, halting statements against the war. As was repeated time and time again by Members of this body, by our President, and by the international human rights organizations, these Iraqi actions violate the Geneva Conventions regarding the treatment of POW's, which Iraq has signed and agreed to.

The International Red Cross, the organization charged with monitoring compliance with the Geneva Conventions, has stated that Iraq violated those international conventions by threatening to use allied prisoners as human shields to prevent enemy bombing, and by showing them on Iraqi television in a humiliating manner.

It is a hard time for the families of our POW's in Iraq, however, let them know that our thoughts are with them, and we in the Congress will do all we can to ensure their safety and their freedom when this conflict has been resolved.

Now more than ever, we must also let our troops know that we will hold Saddam Hussein accountable for these war crimes.

We in the Congress will be fighting for our POW's in every way we can, and they will not be forgotten.

Mr. BATEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the world long since has agreed to civilized standards of treatment of prisoners of war. The Iraqis, along with other combatant nations in the gulf, all signed the Geneva Convention. But we received a vision of his likely treatment of prisoners of war with the sadistic, cruel, and barbaric treatment of the Kuwaiti people at the hands of the Iraqi occupying army.

Never in 8 years of listening to testimony in human rights hearings before the congressional human rights caucus, have I ever heard anything approaching the cruelty and sadism of the torture, mutilation, rape, and murder of the Kuwaitis.

Mr. Speaker, Saddam Hussein is apparently going ahead with just such a program against the prisoners of war, not only the Americans, but all of the allied nations. He is applying apparently physical and mental duress, a form of torture, to the captured pilots, and using them as hostages, as human shields in the war.

□ 1420

Mr. Speaker, Saddam brands himself as a coward, as one who ignores his country's agreement, as one who ignores the standards of civilized conduct and one who must be stopped and must be destroyed.

Mr. BATEMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DORNAN], a member of the Armed Services Committee.

Mr. DORNAN of California. Mr. Speaker, USA Today took a lot of kidding when it came on the scene as a newspaper a few years ago, but it is now America's No. 1 newspaper by a wide margin. It has a circulation of 6 million or 7 million. People across the country read this paper.

Yesterday's USA Today, I would recommend that my colleagues look at it before they throw it out, has the color pictures of four of the seven POW's that have been so abused by their Iraqi captors. I looked at the pictures of these men and I noticed a similarity. The left side of their face was swollen, all four had a black left eye. Flight Lt. John Peters of Great Britain, his eye was totally closed. The Navy A-6 bombardier, Zaun, had both his eyes closed. But if you looked at the pictures it suddenly struck you. Their left eyes were closed and the left side of their faces were swollen more than the right. That comes from being struck by people who are right handed, and in the Arab world, they use their right hand for everything. This beating of prisoners is a war crime. It was self-evident when I looked at it.

The interrogation they are going through conjures up all of the horrors of Hanoi and what the Communists did to many of our prisoners, including beating them to death.

We have a building on this Hill, a Senate Office Building, which is named after Senator Russell of Georgia. Senator Russell took the floor of the other body when we first learned of the death and torture of our men in Hanoi, and he gave a warning to the Communist forces in North Vietnam and their supporting superpowers, China and the Soviet Union. He said if the torture continued, the nation would be sent back to the stone age. It seemed to have some effect.

We are going to put out a resolution today in a far more gentlemanly, diplomatic manner, but it has the same force of passion and the same force of commitment by the American people.

I just talked to the BBC, and they have been broadcasting this tragic interview with Lieutenant Peters for 2 days. The Parliament yesterday was in an uproar. All 650 members were on the floor. We do not have to take this kind of brutality in a modern world.

What we pass here in this House means nothing to Saddam Hussein, nor to his son-in-law, Majid, nor to his half-brother, Barzon. If they would put people in an acid bath, as was reported on 60 Minutes, they are not going to care what we do. But their officer corps had better listen.

The officer who was given the charge to blow up Paris, as the Iraqis are blowing up the Kuwaiti oil fields, thought about being branded a war criminal after the war and refused to carry out the order. We remember Adolf Hitler on the phone himself screaming that famous line, "Is Paris burning," because the Nazis had loaded with dynamite every historical place and building in the city. The officer rejected that evil command, and I want the officer corps of Iraq to understand there will be war crimes trials, and they are not going to continue this brutal abuse of our downed airmen.

Mr. BATEMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of what I hope will be a unanimous vote for this vital resolution.

I had the privilege of serving as chairman of the POW/MIA Task Force of the Foreign Affairs Committee under Speaker O'Neill. We led a delegation to a city called Hanoi in a place called Vietnam a few years ago. I was so humiliated to have to sit across the table and negotiate with what I thought were the worst of the worst Communists in Hanoi to try to bring back the remains of our fallen soldiers. But I guess today we are seeing something even worse, and I hope this man, Saddam Hussein, reads this resolution that we are passing today. Mr. Speaker, we need to send a message, that we Americans do not forget our fallen comrades. We do not forget these prisoners of war, and someday justice will be done to Saddam Hussein.

Mr. BATEMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BYRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just close by saying in the last several weeks this body has debated so many urgent issues, the gulf, the Baltics, Israel, and so many voices have spoken about our American democratic principles and our freedoms. We have colleagues who have known what it means to be a POW, and at a time when we have seen battered fliers, POW's in Iraq who have been paraded before television cameras into the homes of the free world, we once again have to speak out loudly and clearly.

I urge my colleagues swiftly to condemn Iraq with unanimous consent of H.R. 48.

Mr. DICKINSON. Mr. Speaker, war is a terrible business made all the more horrible whenever one side or the other blatantly disregards the basic bounds of humanity.

Iraq has clearly exceeded the bounds of humanity and the rules of war.

In the past few days, we have seen a most outrageous disregard of basic human values in the manner in which United States and allied pilots have been displayed on Iraqi television. Obviously beaten and almost certainly tortured by their captors, these men have been coerced into making propaganda statements designed to serve the twisted political ends of Saddam Hussein.

Saddam Hussein has further victimized United States and allied prisoners of war by proclaiming that he will use them as human shields to prevent further attacks on Iraqi military installations.

The Geneva Convention is designed to protect prisoners of war, and to retain a modicum of humanity in the conduct of war. Iraq has signed the convention, but in this, as in many other instances, has again demonstrated that it has no intention to live up to its responsibilities in the world of nations.

Such conduct by Iraq and Saddam Hussein cannot be tolerated and must not go unpunished.

This concurrent resolution clearly sets forth my outrage at Iraqi mistreatment of prisoners, and, as an original cosponsor of this resolution, I wholeheartedly urge its adoption.

Mr. MICHEL. Mr. Speaker, I join with Chairman LES ASPIN, Chairman FASCELL, Mr. DICKINSON, Mr. BROOMFIELD, and our other colleagues in condemning the brutal treatment by the Government of Iraq of captured aviators of the United States and its allies in the Persian Gulf conflict.

In World War II, I saw comrades in arms taken prisoner. We were aware of the dangers of the battlefield, and being taken prisoner of war was certainly one of them.

But when the Geneva Convention requirements are so publicly and flagrantly abused as they are by Saddam Hussein today, our concern over our prisoners of war takes on a special note of urgency.

That's why this resolution is so important. The House must go on record as not only deploring what is happening to our prisoners of war, but also holding Saddam Hussein personally and totally responsible for what he is doing.

And so I'm glad to join with our colleagues and publicly condemn the blatant disregard for the rights of American prisoners of war.

Mr. DORGAN of North Dakota. Mr. Speaker, Saddam Hussein has regrettably shown his true colors once again. In a mockery of human dignity and the Geneva Convention on prisoners of war, Iraq had paraded captured American flyers through the streets of Baghdad. Even worse, TV footage of short statements by the captives seems to show that they have been beaten and subjected to extraordinary intimidation.

Iraq complains that these airmen have been the instruments of violence against its civilian population and that Iraq will still accord POW's humane treatment. Iraq must understand that it has brought war on its own head. Its invasion of Kuwait and its failure to withdraw before the U.N. approved deadline brought the region to the brink of war. Its prompt withdrawal from Kuwait could end the spiraling war in the region.

Moveover, Saddam Hussein must know that any mistreatment of prisoners of war will be condemned by our Government and the international community. I would strongly advocate that Iraqi leaders are held personally accountable for any war crimes committed as violations of the Geneva accords.

Meanwhile, I demand that Iraqi leaders observe the letter and spirit of the Geneva accords. This means that they must treat any POW's with dignity—not make a public spectacle of them, not subject them to torture or abuse, not use them as human shields, and not require them to divulge information beyond name, rank, and service number.

I will not countenance the abuse or torture of American POW's and have asked the Departments of Defense and State to take every appropriate step to secure the humane treatment and release of all captured personnel.

Mr. LEVINE of California. Mr. Speaker, if there was any doubt as to the brutal and ruthless nature of Saddam Hussein, one only had to see the grotesque pictures of American and British POW's callously displayed by the Iraqi tyrant.

This inhumane act is not only offensive to the families of these victims suffering at the hands of the Iraqis, but constitutes a severe war crime. As we already unfortunately know, Iraq's signature on the Geneva Convention means nothing to this dictator who continually ignores international law and human rights.

Saddam Hussein is not a statesman, he is a tyrant. He has absolutely no regard for the sanctity of human life, as his actions reveal. A man who can gas his own people, who can murder thousands of Iraqi citizens in cold blood, and who can attack innocent civilian populations in the region is a threat to any peaceful and civilized world.

Saddam's abuse of allied POW's and his threat to use them as human shields is only the latest despicable act in his long history of human rights abuses.

I wish to express my heartfelt sympathies to the families and friends of these courageous men who are now being held captive by the Iraqis.

I pray that they will return home safely and quickly. I can only hope this conflict will end swiftly so that Saddam's barbaric acts can be put to an end.

Mrs. BYRON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Maryland [Mrs. BYRON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 48.

The question was taken.

Mr. BATEMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. BYRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

EMIGRATION PRACTICES AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-35)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and without objection, referred to the Committee on Ways and Means, and ordered to be printed.

(For statement and message see proceedings of the Senate of today, Wednesday, January 23, 1991.)

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TODAY

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare recesses today until 3:15 p.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, we are giving recess authority until 3:15 this afternoon. But it is the intention to come back on the floor with this vital legislation today, is it not?

Mr. GLICKMAN. If the gentleman will yield, that is correct. We are waiting until the Ways and Means Committee finishes the bill on deferral of penalties in connection with income tax returns filed by our soldiers, sailors and airmen in the Persian Gulf. That bill should be ready by 3:15, and we will take that up, and then we will more than likely have five votes, one 15-minute vote and four 5-minute votes to follow:

Mr. SOLOMON. I really appreciate the gentleman's consideration.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

RECESS

The SPEAKER pro tempore. The House stands in recess until 3:15.

Accordingly (at 2 o'clock and 30 minutes p.m.) the House stood in recess until 3:15 p.m.

□ 1515

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAZZOLI) at 3 o'clock and 15 minutes p.m.

EXTENDING IRS DEADLINE FOR DESERT STORM TROOPS

Mr. ROSTENKOWSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4) to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation, as amended.

The Clerk read as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.

(a) INDIVIDUALS PERFORMING DESERT SHIELD SERVICES.—Section 7508 of the Internal Revenue Code of 1986 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended by adding at the end thereof the following new subsection:

"(f) TREATMENT OF INDIVIDUALS PERFORMING DESERT SHIELD SERVICES.—

"(1) IN GENERAL.—Any individual who performed Desert Shield services (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such services were services referred to in subsection (a).

"(2) DESERT SHIELD SERVICES.—For purposes of this subsection, the term 'Desert Shield services' means any services in the Armed Forces of the United States or in support of such Armed Forces if—

"(A) such services are performed in the area designated by the President pursuant to this subparagraph as the 'Persian Gulf Desert Shield area', and

"(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) is designated by the President as a combat zone pursuant to section 112."

(b) INTEREST ALLOWED ON OVERPAYMENTS.—

(1) Section 7508 of such Code is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) SPECIAL RULE FOR OVERPAYMENTS.—

"(1) IN GENERAL.—Subsection (a) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

"(2) SPECIAL RULES.—If an individual is entitled to the benefits of subsection (a) with respect to any return and such return is timely filed (determined after the application of such subsection), subsections (b)(3) and (e) of section 6611 shall not apply."

(2) Paragraph (2) of section 7508(a) of such Code is amended by striking "(including interest)".

(c) EXTENSION AVAILABLE FOR HOSPITALIZATION IN THE UNITED STATES.—

(1) IN GENERAL.—Subsection (a) of section 7508 of such Code is amended—

(A) by striking "outside the United States" the first place it appears, and

(B) by striking "the period of continuous hospitalization outside the United States" and inserting "the period of continuous qualified hospitalization".

(2) QUALIFIED HOSPITALIZATION.—Section 7508 of such Code is amended by adding at the end thereof the following new subsection:

"(g) QUALIFIED HOSPITALIZATION.—For purposes of subsection (a), the term 'qualified hospitalization' means—

"(1) any hospitalization outside the United States, and

"(2) any hospitalization inside the United States, except that not more than 5 years of hospitalization may be taken into account under this paragraph.

Paragraph (2) shall not apply for purposes of applying this section with respect to the spouse of an individual entitled to the benefits of subsection (a)."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 2, 1990.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4, a bill to provide tax relief for our troops in the Persian Gulf.

This bill, as reported by the Committee on Ways and Means, would ensure that our Armed Forces serving in the Persian Gulf can concentrate on their military duties without concern for any tax paperwork back home. This is the least we can do in recognition of the sacrifice and commitment of our brave men and women fighting in the Persian Gulf area.

Specifically, H.R. 4 would provide an automatic tax-filing extension for Desert Shield troops, so that they would not have to file tax returns until 6 months after they leave the Persian Gulf area. This is the same filing extension already provided to troops in combat zones. H.R. 4 would make the same extensions available to Desert Shield troops for the period before the combat zone was declared.

The bill would also make other improvements to the tax treatment of troops in combat zones generally. For instance, it would provide for payment of interest on tax refunds for the period of the filing extension.

Mr. Speaker, this legislation has been developed on a bipartisan basis, in close cooperation with the administration and with interested parties in the Senate. It is my hope that it can be enacted as expeditiously as possible, as an expression of our ongoing support for our troops in the Persian Gulf. I strongly urge all my colleagues to vote for this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to join Chairman ROSTENKOWSKI in cosponsoring H.R. 4 and rise in strong support of this bill providing relief from certain provisions for our troops involved in Desert Storm.

The President has, by Executive order, designated the Persian Gulf as a combat zone. Pursuant to current law, that Executive order suspends certain tax filing and payment requirements for members of the Armed Forces located in the combat zone. While these individuals are located in the designated region, they are relieved from the deadlines for filing returns, paying taxes, contesting tax liability, and making other tax filings. Generally, these obligations are delayed until 180 days after the end of service in the combat zone.

H.R. 4 supplements current law by extending the deadline suspension back to August 2, 1990. Current law starts the suspension only upon the designation of the combat zone on January 17—in other words, upon the onset of Desert Storm. The bill provides that the suspension will apply also to troops stationed in the Persian Gulf during the build up prior to Desert Storm. In view of the sacrifices these men and women are making for us, a temporary reprieve from the Internal Revenue Code is the very least we can give them.

H.R. 4 makes two other favorable changes to current law. First, for overpayments of tax, it requires the IRS to pay to the taxpayer interest accrued during the suspension period. Current law suspends interest accrual on both underpayments and overpayments of tax during the suspension period. The bill would not change the rule for underpayments. Thus, members of the Armed Forces due a refund would receive interest on the overpayment; those who owe additional tax would not be charged interest.

Second, H.R. 4 allows hospitalization inside the United States to continue the suspension period. Currently, for those injured as a result of service in a combat zone, the suspension period continues if they are hospitalized outside of the United States but not if they are hospitalized inside the United States. The bill provides that the supension period remains in effect for continuous hospitalization inside the United States for a period up to 5 years.

I think the message of this bill is important. We support our troops in the Persian Gulf. Daily, they endure hardship and danger. Some will give their lives. Under these circumstances, we need to convey clearly our appreciation and unqualified support for them. This bill is the least that we should do.

I urge all of my colleagues to support this bill.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise in support of H.R. 4, which will extend the filing deadline for Operation Desert Storm personnel until 6 months after their service with Operation Desert Storm has ended. I would like to commend Chairman ROSTENKOWSKI for sponsoring this resolution and bringing it to the floor in such a timely manner.

I had the opportunity to meet with our troops in Saudi Arabia. These young people are among our best and brightest. They are loyal, patriotic, and brave. Even though some of them have been in the desert since August, their morale is high.

Mr. Speaker, the least we can do for the men and women in the Persian Gulf and for their families is extend the income tax filing deadline until 6 months after their service in the Persian Gulf has ended. We can also make sure that those who are owed a refund will receive the interest that the Government accumulates after April 15.

This may not seem like much, but it is an important part of our commitment to stand behind the men and women serving as part of Operation Desert Storm. It is also part of our effort to help their families struggling at home. I urge Members to vote for H.R. 4.

Mr. ROSTENKOWSKI. Mr. Speaker, I reserve the balance of my time.

□ 1520

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. McGRATH].

Mr. McGRATH. Mr. Speaker, I rise in support of the legislation.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, as the first Republican cosponsor of this measure, let me commend your effort to grant tax relief for our men and women risking their lives in the Middle East. At the very least, we must reassure them that all is well at home. As April 15 rapidly approaches, our soldiers must know that the IRS will not pounce on them upon their return home.

Now that the President has issued an executive order designating the Middle East as a combat zone, our effort today will build on that order. We will extend the time period for tax relief retroactively to August 2 of last year. Rather than two thirds of a loaf, we are reassuring our soldiers of a whole loaf.

Mr. Speaker, I hope our action today will grant some relief to the worried minds of loved ones back home, and allow the men and women in our Armed Forces to concentrate on the dangerous job at hand. Let us pray that our troops can return home soon.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. SUNDQUIST].

Mr. SUNDQUIST. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the distinguished chairman of the committee and our ranking member for this piece of legislation.

Mr. Speaker, I rise in support of H.R. 4. With the pressures on the men and women in the Armed Forces, as has been stated, it is critical to show our support for our forces in every way possible and to relieve the worries and tensions here at home. So I think it is terribly important that we pass this bill, and I urge my colleagues to support this piece of legislation.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for giving me this time, and I would like to commend the chairman of the committee, the gentleman from Illinois [Mr. ROSTENKOWSKI], and the ranking member, the gentleman from Texas [Mr. ARCHER], for this piece of vital legislation.

Mr. Speaker, back in 1951, when I served in the U.S. Marine Corps, I think my salary as a Pfc. was $75 a month. By 1979 the salaries had gone up considerably, but American troops serving overseas were still living on food stamps, along with their families back home. Today we have raised those salaries considerably, to the point where it is an honorable career, although compensation is still minimal.

Mr. Speaker, we must take into consideration that many of our reservists and our National Guard troops who were called up have taken 25-percent pay cuts, 50-percent pay cuts, 75-percent pay cuts, and they are serving over in Saudi Arabia today while their families are at home wondering who is going to make the mortgage payments, who is going to make the car payments, and who is going to put the food on the table.

Mr. Speaker, this legislation today helps a little bit. It is not much, but it is a step in the right direction, and I most certainly commend again the ranking member, the gentleman from Texas [Mr. ARCHER], and the committee chairman, the gentleman from Illinois [Mr. ROSTENKOWSKI], for bringing this legislation to the floor in a timely manner.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I thank both the ranking member of the committee and the chairman of the Committee on Ways and Means. I can tell the Members, as I have met with a number of family members of those serving in the Persian Gulf, that this has been a great concern. Let me relate a story along this line.

Just last week I met with the wife of a serviceman. She was in tears, thinking about her IRS material that was in a shoe box in a closet in Georgia, and, of course, she was in Stevensville, MI, where I met with her. She was in tears, thinking about trying to fill out the form, and even not knowing what a W-2 form was, let alone how it was to work in filing her income tax return.

I told her I would come back to Washington and talk to my friends and colleagues on the committee about this situation. I am delighted now that this is already on the floor today, and I urge a unanimous vote for its passage.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I rise in support of H.R. 4.

Mr. Speaker, as we stand here today, our troops are bravely fighting in the Persian Gulf, in defense of the ideals and principles that make this country unique.

They face dangers and uncertainties that we—safely here at home—sometimes might have trouble picturing. While there is little we can do to reduce the dangers and perils of war, there are things we can and should do to reduce other uncertainties. We can offer our troops the piece of mind that comes from knowing that their financial matters are being taken care of, from knowing that their families are being provided for in their absence, from knowing that we are in their debt and that we will continue to support them in every possible way.

To this aim, I commend our President and this country for pulling together in support not just of the troops, but also of their families.

We must not forget the husbands, wives, children, and siblings who are also making tremendous sacrifices. They need our help, too.

I am proud of the people in my district in southwest Florida—they have joined together behind the Operation Desert Storm families, providing everything from food and financial assistance to a strong shoulder to lean on. These support groups go a long way toward helping families cope with these anxious times—today we in Congress can join with President Bush in taking another step providing some tax relief.

Mr. Speaker, we owe our troops whatever support we can give them—truly it is a small token compared with what they are giving us.

Mrs. LLOYD. Mr. Speaker, I rise in strong support of H.R. 4 to provide tax relief to our troops in the Persian Gulf. It is terribly important that we do all we can to alleviate any concerns which our Armed Forces personnel serving in the gulf may have with respect to their tax reporting requirements and this legislation should accomplish this.

This bill grants an automatic extension to file Federal income tax returns, and pay taxes, for all soldiers and support personnel involved in the Persian Gulf operation—not just those persons operating in the actual combat zone. Under this bill, such individuals and their spouses would not be required to file and pay Federal taxes until 6 months after their service in the Persian Gulf has ended. Such service would include any period of continuous hospitalization resulting from injuries received during the operation, as well as any period during which an individual may be missing in action. The measure also requires that if an individual serving in the Persian Gulf operation is due a tax refund, the IRS must pay interest earned on the refund between April 15 and the date the individual finally files, provided the person files within the extended 6-month deadline.

Our armed services personnel presently in the gulf are serving our country courageously and I salute them. This legislation should provide the support they deserve to provide the necessary relief from immediate tax obligations which may be difficult to meet as a result of their service. I urge my colleagues to join with me in strongly supporting the passage of H.R. 4.

Mr. PICKLE. Mr. Speaker, this bill, H.R. 4, will extend a measure of assistance to all personnel involved in Operation Desert Storm by granting an automatic extension of requirements to file income tax returns or pay taxes.

These brave men and women are now engaged in a deadly struggle against Iraqi aggression which demands their constant dedication. Their mission is difficult enough, and the concerns of their husbands, wives, and children are grave enough, without facing the additional burden of worrying about filing their returns and paying their taxes.

Under present law, soldiers and other personnel serving in designated combat zones are automatically granted an extension of 6 months from the time they leave combat zones to file and pay their taxes. The legislation before us today modifies current law by providing that any individual who performs

Desert Shield services is entitled to the benefits of the current law extension. This would mean, then, that personnel would be entitled to the benefits of the suspension of time provisions from the commencement of their participation in Operation Desert Shield and not just from the date of the January 17, 1991, Executive order making the combat zone designation. This bill also requires the Internal Revenue Service to pay interest earned on any refund due between April 15 and the date the individual is able to file within the 6-month deadline.

I was proud to join Chairman ROSTENKOWSKI as an original cosponsor of this measure, and I commend him for introducing it and bringing it to the floor quickly. The least we can do to support and assist our troops is to free them of one concern so that they are better able to dedicate themselves to the swift and successful completion of their mission. I strongly support this legislation.

Mr. MICHEL. Mr. Speaker, as an original cosponsor, I rise in support today of H.R. 4, which provides tax relief to our military personnel serving in the Persian Gulf. I commend the distinguished chairman of the Ways and Means Committee for his swift action on this measure.

The President took the first step in providing tax relief to our brave men and women serving in the Persian Gulf when he signed an Executive order on Monday, designating the Arabian Peninsula areas, airspace, and adjacent waters as a combat zone. This designation is effective from the time hostilities began on January 17.

The effect of this Executive order is to extend for military personnel serving in the Persian Gulf the time period for filing tax returns, paying taxes or filing claims for credits or refunds to 180 days after returning from the combat zone.

Further, military pay received by enlisted personnel while serving in the combat zone is excluded from taxation. Commissioned officers receive a $500 exclusion from income per month of military pay for tax purposes.

H.R. 4 contains several important provisions which build on the tax relief triggered by the Executive order. This legislation provides that the benefits of these suspensions will be extended to the time a person began serving in Operation Desert Shield—which could be as early as August 2, 1990.

Further, the bill provides that the IRS must pay interest on refunds which were due but were not claimed until later due to service in the Persian Gulf.

The bill also extends the suspension provisions to apply not only to continuous hospitalization outside the United States, but also to continuous hospitalization inside the United States from injuries sustained within the combat zone.

The refinements provided in this legislation are important and should be enacted as soon as possible. I hope that this legislation will send a signal of our strong support for the valiant duty of our military men and women performing in the Persian Gulf.

Mr. ANNUNZIO. Mr. Speaker, I support this bill that will give our service personnel in the Persian Gulf an extra 6 months to file their tax returns.

With war now raging in the Middle East, we're asking tens of thousands of our service men and women to risk their lives for their country.

The least we can do is to let them defer filing their Federal tax returns until 6 months after the end of this conflict. The exemption also will apply to spouses.

Our laws currently grant a 6-month tax-filing delay to soldiers in combat zones. This bill will extend that privilege to all soldiers and support personnel involved in Operation Desert Storm.

It is my hope that prompt approval of House Resolution 4 will provide a small measure of relief to our military personnel and their families.

Mrs. BYRON. Mr. Speaker, I rise today in strong support of H.R. 4, a bill to give the men and women serving the Nation in the Persian Gulf deferment from the income tax filing deadline. I commend the gentleman from Illinois for addressing an issue of obvious concern for anyone who has visited our troops in the field as he has. After our trip to the Persian Gulf last fall, it was very clear that the austere conditions, remote location, and constant threat of hostilities created an environment that was totally inconsistent with the decision by the Internal Revenue Service to require service members to adhere to the standard filing deadlines. There was simply no way that we could reasonably expect our troops to live by the same standard expected of Americans here at home, and any effort to enforce the Internal Revenue Service decision would have resulted in unnecessary hardship and stress for many service members and their families. I feel so strongly about the issues that I included H.R. 4 with a number of other initiatives designed to help Desert Storm personnel in the Military Personnel Pay and Benefits Act of 1991 (H.R. 557) which I introduced last Friday.

Although much of the early concern about the filing deadline has now been addressed with the President's declaration of the Arabian Peninsula area as a combat zone, the bill makes two changes to the code that are vital enhancements to the combat zone tax exclusion rules. The payment of interest to the service member, and the extension of the suspension period to include periods of continuous hospitalization inside the United States are important aspects of the bill that warrant our continued attention. Mr. Speaker, I strongly recommend my colleagues vote for passage.

Ms. SNOWE. Mr. Speaker, I rise in strong support of H.R. 4, legislation granting the men and women of our Armed Forces currently serving in Operation Desert Storm an automatic, 6-month extension to file their Federal tax returns.

In recent days, the world has watched as the allied forces in the Persian Gulf have begun their drive to force Iraqi military forces out of Kuwait. And while we have been encouraged with some early reports that the air campaign has met with initial success, it still is not known how long this operation will take.

Given this uncertainty, it is paramount for the 102d Congress to pass legislation swiftly granting the American military personnel involved in Operation Desert Storm an automatic, 6-month extension of the April 15 deadline for filing their Federal income tax returns.

The automatic extension that this measure provides applies not only to individuals facing actual combat, but also to all Desert Storm personnel involved in support roles. There can be no question that the allies' initial success are based, in large part, on the extraordinary efforts of allied men and women behind the front lines. They are equally deserving of this measure.

I am also pleased to see that H.R. 4 will require the Internal Revenue Service [IRS] to pay any eligible military individual interest on their refund from between April 15 and the date that they file their return, provided they do so within the 6-month extension period. Any Federal revenues lost under this provision are a small price to pay for the bravery that our Armed Forces are exhibiting under hostile and difficult circumstances.

I hope that my colleagues in the House and Senate will join me in supporting this legislation, so that it can be sent to President Bush promptly and signed.

Giving our military personnel this extension is the least that we can do to help thousands and thousands of brave men and women in the Persian Gulf.

Mr. KLECZKA. Mr. Speaker, I strongly support H.R. 4, legislation before the House today to provide an automatic extension to file Federal income tax returns to all military and support personnel involved in the Persian Gulf operation.

The coverage of this act extends to everyone involved in Operation Desert Storm, not simply those persons operating in a designated combat zone.

This will include members of Wisconsin's 128th Air National Guard, a unit based in Egypt, which has been an active participant in Persian Gulf operations.

Despite the contributions of the 128th to the war effort, its members do not receive imminent danger pay, nor are they entitled to free mailing or tax-exempt status of military pay. This is due to an arbitrary determination on combat area and stationing decisions.

Mr. Speaker, it is my strong belief that units such as the 128th, which are a vital part of the war effort, should receive imminent danger pay, free mailing, and tax-exempt status of military pay. It is my hope that Defense Secretary Cheney will revise Department policy in this regard. I hope that other Members of this House join me in urging him to do so.

Mr. KANJORSKI. Mr. Speaker, I rise in strong support of the legislation before us.

By giving our soldiers currently involved in Operation Desert Storm this slight relief we are, in a very small way, showing them our appreciation for the sacrifices they are making and the hardship they are enduring.

I am sure that every American citizen joins me in praying that this war will be over by April 15, 1991. I am not certain, however, how realistic this aspiration is. Consequently, we have the opportunity, through this resolution, to give our brave soldiers a well-deserved break.

Hopefully this will also give some relief to the families of the loyal Americans currently in the Persian Gulf. They certainly have enough to worry about.

Mr. Speaker, in conclusion I would like to say that I hope that this is only one of many pieces of legislation that this Congress passes in the upcoming weeks and months that benefits our soldiers in the Persian Gulf. I will continue to do all I can to see that these loyal Americans, and their families, are treated with the utmost respect and consideration the American Government has to offer.

Mr. BOEHLERT. Mr. Speaker, I rise in support of H.R. 4 and commend the members of the Committee on Ways and Means for bringing this measure to the House so expeditiously.

Hundreds of thousands of American service men and women are working tirelessly right now to make the Desert Storm operation a resounding success.

The absolute last thing they and their courageous families need to worry about right now are deadlines for filing income tax returns. When I was in Saudi Arabia just 2 weeks ago I heard repeatedly from our troops stationed there that the pending April 15 deadline for filing tax returns was very much on their minds. That makes them like other Americans. However, unlike other Americans, they cannot just drop everything and devote their time and energies to complying with the Tax Code.

Under this legislation, the time for filing tax returns, claiming refunds, and performing other acts required under the Federal tax laws would be extended until 60 days after individuals complete their service obligations as part of Desert Storm.

It will be the President's responsibility to make formal designations of the units of the Armed Forces that are a part of the operation.

Our intent here is relieve armed forces personnel of any fear that Desert Shield or Desert Storm service is going to lead to troubles with the Internal Revenue Service. It is the least we can do.

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.R. 4, extending the tax deadline for Persian Gulf personnel. I believe that this is an important and practical way of showing support for our troops and their families.

Military personnel across the country have been involved in the Persian Gulf operation since last August. Although many of the troops have been deployed to the combat zone in the Persian Gulf, others have been transferred from their customary assignments to support the operations associated with Desert Shield, and now Desert Storm. These transfers of active duty personnel, as well as Reserve and National Guard troops, have caused significant hardships and strained the financial security of many families. Concern over meeting the April 15 deadline for filing income tax returns is an unnecessary burden that deserved to be addressed.

Under existing law, U.S. soldiers and personnel operating in combat zones are automatically granted an extension of 6 months from the time they leave combat zones to file and pay their Federal tax returns. I believe that this legislation, which broadens the scope of the 6-month extension to include all personnel involved in the Persian Gulf operation, not just those operating in the combat zone, is both fair and timely. Although the lives of personnel stationed outside the combat zone may not be in imminent danger, their contribution is no less important and certainly the stations transfer are disruptive to their normal family lives.

In addition to extending the deadline for the payment of Federal taxes without penalty, the bill requires the IRS to pay interest on the amount of the refund between April 15, and the date the return is filed as long as it is within the 6-month deadline. I support this provision, which goes the extra step in ensuring that our military combat and support personnel are not financially penalized during their service to our Nation.

This is a good bill. I believe this legislation will go a long way toward expressing our gratitude for our troops and relieving one of their many concerns regarding the well-being of their families. I hope my colleagues will join me in supporting H.R. 4.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4, as amended.

The question was taken.

Mr. ROSTENKOWSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, and then on the motions postponed on Tuesday, January 22, 1991, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 41, by the yeas and nays;

House Concurrent Resolution 48, by the yeas and nays;

H.R. 4, by the yeas and nays;

H.R. 3, by the yeas and nays; and

House Concurrent Resolution 40, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONDEMNING THE IRAQI ATTACK AGAINST ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 41, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 41, as amended, on which the yeas and nays are ordered.

This is a 15-minute vote, to be followed by four 5-minute votes.

The vote was taken by electronic device, and there were— yeas 416, nays 0, not voting 18, as follows:

[Roll No. 11]

YEAS—416

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez

Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—18

Campbell (CO)
Carr
Cramer
de la Garza
Dymally
Ford (TN)
Hayes (LA)
Leach
Levine (CA)
Matsui
McEwen
Mrazek
Roybal
Snowe
Torres
Udall
Washington
Weiss

☐ 1546

Mr. OWENS of Utah changed his vote from "nay" to "yea."

Mr. MARKEY changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution condemning the Iraqi attacks against Israel.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARR. Mr. Speaker, I would like to explain that I was unavoidably detained on the first vote, House Concurrent Resolution 41, and that I do in fact support that resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

CONDEMNING THE BRUTAL TREATMENT BY IRAQ OF CAPTURED SERVICE MEMBERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 48.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. BYRON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 48, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 16, as follows:

[Roll No. 12]

YEAS—418

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento

Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—16

Campbell (CO)
Cramer
de la Garza
Dymally
Ford (TN)
Hayes (LA)
Leach
Levine (CA)
Matsui
McEwen
Murphy
Roybal
Snowe
Torres
Udall
Weiss

□ 1555

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CRAMER. Mr. Speaker, I rise to state that I was unavoidably absent on rollcall votes 11 and 12. Had I been present I would have voted aye on House Concurrent Resolution 41 and aye on House Concurrent Resolution 48.

EXTENDING IRS DEADLINE FOR DESERT STORM TROOPS

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 4, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4, as amended, on which the yeas and nays are ordered.

The Chair will announce that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 13]

YEAS—415

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—19

Campbell (CO)
de la Garza
Dymally
Ford (TN)
Hayes (LA)
Jacobs
Levine (CA)
Matsui
McCandless
McCloskey
McEwen
Olin
Payne (VA)
Roybal
Snowe
Torres
Udall
Weiss
Wise

□ 1602

So (two-thirds having voted in favor thereof), the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, on a previous vote, rollcall 13, H.R. 4, extension of the tax deadline for people serving in the Persian Gulf, I was inadvertently detained and entered the Chamber seconds after the vote closed. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MCCANDLESS. Mr. Speaker, on rollcall No. 13, dealing with H.R. 4, I was inadvertently detained. Had I been here, I would have voted "aye" on that measure and I ask that my vote be shown on the RECORD following the regular vote.

VETERANS' COMPENSATION AMENDMENTS OF 1991

The SPEAKER pro tempore (Mr. MAZZOLI). The unfinished business is the question of suspending the rules and passing the bill, H.R. 3.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 14]

YEAS—421

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—13

Campbell (CO)
de la Garza
Dymally
Ford (TN)
Hayes (LA)
Levine (CA)
Matsui
McEwen
Roybal
Snowe
Torres
Udall
Weiss

□ 1610

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING RECENT USE OF SOVIET MILITARY FORCE IN THE BALTIC STATES

The SPEAKER pro tempore (Mr. Mazzoli). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 40, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. Fascell] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 40, as amended, on which the yeas and nays are ordered.

This is the last 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 15]

YEAS—417

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle

Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—17

Berman
Campbell (CO)
de la Garza
Dymally
Eckart
Ford (TN)
Gordon
Hayes (LA)
Levine (CA)
Matsui
McEwen
Roybal
Snowe
Synar
Torres
Udall
Weiss

☐ 1616

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, I had to miss several votes today. Had I been here I would have voted in the following manner:

Yea on House Concurrent Resolution 40;

Yea on House Concurrent Resolution 41;

Yea on House Concurrent Resolution 48, a resolution condemning Iraqi treatment of POW's;

Yea on H.R. 3; and

Yea on H.R. 4.

PERSONAL EXPLANATION

Mr. ECKART. Mr. Speaker, during votes yesterday I was on the House floor conducting committee business. At that time I inadvertently was not recorded on the vote on House Concurrent Resolution 40, condemning Soviet violence in Lithuania. As is evident from my floor speech earlier in the day, I would have voted aye.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, on January 23, during consideration of House Congressional Resolution 40 to condemn Soviet force in the Baltics, my vote in response to the measure was not recorded. Had my vote been recorded I would have voted "aye" on rollcall No. 15.

THE TRAGIC EVENTS IN THE BALTIC STATES

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I rise to speak for 1 minute at the end of this legislative day and week on the tragic events in the Baltic States.

This month Moscow began implementing a military occupation of the Baltic States, three countries that have used democratic and peaceful means to regain their rights to freedom from Soviet rule. Shots have been fired by Soviet paratroopers in Lithuania, leaving 13 people dead, and in the last several days more shots were fired in Latvia, leaving 5 people dead.

We must hold Mr. Gorbachev accountable for violating his own promise to settle nationality questions through peaceful means.

I believe that the cause of the Baltic States and their citizens is just and they deserve their freedom.

I strongly support the House adoption of House Concurrent Resolution 40, which we just did, which addresses the situation in the Baltic States.

AICPA NAMES ROSTENKOWSKI BUDGET PERSON OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HARRIS] is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, last fall the controversy over the budget dominated our debates. The attempt to reconcile demands for program funding with equally strident demands that revenues not be increased almost proved impossible. In the end, patience and perseverance allowed us to reach an agreement. Much credit must go to those whose leadership made that agreement possible.

As I look back over the debate and our work on this issue, I see even more clearly the need for us to take a comprehensive, long-term view of these complex issues. We must not again let events force us to make difficult choices in a crisis atmosphere.

In this regard, Chairman ROSTENKOWSKI of the House Ways and Means Committee truly led the way with his Rostenkowski challenge. He had clearly taken the long view and tried to put forward a comprehensive package combining spending cuts and revenue increases. His challenge included both entitlement and discretionary programs, domestic as well as military spending. The chairman set the stage for the debate which followed. By placing himself out front on this issue he demonstrated true leadership.

This leadership has been recognized by one of the country's leading professional associations, the American Association of Certified Public Accountants [AICPA]. Few groups are more closely attuned to issues of Government finance. It was not surprising that Chairman ROSTENKOWSKI was chosen Budget Person of the Year in their 1990 Federal budget report. This served to confirm my own estimation of his contributions.

Mr. Speaker, I insert here in the RECORD at this point the full text from the AICPA's publication outlining the accomplishments of the chairman which led to his being selected to receive this honor.

The article referred to is as follows:

[From the Federal Budget Report, Dec. 24, 1990]

FBR'S BUDGET PERSON OF THE YEAR

Federal Budget Report began an annual tradition in 1989 by naming its first "budget person of the year"—the person or organization that made the most important positive contribution to the federal budget debate. Last year's winner was the General Accounting Office, which was cited for consistently tackling the toughest budget-related subjects, producing some of the best budget analyses, and providing some of the hardest-hitting testimony on budget issues (FBR, 12/18/89).

AND THE WINNER FOR 1990 IS . . .

By almost anyone's standards, 1990 was an extraordinary year for the federal budget. High-level budget negotiations were conducted for almost six full months, including a five-month budget summit. Not only was a large five-year deficit reduction plan enacted, it was enacted only days before the election when partisan political considerations were likely to have been most difficult to deal with. In addition, a massive change in the federal budget process, a change that will clearly alter the outcome of the budget debates for a least the next five years, was also adopted.

In FBR's estimation, however, the most positive contribution to the year's debate on the federal budget happened before any of these events took place; nothing that came afterwards even came close to matching its eventual importance. For that reason, the 1990 Federal Budget Report Budget Person of the Year award goes to Rep. Dan Rostenkowski (D-Ill.), chairman of the House Ways and Means Committee and author of the "Rostenkowski Challenge," which significantly and substantially changed the way that almost all other participants in the budget debate thought about what had to be done.

Why was the Rostenkowski Challenge so important? First, because it set the stage for all of the deficit reduction talks that were to come for the rest of the year. Although few politicians rushed to support it (the White House called it "serious," OMB Director Darman said he was "delighted", Senate Finance Committee Chairman Lloyd Bentsen (D-Texas) called it a "good starting point"), the challenge clearly made talk about a massive deficit reduction package politically acceptable.

In fact, due to careful planning by Rostenkowski, the challenge literally dominated political discussion in Washington for several weeks. The day the challenge first appeared on the op-ed page of *The Washington Post*, Rostenkowski appeared on a number of the most influential television political talk shows and virtually every other political official connected with the budget debate had to respond to it in some way.

Second, to say the Rostenkowski Challenge was prescient is putting it mildly. It was offered while the official projected fiscal 1991 baseline deficit was only $101 billion, just $37 billion above the Gramm-Rudman-Hollings deficit maximum of $64 billion and only about a month after the Bush administration had submitted its budget to Congress saying that a budget summit was not needed. It was more than a month later before Darman started to increase his deficit projections and subsequently convinced the president that high-level discussions between the White House and congressional leadership were indeed necessary if anything was to happen this year on the deficit.

Third, not only was the Rostenkowski Challenge comprehensive, it was also extremely daring, politically. It included spending cuts and revenue increases, entitlement and appropriations reductions, and a domestic and military spending decrease—one or more of which were taboo subjects for most elected officials. It also included the most sacred of the sacred cows—Social Security, Medicare, gasoline and cigarette taxes, and income taxes. In other words, it had all of the elements that almost every budget analyst will tell you are needed to reduce the deficit appropriately but which politicians generally avoid suggesting.

How influential was the Rostenkowski Challenge? As the following table shows, the final deficit reduction package that was adopted was very similar to what Rostenkowski proposed in a variety of ways.

At the time the agreement was adopted by Congress, it was projected to reduce the deficit by about $496 billion between fiscal year 1991 and 1995. The Rostenkowski Challenge proposed about $512 billion.

The revenue increases adopted by Congress totaled $137 billion compared to Rostenkowski's recommendation of about $195 billion.

Total spending cuts adopted by Congress were $281 billion; the Rostenkowski challenge proposed about $255 billion.

The entitlement cuts enacted by Congress totalled about $99 billion (although increased fees are included in this amount). Rostenkowski proposed slightly more than $78 billion (but included no fees).

The military spending reductions for fiscal 1991 through fiscal 1993 adopted by Congress were about $64 billion. The Rostenkowski Challenge proposed $60 billion for the same period.

ROSTENKOWSKI CHALLENGE VS. FINAL DEFICIT REDUCTION AGREEMENT

[In billions of dollars]

	1991	1991–95
Military spending:		
Rostenkowski	−10.0	−150.0
Agreement	−9.8	[1]na
Domestic appropriations:		
Rostenkowski	−3.0	−26.4
Agreement	+1.1	[1]na
Entitlements:		
Rostenkowski	−11.4	−78.1
Agreement	−10.4	−99.0
Total spending reductions:.		
Rostenkowski	−24.4	−254.5
Agreement	−18.4	−281.4
Revenues:		
Rostenkowski	+29.0	+195.2
Agreement	+18.0	+136.9
Interest:		
Rostenkowski	−1.6	−61.9
Agreement	−1.4	−68.4
IRS enforcement:		
Rostenkowski	0	0
Agreement	3.0	9.4
Total deficit impact:.		
Rostenkowski	55.0	−511.6
Agreement	42.5	−496.2

[1] The budget agreement did not allocate spending cuts between domestic and military programs for fiscal year 1994–95.

Sources: House Budget Committee, Oct. 27, 1990; House Ways and Means Committee.

But the challenge is not the only reason Chairman Rostenkowski is FBR's Budget Person of the Year. Once it was proposed, Rostenkowski did not let his plan get in the way of the negotiations that eventually developed between Congress and the White House. Although he could have easily continued to push his challenge, Rostenkowski instead became a team player, even if it meant his plan was seemingly dropped and his role apparently diminished. He then made sure the Ways and Means Committee did all of the work it was required to do to get the final plan implemented.

This is the essence of strong political leadership: foresight, courage, substantive knowledge, and tenacity. More than any other of the participants in this year's budget debate, Rostenkowski displayed all of these assets.

Therefore, for all of his outstanding work, but especially for his willingness to provide the leadership on the budget that many said was needed, FBR heartily congratulates Chairman Rostenkowski. The budget debate in Washington and throughout the country was significantly better in 1990 because of his efforts.

DANIEL P. MAHONEY OF BALLSTON SPA, NY: A QUIET AMERICAN HERO

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, if anyone doesn't think America has the will to prevail in this war, I'd like to bring the following to your attention.

I've just gotten a letter from Mr. Daniel P. Mahoney of Ballston Spa, NY, who wants to enlist in the Army Reserves.

Mr. Speaker, that desire would be commendable in itself, but there is more to it than that.

Mr. Mahoney served with the 101st Airborne in the Vietnam war 20 years ago. Furthermore, he has recovered from two cancer operations. He is concerned that his medical history might keep him from the service. And he wrote me to ask if I could intervene.

Mr. Speaker, our country has just become locked in combat with a determined foe. That kind of situation often brings out the best in a country, and in a man. Such a man is Daniel Mahoney, who has already put his life on the line.

And finally, Mr. Speaker, I am proud to place his letter in today's RECORD, and proud to bring to your attention the patriotism of Daniel P. Mahoney, an unsung American hero.

Ballston Spa, NY.

Congressman GERALD SOLOMON,
Washington, DC.

DEAR CONGRESSMAN SOLOMON: Thank you for taking time from your busy schedule to speak with me concerning my attempt to enlist in the active reserves.

I have been speaking with Sgt. Kulwic, of the Saratoga Recruitment Office, about enlistment in the Army Reserves. Sgt. Kulwic has advised me that if I pass the physical, I may be able to be assigned to an activated reserve unit. As I mentioned in our conversation, I have had two separate operations for cancer and although I am recovered from both, I am concerned that the military doctor's might reject me because of the past history.

Attached, please find a copy of my DD214. As you can see, I was an infantryman and served during the Vietnam war. I am an expert marksman and have significant combat experience.

As a veteran of A Company, 1st 327 Infantry of the 101st Airborne Division, it is my desire to help my country return Kuwait to it's legitimate government. Anything you could do to help me join our ground forces in Saudi Arabia would be greatly appreciated. I am proud to be an American and I am proud of your representation of our district.

Sincerely,

DANIEL P. MAHONEY.

CONDEMNING RECENT REPRESSION AND VIOLENCE BY SOVIET FORCES IN THE BALTIC REPUBLICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes

Mr. LIPINSKI. Mr. Speaker, I rise today to express in the strongest possible manner my outrage and condemnation of the recent and continuing oppression and violence by Soviet forces in the Baltic Republics. While an anxious world closely follows the tensions in the Persian Gulf, the Soviet Union reverted to its old ways of violence, intimidation, and repression against the people of Lithuania and Latvia.

All of us viewed with great hope the decline of the cold war and the emerging freedoms from within the Soviet Union. Using the excuse of rounding up draft evaders, the Soviets have deployed into the Baltics thousands of troops which turned into a well-coordinated military occupation force. This force has been responsible for the bloodshed which has intensified over the past 10 days. These acts of violence seem to have dimmed for now the optimism many of us had for the emergence of democracy in Eastern Europe and development of perestroika and glasnost in the Soviet Union.

While the events in the Persian Gulf have diverted world attention from this brutal aggression against Lithuania and Latvia, we must speak out and take immediate action to express our outrage. The Soviet Union has refused to engage in good faith negotiations with the duly elected governments of the Baltics and as a result we see the violence escalating. The U.S. response to this crisis in the Baltics has been mild at best. One of the more troubling aspects of this action by Soviet troops has been the response of Soviet leader Gorbachev—that he did not order the troops to open fire on the unarmed civilians. This does not absolve President Gorbachev of responsibility for this violence, but it does raise serious questions about who is really in charge in the Soviet Union. Has the military regained the upper hand and taken control from the civilians? We all hope that isn't so, but we must begin a reassessment of United States-Soviet relations and policy.

My constituents, like all Americans, join me in expressing strong condemnation of this Soviet violence in the Baltics. There are certain policies we need to review if the Soviet Union has reversed course and is pursuing its old goals of fear, intimidation, and bloodshed. Participation in the February summit between the United States and the Soviet Union should be reconsidered given the changing behavior of our Soviet counterpart. The people of Lithuania need more than dialog from us with the Soviets. They need an immediate end to the rumbling of tanks through their streets, gunfire directed at their people, and the repeated beatings of innocent civilians. The scenes we witness today in the Baltic Republics are similar to those which shocked the world in Hungary in 1956, and Czechoslovakia in 1968. In light of these cruel Soviet actions, the United States should immediately suspend all trade benefits or economic assistance we previously granted as an incentive for their improved behavior.

The shadow of war in the Persian Gulf should not overshadow the world's strong objection to Soviet behavior toward the Baltic Republics. The price of Soviet cooperation in liberating Kuwait from the ravages of Saddam Hussein, should not be at the expense of the Baltic Republics being crushed by Soviet troops. We must give strong support to our friends in the democratic Baltic Republics. Their fight for self-determination has not been eliminated despite 50 years of Soviet intervention. Our desire for better Soviet relations must not be at the expense of the Baltic states' fight for sovereignty. The voice for freedom must not be silenced due to shifting world events.

I believe we have a special responsibility to take action which serves notice on President Gorbachev and other Soviet leadership officials concerning our outrage over this brutal aggression against the peaceful Baltics. While President Bush has expressed his public condemnation, we must do more to further emphasize our disapproval.

I ask President Bush to call on Soviet leader Gorbachev and demand the violence in the Baltics to immediately cease. If the violence persists, we must take stronger measures to express our rejection of this Soviet behavior.

House Concurrent Resolution 40, which condemns the Soviet violence in Lithuania, is a strong indication of a unified Congress which opposes these Soviet actions. Let us use this resolution as a meaningful step toward achieving an end to the violence in the Baltics, the Baltic states deserve nothing less from us.

MSGR. CHARLES OWEN RICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, I rise today to honor Msgr. Charles Owen Rice, a man whose dedication and work on behalf of working men and women has set an example for generations of citizens in Pittsburgh and around the country.

Recently St. Vincent Seminary of Latrobe honored Monsignor Rice for his efforts as a champion of social justice and ethical standards, dating back to his days as a pioneer labor priest of the 1930's. On December 7, 1990, the Very Reverend Thomas Acklin, rector of St. Vincent Seminary, announced the creation of a fund to estabilsh a Msgr. Charles Owen Rice Chair of Ethical Studies.

This endowment will advance educational activities in the fields of moral theology, Christian ethics, and social and medical ethics. In addition, the fund will support educational activities of seminarians serving the poor, the unemployed, the underemployed, and minority groups.

The goals of this educational fund pay fitting tribute to the continuing work of Monsignor Rice. Throughout his life, Charles Owen Rice has fought for the rights of workers and minorities. As an articulate speaker and writer, Monsignor Rice has used local radio and his columns in the Pittsburgh Catholic to speak out on behalf of the dignity of every individual man and woman.

A native of New York City, Charles Owen Rice grew up in Pittsburgh where he attended Duquesne University, graduating with a bachelor of arts degree in 1930. At St. Vincent Seminary, he studied theology, scripture, and canon law. Ordained in 1934, Father Rice went to work serving the pastoral needs of Pittsburgh parishes. In 1936, Charles Owen Rice started a career in local radio that has spanned over 44 years and launched a column in the Pittsburgh Catholic which continues to appear regularly.

During the Great Depression, Father Rice opened St. Joseph House of Hospitality to provide food, clothing, and temporary shelter for hungry and homeless men. Serving as resident director for over 10 years, Father Rice's contact with former convicts led him to develop a lifelong interest in prison reform, and he continues to help convicts and visit prisons. Governor Shapp appointed him to the committee on capital punishment. He served on the Governor's Justice Commission and is today an active member of the Allegheny County Prison Board.

At a time when our Nation faced great economic distress and during the Second World War, Father Rice was active in the American labor movement. He has addressed thousands of groups and rallies for workers. While criticized for his direct action, Father Rice continued to work closely with national labor leaders, and can still be seen today at strikes and prolabor demonstrations.

Installed as a monsignor in March, 1964, Charles Owen Rice became active in both the civil rights movement and in the anti-Vietnam war movement. Monsignor Rice has always been a forceful advocate of the rights of minorities to decent housing, employment, and educational opportunities. He worked relentlessly to bring Pittsburgh together and met head-on racial strife and social unrest wherever he found it. Monsignor Rice led many antiwar peace marches and teach-ins, and lent his personal energy to national efforts to end the Vietnam war.

Throughout the decades, Monsignor Rice has continued to serve local parishes. He has been tireless in pursuing his pastoral duties, and today serves as pastor emeritus to St. Anne Parish, Castle Shannon. At the same time, he continues to serve the wider community as a member of the Allegheny County Board of Health, where he has focused attention on environmental threats to public health. He has also spoken out on behalf of individuals suffering from the AIDS epidemic.

Mr. Speaker, I join with my constituents in honoring Msgr. Charles Owen Rice, and commend St. Vincent Seminary for establishing a chair of ethical studies in his name. I wish Monsignor Rice the very best, and salute him for his current and past efforts on behalf of working men and women everywhere.

TRIBUTE TO DAVE SHARMAN, FORMER STAFF DIRECTOR OF THE HOUSE ADMINISTRATION COMMITTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I have asked for this special order today so I may pay tribute to a distinguished staff colleague and dear friend, David C. Sharman.

Dave Sharman died on December 11, 1990, after a long illness. For nearly 15 years prior to that, he provided exemplary service to the House of Representatives.

As a staff director for the Committee on House Administration during the 99th, 100th, and 101st Congresses, he continually sought to improve his office so it would serve the taxpayers more effectively.

Always loyal, hard-working, and conscientious, Dave was never short on ideas for improving efficiency and lowering costs. For example, he helped set up a new computer system for committee staffers several years ago.

On a personal level, I'll always remember Dave as a man who loved his family and dedicated himself to ensuring their well-being.

A native of Big Springs, TX, he was born on January 9, 1923. He is survived by his wife of 45 years, Winnie.

Also surviving are two sons, J. Michael of Madison County, Va.; and John W. of Manassas, Va. Three surviving daughters include Patricia Mann of Tallahassee, FL., Kathy Salamone of Annandale and Lynda Sharman-MacDonald of New York City. Dave is also survived by 12 grandchildren.

In these times of concern about the sacrifice our troops are making in the Persian Gulf, it's appropriate to note that Dave spent 18 months in a German POW camp during World War II.

A veteran of the U.S. Army Air Corps, he served as a radio operator and a gunner on a B–17 bomber. Based in England, Dave was captured during his seventh mission after enemy troops shot down his bomber.

His wartime experience taught him the mental toughness and discipline he would later display as a congressional staffer.

After the war, he returned to the United States. He attended the University of California at Berkeley, where he received a master's degree in public administration. He also earned a master's degree in organizational management at Stanford University and an honorary doctor of optometry degree from the Illinois College of Optometry. Mr. Sharman continued his studies at Northwestern University and the University of Michigan.

In 1961, he moved to Washington to establish the first full-time office of the 20,000-member American Optometric Association. He served as executive director of the association until 1967.

A Democrat, Dave joined the staff of the House Administration Committee in 1976. He served as staff director for the committee's Personnel and Police Subcommittee during the 96th Congress. Mr. Sharman headed the Accounts Subcommittee during the 97th and 98th Congresses. He then accepted the post of staff director for the Administration Committee.

I shall remember Dave not only for his loyalty, drive, and creativity, but for his sheer love of this institution. It gives me great pride to reflect on his many contributions to the House of Representatives.

Mrs. Annunzio joins me in extending to his widow, Winnie, and to his entire family our profoundest sympathy on their great loss.

CIGARETTE VENDING MACHINE OCCUPATIONAL TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am introducing legislation which will aid our Nation in accomplishing three important goals:

First, reduce access to cigarettes for children and youth, thus protecting their health.

Second, decrease the long-term health care costs of smoking induced diseases.

Third, provide resources to States to carry out the programs necessary for meeting the goals and objectives for smoking reduction proposed in the "Healthy People 2000" report.

Many studies have shown 100 percent success when minors attempted to purchase cigarettes from vending machines, even in locations which were supposedly off limits to minors, such as bars and taverns. Older teenagers are more likely to purchase their cigarettes from convenience stores and service stations, but younger children, many no older than 9 or 10 years old, become habitual smokers because of the availability of cigarettes through vending machines.

Each year, 16 percent of smokers who are minors, or half a million children, regularly buy their cigarettes through vending machines. Thirteen year olds are 11 times as likely as 17 year olds to do so (22 percent versus 2 percent). The reason those who most frequently use vending machines give is, "because no one will stop me from buying cigarettes this way."

Increasing the price of cigarettes has been shown to be by far the most effective means of discouraging young people from becoming smokers. Increasing the cost of cigarettes in vending machines as compared to over-the-counter purchase will affect children and youth more than confirmed adult smokers. Our future potential smokers are the ones we must reach with prevention programs in order to avoid the tragedies of lung cancer and other smoking induced diseases.

Each year nearly 400,000 smoking related deaths occur in the United States. In addition to the heartfelt tragedy of premature death and illness felt by millions of American families, there is an estimated cost to our Nation of $65 billion annually. Of this amount at least $22 billion is in direct health care costs and the remainder in lost productivity. As a Nation we can ill afford this heavy expenditure in lives and productivity. We could certainly use the $22 billion paid out in direct health care costs to meet our Nation's objectives for health promotion and disease prevention. Lung cancer deaths continue to increase among women and minorities, the targets of much of our tobacco advertising today.

Mr. Speaker, preventive strategies such as decreasing the purchase of cigarettes by children and youth is our best hope for decreasing the health care costs of smoking induced diseases. An occupational tax on cigarette vending machines will further this goal.

Mr. Speaker and Members of Congress, the "Healthy People 2000" report has introduced a set of goals and objectives for national health promotion and disease prevention. We can accept this report as written and agree or disagree with its many parts. I think we have a greater responsibility than that! Leadership in securing resources for the reports' many goals and objectives is needed now.

I am proposing that the funds generated from the occupational tax on cigarette vending machines be assigned to the Center for Disease Control [CDC] for the accomplishment of the tobacco objectives stated in the "Healthy People 2000" report. There are two of these: First, reduce initiation of smoking to more than 15 percent by age 20 (a 50 percent decrease) and, second, reduce cigarette smoking prevalence to no more than 15 percent of adults (a 48 percent decrease).

The CDC already has the capability of distributing this money to the States and local health departments where programs particularly suitable for local areas can be developed and monitored. This plan will allow states to incorporate smoking education funding into programs they already conduct, thus decreasing the costs for new program start-ups and reaching maximum degrees of effectiveness. Examples of existing programs into which smoking health education could be introduced are:

Maternal and child health; Head start; Occupational and environmental programs; and

Alcohol and drug abuse programs.

In addition, some States may want to develop counter-advertising campaigns. These have been found to be highly successful in my own State, California. Others may wish to develop State legislation to control tobacco sales to children and strengthen local enforcement capabilities.

The cigarette vending machine occupational tax is not intended to tell States and local health departments how to accomplish their task. It is designed to maximize their opportunities for meeting the goals and objectives of "Healthy People 2000."

There are currently approximately 374,000 cigarette vending machines in the United States. I propose that we place an annual tax of $500 on each machine, to be paid by the owner of the machine. The $187 million generated by this tax will be placed in a Reduced Tobacco Use Program Trust Fund and shall be available only to the CDC for purposes as described above and other such goals and objectives directed toward reducing the incidence and prevalence of tobacco induced diseases.

The tobacco industry realizes $221 million each year in cigarette sales to children. The tobacco industry also spends over $3 billion annually on advertising. Although my proposal is modest in counteracting the effect of such large profits and expenditures, it speaks to the right of every child to grow up in a smoke free environment, untempted by easy access to a habit that will in the long run bring only ill health, high costs, and possibly death.

Mr. Speaker, I urge that today, and in the coming days of this Congress, we: First, make a commitment to our children to reduce the temptation of easy access to cigarettes, second, rid our Nation of the high costs of health care for smoking induced diseases, and third, make the anti-smoking objectives for "Healthy People 2000" a true success.

The bill is as follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANNUAL TAX ON CIGARETTE VENDING MACHINES.

(a) IN GENERAL.—Subchapter C of chapter 52 of the Internal Revenue Code of 1986 (relating to tobacco products) is amended by adding at the end thereof the following new section:

"SEC. 5732. TAX ON OPERATION OF CIGARETTE VENDING MACHINES.

"(a) GENERAL RULE.—Every person who owns any vending machine through which cigarettes are sold or offered for sale shall pay a tax of $500 per year with respect to each such machine.

"(b) CERTAIN OCCUPATIONAL TAX RULES TO APPLY.—Rules similar to the rules of subpart G of Part II of subchapter A of chapter 51 shall apply for purposes of this section.

"(c) PENALTY FOR FAILURE TO REGISTER.—If—

"(1) any person is required by subsection (a) to pay tax with respect to any vending machine, and

"(2) such person willfully fails to pay such tax,

such person shall be fined not more than $5,000, imprisoned not more than 2 years, or both, for each machine with respect to which there is such a failure for any year.

"(d) ADDITIONAL TAX.—The tax imposed by this section shall be in addition to any other tax imposed under this chapter."

"(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end thereof the following new item:

"Sec. 5732. Tax on operation of cigarette vending machines."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1992.

SEC. 2. REVENUES FROM CIGARETTE VENDING MACHINE TAX TO BE USED FOR TOBACCO-RELATED PROGRAMS OF THE CENTER FOR DISEASE CONTROL.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9511. REDUCED TOBACCO USE PROGRAM TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Reduced Tobacco Use Program Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Reduced Tobacco Use Program Trust Fund amounts equivalent to the revenues received in the Treasury from the tax imposed by section 5732 (relating to tax on cigarette vending machines).

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Reduced Tobacco Use Program Trust Fund shall be available, as provided in appropriation Acts, only to the Centers for Disease Control for purposes of carrying out the tobacco priority goals and objectives of the Healthy People 2000 Report prepared by the Public Health Service and other such goals and objectives directed toward reducing the incidence and prevalence of tobacco-induced diseases."

"(b) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9511. Reduced Tobacco Use Program Trust Fund."

STICK TO THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today the Director of the Congressional Budget Office has officially notified the Congress that the Nation is in a recession, according to his forecast and that of the Office of Management and Budget.

These forecasts mean that the Senate majority leader must, and the House majority leader may, introduce a joint resolution suspending for fiscal years 1991 and 1922 certain budget enforcement procedures. Specifically, enactment of such a resolution would mean suspension of sequestration as an enforcement tool for overall deficits, for the three appropriations caps—which cover defense, international, and domestic spending—and for the pay-as-you-go requirement for entitlement increases or tax cuts. It would also suspend congressional points of order that enforce the Budget Act.

I have strongly recommended to the House majority leader that he not introduce such a resolution at this time, and it is my hope that neither the House nor the Senate will adopt such a measure.

I believe suspending the budget enforcement provisions would send the wrong signal to the American people and to financial markets at a time of great uncertainty. With deficits likely to exceed $300 billion and war placing new demands and uncertainties on the budget, now is not the time to consider major new spending initiatives or tax cuts which would probably follow suspension of those provisions.

Right now, most estimates are that this recession will not be a particularly long or deep one. While it is too early to make such a prediction with certainty, and while it should be clear that there will be considerable suffering even if the recession turns out to be mild, we need to think about the impact of a wholesale suspension of budget enforcement for the next 2 years.

It seems clear that suspension of budget enforcement would lead to further increases in Federal borrowing, with increases in deficits and the debt. This would place upward pressure on interest rates, which would make it extremely difficult for the Federal Reserve to maintain its current policy of easing rates to encourage economic recovery.

Yesterday, Federal Reserve Board Chairman Alan Greenspan specifically addressed this issue in a briefing before the House Budget Committee. I think his testimony to our committee is very instructive, and I quote it here:

> Voting to suspend the enforcement provisions in the absence of compelling evidence of a deep or prolonged recession would be a mistake. Together with the administration, you worked long and hard last year to assemble an acceptable package of spending and tax changes and budget process reforms. By enacting the budget agreement, you gave financial markets some assurance of stability and of future easing of Federal credit demands. Undercutting this commitment now might have adverse effects on long-term interest rates and thus might well be self-defeating.

CBO Director Robert Reischauer, speaking before a House Budget Committee hearing last month, expressed the view that suspension would be unwise in the case of a brief and mild recession. The administration has also expressed opposition to suspension of budget enforcement measures.

In my view, a further easing of monetary policy by the Federal Reserve is the single best policy available to fight this recession. Loosening of interest rates would stimulate interest-sensitive sectors of the economy, such as housing, it would reduce effective debt burdens for businesses and families, and it would ease pressure on the embattled financial industry. Congress should not take action which makes these Federal Reserve actions more difficult.

In addition, we should rely on our automatic safety net, the effective increases in key benefit programs which will be triggered by rising unemployment. The expectation is that some $3.6 billion in spending will occur in unemployment, food stamp, Medicaid, and AFDC benefits because of the increased need created by unemployment.

I think it is worth noting that one problem we do not have is that these automatic stabilizers—the benefit increases as well as revenue reductions caused by a recession—are not threatened this year by the Gramm-Rudman-Hollings fixed deficit targets of prior years. Those targets would have required a huge amount of deficit reduction this year in the middle of a recession. Last year's budget agreement permits those stabilizers to take effect without offsetting deficit reduction.

In addition, Congress will most likely debate in this year's budget resolution various methods of addressing the recession that also do not require wholesale abandonment of the enforcement mechanisms of last year's agreement. Clearly, if the recession worsens through the spring, Congress retains the option of considering a selective response through significant changes in spending or revenue policies.

For now, though, because our underlying deficits are so large, and need to be reduced for long-term economic reasons, we should be extremely cautions about increasing them in the name of countercyclical policy. Any permanent, or ill-timed temporary, widening of the structural deficit would damage our long-term efforts to restore saving and investment.

Attempting to repeat the expansion of the 1980's with big tax cuts and spending increases would once again lead to high real interest rates, a rise in the dollar and wider trade deficits, growing problems for financial institutions, and inadequate investment in housing and industry.

Instead, Mr. Speaker, I urge that we stick with the 1990 budget agreement, a pathbreaking plan to get back to a balanced economy with lower interest rates, greater financial stability, and higher productivity growth. Down that path lies long-term economic growth and a higher standard of living for our children.

LESSON ONE: WAR AND OIL

Mr. SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, this evening the title of my remarks is "Lesson One, War and Oil."

Mr. Speaker, last week, on the eve of the war in the gulf which now commands all of our attention and the attention of the world, I spoke about the need to learn the lesson of history, to remind ourselves that this war has been a long time in coming.

Mr. Speaker, Saddam Hussein invaded Kuwait last August, to be sure, but it is clear to me, if we reread history, that time and time again the wars in the Middle East have had strong economic motivation. From the Suez Canal crisis in 1956 to the gulf war in 1991, America has been drawn to the edge of war, and now we have gone to war because of the overriding importance of Middle East oil to our economic well-being. Our own Secretary of State, James Baker, stated that what this war effort is all about is jobs, our standard of living, and the American way of life.

Mr. Speaker, the American people are of one mind when it comes to supporting our fighting men and women who are in battle as we talk this evening, and, whether you agree with the rationale for this war or not, all Americans are behind our troops 100 percent, and I would say 1,000 percent, and we wish them all Godspeed.

It is also clear to me that the American people still have strong, conflicting emotions about the rationale for this war. They are still asking why, why at this time has the United States committed hundreds of thousands of our brave fighting men and women to battle?

Some will say that Saddam Hussein must be stopped, and surely it is true that Saddam Hussein is one world-class bully. The conditions that gave rise to him must be the main agenda of winning the peace, however, once the fighting stops.

But history tells us another reason for our being in this war, and that reason is the power of oil, and the enormous wealth it generates and the power and influence globally that go with it.

Our policy toward the Middle East has for decades been defined by our need, and our addiction some would say, to Middle East oil; oil, our need for it, our demand for it, our control of it has been the major cause that has drawn America and its Western allies close to the edge of war before and now into war in the Middle East.

When the Suez crisis erupted in 1956, the French and the British joined Israel in attacking Egypt. The issue was oil. The West asked the question:

> Could it depend on Nassar of Egypt, the leader at that time, to keep the Suez Canal open to ensure Europe its continued access to gulf oil?

There was a point in time during this crisis when the United States was actually shipping emergency oil supplies, 50,000 barrels a day, to Europe. This crisis, as we all know, only ended by joint intercession of the Soviet Union and the United States.

Then shortly thereafter, in 1967, the Middle East erupted yet another time in the now famous Six Day War pitting Israel against Egypt as well as Jordan, Syria, and the other members of the Arab Alliance. Once again the power of oil played a significant role in defining American policy. Egypt closed the Suez Canal to our oil tankers. Kuwait and Iraq in those days joined together then as allies, cut off their oil supplies to the United States and Britain to show their disapproval of our support for Israel. That was in 1967, Mr. Speaker. War and oil.

Then in 1972, the United States signed an agreement with Bahrain for the establishment of the United States naval base in the Persian Gulf. In the same year the OPEC countries began the process of nationalizing the Saudi Arabian-American Oil Co. we all know as ARAMCO. In adjoining Iraq they followed suit and began the process of taking control of the Western-owned Iraq Petroleum Co., a company that produced at that time 10 percent of all Middle East oil, and, even though nationalization technically took the multinational oil companies, largely based here in the United States, out of the driver's seat in terms of production of that oil, those very same companies remained as critical copilots in charge of the distribution channels of that oil that spread worldwide its refining, its transportation, and the petrochemical industry associated with it.

Mr. Speaker, if one looks at the Fortune 500 companies in America today and the Fortune 100, at the top 20 companies, nearly half of these are multinational oil corporations.

In 1973 the Middle East again erupted into war, this time between Israel and its Arab enemies, and once again the United States was drawn to the edge of war, this time with the Soviet Union, which sided with the Arab Alliance arrayed against Israel. Most importantly, the Arab nations played the oil card against us. Heading nationalized, formerly Western-owned oil companies, Saudi Arabia and a host of other Arab nations brought the economy of the United States to its knees. The 1973 recession in the United States was caused by oil price hikes which quadrupled during that period of time and from which this Nation has never really recovered. That oil shock of 1973 transformed the American industrial heartland, from Ohio, to Oklahoma and Texas, from Louisiana, to Washington State and Oregon, to a shell of its former self with the cost, the increasing cost, of oil driving us to take our resources in this country and technically transfer billions and billions of our dollars to the purchase of imported oil where now today this Nation imports over half, over half, of its important energy reserves.

Mr. Speaker, I cite this history to remind all Americans about the overwhelming power of oil, including Middle East oil, to draw this Nation time and time again to the edge of war, and now into the war we confront today in the Persian Gulf.

□ 1640

Oil, Mr. Speaker, is the real reason we are fighting this war. This is an economic war, a war for oil and, more importantly, the powerful influence it exerts in our world economy and our body politic. We need to understand the significance of this resource in order to better plan a future that is free of wars, where America is independent and self-sufficient.

Mr. Speaker, I want to read into the RECORD the prologue to Daniel Yergin's ground-breaking book entitled, "The Prize: The Epic Quest for Oil, Money and Power." I commend it to all Americans as we live through this somber period of time and we worry about those of our loved ones in our fighting forces and those in our home communities who are being asked to bear the burden of this war.

Daniel Yergin is one of America's most noted energy experts. I want to read Mr. Yergin's prologue because it encapsulates and defines in the most clear way the power of oil to move the United States to the edge and into war. He begins his book back in the early part of this century where he talks about Winston Churchill. I quote from the prologue as follows:

> Winston Churchill changed his mind almost overnight. Until the summer of 1911, the young Churchill, Home Secretary, was one of the leaders of the "economists," the Cabinet members critical of the increased military spending that was being promoted by some to keep ahead in the Anglo-German naval race. That competition had become the most rancorous element in the growing antagonism between the two nations. But Churchill argued emphatically that war with Germany was not inevitable, that Germany's intentions were not necessarily aggressive. The money would be better spent, he insisted, on domestic social programs than on extra battleships.
>
> Then on July 1, 1911, Kaiser Wilhelm sent a German naval vessel, the *Panther*, steaming into the harbor at Agadir, on the Atlantic coast of Morocco. His aim was to check French influence in Africa and carve out a position for Germany. While the *Panther* was only a gunboat and Agadir was a port city of only secondary importance, the arrival of the ship ignited a severe international crisis. The buildup of the German Army was already causing unease among its European neighbors; now Germany, in its drive for its "place in the sun," seemed to be directly

challenging France and Britain's global positions. For several weeks, war fear gripped Europe. By the end of July, however, the tension had eased—as Churchill declared, "the bully is climbing down." But the crisis had transformed Churchill's outlook. Contrary to his earlier assessment of German intentions, he was now convinced that Germany sought hegemony and would exert its military muscle to gain it. War, he now concluded, was virtually inevitable, only a matter of time.

Appointed First Lord of the Admiralty immediately after Agadir, Churchill vowed to do everything he could to prepare Britain militarily for the inescapable day of reckoning. His charge was to ensure that the Royal Navy, the symbol and very embodiment of Britain's imperial power, was ready to meet the German challenge on the high seas. One of the most important and contentious questions he faced was seemingly technical in nature, but would in fact have vast implications for the twentieth century. The issue was whether to convert the British Navy to oil for its power source, in place of coal, which was the traditional fuel. Many thought that such a conversion was pure folly, for it meant that the Navy could no longer rely on safe, secure Welsh coal, but rather would have to depend on distant and insecure oil supplies from Persia, as Iran was then known. "To commit the Navy irrevocably to oil was indeed 'to take arms against a sea of troubles,'" said Churchill. But the strategic benefits—greater speed and more efficient use of manpower—were so obvious to him that he did not dally. He decided that Britain would have to base its "naval supremacy upon oil" and, thereupon, committed himself, with all his driving energy and enthusiasm, to achieving that objective.

There was no choice—in Churchill's words, "Mastery itself was the prize of the venture."[1]

With that, Churchill, on the eve of World War I, had captured a fundamental truth, and one applicable not only to the conflagration that followed, but to the many decades ahead. For oil has meant mastery throughout the twentieth century. And that quest for mastery is what this book is about.

At the beginning of the 1990s—almost eighty years after Churchill made the commitment to petroleum, after two World Wars and a long Cold War, and in what was supposed to be the beginning of a new, more peaceful era—oil once again became the foucs of global conflict. On August 2, 1990, yet another of the century's dictators, Saddam Hussein of Iraq, invaded the neighboring country of Kuwait. His goal was not only conquest of a sovereign state, but also the caputre of its riches. The prize was enormous. If successful, Iraq would become the world's leading oil power, and it would dominate both the Arab world and the Persian Gulf, where the bulk of the planet's oil reserves is concentrated. Its new strength and wealth and control of oil would force the rest of the world to pay court to the ambitions of Saddam Hussein. In short, mastery itself was once more the prize.

But the stakes were so obviously large that the invasion of Kuwait was not accepted by the rest of the world as a fait accompli, as Saddam Hussein had expected. It was not received with the passivity that had met Hitler's militarization of the Rhineland and Mussolini's assault on Ethiopia. Instead, the United Nations instituted an embargo against Iraq, and many nations of the Western and Arab worlds dramatically mustered military force to defend neighboring Saudi Arabia against Iraq and to resist Saddam Hussein's ambitions. There was no precedent for either the cooperation between the United States and the Soviet Union or for the rapid and massive deployment of forces into the region. Over the previous several years, it had become almost fashionable to say that oil was no longer "important." Indeed, in the spring of 1990, just a few months before the Iraqi invasion, the senior officers of America's Central Command, which would be the linchpin of the U.S. mobilizaiton, found themselves lectured to the effect that oil had lost its strategic significance. But the invasion of Kuwait stripped away the illusion. At the end of the twentieth century, oil was still central to security, prosperity, and the very nature of civilization.

Though the modern history of oil begins in the latter half of the nineteenth century, it is the twentieth century that has been completely transformed by the advent of petroleum. In particular, three great themes underlie the story of oil.

The first is the rise and development of capitalism and modern business. Oil is the world's biggest and most pervasive business, the greatest of the great industries that arose in the last decades of the nineteenth century. Standard Oil, which thoroughly dominated the American petroleum industry by the end of that century, was among the world's very first and largest multinational enterprises. The expansion of the business in the twentieth century—encompassing everything from wildcat drillers, smooth-talking promoters, and domineering enterpreneurs to great corporate bureaucracies and state-owned companies—embodies the twentieth-century evolution of business, of corporate strategy, of technological change and market development, and indeed of both national and international economies. Throughout the history of oil, deals have been done and momentous decisions have been made—among men, companies, and nations—sometimes with great calculation and sometimes almost by accident. No other business so starkly and extremely defines the meaning of risk and reward—and the profound impact of chance and fate.

As we look toward the twenty-first century, it is clear that mastery will certainly come as much from a computer chip as from a barrel of oil. Yet the petroleum industry continues to have enormous impact. Of the top twenty companies in the Fortune 500, seven are oil companies. Until some alternative source of energy is found, oil will still have far-reaching effects on the global economy; major price movements can fuel economic growth or, contrarily, drive inflation and kick off recessions as we have seen in the last 15 years.

Today, oil is the only commodity whose doings and controversies are to be found regularly not only on the business page but also on the front page. And, as in the past, it is a massive generator of wealth—for individuals, companies, and entire nations. In the words of one tycoon, "Oil is almost like money."[2]

The second theme is that of oil as a commodity intimately intertwined with national strategies and global politics and power. The battlefields of World War I established the importance of petroleum as an element of national power when the internal combustion machine overtook the horse and the coal-powered locomotive. Petroleum was central to the course and outcome of World War II in both the Far East and Europe. The Japanese attacked Pearl Harbor to protect their flank as they grabbed for the petroleum resources of the East Indies. Among Hitler's most important strategic objectives in the invasion of the Soviet Union was the capture of the oil fields in the Caucasus. But America's predominance in oil proved decisive, and by the end of the war German and Japanese fuel tanks were empty. In the Cold War years, the battle for control of oil between international companies and developing countries was a major part of the great drama of decolonization and emergent nationalism. The Suez Crisis of 1956, which truly marked the end of the road for the old European imperial powers, was as much about oil as about anything else. "Oil power" loomed very large in the 1970s, catapulting states heretofore peripheral to international politics into positions of great wealth and influence, and creating a deep crisis of confidence in the industrial nations that had based their economic growth upon oil. And oil was at the heart of the first post-Cold War crisis of the 1990s—Iraq's invasion of Kuwait.

Yet oil has also proved that it can be fool's gold. The Shah of Iran was granted his most fervent wish, oil wealth, and it destroyed him. Oil built up Mexico's economy, only to undermine it. The Soviet Union—the world's second-largest exporter—squandered its enormous oil earnings in the 1970s and 1980s in a military buildup and a series of useless and, in some cases, disastrous international adventures. And the United States, once the world's largest producer and still its largest consumer, must import half of its oil supply, weakening its overall strategic position and adding greatly to an already burdensome trade deficit—a precarious position for great power.

With the end of the Cold War, a new world order is taking shape. Economic competition, regional struggles, and ethnic rivalries may replace ideology as the focus of international—and national—conflict, aided and abetted by the proliferation of modern weaponry. But whatever the evolution of this new international order, oil will remain the strategic commodity, critical to national strategies and international politics.

A third theme in the history of oil illuminates how ours has become a "Hydrocarbon Society" and we, in the language of anthropologists. "Hydrocarbon Man." In its first decades, the oil business provided an industrializing world with a product called by the made-up name of "kerosene" and known as the "new light," which pushed back the night and extended the working day. At the end of the nineteenth century, John D. Rockefeller had become the richest man in the United States, mostly from the sale of kerosene. Gasoline was then only an almost useless by-product, which sometimes managed to be sold for as much as two cents a gallon, and, when it could not be sold at all, was run out into rivers at night. But just as the invention of the incandescent light bulb seemed to signal the obsolescence of the oil industry, a new era opened with the development of the internal combustion engine powered by gasoline. The oil industry had a new market, and a new civilization was born.

In the twentieth century, oil, supplemented by natural gas, toppled King Coal from his throne as the power source for the industrial world. Oil also became the basis of the great postwar suburbanization movement that transformed both the contemporary landscape and our modern way of life.

□ 1650

Today we are so dependent on oil, and oil is so embedded in our daily doings, everything from fertilizer to what you put into your tanks, that we hardly stop to comprehend that it has become like the blood in our veins. It has a pervasive significance.

It is oil that makes possible where we live, how we live, how we commute to work, how we travel—even where we conduct our courtships. It is the lifeblood of suburban communities. Oil and natural gas are the essential components in the fertilizer on which world agriculture depends; oil makes it possible to transport food to the totally non-self-sufficient megacities of the world. Oil also provides the plastics and chemicals that are the bricks and mortar of contemporary civilization, a civilization that would collapse if the world's oil wells suddenly went dry.

It is probably important to ask while we are fighting in the Middle East if you measure the number of British thermal units under the ground in the entire Middle East, all the 22 Arab countries, and then you measure the number which are largely contained in oil in the Middle East, and then you measure the number of British thermal units we have under the ground here in this Nation just in coal, it turns out we have much more in coal, and that does not count our natural gas supplies, our alcohol fuels, and other fuels that we could develop in this country.

How is it that the world has become so very dependent on this one form of energy?

For most of this century, growing reliance on petroleum was almost universally celebrated as a good, a symbol of human progress.

But no longer. With the rise of the environmental movement, the basic tenets of industrial society are being challenged; and the oil industry in all its dimensions is at the top of the list to be scrutinized, criticized, and opposed. Efforts are mounting around the world to curtail the combustion of all fossil fuels—oil, coal, and natural gas—because of the resultant smog and air pollution, acid rain, and ozone depletion, and because of the specter of climate change. Oil, which is so central a feature of the world as we know it, is now accused of fueling environmental degradation; and the oil industry, proud of its technological prowess and its contribution to shaping the modern world, finds itself on the defensive, charged with being a threat to present and future generations.

Yet hydrocarbon man shows little inclination to give up his cars, or buy smaller ones, or more fuel efficient ones, or in fact to invent an automobile that does not even have an internal combustion engine as we know it, or perhaps uses cleaner fuels, like methanol. Hydrocarbon man shows little inclination to change the way in which he and she builds homes in the suburbs in which we live, in what we take to be not only the conveniences, but the essentials of our way of life.

□ 1700

I cannot say how many people have come up to me in my district and said, "MARCY, how can I cut back on my energy consumption? If it were 7 percent or 10 percent it would save lives in our district. I would much rather be doing that."

The peoples of the developing world give no indication that they want to deny themselves the benefits of an oil-powered economy, whatever the environmental questions. And any notion of scaling back the world's consumption of oil will be influenced by the extraordinary population growth ahead. In the 1990's, the world's population is expected to grow by one billion people—20 percent more people at the end of this decade than at the beginning—with most of the world's people demanding the "right" to consume. The global environmental agendas of the industrial world will be measured against the magnitude of that growth. In the meantime, the stage has been set for one of the great and intractable clashes of the 1990s between, on the one hand, the powerful and increasing support for greater environmental protection and, on the other, a commitment to economic growth and the benefits of Hydrocarbon Society, and apprehensions about energy security.

These, then, are the three themes that animate the story that unfolds in these pages. The canvas is global. The story is a chronicle of epic events that have touched all our lives. It concerns itself both with the powerful, impersonal forces of economics and technology and with the strategies and cunning of businessmen and politicians. Populating its pages are the tycoons and entrepreneurs of the industry, Rockefeller, of course, but also Henri Deterding, Calhouste, Gulbenkian, "who drew the lines, literally, of the boundaries of the countries in the Middle East," J. Paul Getty, Armand Hammer, T. Boone Pickens, and many others. Yet no less important to the story are the likes of Churchill, Adolf Hitler, Josef Stalin, Ibn Saud, Mohammed Mossadegh, Dwight Eisenhower, Anthony Eden, Henry Kissinger, George Bush, and Saddam Hussein.

"The 20th century rightly deserves the title 'The Century of Oil.' Yet, for all its conflict and complexity, there has often been a oneness to the story of oil, a contemporary feel even to events that happened long ago and, simultaneously, profound echoes of the past in recent events. At one and the same time * * *

Mr. Yergin's book, "The Prize," is a story of "individual struggles and people, of powerful economic forces, of technological change, of political struggles, of international conflict and indeed, of epic change."

It is Mr. Yergin's hope that "this exploration of the economic, social, political, and strategic consequences of our world's reliance on oil will illuminate the past, enable us to better to understand the present, and to help anticipate the future," a future that we can help build in a more peaceful world, and one in which the world no longer has to go to war for oil.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE of Maine (at the request of Mr. MICHEL) for today on account of illness in the family.

Mr. WEISS of New York (at the request of Mr. GEPHARDT) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCMILLAN of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, on January 24.

Mr. GILMAN, for 60 minutes, on February 5.

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. HARRIS, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. CARR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCMILLAN of North Carolina) and to include extraneous material:)

Mr. GRADISON.
Mr. GINGRICH.
Mr. BROOMFIELD.
Mr. PORTER.
Mr. BLILEY.
Mr. BILIRAKIS in two instances.
Mr. BOEHLERT in two instances.

(The following Members (at the request of Ms. DELAURO) and to include extraneous material:)

Mr. TRAFICANT in two instances.
Mr. FORD of Michigan.
Mr. FASCELL.
Mr. RANGEL.
Mr. DWYER of New Jersey, in two instances.
Mr. HERTEL.
Mr. CLAY.
Mr. DELLUMS.
Mr. TALLON in two instances.
Mr. ENGEL.
Mr. FAZIO in two instances.
Mr. KANJORSKI.
Mr. MAZZOLI.
Mr. LEHMAN of Florida.
Ms. DELAURO.
Mr. DONNELLY.
Mr. PALLONE.
Mr. MATSUI.
Mr. VISCLOSKY.
Mr. ERDREICH.
Mr. DORGAN of North Dakota.
Mr. BONIOR in two instances.

Mr. CAMPBELL of Colorado.
Mr. LEVINE of California.
Mr. MANTON.
Mr. NEAL of Massachusetts.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Thursday, January 24, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

464. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of Presidential Determination No. 91–17 concerning Turkey, pursuant to 22 U.S.C. 2364(a)(1); to the Committee on Foreign Affairs.

465. A letter from the Pension Benefit Guaranty Corporation, transmitting the semiannual report of the Corporation's inspector general covering the period April 1, 1990 to September 30, 1990, pursuant to Public Law 95–452, section 8E(h)(2) (102 Stat. 2525); to the Committee on Government Operations.

466. A letter from the CoBank—National Bank for Cooperatives, transmitting the annual report for CoBank—National Bank for Cooperatives Retirement Trust Fund for the year ending December 31, 1989; to the Committee on Government Operations.

467. A letter from the Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

468. A letter from the Chairman, Board of Directors, Future Farmers of America, transmitting a report on the audit of the accounts of the Future Farmers of America for the period ending August 31, 1990, pursuant to 36 U.S.C. 1101(23), 1103; to the Committee on the Judiciary.

469. A letter from the Director, the Congressional Budget Office, transmitting notification that CBO and OMB project real economic growth to be less than zero with respect to the last quarter of calendar year 1990 and the first quarter of calendar year 1991, pursuant to 2 U.S.C. 904(j) (H. Doc. No. 102–32); jointly to the Committees on Rules and Government Operations, and ordered to be printed January 23, 1991.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4. A bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation; with an amendment (Rept. 102–2). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. STUMP, and Mr. ROWLAND:

H.R. 598. A bill to amend title 38, United States Code, to improve the capability of the Deparment of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health care employees of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 599. A bill to amend the joint resolution of June 22, 1942, to provide for the reading of a tribute to the flag before the Pledge of Allegiance; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself and Mr. DORNAN of California):

H.R. 600. A bill to amend the Federal Aviation Act of 1958 to require the use of dogs at major airports for the purpose of detecting plastic explosives and other devices which may be used in airport piracy and which cannot be detected by metal detectors; to the Committee on Public Works and Transportation.

By Mr. CAMPBELL of California:

H.R. 601. A bill to prohibit the provision of export credits in connection with exports to the Union of Soviet Socialist Republics during any period of excessive Soviet military presence in any of the Baltic countries; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. DICKINSON:

H.R. 602. A bill to amend the Internal Revenue Code of 1986 to make permanent the provisons permitting certain small issues of tax-exempt bonds; to the Committee on Ways and Means.

By Mr. DONNELLY (for himself and Mr. SHAYS):

H.R. 603. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for improvements to the taxpayer's principal residence to remove architectural barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 604. A bill to amend title 10, United States Code, to allow certain retired members of the Armed Forces to elect to be covered under the military survivor benefit plan; to the Committee on Armed Services.

H.R. 605. A bill to waive the time limitations relating to the award of the Congressional Medal of Honor to Tibor Rubin for distinguishing himself by acts of valor during the Korean war; to the Committee on Armed Services.

H.R. 606. A bill to amend the Internal Revenue Code of 1986 to index the basis of capital assets; to the Committee on Ways and Means.

By Mr. ERDREICH (for himself and Mr. HARRIS)

H.R. 607. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Energy and Commerce.

By Mr. EVANS:

H.R. 608. A bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces; to the Committee on Armed Services.

H.R. 609. A bill to amend title 5, United States Code, to provide that civilian employees of the National Guard may not be required to wear military uniforms while performing civilian service; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. FROST.

H.R. 610. A bill to provide for the inclusion as creditable service for purposes of the retirement annuity plan of the Army and Air Force exchange service a person's employment with the Army and Air Force exchange service before becoming a citizen of the United States; to the Committee on Armed Services.

By Mr. GALLEGLY (for himself, Mr. LAGOMARSINO, Mr. DORNAN of California, Mr. MOORHEAD, Mr. EMERSON, Mr. ROHRABACHER, Mr. HANCOCK, Mr. PACKARD, Mr. HUNTER, Mr. DANNEMEYER, and Mr. HANSEN):

H.R. 611. A bill to make ineligible for Federal financial assistance any State or local subdivision of a State that the President determines has an official policy of providing sanctuary to members of the Armed Forces who are attempting to avoid performing a military service obligation; to the Committee on Government Operations.

By Mr. GLICKMAN (for himself and Mr. HOAGLAND):

H.R. 612. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HERTEL:

H.R. 613. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats; to the Committee on Ways and Means.

By Mr. HOAGLAND (for himself, Mr. BEREUTER, Mr. FRANK of Massachusetts, Mr. DURBIN, Mr. BEILENSON, Mr. PRICE, Mr. GORDON, Mr. BACCHUS, Mr. MCGRATH, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. MILLER of California, Mr. JONTZ, Mr. BRUCE, Mr. BONIOR, Mr. TALLON, Mr. OWENS of Utah, and Mr. KOSTMAYER):

H.R. 614. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the natural wild and scenic rivers system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of South Dakota:

H.R. 615. A bill to authorize an irrigation drainage demonstration program and the Lake Andes-Wagner unit and the Marty II unit, South Dakota pumping division, Pick-Sloan Missouri Basin Program, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 616. A bill to authorize the planning and construction of the Mid-Dakota rural water system, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 617. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require expeditious consideration by the

Congress of a proposal by the President to rescind all or part of any item of budget authority if the proposal is transmitted to the Congress on the same day on which the President approves the bill or joint resolution providing such budget authority; to the Committee on Rules.

By Mrs. KENNELLY:

H.R. 618. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for State and local sales tax; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 619. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover to individual retirement plans of certain distributions from deferred compensation plans qualifying under section 457 of such code; to the Committee on Ways and Means.

By Mr. LOWERY of California (for himself, Mr. Coleman of Texas, Mr. Fuster, and Mr. Bilirskis):

H.R. 620. A bill to amend title 37, United States Code, to expand the eligibility of members of the Reserve components of the Armed Forces to receive a variable housing allowance and to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to expand the protections for members of the Armed Forces on active duty who occupy rental housing; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. NATCHER:

H.R. 621. A bill to extend veterans' benefits to persons serving in the Armed Forces between November 12, 1918, and July 2, 1921; to the Committee on Veterans' Affairs.

By Mr. PANETTA:

H.R. 622. A bill to amend the Federal Water Pollution Control Act to add Morro Bay, CA, to the priority list of the national estuary program; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. PETRI:

H.R. 623. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees involved in certain model garment programs, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHUMER:

H.R. 624. A bill to permit interstate banking; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SOLOMON:

H.R. 625. A bill to increase opportunities for veterans with service-connected disabilities to participate in Department of Defense procurement actions; to the Committee on Armed Services.

H.R. 626. A bill to increase opportunities for veterans held as prisoners-of-war during the Vietnam era to participate in Department of Defense procurement actions; to the Committee on Armed Services.

H.R. 627. A bill to prohibit the export of satellites intended for launch from launch vehicles owned by China; to the Committee on Foreign Affairs.

H.R. 628. A bill to reform procedures for the imposition of capital punishment, and for other purposes; to the Committee on the Judiciary.

H.R. 629. A bill to impose mandatory sentences for violent felonies committed against individuals of age 65 or over, and for other purposes; to the Committee on the Judiciary.

H.R. 630. A bill to amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 631. A bill to amend title 10, United States Code, to authorize retired officers of the Armed Forces who are recalled to active duty to be recalled in the highest grade in which the officers served while on active duty; to the Committee on Armed Services.

By Mr. STARK (for himself, Mr. Andrews of New Jersey, Mrs. Boxer, Mr. Lipinski, and Mr. Dwyer of New Jersey):

H.R. 632. A bill to amend the Internal Revenue Code of 1986 to impose an annual $500 tax on each cigarette vending machine, and to provide that revenues from such tax be used by the Center for Disease Control to fund reduced tobacco use programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VOLKMER:

H.R. 633. A bill to amend the Fair Credit Reporting Act to clarify and strengthen consumer protection provisions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. APPLEGATE (for himself, Mr. McEwen, and Mr. Montgomery):

H.J. Res. 87. Joint resolution designating April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL:

H.J. Res. 88. Joint resolution declaring that Saddam Hussein should be held legally accountable for his war crimes against American and other allied prisoners of war; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations acts; to the Committee on the Judiciary.

By Mr. TALLON:

H.J. Res. 90. Joint resolution to designate May 1991, "As Go Camping America Month"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT:

H. Con. Res. 46. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union; considered and agreed to.

By Mr. VOLKMER (for himself, Mr. Sarpalius, and Mr. Gekas):

H. Con. Res. 47. Concurrent resolution calling upon the United Nations to set up an international tribunal to try Saddam Hussein and his subordinates responsible for high crimes following the invasion of Kuwait; to the Committee on Foreign Affairs.

By Mr. ASPIN (for himself, Mr. Fascell, Mr. Dickinson, Mr. Broomfield, Mrs. Byron, Mr. Bateman and Mr. Yatron):

H. Con. Res. 48. Concurrent resolution condemning the brutal treatment by the Government of Iraq of captured service members of the United States and its allies in the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. DORNAN of California:

H. Con. Res. 49. Concurrent resolution expressing the sense of Congress concerning the meritorious conduct of Tibor Rubin during the Korean conflict; to the Committee on Armed Services.

By Mrs. KENNELLY (for herself and Mr. Sikorski):

H. Con. Res. 50. Concurrent resolution concerning United Nations action regarding the Soviet Union's treatment of the Baltic Republics of Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

By Mr. VISCLOSKY:

H. Res. 42. Resolution calling for an international investigation of, and the prosecution of those responsible for, Iraqi war crimes against prisoners of war and other foreign nationals; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

7. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to funding for AIDS-related services; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HOYER:

H.R. 634. A bill to authorize issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel *Lois T.*; to the Committee on Merchant Marine and Fisheries.

By Mr. MARTINEZ:

H.R. 635. A bill for the relief of Abby Cooke; to the Committee on the Judiciary.

By Mr. TANNER:

H.R. 636. A bill for the relief of Ruth C. Ward; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Zimmer, Mr. Jefferson, Mr. Johnston of Florida, Mr. Dwyer of New Jersey, Mr. de Lugo, Mr. Miller of Washington, Mr. Aspin, Mr. Roemer, Mrs. Meyers of Kansas, Mr. Laughlin, Mr. Hochbrueckner, and Mr. Reed.

H.R. 4: Mr. Madigan, Mr. Boehlert, Mr. Kolter, Mr. Sikorski, Mr. Luken, Mr. Yatron, Mr. Kostmayer, Mr. Price, Mr. Stearns, Mr. McNulty, Mr. McCloskey, Mr. Hyde, Mr. Solarz, Mr. Kanjorski, Mrs. Vucanovich, Mr. de Lugo, Mr. Ritter, Mr. Thomas of Georgia, and Mr. Taylor of Mississippi.

H.R. 7: Mr. Gibbons, Mrs. Lowey of New York, Mr. Miller of California, Mr. Mavroules, Mr. Sangmeister, Mr. Gejdenson, Mr. Waxman, Mr. Russo, Mr. Rangel, Mr. Foglietta, Mr. Fazio, Mr. Carper, Mr. Coughlin, Mr. Downey, Mr. Young of Florida, Mr. Kleczka, Mr. Mfume, Mr. Fawell, Mr. LaFalce, Mr. McGrath, Mr. Wheat, Mr. Bonior, Mr. Lipinski, and Ms. Molinari.

H.R. 11: Mr. Dorgan of North Dakota.

H.R. 12: Mr. Guarini and Mr. Lipinski.

H.R. 179: Mr. Lightfoot, Mr. Lipinski, Mr. Rahall, Mr. Rose, Mr. Foglietta, Mr. Bryant, Mr. Klug, Mr. Hansen, and Mr. English.

H.R. 244: Ms. Ros-Lehtinen.

H.R. 258: Mr. Lipinski, and Mr. Dellums.

H.R. 303: Ms. Slaughter of New York, Mr. Packard, Mr. Tallon, Mr. Martinez, Mr. Valentine, and Mr. Dellums.

H.R. 318: Mr. Towns, and Mr. Ackerman.

H.R. 320: Mr. Rangel, Mr. Fuster, and Mr. Evans.

H.R. 321: Mr. Dwyer of New Jersey, and Mr. Johnston of Florida.

H.R. 330: Mr. BEILENSON, Mr. TOWNS, Mr. BUSTAMANTE, Mr. MRAZEK, and Mr. SERRANO.

H.R. 426: Mr. ABERCROMBIE, Mr. BUSTAMANTE, Mr. HALL of Ohio, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. PETERSON of Minnesota, Mr. QUILLEN, Mr. ROE, Mr. VALENTINE, Mr. YOUNG of Alaska, Ms. MOLINARI, Mr. WALSH, and Mr. DORNAN of California.

H.R. 555: Mr. CRANE, Mr. SANDERS, Mr. SANGMEISTER, and Mr. MAZZOLI.

H.R. 556: Mr. BEREUTER, Mr. GAYDOS, Mr. GILMAN, Mr. SANDERS, Mr. BOUCHER, Mr. SMITH of Florida, Mr. MINETA, Mr. BATEMAN, and Mrs. VUCANOVICH.

H.R. 559: Mr. RANGEL, Mr. PORTER, Mr. STOKES, and Ms. KAPTUR.

H.R. 596: Mr. KYL, Mr. TRAFICANT, Mr. BURTON of Indiana, Mr. SENSENBRENNER, Mr. INHOFE, Mr. SOLOMON, Mr. HANCOCK, and Mr. EMERSON.

H.J. Res. 5: Mr. BARTLETT, Mr. GALLO, Mr. SHAYS, Mr. LEWIS of Florida, Mr. FAWELL, Mr. GALLEGLY, Mr. RAVENEL, Mr. THOMAS of Wyoming, Mr. OXLEY, Mr. BILIRAKIS, Mr. BUNNING, Mr. SUNDQUIST, Mr. SPENCE, Mr. UPTON, Mr. BEREUTER, Mr. ALLARD, Mr. IRELAND, Mr. MCCRERY, Mr. BATEMAN, Mr. KYL, Mr. CLINGER, Mr. HANSEN, Mr. CRANE, Mr. MACHTLEY, Mr. SMITH of Texas, Mr. LIVINGSTON, Mr. PETRI, Mr. DELAY, Mr. COMBEST, Mr. QUILLEN, Mr. STEARNS, Mr. SAXTON, Mr. MARTIN of New York, Mrs. JOHNSON of Connecticut, Mr. FIELDS, Mr. MOORHEAD, Mr. BLILEY, Mr. GOODLING, Mr. KLUG, Mr. GOSS, Mr. BUSTAMANTE, and Mr. BILBRAY.

H.J. Res. 33: Mr. LENT.

H.J. Res. 57: Mr. HASTERT, Mr. HYDE, Mr. MCNULTY, Mr. ROE, Mr. MARTIN of New York, Mr. MCGRATH, Mr. CLINGER, Mr. PURSELL, Mr. ERDREICH, Mr. LANCASTER, Mr. HATCHER, Mr. DEFAZIO, Mr. SANTORUM, Mr. LIVINGSTON, Mr. EMERSON, Mr. CLEMENT, Mr. MRAZEK, Mr. BLILEY, Mr. HORTON, Mr. LENT, Mr. BACCHUS, Mr. WOLF, Mr. MACHTLEY, Ms. KAPTUR, Mr. FROST, Mr. SUNDQUIST, Mr. DORNAN of California, Mr. LIPINSKI, Mr. TALLON, Mr. ACKERMAN, Mr. POSHARD, Mr. BEVILL, and Ms. MOLINARI.

H. Con. Res. 15: Mr. TRAFICANT, Mr. LENT, Mr. NOWAK, Mr. NEAL of North Carolina, Mr. RANGEL, Mr. BUSTAMANTE, Mr. MCNULTY, Mr. HORTON, and Mr. PAXON.

H. Con. Res. 23: Mr. DERRICK, Mr. BILBRAY, Mr. JOHNSON of South Dakota, Mr. STARK, and Mr. TALLON.

H. Con. Res. 35: Mrs. VUCANOVICH, Mr. RAVENEL, Mr. LANCASTER, Mr. STUMP, and Mr. SANTORUM.

H. Con. Res. 37: Mr. OBERSTAR.

H. Con. Res. 38: Mr. AUCOIN, Mr. MCDERMOTT, Ms. NORTON, Ms. OAKAR, Mr. TOWNS, Mrs. UNSOELD, Mr. GORDON, Mr. TRAFICANT, Mr. CONYERS, Mr. DYMALLY, Mr. RANGEL, Mrs. COLLINS of Illinois, Mr. KLUG, Mr. SAVAGE, Mr. MFUME, Mr. KOSTMAYER, Ms. KAPTUR, and Mrs. SCHROEDER.

H. Con. Res. 40: Mrs. BOXER, Mr. SWETT, Mr. GEJDENSON, Mr. ZIMMER, Mr. KANJORSKI, Mr. COX of Illinois, Mr. DE LUGO, Mr. RAMSTAD, Mr. ROEMER, Mr. HOAGLAND, Mr. FRANKS of Connecticut, Mr. JEFFERSON, and Mr. KENNEDY.

H. Con. Res. 41: Mr. MOODY, Mr. MCNULTY, Mr. KANJORSKI, Mr. SHAW, Mr. WYDEN, Mr. DE LUGO, Mr. GEJDENSON, Mr. ROEMER, Mr. MANTON, Mr. JOHNSON of South Dakota, Mr. CHANDLER, Mr. MCCANDLESS, Mr. DURBIN, Mr. KOLBE, Mr. LAUGHLIN, Mr. FRANKS of Connecticut, and Mr. JEFFERSON.

H. Res. 32: Mr. BATEMAN, Mr. CONYERS, Mr. RITTER, Mr. COUGHLIN, Mr. NEAL of Massachusetts, Mr. WOLF, Mr. LENT, Mr. DELLUMS, Mr. VISCLOSKY, Mr. HYDE, Mr. DONNELLY, Mr. HORTON, Mr. WALSH, Mr. JONES of Georgia, Mr. WELDON, Mr. PALLONE, Mrs. JOHNSON of Connecticut, Mr. ROHRABACHER, Mr. MCCLOSKEY, Mr. APPLEGATE, Mr. MOODY, and Mrs. VUCANOVICH.

H. Res. 36: Mr. COX of California, and Mr. DURBIN.

H. Res. 39: Mr. CRANE, Mr. LAGOMARSINO, Mr. MCCOLLUM, Mr. VANDER JAGT, Mr. SOLOMON, and Mrs. BOXER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

18. The SPEAKER presented a petition of Nitijela of the Marshall Islands, relative to support for the United States and the multinational force in the Persian Gulf; which was referred to the Committee on Foreign Affairs.

SENATE—*Wednesday, January 23, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

From whence come wars and fighting among you? come they not hence, even of your lusts that war in your members? Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not * * * .—James 4:1, 2.

God of mercy, help us to see ourselves as Thou dost see us. Whether in the macrocosm or the microcosm—all conflict springs from the human heart. Whether the invasion of Kuwait or the abuse of a spouse or child, or mistreatment of a neighbor or a friend, its genesis is in the human heart. Whether invasion for oil or forced takeover of a corporation, it begins in the heart. Help us to see what we are up against. It is avarice and lust and greed and pride over which laws have no power. An old-fashioned word, Father, it is sin the root of all conflict—private or public, local or global—and Thou alone, merciful Father, has the remedy. For only Thou dost forgive sin and can transform the human heart.

Make us wise, gracious Father, to realize that there is no human force that can handle sin. The remedy is with Thee. As we are sensitized by the conflagration in the Middle East, help us to be sensitive to the possibilities of war in our homes and offices. And grant us grace to acknowledge our need and call upon Thee for the remedy.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 23, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT H. KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

For the information of Senators who did not hear the discussion which I had yesterday with the Republican leader on the Senate floor, relative to the Senate schedule for the week, I want to summarize and repeat the principal points of that discussion.

It is my hope that later today we will be in a position to obtain unanimous-consent agreements regarding the following measures: A bill providing tax benefits for American troops in the Persian Gulf; a bill providing for a veterans compensation cost-of-living adjustment; a bill addressing the problems of veterans exposed to agent orange; a resolution addressing the issue of prisoners of war; a resolution regarding the situation in the Baltic States; and a resolution regarding Israel.

In order to assist Senators in planning their schedules for the remainder of the week, it is my intention to schedule these votes between the hours of noon and 3 p.m. tomorrow. We do not yet have consent on any of them but we are working toward that objective.

It is my hope that the resolutions to which I referred will be ready for introduction and debate during today's Senate session, and if possible also one or more of the legislative items to which I referred will also be available for debate and discussion today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I reserve all of the leader time of the distinguished Republican leader.

Mr. SPECTER. Mr. President, will the distinguished majority leader yield for a comment?

Mr. MITCHELL. Yes.

Mr. SPECTER. I have written the distinguished majority leader concerning my intention to introduce or reintroduce legislation on the death penalty on terrorism, and expressed the thought that I might seek to attach it to one of the pending bills. But I have decided in the interest of allowing the majority leader to proceed with that schedule not to do so.

Later in morning business, I will seek the floor to discuss legislation providing for the death penalty, which was passed by the Senate last year on my introduction, and would ask the consideration of the distinguished majority leader for a prompt scheduling on that legislation because of its special timeliness now in view of the fact that there are United States citizens who are subject to terrorist attacks and possibly death in Israel and in Saudi Arabia, and the threat of terrorism worldwide.

I just make this comment at this time because I have written the majority leader. I do think, speaking for myself, that this legislation is especially important. It was passed last year by the Senate. It failed in the conference committee and it is a matter which this Senator thinks would be very timely to take up as soon as it can be scheduled by the leadership.

Mr. MITCHELL. Mr. President, I thank my colleague for his comments and assure him that his request will be taken into consideration. Obviously, we will want to consult with the chairman of the relevant committee which has jurisdiction over such measures, as I understand that there will be a number of antiterrorist bills introduced and considered, each of which, of course, is considered by its author as important in this context and each of which surely is.

So I am pleased that the Senator will permit these bills to go forward without this particular amendment or controversy. I hope others will do the same and I assure him that we will give prompt and active consideration to his request.

I just would like to say to all Senators that the bill we are talking about here first is the one providing for a veterans compensation COLA.

Last year, I tried very hard to bring that bill up, and get it passed but was prevented from doing so. As a result, disabled veterans were the only recipients of Government benefit programs who did not receive a cost-of-living adjustment. All other recipients did, Social Security recipients, other beneficiaries of Government programs. The single exception was disabled veterans.

I felt at that time that that situation could not be permitted to stand, and that we should on our return, in this 102d Congress, make that a high priority of business.

One of the prerogatives which I possess as majority leader is the right to designate which bills will be numbered 1 through 5, establishing at least a symbolic importance to these measures. I decided, and did designate as S. 1 the first bill introduced in this session of Congress the veterans compensation COLA bill.

It is a wrong which must be righted. It is something which we simply have to correct. And we are now in the position, I hope, to be able to deal with that measure and a companion measure dealing with veterans exposed to agent orange, a controversy over which is what led to our inability to pass the compensation COLA bill last year.

I hope that all Senators will permit us to proceed with these bills without seeking to offer their own amendments, each of which Senator feels, and no doubt appropriately so, is very important for some other unrelated reason, but that ultimately causes us not to be able to pass this type of legislation.

Finally, the bill providing tax benefits for American troops in the Persian Gulf ought to really go without saying is significant and important and once again can be derailed if we seek to add amendments to it, and offer other legislation, for whatever reason.

We hope the House acts on a particular bill. The Finance Committee this morning had a markup and we are trying to conform the two bills passed by them in identical fashion so that this measure can be signed into law by the President promptly.

So I ask all of my colleagues to exercise some restraint in this regard. Each of us has bills we consider important. Each of us would like to be able to attach those bills to something else. But in this case, we have three important measures, which are relevant, given the crisis situation in which we find ourselves, and at least two of which are long overdue and should have been done last year. So I hope we can do them.

I thank the Senator from Pennsylvania for consenting not to offer his legislative initiative to this proposal and certainly will consider his request along with other Senators interested in that subject matter.

Mr. President, I now yield the floor, having reserved my time and that of the Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. JOHNSTON. I thank the Chair.

(The remarks of Mr. JOHNSTON pertaining to the introduction of S. 244 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 245 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. LOTT. I thank the Chair.

(The remarks of Mr. LOTT pertaining to the introduction of S. 246 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VETERANS COLA LEGISLATION

Mr. LOTT. Mr. President, our thoughts today are with our brave men and women in the Persian Gulf. But at the same time, it is appropriate that we recognize the service of all veterans who have previously answered the call of duty and sacrificed for the purpose of preserving freedom throughout the world.

Last year, the Senate paid, I think a great disservice to our veterans by linking the veterans cost-of-living adjustment to other controversial issues that resulted in inaction on this vital legislation. Sometimes those things happen. They are understandable, but they must be corrected.

That is why it is imperative then that we immediately enact a COLA for service-connected disabled veterans and their eligible dependents retroactive to January 1, 1991.

No one should question the commitment of this Nation to our service men and women. President Bush pledged that our soldiers in the Persian Gulf would have the most modern arsenal of technology and power at their disposal to do their job.

In like manner, after the battle, we will continue to honor our commitment to our veterans and our unwaivering support for their sacrifice.

A 5.6-percent COLA is a small price indeed to pay to those to whom we owe our freedom and our way of life.

I salute our soldiers serving bravely in the Persian Gulf and all over the world, and I salute our veterans of past battles. Let us today leave no doubt as to the strength of our commitment and our gratitude to these men and women.

I urge my colleagues to support this legislation that will provide this 5.6-percent COLA.

I thank you, Mr. President. I yield back my time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION IN SUPPORT OF ISRAEL

Mr. PELL. Mr. President, I am looking forward to cosponsoring the resolution putting the Congress clearly on record in support of Israel at this trying time and commending Israel for its restraint in adversity.

As television reports from Tel Aviv so graphically remind us, Saddam Hussein's decision to attack Israel has brought about saddening casualties and destruction and has even precipitated the regrettable deaths of innocents.

As I have reminded this body many times, Saddam Hussein is a self-aggrandizing and monumentally callous despot. His current attacks upon Israel are a continuation of his habitual conduct well beyond the pale of civilized behavior. His acts against Israel represent another step in a long continuum of misbehavior, including the illegal use of chemical weapons in the Iran-Iraq war, the gassing of his own citizens, the destruction of Kuwait, and his violation of the 1949 Geneva Conventions on behavior in war.

For months, our thoughts and prayers have been with the thousands of our men and women of the Army, Navy, Air Force, Marines and Coast Guard we have sent to confront Saddam Hussein. Now, we extend our deepest sympathy to the citizens of Israel, who now find themselves the targets of Saddam Hussein's aggressions.

Mr. President, I hope very much that the Patriot missiles we have deployed to Israel will prove as effective there in defending against attacks as they have in Saudi Arabia. Moreover, I wish our military every success in seeking out and destroying all of the Scud missile launchers in Iraq. I am convinced that the President and the military leaders are acting courageously and effectively to deal with these very terrifying weapons.

THE CAUSE OF PEACE

Mr. PELL. Mr. President, I would like to draw the attention of my colleagues to a particularly thoughtful and moving editorial arguing the cause of peace in the Persian Gulf and in the rest of the world. The article appeared as an open letter to President Bush in Rhode Island's Block Island Times on January 5.

I ask unanimous consent that the text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Block Island Times (RI), Jan. 5, 1991]

EDITORIAL—AN OPEN LETTER TO PRESIDENT BUSH: A NEW SENSIBILITY

Dear Mr. President:

We write to you in the persona of a newspaper that serves Block Island, Rhode Island, the smallest town in the smallest state in the nation that elected you its chief executive. The articles we print rarely deal with matters beyond the perimeter of our shores, 12 miles at sea. Our editorial page consists almost entirely of letters to the editor as well as our own views on such matters as zoning, the preservation of open space, affordable housing and the make-up and behavior of our local government. If we have any global aspirations at all, they reside in the conceit that we and our insular problems represent a microcosm of the world at large. This view, incidentally, has its troubling side when measure is taken of the agony we suffer in search of local solutions and local accord toward problems that by global standards are piddling. In the midst of an interminable meeting of the Town Council or the Zoning Board, we often have asked ourselves the question that if Block Island, "Circled by waters that never freeze/Beaten by billow and swept by breeze," cannot manage its dump or fashion an acceptable balance between its human inhabitants and the environment that sustains them, what hope is there for the rest of the world? We have no easy answer, the perversity of our species appearing to have no bounds.

Be that as it may, there is one area in the affairs of man that we thought had been settled during our lifetime. It was one reason, we thought, besides witnessing the voyage to the moon and man's penetration into outer space, to rejoice at having been alive during the latter half of the 20th century. Spatially, we conceived it, when we thought of it all, as an anthropological watershed, ranking with the prehistoric moment when mankind learned to look inward and to see himself as an individual as well as part of a collective society. Put simply, this new, 20th century perception was the intuitive understanding, the psychological acceptance that modern warfare was a means that not only was not justified by the end but categorically precluded the achievement of that end. In short, war was obslolete, a dinosaur. Did our own or our allies' heroics during World War II defeat Germany and Japan? History says that happened in 1945. But look at us now. Did we achieve anything of importance in Korea? In Vietnam?

Nations, great nations like ours, have continued to maintain military forces because although the answers to those questions appeared obvious to us, or so we thought, there were others around the world who were not yet convinced. We might lay down our sword but not yet our shield.

It was in that light that we understood, Mr. President, your rapid deployment of our troops to Saudi Arabia to block further aggression by Saddam Hussein. Now your talk of ultimatums, of deadlines and of making war leaves us perplexed—even here on Block Island, where in our isolation and relative backwardness we still watch the contrails of intercontinental aircraft stream out at dawn across our sky. We listen to the radio. We read.

We read, for instance, novelist E.L. Doctorow, who also wrote you a letter reprinted in the Janaury 7th edition of The Nation. We hope you and your advisors read it also. Doctorow describes our own feelings about the watershed as "a new sensibility."

"A new period in history," he writes, "brings with it a new sensibility, and what is acceptable in an earlier age is understood as monstrous in our own."

"War," he continues, "is an expedient of Saddam Hussein, Mr. President, because he is of the barbarous past. You have the chance to create a future in which, on a smaller and smaller globe, technology races to rectify the damage of earlier technology, and the needs of any one State are becoming the needs of all—air to breathe, water to drink, soil and climate to grow crops, and an unalienated, literate citizenry to advance the civilizations of a democratic planet."

This is not the stuff The Block Island Times is wont to write about. It is ordinarily enough to leave that to better minds and more eloquent pens, such as Doctorow's. But you should know, Mr. President, that at sunset on New Year's Day some 50 citizens of Block Island, men, women, children and one nanny goat, representing one twentieth of our Island population—which ratio nationally would translate into 17 million people—gathered outside the Harbor Baptist Church, and carrying candles marched "for peace" to Crescent Beach. The sea was calm, the air still, the candles, thrust into the sand when the prayers for peace were over, burned a long time and appeared to gain a brilliance as the afterglow of the sunset faded.

Is it possible, Mr. President, that we here on Block Island, in our isolation have absorbed a truth that you with all your worldly experience, your advisors, your intelligence, and your electronic surveillance have failed to grasp? That war doesn't work; that quite apart from the illegality of your declaring war without Congressional consent or the awful immorality of initiating an action that will result in death to thousands of young Americans as well as thousands of Iraqis soldiers and civilians, that no matter how righteous, no matter how immediately victorious, war in 1991, to use a term that capitalists must understand, is a bankrupt institution.

Sincerely,

The Editors.

A REASSESSMENT OF NATO

Mr. PELL. Mr. President, I wish to bring to the attention of my colleagues a recent speech by Alan Clark, the British Minister of Defense Procurement. Delivering the Liddel Hart Memorial Address at King's College, Mr. Clark argued that the North Atlantic Treaty Organization [NATO] and the present Atlantic alliance system should be reevaluated.

Although much of our attention presently and rightly is focused on the Persian Gulf, I believe that it is crucial for us to keep in mind what has occurred in Europe during the past 2 years, and to observe closely the events that continue to unfold there. Recent events in Europe and the Middle East have called into question the role of NATO and the security relationships that have existed for more than 40 years. Indeed, as Mr. Clark suggests the alliance may be ill-suited to confront new global challenges.

Given the timeliness of Mr. Clark's observations, I ask unanimous consent that a press account of his remarks and an editorial from the Independent of London regarding his speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Independent, Dec. 11, 1990]

DEFENCE MINISTER SAYS NATO IS OBSOLETE

(By Christopher Bellamy)

NATO has achieved its original function and is now obsolete, Alan Clark, the Minister for Defence Procurement, whose radical ideas were at the centre of the Options for Change review, said last night. The cost of maintaining the North Atlantic alliance is excessive and attempts to find it a new mission are bizarre, he said.

His remarks are the most direct challenge to NATO's continuation by any minister, although he was speaking in a personal capacity. As a military historian, he gave a thought-provoking address on Origins and Validity in Twentieth-century Military Alliances, at King's College, London.

"Alliances have generally been formed in response to a specific perceived threat. When that threat has disappeared, the alliance has ceased or atrophied," he said. "Present alliance systems are obsolete, ill-suited to present circumstances and urgently in need of adaptation." It was wrong to "take existing systems and rejig them to comport with a new situation".

Mr. Clark said he has visited NATO headquarters outside Brussels, which employs about 4,000 people. "One might have been forgiven for wondering what they were all doing." He had asked how much NATO cost. The answer: about $8bn.

NATO, he said, had been set up to defend against a "massive threat, both ideological and military". But that threat was disintegrating. He challenged those with "increasingly bizarre suggestions for its future function".

"Another idea is that we should keep NATO alive to keep the United States in Europe. Why should we want to keep the United States in Europe?"

He also disputed the need for NATO as an insurance against instability in eastern Europe, which was not a particular threat.

Mr. Clark said the participants in the alliance were prepared to accept its costs and constraints if there was a clear threat to their security. But "where that security is no longer threatened, the reason for the alliance evaporates".

The fact that NATO as an alliance was not directly involved in the Gulf crisis was an example of how NATO was ill-suited to face new challenges to Western security. "I'm looking for something slimmer, less set in its ways than NATO, something capable of faster response," Mr. Clark said. But he emphasised that some new security structure was needed, possibly based on the Western European Union.

Asked about reduced defence spending, he said: "You've got to have a peace dividend. The threat of obliteration, occupation, has simply gone. That means the insurance policy doesn't have to be so high because we're no longer living in an earthquake zone." The need to provide a peace dividend and for more spending on "out-of-area" contingencies like the Gulf meant that it was necessary to cut into the "remaining orthodoxies" deeply.

[From the Independent, Dec. 13, 1990]

WHAT COMES AFTER NATO?

NATO is obsolete, declared the Minister for Defence Procurement, Alan Clark, on Monday. Mr. Clark contends that since the "massive threat, both ideological and military" which the alliance was set up to counter is disintegrating, the alliance itself has no further purpose. He pours scorn on the idea that NATO should be kept alive as an insurance against instability in eastern Europe, or as a means of keeping American forces on this side of the Atlantic. "Why should we want to keep the United States in Europe?" he asks.

On the same day, the Foreign Secretary, Douglas Hurd, said: "European security without the United States simply does not make sense." The first question raised by two such seemingly irreconcilable statements is whether the less senior minister, Mr. Clark, was speaking out of turn (albeit, as he said, in a personal capacity.) He has a reputation for making vivid but irresponsible remarks. This time, however, he was being extremely responsible. The old certainties that governed our defences have been swept away. Europe, and particularly the countries that made up the Warsaw pact, are in a state of flux not seen since the Forties. In such circumstances there ought to be open discussion about the right policy for Britain and for the groupings to which we belong. The Secretary of State for Defence, Tom King, lacks the inclination to stimulate such a debate. Mr. Clark should be thanked for filling a need.

Moreover, the gap between him and Mr. Hurd is not so wide as first appears. Mr. Hurd said he wants the Western European Union (WEU) to "become truly the European pillar within the [NATO] alliance". Mr. Clark also sees the WEU as the probable "nucleus" of a new security structure. The difference between the two ministers is mainly one of degree. Mr. Hurd admits that "the old threat of massive military invasion from the East has faded", and concedes that the American commitment of forces to Europe is going to be at "a much reduced level". He is merely unwilling to extrapolate from these trends so boldly as Mr. Clark has done.

The Foreign Secretary's caution is justified. Though Mr. Clark quoted an unnamed American who described NATO as "a bureaucracy in search of a pension", it would be premature to retire the alliance. Its natural withering should not be hastened. While the threat of conventional war launched on the West from the East has vanished, the danger of some form of nuclear blackmail remains. The Soviet Union may well disintegrate. It is impossible to know who would then control its many thousands of nuclear weapons, but the West ought, while those weapons exist, to maintain a counter to them. In that role, the British and French nuclear deterrents might not prove sufficient. The American contribution is still valuable.

But since the American contribution is bound to decline, the countries of western Europe should indeed start to develop a security structure that can be free-standing when the need arises. For this purpose, the WEU is much the best foundation on which to build. Unlike the European Community, which has no experience of defence matters and has been useless during the Gulf crisis, the WEU has long experience and has been helpful in the Gulf. There is also wide scope for new bilateral and trilateral defence arrangements between European countries. In the Gulf, the British and the French should be co-operating, thereby maximising European influence: France's hollow pretence of self-sufficiency is pointless. We should also work together in the nuclear field. The future does indeed lie in European co-operation but we need not be so impatient as Mr. Clark is to say farewell to the Americans.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 247 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DIXON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska is recognized for not to exceed 10 minutes.

UNITY DESPITE MR. YEUTTER'S STATEMENT

Mr. KERREY. Mr. President, yesterday in Lincoln, NE, the man who in a matter of days is expected to become chairman of the Republican National Committee, the current Secretary of Agriculture, Clayton Yeutter, made what I regard as some very unfortunate and untimely remarks.

He said, during a press conference following a speech to the Lincoln Rotary Club, that he hopes the American public will hold accountable the Democratic opponents of President Bush's request for authority to go to war against Iraq. He said that Democrats are politically vulnerable because of those votes.

Secretary Yeutter said "I would guess 90 percent of them now wish they had cast their votes the other way." He said: "They picked the wrong side. If the conflict goes well that will work against them." He said their opposition to the President on this issue could be "a very significant factor" in next year's Presidential and congressional elections.

Mr. President, to me and to me personally, these remarks are deeply troubling. They attempt to politicize this war and to define victory in terms of electoral gain rather than policy achievements. They trivialize the deep misgivings which all Americans have about sending our sons and daughters into combat and fail to acknowledge the remarkable—up to now—bipartisan effort to define the cicumstances under which force is to be used to defend an American interest.

I did not "pick a side" when I voted, Mr. President. When voting to ask Americans to risk it all, the least I can do is risk losing an election by trying to decide what I believe is right. If I become a candidate for reelection, the voters of Nebraska—Democratic and Republican—will obviously have the opportunity of deciding whether my vote a mistake for them.

They may decide the alternative I supported—the use of force to contain Iraqi aggression and more time for sanctions to work—was wrong. They may decide that my dissent was unacceptable. They may decide my arguments evidenced an unwillingness to defend America's interests.

The people of Nebraska have a right to make these judgments. Those Nebraskans who actually live and vote in the State hardly need Mr. Yeutter to confirm that right. Those of us who have actually stood for elective office already understand that our job is to state our opinions, vote our consciences, and take the electoral consequences.

Mr. Yeutter is right that we will all be held accountable for our decisions. However, he is wrong to assume I regret my vote because I simply do not. It was a difficult vote, and the difficulty was born of the caution acquired from my own experiences in the Vietnam war. If there are others in my party or in this Senate who regret their vote, I have not heard them say so. The fact that Mr. Yeutter thinks Democrats and Republicans made up our minds on the gulf according to some political calculus says more about his approach to foreign policy than ours.

In fact, there has been an unmistakable and little recognized bipartisan support from the beginning for the use of force—to contain Iraqi aggression and to enforce an embargo so thorough that in any other period of history it would have been considered an affirmative act of war. The debate, despite the efforts of some to recast it for partisan purposes, has never been over whether we should use force. It has centered instead on the appropriate level and timing of force. And now that we have decided as a nation to begin this war, there is again bipartisan support—to see it through to an unknown but successful conclusion.

In fact, I am not on the sidelines. In spite of earlier dissent and at some risk of doing so, I have been actively supporting our President and our military effort now that this war has begun. I have been active because I want to help sustain public support in a way it was not sustained during the Vietnam war. I find it surprising and dangerous to the very consensus we will need for success that less than 1 week into this war, before we know how long it will last or how difficult it will be, the President would allow these kind of divisive comments.

For what we need now is unity, and unity is what we have, in spite of Mr. Yeutter's statements. In the interest of that unity, I would suggest the President to reconsider Mr. Yeutter's appointment as party chair, or ask him to hold his tongue until our soldiers are safe again.

Mr. President, we are headed into uncharted territory in America's foreign policy, not just in how President Bush will succeed in winning this war, as I am confident he will, but also in what the new world order we are fighting for will look like, and how we will pursue it. America's unity regarding the war we are now waging flows in large part from the openness and thoroughness of the public debate that preceded it.

Our ability to discern and shape the new world order will be better served by that kind of open and thorough examination than by a poisoned, polarized, partisan environment. Those who invite such an environment not only undermine the conduct of this war, but also America's leadership in the new world order that we will inhabit when this war is over.

I yield the floor.

Mr. SYMMS. Mr. President, is the Senate in morning business at this hour?

The PRESIDENT pro tempore. The senior Senator from Idaho is recognized. The Senate is in a period for the transaction of morning business with Senators permitted to speak for not to exceed 10 minutes each.

Mr. SYMMS. I thank the distinguished President pro tempore.

The PRESIDENT pro tempore. The Senator from Idaho is recognized for not to exceed 10 minutes.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the submission of Senate Resolution 17 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SYMMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. KERREY). Two minutes, thirty-five seconds.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might have about 2 more minutes in addition to that 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDITORIAL BY SENATOR JESSE HELMS

Mr. SYMMS. Mr. President, I have with me a WRAL-TV Viewpoint editorial of November 22, 1963. I think it is a serious matter. I will print this in the RECORD so all my colleagues will be able to see this editorial.

I think it is a serious matter. It is a matter which one of our colleagues, for whatever reason, whether it was in the heat of politics, or what, was critical of another regarding the tragic death of one of our honorable Presidents, John F. Kennedy. I recently received a letter indicating that it has been implied and reported in the press that Senator HELMS actually minimized the death of President Kennedy implying that the Nation was better off, and I rise to set the record straight.

Mr. President, I have obtained a copy of the actual editorial comment made by Senator HELMS on the evening of November 22, 1963. I will let the remarks of our colleague speak for themselves as I quote excerpts of his editorial. I quote Senator HELMS, who was then JESSE HELMS of WRAL television in Raleigh-Durham, NC:

> All men of sanity and humanity feel a sense of revulsion at the act of the fanatical coward who hid in the attic of a building and fired down the shots that extinguished the life of a young man who, to us, seemed to possess not merely the quality of unbounded energy, but a sort of indestructibility as well. . .
>
> Every citizen will reflect upon Mr. Kennedy's life, and his death, in a personal way. Mr. Kennedy had become a part of America in a personal way. His harshest critics recognized his magnestism and persuasiveness which had drawn him into the inner circle of American life. He was not loved by everyone; still, no one doubted his courage or his stamina. He fought his political battles with every ounce of his strength. And he did it openly. * * *
>
> Millions of words will be written and spoken about this dark hour in America's history. Many days will pass before we can stand with pride and confidence, and say to the world that we are civilized. The cause of communism has been served well by this tragedy. Freedom has suffered a telling blow.

Mr. President, these words are just parts of excerpts of this editorial spoken by our colleague almost 30 years ago. They are not the words of one trying to minimize this tragedy in our history. Rather, they are words that reflect the attitude of us all in a nation struggling to cope with a devastating loss.

I remind my colleagues that we continue to face serious problems, mounting tensions in the Persian Gulf, Soviet attack on Lithuania and the other Baltic States, and our own critical economic and domestic problems. So now is not the time for us to embroil ourselves in conflicts based in petty disagreement. I am certain that President Kennedy would agree that now is the time for strength, for patience and, above all, the American spirit of unity.

When I read this editorial, Mr. President, I remembered vividly of where I was and what I was doing on that tragic day. I am only sorry that this editorial had not been printed in the newspapers in my State because I think it gave some great comfort, and it was a very eloquent eulogy to our fine young President.

I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[WRAL-TV Viewpoint]

(This editorial comment was used as a part of a brief newscast on Friday evening, November 22, 1963. It was written and delivered by Mr. Helms, but not as a specific "Viewpoint" program.)

Anguish alone will not suffice as the nation's proper reaction to the news of President Kennedy's assassination. All men of sanity, and humanity feel a sense of revulsion at the act of the fanatical coward who hid in the attic of a building and fired down the shots that extinguished the life of a young man who, to us, seemed to possess not merely the quality of unbounded energy, but a sort of indestructibility as well.

At this moment, of course, all Americans are united regardless of party, or philosophy, or ideals. Conservatism, liberalism, right wing, left wing—all these are meaningless semantics, no longer dividers, certainly not important unless and until we respond to the question of what happened to civilization in that dark moment in Dallas.

So, in unity there is a helplessness that may assist us in groping for strength. One insane man with a high-powered rifle has exposed the incredible weakness of a nation. If we now see that weakness, if we now understand it, some consolidation may be found. Men may have differed with Mr. Kennedy in his exuberant ideas about politics, government, and the quest for peace in a troubled world. But as he lies tonight in death, he has left more than a shocked and stunned nation. The manner of his death leaves America standing naked as a symbol of civilization mocked.

Every citizen will reflect upon Mr. Kennedy's life, and his death, in a personal way. Mr. Kennedy had become a part of America in a personal way. His harshest critics recognized his magnetism and persuasiveness which had drawn him into the inner circle of American life. He was not loved by everyone; still, no one doubted his courage or his stamina. He fought his political battles with every ounce of his strength. And he did it openly.

And this serves to emphasize the dastardly nature of his assassination. Jack Kennedy was killed by a coward.

As we sat alone minutes after the announcement of the President's death, a hundred images flowed through our mind. One little incident that we personally observed nearly 11 years ago came to mind as clearly as if it were yesterday. It was a cold, crisp January morning in 1953 and the quorum bells had just rung throughout the Capitol and the Senate Office Building in Washington. Members of the Senate, the old ones and the new ones, were scurrying to get to the Senate Chamber. It was oath-of-office day for ten or 12, including a tousled-haired young man from Massachusetts who had been elected to the Senate the previous November.

Senators were boarding the subway cars which connect the Capitol with the Senate Office Building by an underground route. Visitors and employees of the Senate were being repeatedly told by operators of the subway cars to stand aside for the Senators. They had priority.

Jack Kennedy arrived to take a seat on the subway car, but the operator waved him back. "Stand aside for the Senators, son," he said. Jack Kennedy stood aside with a grin—until an observer whispered to the operator: "He's a Senator, too." The embarrassed operator got only a pat on the back and a reassurance from Senator Kennedy.

An unimportant incident? Maybe! But it is one that we will remember always. No matter how much we might have disagreed with certain of the President's views and actions, the memory of that incident provides a sense of warmth and personal affection.

Millions of words will be written and spoken about this dark hour in America's history. Many days will pass before we can stand with pride and confidence, and say to the world that we are civilized. The cause of communism has been served well by this tragedy. Freedom has suffered a telling blow.

As for our new President, Lyndon Johnson, no man has faced a sterner challenge. He needs—he must have—the prayers of a nation of people who see the need of renewing their faith, who are willing to proclaim honestly and sincerely that In God We Trust.

Mr. SYMMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the introduction of S. 248 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of Senate Joint Resolution 45 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, recognizing that there is not a quorum present, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business. The Senators are allowed to speak for up to 10 minutes.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 253 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

OUR SOLDIERS IN THE SAND

Mr. COATS. Mr. President, I would like to share with my colleagues the following expression of loyal support for the courageous American men and women currently at war in the Middle East. This moving poem, written by former U.S. marine, Cricket Dolezal, of Fort Wayne, IN, voices great pride for the steadfast patriotism and bravery of our soldiers, who, now more than ever, deserve unwavering support from their fellow Americans. They are to be commended for their willingness to serve our Nation.

I ask unanimous consent that this poem be included in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

OUR SOLDIERS IN THE SAND

(By Cricket Dolezal)

Your innocent faces line the sand
There to fight just one man.

You are sons and daughters—sisters and brothers
Husbands and wives, fathers and mothers.

You have changed your clothes from green to brown
Please know you are heroes in your hometowns.

Your families have been left behind
Your place in the desert you are off to find.

As you sit in the sweltering sun
Your fate is now in the hands of just one.

We think of you each and every day
And wonder if more will be on the way.

We are all there in thoughts with you
through whatever it is you must do.

And always remember to keep your spirits high
As high as the red, white, and blue flies.

POW TREATMENT BY IRAQ

Mr. COATS. Mr. President, I rise today to express my outrage for the cruel treatment U.S. and allied prisoners of war [POW's] have suffered at the hands of their Iraqi captors. The world has watched in horror as battered, mistreated allied soldiers have delivered statements coerced by their Iraqi captors. I am further incensed that Iraq would threaten to use POW's as human shields to protect various installations.

These acts are gross violations of the Geneva Conventions, to which Iraq is a signator. Such cowardice paints a clear, if not hellish, picture of the brutal Iraqi dictator and his ruthless regime. Saddam Hussein is solidifying his record of transgressions against humanity, justifying his eventual trial as a war criminal. Our thoughts and prayers go out to our brave POW's and their families who bear the greatest suffering of us all.

At a time when the task of preserving freedom is being passed on to a new generation, it is only appropriate that we reaffirm our commitment, not only to our troops in the gulf but to those brave men and women who have made the same sacrifice in years past. Legislation before the Senate would provide for a 5.4-percent cost-of-living adjustment [COLA] for veterans suffering from service-connected disabilities and for survivors of veterans who died of service-related injuries. This COLA would be provided retroactive to January 1, 1991.

Funds for this COLA were included in the 1991 Federal budget passed by Congress last October. However, due to an unfortunate series of events, the 101st Congress adjourned without approving legislation to provide a COLA for the Nation's 2.5 million disabled veterans and their survivors.

Disabled veterans who have served their Nation faithfully are entitled to full protection against the vagaries of inflation. For this reason, I have cosponsored legislation which would ensure this COLA. I am pleased that the Senate has placed a high priority on resolving this matter, and I trust that my colleagues will join in support of a cost-of-living adjustment for our disabled American veterans.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Nebraska, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. I thank the Chair.

(The remarks of Mr. FORD and Mr. HATFIELD pertaining to the introduction of S. 250 are located in today's RECORD under "Statement on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER [Mr. BRYAN]. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,139th day that Terry Anderson has been held captive in Lebanon.

On Sunday, the Associated Press issued a report that "churches across Britain were filled with prayers" for the hostages yet held. In particular they prayed for Terry Waite—an envoy of the Anglican Church—who on that day began his fifth year in captivity. Mr. President, I ask that we of this Chamber add our prayers to those offered Sunday. And I ask unanimous consent that the above-mentioned report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BRITAIN'S WAITE BEGINS FIFTH YEAR AS HOSTAGE

LONDON.—Churches across Britain were filled with prayers Sunday for the British hostages held in Lebanon, including Church of England envoy Terry Waite, who was beginning his fifth year in captivity.

Archbishop of Canterbury Robert Runcie prayed for his 51-year-old envoy during a service at Canterbury Cathedral.

"Remember Terry and all hostages cut off from those whom they love and from the bonds of human friendship. Support them in their loneliness and need," Runcie said.

Runcie told the British Broadcasting Corp. that the Persian Gulf war may increase the hostages' chances for release.

"Turbulence might make people harder and more protective of any change in attitude. On the other hand, turbulence might loosen things up a bit," he said.

* * * Most of the 13 Westerners missing in Lebanon are believed held by pro-Iranian Shiite zealots. The missing include six Americans, four Britons, two Germans, and an Italian.

Waite disappeared Jan. 20, 1987, after leaving a Beirut hotel for a rendezvous with Islamic Jihad, or Islamic Holy War.

The group has acknowledged kidnapping American hostages Terry Anderson and Thomas Sutherland.

Anderson, chief Middle East correspondent of the Associated Press, was kidnapped March 16, 1985. Sutherland, acting dean of agriculture at the American University of Beirut, was abducted June 9, 1985. Anderson is the longest held Western hostage.

No group claimed responsibility for Waite's kidnapping, but released hostage Brian Keenan said in September he heard Waite in a neighboring cell in Beirut.

The remaining British hostages are journalist John McCarthy, 31, kidnapped in April 1986; and retired pilot Jackie Mann, 76, abducted in May 1990.

In addition, Briton Alec Collett, whose 69th birthday is Monday, is missing. He was kidnapped in March 1985. Abu Nidal's terrorist group said in 1986 it had killed him, but the British Foreign Office says it has no evidence that he is dead.

Waite's brother David said Britain and the Church of England were working hard to secure his brother's freedom and he was confident the release would come.

RECESS UNTIL 4:30 P.M.

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until the hour of 4:30 p.m. today.

There being no objection, at 3:17 p.m., the Senate recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I thank the Chair.

(The remarks of Mr. MCCONNELL pertaining to the introduction of S. 253 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

FEDERAL TAX RELIEF FOR FORCES IN PERSIAN GULF

Mr. CONRAD. Mr. President, I rise in strong support of the measure to provide Federal tax relief to our forces serving in the Persian Gulf.

The legislation complements the Executive order signed by the President on January 21. By designating locations in the Persian Gulf as combat areas, that order activates provisions of the Tax Code which permit members of the Armed Forces to exclude combat pay from gross income. Commissioned officers of the Armed Forces will be able to exclude active duty compensation up to the level of $500 per month; enlisted men and women can exclude the full amount of this compensation. Under the Executive order, the exclusions apply to pay for service performed in combat areas beginning January 17, 1991.

Under present law, individuals serving in a combat zone are exempted from certain tax filing deadlines, including the requirement that income tax returns be filed and taxes paid by April 15. The tax provisions triggered by the Executive order would grant extensions of times for filing returns, paying taxes, or filing for a refund to those serving in Operation Desert Storm. Besides our forces on active military duty, civilian, medical, and other personnel serving in the gulf in support of our operations there can also qualify for these extensions.

H.R. 4 would grant the same tax benefits and extensions described above to personnel serving in Desert Shield operations, beginning after August 2, 1990. It would also require the payment of interest on tax refunds owed to our forces in the gulf and their families, with interest calculated as of April 15.

Mr. President, I believe this legislation is urgently needed to implement the Executive order effectively. While our men and women in the gulf are engaged in battle, facing extraordinary pressures and dangers, we should do all we can to ease administrative burdens and financial strains for them here at home. I am pleased to support this measure, and urge its prompt enactment into law.

VETERANS COST-OF-LIVING INCREASE

Mr. CONRAD. Mr. President, as a cosponsor of S. 1, the Veterans Compensation Cost-of-Living Increase Act, I rise today to express my strong support for the speedy passage of this legislation.

It was grossly unfair to our disabled veterans that their COLA got derailed in the closing days of the 101st Congress. It is only fitting that this legislation, S. 1, is the first bill of the 102d Congress.

All of us have had reason in the past week to reflect on the courage and commitment of our men and women in the Armed Forces. None make a greater sacrifice for their country than those who are willing to give their lives or their good health in the line of duty. This country and this Government's obligation to our veterans, and particularly our disabled veterans, is of the highest order.

The least we can do to show our gratitude to our disabled veterans is provide timely cost-of-living adjustments in the benefits they earned while in uniform and on the battlefield. Many of these veterans and their families depend on their disability checks to make ends meet. Not only do we have an obligation to provide adequate financial support, we've also made a commitment to ensure quality, accessible health care for every veteran. Today, we are rectifying the unacceptable COLA situation, but a great deal more work remains to be done in the area of health care.

In the end, it comes down to this: support for the troops does not end when they leave active duty. We have a unique, ongoing responsibility toward those who served this country under the most demanding circumstances. In meeting our obligations to our veterans, we honor not only those who have worn the American uniform in the past—but we also honor those who wear it so proudly today. In a sense, our treatment of this country's veterans is a very special expression of the support and esteem we have for men and women who are at risk on the front lines today. They are, after all, tomorrow's veterans, and they need to know that we keep our commitments to those who served in the defense of this great country.

SOUTH CAROLINA'S HEROES IN THE GULF

Mr. HOLLINGS. Mr. President, over the past week, all Americans have stood in awe of the courage and can-do professionalism of our pilots in the Persian Gulf. What the airmen of the British RAF were in the Battle of Britain, these American pilots are to this initial phase of the battle for Kuwait. They are a small, elite cadre of warriors who today are carrying virtually the entire war effort on their own shoulders.

South Carolinians take very special pride in the heroics of Capts. Paul Johnson and Randy Goff of Myrtle Beach's 354th Tactical Fighter Wing. On Monday, these two pilots flew their A-10 Thunderbolts for some 8 hours over enemy territory, locating and protecting a downed Navy F-14 Tomcat pilot. It was a dazzling display of persistence, skill, and sheer courage, and it resulted in the successful rescue of the Tomcat pilot. I cannot tell you how proud I am of Captains Johnson and Goff, but I can tell you that every South Carolinian and every American shares that pride and gratitude.

And by the way, Mr. President, while I am saluting the men, let me also salute the machines—the much underestimated A-10 Thunderbolt. In recent years we have heard a lot of chatter over at the Pentagon about how this plane is too old and too slow and ought to be retired. Now we find that it is the star of the show over in the Persian Gulf—the best tank killer in the world, and so reliable and maneuverable that it proved ideal for this daring rescue mission. Enough said. We are proud of every one of the A-10 pilots from South Carolina serving so superbly over there. And, as for Captain Johnson and Captain Goff, they are authentic American heroes.

A TRIBUTE TO O. FRANK DEGARCIA

Mr. HEINZ. Mr. President, I rise today to recognize a truly outstanding Pennsylvanian, Mr. O. Frank DeGarcia of Harrisburg, PA. Mr. DeGarcia's family and his many friends and admirers gathered to celebrate a dinner in his honor on December 2, 1990, and it is my privilege here to pay tribute to him and his many good works on behalf of his neighbors and his community.

Mr. President, Frank DeGarcia is not a native-born American. He is a native of Cuba, and like so many of his compatriots nearly 30 years ago, Frank was faced with a terrible choice: remain in his homeland to face the tyranny of the Castro regime, or take a chance and come to America, abandoning all that he had for the promise of a new life, in a new land. Frank courageously chose the latter, and from the very first day he arrived on these shores, he has personally exemplified the attributes that are at the heart of the American dream: An abiding love of freedom, a dedication on hard work, faith in our system, and an expectation of nothing more or less than a fair opportunity to make his way and earn a better life for himself and his family. This simple prescription is something Frank has not forgotten.

Through three decades, Frank has returned the gift of liberty to the people of his adopted land many times over. In appreciation of his leadership and energy, Frank has been elected president of Harrisburg City Council. And in this capacity, he is an integral part of making Harrisburg and all of south-central Pennsylvania a paradigm for the development of new economic opportunity and progress, and one of the best places anywhere to live, work, and raise a family.

In addition to his elected position in local government, as commissioner of the Pennsylvania Crimes Victim Compensation Board, Frank has been actively involved in reaching out to neighbors in need, helping to repair the lives of crime victims from all across the Commonwealth of Pennsylvania.

And, finally, Mr. President, it deserves to be noted that Frank appreciates not just the rights and privileges of citizenship, but the responsibilities, as well. Frank is a member of the Pennsylvania Air National Guard, and a part of the strong national defense that ensures our Nation's security and our freedoms.

It is fitting that the proceeds of the testimonial dinner held in his honor went, at Frank's request, to support educational opportunities for disadvantaged Hispanic children in Harrisburg. This is more than the latest example of his unselfish devotion to working for the betterment of his community, his city, his State, and indeed, our Nation; it signals Frank's hope and faith in the future.

To Frank, I extend my sincerest congratulations and best wishes for continuing happiness and success to both him and his charming wife Ines!

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that two resolutions that I shall now submit in behalf of myself, Senator DOLE and others, the first condemning Iraq's bombing of Israel, and the second regarding Iraq's treatment of American prisoners of war; and one resolution to be introduced today by Senator DOLE on behalf of himself, myself, and others relating to the crisis in the Baltic States, be held at the desk until close of business tomorrow and that debate now be in order on these resolutions and that the majority leader, after consultation with the Republican leader, may proceed to the consideration of the resolutions at any time and that they not be subject to amendments or motions to commit.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING IRAQ'S UNPROVOKED ATTACK ON ISRAEL

Mr. MITCHELL. Mr. President, I now send to the desk for myself, Senator DOLE, and others, a resolution condemning Iraq's unprovoked attack on Israel.

The PRESIDING OFFICER. The resolution will be held at the desk pursuant to previous order.

DEMANDING THE GOVERNMENT OF IRAQ ABIDE BY THE GENEVA CONVENTION

Mr. MITCHELL. Mr. President, I now send to the desk for myself, Senator DOLE and others, a resolution demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

The PRESIDING OFFICER. This resolution will also be held at the desk pursuant to the previous order.

REVIEW ECONOMIC BENEFITS PROVIDED TO THE SOVIET UNION

Mr. DOLE. Mr. President, I send to the desk for myself, the Senate majority leader, and others a resolution to express the sense of the Congress that the President review economic benefits provided the Soviet Union in light of the crisis in the Baltic States.

The PRESIDING OFFICER. That resolution will also be held at the desk pursuant to the previous order.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my hope as I have expressed several times in the last 2 days that we will be able to vote on these resolutions and some other legislative matters between the hours of noon and 3 p.m. tomorrow. We will attempt to obtain a time agreement allocating the time in the morning among the various resolutions and legislative matters. We have not yet reached final closure on that.

But Senators should now be aware that there will be such an agreement, if it can be obtained and I believe it will be, and that these resolutions are now open for debate. So any Senator who wishes to address the subject matter of any of these three resolutions may do so at this time.

The floor is open for debate on these matters this evening without time limitation, so there will be ample time this evening for Senators to express their views on these resolutions. Then tomorrow there will be a brief period of time on each of these and the other legislative matters which we hope to reach for action tomorrow. That is our plan and hope at this time.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOMBING OF ISRAEL

Mr. COATS. Mr. President, in the last few days Israel has lived with the fear of random suffering and death from Iraqi missiles. Yesterday, that fear was confirmed, amid rubble and shouts, by 3 deaths and 100 casualties.

This was not a military assault on a strategic site. It was the bombing of a neighborhood. It was an act of brutal, mindless, indiscriminate terrorism. Women and children and noncombatants were the targets. Their death and pain is today a source of Iraqi pride.

This was an attack not rooted in strategy but in hate. It reveals once more Hussein's heart of darkness and the length of his destructive reach. Each Iraqi missile is a public confession of barbarism.

Many Americans still hope for Israeli restraint. But we cannot, in the process, minimize the intensity of this provocation. As former Prime Minister Herzog said of other Jewish victims in the other times: "The only ones who can forgive are dead; the living have no right to forget."

To this point Israel has not responded, but it has not forgotten. By refusing a just reaction, it has helped keep the world's focus on the real and central point at issue, the swift defeat of Saddam Hussein. Israel's show of restraint is not out of fear or weakness, but out of friendship.

Israel is always prepared for war. Golda Meir argued, "We have always said that in our war with the Arabs we had a secret weapon—no alternative." But it has not sought war as an end in itself. Meir concluded, "It is true we have won all our wars, but we have paid for them. We don't want victories anymore."

Yet Israel has a right to defend itself—the right of an innocent country under sustained attack. There is a line of tolerance for any nation. Israel's Government alone must decide where that line lies.

I believe that restraint can still best serve America's interests, and the interests of the coalition assembled against Saddam Hussein. Israel's interests and the cause of defeating Saddam Hussein merge with our interests. Before armed conflict began Saddam argued for a deceptive linkage between his crimes and Israel's existence. It was rejected out of hand by America and the world community.

Now he has attempted to force that linkage with warheads aimed at civilians, bringing Israel into the center of the conflict. An Israeli response is precisely what he seeks.

This, I believe, would not be the best policy. But by law of nations or rule of justice, a proportionate response would be morally justified. And even if that action comes, I am convinced it will not be the wedge Hussein intends. Our alliance is stronger than this transparent and desperate deception.

Israel is a nation with a short history and a long memory. In World War II, when Jews pleaded that Auschwitz be bombed by Allied forces to stop the slaughter, they were refused and told that bombs were needed for essential targets.

Now it should be clear to the world that the defense of Israel is essential to America. This is a solemn commitment. A moral stand. Israel's choice between response and restraint is not a matter of indifference, but it should not and must not forfeit our good will.

AMERICA'S SOLIDARITY WITH ISRAEL—SENATE CONCURRENT RESOLUTION 4

Mr. LAUTENBERG. Mr. President, I rise to note my cosponsorship of Senate Concurrent Resolution 4 to express America's solidarity with Israel at this most difficult and trying time and to condemn in the strongest terms Iraq's unprovoked attacks on civilian targets in Israel. The resolution also reaffirms America's continuing commitment to providing Israel with the ability to maintain her security and freedom.

America, and indeed, the world, have been stunned and horrified over the unprovoked Iraqi Scud missile attacks against innocent civilian populations in Israel. We grieved with the Israelis when those missiles hit Israeli homes, causing injury and death to Israeli civilians. We were relieved that the worst did not occur—that the missiles did not contain as everone might have imagined, chemical warheads.

But it was deeply shocking to hear Saddam Hussein brag that he would "turn Israel into a crematorium," knowing full well the special pain that phrase would cause. He is clearly trying to terrorize and traumatize the Israeli public in a sadistic manner.

The grief and anguish on the faces of the Israelis is also our grief and anguish. The film footage of the scream of the sirens, the fears for the dead, and the fears of the living, is so vivid it feels as if it is taking place close by.

All of us wonder at the Israeli nation's restraint in the face of these unprovoked attacks, restraint exercised at the behest of the United States. That restraint, given Israel's history, and the threats and attacks made against her by Iraq, has been nothing short of remarkable. For it is the very essence of a nation to defend her citizens against attack, and to respond when threatened. This is especially so in Israel, where it has been a central tenet of national policy that attacks against her would be met with swift and certain retaliation. Forged in the Holocaust, it has also been a necessary part of Israel's deterrent in the dangerous Middle East neighborhood in which she lives.

Mr. President, I am proud of Israel. I admire the fortitude of Israeli citizens during this difficult and trying period, continuing to attempt normal lives amidst life-threatening conditions.

I believe every country has the right to defend itself, including Israel. As a matter of fact, not only do they have a right, they have an obligation. Israel has said that it is not a question of whether she will retaliate, but the question is when and how. There is no one who can fault her now when she chooses to exercise this most fundamental national right. Whatever action Israel takes, I believe our international coalition will hold, will not be damaged at all.

I cannot imagine that Kuwait is going to pull out. I cannot imagine that Saudi Arabia is going to pull out. Egypt is a deep and fast friend with a big commitment to the cause that we have taken up. Syria is not a reliable ally in the first place, and if Syria leaves, so be it.

We can learn several important lessons from this episode in the gulf crisis.

The events of the past week have once again focused our attention on the need to keep Israel secure, on the importance of making sure she has what it takes to remain safe, able to protect herself and protect America's interests when we ask. Because it is clear that it is not just Israel's security on the line. It is also America's.

Israel has always been and remains our most stalwart ally in the region. Putting the international good before her own national security, Israel has demonstrated once again that when the going gets tough, America can count on her. That is something we must work to protect.

Second, the Iraqi attack has brought home to the world the fact that the threat to Israel's security cannot be solved simply by coming to terms with the Palestinians. Iraq, and other hostile states in the region, remain implacably opposed to her very existence.

Finally, this crisis should make it clear, once and for all, to all Arab States, that Israel is not a threat to their security. Israel is not a threat to the stability of the Middle East. The problem is Iraq and other terror-driven nations. And if we have any doubts, Mr. President, all we have to do is look at the way Iraq has treated those Americans and other allied fliers who have been captured by them; the disgrace they have brought upon themselves, the humiliation they have tried to bring upon those who are prisoners of war. There is no doubt about Saddam Hussein's intent—terrorize, brutalize, murder if necessary.

So the problem is not Israel. The problem is the other regional powers who seek domination over their neighbors through the use of force.

I urge my colleagues to move quickly on this resolution and pass it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been noted, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EMIGRATION LAWS AND PRACTICES OF MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying paper; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 402(c)(2) of the Trade Act of 1974 (the Act) (19 U.S.C. 2432(c)(2)), I have determined that a waiver of the application of subsections (a) and (b) of section 402 with respect to Mongolia will substantially promote the objectives of section 402. A copy of that determination is enclosed. I have also received assurances with respect to the emigration practices of Mongolia required by section 402(c)(2)(B) of the Act.

Pursuant to section 402(c)(2), I shall issue an Executive order waiving the application of subsections (a) and (b) of section 402 of the Act with respect to Mongolia.

GEORGE BUSH.

THE WHITE HOUSE, *January 23, 1991.*

MESSAGES FROM THE HOUSE

At 4:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

At 6:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 2. Concurrent resolution supporting the United States presence in the Persian Gulf.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as a part of the Desert Shield Operation.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 40. Concurrent resolution condemning the recent use of Soviet military force in the Baltic States;

H. Con. Res. 41. Concurrent resolution condemning the Iraqi attacks against Israel;

H. Con. Res. 46. Concurrent resolution providing for a joint session of Congress to receive a message from the President on the State of the Union; and

H. Con. Res. 48. Concurrent resolution condemning the brutal treatment by the Government of Iraq of captured service members of the United States and its allies in the Persian Gulf conflict.

The message also announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. McMILLEN of Maryland, Mr. MRAZEK, Mr. SKEEN, and Mrs. BENTLEY.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. GEJDENSON and Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy, the following Members on the part of the House: Mr. HEFNER, Mr. LAUGHLIN, Mr. FISH, and Mr. LOWERY of California.

The message further announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members on the part of the House: Mr. DICKS, Mr. BARNARD, Mr. HEFLEY, and Mr. DELAY.

The message also announced that pursuant to the provisions of section 1295b(h) of title 46, United States Code, the Speaker appoints Mr. MANTON and Mr. BUNNING as members of the Board of Visitors to the U.S. Merchant Marine Academy on the part of the House.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

The Committee on Veterans' Affairs was discharged from the further consideration of the following bill; which was placed on the calendar:

S. 238. A bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–185. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Longshore and Harbor Workers' Compensation Act for fiscal year 1989; to the Committee on Labor and Human Resources.

EC–186. A communication from the Secretary of Agriculture and the Administrator of the Agency for International Development, transmitting, pursuant to law, the sixth quarterly report on progress made in implementing the recommendations of the Agricultural Trade and Development Missions; to the Committee on Agriculture, Nutrition, and Forestry.

EC–187. A communication from the Deputy Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the first quarterly country and commodity allocation table showing current programming plans for food assistance under P.L. 480; to the Committee on Agriculture, Nutrition, and Forestry.

EC–188. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Budget For Fiscal Year 1991: Compliance With the Balanced Budget and Emergency Deficit Control Act of 1985"; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC–189. A communication from the Deputy Under Secretary of Defense (Acquisition), transmitting, pursuant to law, notice that the program unit acquisition unit cost of the C–17A program has increased by more than 25 percent; to the Committee on Armed Services.

EC–190. A communication from the Deputy Under Secretary of Defense (Acquisition), transmitting, pursuant to law, certification with respect to the Family,of Heavy Tactical Vehicles (FHTV) Palletized Load System (PLS) program; to the Committee on Armed Services.

EC–191. A communication from the Assistant Secretary of the Army (Financial Management), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter ended September 30, 1990; to the Committee on Armed Services.

EC–192. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Secretary of the Army intends to exercise certain authority for exclusion of the clause concerning the examination of records by the Comptroller General; to the Committee on Armed Services.

EC–193. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC–194. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "A Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing: A Report to the Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC–195. A communication from the President of the Oversight Board and the Executive Director of the Resolution Trust Corporation, transmitting jointly, pursuant to law, the semiannual report of the Resolution Trust Corporation and the Oversight Board for the period ended September 30, 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC–196. A communication from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, a copy of the Kuwaiti Assets Control Regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–197. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the semiannual report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–198. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the "1990 Report on Foreign Treatment of U.S. Financial Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC–199. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on progress in developing and certifying the Traffic Alert and Collision Avoidance System; to the Committee on Commerce, Science, and Transportation.

EC–200. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the status report on plans for enforcement actions related to drug activity and the provision of assistance to law enforcement agencies for May 19, 1989 to May 8, 1990; to the Committee on Commerce, Science, and Transportation.

EC–201. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report on progress in correcting certain deficiencies in the Airmen and Aircraft Registry System for the period May 19, 1989 to May 18, 1990; to the Committee on Commerce, Science, and Transportation.

ED–202. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the review of the technology transfer contract clause; to the Committee on Commerce, Science, and Transportation.

EC–203. A communication from the President of the United States, transmitting, pursuant to law, certification that Norway has conducted whaling activities that diminish the effectiveness of the International Whaling Commission conservation program; to the Committee on Commerce, Science, and Transportation.

EC–204. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC–205. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–206. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy, transmitting, for the information of the Senate, notice that the report on development of an aggressive national program of research, development, and demonstration of renewable energy and energy efficiency technologies will be submitted in late January of 1991; to the Committee on Energy and Natural Resources.

EC–207. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of Energy, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–208. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on Federal Government Energy Management and Conservation programs for fiscal year 1989; to the Committee on Energy and Natural Resources.

EC–209. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of Energy, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–210. A communication from the Assistant Secretary of Energy (Fossil Energy), transmitting, for the information of the Senate, notice of a delay in the submission of the quarterly report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC–211. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, a report to Congress entitled "Medical Waste Management in the United States—Second Interim Report"; to the Committee on Environment and Public Works.

EC–212. A communication from the Inspector General of the Federal Emergency Management Agency, transmitting, pursuant to law, the audit report on the Federal Emergency Management Agency's administration of the permanent and temporary relocation components of the Superfund Program; to the Committee on Environment and Public Works.

EC–213. A communication from the Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, notification of the audit of the NASA and EPA Superfund Financing Agreement; to the Committee on Environment and Public Works.

EC–214. A communication from the Administrator of the United States Environmental Protection Agency, transmitting, pursuant to law, an annual report to Congress entitled "Progress Toward Implementing Superfund: Fiscal Year 1989"; to the Committee on Environment and Public Works.

EC–215. A communication from the President of the United States, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Soviet Union; to the Committee on Finance.

EC–216. A communication from the Acting Secretary of the U.S. Department of Labor, transmitting, pursuant to law, an annual report analyzing the impact of the Caribbean Basin Economic Recovery Act on U.S. trade and employment from 1988 to 1989; to the Committee on Finance.

EC-217. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report on the quantity of agricultural commodities programmed under Title II in fiscal year 1990; to the Committee on Foreign Relations.

EC-218. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the fiscal year 1990 annual report on the operation of the Special Defense Acquisition Fund; to the Committee on Foreign Relations.

EC-219. A communication from the Assistant Legal Advisor for Treaty Affairs of the United States Department of State, transmitting, pursuant to law, the texts and background statements of international agreements; to the Committee on Foreign Relations.

EC-220. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, information of the operation and expenditures of the Appalachian Regional Commission for fiscal year 1990; to the Committee on Governmental Affairs.

EC-221. A communication from the Executive Director of the United States Commission for the Preservation of America's Heritage Abroad, transmitting, pursuant to law, the annual report for fiscal year 1990; to the Committee on Governmental Affairs.

EC-222. A communication from the Comptroller General of the United States, transmitting, pursuant to law, information on the assignment or detailing of GAO employees to congressional committees; to the Committee on Governmental Affairs.

EC-223. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-224. A communication from the Chairman of the Interstate Commerce commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-225. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report of the Authority under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-226. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-227. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-228. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-229. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-230. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-231. A communication from the Attorney General of the United States, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-232. A communication from the Secretary of the Interior, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-233. A communication from the Acting Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-234. A communication from the National First Vice President of the American Gold Star Mothers, Inc., transmitting, pursuant to law, the annual audit report of the American Gold Star Mothers, Inc. for the period ended June 30, 1990; to the Committee on Governmental Affairs.

EC-235. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-236. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-237. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-238. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-239. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-240. A communication from the Plan Administrator of the Farm Credit Retirement Plan, transmitting, pursuant to law, the annual pension plan report for the plan year ended December 31, 1989; to the Committee on Governmental Affairs.

EC-241. A communication from the Acting Secretary of Defense, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-242. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-243. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-244. A communication from the Secretary of the Consumer Product Safety Commission, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-245. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the failure of the Secretary of Defense to provide access to certain records to the General Accounting Office; to the Committee on Governmental Affairs.

EC-246. A communication from the Secretary of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-247. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-248. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-249. A communication from the Secretary of Energy, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-250. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-251. A communication from the Secretary of Commerce, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-252. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a study on the potential health and occupational hazards to the Indian population as a result of nuclear resource development on Indian lands; to the Select Committee on Indian Affairs.

EC-253. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the recent award of the Young American Medals for Bravery and Service for calendar year 1989; to the Committee on the Judiciary.

EC-254. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the 1989 annual report on the activities and operations of the Public Integrity Section, Criminal Division, and reporting on the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-255. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for the National Institute on Disability and Rehabilitation Research; to the Committee on Labor and Human Resources.

EC-256. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Drug Free Schools and Communities Program; to the Committee on Labor and Human Resources.

EC-257. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Migrant Education Even Start Program; to the Committee on Labor and Human Resources.

EC-258. A communication from the Deputy Assistant Secretary of Defense (Personnel Support, Families, Education and Safety), transmitting, pursuant to law, a report on the audit of the American Red Cross for the year ended June 30, 1990; to the Committee on Labor and Human Resources.

EC-259. A communication from the Chairman of the National Commission on Libraries and Information Science, transmitting, pursuant to law, a copy of the Principles of Public Information as adopted by the Commission; to the Committee on Labor and Human Resources.

EC-260. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education; to the Committee on Labor and Human Resources.

EC-261. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third biennial report of the Director of the National Institutes of Health; to the Committee on Labor and Human Resources.

EC-262. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Choosing Better Schools"; to the Committee on Labor and Human Resources.

EC-263. A communication from the Chief, Special Actions Branch, Congressional Inquiry Division, Office of the Chief of Legislative Liaison, Department of the Army, transmitting, pursuant to law, a study of the commissary shelf stocking function at the U.S. Army Commissary, Fort Drum, New York; to the Committee on Armed Services.

EC-264. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Defense Logistics Agency intends to exercise authority for exclusion of the clause concerning examination of records by the Comptroller General; to the Committee on Armed Services.

EC-265. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from April 1, 1990 through September 30, 1990; ordered to lie on the table.

EC-266. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-267. A communication from the Acting Under Secretary of Agriculture (International Affairs and Commodities Program), transmitting, pursuant to law, the second quarterly commodity and country allocation table; to the Committee on Agriculture, Nutrition, and Forestry.

EC-268. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report on the UHF Follow-on Satellite program's breach of the Unit Cost threshold requiring Congressional notification; to the Committee on Armed Services.

EC-269. A communication from the President of the United States, transmitting, pursuant to law, notification that the Libyan emergency is to continue in effect beyond January 7, 1991; to the Committee on Banking, Housing, and Urban Affairs.

EC-270. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1989; to the Committee on Banking, Housing, and Urban Affairs.

EC-271. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the sixth annual report on the Neighborhood Development Demonstration Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-272. A communication from the Secretary of Transportation, transmitting, pursuant to law, notification of the actions taken with regard to Jorge Chavez International Airport, Lima, Peru; to the Committee on Commerce, Science, and Transportation.

EC-273. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "An Examination of the Feasibility of Regulating Excavators; to the Committee on Commerce, Science, and Transportation.

EC-274. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a copy of the National Transportation Safety Board's letter to the OMB appealing the FY 1992 allowance of $33.762 million for the Safety Board; to the Committee on Commerce, Science, and Transportation.

EC-275. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-276. A communication from the Administrator of Energy Information Administration of the Department of Energy, transmitting, pursuant to law, a quarterly report and an annual summary on U.S. coal imports; to the Committee on Energy and Natural Resources.

EC-277. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-278. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-279. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-280. A communication from the Deputy Associate Director for Collection and Disbursement of the Department of Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-281. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the guidance document "Managing Asbestos in Place"; to the Committee on Environment and Public Works.

EC-282. A communication from the Assistant Secretary of Legislative Affairs to the U.S. Department of State, transmitting, pursuant to law, the twenty-first 90 day report to Congress on the investigation into the death of Enrique Camarena, and the safety of other U.S. citizens; to the Committee on Foreign Relations.

EC-283. A communication from the Assistant Legal Adviser for Treaty Affairs of the U.S. Department of State, transmitting, pursuant to law, international agreements entered into by the United States; to the Committee on Foreign Relations.

EC-284. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government, Fiscal Year 1991"; to the Committee on Governmental Affairs.

EC-285. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the recently implemented management control program for the Department; to the Committee on Governmental Affairs.

EC-286. A communication from the Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of 1990 under the Federal Managers' Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC-287. A communication from the Chairman of the United States Regulatory Commission, transmitting, pursuant to law, an evaluation of its management controls over program and administrative areas in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-288. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, an evaluation of the system of internal accounting and administrative control of the Consumer Product Safety Commission; to the Committee on Governmental Affairs.

EC-289. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-290. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-291. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-292. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-293. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-294. A communication from the Director of Selective Service, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-295. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-296. A communication from the President of the United States, transmitting, pursuant to law, a report on the apportionment population for each State as of April 1, 1990; to the Committee on Governmental Affairs.

EC-297. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-298. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the Civil Service Retirement and Disability Fund Annual Report for fiscal year 1988; to the Committee on Governmental Affairs.

EC-299. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-300. A communication from the Acting Secretary of the Department of Labor, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-301. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-302. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-303. A communication from the Director of Human Resources, U.S. Army Community and Family Support Center, transmitting, pursuant to law, the annual report on the U.S. Army Nonappropriated Fund Employee Retirement Plan for the year ended September 30, 1989; to the Committee on Governmental Affairs.

EC-304. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-305. A communication from the Archivist of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-306. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-307. A communication from the Director of the Federal Domestic Volunteer Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-308. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during November 1990; to the Committee on Governmental Affairs.

EC-309. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-310. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-311. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-312. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-313. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-314. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report concerning surplus Federal real property disposed of to educational institutions; to the Committee on Governmental Affairs.

EC-315. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ended September 30, 1990; to the Committee on Governmental Affairs.

EC-316. A communication from the United States Commissioner of the Delaware Basin Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-317. A communication from the Chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-318. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-319. A communication from the Acting Secretary of State, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-320. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-321. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-322. A communication from the Chairman and Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-323. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-324. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-325. A communication from the Secretary of Education, transmitting, pursuant to law, a follow-up report on the report of the Intergovernmental Advisory Council on Education submitted in August 1988; to the Committee on Labor and Human Resources.

EC-326. A communication from the Chairperson of the Advisory Panel on Alzheimer's Disease, transmitting, pursuant to law, the second report of the Advisory Panel; to the Committee on Labor and Human Resources.

EC-327. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to December 20, 1990; to the Committee on Foreign Relations.

EC-328. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the President's first special impoundment message for fiscal year 1991; pursuant to the order of January 30, 1975, as modified on April 4, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Foreign Relations.

EC-329. A communication from the Deputy Assistant Secretary of Defense (Procurement), transmitting, pursuant to law, notice of a delay in the submission of a report; to the Committee on Armed Services.

EC-330. A communication from the Vice President of the First State Bank, transmitting, pursuant to law, a request for extension of certain deadlines under the Financial Institutions Reform, Recovery, and Enforcement Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-331. A communication from the Deputy Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on the Department's denial of FNMA's request for approval of a program; to the Committee on Banking, Housing, and Urban Affairs.

EC-332. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on discount points and interest rates as related to the loan size for FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

EC-333. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on commercial motor vehicle hours-of-service regulations; to the Committee on Commerce, Science, and Transportation.

EC-334. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-335. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-336. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-337. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-338. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-339. A communication from the Secretary of Energy, transmitting, pursuant to law, the first annual report on the programs, projects, and joint ventures supported under the Renewable Energy and Energy Efficiency Technology Competitiveness Act; to the Committee on Energy and Natural Resources.

EC-340. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Petroleum Prices and Profits in the 90 Days Following the Invasion of Kuwait"; to the Committee on Energy and Natural Resources.

EC-341. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the United States Government Annual Report for the fiscal year ended September 30, 1990; to the Committee on Finance.

EC-342. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a study of the feasibility of establishing separate Medicare volume performance standard rates of increase for physician services differentiated by geographic area, specialty or group of specialties, and types of service; to the Committee on Finance.

EC-343. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Financing Defense Exports (November 1990)"; to the Committee on Foreign Relations.

EC-344. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination relating to decisionmaking procedures on budgetary matters in the International Civil Aviation Organization, the International Labor Organization, the World Health Organization, the United Nations Industrial Development Organization, and the World Meteorological Organization; to the Committee on Foreign Relations.

EC-345. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-239 adopted by the Council on July 10, 1990; to the Committee on Governmental Affairs.

EC-346. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-253 adopted by the Council on October 9, 1990; to the Committee on Governmental Affairs.

EC-347. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-254 adopted by the Council on September 25, 1990; to the Committee on Governmental Affairs.

EC-348. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-255 adopted by the Council on October 9, 1990; to the Committee on Governmental Affairs.

EC-349. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-256 adopted by the Council on October 9, 1990; to the Committee on Governmental Affairs.

EC-350. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-257 adopted by the Council on September 25, 1990; to the Committee on Governmental Affairs.

EC-351. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-258 adopted by the Council on September 25, 1990; to the Committee on Governmental Affairs.

EC-352. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-259 adopted by the Council on September 25, 1990; to the Committee on Governmental Affairs.

EC-353. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-354. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-355. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-356. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the disposal of surplus Federal real property for historic monument, correctional facility and airport purposes; to the Committee on Governmental Affairs.

EC-357. A communication from the Executive Director of the United States Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-358. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-359. A communication from the Executive Director of the National Council on Disability, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-360. A communication from the Executive Director of the Committee for Purchase From the Blind and Other Severely Handicapped, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-361. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-362. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect at the Department of Justice during fiscal year 1990; to the Committee on Governmental Affairs.

EC-363. A communication from the Clerk of the United States Claims Court, transmitting, pursuant to law, the annual report of the Court for fiscal year 1990; to the Committee on the Judiciary.

EC-364. A communication from the Chief Judge of the United States Claims Court, transmitting, pursuant to law, a report of the hearing officer and the report of the Review Panel on the bill S. 966; to the Committee on the Judiciary.

EC-365. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of the Nation's efforts to address the service needs of people with developmental disabilities; to the Committee on Labor and Human Resources.

EC-366. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to waive the requirements of Section 210(b)(2) of title 38, United States Code, for a planned administrative reorganization involving the organizational realignment of management responsibility for the Department of Veterans Affairs Data Processing Centers, and the corresponding realignment of associated Central Office components and functions; to the Committee on Veterans' Affairs.

EC-367. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the transfer of certain funds for the modernization and expansion of automated data processing systems; to the Committee on Appropriations.

EC-368. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential Determination regarding U.S. contributions to multilateral banks and other international organizations and programs.

EC-369. A communication from the Secretary of State, transmitting, pursuant to law, a report on progress on resolution of expropriation claims for El Salvador; to the Committee on Appropriations.

EC-370. A communication from the Deputy Director of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend and amend the Defense Production Act of 1950; to the Committee Banking, Housing, and Urban Affairs.

EC-371. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report providing 1988 and 1989 information on smokeless tobacco sales and advertising, updating the Commission's previous report on smokeless tobacco transmitted in 1989; to the Committee on Commerce, Science, and Transportation.

EC-372. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, an evaluation of the revenue and cost implications of splitting an exisiting route into two routes; to the Committee on Commerce, Science, and Transportation.

EC-373. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-374. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-375. A communication from the President of the United States, transmitting, pursuant to law, a report on the status of U.S. efforts on Egyptian debt; to the Committee on Foreign Relations.

EC-376. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, certain certifications under the International Security Cooperation and Development Act; to the Committee on Foreign Relations.

EC-377. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a request of the Government of Egypt that the United States permit the use of Foreign Military Financing for the sale and limited coproduction of 120mm tank ammunition; to the Committee on Foreign Relations.

EC-378. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-228 adopted by the Council on June 26, 1990; to the Committee on Governmental Affairs.

EC-379. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-261 adopted by the Council on October 9, 1990; to the Committee on Governmental Affairs.

EC-380. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-262 adopted by the Council on October 23, 1990; to the Committee on Governmental Affairs.

EC-381. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-263 adopted by the Council on October 23, 1990; to the Committee on Governmental Affairs.

EC-382. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-266 adopted by the Council on November 13, 1990; to the Committee on Governmental Affairs.

EC-383. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-268 adopted by the Council on November 13, 1990; to the Committee on Governmental Affairs.

EC-384. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-277 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-385. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-278 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-386. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-279 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-387. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-280 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-388. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-281 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-389. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-282 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-390. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-283 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-391. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-284 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-392. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-289 adopted by the Council on December 11, 1990; to the Committee on Governmental Affairs.

EC-393. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-291 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-394. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-292 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-395. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-293 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-396. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-294 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-397. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-295 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-398. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-296 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-297 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-400. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-298 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-401. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-299 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC-402. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the annual audit report of the Commission for fiscal year 1990; to the Committee on Governmental Affairs.

EC-403. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-404. A communication from the Director of the United States Trade and Development Program, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-405. A communication from the Commissioner of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the plan update for the Office of Navajo and Hopi Indian Relocation Program; to the Select Committee on Indian Affairs.

EC-406. A communication from the Acting Secretary of Education, transmitting, pursuant to law, final regulations—Education Department General Administrative Regulations; to the Committee on Labor and Human Resources.

EC-407. A communication from the President of the United States, transmitting, pursuant to law, a report on diplomatic and other peaceful means used in an attempt to obtain compliance by Iraq with U.N. Security Council Resolutions; to the Committee on Foreign Relations.

EC-408. A communication from the President of the United States, transmitting, pursuant to law, notice of his decision to commence military operations against Iraqui forces and military targets in Iraq and Kuwait; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ADAMS (for himself, Mr. Kennedy, Mr. Cochran, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Metzenbaum, Mr. Harkin, Ms. Mikulski, and Mr. Bingaman):

S. 243. A bill to revise and extend the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JOHNSTON (for himself, Mr. Wallop, and Mr. Simon):

S. 244. A bill to provide for a referendum on the political status of Puerto Rico; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 245. A bill to establish a constitutional procedures for the imposition of the death penalty for terrorist murders; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. Cochran, Mr. Burns, Mr. Hollings, Mr. Helms, Mr. Sanford, Mr. McConnell, Mr. Cohen, Mr. Stevens, and Mr. Gorton):

S. 246. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income; to the Committee on Finance.

By Mr. DIXON (for himself, Mr. Levin, and Mr. Riegle):

S. 247. A bill to correct imbalances in certain States in the Federal tax to Federal benefit ratio by reallocating the distribution of Federal spending, and for other purposes; to the Committee on Governmental Affairs.

By Mr. EXON (for himself and Mr. Kerrey):

S. 248. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 249. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

By Mr. FORD (for himself and Mr. Hatfield):

S. 250. A bill to establish national voter registration procedures for Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. BENTSEN:

S. 251. An original bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation; from the Committee on Finance; placed on the calendar.

By Mr. WARNER:

S. 252. A bill to amend the Internal Revenue Code of 1986 to allow individuals to transfer separation pay from the Armed Forces into eligible retirement plans; to the Committee on Finance.

By Mr. McCONNELL (for himself and Mr. Heinz):

S. 253. A bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions; to the Committee on Foreign Relations.

By Mr. McCONNELL:

S. 254. A bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor; to the Committee on Finance.

By Mr. BINGAMAN:

S. 255. A bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. 256. A bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. METZENBAUM (for himself, Mrs. Kassebaum, Mr. Chafee, Mr. Kennedy, Mr. Simon, Mr. Pell, Mr. Lautenberg, Ms. Mikulski, Mr. Moynihan, Mr. Kerry, Mr. Akaka, and Mr. Levin):

S. 257. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990; to the Committee on Energy and Natural Resources.

By Mr. GARN (for himself and Mr. Wallop) (by request):

S. 259. A bill to amend the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MITCHELL:

S.J. Res. 44. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

By Mr. REID (for himself and Mr. Kerrey):

S.J. Res. 45. Joint resolution to require display of the POW/MIA flag at Federal buildings; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SYMMS (for himself, Mr. Grassley, Mr. Hatch Mr. Helms, Mr. Thurmond, Mr. Smith, Mr. Craig, Mr. Nickles, Mr. Garn, Mr. Burns, Mr. Gramm, Mr. Seymour, Mr. Lott, Mr. Wallop, Mr. Kasten, Mr. Dole, and Mr. Cochran):

S. Res. 17. Resolution to express the sense of the Senate in support of "Operation Homefront"; to the Committee on the Judiciary.

By Mr. MITCHELL (for himself, Mr. Dole, Mr. Metzenbaum, Mr. Mack, Mr. Johnston, Mr. Nickles, Mr. Graham, Mr. Daschle, Mr. Coats, Mr. Pell, Mr. Gorton, Mr. Durenberger, Mr. Lautenberg, Mr. Gramm, Mr. Burns, Mr. Simon, Mr. Conrad, Mr. Levin, Mr. Kerry, Mr. Boren, Mr. DeConcini, Ms. Mikulski, Mr. Wirth, Mr. Breaux, Mr. Exon, Mr. Ford, Mr. Warner, Mr. Dixon, Mr. Grassley, Mr. McCain, Mr. Riegle, Mr. Cohen, Mr. Smith, Mr. Murkowski, Mr. McConnell, Mr. Specter, Mr. D'Amato, and Mr. Stevens):

S. Con. Res. 4. Concurrent resolution condemning Iraq's unprovoked attack on Israel; ordered held at the desk.

By Mr. MITCHELL (for himself, Mr. Dole, Ms. Mikulski, Mr. DeConcini, Mr. Breaux, Mr. Levin, Mr. Pell, Mr. Graham, Mr. Bentsen, Mr. Ford, Mr. Warner, Mr. Burns, Mr. Moynihan, Mr. Exon, Mr. McCain, Mr. Coats, Mr. Riegle, Mr. Cohen, Mr. Nunn, Mr. Smith, Mr. Murkowski, Mr. Gramm, Mr. Mack, Mr. Specter, and Mr. Stevens):

S. Con. Res. 5. Concurrent resolution demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war; ordered held at the desk.

By Mr. DOLE (for himself, Mr. Mitchell, Mr. Byrd, Mr. Pell, Mr. Warner, Mr. Levin, Mr. McCain, Mr. Heinz, Mr. Moynihan, Mr. Graham, Mr. Smith, Mr. Murkowski, Mr. Gramm, Mr. Specter, Mr. Stevens, and Mr. Mack):

S. Con. Res. 6. Concurrent resolution to express the sense of the Congress that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS (for himself, Mr. Kennedy, Mr. Cochran, Mr. Pell, Mr. Dodd, Mr. Simon, Mr. Metzenbaum, Mr. Harkin, Ms. Mikulski, and Mr. Bingaman):

S. 243. A bill to revise and extend the Older Americans Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

OLDER AMERICANS ACT REAUTHORIZATION AMENDMENTS

• Mr. ADAMS. Mr. President, I rise today to introduce legislation to reauthorize the Older Americans Act, with the cosponorship of my esteemed colleagues from the Committee on Labor and Human Resources, Senators Kennedy, Cochran, Pell, Dodd, Simon, Metzenbaum, Harkin, Mikulski, and Bingaman.

The Older Americans Act [OAA], enacted in 1965, has just completed its first 25 years of history. Established by Congress as part of President Johnson's "Great Society," this landmark legislation was established at the same time as several other major programs designed to meet the needs of the elderly and other vulnerable members of our society. Of particular note, of course, was the enactment of Medicare and Medicaid, which addressed their health care needs. By enacting the Older Americans Act, Congress—and I was there—attempted to meet the many other pressing social services needs of the elderly, in addition to health care.

The world today is a very different place for our elderly population than it was in 1965. A quarter century ago, looking toward the future, we projected the so-called graying of America, a phenomenon which we know is now fully underway, particularly among the very old—those aged 85 and over. We did not, however, anticipate the full extent or impact of today's demographics. What was viewed as tomorrow's reality is truly today's reality. As we know, the numbers of older people and their corresponding needs have become a major part of today's overriding public policy concerns.

We have made major strides in improving the lives of great numbers of older Americans. For example, since 1965, the incidence of poverty among the elderly has been reduced dramatically. While the incidence of poverty has dropped, far too many individuals still live in poverty or hover just above the poverty levels. This is particularly true for women. We have also seen great successes in improving health care for the elderly. Yet, it is clear that new problems have emerged over the past quarter century. In 1965, we could not have imagined the extent of the terrible tragedy we know as Alzheimer's disease. Astonishingly, today's elderly pay, out-of-pocket, a greater percentage of their income for health care than they did before Medicare was established.

Mr. President, the Older Americans Act, with its modest beginning in 1965, has proven to be durable, popular, and flexible. Through a number of reauthorizations it has responded to the changing needs of our older citizens. The act has been particularly important in tackling those needs not met through other programs.

In 1972, Congress established the National Nutrition Program for the Elderly to provide nutritious meals and supportive services to needy older persons in congregate settings. This program has evolved into a major part of the OAA, and now includes a significant component providing home-delivered meals to the frail elderly. The addition and growth of the home-delivered meals effort is more than a response to the greater numbers of elderly who are frail and in need of long-term care services. It also responds to one of the act's goals—to provide needed services to people in their homes rather than in institutions. It is also partially a response to more recent developments such as Medicare's prospective payment system which has led to shorter stays in hospitals by older patients and thus more time recuperating at home.

Congress has used the OAA to address low-income older individuals' problems in obtaining meaningful employment opportunities. In 1973 we took a successful demonstration program created under the Office of Economic Opportunity and established the Older Worker Program in the act. This highly successful program is now the Senior Community Service Employment Program under title V of the OAA.

In recognition of the terrible problems that many of our elderly face in nursing homes, we added a new program to the OAA in 1978 to investigate and resolve the complaints of nursing home residents. The long-term care ombudsman program has proven itself over and over again, despite its meager resources. Many advocates for the elderly are now urging us to broaden the ombudsman program to respond to problems in other arenas beside institutional long-term care.

Mr. President, in 1978, Congress created title VI to address the great needs of older Indians residing on our Nation's Indian reservations, where an estimated 60 percent live at or below the poverty level.

In 1987, the most recent amendments, Congress again responded to the changing needs of an aging America by making extensive and important improvements in the act. While the debate over establishing a national long-term care policy continued to gain steam, we added a new program to provide in-home services for frail older persons. And, in response to mounting evidence of the increased incidence of elder abuse, Congress created a program for the prevention of abuse, neglect, and exploitation of older individuals. We also stengthened the long-term care ombudsman program. Title IV, which provides very modest but much-needed support for training, research and demonstration projects in the aging field, was amended to reflect the changing needs of our aging society. And, as another example, we amended title VI to reflect the specific needs of older Hawaiians.

Of most significance throughout the 25 years of the act, however, has been the development of what we call the aging network—that system of 57 State and 670 area agencies on aging, and some 25,000 local service providers. In communities across our Nation, dedicated and knowledgeable individuals respond daily to the multitude of diverse needs of their elderly neighbors.

Mr. President, as chairman of the Subcommittee on Aging, I am eager to begin the serious business of the 1991 reauthorization of the act, which starts today with the introduction of the Older Americans Act Reauthorization Amendments of 1991. Next week, on January 31, I will conduct my first subcommittee hearing pertaining to the act's reauthorization. This hearing will examine the role and impact of the Older Americans Act and the aging network in ensuring that the rights of the vulnerable elderly are secured and protected. This will be the first of a series of hearings I will hold on the act.

The bill we are introducing today will reauthorize the current Older Americans Act through 1995 without substantive amendments. I have not included any changes in the act at this time because it is important that we take the time to listen carefully to those who understand the OAA and the needs of the elderly, both now and in the future. From the base we are offering today, we will work over the next several months to craft a thoughtful and realistic set of amendments in response to today's and tomorrow's older citizens. These amendments will reflect the testimony that is presented at our hearings, as well as other related hearings and the ideas presented by our colleagues in Congress.

As we enter the 1991 reauthorization, there are a number of important issues to be addressed, several of which continue from debate in prior reauthorizations. In 1987, my predecessor and dear friend, the late Senator Spark Matasanaga, expressed his concern, when he introduced his OAA reauthorized bill, over "apparent decreases in service to minority elderly individuals" and the "problems of racial and ethnic minority access." In 1991, these concerns are even more pressing.

There is also substantial debate over whether or not the act should move from its traditional approach of voluntary contributions by participants of OAA services, to one in which fees for certain services would become mandatory for those whose income exceeds a certain threshold. As in 1987, there are serious concerns about the ability of the U.S. Commissioner on Aging to be an effective advocate for the Nation's elderly. There seems to be substantial agreement that greater emphasis must be placed upon the long-term care Ombudsman Program. And, there is increased interest in the role of the aging network in improving long-term care services for older citizens.

Mr. President, I have several additional areas of concern that will influence my thinking about this reauthorization. These include seeking other ways, in addition to long-term care ombudsman and legal assistance services, to secure and protect the rights and entitlements of our elders, and to ensure the objective embodied in title I of the act that speaks to "Freedom, independence, and the free exercise of—older persons'—individual initiative in planning and managing their own lives" is more than noble rhetoric.

In addition, I believe it is imperative to examine the act's responsiveness to the needs of older women. Women make up almost 60 percent of those 60 years and older and, more significantly, almost three-quarters of those aged 85 and over. Long-term care, as a result, is to a great extent a women's issue. They are the Nation's caregivers, providing the vast majority of long-term care. We must look at how the act addresses the needs of these dedicated caregivers.

I also want to consider ways to improve the interaction between generations. With so many serious problems facing many of our younger citizens, I am convinced that our elders constitute an extraordinary armada of time, energy, and talent that can be focused on some difficult societal problems. Conversely, younger Americans have so much to give their elders. I also hope that we can do more to tackle the substantial transportation needs of the elderly, particularly in rural America. Ready access to needed services obviously includes the ability to get there, an ability that we simply must improve. And, it is important that the act ensures that seniors have ready access to accurate and timely information that is responsive to their needs. This includes information aimed at promoting good health and preventing debilitating diseases and other health conditions.

Of course, while there is much to be done, we must do it within our present budgetary context, particularly in light of last year's budget agreement. And, as daunting as our economic woes are, the constraints on our ability to do more for those in need is exacerbated by the fact that we are now at war; 1991 will be a tough year to reauthorize important social legislation—that is a harsh reality within which we must operate. The bill we have introduced today does not specify authorization levels. This is, of course, something that will be done during the reauthorization process. We will move to strike a reasonable balance between the great need for adequate funding levels and the realities of our current economics.

I must say, however, that I am excited by the interest expressed already by some of our colleagues about the OAA reauthorization. Several Senators have already raised important issues that they would like to see incorporated into the 1991 reauthorization. In fact, several very specific recommendations for amendments will be advanced shortly. Senator COCHRAN, the ranking member of the Subcommittee on Aging, and I, together with our colleagues on the subcommittee, will listen carefully to all of these ideas, and work hard to be as responsive as we can in crafting a solid and realistic reauthorization bill for the Senate to consider.

While there is much to be done to strengthen and improve the Older Americans Act, Mr. President, I wish to close by saying that we have a marvelous base upon which to build. We have a 25-year legacy of commitment and success in serving the pressing needs of older Americans. This small program, with a total current appropriation of only about $1.3 billion, has proven that its impact is so much greater than its resources—make that its funding—because its real resource is the thousands of dedicated individuals who make up the aging network.●

By Mr. JOHNSTON (for himself, Mr. WALLOP, and Mr. SIMON):

S. 244. A bill to provide for a referendum on the political status of Puerto Rico; to the Committee on Energy and Natural Resources.

REFERENDUM ON POLITICAL STATUS OF PUERTO RICO

Mr. JOHNSTON. Mr. President, the distinguished Senator from Wyoming [Mr. WALLOP] and I are introducing legislation to provide the people of Puerto Rico with an opportunity to exercise self-determination regarding their future political relationship with the United States. This legislation proposes to define the three political status options available to Puerto Rico—commonwealth, statehood, and independence—as fully as possible. However, the choice of the people would not be self-implementing. While I believe that the enactment of this bill would create a moral obligation to implement the status option chosen by the people, the action of a future Congress would be required.

This legislation remains consistent with the guiding principles established last year for its development. First, that there be an even playing field between the three options in terms of economic benefits. This principle is important to assure that the referendum results are not distorted by an expectation of greater Federal payments under one or another of the options. Second, each of the status options is revenue neutral with respect to the Federal Treasury. This principle is dictated by the Federal Government's extremely tight budget situation. Accordingly, for every increase in Federal spending under each of these three status options, there is an offsetting revenue increase, so that the net cost to the Treasury is zero.

Mr. President, this legislation was initiated almost exactly 2 years ago, on January 17, 1989, when the Presidents of the three principal political parties of Puerto Rico wrote to the President and the Congress of the United States stating: "* * * the People of Puerto Rico wish to be consulted as to their preference with regards to their ultimate political status." Several weeks later, in his first address to a joint session of the Congress, on February 9, 1989, President Bush endorsed this proposal, stating: "I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum."

These events were historic. In the 91 years since Puerto Rico came under the sovereignty of the United States as a consequence of the Spanish-American War, the political leaders of Puerto Rico had never joined together in a petition to the Federal Government. Perhaps more significantly, never in those 91 years has Congress provided for a meaningful exercise in self-determination for the people of Puerto Rico.

An exercise in self-determination, to be meaningful, requires two elements. First, an understanding on the part of the Puerto Rican people of what they are choosing, and second, a good faith commitment on the part of Congress to implement that which they choose. Anything less is not self-determination, it is self-delusion.

If the three status options available—commonwealth, statehood and independence—were well understood or self-defining, then it would be different. But they are not.

What does the word "independence" say about citizenship; about Social Security; about military bases? What does the word "statehood" tell you about section 936; about the Spanish language; about Federal programs? And what does the word "commonwealth" tell you about sovereignty; about the permanence of the relationship; about citizenship?

These are not extraneous details. These are the core issues which dictate the choice. A vote by the people of Puerto Rico without an understanding of the meaning and consequences of their choice would be worse than meaningless. It could be mischievous, as unfulfilled expectations are treated with a lack of commitment by the Congress.

The approach taken by this legislation differs fundamentally from that taken last year by the House of Representatives. The House bill contained only the one word description of each of the three status options. Proponents of the House approach point to the difficulty of securing agreement by the Congress on the meaning of the status options, particularly the statehood status—and of securing any commitment whatsoever by the Congress to deliver on that choice.

Mr. President, I am acutely mindful of the difficulties involved in this approach. But I believe that it is time for the Congress to face up to this momentous task. For the better part of this century the politics of Puerto Rico has been molded and shaped by the status question. With each passing year the intensity of their interest grows. Increasingly, their patience is wearing thin. It is time to legitimize the status of Puerto Rico. It is time for Congress to decide.

There is only one way to find out what the Congress will do, and that is to present meaningful legislation, such as we now propose, and get the answer.

No one can know what the answer of Congress will be until these questions are presented.

It is possible that the Congress will give answers that are disappointing to some, but that is no reason to avoid these questions. Deception of ourselves and of the people of Puerto Rico does not serve our interests, nor those of Puerto Rico. It is time to legitimize the status process by having Congress present the status alternatives in terms acceptable to the Congress, and then letting the people of Puerto Rico choose with confidence that their choice will be implemented.

I introduced legislation, S. 712, in the last Congress to achieve self-determination for Puerto Rico, and tremendous progress was made on that bill. It was reported by the Committee on Energy and Natural Resources (S. Rept. 101-120), the Committee on Finance (S. Rept. 101-480), and contained the more informal recommendations of other Senators and committees. S. 712 offered full and detailed definitions of each of the three status options. These options were sufficiently detailed in the legislation to provide that the status selected by the people of Puerto Rico would be automatically implemented without further action by Congress. Unfortunately, the 101st Congress adjourned before the Senate could complete action on the bill and meet in a conference with the House.

Mr. President, it is my intention to seek Senate passage of the bill we are introducing today by April, and to have a referendum bill enacted by the July 4 recess. This accelerated schedule is necessary so that the vote can be held in 1991 and not interfere with the 1992 Puerto Rico general election campaign. This new legislation is based upon last year's Energy Committee reported bill, but with two major changes.

First, this new legislation contains all of the recommendations made by the Committee on Finance regarding tax, trade and social programs. I believe that the recommendations of the Committee on Finance have been masterfully crafted to meet the guiding principles of an even playing field between the status options in terms of economic benefits, and revenue neutrality with respect to the U.S. Treasury. Not only has the bill remained consistent with these principles, in some cases it has exceeded these goals. For example, in the case of both statehood and independence, CBO and Joint Tax Committee data demonstrate budget neutrality for the first 5 years of the new status. However, the Federal Treasury may actually begin to show net revenue gains after this initial period. Outyear estimates, based upon extrapolation of CBO and Joint Tax Committee assumptions and data, show net annual revenues to the Treasury by the sixth year of 2.6 to 3.3 billion under independence, and 0.7m to 1.8 billion to the Treasury under statehood.

Second, this new legislation is not self-implementing, as was last year's bill. The winning status would not automatically go into effect. The bill we are introducing today provides that the implementing language for the status that receives a majority—set forth for each status as either title II, III, or IV of the bill—will be introduced into Congress following the referendum. The legislation states that Congress would be committed to implement the status selected by the people of Puerto Rico. While this commitment would not bind a future Congress, it would have substantial moral force. Following enactment of the implementing legislation, the people of Puerto Rico would then have the opportunity, in a second vote, to ratify the implementing legislation before it would take effect.

Other less significant changes have also been made. In title I, these changes deal with the mechanics of the referendum process, including the timing of the vote, court review and voter information. In title III, changes include clarification of the immigration and defense provisions. Changes in title IV include the clarification of the principles of commonwealth.

One important change which is not included in this bill as introduced, but to which I am sympathetic, concerns the timing of statehood—if that status is selected by the people of Puerto Rico, and accepted by Congress. In 1989, the Committee on Energy and Natural Resources recommended that Puerto Rico be admitted to the Union at the beginning of a 5-year economic transition period. However, this approach raises constitutional issues regarding uniformity and equal protection. Alternatively, the Finance Committee recommended that statehood should follow the 5-year economic transition period. I believe that the statehood power of Congress does permit an economic transition period after the proclamation of statehood. Nevertheless, these are controversies that can only be finally resolved in the courts. Accordingly, I am developing an amendment to provide for such court review, and I expect that this issue will be fully considered by the committee in the coming weeks.

Mr. President, I am committed to the enactment of this legislation and to self-determination for the people of Puerto Rico. At a time when people throughout the world struggle to exercise self-determination, it is with the most solemn sense of responsibility that we here in the U.S. Senate, within a government and a nation founded on the principles of self-determination and government by consent, must respond to the petition of over 3½ million U.S. citizens. This responsibility is made even more profound when we recognize that the people of Puerto Rico are not even represented here in the Senate.

Mr. President, I urge my colleagues to review this bill and to support legislation that will guarantee a meaningful process of self-determination for the people of Puerto Rico. It is my intention to hold hearings on this measure on January 30 and February 7, and to report a bill from the Committee on Energy and Natural Resources shortly after the February recess. I am optimistic that the Congress can enact legislation by the July 4 target date and provide the people of Puerto Rico with an opportunity to vote on status in 1991.

Mr. President, it is time to legitimize the status of Puerto Rico. In a very real sense, this legislation challenges the core values of our American democracy. We have preached democracy and self-determination all over this world. We have invoked sanctions against nations that deny these principles and we have fought wars to uphold them. It is now time to practice what we preach; in our own back yard, for 3½ million U.S. citizens who reside in Puerto Rico.

Mr. President, I send to the desk the bill just referred and ask unanimous consent that it be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the United States of America recognizes the principle of self-determination and other applicable principles of international law with respect to Puerto Rico; and

(2) the United States is committed to a process of consultation and negotiation with the people of Puerto Rico leading to a referendum on the issue of political status to be conducted in a fair and equitable manner.

SEC. 2. This Act may be cited as the "Puerto Rico Status Referendum Act".

TITLE I

SEC. 101. REFERENDUM.

(a) IN GENERAL.—An islandwide referendum shall be held in Puerto Rico in which qualified voters of the Commonwealth of Puerto Rico shall be presented a choice of three status options for Puerto Rico. The options shall appear on the ballot as follows:

(1) Statehood as set forth in title II of the Puerto Rico Status Referendum Act;

(2) Independence as set forth in title III of the Puerto Rico Status Referendum Act; and

(3) Commonwealth as set forth in title IV of the Puerto Rico Status Referendum Act.

(b) DATE OF REFERENDUM.—The referendum shall occur on December 2, 1991, or on a date during the autumn of calendar year 1991 as may be mutually agreed by the three principal political parties of Puerto Rico. If there is not a majority in favor of one of the three options, then there shall be, within thirty days, a runoff referendum between the two status options which had received the largest number of votes. Such referendum shall also include an option of "Neither of the Above". The Governor shall certify the results of the referendum to the President and to the Congress of the United States.

(c) APPLICABLE LAW.—(1) The referendum shall be conducted pursuant to the laws of the Commonwealth of Puerto Rico, except that eligibility to vote in the referendum shall be in accordance with the election laws of Puerto Rico as of August 1, 1990.

(2) Those Federal laws that apply to the election of the Resident Commissioner of Puerto Rico shall also apply to the referendum. Any reference in such Federal laws to elections shall be considered, where appropriate, to be a reference to the referendum, and any reference in such laws to candidates for office shall be considered, where appropriate, to be a reference to the political status options under the referendum.

(d) JUDICIAL REVIEW.—Any legal dispute or controversy arising out of this referendum shall be adjudicated in accordance with local laws and procedures, except that:

(1)(A) Any aggrieved person including, without limitation, and political party, within sixty days after the certification by the Governor of the results of the referendum pursuant to title I, section 101(c), may institute an action to challenge the choice certified by the Governor on the basis that (1) an electoral irregularity or irregularities had occurred, and (2) that the irregularity or irregularities were so significant as to affect the outcome of the referendum and call into question the choice certified by the Governor.

(B) The three-judge court provided for in paragraph (2) shall have exclusive jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the aggrieved shall have exhausted any administrative or other remedies provided by Federal law or the law of Puerto Rico.

(C) In any proceeding instituted pursuant to this paragraph of this subsection, if the court finds that there has been an electoral irregularity or irregularities so significant as to affect the outcome of the referendum and call into question the choice certified by the Governor, the court is empowered to grant appropriate relief, including nullification of the entire referendum, ordering a recount or recounts, or any other relief deemed appropriate to preserve the integrity of the electoral process.

(D) The Attorney General of the United States is empowered to intervene at the request of the court in any proceeding brought under this section in order to assist in the gathering and presentation of evidence. Any aggrieved person with a Federal constitutional or Federal statutory claim arising out of the same factual nexus as an action brought under this section may intervene in that action in a manner deemed timely by the court in its discretion. Failure of such an aggrieved person to timely intervene will result in foreclosure of that person's Federal constitutional or statutory claim.

(E) The court shall accord local law the benefit of local interpretation. The court is not required to provide de novo review of any and all claims of irregularities already determined by a local authority or tribunal, except as it deems necessary.

(2)(A) Any claims brought under the United States Constitution or a Federal statute, or any claim brought to challenge the result certified by the Governor, whether brought under this Act or under the law of the Commonwealth of Puerto Rico, shall be heard by a three-judge court in the District for the District of Columbia, which shall have exclusive jurisdiction over all such claims. This court now exercises exclusive jurisdiction over certain Voting Rights Act claims under 42 U.S.C. 1973c.

(B) The court shall receive evidence and hear argument, as it deems necessary. The provisions of 28 U.S.C. 2284(b)(3) shall apply to proceedings of the three-judge court. It shall be the duty of the Chief Judge of the United States Court of Appeals for the District of Columbia to designate three judges, of whom at least one shall be a circuit judge and the remaining judge or judges shall be district court judges, to hear and determine any such claim. Hearings of the three-judge court shall be conducted in Puerto Rico. An appeal from a final judgment of the three-judge court will lie to the Supreme Court of the United States by way of certiorari.

(e) IMPLEMENTATION LEGISLATION.—(1) If the referendum results in a majority for one of the three status options, then to implement the status selected by the People of Puerto Rico, pursuant to this Act, the Chairman of the Senate Committee on Energy and Natural Resources and the Chairman of the House Committee on Interior and Insular Affairs shall introduce the appropriate title of this Act.

(2) Enactment of this section constitutes a commitment by Congress to implement the status receiving a majority.

(f) RATIFICATION.—Upon enactment, the implementation legislation shall take effect in accordance with its terms and upon approval by the people of Puerto Rico in a ratification vote.

(g) INFORMATION.—The Joint Committee on Printing shall provide a Referendum Information Booklet to each voter household in Puerto Rico at least thirty days before the referendum. The booklet shall contain the text of this Act, a translation of such text, and other appropriate information as set forth in the Statement of Managers regarding this Act. There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

TITLE II—STATEHOOD

SEC. 201. PROCLAMATION.

(a) If, pursuant to section 101(f) of the Puerto Rico Status Referendum Act, statehood is ratified, then the President shall issue a proclamation announcing the results of the election as so ascertained.

(b) Upon the issuance of the proclamation under subsection (a), the Commonwealth of Puerto Rico (hereafter in this title also referred to as "the State") shall, effective on January 1 of the fifth calendar year following the calendar year in which the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs, be declared to be a State of the United States of America, and shall be declared admitted into the Union on an equal footing with the other States.

SEC. 202. CONSTITUTION.

The Constitution of the Commonwealth of Puerto Rico shall always be republican in form and shall conform to the Constitution of the United States and the principles of the Declaration of Independence. The Constitution adopted by a vote of the people of Puerto Rico in the election held on June 4, 1951, has been found by Congress to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and was accepted, ratified, and confirmed, through Public Law 447 of the Eighty-second Congress, March 3, 1952. The current Constitution of the Commonwealth of Puerto Rico as ratified by the people at the referendum held on June 4, 1951, is hereby accepted as the Constitution of the State.

SEC. 203. TERRITORY AND BOUNDARIES.

The State shall consist of all of the territory, together with the waters included in the seaward boundary, of the Commonwealth of Puerto Rico.

SEC. 204. STATE TITLE TO LANDS AND PROPERTY.

(a) The State and its political subdivisions shall have and retain title to all property, real and personal, which it currently holds, including, but not limited to, title to submerged lands heretofore granted to Puerto Rico.

(b) Any lands and other properties that, as of the date of admission of Puerto Rico into the Union, are set aside pursuant to law for the use of the United States under any (A) Act of Congress, (B) Executive order, (C) proclamation of the President, or (D) proclamation of the Governor of the Commonwealth of Puerto Rico, shall remain the property of the United States.

(c) Not later than five years after the date of admission of the Commonwealth of Puerto Rico as a State of the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to this section shall submit a report to the President and the Congress concerning the continued need for such land or property. If the President determines that any such land or property, or portion thereof, or any interest therein, is no longer needed by the Federal Government, it shall be conveyed to the Commonwealth of Puerto Rico at no cost. This section does not authorize the transfer of any interest in the Caribbean National Forest or the San Juan National Historic Site.

(d) ALL LAWS OF THE UNITED STATES.—

(1) reserving to the United States the free use or enjoyment of property which vest in or is conveyed to the Commonwealth of Puerto Rico or its political subdivisions pursuant to this section; or

(2) reserving the right to alter, amend, or repeal laws relating to the ownership of such land; shall cease to be effective upon the conveyance of the land.

SEC. 205. CLAIMS TO FEDERAL LANDS AND PROPERTY.

(a) The Commonwealth and its people recognize all rights and titles to any lands or other property not granted or conferred to the Commonwealth or its political subdivisions by or under the authority of this Act, the right or title to which is now held by the United States or subject to disposition by the United States.

(b)(1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States.

SEC. 206. ELECTIONS AND ADMISSION REFERENDUM.

(a)(1)(A) Not later than January 1 of the fourth calendar year following the calendar year in which the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs, the Governor of the Commonwealth of Puerto Rico shall issue a proclamation for the election of two United States Senators and for such number of United States Representatives in Congress as provided in this Act. Such proclamation shall provide that such elections shall occur on the first Tuesday in November of such fourth calendar year (or on another date during the autumn of such calendar year as may be provided by legislation enacted by the Commonwealth of Puerto Rico).

(B) The Governor of the Commonwealth of Puerto Rico shall certify the election of the Senators and Representatives in the manner required by law. The Senators and Representatives elected shall be entitled, upon the date of admission of the Commonwealth of Puerto Rico as a State of the Union, to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the other States in the Congress of the United States. The Office of Resident Commissioner shall cease to exist upon the swearing in of the first Member of the House of Representatives so elected.

(2) In the first election of Senators from the State, the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the two senatorial officers shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b)(1) Election returns shall be made and certified in such manner as provided by the electoral laws of Puerto Rico and in such a manner as the Commonwealth of Puerto Rico may prescribe. The Governor of the Commonwealth of Puerto Rico shall certify the results of such elections to the President of the United States.

(2) The new State of Puerto Rico shall be known as the Commonwealth of Puerto Rico.

(3) The individuals holding legislative, executive, and judicial offices of the Commonwealth of Puerto Rico shall continue to discharge the duties of their respective offices, pending the issuance of the proclamation by the President of the United States and the admission of the Commonwealth of Puerto Rico as a State of the Union. The officers elected or appointed under the provisions of the constitution and laws of the Commonwealth shall thereupon proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of the State, as provided by the constitution and laws of the State.

SEC. 207. CONGRESSIONAL REPRESENTATION.

The Commonwealth of Puerto Rico upon its admission into the Union, and until the next reapportionment, shall be entitled to such additional Representatives as would be provided based upon the 1990 census. The permanent membership of the House of Representatives as now prescribed by law, is hereby increased from four hundred and thirty-five to four hundred and thirty-five plus the number of additional Representatives to which the Commonwealth of Puerto Rico is entitled.

SEC. 208. LAWS IN EFFECT.

(a) Upon admission of the Commonwealth of Puerto Rico into the Union, all of the local laws then in force in the Commonwealth of Puerto Rico shall be and continue in force and effect throughout the State, except as modified or changed by this Act, and shall be subject to repeal or amendment by the legislature of the Commonwealth. All of the laws of the United States shall have the same force and effect within the State as on the date immediately prior to the date of admission of the State of Puerto Rico, except as otherwise provided in section 213 or 214 or elsewhere in this Act, and except for any provisions of law which provide for grants or other assistance to States or other units of local government or individuals and for which the Commonwealth of Puerto Rico or residents thereof are either excluded or whose eligibility is less than that provided on a uniform basis to other States. Any regulatory or other provision of law, other than grants and other assistance, which does not apply to Puerto Rico solely on the basis of particular geography, especially if such provision does not also apply to either Alaska or Hawaii, shall continue to not apply unless specifically extended by Congress.

(b) Within sixty days of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, the President shall appoint a Commission on Federal Laws to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Commonwealth of Puerto Rico should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner. The Commission will consist of seven persons (at least four of who will be residents of Puerto Rico who are and have been for at least five years domiciled continuously in Puerto Rico at the time of their appointments) who will be representative of the Federal, local, private and public interests in the applicability of laws of the United States to the Commonwealth of Puerto Rico. The Commission will make its final report by January 1, 1994, and before that time will make such interim reports and recommendations to the Congress as it considers appropriate. In formulating its recommendations the Commission will take into consideration the potential effect of each law on local conditions within the Commonwealth of Puerto Rico, the policies embodied in the law and the provisions and purposes of this title. The United States will bear the cost of the work of the Commission. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

SEC. 209. CONTINUATION OF SUITS.

(a) No writ, action, indictment, cause, or proceeding pending in any court of the Commonwealth of Puerto Rico, shall abate by reason of the admission to the Commonwealth of Puerto Rico into the Union, but shall proceed within such appropriate State courts as are now established under the Constitution of the Commonwealth, or shall continue in the United States District Court for the District of Puerto Rico, as the nature of the case may require.

(b) All civil causes of action and all criminal offenses, which shall have arisen or been committed prior to the admission of the Commonwealth, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Puerto Rico in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the procedural or substantive laws governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the Commonwealth of Puerto Rico, shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Puerto Rico.

SEC. 210. APPEALS.

Parties shall have the same rights of judicial review of final decisions of the United States District Court for the District of Puerto Rico or the Supreme Court of the Commonwealth of Puerto Rico, in any case finally decided prior to the admission of the State of Puerto Rico into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the First Circuit and the Supreme Court of the United States, shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State, shall be to the United States District Court for the District of Puerto Rico or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Puerto Rico and of the Supreme Court of Puerto Rico, in any case pending at the time of admission of the State into the Union, and the Supreme Court of the Commonwealth of Puerto Rico and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

SEC. 211. MILITARY LANDS.

(a) Subject to subsection (b) and notwithstanding the admission of the Commonwealth of Puerto Rico into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of the State, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b)(1) The Commonwealth of Puerto Rico shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the Commonwealth of Puerto Rico, or to prevent the State from exercising over or upon such lands, concurrently with the Federal Government, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation or authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United

States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as designated by the President of the United States or the Secretary of Defense.

SEC. 212. UNITED STATES NATIONALITY.

No provision of this title shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

SEC. 213. ECONOMIC ADJUSTMENT.

The following subsections and the provisions of section 214 are enacted pursuant to Congress' power to admit new States, in recognition of the unique Federal tax provisions and programs affecting the Commonwealth of Puerto Rico which differ from those which applied to any other newly admitted State, and solely for the purposes of effecting a smooth and fair transition for the new State with a minimum of economic dislocation and to permit Federal agencies to assume or expand responsibilities for the administration and enforcement of Federal taxes and programs affecting the citizens residing in the new State:

(a) APPLICATION OF FEDERAL LAWS.—Effective upon the ratification under section 101(f) of the Puerto Rico Status Referendum Act, the heads of all Federal agencies are directed, as a priority matter, to examine the application of all programs within the jurisdiction of their respective agencies and, after consultation with the Governor of Puerto Rico, to recommend to the President, and to the Commission established under section 208(b), what changes, if any, and what additional administrative requirements, if any, will be needed to properly achieve the application of Federal laws in or to the new State with proper regard for the economic, and geographic circumstances of the new State.

(b) TRANSITION FOR CERTAIN ENTITLEMENTS.—(1) Except as otherwise provided in this subsection, effective on the date of admission of the State of Puerto Rico, all Federal programs which provide assistance to or on behalf of individuals, including, but not limited to Aid to Families with Dependent Children, Medicaid, Foster Care and Adoption Assistance, and the Social Services block grant, shall apply in the Commonwealth of Puerto Rico as they apply within the several States.

(2) Beginning on January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, amounts applicable under sections 1611(a)(1)(A) and 1611(b)(1) of the Social Security Act may not exceed 50 percent and under section 1611(a)(2)(A) and 1611(b)(2) of such Act may not exceed 75 percent of the per capita income of the State (as determined on the basis of the most recent reliable data available from the Secretary of Commerce) in which the applicant for or recipient of benefits under title XVI of such Act resides. An individual shall, regardless of legal residence, be considered to reside in a State for purposes of this paragraph for any month in which such individual is physically present in such State throughout the entire month. The Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall promulgate the amounts determined under this paragraph for the State at the same time and in the same manner as amounts are promulgated for cost-of-living adjustments in benefits under section 1617 of the Social Security Act.

(3)(A) Beginning on January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, the Secretary shall implement the Supplemental Security Income for the Aged, Blind, and Disabled program as provided under title XVI of the Social Security Act in Puerto Rico. The benefit standards provided under sections 1611 (a) and (b) of the Social Security Act shall, after any reduction under the per capita limitation described in paragraph (2) be set at—

(i) 25 percent of the otherwise applicable level in such 2nd calendar year;

(ii) 50 percent of such level in the calendar year immediately following such 2nd calendar year; and

(iii) 75 percent of such level in the 2nd calendar year following such 2nd calendar year.

(B) The Secretary and the Government of Puerto Rico may enter into an agreement under which the implementation of the Supplemental Security Income program described in this paragraph in Puerto Rico will be deferred to a date later than January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act (but not later than the effective date of admission of the State of Puerto Rico). Any such agreement must provide that payment levels under the program of Aid to the Aged, Blind, and Disabled as in effect in Puerto Rico shall be based on the levels that would otherwise be in effect there under the Supplemental Security Income program and the Federal contribution to the cost of such payments shall not exceed what would have been the Federal costs under such Supplemental Security Income program.

(4)(A) Except as provided in this paragraph or in any agreement between the Government of Puerto Rico and the Secretary, the Medicaid program provided for under title XIX of the Social Security Act shall, prior to the effective date of admission of the State of Puerto Rico, continue to operate in Puerto Rico as it is operated on the date of the enactment of this Act.

(B) The Federal medical assistance percentage rate determined under section 1905(b) of the Social Security Act without regard to clause (2) of such section shall apply with respect to benefits paid under such program on or after January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(C) Section 1108(c) of the Social Security Act—

(i) shall be inapplicable to Puerto Rico on and after the date of admission of the State of Puerto Rico; and

(ii) shall apply to fiscal years ending after the 1st calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, and prior to the date described in clause (i), as though the amount set forth in paragraph (1)(C) thereof were increased by the applicable percentage of the excess of the amount that would be payable to Puerto Rico without regard to such section 1108(c) over $79,000,000.

For purposes of claims (ii), the applicable percentage is 25 percent for the 1st such fiscal year, 50 percent for the 2nd such fiscal year, and 75 percent for the 3rd such fiscal year.

(5) Prior to the effective date of admission of the State of Puerto Rico, the Aid to Families with Dependent Children program provided for under Part A of title IV of the Social Security Act shall continue to operate in Puerto Rico as it is operated on the date of the enactment of this Act, except that—

(A) the Federal matching rate for program expenditures after December of the 1st calendar year beginning after the date of the ratification under section 101(e) of the Puerto Rico Status Referendum Act shall equal the Federal medical assistance percentage rate determined under section 1905(b) of the Social Security Act without regard to clause (2) thereof, and

(B) the limitation on expenditures provided for under section 1108(a)(1) of the Social Security Act shall not apply with respect to such expenditures under such title.

(6) The Medicare Hospital Insurance Benefits for the Aged and Disabled program provided for under part A of title XVIII of the Social Security Act shall continue to operate in Puerto Rico as it is operated on the date of the enactment of this Act, except that the Prospective Payment Assessment Commission shall examine current levels of reimbursement under such part and advise the Secretary within 6 months of the date of the enactment of this Act as to whether the system in place on the date of the enactment of this Act accurately and appropriately reflects cost differentials between Puerto Rico and the States. If such study finds that the system in effect on the date of the enactment of this Act does not accurately reflect such cost differentials, the Secretary shall submit to the appropriate committees of Congress within 6 months of the date of completion of such study a legislative proposal to correct any deficiencies in the reimbursement system.

(7) The Secretary shall reduce the amounts otherwise payable to Puerto Rico under titles IV, XVI (as in effect before the date of the enactment of Public Law 92-603), and XIX of the Social Security Act with respect to expenditures under such titles for any fiscal year which ends after the end of the 1st calendar year beginning after the date of the ratification under section 101(e) of the Puerto Rico Status Referendum Act and prior to the date which is 4 calendar years after the date of the admission of Puerto Rico as a State, to the extent that the sum of such amounts and any expenditures under the Supplemental Security Income program under title XVI of the Social Security Act with respect to residents of Puerto Rico exceeds the sum of $161,000,000 and any increase in Federal revenues by reason of section 214(d) of this Act. The Secretary of the Treasury shall make an annual determination of such amount and provide for appropriate adjustments in such amount as determined for prior years.

(c) NUTRITION ASSISTANCE AND FOOD STAMP PROGRAM.—

(1) INCREASED FUNDING LEVELS FOR THE NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO.—Notwithstanding any other provision of law from the sums appropriated under the Food Stamp Act of 1977, the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(A) $112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Statehood" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(B) $250,000,000, for the fiscal year immediately following the first fiscal year after ratification; and

(C) $337,500,000, for the second fiscal year after the first fiscal year after ratification.

(2) FOOD STAMP PROGRAM.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union—

(A) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States; and

(B) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(3) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"SEC. 19. (a) SPECIAL RULES.—Notwithstanding any other provision of this Act, any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except as follows:

"(1) a household within any such State shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds 65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for purposes of determining benefits in such State shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the State may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"SEC. 19. (b) Any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except that any such State must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program in any such State."

(4) LEGAL RIGHT TO ADDITIONAL SUMS.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts for nutritional assistance required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act and section 19 of the Food Stamp Act of 1977. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

SEC. 214. PROVISIONS RELATING TO TAXATION AND REVENUE TRANSFERS.

(a) GENERAL RULE.—Except as otherwise provided in this section—

(1) all Federal tax laws shall be applicable to the State of Puerto Rico on and after the date of its admission as a State of the Union in the same manner as applicable to all other States; and

(2) all Federal tax laws which are applicable to the Commonwealth of Puerto Rico before the date of the enactment of this Act shall continue to apply until such date of admission.

(b) TRANSITION PERIOD FOR APPLICATION OF INCOME TAXES.—

(1) Except as provided in paragraph (2), in the case of any taxable year in the transition period, the Federal income tax laws shall be applied—

(A) to all persons in the same manner as if the Commonwealth of Puerto Rico were a State, and

(B) without regard to section 933 of the Internal Revenue Code of 1986.

(2) The amount of any increase (or decrease) in any Federal income tax by reason of the application of paragraph (1) shall be equal to the applicable percentage of the amount by which such tax is greater (or less) than such tax computed without regard to this subsection.

(3) For purposes of this section—

(A) The applicable percentage with respect to any taxable year in the transition period shall be determined in accordance with the following table:

In the case of the following year in such period:	**The applicable percentage is:**
1st	25 percent
2nd	50 percent
3rd	75 percent
4th and succeeding	100 percent

(B) If, but for this subparagraph, the applicable percentage for the taxable year in the transition period which includes the date of admission of Puerto Rico as a State is less than 100 percent, the applicable percentage shall be treated as 100 percent with respect to the amount which bears the same ratio to the amount of the increase or decrease under paragraph (2)(A) (or the credit under paragraph (2)(B)) as—

(i) the number of months in the taxable year after the month preceding the month including such date, bears to

(ii) the total number of months in such taxable year.

(4) For purposes of this subsection, the term "transition period" means, with respect to any taxpayer, the period beginning with the taxpayer's 2nd taxable year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act and ending with the taxpayer's taxable year which includes the date of admission of Puerto Rico as a State. For purposes of the preceding sentence, a taxpayer whose 1st taxable year begins after such ratification date shall be treated as if such taxpayer had such a taxable year (and subsequent taxable years) in effect on (and after) such date.

(5)(A) Paragraph (1) shall not apply to a corporation which is a FSC (as defined in section 922 of such Code) organized and operated under the laws applicable to the Commonwealth of Puerto Rico.

(B) Notwithstanding paragraph (1), if any portion of the foreign source income of a Puerto Rican corporation is not subject to United States tax by reason of paragraph (2) such corporation shall be treated as a foreign corporation for purposes of applying the antideferral provisions to such portion.

(C) For purposes of subparagraph (B), the term "antideferral provisions" means subchapter G, subpart F of part III of subchapter N, and part VI of subchapter P of chapter 1 of such Code.

(c) EMPLOYMENT, EXCISE, AND ESTATE AND GIFT TAXES.—

(1) Except as provided in paragraph (3), and notwithstanding any other provision of law, in the case of any calendar year during the transition period, the following taxes shall be imposed in the manner as if the Commonwealth of Puerto Rico were a State:

(A) Chapter 24 of the Internal Revenue Code of 1986 (relating to income tax collected at source).

(B) Any excise tax imposed under the Internal Revenue Code of 1986 other than sections 3111 and 3301 of such Code.

(2) In the case of any transfer of property after September 27, 1990, and before the date of admission of Puerto Rico as a State by a donor if section 2501(c) of the Internal Revenue Code of 1986 applies by reason of being a resident of Puerto Rico—

(A) if such donor dies on or after such date of admission, the value of such property shall be included in the donor's gross estate if the donor or the donor's spouse retains directly or indirectly any beneficial interest in such property as of the date of death or disposes of such interest within three years before such date of death, and

(B) for purposes of applying subtitle B of such Code to any transfer, or to the estate of any decedent dying, after such date of admission, such transfer of property shall be taken into account in computing taxable gifts and adjusted taxable gifts.

(3)(A) A tax imposed under paragraph (1) shall be equal to the applicable percentage of such tax determined without regard to this paragraph.

(B) For purposes of this paragraph, the applicable percentage for any calendar year in the transition period shall be determined in accordance with the following table:

In the case of the following year in such period:	**The applicable percentage is:**
1st year	25 percent
2nd year	50 percent
3rd year	75 percent
4th year	100 percent

(4) For purposes of this subsection, the term "transition period" means the four-calendar year period beginning with the second calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

(5) Paragraph (1)(B) shall not apply to any article to which section 7652 of the Internal Revenue Code of 1986 applies.

(6)(A) In the case of any article which is held for sale in Puerto Rico on January 1 of the first, second, third, or fourth calendar year of the transition period, and which on such date is beyond the point at which tax would otherwise be imposed under the relevant provision of the Internal Revenue Code of 1986, there is hereby imposed a tax equal to the excess of—

(i) the Federal excise tax which would be imposed under the Internal Revenue Code of 1986 if such tax were imposed on such date, over

(ii) the amount of such tax if such tax were imposed on January 1 of the preceding calendar year.

(B) The person holding an article on which tax is imposed under subparagraph (A) shall be liable for payment of such tax, and such tax shall be due and payable on February 15 of the calendar year in which imposed in the same manner as the excise tax which would have been imposed under the relevant provision of the Internal Revenue Code of 1986 on a similar article.

(d) Transition Period for Section 936 Credit.—

(1) In the case of a taxable year in the transition period, the credit under section 936 of the Internal Revenue Code of 1986—

(A) shall be allowable to a taxpayer only if such taxpayer (or a predecessor) elected the application of such section for its taxable year which included the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, and (B) shall be equal to the applicable percentage of the lesser of—

(i) the amount of such credit determined without regard to this subsection, or

(ii) 130 percent of the average amount of such credit of the taxpayer and its predecessors for the three-taxable year period ending with the taxpayer's last taxable year ending before August 1, 1990 (not taking into account years in which the taxpayer or its predecessor was not in existence). If neither the taxpayer nor any predecessor has a taxable year ending before August 1, 1990, the amount under clause (ii) shall be treated as being equal to the amount of such credit of the taxpayer for its 1st taxable year ending on or after August 1, 1990 (adjusted as provided by the Secretary in the case of a short taxable year).

(2)(A) For purposes of this subsection, the applicable percentage for any taxable year in the transition period shall be determined in accordance with the following table:

In the case of the following year in such period:	The applicable percentage is:
1st taxable year	75 percent
2d taxable year	50 percent
3d taxable year	25 percent
4th and following taxable year	0 percent

(B) For purposes of this paragraph, a rule similar to the rule contained in subsection (b)(3)(B) shall apply.

(3) For purposes of this subsection, the term "transition period" has the meaning given such term by subsection (b)(4).

(e) Cover Over of Taxes.—

(1)(A) Except as provided in subparagraph (B), all income and excise taxes collected under the internal revenue laws of the United States by reason of subsections (b) and (c) allocable to each fiscal year (or portion thereof) preceding the date of admission of Puerto Rico as a State shall be covered into the treasury of Puerto Rico.

(B) The provisions of section 7652 of the Internal Revenue Code of 1986 shall continue to apply before the date of admission of Puerto Rico as a State and shall cease to apply on and after such date.

(2)(A) Taxes collected under the internal revenue laws of the United States by reason of subsection (d) allocable to each fiscal year (or the portion thereof) preceding the date of admission of Puerto Rico as a State shall be covered into the treasury of Puerto Rico to the extent that the amount of such taxes exceeds the applicable excess expenditures of the United States allocable to such portion of the fiscal year.

(B) For purposes of subparagraph (A), the term "applicable excess expenditures" means the excess (if any) of—

(i) the amount of expenditures by the United States—

(I) with respect to the operation in Puerto Rico (or for residents thereof) of the programs established by parts A and E of title IV, title XVI (as added by Public Law 92-603), title XVI (as in effect before the date of the enactment of Public Law 92-603), and title XIX of the Social Security Act, and

(II) with respect to credits under section 32 of such Code in excess of tax liability allowable to residents of Puerto Rico, over

(ii) the amount of the expenditures described in clause (i) which would have been made without regard to the provisions of this Act.

(f) Reservation; Regulations.—

(1) Congress explicitly reserves authority to enact appropriate transitional rules to implement the provisions of this section.

(2) The Secretary of the Treasury is authorized to promulgate such rules and regulations as are necessary or appropriate to carry out the purposes of this section and to implement the transition to statehood.

SEC. 215. AMENDMENTS TO TRADE LAWS.

(a) Elimination of Separate Duties.—

(1) Notwithstanding any other provision of law, no additional duties may be imposed by the Legislature of Puerto Rico after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(2) Beginning on the first day of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, any duties imposed by the Legislature of Puerto Rico that are in effect on the date of such ratification shall be reduced by an amount equal to the applicable percentage of such duties in accordance with the following table:

In the case of the following calendar year after ratification:	The applicable percentage is:
2nd	25 percent
3rd	50 percent
4th	75 percent
5th and following	100 percent

(3) Section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) is repealed effective January 1 of the 5th calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

(4) The Act of June 18, 1934 (48 Stat. 1017, chapter 604; 19 U.S.C. 1319a) is repealed effective January 1 of the 5th calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

(5) Any Act ratifying an Act of the Legislature of Puerto Rico which imposes tariffs or duties on articles imported into Puerto Rico is repealed effective January 1 of the 5th calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

(b) Caribbean Basin Initiative.—

(1) Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(A) by striking "the Commonwealth of Puerto Rico and" in the flush paragraph at the end of paragraph (1),

(B) by striking "(other than the Commonwealth of Puerto Rico)" in the flush paragraph at the end of paragraph (1), and

(C) by striking paragraphs (4) and (5).

(2) Section 214(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703 note) is amended—

(A) by striking "the treasuries of Puerto Rico or" and inserting "the treasury of", and

(B) by striking "produced in Puerto Rico or" and inserting "produced in".

(3) Section 214 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 1319 note) is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(4) The amendments made by this subsection shall take effect on January 1 of the 5th calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

(c) Conforming Amendments.—

(1) Section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) Section 4 of the Act of April 12, 1900 (commonly known as the "Foraker Act"; 31 Stat. 77, chapter 191; 48 U.S.C. 740) is repealed.

(3) The amendments made by this subsection shall take effect on January 1 of the 5th calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

TITLE III—INDEPENDENCE

SEC. 301. CONSTITUTIONAL CONVENTION.

(a) Should independence be ratified pursuant to section 101(f) of the Puerto Rico Status Referendum Act, then the Legislative Assembly of the Commonwealth of Puerto Rico shall provide, within two months, for the election of delegates to a Constitutional Convention to serve until the proclamation of independence and to draft a Constitution for the Republic of Puerto Rico. The election of delegates must be held within six months after such ratification.

(b) Those qualified to vote in the election of delegates to the Constitutional Convention shall be (1) All persons born and residing in Puerto Rico; (2) all persons residing in Puerto Rico and one of whose parents was born in Puerto Rico; (3) all persons who at the time of the adoption of this Act shall have resided in Puerto Rico for a period of twenty years or more; (4) all persons who established their residence in Puerto Rico prior to attaining voting age and still reside in Puerto Rico; and (5) spouses of all persons included in (1), (2), (3), and (4) above.

(c) The laws of the Commonwealth of Puerto Rico relating to additional voter qualifications and the electoral process shall apply to this election.

(d) The Constitutional Convention shall meet within three months of the election of delegates at such time and place as the Legislative Assembly of the Commonwealth of Puerto Rico shall determine.

(e) The Constitutional Convention shall exercise jurisdiction over all of the territory of Puerto Rico ceded to the United States by Spain by virtue of the Treaty of Paris the tenth day of December 1898.

SEC. 302. CHARACTER OF THE CONSTITUTION.

(a) The Constitutional Convention mandated under the previous section shall formulate and draft a constitution establishing a republican form of government which shall guarantee the protection of fundamental human rights.

(b) The fundamental human rights guaranteed by the aforementioned constitution shall include such rights as due process and equal protection under the law, freedom of speech, press, assembly, association, and religion, as well as the rights of the accused, and economic, social, and cultural rights such as the right to education, adequate nutrition, health services, adequate housing, and work or employment and the right to own private property and to just compensation for the taking thereof.

(c) The property rights of the United States and Puerto Rico shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of Puerto Rico.

SEC. 303. RATIFICATION OF THE CONSTITUTION.

(a) The Constitution adopted by the Constitutional Convention shall be submitted to the people of Puerto Rico for its ratification or rejection.

(b) The Legislative Assembly of the Commonwealth of Puerto Rico shall call for a special election for such ratification or rejection, to be held within three months of the adoption of the Constitution by the Constitutional Convention.

(c) The special election providing all qualified voters the opportunity to cast a vote for or against the proposed Constitution shall be held in the manner prescribed by the Legislative Assembly of the Commonwealth of Puerto Rico. In the event such Constitution is not approved in the election, it shall be resubmitted to the convention for further consideration and resubmission to the voters as provided in this section.

(d) Those qualified to vote in this election shall be those possessing the qualifications established in section 301 of this title.

SEC. 304. ELECTION OF OFFICERS OF THE REPUBLIC.

(a) Within thirty days of the ratification of the Constitution as provided for by section 303 of this title, the Governor of the Commonwealth of Puerto Rico shall issue a proclamation calling for the election of such officers of the Republic of Puerto Rico as may be required by the ratified Constitution.

(b) The election of officers of the Republic shall be held not later than six months after the date of ratification of the Constitution.

(c) The aforesaid election shall be held in accordance with the procedures and requirements established in the Constitution of the Republic of Puerto Rico.

(d) The Governor of the Commonwealth of Puerto Rico shall certify the results of the election to the President of the United States.

SEC. 305. JOINT TRANSITION COMMISSION.

(a) A Joint Transition Commission shall be appointed in equal numbers by the President of the United States and the Presiding Officer of the Constitutional Convention of Puerto Rico.

(b) The Joint Transition Commission shall be responsible for expediting the orderly transfer of all functions currently exercised by the Government of the United States in Puerto Rico, or in relation to Puerto Rico; including the recommendation of appropriate legislation to the appropriate officials of each government.

(c) Any necessary task forces established by the Joint Transition Commission shall be constituted in the same manner as the Commission.

(d) The Government of the Commonwealth of Puerto Rico and the agencies of the Government of the United States shall cooperate with the Joint Transition Commission and subsequently with the new officers of the Republic of Puerto Rico, to provide for the orderly transfer of the functions of government.

(e) The costs of the Transition Commission shall be evenly divided between the United States and Puerto Rico, and there is hereby authorized to be appropriated such sums as are necessary for the United States share of these costs. Agencies of the United States Government shall provide technical assistance to the Joint Transition Commission on a reimbursable basis.

SEC. 306. RESOLUTION OF CONTROVERSIES PRIOR TO INDEPENDENCE.

Except as provided in title I of this Act and beginning on the date of the ratification provided for in title I of this Act, and until the date of proclamation of independence, any action arising from this title filed in courts of the United States shall be stayed and referred to the Joint Transition Commission for resolution within a reasonable period of time.

SEC. 307. PROCLAMATIONS BY THE PRESIDENT OF THE UNITED STATES AND THE HEAD OF STATE OF THE REPUBLIC OF PUERTO RICO.

(a) Not later than one month after the official certification of the elected officers of the Republic of Puerto Rico under section 304, and the approval, in accordance with the constitutional processes of Puerto Rico and the United States, of the agreements set forth in sections 312 and 313, the President of the United States shall by proclamation withdraw and surrender all rights of possession, supervision, jurisdiction, control or sovereignty then existing and exercised by the United States over the territory and people of Puerto Rico, and shall furthermore recognize on behalf of the United States of America the independence of the Republic of Puerto Rico and the authority of the government instituted by the people of Puerto Rico under the Constitution of their own adoption. The proclamation shall state that the effective date of withdrawal of the sovereignty of the United States and the recognition of independence shall be the same as the date of the proclamation of independence as provided in subsection (d).

(b) The President of the United States shall forward a copy of the proclamation issued by him to the presiding officer of the Constitutional Convention of Puerto Rico within a week after signature.

(c) Within one week after receiving the Presidential proclamation and with the advice of the officer elected as head of state of the Republic, the presiding officer of the Constitutional Convention shall determine the date in which the Government of the Republic shall take office, and shall so notify the Governor of the Commonwealth of Puerto Rico and the President of the United States.

(d) Upon taking office, the head of state of the Republic of Puerto Rico shall immediately issue a proclamation declaring (1) that Puerto Rico has become a sovereign, independent nation; (2) that the Constitution of the Republic is thenceforth in effect; (3) that the Commonwealth of Puerto Rico and its Government have ceased to exist; and (4) that the Government of the Republic will henceforth exercise its powers and duties under its Constitution.

SEC. 308. EFFECTS OF THE PROCLAMATION OF INDEPENDENCE ON LEGAL AND CONSTITUTIONAL PROVISIONS.

(a) Upon the proclamation of independence as provided in section 307, and except as otherwise provided in this title or in any separate agreements hereinafter concluded between the United States and the Republic of Puerto Rico—

(1) all property, rights, and interests which the United States may have acquired over Puerto Rico by virtue of the Treaty of Paris of 1898, and thereafter by cession, purchase, or eminent domain, with the exception of such land and other property, rights, or interests as may have been sold or otherwise legally disposed of prior to the enactment of this Act, shall vest in the Republic of Puerto Rico;

(2) all laws of the United States applicable to the Commonwealth of Puerto Rico immediately prior to the proclamation of independence shall no longer apply in the Republic of Puerto Rico; and

(3) all laws and regulations of the Commonwealth of Puerto Rico in force immediately before the proclamation of independence shall continue in force and shall be read with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution of the Republic of Puerto Rico until such time as they shall be replaced with new legislation, except any provisions that may be incompatible with the sovereignty of the Republic of Puerto Rico shall be deemed invalid.

SEC. 309. EFFECTS OF THE PROCLAMATION OF INDEPENDENCE ON JUDICIAL PRONOUNCEMENTS.

Unless otherwise agreed by the Governments of United States and Puerto Rico in accordance with their respective constitutional processes:

(1) The Republic of Puerto Rico shall recognize and give effect to all orders and judgments rendered by United States or Commonwealth courts prior to the proclamation of independence pursuant to the laws of the United States then applicable to the Commonwealth of Puerto Rico.

(2) All judicial proceedings pending in the courts of the Commonwealth of Puerto Rico prior to the proclamation of independence shall be continued in the corresponding courts under the Constitution of the Republic of Puerto Rico.

(3) Upon the proclamation of independence, the judicial power of the United States shall no longer extend to Puerto Rico. All proceedings pending in the United States District Court for the District of Puerto Rico shall be transferred to the corresponding Puerto Rican courts of competence under the Constitution of the Republic of Puerto Rico for disposition in conformity with laws applicable at the time when the controversy in process arose. All proceedings pending in the United States Court of Appeals for the First Circuit, or in the Supreme Court of the United States, which may have initiated in the courts of the Commonwealth or in the United States District Court for the District of Puerto Rico shall continue until their final disposition and shall be submitted to the competent authority of the Republic of Puerto Rico for proper execution, unless either the United States or any of its officers is a party, in which case any final judgment shall be properly executed by the competent authority of the United States.

SEC. 310. STATE SUCCESSION.

(a) The Government of the Republic of Puerto Rico shall be deemed successor to the Government of the Commonwealth of Puerto Rico and of all the rights and obligations thereof.

(b) Upon proclamation of independence the President of the United States shall notify the governments with which the United States is in diplomatic correspondence, to the United Nations Organization, and to the Organization of American States, that—

(1) the United States has recognized the independence of the Republic of Puerto Rico; and

(2) all obligations and responsibilities of the Government of the United States which arise from any valid bilateral or multilateral international instruments affecting Puerto Rico, insofar as said instruments may be

held to have consequences for the United States because of their application to or in respect to Puerto Rico, shall cease, except that such obligations and responsibilities may be assumed by the Government of the Republic of Puerto Rico in a manner to be determined and proclaimed by the appropriate officer of the Republic of Puerto Rico in accordance with its Constitution.

SEC. 311. CITIZENSHIP AND MIGRATION.

(a) All matters pertaining to Puerto Rican citizenship shall be regulated pursuant to the Constitution and laws of the Republic of Puerto Rico.

(b) Upon the ratification under section 101(f) of the Puerto Rico Status Referendum Act, Puerto Rico shall no longer be deemed to be a part of the United States for the purposes of acquiring citizenship of the United States. Provisions of the Puerto Rican Federal Relations Act (commonly known as the "Jones Act", 48 U.S.C. 731 et seq.) and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) declaring Puerto Rico to be a part of the United States for the purpose of extending citizenship to persons born in Puerto Rico are repealed or modified, as appropriate, to delete any reference to Puerto Rico and Puerto Rico shall not be considered to be a part of the United States for such purposes, except that nothing in this section shall affect the citizenship of any person born prior to the date of the ratification.

(c) Notwithstanding any other provision of law, no person born outside of the United States after the ratification under section 101(f) of the Puerto Rico Status Referendum Act shall be a citizen of the United States at birth if a parent or the parents of such person acquired United States citizenship solely by virtue of birth in Puerto Rico pursuant to the provisions of the Puerto Rican Federal Relations Act (commonly known as the "Jones Act", 48 U.S.C. 731 et seq.) and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and whose principal residence, as defined under section 101(a)(33) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(33)), continued to be Puerto Rico on or after the Proclamation of Independence, unless the parent or parents at the time of the birth of such person is a citizen of the United States employed by the Government of the United States.

(d) Entry into the United States and lawfully engaging in occupations or establishing residence as immigrants in the United States for any person who is not a citizen of the United States and becomes a citizen of the Republic of Puerto Rico upon the Proclamation of Independence, or who becomes a citizen of the Republic by birth after the Proclamation of Independence, or who is a naturalized citizen of the Republic who has been an actual resident of Puerto Rico for not less than five years, shall be permitted only as may be provided by law and regulation of the United States: *Provided*, That persons identified under subsection (c) above, may enter the United States and its territories and possessions as nonimmigrants for a period of twenty-five years after such Proclamation of Independence without regard to paragraphs (14), (20), and (26)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a) (14), (20), and (26)(B): *Provided further*, That this subsection does not confer on such citizen of Puerto Rico the right to establish the residence necessary for naturalization under the Immigration and Nationality Act, or to petition for benefits for alien relatives under such Act. This subsection, however, shall not prevent a citizen of Puerto Rico from otherwise acquiring such rights or lawful permanent resident alien status in the United States.

SEC. 312. DEFENSE.

Specific arrangements for the use of military areas by the United States in Puerto Rico shall be negotiated by a task force established by the Joint Transition Commission, and approved in accordance with the constitutional processes of the United States and Puerto Rico, and shall come into effect simultaneously with the proclamation of independence. These specific arrangements shall include an agreement by the Government of Puerto Rico to deny to third countries any access to or use of the territory of Puerto Rico for military purposes. Consent by the United States to any alteration, modification, amendment, limitation, termination, or other change in such agreement regarding denial shall occur only pursuant to a specific Act of Congress.

SEC. 313. FEDERAL PROGRAMS.

The following subsections and the provisions of this title are enacted in recognition of the unique relationship between the United States and Puerto Rico, to affect a smooth and fair transition for the new Republic of Puerto Rico with a minimum of economic disruption, and to promote the development of a viable economy in the new Republic of Puerto Rico.

(a) All Federal programs shall continue to apply in Puerto Rico until the end of the fiscal year in which independence is proclaimed, at which time, a grant shall be paid to the Republic of Puerto Rico pursuant to subsection (3).

(b) Specific arrangements for the continuation or phaseout of Federal programs shall be negotiated by a Task Force on Economic Assistance established by the Joint Transition Commission and approved in accordance with the constitutional processes of Puerto Rico and the United States, and shall come into effect simultaneously with the proclamation of independence. In general, the specific arrangements shall provide that—

(1) all Federal pension programs, such as veterans and civil service benefits, shall continue as provided by United States law;

(2) prior to the end of the fiscal year in which independence is proclaimed, an estimate will be determined by the Comptroller General of the United States of the total value of grants, programs, and services, including Medicare, provided by the Federal Government in Puerto Rico in such fiscal year, except for those grants, programs, and services which will otherwise continue under this Act;

(3) a grant equal to the value established under paragraph (2) shall be paid annually to the Republic of Puerto Rico beginning in the fiscal year following the year in which independence is proclaimed, through the ninth year following the ratification under section 101(f) of the Puerto Rico Status Referendum Act;

(4) the United States will fulfill any contractual obligations outstanding at the time of the proclamation of independence; and

(5) Puerto Rico may request that the United States renew or continue any existing contractual obligations: Provided that Puerto Rico agrees that the cost of such renewal or continuation shall be deducted from the annual grant made under paragraph (3).

(c) There are authorized to be appropriated such sums as may be necessary to fulfill the purposes of this section.

SEC. 314. SOCIAL SECURITY AND UNEMPLOYMENT INSURANCE.

(a) The Joint Transition Commission established under section 305 of this Act shall establish a Task Force on Social Security to negotiate agreements necessary for the coordination of the social security system of the United States established by title II of the Social Security Act with a similar system to be established in the new Republic of Puerto Rico. Such agreements shall protect the benefit rights of all individuals who have attained benefit eligibility under such title as of 5 calendar years subsequent to the ratification under section 101(f) of the Puerto Rico Status Referendum Act shall provide appropriate credit for others who have contributed to such system. Any such agreement shall be approved in accordance with the constitutional processes of Puerto Rico and the United States.

(b) In order to provide adequate time for the negotiation and implementation of the agreements provided for in (a), the provisions of the Old Age, Survivors, and Disability Insurance programs under title II of the Social Security Act and the related provisions of chapters 2 and 21 of the Internal Revenue Code of 1986 shall apply until the end of the 5th calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(c) Except as otherwise provided in this section, all programs operated under the Social Security Act shall cease to apply in Puerto Rico at the end of the fiscal year in which independence is proclaimed.

(d) Notwithstanding any other provision of law, on December 31 of the year in which a proclamation of independence is issued under section 307(d) of this Act—

(1) any amounts remaining in the Unemployment Trust Fund which are allocable to Puerto Rico shall be transferred to the Republic of Puerto Rico; and

(2) the Republic of Puerto Rico shall cease to be treated as a State for purposes of chapter 23 of the Internal Revenue Code of 1986, titles III, IX, and XII of the Social Security Act, the Federal-State Extended Unemployment Compensation Act of 1970, and any similar law of the United States relating to unemployment taxes or benefits.

(e) Any person who is a citizen of the United States (as described in section 316(c) of this Act, without regard to clauses (i) and (ii) of subparagraph (B)) shall not be treated as an employee for purposes of any law described in subsection (d)(2).

SEC. 315. TRADE RELATIONS.

(a) It is the sense of the Congress that—

(1) the United States should continue to maintain an open trading relationship with the Republic of Puerto Rico after a proclamation of independence is under this title, and

(2) the President should—

(A) seek to obtain favorable treatment from other countries for exports from Puerto Rico, and

(B) encourage other countries to maintain open trading relationships with Puerto Rico and to designate Puerto Rico as a beneficiary under any preferential trade arrangements such other countries maintain.

(b) The Joint Transition Commission shall establish a Task Force on Trade to consider and develop the manner in which trade between the United States and the Republic of Puerto Rico will be governed following the Proclamation of Independence. The Task Force on Trade shall submit a report on its deliberations, along with its recommendations, to the President, the Committee on Finance of the United States Senate, and the Committee on Ways and Means of the House Representatives.

(c) Beginning on the date of the issuance of the proclamation of independence under section 307(d) of this Act, the applicable rate of duty of the general subcolumn of column 1 of the Harmonized Tariff Schedule of the United States shall apply to products of the Republic of Puerto Rico entered or withdrawn from warehouse on or after such date.

(d)(1) Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by inserting in alphabetical sequence "Puerto Rico, the Republic of".

(2)(A) Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(i) by striking "Commonwealth of Puerto Rico" in the flush paragraph at the end of paragraph (1),

(ii) by striking "(other than the Commonwealth of Puerto Rico)" in this flush paragraph at the end of paragraph (1), and

(iii) by striking paragraphs (4) and (5).

(B) Section 214(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703 note) is amended—

(i) by striking "the treasuries of Puerto Rico or" and inserting "the treasury of", and

(ii) by striking "produced in Puerto Rico or" and inserting "produced in".

(C) Section 214 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 1319 note) is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(3) The amendments made by this subsection shall take effect on the date the proclamation of independence is issued under section 307(d) of this Act.

(e)(1) During the 5-year period beginning on the date the proclamation of independence is issued under section 307(d) of this Act, the President may enter into a trade agreement with the Republic of Puerto Rico that provides for the reduction or elimination of any duty imposed by the United States, the elimination of any other barriers, and the establishment of a free trade area between Puerto Rico and the United States.

(2) A trade agreement entered into under this subsection shall be reciprocal and shall provide for mutual reductions in trade barriers to promote trade, economic growth, and employment.

(3) Before the President enters into any trade agreement under this subsection, the President shall consult with—

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(4) The consultation under paragraph (4) shall include—

(A) the nature of the agreement;

(B) how and to what extent the agreement will achieve the applicable purposes, policies, and objectives of section 1101 of the Omnibus Trade and Competitiveness Act of 1988; and

(C) all matters relating to the implementation of the agreement under subsection (f).

(f)(1) Any agreement entered into under subsection (e) shall enter into force with respect to the United States if (and only if)—

(A) the President, at least 90 calendar days before the day on which he enters into the trade agreement, notifies the House of Representatives and the Senate of his intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

(B) after entering into the agreement, the President submits a document to the House of Representatives and the Senate containing a copy of the final legal text of the agreement, together with—

(i) a draft of an implementing bill,

(ii) a statement of any administrative action proposed to implement the trade agreement, and

(iii) the supporting information described in paragraph (2); and

(C) the implementing bill is enacted into law.

(2) The supporting information required under paragraph (1)(B)(iii) consists of—

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement—

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, and objectives of section 1101 of the Omnibus Trade and Competitiveness Act of 1988, and

(ii) setting forth the reasons of the President regarding—

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i), and why and to what extent the agreement does not achieve other applicable purposes, policies, and objectives,

(II) how the agreement serves the interests of United States commerce, and

(III) why the implementing bill and proposed administrative action is required or appropriate to carry out the agreement.

(g) The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to any draft of a bill implementing a trade agreement entered into under subsection (e).

(h) Each period of time described in subsection (f) shall be computed without regard to—

(1) the days on which either House of the Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House of the Congress is not in session.

SEC. 316. TAXATION.

(a) Except as provided in this section, the Republic of Puerto Rico shall, on and after the date of proclamation of independence under section 307, be treated for purposes of the internal revenue laws of the United States as a foreign country.

(b)(1) In the case of a taxable year in the transition period, the credit under section 936 of the Internal Revenue Code of 1986—

(A) shall be allowable to a taxpayer only if such taxpayer (or a predecessor) elected the application of such section for its taxable year which included the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, and

(B) shall be equal to the applicable percentage of the lesser of—

(i) the amount of such credit determined without regard to this subsection, or

(ii) 130 percent of the average amount of such credit of the taxpayer and its predecessors for the three-taxable year period ending with the taxpayer's last taxable year ending before August 1, 1990 (not taking into account years in which the taxpayer or any predecessor was not in existence).

If neither the taxpayer nor any predecessor has a taxable year ending before August 1, 1990, the amount under clause (ii) shall be treated as being equal to the amount of such credit of the taxpayer for its first taxable year ending on or after August 1, 1990 (adjusted as provided by the Secretary in the case of a short taxable year).

(2) For purposes of this subsection, the applicable percentage for any taxable year in the transition period shall be determined in accordance with the following table:

In the case of the following year in such period:	**The applicable percentage is:**
1st taxable year	75 percent
2nd taxable year	50 percent
3rd taxable year	25 percent
4th and following taxable year	0 percent

(3) For purposes of this subsection, the term "transition period" means, with respect to any taxpayer, the period beginning with the taxpayer's second taxable year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(c)(1) In the case of taxable years ending on or after the date of proclamation of independence under section 307, section 933 of the Internal Revenue Code of 1986 shall continue to apply, but only with respect to bona fide residents of Puerto Rico—

(A) who are citizens of the United States under the provisions of the Puerto Rican Federal Relations Act (commonly known as the "Jones Act", 48 U.S.C. 731 et seq.) and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) solely by reason of—

(i) being born in Puerto Rico,

(ii) being a child of parents who are citizens of the United States under such Acts solely by reason of being born in Puerto Rico, or

(iii) being described in both clause (i) and clause (ii), and

(B) who, during such taxable year, have neither—

(i) earned income (as defined in section 911(d)(2) of such Code) in excess of the maximum amount of foreign earned income which may be excluded for such taxable year under section 911 of such Code, nor

(ii) income other than earned income (as so defined) in excess of the sum of such individual's standard deduction and the deductions for personal exemptions allowable under such Code to such individual for such taxable year.

(2) If an individual described in paragraph (1) of this subsection is married to an individual not described in such paragraph, paragraph (1) shall apply to the individual described in such paragraph only if such individuals file separate income tax returns.

(d)(1) In the case of calendar years beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, notwithstanding section 7652 of the Internal Revenue Code of 1986 and section 4 of the Act of April 12, 1900 (31 Stat. 78), the amount of taxes and customs duties covered into the treasury of Puerto Rico under such sections shall be equal to the applicable percentage of such taxes and customs duties.

(2) For purposes of paragraph (1), the applicable percentage shall be determined in accordance with the following table:

In the case of the:	**The applicable percentage is:**
1st year	80 percent
2nd year	60 percent
3rd year	40 percent
4th year	20 percent
5th and following years	0 percent

(e)(1) Except as provided in paragraph (2), for any calendar year beginning after the date of the ratification under section 101(e) of the Puerto Rico Status Referendum Act—

(A) clause (i) of section 42(h)(3)(C) of the Internal Revenue Code of 1986 shall not apply with respect to Puerto Rico, and

(B) section 42(h)(4) of such Code shall not apply to any building placed in service in Puerto Rico after the calendar year in which such date occurs.

(2) For purposes of paragraph (1)(B), a building shall be treated as placed in service before the first calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act if—

(A) the bonds with respect to such building are issued before such first calendar year,

(B) the taxpayer's basis in the project (of which the building is a part), as of the close of the calendar year in which such date occurs, is more than 10 percent of the estimated project costs, and

(C) such building is placed in service before the beginning of the third calendar year beginning after such date.

(f) Section 103(a) of the Internal Revenue Code of 1986 shall continue to apply to bonds issued by Puerto Rico or any political subdivision on or before (but not after) the last day of the fifth calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(g) In the case of any transfer of property after September 27, 1990, and before the date of proclamation of independence under section 307 by a donor to whom section 2501(c) of the Internal Revenue Code of 1986 applies by reason of being a resident of Puerto Rico—

(1) if such donor dies on or after such date of proclamation of independence, the value of such property shall be included in the donor's gross estate if the donor or the donor's spouse retains directly or indirectly any beneficial interest in such property as of the date of death or disposes of such interest within three years before such date of death, and

(2) for purposes of applying subtitle B of such Code to any transfer, or to the estate of any decedent dying, after such date of proclamation of independence, such transfer of property shall be taken into account in computing taxable gifts and adjusted taxable gifts.

SEC. 317. CURRENCY AND FINANCE.

(a) The Joint Transition Commission established under section 305 shall establish a Task Force on Currency and Finance to negotiate an agreement to assist the Republic of Puerto Rico in the design and establishment of a deposit insurance system, to determine the extent of financial support to be provided for the system by United States insurance organizations in which Puerto Rico's financial institutions currently participate, and to make the necessary arrangements with respect to the use of United States currency by the Republic of Puerto Rico if so requested by the Republic. Any such agreement shall be approved in accordance with the constitutional processes of Puerto Rico and the United States.

(b) The guarantees provided by the Government of the United States to investors in the secondary market for existing loans, particularly mortgage loans guaranteed by the Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC) and other United States Government instrumentalities, shall be maintained for Puerto Rico-originated loans existing on the date of the proclamation until maturity.

SEC. 318. PUBLIC DEBT.

The debts, liabilities, and obligations of the Commonwealth of Puerto Rico, its municipalities and instrumentalities, valid and outstanding upon the date of the proclamation of independence, shall be assumed by the Republic of Puerto Rico.

TITLE IV—COMMONWEALTH

SEC. 401. PROVISIONS.

Should Commonwealth be ratified under section 101(f) of the Puerto Rico Status Referendum Act, the provisions of this title shall go into effect.

SEC. 402. PRINCIPLES OF COMMONWEALTH.

(a) The Commonwealth of Puerto Rico is a unique juridical status, created as a compact between the People of Puerto Rico and the United States, under which Puerto Rico enjoys sovereignty, like a State, to the extent provided by the Tenth Amendment to the United States Constitution and in addition with autonomy consistent with its character, culture and location. This relationship is permanent unless revoked by mutual consent.

(b) The policy of the United States shall be to enhance the Commonwealth relationship enjoyed by the Commonwealth of Puerto Rico and the United States to enable the people of Puerto Rico to accelerate their economic and social development, to attain maximum cultural autonomy, to seek fair treatment in Federal programs, and in matters of government to take into account local conditions in Puerto Rico.

(c) The United States citizenship of persons born in Puerto Rico shall continue to be guaranteed and indefeasible to the same extent as that of citizens born in the several States.

SEC. 403. APPLICATION OF FEDERAL LAW.

(a) Notwithstanding any other provision of law, the Governor of the Commonwealth of Puerto Rico may certify from time to time to the Speaker of the House of Representatives and the President of the Senate, that the Legislature of the Commonwealth of Puerto Rico has adopted a resolution that states that a Federal law or provision thereof should no longer apply to the Commonwealth of Puerto Rico because there is no overriding national interest in having such Federal law be applicable in the Commonwealth of Puerto Rico and such applicability does not serve the interests of the people of the Commonwealth of Puerto Rico. A Federal law or laws or provision thereof so certified shall no longer apply to the Commonwealth of Puerto Rico if a joint resolution approving the recommendation of the Government of the Commonwealth of Puerto Rico is enacted.

(b)(1) This subsection is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but is applicable only with respect to the procedure to be followed in this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith.

(2) For purposes of this subsection, the term "resolution" means only a joint resolution, the matter after the resolving clause of which is as follows: "That the House of Representatives and the Senate approve the recommendation of the Government of the Commonwealth of Puerto Rico in the certification submitted to the Congress on (date) ". Such resolution shall also include the certification received from the Governor of the Commonwealth of Puerto Rico and a copy of the resolution adopted by the Legislature of the Commonwealth of Puerto Rico.

(3) A resolution once introduced with respect to such a certification by the Governor of the Commonwealth of Puerto Rico shall immediately be referred by the Speaker of the House of Representatives and the President of the Senate, as the case may be, to the House Committee on Interior and Insular Affairs and to the Senate Committee on Energy and Natural Resources and at the same time to such other committees as the Speaker of the House of Representatives or the President of the Senate, respectively, shall determine.

(4)(A) If the committee or committees to which a resolution with respect to a certification by the Governor of the Commonwealth of Puerto Rico has been referred has not reported it at the end of forty-five calendar days after its referral, it shall be in order to move to discharge the committee from further consideration of such resolution.

(B) A motion of discharge may be made only by an individual favoring the resolution and shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same submittal), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same submittal.

(5)(A) When the last committee has reported, or has been discharged from further consideration of a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing such resolution. A motion to further limit debate shall not be debatable. An amendment to or motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to a submittal, then it shall not be in order to consider in that

House any other resolution with respect to the same such submittal.

(8) For the purpose of this subsection—

(A) continuity of session is broken only by an adjournment of the Congress sine die; and

(B) the days on which either House is not in session because of any adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(c) This section shall not apply to—

(1) any Federal statutory law, or provisions thereof, establishing directly or indirectly grants and/or services to citizens of the United States as individuals;

(2) any Federal statutory law, or provisions thereof, relating to legislative matters within the jurisdiction of the Committee on Finance, or the Committee on Agriculture, Nutrition and Forestry, of the Senate;

(3) any Federal statutory law or provisions thereof relating to citizenship; or

(4) any Federal statutory law or provisions thereof pertaining to the foreign relations, defense, or national security.

(d) The Governor of Puerto Rico may enter into international agreements to promote the international interests of Puerto Rico as authorized by the President of the United States and consistent with the laws and international obligations of the United States.

SEC. 404. REGULATORY REVIEW.

(a) For the purposes of this section, the definitions in title 5, United States Code, section 551, apply.

(b) All agencies shall be guided by the policy stated in section 402 when carrying out their duties under statutes and rules applicable in or affecting the Commonwealth of Puerto Rico. Any agency that engages in rulemaking pursuant to title 5, United States Code, section 553, shall include in the concise general statement of the basis and purpose of any final rules adopted in response to any data, views, or arguments submitted to it that raise a question of the consistency of such rules with such policy.

(c) When an agency published in the Federal Register any final rule (other than a rule issued after notice and hearing required by statute), that does by its terms apply in the Commonwealth of Puerto Rico, the Governor of the Commonwealth of Puerto Rico may submit to the agency within thirty days (or such longer period as the agency may have prescribed as the period between publication of the rule and its effectiveness the Governor's determination that such rule is inconsistent with such policy and, if appropriate, of how it could be made consistent. Thereupon, the agency shall reconsider the question of the consistency of its rule with such policy and shall, within forth-five days of its receipt of the Governor's determination, publish in the Federal Register its finding either—

(1) that—

(A) by the terms of the statute pursuant to which the rule is made the agency has no discretion to make the rule inapplicable in the Commonwealth of Puerto Rico or to vary the terms of the rule in its application to the Commonwealth or,

(B) there is a national interest that the rule be applicable in Puerto Rico in the terms in which it was published, or

(2) that the rule is not consistent with such policy, in which case the rule, whether or not previously applicable in the Commonwealth of Puerto Rico in accordance with its terms as published, shall not be so applicable or shall be applicable only in accordance with the terms specified in the agency's finding.

(3) Within sixty days of the publication by an agency of the finding provided for in paragraph (1) the Governor of the Commonwealth of Puerto Rico, if aggrieved by such finding, may petition for review thereof in the United States Court of Appeals of the First Circuit or the District of Columbia Circuit. In any such review proceeding the scope of review shall be as prescribed in section 706 of title 5, United States Code. Federal courts shall have no jurisdiction to entertain any action brought by any other party challenging agency compliance with this subsection.

(d) This section shall not apply to any rule issued pursuant to any Federal law, or provision thereof, relating to legislative matters within the jurisdiction of the Committee on Finance, or the Committee on Agriculture, Nutrition and Forestry, of the Senate, as described in paragraph 1(i) of Rule XXV of the Standing Rules of the Senate (as in effect on the date of the enactment of this Act).

SEC. 405. AVIATION.

The officials of the Department of State and the Department of Transportation shall seek the advice of appropriate officials of the Commonwealth of Puerto Rico when negotiating any air transportation agreements which would affect air traffic to or from the Commonwealth of Puerto Rico.

SEC. 406. CARIBBEAN BASIN ECONOMIC RECOVERY ACT AMENDMENTS.

(a) Section 214(c) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703 note) is amended—

(1) by striking "the treasuries of Puerto Rico or" and inserting "the treasury of", and

(2) by striking "produced in Puerto Rico or" and inserting "produced in".

(b) The amendments made by subsection (a) shall take effect on the first day of the fifth calendar year following the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs.

SEC. 407. FEDERAL PROGRAMS.

(a) GRANT CONSOLIDATION.

Section 501 of Public Law 95-134 (91 Stat. 1159, 1164) as amended, is further amended—

(1) by deleting "Virgin Islands," and inserting in lieu thereof "Virgin Islands, Puerto Rico,"; and

(2) by adding at the end of subsection (a) the following new sentence: "In the case of Puerto Rico, no consolidation of such grants may be made with respect to any programs established or operated under the Social Security Act or the Food Stamp Act of 1977.".

(b) NUTRITION ASSISTANCE AND FOOD STAMP PROGRAM.—

(1) INCREASED FUNDING LEVELS FOR THE NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO.—Notwithstanding any other provision of law from the sums appropriated under the Food Stamp Act of 1977, the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(A) $112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Commonwealth" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(B) $250,000,000, for the fiscal year immediately following the first fiscal year after ratification; and

(C) $337,500,000 for the second fiscal year after the first fiscal year after ratification.

(2) FOOD STAMP PROGRAM.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs:

(A) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States except as provided in section 19 of such Act; and

(B) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(3) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"Sec. 19(a). Special Rules. Notwithstanding any other provision of this Act, the Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except as follows:

"(1) a household within such Commonwealth shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds 65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for purposes of determining benefits in such Commonwealth shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the Commonwealth may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"Sec. 19(b). The Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except that the **Commonwealth must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program.**

(4) LEGAL RIGHT TO ADDITIONAL SUMS.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act to operate the Nutrition Assistance Program under section 19 of the Food Stamp Act. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

SEC. 408. CONSULTATION IN APPOINTEES AND NOMINATIONS.

(a) In considering the qualifications of persons who may be appointed to serve as: Su-

pervisor, Caribbean National Forest; Superintendent, San Juan Historic Site; Manager, Department of Housing and Urban Development, San Juan; Director, Caribbean Field Office, Environmental Protection Agency; Director, Farmer's Home Administration, San Juan; District Director, United States Customs Service, San Juan; District Director, Small Business Administration; and District Director, Immigration and Naturalization Service; the head of such department or agency shall consult with the Governor or other appropriate official in Puerto Rico as to whether there are special circumstances or qualifications which should be considered in making the appointment.

(b) Prior to nominating any person to serve in Puerto Rico whose appointment requires the advice and consent of the Senate of the United States, the President shall consult with the Governor as to whether there are any special circumstances or qualifications which should be considered in deciding on a nomination. Nothing in this section requires or prohibits the disclosure of individuals under consideration for such position nor as a limitation on the ability of the heads of agencies to appoint, or the President to nominate any individual. This subsection shall not apply with respect to any position in the Armed Forces of the United States, the Coast Guard, and in agencies engaged in law enforcement.

SEC. 409. PUERTO RICO LIAISON OFFICE.

(a) There is hereby established the Office of Senate Liaison for the Commonwealth of Puerto Rico ("Office"). The Office shall be headed by an individual appointed by the Governor of Puerto Rico and who shall serve at the pleasure of the Governor and who shall be known as the Puerto Rico Liaison. The purposes of the Office shall be to facilitate the exchange of information between the Senate and the Government of Puerto Rico.

(b) The Committee on Rules and Administration shall determine what facilities and services shall be available to such Office. All personnel of such Office shall be issued such identification as will entitle them to the same privileges as are afforded to employees of the Congressional Research Service and no employee of the Office shall be permitted privilege of the Senate floor.

(c) There are authorized to be appropriated annually $600,000 for salaries and $56,000 for office expenses of the Office. The Liaison shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office, including the Liaison, while not employees of the Senate, shall, other than as provided in subsection (b), be treated as if they were employees of the Senate with respect to pay and employment benefits, rights, privileges, and restrictions and shall be subject to all requirements otherwise applicable to employees of the Senate.

(d) The Office shall be subject to the jurisdiction of the Committee on Rules and Administration.

SEC. 410. PASSPORTS.

(a) The following new section shall be added to title 22 as section 211b:

"SECTION 211b. UNITED STATES PASSPORT OFFICE IN PUERTO RICO.

"The Secretary of State shall establish a Passport Office for the Caribbean located in San Juan, Puerto Rico.".

(b) The Secretary of State and the Attorney General of the United States shall consult with the Governor of Puerto Rico to determine what administrative actions can be taken to expedite the processing of visas and also to provide an expedited consideration of visas where the Governor makes such a request to accommodate an individual or individuals who have been invited to Puerto Rico by the Governor and shall report to Congress on such consultations and administrative action by March 15, 1993.

SEC. 411. COMMUNITY VALUES.

(a) For purposes of this section—

(1) "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and shall also include section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(2) "person in the television industry" means a television network, any entity which produces programming for television distribution, including theatrical motion pictures, the National Cable Television Association, the Association of Independent Television Stations, Inc., the National Association of Broadcasters, the Motion Picture Association of America, and each of the networks' affiliate organizations, and television stations and cable television operators licensed to operate in Puerto Rico and shall include any individual acting on behalf of such person; and

(3) "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

(b) The antitrust laws shall not apply to any joint discussion, consideration, review, action or agreement by or among persons in the television industry for the purpose of, and limited to, developing and disseminating voluntary guidelines designed to (1) alleviate the negative impact of violence in telecast material, (2) alleviate the negative impact of illegal drug use in telecast material, and (3) alleviate the negative impact of sexually explicit material in telecast material, and promote local programming in the Commonwealth of Puerto Rico.

(c)(1) The exemption provided in subsection (b) shall not apply to any joint discussion, consideration, review, action, or agreement which results in a boycott of any person.

(2) The exemption provided in subsection (b) shall apply only to activities conducted within thirty-six months after the date of enactment of this Act, but may be extended for other thirty-six-month periods upon declaration by the Governor of Puerto Rico.

SEC. 412. FEDERAL PROPERTIES.

(a)(1) The President shall report to Congress by March 15, 1993, on the Federal properties listed in paragraph (3). The report shall include an assessment of the Federal need for each property, the costs or benefits, or both, of disposal of each property, and the comments of the Government of the Commonwealth of Puerto Rico regarding each property.

(2) Unless the President finds that there is a national interest which requires continued Federal ownership of each property, then he shall provide for the transfer of such properties to the Commonwealth of Puerto Rico according to such terms as he determines to be appropriate with respect to each.

(3) The Federal properties listed in this paragraph are—

(A) Former Stop 7½ Naval Residence;

(B) San Geronimo Quarters;

(C) Custom House in San Juan;

(D) Custom House in Mayaguez;

(E) Custom House in Ponce;

(F) Custom House in Fajardo; and

(G) Coast Guard facility at Puntilla.

SEC. 413. SAN JUAN NATIONAL HISTORIC SITE ADVISORY COMMISSION.

(a) There is hereby established a commission to be known as the San Juan National Historic Site Advisory Commission ("the commission") which shall regularly advise the Secretary of the Interior ("the Secretary") on the operation, management, and administration of the San Juan National Historic Site ("the site").

(b) The commission shall consist of the Governor of the Commonwealth of Puerto Rico (or the Governor's designee), the Director of the National Park Service (or the Director's designee), three members to be appointed by the Governor of the Commonwealth of Puerto Rico, and three members to be appointed by the Secretary. One of the members appointed by the Governor and one member appointed by the Secretary shall serve as cochairpersons of the commission.

(c)(1) Members appointed to the commission by the Governor and the Secretary shall be appointed for a term of four years. A member may serve after the expiration of his term until his successor has taken office.

(2) Any vacancy on the commission shall be filled in the manner the original appointment was made.

(3) Members of the commission shall receive no additional pay, allowances, or benefits as a result of their service on the commission, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this section on vouchers signed by the cochairpersons;

(4) A majority of the members of the commission shall constitute a quorum but a lesser number may hold hearings. Each member of the commission shall be entitled to one vote, which shall be equal to the vote of every other member of the commission.

(5) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the commission.

(d) The Secretary shall from time to time, but at least annually, meet with the commission on matters relating to the planning, management and administration of the site. Such meetings shall be open to the public and shall be held at such times and in such places as to encourage public participation. The commission shall provide the public with adequate notice of such meetings.

(e) The commission shall prepare annually and transmit to the Secretary, the Committee on Energy and Natural Resources of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives, a report containing such information and recommendations regarding the operation, management, and administration of the site as the commission deems desirable, including but not limited to recommendations with respect to the version of the general management plan for the site.

SEC. 414. TAXATION.

(a)(1) Section 936(a)(2)(B) of the Internal Revenue Code of 1986 shall be applied—

(A) in the case of a corporation's 4th taxable year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, by substituting "80 percent" for "75 percent", and

(B) in the case of a corporation's subsequent taxable years, by substituting "85 percent" for "75 percent".

(2) For purposes of paragraph (1), a taxpayer whose 1st taxable year begins after the date of ratification under section 101(e) of the Puerto Rico Status Referendum Act shall be treated as if such taxpayer had such

a taxable year (and subsequent taxable years) in effect on (and after) such date.

(b)(1) In the case of each fiscal year which begins in a calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, notwithstanding section 7652 of the Internal Revenue Code of 1986 and section 4 of the Act of April 12, 1990 (31 Stat. 78), the amount of taxes and customs duties covered into the treasury of Puerto Rico under such sections shall be reduced (but not below zero) by the greater of the basic reduction under paragraph (2) or the excess of—

(A) the amounts payable with respect to such year to Puerto Rico under parts A and E of title IV, title XVI (as in effect before the date of the enactment of Public Law 92–603), and title XIX of the Social Security Act, over

(B) the sum of the amount determined under paragraph (3), plus $161,000,000.

(2) For purposes of paragraph (1), the basic reduction shall be determined in accordance with the following table:

"In the case of the following years to which this subsection applies:	The basic reduction is:
1st	$120,000,000
2nd	$250,000,000
3rd	$325,000,000
4th	$443,000,000
5th and subsequent	$422,000,000

(3) For purposes of paragraph (1)(B), the amount determined under this paragraph is determined in accordance with the following table:

"In the case of the following years to which this subsection applies:	The reduction is:
1st	$0
2nd	$0
3rd	$30,000,000
4th	$80,000,000
5th and subsequent	$101,000,000

(4)(A) In the case of the 5th and following fiscal years to which paragraph (1) applies, there shall be substituted for the $422,000,000 amount in the table under paragraph (2) and for the $101,000,000 amount in the table under paragraph (3), respectively, an amount equal to such amount multiplied by the applicable ratio.

(B) The applicable ratio for any fiscal year is the percentage arrived at by dividing—

(i) the gross national product for the calendar year preceding the calendar year in which the fiscal year begins, by

(ii) the gross national product for the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act.

(C) The gross national product for any calendar year is the last determination of such gross national product published as of October 1 of the succeeding calendar year by the Bureau of Economic Analysis of the Department of Commerce.

SEC. 415. OPERATION OF AND TRANSITION FOR CERTAIN ENTITLEMENTS.

(A)(1) Except as otherwise provided in this subsection, if Commonwealth for Puerto Rico is ratified under section 101(f) of the Puerto Rico Status Referendum Act, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall provide, beginning on January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, and subject to paragraph (2), that no payments be made to the Commonwealth of Puerto Rico under title XVI of hue Social Security Act (as in effect before the date of the enactment of Public Law 92–603), or under titles I, X, or XIV of the Social Security Act, or under title XIX of the Social Security Act unless the Secretary determines that assistance levels applicable to aged, blind, or disabled in Puerto Rico under titles, I, X, XIV, or XVI are set at levels consistent with the levels provided under section 1611(a)(1)(A) and 1611(b)(1) of the Social Security Act adjusted so as not to exceed 50 percent of the per capita income of Puerto Rico as determined on the basis of the most recent reliable data available from the Secretary of Commerce), and under section 1611(a)(2)(A) and 1611(b)(2) of the Social Security Act adjusted so as not to exceed 75 percent of the per capita income of Puerto Rico (as determined on the basis of the most recent reliable data available from the Secretary of Commerce). The Secretary shall promulgate the amounts determined under this paragraph for Puerto Rico at the same time and in the same manner as amounts are promulgated for cost of living adjustments in benefits under section 1617 of the Social Security Act.

(2) Beginning on January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(e) of the Puerto Rico Status Referendum Act, the provisions described in paragraph (1), shall be implemented on a modified basis providing that benefit levels under any of the programs described in paragraph (1) shall after any reduction under the per capita limitation described in paragraph (1) be set at—

(A) 25 percent of the otherwise applicable level in such 2nd calendar year;

(B) 50 percent of such level in the calendar year immediately following such 2nd calendar year; and

(C) 75 percent of such level in the 2nd calendar year following such 2nd calendar year.

(b)(1) Beginning on January 1 of the 2nd calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, Federal funding of the Aid to Families with Dependent Children program provided under part A of title IV of the Social Security Act shall be set at 50 percent of the total cost of providing benefits under such program.

(2) Beginning on January 1 of the second calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, the limitation on expenditures provided for under section 1108 of the Social Security Act shall not apply with respect to expenditures under the Aid to Families with Dependent Children program operated in Puerto Rico.

(c)(1) The Medicaid program provided for under title XIX of the Social Security Act shall continue to operate in Puerto Rico as it is operated on the date of the enactment of this Act, except as may be provided for through agreement of the Government of Puerto Rico and the Secretary.

(2) Beginning on January 1 of the second calendar year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, the limitation on expenditures provided for under section 1108 of the Social Security Act shall not apply with respect to expenditures under the Medicaid program operated in Puerto Rico, except that for the first three fiscal years beginning after the end of the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occur Federal payments to Puerto Rico with respect to title XIX of the Social Security Act shall not exceed an amount equal to $79,000,000, increased by the applicable percentage of the excess of the amount payable without regard to such section 1108 over $79,000,000. The applicable percentage is 25 percent for the 1st such fiscal year, 50 percent for the second such fiscal year, and 75 percent for the third such fiscal year.

(d) The Secretary shall reduce the amounts otherwise payable to Puerto Rico under parts A and E of title IV, title XVI (as in effect before the date of the enactment of Public Law 92–603), and title XIX of Social Security Act with respect to expenditures under such titles for any fiscal year beginning after the end of the calendar year in which the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act occurs to the extent that the sum of such amount exceeds the sum of—

(1) $161,000,000, plus

(2) the amount which, but for the provisions of section 414(b) of this Act, would have been covered over to Puerto Rico for excise taxes and custom duties under the laws in effect as of January 1, 1990, plus

(3) the amount determined under section 414(b)(3) of this Act. The Secretary of the Treasury shall make an annual determination of such amount and provide for appropriate adjustment in such amount as determined for prior years.

(e) The Medicare Hospital Insurance Benefits for the Aged and Disabled program provided for under part A of title XVIII of the Social Security Act shall continue to operate in Puerto Rico as it is operated on the date of the enactment of this Act, except that, the Prospective Payment Assessment Commission shall examine current levels of reimbursement under such part and advise the Secretary within six months of the date of the enactment of this Act as to whether the system in place on the date of the enactment of this Act accurately and appropriately reflects cost differentials between Puerto Rico and the States. The Secretary shall, if such study finds that the system in effect on the date of the enactment of this Act does not accurately reflect such cost differentials, submit to the appropriate committees of Congress within six months of the date of completion of such study a legislative proposal to correct any deficiencies in the reimbursement system.

(f)(1) Except as provided in paragraph (2), in the case of any fiscal year, beginning with the fifth fiscal year beginning after the date of the ratification under section 101(f) of the Puerto Rico Status Referendum Act, Puerto Rico shall be treated as a State for purposes of determining the amount of its allocation of funds under title XX of the Social Security Act.

(2) Notwithstanding section 2003(b) of the Social Security Act, Puerto Rico Shall be responsible for 50 percent of the cost of the allocation of funds described in paragraph (1).

Mr. WALLOP. Mr. President, I join in cosponsorship of this legislation which, if enacted, would provide for a referendum in Puerto Rico on its future political status. The legislation generally reflects the work done in the Senate last Congress and incorporates recommendations which were made either formally or informally by several committees as well as various Members. It also reflects comments which we received from representatives of the three principal political parties in

Puerto Rico. To that extent, I think it fairly poses the issues which the Senate will need to address and resolve prior to enactment. It also fairly presents the issues which will need to be examined in the committee hearings which the chairman plans to hold on this legislation.

I agree with the chairman of the committee that we need to act expeditiously if a referendum is to be conducted this year to avoid the complexities which would attend such a referendum during the campaigns next year during the general elections in Puerto Rico. That objective, however, does not outweigh the need for the Congress to act responsibly on the details of the options which we will present to the residents of Puerto Rico.

In 1979, when the Senate was considering Senate Concurrent Resolution 35 expressing the commitment of the United States to the principle of self-determination, Senator JOHNSTON stated that:

> I sincerely believe that in lieu of this resolution, we should develop the precise terms and conditions for Statehood, Independence, and Commonwealth with all the social, economic, and cultural implications, and lay those alternatives before the Congress. Once the Congress has indicated either the precise terms or parameters for considerations of each status, then the people of Puerto Rico can vote with full assurance that their vote will be implemented by the Congress.

I agree with those sentiments and the history of this legislation last Congress only serves to reinforce my belief that we need to devote both the time and effort to spell out precisely what this vote entails. We should deceive neither the citizens of Puerto Rico nor ourselves. If we are prepared to permit a vote, then we should be prepared to accept the result.

Enactment of this legislation in a responsible and timely fashion will be a daunting task. The sensitivity of the political leadership in Puerto Rico to the nuances of particular words and phrases makes the task all that much more difficult. I would hope that we will be able to avoid becoming embroiled in the local political debate, but we also must be careful to not err in being so general that the courts are left to define what it is that we intended. Our responsibility must be to make it clear exactly what is being offered so that there can be an informed vote in Puerto Rico. Last Congress' consideration of S. 712 made it abundantly clear that each of the three parties in Puerto Rico had expectations which are not realistic.

In making these remarks, I should also mention that I am not endorsing every provision of this legislation. I expect to have a considerable number of questions for not only each of the three parties, but also for the administration. I fully expect that we will have a lively debate both in committee and later on the Senate floor. So there is no misunderstanding, however, I want to make it clear that I fully support the objective of this legislation to bring the issue of a referendum on status options for Puerto Rico before the Senate. What the details of those options will be remains to be seen, and I may very well offer amendments to this legislation after we have concluded the hearing process. I may in the end, as I did a year ago, choose to vote against the resolution. The first choice in the statehood or independence question resides with the 50 States. How they speak will ultimately determine the scope of Puerto Rico's choice.

For the moment, however, I want to congratulate Senator JOHNSTON for his commitment to continue this process. As I indicated earlier, this legislation does fairly present the issues which the Congress needs to consider, and I am hopeful that we will be able to consider it in a timeframe which will permit a referendum to occur this year.

• Mr. MOYNIHAN. Mr. President, I would like to commend my distinguished colleague, Senator JOHNSTON, chairman of the Committee on Energy and Natural Resources, who has today introduced legislation to provide for a referendum on the political status of Puerto Rico. The Senator from Louisiana has been untiring in his efforts, for some 2 years now, to get this legislation passed, which will provide for self-determination for the people of Puerto Rico. It is our solemn duty in the Senate to do so. The referendum is necessary to fulfill the promise made to the Puerto Rican people by every American President since Harry S. Truman: That Puerto Rico is free to choose the nature of its affiliation with the United States.

In January 1989, the heads of the three principle political parties in Puerto Rico sent joint letters to the President, the majority leader of the Senate, and the Speaker of the House asking for a "resolution of the status issue" through a vote of the people of the Commonwealth of Puerto Rico. Shortly thereafter, the President, in his first address to Congress on February 9, 1989, specifically endorsed the proposal, and called upon Congress to take action. He said:

> There's another issue that I've decided to mention here tonight. I've long believed that the people of Puerto Rico should have the right to determine their own political future. Personally, I strongly favor statehood. But I urge the Congress to take the necessary steps to allow the people to decide in a referendum.

Senators JOHNSTON and MCCLURE introduced legislation in April, the Energy Committee conducted extensive hearings in Washington and San Juan, and reported a bill in September 1989. Since the legislation included a number of provisions within the jurisdictions of the Finance and Agriculture Committees, the bill was sequentially referred to those committees. The Finance Committee also held hearings, and reported recommended amendments to the Energy Committee bill in September 1990. The House of Representatives meanwhile passed a very different referendum bill. To the dismay of myself and many others, there was insufficient time in the waning days of the last Congress to get a bill passed in the Senate and reconcile the differences with the House in conference.

The bill introduced today by Senator JOHNSTON has made a number of modifications to the legislation reported by the Energy Committee last year, including the incorporation of the amendments recommended by the Senate Finance Committee.

A number of issues remain to be settled. One has to do with the date of admission to statehood, if that is the status chosen by a majority of Puerto Ricans.

The Energy Committee last year concluded that it was constitutionally permissible for a new State of Puerto Rico to be given a reasonable transition period, during which the special tax provisions affecting the island could be phased out gradually, rather than abruptly terminated upon the effective date of statehood. To provide for a transitional phasing out of existing special tax provisions after the effective date of statehood brings into play the uniformity clause of the U.S. Constitution. Nevertheless, the Energy Committee thought it reasonable—given the generous benefits provided to newly admitted States in the past, no doubt—and not in violation of the Constitution's uniformity clause, to afford Puerto Rico this temporary transitional treatment.

But the issue is not without doubt. The Finance Committee, when considering the statehood option, was persuaded that there was at least a risk that the uniformity clause would be violated by treating a new State differently from others with respect to taxation, for however brief a time. And any subsequent court decision finding a uniformity clause violation could result in an immediate and retroactive termination of the transitional tax relief intended for the statehood option, the committee reasoned. Thus the committee, wishing to provide both for a gradual phase out of Puerto Rico's special tax provisions and a gradual phase in of full Federal entitlements on the island, proposed to postpone Puerto Rico's effective date of admission as a State until the conclusion of a 5-year transition period.

I suggested a compromise to the committee, albeit at the last minute, which sought to meet the constitutional concerns without subjecting the Puerto Rican people to a 5-year delay in achieving full statehood, if they chose that option. I offered an amendment, supported by Finance Chairman BENTSEN, that would have provided for an expedited court test of the constitutionality of the transition treatment for the new State. If it were found constitutional, Puerto Rico would be admitted as a State promptly, and its Representatives and Senators could begin to vote, without further delay. If the transition treatment were found to be unconstitutional, then Puerto Rico would wait to be admitted as a State until the transition period was completed. Though I received the support of the chairman and others, the amendment was defeated, and the Finance Committee's recommendations included the 5-year delay in the statehood admission date.

I continue to hope, however, that some provision can be devised and adopted enabling Puerto Rico, if it chooses statehood, to be received into the Union without a long and frustrating delay. Puerto Ricans may not choose statehood, but if they do, they would not, in my opinion, have to wait 4 or 5 years before receiving it.

As the Senator from Louisiana considers the referendum legislation in his committee, I hope he will give renewed attention to this issue and suggest to the Senate, in the bill his committee reports, a technique by which the Constitution, orderly transition, and the will of the Puerto Rican people may all be served.

In all events, I hope that the Congress will do its duty by Puerto Rico in 1991, and give the people of the island the consequential choice to which they are so fundamentally entitled—the choice of how they shall relate to the United States. I know that my distinguished colleague from Louisiana hopes to move the referendum legislation on an expedited basis, and I will certainly support him in that endeavor. Millions of Eastern Europeans have gained the right of self-determination within the last 2 years. It is imperative that this Congress address and resolve this issue without further delay. As I have affirmed many times before, it is our duty to Puerto Rico, and how we meet it will be watched by the world.●

By Mr. SPECTER:

S. 245. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders; to the Committee on the Judiciary.

TERRORIST DEATH PENALTY ACT

Mr. SPECTER. Mr. President, today I am introducing legislation entitled "Terrorist Death Penalty Act of 1991." Earlier in today's proceedings, when the distinguished majority leader was outlining the business for the Senate for the week, I engaged in a short colloquy with the majority leader concerning this proposed legislation because I had written to him earlier suggesting the possibility that I might add it on to pending legislation because of the importance of this legislation and because of the urgency of its enactment in light of the problem of terrorism against U.S. citizens around the world.

As I said to the majority leader, I had decided not to follow that course but instead to ask for his consideration for a prompt scheduling of this legislation which already has been voted upon by the Senate on a bill which I introduced last year.

I will consult with the distinguished chairman of the Judiciary Committee, Senator BIDEN, and the distinguished ranking Republican on the Judiciary Committee, Senator THURMOND, so that we may coordinate with that committee. That is a committee on which I serve as well.

I believe, Mr. President, we face an unusual threat of terrorism. It may surprise people to know there is no death penalty on the books to impose capital punishment on terrorists who murder a U.S. citizens anywhere in the world, and that is an oversight which ought to be corrected promptly.

This Senator has been working on this issue, Mr. President, since 1985 when I introduced, on July 26, 1985, Senate bill 1108, which would have provided for the death penalty for a terrorist who murders U.S. citizens during a hostage taking.

Then, in 1986, legislation was enacted which I had introduced making it a violation of U.S. law for a terrorist to assault, maim, or murder a citizen of the United States anywhere in the world. For those who may not know of the technical jurisdictional considerations, it is customary that a crime is prosecuted in the jurisdiction where the offense is committed. If a murder occurs in Pennsylvania, it is prosecutable in Pennsylvania. As a matter of United States and international law, the United States may assert jurisdiction for a murder of a U.S. citizens anywhere in the world because of the nexus, the legal word meaning connection, with a U.S. interest in the prosecution of that crime, even though it occurs outside of the United States, on so-called extraterritorial jurisdiction. That was the basis for the 1984 legislation making it a violation of U.S. law to have a hijacking of a U.S. plane or to have a hostage taking of a U.S. citizen, and the extraterritorial jurisdiction was the basis of legislation introduced by this Senator, which was enacted, which makes it a violation of U.S. law to assault, maim, or murder a citizen of the United States anywhere in the world.

Thus, there was a major gap prior to 1986, illustrated by the murders in the Vienna and Rome airports in December 1985 when machineguns were sprayed in those airports and many people were murdered or wounded. We now have as a matter of U.S. law that it is a violation of our laws to murder a citizen of the United States anywhere in the world, but the death penalty is not provided under existing legislation.

On January 25, 1989, Mr. President, this Senator introduced S. 36 providing for the death penalty for terrorists, and then I offered it as an amendment on July 20, 1989, to the 1990 Foreign Relations Authorization Act. At the urging of the majority leader I withheld pressing that amendment and there was a scheduled floor debate on the bill and it was enacted on October 26, 1989 by a vote of 79 to 20.

Unfortunately, last year, the death penalty for terrorists was not agreed to by the House-Senate conference, so it is important, I submit, that the matter be taken up promptly. The issue is especially timely now because we are having terrorist attacks by Iraq against Israel and Saudi Arabia, where missiles are going into civilian population centers like Tel Aviv, and going into civilian population centers in Saudi Arabia. And that is terrorism, pure and simple. It is not a matter of response in a war setting.

Those missile attacks, like the one that struck Tel Aviv yesterday, are aimed at civilian populations, and it is well known that there are many United States citizens who are yet traveling in Israel. They have a legitimate right to do so. Or they are traveling in Saudi Arabia. And should a U.S. citizen be murdered by one of these terrorist attacks, and we could bring the perpetrators to justice in the U.S. courts, we would not have the death penalty.

It should be noted, Mr. President, that it is not fanciful or farfetched to bring the terrorists to trial in U.S. courts, because as I speak, and as the Senate is in session, we have a terrorist, Fawaz Yunis, who was brought back to the United States. He was apprehended by the FBI in the Mediterranean for a terrorist act committed outside the United States, a hijacking, and brought back to the United States for trial. He was convicted and he is now serving in a Federal penitentiary.

U.S. law ought to be available to vindicate U.S. interests if any terrorist attacks a U.S. citizen anywhere in the world. For that act of murder, the death penalty ought to be available. The possible defendants would range anywhere from the individual who pulls the trigger, launches a missile, to the head of state of Iraq and those in between who are responsible for that act.

Beyond the issue of the risk to United States citizens in Israel, for example, or Saudi Arabia, there is the threat of terrorist attacks around the world. It might also be possible that the acts against our prisoners of war may constitute terrorism if death should result to the prisoners of war, where there has been the threat of making them hostages for mobile missile sites.

It is possible that the terrorist laws could even apply to killings of U.S. servicemen under other circumstances. That is a more complicated question of international law and domestic law, as to our terrorism laws when we have the use of force in a war situation.

But there is no question about the applicability of our terrorism laws to the killing, murder, of a United States citizen to be struck by a missile in Israel or in Saudi Arabia.

There is a question, Mr. President, some might raise, about what effect this kind of legislation might have on deterrence. I suggest the apprehension of Fawaz Yunis, who is now in a Federal penitentiary, had a significant effect on terrorists and on Fawaz Yunis himself.

When we had the case of the murder of Colonel Higgins sometime back, and we had Sheik Obeid involved, one of the concerns Sheik Obeid had was coming to a U.S. court or U.S. prison, where there would be no way to buy his way out or maneuver his way out.

Similarly there is the case of Colombian drug terrorists, which is very much in the news today, and United States extradition of those criminals. That is a separate subject and one where the United States, I think, has to press hard to maintain extradition for the drug dealers who send drugs into the United States.

The point I am making now, Mr. President, is limited to the known fact that the Colombian drug dealers are very fearful about landing in a United States court and in a United States jail where they cannot maneuver or buy their way out of that kind of a prosecution. So the aspect of deterrence is present. The aspect of punishment is present. The aspect of vindication is present. These are matters I hope the Senate will act on promptly, and the Congress will act on promptly, because of the immense importance of this issue at the present time.

I have stated very briefly just an overview of some of the aspects here. We are in morning business with limited time available, although there is no other Senator on the floor.

But, so the record may be complete, I will have printed in the RECORD the more extended comments which I made on October 26, 1989, on the consideration of the death penalty for terrorists, on the occasion when it was enacted by the Senate 79 to 20, which sets forth in more detail my reasoning and the precedents on the international legal aspects, and also on the deterrent aspects.

I ask unanimous consent that that statement be printed in the RECORD at the close of my remarks.

I further ask unanimous consent that the text of a Congressional Research Service Issue Brief be printed at the conclusion of my remarks, since this research brief recounts and updates terrorist incidents involving U.S. citizens or property from 1981 to 1990, which was updated as recently as October 9, 1990, and gives a comprehensive picture of the problems of terrorism.

Mr. President, I also ask unanimous consent that a full copy of the text of the bill, the Terrorist Death Penalty Act of 1991, be printed also at the close of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorist Death Penalty Act of 1991".

SEC. 2. DEATH PENALTY FOR TERRORIST ACTS.

(a) OFFENSE.—Paragraph (1) of subsection 2331(a) of title 18 of the United States Code is amended to read as follows:

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;".

(b) DEATH PENALTY.—Section 2331 of title 18, United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense under subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph (3) either—

"(A) intentionally killed the victim;

"(B) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(C) acting with reckless disregard for human life, engaged or substantially participated in conduct which the defendant knew would create a grave risk of death to another person or persons and death resulted from such conduct,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held under paragraph (3), it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(ii) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(iii) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

The jury, or if there is no jury, the court, shall consider whether any other aspect of the defendant's character or record or any other circumstances of the offense that the defendant may proffer as a mitigating factor exists.

"(B) AGGRAVATING FACTORS FOR HOMICIDE.—In determining whether a sentence of death is justified for an offense described in paragraph (1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) DEATH OCCURRED DURING COMMISSION OF ANOTHER CRIME.—The death occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1201 (kidnapping), or section 2381 (treason) of this title, section 1826 of title 28 (persons in custody as recalcitrant witnesses or hospitalized following a finding of not guilty only by reason of insanity), or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n) (aircraft piracy)).

"(ii) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—The defendant—

"(I) during and in relation to the commission of the offense or in escaping apprehension used or possessed a firearm as defined in section 921 of this title; or

"(II) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm, as defined in section 921 of this title, against another person.

"(iii) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

"(iv) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving the importation, manufacture, or distribution of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(v) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense or in escaping apprehension, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"(vi) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(vii) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(viii) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(ix) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"(x) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(xi) TYPE OF VICTIM.—The defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice President-elect, the Vice President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if that official is in the United States on official business; or

"(IV) a public servant who is a Federal judge, a Federal law enforcement officer, an employee (including a volunteer or contract employee) of a Federal prison, or an official of the Federal Bureau of Prisons—

"(aa) while such public servant is engaged in the performance of the public servant's official duties;

"(bb) because of the performance of such public servant's official duties; or

"(cc) because of such public servant's status as a public servant.

For purposes of this clause, the terms 'President-elect' and 'Vice President-elect' mean such persons as are the apparent successful candidates for the offices of President and Vice President, respectively, as ascertained from the results of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2; a 'Federal law enforcement officer' is a public servant authorized by law or by a government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense; 'Federal prison' means a Federal correctional, detention, or penal facility, Federal community treatment center, or Federal halfway house, or any such prison operated under contract with the Federal Government; and 'Federal judge' means any judicial officer of the United States, and includes a justice of the Supreme Court and a magistrate.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty for an offense described in paragraph (1), the attorney for the Government, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, shall sign and file with the court, and serve on the defendant, a notice—

"(i) that the Government in the event of conviction will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors enumerated in paragraph (2) and any other aggravating factor not specifically enumerated in paragraph (2), that the Government, if the defendant is convicted, will seek to prove as the basis for the death penalty.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—When the attorney for the Government has filed a notice as required under subparagraph (A) and the defendant is found guilty of an offense described in paragraph (1), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the Federal Rules of Criminal Procedure. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this paragraph, reconsideration of the sentence under the section is necessary; or

"(iii) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to clause (ii) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to—

"(i) any matter relating to any mitigating factor listed in paragraph (2) and any other mitigating factor; and

"(ii) any matter relating to any aggravating factor listed in paragraph (2) for which notice has been provided under subparagraph (A)(ii) and (if information is presented relating to such a listed factor) any other aggravating factor for which notice has been so provided.

Information presented may include the trial transcript and exhibits. Any other information relevant to such mitigating or aggravating factors may be presented by either the government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the evidence.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in paragraph (2) of this title found to exist and any other aggravating factor for which notice has been provided under subparagraph (A) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in paragraph (2) is found to exist, the court shall impose a sentence other than death authorized by law.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under paragraph (2)(C) is found to exist the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist outweigh any mitigating factor or factors. The jury, or if there is no jury, the court, shall recommend a sentence of death if it unanimously finds at least one aggravating factor and no mitigating factor or if it finds one or more aggravating factors which outweigh any mitigating factors. In any other case, it shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching the juror's individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon the recommendation under paragraph (3)(E) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without the possibility of release or furlough.

(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal of the sentence must be filed within the time specified for the filing of a notice of appeal of the judgment of conviction. An appeal of the sentence under this paragraph may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under paragraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the evidence and information support the special findings of the existence of an aggravating factor or factors;

it shall affirm the sentence.

"(ii) In any other case, the court of appeals shall remand the case for reconsideration under paragraph (3) of this title or for imposition of another authorized sentence as appropriate.

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this paragraph.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(A) IN GENERAL.—A person who has been sentenced to death pursuant to this subsection shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law.

"(B) IMPAIRED MENTAL CAPACITY, AGE, OR PREGNANCY.—A sentence of death shall not be carried out upon a person who is under 18 years of age at the time the crime was committed. A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(i) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(ii) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful or lacks the ability to convey such information to counsel or to the court.

A sentence of death shall not be carried out upon a woman while she is pregnant.

"(C) EMPLOYEES MAY DECLINE TO PARTICIPATE.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this paragraph, if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subparagraph, the term 'participate in any execution' includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"(7) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(8) APPOINTMENT OF COUNSEL.—

"(A) FEDERAL CAPITAL CASES.—

"(i) REPRESENTATION OF INDIGENT DEFENDANTS.—Notwithstanding any other provision of law, this subparagraph shall govern the appointment of counsel for any defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, for an offense against the United States, where the defendant is or becomes financially unable to obtain adequate representation. Such a defendant shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in paragraph (9)(B) has occurred.

"(ii) REPRESENTATION BEFORE FINALITY OF JUDGMENT.—A defendant within the scope of this subparagraph shall have counsel appointed for trial representation as provided in section 3005 of this title. At least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel.

"(iii) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the Government shall promptly notify the district court that imposed the sentence. Within 10 days of receipt of such notice, the district court shall proceed to make a determination whether the defendant is eligible under this subparagraph for appointment of counsel for subsequent proceedings. On the basis of the determination, the court shall issue an order (I) appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel; (II) finding, after a hearing if necessary, that the defendant rejected appointment of counsel and made the decision with an understanding of its legal consequences; or (III) denying the appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation. Counsel appointed pursuant to this clause shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"(iv) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under this subparagraph, at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"(v) APPLICABILITY OF CRIMINAL JUSTICE ACT.—Except as otherwise provided in this subparagraph, the provisions of section 3006A of this title shall apply to appointments under this subparagraph.

"(vi) CLAIMS OF INEFFECTIVENESS OF COUNSEL.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 2255 of title 28, United States Code, in a capital case shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"(B) STATE CAPITAL CASES.—The laws of the United States shall not be construed to impose any requirement with respect to the appointment of counsel in any proceeding in a State court or other State proceeding in a capital case, other than any requirement imposed by the Constitution of the United States. In a proceeding under section 2254 of title 28, United States Code, relating to a State capital case, or any subsequent proceeding on review, appointment of counsel for a petitioner who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Such appointment of counsel shall be governed by the provisions of section 3006A of this title.

"(9) COLLATERAL ATTACK ON JUDGMENT IMPOSING SENTENCE OF DEATH.—

"(A) TIME FOR MAKING SECTION 2255 MOTION.—In a case in which a sentence of death has been imposed, and the judgment has become final as described in paragraph (8)(A)(ii), a motion in the case under section 2255 of title 28, United States Code, must be filed within 90 days of the issuance of the order relating to appointment of counsel under paragraph (8)(A)(iii). The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. A motion described in this paragraph shall have priority over all noncapital matters in the district court, and in the court of appeals on review of the district court's decision.

"(B) STAY OF EXECUTION.—The execution of a sentence of death shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 2255 of title 28, United States Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"(i) the defendant fails to file a motion under section 2255 of title 28, United States Code, within the time specified in subparagraph (A), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"(ii) upon completion of district court and court of appeals review under section 2255 of title 28, United States Code, the motion under that section is denied and (I) the time for filing a petition for certiorari has expired and no petition has been filed; (II) a timely petition for certiorari was filed and the Supreme Court denied the petition; or (III) a timely petition for certiorari was filed and upon consideration of the case, the Supreme Court disposed of it in a manner that left the capital sentence undisturbed; or

"(iii) before a district court, in the presence of counsel and after having been advised of the consequences of his decision, the defendant waives the right to file a motion under section 2255 of title 28, United States Code.

"(C) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subparagraph (B) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"(i) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"(ii) the failure to raise the claim is (I) the result of governmental action in violation of the Constitution or laws of the United States; (II) the result of the Supreme Court recognition of a new Federal right that is retroactively applicable; or (III) based on a factual predicate that could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"(iii) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.".

[From the Congressional Record, Oct. 26, 1989]

Mr. SPECTER. Mr. President, this bill proposes a death penalty for an act of murder by a terrorist against a U.S. citizen anywhere in the world.

Mr. President, the death penalty is a very important weapon in the war against violent crime, generally, which includes the war against drugs and the war against terrorists.

Most people would be surprised to know that there had not been the availability of the death penalty for any Federal crime since 1972, until 1988, when Congress enacted legislation providing for the death penalty for major drug dealers, where death results. That is aside from the Uniform Code of Military Justice.

In 1972, the Supreme Court of the United States, in a landmark decision captioned Furman versus Georgia, the Supreme Court said that the death penalty could not be constitutionally imposed in the absence of mitigating and aggravating circumstances being considered by a jury, in order to eliminate indiscriminate application of the death penalty.

Although there are many Federal offenses traditionally which had called for the death penalty—treason, espionage, murder, assassination of an American President, explosives causing death, train wrecks causing death—the Congress had never been able to bring back the death penalty until 1988 when, in the midst of the great national concern over the drug issue, the death penalty was brought back for that limited item.

Mr. President, I believe that the death penalty is necessary as an important weapon against the war on violent crime, and that it ought to be available on an act like terrorism, resulting in the death of U.S. citizens.

It ought to be available more broadly, but the issue which we have before us at the moment is limited to that one item. When we consider the incidents of terrorism, Mr. President, and recall just a few of the atrocities involving mass murders of U.S. citizens, I think it becomes very apparent why the death penalty is an appropriate penalty.

On December 21, 1988, in the famous Pan Am 103 tragedy, that plane was blown up by a terrorist bomb over Lockerbie, Scotland, and 259 passengers were brutally murdered; 79 of those 259 passengers were women and children, with 189 United States citizens.

On July 31, 1989, Lt. Col. Higgins was reportedly hanged by Hezbollah captors in retaliation for the Sheik Obeid incident, bringing an outraged reaction worldwide. Regrettably, our outrage on incidents like Colonel Higgins and like Pan Am 103 are short lived. We have to continue our focus on them, and see to it that appropriate responses are undertaken.

Mr. President, there is a long line of terrorist activities resulting in deaths of U.S. citizens which, regrettably, tend to be forgotten. I would like to review just a few of them at this moment.

The year of 1985 was a big year for terrorism, and a very serious year for the murder of U.S. citizens as a result of terrorist acts.

On June 14, 1985, a 17-day ordeal occurred on TWA flight 847, where three U.S. citizens were severely and repeatedly beaten by terrorists. Robert Stethem, a Navy diver, was not only savagely beaten, but executed with a shot to his head, his body dumped out of the plane onto the airfield in an egregious and reprehensible act of murder as a result of a terrorist plot.

On October 7, 1985, Leon Klinghoffer, an American citizen, was taking a pleasure cruise on the ship *Achille Lauro*. Mr. Klinghoffer was confined to a wheelchair. He was rolled to the open deck of the cruise ship, *Achille Lauro*, where he was hit in the head and chest by terrorists and his body dumped into the Mediterranean Sea.

On December 27, 1985, at the Rome airport, 15 people were killed, including 5 U.S. citizens, and 73 wounded in a grenade and machinegun attack by the Abu Nidal terrorist organization.

Back in 1973, members of the Black September organization terrorists group murdered the United States Ambassador chargé and the Belgian chargé, after being marched into the basement of the Saudi Embassy and machinegunned to death.

Mr. President, on April 2, 1986, TWA flight 840 was en route to Athens, Greece, a bomb was placed under a passenger seat by terrorists; it exploded, causing four United States citizens, including a mother and her infant child and the child's grandmother, to be sucked out of the aircraft, falling to their deaths.

Later that year, Mr. President, on September 5, 1986, Pan Am 73 at Karachi, Pakistan, was held by terrorists for 17 hours; gunmen indiscriminately exploding grenades and firing machineguns; 21 people died, 100 people were wounded, two United States citizens were killed.

Mr. President, as a result of the escalating problems of terrorism, the Congress of the United States has responded by moving for what we call extraterritorial jurisdiction, which is a unique approach in the fight against worldwide crime, including terrorism and including drug activities.

Customarily, the case is tried in the jurisdiction which takes control of a criminal matter in the locale where it occurs. If there is a murder in Pennsylvania, the incident is tried in Pennsylvania, customarily in the county, until there is a change of venue. But some offenses have been so notorious and so troublesome that nations have legislated to undertake what we call extraterritorial jurisdiction.

The first time that was done by the United States was in the Omnibus Crime Control Act of 1984, where we made it a violation of United States law for terrorists to take hostages or to hijack U.S. planes. That law was augmented in 1986 by legislation which this Senator introduced, which makes it a violation of U.S. law to attack, maim, or murder a U.S. citizen anywhere in the world. That was in response to serious gaps in the legislation from the 1984 Omnibus Crime Control Act. For example, we saw the murders in the Vienna and Rome airports in December 1985.

So, Mr. President, the United States of America has made a forceful declaration that we are not going to rely upon the laws of any nation where U.S. citizens may be victimized by terrorism. We are going to make it a violation of United States law, and we are going to enforce laws of the United States where Americans are victimized.

It was pursuant to that extraterritorial jurisdiction that Fawaz Yunis was brought to the United States on a daring James Bond type of maneuver, where Yunis was lured onto a fishing boat in the Mediterranean on a very unique act of law enforcement by FBI agents, far beyond the territorial limits of the United States. Yunis was brought back to the United States where he was tried, convicted, and sentenced to 30 years in jail.

Mr. President, I suggest that the time has come to specify that where death results to a U.S. citizen as a result of an act of a terrorist anywhere in the world, that it is appropriate that the jury should have the option of imposing the death penalty on that kind of a henious act.

If we are able to bring to justice the perpetrators of the Pan Am bombing, who could doubt that, in a context where 259 people are ruthlessly murdered, it would be appropriate to have the jury have the option of imposing the death penalty?

Who could deny that in a case like the brutal murder of Robert Stethem after being beaten, executed and tossed onto the tarmac, that the jury ought to have the option of imposing the death penalty, or, in the case of Leon Klinghoffer, or in the case of many, many incidents where U.S. citizens have been victimized by terrorism?

I am not saying, Mr. President, that the death penalty has to be imposed. That is the province of the jury under U.S. constitutional law. One great thing about the United States of America is whoever the defendant is, in our court he receives a full range of constitutional rights. For example, when Fawaz Yunis was brought into the United States for prosecution, the United States accorded him an opportunity to challenge his confession, to challenge the prosecution procedures, to challenge the way he was treated, considerations which Yunis and other terrorists would never dream of according their victims. So it is a matter for jury discretion, and it might be necessary on some extradition matters to make a commitment not to impose the death penalty.

When the United States was negotiating to try to get Hamadi back to the United States for trial for the murder of Stethem, the commitment was made by our State Department that we would not seek the death penalty. The fact was, really, we did not have the death penalty available to us. We could not impose it ex post facto. The death penalty was not in existence. This ought to be an option and ought to be a remedy and ought to be available when evaluating the propriety of the punishment of death.

Mr. President, it is not an easy matter, and there are many who have conscientious scruples against the death penalty, and I respect that. But I believe in a fair evaluation of what is appropriate, what may serve as a deterrent and what is in society's interest, that the death penalty ought to be available for certain kinds of outrageous, heinous, reprehensible acts.

I believe, Mr. President, that the death penalty has to be very carefully used.

When I served as district attorney of Philadelphia, from 1966 through 1974, it was my policy to review personally every case where the death penalty was to be requested. Out of some 500 homicides a year in the city of Philadelphia, the death penalty was requested in a very limited number of cases. A strict standard was applied because I felt it was necessary to be very, very restrained in the use of the death penalty, as a matter of fairness and also as a matter of retention of the death penalty. I do not think that it can be overused.

Chief Justice Earl Warren is one of the most noted of the American jurists, widely respected for his broad view of civil rights. In 1958, when he considered the issue of the death penalty and its constitutionality in the case of Trop versus Dulles, Chief Justice Warren said the following:

"At the outset let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment both on moral grounds and in terms of accomplishing the purpose of punishment, and they are forceful, the death penalty has been employed throughout our history and, in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty."

The death penalty was considered at length, Mr. President, in the 1976 decision of Gregg versus Georgia, and in the learned opinion filed by Justice Potter Stewart, joined in by Justice Powell and Justice Stevens, there are some very illuminating descriptions of the purpose of the death penalty, its proportionality, and its justification.

Justice Stewart wrote as follows:

"Indeed, the decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death."

He wrote further:

"In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is essential in an ordered society that asks it citizens to rely on legal processes rather than self-help to vindicate their wrongs."

Justice Stewart quotes from Lord Justice Denning, Master of the Rolls of the Court of Appeal in England, when Lord Justice Denning spoke to the British Royal Commission on capital punishment, as follows:

"Punishment is the way in which society expresses its denunciation of wrong doing: and in order to maintain respect for law, it is essential that the punishment inflicted for grave crimes should adequately reflect the revulsion felt by the great majority of citizens for them. It is a mistake to consider the objects of punishment as being deterrent or reformative or preventive and nothing else. The truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrong-doer deserves it, irrespective of whether it is a deterrent or not."

Mr. President, I will come in a moment to some of the other considerations on capital punishment such as its deterrent effect, but I believe that it is both fair and accurate to say that, on basic concepts of fairness and basic concepts of justice, the death penalty is fair in certain kinds of egregious cases like murder resulting from the act of terrorism.

I think it appropriate at this time, to discuss the second aspect of society's interest in the death penalty, and that is as a deterrent.

Again a good starting point is the comprehensive and erudite opinion of Justice Stewart in Gregg versus Georgia, where he summarizes in a few words a great body of the raging debate on whether capital punishment is or is not a deterrent, and Justice Stewart said this:

"Although some of the studies suggest that the death penalty must not function as a significantly greater deterrent than lesser penalties, there is no convincing empirical evidence either supporting or refuting this view. We may, nevertheless, assume safely that there are murderers, such as those who act in passion, for whom the threat of death has little or no deterrent effect. But for many others, the death penalty undoubtedly is a significant deterrent. There are carefully contemplated murders, such as murder for hire, where the possible penalty of death may well enter into the cold calculus that precedes the decision to act. And there are some categories of murder, such as murder by life imprisonment where other sanctions may not be adequate."

Mr. President, I think it is hard to deny the necessity for an additional penalty for someone serving life imprisonment. If a lifer faces no penalty beyond an additional sentence for life, he can only obviously do one sentence, why not murder a guard or another prisoner when no other penalty is present?

I think, too, Mr. President, that capital punishment is a deterrent just as Justice Stewart outlines it. There are statistics and there are studies on both sides of this issue.

A very interesting study by Prof. Steven Gabison, an econometric analyst comes to the conclusion, after studying some 7,092 executions between 1900 and 1985, that approximately 125,000 innocent lives have been saved by the death penalty.

These studies, Mr. President, go both ways. But I am personally convinced that the death penalty is a deterrent based upon substantial experience that I have had as a prosecuting attorney, cases where hoodlums did not take along a weapon where they were about to undertake a robbery because they were worried about the possibility of the death penalty; professional criminals, burglars, robbers, who made forceful statements about their concern about the death penalty.

There was one very unique opinion—it is a dissenting opinion—when the Supreme Court of California was badly divided on a case of capital punishment, and the majority reversed the death penalty but three of the justices came to the conclusion that the death penalty should have been imposed. And an opinion by Justice McComb written in 1961 is unique in setting out some 14 cases where criminals stated that they did not take along a weapon or they were concerned about killing because the death penalty might result.

Mr. President, I ask unanimous consent that the full text of this dissenting opinion be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Gibson, C. J., and Peters, White and Dooling, JJ., concur.

McComb, Justice.

I dissent.

First: I do not believe that the district attorney's argument to the jury constituted prejudicial misconduct.

In my opinion, it is a matter of common knowledge that the death penalty is a deterrent, because:

(a) Christians and Jews from the beginning of recorded history have recognized that the death penalty is a deterrent to murder.

This is demonstrated by the fact that, according to the account contained in the Old Testament (see New American Catholic Edition, The Holy Bible (1950), the Lord spoke to Moses and said: "He that striketh and killed a man: dying let him die." (Leviticus 25, verse 17.) "If any man strike with iron, and he die that was struck: he shall be guilty of murder, and he himself shall die. If he throw a stone, and he that is struck die: he shall be punished in the same manner. If he that is struck with wood die: he shall be revenged by the blood of him that struck him. * * * These things shall be perpetual, and for an ordinance in all your dwellings. * * * You shall not take money of him that is guilty of blood: *but* he shall die forthwith." (Numbers 35, verses 16–31.)

(b) In the early history of the western states of the United States of America, including California, the death penalty was imposed by the early settlers to stop the rustling of cattle. It is a matter of common knowledge that in the early days of this state the apprehension and hanging of cattle rustlers reduced, and almost stopped, the theft of cattle.

(c) In the early history of San Francisco, law enforcement broke down and chaotic conditions prevailed. A group of citizens, known as the Vigilantes, undertook to restore order. To do this, they apprehended criminals and after trial promptly executed the guilty parties. Order was restored, and the civil authorities assumed control again. Clearly fear of the death penalty was the basic reasons for the restoration of order.

(d) Any prosecuting attorney or criminal defense attorney or any trial judge who has sat for a substantial period in a department of the superior court devoted to the trial of felony cases knows that many felons are careful to refrain from arming themselves with a deadly weapon because they do not want to take the chance of killing anyone and suffering death as a penalty.

A few recent examples of the accuracy of this view are to be found in the following cases involving persons arrested by officers of the Los Angeles Police Department:[1]

(i) Margaret Elizabeth Daly, of San Pedro, was arrested August 28, 1961, for assaulting Pete Gibbons with a knife. She stated to investigating officers: "Yeh, I cut him and I should have done a better job. *I would have killed him but I didn't want to go to the gas chamber.*"

(ii) Robert D. Thomas, alias Robert Hall, an ex-convict from Kentucky; Melvin Eugene Young, alias Gene Wilson, a petty criminal from Iowa and Illinois; and Shirley R. Coffee, alias Elizabeth Salquist, of California, were arrested April 25, 1961, for robbery. They had used toy pistols to force their victims into rear rooms, where the victims were bound. When questioned by the investigating officers as to the reason for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, *as if someone were killed in the commission of the robberies, they could all receive the death penalty.*

(iii) Louis Joseph Turck, alias Luigi Furchiano, alias Joseph Farino, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested May 20, 1961, for robbery. He had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and said, when asked why he had only simulated a gun, *"I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."*

(iv) Ramon Jesse Velarde was arrested September 26, 1960, while attempting to rob a supermarket. At that time, armed with a loaded .38 caliber revolver, he was holding several employees of the market as hostages. He subsequently escaped from jail and was apprehended at the Mexican border. While being returned to Los Angeles for prosecution, he made the following statement to the transporting officers: "I think I might have escaped at the market if I had shot one or more of them. *I probably would have done it if it wasn't for the gas chamber.* I'll only do 7 or 10 years for this. I don't want to die no matter what happens, you want to live another day."

(v) Orelius Mathew Stewart, an ex-convict with a long felony record, was arrested March 3, 1960, for attempted bank robbery. He was subsequently convicted and sentenced to the state prison. While discussing the matter with his probation officer, he stated: "The officer who arrested me was by himself, and if I had wanted, I could have blasted him. *I thought about it at the time, but I changed by mind when I thought of the gas chamber.*"

(vi) Paul Anthony Brusseau, with a criminal record in six other states, was arrested February 6, 1960, for robbery. He readily admitted five holdups of candy stores in Los Angeles. In this series of robberies he had only simulated a gun. When questioned by investigators as to the reason for his simulating a gun rather than using a real one, he replied that *he did not want to get the gas chamber.*

(vii) Salvador A. Estrada, a 19-year-old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officers: "I want to ask you one question, do you think they will repeal the capital punishment law. *If they do, we can kill all you cops and judges without worrying about it.*"

(viii) Jack Colevris, a habitual criminal with a record dating back to 1945, committed an armed robbery at a supermarket on April 25, 1960, about a week after escaping from San Quentin Prison. Shortly thereafter he was stopped by a motorcycle officer. Colevris, who had twice been sentenced to the state prison for armed robbery, knew that if brought to trial, he would again be sent to prison for a long term. The loaded revolver was on the seat of the automobile beside him and he could easily have shot and killed the arresting officer. By his own statements to interrogating officers, however, *he was deterred from this action because he preferred a possible life sentence to death in the gas chamber.*

(ix) Edward Joseph Lapienski, who had a criminal record dating back to 1948, was arrested in December 1959 for a holdup committed with a toy automatic type pistol. When questioned by investigators as to why he had threatened his victim with death and had not provided himself with the means of carrying out the threat, he stated, *"I know that if I had a real gun and killed someone, I would get the gas chamber."*

(x) George Hewitt Dixon, an ex-convict with a long felony record in the East, was arrested for robbery and kidnaping committed on November 27, 1959. Using a screwdriver in his jacket pocket to simulate a gun, he had held up and kidnaped the attendant of a service station, later releasing him unharmed. When questioned about his using a screwdriver to stimulate a gun, this man, a hardened criminal with many felony arrests and at least two known escapes from custody, indicated his fear and respect for the California death penalty and stated, *"I did not want to get the gas."*

(xi) Eugene Freeland Fitzgerald, alias Edward Finley, an ex-convict with a felony record dating back to 1951, was arrested February 2, 1960, for the robbery of a chain of candy stores. He used a toy gun in committing the robberies, and when questioned by the investigating officers as to his reasons for doing so, he stated: "I know I'm going to the joint and probably for life. *If I had a real gun and killed someone, I would get the gas. I would rather have it this way.*"

(xii) Quentin Lawson, an ex-convict on parole, was arrested January 24, 1959, for committing two robberies in which he had simulated a gun in his coat pocket. When questioned on his reason for simulating a gun and not using a real one, he replied that *he did not want to kill someone and get the death penalty.*

(xiii) Theodore Roosevelt Cornell, with many aliases, an ex-convict from Michigan with a criminal record of 26 years, was arrested December 31, 1958, while attempting to hold up the box office of a theater. he had simulated a gun in his coat pocket, and when asked by investigating officers why an ex-convict with everything to lose would not use a real gun, he replied, *"If I used a real gun and shot someone, I could lose my life."*

(xiv) Robert Ellis Blood, Daniel B. Gridley, and Richard R. Hurst were arrested December 3, 1958, for attempted robbery. They were equipped with a roll of cord and a toy pistol. When questioned, all of them stated that *they used the toy pistol because they did not want to kill anyone, as they were aware that the penalty for killing a person in a robbery was death in the gas chamber.*

(e) The people of the State of California have, through their Legislature, on many occasions considered whether the death penalty should be abolished in this state—this as recently as the 1961 session of the Legislature—and in each instance have come to the conclusion that the death penalty is a deterrent and have retained it. Therefore, the judiciary of this state is bound to follow the legally expressed will of the sovereign people of the State of California.

Second: Defendant did not object to the prosecutor's statements. Therefore, he cannot raise the issue of their propriety on appeal unless they were of such character that the error could not have been cured by prompt admonition and instructions of the trial court. (People v. Hampton, 47 Cal. 2d 239, 240 [3], 302 P.2d 300.) In my opinion, any alleged prejudice could have been cured by a prompt request for, and the giving of, an admonition and instruction by the trial judge.

Third: In my opinion, the trial judge properly exercised his discretion in denying the motion for a new trial on the penalty phase.

Any judge or attorney who has had trial court experience knows that a trial judge is not always familiar with all the procedural law at the outset of the trial of a case. This is particularly true at the present time and is in part due to the ever-changing rules of law. This view was recently expressed by Hon. Evelle J. Younger, of the Los Angeles Superior Court, in an address which he delivered before the Lawyers Club. The following report on Judge Younger's remarks appeared in one of the Los Angeles legal newspapers: "* * *.

"As an example Judge Younger noted the recent changes in the rules on admissibility of evidence obtained by illegal search and seizure. 'We have just recently run the gamut from the common law rule that such evidence was admissible in Federal or State courts regardless of how obtained, if of probative value, to absolute exclusion.' The latest rule of absolute exclusion was handed down this year in the case of Dolly Mapp. [Dollree Mapp v. Ohio, 364 U.S. 868, 81 S.Ct. 111, 5 L.Ed.2d 90].

"The result of these changes is that it becomes increasingly difficult for local peace officers to determine what are, and what are not, allowable procedures in 'coping with mounting criminal activity.' An arrest, he stated, cannot be justified if it shocks the conscience—but whose conscience is the determining factor? 'Not the community's. Not the Police Chief's. * * * We are talking about the conscience of the Ninth Member of the United States Supreme Court. And, we are not talking about his conscience yesterday; we are talking about his tomorrow's conscience.'

"If judges and legal scholars have difficulty in defining due process, one can sympathize with the lonely policeman patrolling his beat who is expected to make legally correct split-second decisions, he commented.

"* * * * *

"The speaker concluded by reiterating, 'We must zealously guard the rights of individuals; but in protecting the individual charged with crime we should never lose sight of the rights of society.'" (Metropolitan News, Vol. XXXIX, No. 152 (8/31/61); The Los Angeles Daily Journal, Vol. LXXIV, No. 175 (9/1/61).

The result is that a trial judge must rely to a large measure upon the information furnished him by the attorneys appearing before him. In the present case this was done. After the trial judge expressed doubts as to his authority to reweigh the evidence following the jury's fixing of the death penalty, counsel for the defendant pointed out to him that he did have such authority. Whereupon the judge accepted the view that he had authority on the motion for a new trial to reweigh the evidence as to the application of the death penalty. He then stated that assuming he had such authority, he would deny the motion, as the penalty was properly imposed, and that this view was supported by the fact that three juries had imposed the death penalty for the crime of which the defendant was convicted.

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[1] The cases cited are taken from the records on file in the Los Angeles Police Department.

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The problem presented is not a mere academic one. The people of this state are faced with an extremely important situation.

I would affirm the judgment and the order denying the motion for a new trial.

Schauer, Justice (dissenting).

I concur in the conclusions stated by Mr. Justice McComb and in his reasoning. I find it necessary, however, to emphasize my differences with the majority opinion.

I can understand with the majority that there is a reasonably debatable question as to whether the record affirmatively and satisfactorily shows that the trial court performed its full duty to independently weigh the evidence as required by People v. Borchers (1958) 50 Cal.2d 321, 328 [1, 2], 330 [9, 10], 325 P.2d 97 and People v. Moore (1960) 53 Cal.2d 451, 454 [2], 2 Cal.Rptr. 6, 348 P.2d 584. However, construing the record favorably to affirmance, as is the duty of a reviewing court, I am satisfied with Justice McComb's conclusion that the judgment should be affirmed.

The reversal of a judgment in a case of this character (and this is a second reversal in the same case) even when clearly required under established law, is in itself a serious matter. But far transcending the importance of the reversal in adverse effect on law enforcement, are certain pronouncements in the opinion (hereinafter quoted) which, whether so intended or not, constitute an attack on the death penalty. I cannot find justification in fact or in law for the majority's criticism of the prosecutor's argument to the jury regarding the death penalty or for the pronouncements which constitute an undermining attack on that penalty.

The majority relate that "For the third time a jury has fixed defendant's penalty at death for the murder of his wife * * *. [After the first trial] the trial court granted a new trial on the ground of newly discovered evidence, and we affirmed. [Citation.] Defendant was again * * * found guilty * * *; again the jury fixed the penalty at death. We affirmed the judgment as to the adjudication that defendant is guilty of murder of the first degree and was sane * * *. We reversed [McComb, J., and Schauer, J., dissenting] * * * as to the imposition of the death penalty because of the admission of evidence tending to inflame and prejudice the jury. (People v. Love [1960] 53 Cal.2d 843 [3 Cal.Rptr. 665, 350 P.2d 705].)"

The order of the majority in the above referred to reversal is as follows (page 858 of 53 Cal.2d, at page 674 of 3 Cal.Rptr., at page 714 of 350 P.2d): "The judgment is reversed as to the imposition of the death penalty, and the cause is remanded for retrial and redetermination of the question of penalty only and for the pronouncement of a new sentence and judgment in accordance with such determination and the applicable law." The applicable law includes the provision of section 190.1 of the Penal Code, that "Evidence may be presented at the further proceedings on the issue of penalty, of the circumstances surrounding the crime, of the defendant's background and history, *and of any facts in aggravation of mitigation of the penalty*. The determination of the penalty of *life imprisonment or death* shall be * * * *on the evidence presented* * * *." (Italics added.)

Yet today the majority rule that (ditto, p. 9 [16 Cal.Rptr. 781, 366 P.2d 37]) "Since it appears, * * * that the prosecutor committed prejudicial misconduct in arguing the deterrent effect of the death penalty to the jury, the judgment * * * must be reversed."

What possible rationality can be found in the provision of section 190.1 that "Evidence may be presented * * * on the issue of penalty * * * and of *any facts in aggravation or mitigation* of the penalty" if evidence and argument cannot be addressed to what is then the sole issue in litigation? What can the words "Evidence * * * in aggravation or mitigation of the penalty" mean if they do not relate to a basis for selecting as between the more drastic penalty—the greater deterrent—and the mitigated one of imprisonment?

I agree with the majority that (p. 2 of ditto [16 Cal.Rptr. 779, 366 P.2d 35]) "The court did not err in dismissing defendant's subpoena for Governor Brown and Warden Duffy. * * * He had subpoenaed Governor Brown to elicit his views on capital punishment. The penalties for first degree murder have been fixed by the Legislature. (Pen.Code, §190.) The wisdom or deterrent effect of those penalties are for the Legislature to determine and are therefore not justifiable issues. [Manifestly the Legislature has made the determination.] Hence evidence as to these matters is inadmissible." Certainly the above holding is correct. But most assuredly no inference can properly be drawn from that holding that the Legislature has left any doubt that on its findings and in its judgment both the death penalty—for its greater deterrent effect, particularly in aggravated cases—and so-called life imprisonment—with its lesser effect for mitigated cases—are essential for the protection of society in California.

But in contrast to the law the majority go on to assert that the judgment here must be reversed and remanded for a new (fourth) trial on the issue of penalty because: "[The prosecutor] stated as a fact the vigorously disputed proposition that capital punishment is a more effective deterrent than imprisonment." Would "vociferously" perhaps be a more accurate adverb than "vigorously"? And since, as the majority already had held, the Legislature has fixed the penalties for first degree murder and they "are therefore not justiciable issues," why should the prosecutor not accept the findings of the Legislature and the law as to the two alternative penalties, exactly as he did, and offer evidence and argument pertinent to the jury's performance of duty, as clearly contemplated by the Legislature in its enactment of Penal Code, sections 190 and 190.1?

The majority continues: "The Legislature has left to the absolute discretion of the jury the fixing of the punishment for first degree murder [i.e., without any control by the judge of *their* discretion but, of course, presumably rationally in the light of the evidence]. [Citation.] *There is thus no legislative finding, and it is not a matter of common knowledge, that capital punishment is or is not a more effective deterrent than imprisonment.*" The italicized pronouncement, in my view, is obnoxious to fact and law. Unsupported by statute or prior decision, it is a blow which appears to be aimed directly against rational application, and therefore toward ultimate abolition, of the death penalty. If the quoted italicized pronouncement were true—that there is neither legislative finding nor common knowledge "that capital punishment is or is not a more effective deterrent than imprisonment" then, of course, the death penalty should be abolished.

Further implementing its tenet the majority opinion continues: "Since evidence on this question [presumably evidence in aggravation or mitigation of penalty as contemplated by Penal Code, section 190.1] *is inadmissible*, argument thereon by prosecution or defense could serve no useful purpose, is apt to be misleading, and is therefore improper. It is true that in People v. Friend [1957] 47 Cal.2d 749, 766–768, 306 P.2d 463, we stated that counsel could advance 'arguments as to which penalty will better serve the objectives of punishment' and listed deterrence of crime as one of those objectives. To the extent that People v. Friend is inconsistent with our conclusion herein it is overruled." (Italics added.)

By the above quoted holdings the majority in effect place the prosecutor in a forensic strait jacket as to argument for the greater deterrent. Those holdings also effectually emasculate the provision of Penal Code, section 190.1, for the taking of evidence to aid the jury in making an intelligent and informed selection as between the alternative, but by no means equal, penalties of death or imprisonment. In so doing it appears to me that the majority action trenches upon an invasion of the legislative province in disregard of the distribution of powers prescribed by California Constitution, article III, section 1. (Compare Muskopf v. Corning Hospital Dist. (1961) 55 Cal.2d 211, 213–221, 11 Cal.Rptr. 89, 359 P.2d 457; see also dissenting opinion, pp. 221–224; Civ. Code, §22.3; Stats. 1961, ch. 1404, p. 3209). To the same end today's majority also disregard the doctrine of *stare decisis* in overruling (as above quoted) the decisional law which admittedly had bound the trial court at the time of trial.

Although overruling the cited decision the majority rely on it as a basis for reversal. They say "That decision [Friend (1957)], however, was binding on the trial court at the time this case was tried, and it would have been an idle act for defendant to object in the trial court to the prosecutor's argument that capital punishment is a more effective deterrent than imprisonment. He is therefore not precluded from raising the question for the first time on appeal." The trial court thus is reversed for following the law as it existed at the time of trial—*and as it also existed at the time of this court's first reversal of the judgment and remand "for retrial and redetermination of the question of penalty only.*"

Actually the correct rules, as had been held by this court in the Friend (1957) decision, relative to the selection of penalty (as between death and so-called life imprisonment) are stated or indicated in the now overruled case. Insofar as appears proper to be quoted here, the opinion in that case declares (page 764 [8] of 47 Cal.2d at page 472 of 306 P.2d): "We note * * * that the trend is toward the more liberal admission of evidence pertinent only to the selection of penalty. For example, if has become established practice to advise the jury *of the facts* concerning the possibilities of pardon, commutation, parole, etc. [Citations.] Obviously, *the law* pertaining to pardons, commutations and paroles has not the slightest relevancy to the issue of guilt; it is pertinent only as a *fact* which may be considered in selecting the penalty to be imposed; i.e., it is evidence which may be considered as relevant to the 'aggravation' or 'mitigation' of punishment in the sense in which those terms have been used in relation to the selection of penalty. * * * [Page 767 [13], 306 P.2d at page 474.] They [the jury] should be told * * * that beyond prescribing the two alternative penalties the law itself provides no standard for their guidance in the selection of the punishment; * * * that in deciding the question whether the accused should be put to death or sentenced to imprisonment for life it is within their discretion alone to determine, each for himself, how far he will accord weight to the considerations of the *several objectives of punishment*, of the *deterrence of crime*, of the *protection of society*, of the *desirability of stern retribution, or of sympathy or clemency*, * * *" (Italics in last sentence added.) We pointed out also that (footnote 8, page 766, 305 P.2d at page 474) "For some years many courts and writers on criminal law and penology have held that the purpose of legally adjudicated punishment is not *or* should not be vengeance, but rather *deterrence* of the offender and *other prospective offenders* from crime, * * *" (Italics added.) All of the foregoing, the majority today brush aside.

Regardless of individual preferences among the justices I deem it to be the duty of this court to accept the fact that the Legislature has determined that the death penalty, in the cases wherein it is prescribed, is the strongest deterrent against the commission of such crimes. The fact that the jury (or the trial judge) has a final power of determination as to whether the death penalty or life imprisonment shall be imposed in a given case is of course *not* a legislative determination that life imprisonment is an equally strong deterrent. It merely shows the concern of the Legislature that liability to suffer the strongest deterrent be surrounded by the strongest safeguards for the accused. Even as the death penalty is the strongest deterrent against murder, so is it also the most effective protector of the lives of the victims of those who deliberately choose the commission of crimes of violence as a profession.

That the ever present potentially in California of the death penalty, for murder in the commission of armed robbery,[1] each year saves the lives of scores,[2] if not hundreds of victims of such crimes, cannot I think, reasonably be doubted by any judge who has had substantial experience at the trial court level with the handling of such persons. I know that during my own trial court experience, which although not extensive in criminal law, included some four to five years (1930–1934) in a department of the superior court exclusively engaged in handling felony cases, I repeatedly heard from the lips of robbers—some amateurs (no prior convictions), some professionals (with priors)—substantially the same story: "I used a toy gun [or a simulated gun or a gun in which the firing pin or hammer had been extracted or damaged] because I didn't want my neck stretched." (The penalty, at the time referred to, was hanging; death by lethal gas was substituted in 1941.)

I, of course, recognize that there are persons who in all sincerity urge that the death penalty be abolished. They point to the cases which reach the courts and say: "See, it has not deterred the commission of these crimes." Certainly the potentiality of the penalty is not 100 per cent effective as a deterrent *as to all criminals*. But it would be absurd to claim that because it did not deter *all* it did not deter *any*. As to each victim of each armed robbery whose life is spared because that one robber was deterred from killing, I dare say that the victim and his loved ones would not quibble over the percentage of the deterrent's efficacy.

There are also persons who entertain a conscientious scruple against *any* taking of human life. When a person who conscientiously believes that the state should never take a human life is called upon to take part in the operation of a death penalty law he, understandably—being conscientious in duty as well as in personal conviction—will suffer grieveously. Whether he shall advocate repeal of the law would be one thing; urging forbearance of execution might be another. But regardless of whether a person has or has not any official connection whatsoever with law enforcement, and whether he realizes it or not, the death penalty law is a matter of importance to his safety. Whether any citizen would urge amendment of the law to make its application more swift and sure, or would repeal it altogether, or change it otherwise, the decision he makes should be of grave concern to him—and to his neighbors. Certainly each person must live with his own conscience. It is, however, to be hoped that his decision, as to any action affecting the death penatly which is motivated by conscience, will be an enlightened decision; that the decision he makes will be more than superficially consistent with his true objective. To make such a decision requires thinking—and information. By information, I mean facts, not theories. Probably all of us who have thought on the subject—and particularly those of us who have some responsibility in these cases (even as remote as it is at the appellate level)—devoutly wish that the death penalty were no longer necessary. But we have not yet reached the state which Sir Thomas More envisioned. Until a Utopian government has become reality, organized society (if it is to exist) must continue on the posit of free will and personal responsibility for one's choices of action (see People v. Gorshen (1959) 51 Cal.2d 716, 724, 336P.2d 492) with sanctions for crimes appropriate to their gravity. A good government owes protection to its law abiding citizens.

Let us consider further this business of armed robbery. It is much more profitable, ordinarily, than burglary but it entails more risk. Robbery means facing the victim and taking the property "from his person or immediate presence * * * against his will, accomplished by means of force or fear." (Pen.Code, § 211). The victim (if not blind and deaf) is a potential witness. Robbery is "in the first degree" if "perpetrated by torture or by a person being armed with a dangerous or deadly weapon. * * *" (Pen.Code, § 211a). Other kinds of robbery are of the second degree. Robbery in the first degree is punishable "by imprisonment in the state prison * * * for not less than five years;" that of the second degree, by like imprisonment "for not less than one year." [Pen.Code, § 213]. The *maximum in both cases is life imprisonment.* Few, if any, law respecting people would contend that these sentences, particularly in view of the early parole probabilities, are too severe.

The risk of undergoing such a sentence is just as much a calculated risk of the professional robber as is the risk of deflation (or competition) a calculated risk of the conventional businessman. But the robber can do one thing that will vastly decrease the risk of identification and conviction: he can eliminate the known witnesses—the victims he robs. To accomplish any robbery he must at least make a show of force and induce fear; and for that reason he usually carries a gun—or something that looks like a gun. It cannot be validly disputed that the choice as to which he carries—a gun or what looks like a gun—is in case after case controlled solely by his respect for the death penalty. If the punishment he risks for robbery is to be imprisonment—and only imprisonment, even if he eliminates the only witness—it would seem inevitable that the incentive to kill would be greatly increased. The greater chance of escaping any punishment would, in the minds of some at least, outweigh the slighter risk of having the term increased. Many a robber who would take the risk of a longer term would absolutely shun any plan which substituted death for imprisonment.

And now I return to the subject of conscientious scruples against the execution of a human being. From what has already been said it must be obvious that I understand that it would be poignantly desirable (in the faithful performance of their law enforcement duties) for jurors and trial judges particularly, and also for justices of courts of review, and governors or other officers having the power of commutation, if the death penalty were abolished. But I comprehend also that it would be tragically undesirable to the families of the innocent victims who would die violently as a result.

Because of what my own eyes have seen and my ears have heard I cannot doubt the efficacy of the death penalty as a savior of the lives of victims of robbers, kidnapers, burglars, and criminals of similar dispositions. But if there were doubt in my mind I should resolve it in favor of protecting the innocent victims of the future rather than sparing the guilty killers of the past.

Inasmuch as today's majority opinion (1) may well be construed as at least approaching an invitation to the Legislature to repeal the death penalty; (2) as it declares a proposition which, if accepted, would constitute a basis arguably demanding repeal;[3] and (3) as it shackles district attorneys and trial courts in effective administration of the present law as it was enacted, it may well be that the Legislature should give attention to the legislation so affected. In that connection, in view of today's court action and of the entire record of appeals from penalty determinations under Penal Code, sections 190 and 190.1 (as those sections were, respectively, amended and added by Stats. 1957, ch. 1968, p. 3509, and Stats. 1959, ch. 738, p. 2727), the Legislature perhaps will wish to give consideration to the possible desirability of eliminating the alternative of imprisonment in certain situations to be designated by the Legislature, and making the greater deterrent the sole penalty, to follow as a matter of law on final conviction in any such designated situation. It would seem that, if such action is contemplated, the Legislature in its study might consider whether the greater deterrence of such certainty might reasonably be made applicable to those who personally would kill, or direct another to kill, "in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, mayhem, or any act punishable under section 288," or in kidnapping (See Pen. Code, §§189, 209.)

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[1] I use robber as the example for discussion because the deterrent effect of the death penalty for murder in the commission of (or attempt to commit) robbery is particulary well known among law enforcement officers who handle such cases at the investigation, arrest, and trial court levels. The point of my discussion, however, is equally applicable to the deterrent effect of the death penalty against harming kidnap victims and against murder committed in the perpetration or attempt to perpetrate arson, rape, burglary, mayhem or lascivious acts upon a child under the age of fourteen. (See Pen.Code, §§ 209, 189, 190, and 288.)

[2] According to the 1958–1960 Report of the Department of Justice the number of robberies reported in California in 1959 was 11,548.

It may be noted also that in the same year 108,002 burglaries were reported in this state.

[3] Why, indeed, should it not be repealed if, as the majority declare, it is no more of a deterrent to murder than is mere imprisonment?

Finally, I emphasize: each person who officially or unofficially participates in or advocates enforcement, repeal or amendment of the subject law—and who receives the benefits of its protection—must live with his own conscience. But I respectfully and earnestly urge that he who would consider repealing or otherwise defeating operation of this law, the principal purpose of which is to protect the lives of the victims of crimes of violence, will either make sure that the information on which he acts is sound and convincing or will pause to consider what his conscience may tell him as to some measure of moral responsibility for the "eliminations" which reason suggests may thereby be encouraged.

McComb, J., concurs.

Rehearing denied; Schauer and McComb, JJ., dissenting.

There are many, many cases like this, some 14 cities in this opinion, Mr. President. But I believe that the realistic inference, as a matter of human experience, are that people are deterred by capital punishment, that those who receive the death penalty, almost all of them, ask for communtation of sentences to life imprisonment because of their obvious concern about the death penality.

When Sheik Obeid was taken into custody by the Israelis earlier this year in what was an appropriate act of an arrest and taking into custody under international law principles, the one thing that Sheik Obeid was most concerned about was the possibility that he might be extradited to the United States for the murder of Colonel Higgins because of the certainty of punishment in the United States, albeit not a death penalty. But even a known terrorist like Sheik Obeid is worried about punishment.

The Colombian drug dealers are very apprehensive about being brought to the United States, extradited, because once you are in the United States judicial criminal justice system, you do not get out even though it is only jail and not the death penalty.

Mr. President, just a few more comments on this subject with respect to what may be the differences with terrorists who may be motivated by fanaticism, who may say they are not to be concerned about the death penalty. It is entirely possible that some are not so concerned.

The terrorist who drove his vehicle, his truck, laden with explosives into the U.S. compound resulting in the death of 241 U.S. Marines back on October 23 of 1983, may have been someone driven by a fanatical urge. But there are many, many who are concerned about punishment and who would be concerned about the death penalty.

Sheik Obeid, Bahwai Ghamas, the Colombian drug dealers, as long as there are any, even one, who would say, "I do not want to face the death penalty as a result of a prosecution in a United States court," then, Mr. President, I say that it is appropriate that that penalty be available in the United States prosecution for terrorism. There is absolutely no question from many, many, many, many cases that criminals are concerned about the death penalty. And my own view is that terrorists similarly have such a concern. Nobody can assert with absolute positiveness what is in any man's mind, but as a result of our experience, I believe that that is a fair conclusion.

When United States citizens are confronted by terrorists around the world and blown out of airplanes or murdered as they discharge their official duties in Greece, as one United States Marine was in 1988, or murdered ruthlessly, as Colonel Higgins was in Lebanon, then I think it is not too much for the Congress of the United States to enact legislation allowing for the option of imposing the death penalty.

[CRS Issue Brief Oct. 9, 1990]

TERRORIST INCIDENTS INVOLVING U.S. CITIZENS OR PROPERTY 1981–1990: A CHRONOLOGY

(By James P. Wootten, Foreign Affairs and National Defense Division)

CHRONOLOGY OF TERRORIST ACTIONS

10/1/90—An American woman, as yet unidentified, was killed while travelling in China. The victim was a passenger aboard a plane that was hijacked and then crashed on landing, hitting two other jets and killing 127.

8/2/90—Timothy Swanson, a U.S. Peace Corps volunteer, was released by communist rebels in a village about 300 miles south of Manila. Mr. Swanson was unharmed after 2 months of captivity.

5/4/90—U.S. Marine Gunnery Sgt. John Fredette was shot to death outside Subic Base, 50 miles northwest of Manila and 30 miles west of Clark AFB. No one claimed responsibility, although communist guerrillas are suspected.

4/28/90—American geologist Scott Heimdal was kidnapped in Ecuadoran territory and held for ransom by a Colombian guerrilla group, American Battalion. Heimdal was released unharmed on June 29, 1990.

4/14/90—Gunmen killed two U.S. airmen in the Philippines. Airmen John Raven and James Green were shot as they left a hotel near Clark AFB, 50 miles north of Manila. No one claimed responsibility, although communist guerrillas are suspected.

3/30/90—Six U.S. Air Force personnel stationed in Honduras were wounded, two seriously, in a sniper attack on their bus near Tegucigalpa, the capital. A leftist group, the Morizanista Patriotic Front, claimed responsibility.

3/27/90—William Robinson, an American missionary, was shot to death by masked gunmen in Rashaya Foukhar, a village in the Israeli-designated "security zone" in southern Lebanon. The Lebanese National Resistance Front, a leftist group aligned with Syria, claimed responsibility.

3/16/90—16 Americans and three Panamanians were slightly wounded by a bomb explosion in a bar usually frequented by U.S. military personnel in Panama City.

2/21/90—An American geologist, John Robert Mitchell, his Filipino wife, and his father-in-law were killed in an ambush on a road in Bohol province in the Philippines. It is suspected that the victims, riding in an open jeep, were shot by rebels.

2/13/90—Two U.S. citizens, David Kent and James Donnelly, were kidnapped in Medellin, Colombia, by the Marxist Army of National Liberation (ELN) in protest of President Bush's February 15 visit.

1/1/90—Maureen Courtney, of Milwaukee, was one of two Catholic nuns killed by shots fired at their vehicle just after dark on a road in Nicaragua, about 80 miles southwest of Puerto Cabezas. Bishop Paul Schmitz, another American in the vehicle, was wounded. The Sandinista government and the U.S.-supported contras accused each other of the attack.

10/26/89—Two Americans were killed by guerrillas near Clark Air Force Base in the Philippines. William H. Thompson and Donald G. Buchner, civilian technicians hired by Ford Aerospace Corporation, were employed at small Air Force installations near Clark. The insurgent New Philippines Army (NPA) is believed to be responsible for the murders.

9/20/89—Mrs. Robert Pugh, the wife of the U.S. Ambassador to Chad, was among the 171 passengers and crew killed when a French DC-10 airliner was destroyed by a bomb over a remote section of Niger in West Africa. An anonymous caller said that the Shiite organization Islamic Jihad was responsible.

9/18/89—The offices of the American Express Bank in East Beirut were damaged by an explosive device planted in front of the main entrance to the bank.

7/31/89—U.S. Marine Lt. Col. William Richard Higgins, a hostage in Lebanon since Feb. 18, 1988, was reportedly hanged by his captors in retaliation for the Israeli seizure of a Shiite cleric in southern Lebanon. Experts believe that Higgins was killed much earlier by the "Organization for the Oppressed on Earth."

7/13/89—Seven U.S. soldiers were wounded, three seriously, by a bomb attack as they were leaving a discotheque in the Honduran port of La Ceiba. No one claimed responsibility. Four suspects were held.

6/23/89—Chris George, an American aid worker in the Israeli-occupied Gaza Strip, was released after 30 hours in the hands of Palestinian kidnappers. George was taken by three gunmen who claimed to be part of the PFLP. Demands for the release of 7 Palestinians prisoners held by Israel were ignored and George was released unharmed.

6/21/89—An American nun was shot in El Salvador by unknown assailants. Sister Mary MacKey, 63, was seriously wounded as she rode in a pickup truck along a road 10 miles south of San Salvador. The shot came from another truck carrying six men. No one claimed responsibility.

4/21/89—Colonel James N. Rowe, a U.S. military adviser to the Philippines, was shot to death in his car on a crowded Manila street. An urban guerrilla band from the New People's Army (NPA) is suspected.

3/10/89—A bomb exploded under a van being driven by Sharon Lee Rogers, wife of the captain of the U.S.S. Vincennes that mistakably shot down one Iranian jet last July. Mrs. Rogers was unharmed, but the van was demolished. Speculation is that terrorism was involved and that Iran was connected.

12/21/88—Pan Am flight 103, just out of London's Heathrow airport en route to New York City, exploded in the air about 6 miles southeast of the Scottish town of Lockerbie. All 259 persons on board the plane were killed in the explosion and crash. About 17 Scottish residents of the town were killed by the falling wreckage. There is overwhelming evidence that a bomb exploded in the cargo hold of the plane. Several terrorist organizations claimed responsibility for the incident, the most likely being the radical PFLP-GC, headed by Ahmed Jabril.

7/17/88—Unknown assailants fired upon 6 U.S. servicemen in the small town of San Pedro Sula, about 125 miles north of the Honduran capital, Tegucigalpa.

6/28/88—Navy captain William E. Nordeen, the U.S. defense attache in Greece, was killed by a bomb as he was driving to the embassy from his residence in an Athens suburb. The bomb was apparently placed in the trunk of a parked car and detonated by remote control. A radical terrorist group called November 17 claimed responsibility.

5/15/88—Three Americans were among those wounded in a hotel in Khartoum, Sudan, when it was attacked by terrorists armed with machine guns, grenades, and tear gas. Seven people were killed in the attack and 21 were wounded. Five of the dead were foreigners, including a British family of 4. Police arrested 3 gunmen carrying Lebanese passports.

4/15/88—A bomb exploded outside an Air Force radio relay station near Torrejon, a large U.S. air base outside Madrid. The bomb caused minor damage to the installation and no one was injured by the explosion.

4/14/88—Angela Simone Santos, a 31-year-old Navy petty officer stationed in Naples, was killed by a car bomb that exploded outside an American USO club in that city. Four other U.S. sailors were wounded by the explosion. Four Italians were also killed and at least 17 others injured by the attack. A unit of the Japanese Red Army calling itself the Jihad Brigade claimed responsibility.

2/18/88—A U.S. Marine officer serving with the U.N. observer group in Lebanon was kidnapped. Lt. Col. William R. Higgens was taken from his car near Tyre, a port in southern Lebanon, by gunmen believed to be members of the Moslem fundamentalist Party of God. This brings to 10 the number of U.S. hostages still in Lebanon.

12/27/87—Ronald Strong, an American sailor, died from wounds received December 26, in a grenade attack on a temporary USO club in Barcelona, Spain. The Catalan Red Liberation Army, a new organization, claimed responsibility for the attack, which injured 9 other U.S. sailors.

11/28/87—Two American servicemen and a Filipino-born U.S. Air Force retiree were killed near Clark Air Force Base in the Philippines. The 2 airmen were: A1C Randy A. Davis and Sgt. Steven Faust. The other man was Herculana Manganta, a retired Air Force sergeant. The killers could have been communist NPA rebels or right-wing military extremists.

9/27/87—A bomb blast in central Athens caused extensive structural damage to the U.S. military commissary. The Revolutionary Popular Struggle, a leftist guerrilla group, claimed responsibility.

8/10/87—Nine U.S. servicemen were injured by a bomb attack on a bus near Athens. November 17, an urban guerrilla group, claimed responsibility.

8/8/87—Five U.S. soldiers on duty in Honduras were slightly wounded when a bomb exploded outside a restaurant in Commayagua (the main U.S. base in Honduras), a small city near Palmerola. Another American, a civilian contractor working at Palmerola, was also wounded. No one has claimed responsibility for the bombing.

6/17/87—Charles Glass, a U.S. TV journalist, was kidnapped in Lebanon along with his host, Ali Oseiran, son of the Lebanese Minister of Defense. A State Department spokeswoman said that Glass was in Lebanon without official knowledge and in technical violation of U.S. passport rules imposed in February 1987 to keep Americans out of that country. No one has claimed responsibility. Glass escaped from his captors on Aug. 18, 1987.

6/9/87—Two bombs exploded on the grounds of the American Embassy in Rome. Another bomb destroyed a car parked on a street, next to the embassy. There were no injuries by the blasts.

5/26/87—Two U.S. Embassy officials were injured in a Cairo suburb. The wounded men were Dennis L. Williams, the embassy security chief, and John Hucke, his assistant. An anonymous caller later said that a group called "Egypt's Revolution" was responsible for the attack, the first in Egypt against Americans since relations were restored n 1973.

4/24/87—Sixteen Americans were injured when a bomb exploded under a bus carrying them to the U.S. base near Hellenikon near Athens. The injured included 12 military and 4 civilian dependents. November 17, a Greek guerrilla group, later claimed responsibility for the attack.

1/24/87—Gunmen, posing as Lebanese policemen, seized 3 Americans and an Indian from the campus of Beirut University College, not to be confused with American University of Beirut, which is about 3 blocks south in Moslem-controlled West Beirut. The 3 Americans were Alann Steen, Jesse Turner, and Robert Polhill. The Indian, a longtime U.S. resident associated with other U.S. universities, was Mitheleshwar Singh. All were employed as professors at the U.S. sponsored school. Several groups have been mentioned as the abductors.

10/31/86—Edward Austin Tracy, an American and long-time resident of Moslem-controlled west Beirut was kidnapped, becoming the 7th U.S. citizen held hostage by Lebanese extremists. A group calling itself the Revolutionary Justice Organization said it seized Tracy, accusing him of spying for the United States and Israel. The same group took responsibility for seizing another American, Joseph Cicippio, a month earlier.

10/28/86—Two bombs exploded at separate military installations in Puerto Rico, injuring 1 person and causing extensive damage. Eight other bombs were later discovered and defused. Three pro-independence groups claimed responsibility for the actions.

9/12/86—Joseph Cicippio, an American on the staff of the American University in Beirut (AUB), was seized by 5 armed men while crossing the AUB campus in west Beirut. Cicippio, a convert to Islam and married to a Lebanese woman who works for the U.S. Embassy in east Beirut, was struck on the head and forced into a car by his assailants. No one claimed responsibility for the kidnapping.

9/9/86—Frank Herbert Reed, headmaster of the Lebanese international School, was kidnapped in south Beirut, near Beirut Hospital. Islamic Jihad, a Shi'ite terrorist organization, claimed responsibility for the kidnapping. The caller alleged that Reed was a CIA agent and had converted to Islam and a married Syrian woman as a cover for his intelligence activities.

9/5/86—Pan Am flight 73 was hijacked in Pakistan. At 5:55 PM (Washington time), 4 Arab-speaking gunmen seized a PanAm 747 at Karachi International Airport as the plane was loading passengers for a flight to Frankfort, Germany. The hijackers held 374 passengers and 15 crew members hostage for 16 hours while sporadic negotiations were attempted. Suddenly, at 9:45 PM the following night when the ground power units run out of gas and lights dimmed on the plane, the gunmen panicked and began firing indiscriminately at the huddled passengers. Before Pakistani commandoes could storm the plane, 21 hostages were dead and more than 60 were seriously wounded. Four Americans were among those killed.

8/11/86—The U.S. Citibank office in Paleo Faliro, an Athens suburb, was heavily damaged by a firebomb allegedly thrown by the "Revolutionary Popular Struggle", a terrorist group operating in the Athens area. There were no personal injuries reported.

8/10/86—A U.S. soldier's car was blown up by a bomb in Hanua, West Germany, a small town located near the city of Frankfort.

6/7/86—A second U.S. solider died from injuries he received during the bombing of a West Berlin discotheque on Apr. 5. Staff Sergeant James E. Goins, 26, of Ellerbee, NC, died in a West Berlin hospital, the second American and the third victim of the bombing blamed on Libyan agents in Berlin, leading up to the U.S. raids on that country on Apr. 15.

5/28/86—A bomb exploded outside a PanAm airline office in Karachi, Pakistan, killing 1 local citizen and injuring 4 others. No Americans were injured in the blast.

5/6/86—A bomb exploded at Heidi barracks, a small, unguarded U.S. installation near Kirchheinbolanden about 35 miles south of Frankfurt, West Germany.

4/29/86—A bomb blast caused minor damage to the U.S. Ambassador's residence in Santiago, Chile. A bomb also went off in front of a Mormon church. These were 2 of a number of bombs that exploded in Santiago and Valparaiso. Leftist guerrillas were suspected of setting off the bombs.

4/26/86—An explosion seriously damaged the American Express office in Lyon, France, injuring 1 person.

Police defused a car bomb outside the U.S. Embassy in Mexico City, Mexico. A group calling itself the "Simon Bolivar Anti-Imperialist Command" claimed the bomb was intended as retaliation for the U.S. attack on Libya on Apr. 15.

4/25/86—Unknown gunmen shot and killed the managing director of the U.S. Black and Decker firm in Lyon, France. The victim, Kenneth Marston, 43, was a British subject. It is not clear if the shooting was related to terrorism or was related to recent organized crime thefts from Black and Decker.

Arthur Pollick, 41, a U.S. Embassy communications officer in Sanaa, North Yemen, was shot and wounded while driving home from church services.

4/21/86—A bomb exploded outside the U.S. Embassy in Lima, Peru. There was a bomb threat to the U.S. Information Office in Dar es Saalam, Tanzania. No one was injured.

4/19/86—A bomb exploded outside the Mormon church in Puerto Ordaz, Venezuela.

4/18/86—Turkey arrested 4 Libyans attempting to place a bomb in a U.S. officers' club in Ankara. The same day a bomb was defused at a Turkish-owned American Express bank in Istanbul. Turkey has also apprehended 10 people, 2 Tunisians and 8 Turks, suspected of plotting to attack the U.S. consulate, the former U.S. consul general, and the Turkish-Iraqi pipeline.

4/17/86—Peter Kilburn, a librarian at the American University of Beirut, Lebanon, was 1 of 3 westerners killed as apparent revenge for the air raids on Libya Apr. 15. Kilburn, 62, disappeared in West Beirut Dec. 3, 1984. The pro-Libyan Arab Fedayeen cells claimed responsibility for Kilburn's death. The other 2 victims were British school teachers John Leigh Douglas and Philip Padfield, who were kidnapped in West Beirut Mar. 28, 1986.

A fire bomb was thrown at the U.S. Marine guard compound for the U.S. Embassy in Tunis, Tunisia, setting a car on fire. No one was injured.

A grenade exploded outside the U.S. consulate in San Jose, Costa Rica. There were no injuries and only minor damage. There were also bomb threats at the U.S. Embassy in Lagos, Nigeria, and the U.S. Army Southern Command headquarters in Panama.

4/15/86—William J. Calkins, an American employee of the U.S. Embassy in Khartoum, Sudan was shot and wounded while riding home from the Embassy. The shooting was believed to be in retaliation for the U.S. air raids on Libya earlier in the day.

4/5/86—Army Sgt. Kenneth T. Ford of Detroit, MI, was killed in a bomb explosion in a West Berlin Discotheque. A Turkish woman, Nermin Haney, was also killed. There were nearly 200 people injured, including 64 Americans. On Apr. 15, 1986, President Reagan said intelligence intercepts linked Libya to the Berlin bombing, which justified the U.S. attack on Libya that day as "self-defense."

4/2/86—Four Americans were killed and 9 people including 5 Americans, were injured in a bomb explosion aboard TWA Flight 840 en route from Rome to Athens. Alberto Ospina of Stratford, CT, 52-year-old Demetra Stylianopoulos, her 24-year-old daughter Maria Klug, and 9-month-old granddaughter Demetra Klug, all of Annapolis, MD were killed. The plane landed safely at the Athens, Greece airport.

3/22/86—A statue of Harry Truman in Athens was destroyed by an explosion. A Greek revolutionary group claimed responsibility. The statue was restored and replaced in August 1987 by the Greek government.

2/18/86—A car bomb exploded at the U.S. embassy in Lisbon, Portugal. There were no injuries nor other damage.

2/15/86—Unidentified gunmen killed a U.S. citizen, Peter Hascall, in San Salvador, El Salvador. Hascall was engaged in selling military patrol boats to the Salvadoran navy for a Louisiana shipbuilding company. There is some question whether this was a terrorist incident or a street crime.

12/27/85—Palestinian gunmen attacked airports at Rome and Vienna with grenades and machine guns, killing 18 (including 5 Americans) and wounding 116 (22 Americans). A note found in the pocket of 1 terrorist claimed responsibility for the "Martyrs of Palestine," but officials believe that was a pseudonym for Abu Nidal's Revolutionary Fatah group. (The slain Americans, all of whom died in the Rome attack, were John Buonocore, 20, of Delaware; Frederick Gage, 29, of Wisconsin; Don Daland, 30, of Florida; Natasha Simpson, 11, of Rome; Elena Tomarello, 67, of Florida.)

11/24/85—Thirty-three Americans were among 36 wounded when a car bomb exploded at a U.S. Army shopping center in Frankfurt, West Germany.

11/23/85—Arab gunmen of uncertain political affiliation hijacked an Egypt Air flight and landed at Malta after an in-flight gun battle with Egyptian security guards. Three Americans and 2 Israelis were shot at close range and dumped onto the runway; one from each country was killed and the others injured. During the Egyptian commando assault on the plane on Nov. 24, 56 passengers were killed and the 1 surviving terrorist was arrested.

10/7/85—Four Palestinian gunmen hijacked the Italian cruise ship "Achille Lauro" off Alexandria, Egypt, with 80 passengers and 320 crewmen aboard, sailed it to Syria and Cyprus (where it was refused port entry) and back to Egypt. While off the Syrian port of Tartus, the terrorists killed wheelchair-bound American Leon Klinghoffer. Egypt and Italy negotiated the return of the ship and the remaining hostages on board in exchange for safe passage out of Egypt for the terrorists. On Oct. 10, American F-14 fighters accompanied by E-2C electronic surveillance planes intercepted an Egyptian jet carrying the hijackers and forced it down at the Italian-NATO base at Sigonella. Italy ordered the terrorists to stand trial but released 1 Palestinian negotiator (Muhammad Abbas Zaida, alias Abu Abbas). The sharp U.S. protest over the release of Abbas provoked a crisis in the Italian government of Prime Minister Bettino Craxi.

9/16/85—Nine Americans were among 38 people injured when a Palestinian threw a hand grenade at an outdoor cafe in Rome.

8/15/85—Two bombs exploded at a U.S. Army installation near the Netherlands-West Germany border, damaging a radio tower. Two other incendiary devices were discovered and defused.

8/12/85—An incendiary device was found by cleaning women in the sleeping quarters on a U.S. Army troop train in West Germany. The bomb had failed to explode because it was defective.

8/8/85—Two arsonists fled when they were discovered trying to set fire to a U.S. cultural center in Hamburg.

A car bomb exploded outside the headquarters of the U.S. Rhein-Main airbase near Frankfurt, killing 2 Americans and wounding about 20 other U.S. and West German citizens. The West German Red Army Faction and the French Direct Action claimed responsibility in a letter.

7/22/85—The Copenhagen offices of Northwest Orient Airlines and a nearby Jewish synagogue-nursing home were damaged by a bomb that killed 1 and injured 26. Islamic Jihad claimed responsibility in Beirut.

7/1/85—Unknown terrorists bombed the Madrid offices of Trans World Airlines and British Airways, apparently in retaliation for President Reagan's threat the previous day to strike against terrorism.

6/19/85—Leftist gunmen shot and killed 13 people, including 4 U.S. Marines and 2 U.S. businessmen, as they sat in a sidewalk cafe in San Salvador. Two days later the Urban Guerrillas-Mardoqueo Cruz group, associated with the leftist FMLN, took responsibility. (Five Salvadorans, a Chilean, and a Guatemalan were also killed.) Military officials announced that 3 leftist rebels had been arrested Aug. 27 in connection with the slayings; another suspect had been shot and killed in the arrest and 7 more suspects were still at large.

6/14/85—Shi'ite gunmen hijacked TWA flight 847 from Athens, Greece. The hijackers shot and killed U.S. Navy diver Robert Stetham in Beirut, and dispersed the remaining hostages throughout the city. On June 30, 39 American citizens were released in Damascus.

6/9/85—The Dean of the School of Agriculture of the American University of Beirut, Thomas B. Sutherland, was kidnapped. Sutherland may have been mistaken for AUB President Calvin Plimpton.

5/28/85—The director of the AUB hospital, David Jacobsen, was seized in Beirut.

4/12/85—An explosion in a restaurant frequented by U.S. servicemen near Madrid injured 14 U.S. personnel and family members. Islamic Jihad made the "most reliable" claim for the bombing; the Basque separatist group ETA also claimed responsibility.

3/16/85—Terry Anderson the chief Middle East correspondent for the Associated Press, was kidnapped in Beirut.

2/2/85—Seventy-eight persons, mostly U.S. citizens, were injured when a bomb exploded at a bar frequented by U.S. military personnel in an Athens, Greece, suburb. The National Front, a previously unknown group, claimed responsibility, saying the act was directed at Americans responsible for "the continuing occupation of Cyprus." (While the bomb caused no fatalities, some of the seriously injured were airlifted to a U.S. military base in West Germany for treatment.)

1/15/85—The Communist Combatant Cells exploded a car bomb at a U.S. military recreation center in Brussels. One military policeman was injured and the blast caused $500,000 damage.

1/8/85—Fr. Lawrence Martin Jenco, a Roman Catholic priest and the director of the Catholic Relief Services operation in Lebanon, was taken hostage.

1/2/85—The homes of the U.S. and French consuls general were firebombed. The next day an empty guardpost at the U.S. Army headquarters in Heidelberg airfield was also bombed. No injuries were reported, and the Red Army Faction claimed responsibility.

12/28/84—U.S. citizens Gerhart Opel and Alan Bongard were taken hostage along with 20 other foreigners by Angolan rebels. The National Union for the Total Independence of Angola, led by Jonas Savimbi, took the hostages during a raid on a diamond-mining complex close to the Zairan border. The Americans were crew members for the Trans-American airline, which had contracted to fly supply runs for the Angolan government.

12/4/84—Four Islamic Jihad terrorists hijacked a plane bound for Pakistan from Kuwait, ordered it flown to Tehran, and killed 2 Agency for International Development (AID) officials before surrendering to Iranian security forces who stormed the plane. Charles Hegna and William Sanford were fatally shot, and the 2 other Americans on board, AID official Charles Kaspar and businessman John Costa, were tortured during the ordeal. The United States issued a statement of thanks to Iran after the plane was successfully retaken by Iranian forces, but subsequently charged Iran with aiding the terrorists after the 2 U.S. hostages were safely en route to Kuwait.

12/3/84—Peter Kilburn, a U.S. citizen and a librarian at AUB, disappeared in Beirut.

11/25/84—The Popular Forces of 25 April fired four 60-mm mortar rounds at the U.S. Embassy in Lisbon. No injuries were reported.

9/20/84—A small van, loaded with approximately 400 pounds of explosives, drove past a guard checkpoint to the front of the U.S. Embassy annex in Awkar, Lebanon, where it exploded, killing 23 (2 Americans) and wounding 71 (20 Americans). The driver was shot and killed by British security guards. Islamic Jihad claimed responsibility in a call to Agence France-Presse.

5/30/84—Linda Frazier, a U.S. journalist working in Latin America, was among 5 killed when a bomb exploded at a press conference held by Nicaraguan rebel leader Eden Pastora Gomez just inside the Nicaraguan border with Costa Rica.

5/22/84—The Ricardo Franco Front, a breakaway group from the Soviet-aligned Revolutionary Armed Forces of Colombia, bombed eight U.S. facilities in two Columbian cities, but caused no injuries. In Bogata, the terrorists attacked the U.S. Embassy, the U.S. Ambassador's residence, a binational center, two IBM installations, and the ITT offices; in Cali, attacks were sustained at the binational center and a Texaco warehouse.

5/11/84—Tamil separatists kidnapped a newlywed American couple, Stanley and Mary Allen, in Jaffna, Sri Lanka. The kidnappers demanded $2 million in gold and the release of 20 Tamil prisoners, but after Sri Lankan President Junius Jeyewardene rejected the demands, the couple was released unharmed.

5/8/84—Islamic Jihad claimed responsibility for the kidnapping of Benjamin Thomas

Weir, a U.S. Presbyterian minister, in West Beirut. Weir was released on Sept. 14, 1985.

4/15/84—A bomb exploded in a northwestern Namibia gas station, killing U.S. envoys Dennis Keogh and Lt. Col. Ken Crabtree, as well as 1 Namibian. Although South African authorities blamed the South West Africa People's Organization, SWAPO denied responsibility, and the United States called the explosion an "act of random terrorism." The victims were the first Americans to die in the 17-year war in Namibia.

4/3/84—Master Sgt. Robert H. Judd was shot and wounded while driving to a U.S. airbase near Athens. The Greek November 17 organization claimed responsibility, protesting the four U.S. military bases in Greece.

3/26/84—Robert Onan Homme, the U.S. consul general in Strasbourg, France, was shot and wounded by a Lebanese Armed Revolutionary Faction gunman.

3/16/84—William Buckley, first secretary in the political section of the U.S. Embassy, was kidnapped in Beirut by a carload of gunmen. On Oct. 4, Islamic Jihad claimed it had executed Buckley in retaliation for the Oct. 1, 1985, Israeli air raid on Tunisia. The United States did not regard as definitive the blurry photo purported to be Buckley, which appeared in a Beirut newspaper.

3/7/84—Jeremy Levin, American network correspondent, was kidnapped in Beirut. Levin was released, or escaped, from captivity in the Bekaa Valley in eastern Lebanon Feb. 13, 1985.

2/15/84—Leamon R. Hunt, the American director of the Multinational Force and Observers peacekeeping force in Sinai peninsula, was shot and killed as he drove to his home in southwest Rome. A radical offshoot of the Red Brigades, known as the Fighting Communist Party, claimed responsibility.

2/10/84—Frank Reiger, the head of the Electrical Engineering department at the American University of Beirut, was kidnapped in West Beirut. Reiger was freed Apr. 15 by Amal militiamen during a raid on the West Beirut hideout of another extremist organization.

1/26/84—Linda L. Cancel was shot and killed in eastern El Salvador, after ignoring a rebel warning to stop while she was driving with her husband and 2 children, who were unhurt.

1/18/84—Malcolm Kerr, President of American University of Beirut, was shot and killed as he stepped off the elevator to his office on the West Beirut campus. Islamic Jihad claimed responsibility by phone to Agence France-Presse Beirut office.

1/11/84—Chief Warrant Officer Jeffrey C. Schwab was killed when Nicaraguan fire downed a U.S. helicopter in Honduras. The attack occurred after the helicopter had landed a few yards away from the Honduran-Nicaraguan border.

12/12/83—A truck bomb damaged the U.S. Embassy in Kuwait. Similar attacks occurred at the French Embassy, a U.S. housing compound, a Kuwaiti oil facility, an airline terminal building, and a Kuwaiti government office. Islamic Jihad claimed responsibility for the bombings; 25 Lebanese, Iraqis, and Kuwaitis were subsequently arrested, tried, and imprisoned.

11/15/83—U.S. Navy Captain George Tsantes was shot and killed on his way to work in Athens; his chauffeur was also slain. The November 17 group claimed responsibility.

10/23/83—A truck laden with explosives crashed through guardposts, circumvented other security precautions, and was detonated in the courtyard of the U.S. Marine headquarters at the Beirut airport, killing 241 American armed forces personnel (220 Marines, 18 Navy, and 3 Army personnel). Islamic Jihad called Agence France-Presse in Paris to claim responsibility.

9/23/83—111 people, including 1 American, were killed when an on-board bomb exploded, downing an Omani Gulf jet en route from Karachi to Abu Dhabi.

8/15/83—Leftist guerrillas in Colombia kidnapped a U.S. rancher, Russell Martin Stendhal, and demanded $500,000 for his release. His family paid an unspecified ransom and Stendhal was released Jan. 18, 1984. Although earlier reports had identified the kidnappers as members of the Colombian Revolutionary Armed Forces, the family identified them as belonging to the People's Liberation Army.

6/21/83—Dial Torguson of the Los Angeles Times and freelance journalist Richard Cross were killed in Honduras, a few yards from the Nicaraguan border. Honduras and the United States claimed that they were killed by a rocket-propelled grenade fired from Nicaragua, but the Sandinista government denied the claim.

5/25/83—Navy Lt. Cmdr. Albert A. Schaufelberger was shot and killed while sitting in a car in San Salvador. The Popular Liberation Forces, the most radical group under the FMLN umbrella, claimed responsibility for the killing, although U.S. officials were skeptical about the claim.

4/18/83—A car bomb detonated in front of the U.S. Embassy in Beirut, killing 63, of whom 17 were Americans, and wounding over 100. Islamic Jihad claimed responsibility, citing the explosion as "part of the Iranian revolution," although Iran denied any role in the attack. The Embassy building was declared beyond repair May 3, and operations subsequently were moved to Awkar, northeast of Beirut.

4/7/83—Catherine Woods Kirby, a U.S. rancher, was kidnapped by members of the leftist Colombian Revolutionary Armed Forces. She was reported released on Nov. 14, 1983.

3/7/83—Kenneth Bishop, an executive at Texas Petroleum Company, was kidnapped in Colombia by the People's Revolutionary Organization. Texas Petroleum refused to negotiate with the kidnappers, but Bishop was freed Apr. 4 after his family paid several thousand dollars in ransom.

10/31/82—A bomb exploded in a U.S. military housing area in Giessen, West Germany. No injuries were reported.

8/21/82—A bomb was attached to the car of Roderick Grant, commercial counsellor at the U.S. Embassy in Paris, but failed to detonate. After detection, the device exploded, killing 1 bomb disposal expert and wounding the other 2. The Lebanese Armed Revolutionary Forces claimed responsibility.

8/12/82—A small bomb exploded in a U.S. military housing area in Frankfurt, West Germany, damaging a car.

8/9/82—Gunmen threw a grenade into a Jewish restaurant in Paris and then opened fire with automatic weapons, killing 6 and wounding 27. Two of the wounded and 2 of the slain were American citizens. The leftist Direct Action first claimed and, then, denied responsibility for the attack; the Israeli government blamed the PLO, but PLO spokesmen denied the charge and condemned the attack.

8/7/82—Nine people, including 1 American woman, were killed and over 70 wounded in an attack on the Turkish airport at Ankara by the Armenian Secret Army for the Liberation of Armenia.

8/3/82—A bomb blew off the door of an officers' club in Karlsruhe, West Germany. Later, two jeeps were destroyed and a truck damaged when a time bomb exploded at a U.S. base in Schwabish-Gmund, West Germany.

7/19/82—American University of Beirut president David Dodge was kidnapped; he was released on July 19, 1983.

6/1/82—Bombs exploded in U.S. army officers' clubs in Hanau, Gelnhausen, and Bamberg, and in the U.S. 5th Army Corps headquarters in Frankfurt. The explosions caused material damage but no injuries. The Revolutionary Cells took responsibility in a letter.

4/17/82—Sniper fire wounded a U.S. assistant military attache in Lebanon.

3/18/82—A U.S. International Communications Agency office in Pusan, South Korea was burned by a band of youths, killing 1 visitor. The South Korean government responded by arresting 5,739 persons, of whom most were tried and fined immediately. Some were released, and about 200 were detained.

1/18/82—Lt. Col. Charles Robert Ray, an assistant military attache, was shot and killed while walking to his car in Paris. The Lebanese Armed Revolutionary Faction claimed responsibility in Beirut.

12/17/81—U.S. Brigadier General James L. Dozier was kidnapped in Verona, Italy by the Red Brigades. On Jan. 28, 1982, Italian antiterrorist forces rescued Dozier from a padua apartment, subduing 5 terrorists without firing a shot.

12/7/81—Two U.S. Army soldiers were wounded when a bomb was thrown through the window of their office in Kassel, West Germany. The detonator went off but the explosives, packed into a fire extinguisher, failed to explode.

11/12/81—A gunman described as "Middle Eastern in appearance" fired six shots at Christian Chapman, the U.S. charge d'affaires at the U.S. Embassy in Paris. All six shots missed.

10/23/81—Bombs exploded outside the Rome offices of the Bank of America, the Avis Rental Car Co., and Reader's Digest. The next day, an American Express office was also bombed, along with government offices of Chile, Guatemala, and Argentina. The Communist Groups for Proletarian Internationalism claimed responsibility.

9/23/81—Leftist gunmen fired into a car containing 5 U.S. military advisers in Tegucigalpa, Honduras, wounding 2. The Lorenzo Zelaya Popular Revolutionary Command took responsibility for the attack, which came as U.S. and Honduran officials were planning joint military maneuvers.

9/15/81—The Red Army Faction, using machine guns and anti-tank grenades, failed in an assassination attempt against Gen. Frederick Kroesen, the commander of the U.S. Army forces in Europe. Kroesen and his wife were attacked while in their armor-plated car near Heidelberg, West Germany, but sustained only minor injuries from shattered glass. The Red Army Faction claimed responsibility in a letter.

8/31/81—Bombs exploded at the U.S. Embassy and at the Ambassador's residence in Peru as well as at the offices of four U.S. companies: Ford Motor Co., Bank of America, the Coca-Cola Co., and the local representative of the Carnation Co. No one was injured, no group took responsibility, and police made no arrests.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. BURNS, Mr. HOLLINGS, Mr. HELMS, Mr. SANFORD, Mr. MCCONNELL, Mr.

COHEN, Mr. STEVENS, and Mr. GORTON):

S. 246. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowed in computing adjusted gross income; to the Committee on Finance.

TAX TREATMENT OF CERTAIN DEDUCTIONS OF MEMBERS OF THE NATIONAL GUARD AND RESERVES

Mr. LOTT. Mr. President, I rise on behalf of the men and women of our National Guard and Reserves. These citizen soldiers make up 40 percent of our Nation's defense. These individuals comprise a strong well-trained, and cost effective element of our Armed Forces.

Very often the Guardsman and Reservists spend money out of pocket on travel expenses, lodging, mileage on personal owned vehicles and uniforms. So, Mr. President, let us reward these patriotic men and women of the reserve component and not penalize them. Today, I am introducing legislation that will amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

I introduced similar legislation in the last Congress. We did get some consideration of it but did not get it through the entire process. I think today we see that there is an ever-increasing need for this. We recognize even more today that we did just a few weeks ago the importance of our National Guard and Reserves.

When the bugle blew for Operation Desert Shield, these units of Guard and Reserve proudly answered that call. And as Operation Desert Storm continues, our citizen soldiers in the theater of operation whether they be combat units or support elements are there defending America and its allies.

I say to my distinguished colleagues that support me and others who have joined in cosponsoring this legislation. This is certainly an endeavor to show our support to our reserve component.

I thank the Chair.

By Mr. DIXON (for himself, Mr. LEVIN, and Mr. RIEGLE):

S. 247. A bill to correct imbalances in certain States in the Federal tax to Federal benefit ratio by reallocating the distribution of Federal spending, and for other purposes; to the Committee on Governmental Affairs.

STATE MINIMUM RETURN ACT OF 1991

Mr. DIXON. Mr. President, I rise today to reintroduce the State Minimum Return Act along with my colleagues, Senators RIEGLE and LEVIN. This Act will correct imbalances in Federal spending that certain States receive in return for the tax dollars they send to Washington.

I want to assure my colleagues and the U.S. taxpayers that the bill does not increase taxes or spending. The bill merely redistributes existing funds, so as not to increase the deficit.

This bill addresses a real hardship in States principally in the Midwest, Mid-Atlantic, and Northeast regions. The Midwest, in particular, suffers substantially. Illinois, for example, got back an average of 69 cents for every Federal tax dollar paid from 1981 through 1988. For every dollar paid out to the Federal Government, the Midwest, as a region, got back 80 cents. The Northeast got back 92 cents.

From fiscal 1981 through 1988, the Northeast-Midwest received 40.7 percent of Federal spending, but carried 46.9 percent of the Nation's tax burden, and was home to 43.6 percent of the Nation's population.

If the Northeast-Midwest's share of total Federal spending had equaled its share of the Nation's tax burden during the fiscal 1981 to 1988 period, the region would have received $359.1 billion more in Federal spending. If the region's share of total Federal spending had equaled its share of the Nation's population, it would have received $166.1 billion more.

The Northeast-Midwest region has long been one of the Nation's most prosperous. Historically, the Midwest and the Northeast, because of their productive farms and industries, have paid for the development of other regions. Now, our regions need help.

Many of the States in the Northeast-Midwest region were among those that suffered most during the 1982 recession and will suffer again in the current slowdown of the economy. While other States have seen dramatic growth helped along with Federal funds, States like mine have been sending money to Washington, subsidizing the growth of the South and West as our own region tries to rebuild to meet foreign competition. States like mine can ill afford the ongoing drain of billions of dollars to Washington.

Federal fiscal policy must change to provide for a more equitable allocation of funds. Federal policy should not be designed to make a bad situation worse. Rather, it should lend a hand to States whose economies have needed the most help.

The bill I am introducing will adjust Federal spending in the categories of Government contracts and grant programs. Contracts and grants accounted for $298.7 billion of the Federal budget in fiscal 1988, and are the chief imbalances among States. These spending categories help stimulate economic growth, creating jobs and spurring private investment. Grants and contracts cause a ripple effect in the economy of a community. Not only do the companies awarded Government contracts benefit, but grants and contracts also increase business and creates jobs in local companies supplying goods to the contractor.

Grant programs that will be eligible for this 10-percent adjustment include those administered by the Departments of Interior, Transportation, Agriculture—Except farm income supports—Housing and Urban Development, the Environmental Protection Agency, and the U.S. Army Corps of Engineers. These are the grants that create jobs and economic growth in States and communities.

For grant programs that require an income test to determine eligibility for assistance, such as Aid to Families with Dependent Children, this bill will require an increase of 1 percent per year in the share of each eligible State. This increase will ease the fiscal burdens on the State governments of eligible States, which share the cost of these programs; let me add that the bill requires that benefit levels for needy individuals in all States may not be reduced as a result of a shift in the Federal share of these program funds among States.

Disadvantaged States will also receive additional moneys in the area of Federal contracts. With respect to competitive procurements and noncompetitive procurements, each Federal agency will be required to award a contract to a firm that will do the work in a disadvantaged State if it submits a bid that is lower or equivalent to a bid from a firm that would do the work elsewhere. This means that if a metal cabinet for a Government office can be made in Illinois more cheaply, or at the same price, than it can be made in a State that gets more than its fair share of spending from the Federal Government, that cabinet is going to be made in Illinois by workers and businesses in Illinois.

What is being suggested here is a reallocation of Federal moneys among the States, rather than the creation of a new Government spending program. In addition, in order not to penalize the needy and other citizens who currently receive direct Government benefits, the bill will not affect payments to individuals by the Federal Government. Such programs as Social Security, food stamps, supplemental security income, Pell grants, lower income housing assistance, veterans assistance, black lung disability, guaranteed student loan interest subsidies, retirement payments for railroad workers, Federal workers' compensation, retirement and disability, and employee life and health insurance will not be affected by the bill.

The State Mininum Return Act is an attempt to develop the comprehensive approach we need to stop the disinvestment in Illinois and many other States.

I urge my colleagues to join me in this effort to help these disadvantaged

States get back a fair share of their tax dollars.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Minimum Return Act of 1991".

STATEMENT OF POLICY

SEC. 2. It is the purpose of this Act to provide, within existing budgetary limits, authority to reallocate the distribution of certain Federal spending to various States in order to ensure by the end of fiscal year 1996 that each State receive in each fiscal year an amount of Federal expenditures equal to a minimum of 90 percent of the Federal tax burden attributable to such State for such fiscal year.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Director" means the Director of the Office of Management and Budget.

(2) The term "Federal agency" means any agency defined in section 551(1) of title 5, United States Code.

(3) The term "State" means each of the several States and the District of Columbia.

(4) The term "historic share" means the average percentage share of Federal expenditures received by any State during the most recent three fiscal years.

(5) The term "Federal expenditures" means all outlays by the Federal Government as defined in section 3(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(1)).

(6) The term "Federal tax revenues" means all revenues collected pursuant to the Internal Revenue Code of 1986.

(7) The term "need-based program" means any program which results in direct payment to individuals and which involves an income test to help determine the eligibility of an individual for assistance under such program.

DESIGNATION OF ELIGIBLE STATES

SEC. 4. (a) Any State shall be eligible for a positive reallocation of Federal expenditures described in section 5 and received by such State under section 7(a), if such State, for any fiscal year, has a Federal expenditure to Federal tax ratio which is less than 90 percent.

(b) Any State shall be eligible for a positive reallocation of Federal expenditures described in section 5 and received by such State under paragraph (1) of section 7(a), if such State, for any fiscal year, has a Federal expenditure to Federal tax ratio which is less than 100 percent but greater than or equal to 90 percent.

(c) During each fiscal year, the Director after consultation with the Secretary of the Treasury and the Director of the Census Bureau, shall determine the eligibility of any State under this section using the most recent fiscal year data and estimated data available concerning Federal tax revenues and Federal expenditures attributable to such State. The Secretary of the Treasury shall determine the attribution of Federal tax revenues to each State after consultation with the Comptroller General of United States.

(d) For purposes of determining the eligibility of any State under subsection (c), any water or power program in which the Federal Government, through Government corporations, provides water or power to any State at less than market price shall be taken into account in computing such State's Federal expenditure to Federal tax ratio by characterizing as an imputed Federal expenditure the difference between the market price and the program's actual price of providing such water or power to such State.

DESIGNATION OF REALLOCABLE FEDERAL EXPENDITURES

SEC. 5. All Federal expenditures in any fiscal year shall be subject to reallocation to ensure the objective described in section 2 with respect to eligible States designated under section 4, except for such expenditures with respect to the following:

(1) Water and power programs which are described in section 4(d).

(2) Compensation and allowances of officers and employees of the Federal Government.

(3) Maintenance of Federal Government buildings and installations.

(4) Offsetting receipts.

(5) Programs for which the Federal Government assumes the total cost and in which a direct payment is made to a recipient other than a governmental unit. Such programs include:

(A) Social Security, including disability, retirement, survivors insurance, unemployment compensation, and Medicare, including hospital and supplementary medical insurance;

(B) Supplemental Security Income;

(C) Food Stamps;

(D) Black Lung Disability:

(E) National Guaranteed Student Loan interest subsidies;

(F) Pell grants;

(G) lower income housing assistance;

(H) social insurance payments for railroad workers;

(I) railroad retirement;

(J) excess earned income tax credits;

(K) veterans assistance, including pensions, service connected disability, nonservice connected disability, educational assistance, dependency payments, and pensions for spouses and surviving dependents;

(L) Federal workers' compensation;

(M) Federal retirement and disability;

(N) Federal employee life and health insurance; and

(O) farm income support programs.

REALLOCATION AUTHORITY

SEC. 6. (a) Notwithstanding any other provisions of law, during any fiscal year the head of each Federal agency shall, after consultation with the Director, make such reallocations of expenditures described in section 5 to eligible States designated under section 4 as are necessary to ensure the objective described in section 2.

(b) Notwithstanding any other provisions of law and to the extent necessary in the administration of this Act, the head of each Federal agency shall waive any administrative provisions with respect to allocation, allotments, reservations, priorities, or planning and application requirements (other than audit requirements) for the expenditures reallocated under this Act.

(c) The head of each Federal agency having responsibilities under this Act is authorized and directed to cooperate with the Director in the administration of the provisions of this Act.

REALLOCATION MECHANISMS

SEC. 7. (a) Notwithstanding any other provisions of law, for purposes of this Act, during any fiscal year reallocations of expenditures required by section 6 shall be accomplished in the following manner:

(1)(A) With respect to procurement contracts, and beginning in fiscal year 1994 subcontracts in excess of $25,000, the head of each Federal agency shall—

(i) identify qualified firms in eligible States designated under section 4 and disseminate any information to such firms necessary to increase participation by such firms in the bidding for such contracts and subcontracts,

(ii) in order to ensure the objective described in section 2, increase the national share of such contracts and subcontracts for each eligible State designated under section 4(a) by 10 percent each fiscal year, and

(iii) thirty days after the end of each fiscal year, report to the Director regarding progress made during such fiscal year to increase the share of such contracts and subcontracts for such eligible States, including the percentage increase achieved under clause (ii) and if the goal described in clause (ii) is not attained, the reasons therefor.

Within ninety days after the end of each fiscal year, the Director shall review, evaluate, and report to the Congress as to the progress made during such fiscal year to increase the share of procurement contracts and subcontracts the preponderance of the value of which has been performed in such eligible States.

(B) With respect to each fiscal year, if any Federal agency does not attain the goal described in subparagraph (A)(ii), then during the subsequent fiscal year such agency shall report to the Director prior to the awarding of any contract or subcontract described in subparagraph (A) to any firm in an ineligible State the reasons such contract or subcontract was not awarded to any firm in an eligible State.

(C) In the case of any competitive procurement contract or subcontract, the head of the contracting Federal agency shall award such contract or subcontract to the lowest bid from a qualified firm that will perform the preponderance of the value of the work in an eligible State designated under section 4 if the bid for such contract or subcontract is lower or equivalent to any bid from any qualified firm that will perform the preponderance of the value of the work in an ineligible State.

(D) In the case of any noncompetitive procurement contract or subcontract, the head of each Federal agency shall identify and award such contract or subcontract to a qualified firm that will perform the preponderance of the value of the work in an eligible State designated under section 4 and that complete such contract or subcontract at a lower or equivalent price as any qualified firm that will perform the preponderance of the value of the work in an ineligible State.

(E) For purposes of this paragraph, in the case of any procurement contract or subcontract, any firm shall be qualified if—

(i) such firm has met the elements of responsibility provided for in section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)) as determined by the head of the contracting Federal agency to be necessary to complete the contract or subcontract in a timely and satisfactory manner, and

(ii) with respect to any prequalification requirement, such firm has been notified in writing of all standards which a prospective contractor must satisfy in order to become qualified, and upon request, is provided a prompt opportunity to demonstrate the ability of such firm to meet such specified standards.

(F) In order to reallocate expenditures with respect to subcontracts as required by subparagraph (A), each Federal agency shall collect necessary data to identify such subcontracts beginning in fiscal year 1991.

(2)(A) With respect to need-based programs, any eligible State designated under section 4(a) shall receive 110 percent of such State's historic share with respect to such programs.

(B) With respect to all other expenditures described in section 5, including all grants administered by the Department of Transportation, the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers, and funds provided under general revenue sharing, any eligible State designated under section 4(a) shall receive 110 percent of such State's historic share with respect to such expenditures.

(b)(1) Except as provided in paragraph (2), no reallocation shall be made under this section with respect to expenditures for any program to any State in any fiscal year which results in a reduction of 10 percent or more of the amount of such expenditures to such State.

(2) No reallocation shall be made under subsection (a)(2)(A) with respect to expenditures for any need-based program to any State in any fiscal year which results in a reduction of 1 percent or more of the amount of expenditures to such State for any such program.

(c) No reallocation shall be made under the provisions of this Act which will result in any Federal expenditure to Federal tax ratio of any State being reduced below 90 percent.

(d) With respect to any need-based program eligible for reallocation under subsection (a)(2)(A), notwithstanding any reallocation of such program funds that may be mandated under this section, no State or eligible governmental unit may reduce program benefits to the ultimate beneficiaries of such program or change such program's eligibility requirements because of such reallocation of funds.

AMENDMENTS

SEC. 8. No provision of law shall explicitly or implicitly amend the provisions of this Act unless such provision specifically refers to this Act.

EXTENSION OF CONSOLIDATED FEDERAL FUNDS REPORT

SEC. 9. Subsection (a) of section 6202 of title 31, United States Code, is amended by striking out "and 1992" and inserting in lieu thereof "1992, 1993, 1994, 1995, and 1996".

STUDY

SEC. 10. (a) The Secretary of the Treasury or a delegate of the Secretary shall conduct a study on the impact of Federal spending, tax policy, and fiscal policy on State economies and the economic growth rate of States and regions of the United States.

(b) The report of the study required by subsection (a) shall be submitted to Congress not later than December 31, 1991.

EFFECTIVE DATE

SEC. 11. The provisions of this Act shall take effect for fiscal years beginning after the date of the enactment of this Act.

By Mr. EXON (for himself and Mr. KERREY):

S. 248. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

NIOBRARA SCENIC RIVER DESIGNATION ACT

Mr. EXON. Mr. President, today I am reintroducing legislation to designate a portion of the Niobrara River in Nebraska as scenic under the Wild and Scenic Rivers Act. This legislation was approved by the Senate late last year and I am hopeful that it can receive prompt approval this year. It was tailor made for the Niobrara and was essentially written by those living along the river.

I will not go into a long dissertation about the scenic characteristics of the Niobrara River and its biological significance. I have taken to the floor on other occassions to do just that and will simply say that it is truly a scenic and biological masterpiece.

The history of the Niobrara River has been tumultuous. Over a decade ago there was an effort to build the Norden Dam on this segment of the river. That proposal was killed in the House of Representatives and landowners in the area subsequently brought this legislation to me. After it was offered, some area residents protested and sought to enact their own river protections. I withdrew the bill and held-off on reintroducing it during the following Congress in order to give them time to work. Unfortunately, those efforts never came to fruition.

Efforts are being made by long-time proponents of the Norden Dam to provide some sort of river protection. I am skeptical of those efforts, but in no way do I want to extinguish any legitimate river protection initiative.

This legislation will not prevent them from going forward. Instead, it will provide a workable backstop.

I have worked hard to provide meaningful protections for the river, as well as area landowners, and I urge the Senate to approve this bill expeditiously.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Niobrara Scenic River Designation Act of 1991".

SEC. 2. DESIGNATION OF THE RIVER.

Section 3 (a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"( ) NIOBRARA, NEBRASKA.—(A) The 40-mile segment from Borman Bridge southeast of Valentine downstream to its confluence with Chimney Creek and the 30-mile segment from the river's confluence with Rock Creek downstream to the State Highway 137 bridge, both segments to be classified as scenic and administered by the Secretary of the Interior. That portion of the 40-mile segment designated by this subparagraph located within the Fort Niobrara National Wildlife Refuge shall continue to be managed by the Secretary through the Director of the United States Fish and Wildlife Service.

"(B) The 25-mile segment from the western boundary of Knox County to its confluence with the Missouri River, including that segment of the Verdigre Creek from the north municipal boundary of Verdigre, Nebraska, to its confluence with the Niobrara, to be administered by the Secretary of the Interior as a recreational river.

After consultation with State and local governments and the interested public, the Secretary shall take such action as is required under subsection (b) of this section.

"( ) MISSOURI RIVER, NEBRASKA AND SOUTH DAKOTA. The 39-mile segment from the headquarters of Lewis and Clark Lake to the Ft. Randall Dam, to be administered by the Secretary of the Interior as a recreational river."

SEC. 3. STUDY OF 6-MILE SEGMENT.

(a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)) is amended by adding the following at the end:

"( ) NIOBRARA, NEBRASKA.—The 6-mile segment of the river from its confluence with Chimney Creek to its confluence with Rock Creek."

(b) WATER RESOURCES PROJECT.—If funds are not authorized and appropriated, within 5 years after the date of the enactment of this Act, for the construction of a water resources project on the 6-mile segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek, at the expiration of such 5-year period, the 6-mile segment shall be designated as a component of the national wild and scenic rivers system, by operation of law, to be Administered by the Secretary of the Interior in accordance with sections 4 and 5 of this title and the applicable provisions of the Wild and Scenic Rivers Act (16 U.S.C. 1271–1287). The Secretary of the Interior shall publish notification to that effect in the Federal Register.

SEC. 4. LIMITATIONS ON CERTAIN ACQUISITION.

(a) LIMITATIONS.—In the case of the 40-mile and 30-mile segments of the Niobrara River described in the amendment to the Wild and Scenic Rivers Act made by section 2 of this Act, the Secretary of the Interior shall not, without the consent of the owner, acquire for purposes of such segment land or interests in land in more than 5 percent of the area within the boundaries of such segments, and the Secretary shall not acquire, without the consent of the owner, fee ownership of more than 2 percent of such area. The limitations on land acquisition contained in this subsection shall be in addition to, and not in lieu of, the limitations on aquisition contained in section 6 of the Wild and Scenic Rivers Act.

(b) FINDING; EXCEPTION.—The 5 percent limitation and the 2 percent limitation contained in subsection (a) of this section shall not apply if the Secretary of the Interior finds, after notice and opportunity for public comment, that State or local governments are not, through statute, regulation, ordinance, or otherwise, adequately protecting the values for which the segment concerned is designated as a component of the national wild and scenic rivers system.

SEC. 5. NIOBRARA SCENIC RIVER ADVISORY COMMISSION.

(a) Establishment.—There is hereby established the Niobrara Scenic River Advisory Commission (hereinafter in this Act referred to as the "Commission"). The Commission shall advise the Secretary of the Interior (hereinafter referred to as the "Secretary") on matters pertaining to the development of a management plan, and the management and operation of the 40-mile and 30-mile segments of the Niobrara River designated by section 2 of this title which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

(b) Membership.—The Commission shall consist of 11 members appointed by the Secretary—

(1) 3 of whom shall be owners of farm or ranch property within the upper portion of the designated river corridor between the Borman Bridge and the Meadville;

(2) 3 of whom shall be owners of farm or ranch property within the lower portion of the designated river corridor between the Meadville Bridge and the bridge on Highway 137;

(3) 1 of whom shall be a canoe outfitter who operates within the river corridors;

(4) 1 of whom shall be chosen from a list submitted by the Governor of Nebraska;

(5) 2 of whom shall be representatives of the affected county governments or natural resources districts; and

(6) 1 of whom shall be a representative of a conservation organization who shall have knowledge and experience in river conservation.

(c) Terms.—Members shall be appointed to the Commission for a term of 3 years. A member may serve after the expiration of his term until his successor has taken office.

(d) Chairperson; Vacancies.—TheSecretary shall designate 1 of the members of the Commission, who is a permanent resident of Brown, Cherry, Keya Paha, or Rock Counties, to serve as Chairperson. Vacancies on the Commission shall be filled in the same manner in which the original appointment was made. Members of the Commission shall serve without compensation, but the Secretary is authorized to pay expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairperson.

(e) Termination.—The Commission shall cease to exist 10 years from the date of enactment of this Act.

SEC. 6. MISSOURI RIVER PROVISIONS.

(a) Administration.—The administration of the Missouri River segment designated in section 2 of this title shall be in consultation with a recreational river advisory group to be established by the Secretary. Such group shall include in its membership representatives of the affected States and political subdivisions thereof, affected Federal agencies, organized private groups, and such individuals as the Secretary deems desirable.

(b) Bridges.—The designation of the Missouri River segment by the amendment made by section 2 of this title shall not place any additional requirements on the placement of bridges other than those contained in section 303 of title 49, United States Code.

(c) Erosion Control.—Within the Missouri River segment designated by the amendment made by section 2 of this title, the Secretary shall permit the use of erosion control techniques, including the use of rocks from the area for streambank stabilization purposes, subject to such conditions as the Secretary may prescribe, in consultation with the advisory group described in subsection (a) of this section, to protect the resource values for which such river segment was designated.

SEC. 7. NATIONAL RECREATION AREA STUDY.

(a) In General.—The Secretary of the Interior, acting through the Director of the National Park Service, shall undertake and complete a study, within 18 months after the date of enactment of this section, regarding the feasibility and suitability of the designation of lands in Knox County and Boyd County, Nebraska, generally adjacent to the recreational river segments designated by the amendments made by section 2 of this title and adjacent to the Lewis and Clark Reservoir, as a national recreation area. The Secretary may provide grants and technical assistance to the State of Nebraska, the Santee Sioux Indian Tribal Council, and the political subdivisions having jurisdiction over lands in these 2 counties to assist the Secretary in carrying out such study. The study under this section shall be prepared in consultation with the Santee Sioux Tribe, affected political subdivisions, and relevant State agencies. The study shall include as a minimum each of the following:

(1) A comprehensive evaluation of the public recreational opportunities and the flood plain management options which are available with respect to the river and creek corridors involved.

(2) An evaluation of the natural, historical, paleontological, and recreational resources and values of such corridors.

(3) Recommendations for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic protection and integrity, recreational activities, or management and administration of the corridor areas.

(4) Alternative cooperative management proposals for the administration and development of the corridor areas.

(5) An analysis of the number of visitors and types of public use within the corridor areas that can be accommodated in accordance with the full protection of its resources.

(6) An analysis of the facilities deemed necessary to accommodate and provide access for such recreational uses by visitors, include the location and estimated costs of such facilitieis.

(b) Submission of Report.—The results of such study shall be transmitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 8. STUDY OF FEASIBILITY AND SUITABILITY OF ESTABLISHING NIOBRARA-BUFFALO PRAIRIE NATIONAL PARK.

(a) In General.—The Secretary of the Interior shall undertake and complete a study of the feasibility and suitability of establishing a national park in the State of Nebraska to be known as the Niobrara-Buffalo Prairie National Park within 18 months after the date of enactment of this Act.

(b) Area to be Studied.—The areas studied under this section shall include the area generally depicted on the map entitled "Boundary Map, Proposed Niobrara-Buffalo Prairie National Park", numbered NBP-80,000, and dated March 1990. The study area shall not include any lands within the boundaries of the Fort Niobrara National Wildlife Refuge.

(c) Resources.—In conducting the study under this section, the Secretary shall conduct an assessment of the natural, cultural, historic, scenic, and recreational resources of such areas studied to determine whether they are of such significance as to merit inclusion in the national park system.

(d) Study Regarding Management.—In conducting the study under this section, the Secretary shall study the feasibility of managing the area by various methods, in consultation with appropriate Federal agencies, the nature Conservancy, and the Nebraska Game and Parks Commission.

(e) Submission of Report.—The results of the study shall be submitted to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

• Mr. KERREY. Mr. President, today I am pleased to rise in support of legislation being introduced by Senator EXON to designate a 70-mile section of the Niobrara River in Nebraska as scenic under the Wild and Scenic Rivers Act.

This is similar to legislation Senator EXON introduced last year which was strongly supported in both the Senate and the House. I do not think I need to reiterate the value of the Niobrara River to Nebraskans and others. An overwhelming number of Nebraskans believe this river deserves protection and I hope that we can fulfill their wishes in this Congress.

The legislation that we are introducing today is the language that was agreed on by House and Senate conferees in the closing days of the 101st Congress. Although the Senate passed that legislation, the bill died in the House in the closing minutes of the House's last session.

Legislation to protect the Niobrara grew out of the defeat of the proposed Norden Dam on the Niobrara. It was initiated by a group of area landowners who were interested in seeing that the Niobrara River was protected for future Nebraskans. Over the years Senator EXON has worked with local landowners and Government units to draft a bill that protects the private landowners' rights, but also protects the most spectacular section of the Niobrara from future development.

Both of us welcome local protection efforts that are currently underway because we believe they are compatible with Federal designation. The Secretary has the authority to limit the National Park Service's role if a local management entity demonstrates that it is capable of carrying out the aims of the designation.

I understand the concerns of the local landowners. I believe this legislation does much to ensure that their property rights will be protected. My involvement with this issue will not end the day this legislation is passed. I will follow the implementation of this legislation and work to resolve conflicts that may arise between local landowners and the National Park Service. In the end, I believe that all

Nebraskans will benefit from the protection of this important part of their natural and cultural heritage.

I look forward to working with Senator EXON and other members of the Nebraska delegation to see that this bill is enacted.●

By Mr. GRASSLEY:

S. 249. A bill for the relief of Trevor Henderson; to the Committee on the Judiciary.

RELIEF OF TREVOR HENDERSON

● Mr. GRASSLEY. Mr. President, today I am reintroducing legislation for the relief of Trevor Henderson. This legislation is identical to a bill, S. 1657, which I introduced during the 101st Congress and which the administration supports. This bill passed the Senate late last fall and subsequently was referred to the House of Representatives for consideration.

Unfortunately, due to the short period of time remaining in the 101st Congress after S. 1657 was referred to the House, and, due to the large amount of legislation that was being rushed through during the last remaining hours of the 101st Congress, the House was not able to complete its consideration of this bill. Therefore, I am introducing identical legislation today.

As I explained when I introduced this legislation during the 101st Congress, this bill would benefit Trevor Henderson, who, because of an administrative error, did not receive full payment of a survivor benefit plan annuity.

When Trevor's father, Delvin D. Henderson, died on December 13, 1972, Trevor became eligible for annuity payments from the survivor benefit plan that his father had participated in. An initial payment was paid to Trevor in January 1974, representing payments due from the time of his father's death through November 1973. However, as a result of an administrative error at the U.S. Army Finance and Accounting Center, no further payments were made to Trevor for 13 years, until September 1987, after the error was discovered.

At this time, an attempt was made to rectify the error of the unpaid annuity payments. Accordingly, Trevor then received partial compensation for annuity payments missed after August 1, 1981. However, a 6-year statute of limitations, created by the Barring Act of 1940, prevented Trevor from receiving payments due to him for the period of December 1, 1973, through July 31, 1981.

This bill would simply direct the Comptroller General to pay Trevor the amount of these missed annuity payments, payments to which he is fully entitled and payments which his father had attempted to provide him by participating in the survivor benefit plan.●

By Mr. FORD (for himself and Mr. HATFIELD):

S. 250. A bill to establish national voter registration procedures for Federal elections, and for other purposes; to the Committee on Rules and Administration.

NATIONAL VOTER REGISTRATION ACT

Mr. FORD. Mr. President, today, I am introducing the National Voter Registration Act of 1991. I am pleased to be joined in this effort by the distinguished senior Senator from Oregon [Mr. HATFIELD].

This bill, commonly referred to as the "motor-voter" bill, incorporates a similar measure which was before the Senate in the last session, with the amendments that Senator Hatfield and I had intended to offer.

Mr. President, this past November, the American people went to the polls to elect the 102d Congress. The turnout for that election was approximately 36 percent—the lowest level since 1942. It is a sad commentary on the state of our democracy that so few people exercise their right to vote. The average voter turnout in other Democratic nations is about 80 percent, according to a recent study conducted by the General Accounting Office. Most of these nations have some form of automatic voter registration.

This bill will require the States to simplify the registration process and make registration readily available to anyone who is qualified to vote. It will also assure that once registered, a voter will remain on the rolls so long as he or she is eligible to vote without unnecessary re-registration.

Both Senator HATFIELD and I are aware that an increase in voter turnout cannot be guaranteed by this, or any legislation. But, we believe that this legislation can, and will, go a long way to make an increase in voter turnout possible.

With the adoption of this bill, the National Voter Registration Act will assure an increase in the number of people who will be eligible to vote. The bill's passage will be an important step toward improving voter turnout. By eliminating the barriers towards universal registration, the candidates, the parties, and other public interest groups can concentrate their efforts on voter education and turnout.

The Outreach Program consists of three parts: First, voter registration would be combined with the application and renewal process for driver's licenses; second, mail registration would be established nationwide; and third, an extensive agency registration program would be established to make registration possible at many State and local agencies that serve the public.

This bill balances the objective of increasing our rolls or registered voters with the legitimate concern of all that the integrity of our voting rolls be safeguarded.

This legislation would establish Federal penalties for voter and registration fraud; require clear, plain language statements on registration forms regarding fraud; and require procedures, such as notices to all applicants, that have proven successful in dealing with fraud in States that already provide some of these procedures. State and local registration officials would also have latitude to implement additional safeguards in their systems based on their experience and circumstances.

States would be permitted to provide by law that a first-time voter who registered by mail vote in person. This should give those States that are concerned with the possibility of fraud in the mail registration program, where voters may never appear in person, an additional means of protection. Military personnel and others covered by the Overseas Voting Rights Act would be excepted from this provision.

The bill requires that the States "make all reasonable efforts" to remove the name of a voter from the rolls by reason of death, or by reason of a change in residence. The process to determine when a person has moved must be uniform and non-discriminatory, notice by forwardable mail with return card enclosed, and the person given 30 days to respond. After this has occurred, a person is still eligible to vote if that person comes to the polls by the second Federal general election following the notice.

Registrars would be given reduced mail rates for all mail required by, authorized by, or in furtherance of the requirements of the bill. This reduced rate would be funded through a revenue foregone appropriation.

Lastly, the bill has two effective dates: January 1, 1993 for all States except those States that have constitutional obstacles to conforming State requirements of this bill. The effective date for such States would be January 1, 1994. States which have no voter registration requirement for any voter or States which provide that all voters may register to vote on the day of a Federal general election at the polling place would be exempt from this bill.

Mr. President, I send a copy of the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objection, the bill will be appropriately referred.

Mr. FORD. Mr. President I send to the desk a summary of the bill just sent to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF NATIONAL VOTER REGISTRATION ACT OF 1991

To establish national voter registration procedures for elections for Federal office, and for other purposes.

States shall establish procedures to permit voter registration:

i. Simultaneously with application for a driver's license;

ii. by uniform mail application;

iii. by application in person, either at an appropriate registration office, or at a Federal, State or private sector location—agency registration.

The Act does not apply to States with no voter registration requirement for any voter in the State with respect to elections for Federal office or to a State in which all voters may register to vote at the polling place at the time of voting in a general election for Federal office.

DRIVER'S LICENSE APPLICATION REGISTRATION

1. Unless a person declines in writing, an application for or the renewal of a driver's license shall serve as an application for voter registration.

2. The voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a box to permit an applicant to decline to register; shall include a statement that specifies each eligibility requirement, contains attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be made available to appropriate state election officials.

3. A driver's license change of address notice may serve as a voter registration change of address, if driver so indicates.

MAIL REGISTRATION

1. Each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

2. A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act are exempt.

AGENCY REGISTRATION

1. State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. All offices providing public assistance, unemployment compensation, vocational rehabilitation, and related services shall be included in the designated locations and shall provide same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, such as libraries, schools, fishing/hunting license bureaus, marriage license offices, etc. to provide forms, assistance and processing of applications.

2. The Federal Government shall cooperate in this program.

OTHER REQUIREMENTS

1. Registration cut-off is 30 days before election or such lesser period as State may provide.

2. State election officials will notify each applicant of the disposition of his or her registration application.

3. A voter's name may be removed from voter rolls only (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States must make all reasonable efforts to provide that the name of a voter will be removed from the official list of voters by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting.

4. No systematic procedure to confirm voting lists may be undertaken within 60 days of an election.

5. No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing having moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote during period between date of notice and second general election for Federal office. Where change of address is to an address within a registrar's jurisdiction, the registrar shall correct the record and may not remove the name.

6. The FEC will promulgate regulations, prescribe the mail registration application form for use by all States, and report to Congress its assessment of the Act's impact and its recommendations following each general Federal election.

7. Civil enforcement through injunction or declaratory relief may be brought by U.S. Attorney General, or an individual with notice to the chief election official of the State.

8. Federal criminal penalties will apply for registration offenses.

9. State and local voting registration officials would be able to receive reduced postal rates for the purpose of making any mailing which is required by, authorized by, or made in furtherance of the Act. This reduced rate would be funded through a revenue foregone appropriation.

10. The effective date of the Act is January 1, 1993 for all States; except those States that have constitutional obstacles to conforming state requirements of the act, in which case, the effective date would be January 1, 1994.

Mr. HATFIELD. Mr. President, I am very happy to join with my colleague from Kentucky, Senator FORD, in introducing today a bill. to encourage voter registration with the expectation that with voter registration we can increase voter participation. The sorry record of the Nation in turning out at the polls on election day has been thoroughly documented.

Senator FORD, in his opening remarks, spoke of the small percentage of those eligible voters that turned out in the election just concluded, the 1990 general election.

There is hope of increasing interest and participation. I am proud to report today that in my State of Oregon, instead of a voter turnout in the low thirties, which was the national average, our voter turnout this last general election was 76.7 percent of the eligible voters.

I do not stand here to take credit for that large turnout because I was a candidate on the ballot, but I will say we had some unique issues that were confronting the voters of Oregon. I also say the series of Secretaries of State in my State who, as in most States, have charge of the election procedures, have been very attentive to the registration process. Their simplifying it over the years and making it more accessible, moving it from a fixed place for county registration and local registration into roving registrars, into shopping centers, into bank lobbies where people congregate for commerce and other activities, has certainly increased the voter participation in our State.

The current Governor just elected this last November, Mrs. Barbara Roberts, was the Secretary of State in my State prior to her election as Governor and undertook very great activity in this direction. The previous Secretary of State was Norma Paulus, and she has now been elected as the State Superintendent of Public Construction. She, likewise, gave great leadership to this matter of making voter registration easier, more accessible, and enjoying, then, the fruits of that effort by seeing a larger voter turnout at election time.

Mrs. Roberts, the Governor today is a Democrat. Mrs. Paulus, her predecessor, was a Republican. So we have moved this activity on a bipartisan basis in our State. Both Republican and Democratic parties, both Republican and Democratic Secretaries of State certainly can take great credit for this phenomenal turnout of 76.7 percent in the previous election of 1990.

I say that because I join with Senator FORD who has been giving very outstanding leadership to this effort for a number of years, to illustrate the fact this is not a Democratic proposal or Republican proposal, but it is an American proposal in the sense it will enhance and strengthen our democracy to have more participation. I do not think it can be read as something that will enhance the Democratic Party status at election time or the Republican Party status at election time.

Senator FORD and I had a press conference this morning and in that press conference we both pointed out a lot of the old traditions that we have accepted as truisms in politics have been fading from our political scene. I pointed out the fact that we have two Republican Senators from the old solid south State of Mississippi today. Certainly within my lifetime, to have thought of electing a Republican statewide from the State of Mississippi, would have been unthinkable. We have seen also the shifting character of American voters as it relates to the Democratic Party not having support amongst business, particularly large business. We find today that large businesses and individuals representing business enterprise openly, without fear of reprisals, support the Democratic candidates. So a lot of these old ideas that somehow this will favor one party and that will favor another party; that a large voter turnout favors the Democrats and a small voter turnout favors the Republicans; or there are more Republicans who vote absentee than Democrats—if we check the last elections in each of our own States we will find many of those old traditions, as we came to accept them, are no longer true.

Interestingly, this last election in Oregon I think the absentee voter was about evenly divided between the votes counted for the Democratic candidates and the Republican candidates. Our State, like most, earlier on—say even within the last 5 years or 6 years—would traditionally show more Republican absentee voters than Democratic absentee voters. Not this last election.

So I think we have to look at this objectively to realize it is not a partisan matter. It is a bipartisan matter and I am very proud to join my colleague, a man I have worked with as a fellow Governor in the National Governors Conference and now as a fellow Senator, a man I have deep admiration and respect for, and a man who has established a remarkable record both in Kentucky and here in the U.S. Senate. I commend this bill to our colleagues and hopefully many of them will cosponsor this bill.

One last word, this bill got mixed up and entangled in the closing hours of the session of the 101st Congress. I think a lot of that was because there were other fish to fry and other objectives to achieve, at least in the minds of those who were controlling the events of those closing days, and the merits of this bill were never discussed or debated. I do not think, frankly, they were ever challenged.

So I hope in introducing this bill early this session we will have an opportunity through the hearings of the committee which Senator FORD will be chairing, for Senators to participate in either modifying or amending. I know Senator FORD feels as I do, that this is a proposal that certainly will wend its way through the normal process not locked in concrete. We think it is the best we have been able to find and come up with, but certainly we are open to any improvement in the bill or any other role our colleagues wish to play.

We also had a wide range of civic organizations, nonpolitical organizations today in our press conference: The League of Women Voters, who have given very strong support to this over the years; the Rainbow Coalition was represented; the People for the American Way—I could go on, Rock Vote, and a wide range of support from all directions.

So I hope we can see this bill progress rapidly and become a law of the land to strengthen our partnership for democracy.

In summary, I am pleased to join Senator FORD in introducing to the 102d Congress a piece of legislation which is of interest to all Americans, and in the interest of all Americans. We are introducing the National Voter Registration Act of 1991.

The bill addresses the inconsistency of voter registration practices in this country as it affects the election of Federal officials.

We should all be concerned with the sad state of participation in our electoral process. Participation of voting age persons was below 40 percent in the 1990 general election, compared to the participation in Oregon which was in the 70's. This is an abysmal statistic for a country which prides itself on freedom and democratic values. We are seeing countries worldwide grasp for these rights, but the citizens of this country do not seem interested in using the rights which have been granted them.

Why do U.S. citizens not vote? An important piece of the answer is that we have made it too difficult for people to exercise their right, by creating intricate systems of registration—simply to ensure that the individual is eligible to vote. Unfortunately, we must protect the rights of eligible voters by ensuring that only those who are eligible to vote, will vote. But we must remember that the purpose of registration is not to keep any element of society from exercising their right to vote, nor is the registration process to make people prove that they have a right to vote. The purpose of a registration process is to protect the value and integrity of those votes cast.

This legislation is a step in the search for an ideal world where an eligible voter can simply exercise his or her right without worrying about jumping through the hoops of registration. As an example: since the motor/voter program was introduced in Washington, DC, an average of over 1,500 new voters per month have been registered to vote through this program.

Senator FORD has outlined the structure and components of the bill, so I will not do so again. Let me just say, my original concern with this legislation was the increased possibility of fraud in the electoral process. I have worked closely with Senator FORD to address these problems.

As submitted, the National Voter Registration Act mandates that States "make all reasonable efforts" to maintain the accuracy and integrity of the registration rolls. I know this has been a concern of a number of Senators and citizens' groups throughout the country, and I want to assure everyone that we too are concerned, and have not taken lightly the need to mandate such action by the States.

I look forward to Rules Committee hearings on this issue and moving it to the floor for debate and final passage.

Earlier today Senator FORD and I sponsored a press conference to announce the introduction of this important piece of legislation. We were joined by several significant supporters of this legislation and experts on the subject of voter registration: Secretary of State of Washington and president of the National Secretary of States Association; executive director of the D.C. Board of Elections, Emmett Fremaux; president of the National League of Women Voters, Dr. Susan Lederman; and representing People for the American Way, former Representative John Buchanan of Alabama; and Greg Moore of the Rainbow Coalition.

By Mr. WARNER:

S. 252. A bill to amend the Internal Revenue Code of 1986 to allow individuals to transfer separation pay from the Armed Forces into eligible retirement plans; to the Committee on Finance.

ROLLOVERS OF MILITARY SEPARATION PAY

• Mr. WARNER. Mr. President, I rise today to introduce legislation to provide a savings incentive to the men and women of our Armed Forces who are involuntarily discharged from active duty.

Mr. President, in the final hours of the second legislative session of the 101st Congress, I placed legislation before the U.S. Senate to provide military personnel, who are eligible to receive severance pay, with an incentive to invest these funds in an individual retirement account [IRA] and defer taxation until the time of retirement. At that time, I expressed my interest in receiving comments from the Department of Defense [DOD], military associations, and other interested parties before I considered reintroducing the concept into the fiscal year 1992 DOD authorization bill. Based on the extremely favorable comments I have received from both military personnel and the military departments, I have concluded that such legislation is needed.

Mr. President, because of dramatic military and political changes that occurred in Eastern Europe and the Soviet Union last year and because of the desire on the part of the American people to reduce the size of our Federal deficit, the Secretary of Defense is authorized to systematically reduce the end strength of active duty military personnel by 363,405 over a 5-year period beginning in fiscal year 1991. This represents an 18-percent decrease over the fiscal year 1990 end strength of 2,044,069. In fiscal year 1991, 67,664 soldiers, sailors, and airmen and women, or 19 percent of the 5-year force reduction plan, may be involuntarily discharged.

Moreover, to assure that the size, shape, and structure of our defense forces is realistically aligned with the changing international threats, the Secretary of Defense also has authority to reduce the military end strength by an additional 0.5 percent in fiscal year 1991 or by as many as 80,000 personnel.

While it is premature to determine whether any or all of these reductions will occur by the timelines mandated in the fiscal year 1991 Defense Authorization Act because of our current military involvement in Saudi Arabia, such reductions are inevitable as a necessary means of reducing the Federal budget deficit and defense expenditures.

Mr. President, at no other time in our Nation's history have we so dramatically reduced the size of our defense forces during peacetime. Of equal importance, but without precedence, is the fact that this reduction represents the largest reduction of an all volunteer force. I wish to emphasize the word "volunteer" because soon, thousands of well-trained and well-educated men and women, who voluntarily chose the military as a profession, will involuntarily be notified that they must find another means of employment.

Mr. President, these military personnel do not want to lose their jobs. Severance pay is modest compensation for their selfless dedication and personal sacrifices. The origins of severance pay can be found in the act of May 14, 1800 (2 Stat. 85) where the Federal Government recognized its responsibility to provide an adequate amount of readjustment pay to service men and women to help them ease their transition into civilian life. For 179 years however—since the act of December 24, 1811 (2 Stat. 669)—nondisability separation pay has only been authorized for officers in military service—both commissioned and warrant officers, Regular and Reserve—and Reserve enlisted personnel involuntarily discharged, released, or otherwise not continued in military service after at least 5 years of continuous active duty.

Last year, however, the 101st Congress amended section 1174 of title 10, United States Code, to extend the eligibility of severance pay to enlisted personnel, thereby recognizing the equally important contributions of all military personnel serving our Nation on active duty. Under these amendments, Congress repealed the maximum allowable payment limit of $30,000 but retained the formula for calculating the amount of separation pay, which is based on the number of years of active service and the monthly basic pay. Moreover, the Congress increased the rules of eligibility for active service from 5 to 6 or more years but less than 20 years.

Mr. President, today I am introducing legislation to modify Federal tax rules to provide an incentive to military personnel who receive severance pay to establish or enhance a retirement portfolio. My legislation would defer taxation for the amount of severance pay transferred to an eligible retirement plan until the funds are withdrawn. Such transfers or rollovers must take place within 60 days of receipt, as current Federal rules allow. My bill does not alter the existing tax rules on penalties for early withdrawal.

The Congressional Budget Office [CBO] estimates that if all end strength reductions occur as authorized in the fiscal year 1991 Defense Authorization Act, total severance payments could amount to $3.71 billion by the end of fiscal year 1995. CBO estimates that the anticipated revenue loss due to the tax-free status of interest earned on this amount would be $4.5 billion, assuming that all service members elect to transfer 100 percent of their severance pay into an eligible retirement account. While it is difficult to predict the amount of severance pay that service members may transfer to eligible retirement accounts, we might expect that 13 percent of these individuals would choose the tax-deferred option of my bill, based on the results of a national population survey reported in congressional hearings last year before the House Select Committee on Aging on the disposition of lump-sum pre-retirement funds where 11 percent of Americans reported rollovers into an IRA and 2 percent reported a transfer to an insurance annuity or retirement plan.

Mr. President, we have a unique opportunity to recognize the personal and professional sacrifices of service men and women who will be involuntarily discharged from military service as a result of force structure and organizational realignments. My bill will modestly compensate them for their selfless dedication. Because of the importance of this issue, I plan to address this legislation in hearings this year before the Senate Armed Services Committee.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROLLOVERS OF MILITARY SEPARATION PAY.

(a) IN GENERAL.—Section 402(a)(6) of the Internal Revenue Code of 1986 (relating to special rollover rules) is amended by adding at the end thereof the following new subparagraph:

"(J) MILITARY SEPARATION PAY.—If—

"(i) an individual receives separation pay under section 1174 of title 10, United States Code, and

"(ii) such individual transfers any portion of such pay within 60 days after the receipt of such pay to an eligible retirement plan described in paragraph (5)(E),

then the portion of the pay so transferred shall be treated as a distribution which is described in paragraph (5)(A) and which is not includible in gross income in the taxable year in which paid."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to pay received after December 31, 1990.●

By Mr. McCONNELL:

S. 253. A bill to provide for the establishment of appropriate legal forums for the enforcement of the Geneva Conventions; to the Committee on Foreign Relations.

GENEVA CONVENTIONS ENFORCEMENT ACT

Mr. McCONNELL. Mr. President, over 41 years ago, 61 countries signed what is commonly referred to now as the Geneva Conventions. Over the period of 41 years no country has been held accountable for violations of the Geneva accords which, as we all know, have to do with what is considered humane treatment of prisoners of war.

There are at least 15 Americans missing in action. We know that some of them are captured and behind enemy lines. Saddam Hussein has been launching Scud missiles against population centers, with clearly no justifiable military reason for doing that. It is pretty clear that Saddam Hussein is engaged in war crimes by any definition, which leads to a consideration of what action the community of nations might well take at the conclusion of this war with regard to this man personally.

I am introducing a bill today, Mr. President, which requires that, if we are able to produce Saddam Hussein within our country, much as we produced Noriega, he be tried under American law, if that is possible. It also, Mr. President, suggests that the President, in consultation with the United Nations, proceed to set up an international court with criminal jurisdiction to enforce for the first time in the 41-year history of the Geneva accords the law against those who would violate this commonly understood standard of behavior applicable to all the signatories, 61 of them, including Iraq, including the United States.

One of the reasons we are fighting this conflict is to define a new world order in the postcold war period. It seems to this Senator that an important part of this new world order, if we are able to achieve it, is proper sanctions against any country, and in particular, individuals in charge of the country who commit or order such violations of these internationally accepted norms of treatment of prisoners of war be brought to justice—be brought to justice.

So, it is the purpose of this bill, Mr. President, to make the Geneva accords really mean something, to have some method of prosecution and conviction of those who in fact violate these norms.

For 41 years, no government has chosen to take another to task for violating the Geneva Conventions until now.

Beginning on August 2, eyewitness accounts of Iraqi military troops engaging in murder, mutilation, torture, rape, robbery, destruction of property and every other imaginable, senseless act of violence have choked international air waves and shocked the citizens and governments of the world. The systematic destruction of a small, defenseless nation has been reported in painful and considerable detail.

After seeking the approval of the United Nations and the U.S. Congress, the President did what needed to be done. As the Commander in Chief of American troops and the leader of an impressive international coalition of forces, President Bush launched Operation Desert Storm. While we are all worried about our soldiers and hopeful that we will expel Hussein from Kuwait in short order, we must also focus on events after the desert dust settles.

Even as we wage war, we must look for ways to preserve peace, security and the humanitarian code of conduct embodied in the Geneva Conventions. We have a unique opportunity to define the post-cold war world. We should do so by measuring nations and their leaders by their efforts to protect the invincible principles of human dignity and freedom.

Saddam Hussein and his forces have defiantly rejected these principles. The Iraqi leadership is directly responsible for holding hundreds of American and foreign nationals hostage for months. Iraqi forces have committed unspeakable acts of violence against Kuwait and its citizens. Now, in a last ditch effort to crack the coalition, Hussein has launched a barrage of Scud missiles against the neighborhoods, schools and hospitals of Tel Aviv and Jerusalem.

With the war underway, Saddam Hussein's gruesome record of crimes against mankind must be dealt with. His is a record of intimidation, aggression, invasion, occupation, and terrorism against innocent civilians—and now, mistreatment of allied prisoners of war. We have already seen some of our captured soldiers appearing physically abused reciting pro-Iraqi propaganda—all in violation of the Geneva Conventions.

Fifteen Americans are currently considered missing in action. If captured, that is 15 Americans who are entitled to the protection of their rights under the Geneva Conventions.

But, realistically, how do we do that? The legislation I am introducing today directs the President to lay the legal foundation for any war crimes case that can be made against Saddam Hussein and his henchmen. I do not think we should be scrambling to create a case after the fact. We should be building the case right now as the crimes are committed.

We should also have confidence that there is an appropriate legal forum to present that case. Although the Geneva Conventions have been in effect for four decades, no enforcement mechanism has ever been established. While there is reference to signatories agreeing to an umpire to address charges of convention violations, no nation has tried to enforce those provisions.

My legislation would direct the President to determine whether a U.S. court would be the appropriate legal forum for presenting charges of convention violations. If not, the President is urged to make the case to the U.N. Security Council to establish an international tribunal to adjudicate such cases.

I have given the President as much flexibility as possible on how he should proceed in the development and prosecution of a case against Hussein. Since the United Nation authorized the use of force which has served as the mandate for Operation Desert Storm, it seems reasonable once again to ask the international community to join together in legal judgment.

However, there may be circumstances which would warrant prosecution in the American court system instead. Congress should protect every legal option we have as the President advances the case against Saddam Hussein.

I have made this bill binding because I want Saddam Hussein to know when the war is over, and the evidence is in, he and his forces will be held accountable, will be judged and will pay a price for the atrocities they have committed.

We are a nation of laws. We embraced the principles of humane treatment of civilians and prisoners of war when we signed the Geneva Conventions. We signed it in hope—we must now enforce it in strength.

Mr. HEINZ. Mr. President, today Senator McCONNELL, together with myself and perhaps other Senators, is introducing the War Crimes Act, which I will describe in a minute.

Mr. President, we have all been focused on the conflict we have had with Iraq, a conflict that has built over the last 5 months. And even before this conflict began, I was one of the Members of the Senate—I do not know if I was the only one—that insisted, first, that the Senate should go on record with a warning to Saddam Hussein that he and his high command would be held responsible for the safety of the innocent hostages he was then holding in Iraq.

I offered a resolution here on the floor of the Senate last fall, and by an overwhelming vote, the Senate told Saddam Hussein in clear terms that he would not escape prosecution as a war criminal for his actions and the mistreatment of the Americans and others that he was holding as hostages and using at that time as human shields.

Although the hostages were eventually released, apparently, Saddam Hussein still does not understand the message he was sent by this body last fall. Because in the interim, Saddam Hussein has launched missile attacks against unarmed civilians in a noncombatant nation. He has committed repeated atrocities in occupied Kuwait, and he has captured and tortured, as we have seen, allied flyers, parading them on Iraqi television and vowing to use them as human shields.

The time, once again, has come to send an even more decisive measure, Mr. President, and to make our purpose clear and unmistakable. Senator McCONNELL and I are introducing legislation today to provide for the prosecution of Iraqi war criminals, either in the U.S. Federal courts or—and I believe preferably—before an international tribunal. There is ample historical precedent for this action, as pointed out by Dr. James Robbins in an article in this morning's Wall Street Journal.

Mr. President, I ask unanimous consent that Dr. Robbins' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 23, 1991]

IRAQI WAR CRIMINALS FACE HANGING

(By James S. Robbins)

The beatings and other abuse that Iraq has apparently inflicted on captured coalition fliers brought a stern reminder from the State Department Monday that Iraq will be held responsible for its war crimes after the cessation of hostilities. The U.S. has not conducted war crimes trials since those following the Second World War—not for lack of war criminals, but because the unsuccessful conclusion of the Korean and Vietnam wars did not permit the U.S. to bring the offenders to trial.

But there were many dozens of trials held after 1945 by the Allied powers, both in concert and individually. Of these, the trials of Japanese war criminals will supply the best precedent for trials of Iraqi war criminals, should the Iraqi leaders be available for indictment.

TOKYO TRIALS

The Tokyo war crimes trials were administered by the International Military Tribunal for the Far East, in which the U.S., by virtue of having shouldered most of the burden in the Pacific theater, had the dominant role. Between 1946 and 1948, the tribunal decided the fates of 25 top Japanese military and civilian leaders.

The charges that the tribunal considered can be broken down into two types: conspiring to wage and then actually waging aggressive war (Class "A" war crimes, which occupied most of the trial), and maltreating prisoners of war and civilians (Class "B," or conventional, war crimes). It is the Class "B" crimes that the State Department has served notice that it intends to punish at the end of the Gulf war.

Two particular Class "B" charges were brought in the Tokyo trials: Charge 54, "ordering, authorizing and permitting the commission of conventional war crimes;" and Charge 55, "failure to take adequate steps to secure the observance and prevent breeches of conventions and laws of war in respect of prisoners of war and civilian internees." Thus, whether leaders gave specific orders for the maltreatment of prisoners, or merely failed to exercise sufficient oversight to prevent maltreatment by their underlings, they could be put on trial.

Allied jurisdiction to try Japanese leaders on these charges was based on Article 26 of the Geneva Prisoner of War Convention. This stated that "Commanders in Chief . . . in accordance with the instructions of their respective governments" bear responsibility for the treatment of POWs.

One problem with this Article 26 jurisdiction was that Japan, although a signatory to the 1929 convention, had not ratified the provisions applying to prisoners of war. However, in January 1942 the Inter-Allied Declaration on Punishment for War Crimes as published, to warn the Axis powers of what they ought to expect should they commit war crimes against Allied POWs. In response, on Feb. 4, 1942, Japanese Foreign Minister Shigenori Togo notified the Allies that Japan would "apply mutatis mutandis [with the necessary changes] provisions of that Convention to American prisoners of war in its power." This commitment became the legal basis for prosecution of the Japanese leadership.

Fortunately, no jurisdictional problem would prevent the trial of Iraqi leaders: Iraq is a full signatory to the 1949 Geneva Convention, and has accepted all its provisions—including the provisions on POWs.

At the Tokyo trials, the prosecution presented extensive evidence of Japanese war crimes against POWs and civilians. The number of these crimes is too great and their detail too gruesome to relate—even the trial judges refused to hear more after a certain point. So far, Iraq has done nothing to compare to the brutality of the slave labor on the Siam-Burma "Death Railway," or the outright massacre of 150 GIs at Palawan.

But some of the crimes for which Japanese officers were punished do correspond to the acts of which Iraq is boasting. The Japanese publicly paraded Allied prisoners in order to humiliate them and to raise Japanese civilian morale, and captured Allied troops were placed on unmarked, armed naval transports in active combat zones.

Like Iraq's parading of coalition fliers on television, its policy of using POWs as human shields at military installations is clearly illegal under the Geneva Convention. True, Iraq denies that what it is doing is criminal: Abdul Amir Al-Anbari, Iraq's ambassador to the United Nations, has said the prisoners are being put in "scientific institutions" that are "safer than any other place for them." But given coalition-targeting priorities and the probability that "scientific" is an Iraqi euphemism for "nuclear," this safety is questionable. In any case, Iraq is violating the Geneva Convention's requirement of separate, dedicated POW facilities.

Like the Iraqis, the Japanses singled out airmen for special maltreatment. Of the eight pilots in the April, 1942 "Doolittle Raid" on Tokyo who fell into Japanese hands, three were executed and five given life prison sentences. Several died in prison. It was later revealed that according to "Army Secret 2190," the Japanese command had issued orders to treat captured Allied fliers as war criminals. The author of this order, Vice Minister of War Gen. Heitaro Kimura, was hanged after the war.

Altogether, more than 900 Japanese, many of them of relatively low rank, were convicted of POW abuse: For example, Lt. Tanabe Koshiro of the Japanese Imperial Navy was charged under Article 31 of the Geneva Convention for "intentionally and unnecessarily exposing prisoners of war to acts of war." He had refused to remove POWs from combat areas.

The defense counsel at the Tokyo trials argued that there was insufficient evidence to convict any specific individual or war crimes, especially of abuse of prisoners. The defense did not deny that prisoners were abused, but, it argued the prosecution could not prove that any specific Japanese leader had ordered or condoned the atrocities, or even that he knew of them. A great deal of evidence, however, existed to the contrary, much of it collected by the United National War Crimes Commission established in 1942.

Final punishment of the Japanese war criminals was harsh. Of the five defendants found guilty of personally ordering conventional war crimes (Charge 54), all were hanged. Iwane Matsui, commander in chief of Japanese forces in central China in the late 1930s, was acquitted of every charge except Charge 55, failure to prevent maltreatment of prisoners, and he was hanged as well. His crime was over-seeing the Rape of Nanking. Who oversaw the Rape of Kuwait?

SEVERE PUNISHMENT

The Iraqis should be wary. There is a strong case for bringing war crimes charges—not just Class "B," but also Class "A" and Class "C," crimes against humanity—against them for what they have already done. And this is only from the perspective of the U.S. Kuwait, Saudi Arabia, Britain, Italy and Israel may also have cases—nor is the docket yet closed. If the probability of severe punishment for war crimes does not restrain Saddam Hussein, it may at least give pause to his commanders, who are legally responsible for their actions.

As the war progresses, further abuses may be committed by Iraq, and new evidence discovered concerning abuses past. The coalition should—and no doubt will—establish mechanisms for collecting and evaluating evidence of war crimes, so that the innocent may be vindicated and the guilty not escape justice.

Mr. HEINZ. Mr. President, the Iraqi leaders must be made to understand that they will not escape this war unscathed. They may well be quite willing to sacrifice their people and their army for their dreams of glory. They may well believe that if the pressure gets too severe, they can sue for peace and retain their position. They may even entertain the absurd hope that they will prevail, and that allied troops will not achieve the goal of expelling them from Kuwait.

None of these hopes should or will be realized, and the Iraqi leaders will recognize this reality soon. It is certain that Saddam's cronies will realize the futility of their efforts before Saddam himself. It is our hope that they will receive the message embodied in this legislation, the War Crimes Act, and stop Saddam before it is too late for any of them.

Mr. President, we are not advocating changing the aims of Operation Desert Storm for the liberation of Kuwait to the total destruction of Iraq. But let no one—not our allies, not our enemies—doubt that we will not rest until Saddam and his torturers are brought to justice.

The American people are slow to anger, but here our anger is just, and it is tempered by patience. Eventually, those responsible for torturing our young men, and for terrorizing innocent civilians, will fall into our hands; and when they do, they will understand what it means to stand trial and face punishment before the entire civilized world as war criminals.

The Iraqi leaders can still forestall this chilling prospect. They can begin to live up to their commitments as members of the United Nations and signatories to the Geneva Conventions. They can stop Saddam Hussein, the man bringing this country to ruin, and who will be responsible for placing them in a docket last occupied by the late unlamented leaders of the Third Reich, the Nazi Party, and the Japanese Imperial High Command.

I urge my colleagues to support our legislation and join us in warning Saddam Hussein and his followers that the arm of international justice is indeed very long, very patient, very determined, and if we pass this legislation, inescapable.

By Mr. McCONNELL:

S. 254. A bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor; to the Committee on Finance.

WITHHOLDING FROM AGRICULTURAL WAGES

Mr. McCONNELL. Mr. President, 2 years ago, in our rush to complete the Omnibus Budget Reconciliation Act of 1989, Public Law 101-239, a provision hampering America's farmers was included in the passed version of the legislation. Unfortunately, this provision places an added burden on our Nation's farmers by requiring farmers to withhold Federal taxes from workers' income.

All farmers with a payroll of $2,500 or more per year must keep W-4 forms on all workers and then file quarterly reports on wages paid. Farmers who pay less than $2,500 in wages each year must still withhold Federal income taxes on every employee who receives more than $150 in wages from the farmer. This legislation is clearly an attempt to use the employer to enforce the Tax Code.

The bill I introduced last year, which I reintroduce today, will repeal this unjustified addition of paperwork to the American farmer. The injustice of this legislation not only stems from increased red tape, but from the fact that agricultural businesses and farmers were given no notice of the proposed change and did not have the opportunity to express their views on this legislation. Last year, I received widespread support in correcting this error. We must return farming to the control of the hard-working men and women who produce the food for this Nation and stop the Federal bureaucrats who have made agriculture the most regulated business in this country.

The new economic pressures facing our Nation and the nature of the farming business require more hiring of workers on a seasonal, part-time basis. There are fewer full-time farmers in this day and age as other sources of income are required to simply provide for upkeep and payments on their farms. This, coupled with the fact that farmers are unable to provide work year round, prevents them from hiring workers on a full-time basis. For example, during the busiest time of the year a farmer must hire two or three extra people to get the necessary work completed in a timely manner. This could be getting the crop planted early enough to ensure adequate growing time or getting the crop harvested before the winter weather sets in.

Consider the case of a small specialized crop farmer that may have 10 acres of strawberries, but only has 2 weeks to get the crop picked before they rot in the field. Or what about the Kentucky farmer who grows bell peppers as an alternative crop to tobacco? Both farmers must harvest their crops according to the processor's stringent requirements or bear an extensive loss at the marketplace.

In both of these instances time is critical and farmers must often hire 10, 20 or even 30 people, for just a couple of days. The farmer may only pay $200 to each employee, but the employer still has to withhold income taxes for every person hired. Anyone familiar with farming realizes how critical time can be during the peak periods of harvest. Adding unnecessary bureaucratic red tape to the farmers' lives will only make an already difficult situation more difficult.

My colleagues may say the solution is simple, just hire fewer people. Most likely this will happen. However, that also means fewer jobs for those people that desperately need work no matter how small the paycheck. Most farm laborers do not even earn enough to incur a tax liability. Consequently, the money, earned by those who are least able to afford an income loss, is spent by the Federal Government until the farm workers can file for a refund.

It has been estimated that over a 5-year period $404 million in new revenue will be generated from this legislation. While this may appear to be a significant amount, of the $270 million generated in the first 2 years, $240 million of this could be from unclaimed tax refunds. In years 3 through 5, tax revenues would average only $22 million. I suggest that the added cost to employers and employees far outweighs the Government benefits.

A Utica, KY, farmer and a friend of mine, John Burns, puts it in perspective by saying, "Most of us aren't set up for this. We don't have offices. We're our own office help." That is exactly my point. This legislation penalizes those least in a position to handle the extra burden. This is hardly beneficial to the Government. Instead, it adds another layer of unneeded and unwanted paperwork for America's hard-working men and women.

Mr. President, I believe a mistake has been made in enacting this provision of Public Law 101-239. Farmers, laborers and the entire farm community will bear the undue burden of this legislation. American consumers will pick up the tab for the expense of complying with the withholding tax and farm workers will have their income reduced. My bill will stop these unfair events and enable us to do something good for the small family farmer—the backbone of our Nation.

By Mr. BINGAMAN:

S. 255. A bill to require Congress to purchase recycled paper and paper products to the greatest extend practicable; to the Committee on Rules and Administration.

PURCHASE OF RECYCLED PAPER BY CONGRESS

- Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which would require the Senate and House of Representatives to use recycled paper and paper products in their operations.

We are all aware of the importance of conserving natural resources. Recycling of those resources is one of the most important ways to support conservation. The most obvious and easiest ways to encourage recycling is through the use of recycled paper.

For recycling to be successful, there must be a supply of paper to recycle and there must be a demand for the product. At this point, we have become efficient at supplying paper for recycling; however, we have not supported the demand side of the equation through the use of recycled products. We must show a commitment to use recycled paper.

A number of us in the Senate have initiated program in our offices to recycle all of the paper used in the office. This program shows that it is not difficult to separate paper products and begin the recycling process.

Last Congress, the Senate passed legislation to increase and improve the forested areas of the Nation through tree planting and forestry conservation measures. In addition to directly supporting forestry conservation measures, we need to start using recycled products.

Mr. President, I believe we must set the example on the use of recycled products. I hope my legislation and the reporting requirements contained therein will ensure that Congress does its fair share in the recycling effort.

To further strengthen the Government's position on the use of recycled paper products, I also am introducing legislation in the next few days which will require the General Services Administration to make recycled paper available to the Secretary of Agriculture for use by the Forest Service, an appropriate agency to take the lead in forestry conservation.

I am pleased that Congressman ANDERSON has introduced similar legislation in the House. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be placed in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Recycling Act of 1991".

SEC. 2. REQUIREMENT FOR CONGRESS TO PURCHASE RECYCLED PAPER AND PAPER PRODUCTS.

(a) PAPER PURCHASED BY CONGRESS.—(1) The Clerk of the House of Representatives and the Secretary of the Senate shall take such action as may be necessary to assure that recycled paper and paper products are used to the greatest extent practicable in the operations of the House of Representatives and the Senate, respectively. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(2) In carrying out the requirement of paragraph (1), the Clerk of the House and the Secretary of the Senate shall, at a minimum, take such action as may be necessary to assure that recycled paper or paper products are purchased under each contract, or subcontract under a contract, for the procurement of 10,000 pounds or more of paper or paper products.

(b) PAPER PURCHASED FOR CONGRESSIONAL PURPOSES.—The Public Printer shall take such action as may be necessary to assure that, in providing printing and other services to the House of Representatives, the Government Printing Office uses recycled paper and paper products to the greatest extent practicable. Any decision not to use recycled paper or paper products shall be based on a determination that such items are (A) not available, or (B) available only at an unreasonable price.

(c) UNREASONABLE PRICE.—For purposes of this Act, an unreasonable price is one which exceeds by more than 10 percent the price of nonrecycled paper or paper products.

(d) DEFINITIONS.—For purposes of this Act:

(1) The term "paper and paper products" includes printing and writing paper, corrugated boxes, napkins, tissue paper, and such other paper and paper products as maybe considered necessary or appropriate to be included in such term by the Clerk of the House of Representatives, the Secretary of the Senate, or the Public Printer in implementing this Act.

(2) The term "recycled paper and paper products" means paper and paper products

that contain the level of recovered material recommended by the Administrator of the Environmental Protection Agency in guidelines for Federal procurement of paper and paper products containing recovered materials, prepared pursuant to section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962).

SEC. 2. ANNUAL REPORTS.

The Clerk of the House of Representatives and the Secretary of the Senate, in consultation with the Public Printer, shall each publish a report on the implementation of this Act in the House of Representatives and the Senate, respectively. Each report shall include information on the progress and problems associated with such implementation, and findings and recommendations with respect to such implementation.•

By Mr. DASCHLE:

S. 256. A bill to clarify eligibility under chapter 106 of title 10, United States Code, for educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

NATIONAL GUARD AND SELECTED RESERVE EDUCATIONAL FAIRNESS ACT

• Mr. DASCHLE. Mr. President, I rise today to introduce the National Guard and Selected Reserve Educational Fairness Act. The purpose of this measure is to ensure that new vocational and technical educational benefits authorized in the National Defense Authorization Act of 1990 and 1991 are provided to any reservist who has signed a 6-year contract after July 1, 1985, and is otherwise eligible for benefit provided under the Montgomery GI bill.

When Congress approved the National Defense Authorization Act for fiscal years 1990 and 1991, it wisely expanded eligibility for Government-funded assistance under the Montgomery GI bill for Selected Reserve and National Guard members, by including vocational and technical training programs. As a result, members of the Selected Reserve and National Guard will for the first time have access to vocational and technical training under the Montgomery GI bill, giving them a variety of educational options from which to choose.

VA State approving agency officials and military educational counselors in my State told me enthusiasm for the new benefits approved by Congress was widespread among members of the Selected Reserve and National Guard. Because of their service commitment, these dedicated individuals will be able to obtain Government assistance to help finance the vocational and technical training necessary to pursue their career goals.

This initial enthusiasm was immediately dampened, however, when members of the Selected Reserve and National Guard were told by VA and DOD officials that they did not qualify for the new educational benefits approved by Congress. In order to qualify, selected reservists and National Guard members must pledge to a new 6-year service commitment after October 1, 1990. This new interpretation of the Montgomery GI bill establishes more stringent eligibility requirements for reservists seeking vocational and technical training than for those pursuing a 4-year college degree. While reservists seeking vocational-technical training must make an additional 6-year commitment after October 1, 1990, reservists pursuing a 4-year college degree need only to have made a 6-year commitment anytime after October 1, 1985. In effect, the Government was telling these young men and women who have served our county—many of whom are participating right now in Operation Desert Storm—that their existing military service commitment isn't good enough to justify the extension of new vocational-technical training benefits to them.

Take the case Anessa Mola, an enlisted member of the South Dakota National Guard, 730th Medical Company, located in Vermillion, SD. Anessa served in the 730th Medical Company for 4½ years and desired to use her GI bill benefits to pursue a radiology technology degree. Obtaining this degree would not only help her pursue her carer goals, but also benefit her military service in the 730th Medical Company. However, the doors of educational opportunity were abruptly slammed shut for Anessa, and others like her, who have served our country in the Selected Reserve force.

Just this past week, Anessa Mola packed her bags and said good-bye to her family as she left with the members of the 730th Medical Company for deployment to Saudi Arabia. She left willingly to serve our country with the full knowledge of the dangers that face her.

Anessa Mola's family is angry. They, and other families like them, have been told in effect, that their children's pledge to serve this Nation isn't enough for our Government to extend the new vocational and technical training benefits to them under the Montgomery GI bill.

Mr. President, we have a chance with the legislation I am introducing today to reaffirm our commitment to the young men and women in the Selected Reserve and National Guard, many of whom are serving in Saudi Arabia, by extending vocational and technical training benefits to any reservist who has signed a 6-year contract after July 1, 1985, and is otherwise eligible for program benefits under the Montgomery GI bill.

I hope my colleagues will join me in sending a strong mesasage to the men and women of the Selected Reserve and National Guard that we take seriously their pledge to serve our country, and that we will do our part in ensuring that they have access to Montgomery GI bill vocational and technical training benefits when they return home.

I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF ELIGIBILITY FOR EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

Section 642(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1458) is amended by striking out "September 30, 1990" and all that follows through the end of the subsection and inserting in lieu thereof "June 30, 1985, meets the requirement set forth in subparagraph (A) or (B) of section 2132(Ia)(1) of title 10, United States Code, but no benefit shall be paid to any person by virtue of the amendments made by this section for pursuit before October 1, 1990, of any program of apprenticeship or other on-the-job training or any cooperative program.".•

By Mr. METZENBAUM (for himself, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. KENNEDY, Mr. SIMON, Mr. PELL, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. KERRY, Mr. AKAKA, and Mr. LEVIN):

S. 257. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun; to the Committee on the Judiciary.

BRADY HANDGUN VIOLENCE PREVENTION ACT

• Mr. METZENBAUM. Mr. President, today we are pleased to introduce legislation to require a national 7-day waiting period before the sale of a handgun. We have entitled this bill the Brady Handgun Violence Protection Act in honor of two courageous people: Jim Brady, who was shot and seriously wounded 10 years ago in the assassination attempt on President Reagan, and Sarah Brady, who has spoken out for sensible and effective firearms legislation.

I am pleased to be joined in this effort by Senators KASSEBAUM, CHAFEE, KENNEDY, SIMON, PELL, LAUTENBERG, MIKULSKI, MOYNIHAN, KERRY, AKAKA, and LEVIN.

The Brady bill provides for a simple step which will allow local law enforcement to undertake a background check to make sure that a purchaser is legally entitled to possess a firearm. This waiting period also works as a cooling-off period for persons in a violent or suicidal rage, before they take possession of a handgun.

There is already a law that prohibits convicted felons from purchasing firearms. I don't know of anyone who would argue with that law. But that law by itself is ineffective. Today a felon can walk into a gun store, lie about his criminal record on a Federal firearms form, put down his money, and walk out with a handgun. A waiting period would give the police the tool they need to enforce the law, by giving them the time to run an accurate background check on potential purchasers.

It has been said that this bill will not reduce crime because only law-abiding citizens, not criminals, obtain guns from retail outlets. I am sure that many felons do get firearms on the black market, but the 22 States that now have waiting periods have found them highly successful in preventing handguns from falling into the hands of criminals. In a single year, California prevented 1,800 handguns from being purchased by convicted felons. New Jersey stops an average of 500 convicted felons a year from illegally buying handguns.

While State and local laws are extremely useful, it is unfortunately too easy for lax laws in one State to undercut the effectiveness of a waiting period in a neighboring State. Criminals will continue to evade State laws unless Congress acts to ensure that law enforcement officials throughout the Nation have an opportunity to perform background checks.

Let me stress that all we are talking about in this bill is a simple waiting period. You want to buy a handgun. Fine. Go to your gun dealer. Fill out a simple form. Come back 7 days later, and if you do not have a felony record, walk out with your handgun. What is so burdensome about that?

This bill does not call for handgun registration. The police must destroy the firearms form within 30 days. We are not talking about banning or confiscating handguns. I know that some opponents of the Brady bill, particularly the National Rifle Association, have claimed that it would be the first step toward a handgun ban. That is simply not true. Let me say again, as I have said before, I do not advocate and would not support legislation to ban handguns.

But the proliferation of gun violence in this country demands that we take some action. The American people demand that we take action. Opinion polls show that a large majority support a waiting period. In fact, last year a Time Magazine/CNN poll showed that 87 percent of gun owners support a national 7-day waiting period and background check for anyone who wants to buy a handgun. These are the very gun owners that the National Rifle Association purports to represent in their campaign of lies and distortion against this bill.

Law enforcement organizations across the country are urging Congress to act. Every major law enforcement organization in the country supports this bill. These include the Fraternal Order of Police, the International Association of Chiefs of Police, the Police Executive Research Forum, the National Sheriffs' Association, and the National Association of Police Organizations, to name just a few.

In 1988, when the House of Representatives failed to pass the Brady bill by a narrow margin, Congress voted to require the Attorney General to "develop a system for the immediate and accurate identification of felons who attempt to purchase firearms." In accordance with that law, the Attorney General reported to Congress in November 1989 that the Justice Department would study how to implement a point-of-sale verification system for handgun purchases, but that it would take years before such a system is operational.

If we are years away from a system that can immediately identify felons at the sales counter of the gun store, then the clear, logical alternative is a 7-day waiting period that would provide enough time for police to identify felons who attempt to purchase handguns.

This coming March 30 will mark the 10th anniversary of John Hinckley's attempted assassination of President Reagan. On that day, armed with a handgun, Hinckley wounded the President, a Secret Service agent, a Washington police officer, and of course Press Secretary Jim Brady. That event is just the most imfamous instance of handgun violence that takes place far too often in America. Last year alone, 22,000 people were killed with handguns. No Senator can introduce legislation that will stop all of the gun violence on our Nation's streets. But many of those 22,000 deaths could have been prevented if the gunman were required to wait 7 days before getting that handgun. Police would have time to identify felons who are prohibited by law from possessing guns, and persons buying a handgun in a suicidal or homicidal rage would have time to cool off before getting their gun. In short the Brady bill will save lives.

In this, the 10th anniversary year of the shooting of President Reagan and Jim Brady, I ask my colleagues to join with us in standing up to the likes of the National Rifle Association, and standing with the police of this country to support this sensible and effective firearms legislation. Congress should take prompt action in passing the Brady bill.

Mr. President, I ask unanimous consent that the entire text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 257

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brady Handgun Violence Prevention Act."

SEC. 2. WAITING PERIOD REQUIRED BEFORE PURCHASE OF HANDGUN.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(s)(1) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer a handgun to an individual who is not licensed under section 923, unless—

"(A) after the most recent proposal of such transfer by the transferee—

"(i) the transferor has—

"(I) received from the transferee a statement of the transferee containing the information described in paragraph (3);

"(II) verified the identification of the transferee by examining the identification document presented; and

"(III) within one day after the transferee furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and

"(ii)(I) the transferor has received written verification that the chief law enforcement officer has received the statement, seven days have elapsed from the date the transferee furnished the statement, and the transferor has not received information from the chief law enforcement officer that receipt or possession of the handgun by the transferee would be in violation of Federal, state, or local law; or

"(II) the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of the handgun by the transferee would violate Federal, State, or local law;

"(B) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the ten day period ending on the date of the most recent proposal of such transfer by the transferee, which states that the transferee requires access to a handgun because of a threat to the life of the transferee or of any member of the household of the transferee;

"(C)(i) the transferee has presented to the transferor a permit which—

"(I) allows the transferee to possess a handgun; and

"(II) was issued not more than five years earlier by the State in which the transfer is to take place; and

"(ii) the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law;

"(D) the law of the State—

"(i) prohibits any licensed importer, licensed manufacturer, or licensed dealer from transferring a handgun to an individual who is not licensed under section 923, before at least seven days have elapsed from the date the transferee proposes such transfer; or

"(ii) requires that, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, an authorized government official verifies that the information available to such official does not indicate that possession of a handgun by the transferee would be in violation of law; or

"(E) the transferor has received a report from any system of felon identification established by the Attorney General pursuant to section 6213(a) of the Anti-Drug Abuse Act of 1988, that available information does not indicate that possession or receipt of a handgun by the transferee would violate Federal, State, or local law.

"(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

"(3) The statement referred to in paragraph (1)(A)(i)(I) shall contain only—

"(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1) of the transferee containing a photograph of the transferee and a description of the identification used;

"(B) a statement that transferee—

"(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(ii) is not a fugitive from justice;

"(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

"(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

"(v) is not an alien who is illegally or unlawfully in the United States;

"(vi) has not been discharged from the Armed Forces under dishonorable conditions; and

"(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

"(C) the date the statement is made; and

"(D) notice that the transferee intends to obtain a handgun from the transferor.

"(4) Any transferor of a handgun who, after such transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

"(A) the chief law enforcement officer of the place of business of the transferor; and

"(B) the chief law enforcement officer of the place of residence of the transferee.

"(5) Any transferor who receives information, not otherwise available to the public, in a report under this subsection shall not disclose such information except to the transferee, to law enforcement authorities, or pursuant to the direction of a court of law.

"(6)(A) Any transferor who sells, delivers, or otherwise transfers a handgun to a transferee shall retain the copy of the statement of the transferee with respect to the handgun transaction.

"(B) Unless the chief law enforcement officer to whom a copy of the statement is sent determines that a transaction would violate Federal, State, or local law, the officer shall, within 30 days after the date the transferee made such statement, destroy such copy and any record containing information derived from such statement.

"(7) For purposes of this subsection, the term, 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

"(8) The Secretary shall take necessary actions to assure that the provisions of this subsection are published and disseminated to dealers and to the public."

(b) HANDGUN DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(29) The term 'handgun' means—

"(A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(c) PENALTY.—Section 924(a) of such title is amended—

(1) in paragraph (1), by striking "(2) or (3)" and inserting "(2), (3), or (4)"; and

(2) by adding at the end the following:

"(4) Whoever knowingly violates section 922(s) shall be fined not more than $1,000, imprisoned for not more than one year, or both.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in ninety or more days after the date of the enactment of this Act.•

By Mr. JOHNSTON:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990; to the Committee on Energy and Natural Resources.

PURPA CORRECTIONS BILL

• Mr. JOHNSTON. Mr. President, during the last session Congress removed size limitations on Solar, Wind, Waste and Geothermal Small Power Production Facilities under Public Utility Regulatory Policies Act of 1978 for a 5-year period. Unfortunately, there was an error in the legislation. The effect of the error was to remove all size limitations for those facilities that are larger than 80 MW, but—contrary to Congress' intent—not to remove them for facilities between 30 and 80 MW. This paradoxical result has caused significant difficulty for a number of developers who are pursuing projects that are smaller than 80 MW. The purpose of the bill I have introduced today is to remedy this unfortunate oversight.•

By Mr. GARN (for himself and Mr. WALLOP) (by request):

S. 259. A bill to amend the Defense Production Act of 1950; to the Committee on Banking, Housing, and Urban Affairs.

DEFENSE PRODUCTION ACT EXTENSION

• Mr. GARN. Mr. President, I rise today to introduce legislation requested by the administration that would reinstate the authorities of the Defense Production Act that lapsed at the end of the last Congress. DPA authorities are critical to U.S. defense preparedness at any time but have never been more necessary than now, with U.S. troops under fire in the gulf.

The DPA should never have been allowed to lapse at the end of the 101st Congress. When Congress adjourned last October, a conference report had passed the House and was pending in the Senate. It represented a reasonable compromise between House and Senate positions and included no provisions that the administration had indicated were veto candidates during the legislative process. However, at the 11th hour, the Defense Department raised a number of objections to the bill and announced that it did not need DPA authorities to support military preparedness. These judgements, which I believed were mistaken at the time, led to the demise of the bill. The administration has now decided that it does in fact need DPA authorities as a matter of urgency to address the crisis in the gulf. I agree that this must be done.

The bill the administration is proposing is straightforward. It extends the DPA for 1 year from the date on which it lapsed and makes its authorities retroactive to that date. It authorizes funding for the DPA and makes technical changes needed by the Department of Energy to permit planning for energy disruptions that may arise from the war. I ask unanimous consent that the text of the bill and supporting information be printed in the RECORD at this time.

I believe we have to enact the more comprehensive legislation that died at the end of the last session and I intend to support efforts to do that as soon as possible. In the meantime, it is my hope that the Congress will implement a short-term extension of the DPA for a month or two to ensure that critical war material remains available to our troops in sufficient quantity while the legislative process is pursued.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Defense Production Act Extension and Amendments of 1991".

EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

SEC. 2. EXTENSION OF PROGRAMS.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "October 20, 1991".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(a)(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed $50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal year 1991 may not exceed $50,000,000."

SEC. 4. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 5. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) For purposes of this Act the term—

"(1) "Antitrust laws" has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) "Plan of action" means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2nd sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section";

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting, "General,"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in sybsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this subsection) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this subsection) by inserting "and publishes such finding in the Federal Register" before the period;

(14) in subsection (f)(2) (as amended by paragraph (11) of this subsection) by inserting "and publish such certification and finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and" at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress."

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) Defense for violation of Federal or State antitrust laws—

"(1) Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraphs (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraphs (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l), by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 6. TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 7. EFFECTIVE DATE.

(1) This Act shall take effect on October 20, 1990; and

(2) No action taken by the President or the President's designee between October 20, 1990, and the enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

SECTIONAL ANALYSIS

Purpose: To amend the Defense Production Act of 1950 to support mobilization of the defense industrial base of the United States.

SECTION 1. "SHORT TITLE"

This section cites the Act as the "Defense Production Act Extension and Amendments of 1991".

SECTION 2. "EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950"

This section extends the non-permanent provisions of Titles I, III, and VII of the Act to October 20, 1991. Currently, the Act contains an expiration date of October 20, 1990 for these non-permanent provisions of the Act. The proposed amendment avoids costly impacts on national defense and preparedness programs that would result from termination of the Act and supports defense requirements for Operation Desert Shield.

SECTION 3. "AUTHORIZATION OF APPROPRIATIONS"

This section authorizes appropriations for programs under sections 301, 302 and 303 of the Act.

SECTION 4. "VOLUNTARY AGREEMENTS"

This section repeals section 708A of the Defense Production Act. In all respects but one, section 708A is obsolete.

When enacted in 1975, section 708A prescribed procedures for developing and carrying out any voluntary agreement or plan of action to implement the Agreement on an

International Energy Program dated November 18, 1974. Subsequently, the Energy Policy and Conservation Act (EPCA) was enacted, with section 252 therein (42 U.S.C. 6272) now serving as the exclusive statute governing the United States' participation in the International Energy Program, and rendering section 708A obsolete for purposes of the International Energy Program.

The only remaining effective provision in section 708A is subsection (o), which prohibits the use of voluntary agreements under section 708 to implement any international agreement relating to petroleum products to which the United States is a party. Consequently, subsection 708A(o) causes an antitrust defense to be unavailable for voluntary actions by United States oil companies to fulfill the United States' oil supply obligations under the North Atlantic Treaty and other international agreements, such as the United States-Israel Oil Supply Agreement. Repeal of section 708A would rectify this situation and would not affect the status of 42 U.S.C. 6272 as the exclusive statute governing voluntary agreements and plans of action pursuant to the International Energy Program.

SECTION 5. "RESTORING ANTITRUST IMMUNITY"

Section 5(1) is a conforming amendment to the repeal of Section 708A.

Section 5(2) defines the term "plan of action". Section 708 presently omits any provision for plans of action, such as were employed during the Korean War and as authorized under section 252 of the EPCA, with regard to the Agreement on an International Energy Program. Thus, at present under section 708, it appears that any actions decided by voluntary agreement participants would have to be reflected in a new "voluntary agreement," as distinguished from an implementing document adopted by the participants in an existing voluntary agreement. A plan of action may propose taking steps, the particulars of which are quite significant in their effects and which cannot be anticipated when the voluntary agreement is approved.

Thus, there is a need to recognize that a plan of action is a separate document which needs to be approved separately, but which is not subject to the elaborate procedures for approval of voluntary agreements, since such procedures could impede the ability of a voluntary agreement group to accomplish the objectives of the agreement expeditiously.

Section 5(3) is a conforming amendment to the repeal of Section 708A.

Section 5(4) permits more than one individual to be delegated the authority to make voluntary agreements under Title I of the Act.

Section 5(5) modifies section 708(d)(1) to delete the requirement that meetings of advisory committees established in connection with section 708 voluntary agreements be open to the public. This requirement is duplicative of section 10 of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, section 10, which would apply to such voluntary agreement advisory committees and which requires open meetings.

Section 5(6) modifies section 708(d)(2) to expand the existing Freedom of Information Act (FOIA) grounds for withholding from the public transcripts of meetings of voluntary agreement advisory committees to include the FOIA (b)(4) exemption pertaining to industry confidential or proprietary information or data. This change is necessary to make section 708(d)(2) consistent with the provisions of section 10 of FACA and 5 U.S.C. 552b(c), which would permit the closing to the public of a voluntary agreement advisory committee meeting to consider industry confidential or proprietary data or information.

Sections 5(7), 5(11), 5(15), 5(19), and 5(20) insert the term "plan of action" wherever the term "voluntary agreement" is set out in section 708 of the Act.

Sections 5(9), 5(12), 5(13), 5(14), and 5(15) add new procedural requirements to the procedural requirements already contained in sections 708(e)(3)(F), 708(f)(1)-(2) and 708(h) governing meetings to develop or to carry out voluntary agreements, to provide "sunshine" on the activities or voluntary agreement and plan of action participants. The additional requirements, which parallel procedural requirements contained in the Federal Advisory Committee Act applicable to advisory committees include a requirement to submit copies of voluntary agreements and plans of action to the Congress, a requirement that the Attorney General publish in the Federal Register his finding approving a voluntary agreement or plan of action, and a requirement that the certification or finding required to renew an expiring voluntary agreement be published in the Federal Register.

Sections 5(8) and 5(17) modify the procedural requirements contained in sections 708(e)(3)(D) and 708(h)(7)-(8) applicable to meetings to develop or to carry out voluntary agreements and plans of action, to delete the reference to the Freedom of Information Act (FOIA) grounds for closing such meetings to the public and to substitute in lieu thereof the appropriate reference to the Government in the Sunshine Act for closing the meetings.

Sections 5(10) and 5(16) modify sections 708(e)(3)(G) and 708(h)(3) to expand the existing FOIA grounds for withholding from the public transcripts of meetings to develop or to carry out voluntary agreements or plans of action to include the FOIA (b)(4) exemption pertaining to industry confidential or proprietary information or data.

Section 5(18) modifies the existing antitrust defense to make it more nearly like the antitrust defense in section 252 of EPCA available to participants in the voluntary agreement established to carry out the International Energy Program. The amendment eliminates the unique, vague and unreasonably difficult requirement that in order for actions to qualify for the antitrust defense, the person taking them must prove that he has done so "in good faith," and substitutes a new test applicable to the antitrust defense in section 252 of EPCA. In contrast with the DPA's good faith requirement, section 252 of EPCA provides that the actions complained of must not have been taken "for the purpose of injuring competition," and, except in the case of actions taken to develop a voluntary agreement or plan of action, the person asserting the defense must demonstrate that the actions were "specified in, or within the reasonable contemplation of, an approved plan of action."

Section 5(21) exempts voluntary agreement participants from the provisions of laws, rules and regulations pertaining to advisory committees while they are carrying out the provisions of a voluntary agreement and/or plan of action under this Act. Although voluntary agreement groups historically provided advice to the Government, as a result of the enactment of the Federal Advisory Committee Act, they now could be precluded from doing so unless they were chartered as advisory committees. That prohibition may defeat the purposes for which a voluntary agreement was established for firms in a particular industry and, consequently, there is a need to exempt section 708 voluntary agreements from advisory committee requirements. The need for this exemption is to be distinguished from the treatment of true advisory committees, formed as such under section 708(d)(1), which of course would be subject to the Federal advisory committee laws—and such true advisory consisting of diverse representation, could perform a useful oversight role of functioning voluntary agreements.

In addition, Section 5(21) adds a new subsection (o), making available to firms fulfilling a Presidential request pursuant to a voluntary agreement or plan of action, a breach of contract defense comparable to that now afforded by EPCA section 252(j) for firms participating in actions to satisfy U.S. obligations under the International Energy Program. It is expected that voluntary agreement and plan of action participants would demand breach of contract protection as a condition of their assisting in carrying out Government policies with respect to the reallocation of resources.

SECTION 6. "TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS"

This section makes it clear that the DPA's contract priority and allocation provisions in both sections 101(a) and 101(c) apply to "service" contracts, for example, airlift of troops and equipment to the mideast, repair of strategic Petroleum Reserve pipelines, shipping and port services, and repairs and servicing of aircraft under the CRAF program. It also eliminates obsolete reporting requirements while maintaining essential elements of the Presidential findings that must accompany the use of section 101(c) authority.

SECTION 7. "EFFECTIVE DATE"

Section 7 of the bill provides for retroactive effect of the extension to October 20, 1990, with the exception that the retraction will not prejudice the President's authority under section 721 of the Defense Production Act.●

By Mr. MITCHELL:

S.J. Res. 44. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget.

SUSPENSION OF CERTAIN PROVISIONS OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MITCHELL. Mr. President, we have been formally notified by the Congressional Budget Office and the Office of Management and Budget that the economy is in recession.

What American workers, families, and individual businesses have known for months is now official: Our economy is not growing; it is shrinking.

I am compelled by law to introduce the joint resolution I now send to the desk. If affirmed by the Senate, the House of Representatives and signed by President Bush, this joint resolution would suspend the enforcement sections of the Gramm-Rudman-Hollings law; it would let us exceed overall deficit targets; and it would allow committees to spend more money than the recently adopted budget provides.

In short, if passed, this joint Resolution could undo much of the difficult work we did last fall.

That is why, although I am compelled by law to introduce this joint resolution at this time, I do not favor its enactment at this time.

The crisis in the Persian Gulf makes the near-term economic outlook uncertain in the extreme. While both executive and legislative branch agencies now agree that we are in a recession which began late last year, both agencies are also forecasting a recovery beginning this spring.

They are joined in that tentative optimism by private forecasters.

But if those predictions are wrong, if this recession deepens and spread, I will be among those urging the Congress to consider measures designed to lessen its impact on families and on the businesses that provide jobs for American workers.

I have appointed a task force of Democratic Senators to monitor the economy and keep me apprised of its status. If it becomes necessary to counteract the effects of a continued economic downturn, I will propose such measures.

In fact, procedures exist under the Budget Act that allow us to craft and adopt an economic recovery package in just such a contingency. I will use those procedures if necessary.

But I am not persuaded that now is the time to abandon our hard-won budget enforcement provisions. To do so could send precisely the wrong signal to domestic and international financial markets.

A wrong interpreted, premature signal of that sort could exacerbate our current economic condition and further complicate our ability to improve the country's fiscal standing and, thereby, the living standards of American families.

Mr. President, I ask unanimous consent that the text of the joint resolution, a letter from the Director of the Congressional Budget Office and a letter from the Director of the Office of Management and Budget be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 23, 1991.
Hon. DAN QUAYLE,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Under section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Congressional Budget Office must notify the Congress in the event of an economic downturn. The section reads in part:

(j) LOW-GROWTH REPORT.—At any time, CBO shall notify the Congress if—

(1) during the period consisting of the quarter during which such notification is given, the quarter preceding such notification, and the 4 quarters following such notification, CBO or OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any 2 consecutive quarters within such period * * *.

This letter serves to notify the Congress that the Congressional Budget Office (CBO) and the Office of Management and Budget (OMB) project real economic growth to be less than zero with respect to the last quarter of calendar year 1990 and the first quarter of calendar year 1991. A letter from the Director of OMB informing CBO of the OMB forecast is enclosed.

Sincerely,

ROBERT D. REISCHAUER,
Director.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, January 15, 1991.
ROBERT D. REISCHAUER,
Director, Congressional Budget Office, Washington, DC.

DEAR BOB: The Balanced Budget and Emergency Deficit Control Act (Section 254(j)) requires the Congressional Budget Office (CBO) to notify Congress if "CBO or OMB has determined" that real economic growth is estimated to be less than zero for two consecutive quarters within a specified period.

Our staffs have, as is our custom, exchanged economic forecasts, including forecasts of real economic growth. In our case, we have provided you with the latest draft of the "Troika's" forecast—for it is that which we are using in developing our FY '92 budget estimates. It is clear from our staff exchange that both CBO and the Administration are about to forecast real growth of less than zero for the fourth quarter of 1990 and the first quarter of 1991. (The Troika estimate assumes a decline in real economic growth of 3.4 percent for the fourth quarter of 1990 and 1.3 percent for the first quarter of 1991.)

When either the CBO or the OMB forecasts are officially made public, the issue of CBO notification to Congress under Section 254(j) will arise. It is my understanding that you now plan to release your forecast on or about January 17th. Rather than create the possibility of separate CBO notifications for the CBO and OMB determinations, we recommend that when CBO notifies Congress of its forecast, it simultaneously notify Congress of the OMB determination.

To that end, when you decide to release the CBO forecast, please allow this letter to serve to advise you officially that "OMB has determined that real economic growth is projected or estimated to be less than zero with respect to each of any two consecutive quarters within" the period designated in section 254(j). We propose that CBO include this letter in its notification to Congress pursuant to Section 254(j).

With best regards,

RICHARD G. DARMAN,
Director.

By Mr. REID (for himself and Mr. KERREY):

S.J. Res. 45. Joint resolution to require display of the POW/MIA flag at Federal buildings; to the Committee on Governmental Affairs.

DISPLAY OF POW/MIA FLAG AT FEDERAL BUILDINGS

Mr. REID. Mr. President, 2,302 Americans are still prisoner, missing or unaccounted for in Southeast Asia, including 42 civilians, 2 of whom are women. There are 596 in North Vietnam, 1,081 in South Vietnam, 537 in Laos, 82 in Cambodia, and 6 in China.

In recent days, this sad saga has begun anew. Now, in addition to the 2,302 POW/MIA's in Southeast Asia, at least 14 American airmen have been reported missing since the beginning of allied bombing of Iraq.

The Iraqis, like the Vietnamese, are using prisoners of war for political purposes. This weekend, we saw their battered and swollen faces paraded before the world by Saddam Hussein in yet one more act of barbarism.

Americans throughout the country have friends and colleagues, parents and grandparents, brothers and sisters, husbands and wives whose fate is still unknown, not only from these two most recent wars but from the Korean War and the two world wars. Together, they strive to promote public awareness of those who are prisoners of war or missing-in-action.

Congress, also, has a responsibility to acknowledge and honor those Americans who have not returned home.

Almost 2 years ago, I introduced a joint resolution to require that the POW/MIA flag be flown over all Federal buldings. I am reintroducing that resolution today. It shall be a symbol to the Nation, and to the world, that we have not forgotten and will not forget our missing service men and women.

There are a number of members of this body who served in Southeast Asia. Senator JOHN MCCAIN of Arizona, a Navy pilot, was shot down over Vietnam and spent 6 heroic years as a POW; Senator BOB KERREY of Nebraska served and earned a Congressional Medal of Honor—he is the only Medal of Honor winner to serve in the Senate in this century. In addition, Senators JOHN KERRY, AL GORE, LARRY PRESSLER, and CHUCK ROBB all served in Vietnam. And there are others in this body who served in the previous wars, not the least of which is JOHN GLENN, a Marine pilot—an ace in World War II and Korea.

Many of their comrades in arms did not make it home with them. They understand the pain and loss of not knowing.

Mr. President, in 1971, Mrs. Michael Hoff, an MIA wife and member of the National League of Families, recognizing the need for a symbol to represent the POW/MIA's, contacted a flag maker named Norman Rivkees to design a flag to represent our missing men and women. With league approval, the flags were produced and distributed.

Concerned groups and individuals have altered the original POW/MIA flag many times. The logo has changed and the colors switched: from black and white to red, white and blue, to white with black. POW/MIA has at times been revised to MIA/POW. Such changes, however, are insignificant. What is important is that there continues to be a symbol in the public eye as a constant reminder of the plight of these American heroes.

Flying the POW/MIA flag is the very least we can do to show our support for allied prisoners who are being brutalized by their Iraqi captors.

After the war, the United Nations should try Saddam Hussein and his hired thugs as war criminals. I spoke about that at length yesterday. In the meantime, the United States should stand behind the brave Americans who are being tortured by Saddam Hussein and used for propaganda purposes and as human shields.

This resolution, Mr. President, also sends a message to the world that we will not have forgotten the 2,300 men and women who remain missing from Vietnam, and we certainly will not forget the picture that flashed before our eyes this past weekend, the pictures of those American aviators beaten and battered being used now as we speak as human shields in Iraq.

The presence of the flags over Federal buildings will indicate that the POW/MIA issue is unresolved.

The flags should remain flying until we can account for every last American who has served this country in war and not come home. It has been almost two decades since the last troops left Vietnam. As I indicated, it was just yesterday we saw the battered aviators on television being used as propaganda tools for the Iraqi Government.

Let us not be wondering, Mr. President, what happened to another generation of lost soldiers two decades after the war in the Persian Gulf is over.

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Kentucky [Mr. FORD], the Senator from New York [Mr. MOYNIHAN], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

S. 3

At the request of Mr. BOREN, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

S. 5

At the request of Mr. DODD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 8

At the request of Mr. DOLE, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from Arkansas [Mr. BUMPERS] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

At the request of Mr. COATS, his name was added as a cosponsor of S. 8, supra.

S. 10

At the request of Mr. DOLE, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 23

At the request of Mr. SIMPSON, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 23, a bill to amend title 38, United States Code, to index rates of veterans' disability compensation and surviving spouses' and children's dependency and indemnity compensation to automatically increase to keep pace with the cost of living.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 41

At the request of Mr. ROTH, his name was added as a cosponsor of S. 41, a bill to provide for a 5.4 percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

At the request of Mr. SPECTER, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kentucky [Mr. FORD], the Senator from Missouri [Mr. DANFORTH], the Senator from Wyoming [Mr. WALLOP], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Delaware [Mr. BIDEN], the Senator from Washington [Mr. GORTON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 41, supra.

S. 67

At the request of Mr. THURMOND, the names of the Senator from Oregon [Mr. HATFIELD], and the Senator from Indiana [Mr. COATS], were added as cosponsors of S. 67, a bill to amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

S. 78

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. MACK], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 78, a bill to provide a 5.4 percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 88

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 99

At the request of Mr. PRESSLER, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 99, a bill to reduce the pay of Members of Congress and certain Executive Officers corresponding to the percentage reduction of the pay of Federal employees who are furloughed or otherwise have a reduction of pay resulting from a sequestration order.

S. 107

At the request of Mr. Graham, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 107, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 141

At the request of Mr. Levin, his name was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credit through 1996.

S. 143

At the request of Mr. McConnell, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 164

At the request of Mr. Inouye, the name of the Senator from Hawaii [Mr. Akaka] was added as a cosponsor of S. 164, a bill to require that imports of fresh papaya meet all the requirements imposed on domestic fresh papaya.

S. 167

At the request of Mr. Riegle, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 181

At the request of Mr. Inouye, the name of the Senator from Hawaii [Mr. Akaka] was added as a cosponsor of S. 181, a bill to direct the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II.

S. 203

At the request of Mr. Sasser, his name was added as a cosponsor of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. Sasser, his name was added as a cosponsor of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 217

At the request of Mr. Hollings, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 217, a bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

S. 224

At the request of Mr. McConnell, the name of the Senator from Wisconsin [Mr. Kohl] was added as a cosponsor of S. 224, a bill to amend the National School Lunch Act to modify the criteria for determining whether a private organization providing nonresidential day care services is considered an institution under the child care food program, and for other purposes.

S. 238

At the request of Mr. Daschle, the names of the Senator from Massachusetts [Mr. Kennedy], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of S. 238, a bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

S. 239

At the request of Mr. Sarbanes, the names of the Senator from New Jersey [Mr. Lautenberg], the Senator from Rhode Island [Mr. Chafee], the Senator from West Virginia [Mr. Rockefeller], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

SENATE JOINT RESOLUTION 21

At the request of Mr. Levin, his name was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 census.

SENATE JOINT RESOLUTION 35

At the request of Mr. Hollings, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 36

At the request of Mr. Pressler, the names of the Senator from Kansas [Mr. Dole], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 42

At the request of Mr. Riegle, the names of the Senator from Wisconsin [Mr. Kasten], the Senator from Pennsylvania [Mr. Specter], and the Senator from New York [Mr. D'Amato] were added as cosponsors of Senate Joint Resolution 42, a joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia.

SENATE CONCURRENT RESOLUTION 4—CONDEMNING IRAQ'S UNPROVOKED ATTACK ON ISRAEL

Mr. MITCHELL (for himself, Mr. Dole, Mr. Metzenbaum, Mr. Mack, Mr. Johnston, Mr. Nickles, Mr. Graham, Mr. Daschle, Mr. Coats, Mr. Pell, Mr. Gorton, Mr. Durenberger, Mr. Lautenberg, Mr. Gramm, Mr. Burns, Mr. Simon, Mr. Conrad, Mr. Levin, Mr. Kerry, Mr. Boren, Mr. DeConcini, Ms. Mikulski, Mr. Wirth, Mr. Breaux, Mr. Exon, Mr. Ford, Mr. Dixon, Mr. McCain, Mr. Grassley, Mr. Warner, Mr. Riegle, Mr. Cohen, Mr. Smith, Mr. Murkowski, Mr. McConnell, Mr. Specter, Mr. D'Amato, and Mr. Stevens) submitted the following concurrent resolution; which was ordered to be held at the desk by unanimous consent:

S. Con. Res. 4

Whereas Israel is a major ally and close friend of the United States.

Whereas Iraq, without provocation, has launched several Scud surface-to-surface missile attacks on civilian targets in Israel.

Whereas some experts believe that Iraq may have the capability to arm its Scud missiles with chemical warheads, dramatically increasing the potential that such missiles could do serious damage to Israel.

Whereas Iraq has threatened to "burn half of Israel" with chemical weapons.

Whereas every nation has the right to defend itself.

Whereas Israel has exhibited exceptional restraint in the face of Iraq's repeated threats and Scud attacks, has absorbed all Iraqi Scud attacks to date without military retaliation against Iraq, and continues to support implementation of United Nations Security Council Resolution 678 through the unprecedented international coalition of forces in the Persian Gulf.

Whereas the United States has provided Patriot anti-missile missiles to Israel, to help that nation defend itself against further Iraqi attacks utilizing Scud missiles.

Resolved by the Senate (the House of Representatives concurring), That the Congress:

1. Condemns the unprovoked attacks by Iraq on Israel, and declares that the purposeful use of Scud missiles to conduct indiscriminate attacks against civilian targets is a form of terrorism;
2. Expresses profound sympathy for the loss of life, casualties and destruction caused by the Iraqi attacks;
3. Recognizes Israel's right to defend itself;
4. Commends the Government of Israel for its restraint;

5. Commends the people of Israel for their brave and composed perseverance in the face of the Iraqi attacks;

6. Commends the administration for its decision to provide Patriot missiles to Israel; and

7. Reaffirms America's continued commitment to providing Israel with the means to maintain its security and freedom.

SENATE CONCURRENT RESOLUTION 5—RELATIVE TO TREATMENT OF PRISONERS OF WAR BY IRAQ

Mr. MITCHELL (for himself, Mr. DOLE, Mr. NUNN, Ms. MIKULSKI, Mr. DECONCINI, Mr. BREAUX, Mr. LEVIN, Mr. PELL, Mr. GRAHAM, Mr. BENTSEN, Mr. FORD, Mr. MOYNIHAN, Mr. EXON, Mr. MCCAIN, Mr. BURNS, Mr. WARNER, Mr. COATS, Mr. RIEGLE, Mr. COHEN, Mr. SMITH, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. SPECTER, and Mr. STEVENS) submitted the following concurrent resolution; which was ordered to be held at the desk by unanimous consent:

S. CON. RES. 5

Whereas the United Nations Security Council, in a series of resolutions, has demanded that Iraq withdraw its armed forces from Kuwait; and

Whereas the United Nations has authorized member states to use all necessary means to achieve the objectives set out in the relevant Security Council resolutions; and

Whereas the Armed Forces of the United States and other member states are involved in hostilities in order to achieve the objectives stated in the United Nations resolutions; and

Whereas members of the Armed Forces of the United States, other coalition armed forces, and Iraq have been taken prisoner and are entitled to prisoner of war status until their final release and repatriation; and

Whereas article 13 of the Geneva Convention relative to the treatment of prisoners of war, hereinafter referred to as the Third Geneva Convention, to which Iraq and the United States are parties, requires the humane treatment of prisoners of war, that they be protected against acts of violence or intimidation, and against insults and public curiosity; and

Whereas article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind; and

Whereas article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations; and

Whereas the Government of the United States has informed the Government of Iraq that it intends to treat captured members of the Iraqi Armed Forces fully in accordance with the Third Geneva Convention; and

Whereas Iraqi television has broadcast what purport to be interviews with captured American and coalition military personnel and the Government of Iraq appears to have subjected these men to physical and mental torture; and

Whereas it has been reported that the Government of Iraq intends to locate American and other prisoners of war in Iraq at likely military targets of the coalition forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends the bravery and professionalism of the men and women of the Armed Forces of the United States, and extends its heartfelt sympathy to the families and loved ones of those who are killed, missing in action, or taken prisoner by the Government of Iraq.

The Congress demands that the Government of Iraq abide by the principles and the obligations of the Third Geneva Convention concerning the treatment of prisoners of war.

The Congress condemns the failure of the Government of Iraq to treat prisoners of war in strict conformity with the Third Geneva Convention.

SENATE CONCURRENT RESOLUTION 6—RELATIVE TO THE CRISIS IN THE BALTIC STATES

Mr. DOLE (for himself, Mr. MITCHELL, Mr. BYRD, Mr. PELL, Mr. LEVIN, Mr. MCCAIN, Mr. HEINZ, Mr. WARNER, Mr. COATS, Mr. MOYNIHAN, Mr. GRAHAM, Mr. SMITH, Mr. MURKOWSKI, Mr. GRAMM, Mr. MACK, Mr. SPECTER, and Mr. STEVENS) submitted the following concurrent resolution; which was ordered to be held at the desk by unanimous consent:

S. CON. RES. 6

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union.

Whereas Soviet troops have been engaged in brutal attacks against the people, government, and communications facilities of Lithuania and Latvia, resulting in the deaths of at least 20 civilians and injury to over 200 civilians.

Whereas Soviet troops appear to be preparing for similar military action against the people and Government of Estonia.

Whereas the United States Government has repeatedly communicated to President Gorbachev that the use of force in the Baltic States could seriously jeopardize United States-Soviet relations and President Bush has publicly appealed to the leaders of the Soviet Union to "resist using force" in Lithuania, Latvia, and Estonia: Now, therefore, be it

Resolved, That—

SECTION 1. The United States Congress condemns Soviet violence against the people and democratic governments of Lithuania, Latvia, and Estonia.

SEC. 2. The United States Congress urges the President to (i) immediately review all economic benefits provided by the United States Government to the Soviet Union, and report to the Congress on whether those benefits should be suspended in light of Soviet actions in the Baltic States, (ii) immediately suspend all ongoing technical exchanges, (iii) consider withdrawing United States support for Soviet membership in the IMF, World Bank, or GATT, and (iv) not proceed with the provision of MFN trade treatment until the following events have occurred:

(a) Soviet troops refrain from obstructing the functioning of the democratic governments of Lithuania, Latvia, and Estonia;

(b) Soviet Black Beret internal security forces are withdrawn from the Baltic States;

(c) Soviet authorities cease their interference with the telecommunications, print, and other media in these states;

(d) Good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun;

(e) Concrete assurances are received from President Gorbachev that grain purchased with United States credits will not be used to coerce the Baltic States, or any Republic of the Soviet Union, to sign the Union Treaty.

SEC. 3. The United States should consult with and encourage our allies to follow a policy similar to that outlined in section 2.

SEC. 4. The United States Congress urges the President to explore means of increasing direct diplomatic ties with the Baltic States.

SEC. 5. The United States Senate will take the status of events in the Baltic States into account when considering any and all agreements with the Soviet Union in the future.

SENATE RESOLUTION 17—SUPPORTING "OPERATION HOMEFRONT"

Mr. SYMMS (for himself, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. THURMOND, Mr. SMITH, Mr. CRAIG, Mr. NICKLES, Mr. GARN, Mr. BURNS, Mr. GRAMM, Mr. SEYMOUR, Mr. LOTT, Mr. WALLOP, Mr. KASTEN, Mr. DOLE, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 17

Whereas over 400,000 American service men and women are risking their lives in defending the interests and principles of the United States of America;

Whereas these American troops are performing with remarkable success against Saddam Hussein and his military-industrial complex.

Whereas all citizens of the United States, including Congress, should take great pride in the manner in which our brave servicemen and women are representing our Nation in the Middle East;

Whereas all Americans eagerly await a successful and expedient conclusion to the Persian Gulf war and the safe return of our courageous sons and daughters serving in that region: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate strongly supports and endorses "Operation Homefront"; as a national grassroots effort to support our servicemen and women participating in "Operation Desert Storm" and their families here at home; and

(2) the Senate encourages federal, state and local governments and private businesses and industry to organize "Operation Homefront" task forces intended to provide support for the families of the troops while they are deployed and to plan and organize welcome home celebrations for the servicemen and women upon their arrival home.

Mr. SYMMS. Mr. President, America is watching closely the events in the Persian Gulf. Through the eyes of the camera lens, we witness "live" the war being waged against Saddam Hussein's military by the U.S. and coalition forces.

We have all seen the pictures of the intense strategic bombing of the Iraq capital of Baghdad, the bombing of Tel Aviv and Jerusalem, and the unsuccessful attempts of Iraq to use the Scud tactical ballistic missile against Saudi Arabia—the latter defeated most of the time by our Patriot antitactical ballistic missile system.

But most important, what I see and what many Senators have seen when they visited the gulf region, which I had the opportunity to do, is a highly trained, well-equipped, very motivated U.S. military force, Mr. President. I cannot be more proud of our men and women in the military than I am now. It is for this reason that I rise today.

Mr. President, I wish to introduce today a resolution aimed at showing our strong support for the men and women serving in the Operation Desert Storm. While we previously passed unanimously a resolution of this nature, the legislation I will introduce will urge the private sector—mayors, school principals, parent-teacher organizations, local business leaders, local church leaders, Rotarian service clubs, and others to begin organizing nationwide, what I call "Operation Homefront" task forces.

On Friday, January 19, during a rally on the capitol steps in Boise, sponsored by the American Legion, the VFW, the Veterans of Foreign Wars, and the Disabled American Veterans, we kicked off Idaho's Operation Homefront. This, as we perceive it to be in my State, will be a nonpartisan, nonpolitical volunteer effort to encourage everyone to support the troops by assisting their families here at home in numerous ways and to plan for the arrival home of our military men and women.

Nothing hurt more than, during the Vietnam war, to see the reception that our brave veterans received upon returning home. While I recognize it is the right of every American to disagree, it is my hope that any disagreement is limited to our policy, not to the men and women who are serving there, the same people who have accepted the responsibility to defend American ideals.

I happen to strongly support the President for his actions and I realize that others may not, but I believe every American should support the American men and women who we have asked to risk their lives fighting for the country.

Mr. President, as we begin Operation Homefront, we can extend this to each State and county and each city and town across America. Some may think it is premature to do this, but I think it is time to get started, to get ready, because I know it is true the war is not over. We pray for a speedy ending of the war, but we have to start becoming prepared if we are going to have those things lined up and ready so that those people, when they come home, will be given ample opportunity. We envision such things as: People getting discounts in some stores, ski tickets or movie theaters for a short period of time if they participated in Desert Storm.

I now send the resolution to the desk for its appropriate assignment to the proper committee, for myself along with Senator CRAIG, my colleague from Idaho, Senator BURNS, Senator GRASSLEY, Senator HATCH, Senator HELMS, Senator THURMOND, Senator SMITH, Senator NICKLES, Senator GARN, Senator GRAMM of Texas, Senator SEYMOUR, Senator LOTT, Senator WALLOP, and Senator KASTEN. I invite any other Senators to cosponsor this resolution. I ask that the clerk read the resolution. It is very brief.

The PRESIDING OFFICER (Mr. KERREY). The resolution will be received, appropriately referred and the clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 17

Whereas over 400,000 American service men and women are risking their lives in defending the interests and principles of the United States of America;

Whereas these American troops are performing with remarkable success against Saddam Hussein and his military-industrial complex.

Whereas all citizens of the United States, including Congress, should take great pride in the manner in which our brave service men and women are representing our Nation in the Middle East;

Whereas all Americans eagerly await a successful and expedient conclusion to the Persian Gulf war and the safe return of our courageous sons and daughters serving in that region: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate strongly supports and endorses "Operation Homefront" as a national grassroots effort to support our service men and women participating in "Operation Desert Storm" and their families here at home; and

(2) the Senate encourages Federal, State, and local governments and private businesses and industry to organize "Operation Homefront" task forces intended to provide support for the families of the troops while they are deployed and to plan and organize welcome home celebrations for the service men and women upon their arrival home.

Mr. SYMMS. Mr. President, it will be my hope that the majority and minority leaders will be able to support this resolution and agree to a time when we might adopt it. But I will let the time take its place.

Mr. President, I ask unanimous consent to add Senator DOLE's name as one of the cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I invite all Senators from both parties to support this, and I hope they will.

I would like to say while the troops are still in the field, Operation Homefront in Lewiston, ID, last week hosted a dinner for some of the families who have members participating in the gulf. Eighty people turned out on very short notice. I thank the president of the chamber of commerce, Sandra Church in Lewiston, who sponsored that Operation Homefront operation. So this does have great opportunities for all citizens to participate, and I hope that they all will.

Mr. DOLE. Mr. President, I rise to speak for myself and I am sure for the State of Kansas to join my colleague from Idaho in supporting Operation Homefront.

Our fighting forces are proving they are second to none. Their performance, their spirit, has been remarkable. All Americans can take great pride in the fine way they are representing us in the Persian Gulf.

Mr. President, I would also take this opportunity to express my sadness—and my outrage—in the way courageous American prisoners of war are being used as pawns of Saddam Hussein's propaganda war. America should not forget what Saddam is doing to captured Americans, and I for one will not.

Our mission in the gulf is clear. We must continue until Saddam's military forces are ousted from Kuwait. We must continue until freedom, peace, and stability are restored in the region.

The great confidence I have in our success lies in my confidence in our brave servicemen and women. The senior Senator from Idaho [Mr. SYMMS] is right: They do deserve a heroe's welcome when they return home.

Operation Homefront is a tremendous effort by Senator SYMMS and all Idahoans. And, very soon, this will not only be an Idaho project. It is my hope this will also be a Kansas project. We will make sure our brave men and women from Kansas who are fighting for our cause in the gulf are, indeed, welcomed back as the heroes they are.

I offer my strongest support for the resolution offered by our colleague, Senator SYMMS. Let us make Operation Homefront more than just an Idaho or a Kansas program. Let us make it our national effort to honor and welcome home our deserving troops back from the Middle East.

• Mr. CRAIG. Mr. President, I am proud to join Senator STEVE SYMMS as a cosponsor of the resolution supporting Operation Homefront. This measure helps assure real recognition and a well-deserved hero's welcome for our troops when they return from the gulf conflict.

I am also pleased that this resolution addresses another obligation we have: Recognizing that the fighting man or woman is a part of a family. While their loved one is defending the country, they deserve our support and our encouragement—and our respect, as well. This resolution will help form a structure in our society to make sure those obligations are honored.

This country, I think, did a grave injustice to troops returning from the Vietnam conflict. Many in our society determined that America's participation in that war was wrong. They had the right to make that decision and to act on it. But no one had the justification to turn his back on those who answered our original call and went to fight for us.

I want to help ensure that all the Americans returning from the current conflict get the thanks and support they deserve from their country. It is imperative that the young men and women currently defending our interests so bravely in the gulf receive the treatment they have earned when they return. This resolution will help make sure that they receive that treatment, together with all the honor and gratitude that should accompany it.

I am fully behind the spirit and intent of this resolution, and I will do all I can to help make its goals a reality.•

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a business meeting on January 30, 1991, at 10 a.m. in SR332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, January 23, 1991, at 10 a.m. to conduct a hearing on funding for the Resolution Trust Corporation and the semiannual review.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MIKE WELCH, NATIVE OF SWEETWATER, TX

• Mr. BENTSEN. Mr. President, on February 4, 1991, the town of Sweetwater, TX, will honor Sweetwater native Mike Welch for his athletic and academic achievements at Baylor University. Mike will graduate from Baylor this year. Mike's achievements include the following: a 3-year starter at free safety on Baylor's varsity football team; coholder of Baylor's career interception record; consensus All Southwest Conference free safety; winner of American Airlines' American Spirit Award; this year's Most Valuable Player for Baylor; an invitee to play in this year's East-West Shrine game in San Francisco; and for the second year in a row, first team Academic All-American, the only football player from the Southwest Conference.

I would like to take this chance to publicly congratulate Mike and tell him how proud I am that he is a son of Texas. I am most proud of Mike's academic feats: Academic All-American with a 3.78 GPA in computer science. That is a lot of brain power, inspiration, and perspiration.

His academic accomplishments are even more impressive when you consider how time-consuming division I football can be for ballplayers. Division I programs have become demanding year-round operations. With those demands, undisciplined players can lose sight of their academic priorities. In fact, too many athletes lose sight. An NCAA study revealed that only 38 percent of all division I scholarship atheletes graduate in 5 years.

This graduation rate can give the term "student athlete" a hollow ring. But Mike Welch gives the term meaning. Mike is proof that ballplayers can hit the books as hard as they hit the guys across from them.

Mike also sends younger people the right message about their priorities. He shows them that they must keep their eyes on the ball, if they want to have careers when they put the ball down for good. From him they will learn that drugs, apathy, or dropping out are obstacles to any kind of life that is worth living.

Mike deserves all the credit in the world. But I cannot forget to give credit to his family: his mother Judy, his dad David, and his sister Jana. Mr. and Mrs. Welch are also role models. They restore the faith of many younger parents who pray that their love, discipline, and encouragement will pay off in the end run.

I urge my Senate colleagues to join me in congratulating Mike Welch and his family for all he has achieved and will go on to achieve in the future.•

SHAWN BRADLEY

• Mr. HATCH. Mr. President, a lot is said in today's media about the youth of this country, the problem of gangs, the dropout rate, the lack of respect for values, and myriad other problems that face our young people. All too often, the young men and women who go through life trying to achieve their goals are unnoticed. Sports are able to accomplish things that others only dream of trying. The true test of any success, whether it be in the athletic arena, in the classroom, or in the business world, is whether that person who has achieved that success can hold on to the values that he or she has been taught.

My alma mater, Brigham Young University, currently has a young man attending school and playing basketball. He is unique because he is extraordinarily tall. I think of my colleague from Wyoming, Senator ALAN SIMPSON, as tall. But Mr. Bradley is 7 feet 6 inches. This is truly a tall young man.

I have had the opprtunity to meet this young man, and I can tell you that he leaves an impression. I am not just talking about his height. He leaves an impression because of his actions. He leaves an impression because of his words. He is a young man who exemplifies all that we hope our young men and women to be. He is a credit to his mother and father; and they deserve to be as proud as I am sure they are.

At the end of this basketball season. Shawn Bradley will undoubtedly receive a call to go on a 2-year mission for the Mormon Church. He will leave behind basketball and school to fulfill a religious obligation that he willingly looks forward to doing. I understand this desire because I served my 2-year mission when I was 19, as have my two older sons. I currently have both a son and a daugther serving missions for my church.

In a recent USA Today, there is an article about Shawn Bradley I would call to my colleagues' attention. I do this because I think we should recognize those young people who are doing the right things in their life. A quote in the article sums up this young man. Eastern Kentucky basketball coach Mike Pollio has just witnessed Bradley tie an NCAA record by blocking 14 shots against his team. After the game, Coach Pollio said, "Bradley blocked all those shots and never changed expression, never did any taunting. They could build a national championship team around him." He never did any taunting. A far cry from some of the exhibitions we see on television by far lesser athletes. Shawn Bradley says being 7 feet 6 inches is no big deal. I think this is an understatement, but I am glad he feels that way.

Mr. President, I ask that the article be reprinted in the RECORD.

The article follows:

TALL ORDER: BYU'S BRADLEY GETS LOOKS FOR SIZE, SKILL

(By Harry Blauvelt)

He is only a freshman, but Shawn Bradley has been the center of attention since he arrived at Brigham Young. He is the biggest man on a campus that includes Heisman Trophy winner Ty Detmer.

Bradley wears size 16 shoes. His pants have to be special ordered. And he sleeps on an 8-foot bed.

"I love being 7-6," says the 210-pound Bradley, who leads the Cougars basketball team in scoring (16.7), rebounding (8.1) and blocked shots (6.0).

"All my life, I've had to adjust because I'm 7-6 in a world built for 6-footers," he adds. "But if I have to duck through a few doorways, I think it's worth it."

Says teammate Nathan Call, a 5-11 guard: "His height doesn't really register until you see him in person. The first time I saw Shawn, I thought. 'There goes the tallest basketball player in the world.' "

Bradley came to BYU from Castle Dale, Utah, (population 1,962) where he led Emery County High to consecutive state championships his junior and senior seasons.

Last season, Bradley averaged 24.3 points, 16.8 rebounds and 8.9 blocked shots, earning first-team All-USA honors from USA TODAY.

"He has a chance to be the best big man who ever played," says Jerry Tarkanian, coach of defending NCAA champion Nevada-Las Vegas.

Bradley also played baseball and golf in high school. And he enjoys water skiing.

"It's not like he's just a big goon," Tarkanian adds. "I've never seen a 7–6 guy that well-coordinated."

Bradley is remarkably poised for an 18-year-old. He has been in the spotlight since ninth grade, when he did his first television interview.

"He's a pleasure to work with—he's not a prima donna," says BYU coach Roger Reid, whose Cougars (9–8) play Thursday at Colorado State (8–6).

Bradley has a delightful sense of humor about his height.

He acquired his first car, a Volkswagen bug when he was 7–2. "I drove with the steering wheel between my knees," he says, laughing.

On a road trip to Philadelphia, where the Cougars played La Salle, Bradley met Manute Bol of the NBA's 76ers.

"I don't look up to very many people, says Bradley, believed to be the USA's tallest college player, "but he was about a quarter of an inch taller than me."

And there are anecdotes. Said Eastern Kentucky coach Mike Pollio: "I went to a BYU banquet and everyone was sitting down, but Shawn looked like he was standing up."

On the court, Bradley is all business.

In a 90–86 victory against Eastern Kentucky, Bradley blocked 14 shots, tying the NCAA record set by Navy's David Robinson, now with the San Antonio Spurs.

"Bradley blocked all those shots and never changed expression, never did any taunting," Pollio says. "They could build a national championship team around him."

Bradley is tenacious, a characteristic he attributes to growing up on a farm, where he learned to herd stubborn cattle.

"Shawn fights you like a guy 5–10," says St. John's coach Lou Carnesecca. "Usually, big guys of that stage are very bland. He's not, he's a warrior."

Lefty Driesell of James Madison says, "I thought because he's a freshman, we could push him around, but he kind of intimidated our guys defensively. He'll be a great player."

Bradley acknowledges that he needs to bulk up, noting he lifts weights and eats as much as he can. Regardless of his weight, he is a man with a mission. Or soon will be. In June, he expects to begin a two-year Mormon mission.

"I don't deny myself that experience just because I have a basketball career," he says. "It's a part of my life that's very important to me."

He would return as a sophomore for the 1993–94 season. This is what NBC–TV's Al McGuire calls "a religious redshirt."

But before the mission, there is the remainder of this season's Western Athletic Conference schedule to be played.

And with each game, Bradley's reputation grows. But he insists, "Being 7–6 is no big deal."•

UKRAINIAN INDEPENDENCE

• Mr. SARBANES. Mr. President, this week marks the 73d anniversary of the passage of the Ukrainian Act of Union by the Ukrainian Rada in January 1918, a period of hope and inspiration for the Ukrainian people and for all those who cherish freedom.

This year's commemoration of Ukrainian independence comes at a time of great uncertainty and hope. On July 16, 1990, the Ukrainian Parliament passed a declaration of sovereignty and legislation designed to further that goal. This action demonstrated the strong support within Ukraine for creating a government that reflected the ancient Ukrainian history, language, and culture. These have been maintained for decades despite the concerted efforts to repress this dynamic society and eradicate its distinguished history.

Recent actions taken by the Soviet Government against the Baltic nations indicate the grave nature of the threat to these democratically elected parliaments. The desire to establish republican forms of government has been expressed in the three Baltic nations and in Ukraine. The dispatching of Soviet troops to enforce conscription in those republics as well as Moldova, Georgia, and Armenia raises serious questions about future Soviet intentions.

Other activities by the Soviet Union including the detention of Oles Doniy and suppression of Deputy Stepan Khmara raise even more questions at a time when Soviet forces have brutally attacked government authorities and institutions in Lithuania and Latvia and stationed additional military forces in Ukraine.

We have a duty and responsibility to ensure that the historically strong desire of Ukrainians to seek democracy, to end human rights abuses, and to establish an elected government are not thwarted. This anniversary is an appropriate moment for us to rededicate our efforts to those ends.•

MODIFICATION OF HONORARIA BAN FOR FEDERAL EMPLOYEES

• Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of S. 242, legislation that will correct an inadvertent penalty that has been imposed upon this Nation's civil servants. This bill will amend the Ethics Reform Act of 1989 to reinstate the ability for low- and mid-level Federal employees to receive compensation for work that is unrelated to their Government duties.

This bill would not change present law as it relates to Members of Congress, Federal judges, or top-level executive branch personnel. Instead, it will allow those Federal employees at the GS–15 level and under to receive fees for work performed outside the parameters of the Government. Of course, there are some restrictions—nonrelation of activity to official duties, offer may not come from party with direct interest in activity, and a maximum of $2,000 for the activity—however, I believe few Federal employees will have problems complying.

Mr. President, I do not believe that it was the intent of Congress to impact negatively upon the vast majority of Federal employees. I do not see the harm in allowing a clerk for the Customs Service to write fishing articles for his local newspaper. I am pleased to cosponsor this bill, and I urge my colleagues to lend their support to this legislation as well.•

THE 73D ANNIVERSARY OF UKRAINIAN INDEPENDENCE DAY

• Mr. RIEGLE. Mr. President, this week marks the 73d anniversary of Ukrainian Independence Day. As a cosponsor of the congressional reception celebrating Ukrainian independence, I am proud to stand with the millions of Ukrainians around the world marking the creation of a sovereign and independent Ukraine. I would also like to express my strongest support for the people of the Ukraine, while taking a look back at the remarkable events of 1990.

Seventy-three years ago, the proclamation of the Ukrainian National Republic ended centuries of oppression and external subjugation. After living under czarist Russian domination, the Bolshevik Revolution of 1917 and the collapse of the Austrian-Hungarian Empire set the stage for the profound step by the Ukrainian people.

On January 22, 1918, in the Ukrainian capital of Kiev, the issuance of the Fourth Universal proclaimed the creation of a free and independent Ukrainian National Republic. The renowned Ukrainian historian, Mykhailo Hrusevesky, was chosen as the new nation's first President.

By 1922, however, the young republic was destroyed by the reconstructed military forces of the more powerful Russian Bolsheviks. While much of the history of the Ukrainian people has been filled with sorrow, we must celebrate even the short life of the Ukrainian National Republic. It stood as a beacon of democracy and a manifestation of the Ukrainian people's dignity and their right to determine their own future.

More than seven decades after the establishment of Ukrainian independence, the world has finally seen a ray of hope for the Ukrainian people—1990 has been a year of profound change for the Ukrainian Republic. It will, hopefully, be a turning point in the years of struggle of the Ukrainian people.

On January 21, 1990, hundreds of thousands of Ukrainian citizens welcomed the new year by joining hands in a human chain, spanning over 300 miles linking Kiev and Lviv. Symbolizing the commitment of the Ukrainian people to regain control of their future, this event was only a sign of what was yet to come.

The Ukrainian parliamentary elections in March were both a great stride forward and a tragedy at the same time. In several cities, the democratic process carried patriotic Ukrainian nationalists into office. After 70 years of Soviet domination, Ukrainian people finally had a voice in the running of their own lands. But, in other areas, Communist control of the political process prevented Ukrainians from demonstrating their yearning for peaceful political expression.

On July 16, the Ukrainian Supreme Soviet declared the restoration of the Republic's sovereignty. For years, Moscow has terrorized countless Ukrainians and has caused the deaths of countless others. From the Terror Famine of 1932–33 to the Chernobyl tragedy, the Soviet Union has brutally repressed Ukraine. But with the declaration of sovereignty, the people of the Ukraine have shown the world their desire to be free of Soviet domination.

It has, nevertheless, been impossible to break the overall Communist hammerlock on the Ukrainian Supreme Soviet. In September and October, in the first major anti-Communist and pro-independence rallies since 1917, 100,000 peaceful demonstrators took to the streets in support of freedom in Ukraine. On October 11, I sent a letter to Mikhail Gorbachev urging that Moscow "begin a direct dialog with the protestors in an effort to reduce tensions in Kiev and to lead to an ultimate realization of the Ukrainian people's legitimate desire for national self-determination."

The Soviet President has heeded neither these words nor the demands of the Ukrainian people. In fact, President Gorbachev has begun to clamp down on many independence-minded republics, including Ukraine. The announcement that Soviet paratroopers would be sent to Western Ukraine, the Baltics, and other republics to enforce the draft is a dangerous and shortsighted return to old patterns of coercion and intimidation. Moreover, it signals the first signs of the end of glasnost and perestroika and a return to dictatorship, as Eduard Shevardnaze recently warned.

I am alarmed at the possibility of a return to oppression in the Soviet Union. The Soviet Union must be aware that a crack down on nonviolent dissent will have a negative impact on United States-Soviet relations. On Wednesday, January 16, I introduced legislation which would revoke United States economic assistance to the Soviet Union unless it halts its military takeover in the Baltic States and begins peaceful negotiations on their independence.

I hope the Soviet officials will understand that if they take advantage of our distraction in the Persian Gulf to crackdown on captive nations they are going to have to pay a price.

Each year, as we celebrate the establishment of the Ukrainian National Republic, it is important that we reaffirm our commitment to the cause of freedom in Ukraine. On this 73d anniversary of Ukrainian independence, I would like to pledge my full support for the Ukrainian people and their quest for self-determination.●

UNANIMOUS-CONSENT AGREEMENT—H.R. 4

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives H.R. 4, a bill to provide tax relief for Desert Storm troops, it be placed on the calendar and that the majority leader, after consultation with the Republican leader, may proceed to its consideration at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3

Mr. MITCHELL. Mr. President, I ask unanimous consent that H.R. 3, a bill to increase the comprehensive cost-of-living adjustment for veterans, be placed on the Senate calendar upon receipt from the House; and that the majority leader, after consultation with the Republican leader, may proceed at any time to the consideration of H.R. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 238

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 238, a bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence involving associations between diseases and exposure to dioxin and other chemical compounds in herbicides; that the bill be placed on the calendar; that the majority leader, after consultation with the Republican leader, may proceed at any time to the consideration of this bill; that no amendments or motions to recommit be in order with respect to the consideration of this bill; and that the time for debate on the bill be limited to 1 hour equally divided and controlled in the usual form between the two leaders or their designees; and that of the minority time there be 10 minutes under the control of Senator SIMPSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now state for the record my intention to proceed to S. 238 next week. I will not seek to proceed to that bill this week. I hope we can complete action on it in a timely fashion next week.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I now ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9 a.m. on Thursday, January 24; that following the prayer the Journal of the proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that at 9 a.m. the Senate proceed to the following three resolutions in the order listed under the following time limitations:

Twenty minutes equally divided on the Mitchell-Dole resolution regarding Israel, that is a Senate Concurrent Resolution 4; 20 minutes equally divided on the Mitchell-Dole resolution regarding prisoners of war, that is Senate Concurrent Resolution 5; 20 minutes equally divided on the Dole-Mitchell resolution regarding the Baltic States, that is Senate Concurrent Resolution 6; that the time on each of the resolutions be controlled in the usual form; that at 10 a.m. the resolution be laid aside and the Senate then proceed to the consideration of H.R. 3, regarding the veterans compensation COLA bill; that there be 45 minutes for debate equally divided and controlled in the usual form; that of the minority time, 10 minutes each be under the control of Senators SIMPSON and SPECTER; that when all time is used or yielded back on H.R. 3, the bill be laid aside and the Senate then proceed to the consideration of H.R. 4, regarding tax benefits for troops serving in the Persian Gulf; that there be 45 minutes for debate on H.R. 4, equally divided and controlled in the usual form, with 10 minutes of the minority time being under the control of Senator KASTEN.

I further ask unanimous consent that when all time is used or yielded back on H.R. 4, there then be 30 minutes for debate equally divided and controlled between the majority leader and the Republican leader.

And I further ask unanimous consent that no amendments or motions be in order to H.R. 3 or H.R. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators I will repeat now the schedule with respect to the measures under consideration. There will be debate this evening on the three resolutions relating to Israel, the treatment of prisoners of war, and Baltic States. I expect that Senators will be addressing those subjects this evening.

Tomorrow morning at 9 o'clock we will come in and there will be 20 minutes equally divided on each of the three resolutions that will be between 9 and 10 a.m. At 10 a.m. we will proceed to the veterans compensation COLA bill with 45 minutes equally divided on that bill; and then at 10:45 we will proceed to consideration of the measure involving tax benefits for troops in the Persian Gulf, 45 minutes equally divided. I expect that votes on all of these matters, and that means now a total of 5 votes, will occur between the hours on noon and 3 p.m. as I stated earlier today and over a period of, I believe throughout the day yesterday so Senators will have had some 45 hours' notice of our attention in this regard.

Finally, I will not proceed this week to the bill dealing with agent orange. Under the agreement I have authority to proceed to it at any time after consultation with the Republican leader, and I just stated my intention which I now repeat to proceed to it next week when the Senate convenes at that time. So Senators should be aware that there in all likelihood will be five votes tomorrow between the hours of noon and 3 p.m., the precise time to be fixed in the morning in an effort to accommodate the interests of all Senators, and I will announce it as soon as we are able to fix that time.

Mr. President, I thank my colleagues, and the distinguished Republican leader especially for cooperation to enable us to reach this agreement, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate today, on behalf of the majority leader I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Thursday, January 24, 1991.

There being no objection, the Senate, at 6:29 p.m., recessed until Thursday, January 24, 1991, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 23, 1991:

DEPARTMENT OF STATE

MELISSA FOELSCH WELLS, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAIRE.

DEPARTMENT OF THE TREASURY

ROBERT LOGAN CLARKE, OF TEXAS, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF 5 YEARS. (REAPPOINTMENT)

U.S. INTERNATIONAL TRADE COMMISSION

CAROL T. CRAWFORD, OF VIRGINIA, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 1999, VICE ALFRED E. ECKES, JR., TERM EXPIRED.

PEACE CORPS NATIONAL ADVISORY COUNCIL

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR THE TERMS INDICATED:

JOHN J. MCCARTHY, OF CALIFORNIA, FOR A TERM EXPIRING OCTOBER 6, 1992, VICE JOHN BIGELOW.

CRAIG R. STAPLETON, OF CONNECTICUT, FOR A TERM EXPIRING OCTOBER 6, 1991, VICE CREIGHTON E. MERSHON, SR.

INTER-AMERICAN FOUNDATION

PAUL EDWARD SUSSMAN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 1992, VICE JOHN C. DUNCAN.

BOARD FOR INTERNATIONAL BROADCASTING

KENNETH Y. TOMLINSON, OF NEW YORK, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1993.

U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

LEWIS W. DOUGLAS, JR., OF CALIFORNIA, TO BE A MEMBER OF THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1993, VICE HERSHEY GOLD, TERM EXPIRED.

NATIONAL SCIENCE FOUNDATION

MARYE ANNE FOX, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 1996, VICE KEREN J. LINDSTEDT-SIVA, TERM EXPIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CAROL IANNONE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 1996, VICE MARY JOSEPHINE CONRAD CRESIMORE, TERM EXPIRED.

NATIONAL RAILROAD PASSENGER CORPORATION

CARL W. VOGT, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL RAILROAD PASSENGER CORPORATION FOR A TERM OF 4 YEARS, VICE DARRELL M. TRENT, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES V. PARKER, OF VIRGINIA
DAVID M. SCHOONOVER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

KENNETH E. HOWLAND, OF MARYLAND
FRANK J. PIASON, OF NEW JERSEY
RICHARD T. MCDONNELL, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

NEIL T ALLEN [redacted]
PETER A AMES [redacted]
PAUL E BOLEY, II [redacted]
SCOTT L CHAPMAN, [redacted]
MICHAEL J EGAN, [redacted]
ROBERT V GRIFFITH, JR [redacted]
BRIAN T HILL, [redacted]
LINCOLN J KEILL, [redacted]
CHRISTOPHER MAROHL, [redacted]
DAVID A MCMILLAN, [redacted]
ERIC L MEYERS, [redacted]
COLIN R MILLER, [redacted]
JULIANNE C NELSON, [redacted]
WILLIAM C NOLAN, III, [redacted]
CHARLES B RAWSON, [redacted]
DENNIS S SCHELL, [redacted]
LEVAL W SNEED, [redacted]
KONSTANTINOS L STYLIANOPOULOS, [redacted]
NICHOLAS A SULLY, [redacted]
MICHAEL F TARLTON, [redacted]
JOHN L TRAETTINO, [redacted]
JAMES R VOGEL, [redacted]
JAMES T WASHINGTON, [redacted]
STUART W WEINBERGER, [redacted]

IN THE NAVY

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

MICHAEL W. ABRAHAM
TIMOTHY J. BARTLEY
CHRISTOPHER C. BONE
KENNETH M. COLEMAN
CHARLES K. DOWNS
RICHARD M. A. GRAZIADEI
EDWARD G. GRODEN
STEVEN M. HARRISON
JAMES A. HOSTAK
JEROME L. JOLIET
JAMES M. LATSKO
CHADWICK M. LICHT
KEVIN A. MAGIERA
MICHAEL S. MAHANEY
TIMOTHY A. REXRODE
MICHAEL SHAKLIK
KIRK E. SMITH
ROBERT E. STEPHENSON
THOMAS W. TEDESSO
MICHAEL W. TEMME
MICHAEL S. WHERRY

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MARION E. WILSON

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

NEIL C. BOURGEOIS

THE FOLLOWING NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ENRIQUE N. PANLILIO

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

T.H. AIKEN
J.E. BANITT
M.S. BILLINGSLEY
J.T. CARPENTER
J.W. COOPER
M.J. CORCORAN
B.R. DUPIN
J.K. GOODALL
CHRISTIAAN H. KELLY
J.H. KEY
ERIC L. LONBORG
J.J. MARKOVICH
B.T. MEEKIN
BILLY B. OSBORNE, JR.
JAMES P. PARISIEN
M.B. PEDERSON
A.D. REEVES
JOSEPH R. ROBSON, JR.
WILLIAM W. TGENNEY
ROBERT C. TIBER
STEVEN W. WARNER
C.T. WILSON
STEVEN C. WURGLER
C.M. ZIEMBA

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B).

JEFFREY M. PLUMMER

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CHARLES R. BAILEY
JOSEPH S. BEGLEY
JOHN R. BOSTON
ANDREW I. GARCIA
MARTIN R. KACZMAREK
SCOTT B. LYSAUGHT
MICHAEL D. MURRAY
MICHAEL D. RICHARD
KEVIN D. WEBSTER
DANIEL H. ZACZKOWSKI

THE FOLLOWING NAMED U.S. NAVY OFFICERS, TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

CHRISTOPHER S. CARDON
DAVID L. GILBERT
DAVID B. SHEPHERD

THE FOLLOWING NAMED EX-U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

PHILLIP DL HUNT
WILLIAM W. MILLER

THE FOLLOWING NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

RICHARD L. COSBY
LORENZO M. GALINDO
ROBERT R. TOMPKINS

THE FOLLOWING U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

STEPHEN B. FREEMAN

THE FOLLOWING U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

MICHAEL T. CURRAN

EXTENSIONS OF REMARKS

IRAQI TREATMENT OF PRISONERS OF WAR VIOLATES FOURTH GENEVA CONVENTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. BROOMFIELD. Mr. Speaker, during the last few days, Iraqi television has broadcast statements by United States and allied prisoners of war criticizing attacks on Iraq by United States and allied Armed Forces. The television pictures depicting captured United States and allied aviators indicate that these prisoners have been tortured and that their statements were procured by means of physical coercion. Iraq thus far has not permitted representatives of the International Committee of the Red Cross to visit these prisoners.

In a related development, the Iraqi Government has announced that it intends to relocate prisoners of war to strategic sites that are targets of allied bombardment, rather than send them to facilities away from the battle zone.

Iraq's treatment of captured United States and allied airmen is in flagrant violation of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, commonly referred to as the Third Geneva Convention. Iraq acceded to the Third Geneva Convention on February 14, 1956.

Following is a summary of the Iraqi violations:

Physical Mistreatment and Public Exhibition: The apparent physical and mental coercion of U.S. and allied prisoners of war and their exhibition on Iraqi television plainly violate the Fourth Geneva Convention.

Article 13 states as follows:

"Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. * * * Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation. * * *"

Article 14 states that "[p]risoners of war are entitled to respect for their persons and their honour."

Article 17 states, in pertinent part, that:

"[N]o physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

Public Exhibition of Prisoners: In addition to prohibiting acts of violence or intimidation, Article 13 states that prisoners of war "must at all times be protected * * * against insults and public curiosity."

Elicitation of Political Statements: Article 17 provides that "[e]very prisoner of war * * * is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or * * * equivalent information."

Use of Prisoners As Human Shields: Article 19 states that "[p]risoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger." Correspondingly, Article 23 provides that "[n]o prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations."

Denial of Access to Prisoners by Red Cross: Article 126 states as follows:

"Representatives of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war. * * * They shall be able to interview the prisoners * * * without witnesses, either personally or through an interpreter.

"Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. * * * The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives."

Mr. Speaker, Iraq's treatment of our prisoners of war is but the latest and most outrageous example of its longstanding refusal to respect fundamental principles of international law and human rights. I call on the Iraqi government to cease these abuses immediately and to comply forthwith with its obligations under the Third Geneva Convention.

REMARKS BY CONGRESSMAN HENRY HYDE TO NEWLY ELECTED MEMBERS OF THE HOUSE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. FAZIO. Mr. Speaker, I would like to bring to the attention of all of my colleagues the remarks of Congressman HENRY HYDE who addressed newly elected Members of the House on November 29, 1990. As the 102d session of Congress commences, we face many issues of national importance. I believe that Congressman HYDE'S comments provide valuable reading for Members of Congress and those who observe this institution. He sets a standard and a tone that each of us should constantly be measured against—not only by our constituents, but also by ourselves:

REMARKS BY CONGRESSMAN HENRY J. HYDE TO NEWLY ELECTED MEMBERS OF CONGRESS, NOVEMBER 29, 1990

I want to welcome you to the city of the superlative—everything here is either outstanding or outrageous—leave nuance back home.

You are in the throes of a thoroughly exhilarating experience, ranking right up there with Churchill's being shot at and missed.

Someone once said the greatest experience in the world is to do good by stealth and to be discovered by accident—but getting elected to Congress is quite an accomplishment and you are entitled to enjoy a few moments devoid of the cynicism that pervades this town.

A politician has been defined as someone who can accuse his opponent of duplicity without appearing envious, and one of my favorite cynics is Eugene McCarthy who once said a politician has to be like a football coach-smart enough to know something about the game but dumb enough to think what he's doing is important.

But I have ransacked my files for the quotation, the press clipping, the idea that I could provide you that would help you the most in coping with the stresses that your new career will impose (Remember when you quote one person it's plagiarism, but when you quote many people its research)—and so I researched from Pericles to Vince Lombardi, from Dostoevski to Casey Stengel and I couldn't find any wisdom that I could impart with credibility and authenticity. But this morning, it came to me as a blinding inspiration-and so I convey to you, at this sumptuous luncheon, a secret of immense value and utility-and it's simply this: You don't have to eat everything they put in front of you!

My first word to you really should be a word of congratulations: congratulations for taking the risk of running for public office, congratulations for enduring a campaign with all its stresses and vulnerabilities and congratulations on your election to the people's Body, the House of Representatives.

Fashionable cynicism notwithstanding, public service is a vocation capable and deserving of honor, and, because the law is a teacher as well as a boundary-setter, it is no overstatement to say that your service will help shape the course of this great and ongoing experiment in self-government.

You will help answer the question that Lincoln posed to his, and succeeding generations of Americans—the question of whether a nation "so conceived and so dedicated can long endure."

The answer to that question will shape not only our lives, but the lives of countless tens of millions of human beings around the world. For you have begun your service in the Congress at an extraordinary moment in history, a moment full of both danger and possibility, a moment in which the United States is the world's premier power, a moment in which we have the opportunity to shape the ground rules for life throughout the post-Cold War world.

All of us must try and reconcile two perhaps *antithetical* forces, pride and humility. A grand lady and former member of Con-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

gress, Millicent Fenwick of New Jersey, taught me a marvelous quotation:

"We proud men pompously compete for nameless graves, while now and then some starveling of fate forgets himself into immortality."

That sort of keeps things in perspective.

So congratulations on your accomplishment. And thank you for your willingness to serve at this extraordinary time in man's ancient quest for peace with freedom, justice and prosperity.

My second word, I must confess, is a word of caution.

The Congress, as a whole, is an institution in crisis. This institution is held in contempt by far too many Americans. When the people in whose name we legislate—the people who, according to our democratic theory, are the real governors of this land, treat the Congress as a joke at best and a pack of scoundrels at worst, then more than personal and institutional egos are at stake.

Democracy itself cannot indefinitely survive public cynicism and contempt. Contempt for the Congress will inevitably become, over time, contempt for the rule of law. The first task of this 102nd Congress, then, is to restore a measure of the people's confidence in their institutions of government.

People of goodwill can and do differ on the roots of today's crisis of confidence in the Congress, and I don't pretend to have even some of the answers. But I would like to reflect with you briefly on two themes which might, over time, help to restore the people's confidence in our institution, were these themes to be more evident in our work together during the next two years.

The first theme is this: "American democracy is a matter of vision and values, not just procedures and rules."

During your orientation you will hear more than you ever wanted to hear about procedures: committee procedures, floor procedures, debating procedures, voting procedures, reporting procedures, and caucus procedures. Rules of procedure are important, especially to the minority. They allow us to conduct our business in something remotely resembling an orderly fashion.

But you must remember, as all of us must, that democracy is not just a matter of procedures. Democracy stands or falls on the strength or weakness if its foundations: the foundations of a democratic culture.

Put another way, you can't have a democracy unless you have enough democrats (and I spell that with a small 'd').

You can't have a democracy unless you have people who are willing to take up the burden and the glory of self-government. This includes caring enough to inform yourself on the issues, the candidates and then voting.

You can't have a democracy unless you have people who are willing to acknowledge that the state exists to serve society and not the other way around.

You can't have democracy unless you have people who are willing to defend the inalienable rights of others—not some others, but all others.

You can't have democracy unless you have people who know that there is a crucial linkage between rights and responsibilities.

And you can't have democracy unless you have people who understand that this democratic experiment of ours is under judgement—the judgement of the principles on which our experiment is based, and the judgement, I believe, of God, the ultimate source of our inalienable rights so timelessly expressed in our country's birth certificate: the Declaration of Independence.

The brave democrats who led the Revolution of 1989 in central and eastern Europe were convinced that democratic politics was impossible, absent the foundation of the culture of democracy. President Havel of Czechoslovakia reminded the Congress earlier this year that the quality of our lives as democrats would determine, over time, the capacity of our political community to serve the common good. In his address to Congress, Havel was drawing from the wellsprings of the Western political tradition, which has long taught that democracy required a virtuous citizenry, a people who understand, as Lord Acton said, that freedom is not a matter of doing what you want, but rather of having the right to do what you ought.

Freedom is vocation and responsibility, duty, civility and order; individuality complemented by a humane sociability. Freedom is not license, for license leads to anarchy. Aristotle understood this, as did Jefferson and Madison and Acton, and as does Havel. We must understand it, too.

So yes, procedure is important. But procedure is not what democracy is finally about. A care for nurturig the culture of democracy is an essential part of our responsibility as United States Representatives.

My second theme is that: "There are things worth losing for."

This may sound odd, even ironic. You are here in the flush of victory. And yet it is precisely now that I ask you to contemplate the possibility of defeat—perhaps even the necessity of defeat.

Edmund Burke, in 1774, set forth a model we should all emulate when he told his Bristol constituents: "Your representative owes you, not his industry only, but his judgement, and he betrays instead of serving you if he sacrifices it to your opinion."

Let me put the matter plainly: if you are here simply as a tote board registering the current state of opinion in your district, you are not going to serve either your constituents or the Congress of the United States well.

Your constituents expect you to represent their interests, and that you should certainly do. But you are also a member of the Congress, and your responsibilities are far greater than those of an ombudsman for your district. You must take, at times, a national view, even if, in taking that view, you risk the displeasure of your neighbors and friends back home.

Indeed, I feel obliged to put the matter more sharply still: if you don't know the principle, or the policy, for which you are willing to lose your office, then you are going to do damage here.

This institution needs more members willing to look beyond the biennial contest for power, more committed to public service as a vocation rather than merely a career.

This House needs Members who are at least as clear on the reasons why they would risk losing as they are on the reasons why they wanted to come here in the first place.

On September 2, 1939, the mother of parliaments, the British House of Commons, met to debate whether Great Britain would honor its guarantee to Poland, which had been invaded by Nazi Germany the day before. Prime Minister Chamberlain had made an ineffective and dithering speech to the House, and Arthur Greenwood, spokesman for the opposition party, got up to respond. "Speaking for the Labor Party . . .", he began—only to be interrupted by an immortal cry from the Conservative back-benches. "Speak for England!" shouted Leo Amery, a former cabinet minister—now remembered more for the one call to honor than for anything he did in public office.

"Speak for England"—not for party, or for constituents, or for interests, or for re-election: but "for England." Who will speak for America today? I hope, I pray, that many of you will.

The House needs men and women who will speak for America. There are some here already, in both parties, and you will soon understand who they are. Get to know them, for they are the men and women who make this body an institution worth serving in.

There is no need to romanticize service in the U.S. House of Representatives. But it would be well, at the beginning of your time here, to listen to the echoes of the past that still resonate through this place, if we have the ears to hear them: the echoes of Henry Clay and Abraham Lincoln, the echoes of Nicholas Longworth and "Mr. Sam" Rayburn, the echoes of—well just walk through Statuary Hall and you will know what I mean.

These echoes remind us that great men and women have walked these halls. But that's not a call to nostalgia. There is no reason to think that America's capacity to choose such leaders has ended. The times, indeed, demand a certain greatness from us.

And speaking of great leaders, let me leave you with a description and an aspiration—the words of Sir John Colville about the man he served for so many years:

"Churchill towers above the rest, less because he was a leader . . . but because he had independence of spirit, the courage of a lion, faith in himself and his cause, the capacity and imagination to inspire, an unwaivering belief in the triumph of good over evil, a tireless determination to achieve victory at whatever cost, balanced by chivalry to the foe; and in his soul, the poetry which turned what he was trying to do into romance.

Charles de Gaulle once said, "France would not be true to herself if she were not engaged in some great enterprise."

Well, we are all now engaged in a great enterprise. Welcome to the House of Representatives, and if I may leap over the Pyrenees from France to Spain, Vaya Con Dios!

CONGRESSIONAL SALUTE TO HON. FRANK OGAWA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to an outstanding individual who truly deserves to be recognized for his dedication and service to the public. Tonight Hon. Frank Ogawa, Oakland city councilman, will be honored by his family and friends for receiving the 1990 Fall Medal of Honor with Gold Rays from his Majesty Emperor Akihito of Japan.

In searching for the definition of the word "dedication" one need not look further than the name Frank Ogawa. Since 1966, Frank has served in the Oakland City Council where he earned his impeccable reputation as a man who could be relied upon to get the job done. During this 25-year period he also served in many other capacities including vice-mayor, chairman of the City Public Safety Commission, chairman of the board of Bay Area Air Quality Management, and city council liaison to the Port of Oakland. Today, he continues to devote his spare time to many outside organizations including the Japanese-American Citizens League, the Eastbay Zoological Society, the League of Women Voters, and the Oakland Chamber of Commerce. It is easy to see the many positive ways in which Frank has dedicated his time and effort to serving the people of California. I salute his many accomplishments and contributions to his community as well as to his profession.

Coupled with Frank's dedication to the public, he is devoted to his wife, the former Grace Kitano, his son Alan and Alan's family. A native Californian, Frank was born and raised in Lodi and later moved to Oakland where he has resided for over 50 years. I applaud his devotion to his family and his work for the betterment of California. I am indeed proud to be his friend.

Mr. Speaker, Frank Ogawa exemplifies the strength of character which we all should strive to achieve. I salute his accomplishments and ask my colleagues to join me in congratulating Frank for a job well done.

GO CAMPING AMERICA MONTH

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. TALLON. Mr. Speaker, today I am introducing a resolution to designate the month of May 1991 as Go Camping America month.

Every hour of every day, tourists all around this country are discovering the beauty and bounty this Nation has to offer. Whether visiting historic sites, attending cultural activities, enjoying our many parks, or just taking in the diverse scenery, the highways and byways of our Nation are full of tourists taking in the unlimited recreational opportunities offered in the United States.

Every year, more than 60 million Americans take advantage of our recreational diversity through the enjoyment of camping on America's great lands. Camping across America or traveling the country in a recreational vehicle allows people of all ages to see our Nation in a unique way. Firsthand knowledge and familiarity of our national resources and historic sites enhances our appreciation for our responsibility for the preservation of a healthy environment and a better understanding of our national heritage.

We have campgrounds in every congressional district meeting the needs of every type of camper—big and small parks, public and private parks, year-round and seasonal parks. Camping is truly an all-American pastime.

DEA AGENTS WAGE WAR AGAINST DRUGS IN COLOMBIA

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. COUGHLIN. Mr. Speaker, I rise to draw the attention of my colleagues in the House to the exemplary work of United States Drug Enforcement Administration [DEA] agents in Colombia.

Earlier this month, a number of my colleagues and I on the House Select Committee on Narcotics Abuse and Control returned from a study mission to Colombia where we had the opportunity to spend some time meeting with DEA agents on duty there and talking with them about their antidrug activities. They also accompanied us during our discussions with Colombian President Cesar Gaviria and other top Colombia officials about international drug trafficking.

I am pleased to report to my colleagues that I came away from these encounters with our DEA agents enormously impressed with the job they are doing in Colombia. As they investigate drug traffickers, they face great personal risk on a daily basis. They do their jobs with courage and determination, even though they do not possess the manpower or financial resources of the dangerous drug barons they pursue.

We were especially affected by the plight of the head of our DEA contingent there, Joe Toft, who, despite serious threats on his life, refuses to be deterred from his mission. Joe truly merits our respect and admiration for the dedication he has demonstrated to ridding Colombia of drug traffickers and stopping the flow of deadly drugs to the United States.

Like United States soldiers in any war, our DEA agents in Colombia are fighting against a form of aggression. We commend them for their crucial role in the war against drugs and assure them that their safety is of the utmost concern to the Congress and the American public.

WAR POWERS RESOLUTION ALIVE AND WELL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. FASCELL. Mr. Speaker, Congress' War Powers Resolution is alive and well. Congress and the President share responsibility for war powers under our democratic constitution. The legislative history of this decision to use force proves that war powers are properly shared by the President and Congress under the Constitution and that the War Powers Resolution is alive and well.

Congress received a report from President Bush dated January 18, 1991, which places the military actions taken in the Persian Gulf in compliance with the War Powers Resolution. Specifically, section 4(a)(1) of the War Powers Resolution requires the President to submit a written report to Congress within 48 hours once U.S. Armed Forces are introduced into hostilities in the absence of a formal declaration of war. That report was submitted by President George Bush to the Speaker of the House on Friday, January 18, 1991. The debate and legislative actions taken by the Congress to address the crisis in the Persian Gulf reaffirm Congress' proper constitutional war powers authorities.

The legislation passed by the House on January 12, 1991, House Joint Resolution 77, is a statutory authorization of the use of force to implement U.N. Security Council resolutions. That legislation is now public Public Law 102–1. It is consistent with, and an implementation of the War Powers Resolution. As specified in section 2(c)(2) of Public Law 102–1, that law does not supercede anything in the War Powers Resolution. The legislation is an authorization to use force for purposes of the War Powers Resolution, therefore, the corresponding sections of the War Powers Resolution apply and the President is meeting those requirements by submitting this report.

House Joint Resolution 77 authorizes the conditional use of force to implement U.N. resolutions. In section 2(c)(1) of House Joint Resolution 77, the Congress declares that this conditional authorization of the use of force constitutes the specific statuory authorization within the meaning of section 5(b) of the War Powers Resolution. As a result, U.S. forces may continue in hostilities beyond 60 days without additional congressional action.

In other words, under House Jointly Resolution 77, force is authorized by the Congress only after the President determines that the United States has used all appropriate diplomatic and other peaceful means to obtain compliance by Iraq with the 12 U.N. Security Council resolutions and that those efforts have not been and would not be successful in obtaining such compliance. That report was sent by President George Bush to the Speaker of the House on January 16, 1991. Pursuant to the presentation of that determination the President was then authorized to use force to implement the U.N. resolutions. This procedure established by House Joint Resolution 77 is consistent with and meets the requirements of the War Powers Resolution and the U.S. Constitution.

War powers are shared powers under our Constitution. The President is Commander in Chief of our Armed Forces. Congress has the responsibility and authority to declare war.

The strength and wisdom of the War Powers Resolution is that it establishes procedures and a process by which Congress can authorize the use of force in specific settings for limited purposes short of a total state of war. We find ourselves in such a situation today where House Joint Resolution 77 authorizes the use of force under the specific conditions cited. It is not an unlimited, unconditional authorization of the use of force, nor is it a formal declaration of war. Therefore, the War Powers Resolution still applies and that is why the President has sent to the Speaker this 4(a)(1) report.

Building on the precedent established in the 1983 multinational force in Lebanon resolution (Public Law 98–119), the authorization to use military force against Iraq resolution (Public Law 102–1) represents another example of the President and Congress acting together within the framework of the War Powers Resolution.

Congress is proud of its debate concerning war in the Persian Gulf and its decision to authorize force and meet its responsibilities under the War Powers Resolution. As the Constitution intended, in this case the executive and legislative branches share responsibility for a most solemn foreign policy and national security decision involving the use of our Armed Forces in hostilities to implement U.N. Security Council resolutions. I sense the wisdom of our forefathers who wrote the Constitution when I step back and see that the pain and anguish of sharing war powers are natural to a democratic system which must make sure that a democratic majority of its people support this most grave national decision, a decision to use American Armed Forces in any hostilities or war to deter aggression and seek peace.

The letter from President Bush follows:

THE WHITE HOUSE,
Washington, DC, January 18, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On January 16, 1991, I made available to you, consistent with section 2(b) of the Authorization for Use of Military Force Against Iraq Resolution (H.J. Res. 77, Public Law 102-1), my determination that appropriate diplomatic and other peaceful means had not and would not compel Iraq to withdraw unconditionally from Kuwait and meet the other requirements of the U.N. Security Council and the world community. With great reluctance, I concluded, as did the other coalition leaders, that only the use of armed force would achieve an Iraqi withdrawal together with the other U.N. goals of restoring Kuwait's legitimate government, protecting the lives of our citizens, and reestablishing security and stability in the Persian Gulf region. Consistent with the War Powers Resolution, I now inform you that pursuant to my authority as Commander in Chief, I directed U.S. Armed Forces to commence combat operations on January 16, 1991, against Iraqi forces and military targets in Iraq and Kuwait. The Armed Forces of Saudi Arabia, Kuwait, the United Kingdom, France, Italy, and Canada are participating as well.

Military actions are being conducted with great intensity. They have been carefully planned to accomplish our goals with the minimum loss of life among coalition military forces and the civilian inhabitants of the area. Initial reports indicate that our forces have performed magnificently. Nevertheless, it is impossible to know at this time either the duration of active combat operations or the scope or duration of the deployment of U.S. Armed Forces necessary fully to accomplish our goals.

The operations of U.S. and other coalition forces are contemplated by the resolutions of the U.N. Security Council, as well as H.J. Res. 77, adopted by Congress on January 12, 1991. They are designed to ensure that the mandates of the United Nations and the common goals of our coalition partners are achieved and the safety of our citizens and Forces is ensured. As our united efforts in pursuit of peace, stability, and security in the Gulf region continue, I look forward to our continued consultation and cooperation.

Sincerely,

GEORGE BUSH.

RAE J. COBLE, NOTED EDUCATOR, CELEBRATES 95TH BIRTHDAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. DWYER of New Jersey. Mr. Speaker, one of the true pleasures many of us have in serving in this body is to have the opportunity to bring to the attention of our colleagues, great citizens who have made substantial contributions to our Nation. Today, I have the honor of citing the lifetime achievements of Mrs. Rae J. Coble of Perth Amboy.

Mrs. Coble was born in Brooklyn, NY, on December 15, 1895. Her family moved to Perth Amboy in 1907. She attended Perth Amboy public schools and completed her academic requirements for a teaching certificate from the Newark Normal School at the age of 17. Two months later, she began teaching in the Perth Amboy school system.

Until 1929, Mrs. Coble taught sixth grade at the grammar school located on Division Street in Perth Amboy. At that time, she was appointed supervisor of the grammar grades, which included fifth through eighth grades, located at 11 schools throughout the city. She served under three superintendents of education.

In 1938, Mrs. Coble was called upon to devise a course of study for the grammar grades which she developed and implemented. With some modifications, this curriculum remains as the basic teaching guidelines still in use today.

In 1943, she married the late D. Morris Coble of Perth Amboy, and moved to State Street, where she presently resides. In her teaching career, among the thousands of students who benefited from her guidance were many young people who later became leaders in business, academia, and government.

Today, at the age of 95, Mrs. Coble remains an avid reader with a remarkable sense of history. Her reputation in the field of education is widespread for its forward thinking, innovation, and the ease of implementation. Mrs. Coble retired in 1960 after 37 years of teaching.

Mr. Speaker, Rae J. Coble has led a long and distinguished life. She dedicated herself to the preparation and education of young people for successful careers. I am sure you will join with me in wishing Mrs. Coble many, many more years of good health and happiness.

TRIBUTE TO RUSSELL KRENCIPROCK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Russell Krenciprock of my 17th District of Ohio, who will receive a medal January 31 from the Soviets at the Soviet Embassy in Washington, DC, to honor his service in World War II.

The commemorative medal is officially titled "Medal for the 45th Anniversary of the Great Patriotic War." It has been awarded to only 116 other men.

Russell Krenciprock participated in the Murmansk Convoy, otherwise known as the suicide run, to deliver supplies to the Russian army during World War II. The mission earned its daunting nickname from the seemingly insurmountable obstacles that faced its members, including the deadly German patrols, treacherous seas, and bitter cold. Only 13 of the 26 ships that began the run returned. Without the vital supplies brought in by the mission, however, the Russian people could not have survived. Mr. Krenciprock compassionately stated that he will accept the honor out of respect for all those who didn't make it—for all those who gave, especially his younger brother, who did not survive the war.

Mr. Speaker, I would like to take this opportunity to commend and congratulate Russell Krenciprock for his exceptional patriotic service to his country and his outstanding humanitarian effort to aid the Russian people. The recognition he is now receiving from the Soviets is extremely long- and well-deserved. Mr. Krenciprock's exceptional courage and dedication are exemplary. I am truly honored to represent this outstanding individual.

THE NASA LEWIS RESEARCH CENTER: A GOLDEN ANNIVERSARY OF SUCCESS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Ms. OAKAR. Mr. Speaker, I am pleased to rise today to pay tribute to the NASA Lewis Research Center in my hometown of Cleveland, OH, which is celebrating its 50th anniversary today. It is my understanding that a time capsule buried on this date in 1941 will be opened today which will chronicle the hopes and fears of an unsettled world, ironically much as we face today. I further understand that another time capsule will be buried later this year to be opened 50 years hence which will contain this section of the CONGRESSIONAL RECORD. Let us hope that the celebrants of NASA Lewis Research Center's centennial will gather together in a era of global peace and harmony. I am very proud of the Center and the people who have worked there in the past and those who currently do such a fine job.

A remarkable Government facility celebrates its 50th anniversary today and its achievements have made all Americans not only proud, but better for its work. NASA's Lewis Research Center in Cleveland, OH, was founded in those dark months before this country was drawn into the conflagration of World War II. Although it was born in war as an engine research laboratory, it flourished in peace for all mankind and played a vital role in the greatest adventure of our time—the landing on the Moon.

In 1941, as America was being drawn into war, much work needed to be done with metals for aircraft engines. Alloys had to be developed that were more heat resistant to enable engines to function for long stretches of time under every conceivable condition. The research work in the field of supercharging played a significant role in the air war. The solution of cooling problems that affected the B-29 Superfortress was a major contribution to foreshortening the war in the Pacific.

The Lewis icing tunnel—that would become world renowned in aviation circles and continues to do major research work—provided the answer to many hazardous situations encountered in the all-weather flying the U.S. Armed Forces performed throughout the war.

As the hostilities neared an end, the appearance of the turbojet engine began to revolutionize flying, and the research laboratory played a key role in the early testing of American-built jet engines. It was this work that gave engineers a base of experience on which they would build and make jet propulsion a major part of their work in the post-war era. Virtually every aircraft flying carries with it technology developed at Lewis.

By 1948, the laboratory—now known as the Lewis Flight Propulsion Research Laboratory—had a mission dedicated toward speed in the sky. Engineers were doing advanced research on turbojets, ramjets, and even rockets. Two supersonic wind tunnels were built along with the facilities to test full-scale jet engines. Dr. Abe Silverstein, chief of research, guided these studies. Later he would become director of the laboratory and the man who christened the mission to the Moon—the Apollo Project.

Vast amounts of research, largely unhearlded to the public, took place at Lewis during the 1950's, much of which resulted in safer, quieter, and more efficient jet engines. If most Americans were unaware of the work being performed by the laboratory, they certainly enjoyed the benefits for air travel began to flourish in this era. Lewis' scientists and engineers could look with quiet satisfaction to the contrails in a busy sky and know that their contributions were of no small measure in a world that they were helping to make smaller.

But the nature of dreams and vision does not gather its spirit from contraction, and the vastness beyond the sky beckoned as the era of space dawned. And there, at the threshold of this universe, stood a team of Lewis researchers who had labored for years on the development of a rocket fuel. They had worked with liquid hydrogen, a fuel with a reputation for its volatility, but with the characteristics of being light and possessing high energy. Through careful research they had learned how to tame the hydrogen and make it a useful fuel.

It was the fuel that would enable an American to be the first to step on the Moon. That American was Neil Armstrong who began his NASA career as a test pilot at the Lewis Research Center.

In those days following President Eisenhower's decision to evolve the National Advisory Committee for Aeronautics into what we now know as National Aeronautics and Space Administration, Lewis began to grow with the national effort for space exploration. The seven original astronauts received some of their training at the Center, and Dr. Silverstein left to become head of Project Mercury in which the first space flights took place.

The excitement and adventure of the early space program in the 1960's is part of American folklore. Part of that history is the Centaur rocket which is the most important contribution that Lewis made to the space program. The Centaur is a second, or upper stage launch vehicle, which uses liquid hydrogen as its fuel. It was this unbeatable combination—developed by the Lewis team—that enabled America to take the lead in space in the race with the Russians for the Moon landing.

Times change and the needs of a nation change. When the energy crisis of the early 1970's cast a pall over the land, Lewis scientists and engineers redirected their space experiences toward the earthly endeavor of discovering ways of improving energy use. Extensive work went into wind and solar power for ground-based energy systems, and in the air, engineers developed a turbine-propeller combination for aircraft that resulted in dramatic energy savings.

On its 50th birthday, the Lewis Research Center is an intriguing and teeming institution which has secured its place in aviation and space history. With its current work on the power system of the space station, its key role in the Advanced Communication Technology Satellite, and its on going work in space and aeronautical research, there is little doubt that the Center's traditions and heritage will take us beyond our immediate universe. Already a team of Lewis engineers and scientists are working on a manned mission to Mars.

The work of its people in an allied and vital mission, that of educating tomorrow's engineers and scientists, is almost unparalleled in its scope, energy, and dedication. On this day we pause to recognize the history, and the achievement that has made NASA's Lewis Research Center such an epic contributor in the advance of air and space.

More importantly, we recognize the men and women who over this last 50 years have given their spirit, their vision, and their devotion to their work from which we have all profited. They are people who ask for little thanks and do not seek to have their triumphs heralded. Theirs is a true public service. We congratulate them. We admire them. We thank them.

THE MORRO BAY NATIONAL ESTUARY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency [EPA] to give priority consideration to Morro Bay, CA, for inclusion in the National Estuary Program. This legislation is identical to legislation introduced in the 101st Congress, H.R. 4255.

The Morro Bay estuary, which is in my congressional district, contains the most significant wetland system of the central California coastline. Because of the bay's interconnected ecosystems associated with its saltwater and freshwater wetlands, Morro Bay has an unusually diverse habitat. The bay's intertidal areas support one of the largest bay wildlife habitats on the California coast and is home to many threatened or endangered species of birds and marine mammals, including the southern sea otter. These features combine to make Morro Bay an estuary of national significance.

In addition, Morro Bay is of great economic importance to the local community and the Nation as a whole. The bay supports a thriving commercial fishing industry and many other industries which are dependent on the health of the bay, such as tourism and mariculture. As one of the few relatively intact natural estuaries along the Pacific coastline, Morro Bay attracts approximately 1.5 million visitors a year.

Despite the importance of Morro Bay to both the Nation and the local community, its well-being is threatened by a variety of pollutants and fragmented management. Serious sedimentation, as well as significant amounts of urban runoff, are threatening the survival of the estuary.

Management of the bay is currently divided among numerous governmental entities, none of which executes singular authority over the management and protection of the estuary. The variety of threats to the bay and the fragmented management have made it difficult to develop a comprehensive approach to addressing the needs of the bay.

The National Estuary Program appears to be ideally suited for solving the problems associated with the preservation of the Morro Bay estuary. The program would bring together those agencies responsible for management of the bay and help them develop a meaningful plan for long-term management of this important and sensitive estuary.

Because of the estuary's small size, relative pristine state, and the large amount of local support for the estuary's participation in the National Estuary Program, there exists an excellent opportunity for successful implementation of a management plan for the Morro Bay estuary. Furthermore, the management plan developed for Morro Bay could serve as a model management plan for other threatened small estuaries along our Nation's coastline.

Clearly, the Morro Bay estuary is worthy of inclusion in the National Estuary Program. The program offers Morro Bay a real chance to develop an approach which will ensure not only that the estuary survives, but that it flourishes. It is my hope that this legislation will be included as part of the reauthorization of the National Estuary Program when it is considered by Congress later this year. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

Following is a text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 320(a)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)(B)) is amended by inserting "Morro Bay, California;" after "Sarasota Bay, Florida;".

IN HONOR OF MARTIN "SKIP" QUINLAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. FAZIO. Mr. Speaker, I rise today to honor Martin T. Quinlan—better known as "Skip" to his family, friends, and colleagues—who retired earlier this month after more than 35 years of distinguished service for the Spreckels Sugar Co. in Woodland, CA.

While attending San Jose State University, Skip was employed as a part-time draftsman at Spreckels. He began working full-time after graduating from San Jose State with an industrial engineering degree in 1958. He held a number of positions with Spreckels before moving to their Woodland facility in 1965. He worked in the San Francisco Spreckels office in the early 1970's, and he returned to Woodland, where he has served as the factory manager for the last 16 years. Skip has successfully led the factory through many changes with the goal of making it the most modern and efficient facility in the industry.

Skip has not only been a tremendous asset to the Spreckels Sugar Co. for more than 35 years, he has also given his time unselfishly to the Woodland community through his volunteer work with more than a dozen organizations. He has held numerous positions with the Woodland Chamber of Commerce, including a term as president, and he received the chamber's Distinguished Member Service, Member of the Year, and Agribusiness Person of the Year Awards. The Woodland United Way has also benefited from Skip's work. He served as president in 1981, and he received the Woodland United Way Campaign Excellence Award in 1989.

In addition, he has served in several capacities for the Holy Rosary Church and has been active in fundraising efforts. Some of the other organizations that have been fortunate to have Skip as a member include: the Woodland Host Lions; the Springlake Volunteer Fire Department; the Woodland Opera House; and, the Yolo County Museum. In 1989, the Woodland City Council honored Skip with the Community Service Award for his many years of volunteer work.

I am pleased to have the opportunity to recognize Skip Quinlan for making the Woodland community a better place to live and work. Mr. Speaker, I join my colleagues today in wishing Skip and his wife, Mary, a happy and prosperous retirement.

SALUTE TO ROY BAXLEY AND HIS ACCOMPLISHMENTS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. TALLON. Mr. Speaker, Roy Baxley is a real American success story. He is a farmer, entrepreneur, businessman, and community leader. And all this at age 35. Baxley's success was recently recognized when he was named Cotton Farmer of the Year by Cotton Farming magazine.

I knew Roy Baxley as a child growing up in Dillon County, and even then Roy showed the perseverance that he would need to be successful in his family's farming business. In 1973, Roy took over the family farm upon the death of his father, giving up the opportunity for a college education. Although his previous experience on the farm consisted mainly of driving the tractor, Roy quickly learned the ropes of the daily management involved in running the farm.

Since then, Roy has weathered the heavy weevil years of the late seventies and early eighties by helping to organize the first scouting program in the area. An astute businessman, Baxley keeps meticulous records of his farming operations, having recently entered the computer age to maintain his records. He is actively involved in the Dillon County Farm Bureau and recently participated in the inception of the South Carolina Cotton Commission.

I salute Roy Baxley and his accomplishment. He is truly a credit to his family and his community.

PUBLIC STATEMENT ON INTERNATIONAL TRAVEL RESTRICTIONS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. FASCELL. Mr. Speaker, in an attempt to keep Members fully informed on developments in the Persian Gulf, I am today submitting for the RECORD a statement from the executive branch on international travel restrictions. The statement follows:

> On January 11, 1991 and subsequent dates the Department of State advised the public of its concern about the possibility of Iraqi-sponsored terrorism in the event of hostilities.
>
> Consistent with these notices, the U.S. Government is now asking all departments and agencies to review carefully all current travel advisories before approving visits of government personnel abroad.
>
> Americans considering international travel are urged to review travel advisories issued by the Department of State when making their own travel decisions.
>
> For information on travel advisories, the public can contact the Citizens Emergency Center of the Department of State, telephone number 202-647-5225 or 202-647-0900.

UKRAINIAN INDEPENDENCE DAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. DWYER of New Jersey. Mr. Speaker, we are this year marking the 73d anniversary of the declaration of Ukrainian independence. In the early years of my service in the House of Representatives, I was impressed with the commitment of the Ukrainian people despite the oppression under which they had struggled since 1922.

Changes in the Soviet Union and throughout Eastern Europe during the last 2 years brought a resurgence of hope that the Ukraine would once again regain its independence.

In July of last year, the Supreme Rada of the Ukrainian S.S.R. issued a declaration on the State Sovereignty of Ukraine. That proclamation reaffirmed the right of self-determination of the Ukrainian Nation. Additionally, it stated its commitment to the goals sought by any democratic people: Rule of and by the people; citizenship rights; cultural development and economic independence.

However, the excitement and promise of last summer has now been tempered because of the crackdown in the Baltics by the Soviet Government. It is important that we, in the House of Representatives, express our concern over these recent troubling events and continue to pledge our commitment of support to the Ukrainian people in their ongoing quest for independence.

TRIBUTE TO RADIO STATIONS CD106 AND 95.1, AND THE SPEED OF SOUND MAGAZINE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a collaborative effort between radio stations CD106 and 95.1, as well as the art and entertainment magazine, Speed of Sound. I would like to commend these organizations for bringing the Youngstown area the "Speed of Sound Hour," a new music program broadcast on Sunday nights.

The "Speed of Sound Hour," heralded as "Youngstown's only window into fresh new music," provides the Youngstown area with the newest alternative music sounds. The program endeavors to promote and publicize alternative music by programming the latest from new and exciting groups on the national and local progressive scene. Additionally, the "Speed of Sound Hour" provides its listeners with news and information on their new music, including information about local alternative music events.

Mr. Speaker, I would like to take this opportunity to recognize the "Speed of Sound Hour" for providing a tremendous educational and cultural service to the Youngstown community. Through their efforts to promote fresh new rock and roll, CD106, 95.1 The Wolf, and Speed of Sound have shown exceptional daring and creativity. The "Speed of Sound Hour" has courageously begun to fill a great void in the Youngstown musical scene. May their efforts enrich us all and serve as an outstanding example to the rest of the broadcasting community. I am pleased and proud to have such a program in my district.

WAR'S PRICE WILL BE GREAT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Ms. OAKAR. Mr. Speaker, I rise today to place in the CONGRESSIONAL RECORD a column written by Elizabeth Sullivan, an associate editor of the Plain Dealer of my hometown, Cleveland, OH. I believe Ms. Sullivan's insight into the Persian Gulf war goes far in placing this unfortunate conflict in proper perspective:

WAR'S PRICE WILL BE GREAT

Perhaps war is a little like childbirth—we forget the pain in between times.

But the highly successful allied air strikes against Iraq in the first days of this war must be measured against the pain that's sure to come. There will be many, many more deaths before it's over. Regardless of whether one believes this war is necessary, these sacrifices demand support from the rest of us, and a strategy that minimizes American and allied deaths and brings us to a swift triumph.

But there will be a cost. For combatants and others caught in the crossfire there can be no such thing as a short war. For families of those who live every day thereafter with guilt, nightmares and, often, self-destructiveness, the scars can be generational.

Ask any combat Vietnam vet, any World War II or Korea veteran, and he or she (yes, this is by no means the first war where women will be exposed to the sorts of traumas that stay with you always) will acknowledge that the horror never dies.

My father, who spent 3½ years in the Pacific, wrote his autobiography recently. Those war years were by no means his most notable, I thought. Yet they took four chapters of the 11 he showed me. It came as a surprise how important those years were to his self-image, to his scale of what was most important in his life, indeed, probably in his nightmares, many years after.

Now that the battle for Kuwait has been joined, as President Bush put it, we as a nation, as much as those who we have sent to fight for us, will pay the price. We will underwrite those scars and those nightmares as surely as we are now paying for the awesome hardware and weaponry deployed in the gulf. We will pay in countless ways in the years to come for the foreign policy fallout of this foray, and we will carry the moral burdens just as surely as our soldiers will. The war will come home to America, far beyond the terrorism that has been threatened.

And anti-war protesters, who tend to feel superior when these debts come due, will bear those burdens, too.

For this war and the other wars of this century were not simple "yes-no" affairs, even when the cause (as in the Vietnam conflict) was or became fundamentally corrupt. We all share the guilt for a lifestyle that drives us to war over oil, for electing a president who's "gonna kick ass" and a Congress that sat on its hands too long to make a difference.

We all share the shame of the bomb threats called in to temples and mosques and the death threats made against religious leaders, of the hurling of stones through the windows of the homes and businesses of Arabs who have done nothing more criminal than settle here, of the use of American institutions to round up Arab Americans for "questioning."

It is a measure of the sad irony of war that our missiles and bombs can be more accurate and merciful in sparing innocent civilian life than many Americans are at home.

But it will all be worth it, right? Bush still speaks enthusiastically of the "new world order" this war will bring.

On the contrary, the gulf conflict reveals the disorder of this new world. It may even have a corrosive effect on the very institutions of peace that blossomed with the last new world order, after World War II. The most notable of these—the United Nations—has become part of the diplomatic weaponry, rather than serving as an effective peace keeper in this conflict. The most powerful nations within the United Nations had a common interest in suppressing Saddam Hussein—and co-opted the world body in this effort.

When U.N. Secretary-General Javier Perez de Cuellar failed in his last-minute attempt to budge Saddam, might it have been because he lacked the flexiblity of a true mediator? Might the outcome or approach have differed if an Arab nation also had a permanent seat on the U.N. Security Council? When the postwar lines were drawn, Arabia, Africa and most of the Third World were still an aggregation of client states, not included in the power structure dictated by the principal victors World War II.

Bush certainly has his own ideas about the next new world order. Most clearly, it is one in which Saddam no longer poses a strategic threat in the gulf.

But that is not enough. Third World nations, in the era of two superpower and a clear dichotomy between the industrialized North and the impoverished South, offered many ideas in U.N. forums for new orders. Some concerned press coverage that looked beyond war, famine and revolt to important "basis needs" issues.

Others had to do with ending the dumping in poorer nations of unsafe pharmaceuticals, infant formulas and pesticides. Still others addressed the root of national and international inequities: rich-poor disparities.

Some will say our victory in the gulf (it is assured, although the cost remains unclear) will be a tribute to the advances in conventional weaponry during the nuclear standoff between the superpowers. One nimble F-15 Eagle can carry nearly as many tons of bombs and missiles as the Flying Fortress and Superfortress bombers of World War II—and deliver that load with an accuracy that no doubt doubles its effectiveness. Machines can now "see" targets and aid navigation with a precision unknown 50 years ago.

But how much misery could have been cured with the dollars, determination and attention to detail that went into the development and deployment of these electronic marvels and fleet fighter-bombers?

Until we address the basic needs of our new world order, our nation will never truly be a world leader—even as we reach that moment of triumph in the gulf.

"TOWARD A LITERATE WORLD" BY DR. RUTH B. LOVE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. DELLUMS. Mr. Speaker, it is with great pleasure that I rise to recognize an extraordinary educator, Dr. Ruth B. Love.

Dr. Love recently addressed the U.N. General Assembly on the issue of eliminating illiteracy throughout the world. I would like to take this moment to reflect on portions of her eloquent speech.

Congratulating the U.N. General Assembly for declaring 1990 the Year of International Literacy, Dr. Love presented astounding statistics of illiteracy throughout the world. She stated that, "In 1970, there were an estimated 760 million adult illiterates. In 1989, that figure had grown to 962 million—almost 1 billion people."

The time has come to begin implementing policies which will work at making more people literate throughout the world. As Dr. Love stated in her speech, "Literacy ought to be a right for every man, woman, and child." She has suggested that a 10-year goal be set in which to abolish illiteracy nationally, as well as internationally. She stated, "* * * if we work upon the minds of the 962 million people who are illiterate in the world today, we will brighten eternity."

"Throughout the world illiteracy has reached epidemic proportions." Developing countries are responsible for over 97 percent of the world's illiterate population. In some countries the rate of illiteracy among its people is 75 percent. Why even in our own country "One in five adults, or 20 percent, are functionally illiterate * * * another 34 percent of America's adults are only marginally literate." These statistics are astounding and more importantly represent a crisis situation. How can we expect nations to grow and expand technologically, economically and politically if over one half of their populations cannot read and write?

One method by which Dr. Love believes illiteracy can be eliminated is by calling on President Bush and the Congress to incorporate a national literacy corps. This organization would urge college and university graduates to join their efforts to abolish illiteracy by tutoring and teaching illiterate persons for at least 1 year.

I am proud to pay tribute to such a distinguished lady and the service she has rendered to the public with her work in the field of education. I am pleased to provide the text of her remarks for your information.

TOWARD A LITERATE WORLD

(By Ruth B. Love, Ph.D.)

"If you work upon marble, it will perish; if you work upon brass, time will efface it. If you rear temples, they will crumble into dust. But, if you work upon immortal minds, imbue them with knowledge, with Love and a sense of Justice, you write on those tablets something that will brighten all eternity."

Those words are as relevant today as they were when Daniel Webster wrote them, many years ago. Indeed, if we work upon the minds of the 962 million people who are illiterate in the world today, we will brighten eternity.

I am pleased to share this day with you as we address this critically important topic of Literacy. When I inquired about the length of my speech, no specific time was given. However, I want you to know that I am aware of the criteria for a good speech . . . a good beginning, a good ending, and put the two as close together as possible.

First, let me commend the United Nations General Assembly for its declaration of 1990 as International Literacy Year. Further, I applaud the priority placed on literacy, with the 10 year goal of eliminating the inability to read, write and compute. Clearly, this noble goal is one which will require sustained thought and bold action. In this global village which we are privileged to inhabit, literacy ought to be a right for every man, woman, and child. There was a time in human history when literacy was not a necessity, but Johan nes Gutenberg in the 1600's invented movable type and changed the world forever. Since that time, reading, writing and computing have become increasingly important.

Toward A Literate World: The topic implies a formidable challenge. It is, however, a challenge that can be met. For most of my professional life, I have been concerned with literacy. As a child, I learned from my grandfather the potency of reading, thinking, computing, speaking and writing. Andrew Williams, who was quite old when I was a pre-schooler—he was 90 years of age—this runaway slave left the Mississippi around the age of 10. His deepest desire was to go to school. And so he studied wherever a book was available. Andrew Williams became a teacher and started the first school for Blacks in Lawton, Oklahoma. It was from his stories about education that I learned that "what you know" is a powerful weapon.

Throughout the world, illiteracy has reached epidemic proportions. While the rate of illiteracy is declining, the actual numbers are increasing. In 1970 there were an estimated 760 million adult illiterates. In 1989, that figure had grown to 962 million—almost one billion people. It is staggering to think about over 100 million children of primary age, who are not enrolled in school. Unless there are massive efforts, these children are likely to become the adult illiterates of the 21st century.

Women are disproportionately represented among adults who cannot read or write. UNESCO tells us that two-thirds of the adult illiterates (or 637 million) are female. There are several reasons for these alarming figures: 1) lack of access to school; 2) traditional sex biases; 3) time-consuming domestic chores; 4) their work in the fields; 5) rural isolation; 6) extensive demands of child-bearing and child-rearing.

It would not surprise this audience to hear that 97 percent of the world's illiterates live in developing countries. Nine countries have more than 10 million illiterates each, and together they constitute three-fourths of the illiterates in the world. India and China alone account for well over half. Yet, some 27 countries in Africa and ten in Asia have an illiteracy rate of more than 50 percent. It is almost incomprehensible to note that eight nations, five in Africa and three in Asia, have illiteracy rates which exceed 75 percent.

However, the developing countries are not alone in their suffering from the maladies of illiteracy. Industrialized nations are seriously affected, particularly by functional illiteracy. According to the U.S. Department of Education, one in five adults, or 20 percent, is functionally illiterate in our country. In addition to the 20 percent, another 34 percent of America's adults are only marginally literate. Even more devastating is the fact that 13 percent of 17-year-olds are functionally illiterate. Among African Americans and Hispanics, the figures swell to 44 percent. Behind those statistics are people—people who suffer mightily the personal tragedies, the humiliation.

Imagine, in this age of technology, having to mark an X or thumbprint for your name, or being a young mother, giving the wrong medicine to your child because you cannot read; or getting fired because you cannot read directions on the job; or being a teenager who is unable to pass the driver's license test; or being a parent who cannot help even elementary children with their homework. These are just a few examples of life without literacy.

But all is not unremitting gloom. There are rays of sunlight piercing through the clouds. You represent much of the sunlight, much of the hope. You, who continue to labor and to lead the numerous efforts to rid our nation of so basic, yet so serious a problem. I submit to you that we can and we must open wider the gates of opportunity, and solve the problem.

There are several significant reasons why illiteracy must be eliminated: economic, technological, political and social.

Economic: Illiteracy is costly, far more costly than education. In Canada, it is estimated that the direct cost of illiteracy to business is more than $4 billion Canadian dollars per year. Within the confines of the United States, societal ills represent a substantial financial drain. Such indirect costs as increased unemployment, social welfare, prisons, work accidents, lost productivity, amount to some $20 billion a year. In my state of California, unemployment compensation is $6,136, welfare for a family of four, $9,888; one person in prison, $20,562; education, $3,663, adult education $1,400. Now you tell me: is education a bargain?

Economically, education is the best investment we can make. Danny Kaye was right: "The greatest natural resource that any country can have is its children." Of course, education is costly, but it is a bargain when compared with the alternatives. Recently someone said, "If you think education is expensive, try ignorance!"

Technological: We all recognize that the Information Age is upon us. As we stand a few nine years from the year 2000, we can expect that the haves and have nots will be determined in large measure by their technological literacy. Most of the jobs in the future will require some technology and some higher-ordered thinking skills. If illiterates and functional illiterates are unable to function now, just imagine their attempts to cope in the fast-paced technological revolution!

Political: Public officials of the future will find themselves in deep trouble if they are not advocating full literacy for all people. As the masses become more politically aware, they will demand accountability of those who represent them at local, state and federal levels.

It is my view that the problem of illiteracy is essentially a political problem. If this country decided literacy was a top priority, we would find literacy legislation and funding at the top of the agenda. We would not find such large disparities in federal expenditures—$18 billion budgeted for Education, $286 billion for Defense. Recognizing that states provide the lion's share of education dollars, yet one cannot sanction the lack of substantial federal attention to such a crucial problem. When the federal government spends only $17.00 per illiterate adult, it is sending a message. It is our collective and individual responsibility to send our politicians a powerful message: that literacy must be elevated to a major agenda item. If we can find funds for the Persian Gulf, we can find funds for literacy. Let us urge all people of good will to join the Literary Race, instead of the Arms Race.

Social: Eleanor Roosevelt once said, "No one can make you inferior, without your consent." Far too many of our citizens have been made to feel inadequate, underserving. Yet, we know that investing in education creates human capital. The loss of brain power, the loss the contributions, are incalculable! Who knows which of the illiterates could have become a scientist and found the cure for cancer, or which could have become a diplomat and found a way to world peace, or a politician who could have eliminated poverty, homelessness, racism, unemployment? This nation can ill afford to foster so small a safety net that millions of its people are left outside.

We desperately need the human capacity of all the people.

During the early 1970s, the Commissioner of Education, the late James Allen, launched a program called "Right to Read." It was subtitled "Education's Moonshot", and declared that within a decade illiteracy would be eliminated. I was privileged to direct that program for five years. In spite of all of our efforts, including legislation and effective programs, political intervention caused the Commissioner to leave office, and the rest is history.

But I say to you, we need another Education Moonshot. Some of you will admit to being old enough to recall Sputnik. When the Soviet Union launched this small spaceship, the United States reacted quickly and creatively. More legislation was enacted more rapidly than at any other period during our history. Our national egos were badly bruised by the Soviets. Now, there are times when I long for another Sputnik—perhaps we would get our act together.

If we are to meet either the goal established by the United Nations—that of eliminating illiteracy by the year 2000—or the goal of the United Way—that of accomplishing the same by the year 2010, we must make some mammoth changes in the way we attack the issue (Mrs. Jane Smith.)

Examples:

Cuba has literally wiped out illiteracy.

The Arab States are adopting a national plan to open primary education to all children and to teach all adults to read and write.

Latin America, in addition to many literacy projects, is now involving rural and local press in literacy.

China launched a major national literacy campaign to reach 8 million illiterates in the 12 to 40 age group; since 1949 China has reduced illiteracy from 80 to 347.

India announced a $2 billion plan to help 80 million illiterate adults become literate by 1993.

Two examples in the industrialized countries:

Canada is investing 110 million Canadian dollars over 5 years to combat illiteracy, the prime minister announced, "We need nothing less than a national effort by the federal government, local provinces, business and labor and the volunteer sector."

The United States: Here at home, our First Lady, Barbara Bush, has expressed interest in literacy and seeks out excellent programs. The United Way has launched a sizeable effort with a quantifiable goal, the year 2010. The NNPA has initiated a Literacy Program using the 200 Black newspapers to teach children to read.

These examples and many others must continue to lead the way, light the path, for children, men and women. Our citizens must feel that their destiny is not a matter of chance, but of choice.

Despite the enormity of the problem, the International Literacy Year has given new impetus to the literacy movement. This war against illiteracy is surely a journey, and there are several challenges I present as we travel this journey:

1. Because illiteracy is so widespread, our challenge is to prevent and correct illiteracy. This means restructuring education so as to significantly reduce the 27 percent dropout rate, to diminish the number of high school graduates who are functionally illiterate. We hold the dubious distinction of being one of the few nations which address illiteracy in terms of persons who have been to school. I ascrible it to ESP.

There is a great deal of talk about excellence, but very little mention of equity. If we are serious about the excellence movement, educators and the public will acknowledge that no school can be truly excellent without being equitable. Equity has at least three aspects: Access—availability of quality education; process—special efforts to assist those who need help to function effectively; and transference—the ability to use what is learned in the world of work or higher education. So we need a two-pronged focus—children and adults.

2. Universal Literacy can only be attained through a massive campaign. As important as programs are, the issue is too extensive to resolve without a major international campaign which elicits the participation of all segments: public-private, management-labor, institutions-individuals, organizations-officials. Indeed, we must increase the awareness of all the stake holders. An alliance which is forged out of mutual commitment and reciprocity can significantly impact the problem. We are all familiar with elements of a campaign defining issues, mobilizing citizens, making commitments. Wherever illiteracy is found—village, town, city or suburbs, we must attack it.

3. In order to elevate literacy, the highest officials must not only talk about it, but lead movements to remedy the malady of illiteracy. Thus, I am calling on President Bush and members of Congress to establish a National Literacy Corps, urging college and university graduates to join for at least one year to teach adults who are illiterate or functionally illiterate. As a national service, the enthusiastic, idealistic young people could substantially wipe out the problem among adults. Imagine that even one-half of the college graduates would spend a year teaching just one person each, the illiteracy problem could be solved within five years. We would ask colleges and universities to give course credits for students to tutor elementary and secondary students.

The philosophy of Highlander Folk School can guide us: "What is too big to be handled by one person can be figured out by all of us together."

We can and we must rid this nation and all nations of illiteracy. The people deserve it, humanity dictates it, and you know how to do it. When the history of this period is written, will it say that we seized the moment, mounted the efforts and succeeded in providing the best education to children and adults, regardless of their economic backgrounds, color of their skins, their native language or cultural orientation. I have faith in our dedication and expertise. As a nation, we can solve any problem we deem a priority. Those of you who are leaders and workers must hold the torch higher, and redouble your task as catalysts.

The race is not a sprint. It is a marathon. Yes, literacy can empower our people, give them roots and wings—roots so they know who they are, and wings so they can fly—and we will brighten eternity.

HOLD SADDAM HUSSEIN RESPONSIBLE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. ENGEL. Mr. Speaker, I am introducing a resolution today that holds Saddam Hussein responsible for his crimes against American and other allied prisoners of war. We have all seen the video tapes of our airmen with severe bruises on their faces haltingly reading statements forced on them by their Iraqi captors. This abominable treatment clearly violates the Geneva Convention on the treatment of war prisoners and if not ordered by Saddam Hussein personally, he undoubtedly approved it.

The Iraqis have also announced that they have confined captured troops at strategic locations to deter further allied attacks. Again, this is a clear contravention of internationally accepted standards of treatment of war prisoners and an affront to the basic rights of our prisoners in Iraqi hands. We are dealing with a man who has absolutely no scruples or moral standards and I strongly feel that when the war with Iraq is concluded Saddam Hussein must be held personally accountable for his war crimes.

My resolution would make it U.S. policy to hold Saddam Hussein legally and morally responsible for his crimes. It calls for an international tribunal to try Saddam Hussein, and declares that under no circumstances should the allies agree to an arrangement whereby Saddam Hussein would resign as President of Iraq in exchange for his not being prosecuted for war crimes against American and other allied military personnel.

I urge my colleagues to cosponsor my resolution, and I ask to print the text of the resolution in the CONGRESSIONAL RECORD immediately following this statement:

H.J. RES. __

Whereas Saddam Hussein has violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (hereinafter in this resolution referred to as the "Third Geneva Convention") by ordering the torture of American and other allied military personnel;

Whereas Saddam Hussein has also violated the Third Geneva Convention by forcing captured American and other allied military personnel to read statements publicly, clearly contradicting previous statements made without duress;

Whereas Saddam Hussein has also violated the Third Geneva Convention by confining American and other allied military personnel to areas that are likely targets of further allied military action;

Whereas a spokesperson for the International Committee of the Red Cross has clearly indicated that Iraqi treatment of allied war prisoner contravenes internationally accepted standards;

Whereas Iraq is a party to the Third Geneva Convention and has publicly agreed to abide by internationally recognized standards of treatment of prisoners; and

Whereas the Iraqis who are being held as prisoners of war by the American and other allied forces in the Persian Gulf region are being treated in accordance with the Third Geneva Convention: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States declares that—

(1) Saddam Hussein should be held legally and morally responsible for the brutal treatment by Iraq of American and other allied prisoners of war;

(2) Saddam Hussein should be tried by an international tribunal for his crimes against American and other allied prisoners of war; and

(3) under no circumstances should the nations allied against Iraq agree to an arrangement whereby Saddam Hussein would resign as president of Iraq in exchange for his not being prosecuted for war crimes against American and other allied military personnel.

MOISES MALDONADO, WORKED FOR HISPANICS' CIVIL RIGHTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Ms. OAKAR. Mr. Speaker, one of the finest members of my district passed away. He was a leader proud of his Puerto Rican background who did so much for the Hispanic people and indeed all people in Cleveland, OH. I was pleased to serve with Moises on various community boards. He was my neighbor and friend. It is not only a personal loss to me, but to members of my community. The following is the eulogy which appeared in the Plain Dealer:

[From the Cleveland (OH) Plain Dealer, Jan. 23, 1991]

MOISES MALDONADO, WORKED FOR HISPANICS' CIVIL RIGHTS

Moises Maldonado was a longtime worker for the civil rights of Hispanics in Cleveland. He registered voters and was active in the fight against discrimination.

Mr. Maldonado, 69, suffered a heart attack and died Monday while playing dominoes at the home of friends.

He came here from Utuado, Puerto Rico, in 1951 and worked in a factory and as a truck driver.

He told friends that he was frustrated by the barriers that Puerto Rican-Americans faced in Cleveland. He became an active volunteer in civic affairs and helped found several organizations. He was a four-term president of the Spanish American Committee, the first president of the Puerto Rican Friendly Day Committee, chairman of the Puerto Rican Democratic Caucus and an elder of the First Hispanic United Methodist Church.

Mr. Maldonado was a Democratic precinct committeeman and an unsuccessful candidate for City Council from old Ward 8 in 1973. Politicans sought his endorsement because of the credibility it carried in the Hispanic community. He was informally called the "Mayor of Chatham Ave.," the near West Side street where he lived for 34 years.

He worked for a time in the Cleveland Office of Consumer Affairs and resumed full-time volunteer activities after he retired in 1983. Mr. Maldonado was a board member of the Hispanic Senior Center and the May Dugan Multi-Service Center. The Ohio Commission on Spanish Speaking Affairs gave him an award in 1985 for outstanding service to the Ohio Hispanic community.

Mr. Maldonado is survived by his wife, Virginia; daughters Doris McCartney of Morrisville, Pa., Carmen N. Rodriguez of Shelfield Lake and Marian Pagan of Chicago; sons, Rafael of Tucson, Ariz., Henry of Shelburne, Ontario, Angel L. of Cleveland and Moises Jr. of New Philadelphia; his mother and stepfather, Maria and Maximo Rosado; 17 grandchildren; and seven great-grandchildren.

Services will be at 11 a.m. Friday at the First Hispanic United Methodist Church, 1965 W. 44th St.

PUT OIL COMPANY WINDFALL PROFITS TO WORK FOR U.S. TAXPAYERS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. KANJORSKI. Mr. Speaker, in the second half of 1990 two dramatic events occurred: Iraq invaded Kuwait and the multinational oil companies invaded the pockets of American consumers.

Before Iraq invaded Kuwait the average price of a barrel of oil in 1990 was only $16. After the invasion the average price in the last quarter of 1990 rose to $29.

American consumers are all too well aware that the multinational oil companies wasted no time raising the price at the pump. The upward ratchet began before the dust in the desert had time to settle.

The multinational oil companies have just begun releasing their fourth quarter 1990 profit figures. It should not come as a surprise that their profits have risen faster than a Patriot missile.

In the last several days alone, Amoco announced a 69 percent increase in its profts, while Mobil announced a 46 percent increase. Each company made more than a half a billion dollars in one quarter alone. The Washington Post quotes oil industry analysts as estimating that average industry profits will increase 70 percent in just one 3-month period.

These prices and profits are not the result of brilliant investment decisions by the multinational oil companies or any major investments in new facilities, equipment or exploration. They are a result of Saddam Hussein's brutal invasion of Kuwait.

Should we allow the multinational oil companies to profiteer on the misery of others?

Should we allow them to enrich themselves at a time when our Nation is struggling through a recession?

Should we allow them to reap this windfall when millions of workers are unemployed and senior citizens on fixed incomes are striving to cope with double digit increases in their heating and gasoline bills?

I do not believe we should allow such unwarranted profiteering and consequently I have introduced H.R. 460, legislation to impose a standby windfall profits tax on oil whenever the price of oil rises above certain benchmark levels.

My bill is carefully structured to allow the oil companies reasonable—some would even say generous—profits, to differentiate between new oil and old oil—to encourage the development of new domestic wells—to differentiate between the major multinational oil companies and the small independent companies, and to differentiate between oil that is easy and inexpensive to extract from the ground, and oil which is more difficult and expensive to obtain.

If prices stay low the windfall profit tax will not impose any burden on the oil companies. If prices resume their upward spiral, the windfall profits tax will bring in billions for American taxpayers.

H.R. 460 is based on the original windfall profit tax enacted in response to the first Arab oil embargo, a tax which returned more than $80 billion in unjustified and unearned profits to U.S. taxpayers. The original tax was repealed in the late 1980's when we allowed ourselves to be lulled into a false sense of complacency.

By building on the original windfall profit tax, H.R. 460 utilizes the well established definitions of various types of oil, the size of major versus independent oil companies, and methods for determining base prices. The battles over these issues and definitions will not have to be fought out again.

I would like to share with my colleagues a summary of H.R. 460 and an explanation of how it operates:

Benefits: A Windfall Profits Tax raises substantial revenues without imposing any additional burden on average taxpayers. It uses definitions and mechanisms from prior law which are well understood, easy to implement, and above all, fair. It turns adversity into an asset.

Revenues: More than $15 billion a year would be raised by a Windfall Profits tax assuming an oil price of $30/barrel and thus a windfall of $8.50/barrel and a tax rate of 60 percent of the windfall (the midpoint between the rates on major oil companies and independents). Between 1980 and 1988 (when the original Windfall Profits Tax was repealed) it raised $80 billion, with a high of more than $22 billion in 1982. This is enough to pay for the entire savings and loan cleanup in less than a decade. In addition, for every dollar the price of oil rises over $30/barrel an extra $3 billion is generated.

Effect on Future Oil Production and Exploration: None since the market price of oil is still below the base price of "new" oil. In addition, even if the market price did rise above the base price, the tax rate on "new" oil is relatively low and producers would still receive more than twice as much for each barrel as they did only a few months ago, more than enough of an incentive to keep drilling.

Impact on Oil Prices and Consumers: None since it only taxes windfall profits and the oil companies do not have the ability to raise the price of oil above the level set by the cartel. Consumers are already paying higher prices, it is up to us to recapture part of the oil companies' windfall profits. As recent events have amply demonstrated, oil prices only rachet up. While companies always pass increases in wholesale prices along to consumers, they rarely, if ever, pass along decreases.

Mechanism: The Windfall Profits Tax divides all oil into three tiers: Tier I ("old" oil), Tier II (oil from stripper wells and the Naval Petroleum Reserve) and Tier III ("new" oil and expensive to extract heavy and tertiary oil).

A tax is imposed on the difference between the actual sales price and a "base" or reasonable price established before the oil cartel started manipulating supplies and prices. Tier I has the lowest "base" price, while Tier III has the highest base price. Base prices are adjusted quarterly for inflation, and Tier III "new" oil receives a special adjustment 2 percent above the rate of inflation.

Tier I windfall profits are taxed at a higher rate than Tier II or Tier III windfall profits. Tier I and Tier II windfall profits of small independent producers are also taxed at a lower rate than the windfall profits of major multinational oil companies.

	Estimated Sept. 19, 1990 base price	Tax rate for—	
		Major producers (percent)	Indpendent producers (percent)
Tier I (old oil)	$21.50	70.0	50.0
Tier II (stripper wells and naval petroleum reserve)	26.25	60.0	30.0
Tier III:			
Heavy and tertiary	34.50	30.0	30.0
New oil	34.50	22.5	22.5

Example with oil at $30/barrel: Tier III (new) oil is not taxed at all because the base price is above the sales price. For Tier II oil, the windfall is $30–$26.25 or $3.75/barrel, major producers pay a tax of 60 percent of that windfall ($2.25/barrel) and indpendents pay a tax of 30 percent of their windfall ($1.13/barrel). For Tier I (old) oil, the windfall is $30–$21.50 or $8.50/barrel, major producers pay a tax of 70 percent of that windfall ($5.95/barrel), and independents pay a tax of 50 percent of their windfall ($4.25/barrel).

MAY HIS DREAM FINALLY BECOME REALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. GINGRICH. Mr. Speaker, on Monday, I sat in the Ebenezer Baptist Church in Atlanta, joining with many in paying tribute to the late Dr. Martin Luther King, Jr. It has been over 20 years since Dr. King shared his dream of racial equality with us. It is profoundly disturbing, however, to realize how far we still are from realizing Dr. King's dream.

I would like to share with my colleagues an editorial from the Atlanta Constitution which paints a poignant and disturbing picture of just one of the disparties affecting African-Americans. If we are to have true equality in America, we cannot continue to ignore such shocking statistics which dramatically limit the hopes and dreams of young children in America.

A child's opportunities should not be limited on the day they are born. The quality of life for African-Americans should not be worse today than it was 20 years ago. Dr. King gave millions of Americans hope for their future—and we must preserve that hope and guarantee every American a future.

I hope that as each of us takes time to pause and reflect on the legacy of Dr. King, we will realize how far away from Dr. King's dream our country truly is. It is my hope that next year when I walk up the stairs to the Ebenezer Baptist Church, I will know that Dr. King's dream is one step closer to becoming a reality.

TOO MANY AFRICAN-AMERICANS DIE TOO SOON

The enduring legacy of America's history of racism shows itself most clearly—and most unfortunately—in statistics reflecting the sad state of health among African-Americans. If racial equality is ever to have any real meaning in this country, the nation must tackle the circumstances that create this dreadful disparity.

Two recent studies convey the distressing news. The National Center for Health Statistics announced this week that life expectancy for black people in the United States has dropped substantially, continuing a four-year decline. African-American babies born in 1984 could be expected to live for 69.7 years, while white babies born that year could be expected to live for 75.3 years. But, while white babies born in 1988 are expected to live for 75.6 years, black babies born last year are expected to live 69.2 years.

Another study shows that thousands of impoverished blacks die in the prime of life from illnesses that could be cured or treated by routine medical care. While the U.S. population is only about 13 percent black, blacks made up 80 percent of the premature deaths in the study by the International Journal of Epidemiology, which surveyed deaths from a dozen disorders that normally are not lethal if treated early.

African-Americans are disproportionately poor, with less access to health care. The federal government must step up efforts to provide access to those who are too poor to purchase private health insurance. Congress has made a step in the right direction by requiring Medicaid to cover all poor children through the age of 18 by the year 2001.

Some social ills that afflict African-Americans disproportionately and lessen their chances for long, healthy lives are more complicated than a simple lack of access to medical care. For example, deaths from AIDS, alcohol- and drug-related causes and homicide among blacks have risen. Those ills are all related to high rates of poverty.

If the nation is to enhance the quality of health for blacks, then, it must work to improve their overall quality of life. In the long run, that will be beneficial not only for black Americans but also for the entire country, which will enjoy the benefits of a healthier and, therefore more productive, citizenry.

ITALY'S PARTICIPATION IN GULF CONFLICT

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. GALLO. Mr. Speaker, I rise to express my personal pride in the active participation of the nation of Italy in the multinational force currently engaged in the gulf conflict.

We have heard a great deal about the front line involvement of other nations in Operation Desert Storm.

And, we have heard the concerns being expressed in this body and elsewhere about the less than full participation by other nations with strategic interests in the gulf region.

But, the role of Italian air power and the overall support of the nation of Italy for our joint efforts also deserve a greater measure of our public appreciation than has been heretofore offered.

Because of its strategic location, Italy has been a leader among nations in the Mediterranean for centuries.

For the last half century, Italy has also been caught in the crossfire of other people's conflicts, whether in terms of active defense from internal concerns or in terms of terrorism that has external causes, but internal effects on its own people.

Mr. Speaker, I think it is appropriate today that we acknowledge the special contributions being made by the nation of Italy as part of the international coalition in the gulf region and to thank the people of Italy, as well as all of the nations taking part in Operation Desert Storm, for their efforts.

SUPPORT FOR ARAB-AMERICAN COMMUNITY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to express my concern regarding the activities of the Federal Bureau of Investigation in the Arab-American community in Michigan and around the country. While I understand and support the FBI's efforts to deter and prevent any terrorist activity in the United States, I object to any shotgun investigative approach to this sensitive issue. By interviewing such a broad range of Arab-American community and business leaders to determine their knowledge of any potential terrorist activities in the United States, the FBI could not but help cast aspersions on all 2½ million Arab-Americans and heighten fears within the Arab-American community of possible reprisals against members of their community.

In my congressional district, Arab-Americans have been a vibrant part of our society since before the turn of the century. Today, they count among their members some of our community's most successful businesspeople; our foremost attorneys, doctors, professors, teachers; and our most generous philanthropists. Our community has indeed been greatly enriched by the presence of Arab-Americans.

I would also like to share with my colleagues in the U.S. House of Representatives editorials on this issue from the Washington Post and the Detroit Free Press. I have also included statements from the American Arab Heritage Council of Flint, MI, and the Flint Jewish Federation. I am particularly pleased that on this important issue of civil rights of minorities in the United States, the Flint community stands united and steadfast in the defense of the full constitutional rights of all Americans.

Mr. Speaker, I appreciate the difficulty of the FBI's task to fight terrorism in a democracy such as we have here in the United States. However, the foundation of our democracy is our respect for and strict enforcement of our civil rights as provided in the American Constitution. As the Post editorial states, "Arab-Americans have the right to be accepted and treated as individuals, and the Government has a constitutional duty to observe and protect that right." I strongly urge FBI Director William Sessions and his agents carry out their tasks with the utmost care and sensitivity to the constitutional rights of all Americans.

[From the Washington Post, Jan. 16, 1991]

SINGLING OUT ARAB AMERICANS

The Gulf crisis has raised the threat of terrorism—instigated by Saddam Hussein and directed against American targets both abroad and in this country. Hence, the increased security at federal buildings and airports, and the decision of the Immigration and Naturalization Service to photograph and fingerprint visitors holding Iraqi and Kuwaiti passports. These have been telling signs of a nation assuming a wartime footing. Given the pronouncements out of Baghdad, these countermeasures are inconvenient but necessary security precautions against possible terrorist attacks.

Yet it is exactly at times such as these that government must take care not to circumscribe the rights and freedom of its citizens. Regrettably, that may have happened last week during the course of a special Federal Bureau of Investigation program focused on Arab Americans.

FBI agents contacted more than 200 Arab-American business and community leaders across the country, ostensibly to inform them of the bureau's intention to protect them against any backlash from the Persian Gulf crisis. Investigation and prosecuting hate crimes and ethnically motivated violence spawned by Middle East turbulence is a legitimate job of federal law enforcement officials, so that aspect of the bureau's initiative was welcomed by Arab Americans. But FBI agents also used the occasion to gather intelligence about possible terrorist threats. This is where the FBI quickly wore out its welcome.

Organizations representing Arab Americans contend that agents asked citizens about their political beliefs, their attitudes toward the Persian Gulf crisis, Saddam Hussein and their knowledge or suspicions about possible terrorism. Deputy Attorney General William P. Barr denies any FBI intention to intimidate Arab Americans, as some community leaders fear. "At the same time," he says, "in the light of the terrorist threats . . . it is only prudent to solicit information about potential terrorist activity and to request the future assistance of these individuals."

But why does the government presume that Americans of Arab descent should know about "potential terrorist activity" or that this group of Americans is any more knowledgeable about such activity than any other? FBI spokesman Thomas F. Jones says it's because the bureau is aware of a number of terrorist organizations in the United States that "consist of people of Middle East descent" and that the "possibility exists that [terrorists] are living in Arab-American communities." In that way, he said, Arab Americans "could come into possession of information on potential terrorist acts."

It is a perilously flimsy rationale. It leaves the U.S. government wide open to the accusation that it is dividing Americans by ethnic background and singling out one group as a suspect class. If that were true, the government's conduct would clearly be constitutionally offensive and morally repugnant. To imply that Arab Americans—some of whom are members of families that have been in this country since the turn of the century—may have a special link to terrorists is both insidious and harmful. The government cannot go around making judgments and presumptions about citizens on the basis of their descent.

Like all Americans, Arab Americans have the right to be accepted and treated as individuals, and the government has a constitutional duty to observe and protect that right. Neither should the government invade the privacy or trample the dignity of one class of citizens. What is being seen now recalls the negative stereotyping that served as a basis for the shameful treatment of Americans of Japanese ancestry during World War II. Such stereotyping, with all its ugly and unfair implications, should not be allowed to take hold.

[From the Detroit Free Press, Jan. 10, 1991]

Crisis Is No Excuse for Arab Harassment

With an Iraqi war looming, it is only proper for the FBI in metropolitan Detroit, the home of one of the largest Arab populations outside the Middle East, to put its ear to the ground. It is conceivable that some terrorist organization might try some mischief in U.S. territory. Such threats have been made, and they cannot be ignored by the agency that is in charge of counterespionage and anti-terrorist activities inside the United States.

What the FBI does not have a mandate to do, though, is to launch a campaign of harassment and intimidation against a whole group of metro Detroit residents only because of their ethnic origin. Unfortunately, this is what the local FBI office seems to be doing.

Hal Helterhoff, the agent in charge of the Michigan FBI office, announced a program Monday of questioning members of the Arab community in order to solicit "their cooperation in assessing the potential for terrorism." Far from making everyone feel more secure, Mr. Helterhoff's action raises several disturbing questions.

If confidential information is really what the agency is after, why the hype? Does the FBI truly believe that the best way to secure cooperation from a tightly knit community in East Dearborn is to single it out and anger and frighten it by spreading suspicion about it? And what about the civil rights of Arab Americans?

The FBI must—especially in times such as these—develop sources, investigate clues and plan for all sorts of contingencies, including terrorist attacks. The agency is paid to be a little paranoid about Americans' safety. But fanning paranoia about Arabs and Arab Americans is disgraceful and conterproductive, and must end immediately.

[Press release from the American Arab Heritage Council]

FLINT, MI, *January 15, 1991.*

The Federal Bureau of Investigation has again been guilty of invidious discrimination against Americans of Arabic origin.

In previous years they conducted "Operation Boulder" in which they singled out Arab Americans for disgraceful investigation methods. The plan was cut short by litigation instituted against them by one of their victims. Later they instituted Arab scam, "Abscam" in which agents disguised as phony wealthy "Arabs" attempted to bribe selected U.S. Congressmen.

Apparently not having learned anything from those experiences, the FBI has recently announced its intention to interview leaders of the Arab American Community for information concerning possible acts of terrorism in this country. The plan implies that Arab Americans are somehow involved in acts of terrorism. No ethnic group in America has a better record of patriotism and fidelity to this country than do Arab Americans.

Negative stereotyping of Arab Americans by our own government is at best reprehensible. It is reminiscent of the World War II imprisonment of Japanese Americans whose loyalty should never have been questioned.

Arab Americans throughout the country have been victims of racially inspired attacks by psyco patriots. The actions of the FBI encourage such anti Arab American attitudes. Judge Newblatt imposed sentence of imprisonment upon a person convicted of harassment of Arab Americans in the Flint area. In doing so he made it clear to that person that what he had done was not an act of patriotism but was contrary to everything that this country stands for as a free and pluralistic society.

Our stand against such discrimination serves every minority that is a potential victim.

Arab Americans note their appreciation to the Flint Jewish Federation for their resolution expressing condemnation of racially inspired anti Arab American attacks and the negative impact of recent government activity.

ANTHONY J. MANSOUR,
Chairman, AAHC.

FLINT, MI, *January 14, 1991.*

[Press release from the Flint Jewish Federation]

The Jewish Community Relations Council of Flint (JCRC), speaking on behalf of the Flint Jewish Federation, the umbrella organization for the organized Jewish Community of Flint today adopted a statement condemning the recent attacks on Arab Americans in a number of cities in the United States. In addition to these concerns, the JCRC expressed concerns relating to any open ended government plan aimed at leaders of any specific ethnic community, in this case the American-Arabic community that may have a negative impact on the greater community's perception of Arab Americans. Rather, the JCRC call upon "the appropriate agencies of government to protect the rights and safety of Arab Americans, and to prosecute and punish those who have acted criminally against them."

The full text of the JCRC statement follows:

"The JCRC of Flint condemns recent nation-wide attacks, both verbal and physical, on Arab Americans. The democratic and cultural pluralism inherent in American society is center to the security and well being of all groups and individuals comprising the population of our country. Strong feelings developed by the current situation in the Persian Gulf cannot be allowed to serve as the source of hostile feelings that might lead to the hostile actions aimed at Americans of the Arab descent.

We are concerned that an open ended government plan to interview leaders of the American Arabic community may have a negative impact on the greater community's perception of Arab Americans. The constitutional protections that guarantee the security of all minorities are best protected and furthered in an atmosphere of open discussion, free expression and absence of bias and bigotry. All manifestations of bigotry and bias are unacceptable and group stereotypes must be rejected and repudiated.

The JCRC further calls upon the appropriate agencies of government to protect the rights and safety of Arab Americans and to prosecute and punish those who have acted criminally in that regard. Furthermore, the JCRC urges all members of our community to exercise sensitivity toward our Arab-American neighbors during this difficult and painful period for our country."

DAVID NUSSBAUM,
Executive Director.

A TRIBUTE TO ROSCOE R. NIX

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Mr. Roscoe R. Nix on the occasion of his retirement after 10 years of invaluable service as president of the Montgomery County, MD, branch of the National Association for the Advancement of Colored People [NAACP]. His tenure as president is characterized by growth in membership, outreach programs, and community involvement. He will be honored at a gala thank you dinner on January 26, 1991.

Roscoe R. Nix has distinguished himself with a long and impressive record of advocacy for human rights and social justice. In less than a year as executive director of the Maryland Human Rights Commission, he strengthened and rebuilt what had previously been an inefficient agency, establishing a rapport with the State's black communities and boosting the agency's reputation and morale. As a civil rights worker, he picketed segregated restaurants in Silver Spring, MD, and lobbied for fair housing to correct the discriminatory practices of landlords in Montgomery County. During his administration at the NAACP, he initiated studies of the negative impact of the U.S. trade imbalance on black employment and of the declining enrollment and graduation rates of black males in Maryland institutions of higher education.

Scholarship always has been high on his agenda, for this magna cum laude graduate of Howard University has been an outspoken champion of excellent and equitable education for minorities in Montgomery County. In 1974, he became the lone black elected member of the county school board, and in 1983, he was an integral part of the creation of the Saturday school, a program in which black students receive tutoring and counseling in order to improve their grades and attitudes toward education.

Roscoe R. Nix is an individualist, Mr. Speaker. He is a man who believes in equal opportunity for all men and women, and he upholds the virtues of thrift and hard work as the best means to achieve economic independence and social equality. Throughout his life, he has dared to challenge injustice, and his tireless work to improve the quality of life for black Americans, has benefited all Americans. I am proud that he resides in the district that I represent in Congress, and I am honored to add my voice to the praises of friends, colleagues, and family who gather to salute him.

IN SUPPORT OF UKRAINIAN INDEPENDENCE DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. WOLF. Mr. Speaker, on January 22, 1918, the leaders of the independent Ukrainian National Republic completed a document known as the "Fourth Universal," proclaiming the Ukraine's independence from Russia. Today is the 73d anniversary of this event.

One year later, the Western Ukrainian Republic—made up of territories which were formerly part of the Austro-Hungarian Empire—united with the eastern Ukraine to form the Ukrainian National Republic with a population of over 35 million people. Unfortunately, the life of this independent state was brief, as the Russian armies, under the command of Lenin, took control of the Ukraine and forced it to become part of the Soviet Union in 1922.

What we have seen over the past year, however, is that this union is not as united as we had been led to believe. During 1988 and 1989, when Mikhail Gorbachev was fulfilling his promises of allowing greater political freedom, we saw throughout the Soviet Union that many of the republics in fact want to be completely free of Moscow's domination.

Unfortunately, we have learned this month that President Gorbachev has no intention of allowing those republics to choose their own fate. Instead, he has resorted to brutal, Stalinist tactics to crush the Baltic independence movements under the heel of army boots and tank treads.

Although the Ukraine has not suffered to this extent—at least not yet—some of the leaders of that region's independence movement have been arrested and scheduled for trial based on trumped-up charges. Such arrests are obviously designed to intimidate the independence movement in the Ukraine before it becomes necessary to use force.

I hope my colleagues in the House will monitor the situation in the Baltics and the Ukraine very carefully. We do not want to be condemned by history as men and women who did not speak out for those being oppressed by the Soviet regime. We have and must continue to be the voices in support of freedom not only here, but also abroad.

THE CRISIS IN THE BALTIC STATES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Ms. MOLINARI. Mr. Speaker, Saddam Hussein's actions in the Persian Gulf and last weekend's crackdown by the Soviet Government on Latvia and Lithuania, have struck a nerve in the free world and reminded us of the costs that too often comes with gaining and maintaining one's freedom.

In the past few years, the movement toward political pluralism by the Soviet Union led many of us to believe that we were truly on the verge of glasnost. But in 1 week, the actions taken by the Soviet Army, with the tacit approval by Moscow, against these peaceful Baltic republics have once again jeopardized East-West relations.

Latvian filmmaker Andris Slapins was shot in the head while he simply pointed a camera to document this story and report it to the rest of the world. Slapins posed no threat to the oncoming troops, but he was shot in cold blood, murdered for showing the world the pain and atrocities of the Latvian people.

Mr. Gorbachev's campaign of perestroika and glasnost was praised worldwide. His efforts to remedy the inadequacies of the Communist government, including his decision to retrieve his troops from Afghanistan and Europe, did not go unnoticed. The Norwegian Nobel Committee recognized these efforts and bestowed to him the 1990 Peace Prize.

But was this effort first a campaign and the words perestroika and glasnost merely slogans? Now that the Soviet Union has an opportunity to demonstrate its resolve and true motives, they are retreating from the ideals of democracy and returning to the iron fist of communism. I support this resolution which calls on President Gorbachev to cease immediately the use of force against the people of these democratically-elected governments, and I urge the President to consider not attending next month's summit scheduled in Moscow.

Mr. Speaker, I must encourage my colleagues to remember that we must judge the Soviet Union not just by the good words or even by the seemingly good deeds of the moment. Even as Gorbachev has shown a friendly face toward the West in the past, the Soviet Government continues to repress its own people. We must maintain our commitment to the universal nature of our Bill of Rights.

TRIBUTE TO BATTERY E, 2D BATTALION, 14TH MARINES

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday January 23, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to pay tribute to the men of Battery E, 2d Battalion, 14th Marines, a Reserve unit that early tomorrow will ship out from Joliet, IL, to Camp Pendleton, CA, and then perhaps on to the Persian Gulf.

These brave soldiers, many of whom are my constituents, have been suddenly uprooted from their jobs, from their friends, and from their loved ones in answer to their Nation's call. Despite the prospect of months away from their homes and, yes, the possible rigors of battle, these marines have fulfilled their duty without complaint.

Tonight, the people of my district and surrounding areas will bid farewell to the members of this detachment with a sendoff rally at Joliet West High School. This rally will include marching bands, color guards, and all the honors this unit so richly deserves. Because of our pressing business here, I will not be able to personally wish these brave men well upon their departure. However, I know the people of my district will more than make up for my absence with their enthusiastic show of support.

I hope that after the bands stop playing and the colors are lowered tonight we will not forget the sacrifices of these marines and the hundreds of thousands of other service men and women who are in the Persian Gulf or who may soon be there in service to their fellow citizens. Let us keep these courageous Americans and their families in our thoughts and prayers and let us hope they will soon return to the place they call home.

A CLOSE LOOK AT BILINGUAL EDUCATION

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. EMERSON. Mr. Speaker, bilingual education is, in theory, a good thing. It can prove to be a useful tool to help every student in America learn English and thus become equipped to fully partake in American culture, commerce, and politics—all of which are conducted primarily in English.

Bilingual education has, unfortunately, failed to live up to its potential. It has failed our society at large, and it has failed those students who relied on their public education in America to teach them to become part of a larger society. I urge my colleagues in the Congress to take a close look at the successes and failures of bilingual education in the coming months. The following excerpt from professional educator and recent gubernatorial candidate John Silber's book, "Straight Shooting," offers a unique perspective on the issue.

I would call attention to the fact that Mr. Silber strongly supports more and better teaching of foreign languages, as do I and many other advocates of official English. As he states:

> [D]eveloping America as a multilingual country in no way requires depriving it of a national language; in European countries, the possession of a national language goes hand in hand with a high degree of multilingualism.

There is no reason why America should not be able to make the same boast.

STRAIGHT SHOOTING—WHAT'S WRONG WITH AMERICA AND HOW TO FIX IT

(By John Silber)

Bilingual education also poses problems. At stake are the futures of hundreds of thousands of children whose native language is not English. Our national cultural heritage is likewise at stake.

The motive behind bilingual education is praiseworthy. We are properly concerned to educate all children no matter what their native language. But our approach has been seriously confused, and one of the casualties of this confusion is the failure to bring all children to a level of competence in English.

School systems spend huge amounts of money—some of it from their own budgets, much of it from the federal budget—on bilingual education. A great deal of this money is wasted in scattered programs that have no common goal and produce unsatisfactory results.

Bilingual education can have only one valid goal: the achievement of genuine competency in reading, writing, hearing, and speaking the English language. Thus it is not, strictly speaking, bilingual education. It is the education of non-English-speaking children in the language of their country.

Parents understand this. Many Chinese and Vietnamese families in particular want no part of today's misdirected bilingual education programs. They put their children into English-speaking classrooms so that they can become fluent in English as quickly as possible and eventually graduate at the top of their class from West Point, or achieve goals equally as distinguished. This is not because they are anxious to leave their cultural heritage behind, or because they are ashamed of their background. They remain very aware of their cultural heritage, more so than many other ethnic groups, but they recognize that their ability to compete and thrive in America will be greatly enhanced by learning English.

Of course, this awareness is not confined to the Chinese and Vietnamese. Concerned parents from all ethnic groups realize that it is essential for their children to grow up speaking English.

The most succinct and telling statement I have heard on the subject came from Ernesto Ortiz, a foreman on a south Texas ranch, who said: "My children learn Spanish in school so they can grow up to be busboys and waiters. I teach them English at home so they can grow up to be doctors and lawyers.

Wave on wave of immigrant groups followed the example provided by the English-speaking Irish, who learned how to make the American system work for them. Germans, Italians, Jews, and other groups, emulating the success of the Irish, realized that they had to learn the language and enter the political stream. The result was the melting pot.

In recent years it has, unfortunately, become fashionable to question the validity of the melting pot and to encourage groups of what Theodore Roosevelt called "hyphenated Americans," who perpetuate their ethnic particularism at the expense of their integration into American society.

In arguing that all citizens should be Americans, I would not deny ethnic groups their right to preserve their language and heritage. To the contrary, ethnic groups should be encouraged to maintain their languages and customs. We should not deny any ethnic group its identity or its children the opportunity to speak their native language. The perpetuation of linguistic identity by ethnic groups that preserve their native language in newspapers, church services, festivals, and businesses adds strength and vitality to the United States and preserves the pluralism out of which our national unity is forged.

But we must not ignore the need for a common language on which our national unity depends. The citizens of the Roman Empire spoke many diverse tongues, but Latin was the official language, the language of law, commerce, and government. A German or Briton who came to Rome asserted his citizenship by being able to say civis romanus sum (I am a Roman citizen). Roman society never considered it necessary or desirable to provide him with German or Celtic legal, educational, or political institutions. And we should not forget that when Greek became the official language of its eastern provinces, the Roman Empire split in two.

Except for Switzerland, no country has ever prospered with more than one official language. And even Switzerland must promulgate its laws in Latin, so that there is a single authoritative text should linguistic push come to linguistic shove. The country is known in its various regions as Suisse, Schweiz, Svizzera, and Svizra, but officially it is named in Latin: Confoederatio Helvetica.

The citizens of India speak diverse tongues, but Hindi and English are, like Latin, official languages. And it is worth noting that Hindi's position in this regard is more theoretical than practical. Pandit Nehru, on whom the successful negotiation of Britain's withdrawal depended, did not learn Hindi until he entered politics; he had grown up speaking only English. India is unified by the language of the conqueror. The Tamils of southeast India, for example, find English acceptable as an official language, while objecting to Hindi. There is in fact, no realistic foundation for the preservation of India's unity apart from reliance on the English language. The very independence of India depended on English, for the national groups that drove the English from power had no common language but English. And they used English in planning and achieving their liberation. For so vast and diverse a nation, India enjoys a considerable measure of cohesion, but the Indian Empire of Queen Victoria has already split into three nations, and had it entirely lacked a common language, it would almost certainly have fragmented further.

With these examples in mind, no one can contemplate with equanimity the loss of a national language in a democracy spread over half a continent.

The bilingual movement in America, as presently misdirected, would, if successful, establish the United States as a multilingual nation deprived of a national language—a Babel brought up to date. Until fairly recently, the United States was unique in the world as a very large nation covering a great land mass that maintained a single national language with dialects that are easily mutually intelligible. Our comparative peace and our single language are almost certainly related; unlike Canada, Belgium, and other nations with explosive linguistic problems the United States has been able to sustain, along with freedom, a diverse culture within the context of one official language.

Bilingual ballots strike at this notion of a national language by assuming that it is possible to be a citizen without being able to read the national language as long as one is literate in the language of one's ethnic group. This argument cannot be founded on any theory of right, for if that were the case, each citizen would have the right to have a ballot printed in whatever language he was reared, no matter how obscure it might be, no matter how many ballots had to be printed. If we make no pretense of providing ballots in the more than 100 separate languages of American Indians, how then do persons who come to this country after English was well-established as our national language acquire this right?

In practice, we exempt only one large group of citizens—Hispanic Americans—from a requirement that has hitherto been expected of all citizens: the acquisition of some competence in the national language. This is to reduce the standards of performance expected of a citizen to a derisory level. It is also to patronize Hispanic culture by implying that it, unlike Polish culture, for example, cannot survive in a predominantly English-speaking country.

Special pleading for Spanish also has racist overtones, suggesting that Spanish-speaking American citizens cannot be expected to attain the same level of competence acquired by immigrants from Germany, Italy, Poland, Greece, Russia, and many other countries, and until recently by all Spanish-speaking citizens as well.

A similar question arises with regard to the various dialects of English. Recall, for instance, the movement in the 1960s maintaining that students who grow up speaking black English or other dialectal variants of English should not be required to learn standard English, and that to require them to do so was racist.

Nothing could be further from racism than requiring students from the ghetto to learn standard English. This is to treat them as the equals of the great majority of students.

My own experience is perhaps instructive. Like all native Texans, I had to learn English as a foreign language when I started school. Later, as an instructor at Yale, I insisted on standard English from all my students. I did not exempt recent immigrants to Connecticut from Lithuania, Atlanta, or Pearsall, Texas. They neither spoke nor wrote standard English at the beginning of their freshman year, but all them ignernt boys done right good by the time they wuz thew. Later, as a professor in Texas, it never occurred to me to exempt any student, white, black, or Hispanic, from the requirement of standard English.

The teacher who condones the substitution of ghetto English for standard educated English, expecting less of black students than of whites, is a racist. Such condescension can have a good results in neither the short nor the long term. It is especially disturbing to hear a minority student arguing for his exemption from standard English, since by doing so he greatly weakens his ability to oppose racism. He cannot plausibly use his race or ethnicity as a basis for claiming supposed privileges and exemptions from standards without provoking others to use the same basis for denying him genuine rights.

Unfortunately, the United States Congress is deeply confused about the goal of bilingual education; and since Congress provides much of the funding for bilingual programs, the confusion is promulgated and replicated throughout the land. The current law governing bilingual education, as well as Senate and House bills under consideration, all contain the following policy clause: "A primary means by which a child learns is through the use of such child's native language and cultural heritage." This seemingly benevolent statement contains a receipt for disaster, and one of its main ingredients is ignorance of how language acquisition really works. Once we accept that the primary means by which a child in the United States learns is through his native language rather than English, and that a school should try to teach him through his native language rather than English, and that it is the school's responsibility to preserve the child's native cultural heritage in his native language, we have taken on a task that is both practically and financially impossible.

In my home state of Massachusetts there is a perfect test care that demonstates this impossibility. In Massachusetts, every public school is governed by the Transitional Bilingual Education Law. And because the task set by the law is impossible, and so must be reduced in some way, the Commonwealth has resorted to magic. But rather than use a wand, or investigate the astrological signs of non-English-speaking residents, the Commonwealth uses the much more respected and up-to-date magic of numerology. Massachusetts bilingual numerology is based on the magic number twenty. If fewer than twenty students speak the same foreign language and have limited ability in English, they have no rights; but when twenty such students come forward the school board must provide a program of transitional bilingual education. This means—and the schools have no choice—that all required courses must initially be taught in the students native language, rather than putting all students into one basic program where they would learn English and go on from there to learn other subjects as quickly as possible.

This Massachusetts law is misnamed. It is called the Transitional Bilingual Education Law, but for a great many children who begin with classes taught in their native language, there is no transition. The Commonwealth ought to indicate more accurately the effect on these children and call the law the Bilingual Dropout Encouragement Law.

To the extent that a child can function by working in his native language, he will, of course, do so; to the extent that he can get along without learning English, he will. And this is why, jeopardizing their futures, many children stay in bilingual programs year after year—up to five or six years—and then, finding that they are unable to cope in English when their bilingual programs come to an end, drop out of school.

In dealing with bilingual education, Congress and state legislatures have also failed to realize that our resources are not infinite. Programs focused on teaching children in their native language, and teaching them about their native cultural heritage, face the problem of the number of languages involved. Chinese provides one example: Bilingual programs in Mandarin Chinese are based on the false assumption that all Chinese-speaking children speak Mandarin. In fact, many speak Cantonese and other quite dissimilar dialects. The native language of a Boston student may be any one of thirty, but the Boston school system offers only twenty different bilingual programs. It does not even attempt to meet the impossible standards put forth by the Commonwealth.

Clearly many school systems are going about the problem backwards, trying to feed every branch of the tree when they should be watering the roots. The resources are not available, even if it were deemed desirable to provide instruction in all the necessary languages and cultures. But school systems do have the resources to teach English to children from any linguistic background. Furthermore, as the Irish, Jews, Poles, and so many other ethnic groups in this country have amply demonstrated, we may properly and confidently leave to parents and ethnic groups the responsibility of preserving and transmitting their cultural heritage. If there is not sufficient identity to sustain the culture, the public schools are incapable of generating it.

But this in no way excuses teachers and students who fail to show respect for children from homes in which a foreign language is spoken. And we must not overlook the educational advantage that will accrue to English-speaking pupils once their foreign-language-speaking classmates have achieved proficiency in English. Those bilingual children will demonstrate to their classmates that mastery of two languages is well within the reach of the average child. Perhaps this will encourage American-born children and their parents to support vigorous programs of foreign lanague instruction in the primary grades, when langauges can most easily be learned.

The mastery of English should primarily be the responsibility of programs in the preschool and primary grades. From ages three to six, children can achieve mastery of English appropriate to their age levels within a few months. Programs that focus on the first three grades would achieve the maximum results at minimum cost. Such programs would be operating wholesale, whereas now the process is retailed, with each separate group having its own set of programs at a wide variety of levels. Nor should there be any doubt about what sort of programs we should have. The goal most be to make children proficient in English—the national language of the country in which they live—in the shortest possible time.

Without a common language, there is at best a very limited common political, social, and cultural life; and there are severe economic limitations as well. How can anyone be successful in a job interview without knowledge of the language in which it is conducted? Participation in the political life of the nation is equally dependent upon a common language. Without a knowledge of English, how will those who speak only Spanish or Vietnamese choose a president? How will they be able to assess the merits of one candidate or another when all they know of them is derived from unintelligible talking faces on television? And how will individuals participate in our national life if they lack at least some acquaintance with the Constitution, the Bill of Rights, and The Federalist?

Perhaps we need to ask ourselves whether we believe that there is such a thing as a United States culture, which is a prominent part of Western culture, and which should be preserved and augmented for future generations. Do we believe future generations should read the formative documents of our political culture? If the answer is yes, we should remember that all of these documents were written in English.

Our nation will be severely crippled if we do not preserve a single national language. Many of the things we hope non-English-speaking members of our society will be able to share—good-education, a well-paying job, democratic government—will be denied them if we fail in the task of teaching children proficiency in their nation's language.

Bilingual education is distinct from another important issue, monoglottal Americans. If the United States is to compete effectively in the world economy, and carry on effective diplomatic relations, we need to introduce instruction in the major foreign languages that few Americans speak—in particular, Japanese, Chinese, Russian, Portuguese. This instruction should begin in the elementary grades. An effective program of bilingual education for Hispanics would ensure a large pool of Americans fluent in English and Spanish, but that would be only a start at solving the problem of what Senator Paul Simon has called "the tonguetied American." But developing America as a multilingual country in no way requires depriving it of a national language; in European countries, the possession of a national language goes hand in hand with a high degree of multilingualism.

IN COMMEMORATION OF UKRAINIAN INDEPENDENCE DAY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. MANTON. Mr. Speaker, I rise today to solemnly commemorate the Ukrainian Declaration of Independence. Seventy-three years ago, on January 22, 1918, the Ukrainian National Rada issued the Fourth Universal creating a free and independent Ukrainian National Republic. The new Ukrainian Republic guaranteed freedoms of assembly, speech, religion, the press, and protected the rights of minorities. Unfortunately, Ukrainian independence was shortlived. However, the courageous people of the Ukraine have never given up hope their land will once again be free.

Last year, on January 21, the nationalist popular movement in Ukraine [Rukh] asked the Ukrainian people to form a human chain across their country to commemorate Ukrainian Independence Day. Although the Soviet Government seemed poised to violently repress any nationalist celebration, an estimated 1 million people defiantly joined in the human chain across the Ukraine.

Mr. Speaker, unlike that joyous celebration a year ago, this year Ukrainian Independence Day comes at a time when the Ukrainian people are threatened by the brutal Soviet forces that have already terrorized the people of Lithuania and Latvia. The Kremlin's strong arm tactics toward peaceful democratic activists is nothing new to Ukrainians. Late last fall, Stepan Khmara, a member of the Ukrainian legislature and vocal leader in the effort to legalize the Greek-Catholic Church, was arrested and charged with abusing the authority of this office. Mr. Khmara remains in jail to this day even though these charges have been widely accepted as groundless.

Mr. Speaker, on this anniversary of Ukrainian Independence Day, I want to voice my support for the brave people of the Ukraine. Although our national attention is now focused on the war in the Persian Gulf, we cannot ignore the tragedy taking place in the Baltic States and across the Soviet Union. If we let the recent brutality of the Soviet forces in Lithuania and Latvia go unpunished, we can expect the Kremlin's crackdown to continue. In that regard, I am proud to have been an original cosponsor of House Resolution 40, the resolution strongly condemning the Soviet crackdown in Lithuania which passed the House earlier today. While this resolution was a good start, we in the Congress need to continue to speak out against the ongoing violent repression in the Soviet Union, so that next year the peoples movement in the Ukraine is able to celebrate Ukrainian Independence Day without fear.

THE 1991 TZEDEK AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate Barbara Corday, Rabbi Allen Freehling, and Carol Sobel, who will receive the American Jewish Congress' 1991 Tzedek Award tonight.

Founded in 1917, the American Jewish Congress is dedicated to advancing the principles of justice, equal opportunity, civil rights and civil liberties. The award is given to those individuals who have demonstrated an exceptional commitment to the values of the organization. The three recipients of this year's award are outstanding selections. The lives of each demonstrate a long-term commitment to the pursuit of justice.

Barbara Corday is the former executive vice president of Primetime Programs for CBS Entertainment and co-creator of the Emmy Award-winning series Cagney and Lacey. As a leader in the entertainment industry, she has been a leading advocate for greater representation of women and minorities in television. In addition, she is a founding member of the Hollywood Women's political Committee and serves on the board of the ACLU Foundation of Southern California.

Rabbi Allen Freehling is Senior Rabbi at University Synagogue. He has brought his vision to members of his congregation and the larger southern California community. He has been a courageous leader in the fight for justice in many areas, including as a former president of the American Jewish Congress, Pacific Southwest Region, as the founding chair of the Los Angeles County Commission on AIDS, as a member of the Commission to Draft an Ethics Code for Los Angeles City Government, and as a former president of the Board of Rabbis of Southern California.

As senior staff counsel for the ACLU Foundation of Southern California, Barbara Sobel has been a leading advocate for women's rights. She was the chair of the Southern California Pro-Choice Coalition, and she has litigated a wide variety of reproductive rights cases, including the landmark legal challenge to Operation Rescue's health clinic blockade tactics. Since 1985, she also has been engaged in first amendment litigation as the ACLU's Church/State lawyer, and has worked closely with the American Jewish Congress.

Mr. Speaker, I urge my colleagues to join me in congratulating the three recipients of this year's Tzedek Awards. Each has dedicated his or her life to the pursuit of justice, and has made exceptional contributions to the effort to protect civil liberties.

DOROTHY PERRY: HELPING THE CHILDREN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. LEHMAN of Florida. Mr. Speaker, because children are our most precious resource, Dorothy Perry of the James E. Scott community in Miami is surely one of the wealthiest people in town.

Dorothy Perry is one of a special group of caring, committed people who see a need and take it upon themselves to do something about it. Concerned that the young people in her area lacked the role models, knowledge, and motivation to reach their fullest potentials, Ms. Perry started taking in neighborhood children after school and occupying their otherwise idle time with positive, constructive educational, and recreational activities—everything from art and cooking lessons to Bible study and health care. Over 50 children and young adults, ages 4 to 17, visit her each day. For her determination and hard work, Dorothy Perry was recently honored by President Bush.

Mr. Speaker, people like Dorothy Perry make our community strong and vibrant. I know my colleagues join with me in congratulating her for a job well done.

A BILL TO CORRECT A SMALL INEQUITY IN THE CALL UP OF RETIRED MILITARY PERSONNEL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. SPRATT. Mr. Speaker, Desert Shield and Desert Storm are the first real tests of the total force concept which Secretary of Defense Melvin Laird laid out in 1970.

As operations in the Persian Gulf continue, we will be learning lessons—some small, some large—about the effectiveness of the total force policy. After Desert Storm operations are over, Reserve and Guard units are likely to play a larger role in our Armed Forces as the size of the active forces is reduced to adjust to the new world order.

The bill I am introducing today will correct a small inequity in the call up of retired military personnel. These men and women have served their Nation for more than 20 years, but are being recalled because their talents are critically needed. They are being recalled from their families, and from their businesses and professions, and at the very least, they deserve to be recalled at the highest rank they attained while on active duty. Unfortunately, if a service member did not serve 3 years in rank before retiring, he—or she—will be recalled at the retirement rank at which he retired, one grade below the active service status he attained.

This inequity came to my attention when I was contacted by a service member who had retired after 20 years of service and had just been recalled. Before retirement, he had served his country as a medical doctor, attaining and holding the grade of full colonel for 2 years and 8 months. To serve his country he has given up his medical practice and left behind family and friends. But he was recalled to serve in the rank of lieutenant colonel. We owe it to him and others like him to ensure that their skills are properly rewarded through recognition of their achievements while on active service. This bill will not affect a great multitude of recalled retirees, nor will it be expensive, but it is needed in order to ensure recognition of achievement and appreciation of the talents that these military members bring to service of their country.

CONDEMNING SOVIET ACTIONS IN THE BALTIC STATES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. BILIRAKIS. Mr. Speaker, today we voted on a resolution, introduced by the chairman of the Foreign Affairs Committee, that condemned the recent brutal violence by the Soviet Union in the Baltic States. I heartily endorse that resolution and supported it with my vote; I only regret that it was not more strongly worded.

As the world's attention has been riveted on the Middle East and the depradations of Saddam Hussein, it appears that the Soviet military has taken the opportunity to reimpose brutal control of both Lithuania and Latvia. Fourteen known deaths and 140 injuries have been recorded in Lithuania alone.

I find this reversal of earlier promising reforms by the Soviets to be deeply disturbing and strange behavior indeed by a nation whose President, Mikhail Gorbachev, so recently won the Nobel Peace Prize.

I am likewise encouraged that President Bush quickly condemned these actions by the Soviets, and I strongly urge him to take this matter up with the Soviets at the earliest opportunity. We must demand an explanation for this military crackdown and we must have it soon.

Mr. Speaker, I am not one to tread lightly in realms of foreign affairs as I believe that the establishment and implementation of foreign policy is largely the province of the President of the United States. However, I believe that statements such as this one can serve to communicate the depth of outrage in the Congress today—more so, perhaps, even than the resolution just passed. I earnestly hope that the Soviets are paying attention.

The killing of unarmed civilians, the seizure and destruction of property, the suspension of rights and the revocation of guarantees of freedom of the press cannot be tolerated, and rightly should be condemned in the strongest possible terms. I don't believe the resolution passed today adequately does this, and I want to express my personal resentment at this callous blow to a new world order forming in the wake of the cold war.

The Soviet troops currently marauding in the Baltic Republics must be removed, the guns must fall silent and the killing must cease as a precondition to any and all further discussions between the United States and the Soviet Union. Furthermore, to my mind, this betrayal of reform without warning calls into question a host of United States taxpayer subsidies recently extended to the Soviet Union—at least partly as a result of many of the very reforms being rescinded by these actions.

Certainly those subsidies to be reviewed should include most-favored-nation trade status, Export-Import Bank loans and agricultural exports. The Jackson-Vanik waiver also should be reconsidered, and the United States should renew its insistence on the legal right of Soviet citizens to emigrate, on significant reductions being made in Soviet defense spending and nuclear ballistic missile deployments, as well as eliminating Soviet economic and military support for its client states, such as Cuba.

United States taxpayers should not be asked to subsidize repression and regression, and I urge the President to make this plain to the Soviets. Mikhail Gorbachev cannot build a better future for his nation by resurrecting the failed policies of the past. Sadly, it appears that he hasn't yet learned this lesson.

PROTECTING THE CIVIL LIBERTIES OF ARAB AMERICANS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. CONYERS. Mr. Speaker, I join my colleagues from California, Mr. EDWARDS and Mr. MINETA, in criticizing the Federal Bureau of Investigation [FBI] for targeting 200 Arab-American business and community leaders as possible sources of information on terrorist activity simply on the basis of their Arab ethnicity. By asking community leaders such questions as, "What are your political beliefs?", and "Do you know of any plans to destroy Federal buildings?", the FBI has gone beyond its legitimate role in gathering information about possible terrorist activities. The FBI should question only those persons whom the FBI has reason to suspect are linked to terrorist activities. The FBI's presumption that the entire Arab-American community has knowledge of terrorist activities is frighteningly similar to the suspicions cast on the Japanese-American community during World War II.

The Federal Bureau of Investigation asserts that the questioning was part of an effort to protect the Arab-American communities from anti-Arab violence and hate crimes. I am pleased that the FBI has begun to focus on efforts to solve and prevent hate crimes against the Arab-American community. Past experience has shown that anti-Arab activities often increase during periods of political tension in the Middle East. Recent news articles in the Detroit Free Press, the Washington Post, and the Wall Street Journal show that Arab-Americans in Detroit and elsewhere in the United States have become prime targets of hate-motivated threats and violence. However, by asking Arab-Americans questions about their constitutionally protected beliefs, the Bureau may have compromised its credibility with the community it is supposedly seeking to protect.

As tensions between the United States and Iraq increase, all Americans must understand that American citizens of Arab descent are not to be blamed for the conflict in the Middle East and they are not our enemies, they are simply Americans who are entitled to the same constitutional protections as other Americans.

[From the Detroit Free Press, Jan. 17, 1991]

CHALDEANS ISSUE PLEA FOR CALM IN DETROIT—THEY SAY AMERICANS SHOULD STICK TOGETHER

(By William J. Mitchell)

Iraqi-American leaders issued a plea for calm in Detroit on Wednesday as bombs began falling in their homeland.

"This is a sad time not only for Chaldean Americans but for all of humanity," said Chaldean Federation President Sam Yono. "This is a time when all Americans should stay together rather than isolate some Americans because of their ethnic background."

Detroit is home to the nation's largest concentration of Chaldeans, Iraqi Christians who speak a form of the ancient language Aramaic rather than Arabic.

Chaldean Americans own about 2,000 markets and party stores in Detroit, and some have reported threats from Americans angry at Iraqi leader Saddam Hussein. Arab Americans from other Middle East countries also have reported threats in the Detroit area.

On Monday, the Race Relations Council of Metropolitan Detroit issued a statement urging people and government agencies to "respect the rights and dignity of our Arab community" amid the threat of war.

"Legitimate concerns about terrorism must not be used to trample the very freedoms we cherish and seek to protect," said the council, which is cochaired by former UAW President Douglas Fraser and Gerald Smith, associate program director of the Kellogg Foundation.

"The internment of Japanese Americans at the beginning of World War II serves as a sad reminder of the consequences of yielding to hysteria and paranoia," the group said.

After the attack began Wednesday night, Yono said: "I'm speechless. . . . We were optimistic that peace would prevail. We're still hoping that this is short-term, and that Saddam will realize what he's putting his country through, what he's putting the rest of the world through."

[From the Wall Street Journal, Jan. 21, 1991]

CHALDEANS IN DETROIT ARE PRIME TARGETS OF THREATS, VIOLENCE—MANY ARAB-AMERICANS FEAR GROWING ETHNIC BACKLASH: THE NEED TO STAY ALERT

(By Bradley A. Stertz and Krystal Miller)

DEARBORN, MICH.—Fordson High School's 94-to-57 basketball victory over Southgate on Friday night didn't offer much suspense, but tension hung in the air nonetheless.

About half of Fordson's 1,600 students are Arab-Americans. Southgate High School is mostly white. After war broke out in the Persian Gulf last week, the suburban Detroit conference that includes the two schools considered canceling all athletic events for the rest of the school year for fear of ethnic violence.

On Friday, the conference decided to continue sports events. Still, Southgate didn't bring its cheerleaders to Friday's game because some parents were worried. And Dearborn police doubled the number of officers that usually monitor the doors to the gymnasium.

Those measures struck some Fordson students as outrageous. "What do they expect us to do, take hostages?" Hadar Saad, a Fordson junior, complained during the game, which ended without incident.

WIDESPREAD BACKLASH

The Detroit metropolitan area has the largest Arab-American population in the nation; other major concentrations are in Los Angeles, New York and Chicago. But while Detroit may be taking the brunt of anti-Arab, anti-Muslim sentiment, this certainly isn't confined to that city. In Washington, an Arab man was reportedly hospitalized after being beaten by a group of youths as he walked past a demonstration.

In New York City's Harlem area, food store owner Muhammed Mursal says he hears customers threaten, "We'll finish you off, we'll kill all of you." Mr. Mursal, who came to the U.S. from Somalia 15 years ago, explains that he is an East African, not an Arab. But people don't listen, he says. Now, when Mr. Mursal runs across the street to his car after closing time, he carries the pistol he used to leave in his store. "The war is an excuse for customers to show us hostility," he observes.

Arab-American leaders say that the situation is not out of control, but add that they are worried. "This isn't a matter of every Arab being beat up," says Albert Mokhiber, president of the Arab-American Anti-Discrimination Committee in Washington. "But obviously, it isn't a figment of our imagination."

FEAR OF 'LUNATIC FRINGE'

They also are concerned about efforts of the Federal Bureau of Investigation to clamp down on terrorist activities. "The general public thinks that if the FBI is investigating a given group, there must be a reason," said Don Bustany, president of the American-Arab Anti-Discrimination Committee's Los Angeles Chapter, at a recent meeting. "The lunatic fringe can take it as a license to begin violence against those people."

In Michigan, state and local authorities differ in their reactions to the situation here. Last Friday, Detroit Mayor Coleman Young asked state officials to call up the National Guard, so that Detroit police would be freed up to increase their patrols in Arab areas. But Gov. John Engler, clearly surprised by the request, said he wanted to study the matter because a premature call-up might panic citizens.

Detroit and its suburbs are home to some 250,000 people of Arab descent. These include Lebanese, Palestinians, Yemenis and others—as well as some 60,000 Chaldeans, or Christian Iraqis. Chaldea is the ancient name for a region in Iraq whose native sons included Abraham, the father of the Jewish people, and Nebuchadnezzar, ruler of Ancient Babylon.

Chaldea's sons also include Salah Asmar, who came to Detroit from Iraq 25 years ago, in the most recent wave of Chaldean immigration. Like many Detroit Chaldeans, he runs one of the grocery and liquor shops that are known locally as "party stores." Chaldeans often fill the same niche in Iraq, because their Christian religion permits them to sell liquor, while the Muslims cannot.

Mr. Asmar's native tongue is a dialect of Aramaic, the language spoken by Jesus Christ, not the Arabic of Saddam Hussein. And like many Detroit Chaldeans, he opposes the Iraqi dictator.

But, Mr. Asmar knows that his stand against Saddam Hussein won't protect him against people bent on harming him or other Middle Easterners. "You can die at any time," he laments. "You stay alert. It's a frightening way to live."

Some Chaldeans say that because they run so many of the Detroit's grocery stores, they were the subject of resentment by local inner-city residents long before the Persian Gulf war broke out. But the war clearly has worsened the situation. Last week, two men wearing Army fatigues shot at a Chaldean store owner here, yelling "bang, bang, you're dead, Arab." Shots were fired two days later at another Chaldean while he was leaving his store. Neither man was injured.

The Arab American News, published in Dearborn, has set up a hotline to monitor incidents of harassment. In just the first week there have been 700 reports, mostly involving stone throwing, broken windows and name-calling. "The situation is extremely tense," says Osama Sibiani, publisher of the paper. "People are taking their anger out on Arab-Americans."

For those who still have family in Iraq, the situation is doubly painful. "I am nervous about my parents over there," says Mr. Asmar. "And I am nervous for myself here."

"Instead of harassing and intimidating us, our fellow citizens should be sympathetic," says Saad Marouf, a member of Oak Park, Mich., school board and a former chairman of the Chaldean Federation of America.

Many Arab-Americans oppose President Bush's decision to attack Iraq; others agree with the decision. Primarily, though, Arab-Americans see themselves as seekers of the American dream, like immigrants from other nations before them.

"Many Lebanese came here to escape war, and now they have to face another war with this fear," says Raymond Ashkar, a Lebanese-American who fought in a U.S. tank division in Korea and now works as a safety patrol guard in Dearborn. "We have nothing to do with this war, but you can't tell that to ignorant people."

Amid the fear and prejudice, bright spots do exist. Some Detroit Chaldeans say their non-Arab neighbors and friends are helping them cope. Richard Sulaka, vice chairman of the planning commission in suburban Warren, hasn't been able to reach his Chaldean relatives still in Baghdad. He says everyone—including his non-Arab friends—has been "sincerely concerned about my family."

But many Arab-Americans feel cut off and emotionally bruised. "We are suffering inside ourselves because of our sadness for our former country and our relatives there," explains Bishop Ibrahim Ibrahim of the American Chaldean Catholic Church, based in a Detroit suburb. "But we cannot express this to others because there may be misunderstandings. All we can do is try sticking with each other. Right now we don't want to have a high profile."

Sometimes, that's impossible. Not long ago, an argument broke out after a Fordson High School wrestling match, when an opposing-team parent demanded to know why a Fordson wrestler had the name "Hussein" sewn onto the back of his warm-up suit. Officials had to explain that Hussein didn't refer to Saddam; it was the young wrestler's name.

[From the Washington Post Jan. 11, 1991]

MIDDLE-EASTERN ENCLAVE FEARS REPRISALS IN U.S.—FBI PROBE OF ARAB-AMERICANS FUELS PANIC

(By Lauren Ina)

DEARBORN, MICH.—As the Persian Guld crisis worsens, people here in North America's largest community of Arab Americans have reacted with panic and widespread concern, as many put it, about "not wanting to end up like Alex Odeh."

Odeh, 45, was a Palestinian activist killed when a pipe bomb exploded as he opened his office door in Santa Ana, Calif., two days after the Achille Lauro hijacking incident in 1985. His killer has not been found, and his death still reverberates in the Arab community as a frightening example of what can happen when anti-Arab hostility increases as a direct result of Mideast events.

Arab Americans here said the unsuccessful talks between Secretary of State James A. Baker III and Iraqi Foreign Minister Tariq Aziz Wednesday are a sign that war is imminent. They said their community must mobilize if members become targets of hostility.

The potential for backlash is worse than any other Middle Eastern conflict we've had, including the Iranian 'hostage' crisis of the late 1970s," said Joseph Borrajo of the American-Arab Anti-Discrimination Committee (ADC). "This is a very dangerous time for us."

Ali Harb, 26, a Lebanese American who owns a Middle East import store in this suburb of Detroit, said, "You can always feel the tension here when there are problems in the Middle East. If the Dearborn police pull you over, you know you're going to get a ticket. If you take the Detroit tunnel to Canada, you know you're going to be pulled over by customs and detained."

Harb's store is one of many Arab-owned businesses lining Warren Avenue, where storefronts bear names in Arabic and English.

The Arab community traces its roots to immigrants who flocked here for auto-industry jobs at the turn of the century. The community is highly integrated, with various Arab sects. Imams, or Moslem spiritual leaders, are heard calling people to prayer five times a day over a loudspeaker in densely populated areas of Dearborn.

More than half of the 250,000 Arab Americans here are Lebanese, and the community also is composed of Yemenis, Egyptians, Palestinians, Syrians, Iraqis and Chaldeans, or Christian Iraqis.

At a special meeting in Detroit Wednesday night to discuss how the gulf crisis is affecting these people, ADC officials heard complaints about recent FBI questioning of Arab Americans and warned that all Arabs in the community are vulnerable to hostility.

"We need real protection from hostilities right now," said a Detroit lawyer of Lebanese descent. "If the FBI wants to help out, maybe they should come to work with us to open the door first and see if it blows up."

Noel Saleh, 43, a Lebanese American who runs an Arab human-services organization in Dearborn told the group that "all of us, whatever our national origin may be, are going to be affected both as Arabs and as Americans."

The potential for hostility compounds anguish among Iraqis about possible war because many have relatives in Iraq and because Iraqis in the U.S. military may have to fight against their homeland.

"This is such a time of sorrow," said Sam Yono, 40, an Iraqi American who owns a grocery store in Detroit. "I am going through a very hard time trying to deal with this and praying that a peaceful solution can come before Jan. 15."

Yono and other Iraqi Americans step carefully around Iraqi President Saddam Hussein's justification for invading Kuwait last August.

"It's hard because, as a boy, I learned in school that, at one time Iraq was the mother country and Kuwait was a part of it," said Yono who has lived in the United States for 23 years. "But I am also an American citizen and . . . affected by what happens to this government."

Assimilation and their U.S. citizenship have made most Arabs backers of the U.S. denunciation of Iraqi aggression, but they are against waging war and would like to see Arabs devise a peaceful solution with no bloodshed, said Jessica Daher, an ADC regional coordinator.

The community is scrambling to mount a campaign against stereotyping Arabs in an effort to stress that its members are Americans who want peace. Borrajo, for instance, conducts teach-ins at area high schools to test American students' knowledge of Arabs. "The most frequently used word to define Palestinians is 'terrorists,'" he said.

Gary Baydoun, a Lebanese-American who owns a real-estate company, said he is urging the community "to participate" in every good, honest peace movement between now and Jan. 15, and then, God forbid, if and when a war should break out."

Residents also are preparing to receive perhaps scores of war-ravaged immigrants who may come here to what has been termed "the Ellis Island of the Midwest."

"I have seen waves of [them], and they are all human tragedies," Saleh said. "There is a deep concern that we're going to have another wave of war refugees coming here, and I don't look forward to that day."

NO ILLUSIONS ABOUT THE U.S.S.R.

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. GINGRICH. Mr. Speaker, the following column by Henry Kissinger is an excellent introduction to practical, tough-minded thinking about the Soviet Union. Every Member should read this realistic assessment. Had more people listened to the former Secretary of State, we would have been less surprised by some of the recent repression and some of the retreat from openness.

We must develop a more sober, more realistic approach to Gorbachev and the neoczarist system which seems to be replacing the Communist structure. Dr. Kissinger's analysis is an important contribution to that new realism.

[From the Washington Post, Jan. 22, 1991]

NO ILLUSIONS ABOUT THE U.S.S.R.

(By Henry Kissinger)

The crackdown in Lithuania, if consolidated, may in time turn out to be even more significant for the prospects of international order than the Gulf crisis, which has obscured it. As we witnessed the collapse of communism in Eastern Europe, Germany's first steps toward unification and an apparent Soviet movement toward political pluralism and market economics, there was a fleeting moment when it was possible to believe that history was somehow working inexorably in the direction of some kind of universal peace.

Now the opposite trend is developing. Excessive optimism may be on the verge of being supplanted by an equally excessive pessimism. But the democracies can no longer afford these oscillations between intransigence and conciliation. We need a stable concept of East-West relations—a concept not based either on personalities or on overly simple historical projections but on a cold analysis of the national interest and of the requirements of the international order.

If the present turn toward autocracy in the Soviet Union succeeds, the world will face a

Russian state such as it has not seen in seven decades. It will not be democratic. Nor will it be Stalinist. It will in fact be most similar to czarist Russia. The United States must then ask itself some fundamental questions: What is the future of U.S.-Soviet relations? Are there foreign policy objectives that have to be safeguarded toward the Soviet state even in the face of unpalatable domestic events? What balance, if any, must be struck between coexistence and conversion?

Until recently, the prospect of conversion was the fashionable conviction. Gorbachev was treated as the ultimate guarantor of the eventual triumph of democracy and market economics. "Helping Gorbachev" became the principal objective of policy, overriding all other considerations. In fact, Gorbachev turned out to be less benign, and the reform process proved more complex than conventional wisdom allowed. We must face the fact that despite the West's deeply held preferences, the probable outcome of the Soviet evolution is either chaos or repression or both.

It was always naive to stake East-West relations on the presumed conversion to Western values of a leader whose entire career has been in the leadership of the Communist Party. It would be equally dangerous to treat Gorbachev's recent action as a personal aberration and to base policy on personal disappointments. Leaders are driven by the dynamics of their system and the history of their society. Any realistic policy must be based on these factors.

Gorbachev deserves enormous credit for recognizing the weaknesses of the system in which he was reared and for having sought to remedy them. His decision to permit the collapse of the Soviet satellite orbit in Eastern Europe, the liquidation of the war in Afghanistan and the loosening of domestic tyranny will surely earn him a place in history. These actions, however, can be explained by the need to preserve the essence of the Soviet system in a crisis and not dissipate the dwindling strength in imperialist adventures. No doubt, this is how it was justified to the Soviet military.

Whatever Gorbachev's motives, the process of domestic reform has so far proved elusive. In foreign policy, it was possible to make progress by liquidation; at home there was a need for new structures. There Gorbachev has been torn between the realization that established institutions must be modified and his lifelong commitment to Leninist orthodoxy in government.

The Soviet Union faces three domestic problems: remedying the disastrous state of the Soviet economy, establishing a sense of political legitimacy and dealing with the looming disintegration of the empire founded by Peter the Great some three centuries ago. Gorbachev's dilemma is that the remedies for one set of problems are likely to be incompatible with equally pressing solutions to other problems—for example, the decentralization needed for economic progress also encourages the drive toward independence in the constituent republics. Above all, the domestic power structure, which must implement reform, is threatened by reform and tends to sabotage it.

That command economies produce stagnation and corruption has become conventional wisdom, even in Communist societies. Still, none has yet succeeded in the painful transition to the market system they all avow. The move toward market economies inevitably evokes the embittered opposition of vested interests while the reformers lack adequate levers of power to impose their views.

A market economy dooms to irrelevance the millions of bureaucrats who establish prices, production, quotas and accountability. When prices are permitted to find their own levels, a period of inflation becomes inevitable, because Communist systems typically have too much money chasing too few goods. And insistence on productivity tends to shut down inefficient enterprises and raise unemployment.

In Eastern Europe, the new leaders were able to use the prestige acquired during the struggle for national freedom to sustain their authority amidst the austerity imposed by the transition to market economics. But in the Soviet Union the vested interests have been elaborated over three generations by an extraordinarily brutal political system.

For a while, Gorbachev tried to circumvent the vested interests—in the Communist Party, the government administration, the secret police and the military—by encouraging greater popular participation outside the system. But like previous revolutionaries, he has found that democratic reform has its own momentum independent of the priorities of the leader—especially if that leader is as closely identified with the previous power structure as Gorbachev. Forced to choose between irrelevance and order, Gorbachev is increasingly opting for discipline and a growing reliance on the traditional Soviet power structure.

This course is all the more tempting to Gorbachev because the historical context for democratization is largely lacking in Russia. Russia never had a church that emphasized a concept of justice independent of temporal authority; it knew no Reformation with its commitment to individual conscience; no Enlightenment that emphasized the power of reason; no age of exploration and no free enterprise that stressed individual economic initiative. So in the Soviet Union, centuries of state control have produced a different set of values; the historic processes of Western Europe become compressed and distorted, dividing the reformist elements into many competing factions and producing phenomena that appear chaotic to a people inexperienced in pluralism.

But the most important problem is that even limited forms of democracy are becoming less and less compatible with the preservation of the existing Russian state within its present borders. Since the time of Peter the Great, the most consistent theme of Russian history has been expansion from the area around Moscow to the center of Europe, the shores of the Pacific, the gates of India and inside the world of Islam. As a result, only about 50 percent of the population of the Soviet Union is Russian. Moreover, the subject populations have always been governed from the center and by representatives of the center; little effort was made to create an indigenous leadership group with emotional ties to the imperial power.

Having loosened the reins, Gorbachev is reaping the whirlwind of centuries of imperial misrule. Even limited democratization produces demands for independence in many of the constituent republics or for various forms of autonomy indistinguishable from independence. Ideas of turning the Soviet Union into a confederation based on voluntary association are likely to prove stillborn. Historically, confederations have moved in the direction of either greater centralization or of eventual disintegration.

Gorbachev and the traditional power structures have apparently come to believe that they have to choose between maintaining their state within present boundaries, by force, if necessary, or eventual dismemberment. What is less certain is whether they have the means or, in the end, the staying power. But the present Soviet course, even if applied with less brutal methods than the historic Soviet norm and more indirectly, is likely to turn more violent, not only between the center and the constituent republics but between the various nationalities, especially in the Caucasus.

In the effort to maintain the integrity of the state, Gorbachev probably has the emotional support of even some of the reformist elements in the Russian republic, unwilling to give up the legacy of Russian history. In the end, Russian nationalism may outweight liberalism and provide the motive for cohesion that communism seems to have lost.

When this becomes apparent, the West will be faced with an autocratic state stretching over two continents and possessing 30,000 nuclear weapons. The Utopian image of Gorbachev single-handedly reversing 500 years of Russian history will emerge as a mirage. At that point, the West will have to decide whether it has objectives with respect to the Soviet Union other than to promote its internal evolution.

Disillusionment must not drive the West into equating the new Russia with its Stalinist predecessors. Even if the repression succeeds fully or partially—which is far from certain—what emerges will be most comparable to imperial Russia of Czarist times. That state was often uncomfortable for its neighbors and generally expansionist. But it did not have the ideological fervor of its Communist successors, and it proved possible for long periods to deal with it as an important member of the European concert of powers.

Of course America's moral commitment is to pluralism and self-determination and remains so. The issue is what weight should be given to requirements of national security. The selfrighteous find it easy to deny that national security is a moral value too. Responsible leaders, however, cannot aford so doctrinaire an attitude. In a world of sovereign states of comparable strength, peace depends on either domination or equilibrium. And America has neither the power nor the stomach for domination. Is it possible to construct an equilibrium based on mutual necessity, or must there first be a transformation of all societies toward democratic ideas?

My view is that there are some national interests that need to be safeguarded even in relations with states that do not share our fundamental values. But there need to be criteria distinguishing the legitimate and moral pursuit of the national interest from opportunistic collaboration with tyranny and encouragement of it.

The following principles seem to me crucial:

(1) We must stop basing policy on Soviet personalities. We know too little of Soviet dynamics and even less about how to affect them to make strengthening any leader a cardinal principle of Western policy. Focusing relations on balancing fundamental interest rather than on psychological speculation will in fact bring greater stability to the relationship.

(2) The Western security interest in the Soviet Union is its peaceful conduct outside its borders. The moral objective of the West is compatible domestic institutions. What we need is a definition of coexistence and an agenda for its achievement even as we disapprove of some Soviet domestic actions. Coexistence should not be lightly abandoned.

But we should recognize that it is based on self-interest and not delude ourselves into believing that it is a means to help Gorbachev promote democracy inside the Soviet Union.

(3) An analysis must be made of those areas of common action that are necessary for a structure of peace and those which are undertaken to promote democratic values. The latter—including economic aid—are subject to modifications if Soviet internal conduct becomes too offensive. In any event economic aid should generally be given for political and economic, not psychological, reasons except in periods of humanitarian emergency. It is sure to be wasted without appropriate economic reforms.

(4) On the issue of self-determination, the United States needs to stick to its historic position with respect to the independence of the Baltic states. The situation is more complex with respect to the other republics, especially in the Caucaus, where different ethnic populations have been mixed over centuries and intercommunal violence is a permanent threat. On the other hand, Soviet leaders must understand that even when we continue to deal with them on the security agenda, other areas of cooperation are narrowed by the convictions of our people should Moscow's conduct offend America's deepest values.

(5) The changes in Moscow should recall the West to the importance of strengthening the ties within the Atlantic area and above all between Eastern and Western Europe. While the Soviet Union is dealing with its internal problems, the West should give the highest priority to reestablishing as rapidly as possible the historic Europe. Eastern Europe—especially Hungary, Poland and Czechoslovakia—should be given the opportunity to join the West European political and economic system on an urgent basis.

The West is presently in danger of neglecting the countries of Eastern Europe, whose successful struggle for freedom inspired us only yesterday. Two steps are needed. First, the West—and especially Western Europe—must move quickly to integrate Eastern Europe into the European Community and other Atlantic institutions (with the exception of NATO). Second, we must give Eastern Europe an economic breathing space. As a step in that direction, the European Community should take immediate steps to open its markets to East European agricultural products.

The end of the Cold War permitted the West to stop treating the Soviet Union as a permanent adversary; the return to autocracy in the Soviet Union should cause us to abandon the illusion of considering it a permanent partner. The task now is to find a method for dealing with it as a major power with sometimes compatible and occasionally clashing interests, promoting our basic values and giving new impetus to reconstructing the historic Europe.

TRIBUTE TO RON BROWN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. PALLONE. Mr. Speaker, on Saturday, January 26, I will have the honor and privilege of attending the 12th annual luncheon of the Quinn Chapel AME Church of Atlantic Highlands, NJ. Saturday afternoon's luncheon, to be held in Long Branch, NJ, will be a particularly auspicious occasion as we welcome the day's guest speaker, Democratic National Committee Chairman Ronald H. Brown.

In a relatively short span of time, Ron Brown has risen to the top echelons of power and influence. His résumé includes years of service on Capitol Hill and with the National Urban League, as well as political organizing from the grassroots up to the DNC chairmanship.

What is particularly noteworthy about Ron Brown's achievements is that while he was attaining his place of importance in American politics, he never lost sight of his agenda to work for improved living standards for all Americans and a more inclusive and broadly representative political process.

Beyond the sense of honor that I feel in being a member of the party led by Ron Brown, I also take personal pride in the fact that Ron Brown and I share the same alma mater, Middlebury College in Vermont.

The eyes of the Nation have been on Ron Brown since he became the first African-American to lead one of the Nation's two major political parties. This role offers unique opportunities, but also places unique pressures on Chairman Brown. Yet, somehow, Ron Brown has avoided the distractions and silenced the doubters by approaching this challenge in the same spirit of competence and purpose that has marked his entire career.

While Ron Brown's job is obviously a highly partisan one, his dedication to improving the functioning of our political process has earned him the respect of all Americans.

WEST SIDE HIGH SCHOOL MARCHING BAND PERFORMS AT THE SUPER BOWL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. VISCLOSKY. Mr. Speaker, a fresh, new sound from a place just southwest of Motown will be heard at the Super Bowl this year. On January 26, 1991, the West Side High School Marching Cougars from Gary, IN will perform during the annual Super Bowl kick-off parade in Orlando, FL.

I would like to take this opportunity to commend the West Side High School Marching Cougars and their band director, Mr. Edwin Carter, for their grand achievement. This talented group of students was chosen for their showmanship and musical strength to entertain the thousands of Super Bowl fans who will be watching the parade. To perform at this event is truly a once-in-a-lifetime opportunity and I am sure that these students will remember and cherish this experience for the rest of their lives.

The band worked hard to conquer every obstacle to prepare for the parade. With the support and encouragement of their parents and teachers, the students were able to raise $26,000 in contributions from local community groups, businesses, and individuals. Also, many hours were spent practicing to perfect their musical repertoire and dance routines.

Northwest Indiana is proud of its young goodwill ambassadors. The West Side High School Marching Cougars not only demonstrate the best that Indiana has to offer artistically but also, the commitment and dedication to the level of high standards met by these young people of Northwest Indiana.

CHARLES E. THOMPSON—LABOR LEADER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor to pay tribute here to Charles E. Thompson who is stepping down as president of the Pioneer Valley Central Labor Council AFL–CIO in Springfield, MA. To those of us in western Massachusetts, Charlie Thompson has been the face of organized labor for many years. He has also served as an international representative for the International Brotherhood of Boilermakers. He has done a tremendous job in both posts, despite difficult times for the labor movement, and for our local economy.

The Pioneer Valley Central Labor Council has 21,000 members and represents 82 union locals in the Greater Springfield area. Charles Thompson initially expected to fill only the unexpired term of the late John Albano. However, enjoying the post and proving to be a popular council president, Thompson was elected to a full term in 1981. Since that time, he has led our union members through a tough recession in the early 1980's, through an economic boom of the late 1980's and has lately been adjusting again to a downturn. There have been several difficult negotiations in the past decade. Through it all, Charlie Thompson has remained a steadfast union man and a person revered for his honesty, integrity and leadership. He has proven to be the right man for difficult times and I am pleased to have been able to work closely with him during my term as mayor of Springfield and now as a Member of Congress.

Springfield has long been blessed with strong labor leaders. Many thought that Charlie Thompson would have a difficult time following flamboyant council leaders like John Albano and Herman Greenburg. Those people need not have worried. Charlie brought a new, low-key style to the job and continued to improve on his reputation as a great negotiator. Getting 82 unions to agree on goals and strategy is a very difficult task, but Charlie Thompson was often able to get his membership moving together and working together. During his term, the local Teamsters Union rejoined the Central Labor Council. Charlie Thompson brought this important merger into being by working closely with Albert Tardy, the Teamster president and other important labor figures.

Mr. Speaker, I have included an article on the career of Charles Thompson from the Springfield, MA, Sunday Republican. I would like to add that I have always admired Charlie Thompson for his work in a very difficult post. I have always found him to be a thoroughly decent and honorable person. He has been a great champion of working people in western Massachusetts. I extend my best wishes for the years ahead to Charlie, his wife Claire, sons David and Tom, daughters Christine and Suzan and everyone in his family. Although he is stepping down as president of the Pioneer Valley Central Labor Council, Charlie Thompson will continue to be heard as a great labor leader.

[From the Sunday Republican (Springfield, MA), Dec. 9, 1990]

THOMPSON: LABOR'S LOW-KEY ADVOCATE

(By Christopher Geehern)

Charlie Thompson learned about labor unions as a boy in Chicopee, listening to his parents talk about John L. Lewis and the coal mine strikes of the 1930s.

The lessons hit home when he turned 16 and began working in the Springfield Armory and later at Spalding Sports Worldwide. They are lessons he remembered clearly last week as he prepared to step down after 11 years as president of the Pioneer Valley Central Labor Council, AFL–CIO in Springfield.

"I've tried, in dealing with the members I represent, not to forget where I came from—what it's like to be a production worker in a factory and what it's like to feel like I was being pushed around and abused," mused Thompson.

"I was always concerned about the plight of workers and just had the feeling that they needed unions."

At 63 years of age, Charlie Thompson embodies both the past and present of the labor movement in Western Massachusetts.

He is one of the last area labor leaders to have cut his teeth during the rough-and-tumble years around 1955 when colorful unionists like Herman Greenberg and John Albano formed the Central Labor Council. He rose through the ranks at a time when industrial unions held unchallenged sway in labor circles, a time when those unions represented thousands of workers at companies such as Westinghouse, American Bosch and Van Norman Tool.

Those days, however, faded into history under Thompson's feet during the 1980s, leaving him to guide the council through one of the most tumultuous decades in the history of organized labor.

It was a decade during which industrial closings cost the council 30 percent of its members, while the service sector surpassed manufacturing as the largest employer in the region. It was a decade when unions found they had to work cooperatively with management in the face of increasing business competition from overseas.

Thompson faced all of the changes with an unemotional, low-key style that was very much unlike that of his two predecessors. It is a style that won him allies across a broad spectrum of the labor movement and the political community. It also helped him keep fractious union representatives together in the face of wanting public acceptance of their agenda.

"I always thought Charlie would have to have been a great negotiator, because he never changed the expression on his face," said U.S. Rep. Richard E. Neal, D-Springfield, whom Thompson supported in several elections.

"He's very laid back," added Arthur Osborne, the outgoing president of the Massachusetts AFL–CIO and a close friend of Thompson.

"He has an ability to dogmatically pull people together on the same subject when their interests are not going in the same way."

Thompson did not seek re-election as president of the 21,000-member Central Labor Council this year because his duties as an international representative for the International Brotherhood of Boilermakers no longer left him enough time for the post. On Wednesday, council members elected Edward W. Collins, Jr., a representative for the International Brotherhood of Electrical Workers to replace him.

The council represents 82 union locals in Greater Springfield.

Thompson won his first union office in 1960, when he began a six-year stretch as a steward for Boilermakers Local 1851 at Spalding. He became business manager of the local in 1966 and kept that job until he became an international representative in 1979.

It was later that same year that he took over as president of the Central Labor Council following Albano's death. He initially expected only to fill Albano's unexpired term, but he liked the job so much that he ran successfully for re-election in 1981.

Thompson admits that his deliberate demeanor was a big change from the flamboyant style of Albano, Greenberg and some of the old-school union local presidents.

"Meetings were pretty interesting back then," Thompson recalled. "We had some outstanding local presidents, some with huge egos.

"I'm rather conservative and middle-of-the-road. The labor movement has people on the left and people on the right. I have always tried to stay in the middle and focus on the issues most important to the members."

Thompson faced daunting challenges almost as soon as he took over the presidency of the Central Labor Council. The primary problem was the already significant erosion of manufacturing jobs that was chipping away at the council's membership, then more than 30,000 people.

By the end of the 1980s, the Western Massachusetts economy would lose more than 16,500 jobs in the highly unionized manufacturing sector. At the same time, thousands of new jobs were being created in areas like services and retail trade, areas that have a significantly weaker union presence.

A second major concern for the council was a growing wave of political animosity toward unions that put the labor movement on the defensive and kept it there for most of the decade. Thompson and other labor leaders place most of the blame for that animosity on the Reagan administration, which they claim stacked the National Labor Relations Board against union organizing.

The political animosity, labor leaders say, at times filtered down to the bargaining table, where companies struggling to remain competitive often took a hard line on wage and benefit increases and quickly replaced striking workers.

There were also threats on the state level, where unions had to spend large amounts of money to defeat an effort in 1988 to abolish the Prevailing Wage law and another effort this year to roll back state taxes.

"In this business, you learn to take it as it comes," Thompson said, "I wish a lot of our energy could have been used in other areas, rather than in the defensive posture we were in for so many years."

Thompson eschewed high-profile responses to the problems, choosing instead to use his negotiating skills to forge alliances both within the labor movement and inside the political establishment.

Long before the AFL–CIO readmitted the Teamsters union in 1987 after a decades-long separation, for example, Thompson maintained close contacts with leaders of Teamsters Local 404 in Springfield.

"We always worked together," said Albert F. Tardy Jr., the former president of Local 404 and now a labor consultant.

"Charlie's primary job was to weld all unions together in a common cause and he did exactly that."

In the tense negotiations surrounding the Springfield police patrolmen's union picket of the Democratic State Convention in August, Thompson allowed Osborne to take a lead role in the talks.

"He pushed aside some of the concerns of his own Central Labor Council to be a team player," Osborne said, "I'm sure it was something he had to swallow hard to do. It was his turf."

Thompson's politics have been far from doctrinaire. Though he called a 1982 Reagan proposal to tax unemployment benefits "stupid," he returned from a fact-finding tour of Nicaragua in 1984 convinced that the administration was correct in supporting the Contra rebels there. In 1983, he defended the Central Labor Council's endorsement of Chicopee mayoral candidate William J. Asselin against charges by eventual winner Richard S. Lak that the decision had been "predetermined."

There were some political victories, too. Thompson strongly supported a number of workplace reform laws, including right-to-know regulations, plant closing notification requirements, and an overhaul of the workers compensation insurance system. He also played a major role in the debate over company-sponsored drug testing of employees.

Despite all the changes in the economic landscape. Thompson believes labor unions still have a critical role to play in the 1990s.

"I believe if we weren't around to keep them in line," he asserted, "some companies—not all of them—would run roughshod over people.

"We are certainly needed."

INTRODUCTION OF LEGISLATION TO ALLOW A DEDUCTION FOR MAKING HOMES ACCESSIBLE TO THE HANDICAPPED

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. DONNELLY. Mr. Speaker, I am reintroducing legislation today for myself and the gentleman from Connecticut [Mr. SHAYS], to help individuals make their homes accessible to the handicapped. Under existing tax laws, businesses are able to deduct or claim a tax credit for the costs of making their establishments accessible to the handicapped, but in most cases, that benefit is unavailable to individual taxpayers.

In general, any trade or business that takes steps to make its establishment more accessible to the handicapped is able to deduct those costs in the year incurred. Despite a fundamental income tax principle that capital expenditures must be amortized over the useful life of the property being constructed or improved, the tax laws allow costs associated with making a business accessible to the handicapped deductible in the year incurred. As part of the Omnibus Budget Reconciliation

Act of 1990, Congress created a tax credit for businesses incurring similar expenditures. By and large, neither benefit is available to individual taxpayers.

Unfortunately, individual taxpayers are not able to qualify for as generous a benefit. Generally, expenses incurred to remove architectural barriers to the handicapped are deductible as medical expenses. However, medical expenses are subject to a 7½ percent "floor"; in other words, medical expenses must exceed 7½ percent of the taxpayer's adjusted gross income before they are deductible—and even then, only the excess over that amount is deductible.

Mr. Speaker, it is simply unfair that individual taxpayers cannot get the same benefits as businesses for making their own homes accessible to the handicapped. A parent with a disabled child should not, for example, have to incur expenses exceeding 7½ percent of their adjusted gross income in order to qualify for a deduction. My bill will allow taxpayers—all taxpayers—to claim, as a miscellaneous itemized deduction, any qualified expense to make a residence more accessible to the handicapped. The revenue loss associated with this bill is less than $50 million, is fair and humane, and I urge support for it. I include a technical description of my legislation at this point in the RECORD.

PRESENT LAW

Individual taxpayers may deduct medical expenses in computing taxable income to the extent that qualified medical expenses exceed 7½ percent of the taxpayer's adjusted gross income. Prior to 1986, the Internal Revenue Service had taken the position that for an expense to be deductible as a medical expense, it must have been an essential element of treatment and must not have been otherwise incurred for nonmedical reasons. This provision limited the availability of the deduction with respect to expenditures incurred to make a taxpayer's residence accessible to the handicapped.

Report language in the 1986 Tax Reform Act clarified and liberalized this standard, generally by specifying that certain capital expenditures incurred by individual taxpayers designed to make a taxpayer's residence more accessible to the handicapped are deductible as a medical expense (*see*, S. Rept. No. 313, 99th Cong., 2nd Sess., at 59). In response to the 1986 Act provisions, the IRS issued Rev. Rul. 87-106, 1987-2 CB 67, which listed 13 examples of qualified expenses which would be allowed as a medical expense deduction if used to make a home more accessible to the handicapped. The IRS noted that this list was not exhaustive.

Miscellaneous itemized deductions are deductible only to the extent that the aggregate of those deductions exceed 2% of the taxpayer's adjusted gross income.

EXPLANATION OF PROPOSAL

Under the bill, expenses similar to those listed in Rev. Rul. 87-106 ("qualified barrier removal expenditures") would be allowed as a deduction. The deduction would be authorized under a separate section of the Internal Revenue Code, and would not be related to the medical expense deduction. Thus, expenses would not have to exceed 7½% of the taxpayer's adjusted gross income to be deductible.

Qualified barrier removal expenditures are expenses incurred which make a taxpayer's principal residence more accessible to, and usable by, the handicapped. Expenses deductible under this provision would not be deductible as a medical expense, and the expenditures would not increase the taxpayer's basis in his home.

The legislation would treat the deduction as a miscellaneous itemized deduction, subject to the 2% floor.

EFFECTIVE DATE

The legislation would be effective for taxable years beginning after December 31, 1991.

HONORING CARLO VENDETTI

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. HERTEL. Mr. Speaker, on Friday, February 1, Carlo Vendetti will be named the 1990 Citizen of the Year, a prestigious honor awarded by the Sterling Heights Area Chamber of Commerce.

Carlo is the owner of Vendetti's Pizza House located in Shelby Township, MI. He and his family have been running the homemade Italian food store for the past 23 years, and upon his retirement, Carlo intends to turn over the business to his son, Dino.

Carlo has always been very dedicated to the community, and is thought of as a kind, generous individual by his friends and neighbors. For the past 18 years, Carlo has been a member of the Shelby Township Lions, serving as both chairman and director of fundraising. He has been the head of several fundraising events for this club, and his campaigns have earned the Shelby Lions the No. 1 status throughout the world in terms of donations to the Leader Dog School for the Blind.

Carlo is also a long time member of St. Kieran's parish and an honorary member of the Ushers Club. He has always made himself available to help out whenever needed even when he had hardships of his own.

Carlo Vendetti is clearly deserving of this prestigious honor. His generosity is overwhelming at home, at his place of business, and in all of the charitable organizations in which he is a member.

My dear colleagues, please join me in recognizing Carlo Vendetti, an outstanding community servant, who is an example for us all to follow.

UKRAINIAN INDEPENDENCE DAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. MICHEL. Mr. Speaker, January 22, 1991, marks the 73d anniversary of Ukraine's 1918 declaration of independence.

While the eyes of the Nation and the world are on the Persian Gulf, and when the recent tragic events in the Baltic States capture our attention, we may tend to forget the plight of the people of Ukraine.

We should not forget. This anniversary gives us a good opportunity to remind Mr. Gorbachev that the bright flame of freedom blazes with a special glow in Ukraine.

Last year, on January 21, several hundred thousand people gathered near St. Sophia's Cathedral in Kiev, waving the blue and yellow flags of free Ukraine, to celebrate independence day.

That demonstration was a great success in which, across Ukraine, approximately 1 million Ukrainians, in peace and order, took part. Mr. Gorbachev still doesn't realize that you can't keep a spirit like this crushed by tanks. All you do is postpone the day and cause incalculable human suffering.

This year, the Soviet forces have arrested Oles Donij, president of the Ukrainian Student Union. The Popular Movement in Ukraine [RUKH] is working skillfully to insure that the shock troops of Mr. Gorbachev have no cause for coming to the aid of Ukraine, that is, finding a pretext in which further Soviet force can be used.

Mr. Speaker, I just wanted to let our colleagues know—and to let the people of Ukraine know—that we have not taken our eyes from Ukraine. There is a revolution of freedom in Ukraine, in the Baltic States, and all over the Soviet empire. It is a peaceful revolution. It is a revolution that should not be victimized by tanks.

If Mr. Gorbachev's Nobel Peace Prize has any meaning, he should realize the Ukrainian desire for freedom just isn't going to go away. Instead of sending tanks, he should be sending thanks to the people of Ukraine for showing the world what a love of freedom really means.

ARTS AND MUSIC EDUCATION IS CRITICAL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. CLEMENT. Mr. Speaker, I am a member of the National Commission on Music Education. The commission is composed of a wide cross section of lawmakers, artists, executives, educators, composers and people interested in ensuring that our children are exposed to instruction in music and arts.

During these times of severe budget restrictions, arts and music courses are often viewed as discretionary when budgets must be trimmed. As a former college president, and the father of two young daughters attending public elementary school, I understand the dilemma school administrators face when it comes to confronting budgetary realities. However, I also firmly share the National Music Educators Conference's belief that education in music and arts is more than "curricular icing." My young daughters are studying piano and violin. I know that music and arts education adds another dimension to a child's life that might otherwise be missing, an avenue for creativity which is vital.

I want to compliment the National Music Educator's Conference for their efforts to draw attention to the value of music and arts instruction in our public education system. As the Member of Congress who represents Nashville, TN, also known as "Music City U.S.A.," I am well aware of the importance of music in our society and the impact music education has on a child's overall development.

The commission will present its final report called Growing up Complete, The Imperative for Music Education, the result of input from a broad spectrum of sources and a series of music conferences held across America, during its national symposium called America's Culture at Risk, March 6–7, in Washington, DC.

In anticipation of the national symposium, I would like to share with my House colleagues the following statement from, and on behalf of the National Music Educator's Conference:

> During the 1980's, educational reform made it onto the front pages of American newspapers for the first time in decades. But when the discussion turned to making sure every child receives an education in music and the other arts, there has been silence. This nearsighted approach to education denies our children the opportunity to develop their human potential to its fullest.
>
> Every child should have a quality education in music and the other arts because knowledge and skills in the arts are vital for development of their aesthetic, historical and cultural values.
>
> Music education fosters creativity, teaches effective communications, provides basic tools for a critical assessment of the world around us, and instills the abiding values of self-discipline and commitment.

The Music Educator's National Conference, the National Association of Music Merchants, and the National Academy of Arts and Sciences, Incorporated are to be commended for their campaign to achieve national recognition for the value of music and the other arts in education. Local communities must be encouraged to participate in their 1991–92 grassroots campaign.

Let us call upon all parents, educators, school board members, and administrators in communities nationwide to work together at the State and local levels to ensure that music is basic to the core curriculum in every school.

STATEMENT IN SUPPORT OF SENATE CONCURRENT RESOLUTION 2

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. DIXON. Mr. Speaker, I left Los Angeles on Friday morning at 7:30 a.m. to return to Washington, DC, for consideration of Senate Concurrent Resolution 2—a resolution commending our troops. Unfortunately, my flight was delayed and I arrived at Dulles Airport after the vote. If I had been present, I would have voted "aye."

Last week, I voted to continue international economic sanctions and diplomacy, and against authorizing the President to declare war against Iraq. I was confident that this was the wisest course of action. However, the majority voted to authorize the President to use military force.

Now that the President has exercised his authority and we are waging a war against Iraq, it is my responsibility as a Member of Congress to support our Armed Forces and the President. It is time that Congress unite behind our military forces—those young men and women who are risking their lives on the front line of Operation Desert Storm. Let there be no doubt of our commitment and dedication to our troops. We must reassure our service men and women that this Nation is solidly behind them.

Today's resolution symbolizes the unity of Congress. I support the concurrent resolution (S. Con. Res. 2) which expresses our unequivocal support for the men and women of the armed services and the President during Operation Desert Storm.

Our troops, along with our allies, are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery.

Although the war is in the Persian Gulf, America is able to witness firsthand the battles in that region because of the courageousness of our media. They have become our ears and eyes.

I strongly condemn Iraq's unprovoked attack against Israel. Israeli's are living in constant fear that another attack will strike and the devastation will be much more severe.

Mr. Speaker, when I visited the Persian Gulf in September, I met with our troops. I sincerely pray for their safe return and for the continued strength and understanding of their families. I also urge the President to pause and consider a diplomatic solution to end the hostilities.

END AID TO THE SOVIET UNION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. PORTER. Mr. Speaker, yesterday, Mikhail Gorbachev blamed the parliaments of the Baltic States for precipitating the murder of at least 17 Lithuanians and Latvians by Soviet special forces.

And how did the parliaments provoke these murders? The parliaments called for freedom and self-determination for the peaceful people of the Baltics. Nothing more and nothing less.

Mr. Speaker, the West's improved relations with the Soviet Union are based on the Soviets' improved human rights record. Mr. Gorbachev can be sure that as he regresses into a cold war mentality of cruel repression of dissent, his support from the West will regress as well.

Yesterday, the European Parliament blocked $1 billion in food aid to the Soviet Union in protest of Mr. Gorbachev's Baltic policy. The United States must follow suit. I urge President Bush to immediately cease all United States assistance to the Soviets until the repression in the Baltics ends.

ANNOUNCEMENT OF THE 1991 CONGRESS-BUNDESTAG STAFF EXCHANGE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. FORD of Michigan. Mr. Speaker, since 1983, the U.S. Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the first exchange with a reunified Germany and a parliament consisting of members from both the west and the east. Eight staff members from the U.S. Congress will be chosen to visit Germany from April 8 to 21. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic and media institutions.

They also will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. The will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in European affairs. Applicants need not be working in the field of foreign affairs, although such a background is helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States, such as but not limited to, trade, security, the environment, immigration, economic development, and other social policy issues.

In addition, U.S. participants will be expected to help plan and implement the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, participants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Applications for participation in the U.S. delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs. Final selection of the delegation will be made by the U.S. Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Jones, office of Representative RALPH REGULA, 2207 Rayburn, by Friday, February 15.

CHAIRMAN RANGEL PRAISES COLOMBIAN OCHOA SURRENDER, SHOWS NEW COLOMBIAN POLICY WORKING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. RANGEL. Mr. Speaker, no country has suffered more from drug violence than Colombia. Colombia's new President, Cesar Gaviria, recently changed Colombia's policy for dealing with drug traffickers. Formerly, the chief deterrent was the threat of extradition of drug traffickers to the United States. Under the new Colombian policy drug traffickers who turn themselves in engage in plea bargaining with Colombian officials to avoid extradition to the United States.

On Tuesday, January 15, Colombia's reputed No. 2 Medellin cartel man, Jorge Luis Ochoa, turned himself in in Bogota. Late last year, Jorge's brother, Fabio Ochoa, also turned himself in.

I am extremely pleased to hear of the surrender of the Ochoa brothers. No doubt their surrender points to the viability of the new decrees issued by President Cesar Gaviria. The arrest of Jorge Luis Ochoa comes just 1 week after I and a delegation of my colleagues from the select committee met with President Gaviria and his cabinet in Colombia. They explained to our group, in great detail, the intricacies of this plea bargain arrangements and what their objectives were.

The goal of the new policy is to get Colombia to the point where it can rely on its own justice system to arrest and prosecute drug criminals. While extradition is a helpful tool, in the long run, one country cannot substitute its criminal justice system for another. With an extradition policy, this is basically what you have.

During our meetings President Gaviria indicated a desire to receive U.S. assistance that would further aid him in carrying out the new criminal justice policies to the fullest. If we really want to help Colombia make this policy even more effective, I think we should begin to lay whatever groundwork is necessary to routinely exchange evidence and other information, training, and security techniques to ensure that the Colombian justice system can function on its own.

The surrender of the Ochoa brothers indicates that the new policy for dealing with the drug cartels is working, and that President Gaviria and his cabinet remain committed to aggressively fighting the war on drugs to the fullest.

U.S. PATRIOT MISSILE SAVES LIVES

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. STEARNS. Mr. Speaker, the Washington Post reported that at 4:45 a.m. on January 18, a U.S. Patriot missile rocketed toward an Iraqi-launched Scud missile aimed at the Allied air force base in Dhahran, Saudi Arabia. Within a few moments the Patriot intercepted the incoming ground-to-ground missile and destroyed it, eliminating any possibility of allied casualties from the Scud attack.

This was gratifying news because the Patriot missile had never been tested in combat. Since last Friday, we have seen this Patriot-Scud drama play out numerous times with the end result always the same—a Patriot intercept. Now we know without a doubt that this highly technical missile system is effective and that it saves lives.

I am particularly proud of the Patriot missile's success because it is assembled by workers in central Florida at Martin Marietta's facilities in Orlando and my hometown of Ocala.

The men and women associated with Martin Marietta's Patriot missile program should take great pride in their work today. Their efforts have saved countless lives and probably will save more in the immediate future.

Mr. Speaker, the U.S. defense industry has taken its share of criticism over the years and some of it has been deserved. However, today we should salute our defense industry for giving our troops the best and most advanced equipment in the world to protect themselves.

While I deeply regret that Saddam Hussein has pushed this Nation into war, I am encouraged that the money we have been spending on defense, and the Patriot missile system specifically, is proving to be well spent.

INTRODUCTION OF A BILL TO GRANT STATES THE AUTHORITY TO REGULATE THE FLOW OF HAZARDOUS AND SOLID WASTE INTO AND OUT OF THEIR BORDERS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 23, 1991

Mr. ERDREICH. Mr. Speaker, today I am introducing legislation to give States the authority to regulate the flow of hazardous and solid waste across their borders. The bill allows any State that has entered into a contract or cooperative agreement pursuant to the superfund law to limit the amount of hazardous waste that is transported into the State for disposal. This law would allow States to prohibit the transportation of all waste originating from other States or particular types of hazardous waste.

According to EPA, 160 million tons of solid waste are generated in the United States each year, 80 percent of this garbage is dumped in landfills. At this rate, over one-half of existing landfill space will be full by the end of this decade. In Alabama, existing landfills will reach capacity in 5 to 10 years.

Unfortunately, waste generation is increasing at the same time that options for waste disposal are decreasing. Environmental and economic concerns as well as public opposition are making it difficult for States and localities to find new sites for landfills, incinerators and recycling centers. To avoid building new facilities, local governments are relying more and more on the interstate shipment of waste.

Although the current practice of shipping waste across State lines solves the immediate problem of waste disposal, it is only a short-term solution that allows localities to postpone the difficult long-term decisions of hazardous waste management. In addition to the certain risks associated with the actual transport of waste, the interstate shipment of waste creates a whole new set of problems for the receiving States. For Alabama, the interstate shipment of waste imposes a particularly heavy burden.

Alabama contains one of the largest commercial hazardous waste treatment facilities in the Nation. The chemical waste management landfill located at Emelle in west Alabama now covers more than 5 square miles. In 1977, the site was considered a good location for a hazardous waste landfill because of a thick layer of chalk beneath the soil. At the time, it was believed this chalk would protect underground water from pollution. Recently, however, geologists have stated that cracks in the subterranean chalk allow waste to leak into the underground water supply.

Besides being one of the largest hazardous waste landfills in the Nation, Emelle is one of only two commercial Hazardous waste facilities in the southeast United States. The only other State in the region with a commercial hazardous waste landfill, recently placed limits on the amount of hazardous waste it is willing to accept from out of State. This action combined with a decrease in the number of private hazardous waste landfills operating places even greater pressure on Alabama to accept waste from other States. In 1988, Emelle accepted 1.10 billion pounds of hazardous waste, up from 576 million pounds in 1983.

Currently, almost 90 percent of the hazardous waste disposed of at Emelle was generated outside of Alabama. Forty-two States including the District of Columbia, the Virgin Islands, and Puerto Rico have shipped waste to this site. The good people of Alabama will not continue to allow their backyard to become the dumping ground for the Nation's hazardous waste.

States cannot continue depending on their sister States to solve their hazardous and solid waste problems. The chalk formations in Alabama are not unique and other States could also provide disposal sites for hazardous waste. States must develop long-term plans to address the disposal of their own waste. Continuation of thepresent situation simply allows States to postpone the difficult planning of the long-term solutions to deal with their waste problems, and it will become the more difficult with each passing day. The legislation I am introducing today provides a good incentive to exporting States to create plans for disposal of their own waste, and allow those same States to decide if they want to accept other States' solid or hazardous waste.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 24, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 25

8:30 a.m.

Select Committee on Indian Affairs

Organizational meeting to consider committee rules of procedure and the committee budget for the 102d Congress.

SR-485

9:30 a.m.

Environment and Public Works

To hold hearings to review the Environmental Protection Agency Science Advisory Board report relating to the establishment of priorities and strategies for ensuring environmental protection.

SD-406

JANUARY 29

9:30 a.m.

Energy and Natural Resources

To hold an organizational business meeting.

SD-366

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the condition of the bank insurance fund.

SD-538

Foreign Relations

To hold an organizational meeting to consider committee's rules of procedure and committee's budget for the 102d Congress, and to consider Montreal Aviation Protocols Nos. 3 and 4 (Ex. B, 95-1).

SD-419

JANUARY 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

Rules and Administration

To hold an organizational meeting to consider committee's rules of procedure, committee's budget for 1991, Joint Committee on Printing and the Joint Committee on the Library membership, and other pending legislative and administrative business.

SR-301

JANUARY 31

9:30 a.m.

Labor and Human Resources

Aging Subcommittee

To hold hearings on proposed legislation authorizing funds for, and to promote and strengthen the programs of the Older Americans Act.

SD-430

FEBRUARY 5

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on U.S. national energy policy.

SD-366

10:00 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget.

SD-608

FEBRUARY 6

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.

SD-342

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR-301

10:15 a.m.

Finance

To hold hearings on the prospect of free trade negotiations with Mexico.

SD-215

FEBRUARY 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 207, to provide funds for and to enhance the effectiveness of the Commodity Futures Trading Commission.

SR-332

9:30 a.m.

Energy and Natural Resources

To resume hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR-301

FEBRUARY 20

9:30 a.m.

Rules and Administration

Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991 and 1992, and other pending legislative and administrative business.

SR-301

10:00 a.m.

Finance

To resume hearings on the prospect of free trade negotiations with Mexico.

SD-215

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD-342

CANCELLATIONS

JANUARY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine biological warfare defense, focusing on the Department of Defense research and development program.

SD-342

HOUSE OF REPRESENTATIVES—*Thursday, January 24, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Even as we pray for peace, O God, our hearts yearn for those who carry the burdens of the day—the President and the Congress, the leaders of our Nation and the armed services.

We also remember those who have suffered the actions of aggressors and who know the pain of the hostilities. Our hearts reach out in prayer, gracious God, for the victims of invasion, for the hostages, for all who suffer the hurt and anxiety of conflict, for those who are weak and cannot defend themselves. Give to them all, O God, the full measure of Your blessing and may Your spirit, that gives hope and strength, bring to all the assurance of Your presence and Your peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from the Virgin Islands [Mr. DE LUGO] please come forward and lead the House in the Pledge of Allegiance.

Mr. DE LUGO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO EMPLOYEES AT RAYTHEON

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, last December I had the opportunity of touring a facility that impressed me with its size, scope, and quality. Over 6,000 employees were working diligently on the production of a sophisticated high technology product that, at that time, was untried in real world situations.

Nearly a third of the work force, many of whom come from my district, are proud New Hampshire citizens. The enthusiasm with which they described their work and the professionalism that encompassed all that I saw, made it no surprise when their product, the Patriot missile successfully intercepted incoming Scud missiles in Saudi Arabia and Israel. Their successes in combat repudiated concerns that the system might not work as planned. In fact, it exceeded expectations.

I would like to pay tribute to the employees at Raytheon, who make the Patriot and Hawk missile systems, and the employees at Sanders-Lockheed, who developed the training systems for the Patriot missile. Many of my constituents from southern New Hampshire have worked on these projects, and they deserve our praise and gratitude. Their outstanding technical expertise and dedicated work are serving our war efforts in the finest American tradition. I ask my colleagues to join me in saluting the civilian workers who have given so much toward our effort in the Middle East.

CHINESE TRIALS OF STUDENT PRODEMOCRACY LEADER IS A MASQUERADE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, while the eyes of the world are turned toward the Middle East, Chinese hardliners are putting student prodemocracy leaders on trial for speaking out for democracy.

Chinese trials are a mockery to justice—with verdicts decided in advance, the lone student is reduced to pleading for his life.

This House, which voted overwhelmingly in October to cut off most-favored-nation trade relations with China because of its treatment of dissenters, cannot stand silent as China sentences the very students we voted to protect; we cannot tolerate the barbarous muzzling of young people because of their love for the inalienable right of free expression. We must make very clear to the Chinese that we will not continue a trading relationship which provides legitimacy to a group of tyrants who continue to imprison and kill the innocent leaders of a new generation.

Mr. Speaker, I have come to this well before to talk about the young student who stood before Chinese tanks. He represented a rare breed of courage. Today, the tanks have turned into judges—who mask their villainy in the guise of legal respectability. But, tanks or judges, the fate of the prodemocracy student remains the same. Let us not be fooled by the masquerade.

JAPANESE CONTRIBUTION TO PERSIAN GULF ACTION—GOOD NEWS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, the wire services are carrying a story that Japan has announced that it will provide $9 billion more in assistance. To those of us who have been urging a greater contribution by Japan, really for all of us, that is good news.

Prime Minister Kaifu said to his party membership:

> The shouldering of part of the cost of the multinational forces will come with pain, but that is a pain Japan has to share with the world.

Indeed, we all have to share that pain.

The papers also carry an announcement that the President will include capital gains in his budget message. There is an issue of fairness that has been raised before and will be raised again about the capital gains tax, but there is also the issue of economic growth.

Last year the CBO said about the across-the-board capital gains proposal of the President that cutting taxes on capital gains could not be counted on to significantly boost output and increase economic growth.

☐ 1110

So as the President comes forth with his capital gains proposal, he not only has to show that it is fair but that it will, indeed, promote economic growth that is so badly needed in this country. So far he has not carried that burden. He must now present evidence that a capital gains tax cut would, indeed, promote economic growth that is so badly needed in the United States.

TIME FOR CONGRESS TO CALL FOR AN END TO UNJUST PRESS RESTRICTIONS

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, as the Persian Gulf war enters its second week, Congress and the American people are being spoon fed small bits of information by the Pentagon.

This is unprecedented, unnecessary, and unhealthy.

Never before has the Pentagon so carefully controlled the press and the flow of information to policymakers and the American people. The war of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sketchy information and fuzzy pictures we see is almost wholly determined by military information officers.

This tight control is not necessary.

I am not talking about reasonable restrictions necessary to protect our troops and our war plans; I am talking about restrictions that give the Pentagon the power to portray the war as it sees fit.

It seems the Pentagon is so determined to avoid another Vietnam that it is trying to control perceptions and shred one of our most cherished first amendment freedoms—freedom of the press.

It is time for Congress to call for an end to these unjust press restrictions.

PROTEST SOVIET SEIZURE OF PAPER SUPPLY IN LITHUANIA

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, while America worries over the war in the Persian Gulf, Soviet thugs are carrying out new schemes to crush democratic reforms in the Baltic Republics.

The latest outrage is Wednesday's takeover of the main paper warehouse in Lithuania by Soviet troops.

The strategy behind this move is clear: Choke off dissent by restricting the amount of paper available for the nation's newspapers.

It is an old trick, but Mikhail Gorbachev cannot fool the American public.

Soviet leaders in the Baltics said they were acting under existing laws to protect the property of the Communist Party. In Moscow, Soviet Interior Minister Boris Pugo denied ordering the seizure of the warehouse.

Either Pugo is lying, or Gorbachev can't control the reactionary forces who are determined to thwart his reforms.

In any event, we as a Congress must rethink our diplomacy. For starters, we should consider asking President Bush to cancel his upcoming summit with Gorbachev.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME TODAY

Mr. SWIFT. Madam Speaker, I ask unanimous consent that the Speaker be authorized to declare recesses at any time today subject to the call of the Chair.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Washington?

There was no objection.

INTRODUCTION OF LEGISLATION TO CUT OFF SCHOOL AID TO SCHOOLS INHIBITING MILITARY RECRUITING

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Madam Speaker, I was shocked this morning to see on the national news media that the San Francisco School Board had passed a resolution which, in effect, prohibits military recruitment of young men and women into our military. I am shocked about that, Madam Speaker.

One of the "whereas" clauses stated, "Whereas, the military lures young men and women from underprivileged families into the military," and it goes on and on and on. I would just like to call to the attention of the membership that back in 1982 this body overwhelmingly passed the so-called Solomon amendments which prohibited young men who were eligible to register for the draft who did not register from receiving any college loans and grants. After that was tried in the Supreme Court and upheld, the draft registration jumped from 74 percent compliance to 98 percent compliance.

I intend to offer legislation next week which will cut off all school aid to any school, whether it is primary, secondary, or higher education, which would deliberately inhibit our military from going in and recruiting these young men and women into the all-volunteer military that our country depends on today.

I would urge your support for that legislation. You will be hearing from me.

REINTRODUCTION OF LEGISLATION TO STUDY FEASIBILITY AND ENCOURAGE USE OF RECYCLED PAPER FOR THIRD-CLASS MAIL

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Madam Speaker, today I am reintroducing legislation to study the feasibility and encourage the use of recycled paper for third-class mail, which is comprised of bulk business mail and advertisements.

REINTRODUCTION OF LEGISLATION CONCERNING BONE MARROW DONATIONS

Madam Speaker, I am also reintroducing a bill I had in last year for bone marrow donations in the Federal Government as we face an increased need.

Last year, Dr. E. Donnall Thomas was awarded the Nobel Prize in Medicine for developing the technique of bone marrow transplant. This procedure so far has saved thousands of lives for sufferers of fatal blood disorders and continues to be investigated as a treatment for other diseases.

We need to increase the size of our donor list to be able to make sure that those individuals waiting for matches will be able to have successful transplants and to raise the survival rate from between 15 percent to 40 percent to 80 percent.

This registry has increased over the past year, but those chances of matchings are 1 in 20,000.

INTRODUCTION OF LEGISLATION TO END U.S. SUBSIDIES EXTENDED TO SOVIET UNION

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Madam Speaker, yesterday the crumbling Soviet Empire slid still further down the road to collapse. At the same time that Gorbachev was continuing his assault on democracy and freedom of the press in the Baltics, the Soviet Union decreed that paper rubles would be worthless; 50- and 100-ruble notes, as of midnight last night, are absolutely worthless.

People who live in the Soviet Union were told to turn in their rubles and exchange them for new paper, but, in fact, the banks were not accepting them.

Furthermore, only 1 month's rubles could be exchanged, that is, 1 month's earnings, and as a consequence, entire life savings were wiped out.

In essence, the Soviet Union has defaulted on its debts to its own people.

This is no time for United States taxpayer subsidies to the Soviet Union.

I recently introduced House Joint Resolution 80, which would end United States taxpayer subsidies recently extended to the Soviet Union as a consequence of the brutal crackdown on democracy and freedom of the press in the Baltics.

This latest evidence that no amount of subsidies can save communism provides the best reason yet to pass House Joint Resolution 80.

LEGISLATION REQUIRING DOD AND VA TO SUBMIT REPORTS CONCERNING THERAPEUTIC NEEDS OF OPERATION DESERT STORM PERSONNEL

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, as Operation Desert Storm progresses, our minds and hearts are focused on the men and women of the U.S. armed services serving in the Persian Gulf region. They are America's finest and I commend them for their valor in service to our country.

Many Americans have made tremendous personal sacrifices in order to answer their call to active duty and have done so with a sense of pride and dedication to their mission. While we pray that each and every one will return home safe and in good health, the loss of American lives will be keenly felt by all of us, and once veterans do come home from service, some will return with scars that will be more than skin deep.

Since the Civil War, we have known that veterans suffer from combat-related trauma. At that time, such problems were referred to as "cardiac neurosis." After World War I, it was called shellshock. Following World War II, it was known as combat fatigue, or anxiety disorder. Following the Vietnam war, the malady known as post-traumatic stress disorder [PTSD] was identified and many PTSD sufferers today continue to reexperience traumatic events that occurred during that war.

Some of the many symptoms that PTSD victims of war display are recurring battle dreams or nightmares, considerable anxiety and panic attacks, aggressive and violent behavior, depression, severe startle reactions, and flashbacks or hallucinations. Symptoms sometimes do not appear immediately after the event occurs but surface several months or sometimes years after the event occurred. Not all individuals who suffer from traumatic experiences require special treatment. Some people are able to recover with the help of family, friends, or clergy. When professional help is necessary, however, the condition can be successfully treated.

Since some of our service men and women in Operation Desert Storm will face difficulty in readjustment upon their return to the United States, it is important that we do all we can to see that our service personnel are given as much opportunity for the best available treatment possible should they seek such assistance.

The Veterans' Administration currently provides treatment to sufferers of post-traumatic stress disorder throughout the Nation. I feel it is important, however, for Congress to require the Veterans' Administration and the armed services to review their programs to ensure that they are up to speed to meet the needs which may emerge as Operation Desert Storm personnel continue their service in the gulf region and when they return home.

I am introducing legislation today which requires the Departments of Defense and Veterans Affairs to submit to Congress semiannual reports on their specific plans to meet the therapeutic needs of Operation Desert Storm personnel who experience post-traumatic stress disorder. It also calls upon each Department to provide Congress with their assessment of any additional resources which may be necessary to carry out such plans and a description of their intent to coordinate treatment services.

With this information in hand, Congress should be better equipped to strengthen the resources already in existence, and build on those which may be required, to meet the special needs of our diverse population of service personnel presently in the gulf.

I believe this legislation will send a strong signal of congressional intent, to all those involved in providing the special care which may be required for Operation Desert Storm personnel, in seeing that everything possible is done to help our service men and women make a swift and successful recovery from any trauma which may be experienced as a result of their service.

The men and women particularly in Operation Desert Storm are serving our country courageously and we must stand united in our efforts to support them. Please join with me in supporting this important legislation to help meet the needs of our Armed Forces personnel while they are in the gulf region and when they return home.

□ 1120

PRAISE FOR ISRAEL RESTRAINT

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Madam Speaker, I rise today to commend and to thank the Government and the people of Israel for their restraint in what is obviously a very difficult situation. The country has acted with maturity and with diplomacy as missiles have come to their cities, wounded and even killed their people.

If anyone has ever questioned the greater security issue for Israel, these unprovoked attacks should certainly remove any doubts that there is such an issue to be dealt with. I believe people like Benjamin Natiahu, who have represented their country and media have done so with great diplomacy and aplomb.

I commend the people. I commend the country. They have been a good ally, and we stand with Israel in unity, to ensure that Saddam Hussein will no longer be a threat to the world. For those who are listening in Saudi Arabia and Kuwait and in Iraq, this country will stand with the countries of the world until such time as there is no further doubt that Saddam Hussein is no threat to this country and the world.

TARGET SADDAM—TRY HIM UNDER WAR CRIMES ACT

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Madam Speaker, I am very pleased and proud of our military. I am very proud of this country. I am proud of the unification of our President, Congress, and the American people in condemning the atrocities that are being committed in the Persian Gulf area by Iraq. Madam Speaker, Saddam is not a 21st century man. He does not think as we think. He cannot be trusted. I think all Members know about the terrorism of Saddam. We know the war crimes that he has committed, the violations of the Geneva Conventions.

All members are concerned about what is going to happen now and how long the war is going to last. However, I think the case has been built now for Saddam to be a target himself. I think the case has been made for Saddam to be tried under the War Crimes Act because of his violations of the Geneva Conventions.

I encourage the allied forces to look seriously at shortening this war by making Saddam a target, by having him arrested if that is possible, and having him tried for the terrorism, for the crimes that he has committed, for the terrible things he is doing to his people, and for not having any concern for the Iraqi people.

We need to look seriously at this new world order now that the cold war is over. Madam Speaker, as we move toward the new world order, it is clear that Saddam has no place in it.

TV MARTI'S BLIMP IS GROUNDED

(Mr. SWIFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SWIFT. Madam Speaker, I have never questioned the sincerity of the folks who think TV Marti is a good idea. My objections have been ones of cost, duplication, and technical feasibility.

As you know, TV Marti is a United States Government broadcast service to Cuba. After we instituted Radio Marti, progressing to TV seemed logical, I am sure. But, whoever got this bright idea obviously knew nothing whatever about broadcast technology—about the difference between radio waves that will reach Cuba from the United States mainland very easily and TV, which operates on frequencies that do not travel as far or compensate for the Earth's curvature.

But, in the great show business spirit of "The Show Must Go On," science did not disturb them.

Here is what we did. We got a big balloon. We tethered it on a long cable to a key in the Caribbean. We mounted an antenna on it and sat back to watch this monument to Rube Goldberg work. Well, after a fashion and for a while it did. But then the balloon broke loose. I am inserting in the RECORD at this point the Washington Post story on the event.

[From the Washington Post, Jan. 18, 1991]

TV MARTI OFF THE AIR AFTER BLIMP BREAKS LOOSE

(By Laura Parker)

MIAMI, Jan. 17.—TV Marti, the controversial government-funded television station that beams baseball films, soap operas and news from the United States to Cuba, has been blown off the air—not by Fidel Castro but by gusting winds.

The broadcasts stopped early Wednesday after the Air Force blimp containing TV Marti's transmitter broke loose from its tether over the Florida Keys and drifted into the Everglades.

Officials are trying to determine how best to extract the deflated blimp and its cargo of high-technology equipment from a dense mangrove forest at the southwest edge of Everglades National Park.

The broadcasts to Cuba began last March amid congressional criticism that TV Marti was an unnecessary expense, that its equipment frequently would be out of commission because of bad weather and that jamming by the Cuban government would prevent many Cubans from receiving the broadcasts.

Backers argued that TV Marti, named for Cuban patriot Jose Marti, and its sister station, Radio Marti, were essential to ensure a free flow of information about the United States to Cuban citizens. But critics maintained that Cubans already could tune into various radio and television programs originating on Caribbean islands.

This week, the Air Force blimp, known as "Fat Albert," broke free from its tether off Cudhoe Key as it was being lowered for maintenance, according to a spokesman at TV Marti's Washington headquarters. Normally, the blimp is raised to 10,000 feet to transmit broadcasts 100 miles to Cuba.

"TV Marti had just gone off the air for the day," said Joe O'Connell, the spokesman. "The balloon began to drift toward the Everglades National Park."

Officials chased Fat Albert to a southwestern corner of the park by helicopter and deflated it so it could be lowered.

O'Connell said it appears that sophisticated electronic equipment in the blimp was not seriously damaged and that TV Marti may be back on the air soon. He said bad weather prevents TV Marti's transmitter from operating about 20 percent of the time.

TV Marti went on the air as a $7.5 million experiment last March 27. In August, based on the results of four months of test broadcasts, President Bush signed legislation making TV Marti permanent. It is funded at $16 million for 1991.

The General Accounting Office criticized two surveys that estimated viewership at between 1 million and 7 million Cubans. The GAO observed that U.S. diplomats in Havana reported that TV Marti was effectively jammed and estimated viewership at between 50,000 and 70,000.

I disagree that TV Marti is necessary, useful or even effective. But it is flat embarrassing to permit the understandable monomania in some quarters with Castro's brutal and bankrupt regime to drive us into doing something so patently ridiculous. That would be true even it it didn't cost us about $230 per viewer, per year—using very optimistic estimates of Cuban viewership.

I am sure we will find the balloon. We will reinflate it. We will send it back up to bounce around on the end of its tether to send an unreliable signal to small portions of Cuba where, to demonstrate that it too can be absurd, the Cuban government will continue to bother jamming the programs containing some information intermixed with soap operas, among other entertainment.

When the history of this hemisphere's part of the cold war is written, the TV Marti blimp will have to be the most absurd footnote.

WHEN THE BOMBS HIT BAGHDAD SOME KUWAITIS HIT THE DISCOS NOT THEIR KNEES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, today's Wall Street Journal carries a story which I have to say made my blood boil, and I think it would make the blood boil of almost any American.

Last week when allied bombs and bombers hit Baghdad, many hit their knees in supplication and in penitence, asking the good Lord to protect the people in Desert Storm. However, when those same allied bombs and bombers hit Baghdad last week, Kuwaitis living in splendid exile in Cairo hit the discos. They hit the dance floors. They hit the dance floors, in their hedonistic lifestyle which they have practiced for so many years in their oil-rich Sheikhdom which is now called a nation.

To the credit of some Kuwaiti leaders, they have tried to caution their young people. Many of these are draft age young men who are boogying their nights away in Cairo, while our Americans and our allied forces are being shot out of the sky and tortured as POW's. To the credit of the Kuwaiti Ambassador, he is trying to get these young men to cool it.

Well, I would say to those young people, our young people, U.S. people, allied people, are making the supreme sacrifice. The very least they should do is give respect to what others are trying to do for them.

DECLARATION OF WAR URGED

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN, Madam Speaker, it is time to face facts. Today, as war continues in the Middle East, as the call has gone out from Saddam Hussein for terrorist attacks against Americans here and abroad, and as acts of civil disobedience and often illegal and violent protests seek to undermine our support at home for our troops abroad, I call upon our leadership to bring before us a vote on a formal declaration of war and an order for the immediate explusion of all Iraqi diplomats from the United States.

A week ago we agonized over a vote to authorize the use of force. Today, I am certain of our vote but what disturbs and angers me is the ability of Iraqi diplomats and agents to move about freely in the United States. Madam Speaker, we are at war. A formal declaration recognizing that fact would give the President the means to deal with this very real terrorist threat. Our citizens should be protected against the pressure of Iraqi diplomatic immunity pouches filled with material like plastic explosives.

There was much debate in Congress, and, indeed, there is still much dissent being expressed by the public. Freedom of expression is a constitutional right granted to all Americans, but it is time we draw the line and make it clear that Saddam's friends and agents here in America will be treated for what they are: Traitors and seditionists who should not be allowed to threaten the security of our country or to compromise the lives of our troops on the front lines.

Madam, Speaker, bring us a declaration of war. I, for one, am prepared to vote for it.

RESTRICTIONS ON HANDGUNS URGED

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Madam Speaker, I just would like to read three paragraphs from this morning's Washington Post newspaper which I think speak for themselves.

Jermaine Daniel, a streetwise Washington youngster who attracted national attention two years ago when he was befriended by then-D.C. Police Chief Maurice T. Turner Jr., was shot to death yesterday near his Northeast apartment complex.

Daniel, 15, was struck in the chest by at least three bullets about 4:45 p.m. behind a building in the Edgewood Terrace Apartments. He was taken to Children's Hospital, where he was pronounced dead.

Police sources and neighbors said it appeared Daniel was shot after arguing with an acquaintance over a girl. A 14-year-old from the same apartment complex was arrested about 8 p.m. in connection with the slaying.

Now, when are we going to get serious about handgun restrictions in this Nation? When are we going to do something about this? How long are we going to let things go on where 14 year olds can shoot 15 year olds with handguns, over girls? We simply have got to move on this issue in this Congress.

□ 1130

TIME FOR ALLIES TO LIVE UP TO THEIR RESPONSIBILITIES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Madam Speaker, Prime Minister Kaifu of Japan has proposed to increase his nation's contribution to Operation Desert Storm by $9 billion.

I am extremely pleased that the Japanese Government has begun to understand its true responsibilities in the gulf; but in the past Japanese promises have evaporated in thin air because the legislature has no intention of turning promises into reality. Today I am asking our colleagues in the Japanese legislature to step up to the plate and support this vital contribution to the multinational effort to halt Saddam Hussein.

While Japan has begun to act, our other allies continue to assume that the United States will shoulder the load. This attitude cannot persist. It is time for the allies to start sharing the burden, so it is not just our taxpayers bearing the burden.

The Government of Kuwait, for example, is being restored to power by the United States and allied forces, and yet it has only offered $2 billion for their own defense, despite having assets of $100 billion at their disposal.

The Saudis who have been overrun by Saddam Hussein's military machine have promised contributions which looked very meager compared with the enormous windfall profits they have derived from increased oil prices, and the German pledge has thus far been meager as well, much of it in East German military equipment not usable by the allies or by the Germans.

Madam Speaker, it is time that the allies live up to their responsibilities and make the new world order a reality, not a myth.

JAPANESE PROMISES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, as my colleague just prior to me mentioned, the Government of Japan, or the Diet of Japan last night approved an additional $9 billion for its share of Operation Desert Storm. That is good news and we do appreciate the fact that at long last some of those who are benefiting the most from the actions in the Middle East are beginning to at least make the appearance that they are going to share some of the burden; however, there is still another rung or two before that $9 billion gets all the way through the Diet system.

However, before we are lulled into a false sense of euphoria that this long overdue burden sharing is coming through, let me remind my colleagues that in September Japan pledged $4 billion to the cause. Two billion of that is to go to Third World countries and initially we thought it was going to be a grant. Now we find out it is going to be low interest loans to the Third World countries, and of the $2 billion that was to go to the United States forces or the allied forces, only $430 million to date has been released, according to our own General Accounting Office, and that is released for Japanese manufactured equipment. We cannot forget that.

So let us hope that if the $9 billion does come through, there are no strings attached.

While we are talking about burden sharing, Madam Speaker, let us ask, what does Germany really intend to do about the $3.43 billion that it had committed and pledged, continue to send old antiquated equipment?

Madam Speaker, we must make sure that everbody carries their share of the burden.

LEGISLATIVE PROGRAM

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Madam Speaker, I would like to ask the distinguished majority leader for the program for today and next week.

Mr. GEPHARDT. Madam Speaker, if the gentleman will yield, obviously our business is finished for today. There will be no more votes today and there will not be a session tomorrow.

On Monday, January 28, the House will met at noon, but there will be no legislative business.

On Tuesday, January 29, the House will meet at noon. There will be two suspensions. Recorded votes on all suspensions will be postponed until after debate on all suspensions.

H.R. 556, to provide for the Secretary of Veterans' Affairs to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds.

H.R. 555, to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act.

The House will then after voting on those two suspensions, if votes are required, the House will recess until 8:30 p.m. and will reconvene at 9 p.m. to receive the President of the United States in a joint session for the State of the Union Address.

On Wednesday, January 30, the House will meet at 1 p.m. There will be one suspension concerning physicians' and dentists' pay amendments and Labor Relations Act.

On Thursday, January 31, the House will meet at 11 a.m., but there will be no legislative business.

On Friday, February 1, the House will not be in session.

Mr. LEWIS of California. Madam Speaker, would the majority leader clarify his statement regarding Wednesday, January 30. I presume that is one bill for that day?

Mr. GEPHARDT. That is correct.

Mr. LEWIS of California. Madam Speaker, I have no further questions. I appreciate the majority leader clarifying the schedule.

MAKING IN ORDER ON WEDNESDAY, JANUARY 30, 1991, CONSIDERATION OF H.R. 598, PHYSICIANS' AND DENTISTS' PAY AMENDMENTS AND LABOR RELATIONS ACT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that it may be in order on Wednesday, January 30, to consider a motion to suspend the rules and pass the bill, H.R. 598, the Physicians' and Dentists' Pay Amendments and Labor Relations Act.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON TUESDAY, JANUARY 29, 1991

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that it may be in order on Tuesday, January 29, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint session the President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, JANUARY 28, 1991

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ELECTION OF MEMBERS TO SUNDRY COMMITTEES

Mr. HOYER. Madam Speaker, I offer a privileged resolution (H. Res. 43) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 43

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: E de la Garza, Texas, Chairman; Walter B. Jones, North Carolina; George E. Brown, Jr., California; Charles Rose, North Carolina; Glenn English, Oklahoma; Leon E. Panetta, California; Jerry Huckaby, Louisiana; Dan Glickman, Kansas; Charles W. Stenholm, Texas; Harold L. Volkmer, Missouri; Charles Hatcher, Georgia; Robin Tallon, South Carolina; Harley O. Staggers, Jr., West Virginia; Jim Olin, Virginia; Timothy J. Penny, Minnesota; Richard H. Stallings, Idaho; David R. Nagle, Iowa; Jim Jontz, Indiana; Tim Johnson, South Dakota; Ben Night- horse Campbell, Colorado; Mike Espy, Mississippi; Bill Sarpalius, Texas; Jill L. Long, Indiana; Gary Condit, California; Collin C. Peterson, Minnesota; Calvin Dooley, California; Mike Kopetski, Oregon.

Committee on Armed Services: Les Aspin, Wisconsin, Chairman; Charles E. Bennett, Florida; G.V. (Sonny) Montgomery, Mississippi; Ronald V. Dellums, California; Patricia Schroeder, Colorado; Beverly B. Byron, Maryland; Nicholas Mavroules, Massachusetts; Earl Hutto, Florida; Ike Skelton, Missouri; Dave McCurdy, Oklahoma; Thomas M. Foglietta, Pennsylvania; Dennis M. Hertel, Michigan; Marilyn Lloyd, Tennessee; Norman Sisisky, Virginia; Richard Ray, Georgia; John M. Spratt, Jr., South Carolina; Frank McCloskey, Indiana; Solomon P. Ortiz, Texas; George (Buddy) Darden, Georgia; Albert G. Bustamante, Texas; Barbara Boxer, California; George J. Hochbrueckner, New York; Owen B. Pickett, Virginia; H. Martin Lancaster, North Carolina; Lane Evans, Illinois; James H. Bilbray, Nevada; John S. Tanner, Tennessee; Michael R. McNulty, New York; Glen Browder, Alabama; Gene Taylor, Mississippi; Neil Abercrombie, Hawaii; Thomas H. Andrews, Maine; Chet Edwards, Texas.

Committee on Banking, Finance and Urban Affairs: Henry B. Gonzalez, Texas, Chairman; Frank Annunzio, Illinois; Stephen L. Neal, North Carolina; Carroll Hubbard, Jr., Kentucky; John J. LaFalce, New York; Mary Rose Oakar, Ohio; Bruce F. Vento, Minnesota; Doug Barnard, Jr., Georgia; Charles E. Schumer, New York; Barney Frank, Massachusetts; Ben Erdreich, Alabama; Thomas R. Carper, Delaware; Esteban Edward Torres, California; Gerald D. Kleczka, Wisconsin; Paul E. Kanjorski, Pennsylvania; Elizabeth J. Patterson, South Carolina; Joseph P. Kennedy II, Massachusetts; Floyd H. Flake, New York; Kweisi Mfume, Maryland; Peter Hoagland, Nebraska; Richard E. Neal, Massachusetts; Charles Luken, Ohio; Maxine Waters, California; Larry LaRocco, Idaho; Bill Orton, Utah; Jim Bacchus, Florida; James P. Moran, Jr., Virginia; John W. Cox, Jr., Illinois; Ted Weiss, New York; Jim Slattery, Kansas; Gary L. Ackerman, New York.

Committee on the Budget: Leon E. Panetta, California, Chairman; Richard A. Gephardt, Missouri; James L. Oberstar, Minnesota; Frank J. Guarini, New Jersey; Richard J. Durbin, Illinois; Mike Espy, Mississippi; Dale E. Kildee, Michigan; Anthony C. Beilenson, California; Jerry Huckaby, Louisiana; Martin Olav Sabo, Minnesota; Bernard J. Dwyer, New Jersey; Howard L. Berman, California; Robert E. Wise, Jr., West Virginia; John Bryant, Texas, John M. Spratt, Jr., South Carolina; Donald J. Pease, Ohio; Charles W. Stenholm, Texas; Robert T. Matsui, California; Barney Frank, Massachusetts; Jim Cooper, Tennessee; Louise McIntosh Slaughter, New York; Lewis F. Payne, Jr., Virginia; Mike Parker, Mississippi.

Committee on the District of Columbia: Ronald V. Dellums, California, Chairman; Fortney H. (Pete) Stark, California; William H. Gray III, Pennsylvania; Mervyn M. Dymally, California; Alan Wheat, Missouri; Jim McDermott, Washington; Eleanor Holmes Norton, District of Columbia.

Committee on Education and Labor: William D. Ford, Michigan, Chairman; Joseph M. Gaydos, Pennsylvania; William (Bill) Clay, Missouri; George Miller, California; Austin J. Murphy, Pennsylvania; Dale E. Kildee, Michigan; Pat Williams, Montana; Matthew G. Martinez, California; Major R. Owens, New York; Charles A. Hayes, Illinois; Carl C. Perkins, Kentucky; Thomas C. Sawyer, Ohio; Donald M. Payne, New Jersey; Nita M. Lowey, New York; Jolene Unsoeld, Washington; Craig A. Washington, Texas; José E. Serrano, New York; Patsy T. Mink, Hawaii; Robert E. Andrews, New Jersey; William J. Jefferson, Louisiana; John R. Reed, Rhode Island; Timothy J. Roemer, Indiana; Peter J. Visclosky, Indiana; Ron de Lugo, Virgin Islands; Jaime B. Fuster, Puerto Rico.

Committee on Energy and Commerce: John D. Dingell, Michigan, Chairman; James H. Scheuer, New York; Henry A. Waxman, California; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Al Swift, Washington; Cardiss Collins, Illinois; Mike Synar, Oklahoma; W.J. (Billy) Tauzin, Louisiana; Ron Wyden, Oregon; Ralph M. Hall, Texas; Dennis E. Eckart, Ohio; Bill Richardson, New Mexico; Jim Slattery, Kansas; Gerry Sikorski, Minnesota; John Bryant, Texas; Rick Boucher, Virginia; Jim Cooper, Tennessee; Terry L. Bruce, Illinois; J. Roy Rowland, Georgia; Thomas J. Manton, New York, Edolphus Towns, New York; C. Thomas McMillen, Maryland; Gerry E. Studds, Massachusetts; Peter H. Kostmayer, Pennsylvania; Richard H. Lehman, California; Claude Harris, Alabama.

Committee on Foreign Affairs: Gerry E. Studds, Massachusetts; Austin J. Murphy, Pennsylvania; Peter H. Kostmayer, Pennsylvania; Thomas M. Foglietta, Pennsylvania; Frank McCloskey, Indiana; Thomas C. Sawyer, Ohio; Donald M. Payne, New Jersey; Bill Orton, Utah.

Committee on Government Operations: John Conyers, Michigan, Chairman; Cardiss Collins, Illinois; Glenn English, Oklahoma; Henry A. Waxman, California; Ted Weiss, New York; Mike Synar, Oklahoma; Stephen L. Neal, North Carolina; Doug Barnard, Jr., Georgia; Tom Lantos, California; Robert E. Wise, Jr., West Virginia; Barbara Boxer, California; Major R. Owens, New York; Edolphus Towns, New York; Ben Erdreich, Alabama; Gerald D. Kleczka, Wisconsin; Albert G. Bustamante, Texas; Matthew G. Martinez, California; Donald M. Payne, New Jersey; Gary Condit, California; Patsy T. Mink, Hawaii; Ray Thornton, Arkansas; Collin C. Peterson, Minnesota; Rosa L. DeLauro, Connecticut; Charles Luken, Ohio; John W. Cox, Jr., Illinois.

Committee on House Administration: Marty Russo, Illinois; William H. Gray, III, Pennsylvania; Steny Hoyer, Maryland; Gerald D. Kleczka, Wisconsin.

Committee on Interior and Insular Affairs: Morris K. Udall, Arizona, Chairman; George Miller, California; Philip R. Sharp, Indiana; Edward J. Markey, Massachusetts; Austin J. Murphy, Pennsylvania; Nick Joe Rahall II, West Virginia; Bruce F. Vento, Minnesota; Pat Williams, Montana; Beverly B. Byron, Maryland; Ron de Lugo, Virgin Islands; Sam Gejdenson, Connecticut; Peter H. Kostmayer, Pennsylvania; Richard H. Lehman, California; Bill Richardson, New Mexico; George (Buddy) Darden, Georgia; Peter J. Visclosky, Indiana; Jaime B. Fuster, Puerto Rico; Mel Levine, California; Wayne Owens, Utah; John Lewis, Georgia; Ben Nighthorse Campbell, Colorado; Peter A. DeFazio, Oregon; Eni F.H. Faleomavaega, American Samoa; Tim Johnson, South Dakota; Charles E. Schumer, New York; Jim Jontz, Indiana; Peter Hoagland, Nebraska; Harry Johnston, Florida; Larry LaRocco, Idaho; *Provided*, That the powers and duties conferred upon the chairman of the Committee on Interior and Insular Affairs by the House rules shall be exercised by the Vice Chairman thereof until otherwise ordered by the House.

Committee on the Judiciary: Jack Brooks, Texas, Chairman; Don Edwards, California; John Conyers, Jr., Michigan; Romano L. Mazzoli, Kentucky; William J. Hughes, New Jersey; Mike Synar, Oklahoma; Patricia Schroeder, Colorado; Dan Glickman, Kansas; Barney Frank, Massachusetts; Charles E. Schumer, New York; Edward F. Feighan, Ohio; Howard L. Berman, California; Rick Boucher, Virginia; Harley O. Staggers, Jr., West Virginia; John Bryant, Texas; Mel Levine, California; George E. Sangmeister, Illinois; Craig A. Washington, Texas; Peter Hoagland, Nebraska; Mike Kopetski, Oregon; John F. Reed, Rhode Island.

Committee on Merchant Marine and Fisheries: Walter B. Jones, North Carolina, Chairman; Gerry E. Studds, Massachusetts; Carroll Hubbard, Jr., Kentucky; William J. Hughes, New Jersey; Earl Hutto, Florida; W.J. (Billy) Tauzin, Louisiana; Thomas M. Foglietta, Pennsylvania; Dennis M. Hertel, Michigan; William O. Lipinski, Illinois; Robert A. Borski, Pennsylvania; Thomas R. Carper, Delaware; Robin Tallon, South Carolina; Solomon P. Ortiz, Texas; Charles E. Bennett, Florida; Thomas J. Manton, New York; Owen B. Pickett, Virginia; George J. Hochbrueckner, New York; Bob Clement, Tennessee; Stephen J. Solarz, New York; Frank Pallone, Jr., New Jersey; Greg Laughlin, Texas; Nita M. Lowey, New York; Jolene Unsoeld, Washington, Gene Taylor, Mississippi; Glenn M. Anderson, California; John F. Reed, Rhode Island; William J. Jefferson, Louisiana; Neil Abercrombie, Hawaii; Eni F.H. Faleomavaega, American Samoa.

Committee on Post Office and Civil Service: William (Bill) Clay, Missouri, Chairman; Patricia Schroeder, Colorado; Gus Yatron, Pennsylvania; Mary Rose Oakar, Ohio; Gerry Sikorski, Minnesota; Frank McCloskey, Indiana; Gary L. Ackerman, New York; Mervyn M. Dymally, California; Thomas C. Sawyer, Ohio; Paul E. Kanjorski, Pennsylvania; Charles A. Hayes, Illinois; Michael R. McNulty, New York; James P. Moran, Jr.; Morris K. Udall, Arizona; Eleanor Holmes Norton, District of Columbia.

Committee on Public Works and Transportation: Robert A. Roe, New Jersey, Chairman; Glenn M. Anderson, California; Norman

Y. Mineta, California; James L. Oberstar, Minnesota; Henry J. Nowak, New York; Nick Joe Rahall II, West Virginia; Douglas Applegate, Ohio; Ron de Lugo, Virgin Islands; Gus Savage, Illinois; Robert A. Borski, Pennsylvania; Joe Kolter, Pennsylvania; Tim Valentine, North Carolina; William O. Lipinski, Illinois; Peter J. Visclosky, Indiana; James A. Traficant, Jr., Ohio; John Lewis, Georgia; Peter A. DeFazio, Oregon; James A. Hayes, Louisiana; Bob Clement, Tennessee; Lewis F. Payne, Jr., Virginia; Jerry F. Costello, Illinois; Frank Pallone, Jr., New Jersey; Ben Jones, Georgia; Mike Parker, Mississippi; Greg H. Laughlin, Texas; Pete Geren, Texas; George E. Sangmeister, Illinois; Glenn Poshard, Illinois; Dick Swett, New Hampshire; Bill Brewster, Oklahoma; Bud Cramer, Alabama; Rosa L. DeLauro, Connecticut; Joan Kelly Horn, Missouri; Barbara-Rose Collins, Michigan; Pete Peterson, Florida; Eleanor Holmes Norton, District of Columbia.

Committee on Science, Space, and Technology: George E. Brown, Jr., California, Chairman; James H. Scheuer, New York; Marilyn Lloyd, Tennessee; Dan Glickman, Kansas; Harold L. Volkmer, Missouri; Howard Wolpe, Michigan; Ralph M. Hall, Texas; Dave McCurdy, Oklahoma; Norman Y. Mineta, California; Tim Valentine, North Carolina; Robert G. Torricelli, New Jersey; Rick Boucher, Virginia; Terry L. Bruce, Illinois; Richard H. Stallings, Idaho; James A. Traficant, Jr., Ohio; Henry J. Nowak, New York; Carl C. Perkins, Kentucky; C. Thomas McMillen, Maryland; David R. Nagle, Iowa; James A. Hayes, Louisiana; Jerry F. Costello, Illinois; John S. Tanner, Tennessee; Glen Browder, Alabama; Pete Geren, Texas; Ray Thornton, Arkansas; Jim Bacchus, Florida; Timothy J. Roemer, Indiana; Bud Cramer, Alabama; Dick Swett, New Hampshire; Mike Kopetski, Oregon; Joan Kelly Horn, Missouri; Barbara-Rose Collins, Michigan.

Committee on Small Business: John J. LaFalce, New York, Chairman; Neal Smith, Iowa; Ike Skelton, Missouri; Romano L. Mazzoli, Kentucky; Nicholas Mavroules, Massachusetts; Charles Hatcher, Georgia; Ron Wyden, Oregon; Dennis E. Eckart, Ohio; Gus Savage, Illinois; Norman Sisisky, Virginia; Esteban Edward Torres, California; Jim Olin, Virginia; Richard Ray, Georgia; John Conyers, Jr., Michigan; James H. Bilbray, Nevada; Kweisi Mfume, Maryland; Floyd H. Flake, New York, H. Martin Lancaster, North Carolina; Bill Sarpalius, Texas; Richard E. Neal, Massachusetts; Glenn Poshard, Illinois; Eliot L. Engel, New York; José E. Serrano, New York; Thomas H. Andrews, Maine; Calvin Dooley, California; Robert E. Andrews, New Jersey; Bill Orton, Utah.

Committee on Veterans' Affairs: G.V. (Sonny) Montgomery, Mississippi, Chairman; Don Edwards, California; Douglas Applegate, Ohio; Lane Evans, Illinois; Timothy J. Penny, Minnesota; Harley O. Staggers, Jr., West Virginia; J. Roy Rowland, Georgia; Jim Slattery, Kansas; Claude Harris, Alabama; Joseph P. Kennedy II, Massachusetts; Elizabeth J. Patterson, South Carolina; George E. Sangmeister, Illinois; Ben Jones, Georgia; Jill L. Long, Indiana; Pete Peterson, Florida; Chet Edwards, Texas; Maxine Waters, California; Bill Brewster, Oklahoma; Owen B. Pickett, Virginia; Pete Geren, Texas; vacancy.

Mr. HOYER (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO SUNDRY COMMITTEES

Mr. LEWIS of California. Madam Speaker, I offer a privileged resolution (H. Res. 44) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives.

Committee on Agriculture: Edward R. Madigan, Illinois; E. Thomas Coleman, Missouri; Ron Marlenee, Montana; Larry J. Hopkins, Kentucky; Pat Roberts, Kansas; Bill Emerson, Missouri; Sid Morrison, Washington; Steven Gunderson, Wisconsin; Tom Lewis, Florida; Robert F. Smith, Oregon; Larry Combest, Texas; Wally Herger, California; James T. Walsh, New York; David Camp, Michigan; Wayne Allard, Colorado; Bill Barrett, Nebraska; Jim Nussle, Iowa; and John Boehner, Ohio.

Committee on Armed Services: William L. Dickinson, Alabama; Floyd Spence, South Carolina; Bob Stump, Arizona; Larry Hopkins, Kentucky; Robert W. Davis, Michigan; Duncan Hunter, California; David O'B. Martin, New York; John R. Kasich, Ohio; Herbert H. Bateman, Virginia; Ben Blaz, Guam; Andy Ireland, Florida; James V. Hansen, Utah; Curt Weldon, Pennsylvania; Jon L. Kyl, Arizona; Arthur Ravenel, Jr., South Carolina; Robert K. Dornan, California; Joel Hefley, Colorado; Jim McCrery, Louisiana; Ronald K. Machtley, Rhode Island; James Saxton, New Jersey; Randy "Duke" Cunningham, California; and Gary Franks, Connecticut.

Committee on Banking, Finance and Urban Affairs: Chalmers P. Wylie, Ohio; Jim Leach, Iowa; Bill McCollum, Florida; Marge Roukema, New Jersey; Doug Bereuter, Nebraska; Thomas J. Ridge, Pennsylvania; Steve Bartlett, Texas; Toby Roth, Wisconsin; Alfred McCandless, California; Richard H. Baker, Louisiana; Cliff Stearns, Florida; Paul E. Gillmor, Ohio; Bill Paxon, New York; John J. Duncan, Jr., Tennessee; Tom Campbell, California; Mel Hancock, Missouri; Frank Riggs, California; and Jim Nussle, Iowa; [vacancy]; and [vacancy].

Committee on the Budget: Willis D. Gradison, Ohio; Alex McMillan, North Carolina; William M. Thomas, California; Harold Rogers, Kentucky; Richard K. Armey, Texas; Amo Houghton, New York; Jim McCrery, Louisiana; John R. Kasich, Ohio; Dean A. Gallo, New Jersey; Helen Delich Bentley, Maryland; William E. Dannemeyer, California; John Miller, Washington; Chris Shays, Connecticut; and Richard John Santorum, Pennsylvania.

Committee on the District of Columbia: Thomas J. Bliley, Jr., Virginia; Larry Combest, Texas; Dana Rohrabacher, California; and [vacancy].

Committee on Education and Labor: William F. Goodling, Pennsylvania; E. Thomas Coleman, Missouri; Thomas E. Petri, Wisconsin; Marge Roukema, New Jersey; Steve Gunderson, Wisconsin; Steve Bartlett, Texas; Richard K. Armey, Texas; Harris W. Fawell, Illinois; Paul B. Henry, Michigan; Cass Ballenger, North Carolina; Susan Molinari, New York; Bill Barrett, Nebraska; John Boehner, Ohio; and Scott Klug, Wisconsin.

Committee on Energy and Commerce: Norman F. Lent, New York; Edward R. Madigan, Illinois; Carlos J. Moorhead, California; Matthew J. Rinaldo, New Jersey; William E. Dannemeyer, California; Don Ritter, Pennsylvania; Thomas J. Bliley, Jr., Virginia; Jack Fields, Texas; Michael G. Oxley, Ohio; Michael Bilirakis, Florida; Dan Schaefer, Colorado; Joe Barton, Texas; Sonny Callahan, Alabama; Alex McMillan, North Carolina; Dennis Hastert, Illinois; and Clyde Holloway, Louisiana.

Committee on Government Operations: Frank Horton, New York; William F. Clinger, Jr., Pennsylvania; Alfred A. McCandless, California; Dennis Hastert, Illinois; Jon Kyl, Arizona; Christopher Shays, Connecticut; Steven Schiff, New Mexico; Christopher Cox, California; Craig Thomas, Wyoming; Ileana Ros-Lehtinen, Florida; Ronald K. Machtley, Rhode Island; Richard Zimmer, New Jersey; William Zeliff, New Hampshire; David Hobson, Ohio; and Scott Klug, Wisconsin.

Committee on House Administration: William M. Thomas, California; William L. Dickinson, Alabama; Newt Gingrich, Georgia; Pat Roberts, Kansas; Paul E. Gillmor, Ohio; and James T. Walsh, New York; [vacancy]; [vacancy]; [vacancy].

Committee on Interior and Insular Affairs: Don Young, Alaska, Robert J. Lagomarsino, California; Ron Marlenee, Montana; James Hansen, Utah; Barbara Vucanovich, Nevada; Ben Blaz, Guam; John J. Rhodes, III, Arizona; Elton Gallegly, California; Robert F. Smith, Oregon; Jim Lightfoot, Iowa; Craig Thomas, Wyoming; John J. Duncan, Jr., Tennessee; Dick Schulze, Pennsylvania; Joel Hefley, Colorado; Charles Taylor, North Carolina; John Doolittle, California; and Wayne Allard, Colorado.

Committee on Judiciary: Hamilton Fish, Jr., New York; Carlos J. Moorhead, California; Henry J. Hyde, Illinois; F. James Sensenbrenner, Jr., Wisconsin; Bill McCollum, Florida; George W. Gekas, Pennsylvania; Howard Coble, North Carolina; D. French Slaughter, Jr., Virginia; Lamar S. Smith, Texas; Craig T. James, Florida; Thomas Campbell, California; Steven Schiff, New Mexico; and Jim Ramstad, Minnesota.

Committee on Merchant Marine and Fisheries: Robert W. Davis, Michigan; Don Young, Alaska; Norman F. Lent, New York; Jack Fields, Texas; Herbert H. Bateman, Virginia; Jim Saxton, New Jersey; Howard Coble, North Carolina; Curt Weldon, Pennsylvania; Wally Herger, California; James M. Inhofe, Oklahoma; Porter J. Goss, Florida; Arthur Ravenel, South Carolina; Sonny Callahan, Alabama; Wayne Gilchrest, Maryland; John Doolittle, California; and Randy "Duke" Cunningham, California; and [vacancy].

Committee on Post Office and Civil Service: Benjamin A. Gilman, New York; Frank Horton, New York; John T. Myers, Indiana; Don Young, Alaska; Dan Burton, Indiana; Constance A. Morella, Maryland; Tom Ridge, Pennsylvania; and Rod Chandler, Washington.

Committee on Public Works and Transportation: John Paul Hammerschmidt, Arkansas; Bud Shuster, Pennsylvania; William F. Clinger, Jr., Pennsylvania; Thomas E. Petri, Wisconsin; Ron Packard, California; Sherwood Boehlert, New York; Helen Delich Bentley, Maryland; Jim Lightfoot, Iowa;

James M. Inhofe, Oklahoma; Cass Ballenger, North Carolina; Frederick S. Upton, Michigan; Bill Emerson, Missouri; John J. Duncan, Jr., Tennessee; Mel Hancock, Missouri; Christopher Cox, California; Susan Molinari, New York; David Hobson, Ohio; Frank Riggs, California; Charles Taylor, North Carolina; Richard Nichols, Kansas; and Bill Zeliff, New Hampshire.

Committee on Science, Space, and Technology: Robert S. Walker, Pennsylvania; F. James Sensenbrenner, Wisconsin; Sherwood L. Boehlert, New York; Tom Lewis, Florida; Don Ritter, Pennsylvania; Sid Morrison, Washington; Ron Packard, California; Paul Henry, Michigan; Harris Fawell, Illinois; D. French Slaughter, Jr., Virginia; Lamar Smith, Texas; Constance A. Morella, Maryland; Dana Rohrabacher, California; Steven Schiff, New Mexico; Tom Campbell, California; John J. Rhodes, II, Arizona; Joe Barton, Texas; Richard Zimmer, New Jersey; and Wayne Gilchrest, Maryland.

Committee on Small Business: Joseph M. McDade, Pennsylvania; Silvio O. Conte, Massachusetts; William S. Broomfield, Michigan; Andy Ireland, Florida; D. French Slaughter, Jr., Virginia; Jan Meyers, Kansas; Larry Combest, Texas; Richard H. Baker, Louisiana; Joel Hefley, Colorado; Frederick S. Upton, Michigan; Mel Hancock, Missouri; Ron Machtley, Rhode Island; Jim Ramstad, Minnesota; David Camp, Michigan; Gary Franks, Connecticut; Wayne Allard, Colorado; and John Boehner, Ohio.

Committee on Veterans' Affairs: Bob Stump, Arizona; John Paul Hammerschmidt, Arkansas; Chalmers P. Wylie, Ohio; Chris Smith, New Jersey; Dan Burton, Indiana; Michael Bilirakis, Florida; Thomas J. Ridge, Pennsylvania; Craig James, Florida; Cliff Stearns, Florida; Bill Paxon, New York; Floyd Spence, South Carolina; Richard Nichols, Kansas; and Richard John Santorum, Pennsylvania.

Mr. LEWIS of California (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, AND TO THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HOYER. Madam Speaker, pursuant to precedent and by direction of the committee leadership, I offer a privileged resolution (H. Res. 45) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 45

Resolved, That the following named Member be, and is hereby, elected to the following standing committees of the House of Representatives:

Banking, Finance and Urban Affairs: Bernie Sanders of Vermont.

Government Operations: Bernie Sanders of Vermont.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT RELATIVE TO COMMITTEE ELECTIONS IN DEMOCRATIC CAUCUS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, today the Democratic caucus had an election pursuant to the rules of the Democratic caucus for chairman of subcommittees on the Committee on Appropriations and of the Committee on Ways and Means. Those results will be available in the Cloakroom and in the office of the Democratic caucus.

THE COSTS OF THE WAR IN THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. DORGAN of North Dakota. Mr. Speaker, I just wanted to call to the attention of Congress the news today—some of what is called news is actually very old—the Congressional Budget Office yesterday officially notified Congress that the country is in a recession as of January 23. I do not suppose that that surprises a lot of people in this country. Most of us have known that the economy has turned sour and has been in a recession. But we had not received official notification.

The Washington Post today also says:

> Congress set to tackle issue of war's cost. Estimates on price range up to $1 billion a day.

It is probably not news to anyone either; this is a very expensive undertaking not only in the cost of human lives but also on the question of how much money it costs.

So here is the story: America has a Federal debt of about $3.5 trillion, this country has a Federal budget deficit this year estimated to be near $400 billion, the highest in the history of the country; our economy is derailed, in a recession; we are at war halfway across the world.

The President recently wrote off a $7 billion debt Egypt owed to the United States. Yesterday Israel indicated it would need $13 billion of additional aid and have asked the United States and other nations for that. Japan late last evening said it may kick in $9 billion for the war effort in the Persian Gulf.

Mr. Speaker, it is a pretty grim story. While those of us who believe that America cannot and should not be asked to continue to carry the burden alone appreciate the announcement from Japan, frankly it is not nearly enough.

We expect, and in fact we demand, that Japan, Germany, the Arab oil-producing countries and others must help to pay meaningful shares of the costs of the war.

The free ride has to be over soon. This new world order that we keep hearing about—the President talks about the new world order—frankly it looks very similar to the old world order to many of us.

The old world order is when America borrows money from Japan and Germany so we can spend it on defense to keep the sealanes open to send their products across the ocean to us. So we borrow money from our allies to pay for their defense.

The result is America chokes on debt, its economy turns downward, the other countries get a free ride.

That is the old world order.

When you look at who is going to pay the costs of the war halfway across the world, one wonders whether there is in fact a new world order.

I and others would ask the President, who has sent skilled negotiators all across the world to weave an alliance under the umbrella of the United Nations, "Please now, Mr. President, send those same emissaries around the world to negotiate offset payments to help pay the costs of this war so that Uncle Sam once again doesn't have to bear the entire financial burden."

The new world order ought to mean, finally, that the free ride is over.

There are three economic giants in the democratic world: The United States, Japan, and Germany.

The United States bears the burden, carries the load, exhibits the risks; Japan now says belatedly it will chip in 9 days' worth of the war if the war costs us a billion dollars a day.

Germany? Germany is sitting on the sidelines as a cheerleader.

The fact is many of those countries have a much greater reliance on Persian Gulf oil than do we. The free flow of Persian Gulf oil is much more important to them than it is to us. Japan consumes four times as much oil from the Persian Gulf as we do. While Western Europe's dependence is twice as great as ours.

Yet once again most allies—with the notable exception of Britain—insist that the United States should carry the load and bear the burden. The fact is that Uncle Sam cannot afford it anymore. We need a new world order in which everyone pays their fair share.

If something is worth doing, then let us do it together. I know the President and the television channels make a big deal out of this being a united effort on the part of America and all of its allies. I admit this is more united than many other similar operations in the past; perhaps the most united in decades. Except that if you look at who is doing the fighting, it is once again primarily America.

Oh, the Brits have done some good work in putting in place some machinery and some equipment, some manpower; the French and Italians a little bit. These all have participated in the air war. But you go beyond that and you only number ground troops in the hundreds for almost every other country with whom the United States has a defense pact.

For America, it is spending money and risking lives of over 400,000 troops in the Persian Gulf.

I would say to the President, Mr. Speaker, that if in fact there is a new world order, let us find it soon and let us define that new world order as one in which we expect the Japanese, the Germans, and those oil-rich nations in the Persian Gulf to finally, finally begin paying their fair share of the cost.

While I send that message today, I want everyone to understand my preeminent concern, the overriding issue that causes the hopes and prayers of all of us in this Chamber and around the Nation to focus on the Persian Gulf, is the welfare of the young men and women who represent this country in that region—and not just those lives—but especially those lives. I also remember the lives of others, the innocent victims who often are those killed by the war.

We hope and pray this will end soon and we hope and pray as well that others will join us in the commitment to help pay the cost of this terrible conflict.

EQUITY IN FEDERAL PAY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which will correct an inequity in the President's recent Federal pay reform measure. This bill would grant a pay raise to the Federal employees of Monterey County equal to the pay raise received by Federal employees in counties within the San Francisco metropolitan statistical area [MSA].

As you know, there are gross disparities between the salaries of public- and private-sector employees. The President's Commission on Federal Pay Reform has reported that Federal pay falls short of private sector pay by an average of 28 percent. It should be no wonder that the Government is losing the best and the brightest to non-Government jobs; those who have stayed in the Federal work force have had to pay more than their fair share of the cost of reducing the Federal deficit.

To address this inequity, President Bush has raised the salaries of Federal employees in the New York, San Francisco, and Los Angeles metropolitan statistical areas by 8 percent. This measure, however, is inadequate—not only in degree, but also in design. It arbitrarily includes those counties within the bounds of three MSA's and leaves out many other areas of the country where competing salaries are just as high. The bill I am introducing today would extend the 8 percent raise to Monterey County, an area adjacent to the San Francisco MSA with a very high cost of living.

While the issue of locality pay for areas such as Monterey County will be addressed when the Federal Employees Pay Comparability Act is implemented in 1992, I believe that economic factors indicate that this area is just as deserving of an emergency pay increase as those included in the President's recent plan. Recruitment and retention of qualified Federal employees in Monterey County is as problematic as the bordering counties included in the San Francisco metropolitan statistical area.

If it is necessary to pass an emergency measure, that plan should recognize the true emergency. Federal employees in Monterey County should receive an equivalent 8 percent pay increase based on economic factors and should not be excluded due to arbitrary boundaries. I urge my colleagues to join with me in efforts to erase this inequity.

Text of the bill follows:

H.R. 646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) "Monterey County" means Monterey County, California;

(2) "FEPCA" means the Federal Employees Pay Comparability Act of 1990, as contained in the Treasury, Postal Service and General Government Appropriations Act, 1991 (104 Stat. 1427 and following);

(3) "area" has the meaning given that term under section 302 of FEPCA; and

(4) "remaining portion of any area which includes Monterey County" means, with respect to any area which includes Monterey County, that portion of such area which remains after excluding Monterey County.

SEC. 2. PAY ADJUSTMENT.

For purposes of computing pay for any service which is performed during a pay period beginning on or after the date of the enactment of this Act, the President shall be deemed to have provided the same percentage increase under section 302(b)(1) of FEPCA with respect to Monterey County as is in effect under such section 302(b)(1), on the date of the enactment of this Act, with respect to the San Francisco Metropolitan Statistical Area.

SEC. 3. SPECIAL RULES TO ALLOW PORTIONS OF AREAS TO BE TREATED AS IF COMPLETE AREAS.

(a) MONTEREY COUNTY.—That Monterey County may not constitute a complete area shall not prevent—

(1) any pay increase from taking effect in such county pursuant to section 2; or

(2) any other exercise of authority under or application of section 302 of FEPCA with respect to such county.

(b) REMAINING PORTION OF ANY AREA WHICH INCLUDES MONTEREY COUNTY.—The enactment of this Act shall not prevent any exercise of authority under or other application of section 302 of FEPCA with respect to the remaining portion of any area which includes Monterey County, and any such exercise or other application shall be effective with respect to such remaining portion as if such remaining portion constituted a complete area.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VENTO (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes, on January 31.

Mrs. BENTLEY, for 60 minutes each day, on February 5, 6, and 7.

Mr. SOLOMON, for 5 minutes each day, on February 5 and 6.

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes each day, on February 5, 19, and 26.

Ms. OAKAR, for 15 minutes, today.

Mr. LIPINSKI, for 60 minutes each day, on February 6, 20, and 27.

Ms. OAKAR, for 15 minutes each day, on January 25 and 28.

(The following Member (at the request of Mr. DORGAN of North Dakota) to revise and extend her remarks and include extraneous material:)

Mrs. MINK, for 60 minutes, on January 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. GALLO in two instances.
Mr. SOLOMON in two instances.
Mr. MICHEL in two instances.
Mr. RINALDO.
Mrs. BENTLEY in two instances.
Mr. GOSS.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. TRAFICANT.
Mr. MAZZOLI.
Mr. STARK in three instances.
Mr. MILLER of California.
Mr. TALLON.
Mr. ATKINS.
Mr. JACOBS in two instances.
Mr. DONNELLY.
Mr. JONTZ.

ADJOURNMENT

Mr. DORGAN of North Dakota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes a.m.), under its previous order, the House adjourned until Monday, January 28, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

470. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities, as well as its review and evaluation of the operation of Radio Free Europe/Radio Liberty for the period October 1, 1989 through September 30, 1990, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

471. A letter from the Navy Resale and Services Support Office, Department of the Navy, transmitting the annual report on the Navy resale and services support office retirement plan for the 1989 plan year, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

472. A letter from the Deputy Assistant to the President for Management and Director of the Office of Administration, Executive Office of the President, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

473. A letter from the Secretary of State, transmitting his determination that Israel is not being denied its right to participate in the activities of the International Atomic Energy Agency; jointly, to the Committees on Appropriations and Foreign Affairs.

474. A letter from the Comptroller General of the United States, transmitting a report entitled, "Immigration Management, Strong Leadership and Management Reforms Needed to Address Serious Problems"; jointly, to the Committees on Government Operations and the Judiciary.

475. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Integrated Dry NO_x/SO_2 Emission Control System," proposed by Public Service Co. of Colorado; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

476. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Healy Clean Coal Project," proposed by Alaska Industrial Development and Export Authority; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

477. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Commercial Demonstration of the $NO_x/SO_2/NO_x$ Removal Flue Gas Cleanup System," proposed by the MK-Ferguson Co.; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DONNELLY (for himself, Mrs. Kennelly, Mr. Wolpe, Mr. Russo, and Mr. Durbin):

H.R. 637. A bill to provide special temporary protected status for certain nationals of the Baltic States; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 638. A bill to require the Secretary of Veterans Affairs to complete the study required by law of the long-term adverse health effects in humans of exposure to agent orange; to the Committee on Veterans' Affairs.

By Mr. GEKAS:

H.R. 639. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders; to the Committee on the Judiciary.

By Mr. HANCOCK (for himself, Mr. Livingston, Mr. Archer, Mr. Baker, Mr. Ballenger, Mr. Barton of Texas, Mr. Bateman, Mr. Bliley, Mr. Bunning, Mr. Burton of Indiana, Mr. Callahan, Mr. Crane, Mr. Combest, Mr. Cox of California, Mr. Dannemeyer, Mr. Dornan of California, Mr. DeLay, Mr. Duncan, Mr. Emerson, Mr. Fields, Mr. Goodling, Mr. Goss, Mr. Hammerschmidt, Mr. Hansen, Mr. Harris, Mr. Hayes of Louisiana, Mr. Hefley, Mr. Herger, Mr. Henry, Mr. Holloway, Mr. Huckaby, Mr. Hunter, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. Ireland, Mr. James, Mr. Kolbe, Mr. Kyl, Mr. Lent, Mr. Laughlin, Mr. Lewis of Florida, Mr. McCollum, Mr. McCrery, Mr. McEwen, Mr. Machtley, Mr. Marlenee, Mr. Miller of Ohio, Mr. Miller of Washington, Ms. Molinari, Mr. Michel, Mr. Myers of Indiana, Mr. Oxley, Mr. Paxon, Mr. Parker, Mr. Pickett, Mr. Porter, Mr. Quillen, Mr. Ravenel, Mr. Rohrabacher, Mr. Schiff, Mr. Sensenbrenner, Mr. Skeen, Mr. Spence, Mr. Slaughter of Virginia, Mr. Smith of Texas, Mr. Stearns, Mr. Stump, Mr. Sundquist, Mr. Tauzin, Mr. Thomas of Wyoming, Mrs. Vucanovich, Mr. Volkmer, Mr. Walsh, Mr. Weber, Mr. Weldon, Mr. Wilson, and Mr. Young of Alaska):

H.R. 640. A bill to amend title 28 of the United States Code to clarify the remedial jurisdiction of inferior Federal courts; to the Committee on the Judiciary.

By Mr. HUNTER:

H.R. 641. A bill to provide for the payment by Japan of a percentage of the costs incurred by the United States to carry out operations in the Persian Gulf region that is equal to the percentage of oil imported by Japan from the Middle East in 1990; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. JACOBS:

H.R. 642. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require a 20-percent reduction in certain assistance under such act to a law enforcement agency unless such agency has in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. JACOBS (for himself, Mr. Chandler, Mr. Bliley, Mr. Petri, Mr. Payne of Virginia, Mrs. Collins of Illinois, Mr. DeFazio, Mr. Machtley, Mr. Smith of Florida, Mr. Santorum, Mr. Berman, Ms. Long, Mr. Kostmayer, Mr. Rhodes, Mr. Upton, Mr. Jontz, Mr. Penny, Mr. Hammerschmidt, Mr. LaFalce, Mr. McCurdy, Mr. Gallegly, Mr. Gejdenson, Mr. Roe, Mr. Campbell of Colorado, Mr. Boucher, Mr. Lancaster, Mr. Synar, Mrs. Mink, Mr. Jenkins, Mr. Clinger, Mr. Vento, Mr. Burton of Indiana, Mr. Miller of Ohio, Mrs. Vucanovich, Mr. Frost, Mr. Moody, Mr. Glickman, and Mr. Tauzin):

H.R. 643. A bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD (for herself, Mrs. Byron, and Mr. Clement):

H.R. 644. A bill to require the Secretaries of Defense and Veterans Affairs each to submit to Congress semiannual reports concerning rehabilitative services available under their jurisdiction for members of the Armed Forces participating in the Persian Gulf conflict who experience post-traumatic stress disorder; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. MILLER of California (for himself, Mr. Slattery, Mr. Payne of Virginia, Mr. McCloskey, Mr. McDermott, Mr. DeFazio, Mr. Boehlert, Mr. Owens of Utah, Mrs. Boxer, Mr. Neal of North Carolina, Mr. Moody, Mr. Sabo, Mr. Nowak, Mr. Bryant, Mrs. Schroeder, Mr. Yates, Mr. Stokes, Mr. Penny, Mr. Kleczka, Mr. Stark, Mr. Atkins, Mr. Neal of Massachusetts, Mr. Machtley, Mr. Rahall, Mr. Jontz, Mr. Conte, Mr. Durbin, Mr. Panetta, Mr. Hochbrueckner, Mr. Kostmayer, Mr. Poshard, Mr. Johnson of South Dakota, Mr. Roe, Mr. Mavroules, Mr. Richardson, Mr. Engel, Mr. Shays, Mr. Weiss, Mr. Gibbons, Mr. Waxman, Mr. Gonzalez, Mr. Houghton, Mr. Scheuer, Mr. Bonior, Mr. Walsh, Mrs. Unsoeld, Mr. Gejdenson, Mr. Wheat, Ms. Kaptur, Mr. Mrazek, Mr. Vento, Mr. Dwyer of New Jersey, Mr. Bustamante, Mr. Fascell, Mr. Dellums, and Mr. Jones of Georgia):

H.R. 645. A bill to amend the Atomic Energy Act of 1954 to authorize the States to regulate the disposal of low-level radioactive waste for which the Nuclear Regulatory Commission does not require disposal in a licensed facility; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. PANETTA:

H.R. 646. A bill to provide that General Schedule employees within Monterey County, CA, be granted the same interim, locality-based pay adjustments as have been granted to General Schedule employees within the San Francisco Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mr. PICKETT:

H.R. 647. A bill to require the President to submit a national energy policy plan, together with implementing legislation, to the Congress by March 31, 1991, and biennially thereafter through 1999, that will provide for energy self-sufficiency for the United States by the year 2000; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 648. A bill to establish additional economic, educational, and employment protections for members of the Armed Forces assigned to duty in the Persian Gulf region in connection with the Persian Gulf conflict and for the dependents of those members;

jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. STALLINGS (for himself and Mr. LaRocco):

H.R. 649. A bill to amend the Federal Power Act; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 650. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for a mediplan that assures the provision of health insurance coverage to all residents, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 651. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for a mediplan long-term care program that assures coverage of long-term health care for all residents, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 652. A bill to improve trade sanctions against any foreign person that exports items to any country in violation of a resolution adopted by the U.N. Security Council; to the Committee on Ways and Means.

By Mr. WYLIE (for himself, Ms. Oakar, Mr. Sharp, Mr. Lent, Mr. LaFalce, and Mr. Moorhead):

H.R. 653. A bill entitled. "The Defense Production Act Extension and Amendments of 1991"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYLIE (for himself and Mr. Gonzalez):

H.R. 654. A bill entitled, "The Foreign Acquisitions Study Act of 1991"; jointly, to the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; Intelligence (Permanent Select); and the Judiciary.

By Mr. SERRANO:

H.J. Res. 91. Joint resolution designating June 10 through 16, 1991, as "Pediatric AIDS Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Res. 43. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. LEWIS of California:

H. Res. 44. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. HOYER:

H. Res. 45. Resolution designating membership on certain standing committees of the House; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. FUSTER introduced a bill (H.R. 655) for the relief of Juan Luis, Braulio Nestor, and Miosotis Ramirez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. Murphy, Mr. Sangmeister, Mr. Abercrombie, Mr. Moran, Ms. Kaptur, Ms. Oakar, Mr. Peterson of Florida, Mr. Johnston of Florida, and Mr. Mfume.

H.R. 5: Ms. Norton, Mr. Levin of Michigan, Mrs. Unsoeld, Mr. Coleman of Texas, Mr. Clement, Mr. Bruce, Mr. Solarz, Mr. Sikorski, Mr. Eckart, Mr. Hall of Ohio, Mrs. Collins of Illinois, Mr. Smith of Iowa, Mr. Washington, Ms. DeLauro, Mr. Borski, Mr. Atkins, Mr. Sawyer, Mr. Edwards of California, Mr. Peterson of Florida, Mr. Peterson of Minnesota, Mr. Nowak, Mr. Rahall, Mr. Dwyer of New Jersey, Mr. Payne of New Jersey, Mr. Sanders, Mr. Swett, Mr. Ackerman, Mr. Hughes, Mr. Dixon, and Mr. Neal of Massachusetts.

H.R. 35: Mr. Lancaster, Mr. Neal of North Carolina, Mr. Valentine, Mr. Rose, Mr. Bacchus, Mr. Horton, Mr. McGrath, Mr. Fawell, Mr. Peterson of Minnesota, Mr. Jenkins, and Mr. Jones of North Carolina.

H.R. 86: Mr. Quillen and Mr. Lagomarsino.

H.R. 123: Mr. Wilson and Mr. Paxon.

H.R. 233: Mr. Kanjorski and Mr. Penny.

H.R. 371: Mr. Fields, Mr. Dornan of California, Mr. Peterson of Minnesota, Mr. Hastert, and Mr. Petri.

H.R. 415: Mr. Lewis of Florida, Mr. Lagomarsino, Mr. Hastert, Mr. Faleomavaega, Mr. Emerson, and Mr. James.

H.R. 559: Mr. Weldon, Mr. Holloway, Ms. Ros-Lehtinen, Mr. Schaefer, Mr. Scheuer, Mrs. Boxer, and Mr. Eckart.

H.R. 586: Mr. Miller of California and Ms. Slaughter of New York.

H.R. 587: Mr. Miller of California.

H.R. 596: Mr. Rohrabacher, Mr. Sundquist, Mr. Armey, and Mr. Moorhead.

H.J. Res. 58: Mr. Ackerman, Mr. Quillen, Mr. Moran, Mr. Bateman, Mr. Gilchrest, Mr. McDermott, Mr. Jontz, Mr. Wheat, Mr. Bonior, Mr. Hutto, Mrs. Boxer, Mr. Smith of Iowa, Mr. Panetta, Mr. Visclosky, Mr. Pickett, Mr. Espy, Mr. Jefferson, Mr. Aspin, Mr. Stokes, Mr. Gallegly, Mr. Dwyer of New Jersey, Mr. Kostmayer, Mr. Kildee, Mr. Anderson, and Mr. Russo.

H.J. Res. 60: Mrs. Vucanovich.

H.J. Res. 80: Mr. Klug, Mr. Livingston, Mr. Dornan of California, Mr. Walker, Mr. Gallegly, Mr. Zimmer, Mr. Dannemeyer, Mr. McMillen of Maryland, Mr. Kolbe, Mr. Lagomarsino, and Mr. Russo.

H. Res. 12: Mr. Ackerman, Mr. Applegate, Mr. Bevill, Mr. Borski, Mr. Boucher, Mr. Brown of California, Mr. Bruce, Mr. Bryant, Mrs. Byron, Mr. Bustamante, Mr. Camp, Mr. Coleman of Texas, Mrs. Collins of Illinois, Mr. Cramer, Mr. DeFazio, Mr. Dellums, Mr. de Lugo, Mr. Dicks, Mr. Donnelly, Mr. Dorgan of North Dakota, Mr. Downey, Mr. Dymally, Mr. Edwards of California, Mr. English, Mr. Espy, Mr. Fascell, Mr. Fawell, Mr. Fazio, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank of Massachusetts, Mr. Gejdenson, Mr. Gephardt, Mr. Gray, Mr. Hamilton, Mr. Hatcher, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Hefner, Mr. Hertel, Ms. Horn, Mr. Horton, Mr. Hoyer, Mr. James, Mr. Jefferson, Mr. Johnston of Florida, Mr. Jones of Georgia, Mr. Jontz, Ms. Kaptur, Mr. Kennedy, Mr. Kleczka, Mr. Klug, Mr. Kopetski, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lantos, Mr. Leach of Iowa, Mr. Lehman of California, Mr. Levine of California, Mr. Lewis of Georgia, Mrs. Lloyd, Ms. Long, Mr. Luken, Mr. McCloskey, Mr. McCurdy, Mr. McDermott, Mr. McNulty, Mr. Madigan, Mr. Manton, Mr. Markey, Mr. Matsui, Mr. Mavroules, Mr. Mazzoli, Mr. Mfume, Mr. Mineta, Mrs. Mink, Mr. Moakley, Mr. Moody, Mr. Moran, Mrs. Morella, Mr. Mrazek, Mr. Murphy, Mr. Neal of Massachusetts, Mr. Nowak, Ms. Oakar, Mr. Oberstar, Mr. Ortiz, Mr. Orton, Mr. Owens of New York, Mr. Owens of Utah, Mr. Pallone, Mr. Parker, Mr. Payne of New Jersey, Ms. Pelosi, Mr. Peterson of Florida, Mr. Poshard, Mr. Price, Mr. Quillen, Mr. Rahall, Mr. Ramstad, Mr. Rangel, Mr. Richardson, Mr. Roemer, Mr. Rose, Mr. Roybal, Mr. Russo, Mr. Sabo, Mr. Sangmeister, Mr. Savage, Mr. Sawyer, Mr. Scheuer, Mr. Schumer, Mr. Serrano, Mr. Skelton, Mr. Slattery, Ms. Slaughter of New York, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Smith of Iowa, Mr. Solarz, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Torres, Mr. Towns, Mr. Traficant, Mr. Traxler, Mr. Udall, Mr. Valentine, Mr. Volkmer, Mr. Wilson, Mr. Wise, Mr. Wyden, and Mr. Yates.

SENATE—*Thursday, January 24, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5:9.

Eternal God, whose name is synonymous with love, as the violence of war rages in the Middle East help us think of peace. As multitudes demonstrate for peace, help us to hear the word, "Blessed are the peacemakers * * *", we sue for peace, we march for peace, we demand peace. But are we peacemakers? Do we make peace in our homes with our families? Do we make peace with our neighbors? Do we make peace with our peers? Do we make peace wherever we can?

Forgive us, Lord, for demanding peace somewhere else when we refuse to make peace where we are. Help us to see that violence and war begin in the human heart. Save us, Lord, from being peace theorists only. Help us to practice peace—to be peacemakers.

In His name who was the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 24, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

CONDEMNING IRAQ'S UNPROVOKED ATTACK ON ISRAEL—SENATE CONCURRENT RESOLUTION 4

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of Senate Concurrent Resolution 4 which the clerk will now report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 4) condemning Iraq's unprovoked attack on Israel.

The Senate proceeded to consider the concurrent resolution.

The ACTING PRESIDENT pro tempore. The Chair will inform the Senate there is 20 minutes of debate equally divided.

The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I am very pleased to cosponsor this resolution putting the Congress clearly on record in support of Israel at this very trying time and commending Israel for its restraint in adversity.

As television reports from Tel Aviv so graphically remind us, Saddam Hussein's decision to attack Israel has brought about saddening casualties and destruction and has even precipitated the regrettable deaths of innocents.

As I have reminded this body many times, Saddam Hussein is a self-aggrandizing and monumentally callous despot. His current attacks upon Israel are a continuation of his habitual conduct well beyond the pale of civilized behavior. His acts against Israel represent another step in a long continuum of misbehavior, including the illegal use of chemical weapons in the Iran-Iraq war, the gassing of his own citizens, the destruction of Kuwait, and his violation of the 1949 Geneva Conventions on behavior in war.

For months, our thoughts and prayers have been with the thousands of our men and women of the Army, Navy, Air Force, Marines, and Coast Guard we have sent to confront Saddam Hussein. Now, we extend our deepest sympathy to the citizens of Israel, who now find themselves the targets of Saddam Hussein's aggressions.

Mr. President, I hope very much that the Patriot missiles we have deployed to Israel will prove as effective there in defending against attacks as they have in Saudi Arabia. Moreover, I wish our military every success in seeking out and destroying all of the Scud missile launchers in Iraq. I am convinced that the President and the military leaders are acting courageously and effectively to deal with these very terrifying weapons.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent the time be equally divided between each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. I yield to the Senator from Minnesota for 1 minute.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. WELLSTONE] for 1 minute.

Mr. WELLSTONE. Thank you, Mr. President. I wish to thank the Senator from Rhode Island.

I rise to support the resolution condemning Iraq's unprovoked attack on Israel. I want to condemn this attack in no uncertain terms. I want to condemn this attack as the Senator from Minnesota. I want to condemn this attack as an American citizen. And I want to condemn this attack as the son of a Jewish immigrant from the Soviet Union.

My heart goes out to the Israeli people. Upon hearing of this attack, chills ran down my spine, Mr. President, and I believe it is very important at this moment that we express our full support for the State of Israel.

Let me also at this moment, at this time, express my concern about an ever-widening war. Let me also appeal to all those who are involved in this hostility that every effort be made to make sure that innocent civilians do not become the casualties of this war, innocent civilians wherever they live.

Thank you, Mr. President.

Mr. ADAMS. Mr. President, I rise today to express my great admiration for, and a shared sense of anguish with the citizens of Israel, who are now living under the nightly threat of missile attacks from Iraq. Of all the cruelty being inflicted in the Persian Gulf war, there is no more graphic example of the suffering of innocents than the recent attacks on Tel Aviv. Today, we mourn for the three Israelis killed in Tuesday's Scud attack on Tel Aviv, and commend Israel for its courage and perseverance in the face of continued attacks by Iraq.

Because we share a common respect for democratic institutions and an open society, the United States and Israel have a common bond that transcends the current climate of hostilities. Those of us who remember the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

horrors of World War II are fully aware that the founders of the State of Israel pledged "Never again." Israeli leaders over the past 40 years should be commended for keeping that pledge.

In the interest of maintaining the coalition allied against Saddam Hussein, Israel has avoided being dragged into the war. The Israelis are not a party to the conflict that began when Iraq invaded Kuwait. Saddam Hussein's reckless effort to break up the allied coalition by inflicting casualties on Israel's civilian population is a measure of his own corruption. The past week's missile attacks represent war crimes, for which the leadership in Baghdad must ultimately be held responsible.

Mr. President, Israel has shown great courage in its forbearance in the face of Saddam Hussein's unconscionable aggression. For that, the civilized world allied against Iraq owes Israel a debt of gratitude, and whatever assistance is needed to repair the damage done by the Scud missile attacks. We all know that forbearance and restraint are a sign of strength, not a sign of weakness. Israel has reserved its right to respond to the Iraqi attacks against its innocent civilian population. The right to defend oneself against this type of aggression is a fundamental right of a sovereign nation.

With this resolution, we assure the Israeli people that the Congress and the American people are united in support of Israel's security and freedom. We also understand that no one can realistically expect the citizens of Israel to endure this suffering in silence for an indefinite period of time. In the meantime, we not only offer the citizens of Israel our prayers, we must recommit ourselves to providing Israel the means to maintain its security.

Mr. McCAIN. Mr. President, I rise in support of this resolution out of concern for the State of Israel in this moment of grave peril, out of respect for the courage of the Israeli people, and in appreciation of the statesmanship and wisdom of her leaders.

Not too long ago, when the relationship between Israel and the United States was experiencing some problems, I expressed my strong confidence that our friendship would prevail over all challenges. Now, in this moment of crisis, the bond between Israel and America is as strong as it has ever been. This does not surprise me, for it is always in moments of crisis that true friends become closer. And in this moment, our friendship with Israel is our most valuable asset in our campaign to rid the world of Saddam Hussein.

The restraint Israel has shown in the face of unprovoked aggression is an extraordinary testament to Israel's devotion to the cause of peace and stability in the region. But let no one mistake this restraint as a lack of Israeli will or ability to defend herself against Saddam Hussein's treachery. Let no one misinterpret this restraint as undermining Israel's right of self-defense. Israel has the right, the ability and the will to defend herself. And Saddam Hussein will pay a dear price for his cowardly attacks on the people of Israel. Let there be no doubt about that.

All that has occurred in this crisis has served to confirm the value of our relationship with Israel. This natural alliance of strong, responsible democracies in an area of the world where hostility to our interests is commonplace has served the security of the world. As the world considers the global consequences of Iraqi empire building, it will come to appreciate United States-Israeli friendship as much as Americans do.

When this conflict has ended and Saddam has finally recognized the consequences of his reckless challenge of America and Israel, I hope that the entire world will gain a new appreciation of the remarkable story of the State of Israel. For me, it is one of the most compelling stories in modern times. It is the story of a small unfinished nation that endured bloody conflicts and enormous obstacles to its survival to gain a purchase in a very inhospitable world and emerge a remarkably durable democracy.

Neither the enmity of her neighbors nor the sustained confrontation of regional hostilities proved insurmountable to Israel. She has defeated her enemies in all encounters. Together, Israel and America will prevail in this crisis and defeat this enemy who threatens the interests of the world. And the world—the often ungrateful world—will be a better place for our courage, our leadership, and our friendship.

Mr. DURENBERGER. Mr. President, I rise to express my abhorrence at the continued Iraqi missile attacks on Israeli civilians. I am utterly repulsed at Saddam's callous brutality. He continues to demonstrate his total disregard for innocent human life.

All members of the community of civilized, decent nations condemn these attacks. Our thoughts and prayers are with the Israeli victims and their families as well as with all the people of Israel.

The resolution before us today expresses the outrage and condemnation we all feel in the aftermath of these attacks. It expresses our praise for Israel's courage in the face of these attacks. And it reaffirms our strong commitment to Israel's security.

The people and leadership of Israel have demonstrated remarkable restraint. To withstand the pressures brought on by Saddam has required self-restraint on the highest order, and Israel deserves the praise it has received thus far.

Nevertheless, we all recognize that Israel has every right to retaliate in a manner and at a time of its own choosing. It is a fundamental principle of the sovereignty of nations that every state has the basic right of self-defense. And that decision on responding can only be made by Israel.

Mr. President, these Scud missile attacks are Saddam's preferred instruments of terror against Israeli and other civilian populations. Israel is not a participant in this war. It does not want to be a part of it. The Scuds have no military significance whatsoever, especially in the manner Saddam has used them. Saddam is waging a deadly serious political war against Israel. He is a master of terror, and we have to be prepared for more such horrors.

Saddam's ploy to draw Israel into the conflict is as predictable as it is detestable. We stand by Israel in this struggle. We support her, and will continue to assist in any way we can to ensure her security. Saddam will not succeed in his dream of destroying Israel.

In a certain sense, Saddam is a man of his word. He said he would attack Israel, and he did. He said he would ignite the oil fields of Kuwait, and he has. He has also said he will use poison gas against Israel and against the allied forces arrayed against him. We have to be prepared for the possibility.

Mr. President, in a most contemptible way, Saddam has once again put his political agenda ahead of the lives of innocent civilians. These latest attacks demonstrate yet again why the international coalition had to take the action it has.

It remains my view that sanctions alone never would have worked in compelling Saddam to comply with the U.N. resolutions. It is more clear than ever to this Senator that force was, and remains, the only way to get Saddam out of Kuwait.

The more outrageous Saddam's actions, the more committed and resolved we will become to achieve our objectives. Our forces deserve our strong and unyielding support. They deserve our highest praise and admiration. I am proud of each one of them. And I am proud of their families back home. They, too, need and deserve our support.

We all hope and pray that this war will end as quickly as possible. But it will take time. And we will remain committed. The days ahead will require perseverance, endurance, and most of all, unity. Saddam will likely continue his war of terror against civilians in Israel and Saudi Arabia. The international community will not permit Saddam to succeed.

Mr. MACK. Mr. President, I would like to commend the Senate leadership for submitting Senate Concurrent Resolution 4, of which I am a lead cosponsor. No resolution can express the horror and disgust we feel, as Americans and as Senators, regarding the Iraqi Scud missile attacks against Israeli cities. Still the Congress is right to speak out against this atrocity and in full support of the State and people of Israel.

On January 14, 3 days before the war in the gulf began, I sent a letter to Israeli Ambassador Zalman Shoval to express our heartfelt support and solidarity with our most stalwart and democratic ally in the region, the State of Israel. I am proud that 60 Senators signed that letter, and since then 19 more Senators have added their names.

The letter also states and I would like to reemphasize, that we share Israel's hope that after this crisis our Nations can work together toward our common goal of direct talks leading to peace treaties between Israel and her neighbors. Direct talks, like those that lead to the historic Camp David accords, not an international conference, are the way to true peace.

The invasion of Kuwait taught the world what it means when one nation does not recognize another. No Arab nation, except Egypt, has recognized Israel's existence since her founding in 1948. Iraq's unprovoked attack against Israel shows us what the real Arab-Israeli conflict is: The Arab States at war with Israel still seek her destruction; Israel seeks not to be destroyed.

After this war, the United States should say to Syria, Jordan, Saudi Arabia, Iraq, and other Arab nations: Now is the time to make peace with Israel. We must stop accepting this state of war as normal or justified in any way. When, and only when, these States decide to end their war against Israel's existence will peace treaties become possible. Only then can the Palestinian problem be addressed.

I ask unanimous consent that the letter to Israeli Ambassador Zalman Shoval, signed by 79 Senators, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 14, 1991.
His Excellency ZALMAN SHOVAL,
Embassy of Israel, Washington, DC.

DEAR MR. AMBASSADOR: At this time of danger and uncertainty, we write to express our heartfelt support for and solidarity with our most stalwart and democratic ally in the region, the State of Israel.

We recognize that as the United States contemplates putting her sons and daughters at risk, that now is also a special moment of concern to the people of Israel. We wish to reaffirm our commitment to help Israel defend herself and maintain her freedom and security.

At few times has Israel's situation—a small nation surrounded by nations that do not accept her very existence—been brought so vividly before the eyes of the world. We share your hope that, in the aftermath of this crisis, our nations can work together toward our common goal of direct talks leading to peace treaties between Israel and her neighbors.

We appreciate your assistance in conveying this message to the government and people of Israel, and look forward to our great democracies working together in the future.

Sincerely,

Ted Stevens, Pete V. Domenici, Connie Mack, Slade Gorton, Phil Gramm, Warren B. Rudman, Dan Coats, Al D'Amato, Thad Cochran, Conrad Burns, Bob Dole, Bob Smith, Larry E. Craig, John Heinz, Kit Bond, Jack Danforth, John McCain, Orrin G. Hatch, J. Lieberman, Mitch McConnell.

Larry Pressler, Hank Brown, Don Nickles, Bob Kasten, Nancy Landon Kassebaum, Richard G. Lugar, Jake Garn, Steve Symms, Harry M. Reid, Strom Thurmond, Jesse Helms, Arlen Specter, John Seymour, Trent Lott, Richard D. Bryan, John Breaux, Malcolm Wallop, Dave Durenberger, Al Simpson, Bill Cohen.

Frank H. Murkowski, Jim Jeffords, Quentin Burdick, J. Bennett Johnston, Alan Cranston, Bob Graham, John Glenn, John Warner, Brock Adams, Bill Roth, John Chafee, Jeff Bingaman, Dennis DeConcini, Chuck Grassley, Max Baucus, Bill Bradley, Bob Packwood, Howard M. Metzenbaum.

Herb Kohl, Frank R. Lautenberg, Lloyd Bentsen, Daniel P. Moynihan, Tim Wirth, Paul Sarbanes, Jay Rockefeller, Richard Shelby, Paul Simon, John F. Kerry, J.J. Exon, Alan J. Dixon, Kent Conrad, Joe Biden, Tom Harkin, Carl Levin, Barbara A. Mikulski, Tom Daschle, Ted Kennedy, David L. Boren, Howell Heflin.

Mr. AKAKA. Mr. President, I rise today to condemn Iraq's unconscionable missile attacks on Israel's major population centers. As recently as yesterday, Iraq launched another round of missiles into Israel, leaving 3 dead and nearly 100 wounded. By this action, Saddam Hussein has once again ignored the call of the community of nations to cease his senseless acts of terrorism and aggression.

I also condemn Saddam Hussein's shameful political manipulation of captured American and allied airmen which is in direct violation of the Geneva Conventions of 1949.

As you know, Mr. President, the United States and Israel have long enjoyed a special economic, political, and security relationship. Through decades of conflict in the Middle East, Israel has been a valued and trusted United States ally. Furthermore, the courageous determination of Israel to survive as an independent Jewish state in the midst of regional forces aligned against it is a remarkable testament to the collective will of this small democratic nation.

Israel is not a member of the multinational forces engaged in offensive military action against Iraq. There is no reason why her civilian population—both Arab and Israeli—should be a target in this war. Although Saddam promised that he would attack Israel, his actions only serve to heighten our resolve in ending his brutal reign of terror in the Middle East.

With ruthless resolve, Saddam directed his military forces against Iran. Then he turned his guns and bayonets on Kuwait. Now we find him indiscriminately lobbing missiles into Israel. He has even used chemical weapons to eliminate pockets of opposition within his own borders.

What kind of man is this?

During the debate on the war authorization resolution, I asked that sanctions and diplomacy be given more time to work. But that debate is behind us. We are now at war. We are united in our desire to force Saddam Hussein to withdraw from Kuwait. And we are united in our support for the people of Israel.

In the face of Saddam's treachery, the Israeli Government and her people have shown great courage. I expect that Saddam Hussein's deplorable effort to fracture the Middle East alliance by drawing Israel into the war will only strengthen this alliance against him.

Moreover, the parading of POW's before TV cameras for political and propaganda purposes—and his threat to use these brave men as human shields—is yet another example of Saddam Hussein's outrageous and reprehensible behavior. These acts are clear violations of the 1949 Geneva Conventions approved by representatives of 58 countries and eventually signed by 164—including Iraq.

The political use of prisoners of war is just one more piece of evidence that Saddam Hussein is a man devoid of moral guidance who places himself above the law. He is an individual who refuses to submit himself or his country to the legal authority of the United Nations and its international conventions.

Mr. President, we must not let Saddam Hussein dictate the course of events unfolding in the Middle East as we search for an end to hostilities. As long as he is allowed to commit such wanton acts of aggression, no one in range of his missiles is safe.

In conclusion, Mr. President, I am pleased to cosponsor and support both Senate Concurrent Resolution 4 and Senate Concurrent Resolution 5.

Thank you, Mr. President.

Mr. GRASSLEY. Mr. President, I rise in strong support of Senate Concurrent Resolution 4.

It is said that in times of trouble, you find out quickly who your friends really are. Israel's response in the face of terror has shown to the United States that it is a most loyal kind of friend and ally that any country could want.

Israel has made the ultimate sacrifice. Frankly, its a sacrifice no nation should be asked to make—for it is the inherent right and responsibility of every sovereign nation to protect its people.

But, in the midst of Iraqi missiles terrorizing the citizens of Israel, Israel has shown courage, strength and loyalty: The courage to stand strong in the face of terror, the wisdom to think with its head instead of its heart, and the loyalty to stand by its friends.

Saddam Hussein is trying to draw Israel into a conflict that it has and wants no part of. Out of desperation, Saddam Hussein is trying to shift the focus of his own brutality in Kuwait. We all know that only a barbarian thinks he will shift the focus or round up support by terrorizing innocent civilians.

My heart goes out to the people of Israel. None of us can really understand what it is like to live with the fear of missiles and poison gas raining down upon our cities and homes; the sound of air-raid sirens waking us in the middle of the night; the horror of fitting our children with gas masks and securing our infants in plastic tents.

It is remarkable that in the face of all that, it is Israel's policy to try and return to a life of normalcy. This policy just reflects the resolve and strength of the people of Israel.

It is the kind of strength and resolve that Saddam has not seen before.

I suspect that it is a resolve and a strength that he will be sorry he messed with.

I join in the condemnation of Iraq's unprovoked attacks on Israel. My prayers go out to the people of Israel. I commend Israel for its restraint, but I understand and recognize Israel's right and duty to defend itself. Finally, I am proud to join in this resolution as a reaffirmation of America's commitment to its friendship with, and the security of, the State of Israel.

Thank you, Mr. President.

Mr. MITCHELL. Mr. President, the attacks by Scud missiles are outrageous acts of terror against Israeli civilians and have no place in the civilized world.

Repeated launches of Iraqi Scud missiles at the civilian population of a nation that is not a party to the gulf conflict, these actions are simply unacceptable.

They are immoral.

They are acts of cowardice.

The world shares the fear and feels the loss of the Israeli people.

We in the United States, spared the horror of Iraqi missiles, admire the courage and determination that Israelis have demonstrated during the past 5 days.

This resolution represents Congress' attempt to express, on behalf of the American people, our deepest condolences for the deaths and injuries, for the pain and fear, that has been inflicted upon the people of Israel by Iraq.

The United States Government has asked Israel to do the most difficult of all—nothing.

Israel has a proud and successful record of self-defense.

Israelis have never failed to respond to an attack on their nation.

Israel rightly feels that its credibility and the deterrent value of its military might hinge upon consistent and immediate retaliation against aggression.

Therefore, the United States request that Israel not respond to unprovoked Iraqi aggression is a difficult request to honor.

This resolution acknowledges that fact.

The resolution notes the horrifying threats and attacks that Saddam Hussein has made against Israel, despite the fact that Israel is not a party to the current conflict in the Persian Gulf.

The resolution notes that Israel has exhibited exceptional restraint in the face of these threats and attacks.

Most important, the resolution commends the Government of Israel for its restraint in the current crisis.

Israel's decision reflects its steadfast focus on the longer term, a rational calculation of the risks and benefits of its action, and an objective analysis of the larger situation and objectives.

Nonetheless, restraint under the circumstances requires enormous strength.

It is strength which not all countries would be able to demonstrate.

This is an extremely painful and difficult time for Israel.

It is important for the people of Israel to know that America appreciates their brave and controlled response to this crisis.

The United States recognizes the important contribution that Israel thereby has made to the success of the coalition efforts to implement the U.N. Security Council resolutions.

The United States will do everything possible to ensure that Iraq's missile attacks will be stopped.

Israel of course remains what it has been for so many years—a close friend and trusted ally of the United States.

In some respects, this crisis had made the United States-Israeli friendship and alliance all the more apparent.

The relationship between our two countries is based on mutual respect and understanding, and upon shared interests.

The United States supports Israel because it is in our interest to do so.

We will, as this resolution makes plain, continue to do everything we can to ensure that Israel has the necessary means to maintain its security and freedom.

We express our solidarity with the people of Israel who suffer from Saddam Hussein's cruel and cowardly acts.

We will continue to do all we can to prevent Saddam Hussein from further threatening the security of Israel.

Mr. BOND. Mr. President, the civilized world has reacted in revulsion over the past week to Saddam Hussein's unprovoked attacks on innocent civilians in Israel. Of course, when one considers his record, there is no reason for anyone to be surprised that he would resort to a tactic such as targeting innocent people—women, elderly and children—living in a country which is trying very hard to stay out of the current conflict. It is just the latest example of his total disregard for human life and international law.

The people of the United States and the rest of the coalition states owe the people of Israel their thanks and appreciation for the unprecedented restraint they have shown in withholding any retaliation for the attacks. Certainly no one could disagree that Israel has a right to respond to the attacks it has sustained, and I believe we would all understand if they decided to do so. That they have chosen to withhold for the moment simply illustrates one more time Israel's strong desire for peace and her desire to stand with the United States as our strongest ally in the region.

It is important to note that Saddam has not been able to achieve the goals behind the missile attacks—splitting the coalition aligned against him and drawing Israel into the conflict. All members of the coalition—even Syria—recognize Saddam's efforts for what they are and have made it clear that they will not be sidetracked in their determination to remove him from Kuwait.

I support this resolution, Mr. President. I commend the brave people of Israel for their resolve in facing what is only the most recent of decades of unprovoked attacks on their nation, and I stand with my colleagues in saying to Saddam Hussein, we will put an end to your crimes against innocent people throughout the Middle East.

Mr. LEVIN. Mr. President, it is clear to all Americans that our Nation is at war with an enemy of extraordinary viciousness, one who attacks innocent people in his own country and throughout the region.

History will judge the wisdom of the decision to begin an early military offensive. But that is not the issue now. The natural divisions of democracy have been transformed into unity and resolve. The issue now is how best to prevail with minimum casualties and with an eye to the most stable outcome for the Middle East, including a Middle East free of a threatening Saddam Hussein.

To those families whose loved ones are now in danger—our determination and prayers are with you—particularly to families of our POW's so shamelessly paraded and coerced—we are specially thinking of you.

And the thoughts of all Americans are with the people of Israel who are enduring for the time being the terrorism of Saddam Hussein.

Anyone familiar with the history of Israel should understand why Israel justifiably feels a strong need to respond promptly and hard to any attack.

Israel's self-restraint in not responding to the purposeful attack on Israeli civilians was a major contribution to the world's effort against the regime of Saddam Hussein.

Israel's willpower and self-discipline have never been clearer. Saddam Hussein has tried to widen the war. He will try to weaken the alliance. He will not succeed, even if Israel decides to retaliate.

Israel has the uncontested right to retaliate and I am confident she will at a time of her choosing. When she chooses to do so, the world will hopefully remember the origin of her action.

Mr. LUGAR. Mr. President, yesterday the Iraqi military launched modified Scud surface-to-surface missiles at civilian targets in Tel Aviv and other nonmilitary sites in Israel. This was the fourth separate missile strike against Israel by Iraq. None of the attacks was provoked by Israeli activity. They were acts of terror. The Scud missile strikes served little or no military purpose in the week-old war in the gulf. They were part of Saddam Hussein's political calculation to split the international coalition by creating fissures between the Arab participating members and the other countries in multinational force assembled in Saudi Arabia and the region.

It will not work. Israel is not a belligerent in the gulf war. It has not acted to implement Security Council Resolution 678 authorizing the use of force to dislodge Iraqi occupation forces in Kuwait. Mr. President, attacking Israel is an act of desperation by Saddam; it is a strategy of weakness, not strength, that is destined to fail. The Israeli people have long memories and will, I assume, respond at an appropriate time and place of their choosing. Saddam Hussein, by initiating this unprovoked attack, has in effect issued the Israeli defense forces a written invitation to strike back.

In a remarkable show of restraint, Israel has refrained from engaging in reciprocal military strikes at Iraq with its own formidable forces. It has every right to do so in defense of its land and its people. I can think of no historical parallel or precedent for such restraint. Israel's behavior has been admirable in the face of such terror. Israel's strategy is clearly one of strength, of courage, and of self-confidence and is a strategy that is destined to prevail.

President Bush's decision to rush Patriot missiles and batteries to Israel, have them deployed and operational in short order is commendable and justified. This quick and unambiguous decision has been vindicated as yesterday's Scud attack on Israel was destroyed by these quickly deployed antimissile systems.

Mr. President, in the gulf crisis beginning last August and continuing through today, there have been countless miscalculations and misjudgements by Saddam and the leadership coterie that surrounds him. His political decision to use a military weapon against Israel in order to bring about a political splintering of the multinational coalition force is another gross miscalculation on his part and one that will fail.

Iraq is a potentially wealthy and influential country. It enjoys abundant oil reserves, arable land, and a reasonable climate, a manageable population size, adequate rainfall, and sufficient water supply. The Iraqi people are talented, literate, and industrious. These are the ingredients for economic growth, prosperity, stability, and influence. The one element lacking in Iraq has been leadership. Until responsible leadership emerges in Iraq, I fear the Iraqi people will be victimized by the brutal and aggressive dictator now in Baghdad.

We are on the right course in the gulf war. We will defeat Iraq and expel Iraqi forces from Kuwait. While there are many uncertainties of this crisis, the ultimate defeat of Iraq is not one of them.

I therefore urge all Members to support Senate Concurrent Resolution 4 which commends Israel for its behavior in the face of unprovoked military attack.

Mr. GRAHAM. Mr. President, I am proud to cosponsor this resolution expressing our country's admiration for the restraint our long-time friend and ally Israel has shown in the face of outright Iraqi terrorism.

Israel has absorbed repeated Scud missile attacks during the last week. Despite the many casualties that have resulted, Israelis continue to exhibit the bravery, wisdom, and understanding that have been hallmarks of that nation since its creation.

Israelis have refused to play Saddam Hussein's cynical and cruel game—a game that would draw them into a gulf war in an attempt to split the coalition. The Israelis have refused to play, but the price has been steep.

Israel deserves the deep appreciation of all Americans who want to see this war brought to a successful end, with as few casualties as possible.

I believe we also should applaud the administration's quick response in providing Patriot missiles to Israel. Although just a week into the war, we have seen the Patriot's effectiveness tested again and again. The Patriot has come through with flying colors.

If there were any remaining questions about what kind of regime we are dealing with in Iraq, Saddam's Scud attacks on civilian populations in Israel should put them to rest.

Mr. President, in Saddam Hussein we face an implacable foe determined to use any weapons at his disposal to preserve his hold over Kuwait.

At the same time, we must put the immediate crisis in the Persian Gulf in a longer range context. After resolution of this crisis—and we will win this war—how do we serve our long-range interests in this region?

It would be a mistake, an oversimplification, to personalize this crisis to one person: Saddam Hussein.

To personalize the Persian Gulf to one man hides other important factors that helped shape the current crisis:

The rise of fundamentalism;

The rise of populism against a regime that was seen as privileged; and

Competition for scarce resources, particularly water.

To personalize this crisis means that we would be satisfied if Saddam Hussein leaves Kuwait. Our objectives must be broader—to move toward stability in the Middle East. That means the deadly Iraqi military threat must be reduced, by both military action and long-term embargo when this war ends.

Our objective must be to advance democracy in a region of tyranny. In that effort, Israel is the model.

Our long-time ally deserves our full support in this time of crisis. I thank the leadership for addressing this important and timely resolution of thanks to the Israeli people.

Mr. WARNER. Mr. President, I rise today to voice my strong support for Senate Concurrent Resolution 4. During these extremely trying and difficult times in Israel, it is very important that the United States step forward and reaffirm its support for that nation.

Since Iraq invaded Kuwait on August 2, 1990, Israel has shown admirable restraint in its handling of the Middle East crisis. This restraint was made at the risk of its own defense and security and in the past few days we have all seen the terrible consequences of that restraint. Saddam Hussein has launched death and destruction on Israeli cities in a random display of terror tactics. His actions have had no military significance and are solely designed to terrorize the Israeli populace. I personally condemn these indiscriminate attacks on Israel and her people.

The Israeli people have shown incredible courage and defiance in the face of the Iraqi missile attacks and I wish to express my concern and support for them. They are living in constant fear of a missile attack that may contain not only conventional warheads, but possible chemical or biological warheads. It is my hope that the recent transfer of additional Patriot air defense systems to Israel will protect Israel against further such attacks.

In closing, I would again like to express my strong support for Israel and her people. They are to be greatly commended for their strength and restraint during these very trying times.

Mr. DODD. Mr. President, I rise to express my strong support for Senate Concurrent Resolution 4, the resolution condemning Iraq's unprovoked attack on Israel. I commend the leadership of the Senate for quickly bringing it to the floor.

Mr. President, Saddam Hussein gave terrorism yet another new definition last week. His missile attacks upon residential neighborhoods in Tel Aviv and Haifa were unwarranted and unprovoked, and unprecedented for their naked brutality. His attack is further evidence of our need to stand in solidarity with the people of Israel and with our brave young men and women at war with Saddam Hussein today.

Mr. President, our hearts are with the families of the three elderly women killed in the most recent missile attack on Tel Aviv. Our hearts are with the 70 or more injured when Saddam Hussein's Scud missile rained terror down from the sky.

And Mr. President, today our hearts go out to all the people of Israel. Most Americans will never know the chilling wail of a screaming air raid siren, the stifling breaths taken through a gas mask, the deadly anxiety that the next missile attack could be the one with a chemical warhead.

For the Israelis, however, those worries have become all too common. That is why we stand in solidarity with Israel today. We stand together in our recognition that Saddam Hussein must not be permitted to terrorize Israel. We are united in our determination to protect and defend Israel with whatever means necessary. And we recognize that Israel has the right to defend herself when and how she should choose.

Mr. President, the United States has asked Israel to make the most difficult of decisions. The United States has asked Israel to break with one of the tenets most basic to its existence: that no attack on Israel shall go unpunished. And make no doubt about it: this unprovoked attempt to involve Israel in the war deserves punishment.

This resolution recognizes the difficulty of Israel's situation. Self defense is the fundamental right of all nations, and yet we are asking Israel not to exercise that right. Still, it is important to note that his resolution recognizes that it is Israel that must make the ultimate decision, and that the United States will continue to support Israel as she does what is best for the security of her people.

Mr. President, let me also take this opportunity to address at this time Senate Concurrent Resolution 5, regarding Iraq's treatment of United States prisoners of war. Iraq signed the Geneva Convention mandating rules for war prisoners; now Saddam Hussein openly violates it.

In the last few days the world has been subjected to yet another example of Saddam Hussein's disregard for human decency. The sight of those Air Force pilots being displayed on TV, making statements that were clearly coerced, sent a chill down the spine of everyone who supports the young men and women in our Armed Forces.

Our hearts and prayers go out to the families of those prisoners of war. And to those families, we also offer our reassurance. Saddam Hussein will not continue to terrorize allied prisoners of war. And if he does, he will pay for his cruelty.

No doubt Saddam Hussein believed that by parading allied fighter pilots on TV that he would somehow be able to weaken the will of the American people. But Mr. President, Saddam Hussein has once again sadly miscalculated. The American people are angry. They are angry at the physical abuse and mental humiliation to which he has subjected allied pilots. And they are angry that Iraq intends to send its prisoners to military targets, to be used as so-called human shields.

These callous acts of cruelty are clear violations of the Geneva Convention—violations that Saddam Hussein will one day have to answer for. And furthermore, Mr. President, they are violations of every standard of human dignity held by peaceful citizens the world over.

Mr. President, this resolution affirms to Saddam Hussein our commitment to those standards. His shameless mockery of the Geneva Convention will not weaken our resolve to abide by them. And they will not weaken our resolve to apply them to Saddam Hussein.

Mr. CONRAD. Mr. President, when I opened my newspaper yesterday morning and saw on the front page the picture of a young Israeli woman injured in a Scud attack, I thought again of what a terrible price Israelis have had to pay just for the right to exist in their troubled corner of the world.

Yesterday's news was particularly appalling because Israel is not a party to the gulf conflict. Indeed, despite months of increasingly hostile, outrageous threats from Saddam Hussein, Israel has exhibited careful restraint at our request. That must have been extremely difficult when, time and time again, Saddam boasted that he would burn half of Israel with chemical weapons. And now innocent Israelis are paying the highest price because Saddam Hussein has once again shown he has no compunction about launching indiscriminate attacks against civilian populations. His Scuds have become a deadly weapon in his terrorist arsenal.

Many times over the years we have said on this Senate floor that Israel is a most important and reliable ally. Ours has long been a special relationship, but the depth and strength of that friendship has never been more clear than in the past few days. In asking Israel to refrain from immediately responding to missile attacks on its cities, we have asked an ally to make the ultimate sacrifice. In essence, we have asked Israelis to waive for the moment just about the most fundamental right in human law—the right to self-defense.

I doubt the United States has many friends in this world who, in the face of indiscriminate attacks on their own people, would show such restraint. Indeed, would we in this country be able to do so if American cities were coming under repeated missile attacks? How would we react if American civilians had suffered like the people of Tel Aviv did this week?

Israel's restraint becomes all the more extraordinary when one considers that country's history, and its vulnerable geographic position. Any of us who have visited Israel have come away very chastened by the strategic challenge the Israelis face. Hostile neighbors are literally a stone's throw away. Baghdad is only minutes away by Scud missile. There is no margin for miscalculation.

Because its geographic and historic realities are so harsh, Israel has taken the firm position that it will trust its defense to no other party. And that strategic approach has served Israel well; it has gotten that country through some very hazardous times; its own military is of the highest caliber. One cannot then overstate how difficult it must be for Israel's leaders to agree for the time being to put the defense of their cities in our hands.

This presents us with an enormous responsibility, Mr. President. I commend the administration for its decision to provide additional Patriot batteries and crews. I trust we will see continued close communication and coordination between the administration and the Government of Israel as this war progresses.

Yesterday, during news coverage of the gulf crisis, I heard Israel's Deputy Foreign Minister say after the latest attack on Tel Aviv, "Our hearts are full, but we must act with our heads, not with our hearts."

Mr. President, that is very wise but very difficult counsel for a democratically elected government to take when its people are under attack. I hope that with the passage of this resolution, the Israeli people will know that the American people understand how agonizing their choices are. I hope this resolution sends the message that our hearts too are full. They are full with sympathy for the dead and injured, full with concern for the welfare of the people of Israel, full with gratitude for the wisdom and restraint the Israeli Government has shown in these dark hours.

Mr. PELL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be counted evenly on each side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. I ask unanimous consent the Senator from Pennsylvania be recognized for 2 minutes.

The ACTING PRESIDENT pro tempore. The Chair would inform the Senate that all time on Senate Concurrent Resolution 4 has expired, under the previous order, 20 minutes having been allocated to each side and the time the Senate was in a quorum call charged to each side.

DEMANDING THE GOVERNMENT OF IRAQ ABIDE BY THE GENEVA CONVENTION—SENATE CONCURRENT RESOLUTION 5

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate is to now consider Senate Concurrent Resolution 5, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 5) demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

The Senate proceeded to consider the concurrent resolution.

Mr. MITCHELL. Mr. President, as warfare in the Middle East continues, members of the armed forces of the nations participating in the conflict will be captured by the opposing sides. The United States and the other members of the coalition fighting to enforce the United Nations Sanctions will, of course, treat any prisoners of war in a humane manner, according these prisoners all rights guaranteed by relevant international agreements.

In the past few days, regrettably, we have seen evidence that the Government of Iraq does not intend to abide by international law. The televised photos from Baghdad of captured pilots from the United States and other countries represented an improper abuse of the prisoners. The statements the pilots gave were clearly given under duress. The announced intention to move the captured airmen to military sites and to use them as human shields is further evidence of Iraq's improper treatment of prisoners of war.

The resolution Senator DOLE and I and others are introducing today condemns the inhumane treatment of prisoners of war by the Government of Iraq and demands that Iraq cease such treatment.

In 1949 the international community signed four conventions in Geneva regarding the rules of warfare. Both Iraq and the United States are parties to these accords. The Third Geneva Convention refers specifically to the treatment of prisoners of war, and it requires humane treatment.

Specifically, the Third Geneva Convention forbids the use of physical or mental torture to extract confessions or statements. It also forbids sending prisoners of war to areas where they may be exposed to hostile fire, or used as hostages or human shields to prevent certain zones or areas from being attacked.

These types of actions, expressly prohibited by the Third Geneva Convention, are precisely the types of actions which the Government of Iraq either has engaged in or has stated it intends to engage in.

All Americans are outraged by these types of statements and actions on the part of Iraq. They must be ended at once. This resolution represents a serious and sincere expression on the part of the Congress regarding the actions of the Government of Iraq, a demand that inhumane treatment of prisoners of war cease immediately.

The ACTING PRESIDENT pro tempore. The Chair further informs the Senate that under the previous order, 20 minutes have been allocated for debate on this resolution, equally divided.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I yield 2 minutes to the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. HEINZ. Mr. President, in the past week, we have seen our pilots, and their comrades in arms from other allied nations, paraded like trophies on Iraqi television. Their words, scripted by Saddam Hussein, mean nothing; their faces, however, speak volumes about the kind of brutal treatment they have received in Iraqi hands.

This week, we have also been witness to a rain of missiles in the Middle East, directed primarily at peaceful civilians in Israel. We have been treated to the surreal sight of Israelis donning gas masks while Scuds fall in the streets of Tel Aviv and Haifa.

And finally, while the world watches the Persian Gulf, an ignored tragedy has taken place in the Baltics, as Soviet special forces have laid siege to the democratic governments of Latvia and Lithuania, murdering their citizens and threatening yet more violence in other areas of the Soviet Union.

The Senate cannot remain silent. First, I urge the support of the measure before us, supporting our POW's and calling upon Iraq to abide by the Geneva Conventions. I also urge support for similar legislation, sponsored by Senator McCONNELL and myself, of which we both spoke yesterday, calling for an investigation into Iraqi war crimes and the convening of an international tribunal.

Second, I also urge the support of the resolutions before us expressing support for the Baltic nations, and cutting off economic cooperation with the Soviet Union until it ends the violent attack on the Baltic democracies.

Finally, I will gladly support the resolution in support of Israel, and urge my colleagues to do likewise. Israel's restraint in the face of these attacks has been remarkable, and we must let them know that they do not stand alone against Saddam's missiles.

Mr. President, I believe that a peaceful and better world is within our reach within this decade. But we have not reached that goal yet, and until we do, it is our obligation to take a stand and let the world know that we will be steadfast in our support of liberty and peace, be it in Jerusalem, Vilnius, or the Persian Gulf.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, we were all stunned by the television images of American and allied pilots, with bruised faces and halting speech, shown on Iraqi television. I share America's outrage at Iraq's announcement that it would hold the captured pilots at key military and economic installations, this is at places where they are in mortal danger.

Such conduct clearly violates the Geneva Convention relative to the treatment of prisoners of war. Article 17 prohibits the infliction of physical or mental torture for the purpose of coercing information or forcing POW's to make propaganda statements. It is certain that the statements attributed to American ans allied airmen were the product of extreme coercion. As with all such propaganda exercises, this coercion will backfire on the Iraqi regime. These coerced statements will be believed by no one but will remind everyone of Iraq's continued contempt for international law and all norms of human decency.

Article 23 of the Geneva Convention provides that a POW may not be detained in a place where he is exposed to the fire of combat and may not be used to try to render a target immune from military attack. Iraq's use of United States and allied POW's as human shields is a clear violation of article 23 and repugnant to all decent human beings.

Mr. President, we should not be surprised by Iraq's mistreatment of our prisoners of war. This is what the world has come to expect of a regime that uses poison gas on its own people, that tortures and executes children, that invades, pillages, and destroys its peaceful neighbor.

Iraq should understand, however, that its conduct is intolerable and will be neither forgotten nor forgiven. After the war is over, there will be a time of reckoning. Should any American or allied POW be harmed as a result of Iraq's flouting of the relevant Geneva Conventions, then I believe we should convene a war crimes commission and mete out severe punishment.

In saying these words, I wish to pay a personal compliment to the International Committee of the Red Cross which has done for so long a superb job in relieving the suffering done to soldiers and POW's. I speak here as a former delegate of the Portuguese Red Cross who worked with the ICRC to relieve the suffering of British POW's early in World War II.

I now yield 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona [Mr. McCAIN] is recognized for 3 minutes.

Mr. McCAIN. Mr. President, all Americans, in fact people throughout the world, reacted with outrage and anger as we observed American, and allied pilots paraded before Iraqi television and rebroadcast throughout the world.

Mr. President, this hard-fisted propaganda ploy on the part of Saddam Hussein has clearly backfired. The American people are disgusted that American citizens should be mistreated so outrageously. We say to their families we are proud of them. We are proud of their behavior. They are in complete compliance with the Code of Conduct, and we hope to bring them home very soon.

Mr. President, "Character is what you are in the dark," wrote the evangelist, Dwight Moody. What he meant was that human virtue is not determined in moments of public attention to our behavior. Courage, devotion, and all the other noble qualities of humanity are not practiced in pursuit of public approval. Heroes, real heroes are not conceived in public adoration. They are alone, motivated by a devotion to duty, seeking a greater glory than self-gratification.

We can be certain that the Americans who are now held as prisoners of war of Iraq are heroes in the dark. Their obviously coerced statements serve no other purpose other than to alert the world that the Iraqis have no more respect for the third Geneva Convention governing the treatment of prisoners of war than they do for any other international convention to which they are a signatory.

The stilted, awkward manner in which the American pilots delivered the statements their captors prepared for them proves that despite the dangers confronting them and the brutal treatment they have endured, these brave men have kept faith with their code of conduct and their country by continuing to resist to the best of their ability.

John Hubbell, in this detailed account of American POW's in a previous war, told how the POW's, coerced through torture to make statements criticizing their government, would do so in a manner that would make abundantly clear that their remarks were made only under grave physical and mental duress. Hubbell referred to these statements as the "peculiar confessions." of American POW's and he described the behavior of one American who tried to reveal the emptiness of the words his captors had forced him to recite.

> He looked straight ahead, but he really wasn't looking—his eyes never seemed to focus—he just wasn't there. It was like a robot—when they said something to him, he acted; if they said nothing, he did nothing.

That is an exact description of the behavior of the allied prisoners of war in Iraq on the videotapes we have all seen. It is powerful testament of the courage and the faithfullness these men possess even under the most difficult circumstances. It is compelling evidence that these men are heroes. They deserve the support and prayers of their countrymen.

"Heroism," wrote George Kennan, "is endurance for one moment more." These men have met and surpassed that qualification. They have my deepest respect.

Saddam Hussein has violated the Geneva protocols prohibiting the use of chemical weapons. He committed the gravest international crime of all, as he practiced genocide on the Kurdish population in Iraq. The United Nations, on numerous occasions, has condemned Saddam's invasion of Kuwait and the unspeakable brutality he has inflicted on Kuwaitis as despicable violations of international law.

The United States and our allies have now undertaken to hold Saddam accountable for his crimes. Let no one doubt that we will be successful in this endeavor.

Mr. President, it is widely reported that Saddam Hussein receives much of the information on which he bases his decisions from watching television. When he learns of this resolution he should know that it is not just an expression of the Congress, but a message from the American people. That message is clear. If Saddam harms American fighting men and other allied prisoners in any way; if he uses them as human shields at targeted military cities in direct violation of the third Geneva Convention and the norms of every civilized nation on Earth, then when this war is over—and that day is not far off—Saddam Hussein will be apprehended and punished.

Upon his apprehension, the allied nations who defeated him will convene an international tribunal to judge and punish the war crimes of Saddam Hussein and all of the political and military leadership of Iraq. They will experience justice similar to that meted out in the Nuremburg trials convened at the end of World War II. And their fates will be similar to the Nazis who were found guilty of war crimes by that honorable court. Mr. President, that is the price of their inhumanity. That is the cost of their brutality against American and allied prisoners of war. Do you get the message, Saddam?

Mr. McCONNELL addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I yield 3 minutes to the Senator from Colorado.

OPERATION DESERT STORM AND SADDAM'S MISCALCULATIONS

Mr. WIRTH. Mr. President, Saddam Hussein has repeatedly miscalculated U.S. and world reaction to his ruthless acts of aggression and violence—and is doing so once again. Saddam grossly miscalculated our reaction to his invasion of Kuwait. Saddam also miscalculated the consequences for his own nation of that aggression.

And now, Mr. President, he has thoroughly miscalculated the intended political impact of his Scud missile attacks against Israel and his publicizing of brutalized prisoners of war. These desparate acts have served to strengthen, not weaken, our solidarity with Israel and our resolve as a nation.

In the week since Operation Desert Storm began, over 450,000 brave Americans—active duty and reservists, men and women, Army, Navy, Air Force, and Marine Corps—have performed with professionalism, bravery, and great patriotism. These are some of the very best trained, equipped, and motivated troops our country has ever deployed.

The courageous participants of Operation Desert Storm and their families deserve the support and thoughts and prayers of all Americans. I am proud of their valor and proficiency in executing the air mission against Iraq, and pray that they may all return home soon and safely.

The State of Colorado has to date sent over 5,000 men and women to the Persian Gulf. I have spoken and visited with many of the families of these soldiers, airmen, and sailors and take great strength from their enormous courage and valor.

Last weekend, the world watched in horror as Iraq released video of captured airmen from the United States, Great Britain, Italy, and Kuwait. There can be little doubt that these airmen were physically abused by their captors, nor can there be any doubt that they were forced to denounce U.S. policy in this conflict. The relief the families of these brave pilots felt upon knowing that their loved ones were alive was certainly accompanied by the incredible anguish of knowing the conditions under which they are being held.

Again, I believe that Saddam has miscalculated the intended political effect of publicizing these brutalized pilots. Rather than contributing to antiwar sentiment, the Iraqi propaganda effort has only served to strengthen the resolve in the United States, Great Britain, and elsewhere to deal with the menace posed by Saddam and his arsenal.

Mr. President, we have just learned today of yet another Iraqi missile attack on Israel. These vicious and unprovoked Scud attacks against Israeli civilian targets are clearly intended to have political, rather than military, effect. And they are having such an effect by making clear to the entire world the thoroughly brutal and desperate nature of Saddam Hussein's regime. To date, Israel has refrained from retaliating, while reserving the inherent right of self-defense. I commend the Shamir government for its forebearance, Mr. President, but continuing loss of life and casualties may make continued restraint considerably more difficult.

The Scud attacks on Tel Aviv and Haifa have been accompanied by Saddam's threats to turn Israel into a "crematorium"—an obviously conscious choice of words. The more vicious Saddam becomes, the more resolved we as a nation become in dealing with the threat he poses to Israel and to the entire region. Rather than weakening the coalition or undercutting United States-Israeli ties, the Iraqi missile attacks have strengthened the already considerable solidarity between the people of the United States and the people of Israel. All of the Arab coalition partners have acknowledged Israel's right to retaliate for these acts of unprovoked aggression.

In my visits to Israel, I have been impressed by the enormous courage and perserverance of her people. Sitting in Washington, it is difficult to imagine the terror these missile attacks—some possibly carrying lethal nerve gas—have brought to the people of Israel. The continuing faith and strength of Israelis in the fact of this crisis represents a real profile in courage.

Even as we continue what may be the early phase of the war in the gulf, we must turn our thoughts to the kind of postwar order we hope to see in that region. We certainly must strive to create a lasting peace in this volatile region, and one in which our relationship with Israel—and the security of this democratic ally of the United States—will be strengthened.

Mr. President, I am proud to be an original cosponsor of the pending resolutions on treatment of prisoners-of-war and United States-Israeli relations, and hope that my colleagues will support their adoption unanimously.

Mr. PELL. Mr. President, I ask unanimous consent that the time consumed by Senators McCAIN and HEINZ be charged to the Republican manager's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. I yield 2 minutes to the Senator from Kentucky from the Republican manager's time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, 41 years ago, 61 nations including the United States and Iraq, signed four treaties known collectively as the Geneva Conventions for the Protection of War Victims. Those treaties spelled out the rights of civilians and prisoners of war during a conflict.

For 41 years, no government has chosen to take another to task for violating the Geneva Conventions. Until now.

Beginning on August 2, eye-witness accounts of Iraqi military troops engaging in murder, mutilation, torture, rape, robbery, destruction of property and every other imaginable, senseless act of violence have choked international air waves and shocked the citizens and governments of the world. The systematic destruction of a small, defenseless nation has been reported in painful and considerable detail.

After seeking the approval of the United Nations and the U.S. Congress, the President did what needed to be done. As the Commander in Chief of American troops and the leader of an impressive international coalition of forces, President Bush launched Operation Desert Storm. While we are all worried about our soldiers and hopeful that we will expel Hussein from Kuwait in short order, we must also focus on events after the desert dust settles.

Even as we wage war, we must look for ways to preserve peace, security, and the humanitarian code of conduct embodied in the Geneva Conventions. We have a unique opportunity to define the post-cold-war world. We should do so by measuring nations and their leaders by their efforts to protect the invincible principles of human dignity and freedom.

Saddam Hussein and his forces have defiantly rejected these principles. The Iraqi leadership is directly responsible for holding hundreds of American and foreign nationals hostage for months. Iraqi forces have committed unspeakable acts of violence against Kuwait and its citizens. Now, in a last ditch effort to crack the coalition, Hussein has launched a barrage of Scud missiles against the neighborhoods, schools, and hospitals of Tel Aviv and Jerusalem.

With the war underway, Saddam Hussein's gruesome record of crimes against mankind must be dealt with. His is a record of intimidation, aggression, invasion, occupation, and terrorism against innocent civilians—and now, mistreatment of allied prisoners of war. We have already seen some of our captured soldiers appearing physically abused reciting pro-Iraqi propaganda—all in violation of the Geneva Conventions.

Fifteen Americans are currently considered missing in action. If captured, that is 15 Americans who are entitled to the full protection of their rights under the Geneva Conventions.

Mr. President, we know Saddam Hussein is a war criminal. We are seeing it unfold on television before us. The question is, What are we going to be able to do about it?

I would like to call the Senate's attention to legislation I introduced yesterday which directs the President to lay the legal foundation for any war crimes case that can be made against Saddam and his henchman.

I do not think we should be scrambling to create a case after the fact. We should be building the case right now as the crimes are committed. We also should have confidence that there is an appropriate legal forum to present that case.

Although the Geneva Conventions have been in effect for four decades, no enforcement mechanism has ever been established. While there is reference to signatories agreeing to an umpire to address the charges of convention violations, no nation has tried to enforce those provisions.

My legislation would direct the President to determine whether a U.S. court would be the appropriate legal forum for presenting charges of convention violations. If not, the President is urged to make the case to the U.N. Security Council to establish an international tribunal to adjudicate such cases. Such a tribunal does not exist today.

I have given the President as much flexibility as possible on how he should proceed in the development and prosecution of a case against Saddam.

Since the United Nations authorized the use of force which has served as the mandate for Operation Desert Storm, it seems reasonable once again to ask the international community to join together in making a legal judgment. However, there may be circumstances which would warrant the prosecution in the American court system instead. Congress should protect every legal option we have as the President advances the case against Saddam Hussein.

I have made the bill that I introduced yesterday binding because I want Saddam to know when the war is over and the evidence is in, he and his forces will be held accountable, will be judged, and will pay a price for the atrocities they have committed.

We are a nation of laws. We embraced the principles of humane treatment of civilians and prisoners of war when we signed the Geneva Conventions.

We signed it in hope—we must now enforce it in strength.

Mr. President, I ask unanimous consent that the bill which I introduced yesterday to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Geneva Conventions Enforcement Act of 1991".

SEC. 2. FINDINGS.

The Congress recognizes that—

(a) The United States and Iraq are High Contracting Parties to the Geneva Conventions for the Protection of War Victims;

(b) The High Contracting Parties have committed to respect and ensure that civilian noncombatants and prisoners of war are humanely treated in accordance with the articles of the Conventions;

(c) The Conventions explicitly hold a Detaining Power accountable and responsible for treatment of civilian and military prisoners;

(d) The Conventions prohibit taking of hostages, all violence to life and persons, including murder, mutilation, cruel treatment and torture and any coercion to obtain information from protected persons.

(e) The Conventions prevent any High Contracting Party from absolving itself from liability incurred in respect to breaches of the Convention;

(f) Iraq has rejected United Nations resolutions condemning violations of the Conventions, the Charter of the United Nations, the Vienna Conventions on Diplomatic and Consular Relations and international law; and

(g) No formal legal authority has been designated, entrusted or authorized to review any charges arising from violations of the Conventions.

SEC. 3. PURPOSES.

(a) The President shall direct the appropriate United States Government agency to collect and maintain records bearing on the treatment by Iraq of civilians and prisoners of war resulting from its illegal invasion of Kuwait on August 2, 1990.

(b) The President shall consult with the Attorney General, the Secretary of State, and the Secretary of Defense to determine the appropriate jurisdiction for the prosecution of Geneva Convention violations, including Federal and specially appointed courts of the United States.

(c) In the event that prosecution in the courts of the United States is deemed inappropriate, the President shall report to the Security Council of the United Nations his determination regarding the treatment by Iraq of civilians and prisoners of war.

(d) The President may recommend to the Security Council the establishment of an International Criminal Tribunal for the purposes of reviewing and prosecuting charges brought by High Contracting Parties regarding violations of the Geneva Conventions resulting from Iraq's illegal invasion and occupation of Kuwait.

(e) No later than ninety days after the cessation of allied military operations against Iraq, the President shall report on Iraqi violations of the Geneva Conventions to the United States Senate Foreign Relations Committee and the United States House of Representatives Committee on Foreign Affairs.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Ohio [Mr. METZENBAUM].

The ACTING PRESIDENT pro tempore. The Chair informs the Senator from Rhode Island that there are only 2 minutes remaining on the time allocated pursuant to the previous order.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may have 1 minute from the following matter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Ohio is recognized for 3 minutes.

Mr. METZENBAUM. Mr. President, I rise to say how proud I am, and all of us in Congress are, of the role that Israel has played as a staunch and strong ally of the free nations of the world and of the United States in particular.

Israel has always played a unique role in the community of nations of the world. Israel, since its inception, since it declared itself a free state, has never attacked its neighbors. but Israel has been attacked time and time again by its Arab neighbors. In instance after instance, it has had to defend itself. when Israel fights for its existence, it does so as a matter of survival, and it has never sought to destroy any of its Arab neighbors.

Israel has been a peculiar kind of nation. It is a nation that has been called upon to take actions that no other nation has been called upon to do. When Israel was attacked and its forces drove its Arab enemies all the way to the Suez Canal, it was prepared to take the Suez Canal. President Eisenhower, and others of the free world, asked them to pull back, and it did. And then we were all aware of the fact that, once again, 11 years ago, Israel was called upon and agreed to a historic agreement with Egypt, giving back the gains of war, giving back to Egypt the Sinai Desert, giving back the oilfields, which could be so almighty important to Israel now and could have been over the years, because of the production of that oil. But it gave it back in the interest of peace.

Israel has existed striving with the hope and concern to live at peace with its Arab neighbors. yet, Israel has been unable—with the exception of Egypt—to sit down with any of its Arab neighbors and to negotiate across the table with those neighbors.

Now Israel has been called upon once again and has met its responsibility so well not to retaliate. It is not easy to not retaliate when you have the strength with which to retaliate, but Israel has accommodated and worked with and been in partnership with the Western World, with the United States, and has worked with our President, in order not to retaliate, but under most difficult circumstances, when its people are being killed and wounded.

So I stand here today to say how proud I am to identify with the concerns of Israel, to indicate my pride in the fact that Israel, as our ally, as a nation to which I have a special kind of concern, is once again conducting itself so superbly and, once again, is standing up for freedom for the whole world. Israel seeks peace with its neighbors. Israel wants to live alone and let its neighbors live alone. At the appropriate time, I am certain Israel is prepared to sit down with its neighbors and negotiate a long-lasting peace.

I thank the Chair and I yield the floor.

Mr. DURENBERGER. Mr. President, it is difficult to express the anger and revulsion that all civilized people experience when we witness the American and allied prisoners paraded for propaganda purposes on Iraqi television showing clear evidence of brutal maltreatment by their captors. It is difficult for us to believe that any human being could treat other humans in such vicious and cruel ways.

It is a traumatic experience for the men, their families, and for us as a nation.

At the same time that we express our complete outrage at Saddam, we must also remember to express our love and compassion for the men and their families. They need our support. They need to know that we stand beside them in these trying times. That we suffer with them. That we draw strength and support from each other.

Mr. President, at the earliest possible time, this Senator believes that the international community must pursue war crimes trials against Saddam and his cadre of loathesome henchmen.

This Senator is convinced that sufficient evidence already exists to indict if not convict Saddam and his band of thugs for the egregious war crimes already committed.

This may be little consolation at the moment to the POW's and their families, but it should be reassuring to know that the international community, one way or the other, will not permit Saddam to violate all rules of human decency and international law with impunity.

He will pay a price for his aggression against Kuwait. He will pay a price for his violations of international law. We remain firm and united in our purpose. We remain strong and committed to achieving our objectives. And we will win.

I thank the Chair and yield the floor.

Mr. DOLE. Mr. President, I commend the distinguished majority leader for his statement, and rise in support of the Mitchell-Dole resolution.

Over the past few days, we have seen blindfolded pilots dragged before cameras in Baghdad. We have seen these same pilots make obviously coerced statements. And we have heard the promises of Saddam Hussein that coalition prisoners of war would be moved to perceived military targets.

As I said Tuesday, Mr. President, Americans may have different views on our entrance into hostilities in the gulf crisis, but we are united in our revulsion of Saddam's treatment of prisoners of war.

While we are sickened by these actions, we are certainly not surprised. Saddam's history is one of torture, cruelty, and slaughter of innocent men, women, and children.

Saddam also has a history of misjudging the American people. And he's done it again. Perhaps Saddam thinks that by displaying and torturing POW's America's resolve will be weakened.

What a monumental blunder. Passage of this resolution will ensure that long after our mission in Iraq is complete, this body and the American people will remember Saddam's repulsive and cowardly behavior.

The rules for prisoners of war are cherished by all civilized nations. Unfortunately, under Saddam's leadership, the once proud country has ceased to be a civilized nation.

When Saddam's troops invaded Kuwait, President Bush said that the world would hold him accountable for his actions. And so we have.

President Bush has now said that you can count on the fact that we will also hold him responsible for his treatment of prisoners of war.

Passage of this resolution will send a clear message that the Senate is in full agreement with the President's promise.

Mr. BOND. Mr. President, the world has experienced universal revulsion over the past several days as we have watched Saddam Hussein parade American, British, and Italian pilots before his television cameras as if they were his personal prizes, won in battle. And we have all experienced the horror that comes from seeing the obviously tortured and brutalized faces of our brave men.

Saddam's action in parading our troops before the camera is not only a violation of the Geneva Convention, it is a message—a message that he has no intention of abiding by international law or even of showing human decency.

Well, Mr. President, today we are sending a message back to Saddam, and that message is that we will not stand by and allow him to get away with his crimes. If he persists in his criminal behavior, if he fails to adhere to the Geneva Convention—we will defeat him, we will pursue him, we will try him, and we will punish him for his crimes.

Last September, the Senator from Pennsylvania and I introduced a resolution urging the President to make clear to Saddam that his crimes will not go unpunished. It also urged the President to explore with our allies an appropriate forum for pursuing any war crimes trial. We passed that resolution without dissent, and today I again ask the President to make clear his intention to act so that Saddam and his henchmen can have no misunderstanding of our position.

Finally, I add my prayers to those of the family and friends of the men being held in Baghdad. We share their anguish and we join their prayers that their loved ones will soon return safely to them.

Mr. LAUTENBERG. Mr. President, I rise in support as a cosponsor of Senate Concurrent Resolution 5, demanding that Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

The Congress cannot stand still in the face of the outrageous Iraqi treatment of United States and allied prisoners captured thus far by its forces. The forced parade of American and allied prisoners and their obviously coerced statements on Iraqi television are a flagrant violation of the Third Geneva Convention on the treatment of prisoners of war.

The fact that Iraq itself is a signatory to this Convention only makes Iraq's actions more outrageous. It shows Saddam Hussein's cynical and blatant disregard for international law and world opinion.

No one who has seen or heard the captured officers, like Navy Lt. Jeffrey N. Zaun of New Jersey, can have any doubt that these brave and courageous men have been beaten, mistreated, and coerced.

The United States should hold Saddam Hussein personally accountable for Iraqi treatment of allied prisoners of war, including his intolerable plans to use them as human shields.

As our officers are held and mistreated by their brutal captors, I strongly support this resolution on behalf of the brave American and allied forces waging this internationally sanctioned war against Iraq.

We also owe it to the anxious families and loved ones of prisoners of war to take every possible step to ensure internationally mandated benevolent treatment for them. We stand united in our condemnation of Iraq's cruel treatment of prisoners and demand that it abide by its civilized international responsibilities.

Mr. THURMOND. Mr. President, on Sunday, January 20, Saddam Hussein once again showed his lack of basic human decency. Although Iraq is a signator of the Geneva Convention on the Treatment of Prisoners of War, Saddam Hussein totally disregarded the convention when he paraded our pilots and those of three other nations before the television cameras. He further showed his callous disregard of human decency and the convention by announcing that he intends to locate American and other prisoners of war at perceived military targets of the coalition forces.

Mr. President, we must not allow this wanton disregard of the Geneva Convention to go unchallenged. The resolution before us places Saddam Hussein on notice that the United States will not tolerate the mistreatment of the brave pilots of the coalition forces. I urge my colleagues to demonstrate once again our support for our men and women in uniform and vote in favor of the concurrent resolution.

Mr. President, Saddam Hussein has again misjudged the solidarity of the American people and their support for our forces. I hope he will take notice of the action we are taking today and live up to the terms of the Geneva Convention relative to the treatment of prisoners of war.

Mr. SMITH. Mr. President, this past week the world has again witnessed Saddam Hussein's blatant disregard for international law.

Already, he has refused to acknowledge 12 United Nation's resolutions calling on Iraq to withdraw from Kuwait. And now, his treatment of our POW's is in direct violation of the Geneva Convention which Iraq signed in 1949.

Today, the United States Senate is sending a clear signal to Iraq that it had better live up to provisions in the Geneva Conventions concerning our POW's. As President Bush has repeatedly stated, this will not be another Vietnam. I commend the President for his resolve and determination on this matter.

The mistakes we made in Vietnam taught us many lessons from which we can learn. The most tragic mistakes concern the POW/MIA question, which sadly enough, still haunts us today.

During my 6 years in the House of Representatives, I devoted considerable time and energy to the POW/MIA question. I plan to do the same now that I am in the Senate.

For now, I will limit my remarks to summarizing what our objectives should be in the gulf region concerning

POW's. First and foremost, we must make it perfectly clear to Saddam Hussein that our forces will not leave the gulf until not only Kuwait is liberated, but all our POW's are returned unharmed.

Second, Saddam Hussein must know that the United States and its allies will pursue any Iraqi officials responsible for the mistreatment of our POW's. Under the Geneva Conventions, we have a right to pursue these officials and I believe we should. There can be no conditions or agreements with Hussein or his army—they will be held accountable for their actions.

Mr. President, this week Iraq said it would consider abiding by international conventions on the treatment of war prisoners if the same principles applied to Palestinians in Israel. This is a continued pitiful attempt at linkage and the world knows it.

Saddam Hussein and especially Tariq Aziz know full well that under article 131 of the Geneva Conventions, Iraq cannot absolve itself from any liability concerning treatment of Allied POW's. It has signed the Conventions and is obligated to comply. Thus far, it has failed to comply. It has paraded our captured pilots through the streets and has physically and mentally coerced propanganda statements from them. Again, Iraq has miscalculated the effect of these actions on Arab and world opinion.

Mr. President, Saddam Hussein should know that his actions will only result in the justifiable expansion of United States military and political objectives in the gulf region. In short, we should settle for nothing less than Iraq's unconditional compliance with all international resolutions and conventions. Moreover, the United States and its allies should exercise all of its rights under these laws to the fullest extent possible.

Saddam Hussein's cruel treatment of prisoners of war and his unprovoked attacks on Kuwait and now Israel are repulsive. These actions will not go unpunished. He has forced us to sacrifice American lives in the region. These lives will not be lost in vain.

Again, let the message go out loud and clear to Iraq that we will not let up and we will not leave the gulf region until all our objectives are accomplished.

Mr. CONRAD. Mr. President, I rise today to express my strong support for Senate Concurrent Resolution 5. This resolution condemns the Government of Iraq for its treatment of allied prisoners of war and demands that it abide by both the spirit and the obligations of the Third Geneva Convention governing the treatment of POW's.

Mr. President, the Geneva Conventions were adopted in 1949 and signed by 164 countries, including the United States and Iraq, in order to bring a measure of humanity to the otherwise inhuman practice of war. In particular, the Conventions prohibit physical and mental abuse, public display, and coercion of prisoners; they also prohibit the use of prisoners as human shields. Essentially, the Geneva Conventions require that prisoners of war be treated in a humane manner. The Iraqis have refused to do this.

We have all seen the pictures of allied prisoners on Iraqi television. There is not an American who does not share the outrage that I felt when I saw those prisoners. They were visibly beaten, obviously reluctant to speak. Now we are told by Saddam Hussein that the prisoners will be used as human shields for Iraqi targets, just as the thousands of hostages were used 4 months ago.

I have few illusions that a ruthless terrorist like Saddam Hussein will change his ways and his treatment of our prisoners. Clearly, a man who gases his own people and launches missile attacks against civilian populations has no moral standards. My guess is that he has as much respect for the Geneva Conventions as he did for the sovereignty of Kuwait. However, I hope that with the adoption of this resolution, we will make it abundantly clear to him that America will not stand for these injustices and that, in the end, he will have to pay the price for his actions.

The ACTING PRESIDENT pro tempore. The Chair informs the Members of the Senate that all time has expired on Senate Concurrent Resolution 5.

REVIEW OF ECONOMIC BENEFITS PROVIDED TO THE SOVIET UNION—SENATE CONCURRENT RESOLUTION 6

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will move to the consideration of Senate Concurrent Resolution 6.

The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 6) to express the sense of the Congress that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

The Senate proceeded to consider the concurrent resolution.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair informs the Senate that under the previous order, 20 minutes has been allocated for debate on this resolution, equally divided.

The Chair recognizes the Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, yesterday, Soviet President Gorbachev called for a complete investigation of the bloody crackdown in Lithuania and Latvia. Mr. Gorbachev and other Soviet leaders must be put on notice that the world is watching closely. An investigation of the violence is only the first step. The next step must be peaceful and productive negotiations with Lithuania, Latvia, and Estonia.

In response to the rape of Kuwait, the world was—and continues to be—united in its condemnation of Iraq. I believe that we draw a lesson from the Perisan Gulf example and apply it to the Baltics. Namely, a united international response is more effective than going it alone. Accordingly, I welcome the language in this resolution that calls upon the President to consult with our allies and work toward a coordinated approach on sanctions. Some have called for CSCE to take up the Baltics issue, and I believe that this is one appropriate forum where the subject can be discussed.

Some of our allies have already taken action in response to the brutal repression in the Baltics. Yesterday, the European Parliament voted to suspend $1 billion in food aid to the Soviet Union. It is incumbent upon the United States, in consultation with our allies, to review what options we have to demonstrate our outrage with Soviet behavior.

Mr. President, another analogy—in addition to the Persian Gulf situation—is appropriate. I have in mind the brutal 1989 Chinese massacre of protesters in Tiananmen Square. The U.S. administration responded to the crackdown with strong words, but weaker actions. While we continue business as usual, including a normal trading relationship with China, China is taking advantage of the Persian Gulf crisis to prosecute some of the leading dissidents in the pro-democracy movement and to maintain its brutal repression of Tibet. We cannot ignore the effects of our nonactions in China, and we cannot afford to make the same mistake with regard to the Soviet Union.

Mr. MURKOWSKI. Mr. President, the United States is in the Persian Gulf to fight for a deep-rooted American ideal, the freedom of a people's right to self-determination. We will never lose sight of this basic American belief. The Baltic States deserve the same attention to their freedom that we have given the Kuwaitis.

The Soviet Government has recently seen fit to use military force against the first freely elected democratic parliament in Lithuania in 50 years. On January 13, Soviet troops opened fire in Vilnius killing 14 people and wounding more than a hundred. On January 20 in Latvia, the Soviet special forces, known as the Black Berets assaulted the headquarters of the Latvian Interior Ministry in Riga, leaving four dead, and at least 11 injured. The freedom of the Baltic peoples, and their courageous attempts to forge democracies are at stake. As Americans we cannot, should not, and will not, stand for it. If Gorbachev and the Soviet Military think that the United States is too preoccupied with the Persian Gulf war to adequately deal with these actions, they are sadly mistaken.

The Soviet Union desires to be included in international political and economic organizations. However, there is a standard of moral action that states have to follow before they can reap the benefits of these international institutions. Although the Soviet Union has taken a positive path of reform these last few years, through perestroika and glasnost, they are straying dangerously from that path. They need to continue to concentrate on the economic and political reforms in which they were making great strides.

Mr. President, I would like to refer to a insightful editorial written by Dr. Henry Kissinger in the January 22 "Washington Post." He points out that the Soviet Union is struggling with three challenging domestic obstacles. They need to remedy their ailing domestic economy, establish their political legitimacy to the world and deal with the potential disintegration of their surrounding republics. Gorbachev, encountered with these difficulties, has apparently turned to the same comfortable but unacceptable solutions used by Soviet leaders before him, relying on the security of the traditional Soviet power structure, and enforcing his demands through military means.

The United States was given a warning when the former Soviet Foreign Minister Edward Shevardnadze resigned from his post on December 19. He advised the Soviet Government of the impending dictatorial stance Gorbachev would take on the pro-independence movements in the republics. He was apparently disappointed with Gorbachev's retreat from the Soviet's progressive economic and political reforms. Americans are equally disappointed.

We should also be heeding Boris Yeltsin, the popular president of the Russian republic. He has emerged as the leader among the republics, against the repressive moves of the central government in the Baltics. Yeltsin has accused the Gorbachev government of "toppling constitutional bodies" in the Baltics.

The United States should heed the messages of these prominent Soviets and take a definitive stand against the central government's aggressive actions. The United States should strongly consider suspending the one billion dollars in credits for agricultural purchases and medical supplies. We should also look at other economic benefits being considered for the Soviet Union such as the offered technical assistance with the International Monetary Fund.

It is my belief that the Soviet Union must be urged to follow a course which would include the Soviet troops ceasing their threat of use of force. They should also refrain from obstructing the democratic governments of the Baltic republics and withdraw the additional Soviet troops deployed on January 7 from the republics. They should return the Lithuanian media facilities and the occupied buildings. Also, an effort needs to be made to restore the parliaments elected by the Baltic peoples, and conduct negotiations with these elected officials to bring a peaceful end to this conflict.

Mr. President, I ask unanimous consent that Dr. Kissinger's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO ILLUSIONS ABOUT THE U.S.S.R.

(By Henry Kissinger)

The crackdown in Lithuania, if consolidated, may in time turn out to be even more significant for the prospects of international order than the Gulf crisis, which has obscured it. As we witnessed the collapse of communism in Eastern Europe, Germany's first steps toward unification and an apparent Soviet movement toward political pluralism and market economics, there was a fleeting moment when it was possible to believe that history was somehow working inexorably in the direction of some kind of universal peace.

Now the opposite trend is developing. Excessive optimism may be on the verge of being supplanted by an equally excessive pessimism. But the democracies can no longer afford these oscillations between intransigence and conciliation. We need a stable concept of East-West relations—a concept not based either on personalities or on overly simple historical projections but on a cold analysis of the national interest and of the requirements of the international order.

If the present turn toward autocracy in the Soviet Union succeeds, the world will face a Russian state such as it has not seen in seven decades. It will not be democratic. Nor will it be Stalinist. It will in fact be most similar to czarist Russia. The United States must then ask itself some fundamental questions: What is the future of U.S.-Soviet relations? Are there foreign policy objectives that have to be safeguarded toward the Soviet state even in the face of unpalatable domestic events? What balance, if any, must be struck between coexistence and conversion?

Until recently, the prospect of conversion was the fashionable conviction. Gorbachev was treated as the ultimate guarantor of the eventual triumph of democracy and market economics. "Helping Gorbachev" became the principal objective of policy, overriding all other considerations. In fact, Gorbachev turned out to be less benign, and the reform process proved more complex than conventional wisdom allowed. We must face the fact that despite the West's deeply held preferences, the probable outcome of the Soviet evolution is either chaos or repression or both.

It was always naive to stake East-West relations on the presumed conversion to Western values of a leader whose entire career has been in the leadership of the Communist Party. It would be equally dangerous to treat Gorbachev's recent action as a personal aberration and to base policy on personal disappointments. Leaders are driven by the dynamics of their system and the history of their society. Any realistic policy must be based on these factors.

Gorbachev deserves enormous credit for recognizing the weaknesses of the system in which he was reared and for having sought to remedy them. His decision to permit the collapse of the Soviet satellite orbit in Eastern Europe, the liquidation of the war in Afghanistan and the loosening of domestic tyranny will surely earn him a place in history. These actions, however, can be explained by the need to preserve the essence of the Soviet system in a crisis and not dissipate the dwindling strength in imperialist adventures. No doubt, this is how it was justified to the Soviet military.

Whatever Gorbachev's motives, the process of domestic reform has so far proved elusive. In foreign policy, it was possible to make progress by liquidation; at home there was a need for new structures. There Gorbachev has been torn between the realization that established institutions must be modified and his lifelong commitment to Leninist orthodoxy in government.

The Soviet Union faces three domestic problems: remedying the disastrous state of the Soviet economy, establishing a sense of political legitimacy and dealing with the looming disintegration of the empire founded by Peter the Great some three centuries ago. Gorbachev's dilemma is that the remedies for one set of problems are likely to be incompatible with equally pressing solutions to other problems—for example, the decentralization needed for economic progress also encourages the drive toward independence in the constituent republics. Above all, the domestic power structure, which must implement reform, is threatened by reform and tends to sabotage it.

That command economies produce stagnation and corruption has become conventional wisdom, even in Communist societies. Still, none has yet succeeded in the painful transition to the market system they all avow. The move toward market economies inevitably evokes the embittered opposition of vested interests while the reformers lack adequate levers of power to impose their views.

A market economy dooms to irrelevance the millions of bureaucrats who establish prices, production, quotas and accountability. When prices are permitted to find their own levels, a period of inflation becomes inevitable, because Communist systems typically have too much money chasing too few goods. And insistence on productivity tends to shut down inefficient enterprises and raise unemployment.

In Eastern Europe, the new leaders were able to use the prestige acquired during the struggle for national freedom to sustain their authority amidst the austerity imposed by the transition to market economics. But in the Soviet Union the vested interests have been elaborated over three generations by an extraordinarily brutal political system.

For a while, Gorbachev tried to circumvent the vested interests—in the Communist Party, the government administration, the secret police and the military—by encouraging greater popular participation outside the system. But like previous revolutionaries, he has found that democratic reform has its own momentum independent of the priorities of the leader—especially if that leader is as closely identified with the previous power structure as Gorbachev. Forced to choose between irrelevance and order, Gorbachev is increasingly opting for discipline and growing reliance on the traditional Soviet power structure.

This course is all the more tempting to Gorbachev because the historical context for democratization is largely lacking in Russia. Russia never had a church that emphasized a concept of justice independent of temporal authority, it knew no Reformation with its commitment to individual conscience; no Enlightenment that emphasized the power of reason; no age of exploration and no free enterprise that stressed individual economic initiative. So in the Soviet Union, centuries of state control have produced a different set of values; the historic processes of Western Europe become compressed and distorted, dividing the reformist elements into many competing factions and producing phenomena that appear chaotic to a people inexperienced in pluralism.

But the most important problem is that even limited forms of democracy are becoming less and less compatible with the preservation of the existing Russian state within its present borders. Since the time of Peter the Great, the most consistent theme of Russian history has been expansion from the area around Moscow to the center of Europe, the shores of the Pacific, the gates of India and inside the world of Islam. As a result, only about 50 percent of the population of the Soviet Union is Russian. Moreover, the subject populations have always been governed from the center and by representatives of the center; little effort was made to create an indigenous leadership group with emotional ties to the imperial power.

Having loosened the reins, Gorbachev is reaping the whirlwind of centuries of imperialism misrule. Even limited democratization produces demands for independence in many of the constituent republics or for various forms of autonomy indistinguishable from independence. Ideas of turning the Soviet Union into a confederation based on voluntary association are likely to prove stillborn. Historically, confederations have moved in the direction of either greater centralization or of eventual disintegration.

Gorbachev and the traditional power structures have apparently come to believe that they have to choose between maintaining their state within present boundaries, by force, if necessary, or eventual dismemberment. What is less certain is whether they have the means or, in the end, the staying power. But the present Soviet course, even if applied with less brutal methods than the historic Soviet norm and more indirectly, is likely to turn more violent, not only between the center and the constituent republics but between the various nationalities, especially in the Caucasus.

In the effort to maintain the integrity of the state, Gorbachev probably has the emotional support of even some of the reformist elements in the Russian republic, unwilling to give up the legacy of Russian history. In the end, Russian nationalism may outweight liberalism and provide the motive for cohesion that communism seems to have lost.

When this becomes apparent, the West will be faced with an autocratic state stretching over two continents and possessing 30,000 nuclear weapons. The Utopian image of Gorbachev single-handedly reversing 500 years of Russian history will emerge as a mirage. At that point, the West will have to decide whether it has objectives with respect to the Soviet Union other than to promote its internal evolution.

Disillusionment must not drive the West into equating the new Russia with its Stalinist predecessors. Even if the repression succeeds fully or partially—which is far from certain—what emerges will be most comparable to imperial Russia of Czarist times. That state was often uncomfortable of its neighbors and generally expansionist. But it did not have the ideological fervor of its Communist successors, and it proved possible for long period to deal with it as an important member of the European concert of powers.

Of course America's moral commitment is to pluralism and self-determination and remains so. The issue is what weight should be given to requirements of national security. The self-righteous find it easy to deny that national security is a moral value too. Responsible leaders, however, cannot afford so doctrinaire an attitude. In a world of sovereign states of comparable strength, peace depends on either domination or equilibrium. And America has neither the power nor the stomach for domination. It is possible to construct an equilibrium based on mutual necessity, or must there first be a transformation of all societies toward democratic ideas?

My view is that there are some national interests that need to be safeguarded even in relations with states that do not share our fundamental values. But there need to be criteria distinguishing the legitimate and moral pursuit of the national interest from opportunistic collaboration with tyranny and encouragement of it.

The following principles seem to me crucial:

(1) We must stop basing policy on Soviet personalities. We know too little of Soviet dynamics and even less about how to affect them to make strengthening any leader a cardinal principle of Western policy. Focusing relations on balancing fundamental interests rather than on psychological speculation will in fact bring greater stability to the relationship.

(2) The Western security interest in the Soviet Union is its peaceful conduct outside its borders. The moral objective of the West is compatible domestic institutions. What we need is a definition of coexistence and an agenda for its achievement even as we disapprove of some Soviet domestic actions. Coexistence should not be lightly abandoned. But we should recognize that it is based on self-interest and not delude ourselves into believing that it is a means to help Gorbachev promote democracy inside the Soviet Union.

(3) An analysis must be made of those areas of common action that are necessary for a structure of peace and those which are undertaken to promote democratic values. The latter—including economic aid—are subject to modifications if Soviet internal conduct becomes too offensive. In any event economic aid should generally be given for political and economic, not psychological, reasons except in periods of humanitarian emergency. It is sure to be wasted without appropriate economic reforms.

(4) On the issue of self-determination, the United States needs to stick to its historic position with respect to the independence of the Baltic states. The situation is more complex with respect to the other republics, especially in the Caucasus, where different ethnic populations have been mixed over centuries and intercommunal violence is a permanent threat. On the other hand, Soviet leaders must understand that even when we continue to deal with them on the security agenda, other areas of cooperation are narrowed by the convictions of our people should Moscow's conduct offend America's deepest values.

(5) The changes in Moscow should recall the West to the importance of strengthening the ties within the Atlantic area and above all between Eastern and Western Europe. While the Soviet Union is dealing with its internal problems, the West should give the highest priority to reestablishing as rapidly as possible the historic Europe. Eastern Europe—especially Hungary, Poland and Czechoslovakia—should be given the opportunity to join the West European political and economic system on an urgent basis.

The West is presently in danger of neglecting the countries of Eastern Europe, whose successful struggle for freedom inspired us only yesterday. Two steps are needed. First, the West—and especially Western Europe—must move quickly to integrate Eastern Europe into the European Community and other Atlantic institutions (with the exception of NATO). Second, we must give Eastern Europe an economic breathing space. As a step in that direction, the European Community should take immediate steps to open its markets to East European agricultural products.

The end of the Cold War permitted the West to stop treating the Soviet Union as a permanent adversary; the return to autocracy in the Soviet Union should cause us to abandon the illusion of considering it a permanent partner. The task now is to find a method for dealing with it as a major power with sometimes compatible and occasionally clashing interests, promoting our basic values and giving new impetus to reconstructing the historic Europe.

Mr. McCAIN. Mr. President, while the world is preoccupied with the crisis in the Middle East, the people of the Baltic States are proving once again that the will to freedom is eternal. And the leadership of the Soviet Union demonstrates that despite all the remarkable democratic advances of recent months they have not yet abandoned the mistaken notion that with force and lies they can forever suppress the will of a people to be free.

Let us be clear, Mr. President, the dynamics unleashed by perestroika and glasnost will not be restrained for long by Moscow's return to violence and tyranny. The people of Lithuania, Latvia, and Estonia will be free. They are paying a dear price for that freedom now in the streets of their capitals. And the United States cannot refrain from supporting their brave resistance to tyranny out of concern for the welfare of Mikhail Gorbachev. The heart of the world's leading democracy belongs in the streets of Vilnius, Riga, and Tallinn, not in the halls of the Kremlin.

This is not the time to withhold or even restrain our enthusiasm and support for the Baltics' determination to be free. That is their God-given right, and as citizens of the free world we are bound in solidarity with those courageous nations.

Let us show our solidarity by denying the Soviets normal economic relations with the United States until they conclude their repression of the Baltic States and return to the path of political reform. We should suspend all economic benefits provided by the United States Government to the Soviet Union; withhold our support for Soviet membership in international lending institutions and the GATT; and decline to confer most-favored-nation status upon the Soviet Union.

Moreover, Mr. President, I do not think it is appropriate for the United States to participate in a summit conference with the Soviets or to conclude arms control agreements with them while Soviet tanks persist in crushing democracy in the Baltics.

Mr. President, the primary object of U.S. foreign policy should not be the preservation of foreign regimes that do not share our values. The United States should not be concerned with supporting the careers of foreign leaders who do not support the success of our ideals. The purpose of U.S. policy must be to protect and promote those ideals. We do that best by supporting the legitimate aspirations of the peoples of the Baltic States as they fight for freedom in their homelands.

Mr. DECONCINI. Mr. President, I rise in strong support of the Baltics resolution and encourage my colleagues to do likewise. I am sure they will. Events of the last few weeks in the Baltics and the Soviet Union demand that we do so. We have witnessed a callous and cynical attempt on the part of the central Soviet authorities to repress brutally the freely elected democratic governments in Lithuania and Latvia, and there are fears the same will happen in Estonia. Twenty innocent people are dead, and scores have been injured. Once again we are treated to the sight of Soviet tanks and troops taking over Lithuanian and Latvian Government buildings. Once again we hear appeals from the freely elected representatives of the Baltic people for support from the West.

Our attention and concern in the last few days has, quite naturally, been focussed on events in the Persian Gulf. We must, however, not allow these momentous and tragic events to blind us to other momentous and tragic events that are occurring in the Baltics. The United States has a moral obligation to register its outrage at the behavior of the Soviet Government in Latvia and Lithuania and, beyond this, to back up expressions of outrage of the people who are witnessing and suffering under these tactics of the Soviet Government.

Yesterday's Washington Post carries a report on an unscheduled meeting between President Bush and a group of Baltic Americans. The President was quoted by Baltic American sources, and I confirmed this yesterday at a press conference they held, to be disinclined to cancel the February summit in Moscow. Further, it is reported that President Bush suggested that the United States has "Little leverage that could substantially effect Soviet actions in the beleaguered Baltic States."

I sincerely hope the President was misquoted. Whether the United States can effect Soviet action in the Baltics does not prevent us from standing on principle and speaking out forcefully against what is occurring. The President should be urging Gorbachev to, at a minimum, return to the status quo of early December. The President should consider whether or not to attend the summit, and if he does attend the summit, the only thing on the agenda should be the actions of the Soviet Union in the Baltic States.

Why should he give Gorbachev photo opportunities which makes the United States appear to give tacit approval to Gorbachev's policies. Why should we be committing American lives and billions of taxpayers dollars to the restoration of a gulf monarchy if we cannot afford even these minor gestures in support of freely elected democracies?

Europe has already moved swiftly. The European Community has voted to withhold a billion dollars in credits and is further ready to restrict technological assistance to the Soviet Union. Canada, likewise, has suspended credits because of events in the Baltics. Even formally allied nations with the Soviet Union have taken bold steps. Hungary and Czechoslovakia, for example, have, among other measures, called for the dissolution of the Warsaw Pact based on Gorbachev's aggression in the Baltics. Where, we are asking, is the United States? It is incumbent on us to support our words of outrage with actions. Let us begin by passing this resolution with unanimous support and call on our administration to go beyond words and to act.

Mr. DOLE. Mr. President, I am pleased to offer this resolution, and to have the distinguished majority leader as the principal cosponsor.

At this point, there is not much need for a long speech.

Soviet tanks and troops rolling into Lithuania and Latvia have pretty well shattered any rose-colored glasses anyone was still wearing. Glasnost and perestroika might not be dead, but they are certainly on life support—and there's every reason to wonder whether and when Gorbachev, or whoever is in charge, is going to pull the final plug.

We passed a resolution very much like this one several days ago. There's no sign that message got through to the Kremlin.

But it is worth the effort to try again. Maybe with a recorded vote Gorbachev and his Kremlin colleagues will get a better understanding of how strongly we in the Senate feel about the tragedy in the Baltics, and will see that we mean what we say.

There will be no business as usual with Gorbachev—unless he returns to the path of reform and reason on which he had so impressively embarked.

There will be no American life preserver—in the form of aid and credits and international legitimation—no American life preserver for Gorbachev's tottering regime, unless Gorbachev returns to principles and policies that are worth preserving.

Mr. President, let's talk turkey. The United States has benefited by Gorbachev's relatively responsible and reformist policies. And it would certainly be preferable to be able to continue working with a responsible Soviet regime.

But Gorbachev needs us a lot more than we need him.

His country is the one falling apart at the seams.

His economy is the one flat on its back.

His society is the one rent with severe national and ethnic tensions and violence.

We have a strong hand to play—and we ought to play it.

Mr. President, I hope it is not too late for Gorbachev to pull back from the very principles of reason and reform he has so impressively championed. I hope he has not already irrevocably cast his lot with the repressive elements still so strong in the Soviet Union, or been rendered politically impotent to do anything but accede to their policy dictates.

Mr. President, let us try once again to send this message to the Soviet Union—and, in the interests of both our Nation and the Soviet Union, let us pray that it is not too late for this message to get through.

Mr. LAUTENBERG. Mr. President, I rise as a cosponsor in support of Senate Concurrent Resolution 6 to condemn the Soviet Government's harsh crackdown on the Baltic States and urge the President to immediately review the economic benefits provided to the Soviet Union in light of that crackdown.

This resolution urges the President to immediately suspend all ongoing technical exchanges, and consider withdrawing United States support for Soviet membership in the International Monetary Fund, the World Bank, and the General Agreements on Tariffs and Trade, known as the GATT.

It also urges the President not to proceed with the provision of most favored nation trade treatment until Soviet troops stop obstructing the functioning of the democratic governments of the Baltic States; the Soviet Black Beret forces are withdrawn from the Baltic States; Soviet authorities stop interfering with the telecommunications, print, and other media in these states: good faith negotiations between the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun; and concrete assurances are received from President Gorbachev that grain bought with United States credits will not be used to coerce the Baltic States, or any republic, to sign the union treaty.

Mr. President, as this resolution makes clear, the plight of the Baltic States has not been forgotten. While the world's attention is focused on the war in the Persian Gulf, President Gorbachev's brutal actions have not gone unnoticed. This resolution seeks to assure both those brave freedom fighters in the Baltic States, who seek nothing more than to live in democracy and freedom, and all of their supporters here in America, that the world knows exactly what President Gorbachev is doing in the Baltics. And we don't like what we see.

This resolution puts President Gorbachev on notice that we will not overlook the brutal and senseless attacks by Soviet troops on the people, government, and communications facilities of Lithuania and Latvia—attacks which results in at least 20 civilian deaths and over 200 civilian injuries.

There can be no excuse for the savage and senseless murders of at least 13 Lithuanian civilians defending their democratically elected government by Soviet military forces on January 13. There can be no justification for the Soviet internal security forces murder of at least four, and the injuring of countless others, in a January 20 attack on the Latvian Interior Ministry.

These events are the culmination of months of increasingly provocative and intimidating actions by Soviet officials toward the Baltic States. Over the past several months, Moscow has called for the dissolution of the duly elected parliaments of the Baltic States, and for the imposition of rule by Presidential decree. President Gorbachev has sharply intensified his anti-independence rhetoric, and ominously replaced the relatively moderate Interior Minister Bakatin with the widely feared and hated former Latvian KGB Chief Pugo.

These blatant assaults on the peaceful and democratic governments of the Baltic Republics represent a dramatic reversal of recent Soviet progress on human rights and democracy. They may signify a return to business as usual in the Soviet Union.

President Gorbachev's attempts to shift responsibiity for the Soviet security forces attacks in Lithuania and Latvia to the democratically elected Baltic governments do not convince this Senator, and I doubt they will persuade the American people.

Although President Gorbachev has reportedly condemned any attempt to seize power unconstitutionally from democratically elected Baltic parliaments, he has failed to repudiate the Soviet paratroop announcement January 13 that a self-proclaimed National Salvation Committee had replaced the legal Lithuanian Government.

President Gorbachev cannot evade responsibility for the deadly results of his policy of confrontation and repression in the Baltics. Nor should our Government shrink from expressing our strong concern to President Gorbachev.

President Gorbachev must be made to realize that American credits, cooperation, and trade are not based on his charisma or personality. They must be earned by concrete and continual steps toward liberalization and reform. The Soviets must pay a heavy price for their steps backward along the road to reform in the Baltics.

Our Government must take a strong stand on this brutality. We must make it clear, in no uncertain terms, that the repression and violence in the Baltics seriously threaten and undermine recent improvements in Soviet American relations. That the American people and the Congress are outraged by Soviet behavior.

We have influence with the Soviet Union. They want our technology, our trade, and our help. They want our support for their admission into the world economic community. Now is the time to reaffirm that those benefits of American friendship will not be forthcoming if Soviet brutality continues.

Congress has a special responsibility to express the outrage the American people feel at witnessing the Soviet assaults on the Baltic States. The United States has never recognized the forcible incorporation of the Baltic States into the Soviet Union in 1940.

Mr. President, I am pleased that the Senate is acting on this resolution today. It is critical that we act now, while we have a chance to make an impact on events in the Baltic States. While we have the chance to save lives, and possibly a way of life—democracy and freedom.

Mr. LEVIN. Mr. President, the world is undergoing profound change; we stand at the crossroads of history in both the Mideast and in Europe. In the true and literal definition of crisis, the world is at a turning point where the future course of events will be determined.

America is united in purpose and cause in the Persian Gulf. Today Desert Storm dominates the Nation's attention. We must do all in our power to support our men and women now fighting in the Mideast, knowing that we will prevail.

But of profound importance, with immeasurable impact on our future and the future of the world, are the events unfolding in Lithuania, Latvia, and Estonia. We must not allow the news of war to cloak our awareness of the ongoing struggle of the Baltic nations to reassert their freedom and independence.

There appears to be a determining struggle underway in the Soviet Union between reform or repression, freedom or tyranny. The thawing of the cold war has been chilled by the recent brutal suppression of unarmed civilians seeking their freedom and independence in both Lithuania and Latvia.

These Stalinist tactics cannot be accepted. The United States cannot offer the Soviet Government improved cooperation, or continue with business-as-usual relations, if the Soviet military and central government persist in their apparent determination to crush the democratically elected governments in the Baltic nations. The United States and the current Government of the Soviet Union are at a crossroads, and the future of our relations and the tensions in the world hang in the balance. We must not and cannot abandon the people of the Baltic nations, and we must not and cannot abandon our Nation's 50-year-old commitment to our policy toward the Baltics based on the principle of self-determination and independence.

Mr. President, I am a cosponsor of this resolution. It is appropriate that the United States reexamine its economic, cultural, and political relations with the current Soviet Government in light of the ongoing repression in the Baltic nations.

Mr. President, I have hope that the forces of reform and freedom will prevail in Moscow. It is inevitable that in the long-run, in our increasingly interconnected and increasingly electronic world, that freedom will prevail. The global village is wired together, and the technology of communication has outrun the ability of despots to isolate and repress the yearning for freedom in people throughout the world.

The crisis before us is in the immediate response by the Soviet Government, however, and whether it can and will continue on its remarkable path of the past few years of glasnost and perestroika, or revert to the dark and futile repression of the past.

The Baltics were illegally annexed by the Soviet Union in 1940. The Soviet Government even admits the annexation was illegal. There is an historic struggle occurring currently in the Soviet Union; in the government, in the society, and throughout its republics. It is our duty and responsibility to the cause of freedom that we do all that we can to encourage and strengthen the forces of enlightenment in the Soviet Union, and do all we can to resist and obstruct the forces of repression.

Mr. President, brave men and women throughout the Baltic nations are this day putting their lives on the line for freedom, as are our men and women in Desert Storm. We should do what is necessary to support both in their brave and selfless defense of liberty.

CONTINUING VIOLENCE IN THE BALTIC STATES

Mr. BYRD. Mr. President, last Wednesday the Senate adopted Senate Resolution 14 in response to the Soviet military crackdown in Lithuania. That resolution expressed the sense of the Senate that President Bush should review economic benefits provided to the Soviet Union in light of events in the Baltic States. Over the weekend the violence spread to Latvia, and may soon include Estonia. This continuing brutality cannot be ignored.

We must take every opportunity to express our outrage at this resurgence of repression in the Soviet Union. The resolution now before us includes all of the elements of Senate Resolution 14 with updated language on the expanding violence, and with a stronger condemnation of Soviet action. This resolution also clarifies the Senate position that the status of events in the Baltic States will be an important factor when this body considers any and all future agreements with the Soviet Union, and urges the President to explore means of increasing diplomatic ties with the Baltics.

Mr. President, the Soviet leader, Mr. Gorbachev, has denied that he ordered the violence in Lithuania and Latvia, that they were military actions taken without his knowledge or order. This is extremely disturbing, if true, because it suggests that Mr. Gorbachev is not fully in control of his military establishment. Soviet behavior in the so-called new international order is looking suspiciously like Soviet behavior in the old international order. If we are to make progress in the Soviet relationship and if we are to assume that agreements reached with the Soviet Union will be complied with in good faith, then we have to have some confidence that the civilian Soviet leadership is fully in control of its military establishment. Given recent events, I believe there is some room for doubt on this point and it is a matter of genuine concern. If there are growing sources of independent power of action in the Soviet Union, we certainly have to take that into account in our various policies, including the extension of economic benefits to the Soviet Union at this time. While we cannot directly influence events there, it is dangerous to sit quietly while events like those which are occurring in the Baltic States continue, because that may well fuel the growth of such independent sources of power. All of this merely points to the need for the United States to be consistent in its policies, stand up visibly for what standards of behavior are acceptable and not acceptable, and not indulge in the practice of tailoring our policies on some clever calculation of what is in Mr. Gorbachev's particular interest. Such calculations are a quicksand, removing the foundations for consistent policy, and their effects on Soviet behavior are totally speculative.

I was disturbed by a report in yesterday's Washington Post concerning a meeting held Tuesday between President Bush and the leaders of the Baltic American communities. The President rightly condemned the violence in Luthuania and Latvia, but he then explained that he felt any strong action by the United States might help the hard-line conservative faction in the Soviet Union. One participant even commented that she thought they had "a better chance of convincing Gorbachev than the President of the United States to change his policy on the Baltics."

American policy cannot hinge on our desire to see certain individuals or factions continue in power. We must remain firm in our longstanding insistence on Baltic sovereignty. We must make it clear to whoever is in power in Moscow that we unwaveringly support Baltic independence, and that a peaceful resolution to the crisis in the Baltic States is critical to the continuing improvement of relations between the United States and the Soviet Union.

Mr. DODD. Mr. President, I rise in strong support of Senate Concurrent Resolution 6, of which I am a cosponsor.

Within a week I have spoken twice before the Senate on this subject and I do not now want to take the Senate's time to repeat everything I said on those occasions. I want, however, to reiterate the anger I feel over Soviet attempts to terrorize these peaceful little nations and express my strongly felt opinion that words of condemnation are insufficient response to this outrage.

The reason I so strongly favor the concurrent resolution before us is that it urges the President to apply sanctions to the Soviet Union in response to their outlaw behavior.

The Soviets have never been overwhelmed by moral condemnation. Unless they are given tangible evidence of the deep revulsion the American people feel over these attacks, they will not take us seriously.

This resolution gives an opportunity for the President to provide leadership in this matter. I also want to state, though, that if the President is not willing to apply actual sanctions in this matter, Congress will have to step in and do it.

I urge my colleagues to adopt this concurrent resolution unanimously.

Mr. JEFFORDS. Mr. President, while the world was preoccupied with the nearing United Nations' January 15 deadline for Saddam Hussein's withdrawal from Kuwait, the Soviet military took advantage of international preoccupation and staged a classic invited invasion in Lithuania and later in Latvia, allegedly at the request of local Committees for National Salvation. The resulting conflict between Soviet troops and civilians left at least 20 people dead and Soviet troops in control of government buildings, post offices, and communication establishments. There is considerable worry that the same thing may happen in Estonia.

President Gorbachev shocked the Soviet people with his statement that he was not exactly sure what had happened in Lithuania and that no military order had come from the Kremlin. In a strict, centrally controlled system, it is hard to believe that the President was not at least fully aware that grave trouble was brewing in the Baltics and that the Soviet military was preparing to strike. Whether President Gorbachev was left out of the decisionmaking process or purposefully stepped back from his responsibility is unclear and perhaps irrelevant. What matters is that the United States condemns with strong and unequivocal language the military crackdown upon the people and democratic governments of the Baltic States.

Over the past 4 years, President Gorbachev presided over the unprecedented dissolution of the Soviet bloc. His insistence that force not be used in an attempt to stop the drive to democracy in Eastern Europe is directly responsible for the amazingly peaceful transition. Now similar processes of self-determination and striving for democracy are shaking the very foundation of the Soviet Union. Great strides toward far-reaching economic reform and revitalization of a failed economy must be accomplished in the near term if total collapse of the system is to be avoided. Simultaneously, the Soviet leader must balance the demands of nationalist movements that could shake apart the Soviet federation and plunge the nation into civil war. Gorbachev has continually made clear his strong commitment to reform and to peaceful transition. And the United States has supported him in these efforts.

The military repression of the Baltics now seems to represent a drastic change in course. Threatened by strong opposition to his economic and political reforms from many sides and hoping that the world was distracted by the impending war in the gulf, Gorbachev seems to have crossed a critical threshold. He must be told in no uncertain terms that any further repression will be answered by swift American retaliation in terms of economic sanctions, termination of exchanges and loss of support for international economic integration. Because we must not doom the struggling efforts at perestroika, we have an obligation to speak out now and make clear what our reaction to any further violent repression will be. There can then be no doubt in the mind of the Soviet leader or any of the forces surrounding him about the consequences of a further military crackdown.

The long-suffering Soviet people are looking to the American people and to the United States Congress for support in this critical time. Particularly as we commit ourselves to war in the Persian Gulf to stop oppression, we must reiterate our opposition to repression of democratic movements in the Soviet Union. We must support Mr. Gorbachev's efforts at perestroika and glasnost, and must speak out clearly when things threaten to go terribly awry.

I strongly support this resolution and urge all my colleagues to do likewise.

CRISIS IN THE BALTIC STATES

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Senate Concurrent Resolution 6. This resolution conveys the heartfelt belief of the Senate that recent events in the Baltic States require the United States to reevaluate its support of and aid to the Soviet Union.

Mr. President, our country has never recognized the forcible annexation of Lithuania, Latvia, and Estonia. Thus, Soviet violence against the citizens of these states is particularly reprehensible. At the current time, at least 20 Lithuanian and Latvian citizens have lost their lives at the hands of Soviet troops.

I concur with the call for a review of all economic benefits provided by the United States to the Soviet Union. I particularly applaud the withdrawal of consideration for Soviet most-favored-nation status until negotiations on restoration of Baltic sovereignty have begun. I am also pleased the resolution encourages our allies to follow a similar policy in regard to the Baltic States.

I urge swift adoption of this important measure.

BALTIC REPRESSION

Mr. METZENBAUM. Mr. President, I am appalled by the continuing violent repression of the people of the Baltic States by the Soviet Union. During the past week, attacks on unarmed civilians in Lithuania and Latvia have resulted in 20 deaths and hundreds of injuries.

We cannot allow this repression to go on unchecked. While much of the world's attention is focused on events in the Middle East, President Gorbachev is attempting to stifle the legitimate democratic movements of the Baltic States. It is time that we show President Gorbachev that we are deeply committed to the cause of freedom everywhere.

Today, the Senate overwhelmingly approved a resolution calling on President Bush to reexamine economic assistance to the Soviet Union, in light of the crisis in the Baltics. I believe that American aid policy toward the Soviet Union must change to reflect our condemnation for Soviet actions in the Baltics.

The Soviet Union must reject the use of force toward the democratically elected governments of the Baltic States. We must continue to stand behind the Baltic peoples in their struggle for independence.

Mr. CONRAD. Mr. President, I want to add my voice to those speaking in support of this resolution which strongly condemns the Soviet Government's violent crackdown in Lithuania, Latvia, and Estonia.

While our thoughts are necessarily focused on hostilities in the gulf and the threats to our forces on the front lines, we cannot forget the brave men and women in the Baltic States who are waging their own struggle for freedom and the principle of self-determination.

The violent reaction of the Soviet Government to events in the Baltics is troubling and disheartening. Just months ago, we rejoiced as the winds of democracy swept across Eastern Europe. We applauded the promise of domestic and international reform inherent in the policies of glasnost and perestroika. It is all the more abhorrent then to watch the Soviet Government revert in the last few weeks to a policy of force and terror against unarmed civilians waging a peaceful campaign for democracy and freedom.

Mr. President, we recognize that President Gorbachev faces a daunting array of economic, political, and social problems throughout the Soviet Union. There is much the United States and the West can do to help, but we cannot help if the forces of repression are again ascendant in the Soviet Union. Nor will we stand by silently if the response to democratic movements in the Baltics continues to be violence and intimidation.

President Bush put it exactly right when he said:

> Legitimacy is not built by force; it's earned by the consensus of the people, and by the protection of human and political rights. It would be tragic if the difficult but very real progress toward democratization in the Soviet Union in the past few years were to be undone by an ill-considered return to the methods of the police state.

I urge President Bush to continue to impress upon Mr. Gorbachev our deep revulsion at events in the Baltic States. And if the situation continues to deteriorate in Latvia, Lithuania and Estonia, I hope the President will work with our allies and through the United Nations to devise an appropriately tough international response.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield back the remainder of our time on the resolution.

Mr. SPECTER. On behalf of this side of the aisle, Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

VETERANS COMPENSATION AMENDMENTS

The PRESIDING OFFICER. The Senate will now proceed to H.R. 3, which the clerk will report.

The assistant legislative clerk read as follows.

> A bill (H.R. 3) to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

The Senate proceeded to consider bill.

Mr. MITCHELL. Mr. President, the Senate is now considering legislation to provide disabled veterans and the survivors of veterans who died as a result of their service-connected injuries a 1991 cost-of-living increase.

This legislation is necessary because in the closing days of the 101st Congress, legislation that would have provided cost-of-living increase in the veterans disability compensation and survivors benefits programs were derailed in both Houses over controversy with agent orange.

As a result of the dispute, disabled veterans and their survivors were the only recipients of Federal entitlement programs who did not receive a cost-of-living adjustment prior to the adjournment of the 101st Congress.

That situation requires immediate correction by this Congress through enactment of legislation to increase the monthly rates of disability compensation and of dependency and indemnity compensation [DIC] by 5.4 percent, effective retroactively to January 1, 1991.

Disabled veterans and their survivors should expect to see the cost-of-living adjustment and a lump sum retroactive payment reflected in their April checks, according to sources in the Department of Veterans Affairs.

Mr. President, expedited consideration and passage of this COLA bill is one of my highest priorities. On January 14, I introduced legislation, S. 1, that would have provided the retroactive compensation and DIC COLA's and said it would be the first piece of legislation to be considered in the Senate. Designating the first bill is one of the prerogatives that I have as majority leader and I felt that this bill deserved that designation and the importance which goes with that designation.

S. 1, would have mandated an independent review of the health effects of veterans exposure to agent orange or other herbicides while serving in the Republic of Vietnam.

Today the Senate is going to consider a clean COLA bill. That does not mean that those who have consistently pushed for a resolution of the agent orange compensation and research issues have given up the fight. Indeed, just the opposite is the case.

As was discussed in introductory statements for S. 1, negotiations on the agent orange provisions have been taking place for the past several weeks.

I am pleased that those negotiations have proved fruitful, as evidenced by the companion agent orange compromise legislation introduced concurrently by Representative MONTGOMERY, the chairman of the House Veterans' Affairs Committee, and Senator TOM DASCHLE, who has been among the most active Senators on this issue.

Under the terms of the agreement, the Senate next week will consider legislation to provide compensation for veterans suffering from three diseases associated with agent orange exposure and to help resolve the scientific questions about the health effects of veterans' exposure to agent orange or other herbicides.

I am pleased that these issues, both important and deserving of immediate consideration, can be taken up so quickly by the Senate.

I believe the situation more than justifies my statement on January 14 that the provisions in S. 1 related to agent orange by themselves were not impediments to the timely passage of the retroactive cost-of-living adjustment and that the agent orange provisions, if interested Senators worked in good faith to reach agreement on the consideration of both issues, could be worked out.

I am pleased that Senator ALAN CRANSTON, the distinguished chairman of the Veterans' Affairs Committee, has been able to work with his counterparts in the House and other interested Senators on both sides of the aisle to reach such an agreement.

Mr. President, since S. 1 was introduced, thousands of American troops have been sent to duty stations in the Persian Gulf and are now engaged in combat there.

We have in the Middle East the best, most modern military hardware and technology. But more important, we have the morale, the spirit and the courage of the American men and women who serve us in the Armed Forces, for it is they who operate the hardware and understand the technology.

The fact is that every military organization, indeed every human society, rises or falls on human will, human resolve, human courage. If our Nation fails to meet its obligation to those who served in times of crisis in the past, it will be unable to summon those needed to serve in times of crisis in the future.

As my colleagues know, the U.S. Government provides compensation benefits to service-disabled veterans and to the survivors of veterans who die as a result of their service-connected injuries in order to compensate them for the loss of earning capacity due to those disabilities.

The monthly compensation paid to each veteran is based on the degree of disability and the number of dependents. In the case of a veteran's survivors, compensation benefits are based on the veteran's service rank.

The compensation and DIC programs are not indexed to any inflation factor as are most other Federal entitlement programs. The 2.1 million disabled veterans and the 323,000 survivors depend on Congress to enact annual cost-of-living adjustments or COLA's to prevent the erosion of their benefits.

So, in addition to providing a measure of economic relief and justice to those who have served before, enactment of this legislation should also serve as a signal to those who serve in today's Armed Forces today that this country recognizes and will meet its most fundamental and sacred obligation to them now and in years to come.

In closing, Mr. President, I am pleased that swift enactment of a veterans compensation and DIC COLA bill has been accomplished by this Senate. I congratulate all of my colleagues who have worked together to that end, including the distinguished managers of the bill, Senator DECONCINI and Senator SPECTER, and as I noted earlier, Senator DASCHLE, who has played a leading role in the enactment of this and the agent orange legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the majority leader for his swift action on H.R. 3, the Veterans Cost of Living Adjustment Act of 1991.

As the ranking Democratic member on the Committee on Veterans' Affairs I am very pleased and honored to respond to the request from the distinguished chairman, Senator CRANSTON, to serve as floor manager for this important legislation with my good friend and colleague from Pennsylvania, Senator SPECTER.

As many of my colleagues know, Senator CRANSTON is unable to be here because of health. We wish him a speedy recovery and certainly wish him well. He certainly would have liked to have been here today for the final action on this bill to provide the fiscal year 1991 cost-of-living increase in compensation paid by the Department of Veterans Affairs to service-disabled veterans and to survivors of veterans who died from service-connected disabilities.

Senator CRANSTON has been a leader in this for the 14½ years that I have been in this body, and he has been a constant, persistent advocate of all veterans benefits, but he has worked so long and hard on this. In the waning days of the last Congress it was a big disappointment to him, that he shared with me before he went to California. So I know he will be especially pleased today, having recently undergone surgery, to see this pass.

As my colleagues will recall, we sought in vain last year to have the Senate consider a bill providing a veterans cost-of-living increase. Unfortunately there was objection to the agent orange and certain other provisions of the bill that also were included in the COLA bill, then S. 2100. In the waning days of the 101st Congress the Senate consideration of S. 2100 was blocked. I am sorry to say, as a result, veterans did not receive their annual COLA's. It is most regrettable that these deserving individuals, alone among all the Federal beneficiaries, have not yet received a fiscal year 1991 COLA.

I am advised today that once this bill is passed it will be several months before that COLA is retroactively delivered and provided to the veterans. So, quite frankly, I think we owe them an apology. Maybe it was justifiable under somebody's standards, understanding how this place operates, but I think it indeed was very unfortunate.

Since our last attempt in October to pass S. 2100, America has once again called upon our men and women in uniform to answer the call to arms. At great risk to themselves and great hardship to their families, they have once again selflessly answered the call.

Given their dedication to duty, we in Congress must do ours. We must lay aside the differences between individual Members and between the respective Houses of Congress in order to meet the urgent needs of our veterans who served in prior conflicts and to restore the confidence of those veterans of tomorrow who are serving right now, today.

I trust we are about to cure the last Congress' omission by passing and sending to the President immediately H.R. 3, which the House passed earlier, yesterday, by a unanimous rollcall vote. This measure will provide a cost-of-living increase retroactive to January 1, 1991. The increase, 5.4 percent, is the same as the Social Security COLA for fiscal year 1991.

H.R. 3 is identical to title I of Senate bill 1, the proposed Veterans Compensation Cost-of-Living Increase and Agent Orange Act of 1991. Senate bill 1 was introduced by the distinguished majority leader who is a member of the Veterans' Committee.

As the majority leader made clear in introducing S. 1 in his statement today which contained the COLA and agent orange provisions from last session's omnibus veterans legislation, S. 2100, the swift enactment of both the fiscal year 1991 veterans COLA and the agent orange legislation are among the Senate's highest priorities.

I think it is very rewarding that the Democrats and Republicans have no dispute in this body about enacting both of these pieces of legislation at this time.

While there was little question that a COLA increase would have been passed early this Congress, the battle in the Persian Gulf certainly has caused each of us to reflect upon the importance of this legislation to those who have served and are serving in combat today.

The dispute between the House and the Senate on the agent orange legislation was quickly resolved and 2 days after the commencement of hostilities an historic agreement was reached on this important legislation dealing with agent orange.

Substantially identical bills containing the provisions of the proposed Agent Orange Act of 1991 were introduced in both Houses of Congress. S. 238 was introduced in the Senate by the distinguished Senator from South Dakota [Mr. DASCHLE], who has worked tirelessly on this issue even before he came to the Senate 4 years ago with the dedication that I have not seen too many times around here. I am sure he is pleased that finally he has been able to put this together, both in the House and the Senate.

On the House side, H.R. 556 was introduced by the chairman of the Veterans' Committee, SONNY MONTGOMERY.

Both bills enjoy strong bipartisan support, including support from those who opposed the agent orange legislation that we sought to enact last year.

Senator DASCHLE and the committee members and the staff members have worked hard to build a coalition here that 3 months ago, quite frankly, I did not think was possible. Thanks to the leadership of Senator MITCHELL, Senator CRANSTON, and many others, disabled veterans and their survivors finally will receive the COLA they so greatly deserve. And Vietnam-era veterans and their families can now be confident Congress will soon act favorably on the agent orange measure as well.

On behalf of this Senator and Chairman CRANSTON, I know, I would like to congratulate and thank the chairman of the House committee, SONNY MONTGOMERY, the ranking minority member of the Senate and House committee, Senator SPECTER now—it was Senator MURKOWSKI—and Representative BOB STUMP, the ranking minority Member in the House, who played critical roles in obtaining enactment of this legislation.

I also want to pay special tribute to the majority and minority staff of both the Senate and House Committees on Veterans' Affairs, especially Ed Scott who is here, the majority staff director, and Bill Brew, general counsel from the Senate, and also Tim Gearan of my staff who has done a great deal of work on veterans' legislation over the years. I, frankly, do not think we would be here if these staff people were not able to put together the necessary compromise agreement and bring the parties together, because there were some very, very strong feelings in the waning days of the last Congress.

Mr. President, as I mentioned, Senator CRANSTON deserves a great deal of credit for this legislation as he does any veterans legislation that goes through this body. I only wish he was here.

I ask in his absence that a statement by him be printed in the RECORD at this point.

The statement of Mr. CRANSTON follows:

H.R. 3—THE VETERANS' COMPENSATION AMENDMENTS OF 1991

• Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate finally is about to take final action on a bill to provide a fiscal year 1991 cost-of-living increase in compensation paid by the Department of Veterans Affairs to service-disabled veterans and to survivors of veterans who died from a service-connected disability.

Mr. President, prior to the end of the last Congress, I took every step I could to have the Senate consider a bill, S. 2100, providing the fiscal year 1991 compensation COLA. Unfortunately, as my colleagues will recall, objection was raised on the other side of the aisle because of opposition to the agent orange and certain other provisions of that bill. Because of those objections, Senate consideration of S. 2100 was precluded. As a consequence, veterans and survivors of veterans did not receive their COLA for fiscal year 1991. I was profoundly disappointed that these deserving individuals did not receive a fiscal year 1991 COLA, unlike all other Federal beneficiaries.

Mr. President, I am genuinely pleased that today we will remedy the situation with passage of H.R. 3, which I expect the President to sign immediately. The House passed this bill yesterday by a unanimous vote and the Senate, I am sure, will do the same today. This measure will provide a 5.4-percent COLA effective retroactively to January 1, 1991, thereby ensuring that veterans and survivors will get the full increase they would have received if we had enacted S. 2100 last year. The percentage increase is the same as the Social Security COLA for fiscal year 1991, consistent with our prior practice.

Mr. President, H.R. 3 is identical to title I of S. 1, the proposed Veterans' Compensation Cost-of-Living Increase and Agent Orange Act of 1991. I was an original cosponsor of S. 1, which was introduced by the distinguished majority leader, Mr. MITCHELL, who is a member of our committee. Using S. 1 for this veterans legislation represented recognition of the extremely high priority Senator MITCHELL and I and others attached to quick enactment of both the fiscal year 1991 COLA and agent orange legislation at the outset of this Congress.

As I indicated in my January 17 statement on the introduction of S. 238, the proposed Agent Orange Act of 1991, I am very pleased that we finally have reached an historic agreement on agent orange legislation. At the same time that Senator DASCHLE introduced S. 238 in the Senate, House Veterans' Affairs Committee Chairman MONTGOMERY introduced a substantively identical bill, H.R. 556, in the House. Both bills have the support of those who opposed the agent orange legislation that we sought to enact last year. Thus, I am certain this measure will be enacted very soon. In fact, yesterday the majority leader received unanimous consent to take up S. 238 at any time following consultation with the minority leader and announced his intention to bring that bill up next week. I understand that House action on the counterpart measure, H.R. 556, also is being planned for early next week.

I congratulate and thank House Committee on Veterans' Affairs Chairman SONNY MONTGOMERY, and the ranking minority members of the Senate and House committees, Senator MURKOWSKI and Representative BOB STUMP, as well as the chairman, Mr. APPLEGATE, and the outgoing ranking minority member, Mr. MCEWEN, of the House Committee's Subcommittee on Compensation, Pension, and Insurance, who all have played critical roles in obtaining enactment of this extremely important measure.

I also thank our committee's ranking Democratic member, Senator DECONCINI, for managing this bill in my absence. With the excellent help of his staff members who assist on veterans' issues, especially Mary Hawkins and Tim Gearan, Senator DECONCINI consistently has been a very strong and effective advocate for our Nation's veterans over the years.

I also would like to express my gratitude for their fine work on this legislation to the House committee's majority staff members, John Brizzi, Pat Ryan, and Mack Fleming, and minority staff members, Kingston Smith and Carl Commenator, and to the Senate committee's minority staff, Todd Mullins and Alan Ptak, and, for all their help to me on this measure, majority staff members Kim Morin, Michael Cogan, Bill Brew, and Ed Scott.

Mr. President, I want to take special note of the efforts of Chris Yoder, who left our committee's minority staff earlier this month. Chris served as a professional staff member on the Republican side, responsible for benefits legislation and oversight, for 6 years. He was a very talented, dedicated worker here, and I know I speak for all committee members and staff in wishing him well in his new position at the Department of Veterans Affairs.

Mr. President, I urge all my colleagues to support this important legislation.●

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am pleased to participate in the consideration of this important legislation as the first of my duties as ranking Republican on the Senate Veterans' Affairs Committee. I extend my congratulations to my colleague, Senator MURKOWSKI, who has assumed the vice chairmanship of the Intelligence Committee. It is a pleasure to be working with the distinguished Senator from Arizona, Senator DECONCINI. I associate myself with his remarks in support and praise for the staff and others who have worked on this important legislation.

The reasons it is especially pleasing to me to have this as the first matter on which I am working as ranking Republican is the first veteran whom I ever knew was a disabled war veteran from World War I, my father, Harry Specter. As a disabled veteran, he was the recipient of disability payments which, as I recall as a young child, was all that kept the wolf from the door when I was growing up in Wichita, KS.

My father was a man who came to the United States at the age of 18 from the Ukraine in Russia before there was a Soviet Union. He was honored to serve his country in World War I. He served with the lofty rank of buck private. He fought in the Argonne Forest. He was severely wounded and carried shrapnel in his legs until his dying day. In that capacity, as a disabled war veteran, he did receive a check.

I remember as a youngster the trauma which gripped the country and this city on the veterans bonus march. I know how important it is for disabled veterans to be able to receive the compensation which is due to them.

It certainly is an anomaly and a very regrettable fact that of all those Federal beneficiaries who received cost-of-living adjustments in 1991, the one group omitted were the disabled veterans. If you could have picked any group less deserving to be omitted, it would have been the disabled veterans. Because of the way that the Congress of the United States works when there is a controversy on a piece of legislation, and an included item was benefits to the disabled veterans, they have been severely disadvantaged. So I think it is entirely fitting and proper that an early order of business is to correct this item.

Considering my position as ranking Republican, I have prepared legislation myself which was introduced on the first day that legislation could be introduced, January 14. My bill number was S. 41. I did not receive as low a bill number as the distinguished majority leader, who had it marked as S. 1.

On preliminary calls, there were some 38 cosponsors who immediately signed on to S. 41. I am reasonably confident that this will be a unanimous vote.

I ask unanimous consent at the conclusion of my remarks that a list of the original cosponsors of S. 41, my legislation, identical to S. 1, also identical to H.R. 3, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I have a few more words on the subject, because a good bit of what I planned to say has already been covered by the distinguished majority leader and the distinguished Senator from Arizona [Mr. DECONCINI].

But I think it is important to focus on our duties in the Congress, in a representative democracy, our duties for American people to treat veterans appropriately. We owe a great deal to the veterans of America.

As I say, that is a very personal thing to me, because of my father's service in World War I. But we still have veterans from World War I, World War II, Korea, Vietnam, and veterans who have served and are entitled to these payments aside from the period of wartime service.

Now we have Desert Storm. As we speak, young Americans, fighting men and women, are risking their lives. It is very important that the U.S. Government treat veterans fairly, both as to those who have served and to those who are serving at the present time.

While the disability payments and the disability COLA may be far from the minds of those who are subjecting themselves to that kind of disability in the Persian Gulf today, this is a factor that ought to be taken into account. I am delighted to see this bill receive early attention.

We have a very tight time limit. There are other Senators on the floor who wish to speak. I yield the floor at this point.

EXHIBIT 1

VETERANS COMPENSATION RATES COST-OF-LIVING ADJUSTMENT ACT OF 1991—38 COSPONSORS TO S. 41

Senators Murkowski, Simpson, Thurmond, Jeffords, D'Amato, Warner, McCain, Packwood, Shelby, Kassebaum, Craig, Phil Gramm, Dole, Pressler, Symms, Cohen, Mack, Hollings, Lugar, Cochran, Kasten, Coats, Heinz, Bond, Smith, Durenberger, Hatfield, Nickles, Chafee, Ford, Danforth, Wallop, McConnell, Biden, Roth, Gorton, Grassley, and Lott.

The PRESIDING OFFICER. The Senator from Pennsylvania yields the floor. Who yields time?

Mr. DECONCINI. Mr. President, I yield whatever time the Senator from Nevada wishes.

Mr. BRYAN. Two minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I thank the Chair, and I thank my distinguished friend and colleague, the Senator from Arizona.

Mr. President, I strongly support veterans' cost-of-living allowances. I am pleased to rise today to support the immediate passage of H.R. 3 to retroactively provide the 1991 cost-of-living allowance for disabled veterans and their survivors.

It was most unfortunate that during the waning days of the 101st Congress actions were not taken to provide these cost-of-living adjustments. Disabled veterans and their families were the only Federal entitlement beneficiaries who did not receive a 1991 cost-of-living adjustment. This marked the first time that Congress failed to approve cost-of-living adjustments for disabled veterans while providing cost-of-living adjustments for other Federal beneficiaries. This was grossly inequitable.

Over 2 million disabled veterans, their surviving spouses and children depend on their disability compensation to live. Delaying their cost-of-living adjustments has caused them unnecessary worry and concern. We need to allay those fears immediately. The immediate passage of H.R. 3 will do just that.

The cost-of-living adjustment delay did force the reaching of an acceptable compromise on the agent orange issue, on which the majority leader and other of my colleagues have commented this morning. I am pleased to be a cosponsor of S. 238, the Agent Orange Act of 1991. The act is a big leap forward to resolving the long-standing issue of agent orange exposure and the compensation issues attendant to it. I am hopeful that my colleagues will also join me in the quick passage of this important act.

The Persian Gulf war amplifies the necessity of our immediate passage of the 1991 disability cost-of-living adjustment. When our military service personnel are asked to serve, they answer the call willingly and with distinction. When our veterans need assistance, Congress likewise must answer their call. Immediate passage of H.R. 3 will assure disabled veterans that Congress can, indeed, respond and answer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. I yield the floor to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Arizona for his excellent statement.

Without reiterating all of those to whom we owe thanks this morning for the fact that we are here, let me endorse the distinguished Senator's list of those who deserve commendation for their efforts to pass this COLA legislation. Certainly without their support, especially that of the majority leader and the distinguished chairman of the Veterans' Affairs Committee, we could not be here this morning.

Another group that ought to be mentioned is certainly the staff for their incredible effort the last couple of months in resolving our differences and bringing us to this point. I share the sentiment expressed so well by the distinguished Senator from Arizona.

I will have much more to say about S. 238, my agent orange legislation, next week. In the limited time that I have today, I would prefer to limit my remarks to H.R. 3.

Mr. President, I rise in strong support of H.R. 3, a bill to provide a 5.4-percent cost-of-living adjustment, retroactive to January 1, 1990, to both disabled veterans and dependents of veterans who die of service-connected disabilities. It is only appropriate that this bill be the first bill sent to the President in the 102d Congress.

Today we are rectifying, at least in part, an unfortunate situation that was created last October when the Senate was prevented from considering S. 2100, the Veterans Benefits and Health Care Amendments of 1990. S. 2100 contained this 5.4-percent COLA—the same COLA that Social Security recipients, military retirees, and all other Federal beneficiaries received.

But that is behind us. The fact is, we are considering a new cost-of-living adjustment bill today.

I have said on this floor time and again that we owe those veterans and those who are currently serving—our soldiers, the men and women serving in the Persian Gulf, as others have served in past efforts—we owe them, every bit of support that we as a Congress can provide. And that support must come both during and after their service.

Last Monday, I was pleased to join Senator MITCHELL, the majority leader; Senator CRANSTON, chairman of the Senate Veterans' Affairs Committee; Senator KERRY, and several other Senators in introducing legislation that would also provide a 5.4-percent COLA for service-disabled veterans and their survivors.

The fact that we are considering the COLA bill today, during the first week of regular legislative business, reflects the importance all of us place on the commitment the United States owes the men and women who serve this country in the Armed Forces. The fact that the majority leader's first bill in the 102d Congress, S. 1, is the COLA bill reflects the strength of that commitment.

While I am pleased that we are considering this bill today, I am also saddened by the realization that our failure last year to act on S. 2100, which included this 5.4-percent COLA, caused undue pain and worry to many veterans and their families who depend on their disability checks to meet their basic needs. For many elderly, service-connected veterans in my State, their monthly VA disability check is the only way they can made ends meet.

The COLA is important to many service-connected veterans and their families—not only financially, but because to many veterans it symbolizes our Government's recognition of their service to our Nation.

Over the course of the past few years, veterans have witnessed a slow deterioration of VA services. They have witnessed countless veterans seeking VA health care only to be told that they no longer qualify for VA health care services. They have watched as entire wings of VA hospitals closed simply because the VA did not have enough doctors or nurses to staff additional beds. During the recent budget battle, veterans saw VA programs take more than their fair share of cuts in the deficit reduction measure approved by Congress. For many veterans, congressional failure to enact the COLA in October represented yet another failure of the system to meet veterans' legitimate needs.

Some veterans are even beginning to question our national commitment to the men and women who serve us so courageously in both war and peace. This is a tragic development, especially in light of the national challenge we currently face in the Persian Gulf.

As one veteran told me, "As a disabled Vietnam veteran who saw heavy combat while serving in the Riverene forces in Vietnam, this COLA is very little pay-back for the pain and suffering I have been through as have many other comrades in our ranks. I feel the passage of this most important bill would benefit the disabled veterans not only in a monetary amount, but will reflect that the American people have not forgotten about the service and sacrifices given by the disabled veteran."

I do not believe that our national commitment has waned. The American people and the vast majority in Congress are deeply committed to America's veterans. It is time for us to demonstrate that commitment in a meaningful way.

The first step in that process is to deliver veterans the COLA they deserve as expeditiously as possible. That is why we are here today, and I am pleased that we have finally overcome the obstacles to consideration of this bill.

The second step is to deal honestly and fully with the outstanding issues related to past wars. That entails a willingness to resolve the issues of agent orange and posttraumatic stress disorder. That entails a willingness to provide health care to every veteran who was promised that care. That entails a willingness to respond, in a timely way, to all veterans' legitimate needs.

I am pleased to report that an agreement has been reached on agent orange, and that legislation will be considered within the next few days in both the House and the Senate. I am hopeful that we will also be able to move to the other important provisions in S. 2100 in the very near future. But I hope everyone here today realizes that there is still much work to be done to address the real, legitimate, and sometimes immediate needs of our nation's veterans. We cannot become complacent in that regard.

The third step we must make to fulfill our obligations to veterans is to ensure that we provide for our future veterans. Nothing could drive that message home more clearly than the images of the men and women serving us right now in the Middle East. We must be prepared to meet their needs in education and employment. We must be prepared to treat and compensate them for their wounds, whether those wounds are apparent or hidden, physical or psychological. And, although the costs are sometimes high, we must be prepared to pay them, for it is what our veterans have earned.

In addressing veterans' needs, we are now at step one. I ask my colleagues to join me in reaffirming our commitment to our nation's veterans by giving our unanimous approval to this 5.4-percent COLA.

It is equally imperative that we work hard to see that veterans are not denied the other important health care and compensation benefits that were originally included in S. 2100. Passage of this COLA should not be seen as an end, but, rather, a beginning toward rectifying the injustices that have been dealt to our Nation's veterans.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. DECONCINI. Mr. President, I understand the time on this side has almost lapsed. The Senator from Florida has asked for additional time. I ask unanimous consent that 5 additional minutes be granted to this side of the aisle for Senator GRAHAM of Florida.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. I thank the Senator from Arizona [Mr. DECONCINI]. I appreciate his courtesy.

Mr. President, I rise today in strong support of H.R. 3, legislation which will authorize a cost-of-living increase and benefits for service-connected disabled veterans and certain survivors for the 1991 fiscal year.

This bill is identical to legislation which I introduced on January 14, S. 107, which was cosponsored by Senators MIKULSKI, AKAKA, SHELBY, MACK, LAUTENBERG, and BENTSEN.

Mr. President, I think we all agree that Congress made a serious mistake last year in allowing a deadlock over other issues to stand in the way of authorizing a cost-of-living increase for disabled veterans. We provided a cost-of-living increase for Social Security recipients, for military retirees, for Federal retirees, and for civil servants. All of those were afforded a 5.4-percent increase in benefits. But the 2.2 million service-connected disabled veterans and the over 300,000 families of those service men and women who died in combat were not. This bill will correct that. At a time when we have asked for over 400,000 American men and women to put themselves at risk in the Middle East, we should not forget those who have gone before them in defense of our freedom and our liberty. When the United States does not provide proper compensation for their service, we send the wrong message to today's troops and to those who may be considering careers in the armed services.

Mr. President, this bill is a simple issue of fairness. It is a matter of providing to veterans what they deserve.

Mr. President, over the recess period, in November and December, I met with groups of veterans in two communities in my State, in the Tampa Bay area and later in Pensacola. In those meetings I was struck by the extreme level of patriotism of those men and women who had already served and served at great personal sacrifice.

I was also struck, at the meetings in Tampa and in Pensacola, with the real need for this cost-of-living adjustment. Many of the men and women with whom I met were severely disabled, several in wheelchairs. Still others had lost a limb, had lost all or partial vision. They depend upon this veterans' disability payment to meet their basic needs. Like all other Americans, they have been facing a gradual increase in the cost of living. So denying this cost-of-living increase had real human consequences.

Mr. President, I am pleased today that we are recognizing those human consequences and are rectifying our failure to act last year.

Some have asked, including during the course of the meetings in Tampa and Pensacola, would this increase the Federal deficit. The answer to that question is "no." The issue in this particular debate is one of fulfilling the Nation's moral obligation. We have already dealt with the financial obligation because Congress provided for a cost-of-living increase in the reconciliation bill which we passed last October. Therefore, passage of this legislation will not count as new spending. We have already provided in our Nation's budget for our disabled veterans. We are now completing payment on that obligation.

Mr. President, I have joined the distinguished chairman of the Senate Veterans' Affairs Committee and others in cosponsoring a revised version of the omnibus veterans' benefit bill which this Senate passed last year. I am pleased that agreements have been reached on the agent orange legislation and trust that in the next few days we will enact that important legislation.

Disabled veterans should not pay the price for our inability to reach agreement on other veterans' services. Veterans are not political pawns. They are people. They are real men and women, men and women who have made a contract with their Government to support and defend the United States at great risk. This legislation is necessary for us to live up to our part of that contract.

I commend the majority leader and the chairman of the committee for ensuring early action on this bill and urge my colleagues to join in the passage of H.R. 3.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that Senator RUDMAN be added as an additional cosponsor to the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. DECONCINI. How much time does the Senator from Pennsylvania still have?

The PRESIDING OFFICER. The minority has 17 minutes.

Mr. DECONCINI. And is 10 minutes of that included for Senator SIMPSON?

The PRESIDING OFFICER. Yes.

Mr. DECONCINI. Ten minutes. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. SPECTER. I yield to the distinguished Senator from Alaska, former ranking Republican on the committee, as much time as he requires within the time available.

Mr. MURKOWSKI. Mr. President, I thank the Chair and I thank my colleague, the junior Senator from Pennsylvania. Let me take this opportunity to extend to him a welcome as the ranking minority member of the Veterans' Committee in the Senate. As ranking member on that committee for the last 4 years, I look forward to working with the Senator from Pennsylvania as he assumes that position. The Senator from Alaska has taken the vice chairmanship of the Intelligence Committee, but I still look forward to working on the important needs of our veterans.

I rise today in support of H.R. 3, legislation which would provide a 5.4-percent cost-of-living adjustment for the 2.2 million veterans who receive disability compensation for service-connected disabilities and to the 340,000 survivors who receive dependency and indemnity compensation.

Mr. President, this bill provides a 5.4-percent COLA for our veterans and would be retroactive to January of 1991.

Further, Mr. President, this legislation represents unfinished business for this body. Last year, Congress did not pass a veterans' COLA bill. I believe this was extremely unfortunate since America's service-connected disabled veterans have as high a priority on the Nation's resources as any group or any cause.

Last year the COLA bill ran aground as a consequence of attempts to take advantage, in the opinion of the Senator from Alaska, of its priority by using it as a vehicle to carry controversial and unrelated measures. America's disabled veterans were the victims unfortunately of this effort.

I ask that we delay no longer providing service-connected disabled veterans and their dependents the cost-of-living adjustment. We now have a chance to undo last year's confusion and political posturing that confounded well-intentioned efforts to pass a COLA for disabled veterans and their dependents.

My colleagues may be interested to know that last night I received a statement from the Office of Management and Budget which stated the administration's strong support for this legislation. The administration further noted that the cost of the COLA—which is estimated to be $412 million—is included in the budget baseline and is, therefore, not subject to the pay-as-you-go provision in the Budget Reconciliation Act.

Once again, I would like to commend my colleagues in the House for approving H.R. 3 yesterday. Specifically, I wish to applaud the fine efforts of Mr. MONTGOMERY and Mr. STUMP.

I urge prompt Senate approval of H.R. 3, a COLA bill with no extraneous provisions attached. I thank my colleagues who are working toward that end.

Mr. MURKOWSKI. Mr. President, I wish to acknowledge the outstanding work of Chris Yoder who recently left the staff of the Veterans' Affairs Committee. Chris served as a professional staff member for the Republican staff for over 5 years. His knowledge of veterans' benefits is extraordinary. He was a valued member of my staff.

Chris is now working in the Office of Congressional Affairs of the Department of Veterans Affairs.

I thank Chris for his loyalty, professionalism, and honesty. I wish him the best of luck in his new endeavors.

I yield the floor.

Mr. DECONCINI. Mr. President, I wonder if the Senator from Pennsylvania would yield me the time that they are not going to use on their side.

Mr. SPECTER. Mr. President, I would be glad to do that.

Mr. DECONCINI. On behalf of Chairman CRANSTON, myself, and others on this side of the aisle, I want to join with Senator MURKOWSKI in taking special notice of the efforts of Chris Yoder, who left our committee's minority staff earlier this month.

Chris served as a professional staff member on the Republican side with responsibilities for benefits legislation and oversight for 6 years.

He served our country with distinction in Vietnam, and has been a very talented and dedicated worker here in the Senate Veterans' Committee.

I know I speak for all committee members and staffers in wishing him well in his new position at the Department of Veterans Affairs.

Mr. GRASSLEY. Mr. President, I am very pleased that the Senate has made its first item of regular legislative business the consideration of a 5.4-percent cost-of-living increase, retroactive to January 1, 1991, for disabled veterans. As an indication of my support for providing this COLA, I have cosponsored COLA bills introduced by Senators SPECTER, DOMENICI, and MCCAIN.

This action is long overdue. The delay in its provision has been a hardship for many of the approximately 2.5 million disabled veterans and their survivors nationally who will receive this COLA. Many Iowa veterans have written to me to tell me that the COLA will be of great help in their individual circumstances.

It is also the case that COLA's were provided for Federal pension programs—Social Security and Federal retirement, for example—and the veterans' COLA's should have been provided on schedule.

It is very difficult to explain to deserving Iowa veterans why the Congress failed to provide this COLA on schedule. They were rightfully distressed that we failed to untangle the legislative snarl which arose last year when we tried to move this legislation.

I am thankful that this year, the parties to the dispute which held up this legislation last year were able to agree on the issues on which they disagreed so that we could move forward on both the COLA and on the agent orange legislation which was involved in last year's dispute.

I know that Iowa disabled veterans will be thankful that we have finally moved on this COLA adjustment.

Mr. PRESSLER. Mr. President, I urge the passage of H.R. 3, which will provide a retroactive 5.4-percent cost-of-living adjustment for disabled American veterans and spouses and children of veterans who died of service-related injuries. This legislation will have the same effect as S. 41, of which I am an original cosponsor.

The 101st Congress adjourned last October without approving a COLA for disabled veterans and their survivors. This modest benefit was denied to over 2.5 million Americans because of congressional inaction. This was the first time Congress has failed to grant a COLA increase for disabled American veterans while providing COLA adjustments for other Federal beneficiaries. We need to ensure that this will be the last time that happens.

Our veterans and their survivors should expect Congress to provide the benefits they justly deserve. Under H.R. 3, the 5.4-percent COLA disabled veterans will receive is the same percentage increase as Federal and military and Social Security recipients received on January 1, 1991. The increase for veterans will be retroactive to January 1, 1991. I urge my colleagues to restore this benefit through quick passage of this vital legislation.

Mr. THURMOND. Mr. President, I rise today in support of H.R. 3, the disabled veterans cost-of-living adjustment for 1991. This measure provides for a 5.4-percent increase in benefits to veterans with service-connected disabilities and their survivors which is retroactive to January 1, 1991. Of all the people in this great Nation, I cannot imagine any group more deserving of our support than our disabled veterans.

I have stated many times that the highest obligation of American citizenship is to defend this country in its time of need, and that this grateful Nation should provide for those who are disabled as a result of service to their country. We must never forget this obligation.

Accordingly, the House of Representatives has acted on this matter and the Senate must act promptly to ensure that our disabled veterans are provided with the benefits they so justly deserve. I urge my colleagues to support this important measure.

Mr. DURENBERGER. Mr. President, I am pleased to be a cosponsor of this extremely important piece of legislation. This bill will raise the Government assistance to disabled veterans and the survivors of veterans who have died from service-related disabilities.

The bill provides full compensation on cost-of-living adjustments for qualifying veterans and survivors. This COLA is necessary and well-deserved.

Mr. President, it is important for us to note that disabled veterans and their survivors were the only recipients of Federal entitlement programs who did not receive a COLA increase last year. I support Congress' prompt action here today to correct this inequity.

Mr. President, veterans and their families have earned our appreciation, our thanks, and our enduring gratitude for their service to this country. They have all made sacrifices on our behalf, and for that, we are eternally grateful.

The people of the United States have a responsibility to live up to our end of the bargain. The brave men and women who have served in our Armed Forces and suffered disabling injuries or wounds have earned the support that this bill provides.

And we must also look to our men and women currently serving in Desert Storm. This bill not only responds to those who have previously served, but also looks forward to those who are now serving the United States. We are very proud of them, and deeply thankful for their commitment and service to this country.

When we pass this legislation, we not only fulfill our end of the deal with current veterans, but we send a clear and unmistakable message of support to the men and women now in Desert Storm: You are appreciated; you are loved; you have earned our gratitude; and we will take care of you when you return.

This is a great country Mr. President. And we owe much of that greatness to the veterans of the U.S. Armed Services who have put themselves unselfishly in harm's way, and often paid a high price for doing so.

I am proud to have had a part in this legislation. Our veterans have earned it.

I thank the Chair and yield the floor.

Mr. AKAKA. Mr. President, I rise in strong support of H.R. 3, the Veterans Compensation Amendments Act of 1991, passed unanimously by the House yesterday. The measure will provide service-connected disabled veterans and their survivors with a 5.4-percent cost-of-living increase in their rates of compensation for this year. H.R. 3 makes payment of COLA's retroactive to January 1, thus ensuring that no disabled veteran will bear the cost in inflation.

Mr. President, veterans in my State—and throughout the Nation—are well aware that Congress failed to pass a disability compensation COLA bill prior to adjournment last year. This created an anomalous situation in which every other class of Federal annuitant—including Social Security and VA pension recipients—now receive 1991 COLA's with the exception of disabled veterans. This lamentable state of affairs exists as a result of last year's legislative impasse in which the compensation COLA was effectively held hostage by those who objected to legislation that would have codified and extended agent orange-related benefits.

I am glad to inform Hawaii veterans that both the disability COLA and an agent orange bill should be enacted this session. As I understand the legislative situation, the Senate will adopt the pending, clean COLA bill today, and, at a later date, perhaps a early as next week, debate and adopt compromise legislation on agent orange recently introduced in both Houses by Senator TOM DASCHLE and Representative SONNY MONTGOMERY.

Mr. President, the gulf conflict reminds us once again of our duty to care for our Nation's veterans. Therefore, adoption of this COLA measure could not have come at a more appropriate moment. For, unless we are very, very fortunate, many American soldiers are certain to be disabled in the war against Iraq. Passage of this bill will send a strong message to our men and women in the field that their Government supports their efforts and will continue to care for "he who has borne the battle."

In closing, I wish to commend all involved in working out this grand compromise, including the chairmen and ranking minority members of the House and Senate Veterans' Affairs Committee as well as Representative LANE EVANS, Senator DASCHLE, and Senator JOHN KERRY, who have carried the ball on agent orange for so many years. That agreement could be reached on such a controversial matter is a tribute to their leadership on this issue.

Thank you, Mr. President. I yield the floor.

Mr. HOLLINGS. Mr. President, I rise as a cosponsor of the veterans disability COLA bill. Since August the drums of war have beat with rising clamor, reminding the Congress and all Americans that our daily freedoms and the lifelong rights with which we are blessed in this country exist not only because of great leaders, great political thinkers, and a freedom-loving people at home, but also because great sacrifices have been made by soldiers at our most perilous moments. Unfortunately, this insistent clamor, rising like the ghost of Hamlet's father to remind him of his debts to the past, was seemingly drowned out by the din of political debate at the closing of the last Congress. Veterans did not deserve this cold shoulder, and today's troops must be assured that Congress will be more attentive when they return home. Thus, while I regret congressional inaction last October, I applaud the speed with which the Veterans' Committee and the leadership have brought this measure before us in this Congress. I have always supported COLA's for disabled veterans, and am pleased to vote to sustain our present veterans and to reassure those of the future.

Mr. CHAFEE. Mr. President, I rise to voice my support for two measures before the Senate regarding disabled veterans, namely the Disabled Veterans Cost-of-Living Adjustment [COLA] Act and the Agent Orange Act of 1991.

The COLA bill addresses a critical piece of unfinished business from the last session of Congress, the matter of a COLA for veterans and their dependents or survivors receiving disability compensation. Disabled veterans were the only individuals traditionally assured of a COLA for whom none was appropriated for this year. Adoption of this legislation will provide those eligible with a 5.4-percent COLA, an amount equal to that received in 1991 by Federal and military retirees and Social Security beneficiaries, retroactive to January 1, 1991.

I am pleased to be a cosponsor of the Senate version of H.R. 3, authored by the Senator from Pennsylvania [Mr. SPECTER]. Thanks in part to Senator SPECTER'S work, the COLA issue has been disentangled from more contentious matters facing the Department of Veterans Affairs and made a priority item in the Congress. With the adoption of COLA legislation, we can lay to rest the unfairness imposed upon our disabled veterans and their families, whose service to this country has not been nor will ever be forgotten.

Disabled veterans have paid a dear price in their service to our country. We owe it to those who live with the cost of freedom every day to approve this COLA in a timely way. We must also assure those who are being asked to face hostile fire today that, if they are disabled, their needs will not be neglected.

The same principle holds true for those Vietnam veterans disabled as a result of their exposure to agent orange. Agent orange, a herbicide used during the Vietnam conflict to defoliate large stretches of forest, is already recognized as a cause of soft-tissue sarcoma, non-Hodgkins lymphoma, and chlorance, and is suspected to be the source of several other diseases suffered by veterans exposed to it. Except for those veterans diagnosed with those first three conditions, troops exposed to agent orange and other herbicides used in Vietnam are not eligible for disability compensation, because the connection between exposure and afflictions has not been established.

For several years, I have worked to address this problem, and this year I have once again cosponsored legislation. S. 238, the Agent Orange Act of 1991, is, I believe, the long-sought-for compromise putting in place a procedure for establishing service connection for various diseases presumed to be linked to agent orange.

This bill has a number of strengths, a couple of which deserve special mention. The first is that the studies establishing links between agent orange and diseases suffered by veterans exposed to agent orange and other herbicides will be conducted by an objective group, the National Academy of Sciences. This independent research will then be placed in the hands of the Secretary for Veterans Affairs, who will be in position to evaluate the level of compensation that is appropriate. This formula—reliable information in the hands of a decisionmaker whose concern for those affected has been demonstrated in the past—is in my opinion the best means to tackle the agent orange issue.

I urge my colleagues to join in support of these measures, both appropriate and long overdue.

Mr. PACKWOOD. Mr. President, I am delighted we are proceeding expeditiously to the veterans' COLA bill that will provide a 5.4-percent cost-of-living increase to our disabled veterans, retroactive to January 1, 1991. As an original cosponsor of the Senate bill, I am particularly pleased that the House yesterday quickly passed the identical companion measure, H.R. 3, and that the Senate will follow suit today.

It was grossly unfair to our disabled veterans that their COLA got derailed in the closing days of the 101st Congress. And it is only fitting that this be the first bill signed into law in this 102d Congress. Many of the 2.5 million disabled veterans and their survivors call Oregon their home. Throughout Oregon, there are thousands of deserving veterans who would be shortchanged were Congress not to pass this legislation. I strongly urge my colleagues to support this fiscally responsible measure. It provides for a routine cost-of-living adjustment, an adjustment which is automatic for other entitlement programs.

There are many issues confronting American veterans that the Congress must address. However, none warrants such immediate attention as the COLA issue, particularly in light of the economic difficulties facing so many Americans during this period. For those who have risked life and limb to defend our country and its ideals, we must have compassion and understanding. Our American veterans deserve no less.

Mr. President, I am confident that this measure will pass and the President will sign it quickly. To the 2.5 million disabled veterans, rest assured that your concerns have been heard and will be addressed without further delay. I hope we will not again be witness to such inequity. The inability of the 101st Congress to pass this legislation created substantial hardship for these veterans and their dependents. These men and women should not have to wait any longer for the compensation they have earned.

Mr. KOHL. Mr. President, I rise in support of H.R. 3, the so-called clean COLA bill. It will provide a retroactive cost-of-living adjustment of 5.4 percent in rates of service-connected disability compensation and in dependency and indemnity compensation for disabled veterans and their survivors. The House has already approved this measure, and with quick action by the Senate and the President, the March check veterans receive should contain the increases for January and February as well.

This is good news for veterans, although it would have been preferable to have passed this COLA last year. As is well known by now, a dispute regarding agent orange prevented consideration of a comprehensive veterans benefits package in the closing days of the last session. I am pleased that we now have an agreement to consider agent orange legislation. I am proud to be an original cosponsor of that compromise, S. 238, as well as a sponsor of S. 1, a Senate bill which would provide the COLA. By reaching an agreement on these two issues, we have found a proper way to continue to support the needs of veterans from all eras.

Mr. President, in light of the war we currently find ourselves in, I think it is very beneficial for this Congress and this country to be considering veterans legislation. It is at times like this, when we are asking young men and women to put their lives and bodies on the line for their country, that the need for topnotch medical care in DVA medical centers becomes most apparent. In times of peace, we are often reminded by our veterans of the commitment we have made to them. And I have tried to live up to that commitment during the 2 years I have served in the Senate by supporting strong funding for veterans health care. But in times of wars, Mr. President, the whole country wakes up to the debt we owe our warriors. I hope that through this conflict we will forge in our communities, in our Congress, and in our country, a stronger commitment to supporting veterans health care. Veterans who have been injured while fighting on our behalf deserve the best medical care possible, and it is our job to see that they get it. The COLA we consider today, and the agent orange bill we will consider next week, should only be a small sign of our continuing efforts on veteran's behalf.

Mr. ADAMS. Mr. President, we are all aware of the tremendous sacrifices being made by U.S. troops now serving in the Persian Gulf. As a veteran myself, I know that these sacrifices are predicated on an unshakeable belief in the values we hold dear as a Nation. I am proud of our troops, and particularly proud of the thousands of men and women from Washington State presently serving in the gulf. At this time, we stand united in prayer for their safety and well being.

It is appropriate, therefore, as we enter the second week of war with Iraq, that Congress work quickly to pass a cost-of-living-allowance increase for America's veterans disabled during our Nation's past wars. Our disabled veterans made incredible sacrifices for their country, and their sacrifices should be rewarded with continued care and appropriate compensation. Of equal importance, as we face the possibility of a whole new generation of veterans, we must send an unequivocal message to our troops in the Persian Gulf: That they have our full support, both during and after the present conflict, and that their efforts on behalf of the United States will not be forgotten. Our message to Washington State's veterans, over 594,000 men and women who served our country in past wars, must be equally strong.

I am proud to support H.R. 3, the Veterans Compensation Amendments. H.R. 3 will increase the monthly rates of disability compensation, and dependency and indemnity compensation, by 5.4 percent, a full COLA increase. This increase will be made retroactive to January 1, 1991, when all other Federal COLA increases went into effect. Nothing less is deserved by our veterans. Quick consideration and passage of this bill is incumbent on all of us here today.

The failure to pass a COLA increase for disabled veterans at the end of the 101st Congress, the result of controversy over agent orange provisions contained in the COLA bill, was a grave injustice. In order to avoid similar entanglements this year, and further delay the COLA increase, I have become an original cosponsor of S. 238, the Agent Orange Act of 1991. This bill will establish a presumption of service-connection for diseases found to be linked to agent orange exposure by the Secretary of Veterans Affairs, and gives the Secretary greater authority to determine such links. A clean bill for agent orange compensation and the COLA increase will ensure quick action on both issues. As we must act quickly to pass the COLA increase, we must also act to close this final and often divisive issue for Vietnam-era veterans.

We owe a tremendous debt to our Nation's veterans, past, present and future. I do not take that debt lightly. I have always believed that we should provide the highest quality health care to our Nation's veterans, and will make every effort to see that these bills are considered and passed as quickly as possible. Our Nation's veterans must be certain of our unwaivering support.

Mr. SARBANES. Mr. President, I want to outline my reasons for strongly supporting swift passage of H.R. 3, legislation providing a 5.4 percent cost-of-living adjustment [COLA] to disabled veterans, as well as to the families of those who died from service-related injuries. This legislation would provide the COLA retroactively.

The 101st Congress failed to pass the COLA due to an impasse over an agent orange provision. Now that the agent orange elements are being addressed separately, Congress must act quickly to provide our 2.5 million disabled veterans and their survivors with the cost-of-living adjustment. These veterans who served our Nation with honor have earned the respect of the American people and deserve this increase in their benefits.

The House of Representatives passed this legislation earlier this week, and now it is incumbent upon the Senate to acknowledge our country's obligation to its veterans. I praise Senator CRANSTON's efforts toward this end and join him in urging expeditious passage of this bill to rectify the inaction of the 101st Congress.

We must send an unequivocal message of support for those who have fought for our Nation. At a moment when so many young Americans risk injury and death in the gulf, now is the time to demonstrate our support for all Americans who serve in time of war. This legislation is a just and overdue tribute to their sacrifice and service.

Mr. PRYOR. Mr. President, I am happy to see that Congress is finally moving to set straight the injustice we committed last fall by not passing legislation to give disabled veterans a 5.4-percent adjustment in their compensation to reflect the effect of inflation.

The Senate Democratic leadership tried to pass the adjustment last fall but was thwarted by Members concerned about the inclusion of certain provisions in the bill. Due to these problems, veterans were the only group not to receive an inflation adjustment last year. This was wrong and it must be righted.

I cannot think of a group of more deserving Americans than those who fought for America and in the process lost some aspect of their health. The war in the Persian Gulf should serve to remind all of us of the incredible sacrifice our disabled veterans have made and of the value of the contribution they made to preserve our democratic ideals and freedom.

My colleagues who worked out the compromise that allows the so-called COLA legislation to go through Congress without any other legislation attached to it are to be commended. Legislation to deal with important issues relating to agent orange will be addressed separately.

Mr. President, one last issue. The disabled veterans cost-of-living adjustment is one of the few inflation adjustments that is not indexed—or adjusted automatically to reflect changes in the economy. I would like to ask my colleagues whether it is not time to consider making the disabled veterans adjustment automatic also.

Mr. President, Congress owes our veterans community an apology for not completing action on the COLA last fall. Let us hope that this untenable situation never again occurs.

Finally, let me honor all of our current veterans and honor all the men and women serving our Nation today who will be veterans in the future.

Mr. BYRD. Mr. President, as we consider H.R. 3, the Veterans' Compensation Cost-of-Living Adjustment Act, I am reminded of words uttered by Theodore Roosevelt more than 87 years ago in a Fourth of July speech at Springfield, IL. In 1903, Theodore Roosevelt stated,

> A man who is good enough to shed blood for his country is good enough to be given a square deal afterwards.

I believe strongly in those words, and I have endeavored throughout my service in Congress to ensure that our Nation's veterans receive a "square deal."

Our veterans are men and women who have given much of their selves, their lives, and their families' lives to our country. Our Nation's veterans served in two world wars, the Korean war, Vietnam, Grenada, Beirut, Panama, and most recently the war in the Persian Gulf. These men and women may be disabled, traumatized, or ill in our veterans' hospitals.

Therefore, I am pleased that one of the first pieces of legislation that the 102d Congress sends to the President will be the measure before us. I am pleased that we are finally passing legislation that would give our veterans and their families a well-deserved 5.4-percent cost-of-living adjustment, retroactive to January 1 of this year. I support our Nation's veterans, and I support H.R. 3. The war in the Persian Gulf makes us especially aware of the risks and dangers that these men and women have taken in our behalf.

Mr. SASSER. Mr. President, I am pleased that after several months of waiting our veterans are going to receive their much deserved cost-of-living allowances, and that their COLA payments will be retroactive to January 1. It is most unfortunate that retirement benefits to such an elite group of our Nation's retirees have been delayed when all other retirees received their increases on time.

As part of our Armed Forces, Mr. President, our veterans were called on to put themselves in great peril, often making life-threatening sacrifices for the safety and betterment of our Nation. It is the least we can do, now that they are retired, to see that they receive the fair and just benefits they deserve.

Even as I speak, hundreds of thousands of our Nation's young men and women are serving their country in the Middle East. Let us be mindful that the veterans whose COLA's we are authorizing today have also served the United States of America in foreign lands from Europe to Asia to Africa, Vietnam, and Korea, as well as Grenada and Panama.

And let us send a signal to our troops serving today that when the fighting is over and they reach retirement age, they will be cared for by an appreciative nation that remembers and honors their dedication and sacrifice.

I know that a lot of hard work and compromise has gone into this bill on both sides of the aisle. My compliments to Chairman CRANSTON and his staff who have worked so diligently to get this final version before us.

The Senate Budget Committee has examined the budgetary implications of H.R. 3 both for compliance with Budget Act points of order and for any implications under the new pay-as-you-go procedures enacted in last year's reconciliation bill.

We concur with the cost estimate prepared by the Congressional Budget Office on January 4, 1991, which states that, "Since the compensation cost-of-living allowance was included in the existing baseline, this bill would have no cost relative to that baseline." The spending increases from the COLA are also included in the baseline which will be used for measuring changes relative to the new pay-as-you-go procedures. Therefore, there are no Budget Act points of order against this bill and the bill has no pay-as-you-go implications.

Mr. SYMMS. Mr. President, I rise in support of this legislation, which restores a 5.4-percent COLA to this country's veterans.

As we all know, the veterans were singled out last year as the only group who did not receive a COLA in the 1991 budget. I am pleased that this situation is being resolved at the earliest time in the 102d Congress, making it retroactive to January 1991.

I have always favored equal treatment among retirees, be they disabled veterans, military retirees, or Social Security recipients. To give a COLA to any one group and not the others is completely unacceptable, and I would like to extend my apology to the veterans as should the entire 101st Congress. They have served this country well and certainly deserve just treatment. To have neglected them during the budget process was intolerable.

I have heard from many veterans in my State of Idaho on this issue, as I am sure many Senators have, and I appreciate their comments and frankness. I believe all of us in Congress need a little nudge now and then to keep us on our toes and remind us of the sacrifices made by so many to protect the freedoms we civilians often take for granted. I am extremely proud of this country and the men and women who have served it in the past and those who serve it now.

I am pleased my colleagues have agreed to early passage of the COLA legislation so we may rectify this unfortunate situation as soon as possible.

Mr. MACK. Mr. President, I rise today as an original cosponsor of the "Veterans Compensation Rates Cost-of-Living Adjustment Act of 1991." This important legislation will provide a 5.4 percent cost-of-living adjustment [COLA], retroactive to January 1, 1991, for beneficiaries of service-connected disability compensation and the rates for dependency indemnity compensation [DIC] for the survivors of certain disabled veterans.

It is outrageous that this legislation is even necessary. It was the failure of Congress alone to do its job and approve the 1991 COLA for the more than 2 million service-connected disabled American veterans and DIC beneficiaries before the 101st Congress adjourned. My home State of Florida has the second highest population of individuals receiving these important benefits as well as more than 100 percent service-connected disabled veterans than any other State. These Florida veterans are stunned, and feel genuinely betrayed that Congress bungled the provision of the 1991 COLA. I certainly cannot blame them for these feelings. Indeed, they are justified.

As my colleagues will no doubt recall, the COLA for this purpose was included in a comprehensive veterans medical benefits bill which included provisions associated with housing, employment, salaries of VA physicians, and service-connected designation for exposure to agent orange and ionizing radiation. When this bill came to the floor, there was considerable political maneuvering which resulted in a stalemate, and the bill was not even voted upon.

Attempts were made to bring about a vote on a clean 1991 COLA bill for service-connected disabled veterans and DIC beneficiaries. While I would rather have completed action on the entire bill prior to adjournment, I supported efforts to vote on a clean COLA. But those efforts did not work, and Congress did not vote. Now is the time for Congress to correct the injustice it created by failing to approve this COLA during the closing days of the 101st Congress.

If Congress can grant a 5.4-percent COLA to Federal and other retirees, it surely should have been able to take the same action on behalf of the brave men and women who have risked their lives in the name of freedom. I wholeheartedly urge my colleagues to join me in correcting this injustice by cosponsoring this important legislative initiative.

Mr. SIMPSON. Mr. President, I rise today to voice my strong support for this bill, which would remedy a problem which arose in the waning hours of the last Congress—when Congress was unable to pass a bill to provide a cost-of-living adjustment for disabled veterans and their survivors.

I have cosponsored the Senate versions of this legislation, and I am pleased that we are able to take this up at this early date.

There has been considerable misunderstanding and posturing about how it came to pass that the veterans did not get their cost-of-living adjustment, and I have even heard my name bandied about as the culprit, but I want to dispel that false impression one more time.

Last year, a bill to provide a cost-of-living adjustment for veterans never came up in the Senate. There were two reasons for that.

The first is that the bill which contained that COLA also contained a number of highly objectionable, wholly unnecessary, costly, and burdensome provisions. Efforts were underway to come to an accommodation and compromise on those provisions when time ran out.

The problem was that the veterans COLA bill has come to be regarded as a run-away freight train to which all sorts of other matters—some worthwhile and others less so—could be attached.

The time had come to stop the old fast freight and to unload some of its excess baggage.

That is exactly what happened, but the haulers of all that excess baggage preferred to let disabled veterans do without their COLA than to let the bill proceed with only slightly modified content.

The second reason that no COLA bill was ever considered in the Senate was because of action taken in the House.

My fine and longtime friend, Chairman SONNY MONTGOMERY made an earnest effort to bring up a bill that would have contained the cost-of-living adjustment and would have extended eligibility for VA medical care to veterans exposed to agent orange.

I had pledged my support for such a bill, but the Senate never had an opportunity to vote on it, because a certain single Congressman rose to object to any consideration of that measure.

Therefore, Mr. President, I am very pleased that we are taking up this measure at this time.

In the intervening months, agreement has been reached—and it is far from perfect, but it is a good compromise—on one of the more contentious issues which hindered our consideration of the veterans' COLA last year, and that is in regard to further agent orange legislation.

I am pleased to see that we are able to take up this bill to provide a COLA for veterans without having to consider any other extraneous matters.

I would also note, Mr. President, that I have introduced a bill, together with the Senator from Kansas [Mr. DOLE] and Senators SPECTER, MURKOWSKI, and eight of our colleagues, that would eliminate this kind of baffling uncertainty for veterans in the future.

My legislation would provide that disabled veterans and their survivors would receive a cost-of-living adjustment annually—automatically—based on the increase in the Consumer Price Index, without Congress having to pass this form of legislation each year.

This bill is very necessary at this time in order to remedy the unfortunate situation of veterans not having received a cost-of-living adjustment and that unfortunate result was not occasioned by the Senator from Wyoming. You could check on a certain House Member for any future information.

The bill I have introduced is necessary to see that veterans never again have to face that troubling indecision again.

Mr. DODD. Mr. President, these days when the whole Nation is united in support of our service men and women who are giving such an outstanding account of themselves in the gulf conflict, it is particularly timely and justified for Congress to take up legislation that provide for our soldiers on active duty, as well as for veterans of previous wars.

One shortcoming of our session that ended last October was the failure to pass important pieces of legislation that provide for veterans' care and for the updating of the tax and civil relief provisions of existing law for active duty personnel. The two bills before us, H.R. 3 and 4, rectify some of these omissions.

H.R. 3 makes up for our failure to raise the cost-of-living adjustment rate during last fall's session. This raise is now retroactive to January 1, and applies to veterans disability compensation, and dependency and indemnity compensation.

Mr. President, the last thing one of our service men or women should worry about while engaged in combat in the gulf area is tax obligations left behind. H.R. 4 provides extensive deferrals to ease the burden on our service personnel and their families at home.

Mr. President, our prompt passage of these two bills is just a small token of our Nation's well-founded gratitude to our soldiers, sailors, and veterans.

Mr. MCCONNELL. Mr. President, today the Senate is considering important legislation to many of our Nation's veterans and their families—the Veterans Compensation Amendments of 1991.

When Congress failed to provide disabled veterans and their dependents with a COLA prior to the adjournment of the 101st Congress, we were failing to provide for some of our most deserving citizens. I think I speak for all my colleagues in expressing regret for any difficulty or anxiety we may have caused these veterans and their families.

The bill before us is testament of the Senate's commitment to our vets. By voting today, we send a clear message to these citizens—we remember your sacrifices and unwavering dedication to the United States.

As we follow developments in Operation Desert Storm, let us not forget, Mr. President, that many of America's veterans have also seen the horror of combat. They are familiar with the fear and uncertainty of war. Let us never forget the sacrifices they have made for our great Nation.

Mr. JEFFORDS. Mr. President, I am pleased that one of the first orders of business in the 102d Congress will be a 5.4-percent cost-of-living adjustment for disabled veterans. Disabled veterans in Vermont, and across the country, were justifiably upset that a veterans COLA was not passed in the final days of the 101st Congress.

Veterans from all corners of Vermont have contacted me to express their outrage that, in a year when other Federal pensioners received COLA's, veterans did not. I want to work to maintain their confidence in Government and show that we are responsive to their needs.

In the past few months we have sent thousands of men and women to the Persian Gulf to carry out Operation Desert Shield. At this time, their wellbeing is uncertain and we can only guess when these troops will be brought home. We cannot imagine the fears and anxieties that run through their minds at this time. It is crucial that Congress demonstrate to these troops that their sacrifices will not be forgotten by this country in the future. This can best be done by caring for the veterans that have already given of themselves in the previous wars and conflicts that the United States has entered into.

I am hopeful that passage of this retroactive COLA will be the first of many initiatives in the 102d Congress recognizing the service of our veterans. In the months ahead, this body must address such issues as agent orange compensation for veterans who were exposed to the defoliant while in Vietnam and measures strengthening the VA health care system, ensuring prompt and sound health care for our veterans.

Mr. President, I strongly support the passage of this retroactive cost-of-living adjustment for disabled veterans.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Senator SIMPSON has 8 minutes.

Mr. SPECTER. Mr. President, there is no one else on this side of the aisle who wishes to speak. I contacted those Senators who had time reserved. It will not be necessary to use floor time. If there is no further business, I see that in just a moment or two we will pass the 45 minutes allotted. If all time can be yielded back, and conclude consideration of this bill, that would be the disposition of this Senator.

Mr. DECONCINI. The Senator from Arizona yields back any time, if there is any time left.

Mr. SPECTER. I yield the remainder of the time on this side of the aisle.

The PRESIDING OFFICER. All time is yielded back.

EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS UNDER THE INTERNAL REVENUE CODE FOR DESERT SHIELD PERSONNEL

The PRESIDING OFFICER. The clerk will report H.R. 4.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

The PRESIDING OFFICER. There will be 25 minutes for debate on H.R. 4, equally divided and controlled in the usual form; 22½ minutes for the majority and 22½ minutes for the minority.

The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, it is my understanding that the time is under the allocation of the chairman of the Finance Committee managing the piece of legislation and the minority member of the Finance Committee.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, yesterday the Finance Committee unanimously approved a bill to address a concern that may well be on the minds of many of our troops in the Middle East, and a concern that ought to be the last thing that they have to worry about at such a difficult time; that is, the question of taxes.

Tax time is coming up; April 15 is not long off. Can you imagine a fellow sitting there in the sand bunker trying to remember what the interest payments are on his home mortgage? Trying to think about what the medical bills were that his family has incurred in the past tax year? Can you imagine reservists who are small businessmen thinking about their businesses and the tax returns they would have to file? You know there is no friendly H&R Block in any of those bunkers. Being able to address their own bookkeepers or talk to their tax accountants becomes an extremely difficult thing to do.

So what you have here is a piece of legislation where Senator DOLE, the Republican leader, and Senator MITCHELL, the majority leader, have taken a very strong interest, along with some 70 Senators, who have cosponsored this piece of legislation.

Yesterday, we took it before the Finance Committee and passed it unanimously, without an amendment. Yes, I know that there are Members who would like to add an amendment for this and an amendment for that, but we were able to get unanimous consent that no amendments would be applicable. The majority leader has set up a task force to address the myriad concerns such as bankruptcy questions, small business tax filings, and other concerns of our troops involved in Operation Desert Shield and Operation Desert Storm. That task force that will be headed by Senator GLENN. I am very pleased to be a member of the task force will be particularly interested in those issues that come within the jurisdiction of the Finance Committee and I'll do everything I can to expedite their consideration. But what you are seeing before you now is a bill approved by the Finance Committee in a bipartisan way with cooperation between the Congress and administration. On the other side of the Capitol, Chairman ROSTENKOWSKI, Speaker FOLEY, and majority and minority Members, have also played key rolls in crafting this bill and helping to move it forward quickly.

The bill that is under consideration before the Senate is a House bill that is identical to the bill reported yesterday by the Finance Committee. Let me now describe that bill and urge the Members of this Chamber to approve the bill, without delay, without lengthy discussion, so that we can send the bill to the President for signature without having to go to conference or back to the House for another vote.

With our troops in the Persian Gulf facing significant hardship and great danger, the least we can do in this Congress is recognize the major disruption, the extraordinary disruption, and make sure that we do not add to their concerns and their problems regarding whether they take the short form or the long form, or whether they properly fill out their tax returns. This is one example of determination to unite behind our troops.

In the last week, war has broken out in the Persian Gulf. I have been able to work with the distinguished Members on both sides of the aisle, and in both bodies, in a bipartisan effort to modify Senator DOLE's original proposal to take account of the outbreak of that war. We have made every effort to see that new rules make sense in the light of what we have done for veterans of previous conflicts. We have tried to address the most immediate concerns of the Armed Forces personnel in the gulf area relating to their taxes and to provide for the most generous of treatments possible within the time limits and the budgetary constraints that we are facing.

So the bill before you is a result of that kind of effort. Here is what the current law does, insofar as Armed Forces are concerned: It says that if they are in a combat zone, we are going to suspend their tax obligations, including any time they are hospitalized abroad. What we have done in this one is to say, also, if they are hospitalized in this country, and they are then given the same suspension. Current law provides for a broad exemption for all of the combat pay of enlisted personnel and up to $500 a month for officers in combat. And in all candor, I think there are some inequities in limiting officers to $500 per month. But I think those will have to be addressed in the overall composite bill which we will be bringing out of the task force.

I am sure that the Senators are aware that the President issued his Executive order designating the Persian Gulf area and the surrounding waters as a combat area as of January 17. That triggered the deferral and exclusion rules that I have been describing. But what we have done in this specific piece of legislation is to go back to August 2 to include Desert Shield, in addition to Desert Storm, in qualifying military personnel in the Persian Gulf for the deferral in the filing of their tax returns and meeting other tax deadlines.

There is another specific provision that is different from current law which has been added to this bill. In case you have a tax refund, on April 15, the interest will begin to accrue to the taxpayer even if the tax return claiming the refund is filed later.

Finally, the bill continues to provide deferral relief, as I said, for those hospitalized in the United States, as well as in foreign countries.

I am delighted to say that we have all agreed to hold off on any additional amendments at this time in order that we can expedite this bill and get it through the Senate today and get it on the desk of the President tonight or tomorrow. And then, once again, we will have another opportunity to do what we can to take care of meritorious proposals to benefit our men and women in the gulf.

Mr. President, let me make one more point. I have stated that the bill that we passed through the Finance Committee is identical to the one that came over from the House and in turn is before us now. The reason for reporting a bill out of committee although the House bill will be taken up on the floor is that we have been now able to file a committee report, after consideration in the Finance Committee, that I think will give us important legislative history, which will be helpful in understanding and interpreting the House bill that we consider today.

Mr. President, I urge all Senators to approve this proposal without delay.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I request that the quorum call time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, I allocate to the distinguished Senator from Ohio 4 minutes under the time allotted.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we have all been amazed to watch on TV the technology involved in the gulf war, the so-called smart weapons. We have been seeing the Tomahawk that goes hundreds and hundreds of miles and hits a pin point. We have been seeing the Patriot missile intercept the incoming ballistic missile with amazing accuracy the first time out, with no adjustment, and doing it with amazing success.

Mr. President, behind all this robotic war are the men and women, the people who are over there, who are in harm's way and who will be more and more in harm's way as the air war continues and as we see it end undoubtedly in a ground conflict on the ground. Some of the high technology has yet to be exhibited, but no one thinks this technology will prevent there being an increase in casualties when the ground war occurs.

It is our men and women in the gulf to whom this legislation is addressed, those people who are over there on the ground, in the air, and afloat wherever they may serve, and we shall play fair with them while they are there.

So I rise to strongly support this bill as legislation which provides well deserved benefits to our men and women serving in Desert Shield, and in Desert Storm, the aftermath of Desert Shield, over in the Persian Gulf area.

I am particularly heartened that this bill includes not only the full 6 months suspension in Federal income tax filing proposed in S. 203 that I introduced on January 14, but it also adds two other important provisions. These two are payment of interest on tax refunds, and the continuation of suspension of the filing deadline for those members who are hospitalized in the United States because of combat wounds.

We hope the people who have to avail themselves of this provision are indeed kept to a bare minimum, but that is probably wishful thinking on our part.

I note that, on January 14, I also introduced S. 199, which provides for exclusion of all Federal income tax for enlisted personnel, and for exclusion of the first $2,000 per month for commissioned officers, of compensation realized while serving in the Persian Gulf. Current law, passed during the Vietnam era, provides for exclusion of all such enlisted compensation from taxes, but exclusion of only the first $500 per month for commissioned officers. I elected to boost the $500 amount up to $2,000 per month in S. 199 in recognition of the effects of inflation and the reduction in buying power of the dollar since the original legislation was passed.

So we will have to address that one later on. I understand the reason that this provision was not included in this legislation, and I certainly look forward to working with Senator BENTSEN and the Finance Committee as they address S. 199 as a separate but closely related issue to the bill we are addressing today.

As the Senator mentioned earlier, we do have a committee that is working on additional matters that we will be putting in legislation. I assure the people over there in the Persian Gulf area we will be addressing the other matters later on.

Mr. President, I compliment Senator BENTSEN and all of the members of the Finance Committee on the expeditious and highly competent way they have marked up and moved the tax filing extension bill to the floor for passage. I have high confidence that Members of the Senate will recognize the validity and time sensitivity of this legislation, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I allocate 5 minutes of my time to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I strongly support this effort to provide relief from some of the tax burdens and tax deadlines as they apply to our forces serving in the Persian Gulf, and I commend the Finance Committee for expediting the action on this legislation.

The exclusion of combat pay from income tax is eminently justified. It is said there is no atheist in the foxholes. There should be no taxpayers, either.

I hope that we will treat this measure as a downpayment on additional relief to come for our service personnel overseas and for their families here at home.

One of our first priorities should be to restore the traditional balance between officers and enlisted personnel with respect to the tax exclusion. The current $500 a month ceiling on the exclusion applicable to combat pay is out of date. The ceiling was set at $200 during the Korean war, and was raised to its current level of $500 as of January 1, 1966, during the Vietnam war. Adjusted for inflation, the level would be $2,100 today.

I am particularly concerned by the hardships caused by the massive callup of Reserves to active duty. Over 160,000 members of the Reserves have been activated since August, when the crisis in the gulf began. This past weekend, President Bush signed an Executive order authorizing an increase in this number of 360,000.

The sudden conversion from civilian to military life is a difficult transition that is creating significant hardships for thousands of families across the country. Inevitably, they face the loneliness of separation. They must deal with the fear of injury or death for their loved ones in the war. We should do all we can to see that these inevitable burdens are not compounded by unnecessary financial and other hardships on the homefront.

A longstanding system of protections for Reserve families is contained in current law. But the last major reserve callup took place 30 years ago during the Berlin crisis, and it is not surprising that many of these protections are now obsolete or less effective than they should be.

Last week, I visited the family support centers at Westover Air Force Base, Fort Devens, and Hanscom Air Force Base, and met with members of a family support group at the Massachusetts Military Reservation on Cape Cod. In those visits it was clear the current system is failing these military families in many serious respects. It is not providing the protections that our reservists need, and it is not offering families the protections they deserve.

In visits to family support centers in Massachusetts, for example, it is clear the current system is failing these military families in many serious respects. It is not providing the protections that our reservists need, and it is not offering families the protections they deserve.

Current law provides a service member's family with protection against eviction or harassment by a landlord. But because this law has not changed in 25 years, that protection is available only if the family's rent is no more than $150 a month. The limit may have provided reasonable protection in 1966, but it provides far too little in 1991. We need to increase the rent ceiling significantly, to provide protection at least comparable to what it has been in the past. Reservists fighting to force Saddam Hussein from Kuwait should not have to wonder whether their families are being forced from their homes in the United States.

Second, we should relieve the burden of education loans and expenses for Reserve families. At the very least, payment of education loans should be deferred for all soldiers fighting in the gulf. Reservists who have been called to duty in midsemester should have their tuition refunded. Those who have interrupted their lives and their educations to fight for their country should have full relief from these financial burdens.

Third, we must provide more effective health care options for Reserve families. Many of these families have already shifted from their private sector health plans to CHAMPUS the military health-care system.

Under current law, they have the option to continue on their employer-based health plan, if they agree to pay the premiums or if their employer volunteers to carry them in the plan, as some employers are doing, and I commend these employers for this contribution they are making.

While CHAMPUS provides satisfactory coverage for some reserve families, many others would prefer to remain on their employer-provided plan if they can afford to do so, in order to reduce the disruption of this health care.

To avoid this disruption, we should offer reservists the option of retaining their employer-based health plan in lieu of receiving military health care under CHAMPUS. Rather than forcing families or businesses to bear the cost, it is reasonable to ask the Department of Defense to pay the premiums on the reservist's employer-based plan, since the Department will be spared the cost of the CHAMPUS coverage.

This reform will insulate reserve families from unnecessary medical risks, the inevitable disruption of care, and the frequent administrative headaches of shifting health coverage for what all of us hope will be a very brief period of military service.

Fourth, we need to improve the quality of family support services for reservists.

Many reserve families are unable to obtain access to military child care centers, counseling, and other support services because they live too far from a military base, or because the available services are already over-subscribed.

To relieve these problems, we need to make family support services more accessible to reserve families. Needed reforms should include vouchers for child care expenses and increased funding for school counseling.

We should also supplement military family support services by grants to appropriate nonprofit organizations, such as the Red Cross. And we should provide effective outreach programs to guarantee that families have access to food stamps and other benefits for which they are eligible.

The sudden addition of 360,000 reservists to the 2,000,000 active duty personnel is placing a heavy burden on existing military family support services. The reforms that I have suggested will help accommodate this new demand by expanding both the availability and the geographic coverage of these services.

Fifth, we must ensure that when reservists complete their active duty service, they are able to return to their civilian lives as easily as possible.

To assure this goal, the Veterans' Reemployment Rights Act, a World War II statute, must be updated to meet the demands of the 1990's. Its coverage should include temporary, as well as full-time, employees. It should require employers to provide reasonable retraining for returning reservists. And it should insist that employers make reasonable accommodations for disabled veterans.

Finally, we must offer some protections to reservists who return to find that their jobs have vanished because of the recession. At a minimum, we should extend health coverage for 60 days after discharge, and provide job and transition assistance to these veterans and their families.

Since the first days of the Republic when the Minuteman began America's fight for independence, we have relied on citizen armies to defend our freedoms and to oppose tryanny. Our national security has always relied on the willingness of American men and women to answer their country's call to arms.

We have an obligation to ensure that the families of these courageous men and women are protected from disruption and hardship to the greatest extent possible. Our Armed Forces fighting in the Persian Gulf should not have to wonder whether their families are adequately cared for at home.

The reforms that I have outlined are only a partial list of the steps that are necessary to meet this important obligation. The private sector clearly has a role to play as well. I am pleased to note, for example, that the American Bar Association is encouraging local bar organizations across the country to make legal services available on a pro bono basis to military families.

Many of us on both sides of the aisle of Congress are committed to achieving these reforms, and we intend to work closely with the Congressional Budget Office and the administration to refine these and other proposals and achieve them in the most cost-effective way.

As we meet with families in our States in the days ahead, we must do all we can to understand their needs and help them deal with the burdens they face. I look forward to working with others in Congress to see that any reforms which require legislative action are enacted as soon as possible.

Mr. President, I ask unanimous consent that a memorandum prepared by the Library of Congress on the issue of taxation of members of the Armed Forces during war time periods may be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

JANUARY 24, 1991.

To: Honorable Edward M. Kennedy.

From: Louis Alan Talley, Research Analyst in Taxation, Economics Division.

Subject: Taxation of Members of the Armed Forces During Wartime Periods.

This memorandum examines Federal tax treatment of military compensation during wartime. President Bush on January 21 signed Executive Order 1277, which designates the Persian Gulf as a combat zone. This designation is effective as of January 17, 1991, and continues in affect until terminated by the President.

Members of the U.S. Armed Forces generally have the same liability for paying Federal income tax as other residents and citizens of the United States. Their pay, whether earned overseas or within the United States, is fully taxable. However, there are several provisions of the Internal Revenue Code which provide special tax advantages to those that serve in the military, particularly with regard to the determination of "gross income." For example, subsistence allowance and the quarters furnished to commissioned officers, chief warrant officers, or enlisted personnel of the Armed Forces, or amounts received by them as commutation of quarters, are not included in taxable income. In addition, since the enactment of the income tax law in 1918, for those in combat all or portions of military pay have been exempt from taxation during periods of war.

Under present tax law, specific amounts of compensation received in the Armed Forces for any month during any part of which the member served in a combat zone may be excluded from gross income. In the case of enlisted personnel the exclusion applies to the entire compensation for the specified months. For commissioned officers the exclusion applies to $500 a month for service in a combat zone. In both cases, the exclusion applies to prisoners of war and those missing in action. There is no comparable provision under present tax law to provide tax relief for civilian employees of the U.S. Government or contractors serving in a combat zone. However, disability income received by individuals for injuries received as a result of a terrorist attack while the individual was performing services as an employee of the United States outside the United States is excludable from gross income.

BRIEF HISTORICAL OVERVIEW

World War I

The first tax exclusion of military pay was provided by the Revenue Act of 1918 (P.L. 254, 65th Cong.) in response to World War I. That Act provided that salary or compensation up to $3,500 received from the United States by active military or naval personnel be excluded from Federal taxation. This exclusion was repealed by the Revenue Act of 1921 (P.L. 98, 67th Cong.) as of January 1, 1921, so that a member of the armed services was not entitled to the exemptions for salary received between January 1, 1921, and March 3, 1921, the date on which World War I was declared to be at an end.

World War II

It was not until World War II that a tax exemption was provided once again for members of the Armed Forces. Under the Revenue

Act of 1942 (P.L. 753, 77th Cong.) an exclusion was provided only to those persons below the grade of commissioned officer serving in the military or naval forces during the war. The exclusion from gross income was for salary or compensation for active service and could not exceed $250 for a single person. A $300 exclusion was provided to a married person or the head of a family.

In 1948 this provision was substantially liberalized. The Current Tax Payment Act of 1943 (P.L. 68, 78th Cong.) broadened the provision to allow all members of the military or naval forces (enlisted personnel and commissioned officers) of the United States performing active service in such forces during the war (subsequently extended to compensation received prior to January 1, 1949), or a citizen or resident of the United States who was a member of the military or naval forces of any of the other United Nations on active duty, to exclude so much of compensation as did not exceed $1,500 annually from gross income.

The provision was further amended by the Revenue Act of 1945 (P.L. 214, 79th Cong.). Under the amended provision all active services pay received by enlisted personnel (instead of the $1,500 allowable under prior law) after December 31, 1940, until the end of the war was to be excluded from taxable income. The Act also provided refunds for any overpayments of tax on income from active-service pay. The $1,500 exclusion from gross income was continued for commissioned personnel for taxable years after December 31, 1942, and until the war was terminated.

Korean Conflict

With the commencement of the Korean War a Federal tax exclusion for military personnel was once again adopted in the Revenue Act of 1950 (P.L. 814, 81st Cong.). Under that Act specific amounts of compensation received for active service in the Armed Forces for any month during any part of which the member served in a combat zone could be excluded from gross income. The Act provided two definitions: (1) the term "commissioned officer" does not include a commissioned warrant officer; and (2) a "combat zone" is any area which the President by Executive order designates as an area in which the Armed Forces of the United States are or have engaged in combat. In the case of enlisted personnel the exclusion applied to the entire compensation for the specified months. In the case of commissioned officers the exclusion applied to the first $200 a month.

The following year the exemption was modified by the Revenue Act of 1951 (P.L. 183, 82nd cong.). The previous exclusion applied to services performed after June 24, 1950, and prior to January 1, 1952. Under the Revenue Act of 1951 the exclusion was extended for a two-year period such that the new termination date was set at January 1, 1954. The date combat was considered to have commenced was set at June 25, 1950. Additionally, the exemption was extended to include compensation received by members of the Armed Forces while hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone. The exclusion was again extended by the Technical Changes Act of 1953 (P.L. 287, 83rd Cong.) until January 1, 1955, Combat activities in the Korean War were declared terminated by Executive order effective January 31, 1955.

A related development occurred with the adoption of the Revenue Act of 1951. Under that Act a new section was added to the Internal Revenue Code providing that no income taxes be imposed on a member of the Armed Forces who dies while serving in a combat zone or as a result of wounds, disease, or injury incurred while so serving. As such, the Act provides that no taxes are due the year of the service person's death or any taxable year ending on or after the first day served after June 24, 1950. The section has been amended and extended but remains substantially unchanged and can be found in the current Internal Revenue Code of 1986 as section 692.

Vietnam War

By Executive order the President designated Vietnam and adjacent waters as combat areas effective January 1, 1964. Thus, members of the armed services were eligible for the tax exclusion in the same amounts as during the Korean War under section 112 of the Internal Revenue Code.

A law entitled Armed Forces—Combat Pay Exclusion, Public Law 89-739, was enacted; it raised the amount of the exclusion for commissioned officers from $200 a month to $500 a month for service in a combat zone after December 31, 1965. The primary purpose of this increase was to restore the traditional balance between the combat pay exclusion for commissioned officers and enlisted men (senior noncommissioned officers). House Report No. 2270 stated:

"When these exemptions were last revised—during the Korean conflict—it was intended that the exemption would benefit commissioned and senior noncommissioned officers on an approximately equal basis. However, the seven military pay raises which have been enacted since the exemptions were last revised have upset the intended balance. Currently, some senior noncommissioned officers receive approximately $500 completely exempt from tax.

"This bill would raise the combat pay tax exemption for commissioned officers to $500 per month. Your committee believes that this increase would restore the traditional balance between the combat pay exclusion for commissioned officers and enlisted men. The bill will also remove any possible tax impediment to the acceptance of battlefield commissions by eligible enlisted personnel."

The Treasury Department amended regulations in November of 1970 which extended the combat zone tax benefits to military personnel serving outside Vietnam who (1) provide direct support for military operations in that country or (2) qualify for "hostile fire pay" such as those who served in Cambodia or Laos. Thus, under the amended regulations those members of the Armed Forces received the same income tax exclusion available to personnel in a designated combat zone.

U.S.S. Pueblo

Public Law 91-235, enacted April 24, 1970, provides that members of the crew of the U.S.S. Pueblo who were detained by North Korea are to be treated for purposes of the United States tax laws as if they had served in a presidentially designated combat zone during the period of their detention by North Korea.

Persian Gulf War

Executive Order 1277, signed on January 21, designates the Persian Gulf Area as a combat zone. In accordance with law, enlisted personnel will be exempt from Federal income tax while serving in the combat zone. The exclusion is limited to $500 per month for commissioned officers. Income tax returns by both enlisted and commissioned personnel are not due until 180 days after departure from the war region. During this period all interest and penalties will be waived. In the event of death in the combat zone, tax liability both for the year of death and the prior tax year are waived.

INFLATION ADJUSTMENT

As can be seen from the forgoing legislative history, the periods of exclusion of military pay from Federal taxation have occurred only during actual times of combat. The legislative history also shows a limit has generally been applied in the case of commissioned officers of the armed services.

You have requested that we adjust the $500 per month exclusion available to commissioned officers by use of the Consumer Price Index for All Urban Consumers (CPI-U). The CPI-U is published by the Department of Labor, Bureau of Labor Statistics. The $500 exclusion was provided for income earned after December 31, 1965. To update this exclusion, the CPI-U index numbers for January 1966 and December 1990 were used. If so adjusted, the exclusion would be $2,104 per month.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I take the floor to support this legislation. It is my understanding that it provides tax relief for Desert Shield personnel, that they will not have to file income tax for 6 months after leaving the theatre of operation; there is no interest or penalty on back taxes; they will also receive interest on tax refunds if hospitalized; and taxes will not be due until 6 months after arrival in the United States.

Mr. President, I have serious concerns about one provision in this bill, and I am glad the distinguished chairman of the Finance Committee is here. That concerns the officers' combat pay as tax exempt only to a level of $500 and enlisted pay is totally exempt—is my understanding of the legislation.

Mr. President, again I am in strong support of this legislation. I am grateful for the efforts of the chairman of the Finance Committee, who knows full well the rigors of combat and the financial sacrifices that have to be made, not only by those individuals, but by their families at home.

But, Mr. President, I would point out that the officers' combat pay exemption has not been adjusted for nearly 20 years of inflation. If we took inflation into consideration, this exemption would be well over $1,000. I also would like to point out that my understanding is that the average enlisted pay is roughly $15,000 a year. Of course that would translate into over $1,000 a month exemption for enlistees.

We clearly expect more of our officers. They are leaders. They have certain benefits that enlisted do not. But in this case I strongly suggest that we need to rapidly make some adjustment in the officers' combat pay exemption.

I understand that under the unanimous-consent agreement no amendments are in order. In fact, I would not have proposed an amendment until I had heard from the distinguished chairman of the Finance Committee who clearly has a deep understanding and commitment on this issue.

I will be glad to yield to the distinguished chairman if he, perhaps, could give us some answer.

The PRESIDING OFFICER. The Chair informs the Senator from Arizona we were treating him as a manager for purposes of managing time on his side. There are 14 minutes left. We will have to charge the question and answer period to the time of the Senator.

The manager of the bill is recognized to answer the question.

Mr. BENTSEN. Mr. President, I will try to keep it as short as I can. The distinguished Senator from Arizona is absolutely right. There is no question about that. I cited that problem in my opening comments. Senator GLENN was also referring to it.

The reason we could not address the problem in this bill is that if you get over the $50 million mark, then you get into a procedural question in the House that would have delayed the consideration of this bill.

The point the Senator has raised we are very aware of. It will be addressed as quickly as possible. But in trying to get this bill through, expedited, and put it in force, the issue was not addressed in this particular piece of legislation.

It is my full intention as chairman of the Finance Committee to address it early on and, whatever we do, to make it retroactive to take care of that kind of situation.

I know the chairman of the task force created by the majority leader, Senator GLENN of Ohio has great concern over the same issue. We will be working expeditiously on it, and I appreciate my colleague commenting on it.

Mr. McCAIN. I would make one further comment. Having served in the House for 4 years, I have seen from time to time that rule vitiated by the House for certainly less compelling reasons. But I respect the decision of the chairman and his commitment to address this issue as soon as possible. That is certainly sufficient to me. He has always been a man of his word.

I repeat, the chairman of the committee clearly appreciates the hardships that are being endured by officers as well as enlisted. I appreciate his commitment, but I will say again, people all over America, wives, dependents, family members, will be watching very carefully in hopes we will redress this inequity as rapidly as possible.

I thank the chairman of the committee for bringing this legislation through in such rapid fashion. I know we will pass this immediately, and it will send another signal to the men and women in this combat zone, participating in Desert Shield, that we fully support them in every possible way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent to suspend the present order of business to permit me to proceed as in morning business for 10 minutes for the purpose of introduction of several bills.

The PRESIDING OFFICER. Without objection, it is so ordered. The distinguished Senator from Illinois is recognized for 10 minutes.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 261, S. 262, and S. 263 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. DOLE. Mr. President, first of all I would like to thank the distinguished chairman of the Finance Committee and the distinguished majority leader for bringing this legislation to the Senate floor so promptly. Now that Desert Shield has become Desert Storm, it is even more important that we amend section 7508 of the Tax Code so that our Government does not profit from the inability of these men and women to file timely tax returns.

President Bush's designation of the Persian Gulf theater as a combat zone automatically extends the tax filing deadline and suspends the accrual of any tax interest and penalties for Desert Storm personnel until 6 months after the end of their combat service. However, men and women who served in Desert Shield before it became Desert Storm may not qualify for this relief.

Moreover, if the service man or woman is owed a refund, as is the case for as many as 70 percent of our Desert Storm troops, section 7508 does not provide for any interest until a return is actually filed. Thus, if a return is delayed because of the rigors of Desert Storm combat, the Government has the use of the soldier's money interest free. Clearly, this is not appropriate.

The legislation which I introduced last week and which is before us today provides for interest on refunds paid to Desert Shield or Desert Storm personnel and their spouses as of April 15, if their returns are filed within a 180-day grace period after their tour of duty ends.

Finally, this relief is extended to soldiers hospitalized within the United States as a result of their service in the Persian Gulf, with a maximum grace period of 5 years.

This legislation is plain common sense. Our men and women in the Saudi desert have more important things to worry about than compiling records, meeting paperwork deadlines, or being penalized by the country they are serving.

Mr. President, this legislation will send an important signal of support to our soldiers and their families. I am pleased that it will be enacted quickly.

Mr. GORTON. Mr. President, first and foremost, I rise today in support of our Armed Forces in the gulf. I suggest to you and my colleagues in the Senate that this vote on extending the tax filing deadlines for our forces in the gulf is an important statement of our support for their efforts.

On January 12, the Congress of the United States expressed its support for the President and the policy he is pursuing in the gulf. The President's policy, which we supported with our votes, is directed at maintaining an emerging world order based on a rule of law where the superior force of a nation will not determine its interactions with its neighbors.

Mr. President, while this measure is less lofty, we can do something very specific for our troops today. By extending the tax filing deadlines, we can take a concrete action which assists our forces and their families. The passage of this act will, in a very personal and positive way, affect each of our troops in the gulf and express our support for their service to our country.

Mr. President, we have disrupted lives, families, and careers with this call to service. The least we can do is show our support. I urge all of my colleagues to support our troops and support this measure.

DESERT STORM TAX LEGISLATION

Mr. MITCHELL. Mr. President, today when this Nation is engaged in armed conflict in the Persian Gulf, all Americans feel a deep sense of obligation and gratitude to the young men and women whose lives are on the line as part of the Desert Storm operation. They face many difficulties and dangers in the days ahead and it is important that they know the American people are fully behind them.

The legislation we consider today is a modest yet important effort to assist them in being secure with the knowledge that their tax obligations are being taken care of.

For personnel who have served in this operation—going back to August 2, with the beginning of Desert Shield—this legislation suspends until 180 days after the leave the operation the time for which tax return information is required to be filed. In addition, it provides for the payment of interest by the Internal Revenue Service on refunds that are owed from the date their return is otherwise required to be filed. Finally, this legislation expands the filing date extensions to personnel who leave the Desert Storm operation but are confined to hospitals in the United States.

I traveled to Saudi Arabia in November and in December and there I met with a great many American service men and women. They were busy preparing for war but they were also thinking about the lives they left behind and one matter of concern that they expressed to us was their obligation to file tax returns by April 15.

The President's Executive order declaring certain areas in the Middle East a combat zone triggers current law rules providing for the suspension of tax filing requirements, similar to those in this legislation.

But other issues remain, including the treatment of personnel prior to the start of hostilities, the payment of interest, and the application of these provisions to personnel transferred to hospitals in the United States.

These are matters which should not be of concern to our service men and women in the Persian Gulf. For that reason, I am pleased the Congress is moving expeditiously to approve this legislation and send it to the President.

DANGER PAY AMENDMENT

Mr. KASTEN. Mr. President, I was going to offer an amendment today which would have recognized the efforts of all troops in the gulf region.

Under current law, imminent danger pay is available only to troops in what the Pentagon calls the area of responsibility, or AOR. For the purposes of this war, the AOR is the Arabian Peninsula and surrounding bodies of water.

I believe this designation is too narrow. There are soldiers potentially in harm's way throughout the Near and Middle East. Specifically, Saddam Hussein threatens our troops in Egypt and Turkey every bit as much as he threatens Kuwait and Saudi Arabia.

My amendment recognizes the danger faced by those service men and women stationed in these countries currently left out of the AOR. I think the amendment should be noncontroversial—and I hope my colleagues will join me in showing our support for these troops. In the light of the danger they face, they really do deserve danger pay.

A couple of weeks ago, I was over in Egypt visiting some of the brave men and women who would be affected by this amendment. For these soldiers, money is not the issue. My amendment would raise their pay by $110 per month—and we all know that these days, $110 cannot buy a week's worth of groceries for a family of four.

So money is not the issue. The issue is whether America will give due respect to members of the Armed Forces who are standing in harm's way.

Some of my colleagues could argue that these men and women are not stationed close to combat operations. This allegation is not true. These soldiers are doing the same job as every air crew in Saudi Arabia—and under the same difficult conditions. They just want to be treated like the rest of the American men and women in the Arabian Peninsula.

Some might also argue that this amendment is not revenue neutral. To this I plead: Guilty.

I don't like to stand here on the Senate floor and support measures that are budget busters. But sometimes we have to step up to the plate and treat serious priorities with the seriousness they deserve.

It is my view that no one in our country right now deserves our help more than the men and women over there in the Persian Gulf theater, and their families back home that have to live with the ordeal of fear and worry on a daily basis.

If you do not believe me about the hardship these people face, let me give you a few phone numbers of people in Wisconsin who have close relatives in Egypt. These relatives are members of the 128th Refueling Group—and they and others like them have not gone away for a weekend exercise. They have gone to war—away from their friends and families. Some of them may never return.

My amendment would have taken a small step toward helping these families cope with this difficult and unexpected challenge.

Yes, this amendment would cost more than $110 when you add up the people and the months. But that cost would not add up to the heartache I have seen these families experience.

Mr. President, I am not going to offer this amendment today. I have already stretched the patience of a few of my colleagues. But let me make myself clear—I will keep irritating people around here until this gets done. It is not much. But it is deserved—and we ought to do it.

Mr. FORD. Mr. President, I commend the Senate for taking action today to pass H.R. 4, legislation to expand the deferral of Federal income tax filing, triggered earlier this week by Executive Order 12744, for our troops involved in Operation Desert Storm. Our brave service men and women are literally putting their lives on the line for us, and the least we can do is recognize the disruption they face in their lives and relieve them of a deadline that they realistically cannot make.

As an original cosponsor of S. 8, I fully support this legislation. However, I feel that this legislation does not go far enough because it fails to recognize the substantial hardship being placed on our reservists who have been activated but are serving outside the Persian Gulf area.

For Federal income tax filing purposes, geographic location does not determine hardship. In fact, for many reservists who are small businessmen, sole proprietors, or health care professionals serving in isolated areas, any deployment is a tremendous hardship. The fact that these men and women are away from their homes and offices, and so may not have ready access to needed tax files, creates the hardship—and that is true whether they are deployed 40, 400, or 4,000 miles away. The Department of Defense estimates that over 100,000 reservists have been activated and are serving outside the Persian Gulf area, at locations throughout the United States and overseas. An additional 60,000 are serving in the Persian Gulf area and will benefit from the action we are taking today.

Many of our reservists were deployed last August, long before they were able to make arrangements for Federal income tax filings for this year. With the President's announcement last week extending the tour of duty for reservists, many will not be returning home until well after the April 15 filing deadline. Although current law allows them to file for an extension, taxes remain due on April 15, and penalties and interest continue to accrue. For those who have faced business losses or downturns due to their deployment, an extension of filing time alone is of limited help.

Our Reserve and National Guard members are a vital part of Operation Desert Storm. Although the danger of their assignments may not be that of our personnel serving in the Persian Gulf, for tax filing purposes, the disruption in their personal and professional lives is the same, and in some cases, probably greater than for those in the Active Forces. At a time when this Nation is calling on reservists to leave their jobs and communities to serve us, we should not be adding the stress of having to make tax filing and payment arrangements by long distance.

I do not have to remind my colleagues how the pressure builds as we approach the Federal tax filing deadline and how most Americans find themselves scrambling to collect receipts and papers and to make arrangements for payment of taxes. And most

Americans, including some of us here, can go home every night and work on it. Our reservists stationed away from home cannot. They deserve the same considerations we are providing here today for our personnel stationed in the Persian Gulf.

I have received letters from both the National Guard Association and the Reserve Officers Association which outline the difficulties our reservists are experiencing as a result of their callup, and I ask that these letters be printed at the end of my remarks. Sadly, problems which started out as only difficulties are rapidly becoming hardships; some Reserve families cannot now maintain such basic necessities of life as food and shelter. Clearly, providing income tax filing relief for all personnel activated in support of Operation Desert Storm would provide needed relief, is only fair, and is the least we can do to show our support for those who are making sacrifices in support of this Nation.

I commend the chairman of the Finance Committee, and the majority and minority leaders for expediting this very important tax relief legislation. I look forward to working with the chairman and the task force on benefits for our military personnel in the upcoming weeks to expand this initiative to recognize the great contribution our reservists are making to Operation Desert Storm.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, January 24, 1991.
Hon. WENDELL H. FORD,
U.S. Senate, Washington, DC.

DEAR SENATOR FORD: The Reserve Officers Association greatly appreciates your efforts to provide protection and relief for the many members of the Guard and Reserve who are being activated to support Operation Desert Storm. The Congress has been very supportive of the men and women called upon to serve in the Persian Gulf generally, and of Reservists particularly. I am concerned that Reservists and all members of the Total Force be treated equitably.

The Congress is to be commended for its actions to extend the time for filing income tax returns for members of the military. However, the legislation adopted by the House and the proposed Senate bill appears to provide an extension only for those individuals sent to the Persian Gulf. The legislation would discriminate against approximately 100,000 Reservists who, though not subjected to the dangers and rigors of the Gulf Region, are similarly displaced in overseas and Continental US locations, are separated from their personal and business records, and will face the same difficulties in filing their tax returns. Many of these Reservists will have suffered very real and severe hardships as a result of their being displaced to serve their country in its military and are deserving of the same consideration for tax purposes provided other members of the Total Force called upon to support Desert Storm. Reservists, those serving in the Persian Gulf and those assigned elsewhere, have been activated, voluntarily and involuntarily, with little or no time allowed to rearrange their lives. While Reservists have, with very few exceptions, responded very willingly, the hardships experienced in their family and personal lives have been significant. Many were initially called up for 90 days, then extended to 180 days, and they may now have to serve for one year. There has been little opportunity to plan and provide order in their lives.

The Reserve Officers Association recognizes that many active personnel have also been displaced by Operation Desert Shield/Storm and some have experienced similar hardships. Because the Association supports equal treatment for all members of the Total Force, it would not withhold support for active-duty personnel who are equally affected, but we are immediately concerned with the failure of this legislation to treat all members of the Guard and Reserve with the same consideration.

Again, thank you for your efforts to recognize the contributions and the hardships of members of the Guard and Reserve who are participating in Operation Desert Storm. I hope my comments will be helpful in your deliberations.

Sincerely,

EVAN L. HULTMAN,
Major General, AUS (Ret.),
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, January 24, 1991.
Hon. WENDELL FORD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FORD: The enthusiastic support of the Congress in providing protections for the members of the Armed Forces serving as a result of Operation Desert Shield is commendable and greatly appreciated. One such effort, which the Congress is dealing with in an expeditious fashion, is the extension of time for filing income tax returns.

The bills that are under consideration this week, H.R. 4 and S. 8, appear to have overlooked an important category of personnel, which is of concern to the National Guard Association of the United States. Of the approximately 166,000 National Guard and Reserve personnel activated in support of Desert Shield, only a little over 60,000 are currently in the Persian Gulf. The bill under review does not adequately address the problems of approximately 100,000 members of the Guard and Reserve who have been assigned to duty stations in Europe and the United States to fill the void of active component units being moved into the Gulf region. They are physically relocated, under pressing and restrictive schedules and unable to return home and, in many instances, incurring significant financial difficulties.

Members of the National Guard are proud to be serving their country in this time of crisis. Their commitment to the defense of our nation has routinely required adjustments in their life to accommodate training and readiness requirements. As a resut of the current call to active duty, a large portion of the 166,000 National Guard and Reserve personnel are experiencing financial difficulties. As the length of their duty has been extended from 90 days to one year, those difficulties that were manageable are quickly becoming genuine hardships. Families are facing problems in providing the basic necessities of life such as food and shelter.

An overwhelming majority of these individuals will experience significant difficulties in filing their income tax returns. Everyone fully recognizes the obvious problems for personnel in the Persian Gulf. However, the problems of National Guard members who have not yet deployed the Persian Gulf or have deployed to other areas have inadvertently been overlooked in the crafting of these bills.

Members, once activated, had to quickly reorganize their lives amidst post-mobilization training and unit deployment activities. The military system assisted them in putting their legal affairs in order, however, National Guard members are typical of the American public. Very few would have compiled and organized their income tax documents to such a degree that anyone else could step in and take over the process. Further, those personnel called in August for 90 days had no indication or reason to expect that they would still be on active duty beyond mid-February, much less beyond mid-April.

The family members left behind are having to make monumental adjustments to their life and they are continually faced with the problems of changes in family income and support. The original provisions for extension for members in a combat zone were crafted in the 1950s to address the Korean War. The Desert Shield mobilization by its size, the short amount of time prior to mobilization and deployment, and the uncertainty of the length of the commitment (90 days, then 180 days, and now 365 days) is unparalleled.

Expanding the provisions of the tax filing extension to cover all personnel activated in support of Desert Shield will, in actuality, cause little or no loss of any revenue to the federal government. The individual's tax situation will be unchanged. Even so, the lifting of this burden from families would signal the Nation's support for their sacrifices in support of our national interests.

Sincerely,

LA VERN E. WEBER,
Lieutenant General, NGUS (Ret.),
Executive Director.

Mr. FORD. If my distinguished colleague, the chairman of the Finance Committee, would yield, I would like to raise the issue of tax treatment for Reserve and National Guard personnel associated with Operation Desert Storm with him.

Mr. BENTSEN. I yield to my colleague from Kentucky for that purpose.

Mr. FORD. I thank the Senator. As the chairman knows, I am an original cosponsor of the Senate legislation, S. 8, to provide tax filing relief for our service men and women associated with Operation Desert Storm. I support the legislation before us today, and I commend him and the majority and minority leaders for bringing it before the Senate in an expedited manner.

However, I believe that the bill does not go far enough in recognizing the disruption this operation has had in the lives of those personnel, particularly reservists, who are deployed in areas other than the designated combat zone in the Persian Gulf.

The legislation before us does not extend to these personnel. And yet, their lives have been equally disrupted, and their ability to timely file Federal income tax forms has been equally impaired.

I would ask the chairman if the committee considered this issue during their deliberations on S. 8, and whether he might be willing to review this issue with any eye toward extending these provisions to our reservists serving outside the Persian Gulf area but supporting Operation Desert Shield nevertheless?

Mr. BENTSEN. I appreciate the Senator raising this issue. He is quite right that this legislation does not extend to personnel activated and serving outside the Persian Gulf area. As the Senator knows, due to the timeliness of the issue, this legislation was placed on a very fast track, and we were operating under procedural and budgetary constraints that made it impossible to include proposals such as the Senator's. The Senator is correct that several additional issues and considerations have come to light which will necessitate further review by the committee. I can assure the Senator, that in the ongoing review of this issue by the committee, his specific concerns will be given full consideration.

Mr. FORD. I appreciate the interest and concern of the Senator. I would add that it would be my hope that the committee could act sooner, rather than later, on this issue, since the April 15 filing deadline will roll around very soon. In the meantime, the majority of our Reserve and National Guard members who have been called up will have that deadline hanging over their heads without the relief provided to similar personnel stationed in the Persian Gulf region. As cochairman of the Senate National Guard Caucus, I have heard from members of the Guard and Reserve who are facing hardships in complying with the April 15 filing deadline. I look forward to working with the chairman in the weeks ahead to resolve this issue. I thank him for his courtesies and commend him again for bringing this legislation to the Senate so quickly.

Mr. LEAHY. Mr. President, I strongly support legislation that provides tax benefits to our men and women in the Persian Gulf. H.R. 4 is similar to legislation that I cosponsored earlier this year.

United States troops are poised to remove the Iraqi Army from Kuwait. The President, as Commander in Chief, has called nearly 500,000 Americans to serve in the gulf. I support these brave men and women and pray for their quick and safe return.

I'm certain the Internal Revenue Service shares our support for these men and women—but they also have rules and regulations that they will relentlessly pursue unless some action is taken by this body.

Congress has already expressed its support for our troops in the Persian Gulf. Now, we must help them battle the IRS.

Needless to say, our troops' full attention should be on Desert Storm, uninterrupted by delinquent tax notices from the IRS, especially with the April 15 deadline rapidly approaching.

This bill will extend the filing deadline for every soldier serving in the gulf to 6 months after their return to the United States. The legislation also grants tax exemptions for all military pay earned by enlisted personnel in the combat zone, with officers receiving a $500 a month exemption.

H.R. 4 also includes a provision to accumulate interest on refunds claimed by servicemen and women after they return to the Untied States and file their tax statements.

Mr. President, this is a bookkeeping entry—but it will relieve additional burdens on our military. I hope we will be doing much more.

I have cosponsored legislation to increase hazardous pay and establish a savings plan for troops in the gulf. I will be urging the President and Congress to support these additional benefits as well in the days to come.

Mr. SYMMS. Mr. President, I want to commend our distinguished Republican leader, BOB DOLE, for acting so quickly in introducing this bill to give some tax relief to our men and women in the Persian Gulf. And I want to commend the majority leader for moving this bill so quickly to a vote in the Senate.

It is very impressive, sometimes, to watch how fast things can move around here given the right motivation.

No one wanted war. President Bush took every reasonable action to avoid war. But, once again, war has been thrust upon us as we, the greatest Nation on Earth, lead the free world toward a better world. And, once again, our Armed Forces have responded to the call with courage and sureness of purpose.

America is justifiably proud of her men and women fighting to free Kuwait from Iraqi domination, and to free the world from Iraqi terrorism. They have done a magnificent job in carrying out the President's policies.

And so it seems entirely appropriate as a reflection of our appreciaton for their sacrifice that we should lighten the tax burden of our men and women serving in the gulf.

The bill we will be voting on exempts from tax the military pay received by the members of our Armed Forces serving in the gulf as of the time their participation in Operation Desert Shield began.

The bill also relieves the pressure of filing tax returns by April 15. It does this by waiving any late filing penalties or interest if their tax returns are filed within 60 days of the end of their Desert Storm service. Consequently, our servicemen and women do not have to worry about fighting the Internal Revenue Service back home when they finish with Saddam Hussein in Iraq.

Finally, for those servicemen and women who file their returns after April 15, and who are owed refunds, the bill allows interest to be paid on the amount of the refund.

These are all excellent provisions and I am happy to be able to support them.

There are a couple of other provisions, however, which I would hope the Senate would consider at a later date. I understand the leadership wants to move this bill quickly, so I will not ask that my amendments be considered at this time. But I would like to take a moment to tell my colleagues of these other provisions so they may consider them and join me in supporting them when the time comes.

The first provision modifies the amount of income that may be excluded from taxable income. Under the bill before us, an enlisted man or woman who qualifies may exempt all of his military pay from tax. An officer, however, may exempt no more than $500 per month. This amount, $500, was set in 1966. As I understand it, the amount was chosen because it was the most that could be paid to an enlisted man or woman, the intent being to treat officers no better and no worse than enlisted personnel.

A lot has changed since 1966. Inflation has driven the price level up and military pay scales have been adjusted accordingly. It is only appropriate, it seems to me, that we raise the officers benefit from the tax exemption so that it's once again on a par with that of enlisted personnel. I am told the leadership is aware of this problem, as is the Office of Management and Budget, and that efforts will be made to resolve it. I hope we are able to do this sooner, rather than later.

The second provision is a problem that arose last year, but it is a problem for reservists and guardsmen year-round, in peace as in war.

Our citizen-soldiers are an integral part of our overall military forces, as the mobilization for Desert Shield and Desert Storm has shown. These men and women are able to play such an important role because they sacrificed their own time, month after month, to train with their units.

In many cases, they had to travel far from home for training and drills. And, of course, there were always costs involved, travel costs, housing costs, meals. Yes, they were paid as soldiers for their time on duty. But we all know that these men and women were motivated by love of country and a sense of duty. I doubt very many found the meager pay of the military to be adequate compensation for the time lost with family and friends at home.

Thanks to a recent IRS ruling, in many cases these families may not be able to deduct from their taxable income those travel costs and the like associated with their military duty. The issue, as I understand it, is whether these costs are part of their regular costs of employment, or whether they are temporary, that is, not associated with their regular employment.

Mr. President, I do not think there is any question but that the men and women in the Reserves and the National Guard shouldn't have to pay tax on their expenses associated with their military duty. Their sacrifice of personal time for meager pay is already enough. We shouldn't ask them to pay tax for the opportunity to serve our country.

The last is a provision that, like those in S. 8, comes up solely as a result of Desert Shield. Many of our citizen-soldiers have turned their private lives upside down to heed the call to arms. In a great many cases, they are now receiving military pay that is only a fraction of what they earned in the private sector.

Recently, I have learned that employers across the country are helping the families of the citizen-soldier employees by continuing them on their payrolls at a rate of pay sufficient, when added to their military pay, to equal their regular private sector pay. In other words, if they get paid $45,000 in their home job, and the military pays $30,000, then the employer is making up the difference by paying $15,000. This just goes to show you what can happen when the American people are behind their troops and behind their President.

And these employers want to do more! They want to be able to contribute to their company profitsharing or section 401(k) savings plans as though their citizen-soldier employees were still at home. They are unable to make these contributions, in many cases, because under the rules of tax-qualified defined contribution plans, contributions cannot exceed 25 percent of employer-paid compensation. So a private employer can't make contributions to a savings plan to the extent the employee is paid by the military.

And so I would hope the Senate would consider at the appropriate time an amendment which would eliminate this technical roadblock to the payment of full benefits for reservists and guardsmen. The patriotism and spirit of these employers is a challenge to us all to find new ways to help.

I will be introducing bills shortly to help resolve these problems. I hope my colleagues will join me in supporting these measures as we support our troops in the field.

Mr. DURENBERGER. Mr. President, I am pleased to rise in strong support of S. 8 which provides tax filing relief for the men and women serving the United States in the Persian Gulf. This body has proclaimed its unwavering support for the members of the Armed Forces and their families during this difficult time. This legislation is a small downpayment on our Nation's debt to these people.

I believe most Americans are well aware of the blessings they enjoy and recognize the obligations associated with these liberties. Through this legislation, we as a Nation recognize our responsibility to the men and women defending our liberty, our security, and our principles.

The men, women, and families of Desert Shield and Desert Storm have many far-reaching needs which governments alone cannot fulfill. Many local support groups have been formed to minister to emotional and human needs resulting from the war in the gulf. While I applaud the invaluable contributions these groups make, they cannot do it alone.

Desert Storm has caused tremendous dislocation for many families and individuals. S. 8 is a small step toward easing the burdens associated with duty in the Persian Gulf. By delaying tax filing obligations and suspending deadlines for settling ongoing disputes, the Congress demonstrates our determination to hold financial disruptions to a minimum. American military personnel and their families should not suffer hardships as soldiers or citizens for their sacrifices.

In light of the service these people have given to the Nation and the world, this legislation represents a very modest accommodation. I wholeheartedly support S. 8 and the tax-filing extension for Desert Shield forces and their spouses.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Senate Concurrent Resolution 4. This resolution expresses the outrage of the Congress for the unprovoked bombing attacks of Israeli civilians by the Iraqis.

Mr. President, I salute the Israelis for their bravery in the face of this ordeal and commend them for the restraint which they have shown throughout. I implore them to continue to display the same restraint in the future.

Mr. President, I know that all Americans join us in conveying sympathy to the Israelis for all losses sustained by these people.

Saddam Hussein is truly the butcher of Baghdad. He has preyed upon his own countrymen, as well as the citizens of Kuwait, the Israelis, and American prisoners of war.

I hope the Senate will adopt this resolution and show Saddam Hussein how the American people feel about his unwarranted acts.

Mr. President, I rise today to support passage of H.R. 4, which extends the time for filing income taxes for our troops serving in the Persian Gulf.

Specifically, this measure amends current law to provide that all persons serving in the gulf before it was declared a combat zone have 6 months after they leave the Persian Gulf to file their tax returns. This extension is currently provided to troops serving in combat zones.

This bill also provides for the payment of interest on income tax refunds for the period of the filing extension. Lastly, this measure extends the suspension period for the filing of taxes to those service members hospitalized in the United States due to injuries received in the gulf. This suspension period remains in effect for up to 5 years of continuous hospitalization. Currently, the time for filing income taxes is suspended for hospitalization outside the United States.

Passage of this measure is extremely important because it recognizes the great sacrifices made by those brave men and women serving in the Persian Gulf. It will allow them to focus their attention on their military duties at hand rather than their tax matters back home.

We all are proud of those serving in the Persian Gulf and passage of this legislation will express our support. I was pleased to be an original cosponsor of S. 8, the Senate companion bill, and I urge swift passage of this most important measure now before us.

Mr. GRASSLEY. Mr. President, I yield back the remainder of time on this side on the bill the Senate is now on.

Mr. MITCHELL. Mr. President, I yield back the time on the majority side as well.

The PRESIDING OFFICER. All time being yielded back, the order reverts to the leader time, 30 minutes equally divided for each side.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DeConcini). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the votes on passage of the resolutions and bills occur in the following order:

First, H.R. 4, the tax benefit for troops in the Persian Gulf bill; second H.R. 3, the veterans compensation COLA bill; third, Senate Concurrent Resolution 6 relating to the Baltics; fourth, Senate Concurrent Resolution 5, relating to prisoners of war; and fifth, Senate Concurrent Resolution 4, relating to Israel; that the votes begin at 12:20 p.m. with the first vote being a

15-minute vote and the succeeding votes 10 minutes each.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to request the yeas and nays en bloc with one show of seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my understanding that under the previous order time was to be divided between the majority and minority leaders. I will be using a portion of the time for the majority leader. How much time remains for each, the majority and minority leaders?

The PRESIDING OFFICER. The majority leader's time under the previous agreement regarding this period of time has expired. The majority leader has 10 minutes remaining under his original leadership time, and the Republican leader has 15 minutes under the leader time.

Mr. DOMENICI. Mr. President, I have spoken with the Republican leader and sought 5 minutes of his time. So I ask unanimous consent that I be allowed to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING ON SADDAM HUSSEIN TO FULFILL HIS OBLIGATIONS TO PRISONERS OF WAR UNDER THE GENEVA CONVENTION

Mr. DOMENICI. Mr. President, I rise today in support of the concurrent resolution offered by the distinguished majority and minority leaders. This concurrent resolution calls upon Saddam Hussein and the Government of Iraq to fulfill their obligations under the auspices of the Geneva Convention relative to the treatment of prisoners of war.

Mr. President, it is not easy to understand what goes on in this man's head, but it is easy to understand from his latest deplorable actions that he has miscalculated once again. Article 13 of the Geneva Convention clearly states that prisoners of war must at all times be humanely treated. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation, and against insults and public curiosity.

Saddam Hussein may think that he will be able to vindicate the suffering he has caused his people by parading American, as well as other allied soldiers, across Iraqi television screens. However, I stand today on the floor of the U.S. Senate to caution him that if he thinks that this kind of tactic will have any negative effect on the will of the American people, the soldiers involved in Operation Desert Shield, or the President of the United States to achieve our objectives, he is dead wrong. Mr. President the American people are outraged at this kind of treatment; more resolve will develop and we will hold Saddam Hussein personally responsible for any violation of the Geneva Convention.

Mr. President, the Government of Iraq has threatened to use these prisoners of war as human shields. I would just like to remind Saddam Hussein that article 23 of the Geneva Convention states that "no prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operation."

The President has said that these threats will not deter us from pursuing the military objectives of our strategy, and they will not. But let this serve as a notice to Saddam Hussein that the world is watching very carefully and the nations that signed the Geneva Convention (163) will see that any violations of it are answered for.

I thank the Chair.

TROOPS TAX RELIEF

Mr. DOMENICI. Mr. President, I am pleased to join the President of the United States in providing both moral and material support for United States troops fighting in the Persian Gulf through tax relief measures.

The President has stated that our troops will not go into battle with one hand tied behind their back. By alleviating the burden of taxes on the troops, we are freeing their hands for the most immediate task.

I recently joined with many of my colleagues in cosponsoring S. 8, an effort to legislate tax relief for the troops. I am pleased that this endeavor has been complemented by the Presidential designation of the Persian Gulf area as a combat zone.

I would expect this gesture to be one of many portraying national gratitude to those who battle the barbarism of Saddam Hussein. The remarkable spirit demonstrated by hundreds of thousands of Americans in the gulf deserves no less reward than the finest attention to their needs.

The House unanimously passed H.R. 4 yesterday, the Senate will follow suit today. It will provide our Desert Shield forces with relief from IRS tax filing deadlines during their service in the Persian Gulf and for 180 days thereafter, protecting them from late filing penalties. Additionally, Desert Shield personnel who are owed refunds will receive interest on their money as of April 15, 1991, provided their returns are filed before the grace period closes. Finally, tax relief is extended to soldiers hospitalized in the United States as a result of their service in the Persian Gulf.

The Executive order, designating the Persian Gulf as a combat zone, exempts the Armed Forces enlisted personnel from having to pay income taxes on any of their military pay while serving in the combat zone. For officers, the first $500 a month is tax free. The designation also gives the military in the war zone an additional 180 days to file their income tax returns without penalty.

These provisions send an important signal to our brave soldiers and their families—that the U.S. Government is doing everything in its power to assist and compensate its troops for the sacrifices they are making.

U.S. military strength, dependent on the unified dedication of individuals, has been the indispensable pillar of the free world. Our ranks in the Persian Gulf include America's finest who have, once again, risen to the call for the restoration of human liberties.

With that said, Mr. President, I must also remind my colleagues of my role as ranking minority member on the Budget Committee. This piece of legislation results in a small revenue loss—estimated to be between $5 and $10 million over the next 2 years. There is no revenue or spending offset in the bill. This bill is the first that the Senate has considered in the 102d Congress that is covered under the pay-as-you-go provisions of last year's budget agreement, and the revenue loss, as beneficial as it is, will still be counted when it comes time to determine whether or not there will be a pay-as-you-go sequester. It is my place here to remind my colleagues that unless this is offset somewhere down the road, we could be faced with a small minisequester in entitlements next October.

I am pleased that this will be the first bill sent to the President for his signature in the 102d Congress because it reflects what is first and foremost on our minds—our troops in the Persian Gulf.

THE 1991 VETERANS COMPENSATION COLA

Mr. DOMENICI. Mr. President, I use the remainder of my time to discuss a measure which I consider to be most important.

I introduced as my first measure this year a bill I thought was absolutely necessary; COLA equity, I call it. At the end of the year we had a skirmish here on the floor of the Senate. While we gave everyone entitled to cost-of-living adjustments their increases, we left out, believe it or not, the veterans of the United States. They were entitled to cost-of-living adjustments, but under the law you have to pass a separate law adding and approving that COLA. Well, unfortunately, because of other contentious issues attached to that COLA bill, the Senate didn't pass the legislation.

So we granted everyone in the United States who has a pension, such as people receiving Social Security, their cost-of-living adjustment but forgot the veterans of the United States who were entitled to the same.

I said to those in my State, and all others who would listen to me, that we would pass this COLA bill and it would probably be the first order of business this year. The Senate leadership and I introduced it as early as we could, and I commend the leadership. They made it part of H.R. 3, which we are voting on today.

That is what we are going to pass today, one of the measures; plain, pure, and simple fairness and equity. This will be the COLA the veterans of the United States are entitled to under the law of the land, and it will be retroactive to January 1, 1991.

I want to say those who might be worried about whether there is money for this increase, there is—we provided for it in the budget agreement and in the summit conference. We allowed for the cost of this bill and it should have been passed last year. I am glad we are going to do it today.

Mr. President, I am pleased that the Senate is devoting this time to discussing some of the issues that are of importance to our Nation's veterans.

At a time like this, when our thoughts and prayers are with the soldiers fighting over in the Persian Gulf, the memory of the sacrifices of those soldiers that have gone before them should not be far behind. When the Congress adjourned last year without approving a cost-of-living adjustment for the veterans, many veterans expressed concern that the Congress had forgotten them.

That is why the first bill I introduced this year was the Veterans Cost-of-Living Adjustment Act of 1991, to help get this matter resolved. As a strong supporter of COLA equity, I am pleased that we are now addressing this matter. I hope we can get this resolved soon because the veterans are rightly tired of waiting and, quite honestly, so am I. It is time to act.

As many of us have pointed out before, the veterans are the only recipients of Government-sponsored pensions who did not receive a COLA for 1991. The COLA had originally been provided for in S. 2100, the veterans omnibus bill. However, when S. 2100 became entangled in controversy over several other controversial—and costly—issues, the bill never came before the Congress for consideration. That means the money that will give veterans their COLA is locked away in the budget with no way of getting at it. And that, Mr. President, is grossly unfair and should be remedied immediately.

The bill we will be voting on is a clean COLA bill, with none of the controversial provisions that impeded the passage of the COLA in the previous Congress. And because under Gramm-Rudman-Hollings law we are required to include the cost of the veterans compensation COLA in our scorekeeping, this bill will not increase the projected 1991 spending levels.

Why is this clean COLA necessary? One of the main concerns I heard expressed from the veterans of New Mexico—and I am sure many of my colleagues heard the same—was that the COLA and the agent orange provisions should be separate issues. While that issue obviously remains debatable, I do agree that since Congress fumbled the last time around in bringing a COLA bill to the floor, it is imperative that we now provide the veterans with that COLA immediately.

Finally, I am pleased that the provisions of this bill will be retroactive. Frankly, I do not believe the veterans should lose one cent of benefits because of congressional inaction. This bill makes up for that lost time, and that is as it should be.

I am encouraged by the Senate's action on these matters, and in its willingness to work out the differences in opinion that prevented the original bill from coming to the floor of the Congress last year. These are issues that deserve our utmost time and attention, and I am committed to passing the best legislation that we possibly can. Our veterans have shown us their support by serving their country with honor; let's return the favor by showing our support for them.

To the extent I did not use my full 5 minutes, I yield it to the Republican leader for further use as he may see fit.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask for 2 minutes.

Mr. MITCHELL. Mr. President, on behalf of the distinguished Republican leader, I yield 2 minutes.

Mr. PACKWOOD. Mr. President, I am pleased to join my colleagues in support of our men and women serving in the Persian Gulf. This legislation, to delay the time in which they have to file their returns, may seem insignificant to many Americans, but it is not insignificant to those who are doing their first and primary duty of guarding us and our national interests in the Persian Gulf.

I would like to point out, that this legislation applies only to Federal law, not to State law. Fortunately, my State of Oregon follows the Federal rules. Oregonians serving in Desert Storm, should automatically receive an extension for filing their Oregon tax returns.

I hope, however, that other State legislatures—and they are all now in session—will very quickly enact laws similar to that which we will soon enact here, if their States do not automatically follow the Federal rules on these kinds of deadlines.

Just as our men and women serving in the Persian Gulf have a duty and obligation to protect our national interests, we have a responsibility to ease their burdens while they are performing that duty. I am delighted to support this bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, with the authority of the Republican leader, I yield 2 minutes of his time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of Senate Joint Resolution 46 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON H.R. 4

The PRESIDING OFFICER. Under the previous order, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been recorded and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Cranston

So, the bill (H.R. 4) was passed.

The PRESIDING OFFICER. Pursuant to the previous order, the clerk will read the bill, H.R. 3, for a third time.

The bill (H.R. 3) was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, may we have order in the Senate?

Mr. President, for the information of Senators, under the order, this vote and the succeeding four votes will be 10 minutes in length. Senators should be aware of that. This vote and the succeeding votes will be 10 minutes in length.

I thank the Chair and yield the floor.

VOTE ON H.R. 3

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered on this vote. As has been stated by the majority leader, this will be a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced, yeas 99, nays 0, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
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Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
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Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Cranston

So the bill (H.R. 3) was passed.

VOTE ON SENATE CONCURRENT RESOLUTION 6

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the concurrent resolution (S. Con. Res. 6) concerning the crisis in the Baltic States.

The yeas and nays have been ordered, with a 10-minute rollcall vote. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
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Bradley
Breaux
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Bryan
Bumpers
Burdick
Burns
Byrd
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Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
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Simpson
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Symms
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Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Cranston

So the concurrent resolution (S. Con. Res. 6) was agreed to.

The preamble was agreed to.

The concurrent resolution and its preamble are as follows:

S. CON. RES. 6

Whereas the United States has never recognized the forcible annexation of Lithuania, Latvia, and Estonia into the Soviet Union.

Whereas Soviet troops have been engaged in brutal attacks against the people, government, and communications facilities of Lithuania and Latvia, resulting in the deaths of at least twenty civilians and injury to over 200 civilians.

Whereas Soviet troops appear to be preparing for similar military action against the people and government of Estonia.

Whereas the United States Government has repeatedly communicated to President Gorbachev that the use of force in the Baltic States could seriously jeopardize United States-Soviet relations and President Bush has publicly appealed to the leaders of the Soviet Union to "resist using force" in the Lithuania, Latvia, and Estonia: Now, therefore, be it

Resolved, That—

SECTION 1. The United States Congress condemns Soviet violence against the people and democratic governments of Lithuania, Latvia, and Estonia.

SEC. 2. The United States Congress urges the President to (i) immediately review all economic benefits provided by the United States Government to the Soviet Union, and report to the Congress on whether those benefits should be suspended in light of Soviet actions in the Baltic States, (ii) immediately suspend all ongoing technical exchanges, (iii) consider withdrawing United States support for Soviet membership in the IMF, World Bank or GATT, and (iv) not proceed with the provision of MFN trade treatment until the following events have occurred:

(a) Soviet troops refrain from obstructing the functioning of the democratic governments of Lithuania, Latvia and Estonia;

(b) Soviet "Black Beret" internal security forces are withdrawn from the Baltic States;

(c) Soviet authorities cease their interference with the telecommunications, print, and other media in these states;

(d) Good-faith negotiations between the democratically elected governments of the Baltic States and the Soviet Union on the restoration of the sovereignty of those states have begun;

(e) Concrete assurances are received from President Gorbachev that grain purchased with United States credits will not be used to coerce the Baltic States, or any republic of the Soviet Union, to sign the Union Treaty.

SEC. 3. The United States should consult with and encourage our allies to follow a policy similar to that outlined in Section 2.

SEC. 4. The United States Congress urges the President to explore means of increasing direct diplomatic ties with the Baltic States.

SEC. 5. The United States Senate will take the status of events in the Baltic States into account when considering any and all agreements with the Soviet Union in the future.

VOTE ON SENATE CONCURRENT RESOLUTION 5

The PRESIDING OFFICER (Mr. KOHL). The next question occurs on Senate Concurrent Resolution 5, demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
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Breaux
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Bumpers
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Burns
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Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Cranston

So, the concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 5

Whereas, the United Nations Security Council, in a series of resolutions, has demanded that Iraq withdraw its armed forces from Kuwait;

Whereas the United Nations has authorized member states to use all necessary means to achieve the objectives set out in the relevant Security Council resolutions;

Whereas the armed forces of the United States and other member states are involved in hostilities in order to achieve the objectives stated in the United Nations resolutions;

Whereas members of the Armed Forces of the United States, other coalition armed forces, and Iraq have been taken prisoner and are entitled to prisoner-of-war status until their final release and repatriation;

Whereas article 13 of the Geneva Convention relative to the treatment of prisoners of war, hereinafter referred to as the Third Geneva Convention, to which Iraq and the United States are parties, requires the humane treatment of prisoners of war, that they be protected against acts of violence or intimidation, and against insults and public curiosity;

Whereas article 17 of the Third Geneva Convention explicitly prohibits the infliction of physical or mental torture and other forms of coercion on prisoners of war to secure from them information of any kind whatever and provides that prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind;

Whereas article 23 of the Third Geneva Convention provides that a prisoner of war may not at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations;

Whereas the Government of the United States has informed the Government of Iraq that it intends to treat captured members of the Iraqi Armed Forces fully in accordance with the Third Geneva Convention;

Whereas Iraqi television has broadcast what purport to be interviews with captured American and coalition military personnel and the Government of Iraq appears to have subjected these men to physical and mental torture;

Whereas it has been reported that the Government of Iraq intends to locate American and other prisoners of war in Iraq at likely military targets of the coalition forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commends the bravery and professionalism of the men and women of the Armed Forces of the United States, and extends its heartfelt sympathy to the families and loved ones of those who are killed, missing in action, or taken prisoner by the Government of Iraq.

The Congress demands that the Government of Iraq abide by the principles and the obligations of the Third Geneva Convention concerning the treatment of prisoners of war.

The Congress condemns the failure of the Government of Iraq to treat prisoners of war in strict conformity with the Third Geneva Convention.

VOTE ON SENATE CONCURRENT RESOLUTION 4

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to Senate Concurrent Resolution 4.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—99

Adams
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Baucus
Bentsen
Biden
Bingaman
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Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
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Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
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Wallop
Warner
Wellstone
Wirth

NOT VOTING—1

Cranston

So the concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 4

Whereas Israel is a major ally and close friend of the United States;

Whereas Iraq, without provocation, has launched several SCUD surface-to-surface missile attacks on civilian targets in Israel;

Whereas some experts believe that Iraq may have the capability to arm its SCUD missiles with chemical warheads, dramatically increasing the potential that such missiles could do serious damage to Israel;

Whereas Iraq has threatened to "burn half of Israel" with chemical weapons;

Whereas every nation has the right to defend itself;

Whereas Israel has exhibited exceptional restraint in the face of Iraq's repeated threats and SCUD attacks, has absorbed all Iraqi SCUD attacks to date without military retaliation against Iraq, and continues to support implementation of United Nations Security Council Resolution 678 through the unprecedented international coalition of forces in the Persian Gulf; and

Whereas the United States has provided Patriot anti-missile missiles to Israel, to help that nation defend itself against further Iraqi attacks utilizing SCUD missiles: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns the unprovoked attacks by Iraq on Israel, and declares that the purposeful use of SCUD missiles to conduct indiscriminate attacks against civilian targets is a form of terrorism;

(2) expresses profound sympathy for the loss of life, casualties, and destruction caused by the Iraqi attacks;

(3) recognizes Israel's right to defend itself;

(4) commends the Government of Israel for its restraint;

(5) commends the people of Israel for their brave and composed perseverance in the face of the Iraqi attacks;

(6) commends the Administration for its decision to provide Patriot missiles to Israel; and

(7) reaffirms America's continued commitment to providing Israel with the means to maintain its security and freedom.

Mr. MITCHELL. Mr. President, I move to reconsider en bloc the votes by which the resolutions and bills were agreed to and passed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 265 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 266 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SHORING UP ARAB SUPPORT FOR THE GULF WAR

Mr. BIDEN. I rise today, Mr. President, to address an aspect of the gulf war that requires the immediate attention of this body, and I believe urgent action by President Bush.

Let me state at the outset, Mr. President, we had a debate on the floor of this body, a little more than a week ago. And the position that I argued for—as forcefully as I knew how—failed. But we had a legitimate debate. The debate was not about whether or not war against Saddam Hussein was justifiable; the issue was whether or not it was wise at this moment. The position I took failed. The President won. Therefore, his position won. Therefore, I believe, since I do not have any moral objection to what we are doing—I just thought it was less wise to do it this way than the way I preferred to do it—that it is my obligation to do all that I can to support the President and support the fighting women and men in the field. He is the Commander in Chief. We gave him the authority. We gave him the constitutional equivalent of a declaration of war. As the Commander in Chief, he is required to exercise that responsibility as he sees fit. I am not a military expert, and it would be presumptuous of me to suggest how that war, now that it is underway, should be conducted, and I will not. I will follow his lead and judgment on that.

Mr. President, I rise today not to speak about the conduct of the war but the prospect of maintaining the coalition to fight that war, about which we have spoken so many times. We heard so many times recently about the difficulty of maintaining the coalition of Arab and Western forces to force Saddam Hussein to respond as a consequence of our economic embargo. The difficulty of maintaining the coalition, as I suspect, as I have said previously, is likely to increase during war rather than diminish. It is going to be more difficult to hold the coalition together, in my view, in a shooting war than it was to hold it together in an economic embargo.

Reports from Egypt today indicate an extremely disturbing development along those lines. A segment of the population in Egypt is, according to the New York Times, "clearly shifting in favor of Iraq in the Persian Gulf war."

This development will not affect our ability to wage a war against Iraq, Mr. President, and defeat Saddam Hussein, but it does have profound implications for American policy in the region in the aftermath of an American and allied victory. If we want to prevent the United States from becoming the focus of Arab resentment, and we want to ensure the continued participation and support of the Arab States in the war, it is absolutely critical that this mindset that seems to be developing among the Egyptian population, not be allowed to take hold. All of us have recognized that we must ensure that Saddam Hussein's appeal to Arab nationalism does not take hold.

The President stated that as far back as early August. We must ensure that we not only win the war, but that we win the peace after the war is concluded.

In my first public comments supporting President Bush's decision to send troops in early August, I pointed to this danger and argued that we must work with the Saudis and other oil-rich countries to create an economic interest for the poor Arab States to stick with the coalition as opposed to going with Saddam Hussein. To use that old expression that is sometimes used in politics, Mr. President, we want to make sure that the Egyptians have a dog in this fight. The mere restoration of the Emir of Kuwait to the throne is not something that is likely to warm the cockles of the heart of the average Arab in the Arabian peninsula or in Egypt. There must be more of a stake for the Egyptians than merely that, in order for Mr. Mubarak to be able to maintain the support of his country in this effort.

I said then that the key was Egypt. We must ensure that Saudi Arabia commits—over the short and long term—to a greater investment of its oil resources in the poorer Arab States, particularly Egypt. Without such a Saudi commitment, I said then and I believe now, we risk losing support among Arab States, like Egypt.

This possibility raises the ominous specter of a backlash against the United States. Even after we win on the battlefield, and we will win, there is a grave danger that the latent anti-imperialistic, fundamentalist, and anti-Western hostility that exists will explode to the detriment of American interests for decades to come. All the Middle East experts who testified before the Foreign Relations Committee in a series of hearings which I chaired warned us of this danger. Whether they were for the early use of force or the late use of force, they all warned us of this danger.

The time for action, Mr. President, is now. As consumed as the White House understandably is, the time for action—to see to it that the rest of the Arab world has a stake in the outcome of this war that is going on—is now.

The reports coming out of Egypt specifically point to economic resentment against Saudi Arabia and Kuwait among the poorer Arabs. I suspect there are Egyptians walking the street of Cairo today who are wondering why they are paying to send forces into Saudi Arabia to ultimately fight in Kuwait or Iraq when tens of millions of dollars that were coming to them as a consequence of Egyptian workers working in Kuwait and in Iraq are no longer there, while the dollar costs for them continue to mount. Meanwhile, Saddam Hussein plays somewhat skillfully the tune of "Look at these Westerners, these barbarians out there just banging away at and destroying Muslims, your people, fellow Arabs."

So, Mr. President, it seems to me that the President should use all his efforts and all his diplomatic capability and all the resources of the State Department to now get ironclad commitments from the Saudis and the Kuwaitis and the Emirates that they will make a significant economic investment in Egypt, and in other poor Arab nations, but Egypt in particular.

Mr. President, there is much talk about the administration's failure to develop long-term planning for American policy in a postwar period. By contrast, during World War II, the United States was developing plans for the reconstruction of Europe, even as American troops were landing on the beaches of Normandy, a farsightedness that proved to be very well-founded.

Mr. President, I know we are in the midst of a war now, and that is our first priority. Winning that war is critical, and we will. But, Mr. President, I respectfully suggest that more attention must be paid now to what we are going to do after we win and what kind of action we will take to persuade the Saudis and the Kuwaitis to understand that their obligation extends beyond the immediate crisis in terms of giving the Egyptians a stake in the outcome, a sufficient stake in the outcome that they believe it to be in their interest for the allied forces to prevail. That will help ensure that, once the allied forces prevail, the United States will not be a victim of the Arabs' resentment against the monarchies in the region, who continue to maintain such an overwhelming, disproportionate share of what many Arabs consider to be their birthright, that black gold that sits in the ground.

Long-term American interests in the Middle East require not only the support of President Mubarak, but also the support of many poor Arabs in Egypt and other nations. If we can maintain broad support in Egypt for the war against Iraq, we can help avoid the numerous dangers from the postwar Middle East. Careful attention to this problem today can help avoid myriad problems tomorrow. I am sure the administration is aware of the need to maintain Egyptian support. Obviously, Lawrence Eagleburger, one of the most talented men we have in government, has not been in Israel the past week trying to convince the Israelis not to retaliate merely because we do not want any help in retaliation.

He is requesting the Israelis not to retaliate—although they are fully within their rights if they were to retaliate—because we understand that it is not in the interests of the United States.

Therefore, Mr. President, I urge President Bush to contact King Fahd of Saudi Arabia and the Emir of Kuwait immediately and tell them they must make a long-term commitment to resources and investment to Egypt, lest we lose the support of this critical ally and risk damaging American interests after the war.

Further, Mr. President, I am not so arrogant as to suggest I know the answers to the problems in the Middle East, but I am confident of one thing, that unless a mechanism is provided to give all of the Arabs in the region a reason to believe that stability and maintenance of the present governments in power are in their interests, those governments will not remain in power.

I respectfully suggest exploring the possibility of setting up an Arab development bank, a bank that would be controlled by the Arab nations, that would have a large commitment of resources to deal with the problems that exist throughout the Arab world. If that is not feasible, then some variation should be considered.

I will say in conclusion, Mr. President, what the New York Times implied today. If the average Egyptian does not see—in the continued participation to victory in the gulf war—anything other than the restoration of the emir to the throne other than the maintenance of the Fahd family on the throne in Saudi Arabia, I fear the instincts of fundamentalism, the religious rivalries, the Western antagonism, all will take flight in a way which will cause us to lose support during the war and in maintaining the peace, both of which would be against the interests not only of the United States and the East but the whole world. Now is the time to act: before we have concluded the victory, not afterward.

I thank my colleagues for listening.

Mr. President, I ask unanimous consent that a copy of the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 24, 1991]

SENTIMENT FAVORING THE IRAQIS IS GROWING AMONG EGYPTIANS

(By Youssef M. Ibrahim)

CAIRO, January 23.—A segment of public opinion in Egypt, the largest Arab country and a key Arab ally of the United States, is clearly shifting in favor of Iraq in the Persian Gulf war.

The shift is evident enough to force the Government of President Hosni Mubarak to step back from its propaganda campaign against Iraq and to recast its stance as one dictated by the United Nations rather than Egyptian national interest.

Apparently taken aback by this rapidly growing shift in public opinion in favor of Iraq, the Government extended the mid-year vacation for high schools and universities, out of fear that public demonstrations in favor of Iraq might break out if students returned now and that other Egyptians might join in.

PRO-IRAQI RALLY CALLED

Fundamentalist Islamic forces as well as leftist secular opposition parties called for a pro-Iraqi rally this week.

The shift has been equally clear in the growing criticism by the Egyptian public of what they perceive as the callous behaviour of many Kuwaiti exiles, sitting out the war in luxury hotels in Egypt and "struggling in the discos," as some Egyptians have described it. And it is finding an echo in the apologetic comments by the Cairo Government about its military participation in the war, with 45,000 soldiers making up the second largest army contingent among the allied forces in Saudi Arabia.

Of equal significance is the visible and increasingly solitary role of Mr. Mubarak, who has made himself the central Egyptian and Arab figure in the overt anti-Iraqi campaign, in the same way President Anwar el-Sadat, shortly before his slaying, became a lone figure defending his signing of a peace treaty with Israel.

By contrast, other leaders of the Arab pro-Western alliance, including King Fahd of Saudi Arabia and the Emir of Kuwait, have kept a low profile, and limited their verbal assaults on the Iraqi President, Saddam Hussein, to occasional comments.

"Mubarak is committing a tactical mistake by making himself the center of all comments and positions about Iraq to the exclusion of other senior officials in Egypt," said Tahseen Bashir, a former close aide to Mr. Sadat and a former senior diplomat in Egypt.

This apparent change in Egyptian attitudes is in direct contrast to what seemed to be a total support for Mr. Mubarak in August, immediately after the Iraqi invasion of Kuwait. He took a very hard-line stand against Iraq and Mr. Hussein, as most Egyptians were aghast at the sight of Egyptian refugees streaming into Egypt from Jordan, penniless and jobless.

But over the last few months, the attitude of the Arab gulf nations that have not done much to alleviate Egypt's growing economic burdens, in addition to the killing of 21 Palestinians by Israelis at the Temple Mount in Jerusalem, have diluted enthusiasm for Mr. Mubarak's anti-Iraqi stand.

In addition, over the last few days, many Egyptians have been shocked by the force and breadth of the allied aerial bombing of Baghdad and Iraq, where nearly a million Egyptians continue to live and work, seeing in it a measure of carelessness for the value of Arab lives that exceeds what is necessary to force Iraq out of Kuwait. This has been aggravated by incidents that betray a growth of anti-Arab sentiment in Western Europe and the United States, which have been reported here.

In the six days since the war started, Egyptian professional groups of engineers, doctors, pharmacists and students as well as leading figures in the opposition and other Egyptains have been arguing that Egypt's troops stationed in the gulf region should not take part in any assault on Kuwait with allied troops led by the United States.

Instead, these voices call for the Egyptian military forces in Saudi Arabia to limit their mission to defending Islamic holy places in Mecca and Medina, close to the Red Sea and away from the borders of Kuwait on the Persian Gulf coast where allied attacks are expected.

In addition, there is an increasing skepticism among a widening segment of Egypt's public about the ability of the American-led troops to wipe out Iraqi defenses and score clear "surgical" strikes against Iraqi troops and a growing suspicion that Iraq is far from being down and out.

By far the most worrisome opposition for the Government has come from the militant ranks of Islamic fundamentalists.

A leading opposition weekly newspaper representing Islamic groups, Al Shaab, said in a fiery front-page editorial this week, "The blood being spilled in Iraq is our blood, and the bodies being torn on the land of Iraq, Saudi Arabia and Kuwait are our bodies." The editorial went on to ask the Egyptian Government whether "all this destruction being sowed across Iraq in the name of liberating Kuwait or out of love for the ruling Al Sabah family of Kuwait" could be justified by any other purpose.

Al Shaab said the lives of the million Egyptians still in Iraq were also endangered by the United States-led bombing campaign.

The growing opposition against the war and against Egypt's part in it is affected by three factors that in some ways bring even those who support the eradication of the Iraqi Government together with those who oppose any action against Iraq.

INSUFFICIENT REWARD SEEN

The most important factor is the view that Mr. Mubarak was feeble in negotiating the terms of his support for Saudi Arabia and the United States. This argument maintains that the country did not get much for its involvement save for some vague promises of financial support and the elimination of about $14 billion in debts owed to the United States for purchases of arms and to Arab oil-producing countries—debts that the country was not expected to pay anyway.

"Egypt's support for the multinational campaign is like a match," said Mohammad Farid, an Egyptian businessman. "It is valuable before you strike it, but it looses all its value once it has been lit." He opposed Iraq's invasion of Kuwait but argues that without Egypt's commitment of troops, it would have been impossible for the United States to put an Arab face on the international coalition.

"I think we should have sat down with the Saudis and insisted on a written commitment that after the war Egyptians will get an absolute priority in the reconstruction of Kuwait and Saudi Arabia in terms of expatriate labor as well as substantial financial assistance in real numbers," Mr. Farid added. "We have lost almost a million jobs in Kuwait and Iraq because of this invasion and the return of Egyptian expatriates without their money or possessions as unemployed persons here. The Syrians got cold cash from these regimes because they bargained hard. Mubarak has been too soft."

The second factor is the strong alliance of the United States with Israel that has resurfaced in the aftermath of Iraq's Scud missile attacks against Israel. That revived alliance has aroused the almost automatic reflex widely shared by many Egyptians of not wanting to appear to side with these two Westernized nations against an Arab country.

The Islamic Brotherhood party, a very strong political force, is banned from taking part in Egyptian politics as a religious institution but is allowed to play what turns out to be a big role as an instigator of pan-Islamic feelings against the West.

Finally, one of the principal sources of eroding support for Mr. Mubarak is the prospect that the gulf war will be long and bloody, a prospect that contradicts his repeated assertions that Iraq will crumble in the face of the superior technological and military might of the American-led forces in a matter of days.

Mr. Mubarak, undoubtedly feeling this mounting criticism, has scheduled an address to the nation in the form of a speech Thursday to a combined session of Parliament and the Shura, or consultative council.

But it is already clear that the longer the war lasts, the stronger the opposition to it here will become.

"I do not think it will reach the point of freezing Egypt's armed forces participation in the war effort, but the longer this goes on, the more it will arouse feeling of sympathy for the Iraqi people," Salamah Ahmad Salamah, the managing editor of Egypt's main daily newspaper, the Government-owned Al Ahram, said in an interview here today.

PRESIDENT BUSH RECEIVES MINUTEMAN AWARD

Mr. BYRD. Mr. President, last evening, the Reserve Officers Association of the United States, at its 1991 National Council midwinter banquet, represented by Maj. Gen. Robert C. Hope, national president, and Maj. Gen. Evan L. Hultman, executive director, presented the 1991 Minuteman of the Year Award to the President of the United States, George Bush. This award is presented annually by the Reserve Officers Association [ROA] to the citizen who has contributed most to national security in these times.

Mr. President, previous recipients of the ROA's annual Minuteman of the Year Award include, Presidents Ford and Reagan; Senators STENNIS, JACKSON, RUSSELL, THURMOND, NUNN, STEVENS, and WARNER; and Representatives VINSON, RIVERS, SIKES, HÉBERT, MCCORMACK, LAIRD, ALBERT, MAHON, MONTGOMERY, and others.

Mr. President, as last year's recipient of the Minuteman of the Year Award, I offer my sincere congratulations to the President.

I ask unanimous consent to have printed in the RECORD a list of previous recipients of ROA's annual Minuteman of the Year Award, along with the President's remarks on the occasion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREVIOUS RECIPIENTS OF ROA'S ANNUAL MINUTEMAN OF THE YEAR AWARD

1958—Brig. Gen. David Sarnoff.
1959—Senator Richard B. Russell.
1960—Colonel Bryce N. Harlow.
1961—The Honorable Hugh M. Milton II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).
1964—The Honorable Margaret Chase Smith.
1965—The Honorable L. Mendel Rivers.
1966—The Honorable John C. Stennis.
1967—The Honorable Robert L.F. Sikes.
1968—The Honorable F. Edward Hebert.
1968—Francis Cardinal Spellman (posthumously).
1969—The Honorable John W. McCormack.
1970—The Honorable Melvin L. Laird.
1971—The Honorable Strom Thurmond.
1972—The Honorable Carl Albert.
1973—The Honorable Henry M. (Scoop) Jackson.
1974—The Honorable George H. Mahon.
1975—The Honorable Gerald R. Ford.
1976—The Honorable John L. McClellan.
1977—The Honorable Bob Wilson.
1978—The Honorable Charles E. Bennett.
1979—The Honorable Milton R. Young.
1980—The Honorable Samuel S. Stratton.
1981—The Honorable John Goodwin Tower.
1982—The Honorable G.V. (Sonny) Montgomery.
1983—President Ronald W. Reagan.
1984—The Honorable Sam Nunn.
1985—The Honorable William L. Dickinson.
1986—The Honorable Ted Stevens.
1987—The Honorable Bill Chappell, Jr.
1988—The Honorable Caspar W. Weinberger.
1989—The Honorable John W. Warner.
1990—The Honorable Robert C. Byrd.

REMARKS OF PRESIDENT GEORGE BUSH

Following is the text of President Bush's speech Monday night to the annual dinner of the Reserve Officers' Association of the United States:

I know tonight our thoughts go out to men and women earning the honor of a grateful nation at this very moment: The citizen-soldiers—100,000 strong—serving now with the coalition forces in the gulf. I salute them, each and every one.

Those American reservists are part of an allied force standing against the forces of aggression—standing up for what is right. They serve alongside hundreds of thousands of soldiers, sailors, airmen, Marines and Coast Guardsmen of 27 other nations, all united against the aggression of Saddam Hussein.

One week later: As we meet here tonight, we are exactly one week into Operation Desert Storm. But it is important to date this conflict not from Jan. 16—but from its true beginning: the assault of Aug. 2—Iraq's unprovoked aggression against the tiny nation of Kuwait. We did not begin a war seven days ago. Rather, we began to end a war—to right a wrong that the world could not ignore.

From the day Saddam's forces first crossed into Kuwait, it was clear that this aggression required a swift response from our nation and the world community. What was—and is—at stake is not simply our energy and economic security, and the stability of a vital region—but the prospects for peace in the post-Cold War era: The promise of a new world order, based upon the rule of law.

America was not alone in confronting Saddam. No less than 12 resolutions of the U.N. Security Council condemned the invasion—demanding Iraq's withdrawal, without condition and without delay. The U.N. put in place sanctions to prevent Iraq from reaping any reward from its outlaw act. Countries from six continents sent forces to the gulf to demonstrate the will of the world community that Saddam's aggression would not stand.

Appeasement no answer: Appeasement—peace at any price—was never an answer. Turning a blind eye to Saddam's aggression would not have avoided war—it would only have delayed the world's day of reckoning, postponing what would ultimately have been a far more dangerous and costly conflict.

Unfortunately—in spite of more than five months of sustained diplomatic efforts by the Arab League, the European Community, the United States and the United Nations—Saddam Hussein met every overture of peace with open contempt. In the end, despite the world's prayers for peace, Saddam brought war upon himself.

Tonight, after one week of allied operations, I am pleased to report that operation Desert Storm is right on schedule.

We have dealt a severe setback to Saddam's nuclear ambitions. Our pinpoint attacks have put Saddam out of the nuclear bomb-building business for a long time to come. Allied aircraft enjoy air superiority, and we are using that superiority to systematically deprive Saddam of his ability to wage war effectively.

Allied successes: We are knocking out many of their key airfields. We're hitting their early warning radars with great success. We are severely degrading their air defenses. The main danger to allied aircraft now comes from some 20,000 anti-aircraft guns in the Baghdad area alone. And let me say: I am proud of the way our aviators are carrying out their tasks. In head-to-head combat, our jet fighters have destroyed 19 Iraqi jets. They have hit—at most—one American jet in aerial combat.

Step by step, we are making progress toward the objectives that have guided the world's response since Aug. 2: the liberation of Kuwait, and the restoration of stability and security in the gulf. And there can be no doubt: Operation Desert Storm is working. There can be no pause now that Saddam has forced the world into war. We will stay the course—and we will succeed.

Tools of terror: Saddam has sickened the world with his use of Scud missiles—those inaccurate bombs that indiscriminately strike cities and innocent civilians in both Israel and Saudi Arabia. These weapons are nothing more than tools of terror, and they do nothing but strengthen our resolve to act against a dictator unmoved by human decency.

Prime Minister John Major said it well yesterday. Saddam, he said, "may yet become a target of his own people. It is perfectly clear . . . that this man is amoral. He takes hostages, he attacks population centers, he threatens prisoners. He's a man without pity, and whatever his fate may be, I for one will not weep for him."

No one should weep for this tyrant when he is brought to justice. No one—anywhere in the world.

The POWs: I watched, along with all of you, the repulsive parade of our American airmen on Iraqi television—one more proof of the savagery of Saddam. But I knew, as they read their prepared statements criticizing this country, that those were false words, forced on them by their captors. One American pilot was asked why he was sure the pilots were coerced—their statements false. And he said: "I know that . . . because these guys are Americans."

He could well have said the same thing about the other pilots being held—from Britain, Italy and Kuwait—all men of courage and valor.

Tonight, I repeat my pledge to you—and to all Americans: This will not be another Vietnam. Never again will our armed forces be sent out to do a job with one hand tied behind their back. They will continue to have the support they need to get the job done—get it done quickly, and with as little loss of life as possible. And that support is not just military but moral: Measured in the support our servicemen and women receive from every one of us here at home. When the brave men and women of Desert Storm return home, they will return to the love and respect of a grateful nation.

And that is where I will close—with the aim of protecting American lives, and seeing the heroes of Desert Storm return home safe and sound. All life is precious—whether it's the life of an American pilot or an Iraqi child. And yet if life is precious, so too are the living principles of liberty and peace—principles that all Americans cherish above all others, principles that you, and your comrades on duty tonight, have pledged to defend.

THE RETIREMENT OF NORM OTTO

Mr. EXON. Mr. President, today I rise to honor one of Nebraska's finest citizens. He is also one of America's finest public servants.

At the end of February my long-time State coordinator, friend and confidant, Norm Otto, will be retiring.

If anyone ever deserved to retire, Norm is that person. On the other hand, if anyone will be sorely missed, Norm is also that person.

Those of us who have responsibilities in high public office need the help of others in whom we can have complete trust and confidence in their competence and loyalty. We simply cannot do our jobs without good people to help us. No one could ever have asked for a more trusted and dedicated associate than I have had in Norm Otto.

Norm has had a long and distinguished career in public service. During World War II, he and I served together in the Armed Forces even though in different theaters. He served our country during its time of greatest need as a radar navigator in the U.S. Army Air Corps when our country's future truly hung in the balance and we were fighting the world's most savage dictators.

Following the war, Norm has spent more time in public service than in the private sector. He served as Governor Frank Morrison's top aide during the exciting early 1960's and as chief of staff during my 8 years as Governor. During that time, Norm Otto played a significant role in the nurturing and development of a better Nebraska and was a key architect of making and enhancing Nebraska's "good life."

Since I have been in the U.S. Senate, Norm has served as my State coordinator which means he is my eyes and ears when I cannot be home. It means he is my sounding board, traveling companion, counselor, and a person to whom literally thousands of Nebraskans have turned to help solve their problems. He has put together and held together a statewide staff which is second to none in the entire U.S. Senate.

And he has served as a shining example to every member of our entire staff as well as the scores of people who have worked on my five successful statewide campaigns.

Sometimes it is very difficult to put into words what another person means to you. This is one of those occasions. But I want Norm to know how much he has meant to Pat and I.

We respect him and treasure him as a friend. We want to thank him for all of his years of service and friendship.

Most of all, we wish Norm and Vera the best of retirements. While I want Norm to always be available as a trusted adviser, I am also glad he will have more time to spend with his wonderful family and more time to do what he wants since all of these years he has so unselfishly served others.

So, to Norm and Vera, we thank them for all they have done. We wish them good health, long life and Godspeed in the years to come.

SGT. LEO BLAIS, VERMONTER OF THE YEAR

Mr. LEAHY. Mr. President, Leo Blais, who has been with the Vermont State Police for 24 years, was recently honored by being named "Vermonter of the Year" by the Rutland Herald and Barre-Montpelier Times Argus.

The honor was richly deserved by Sergeant Blais, who I had the opportunity to work with while serving as State's attorney of Chittenden County almost two decades ago.

Usually, awards of this kind provoke a series of debates and endless quantitative analyses of other candidates.

In this case, Mr. President, there is no argument that it was Leo's year—or rather—the year that culminated previous years of dogged, and often ingenious, police work by this officer.

I will let the newspaper that honored him tell the story, Mr. President. And I ask that the story be printed in its entirety in the CONGRESSIONAL RECORD so that all Americans can read about Leo Blais, and get a better understanding of why Vermonters hold him in such high esteem.

For my part, I want to commend a man who has been a very special and close friend of me and my family for over 20 years. When I was State's attorney, I thought of him as a model police officer and still do.

I am proud of him as a professional police officer. I am also very happy to have him as a special and close friend.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sunday Rutland Herald and the Sunday Times Argus, Dec. 30, 1990]

SGT. LEO BLAIS IS NAMED VERMONTER OF THE YEAR

(By Yvonne Daley)

Sgt. Leo Blais, a 24-year veteran investigator with the Vermont State Police, takes his job seriously. Five years ago, when he was assigned to review a then six-year old case involving the disappearance of a Milton school teacher, he came to the conclusion other investigators before him had—that the woman's jilted boyfriend, Francis W. Malinosky, had murdered her.

But unlike his predecessors, Blais was determing to not rest until Malinosky, who had also vanished three weeks after the slain woman, had been located and prosecuted.

Last month, Malinosky was sentenced to three years in jail in a plea agreement that disappointed Blais because of the brevity of the sentence. What pleased Blais, however, was that, as part of the plea agreement, Malinosky was required to help police locate Leo-Coneys' remains so they could be properly buried by her parents.

Compassion for Leo-Coneys' family spurred Blais on when the investigation bogged down or when he had difficulty convincing his superiors to go forward with the case. Because of the level of compassion and persistence that he demonstrated, not just in this case but to his work in general, the Rutland Herald and The Barre-Montpelier Times Argus have chosen Leo Blais as the 1990 Vermonter of the Year.

William Sorrell had barely started his new job as Chittenden County State's Attorney when he was first warned about Leo Blais. For four years, Blais, a veteran Vermont State Police investigator, had been trying to see justice done in the case of a schoolteacher who disappeared without a trace. And now he was ready to proceed. Everywhere he went, Sorrell kept hearing he "had better deal with Leo Blais on that Malinosky case."

The new prosecutor already had heard of Sgt. Blais, well-known in Vermont's criminal justice network as a persisent—even obsessive—cop, who was not above sidestepping established protocol and office politics if either stood in the way of solving a case. Blais, 49, was said to be always one step away from being assigned to weighing trucks in Island Pond because of his predilection for doing something first and asking permission later.

In this case, Blais, a 24-year veteran, was threatening to go public with what he had on Francis W. Malinosky, the leading suspect in the disappearance of Judith Leo-Coneys, a young mother and Milton school teacher who had last been seen on Nov. 5, 1979.

Virtually everyone who had investigated the case had concluded that Leo-Coneys was dead and that Malinosky, a jilted boyfriend, had murdered her. But Malinosky had disappeared, and two previous state's attorneys, Kevin Bradley and Mark J. Keller, had opted not to prosecute a case in which there was no body.

The case was languishing on the back burner when Blais was assigned to it in 1985. He immediately travelled to North Carolina to meet with Leo-Coneys' family and the slain woman's young son, Shamus,

"Here was a family that knew something terrible had happened to their daughter, but no one would help them. They knew intellectually their daugher was dead, but the way it was left, it was like they had been in limbo for 10 years, that they were in a kind of prison and here was Malinosky out free, living the life of Riley. I wanted very much to be able to give them a little bit of justice," explains Blais.

He attempted to convince Bradley to allow him to find and interrogate Malinosky, but Bradley wanted more evidence first.

Blais, who has investigated dozens of murder cases, kept at it. He re-interviewed everyone connected with the case, recorded their statements, tied up the loose ends.

"I'm a pain in the ass when I'm on something. I keep bugging people. I have my style. I documented everything, interviewed everyone I could, even a cab driver who had picked up Malinosky the day of the murder and had since moved to Singapore," Blais said.

Finally, he felt he had a air-tight case against Malinosky. He hoped Sorrell would listen.

Sorrell knew Blais would not be ignored. He hadn't yet been sworn in in 1989 when he decided it would be wise to review the file Blais had put together on Malinosky. The file was so complete that Sorrell's response was, "Go for it."

Last spring, Blais tracked Malinosky down in Los Angeles. Last month, Malinosky pleaded guilty to voluntary manslaughter and was sentenced to three years in jail.

During the sentencing in Chittenden County District Court in Burlington, Blais, a tall man with seemingly endless arms and legs, folded himself onto a folding chair in the back of the court room. When Vermont District Judge Frank Mahady accepted the plea bargain, Blais put his face in his big hands and sobbed quietly.

He had wanted justice for Judith Leo-Coneys and her family. He had wanted the woman's body found for a proper burial. The body had been found, but Blais felt that three years was hardly punishment for what he knew this family had been through.

The Rutland Herald and Times Argus have chosen Leo Blais as the 1990 Vermonter of the Year not only because of his brilliant police work in solving this and two other difficult murder cases, where others before him had failed, but also for the compassion he showed to the families of the victims. He is a police officer who routinely performs his job beyond the call of duty.

The Malinosky sentencing wasn't the first time that tears had come to this cop's eyes after an unsatisfactory conclusion to a long and difficult investigation.

Carolyn Desmarais of Shelburne still remembers the day in 1988 when Blais walked out of a Rutland court holding the ax that had been used to bludgeon her 16-year-old son, Craig Jackman, to death in 1981.

"He had tears in his eyes that day. I don't know who was more upset, Leo or I" when a jury acquitted the accused, Brian L. Wimble, of her son's murder, remembers, Desmarais.

Mahady had instructed the jurors that they could only convict Wimble of a first-degree murder and declined the prosecutors' request to allow them to also consider a second-degree murder charge. Bradley had appealed Mahady's ruling, but Mahady rejected the appeal.

"As far as I'm concerned there is no justice in Vermont. The only comfort we got was from Leo (Blais), who has become like a member of our family," says Desmarais.

There are distinct parallels between the Jackman case and the Leo-Coneys case. Six year after the disappearance, Jackman's body had not been found, so there had been no prosecution, even though police had two strong suspects.

Then, on Nov. 19, 1985, Jackman's body was found by a hunter in Westford. A subsequent autopsy and investigation showed he had been bludgeoned to death, possibly with an ax.

Blais, who had been assigned to the case, brought the news to Desmarais that her son's body had been found and that homicide was suspected. In the intervening months as he investigated the crime, Blais often called or visited Desmarais to tell her of his progress and share his frustrations.

He soon suspected that the boy had been killed for a "really ridiculous reason—to cover up a theft of a check." Two men had been implicated in the killing, and Blais began to check into their whereabouts.

One of the men, Brian L. Wimble of Essex Junction, came forward with his attorney after Blais started looking for him. He told Blais he was at the scene of the crime, but that he stood by helplessly as another man, Timothy D. Crews, killed Jackman with an ax belonging to Wimble's family.

Blais tracked Crews to a Los Angeles jail, where he was serving time for stealing a car. He had tried to get Wimble to cooperate by writing a letter to Crews about the murder in the hopes that Crews would implicate himself. When Wimble refused, Blais wrote the letter himself, pretending that an undercover address and phone number were Wimble's.

Crews did not respond, so Blais traveled to Los Angeles, where he interviewed Crews' cellmate, who told him that Crews had become extremely agitated when he read the letter. The cellmate also told Blais that Crews had told him of his involvement in the murder.

After a three-hour interview with Crews, Blais had a confession in which Crews admitted taking part in the murder but also implicate Wimble.

As part of a plea agreement, Crews pleaded no contest to a reduced charge of second-degree murder in connection with Jackman's death and agreed to testify against Wimble. Wimble had told police he had stolen a check from Foodscience Inc., where he had been employed, and had convinced Jackman to cash it for him.

In court, the two men gave differing versions of the crime. Crews said both he and Wimble had struck Jackman with the ax; Wimble testified that he had not taken part in the bludgeoning. Jurors found there wasn't enough evidence to convict Wimble of first-degree murder and they were not allowed to consider lesser charges.

The acquittal came in the fall of 1988, but Blais still occasionally sees Mrs. Desmarais and her husband Raymond as well as Jackman's sister, Suzanne.

"I don't know how to explain it, but through the investigation and afterwards, Leo became a friend. I never felt so comfortable with anyone. He shares your pain, which must be awfully hard on him as a police officer," says Jackman's mother.

Blais offered to take the family to the scene of the crime if they ever felt they should go as a way of resolving their grief. Suzanne Jackman, the boy's sister, was the first to take him up on the offer.

Says Demarais, "It took me until this year to deal with going up there, but it was something I felt I needed to do. I asked him to take me there this fall. It's sometimes difficult to get the police to respond to something like a break-in, and here's this state police officer, busy with other murder investigations, willing to take time to help us out years after the trial is over."

Last Sunday, Jackman's family and Blais had brunch, together. Blais knew it as close to young Jackman's birthday, and he wanted to touch base with the family at this difficult time of year.

"That's what makes him so extraordinary," says Desmarais. "He has heart."

Blais has received a good deal of attention in recent months because of his investigative work in solving the Leo-Coneys and Jackman cases. But Sorrell says his best police work may have been in finding the murderer of Paulette Crickmore, the Richmond teenager whose body was found in Duxbury Nov. 19, 1986.

"Had he not been pushing in the Malinosky case, it wouldn't have been one of the first things on my plate, says Sorrell. "Really what Leo did in that case was to keep pushing and refusing to take 'no' for an answer. But the Crickmore investigation was more a case of classic detective work."

Blais had eliminated dozens of suspects before narrowing the field to Edwin Towne of Eden Mills, who had numerous previous convictions, including several involving sexual assault and kidnapping. Towne was convicted in January 1988 of murdering the girl.

There were many things that led Blais to suspect Towne—including the fact that he could have been on the road where she disappeared and that Towne had been on vacation the week of the disappearance—but it was Towne himself who inadvertently convinced Blais he had murdered the girl.

Towne knew Blais suspected him, but he also knew Blais didn't have any hard evidence on him. In late October, Blais arrested Towne on an outstanding fugitive warrant from a 1979 New Hampshire case.

At the time, he found a .32 caliber automatic pistol in Towne's car. He used the opportunity to talk about Crickmore. Towne was giving him one and two-word responses to questions. Blais tried a more direct tack.

"What would you say if I told you it was possible that someone had seen you" on the road where Crickmore was walking the morning she disappeared? he asked.

"Oh yeah. I was on the road that day to build my foundation. Didn't pick up no kid," Towne responded.

"That's when I said to myself, 'I've got a murderer,'" says Blais.

Proving it became an obsession. Blais learned that Towne had once told a probation officer that he would never again leave a witness alive.

A no-nonsense guy who seems unlikely to be receptive to messages from the supernatural, Blais volunteers that he thinks "Paulette helped us a little bit."

For one thing, her body was found the day before a heavy snowfall. A day later and it might never have been recovered. Without the body, prosecuting Towne would have been all but impossible.

Lodged in Crickmore's skull were three shells from an antique gun. Finding the weapon became the next task.

In talking about his search for the gun, Blais describes his mind as if it were a file cabinet.

"I hear something, I write it down. I file it away in my head," he says.

One pictures his mind like his notes, neatly written in narrow notebooks, each page a different notation, a question unanswered, a suspicion gnawing away.

"Notes to me are the most important thing in police work. Some officer don't like to write things down because they can be subpoenaed later and used by the defense. My feeling is I have nothing to hide. If we've got enough to prosecute, we've got enough to convict," he says.

One suspects his mind is like that, too. He admits that he often awoke during the night with a new thought or a new question during the Crickmore investigation.

"I couldn't sleep more than two hours at a time during that case. I lived that case trying to figure out what this guy would do," Blais recalls.

His fiancee, Jeanine Wheel, says that when Blais is obsessed with a case, he can't sleep. He gets up, goes downstairs and turns on the television, but "really what he's really doing is thinking about it until he works it out. He's very methodical," she says.

The germ of an idea took hold in Blais' brain: perhaps Towne had hidden the gun in a cinder block in the foundation that he was building in Eden Mills. Blais suspected that Towne would be the type to keep the gun; Towne's employer had described him as a pack rat. Towne also had told Blais that he was transporting cinder blocks the day Crickmore was abducted.

He put the two together—and Bingo.

"Towne was wrong," says Blais. "Paulette did convict him—with the three bullets in her head."

He long ago gave up trying to understand his intuition and the other psychic tools that help him solve cases. In the Malinosky case, he would be reading and re-reading the file, frustrated and stuck when Patricia Leo, the dead woman's mother, would call from Charlotte, N.C. Often, she would ask some pertinent question as if the two had been sitting together discussing the case, he recalls.

She has similar recollections. "We would be discussing Judy and he would call. He always promised to never rest until Malinosky was behind bars," Mrs. Leo says. "I used to be so down during those years when nothing would happen in the case. Then Leo was assigned to the case and he would call me every week to let me know how he was doing. It kept me going."

Blais readily admits getting emotionally involved in his cases. "I don't think I've been too emotionally involved in any case. By getting to know the family of a victim and, through them, the victim, the person becomes an individual rather just than another statistic," he explains. "You need that to keep going."

However, other officers interviewed criticized Blais for this, saying that emotions hamper one's ability to remain objective. In interviewing associates of Blais, some seemed resentful of the attention he has received and disdainful of his show of emotion during the Malinosky sentencing.

"No homicide (investigation) should have one hero," says a colleague, who did not want to be identified. "Leo was a hard worker, competent and aggressive, but he didn't solve this homicide alone. And what kind of police officer cries in court? Getting too close can be a liability.

Blais scoffs at the criticism. Emotions are the fuel that recharges his batteries when he gets stalled, he says.

And he is quick to point out that he does not work alone. He credits Sandra Holbrook, a dispatcher at the Burlington state police barracks, with helping him track down Malinosky.

"I believe in the team concept. I use my resources," like the officers at the Federal bureau of Alcohol, Tobacco and Firearms who helped break the case against Towne, and Sgt. James Ross who matched the murder weapon with the slugs that killed Crickmore. In the Malinosky case, he credited Bob McGraw, an investigator in Sorrel's office, who put in many long hours on the investigation.

Normally soft-spoken, Blais becomes even quieter when he points out that the bodies of Jackman, Leo-Coneys and Crickmore were found on November 19 of separate years: "I can't explain it, but I can't ignore it."

As part of his plea agreement, Malinosky was required to show police where he had buried Leo-Coney's body. Blais had been among those searching in a wooded area of Cabot for several days when, on Nov. 19, he was standing in a newly dug trench.

Suddenly he noticed what looked like a ripple in the trench, which was rapidly filling up with water. It looked like a plastic bag. Blais got into the hole on his hands and knees and reached down.

For a minute, he thought to himself: "Do I really want to be the one to find her?" But then "the instincts took over, and I reached down and there she was."

Blais said a prayer for the slain woman then and there. Then he called Mrs. Leo.

"When he called to say he had found her, he was crying. He told me it was as if she had said to him, 'Find me, Find me'," she says.

Shortly after the sentencing, with her family's ordeal nearly over, Patricia Leo realized she would "miss hearing from Leo." A few minutes later, Blais called on the phone to ask how the family was doing.

It doesn't surprise Leo Blais's mother, Loretta Bellemare, that her son is a successful police officer. "He always succeeded in everything he did and never gave up when he wanted something," say Bellemare.

But if it didn't surprise his mother, it did surprise him. Growing up in the hard-scrabble, working-class community of Lowell, Mass., Blais always thought of a cop as "a burly guy you didn't give any flak to."

Lanky as a youth, Blais had two loves: organized sports and individual sports. He was captain of the Catholic St. Joseph High School basketball team, which won many trophies. He also excelled in baseball.

After high school, Blais served in the Army from 1960 to 1963, after which he was among 20,000 candidates who took the Massachusetts State Police exam. With no political pull, he was not hired. After working as a mason, he came to Vermont with his wife to visit her uncle, Jake Maranville, a longtime Vermont State Police officer in Essex. He and his wife have since divorced.

In 1966, he took the Vermont State test and was among the first out-of-staters for whom a one-year residency period was waived. One of his first jobs was as an investigator, assigned to work for then-Chittenden County State's Attorney Patrick Leahy.

Quiet and introspective as a boy, Blais has turned into a quiet, introspective man, relutant to discuss his personal life. Murder investigations "take an awful toll," he says in typical understatement. He spent his Thanksgiving weekend investigating several untimely deaths, including two suicides.

Sports sustain him still. If it weren't for his hours on the golf link or at the bowling alley, he say's he'd be in trouble. During inclement weather, he relaxes in front of the TV, moaning or cheering for his favorite Boston sports teams.

He acknowledges that his emotional involvement exacerbates the "awful toll." On one hand, Blais tries to know the victims of crimes he is investigating, supposing that the knowledge will help him solve the case. At one point, he spent hours with Leo-Coneys' son, Shamus, looking at photographs of the boy's dead mother.

"Then all of a sudden you find these people and they're not beautiful anymore," he says. "They've been thrown somewhere, like Paulette Crickmore was, like a sack of potatoes, or like Craig Jackman, left for wild animals to devour. That's when you worry, 'Was he dead when they left him?' We see some awful things and you need to vent. Thank God I have people to vent to, someone with a good ear, always willing to listen."

Wheel is the person on whom Blais most often vents. Fortunately, she works as a legal secretary in the U.S. Attorney's office in Burlington and understands first hand the frustrations of dealing with the legal system.

"It helps that we're in the same line of work," she says. "I understand when he becomes enmeshed in a case. Leo involves himself in his job 100 percent. For the most part, he's able to separate himself from work.

"But he get to the point sometimes when he's very frustrated and then he has to talk. Talking it out makes it easier for him to see new approaches. It was the worst during the Leo-Coneys' case, which was the most consuming, but the Crickmore case was also very hard on him."

Sometimes, the sadness shows in his eyes; at other times, his steel-blue glare, fixed upon a suspect, is intimidating. Those eyes in the interrogation room would be hard to ignore.

His demeanor can be just as blunt as his stare. He pulls no punches and says what's on his mind. This, says Sorrell and others who know him, can be his best weapon but has also made some of the other officers resentful. Blais gets the job done. He follows the letter of the law, says Sorrell, and is careful with suspects to document everything and to play by the rules.

However, with his superiors, Blais is not afraid to express his displeasure with bureaucracy, red tape, paper work and budget restraints that slow down his progress.

Take the Malinosky case. As soon as Blais got a lead on Malinosky in California, he asked for permission to fly there. Sorrell, feeling the budget pinch, was reluctant to give Blais the go-ahead. Finally, they compromised: Blais could make the trip, but he had to track down Malinosky by telephone before he left. As it was, a frustrated Blais missed the actual arrest by several hours.

The perseverance that kept him going in the Malinsky case was recognized early on by his first boss, Patrick Leahy, now a U.S. Senator. Leahy was so impressed that he fought to keep Blais on his staff when Blais was scheduled for reassignment.

"We worked together on everything from drug to murder cases, and Leo became a very close personal friend," says Leahy, "It was clear early on that he was a superb investigator. He's simply not one to give up. No matter what, he just keeps going, which is the most important thing for an investigator."

Leahy tells this story: "Leo and I used to go to major crime scenes together. We both had a reputation for getting there very rapidly and took some ribbing about it. One time, we're listening to the police radio and a lone officer had stopped a suspected armed robber.

"The car was just three or four miles ahead. Leo nearly put his foot through the floor board. He yells to me that his pistol is in the glove compartment and it's unloaded. He's roaring around corners and I'm loading his gun. I like to joke that I don't know who was in more danger, the officer up ahead or us in the car."

On a more serious note, he adds, "If needed him at 3 a.m., or 3 p.m. he was always there. He is the model of what a professional law enforcement officer should be. I think the world of him."

With all of his outstanding murder cases solved, Blais is threatening to retire next year after his 50th birthday. He and Wheel enjoy the weather in Arizona and hope to someday be able to divide the year between Vermont and the Southwest.

It's hard to imagine him making good on that threat. He chomps at the bit when others discuss unsolved homicides in other parts of Vermont. He admits he's gotten several offers to work as a private investigator. "It's hard to say whether I'd jump right into another job," he says.

In the same breath, he says, "I've paid my dues. I don't want to be a millionaire. I just want to go live my life. Then again, maybe I'm not ready to retire."•

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,140th day that Terry Anderson has been held captive in Lebanon.

Yesterday, I noted the beginning of Terry Waite's 5th year in captivity. Today, the 4th anniversary for American hostages, Alann Steen and Jesse Turner. These men have suffered at the whim of terrorists. Indeed. We must redouble our efforts to bring all of the hostages out of the Middle East.

According to Associated Press writer, Rima Salameh, Beirut's Al-Safir daily newspaper printed letters to Mr. Steen and Mr. Turner from their wives. Offering them hope. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TWO AMERICAN PROFESSORS MARK 4TH ANNIVERSARY IN CAPTIVITY

(By Rima Salameh)

BEIRUT, LEBANON.—Two kidnapped American professors marked a fourth year in captivity today and their wives urged them to keep the faith, in messages published in a Beirut newspaper.

Alann Steen and Jesse Turner were kidnapped Jan. 24, 1987 from the campus of the U.S.-affiliated Beirut University College by gunmen posing as Lebanese police.

"We love you and we miss you. The family is fine. Please keep up your strength and faith," Virginia Rose, Steen's wife, said in a message published in the Al-Safir daily. "We are working to see you soon. I'm always with you."

Turner's Lebanese wife wrote in the same newspaper: "We always pray for your return. Joanna loves you and knows you by picture. She's almost 3 years old. The family is all right and send you their love. Keep up your hope. We love you and are trying to help you."

Joanna, Turner's daughter, was born a few months after her father's abduction.

Steen, 51, of Boston, was a journalism professor at Beirut University College and Turner, 43, was a professor of mathematics and computer science.

The two are among 13 Westerners held captive in Lebanon, including six Americans, four Britons, two West Germans and one Italian. Most are believed held by pro-Iranian Shiite Muslim extremists.

Longest-held is Terry Anderson, 43, of Lorain, Ohio, chief Middle East correspondent for The Associated Press who was kidnapped March 16, 1985.

A group calling itself Islamic Jihad for the Liberation of Palestine has claimed the abduction of Steen and Turner, along with the kidnappings of Beirut University College professors Robert Polhill and Mithileshwar Singh.

Singh, an Indian and a resident alien of the United States, was freed Oct. 3, 1988. Polhill, 56, was among five Western hostages released in 1990 a record number of captives released in a single year.

Iranian officials had predicted in early 1990 that all Western hostages would be freed by the end of that year.

But the crisis that developed over Iraq's Aug. 2 invasion of oil-rich Kuwait and the subsequent U.S.-led air strikes on strategic targets in Baghdad have brought efforts to resolve the hostage issue to a standstill.

YUGOSLAVIA AND THE CSCE

Mr. DECONCINI. Mr. President, dealing with a very critical matter, although our attention is focused on the grave situation in the Persian Gulf, it is important that we not lose sight of the events elsewhere in the world.

Yugoslavia is a country that has received considerable attention in the United States Congress in recent years. This is primarily because of the oppression of the Albanian population of Kosovo by the Serbian Government. It is a sad situation that persists and undoubtedly needs to be a focus of our human rights concerns this year.

Today Yugoslavia is going through a major crisis of which Kosovo is only one tragic part of it. The conflict, based on national and ethnic hostilities in Yugoslavia, is one that we must be persistent in insisting on human rights.

To those who have followed Yugoslavia over the years, divisions are nothing new. But the prospects for a real breakup of the federation are now more immediate than ever before.

As of last December, each of Yugoslavia's six republics has held multiparty elections. They varied significantly in the extent to which they were free and fair, but the leaders of the republics can now claim a popular mandate with which to participate in talks which have just begun on the country's future.

The question now is whether these leaders can produce an agreement that is acceptable to all the peoples of Yugoslavia, or whether irreconcilable differences will lead down the road to violent uprisings and perhaps civil war.

Principled, responsible behavior is needed if Yugoslavia is to find a peaceful, just, and lasting solution to its current dilemma. The peoples of Yugoslavia have found their way through difficult times in the past and they hopefully will rise to the challenge now before them rationally, wisely, and peacefully.

Many who follow developments in Yugoslavia have suggested that the CSCE, or Helsinki process, can serve as an international forum through which the United States, along with Canada and Europe, can encourage a positive outcome.

As cochairman of the Helsinki Commission, I would like to submit, for the RECORD the following statement on the situation in Yugoslavia and how the CSCE can help ensure that a democratic result be peacefully achieved. I hope that my colleagues will find this statement useful.

I ask unanimous consent that a statement prepared by the Helsinki Commission, the Commission on Security Cooperation on the subject matter of the recent events in Yugoslavia and the different republics there be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YUGOSLAVIA: FINDING A CSCE SOLUTION

In April, Slovenia and Croatia, the two northernmost of Yugoslavia's six constituent republics, held the first multi-party elections in that country since World War II. In November, more than six months later, Macedonia and Bosnia-Hercegovina did the same, followed by Serbia and Montenegro in December. Opposition parties with nationalist leanings were the winners in the first four, while the communists retained power in the latter two, including Serbia's President, Slobodan Milosevic.

The degree to which these elections were free and fair varied considerably, but these quarreling republics nevertheless have finally all crossed the line from the one-party state into the world of political pluralism. The question now is whether they will be able to work together peacefully in resolving the problems of Yugoslavia as a whole, or will instead sink into the depths of civil war. A six-hour meeting of the republic presidents on January 10 was a positive sign; it resulted in agreement to meet further, first in smaller groups and then again as a whole. However, the Yugoslav military, judging by its recent and ominous rumblings, is willing to come to the federation's rescue by cracking down on independence-minded republic governments, but the army can provide no long-term solution and may find that dissent in its own ranks and stubborn resistance among the population will deny it even short-term success. The economic reforms introduced last year by the federal Prime Minister, Ante

Markovic, created hopes for finding a more peaceful and lasting solution in renewed economic prosperity, but the reforms have, at best, stabilized the economy and are limited by opposition in republic governments from doing very much more. Given the poor performance of Markovic's political party, the Alliance of Reform Forces, in the republic elections in which it took part, the population seems more interested in first staking out their various national positions than in trying to cure the ills of the Yugoslav economy.

Why all the delay and trouble, at a time when most of Central and Eastern Europe has moved on to the greater challenges of building democratic institutions at home and pursuing integration into Europe? The main answer lies in the fact that, while other Central and East European states, except for Czechoslovakia, are essentially defined by one national group despite sizable minorities (whose accommodation adds to the complexities of building democracy), Yugoslavia is in essence a collection of many national and ethnic groups—none of them constituting a majority of the population—with tremendous historical, cultural, linguistic and religious diversity among them. This has turned Yugoslav politics into the Sisyphean task of achieving a balance among a myriad of peoples who seem to have little in common.

Compounding the problem is the fact that Yugoslavia is a victim of its own success in adapting to communism. Josip Broz Tito led his Partisans to power on their own accord and not with the help of Soviet tanks. His subsequent independence from Moscow and reformist course of communist development gave Yugoslavia's communists a certain legitimacy other communist regimes lacked. This has made a clean break with the past more difficult to achieve, even though, with the exception of Serbia and Montenegro, the recent elections have shown general dissatisfaction with communist government. As a result, Yugoslavia has been in the awkward state of being both in front of and behind the wave of political liberalization which swept through the region in 1989 and 1990.

Essentially, the republican elections have divided Yugoslavia into three camps. In the north, Slovenia and Croatia elected non-Communist, nationalist parties to power and are poised for outright secession if agreement cannot be reached on forming a new, loose confederation. The people of Slovenia have, in fact, overwhelmingly approved independence and sovereignty for their republic in a plebiscite on December 23. Serbia and Montenegro, alternatively, have chosen to stay with their current communist leaders who also have heavy nationalist overtones but insist on maintaining the present Yugoslav federation. The people of Bosnia-Hercegovina and, to a lesser extent, Macedonia have also voted for nationalist parties but are in a precarious middle position: they probably can accept almost any approach as long as it maintains the unity of Yugoslavia, which respects their territorial integrity.

A common thread of the elections is the heavy nationalist tilt in the programs of each of the victors, even the communists, in most cases outdone only by a few small fringe parties. While all of the newly formed governments should therefore have a popular mandate to negotiate terms for keeping Yugoslavia together while defending the interests of their respective nationalities, their animosity toward each other and unwillingness to suggest compromise make a serious attempt at maintaining Yugoslavia's unity questionable at best. The range of options seems narrow, and there is a strong possibility that the military will step in. Senior Yugoslav military officials and hardline communists have, in fact, organized a party with an apparent aim of doing just that.

The alternative—letting each republic peacefully go its own, independent way—seems, on the surface, the simplest course. After all, it could be argued, Yugoslavia, in all its diversity, was only created in 1918 as an expression of the national aspirations of the South Slav peoples who had finally and fully been liberated from centuries of division and domination by the Austro-Hungarian and Ottoman Empires. Spanning the divide between Central Europe and the Balkans geographically, historically and culturally, Yugoslavia was only able to function briefly under conditions of democracy and equality for its diverse national and ethnic groups. Furthermore, the experience of World War II, when internecine warfare led to more Yugoslav deaths at the hands of fellow Yugoslavs than of foreign invaders, has left deep scars and distrust that have yet to disappear. The source of the problem dividing the Yugoslavs today is that they cannot escape the historical circumstances in which they live.

While an attractive option to some, the dissolution of Yugoslavia into independent states is unlikely to happen easily or peacefully. One reason is that the two largest national groups, the Serbs and the Croats, live in sizable numbers in each other's and some of the other republics in addition to their own. Any proclamation of independent statehood will lead to dispute and conflict over present borders, especially in regard to Bosnia-Hercegovina, where a Slavic people officially considered to be ethnic "Muslims" make up only a plurality of the population. Similar fears of carving new borders exist among Macedonians, whose national identity has been recognized as such within the federation but is questioned if not denied by their larger Greek, Bulgarian and Serbian neighbors while they themselves contend with an expanding Albanian population within their own republic. Even Montenegro might seize upon an opportunity to annex parts of neighboring Hercegovina and that part of Kosovo province known as Metohia.

Moreover, even within the confines of the federation, the Albanians who make up the overwhelming majority of the population of Kosovo, one of two provinces in the Serbian republic, have experienced harsh repression and no longer want to remain part of Serbia. For this reason, they almost universally boycotted the recent Serbian elections. An attempt to gain complete independence is likely if the federation were to dissolve, but the Serbs view this province as the birthplace of their nation and culture and will not let it go. The situation there has already been violent, and a full-scale popular uprising, likely to be met by brute military force, would only be a matter of time outside the federation. Developments in neighboring Albania may exacerbate the tensions which now exist.

Given this rather dismal picture, the question of what the United States and other concerned members of the international community can do to encourage the most democratic, peaceful result is of immediate importance. Our historical support for human rights, democracy and the self-determination of peoples (ironically, reasons once used by Woodrow Wilson in advocating the formation of Yugoslavia) seems to be fundamentally at odds with our traditional policy of support for the unity and territorial integrity of Yugoslavia, and our own reasoned approaches to dispute resolution seems to have few ears in a place where anger and hatred have such deep-seated roots.

In addition, it may be true that a united Yugoslavia is of less importance to our own national and Western security interests, since there no longer appears to be a Soviet threat for which a buffer state like Yugoslavia is needed. It may also be true, since Tito's own brand of "self-management" communism is no longer a model for the best that can be hoped for from a communist state—we learned in 1989 that they can go one step further by ceasing to be communist. However, our support for a united Yugoslavia has been more than just a reflection of our narrow self-interests; it was and may continue to be what we would perceive as the most viable solution economically and politically for the peoples of Yugoslavia. Moreover, our international commitment to respect the sovereignty and territorial integrity of Yugoslavia, as of other countries with which we have relations, would preclude us from actively supporting the dissolution of Yugoslavia. After all, the future of their country is for the citizens of Yugoslavia themselves to decide.

The newly revamped Conference on Security and Cooperation in Europe, commonly known as the CSCE or Helsinki process, is viewed by many as a forum where Europe, along with the United States and Canada, might help Yugoslavia—a CSCE member—to find a way out of this quagmire. Developing CSCE mechanisms in conflict prevention and the peaceful settlement of disputes have been suggested for the task, but so far these mechanisms are considered to apply, in the CSCE context, more to peace and security between than within states. This does not have to be the case, but Yugoslavia may already be in flames by the time new institutions are set up and mandated to deal with the situation. In any event, given their history the Yugoslavs are unlikely to give the necessary consent to having their problems handled directly by anyone but themselves.

While the CSCE cannot provide immediate answers to the troubles plaguing Yugoslavia, it can provide the ground rules for constructive dialogue from within Yugoslavia itself. This can be accomplished by holding the main Yugoslav players—the republics—to strict compliance with the commitments contained in the Helsinki Final Act and subsequent CSCE accords, regardless of whether they keep the federation, negotiate a new confederation or simply go their own, separate ways. The leaders of the republics seem to share one common objective: to be integrated into the whole of Europe to which they feel they belong. None of them feel that their interests would be best served outside the community of free European nations, and joining this community can only be achieved by adherence to Helsinki's principles in their relations with each other.

Thus, if we are to have any role at all, we must not only hold the present Yugoslav federal government accountable to the CSCE commitments it has already undertaken, but also obtain the agreement of each of the constituent republics to abide by and be held accountable to these commitments in their relations with each other. In practice, this means first having the republic leaders in Yugoslavia express publicly a willingness to live by the same CSCE standards to which the Yugoslav federal government has committed itself. The government and assembly of Slovenia has already taken steps in this direction. The following principles are of particular relevance to the Yugoslav situation:

Respect for Human Rights and Fundamental Freedoms. This includes the right to free association and expression, the latter of which has been particularly restricted by a new verbal crimes law in Serbia. It also includes the equal application of the cultural, religious and other rights of all national and minority groups, from the Albanians in Kosovo and Macedonia to the Serbs in Kosovo and Croatia.

Equal Rights and Self-Determination of Peoples. This could but does not necessarily mean secession and independence, a frequent and mistaken assumption. In fact, unlike the Soviet situation to which it is often compared, the essentially voluntary nature of the original joining of the Yugoslav peoples brings less sympathy to arguments for Yugoslavia's breakup. This principle certainly does include, however, the right of any of the democratically elected republic governments to suggest reshaping their relationships with the others if they feel the current political configuration does not reflect the will of the peoples they represent, and a subsequent commitment on all sides to sit together and work things out. The meetings of republic presidents are a fortunate first sign that this can happen. It also means that Albanians, the third most populous people in Yugoslavia, and other peoples in Kosovo as well as the mixed population of Vojvodina, Serbia's other province, must be allowed to participate in this process through their freely chosen representatives.

Territorial Integrity, Inviolabilty of Frontiers. Despite the minority and other problems which may result from the current borders of Yugoslavia, these borders exist, and they should not be altered except in cases when it can be done peacefully, with the full, free and mutual consent of everyone directly involved. Such cases rarely come about, and seeking instead to improve the situation for people within current borders combined with an opening of borders will be much easier to achieve.

Refraining from the Threat of Use of Force. Regardless of the eventual political configuration of Yugoslavia and its six republics, the result cannot be brought about by the threat or use of force. A solution brought about by force would not only be wrong but, as a practical matter, would be neither stable nor lasting.

Peaceful Settlement of Disputes. A clear, firmly stated commitment to resolve disputes within Yugoslavia peacefully through willing and mutual agreement to arbitration, mediation and other means for finding solutions to differences would add a degree of trust among the Yugoslav republics which is now absent.

Acceptance and adherence by the republics to these principles, and others which are spelled out in detail in numerous CSCE documents, are in a real sense prerequisites for Yugoslavia as a whole or the republics individually to remain—part of Europe. We cannot decide for the Yugoslavs what their future will be, but we can insist that if they wish to participate in Europe's affairs they must adhere to Europe's principles. Subsequent international calls to abide by CSCE standards could build confidence among the Yugoslav republics and provide a framwork for resolving differences through dialog, just as they have done for Europe as a whole.

Principled, responsible behavior is perhaps the best chance for Yugoslavia to go through a difficult but inevitable transition without the misery and suffering which has marked its past. If successful, Yugoslavia, which in its short history has already found practical answers to complex questions of national and ethnic identity, can serve as a model for resolving similar problems currently plaguing other countries in the region, not to mention the Soviet Union. The Yugoslavs will hopefully rise to the challenge before them rationally, wisely and peacefully.

CRISIS IN YUGOSLAVIA

Mr. DOLE. Mr. President, 2 days ago I came to the floor to bring attention to the worsening situation in Yugoslavia. Today, I am sorry to say, the situation is rapidly deteriorating; the non-Communist governments of Slovenia and Croatia are being intimidated and threatened by the Yugoslav Army.

This crisis was not created by these two Republic governments, rather it was provoked by the Yugoslav Central Government when it issued a Presidential decree with a deadline calling for certain military units—including police and national guard units in the Republics of Croatia and Slovenia—to disarm or be disarmed by the Yogoslav Army.

Although in the first hours after the deadline the Yugoslav Presidency seemed to have backed down from this threat. Yesterday the Yugoslav Defense Ministry took a different position and issued its own order for Croatian militia units to disarm and disband.

And the Yugoslav Army appears to be preparing to carry out this threat of military action. According to Government officials in the Croatian and Slovene capitals, there are indications of troop movements and equipment preparations. At some military facilities tanks and armored vehicles are being readied for deployment. In addition, the Yugoslav Army is restructuring by sending Croatian and Slovenian soldiers out of Croatia and Slovenia and into the Republic of Serbia.

Mr. President, we are seeing all the signs of preparation for a military crackdown on or takeover of the democratic Republics. We could be only hours away from a Yugoslav Army attempt to crush democracy and to replace it with hardline Communist rule, similar to what we have seen in the Province of Kosova.

Mr. President, once again, I am here to urge that the United States not sit quietly on the sidelines. We must make it absolutely clear to the Yugoslav Government and the Yugoslav Army that the Congress will not do business as usual with Yugoslavia if these democratic regimes are snuffed out. Indeed, I am confident that, in the event of a military crackdown or takeover, the Congress will react immediately and decisively.

Mr. President, I ask unanimous consent that the letters I have received from the Prime Minister of Slovenia and the President of Croatia be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRIME MINISTER

January 25, 1991.

DEAR DISTINGUISHED SENATOR: I have great respect concerning your efforts for the establishment of democracy in the former communist Eastern European countries; especially Yugoslavia. I cannot tell you how much I appreciate your interest in and efforts for our country; this is a crucial and historic era for the Slovenian nation.

Furthermore, I share your views entirely regarding the relationship between the United States of America and Yugoslavia. The S. 9 "The Direct Aid for Democracy" act, which was submitted to the Senate on 14th January 1991 by the Senate Minority leader Sen. Dole, came as a pleasant and most welcome surprise. It would afford me the greatest pleasure to see this bill passed as law. This would undoubtedly strengthen those republics of Yugoslavia which have truly decided on a democratic future. Your bill represents the view that the United States is no longer willing to support a communist-Serbian-dominated Yugoslavia.

It is therefore with deep regret that I have to inform you of the current situation in Yugoslavia whereby we are witnessing serious and concentrated efforts by some political forces aiming to restore the Yugoslavia of old, undemocractic and communist, a state where the freedom of nations individuals was non-existent. It seems that the spontaneous development of events will in effect, render negotiations useless and jeopardize any possible agreement among Yugoslavia's republics.

Indeed the situation was exacerbated by the illegal printing of the Yugoslav currency by Serbia; the result of which will be a new wave of hyperinflation. In addition we also have to consider the alliance between the Serbian Communists and the Yugoslav army. There exists a powerful threat from the afore-mentioned that force will be employed in order to reestablished the old regime.

The latest information (highly confidential) which has been fully verified, is particularly worrisome; Yugoslav army is on "stand by" for an intervention. Moreover, soldiers of slovene nationality have been removed from Slovenia and deployed elsewhere while, simultaneously, special military courts have been organized.

As emerging democracies Slovenia and Croatia are threatening no one and demanding nothing from any other republic of Yugoslavia: on the contrary it is us who are living under the threat of military, economic and political takeover which would undoubtedly thrust us back into the cold communist years of economic and social depression and deprivation.

It is with deep regret therefore that I must confirm justified fears that the Gulf crisis would be taken advantage of by the regimes in the Soviet Union and Yugoslavia to exercise a military crack-down on democratic republics.

Being acquainted with your principles regarding Eastern Europe, I have to inform you that Slovenia is ready and willing to defend its young democracy where absolutely necessary.

Dear Congresssman thanks to your supreme efforts on our/Eastern Europe's behalf you have become a highly respected and esteemed friend of the Slovenian government and its people. It is therefore my duty and pleasure to invite you, on behalf of us all, to visit Slovenia at earliest convenience. Your presence would be most encouraging while your influence and experience would be most beneficial to us in our time of need.

With great respect, I remain,

Yours sincerely,

Prof. LOJZE PETERLE,
Prime Minister.

REPUBLIC OF HRVATSKA,
January 24, 1991.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I fully understand your focus and concern of the Gulf crisis. However, as you are by now aware, the situation in the republics of Slovenia, Croatia, and Bosnia-Hercegovina is unfortunately developing in the direction as events unfolded in Kosovo. At this time, we are on serious alert status.

It is absolutely critical that the Yugoslavian army stop its continued scenario of "threats, retractions, threats" interspersed with military tank, plane and manpower movement. They must also be cautioned not to move Croatian reservists out of Croatia. It is seriously destabilizing the democratic governments of the above named republics and prevents us from moving forward on vital issues enabling us to securely establish a long-term free and democratic society and an open, free market economy.

Senator DOLE, the road to stability has only one path and that is the success of a democratic society. Slovenia, Croatia, Bosnia-Hercegovina and Macedonia have all elected democratic governments. The election of the Marxist-Communist Slobodan Milosevic cannot be reconciled with the elected democratic governments to the north.

The message which can avert any disaster in Yugoslavia must make it absolutely clear that at this point in time the United States government supports the majority, meaning the newly democratically elected republics and advocates a peaceful resolution to ensure future stability, respect for internal borders and cooperation between those nation states.

Yugoslavia is not the Soviet Union; Serbia is not Russia; and the Yugoslavian army is not the Soviet army.

Any failure to act now is to allow the majority of Yugoslavia which is freely and democratically elected to be overtaken and ruled by a Communist dictator. This is not in the best interests of the United States government; it is avoidable with strong United States messages.

The continuation of this harrassment will have long-term detrimental effects if it does not discontinue immediately. We look forward to the support of the United States.

Sincerely,

Dr. FRANJO TUDJMAN,
President.

THE 1990 YEAR END REPORT

The mailing and filing date of the 1990 year end report required by the Federal Election Campaign Act, as amended, is Thursday, January 31, 1991. Principal campaign committees supporting Senate candidates file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 9 p.m. on the filing date to accept these filings. In general, reports will be available to the public 24 hours after receipt. For further information, please contact the Public Records Office on (202) 224-0322.

UKRAINIAN INDEPENDENCE DAY

Mr. METZENBAUM. Mr. President, I join Ukrainians throughout the United States and the rest of the world in celebrating the 73d anniversary of Ukraine's Declaration of Independence, which was marked this week.

In 1918, the Ukrainian people proclaimed their freedom and self-determination by declaring an independent Ukrainian National Republic. This dream has been preserved for over 70 years, and has found a voice in the current Ukrainian democratic movement. I applaud the persistence of Ukrainians who are making a stand for their liberty and autonomy.

It is especially important to remember on this anniversary that the people of Ukraine continue to fight for their rights to freedom and democracy. The recent dispatch of Soviet troops to Ukraine threatens to repress the democratic movement.

I salute the proud people of Ukraine on the anniversary of their declaration of independence, with the hope that their dream of freedom will soon be realized.

ISRAEL'S MILITARY RESTRAINT LAUDED

Mr. PACKWOOD. Mr. President, I rise today with the utmost respect and admiration for one of our country's strongest allies—the State of Israel.

Shortly after Operation Desert Shield became Operation Desert Storm, Iraq made true on one of its prewar threats by launching a series of missile attacks against Israel. The enormous restraint Israel has demonstrated since these missile attacks by Iraq deserves praise and appreciation. Israel's diplomatic response has been invaluable to the United States and the allied coalition in our efforts to fulfill the objectives of the United Nations' resolutions—namely, the withdrawal of Iraqi forces from Kuwait.

I am especially incensed by Iraq's method of retaliating against Desert Storm. I am referring to the recent missile attacks on the civilian population of Tel Aviv. Instead of strategically targeting their missiles to avoid harming innocent civilians, as is the strategy of the allied coalition, the Iraqis employ Scud missiles, which terrorize civilian populations because of their imprecise targeting.

In trying to drag Israel into this conflict, Saddam Hussein hopes to divert attention away from the issue at hand—his invasion and occupation of Kuwait—and toward the longstanding conflicts in the region. All of this in hopes of undermining the allied coalition.

Israel has once again demonstrated its friendship and strong bond with the United States. My sympathy and good will go out to the Israeli people and especially to those families whose loved ones have been injured or tragically killed by Saddam's "missiles of terror."

In closing, I also want to applaud the Bush administration for its careful consideration of Israel's difficult position and its swift retaliation on behalf of the Israeli people. A country has every right to protect its citizens and the security of its nation. Israel has been a great ally in exercising restraint in response to these deplorable attacks.

MEASURES REFERRED

The following concurrent resolutions, previously received from the House of Representatives for concurrence, were read and referred as indicated:

H. Con. Res. 40. Concurrent resolution condemning the recent use of military force in the Baltic states; to the Committee on Foreign Relations.

H. Con. Res. 41. Concurrent resolution condemning the Iraqi attacks against Israel; to the Committee on Foreign Relations.

H. Con. Res. 48. Concurrent resolution condemning the brutal treatment by the Government of Iraq of captured service members of the United States and its allies in the Persian Gulf conflict; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-409. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated January 1, 1991; pursuant to the order of January 30, 1975, referred jointly to the Committees on the Budget and the Committee on Appropriations.

EC-410. A communication from the Secretary of Energy, transmitting, pursuant to law, the fifth biennial report on implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980; to the Committee on Energy and Natural Resources.

EC-411. A communication from the Secretary of Energy, transmitting, pursuant to law, the Program Opportunity Notice for the fourth round of the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-412. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fourteenth annual report on the Child Support Enforcement program; to the Committee on Finance.

EC-413. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on scorekeeping of lease-purchase contracts; to the Committee on Governmental Affairs.

EC–414. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC–415. A communication from the United States Special Counsel, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC–416. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC–417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–300 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–418. A communication from the Chairman on the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–303 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–304 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–305 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–306 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–307 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–308 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–309 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–310 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–311 adopted by the Council on Governmental Affairs.

EC–427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–312 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–313 adopted by the Council on December 4, 1990; to the Committee on Governmental Affairs.

EC–429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–314 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–315 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–316 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–317 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–318 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–434. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–319 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–435. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–320 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–321 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–437. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–322 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–438. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–323 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–439. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–324 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–440. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–325 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–326 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–442. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–327 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–328 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–329 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–330 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–331 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–332 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–333 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–334 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–450. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–335 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–451. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–336 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–452. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–337 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–453. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–338 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–454. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8–339 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC–455. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-340 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-456. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-342 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-457. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-343 adopted by the Council on December 18, 1990; to the Committee on Governmental Affairs.

EC-458. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third triennial report entitled "Drug Abuse and Drug Abuse Research III"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A resolution adopted by the Legislature of the Virgin Islands; to the Committee on Armed Services.

"RESOLUTION NO. 1433

"Whereas, pursuant to Title 32, Section 314, United States Code, the Adjutant General of the Virgin Islands National Guard is appointed by the President of the United States; and

"Whereas, in all of the 50 States and the Commonwealth of Puerto Rico, the Adjutant General is appointed by the Governor of that jurisdiction; and

"Whereas, over the last 20 years, the people of the Virgin Islands have been granted increased autonomy over their own affairs; including the right to elect their own Governor as opposed to being governed by a presidential appointee; and

"Whereas, under Virgin Islands law, the Adjutant General has additional territorial duties, one of the most important of which is heading the Virgin Islands Territorial Emergency Management Agency; and

"Whereas, it is the sense of the Legislature and people of the Virgin Islands that the nature of both his federal and local duties require the Adjutant General of the Virgin Islands to be well acquainted with the people, culture and geography of the Territory; and

"Whereas, it is also the sense of the Legislature and the people of the Virgin Islands that they would be best served by having the Adjutant General of the Virgin Islands National Guard appointed by the Governor of the Virgin Islands; Now, therefore,

"Be it resolved by the Legislature of the Virgin Islands:

"SECTION 1. The Legislature of the Virgin Islands, on behalf of the people of the Virgin Islands, hereby petitions the President and Congress of the United States to amend the United States Code to provide for the appointment of the Adjutant General of the Virgin Islands National Guard by the Governor of the Territory.

"SECTION 2. Copies of this Resolution shall be forwarded to the President of the United States and every member of the Congress of the United States."

POM-2. A resolution adopted by the Senate of the Legislature of Puerto Rico; to the Committee on Energy and Natural Resources:

"RESOLUTION OF THE COMMONWEALTH OF PUERTO RICO

"Whereas: The House of Representatives of the United States has approved a bill to make a plebiscite on its political status, viable for the People of Puerto Rico.

"Whereas: Committees of the Senate of the United States have approved a bill drafted with similar purposes.

"Whereas: Said bills provide reasonable grounds to initiate the process by which the People of Puerto Rico would choose their political status.

"Whereas: Said bills comply with the claims of the three political parties registered in Puerto Rico, and of the different groups that feel that the status problem demands an urgent solution.

"Whereas: The U.S. Congress shall recess soon and the legislation providing for the celebration of the plebiscite on the political status of Puerto Rico has not yet been approved by the Senate.

"Whereas: The existing time limitations for the celebration of a plebiscite require the Congress to act with the utmost urgency.

"Now therefore: be it resolved by the Senate of Puerto Rico:

"SECTION 1. To emphatically state the unequivocal endorsement of the Legislature of Puerto Rico for the celebration of a plebiscite, whereby the People of Puerto Rico will express their preference on their political status.

"SECTION 2. To urge of the Congress and the President of the United States, the prompt approval of legislation to make the celebration of a plebiscite on the political status of the People of Puerto Rico viable, as well as the implementation of the outcome thereof.

"SECTION 3. To request the specialized agencies of the U.S. Congress to furnish the Legislature of Puerto Rico all the information compiled during the Federal legislative process on the impact that each of the three political status formulas would have on Puerto Rico with regard to fiscal matters, taxes, commerce, citizenship, language, sports (international and Olympic representation), defense, social assistance programs, representation before international forums and institutions, terms and conditions during transition periods, and all other relevant matters. This information, in turn, shall be made available to all the legislators and the country's news media.

"SECTION 4. That a copy of the Resolution, translated into the English language, be sent immediately to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and, in Spanish, to the Resident Commissioner of Puerto Rico in the United States, and to the Secretary General of the United Nations.

"SECTION 5. This Resolution shall take effect immediately after its approval and shall continue in effect until its purposes have been accomplished."

POM-3. A resolution adopted by the City Council of Sweetwater, Florida, relative to the political status of the people of Puerto Rico; to the Committee on Environment and Public Works.

POM-4. A resolution adopted by the City Council of Sweetwater, Florida, urging creation of a recycling markets resource task force; to the Committee on Environment and Public Works.

POM-5. A resolution adopted by the City Council of Sweetwater, Florida, seeing Federal fiscal assistance for basic municipal services; to the Committee on Environment and Public Works.

POM-6. A petition from citizens of Mayfield, Kentucky, asking for equal rights for school teachers to be given the right to teach school children creation as well as evolution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on the Budget, unfavorably without amendment:

S.J. Res. 44: Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, and Mr. ROTH):

S. 260. A bill to provide for the efficient and cost effective acquisition of nondevelopmental items for Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DIXON (for himself, Mr. SANFORD, and Mr. WIRTH):

S 261. A bill to amend the Federal Deposit Insurance Act to provide for risk-based premiums for deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DIXON:

S. 262. A bill to provide for the use of the income on depository institution reserves at the Federal Reserve banks to protect and enhance the deposit insurance system; to the Committee on Banking, Housing, and Urban Affairs.

S. 263. A bill to modernize and reform the regulation of financial services, to strengthen the enforcement authority of depository institution regulating agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 264. A bill to authorize a grant to the national writing project; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 265. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. DECONCINI):

S. 266. A bill to prevent and punish domestic and international terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. BRYAN):

S. 267. A bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State; to the Committee on Finance.

By Mr. PACKWOOD (for himself, Mr. BENTSEN, Mr. DOLE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DURENBERGER, Mr.

HEINZ, Mr. RIEGLE, Mr. DECONCINI, Mr. MCCONNELL, and Mr. THURMOND):

S. 268. A bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child; to the Committee on Finance.

By Mrs. KASSEBAUM (for herself, Mr. HATCH, Mr. BUMPERS, Mr. HATFIELD, and Mr. BRYAN):

S. 269. A bill to amend the Employee Retirement Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 270. A bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm; to the Committee on Armed Services.

By Mr. ROTH:

S. 271. A bill to continue until January 1, 1995, the suspension of duty on o-Benzyl-p-chlorophenol; to the Committee on Finance.

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. PRESSLER, Mr. FORD, Mr. BREAUX, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. KASTEN, Mr. GLENN, Mr. JEFFORDS, Mr. KERREY, Mr. REID, Mr. DURENBERGER, Mr. HATFIELD, Mr. KOHL, Mr. CONRAD, and Mr. RIEGLE):

S. 272. A bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S.J. Res. 46. Joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990; to the Committee on Governmental Affairs.

By Mr. EXON (for himself and Mr. BENTSEN):

S.J. Res. 47. Joint resolution proposing an amendment to the Constitution relating to Federal Budget Procedures; to the Committee on the Judiciary.

By Mr. SIMON (for himself and Mr. DIXON):

S.J. Res. 48. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. KENNEDY, and Mr. MITCHELL):

S. Res. 18. Resolution to recognize the accomplishments of Lewis A. Shattuck; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, and Mr. ROTH):

S. 260. A bill to provide for the efficient and cost-effective acquisition of nondevelopmental items for Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

NONDEVELOPMENTAL ITEMS ACQUISITION ACT

• Mr. LEVIN. Mr. President, last year, S. 1957, the Nondevelopmental Items Acquisition Act of 1990, was reported unanimously to the Senate by the Governmental Affairs Committee and its Subcommittee on Oversight of Government Management. The bill was approved twice by the Senate and once by the House—all without a single dissenting vote.

Unfortunately, the House version of the bill, which differed slightly from the Senate version, was passed with only a few hours left in the session. Because the Senate did not have time to pass the bill again, the bill died with the Congress.

Mr. President, S. 1957 was approved unanimously by both Houses for good reason. This is a good government measure which would streamline the acquisition process and reduce the paperwork burden on Government and contractor officials without undermining vital procurement safeguards.

The nondevelopmental items bill is an important piece of unfinished work from the last Congress. I worked hard to pass the bill in the 101st Congress, and I am proud to reintroduce it now, with the cosponsorship of Senators COHEN, GLENN, and ROTH, in the 102d Congress.

Mr. President, it only makes sense that products that are already in use—known as nondevelopmental items or NDI's—are less expensive and easier to purchase than new, Government-unique items. Moreover, most NDI's have already been tried and tested and many carry their own warranties. For example, it is far more preferrable for an agency to order a standard heat pump from an existing manufacturer than it is to design and build a new one from scratch for a Federal agency alone.

For several years now, we have urged Federal agencies to stop spending taxpayer dollars to design and build new products when available products could meet agency needs. We have already succeeded in passing provisions requiring the Department of Defense to focus its attention on this issue; we must now expand these provisions to cover other Federal agencies as well.

The NDI bill would promote the use of commercial and off-the-shelf products by creating an acquisition preference and streamlining the system for purchasing such items. In particular, the bill would require Federal agencies to:

First, purchase NDI's to the maximum extent possible;

Second, simplify their product requirements, telling companies what they want, rather than how to build it;

Third, eliminate unnecessary and burdensome contract clauses that serve as an impediment to NDI contracts;

Fourth, tailor appropriate inspection requirements for NDI's;

Fifth, enhance training for acquisition personnel in the procurement of NDI's; and

Sixth, designate officials responsible for promoting the acquisition of NDI's.

Mr. President, these measures are already applicable to DOD under the 1987 and 1990 Defense Authorization Acts. The bill that we are introducing today would extend these measures to civilian agencies and restore the uniformity of the Federal procurement laws.

Mr. President, the Nondevelopmental Items Acquisition Act of 1991 is a commonsense proposal that will help save taxpayer dollars. It is a bill which should have been enacted into law in the last Congress. I hope that my colleagues will join me making up for this failure by enacting the bill into law early this year.•

• Mr. COHEN. Mr. President, I am pleased to join Senator LEVIN in introducing legislation to encourage more Federal civilian agencies to purchase commercial, or so-called off-the-shelf items.

Last Congress, Senator LEVIN and I held a series of hearings in the Subcommittee on Oversight of Government Management on how the Department of Defense and civilian agencies can save taxpayers' dollars by purchasing items that are already available or developed in the commercial marketplace, rather than requiring Government contractors to design and build new products from scratch. What we found time and time again was that it is often cheaper and easier for the Government to purchase products that are already in use in the private sector than to purchase items that are designed and built specifically to meet unique Government specifications.

While it seems only logical that buying what is already available can save money for the taxpayer, we found, unfortunately, that many obstacles to buying off-the-shelf exist in the Federal Government's current procurement practices. We found, for example, that complicated Government contract specifications and unnecessarily burdensome contract requirements often prevented many qualified commercial sellers from doing business with the Government. We also found that the Government requires sellers to submit excessive cost or pricing data for their products when there are far less complicated means of determining whether the Government is getting a fair price for the product it is buying.

Such Government contracting requirements and clauses go far beyond protecting the Government from unscrupulous sellers. To the contrary, they often have the effect of making fewer products available to the Government, thus impeding competition in contracting, because sellers cannot comply with the detailed specifications and the excessive data requirements. The subcommittee heard many stories of companies which could offer equal or superior products at lower prices than what the Government is specifying, but it is not worth the companies' time or effort to jump through all the hoops that are required to sell to the Government.

In recent years, the Congress has directed the Department of Defense to prefer nondevelopmental and commercial products in its contracts, develop a simplified uniform contract for the acquisition of commercial products, adopt streamlined inspection clauses, and revise its regulations on when "cost or pricing data" is required to be submitted. While these reforms are not yet in practice, they will go far in making DOD purchasing more efficient.

The bill we are introducing today will extend these reforms to civilian agencies. This bill contains many provisions of S. 1957, passed by the Senate last year, and incorporates amendments passed by the House of Representatives. Unfortunately, the final version of this legislation was not enacted during the press of business in the final days of the 101st Congress.

This legislation contains may valuable reforms for the Governmentwide procurement process that will result in cost savings for the taxpayer, while fully protecting the needs of the Government. It will also go far in removing obstacles that now discourage businesses, both large and small, from doing business with the Government.

I hope that my colleagues will support this legislation, that will increase competition in contracting and make our overall procurement system more efficient.●

By Mr. DIXON (for himself, Mr. SANFORD, and Mr. WIRTH):

S. 261. A bill to amend the Federal Deposit Insurance Act to provide for risk-based premiums for deposit insurance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DIXON:

S. 262. A bill to provide for the use of income on depository institution reserves at the Federal Reserve banks to protect and enhance the deposit insurance system; to the Committee on Banking, Housing, and Urban Development.

S. 263. A bill to modernize and reform the regulation of financial services, to strengthen the enforcement authority of depository institution regulating agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTIONS LEGISLATION

Mr. DIXON. Mr. President, fundamental reform of our deposit insurance system, recapitalization of the bank insurance fund, and structural reform of our financial services laws are all urgently needed. I am today introducing three pieces of legislation to help address these needs.

The first bill, which I am introducing with my distinguished colleagues, Senators WIRTH and SANFORD, addresses the deposit insurance issue. It is designed to eliminate the flaws of deposit insurance while building on its strengths.

The Deposit Insurance Reform Act of 1991, Mr. President, brings market-set, risk-based pricing to deposit insurance. Under this bill, taking greater risks will mean paying higher premiums. That is a basic principle of all insurance—riskier drivers, for example, pay higher auto insurance rates than safe drivers. That makes sense in the auto insurance business, and it makes equally good sense for Federal deposit insurance.

Under this legislation, the Federal Government will not determine risk-based prices. Instead, premiums for large banks and thrifts will be based on the prices charged by private insurance companies for reinsuring between 3 and 10 percent of the FDIC's risk that an individual large bank or thrift might fail. These private insurers—with their own money on the line—will guarantee that deposit insurance premiums reflect marketplace realities. A simplified risk-base system will be used to set premium levels for smaller banks and thrifts.

The bill has a number of other features designed to work with risk-based premiums to protect the taxpayer from risk of loss while discouraging imprudent banking. For example, it requires annual, on-site examinations by the Federal regulators of every bank, savings and loan, and credit union. It also requires the FDIC to change the way it handles large bank failures in order to deal with the too big to fail problem. After all, the purpose of deposit insurance is to protect small depositors and confidence in our banking system, not individual banks.

While the Deposit Insurance Reform Act cures the fundamental problems of deposit insurance, it seems clear that the FDIC's bank insurance fund is under serious stress and that transitional support for the fund is needed. The first place to look for this assistance must be the resources of the banking industry itself. However, we all need to be aware of the risk that asking too much from the industry will be counterproductive—that going too far could result in additional failures and a contraction in bank lending that would cause further damage to our economy.

Fortunately, by making better use of some of the banking industry's existing resources, it is possible to augment the resources of the bank insurance fund, and to ease the transition to a reformed deposit insurance fund in a manner that minimizes the risk of making the recession more severe or increasing the number of bank failures.

The Deposit Insurance Fund Assistance Act, the second bill I am introducing today, is designed to help accomplish these objectives. It makes use of what are commonly called the sterile reserves that banks and thrifts have on deposit at the Federal Reserve banks around the country.

For basically historical reasons, the Federal Reserve does not pay interest on the over $21 billion in sterile reserves depository institutions currently have on deposit at the Federal Reserve banks.

Frankly, Mr. President, I think a good case can be made for paying interest on reserves directly to banks and thrifts. However, my bill does not do that. What it does is to:

First, require the Federal Reserve to pay interest on the reserves to the FDIC at either the Federal funds rate, or the average rate of return on the Fed's securities portfolio, whichever is lower. This will produce as much as $1.5 billion per year in additional income for the FDIC;

Second, permit the FDIC to use the interest on reserves income stream to support additional borrowing. This would allow the FDIC to borrow as much as $15 billion to augment the resources of its insurance funds; and

Third, allow the Federal Reserve, in order to provide transitional assistance to qualified banks and thrifts, to require that up to the full amount of the $21 billion in sterile reserves be held at the Fed in the form of bank or thrift preferred stock or subordinated debentures, thus creating a kind of temporary capital funds.

The bill is not intended to help banks and thrifts that are headed for insolvency. Only banks and thrifts that could raise $1 in private capital for every $2 they receive in capital under this bill would be eligible for assistance. Further, in order to receive capital from this source, their stock warrants would be required, and debt covenants, such as dividend payment restrictions, growth restrictions and a variety of other limits, could be imposed.

I do not claim that this bill is the answer to the FDIC recapitalization question. I know this suggestion will be controversial in some quarters. Given the scope of the problems we are facing, however, it seems to me that we should be considering the widest range of alternatives possible, and this bill is offered in that spirit.

The third piece of banking legislation I am introducing this morning partially repeals the Glass-Steagal Act. This bill is only slightly different than the bill that was reported by the Senate Banking Committee in 1988 by an overwhelming vote of 18 to 2, and which passed the Senate that year by the even more overwhelming margin of 94 to 2.

Importantly, this bill does not deregulate. What the bill does is to permit bank holding companies—not banks themselves—to own affiliates that can engage in a variety of securities activities. These securities affiliates, however, are fully subject to every bit of securities regulation that applies to the rest of the securities industry. To provide further protection, the bill mandates tough statutory standards and regulations governing the transactions between a banking affiliate of a bank holding company and a securities affiliate. These standards will also ensure that only sound, well-capitalized bank holding companies are able to operate securities affiliates. These provisions are designed to protect banks—and thereby the deposit insurance fund—from the risks attributable to activities of the securities affiliate, and to ensure that banking organization securities affiliates do not have unfair competitive advantages over other securities firms.

I do not claim, Mr. President, that this bill represents some kind of economic pot of gold for the banking industry that will solve all their problems. I do believe, however, that this structural reform will help over the long term, that our financial services industry must be restructured if it is to compete effectively with its international competition, and that it is long past time to begin that restructuring process.

This could be the biggest year for banking legislation since the Great Depression. Congress has the opportunity to make the kind of fundamental reforms that will protect taxpayers from the risk of bail-outs, improve the health of our financial services industry, and help our economy get back on track again. The Deposit Insurance Reform Act, the Deposit Insurance Fund Assistance Act, and the Financial Modernization Act are designed to accomplish those goals. I urge their prompt enactment.

Mr. President, I ask unanimous consent that a copy of my full statement, each of the three bills, along with explanatory and supporting materials, be included at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Deposit Insurance Reform Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—BANK REINSURANCE PROGRAM

Sec. 101. Short title.
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SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the collapse of the Federal Savings and Loan Insurance Corporation insurance fund was caused in part by fundamental flaws in Federal deposit insurance as it is currently structured;

(2) among the major contributing factors to the savings and loan crisis was the failure to close insolvent institutions in a timely manner;

(3) the Bank Insurance Fund of the Federal Deposit Insurance Corporation is under serious pressure and is well below the insurance fund to covered assets target ratio;

(4) Federal deposit insurance now covers more than 75 percent of all bank deposits;

(5) bank capital ratios are presently approximately half of what they were before Federal deposit insurance protection was first extended to depositors in 1933;

(6) insured depository institutions are no longer as insulated from market forces because of fundamental economic and technological changes;

(7) United States banks and savings associations now face ever-growing competition from less-regulated and non-regulated competitors;

(8) there is a "moral hazard" in Federal deposit insurance, an incentive for depository institutions to increase risk as their capital declines;

(9) under the present system, well-capitalized, soundly-run institutions cross-subsidize poorly-run, under-capitalized competitors; and

(10) because the Federal Deposit Insurance Corporation has fully protected uninsured depositors at large banks—those depositors with account balances in excess of the $100,000 insured amount—thus giving those banks, in effect, "too big to fail" status, large banks may have a competitive advantage in attracting deposits.

(b) PURPOSES.—The purposes of this Act are to—

(1) ensure that the Federal taxpayer will never again be asked to pay the price for Federal deposit insurance;

(2) ensure that insured depositors can be confident that their savings are fully protected;

(3) protect the safety and soundness of the United States banking and thrift system;

(4) end the "moral hazard" of deposit insurance by instituting a system of risk-based reinsurance for large banks and savings associations;

(5) provide soundly-run, well-capitalized small banks and savings associations with the benefits of a risk-based reinsurance system, without increasing their regulatory burden;

(6) ensure that the risk-based reinsurance system is workable, economical, and responsive to changes in markets and to conditions at covered institutions;

(7) ensure that "good" banks and savings associations will no longer have to cross-subsidize banks and savings associations that take risks beyond levels that their capital will support;

(8) use private reinsurers to help set risk-based premiums based on market forces, and to provide a mechanism to help identify problem institutions so that they are closed in a timely manner;

(9) end full protection for uninsured depositors;

(10) encourage banks and savings associations to increase their capital, and place partial reliance on market forces to help determine the necessity of capital increases; and

(11) provide sufficient time for banks and savings associations to raise additional capital and to make other appropriate changes needed to adjust to the new system.

TITLE I—BANK REINSURANCE PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "Bank Reinsurance Act".

SEC. 102. LARGE BANK DEPOSIT INSURANCE REFORM.

(a) LARGE BANK DEPOSIT INSURANCE REFORM.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 7 (12 U.S.C. 1817) the following new section:

"SEC. 7A. RISK-BASED INSURANCE FOR LARGE BANKS.

"(a) PURPOSE.—The purpose of this section is to establish a risk-based deposit insurance assessment rate system through reinsurance coverage for not less than 3 percent nor more than 10 percent of the risk of large bank failures.

"(b) COVERED BANKS.—This section shall apply to any member of the Bank Insurance Fund that—

"(1) has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter;

"(2) is owned by a bank holding company that has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter; or

"(3) was engaged, directly or indirectly, on December 31, 1991, in securities, insurance, or real estate activities other than those that were permitted for national banks or bank holding companies on August 10, 1987.

"(c) INTERIM RISK-BASED REINSURANCE FORMULA.—

"(1) IN GENERAL.—The Corporation shall establish an interim formula for calculating a risk-based assessment rate for each covered bank.

"(2) FACTORS TO BE INCLUDED IN FORMULA.—In establishing the formula under paragraph (1), the Corporation shall include as factors, covered banks'—

"(A) aggregate capital;

"(B) outstanding loans that are 90 days or more past due;

"(C) renegotiated 'troubled' debt;

"(D) the number and amounts of nonaccrual loans;

"(E) net charge-offs;

"(F) off-balance sheet risk;

"(G) portfolio diversification;

"(H) interest rate risk;

"(I) the completeness of loan portfolio documentation; and

"(J) any other factors the Corporation deems appropriate.

"(d) RISK-BASED FORMULA ASSESSMENTS.—Under the interim risk-based formula, each covered bank shall pay a deposit insurance assessment that is—

"(1) determined by applying the risk-based assessment rate for that bank to the bank's average assessment base, as determined under section 7(b)(2), subject to adjustments authorized by subsection (e);

"(2) after the bank enters into a reinsurance agreement under subsection (i), but prior to the date of the determination described in paragraph (3)—

"(A) determined by adding (i) the premium established by a reinsurance agreement under subsection (i) for that part of the average assessment base that is covered by a reinsurance agreement under such subsection, and (ii) the assessment determined under paragraph (1) for that part of the bank's average assessment base that is not covered by a reinsurance agreement; or

"(B) determined by applying the premium rate established by a reinsurance agreement under subsection (i) to the bank's average assessment base,

whichever is lower, subject to adjustments authorized by subsection (e); or

"(3) after the Corporation determines that 80 percent of covered banks are covered by reinsurance agreements—

"(A) determined by applying the risk factor for that bank to the bank's average assessment base, except where the bank fails to obtain reinsurance in a timely manner and is subject to subsection (*l*)(1)(B); or

"(B) determined by applying the premium rate established by a reinsurance agreement under subsection (i) to the bank's average assessment base,

subject to adjustments authorized by subsection (e).

"(e) BANK INSURANCE FUND ADJUSTMENTS.—The Corporation shall make proportionate adjustments to each bank's total deposit insurance assessment upwards or downwards, as necessary, to—

"(1) ensure to the extent practicable and consistent with the public interest that all such assessments, in the aggregate, are sufficient to maintain the Bank Insurance Fund designated reserve ratio required by section 7(b)(1)(B); and

"(2) maintain the Fund's operating budget, except for receivership expenses, at an appropriate level.

"(f) PHASE-IN OF REINSURANCE PROGRAM.—

"(1) BANKS REQUIRED TO PARTICIPATE.—The Corporation shall assign all covered banks to deciles, based on the assessment rates applicable under the interim formula. The Corporation shall require covered banks assigned to the decile subject to the lowest assessment rate to obtain reinsurance in the first year after the interim formula takes effect. In each subsequent year, banks assigned to the decile subject to the next lowest assessment rate shall be required to obtain reinsurance, as provided in the following table:

"Number of years Since Interim Formula Became Effective	Assessment Rate Decile Under Interim Formula
1	Lowest
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	Highest.

The Corporation shall notify each covered bank at least one year before the bank will be required to obtain reinsurance.

"(2) AMOUNT OF REINSURANCE.—The Corporation shall, in accordance with paragraph (3), establish a uniform reinsurance level that is not less than 3 percent nor more than 10 percent of the insured deposits of each covered bank.

"(3) LEVEL OF COVERAGE.—For purposes of paragraph (2), the Corporation shall establish a level of reinsurance coverage that is sufficient to ensure—

"(A) that the assessment rates charged by reinsurers can be accurately scaled up to reasonably reflect the total risk presented by each covered depository institution; and

"(B) that the reinsurer can reasonably be expected to raise the necessary capital over the transition period provided for in paragraph (4).

"(4) PHASE-IN.—(A) The Corporation shall—

"(i) require reinsurers to provide the level of reinsurance established under paragraph (2) not later than 5 years after notification is provided under paragraph (1); and

"(ii) establish interim reinsurance levels applicable during the 5-year transitional period established by clause (i).

"(B) The Corporation may permit variations from the phase-in schedules imposed by paragraph (1) and this paragraph where—

"(i) there has been a substantial change in a bank's circumstances which would alter its decile assignment under the interim formula; or

"(ii) a covered bank is unable to obtain reinsurance coverage at the specified time due to market availability.

"(g) REINSURER LIABILITY.—

"(1) IN GENERAL.—Each reinsurer shall be liable for the percentage share of the risk it assumes under its reinsurance agreement with a covered bank, not to exceed 10 percent of the Corporation's total case resolution costs for such bank.

"(2) LIMIT.—If in any year the Corporation's total case resolution costs exceed by more than 100 percent the highest total case resolution costs during any preceding year, the aggregate liability of reinsurers shall not exceed 20 percent of such preceding year's costs. Any payment made by a reinsurer which exceeds the limit set by this paragraph shall be reimbursed by the Corporation.

"(3) ADJUSTMENTS.—The Corporation may make adjustments to the limit on reinsurer liability to reflect inflation and banking industry asset growth.

"(h) ELIGIBLE REINSURERS.—

"(1) IN GENERAL.—For purposes of this section, an eligible reinsurer shall include any qualified insurer that—

"(A) meets appropriate criteria prescribed by the Corporation, subject to the requirements of any applicable State laws, for the qualification of reinsurers to offer risk-based reinsurance to covered banks;

"(B) offers reinsurance terms that permit adjustments to the negotiated reinsurance premium not more than—

"(i) on a quarterly basis, for a covered bank that remains above regulatory capital minimums; or

"(ii) on a monthly basis, if the covered bank falls below regulatory capital minimums,

subject to an appropriate limit established by the Corporation in accordance with paragraph (2), except that a covered bank may terminate coverage from one reinsurer and obtain coverage from another after 2 consecutive maximum premium increases under clause (i) or 4 consecutive maximum premium increases under clause (ii); and

"(C) offers reinsurance terms that will remain in effect for a term of not less than 2 consecutive years, except that the Corporation shall establish guidelines covering the length of reinsurance agreements designed to—

"(i) prevent simultaneous expiration and renewal of more than one-eighth of the total number of existing agreements in any one calendar quarter; and

"(ii) ensure that such terminations and renewals will be equally distributed throughout each calendar quarter.

"(2) LIMIT ON RATE INCREASES.—Reinsurers shall not increase a covered bank's reinsurance premium more than 10 basis points in any adjustment period, as provided in paragraph (1)(B).

"(3) BANK AFFILIATION.—An eligible reinsurer may be an affiliate of a bank holding company, except that an insurance affiliate may not offer reinsurance to any affiliated bank.

"(4) MODIFICATION OF REQUIREMENTS.—The Corporation is authorized to waive or modify the conditions of reinsurer eligibility if it determines that such action is necessary to develop reinsurance capacity in the private sector.

"(i) REINSURANCE AGREEMENTS.—

"(1) NEGOTIATIONS.—Eligible reinsurers shall negotiate directly with covered banks to establish—

"(A) the reinsurance premium for that portion of the risk of failure covered by the reinsurer; and

"(B) the rights of the reinsurer to have access to bank documents for assessing risk and determining the premium rate.

"(2) INSURANCE FOR UNINSURED DEPOSITS.—An eligible reinsurer—

"(A) may offer insurance coverage for deposits that are not Federally insured to any bank, whether or not it is covered by reinsurance in accordance with this section.

"(B) shall be solely liable for deposits that are not Federally insured but are covered by insurance under this paragraph.

"(3) ACCESS TO BANK INFORMATION.—Pursuant to a negotiated reinsurance agreement, the reinsurer shall have access to all reports filed with State or Federal banking regulatory authorities, and to all reports subsequently produced by such regulatory authorities relevant to the covered bank during the term of the reinsurance contract.

"(j) PAYMENTS.—The premium negotiated between a bank and a reinsurer in accordance with subsection (i) shall be paid by the Corporation to the reinsurer on a payment schedule established by the Corporation. Assessments under this section shall be paid by the bank to the Corporation in accordance with subsections (b)(2) and (c) through (h) of section 7.

"(k) PUBLIC DISCLOSURE OF ASSESSMENTS.—The Corporation shall publish in the Federal Register the amounts of all deposit insurance assessments applicable to covered banks.

"(l) FAILURE TO OBTAIN REINSURANCE.—

"(1) ASSESSMENT PENALTY.—Except as provided in subsection (f)(4)(B), upon failure of a covered bank to obtain reinsurance or renew a reinsurance agreement at the appropriate time, the Corporation shall make a deposit insurance assessment on that bank that is 8 basis points higher than the highest assessment for any covered bank with reinsurance having the same rating under the Uniform Financial Institutions Rating System (hereafter 'CAMEL rating'), derived from an evaluation of a bank's capital adequacy, asset quality, management, earnings, and liquidity.

"(2) SPECIAL EXAMINATIONS.—For banks subject to treatment under paragraph (1)(B), the Corporation shall—

"(A) make an immediate examination of such bank;

"(B) make semiannual examinations of such bank thereafter; and

"(C) make adjustments to the bank's CAMEL rating, where appropriate.

"(3) SPECIAL ASSESSMENTS.—If, after one year, a bank subject to treatment under paragraph (1)(B) is unable to obtain reinsurance, the Corporation shall make a deposit insurance assessment at least 15 basis points above what otherwise would be assessed under this section. In no event shall the Corporation provide deposit insurance to any bank that is unable to obtain reinsurance for more than 2 consecutive years.".

(b) EFFECTIVE DATES.—

(1) INTERIM FORMULA REGULATIONS.—As required by section 7A(c) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall—

(A) publish proposed regulations in the Federal Register not later than 12 months following the date of enactment of this Act establishing an interim risk-based reinsurance formula;

(B) provide for a 6-month public comment period for such proposed regulations; and

(C) publish final regulations in the Federal Register not later than 12 months following publication of the proposed regulations making such regulations effective on the first January 1 that follows the date of enactment of this Act by at least 2 full calendar years.

(2) LARGE BANK DECILE ASSIGNMENTS.—As required by section 7A(f) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall assign all covered banks to deciles, based on the assessment rates applicable under the interim risk-based formula, not later than 90 days after the interim formula takes effect.

(3) REINSURANCE COVERAGE LEVELS.—In accordance with the amendment made by subsection (a), the Corporation shall—

(A) set appropriate reinsurance coverage levels for all covered banks, as required by section 7A(f)(2) of the Federal Deposit Insurance Act; and

(B) establish interim phase-in reinsurance coverage levels, as required by section 7(A)(f)(4) of the Federal Deposit Insurance Act,

not later than 12 months after the date of enactment of this Act.

SEC. 103. SMALL BANK DEPOSIT INSURANCE REFORM.

(a) SMALL BANK DEPOSIT INSURANCE REFORM.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is further amended by inserting after section 7A the following new section:

"SEC. 7B. PARTIAL RISK-BASED SYSTEM FOR SMALL BANKS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to establish a standardized assessment mechanism for small banks; and

"(2) to provide a risk-based deposit insurance system option for such banks.

"(b) COVERED BANKS.—

"(1) IN GENERAL.—This section shall apply to each member bank of the Bank Insurance Fund that has assets of $1,000,000,000 or less on December 31, 1991, or thereafter, and that does not obtain reinsurance in accordance with section 7A. For purposes of the preceding sentence, the assets of all banking subsidiaries of a holding company shall be aggregated, and all banking subsidiaries shall be treated as one bank.

"(2) REINSURANCE OPTION.—Any bank described in paragraph (1) may elect to obtain reinsurance in accordance with section 7A instead of paying assessments under this section.

"(c) STANDARDIZED ASSESSMENTS.—

"(1) IN GENERAL.—The Corporation shall establish a formula for assigning covered banks to a low- or normal-risk of failure category and shall establish appropriate assessment rates applicable to banks assigned to such categories.

"(2) FACTORS TO BE INCLUDED IN FORMULA.—In the formula under paragraph (1), the Corporation shall include the ratios of—

"(A) capital plus loan loss reserves to assets;

"(B) loans that are 90 days or more past due to assets;

"(C) non-accrual loans to assets;

"(D) renegotiated 'troubled' debt to assets;

"(E) net charge-offs to assets; and

"(F) net income to assets.

"(d) STANDARDIZED ASSESSMENTS.—

"(1) SPECIAL BANK ASSESSMENTS.—The Corporation shall assess each bank that has a CAMEL rating of 1, and is assigned to the low-risk category in accordance with the formula provided for in subsection (c), at the lower of—

"(A) a rate equal to the average assessment rate charged to the 3 banks with reinsurance coverage in accordance with section 7A(d) that have the lowest assessment rates; or

"(B) the rate established for low-risk category banks under subsection (c)(1).

"(2) AVERAGE BANK ASSESSMENTS.—Any bank not assessed under paragraph (1) shall be assessed at the lower of—

"(A) a rate equal to the overall average assessment rate for banks having reinsurance in accordance with section 7A(d); or

"(B) the rate established for the normal-risk category banks under subsection (c)(1).".

(b) SMALL BANK RISK ASSESSMENT.—As required by section 7B(c) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall—

(1) publish proposed regulations in the Federal Register not later than 12 months following the date of enactment of this Act establishing a formula for assigning banks to the appropriate risk category and establishing appropriate assessment rates applicable to banks assigned to such categories;

(2) provide for a 6-month public comment period for such proposed regulations; and

(3) publish final regulations in the Federal Register not later than 12 months following the date of publication of the proposed regulations, making such regulations effective on the first January 1 that follows the date of enactment of this Act by at least 2 full calendar years.

TITLE II—SAVINGS ASSOCIATION REINSURANCE PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Savings Association Reinsurance Act".

SEC. 202. LARGE SAVINGS ASSOCIATION DEPOSIT INSURANCE REFORM.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is further amended by inserting after section 7B the following new section:

"SEC. 7C. RISK-BASED INSURANCE FOR LARGE SAVINGS ASSOCIATIONS.

"(a) PURPOSE.—The purpose of this section is to establish a risk-based deposit insurance assessment rate system through reinsurance coverage for not less than 3 percent nor more than 10 percent of the risk of large savings association failures.

"(b) COVERED SAVINGS ASSOCIATIONS.—This section shall apply to any member of the Savings Association Insurance Fund that—

"(1) has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter; or

"(2) is owned by a savings association holding company that has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter.

"(c) INTERIM RISK-BASED REINSURANCE FORMULA.—

"(1) IN GENERAL.—The Corporation shall establish an interim formula for calculating a risk-based assessment rate for each covered savings association.

"(2) FACTORS TO BE INCLUDED IN FORMULA.—In establishing the formula under paragraph (1), the Corporation shall include as factors, covered savings associations'—

"(A) aggregate capital;

"(B) outstanding loans that are 90 days or more past due;

"(C) renegotiated 'troubled' debt;

"(D) the number and amounts of nonaccrual loans;

"(E) net charge-offs;

"(F) off-balance sheet risk;

"(G) portfolio diversification;

"(H) interest rate risk;

"(I) the completeness of loan portfolio documentation; and

"(J) any other factors the Corporation deems appropriate.

"(d) RISK-BASED FORMULA ASSESSMENTS.—Under the interim risk-based formula, each covered savings association shall pay a deposit insurance assessment that is—

"(1) determined by applying the risk-based assessment rate for that savings association to the savings association's average assessment base, as determined under section 7(b)(2), subject to adjustments authorized by subsection (e);

"(2) after the savings association enters into a reinsurance agreement under subsection (h), but prior to the date of the determination described in paragraph (3)—

"(A) determined by adding (i) the premium established by a reinsurance agreement under subsection (j) for that part of the average assessment base that is covered by a reinsurance agreement under such subsection, and (ii) the assessment determined under paragraph (1) for that part of the savings association's average assessment base that is not covered by a reinsurance agreement; or

"(B) determined by applying the premium rate established by a reinsurance agreement under subsection (j) to the savings association's average assessment base,

whichever is lower, subject to adjustments authorized by subsection (e); or

"(3) after the Corporation determines that 80 percent of covered savings associations are covered by reinsurance agreements—

"(A) determined by applying the risk factor for that savings association to the savings association's average assessment base, except in the case of a savings association that has not obtained reinsurance in a timely manner and is subject to subsection (m)(1)(B); or

"(B) determined by applying the premium rate established by a reinsurance agreement under subsection (j) to the savings association's average assessment base,

subject to adjustments authorized by subsection (e).

"(e) Savings Association Insurance Fund Adjustments.—The Corporation shall make proportionate adjustments to each savings association's total deposit insurance assessment upwards or downwards, as necessary, to—

"(1) ensure to the extent practicable and consistent with the public interest that all such assessments, in the aggregate, are sufficient to maintain the Savings Association Insurance Fund designated reserve ratio required by section 7(b)(1)(B); and

"(2) maintain its operating budget, except for receivership expenses, at an appropriate level.

"(f) Phase-In of Reinsurance Program.—

"(1) Savings associations required to participate.—The Corporation shall assign all covered savings associations to deciles, based on the assessment rates applicable under the interim formula. The Corporation shall require covered savings associations assigned to the decile subject to the lowest assessment rate to obtain reinsurance in the first year after the interim formula takes effect. In each subsequent year, savings associations assigned to the decile subject to the next lowest assessment rate shall be required to obtain reinsurance, as provided in the following table:

"Number of years Since Interim Formula Became Effective	Assessment Rate Decile Under Interim Formula
1	Lowest
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	Highest.

The Corporation shall notify each covered savings association at least one year before the savings association will be required to obtain reinsurance.

"(2) Amount of reinsurance.—The Corporation shall, in accordance with paragraph (3), establish a uniform reinsurance level that is not less than 3 percent nor more than 10 percent of the insured deposits of each covered savings association.

"(3) Level of coverage.—For purposes of paragraph (2), the Corporation shall establish a level of reinsurance coverage that is sufficient to ensure—

"(A) that the assessment rates charged by reinsurers can be accurately scaled up to reasonably reflect the total risk presented by each covered depository institution; and

"(B) that the reinsurer can reasonably be expected to raise the necessary capital over the transition period provided for in paragraph (4).

"(4) Phase-in.—(A) The Corporation shall—

"(i) require reinsurers to provide the level of reinsurance established under paragraph (2) not later than 5 years after notification is provided under paragraph (1); and

"(ii) establish interim reinsurance levels applicable during the 5-year transitional period established by clause (i).

"(B) The Corporation may—

"(i) permit variations from the phase-in schedules imposed by paragraph (1) and this paragraph where—

"(I) there has been a substantial change in a savings association's circumstances which would alter its decile assignment under the interim formula;

"(II) a covered savings association is unable to obtain reinsurance coverage at the specified time due to market availability; or

"(III) the Savings Association Insurance Fund falls below the designated reserve ratio required by section 7(b)(1)(B), and

"(ii) when it determines that at least 80 percent of banks covered under section 7A have obtained reinsurance, in the case of a savings association that previously elected to provide the Corporation with a written guarantee of reimbursement in the case of failure in accordance with subsection (g)(2) and that obtains reinsurance in accordance with subsection (g)(1), require compliance with the reinsurance requirements of paragraph (2) not more than 5 years after the date of such reinsurance election pursuant to a schedule established by the Corporation.

"(g) Reinsurance Option.—Until such time as the Corporation has determined that 80 percent of covered savings associations have obtained reinsurance, each savings association shall make an election either—

"(1) to obtain reinsurance in accordance with subsection (f); or

"(2) in the year during which it would otherwise be required to obtain reinsurance in accordance with subsection (f)(1), to provide the Corporation with a written guarantee that, in the case of failure, the failed savings associate's affiliates will reimburse the Corporation for not less than 20 percent of the resolution costs associated with such failure.

"(h) Reinsurer Liability.—

"(1) In general.—Each reinsurer shall be liable for the percentage share of the risk it assumes under its reinsurance agreement with a covered savings association, not to exceed 10 percent of the Corporation's total case resolution costs for such savings association.

"(2) Limit.—If in any year the Corporation's total case resolution costs for savings associations exceed by more than 100 percent the highest total case resolution costs incurred during any previous year, the aggregate liability of reinsurers shall not exceed 20 percent of such previous year's costs. Any payment made by a reinsurer which exceeds the limit set by this paragraph shall be reimbursed by the Corporation.

"(3) Adjustments.—The Corporation may make adjustments to the limit on reinsurer liability to reflect inflation and savings association industry asset growth.

"(i) Eligible Reinsurers.—

"(1) In general.—For purposes of this section, an eligible reinsurer shall include any qualified insurer that—

"(A) meets appropriate criteria prescribed by the Corporation, subject to the requirements of State laws, for the qualification of reinsurers to offer risk-based reinsurance to covered savings associations;

"(B) offers reinsurance terms that permit adjustments to the negotiated reinsurance premium not more than—

"(i) on a quarterly basis, for a covered savings association that remains above regulatory capital minimums; or

"(ii) on a monthly basis, if the covered savings association falls below regulatory capital minimums,

subject to an appropriate limit established by the Corporation in accordance with paragraph (2), except that a covered savings association may terminate coverage from one reinsurer and obtain coverage from another after 2 consecutive maximum premium increases under clause (i) or 4 consecutive maximum premium increases under clause (ii); and

"(C) offers reinsurance terms that will remain in effect for a term of not less than 2 consecutive years, except that the Corporation shall establish guidelines covering the length of reinsurance agreements designed to—

"(i) prevent simultaneous expiration and renewal of more than one-eighth of the total number of existing agreements in any one calendar quarter; and

"(ii) ensure that such terminations and renewals will be equally distributed throughout each calendar quarter.

"(2) Limit on rate increases.—Reinsurers shall not increase a covered savings association's reinsurance premium by more than 10 basis points in any adjustment period, as provided in paragraph (1)(B).

"(3) Savings association affiliation.—An eligible reinsurer may be an affiliate of a savings association holding company, except that an insurance affiliate may not offer reinsurance to any affiliated savings association.

"(4) Modification of requirements.—The Corporation is authorized to waive or modify the conditions of reinsurer eligibility if it determines that such action is necessary to develop reinsurance capacity in the private sector.

"(j) Reinsurance Agreements.—

"(1) Negotiations.—Eligible reinsurers shall negotiate directly with covered savings associations to establish—

"(A) the reinsurance premium for that portion of the risk of failure covered by the reinsurer; and

"(B) the rights of the reinsurer to have access to savings association documents for assessing risk and determining the premium rate.

"(2) Insurance for uninsured deposits.—An eligible reinsurer—

"(A) may offer insurance coverage for deposits that are not Federally insured to any savings association, whether or not it is covered by reinsurance in accordance with this section.

"(B) shall be solely liable for deposits that are not Federally insured but are covered by insurance under this paragraph.

"(3) Access to savings association information.—Pursuant to a negotiated reinsurance agreement, the reinsurer shall have access to all reports filed with State or Federal savings association regulatory authorities, and to all reports subsequently produced by such regulatory authorities relevant to the covered savings association during the term of the reinsurance contract.

"(k) Payments.—The premium negotiated between a savings association and a reinsurer in accordance with subsection (j) shall be paid by the Corporation to the reinsurer on a payment schedule established by the Corporation. Assessments under this section shall be paid by the savings association to the Corporation in accordance with subsections (b)(2) and subsections (c) through (h) of section 7.

"(l) Public Disclosure of Assessments.—The Corporation shall publish in the Federal

Register the amounts of all deposit insurance assessments applicable to covered savings associations.

"(m) Failure to Obtain Reinsurance.—

"(1) FDIC remedies.—Except as provided in subsection (f)(4)(B), upon failure of a covered savings association to obtain reinsurance or renew a reinsurance agreement at the appropriate time, the Corporation shall make a deposit insurance assessment on that savings association that is 8 basis points higher than the highest assessment for any covered savings association with reinsurance having the same rating under the Uniform Financial Institutions Rating System (hereafter 'CAMEL rating'), derived from an evaluation of a savings association's capital adequacy, asset quality, management, earnings, and liquidity.

"(2) Special examinations.—For savings associations subject to treatment under paragraph (1)(B), the Corporation shall—

"(A) make an immediate examination of such savings association;

"(B) make semiannual examinations of such savings association thereafter; and

"(C) make adjustments to the savings association's CAMEL rating, where appropriate.

"(3) Special assessments.—If, after one year, a savings association subject to treatment under paragraph (1)(B) is unable to obtain reinsurance, the Corporation shall make a deposit insurance assessment at least 15 basis points above what otherwise would be assessed under this section. In no event shall the Corporation provide deposit insurance to any savings association that is unable to obtain reinsurance for more than 2 consecutive years.".

(b) Effective Dates.—

(1) Interim formula regulations.—As required by section 7C(c) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall—

(A) publish proposed regulations in the Federal Register not later than 12 months after the date of enactment of this Act establishing an interim risk-based reinsurance formula;

(B) provide for a 6-month public comment period for such proposed regulations; and

(C) publish final regulations in the Federal Register not later than 12 months following publication of the proposed regulations, making such regulations effective on the first January 1 that follows the date of enactment of this Act by at least 2 full calendar years.

(2) Large savings association decile assignments.—As required by section 7C(f) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall assign all covered savings associations to deciles, based on the assessment rates applicable under the interim risk-based formula, not later than 90 days after the interim formula takes effect.

(3) Reinsurance coverage levels.—In accordance with the amendment made by subsection (a), the Corporation shall—

(A) set appropriate reinsurance coverage levels for all covered savings associations, as required by section 7C(f)(2) of the Federal Deposit Insurance Act; and

(B) establish interim phase-in reinsurance coverage levels, as required by section 7C(f)(4) of the Federal Deposit Insurance Act,

not later than 12 months after the date of enactment of this Act.

SEC. 203. SMALL SAVINGS ASSOCIATION DEPOSIT INSURANCE REFORM.

(a) In General.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is further amended by inserting after section 7C the following new section:

"SEC. 7D. PARTIAL RISK-BASED SYSTEM FOR SMALL SAVINGS ASSOCIATIONS.

"(a) Purposes.—The purposes of this section are—

"(1) to establish a standardized assessment mechanism for small savings associations; and

"(2) to provide a risk-based deposit insurance system option for such savings associations.

"(b) Covered Savings Associations.—This section shall apply to each member savings association of the Savings Association Insurance Fund that—

"(1) has assets of $1,000,000,000 or less on December 31, 1991, or thereafter, and

"(2) does not obtain reinsurance in accordance with section 7C.

For purposes of the preceding sentence, the assets of all savings association subsidiaries of a holding company shall be aggregated, and all savings association subsidiaries shall be treated as one savings association.

"(c) Reinsurance Option.—Any savings association described in subsection (a) may elect to obtain reinsurance in accordance with section 7C instead of paying assessments under this section.

"(d) Standardized Assessments.—

"(1) In general.—The Corporation shall establish a formula for assigning covered savings associations to a low- or normal-risk of failure category and shall establish appropriate assessment rates applicable to savings associations assigned to such categories.

"(2) Factors to be included in formula.—In the formula under paragraph (1), the Corporation shall include the ratios of—

"(A) capital plus loan loss reserves to assets;

"(B) loans that are 90 days or more past due to assets;

"(C) non-accrual loans to assets;

"(D) renegotiated 'troubled' debt to assets;

"(E) net charge-offs to assets; and

"(F) net income to assets.

"(e) Standardized Assessments.—

"(1) Special savings association assessments.—The Corporation shall assess each savings association that has a CAMEL rating of 1, and is assigned to the low-risk category in accordance with the formula provided for in subsection (d), at the lower of—

"(A) the average assessment rate charged to the 3 savings associations with reinsurance coverage in accordance with section 7C(d) that have the lowest assessment rates; or

"(B) the rate established for low-risk category savings associations under subsection (d)(1).

"(2) Average savings association assessments.—Any savings association not assessed under paragraph (1) shall be assessed at the lower of—

"(A) the overall average assessment rate for savings associations having reinsurance in accordance with section 7C(d); or

"(B) the rate established for other savings associations assigned to the same risk category under subsection (d).".

(b) Small Savings Association Risk Assessment.—As required by section 7D(d) of the Federal Deposit Insurance Act, as added by subsection (a), the Corporation shall—

(1) publish proposed regulations in the Federal Register not later than 90 days after the date of enactment of this Act establishing a formula for assigning savings associations to the appropriate risk category and establishing appropriate assessment rates applicable to savings associations assigned to such categories;

(2) provide for a 6-month public comment period for such proposed regulations; and

(3) publish final regulations in the Federal Register not later than 12 months following the date of publication of the proposed regulations, making such regulations effective not later than the effective date of the interim risk-based formula established pursuant to section 202(b)(1) of this Act.

TITLE III—BANK DEPOSIT REINSURANCE CORPORATION

SEC. 301. SHORT TITLE.

This title may be cited as the "Deposit Reinsurance Corporation Act".

SEC. 302. CONTINGENT DEPOSIT REINSURANCE CORPORATION.

Eight years following the effective date of the interim risk-based reinsurance formula established by section 7A(c) of the Federal Deposit Insurance Act, as added by section 202(a) of the Deposit Insurance Reform Act of 1991, the Federal Deposit Insurance Corporation (hereafter "the Corporation") shall—

(1) determine whether the insurance industry is capable of offering reinsurance to all covered banks in accordance with the phase-in schedule established for implementation of the interim risk-based formula; and

(2) if private reinsurance is available to 50 percent or less of banks required to obtain reinsurance due to capacity limitations on the insurance industry, as determined pursuant to paragraph (1), implement the incorporation of the Deposit Reinsurance Corporation as established under section 303.

SEC. 303. CONTINGENT ESTABLISHMENT.

Upon a determination of need under section 302, there shall be established the Deposit Reinsurance Corporation (hereafter "DRC"), which shall—

(1) provide reinsurance for deposits, in accordance with the requirements of sections 7A, 7B, 7C, and 7D of the Federal Deposit Insurance Act, as amended by the Deposit Insurance Reform Act of 1991;

(2) be operated as a for-profit corporation under the control and ownership of participating institutions, subject to the transfer of ownership by the Corporation pursuant to section 305(b), and repayment of the loan authorized by section 306(a); and

(3) be incorporated under the laws of the State of Delaware.

SEC. 304. PARTICIPATING BANKS.

For purposes of this Act, a participating bank is any bank that is required to obtain or voluntarily obtains reinsurance pursuant to section 7A, 7B, 7C, or 7D of the Federal Deposit Insurance Act, as amended by the Deposit Insurance Reform Act of 1991.

SEC. 305. BOARD OF DIRECTORS.

(a) In General.—The management of the DRC shall be vested in a 9-member Board of Directors (hereafter "the Board"), which shall consist of—

(1) a Chairperson appointed by the President;

(2) 6 members selected by the Corporation; and

(3) 2 members selected by majority vote of the holders of the common stock, as specified in section 306(d).

(b) Transfer of Ownership.—Of the 9 members of the Board, the holders of common stock, as specified in section 306(d), shall select by majority vote a total of—

(1) 4 members in the sixth year;

(2) 6 members in the eighth year; and

(3) 9 members in the tenth year

following the date of incorporation of the DRC. The Corporation shall select members to fill the remaining seats on the Board in each of the specified years.

(c) Election of Chairperson.—Following transfer of all 9 seats on the Board to the control of the holders of the common stock under subsection (b), the Chairperson of the Board shall be elected by majority vote of the members of the Board.

(d) Vacancies.—Vacancies on the Board shall be filled in the same manner as the original selection was made, subject to the provisions of subsection (b).

SEC. 306. CAPITAL STRUCTURE.

(a) Capitalization Loan.—The Corporation shall make an initial capitalization loan of $5,000,000,000 to the DRC, which shall be—

(1) withdrawn from the Bank Insurance Fund; and

(2) repaid by all participating institutions under an assessment schedule developed by the Corporation.

(b) Loan Assessments.—The Corporation shall establish a loan repayment assessment schedule that—

(1) applies to all participating institutions; and

(2) is designed to ensure repayment of the loan authorized by subsection (a) in full over a period of not more than 10 years following the date of incorporation of the DRC.

(c) Preferred Stock.—The Corporation shall—

(1) hold all preferred stock in the DRC;

(2) establish procedures for retiring a percentage of preferred stock in each of the 10 years of the loan repayment period proportionate to the amount repaid on the loan in that year;

(3) pay interest on preferred stock in the DRC at a rate equal to the applicable 1-year T-bill interest rate.

(d) Common Stock.—The Corporation shall issue shares of common stock to each participating institution in proportion to such bank's loan repayment assessment established by subsection (b), subject to the Corporation's retirement of preferred stock under subsection (c).

SEC. 307. APPLICABILITY OF STATE LAW.

Except as otherwise provided in this Act, the DRC shall be operated and administered in accordance with the laws of the State of Delaware applicable to corporations.

SEC. 308. RESTRICTIONS.

(a) Reinsurance Offerings.—The DRC shall not offer reinsurance to any bank that holds more than 5 percent of its common stock.

(b) Limitations on Stockholders.—Until the loan authorized by section 306(a) has been repaid in full to the Corporation, common stock in the DRC shall not be—

(1) bought, sold, or otherwise transferred by any participating bank; or

(2) listed as an asset of any participating bank or savings association or holding company.

SEC. 309. CORPORATE HEADQUARTERS.

The DRC shall maintain its corporate headquarters in the city of Chicago, Illinois.

SEC. 310. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ANNUAL EXAMINATIONS.

(a) Federal Deposit Insurance Corporation.—Section 10(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(2)) is amended—

(1) by striking "have power, on behalf of the Corporation, to" and inserting ", on behalf of the Corporation,"; and

(2) by striking "whenever" and inserting "annually and whenever".

(b) Savings Association Examinations.—Section 5(d)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(1)(B)) is amended—

(1) by redesignating clauses (i) through (vii) as clauses (ii) through (viii); and

(2) by inserting the following new clause:

"(i) Examiners appointed by the Director shall, on behalf of the Director, examine any savings association annually, and whenever the Director determines an examination of each such savings association is necessary.".

(c) Federal Credit Union Examinations.—Section 204(a) of the Federal Credit Union Act (12 U.S.C. 1784(a)) is amended in the first sentence—

(1) by striking "shall have power, on its behalf, to" and inserting "shall, on its behalf,"; and

(2) by striking "whenever" and inserting "annually and whenever".

(d) Comptroller of the Currency.—The first sentence of section 5240 of the Revised Statutes (12 U.S.C. 481) is amended by striking "as often as the Comptroller of the Currency shall deem necessary" and inserting "annually and whenever the Comptroller of the Currency otherwise determines an examination is necessary".

(e) Federal Reserve System.—The third paragraph of section 5240 of the Revised Statutes (12 U.S.C. 483) is amended by inserting after the first sentence the following: "The Board of Governors shall provide for annual examinations of all State member banks.".

SEC. 402. PROHIBITION AGAINST CERTAIN LOANS.

Section 13 of the Federal Reserve Act (12 U.S.C. 342) is amended by adding at the end the following:

"The Board shall prohibit any secured loan or secured advance to a member bank or other depository institution that does not meet the basic capital standard prescribed by the appropriate Federal banking agency, except that such loans or advances may be permitted by the Board if it determines, after consultation with the appropriate Federal banking agency and the Federal Deposit Insurance Corporation, that they are necessary to facilitate the orderly closure of the insured depository institution.".

SEC. 403. UNINSURED DEPOSITS.

Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by redesignating subsections (g) through (o) as subsections (h) through (p), and inserting a new subsection as follows:

"(g) Payment of Uninsured Deposits.—

"(1) Payments subsequent to depository institution closure.—Upon closure of an insured depository institution due to insolvency—

"(A) a depositor shall be paid an amount equal to his or her insured deposits, in accordance with subsection (f);

"(B) a depositor may, in any case where the insolvency is resolved other than by liquidation, elect to—

"(i) receive payment for not more than 85 percent of his or her deposit balances in excess of the insured deposit as a final settlement of any claim against such depository institution, except as provided in paragraph (2); or

"(ii) have his or her claim determined under the provisions of law that apply to depository institution liquidations due to insolvency; and

"(C) where such insolvency is resolved by liquidation, the Corporation may allow depositors to elect to receive payment in accordance with subparagraph (B), or as otherwise provided for under applicable bankruptcy laws.

"(2) Payment schedule.—A depositor shall have access to 65 percent of his or her uninsured deposit balances on the first business day following the closure of an insured depository institution due to insolvency, and to an additional 20 percent of such balances 3 business days thereafter. If the Corporation determines that the payment schedule established by the preceding sentence would be impossible or impractical, it shall require payment of 65 percent of such balances not more than 10 business days after closure, and an additional 20 percent of such balances 3 business days after the first payment. Any withdrawal in excess of 65 percent of uninsured account balances shall constitute acceptance of the 85 percent settlement provided for in subparagraph (B)(i) of paragraph (1).

"(3) Dispute resolution.—

"(A) Cause of action.—Not later than 3 business days following closure of a depository institution due to insolvency, an affected reinsurer may bring an action in the United States Court of Appeals for the District of Columbia Circuit to preclude the Corporation from making uninsured deposits that exceed $100,000 by more than 65 percent of the account balance available to depositors. A reinsurer shall prevail on a showing that such payments would place a disproportionate share of the resolution costs on the Corporation and the reinsurer. All claims of uninsured depositors shall be settled under liquidation procedures established under section 11 if the Court finds in favor of the reinsurer.

"(B) 60-Day time limit.—The Court of Appeals shall make a ruling on an action brought in accordance with subparagraph (A) not later than 60 days after it is brought.

"(C) Limited access to uninsured deposits.—During the pendency of an action brought in accordance with paragraph (1), uninsured depositors shall not have access to deposits which exceed $100,000 by more than 65 percent of their account balances.

"(4) Notification of closure.—The Corporation shall notify affected reinsurers of a depository institution closure not later than on the day of closure.".

SEC. 404. BANK HOLDING COMPANIES.

Section 4(c) of the Bank Holding Company Act (12 U.S.C. 1843(c)) is amended by inserting a new paragraph as follows and renumbering accordingly:

"(9) shares of any company, the activities of which are limited solely to providing reinsurance in accordance with the requirements of the Deposit Insurance Reform Act of 1991.".

SEC. 405. REPORT BY FDIC.

The Corporation shall submit a report to the Congress in each calendar quarter during which the average assessment charged to large banks, as defined in this Act, differs by more than 5 basis points from the average premium charged to large savings associations. Such report shall include—

(1) the amount of the difference;

(2) an explanation of the reasons for the difference;

(3) an assessment of whether there is any significant competitive impact on banks or savings associations as a result of the difference; and

(4) any recommendations by the Corporation for eliminating the difference if it shows signs of persisting or widening.

SHORT SUMMARY OF THE DEPOSIT INSURANCE REFORM ACT OF 1991

The bill—

Creates a risk-based premium system for large banks and thrifts (banks and thrifts over $1 billion in size). Importantly, the legislation utilizes the private insurance industry to set these premiums. The FDIC would sell, on a bank-by-bank basis, between 3 and 10 per cent of its insurance risk into the private insurance markets, and would use these prices to set the overall risk-based premiums;

Creates a simpler risk-based system, using an FDIC-created formula, for small banks and thrifts.

Mandates all the banking regulators to conduct on-site annual examinations, in order to ensure that any problems are uncovered before a bank or thrift becomes insolvent;

Changes the way FDIC handles large bank failures so that uninsured depositors are not fully protected in practice even though they are not technically covered by deposit insurance. The bill creates an expedited way for uninsured depositors to be partially paid (more in accordance with what the value of the insolvent institution's assets are actually worth). This also helps reduce the costs of resolving insolvencies for the insurance fund and helps deal with the so-called "too big to fail" problem.

EXPLANATION: DEPOSIT INSURANCE REFORM ACT OF 1991

RISK-BASED INSURANCE PREMIUMS FOR LARGE BANKS

Basic Concept—create a risk-sharing system, based on a reinsurance approach, under which the FDIC sells between 3% and 10% of its risk that a covered bank will fail to either private reinsurers or to a for-profit reinsurance subsidiary initially capitalized and owned by the banking industry. The FDIC then scales up the price it is charged so that the entire premium assessed the covered bank is based on the risk-based price set by the reinsurer.

Covered Banks—banks part of bank holding companies that have over $1 billion in assets, banks not part of a holding company with over $1 billion in assets, and any smaller bank that either directly or through a holding company is exercising insurance, security, real estate, or investment powers.

Note: All bank affiliates of a covered multi-bank holding company would pay the same premium. All banking assets and liabilities are aggregated for purposes of obtaining reinsurance or for calculating the premium under the interim risk-based formula.

Impact on Insured Depositors—no change. The FDIC is still the 100% guarantor of insured deposits.

Eligible Reinsurers—any qualified insurer. Bank holding companies would be permitted to establish insurance affiliates to offer this coverage. Bank insurance affiliates would not be able to offer insurance to banks they were affiliated with. The FDIC would establish financial criteria which all reinsurers would have to meet to be eligible to provide reinsurance (minimum capital requirements, etc. . . . However, there would be no preemption of state insurance laws).

Establishing a Risk-Based Premium—the FDIC would not negotiate with eligible reinsurers. Instead, covered banks would conduct the negotiations. Based on the price established in the negotiation, the FDIC would pay the reinsurer, and would scale up the premium so that it also covers the risk that the FDIC is not laying off, and assess that premium to the covered bank (the part of the premium based on the FDIC's risk would be adjusted upwards or downwards proportionately, so that the total revenue flowing to the FDIC is sufficient to maintain the insurance fund target ratio (currently 1.25% of domestic bank deposits). The premium paid by each covered bank would be the sum of: (the premium charged by the reinsurer) plus (((the appropriate multiple) x (the premium charged by the reinsurer)) x (the adjustment factor necessary to ensure, to the extent practicable and consistent with the public interest, that aggregate premiums are neither far below or far above the levels needed to meet the FDIC fund target ratio)).

Note: FDIC would have discretion to determine what level of reinsurance to require. It could select any level between 3% and 10%, using two factors to guide its decision:

(1) the level should be high enough to ensure that the rates charged by reinsurers can be accurately scaled up to reasonably cover the total risk presented by each covered depository institution; and

(2) the level should be low enough to provide insurance companies a reasonable opportunity to raise the necessary capital over the transition period.

Risk-Based Premium Contract Terms—insurance contracts would be for a maximum period of two years. However, the reinsurer would have the ability to adjust the premium rate charged on a quarterly basis (monthly, if the covered bank was below regulatory capital minimums), subject to an appropriate cap. However, four consecutive maximum premium increases (or two quarters) would trigger an option with the covered bank to terminate coverage with the one reinsurer and obtain coverage with another reinsurer. The insurance premium charge covered banks would have to be publicly disclosed by the FDIC.

Access to Bank Information—covered banks and eligible reinsurers would determine through negotiation what bank documents the reinsurer would have to have. However, once a bank has reached an agreement with a reinsurer on a price, that reinsurer would have access to call reports when filed with the appropriate banking regulator, and to all exam reports subsequently produced by the banking regulators covering that bank during the period insurance is in effect.

Cap on Private Reinsurer Liability—private reinsurers would be liable for between 3% and 10% of the FDIC's case resolution costs for any bank they cover. However, if the FDIC's case resolution costs in any year after this plan goes into effect are more than 100% higher than the FDIC's highest previous year total case resolutions costs, private reinsurers liability, in aggregate would be capped, based on that 100% higher level. The cap would be adjusted in future years based on inflation and banking industry asset growth. To the extent that FDIC's costs exceed that level, reinsurers would have to pay the FDIC for their portion of case resolution costs, but they would receive rebates from the FDIC in proportion to their share of all case resolutions during the year so that their costs, in aggregate, do not exceed the cap. The cap is to help ensure that the rates charged by reinsurers do not have to reflect catastrophic systemic risks, where the entire banking system is jeopardized by macroeconomic factors.

Example: Suppose that the FDIC's most expensive case resolution year is 1988, that it is selling off 10% of its risks on covered banks, and that its resolution costs that year were $6 billion. Also assume that there has been no inflation and no deposit growth since then. The cap for the reinsurers would then be $1.2 billion (100% more than $6 billion, or $12 billion, times their percentage share of coverage. 10% of $12 billion is $1.2 billion, which would then be the aggregate loss exposure to the reinsurance industry). If, in a subsequent year, FDIC's costs are $14 billion, so that the reinsurers' collective liability is $1.4 billion, $200 million would be rebated to the reinsurers by the FDIC on a pro rata basis.

Failure to Obtain Insurance—if a covered bank fails to obtain reinsurance (either when the new program becomes effective or at policy renewal time), the FDIC would have to charge that bank an insurance premium 8 basis points higher than the highest premium charged any covered bank with reinsurance with the same CAMEL rating. The FDIC would be required to examine any such bank immediately, and subsequently at least twice a year, and to adjust the bank's CAMEL rating, if appropriate, at that time, or at any intervening time that the FDIC believes an adjustment is needed (the insurance premium would change any time the CAMEL rating changes, or any time the highest rate charged a bank that does have reinsurance changes). If, after one year, the bank still cannot obtain insurance, the FDIC would have to charge a premium at least 15 points above what it otherwise would be under this provision. In no event, however, can the FDIC provide insurance to any bank that fails to obtain reinsurance for more than two years (Note: Once 80% of eligible banks have reinsurance, a bank could not argue that it was not able to obtain insurance on the ground that the rate charged was too high).

Effective Date—The interim risk-based formula system would would become effective on the January 1st of the year beginning two years after the date of enactment. The transition period to full participation by private reinsurers would begin three years after date of eanctment. However, the initial insurance contract lengths would be adjusted so that no more than 12 and ½% (one-eighth) of the contracts come up for renewal in any calendar quarter (adjustments would also be made to ensure that renewals were spread through the quarter, in order to avoid having a large block of renewals come up on a single day).

Interim Risk-Based Formula System—within 12 months of date of enactment, the FDIC would be required to publish a draft risk-based formula, based on the factors listed below. After a 6-month period for comments and an additional 6 months to make any necessary revisions, the interim formula would take effect on the January 1st of the year beginning two years after the date of enactment. The formula would be based on the following factors: (a) capital; (b) loans that are 90 days or more past due; (c) nonaccurual loans; (d) renegotiated "troubled" debt; (e) net charge-offs; (f) net income; (g) off-balance sheet risk; (h) portfolio diversification; (i) interest rate risk; and (j) a measure of the completeness of loan portfolio documentation.

Transition Rule—10-year transition rule, beginning once the interim risk-based formula system is in place. The FDIC would have to publish rules under which 10% of covered banks would have to get insurance in year 1, an additional 10% in year 2 etc. . . . ., in order to reach 100% by the end of year 10. The 10% of banks paying the lowest premiums under the interim risk-based formula would be required to obtain private reinsurance in year 1, the 10% of banks paying the next-lowest premiums in year 2, etc. . . . . . Reinsurers would have a 5-year transition period to reach the full amount of reinsurance coverage the FDIC decides is appropriate (i.e., some level between 3% and 10%).

If the scaled up price charged by the reinsurer is less than the premium called for under the interim risk-based formula, the bank would pay its entire premium based on the price charged by the reinsurer. If the price charged by the reinsurer is equal to or greater than the price called for under the interim formula, the bank would pay a premium that is the sum of: (the premium charged for reinsurance) plus ((rate charged under interim formula) x (the base the rate applies to [the domestic deposit base minus the percentage of that base that is being covered by the private reinsurer])).

Once 80% of covered banks have reinsurance, the FDIC would abandon the interim formula and scale up the prices charged by the reinsurers to calculate each bank's risk-based premium (adjusted proportionately upwards or downwards as necessary so that the premiums, in aggregate, are sufficient to maintain the 1.25% target ratio for the insurance fund (or whatever higher target ratio the FDIC would find is appropriate).

Contingent Bank-owned Reinsurance Corporation—if found necessary, it would be capitalized by the banking industry as a for-profit corporation. The FDIC would trigger formation of this bank-owned reinsurer if it found that, 8 years after the interim formula risk-based system takes effect, that 50% or more of the banking industry is not able to obtain private reinsurance because of lack of capacity. The corporation would be initially capitalized through a loan from the FDIC insurance fund (and the corporation would therefore, be initially owned by the FDIC, but ownership would be transferred to the banks over a 10-year period.

SIMPLIFIED PARTIAL RISK-BASED SYSTEM FOR SMALLER BANKS

Basic Concept—small banks, those not required to obtain reinsurance, would utilize an alternative, more mechanical, partially risk-based system. The FDIC would set the premiums for small banks without any reinsurance mechanism. The best small banks would be charged a special, low premium. All other small banks would be charged an average premium.

Premium Setting for the Best Banks—To qualify for the special, low premium, smal banks would have to show that they have: (1) the top CAMEL rating, and (2) are considered in the normal risk group under the risk assessment formula put forward by the FDIC staff in 1986, or a similar formula. The formula is based on six ratios: (a) the ratio of capital plus loan loss reserves to assets; (b) the ratio of loans that are 90 days or more past due to assets; (c) the ratio of non-accrual loans to assets; (d) the ratio of renegotiated "troubled" debt to assets; (e) the ratio of net charge-offs to assets; and (f) the ratio of net income to assets.

Qualifying banks would be charged the premium called for under this formula or a premium equal to the average premium charged the best three banks with reinsurance (that is, the three banks with the lowest rates), whichever is lower.

Other Small Banks—would be charged the premium called for under this formula or the average premium charged banks with reinsurance, whichever is lower.

Option for All Small Banks—banks would be given the option of either using this approach, or obtaining reinsurance.

Effective Date—the new premium system would take effect for small banks when the interim risk-based formula takes effect.

Transition Rule—during the period that the interim risk-based premium formula is in effect, the best large bank and average large bank premium will be calculated off the interim large bank formula.

RISK-BASED INSURANCE PREMIUM SYSTEM FOR LARGE THRIFTS

Covered Thrifts—thrifts with over $1 billion in assets, and thrifts part of unitary or multiple S&L holding companies with over $1 billion in assets.

Risk-based Formula—the FDIC is directed to develop a risk-based formula, using the same factors as for large banks, but making any modifications the Corporation believes are necessary to take into account the unique characteristics of thrifts. The formula would have to be available for comment within 12 months of date of enactment. After a 6-month period for comments and an additional 6 months to make any necessary revisions, the interim formula would take effect on the January 1st of the year beginning two years after the date of enactment.

Reinsurance—covered thrifts would have to obtain reinsurance in the same manner and under the same conditions as banks. However, during the transition period outlined below, thrifts would have the option to provide the FDIC with a guarantee that, in the case of failure of a covered thrift, the affiliates of that thrift will reimburse the FDIC for 20% of its resolution costs. In this case, the premiums would continue to be set under the formula.

Transition Rule—10 year transition rule, beginning once the formula goes into effect. Thrifts would be divided into deciles, in a manner similar to large banks, and would have to either get reinsurance or provide the 20% guarantee when their decile came up. When 80% of large thrifts have reinsurace, the remaining thrifts would lose the 20% guarantee option, and would have to either obtain reinsurance or have their premium set in the manner provided for large banks that fail to obtain reinsurance. When 80% of covered banks have reinsurance, the FDIC would have 5 years from that point to ensure that 80% of eligible thrifts obtain reinsurance. At that point, the 20% cross-guarantee option would be lost.

Reinsurance Corporation—if the FDIC triggers formation of the reisurance corporation, thrifts would also be members, and could be covered by the corporation.

ALTERNATIVE PARTIAL RISK-BASED SYSTEM FOR SMALLER THRIFTS

Identical to small bank program, except that the average and lowest premiums charged large thrifts are the references.

Effective Date—when the large thrift risk-based formula takes effect.

OTHER PROVISIONS

Required Annual Exams—all federal banking regulators would be required to examine each of the banks they are the primary supervisor of annually).

FDIC Pricing Adjustment—if the reinsurance pricing lowered the FDIC's income to the point where annual premium income is not sufficient to maintain the insurance fund at its designated target ratio, the FDIC can adjust every bank's premiums proportionately, so as to maintain that ratio. However, if the fund is below the target ratio, the FDIC would not have to raise premiums by an amount sufficient to bring the fund back to the target ratio in one year. The FDIC would have discretionary authority to bring the fund back over a period of years, should circumstances warrant. The FDIC could also raise premiums proportionately in order to cover its budget (administration, examinations, etc.). The FDIC could lower premiums proportionately, if income would otherwise be in excess of the amount needed to maintain the fund target ratio.

Note on FDIC Insurance Premium Rebates: Current law would not be changed. The FDIC, when statutory conditions are met, could rebate premiums to banks.

Insurance for Uninsured Deposits—eligible reinsurers could also offer insurance on uninsured deposits, if they so desire. However, the FDIC would not share any of the risks in this part of the program. Small banks could seek to obtain insurance on their uninsured deposits even if they did not have reinsurance.

Federal Reserve Discount Window Loans—the Fed would be prohibited from making secured loans to banks that are capital inadequate (below the basic capital standard), except for loans necessary to facilitate an orderly closure of a failed institution. All loans to such banks would have to be on an unsecured basis.

Treatment of Uninsured Deposits in Insolvencies—

FDIC Mandate—continue FDIC's mandate to resolve all cases in a manner least costly to the insurance fund.

Partial Payment—when a bank is closed as insolvent, insured depositors are credited with 100% of their deposits up to the $100,000 ceiling. Uninsured depositors would be given two options: (1) take 85% of their account balances in excess of $100,000 as a final settlement of any claim they have against the bank. If the bank reopens as a bridge bank the following day, if the bank's deposits are transferred to a new bank in a P&A transaction, or if the bank is merged with another bank in an assisted merger transaction, the uninsured depositors would have access to 65% of their balances in excess of $100,00 the first day, and the remaining 20% within 3 business days, subject to the exception noted below (note: making any withdrawal in excess of the 65% of uninsured account balances after the 3 business days would be deemed to be acceptance of the 85% settlement); or (2) refusing the settlement and having their claim settled under normal bankruptcy procedures. In this case, the FDIC would still get to handle the case resolution in the way it thinks best, but uninsured depositors would be free to try to show that an alternative case resoltion would return more value to uninsured depositors (with FDIC being liable for the difference).

Note: Uninsured depositors would have the right to choose one of the two options listed above when the failed institution is being resolved other than through liquidation. If the FDIC liquidates the resolution, the Corporation has the option of either letting uninsured depositors make elect an option, or handling the liquidation through existing procedures.

Exception to the Basic Partial Payment Rule—the FDIC would have to inform reinsurers the same day they close a bank. The reinsurer would have the option, within the next 3 business days, to file a suit in the D.C. Circuit Court of Appeals forbidding the FDIC from making the final 20% of account balances available to uninsured depositors, on the grounds that there is substantial reason to believe that the assets available in the bank are not sufficient to make that payment without placing a disproportionate share of the resolution costs on the FDIC and the reinsurer (as claimants for the insured depositors). The Circuit Court would than have 60 days to determine whether there was a likelihood that the reinsurer would prevail on the merits. If the Court found in favor of the reinsurer, all claims of uninsured depositors would have to be settled under normal bankruptcy procedures. During the pendency of the case, uninsured depositors would not have access to the last 20% of their account balances.

BANKING INDUSTRY-OWNED REINSURER

Some Additional Details (assuming it is necessary, after, eight years, to create it because of inadequate private insurance capacity)—

Incorporation and Status—The corporation would be a for-profit corporation, incorporated under the laws of Delaware.

Initial capitalization—$5 Billion (from the FDIC fund; to be repaid through assessments on all banks required to obtain reinsurance over a 10 year period).

Capital Structure—

Common Stock—held by the banks in proportion to their assessments.

Preferred Stock—held by the FDIC and retired over the ten-year period as repaid by the banks ($5.0 billion face amount. The preferred stock pays interest at the one-year T-bill rate).

Principal Office—Chicago, Illinois.

Restriction on Corporation—the corporation may not insure any bank that holds more than 5% of the corporation's common stock.

Board of Directors—

Nine-member board (8 outside directors plus CEO). Initially, 6 of the 8 directors would be selected by the holders of the preferred stock and 2 by the common stockholders. In year 6, 2 of the seats held by the preferred stockholders would be transferred to the common stockholders. In year 8, another 2 seats would be transferred, and in year 10, the final 2 seats would be transferred.

Restriction on stock transferability. Until the FDIC is fully repaid, the common stock cannot be bought, sold, or otherwise transferred by holding banks.

Balance sheet treatment—the stock cannot appear on the balance sheet of any owning banks or bank holding companies as an asset until the FDIC is fully repaid.

Some Questions and Answers to the Deposit Insurance Reform Act of 1991

RISK-BASED INSURANCE PREMIUMS FOR LARGE BANKS

Q. How many banks are covered?

A. Roughly 250 bank holding companies. These banking organizations account for approximately 90 percent of U.S. banking assets.

Q. Why apply risk-based premiums only to large banks?

A. Large bank failures pose a risk to the entire banking system that small bank failures do not. Further, the bill uses a simplified risk-based system for small banks.

Q. Why use private reinsurers to set premiums?

A. Using private reinsurers means that prices will be set in a marketplace, rather than through a federal rulemaking process or in a courtroom. A private marketplace reacts more quickly, can take into account factors that are difficult to quantify (like the strength of a bank's management and the quality of its management controls), and can make finer distinctions than the FDIC can. Under the risk-based capital standard, all lending is in the same risk category. Private markets will be able to determine, for example, that some kinds of loans are riskier than others, and that having too many of one kind of loan may also increase risk. Further, it makes pricing less legalistic and political. Instead, economic considerations will be the determining factors.

Q. Will depositors know what the risk-based premiums are, and should they care?

A. The FDIC will publish the premiums paid by every bank. Depositors can continue to be confident that their accounts up to $100,000 are fully protected. A low insurance premium will simply be a further sign that their bank is safe and sound.

Q. Will private insurance companies be willing to provide reinsurance?

A. Of course, not every insurance company will do so. Some companies have had problems with officers and directors liability coverage, and so are gunshy with respect to anything involving banks. Others say they don't have the capital to devote to this exercise. I have talked to some of the largest insurance companies and insurance brokerage firms in this country, and I am confident that the insurance capacity can be created over the transition period in the bill. Further, the bill contains a number of provisions designed to ensure that the capability is available: (1) it establishes an interim risk-based formula approach, to get the risk-based premium system up and running; (2) it allows for a 10-year transition period after the formula goes into effect, so that the capacity has time to develop; (3) it allows bank holding companies to form reinsurance companies as affiliates, and some bank holding companies have already expressed an interest in starting up such companies; and (4) it allows the FDIC to create, in the unlikely event that it is necessary, a private reinsurance corporation that would be collectively owned by the participating banks and thrifts.

Q. Will large banks have to pay higher insurance premiums under the risk-based system?

A. Once the system is fully phased in, well-capitalized, soundly-run large banks will likely pay lower premiums than they pay now. However, banks with capital problems, and banks that have high-risk loans not sufficiently supported by their own capital could pay higher premiums. Further, as banks add to their risk, their premiums will rise, unless the bank has its own capital to compensate for the increased risk.

Q. What is the relationship between capital and the risk-based premium a bank would pay?

A. Capital, in this context, can be thought of as an insurance deductible. Automobile collision coverage is cheaper, for example, if you take a $500 deductible, instead of a $200. Similarly, a bank that has 12 percent capital will pay lower premiums than a bank that barely makes the capital standard.

Q. What effect will the risk-based system have on banking industry capital?

A. It creates powerful incentives for banks to increase their capital. Most banks would likely have capital significantly above the current standard, because otherwise, their insurance premiums would be likely to rise. Banks will have to have enough capital to be able to weather most problems while still meeting the capital standard. The capital standard would become a true minimum acceptable level, rather than the target to shoot for, as it is now.

Q. Does allowing banks to own reinsurers present any problems?

A. Bank holding companies will be allowed to own reinsurers. However, a bank-owned reinsurer would not be allowed to insure the bank that owns it. Further, the insurance activities would have to be conducted in a fully separated and capitalized affiliate, so that deposit insurance would not be backing that activity. There would be a so-called "Chinese wall" between the reinsurance company and its affiliated banks, so that confidential information regarding other banks that the reinsurance company has access to is not passed to the banks affiliated with the reinsurance company.

Q. Doesn't using private insurers present some new risks?

A. It is true that private reinsurers will likely act in ways that are significantly different than the way the FDIC has acted, and there are major advantages to that, which is why the bill uses private reinsurers. However, there are also risks that insurers will panic and price insurance too high, or that insurers would withdraw from the market, leaving banks without reinsurance. The bill's incentives for banks to raise capital, and the long transition period are designed to minimize the risks involved. However, any private market overreacts from time to time. These overreactions are always self-correcting, but the bill has a number of features to guard against these risks: (1) it controls the timing and the amount of premium increases; (2) it allows the FDIC to adjust rates if reinsurance prices would result in giving the FDIC more income than it needs to maintain an appropriate insurance fund target ratio; (3) it caps reinsurance industry liability so that reinsurers are not attempting to reinsure systematic, catastrophic losses; (4) it ensures that uninsured depositors share in any losses, which tends to limit reinsurer risk exposure; (5) it makes it more difficult for the Fed to provide loans that simply keep a troubled institution open long enough for the uninsured depositors to leave; and (6) it provides a mechanism for the FDIC to allow banks to go without reinsurance for a limited period of time under very tight supervision.

Q. Why such a long transition period?

A. The transition period is long because the changes involved are fundamental. Banks (and thrifts) need an oportunity to raise the capital they will need to operate under the new system. Further, the necessary reinsurance capacity needs time to develop.

Q. What role does the interim risk-based formula play?

A. The interim proposal is designed to ease the transition to the private market, reinsurance risk-based system. It helps provide additional protection for the insurance fund while the permanent system is developing.

RISK-BASED INSURANCE PREMIUM SYSTEM FOR LARGE THRIFTS

Q. Is the system for large thrifts identical to the one for large banks?

A. No. The thrift system uses the same basic approach, but takes into account the differences between banks and thrifts, and the fact that thrift industry capital is not as strong as banking industry capital.

Q. What are the major differences?

A. There are four major differences: (1) FDIC has the discretion to make appropriate modifications to the interim risk-based formula for large thrifts to take into account the structural differences between banks and thrifts and their differing financial situations; (2) large thrifts spend a longer time under the interim formula than large banks; (3) large thrifts have the option of staying under the formula (at least until 80% of large banks get reinsurance) by agreeing that their affiliates will assume 20 per cent of FDIC's losses if the thrift becomes insolvent; and (4) large thrifts have a longer transition period than large banks. They get 5 years after the time 80 per cent of large banks obtain reinsurance to get reinsurance coverage themselves. Only then do they lose the option in #3 above.

TREATMENT OF UNINSURED DEPOSITS IN INSOLVENCIES

Q. Does this give uninsured depositors an 85 per cent guarantee?

A. No. Uninsured depositors only get the opportunity for a quick settlement of their claims (covering their account balances in excess of $100,000) if the failed institution's assets are sufficient to cover it. If the institution's reinsurer does not believe the assets are there, the uninsured depositors do not get the quick, 85 cents on the dollar, settlement.

Q. Does this provision address "too big to fail?"

A. Yes, "too big to fail" is not really about insurance premium levels. Instead, what is at issue is the treatment of uninsured depositors, and this provision prohibits the FDIC from fully protecting them if a large bank or thrift becomes insolvent. Further, if private reinsurers believe the FDIC is continuing to try to provide some special assistance to uninsured depositors, they will adjust their rates upward for the affected institutions, which means that those banks and thrifts will be paying for the coverage.

S. 262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deposit Insurance Fund Assistance Act of 1991".

SEC. 2. INCOME ON DEPOSITORY INSTITUTION RESERVES.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

"(12) EARNINGS ON RESERVES.—For each calendar quarter beginning on January 1, 1991, the Board shall assess the Federal Reserve Banks, and the Reserve Banks shall pay to the Board, an amount equal to the imputed earnings on reserves. Upon receipt of such assessment, the Board shall promptly pay to the Bank Insurance Fund, the Savings Association Insurance Fund, and the Credit Union Insurance Fund that portion of the assessment that is attributable to reserves held at Federal Reserve Banks for that quarter by the members of each fund as calculated by the Board. For the purposes of this paragraph, imputed earnings on reserves means the lesser of—

"(A) the average required reserve balances held with the Federal Reserve Banks pursuant to this section during the applicable calendar quarter by depository institutions that are members of such insurance funds multiplied by the average Federal funds rate during that quarter; or

"(B) the average return on the Federal Reserve Bank's securities holdings during the applicable calendar quarter.

as determined by the Board.".

(b) FEDERAL FINANCING BANK.—To carry out this subsection, the Federal Deposit Institution Corporation is authorized to borrow, and the Federal Financing Bank shall loan, not more than the lesser of—

(A) the amount that the Federal Financing Bank determines would be fully secured by a pledge of earnings on reserves paid to the Bank Insurance Fund and the Savings Association Insurance Fund in accordance with the amendment made by subsection (a); or

(B) $15,000,000,000,

whichever is less.

SEC. 3. CAPITAL INVESTMENTS IN FINANCIAL INSTITUTIONS.

Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended by adding at the end the following new subsection:

"(d) ALTERNATE FORM OF RESERVES.—

"(1) CAPITAL INVESTMENTS.—Notwithstanding any other provision of law, until the expiration of 5 years after the date of enactment of this subsection, the Board is authorized to require covered institutions to maintain up to the total amount of such institution's reserves required to be held under subsection (b) in the form of—

"(A) qualified cumulative preferred stock; or

"(B) qualified subordinated debentures, issued by one or more banks or savings associations selected by the Board.

"(2) DEFINITIONS.—For the purpose of paragraph (1)—

"(A) a 'covered institution' is a bank or savings association that—

"(i) has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter, or

"(ii) is owned by a bank or savings association holding company that has total assets of more than $1,000,000,000 on December 31, 1991, or thereafter; and

"(B) cumulative preferred stock or a subordinated debenture is "qualified" if such stock or debenture was part of the new issue, at least one-third of which was distributed to the public.

"(3) WARRANTS FOR COMMON STOCK.—A bank or savings association in which a capital investment is made by a covered institution in accordance with paragraph (1) shall provide to the Board—

"(A) warrants for common stock; and

"(B) additional warrants that would become due 5 years from the time of such capital investment,

which shall be redeemable in the event that such bank or savings association is unable to redeem the cumulative preferred stock or subordinated debentures purchased in accordance with paragraph (1). All warrants received pursuant to this subsection shall be considered the property of the covered financial institutions required to participate in accordance with paragraph (1).

"(4) BANK OR SAVINGS ASSOCIATION INSOLVENCY.—In the event that a bank or savings association selected by the Board in accordance with paragraph (1) becomes insolvent within 5 years of a covered institution making a capital investment in such bank or savings association, the Federal Deposit Insurance Corporation shall pay to the covered institution's reserve accounts out of the Bank Insurance Fund or the Savings Association Insurance Fund, as appropriate, an amount equal to the oustanding principle balance on such securities.

"(5) CONSULTATIONS; PRIORITIES.—In selecting banks and savings associations in which covered banks may make capital investments under paragraph (1), the Board shall—

"(A) consult with the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act, with respect to such banks and savings institutions; and

"(B) in selecting capital investments, give priority to investments that facilitate institution mergers in a manner that is likely to reduce the merged institution's costs and improve its efficiency.

"(6) EXCESS EARNED INTEREST PAYMENTS.—The Board shall transmit to a covered financial institution the amount of interest, if any, earned on capital investments held in the name of the covered institution under paragraph (1) that exceeds the Federal funds rate.

"(7) NEGOTIATING AUTHORITY.—The Board is authorized to negotiate appropriate covenants and agreements with financial institutions issuing securities pursuant to paragraph (1) that are necessary to carry out this subsection.

"(8) ADVISORY COMMITTEE.—The Board shall establish a 9-member advisory committee to advise and consult with it in the exercise of its functions under this subsection. The membership of such committee shall consist entirely of individuals from the private sector, and in appointing members of the committee, the Board shall seek to achieve a fair representation of the interests of affected financial institutions. The committee shall meet from time to time at the call of the Board.

"(9) EXEMPTION FROM EXISTING PROHIBITIONS; DURATION.—Covered financial institutions shall be exempt from the enforcement of all Federal and State statutes and regulations prohibiting or restricting covered institutions from the acquisition or holding of securities authorized by the section. The exemption provided for in the preceding sentence shall expire—

"(A) not more than 5 years from the date of enactment of this subsection as it applies to the acquisition of securities authorized by this subsection; and

"(B) not more than 10 years after the date of enactment of this subsection as it applies to the holding of securities authorized by this subsection.".

EXPLANATION: THE DEPOSIT INSURANCE FUND ASSISTANCE ACT OF 1991

GENERAL SUMMARY

The bill has two major thrusts—

(1) to permit the Federal Reserve Board to pay interest on the reserve accounts depository institutions have on deposit at the Federal Reserve banks, and to pay this interest to the FDIC deposit insurance funds and the credit union insurance fund, and

(2) to provide a mechanism to make appropriate capital investments in selected banks and thrifts using private, not public, funds that are already on deposit at the Federal Reserve Banks.

ASSISTANCE TO THE DEPOSIT INSURANCE FUNDS

The bill—

Requires the Federal Reserve to pay interest at the federal funds rate, or the average rate of return on the Federal Reserve Banks' securities holdings, whichever is lower, on the reserve accounts depository institutions have at the Federal Reserve banks to the FDIC and credit union insurance funds. Banks, thrifts, and credit unions currently have roughly $21 billion on deposit at the Fed. The Fed does not currently pay them any interest on these funds; and

Authorizes the FDIC to borrow funds from the Federal Financing Bank up to the amount that can be repaid by using the funds it receives from the Fed. The bill puts a cap of $15 billion on this borrowing source.

TEMPORARY CAPITAL INVESTMENT FUND

Purposes of the Investment Fund—

To provide a *temporary* source of capital for institutions under stress that the regulators and the private capital markets believe will not become insolvent if they are recapitalized.

To work together with deposit insurance reform, and in particular, early intervention, by providing a *transitional* mechanism that helps minimize insurance fund losses and disruptions of the banking and thrift industries as the new deposit insurance system comes into effect.

Investment fund—

The Federal Reserve is authorized to require large banks and large thrifts (those banks and thrifts that would be subject to the full risk-based premium plan with private reinsurance under the Deposit Insurance Reform Act of 1991) to hold up to all of their reserves on deposit at the Fed in the form of either: (1) new issues of cumulative preferred stock, or (2) subordinated debentures of banks or thrifts that the Fed selects. Any such investments the Fed Directs would be held by all participating institutions at the Fed on a pro rata basis.

Some details of the Investments—

Require institutions receiving any investment to match any investment from the capital Investment Fund with private capital on a 2 for 1 basis (for every $2 investment by the Fund, $1 in matching new private capital).

Priority for capital investments to facilitate mergers that improve the efficiency of the merged institution.

Any institution getting a captital investment from the fund would have to provide common stock warrants to the Fed (which would be owned by the fund prticipants on a pro rata basis) which would significantly dilute its existing shareholders, and if the institution is unable to redeem the preferred stock or subordinated debentures within 5 years after receiving the capital investment, it would have to provide additional common stock warrants, further diluting its old shareholders.

Authorize the Fed to negotiate additional appropriate covenants with the banks issuing such securities Covenants could cover such things as growth limits, prohibiting use of brokered funds, cutting or eliminating common stock dividends, changing management, and any other areas the Federal Reserve believes are necessary and appropriate.

In order to prevent the investments from being used to keep insolvent institutions open to minimize insurance fund expenditures, if an institution receiving a capital investment under this program becomes insolvent within the first 5 years after receiving the investment, the FDIC will be required to pay the Investment Fund the value of the securities out of the insurance funds.

Require the Fed to consult with the FDIC, the primary federal regulator of the depository institutions involved, and a 9-member committee representing the institutions with funds on deposit with the Fed (the institutions that would end up owning the securities) before making an investment.

Sunset Date—

The Federal Reserve would have authority to make investments for 5 years. After 10 years, reserves at the Fed could no longer be held in the form of depository institution preferred stock or subordinated debentures.

For 10 years, restrictions on banks holding the stock of other depository institutions would be suspended, to the extent that violation of the restrictions would be caused through operation of this program.

Excess Interest—

To the extent that any capital investments would pay interest at a higher rate of interest than the federal funds rate, pay any interest over that amount directly to the large banks and thrifts on a pro rata basis.

REVITALIZE THE FEDERAL RESERVE SYSTEM

(By Felix G. Rohatyn and Lloyd N. Cutler)

When Willie Sutton was asked why he robbed so many banks, he replied: "That's where the money is." As Willie's answer suggests, the banking system is the beating, pumping heart of our economy.

In the winter of 1933, the nation's banking system suffered an almost fatal heart attack. In January several major Iowa banks failed. In February the largest banks in Detroit closed. People everywhere lost confidence in banks and tried to convert their desposits into cash.

In order to maintain capital ratios and raise cash to meet the demands of depositors, banks called in their loans and unilaterally restricted deposit withdrawals. Credit became unavailable to businesses and consumers, and state governors declared bank holidays. Although the metaphor had not yet been invented, an economic meltdown occurred.

When President-elect Franklin D. Roosevelt took office on March 4, his first action was to close all the banks. The national bank holiday lasted seven days, during which Congress passed the Emergency Banking Act of 1933. The act had three cornerstones: a federal deposit insurance program, a comprehensive system of bank regulation and an authorization for the Reconstruction Finance Corp. to invest in the equity capital of banks. The first two have remained as permanent parts of our banking system and account for much of its phenomenal growth and stability during the past 50 years. But the third—a government mechanism for infusing additional equity when required—has almost disappeared. The time has come to consider seriously whether this third cornerstone should be restored.

A general liquidity crisis feeds on itself. As loans go into default, banks must charge them off against reserves. Reserves must then be increased and charged against equity capital. A given amount of bank equity usually supports between 15 and 25 times as much in loans and other bank-grade investments. This is a bank's "gearing ratio." As capital is reduced by any given amount, a bank must reduce its loans and investments by 15 to 25 times that amount to maintain its capital ratio.

As loans are called in and new requests for loans are denied, borrowers must contract their business activities, and the values of their assets declines. This in turn drives down the quality of their existing bank loans and forces the banks to increase loan loss write-offs and reserves, thus lowering their equity capital still further and requiring a further contraction of their loan and investment assets.

When a bank's capital shrinks to the vanishing point, bank regulators are forced to put it into receivership or conservatorship. The federal deposit insurance system is forced to provide funds to new owners who will assume the bank's deposit obligations. In the worst cases, the regulators must pay off the insured depositors and sell the assets of the failed banks on an already depressed market, thus driving down the value of all similar assets even farther.

Much of this has already happened in the past few years to many of our savings and loan institutions at a cost of hundreds of billions of dollars to the taxpayers. It has already happened to a number of smaller commercial banks. The resulting contraction of credit has come at a time when our need for capital to revitalize our educational, transport and environmental infrastructure and remain effective competitors in world markets is increasingly urgent.

By 1991, urgent capital deficiencies may also strike many of our largest commercial banks. A portent of such a calamity is the fact that the market value of many large banks, which reached 150 percent of book value only a few years ago, is today between 40 percent and 65 percent of book value.

Should a general banking crisis occur, the deposit insurance system and the bank regulatory system are probably adequate to prevent another liquidity meltdown like 1933's, but the cost to the taxpayer could run many times the cost of the savings and loan debacle.

Rather than wait for more commercial bank failures to occur, it would be far more effective and produce much more bang for the buck to create a government mechanism to invest in the equity capital of banks as the RFC under Jesse Jones did in 1933. Because of the "gearing ratio," a federal dollar invested in equity capital of a still solvent bank will support from 15 to 25 times as much credit liquidity as a federal dollar used after a bank failure to reimburse an insured depositor or to dispose of a growing inventory of failed banks and depreciating bank assets.

The FDIC has this legal power, but its limited funds are already under great pressure to meet its insurance obligations. A more logical place to put a new mechanism might be in the Federal Reserve system. The capital stock of each of the 12 regional Federal Reserve Banks is owned not by the government but by the commercial banks in the region. These federal banks have more than $5 billion in capital and more than $35 billion in non-interest bearing reserve deposits that belong to their member commercial banks. The Federal Reserve Banks have aggregate assets exceeding their liabilities for issued Federal Reserve Notes by more than $50 billion. They make an annual profit of more than $20 billion, most of which the Federal Reserve Board requires them to pay to the U.S. Treasury after a small dividend to member banks, which, as the Fed's only stockholders, have an equitable claim to a larger share.

Some of these funds could be used to pay a market rate if interest to member banks on their reserve deposits, thus augmenting bank capital by up to 3 billion pre-tax dollars a year and to make direct equity investments in member banks that need more equity than they can now raise from the private markets. Because of the gearing ratio and the fact that most such investments could later be resold at little or no loss, they would be more efficient and less costly than having to put much larger amounts into the FDIC fund to pay off insured depositors after a number of large banks fail for lack of capital.

In the next year or two, Congress will take up legislation to rationalize our banking system and to reform the Federal Deposit Insurance system. As part of that effort, the Federal Reserve Board should encourage the formation of banking institutions of sufficient size and efficiency to enable our economy to grow and to compete worldwide. To accomplish this, not only mergers but infusions of additional capital will be required. The Federal Reserve could inject part of the needed capital through the purchase of new nonvoting bank securities. To provide an adequate capital base to maintain liquidity and improve the efficiency of our banking system, an increase of $20 billion to $25 billion in bank equity capital from public and private sources would be appropriate.

As in 1933, many will ask why "taxpayer dollars" should be invested in bank equity to save bank managements and investors from their own mistakes. But the Fed's capital, its reserve deposits and arguably a larger share of its earnings are not taxpayer dollars; they are private dollars of the member commercial banks. In any event, the faults of private bank managements and investors have been no greater than the faults of the public officials who adopted the fiscal policies that have raised public and private debt to the highest percentages of GNP since the 1930s and who condoned a go-go financial market in which so many different kinds of regulated and unregulated financial institutions have been allowed to pay any interest rate to attract funds and to take any risk to re-lend them at still higher rates.

It will do us precious little good to point the finger at one another while creeping credit contraction creates a catastrophe for us all.

S. 263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Proxmire Financial Modernization Act of 1989".

(b) TABLE OF CONTENTS.—

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Sec. 101. Amendments to the Banking Act of 1933.
Sec. 102. Authorization for bank holding companies to acquire securities affiliates.
Sec. 103. Definition of securities affiliate.
Sec. 104. Ninety-one day rule for securities affiliate applications.
Sec. 105. Effect on State laws prohibiting the affiliation of banks and securities companies.
Sec. 106. Amendment to the Federal Reserve Act.
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TITLE II—EXPEDITED PROCEDURES
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TITLE III—BROKERS AND DEALERS
Sec. 301. Definition of broker.
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TITLE IV—BANK INVESTMENT COMPANY ACTIVITIES
Sec. 401. Custody of investment company assets by affiliated banks.
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Sec. 408. Removal of the exclusion from the definition of investment adviser for banks that advise investment companies.
Sec. 409. Definition of broker.
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Sec. 411. Notification and consultation.
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TITLE V—INSURANCE ACTIVITIES
Sec. 501. Short title.
Sec. 502. Amendments to the Bank Holding Company Act of 1956 relating to insurance activities.
Sec. 503. Amendments to the National Bank Act.

TITLE I—SECURITIES AFFILIATES OF BANK HOLDING COMPANIES

SEC. 101. AMENDMENTS TO THE BANKING ACT OF 1933.

Section 20 (12 U.S.C. 377) and section 32 (12 U.S.C. 78) of the Banking Act of 1933 are repealed.

SEC. 102. AUTHORIZATION FOR BANK HOLDING COMPANIES TO ACQUIRE SECURITIES AFFILIATES.

Section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended by adding at the end thereof the following new paragraph:

"(15)(A) SECURITIES AFFILIATES.—Shares of a securities affiliate which may, in accordance with this paragraph, do one or more of the following:

"(i) Engage in underwriting, distributing, or dealing in securities of any type.

"(ii) Engage in securities brokerage, private placement, investment advisory, or other securities activities permitted for brokers or dealers registered under the Securities Exchange Act of 1934 or for investment advisers registered under the Investment Advisers Act of 1940.

"(iii) Engage in, or acquire the shares of a company engaged in, any activity that is not described in clause (i) or (ii) of this subparagraph, if another provision of this section permits a bank holding company or subsidiary thereof to engage in that activity or acquire those shares, and—

"(I) the Board permits the bank holding company to engage in that activity or acquire those shares through the securities affiliate, or

"(II) that provision permits the bank holding company or a subsidiary thereof to engage in that activity or acquire those shares without the Board's approval.

"(B) APPLICATION REQUIREMENTS.—

"(i) Except as provided in subparagraph (D)(ii) of this paragraph, a bank holding company shall not directly or indirectly acquire or retain shares of a securities affiliate under this paragraph without complying with this subparagraph.

"(ii) The following provisions shall apply during the 4 years following the date of enactment of the Proxmire Financial Modernization Act of 1991:

"(I) A bank holding company shall not acquire or retain shares of a securities affiliate pursuant to this paragraph without the Board's prior approval.

"(II) In acting on an application under this paragraph, the Board shall apply the criteria specified in this subparagraph, in subparagraphs (C) and (D)(i) of this paragraph, and in paragraph (8)(B)(iv) of this subsection.

"(III) The Board shall not approve an application under this paragraph unless the Board is satisfied that the bank holding company possesses the managerial resources to conduct the securities activities safely and soundly. In making that determination, the Board shall take into account the experience of management and its record of successfully managing the bank holding company or enterprises engaged in activities that are the same as or similar to those authorized for securities affiliates under this paragraph.

"(iii) Beginning 4 years after the date of enactment of the Proxmire Financial Modernization Act of 1989, a bank holding company seeking to acquire or retain shares pursuant to this paragraph shall comply with paragraph (8)(B) of this subsection. In making a determination under that paragraph, the Board shall apply the criteria specified in clause (iv) of that paragraph and in subparagraphs (C) and (D)(i) of this paragraph.

"(C) CONCENTRATION OF RESOURCES.—

"(i) The Board shall disapprove any acquisition pursuant to this paragraph that would result in the affiliation of—

"(I) a bank holding company or bank that has, or had on average during any of the 8 calendar quarters preceding the date of the application, total assets of more than $30,000,000,000, with

"(II) an investment banking organization that has, or had on average during any of the 8 calendar quarters preceding the date of the application, total assets of more than $15,000,000,000.

"(ii) The dollar limitations in clause (i) of this subparagraph shall be adjusted annually after December 31, 1991, by the annual percentage increase in the Consumer Price Index as described in paragraph (8)(C) of this subsection.

"(D) INVESTMENT IN A SECURITIES AFFILIATE.—

"(i) A bank holding company shall not acquire control of a securities affiliate pursuant to this paragraph if the acquisition would reduce the bank holding company's capital below the minimum level established by the Board for bank holding companies.

"(ii) A bank holding company that has acquired control of a securities affiliate pursuant to this paragraph shall not directly or indirectly make any additional equity investment in the securities affiliate unless it gives the Board prior written notice of the proposed investment and—

"(I) the Board issues a written statement of its intent not to disapprove the notice; or

"(II) the Board does not disapprove the notice within 30 days after the notice is filed.

"(iii) The Board may disapprove a notice filed under clause (ii) if the Board finds that the investment would reduce the bank holding company's capital below the minimum level established by the Board or would otherwise be unsafe or unsound or inconsistent with the bank holding company's obligation to serve as a source of strength to its subsidiary banks.

"(E) CAPITAL STANDARDS.—(i) In determining whether a bank holding company complies with the capital requirements or guidelines established by the Board for bank holding companies—

"(I) the bank holding company's capital and total assets shall each be reduced by an amount equal to the amount of the bank holding company's equity investment in any securities affiliate, and by an amount equal to the amount of any extensions of credit by the bank holding company to any securities affiliate that are considered capital for purposes of any capital requirement imposed on the securities affiliate pursuant to section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3)),

"(II) the assets and liabilities of the securities affiliate shall not be consolidated with those of the bank holding company, and

"(III) the bank holding company's total assets and total liabilities shall each be reduced by an amount equal to the amount of the bank holding company's extensions of credit to any securities affiliate, excluding extensions of credit described in subclause (I).

"(ii) Clause (i) of this subparagraph does not apply to the extent that the Board determines by order that an item described in that clause relates to activities that are not described in clause (i) or (ii) of subparagraph (A) of this paragraph.

"(F) LIMITATIONS ON SECURITIES AFFILIATES AND THEIR AFFILIATES.—

"(i) No bank or insured institution affiliated with a securities affiliate shall, directly or indirectly—

"(I) extend credit in any manner to the securities affiliate or a subsidiary thereof,

"(II) purchase for its own account financial assets of the securities affiliate or a subsidiary thereof,

"(III) issue a guarantee, acceptance, or letter of credit, including an endorsement or a standby letter of credit, for the benefit of the securities affiliate or a subsidiary thereof, or

"(IV) extend credit in any manner to any investment company advised by or the shares of which are distributed by the securities affiliate.

"(ii) Clause (i)(I) of this subparagraph does not apply to any extension of credit by a bank or insured institution made to acquire or sell any securities of the United States or its agencies or securities on which the principal and interest are fully guaranteed by the United States or its agencies if—

"(I) the extension of credit is to be repaid on the same calendar day,

"(II) the extension of credit is incidental to the clearing of transactions in those securities through that bank or insured institution, and

"(III) both the principal of and the interest on the extension of credit are fully secured by securities of the United States or its agencies or securities on which the principal and interest are fully guaranteed by the United States or its agencies.

"(iii) No bank or insured institution affiliated with a securities affiliate shall directly or indirectly extend credit, or issue or enter into a standby letter of credit, asset purchase agreement, indemnity, guarantee, insurance, or other facility, for the purpose of enhancing the marketability of a securities issue underwritten or distributed by the securities affiliate.

"(iv) No bank or insured institution affiliated with a securities affiliate shall knowingly extend or arrange for the extension of credit, directly or indirectly, secured by or for the purpose of purchasing any security while, or for 30 days after, that security is the subject of a distribution in which a securities affiliate of that bank holding company participates as an underwriter or a member of a selling group.

"(v) No bank or insured institution affiliated with a securities affiliate shall, directly or indirectly, extend credit to an issuer of securities underwritten by the securities affiliate for the purpose of paying the principal of those securities or interest or dividends on those securities. Nothing in this clause prohibits an extension of credit for a documented purpose (other than paying principal, interest, or dividends) if the timing, maturity, and other terms of the credit, taken as a whole, are substantially different from those of the underwritten securities.

"(vi)(I) No officer or director of a securities affiliate shall serve at the same time as an officer or director of any affiliated bank or insured institution.

"(II) Notwithstanding subclause (I) of this clause, an officer or director of a securities affiliate may serve at the same time as an officer or director of an affiliated bank or insured institution if the securities affiliate and the affiliated bank or insured institution are subsidiaries of a bank holding company that has total banking assets of not more than $500,000,000.

"(III) The dollar limitation in subclause (II) of this clause shall be adjusted annually after December 31, 1989, by the annual percentage increase in the Consumer Price Index as described in paragraph (8)(C) of this section.

"(IV) The Board may, by order or by regulation, grant exemptions from subclause (I) of this clause. In determining whether to grant such exemptions, the Board shall consider the size of the bank holding companies, banks, and securities affiliates involved, any burdens that may be imposed by subclause (I), the safety and soundness of the banks and securities affiliates, and other appropriate factors, including unfair competition in securities activities or the improper exchange of nonpublic customer information.

"(vii) Pursuant to regulations issued by the Securities and Exchange Commission, a securities affiliate shall prominently disclose in writing to each of its customers—

"(I) that the securities affiliate is not a bank or insured institution and is separate from any affiliated bank or insured institution; and

"(II) that securities sold, offered, or recommended by the securities affiliate are not deposits, are not insured by the Federal Deposit Insurance Corporation are not guaranteed by an affiliated bank or insured institution, and are not otherwise an obligation of such a bank or insured institution.

"(viii) No bank, insured institution, or subsidiary thereof shall express an opinion on the value of, or the advisability of purchasing or selling, securities underwritten, distributed, or dealt in by an affiliated securities affiliate unless the bank, insured institution, or subsidiary discloses to the customer that the securities affiliate is underwriting, distributing, or dealing in the securities.

"(ix) No bank, insured institution, or subsidiary thereof shall disclose to an affiliated securities affiliate, nor shall a securities affiliate disclose to an affiliated bank, insured institution, or subsidiary thereof, any nonpublic customer information (including an evaluation of the creditworthiness of an issuer or other customer of that bank, insured institution, subsidiary, or securities affiliate) without the consent of that customer.

"(x) A securities affiliate shall not underwrite or distribute securities secured by or representing an interest in mortgages or other obligations originated by an affiliated bank, insured institution, or subsidiary thereof unless those securities—

"(I) are rated by an unaffiliated, nationally recognized statistical rating organization;

"(II) are issued or guaranteed by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association; or

"(III) represent interests in securities described in subclause (II) of this clause;

"(xi) Each appropriate Federal banking agency and the Securities and Exchange Commission shall establish a program for—

"(I) enforcing compliance with this paragraph by banks or insured institutions or securities affiliates under its supervision; and

"(II) responding to any complaints from customers about inappropriate cross-marketing of securities products or inadequate disclosure.

"(xii) Nothing in this paragraph limits—

"(I) any authority of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, or the Securities and Exchange Commission; or

"(II) any disclosure or registration requirements under the securities laws, as defined in section 21(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(g)).

"(xiii) Subparagraphs (i), (iii), (iv), and (v) shall not apply to any bank or insured institution affiliated with a securities affiliate that—

"(I) has reinsurance pursuant to the provisions of the Deposit Insurance Reform Act of 1991, and

"(II) is assessed deposit insurance premiums by the Federal Deposit Insurance Corporation at a rate less than or equal to the average of the assessment rates for all banks having reinsurance.

"(G) SECURITIES AFFILIATES APPROVED UNDER PARAGRAPH (8).—

"(i) Effective after the expiration of 180 days after the date of enactment of this paragraph, no bank holding company may engage in, or retain the shares of any company engaged in, activities of the type described in subparagraph (A)(i) of this paragraph on the basis of the Board's approval of an application under paragraph (8) of this subsection—

"(I) unless the bank holding company obtains the Board's approval to retain the shares of that company pursuant to this paragraph; or

"(II) except to the extent that those activities are specifically authorized by statute for a national bank and involve securities that are expressly described in that statute, or that a regulation promulgated by the Comptroller of the Currency pursuant to that statute before November 18, 1987, expressly describes as being authorized for a national bank to underwrite or deal in.

"(ii) The Board shall, after the date of enactment of this paragraph, disapprove any notice by a bank holding company under paragraph (8) of this subsection to engage in, or acquire the shares of a company engaged in, any activity that is described in subparagraph (A)(i), except to the extent that the activity is described in clause (i)(II) of this subparagraph.

"(H) ACTIVITIES PERMITTED FOR BANK AFFILIATES.—A bank holding company that acquires control of a securities affiliate under this paragraph shall not, after one year from the date of that acquisition, permit a bank or insured institution that it controls or any subsidiary thereof to engage, directly or indirectly, in the United States—

"(i) in activities described in subparagraph (A)(i) (except to the extent that those activities are described in subparagraph (G)(i)(II)); or

"(ii) in underwriting or distributing securities backed by or representing an interest in mortgages or other obligations originated or purchased by the bank or its affiliates.

"(I) COMPLIANCE WITH RISK-BASED CAPITAL STANDARDS.—

"(i) Notwithstanding subparagraph (A) of this paragraph, a securities affiliate shall not commence any of the following activities unless each of its affiliated banks is in compliance with any applicable risk-based capital standards issued by the appropriate Federal banking agency:

"(I) underwriting, distributing, or dealing in unsecured corporate debt securities that at the time of issuance have a maturity of one year or more; or

"(II) underwriting, distributing, or dealing in equity securities other than those issued by an investment company registered under the Investment Company Act of 1940.

"(ii) A bank is in compliance with the capital standards described in clause (i) if that bank is in compliance with a schedule for achieving compliance with those standards prescribed by the appropriate Federal banking agency.

"(J) DEFINITIONS.—For purposes of this paragraph—

"(i) a branch or agency of a foreign bank or a commercial lending company controlled by a foreign bank (as the terms 'agency', 'branch', 'commercial lending company', and 'foreign bank' are defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101)), shall be considered a bank;

"(ii) each shareholder of or participant in a company that controls a bank described in section 5169(b)(1) of the Revised Statutes (12 U.S.C. 27(b)(1)) or in a similar statute of any State, and each subsidiary of such a shareholder or participant, shall be treated as if it were a subsidiary of that company;

"(iii) the term 'appropriate Federal banking agency' means the agencies referred to in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) with respect to insured depository institutions;

"(iv) the terms 'deal in' and 'dealing in' do not include purchasing or selling securities for the account of another person; and

"(v) the term 'securities' does not include insurance and the term 'securities activities' does not include insurance activities.

SEC. 103. DEFINITION OF SECURITIES AFFILIATE.

Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by adding at the end thereof the following new subsection:

"(n) SECURITIES AFFILIATE.—The term 'securities affiliate' means any company that—

"(1) is engaged in the United States pursuant to section 4(c)(15)(A) of this Act in one or more of the activities described in that section; and

"(2) is registered as a broker or dealer under the Securities Exchange Act of 1934.".

SEC. 104. NINETY-ONE DAY RULE FOR SECURITIES AFFILIATE APPLICATIONS.

(a) NINETY-ONE DAY RULE.—Section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended by striking out "paragraph (8)" in the penultimate sentence and inserting in lieu thereof "paragraph (15)".

(b) SUNSET PROVISION.—The penultimate sentence of section 4(c) of the Bank Holding Company Act of 1956 (as amended by this Act) is repealed, effective 4 years after the date of enactment of this Act.

SEC. 105. EFFECT ON STATE LAWS PROHIBITING THE AFFILIATION OF BANKS AND SECURITIES COMPANIES.

Section 7 of the Bank Holding Company Act of 1956 (12 U.S.C. 1846) is amended by inserting before the final period the following: ", except that no State may prohibit the affiliation of a bank or bank holding company with a securities affiliate solely because the securities affiliate is engaged in activities described in clause (i) or (ii) of section 4(c)(15)(A) of this Act.".

SEC. 106. AMENDMENT TO THE FEDERAL RESERVE ACT.

(a) Section 23B(b)(1)(B) of the Federal Reserve Act (12 U.S.C. 371c–1(b)(1)(B)) is amended by inserting "and for 30 days thereafter" after "during the existence of any underwriting or selling syndicate".

(b) Section 23A(b)(7) of the Federal Reserve Act (12 U.S.C. 371c(b)(7)) is amended by adding at the end thereof the following new subsection:

"(F) a loan or extension of credit to any company, or the issuance of or participation in a standby letter of credit, asset purchase agreement, indemnification, guarantee, insurance or other factility with any company, the purpose of which is to enhance the marketability of securities, other than those securities that member banks may underwrite pursuant to 12 U.S.C. 24, that are underwritten or distributed by any affiliate, unless there is substantial participation by other lenders in such loan, extension of credit, letter of credit, agreement, indemnification, guarantee, insurance or other facility."

SEC. 107. SECURITIES AFFILIATIONS OF FDIC-INSURED BANKS.

(a) SECURITIES AFFILIATIONS.—Section 18(j)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(3)) is amended to read as follows:

"(3) SECURITIES AFFILIATIONS.—

"(A) GENERAL RULE.—Except as provided in section 4(c)(15) of the Bank Holding Company Act of 1956, an insured bank shall not be an affiliate of any company that directly or indirectly acts in the United States as an underwriter or dealer of any security, other than a security that a national bank is specifically authorized by statute to underwrite or deal in and—

"(i) that is expressly described in that statute; or

"(ii) that a regulation promulgated by the Comptroller of the Currency pursuant to that statute before November 18, 1987, expressly describes as being authorized for a national bank to underwrite or deal in.

"(B) EXCEPTIONS.—This paragraph does not apply to—

"(i) an insured bank that is described in subparagraph (D), (F), (H), or (I) of section 2(c)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)(2)); or

"(ii) a foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)), solely because it has an insured branch in the United States.

"(C) GRANDFATHER PROVISION.—This paragraph does not prohibit—

"(i) the continuation of an affiliation that existed on March 5, 1987; or

"(ii) any affiliation by an insured bank that has an affiliation that would be prohibited if it were not covered by clause (i) of this subparagraph.

"(D) TRANSITION RULE.—An affiliation that becomes unlawful as a result of the enactment of the Proxmire Financial Modernization Act of 1989 may continue until the expiration of one year following the date of enactment of such Act.

"(E) ACTIVITIES CONDUCTED DIRECTLY BY INSURED BANK.—Nothing in this paragraph restricts an activity that is conducted directly by an insured bank and is subject to section 21 of the Banking Act of 1933 (12 U.S.C. 378).

"(F) DEFINITIONS.—As used in this paragraph—

"(i) The term 'affiliate' has the meaning given to that term in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)).

"(ii) The term 'company' has the meaning given to that term in section 2(b) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(b)).

"(iii) The term 'dealer' has the meaning given to that term in section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)).

"(iv)(I) Except as provided in subclause (II) of this clause or except in the case of a contract of insurance, the term 'security' has the meaning given to that term in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

"(II) The Board of Governors of the Federal Reserve System may by regulation exempt from the definition of 'security' a banking product that has been traditionally and customarily originated or handled by national banks (such as loan participations, mortgage notes, and certificates of deposit) if the exemption is consistent with the purposes of this paragraph and of section 4(c)(15) of the Bank Holding Company Act of 1956.

"(v) The term 'underwriter' has the meaning given to that term in section 2(11) of the Securities Act of 1933 (15 U.S.C. 77b(11)).".

(b) TECHNICAL AMENDMENT.—Section 18(j)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)(4)(A)) is amended by striking "or any provision of section 20 of the Banking Act of 1933" and inserting "or any provision of paragraph (3) or (6) of this subsection".

(c) LIMITATIONS ON CERTAIN ACTIVITIES INVOLVING MUNICIPAL REVENUE BONDS.—Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(j)) is amended by adding at the end thereof the following new paragraph:

"(7) LIMITATIONS ON CERTAIN ACTIVITIES INVOLVING CERTAIN MUNICIPAL SECURITIES.—

"(A) UNDERWRITING OR DISTRIBUTION BY AFFILIATE OF INSURED BANK.—No affiliate of an insured bank shall underwrite or distribute securities described in subparagraph (C) of this paragraph unless that insured bank, as well as any affiliated savings association (as defined in section 2 of the Home Owner's Loan Act), complies with section 4(c)(15)(F)(iii) of the Bank Holding Company Act of 1956 in the same manner and to the same extent as if the insured bank were a bank and the affiliate were a securities affiliate for purposes of section 4(c)(15)(F)(iii).

"(B) UNDERWRITING OR DISTRIBUTION BY INSURED BANK.—An insured bank that underwrites or distributes securities described in subparagraph (C) of this paragraph shall not take any action with respect to those securities that would violate subparagraph (A) of this paragraph if those securities were underwritten or distributed by an affiliate of the insured bank.

"(C) CERTAIN MUNICIPAL SECURITIES DESCRIBED.—Securities are described in this subparagraph for purposes of this paragraph if—

"(i) a national bank could underwrite those securities only pursuant to the sentence of paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) that refers to an obligation issued by or on behalf of or guaranteed by a State, territory, or possession of the United States, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any of the foregoing; and

"(ii) no State, territory, or possession of the United States, political subdivision thereof, or the District of Columbia pledges its full faith and credit for payment of the entire principal of and interest on the securities.

"(D) DEFINITION OF 'AFFILIATE'.—For purposes of this paragraph, the term 'affiliate' has the meaning given to that term in section 2(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(k)).".

SEC. 108. AUTHORIZATION FOR NATIONAL BANKS TO UNDERWRITE MUNICIPAL REVENUE BONDS, SPONSOR UNIT INVESTMENT TRUSTS, AND DISTRIBUTE INVESTMENT COMPANY SECURITIES.

(a) AUTHORIZATION.—Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following:

"The limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing for its own account, securities shall not apply to an obligation issued by or on behalf of or guaranteed by a State, territory, or possession of the United States, or any political subdivision thereof, the District of Columbia, or any agency or instrumentality of any of the foregoing. Notwithstanding the preceding sentence, such limitations and restrictions shall apply to a private activity bond (as defined in section 141 of the Internal Revenue Code of 1986) unless—

"(1) a State, territory, or possession of the United States or political subdivision thereof, or the District of Columbia, pledges its full faith and credit for payment of the entire principal of and interest on such bond; or

"(2) the interest on such bond is excluded from gross income under section 103(a) of the Internal Revenue Code of 1986, and the issuer, or the governmental unit on behalf of which such bond was issued, is the sole owner, for Federal income tax purposes, of the facility to be financed from the proceeds of such bond.

For purposes of the foregoing sentence, any bond described in section 1312(c)(2) of the Tax Reform Act of 1986 to which section 141(a) of the Internal Revenue Code of 1986 does not apply (by reason of section 1311, 1312, or 1313 of that Act), shall not be treated as a private activity bond.

"If the association is not an affiliate of a securities affiliate (as the terms 'affiliate' and 'securities affiliate' are defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841)), the limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing for its own account, securities shall not apply to—

"(1) the securities of unit investment trusts (as defined in section 4(2) of the Investment Company Act of 1940 (15 U.S.C. 80a-4(2)) holding only securities that the association is specifically authorized by statute to underwrite and that are expressly described in that authorizing statute, or expressly described as being authorized for a national bank to underwrite in a regulation promulgated before November 18, 1987, by the Comptroller of the Currency pursuant to that authorizing statute, and

"(2) the distribution of securities issued by investment companies (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) that are not sponsored, managed, or controlled by the association or any affiliate of the association.".

(b) TECHNICAL AMENDMENT.—The sixth sentence of paragraph Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking out "or general obligations of any State or of any political subdivision thereof,".

SEC. 109. AMENDMENTS TO THE INTERNATIONAL BANKING ACT OF 1978.

(a) RESTRICTIONS ON UNITED STATES BANKING ACTIVITIES OF LARGE FOREIGN BANKS THAT ACQUIRE LARGE INVESTMENT BANKING ORGANIZATIONS WITH UNITED STATES OFFICES.—Section 8 of the International Banking Act of 1978 (12 U.S.C. 3106) is amended by redesignating subsection (e) as subsection (g) and by inserting after subsection (d) the following new subsection:

"(e)(1) No foreign bank or foreign company described in paragraph (2) of this subsection shall—

"(A) acquire or retain control of a bank,

"(B) establish or maintain a branch or agency in a State, or

"(C) acquire or retain control of a commercial lending company organized under State law.

"(2) A foreign bank or foreign company controlling a foreign bank is described in this paragraph for purposes of paragraph (1) if—

"(A) the foreign bank or foreign company became an affiliate of an investment banking organization (as that term is used in section 4(c)(15)(C)(i)(II) of the Bank Holding Company Act of 1956) after the date of enactment of the Proxmire Financial Modernization Act of 1991;

"(B) section 4(c)(15)(C) of the Bank Holding Company Act of 1956 would have required the Board to disapprove the transaction that resulted in the affiliation if the foreign bank or foreign company had been a bank holding company at the time of the transaction;

"(C) the affiliation has not been terminated; and

"(D) the investment banking organization maintains an office or subsidiary in a State.".

(b) RESTRICTIONS ON UNITED STATES INVESTMENT BANKING ACTIVITIES OF LARGE FOREIGN INVESTMENT BANKING ORGANIZATIONS THAT ACQUIRE LARGE BANK HOLDING COMPANIES OR BANKS.—Section 8 of the International Banking Act of 1978 (12 U.S.C. 3106) is amended by inserting after subsection (e) (as added by subsection (a)) the following:

"(f)(1) No foreign investment banking organization (including any of its subsidiaries or affiliates) described in paragraph (2) shall acquire or retain control of a securities affiliate.

"(2) A foreign investment banking organization (including any of its subsidiaries or affiliates) is described in this paragraph for the purposes of paragraph (1) if—

"(A) the foreign investment banking organization became an affiliate of a bank holding company or bank after the date of enactment of the Proxmire Financial Modernization Act of 1991;

"(B) section 4(c)(15)(C) of the Bank Holding Company Act of 1956 would have required the Board to disapprove the transaction that resulted in the affiliation if the foreign investment banking organization had been required to file an application or notice under section 4(c)(15); and

"(C) the affiliation has not been terminated.".

(c) TECHNICAL AMENDMENT.—Section 1(b)(13) of the International Banking Act of 1978 (12 U.S.C. 3101(13)) is amended by inserting "affiliate," after "(13) the terms" and by inserting "securities affiliate" after "control,".

SEC. 110. DIVERSIFIED FINANCIAL HOLDING COMPANIES.

(a) DEFINITION.—Section 2 of the Bank Holding Company Act (12 U.S.C. 1841) is amended by adding at the end thereof the following new subsection:

"(o) DIVERSIFIED FINANCIAL HOLDING COMPANY.—For purposes of this Act, the term 'diversified financial holding company' means a company that directly or indirectly controls any bank and that is described in each of the following paragraphs:

"(1) ENGAGES ONLY IN FINANCIAL ACTIVITIES.—The company engages only in activities that are—

"(A) permissible for bank holding companies under section 4 of this Act (12 U.S.C. 1843); or

"(B) permissible under section 4(i)(4).

"(2) 80-PERCENT TEST.—On average during the preceding calendar year, the company devoted 80 percent or more of its consolidated assets to activities that are permissible under paragraph (8), (13), (14), or (15) of section 4(c) of this Act, excluding—

"(A) activities conducted by any entity described in subparagraph (A) or (B) of paragraph (3) of this subsection; and

"(B) insurance activities that are permissible under section 4(c)(13) but not permissible under section 4(j), to the extent that those activities exceed 10 percent of the company's consolidated assets.

"(3) LIMIT ON FDIC-INSURED DEPOSITORY INSTITUTIONS, AND SUBSIDIARIES THEREOF AS PERCENTAGE OF ASSETS.—On average during the preceding calendar year, 20 percent or less of the company's consolidated assets consisted of insured depository institutions (as defined in section 3(c)) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)) and any subsidiaries thereof.

"(4) GLOBAL LIMIT ON DEPOSITORY INSTITUTIONS AND THEIR SUBSIDIARIES AS PERCENTAGE OF ASSETS.—On average during the preceding calendar year, 40 percent or less of the company's consolidated assets consisted of the following entities in aggregate:

"(A) depository institutions (as defined in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)) and any subsidiaries thereof;

"(B) foreign banks (as defined in section 1(b)(7) of the International Banking Act of 1978 (12 U.S.C. 3101(7)) and any subsidiaries thereof; and

"(C) other depository institutions, whether or not in the United States, and any subsidiaries thereof.

"(5) ELECTION.—The company has filed with the Board a written notice of its intent to be treated as a diversified financial holding company.".

(b) IN GENERAL.—Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) is amended by adding at the end thereof the following new subsection:

"(i) DIVERSIFIED FINANCIAL HOLDING COMPANIES.—

"(1) STATUS.—A diversified financial holding company shall not be considered a bank holding company.

"(2) APPLICABLE LAW.—Except as provided in paragraph (4) or (6) of this subsection, a diversified financial holding company shall be subject to any provision of the United States Code relating to bank holding companies in the same manner and to the same extent as if it were a bank holding company.

"(3) INTERMEDIATE HOLDING COMPANIES.—

"(A) A subsidiary of a diversified financial holding company is not a bank holding company because it controls a bank.

"(B) If a subsidiary of a diversified financial holding company controls a bank, that subsidiary shall be subject to any provision of the United States Code relating to bank holding companies in the same manner and to the same extent as if it were a bank holding company, except to the extent that the diversified financial holding company is not subject to that provision.

"(4) AUTHORITY TO CONTINUE TO ENGAGE IN NONCONFORMING FINANCIAL ACTIVITIES.—Notwithstanding subsection (a) of this section, a diversified financial holding company may engage in, or acquire or retain direct or indirect ownership or control of shares of any company engaged in, any activity described in paragraph (5) of this subsection (other than an activity described in subsection (c)(15)(A)(i) of this section) in which the diversified financial holding company was lawfully engaged in the United States, directly or through a subsidiary, as of February 1, 1989.

"(5) DEFINITION OF FINANCIAL ACTIVITIES.—The following activities are described in this paragraph for purposes of paragraph (4) of this subsection:

"(A) insurance underwriting activities;

"(B) insurance agency activities;

"(C) real estate brokerage activities;

"(D) real estate investment and development activities;

"(E) travel agency activities; and

"(F) any other activities that the Board has determined to be financial.

"(6) EXEMPTION FROM EXAMINATION AND CAPITAL REQUIREMENTS.—

"(A) Except as provided in subparagraph (B) of this paragraph, a diversified financial holding company, and any subsidiary (other than a bank) of that bank holding company, shall not be subject to inspection or examination or to reporting or capital requirements established by the Board under this Act or the International Lending Supervision Act of 1983.

"(B) The Board may examine or require reports of any company that has filed a notice under section 2(o)(5) of this Act, and any nonbank subsidiary thereof, in order to—

"(i) determine whether that company is a diversified financial holding company;

"(ii) assure compliance by that company or nonbank subsidiary with the provisions of this Act, the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972), and sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c, 371c-1); or

"(iii) assure that the safety and soundness of that company's subsidiary banks are not threatened by the activities or condition of that company or its nonbank subsidiaries whenever the Board determines that emergency conditions exist requiring such assurance.

"(7) RESTRICTIONS ON JOINT MARKETING.—No subsidiary bank of a diversified financial holding company shall—

"(A) offer or market products or services of an affiliate that are not permissible for bank holding companies to provide under subsection (c)(8) or (c)(15) of this section, or

"(B) permit its products or services to be offered or marketed in connection with products or services of an affiliate that are not permissible for bank holding companies to provide under subsection (c)(8) or (c)(15).

"(8) RESTRICTIONS ON LENDING TO AFFILIATES ENGAGED IN NONCONFORMING ACTIVITIES.—If a company engages in any activity pursuant to paragraph (4) of this subsection, subsection (c)(15)(F)(i) of this section shall apply with respect to that company in the same manner and to the same extent as if the company were a securities affiliate.

"(9) DIVESTITURE OF SUBSIDIARY BANKS.—

"(A) If a company that has filed a notice under section 2(o)(5) of this Act fails to maintain the capital of each of its subsidiary banks at or above the level established for that bank by the appropriate Federal banking agency, the Board shall notify the company of the capital deficiency and provide the company 30 days in which to restore the capital of the bank to the level required by the appropriate Federal banking agency.

"(B) If the Board determines that the company is unable to restore the capital of its subsidiary bank to the required level, the Board may issue an order requiring the company to terminate its ownership or control of the bank within 180 days of the date of the order.".

SEC. 111. STUDY ON HARMONIZING THE REGULATION OF BANKING AND SECURITIES ORGANIZATIONS.

(a) FINDING.—The Congress hereby finds that authorization for banks to be affiliated with securities firms pursuant to section 102 of this Act and the provision of banking-type services by firms affiliated with securities firms calls for steps to be taken toward the promotion of regulatory equity between such firms. Among the most important tasks necessary to achieve this goal are the development and harmonization of capital adequacy and financial condition reporting requirements applicable to such firms. To that end, the Board of Governors of the Federal Reserve System (hereinafter referred to as the "Board"), the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Commodity Futures Trading Commission shall review and coordinate their respective rules applicable to capital adequacy, reporting requirements, and transactions with affiliates on an ongoing basis in order to move in an orderly fashion toward greater compatibility and consistency.

(b) STUDY.—The agencies referred to in subsection (a) shall study the issues set forth below and prepare a joint report to the Congress within one year of the enactment of this Act setting forth the results of their study and any recommendations they may have for implementing their conclusions. The issues to be studied are—

(1) the advisability and effect of requiring the consolidated application of prudential standards and reports of financial condition on companies controlling banks or securities firms;

(2) the appropriate techniques, to the extent necessary, for supervision of financial interrelationships of banks and securities firms with their affiliates;

(3) the direction of efforts to achieve international harmony and convergence of capital adequacy and financial condition reporting standards for banks, securities firms, and companies controlling banks and securities firms;

(4) the effect of the conduct of financial activities across national borders on the provision of securities services within the United States and on the supervision of such services within the United States;

(5) the advisability of establishing a permanent international framework for developing and implementing global policies to better harmonize financial market regulation, including capital adequacy standards; registration and reporting standards for banks and securities firms (including associated activities in futures markets), and companies controlling banks and securities firms; direct trading, clearing, and funds transfer mechanisms; routine exchange of information to facilitate international market surveillance of capital positions, trading activity, intercompany transfers, and potential abusive practices; exchange of information to facilitate the investigation of individual enforcement cases; dealing with international market emergencies; and approval of new products and services;

(6) the nature and techniques used in the supervision of banks, securities firms, and companies controlling banks and securities firms; and

(7) the impact of financial services competition from firms that are neither banks nor securities firms.

(c) CONSULTATION.—With due regard for the existing agreement and understandings between bank supervisors on an international level regarding capital adequacy of banks, the agencies referred to in subsection (a) on an ongoing basis shall—

(1) each review their respective rules applicable to capital adequacy and reporting of financial condition;

(2) develop proposed revisions to those rules that would move toward the harmonization of such rules;

(3) provide such proposed revisions to the other for comment and discussion; and

(4) discuss in detail, in the report required by subsection (d), any proposed revisions on which the agencies disagree.

(d) REPORTING.—No later than September 30 of each year, the agencies referred to in subsection (a) shall submit a joint annual report to Congress covering their progress toward the goals set forth in subsection (a) and recommending amendments to law, if any, that they believe would be necessary or advisable in order to attain those goals.

SEC. 112. STUDY OF THE NATIONAL PAYMENTS SYSTEM.

(a) FINDING.—It is the finding of Congress that the continued smooth and efficient functioning of the large-dollar payments system of the United States, including systems that provide for the delivery of securities against payment, is essential to the growth and stability of the economy of the United States and other nations and that the recent growth in the volume of payments due to new technology and changes in the financial services industry suggest that consideration of the mechanism by which large-dollar payments in the United States are made is necessary.

(b) STUDY.—The Board of Governors of the Federal Reserve System is hereby directed to study and prepare a report on the steps necessary to ensure the integrity and reliability of large-dollar payments systems in the United States, including the current status of the mechanism by which large-dollar payments are made in the United States and the steps that appear necessary or advisable to strengthen the reliability and safety and soundness of that mechanism over time. Such report shall be presented to Congress within one year of the passage of this Act.

(c) CONSULTATION.—The Board is directed to consult with the providers of large-dollar payment services, the users of such services, the vendors of equipment used in the provisions of such services, and the regulators of all of the above in conducting the study.

TITLE II—EXPEDITED PROCEDURES

SEC. 201. EXPEDITED PROCEDURES FOR FORMING A BANK HOLDING COMPANY.

Section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) is amended—

(1) by striking out "or (B)" and inserting in lieu thereof "(B)",

(2) by inserting before the period at the end of the second sentence the following: "; or (C) with 30 days prior notification to the Board, the acquisition by a company of control of a bank in a reorganization in which a person or group of persons exchange their shares of the bank for shares of a newly formed bank holding company and receive, after the reorganization, substantially the same proportional share interest in the holding company as they held in the bank except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law if, immediately following the acquisition, the bank holding company meets the capital and other financial standards prescribed by the Board by regulation for such a bank holding company and the holding company does not engage in any activities other than those of banking or managing and controlling banks. In promulgating regulations pursuant to this subsection, the Board shall not require more capital for the subsidiary bank immediately following the reorganization than is required for a similarly sized bank that is not a subsidiary of a bank holding company".

SEC. 202. EXEMPTION OF CERTAIN HOLDING COMPANY FORMATIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933.

Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end thereof the following new paragraph:

"(7) transactions involving offers or sales of equity securities, in connection with the acquisition of a bank by a company under section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), if the acquisition occurs solely as part of a reorganization in which a person or group of persons exchange their shares of a bank for shares of a newly formed bank holding company and receive, after that reorganization, substantially the same proportional share interests in the bank holding company as they held in the bank, except for changes in shareholders' interests resulting from the exercise of dissenting shareholders' rights under State or Federal law.".

SEC. 203. EXPEDITED PROCEDURES FOR BANK HOLDING COMPANIES TO SEEK APPROVAL TO ENGAGE IN NONBANKING ACTIVITIES.

Paragraph (8) of section 4(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraphs (C), (D), and (E) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A) through (G), and any cross references thereto as clauses (i) through (vii), respectively; and

(3) by striking out all that precedes "purposes of this subsection it is not" and inserting in lieu thereof the following:

"(8)(A) Activities closely related to banking.—In accordance with the limitations and requirements contained in subparagraphs (B) and (C) of this paragraph, shares of any company whose activities the Board has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, after taking into account technological or other innovations in the provision of banking or banking-related services.

"(B) Notice requirements.—

"(i) No bank holding company shall engage in any activity or acquire the shares of a company pursuant to this paragraph, either de novo or by an acquisition in whole or in part of a going concern, unless the Board has been given 60 days prior written notice of that proposal and, within that period, the Board has not issued an order—

"(I) disapproving the proposal, or

"(II) extending the time period in accordance with clause (iii) below.

"(ii)(I) An acquisition may be made prior to the expiration of the disapproval period if the Board issues a written statement of its intent not to disapprove the proposal.

"(II) The Board shall publish in the Federal Register notice of receipt of a notice under this paragraph involving insurance and provide a reasonable period for public comment. The Board shall issue an order involving any such notice.

"(III) No notice under this paragraph is required for a bank holding company to establish de novo an office to engage in any activity previously authorized for that bank holding company under this paragraph or to change the location of an office engaged in that activity.

"(iii) The notice submitted to the Board shall contain such information as the Board shall prescribe by regulation or by specific request in connection with a particular notice, except that the Board may require only such information as may be relevant to the nature and scope of the proposed activity and to the Board's evaluation of the notice under the criteria specified in clause (iv). If the Board requires additional relevant information beyond that provided in the notice, the Board may by order extend the time period provided in clause (i) of this subparagraph until it has received that information, and the activity that is the subject of the notice may be commenced within 60 days of the date of that receipt unless the Board issues a disapproval order as provided in clause (i). Such an extension order is reviewable under section 9 of this Act.

"(iv) In determining whether to disapprove a notice under this paragraph, the Board shall consider whether the performance of the activity described in the notice by a bank holding company or subsidiary thereof can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In orders and regulations under this paragraph, the Board may differentiate between activities commenced de novo and activities commenced by the acquisition, in whole or in part, of a going concern.

"(v) The Board shall by order set forth the reasons for any disapproval or determination not to disapprove a notice under this paragraph.

"(C) Insurance activities not closely related to banking.—For".

SEC. 204. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK HOLDING COMPANY ACQUISITIONS.

Section 11(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)(1)) is amended by adding before the period at the end of the fourth sentence thereof the following: "or if no adverse comment has been received regarding section 4(c)(8)(C) or section 4(j) of this Act, such shorter period of time as may be prescribed by the Board with the concurrence of the Attorney General, but in no event less than 5 days".

SEC. 205. REDUCTION OF POST-APPROVAL WAITING PERIOD FOR BANK MERGERS.

Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by inserting before the period at the end of the last sentence thereof the following: "or such shorter period of time as may be prescribed by the agency with the concurrence of the Attorney General, but in no event less than 5 days".

SEC. 206. BANKERS' BANKS.

(a) Bankers' Banks and Bank Holding Companies.—

(1) Paragraph Seventh of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by inserting "or their holding companies" after "is owned exclusively (except to the extent directors qualifying shares are required by law) by depository institutions".

(2) Section 5169 of the Revised Statutes (12 U.S.C. 27) is amended by inserting—

(A) ", directly or through a holding company," after "which is owned", and

(B) "or their holding companies" after "other depository institutions" each place it appears in paragraph (b)(1).

(b) Technical Amendment on Bankers' Banks and Deposit Insurance.—Section 3(e) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(e)) is amended by striking "bank described in the last sentence of section 2(c)" and inserting "a bankers' bank as described in section 5169 of the Revised Statutes (12 U.S.C. 27)".

(c) Limit on Loans Secured by Securities.—Section 11(m) of the Federal Reserve Act (12 U.S.C. 248(m)) is amended by striking "10 per centum" in each place it appears and inserting in lieu thereof "15 percent".

TITLE III—BROKERS AND DEALERS

SEC. 301. DEFINITION OF BROKER.

Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended to read as follows:

"(4) 'Broker'.—

"(A) In general.—The term 'broker' means any person engaged in the business of effecting transactions in securities for the account of others.

"(B) Exclusion of banks.—Such term does not include a bank unless the bank publicly solicits such business or is compensated for such business by the payment of commissions or similar remuneration based on effecting transactions in securities (excluding fees calculated as a percentage of assets under management) in excess of the bank's incremental costs directly attributable to effecting such transactions (hereinafter referred to as 'incentive compensation').

"(C) Bank activities.—A bank shall not be deemed to be a 'broker' because it engages in one or more of the following activities:

"(i) Enters into a contractual or other arrangement with a broker or dealer registered under this title pursuant to which the broker or dealer will offer brokerage services on or off the premises of the bank if—

"(I) such broker or dealer is clearly identified as the person performing the brokerage services;

"(II) bank employees perform only clerical or ministerial functions in connection with brokerage transactions unless such employees are qualified as registered representatives pursuant to the requirements of a self-regulatory organization;

"(III) bank employees do not receive incentive compensation for any brokerage activities unless such employees are qualified as registered representatives pursuant to the requirements of a self-regulatory organization; and

"(IV) such services are provided by the broker or dealer on a basis in which all customers are fully disclosed.

"(ii) Engages in trust activities (including effecting transactions in the course of such trust activities) permissible for national banks under the first section of the Act of September 28, 1962 (12 U.S.C. 92a), or for State banks under relevant State trust statutes or law unless the bank—

"(I) publicly solicits brokerage business other than by advertising, in conjunction with advertising its other trust activities, that it effects transactions in securities, and

"(II) receives incentive compensation.

This clause does not apply to securities safekeeping, self-directed individual retirement accounts, or managed agency or other functionally equivalent accounts of a bank.

"(iii) Effects transactions in exempted securities, other than municipal securities, or in commercial paper, bankers' acceptances, or commercial bills.

"(iv) Effects transactions in municipal securities and does not have a securities affiliate as provided in section 4(c)(15) of the Bank Holding Company Act of 1956.

"(v) Effects transactions as part of any bonus, profit-sharing, pension, retirement, thrift, savings, incentive, stock purchase, stock ownership, stock appreciation, stock option, dividend reinvestment, or similar plan for employees or shareholders of an issuer or its subsidiaries.

"(vi) Effects transactions as part of a program for the investment or reinvestment of bank deposit funds into any no-load open-end investment company registered pursuant to the Investment Company Act of 1940 that attempts to maintain a constant net asset value per share and has an investment policy calling for investment of at least 80 percent of its assets in debt securities maturing in 13 months or less.

"(vii) Effects transactions for the account of any affiliate of the bank, as the term 'affiliate' is defined in section 2 of the Banking Act of 1933 (12 U.S.C. 221a), treating all banks as member banks for purposes of such definition.

"(viii) Effects sales (I) as part of a primary offering of securities by an issuer, not involving a public offering, pursuant to sections 3(b), 4(2), or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder, and (II) exclusively to: a bank as defined in section 3(a)(2) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Securities Act of 1933; an investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; an insured institution, as defined in section 401 of the National Housing Act; an employee benefit plan within the meaning of title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, that is a bank as defined in section 3(a)(2) of the Securities Act of 1933, an insurance company as defined in section 2(17) of the Investment Company Act of 1940, or an investment adviser registered under the Investment Advisers Act of 1940, or if the employee benefit plan has total assets in excess of $5,000,000; an employee benefit plan as defined in section 3 of the Employee Retirement Income Security Act of 1974, established and maintained by a State, its political subdivisions, or any agency or instrumentality of a State or its political subdivisions exclusively for the benefit of its employees or their beneficiaries that is governed by fiduciary principles comparable to those contained in such Act, if (i) the plan has total assets in excess of $25,000,000, and (ii) investment decisions for the plan are made by a plan fiduciary, as defined in section 3(21) of such Act, that is a bank, as defined in section 3(a)(2) of the Securities Act of 1933, an insurance company as defined in section 2(17) of the Investment Company Act of 1940, or an investment adviser registered under the Investment Advisers Act of 1940; a corporation with total assets in excess of $50,000,000 and net worth in excess of $5,000,000, as reflected on financial statements prepared in accordance with generally accepted accounting principles; an organization described in section 501(c)(3) of the Internal Revenue Code with total assets in excess of $5,000,000; a foreign bank, broker, dealer, insurance company, or government or government agency; or a natural person with a net worth exceeding $5,000,000. The dollar limitations in this clause shall be adjusted annually after December 31, 1989, by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers published monthly by the Bureau of Labor Statistics.

"(ix) Effects fewer than 1,000 transactions per year in securities other than transactions referenced in clauses (i) through (viii) of this subparagraph, if the bank does not have a subsidiary or affiliate registered as a broker or dealer under section 15 of this title.".

SEC. 302. DEFINITION OF DEALER.

Section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)) is amended to read as follows:

"(5) 'DEALER'.—

"(A) IN GENERAL.—The term 'dealer' means any person engaged in the business of buying and selling securities for his own account through a broker or otherwise.

"(B) EXCEPTIONS.—Such term does not include—

"(i) any person insofar as that person buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business; or

"(ii) any bank insofar as the bank (I) buys and sells commercial paper, bankers' acceptances, or commercial bills, or exempted securities other than municipal securities; (II) buys and sells municipal securities and does not have a securities affiliate as provided in section 4(c)(15) of the Bank Holding Company Act of 1956; (III) engages in trust or fiduciary activities (including buying and selling securities for investment purposes in the course of such trust or fiduciary activities); or (IV) engages in the issuance or sale through a grantor trust or otherwise of securities backed by or representing an interest in obligations (other than securities of which the bank is not the issuer) originated or purchased by the bank, its affiliates, or its subsidiaries.".

SEC. 303. POWER TO EXEMPT FROM THE DEFINITIONS OF BROKER AND DEALER.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

"(e) The Commission, by rule, regulation, or order, upon its own motion or upon application, may conditionally or unconditionally exempt any person or class of persons from the definitions of 'broker' or 'dealer', if the Commission finds that such exemption is consistent with the public interest, the protection of investors, or the purposes of this title.".

SEC. 304. REQUIREMENT THAT BANKS FALLING WITHIN THE DEFINITIONS OF BROKER OR DEALER PLACE THEIR SECURITIES ACTIVITIES IN A SEPARATE CORPORATE ENTITY.

Section 15(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended to read as follows:

"(a)(1) It shall be unlawful for any broker or dealer that is either a person other than a natural person or a natural person not associated with a broker or dealer that is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.

"(2) It shall be unlawful for any bank to act as a broker or dealer, except in the course of an exclusively intrastate business. This section shall not preclude a subsidiary of a bank or an affiliate of a bank holding company, other than a bank, as those terms are defined in the Bank Holding Company Act of 1956, that is registered in accordance with subsection (b) of this section from acting as a broker or dealer to any extent otherwise permissible by law.

"(3) The Commission, by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraphs (1) and (2) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order.".

TITLE IV—BANK INVESTMENT COMPANY ACTIVITIES

SEC. 401. CUSTODY OF INVESTMENT COMPANY ASSETS BY AFFILIATED BANKS.

(a) MANAGEMENT COMPANIES.—Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-17(f)) is amended by striking "trusts" the first place it appears and inserting in lieu thereof "trusts, but, where any such bank or an affiliated person thereof is an affiliated person, promoter, or sponsor of, or principal underwriter for, such registered company, only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, after consulting in writing with the appropriate Federal banking agency as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))".

(b) UNIT INVESTMENT TRUSTS.—Section 26(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-26(a)(1)) is amended by inserting after "bank" the following: "not affiliated with such underwriter or depositor, or where such bank is so affiliated, only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors after consulting in writing with the appropriate Federal banking agency as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q))".

SEC. 402. AFFILIATED TRANSACTIONS.

Section 10(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(f)) is amended by—

(1) inserting "(A)" immediately before "a principal underwriter"; and

(2) inserting ", or (B) the proceeds of which will be used to retire an indebtedness owed to a bank where the bank or an affiliated person thereof is an affiliated person, promoter, or sponsor of, or principal underwriter for, such registered company" after "for the issuer".

SEC. 403. BORROWING FROM AN AFFILIATED BANK.

Section 18(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-18(f)) is amended by adding at the end thereof the following:

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, it shall be unlawful for any registered open-end company to borrow from any bank if such bank or any affiliated person thereof is an affiliated person, promoter, or sponsor of, or principal underwriter for, such company, except that the Commission may, by rules and regulations or order, permit such borrowing which the Commission finds to be in the public interest and consistent with the protection of investors.".

SEC. 404. INDEPENDENT DIRECTORS.

(a) INTERESTED PERSON.—Section 2(a)(19)(A)(v) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)(A)(v)) is amended by striking out "1934 or any affiliated person of such a broker or dealer, and" and inserting in lieu thereof "1934 or any person that, at any time during the preceding 6 months, has acted as custodian or transfer agent or has executed any portfolio transactions for, engaged in any principal transactions with, or loaned money to, the investment company, or any other investment company having the same investment adviser, principal underwriter, sponsor, or promoter, or any affiliated person of such a broker, dealer, or person, and".

(b) AFFILIATION OF DIRECTORS.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(c)) is amended by striking "bank, except" and inserting in lieu thereof "bank and its subsidiaries or any one bank holding company and its affiliates and subsidiaries, as those terms are defined in the Bank Holding Company Act of 1956, except".

(c) The provisions of subsection (a) of this section shall become effective after one year following the date of enactment of this title.

SEC. 405. ADDITIONAL SEC DISCLOSURE AUTHORITY.

Section 35(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-35(a)) is amended to read as follows:

"SEC. 35. (a) It shall be unlawful for any person, in issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company has been guaranteed, sponsored, recommended, or approved by the United States or any agency or officer thereof or has been insured by the Federal Deposit Insurance Corporation or is guaranteed by or is otherwise an obligation of any bank or insured institution. If a bank holding company, bank, or separately identifiable division or department of a bank, or any affiliate or subsidiary thereof, is an investment adviser, organizer, sponsor, promoter, principal underwriter or an affiliated person of a registered investment company, or a bank or an affiliated person of a bank is offering or selling securities of a registered investment company, or the name of an investment company is that of, or similar to that of, a bank, pursuant to regulations adopted by the Commission, after consultation in writing with the appropriate Federal banking agencies, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), any person in issuing or selling securities of such investment company may be required to disclose prominently that the investment company and any security issued by it is not insured by the Federal Deposit Insurance Corporation, is not guaranteed by an affiliated bank or insured institution, and is not otherwise an obligation of such a bank or insured institution.".

SEC. 406. DEFINITION OF BROKER.

Section 2(a)(6) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(6)) is amended to read as follows:

"(6) 'Broker' has the same meaning as in the Securities Exchange Act of 1934, but does not include any person solely by reason of the fact that such person is an underwriter for one or more investment companies.".

SEC. 407. DEFINITION OF DEALER.

Section 2(a)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(11)) is amended to read as follows:

"(11) 'Dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 408. REMOVAL OF THE EXCLUSION FROM THE DEFINITION OF INVESTMENT ADVISER FOR BANKS THAT ADVISE INVESTMENT COMPANIES.

Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)) is amended—

(1) by striking "investment company" and inserting "investment company, except that the term 'investment adviser' includes any bank or bank holding company to the extent that such bank or bank holding company acts as an investment adviser to a registered investment company unless the bank performs such services through a separately identifiable department or division of the bank, in which case the department or division and not the bank itself shall be deemed to be the 'investment adviser'"; and

(2) by adding at the end thereof the following: "For purposes of this paragraph, a separately identifiable department or division of a bank shall mean a unit that—

"(A) is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank's investment adviser activities for one or more investment companies, including the supervision of all bank employees engaged in the performance of such activities; and

"(B) there are separately maintained in or extractable from such unit's own facilities or the facilities of the bank, all of the records relating to such investment adviser activities and such records are so maintained or otherwise accessible as to permit independent examination thereof and enforcement of the Act and rules and regulations thereunder.".

SEC. 409. DEFINITION OF BROKER.

Section 202(a)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(3)) is amended to read as follows:

"(3) 'Broker' has the same meaning as in the Securities Exchange Act of 1934.".

SEC. 410. DEFINITION OF DEALER.

Section 202(a)(7) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(7)) is amended to read as follows:

"(7) 'Dealer' has the same meaning as in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.".

SEC. 411. NOTIFICATION AND CONSULTATION.

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 210 the following new section:

"NOTIFICATION AND CONSULTATION

"SEC. 210A. (a) IN GENERAL.—The Commission, prior to the examination of, the entry of an order of investigation of, or the commencement of any disciplinary or law enforcement proceedings against, any bank holding company, bank, or department or division of a bank that is a registered investment adviser shall give notice to the appropriate Federal banking agency, as defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), of the identity of such bank holding company, bank, or department or division and the nature of such proposed action and shall consult in writing with such appropriate Federal banking agency concerning any such proposed action, unless the protection of investors requires immediate action by the Commission and prior notice or consultation is not practical under the circumstances, in which case notice shall be given and the appropriate Federal banking agency shall be notified and consulted as promptly as possible thereafter.

"(b) EXAMINATION RESULTS.—The Commission and the appropriate Federal banking agency shall exchange the results of any examination of any bank holding company, bank, or department or division of a bank that is a registered investment adviser.

"(c) EFFECT ON OTHER AUTHORITY.—Nothing herein shall limit in any respect the authority of the appropriate Federal banking agency with respect to such bank holding company, bank, or department or division under any provision of law.".

SEC. 412. PUBLICITY.

Section 210(b) of the Investment Advisers Act of 1940 is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding the following paragraphs after paragraph (2):

"(3) in the case of any State or Federal Government official or agency or any self-regulatory organization, as defined in section 3(a)(26) of the Securities Exchange Act of 1934, for law enforcement or regulatory purposes; or

"(4) in the case of any foreign government official or agency for law enforcement or regulatory purposes.".

TITLE V—INSURANCE ACTIVITIES

SEC. 501. SHORT TITLE.

This title may be cited as the "Bank Holding Company and National Bank Improvements Act of 1989".

SEC. 502. AMENDMENTS TO THE BANK HOLDING COMPANY ACT OF 1956 RELATING TO INSURANCE ACTIVITIES.

(a) DEFINITION.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended by adding at the end thereof the following new subsection:

"(p) INSURANCE ACTIVITIES.—For the purposes of this Act, the term 'insurance activities' means providing insurance as principal, agent, or broker.

(b) INSURANCE ACTIVITIES.—Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended—

(1) by adding at the end thereof the following subsection:

"(j) INSURANCE ACTIVITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section or section 3 of this Act (but subject to paragraphs (2) and (3)), a bank holding company or any bank or nonbank subsidiary or affiliate thereof shall not engage in insurance activities in the

United States, except that a bank holding company or any bank or nonbank subsidiary or affiliate thereof may provide insurance—

"(A) pursuant to subsection (c)(8) of this section;

"(B) through a State bank or subsidiary thereof to the extent permissible under clause (i), (ii), (iii), (v), or (vi) of subsection (c)(8)(C) and under State law;

"(C) if—

"(i) the insurance is provided by a State bank subsidiary of a bank holding company, or by a subsidiary of that State bank;

"(ii) that bank or subsidiary thereof is located in the one State where the operations of that bank holding company's banking subsidiaries are principally conducted for purposes of section 3(d) of this Act;

"(iii) the insurance activities engaged in by the bank or subsidiary thereof are authorized by State law; and

"(iv) the insurance is provided only to residents of that State, natural persons employed in that State, or natural persons otherwise present in that State; or

"(D) pursuant to section 5136 or 5136B of the Revised Statutes.

"(2) EXCLUSIONS.—Paragraph (1) shall not apply to insurance activities of any company or institution pursuant to section 3(f) or the proviso to subsection (a)(2) of this section.

"(3) AUTHORITY TO CONTINUE CERTAIN ACTIVITIES.—Notwithstanding any other provision of this section, a bank holding company may continue to—

"(A) engage in any insurance activity through a State bank or subsidiary thereof if—

"(i) the bank was acquired after December 31, 1984, and before March 2, 1988, pursuant to Board approval under section 3(d) of this Act;

"(ii) the bank provides insurance only to residents of that State, natural persons employed in that State, or natural persons otherwise present in that State; and

"(iii) such insurance insures against the same types of risks as insurance provided by the bank or subsidiary as of the day before its acquisition by the out-of-state bank holding company or as of March 2, 1988, or against functionally equivalent risks;

"(B) provide title insurance coverage through a State bank or subsidiary thereof if the bank was required to be empowered to provide title insurance as a condition of its initial chartering under State law;

"(C) continue to engage in any insurance activity lawfully engaged in prior to the date of enactment of this subsection, in the State of Indiana and in any State contiguous thereto, if the bank holding company or subsidiary thereof is located in the State of Indiana and was acquired on June 30, 1986, pursuant to Board approval under section 3(d) of this Act issued on May 28, 1986;

"(D) engage in any insurance activity through a State bank or subsidiary thereof if—

"(i) the bank is described in clauses (i) and (ii) of subparagraph (A); and

"(ii) the insurance activity of the State bank or subsidiary thereof is limited (I) to life, accident, and health insurance activities for which it has been licensed prior to March 2, 1988, pursuant to State law enacted after July 20, 1987, and in effect prior to September 28, 1987, and (II) to the State in which it has been licensed; or

"(E) provide through a State bank, or subsidiary thereof, pursuant to authorization by the appropriate State banking regulator prior to March 2, 1988, financial guaranty insurance. For purposes of this subparagraph, the term 'financial guaranty insurance' means insurance against the risk of default on State and local government debt obligations, corporate debt and other monetary obligations, pass-through securities (other than those secured by mortgages on real property which are insurable by a mortgage guaranty insurer), and installment purchase agreements executed as a condition of sale, but such term does not include life, property, or casualty insurance. This subparagraph does not preclude any interested party from challenging the legality of these described activities under section 4(c)(8) of the Bank Holding Company Act of 1956, as in effect on March 2, 1988.

"(4) DEFINITIONS.—

"(A) INSURANCE.—For purposes of this subsection and subsections (c)(8) and (c)(15)(J)(iv) of this section, the term 'insurance' means—

"(i) traditional insurance products and services;

"(ii) variable annuity contracts; and

"(iii) variable life insurance contracts.

"(B) RESIDENT.—For purposes of this subsection, the term 'residents of that State' includes natural persons who are residents of the State and—

"(i) companies incorporated in, or organized under the laws of, the State,

"(ii) companies licensed to do business in the State, and

"(iii) companies having an office in the State."; and

(2) in subsection (c)(8)(C)(iv), by inserting immediately before the semicolon at the end the following: ", except that—

"(I) the authorization to provide insurance pursuant to this clause shall terminate if control of the company providing the insurance is acquired by a bank holding company—

"(a) on or after October 15, 1982, in a transaction requiring Board approval under section 3(d) if the bank holding company did not obtain board approval to engage in such insurance activities under this section prior to March 2, 1988; or

"(b) on or after March 2, 1988;

unless such acquiring company is a successor or is and continues to be a bank holding company with total assets of $50,000,000 or less; and

"(II) no company that is an affiliate of a company providing insurance pursuant to this clause shall provide insurance pursuant to this clause on or after March 2, 1988, unless such affiliated company itself meets the requirements of this clause.".

SEC. 503. AMENDMENTS TO THE NATIONAL BANK ACT.

(a) Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended—

(1) by inserting "(a) IN GENERAL.—" immediately before "Upon duly making and filing"; and

(2) by adding at the end thereof the following new subsection:

"(b) LIMITATION ON INSURANCE POWERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a national bank, or subsidiary (as defined in section 2(d) of the Bank Holding Company Act of 1956) of a national bank, may not engage in insurance activities in the United States except to the extent that the insurance is limited to assuring the repayment of the outstanding balance due on any specific extension of credit by the national bank in the event of the death, disability, or involuntary unemployment of the debtor and except to the extent provided in section 5136B of this title.

"(2) EXCEPTIONS.—Paragraph (1) does not prohibit (A) any company engaged in municipal bond guarantee insurance activities pursuant to authorization by the Comptroller of the Currency on or before May 2, 1985, from continuing to engage in such activities, or (B) any company lawfully engaged in title insurance activities as of March 2, 1988, from continuing to engage in such activities, if such activities are limited to the State in which the bank is located, and if the bank is not acquired after March 2, 1988, by a bank holding company the principal banking operations of which are conducted in another State.

"(3) INSURANCE DEFINITION.—The term 'insurance' has the meaning given to that term in section 4(j)(4) of the Bank Holding Company Act of 1956.

"(4) INSURANCE ACTIVITIES DEFINED.—The term 'insurance activities' means providing insurance as principal, agent, or broker.".

(b) Chapter 1 of title LXII of the Revised Statutes is amended by inserting after section 5136A the following new section:

"SEC. 5136B. LIMITED INSURANCE POWERS FOR NATIONAL BANKS LOCATED IN RURAL AREAS.

"(a) IN GENERAL.—In addition to the powers vested by law in national banking associations, any such association located in a place that has a population not exceeding 5,000 (as shown by the preceding decennial census) may sell insurance as defined in section 5136(b)(3) so long as such insurance activities are confined to that place, and the insurance is sold only to residents of the State in which the association is located or to natural persons employed in that State. For purposes of this subsection, the term 'residents of that State' includes natural persons who are residents of the State and (1) companies incorporated in, or organized under the laws of, the State, (2) companies licensed to do business in the State, and (3) companies having an office in the State.

"(b) ADDITIONAL LIMITATIONS.—No national banking association described in subsection (a) may—

"(1) assume or guarantee the payment of any premium on insurance policies issued through the agency of the association by the insurance company for which such association is acting as agent pursuant to subsection (a); and

"(2) guarantee the truth of any statement made by an assured in filing such person's application for insurance.".

(c) EFFECT ON CERTAIN COMPANIES.—This section shall not affect the ability of—

(1) a national bank or a subsidiary thereof, located in Oregon or Washington, to continue to engage in insurance activities lawfully engaged in as of March 2, 1988, within the State in which the main office of such national bank is located; or

(2) a national bank chartered in 1882 (or a subsidiary thereof) to continue to engage in insurance activities in which it was lawfully engaged as of March 2, 1988, within 30 miles of such bank's main office if such main office is not within 30 miles of any city that had a population exceeding 150,000 under the 1980 census.

EXPLANATION: THE PROXMIRE FINANCIAL MODERNIZATION ACT OF 1991

GENERAL SUMMARY

The Proxmire Financial Modernization Act of 1991 includes five titles of the bill by the same name which the Senate approved in 1988. Those titles deal with bank and bank affiliates' powers and their regulation. The bill authorizes a bank holding company to operate securities affiliate under strict regulation by the Federal Reserve Board and the

Securities and Exchange Commission. The bill also implements the concept of functional regulation for securities of bank holding companies.

SECURITIES AFFILIATIONS OF BANKS

Title I repeals the two provisions of the Glass-Steagall Act of 1933 that prohibit affiliations between banks and securities firms. Bank holding companies would be allowed to offer most securities underwriting services through a separately organized and capitalized affiliate. The securities affiliate would be permitted to underwrite mutual funds, corporate bonds and corporate equity securities. Also, securities firms engaged in corporate equity underwriting would be able to purchase and operate a commercial bank through the holding company format.

The SEC would be given enforcement authority over the new securities activities authorized in the legislation as well as over many of the existing securities activities that are already being conducted by commercial banks under current law. A bank holding company must conduct any underwriting, dealing or distribution activities through the securities affiliate—with the only exceptions being certain activities permissible to national banks (e.g., underwriting government securities). The securities affiliate must be registered with the SEC as a broker or dealer and is fully subject to SEC regulation.

Only bank holding companies whose banks meet capital standards may establish securities affiliates. The capital that a holding company invests in a securities affiliate must be in addition to the capital necessary for it to satisfy minimum bank holding company capital requirements. Further, the bill strengthens sections 23A and 23B of the Federal Reserve Act, which already significantly regulate transactions between banks and their affiliates within a bank holding company. The bill also reinforces these protections and with additional disclosure requirements and various firewalls.

The firewalls are designed to promote impartial credit decisions by the bank and to prevent any losses by the securities affiliate from coming under the umbrella of deposit insurance protection. If a bank's risk assessment under the Deposit Insurance Reform Act of 1991 is above average, a bank would be prohibited from doing the following:

lending to its securities affiliate;

from purchasing financial assets from its securities affiliate;

from providing credit enhancement for the benefit of securities underwritten by its affiliate;

from lending to purchasers of securities underwritten by its affiliate during the underwriting and for 30 days thereafter; and,

from lending to an issuer of securities underwritten by its affiliate for the purpose of paying off those securities.

Additionally, the bill requires the following disclosures and other measures designed to protect customers of the bank and the securities affiliate:

The securities affiliate must make certain written disclosures emphasizing that the securities affiliate is separate from any affiliated bank and that securities handled or recommended by the securities affiliate are not insured deposits.

The bank may not express any opinion on the value of securities that are being handled by the securities affiliate without informing the customer of the securities affiliates' role.

Nonpublic information about a customer may not be shared between the bank and its securities affiliate without the customer's consent.

The securities affiliate may not underwrite or distribute securities that are secured by loans originated by the bank unless the securities are rated by a nationally recognized rating organization.

The banking regulatory agencies and the SEC must establish a program for ensuring compliance by the banks and securities affiliates it supervises and for responding to any customer complaints about inappropriate cross-marketing or inadequate disclosure.

To protect against undue concentration, the bill bars Federal Reserve approval of new affiliations between any bank holding company with more than $30 billion in assets and any securities firm with more than $15 billion in assets. (In the case of U.S. firms, this would bar mergers between any of the 15 largest banking and securities firms.) In addition, other antitrust laws would continue to apply.

EXPEDITED PROCEDURES

Title II of the bill sets up an expedited procedure under which qualified banks may establish bank holding companies. In addition, the procedure for allowing bank holding companies to engage in eligible nonbanking activities is changed from an application procedure to a notice procedure. In acting on such notices, the Board must consider a technological or other innovations in the provision of banking or banking-related services. Smaller banks may join to form a so-called bankers' bank holding company for the purposes of operating a securities affiliate.

BROKER-DEALER REGULATION

Together with Title III defines the authority of the various bank regulatory agencies and the Securities and Exchange Commission (SEC) in policing securities activities of banking organizations. Brokers, who make securities transactions for clients, and dealers, who trade for the firm's account, will generally be required to conduct their activities outside of banks in affiliates or subsidiaries subject to SEC regulation. However, banks may themselves offer brokerage services subject to regulation by the banking agencies if they do not publicly solicit this business or pay brokerage employees volume incentives.

Special rules apply for securities transactions in trust departments and other traditional banking areas. In addition, banks may themselves act as dealers if they trade as fiduciaries, or when they trade commercial paper and other specific securities.

INVESTMENT COMPANY REGULATION

Title IV deals with investment companies, which include mutual funds, closed-end investment companies and unit investment trust. The SEC oversees investment companies, and the bill provides the SEC with additional authority over certain situations involving banks affiliated with investment companies. In addition, the bill requires the SEC to register and oversee investment advisers; and, it subjects banks and bank holding companies that advise investment companies to the Investment Advisers Act restrictions on performance fees, as well as agency cross and principal transactions.

Title IV also restricts certain transactions between investment companies and their banking affiliates. An investment company may not borrow from an affiliated bank, except in accordance with SEC rules. An investment company may not purchase securities during an underwriting if the proceeds help the seller pay off any obligations to an affiliated bank. And, investment companies may not suggest in any way that their products enjoy any kind of Federal bank insurance.

INSURANCE

Title V places limits on the ability of bank holding companies to engage in insurance activities across state lines by acquiring state-chartered banks. A bank would not be permitted to provide insurance as authorized by State law in its parent holding company's home State. Current interstate insurance activities that do not conform to this requirement are grandfathered. National banks may continue to engage in insurance agency activities in towns of 5,000 or less, provided the sales are confined to the town and its environs. Other national bank insurance activities are limited to credit-related insurance.

By Mr. COCHRAN:

S. 264. A bill to authorize a grant to the National Writing Project; to the Committee on Labor and Human Resources.

NATIONAL WRITING PROJECT

• Mr. COCHRAN. Mr. President, the United States faces a crisis in writing both in our schools and in the workplace. "The Writing Report Card," the Nation's assessment of student writing ability, conducted by the U.S. Department of Education, recently reported that fewer than 25 percent of our high school juniors can write an adequate letter. Universities and colleges across the country report increasing numbers of entering freshmen who are unable to meet the writing demands of college work. Lack of writing skill also contributes to the unfavorable comparisons of American students with those in other countries in many academic subjects. In testimony before the Senate Labor and Human Resources Committee, business leaders expressed serious concern about the basic skills of entry level workers. They indicated that the lack of writing ability is a key element of our Nation's illiteracy problem.

Today, I am introducing important legislation to improve the quality of student writing and learning, as well as the teaching of writing in the Nation's classrooms. This legislation authorizes $10 million in Federal support for the national writing project, which currently provides training to teachers to enhance the teaching of writing at 143 sites in 44 States, most of which are associated with universities. Last year, 87,000 teachers voluntarily sought training in one of the national writing project intensive summer and school-year workshops.

The national writing project is a "teachers-teaching-teachers program" which identifies and promotes productive techniques used in the classrooms of our best teachers. It is a positive program celebrating good teaching practice, one which through its work with schools, increases the Nation's corps of successful classroom teachers. When the project was funded for an unprecedented 10th year by the National Endowment for the Humanities, a spokesman said:

> I have no hesitation in saying that the National Writing Project has been by far the most effective and "cost effective" project in the history of the Endowment's support for elementary and secondary education programs.

In Mississippi, national writing project sites have contributed greatly to the remarkable improvement in the quality of teaching. Program participants include not only English teachers but also teachers of history, geography, math, reading, science and elementary schools. The result has been a measurable improvement in student performance and a rekindling of teachers' enthusiasm, confidence and morale.

Over the past 17 years, the national writing project has received numerous national awards and has been generously funded by private foundations such as the Carnegie and Mellon Foundations, as well as State and local agencies. However, program needs have far exceeded the funding potential of these organizations. Each year more and more teachers seek training from one of the existing sites. In light of the need for approximately 250 regional sites to establish a network to serve all the Nation's teachers, it is discouraging to note that 13 sites in 8 States have become inactive within the past year due to inadequate funding.

This legislation would authorize the funding of 50 percent of the cost of existing sites and 50 percent of the cost of establishing new sites, with a maximum of $40,000 per site on a dollar-for-dollar matching basis. It would fund matching grants to teachers to conduct research on effective classroom practices and to the national writing project to disseminate information on effective teaching of writing. The Office of Educational Research and Information in the U.S. Department of Education would receive $500,000 to conduct research on the teaching of writing and on methods to use as a learning tool to improve the quality of education.

In light of the widespread problems described in the "Writing Report Card," this legislation could not be more timely. As Union Carbide warned in its report "Undereducated, Undercompetitive USA," "Without improvements, we have, at best, an undereducated population which keeps this Nation from reaching its highest economic potential." Since the ability to put thoughts into words is fundamental to learning, it is unfortunate that many teachers are not prepared to teach writing as part of basic education and consequently fail to concentrate on their students' writing abilities. By improving writing instruction as part of a basic education, I believe this legislation will provide a very high return for a modest investment and will take us further toward our goal of improving the quality of education in our Nation.

During the last session, I introduced an identical bill, which was cosponsored by 40 Senators and adopted by the Senate Labor and Human Resources Committee as part of the National Teacher Act (S. 1676). Unfortunately, the bill did not become law. In addition, national writing project legislation passed the other body unanimously as part of the Equity and Excellence in Education Act (H.R. 5932) but because there was no comparable Senate passed bill, the legislation died.

However, the Appropriations Committees of both Houses agreed to a $2 million appropriation for the program in fiscal year 1991. In order for the national writing project to use those funds, we must pass this authorizing legislation before September 30, 1991.

In closing, I would like to read a poem written by Alisha Burkett, a third grade student of Judy Sandlin, a teacher at the Brian Elementary School in Birmingham, AL. Ms. Sandlin participated in the national writing project's summer writing institute and now her students write on a daily basis. This poem is an example.

I used to be a letter
  but now I'm a word;
I used to be a word
  but now I'm a sentence;
I used to be a sentence
  but now I'm a poem;
I used to be a student
  but now I'm a writer.

I urge other Senators to join me in supporting this legislation with the intention of moving it forward early this session.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the United States faces a crisis in writing in schools and in the workplace;

(2) only 25 percent of 11th grade students have adequate analytical writing skills;

(3) over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities;

(5) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

(6) most teachers in the United States elementary schools, secondary schools, and colleges, have not been trained to teach writing;

(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

(8) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

(9) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the country who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

(10) the National Writing Project has become a model for programs in other academic fields;

(11) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

(12) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

(13) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

(14) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

(15) each year approximately 85,000 teachers voluntarily seek training through word of mouth endorsements from other teachers in National Writing Project intensive summer workshops and school-year inservice programs through one of the 141 regional sites located in 43 States, and in 4 sites that serve United States teachers teaching overseas;

(16) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

(17) 13 National Writing Project sites in 8 different States have been discontinued in 1988 due to lack of funding; and

(18) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support.

SEC. 2. NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—

(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(2) to support classroom research on effective teaching practice and to document student performance; and

(3) to pay the Federal share of the cost of such programs.

(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereinafter referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this part and will provide such technical assistance as may be necessary to carry out the provisions of this part.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—(1) Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(4) For the purposes of paragraph (1), the costs of teacher programs do not include the administrative costs, publication cost, or the cost of providing technical assistance to the grantee.

(e) CLASSROOM TEACHER GRANTS.—(1) The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—(1) The National Writing Project shall establish and operate a National Advisory Board.

(2) The National Advisory Board established pursuant to subsection (a) shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project deems necessary.

(3) The National Advisory Board established pursuant to subsection (a) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(g) EVALUATION.—The National Writing Project may reserve up to $100,000 from the amount authorized to be appropriated pursuant to the authority of this section to evaluate the teacher training programs conducted pursuant to this Act. The results of such evaluation shall be made available to the appropriate committees of the Congress.

(h) RESEARCH AND DEVELOPMENT ACTIVITIES.—(1) From amounts available to carry out the provisions of this subsection, the Secretary, through the Office of Educational Research and Improvement, shall make grants to individuals and institutions of higher education to conduct research activities involving the teaching of writing.

(2)(A) In awarding grants pursuant to paragraph (1), the Secretary shall give priority to junior researchers.

(B) The Secretary shall award not less than 25 percent of the funds received pursuant to subsection (i)(2) to junior researchers.

(C) The Secretary shall make available to the National Writing Project and other national information dissemination networks the findings of the research conducted pursuant to the authority of paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated for the grant to the National Writing Project, $10,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, 1994 and 1995 to carry out the provisions of this section.

(2) There are authorized to be appropriated $500,000 for each of the fiscal years 1991, 1992, 1993, 1994 and 1995 to carry out the provisions of subsection (h).

(j) DEFINITION.—As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "junior researcher" means a researcher at the assistant professor rank or the equivalent who has not previously received a Federal research grant; and

(3) the term "Secretary" means the Secretary of Education.•

By Mr. THURMOND:

S. 265. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders, and for other purposes; to the Committee on the Judiciary.

PROTECTION AGAINST TERRORISM ACT OF 1991

Mr. THURMOND. Mr. President, today I rise to introduce a measure which responds to the increased threat of terrorism against the United States and its citizens. This bill would authorize the death penalty for terrorist murders—committed either here in the United States or abroad. The measure also enhances penalties for terrorism in cases where death does not result. In addition, this bill would enhance the Government's ability to remove known terrorist aliens from the United States.

Saddam Hussein, in the first days following Desert Storm, called for the international network of terrorists to strike out against the United States and its people. Congress must respond to this threat. Acts of international terrorism against the citizens of the United States must not be permitted to go unpunished. Terrorism—the heinous, politically motivated acts carried out against the world's innocent—must be brought to an end. We must not allow these vicious murderers to hide behind a veil of political struggle and spill innocent American blood without facing severe punishment.

Mr. President, this bill would amend title 18 to authorize a sentence of death for a terrorist murder committed against any person inside the United States or committed against U.S. nationals outside the United States. In order for the death penalty to be sought, the Attorney General would have to certify that the murder was a terrorist act intended to coerce, intimidate, or retaliate against a government or a civilian population.

Currently, numerous Federal statutes provide that a sentence of death may be imposed if a person is found guilty. However, the reality is that the death penalty may not be imposed for these offenses because constitutional procedures for imposing such a sentence have not existed. On the first day of this Congress, I introduced a measure which would establish the necessary constitutional procedures for the implementation of a comprehensive Federal death penalty. Although I strongly believe that Congress should pass a comprehensive death penalty measure, the unique situation which confronts this Nation dictates that we move swiftly to pass a terrorism death penalty bill. Congress should ensure that those who respond to Saddam's calls for terrorism pay the ultimate price.

Mr. President, this measure also enhances the penalties for other terrorist acts. For example, the maximum penalty for those who engage in an attempted act of terrorism is increased from 20 to 35 years imprisonment. In addition, if an individual engages in physical violence with the intent to cause serious bodily injury and such injury does result, then that individual will face up to 10 years imprisonment.

Mr. President, according to the Federal Bureau of Investigation, there are numerous known operatives for international terrorist organizations currently residing in the United States. Congress must respond to this threat by ensuring that these individuals pay the ultimate price if they choose to act. Furthermore, Congress should assist the administration in its efforts to remove these aliens from our soil. I have included in this bill a measure which the FBI has requested that will amend current law to facilitate the removal of known terrorists from the United States. Under current law, the Federal Government finds it difficult to remove these terrorists from our country due to cumbersome deportation procedures. Meanwhile, these dangerous individuals are permitted to roam our streets and plan their vicious cowardly acts. This bill also includes a provision requested by the FBI which amends current law to enhance its ability to identify the subscriber to a phone company or other communications facility if he or she has been in contact with a foreign power or agent of a foreign power. In other words, it will facilitate the FBI's ability to learn the identity of individuals who have been in telephone contact with known terrorists.

Mr. President, the FBI has responded well to the threat of terrorism, both domestically and abroad. Congress must strengthen the ability of the FBI to deter terrorist activity. This bill would give those responsible for protecting America from terrorism the tools they need to remove known terrorists—those who have previously committed vicious acts in other countries—from our soil.

In summary, terrorism has plagued the world for many years. Increasingly, the United States has been the focus of such acts. For example, no one can forget the 241 United States military servicemen killed in Beirut by a suicide truck bomber in October 1983 or the innocent Americans killed in the December 1988 bombing of Pan Am Flight 103 over Scotland. Just last week, a terrorist accidentally detonated a bomb, killing himself, on his way to plant it in a U.S. Government building in Manila. All of these incidents, combined with the butcher of Baghdad's call to terrorism, clearly illustrate the fact that there is, indeed, an increased threat of terrorism against our people.

Mr. President, this bill will send a strong signal to those international terrorist groups that choose to make victims of innocent Americans. That message is, "If you choose to prey upon innocent Americans, you will pay the supreme price—your life." We simply cannot hesitate any longer to ensure that terrorist acts will be dealt with harshly.

In closing, Saddam Hussein has made it clear that he is unmoved by human decency and encourages acts of terrorism. His amoral acts of gassing his own people, dropping Scud missiles on Israeli civilians, and threatening to use American POW's as human shields illustrate his barbarism. Congress must act to deter and punish those who commit terrorism and take the lives of innocent Americans. Those who are known terrorists must not be permitted to lurk among us. Instead, they must be removed from our soil. In addition, those who would commit vicious, brutal acts must pay the ultimate price. We must treat terrorists for what they are, murderers, who should face the death penalty for their heinous crimes.

For these reasons, I urge my colleagues to support this legislation.

Mr. President, I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This Act may be cited as the "Protection Against Terrorism Act of 1991".

TITLE I—"TERRORISM DEATH PENALTY ACT OF 1991".

SEC. 101. DEATH PENALTY FOR TERRORIST ACTS.

(a) OFFENSE.—Subsections 2331 (a) through (c) of title 18 of the United States Code are amended to read as follows:

"(a) HOMICIDE.—Whoever kills a person while such person is inside the United States, or kills a national of the United States, while such national is outside the United States, shall—

"(1)(A) if the killing is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, or be fined under this title, or both; and

"(B) if the killing is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any terms of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than thirty years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 112(a) of this title, be fined under this title or imprisoned not more than ten years, or both.

"(b) ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.—Whoever attempts to kill, or engages in a conspiracy to kill, any human being inside the United States or any national of the United States while such national is outside the United States shall—

"(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than thirty-five years, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

"(c) OTHER CONDUCT.—Whoever engages in physical violence—

"(1) with intent to cause serious bodily injury to a person inside the United States, or a national of the United States while such national is outside the United States; or

"(2) with the result that serious bodily injury is caused to a person inside the United States, or to a national of the United States while such national is outside the United States; "Shall be fined under this title or imprisoned not more than ten years, or both."

(b) DEATH PENALTY.—Section 2331 of title 18 of the United States Code, is amended by adding at the end thereof the following:

"(f) DEATH PENALTY PROCEDURES.—

"(1) SENTENCE OF DEATH.—A defendant who has been found guilty of an offense described in subsection (a)(1)(A), if the defendant, as determined beyond a reasonable doubt at a hearing under paragraph 3—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in paragraph (2) in the course of a hearing held pursuant to paragraph (3) it is determined that imposition of a sentence of death is justified; provided that no person may be sentenced to death who was less than 16 years of age at the time of the offense.

"(2) FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) MITIGATING FACTORS.—In determining whether a sentence of death is justified, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

"(i) the defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution;

"(ii) the defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution; and

"(iii) the defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

"(B) AGGRAVATING FACTORS.—In determining whether a sentence of death is justified, the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(i) the death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoner serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (ii) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy);

"(ii) the defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(iii) the defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

"(iv) the defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(v) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(vi) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(vii) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(viii) the defendant committed the offense after planning and premeditation to cause the death of a person or commit an act of terrorism;

"(ix) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance;

"(x) the victim was particuarly vulnerable due to old age, youth, or infirmity; the defendant committed the offense against—

"(I) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(II) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(III) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(IV) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(aa) while he is engaged in the performance of his official duties;

"(bb) because of the performance of his official duties; or

"(cc) because of his status as a public servant.

For purposes of this subparagraph a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution of an offense.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(3) SPECIAL HEARING TO DETERMINE WHETHER A SENTENCE OF DEATH IS JUSTIFIED.—

"(A) Notice by the government.—If the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, he shall at a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant a notice—

"(i) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(ii) setting forth the aggravating factor or factors that the government if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(B) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant if found guilty of or pleads guilty to an offense described in paragraph (1) the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(i) before the jury that determined the defendant's guilt;

"(ii) before a jury impaneled for the purpose of the hearing if—

"(I) the defendant was convicted upon a plea of guilty;

"(II) the defendant was convicted after a trial before the court sitting without a jury;

"(III) the jury that determined the defendant's guilt was discharged for good cause; or

"(IV) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(iii) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (3)(b)(2) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(C) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under paragraph (1), no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under paragraph (2).

Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, regardless of his admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(D) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return a special finding as to each mitigating and aggravating factor, concerning which information is presented at the hearing, required to be considered under paragraph (2). The jury must find the existence of an aggravating factor by a unanimous vote although it is unnecessary that there be a unanimous vote on any specific aggravating factor if a majority of the jury finds the existence of such a specific factor. A finding with respect to a mitigating factor may be made by one or more members of the jury and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who consider that the factor has been established.

"(E) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under subparagraph (2)(c) is found to exist, the jury, or if there is no jury, the court, shall then consider whether all the aggravating factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court shall return a finding as to whether a sentence of death is justified.

"(F) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subparagraph (E), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury, upon return of a finding under subparagraph (E), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant was not involved in reaching the juror's individual decision.

"(4) IMPOSITION OF A SENTENCE OF DEATH.—Upon a finding under subparagraph (3)(E) that a sentence of death is justified, the court shall sentence the defendant to death. Upon a finding under subparagraph (3)(E) that a sentence of death is not justified, or under subparagraph (3)(E) that no aggravating factor required to be found exists, the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without parole.

"(5) REVIEW OF A SENTENCE OF DEATH.—

"(A) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(B) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(i) the evidence submitted during the trial;

"(ii) the information submitted during the sentencing hearing;

"(iii) the procedures employed in the sentencing hearing; and

"(iv) the special findings returned under subparagraph (3)(D).

"(C) DECISION AND DISPOSITION.—

"(i) If the court of appeals determines that—

"(I) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(II) the information supports the special finding of the existence of an aggravating factor required to be considered under paragraph (2);

it shall affirm the sentence,

"(ii) in any other case, the court of appeals shall demand the case for reconsideration under paragraph (3).

"(iii) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(6) IMPLEMENTATION OF A SENTENCE OF DEATH.—A person who has been sentenced to death pursuant to the provisions of this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a woman while she is pregnant.

"(7) USE OF STATE FACILITIES.—

"(A) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(B) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

TITLE II—TERRORIST ALIEN REMOVAL

SEC. 201. This Act may be cited as the "Terrorist Alien Removal Act of 1991."

SEC. 202. The Congress finds that—

(a) Terrorist groups have been able to create significant infrastructures and cells in the United States among persons who are in the United States either temporarily, as students or in other capacities, or as permanent resident aliens.

(b) International terrorist groups that sponsor these infrastructures were responsible for—

(1) conspiring to bomb the Turkish Honorary Consulate in Philadelphia, Pennsylvania in 1982;

(2) hijacking TWA flight 847 during which a United States Navy diver was murdered in 1985;

(3) hijacking Egypt Air Flight 648 during which three Americans were killed in 1985;

(4) murdering an American citizen aboard the Achille Lauro cruise liner in 1985;

(5) hijacking Pan Am Flight 73 in Karachi, Pakistan, in which 44 Americans were held hostage and two were killed in 1986;

(6) conspiring to bomb an Air India aircraft in New York in 1986;

(7) attempting to bomb the Air Canada cargo facility at the Los Angeles International airport in 1986; and

(8) numerous bombings and murders in Northern Ireland over the past decade.

(c) Certain governments and organizations have directed their assets in the United States to take measures in preparation for the commission of terrorist acts in this country.

(d) Present immigration laws have not been used to any significant degree by law enforcement officials to deport alien terrorists because compliance with these laws with respect to such aliens would compromise classified intelligence sources and information. Moreover, appellate procedures routinely afforded aliens following a deportation hearing frequently extend over several years resulting in an inability to remove expeditiously aliens engaging in terrorist activity.

(e) Present immigration laws are inadequate to protect the national security of the United States from terrorist attacks by certain aliens. Therefore, new procedures are needed to remove alien terrorists from the United States and thus reduce the threat that such aliens pose to the national security and other vital interests of the United States.

SEC. 203. (a) Subsection 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)) is amended by adding at the end thereof a new paragraph 21 as follows:

"(21) either prior or subsequent to entry is engaging in or has engaged in terrorist activity.".

(b) Subsection 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end thereof the following new paragraphs:

"(43) The term 'terrorist activity' means any activity which is unlawful under the law of the place where it is committed, or which, if committed in the United States would have been unlawful under the laws of the United States or of any State and which involves—

"(A) the hijacking of an aircraft, vessel, or vehicle;

"(B) the sabotage of an aircraft, vessel, or vehicle;

"(C) the seizing or detaining and threatening to kill, injure, or continue to detain another person in order to compel a third person or governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained or seized;

"(D) a violent attack upon the person or liberty of an 'internationally protected person' as defined in 18 U.S.C. 1116(b)(4);

"(E) the use of any explosive, biological agent, chemical agent, nuclear weapon or device, or firearm with intent to endanger, directly or indirectly, the safety of people or cause substantial damage to property;

"(F) an assassination; or

"(G) any threat, attempt, or conspiracy to do any of the foregoing.

"(44) The term 'engage in a terrorist activity' means to commit an act of terrorist activity or to do an act which the actor knows, or reasonably should know, affords material support to any individual or enterprise in conducting terrorist activity at any time including, but not limited to—

"(A) the preparation and planning of terrorist activity;

"(B) the gathering of intelligence on potential targets for terrorist activity;

"(C) the providing of any type of material support including but not limited to a safe house, transportation, funds, false identification, weapon, or explosive to any individual who the actor knows or has reason to believe has committed or plans to commit an act of terrorist activity;

"(D) the soliciting of funds or other things of value for terrorist activity or for any organization which engages in or which has engaged in terrorist activity; or

"(E) the solicitation of any individual for membership in a terrorist enterprise;

The term does not include lawful speeches, writings, or attendance and participation in peaceful public assemblies; *Provided, however*, That evidence of any speech, writing, or participation in any public assembly may be used to show the actor's awareness of the unlawful methods of an individual or enterprise conducting terrorist activity.

"(45) The term 'individual' means a human being.

"(46) The term 'enterprise' means an organization or government.".

SEC. 204. The Immigration and Nationality Act is amended by adding at the end thereof a new Title V as follows:

TITLE V—REMOVAL OF ALIEN TERRORISTS

"Sec.

"501 (adds 8 U.S.C. §1601). Applicability.

"502 (adds 8 U.S.C. §1602). Special Removal Hearing.

"503 (adds 8 U.S.C. §1603). Designation of Judges.

"504 (adds 8 U.S.C. §1604). Miscellaneous Provisions.

§501. Applicability

"(a) The provisions of this title may be followed in the discretion of the Department of Justice whenever the Department of Justice has information that an alien described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) is subject to deportation because of that paragraph.

"(b) Whenever an official of the Department of Justice files, under section 502, an application with the court established under section 503 for authorization to seek removal pursuant to the provisions of this title, the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title. Except as they are specifically referenced, no other provisions of the immigration and Nationality Act shall be applicable. An alien subject to removal under these provisions shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act or otherwise for national security purposes, nor shall such alien have the right to seek suppression of evidence derived in such manner. Further, the government is authorized to use, in the removal proceeding, the fruits of electronic surveillance authorized under the Foreign Intelligence Surveillance Act without regard to subsections 106(c), (e), (f), (g) and (h) of that Act.

"(c) This title is enacted in response to findings of Congress that aliens described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) represent a unique threat to security of the United States. It is the intention of Congress that such aliens be promptly removed from the United States following—

"(1) a judicial determination of probable cause to believe that a person is such an alien; and

"(2) a judicial determination pursuant to the provisions of this title that an alien is removable on the grounds that he is an alien described in paragraph 21 of subsection 241(a) (8 U.S.C. 1251(a)(21));

and that such aliens not be given a deportation hearing and are ineligible for any discretionary relief from deportation and for relief under subsection 243(h) of the Immigration and Nationality Act.

§502. Special Removal Hearing

"(a) Whenever removal of an alien is sought pursuant to the provisions of this title, a written application upon oath or affirmation shall be submitted in camera and ex parte to the court established under section 503 for an order authorizing such a procedure. Each application shall require the approval of the Attorney General, the Deputy Attorney General, or the Associate Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this title. Each application shall include—

"(1) the identity of the Department of Justice attorney making the application;

"(2) the approval of the Attorney General, the Deputy Attorney General, or the Associate Attorney General for the making of the application;

"(3) the identity of the alien for whom authorization for the special removal procedures is sought; and

"(4) a statement of facts and circumstances relied on by the Department of Justice to establish that

"(A) an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) is physically present in the United States; and

"(B) with respect to such alien, adherence to the provisions of Title II of this Act regarding the deportation of aliens would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information.

"(b) The application shall be filed under seal with the court established under section 503. The Attorney General may take into custody any alien with respect to whom such an application has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

"(c) In accordance with the rules of the court established under section 503, the judge shall consider the application and may consider other information presented under oath or affirmation at an in camera and ex parte hearing on the application. A verbatim record shall be maintained of such a hearing. The application and any other evidence shall be considered by a single judge of the court who shall enter an ex parte order as requested if he finds, on the basis of the facts submitted in the application and any other information provided by the Department of Justice at the in camera and ex parte hearing, there is probable cause to believe that—

"(1) the alien who is the subject of the application has been correctly identified and is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a); and

"(2) adherence to the provisions of Title II of this Act regarding the deportation of the identified alien would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information.

"(d)(1) In any case in which the application for the order is denied, the judge shall prepare a written statement of his reasons for his denial and the Department of Justice may seek a review of the denial by the Court of Appeals for the Federal Circuit by notice of appeal which must be filed within twenty days. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte.

"(2) If the Department of Justice does not seek review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to Title II of this Act as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens.

"(3) If the application for the order is denied because the judge has not found probable cause to believe that the alien who is the subject of the application has been correctly identified or is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)) and the Department of Justice seeks review, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to Title II of this Act as an alien subject to deportation, in which case such alien shall be treated in accordance with the provisions of this Act concerning the deportation of aliens simultaneously with the application of this Title.

"(4) If the application for the order is denied because, although the judge found probable cause to believe that the alien who is the subject of the application has been correctly identified and is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)), the judge has found that there is not probable cause to believe that adherence to the provisions of Title II of this Act regarding the deportation of the identified alien would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in subsections 3142(b) and (c)(1)(B)(i)-(xiv) of title 18 that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community, but if the judge finds no such condition or combination of conditions the alien shall remain in custody until the completion of any appeal authorized by this title. The provisions of sections 3145–3148 of title 18 pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom the previous sentence applies and—

"(A) for purposes of section 3145 an appeal shall be taken to the Court of Appeals for the Federal Circuit; and

"(B) for purposes of section 3146 the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(e)(1) In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider separately each item of evidence the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing. The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that the introduction other than in camera and ex parte would tend to harm the national security of the United States, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source of information. With respect to any evidence which the judge authorizes to be introduced in camera and ex parte, the judge shall cause to be prepared and shall sign, and the Department of Justice shall cause to be delivered to the alien, either—

"(A) a written summary which shall be sufficient to inform the alien of the general nature of the evidence that he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)) and to permit the alien to marshal the facts and prepare a defense, but which shall not tend to harm the national security, adversely affect foreign relations, reveal an investigative technique important to efficient law enforcement, or disclose a confidential source; or

"(B) if necessary to prevent serious harm to the national security or death or serious bodily injury to any person, a statement informing the alien that no such summary is possible.

"(2) The Department of Justice may take an interlocutory appeal of the United States Court of Appeals for the Federal Circuit of any determination by the judge pursuant to paragraph (1)—

"(A) concerning whether an item of evidence may be introduced in camera and ex parte;

"(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to subparagraph (e)(1)(A); or

"(C) ruling that no summary of evidence to be introduced in camera and ex parte is possible pursuant to subparagraph (e)(1)(B).

In any interlocutory appeal taken pursuant to this paragraph, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal which shall hear the matter ex parte. The Court of Appeals shall consider the appeal as expeditiously as possible.

"(f) In any case in which the application for the order is approved, the special removal hearing authorized by this section shall be conducted for the purpose of determining if the alien to whom the order pertains should be removed from the United States on the grounds that he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)). In accordance with subsection (e), the alien shall be given reasonable notice of the nature of the charges against him. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

"(g) The special removal hearing shall be held before the same judge who granted the order pursuant to subsection (e) unless that judge is deemed unavailable due to illness or disability by the chief judge of the court established pursuant to section 503, or has died. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

"(h) The hearing shall be open to the public. The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent him. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted as provided for in section 3006A of title 18, all provisions of that section shall apply, and for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged. The alien may be called as a witness by the Department of Justice. The alien shall have a right to introduce evidence on his own behalf. Except as provided in subsection (j), the alien shall have a reasonable opportunity to examine the evidence against him and to cross-examine any witnesses. A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept. The decision of the judge shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (j).

"(i) At any time prior to the conclusion of the hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (j), and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena. If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid for from funds appropriated for the enforcement of Title II of this Act. A subpoena under this subsection may be served anywhere in the United States. A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States. Nothing in this subsection is intended to allow an alien to have access to classified information.

"(j) Evidence which has either been summarized pursuant to subsection (e)(1)(A) or for which no summary has been deemed possible pursuant to subsection (e)(1)(B) shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien, nor the public shall be informed of such evidence or its source other than through reference to the summary provided pursuant to subsection (e)(1)(A) or to the explanation that no summary could be provided pursuant to subsection (e)(1)(B). Notwithstanding the previous sentence, the Department of Justice may, in its discretion, elect to introduce such evidence in open session.

"(k) Evidence introduced at the hearing, either in open session or in camera and ex parte may, in the discretion of the Department of Justice, include all or part of the information presented under subsections (a) through (c) used to obtain the order for the hearing under this section.

"(l) Following the receipt of evidence, the attorney for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

"(m) The Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because he is an alien as described in paragraph 21 of subsection 241(a) of this Act (8 U.S.C. 1251(a)(21)). If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed.

"(n)(1) At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of evidence received in camera and ex parte pursuant to subsection (j) shall not be made available to the alien or the public.

"(2) The decision of the judge may be appealed by either the alien or the Department of Justice to the Court of Appeals for the Federal Circuit by notice of appeal which must be filed within twenty days, during which time such order shall not be executed. In any case appealed pursuant to this subsection, the entire record shall be transmitted to the Court of Appeals and information received pursuant to subsection (j), and any portion of the judge's order that would reveal such information or its source, shall be transmitted under seal. The Court of Appeals shall consider the case as expeditiously as possible.

"(3) In an appeal to the Court of Appeals pursuant to either subsections (d) or (e) or this subsection, the Court of Appeals shall review questions of law de novo but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(o) If the judge decides, pursuant to subsection (n), that the alien should not be removed, the alien shall be released from custody unless such alien may be arrested and taken into custody pursuant to Title II of this Act as an alien subject to deportation in which case, for purposes of detention, such alien may be treated in accordance with the provisions of this Act concerning the deportation of aliens.

"(p) Following a decision by the Court of Appeals pursuant to either subsection (d) or subsection (n), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal.

"§ 503. Designation of Judges

"(a) The Chief Justice of the United States shall publicly designate five district court judges from five of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all matters and proceedings authorized by section 502. One of the judges so appointed shall be publicly designated as the presiding judge by the Chief Justice. The presiding judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

"(b) Proceedings under section 502 shall be conducted as expeditiously as possible. The Chief Justice, in consultation with the Attorney General and other appropriate federal officials, shall, consistent with the objectives of this title, provide for the maintenance of appropriate security measures for applications for ex parte orders to conduct the special removal hearing authorized by section 502, the orders themselves, evidence received in camera and ex parte, and other matters as necessary to protect information concerning matters before the court from harming the national security of the United States, adversely affecting foreign relations, revealing investigative techniques, or disclosing confidential sources of information.

"(c) Each judge designated under this section shall serve for a term of five years and shall be eligible for redesignation except that the four associate judges first designed under subsection (a) shall be designated for terms of from one to four years so that one term expires each year.

"§ 504. Miscellaneous Provisions

"(a)(1) Following a determination pursuant to this title that an alien shall be removed, and after the conclusion of any judicial review thereof, the Attorney General may retain the alien in custody, or if the alien was released pursuant to subsection 502(o) may return the alien to custody, and shall cause the alien to be transported to any country which the alien shall designate provided such designation does not, in the Attorney General's judgment, impair any treaty (including a treaty pertaining to extradition) obligation of the United States or otherwise adversely affect the foreign policy of the United States.

"(2) If the alien refuses to choose a country to which he wishes to be transported, or if the Attorney General determines that removal of the alien to a selected country would impair a treaty obligation or adversely affect foreign policy, the Attorney General shall cause the alien to be transported to any country willing to receive such alien.

"(3) Before an alien is transported out of the United States pursuant to paragraph (1) or (2) or pursuant to an order of exclusion because such alien is excludable under paragraph 34 of subsection 212(a) of this Act (8

U.S.C. 1182(a)(34)), he or she shall be photographed and fingerprinted, and shall be advised of the provisions of subsection 276(b) of this Act (8 U.S.C. 1326(b)).

"(4) If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney general shall make periodic efforts to reach agreement with other countries to accept such an alien and shall submit a written report on his efforts to obtain such an agreement to the alien at least every six months. Any alien in custody pursuant to this subsection shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate. The actions of the Attorney General pursuant to this subsection shall not be subject to judicial review, including application for a writ of habeas corpus except for a claim that his rights under the Constitution are being violated by continued detention. Jurisdiction over any such challenge shall lie exclusively in the Court of Appeals for the Federal Circuit.

"(b)(1) Notwithstanding the provisions of subsection (a), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

"(2) Pending the commencement of any service of a sentence of confinement, by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

"(3) Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragrah (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (a) concerning removal of the alien.

"(c) For the purposes of sections 751 and 752 of title 18, an alien in the custody of the Attorney General pursuant to this title shall be considered as being committed to the custody of the Attorney General by virtue of an arrest on a charge of felony.

"(d)(1) An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunities to communicate with and receive visits from members of his or her family, and to contact, retain, and communicate with an attorney.

"(2) An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country, or an official of any country providing representation services for that country. The Attorney General shall notify the appropriate embassy of the alien's detention.".

SEC. 205. Subsection 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by adding at the end thereof a new paragraph 34 as follows:

"(34) Aliens with respect to whom the consular officer or the Attorney General knows or has reasonable ground to believe are engaging in, have engaged in, or probably would, after entry, engage in terrorist activity.".

SEC. 206. (a) Subsection 235(c) if the Immigration and Nationality Act (8 U.S.C. 1225(c)) is amended by striking out "or (29)" and inserting in lieu thereof "(29), or (34)".

(b) Section 106(b) (8 U.S.C. §1105a(b)) of the Immigration and Nationality Act is amended by adding at the end thereof the following sentence: "Jurisdiction to review an order entered pursuant to the provisions of section 235(c) of this Act concerning an alien excludable under paragraph 34 of subsection 212(a) (8 U.S.C. 1182(a)) shall rest exclusively in the United States Court of Appeals for the Federal Circuit."

SEC. 207. Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by inserting "(a)" before the phrase "Any alien who" at the beginning thereof and by adding a new subsection (b) as follows:

"(b) Any alien who has been excluded from the United States pursuant to subsection 235(c) of the Immigration and Nationality Act (8 U.S.C. 1225(c)) because such alien was excludable under paragraph 34 of subsection 212(a) of said Act (8 U.S.C. 1182(a)(34)) or has been removed from the United States pursuant to the provisions of Title V of the Immigration and Nationality Act and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be imprisoned for a period of ten years which sentence shall not run concurrently with any other sentence and fined in accordance with the provisions of title 18, United States Code.".

SEC. 208. Subsection 106(a) (8 U.S.C. 1105a(a)) of the Immigration and Nationality Act is amended by—

(1) striking from the end of paragraph 8 "; and" and inserting a period; and

(2) striking paragraph (9).

TITLE III—COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS

SECTION 301.—Section 2709 of Title 18 of the United States Code is amended by—

(1) Striking out Subsections (b) and (c); and

(2) Inserting the following new subsections (b) and (c):

"(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation (or an individual within the Federal Bureau of Investigation designated for this purpose by the Director) may:

(1) request any such information and records if the Director (or the Director's designee) certifies in writing to the wire or electronic communication service provider to which the request is made that—

(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

(B) there are specific and articulable facts giving reason to believe that the person or entity about whom information is sought or pertains is a foreign power or an agent of a foreign power as defined in Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 USC 1801); and

(2) request subscriber information regarding a person or entity if the Director certifies in writing to the wire or electronic communications service provider to which the request is made that—

(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

(B) that information available to the FBI indicates there is reason to believe that communication facilities registered in the name of the person or entity have been used; through the services of such provider, in communication with a foreign power or an agent of a foreign power as defined in Section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)."

"(c) PENALTY FOR DISCLOSURE.—No wire or electronic communication service provider, or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information under this section. Violators of this section shall be subject to penalty under Section 3571 of this Title."

By Mr. REID (for himself and Mr. BRYAN):

S. 267. A bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of the State; to the Committee on Finance.

LIMITATION ON STATE INCOME TAXATION OF PENSION OR RETIREMENT INCOME

Mr. REID. Mr. President, the issue of taxation without representation was supposedly resolved by the Revolutionary War. Most Americans would be shocked to discover that the same injustice exists today—more than 200 years after our forefathers successfully fought for independence, fairness, and freedom.

Today, Mr. President, unfair taxation has another name: State source income tax. Regardless of euphemism, it is the same injustice our ancestors fought. And today, Senator BRYAN and I are introducing legislation that prohibits what should be a moot point in post-Revolutionary America: Taxation without representation.

In the late 18th century, American colonists dumped tea into Boston Harbor because the King of England was unfairly taxing them. Living an ocean away from England, the colonists did not benefit from British roads, bridges, or services, nor were they invited to participate in British elections. In short, the colonists paid for goods they did not receive.

Today it is not a distant monarch, but nearby State governments that expect something for nothing. Governments that cross State lines, collect taxes, and retreat, offering their nonresident taxpayers nothing in return.

The men and women they tax cannot use the social services, infrastructure, or State parks that they pay for. They cannot even vote in the States they pay to run. The situation is particularly grievous for many new Silver State residents in their golden years.

Retirees come to Nevada because our climate is pleasant and our cost of living is low. These men and women had productive working lives and are responsible citizens. They planned for financial security, but are being robbed by their former States of residence.

The legislation I offer with Senator BRYAN prohibits taxing the pensions of nonresidents. Simply put, it prohibits once again taxation without representation.

This injustice is not unique to Nevada. Retirees in many States are being robbed by source tax levied by others States. Sometimes retirees wind up paying two State income taxes and Federal income tax. This is grossly unfair and must be stopped.

I invite my colleagues to join Senator BRYAN and me in the fight against source tax and once and for all end taxation without representation in America.

I ask unanimous consent that the bill be printed in full at this point and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

LIMITATION ON STATE TAXATION OF PENSION OR RETIREMENT INCOME

SECTION 1. (a) IN GENERAL.—Chapter 4 of title 4 of the United States Code is amended by adding at the end thereof the following new section:

"§114. Limitation on State income taxation of pensions or retirement income

"(a) No State may impose an income tax [as defined in section 110(c)] on the pension or retirement income of any individual who is not a resident or domiciliary of such State.

"(b) For purposes of subsection (a), the term 'State' includes any political subdivision of a State, the District of Columbia, and the possessions of the United States."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 4 is amended by adding at the end thereof the following new item:

"114. Limitation on State income taxation of pension or retirement income."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

Mr. BRYAN. Mr. President, I rise today in support of legislation just introduced by the senior Senator from Nevada which will prohibit the collection of State source income taxes from pensioners.

As we all know, many individuals choose to retire to States other than that where they spent their working life. There are many reasons for such moves, and I think we all agree that retirees have the right to live wherever they choose.

As Senator REID has just described, however, many American retirees are not allowed to break their ties to their former State. While these individuals are not allowed to vote in their former State or enjoy any of the services their former State may offer, they are forced to pay State income taxes on their retirement income to their former State.

While this problem is especially acute for retirees who move to States like Nevada, which collects no State income tax, the injustice of this "taxation without representation" should offend and outrage us all.

No one likes to pay taxes, but most of us understand the benefit we receive from the taxes we pay. What benefit do my constituents receive from the taxes they pay to California?

All of us will someday be dependent on pension income. Why should our investment in pensions tie us forever to any particular State? Many pensioners move to Nevada with no regard, or awareness, of the tax status of their pensions. One of the most distressing stories I have heard regarding these taxes has been reported in a Nevada newspaper. Quoting from the Las Vegas Review Journal:

> Perhaps the saddest case is that of 72 year old Gertrude Eberly of Fallon [Nevada]. Nine years after moving to Nevada, she suddenly was hit with a bill for $4,000 in delinquent California income taxes. Unable to pay it all out of her $13,000 annual income, Eberly agreed to pay $50 a month to California. If she lives long enough, she might be able to pay off the debt.

How can we justify such misuse of the power of taxation? These pensioners do not vote in California, and thus have no vehicle to convey their opposition to the tax. Nevada's elected officials have no power over California taxes. The only solution is Federal legislation to ban State source taxes; therefore, the need for our legislation.

Source taxation of pension income is especially troubling since, for the most part, pensions cannot be removed from the offending State. Pensioners may transfer all their other assets to whatever State they desire, but their pensions are held hostage by the State in which they were earned.

Considering the longer lives we all hope to enjoy, this fact becomes especially shocking; 85-year-old retirees are no longer uncommon: such an individual may well be paying taxes to a State from which he has derived no benefit for the past 20 years.

I have spent most of my 26 years of public service at the State level. I value the right of States to govern themselves as much as any other Member of this distinguished body. Nevertheless, these rights stop at the State border.

Senator REID and I introduced this legislation during the 101st Congress, and concluded the session with 15 cosponsors. Similar legislation introduced in the House of Representatives attracted 94 cosponsors.

I urge my colleagues in the Senate to cosponsor this legislation and to help us put an end to this unfair practice.

By Mr. BIDEN (for himself and Mr. DECONCINI):

S. 266. A bill to prevent and punish domestic and international terrorist acts, and for other purposes; to the Committee on the Judiciary.

COMPREHENSIVE COUNTER-TERRORISM ACT OF 1991

Mr. BIDEN. Mr. President, as you just heard a moment ago, and as we heard the last several days and we will hear for some days to come, the specter of terrorism, the rise of terrorism on our soil, has prompted a number of Members of this body, myself included, to take a closer look at the laws that are presently on the books that regulate and deal with terrorism.

Mr. President, there are few. As the distinguished senior Senator—not only from South Carolina, but the senior Senator, Senator THURMOND, just indicated, there is a need to deal more directly and more harshly with the prospect of terrorism and terrorists.

The crisis in the Persian Gulf has once again raised the specter of terrorist attacks against U.S. citizens, both here and abroad.

Although the past several years have been marked by a steady decline in the number of terrorist attacks against U.S. targets, the bombing of Pan Am flight 103 that took 270 lives is a tragic reminder that terrorism is a real threat to Americans.

The U.S. Government has an extensive counter-terrorism program in place. However, in recent discussions with terrorism experts from the Federal Bureau of Investigation and other law enforcement agencies, I discovered that several gaps exist in our current antiterrorism laws.

It may come as a surprise to my colleagues and the public that there is no Federal domestic terrorism law on the books. Although several types of terrorist crimes are punishable under Federal law—such as airline hijacking or hostage taking—many terrorist acts are only punishable under State law. For example:

A series of murders committed by a terrorist that are aimed at forcing the withdrawal of U.S. troops from the gulf;

Providing material support and financing to the Abu Nidal organization, a leading international terrorist group;

Sabotaging the water supply of a major U.S. city unless the President orders the release of prisoners of the gulf war.

None of these crimes would be punishable under current Federal law. And in States that do not provide capital punishment, even these brutal acts would not be punishable by the death penalty.

The bill I am introducing today, the Comprehensive Counter-Terrorism Act of 1991, would fill many of the gaps in our current antiterrorism laws.

First, the bill creates the first-ever domestic terrorism law. Under this new law, violent crimes such as murder that are committed by an agent of a foreign power with the intent to intimidate or coerce the U.S. Government would be a Federal crime.

Second, the bill provides the death penalty for terrorist acts—whether committed in the United States or against U.S. citizens abroad—that constitute first degree murder.

Third, the bill makes it a criminal offense to knowingly provide material support—weapons, financing, and other physical assets—to terrorist groups. Under this new law, the FBI would be authorized to seize and forfeit the assets of terrorist groups.

Fourth, the bill makes the willful violation of Federal Aviation Administration security regulations a crime punishable by up to 1 year in prison. According to the Presidential commission that investigated the bombing of Pan Am flight 103, the breach of FAA security rules was one of the factors that contributed to the downing of flight 103.

Finally, the bill authorizes $75 million in new funds to boost the counterterrorism efforts of the FBI, the U.S. Secret Service, and State and local law enforcement agencies.

Mr. President, this legislation should significantly enhance the authority of Federal law enforcement agencies to prevent terrorist acts before they occur and provides stiff penalties—including the death penalty, in limited circumstances—to punish terrorist acts that do occur.

What the bill does not do, however, Mr. President, is authorize the FBI or any other law enforcement agency to violate the civil rights of American citizens in the name of fighting terrorism. Fears of terrorism do not justify treating any American—no matter what his or her ethnic background may be—as second-class citizens.

Let me emphasize that again. Fears of terrorism do not justify any law enforcement agency to treat any American, regardless of their ethnic backgound, as second-class citizens.

The last 20 years have seen terrorism become one of the most common and destructive weapons leveled against democratic governments. This bill allows U.S. law enforcement agencies to strike back against terrorists, making Americans safer by providing a credible deterrent to terrorist acts, attacking the infrastructure and financing of terrorist groups, and boosting the number of counter-terrorism agents in Federal, State, and local law enforcement agencies.

Notwithstanding this tough budgetary time, that is needed. The best weapon against terrorism is sound intelligence, knowing in advance what is likely to occur; having information about the prospect of the terrorist act.

The agencies that handle counterterrorism now are doing a fine job, but in my view they need more help.

Mr. President, I ask unanimous consent that a copy of the bill that I am introducing and the detailed, section-by-section analysis be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACTSHEET ON BIDEN COMPREHENSIVE COUNTER-TERRORISM ACT OF 1991

TITLE I—PUNISHING TERRORIST ACTS

Provides the death penalty for terrorist acts committed within the United States or against U.S. citizens abroad.

Establishes the first-ever federal criminal law for acts of domestic terrorism committed by agents of a foreign power, punishable by up to life imprisonment.

Significantly boosts existing penalties for terrorist acts committed against U.S. citizens that result in serious bodily injury.

TITLE II—PREVENTING DOMESTIC AND INTERNATIONAL TERRORISM

Establishes a new criminal offense for providing material resources or support to terrorist organizations or concealing the assets of such organizations.

Authorizes the FBI to seize and forfeit material resources provided to, or used in support of, terrorist organizations.

Authorizes the Attorney General to grant permanent residency status to aliens that significantly cooperate in U.S. terrorism investigations.

TITLE III—PREVENTING AVIATION TERRORISM

Establishes a new criminal offense for knowing and willful violations of FAA security regulations.

TITLE IV—PREVENTING ECONOMIC TERRORISM

Creates a new criminal offense for counterfeiting U.S. currency outside the territorial United States.

Creates an Economic Terrorism Task Force, including experts from the Departments of Defense, Justice, State and Treasury, to assess the threat of terrorist acts against the U.S. economy and to recommend preventive measures.

TITLE V—AUTHORIZATIONS FOR COUNTER-TERRORIST AGENCIES

Boosts funding for the counter-terrorist activities of the FBI, State Department, the U.S. Secret Service, and state and local law enforcement agencies by $75 million.

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE COUNTER-TERRORISM ACT OF 1991

Sec. 1101. Short title.

This section provides that title I of this Act may be cited as the "Terrorist Death Penalty Act of 1991."

Sec. 1102. Terrorist death penalty offense; terrorist acts abroad.

18 U.S.C. 2331 makes it a federal offense, punishable by up to life imprisonment, for terrorist acts committed against U.S. nationals outside the territorial United States. This section amends 18 U.S.C. 2331 to authorize the death penalty for terrorist acts committed against U.S. nationals where the act results in first degree murder (as defined in 18 U.S.C. 1111(a)).

Sec. 1103. Death penalty procedures.

This section provides procedures to implement the death penalty in a manner that satisfies the constitutional requirements established by the Supreme Court in *Furman* v. *Georgia* and its progeny. These requirements include bifurcated trials for establishing the defendant's guilt and sentence, pretrial notice to the defendant, and the return of special findings by the jury where capital punishment is sought by the prosecution. The procedures are substantially similar to the capital punishment procedures that passed the Senate Judiciary Committee on October 20, 1989, as part of S. 32, as amended.

Sec. 1201. Criminal offense for domestic terrorist acts.

This section establishes the first-ever federal terrorism law for acts committed within the United States. Although several types of terrorism-related crimes are currently punishable under federal law—such as hostage taking (18 U.S.C. 1203) and airline hijacking (18 U.S.C. 32)—many terrorist acts are punishable only under applicable state law. For example, a series of murders committed by an Iraqi terrorist aimed at forcing the withdrawal of U.S. troops from the Gulf is not a federal offense under existing law.

The proposed new section 2236 of title 18, United States Code, would create a new federal offense for murder and other serious violent crimes that are committed by an agent of a foreign power with the intent to coerce or intimidate the United States or another government. The language is aimed at terrorist acts constituting the greatest threat to Americans—crimes committed in the United States by international terrorist groups. Specifically, the penalties under the new section 2336 are limited to terrorist acts committed by agents of a foreign power (as that term is defined in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)). The bill would not expand the FBI's authority to investigate offenses by domestic political groups that have no connection with foreign terrorists. Such offenses, of course, would remain punishable under state criminal laws.

The new section 2336 would authorize the death penalty for domestic terrorist acts that result in first degree murder, and up to life imprisonment for acts that result in death that does not constitute first degree murder. Substantial penalties are also provided for conspiracies to commit terrorist acts.

Finally, subsection (d) of the new section 2336 provides that a person possesses the intent to commit a terrorist act if such person intends to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the policy of a government by assassination, kidnapping or other violent act. This definition is consistent with the definition of terrorism under existing federal and international laws, see, e.g., 18 U.S.C. 1203 (relating to hostage taking), and is virtually identical to the definition of terrorism endorsed by the Departments of Justice and State in testimony before the Senate Judiciary Committee on S. 2465, the "Anti-Terrorism Act of 1990." See Anti-Terrorism Act of 1990: Hearings on S. 2465 Before the Subcommittee on Courts and Administrative Practice of the Senate Committee on the Judiciary, 101st Cong., 2nd Sess. (1990) (statements of Rick Valentine, Deputy Asst. Attorney General, U.S. Department of Justice, and Alan Kreczko, Deputy Legal Adviser, U.S. Department of State).

Sec. 1301. Penalties for international terrorists acts.

This section amends 18 U.S.C. 2331 to increase significantly the penalties for terrorist acts committed against U.S. nationals abroad. For example, the maximum prison sentence for manslaughter would be increased from ten to twenty years; other violent acts against U.S. nationals abroad that result in serious bodily injury would now be punishable by up to ten years in prison. The increases are aimed at demonstrating the seriousness of terrorist attacks against U.S. nationals and the need for a credible deterrent to terrorist attacks.

Sec. 1302. Clerical amendments.

This section would make purely technical amendments to title 18, United States Code.

TITLE II—PREVENTING DOMESTIC AND INTERNATIONAL TERRORIST ACTS

Sec. 2101. Providing material support to terrorists.

This section creates a new section 2337 of title 18, United States Code, making it a federal criminal offense for providing material support or resources to a terrorist group knowing that such resources or support are intended to be used to commit a terrorist act. Again, the application of this section is limited to terrorist acts committed by agents of a foreign power. Material resources and support includes money and financing, weapons, communications equipment, personnel and other physical assets; providing information and other non-tangible assets would not be covered by the new section 2337.

Sec. 2102. Forfeiture of assets used to support terrorists.

This section would amend 18 U.S.C. 981 and 982 to provide for the civil and criminal seizure and forfeiture of any property, real or personal, used to commit terrorist acts.

Sec. 2201. Cooperation of telecommunications providers with law enforcement.

This section expresses the sense of the Congress that providers of telephone and other electronic communications equipment should design and engineer such equipment in a manner that allows law enforcement agencies to obtain the plain text contents of voice, data and other communications when appropriately authorized by law. The use of sophisticated communications equipment—particularly cellular telephones—by terrorists and other organized criminal organizations has frustrated the ability of law enforcement agencies to conduct lawful surveillance activities.

This section would not amend existing wiretap laws or otherwise expand the authority of law enforcement agencies to conduct electronic surveillance. Rather, it encourages electronic communications equipment providers to design such equipment to allow law enforcement agencies, when duly authorized by law, to more easily conduct surveillance activities. Without such cooperation from private providers, U.S. law enforcement agencies will be forced to spend tens of millions of dollars for research and development of communications intercept equipment; money that could be saved through cooperative law enforcement-public sector cooperation.

Sec. 2301. Short title.

This section provides that this subtitle may be cited as the "Alien Witness Cooperation Act of 1991."

Sec. 2302. Waiver of immigration admission requirements for cooperating alien witnesses.

Section 2302 amends title 18, United States Code, to authorize the Attorney General to grant permanent resident status for alien witnesses who cooperate in the prosecution of international terroism and drug trafficking cases. This amendment is needed to address the serious problem that the Department of Justice has been experiencing in inducing foreign witnesses to testify at federal trials against international terrorists and drug traffickers. Without the ability to remain in the United States, alien witnesses frequently refuse to cooperate with U.S. prosecutors because upon return to their homeland they are exposed to retaliation for cooperating with U.S. authorities. Section 232 authorizes the Attorney General to grant permanent resident status for cooperating alien witnesses and their immediate families, with the number of aliens granted such status limited to 100 in any one year.

Sec. 2303. Conforming amendment.

This section makes purely technical amendments.

TITLE III—PREVENTING AVIATION TERRORISM

Sec. 3001. Preventing acts of terrorism against aviation.

This section amends title 49, United States Code, to make the willful violation of any Federal Aviation Administration regulation under parts 107 and 108 of title 14, Code of Federal Regulations (relating to airport and airline security), a misdemeanor punishable by up to one year imprisonment. This section was drafted in response to downing of Pan Am Flight 103 over Lockerbie, Scotland, which took the lives of 270 persons. The President's Commission on Aviation Security and Terrorism, which investigated the Flight 103 tragedy, concluded that "there were severe shortcomings in the screening of baggage" on Flight 103 by airline officials, that "passenger/baggage reconciliation is a bedrock component of any heightened [aviation] security system," that "Pan Am employees did not follow even the FAA's written reconciliation requirement for interline baggage at Frankfurt," and that the "shortcomings in the screening of baggage, and of passengers, * * * *could* have contributed to the terrorist act that placed the bomb on board the plane." (Emphasis in original). See "Report of the President's Commission on Aviation Security and Terrorism," May 15, 1990.

Although this legislation does not attempt to resolve the exact cause of the bombing of Flight 103, the amendments to title 49, United States Code, should ensure that FAA security regulations are strictly adhered to and to provide that willful violations of FAA security rules will subject airport and airline officials to criminal sanctions.

TITLE IV—PREVENTING ECONOMIC TERRORISM

Sec. 4001. Counterfeiting U.S. currency abroad.

The new section 4001 would create a criminal offense for counterfeiting United States securities abroad. There is some concern that under current federal law, the mere act of counterfeiting U.S. securities outside the territorial United States is not punishable under the counterfeiting provisions of chapter 25 of title 18, United States Code (although passing counterfeit U.S. securities is clearly covered). Although the better interpretation is that the mere counterfeiting of U.S. securities is currently covered, the new section 4001 will leave no doubt that such acts are punishable under federal law.

Foreign counterfeiting of U.S. securities is a major threat to the stability of the U.S. economy. The increasing sophistication of photographic and printing technology has concerned U.S. officials. According to the United States Secret Service, more than $300 million in counterfeit U.S. currency has been seized in foreign countries during the past five years. Moreover, the counterfeiting of U.S. treasury checks, the majority of which occurs in foreign countries, totalled almost $200 million in fiscal 1990 alone—an increase of more than 700 percent in one year. Although the shear dollar amount of overseas counterfeiting, alone, does not threaten the U.S. economy, increased counterfeiting efforts could undermine confidence in U.S. currency, which would pose a serious threat to the United States. Moreover, terrorist threats in this area are not unprecedented—Nazi officials attempted to counterfeit U.S. dollars in order to destabilize the U.S. economy in World War II.

Sec. 4002. Economic Terrorism Task Force.

This section creates an Economic Terrorism Task Force, chaired by the Secretary of State or his senior-level designee. The task force would be charged with assessing the threat to the U.S. economy of economic terrorism efforts, including the threat from counterfeiting efforts, and to recommend actions that can be taken to prevent such attacks. The task force would include high-ranking officials from the U.S. Secret Service, FBI, CIA, the Departments of Treasury and Justice, and the Board of Governors of the Federal Reserve.

TITLE V—AUTHORIZATIONS TO EXPAND COUNTER-TERRORIST EFFORTS BY LAW ENFORCEMENT AGENCIES

Sec. 5001. Authorizations of appropriations.

This section authorizes $75 million in new funding to expand counter-terrorism efforts at the fedeal, state and local levels. The proposed funding levels would allow the FBI—the lead counter-terrorism agency in the United States—to add approximatley 150 new special agents to its existing counter-terrorism program. Significant increases would be provided to the other federal agencies with important counter-terrorism efforts, including the Department of State, U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco and Firearms and the Federal Aviation Administration.

This section earmarks $25 million in anti-terrorism funding for state and local law enforcement agencies. State and local agencies play a critical role in our national counter-terrorism program.

S. 266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Counter-Terrorism Act of 1991".

TITLE I—PUNISHING DOMESTIC AND INTERNATIONAL TERRORIST ACTS

Subtitle A—Terrorist Death Penalty Act of 1991

SEC. 1001. SHORT TITLE.

This subtitle may be cited as the "Terrorist Death Penalty Act of 1991".

SEC. 1002. TERRORIST DEATH PENALTY OFFENSE: TERRORIST ACTS ABROAD.

Paragraph (1) of subsection 2331(a) of title 18, United States Code, is amended to read as follows:

"(1) if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both;".

SEC. 1003. DEATH PENALTY PROCEDURES.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, as added by this Act, is amended by adding at the end thereof the following:

"§ 2338. Death penalty procedures

"(a) PROCEDURES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a defendant is found guilty of an offense for which a sentence of death is provided under section 2331(a) or 2336(a) of this title, that defendant shall be sentenced to death if, after consideration of the factors set forth in subsection (b), and, after a hearing held pursuant to subsection (c), it is determined that imposition of a sentence of death is justified.

"(2) Exception.—No person shall be sentenced to death who was less than 18 years of age at the time of the offense.

"(b) Factors To Be Considered.—

"(1) Mitigating factors.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factors, including the following:

"(A) Defendant's capacity.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(B) Duress.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(C) Principal.—The defendant is punishable as a principal (as defined in section 2 of title 18 of the United States Code) in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(D) Unforseeable consequences.—The defendant could not reasonably have foreseen that the defendant's conduct in the course of the commission of murder, or other offense resulting in death for which the defendant was convicted, would cause, or would create a grave risk of causing, death to any person.

"(E) Youth.—The defendant was youthful, although not under the age of 18.

"(F) Lack of criminal record.—The defendant did not have a significant prior criminal record.

"(G) Mental or emotional disturbance.—The defendant committed the offense under severe mental or emotional disturbance.

"(H) Other defendants.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(I) Victim's consent.—The victim consented to the criminal conduct that resulted in the victim's death.

"(J) Other factors.—That other factors in the defendant's background or character mitigate against imposition of the death sentence.

"(2) Aggravating factors.—In determining whether a sentence of death is justified for an offense described in section 2331(a) or 2336(a), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

"(A) Death occurred during commission of another crime.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property in interstate commerce by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472 (i) or (n)) (aircraft piracy);

"(B) Previous conviction of offense for which a sentence of death or life imprisonment was authorized.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(C) Previous conviction of other serious offenses.—The defendant has previously been convicted of two or more Federal or State offenses, punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person;

"(D) Grave risk of death to additional persons.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(E) Heinous, cruel, or depraved manner of commission.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse of the victim;

"(F) Procurement of offense by payment.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(G) Pecuniary gain.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value;

"(H) Substantial planning and premeditation.—The defendant committed the offense after planning and premeditation to cause the death of a person or commit an act of terrorism;

"(I) Two felony drug offenses.—The defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance;

"(J) Vulnerability of victim.—The victim was particularly vulnerable due to old age, youth, or infirmity;

"(K) Serious federal drug offenses.—The defendant had previously been convicted of violating title II or title III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise;

"(L) Continuing criminal enterprise.—The defendant violated section 408(c) of the Controlled Substances Act to the extent that the conduct described in section 408(c) of such Act was a violation of section 405 of such Act; or

"(M) Public officials.—The defendant committed the offense against—

"(i) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(ii) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(iii) a foreign official listed in section 1116(b)(3)(A) of this title, if he is in the United States on official business; or

"(iv) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(I) while he is engaged in the performance of his official duties;

"(II) because of the performance of his official duties; or

"(III) because of his status as a public servant.

For purposes of this clause, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, prosecution, or adjudication of an offense, and includes those engaged in corrections, probation, or parole functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

"(c) Death Penalty Procedures: Hearing.—

"(1) Notice by the government.—If the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under subsection (a), he shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

"(A) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(B) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(2) Hearing before a court or jury.—If the attorney for the government has filed a notice as required under paragraph (1) and the defendant is found guilty of, or pleads guilty to, an offense described in section 2331(a) or 2336(a), the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(A) before the jury that determined the defendant's guilt;

"(B) before a jury impaneled for the purpose of the hearing if—

"(i) the defendant was convicted upon a plea of guilty;

"(ii) the defendant was convicted after a trial before the court sitting without a jury;

"(iii) the jury that determined the defendant's guilt was discharged for good cause; or

"(iv) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(C) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to subparagraph (B) shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(3) Proof of mitigating and aggravating factors.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of, or pleads guilty to, an offense under section 2331(a) or 2336(a), no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under subsection (b). Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the government or the defendant, subject to the Federal Rules of Evidence. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(4) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in subsection (b) found to exist and any other aggravating factor for which notice has been provided under paragraph (1) found to exist. A finding with respect to a mitigating factor may be made by one or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this subsection regardless of the number of jurors who concur with the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in subsection (b) is found to exist, the court shall impose a sentence other than death authorized by law.

"(5) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If an aggravating factor required to be considered under subsection (b) is found to exist, the jury, or if there is no jury, the court, shall then consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether a sentence of death shall be imposed rather than some other lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence, and the jury shall be so instructed.

"(6) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under paragraph (5), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"(d) DEATH PENALTY PROCEDURES: IMPOSITION OF A SENTENCE OF DEATH.—Upon a finding under subsection (c) that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose any sentence other than death that is authorized by law. Notwithstanding any other provision of law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"(e) DEATH PENALTY PROCEDURES.—

"(1) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(2) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(A) the evidence submitted during the trial;

"(B) the information submitted during the sentencing hearing;

"(C) the procedures employed in the sentencing hearing; and

"(D) the special findings returned under section 3593(d).

"(3) DECISION AND DISPOSITION.—

"(A) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under subsection (b).

"(B) Whenever the court of appeals finds that—

"(i) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(ii) the admissible evidence adduced does not support the special finding of the existence of the required aggravating factor; or

"(iii) other legal error requires reversal of the sentence of death,

the court shall remand the case for reconsideration under subsection (c)(5) or impose a sentence other than death. In any other case, the court of appeals shall remand the case for reconsideration under subsection (c).

"(4) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"(f) IMPLEMENTATION OF A SENTENCE OF DEATH.—

"(1) IN GENERAL.—A person who has been sentenced to death pursuant to the provisions of this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(2) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(3) MENTAL DISABILITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability—

"(A) cannot understand the nature of the pending proceedings, what such person was tried for, the reason for the punishment, or the nature of the punishment; or

"(B) lacks the capacity to recognize or understand facts which would make the punishment unjust or unlawful, or lacks the ability to convey such information to counsel or to the court.

"(g) USE OF STATE FACILITIES.—

"(1) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(2) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.".

(b) AMENDMENTS TO SECTION ANALYSIS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

"2338. Death penalty procedures.".

Subtitle B—Terrorist Acts Committed in the United States

SEC. 1201. CRIMINAL OFFENSE FOR DOMESTIC TERRORIST ACTS.

Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter 113B:

"CHAPTER 113B—TERRORIST ACTS COMMITTED IN THE UNITED STATES

"Sec. 2336. Terrorist acts committed in the United States.

"Sec. 2337. Providing material support to terrorists.

"§ 2336. Terrorist acts committed in the United States

"(a) HOMICIDE.—Whoever, acting as an agent of a foreign power, acting as an agent of a foreign power, kills another person, with the intent specified in subsection (d) of this section, shall

"(1) if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be fined under this title, punished by death or imprisonment for any term of years or life, or both; or

"(B) is a murder other than a first degree murder as defined in subsection 1111(a) of this title,

be fined under this title, imprisoned for any term of years or for life, or both;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned for not more than twenty years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both.

"(b) Attempt or Conspiracy With Respect to Homicide.—Whoever, acting as an agent of a foreign power, with the intent specified in subsection (d) of this section, attempts to kill, or engages in a conspiracy to kill—

"(1) in the case of an attempt to commit a killing that is a murder as defined in section 1111(a) of this title, shall be fined under this title, imprisoned for any term of years or life, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, shall be fined under this title or imprisoned for any term of years or for life, or both.

"(c) Other Violent Terrorist Acts.—Whoever, acting as an agent of a foreign power, with the intent specified in subsection (d) of this section, engages in physical violence that results in serious bodily injury shall be fined under this title or imprisoned for not more than ten years, or both.

"(d) Intent to Commit Terrorist Acts.—For the purposes of this section, a person possesses an intent to commit a terrorist act, if such person intends—

"(1) to intimidate or coerce a civilian population;

"(2) to influence the policy of a government by intimidation or coercion; or

"(3) to affect the conduct of a government by assassination, kidnapping, or other violent act.

"(e) Definition.—For purposes of this section and section 2337 of this title, the term 'agent of a foreign power' shall have the same meaning as in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)).".

Subtitle C—Increasing Penalties for International Terrorist Acts

SEC. 1301. PENALTIES FOR INTERNATIONAL TERRORIST ACTS.

Section 2331 of title 18, United States Code, as amended by subtitle A of this title, is further amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking "ten" and inserting in "twenty"; and

(B) in paragraph (3) by striking "three" and inserting "ten".

(2) in subsection (c) by striking "five" and inserting in "ten".

SEC. 1302. CLERICAL AMENDMENTS.

The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 113A the following new item:

"113B. Terrorist Acts Committed in the United States .... 2336".

TITLE II—PREVENTING DOMESTIC AND INTERNATIONAL TERRORIST ACTS

Subtitle A—Attacking the Infrastructure of Terrorist Organizations

SEC. 2101. PROVIDING MATERIAL SUPPORT TO TERRORISTS.

Part I of title 18, United States Code, as amended by title I of this Act, is further amended by adding a new section 2337 as follows:

"§ 2337. Providing material support to terrorists

"Whoever knowingly, acting as an agent of a foreign power, with the intent to further a violation of section 1203, 2331, or 2336 of this title—

"(1) provides material support or resources; or

"(2) conceals or disguises the nature, location, source or ownership of material support or resources,

that are used or intended to be used to violate section 1203, 2331, or 2336 of this title shall be fined under this title or imprisoned for not more than ten years, or both. For the purposes of this section, material support or resources shall include, but not be limited to, currency or other financial securities, communications equipment, facilities, weapons, personnel and other physical assets.".

SEC. 2102. FORFEITURE OF ASSETS USED TO SUPPORT TERRORISTS.

Chapter 46 of title 18, United States Code, is amended—

(1) in section 981(a)(1) by inserting at the end thereof the following:

"(D) Any property, real or personal, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of section 1203, 2331, 2332, 2336, or 2337 of this title."; and

(2) in section 982(a) by inserting at the end thereof the following:

"(3) Any property, real or personal, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of section 1203, 2331, 2336, or 2337 of this title.".

Subtitle B—Electronic Communications

SEC. 2201. COOPERATION OF TELECOMMUNICATIONS PROVIDERS WITH LAW ENFORCEMENT.

It is the sense of Congress that providers of electronic communications services and manufacturers of electronic communications service equipment shall ensure that communications systems permit the government to obtain the plain text contents of voice, data, and other communications when appropriately authorized by law.

Subtitle C—Cooperation of Witnesses in Terrorist Investigations

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the "Alien Witness Cooperation Act of 1991".

SEC. 2302. ALIEN WITNESS COOPERATION.

Chapter 224 of title 18, United States Code, is amended by—

(1) redesignating section 3528 as 3529;

(2) adding at the end of section 3529, as redesignated, the following new paragraph:

"As used in section 3528, the terms 'alien' and 'United States' shall have the same meanings given to them in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)."; and

(3) inserting after section 3527 the following new section 3528:

"§ 3528. Aliens; waiver of admission requirements

"(a) In General.—Upon authorizing protection to any alien under this chapter, the United States shall provide such alien with appropriate immigration visas and allow such alien to remain in the United States so long as that alien abides by all laws of the United States and guidelines, rules and regulations for protection. The Attorney General may determine that the granting of permanent resident status to such alien is in the public interest and necessary for the safety and protection of such alien without regard to the alien's admissibility under immigration or any other laws and regulations or the failure to comply with such laws and regulations pertaining to admissibility.

"(b) Alien With Felony Convictions.—Notwithstanding any other provisions of this chapter, an alien who would not be excluded because of felony convictions shall be considered for permanent residence on a conditional basis for a period of two years. Upon a showing that the alien is still being provided protection, or such protection remains available to the alien in accordance with provisions of this chapter, or such alien is still cooperating with the government, and has maintained good moral character, the Attorney General shall remove the conditional basis of the status effective as of the second anniversary of the alien's obtaining the status of admission for permanent residence. Permanent resident status shall not be granted to an alien who would be excluded because of felony convictions, unless the Attorney General determines, pursuant to regulations which shall be prescribed by him, that granting permanent residence status to such alien is necessary in the interests of justice, and comports with safety of the community.

"(c) Limit on Number of Aliens.—The number of aliens and members of their immediate families entering the United States under the authority of this section shall in no case exceed one hundred persons in any one fiscal year. The decision to grant or deny permanent resident status under this section is at the discretion of the Attorney General and shall not be subject to judicial review.".

SEC. 2303. CONFORMING AMENDMENT.

The analysis for chapter 224 of title 18, United States Code, is amended by—

(1) redesignating the item for section 3528 as section 3529; and

(2) adding after the item for section 3527 the following:

"3528. Aliens; waiver of admission requirements.".

TITLE III—PREVENTING AVIATION TERRORISM

SEC. 3001. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.

(a) In General.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Violations of federal aviation security regulations.

"Whoever willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) shall be fined under this title or imprisoned for not more than one year, or both.".

(b) Table of Sections.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Violation of Federal aviation security regulations.

TITLE IV—PREVENTING ECONOMIC TERRORISM

SEC. 4001. COUNTERFEITING U.S. CURRENCY ABROAD.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

"§ 470. Counterfeit acts committed outside the United States.

"Whoever, outside the United States, engages in the act of—

"(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

"(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 of this title if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following:

"471. Counterfeit acts committed outside the United States.".

(c) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item for chapter 25 and inserting the following:

"25. Counterfeiting and forgery .... 470".

SEC. 4002. ECONOMIC TERRORISM TASK FORCE.

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or his designee, and consist of the following members:

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The provisions of the Federal Advisory Committee Act shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

TITLE V—AUTHORIZATIONS TO EXPAND COUNTER-TERRORIST OPERATIONS BY FEDERAL AGENCIES

SEC. 5001. AUTHORIZATIONS OF APPROPRIATIONS.

There is authorized to be appropriated in each of the fiscal years 1992, 1993 and 1994, in addition to any other amounts specified in appropriations Acts, for counter-terrorist operations and programs:

(1) for the Federal Bureau of Investigation, $25,000,000;

(2) for the Department of State, $10,000,000;

(3) for the United States Customs Service, $7,500,000;

(4) for the United States Secret Service, $2,500,000;

(5) for the Bureau of Alcohol, Tobacco and Firearms, $2,500,000;

(6) for the Federal Aviation Administration, $2,500,000; and

(7) for grants to state and local law enforcement agencies, to be administered by the Office of Justice Programs in the Department of Justice, in consultation with the Federal Bureau of Investigation, $25,000,000.

Mr. THURMOND. Mr. President, I want to compliment the able chairman of the Judiciary Committee for his interest in this subject, the subject of terrorism. It will be a pleasure for me to work on this subject with him in the Judiciary Committee. There are many features of his bill that resemble features of my bill. I have some features I believe he does not have in his bill.

At any rate, we can work together, I think, and bring a good bill out. And it will be a pleasure for me to work with him in that respect.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, I, too, look forward to working together with my colleague from South Carolina. As I said at the outset, in the last several days, because of what has happened in the gulf, because of the threats made by Saddam Hussein, and because of terrorist activities that have occurred in other parts of the world, a lot of us have proceeded in ways we ordinarily might not have proceeded.

Ordinarily, time permitting, what would have happened is the Senator from South Carolina and I would have sat down ahead of time and said, "Hey, we ought to put together a bill." I do not want our colleagues to think, nor anyone in the public to think the fact that the Senator from South Carolina introduced a bill and the fact that I introduced a bill means anything other than we both have an interest in this, and it reflects the overwhelming prospect we will probably be able to work out a bill that is satisfactory to both of us, and hopefully satisfactory to the President and beneficial to the Nation.

I might also add that although the major part of the bill I have introduced does relate to the death penalty for terrorists—the Senator from South Carolina has been concerned about that for some time, not just this year, but for many years going back, as has the Senator from Pennsylvania—this bill I have introduced is designed to go beyond that.

But I am sure we can work something out. We have never failed to be able to do that, the Senator from South Carolina and myself, and I look forward to us getting underway to provide a solid, promising piece of legislation for our colleagues to consider.

I yield the floor.

Mr. THURMOND. Mr. President, it is my hope, in view of the urgency of the situation and the announcement by Saddam Hussein that he is setting this international terrorism apparatus in action, that we act as quickly as we can in the Judiciary Committee.

I feel certain the chairman will do that.

Mr. BIDEN. I agree.

By Mr. PACKWOOD (for himself, Mr. BENTSEN, Mr. DOLE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DURENBERGER, Mr. HEINZ, Mr. RIEGLE, Mr. DECONCINI, Mr. MCCONNELL, and Mr. THURMOND):

S. 268. A bill to amend the Internal Revenue Code of 1986 to authorize a deduction for the expenses of adopting a special needs child and to amend title 5, United States Code, to establish a program providing assistance to Federal employees adopting a special needs child; to the Committee on Finance.

SPECIAL NEEDS ADOPTION ASSISTANCE ACT

• Mr. PACKWOOD. Mr. President, I am pleased to be joined by the distinguished chairman of the Finance Committee, Senator BENTSEN, and several other Members on both sides of the aisle, in introducing the Special Needs Adoption Assistance Act of 1991.

Right now there are approximately 40,000 American children available for adoption. Most of these children are special needs children. A special needs child is one who, because of special conditions such as age, physical or mental handicap, race, or other characteristics, is difficult to place for adoption.

A significant number of these children end up being cared for in one foster home after another or in public institutions. Due to their special needs these children may never get out of this system. I believe that if each special needs child is given the opportunity to be placed in a loving adoptive family, the odds are increased that he or she will be a successful, happy human being.

The legislation I am introducing today recognized the additional emotional and financial commitment required of families adopting children with special needs by providing for:

First, a tax deduction of up to $3,000 to help families with the one-time costs of adopting a special needs child; and

Second, a demonstration project under which Federal employees could be reimbursed for up to $2,000 for expenses incurred in the adoption of a special needs child.

The one-time costs of adopting a child can be high, with adoptions through agencies averaging around $5,000. Adoptions through private parties cost even more. There are many families who may wish to adopt a special needs child, but find the court costs, legal fees, social service reviews, and other related costs overwhelming. This legislation will help these families with these up-front expenses.

I am confident this legislation can encourage more adoption of special needs children. A few years ago, the Defense Department offered their employees a program providing a $2,000 reimbursement of expenses incurred in adopting a special needs child—this resulted in almost 3,000 adoptions.

I hope many of my colleagues will join me and help promote the adoption of these very special children who desperately need permanent and loving families. Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Needs Adoption Assistance Act of 1991".

SEC. 2. ADOPTION EXPENSE DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. SPECIAL NEEDS ADOPTION EXPENSES DEDUCTION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the individual for such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $3,000.

"(2) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) REIMBURSEMENTS.—If a taxpayer is reimbursed for any qualified adoption expenses for which a deduction was allowed under subsection (a), the amount of such reimbursement shall be includable in the gross income of the taxpayer in the taxable year in which such reimbursement was received.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which—

"(A) are directly related to the legal adoption of a child with special needs by the taxpayer,

"(B) are not incurred in violation of State or Federal law, and

"(C) are of a type eligible for reimbursement under the adoption assistance program under part E of title IV of the Social Security Act.

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act. Such term may, at the option of the State, also include any child who, as a result of prenatal drug or alcohol abuse, is likely to manifest developmental or functional delays."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (13) the following new paragraph:

"(14) ADOPTION EXPENSES.—The deduction allowed by section 220 (relating to deduction for expenses of adopting a child with special needs)."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 220 and by inserting the following new items:

"Sec. 220. Special needs adoption expenses deduction.

"Sec. 221. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 3. REIMBURSEMENT OF SPECIAL NEEDS ADOPTING EXPENSES TO FEDERAL EMPLOYEES.

(a) REIMBURSEMENT OF SPECIAL NEEDS ADOPTION EXPENSES.—Chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5597. Reimbursement of special needs adoption expenses

"(a) For purposes of this section—

"(1) the term 'qualifying adoption expenses' means reasonable and necessary adoption and court costs, attorney fees, and other expenses, as determined appropriate under regulations prescribed by the Office of Personnel Management, which expenses are directly related to the legal adoption of a child with special needs; and

"(2) the term 'child with special needs' means a child who would be difficult to place with adoptive parents because of a factor or condition, such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps.

"(b)(1) The Office of Personnel Management shall establish a demonstration program under which an Executive agency shall, in accordance with the provisions of this section, reimburse an employee for qualifying adoption expenses incurred by the employee in connection with the adoption of a child with special needs.

"(2) An Executive agency, in order to determine whether or not an adoptive child is a child with special needs, may require an employee who applies for reimbursement under this section to obtain certification from a State or a public or nonprofit private adoption agency that the adoptive child is a child with special needs, and the Executive agency may rely upon such certification in determining whether the employee is entitled to reimbursement of qualifying adoption expenses.

"(3) An employee may not be paid more than $2,000 under this section in connection with the adoption of each child, or more than $5,000 under this section in any calendar year if the employee adopts more than 2 children.

"(c) Payment may not be made under this section—

"(1) in any adoption in which one of the adopting parents is the biological parent of the adopted child;

"(2) in any adoption of a child 18 years of age or older;

"(3) in any adoption of a child who, immediately prior to the adoption, was not a citizen or legal resident of the United States;

"(4) in any adoption in which the employee separates from the service before the adoption is final; or

"(5) for any expenditure for which the employee has been reimbursed under any other adoption program of the United States or of a State or local government.

"(d) Payments under this section shall be made from the same appropriation or account that is available for the payment of the basic pay of the employee to whom payment is to be made.

"(e)(1) The Office of Personnel Management shall prescribe any necessary regulations and provide assistance to Executive agencies in the administration of this section.

"(2) The Office of Personnel Management shall transmit a report to the President and the Congress on the operation of this demonstration program under this section by October 1, 1992.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The subchapter heading of subchapter IX of chapter 55 of title 5, United States Code, is amended to read as follows:

"SUBCHAPTER IX—MISCELLANEOUS PROVISIONS".

(2) The table of sections of chapter 55 of title 5, United States Code, is amended—

(A) by striking out the item relating to subchapter IX and inserting in lieu thereof the following: "SUBCHAPTER IX—MISCELLANEOUS PROVISIONS"; and

(B) by adding after the item relating to section 5596 the following new item:

"5597. Reimbursement of special needs adoption expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be applicable with respect to adoption expenses incurred on or after January 1, 1991, and before January 1, 1995.●

By Mrs. KASSEBAUM:

S. 269. A bill to amend the Employee Retirement Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans; to the Committee on Labor and Human Resources.

AUDIT OF CERTAIN EMPLOYEE BENEFIT PLANS

• Mrs. KASSEBAUM. Mr. President, today Senator HATCH, Senator BUMPERS, Senator HATFIELD, Senator BRYAN, and I are introducing legislation to eliminate a provision that permits pension funds to receive less than comprehensive audits.

Our private pension system is based on the concept of fiduciary responsibility and full disclosure. The integrity of our private pension system is essential. For example, in 1988, private pensions paid the Nation's retirees more than $222 billion in benefits, compared to $148 billion paid to retirees by Social Security. Independent audits play an important role in securing full disclosure for plan beneficiaries.

Currently, under the Employee Retirement Income Security Act, pension funds are only required to receive limited-scope audits. A limited-scope audit means that pension fund managers are allowed to instruct auditors not to examine assets held in Government-regulated entities, such as banks or insurance companies. The bottom line is that some pension plans are currently receiving less than thorough audits. Absent thorough and comprehensive audits, the integrity and assurance intended by ERISA for pension beneficiaries will not be achieved. This is becoming an increasingly important issue because of the trend of deregulation of our financial institutions and the growing size of private pension funds. As our society ages, these funds will take on an even greater significance.

The importance of full disclosure is not solely limited to plan beneficiaries. All taxpayers have a very real interest in assuring that private pension plans receive thorough and independent audits. Under ERISA, the majority of private pension plans are insured by the Pension Benefit Guaranty Corporation. Like a variety of other Federal insurance plans, the PBGC is a Government-sponsored enterprise. Over the past decade, we certainly have learned the importance of maintaining tight regulation and requiring full disclosure to industries and enterprises enjoying Federal insurance.

Our pension insurance system is strong today. It is only with the type of continued vigilance provided by thorough audits and meaningful regulation that we can assure the integrity of the private pension system for future beneficiaries. Requiring thorough audits is not something that should be put off until tomorrow or considered only in the future as part of some pension reform package. Common sense dictates that audits should be comprehensive and thorough. It is my hope that this straightforward legislation can be swiftly enacted to ensure the integrity and thoroughness of independent audits.•

By Mr. GRASSLEY:

S. 270. A bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm; to the Committee on Armed Services.

REPORT ON COST OF OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. GRASSLEY. Mr. President, today I rise to introduce a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm, and on the amount of pledges and contributions made to the United States by foreign countries to support these operations. A companion bill, H.R. 586, was introduced in the other body earlier this week by Representative SCHUMER and Chairman PANETTA of the House Budget Committee.

This bill is a cost accounting bill, a burden-sharing bill, and a good government bill.

It is a cost accounting bill because it would help us get a handle on the moving target of cost estimates that float about rather freely in this town. It will assist us in this body, and in the Budget Committee in particular, as we monitor progress on controlling the deficit. And, it is certainly a prerequisite to a vote on any supplemental bill to pay for the war that will be before us within the next 2 months.

It is a burden-sharing bill because it would track the progress of our allies meeting their obligations and pledges of support, and in particular their fair share of contributions to the cost of the war.

And, it is a good government bill because it sends a very clear signal that Congress is interested in this information, wants this information, and places a very high priority on having this information. The administration has issued figures from time to time on the contributions and pledges of our allies, but in the midst of international turbulence, the administration has hardly assigned the reporting of this information a high priority. That is not the administration's job. That is the job of Congress. And that is why this bill is necessary.

On December 13 of this recent year, I sent a letter to the President along with my distinguished colleague from Delaware, Senator ROTH, requesting periodic updates of contributions pledged and received for Operation Desert Shield. Now that war has been engaged, the costs will indeed spiral upward which, in my view, is sufficient and compelling enough reason to enact legislation in this regard.

The fact of the matter, Mr. President, is that we cannot afford to pay for this war by ourselves. America's contribution of human and military resources is much more than ample. It is a great sacrifice. For this, our Persian Gulf allies, as well as Germany, Japan, and other nations, are benefiting directly, substantially, and quantifiably. While we have defended the oil and territorial interests of our allies, they have received an overwhelming share of the windfall benefits. Recent estimates showed, for instance, that our gulf allies were receiving up to $5 billion per month in windfall oil profits, not to mention the security of their well-defended borders by U.S. troops.

Let me briefly describe this bill, Mr. President. It would require that the Director of the Office of Management and Budget specify each month in a report to Congress the costs incurred and spent by the Defense Department for Operation Desert Shield, to include costs to date for Operation Desert Storm.

These figures would not include those costs that would have been incurred anyway, without these two operations.

Specifically, the costs to be identified in the report would include the following:

First, airlift costs;

Second, sealift costs;

Third, medical costs;

Fourth, costs associated with the call-up of Reserves;

Fifth, operations and maintenance costs;

Sixth, personnel costs;

Seventh, costs of logistical support;

Eighth, fuel cost increases;

Ninth, military construction costs; and

Tenth, all other costs.

In addition to these categories of costs, the report will list the following, by country:

First, contributions pledged as cash payments;

Second, contributions pledged as in-kind payments;

Third, contributions received as cash payments;

Fourth, contributions received as in-kind payments.

The first report would be submitted not later than 14 days after the date of enactment of the law, and it would cover the period beginning on August 1 of last year.

Mr. President, I would urge my colleagues to support this bill and hope we can put it on a fast track so we can begin to get this information before the supplemental appropriations bill reaches the floor.

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. PRESSLER, Mr. FORD, Mr. BREAUX, Mr. BINGAMAN, Mr. ROBB, Mr. KERRY, Mr. KASTEN, Mr. GLENN, Mr. JEFFORDS, Mr. KERREY, Mr. REID, Mr. DURENBERGER, Mr. HATFIELD, Mr.

KOHL, Mr. CONRAD, and Mr. RIEGLE):

S. 272. A bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing; to the Committee on Commerce, Science, and Transportation.

HIGH-PERFORMANCE COMPUTING ACT

• Mr. GORE. Mr. President, today I rise to introduce the High-Performance Computing Act of 1991, a bill to ensure that the United States stays at the leading edge in computer technology. I am especially pleased that more than 16 of my colleagues, both Democrats and Republicans, from all parts of the country and all ends of the political spectrum, have joined me as cosponsors of this critically important legislation.

During the last 30 years, computer technology has improved exponentially, faster than technology in any other field. Computers just keep getting faster, more powerful, and more inexpensive. According to one expert, if automobile technology had improved as much as computer technology has in recent years, a 1991 Cadillac would now cruise at 20,000 miles per hour, get 5,000 miles to a gallon, and cost only 3 cents!

As a result of these amazing advances, computers have gone from being expensive, esoteric research tools isolated in the laboratory to an integral part of our everyday life. We rely on computers at the supermarket, at the bank, in the office, and in our schools. They make our life easier in hundreds of ways.

Yet the computer revolution is not over. In fact, according to some measures, the price performance of computers is improving even faster now than it has in the past.

Anyone who has seen a supercomputer in action has a sense of what computers might be capable of in the future. Today, scientists and engineers are using supercomputers to design better airplanes, understand global warming, find oilfields, and discover safer, more effective drugs. In many cases they can use these machines to mimic experiments that would be prohibitively expensive or downright impossible in real life. With a supercomputer model, engineers at Ford can simulate auto crash tests and test new safety features for a fraction of the cost and in much less time than it would take to really crash an automobile. And they can observe many more variables, in much more detail, than they could with a real test.

The bill I am introducing today is very similar to the first title of S. 1067, the High-Performance Computing Act of 1990, which passed the Senate unanimously last October. Unfortunately, the House was unable to act on the bill before we adjourned. It is my hope that we will be able to move this bill quickly this year. There is widespread support in both the House and the Senate. Today, in the House, Congressman GEORGE BROWN, the new chairman of the House Committee on Science, Space, and Technology, is introducing the bill, along with Congressmen TIM VALENTINE, SHERWOOD BOEHLERT, and NORM MINETA. I am looking forward to working with them to move this bill as soon as possible.

This legislation provides for a multiagency high performance computing research and development program to be coordinated by the White House Office of Science and Technology Policy [OSTP]. The primary agencies involved are the National Science Foundation [NSF], the Defense Advanced Research Projects Agency [DARPA], the National Aeronautics and Space Administration [NASA], and the Department of Energy [DOE]. Each of these agencies has experience in developing and using high-performance computing technology. NSF funds four university supercomputer centers and is a major source of Federal funding for university research in advanced computing. NASA helped develop some of the first supercomputers and uses them extensively to help design and improve spacecraft like the space shuttle and the national aerospace plane. DARPA has been a real innovator, providing the research funding needed for computer designers to develop the next generation of supercomputers and the advanced software needed to use them. And for more than 20 years, DARPA has been at the leading edge in computer networking, developing ARPANET, the first national computer network, in the late 1960's, and now working on networks that are millions of times faster. DOE has dozens of supercomputers at the national labs, like Los Alamos, Oak Ridge, and Lawrence Livermore, and is constantly finding new, exciting ways to use them.

The High-Performance Computing Act will provide for a well-planned, well-coordinated research program which will effectively utilize the talents and resources available throughout the Federal research agencies. In addition to NSF, NASA, DOE, and DARPA, this program will involve the Department of Commerce—in particular the National Institute of Standards and Technology—the Department of Health and Human Services, the Department of Education, the U.S. Geological Survey, the Department of Agriculture, the Environmental Protection Agency, and the Library of Congress, as well. The technology developed under this program will find application throughout the Federal Government and throughout the country.

This bill will roughly double funding for high-performance computing at NSF and NASA during the next 5 years. Additional funding—more than $1 billion during the next 5 years—will also be needed to expand research and development programs at DARPA and DOE. Last year, I worked closely with Senators JOHNSTON and DOMENICI on the Energy Committee to pass legislation to authorize a DOE High-Performance Computing Program, and I hope to work with them and the other members of the Energy Committee to see that program authorized and funded in fiscal year 1992. In addition, I worked with Senators NUNN and BINGAMAN and others on the Armed Services Committee to authorize and appropriate additional funding for DARPA's high-performance computing program, money that has been put to good use developing more powerful supercomputers and faster computer networks. Because this program involves many agencies, it necessarily involves several congressional committees and subcommittees. Fortunately, everyone has an important contribution to make to this effort. I look forward to working with my colleagues to make this program a reality.

Today, we are focused on the war in the Persian Gulf where we are seeing how important computer technology is to our national security. The amazing smart weapons being used in Iraq and Kuwait today are a direct result of past Federal investment in computer technology. The Patriot missile that are protecting our troops and Israeli and Saudi civilians from Saddam Hussein's Scud missiles rely upon powerful, advanced computers unavailable 10 years ago. Similarly, the laser-guided bombs and the Tomahawk cruise missiles are able to find their targets because they contain some of the more sophisticated computer technology available today.

The High-Performance Computing Act will help ensure the technological lead in weaponry that is helping us win the war with Iraq and which will improve our national security in the future.

This same technology is improving our economic security by helping American scientists and engineers develop new products and processes to keep the U.S. competitive in world markets. Supercomputers can dramatically reduce the time it takes to design and test a new product—whether it is an airplane, a new drug, or an aluminum can. More computing power means more energy-efficient, cheaper products in all sectors of manufacturing. And that means higher profits and more jobs for Americans.

Perhaps the most important contribution this bill will make to our economic security is the National Research and Education Network, the cornerstone of the program funded by this bill. By 1996, this fiber-optic computer network would connect more than 1 million people at more than 1,000 colleges and universities in all 50 States, allowing them to send electronic mail, share data, access supercomputers, use research facilities such as radio telescopes, and log on to data bases containing trillions of bytes of information on all sorts of topics. This network will speed research and accelerate technology transfer, so that the discoveries made in our university laboratories can be quickly and effectively turned into profits for American companies.

Today, the National Science Foundation runs NSFNET, which allows researchers and educators to exchange up to 1.5 million bits of data—megabits per second. The NREN will be at least a thousand times faster, allowing researchers to transmit all the information in the entire Encyclopedia Brittanica from coast to coast in seconds. With today's networks, it is easy to send documents and data, but images and pictures require much faster speeds, they require the NREN, which can carry gigabits, billions of bits, every second.

With access to computer graphics, researchers throughout the country will be able to work together far more effectively than they can today. It will be much easier for teams of researchers at colleges throughout the country to work together. They will be able to see the results of their experiments as the data comes in, they will be able to share the results of their computer models in realtime, and they will be able to brainstorm by teleconference. William Wulf, formerly Assistance Director for Computer and Information Science and Engineering at NSF, likes to talk about the "national collaboratory"—a laboratory without walls—which the NREN will make possible. Researchers throughout the country, at colleges and labs, large and small, will be able to stay on top of the latest advances in their fields.

The NREN and the other technology funded by this bill will also provide enormous benefits to American education, at all levels. By most accounts, we are facing a critical shortage of scientific and technical talent in the next 10 years. By connecting high schools to the NREN, students will be able to share ideas with other high school students and with college students and professors throughout the country. Already, some high school students are using the NSFNET to access supercomputers, to send electronic mail, and to get data and information that just is not available at their schools. In this way, the network can nurture and inspire the next generation of scientists.

Today, most students using computer networks are studying science and engineering, but there are more and more applications in other fields, too. Economists, historians, and literature majors are all discovering the power of networking. In the future, I think we will see computers and networks used to teach every subject from kindergarten through grade school. I was recently at MIT, where I was briefed on Project Athena, a project to integrate computers and networks into almost every course at MIT. Students use computers to play with the laws of physics in computer models, to test airplane designs in wind tunnel simulations, to improve their writing skills, and to learn foreign languages. Many of the ideas being developed at Project Athena and in hundreds of other experiments elsewhere could one day help students and teachers throughout the country.

The library community has been at the forefront in using computer and networking technology in education. For years, they have had electronic card catalogs which allow students to track down books in seconds. Now they are developing electronic text systems which will store books in electronic form. When coupled to a national network like the NREN, such a digital library could be used by students and educators throughout the country, in underfunded urban schools and in isolated rural school districts, where good libraries are few and far between.

I recently spoke to the American Library Association annual meeting in Chicago and heard many librarians describe how the NREN could transform their lives. They are excited about the new opportunities made possible by this technology.

The technology developed for the NREN will pave the way for high-speed networks to our homes. It will give each and everyone of us access to oceans of electronic information, let us use teleconferencing to talk face-to-face to anyone anywhere, and deliver advanced, digital TV programming even more sophisticated and stunning than the HDTV available today. Other countries, Japan, Germany, and others, are spending billions of install optical fiber to the home, to take full advantage of this technology.

I hope that my colleagues will join me in supporting this bill. With this bill we can help shape the future—shape it for the better. This is an investment in our national security and our economic security which we cannot afford not to make.

I ask unanimous consent that a summary of the bill and the bill in its entirety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, and science and engineering, but that lead is being challenged by foreign competitors.

(3) Further research, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning could enhance the effectiveness of these programs.

(5) A 1989 report by the Office of Science and Technology Policy outlining a research and development strategy for high-performance computing provides a framework for a multi-agency high-performance computing program.

(b) It is the purpose of Congress in this Act to help ensure the continued leadership of the United States in high-performance computing and its applications. This requires that the United States Government—

(1) expand Federal support for research, development, and application of high-performance computing in order to—

(A) establish a high-capacity national research and education computer network;

(B) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(C) develop an information infrastructure of data bases, services, access mechanisms, and research facilities which is available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to Grand Challenges; and

(H) invest in basic research and education; and

(2) improve planning and coordination of Federal research and development on high-performance computing.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Director" means the Director of the Office of Science and Technology Policy; and

(2) "Council" means the Federal Coordinating Council for Science, Engineering, and Technology chaired by the Director of the Office of Science and Technology Policy.

SEC. 4. MISCELLANEOUS PROVISIONS.

(a) Except to the extent the appropriate Federal agency or department head determines, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Where appropriate, and in accordance with Federal contracting law, Federal agencies and departments shall procure prototype or early production models of new high-performance computer systems and subsystems to stimulate hardware and software development.

SEC. 5. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM

"NATIONAL HIGH-PERFORMANCE COMPUTING PLAN

"SEC. 701.(a)(1) The President, through the Federal Coordinating Council for Science, Engineering, and Technology (hereinafter in this title referred to as the 'Council'), shall, in accordance with the provisions of this title—

"(A) develop and implement a National High-Performance Computing Plan (hereinafter in this title referred to as the 'Plan'); and

"(B) provide for interagency coordination of the Federal high-performance computing program established by this title.

The Plan shall contain recommendations for a five-year national effort and shall be submitted to the Congress within one year after the date of enactment of this title. The Plan shall be resubmitted upon revision at least once every two years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for a Federal high-performance computing program for the fiscal year in which the Plan (or revised Plan) is submitted and the succeeding four fiscal years;

"(B) set forth the role of each Federal agency and department in implementing the Plan; and

"(C) describe the levels of Federal funding for each agency and department and specific activities, including education, research activities, hardware and software development, establishment of a national gigabits-per-second computer network, to be known as the National Research and Education Network, and acquisition and operating expenses for computers and computer networks, required to achieve the goals and priorities established under subparagraph (A).

"(3) The Plan shall address, where approprriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the National Science Foundation;

"(B) the Department of Commerce, particularly the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the National Telecommunications and Information Administration;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of Defense, particularly the Defense Advanced Research Projects Agency;

"(E) the Department of Energy;

"(F) the Department of Health and Human Services, particularly the National Institutes of Health and the National Library of Medicine;

"(G) the Department of Education;

"(H) the Department of Agriculture, particularly the National Agricultural Library; and

"(I) such other agencies and departments as the President or the Chairman of the Council considers appropriate.

"(4) In addition, the Plan shall take into consideration the present and planned activities of the Library of Congress, as deemed appropriate by the Librarian of Congress.

"(5) The Plan shall identify how agencies and departments can collaborate to—

"(A) ensure interoperability among computer networks run by the agencies and departments;

"(B) increase software productivity, capability, portability, and reliability;

"(C) expand efforts to improve, document, and evaluate unclassified public-domain software developed by federally funded researchers and other software, including federally funded educational and training software;

"(D) cooperate, where appropriate, with industry in development and exchange of software;

"(E) distribute software among the agencies and departments;

"(F) distribute federally funded software to State and local governments, industry, and universities;

"(G) accelerate the development of high performance computer systems, subsystems, and associated software;

"(H) provide the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges in astrophysics, geophysics, engineering, materials, biochemistry, plasma physics, weather and climate forecasting, and other fields;

"(I) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, and computational science; and

"(J) identify agency rules, regulations, policies, and practices which can be changed to significantly improve utilization of Federal high-performance computing and network facilities, and make recommendations to such agencies for appropriate changes.

"(6) The Plan shall address the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks. Agencies identified in the Plan shall define and implement a security plan consistent with the Plan.

"(b) The Council shall—

"(1) serve as lead entity responsible for development of the Plan and interagency coordination of the program established under the Plan;

"(2) coordinate the high-performance computing research and development activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) review, prior to the President's submission to the Congress of the annual budget estimate, each agency and departmental budget estimate in the context of the Plan and make the results of that review available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget; and

"(4) consult and coordinate with Federal agencies, academic, State, industry, and other appropriate groups conducting research on high-performance computing.

"(c) The Director of the Office of Science and Technology Policy shall establish a High-Performance Computing Advisory Panel consisting of prominent representatives from industry and academia who are specially qualified to provide the Council with advice and information on high-performance computing. The Panel shall provide the Council with an independent assessment of—

"(1) progress made in implementing the Plan;

"(2) the need to revise the Plan;

"(3) the balance between the components of the Plan;

"(4) whether the research and development funded under the Plan is helping to maintain United States leadership in computing technology; and

"(5) other issues identified by the Director.

"(d)(1) Each appropriate Federal agency and department involved in high-performance computing shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office identifying each element of its high-performance computing activities, which—

"(A) specifies whether each such element (i) contributes primarily to the implementation of the Plan or (ii) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(B) states the portion of its request for appropriations that is allocated to each such element.

"(2) The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each appropriate agency or department's annual budget estimate that is allocated to each element of such agency or department's high-performance computing activities.

"(e) As used in this section, the term 'Grand Challenge' means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

"ANNUAL REPORT

"SEC. 702. The Chairman of the Council shall prepare and submit to the President and the Congress, not later than March 1 of each year, an annual report on the activities conducted pursuant to this title during the preceding fiscal year, including—

"(1) a summary of the achievements of Federal high-performance computing research and development efforts during that preceding fiscal year;

"(2) an analysis of the progress made toward achieving the goals and objectives of the Plan;

"(3) a copy and summary of the Plan and any changes made in such Plan;

"(4) a summary of appropriate agency budgets for high-performance computing activities for that preceding fiscal year; and

"(5) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.".

SEC. 6. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 5 of this Act, the National Science Foundation, in cooperation with the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other appropriate agencies, shall provide for the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network (hereinafter referred to as the "Network"), which shall link government, industry, and the education community.

(b) The Network shall provide users with appropriate access to supercomputers, computer data bases, other research facilities, and libraries.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed and developed with the advice of potential users in government, industry, and the higher education community;

(3) be established in a manner which fosters and maintains competition and private sector investment in high speed data networking within the telecommunications industry;

(4) be established in a manner which promotes research and development leading to deployment of commercial data communications and telecommunications standards;

(5) where technically feasible, have accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of the Network and copyrighted materials available over the Network; and

(6) be phased into commercial operation as commercial networks can meet the networking needs of American researchers and educators.

(d) The Department of Defense, through the Defense Advanced Research Projects Agency, shall be the lead agency for research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(e) Within the Federal Government, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(f)(1) The Council, within one year after the date of enactment of this Act and consistent with the Plan developed under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 5 of this Act, shall—

(A) develop goals, strategy, and priorities for the Network;

(B) identify the roles of Federal agencies and departments implementing the Network;

(C) provide a mechanism to coordinate the activities of Federal agencies and departments in deploying the Network;

(D) oversee the operation and evolution of the Network;

(E) manage the connections between computer networks of Federal agencies and departments;

(F) develop conditions for access to the Network; and

(G) identify how existing and future computer networks of Federal agencies and departments could contribute to the Network.

(2) The President shall report to Congress within one year after the date of enactment of this Act on the implementation of this subsection.

(g) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall adopt a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and enhanced security for the Network; and

(2) the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the Department of Defense, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the Department of Health and Human Services, and the Environmental Protection Agency are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(h) Within one year after the date of enactment of this Act, the Director, through the Council, shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) plans for the eventual commercialization of the Network;

(3) how commercial information service providers could be charged for access to the Network;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how Network users could be charged for such commercial information services;

(6) how to protect the copyrights of material distributed over the Network; and

(7) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

SEC. 7. ROLE OF THE NATIONAL SCIENCE FOUNDATION.

(a) The National Science Foundation shall provide funding to enable researchers to access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks. Additional responsibilities may include promoting development of information services and data bases available over such computer networks; facilitation of the documentation, evaluation, and distribution of research software over such computer networks; encouragement of continued development of innovative software by industry; and promotion of science and engineering education.

(b)(1) The National Science Foundation shall, in cooperation with other appropriate agencies and departments, promote development of information services that could be provided over the Network established under section 6. These services shall include, but not be limited to, the provision of directories of users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and networks, access to commercial information services to researchers using the Network, and technology to support computer-based collaboration that allows researchers around the Nation to share information and instrumentation.

(2) The Federal information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

(c)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the monies authorized to be appropriated in subsection (c)(1), there is authorized for the research, development, and support of the Network, in accordance with the purposes of section 6, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 8. THE ROLE OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act, $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(c) The amounts authorized to be appropriated under subsection (b) are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 9. ROLE OF THE DEPARTMENT OF COMMERCE.

(a) The National Institute of Standards and Technology shall adopt standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for adopting standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) The Secretary of Commerce shall conduct a study to—

(A) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(B) determine whether such regulations discourage development of improved software development tools and techniques.

(2) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under paragraph (1).

SUMMARY OF MAJOR PROVISIONS

The High-Performance Computing Act would authorize a five-year program for research and development on supercomputers, advanced computer software, and computer networks. The provisions are:

Section 1 is the title of the bill.

Section 2 contains the findings and purpose of the bill.

Section 3 provides definitions.

Section 4 contains miscellaneous provisions to make clear that computer systems for classified information are not affected by this bill. In addition, Federal agencies and departments are encouraged to purchase prototype and early production models of new high-performance computer systems.

Section 5 amends the National Science and Technology Policy, Organization, and Priorities Act of 1976, which established the White

House Office of Science and Technology Policy (OSTP). The section establishes an interagency national High-Performance Computing program involving the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA), the Department of Energy, and the Department of Defense, and other relevant agencies. Interagency coordination and planning for the program would be provided by OSTP's Federal Coordinating Council for Science, Engineering, and Technology (FCCSET), which shall work closely with industry. The program would be a comprehensive one, dealing with high-performance computing hardware and software, networking, and the education and training in high-performance computing.

Section 6 requires NSF to work with other agencies to establish a a multi-gigabit National Research and Education Network (NREN) by 1966. This network would be capable of transmitting several billions of bits of data per second and would link hundreds of thousands of researchers in government, industry, and universities around the country. The Defense Advanced Research Projects Agency will be lead agency for developing the networking technology needed for the NREN. NSF will have primary responsibility for connecting colleges, universities, and libraries to the NREN. The FCCSET shall provide for the planning and oversight needed to coordinate the efforts of the agencies contributing and using the NREN. The National Institute of Standards and Technology (NIST) will be responsible for standards and security for the NREN. The FCCSET shall prepare a report on how commercial information providers and network companies can contribute to and use the NREN.

Section 7 defines several specific roles for the NSF, including providing supercomputer access and networking services to researchers, enhancing development of information services available on the NREN, and promoting development and distribution of research software for supercomputers.

AUTHORIZATIONS FOR NSF

[In millions of dollars]

	Fiscal year—				
	1992	1993	1994	1995	1996
NREN	15	25	55	50	50
Other	31	63	90	122	149
Total	46	88	145	172	199

Section 8 mandates NASA to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

AUTHORIZATIONS FOR NASA

[In millions of dollars]

	Fiscal year—				
	1992	1993	1994	1995	1996
Total	22	45	67	89	115

Section 9 defines the role of the Department of Commerce in high-performance computing. The Department's NIST shall adopt standards and guidelines for interoperability of high-performance computers, so that different types of computers could effectively exchange data over networks. NIST will also be responsible for developing benchmark tests for evaluating high-performance computer systems. In accord with the Computer Security Act, NIST will provide for computer security and the privacy of information for Federal computer systems. This section also instructs the Secretary of Commerce to evaluate the impact of Federal procurement rules for software on development of new, improved software technology.•

• Mr. BINGAMAN. Mr. President, as you know, last year the Senate passed the High-Performance Computing Act of 1990, which was similar to the legislation introduced today. Unfortunately, the House of Representatives did not act on this legislation in the 101st Congress. Today, as Senator GORE reintroduces this important legislation, I rise to urge my colleagues to once again support this bill.

Mr. President, I would like to briefly outline why I believe this legislation deserves our support.

First, it is clear to me that there is a consensus on the importance of high-performance computing. Last year we received the Department of Commerce Emerging Technologies report and the second annual Department of Defense critical technologies plan, reports which identified the technologies most critical to national security and economic competitiveness.

The Commerce Department identified high-performance computing as a critical emerging technology for the United States. High-performance computing was also a factor in five of the technologies identified as critical by the Department of Defense: Software producibility, parallel computer architectures, simulation and modeling, data fusion, and computational fluid dynamics. High-performance computing has been identified by industry and academia as a critical area, and shows up on critical technologies lists prepared by Japan and the European Community. There is no doubt about the importance of high-performance computing. The only thing in doubt is whether we will act now to foster the development of this technology.

Second, it is clear to me that a national policy in support of high-performance computing is needed. The Department of Commerce reports that, while the United States currently holds a lead in high-performance computing, it is losing ground to Japan. And the Department of Defense reports that many aspects of high-performance computing are critical to our national defense.

To address the policy issues involved with fostering this technology, the President's science adviser and the Office of Science and Technology Policy, through the Federal Coordinating Committee on Science, Engineering, and Technology, developed an implementation plan for a national high-performance computing initiative.

The FCCSET panel did an excellent job of garnering industry input in developing the plan, and that can be seen in the support industry has shown for this initiative. Industry groups such as the Council on Competitiveness are pointing to this as a model for support of other critical technologies.

Finally, last year the Senate approved similar legislation establishing a national policy and authorized funding which would have leveraged the resources and expertise of our mission agencies to support high-performance computing in America. I hope that the Senate will once again support this initiative.

Mr. President, the final point I would like to make is that this legislation, and the manner in which it was developed, can serve as a model for policies to foster critical technologies. We need to do a better job of soliciting and acting on industry views in the promotion of other critical technologies. The interagency consultation which resulted in the identification of lead agencies for certain missions is another process that should be undertaken for each of our critical technologies. Each technology would most likely require a different structure, and a process such as the one which led to this legislation should be undertaken for each.

I hope that we can move quickly on this bill. As I said, I believe that it can serve as a model for other critical technologies, and I urge my colleagues to support swift passage.

I yield the floor.•

• Mr. JEFFORDS. Mr. President, I want to commend my colleague, Senator GORE, for his efforts in keeping America a leader in computer technology. The High-Performance Computing Act of 1991 represents a strong step toward maintaining America's strength in this area. I strongly support this bill.

Education is one area that will immediately benefit from this bill. Sharing of software and greater access to computer facilities will help American scientists advance the boundaries of our knowledge. For example, many environmental models are becoming increasingly complex as our understanding of the world improves. Supercomputers are needed to perform the billions of calculations these models require. This legislation, I believe, will increase scientists' access to supercomputers. Scientists in fields ranging from astrophysics to engineering to weather forecasting will benefit. Some of the fruits of their research will undoubtedly help all mankind.

I also believe this legislation will help America maintain its lead in this vital technology. Whereas in the past we could take it for granted that we were the leaders in computer technology, we can be complacent no longer. Other countries develop national strategies and plans for becoming leaders in specific technologies. It is time we did the same.

I urge my colleagues to support this bill and work for its rapid passage.

Let's keep America the leader in supercomputers.●

By Mr. STEVENS:

S.J. Res. 46. Joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990; to the Committee on Governmental Affairs.

DISAPPROVAL OF DISTRICT OF COLUMBIA ASSAULT WEAPON LEGISLATION

Mr. STEVENS. Mr. President, I support and introduce a joint resolution to disapprove the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990. An identical resolution has been introduced in the House of Representatives by Representative THOMAS BLILEY of Virginia.

That District of Columbia act imposes strict liability on the manufacturers, importers, or dealers of assault weapons—without regard to fault or proof of defect—for all direct and consequential damages that arise from bodily injury or death if the injury or death results from the discharge of the assault weapon in the District of Columbia.

The rationale for strict liability doctrine is to ensure that manufacturers are held accountable for the costs of injuries which result from defective products. In general, a person has a right of action under strict tort liability if the injury from a defect is forseeable. The application of strict liability without regard to fault or proof or defect to manufacturers of assault weapons for the criminal activity of D.C. residents is unwarranted.

The sale of these firearms is expressly prohibited in the District under the law. The District should ensure that the possessors of firearms, who are engaging in illegal activity by owning and using such weapons, are held accountable for their actions. Out-of-the-District firearms manufacturers who operate legitimate businesses should not be held responsible.

The purpose of this act is, in effect, to shift the burden to firearms manufacturers out of the District. The constitutional rights of the makers and owners of firearms who have complied with all applicable Federal, State, and local laws outside the District have been ignored by the District. It cannot hold the firearms industry liable for the injury caused by guns which were lawfully sold to purchasers but misused in the District. Firearms manufacturers should not be held liable for the actions of persons over whom they have no control.

The end result, should this act become effective, will be that manufacturers might be held responsible for the drug-crazed, violent murders that have become daily occurrences in the District of Columbia.

It should be noted that today's Washington Post has reported that Mayor Dixon plans to ask the D.C Council to repeal the Assault Weapon Manufacturing Strict Liability Act of 1990.

If that does not occur, Congress should disapprove the recent action of the D.C. Council. I ask unanimous consent that the text of this joint resolution and the Washington Post article be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 46

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Act 8-289), signed by the Mayor of the District of Columbia on December 17, 1990, and transmitted to Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act on January 11, 1991.

[From the Washington Post, Jan. 24, 1991]

DIXON PREPARED TO SCUTTLE GUN LAW TO SECURE HILL AID

(By Rene Sanchez)

Mayor Sharon Pratt Dixon, in a move to win favor in Congress for emergency aid for the District, said yesterday she will ask the D.C. Council to repeal a bill passed last month that makes assault-weapon merchants liable for shooting injuries or deaths in the city.

Dixon's decision, relayed by a top aide, came amid further signs of congressional opposition to the gun-liability measure, and it followed a signal from D.C. Council Chairman John A. Wilson (D) yesterday that a council majority is prepared to overturn the measure.

Dixon met yesterday with Rep. Thomas Bliley (R-Va.), the ranking minority member of the House District of Columbia Committee, in part to discuss the gun-liability bill's impact on her request for an additional $100 million in federal aid.

Bills passed by the council and signed by the mayor are subject to congressional review. Bliley has introduced a resolution opposing the law.

After her meeting with Bliley, Dixon warned that congressional displeasure with the gun bill could harm the city's chances of receiving emergency aid to reduce its budget deficit.

"I think we'd all prefer for [Bliley's] resolution not to take on a life of its own," Dixon said, adding that the D.C. Council "knows the resolution is looming."

Wilson said later that he believes a majority of the council's members are prepared to sacrifice all or parts of the gun-liability bill if it improves the chances of getting $100 million in federal assistance.

"If the mayor asks for a repeal of the legislation, I think a majority of the council is amenable to it if it's going to help solve our budget problem," Wilson said. "I've had some conversations on Capitol Hill, and that's led me to believe they could be a lot more helpful with money if we made some accommodations."

Told of Wilson's remarks, Paul Costello, a spokesman for the mayor, said: "If that's a directive to move on a repeal, that's what she intends to do. She will take whatever steps are necessary to resolve this matter."

Council members had anticipated strong objections to the bill from Congress even before approving it in December. The measure, which Mayor Marion Barry signed just before leaving office, is the first of its kind in the country and has been praised by gun-control advocates.

It allows any District shooting victim, or his or her family, to file damage claims against gun manufacturers or dealers. A council majority, led by then-Chairman David A. Clarke, said it hoped the bill would reduce the District's homicide rate by deterring the sale of a variety of assault weapons.

In his resolution, Bliley said the gun-liability law is unconstitutional and violates the Home Rule Act. While noting the severity of violence in the city, he said Congress should intervene because District officials cannot have jurisdiction over gun merchants in other states.

"There is no question that the District's level of violence is devastating," Bliley wrote. "But violating the commerce clause of the Constitution, threatening legal, private enterprises, and violating the Home Rule Act are not the solution to controlling the violence."

Bliley told reporters that he was encouraged that efforts had begun to reach a compromise on the gun-liability issue.

"There is a problem, and I think they're working on it," he said. "We don't need to get Congress and the city in another confrontation."

The National Rifle Association's powerful Capitol Hill lobby had vowed to fight the bill, but gun-control groups have said they wanted the council's action to serve as a model for other cities.

A repeal also would be a serious disappointment for Clarke, who left the council last month. Clarke pushed for the legislation and persuaded seven other members to support it. Later, he called the bill one of his greatest achievements in 16 years on the council.

Clarke, who has joined the faculty of the District of Columbia School of Law, said last night he had written a letter to council members urging them not to rescind the measure, especially since they have no assurance of receiving the $100 million from Congress. "We ought not abandon public safety for what may be an illusory promise of assistance," he said.

Clarke also said he believes the bill could survive congressional scrutiny, noting that the Senate voted last year to ban the same kind of assault weapons the D.C. proposal covers.

By Mr. EXON (for himself and Mr. BENTSEN):

S.J. Res. 47. Joint resolution proposing an amendment to the Constitution relating to Federal Budget Procedures; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT ON FEDERAL BUDGET PROCEDURES

Mr. EXON. Mr. President, I rise to introduce legislation for a proposed constitutional amendment to require the President to submit and the Congress to enact a balanced Federal budget.

As I have in past years, I chose the balanced budget amendment to be a priority bill becasue deficit reduction remains the Nation's most serious challenge. The huge deficits and reckless economic policies of the Reagan-Bush era have left the Nation deeply in debt.

According to the Congressional Budget Office, within the next 2 or 3 years, gross interest expense will be the single largest Federal spending program. It will cost the American people more to pay for past economic excesses in the mid-1990's than it will cost to defend the country. This irresponsibility can not be tolerated much longer.

In spite of all the tumult and anxiety exhibited in the last Congress of the budget, the deficit next year will set an all-time record. The continuing decay of the financial sector, the costs of going to war, and effects of a recession all promise to make Disney's "Fantasia" look closer to reality than does last year's budget resolution and its promise of declining deficits.

Deficits threaten America's economic future. Deficits push up the cost of capital, make American assets more easily acquired by foreign interests, hurt our export sector, and make our Nation dependent on foreign lenders to finance our Nation's fiscal excess.

Make no mistake, a constitutional amendment to require a balanced budget will not magically solve our Nation's fiscal problems.

It will, however, force some degree of political leadership and make real not false deficit reduction a national priority.

What is needed is political leadership willing to be honest with the American people, leadership which will ask the American people for their patriotic support for a fiscal plan of shared sacrifice.

As Governor of the State of Nebraska, I had to balance eight budgets in a row. It was tough. There were many negotiations and political compromises. Balancing a budget is hard work. Fortunately, I had the benefit of a State constitutional provision which required a balanced budget. Nebraskans knew then and know now the benefits of fiscal discipline and by and large supported the tough decisions I had to make as Governor of the great State of Nebraska.

Mr. President, it is time that the Federal Government follows Nebraska's good example.

Over the years I ahve authored and supported comprehensive budget proposals which would have balanced the Federal budget. Yes, these proposals were tough and certain groups may have been upset with individual provisions of these budget proposals: however, these alternative budget proposals illustrated that a fair program of shared sacrifice can be crafted and that deficits can be reduced.

The balanced budget constitutional amendment is one tool that can assist our efforts and restore fiscal discipline to the Federal budget. It will give the President and the Congress the backbone to make those tough decisions.

Mr. President, I ask unanimous consent that the text of the constitutional amendment which I propose be printed in the RECORD as if read.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 47

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Prior to each fiscal year, the President shall submit to the Congress a proposed statement of revenues and appropriations for the coming fiscal year and shall recommend to the consideration of Congress such measures as the President shall judge necessary to assure that appropriations do not exceed revenues for that fiscal year.

"SECTION 2. Prior to each fiscal year, the Congress shall approve a proposed statement of revenues and appropriations for the coming fiscal year and shall adopt measures necessary to assure that appropriations do not exceed revenues for that fiscal year.

"SECTION 3. No bill which causes appropriations to exceed revenues for a fiscal year shall become law unless passed by two-thirds of the Senate and House of Representatives.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of national emergency is in effect.

"SECTION 5. The Congress shall have the power to enforce this article by appropriate legislation.

"SECTION 6. This article shall become effective beginning with the later of—

"(1) the second fiscal year to begin after its ratification, or

"(2) fiscal year 1993.".

By Mr. SIMON (for himself and Mr. DIXON):

S.J. Res. 48. Joint resolution designating February 16, 1991, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

LITHUANIAN INDEPENDENCE DAY

• Mr. SIMON. Mr. President, today Senator ALAN DIXON and I are introducing a joint resolution commemorating February 16, 1991, as Lithuanian Independence Day. We have done so together for 5 years now, and we do so again this year. The importance of this resolution at this time is apparent to all.

Last year we hoped, although we had no illusions, that the Lithuanian people's bold declaration of independence would be met with reason and a sense of justice, after 50 years of unreason and injustice. Not much positive happened. Last week, it became even clearer that there is still a long way to go, not just for the Baltic people but for the Russians, Armenians, Moldavians, Ukrainians, and all the other peoples under Moscow's domination. The Soviet reform effort is stalled. It needs to be reinvigorated, and quickly.

We have now passed two resolutions on the situation in the Baltics. These resolutions rightly condemn the brutal killings in Lithuania and Latvia. We can send another message at this time, that the people of the United States stand shoulder to shoulder with the brave people of Lithuania who are now resisting Soviet military occupation. Let's send that message.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD in full.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 48

Whereas the United States has never recognized the forcible and illegal annexation of Lithuania into the Soviet Union;

Whereas the Soviet Union, in January 1991, continued the violation of Lithuanian sovereignty by attacking the Lithuanian people in their peaceful protest of Soviet military actions;

Whereas the State of Lithuania has declared the right to veto legislation passed by Moscow;

Whereas the declaration of Lithuanian sovereignty reaffirms the passionate desire of the Baltic states to regain their independence;

Whereas February 16, 1991, which marks the seventy-third anniversary of the free and independent State of Lithuania, is an appropriate day to remember the continuing struggle of the Lithuanians to gain complete and total independence from the Soviet Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 16, 1991, is designated as Lithuanian Independence Day. The President is called on to issue a proclamation calling on the people of the United States to observe that day with appropriate programs, ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 1

At the request of Mr. MITCHELL, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1, a bill to amend title 38, United States Code, to increase the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of those who died from service-connected disabilities; to provide for independent scientific review of the available scientific evidence regarding the health effects of exposure to certain herbicide agents, and for other purposes.

S. 78

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 78, a bill to provide a 5.4-percent increase in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 81

At the request of Mr. LOTT, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mr. MACK], the Senator from Washington [Mr. GORTON], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. SYMMS], the Senator from Delaware [Mr. ROTH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 81, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 143

At the request of Mr. MCCONNELL, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from New York [Mr. D'AMATO], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. SYMMS], the Senator from Missouri [Mr. BOND], and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 199

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 203

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while in active duty.

S. 205

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 221

At the request of Mr. GLENN, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

S. 237

At the request of Mr. NUNN, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 239

At the request of Mr. SARBANES, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 40

At the request of Mr. THURMOND, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Texas [Mr. GRAMM], the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Virginia [Mr. WARNER], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. MITCHELL, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Washington [Mr. ADAMS], the Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Minnesota [Mr. WELLSTONE], the Senator from New Hampshire [Mr. RUDMAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Concurrent Resolution 4, a concurrent resolution condemning Iraq's unprovoked attack on Israel.

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 4, supra.

At the request of Mr. SEYMOUR, his name was added as a cosponsor of Senate Concurrent Resolution 4, supra.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. MITCHELL, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Oklahoma [Mr. NICKLES], the Senator from Washington [Mr. GORTON], the Senator from New Hampshire [Mr. RUDMAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 5, supra.

At the request of Mr. SEYMOUR, his name was added as a cosponsor of Senate Concurrent Resolution 5, supra.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. MITCHELL, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution to express the sense of the Congress that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. EXON], the Senator from Michigan [Mr. RIEGLE], the Senator from Maine [Mr. COHEN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from New Mexico [Mr. DO-

MENICI], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. LUGAR], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 6, supra.

At the request of Mr. DECONCINI, his name was added as a cosponsor of Senate Concurrent Resolution 6, supra.

At the request of Mr. SEYMOUR, his name was added as a cosponsor of Senate Concurrent Resolution 6, supra.

SENATE RESOLUTION 18—RECOGNIZING THE ACCOMPLISHMENTS OF LEWIS A. SHATTUCK

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 18

Whereas Lewis A. Shattuck has worked diligently to make the voice of small business heard in the United States business community;

Whereas Lewis A. Shattuck, a respected Massachusetts businessman, is President of the Smaller Business Association of New England;

Whereas the Smaller Business Association of New England has grown from a staff of 2 with 300 members to a staff of 12 with almost 2,000 members under the leadership of Lewis A. Shattuck;

Whereas Lewis A. Shattuck played an instrumental role in the organization and passage of the White House Conference on Small Business; and

Whereas Lewis A. Shattuck has been a strong and effective advocate in creating the Small Business Innovative Research program which extends Federal grant money to small businesses: Now, therefore, be it

Resolved, That the accomplishments of Lewis A. Shattuck, reminding entrepreneurs to strive and work diligently to make the voice of small business heard, are hereby recognized and honored.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Lewis A. Shattuck.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CHILDREN, FAMILIES, DRUGS, AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Families, Drugs, and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, January 24, 1991, at 10 a.m., for a hearing on "Balancing Work and Family: S. 5, the Family and Medical Leave Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CELEBRATION OF UKRAINIAN INDEPENDENCE

• Mr. BIDEN. Mr. President, it is my pleasure to join with Ukrainians throughout the world this week in celebrating the 73d anniversary of independence. Although the independent state created in 1918 survived only a few years, its philosophical and political goals stand as a tribute to its founders. It should also stand as an example for the current leader of the Soviet Union.

Ukraine's 1918 declaration of independence called for freedom, democracy and self-determination. In the past year, courageous Ukrainians have fought yet again to reestablish these ideals as the basis for their state. Last July the Ukrainian Government issued a declaration of sovereignty, as did many other republics. These efforts have been met with resistance and coercion from Moscow. In Ukraine, the Kremlin has arrested and imprisoned democratic activists, intimidated democratically elected local governments and threatened to send in paratroopers under the pretext of restoring order.

We have seen from the events in Lithuania and Latvia that the Kremlin has not hesitated to go much further in its use of brutal, repressive tactics. I use this opportunity, then, not only to congratulate Ukraine on its anniversary, but to express my admiration and to offer praise for the courage of those working for basic freedoms in Ukraine and throughout the Soviet Union.•

CONGRESS-BUNDESTAG STAFF EXCHANGE

• Mr. LUGAR. Mr. President, among the many exchange programs in which the United States Government participates, none is more unique than the Congress-Bundestag Staff Exchange Program between the United States and the Federal Republic of Germany. This program has allowed for annual exchanges between professional staff members in the United States Congress and the German Parliament.

This year's program will mark the first exchange with the Parliament of a unified Germany. We look forward to sending a highly qualified group of staff members from the Congress to Germany this spring and to receiving a group of Bundestag staff members here in Washington later in the year.

In an effort to attract the most qualified staff members of the Congress to the program, Mr. President, I attach the announcement of the 1991 Congress-Bundestag Staff Exchange that will provide interested staff members with many of the particulars of the program.

ANNOUNCEMENT OF THE 1991 CONGRESS-BUNDESTAG STAFF EXCHANGE

Since 1983, the United States' Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the first exchange with a reunified Germany and a parliament consisting of members from both the west and the east. Eight staff members from the U.S. Congress will be chosen to visit Germany from April 8 to 21. They will spend about 10 days in Bonn attending meeting conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic and media institutions.

They also will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany. Accordingly, U.S. participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in European affairs. Applicants need not be working in the field of foreign affairs, although such a background is helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States, such as, but not limited to, trade, security, the environment, immigration, economic development, and other social policy issues.

In addition, U.S. participants will be expected to help plan and implement the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, participants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Applications for participation in the United States delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs. Final selection of the delegation will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Jones, Office of Rep.

Ralph Regula, 2207 Rayburn, by Friday, February 15.•

BICENTENNIAL OF THE DISTRICT OF COLUMBIA

• Mr. ADAMS. Mr. President, today marks the bicentennial of the selection of a parcel of swampy land on the eastern shore of the Potomac River between Georgetown in Maryland and Alexandria in Virginia to be the capital of a new nation.

On January 24, 1791 President George Washington issued a proclamation specifying this site for the Federal district. At the time the site was covered by tobacco and corn fields, orchards and woods. A cherry orchard covered present day Lafayette Square.

A decade later, in the late spring of 1800 the documents of the new Federal Government arrived at a wharf on the Potomac River, from New York, in the new national capital. Pennsylvania Avenue was a brush covered swamp dotted with three stumps. The Executive Mansion was a painted sandstone structure on a marshy estuary. A mile to the east one wing of the new Capitol Building occupied a commanding position on Jenkins Hill.

The new inhabitants of the Nation's Capital could hardly imagine the beauty and grandeur of present day Washington, the District of Columbia. Predictably the location of the Capital was born of controversy and was settled in discussion with Members of Congress over Secretary of State Thomas Jefferson's dinner table.

In the 2 months following President Washington's proclamation, surveyor Andrew Ellicott came from Baltimore with his chief assistant Benjamin Banneker, a free black man, to map out the new city. A French war hero and engineer, Major Pierre L'Enfant, arrived to design the wide avenues and great vistas for the Nation's Capital.

Over the coming months the District will celebrate the bicentennial of the laying of the first boundary stone of the new Federal district at Jones Point in Alexandria; as well as the selection of the name District of Columbia and the naming of the city of Washington as its Capital. I hope that my colleagues will take note of these anniversaries and take the opportunity to establish a new relationship with the city government and the new Mayor.•

THE PRESIDENT'S JUDICIAL NOMINEES: JUSTICE OR JUST US?

• Mr. SIMON. Mr. President, as we begin the 102d Congress and judicial appointments are sent over for the advice and consent of the Senate, I rise to share with my colleagues some very disturbing statistics about the President's nominees.

In his first, 2 years as President, George Bush submitted 77 nominations—one for the U.S. Supreme Court, 23 for circuit courts of appeal, 51 for Federal district courts and 2 for the claims courts. Fully 85 percent of Bush judicial nominees were white males. According to a recent article in Legal Times, one third of the males belonged to clubs with a history of discriminatory admission policies. Among the circuit court nominees, almost half were millionaires.

These figures send a discouraging signal to people who come before the courts as well as to the general public. America is growing increasingly diverse and that is one of the things that makes our society strong. Our courts should recognize that growing diversity and better reflect it. When they do not, they help lead the average American to feeling that our legal system is working for someone else.

Of the 77 nominations made by the President in 1989 and 1990, 4.3 percent were African-American, 2.9 percent were Hispanic and there were no Asian-Americans. While this is an improvement for African-American appointments as compared to President Reagan's record, it is a step back for the growing Hispanic and Asian-American populations.

There are those who justify this poor record of appointments on the relative lack of minority attorneys within the Republican Party or who agree with the President's legal philosophy. Yet party membership has never been a sole prerequisite for appointment by previous Presidents. This argument also belies the fact that the President nominated only seven women and there is no shortage of women attorneys in the President's party.

I will soon be writing the Attorney General to urge him to change this trend. Last year, Congress passed legislation to expand the judiciary and create 85 new judgeships. The President, therefore, will have the opportunity to make up to 125 appointments, 15 percent of the entire judiciary.

Federal judicial posts are lifetime appointments and many of the individuals the President nominates and the Senate confirms will serve well into the 21st century. As the legal profession adds more and more women and minorities to its ranks and they become more experienced, they should not be shut out of the judiciary. We, as Senators, should also do our best to reach out to black, Hispanic, Asian-American and women's bar associations so that our recommendations for judicial vacancies will similarly reflect the recent advances in the bar.

Mr. President, I ask that the previously mentioned news article be printed in the RECORD.

The article follows:

IN HIS OWN IMAGE BUSH JUDICIARY: WHITE, MALE, AND CAUTIOUS

(By Terence Moran)

After two years and more than 75 appointments, President George Bush has begun to leave his mark on the federal judiciary, sketching through his nominees to the bench a profile very much to his image: white, male, patrician, and cautious.

The president's low-key approach to staffing the courts has brought a measure of peace to an issue that had been consumed by controversy for nearly a decade, ever since Ronald Reagan pledged to pack the courts with conservatives. The cannons of ideological conflict no longer roar over the battlefield of judicial nominations, and President Bush has thus had a free hand to solidify the Republican grip on the courts.

"It's a matter of sheer numbers—there's less urgency and less at stake with each successive appointment a Republican president makes," observes Thomas Jipping, director of the Center for Law and Democracy, a conservative advocacy group. "Liberals have had to shift their focus away from the judiciary to other battles."

But while the ideological conflicts surrounding the Bush judiciary may be less sharp than those around the Reagan courts, the thrust of the appointments process remains the same—conservative to the core.

Bush judges—many of whom served as lower-court judges or administration officials under President Reagan—have articulated in their confirmation proceedings and in their rulings bedrock conservative doctrine: literal interpretation of statutory and constitutional texts, deep skepticism of claims for new rights, reluctance to reach questions not presented by the case at hand, and regular deference to executive and law-enforcement power.

"When it comes to issues involving individual rights, there's not that much difference between Reagan judges and Bush judges," laments George Kassouf, director of the Judicial Selection Project of the Alliance for Justice, a liberal interest group. "The rhetoric is less heated, but the results are basically the same."

SIMMERING DOWN

Few of President Bush's judges wear their conservative hearts prominently on their sleeves. The kinder, gentler rhetoric of the president and his judicial appointees has moved the shape of the federal judiciary to the back burner of domestic debate and contributed to a marked lessening of tensions surrounding the Senate confirmation process.

Kassouf, in a report issued by the Alliance for Justice earlier this month, estimated that the Senate Judiciary Committee spent about 25 percent less time investigating, considering, and voting on nominees in the 101st Congress than in the 100th Congress.

The full Senate during the 101st Congress debated and held roll-call votes on only two judicial nominees—David Souter to the Supreme Court (confirmed 90-9) and Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit (confirmed 98-2). The other two appointees on the D.C. Circuit—Karen LeCraft Henderson and A. Raymond Randolph Jr.—breezed through without opposition.

For those involved in the process of judicial selection, the lower temperature comes as a relief.

"There was a lot of contention, a firestorm of controversy out there" during the Reagan administration, notes Ralph Lancaster Jr., chairman of the American Bar Association's Standing Committee on the Federal Judiciary, which rates judicial nominees.

"It's always better to do your job without contention," adds Lancaster, a name partner in Portland, Maine's Pierce, Atwood, Scribner, Allen, Smith & Lancaster.

The quiet progress the Bush administration has made on the courts will accelerate next year, when the president will have the opportunity to appoint 85 new judges under the Federal Judgeship Act, passed by Congress in the waning days of the 1990 session. That group, together with existing vacancies, gives the president the chance in the coming year to appoint 126 new judges, roughly 15 percent of the federal judiciary.

Who these judges will be might best be gauged by looking at those the administration has already named to the courts. The statistical profile of the Bush judiciary, culled from Senate questionnaires and independent inquiries by two liberal interest groups—the Alliance for Justice and People for the American Way—describes a relatively young, partisan, and prosecutorial group with limited experience in *pro bono* work.

The archetypal Bush judicial nominee is a white man in his mid-40's, active in Republican politics, removed from academic debate, with a net worth of upwards of $1,000,000 and some experience in government. He probably has served either as a prosecutor or as a state court judge, federal district judge, or magistrate. One would stand a fair chance of meeting this man at a discriminatory club.

Almost 85 percent of President Bush's judges are white and male. At the time of their nomination, more than a third of these men belonged to clubs that had a history of discriminatory policies or practices—a figure that seems bound to decline. Last summer, the Senate judiciary panel declared in a nonbinding resolution that membership in such clubs is "inappropriate" for nominees, and the ABA has changed its Code of Judicial Conduct to prohibit membership in clubs that practice 'invidious discrimination."

The controversy over club memberships has merely spotlighted the Bush administration's inability to recruit more women and minorities for judgeships. Despite promising to increase diversity on the federal bench, President Bush has made only seven women judges and five minority judges in 77 opportunities over the last two years.

This track record enrages liberals.

"As time goes by and there is an increasing pool of minorities and women who could be good judges, it becomes more and more egregious that the judiciary stays white and male," says Jan Levine of People for the American Way.

To be sure, there are not legions of Republican minority and women candidates for judgeships, a point the administration often makes in its defense. And President Bush—in keeping with a steady policy of increasing opportunity for the disabled—did appoint a disabled lawyer, G. Thomas Van Bebber, to the U.S. District Court in Kansas.

For liberal critics like Kassouf of the Alliance for Justice, the point of counting judges by their physical characteristics is that the progress women and minorities have made in the law should be reflected in the distribution of judicial power—else the experiences these people possess will not get translated into the "felt necessities" of society that inevitably shape the law.

"It's not that you've got to have proportional representation to the population as a whole," says Kassouf. "But you've got to have more representation as the country changes."

WHERE'S THE PRO BONO?

If Bush judges do not present a wealth of diversity in background, their lives in the law have frequently not given them much broader perspectives. Coming from an administration with a commitment to volunteerism, to the shinning forth of "a thousand points of light," the Bush judiciary seems to some critics a little dim.

The Senate Judiciary Committee asks in its formal questionnaire for "specific in stances" of *pro bono* work. The answers from President Bush's nominees are often vague, and the activity they describe is characterized more by sitting on boards of directors than by hands-on participation.

For example, William Shubb, confirmed in September to the U.S. District Court for the Eastern District of Caifornia, listed his wife's volunteer efforts on behalf of the Sacramento Braille Transcribers as indicative of his commitment to the disadvantaged.

"A room in our house has been set aside for [translation] activities, and she spends about 30 hours a week in connection with that work," Shubb related.

In addition, many of the administration's nominees cited the *pro bono* programs of their law firms as evidence of their volunteerism, without specifying their involvement in the programs. Paul Niemeyer, confirmed to the 4th Circuit last August, described his firm's efforts in exceedingly general terms: "When with my former law firm, the firm actively supported *pro bono* work. We opened the first neighborhood law office in East Baltimore and cooperated with the University of Maryland in operating a clinic, all at firm expense." Niemeyer was a partner at Piper & Marbury before being named to the U.S. District Court for Maryland in 1988.

Finally, the Bush judges have tended to serve on boards and commissions rather than to take cases or participate in other *pro bono* programs. For instance, Joseph McLaughlin, confirmed in October, cited "*pro bono* activities" service on 10 mayoral commissions, bar committees, and civic boards, including the New York State Law Revision Commission.

DETACHED AND REMOVED

These kinds of *pro bono* records dismay the liberal watchdogs, who see in the slim résumés a lack of connection to the wider communities over which judges hold power.

"If you're looking to find people who are the pillars of their legal communities to fill the courts with, then there's more to look for than just who you campaigned for or where you went to school," says Kassouf of the Alliance for Justice.

Conservatives are suspicious of that kind of talk. They sense in the calls for more judges with strong *pro bono* records a subtle demand that certain political views be represented on the bench.

"The move toward finding people who are 'in touch with the community' has little to do with the law," says Jipping of the Center for Law and Democracy. "We need judges who are in a sense detached and removed, who can look at the law as the law and not get what they're doing as a judge from some in-touch experience they've had."

Beyond the debates over the value of *pro bono* work and over the need for more diversity on the federal bench, the key questions about Bush judges remain: What do these people believe in? What will the law look like when they're through with it?

The answers, of course, will come only with the passage of the years, as the young judges to whom President Bush is entrusting the federal bench render decisions. But a few general indications of intent—revealed in testimony before the Senate and in a couple of recent appeals court cases—show that these judges can be counted solidly, if somewhat uninspiringly, in the conservative camp.

THE EFFICIENCY OF BUSINESS

President Bush, in sharp contrast to both Reagan and Jimmy Carter, has appointed only one academic to the federal courts. What academics bring to the bench—a high level of intellectual ambition and a fondness for literary rhetoric and mischievous wordplay in opinion-writing—may be replaced by a more workmanlike, perhaps more predictable, judging from many of the administration's 22 appointees to the circuit courts.

Take Stanley Birch Jr. of the U.S. Court of Appeals for the 11th Circuit. An Atlanta lawyer and major Republican donor who scored big in private practice when he represented the company that developed Cabbage Patch Kids dolls, Birch won the lowest approval rating from the ABA's committee on the judiciary.

During his confirmation proceedings, Birch, whose corporate practice was concentrated in the copyright area, offered the Senate panel a description of his judicial philosophy that reflected both his basic conservative beliefs and his business background.

"The concept of 'judicial activism' is antithetical to the basic tenets of our constitutional form of government," Birch wrote in his Senate questionnaire. "The role of the courts is to settle disputes. At this task they are relatively efficient. However, they become cost-ineffective when undertaking to re-engineer social structures and reorganize social priorities."

Since joining the 11th Circuit, Birch has had few chances to put his views into practice. He did, however, use a favorite campaign line of George Bush's when he dissented from a panel ruling that allowed the Justice Department to appeal a sentence imposed on a cross-burner; Birch believed the department had not properly filed its appeal.

"[T]his court's constitutional role is to interpret law and is not to make it," Birch wrote.

CONSERVATIVE SPLITS

The differences between Ronald Reagan's and George Bush's judges could become more pronounced in the years ahead, particularly in cases that bring out the libertarian streak in some of the intellectual conservatives whom President Reagan named to the courts. The potential for such a split has been dramatically drawn in a case from the 9th Circuit, *Geary* v. *Renne*. Reversing an earlier panel decision, the full court held in August that an amendment to the California state constitution prohibiting political parties from endorsing candidates for judgeships and other local non-partisan offices was unconstitutional under the First Amendment.

Reagan appointees—including ideological conservatives Alex Kozinski and John Noonan—joined the majority, seeing in California's effort to rid some elections of partisan influence a straightforward muzzling of political speech.

The dissent was written by Pamela Rymer and joined by Ferdinand Fernandez—both named to the court by President Bush. Rymer believed that "there is no reason inhering in the state's interest in the structure of its government that inhibits California from justifying its restriction on endorsements."

Such cases may not amount to much, however, for the plain fact is that conservatives of all stripes have embraced a more or less coherent vision of judging, and Bush appointees are unquestionably conservative. The president's slightly more establishment bias may mean fewer fireworks on the bench, but the results—conservatives hope and liberals fear—will be the same.

"It's true Bush talks more in terms of credentials and objective qualifications than Reagan, who emphasized theory and philosophy," says Jipping of the Center for Law and Democracy. "But the people he has picked and the judges he has made are as good or better than the Reagan appointees. This is a huge group of solid conservatives."

PRESIDENT BUSH'S APPOINTMENTS TO THE U.S. COURTS OF APPEALS

Name, law school, and previous job	Circuit	Age	Net worth
Samuel Alito, Jr., Yale, U.S. attorney	3d	40	$308,400
Rhesa Barksdale, University of Mississippi, Butler, Snow, O'Mara, Stevens & Canada.	5th	46	417,880
Stanley Birch, Jr., Emory, Vaughn & Murphy.	11th	45	207,527
Raymond Clevenger III, Yale, Wilmer, Cutler & Pickering.	Federal	53	10,980,000
Conrad Cyr, Yale, U.S. district judge	1st	59	639,658
Joel Dubina, Cumberland (AL), U.S. district judge.	11th	43	1,371,000
Ferdinand Fernandez, USC, U.S. district court.	9th	53	362,925
Karen LeCraft Henderson, UNC, U.S. district judge.	DC	46	277,862
James Loken, Harvard, Faegre & Benson	9th	50	1,792,000
Alan Lourie, Temple, V.P. SmithKline Beecham.	Federal	55	2,123,000
Joseph McLaughlin, Fordham, U.S. district judge.	2d	57	2,100,000
Thomas Nelson, University of Idaho, Nelson, Rosholt, Robertson, Tolman &Tucker.	9th	54	361,500
Paul Niemeyer, Notre Dame, U.S. district judge.	4th	49	1,458,000
S. Jay Plager, University of Florida, OMB Administrator.	Federal	59	1,083,000
Randall Rader, George Washington, U.S. Claims Court judge.	do	41	214,337
A. Raymond Randolph, Jr., University of Pennsylvania, Pepper, Hamilton &Scheetz.	DC	47	652,830
Pamela Rymer, Stanford, U.S. district judge.	9th	49	650,445
David Souter, Harvard, State supreme court justice.	1st	51	621,250
Richard Suhrheinrich, Detroit College of Law, U.S. district judge.	6th	54	1,419,000
Clarence Thomas, Yale, EEOC Chairman	DC	42	91,978
John Walker, Jr., University of Michigan, U.S. district judge.	2d	50	1,449,000
Jacques Wiener, Jr., Tulane, Wiener, Weiss, Madison & Howell.	5th	56	7,853,000

Source: Senate Judiciary Committee questionnaires. Net worth reported at time of nomination.•

COSPONSORSHIP OF BILLS TO EXTEND PERMANENTLY THE MORTGAGE REVENUE BOND PROGRAM AND THE LOW INCOME HOUSING TAX CREDIT

• Mr. KOHL. Mr. President, I rise today to cosponsor S. 167, the Riegle-Chaffee bill to make the Mortgage Revenue Bond Program permanent, and to announce my intention to cosponsor the soon to be introduced Mitchell-Danforth bill to extend the low-income rental housing tax credit permanently. These two bills that provide solid and much needed investment incentives. They are exactly the sort of measures we need in these times of recession and high budget deficits.

Both of these programs are well-targeted to low-income families. They both encourage investment in a vital national need: affordable housing. Both give our creative State governments a central role in managing the programs.

And both of these programs are proven. For example, in my home State of Wisconsin, the Wisconsin Housing and Economic Development Authority's Home Ownership Mortgage Program uses mortgage revenue bonds to channel below market rate mortgages to 6,000 qualified buyers a year. WHEDA estimates that, without MRB's, there would have been 3,600 less low-income families able to buy homes in Wisconsin last year.

As the United States enters a recessionary cycle, there is no doubt that Congress must pursue economic policies that encourage investment. But, because of our enormous budget deficit, we cannot afford slap-shot or overly broad investment incentives. We need to rely on proven programs that are accurately focused on investment in meeting pressing national needs—programs like the MRB's and the low-income housing tax credit.

Extending these two programs permanently will eliminate a yearly reauthorization ritual that has diminished the effectiveness of these incentives. Both MRB's and the low-income rental housing tax credit encourage long-term investment—the former, in homes; the latter, in low-cost rental housing. Our annual debate on these programs—a debate that traditionally includes a down-to-the-wire decision on their fate—creates an uncertainty that works counter to the long-term investment incentives we are trying to provide.

Of course, this annual debate serves a purpose—budget obfuscation. By authorizing these programs annually, Congress only has to figure out how to account for 1 year of the programs' costs. If we make MRB's and the low-income housing tax credit permanent, we would have to plan to pay for them beyond this fiscal year.

And that is another reason to support these two bills—truth in budgeting. It is not fair to the States and people who rely on these programs to keep them on an artificial, annual authorization simply in order to fudge our budget numbers. These programs have costs that should be accounted for rationally. Those of us who are in support of the goals and structure of these incentives need to admit those costs and work together to devise a way to meet them.

I look forward to working with the distinguished sponsors of these bills—Senators MITCHELL, DANFORTH, RIEGLE, and CHAFEE—to devise an offset to cover the permanent extension of the incentives. Doing so, of course, is the responsibility of Congress under the new "pay-as-you-go" budget rules. However, we should have taken that step a long time ago. It's good budget policy, and it would have ended the destructive uncertainty that now surrounds two very productive programs.•

ANGOLA

• Mr. SIMON. Mr. President, in the Weekly Mail, a respected journal in South Africa, there was an article by an American citizen by the name of Vicki Finkel. I have no idea who she is or of her reliability, but the story she relates is one that is, unfortunately, not too uncommon from Americans who visit Angola.

I ask that her article, "Words of hate like landmines for an American in Angola" be printed in the RECORD.

I hope and trust that the current efforts to resolve the dispute between Angola and Unita will be successful, not just on paper but in reality.

If for some reason they are not, we should seriously reconsider our involvement in the internal situation in Angola. The irony is that United States dollars are purchasing the weapons on both sides of this civil war in Angola.

Again, I hope we do not need to reconsider our policy because the situation has been worked out in Angola. But if it is not, we certainly should reconsider the policy.

The article follows:

[From the Weekly Mail, Nov. 16-22, 1990]

WORDS OF HATE LIKE LANDMINES FOR AN AMERICAN IN ANGOLA

(By Vicki Finkel)

Beneath the plaster-chipped ceiling, about 20 Angolan orphans huddled on the floor. Most had limbs missing, silent testimony to the raging war which also shattered the institution's windows.

The grim orphanage in southwestern Huila Province is one of the many throughout Angola striving to provide for the more than 50,000 children orphaned in the devastating war waged against the government by the United States-backed rebels of the National Union for the Total Independence of Angola (Unita).

I was introduced as an American journalist and Jo Da Silva, the orphanage director, clearly wanted the full impact of each child's traumatising and horrific experience to be recorded. She had each child describe how they lost their parents and how they were injured. The emotional stories were all variations on a disturbing theme, each accompanied by teary eyes reliving brutal treatment.

At the end Da Silva looked at me and her bitter words exploded like a wellplaced landmine, "I hate the United States."

Her burning words of enmity for the country emblazoned in gold letters on my passport haunted me throughout my month-long stay in Angola. I constantly identified the crippling effects of the 15-year civil strife with America's contradictory involvement with the oil-rich country.

Despite the MPLA government's new commitment to forming a multiparty system, holding open elections and undergoing economic liberalisation, the U.S. House of Representatives intelligence committee last month approved $50-million above the $60-million already budgeted for Unita for the present fiscal year. The increased aid was ratified by the Congressional House last week.

"I am very sorry to hear that," said Jack Blackshire, president of the Angolan operations of the American oil giant Continental Oil Corporation (Conoco), when I told him about this action to bolster aid to Unita.

"The Angolans just need to be left alone," he said in a Texan drawl, unseasoned by 10 years in Africa.

Blackshire and I strolled through the grounds of Conoco-Angola's headquarters to a towering baobab tree, under which he said he wished to be buried.

Looking over the deep blue waters of Luanda Bay, Blackshire pointed through the wire fence down to a fishing village complete with 10 outboard motor boats and recently constructed fish-drying racks. It is one of the 36 development projects Conoco has financed with a total of $4-million during their five years in Angola.

"It is in our interest to work in a stable environment, the worst thing is to have the country in turmoil," said Blackshire, whose amiable relations with the Angolan government have caused him to be denounced as a communist by United States congressmen who visited the Conoco-Angola base.

Ironically, U.S. Dollars purchase 80 to 90 percent of Angola's total oil production and in turn finance the MPLA government's defense against the Unita rebels.

When invariably questioned about my place of origin, I found myself tempted to give the misleading, "I am coming from Zimbabwe," but could not avoid the truth that I was an American.•

UKRAINIAN INDEPENDENCE DAY—1991

• Mr. DECONCINI. Mr. President, today as Ukrainians the world over commemorate the 73d anniversary of the 1918 proclamation of Ukrainian independence, Ukraine faces an uncertain future. The dynamic events of the last year, especially the assertion of Ukraine's political identity as manifested in the July 16 adoption of state sovereignty by the Ukrainian Parliament, have provided new hope for the Ukrainian people. Possibilities, unthinkable a few years ago, for genuine Ukrainian self-determination are rapidly emerging. The decades-long tide of Russification is beginning to be reversed. The Ukrainian churches are vigorously renewing their activity, and a vibrant democratic opposition movement committed to the goal of real freedom of Ukraine is rapidly gaining momentum. On the international arena, Ukraine is also trying to assert itself by requesting participation in the Conference on Security and Cooperation in Europe.

Despite these positive developments, the road to freedom and self-determination is a rocky one. Among the looming roadblocks are the continuing detention of Stepan Khmara, a leading opposition deputy from western Ukraine, the detention of democratic student leader Oles Doniy, and a decree imposing restrictions on demonstrations and public meetings. More disturbing, especially from the perspective of Ukraine's drive for control over its own destiny, is Moscow's stepped-up attack on the Republics and attempts to reassert control. The reprehensible Soviet actions in Lithuania and Latvia have provoked strong reaction and expressions of support for the Balts even among—I stress even among—the Communist-controlled Ukrainian Republic Government. The battle between Ukraine and the Kremlin, as between each of the Republics and the center, will only intensify in the coming months. Ukraine, encouraged by Rukh and other democratic forces, undoubtedly will continue the concrete efforts to consoldiate its declared sovereignty, while the Central Government will likely resist in an attempt to maintain the vestiges of a declining Soviet Empire.

Mr. President, nobody is certain where events in the Soviet Union, specifically in Ukraine, will take us. This lack of certainty, however, should in no way deter us from supporting the right of every nation, including Ukraine, to democratically and peacefully determine its own fate.•

SUPPORT OF LEGISLATION TO CREATE A WAITING PERIOD BEFORE THE PURCHASE OF A HANDGUN

• Mr. SIMON. Mr. President, I rise in support of legislation, introduced yesterday by Senator METZENBAUM, to require a 7-day waiting period before the purchase of a handgun. While I generally believe gun control is best left to State and local governments, I believe certain issues require a national approach. One of these issues is a national waiting period.

The purpose of this legislation is severalfold. First, it allows law enforcement officers to perform a background check to determine whether the prospective purchaser is a convicted felon or has a history of mental problems. There is simply no reason that one who has been convicted of felony should have access to a handgun. In my own home State of Illinois, before the purchase of any firearm, the prospective gunowner must acquire prior approval by undergoing a criminal background check. In 1988, Gov. Jim Thompson reported that this system had caught 2,470 felons attempting to purchase a firearm. Can anyone argue that Illinois would have been better off if these individuals had been allowed to purchase a handgun?

Second, the legislation provides a cool-down period for those who attempt to purchase a handgun in a violent rage. All too often, people are killed because someone acted upon an impulse. If these rash reactions had been delayed and the gun purchaser had cooled down, perhaps the deaths could have been avoided.

Another important purpose of this legislation is to ensure that felons cannot go around State waiting period laws by simply purchasing their handgun in a neighboring State that does not have a waiting period. The possibility that felons could purchase a handgun by eluding State laws underscores why, in this instance, national legislation is required.

Some fear that waiting period legislation would create back-door registration of gunowners. Not with this legislation—no permanent record of the gunowner would be kept, as forms filed by the purchaser would be destroyed within 30 days.

The evidence is clear that thousands of people are murdered each year with handguns. In too many tragic instances in which a handgun is used to kill, maim, or wound, like in the shooting of former President Reagan and Jim Brady, a waiting period might have prevented the gun sale.

During the 101st Congress, the Constitution Subcommittee, which I chair, held a hearing on waiting period legislation. We listened to the testimony of many witnesses, including that of Mr. Brady, who as you know, was shot in the head during the attempted assassination of the President. His entire testimony is a dramatic illustration of the need for this legislation. At one point, Mr. Brady said:

> Those members of Congress who oppose a simple seven-day waiting period should try being in my wheels just for one day. * * * I am a southern Illinois boy who grew up hunting and at home with guns. I don't question the rights of responsible gun owners. That is not the issue. The issue is whether the John Hinkleys of the world should be able to walk into a gun store and purchase a handgun instantly.

Waiting period legislation is a reasonable attempt to try to combat this violence. Police organizations around the Nation strongly favor waiting period legislation. I urge my colleagues to do the same.•

RECOGNITION OF THE ACCOMPLISHMENTS OF LEWIS A. SHATTUCK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 18, commending the accomplishments of Lewis A. Shattuck upon his retirement as president of the Smaller Business Association of New England, submitted earlier today by Senators KERRY and KENNEDY of Massachusetts.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 18) to recognize the accomplishments of Lewis A. Shattuck.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

TRIBUTE TO LEWIS A. SHATTUCK

Mr. KERRY. Mr. President, I rise today, along with my distinguished colleague Senator KENNEDY, to honor and pay special tribute to Mr. Lewis A. Shattuck. After 25 years with the Smaller Business Association of New England [SBANE], Lew Shattuck has retired as president of the organization. His accomplishments and contributions to the small business community have distinguished Lew Shattuck as one of the nation's leading small business advocates.

During his tenure at SBANE, Lew Shattuck was one of the Nation's most effective voices for small business. In the early 1980's, he was instrumental in securing passage of Small Business Innovation Research Act, and most recently, lent his support for the new White House Small Business Conference set for 1994. I believe these achievements help illustrate perhaps Lew Shattuck's most significant accomplishment—that small businesses can and should play an active role advancing their concerns and interests in the public policy process.

It is, therefore, with great honor that I submit today a resolution to recognize the accomplishments of this small business champion and to express the gratitude of the U.S. Senate for the important contributions he has made to the economic health of our Nation. Lew Shattuck's achievements serve as a reminder to entrepreneurs to strive and work diligently to make the voice of small business heard.

TRIBUTE TO LEWIS A. SHATTUCK—LEADERSHIP FOR SMALL BUSINESS

Mr. KENNEDY. Mr. President, it is a privilege to pay tribute to Lew Shattuck for his many years of outstanding leadership in the Smaller Business Association of New England. SBANE has benefited immensely from Mr. Shattuck's dedicated service and inspiring guidance for the past quarter century, and all of us who know him are proud of his many contributions.

Throughout his service, Lew has been a strong, respected and eloquent voice for small business in Massachusetts and the Nation. As an organizer of the White House Conference on Small Business, as a participant in the National Advisory Council of the Small Business Administration, and in many other ways, he has been one of the Nation's most respected and effective champions of small business. He has played a central role in helping Congress to address the priorities and concerns of this essential sector of the Nation's economy.

Although Lew Shattuck will leave SBANE at the end of this month, I am confident that his ability and commitment will be available to guide us in the future. Small business continues to be the backbone of New England and the Nation. All of us who have worked with Lew have valued both his leadership and his friendship, and we wish him well in the years ahead.

Mr. MITCHELL. I ask unanimous consent that I be added as a cosponsor of Senate Resolution 18.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 18) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 18

Whereas Lewis A. Shattuck has worked diligently to make the voice of small business heard in the United States business community;

Whereas Lewis A. Shattuck, a respected Massachusetts businessman, is President of the Smaller Business Association of New England;

Whereas the Smaller Business Association of New England has grown from a staff of 2 with 300 members to a staff of 12 with almost 2,000 members under the leadership of Lewis A. Shattuck;

Whereas Lewis A. Shattuck played an instrumental role in the organization and passage of the White House Conference on Small Business; and

Whereas Lewis A. Shattuck has been a strong and effective advocate in creating the Small Business Innovative Research program which extends Federal grant money to small businesses: Now, therefore, be it

Resolved, That the accomplishments of Lewis A. Shattuck, reminding entrepreneurs to strive and work diligently to make the voice of small business heard, are hereby recognized and honored.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Lewis A. Shattuck.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED

Mr. MITCHELL. I ask unanimous consent that Calendar No. 3, S. 251, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 46, now at the desk, to provide for a joint session of Congress to receive a communication from the President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 46) resolving that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 29, 1991, at 9 o'clock post meridiem, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of House Concurrent Resolution 46?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 46) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT SESSION OF THE TWO HOUSES TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with the like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for a joint session to be held on Tuesday, January 29, 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m., on Friday, January 25; that Friday's session of the Senate be pro forma with no business transacted; that at the close of the pro forma session the Senate stand in recess until 8:30 p.m. on Tuesday, January 29; that following the prayer on Tuesday, the Journal of Proceedings be deemed approved to date and the time for the two leaders be reduced to 5 minutes each; that at 8:40 p.m. the Senate proceed to the Hall of the House of Representatives to receive such communication on the State of the Union as the President of the United States shall be pleased to make to the two Houses of Congress; that during the time the Senate is in session on Tuesday and ending when the Senate proceeds to the House at 8:40 p.m., Senators may introduce legislation and submit statements for the RECORD; and that at the conclusion of the joint session in the House Chamber the Senate stand in recess until 10:30 a.m. on Wednesday, January 30; that following the time reserved for the two leaders on Wednesday, there be a period for the transaction of routine morning business not to extend beyond 11 a.m. with Senators permitted to speak for up to 5 minutes each; and that the Senate stand in recess for the two party conferences from 12:30 p.m. until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, I would like to announce to my colleagues that I intend to proceed to the consideration of S. 238, the agent orange legislation, on which unanimous-consent agreement was obtained yesterday, and I intend to proceed to that legislation at 11 a.m. on Wednesday, January 30.

Mr. President, I ask unanimous consent that the vote on passage of Calendar No. 6, S. 238, the agent orange benefits bill, occur on Wednesday, January 30, beginning at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it now be in order to request the yeas and nays on the passage of S. 238.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m. for the introduction of bills and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators therefore should now be aware and plan their schedules accordingly that we will take up the agent orange legislation at 11 a.m. on next Wednesday, and that a vote on that bill will occur at 2:15 p.m. on that day, immediately following the respective party caucuses.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, if the distinguished acting Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as under the previous order until 10:30 a.m. on Friday, January 25.

There being no objection, the Senate, at 2:16 p.m., recessed until Friday, January 25, 1991, at 10:30 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE MEDIPLAN LONG-TERM CARE ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. STARK. Mr. Speaker, today I am introducing the MediPlan Long-Term Act of 1991. This bill, with minor modifications, was originally introduced toward the end of the 101st Congress. It is a comprehensive plan to provide universal access to long-term care services.

This bill, along with its companion access bill that I am also introducing today—the MediPlan Act of 1991—is one of the most important bills that I have ever introduced.

The MediPlan Long-Term Care Act of 1991 would provide substantial relief to chronically ill individuals faced with the crippling costs of long-term care.

The need for long-term care has been well documented. The recently completed work by the Pepper Commission documented the size of the long-term care population, and the fact that long-term care expenses appear to be beyond the resources of most Americans.

More than 9 million Americans currently need long-term care service and require assistance with their activities of daily living. The demand for long-term care services will only increase with the projected growth in the elderly population.

Few can afford the staggering costs of long-term care. The average cost of a nursing home has increased to close to $36,000 per year. For those who purchase home care services to help care for a severely impaired family member with Alzheimer's disease, the costs can easily exceed $14,000 per year.

Despite the high costs of nursing home and long-term community-based services, public financial support for long-term care is limited. Private out-of-pocket payments account for 50 percent of total national nursing home expenditures. The Medicare Program finances less than 2 percent of total nursing home costs. The Medicaid Program covers nearly half of the Nation's $43 billion nursing home bill, but limits coverage to the poor.

The Medicare Program spends less than $3 billion per year for home health services, but explicitly excludes custodial home care services. Coverage is limited to those who are both homebound and in need of skilled services.

Last year, the Pepper Commission completed its work looking at the issues of access and long-term care. Unfortunately, I was unable to support the final recommendations of the Pepper Commission. My reluctance to support the recommendations was based upon three basic concerns.

First, the Pepper Commission recommended public coverage of the first 3 months in a nursing home. It is my belief that advocates of long-term care are far more concerned with the catastrophic cost of lengthy stays in nursing homes, than they are with costs of the first few months.

About 20 to 25 percent of the elderly will spend more than 1 year in a nursing home. One in five nursing home users will exceed 5 years of nursing home care over the course of their lifetime. In fact, those who stay in a nursing home for over 6 months end up having an average stay that exceeds 2.5 years. This could mean more than $80,000 in out-of-pocket costs.

Mr. Speaker, the prospect of having to spend $80,000 for a family member with Alzheimer's disease or other chronic illnesses is the real fear that drives support for a national long-term care program. The first few months in a nursing home—referred to as the front end and amounting to $6,000 or even $9,000—is a relatively small concern by comparison. While not a trivial amount, it is, by contrast to $80,000, relatively easy to cover with personal savings or private insurance.

A second concern with the Pepper Commission recommendations is that the bulk of nursing home dollars are directed to a means-tested nursing home program. Mr. Speaker, middle-income Americans who have worked and saved throughout their lives, should not be forced onto welfare before receiving nursing home benefits.

My third concern with the Pepper Commission's final report is the absence of specific financing recommendations. In my view, it is unrealistic to put forward a long-term care proposal without simultaneously suggesting specific financing options. We cannot and will not have comprehensive long-term care benefits unless and until sufficient revenues are raised.

To address these concerns, I am introducing the MediPlan Long-Term Care Act of 1991. Under this program, the benefits would not be means-tested and the financing would be progressive.

This bill includes a number of important features:

All chronically ill individuals, regardless of age or income, would be eligible for long-term care benefits;

All chronically ill individuals and their families would have true protection from financially devastating long nursing home stays; and

All chronically ill individuals would have access to the full range of long-term care services, including nursing home, home care, and a range of community-based services.

Comprehensive nursing home benefits would be covered for eligible individuals of all ages and would be phased in over a 7-year period. The comprehensive nursing home benefit would provide substantial assistance to families who are concerned about the high cost of a long nursing home stay from a devastating illness such as Alzheimer's disease.

The first year of implementation would restore the Medicare catastrophic coverage skilled nursing facility [SNF] benefit for 180 days and would repeal the 3-day prior hospitalization requirement. In year 3, the nursing home benefit would be expanded to cover all stays for Medicare beneficiaries, with a 12-month deductible period.

Comprehensive nursing home benefits, with a 2-month deductible, would be fully phased in for the nonelderly by year 7.

Home and community-based long-term care services would also be phased in over a 7-year period. Initially, the Medicare home health benefit would be expanded. Comprehensive home and community-based benefits would be phased-in for the elderly by year 3 and for the nonelderly in year 7.

Individuals would be required to pay the nursing home deductible and 20 percent copayment for nursing home, home and community-based benefits. Individuals with incomes below 200 percent poverty would not be required to pay deductibles and copayments.

Mr. Speaker, I believe it is extremely important to spell out the costs of this long-term care program. Because a comprehensive solution is so very expensive, the financing mechanism is likely to be unpopular.

The estimated cost of the National Long-Term Care Program is approximately $60 billion when fully implemented. This bill would include sufficient revenues to fund the new benefits.

To cover the $60 billion in benefits, revenues would be raised through a 2-percent tax on gross income, including tax-exempt income, deferred income, and other forms of income not currently subject to taxation. Individuals with incomes below 200 percent poverty would be exempt from the tax. All revenues would be paid into the long-term care trust fund.

I suspect that most will embrace the benefits included in this bill, but flee from the proposed taxes necessary to fund the benefits. If people do not like my financing proposal, I would urge them to offer one of their own, or suggest areas where we should reduce the benefits of the program.

No doubt it will be extremely difficult to construct a politically acceptable long-term care benefit package with adequate financing. The bill that I am introducing today is a serious attempt to move forward on this extremely important proposal.

A summary of the bill follows:

MEDIPLAN LONG-TERM CARE ACT SUMMARY

A PLAN TO PROVIDE UNIVERSAL ACCESS TO LONG-TERM CARE SERVICES

I. Eligibility:

A. All individuals, regardless of age or income, would be eligible for long term care benefits.

B. Eligibility would be based upon functional status, measured by limitations in ac-

• **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

tivities of daily living (ADLs), or cognitive status.

1. Individuals unable to perform three or more ADLs without assistance or individuals who have severe cognitive impairments would be eligible for comprehensive nursing home coverage.

2. Individuals with two or more ADLs or with severe cognitive impairment would be eligible for home and community-based services.

II. Benefits:

A. Nursing home benefits would be phased in over a 7-year period.

1. Year 1: the 3-day prior hospitalization rule would be repealed for Medicare beneficiaries. Copayments would be required for the first 8 days and the benefit would be expanded to 180 days.

2. Year 3: Nursing home coverage with 12 month deductible for elderly individuals who meet eligibility criteria.

3. Comprehensive nursing home coverage with 2 month deductible for elderly individuals who meet eligibility criteria.

4. Year 7: Comprehensive nursing home coverage with 2 month deductible for elderly and non-elderly individuals who meet eligibility criteria.

B. Home and Community-based longterm care benefits would be phased in over a seven year period. These services would include home health, homemaker, personal care and adult day care services.

1. In Year 1 the Medicare home health benefit would be expanded for Medicare beneficiaries.

2. The comprehensive home and community-based benefits would be phased-in for the elderly by year three and for the non-elderly in year seven.

3. Comprehensive home and community-based benefits would be phased-in for the elderly and non-elderly.

III. Beneficiary Payments:

A. Individuals would be required to cover the nursing home deductible and 20 percent copayments for nursing home, home and community based services.

B. Individuals with incomes below 200 percent of the federal poverty level would not be required to pay deductible and copayments.

C. Extra billing for long-term car services under this Title would be prohibited.

IV. Eligibility Determination and Patient Management:

A. The Secretary would contract with nonprofit statewide agencies, who are not providers of care, for case management services. Case manager employed by an assessment and case management (ACT) agency would determine eligibility and provide case management services for the long term care benefits. Case managers would include registered nurses or licensed or certified social workers.

B. The ACT agency's case managers would: (1) assess initial and continued eligibility, (2) develop a written plan of care based on a comprehensive needs assessment (3) make arrangement with or referral to approval providers, (4) provide on going case management and (5) service monitoring.

C. ACT agencies would be subject to review by the Secretary on an annual basis to determine if they were providing appropriate case management services in a cost effective manner.

D. Beneficiaries would have the right to appeal denial of eligibility for benefits as under the current Medicare appeals process.

V. Reimbursement to Providers:

A. Reimbursement for nursing homes and other providers would be based upon a case-mix adjusted prospective payment system.

B. Extra billing would not be permitted.

MEDIPLAN LONG-TERM FINANCING

A. MediPlan requires \$60 billion to support long-term care benefits for the chronically ill.

B. Revenue raised through new two percent tax on gross income, including tax-exempt income, deferred income and other forms of income not currently subject to taxation.

1. Individuals with income below \$16,000 annually would be exempt from the tax.

2. Families with income below \$32,000 annually would be exempt from the tax. Families below twice the poverty line would be exempt from the tax.

C. The two percent tax would also apply to corporate income.

D. States would be required to maintain the current level of effort to support long-term care services.

1. State payments would be equal to current state expenditures for the state share of Medicaid long-term care benefits covered by MediPlan, inflated by the increase in the Consumer Price Index-urban.

E. All revenue from the MediPlan income tax would be paid into a MediPlan Long-Term Care Trust Fund.

THE RADIATION PROTECTION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. MILLER of California. Mr. Speaker, today I am pleased to introduce, along with 57 of my colleagues, the Radiation Protection Act. This legislation would protect the right of State and local governments to prohibit the disposal of radioactive waste in ordinary landfills and to overturn the Nuclear Regulatory Commission's below regulatory concern [BRC] policy. Identical legislation, H.R. 5505, was passed unanimously by the Interior Committee at the end of the 101st Congress.

This legislation is needed because the Nuclear Regulatory Commission's new BRC policy permits the disposal of low-level radioactive waste along with household garbage in local landfills. This defies common sense. It also represents an unwarranted reversal of the longstanding policy that requires that radioactive waste from nuclear reactors be disposed of in specially designed repositories licensed and regulated by the NRC.

The NRC claims that it has the authority under current law to force this senseless policy on the States. Consequently, if the BRC policy is not repealed, radioactive wastes could go to ordinary landfills over the objections of State and local governments.

The BRC policy is fatally flawed in many respects. The BRC plan is an open invitation to abuse by unscrupulous operators who could use the policy as a cover to dispose of extremely radioactive waste into landfills. Landfill operators and local governments would then have to measure the radiation level of every load of garbage to guard against this type of abuse.

As we know all too well, landfills have become extremely difficult to site. If the public knows that radioactive waste may be dumped in a local landfill, siting additional landfills, or even keeping existing disposal sites open could become virtually impossible.

Clearly, the NRC Commissioners who have pushed through the waste deregulation policy are completely unaware of the dilemmas State and local officials must face every day in their efforts to solve the garbage crisis.

The NRC's new policy is also seriously flawed on technical grounds. A comprehensive investigation by my office has revealed that, in their zeal to deregulate, the NRC Commissioners have ignored the objections of their own staff experts, the Environmental Protection Agency, and the States.

The radiation exposures to the public permitted by the policy are far higher than those originally proposed by the NRC staff and those in similar policies proposed by EPA, Great Britain, Canada, Japan, Finland, the National Council on Radiation Protection, and the International Atomic Energy Agency.

The policy would also permit radioactive contamination of drinking water far above the health limits established by EPA. A recent EPA critique of the policy states that wastes deregulated by the NRC:

> could be allowed to contaminate ground water so the community drinking that water, now or in the future, would have to clean it up to meet the EPA criteria.

Unfortunately, the flaws in the BRC policy also reach far beyond the low-level radioactive waste issue. Under the policy, irradiated structures and sites that previously might have been subjected to extensive cleanup could be declared below regulatory concern and left as is. As a result, State and local officials could be faced with the dilemma of trying to clean up a site that the NRC has declared clean but the EPA and the public believe is still hazardous.

Finally, the BRC policy would make it far easier to use radioactive materials in consumer products. In the past, the NRC rejected or discouraged the use of radiation in consumer products such as toys, cosmetics, and jewelry on the grounds that the public should not be exposed to radiation for frivolous purposes. Under the new policy this approach has been abandoned. In fact, the BRC policy is so lax that it could be used to permit the use of radiation in consumer products with notification of consumers.

The Radiation Protection Act has received overwhelming support from my colleagues, the public, numerous States and State organizations, environmental groups, and many others. I hope that all Members can join me in support of this important legislation.

Mr. Speaker, I insert the following letter from the Association of State and Territorial Solid Waste Management Officials and a resolution by the National Association of Attorneys General in support of the Radiation Protection Act be printed in the RECORD:

ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS,
Washington, DC, January 10, 1990.

Hon. GEORGE MILLER,
Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MILLER: The purpose of this letter is to share with you our concerns as State solid waste program managers, with the Nuclear Regulatory Commission's July 1990 policy to designate certain nuclear wastes as "Below Regulatory Concern" (BRC). Given the national debate this NRC decision has generated, it is clear that this is a significant public policy issue. However, as the nation's solid waste managers, we are informed that our ability to control this new waste stream is arguably preempted under current federal statute, and the NRC can impose this flawed policy on States and their citizens without recourse. It is our hope that you will again introduce legislation in the House of Representatives which would close this option of federal preemption.

Enclosed is our record statement to the NRC, outlining our concerns and challenging the wisdom and acceptability of the Commission's decision to take this preemptive action. We are not legal experts, and so we are not addressing the issue as a matter of statute, but instead as a faulty and ill-conceived public policy which should be reversed and revised immediately. We think this NRC policy shows a remarkable insensitivity and lack of concern for public response and reaction.

As State waste managers, we take special exception to the fact that these unregulated nuclear wastes would become part of the local solid waste stream, extending public concerns with these BRC wastes into the siting and permitting of landfills, resource recovery incinerators, and even certain aspects of recycling facilities. The process of building new solid waste capacity is already fraught with difficulty and contention without the unwise addition of yet another basis for public concern and opposition. It is our understanding that the principal justification for adopting this flawed policy is to reduce the costs of disposal to the nuclear industry. Abuse of one public sector at the benefit of another is not a solution it is just an unenlightened transfer of the problem.

We want to share our views with you and suggest that because the NRC has shown no indication of reversing this mistaken approach to BRC wastes, the Congress should proceed with appropriate legislative relief which would restore the rights of States to regulate all of their own solid waste flows, and to treat waste streams which require greater management and protection, more stringently where States consider that necessary and appropriate.

We appreciate your public position in support of such corrective legislative action during the last Congress, and thank you for your leadership in this important national issue. We hope you will be able to give early attention to this issue in the 102nd Congress and to again provide leadership for legislative relief to States solid waste management programs.

Sincerely,

CHERYL R. KOSHUTA,
President.

RESOLUTION OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

RESOLUTION OPPOSING PREEMPTION OF STATE AUTHORITY TO REGULATE LOW-LEVEL RADIOACTIVE MATERIALS DESIGNATED "BELOW REGULATORY CONCERN" BY THE NUCLEAR REGULATORY COMMISSION

Whereas, on July 3, 1990, the Nuclear Regulatory Commission (NRC) issued a Policy Statement on "Below Regulatory Concern" (BRC Policy) which established criteria to be used by the agency in determining whether certain practices involving small quantities of radioactive material will be exempted from some or all regulatory controls; and

Whereas, pursuant to the BRC Policy, practices for which exemptions may be granted include 1) the release for unrestricted public use of lands and structures containing residual radioactivity; 2) the distribution of consumer products with small amounts of radioactive material; 3) the disposal of very low-level radioactive waste at other than licensed disposal sites; and 4) the recycling of slightly contaminated equipment and materials; and

Whereas, pursuant to BRC Policy, the NRC intends that when it exempts a practice from regulation states would be prevented from adopting their own regulations for those practices; and

Whereas, in issuing the BRC Policy, the NRC did not follow the rulemaking requirements of the Administrative Procedure Act, did not provide adequate notice and opportunity for comment to the public, and did not perform an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act; and

Whereas, at least five states, including Maine, Minnesota, Vermont, Iowa and Pennsylvania, require disposal of any radioactive material designated BRC by the federal government in a licensed low-level radioactive waste facility, and several states, including New York, New Jersey and Maine, have placed a moratorium on the distribution of irradiated food products; and

Whereas, the BRC Policy could have a direct impact on the ability of these states to continue protecting the health and welfare of their citizens; and

Whereas, the House and the Senate are considering legislation to preserve independent state authority to regulate radioactive materials which may be designated BRC by the federal government: Now, therefore, be it

Resolved, That the National Association of Attorneys General:

(1) oppose any restriction on state authority to regulate practices which the NRC has chosen not to regulate under its BRC policy;

(2) urges the NRC to utilize appropriate rulemaking procedures, including notice and comment, and to perform adequate environmental and health assessments before setting any policy which has or may have such significant impacts on the public welfare and the environment as the BRC policy;

(3) urges Congress to adopt legislation to explicitly preserve all state authority to establish more stringent regulation of practices designated BRC by the federal government; and

(4) authorizes its Executive Director and General Counsel to convey this resolution to members of the Administration, members of Congress, the chairman of the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, and other interested associations.

DRESDEN, NY: BEHIND THE PRESIDENT 100 PERCENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. SOLOMON. Mr. Speaker, for those of us who remember a divided America during the later stages of the Vietnam war, the widespread support for President Bush and his Persian Gulf policies is refreshing.

That is why I am proud to insert in today's RECORD a resolution passed on January 14, 1991, 2 days before the outbreak of hostilities, by the town board of Dresden, NY; in the 24th Congressional District I represent.

Mr. Speaker, Saddam Hussein was counting on a divided America, but he was wrong.

Please join me in rising to commend Dresden Supervisor Joseph T. Rota, and board members Huntington, Greenough, Banks, and Bennett for this display of patriotism. This and similar resolutions across the country will send a message to that demented tyrant in Baghdad that he faces the united will of the most powerful Nation on earth.

SUPPORT OF UNITED NATIONS RESOLUTION 678, KUWAIT

Be it resolved, The Town Board, Town of Dresden, New York, hereby approves and supports the United States Congressiional decision to grant President Bush the authority to enforce United Nations Resolution 678 to expel Iraq from the Country of Kuwait by force if necessary.

TRIBUTE TO BRIAN SPACKMAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Brian Spackman of my 17th Congressional District of Ohio. Mr. Spackman, an outstanding young man, was with a military police Army Reserve Unit based at the Christy Armory in Austintown. Shortly after his unit was called to serve in Operation Desert Shield, Mr. Spackman tragically died of a heart attack on January 16.

Mr. Spackman was born January 13, 1969, to Keith and Patricia Hosay Spackman in Warren, OH. He attended Niles McKinley High School, graduating in 1987. At the time of his death, he was a senior at the University of Akron. He was also a proud member of the 324th Military Police Company Reserve Unit. It was with this unit that he was called to duty on January 5.

An active, consciencious member of his community, Mr. Spackman was a member of the First Church of God, Western Reserve Fish and Game Club, and MTC Hornets karate club. He had also been an instructor at Camp Fitch summer camp.

In addition to his parents, Brian Spackman is survived by his brother, David, and his grandparents, Mr. and Mrs. Grant Spackman and Mrs. Thelma Hosay, all of Niles, OH.

Mr. Speaker, I would like to take this opportunity to pay tribute to Brian Spackman and to extend my sincerest condolences to his family and friends. I am deeply saddened that Brian was taken from those who were closest to him and, indeed, from all of us in his community, at such a young age. Although he had only been with us a short time, he showed exceptional courage and dedication. His willingness and capacity to serve both his country and community was exemplary.

UKRAINIAN INDEPENDENCE

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. GALLO. Mr. Speaker, yesterday, January 22, freedom-loving Ukrainians here in the United States and in the Ukraine marked Ukrainian Independence Day. I want to express my support for the aspirations of the Ukrainian people for self-determination.

These are troubled times in the Soviet Union for all those who seek the right to self-determination. Soviet President Gorbachev's policies of glasnost and perestroika seemed to hold the promise of a peaceful transition to self-determination for all those in the Soviet republics who wished to pursue it. But recent tragic events—like the persecution of independence advocate Stephen Khmara by the Soviet Government—have called into question Gorbachev's commitment to this process.

The leaders of the Soviet Union must be made to realize that they will pay a price if they continue to back away from moving toward more openness and restructuring. I believe the United States should make it clear that both the summit next month and any emergency aid to the Soviet Government are in real danger of being canceled if they continue to threaten those who seek the right to govern themselves.

I fervently hope that the coming months will be filled with progress toward the goal of an independent, democratic Ukraine. The Ukrainian people deserving nothing less.

FOOD FOR THOUGHT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. JACOBS. Mr. Speaker, this item appeared in the Washington Spectator recently. Delicious food for thought.

> The simplest alternative to gasoline for your car is natural gas. This, at least, was the experience in British Columbia after the gasoline crunch of 1979. Subsidies were given to encourage owners of fleets to add special tanks. Today, a network of 50 refueling stations serves natural gas.
>
> Natural gas has a higher octane rating and costs about 50 to 60 cents a gallon, according to a New York Times article by two experts. It is plentiful, safe and less toxic. The experts explain, "Technically, converting vehicles to natural gas is easy, judging from British Columbia's experience. For roughly the cost of our military operations in the Middle East, we could convert about a million vehicles a month."
>
> Reserves of natural gas in Canada are sufficient to serve all of North America's needs past 2050.

UWUA LOCAL 132 CELEBRATES 50TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. BROWN. Mr. Speaker, the Utility Workers Union of America, local 132, on February 2, 1991, in Anaheim, CA, will celebrate the 50th anniversary of the signing of its first contract. I ask my colleagues to join me in celebrating the strength and endurance of the unified women and men of local 132.

UWUA local 132 represents about 5,000 employees of the Southern California Gas Co. in 13 California counties from San Luis Obispo and Kern counties in the north to Imperial and Orange Counties in the south. One thousand of these members are in my congressional district in San Bernardino and Riverside Counties.

UWUA local 132 was certified in 1939. It signed its first contract with the Southern California Gas Co. in 1941. Local 132 is the largest UWUA local in the West, and the second largest in the national union. Local 132's accomplishments are many:

In the 1940's, the local was successful in removing differential pay scales based on gender.

In the 1950's, the local fought and won the battle to eliminate the segregation of jobs by gender.

Local 132 was the first union of the west coast to negotiate a provision for long-term maternity leave.

The local continues to negotiate for comparable worth and pay equity provisions.

I wish to take this opportunity to salute the men and women of UWUA local 132 on their 50th anniversary and to encourage them to continue their fine tradition of representation into the 21st century throughout the next 50 years.

THE INTRODUCTION OF THE MEDIPLAN ACT OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. STARK. Mr. Speaker, access to health care should be considered a basic right of every American. Yet, at least 33 million of our fellow citizens must do without the basic protection of health coverage. As many as 65 million lack health insurance at some point during the year.

While the health care delivery system of which we are so proud ignores the needs of so many Americans, that same system is on track to spend almost $1.5 trillion in the year 2000 on health care, an amount far in excess of the amount spent by any other nation.

I am introducing today the MediPlan Act of 1991 to provide publicly-financed health insurance to every American. This bill builds upon the demonstrated success of the Medicare Program which assures access for its beneficiaries to high quality medical care at a reasonable cost.

The MediPlan Act of 1991 will assure vital health insurance protection to every working American. Its enactment would make real every American's basic right to high-quality health services.

For families without adequate health insurance coverage, any encounter with the health care delivery system, no matter how minor or seemingly routine, presents serious financial consequences. The unsurprising results is that these families do not seek appropriate health care when they need it.

Lack of health insurance coverage often means that proper care is delayed until the problem is serious. Research shows that uninsured persons are less likely to have children appropriately immunized, less likely to receive prenatal care, and less likely to see physician if they have serious symptoms.

I am particularly concerned about the impact of lack of health insurance on pregnant women and on children. According to a report by the American Academy of Pediatrics, only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Children who did not visit a doctor in the last year were twice as likely to be uninsured as compared to children who made more than four visits.

We all know that relatively inexpensive immunizations of children pay huge dividends later in avoidance of communicable diseases. Yet, the proportion of children aged 1 to 4 immunized against each of the major childhood diseases declined between 1980 and 1985. The net result of this neglect of the most basic health care service we ought to provide every child is that fully one-quarter of all preschoolers, and one-third of all poor children, are not immunized against the common childhood diseases.

Perhaps one of the most unfortunate statistics of all related to health care is that of the 56 million women in the United States of reproductive age, 14.5 million, or 26 percent of this population, are not covered for maternity services.

Although many of these women are poor and Medicaid eventually pays for their delivery, I do not find it particularly surprising that we have problems with healthy babies when one in four women is not covered for pregnancy-related services.

Infant mortality rates in the United States are very high, compared to other industrialized nations. The current rate of 10.6 infant deaths per 1,000 live birth placed the United States 22 among nations' worldwide. The infant mortality rate for blacks is at least 60 percent higher than for whites. Nine States and the District of Columbia have black infant mortality rates in excess of 19.0, a higher rate than many Third World countries.

Although the infant mortality rate has been steadily dropping, the rate of decrease has slowed in the 1980's. I am saddened to say that there is preliminary evidence to suggest that the rate is now actually increasing.

The saddest thing of all about lack of health coverage for children and their mothers is that a relatively small investment in healthy children pays large dividends.

The Institute of Medicine has estimated that as many as one-third of all low birthweight babies can be avoided if the mother receives appropriate prenatal care. The IOM points out that for every dollar invested in prevention, $3.38 will be returned in immediate reduced care costs for the infant.

A national strategy is necessary to provide all Americans basic and affordable health care. Unfortunately, other approaches, including the employment-based approach recommended by the Pepper Commission, would not be truly comprehensive. Only a single payer plan under public auspices can assure every American a basic level of health and long-term care services.

For example, under an employment-based plan, children may be particularly vulnerable. Changing family patterns create equity problems with employer-based plans and often leave children or spouses without the coverage needed. Only a public plan can assure that all children are covered and that payment on their behalf is shared equitably.

Part-time and seasonal workers may also fall through the cracks in an employment based system. It is unclear how such an employment-based system would help those individuals who change jobs, are employed by more than one employer, or are unemployed for some period during a year.

A national plan is also critical for cost containment. Through a single national plan, operated by the Federal Government, it is possible to build upon the fiscal discipline that we have achieved in Medicare. An employer mandate approach such as the Pepper Commission's approach would continue the ineffective patchwork approach to controlling costs of the current system. In fact, one recent study indicates that extending Medicare's hospital reimbursement system to the whole population, including the uninsured, would actually save almost $5 billion per year.

Because I am convinced that a national strategy is necessary to provide all Americans basic health, and to assure meaningful cost containment strategies, I am introducing the MediPlan Act of 1991 to provide publicly financed health insurance to every American. With the enactment of MediPlan, health services will become a basic right of all Americans. All residents of the United States, rich or poor, would be enrolled in MediPlan and eligible for health benefits.

MediPlan's basic benefits would be similar to those currently provided to the elderly by Medicare. In addition, MediPlan would cover all children and all pregnant women without payment of a premium and without copayments or deductibles. Benefits would include needed prenatal, labor and delivery, and preventive well-child care, including immunizations. MediPlan would also provide additional, essential benefits, such as prescription drug coverage, for low-income Americans, who, would also not pay premiums, copayments, or deductibles.

MediPlan is budget-neutral; the proposed legislation raises the revenue necessary to cover its cost. Through a combination of employer and employee-paid premiums plus a new tax on gross income, MediPlan provides a blueprint of how comprehensive health benefits for every American could be financed.

To finance the basic health benefits, every person with income above the poverty line would pay the MediPlan premium—about $1,000 per person—through the income tax system. Every employer would pay 80 percent of the MediPlan premium on behalf of each working American through a payroll tax of about 40 cents per hour to a maximum of $800/year per employee. Thus, each worker would be responsible for $200 of the annual premium.

Low-income persons would not pay the individual's share of the MediPlan premium. Between $8,000 and $16,000 for individuals and $16,000 and $32,000 for married couples, the individual's share of the MediPlan premium would be phased in.

MediPlan requires $65 billion to support health insurance for children, pregnant women, and low-income persons.

To cover the $65 billion in benefits, revenues would be raised under MediPlan through a 2-percent tax on gross income, including tax-exempt income, deferred income and other forms of income not currently subject to taxation. Individuals with incomes below 200-percent poverty would be exempt from the tax. All revenues from the MediPlan income tax would be paid into the MediPlan trust fund.

MediPlan's health benefits would provide a true health care safety net for every American. I suspect that most will embrace the benefits included in this bill, but not support the proposed taxes necessary to fund the benefits.

To talk about the benefits without considering the costs and how to pay for benefits is to mislead the American people. I would urge those who object to the financing proposal to offer one of their own, or suggest areas where benefits of the program should be reduced.

Mr. Speaker, MediPlan is a comprehensive response to the problem of assuring health benefits to every American. It also includes the necessary revenue to finance the coverage it provides. It is, therefore, a complete plan in response to the challenge we face.

To those who support alternative approaches, I would ask whether their plan can meet the twin tests of assuring comprehensive coverage while spelling out explicitly how the plan will be financed. In my view, any plan which cannot meet these two tests cannot be taken seriously.

I hope that MediPlan can be viewed as providing a structure around which we can frame the debate about how to provide comprehensive health benefits to every American. I look forward to that debate.

A summary of the bill follows:

MediPlan

I. Assured Access to Health Insurance for Every American:

A. All residents of the United States would be enrolled in MediPlan;

B. Non-residents who are citizens of other countries which offered benefits to Americans under their national health plan would also be eligible for benefits.

II. Financing:

A. Every person with income (except poorer Americans) would pay the MediPlan premium (about $1,000/person) through the income tax system;

B. Every employer would pay eighty percent of the MediPlan premium on behalf of each working American through a payroll tax of about $.40 per hour;

1. Employer-paid tax is credited against employees' MediPlan premium paid through income tax, thus reducing each working adult's liability to about $200.

C. Low-income persons (those individuals below $8,000 in income and those couples filing jointly with less than $16,000 in income would not pay the individual's share of the MediPlan premium;

1. Between $8,000 and $16,000 for individuals and $16,000 and $32,000 for married couples, the individual's share of the MediPlan premium would be phased in;

2. Only individuals with incomes about $16,000 or married couples filing jointly with incomes above $32,000 would be responsible for the entire individual's share of the MediPlan premium;

D. Children would generally not pay the premium (unless a child had income of their own in excess of the threshold) and receive additional benefits, as detailed below.

III. Maintenance of Effort:

A. Employers currently providing health insurance to employees would be required to continue providing benefits in excess of the MediPlan basic benefits, to current employees and dependents.

IV. Benefits:

A. Basic benefits: Medicare benefits except single deductible of $500 and out-of-pocket limit per person of $2,500.

B. Children's benefits: Basic benefits plus well-child care and preventive care recommended by American Academy of Pediatrics without co-payments or deductibles;

C. Low-income benefits: Basic benefits plus unlimited hospital care, outpatient prescription drugs, eyeglasses and hearing aids and no co-payments or deductibles;

D. Pregnancy-related services: Pre-natal care, inpatient labor and delivery, postnatal care, and postnatal family planning services based upon the recommendations of the American College of Obstetrics and Gynecology, without co-payments of deductibles.

IV. Reimbursement of Providers:

A. Payment Methodologies: Providers would be reimbursed using Medicare's reimbursement systems, including the Prospective Payment System for hospitals and the Resource-Based Relative Scale (RBRVS) subject to volume performance standards for physician services.

B. Extra Billing: Extra billing would not be allowed;

C. Electronic Billing: All claims would be transmitted and processed electronically.

V. Relationship to Medicare:

A. The aged and disabled would continue to be covered by Medicare.

VI. Budget Impact:

MediPlan is budget neutral:

A. MediPlan Premium:

1. The MediPlan premium would be about $1,000 per person per year and covers the cost of each adult who pays it.

B. MediPlan Income Tax:

1. MediPlan requires $65 billion to support health insurance for children, pregnant women, and for low-income persons.

2. Revenue raised through new two percent tax on gross income, including tax-exempt income, deferred income, and other forms of income not currently subject to taxation—Families below twice the poverty line would be exempt from the tax

3. All revenue from the MediPlan income tax would be paid into a MediPlan Trust Fund.

INTRODUCTION OF THE NATIONAL WRITING PROJECT BILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to reintroduce legislation to authorize $10 million in Federal support for the widely respected national writing project [NWP], a collaborative higher education/public school initiative that provides inservice training to teachers in the area of writing.

During the last session, the House passed identical legislation as part of H.R. 5932, the Equity and Excellence in Education Act. NWP legislation had also been introduced in the Senate during the last session, but was never brought to the Senate floor.

However, the Appropriation Committees of both Houses agreed to a $2 million appropriation for the program for 1991. In order for the NWP to receive that appropriation, we must pass this authorizing legislation before September 30, 1991. I am hopeful that the 102d Congress will act quickly to pass this small but critical piece of legislation.

Today, the United States is facing a crisis in writing, both in schools and in the workplace. Studies have determined that only 25 percent of 11th grade students have adequate analytical writing skills. Over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work. American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities.

Most teachers in the U.S. elementary schools, secondary schools, and colleges, have not been trained to teach writing.

It is not only good sense, but also good policy, to fund NWP, a program which has distinguished itself by successfully and effectively addressing the need for improved writing skills nationwide.

NWP was developed over 17 years ago, and is presently operating at 143 sites, most of which are in universities, in over 44 States year round. NWP offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing. Evaluations of NWP document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability.

The project has been honored by the American Association for Higher Education and the Carnegie Foundation for the Advancement of Teaching as an outstanding and nationally significant example of how schools and colleges can collaborate to improve American education. It has been funded for an unprecedented 10 years by the National Endowment for the Humanities, and received numerous awards.

Program needs have exceeded the funding potential of the private foundations and State and local sources that have funded NWP to date. As a result, the project has been unable to expand its number of sites, and, in fact 13 sites in 7 States—Arkansas, Kansas, Michigan, Minnesota, Ohio, Tennessee, Texas, and the District of Columbia—have become inactive within the last year.

The legislation I am proposing would authorize the funding of 50 percent of the cost of existing sites and 50 percent of the costs of establishing new sites, with a maximum matching basis of $40,000. It would fund matching grants to teachers to conduct research on effective classroom practices and to the National Writing Project to disseminate information on the effective teaching of writing. It also provides $500,000 for the Office of Educational Research and Information [OERI] in the U.S. Department of Education to conduct research on the teaching of writing and on methods to use writing as a learning tool to improve the quality of education.

GLENS FALLS, NY, "HOMETOWN USA," BACKS TROOPS IN THE GULF

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. SOLOMON. Mr. Speaker, I think it's pretty safe to say that America has shed its so-called Vietnam syndrome, which some believe has paralyzed this country with doubt for 15 years.

Whether or not such a syndrome has ever existed, cities, towns, and villages, veterans groups and individuals all across the country have expressed their support for President Bush's policies and for our Armed Forces serving in that theater.

One of those cities is my hometown, Glens Falls, NY, which during a past war was called "Hometown USA" by a major news magazine, and with good reason.

The same spirit still prevails in Glens Falls, as shown by a resolution of the common council on January 17, 1991, one day after the outbreak of hostilities, supporting our troops.

Mr. Speaker, I want to take this opportunity to commend Maj. Francis X. O'Keefe, councilman-at-large John Brennan, and councilmen, Daniel Girard, Joseph Sheehan, Kay Saunders, William Loeb, and John Kemnitzer.

Saddam Hussein was counting on a divided America, Mr. Speaker, but it's only one of his many miscalculations. Americans want this war to end, but they are solidly behind our troops and solidly behind the President.

RESOLUTION NO. 6

Resolved that, the Glens Falls Common Council, the official elected representatives of the people of the City of Glens Falls, New York, a.k.a. Hometown, U.S.A., totally support the brave men and women of our Armed Forces and those of our Allies involved in the Persian Gulf crisis.

It is further resolved that, our thoughts and our prayers are with all of our armed service personnel and with our leaders, now and until their safe return to their families and to our soil.

Be it further resolved that, the Mayor of the City of Glens Falls will send this resolution to the President of the United States, to our United States Congressman, and to our two United States Senators.

THE IMMINENT CRACKDOWN ON THE DEMOCRATIC REPUBLIC OF CROATIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to speak of, what I feel, is an imminent crackdown on the democratic republic of Croatia by the Yugoslavian Central Government. While we focus on the events in the Persian Gulf, we cannot ignore the recent events that have occurred in Yugoslavia. Regrettably, these events are very similar to those that transpired prior to the Soviet crackdown on Lithuania and Latvia.

As you know, Croatia recently ignored an order by the Yugoslavian Central Government and army to turn in weapons and disbanded all armed groups. Although the Government has not outwardly threatened the use of force against Croatia for failure to comply with that order, fully armed units of Government soldiers were seen surrounding the residences of military officers in Vinkovci, Croatia, near the border with Serbia. In addition, Government tanks near the capital of Croatia, Zagreb, lined up in confrontational formation, military exercises were conducted in Dakovo, and military helicopters flew over the Ministry of the Interior.

The Yugoslavian Government claims that the paramilitary unit that has been raised in Croatia is the source of terrorist attacks against the Yugoslavian central army and, as a result, must be disbanded. However, Croatians believe that they must possess arms to defend themselves against the threat of a Government crackdown.

The Croatian people ousted Communist rule last spring in the Republic's first free election in over 50 years. Ever since, the Republic has been striving to implement a truly multiparty democracy. In order to do so, the Republic believes it needs more freedom of action and advocates a loosening of tight Central Government control. The Republic threatened to declare independence unless that demand was addressed. The Yugoslav Government has responded with threats of force and prosecution.

We in Congress cannot allow the gulf situation to distract us from the aggressive stance of the Yugoslavian Army and that army's potential to overrun and crush Croatia. Congress must make good on its threat to cut off aid to the Central Government of Yugoslavia if it obstructs the implementation of a multiparty system in Croatia.

CHOOSE LIFE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. JACOBS. Mr. Speaker, on January 22, 1991 in Washington, DC, President George Bush said this sentence publicly: "I'm pleased that my voice is part of the growing chorus that simply says: Choose life."

Hmmm.

TRIBUTE TO CONGREGATION EMANU EL

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. BROWN. Mr. Speaker, I ask my colleagues to join me in celebrating the centennial anniversary of the oldest Jewish community in southern California, Congregation Emanu El.

Congregation Emanu El, which is located in my district in San Bernardino, was first issued a charter by the State of California on February 2, 1891. The actual beginnings of Congregation Emanu El go back to the early 1850's when the first Jews settled in the San Bernardino Valley. That scroll is now housed in the ark of the synagogue. Most of the small group had come as peddlers supplying goods to the early Mormon pioneers, however they quickly established businesses and took up residence in the area. After settling in San Bernardino some of the early Jewish settlers moved on to Los Angeles and San Diego.

Historical records confirm that religious services were held on major Jewish holy days beginning in the 1850's. They were first held in private homes and then in communal buildings. One of the early settlers, Jacob Rich, brought a Torah with him, thus enabling the settlers to hold traditional religious services. In 1861 the Jewish community was given a piece of ground as a cemetery at what is today the Home of Eternity Cemetery at 8th and Sierra Way. This is the oldest Jewish cemetery in continuous use in southern California and is a designated State historical landmark. It is owned and operated by Congregation Emanu El.

It is not known just when the name Congregation Emanu El came into actual use. The history shows that Rudolf Anker served as president of the congregation from 1881 to 1890 and I.R. Brunn was president at the time of filing the articles of incorporation which officially designated the congregation by that name.

Until the early 1930's Congregation Emanu El was the only synagogue between Pasadena and Phoenix and Jews came together from the San Bernardino, Riverside, and Pomona areas for religious, educational, and social activities.

In 1920 the congregation dedicated its first house of worship at 847 E Street. It contained a sanctuary, organizational meeting area and classrooms. In 1953 the congregation built its present building at 3512 North E Street and has since added to it an annex—1959—as well as the Norman F. Feldheym Religious Education Center—1966—which together occupy a complete block.

The first spiritual leader of the congregation was Rabbi Samuel Margolis, who led the congregation in the 1920's. Jacob Alkow served as rabbi from 1932 to 1937. Rabbi Norman F. Feldheym served the congregation from 1937 to 1971 and as rabbi emeritus from 1971 to 1985. Rabbi Hillel Cohn has served as spiritual leader of the congregation since 1963.

Congregation Emanu El has a current membership of close to 600 families who live in San Bernardino, Redlands, Colton, Grand Terrace, Rialto, Fontana, Riverside, the mountains and the high desert. Since 1947 it has been affiliated with the Union of American Hebrew Congregations, and the national organization of reform synagogues, but they consistently followed a ritual form that blends orthodox, conservative, and reform Jewish practice.

The congregation conducts the Congregation Emanu El Clare Cherry School, a nonsectarian preschool and elementary school with a current enrollment of 225 students.

Congregation Emanu El's national award-winning School for Jewish Living provides Jewish education for over 150 youngsters from preschool through grade 10. It also conducts a comprehensive program of youth activities and offers a variety of classes for adults. The congregation publishes many of its own liturgical materials and is acknowledged as the center of Jewish life in the Inland Empire.

Other major activities of the centennial year include a Shabbat Service on March 15 which will be addressed by Rabbi Alexander Schindler, national president of the Union of American Hebrew Congregations; a concert honoring the congregation on Saturday, May 16 by the Inland Empire Symphony Orchestra; dedication of the William Russler Memorial Archives on Friday, April 25; Tour of Living Judaism and Concert on Sunday, June 2. Additionally the congregation has embarked on a 5-year program of having a Torah scroll written. A scribe has also been commissioned by the membership to write the book of Genesis during the centennial year.

The current president of the congregation is Richard G. Simon and the other members of the temple staff include Rabbi Tracy Guren Klirs, director of education, and Cantor Gregory Yaroslow.

I encourage my colleagues to join me in celebrating the 100th anniversary of Congregation Emanu El.

TRIBUTE TO JAMES A. VACCARO, SR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to pay a long overdue tribute to one of the most distinguished public servants in my congressional district. In 1990, Mr. James A. Vaccaro, Sr., completed an outstanding and distinguished 11-year tenure as an elected member of the Board of Education of Long Branch, NJ, including service as president and vice president of the board.

During his tenure as board president, from April 1983 to April 1986, Jim Vaccaro guided the board and the school district in planning and policy development and the initiation and implementation of a vast array of new and innovative programs which enabled the school system to achieve educational excellence as an urban district recognized by the commissioner of education for the State of New Jersey and accredited by the Middle States Association of Secondary Schools and Colleges.

In his terms as a board member, Mr. Vaccaro was a leader in the implementation of a Drug Awareness Program, and served on a school/community task force to address drug and alcohol abuse within the school system. He also successfully worked for many academic improvements, including major revisions in curriculum which resulted in improved student test scores, expanded computer education programs, development of gifted and advanced placement courses throughout the district implementation of full-day kindergarten and pre-kindergarten programs for basic skills and gifted students, institution of formal reading programs for kindergarten and advanced placement in the disciplines of science, math and English.

Mr. Vaccaro chaired the ad hoc committee to study the resolution of racial imbalance in the Long Branch elementary schools, achieving the integration of the city's elementary schools by the start of the 1987–88 school year. He also was appointed as a delegate to the Legislative Committee of the New Jersey School Boards Association.

An employee with 28 years of service to the U.S. Treasury Department's Internal Revenue Service, somehow, Jim Vaccaro has also found time to take part in various civic organizations in Long Branch and to be an active member of the city's volunteer fire department.

Mr. Speaker, Jim Vaccaro has been a true asset to his community and a positive role model for the many young people whose lives he has worked so hard to improve. As a resident of the city of Long Branch, I am proud to know Jim Vaccaro, to have worked with him on community issues and to be able to call him a friend.

INTRODUCING THE UNITED NATIONS SECURITY COUNCIL EMBARGO ENFORCEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. STARK. Mr. Speaker, first they sold Saddam Hussein chemical weapons. Next they sold him missile technology to help deliver these weapons. Then they helped him reach the threshold of nuclear weapons. Now, for the last 6 months, foreign companies, especially German ones, have helped Iraq violate the U.N. imposed trade embargo.

According to administration officials, more than 500 firms from over 50 countries have cheated on the embargo. German customs officials report that 110 firms in Germany alone are under investigation, including several suspected of smuggling nuclear, missile, and chemical weapons technology since August 2.

These violations are an outrage and must not go unpunished. While our troops are dying in the desert to protect Europe and Japan's source of cheap oil, firms from these very countries are turning this crisis into a profit-making opportunity. Most of our allies have contributed few troops and little money; the least they could have done was keep their citizens from weakening the embargo.

How many more violations are there that we do not know about? How many critically needed spare parts and chemical additives got into Iraq because of these outside efforts? And, the saddest question of all, how many more American troops will die because of foreign supplied fire-power?

Today, I am introducing a bill that will help deal with these embargo profiteers who care only about the bottom line. Under my legislation, any foreign firm found violating sanctions ordered by the U.N. Security Council will have its goods barred from entering the United States. Period. If other governments cannot or will not control their exporters, we will do the job for them by taking away the largest, richest, and most rewarding market the world has to offer.

Mr. Speaker, these days we are all praying for a speedy, safe return for our troops fighting in the gulf. But let us do more than pray. Let us also act now to strengthen our embargo enforcement measures. If we do so, perhaps we can resolve future crises through diplomacy and really give peace a chance.

The following are media accounts of violations of the Iraq Embargo:

REUTERS, Jan. 15, 1991.—German television said customs officials raided a firm on Tuesday which was suspected of breaking the United Nations trade embargo against Iraq.

It said the chief executive of the firm, whose home was also searched, was believed to have helped an Iraqi missile project even after sanctions were imposed on Iraq last August.

The television quoted a customs official as saying 110 German firms were being investigated for possible sanctions-busting.

Neither company nor customs officials were immediately available for comment.

COMPANIES SAID VIOLATING IRAQ ARMS EMBARGO, HAMBURG DPA IN GERMAN 1817 GMT, JAN. 15, 1991

[Text] FRANKFURT (DPA)—According to Hessischer Rundfunk (HR) information, two companies in Neuisenburg near Frankfurt are suspected of being involved in the development of an Iraqi missile project and the supply of bomb release mechanisms to Iraq despite the embargo. The premises of Havert Industrie Handelsgesellschaft MBH and Havert Consult Project were searched by the customs criminal institute in Cologne and the customs investigation service in Frankfurt today on suspicion of having broken the Iraq embargo, the radio station reported. The investigators suspect that even after the imposition of the embargo. Havert continued its business with Iraq. According to the radio station, the land prosecutor's office in Darmstadt has instituted proceedings.

HR quotes Karl-Heinz Matthias, head of the customs criminal institute in Cologne, as saying that 110 German companies are under investigation for possible violations of the embargo.

According to an investigation conducted by ARD television, the firms also include one trading concern based near Duisburg, which has also been searched by customs officers. HR reports that that company attempted to export shell casings to Iraq via Turkey. The deal was exposed because of the unusual caliber, which is only used in Iraq.

The customs authorities succeeded in achieving a spectacular coup last week at Frankfurt airport, ARD reports. Investigators seized the core of a vacuum spectrometer of the type used in the chemical and nuclear industry. The country of origin was the United States. According to the freight documents in ARD's possession, five crates of machine parts from the Thermo Jarrell Ash Corporation in Franklin, Massachusetts went to Iraq via Frankfurt in July 1990. The sixth crate with the central core of the equipment was due to have been shipped at the start of January 1991. In order to avoid the embargo, a firm in Amman, Jordan was given as a new destination, ARD reports. The round-about export was apparently arranged by a Swiss letter-box firm in Zug.

UNITED STATES LIST OF COMPANIES SUPPLYING IRAQ REPORTED—HAMBURG DER SPIEGEL IN GERMAN JAN. 14, 1991 PP 16–17

[Unattributed report: "Baker's Black List"]

[Text] During his visit to Bonn last week, U.S. Secretary of State James Baker renewed U.S. accusations that German companies continue to break the trade embargo against Iraq. Over the past few months, U.S., British, and Australian intelligence services have supplied 100 clues about German sinners. On a blacklist drawn up by the Americans, which lists more than 550 companies from 50 countries, Germany occupies second place, immediately after Iraq's neighbor Jordan. Baker refers to generally excellent information provided by the National Security Agency, the most secret of all U.S. intelligence services, which constantly records any telecommunication with Iraq all over the world and also monitors suspicious companies in Germany.

Specifically, the Americans accuse the Hesse company Karl Kolb, which is considered to have built a poison-gas factory in Iraq, and Rhine-Bavaria Vehicle Construction in Kaufbeuren, which is supposed to have delivered equipment of mobile poison laboratories to Iraq. As late as November 1990, according to information that the Tafesan firm of Hanover provided itself, the company wanted to ship medical equipment to Baghdad's Health Ministry, which is closely cooperating with the Defense Ministry. According to the Federal Intelligence Service, the company has previously delivered laboratory equipment to the Iraqi Nuclear Energy Agency.

The branch offices of the Japanese multinational concern Minolta in Langenhagen near Hannover and in Ahrensburg near Hamburg are suspected by the Americans of having planned deliveries of so-called optronic [optronisch] instruments, which are used in missile construction, as late as October 1990. In November customs investigators sealed rooms there and seized material. Iraq and help with its military buildup even after the Iraqi occupation of Kuwait. The U.S. report, which has been submitted to the FRG Government, allegedly included the names of 19 German businesses that became known as a result of intelligence information.

Foreign Minister Hans-Dietrich Genscher, who will receive Baker for a talk this afternoon, before Baker's meeting with Chancellor Kohl, has once more appealed emphatically to the German economic sector to observe the existing legal stipulations. At the Epiphany meeting of the Free Democratic Party of Germany in Stuttgart, the foreign minister announced the further tightening of the Penal Code so that "those who make business with the death of others will receive the punishment that corresponds to the reprehensibleness of their actions." According to Genscher, united Germany must set a good example. That means that it should help the countries in Eastern Europe and the Third World to solve their problems, but not to send them weapons. In addition, "the dealers and builders of death, who illegally sell weapons of mass destruction to the Third World, while Europe is eliminating such weapons, must be stopped."

INTRODUCTION OF LEGISLATION PROTECTING THE STATUS OF NATIONALS OF THE BALTIC STATES UNDER THE IMMIGRATION ACT OF 1990

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today, along with Representatives KENNELLY, RUSSO, and WOLPE, to grant to nationals of the Baltic States of Estonia, Latvia, and Lithuania "temporary protected immigration status" in the United States. This legislation is identical to a provision of the Immigration Act of 1990 which provided this status to nationals of El Salvador and is similar to the benefits afforded nonimmigrants from the People's Republic of China last year.

Mr. Speaker, all of us are well aware of the special consideration which must be shown to individuals temporarily visiting the United States from countries currently undergoing civil unrest. Currently, Estonia, Latvia, and Lithuania fit that description; every morning, the news from that troubled region of the world is worse. The ruthless crackdown by the Soviet Union on the peace-loving, freedom-seeking people of the Baltic States is strong proof that our legislation is needed.

A provision of the Immigration Act of 1990 provided a concrete set of rules for providing temporary protected status to nationals of countries currently undergoing many types of civil unrest. The 1990 legislation also deemed nationals of El Salvador subject to temporary protected status. My legislation extends that deemed status to nationals of Estonia, Latvia, and Lithuania.

Mr. Speaker, I urge prompt and favorable consideration of this bill by the House and Senate Judiciary Committees. I insert a technical description of my legislation in the RECORD at this point:

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

Provisions of the Immigration and Nationality Act, added by the Immigration Act of 1990, provide temporary protected status to nationals of certain countries. Generally, to be eligible for the provisions of temporary protected status, an individual must be a national of a country in which (1) there is an ongoing armed conflict; (2) there has been a natural disaster causing a temporary disruption in the living area; or, (3) there are extraordinary conditions in the country which would prevent nationals from returning safely. The Attorney General may designate (but is not required to designate) such a nation in the Federal Register.

Individuals are eligible for temporary protected status only if they have been continuously physically present in the United States since the time of the designation, the alien is otherwise admissable as an immigrant, and the alien registers for temporary protected status.

If a national of a foreign state becomes eligible for temporary protected status under the provisions of the Act, the Attorney General is prohibited from deporting the individual and the individual is allowed to engage in employment in the United States.

The Immigration Act of 1990 provided that nationals of El Salvador were eligible for temporary protected status, effective as of the date of enactment of the legislation (November 29, 1990).

EXPLANATION OF PROPOSAL

Under the bill, nationals of Estonia, Latvia and Lithuania are deemed eligible for temporary protected status in the same manner as nationals of El Salvador.

The designation is effective as of the date of enactment of this legislation, and remains in effect for the next 18 months. Nationals would have 180 days from the date of enactment to register for temporary protected status, with respect to nationals of those countries physically present in the United States on January 12, 1991.

TRIBUTE TO LEWIS A. SHATTUCK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. CONTE. Mr. Speaker, I rise to pay tribute to a dear friend of mine, Lewis A. Shattuck, who has served the small business community in New England for the past 25 years. Lew will be retiring this year and small business will be saying goodby to one of its greatest and most effective advocates.

Mr. Speaker, my relationship with Lew Shattuck began 25 years ago when I first joined the Committee on Small Business and Lew became the director of the Smaller Business Association of New England. He has remained executive director of SBANE for all that time and has raised it from an organization of only 300 members with 2 employees to its current size of over 2,000 members and a staff of 12.

Over the years, Lew has become well known to the members of both State and Federal Governments. His tireless advocacy has brought the accomplishments and needs of small business to our attention and resulted in the implementation of numerous programs vital to the growth of small business in America.

In the 1970's, Lew and the organization he built at SBANE were successful in encouraging the passage of the Steiger amendment. This bill was the seminal project in the effort to make capital available to small businesses.

In the 1980's, Lew spearheaded the establishment of the first White House Conference on Small Business. These events are crucial to bringing small business and government together to establish a national small business agenda. With his help the conference grew to encompass representatives of small businesses from all across the country. The last White House Conference in 1986 was a great success, and the 1994 conference promises to be even better.

Lew followed up this success with his efforts on behalf of the Small Business Innovation and Research Program, which freed up Federal research and development money specifically for small businesses. I worked closely with Lew on these projects and I was always impressed by his energy, enthusiasm, and knowledge of the issues. It is little wonder then that in 1980, Lew was named secretary-treasurer of Small Business United and stayed on when the organization became National Small Business United. No one has done more to unite the interests of small business than Lew Shattuck.

On behalf of small business men and women all over New England, I want to thank Lew for his 25 years of superb work on their behalf. He has done so much to advance their cause and to make clear the importance of small businesses to the American economy. We wish him well in his retirement and extend to him our lasting gratitude for his efforts on behalf of America's small businesses.

IN RECOGNITION OF THE PORT CHARLOTTE JUNIOR HIGH SCHOOL

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. GOSS. Mr. Speaker, all across the country we are seeing this Nation's young people take initiative in tackling problems at the community level. In Charlotte County, FL, a band of junior high students has taken on the challenge of getting involved with their local government to meet the county's waste management needs. In their efforts to promote curbside recycling in their county, these student leaders at Port Charlotte Junior High School have shown how perseverence and commitment to a good idea can really pay off.

As part of their sixth-grade class curriculum on the environment, Virginia Conant's students began to study the pros and cons of curbside recycling—something their county commissioners had already rejected for their community. Not to be dissuaded, the students spent time in their own homes, collecting and sorting their trash. And then they set out to change the minds of their local public officials, launching a petition drive among their neighbors and friends. They went to commission meetings; they made themselves heard—and today Charlotte County is once again moving in the direction of curbside recycling.

One county commissioner in Charlotte County credits these students with turning the situation around, saying he can't remember a time when school children played such an important role in county decisionmaking. Virginia Conant, the children's teacher, wrote to me about their accomplishments, saying "adults always tell us that it can't be done, but children always prove them wrong."

The lesson here is simple: we should never underestimate the power of grassroots commitment in getting things done. In a democracy, people who believe in what they are doing are the best engine for change. And sometimes it takes the wisdom of our young people to remind us of that.

The students at Port Charlotte Junior High School have already been honored for their good work by the U.S. Environmental Protection Agency, which sponsors a nationwide program to recognize student leadership on the environment. Mr. Speaker, I take this opportunity today to add my voice to the many who have praised their efforts, and to give the students and their teacher my special thanks. It gives me great pride to represent a district where so many people care enough to get involved.

ANDEAN TRADE PREFERENCE ACT OF 1991

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. CRANE. Mr. Speaker, today I am introducing the Andean Trade Preference Act of 1991. Closely patterned after the Caribbean Basin Economic Recovery Act of 1983, as amended, and the Caribbean Basin Economic Recovery Expansion Act of 1990, this bill gives the President the authority he has requested to extend duty free treatment to eligible products from Colombia, Bolivia, Ecuador, and Peru for a period of 10 years. This particular legislation represents just one aspect of the administration's package of measures aimed at expanding economic opportunities for Andean countries.

The purpose of this legislation is to provide an alternative to the many peasant farmers in the Andes mountain region who have become increasingly dependent upon the lucrative production of the coca plant. Poor farmers have had little choice but to replace their fields of legitimate crops for coca because the United States has made it more profitable for them to do so. This is in part due to the high demand for cocaine in our country, as well as the fact that protectionists in the United States have limited the access to our market to many of the region's legitimate goods. As a result, farmers in Peru and Bolivia have switched from the production of legal to illegal crops and today produce nearly 90 percent of the world's coca.

The United States has taken a two pronged approach in our war against drugs. First, in an attempt to reduce the Nation's growing demand for illegal drugs, fines and penalties for sale and possession have been significantly strengthened, and secondly, education of our youngsters about the harmful affects of drugs is taking place throughout the country. Until recently, however, other than funding the efforts of our South American allies to eradicate coca production, the United States has done little to reduce the supply of drugs into our country. Surely, this is evidenced by the growing incidence of drug related crimes.

Until the peasant farmers in the Andean region are offered a viable alternative, they will continue to harvest coca out of economic necessity despite the fact that they would surely prefer to produce legitimate crops. By removing many of our import barriers, this bill will serve as an incentive to farmers to replant their fields with lawful crops and as a result the United States will finally realize a decrease in the supply.

I urge my colleagues to join me by cosponsoring this very worthy legislation.

THE END OF DEMOCRACY IN CROATIA?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. BROOMFIELD. Mr. Speaker, while the attention of the world is focused on events in the Persian Gulf, democracy may soon be brutally destroyed in the Republic of Croatia. I am deeply concerned about reports that the Yugoslav Federal Army and Communist officials may move against the democratic government of the Republic of Croatia and try to end the process of self-determination that is occurring there. I urge my colleagues to carefully monitor developments in Croatia and consider at what point legislative restrictions should be imposed on our economic relationship with Belgrade should the Yugoslav Federal Army use force in Croatia.

In 1989, the winds of change that swept across Eastern Europe brought democracy to some of the Yugoslav Republics, with free elections being held in Croatia, Slovenia, Bosnia-Hercegovina, and Macedonia. Those republics now have democratically elected governments with pro-Western orientations. Unfortunately, the Republics of Serbia and Montenegro have chosen governments which contain strong Communist elements. Pro-Communist forces in those republics and in the central government in Belgrade are planning to take the offensive against other republics which are proceeding with acts of self-determination.

The recent events in the Baltic States that so shocked the free world may soon be replayed in Croatia, a Republic that ousted the Communists in elections last spring. Just yesterday, the Yugoslav Federal Army threatened to place its troops at combat readiness unless all forces in the Republic of Croatia immediately disband. The Federal Army claimed that terrorist attacks against the army were being prepared in Croatia, and said it would take steps to ensure that military courts are able to prosecute the organizers of illegal armed groups.

The Yugoslav Minister of Defense, General Veljko Kadijcviv, is a Communist and has threatened to use force against the democratic republics. He has called for the disarming of the police and national guard units in those republics. The general has described socialism as "one of the greatest achievements of contemporary civilization."

Slobodan Milosevic, who shares General Kadijcviv's political orientation, is the President of the Republic of Serbia and a rabid Serbian nationalist. He succeeded in taking away the semiautonomous status of the regions of Kosovo and Vojvodina in his blind drive to rebuild the Serbian kingdom of old. Over 60 ethnic Albanians were killed and hundreds were wounded in the violence that ensued. His antiquated economic policies have created major problems for Serbia, and he has directly contributed to the serious political crisis which Yugoslavia faces today.

It is a modern-day tragedy that Croatia, a democratic republic with a pro-American orientation and a strong commitment to free-market economics, should be threatened by proponents of a failed ideology that is disappearing all over the world. Although some officials in Yugoslavia may think that the United States is not watching, I want them to know that Congress and all Americans are deeply concerned about events in Yugoslavia and will respond accordingly should Yugoslav officials unwisely choose to resort to violence in Croatia.

MIAMI POSTMASTER WOODROW CONNER RETIRES AFTER 31 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize today the chief postal official for Miami, Woodrow Conner, who is retiring this month after 31 years of distinguished service.

Mr. Conner played an important role in the task of keeping the mail moving in south Florida—one of the Nation's most rapidly growing and changing areas. He leaves behind a legacy of doing the right thing for his employees.

Mr. Conner began his career as a mail handler in the New York City Post Office, and ends his service as one of only 73 field division general managers/postmasters in the United States. Since 1986, Mr. Conner was responsible for the entire Miami Division, which includes more than 315 post offices, stations, and branches on Florida's east coast from Cape Canaveral south to the Florida Keys. In this position, he supervised over 16,000 employees and an operating budget of more than $650 million.

Before postal reorganization in 1986, Mr. Conner served as the Miami sectional center manager/postmaster. He moved his way up the ladder in the Postal Service before coming to Miami in 1985, by serving as the sectional center director of mail processing in New Brunswick, NJ; the postmaster of Bronx, NY; and section center manager/postmaster in Waterbury, CT.

During his distinguished career, Mr. Conner was selected to attend many college-level programs for senior postal executives, including Duke University, MIT's senior executive program, and the University of Virginia. He was credited for building the many new postal facilities needed to keep up with south Florida's rapid growth, including the South Florida Mail Processing Center.

Mr. Conner was known as the boss everyone knew. It was largely through his efforts the Miami Division began the 4/10 project, allowing employees a 4-day/10-hour work week. He also leased an on-site day care center to the American Postal Workers Union.

I wish to also commend the organizers of Woodrow Conner's retirement celebration which will be held at the Sheraton Bonaventure Resort and Spa in Fort Lauderdale on February 16, 1991. Louise Marino and Dottie Johnson both worked hard to bring about this event to pay tribute to Woodrow Conner's long years of dedicated service.

LEGISLATION SAFEGUARDS TRADITIONAL STATE CONTROL OF WATER RESOURCES

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. STALLINGS. Mr. Speaker, I am introducing today a bill which addresses the serious problems arising from the U.S. Supreme Court's recent decision in California versus FERC, commonly referred to as the Rock Creek case. I am pleased that my distinguished colleague from Idaho [Mr. LAROCCO], has joined with me in cosponsoring this important legislation.

On May 21, 1990, the Supreme Court ruled that the Federal Government had authority to supersede State regulations governing streamflow and water allocations. I was deeply disturbed and disappointed with the Court's decision. It threatens a century-old standard of State water control and poses a serious risk to future management of our rivers and streams.

I will continue to fight this latest attack on the State of Idaho and am very pleased to join with my Idaho colleagues in condemning this Federal interference. This bill will clarify the Federal Power Act to ensure that States have no diminished decisionmaking authority when it comes to water allocation decisions.

Specifically, the legislation would amend sections 9 and 27 of the Federal Power Act to clarify that an applicant for a license must comply with all procedural and substantive requirements of State law in acquiring water rights and in the administration of the use of water.

In Idaho, we have taken great care to ensure that our limited supplies of water are managed to meet the many competiting needs of our citizens. As a result of conflicts over allocation of water resources in Idaho, the State has embarked on the preparation of a comprehensive State water plan for all of its rivers and streams and the adjudication of all water rights in the Snake River Basin.

Through these two efforts, the State hopes to settle the conflicts that have arisen over the use of water in Idaho. In one decision, however, the Supreme Court threatens to undo the gains the State of Idaho is making in the effective and sound management of its water resources.

In our State, water is scarce. We must carefully allocate the water among the many uses. This is done through a water rights system known as the prior appropriation doctrine. The essence of this doctrine is that the first person who puts water to beneficial use has the first right.

In deciding who will be permitted to use water, the State balances each proposed use against the existing and potential future uses. In addition, the State takes into account the local public interest, which includes consideration of the impacts of a particular use on water quality, fish and wildlife, and other resources.

In its Rock Creek decision, the Supreme Court suggests that licensees under the Federal Power Act may be exempt from the State of Idaho water rights law. If this is true, the water rights laws of Idaho would be rendered meaningless. Two systems of water law would reign side-by-side, neither one of which would be effective in taking into account the impacts arising from uses authorized by the other sovereign.

The problem is not unique to Idaho. Every State in the Union joined in support of California before the Supreme Court in California versus FERC. At the heart of the controversy is the historical right of each State to regulate water in a manner that meets the needs of its citizens.

What we are proposing today in our legislation is not a change in the Federal Power Act, but rather an amendment that will achieve what we believe to be the original objective of the act. This bill will remove any ambiguity created by the Supreme Court decision regarding the double licensing requirements originally intended by the Federal Power Act. It is consistent with Congress' traditional deference to State water law and the principles of cooperative federalism.

The Snake River serves as the lifeblood of Idaho's economy and quality of life. Irrigation, energy production, fish and wildlife, recreation, and other uses all benefit from effective stewardship or our water resources. Idaho is very fortunate to have in place a State water plan which serves as a guiding document in water resource management decisions. It has served us well over the years.

In order to maintain state authority, however, we cannot afford to give the Federal Government or out-of-State interests an opportunity to interfere with State decisions on water allocation and stream flows. This legislation reverses the effect of the high court ruling and safeguards historic State control over our water resources.

Mr. Speaker, I strongly urge my colleagues to cosponsor this critical bill, and I look forward to its consideration by the House.

TRIBUTE TO UKRAINIAN INDEPENDENCE DAY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to the independence of Ukraine. Seventy-three years ago, on January 22, 1918, the Ukrainian National Rada (Council) issued the Fourth Universal declaring the independence of Ukraine. Exactly 1 year later, on January 22, 1919, the Ukrainian National Republic and the Western Ukrainian Republic united to form a unified, independent Ukrainian State.

After literally centuries, the aspirations of the Ukrainian people for independence was realized. Unfortunately, that independence was to be short-lived. While the Ukrainian Republic mobilized an army to defend its newly established independence, Ukraine was quickly overrun by the names of the Russian Bolshevik State, the Russian White forces, Germany, Austria-Hungary, and Poland. Outnumbered and surrounded, the Ukrainian people fought on until 1921 when Soviet Russia and Poland reached an agreement to divide Ukraine.

While independence was lost in 1921, the dream of independence was not. Through 70 hard years of Soviet repression, including the man-made famine of 1932–33 which took the lives of 7 to 10 million Ukrainian men, women and children, the people of Ukraine struggled for their right to self-determination and independence. On July 16, 1990, the first step on the road to independence was taken when the Ukrainian Supreme Soviet, by a vote of 355 to 4, issued a Declaration on the State Sovereignty of Ukraine.

In 1990, Ukraine joined with the other 14 republics of the U.S.S.R. in expressing the desires of her people for independence. For the past few months it has become evident that the central authorities in Moscow will not accept the desire of the peoples of the U.S.S.R. for self-determination. That became clear in Ukraine during November when Moscow engineered a provocation to justify the arrest of a Deputy to the Ukrainian Parliament, Stefan Khmara.

A few weeks ago, the Soviet Defense Ministry announced the deployment of troops to seven republics, ostensibly to enforce conscription. It did not go unnoticed that the troops were being sent to the most independent-minded republics, namely, Ukraine, Lithuania, Latvia, Estonia, Armenia, Georgia, and Moldavia. Why only these republics when conscription is a problem throughout the U.S.S.R.? What does the seizing of the television tower in Vilnus have to do with enforcing conscription laws?

The answer is simple. The sending of troops has little to do with conscription; the real purpose is to destroy any movement for self-determination. Mr. Gorbachev seems to have promoted democracy only so far. Now he leads the reversal. President Gorbachev should realize that the only way to hold the old-fashioned Soviet Union together is with force. The "Union" is so unnatural, so incompatible that free people will never choose it. Empire is what it is but even the Russian people don't want "Empire" anymore.

The ideals of democracy and self-determination are intertwined for the natural extension of democracy is self-determination and all peoples have a right to self-determination. Our American tradition and laws are based on the premise that governments exist only with the consent of the governed and not the other way around; that governments exist only to serve the people and not the other way around. Obviously, Mr. Gorbachev differs with us deeply on these premises.

It is time that the United States, as a nation, speak up in defense of the right for 50 million Ukrainians to determine their own future.

It is time that the United States grant to Lithuania, Latvia, and Estonia, recognition in fact and not in just rhetoric. It is time that the United States articulate its readiness to stand with the aspirations of all the Republics of the U.S.S.R.

The last half of the 20th century has seen the rise of many newly independent nations. This last decade has seen the rise of new democracies. The role that the United States has played in this process is one which we, as Americans, can be proud of. Now is the time to continue encouraging democratization and self-determination and not backing off from these ideals. I cannot think of nations which deserve freedom more than those within the Soviet empire. The price they have paid in human life and suffering these past 73 years is unrivalled in human history.

It is fitting that this week, the week during which Ukrainians throughout the world celebrate the independence which they briefly enjoyed 73 years ago, we take a stand against oppression in the world's last empire and that we support the right of the peoples in the Soviet Union to the same freedoms of speech, religion, assembly, and self-determination which we enjoy.

I insert the text of the Declaration of the State Sovereignty of Ukraine in the RECORD at this point:

DECLARATION ON STATE SOVEREIGNTY OF UKRAINE

(Enacted by the Supreme Soviet of the Ukrainian SSR, July 16, 1990)

The Supreme Soviet of the Ukrainian SSR:

Expressing the will of the people of Ukraine;

Striving to create a democratic society;

Acting on the need for all-encompassing guarantees of the rights and freedoms of man;

Respecting the national rights of all nations;

Caring about the full-fledged political, economic, social, and spiritual development of the people of Ukraine;

Recognizing the necessity of establishing a lawful state;

Having as a goal the affirmation of the sovereignty and self-rule of the people of Ukraine; and

Proclaims the state sovereignty of Ukraine as supremacy, independence, fullness, and indivisibility of the republic's authority within the boundaries of its territory, and its independence and equality in external relations.

I. Self-Determination of the Ukrainian Nation

The Ukrainian SSR, as a sovereign national state, develops within existing boundaries on the basis of the realization of the Ukrainian nation's inalienable right to self-determination.

The Ukrainian SSR effectuates the protection and defense of the national statehood of the Ukrainian people.

Any violent actions against the national statehood of Ukraine on the part of political parties, public organizations, other groups or individuals will be prosecuted in accordance with the law.

II. Rule of the People

Citizens of the republic of all nationalities comprise the people of Ukraine.

The people of Ukraine are the sole source of state authority in the republic.

The complete authority of the people of Ukraine is realized directly on the basis of the republic's constitution, as well as via people's deputies elected to the supreme and local soviets [councils] of the Ukrainian SSR.

Only the Supreme Soviet of the Ukrainian SSR can speak in the name of all the people. No political party, public organization, other group or individual can speak in the name of all the people of Ukraine.

III. State Authority

The Ukrainian SSR is independent in determining any questions regarding its state affairs.

The Ukrainian SSR guarantees the supremacy of the constitution and laws of the republic on its territory.

State authority in the republic is realized in accordance with the principle of its division into lawmaking, executive, and judicial [branches].

The highest authority as regards the precise and uniform application of the law is the general procurator of the Ukrainian SSR, who is appointed by the Supreme Soviet of the Ukrainian SSR and is responsible and accountable to it.

IV. Citizenship of the Ukrainian SSR

The Ukrainian SSR has its own citizenship and guarantees each citizen the right to retain citizenship of the USSR.

The basis for acquiring and forfeiting citizenship of the Ukrainian SSR is determined by the law on citizenship of the Ukrainian SSR.

All citizens of the Ukrainian SSR are guaranteed rights and freedoms provided by the Constitution of the Ukrainian SSR and by standards of international law recognized by the Ukrainian SSR.

The Ukrainian SSR guarantees equality before the law to all citizens of the republic regardless of their ancestry, social or economic status, racial or national identity, sex, education, language, political views, religious beliefs, type and character of activities, place of residence or other circumstances.

The Ukrainian SSR regulates immigration procedures.

The Ukrainian SSR expresses its concern and uses its means to defend and guarantee the interest of citizens of the Ukrainian SSR beyond the republic's borders.

V. Territorial Supremacy

The Ukrainian SSR exercises supremacy on all of its territory.

The territory of the Ukrainian SSR within existing boundaries is inviolable and cannot be changed or used without its consent.

The Ukrainian SSR independently determines the administrative-territorial system of the republic and the procedures for establishing national-administrative units.

VI. Economic Independence

The Ukrainian SSR independently determines its economic status and secures it by law.

The people of Ukraine have the exclusive right to control, use, and direct the national resources of Ukraine.

The land, its interior (mineral wealth), air space, water, and other natural resources found on the territory of the Ukrainian SSR, the natural resources of its continental shelf and exclusive (maritime) economic zone, and all economic and scientific-technical potential created on the territory of Ukraine are the property of its people, the material foundation of the republic's sovereignty, and is used with the aim of providing for the material and spiritual needs of its citizens.

The Ukrainian SSR has the right to its share of the all-union wealth, especially in all-union gemstone and hard currency stocks and gold reserves, which were created through the efforts of the people of the republic.

Determination of questions concerning all-union property (joint property of all republics is made on the basis of agreements between the republics—by the subjects of this property.

Businesses, institutions, organizations and objects of other states and their citizens, and international organizations may exist on the territory of the Ukrainian SSR and may use the natural resources of Ukraine in accordance with the laws of the Ukrainian SSR.

The Ukrainian SSR independently establishes banking (including a foreign economic bank), pricing, financial, customs and tax systems, prepares a state budget, and, if necessary, introduces its own currency.

The highest credit institution of the Ukrainian SSR is the national bank of Ukraine, which is accountable to the Supreme Soviet of the Ukrainian SSR.

Businesses, institution, organizations, and manufacturing concerns located on the territory of the Ukrainian SSR pay a fee for use of land and other natural and labor resources, and a portion of their currency income, and pay taxes to local budgets.

The Ukrainian SSR guarantees protection for all forms of ownership.

VII. Ecological Safety

The Ukrainian SSR independently determines procedures for organizing nature protection on the territory of the republic and procedures for the use of natural resources.

The Ukrainian SSR has its own national committee on protection of the population from radiation.

The Ukrainian SSR has the right to ban construction and to halt the operation of any businesses, institutions, organizations, and other objects that constitute a threat to ecological safety.

The Ukrainian SSR cares about the ecological safety of its citizens, about the genetic stock [henofond] of its people and about its young generation.

The Ukrainian SSR has the right to compensation for damages to the ecology of Ukraine brought about by the acts of union organs.

VIII. Cultural Development

The Ukrainian SSR is independent in deciding questions of science, education, and the cultural and spiritual development of the Ukrainian nation and guarantees all nationalities living on the territory of the republic the right to free national-cultural development.

The Ukrainian SSR guarantees the national-cultural rebirth of the Ukrainian nation, its historical consciousness and traditions, national-ethnographic characteristics, and functioning of the Ukrainian language in all spheres of social activity.

The Ukrainian SSR concerns itself with satisfying the national-cultural, spiritual, and language needs of Ukrainian living outside of the republic's borders.

National, cultural, and historical wealth on the territory of the Ukrainian SSR are the sole property of the people of the republic.

The Ukrainian SSR has the right to [secure] the return to the people of Ukraine its national, cultural, and historical wealth found outside the borders of the Ukrainian SSR.

IX. External and Internal Security

The Ukrainian SSR has the right to its own armed forces.

The Ukrainian SSR has its own internal armies and organs of state security, subordinate to the Supreme Soviet of the Ukrainian SSR.

The Ukrainian SSR determines procedures for military service by citizens of the republic.

Citizens of the Ukrainian SSR perform their military service, as a rule, on the territory of the republic, and cannot be used for military aims beyond its borders without the consent of the Supreme Soviet of the Ukrainian SSR.

The Ukrainian SSR solemnly declares its intention of becoming a permanently neutral state that does not participate in military blocs and adheres to three nuclear-free principles: not to accept, not to produce, and not to purchase nuclear weapons.

X. International Relations

The Ukrainian SSR, as subject to international law, conducts direct relations with other states, enters into agreements with them, exchanges diplomatic, consular, and trade representatives, and participates in the activity of international organizations to the full extent necessary for effective guarantees of the republic's national interests in political, economic, ecological, informational, scholarly, technical, cultural, and sports spheres.

The Ukrainian SSR acts as an equal participant in international affairs, actively promotes the reinforcement of general peace and international security, and directly participates in the general European process and European structures.

The Ukrainian SSR recognizes the pre-eminence of general human values over class values and the priority of generally accepted standards of international law over standards of internal state law.

Relations of the Ukrainian SSR with other Soviet republics are built on the basis of agreements entered into on the basis of the principles of equality, mutual respect, and non-interference in internal affairs.

The Declaration is the basis for a new constitution and laws of Ukraine and denotes the positions of the republic in concluding international agreements. The principles of the Declaration of the Sovereignty of Ukraine are utilized in the preparation of a new union agreement.

THE RADIATION PROTECTION ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. SLATTERY. Mr. Speaker, I rise today to urge my collegues to join me in supporting the Radiation Protection Act, which would overturn the Nuclear Regulatory Commission's [NRC] policy to deregulate certain nuclear wastes and protect the right of State and local governments to prohibit the disposal of radioactive waste in landfills.

Identical legislation, H.R. 5505, was introduced late in the 101st Congress, referred jointly to the Energy and Commerce and Interior Committees, and passed unanimously by the Interior Committee at the end of the session.

The Radiation Protection Act is necessary because the NRC has recently enacted a new policy which would permit the disposal of low-level nuclear waste in local landfills even if it is opposed by State and local governments. This flawed NRC policy—"Below Regulatory Concern" [BRC]—could turn landfills across the country into radioactive waste dumps. The NRC must not be allowed to violate States rights by forcing this policy on the States.

Furthermore, large amounts of low-level radioactive waste pose a needless threat to the public health and safety. For example, the BRC policy would permit contamination of ground water and soil far above the limits established by the Environmental Protection Agency [EPA]. In fact, the radiation exposure levels permitted by the policy are far higher than those originally proposed by the NRC staff and those in similar policies proposed by the EPA, the United Kingdom, Canada, Japan, Finland, the National Council on Radiation Protection, and the International Atomic Energy Agency. Clearly, this policy would wreak havoc on the already difficult challenge of siting and managing landfills in our communities.

The Radiation Protection Act will overturn this BRC policy, revoke the authority of the NRC to impose any such policy on the States in the future, and protect all Americans from the potential hazard of nuclear wastes deregulated by the NRC.

This legislation has already received widespread support from across the country. My good friend Representative GEORGE MILLER of California has worked hard to bring this issue to the public's attention. I am confident that, with his leadership, this important legislation will be enacted during this Congress.

THE 60TH ANNIVERSARY—BERGEN BEACH CIVIC ASSOCIATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. SCHUMER. Mr. Speaker, I rise today to pay tribute to Bergen Beach Civic Association on the occasion of their 60th anniversary and their excellent choice of annual honoree, Assemblyman Anthony Genovesi.

In my 17 years in public service I have had the good fortune to meet and work with some of the most committed and active community leaders. Bergen Beach Civic has always exemplified this spirit. Today's president, Flo Hirsch, has continued a proud and rich tradition of neighborhood cooperation and improvement.

Bergen Beach Civic will be celebrating its 60th anniversary this coming Saturday night. For this historic celebration, they have chosen a truly deserving honoree. Assemblyman Genovesi, a past president of the organization, has devoted virtually his entire life to the growth and betterment of our shared communities of Canarsie, Flatlands, Mill Basin, Marine Park, Bergen Beach, Starrett City, and the other communities of the diverse 39th assembly district.

In his years in government, Tony's work has touched virtually every New Yorker. As an assistant to former assembly speaker Stanley Fink and as an elected official himself, Tony has crafted legislation and policy that has had impact far beyond our Brooklyn community. His commitment to senior citizens and education have earned him the respect and love of the thousands who have been touched by his work.

Mr. Speaker, at this time when the challenges to our Nation are great, it is truly uplifting to join in the celebration of Bergen Beach Civic and Tony Genovesi. I invite my colleagues to share in my pride in offering them heartfelt congratulations.

PEDIATRIC AIDS AWARENESS WEEK

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. SERRANO. Mr. Speaker, I rise today to introduce a joint resolution to designate the week of June 10 through 16, 1991 as "Pediatric AIDS Awareness Week."

While the Nation's attention is turned toward the Persian Gulf fiasco we must not forget that we have another kind of war right here in our own backyard. That war is called AIDS. A war that is killing hundreds of people in their prime of life, and even worse those who may never have a chance—our children. It is vital that the United States adopt a domestic policy to rescue our children from all destructive forces. This resolution is designed to focus more attention on one of this country's most explosive health problems.

AIDS has become the No. 1 killer in America. It is a national health emergency affecting individuals, their families and the health care system in all 50 States. To date the Center for Disease Control [CDC] reports that more than 157,525 Americans have been diagnosed with the virus that causes AIDS and nearly 99,000 have died. Conservative estimates suggest that the numbers in America will more than double in the next 2 years. Sadly more than half those diagnosed include children and these numbers are expected to increase at an alarming rate.

Mr. Speaker, pediatric AIDS refers to patients under the age 13 at the time of diagnosis with human immunodeficiency virus [HIV]. The CDC reports 2,734 cases of pediatric AIDS resulting in 1,423 deaths as of November, 1990. The highest numbers of pediatric AIDS as reported by the CDC in metropolitan cities include New York City with 791 cases; Miami with 157 cases; Newark with 121 cases; San Juan with 106 cases; Los Angeles with 90 cases; Washington DC with 64 cases; Philadelphia with 53 cases; Boston with 51 cases; Chicago with 50 cases; Baltimore with 49 cases; and Houston with 45 cases.

These figures are alarming, but what is really alarming is that for every child born or diagnosed with the disease there is another who is also infected, and a father, who too carries the disease. Certain groups of women are especially vulnerable to contracting AIDS, solely as a result of their relations with men who are intravenous drug users, or with men who engage in nontraditional relations with other men. According to the CDC, one of the fastest growing components of the epidemic are women.

Mr. Speaker, my congressional district, the Bronx, is home to a large share of the economically and socially disadvantaged of New York City, and is bearing more and more of the brunt of the AIDS assault. Nationally women make up 8 percent of total reported AIDS cases and 12 percent in all of New York City. But in the Bronx, they comprise a 21-percent share of reported total cases. AIDS is already the leading cause of death among women age 20 to 24, and will soon be the leading cause among all women of reproductive age.

A vast disproportionate share of pediatric AIDS cases are African-American or Latino children, 91 percent of all pediatric AIDS cases in New York City are African-American or Latino; and for the district, the figure is 94 percent. That AIDS is the leading cause of death of children ages 1 to 4 in the city is an indication of the dimension of the problem. The Bronx newborns have the highest incidence of HIV seropositivity in the city. The Bronx alone has 10 percent of the Nation's pediatric AIDS cases.

These figures are consistent with world-wide predictions. The World Health Organization has predicted that AIDS will be the leading cause of death among women between the ages of 20 and 40 in major cities in this country, and in Western Europe and sub-Saharan Africa. Further, the Lancet, London's leading medical journal, reports that more than 3 million women and children will die from the disease during the 1990's, more than six times the numbers of the 1980's.

We know that there is not yet a cure for this fatal disease, but some therapies are showing promising results. One successful course of action available is an effective public education campaign aimed at providing information to all persons and especially to high risk groups about the consequences of the disease. While the CDC suggests a possible slowdown in the growth of new AIDS cases among certain groups, it also reports a slow but steady increase of human immunodeficiency virus cases among the heterosexual populations, thus increasing the need to continue the campaign of education, our most effective weapon in the fight against the spread of AIDS.

America faces enormous challenges in meeting the current and future health care needs of our people, and no challenge is greater than finding the cure for AIDS. Confronting this dilemma poses complex issues and will require a sustained national commitment to action. Educational tools sensitive to the different ethnic and high-risk groups, and especially children, must be devised and deployed in our cities to further help curtail the spread of this fatal disease.

I urge my colleagues to join me along with Representatives MILLER, DONALD PAYNE, and MORELLA, and cosponsor this measure which designates the week June 10 through 16 as "Pediatric AIDS Awareness Week."

TRIBUTE TO LEWIS A. SHATTUCK

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. ATKINS. Mr. Speaker, it is my privilege to pay tribute to Lewis A. Shattuck, retiring president of the Smaller Business Association of New England, which is based in Waltham, MA. Through his offices Mr. Shattuck has been an entrepreneur who strived to make the voice of small business heard for 25 years.

As you may know, Mr. Speaker, this man is a respected small business advocate on both the Federal and local levels of government. Mr. Shattuck played an instrumental role in the creation and organization of the White House Conference on Small Business. He served as secretary to the National Small Business United, an organization dedicated to involving individual business people in contemporary political issues on the grassroots level. In addition, he is an active participant on the National Advisory Council of the Small Business Administration. Under his leadership, Washington Presentation, the congressional legislative liaison of the National Small Business United, has grown to include companies from all over the country who make the interests of small business represented here on Capitol Hill.

How can one measure this man's accomplishments? To begin with, under Mr. Shattuck's leadership, the Smaller Business Association of New England grew from a staff of 2, and a membership of 300 to a staff of 12 with a membership now approaching 2,000. One could also look at his role during the 1970's in the successful passage of the Steiger amendment, an amendment that made capital available to small business. In 1983 he led the fight for the passage of small business innovation research legislation which extended Federal grant dollars for research and development to small businesses.

The small businesses of America are part of this country's lifeline, tradition, and heritage. There is not a soul in this country who doesn't recognize the value of small business. Whether it be the corner delicatessen, local contractor, or family accounting firm, they all create an intricate labyrinth of local culture and provide economic security to the lives of many. Lewis Shattuck has devoted much of his life to working on behalf of small business. In these times of economic uncertainty, we must take time to recognize the efforts of Mr. Shattuck and continue to learn from his example.

In honor of the 25 years of service to American small business, friends, colleagues, admirers, and supporters will pay tribute to Lewis Shattuck at a testimonial dinner on January 31, 1991. I am proud, Mr. Speaker, to have this opportunity to bring his exemplary record to the attention of you and the rest of my colleagues.

UKRAINIAN INDEPENDENCE DAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. RINALDO. Mr. Speaker, January 22 is the anniversary of the rebirth of the independent Ukrainian nation. Although the Ukraine dates back over a thousand years, it was on January 22, 1918, that the Fourth Universal declared the Ukraine's independence from the Russian Empire.

That period of freedom was short, but now the proud blue and yellow flag of the Ukraine again flies over Kiev. On July 16, 1990, the Ukrainian Supreme Rada approved a new Declaration of State Sovereignty that restated the Fourth Universal's goals of freedom, democracy, and self-determination.

The declaration upholds the values that Americans and all free people revere. It promises to secure full human rights and freedoms for all national groups, and to establish a state based on the rule of law. Equally important, it addresses the spiritual development of the Ukrainian people, and explicitly rejects the ability of any political party to speak in the name of the entire people. By doing so, the Ukraine turns its back on the one-party Communist state, and firmly embraces democracy.

Now, however, the Ukraine must hold on to its freedom and sweep out layers of Communist functionaries who are fighting to retain their power. Already, they have begun to strike back by the illegal imprisonment of freedom fighter Stepan Khmara.

Clearly, he is the victim of a Communist-instigated plot to silence an effective voice for Ukrainian freedom. The very fact that he was arrested shows that the Communists are unwilling to abide by free elections and to give up control over the Ukraine.

In recent days, we have seen unprovoked attacks on the freely elected governments of Latvia and Lithuania, and it is clear that a similar attack on the Supreme Rada is possible at any time. This Congress has expressed its support for the Baltic Republics several times, and I hope that we will be equally vocal in support of the free Ukrainian people.

Mr. Speaker, I am delighted to see the progress that the Ukraine made toward independence in 1990. However, it is a very fragile situation, and we in this Congress must do all that we can to assist the Ukraine and to protect them from renewed Soviet domination.

TRIBUTE TO MASTER CHIEF ANTONIO L. LONTOC, JR.

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Master Chief Antonio L. Lontoc, Jr., who is transferring to the retired list after 30 years of active naval service.

Master Chief Lontoc enlisted in the U.S. Navy on January 13, 1961, at the U.S. Navy Station, Sangley Point in Cavite City, Republic of the Philippines. After completing boot camp in San Diego, CA, he was stationed on several shore assignments. These included the Naval Air Station, Olathe, KS; Naval Air Station, Gorsse Ile, MI; Naval Officer Candidate School, Newport, RI; Naval Education and Training Center, Food Services Division, Newport, RI; Naval Commissary Store, Newport, RI, Naval Education and Training Center, Combined Bachelors Quarters Division, Newport, RI. In addition, Master Chief Lontoc served aboard the U.S.S. *Hugh Purvis* (DD–709); U.S.S. *Yosemite* (DD–19); U.S.S. *Julius A. Furrer* (DEG–6); U.S.S. *Damato* (DD–871); U.S.S. *Newman K. Perry* (DD–885); U.S.S. *Manley* (DD–940); and the U.S.S. *Sphinx* (ARL–24). Master Chief Lontoc served overseas in the U.S. Navy Exchange, Keflavic, Iceland; and U.S. Commissary Store, Guantanamo Bay, Cuba.

Master Chief Lontoc's true dedication to the Navy is attributed to by his many decorations. He has been awarded the Navy Achievement Medal (with two gold stars); Navy Good Conduct Medal (seventh award); Navy Expeditionary Medal (second award); National Defense Medal, Navy Sea Service Deployment Ribbon (fourth award); and Navy Overseas Ribbon (second award).

It is with great pleasure that I salute Master Chief Antonio L. Lontoc, Jr., for his 30 years of dedicated service to the U.S. Navy. I wish Antonio Lontoc and his family the greatest happiness on his retirement.

UKRAINIAN INDEPENDENCE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mrs. KENNELLY. Mr. Speaker, on January 22, 1918, the Ukrainian Government declared its independence. But just 2 years later, the hope for those celebrating independence was sadly crushed by the Bolsheviks when the Ukraine was forcibly incorporated into the Soviet Union.

More than 70 years have passed, and after several years of the more liberal policies of perestroika, recent hopes for freedom and democratic reform have again been dimmed by the deployment of Soviet troops to the Ukraine. Once again, dreams of independence, democracy and self-determination have been underscored by the nagging fear of the Soviet fist. It is a painful reminder that he who gives hope, can also take it away—or rather, can attempt to take it away.

Through the years, the Ukrainian people have proven that no matter how vicious the force, no matter how brutal the repression, they will not allow their hope to die. Like their brothers and sisters in the Baltic States, the peoples of the Ukraine continue to cling to the prayer that someday they will be free. And in honor of their day of independence, I applaud their courage, perseverance, and devotion to democratic principles; and I too share their hope that someday they will again know self-determination and freedom.

A TRIBUTE TO HAROLD WRIGHT

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. JONTZ. Mr. Speaker, I want to pay a tribute to a great leader in agriculture, Harold Wright of Gaston, IN. This weekend Mr. Wright will step down after serving as president of the Indiana Farmers Union for the past 25 years.

I have had the opportunity to work with Mr. Wright for the past 16 years in the Indiana General Assembly and as a Member of Congress. His advice and counsel on agricultural issues has been invaluable to me and scores of other elected officials during his long and distinguished career.

While protecting the interests of family farmers has always been the goal of Mr. Wright's involvement, he also spent considerable time and energy to advocate a better life for all rural citizens. Mr. Wright initiated the Green Thumb Program in Indiana in 1966, which is a federally funded senior citizen employment program administered by the Indiana Farmers Union.

Over the past 30 years Mr. Wright has held numerous positions in the Farmers Union. He has served as vice president and president of the Delaware County Farmers Union, vice president and president of the Indiana Farmers Union, and vice chair of the National Farmers Union executive committee.

Mr. Speaker, I commend the outstanding job Harold Wright has done in representing Hoosier farmers and I wish him the best as he continues to operate his own farm in Delaware County.

TRIBUTE TO HON. JAMIE WHITTEN

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. MAVROULES. Mr. Speaker, I rise today to pay tribute to my colleague and friend, the Honorable JAMIE WHITTEN from the State of Mississippi. Congressman WHITTEN is being honored this weekend for over 50 years of dedicated and distinguished service to his home State.

JAMIE'S congressional career has spanned nearly five decades. In that time, he has worked with 10 Presidents. He has been chairman of the Appropriations Committee for 11 years now, an indication of the high regard held for him by his colleagues. Admiration and respect for JAMIE abounds on both sides of the aisle and in both Houses of the Congress.

To say that JAMIE has accomplished much for the people of Mississippi while in Washington is an understatement. He was instrumental in the completion of the Tenn-Tom Waterway and is an emphatic proponent of sound agriculture policies. He has been responsible for the Tennessee Valley Authority and the Appalachian Regional Commission and the National Guard and Reserves.

The people of Mississippi are lucky to have JAMIE as their Representative. It is my honor and privilege to work with such a steadfast and dignified man and I am pleased to have the opportunity to publicly acknowledge his achievements.

CONGRATULATIONS CAPT. PAUL JOHNSON AND CAPT. RANDY GOFF

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. TALLON. Mr. Speaker, I am proud to come before the United States House of Representatives to congratulate two members of the 354th Tactical Fighter Wing from Myrtle Beach, SC, for their heroic rescue of a downed United States pilot in the Iraqi desert on Monday.

Capt. Paul Johnson and Capt. Randy Goff undertook a harrowing 8-hour mission which included four in-flight refuelings for their A–10 Thunderbolts to locate and provide air support for the helicopter rescue.

Captains Johnson and Goff's skillful search and rescue duty reflect their intensive training at Myrtle Beach Air Force Base.

We in the Grand Strand are proud of our men and our A–10's. They've more than shown their mettle during the first few days of the war.

Godspeed to all.

NO ILLUSIONS ABOUT THE U.S.S.R.

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 24, 1991

Mr. MICHEL. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD a recent op-ed article by former Secretary of State Henry Kissinger and remarks made by former President Richard M. Nixon. Both address the current crisis in the Baltic States and President Gorbachev's policy toward Lithuania, Estonia, and Latvia. Each presents a frank and illusion-free perspective of Soviet-American relations. President Nixon's speech, made weeks before Gorbachev's crackdown on dissidents, is remarkable in its prescience.

The West in recent years has all too often been deceived by glasnost and seduced by perestroika. The recent crackdown in Lithuania and Latvia compel us to stop looking at Gorbachev's policies optimistically and see them for what they really are—a savage denial of the rights and freedoms of the Baltic peoples.

At this point I wish to insert in the RECORD, "No Illusions About the U.S.S.R.," by Henry Kissinger, which appeared in The Washington Post on January 22, 1991, and a speech made by President Richard Nixon on December 7, 1990 before the National Republican Congressional Committee President's Forum:

[From the Washington Post, Jan. 22, 1991]

NO ILLUSIONS ABOUT THE U.S.S.R.

(BY HENRY KISSINGER)

The crackdown in Lithuania, if consolidated, may in time turn out to be even more significant for the prospects of international order than the Gulf crisis, which has obscured it. As we witnessed the collapse of communism in Eastern Europe, Germany's first steps toward unification and an apparent Soviet movement toward political pluralism and market economics, there was a fleeting moment when it was possible to believe that history was somehow working inexorably in the direction of some kind of universal peace.

Now the opposite trend is developing. Excessive optimism may be on the verge of being supplanted by an equally excessive pessimism. But the democracies can no longer afford these oscillations between intransigence and conciliation. We need a stable concept of East-West relations—a concept not based either on personalities or on overly simple historical projections but on a cold analysis of the national interest and of the requirements of the international order.

If the present turn toward autocracy in the Soviet Union succeeds, the world will face a Russian state such as it has not seen in seven decades. It will not be democractic. Nor will it be Stalinist. It will in fact be most similar to czarist Russia. The United States must then ask itself some fundamental questions: What is the future of U.S.-Soviet relations? Are there foreign policy objectives that have to be safeguarded toward the Soviet state even in the face of unpalatable domestic events? What balance, if any, must be struck between coexistence and conversion?

Until recently, the prospect of conversion was the fashionable conviction. Gorbachev was treated as the ultimate guarantor of the eventual triumph of democracy and market economics. "Helping Gorbachev became the principal objective of policy, overriding all other considerations. In fact, Gorbachev turned out to be less benign, and the reform process proved more complex than conventional wisdom allowed. We must face the fact that despite the West's deeply held preferences, the probable outcome of the Soviet evolution is either chaos or repression or both.

It was always naive to stake East-West relations on the presumed conversion to Western values of a leader whose entire career has been in the leadership of the Communist Party. It would be equally dangerous to treat Gorbachev's recent action as a personal aberration and to base policy on personal disappointments. Leaders are driven by the dynamics of their system and the history of their society. Any realistic policy must be based on these factors.

Gorbachev deserves enormous credit for recognizing the weakness of the system in which he was reared and for having sought to remedy them. His decision to permit the collapse of the Soviet satellite orbit in Eastern Europe, the liquidation of the war in Afghanistan and the loosening of domestic tyranny will surely earn him a place in history. These actions, however, can be explained by the need to preserve the essence of the Soviet system in a crisis and not dissipate the dwindling strength in imperialist adventures. No doubt, this is how it was justified in the Soviet military.

Whatever Gorbachev's motives, the process of domestic reform has so far proved elusive. In foreign policy, it was possible to make progress by liquidation; at home there was a need for new structures. There Gorbachev has been torn between the realization that established institutions must be modified and his lifeling commitment to Leninist orthodoxy in government.

The Soviet Union faces three domestic problems: remedying the disastrous state of the Soviet economy, establishing a sense of political legitimacy and dealing with the looming disintegration of the empire founded by Peter the Great some three centuries ago. Gorbachev's dilemma is that the remedies for one set of problems are likely to be incompatible with equally pressing solutions to other problems—for example, the decentralization needed for economic progress also encourages the drive toward independence in the constituent republics. Above all, the domestic power structure, which must implement reform, is threatened by reform and tends to sabotage it.

That command economies produce stagnation and corruption has become conventional wisdom, even in communist societies. Still, none has yet succeeded in the painful transition to the market system they all avow. The move toward market economies inevitably evokes the embittered opposition of vested interests while the reformers lack adequate levers of power to impose their views.

A market economy dooms to irrelevance the millions of bureaucrats who establish prices, production, quota and accountability. When prices are permitted to find their own levels, a period of inflation becomes inevitable, because Communist systems typically have too much money chasing too few goods. And insistence on productivity tends to shut down inefficient enterprises and raise unemployment.

In Eastern Europe, the new leaders were able to use the prestige acquired during the struggle for national freedom to sustain their authority amidst the austerity imposed by the transition to market economics. But in the Soviet Union the vested interests have been elaborated over three generations by an extraordinarily brutal political system.

For a while, Gorbachev tried to circumvent the vested interests—in the Communist Party, the government administration, the secret police and the military—by encouraging greater popular participation outside the system. But like previous revolutionaries, he has found that democratice reform has its own momentum independent of the priorities of the leader—especially if that leader is as closely identified with the previous power structure as Gorbachev. Forced to choose between irrelevance and order, Gorbachev is increasingly opting for discipline and a growing reliance on the traditional Soviet power structure.

This course is all the more tempting to Gorbachev because the historical context for democratization is largely lacking in Russia. Russia never had a church that emphasized a concept of justice independent of temporal authority; it knew no Reformation with its commitment to individual conscience; no Enlightenment that emphasized the power of reason; no age of exploration and no free enterprise that stressed individual economic initiative. So in the Soviet Union, centuries of state control have produced a different set of values; the historic processes of Western Europe become compressed and distorted, dividing the reformist element into many competing factions and producing phenomena that appear chaotic to a people inexperienced in pluralism.

But the most important problem is that even limited forms of democracy are becoming less and less compatible with the preservation of the existing Russian state within its present borders. Since the time of Peter the Great, the most consistent theme of Russian history has been expansion from the area around Moscow to the center of Europe, the shores of the Pacific, the gates of India and inside the world of Islam. As a result, only about 50 percent of the population of the Soviet Union is Russian. Moreover, the subject populations have always been governed from the center and by representatives of the center; little effort was made to create an indigenous leadership group with emotional ties to the imperial power.

Having loosened the reins, Gorbachev is reaping the whirlwind of centuries of imperial misrule. Even limited democratizing produces demands for independence in many of the constituent republics or for various forms of autonomy indistinguishable from independence. Ideas of turning the Soviet Union into a confederation based on voluntary association are likely to prove stillborn. Historically, confederations have moved in the direction of either greater centralization or of eventual disintegration.

Gorbachev and the traditional power structures have apparently come to believe that they have to choose between maintaining their state within present boundaries, by force, if necessary, or eventual dismemberment. What is less certain is whether they have the means or, in the end, the staying power. But the present Soviet course, even if applied with less brutal methods than the historic Soviet norm and more indirectly, is likely to turn more violent, not only between the center and the constituent republic but between the various nationalities, especially in the Caucasus.

In the effort to maintain the integrity of the state, Gorbachev probably has the emotional support of even some of the reformist elements in the Russian republic, unwilling to give up the legacy of Russian history. In the end, Russian nationalism may outweigh liberalism and provide the motive for cohesion that communism seems to have lost.

When this became apparent, the West will be faced with an autocratic state stretching over two continents and possessing 30,000 nuclear weapons. The Utopian image of Gorbachev single-handedly reversing 500 years of Russian history will emerge as a mirage. At that point, the West will have to decide whether it has objectives with respect to the Soviet Union other than to promote its internal evolution.

Disillusionment must not drive the West into equating the new Russia with its Stalinist predecesors. Even if the repression succeeds fully or partially—which is far from certain—what emerges will be most comparable to imperial Russia of Czarist times. That state was often uncomfortable for its neighbors and generally expansionist. But it did not have the ideological fervor of its Communist successors, and it proved possible for long periods to deal with it as an important member of the European concert of powers.

Of course America's moral commitment is to pluralism and self-determination and remains so. The issue is what weight should be given to requirements of national security. The selfrighteous find it easy to deny that national security is a moral value too. Responsible leaders, however, cannot afford do doctrinaire and attitude. In a world of sovereign states of comparable strength, peace depends on either domination or equilibrium. And America has neigher the power nor the stomach for domination. It is possible to construct an equilibrium based on mutual necessity, or must there first be a transformation of all societies toward democratic ideas?

My view is that there are some national interests that need to be safeguarded even in relations with states that do not share our fundamental values. But there need to be criteria distinguishing the legitimate and moral pursuit of the national interest from opportunistic collaboration with tyranny and encouragement of it.

The following principles seem to me crucial:

(1) We must stop basing policy on Soviet personalities. We know too little of Soviet dynamics and even less about how to affect them to make strengthening any leader a cardinal principle of Western policy. Focusing relations on balancing fundamental interests rather than on psychological speculation will in fact bring greater stability to the relationship.

(2) The Western security interest in the Soviet Union is it peaceful conduct outside its borders. The moral objectives of the West is compatible domestic institutions. What we need is a definition of coexistence and an agenda for its achievement even as we disapprove of some Soviet domestic actions. Coexistence should not be lightly abandoned. But we should recognize that it is based on self-interest and not delude ourselves into believing that it is a means to help Gorbachev promote democracy inside the Soviet Union.

(3) An analysis must be made of those areas of common action that are necessary for a structure of peace and those which are undertaken to promote democratic values. The latter—including economic aid—are subject to modifications if Soviet internal conduct becomes too offensive. In any event economic aid should generally be given for political and economic, not psychological, reasons except in periods of humanitatarian emergency. It is sure to be wasted without appropriate economic reforms.

(4) On the issue of self-determination, the United States needs to stick to its historic position with respect to the independence of the Baltic states. The situation is more complex with respect to the other republics, especially in the Caucasus, where different ethnic populations have been mixed over centuries and intercommunal violence is a permanent threat. On the other hand, Soviet leaders must understand that even when we continue to deal with them on the security agenda, other areas of cooperation are narrowed by the convictions of our people should Moscow's conduct offend America's deepest values.

(5) The changes in Moscow should recall the West to the importance of strengthening the ties within the Atlantic area and above all between Eastern and Western Europe. While the Soviet Union is dealing with its internal problems, the West should give the highest priority to reestablishing as rapidly as possible the historic Europe. Eastern Europe—especially Hungary, Poland and Czechoslovakia—should be given the opportunity to join the West European political and economic system on an urgent basis.

The West is presently in danger of neglecting the countries of Eastern Europe, whose successful struggle for freedom inspired us only yesterday. Two steps are needed. First, the West—and especially Western Europe—must move quickly to integrate Eastern Europe into the European Community and other Atlantic institutions (with the exception of NATO). Second, we must give Eastern Europe an economic breathing space. As a step in that direction, the European Community should take immediate steps to open its markets to East European agricultural products.

The end of the Cold War permitted the West to stop treating the Soviet Union as a permanent adversary; the return to autocracy in the Soviet Union should cause us to abandon the illusion of considering it a permanent partner. The task now is to find a method for dealing with it as a major power with sometimes compatible and occasionally clashing interests, promoting our basic values and giving new impetus to reconstructing the historic Europe.

A WAR ABOUT PEACE

(Remarks by former President Richard Nixon)

In his book, "Great Contemporaries," Winston Churchill described Lord Rosebery, a 19th century British Prime Minister, as one who had the misfortune of living in a time of great men and small events. Our leaders today do not have that problem. There is no question but that we live in a time of great events.

Nineteen eighty-nine even more than nineteen forty-five, which marked the end of World War II, will be remembered as the year of the century for the forces of freedom in the world. Nineteen forty-five marked the defeat of fascism. Nineteen eighty-nine marked the defeat of communism, an even greater threat to peace and freedom.

As a result of what happened in this historic year, we hear today:

The Cold War is over.

The United States and the Soviet Union are no longer adversaries but allies as we were in World War II.

We are witnessing the end of history—a time when great strategic issues no longer divide us and when we will compete econmically rather than militarily and when we can direct our attention to the environment, global warming, world poverty, and other issues where we have common interests.

We are told that we can rely on the United Nations to deal with aggressive nations.

We see an unholy alliance developing between isolationists on the right and the left who for different reasons say that the United States should withdraw its forces from Europe and Asia and concentrate on solving our problems at home.

Conventional wisdom in the Washington Beltway—the modern version of Plato's Cave—is that we are on the brink of forging a new world order in which all nations will be dedicated to justice and international law.

Before going that far, let us see what has changed, why changes have occurred, what has not changed, and what America's role should be on the world stage now that the Cold War seems to be over.

The changes in 1989 have been breathtaking. The Berlin Wall came down. Germany was united. Communist governments were driven from power in all of the countries in Eastern Europe and except in Romania, this was accomplished peacefully.

The frosting on the cake occurred in our own hemisphere early this year when Violetta Chamorro defeated Daniel Ortega in a free election, the first time this has happened to a communist leader in seventy years.

The most significant changes have occurred in the Soviet Union symbolized by the award of the Noble Peace Prize to Mikhail Gorbachev. Consider what he has done:

He withdrew the Red Army from Afghanistan.

He did not use the Red Army to keep his communist clients in power in Eastern Europe as did Khrushchev in 1956 in Hungary and Brezhnev in Czechoslovakia in 1968.

He has allowed West Germany to unite with East Germany.

He has negotiated arms control agreements.

He has adopted political and economic reforms which are so revolutionary that some observers have speculated that rather than being a dedicated communist and a Russian nationalist, he may be a closet democrat and closet capitalist at home and a sincere partisan of peace and freedom abroad.

Before reaching those conclusions let us see why he acted as he did. In nineteen eighty-five, shortly after Gorbachev came to power in the Soviet Union, I asked Hu Yaobang, the Secretary General of the Chinese Communist Party, if he thought Gorbachev would adopt economic reforms in the Soviet Union like those Deng Xiaoping had adopted in China. He replied, "If he doesn't, the Soviet Union will disappear as a great power in the twenty-first century." He was right and Gorbachev knew it.

Look at what he confronted when he came to power six years ago. Everywhere he looked, communism was suffering from terminal illness.

His Third World communist colonies were all liabilities costing huge subsidies from Moscow and in Afghanistan costing lives as well as money.

In Eastern Europe, forces of revolution against Soviet-supported rulers were ready to explode.

At home, the Soviet economy was a basketcase plagued with corruption, alcoholism, and inefficiency.

Abroad, he saw that his major adversary—the United States, under the leadership of President Reagan, had recovered from the malaise of the late seventies, was restoring its military strength, and was embarking on a new weapons system—SDI—which the Soviet Union lacked the resources to match.

Gorbachev had no choice. He had to retrench abroad and reform at home. His first priority, then and now, was to restore the health of the Soviet economy. This was the most revolutionary decision of a Soviet leader since the Russian Revolution which brought the communists to power in 1918. For seventy years, Soviet economic policy had served Soviet foreign policy. Now Soviet foreign policy had to serve Soviet economic policy.

This explains his actions:

He withdrew the Red Army from Afghanistan not only because it was costing men as well as money, but primarily because it helped create a peaceful image for Gorbachev which opened the door for good relations with the West and the economic assistance he needed for his desperately sick economy.

He had to choose between using force to keep his puppets in power in Eastern Europe and economic aid from Western Europe. Not surprisingly, he chose Western Europe.

He let East Germany go because he needed financial aid from West Germany.

In the Gulf, he had to choose between his ally Iraq and financial aid from the nations allied against Iraq. Again, not surprisingly, he chose the allies. It has already begun to pay off. Just last week he negotiated a loan of $3 billion from Saudi Arabia, a country which before Iraq invaded Kuwait had not even recognized the communist government of the Soviet Union.

Whatever the reason, we welcome what he did. He is, without question, very different from the Soviet leaders of the past. He has changed since the time he totally supported Brezhnev's aggressive policies in his relentless climb to power. But it is a change of the head, not the heart. At a time he is using his head, we should not lose ours.

Let us take a hard look at the Soviet Union after six years of Gorbachev's leadership.

His political reforms have been revolutionary. Where there was no freedom of the press, there is now some. Where there was no freedom to criticize Soviet leaders, there is now some. Where there were no free elections, there are now some. But we must bear in mind that while Gorbachev deserves great credit for these reforms, he has also put through legislation which makes him the most powerful Soviet leader since Stalin. All of the evidence points to the conclusion that his goal is not to abandon communism but to save it, not to dismantle the Soviet Union but to preserve it peacefully—if possible but using force if necessary.

While he deserves credit for his bold political reforms, we must face up to the fact that his economic reforms have been a total failure. For example, while China's per capita income has doubled in the past ten years, Soviet per capita income under Gorbachev has gone down. Bread lines have replaced vodka lines. To get through the winter, Gorbachev has had to go hat-in-hand to get assistance from his new friends in the West. The shopping list he gave Prime Minister Mulroney indicates the depth of his problem. It included pork, beef, flour, powdered milk, and peanut oil.

The results of Gorbacbev's policies in the Soviet Union are now clear for everyone to see. To put it bluntly, the Soviet economy is collapsing and the Soviet empire is disintegrating. Fourteen of the fifteen Soviet republics have declared independence from Moscow. The communist idea—the glue that held the Soviet empire together—has lost its potency. Of all the changes in 1989, the most significant is that communism has lost the ideological battle. In the Third World, in Eastern Europe, and most significantly in the Soviet Union people know that communist socialism doesn't work. The most dramatic proof of this is that while Gorbachev is enormously popular in the United States and in other non-communist countries, he is supported by less than twenty-five percent of the Soviet people. As has been the case in Eastern Europe, instead of a reforming communist as their leader, the people of the Soviet Union want reforms without communism.

This raises the key question. Because of his more benign foreign policy, should we help Gorbachev with his problems at home? The answer is that except for humanitarian aid we should help him only if it serves our interests as well as his.

His economic reforms do not meet that test. It is now obvious that they do not serve his interests. He is trying to combine a command economy with a free market economy. It won't work. There is no halfway house between communism and capitalism. As Andre Sakharov observed shortly before his death, "In the absence of radical reforms, to provide aid and technological assistance to the Soviet Union only serves to prop up a failed system and to delay the advent of democracy."

Even if his economic reforms go far enough to work, it does not serve our interest to provide aid to Gorbachev unless he adopts a less threatening defense and foreign policy. While he has announced cuts in his defense budget, his Foreign Minister has stated that the Soviet Union is still spending twenty-five percent of its GNP on defense. In contrast, the United States is spending six percent of its GNP on defense. Even with his cuts in his Soviet military forces, as a result of modernization, they will be leaner but stronger than when Gorbachev came to power six years ago. After the projected cuts in long range nuclear weapons in the START agreement, Gorbachev will still have thirty thousand nuclear weapons, the largest conventional army in the world, and a modern blue-water navy.

There are some who say that if the United States makes further cuts in its defense budget, Gorbachev will follow suit. They are wrong. There is no question but that Gorbachev is a refreshing new kind of Soviet leader. But he is not a philanthropist. We should reduce our nuclear forces and our SDI program only if he agrees to reduce his.

In foreign policy, we should applaud his withdrawing the Red Army from Afghanistan. But except for Nicaragua where the people voted out their communist leader, every one of Gorbachev's communist clients in the Third World is still in power subsidized by as much as $15 billion a year by the Soviet Union.

Before we consider helping Gorbachev, he should help himself by drastically cutting his huge military budget and by cutting off aid and arms sales to Castro and other anti-U.S. communist dictators.

The Cold War may be over in Eastern Europe. It is time for Gorbachev to end the Cold War in the Third World.

What will happen to Gorbachev? Some of the experts give him only a fifty percent chance of staying in power over the next year. I believe the odds are considerably better than that. There are three possible scenarios. He could adopt bolder, free market reforms which might have a chance to rescue the Soviet economy from its enormous crisis. I do not think this is likely because I believe Gorbachev will not be able to bring himself to cut the umbilical cord which unites him with his life-long Marxist ideology. A second possibility is that he could be replaced. This is not likely because there is no one currently on the scene, including Yelstin, who has the support in the armed forces, the KGB, and the Soviet bureaucracy necessary to bring about a successful coup. The third scenario, and the most likely one, is that Gorbachev, the tough-minded pragmatic politician that he is, will use the extraordinary new powers he has acquired for himself as President of the Soviet Union to crack down on dissident groups—using military force if necessary—and will stay in power by revoking some of the progressive political reforms he has previously initiated. This will cost him some support in the West. But unless he resumes an aggressive foreign policy abroad, most Western political leaders will conveniently ignore the repressive measures he adopts at home to stay in power. As far as the United States is concerned, we should base our defense and foreign policy vis-a-vis the Soviet Union not on speculations about Gorbachev's intent but on the reality of Soviet capabilities as a nuclear and conventional superpower.

Let us now turn to Europe. We are witnessing the unusual phenomenon of isolationists on the right and left urging that since the Cold War is over, we should withdraw all of our forces from Europe, particularly since the nations of Europe have recovered from the devastation of World War II and should be able to provide for their own defense.

But what would Europe be without an American military presence? Great Britain and France are minor nuclear powers. Germany is an economic superpower without nuclear weapons. The Soviet Union even without Eastern Europe will still be a nuclear superpower with the world's largest conventional army. No one can seriously suggest that the British and French would use their nuclear forces to deter a Soviet attack on Germany. With United States forces gone from Europe and NATO dissolved, Germany would have the option of going nuclear or neutral and would be strongly tempted to become a political and economic ally of the Soviet Union. Either of these options is bad for Europe, bad for Germany, and bad for the United States.

We can and should cut our NATO forces substantially because of the dissolution of the Warsaw Pact. But a significant conventional and nuclear U.S. presence in Europe is necessary as insurance against a possible renewal of the Soviet threat and as reassurance for those who fear a resurgent German threat. I do not share the concern that a united Germany would again become an aggressive military power. But despite their public statements, many European leaders have that concern.

Let us now look at Asia. Conservative and liberal isolationists say that because there is no longer a Soviet threat, we should bring our forces home from Japan and Korea particularly since they are now rich enough to defend themselves. They are wrong. Keeping an American military presence in Europe is important. Keeping one in Asia is indispensable if we are to have peace in the Pacific. Let us look at Asia without the United States.

You have the Soviet Union, a nuclear superpower which while reducing its forces in Europe has strengthened its naval and nuclear forces in Asia.

You have China which will be a nuclear superpower within ten to twenty years.

You have Japan, an economic superpower without nuclear weapons and without a U.S. defense guarantee. Japan would have no choice but to go nuclear or to make a deal with the strongest of its neighbors, the Soviet Union. Japan can afford to massively increase its defense forces. But even more than is the case with Germany's neighbors in Europe, the Japanese in Asia are feared by the Koreans, the Chinese, the Philippinos, the Taiwanese, the Malaysians, and the Indonesians, all of whom suffered under Japanese occupation in World War II. A U.S. military presence in Japan and Korea is indispensable if we are to preserve peace in the Pacific.

Let us now look at China. We should continue to deplore the tragedy of Tiananmen Square eighteen months ago. But the Bush Administration is right to restore diplomatic and economic cooperation with the P.R.C. This is in our interest and in the interest of the Chinese people. It is in our interest because China has a veto in the U.N. Security Council and plays an indispensable role in trying to resolve the continuing conflicts in Southeast Asia. And in the non-military area, how can we possibly have a coordinated international initiative on problems of environment with one-fifth of the world's people not cooperating?

The restoration of a cooperative relationship between China and the United States is without question in the interest of human rights for the Chinese people. China is not a democracy and will not become one in the foreseeable future. But as we saw in Korea and in Taiwan, economic progress inevitably leads to political progress. Economic cooperation, tourism, Chinese students studying in the United States will strengthen the prospects for political reform. That is why Secretary Baker was following the right course in meeting with the Chinese Foreign Minister and why the Administration was justified in supporting the resumption of World Bank loans to China. For the United States to continue to isolate China economically and diplomatically only strengthens the hardliners in China. The only hope for political reform is to re-establish the cooperative relationship we had with China before the tragic events at Tiananmen some eighteen months ago.

Let us now look at the crisis in the Persian Gulf. It is time for some straight talk as to why 400,000 young Americans are spending Christmas in the deserts of Saudi Arabia.

Some liberal pundits and politicians have criticized Bob Dole for saying that we are there for oil and Jim Baker for saying that we are there for jobs. There are more important reasons, but let us not be so hypocritical as to say that preventing an international outlaw from controlling forty percent of the world's oil reserves was not a critical interest of the United States and a justifiable reason for sending forces to the Gulf. Let us suppose that instead of Kuwait this was Nepal, or Upper Volta, or Paraguay being gobbled up by a neighboring state. Does anyone seriously suggest that we would be sending in the Marines to liberate them?

It is equally hypocritical to contend that we are there in support of democracy. None of our Arab allies are democracies and putting the Emir of Kuwait back in power is not going to bring democracy to the Kuwaiti people.

And it is not enough to justify our sending armed forces to the Gulf because Saddam Hussein happens to be a cruel leader. President Bush has been criticized for equating him with Hitler. Whether he is that bad is irrelevant. He is bad enough. His army rapes, loots, and murders the defenseless people of Kuwait. He has held thousands of hostages as human shields. To praise him for releasing hostages he should not have taken in the first place is ludicrous. He has violated international law by using chemical weapons in his war against Iran and even against his own people. If our aim in the Gulf were to punish cruel leaders, we would not be allied for Assad who ordered the massacre of 20,000 innocent men, women, and children in the city of Hama in his own country, who has supported international terrorism and possibly the bombing of civilian aircraft, and whose troops have commited brutal atrocities in his campaign to dominate Lebanon.

We are in the Gulf for two major reasons.

Saddam Hussein has unlimited ambitions to dominate one of the most important strategic areas in the world. Because he has oil, he has the means to acquire the weapons he needs for aggression against his neighbors, including at some future time, a nuclear arsenal. If he succeeds in Kuwait, he will attack others and will use whatever weapons he has including chemical and nuclear to achieve his goals. If we don't stop him now we will have to stop him later when the cost in the lives of young Americans will be infinitely greater. If the Baker diplomatic initiative fails to get him out of Kuwait and if it becomes apparent that sanctions won't work, we must use force as approved by the United Nations resolution. If it comes to that, our diplomats should always remember that where an insatiable aggressor is involved, while war is bad, a bad peace is worse because it can lead to a bigger war.

There is an even more important long-term reason for turning back his aggression. The whole world is heaving a collective sigh of relief as the Cold War appears to be coming to an end. Many believe that we are entering a new era where armed aggression will no longer be an instrument of national policy. We can't be sure that their hopes will be justified. But we can be sure that if Saddam Hussein gains from his aggression against Kuwait there are other potential aggressors in the world who will be tempted to wage war against their neighbors. If we fail to roll back his aggression—peacefully if possible, by force if necessary—no potential aggressor in the future will be deterred by warnings from the United States or by U.N. resolutions. If we succeed in getting him out of Kuwait and in eliminating his capacity to wage war in the future, we will have the credibility to deter aggression elsewhere without sending in American armed forces because potential aggressors will know that when the United States warns against aggression we have the means and the will to back up our warnings.

We all hope that Saddam Hussein will wake up out of his dream world and get out of Kuwait. Some of the Administration's critics sincerely believe that diplomacy and sanctions will eventually convince Saddam Hussein that he should get out of Kuwait. We cannot be sure that they are right but we can be sure that diplomacy and sanctions will have no chance whatever of succeeding unless Saddam Hussein knows that if he doesn't get out of Kuwait peacefully the American people and our allies will be united in using military force to drive him out. His choice is between peace now or suicide later for his country and possibly for himself.

If we have to resort to force, it will not be just a war about oil. It will not be a war about hostages. It will not be a war about democracy. It will be a war about peace—not just peace in our time but peace for our children and grandchildren for generations to come. That is why our commitment in the Gulf is a highly moral enterprise.

Now that we have travelled around the world, let us look at the United States. Forty-four years ago in his Iron Curtain speech in Fulton, Missouri, Winston Churchill said. "The United States stands at the pinnacle of world power. This is a solemn moment for the American democracy. For with primacy in power is joined an awe inspiring accountability for the future."

Those words are as true today as they were then. The Soviet threat has declined but as the crisis in the Gulf demonstrates, the world is still a dangerous place and the United States must continue to play the leading role on the world's stage—not as a world's policeman but in conflicts like the Gulf where our vital interests are involved. We have to play that role because there is no one else to take our place—not the British, not the French, not the Russians, not the Japanese, and despite some woolly-headed dreaming to the contrary, not the United Nations.

Some question whether we are able to play that role. It is fashionable in some academic circles to say that the United States, like the Soviet Union, is in decline and no longer has the means to play a leading role on the world's stage.

Don't you believe it. We have some awesome problems—drugs, crime, the urban underclass, the deficit. But before World War II the United States produced twenty-four percent of the world's GNP. Today we produce twenty-six percent and by the end of the century it will be twenty-eight percent—two and one-half times as much as Japan and five times as much as a united Germany.

The United States today is the world's only complete superpower—economic, military, and political. As Herb Stein has pointed out, "The United States is a very rich country—not rich enough to do everything but rich enough to do everthing important."

There is a major new factor, however, since Churchill spoke those words in 1946. For forty-five years after the end of World War II, the United States has carried the major burden of foreign aid, including aid to Japan and Germany who are now our major economic competitors. It is time for other rich countries like Japan and the nations of Western Europe to assume the major portion of that burden since our military power still protects them as well as ourselves. For example, Japan gets sixty-percent of its oil from the Gulf. The United States get ten percent of its oil from the Gulf. At a time when we are doubling our troop strength in the Gulf, Japan should at the very least double its economic contribution which now is only $2 billion a year.

This brings us to American's major role in the world today. It is not military or economic. It is ideological.

Communism has been rejected because it didn't work. Freedom is now on trial: Will freedom provide the economic and political progress the communists promised and did not produce? Democracy and freedom do not automatically produce progress. Look at the enormous problems in the new democracies in Eastern Europe and the problems in Brazil and Argentina which are trying to make the painful transition from command to free-market economies.

The United States is the oldest and most successful democracy in the world. Our challenge is to provide an example for others to follow.

If we are to provide that example we cannot tolerate a permanent underclass. We cannot tolerate second-rate education. We cannot tolerate poor productivity. We cannot tolerate political gridlock. There are some who say that the answer to our problems is to give more power to government. We reject that proposition. Our answer is for government to adopt policies which give more power to people.

America is a great country. We have become great not because of what government has done for people but because of what people have done for themselves and their country. Only by policies which make our economy sound, protective, compassionate and free can we provide an example for others to follow.

It is because I believe our Republican candidates support such policies that I am here today. And that is why I believe that by contributing to their campaigns you are contributing to a better future for America and the world.

As you know, this is the centennial of the birth of one of the greatest of our Presidents, Dwight Eisenhower. It is also the centennial of the birth of another giant of the twentieth century—Charles de Gaulle. DeGaulle once said, "France is never her true self except when she is engaged in a great enterprise."

I profoundly believe that is true of America; it is true of individuals; it is true of every man and woman in this room.

What is our great enterprise? Exactly forty-nine years ago today, the attack on Pearl Harbor plunged the United States into World War II. Fifty-six million people lost their lives in that war, making the twentieth century the bloodiest in history. Our challenge is to make the twenty-first century a century of peace and to leave as our legacy not just the defeat of communism and fascism but the victory of freedom.

This is truly a great enterprise worthy of a great people. Only by meeting that challenge can we be true to ourselves.

SENATE—*Friday, January 25, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURDICK thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 8:30 P.M., TUESDAY, JANUARY 29, 1991

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Tuesday, January 29, 1991, at 8:30 p.m.

Thereupon, at 10:30:38 a.m., the Senate recessed, under the order of Thursday, January 24, 1991, until Tuesday, January 29, 1991, at 8:30 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, January 28, 1991*

The House met at 12 noon.

The Reverend Dr. Ronald F. Christian, Office of the Bishop, Evangelical Lutheran Church in America, Washington, DC, offered the following prayer:

O God, we pray;

Grant Your mighty aid to the efforts of people everywhere in their continued struggle to establish peace in Your world.

May Your protective care be upon all who risk their own lives and safety on behalf of others.

Give strength of purpose to those who lead.

Enlighten all who sit in council; especially we pray for those who gather in this Chamber.

Transform the hearts of people by Your gracious will, that we may be able to—

Exalt peace over war;

Service over glory;

Justice over gain; and

Righteousness over expediency.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Nebraska [Mr. BARRETT] will please come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 25, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 10:05 a.m. on Friday, January 25, 1991, the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 3, H.R. 4, and H. Con. Res. 46; that the Senate passed S. Con. Res. 4, S. Con. Res. 5, and S. Con. Res. 6; and that the Senate made appointments to the Interparliamentary Union and the Mexico-U.S. Interparliamentary Group.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, January 25, 1991:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; and

H.R. 4. An act to extend the time for performing certain acts under the Internal Revenue laws for individuals performing services as part of the Desert Shield Operations.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER. Pursuant to the provisions of section 5(b) of Public Law 93-642, the Chair appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House:

Mr. SKELTON of Missouri, and

Mr. COLEMAN of Missouri.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 1505 of Public Law 99-498, the Chair appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members on the part of the House:

Mr. KILDEE of Michigan; and

Mr. YOUNG of Alaska.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House:

Mr. YATES of Illinois;

Mr. WILSON of Texas; and

Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBER OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER laid before the House the following communication from the Honorable ROBERT H. MICHEL, Republican leader:

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
January 24, 1991.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Following is my selection for appointment to the House of Representatives Page Board:

Representative Bill Emerson (MO).

Thank you.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97-377, the Chair appoints as members of the House of Representatives Page Board the following Members of the House:

Mr. KILDEE of Michigan; and

Mr. TOWNS of New York.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of 20 U.S.C. 42 and 43, the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House:

Mr. WHITTEN of Mississippi;

Mr. MINETA of California; and

Mr. CONTE of Massachusetts.

BOLSTER PEACE EFFORTS IN EL SALVADOR

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, while our service men and women are fighting a war halfway across the globe, it's important to note that another battle is raging closer to home.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Our current focus on the Persian Gulf shouldn't distract us from the need to find a peaceful solution to the war in El Salvador.

The fact that Salvadoran rebels recently murdered several of our soldiers after their helicopter crashed should remind us of the need to resolve this conflict.

Last year, we acted wisely by cutting military aid to the Salvadoran Government after its troops were implicated in the murder of Jesuit priests.

Now the time has come for our diplomats to pressure the Salvadoran rebel leaders to move toward peace.

We can bolster this cause by urging the Government of Nicaragua to put an end to all arms traffic bound for El Salvador.

If we act on these issues today, I pray that we can avoid further bloodshed tomorrow.

□ 1210

CONDEMNING THE TREATMENT OF ALLIED POW'S

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, as chairman of the House POW/MIA Task Force, I want to follow up on the resolution we unanimously passed last week with my strong support condemning the inhumane treatment of American and other allied prisoners by the Iraqis. POW's are guaranteed certain rights under the 1949 Geneva Convention relative to the treatment of prisoners of war to which Iraq acceded in 1956. Iraq has violated this convention through physical mistreatment and torture, public exhibition, elicitation of political statements, and the use of POW's as human shields. These brutal actions only further underscore the terroristic nature of Saddam's dictatorship as already witnessed by the rape of Kuwait, the use of chemical weapons against both Iranian and Iraqi citizens, the Scud attacks against Israeli and Saudi cities, and the deliberate polluting of the Persian Gulf with millions of gallons of oil. We must continue to hold Iraq 100 percent responsible for the treatment of our brave fliers.

Just as Presidents Reagan and Bush have made the fullest possible accounting of the 2,285 Americans still prisoner and missing in action in Southeast Asia one of this Nation's highest national priorities, so too must the timely repatriation and fullest possible accounting of American POW/MIA's in the Persian Gulf. A key lesson of the Vietnam war is that we must never forget our POW/MIA's or their families. I believe we've learned that lesson and will continue to undertake every positive effort to bring our POW/MIA's home from Iraq and Indochina as soon as possible. We will not repeat the POW/MIA tragedy of the Vietnam war.

ALLIES SHOULD PAY PRO RATA SHARE OF DESERT STORM

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, Secretary of State Jim Baker is to be commended on his efforts to get our allies to help foot the bill on conducting Desert Storm operations against Iraq. It's now reported that several nations have pledged additional funds—Japan $9 billion, Kuwait $13.5 billion, and Germany $1 billion. Some of these nations have been willing to help in various other ways, such as committing a token number of troops and providing in-kind services. But, Mr. Speaker, these nations and others are benefiting greatly from the sacrifices being made by our forces in the Persian Gulf. We are directly defending Kuwait and Saudi Arabia—and Japan and Germany are heavily dependent on oil from the Persian Gulf. We have a tremendous deficit to deal with in America and these allies and others should be paying most of the costs of this war. They can afford it. I hope that Secretary Baker will continue to insist that they pay a pro rata share of this burden.

SADDAM HUSSEIN, A SENSELESS MONSTER

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, as you know, the latest horrifying development in the Middle East is Saddam Hussein's pumping of hundreds of millions of barrels of crude oil into the Persian Gulf. From the latest reports, this action has created an oil slick 35 miles long and 10 miles wide.

This is a truly mournful development. It demonstrates Saddam's lack of regard for the world around him, and to me this speaks volumes about what kind of a senseless monster he is.

There is no reasoning that can rationalize this action, not even as a so-called scorch the Earth battle technique.

To dump this tremendous volume of oil into the Persian Gulf is merely a thumb in the nose at allied military forces in the region, but may be gravely disastrous for the water supplies and fragile ecosystems of the Persian Gulf region and beyond.

This action removes any doubt about the menace this man presents to the world. He gases his own people; he murders his opposition; he gobbles up his peaceful neighbors; he fouls the air, and now he pollutes the water.

He has stockpiled the deadliest chemicals known to man, and has no remorse for accummulating the capability to spread deadly diseases all over the world.

Mr. Speaker, there is no doubt Saddam Hussein is a grave threat to the security of the world, and I pray that we can end his reign of terror swiftly and decisively.

SOLID WASTE: A PROBLEM IN KENTUCKY AND IN AMERICA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is very difficult for me, and I think for all my colleagues in the House and in the other body, to speak today about anything other than the war and the troops there in Desert Storm and about their safety, and we hope their speedy return.

It is always difficult to shift from the sublime, problems of war and peace, life and death, to the mundane, which is what I address today—garbage and garbage disposal and the reduction of the waste stream in America.

But garbage, solid waste, is a major, major problem. It is a problem nationally. It is a problem in Kentucky. The General Assembly even today is meeting trying to find ways that Kentucky as a State can handle what we generate within our borders and perhaps accept garbage and waste from outside our borders.

In the 101st Congress, Mr. Speaker, I introduced legislation that would have established a White House Conference on Solid Waste Reduction and Disposal. It was not completed. I have reintroduced that legislation in the 102d Congress, Mr. Speaker. I invite all my colleagues to join me in supporting this legislation.

I think if there were a national forum, a conference of that nature, we would be able to deal with this very serious problem with the coherence and comprehension it demands.

ENVIRONMENTAL DISASTER IN THE GULF

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, we do not have a phrase in our language to describe scorched earth as it applies to the sea. Maybe "suffocation of the sea" fits. A few dead birds and fish in an oily grave would not normally catch our eyes as anything particularly outrageous at a time when we are at war, but this time in the Persian Gulf we apparently are looking at a deliberately engineered environmental catastrophe.

It seems it was not enough for Saddam Hussein to flaunt his diabolical treatment of American hostages. Now in desperation he screams obscenity at the entire world, taking the region's environment hostage.

This would not be the first time this brutal man has placed the ecosystem of the gulf at risk. In fact, he did it during the Iran-Iraq War. This slick dwarfs the *Exxon Valdez* disaster and will deplete in massive numbers the marine life in that region.

I commend the gentleman from New York [Mr. ENGEL] for his resolution to make Saddam Hussein responsible for the heinous crimes he has committed against captured military personnel. I support such a measure and urge my colleagues to take it one step further. There must also be accountability for this latest crime against the environment.

When the time comes to address reparations, we must make Saddam Hussein pay for the toll he has taken on the environment.

RAISING "CERTAIN PLACES" PAY FOR TROOPS IN OPERATION DESERT STORM

(Mr. McCURDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCURDY. Mr. Speaker, I am today introducing legislation that will raise the 1949 pay levels for our troops in Operation Desert Storm.

I am quite concerned that our soldiers, standing in harm's way in the Persian Gulf, receive the token supplement known as "certain places pay" at levels set in 1949. An enlisted person participating in Operation Desert Storm gets between $8 and $22.50 per month over base pay. This legislation will raise this special pay to a flat payment of $80 per month, regardless of rank, and will expand the entitlement to the officer corps.

"Certain places" pay is granted at the discretion of the Secretary of Defense to service members who are posted outside the continental United States in areas that are hostile or otherwise remote or inhospitable.

Mr. Speaker, members of the armed services worldwide, especially those involved in Desert Storm, should be more equitably compensated for the rigors of duty overseas. In the era of an All-Volunteer Force, our officers, who have historically been excluded because of their volunteer status, should receive this pay, as well. This bill will grant back pay to service men and women involved in Desert Shield and Desert Storm from the date they entered the theater.

I strongly urge my colleagues to join me in this effort to raise the level of support for our Armed Forces serving in arduous conditions worldwide.

INTRODUCTION OF THE HIGH-PERFORMANCE COMPUTING ACT OF 1991

(Mr. BROWN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN. Mr. Speaker, high-performance computing is one high-technology field in which America is still generally regarded as a world leader. However, because of its importance as a tool in scientific and engineering research and as a productivity enhancer in many commercial applications, high-performance computing has been targeted for vigorous development by our Japanese and European economic competitors. Unless decisive steps are taken to ensure our continued leadership, America may once again be left in the dust in a technology field which we largely pioneered and which is important to our economic future.

The pace of technological change in high-performance computing is rapid. To remain at the leading-edge requires strong support for pioneering research in new computer hardware, software and network technology, as well as expansion of the human resource base in computer and computational sciences. These goals can be met only through coordinated and collaborative research and development activities among industry, Government, and academe.

The proposed legislation introduced today in the House and Senate will ensure that such a coordinated research program begins to move forward. The bill builds on a structure for planning and coordination that has begun to be put in place by the White House Office of Science and Technology Policy [OSTP]. The bill calls on OSTP to develop a 5-year plan for a balanced, interagency R&D program to address all of the key areas that will guarantee progress. In particular the bill will establish a high-capacity national research and education network to link Government laboratories, universities, industry and the educational community, broadly. The network will be created with the active cooperation of the computer and telecommunications industries and with the goal of transitioning the management and operation of the network to the commercial sector.

Other parts of the high-performance computer initiative will result in increased Federal research and development focus on scientific computer software, particularly for exploitation of new supercomputer architectures. In addition, the proposed program will encourage development of new generations of supercomputers, including installation of prototype and early production models in Federal labs. Finally, the program will expand Federal support for basic research in computer and computational sciences with the associated goal of training more scientists and engineers in these fields.

It is becoming widely recognized that many fields of science and technology now require high performance computing and the existence of a national, high-capacity computer network in order for advancements to be made. These are sometimes referred to as grand challenges and include such diverse fields as: Modeling and forecasting weather, and global climate changes; computational fluid dynamics applied to the design of hypersonic aircraft or efficient autombile bodies, and to the recovery of oil; structural calculations applied to increased understanding and design of pharmaceuticals, chemical catalysts, semiconductors, and superconductors; plasma dynamics for development of fusion energy technology and safe military technology; and mapping the structure of the human genome.

High performance computing is truly an enabling technology which is changing the way science and engineering is done and which will be crucial for any society to be competitive in the 21st century. It is no surprise that Europe and Japan have targeted information technologies for particular attention. The investment needed to reach the goals of the high performance computing program seems small relative to the possible returns to our society. Even in a period of fiscal constraint, we must not fail to invest in the science base in key fields of technology that will be critical for sustaining our future economic growth.

□ 1220

PERSIAN GULF WAR COST-SHARING ACT

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, the most important costs of the war in the Persian Gulf are the costs in human lives.

And we pray for the safety of our American troops serving in the gulf today, and the innocent civilians caught in the war.

But there is another cost, too. When the war is over, the enormous financial costs will have to be paid.

And who is going to end up paying the bill?

If history is our guide, our allies will want to charge it to the American taxpayers.

Today, Mr. Speaker, I am introducing a joint resolution (H.J. Res. 92) that will require the President to negotiate offset payments from our allies to cover most costs of the war in the Persian Gulf. My bill mandates cost-sharing agreements which the President must negotiate by July 1 with our allies.

Under terms of the Persian Gulf War Cost-Sharing Act, "Japan should bear 25 percent of the cost of the war; Germany 15 percent; the Saudi's and the Kuwaitis 50 percent. If these countries fail to agree to make payments to meet these shares, then tariffs will be imposed on the import of all goods from these countries to the United States to raise the money necessary to cover their specified contribution to this war.

It is time for our allies to pay up. No longer can American borrow money from our allies to turn around and pay for their defense. In the case of the war in the Persian Gulf, many of our allies are much more dependent on Persian Gulf oil than the United States.

If there truly is a new world order, let's impose that new order on the enforcement on the cost of the Persian Gulf war. It is no longer acceptable to have Uncle Sam bear the burden, carry the load, and pay the price while most of our allies sit on the sidelines bleachers as cheerleaders.

I am submitting the text of my bill to appear after my remarks.

H.J. RES. 92

Whereas the United Nations has condemned the invasion of Kuwait by Iraq and authorized member states to use all means necessary, as part of a multinational effort, to secure the withdrawal of Iraq;

Whereas a multinational coalition has initiated military action against Iraq to bring about an Iraqi withdrawal from Kuwait;

Whereas the equitable sharing of the costs of the Operation Desert Shield and Operation Desert Storm is essential to the success of the war against Iraq;

Whereas the costs of Operation Desert Storm are estimated to be as high as $30 billion per month;

Whereas the military forces currently fighting Iraq are supported primarily with United States tax dollars;

Whereas the economic security of many nations is much more dependent on the success of Operation Desert Storm than is the economic security of the United States; and

Whereas many wealthy allied nations, particularly Japan and Germany, have not made proportional financial contributions to Operation Desert Shield and Operation Desert Storm: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Persian Gulf War Cost-Sharing Resolution".

SEC. 2. IMPOSITION OF ADDITIONAL IMPORT DUTIES ON PRODUCTS OF COUNTRIES NOT ENTERING INTO COST-SHARING AGREEMENTS OR THAT FAIL TO MEET OBLIGATIONS UNDER COST-SHARING AGREEMENTS.

(a) IN GENERAL.—

(1) Any duty imposed on any article under the authority of this seciton is in addition to any other duty that is, or may be, imposed on such article.

(2) The duty imposed under subsection (b) or (c) on all articles of any country shall be of a uniform ad valorem rate.

(b) FAILURE TO ENTER INTO MANDATORY COST-SHARING AGREEMENTS.—

(1) If a country listed in section 3(a) does not enter into a cost-sharing agreement with the United States under section 3 before July 1, 1991, the President shall impose a duty on each article that is a product of that country and is imposed into the United States on or after that date.

(2) The rate of the duty imposed under paragraph (1) shall be calculated so as to result in the collection of revenues equal to the contribution that such country would have been required to make to the United States if a cost-sharing agreement that meets the requirements applicable to that country under section 3 had been entered into.

(c) FAILURE TO COMPLY WITH MANDATORY COST-SHARING AGREEMENTS.—

(1) If the President determines that a country listed in section 3(a) that entered into a cost-sharing agreement with the United States under section 3 is not complying with the terms of the agreement, the President shall impose a duty on each article that is a product of that country and is imported into the United States on and after a date determined by the President (but not later than the 60th day after the date of the determination of noncompliance).

(2) The rate of the duty imposed under paragraph (1) shall be calculated so as to result in the collection of revenues equal to the difference between—

(A) the contribution, if any, made by the country before the determination of noncompliance is made under paragraph (1); and

(B) the contribution that such country was required to make under such agreement before such determination.

(d) FAILURE TO COMPLY WITH NONMANDATORY COST-SHARING AGREEMENTS.—

(1) If the President determines that a country that entered into a cost-sharing agreement with the United States pursuant to section 3(b) is not complying with the terms of the agreement, the President shall impose a duty on one or more articles that are a product of that country and are imported into the United States on and after a date determined by the President (but not later than the 60th day after the date of the determination of noncompliance).

(2) The rate or rates of duty imposed under paragraph (1) shall be calculated so as to—

(A) encourage compliance with the terms of the agreement; or

(B) result in the collection of revenues equal to the difference between—

(i) the contribution, if any, made by the country before the determination of noncompliance is made under paragraph (1), and

(ii) the contribution that such country was required to make under such agreement before such determination.

(3) TERMINATION OR SUSPENSION OF DUTIES.—The President may terminate or suspend—

(1) the duty imposed under subsection (b) or (c) with respect to a country; and

(2) any duty imposed under subsection (d) with respect to a country;

after the President determines, and reports to Congress, that the purpose for which the duty with imposed has been achieved.

SEC. 3. COST-SHARING AGREEMENTS.

(a) MANDATORY COST-SHARING AGREEMENTS.—The President shall promptly undertake consultation for the purpose of entering into a cost-sharing agreement with the government of each of the following countries.

(1) Japan.

(2) Germany.

(3) Saudi Arabia.

(4) Kuwait.

(b) NONMANDATORY COST-SHARING AGREEMENT.—The President shall undertake consultations for the purpose of entering into a cost-sharing agreement with the governments of any country to which subsection (a) does not apply if the President considers that a contribution by such country to the United States for the Gulf War cost incurred by the United States is justified, taking into account—

(1) the economic or security benefit that accrued, or is accruing, to such country as a result of the efforts by the United States to compel the withdrawal of Iraqi forces from Kuwait; and

(2) The ability of such country to provide a contribution.

(c) DETERMINATION OF CONTRIBUTIONS.—

(1) A cost-sharing agreement entered into under subsection (a) or (b) with a country shall obligate that country to contribute to the United States, under such terms and conditions as may be mutually agreeable, its share, determined under paragraph (2), of the Gulf War costs incurred by the United States.

(2) The contribution which a country obligates itself to provide under a cost-sharing agreement is the product of the Gulf War costs incurred by the United States multiplied by a specified percentage (hereinafter referred to as the "cost-sharing percentage"). The President shall determine the cost-sharing percentage for each country, subject to the following requirement in the case of cost-sharing agreement entered into pursuant to subsection (a):

(A) The cost-sharing percentage for Japan may not be less than 20 percent.

(B) The cost-sharing percentage for Germany may not be less than 15 percent.

(C) The agreement of the cost-sharing percentage for the countries listed in subsection (a) (3) and (4) may not be less than 50 percent.

(d) NATURE OF CONTRIBUTIONS.—Contributions made under agreements entered into under subsections (a) and (b) shall be in the form of money, except to the extent otherwise agreed.

SEC. 4. REPORTS.

(a) WHEN AGREEMENTS ENTERED INTO.—The President shall promptly submit to the Congress a report containing a description of each cost-sharing agreement that is entered into under section 3.

(b) PERIODIC IMPLEMENTATION REPORTS.—The President shall periodically (but not less than quarterly) submit to the Congress a report regarding the implementation of this Act, including—

(1) an assessment of the extent to which the obligations under each agreement entered into under section 3 are being complied with;

(2) with respect to any duties imposed under section 2—

(A) the reason for the imposition; and

(B) the amount of the revenues resulting from the imposition; and

(3) a current estimate of the extent to which the Gulf War costs incurred by the United States have been offset by contributions made under cost-sharing agreements.

SEC. 5. CBO COST ESTIMATES.

The Congressional Budget Office shall—

(1) determine, and from time to time revise, the Gulf War costs incurred by the United States; and

(2) make such determinations and revisions promptly available to the Congress and the Executive branch.

SEC. 6. DEFINITIONS.

As used in this Act—

(1) The phrase "Gulf War costs incurred by the United States" means the direct and indirect costs (as determined under section (5) to the United States—

(A) in carrying out those military, naval, air, and related operations known as Operation Desert Shield and Operation Desert Storm, and any successor operations related to compelling the withdrawal of Iraqi forces from Kuwait; and

(B) in implementing, after the cessation of such operations—

(i) the restoration of vital service in areas of allied countries in the Middle East that suffered damage or destruction,

(ii) the withdrawal of United States military personnel and equipment from the war area; and

(iii) the resettlement of refugees.

(2) The term "imported" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

TWO THINGS WE CAN DO TO SUPPORT OUR TROOPS IN THE PERSIAN GULF

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, Americans are very supportive of our troops, but they are also very frustrated in what they can do. I think there are two things that we can do to support those in the Persian Gulf.

First of all, give visual and verbal support. I think this is absolutely essential.

Now, I do not take anything away from all these groups who want to protest this; this is fine, it is their constitutional right. But for God's sake, don't burn the flag. Don't desecrate the flag. Hold it up with respect.

If you want to speak against it, speak against it. I think this is very demoralizing to those who are over there putting their lives on the line.

I think this was shown very strongly during the Vietnam conflict.

Second, let us buy American-made products, products that are made in the United States of America. This war is going to be paid for, mostly, in American lives and money. And it is being spent for an effort mostly to benefit Europe and Southeast Asia.

While they will benefit, Americans are going to be continually buried into a deep recession and deep debt and at a tremendous cost of lives.

I think these are two ways that Americans at home can help those troops in the Persian Gulf.

NOSTALGIA MAKES RETURN ENGAGEMENT TO WASHINGTON

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, you probably witnessed as I did that the politics of nostalgia made a return engagement to Washington this past Saturday when some of the adolescent protesters of the 1960's came back to town.

The demonstrators were heartened, no doubt, by the news that somebody by the name of George McGovern is seriously considering yet another run at the Presidency. If he does run in 1992, he will join Harold Stassen of our party as the only other man to seek the Presidency in at least four different decades.

All of this goes to prove that people are not necessarily growing up even though they have birthdays that mark the passage of time.

Mr. Speaker, I am convinced a vast majority of the American people are not stuck in a 1960's time warp. The vast majority of the American people watched with horror the genocide in Southeast Asia that followed this so-called giving peace a chance philosophy.

Mr. Speaker, the vast majority of the American people know that the national interests of the United States of America must be defended promptly; it must be decisive and, above all, it must be unapologetic.

That is why the American people support Desert Storm.

NEW STRATEGIES TO MEET NEW CHALLENGES—A MARSHALL PLAN FOR AMERICA

(Mr. THORNTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THORNTON. Mr. Speaker, the great concern which we all share about the war should not divert our attention from preparing for the challenges which will follow the end of this conflict. World events, including the end of the cold war, have afforded us an opportunity for a new beginning.

New strategies are needed to make America the strongest Nation in the world economically, and the greatest in pursuit of human values and freedoms, as well as in the development of the new flexible and mobile defenses needed to protect our national interest.

In our quest for this new beginning, for some months now I have been suggesting that we need a Marshall plan for America. Just as at the end of World War II we rebuilt the crumbling infrastructure of our former enemies and allies, in Europe and in Asia, we need to plan now for our own Nation's future.

Mr. Speaker, I will be outlining in detail my concept of what this new beginning, a Marshall plan for America, will encompass.

REINTRODUCTION OF RESOLUTION CALLING ON THE PRESIDENT TO PRODUCE A NATIONAL ENERGY POLICY AND SUGGESTING LONG-RANGE GOALS FOR SUCH A POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, we need a national energy policy now. It is as important as protecting the oil fields in Saudi Arabia. That is why I am reintroducing, with modifications, a concurrent resolution calling upon President Bush to complete, announce, and seek implementation of a balanced, comprehensive national energy policy, as mandated in the Energy Department Organization Act of 1977 (42 U.S.C. 7321).

As a part of this resolution, I am suggesting a set of long-range numerical objectives against which progress can be measured periodically. It is my hope that these goals can serve as a starting point for discussion of what the objectives in the President's national energy policy should be. I will submit the resolution following my remarks.

In addition, I am recommending the formation of a combined committee on energy to mobilize the Congress in order to decisively address the spectrum of legislative issues that could be raised by the submission of the President's energy initiative.

CRITICAL IMPORTANCE OF ENERGY POLICY

Before the 1990–91 events in the Persian Gulf fade from the Nation's television screens and front pages, and oil prices retreat to, or below, $20 per barrel, it is necessary to remind ourselves why the United States and the other nations of the coalition have deployed military forces in this region for the second time since 1988. As Jessica Mathews of the World Resources Institute wrote over this past weekend: "It has not gone unnoticed abroad that the United States is unable to manage its energy demand." Pointing out that two-thirds of the world's petroleum reserves are in the Persian Gulf Nations, Ms. Mathews urged: "No matter how hard it will be * * * this country must argue its way to a coherent energy policy—if for no other reason than that national security demands it" (Washington-Post, January 20, 1991, page B7).

Another commentator, Michael Schrage of the Los Angeles Times recently observed:

> Whether the war with Iraq lasts 6 days or 6 months—and whatever the outcome—it's time for an energy policy that creatively balances exploration, innovation, conservation, and price. * * * America remains too dependent on unreliable sources of foreign oil. If that statement remains true after the gulf conflict, we may have won the war but we will certainly have lost the peace. ("An Energy Policy Should Be As Important As Our Gulf Policy," Washington Post, January 18, 1991, page f3).

I feel that the American people understand that a long-range energy policy for this country is essential for the sake of national security, U.S. independence, and freedom of action in the world, and our economic stability and environmental quality.

NEEDED: PRESIDENTIAL LEADERSHIP

Since the Suez Canal was closed in 1956, there have been six major crises in the Middle East that have halted or threatened to halt oil supplies to the rest of the world. That is about one crisis every 6 years. It is apparent that, until we get control of our energy policy in this country, both we and the world will be at the mercy of every crisis that comes along.

The crisis of 1990-91 is not a surprise. What is surprising and unfortunate—is that the United States does not have a policy to deal with it, other than military policy. It will be a national tragedy if we are in the same position the next time.

A DIVISION OF LABOR BETWEEN THE PRESIDENT AND CONGRESS

The 1977 act wisely places the responsibility of developing and coordinating national energy policy with the President. This law requires President Bush to produce a long-range energy policy around which all of us can rally. As the latest in a series of Washington Post editorials confirmed last week: "Little will happen (in energy policy) until an administration leads the way" ("Needed, An Energy Strategy * * *." January 18, 1991, page A20).

Congress owes the President its best advice and counsel, its best constructive efforts in creating consensus and in implementing recommendations through legislation and continuing oversight. Some Members are in a position to offer advice on the basis of their work in this body. I took the liberty of doing so following my subcommittee's hearing on August 7, 1990, by way of a letter to the President recommending four measures to damp down oil prices increases in the aftermath of the invasion of Kuwait.

Today's resolution, and the suggestion of a combined congressional committee represent my best thinking as to the national energy policy effort. As I have said many times before I pledge my future efforts to assist further in this process in whatever way I can.

HISTORY OF THIS ENERGY POLICY RESOLUTION

The predecessor of today's resolution (H. Con. Res. 389) was introduced on October 26, 1990 (see "interim report on subcommittee investigation and sense of Congress resolution that the President complete a national energy policy," CONGRESSIONAL RECORD, October 26, 1990, page E3461). The prior resolution proposed a target date for the President's policy of December 31, 1990. It attracted 10 cosponsors before the resolution expired with the adjournment of the 101st Congress. Obviously, the original resolution is outdated, because no Presidential energy policy was announced before December 31—or since.

As a consequence, the target date of the new resolution has been postponed until April 1, 1991. The rationale is twofold: this date conforms with the reporting date of the statute. It also gives the President ample time to dispose of urgent business in the Middle East, and to resolve the varying opinions within his administration, so that his policy can be appropriately integrated. If the Bush administration is able to make this deadline, it will be exactly 2 years overdue in complying with the 1977 statute.

ENERGY VISION FOR THE YEAR 2000

My revised resolution also adds something else. According to the 1977 law, the national energy policy plan should contain overall 5- and 10-year energy objectives. Pursuant to these objectives, the strategies, resources, research, and regulatory changes that are needed to achieve these long-term goals are to be identified. The statute thus establishes a thoughtful and orderly management process for the Nation's energy problems.

THE DIFFERENCE BETWEEN "POLICY" AND "STRATEGY"

Those concerned with energy policy in the Congress and the private sector have seen little evidence that the Presidential effort is seriously addressing the question of what the 5-year and 10-year goals of national energy policy should be.

For example, the Presidential effort is designated as a national energy strategy initiative, even though the 1977 law assigns strategy a role that is subordinate to long-term objectives.

Also, the so-called "interim report" on national energy strategy issued by the Department of Energy in April 1990 is really only a listing of options offered by witnesses. It does not include a synthesis of options, any analysis, independent research, or policy recommendations.

Frankly, I am concerned that the President's elaborate procedures may be short-circuiting the basic policy process envisioned by the 1977 law. In my opinion, strategies, work plans, and timetables, no matter how detailed, are useless unless the objectives to which they are directed are valid. I am therefore asking the General Accounting Office and the Congressional Research Service to assess the extent of compliance, or noncompliance, with the 1977 statute and give us their independent judgment as to the implications of any Presidential departure from statutory provisions, so that Congress may pursue its appropriate legislative and oversight responsibilities.

To assist further, the new resolution suggests my own set of long-term 5- and 10-year national energy policy goals for the year 2000, based upon the work of the Subcommittee on Economic Stabilization under my chairmanship. As the cover story in Fortune magazine recently stated: "This country is a hostage to the unpredictable politics of a region that is a perpetual powderkeg. What we need is a clearer vision of where we go from here. * * * All those calls we keep hearing for an energy policy numb the ears, but they are right." The long-term objectives summarized below set forth my vision of what national energy policy should achieve 10 years from now.

PROPOSAL TO ESTABLISH AN UMBRELLA CONGRESSIONAL COMMITTEE

A vital element in national energy policy is the cooperation of Congress with the President in such areas as consensus-building, legislation, and oversight.

I am certainly not the leading energy expert in the House. Many of my colleagues in this body have worked hard and accomplished much in this field over many years.

As one of many examples, this past Congress, under the leadership of the House Energy Committee, expanded the authorization for the strategic petroleum reserve to 1 billion barrels.

My subcommittee happened to be concerned with the subjects of national energy security and economic stability as part of its responsibility of reauthorizing and modernizing the Defense Production Act, so that our defense industrial base would not run out of energy during times of emergency.

From the time of the reflagging operation in the Persian Gulf in 1988 to the launching of operation Desert Storm, our subcommittee has devoted 12 days of public hearings and extensive research to questions of energy security and related problems of adequacy of supply for civilian industry, assuring these supplies at reasonable prices and compatible with environmental quality and overall economic stability.

Witnesses before our subcommittee on December 11, 1990, noted that about 10 committees and an equal number of subcommittees of Congress have jurisdiction over various aspects of energy policy—such as environment, exploration, taxation, housing, foreign affairs, and so forth. My view is that, until the current crisis of oil dependence is under control, it would be helpful to the country to have a coordination of congressional effort. As a counterpart to the 1977 statutory Presidential assignment to coordinate the executive branch effort.

There is a precedent for such a body. In 1978, during my early years in Congress, an ad hoc subcommittee of the House Banking Committee, under the able and dedicated leadership of Representative Lud Ashley of Ohio, laid the basis for enactment of the Energy Security Act of 1980 as part of the Defense Production Act.

Because of the seriousness of the oil crisis decade we find ourselves in, I would propose that our new committee extend to the various principal areas of energy policy that, in the opinion of the Speaker, need to be coordinated. It would be natural for my knowledgeable and experienced colleagues in the energy area to also take the lead in such an endeavor.

In a short time, I will be formalizing this proposal.

CONCLUSIONS FROM THE STUDY OF ENERGY SECURITY

My subcommittee's research of the past 2 years has led me to the following conclusions:

It is the responsibility of the President to establish national energy policy, as required by statute. The persuasive legal, functional, political, and practical reasons for this division of labor were explained in my October 26 remarks.

We are now in an energy crisis decade because we have just experienced an energy lost decade, during which there was no adequate policy for reducing this country's dependence on imported petroleum, even though President Reagan found that an import level of 38.1 percent imperiled the national security.

Recent years have been critical, with the level of imports rising from 28 percent of consumption in 1982 and 1983 to between 45 and 50 percent for 1990.

For the past 4 years, there has been no announced energy policy at all.

Witnesses before our subcommittee have suggested that the administration has been relying on an unannounced policy, as declared in an article by David Stockman, of: Strategic reserves and strategic forces—see "The Wrong War? The Case Against A National Energy Policy," Public Interest magazine, fall, 1978. In other words, whatever the price happens to be in world markets on a particular day, U.S. consumers will pay that price. When prices are going down, as they were after 1986, consumers, industry, and business get the benefits. However, this course of action is also risky because the series of economic and political disruptions in the Middle East, where one-fourth of the production and two-thirds of the reserves are located, periodically send prices soaring, and/or imperil the flow of the oil itself, requiring military forces to keep the supply lines open.

One of the implications of pursuing such an unannounced policy is that the costs and risks of the Stockman doctrine have not been publicly scrutinized under the policy process prescribed by the Congress. For example, the General Accounting Office reported that the costs of the 1988 Persian Gulf operation was about $240 million. We are about to get the bill for the more than 400,000 American service men and women presently engaged in the gulf, and I have requested that the GAO also audit and report to us on that. Even more important is that one of the prime strengths of a Stockman-like market strategy is that it is impersonal, but that is also its weakness. The market doesn't care whether the United States is secure militarily, politically, or economically.

Five other nations have national energy policies, and they have been helpful in advancing their energy security and economic stability. For example, France, which was once energy poor, now exports energy. Japan has made substantial strides in energy efficiency, to the extent that each American uses 2½ times more energy than each Japanese—"Wasting Opportunities," the Economist magazine, December 22, 1990, page 14.

There is growing consensus that there should be a bona fide comprehensive national energy policy established by the President in this country.

NUMERICAL GOALS AS A FOUNDATION FOR NATIONAL POLICY

I believe that establishment of long-range national energy policy goals, as called for by the 1977 law, has many advantages. Definite targets will allow the country to measure progress, or lack of progress. Our country responds well when we have clear goals before us, such as when President Kennedy challenged the Nation to put a man on the Moon and bring him back again within a decade. The Nation worked together and succeeded in that endeavor. With similar vision and leadership, I believe Americans will work together to secure our long-term energy future.

Setting goals is also good management practice. They will give our Nation a sense of direction and the measurement of performance against these goals will give the Nation the information it needs to make intelligent midcourse corrections in policies, strategies, and their implementation.

Accordingly, following are my candidates for such long-term objectives for the next decade:

ENERGY GOALS FOR THE YEAR 2000

Reduction of oil imports to 35 percent of U.S. consumption. Several experts that appeared before our subcommittee, from different primary energy segments of industry, believe this target is feasible.

Reduction of gasoline use by 30 percent per vehicle/mile. This figure is less than called for by the bill debated in the Senate during the 101st Congress, which we believe is in the neighborhood of 40 percent. There are many farmers in the Midwest and the Great Plains that are now producing import-saving ethanol, and many more could join them if we had an adequate energy policy to encourage them.

Reduction in the amount of electrical energy required to produce household, commercial, and industrial services by 25 percent energy efficiency. This is well within the range of 24 to 44 percent that the Electric Power Research Institute believes is possible.

Reduction of overall U.S. energy intensity by 15 percent. The Department of Energy projects a 1.2-percent reduction per year, or 13 percent by year 2000, in its base case. However, energy intensity declined by more than 2.5 percent per year from 1977 to 1986, so we think we can do a little better than 1.2 percent.

Reduction of emissions of greenhouse gases, including carbon dioxide, by 10 percent. The international panel on climate control in Toronto set 20 percent for a goal, but that was only for carbon dioxide. We would extend the target to all greenhouse gases, and would like to assure proper definition so that there would not be double counting from limitations already in effect.

Assuring the availability of electric generating capacity sufficient to accommodate an average of 2.4 percent in real annual growth of gross national product. That is exactly the Department of Energy's base case number.

Increasing the electricity generating reserve capacity to 17 percent nationally and in each region. That is the standard already operative from the North American Electric Reliability Council, which is the body officially charged with electric reliability on this continent. But, the reason this is important is that on the entire Eastern Seaboard, we are now 2 percentage points below minimum safety requirements. This is a prescription for certain blackouts and brownouts during the 1990's.

Improving the U.S. balance of payments position in energy-related products, services, and technology by at least $10 billion from the 1990 level, with periodic updates based upon the progress of such technologies as clean coal, enhanced exploration and recovery techniques for oil and gas, improved production, transmission, storage, and end-use for electricity, renewable and alternative fuels, shale oil, and others.

Restoration of Federal low- and moderate-income energy assistance and weatherization programs to at least their previous highs. We estimate that the Federal contribution is about $1 billion below what it was at its peak.

Establishment of a legislative consultative mechanism that assures discussion and coordination of energy and energy-related environmental issues, between decision-level Federal, State, and local officials at least once a year.

In my view, these objectives are realistic and achievable by the year 2000. In fact, I believe, many are quite modest by the standards of what others are proposing. They will promote the overall energy security, adequacy of supply at reasonable prices and environmental quality that both the President and the Congress seek. They have the advantage of not prescribing or mandating or requiring any particular policy or technique to achieve any of the goals. The choice of means would be entirely up to the President.

This approch has, in my opinion, the overriding advantage of being workable because it leaves the determination of energy policy and its execution where it belongs—in the hands of the President under the Energy Department Organization Act of 1977.

Personally, I would hope that research, development, and demonstration of energing technologies will play a prominent part in accomplishing many of these goals. American ingenuity has always been America's strong suit. I believe American businesses have led in developing many new technologies, but they have had the rug pulled out from under them by a massive cut in Federal funds devoted to research in nonconventional energy sources since 1980. This amounts to a cut of approximately 90 percent in real terms. That is another liability of the lost energy decade. I hope that next decade will see those funds—and opportunities—more than restored.

THESE GOALS CAN CERTAINLY BE IMPROVED UPON

I am sure these objectives are not perfect, and other can improve on them. I cordially welcome discussion and refinement of these concepts and numbers.

It is my hope that these proposals will serve as a point of departure for a serious discussion of what should be a critical area of American policy—the 5- and 10-year objectives called for by the Energy Department Organization Act. Even if all my proposals were miraculously incorporated intact into the President's national energy strategy. The ongoing process envisoned by the statute calls for revising them every 2 years as circumstances change.

Mr. Speaker, that is my energy vision for the year 2000. I hope these proposed goals, and the combined congressional committee, will contribute significantly to an improved energy picture for this country by the year 2000 and into the next century. For the sake of our people and for the sake of our country we need a national energy policy now.

A list of the original cosponsors follows:

Mr. Gonzalez of Texas, Mr. Neal of Massachusetts, Mr. Wise of West Virginia, Mr. Torres of California, Mr. Kanjorski of Pennsylvania, Mr. Rahall of West Virginia, Mr. Downey of New York, and Mr. Kennedy of Massachusetts.

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Whereas oil import levels in the United States reached 28 percent of total United States oil consumption in 1982 and 1983;

Whereas, when the oil import level in the United States reached 38 percent of total United States oil consumption in 1988, President Reagan declared that such levels threatened to impair the national security;

Whereas oil import levels in the United States for 1990 ranged between 45 and 50 percent of total United States oil consumption, accompanied by a decline in United States oil production of more than 5 percent;

Whereas oil import levels in the United States are expected to reach 60 percent of total United States oil consumption in 2000 and 65 percent of total United States oil consumption in 2010;

Whereas the current interruption in United States oil importation of 4.3 million barrels per day from Kuwait and Iraq dramatically illustrates the dangers of reliance on imported oil for the security and independence of the United States;

Whereas the current interruption in United States oil importation from Kuwait and Iraq is the 6th energy-related crisis generated by events in the Middle East since 1956;

Whereas section 801 of the Department of Energy Organization Act requires the President to prepare and submit to the Congress a proposed National Energy Policy Plan every 2 years;

Whereas the President has not prepared and submitted to the Congress a proposed National Energy Policy Plan during the 24 months he has been in office;

Whereas research, which holds the potential for realizing many of the Nation's future energy goals, has been reduced by almost 90 percent in real terms during the past decade;

Whereas the President can call upon the resources of the entire Federal Government, including the Department of Energy, to assist him in preparing a proposed National Energy Policy Plan;

Whereas, pursuant to section 801(a)(2) of the Department of Energy Organization Act, the Department of Energy has held 15 public hearings around the United States on the subject of the proposed National Energy Policy Plan; and

Whereas, particularly in view of the current engagement of troops of the United States Armed Forces in the Middle East, the United States needs a proposed National Energy Policy Plan pursuant to which the entire Nation can address important energy issues, and Federal, State, and local governments (and nongovernmental entities, including consumers) can implement appropriate energy-related practices: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) pursuant to section 801 of the Department of Energy Organization Act (42 U.S.C. 7321), the President should prepare and submit to the Congress a proposed National Energy Policy Plan before April 1, 1991, which should be—

(A) balanced and comprehensive, as required by the Act; and

(B) accompanied by implementing documents, such as recommended legislation, regulatory changes, programs, and budget details; and

(2) in considering and establishing national energy objectives for the 10-year period beginning on January 1, 1991, and the strategies and actions necessary to achieve the objectives, the President should consider, as possible national energy goals for the year 2000—

(A) reduction of oil import levels to 35 percent of total United States oil consumption;

(B) reduction in United States gasoline consumption by 30 percent per vehicle/mile;

(C) reduction in the amount of electrical energy required to produce household, commercial, and industrial services (energy efficiency) by 25 percent;

(D) reduction in total United States energy intensity (total energy end use per constant dollar of the gross national product) by 15 percent;

(E) reduction in total emissions of greenhouse gases, including carbon dioxide, by 10 percent;

(F) assurance of the availability of sufficient electrical generating capacity to accommodate an average 2.4 percent increase in real annual growth of the gross national product;

(G) an increase in electrical generating reserve capacities of 17 percent, nationally and in each region;

(H) improvement in the United States balance of payments for energy-related products, services, and technology by $10 billion more than the 1990 balance of payments, with biennial revision of the balance of payments figure based on increased United States technological advancements (in fields such as clean coal, enhanced exploration and recovery techniques for oil and gas, production, transmission, storage, and use of electricity, and renewable and alternative fuels);

(I) restoration of Federal low-income energy and weatherization assistance programs to prior levels; and

(J) a legislated mechanism that ensures annual consultation and coordination among Federal, State, and local governments regarding energy and energy-related environmental issues.

Mr. Speaker, the following excellent article was part of a series written by Thomas Gerdel of the Plain Dealer. I urge my colleagues to read this—it is instructive.

WHAT'S AVAILABLE—U.S. DIGGING FOR ECONOMICAL AND RENEWABLE FUEL SOURCES

(By Thomas W. Gerdel)

The United States has a wide range of alternatives to oil, ranging from traditional fossil fuels to nuclear power and renewable energy sources.

Finding reasonably priced and environmentally safe replacements for oil will be difficult, however, because of the overwhelming role oil plays in U.S. energy consumption.

Overall, oil accounts for about two-thirds of the energy used in transportation and about 41% of total energy consumption, according to the U.S. Energy Information Administration, the statistical arm of the Department of Energy.

Nuclear power, coal and natural gas combined make up about 54% of the supply. Only about 8% of America's total energy comes from renewable resources.

The major alternatives to oil are:

Nuclear: Nuclear power plants that use uranium as fuel. The United States now has 112 licensed nuclear plants producing about 20% of the nation's total electricity. They provide about 8% of all energy consumed.

There have been no new orders for such plants since 1978.

Coal: Coal-burning plants provide about 55% of the nation's supply of electricity. Coal provides about 23% of all energy consumed.

Coal is burned to generate steam that powers turbines to make electricity. Recently passed federal clean air legislation may force some coal-fired plants to close, but it might also spur increased production of low-sulfur coal, which burns cleaner.

At current production rates, the United States has a 240-year supply of coal.

Natural gas: Natural gas accounts for about 9% of U.S. electric generating capacity. It also provides abut 23% of our total national energy needs.

Currently, proven reserves are adequate for * * * year supply, but oil experts think there's considerably more out there, particularly in Canada and Alaska.

Renewable resources: Sources including hydroelectric power, solar, wind, geothermal and biomass fuels (fuels from landfills, sewer gas, municipal wastes) account for about 8% of all U.S. energy consumed.

Passive solar systems use sunlight to heat the air or water. In some locations, mirrors are used to concentrate sunlight on a boiler.

Solar photovoltaic cells, made from silicon, convert sunight directly into electric current. Photovoltaic devices may find more niche markets. In the labs, scientists have been able to double the efficiency of such devices to 35%.

Hydroelectric projects generate about 10% of total electricity consumed.

Advanced forms of windmills can turn turbines to produce electricity. Applications are growing, especially in northern California, near San Francisco.

Some utilities are using geothermal sources to tap heat from underground rocks.

Alcohol fuels: Ethanol, an alcohol produced from crops such as corn or sugar cane, can be mixed with gasoline for use as fuel for autos.

Synthetic fuels: Large quantities of coal and shale are crushed and then processed to produce liquid oil or gas products. The United States has an abundance of coal and shale, and technologies have been developed to produce such fuels.

Current estimates show U.S. coal and oil shale could produce as many as 625 billion barrels of liquid fuel. In contrast. Saudi Arabia's known oil reserves total 160 billion barrels.

But synthetic fuels are not yet deemed economical at current oil prices, mainly because of large capital costs to build such plants. Some goal-gasification plants and one shale oil plant are operating.

The Department of Energy continues to do research at a facility at Wilsonville, Ala., that produces liquid fuels from coal. Research work there has lowered costs from $90 a barrel to less than $40 a barrel currently.

ESTIMATED ENERGY CONSUMPTION BY FUEL GROUP

[In quadrillion BTU's]

Fuel	Consumption		Growth (percent) 1990	Market share (in percent)	
	1989	1990		1989	1990
Coal	18.9	18.9	0.	23.3	23.3
Natural gas	19.4	19.4	0.	23.8	23.9
Petroleum	34.2	33.5	−2.1	42.1	41.4
Nuclear	5.7	6.3	10.1	7.0	7.7
Other	3.1	3.0	−2.5	3.8	3.7
Total	81.3	81.1	−.2	100.0	100.0

Source: API, DOE.

RETAIL GASOLINE PRICES

Retail motor gasoline prices in selected countries. Taxes included, current exchange rates. Dollars per gallon.

	Jan. 14, 1991
Belgium	$3.56
France	3.88
Germany	3.05
Italy	4.68
Netherlands	3.74
United Kingdom	3.22
Europe average	3.69
Japan	*3.72
United States	1.22

*As of January 7.
Source: API.

UNITED STATES OIL IMPORTS, 1989

	In percent
Non-OPEC (Canada, Mexico, UK, and others)	48.6
OPEC (non-Mideast)	28.3
OPEC (other-Mideast)	15.5
Iraq	5.6
Kuwait	1.9

Source: Energy Information Administration.

□ 1250

REPORT ON ADVANCED PROGRESS OF UNIFIED EUROPEAN MONETARY SYSTEM

The SPEAKER pro tempore (Mr. RAHALL). The gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, while Europe continues at an unusually fast and much accelerated pace than what had been anticipated in integrating, we in the United States are disintegrating. Since the announcement at the Bonn, Germany, so-called economic summit meeting of May 1979, at which time our President was Jimmy Carter, the Communique that was produced by that conference was short, but it had one last line saying that the conferees agreed in principle to the formation and the development of the European monetary system [EMS] and the European currency unit [ECU].

Very little was reported in our press in the United States about the meaning and significance of that announcement. But I had been aware, because of my reading of the foreign press and foreign financial publications, that since 11 years before, in 1968, and the blueprint announced by the then Luxembourg Financial Minister and the president of the community at that time, which in effect was the basis for the integration of not only an economic but a monetary financial system in a united, or as is known, a single Europe. The target date for single Europe, of course, is next year.

What I want to report to Members today is the advanced progress that is being made in fleshing out and putting in place, and I do believe that the European Community is on the threshold of doing that, of a united European monetary system.

That on its face sounds, I am sure, like it has to so many individuals who might have read about it, as a sort of a surface talk or jargon. But it has everything to do, as I said in August 1979 on this floor, with everything that would mean economic, monetary, and ultimately, of course, fiscal independence for the United States, which means a standard of living in our country.

Unfortunately, there has been little or no discussion in Congress, either in the House or in the Senate, about this. In fact, I would say that between that first special order in August 1979 and the following 10 years, there was only one discussion in the Senate that touched merely on describing the configuration of what was then coming forth as a European monetary system.

As of last month, December, in a meeting in Europe of the central bankers and the council, because what is very little appreciated in our Congress is that we have had the equivalent of a United States Congress for the European Community. Ever since it was headquartered at Luxembourg, we have had very little, if any, either official or popular, much less popular, knowledge or interest. Yet I cannot think of anything more ominous and threatening to the independence of our Nation, financially and economically, than that.

This is one of the reasons, not the principal reason, but one of the reasons that I am so opposed to our country getting involved in wars, particularly what I would consider unnecessary wars, because it will be the first time that we go to war as a debtor nation.

In the two World Wars, as I have said repeatedly, we were the only creditor nation. But this time we are the most indebted nation in the whole world.

In the meanwhile, things have been permitted to happen almost imperceptibly, by the leadership and the membership of the Congress, by those officials in the executive branch, that I would think would have the prime responsibility to have evaluated, projected, and reported above all in order to inform the people.

How do you inform the people? Well, the best way is by informing the Congress. So that apprehension that I expressed in 1979 was based on the Executive reports that had been written, for instance, in Italy, by the French financial publications, in the, at that time, Federal Republic of Germany's publications, and in the Spanish language press. But nothing in the American press that I could find.

Great Britain, of course, as always, maintaining an independence that it thought it could indulge in, like it has in the past, has since found out that they have got to hook the tail of their international financial kite to at least that band of currency arrangements, and pegged to the deutsche mark, which is the strongest currency right now in the Western financial world.

Even England found it necessary to tie in the pound to the deutsche mark in that so-called second band of currency transactions or relations, or what they call a band.

But actually nothing has really been done in secret. Since the 1968 meeting, at which time, as I said, the Luxembourg official drew a blueprint, the European central bankers and their financial ministers have been very, very adept and very, very capable and very, very successful.

Now, what does this all mean? It means, as I have been saying now for 2 years, that given the instability of the dollar, the erosion of the value of the dollar now, not less than 55 percent in a matter of less than 6 years, creating instability.

Now, during the wars before when we were a creditor nation, our involvement of our credit was what won the wars, to tell you the truth. What we lost later in between wars, as we have after 1945, we have lost on the money tables, on the financial tables.

Yes, we won the war in the field and in action, but really, the wars are not over. Every one of the wars we have been involved in since 1945, whether they want to be called wars or not, in our books technically they are not wars, any more than our involvement in the gulf today. But everybody knows that it is a war, that we have again set loose this Minotaur to gobble up and devour our youth.

So you lose at the money tables. We did in Vietnam. By the time President Nixon flew in that much publicized trip to China, he had to assure the Chinese of a $10 million deposit in gold, the equivalent of gold, they did not get boxes of gold and put them in the plane, but they got the equivalent, in order to ensure the defraying of the expenses in China.

□ 1300

Where was that reported? Certainly it was not in the United States, except the statement I made again on the House floor that was picked up by some minor publications.

So where are we today with all of this background? We are on the threshold of the dollar being replaced as the international reserve unit. That sounds like a lot of jargon, but it is not. What that means is that we are the only country whose people have had the great luxury of paying their debts in their own currency. We are the only people that have been that privileged. We are not going to be for long, particularly if we continue to drain the domestic financial markets, not only the indirect but the direct assets as we have, which are now more or less dependent on the vicissitudes, on the things that money men always depend on.

As I said a little while ago, when a country in the midst of a war situation can show the men of money that it is stable, that if they put their money in that country it is going to be taken care of, that is where the money is going to go. We attracted huge reserves. Our country at the time of World War II and later ended up with the biggest gold, so-called reserves ever, and that was soon gone. That is in that enormous amounts. But the reason was that the money was coming here as a safe haven.

The one interesting factor up to now in our involvement in the Middle East, in the so-called gulf war, is that this is not happening now. In fact, we have the opposite. Money is not coming.

If some of our geopoliticians thought that war would be good for that reason, based on the past experiences, I think they have a lot more of a cooler attitude toward that, because it is not happening. In fact, I will include in the RECORD at this point an article from the Washington Post of Tuesday, January 15, which was in the business section entitled "Taiwan Cuts Holdings in U.S. Banks; $35 Billion Shifted; Recession Fears Are Cited."

> Taiwan, holder of one of the world's largest foreign reserves, has cut most of its holdings in U.S. commercial banks because it fears the banks could fail in an economic recession, prolonged by a Persian Gulf war, central bank officials said.

Then at the third to last paragraph, and I am going to quote:

> There is no evidence that Taiwan's attitude is spreading to other Asian economic powerhouses. Indeed, Japan's leading financial daily, the Nihon Keizai Shimbun, reported today that major Japanese banks have decided to funnel $10 bilion to their U.S. branches by the end of January in the event of a gulf war.

But then it goes on to say why:

> The amount is twice the normal monthly injection, the newspaper reported, and is based on the assumption that war may make it difficult for banks to raise funds in the U.S. market.

The article referred to follows:

> [From the Washington Post, Jan. 15, 1991]
>
> TAIWAN CUTS HOLDINGS IN U.S. BANKS; $35 BILLION SHIFTED; RECESSION FEARS CITED
>
> TAIPEI, TAIWAN, January 14.—Taiwan, holder of one of the world's largest foreign reserves, has cut most of its holdings in U.S. commercial banks because it fears the banks could fail in an economic recession prolonged by a Persian Gulf war, central bank officials said today.
>
> According to the officials, who were quoted by the Reuter and Kyodo news services, some of the island nation's reserves have been moved to the U.S. Federal Reserve and some to banks in Europe, Japan and Australia.
>
> "The shift is mainly to protect our reserves as we face more risks by depositing our money in U.S. banks," a senior bank official told reporters.
>
> The move represents a surprising vote of no confidence in the U.S. financial system. U.S. officials and private bank analysts have been virtually unanimous in agreeing that while American banks are facing severe difficulties, the chances of widespread major bank failures are almost nil.
>
> But Central Bank Governor Samuel Shieh told reporters, "The U.S. economy is in more of a shambles than you can understand and war will prolong the recession."
>
> Taiwan's foreign exchange reserves stand at about $73 billion. About $35 billion has been moved from U.S. commercial banks since late 1990, the officials said.
>
> They said the central bank now keeps only small amounts of its reserves in major American banks to maintain business relations. They did not provide figures.
>
> There is no evidence that Taiwan's attitude is spreading to other Asian economic powerhouses. Indeed, Japan's leading financial daily, the Nihon Keizai Shimbun, reported today that major Japanese banks have decided to funnel $10 billion to their U.S. branches by the end of January in the event of a gulf war.
>
> The amount is twice the normal monthly injection, the newspaper reported, and is based on the assumption that war may make it difficult for banks to raise funds in the U.S. market.
>
> Spokesmen for several major Japanese banks, however, denied the report.

Of course, but does this mean that we have not had a flight of this capital? Of course we have. Does it mean that we have not had some of these creditors and investors, who seeing the value of their investment shrink as the dollar falls, pull it out, and as the interest rates become a little bit more competitive, or at least equal as say in Germany, the money is going to go there, as it has been already.

So given that, plus the disarray in our domestic financial structure, we can see why it is that I consider this to be the most critical of all issues. Yet for 2 years I have been unable to attract any attention, even from members of committees such as the one that I happen to have the honor to chair, the Committee on Banking, Finance and Urban Affairs.

I have spoken with the highest of our monetary officials. I have spoken, where I have had an opportunity, with three of the private and probably the ones very highly immersed in high international or multinational financing and I ask if they are not concerned about the possibility and the real clear danger and present danger that the dollar can be replaced as the international reserve unit. And they say, after a pause, "Well, maybe at some future time, if the United States experiences a period of protracted instability."

But when I asked, "Well, why can't it happen next year," they cannot tell me why. It is just a feeling that they do not feel it can happen.

But then, 4, 5, 6, 7, 8 years ago when I was taking this place and reporting the speculative fever and the financial bubbles that were building up in the real estate markets, and what would be the obvious, the obvious finality of this, I heard the same thing from all of those who were enjoying that merry-go-round. Why? Everybody was making money. Why? Everybody was getting their money out of the S&L that was paying them maybe 6¾ or 7 percent and putting it in that money market where they could get 8 percent or better, not figuring that maybe it was not insured.

So, who listens? Oh, yes, I read these articles now about how terrible the shambles has been, and what the coming dim, glim prospects of the commercial banking situation are, and these are the experts, the biggest economists. In my service on the Banking Committee for 30 years I have seen eight Chairmen of the Federal Reserve Board come before the committee. Not one, not one ever said, "Well, you know, this is what is going on now.

There are some dangers here, and maybe, just maybe something could happen." Never. All the experts from economists to geoeconometric plans experts, they all come, like we say in Spanish, after the storm, like the rainbow. They always show up after the storm. But who was there when there were a few voices, mine among them? I am going to be fair to myself. I do not see the record is here. It is not what I am saying now, in retrospect. It is not hindsight. It is what I have been speaking out about for more than 25 years, so of course I feel intensely. What I am saying now is that no matter what we do domestically we are not beset by external forces over which we no longer have any control, and it is inescapable.

I asked the Chairman before last of the Federal Reserve Board, Mr. Volcker, in 1987 in the last appearance he made before the committee, before his successor took over, what are we doing, and of course, it means what were we doing in concert with other nations in this vast, daily, huge amount of currency transactions worldwide, every day? Today, as we gathered here, we will have no less than $675 billion, and that is a very conservative estimate. These are currencies changing currencies.

Anyway, it is not until just lately that because of the IBS, the International Bank for Settlement, international settlement based in Basel, Switzerland, of which we are not a voting member, we are just, as of some 15 years or less been permitted to visit, but we have no real voice or vote. These are the real decisionmakers in this labyrinth known as international finance, which today will determine where we are headed for as far as economic impact and independence, above all independence and freedom.

□ 1310

The fact is that our country and its leaders in both the public as well as the private sector, have little or no historical memory, or have done what, say, the European leaders have done, or the Japanese leaders. That is, anticipate and have not only short-range but long-range use.

The last President to develop any kind of long-range type of approach was Franklin Delano Roosevelt. When any person wants to tell me that all of this that is happening is an act of God, interest rates usurious, exacting, calamitous to any society, were like an act of God. I remember six Chairmen of the Federal Reserve Board coming before the committee to say, "Oh, there is nothing we can do about interest rates. Now, you guys, if you do not spend the budget on some of those special programs, why, interest rates will go down." Well, all of a sudden we get the most monstrous public debt, the most monstrous private debate, the most monstrous corporate debt in the history of mankind. The Federal Reserve Board says, "Well, you know what, maybe we can." This is just 5 or 6 years ago. "Yes, maybe we do have something to do with interest rates."

Now, that is jargon when they start talking about M-1 and the kind of money that is in circulation, and its philosophy, and all that kind of bull. That is jargon. The truth of the matter is that policies, basic policies as to who has the power to allocate credit in a society, interest rates, is a mechanism by virtue of which wealth is transferred within a society. This is why, in the dawn of civilization, in the reign of Hammurabi—incidentally, if he were alive today he would be an Iraqi, because it was out of Mesopotamia which is where Iraq is that we got all of this. If we look at the Code of Hammurabi, and here is an individual reigning 7,000 years before Christ, we will see interest as usurious and punishable by death. All through history, one way or another, we had some measure of control. We have not had. Some other countries do, but why could Franklin Roosevelt, which is the answer I give to those who say, "Wait a while, nothing you can do. What can you-all do?" I say it is not what we can do, it is what our country wants its sovereign power, who are the people. That is the sovereign power in our country.

The first words of our Constitution say that. They do not say, "We the Congress," or, "I the President." They say, "We the people of the United States, in order to form a more perfect union," et cetera. That is where our power comes from. We have gotten away from that. We have created these entities that say, "We are independent. Why, you politicians better not mess around with us," forgetting that it was the Congress that created them. Yes, they are independent. They are known as Federal, but only in name. They are really not Federal agencies. They are not amenable to accountability to the Congress, and up to now, other than through appointment, they have not been much amendable to Presidents.

How could President Franklin Roosevelt, utilizing in a time of war, world war, 46½ percent of the total gross national product in that effort to wage and win the war on the Federal level, how could he have the Government never pay more than 2 percent interest? Well, there is a story behind it. I will not go into it now, other than to show how, when we have accountable leadership, when we had tremendous power, but as always, fundamental in our Constitution, all power shall have accountability. However, when we do not have accountability, we know where we are now and where we are headed.

We can bash others, like the Japanese and whatnot. However, I do not think that is proper. I will tell Members why. Why were banks in our banks chartered? They were chartered for public need and convenience. Well, today, Members who think that they were chartered and were guaranteed by law and by the Government to make profit, not to public need or convenience. That is the basic law in our country. It has been from the beginning. However, banks have the power to create money. Do Members think the Government prints money? Look at your dollar bill. It no longer says "U.S. Treasury," it says "Federal Reserve Note." What is the Federal Reserve? It is not a Federal agency. It is a creature of the private commercial bank. So they are the ones, if anyone prints it, it is the Federal Reserve Board. However, banks create money because they create allocation of credit. Why is it that we have had thousands of banks fail? Just in the last few years, but in the 20th century, and in Great Britain they have not had one large bank fail in 100 years. Why? Well, there are reasons, but what I am leading up to now is what I see as a most present, the most clear, and the most ominous of all dangers. That is that all of this horrendous debt structure that we have piled will have to be paid back in somebody else's currency, once the dollar is replaced as the international reserve unit. No person yet, neither these high and supposedly knowledgeable bankers, or the highest monetary officials of our country, can tell me why, even before there is a European monetary system, and has decided to nationalize the ECU, which is the European currency unit. Even before then. Why cannot the Group of Seven, or the Group of Ten, get together, England or no England, and decide that they are going to poll their international reserves and nationalize the ECU? That is it for the dollar.

What does that mean? Like I say and repeat, it means that our privilege, and we are the only Nation whose people can say we pay our debts in our currency, will be paying this monstrous debt, the corporate debt equals the governmental debt, the governmental debt is way up there if we include the off-budget items. We have better than 6½ trillion. The private debt, just you and I, we built it up. It means we would have to pay that back in somebody else's currency, most likely the ECU.

□ 1320

The ECU right now is worth about $1.30.

Now, what is the more practical, commercial, business and economic impact? Well, I sat on the committee that has had its jurisdiction on every single so-called bailout that has come across the Congress since the 1970's. We first had the Penn Central. I was in on that. We had New York City. We had the Lockheed bailout and then we had Chrysler.

Why? Because it was obvious to me then and, mind you, first in the 1970's or late 1960's was the first time I was saying that our capital, our credit allocations, were not going into the needs of commerce to stoke and fire the engines of commerce and production. They were going somewhere else, unlike Japan. Japan to this day, the bankers invest in their own production, they have a line of credit.

Let me read to you from an interview in a very, very competent publication known as the "Financier, the Journal of Private Sector Policy," with one of our I think industrial geniuses, Henry B. Schacht. It is an interview in this magazine with the chairman of Cummins Engine. He tells you that Cummins Engine, faced with the Japanese, is the only manufacturer of this type of heavy machines, heavy-duty truck motors, that has been able to withstand the Japanese competition, but it has had to pay the price of not making much of a profit.

What is his biggest need? Capital.

I am going to quote from his interview:

> The issue before the country is whether we are going to have a system that provides capital to the investing side of our physical, goods-producing sector, our whether we are going to be inadvertently forced into short-term investing—

Which is what we have now—

> which is what I think is happening.
>
> So what you get is under-investment in capital and under-investment in new technology, and competitive erosion.

He said it all. This is what in my speeches before my colleagues, going back to the sixties, has been about because I feel it is a responsibility of mine. I have been privileged to serve on this committee from the first day that I was sworn in to the Congress in 1961. I am very privileged and I feel being charged with knowledge, the least I can do is report, and what I am reporting is troubling, I know. I know everybody thinks that the biggest No. 1 problem is the Middle East these other things.

Let me assure my comrades and colleagues, the dimensions of this lesser noticed and appreciated problem are of such a magnitude that they can, more than loss of a war, doom us to economic and financial dependence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAHALL) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. OWENS of Utah, for 60 minutes, on January 29.

Ms. KAPTUR, for 60 minutes, each day on January 29, 30, and 31.

Mr. GONZALEZ, for 60 minutes, each day on January 31 and February 4.

Mr. OWENS of New York, for 60 minutes, each day on February 4, 5, 6, 7, 8, 11, 12, 13, 14, and 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BARRETT) and to include extraneous matter.)

Mrs. MORELLA.

Mr. SMITH of New Jersey.

Mr. CAMPBELL of California.

Mr. PORTER.

Mr. LENT.

Mr. DANNEMEYER.

Ms. ROS-LEHTINEN in two instances.

Mr. LAGOMARSINO in seven instances.

Mr. MCEWEN.

Mr. GUNDERSON.

(The following Members (at the request of Mr. RAHALL) and to include extraneous matter.)

Mr. CARDIN.

Mr. ANDERSON in 10 instances.

Mr. STENHOLM.

Mr. MAVROULES.

Mr. MAZZOLI in two instances.

Mr. FOGLIETTA.

Mr. FRANK of Massachusetts.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. KANJORSKI in two instances.

Mr. LANTOS.

Mr. LEHMAN of Florida.

Mr. HOCHBRUECKNER.

Mrs. BOXER.

Mr. DURBIN.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, January 29, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

478. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Follow-up Audit on Contracts Between the Department of Human Services and Metropolitan Health Associates, Inc.," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

479. A letter from the Acting Secretary of Education, transmitting a notice of final funding priorities for certain new direct grant programs in the Office of Special Education Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

480. A letter from the Secretary of Health and Human Services, transmitting a compilation and analysis of State activities in implementing the second year of the Child Abuse and Neglect Prevention Challenge Grant Program, pursuant to 42 U.S.C. 5116a(1), 5116g; to the Committee on Education and Labor.

481. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1990 on compliance by States with personnel standards for radiologic technicians, pursuant to 42 U.S.C. 1006(d); to the Committee on Energy and Commerce.

482. A letter from the Inspector General, Department of Justice, transmitting notification of the implemention of recommendations in the Department's Environmental and Natural Resources Division Superfund financial activities report for fiscal year 1989, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

483. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Melissa Foelsch Wells, of Connecticut, to be Ambassador to the Republic of Zaire, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

484. A letter from the Administrator, Agency for International Development, transmitting a report on the development assistance program allocations for fiscal year 1991, pursuant to Public Law 101–513; to the Committee on Foreign Affairs.

485. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the allocation of funds made available for foreign military financing, international military education and training, peacekeeping operations, and economic support fund assistance, pursuant to Public Law 101–513; to the Committee on Foreign Affairs.

486. A letter from the Chairman, Administrative Conference of the United States, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

487. A letter from the Executive Director, Advisory Commission on Intergovernmental Relations, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

488. A letter from the Executive Director, Committee for Purchase for the Blind and Other Severely Handicapped, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

489. A letter from the U.S. Commissioner, Delaware River Basin Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

490. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's annual report on the Program Fraud Civil Remedies Act for the year ending September 30, 1989, pursuant to 31 U.S.C. 3810; to the Committee on Government Operations.

491. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the inspector general, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

492. A letter from the Export-Import Bank of the United States, transmitting a report

on the status of audit and investigative coverage; to the Committee on Government Operations.

493. A letter from the Chairman, Farm Credit System Assistance Board, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

494. A letter from the Board of Directors, Farm Credit System Insurance Corporation, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

495. A letter from the Chairman, Federal Housing Finance Board, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

496. A letter from the Acting Chairman, Federal Mine Safety and Health Review Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

497. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

498. A letter from the Inspector General, General Services Administration, transmitting a copy of their Audit Report Register, including all financial recommendations, for the 6-month period ending September 30, 1990; to the Committee on Government Operations.

499. A letter from the Administrator, General Services Administration, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

500. A letter from the Executive Director, Illinois and Michigan Canal National Heritage Corridor, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

501. A letter from the Director, Institute of Museum Services, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

502. A letter from the Executive Director, Interagency Council on the Homeless, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

503. A letter from the Executive Director, Marine Mammal Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

504. A letter from the President, National Endowment for Democracy, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

505. A letter from the Director, National Gallery of Art, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

506. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

507. A letter from the Director, Office of Government Ethics, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

508. A letter from the Deputy Director, Office of Navajo and Hopi Indian Relocation, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

509. A letter from the President, Overseas Private Investment Corporation, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

510. A letter from the Chairman, Oversight Board of the Resolution Trust Corporation, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

511. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

512. A letter from the Chairman, Postal Rate Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

513. A letter from the Secretary of the Treasury, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

514. A letter from the Secretary of Commerce, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

515. A letter from the Director, Selective Service System, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

516. A letter from the Executive Director, State Justice Institute, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

517. A letter from the U.S. Commissioner, Susquehanna River Basin Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

518. A letter from the Chairperson, the Martin Luther King Federal Holiday Commission, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

519. A letter from the Director, U.S. Trade and Development Program, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

520. A letter from the Executive Director, U.S. Commission for the Preservation of America's Heritage Abroad, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

521. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

522. A letter from the Governor, U.S. Soldiers' and Airmen's Home, transmitting a report on the status of audit and investigative coverage; to the Committee on Government Operations.

523. A letter from the Secretary of the Interior, transmitting a copy of an approved loan application from the Tohono O'Odham Nation for the Schuk Toak District, pursuant to 43 U.S.C. 422d; to the Committee on Interior and Insular Affairs.

524. A letter from the Special Assistant to the Director, Office of Management and Budget, transmitting a soil conservation service plan for the South Fork of Little River Watershed, KY; to the Committee on Public Works and Transportation.

525. A letter from the Administrator, Environmental Protection Agency, transmitting the fourth annual report on the status of the Radon Mitigation Demonstration Program, pursuant to 42 U.S.C. 7401 note; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California (for himself, Mr. VALENTINE, Mr. BOEHLERT, Mr. MINETA, and Mr. BROWDER):

H.R. 656. A bill to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing; to the Committee on Science, Space, and Technology.

By Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. HYDE, Mr. MCEWEN, Mr. RITTER, Mr. LIPINSKI, Mr. ROGERS, and Mr. SOLOMON):

H.R. 657. A bill to establish a Commission on Energy Independence; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.R. 658. A bill to amend title 5, United States Code, to allow Federal employees to take time off from duty to serve as bone marrow donors; to the Committee on Post Office and Civil Service.

H.R. 659. A bill to promote the greater use of recycled paper by mailers of third-class mail matter; to the Committee on Post Office and Civil Service.

By Mr. CAMPBELL of California:

H.R. 660. A bill to extend the statute of limitations applicable to any criminal offense which was committed by an officer or employee of the Department of Housing and Urban Development between 1981 and 1988 and which was related to activities of the Department; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 661. A bill to provide special benefits for the Andean nations; to the Committee on Ways and Means.

By Mr. DORNAN of California:

H.R. 662. A bill to direct the Secretary of the Interior to display the flag of the United States of America at the apex of the Vietnam Veterans Memorial; to the Committee on Interior and Insular Affairs.

H.R. 663. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for dividends paid by domestic corporations; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. UDALL):

H.R. 664. A bill to expand the boundaries of the Saguaro National Monument; to the Committee on Interior and Insular Affairs.

By Mr. LAGOMARSINO:

H.R. 665. A bill to provide for the implementation of the foreign assistance provisions of the enterprise for the Americas Initiative, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCURDY:

H.R. 666. A bill to amend title 37, United States Code, to increase the amount of foreign duty pay, to expand eligibility for such pay, and to standardize the payment of such pay; to the Committee on Armed Services.

By Mr. MILLER of California (for himself, Mr. Matsui, Mr. Poshard, Mr. McDermott, Mr. Roe, Ms. Long, Mr. Emerson, Mr. Lehman of Florida, Mr. Horton, Mrs. Patterson, Mr. Foglietta, Mr. Gejdenson, Mr. Bryant, Mr. Jenkins, Mr. Sharp, Mr. Roybal, Mr. Hansen, Mr. Jontz, Ms. Pelosi, Mr. Brown of California, Mr. Murtha, Mr. Peterson of Florida, Ms. Slaughter of New York, Mr. Ravenel, Mr. Fazio, Mr. Wise, Mrs. Boxer, Mr. Russo, Mr. Lancaster, and Mr. Mrazek):

H.R. 667. A bill to authorize a grant to the national writing project; to the Committee on Education and Labor.

By Mrs. MORELLA (for herself, Mr. Horton, and Mr. Penny):

H.R. 668. A bill to allow a deduction for the amount of the premiums paid on a life insurance contract the beneficiary of which is a trust established for the benefit of a disabled individual, and for other purposes; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 669. A bill to control the transfer of arms to countries that threaten world peace, including countries that are the subject of a U.N. or U.S. blockade or embargo; jointly, to the Committees on Foreign Affairs; Ways and Means; Banking, Finance and Urban Affairs; and Agriculture.

By Mr. RINALDO (for himself and Mr. Shays):

H.R. 670. A bill to amend the Fair Credit Reporting Act to provide greater disclosure to consumers of information concerning consumers by creditors, credit reporting agencies, and other users of credit information, prevent abuses with regard to such information, to increase the enforcement authority of Federal regulatory agencies with responsibility to enforce the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. ROS-LEHTINEN:

H.R. 671. A bill to limit injunctive relief, and prohibit the award of costs (including attorney's fees) against a judicial officer for action taken in a judicial capacity; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 672. A bill to prohibit certain waiver of liability provisions in NASA contracts, and to prohibit the exclusion of NASA quality assurance personnel from contractor work sites except as provided in the contract; to the Committee on Science, Space, and Technology.

By Ms. SLAUGHTER of New York (for herself and Mr. Shays):

H.R. 673. A bill to amend the Internal Revenue Code of 1986 to extend the treatment of qualified small issue bonds through 1996; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 674. A bill to provide health benefits for Reserve members who are called to active duty in connection with Operation Desert Storm, and their dependents, upon termination of their service on active duty; to the Committee on Veterans' Affairs.

H.R. 675. A bill to provide transitional health benefits for Reserve members who are called or ordered to active duty in connection with Operation Desert Storm, and their dependents, upon termination of their service on active duty, and for other purposes; jointly, to the Committees on Armed Services, Ways and Means, and Veterans' Affairs.

By Mr. WISE (for himself, Mr. Ackerman, Mr. Poshard, Mr. Smith of Florida, Mr. Yates, Mr. English, Ms. Kaptur, Mr. Jontz, Mrs. Mink, Mr. Johnson of South Dakota, Mr. Wilson, Mr. Staggers, Mr. Martin of New York, Mr. Edwards of California, Mr. Goss, Mr. Dwyer of New Jersey, Mr. DeLay, Mr. Bevill, Mr. Tauzin, Mr. Hochbrueckner, Mrs. Lowey of New York, Mr. Slattery, Mr. Guarini, and Mr. Vento):

H.R. 676. A bill to require that the U.S. Postal Service rescind changes recently implemented relating to standards for the delivery of mail; to the Committee on Post Office and Civil Service.

By Mr. WOLPE (for himself and Ms. Snowe):

H.R. 677. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Foreign Affairs.

By Mr. DORGAN of North Dakota:

H.J. Res. 92. Joint resolution authorizing the imposition of additional import duties by the President to ensure that wealthy foreign countries that benefit from the United States efforts to compel the withdrawal of Iraqi forces from Kuwait equitably share the cost of those efforts; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. DORNAN of California:

H.J. Res. 93. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive terms Members of the U.S. Senate and House of Representatives may serve, to the Committee on the Judiciary.

H.J. Res. 94. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 51. Concurrent resolution concerning the Nobel Peace Prize awarded to Soviet President Mikhail Gorbachev; to the Committee on Foreign Affairs.

By Mr. MAZZOLI:

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress that the President should establish a White House conference regarding solid waste disposal and reduction; to the Committee on Energy and Commerce.

By Ms. OAKAR (for herself, Mr. Gonzalez, Mr. Neal of Massachusetts, Mr. Wise, Mr. Torres, Mr. Kanjorski, Mr. Rahall, Mr. Downey, and Mr. Kennedy):

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress that the President should prepare and submit before April 1, 1991, a proposed national energy policy plan which includes specific energy objectives for the year 2000; to the Committee on Energy and Commerce.

By Mr. DORNAN of California:

H. Res. 46. Resolution amending the Rules of the House of Representatives to provide certain qualifications pertaining to service as a Member, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 102: Mr. Lagomarsino, Mr. Peterson of Minnesota, Mr. Valentine, Mr. Quillen, Mr. Spence, Mr. Fazio, Mr. McCloskey, Mr. Sanders, Mr. Dornan of California, Ms. Molinari, Mr. Williams, Mr. LaFalce, Mr. Hochbrueckner, Mr. Evans, and Mr. Goss.

H.R. 103: Mr. McNulty, Mr. Walsh, Mr. Jontz, Mr. Bustamante, Mr. Richardson, Mr. de la Garza, Mr. Livingston, Mr. Quillen, Mr. Horton, Mr. Eckart, Mr. Ray, Mr. Dornan of California, and Ms. Ros-Lehtinen.

H.R. 104: Mr. Frank of Massachusetts, Mr. McEwen, Mr. Spence, and Mrs. Boxer.

H.R. 105: Mr. Mazzoli, Mr. Walsh, Mr. Sisisky, Mr. Peterson of Minnesota, Mr. Bliley, Ms. Molinari, Mr. Petri, and Mr. Thomas of Wyoming.

H.R. 112: Mr. Ravenel, Ms. Pelosi, Ms. Ros-Lehtinen, Mr. Wolf, Mr. Staggers, Mr. Dellums, Mr. Rogers, Mr. Lent, Mr. Rose, Mr. Horton, Mrs. Mink, Mr. Espy, Mr. Bevill, Mr. Bacchus, Mr. Rangel, Mr. Roe, Mrs. Collins of Illinois, Mr. Owens of Utah, Mr. Lipinski, Mr. Stearns, Mr. Lancaster, Mr. Walsh, Mr. Abercrombie, Mr. Washington, Mr. Valentine, Mr. Machtley, Mr. Mrazek, Mr. Lightfoot, Mr. Bonior, Mr. Hughes, Mr. Bliley, Mr. Wilson, Mr. Jenkins, Mr. Lagomarsino, Mr. Allard, Ms. Slaughter of New York, Mr. Johnson of South Dakota, Mr. Martinez, Mr. Eckart, and Mr. Berman.

H.R. 177: Mrs. Boxer, Mr. Dellums, Mr. Bustamante, Mr. Dwyer of New Jersey, Mr. Bryant, and Mr. Jontz.

H.R. 178: Mrs. Boxer, Mr. Bustamante, Mr. Dwyer of New Jersey, Mr. Bryant, and Mr. Jontz.

H.R. 179: Ms. Slaughter of New York, Mr. Chapman, Mr. Payne of New Jersey, Mr. Costello, Mr. Sangmeister, Mr. Walsh, and Mr. Burton of Indiana.

H.R. 258: Mr. Dornan of California.

H.R. 262: Mr. Smith of Florida and Mr. Dwyer of New Jersey.

H.R. 263: Mr. Smith of Florida.

H.R. 303: Mr. Brown of California, Mr. Taylor of Mississippi, Mr. Smith of Texas, Mr. Sikorski, Mr. Miller of Ohio, Mr. Lewis of Georgia, Mr. Machtley, and Mr. McMillen of Maryland.

H.R. 371: Mr. Baker.

H.R. 451: Mr. Frank of Massachusetts, Mr. Miller of California, Mr. Jontz, Mr. Murtha, Mr. Boucher, Mr. Bonior, Mr. Lipinski, Mr. Bevill, Mrs. Lloyd, Mr. Harris, Mr. Staggers, Mr. Poshard, Mr. McNulty, Mr. Mollohan, Mr. Hubbard, Mr. Roe, Mr. Yatron, Mr. Bruce, Mr. Perkins, Mr. Wise, and Mr. Evans.

H.R. 480: Mr. Hansen.

H.R. 537: Mr. Towns, Mr. Evans, Mr. Mrazek, Mr. Ford of Michigan, Mrs. Mink, Mr. Bacchus, Mr. Durbin, Mr. McDermott, Mr. LaFalce, Mr. Roybal, Mr. McCloskey, Mr. Levine of California, Mr. Horton, Mr. Espy, Mr. Boucher, Mr. Markey, Ms. Pelosi, Mrs. Morella, Mr. Lipinski, Mr. Scheuer, Mr. Gejdenson, Mr. Stokes, Mr. Lent, Mr. de Lugo, Mr. Poshard, Mr. Johnston of Florida, and Mr. Frost.

H.R. 542: Mr. Applegate.

H.R. 550: Mr. Stark, Mr. Martinez, and Mr. Evans.

H.R. 553: Mr. Washington, Mr. Bruce, Mr. Stenholm, and Mrs. Schroeder.

H.R. 555: Mr. McCloskey and Mr. Abercrombie.

H.R. 556: Mr. Lantos, Mr. Skelton, Mr. Henry, Mr. Hochbrueckner, Mr. Lagomarsino, Mr. Lancaster, and Mr. Bryant.

H.R. 559: Mr. Costello.

H.R. 639: Mr. Armey, Mr. Coble, Mr. Clinger, Mr. Emerson, Mr. Lagomarsino, Mr. McCollum, Mr. Rohrabacher, Mr. Smith of Texas, and Mr. Wilson.

H.J. Res. 73: Mr. Saxton, Mr. Horton, Mr. Espy, Mr. Tallon, Mr. Wolf, Mr. Harris, Mr. GALLEGLY, Mrs. PATTERSON, Mr. LAFALCE, Mr. BACCHUS, Mr. RANGEL, Mr. WALSH, Mr. RAVENEL, Mr. CLEMENT, Mrs. ROUKEMA, Mr. DE LUGO, Mr. RAMSTAD, Mr. LEHMAN of Florida, and Mrs. BOXER.

H.J. Res. 79: Mr. COMBEST, Mr. INHOFE, Mr. OXLEY, Mr. RAVENEL, Mr. MARLENEE, Mr. SKEEN, Mr. BATEMAN, Mr. RAHALL, and Mr. HAMMERSCHMIDT.

H.J. Res. 81: Mr. HANCOCK, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. PETRI, Mr. PACKARD, Mr. LEWIS of Florida, Mr. HYDE, and Mr. WYLIE.

H. Con. Res. 36: Mr. BURTON of Indiana.

H. Con. Res. 37: Mr. STARK.

H. Con. Res. 44: Mr. RAY, Mr. RITTER, Mr. PETRI, Mr. SLAUGHTER of Virginia, Mr. FALEOMAVAEGA, Mr. PAXON, Mr. MAZZOLI, Mr. BEREUTER, Mr. OXLEY, Mr. GILMAN, Mr. KASICH, Mr. SENSENBRENNER, Mr. CLEMENT, Mr. WALSH, Mr. BURTON of Indiana, Mr. ESPY, Mr. PALLONE, Mr. DUNCAN, Mr. WELDON, Mr. HUTTO, Mr. SKEEN, Mr. HORTON, and Mr. BARRETT.

H. Res. 12: Mr. BATEMAN, Mr. CAMPBELL of California, Mr. DOOLEY, Mr. DORNAN of California, Mr. EDWARDS of Texas, Mr. FUSTER, Mr. GUARINI, Mr. HOAGLAND, Mr. INHOFE, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY, Mr. KOLBE, Mr. LANCASTER, Mrs. LOWEY of New York, Mr. MCDADE, Mr. MCGRATH, Mr. PERKINS, Mr. PORTER, Mr. REED, Mr. RIGGS, Mr. ROE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHIFF, Mr. SLAUGHTER of Virginia, Mr. SMITH of Oregon, Mr. STEARNS, Mr. THOMAS of Georgia, Mrs. UNSOELD, Mr. VANDER JAGT, Mr. VENTO, Mr. VISCLOSKY, Mr. WASHINGTON, Mr. WHITTEN, Mr. WOLPE, and Mr. ZIMMER.

H. Res. 19: Mr. ECKART and Mr. STOKES.

PETITIONS, ETC.

Under clause 1 of rule XXII,

19. The SPEAKER presented a petition of the City Council of Seattle, WA, relative to its opposition to the impending war in the Middle East; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

LT. GEN. JOHN J. YEOSOCK HONORED FOR SERVICE AND PATRIOTISM

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. KANJORSKI. Mr. Speaker, less than 1 year ago, I stood here and honored a great patriot from my district, Lt. Gen. John J. Yeosock. Little did we know 1 year ago that we would be embroiled in a war in the Persian Gulf. Little did I know 1 year ago I would be standing here again to praise and honor Lieutenant General Yeosock, for today he is a commander of the U.S. Army ground forces in the gulf.

In my RECORD statement on March 22, 1990, I described many of Lieutenant General Yeosock's accomplishments and awards. Recently, the Wilkes-Barre Times-Leader ran an excellent article I would like to include with my remarks today.

Mr. Speaker, in the days and weeks ahead, I know we will continue to keep our brave servicemen and women who are in the gulf on our thoughts and in our prayers. Their dedication and commitment to this country is truly an inspiration to us all.

The article follows:

LEADERSHIP CAME EASY FOR LOCAL ARMY COMMANDER

(By Tracy Jordan)

If American guard forces are engaged in the allied war against Iraq, a general originally from Plains Township may tell the world about the U.S. Army's efforts to eject Saddam Hussein from Kuwait.

As commander of nearly all U.S. Army forces in the Middle East, one of Lt. Gen. John J. Yeosock's duties will be to direct press conferences, just as Air Force Lt. Gen. Charles Horner did Friday.

Horner and Gen. E. Norman Schwarzkopf, who coordinates each branch of the service, showed the world press videotapes of five, first-day attacks in which laser-guided bombs blasted targets in Iraq and Kuwait.

Since Operation Desert Shield started, Yeosock has remained out of the spotlight except for one instance, when he lambasted a senior officer who said ground forces wouldn't be combat-ready until February.

Lt. Gen. Calvin A.H. Waller's pessimistic comments made in late December sparked Yeosock's response.

"Clearly we are ready to perform whatever mission we are called upon to carry out," Yeosock said, promising "a violent, fast battle, if war begins.

With war underway Yeosock's brothers, David and Michael, have been watching the events in the Middle East closely. They expect their brother's involvement to amplify.

The two local funeral directors, although confident of success, still worry about their brother's safety.

Once the ground battles start, Michael Yeosock said, "That's going to be the bad part and when we're going to have casualties."

Three months after Iraq's Aug. 2 invasion of Kuwait. Yeosock wrote to David and 56-year-old Michael Yeosock, who also runs the Wyoming Valley Airport in Forty Fort.

"The next big influx of troops is a real challenge. Did you ever think that the largest Army assembled since World War II is soon to be here under my command? It doesn't make sleeping easy, when one considers the responsibility of these young soldiers. Thanks for your support."

Since the Nov. 19 letter, David and Michael haven't heard from their brother, but they have followed his exploits through articles written in military and national newspapers.

Yeosock couldn't be reached for comment, despite numerous efforts.

DESERT DAYS

Yeosock is no newcomer to the harsh desert life of the Middle East.

For two years, beginning in June 1981. Yeosock was stationed there as the project manager for the Saudi Arabian National Guard Modernization project.

He and his wife, Betta, made Saudi Arabia their home, while their son, John, attended college in Texas and their daughter attended high school in Rome.

David Yeosock also spent several months in Saudi Arabia with his brother and sister-in-law, learning about the Arab culture.

It was a rare opportunity for the fifth-grade teacher, who joined his brother at meals with Saudi dignitaries, including King Fahd.

Learning to keep the soles of your feet flat on the floor and eating without utensils were just a few of the experiences he and his brother shared.

Because his brother was considered a V.I.P., David said he was extended all of the same privileges, including being offered a rare delicacy—a goat's eye.

Luckily, he said, his interpreter tactfully gave the eye "to someone more deserving."

While Yeosock is in Saudi Arabia this time, Betta Yeosock is staying in Germany with her daughter, Elizabeth J. Funk, wife of Army Capt. Paul Funk, who was ordered to Saudi Arabia three weeks ago.

Although her husband calls once a week, she doesn't ask any questions about his work or plans the United States has to remove Saddam Hussein from Kuwait.

"He never says anything on the phone, and I've learned not to ask," Betta Yeosock said from Germany last week. "It's just reassuring to hear his voice. The only indication I get is that he's tired."

She's been following her husband around the world for 30 years, but she said she will never adjust to the separations.

"It's our way of life so we learn to deal with it, but believe me, you never get used to being without your husband. It gets more difficult."

HOMETOWN HERO

Since receiving his third star in March 1989, Yeosock has become a hero in his hometown, and those who know him feel more at ease having one of their own in charge of U.S. Army forces.

"I believe the men that are serving under him are very lucky to have such an excellent leader, said Gus Genetti, who attended Valley Forge Military Academy with Yeosock nearly 40 years ago "If I knew I was going into battle, I would want someone of his caliber at the head of my organization."

American Legion Post 558 on East Carey Street named its main-dining room after Yeosock during a testimonial dinner honoring him two years ago.

Pete Baller, a member of the post, remembers Yeosock as a young boy.

"We watched him grow up," said Baller, whose family owned a service station next to the Yeosock Funeral Home. "He was well known in town."

According to Baller, Yeosock is ready for the strains of war.

"He's a career man and he's prepared for it," Baller said.

At the L.A.N.I. Veterans of Foreign War Post in Irishtown, Yeosock's photo also hangs near the entranceway.

Veteran Michael Basta, of Laflin, said he met "the cigar-smoking general" on two occasions.

"He's a down-to-earth general and very responsive to the rank and file," Basta said. "I don't think his rank in the military went to his head."

BEGAN IN 1952

Yeosock's military career began in his parent's Plains Township funeral home in 1952, when a colonel from the Valley Forge Military Academy arrived on a recruiting mission.

David describes his brother's passage into military life as "absolutely fate," since it was he who had applied to the academy and not his older brother.

David, a 51-year-old teacher at the Dan Flood Elementary School and a funeral director, laughs about it now, but when the colonel arrived, "I was shaking in my shoes, because I thought they were taking me away. The colonel, dressed in a full uniform, was very strict and stern looking."

Since their parents weren't home, David, worried he was about to be drafted, went upstairs and told his brother to talk to the colonel for him.

By the time their parents returned, John Yeosock was signing admission papers to the academy.

It was the beginning of a career that in August 1990 put the 53-year-old general at the helm of all U.S. Army forces, with the exception of special operation forces, under Operation Desert Shield turned Operation Desert Storm.

Before heading to Saudi Arabia, Yeosock had nearly a million men and women under him as deputy commander of Forces Command and commander of the Third Army, headquartered at Fort McPherson in East Point, Ga.

The Third Army, which won fame as the force Gen. George S. Patton commanded during World War II, played a major role in the Battle of the Bulge in December 1944.

In August 1990, it became the top Army component of the U.S. Central Command putting all American soldiers, both active

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and called-up reservist, under Yeosock's charge in Saudi Arabia.

BASEBALL ASPIRATIONS

Before the colonel's unexpected visit, John Yeosock hadn't considered the Army as a career, even though many of his father's six brothers and sisters served during World War II.

According to David, "He had no intention of going into the military, he wanted to be a baseball player."

David said his brother, who played second base with several local teams, spent entire summers on the diamond and slept with his baseball mitt under his pillow.

He gave up that habit 38 years ago, when he joined Genetti and a few other local residents at Valley Forge.

Genetti, owner of Genetti's Best Western Inn, lived at the academy on the same dormitory floor as then Cadet Second Lt. Yeosock.

Although Yeosock continued to play baseball at Valley Forge, the military life seemingly seeped into Yeosock's soul, according to former classmates.

"Valley Forge gave him his first taste of military life and apparently he liked it," Genetti said.

Genetti was two years younger than Yeosock, but he said, "Even then his superior leadership was recognizable—even to a 14-year-old."

Others in the company often looked to Yeosock for advice, according to Genetti.

"He had a leadership charisma, which exuded confidence and trust," Genetti said. "I remember talking to him a few times and always feeling better afterward. When he was around, things would always go right."

Dr. William Smedley, of Kingston, graduated from Valley Forge with Gen. Norman Schwarzkopf in 1952—the same year Yeosock entered the academy.

"You know how some guys stand out, well these guys were noticeable fellows," Smedley recalled.

Schwarzkopf became a four-star general and is Yeosock's immediate supervisor before Colin Powell and the President, according to Michael Yeosock.

Although Smedley graduated two years ahead of Yeosock from the academy, he said "on hindsight, you could tell he was someone special."

Following Yeosock's first year at the academy, he was chosen as "Outstanding Plebe," and in 1955, he graduated cum laude from a class of 177.

His entrance into the Valley Forge Military Academy at the age of 15 marked the end of his life on South Main Street with his parents and brothers.

It also marked the beginning of a scrap book that his late mother, the former Elizabeth "Betz" Petras, put together to track her son's life.

Photos of Yeosock receiving awards from different generals and his role as one of the Three Kings in a Christmas play open the book that now includes pictures of him with Saudi Arabia's King Fahd.

"The first year that he was at Valley Forge we made 28 trips to visit him," David Yeosock said. "I remember leaving early in the morning, when it was still foggy."

His late father, John A. Yeosock, visited his son as often as possible to hear him deliver sermons at The Alumn Memorial Chapel of St. Cornelius the Centurian at Valley Forge Military Academy and Junior College.

The non-sectarian services were a favorite for the patriarch of the family, who died in 1978, according to David.

Michael, then a student at Penn State University, remembers his brother as "eloquent" during the sermons.

"He was always very verbal and a good communicator," Michael said.

Since their mother's death last April, David, with Michael's help, has taken over as the family historian to follow the adventures of their three-star general.

FORESHADOWED FUTURE

Even before Yeosock joined the academy, friends and classmates said they recognized a certain demeanor about him that they predicted would catapult him into a position of power, earning honors few realize in a lifetime.

As children, the three Yeosock brothers became regulars at their Uncle Frank "Bob" Yeosock's bar on River Street in Plains Township.

David said he and his older brothers were "like the three musketeers," during those days.

When at Yeosock's tavern, John matched wits with the men and coal miners playing checkers.

"He could communicate on an adult level before he was an adult," according to Jack Tokach, a former classmate.

When he thinks about Yeosock as a young boy, Tokach said, "You get a sense of greatness that was already building. He had a certain dignity and moral code."

A SPACE-FARING CIVILIZATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, 5 years ago today, January 28, tragedy struck our Nation with the loss of seven brave men and women in the space shuttle *Challenger* accident. By a quirk of fate, yesterday marked the 24th anniversary of another tragedy, the Apollo accident, when three American astronauts lost their lives in a launch pad fire.

This evening, citizens of Lompoc, CA, will gather in the public library to commemorate those 10 brave men and women, and to mark two other events of a more positive nature: the third anniversary of the formation of the Western Spaceport Chapter of the National Space Society, and the celebration of "Reach for the Stars Day" nationwide.

Reach for the Stars Day commemorates the vision of our astronauts and our space program as a whole. It was the day chosen by the National Space Society to officially recognize the formation of its Western Spaceport Chapter in 1988. It also stands as a symbol worldwide of the goal of the National Space Society to create a space-faring civilization here on Earth.

Mr. Speaker, when historians write of this era, they will undoubtedly note both the triumphs and the tragedies of the space program. Hopefully, they will record how our Nation rose from the Apollo and *Challenger* tragedies to fulfill the vision of the astronauts, our star travelers, as they extended our frontiers into space.

No undertaking of such difficulty is without tragedy, but no one was more willing to brave danger than the astronauts themselves, for they believed the goal was worth the effort.

It's with both pride and humility, Mr. Speaker, that I extend to the National Space Society and to the Western Spaceport Chapter, our sincere good wishes as they carry on the tradition of a space-faring people, to always reach for the stars. Ad astra.

ARAB AMERICANS SHOULD NOT BE SINGLED OUT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. MAZZOLI. Mr. Speaker, America was founded on the principles of equal justice and equal protection for all citizens.

During this gulf crisis, law enforcement authorities, who have heavy responsibilities to protect us from possible terrorist activities, must be watchful not to infringe upon the very freedoms, protections, and rights guaranteed by our Constitution.

Recent reports of possible overreaction by certain officials of the Federal Bureau of Investigation—one of the premier and respected law enforcement agencies in the world—need to be considered carefully. The careful balance which must be maintained between protecting civil rights and protecting public safety is never easily accomplished. But, we all must strive mightily for that elusive balance, especially in times of national stress and strain such as experienced right now.

I commend to the attention of my colleagues an editorial from the January 16 edition of the Washington Post which describes the situation in a calm, measured manner:

[From the Washington Post, Jan. 16, 1991]

SINGLING OUT ARAB AMERICANS

The gulf crisis has raised the threat of terrorism—instigated by Saddam Hussein and directed against American targets both abroad and in this country. Hence, the increased security at federal buildings and airports, and the decision of the Immigration and Naturalization Service to photograph and fingerprint visitors holding Iraqi and Kuwaiti passports. These have been telling signs of a nation assuming a wartime footing. Given the pronouncements out of Baghdad, these countermeasures are inconvenient but necessary security precautions against possible terrorist attacks.

Yet it is exactly at times such as these that government must take care not to circumscribe the rights and freedoms of its citizens. Regrettably, that may have happened last week during the course of a special Federal Bureau of Investigation program focused on Arab Americans.

FBI agents contacted more than 200 Arab-American business and community leaders across the country, ostensibly to inform them of the bureau's intention to protect them against any backlash from the Persian Gulf crisis. Investigating and prosecuting hate crimes and ethnically motivated violence spawned by Middle East turbulence is a legitimate job of federal law enforcement officials, so that aspect of the bureau's initiative was welcomed by Arab Americans. But FBI agents also used the occasion to gather intelligence about possible terrorist threats. This is where the FBI quickly wore out its welcome.

Organizations representing Arab Americans contend that agents asked citizens about their political beliefs, their attitudes toward the Persian Gulf crisis, Saddam Hussein and their knowledge or suspicions about possible terrorism. Deputy Attorney General William P. Barr denies any FBI intention to intimidate Arab Americans, as some community leaders fear. "At the same time," he says, "in the light of the terrorist threats . . . it is only prudent to solicit information about potential terrorist activity and to request the future assistance of these individuals."

But why does the government presume that Americans of Arab descent should know about "potential terrorist activity" or that this group of Americans is any more knowledgeable about such activity than any other? FBI spokesman Thomas F. Jones says it's because the bureau is aware of a number of terrorist organizations in the United States that "consist of people of Middle East descent" and that the "possibility exists that [terrorists] are living in Arab-American communities." In that way, he said, Arab Americans "could come into possession of information on potential terrorist acts."

It is a perilously flimsy rationale. It leaves the U.S. government wide open to the accusation that it is dividing Americans by ethnic background and singling out one group as a suspect class. If that were true, the government's conduct would clearly be constitutionally offensive and morally repugnant. To imply that Arab Americans—some of whom are members of families that have been in this country since the turn of the century—may have a special link to terrorists is both insidious and harmful. The government cannot go around making judgments and presumptions about citizens on the basis of their descent.

Like all Americans, Arab Americans have the right to be accepted and treated as *individuals*, and the government has a constitutional duty to observe and protect that right. Neither should the government invade the privacy or trample the dignity of one class of citizens. What is being seen now recalls the negative stereotyping that served as a basis for the shameful treatment of Americans of Japanese ancestry during World War II. Such stereotyping, with its ugly and unfair implications, should not be allowed to take hold.

JOSE MARTI BENEVOLENT ASSOCIATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great honor and much pride that I wish to recognize the Jose Marti Benevolent Association of Miami Beach, FL.

The Jose Marti Benevolent Association was founded on May 19, 1986, through a committee dedicated to honoring Cuban patriot Jose Marti and organized by Luis Hernandez and his two children, Luis Hernandez, Jr. and Iris Hernandez, as well as Roberto Egues and Carlos Deman.

On January 27, 1991, the Jose Marti Benevolent Association will celebrate an event commemorating 138 years of Jose Marti's birth. This event, honoring Marti, will take place at the Miami Beach Library in Miami Beach, FL.

Marti was born in Havana, Cuba, on January 28, 1853, and he was a writer and a poet as well as a great patriot. Among his many famous works he wrote "La Rosa Blanca," "La Nina de Guatemala," and "Los Zapaticos de Rosa." In addition to his provoking work, Marti was recognized for bringing forth unity of those exiled. He sought asylum in the United States during the War of Independence from the Spanish. While in exile, Marti worked on behalf of the revolution taking place in his country, and he raised money for the war against Spain.

Marti died in battle on May 19, 1895, in Dos Rios in the province of Oriente, Cuba. He is recognized by his compatriots as the Cuban Apostle.

It is for his devout and earnest respect for his country that the Jose Marti Benevolent Association has decided to honor Jose Marti. The members of the association are to be thanked for their efforts in honoring Marti. They are as follows: Luis Hernandez, Sr., president; Iris Hernandez, George Cardet, secretary; Antonio Cartas, Julio Asseo, Pedro Betancourt, Andres Herrata, and Robert Egues.

A TRIBUTE TO PAUL TAGLIABUE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LANTOS. Mr. Speaker, with the memory of a great Super Bowl still fresh in our minds, I rise today to pay tribute to a man whose contribution to the game cannot be measured in yardage, passing percentages, or points. That man is Paul Tagliabue, the commissioner of the National Football League.

Born in Jersey City, NJ, in 1940, Mr. Tagliabue demonstrated early in his life the talents and abilities that have enabled him to rise to the top. He is truly an exceptional individual worthy of this body's recognition and praise. An athlete, a scholar, a businessman, a family man—Mr. Tagliabue excels in all that he puts his hand to.

Known to his Hoya teammates at Georgetown University as "Mr. Chairman of the Boards," Paul Tagliabue was a model of hard work and diligence on the basketball court. His grit was an inspiration to those with whom he played. But he was more than just an athlete at Georgetown, where he graduated in 1962.

He was able to balance his love of sports with his academic studies. The combination of his natural scholastic talents and his work ethic culminated in his being named a Rhodes Scholar finalist—a crowning academic achievement.

In 1965 he graduated with a degree in law from New York University, where he edited the Law Review. His professional career has been nothing short of meteoric. After a clerkship with the U.S. claims court, Mr. Tagliabue worked for 3 years as a defense analyst with the Department of Defense. He then joined the Washington firm of Covington & Burling, where his professional association with the National Football League began. In 1989, he was named commissioner after a fractious election.

In the ensuring months and years, he has proven a most worthy choice. Putting the difficult election behind him, his administrative talents and leadership ability quickly won the praise of his colleagues, the media, and the fans of the game. Clearly, he has placed the NFL on the right track heading toward the 21st century.

Mr. Speaker, those who are lucky enough to know Mr. Tagliabue know him as a man of integrity and vision. A devoted husband of 26 years to his wife, Chandler, and the proud father of two daughters, Drew and Emily, he is a rare breed indeed. It is my hope that when we gathered with family and friends to watch the New York Giants prevail over the Buffalo Bills in a great game, we remembered the man off the field and his considerable contribution to the game.

SUPPRESSING DISSENT IN THE BALTIC STATES

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. COSTELLO. Mr. Speaker, most of the Nation's attention is understandably focused on our service men and women in the Persian Gulf. However, other events deserve our attention and concern, particularly regarding the Soviet Union and that country's use of military force to suppress dissent in the Baltic States.

In the last week, thousands of Lithuanians gathered at the national parliament building to protect it from aggressive Soviet troops. At least 19 people were killed and hundreds wounded in attacks ordered by authorities in the Soviet leadership. This does not bode well for future United States-Soviet relations, certainly given their attempts in the past several years to open their society to more freedoms and political debate.

We cannot allow this crackdown on Baltic self-determination to go unrecognized, because if it does, it will hamper any other efforts toward democratic freedoms throughout the Soviet Union. I am certain that constituents in my district, many of whom are of Lithuanian, Ukranian, Estonian and Latvian descent, are horrified by the events that have occurred this week.

I recently cosponsored legislation to withhold from the Soviet Union "most favored nation" status until Moscow ends economic and military action against the Baltic States, withdraws all troops, and recognizes the independence of those countries.

Mr. Speaker, it is my hope that with continued pressure by the international community, we can lead a call for restraint that will lead to greater democratic expression in the Soviet Union.

COMMEMORATING THE 30TH ANNIVERSARY OF THE MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. CARDIN. Mr. Speaker, Saturday, March 9, 1991, marks the 30th anniversary of the Maryland State Association of B'nai B'rith.

B'nai B'rith is the world's oldest and largest service organization, setting an example of community service for 148 years.

As we all know, organizations such as B'nai B'rith are able to do so much good because of dedicated and exceptional members. One such individual, Frada A. Wall, will be inducted as the new president of the Maryland State Association on March 9, 1991. Ms. Wall is a two-term past president of the David Lester Maccabiah Sabra Unit with a history of several years of community service.

Ms. Wall will succeed Hal Kuperberg who is completing a distinguished 1-year term as president.

It is a pleasure to call the 30th anniversary of the Maryland State Association of B'nai B'rith to the attention of the House. With service organizations such as B'nai B'rith and individuals like those being honored, our work as public servants in Congress is made that much easier and that much more pleasurable.

GOOD SHEPHERD PRESBYTERIAN CHURCH OF JOPPATOWNE, MD, CELEBRATES 25TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to congratulate the Good Shepherd Presbyterian Church of Joppatowne, MD, on the occasion of their 25th anniversary.

On Saturday, January 26, I will have the pleasure of attending the 25th anniversary celebration and look forward to sharing in the fellowship of the evening's events. For a quarter of a century the Good Shepherd Presbyterian Church has attended to the needs of the community of Joppatowne with the warmth and caring that only the church can provide.

The important role Good Shepherd Presbyterian Church plays in the surrounding community is clearly evident. The church has been actively involved with youth groups, the local high school, fuel funds, food distribution, and a day care center. in addition, the congregation also takes an active role in the community as many church members are involved in various community organizations and functions.

The hard work and dedication of the Good Shepherd Presbyterian Church to the community and its congregation is truly commendable. Our Nation is greatly indebted to the work of such churches throughout the entire country.

It is with great respect and admiration that I congratulate them upon their 25th anniversary. I extend my personal thanks and gratitude for the work of churches such as the Good Shepherd Presbyterian Church in Joppatowne, MD.

May God continue to bless Good Shepherd Presbyterian Church and the United States of America.

THE SUCCESS OF U.S. HIGH-TECHNOLOGY WEAPONS SYSTEMS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, the success to date of U.S. high-technology weapons systems in the Persian Gulf is gratifying for many reasons, primarily because of the number of lives which have undoubtedly been spared on both sides.

United States Tomahawk cruise missiles were used with great effect at the start of the conflict, disabling Iraqi defenses and destroying strategic targets deep within Iraq with virtually no risk to American forces and minimal risk to Iraqi civilians. The accuracy and success of the Tomahawk is in part a reflection of the development testing of the missile performed in Ventura County, at the Point Mugu Naval Base, during the past decade. U.S. planes flying missions over Iraq were protected by electronic counter-measure pods manufactured by Raytheon, Goleta, in Santa Barbara County. Similar systems installed on naval vessels at Port Hueneme Naval Base are protecting our sailors from attack. And "smart" weapons developed during sea trials off Ventura County have increased the success and reduced the need for multiple sorties by Navy fliers.

Other systems, notably the Patriot, also built by Raytheon, have successfully defended United States ground forces and civilians in Saudi Arabia, and are being deployed to protect Israeli cities from Scud missiles. The Patriot technology is derived in part from the strategic defense initiative.

I think it's appropriate to acknowledge the contributions made by these companies and their employees in saving American lives and, hopefully, shortening the war. We all want a quick end to this conflict, and we are grateful to our service men and women and our defense workers for their service to the Nation.

CAMPAIGN FINANCE REFORM ACT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. KANJORSKI. Mr. Speaker, on the first day of the 102d Congress I reintroduced legislation I originally drafted and introduced last year, H.R. 133, the House of Representatives Election Campaign Reform Act of 1990.

In order to restore the confidence and trust of the American people in their Government it is imperative that the 102d Congress enact campaign finance reform legislation. Its passage must be a top priority for the President, the congressional leadership, and rank and file Members of the House and Senate.

H.R. 133 is an effort to bridge the gap between the parties over campaign finance reform by enacting meaningful, but fair and balanced reforms. It encourages honest competition and will help to further the goal of a government, "of the people, by the people, and for the people."

As a Member of Congress who knows how difficult it is to defeat an incumbent, because I did so, and as one who has experienced a campaign where my wealthy opponent spent over $1½ million and outspent me more than 2 to 1, I have a strong sensitivity and appreciation of what kinds of campaign finance reforms our Nation needs. My campaign finance reform bill may serve as a blueprint to guide us past the partisan wrangling we have experienced previously.

This comprehensive campaign reform bill addresses all of the most pressing issues in campaign finance reform: from the growth of Political Action Committees [PAC's] and the declining influence of small contributions from individuals, to independent expenditures, the unfair advantages of candidates who are personally wealthy, and PAC's controlled by elected officials.

H.R. 133 also contains stiff criminal penalties for individuals who violate Federal election laws.

Many of the provisions contained in this legislation are based on proposals originally recommended by Dr. Norman J. Ornstein, resident scholar at the American Enterprise Institute for Public Policy Research. Dr. Ornstein is a nationally known and well-respected scholar of the American political and constitutional systems. He is held in high regard by members of both parties, which is why his ideas may help us move beyond our past partisan differences.

The cornerstone of H.R. 133 is the significant reduction in the amount of money Political Action Committees [PAC's] may contribute to candidates and the strong new incentives to encourage small contributions from in-State contributors.

The bill provides both a tax credit and a Federal matching payment for individual contributions of $200 or less to qualifying candidates who are running for Congress in the contributor's home State.

In order to qualify for matching funds, a candidate must agree not to spend more than $100,000 of his own money on the campaign, and must raise at least $25,000 in contributions of $200 or less from in-State residents. A voluntary income tax checkoff, similar to the one already used to finance Presidential elections, is created to provide the Federal matching funds.

H.R. 133 also slashes the maximum a Political Action Committee [PAC] may contribute to a candidate from the current $5,000 to no more than $2,000.

I would like to share with my colleagues a full section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS OF H.R. 133, THE ELECTION CAMPAIGN REFORM ACT OF 1991

Section. 1. Short title.

The act may be cited as the "House of Representatives Election Campaign Reform Act of 1991".

Section 2. Limitation on contributions to House of Representatives candidates by political action committees.

Reduces from $5,000 to $2,000 the maximum contribution a political action committee may make to a candidate per election.

Section 3. Credit for contributions to congressional campaigns.

Provides a 100 percent tax credit for the first $200 (or $400 in the case of a joint tax return) in personal contributions an individual makes to a House candidate running from the same state.

Section 4. Designation of income tax payments to the House of Representatives campaign trust fund.

Provides for a $2 tax credit check-off on indivdual federal tax returns to be paid to the "House of Representatives Campaign Trust Fund.

Section 5. Establishment of the House of Representatives campaign trust fund.

Creates a House of Representatives Campaign Trust Fund under the Secretary of the Treasury to receive funds derived from the $2 check-off on individual tax returns and authorizes expenditures from the trust fund to certified candidates who have raised not less than $25,000 in contributions of $200 or less from individual contributors from their states.

Section 6. Amendment to the Federal Election Campaign Act of 1971 relating to reporting of individual resident contributions in elections for the Office of Representative.

Requires House candidates to report to the FEC when they have raised more than $25,000 in contributions of $200 or less from individuals residing in their states and requires the FEC to certify this to the Secretary of the Treasury.

Section 7. Amendment to the Federal Election Campaign Act of 1971 relating to matching payments from the House of Representatives campaign trust fund.

(a) Entitles House candidates to matching funds from the trust fund for the frist $200 in contributions from individuals who reside in the state.

(b) Limits maximum total aggregate matching payments to $300,000.

(c) In order to receive the matching payments, House candidates are required to certify, under penalty of perjury, that neither they, nor their family, shall furnish more than $100,000 in personal funds or loans for the campaign.

Establishes penalties of up to $25,000 in fines and/or 5 years in prison for violations of any certification that a candidate will not exceed $100,000 in personal funds.

(d) Provides that if a candidate for the House funds refuses to make a certification that he/she will not spend over $100,000 in personal funds, that candidate's opponents may receive matching funds for up to $1,000 in contributions from individuals regardless of their of residence.

(e) Allows opponents of a House candidate, who violates a certification to limit personal spending to $100,000, to receive from the trust fund payments equal to the amount of personal funds contributed by the violating candidate in excess of $100,000.

(f) Permits certified House candidates who are the target of independent expenditures which exceed $10,000 to receive from the trust fund an amount equal to 300 percent of the amount of the independent expenditure. Persons found to have willfully or intentionally sought to subvert the intent of subsection may be fined up to $25,000 and/or imprisoned for up to 5 years.

(g) Requires the repayment to the trust fund of a portion of any excess campaign funds after the election in an amount equal to the pro rata share that trust fund payments accounted for of the candidate's total aggregated receipts from all sources for the election. Repayments to the trust fund shall not exceed the total amount received from the trust fund.

(h) Requires the FEC to issue regulations to biennially index the provisions of subsection (a).

Section 8. Amendments to section 304 of the Federal Election Campaign Act of 1971 with respect to independent expenditures.

Requires the reporting to the FEC, within 24 hours, of any independent expenditure in a House race which exceed $10,000, and a statement as to which candidate the independent expenditures are intended to help or hurt. Requires the FEC to notify each candidate of the independent expenditures within 24 hours.

Section 9. Amendment relating to broadcast media rates and disclosures.

(a) Requires broadcast stations to offer their lowest rates, to House qualifying candidates who have agreed to limit personal spending to $100,000, for commercials which are 1 to 5 minutes in length.

(b) Requires the inclusion of the statement "This candidate has not agreed to abide by the spending limits for this Congressional election campaign set forth in the Federal Election Campaign Act" in any broadcast or print advertisements of House candidates who refuse to agree to limit personal spending to $100,000.

Section 10. Penalties.

Makes it unlawful to furnish false information to, or to withhold information from, the FEC, punishable by up to $10,000 in fines and/or up to 5 years in prison.

Section 11. Restrictions on control of certain types of political committees by candidates.

Prohibits House candidates from establishing, maintaining, or controlling a political committee other than an authorized committee of the candidate.

Section 12. Authorization of appropriations.

Authorizes such sums as are necessary to carry out the Act.

Section 13. Effective date.

Provides for the provisions of the Act to take effect after December 31, 1990.

Section 14. Severability.

If any provision of the Act is held to be invalid, this will not affect the other provisions of the Act.

MIAMI JEWISH HOME AND HOSPITAL FOR THE AGED 45TH ANNIVERSARY GALA CELEBRATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it gives me great pleasure to recognize 45 years of compassionate service to the community by the Miami Jewish Home and Hospital for the Aged at Douglas Gardens [MJHHA]. It serves as a beacon of hope in an area which is home to many of our country's ever-increasing aging population.

From a 23-bed retirement home opened in 1945, MJHHA has grown into one of the most comprehensive geriatric care centers in the Southeastern United States; a true leader in their field. The facility has been named one of only eight national test sites for a federally funded Medicare Alzheimer's project, and has served as the site for the American Healthcare Association's educational videos documenting the reduction of physical and chemical restraints. The State Department has referred foreign countries to MJHHA who seek advice on their aging population.

MJHHA now serves more than 8,000 south Floridians each year with an array of services including adult day care, Alzheimer's programs, at-home, long-terms, and skilled nursing care, research, technology and other health-related programs and services. Last year alone, it has provided more than $10 million in free health care services to our community. I have seen their 19-acre campus which is home to a geriatric ambulatory health care center, a nursing home, rehab center, hospital, and out-patient services. I fully support the wonderful services they provide.

On February 2, 1991 MJHHA will be celebrating its 45th anniversary gala at the Doral Ocean Beach Resort in Miami Beach, FL. I would like to extend my deepest appreciation for the selfless efforts of all those who make this organization so special. The officers include: Irving Cypen, chairman of the board; Harold Beck, president; Aaron Kravitz, Albert Ossip, Arthur Pearlman, Leo Rose, Jr., past presidents; Lilyan Beckerman, Harry Chernin, Jack Chester, David B. Fleeman, Solomon Garazi, Leo Gelvan, Irene Gruber, Nathan Gumenick, Lila G. Heatter, Harry A. Levy, Martin Margulies, Sam May, Polly deHirsch Meyer, Charles G. Reskin, Rowland Schaefer, Edward Shapiro, Fay Stein, Louis Stein, Harold Topple, Florence Weisberg, honorary vice presidents; A Jeffrey Barash, Stephen H. Cypen, Ronald Fieldstone, B.B. Goldstein, Carol Greenburg, Arthur P. Mark, Dr. Jon Rauch, vice presidents; Helen G. Rechtschaffer, treasurer; Alberto Barrocas, corresponding secretary, Ben Botwinick, financial secretary; Wayne Cypen, recording secretary; and Gladys Israel, associate recording secretary.

A TRIBUTE TO STAVROS DIAMANTIS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to an otherwise ordinary man who performed extraordinary deeds in a time of great crisis. He is a man most worthy of this body's recognition and praise, embodying qualities of honor and courage to an extent seldom seen.

The man to whom I wish to pay tribute is Stavros Diamantis, a native of Larissa, Greece. During the Nazi occupation of his town, Mr. Diamantis hid, at the obvious risk of his own life, four Jewish families from their murderous prosecutors.

Mr. Speaker, it is most difficult to characterize or comprehend the kind of courage and bravery reflected in the actions of this one man. How can one understand an altruistic act in which a man risks all that he has, including his life, to save the lives of strangers?

Mr. Diamantis represents the very best among us. His willingness to recognize, confront and, in his own way, defeat the tyranny surrounding him is a most inspiring lesson.

Ezra Moissis, one of the 20 Jews saved by Mr. Diamantis, said at a recent ceremony honoring his actions against the Nazi's brutal aggression, "Escaping the hell of the Nazi persecution, our good fate led us here where we found hospitality, tenderness, love, and interest. All the houses in the village were open to us and the house of Mr. Diamantis especially, for whom our gratitude is unlimited."

Mr. Speaker, Mr. Diamantis is a profound and shining example of how we, as individuals, are empowered to resist the forces of institutionalized aggression, hatred, and terror that characterized the Nazi era. In a time when it would have been easiest to turn a blind eye and tacitly allow the atrocities to occur. Mr. Diamantis made his stand. He showed through his actions that his loyalty was to his humanity and to a civilized world. It is with a sense of great honor and obligation that I rise and pay tribute to him today.

COMMEMORATING THE BIRTHDAY OF DR. MARTIN LUTHER KING, JR.

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. MAZZOLI. Mr. Speaker, on January 21, 1991, we in America paused to mark the anniversary of the birthday of the Reverend Dr. Martin Luther King, Jr.

With much pride, I join my fellow Americans in honoring his memory as a man of peace and as a man devoted to human and civil rights.

Dr. King is recalled as the dominant force in the civil rights struggle. While many advances have been realized since he passed away at the hands of an assassin, there remain "miles to go before we sleep."

The greatest tribute we in Congress could pay Martin Luther King, Jr., would be to pass H.R. 1, the Civil Rights Act Amendments of 1991. I was a proud cosponsor of this measure in the last Congress and I am a cosponsor in this Congress.

While the 1990 version of the Civil Rights Act amendments was passed with solid margins in both the House and the Senate, the President felt it necessary to veto the bill. His veto was sustained.

I hope the President will take a careful look at the 1991 bill, which I feel sure will pass, in the hope he can see his way clear to signing it into law..

JUDGE LEE COOPER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise to take note of the retirement this month of Judge Lee E. Cooper, Jr., presiding judge of the Ventura County, CA, Municipal Court, and a longtime friend and colleague.

Lee has served on the municipal bench for 20 years, and as presiding judge of the court for the last three terms. As presiding judge, he has streamlined the court, putting into place methods for reducing the time and inconvenience to victims, witnesses, and jurors. He is widely recognized for his ability to settle cases and as a dynamic and resourceful jurist.

Lee is a graduate of the UCLA School of Business Administration and School of Law, receiving his doctorate in 1960. He worked as a prosecutor in the Ventura County district attorney's office before joining my law firm in Ventura, also serving as my assistant in the California State Senate. In 1970, he was appointed to the Ventura County Municipal Court by Gov. Ronald Reagan.

During the time he has served on the bench, the county—and the court's caseload—has grown enormously. Lee's administrative capability and hard work has enabled the court to keep pace with that growth. He will be sorely missed.

Lee and his wife, Jean, plan to move to Mammoth Lakes, in Mono County, where they have a home. He has agreed to remain on the bench however, until his successor is installed, and knowing Lee, I hope he will agree to serve on assignment as needed, giving us the benefit of his extensive experience.

Mr. Speaker, on behalf of the U.S. House of Representatives, I want to extend to Lee our profound thanks for his service, and my personal wishes for a happy and rewarding retirement.

CELEBRATING UKRAINIAN INDEPENDENCE DAY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, 73 years ago the people of the Ukraine rose to declare their independence taken from them more than 300 years before. The years of independence between 1918 and 1922 represented only the second brief period that the Ukraine has had complete sovereignty since the Mongol destruction of the Kiev realm in 1240 and the Polish conquest of the Volhynian Kingdom. Despite this history of domination, the people of the Ukraine have maintained their desire for independence, and preserved their distinctive cultural heritage.

The ideals established in the fourth universal—Ukraine's declaration of independence—of freedom, democracy, and self-determination on January 22, 1981, are still with us today. The events of the past year give special significance to this 73d anniversary. On July 16, 1990, the Government of Ukraine approved the Declaration on State Sovereignty of Ukraine in which it outlined the goal of increased democracy, respect for the national rights of all people, and the affirmation of sovereignty and self-rule of the people of the Ukraine. The Baltic States of Lithuania, Latvia, and Estonia have all declared their independence, and we have witnessed a great liberalization and movement toward democracy within the Soviet Union itself.

While these developments fill us with hope that the goals defined in the 1918 declaration of independence may finally be realized, the events of the past week signal the dangerous possibility of reversal and tragedy. The use of force in Lithuania to control the dissemination of information, and the formation of committees for national salvation, which are attempting to control the legitimately elected governments in the Baltic States, pose a grave threat to the newfound freedom and desire for sovereignty of the Baltic people. The dispatch of troops to Ukraine and the arrest of Ukrainian student leader Oles Donij threaten the Ukraine's peaceful transition to independence and increases the possibility of civil war.

We should celebrate the 73d anniversary of Ukraine's declaration of independence with a message of support to the valiant people now struggling for their sovereignty and freedom. While the conflict in the Middle East is absorbing so much of our attention, we must not ignore the plight of a people who have been historically dominated. We must support the basic right of all people to determine their own destiny and make clear that the violation of this right will not go unnoticed.

INTRODUCTION OF THE NATIONAL WRITING PROJECT BILL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. MILLER of California. Mr. Speaker, I am pleased to reintroduce legislation to authorize $10 million in Federal support for the widely respected national writing project [NWP], a collaborative higher education/public school initiative that provides inservice training to teachers in the area of writing.

During the last session, the House passed identical legislation as part of H.R. 5932, the Equity and Excellence in Education Act. NWP legislation had also been introduced in the Senate during the last session, but was never brought to the Senate floor.

However, the Appropriation Committees of both Houses agreed to a $2 million appropriation for the program for 1991. In order for the NWP to receive that appropriation, we must pass this authorizing legislation before September 30, 1991. I am hopeful that the 102d Congress will act quickly to pass this small but critical piece of legislation.

Today, the United States is facing a crisis in writing, both in schools and in the workplace. Studies have determined that only 25 percent of the 11th grade students have adequate analytical writing skills. Over the past two decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work. American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to them due to inadequate writing abilities.

Most teachers in the U.S. elementary schools, secondary schools, and colleges, have not been trained to teach writing.

It is not only good sense, but also good policy, to fund NWP, a program which has distinguished itself by successfully and effectively addressing the need for improved writing skills nationwide.

NWP was developed over 17 years, and is presently operating at 143 sites, most of which are in universities, in over 44 States year-round. NWP offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing. Evaluations of NWP document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability.

The project has been honored by the American Association for Higher Education and the Carnegie Foundation for the Advancement of Teaching as "an outstanding and nationally significant example of how schools and colleges can collaborate to improve American education." It has been funded for an unprecedented 10 years by the National Endowment for the Humanities, and received numerous awards.

Program needs have exceeded the funding potential of the private foundations and State and local sources that have funded NWP to date. As a result, the project has been unable to expand its number of sites, and, in fact, 13 sites in 7 States—Arkansas, Kansas, Michigan, Minnesota, Ohio, Tennessee, Texas, and the District of Columbia—have become inactive within the last year.

The legislation I am proposing would authorize the funding of 50 percent of the cost of existing sites and 50 percent of the costs of establishing new sites, with a maximum matching basis of $40,000. It would fund matching grants to teachers to conduct research on effective classroom practices and to the national writing project to disseminate information on the effective teaching of writing. It also provides $500,000 for the Office of Educational Research and Information [OERI] in the U.S. Department of Education to conduct research on the teaching of writing and on methods to use writing as a learning tool to improve the quality of education.

TRIBUTE TO THE VOLUNTEER MEMBERS OF THE OCEANSIDE FIRE DEPARTMENT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LENT. Mr. Speaker, I rise to pay special tribute to the volunteer members of the Oceanside, NY Fire Department. These courageous and dedicated individuals will be honored at a February 3, 1991, dinner hosted by the Oceanside Kiwanis Club.

It is a great pleasure for me to speak of the high level of professionalism that has been demonstrated time and again by Oceanside's volunteer firefighters. As many of the Members of this institution know, volunteers are the lifeblood of firefighting in large and small communities around the country. In fact, the Congressional Fire Services Institute reports that there are about 1.3 million volunteer firefighters nationwide, accounting for more than 80 percent of the Nation's total fire services. These volunteers receive the same intensive training and adhere to the same strict standards as professionals.

As a lifelong resident of the village of East Rockaway, a community adjacent to Oceanside, I am well aware of the excellent job that the volunteer firefighters have done over the years. I am pleased to say that by being their neighbor and Representative in this House, I have had the opportunity to spend time with them and get to know many of them. I can honestly say that I am truly inspired by their commitment to serving their community.

Mr. Speaker, that is why I say that these individuals are not only Oceanside's finest, but they are examples of true American heroes. They have taken voluntarism, as embodied by President Bush's concept of "A Thousand Points of Light," to its fullest extent. By being on call 24 hours a day, 7 days a week and by putting their lives in great peril, they have made the community of Oceanside a far happier and safer place.

While I will not be able to attend the February 3 dinner, my thoughts at that time will be with all of those gathered at the Oceanside fire headquarters to honor the community-minded spirit, hard work, and devotion of the volunteer members of the Oceanside Fire Department. To each, I offer my sincerest thanks and deepest appreciation.

INTRODUCTION OF FEDERAL EMPLOYEES RECOGNITION WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which would declare the week beginning March 4, 1991, "Federal Employees Recognition Week." It is important that we set aside a week to recognize the work of over 3,000,000 Federal employees across our country. This recognition is certainly appropriate and well deserved.

Mr. Speaker, during the last several years, Federal employees have faced repeated attempts to cut their pay, while staffing cutbacks have increased their workload. While I and my colleagues have fought to ensure decent treatment for Federal workers, we have not always been successful. Just a few years ago Federal employees had their pay frozen and Federal retirees received no cost-of-living adjustments in their pension checks. On average, the salaries of Federal employees have fallen behind the private sector by 27 percent. Despite all this, Federal workers have continued to perform duties vital to our Nation's well-being.

I believe it would be extremely valuable for the public and Congress to be reminded of how much we ask of our public servants. Declaring March 4–10 as "Federal Employees Recognition Week" will focus our attention, however briefly, on the efforts and achievements of the U.S. Government work force.

H.J. RES. —

Whereas Federal employees serve the people of the United States by enabling the Federal Government to carry out its duties in an efficient manner;

Whereas more than three million individuals are employed by the Federal Government;

Whereas many valuable services performed by Federal employees are often inadequately recognized by Federal officials and by the people of the United States; and

Whereas Federal employees should be recognized for the contributions that they make to the efficient operation of the Federal Government: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning March 4, 1991, is designated "Federal Employees Recognition Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

WHITE HOUSE CONFERENCE ON SOLID WASTE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. MAZZOLI. Mr. Speaker, in the 2d session of the 101st Congress, I introduced legislation asking the President to call a White House conference on solid waste reduction and disposal. I feel such a conference would be a major step in the direction of securing a safer and cleaner America, but it was not acted upon before the 101st adjourned.

Solid waste management continues to be a significant problem at the national, State, and local levels. In the Commonwealth of Kentucky, the General Assembly, now meeting in special session, is tackling the issue of how to handle waste both that was created within Kentucky borders and without.

In my hometown of Louisville, KY, the newspapers and the television reports are replete with stories dealing with solid waste. I have had many discussions with Mayor Jerry Abramson, with Jefferson County Judge/Executive David Armstrong, and their respective staffs on the subject of solid waste.

Kentucky and Louisville are no different from States and communities around the country. We are all faced with dealing with the garbage crisis. And, it is imperative that a coherent and coordinated national policy be developed.

Therefore, today Mr. Speaker, I am reintroducing legislation calling on the President to convene a White House Conference on solid waste reduction and disposal.

I invite my colleagues to join me as cosponsors of this legislation.

TRIBUTE TO GENE MARSHALL—CONSERVATIONIST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise to commemorate the life and work of E.D. "Gene" Marshall, a constituent, friend and lifelong conservationist who passed away recently in Ventura, CA.

Mr. Marshall, a professional forester and hydrologist, dedicated his life to preserving and improving the environment. A native of the Midwest, he earned his bachelor's degree in forestry from Purdue University, and a master's degree in the same field from the University of California at Berkeley. He spent many years as a forester, hydrologist, and teacher, and was the director of the Forest Products Laboratory in Lufkin, TX.

His vocation was forestry, and his avocation was conservation. Gene was active in the Sierra Club for 30 years, serving as chairman of the club's State conservation and wildlife committees. He served as chairman of both Las Padres and the Sespe Chapters of the club in Ventura County, and was a member of the Audubon Society, the Wilderness Society and the Ventura County Humane Society.

Gene knew the back country of Ventura and Santa Barbara County like the palm of his hand, and was particularly well acquainted with the hydrology of the area. Gene worked with me in the creation of the Dick Smith Wilderness Area in Los Padres National Forest, and more recently, in the development and presentation of a wilderness plan for the Forest, which was embodied in legislation I introduced in the 101st Congress, H.R. 1473.

When the bill was before the House Interior Committee, Gene put together and presented a comprehensive slide show detailing the natural resources and beauty of the forest, using many of his own photographs. The bill passed the House unanimously. Unfortunately, the Senate failed to consider the measure before it adjourned last year.

Mr. Speaker, later this year, I plan to reintroduce the Los Padres National Forest Wilderness bill. I can think of no better tribute to the life and work of Gene Marshall than for Congress to pass the bill, which embodies so many of the principles for which Gene worked all his life. He will be truly missed, and on behalf of the U.S. House of Representatives, I extend to Gene's wife, Delee, and his four sons, daughter, and nine grandchildren, our sincere condolences.

It can be truly said of Gene Marshall that he left this world which he loved, a little better than he found it, a goal for which we all strive, and which Gene achieved.

Gene, I will miss you.

LEGISLATION TO PROVIDE STABILITY AND CREATE SELF-SUFFICIENCY FOR OUR NATION'S DISABLED CHILDREN AND THEIR FAMILIES

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Ms. MORELLA. Mr. Speaker, I am introducing legislation today, in the 102d Congress, allowing for a deduction in the amount of the premiums paid on a life insurance contract, the beneficiary of which is a trust established for the benefit of a disabled individual. This bill would offer stability and financial security for the disabled.

The benefits of this legislation are twofold. First, the legislation ensures a disabled child's financial survival, self-sufficiency, and independence through a life insurance policy. Second, the bill allows already burdened monetary provider with a simple deduction equaling the aggregate of qualified life insurance premiums paid or incurred by the taxpayer during the taxable year.

Oftentimes, it is incumbent upon a parent or guardian to monetarily provide, in their lifetime, virtually all the care for his or her disabled child. Consequently perhaps their greatest fear is the survival and independence of his or her disabled child after his or her death.

This bill would address this most important concern by creating a strong incentive for a trust, and thereby guaranteeing the future welfare of the disabled child. Without such a bill, disabled individuals may have to constantly continue fighting for financial stability and independence once their monetary provider has passed on.

I urge my colleagues to support our Nation's disabled individuals and to support this legislation.

REFLECTIONS ON WAR

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. FOGLIETTA. Mr. Speaker, while we contemplate the hardships being endured by our Armed Forces engaged in combat in the distant sands of Saudi Arabia, I would like to share with my colleagues the following poem written by 13-year-old Nicole Lunney of Blakeslee, PA.

WAR

Disagreements, Arguing, Fighting, War,
Lives taken, lands destroyed, and a whole lot more!

Family and friends praying at mass,
In hopes everything will soon pass.

Soldiers scared, but brave and fighting strong,
"I'll be home soon . . ." Hoping, they're not wrong.

Missiles launched, tanks bombed, shots from a gun,
Too scared to move, too honored to run.
Everyone thinking of peace and hope,
Crying families unable to cope.
Shooting soldiers struggling between foe and friend,
They'll soon be home, but when?

Courageous soldiers unknowing of what to do,
Broken up families saying "we love you."

Tanks blown-up, airplanes taken down,
They're fighting in the air and on the ground.

Everyone is slowing down, weapons are dropped,
Please God, has the war stopped?

Heroes go down in history as a legend,
What greater gift to give, than their lives to the end.

Disagreement, Arguing, Fighting, War. . . .
Can anyone justify what all this was for?

PROTECTING THE RIGHTS OF ARAB-AMERICANS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. WOLF. Mr. Speaker, I would like to call my colleagues' attention to a problem which Arab-Americans now face as a result of the war in the Persian Gulf. There is growing concern that these Americans may be discriminated against because of their ethnic heritage. I would like to submit for the RECORD an editorial which appeared in the Washington Post on January 16, 1991, addressing this concern.

The President, in his meeting with Arab-American leaders on January 25, stated:

> I want to take this opportunity to make—to tell you something that bothers me, because I've heard from some and then I've read accounts that suggest Arab Americans in this country, because of the conflict abroad, are being discriminated against and it's causing pain in families in this country. And there is no room for discrimination against anybody in the United States of America. And I want you to suggest to me if there are things that I can do as President to get that message out loud and clear to every Arab American, whether he agrees with me on this war or not is unimportant.

All Americans enjoy the same constitutional rights, and there is no place for discrimination against anyone in this country. I know everyone shares President Bush's feelings.

[From the Washington Post, Jan. 16, 1991]

SINGLING OUT ARAB AMERICANS

The gulf crisis has raised the threat of terrorism—instigated by Saddam Hussein and directed against American targets both abroad and in this country. Hence, the increased security at federal buildings and airports, and the decision of the Immigration and Naturalization Service to photograph and fingerprint visitors holding Iraqi and Kuwaiti passports. These have been telling signs of a nation assuming a wartime footing. Given the pronouncements out of Baghdad, these countermeasures are inconvenient but necessary security precautions against possible terrorist attacks.

Yet it is exactly at times such as these that government must take care not to circumscribe the rights and freedoms of its citizens. Regrettably, that may have happened last week during the course of a special Federal Bureau of Investigation program focused on Arab Americans.

FBI agents contacted more than 200 Arab-American business and community leaders across the country, ostensibly to inform them of the bureau's intention to protect them against any backlash from the Persian Gulf crisis. Investigating and prosecuting hate crimes and ethnically motivated violence spawned by Middle East turbulence is a legitimate job of federal law enforcement officials, so that aspect of the bureau's initiative was welcomed by Arab Americans. But FBI agents also used the occasion to gather intelligence about possible terrorist threats. This is where the FBI quickly wore out its welcome.

Organizations representing Arab Americans contend that agents asked citizens about their political beliefs, their attitudes toward the Persian Gulf crisis, Saddam Hussein and their knowledge or suspicions about possible terrorism. Deputy Attorney General William P. Barr denies any FBI intention to intimidate Arab Americans, as some community leaders fear. "At the same time," he says, "in the light of the terrorist threats . . . it is only prudent to solicit information about potential terrorist activity and to request the future assistance of these individuals."

But why does the government presume that Americans of Arab descent should know about "potential terrorist activity" or that this group of Americans is any more knowledgeable about such activity than any other? FBI spokesman Thomas F. Jones says it's because the bureau is aware of a number of terrorist organizations in the United States that "consist of people of Middle East descent" and that the "possibility exists that [terrorists] are living in Arab-American communities." In that way, he said, Arab Americans "could come into possession of information on potential terrorist acts."

It is a perilously flimsy rationale. It leaves the U.S. government wide open to the accusation that it is dividing Americans by ethnic background and singling out one group as a suspect class. If that were true, the government's conduct would clearly be constitutionally offensive and morally repugnant. To imply that Arab Americans—some of whom are members of families that have been in this country since the turn of the century—may have a special link to terrorists is both insidious and harmful. The government cannot go around making judgments and presumptions about citizens on the basis of their descent.

Like all Americans, Arab Americans have the right to be accepted and treated as *individuals*, and the government has a constitutional duty to observe and protect that right. Neither should the government invade the privacy or trample the dignity of one class of citizens. What is being seen now recalls the negative stereotyping that served as a basis for the shameful treatment of Americans of Japanese ancestry during World War II. Such stereotyping, with all its ugly and unfair implications, should not be allowed to take hold.

DR. ERNEST EVERETT JUST, AN UNHERALDED SCIENTIFIC GENIUS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, in an age when the world is making technological, scientific and medical discoveries and advances everyday, the United States must maintain an internationally competitive science community and economy. It must meet the challenges of an array of converging demographic and educational trends. Our leadership projects an image and a need for educational advances and improvements on all levels. It is important that we continuously present models of our history who exemplified the quest for these educational advances. One such man was Dr. Ernest Everett Just.

Dr. Just, an unheralded scientific genius, was born in Charleston, SC, on August 14, 1883. He attended Kimball Academy where he completed a 4-year program in 3 years with honors. He received his A.B. degree from Dartmouth College in New Hampshire. His merits included being the only magna cum laude in his class, being elected into an honorary fraternity and also receiving special honors in zoology and history.

In 1912, Dr. Just became head of the biology Department at Howard University in Washington, DC, and held this position until his death. For 20 years Dr. Just also studied and carried out experiments with the reproductive cells of marine animals at the Marine Biological Laboratory in Cape Cod, thus improving his understanding of cell life and the functions of normal and abnormal cells. This knowledge was able to arm scientists with the knowledge needed to treat illnesses such as leukemia, sickle cell anemia, cancer and other diseases involving abnormal cell life.

There have not been many Americans who have revolutionized man's thinking through science like Dr. Just. At a time when many minorities are experiencing high dropout rates and underrepresentation in the science, math, and engineering fields it is important that through positive role models from our past and present leadership we keep hope and attainable goals alive.

A constituent of mine, Don Lyons, contacted the stamp advisory committee to request that Dr. Just be honored with a commemorative stamp in the Great American Series. I am requesting that all of my colleagues who understand the need and importance for positive role models in the field of education join me in support of the idea to commemorate a stamp for Dr. Ernest Everett Just.

WHAT HAPPENED TO THE GENEVA CONVENTION?

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. DOWNEY. Mr. Speaker, I rise today in strong support of all American personnel currently deployed in Operation Desert Storm, and especially for those American servicemen who are being held by the Iraqi Government.

This week Saddam Hussein opened a new chapter in his campaign of brutality. The parading of American and allied prisoners of war before Iraqi television was both horrifying and despicable. We will never forget the picture of these brave young men, with severe facial wounds indicating that they were tortured, forced to read statements prepared by their Iraqi captors.

In 1949, the Geneva Convention was signed to prevent this kind of treatment of prisoners of war. Both the United States and Iraq are parties to this agreement. The convention requires that prisoners of war must at all times be treated humanely and protected against acts of violence and intimidation. It prohibits torture or any form of coercion to secure information. It also requires that prisoners not be used to protect military operations from attack and must be removed from combat zones.

Iraq has violated all the articles of this convention. The captured pilots were abused and coerced. Saddam Hussein has said he will use them as human shields to prevent American and allied attacks on military targets. He has denied the International Red Cross access to the prisoners.

By repudiating the Geneva Convention, Saddam Hussein has gravely miscalculated. His action has united Americans and people throughout the world in disgust. His mistreatment of these prisoners of war has brought a chorus of condemnation of and charges that Saddam is a war criminal. The images of these brave pilots also reminds us that there are servicemen from past conflicts still missing, and that the accounting of them must be a high priority.

The disregard for human life that the Iraqi leader has shown has only strengthened our support for the brave men and women who are part of the Desert Storm operation and it has deepened our concern for their families.

A LETTER FROM THE SAUDI DESERT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, there have been many eloquent speeches about our policy in the Persian Gulf and what is at stake both strategically and in terms of American military personnel. While much attention has been given to the experts and analysts here at home, some of the most honest, straightforward comments come from those whose mission it is to carry out Operation Desert Storm; those who are putting their lives on the line for all of us. The following letter from a soldier in the desert to his parents back at home in Camarillo, CA, contains real feelings from the heart that we all can understand. They bring pride to me, as they do to Pvt. Alex Porter's parents. I pray for his safe return and for the safe return of all his comrades in arms in the Persian Gulf theater.

After reading the recent "War and Peace" articles appearing in the Daily News, we thought your other readers might be interested in a letter we received from our son, PFC Alex Porter of the 35th Armor Division, who was deployed to Saudi Arabia last December.

Alex is well-known in Camarillo. He was born and raised here, spent many fun filled years in the youth sports programs, then graduated from the Christian Church School. He attended Moorpark College, where he was Captain of the basketball team, and had offers to continue his education on basketball scholarships, but opted to join the Army.

Alex graduated from Armor Training at Fort Knox, Kentucky in May of 1990 where he received an Army Leadership Certificate. He was then assigned to a tank division in Bamburg, Germany. He was looking forward to Officer's Training School when his new orders were received.

We last spoke to him on the telephone the day after Christmas when he let us know it would be his final call from Germany. Needless to say, we took the news with trepidation. The following letter, hurriedly penned just before he left, arrived last week. I'm sure he won't mind that we shared it.

Yesterday we received a Radiogram assuring us that he had arrived safely in the desert, and to expect a letter shortly.

For all of you who have wondered what makes a soldier tick, we hope Alex's fervor explains it. And, for all the other parents and loved ones, who are waiting back here, praying and just trying to survive like we are, hang in there, our men and women in Desert Shield want and need our support.

Because we truly believe that our government, and the majority of governments throughout the world, wouldn't go to war unless they had no other choice, we back our President . . . and our son, one hundred percent. At the same time, we are praying for peace, and hoping that all our young men and women will return home safely and soon.

Many of Alex's friends have asked for his address, and so far all we have is: Pfc. Alexander N. Porter, HHC-3-35 AR, Box 17271, APO N.Y. 09139.

We're sure he'd love to hear from you.—Mike and Clo Porter, Camarillo.

"Dear Mom & Dad,

I just wanted to write you a little note to help comfort you. I know it must be really hard for you guys. I'm not a parent, so I really don't have any idea what you're going through. I mean, on one hand, Aemily (our daughter) is getting married, and on the other hand, I'm going off to a possible war. Either way you look at it, it would help me if you concentrated more on the brighter side of it all and I think it will help you as well.

I know it's easier said than done. But you both are very strong people and I know you will deal with the situation well. Mom, it just hurt to hear you cry for me. I didn't expect it. I feel good knowing that I have two parents that love me as much as I love them.

You both know and understand why I joined and that makes it easier for me to go. Just know that I'm also going for the many Americans who have gone before me for 200 years. They paid for my freedom and yours with their blood. Their sacrifice has made it possible for me to choose my own course, and that means more to me than anything else. So, if I should fall in battle in an attempt to preserve those freedoms so the rest of our nation . . . so Aemily's children . . . don't have to live and grow in a terrorized America, it will be well worth the sacrifice. Because of you I have lived the best 22 years a man could want, and because of the soldiers before me I have lived those years freely. I hope I live to see 22 more. But if I don't, don't be sad, be proud. Be proud that you had a son who, in a time when most Americans my age continue to take from society, gave.

I love you all very much. I will be okay no matter what. Tie a yellow ribbon for me and when I return we'll take it down together. Be strong for all the parents who can't.

Your son, Alex."

DUNDALK COMMUNITY COLLEGE CELEBRATES 20TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to congratulate Dundalk Community College on the occasion of their 20th anniversary.

On January 26, I will have the honor of attending a celebration of the college's anniversary. Located in Dundalk, MD, the college has dramatically grown from its early beginnings in the Dundalk United Methodist Church to a modern facility with more than 3,500 credit students and 12,000 continuing education students. Today the college offers 21 career programs, 4 transfer programs, and a community theater widely recognized for the quality of its productions.

Located in the heart of Maryland's center for trade and industry, Dundalk has witnessed change first hand and felt the decline of U.S. trade and industry perhaps more than anywhere else in Maryland. Yet, such hardships have caused the community of Dundalk to adapt and overcome adversity and Dundalk Community College has undoubtedly been in the forefront of that battle. Constantly on the move, this year will mark the opening of the college's seventh building, the Roy N. Staten Center for Business and Industry which will house the Regional Manufacturing Institute.

Such accomplishments could not be possible without the close and supportive relationship that exists between the college and the community. If U.S. Naval vessels are in port long enough while being repaired, the college has worked in conjunction with the local chamber of commerce to provide sailors with the opportunity to take courses and use the facilities in accordance with their needs.

Dundalk Community College not only is an institution of higher education, but a cultural center to the surrounding community as well. The college has developed a strong and productive relationship with the community of Dundalk and has gained a reputation for quality and integrity in higher education. Having visited the campus many times, I always am impressed by the devotion the college has to the community as well as its commitment to professionalism and excellence.

Dundalk Community College constantly has worked to strengthen its involvement in the community and was rated first among colleges in Maryland for the percentage of service to the local community. In addition, the college has been a leader in work force literacy programs, technical and manufacturing training and customized training. Such programs have proven highly successful and productive for both the college and industry.

Despite often valid claims that the quality of education in our country has greatly suffered, I am confident that institutions such as Dundalk Community College are providing students with the knowledge and expertise to compete in a complex and highly competitive global economy. I remind my colleagues that while the loss of technological ability and a strong industrial base is of great danger to the welfare of our country, the quality of education is also of utmost importance. We cannot fall behind the rest of the world in the quality of education provided for it is the very foundation of any nation.

The fight to keep pace with our changing world is led by colleges such as Dundalk Community College which provide a foundation upon which to build. The United States is greatly indebted to the work of educators and institutions that recognize the value and importance of a capable and competitive workforce. Without such a work force, all is lost.

Mr. Speaker, my fellow colleagues, it is with great respect and admiration that I congratulate Dundalk Community College on this momentous occasion. Its hard work and dedication to their students, the community, and our Nation is truly commendable.

RECOGNIZING THE FUTURE BUSINESS LEADERS OF AMERICA

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. GUNDERSON. Mr. Speaker, I would like to take the opportunity to recognize the Future Business Leaders of America–Phi Beta Lambda in the week of February 10–16, 1991.

Future Business Leaders of America–Phi Beta Lambda, is a nonprofit educational association of student members preparing for careers in business. The association has three divisions: FBLA for high school students, PBL for postsecondary students, and a professional division. The FBLA concept was developed in 1937 by Dr. Hamden L. Forkner of Columbia University. In the fall of 1940, official sponsorship of FBLA was accepted by the National Council for Business Education; and on February 3, 1942, the first high school chapter was organized in Johnson City, TN.

The purpose of FBLA–PBL is to provide innovative leadership development programs to bring business and education together in a positive working relationship. The organizational goals include promoting competent, aggressive business leadership and understanding American business enterprise; establishing career goals and encouraging scholarship; promoting sound financing management and developing character and self-confidence; and finally, facilitating the transition from school to work.

There are 265,000 active FBLA–PBL members in over 11,000 chartered chapters in 50 States, Puerto Rico, Virgin Islands, U.S. territories, and Department of Defense Dependent Schools worldwide.

In an increasingly global economy, we need to create a modern, competitive labor force that builds on the successes of our past, and on the successful models of such organizations as FBLA–PBL. I commend FBLA–PBL for its past and present success and pledge my continuing support of this fine organization into the future.

YOUNG DANCERS ARE CHAMPS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. GORDON. Mr. Speaker, from July 23 through July 25, 1990, 40 girls, ages 4 to 15, from Tennessee competed in the American Youth on Parade National Dance Championships on the campus of Notre Dame University in South Bend, IN.

The achievements of these young women from Volunteer States Cheerleading and Twirling Academy in Hendersonville, TN, are a tribute not only to their communities but also to the promise of our next generation of leaders.

The group captured national championships in juniors pompon, juniors dance line, and seniors pompon, and a third place in tiny pompon. The titles placed the VSCTA troupe far head of any other group that took part in the competition, which featured teams from around the United States and some foreign countries.

Teams that competed had won a variety of State and regional competitions to reach this national event.

By winning on the national level, the girls displayed their obvious talents. In earning the right to compete in the championships, the VSCTA girls showed the value of hard work and dedication. Their poise, teamwork, sportsmanship, determination, and vitality are examples from which we all can learn.

Norma Bundy, who founded VSCTA 5 years ago, and her daughters, Kerrey and Kacey Bundy, who are the primary instructors, as well as the rest of the staff and the girls' parents, are working toward an overriding goal of preparing our next generation of young men and women to take their place as productive citizens and leaders of the Nation.

Win or lose, the girls will carry with them the experience and memories for a lifetime.

I congratulate the girls, their parents, the VSCTA staff, and the many people who have supported the troupe for their national accomplishments. They are reason for us all to be proud and confident that this generation of young Americans will carry on the Nation's great tradition.

CHARLES R. THOMAS RETIRES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. PORTER. Mr. Speaker, one of the first educators in my district, Charles R. Thomas, superintendent of North Chicago School District 173 has retired after 18 years of dedicated service.

Charlie was born in Evanston, IL, and attended Evanston public schools. He continued his education at the University of Wisconsin where he graduated with a bachelor of science degree in education. After a tour of duty in the U.S. Army, Charlie began his teaching career at his alma mater, Evanston Township High School, where he taught social studies and was the assistant track and football coach. After 5 successful years of teaching, Charlie became an assistant principal. He attended graduate school at Northwestern University part time, and in 1966 he successfully completed his masters degree in educational administration.

In addition to these achievements, Charlie was a middle school principal and an assistant State superintendent of public instruction in the Illinois office of the superintendent of public schools in north Chicago. During his tenure, the entire district was reorganized and student achievement increased significantly. He is well recognized within the community, and is a regular presenter at local, State, and national professional meetings and conventions. He has also written many articles, and is often called upon to consult for school districts nationwide. Charlie boosted staff development opportunities and improved attendance among students. He is a strong believer in cooperation among students, staff, and community.

Charlie is involved with many organizations. He is the past president of the North Chicago Rotary Club and an active member of the North Chicago Branch of the NAACP and the Lake County Urban League. He is also a member of the athletic board at the University of Wisconsin at Madison. In 1990, he was selected Executive Educator Top 100 Administrators and has the Illinois State Board of Education's Pacesetter Award in Multicultural Education.

In an increasingly complex and competitive society, Charlie's leadership in helping our children prepare for their future became even more significant. Charlie's devotion to our area will be sorely missed, and I wish him well in his retirement and future endeavors.

INTRODUCTION OF OPERATION DESERT STORM RESERVE FORCES HEALTH CARE ACT OF 1991 AND THE OPERATION DESERT STORM MEDICAL PROTECTION ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing two bills, the Operation Desert Storm Medical Protection Act and the Operation Desert Storm Reserve Forces Health Care Act of 1991. Last session I introduced similar legislation, H.R. 5659, the Operation Desert Shield Reserve Forces Health Care Act of 1990.

During the 101st Congress, the Operation Desert Storm Medical Protection Act was incorporated into a larger legislative package, H.R. 5814, sponsored by the chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY. H.R. 5814 passed the House but was not acted on by the Senate and thus did not become law. As a result, selected reservists called to duty in Operation Desert Storm are operating under outdated laws enacted in 1940.

Mr. Speaker, the Operation Desert Storm Reserve Forces Health Care Act of 1991 would help remedy some deficiencies in current law regarding benefits for reservists and their families. It would ensure that reservists and their families would have comprehensive and continuous medical and dental coverage during and upon release from their active duty obligation in Operation Desert Storm.

The legislation accomplishes this by providing employers with tax credits to maintain health care coverage for reservists and their dependents during the period reservists are separated from their civilian jobs and participating in active duty service. Though some employers have voluntarily continued health care coverage for reservists and their dependents, further incentives are needed to encourage more employers to follow suit. Continuation of an employer-paid policy would, in many cases, provide for a greater continuity of health care coverage.

Additionally, the legislation provides for dental services for dependents of reservists and guardsmen and women under the uniformed services active duty dependents dental plan. Current law requires a minimum of 2 years acitve duty service in order for dependents to qualify.

The Operation Desert Storm Medical Protection Act, which also is included in the second piece of legislation I am introducing, helps to ensure that a reservist can resume his or her health care insurance plan without penalty upon resumption of his or her civilian job. It stipulates that selected reservists and their dependents would not be refused health insurance upon their return to their civilian jobs following active duty. In some cases, an illness developed during active-duty service might be considered a preexisting illness, thereby rendering reservists or their dependents ineligible for coverage by some health insurance policies.

Mr. Speaker, Operation Desert Storm has had a profound impact on thousands of Americans. Reservists are now forced to deal with many changes as they leave the civilian work force, including salary reductions and the loss of job-related benefits. I believe this legislation will help to ensure that the changes created by Operation Desert Storm are reasonable and do not impose unrealistic demands on the men and women sacrificing for our country. I encourage my colleagues to support these bills and the reservists sacrificing for our country.

WISH FOR A FUTURE OF PEACE AND COOPERATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, all of us long for a quick end to the war in the Persian Gulf, none more than those who have loved ones in the area.

With that in mind, I would like to share with my colleagues a letter that appeared in the Los Angeles Times last week from constituents of mine in Santa Barbara County. Kate and Brooks Firestone, long-time friends whose son is serving with the Marines in the Mideast, warn against allowing Iraq to prevail in its aggression in defiance of international norms. I would like to insert the text of their letter in the RECORD:

> With a Marine son in the Mideast, we implore you not to join the emotional and self-defeating position against the international community and the President.
>
> Please consider the future of international conflict and terrorism if Iraq is in any way allowed to win the war it started by conquering Kuwait. Please consider a future of international peace if the United Nations cooperative effort prevails against military dictatorship and aggression.—Brooks and Kate Firestone, Los Olivos.

Let us all hope that the Firestones' wish for a future of peace and cooperation in the gulf becomes reality.

LEW SHATTUCK, SMALL BUSINESS LEADER

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. STUDDS. Mr. Speaker, it gives me great pleasure to pay tribute to Lewis A. Shattuck, a distinguished business executive from Massachusetts, who will be honored for his 25 years of service with the Smaller Business Association of New England [SBANE] on January 31, 1991 at a testimonial dinner in his honor in Burlington, MA.

During his quarter century of service with SBANE, Lew emerged as a leading advocate of the concerns of small business, both in Boston and in Washington. He was instrumental in the organization and eventual success of the 1986 White House Conference on Small Business, which ratified a number of key public policy objectives. In addition to serving as SBANE's president, Lew is also secretary to the National Small Business United and an active participant with the National Advisory Council of the Small Business Administration [SBA].

Under Lew's leadership, local small business interests gained a higher profile and considerable influence. SBANE's staff grew from an organization with a staff of 2 and 300 members to a staff of 12 and a membership of 2,000. Lew and SBANE were instrumental in helping shepherd passage of the Steiger amendment which made capital available for small businesses. In 1982, he effectively lobbied the Congress for passage of the small business innovation research legislation which extended Federal grant money for research and development to small businesses.

In the past, Lew has also worked closely with me and my staff in convening meetings of small businesses to analyze the economic problems of our region. His expertise and enthusiasm were invaluable.

Lew also devoted considerable time and energy to inject SBANE into the thick of many public policy debates during the 1980's. I recall his efforts to fend off former OMB Director David Stockman and others who sought to virtually close down the SBA. Other SBANE initiatives ensured that the concerns of small business were heard in the areas of prompt payment for Federal contracts, tax policy, product liability, and pensions.

Lew has been a tireless advocate for small business, both in the Commonwealth and across the Nation. He has truly earned our thanks and congratulations for his civic spirit and many contributions to our community. I wish him and his family all the best in the years ahead.

TRIBUTE TO E. DANIEL GRADY

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to E. Daniel Grady, an exemplary individual whose dedication to others is unparalleled.

Dan Grady has committed himself to serving his community through various organizations. Presently, he is a member of the board of trustees of St. John Hospital in Detroit, and vice chair of the Greater Detroit Chamber of Commerce. Dan is also the president of the Grosse Pointe Farms Foundation. In the past, he has held several leadership positions throughout his community. For example, he was the president of the Business/Education Alliance of Southeastern Michigan. Dan is also a member of the Engineering Society of Detroit, the Detroit Economic Club, the National Association for the Advancement of Colored People, and the Detroit Urban League.

In addition, Dan has contributed much of his time toward the betterment of education. He was president of the college of business administration's advisory council and president of the president's cabinet at University of Detroit/Mercy College. At Madonna College, he is a trustee, a member of the president's cabinet, and he serves on the employee benefit and public relations and development committees.

Not only has Dan been very involved in the advancement of his community, but he has also been very involved in his career. He began work at the Michigan Bell Telephone Co. in 1957 as an engineering assistant in the traffic department in Detroit. In 1968, he transferred to New York and took the position of traffic operations manager at American Telephone and Telegraph Co. One year later, he returned to Michigan Bell and became division traffic manager and then moved on to be division switching systems manager. In 1976, he was named general manager-operator services and was promoted to general manager of the Michigan Bell Metro West area the next year. A short time later, Dan was elected vice president-personnel. During the following 12 years, Dan was consistently promoted throughout the company. He was vice president-personnel and support services from 1983 to 1986, then he became vice president-corporate communications. In 1990, he achieved the position of vice president-administration and was named vice president-transition later that same year.

As is evident, Dan Grady has been an extraordinary member of his community and his company. Moreover, he has been, and continues to be, an extraordinary family man. Dan and his wife, Margaret, have four children and seven grandchildren. Through all of his activities, he has always put his family first. The most important and meaningful positions of his lifetime have been those of husband, father, and grandfather.

Dan Grady has been a great friend to many. He is always available to help wherever and whenever he can. He is an exemplary member of his community, who deserves recognition. My dear colleagues, please join me in commending and congratulating Mr. E. Daniel Grady for his many years of services and friendship.

THE EMPLOYER-PROVIDED TUITION ASSISTANCE ACT OF 1991

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. KILDEE. Mr. Speaker, I rise to urge my colleagues to cosponsor a bill I recently introduced, H.R. 24, the Employer-Provided Tuition Assistance Act of 1991. This legislation would make the tax exemption for employer-provided educational assistance a permanent part of the U.S. Tax Code.

For several years now, the U.S. Congress has allowed educational assistance benefits to be tax exempt for employees up to $5,250 per year. However, this tax provision is only temporary and must be extended each year by the Congress. Not only is this bad tax policy, but it has caused unnecessary hardships on those who depend on this tax exemption for their education.

While I was pleased that the Congress extended the employer-provided tuition assistance provision for another year, I believe the time has come to make this tax exemption a permanent part of our Nation's Tax Code. Mr. Speaker, H.R. 24 will increase the employer-provided tuition assistance tax exemption to $6,000 a year, and it will be adjusted for inflation. My legislation would also make graduate courses eligible for this tax exemption.

Mr. Speaker, as many of you know, I represent my hometown of Flint, MI, the birthplace of General Motors and the United Auto Workers. My father worked at the Buick plant and he had to wear his union pin underneath his collar because he feared being punished for supporting the union. Both of my parents believed that an education is an important step in improving one's life, and the life of the community in which they live.

This philosophy is also shared by the United Auto Workers. Each year, thousands of UAW members take advantage of the employer-provided tuition assistance tax exemption to pursue their education. I want to commend the members of the UAW for their commitment to maintaining a strong work force that will enable our country to compete in the international marketplace. And not only does this benefit the employee, but it also provides significant benefits to the employer and our country by having a better educated workforce.

Mr. Speaker, I would also like to take the opportunity to express my deep gratitude to several individuals in my congressional district who helped me draft this legislation and have worked endlessly to garner support for employer-provided tuition assistance. At local 599, President David Yettaw, Financial Secretary Cap Wheeler and Education Director Denny Carl, and Recording Secretary Bob Roman, all played an important role in drafting this bill. At local 659, President Joe Duplanty and Education and Training Director Gary Horn have been moving forces behind workplace literacy and education improvements. Finally, Dale LeBeau, president of local 651 has been a strong supporter of the tuition assistance program.

As our country moves into the 21st century, I am pleased that the labor movement has such dedicated people who are committed to improving the quality of life for the citizens of our Nation. I strongly urge my colleagues to cosponsor this important legislation.

UKRAINIAN INDEPENDENCE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mrs. BOXER. Mr. Speaker, last week marked the 73d anniversary of Ukraine's Independence Day. While Ukrainians around the world celebrated this important day in their history, they did so with the fear that history may repeat itself. Just as the independence declaration of January 22, 1918, was soon followed by Soviet armies in their backyards, recent events in the Baltics suggest that last July's Declaration of State Sovereignty will bring a new wave of troops. We must speak out in support of freedom and democracy in the Ukraine before we witness the haunting images of another bloody crackdown.

When Ukrainian nationalists declared their independence before the world in 1918, they founded their country based upon the ideals of freedom, democracy, and self-determination. Though this independence was short-lived, these ideals so eloquently articulated in their Fourth Universal did not die.

The arrival of glasnost in the Soviet Union breathed new life into the Ukrainian independence movement. We all cheered the fall of communism in Eastern Europe and the breathtaking changes within the Soviet Union. In the past several years, most of the Soviet Republics have taken steps toward freedom and genuine democracy, and none more quickly than the Baltic States and Ukraine.

But we have recently learning that the days of Soviet invasions and martial law are still not behind us. The 13 dead in Lithuania and 6 in Latvia are testimony to the totalitarian intentions of the hard-line Soviet leadership. We have already witnessed violence and mass arrests in Ukraine as well; we need look no further than the unjust arrests of Ukrainian People's Deputy Stepan Khmara and Ukrainian student leader, Oles Donij. Ukrainians can only wait for the inevitable crackdown.

I ask my colleagues if we are going to sit idly by while these atrocities take place. Is the United States going to reward President Gorbachev for his support in the Persian Gulf by looking the other way while he brutally suppresses freedom in the former Soviet Republics?

Seventy-three years after their declaration of independence, it is time we live up to our rhetoric and stand by the fledgling democratic movement in Ukraine, even though it is not convenient. We must officially recognize the Ukraine as an independent state and we must send a message to President Gorbachev that our continued aid is not unconditional. Ukrainians have fought too long and hard to be abandoned at this most crucial moment in their history due to some sort of cynical political game. Let us take action now in support of Ukrainian freedom.

PERSONAL PALS FOR PROGRESS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. ANDERSON. Mr. Speaker, I rise today in support of a program in my district on the cutting edge of community and school interaction. This program has been instituted at the John G. Whittier School by their visionary principal, Randolph Ward. I salute his efforts as I salute this program.

The Personal Pals for Progress Program at John G. Whittier School is designed to provide its fourth grade class with positive role models in the community. By supplementing the children's school work with community role models, this program provides students with the learning and motivational opportunities that are required to succeed in life. The Personal Pals for Progress Program is the type of innovation, in the relationship between school and community, needed to improve our educational system. I am honored to be the sponsor of this program, and I urge local community leaders to join this worthwhile cause.

Today's children, confronted by drugs, gang violence, and other daily problems, are in special need of positive role models. Among the abundance of bad influences, it helps students to have someone guide them in the right direction and show them that someone cares. Educators alone cannot shoulder this burden. They need the help of community leaders to fulfill their students' needs.

The Personal Pals for Progress Program helps to fill this void. By exposing these children to the accomplishments and successes of community leaders, as well as giving them a window to the future realm of possibilities that education can provide, this program educates the students on how to succeed. Hopefully, it will increase their willingness to stay in school, an essential factor to achieving success in life. I have been very impressed by the success of similar programs nationwide.

Children are the single most important investment in the world today. By giving time and effort to this program, community leaders can make a significant contribution to these children's lives. This investment comes at no cost, and it is as rewarding to the adult as it is to the student.

THANK YOU, VANDENBERG

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LAGOMARSINO. Mr. Speaker, sometimes it takes a crisis to make us fully appreciate things we so often take for granted. I rise today to publicly express my appreciation and that of the U.S. House of Representatives to the men and women of Vandenberg Air Force Base and to the communities of Lompoc and Santa Maria, CA.

The crisis in the Persian Gulf has brought home as never before the professionalism and dedication of the men and women who serve in and support our Armed Forces. Their readiness, skill, and bravery have impressed the world. At Vandenberg Air Force Base years of work have borne fruit as Air Force assets launched into space from Vandenberg have provided crucial intelligence data to our pilots, our sailors, and our ground forces in Operation Desert Storm. Many lives have undoubtedly been saved due to the timely and accurate information gathered by our reconnaissance satellites.

The men and women who helped launch these satellites can take pride in knowing that they have contributed to the safety and capability of their fellow warriors, limiting U.S. losses and, hopefully, bringing a quick end to the war. Thanks is also due to the men and women from Vandenberg and the North County community who are serving today in the gulf and to their families for the sacrifices they have made. On behalf of the U.S. Congress and the American people I extend to them our sincere thanks and gratitude for service above and beyond the call of duty, and the hope that they will all return safely and soon.

VETERANS COMPENSATION COLA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Ms. DELAURO. Mr. Speaker, the crisis in the Persian Gulf has brought home to many Americans a new appreciation for the needs of our veterans. They have, in past conflicts as well as the present one, put their lives on the line for their country. They have been asked to make the ultimate sacrifice. It is only right that we treat them with the respect and consideration they deserve.

The mark of a humane society is how it treats those most in need. Mr. Speaker, a 5.4-percent cost-of-living adjustment for veterans with service-connected disabilities is necessary and overdue. My district in Connecticut, along with many others around the country, has veterans, and families of veterans, who are directly affected by this bill.

In Connecticut alone, there are 24,919 veterans receiving disability compensation who will benefit by what we do here. Nationally, the figure is 2,184,262 veterans. That doesn't include the survivors of the 320,000 deceased veterans who are collecting on claims.

Mr. Speaker, the veterans of America clearly deserve this increase in their disability benefits so they can simply keep pace with the cost of living. We owe it to the veterans. That is why I voted for H.R. 3.

IN PRAISE OF CAPT. RAYMOND GOFF

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. McEWEN. Mr. Speaker, I rise today to recognize the valorous accomplishment of Air Force Capt. Randy Goff, who teamed on January 21 with Capt. Paul Johnson on a daring rescue of a Navy pilot downed deep inside Iraq. I am certain that my colleagues in the House of Representatives join me in expressing an extreme sense of pride and gratitude for the gallantry displayed by Captain Goff and Captain Johnson in snatching one of our brave pilots from the clutches of Saddam Hussein.

There is little doubt that Saddam Hussein will use war prisoners for his deadly purposes. Indeed, the recent pictures of captured American and allied pilots in Baghdad, beaten and humiliated, have horrified all civilized people.

Just as such gruesome displays became a reality, Captain Goff participated in a rescue mission that uplifted the spirits of every American. Upon learning that an A-6 Navy attack plane was downed deep in Iraq, Goff and Johnson embarked in their A-10 Thunderbolt II's to search for any survivors. During what became an 8-hour mission, involving four inflight refuelings and 4 hours over enemy territory, they located the pilot. With extraordinary efficiency and professionalism they arranged for a helicopter rescue, and destroyed an Iraqi military truck that dangerously appeared on the scene at the last minute. Following the pilot's pickup, the A-10 pilots escorted the rescue helicopter back to safety in Saudi Arabia.

Mr. Speaker, although the thousands of air strikes against the brutal war machine of Saddam Hussein have encouraged us all that the world may soon be rid of this madness, this rescue of one pilot from the Iraqi desert may be the most satisfying of all. Every pilot, sailor, and soldier that enters the battle for freedom under the stars and stripes, risking his life for our benefit, deserves this maximum effort to save him from capture by the enemy. Especially an enemy whose regime of terror rivals those of Hitler and Stalin, and who has used poison gas on the battlefield and against his own civilians.

Capt. Raymond Goff, a native of Jackson, OH, is a 1982 graduate of Jackson High School, and a 1987 graduate of Ohio State University, where he earned a bachelor's degree in aviation. While Captain Goff participates in Operation Desert Storm to liberate Kuwait, he has at home his wife, Diana, also from Jackson, and a 9-month-old son, Tyler Christian. They can be assured that America is grateful for the sacrifice they are making.

Mr. Speaker, I join with my colleagues in praise and thanks to Captain Goff for his gallant service. Furthermore, my prayers are extended to him for a safe return to Jackson, OH, where I am sure he will be joined by Diana and Tyler Christian in a welcome befitting this hero.

TRIBUTE TO LEWIS A. SHATTUCK

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. MAVROULES. Mr. Speaker, I rise today to congratulate a fine gentleman on his upcoming retirement: Lewis A. Shattuck. Lew has spent 25 years with the Smaller Business Association of New England [SBANE], most recently serving as president.

Lew Shattuck has been a respected small business advocate on the Federal and local levels of government for many years and his accomplishments are many. In the 1970's, Lew was instrumental in the passage of the Steiger Amendment, which opened up avenues of capital for small business—1982 saw Lew lead the fight for Federal grant money for research and development for small businesses, culminating in the passage of small business innovation research legislation. Lew played a vital role in the organization and success of the White House Conference on Small Business. Under Lew's guidance, the Washington presentation now includes companies from across the Nation, uniting the voice of small business on Capitol Hill. He has recently served as secretary to the National Small Business United and has been a participant on the National Advisory Council of the Small Business Administration. SBANE started with a staff of two and a membership of 300. Because of Lew's leadership, SBANE has grown to include a staff of 12 and a membership of nearly 2,000.

Lewis Shattuck's career is one that is truly distinguished and I wish him the best as he sets out in pursuit of new horizons.

MIKE WELCH, PRIDE OF SWEETWATER, ACHIEVES FOOTBALL GOALS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. STENHOLM. Mr. Speaker, every community has citizens they are especially proud of because of contributions that have bettered that community or for accomplishments that may have put the community in a positive light. One of my constituents, Mr. Mike Welch, of Sweetwater, TX, is being honored next month for his accomplishments on and off the football field that have left a bright light shining on his hometown.

Mike attended Sweetwater High School where he was voted All-State Defensive Back in class 4A in 1985 and he was a member of the Sweetwater Mustangs who were the 1985 class 4A State championship team. Mike graduated as salutatorian of his class in 1986 and headed to Baylor University where he continued to excel in football while also achieving a 3.78 GPA. Mike's football accomplishments in 1990 alone include GTE Academic All-American, AP All-Southwest Conference Defensive Back, American Spirit Award, Most Valuable Player at Baylor and participant in the East-West Shrine Game in San Francisco.

While off the playing field, Mike has pursued a degree in computer science. He plans to graduate in May. He has been a member of the Gamma Beta Phi Academic Honor Society, the Upsilon Pi Epsilon Computer Honor Society, the dean's list, and the Baylor Athletic Department 3.4 Club.

Mike is also involved in the Baptist Church and the Fellowship of Christian Athletes.

His father, David Welch, is superintendent of the Sweetwater Independent School District. His mother, Judy Welch, is a teacher. His sister, Jana, is also a student at Baylor University and was the valedictorian of her graduating class in Sweetwater.

Mr. Speaker, this young man has brought pride to his community by showing that you can achieve things with your mind as well as your body. It is my belief that if he continues his life with his current disciplines, he will be a success at whatever he sets his sights on in the future.

WRONGDOING AT HUD

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. CAMPBELL of California. Mr. Speaker, the American people are scandalized by the HUD scam and the S&L debacle which have wasted billions of their hard-earned dollars. My colleagues and I have been deluged by letters with a simple message: Bring the criminals involved to justice.

FIRREA contains provisions to extend the statute of limitations for crimes related to the S&L debacle. It is high time the same was done for the HUD investigations. Today, I am sponsoring legislation that will extend the statute of limitations applicable to any criminal offense which was committed by an officer or employee of the Department of Housing and Urban Development between 1981 and 1988 and which was related to the activities of the Department.

Mr. Speaker, the Attorney General, Dick Thornburgh, has said that the Justice Department is investigating some 1,000 cases of possible wrongdoing at the Department of Housing and Urban Development; 600 Justice Department investigations have been known to be conducted by the 93 U.S. attorneys across the country.

According to Mr. Thornburgh, these cases "are difficult cases, as all white-collar crime cases are, because they involve very sophisticated schemes designed to conceal the wrongdoing that's occurred." He also has said, "Rest assured, we're going to follow the evidence in the HUD matter as we would in any other matter to insure that people engaged in wrongdoing are brought to justice."

Mr. Speaker, my bill is an important initiative to give the Justice Department and the independent prosecutor the time needed to pursue the criminal investigations of wrongdoing at HUD, and to demonstrate the commitment of Congress to redress this debacle. The American people expect no less.

ATTLEBORO, MA, CELEBRATES MARTIN LUTHER KING DAY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, on Martin Luther King Day this year, as I have for many years, I attended a very impressive celebration in the city of Attleboro. Attleboro is not a large city by American standards, nor does it have a large African-American population. It is, therefore, in my view all the more impressive that the citizens of Attleboro, under the leadership of Mayor Kai Shang, chose to honor Dr. King's memory in so solemn and appropriate a fashion. The citizens of Attleboro understand the extent to which Martin Luther King exemplified the commitment to justice of which we Americans are so proud. No one in recent times has done more than he to seek to make the inspiring principles of the American Constitution a concrete reality for all of us. I congratulate Mayor Shang, Gladys Durant who presided at the ceremony in city hall, and the members of the holiday planning committee for their hard and successful work. I express my appreciation also to the members of the youth group and to the clergymen from the Attleboro area who helped make the day's events so meaningful. Mr. Speaker, as an example to the Nation of what a small city can do to illustrate the importance of continuing the fight for which Martin Luther King died, I ask that the celebration program and a listing of members of the youth group and holiday planning committee be printed here.

DR. MARTIN LUTHER KING'S BIRTHDAY CELEBRATION PROGRAMS

Organ Prelude.—Javier Perez-Saco.

Processional.—Lift Every Voice and Sing.

Call to Worship.—Rev. Daniel Hoye, St. John the Evangelist Church, Attleboro.

Opening Prayer.—Rev. Dr. John E. Fisk, First Baptist Church, Attleboro.

Scripture.—Rev. Dr. Charles N. Hume, Orthodox Congregational Church, Mansfield.

Selection.—Semenya McCord, Martin Luther King Committee.

Scripture.—Rev. Vaddia Boudreau, Chartley United Methodist Church, Norton.

Solo.—Let There Be Peace on Earth, by Karen Pechonis, First Methodist Church, North Attleboro.

Selection.—Ecumenical Brass Ensemble.

Greetings.—Mayor Kai Shang.

Dramatic Presentation.—Youth.

Selection.—John Wesley A.M.E. Zion Church Choir.

Offering.—Rev. Daniel Hoye, St. John the Evangelist Church.

Introduction of Speaker.—Gloria Wyatt, Martin Luther King Committee.

Keynote Speaker.—Rev. Larry Johnson, Mt. Moriah Baptist Church.

Selection.—Bernard Harris, Mt. Moriah Baptist Church.

Prayer for Peace and Unity.—Rev. Dr. John E.N. Knight, First United Methodist Church, North Attleboro.

Benediction.—Rabbi Andrea Gouze, Agudas Achim Congregation.

1991 MEMBERS OF THE YOUTH GROUP

Michael Durant, Norton, MA; Marcellus Forbes, Mansfield, MA; Nicole Forbes, Mansfield, MA; Charon Gavin, Norton, MA; Debbie Harris, Taunton, MA; Inman Lott, No. Attleboro, MA; Aria Lott, No. Attleboro, MA; Adam Puller, Bellingham, MA; and Alex Vincent, Attleboro, MA.

DR. MARTIN LUTHER KING JR., HOLIDAY PLANNING COMMITTEE

Robert Brown Jr., Providence, RI; Edna Cason, Attleboro, MA; Gladys Durant, Norton, MA; Lawrence Fitton, Attleboro, MA; Rachel Garvin, Norton, MA; Rev. Arlene Hambrick, Attleboro, MA; Hazel Knight, North Attleboro, MA; Rev. Dr. John Knight, North Attleboro, MA; Semenya McCord, New Bedford, MA; Judith Robbins, Attleboro, MA; and Gloria Wyatt, Norton, MA.

NEW HAMPSHIRE REMEMBERS CHRISTA McAULIFFE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. SWETT. Mr. Speaker, today we commemorate the fifth anniversary of the *Challenger* disaster and recognize the legacy of Christa McAuliffe. We must also recognize the important legacy Christa McAuliffe left behind in New Hampshire—her impact on the children of Concord. Five years ago, a group of students from Kimball Elementary School accompanied Christa to Florida to witness the launch of *Challenger*. These brave children were unwittingly thrust into the national spotlight after the devastating turn of events. They should be commended for the way they have courageously moved forward with their lives since the tragedy occurred.

Mr. Speaker, the dream of Christa McAuliffe lives on in New Hampshire. Concord is now home to the Christa McAuliffe Planetarium, a state of the art facility which introduces the fields of space exploration and science education to New Hampshire students. Concord High School, where Christa taught, will soon dedicate its auditorium to her. The people who she touched so directly continue to be inspired by her life.

Mr. Speaker, an excellent article concerning the children of Kimball School appeared in the New Hampshire Sunday News on January 27, 1991. I insert it in the CONGRESSIONAL RECORD since many of my colleagues may not have had the opportunity to read it:

[From the New Hampshire Sunday News, Jan 27, 1991]

"CHRISTA'S KIDS" DEFY EXPERTS, SAY BLAST DOESN'T HAUNT THEM

(By Shawne K. Wickham)

CONCORD.—Five years ago tomorrow, third graders from Concord's Kimball Elementary School watched from a Cape Canaveral grandstand as the space shuttle Challenger exploded above their heads.

Adults worried how the horror of such an unthinkable experience would affect these children. A California child psychiatrist obtained a $55,000 grant from a New York City foundation to study the effects of the explosion on the Concord children and on children on the West Coast.

They needn't have worried. "Christa's Kids," now teenagers, have grown up without the emotional scars many predicted. They're on their school athletic teams, they're into rock music and reggae, they're thinking about careers and they're busy with hobbies and after-school jobs.

"Christa's Kids." that what they dubbed the third grade class who went on the field trip of a lifetime that January, with visits to Disney World, Epcot Center and Sea World before the grand culmination: the launch of the Challenger, with classmate Scott McAuliffe's mother aboard.

But the dream turned into a nightmare that only began with the explosion. The youngster were quickly herded onto a bus with the handful of shocked parents who were chaperones, and then whisked onto the earliest flight available back home.

The flight was a hellish one, with severe turbulence that only worsened the fear and misery of the adults and children from Concord; a woman miscarried on the plane, adding to the whole surreal feel of the experience. And then, after they had landed at Logan Airport, a car filled with reporters intentionally blocked off the roadway in front of the bus taking them home, and a blinding assault of spotlights and flash photography overwhemed the frightened children.

More cameras and reporters waited at the Kimball School, shouting questions at the scared kids as their parents rushed to gather them to safety. "I felt we were betrayed; these people had all been so nice to us, and now they wanted to know how we felt," one student, Sally Wuellenweber, recalls.

The students can talk about it all now, with admirable ease and insight. They joke about the fears adults had about how the Challenger disaster would affect them.

But they acknowledge that it has made them look at some things, particularly death, differently.

Four of these now-eighth graders, Sally Wuellenweber, Ben Provencal, Jessica Leelerc, all 13, and Tripp O'Shea, 14, were interviewed in a group; two others, Sarah Carley and Zachary Fried, both 14, were interviewed individually at their homes.

Each student has a different memory of when they first understood what they had seen in the Florida sky that day, Ben Provencal, whose picture appeared in "Newsweek" that week, remembers saying the words instantaneously to his mother: "It exploded."

Jessica Leclerc said the only thing she remembers clearly is Ben's face. "I had no idea, because I never thought anything would happen. But I turned around and saw Ben's face, and said "What's wrong?' He said, 'I think it blew up.'"

Other children, who had watched videos of other shuttle launches in preparation for this trip, knew that something was wrong. "It isn't supposed to be that way," Tripp O'Shea kept insisting to his mother.

Zachary Fried said he remembers feeling the cold, seeing the "huge flashes," and hearing the phrase, "major malfunction," the first words over the NASA intercom that hinted at the disaster.

Sarah Carley said the only clear memory she has is of hearing Mary Wuellenweber, Sally's mother, screaming. But she said the real impact settled in much later. "It was on the bus that we were told what happened. It was when we go home that we realized what happened," she said.

But she believes it was exactly because they were only 8 or 9 year old that they bounced back quickly from the traumatic experience. "We were little, so it was like, 'Oh no, that's terrible. What's for dinner?'' We really did think it was terrible, but we really did want to know what was for dinner.

Still, she said, "I do remember realizing other people were interested in what I had just seen, and that it was a part of history."

Part of history. That's beginning to dawn on these students, and with that realization comes a feeling that perhaps they were, if not lucky, then at least unique, to have been standing in the Cape Carnaveral grandstand that cold morning.

It came to Ben Provencal when he opened his American history book at the beginning of this year, the textbook fell open to a color photograph of the Challenger crew. "It shocked me. It's like I feel a part of history," he said.

They've come to terms with their emotions now, but they remember when they were fresh, and sharp. Most of the students remember feelings of anger, and even guilt, right after the explosion.

Betsey Rogers remembers here son, Tripp, asking her on the bus, "Why did God let this happen?" She answered him, "God didn't make this happen, people did."

"After she said that, that's when I started getting mad," Tripp said. He remembers wanting to put a bomb in NASA headquarters, to pay them back for the lost crew.

Sally Wuellenweber remembers taking out her grief and anger on a coloring book she had gotten, with a drawing of a space shuttle on the cover. Sitting on the bus on the way to the airport, she recalled, "I took my pen and started stabbing the book."

And she remembers thinking it was her fault that the shuttle had blown up, because she had been so angry when it was delayed, and so eager for it to be launched that Tuesday morning.

The night before the launch, Tripp O'Shea had prayed that it would go up in the morning, afraid that if it was delayed any longer, his class would have to return to Concord without watching the launch. But that morning, waking from an unremembered nightmare, he had a knot of fear in his stomach, and suddenly didn't want it to be launched.

After the explosion, be said, "I felt guilty. It was almost like I wanted too much, I was too selfish."

Betsey Rogers said those immediate emotions probably had a lot to do with how quickly the children recovered from their shock. "I think it's important to realize the kids did feel anger, and did feel people were negligent," she said. "These kids progressed so much faster than we adults did. They were into anger before we even got out of the parking lot."

Several students felt the experience had a far greater impact at the time on the adults who witnessed it.

"When you're a kid, you've got your whole life ahead of you," said Sarah Carley. "It happened and it was terrible, but there are other things you have to do with your life."

"We were normal kids, that's what they forgot," said Zachary Fried.

"I think they sort of overracted," said Tripp O'Shea. "They thought, these are little kids, they're going to be killers when they grow up. But I think it's worse when you're older, because you know what's going on. Right now, it would probably be worse."

"I was more sad for Scott, and shocked that someone could let that happen," said Ben Provencal. "But seeing Scott every day and seeing he could be normal, it helped me a lot."

The funny thing is, several of the students said it was the other excursions that week, their visits to Disney World and Sea World, that they remember most when they think about that trip.

"When I do look back at it now, I don't look back at the launch, I think of the fun parts," said Ben Provencal.

"I only remember the good times," said Jessica Leclerc.

"I had a lot of fun. It was the first time I'd been away from home alone," recalled Sarah Carley.

"And I have good feelings about Christa," she continued. "I think it was the fact that we didn't see her die. We saw what happened, but we didn't see her die, so in our memory, she's still smiling like she was when she got on the shuttle."

Most of the students had packed away the newspaper articles and souvenirs from that trip, and hadn't looked at them for five years. But they took them out for the interviews, fingering the pins that decorated their child-size souvenir hats, laughing at the small size of their "Reach for the Stars" t-shirts.

It's sort of the same with their memories of the event. Most of the time, the Challenger explosion is far from their minds and busy lives, but sometimes it comes to the surface, unbidden.

Last spring, Tripp O'Shea and his family were in Florida for vacation, when they learned a shuttle was due to be launched. They watched outside as the distant shuttle arced into the sky until it disappeared from view. It was an emotional release for Tripp.

"It sort of released my fears," he said. "It just sort of helped get everything out. As soon as the Challenger exploded, I just wanted to see one go right."

While the students laugh at the exaggerated fears adults once had, they acknowledge that the Challenger explosion affected them in subtle ways.

"I don't think it really changed me, but I think I look at things differently sometimes," said Ben Provencal. "The way you look at death, it's different. My grandfather had died, but it was weird to watch your best friend's mother die. You hear about death, car crashes and stuff, but it doesn't affect you as much as when this happened."

TRIBUTE TO THOMAS AND DALE WOTEN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. LEHMAN of Florida. Mr. Speaker, at a Court of Honor on March 24, 1991, two brothers who live in our 17th Congressional District, Thomas Samuel Woten and Dale William Woten, will receive the highest honor that can be achieved in the Boy Scouts of America—Eagle Scout.

Anyone who has even a cursory knowledge of the Boy Scouts knows the significance of this accomplishment. The rank of Eagle requires countless hours of study, practice, and performance, often over several years. An Eagle Scout must demonstrate discipline, perseverence, knowledge, and integrity. It is no wonder that so many of this Nation's political, business, and scientific leaders started out as Eagle Scouts.

Mr. Speaker, I know that all my colleagues join me in extending our congratulations to Tom and Dale Woten for a job well done. I know that Troop 48 in Miami Shores, and our entire community, are very proud of them.

DEEPEST SYMPATHY TO THE FAMILY OF SPECIALIST GARY WAYNE CRASK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. DURBIN. Mr. Speaker, I would like to express my deepest sympathy to the family of Spec. Gary Wayne Crask who was killed in Saudi Arabia when his bunker, which was constructed of sandbags, collapsed. Gary was from rural Springfield, IL, and served as a combat engineer with the U.S. Army, Bravo Company, 317th Engineer Battalion, 7th Engineer Brigade.

Gary made a selfless decision during his last year at Athens High School to serve his country by enlisting in the Army. He planned to use his military benefits to go back to school study engineering when he returned home from his station in Frankfort, Germany.

Gary was scheduled to return home from Frankfort last year, after serving for 3 years in the military. Ten days before he was due to be discharged, the discharge was revoked and he was sent to Saudi Arabia to serve as a member of the 7th Engineer Brigade. While serving in Saudi Arabia, Gary received letters of support and encouragement from his family who last spoke to him the Saturday after Thanksgiving.

I speak for this House of Representatives, the legislative voice of the people of this Nation, in saluting the dedication and courage Gary showed as a member of the U.S. Armed Forces. Ours is a finer nation for the honor and devotion to duty which he demonstrated.

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. CARDIN. Mr. Speaker, I rise today to express my support for the celebration of Ukrainian Independence Day on January 22, 1991. I hope my colleagues will join me in paying tribute to a proud people and their heroic struggle for independence.

This day is a symbol of hope for all Ukrainian-Americans and for those who continue the independence crusade. Their efforts and hopes have earned the admiration and recognition of the American people.

After hundreds of years of unstable governments and domination, most notably by the U.S.S.R., in November 1917, following the October Bolshevik Revolution, the Ukrainian National Council proclaimed the establishment of the Ukrainian National Republic. The Ukrainian National Republic issued the "Third Universal" which articulated many of the same freedoms found in the United States Bill of Rights.

On January 22, 1918, the Ukrainian Central Council issued the "Fourth Universal" proclaiming a free and independent Ukrainian National Republic. Mykhailo Hrushevsky, one of the Ukraine's greatest historians, became the first Ukrainian National Republic's president.

Despite all efforts to maintain independence, the Ukrainian National Republic once again found itself under Russian rule in 1920.

Continuing its noble fight for human freedom, the Ukrainians have voted to become independent from Moscow, defying warnings by Mikhail Gorbachev and the Russian regime.

The events of the past week, including the dispatch of Soviet troops to the Ukraine and other republics and the arrest of Ukrainian student leader Oles Donij, threaten the peaceful transition of the Ukraine and other republics to full independence.

I am honored to represent the many Ukrainians in the Third Congressional District of Maryland. I know they will continue their independence fight, and I am proud to join them by marking this very important day.

GIVE PEACE A CHANCE: EXPLORE FOR OIL AND GAS IN THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1991

Mr. DANNEMEYER. Mr. Speaker, I have attached a recent article from the January 28, 1991, issue of Fortune magazine, "It's Time to Drill Alaska's Refuge," which addresses what may become the most contentious energy issue in the 102d Congress—whether we should open up the 8 percent of the Arctic National Wildlife Refuge [ANWR] that was set aside by the Congress in 1980 for oil and gas exploration. As many of my colleagues know, in 1987 the Interior Department concluded that this remote coastal area in northeastern Alaska was "the Nation's best single opportunity to increase significantly oil production."

With our military actively engaged in an expensive but necessary war against Saddam Hussein in the Persian Gulf, we must ask ourselves whether our current dependence on foreign sources of oil and gas is inevitable, or whether there is something we can do about it. The Fortune article makes it clear that ANWR represents our single best chance to liberate ourselves from dependence on foreign energy sources. "Maybe ANWR holds untold riches, or maybe it holds nothing," author Peter Nulty observes. But, he adds, "the only way to find out is to drill."

In sharp contrast to many development issues, where the notorious "Not In My Backyard" syndrome usually prevails, the native Alaskan residents of ANWR welcome the development of oil and gas reserves there. Listen to the president of the Arctic Slope Regional Corporation, Jacob Adams, an Eskimo whaling captain who speaks for the Native Alaskan community on the Arctic slope:

> I love life in the Arctic. But it is harsh, expensive, and, for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development.

Detached environmentalists who live in comfortable, well furnished homes many thousands of miles from ANWR should pay attention to Jacob Adams and his people. Economic growth and energy development can coexist peacefully with reasonable concern for the environment. One day, a productive ANWR might enable the United States to conclude that the latest skirmish in the Middle East, or in some other oil-producing region of the world, is irrelevant to U.S. strategic interests. As we are all aware, the ability to walk away from a regional conflict may one day save many thousands of American lives.

I urge my colleagues to read the attached article:

[From Fortune magazine, Jan. 28, 1991]

IT'S TIME TO DRILL ALASKA'S REFUGE

(By Peter Nulty)

The Arctic National Wildlife Refuge is almost as big as Indiana. It begins as a phalanx of magnificent rocky peaks high in the Brooks Range in Alaska's northeast corner, from there tumbling down a broad expanse of rolling foothills to a tundra plain scored by streams and gullies beside the Beaufort Sea. In all: 30,000 square miles, or 19 million acres. With only about 210 permanent residents—mostly Eskimo whalers in the coastal village of Kaktovik—the Arctic refuge is as unaltered by man as any wilderness can be at a time when human footprints mark even the moon.

Powerful forces may soon clash over whether the refuge stays that way. A small corner of it represents America's best chance of discovering major new oil reserves. Geology even hints that within the refuge lies a rare opportunity to uncover Saudi Arabia-size oil fields. The chance is minuscule, but a chance nonetheless. And the stakes are huge: If major reserves turn up, they could in the long run hobble OPEC, substantially improve America's balance of payments, and make the U.S. more energy independent.

The most tantalizing oil-prospecting territory in the U.S. is a strip of the flat coastal plain about 80 miles long and 20 miles wide that runs along the Beaufort Sea and makes up 8% of the refuge. This region is known by its bureaucratic name—the "1002 area"—after the clause in a 1980 federal law that directed the Interior Department to study the geology, flora, and fauna of the area and then advise Congress whether it should be explored for oil and gas or designated a wilderness closed to development. After exhaustive study the Interior Department concluded in 1987 that the coastal plain was "the Nation's best single opportunity to increase significantly oil production" and recommended leasing it to oil companies.

Some environmental groups, such as the Wilderness Society and the Sierra Club, would like to ban oil activity in the refuge permanently. Their cause has been aided mightily by the grounding in March 1989 of the tanker *Exxon Valdez* in Prince William Sound, which had the effect of sinking several bills in Congress that would have opened the 1002 area for exploration. But with U.S. oil production down 15% in the past two years, oil imports accounting for 55% of the foreign trade deficit and rising, and the oil-rich states of the Persian Gulf in danger of all-out war, the environmentalists' case for not exploring the coastal plain is being overwhelmed by economic and geopolitical imperatives. If a war in the Gulf damages Middle East oil fields or drives prices to the heavens—or both—then the debate over exploring the refuge, usually known as ANWR (pronounced *AN-war*), will get white hot. Even without war, this latest experience of Mideast turmoil will intensify concern about domestic energy sources—although developing ANWR, if it does contain commercial amounts of oil, would take 15 or 20 years.

Why not start drilling now? "The refuge is the last Arctic ecosystem untouched by man," says Don Hellman of the Wilderness Society. "To go in solely to satisfy our insatiable appetite for oil is a disgrace." Most environmentalists similarly focus on several emotionally compelling but inaccurate concepts, particularly that the coastal plain is unique and pristine. It is not quite either. The 1002 area is only two-thirds of the refuge's coastal plain, which itself is a small slice of the Artic refuge. And the refuge is hardly America's only wilderness. The whole of ANWR makes up just 5% of Alaska's land area and 25% of the land in federal wildlife refuges in that state alone. The Interior Department estimates that oil production here, assuming oil is discovered, might require 12,700 acres of installations, or about 0.07% of ANWR's territory. Such facilities would look impressively large if you were standing in their midst, but in relation to all of ANWR they would be no more significant than a mosquito on a moose's rump.

Nor is the coastal plain virginal. The Eskimos travel in skimobiles and outboard motorboats, hunt with rifles, and watch television during the eight-month winters, when temperatures can reach −50 F. and the sun doesn't rise for 65 days. In the brief summer season, which lasts as long as six weeks, about 150 adventurers show up annually to hunt musk oxen or grizzly bears or to ride the rivers in rubber rafts. As part of an electronic warning system against Soviet attack, the Department of Defense built three installations along the coast. Two are abandoned, their buildings empty shells. The third, a radar station and airstrip at Kaktovik, is still in use.

The most important human artifact may turn out to be a steel pipe six inches in diameter and five feet tall that sticks out of the tundra about 15 miles east-southeast of Kaktovik. The pipe is almost impossible to find without an expert guide, but it is at the center of the biggest mystery in the petroleum industry: How much oil is in ANWR?

The pipe marks a well, KIC–1, drilled by a joint venture of Chevron and British Petroleum, headed by Chevron, on land leased from the Eskimos. (The Eskimo land is inside ANWR and, unlike the refuge proper, cannot be drilled without permission from Congress.) KIC–1 is called a "tight hole" because Chevron won't reveal what was found in the well.

No one else has much information, since the Chevron venture has leased all the available land in the area. Tom Cook, a geologist with Chevron in Alaska, will only say coyly: "That's a pretty oily place around there," Arlen Ehm, an independent consulting geologist in Anchorage, says, "The scuttlebutt is that it's a great well, but what's a rumor worth?" Chevron is lobbying hard to get the coastal plain opened for development, and the consortium recently renewed its leases with the Eskimo—four years before the leases were due to expire.

Why is this lonely stretch of tundra so alluring? The Geological Survey conducted seismic studies of the 1002 area in the early Eighties and found 26 geologic structures capable of trapping oil and gas. Not only is that a large number of traps for an area this size, but also two of the traps are bigger than the one in Prudhoe Bay that may eventually yield at least nine billion barrels of oil. "These two structures have Middle East-size capacity," says Ozzie Girard of the U.S. Geological Survey, "but they are probably dry as a bone." That's because oil may not have migrated into the traps. Many structures capable of capturing oil are empty or only partically full, or they may contain water.

No one can be certain that the traps in ANWR have much, if any oil. (They may hold natural gas, which at today's low prices would probably be uneconomic to develop, though it could be valuable in the future.) But they are also gargantuan and, in the extremely unlikely event that even one is full it would alter history. Assuming conditions that are not unusual in the region, the bigger of the two known only as No. 18 could yield 300 billion barrels of oil or more if it is full. That is more than Saudi Arabia's present proved reserves of about 254 billion barrels. The odds of a monster like No. 18 being full of oil are incalculably small. But if it were full the U.S. would once again be the world's greatest oil power and OPEC would become moribund.

Finding out is of little risk to the environment: Exploratory wells are drilled when the tundra is frozen and nearly immune to damage. And someone may already have taken a peek. KIC–1 Chevron's mystery well, was directly over structure No. 18. (At best KIC–1 would be only a peek because a single well rarely tells the full story of how much oil is or isn't in a reservoir.)

The history of oil exploration shows that even when prospects are as enticing as this, the odds are still against the explorer. In ANWR the odds are not good, but they are better than average. The Interior Department sees a 19% chance that the refuge holds commercial quantities of oil compared with the norm of 5%. Turned around that means the odds are 4 to 1 against finding anything exploitable at present prices instead of the usual 19 to 1 against. If exploitable reserves are there, says Interior, they most likely will amount to 3.2 billion barrels enough to provide 8% of U.S. production and reduce imports 9% by 2005. But oddmakers don't create oil, nature does. Maybe ANWR holds untold riches, or maybe it holds nothing. The only way to find out is to drill.

Alaskans are eager to begin. Oil accounts for 80% of the state's total revenue and Prudhoe Bay the state's golden goose is in long slow decline. All three gubernatorial candidates in the recent election including winner Walter Hickel, who ran as an independent but had been a Republican governor of Alaska and Interior Secretary under Richard Nixon, favor exploring the coastal plain. They differed only on the question of who could drive the best bargain with Congress to split the royalties. William Noll, mayor of Seward a fishing village on Prince William Sound says. "It's a tragedy or comedy of a high order to put ANWR on the back burner because of the accident in Prince William Sound." Noll believes the cleanup is progressing "okay."

The Arctic Slope Regional Corp., one of 13 Alaskan native regional corporations established by Congress to manage the resources of native lands, favors opening the 1002 area ASRC holds title to most of the native lands on the north slope including the site where Chevron drilled KIC–1. The president is Jacob Adams, 44, an Eskimo whaling captain who hunts bowhead whales with a crew of about six men and hand-held harpoons out of a 20-foot boat. His view: "I love life in the Arctic. But it is harsh, expensive, and for many, short. My people want decent homes, electricity, and education. We do not want to be undisturbed. Undisturbed means abandoned. It means sod huts and deprivation. We exist on nature, on the caribou and the whales. But we can take the measures required to protect the environment from the risks posed by oil development."

Hellman of the Wilderness Society protests that "it's been proven time and again that oil is an inherently messy business." Yet the environmental record of Prudhoe Bay is one reason Alaskans believe ANWR can be developed safety. "It's a real marvel," says a manager with the U.S. Fish and Wildlife Service in Alaska. "You could eat off the floors up there but to say that publicly is heresy in the temple."

When Prudhoe was being developed, the biggest environmental worry was that it might harm the wildlife, particularly the Central Arctic caribou herd that give birth to most of their young in calving grounds near the oil fields. But the caribou have adapted nicely to the fields. Seeking to escape the dense clouds of mosquitoes that infest the marshy tundra, the caribou often congregate on the raised gravel roads that connect the oil wells, industrial plants, and living quarters at Prudhoe Bay. And the Central Arctic herd has grown from about 3,000 in 1972 to roughly 15,000 now, perhaps because natural predators like bears and wolves that attack and eat young calves are more wary of man's works than are the caribou, even though the oilmen at Prudhoe Bay are forbidden to hunt or carry firearms.

ANWR is seasonal home to the Porcupine herd of caribou, which numbers about 180,000. The herd migrates across the Porcupine River in Canada to ANWR in the brief spring and summer seasons to bear young and feed on tundra grasses. Again environmentalists are expressing concern for the herd's safety, but the Prudhoe experience suggests that in some ways the works of man offer more refuge than the wilderness.

Technologies that the industry has developed in the Prudhoe region, partly in response to relentless pressure from environmentalists, would make producing oil in ANWR even more compatible with the environment. Using the latest drilling techniques, the industry can space wellheads ten feet instead of 100 feet apart, reducing the area needed for, say, a 50-well production complex from 60 acres to ten.

ANWR will also pose new problems. Drilling uses a lot of fresh water, and the region's coastal plain has less of it than the Prudhoe area. An environmentally benign collection and storage system may be needed, or the pace of drilling could simply be restricted. With vigilance, such obstacles can be overcome.

A tougher nut to crack may be the philosophical question of whether the industry should enhance the ecosystem wherever possible, as it may have done inadvertently for the Central Arctic herd of caribou. For instance, the industry built thick gravel roads and drilling pads because running vehicles directly over the tundra would melt the permafrost and create impassable bogs. These additions, permanently dry, have created a more diverse habitat in the Prudhoe area. Some gravel quarries, connected by channels to rivers, have filled with fresh water and become favorite wintering quarters for fish, like the arctic char, which take refuge from the ice in deep pools. Their numbers may be increasing. Birds such as the common eider that need dry land for nesting might multiply if gravel roads and pads are revegetated rather than removed when their usefulness has ended.

Roger Herrera, an executive of BP in Alaska, asks. "Is biological value or aesthetic value more important here? Should the gravel be put back in the quarries to restore the environment or left to create new habitat?" Merely to have that choice suggests that development in remote areas has progressed a long way and that humans need suffer little guilt about pursuing their own ends in a corner of this wilderness.

WHY OIL SPILLS ARE A DIMINISHING DANGER

Next spring, when winter storms subside in Prince William Sound, teams of scientists from the National Oceanic and Atmospheric Administration, the state of Alaska, the Coast Guard, and Exxon will hit the beaches. They will be searching for what remains of the oil spilled by the tanker *Exxon Valdez* in March 1989—and they won't find much. Thanks to pounding surf, some remarkable microbes, and a lot of human toil, most of the beaches that were soiled by the spill are clean.

Not that all of the oil is gone. Some that seeped into crevices between rocks in certain places remains hidden below the surface. John Robinson, chief of NOAA's hazardous materials response branch, estimates that at the end of last summer between 250,000 and 1.2 million gallons (between 2% and 11% of the oil spilled) were still imbedded under the beaches, with the lower estimate being the likelier. But, says Robinson, "we tend to believe the remaining oil doesn't pose as much risk as some of the measures it would take to get it out."

The oil is most likely to remain in those places where it does the least harm. It tends to penetrate porous beaches with large rocks and big crevices that are not rich biological habitats, and in any case most of toxic elements of the oil have long since evaporated. To remove what's left, heavy earthmoving equipment would have to turn over the beaches, exposing oil as deep as a yard to the cleansing of the waves. Exxon is testing this technique on several beaches this winter. But experience in previous spills, notably the wreck of the huge *Amoco Cadiz* off the coast of France in 1978, indicates that ripping up beaches only adds to the destruction of habitat and delays nature's recovery.

That lesson is worth remembering at perhaps the most soiled site in Prince William Sound, a two-acre salt marsh on Knight Island known to helicopter pilots who have been working on the cleanup as the Bay of Death. Here the oil has penetrated into a thick layer of mud that gets little or no cleansing from wave action. If the soiled muck is carted away as it was from some marshes after the *Amoco Cadiz*, it could be many years before plants and animals reestablish themselves in the marsh. Robert Clark, who recently retired as head of marine biology at Britain's University of Newcastle and is founding editor of *Marine Pollution Bulletin*, found grasses and barnacles flourishing in the salt marsh last summer. Says he: "Experience says it will recover a damn sight faster on its own. Let nature take its course."

The best technique for cleaning the remaining oil may be the nifty partnership between man and microbe called bioremediation. Certain bacteria in the earth's seas and soils eat hydrocarbons. They probably live mostly on oils given off by living or newly dead plants and animals, but they are not picky eaters. Cleanup crews in Prince William Sound have been powdering the beaches with nitrogen and phosphorus similar to common garden fertilizer. This causes the bacteria to multiply rapidly, and they then gobble the crude oil. Under development: a pelletized version that would penetrate into the lower crevices to Prince William Sound's beaches. Arco has successfully tested the technique on bacteria found in the Arctic (Prince William Sound is far below the Arctic Circle, at about the latitude of Leningrad), which means it could someday help keep Prudhoe Bay and ANWR clean of oil mishaps.

The waters of Prince William Sound appear even cleaner than the beaches. Robinson of NOAA says, "Evidence of slight exposure to oil has been found in some fish, but there is no evidence of danger, even for those who live on fish alone." The fish appear to have multiplied. Herring fisherman reported record catches last summer, and the harvest of pink salmon set a record. 44 million fish, 40% more than in the previous summer. The salmon catch was made up of fish that swam out to sea through Prince William Sound just after the *Exxon Valdez* went aground.

In addition to advances in cleaning up oil, the industry is taking a lot more precautions against spills. Previously, tankers were escorted by a pilot boat through a narrows about two hours from Valdez and then left on their own. Today tankers are escorted to open ocean, a journey of eight hours, by two oceangoing vessels, each capable of towing a fully loaded tanker. When ice drifts into the shipping lanes, tankers are required to slow to four knots (five miles per hour). A collision with ice at that speed only scratches the paint, says Michael Williams, vice president for the environment at Alyeska, the consortium of companies that operates the trans-Alaskan pipeline and the loading terminal at Valdez. Before the oil spill, tankers would leave the shipping lanes to avoid ice in their path, a maneuver the *Exxon Valdez* was carrying out when it ran into trouble.

Alyeska now has enough equipment, including 30 miles of booms and five barges, to skim 25,000 barrels of oil per hour off the ocean. At that rate—assuming calm seas and favorable winds—the entire Valdez spill might have been mopped up in ten hours. As it is, Exxon has spent 20 months and $2.2 billion on the Valdez mess. And a company spokesman vows: "We are ready to go back in next summer and do whatever is necessary."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 29, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

Rules and Administration

To hold an organizational meeting to consider committee's rules of procedure, committee's budget for 1991, Joint Committee on Printing and the Joint Committee on the Library membership, and other pending legislative and administrative business.

SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry Organizational business meeting to consider committee's rules of procedure and committee's budget for the 102d Congress.

SR-332

Labor and Human Resources

To hold hearings on the nomination of Lynn Martin, of Illinois, to be Secretary of Labor.

SD-430

2:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JANUARY 31

9:30 a.m.

Labor and Human Resources

Aging Subcommittee

To hold hearings on proposed legislation authorizing funds for, and to promote and strengthen the programs of the Older Americans Act.

SD-430

10:00 a.m.

Finance

To hold an organizational meeting to consider committee's rules of procedure and committee's budget for the 102d Congress.

SD-215

Judiciary

To hold an organizational meeting to consider committee's rules of procedure and committee's budget for the 102d Congress.

SD-226

FEBRUARY 5

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on U.S. national energy policy.

SD-366

10:00 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget.

SD-608

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings to examine infrastructure, productivity, and economic growth.

SD-406

FEBRUARY 6

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.

SD-342

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR-301

10:15 a.m.

Finance

To hold hearings on the prospect of free trade negotiations with Mexico.

SD-215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Consumer Product Safety Commission, Consumer Information Center, Council on Environmental Quality, and the Office of Consumer Affairs.

SD-138

FEBRUARY 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 207, to provide funds for and to enhance the effectiveness of the Commodity Futures Trading Commission.

SR-332

9:30 a.m.

Energy and Natural Resources

To resume hearings on proposed legislation providing for a referendum on the political status of Puerto Rico.

SD-366

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR-301

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings to examine transportation demand as related to demographic trends.

SD-406

FEBRUARY 19

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to review a recent report of the Augustine Commission on the future direction of NASA.

SD-138

FEBRUARY 20

9:30 a.m.

Rules and Administration

Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991 and 1992, and other pending legislative and administrative business.

SR-301

10:00 a.m.

Finance

To resume hearings on the prospect of free trade negotiations with Mexico.

SD-215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Selective Service System, the American Battle Monuments Commission, Cemeterial Expenses (Army), the Nuclear Regulatory Commission, and the National Institute of Building Sciences.

SD-138

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD-342

MARCH 6

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.

SD-138

MARCH 13

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspector General, and the National Credit Union Administration.

SD-116

APRIL 10

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD-124

APRIL 17

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.

SD-138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD-138

APRIL 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD-124

MAY 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD-138

MAY 15

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD-138

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

CANCELLATIONS

JANUARY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine biological warfare defense, focusing on the Department of Defense research and development program.

SD-342

HOUSE OF REPRESENTATIVES—*Tuesday, January 29, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our prayers rise this day for those to whom great responsibility has been given. We remember the leaders of our own Nation and the leaders of other nations that they will know the gifts of wisdom and understanding, the gifts of insight and sound judgment.

May Your good spirit, gracious God, that ever points to the paths of peace, be with Your human family even in these days of conflict, that Your will may be done on Earth as it is in Heaven.

May Your blessing, O God, be with the members of the armed services. Be their protection and their guide this day and give to them and their families Your peace that passes all human understanding. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Indiana [Ms. LONG] please come forward and lead the House in the Pledge of Allegiance.

Ms. LONG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A SALUTE TO PATRICIA LENZ AND OUR MILITARY FAMILIES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise today to give recognition to a caring and generous individual, Ms. Patricia Lenz. She is here today as my special guest for the President's State of the Union Address.

Pat is the founder of the East Area Family Support Group for families and friends of those stationed in the Persian Gulf. She is also the proud mother of Robert Harper and Jim Lenz. Robert is currently serving in Saudi Arabia with the 24th Infantry, Signal Battalion of the United States Army. Jim is currently in the Army Reserves and working in Germany.

Under Pat's leadership, the East Area Family Support Group began its meetings in September. Pat's efforts on behalf of our military families have been nonstop, around the clock. This weekend, they will open a special center offering assistance, information, and emotional support to anyone with friends or family stationed in the gulf.

Just as we draw strength from the courage of our men and women in the Persian Gulf, we draw inspiration from people like Patricia Lenz. May her example help to bring us all together in support of the families of those who so proudly serve our country.

RESOLUTION CONDEMNING IRAQ'S ECOTERRORISM

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, today I will be introducing a resolution condemning Iraq's pumping of millions of gallons of oil into the Persian Gulf—its newest form of terrorism; namely, ecoterrorism. My resolution further holds Iraq 100 percent responsible for all economic and environmental damages and calls upon the President and the leaders of other allied nations to demand adequate compensation from Iraq for economic losses, environmental damages, and cleanup costs.

While I recognize that at this time my resolution cannot be enforced, I believe it sends the signal to Iraq, and the rest of the world, that we will not ignore Iraq's deliberately destructive environmental terrorism. This resolution calls on the President to make this issue part of any future settlement.

Iraq's deliberate polluting of the Persian Gulf further underscores the reckless, desperate nature of Saddam Hussein's dictatorship. Saddam's environmental warfare hurts most those he claims to be helping; namely, the Arab masses. This oilspill could destroy the fishing, pearling, and aquaculture industries in the gulf, ruining the economic livelihood of many innocent people including Iraqis. Contamination of desalinization plants only targets innocent Arab inhabitants of the gulf. Saddam, who claims to be the great protector of the Arabs, is instead wiping out the whole heritage and environment of the gulf.

I invite my colleagues to join me in cosponsoring my resolution.

CONGRATULATIONS TO THE "BETHEA BATTALION"

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. TALLON. Mr. Speaker, I am proud of all South Carolinians who are serving in Operation Desert Storm and I am deeply moved by the contributions of their families.

The Andrew Bethea family of Dillon, SC, my hometown, has gone above and beyond the call of duty.

They have sent five sons and one daughter-in-law to serve in Saudi Arabia. A grandson is currently stationed at Fort Stewart.

The tradition of service to country is one that was obviously instilled in the Bethea children by their parents.

Named the "Bethea Batallion" by the Dillon Herald, William, Lamont, Charles, Lylia, Alvin, Donald, and Thesaurus are making the town of Dillon very proud.

To Mr. and Mrs. Bethea and the battalion, I want to express my gratitude and admiration for your high family values and to your dedication to this Nation.

Let us hope and pray for a swift and safe return.

I would like to submit for the RECORD, a list of the members of the Bethea family who are contributing to Operation Desert Storm.

THE BETHEA BATTALION

First Sgt. William R. Bethea, 47, a graduate of Gordon High School and the first to enlist, is in headquarters company of the 30th Engineering Battalion. He has nearly 21 years of Army service, punctuated by a two-year lay-off after he returned from Vietnam.

As a civilian he was employed at Dixiana. A resident of Raeford, N.C., he is the father of five.

SSG Lamont C. Bethea, 36, has 12 years of military service and is a member of the 32nd MEDSOM, a medical unit. A graduate of Dillon High before entering the Army, Charles and his wife, Judy, are parents of two children. He calls Fayetteville, N.C., his home.

SSG Charles Bethea, 35, enlisted shortly after his graduation from Dillon High School. He has 17 years of active duty. He is a supply sergeant in the Third Battalion. He met his wife, also a sergeant deployed in Saudi Arabia, while both were serving in the Army at Fort Sill, Oklahoma. He lists his home as Fayetteville.

Sgt. Lylia Bethea, attached to Headquarters and Headquarters Company, 30th Engineering Battalion, is a Tennessean. She has more than ten years of active duty.

Sgt. Alvin Bethea, 32, has 15 years in the Army and is a missile technician with Headquarters and Headquarters Company XVIII ABC. He met his wife when both were in the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Army at Fayetteville and he is the father of a son. Mrs. Bethea is no longer in the Army. Charles' home is in Dillon.

Pvt. Donald Bethea, 27, the youngest and last to enlist, is a resident of Latta. He was a member of a National Guard unit, a transportation company, in Kingstree when it was mobilized. His wife, Shiri, and two children live in Latta.

E-4 Thesaurus Grice, 20, a grandson is carrying on the family tradition. He is a biomedical specialist stationed at Fort Gordon, Georgia.

AMERICA DESERVES EXPLANATION FROM OIL COMPANIES

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I do not believe the crisis in the Middle East is over oil. However, I do believe America's oil companies have some explaining to do to the American people. It is very difficult at a time when American men and women are putting their lives on the line over principles, that America's oil companies would use this crisis to record record profits.

The fact is, fourth quarter operating profits for the 12 largest oil producers increased an average of 70 percent over the same period 1 year ago. The fact is that income for the world's largest oil company soared more than threefold. Mobil rose to 45 percent; Texaco is up 35 percent; Amoco is up 68 percent; Chevron earned $633 million. And it goes on and on. Shell Oil Co. jumped by 68.9 percent.

Somehow, some way, it is very difficult, at a time when American men and women are putting their lives on the line, that American companies would take advantage of this situation. I hope each and every one of them will give this Congress, this administration, the American people, and most importantly, our American troops, an explanation for this price gouging.

□ 1210

REMEMBERING NAVY SEAMAN JEFFREY SETTIMI

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I rise to express my sorrow at the unfortunate death of a young serviceman from Indiana. Navy Seaman Jeffrey Settimi lost his life when his ferry capsized while taking him from Israel to the U.S.S. *Saratoga*. A volunteer in the U.S. Navy, he was courageously serving and protecting our country against aggression in the Middle East.

Jeffrey was a patriot dedicated to protecting the freedoms of our great country. His commitment was demonstrated by his reenlistment in the Navy in 1989, and by his 5 years of service in our Armed Forces.

The loss of anyone's life is a great loss. But, with the loss of Jeffrey's life, my concern for our troops in the Persian Gulf has significantly intensified and the terrible cost of war has become very personalized. His family never envisioned that the pain of such a loss would hit home so hard.

Jeffrey graduated from Fort Wayne's South Side High School, and joined the Navy shortly thereafter. He was the all-American boy next door; he enjoyed sports, was religious, and planned to attend college upon completion of his service with the Navy. He was a Fort Wayne native whose quiet and polite demeanor made him a joy for his parents to raise.

As we remember Jeffrey, let us all be reminded of the tremendous value of the human lives of the young men and women serving our country in the Persian Gulf.

WHAT IS LABOR'S NO. 1 LEGISLATIVE PRIORITY?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the No. 1 priority for organized labor this session will be H.R. 5, a bill to ban the permanent replacement of striking workers.

Supporters of the bill say it is designed to clarify existing law. Nothing could be further from the truth. In fact, this legislation will undo more than 50 years of labor law.

Unions represent only 12 percent of the private sector work force, yet unions are asking for one of the largest expansions of union power in recent years. They will be able to force their demands, resulting in essentially risk-free strikes over any issues.

Current labor law encourages reconciliation and as a result, strike activity is low. H.R. 5 makes the strike more likely and lessens the opportunity for a quick settlement to a dispute.

H.R. 5 includes not only unionized employees but nonunion businesses as well. For instance, employees who may walk off the job would have to be rehired to the same jobs whenever they return to work.

A strike bill is bad policy, bad for workers, and bad for America's competitive position in world economy. Join me in opposing this legislation.

MURDER IN RURAL AMERICA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, as we stand here in the "murder capital" of our country, it is all too easy to think that violent crimes are isolated to our large cities. Unfortunately, violence is not limited to urban areas.

It is with great sadness that I tell you about a mass slaying in rural New Mexico this past weekend. This tragedy demands that we look more seriously at the issue of crime and law enforcement in our country.

As a result of a domestic dispute, seven people, including two police officers, were shot to death and a 13-year-old boy was hospitalized with two bullet wounds.

This nightmare occurred in Chimayo, a rural town that exemplifies the beauty of my home State. But violence did not respect the serenity of this land and inflicted irreparable damage on this community.

This can happen because one small State police office must serve hundreds of square miles.

Unfortunately, this community does not stand alone. Law enforcement in rural America must be improved by increasing manpower and by creating multijurisdictional task forces.

While considering the crime control bill, my colleagues and I successfully defeated the direct passthrough provision, thereby protecting the distribution of rural law enforcement funds. Yet, this will never be enough to the families of those who were brutally murdered.

Though I know I can not fully share their sorrow, I send my condolences and my assurance that we will continue to seek new ways of enhancing rural law enforcement.

[From the New Mexican, Jan. 27, 1991]

SEVEN DEAD, INCLUDING TWO COPS, IN SHOOTOUT AT CHIMAYO

(By Kelly Richmond and Mark Utgaard)

Seven people were killed, including two police officers, and at least four others were wounded Saturday evening in a shooting spree at a Chimayo trailer park, apparently sparked by a domestic dispute.

State Police Maj. John Denko said late Saturday that authorities were still looking for the suspect, identified as 29-year-old Ricky Abeyta of Chimayo. Denko said he escaped from the trailer before a state police tactical team stormed it about 10:30 p.m.

At 11:30 p.m., police issued a bulletin for a blue Toyota pickup with the license plate LW-6062. The police dispatcher said authorities believe Abeyta is armed with a 7 mm rifle, a .38-caliber handgun and a .357 handgun taken from a police officer.

"He is considered armed and very dangerous," said Denko.

Abeyta is described as being between 5 feet 3 and 5 feet 4 inches tall, about 130 pounds with brown hair, brown eyes and a dark complexion.

Denko said State Police Officer Glen Huber and Rio Arriba County Sheriff's Deputy Jerry Martinez were shot early Saturday evening when they arrived at the trailer to deliver a restraining order. Police, forced to wait at a distance by a suspect shooting from the trailer, were unable to attend to the fallen officers for hours after they had been shot.

It was unknown whether Abeyta slipped out of the trailer after police surrounded it or if he left even before police formed barricades. However, police at the scene said they are convinced he was in the trailer when back-up officers arrived because shots were fired from the trailer.

The other victims of the shooting were not identified by police as of late Saturday night. They included a 5-month-old baby boy found under a car, a child of an unknown age found in the back of the car, and a woman whose body was found in a rented moving truck outside the trailer.

Denko said Huber, killed in his patrol car, and Martinez apparently arrived after the shootings began.

"Evidently the situation became volatile before they got there. They were caught by surprise, totally off guard," Denko said.

Police believe the incident started when the suspect and his girlfriend got into an argument about her moving out.

Martinez is the father of a 1-month-old baby girl.

Police said that after shooting Huber and Martinez, Abyeta barricaded himself inside a trailer and police surrounded it.

At least one of the wounded was a 13-year-old boy who was airlifted by Lifeguard helicopter to University Hospital in Albuquerque, where he was listed in serious but stable condition with gunshot wounds to the shoulder and buttock.

The other wounded were taken to Espanola Hospital but the hospital declined to release any information about them.

Denko said Huber, 35, was a Santa Fe High School graduate and had seven years experience with the state police. The one-time Pecos marshal is survived by a wife and two daughters, he said.

The last state police officer killed in the line of duty was Wayne G. Allison, who was killed in a plane crash in February 1988. The last state police officer killed with a weapon was Sherman Toler, who was shot during a routine traffic stop in March 1986.

INTRODUCTION OF RESOLUTION TO WITHDRAW NOBEL PRIZE FROM GORBACHEV

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last October Soviet President Mikhail Gorbachev was awarded the Nobel Peace Prize for being a friend to the causes of peace, openness, and international trust. Within months, however, he has betrayed these causes by adopting old, hard-line Stalinist tactics in the Baltics. There we have witnessed the brutal suppression of free institutions, the silencing of the press and the killing of innocent civilians.

Mr. Speaker, as we speak, the international community is embracing the vision of freedom and democracy. President Gorbachev shows himself to be an enemy of this vision. His vision appears to be in violation of the 1975 Helsinki accords on human rights and holding on to states that were forcibly annexed in a secret pact with Adolph Hitler.

It is for these reasons, Mr. Speaker, that I have introduced a resolution calling upon the Nobel Committee to withdraw the Nobel Prize for peace from President Gorbachev. Let us send a strong message that the United States stands for the freedom of the 8 million people of the Baltic Republics and not with the brutality of totalitarian repression.

GOLDWATER-NICHOLS DEFENSE REORGANIZATION ACT SERVES US WELL IN DESERT STORM

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, there is broad agreement that Desert Storm is better organized than any war in which the United States has been involved. This is due in large measure to the Goldwater-Nichols Defense Reorganization Act and is a great tribute to our late colleague Bill Nichols. Bill did some of his best work in the last years of his life and the Defense Department reform he coauthored was landmark legislation. Congressman Nichols, who lost a leg in combat in World War II, saw the need of eliminating the confusion in the chain of command. This legislation, which I gladly cosponsored, strengthens the hand of the Chairman of the Joint Chiefs of Staff, but most importantly, it gives the authority to the CINC, the Commander in Chief in the field to be in charge and to make decisions that saves lives and achieves objectives without confusion and interference from Washington. The Goldwater-Nichols Act truly serves us well.

SUPPORT H.R. 555, SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENT

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I would like to thank the Veterans' Affairs Committee for their timely work in bringing to the floor later today H.R. 555, legislation which I have cosponsored, that will help Desert Storm service men and women and their families with potential financial hardships that they may face.

We need to be behind our troops 100 percent, not only on the battlefront, but on the homefront as well. Civil lawsuits, eviction from apartments, abusive actions of creditors, professional liability premiums for doctors and health insurance reinstatement are problems that should not burden our Desert Storm service members or their families back home.

Mr. Speaker, H.R. 555 provides new protections and relief from many of the types of problems that are worrisome to our troops and their families by amending the Soldiers' and Sailors' Civil Relief Act, an act that has not been amended since the Vietnam war.

Mr. Speaker, I strongly support H.R. 555 and urge my fellow Members to stand fully behind our troops by voting unanimously for this bill.

AIDS EPIDEMIC CONTINUES TO GROW

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of our colleagues the recent report from the Center for Disease Control that 100,000 Americans have now died from AIDS. This is quite remarkable, because the disease was not even known 10 years ago.

The epidemic continues to grow. In the next two years it is estimated that 200,000 people will die of AIDS, and well over 1 million Americans are infected with the disease.

Because of this Congress, and I am here to thank the Congress, because of this Congress, federally funded research has given us some reason for hope, and last year with the passage of the Ryan-White care bill, the Federal Government assumed a necessary role in patient care and early intervention. We need to fully fund this legislation this year.

Unfortunately, the Federal prevention efforts have not been successful. We must do better. One hundred thousand dead and counting, we must do more.

BLANK CHECKS AND BALANCED CHECKBOOKS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, I found testimony presented by administration officials last week rather astonishing in two regards.

First, it was stated that an additional $77 billion will be needed this fiscal year to cover the costs of the Resolution Trust Corporation [RTC]. Yet, the RTC's audited financial statements for the year ending December 21, 1989, remain uncompleted.

If the RTC were a publicly held corporation, it would be in gross violation of SEC regulations, which give a publicly held corporation only 90 days to report its financial statements.

The RTC's unaudited financial statements are not in much better shape. The last quarter for which RTC has provided unaudited financial statements is for the one ending June 1990.

How can the administration estimate how much money it needs, when it has no audited financial statements from 13 months ago, let alone now?

This brings us to the second remarkable aspect of the testimony: The administration wants Congress to give it a blank check to cover the RTC's costs.

Under any circumstances, granting such authority would be irresponsible.

Mr. Speaker, giving a blank check to an entity which cannot balance its own checkbook is an invitation for disaster.

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DON'T CANCEL THE SUMMIT: NOW IS THE TIME TO KEEP TALKING

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, this may be a revisionist perspective, but I feel compelled to come to the floor and indicate my serious concern about the decision to either cancel or delay the summit between the United States and the Soviet Union. Now is the time, particularly when we have over a half million troops in the Persian Gulf in harm's way, now is the time for the two superpowers to keep talking.

I as well as all of my colleagues and most Americans are concerned about the Baltic situation and the step backward for reforms by the Gorbachev government. All of us are also concerned about the delay in arms agreements. It is disturbing, but these are not insurmountable issues.

They can be discussed by us and by the Soviets. United States-Soviet relations still are the most important relationship to the United States and to the world.

Soviet assistance with respect to the coalition in the Persian Gulf has been paramount to United States success so far. To the extent that the United States can influence Gorbachev's policies in the Baltics as well as in furthering reform, we must keep talking with each other.

President Bush went the extra mile with Saddam Hussein to try to negotiate ourselves out of a conflict before it occurred. He should do no less with Gorbachev and the Soviet Union.

FAIRNESS FOR THE VETERANS OF VIETNAM AND RESERVISTS AND NATIONAL GUARD MEMBERS

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, as we meet, the men and women of our Armed Forces are engaged in battle in the Middle East. In addition, thousands of veterans of past wars are engaged in battles of their own.

Today is our opportunity to help not only those brave forces serving us now, but also the brave veterans who served us so honorably in years past.

H.R. 556 is about fairness for the veterans of Vietnam. It mandates extended care for those who suffered the dangerous after-effects of agent orange.

H.R. 555, meanwhile, is about fairness for the brave reservists and National Guard members on active duty. This legislation would ensure that their families are not subjected to unfair evictions, or gaps in health coverage.

I hope this Congress will move quickly to pass both of these bills. We owe it to ourselves to support not only the troops in this war, but also those involved in America's last war.

THE COSTS WITH RESPECT TO DESERT STORM

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, it is clear that the most important cost with respect to Desert Shield and Desert Storm, the war in the Persian Gulf, is the cost measured in human lives, both the soldiers and civilians who are often the victims of war.

But there is another cost as well. We are facing it now and when the war is over and the dust settles, there will still be the financial burden for someone to bear, and the question is, Who will pay the costs?

We will likely hear tonight from the President in this Chamber about a new world order. The question I have is, Will the new world order be like the old world order?

We pay the bills, Uncle Sam carries the burden, and Uncle Sam eventually borrows from our allies to pay bills they owe.

Mr. Speaker, I introduced legislation yesterday asking the President to negotiate all such cost-sharing payments with our allies—specifically, Japan, Germany, the Saudis, the Kuwaitis, and others—to meet certain specific thresholds of contributions, financial contribution to the war in the Persian Gulf. If they fail to meet that contribution, we would impose import tariffs on their goods coming into this country to raise sufficient money to cover their shares.

This country is deep in debt, with a $3.4 trillion national debt, and a near-$400 billion deficit this year. We simply cannot, as in the old world order, keep on borrowing money from our allies to pay for their defense.

Let us make sure the new world order extracts from our allies their fair share of necessary contributions, to help this country pay the gulf war bill. In the final analysis, they owe this bill because they have a far greater dependence on the trade of Persian Gulf oil than we do.

DESERT STORM IS NOT AMERICA'S ONLY WAR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, Desert Storm is not America's only war. There were 23,000 murders last year; we graduate 700,000 students who cannot read from high school; health care costs rose 22 percent; over 40 million Americans do not have health insurance; the savings and loan crisis turned into a junk bond graveyard; pensions are underfunded; banks are going belly up; and, after 5 years of slam-bam-Rudman, our deficit is now in outer space.

We do not simply need an update on the war tonight, ladies and gentlemen, we need a blueprint to deal with the war that rages in America. It is time Congress and our President take care of our country first.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

AGENT ORANGE ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 556) to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes, as amended.

The Clerk read as follows:

H.R. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agent Orange Act of 1991".

SEC. 2. PRESUMPTION OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH EXPOSURE TO CERTAIN HERBICIDE AGENTS.

(a) IN GENERAL.—(1) Chapter 11 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents

"(a)(1) For the purposes of section 310 of this title, and subject to section 313 of this title—

"(A) a disease specified in paragraph (2) of this subsection becoming manifest as specified in that paragraph in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era; and

"(B) each additional disease (if any) that (1) the Secretary determines in regulations prescribed under this section warrants a presumption of service-connection by reason of having positive association with exposure to an herbicide agent, and (2) becomes manifest within the period (if any) prescribed in such regulations in a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and while so serving was exposed to that herbicide agent,

shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of evidence of such disease during the period of such service.

"(2) The diseases referred to in paragraph (1)(A) of this subsection are the following:

"(A) Non-Hodgkin's lymphoma becoming manifest to a degree of disability of 10 percent or more.

"(B) Each soft-tissue sarcoma becoming manifest to a degree of disability of 10 percent or more other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma.

"(C) Chloracne or another acneform disease consistent with chloracne becoming manifest to a degree of disability of 10 percent or more within one year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

"(3) For the purposes of this subsection, a veteran who, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era and has a disease referred to in paragraph (1)(B) of this subsection shall be presumed to have been exposed during such service to an herbicide agent containing dioxin or 2,4-dichlorophenoxyacetic acid, and may be presumed to have been exposed during such service to any other chemical compound in an herbicide agent, unless there is affirmative evidence to establish that the veteran was not exposed to any such agent during that service.

"(4) For purposes of this section, the term 'herbicide agent' means a chemical in an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era.

"(b)(1) Whenever the Secretary determines, on the basis of sound medical and scientific evidence, that a positive association exists between (A) the exposure of humans to an herbicide agent, and (B) the occurrence of a disease in humans, the Secretary shall prescribe regulations providing that a presumption of service connection is warranted for that disease for the purposes of this section.

"(2) In making determinations for the purpose of this subsection, the Secretary shall take into account (A) reports received by the Secretary from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, and (B) all other sound medical and scientific information and analyses available to the Secretary. In evaluating any study for the purpose of making such determinations, the Secretary shall take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.

"(3) An association between the occurrence of a disease in humans and exposure to an herbicide agent shall be considered to be positive for the purposes of this section if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

"(c)(1)(A) Not later than 60 days after the date on which the Secretary receives a report from the National Academy of Sciences under section 3 of the Agent Orange Act of 1991, the Secretary shall determine whether a presumption of service connection is warranted for each disease covered by the report. If the Secretary determines that such a presumption is warranted, the Secretary, not later than 60 days after making the determination, shall issue proposed regulations setting forth the Secretary's determination.

"(B) If the Secretary determines that a presumption of service connection is not warranted, the Secretary, not later than 60 days after making the determination, shall publish in the Federal Register a notice of that determination. The notice shall include an explanation of the scientific basis for that determination. If the disease already is included in regulations providing for a presumption of service connection, the Secretary, not later than 60 days after publication of the notice of a determination that the presumption is not warranted, shall issue proposed regulations removing the presumption for the disease.

"(2) Not later than 90 days after the date on which the Secretary issues any proposed regulations under this subsection, the Secretary shall issue final regulations. Such regulations shall be effective on the date of issuance.

"(d) Whenever a disease is removed from regulations prescribed under this section—

"(1) a veteran who was awarded compensation for such disease on the basis of the presumption provided in subsection (a) before the effective date of the removal shall continue to be entitled to receive compensation on that basis; and

"(2) a survivor of a veteran who was awarded dependency and indemnity compensation for the death of a veteran resulting from such disease on the basis of such presumption shall continue to be entitled to receive dependency and indemnity compensation on such basis.

"(e) Subsections (b) through (d) shall cease to be effective 10 years after the first day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under section 3 of the Agent Orange Act of 1991.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 315 the following new item:

"316. Presumptions of service connection for diseases associated with exposure to certain herbicide agents.".

(b) CONFORMING AMENDMENT.—Section 313 of title 38, United States Code, is amended by inserting "or 316" after "section 312" each place it appears.

SEC. 3. AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.

(a) PURPOSE.—The purpose of this section is to provide for the National Academy of Sciences, an independent nonprofit scientific organization with appropriate expertise which is not part of the Federal Government, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

(b) AGREEMENT.—The Secretary shall seek to enter into an agreement with the National Academy of Sciences for the Academy to perform the services covered by this section. The Secretary shall seek to enter into such agreement not later than two months after the date of the enactment of this Act.

(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an agreement between the Secretary and the National Academy of Sciences under this section, the Academy shall review and summarize the scientific evidence, and assess the strength thereof, concerning the association between exposure to an herbicide used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era and each disease suspected to be associated with such exposure.

(d) SCIENTIFIC DETERMINATIONS CONCERNING DISEASES.—(1) For each disease reviewed, the Academy shall determine (to the extent that available scientific data permit meaningful determinations)—

(A) whether a statistical association with herbicide exposure exists, taking into account the strength of the scientific evidence and the appropriateness of the statistical and epidemiological methods used to detect the association;

(B) the increased risk of the disease among those exposed to herbicides during service in the Republic of Vietnam during the Vietnam era; and

(C) whether there exists a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease.

(2) The Academy shall include in its reports under subsection (g) a full discussion of the scientific evidence and reasoning that led to its conclusions under this subsection.

(e) RECOMMENDATIONS FOR ADDITIONAL SCIENTIFIC STUDIES.—The Academy shall make any recommendations it has for additional scientific studies to resolve areas of continuing scientific uncertainty relating to herbicide exposure. In making recommendations for further study, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from additional studies, and the cost and feasibility of carrying out such additional studies.

(f) SUBSEQUENT REVIEWS.—An agreement under subsection (b) shall require the National Academy of Sciences—

(1) to conduct as comprehensive a review as is practicable of the evidence referred to in subsection (c) that became available since the last review of such evidence under this section; and

(2) to make its determinations and estimates on the basis of the results of such review and all other reviews conducted for the purposes of this section.

(g) REPORTS.—(1) The agreement between the Secretary and the National Academy of Sciences shall require the Academy to transmit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives periodic written reports regarding the Academy's activities under the agreement. Such reports shall be submitted at least once every two years (as measured from the date of the first report).

(2) The first report under this subsection shall be transmitted not later than the end of the 18-month period beginning on the date of the enactment of this Act. That report shall include (A) the determinations and dis-

cussion referred to in subsection (d), (B) any recommendations of the Academy under subsection (e), and (C) the recommendation of the Academy as to whether the provisions of each of sections 6 through 9 should be implemented by the Secretary. In making its recommendation with respect to each such section, the Academy shall consider the scientific information that is currently available, the value and relevance of the information that could result from implementing that section, and the cost and feasibility of implementing that section. If the Academy recommends that the provisions of section 6 should be implemented, the Academy shall also recommend the means by which clinical data referred to in that section could be maintained in the most scientifically useful way.

(h) LIMITATION ON AUTHORITY.—The authority to enter into agreements under this section shall be effective for a fiscal year to the extent that appropriations are available.

(i) SUNSET.—This section shall cease to be effective 10 years after the last day of the fiscal year in which the National Academy of Sciences transmits to the Secretary the first report under subsection (g).

(j) ALTERNATIVE CONTRACT SCIENTIFIC ORGANIZATION.—If the Secretary is unable within the time period prescribed in subsection (b) to enter into an agreement with the National Academy of Sciences for the purposes of this section on terms acceptable to the Secretary, the Secretary shall seek to enter into an agreement for the purposes of this section with another appropriate scientific organization that is not part of the Government and operates as a not-for-profit entity and that has expertise and objectivity comparable to that of the National Academy of Sciences. If the Secretary enters into such an agreement with another organization, then any reference in this section and in section 316 of title 38, United States Code (as added by section 2), to the National Academy of Sciences shall be treated as a reference to the other organization.

SEC. 4. OUTREACH SERVICES.

Section 1204(a) of the Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687; 102 Stat. 4125) is amended—

(1) in clause (1), by striking out ", as such information on health risks becomes known";

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by inserting "(1)" after "PROGRAM.—"; and

(4) by adding at the end the following new paragraph:

"(2) The Secretary of Veterans Affairs shall annually furnish updated information on health risks described in paragraph (1)(A) to veterans referred to in paragraph (1).".

SEC. 5. EXTENSION OF HEALTH-CARE ELIGIBILITY BASED ON EXPOSURE TO AGENT ORANGE OR IONIZING RADIATION.

Section 610(e)(3) of title 38, United States Code, is amended by striking out "December 31, 1990" and inserting in lieu thereof "December 31, 1993".

SEC. 6. RESULTS OF EXAMINATIONS AND TREATMENT OF VETERANS FOR DISABILITIES RELATED TO EXPOSURE TO CERTAIN HERBICIDES OR TO SERVICE IN VIETNAM.

(a) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Veterans Affairs shall compile and analyze, on a continuing basis, all clinical data that (1) is obtained by the Department of Veterans Affairs in connection with examinations and treatment furnished to veterans by the Department after November 3, 1981, by reason of eligibility provided in section 610(e)(1)(A) of title 38, United States Code, and (2) is likely to be scientifically useful in determining the association, if any, between the disabilities of veterans referred to in such section and exposure to dioxin or any other toxic substance referred to in such section or between such disabilities and active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) ANNUAL REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an annual report containing—

(1) the information compiled in accordance with subsection (a);

(2) the Secretary's analysis of such information;

(3) a discussion of the types and incidences of disabilities identified by the Department of Veterans Affairs in the case of veterans referred to in subsection (a);

(4) the Secretary's explanation for the incidence of such disabilities;

(5) other explanations for the incidence of such disabilities considered reasonable by the Secretary; and

(6) the Secretary's views on the scientific validity of drawing conclusions from the incidence of such disabilities, as evidenced by the data compiled under subsection (a), about any association between such disabilities and exposure to dioxin or any other toxic substance referred to in section 610(e)(1)(A) of title 38, United States Code, or between such disabilities and active military, naval, or air service, in the Republic of Vietnam during the Vietnam era.

(c) FIRST REPORT.—The first report under subsection (b) shall be submitted not later than one year after the effective date of this section.

(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 7. TISSUE ARCHIVING SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—Subject to subsections (e) and (f), for the purpose of facilitating future scientific research on the effects of exposure of veterans to dioxin and other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era, the Secretary of Veterans Affairs shall establish and maintain a system for the collection and storage of voluntarily contributed samples of blood and tissue of veterans who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) SECURITY OF SPECIMENS.—The Secretary shall ensure that the tissue is collected and stored under physically secure conditions and that the tissue is maintained in a condition that is useful for research referred to in subsection (a).

(c) AUTHORIZED USE OF SPECIMENS.—The Secretary may make blood and tissue available from the system for research referred to in subsection (a). The Secretary shall carry out this section in a manner consistent with the privacy rights and interests of the blood and tissue donors.

(d) LIMITATIONS ON ACCEPTANCE OF SAMPLES.—The Secretary may prescribe such limitations on the acceptance and storage of blood and tissue samples as the Secretary considers appropriate consistent with the purpose specified in subsection (a).

(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 8. SCIENTIFIC RESEARCH FEASIBILITY STUDIES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsections (e) and (f), the Secretary of Veterans Affairs shall establish a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on—

(1) health hazards resulting from exposure to dioxin;

(2) health hazards resulting from exposure to other toxic agents in herbicides used in support of United States and allied military operations in the Republic of Vietnam during the Vietnam era; and

(3) health hazards resulting from active military, naval, or air service in the Republic of Vietnam during the Vietnam era.

(b) PROGRAM REQUIREMENTS.—(1) Under the program established pursuant to subsection (a), the Secretary shall, pursuant to criteria prescribed pursuant to paragraph (2), award contracts or furnish financial assistance to non-Government entities for the conduct of studies referred to in subsection (a).

(2) The Secretary shall prescribe criteria for (A) the selection of entities to be awarded contracts or to receive financial assistance under the program, and (B) the approval of studies to be conducted under such contracts or with such financial assistance.

(c) REPORT.—The Secretary shall promptly report the results of studies conducted under the program to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

(d) CONSULTATION WITH THE NATIONAL ACADEMY OF SCIENCES.—(1) To the extent provided under any agreement entered into by the Secretary and the National Academy of Sciences under this Act—

(A) the Secretary shall consult with the Academy regarding the establishment and administration of the program under subsection (a); and

(B) the Academy shall review the studies conducted under contracts awarded pursuant to the program and the studies conducted with financial assistance furnished pursuant to the program.

(2) The agreement shall require the Academy to submit to the Secretary and the Committees on Veterans' Affairs of the Senate and the House of Representatives any recommendations that the Academy considers appropriate regarding any studies reviewed under the agreement.

(e) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts.

(f) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 9. BLOOD TESTING OF CERTAIN VIETNAM-ERA VETERANS.

(a) BLOOD TESTING.—Subject to subsections (d) and (e), in the case of a veteran described in section 610(e)(1)(A) of title 38, United States Code, who—

(1) has applied for medical care from the Department of Veterans Affairs; or

(2) has filed a claim for, or is in receipt of disability compensation under chapter 11 of title 38, United States Code,

the Secretary of Veterans Affairs shall, upon the veteran's request, obtain a sufficient amount of blood serum from the veteran to enable the Secretary to conduct a test of the serum to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) which may be present in the veteran's body.

(b) NOTIFICATION OF TEST RESULTS.—Upon completion of such test, the Secretary shall notify the veteran of the test results and provide the veteran a complete explanation as to what, if anything, the results of the test indicate regarding the likelihood of the veteran's exposure to TCDD while serving in the Republic of Vietnam.

(c) INCORPORATION IN SYSTEM.—The Secretary shall maintain the veteran's blood sample and the results of the test as part of the system required by section 7.

(d) FUNDING.—The authority of the Secretary to carry out this section is effective in any fiscal year only to the extent or in the amount specifically provided in statutory language in appropriations Acts, but such amount shall not exceed $4,000,000 in any fiscal year.

(e) EFFECTIVE DATE.—(1) This section shall take effect at the end of the 90-day period beginning on the date on which the first report of the National Academy of Sciences under section 3(g) is received by the Secretary, except that this section shall not take effect if the Secretary, after receiving that report and before the end of that 90-day period—

(A) determines that it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure; and

(B) notifies the Committees on Veterans' Affairs of the Senate and House of Representatives of the Secretary's determination and the reasons therefor.

(2) In making a determination under this subsection, the Secretary shall give great weight to the views and recommendations of the Academy expressed in that report with respect to the implementation of this section.

SEC. 10. CONFORMING AMENDMENTS TO PUBLIC LAW 98-542.

(a) AMENDMENTS TO SECTION 2.—Section 2 of Public Law 98-542 (38 U.S.C. 354 note) is amended by striking out "that chloracne," in paragraph (5) and all that follows through "herbicides and".

(b) AMENDMENTS TO SECTION 3.—Section 3 of such Public Law is amended by striking out "during service in the Armed Forces in the Republic of Vietnam to a herbicide containing dioxin or".

(c) AMENDMENTS TO SECTION 5.—Section 5 of such Public Law is amended as follow:

(1) Subsection (a)(1) is amended by striking out "during service—" and all that follows through "in connection with" and inserting in lieu thereof "during service in connection with".

(2) Subsection (b) is amended—

(A) by striking out "of exposure to herbicides containing dioxin or" in the first sentence of paragraph (1)(A);

(B) by striking out "evidence indicating—" in paragraph (2)(B) and all that follows through "(ii) a connection to" and inserting in lieu thereof "evidence indicating a connection to";

(C) in paragraph (3)—

(i) by striking out "herbicide or" in subparagraph (A); and

(ii) by striking out "to a herbicide containing dioxin or" in subparagraph (B); and

(D) by striking out "of the appropriate panel" in the first sentence of paragraph (1)(B), in the first sentence of paragraph (2)(A)(i), and in paragraph (2)(B).

(d) AMENDMENTS TO SECTION 6.—Section 6 of such Public Law is amended as follows:

(1) Subsection (a) is amended—

(A) in the matter preceding paragraph (1), by striking out "fifteen members" and inserting in lieu thereof "nine members";

(B) in paragraph (1)—

(i) by striking out "eleven individuals" and inserting in lieu thereof "six individuals";

(ii) by striking out subparagraph (A);

(iii) by redesignating subparagraph (B) as subparagraph (A); and

(iv) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph—

(I) by striking out "five individuals" and inserting in lieu thereof "three individuals"; and

(II) by striking out "dioxin or"; and

(C) in paragraph (2)—

(i) by striking out "four individuals" and inserting in lieu thereof "three individuals"; and

(ii) by striking out "dioxin or".

(2) Subsection (d) is amended—

(A) by striking out "eleven" in paragraph (1) and inserting in lieu thereof "six"; and

(B) by striking out "be divided into" in paragraph (2) and all that follows through "(B) an eight-member panel with" and inserting in lieu thereof "have".

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect at the end of the six-month period beginning on the date of the enactment of this Act.

(2)(A) If the Secretary of Veterans Affairs determines before the end of such six-month period that the Environmental Hazards Advisory Committee established under section 6 of Public Law 98-542 (38 U.S.C. 354 note) has completed its responsibilities under that section and the directives of the Secretary pursuant to the Nehmer case court order, the amendments made by this section shall take effect as of the date of such determination.

(B) For purposes of this paragraph, the term "Nehmer case court order" means the court order dated May 2, 1989, in the case of Nehmer v. Department of Veterans Affairs, in the United States district court for the northern district of California (civil action docket number C-86-6160 TEH).

(3) If the Secretary makes a determination under paragraph (2), the Secretary shall promptly publish in the Federal Register a notice that such determination has been made and that such amendments have thereby taken effect as of the date of such determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on H.R. 556, the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that debate on this bill be extended by 20 minutes, 10 minutes on this side and 10 minutes to the gentleman from Arizona [Mr. STUMP].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have the opportunity to take the final, momentous step at the end of a long and arduous journey. For more than 10 years, the words "agent orange" have been synonymous with divisiveness and controversy, not only between Vietnam veterans and the Federal Government, but among the Nation's veterans' service organizations as well.

The legislation we consider today, H.R. 556, a compromise agreement, can perhaps salve the bitterness, anxiety, and disappointment which have engulfed both this issue and the earnest attempts to respond to our Vietnam veterans' concerns in a fair and rational manner.

Just this morning, I was notified by the Secretary of Veterans Affairs, Ed Derwinski, that the administration supports the compromise.

SECRETARY OF VETERANS AFFAIRS,
Washington, January 29, 1991.

Hon. G.V. (SONNY) MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of H.R. 556, 102nd Congress, the "Agent Orange Act of 1991." This bill is a compromise which relies on science to settle the troubling questions concerning the effect on veterans of exposure to herbicides—such as Agent Orange—used in the allied effort during the Vietnam war.

Among the bill's key features is codification, with minor modifications, of the presumptions of service connection for certain diseases associated with herbicide exposure or Vietnam service that VA, with the invaluable assistance of the Veterans' Advisory Committee on Environmental Hazards, has developed in recent years. Specifically, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tisse sarcoma (with some exceptions), or chloracne (within one year of leaving Vietnam) will be presumed to have incurred that disease while on active duty.

Further, the bill would establish a new regulatory mechanism for adding—or deleting—presumptions of service connection based on exposure to herbicides in Vietnam. Essentially, VA would be required to enter into a contract with the National Academy of Sciences (NAS) under which NAS would review and summarize the literature related to herbicide exposure and would provide its advice to VA. Taking into account the advice of NAS, VA could amend the list of those diseases for which service connection is presumed. That advice would also assist VA in decisions concerning further research and study.

The bill would also provide for research-related efforts in areas including tissue archiving, blood sampling and testing, and clinical-records review, but would do so subject to two important conditions: such activities would not be conducted if VA determines after considering the report of NAS, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge; and, such activities would be subject to specific appropriation of funds by the Congress. We are pleased with this balanced provision, which will encourage important research within the limits of available resources and scientific feasibility.

Also, the bill would eliminate the dioxin function of the Veterans' Advisory Committee on Environmental Hazards.

We wish to express our belief that our Advisory Committee, since its creation in 1985, has done a thoroughly professional job in carrying out its assigned duties. We appreciate the difficult and often frustrating work they have undertaken over the years. Nevertheless, we are aware of the concern of some that a non-Governmental review would be of value. VA has testified before both the Senate and House Committees on Veterans' Affairs that we would not object to an independent review of our work in this area, after that work was completed. However, in the spirit of compromise, we support your proposal to eliminate the dioxin function of the Advisory Committee and replace it with a review of evidence by the NAS.

While we are supportive of this bill, we are seriously concerned about the effective date of the amendments, in section 10 of the bill, to Pub. L. No. 98-542 and to the provision relating the court's order in Nehmer v. Department of Veterans' Affairs. We therefore ask that the staffs of the House and Senate Committees on Veterans' Affairs work with my staff to develop an amendment to this section that is more consistent with the bill's goal of resolving the uncertainty about the associations between diseases and exposure to herbicides, and to address other technical matters.

In sum, we applaud your efforts and those of your colleagues to work toward a thoughtful and meaningful compromise of this controversial issue. We have testified many times that VA has one overriding goal in this area: providing, as best we can, the truth for our Vietnam veterans about the effects of exposure to Agent Orange. Because, in our opinion, that is the goal of this fine legislation, we are pleased to offer our support.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the views expressed in this letter on H.R. 556.

Sincerely yours,
EDWARD J. DERWINSKI.

H.R. 556 enjoys the unanimous support of my colleagues on the Veterans' Affairs Committee and a coalition of Members from both the House and Senate who have stood and fought on both sides of the issue. It reflects our best effort, an honest effort, for a pragmatic approach to determining whether exposure to herbicides in Vietnam might have caused various disabilities.

This compromise would codify administrative decisions of the Secretary of Veterans Affairs in deeming three conditions service-connected for compensation purposes. Further, it would entrust to an independent, renowned scientific panel—the National Academy of Sciences—the responsibility for a comprehensive review of available and future data on the long-term health effects of herbicide exposure. The Secretary would be expected to give great weight to the determinations of the academy in deciding if additional presumptions for any disease should be established.

There have been countless scientific studies and reviews of the scientific evidence bearing on the long-term health effects of exposure to herbicide agents in humans. The following excerpts from agent orange briefs prepared by the Department of Veterans Affairs, published in September 1990, describe some of the major activities over recent years on this issue and the Vietnam experience as well:

AGENT ORANGE AND VIETNAM RELATED RESEARCH

VA EFFORTS

Vietnam Veterans Mortality Study (Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War)—The results of this study were released in September 1987. Patterns of mortality among 24,235 Army and Marine Corps Vietnam veterans were compared with that of 25,685 non-Vietnam veterans using standardized proportional mortality ratios. The study subjects were a random sample of deceased Vietnam era veterans identified in a VA computerized benefit file. Military service information was obtained from military personnel records, and cause of death information from death certificates. Statistically significant excess deaths were observed among Army Vietnam veterans for motor vehicle accidents, nonmotor vehicle accidents and accidental poisonings. Similar findings have been reported in other studies of Vietnam veterans. Suicides were not elevated among Vietnam veterans. Marine Corps Vietnam veterans appeared to have an increased mortality from lung cancer and non-Hodgkin's lymphoma compared to Marines who did not serve in Vietnam. The study did not investigate possible causes of these findings. The study was published in the Journal of Occupational Medicine in May 1988.

Follow-up Proportionate Mortality Study of Army and Marine Corps Veterans of the Vietnam War—This updates the Vietnam Veterans Mortality Study. The initial effort included Vietnam-era veterans who died during the 1965-82 period. The updates includes deaths through 1984. Compared to non-Vietnam veterans, soldiers and Marines who served in Vietnam had a small but statistically significant excess of deaths from external causes. Army Vietnam veterans had small excesses of laryngeal cancer and lung cancer, but the role of such known causes as smoking could not be determined. The study has been accepted for publication in the Journal of Occupational Medicine.

Proportionate Mortality Among US Army Vietnam Veterans Who Served in I Corps—This study was designed to determine whether Army veterans, who were stationed in the same geographical area in Vietnam as Marine veterans, experienced mortality patterns similar to these Marines. The post-service mortality experience of 6,668 Army veterans who served in Military Region I, also known as "I Corps," was compared to that of 29,917 Army non-Vietnam veterans. Statistically significant excesses of deaths were observed for motor vehicle accidents and accidental poisonings. Deaths due to other major disease categories, including malignant neoplasms, and suicides were no more frequent among Army I Corps veterans than their counterparts. No significant excess of deaths due to non-Hodgkin's lymphoma or lung cancer was observed. The study results will be published in the American Journal of Epidemiology in the near future. This was a follow-up research project in response to results of the Vietnam Veterans Mortality Study. (See first entry in this Brief.)

Soft Tissue Sarcoma Study (Soft Tissue Sarcoma and Military Service in Vietnam: A Case Control Study)—This study was conducted of men who were of draftable age during the Vietnam conflict to examine the association of soft tissue sarcomas with military service in Vietnam as well as other environmental risk factors. A total of 217 soft tissue sarcomas cases selected from the Armed Forces Institute of Pathology were compared to 599 controls for Vietnam service occupational and non-occupational exposure to various chemicals, occupational history, medical history, and life-style (smoking, alcohol, coffee, etc.). The results of the study indicate that Vietnam veterans did not have an increased risk of soft tissue sarcoma when compared to those men who had never been in Vietnam. The study was published in the Journal of the National Center Institute in October 1987.

Soft Tissue Sarcoma Review (Soft Tissue Sarcomas and Military Service in Vietnam: A Case Comparison Group Analysis of Hospital Patients)—This study review soft tissue sarcoma cases among Vietnam era veterans who were admitted to VA medical centers during the period 1969–1983. This effort compared location, histopathology and relative frequency of soft tissue sarcomas between Vietnam veterans and non-Vietnam veterans. The study showed that for this group of veterans, service in Vietnam did not increase the risk of developing this type of cancer. The VA's Office of Environmental Epidemiology worked with the VA's Pathology Service and the Armed Forces Institute of Pathology on this research. The findings were published in the Journal of Occupational Medicine in December 1986.

Adipose Tissue Study (Retrospective Study of Dioxins and Furans in Adipose Tissue)—VA, in collaboration with the Environmental Protection Agency (EPA), recently completed a very detailed analysis of adipose tissue specimens from 200 men of the Vietnam era age group. The specimens were analyzed for 2, 3, 7, 8-TCDD, the contaminant found in one of the ingredients of Agent Orange, and sixteen other related dioxins and dibenzofurans. Researchers used adipose tissue collected for the EPA's National Human Adipose Tissue Survey. A total of 40 Vietnam veterans, 80 veterans who did not serve in Vietnam, and 80 civilians were selected and their archived tissues were analyzed. Investigators found that the average level of 2, 3,7,8-TCDD in adipose tissue of Vietnam veterans was not significantly different from that of the non-Vietnam veterans or the civilians. This was the case both with and without adjustment for several demographic variables. Furthermore, the results showed no association between TCDD levels and Agent Orange exposure opportunity estimations based on military records. The study has been accepted for publication in the American Journal of Public Health.

National Vietnam Veterans Readjustment Study—This study found that a majority of Vietnam theater veterans have made a successful re-entry to civilian life and currently experience few symptoms of post-traumatic stress disorder (PTSD) or other readjustment problems. Although in general, male Vietnam theater veterans do not differ greatly in their current life adjustment from their era veteran counterparts, there is some evidence that female theater veterans currently experience more readjustment problems than other Vietnam era veteran women of similar age and military occupation. The study found that 15.2 percent of all male Vietnam veterans and 8.5 percent of Vietnam veteran women currently suffer from PTSD. The study also indicated that PTSD in the Vietnam veteran population is associated with significant levels of morbidity, reflected in higher levels of employment, family and educational difficulties. The rates of PTSD are higher for black and Hispanic veterans than among white veterans.

Combat Experience and Postservice Psychosocial Status as Predictors of Suicide in Vietnam Veterans—Potential risk factors for suicide among 38 Vietnam veterans were examined using Vietnam veterans who died from motor vehicle accidents as a comparison group. Veterans were selected from Los Angeles County Medical Examiner's files. No military service factor was associated with suicide. The characteristics of Vietnam veterans suicide cases were not substantially different from non-Vietnam veteran suicides with respect to known demographic risk factors. The psychological profile for Vietnam veteran suicide cases was also similar to non-Vietnam veteran suicide cases in most instances. Symptoms related to PTSD were observed more frequently among suicide cases than accident cases. However, suicides were not associated with specific combat experiences or military occupation. The extent of combat experience in Vietnam per se as measured in this study was not a good predictor of suicide death. These results were published in the Journal of Nervous and Mental Disease in January 1990.

Army Chemical Corps Study—This study examined health effects of chemical exposures during military service in Vietnam among men assigned to Army chemical units, which were responsible for detecting and counteracting enemy chemical warfare by using riot control agents and for defoliating vegetation using phenoxy herbicides. Because they were involved in the mixing and application of these chemicals, these men were likely to have had heavier exposure to them than ground troops. Nearly 1,000 men who served in Army chemical units in Army chemical units in Vietnam between 1965 and 1971 were identified from unit morning reports, by the U.S. Army and Joint Services Environmental Support Group. Fifty-three deaths were observed through December 1987. Based on rates for U.S. men adjusted for race, age, and calendar period, there were statistically significant excesses of digestive disease deaths, primarily due to alcohol-related diseases, and from motor vehicle accidents. Two deaths were observed from leukemia (with 0.5 expected) and two from brain cancer (0.4 expected). A total of 257 of the veterans had received VA inpatient care and/or the VA Agent Orange Registry medical examinations during the study period. Two veterans had confirmed diagnoses of Hodgkin's disease (0.7 expected). Because of the small study group size and the lack of specificity of information regarding exposure, these results cannot be attributed to any single chemical agent. The study results will be published in the American Journal of Industrial Medicine.

Non-Hodgkin's Lymphoma Among Vietnam-era Veterans—This is a hospital-based case-control study undertaken to examine the association between military service in Vietnam and non-Hodgkin's lymphoma. The case group of about 400 Vietnam-era veterans who were treated in VA medical centers between 1969 and 1985 with a diagnosis of non-Hodgkin's lymphoma was compared with nearly 800 Vietnam-era veterans with a diagnosis other than malignant lymphoma. Military service in Vietnam did not increase the risk of non-Hodgkin's lymphoma either in general or with increased latency period, as defined as the duration in years from the first service in Vietnam to hospital discharge. Service in a specific military branch, a specific region of Vietnam, or combat role (as determined by military occupational specialty) were not associated with any increased risk of non-Hodgkin's lymphoma. The study has been accepted for publication in the Journal of Occupational Medicine.

A Case Control Analysis of Post-Traumatic Stress Disorder Among Vietnam Veterans in the Agent Orange Registry—This case control study compared demographic and military variables of 374 Vietnam veterans with PTSD diagnoses with a similar number of Vietnam veterans who did not have PTSD. All of these veterans were selected from the VA Agent Orange Registry, a computerized data base of about 200,000 Vietnam veterans who voluntarily reported to a VA health care facility for a medical examination. (For more information about the VA Agent Orange Registry, see Agent Orange Brief, Number 2.) Cases and controls were matched by age, year of Agent Orange Registry examination, and race. The study results have been submitted for publication in a professional journal.

Women Vietnam Veterans Mortality Study—The health effects of military service in Vietnam are being evaluated for women who served in Vietnam. The study cohort consists of all women who were on active duty in Vietnam. Approximately 5,000 female Vietnam veterans were identified from morning reports and military records to verify Vietnam service dates; military occupations have been abstracted as well. Causes of death among female Vietnam veterans will be compared with those among female Armed Forces veterans who did not serve in Vietnam. A comparison cohort of approximately the same size as the study cohort has been identified and military records have been abstracted. It is anticipated that a report will be available in early 1991.

Women Vietnam Veterans Data Analysis—VA is conducting an indepth analysis of data collected in the National Vietnam Veterans Readjustment Study to learn more about psychological health outcomes, in addition to PTSD, in women Vietnam veterans. This research is projected for completion, with a report to Congress, in 1991.

NON-VA EFFORTS

CDC Epidemiologic Study (Epidemiologic Studies of the Health of Vietnam Veterans—Mandated by Public Law 97-72 and Public Law 96-151)—This project is actually three studies: the Veitnam Experience Study, designed to evaluate the overall impact of military service in Vietnam on those who served there; the Agent Orange Exposure Study, intended to assess the possible adverse health effects on Vietnam veterans of exposure to the herbicide; and the Selected Cancers Study, designed to determine the risks of developing specific types of cancer among Vietnam veterans. The Department of Veterans Affairs (VA) provided full funding to the Centers for Disease Control (CDC) for this research.

Vietnam Experience Study—There are two components of this study: mortality (death) and morbidity (disease). The mortality effort (Postservice Mortality Among Vietnam Veterans) revealed that total mortality in Vietnam veterans was 17% higher than for other veterans. The excess mortality occurred mainly in the first five years after discharge from active duty and involved motor vehicle accidents, suicide, homicide, and accidental poisonings. Thereafter, mortality among Vietnam veterans was similar to that of other Vietnam-era veterans, except for drug-related death, which continued to be elevated. An unexpected finding was a deficit in deaths from diseases of the circulatory system among Vietnam veterans. The excess in postservice mortality due to external causes among Vietnam veterans is similar to that found among men returning from combat areas after World War II and the Korean War. The results of this study component were published in the Journal of the American Medical Association in February 1987. At the same time, CDC published a comprehensive report on this project.

The morbidity component of the Vietnam Experience Study (Health Status of Vietnam Veterans) indicated that the Vietnam and non-Vietnam veterans studied were similar in terms of level of education, employment, income, marital status, and satisfaction with personal relationships. Certain psychological problems, however, were significantly more common among Vietnam veterans than among non-Vietnam veterans. These included depression, anxiety, and alcohol abuse or dependence. About 15% of Vietnam veterans suffered from combat-related post-traumatic stress disorder at some time during or after military service, and 2.2% had the disorder during the month before the examination. During the telephone interview, Vietnam veterans reported current and past health problems more often than did non-Vietnam veterans, although results of medical examinations showed few current differences in physical health. Vietnam veterans had more hearing loss. Also, among a subsample of participants who had semen samples evaluated, Vietnam veterans had lower sperm concentrations and lower average proportions of "normal" sperm cells. Despite differences in sperm characteristics, Vietnam and non-Vietnam veterans have fathered similar numbers of children.

Children of Vietnam veterans were not more likely to have birth defects recorded on hospital birth records than were children of non-Vietnam veterans. The rates of total, major, minor, and suspected defects were similar among children of Vietnam and non-Vietnam veterans. The results of the morbidity component were published in the *Journal of the American Medical Association* in May 1988. CDC published a report (five volumes plus three supplements) on this study component in January 1989.

Agent Orange Exposure Study—This study was designed to evaluate the health effects, if any, of possible exposure to herbicides (primarily Agent Orange), utilizing information contained in military records. This component was put on hold in January 1986 because of problems related to the exposure assessment of veterans who served in Vietnam. More specifically, it was determined that a study based solely on military records was not possible because of the considerable potential for misclassification of exposure status. Subsequently, the Centers for Disease Control conducted a TCDD validation study to compare military records-based estimates with current serum dioxin levels. The results of this study led the Domestic Policy Council's Agent Orange Working Group and the Congressional Office of Technology Assessment to conclude that the Agent Orange Exposure Study cannot be conducted. Consequently, this study was canceled. The results of the validation study were published in the *Journal of the American Medical Association* in September 1988. The final report was published by CDC in September 1989.

Selected Cancers Study—This study was designed to determine if Vietnam veterans are at increased risk of contracting any of six specific cancers: soft tissue and other sarcomas, non-Hodgkin's lymphoma, Hodgkin's disease, nasal cancer, nasopharyngeal cancer, and liver cancer. Data collection for this study component began in January 1985. Selected Cancers Study findings, released in March 1990, indicated that Vietnam veterans are at increased relative risk of developing non-Hodgkin's lymphoma. CDC reported that for "men aged 35–59, the age of most Vietnam veterans, the annual risk of developing non-Hodgkin's lymphoma is 1 in 10,000. For Vietnam veterans, the risk appears to be about one and one-half per 10,000." The higher non-Hodgkin's lymphoma ratio was due to excessive non-Hodgkin's lymphoma among men who served on ships offshore Vietnam. According to the investigators, there is no similar increased risk among veterans who served in locations other than Vietnam. CDC found that Vietnam veterans are not at increased risk for developing any of the other five types of cancers studied.

Because of the difficulty in estimating Agent Orange exposure in individual veterans (see Agent Orange Exposure Study entry above), CDC only indirectly evaluated the effects of such exposure for the Selected Cancers Study. The study did not find any evidence that the increased risk of non-Hodgkin's lymphoma might be due to Agent Orange exposure. In fact, the pattern of risk among subgroups of Vietnam veterans seems to be the opposite of the use of Agent Orange in Vietnam. It is anticipated that the results will be published in a professional journal in late 1990 or early 1991.

As a result of the findings of the Selected Cancers Study, Secretary Derwinski announced that VA would service-connect non-Hodgkin's lymphoma for service in Vietnam. For additional information about this decision, see Agent Orange Brief, Number 8.

Questions concerning the conduct of the studies described above should be referred to the Centers for Disease Control, Atlanta, Georgia 30333.

Air Force Health Study (An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides)—This study is being conducted to determine whether long-term adverse health effects exist following contact with herbicides and whether these medical problems can be attributed to occupational exposure to Agent Orange. The study consists of mortality and morbidity components with associated follow-up efforts. The investigation focuses on the Air Force personnel attached to Operation Ranch Hand, who were responsible for the great majority of herbicide spraying missions. Members of the Ranch Hand unit had frequent and repeated exposure to Agent Orange. Individuals in the comparison group had served in numerous flying organizations that transported cargo to, from, and within Vietnam but were not involved in the aerial spray operations of Agent Orange.

Air Force investigators have issued a series of mortality and morbidity assessments. The mortality assessments have shown that the Ranch Hand population is doing about the same as the comparison group, with no unusual causes of death, increased frequency of death, or evidence suggesting death at younger ages. Because of the "healthy veteran effect," (that is, only healthy people are allowed to serve in our Armed Forces) both groups are surviving significantly longer than similarly aged civilians. The morbidity assessments showed only minor differences between the Ranch Hands and the comparisons, and these differences were not considered to be indicators of dioxin-related disease. Mortality reports were published in 1983, 1984, 1985, 1986, and 1989. Morbidity assessments were released in 1984, 1987, and 1990. This research project is expected to continue into the twenty-first century.

CDC Birth Defects Study (Vietnam Veterans' Risks for Fathering Babies with Birth Defects)—This study, conducted by the Centers for Disease Control with funding from VA, Department of Defense, and the Department of Health and Human Services, assessed Vietnam veterans' risks for fathering babies with major structural birth defects. Information regarding military service in Vietnam was obtained from interviews with mothers and fathers of babies in case and control groups and from review of military records. Vietnam veterans did not have an increased risk of fathering babies with defects. Vietnam veterans who had greater estimated opportunities for Agent Orange exposure were not at greater risk for fathering babies with all types of defects combined. The study results were published in the Journal of the American Medical Association in August 1984. CDC published a comprehensive report of the study findings in August 1984.

Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma—This population-based case-control study of soft-tissue sarcoma, Hodgkin's disease, and non-Hodgkin's lymphoma in Kansas found farm herbicide use to be associated with non-Hodgkin's lymphoma. This National Cancer Institute study indicated that the relative risk of non-Hodgkin's increased significantly with number of days of herbicide exposure per year and latency. Men exposed to herbicides more than 20 days per year (regardless of the number of years of herbicide use) had a 6-fold increased risk of non-Hodgkin's lymphoma relative to nonfarmers. Excess risk was associated primarily with long-term use of the herbicide 2,4-D, one of the ingredients of Agent Orange. (This ingredient did not contain the contaminant of Agent Orange known as TCDD or dioxin which has caused a variety of illnesses in laboratory animals.) Soft tissue sarcomas were not associated with herbicide exposure. This study supports findings from Sweden and the U.S. that suggest non-Hodgkin's lymphoma is associated with farm herbicide use. The results of the study were published in the Journal of the American Medical Association in September 1986.

Soft Tissue Sarcoma and Non-Hodgkin's Lymphoma in Relation to Phenoxyherbicide and Chlorinated Phenol Exposure in Western Washington—This National Cancer Institute-funded population-based case-control study was conducted in western Washington State to evaluate the relationship between occupational exposure of men aged 20–79 to certain herbicides and other chemicals and the risks of developing soft tissue sarcoma and non-Hodgkin's lymphoma. Occupational histories and other information were obtained by personal interviews for 128 soft tissue sarcoma cases and 576 non-Hodgkin's lymphoma cases, diagnosed between 1981 and 1984, for 694 randomly selected controls without cancer. The results demonstrated small but significantly increased risks of developing non-Hodgkin's lymphoma in association with some occupational activities where certain herbicides have been used in combination with other types of chemicals, particularly for prolonged periods. They do not demonstrate a positive association between increased cancer risks and exposure to any specific herbicide alone. Moreover, these findings provide no evidence of increased risks of developing non-Hodgkin's lymphoma associated with chlorinated phenol exposure or of developing soft tissue sarcoma associated with exposure to either class of chemical. The results were published in the Journal of the National Cancer Institute in May 1987.

To date, scientific investigative efforts, including the exhaustive study conducted by the Centers for Disease Control [CDC] in Atlanta, have not established a causal link between exposure to agent orange in Vietnam and any disease in humans other than chloracne, a skin condition.

Just last Thursday, the Washington Post reported the results of one of the most comprehensive epidemiological studies of dioxin—an agent orange contaminant—ever conducted. This study of 5,000 chemical industry workers, workers who are among the most highly exposed groups in the world with exposure far greater than that documented for ground troops who served in Vietnam, was conducted by the National Institute for Occupational Safety and Health Study and the results were published in the New England Journal of Medicine. As for the findings, allow me to quote from the Post article: "* * * the scientists concluded that only those exposed to massive amounts of dioxin suffered any ill effects, and those effects formed only a modest indictment against the chemical." More than two-thirds of these workers had, on average, 90 times the normal—background—level of dioxin exposure, yet no increased risk for cancer was found.

Mr. Speaker, the pattern is consistent. Reputable studies of groups with documented exposure have invariably supported the conclusion that exposure to herbicides in Vietnam is not responsible for the health effects now experienced by Vietnam veterans. The more we see, the more science reveals, the clearer this picture becomes.

If those who doubt the scientific findings we have already received believe further review of the evidence by the academy is the way to go, then it has my wholehearted support. If this good-faith compromise can help curtail the rancor and heal the wounds of mistrust, then it most certainly has my unequivocal support. I trust all of us will abide by the academy's findings.

The question of whether compensation should be paid for disabilities allegedly related to exposure to herbicides has gone on for much too long. It has been debated, explored, explained, studied, defined, and deliberated. It has received an inordinate amount of attention and energy. It is time to move on and, in doing so, to leave in place a mechanism for continuing scientific scrutiny which, if allowed to work, can assuage the remaining concerns of affected veterans.

I want to give credit to my distinguished colleague for their contributions to this long sought agreement, in particular, Representative BOB STUMP of Arizona, Representative TIM PENNY of Minnesota, Representative LANE EVANS of Illinois, and Representative DOUG APPLEGATE, of Ohio.

TIM PENNY deserves much of the credit for this agreement. Last year, he offered the first compromise that was adopted by the Veterans' Affairs Subcommittee on Compensation, Pension and Insurance. Although final committee action on last year's bill, H.R. 5326, did not reflect this, many of the principles set forth in the Penny amendment are embodied in the compromise we now consider.

I also want to thank Members of the other body, Senators ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee, TOM DASCHLE of South Dakota, ALAN SIMPSON of Wyoming, and FRANK MURKOWSKI of Alaska, for their roles in the development of this agreement. I want to give special thanks to Ed Scott, staff director and chief counsel of the Senate Veterans' Affairs Committee, for the leadership he provided in working with our committee staff. Mack Fleming, the staff director and chief counsel of our committee, also deserves our gratitude for the hard work he put into helping work out this compromise.

Senator DASCHLE has introduced identical legislation in the other body. He and I have long been on opposite sides of the fence on the agent orange compensation issue, and I was particularly pleased to read his comments in the Washington Post when the compromise was announced. He said: "I am confident that this legislation will be successful." I hope that its enactment will mean that, for many Vietnam veterans, the battle with the Federal Government over the effects of agent orange exposure is finally coming to an end.

I share his sentiments and hope he is right. Perhaps, with the passage of this compromise, we are at long last witnessing the epilogue of an exhaustive labor.

On one can legitimately say that the Congress has not been responsive to the concerns of our Vietnam veterans who believe their medical conditions are related to herbicide exposure in Vietnam. Our committee alone has conducted 17 hearings on the matter. The following is a list of hearings held by the House committee on agent orange issues since 1978:

10/11/78—Subcommittee on Medical Facilities & Benefits Herbicide "Agent Orange".

2/25/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

7/22/80—Subcommittee on Medical Facilities & Benefits, Oversight Hearing to Receive Testimony on Agent Orange.

9/16/80—Subcommittee on Medical Facilities & Benefits, Scientific Community Report on Agent Orange.

4/28/81—Subcommittee on Hospitals & Health Care, Legislation to Improve Medical Programs Administered by the VA. (H.R. 2157, H.R. 2953, H.R. 2999). Serial No. 97–21.

5/6/81—Subcommittee on Oversight & Investigations, Current Status of Agent Orange Studies. Serial No. 97–22.

7/16/81—Select Subcommittee, Issues Concerning Vietnam Veterans. Serial No. 97–32.

9/15/82—Subcommittee on Oversight & Investigations, Federal Agent Orange Activities and the Vet Center Program. Serial No. 97–78.

4/26 & 4/27/83—Subcommittee on Compensation, Pension and Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98–18.

5/3/83—Subcommittee on Oversight & Investigations, Status of Federally Conducted Agent Orange Studies. Serial No. 98–19.

5/24/83—Subcommittee on Oversight & Investigations, Review of Federal Studies on Health Effects of Low-Level Radiation Exposure & Implementation of Public Law 97–72. Serial No. 98–20.

7/12/83—Subcommittee on Compensation, Pension & Insurance, H.R. 1961—Vietnam Veterans Agent Orange Relief Act. Serial No. 98–23.

10/3/84—Subcommittee on Hospitals & Health Care, Centers for Disease Control Birth Defects Study. Serial No. 98–60.

7/31/86—Subcommittee on Hospitals and Health Care, Status of Agent Orange Studies. Serial No. 99–58.

6/8/88—Subcommittee on Hospitals and Health Care, Review of Agent Orange Studies. Serial No. 100–51.

7/10/89—Subcommittee on Hospitals and Health Care, Agent Orange Studies. Serial No. 101–21.

4/4/90—Full Committee, Centers for Disease Control Selected Cancers Study and Scientific Reviews of the Study. Serial No. 101–44.

5/2/90—Subcommittee on Compensation, Pension and Insurance, H.R. 3004—Veter- ans Agent Orange Exposure and Vietnam Service and Benefits Act of 1989. Serial No. 101– .

All we have said during this entire scientific investigative process is, "Let's have the best available facts in hand before rendering judgment on compensation for herbicide exposure."

The Congress commissioned a broad, multimillion-dollar epidemiological study which, to the applause of veterans' organizations, it later took from the VA and placed in the hands of the Centers for Disease Control [CDC], generally accepted as the experts. Further, we've mandated independent reviews of CDC findings.

The Congress in 1984 told the Department of Veterans Affairs that we want compensation for disabilities related to agent orange exposure to be made on the basis of sound scientific and medical evidence. We directed the Department, through an advisory committee, to review, compile and apply the best available evidence to decisions regarding service-connected compensable conditions.

In 1986, the Congress established an entitlement to hospital care for any veteran who might have been exposed to agent orange while serving in Vietnam, unless the VA finds his disability resulted from a cause other than herbicide exposure. The compromise we consider today would extend this entitlement through 1993. The House also passed during the 101st Congress legislation which would expand this entitlement to outpatient care.

Today, we continue to respond by taking perhaps the most significant step of all.

It is time to put the matter of agent orange behind us and to rest once and for all. In an effort to do so, I and others who share my views have been willing to compromise, as have the proponents of a more liberal approach. The result is, in my opinion, feasible and responsible.

H.R. 556, the Agent Orange Act of 1991, would:

Establish a statutory presumption of service connection for three conditions: First, non-Hodgkin's lymphona; second, soft-tissue sarcomas; and third, chloracne if manifested within 1 year from last date of service in Vietnam, and

Establish a mechanism by which the Secretary of Veterans Affairs can, by regulation, presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of disease in humans. For purposes of the Secretary's determination, an association would be considered positive if the credible evidence for the association is equal to or outweighs the credible evidence against the association.

The Secretary would make his decisions based on reports and recommendations received from the National Academy of Sciences [NAS], with whom he would be required to enter into a contract for a comprehensive review of the scientific evidence pertaining to herbicide exposure, as well as all other valid medical and scientific information and analyses available to the Secretary.

The Secretary would be required to make a determination with respect to each disease entity covered in each NAS report within 60 days after receiving the report and, if a presumption is granted, the Secretary would be required to publish proposed regulations within 60 days thereafter. He would have an additional 60 days to issue final regulations. The Secretary would be empowered to remove diseases from such regulations if, in the future, it is determined that a presumption is not warranted; veterans or survivors receiving compensation or DIC would not be affected by any such removal.

H.R. 556 also would:

Require the Secretary, within 2 months after the enactment of this act, to seek to enter into an agreement with the NAS to review the scientific evidence and to make periodic reports to the Secretary. This section also provides that NAS reports shall include determinations with respect to each disease considered: First, whether a statistical association with herbicide exposure exists; second, whether there is an increased risk of the disease among those who were exposed while in Vietnam; and third, whether a plausible biological mechanism exists or whether there is evidence of a causal relationship between herbicide exposure and the disease. The NAS would transmit its first report within 18 months from the date of enactment of the act. The NAS would also make recommendations concerning the need, if any, for additional scientific studies to resolve areas of continuing scientific uncertainty and include these recommendations in its reports.

Expand the Secretary's outreach activities required under Public Law 100-687 and require that updated information be provided on an annual basis to affected Vietnam-era veterans.

Require the Secretary to compile and analyze clinical data obtained by the VA in connection with examinations and treatment furnished to veterans suffering from herbicide related disabilities and to report to the Committees on Veterans' Affairs on an annual basis. This requirement would be subject to the appropriation of specific funding and would not take effect until after the Secretary has received a report from the NAS which contains its recommendation as to the feasibility or scientific value of such action.

Require the Secretary to establish and maintain a system for the collection and storage of blood and tissue samples received from veterans who served in Vietnam. This requirement is also subject to the availability of specific appropriations and also would not take effect until after the Secretary received a report from the NAS as described above.

Require the Secretary to establish, in consultation with the National Academy of Sciences, a program to provide for the conduct of studies of the feasibility of conducting additional scientific research on health hazards resulting from dioxin exposure, exposure to toxic agents in herbicides in Vietnam, or health hazards resulting from Vietnam service. Again, the conduct of such a program would be subject to specific appropriations and NAS recommendations as to its scientific value.

Require the Secretary to test the blood of any veteran who served in Vietnam during the Vietnam era who is eligible for health care from the Department under section 610(e) of title 38 or who has filed a claim for disability compensation for a disability alleged to be related to herbicide exposure to ascertain the level of 2,3,7,8-tetrachlorodibenzo-p-dioxin [TCDD] which may be present in the veteran's body. This section is also subject to specific appropriations and NAS recommendations as to its scientific value.

Make conforming amendments to Public Law 98-542 to change the mission and makeup of the Advisory Committee on Environmental Hazards, to limit it to considerations regarding ionizing radiation only.

There follows a more detailed statement of the compromise agreement reached with the other body on H.R. 556:

EXPLANATORY STATEMENT ON THE AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 (H.R. 556 as passed by the House of Representatives on January 29, 1991) was derived, with modifications, from bills considered by the Senate and the House of Representatives, but not enacted, during the 101st Congress. These include S. 1153, which the Senate passed on August 3, 1989; title VIII of S. 13, which the Senate passed as part of a substitute amendment to H.R. 901 on October 3, 1989; part C of title I of S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and H.R. 5326, which the House of Representatives passed on October 15, 1990. H.R. 556 as passed by the House is substantively identical to S. 238, which was introduced in the Senate on the same date that H.R. 556 was introduced in the House.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 556 (hereinafter referred to as "the bill").

PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES

Section 2(a) of the bill would (1) codify decisions the Secretary of Veterans Affairs has announced to grant presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma in veterans who served in Vietnam; and (2) codify and expand current VA regulations providing a presumption of service connection for chloracne becoming manifest within three months after completion of the veteran's service in Vietnam by expanding the manifestation period to one year.

Section 2(a) also would create a procedure requiring the Secretary to establish in regulations a presumption of service connection for other diseases that the Secretary determines to have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The determinations as to whether such associations exist would be required to be based on sound medical and scientific evidence, taking into account (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

The Committees note that the Secretary already has authority to apply any presumption established under new section 316(b) of title 38, United States Code (as added by section 2(a) of the bill), to veterans exposed outside Vietnam to the same herbicide agent on which the presumption is based.

INDEPENDENT SCIENTIFIC STUDY OF HERBICIDES

Section 3 would require the Secretary to seek to enter into a contract with the National Academy of Sciences (NAS), within 60 days after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. If VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS would review and summarize the relevant scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would include in its reports any recommendations it has for further studies to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents.

The first report by NAS, due not later than 18 months after the date of enactment, would include the Academy's recommendations as to whether the programs under sections 6-9, discussed below, should be implemented.

The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

The Committees expect that NAS will identify the specific herbicide agent responsible for each of the Academy's determinations under section 3(d) of the bill.

EXPANSION OF OUTREACH ACTIVITIES

Section 4 would expand the outreach activities required under Public Law 100-687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

EXTENSION OF SPECIAL HEALTH-CARE ELIGIBILITY

Section 5 would extend from December 31, 1990, to December 31, 1993, priority eligibility for VA health care based on possible exposure to Agent Orange or radiation.

COMPILATION AND ANALYSIS OF DATA FROM VA EXAMINATIONS AND TREATMENT

Section 6 would require VA, effective 90 days after VA receives the first NAS report, to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment provided after November 3, 1981, to Vietnam veterans who sought VA health care under section 610(e) of title 38 based on exposure to Agent Orange or radiation. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

BLOOD AND TISSUE ARCHIVING

Section 7 would require VA, effective 90 days after VA receives the first NAS report, to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans, for the purpose of facilitating scientific research on the effects of veterans' exposure to dioxin and other agents in herbicides. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

SCIENTIFIC RESEARCH FEASIBILITY STUDIES

Section 8 would require VA, effective 90 days after VA receives the first NAS report, to establish in consultation with NAS a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

BLOOD TESTING

Section 9 would require VA, effective 90 days after VA receives the first NAS report, to test for TCDD in any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would be required to provide tested veterans with the results of the test and an explanation of the meaning of the results. The program would be subject to specific appropriations being made to carry it out, not to exceed $4 million a year, and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

The Committees expect NAS to include in its recommendations under section 3 the Academy's recommendations as to what, if anything, the results of the blood tests might indicate regarding the likelihood that a veteran was exposed to 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). If section 9 of the bill is implemented, the Committees further expect the Secretary, in explaining these blood-test results to veterans, to give great weight to the NAS recommendations in that regard.

MODIFICATION OF FUNCTIONS OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

Section 10 would eliminate the Agent Orange functions of VA's Advisory Committee on Environmental Hazards six months after the date of enactment or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer* v. *Department of Veterans Affairs*, No. C-86-6160 TEH (N.D. Calif.), whichever occurs first.

VA has advised the Committees that it expects the Advisory Committee to complete these reponsibilities by the end of May 1991. The Committees thus fully expect the Advisory Committee and the Secretary to carry out those responsibilities by the end of the six-month period following the enactment of this measure.

The Congressional Budget Office has furnished the following estimate of cost on H.R. 556 in a letter dated January 23, 1991:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 25, 1991.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 556, the Agent Orange Act of 1991, as introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE, JANUARY 24, 1991

1. Bill Number: H.R. 556.
2. Bill Title: Agent Orange Act of 1991.
3. Bill Status: As introduced and referred to the Committee on Veterans' Affairs on January 17, 1991.
4. Bill Purpose: To provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Direct Spending:						
Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Authorization:						
Authorization level	13	17	9	4	4	4
Outlays	11	17	11	4	4	4

The costs of this bill fall within budget function 700.

BASIS OF ESTIMATE

The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 2. This section establishes a presumption of service-connection for certain diseases of veterans who served in the Republic of Vietnam during the Vietnam Era. The diseases covered by this section are non-Hodgkin's lymphoma (NHL), soft-tissue sarcoma (excluding osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma), and chloracne. In October 1990, the Department of Veterans Affairs (VA) published final regulations to pay compensation benefits to Vietnam Era veterans with non-Hodgkin's lymphoma. The VA has also announced that compensation benefits would be paid to Vietnam-service veterans with soft-tissue sarcoma. The VA has paid compensation benefits for chloracne for several years.

Because the effects of the Administration's actions to extend compensation benefits to veterans with NHL, soft-tissue sarcoma, and chloracne are reflected in the CBO baseline, Section 2 has no cost when scored against it.

In addition, Section 2 requires the Secretary of Veterans Affairs to prescribe regulations establishing a presumption of service-connection for diseases of Vietnam-service veterans for which a positive relationship with Agent Orange exposure is determined by the Secretary based on medical and scientific evidence. There is no way of estimating in advance which, if any, diseases may be determined to be positively associated with Agent Orange exposure. This estimate, therefore, does not include any costs that may result from future extensions of compensation coverage to Agent Orange-exposed veterans.

Section 3. This section provides for the National Academy of Sciences (NAS) to review and evaluate available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides. The NAS is also required to submit, at least biennially, reports of the findings to the Senate and House Committees on Veterans Affairs. The first report is required within 18 months following the enactment of this Act. CBO assumes a February 1, 1991 enactment date. All surveys after the first would be updates of the initial survey. The following estimate is based on the cost of similar studies; outlays are projected according to historical spending patterns.

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Estimated authorization level	1	*	*	*	*	*
Outlays	1	*	*	*	*	*

Section 5. This section extends from December 31, 1990 to December 31, 1993, the authority of the VA to provide medical care to veterans for conditions possibly related to exposure to Agent Orange or ionizing radiation during military service.

[By fiscal year, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Estimated authorization level	12	17	5	0	0	0
Outlays	10	17	7	0	0	0

During fiscal year 1989, the VA treated more than 130,000 veterans on an outpatient basis for conditions possibly related to Agent Orange and radiation exposure, and nearly 300 veterans were treated on an inpatient basis. The above estimate assumes that the demand for care from this group would continue to grow slowly, according to historical trends. Average cost data for this care were not available from the VA. The cost of care, therefore, was assumed to be the same as the overall average cost for outpatient or short-term inpatient care in VA facilities. These costs were increased in the out-years for anticipated inflation.

Section 6. This section requires the VA to compile and analyze all clinical data obtained from examinations and treatment of Vietnam veterans for conditions that are suspected to be related to Agent Orange exposure.

The VA currently maintains in the Agent Orange registry clinical data from the initial and first follow-up examinations of all Vietnam-service veterans who are willing to participate in the registry. Under this provision, any further examinations or treatments after the first follow-up visit would have to be recorded as well. Adding this information to the registry should not have a significant cost.

Section 7. This section requires the VA to establish and maintain a system for the collection and storage of blood and tissue samples voluntarily contributed by veterans with Vietnam service. The specimens would be available for future scientific research on the health effects of dioxin and other toxic agents in herbicides used in Vietnam.

According to the Centers for Disease Control (CDC), the sterility requirements for obtaining blood and tissue samples from Agent Orange-exposed veterans must be extremely stringent, because such low concentrations of dioxin (a few parts per billion) are suspected of being potentially toxic. Therefore, acceptable samples could not be collected by a veteran's personal physician or even by the average physician in a VA hospital, unless they are trained in the necessary procedures. The CDC recommends that one or two special facilities be established and maintained by the VA for the sole purpose of collecting and storing the specimens.

If the CDC's recommendations were followed, the number of voluntary contributions by veterans would probably be fairly small, because veterans would have to travel to the special facilities to donate samples. This estimate assumes that 1,000–2,000 blood samples would be contributed over a five-year period to one or two repositories established in existing VA medical facilities. It was assumed that the VA would not reimburse the travel costs of volunteer tissue donors.

If a larger number of veterans are willing to travel to the collection centers to donate samples or to have the tests performed, greater storage space would be needed than is assumed here. Under these circumstances, the cost could exceed $1 million a year. These estimates are based on the costs experienced by specimen repositories operated by the National Bureau of Standards, the National Cancer Institute, and the CDC. This section is effective 90 days following the submission of the NAS report described in section 3.

Section 9. This section authorizes the appropriation of amounts not to exceed $4 million to provide for testing of blood serum to ascertain the levels of dioxin in veterans who served in Vietnam and who may have been exposed to Agent Orange. Under this section, this test would be performed on veterans who applied for medical care from the Department of Veterans Affairs or who filed a claim for disability compensation. This section also requires the Secretary to notify the veteran of test results and to maintain the sample and results in the tissue archive established in section 7 of this bill.

[By fiscal years, in millions of dollars]

	1991	1992	1993	1994	1995	1996
Estimated authorization level	0	0	4	4	4	4
Outlays	0	0	4	4	4	4

According to the CDC, the costs to draw and test the blood serum is approximately $1,500 per test. The costs to conduct the test on all veterans covered by the provision would far exceed $4 million. CBO estimates that the full amount authorized would be spent in each fiscal year. This section would take effect six months following the submission of the first NAS report described in section 3. Therefore, there is no effect in 1992.

The CBO assumes that all authorizations are fully appropriated at the beginning of each fiscal year.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The benchmark against which changes in direct spending or receipts are measured is the baseline as described in the Act. The direct spending increases in Section 2 of this bill are included in that baseline. For this reason, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Sandra Clark (226-2820).

11. Estimate approved by:

JAMES L. BLUM,
Assistant Director
for Budget Analysis.

Mr. Speaker, in approving this measure, Congress does not make any scientific judgment. With this bill, we take no position as to whether there is either a link or a significant statistical association regarding exposure to agent orange and adverse long-term health effects. That is a matter for the experts, for science.

With enactment of this compromise, we are giving veterans the benefit of the doubt and attempting to settle one of the most complex and contentious veterans' issue ever brought before this body for consideration.

I hope each of my colleagues will support the bill.

☐ 1230

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. EDWARDS], the vice chairman of the Committee on Veterans' Affairs.

Mr. EDWARDS of California. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act.

For years, many veterans of the Vietnam war have believed our Government has failed them by neglecting to address adequately health problems arising from their exposure to agent orange during that war.

H.R. 556 remedies that situation. By providing permanent disability benefits for certain conditions deemed related to exposure to agent orange and providing a mechanism for addition of other conditions to that list in the future, passage of this legislation will assure that this group of veterans receives appropriate compensation.

Congressman MONTGOMERY of Mississippi, the distinguished chairman of the Veterans' Affairs Committee, and Congressman EVANS of Illinois, a distinguished senior member of the committee, deserve great credit for developing such a compromise. I congratulate both of them for bringing this fine product to the floor today.

I also want to point out that, during this time of great conflict in the Persian Gulf—with American men and women again risking their lives and limbs in a war zone far from home—we need to assure them and the American people that those who answer the call of this Nation will be taken care of by this Nation.

By fairly putting to rest one of the remaining controversial issues of the

Vietnam era, we give that assurance. I urge my colleagues to vote "aye" on H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield myself just 20 seconds to answer the gentleman from California [Mr. EDWARDS].

Mr. Speaker, I want to thank the gentleman from California for his help. I called him when I thought we had worked out this compromise. I asked the gentleman from California to look at this compromise. He agreed with it, and we all got together, and I say to the gentleman, "Thanks again, DON."

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 556, as amended, the Agent Orange Act of 1991. This measure represents a bipartisan compromise on a most divisive and controversial issue. This bill has been unanimously cosponsored by committee members on both sides of the aisle.

I want to commend the chairman of our committee, SONNY MONTGOMERY, for his bipartisan leadership on an issue that was born in an atmosphere of mistrust and suspicion.

It is time to let the best scientific minds in the country review the existing studies and recommend further action. An independent review by the National Academy of Science would do just that, and bring with it integrity, objectivity, and credibility.

I look forward to the NAS report, authorized by H.R. 556, as amended, and I urge unanimous support of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 556, the Agent Orange Act of 1991. As an original cosponsor of the legislation, I believe the bill represents a good compromise that will benefit Vietnam veterans and helps to mitigate the controversy which has long surrounded this issue.

H.R. 556 codifies current VA policy regarding agent orange compensation by establishing in statute a presumption of service-connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne. Thus this bill will guarantee VA compensation for certain veterans developing these diseases subsequent to service in Vietnam.

In order to maintain an up-to-date understanding of agent orange and its effects, the legislation also requires the National Academy of Sciences [NAS] to review the diverse and sometimes contradictory scientific evidence pertaining to agent orange exposure. The NAS is required to report to the Secretary of the Department of Veterans Affairs information regarding the association between agent orange exposure and manifestations of disease. Upon review of NAS reports, the Secretary is given the authority by this legislation to expand the list of compensable diseases and compensate veterans accordingly.

Mr. Speaker, H.R. 556 also directs the VA to intensify its outreach activities to Vietnam veterans in order to keep veterans apprised of new benefits or developments in the study of agent orange. The VA is also encouraged to maintain a system to collect and analyze clinical data from Vietnam veterans and report to Congress regarding the findings.

Mr. Speaker, this bill deals with the agent orange issue in a broad-based, comprehensive manner. It addresses several concerns from both sides of the issue and ensures that some tangible progress will be made regarding the questions surrounding agent orange. I am very pleased to be a cosponsor of the bill and encourage my colleagues to join members of our committee in supporting this legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE], chairman of the Subcommittee on Compensation, Pension, and Insurance.

Mr. APPLEGATE. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for giving me the opportunity to rise and talk a little bit about this legislation. I say to my colleagues, "You don't know how happy I am that this day has arrived and that we have this legislation before us."

Mr. Speaker, this is momentous legislation that potentially will have an effect on many thousands upon thousands of Vietnam-era victims, or their spouses, or survivors, and this is a fight that these veterans have fought since 1975. I believe we have finally in place the necessary legislation to assess and respond to many of the unanswered questions that have permeated this issue since the potential hazards of exposure to herbicides and other toxic agents which were first reported back in the mid-1970's. It leaves ultimate decisions regarding the addition of new diabilities for which presumptions of service connection may be granted to the Secretary of Veterans Affairs. However the advice upon which the Secretary will act will be coming from the highly respected National Academy of Sciences. This legislation gives the academy the freedom to do its job without outside influence or pressure, and I am proud to be an original cosponsor with all of my Committee on Veterans' Affairs colleagues, and, as the chairman has indicated, the compromise reflects the efforts and many concerns of the Members of Congress.

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Mr. Speaker, I want to commend our chairman, the gentleman from Mississippi, Mr. SONNY MONTGOMERY, and the ranking minority member, the gentleman from Arizona, Mr. BOB STUMP, for their strong leadership and their willingness to work toward a reasonable compromise. I also want to commend especially the gentleman from Illinois, Mr. LANE EVANS, for his dedication and dogged determination as the original sponsor of this legislation back over a couple of sessions. I also want to thank some of the national veterans' organizations, with particular thanks to the American Legion, the VFW, and the Vietnam Veterans of America.

The gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], and all of us in fact know that we went through quite a battle last year to push this legislation through the subcommittee and get it out onto the floor. Then it got stuck out here because of problems that we had with the other body. But it is here today, and it has been agreed upon by the Members of the other body. I want to commend the leadership of the Committee on Veterans' Affairs of the Senate, particularly Senator TOM DASCHLE, for his very strong efforts on behalf of this legislation.

That is the way we get legislation in this body. It all has to come together, and we all have to work together. I urge my colleagues to give their strong support to this bill.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I join my colleagues today in support of H.R. 556, the Agent Orange Act of 1991.

Many Members have been involved in this effort for a long, long time, and we have had a lot of hearings. The chairman of our committee, the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the subcommittee, the gentleman from Ohio [Mr. APPLEGATE], the gentleman from Ohio [Mr. MCEWEN], who was formerly on our committee, the gentleman from Illinois [Mr. EVANS], the gentleman from Georgia [Mr. ROWLAND], and many others on the committee have been involved in this effort.

Mr. Speaker, since the late 1970's, there has been a divisive and contentious debate over the issue of compensation for disabilities attributed to exposure to agent orange. We finally have before us a compromise agent orange bill which is supported by both the House and Senate Committees on Veterans' Affairs.

H.R. 556 codifies decisions made by the DVA to recognize non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne as diseases which warrant a presumption of service-connection by reason of having a positive association with exposure to a herbicide agent, and thus eligible for compensation.

Most importantly, H.R. 556 requires the Secretary to contract with the National Academy of Sciences [NAS], a prestigious, non-governmental organization, to conduct a comprehensive review of scientific evidence in order to make regular recommendations to the DVA on the possible health effects resulting from exposure to agent orange. Subsequently, the Secretary would have 60 days from the time he receives such a recommendation to determine whether a presumption of service-connection is warranted for each disease covered by the report.

Finally, this legislation would extend health care eligibility for veterans who suffer from disabilities alleged to be related to herbicide exposure or ionizing radiation exposure until December 31, 1991.

I urge my colleagues to support H.R. 556, a compromise agent orange bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois, Mr. LANE EVANS, is chairman of the Subcommittee on Oversight and Investigations of our committee, and I would like to commend him for the work he has done on agent orange. The gentleman from Illinois has sponsored this legislation for a number of years. He has worked hard, he has been cooperative, and this is a compromise. We all gave on this compromise. I want to thank the gentleman from Illinois publicly for the help he has given us in bringing this bill to the floor today.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Speaker, a number of people deserve credit for their help in working out this compromise starting with Chairman MONTGOMERY and Ranking Minority BOB STUMP.

DOUG APPLEGATE, a persistent and strong advocate of agent orange victims was behind this legislation from the start to the finish.

Chief Deputy Whip DAVE BONIOR, the founder of the Vietnam-era Veterans in Congress [VVIC], and the current cochair of the caucus MARTIN LANCASTER and all caucus members worked hard in moving this bill through the process.

Senators TOM DASCHLE and JOHN KERRY deserve thanks for moving the bill through the Senate. In addition, Secretary Derwinski should be recognized for his efforts regarding agent orange compensation.

The veterans service organizations, most notably the Vietnam Veterans of America [VVA], the American Legion, and the Veterans of Foreign Wars [VFW], put innumerable hours in pushing this bill.

But as we take action to address the problems of agent orange victims, we should also face the fact that our Government's efforts to deal with the issue have been a woeful tale of footdragging and unmet obligations.

Some 11 million gallons of agent orange and other herbicides were sprayed over Southeast Asia. Since the war veterans have suspected their exposure to these herbicides caused cancers and other illnesses.

Three vets from my district, Bruce Craddock, Duane Winkler, and Jim Simpson died in recent years from what their doctors believed were illnesses caused by agent orange exposure.

Yet Congress had to take the responsibility of studying this problem away from an unsympathetic Veterans' Administration [VA] in 1979 when they transferred the responsibility to the Centers for Disease Control [CDC].

The CDC was no better. They spent 8 years and 63 million taxpayers dollars to say in effect they could not come up with a proper methodology.

Agent orange victims owe a special debt of gratitude to Congresssman TED WEISS whose hearings by the Government Operations Subcommittee clearly documented this disgraceful footdragging.

The Weiss hearings demonstrated the necessity of taking further review of the issue from governmental agencies and giving it to an independent nongovernmental organization, the National Academy of Sciences [NAS]—as set up in this bill.

So this is a long overdue step for those who responded to our country's call in our most unpopular war.

They were there when we needed. Now is the time to recognize their contributions and the obligation we owe them.

As war rages in the Middle East, we today take a big step in putting the Vietnam war behind us.

Let us never again neglect our veterans the way agent orange veterans were neglected.

Mr. Speaker, as the primary author of agent orange legislation from the past two Congresses and a sponsor of H.R. 556, the Agent Orange Act, I would like to discuss a number of issues regarding the legislation we are voting on today.

First, it should be clear that section 3 of H.R. 556 relating to recommendations of the National Academy of Sciences for additional studies and section 8 relating to the feasibility of conducting additional scientific research would not amend or repeal Public Law 96–151. Under Public Law 96–151 the Secretary of Veterans Affairs is obligated to conduct an epidemiological study of any long-term adverse health effects in humans of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to phenoxy herbicides, including the herbicide known as agent orange. The question of whether the Secretary has fulfilled his obligations under that law is the subject of consolidated lawsuits currently pending in Federal court (*The American Legion* v. *Derwinski*, Civ. No. 90–1808 SSH (D.D.C.), and *Vietnam Veterans of America* v. *Derwinski*, Civ. No. 90–1809 SSH (D.D.C.). In addition, H.R. 556 does not include in section 10, which contains conforming amendments to Public Law 98–542, any amendment to section 8 of Public Law 98–542. That section of Public Law 98–542 amended those obligations of the Secretary under Public Law 96–151 that are the subject of the aforementioned lawsuit.

On another subject, section 305(a) of H.R. 5326 in the 101st Congress contained a congressional finding that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection for purposes of veterans disability compensation law. The pending measure does not expressly address whether a scientific conclusion of causation is required for justification of a presumption of service connection for disease associated with exposure to herbicides during service in Vietnam.

I accepted the omission of such a finding in this compromise legislation because I believe that, in light of other provisions in this bill and other provisions of law, the matter is self-evident and the finding is thus unnecessary. For example, enactment of the provisions of this legislation requiring a presumption of service connection upon a determination that there is a positive association between exposure and disease, as well as the provisions enacted in Public Law 98–542, and the decision in *Nehmer* v. *U.S. Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989)—make clear beyond dispute the congressional view that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection, for purposes of veterans disability compensation, based on exposure during military service to herbicides. To use the higher standard of proof required for a scientific conclusion of causation in deciding whether to establish presumptions of service connection would place a heavy burden of scientific uncertainty totally upon the veteran. This would be inconsistent with the approach that Congress has followed in creating presumptions of service connection and providing for the creation of presumptions.

Section 305(b) of H.R. 5326 in the 101st Congress specifically required a survey and evaluation of scientific evidence or information regarding the effects "that herbicide agents have on humans and other animals." This language is not included in the compromise measure. As the author of the House agent orange legislation, I do not view the omission of that wording as changing the scope of the scientific review. Rather, it is my intention that the requirement for the National Academy of Sciences [NAS] to "review and summarize the scientific evidence * * * concerning the association between exposure to an herbicide used in * * * Vietnam * * * and each disease suspected to be associated with such exposure" requires the review of scientific studies of the association between exposure of animals to the extent that such studies are relevant to the question of association between exposure of humans and the occurrence of disease. Likewise, it is my intention that the requirements for the Secretary to base his determinations on "sound medical and scientific evidence" and to take into account the NAS reports and all other sound medical and scientific information would entail the consideration of animal studies that bear on the issues related to human exposure. I believe the language in section 3(a) of H.R. 556 stating that it is the purpose of section 3 to provide for a review and evaluation of "the available scientific evidence regarding associations and exposure to dioxin" and that this reflects the intent to provide for a comprehensive review and certainly not to exclude any category of potentially useful scientific information. Thus, it is my understanding that, to perform properly their duties, the Secretary and NAS would necessarily consider scientific studies regarding the effects of herbicide exposure on animals.

Additionally, section 2 of H.R. 556 requires the Secretary, in evaluating studies on the effects of dioxin, to take into consideration such factors as statistical significance, replicability, and peer review. I want to make clear that it is not my intention that, in making determinations under section 2 of the legislation, that the Secretary is required or intended to refuse to rely upon studies that he considers not to be statistically significant or capable of replication or able to withstand peer review. Rather, as the language indicates, these factors are intended to guide the Secretary in weighing these studies that must be included in the universe of information an analyses upon which his determinations must be based.

If the Secretary determines that a presumption of service connection is warranted for a particular disease, he is required by section 2 of the bill to conduct a rulemaking proceeding, involving notice to the public and the opportunity to comment. On the other hand, if the Secretary determines that a presumption of service connection is not warranted for a particular disease, he is required to publish this determination, as well as an explanation of the basis for the determination, in the Federal Register, without conducting a public rulemaking proceeding. In my opinion, the Secretary's determination that a particular disease does not warrant a presumption of service connection would be reviewable.

The previous agent orange legislation, H.R. 5326, contained language specifying that the National Academy of Sciences should review scientific evidence relevant to the health effects of exposure, including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects. In redrafting the language outlining the Academy's responsibilities, we attempted to make the instructions more concise, but not to exclude any diseases from the Academy's consideration. I also expect that the Academy will review any evidence related to a possible connection between exposure to herbicides used in Vietnam and the soft-tissue sarcomas excluded from presumptive disability compensation under section 2 of H.R. 556: osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma. The exclusion of these diseases from the presumption is not intended to suggest that they should be excluded from the scientific review.

Section 9 would establish a voluntary blood testing program to be implemented by the Secretary unless he determines, after receiving recommendations from the National Academy of Sciences that such a program would not be feasible or would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. It is my intention that the blood testing program, if implemented, be used only to further scientific research efforts, not to affect either an individual veteran's eligibility for disability compensation or the presumption of exposure in new section 316(a)(3) of title 38, as added by section 2(a) of the bill. I believe section 9(e)(1)(A) supports that view by providing that the program would not be implemented if the Secretary determines that it would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure. This clearly is a reference to the value of the program to achieving research goals.

Finally, I would like to address the impact of the changes to Public Law 98–542 made by section 10 of the legislation on the rulemaking proceeding currently being conducted pursuant to the Court's decision in *Nehmer* v. *U.S. Veterans Administration,* Civ. No. C–86–6160 (N.D. Cal.).

The delayed effective date of the changes to Public Law 98–542 in section 10 of this legislation allows for the orderly completion of the rulemaking proceeding required by Public Law 98–542. In setting this delayed effective date, the sponsors of this legislation relied on the fact that the VA has been working for over 21 months to complete the rulemaking proceeding required by the Nehmer decision, and on the VA's representations that by May of this year its Advisory Committee on Environmental Hazards will complete it deliberations and make recommendations to the Secretary of Veterans' Affairs concerning those diseases alleged to be associated with herbicides containing dioxin that it has yet to review. The legislation therefore contemplates that on or before the delayed effective date of section 10, the advisory committee will have taken these actions.

The premise of Public Law 98–542 and the court orders in Nehmer is that is the recommendations of the Advisory Committee on Environmental Hazards, the studies and analyses the advisory committee reviewed, and any other pertinent scientific information available to the Secretary provide a basis for according a presumption of service connection to certain diseases, the Secretary would immediately promulgate regulations adding a presumption. By allowing for the orderly completion of the rulemaking proceeding required by Public Law 98–542, this legislation keeps this process intact. Thus, the Secretary may act to add disease immediately after the advisory committee makes its recommendations. After the National Academy of Sciences transmits its first report pursuant to section 3 of this legislation, the Secretary will then have additional information upon which to add or subtract diseases from the list of those to which a presumption of service connection attaches.

The sponsors of this compromise legislation are aware that the Secretary is required by the Court's orders in Nehmer to adjudicate pending agent orange claims and to readjudicate certain agent orange claims denied in the past, based on the regulations the Secretary ultimately adopts. By allowing for the orderly completion of the rulemaking required by Nehmer, this legislation allows the Secretary to handle these claims in a manner consistent with the many adjudicatory provisions of title 38 that favor and are solicitous to VA claimants. We expect the Secretary to grant benefits to those who should prevail under the regulations he ultimately adopts after the advisory committee completes its work. With regard to those claimants who would not prevail under these regulations, the Secretary has authority under title 38 to delay the final resolution of these claims until he obtains additional information from the National Academy of Sciences pursuant to section 3 of this legislation. We encourage the Secretary to delay final resolution of these latter claims until after he receives at least the first report from the National Academy of Sciences and makes the determinations required by section 2 of this legislation.

Mr. WEISS. Mr. Speaker, today the House of Representatives considers legislation to compensate Vietnam veterans for certain rare diseases associated with exposure to agent orange, and to require that a new, objective study be conducted of the herbicide and its connection to other illnesses suffered by veterans of the Vietnam war. I welcome this overdue measure, and I commend the chairman of the House Veterans' Affairs Committee for his efforts to facilitate a compromise on a controversial issue.

Although the bill falls short of addressing all the problems I believe are connected to agent orange, such as birth defects and certain neurological disorders, it is a good compromise and interim solution. For the first time, the House has recognized the suffering of Vietnam veterans who had been exposed to the toxic herbicide.

A similar agent orange bill was passed by the House last year as part of a veterans benefits package that included a cost-of-living allowance for disabled veterans. That bill was held up by the other body because of the agent orange provisions. In the waning hours of the 101st Congress, the agent orange section was stripped from the legislation, and a COLA bill was brought to the House floor, to be considered without debate or perusal.

Knowing that we would pass the COLA bill this month, with retroactive benefits, and knowing that the agent orange bill would not be easily resurrected in the new Congress, I objected to stripping of the agent orange provisions from the COLA measure. I objected because, as chairman of the Human Resources and Intergovernmental Relations Subcommittee, I had learned after a 2-year investigation that the Federal Government had manipulated and covered up its studies of agent orange exposure. Evidence that the chemicals contained in the herbicide, such as dioxin and 2,4-D, were causing illnesses in Vietnam veterans had been ignored or swept under the carpet. I did not want this injustice to continue.

I objected to the stripping of the agent orange bill on the last day of the 101st Congress to give the House more time to resolve differences with the other body on the legislation's most controversial provisions. The passage of the Agent Orange Act of 1991 is exactly what I had hoped would be accomplished so that all our veterans would receive just compensation in return for their service to our country.

Now the National Academy of Sciences will conduct a thorough and objective study of illnesses related to agent orange exposure. The Secretary of Veterans Affairs is empowered to compensate veterans suffering from illnesses positively associated with exposure to the herbicide. The Department of Veterans Affairs will be required to analyze veterans treated by its hospitals to determine if their diseases are related to agent orange exposure, and to see if a pattern of illness exists among the veterans. Finally, the legislation establishes a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne, the first time Congress has officially recognized the relation of any diseases to agent orange exposure.

I am grateful to the American Legion and Vietnam Veterans of America for their support and diligence in keeping a spotlight on the agent orange issue. They fought courageously to make America recognize the debt we owe to Vietnam veterans. This legislation would not have passed without their efforts.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of H.R. 556.

Mr. Speaker, I would like to take this opportunity to voice my strong support for H.R. 556, the Agent Orange Act of 1991. This bill represents years of hard work and compromise within the Veterans' Affairs Committee—a committee I am honored to serve on under the leadership of G.V. "SONNY" MONTGOMERY, the chief sponsor of this measure.

As we are all well aware, there are differing opinions on how the U.S. Government should proceed with agent orange compensation. It is an emotional issue and one that had reached a stalemate after years of research and study. For this reason, I am especially proud of the bill brought to the floor today. H.R. 556 is a tremendous first step toward clarifying what effect agent orange had on service men and women in Vietnam and what conditions should be compensated. It codifies the three diseases already compensated as a service-connected disability by the Veterans' Administration [VA]—non-Hodgkins lymphoma, soft-tissue sarcoma, and chloracne. In addition, it requires the VA to decide whether permanent disability benefits should be given to veterans suffering from other diseases, based on the objective, scientific review of the National Academy of Sciences—the first non-Government entity charged with making such recommendations.

I would be remiss if I did not recognize the tireless efforts of my friend and colleague on the Veterans' Affairs Committee, LANE EVANS. For years, LANE has led the charge on behalf of Vietnam veterans and their concerns relating to agent orange exposure. His leadership in the Veterans' Affairs Committee yielded similar agent orange provisions which passed the House last year but were not considered by the Senate. There is no doubt his work helped set the stage for the bill we are considering today.

Again, I rise to offer my strong support for H.R. 556 and commend Chairman MONTGOMERY for making this issue a top priority for the 102d Congress.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. GEREN].

Mr. GEREN of Texas. Mr. Speaker, I rise in strong support of H.R. 556.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. JAMES], a member of the Committee on Veterans' Affairs.

Mr. JAMES. Mr. Speaker, today this House has the chance to correct a grave inequity that Vietnam veterans have faced for many years. Agent orange defolliant, which was used extensively in the war in Vietnam, has long been a source of controversy. Many veterans have been convinced that this herbicide has been the cause of serious illnesses such as cancer, and many scientific studies have lent credence to their arguments, but until recently the Government has refused to face that possibility. Today, with the passage of H.R. 556, we can take that first step toward redressing this error.

Make no mistake about it, this issue has been very contentious over the years. All of us remember the obstacles that this problem put up last year when the controversy prevented the passage of other vital veterans legislation. However, thanks to the efforts of everyone involved, we have been able to reach a satisfactory compromise. As a member of the Veterans' Affairs Committee, I am proud of our work toward resolving this concern, and I urge my colleagues in the House to pass this legislation today.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Illinois [Mr. PENNY], but let me say first that the gentleman introduced a compromise amendment last year that was partially adopted this year and is in the bill we are working on today. I want to thank the gentleman from Minnesota for his help and his cooperation. He has been a valued member of our committee, and he is chairman of the Subcommittee on Education, Training, and Employment.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY].

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Mr. PENNY. Mr. Speaker, today is a day that many thought might never arrive—a day when a bipartisan, bicameral agreement on agent orange is before this House. I am pleased to be here in strong support of this bill, H.R. 556. Much credit for our being here today goes to our colleague, Mr. EVANS and our former colleague Mr. DASCHLE. To you—you persevered and made a difference. To our colleagues—the chairman and ranking member of the House Veterans Affairs' Committee, Mr. MONTGOMERY and Mr. STUMP—you finally found the way through the agent orange impasse. As a result of your leadership, I believe we have produced better legislation and better policy.

It's a day we can celebrate not in a self-gratulatory way, but with a continuing compassion for veterans and their families. What has bothered me most in the time that we have debated this issue is: What do we tell veterans? What do we tell families? Who has the correct information about agent orange and when will we know its effects for sure? On the issue of agent orange we've always been long on questions and short on answers.

One of the most nagging questions for lawmakers was how we could do what was right and fair for veterans and still be consistent with our obligations to enact right and fair public policy. To that end, I have searched repeatedly and with great frustration for a conclusive, scientific answer to this emotionaly charged and sensitive issue.

The amendment I offered last summer in subcommittee was offered in a sincere attempt to get those answers. This legislation before us to day is similar to that amendment. I wanted then, as I want now, to sort out the conflicting evidence. I believed the National Academies of Science to be the appropriate arbiter of this dispute, going outside the Government for the first time to get an independent scientific review.

Unlike previous bills, this legislation gives the NAS great latitude in setting up their studies. Once they have reached a decision regarding the positive correlation of a condition to agent orange exposure, they will convey that finding to the Secretary. Appropriately, it removes Congress as the middleman. We're not scientists so we should put the mechanism in place for granting compensation where compensation is justly due and then step back. If NAS finds that certain conditions are not related to agent orange exposure then they are obligated to convey that finding as well.

I am pleased that the legislation also includes provisions allowing NAS to conduct, in addition to the initial study, ongoing review and to avail itself of clinical data, blood and tissue samples, which could be collected through the VA. Of immediate significance is the continuation of VA medical care eligibility for veterans suffering from possible agent orange related conditions. I was also pleased to have included the provision allowing Vietnam veterans to request blood tests to determine serum dioxin levels.

As I said last July, the issue before us is not cost. If the diseases suffered by these veterans were caused by agent orange, then we need to pay the cost. The issue is what is right and what is fair. It is right to pay compensation where it is warranted. It is fair to all veterans to base that decision on the best scientific evidence available. By passing this legislation we have the opportunity to be both right and fair. We also have the opportunity, at long last, to get some real answers for Vietnam veterans and their families.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Minnesota [Mr. PENNY] and commend him for the hard work he has done on behalf of this bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act of 1991.

First, I would like to commend the distinguished chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, and the ranking minority member, BOB STUMP, for bringing this important legislation to the floor in a timely manner. I would also like to recognize DOUG APPLEGATE and LANE EVANS for their diligent efforts to reach a compromise on this critical issue.

Controversy has surrounded the agent orange issue for years. Despite exhaustive studies on the subject, researchers have not been able to conclusively link agent orange exposure to the development of rare diseases such as soft-tissue sarcoma and melancoma. In fact, the various studies which have been conducted have oftentimes contracted one another.

Consequently, the debate over providing a presumption of service connection between certain diseases experienced by veterans of active service in Vietnam and exposure to certain toxic herbicide agents used in Vietnam has remained unresolved.

In the past, I was reluctant to codify any presumption of service connection for cancers and other rare physical problems which have been diagnosed at higher frequency rates for individuals exposed to dioxins because of the lack of scientific evidence. However, after careful reexamination of the issue, it seems to me that we have lost sight of the real issue—the veterans suffering from the debilitating ailments associated with herbicide exposure.

Last year, Secretary Derwinski announced his decision to compensate victims of non-Hodgkins lymphoma and soft-tissue sarcoma. I applaud the Secretary's decision. However, I also believe that if we are prepared to compensate veterans suffering from these two forms of cancer without a definitive answer to the health effects of agent orange, we should also provide the same consideration to those veterans suffering from other severe medical maladies believed to be the result of exposure to agent orange or other defoliates used in Vietnam.

During the 101st Congress, I supported legislation which codified the Secretary's action on non-Hodgkin's lymphoma and soft-tissue sarcoma. Unfortunately, that legislation was the victim of last minute political wrangling and was not enacted into law.

I am pleased to have the opportunity to be an original cosponsor of the legislation before us today. I am hopeful that this compromise which codifies Secretary Derwinski's decision and calls on the National Academy of Science to conduct an ongoing review of all scientific and medical evidence on the long-term health effects of herbicide exposure, will move us one step closer to resolving the controversy surrounding agent orange.

I have said repeatedly that veterans are a patient group of individuals who are willing to wait as long as necessary to accomplish their goals, but our Vietnam veterans have waited long enough. I urge my fellow Members to support H.R. 556.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. STAGGERS], a member of the Committee on Veterans' Affairs and the chairman of the Subcommittee on Housing and Memorial Affairs. Mr. Speaker, I would say that all four of our subcommittee chairmen have now spoken in support of this legislation.

Mr. STAGGERS. Mr. Speaker, let me thank the gentleman from Mississippi [Mr. MONTGOMERY] for bringing this legislation to the floor. I, as a longtime advocate of the need for the Congress to recognize and compensate victims of agent orange, am very pleased to see H.R. 556 come to the floor so early in the 102d session of Congress.

Let me further state my pleasure in working with the distinguished chairman of the full committee, SONNY MONTGOMERY. He is to be commended for bringing this legislation forward. The road to this Chamber has been rough, twisting, and sometimes at a dead end.

Mr. Speaker, I am sure others will devote their remarks to the more technical side of how this legislation creates a statutory presumption of service connection for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. However, I would like to confine my remarks to what I think this action means to hundreds of veterans I have met during my tenure in Congress.

The action we are taking today is the fulfillment to the veterans of America's last sustained war, Vietnam. Mr. Speaker, to many of us it is regrettable that it has taken this long. Today, the people's House, the U.S. House of Representatives, fulfills its commitment to millions of veterans to heal the suffering and compensate those who have answered America's call to serve.

It is an ironic situation we face today. Today, we will provide benefits to veterans who suffered under the last war America fought, while we prepare to go to war in the Arabian Pennisula. We should remember that fact and, for those of us very concerned with veterans benefits and health care, renew our commitment to caring for those who have fought the battles that have given our people the freedoms we in America enjoy.

The effort made to bring us to this day has been brought about in large measure by the efforts of a number of Members but I would particularly like to mention, LANE EVANS, DOUG APPLEGATE, DAVE BONIOR, and MARTIN LANCASTER. These Members, as well as others, have provided valuable service to helping America's veterans and helping to get a good bill to the floor.

Mr. Speaker, I proudly cosponsor this legislation and urge all Members to support this substantial improvement for America's veterans.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. JONES], a member of the Committee on Veterans' Affairs.

Mr. JONES of Georgia. Mr. Speaker, I rise in very strong support of H.R. 556. I rise with a great deal of pride in a generation of Americans who served their country unselfishly and heroically in the jungles of Vietnam.

Mr. Speaker, I would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking member, the gentleman from Arizona [Mr. STUMP], the gentleman from Ohio [Mr. APPLEGATE], the gentleman from Minnesota [Mr. PENNY], and, most particularly, the gentleman from Illinois [Mr. EVANS], for their dogged determination and their work to find a compromise which has enabled us to facilitate this vital piece of legislation. But I think the real credit belongs to those same men and women who risked so much in Southeast Asia, because they never gave up the right for what they believed in. They never let us forget what happened there. They never once turned their backs on their buddies.

Mr. Speaker, as we once again see the cream of our American youth stand courageously and vigilantly for the cause of international freedom, it is appropriate that today, through this legislation, we recognize once again the sacrifices of our veterans of Vietnam. This legislation is a testimony to their perseverance and their compassion.

Mr. Speaker, I urge Members to support this long overdue measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG]. I am proud to say the gentlewoman is also a member of the Committee on Veterans' Affairs.

Ms. LONG. Mr. Speaker, there is no question about it, this really is a significant day. For years, agent orange issues have been the subject of considerable debate, but the Congress has been unable to pass legislation. Today, we have the opportunity to support a bill which, in all likelihood, will become law. I congratulate those who played a role in developing this measure. In particular, I commend the gentleman from Mississippi, the chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, for bringing the Agent Orange Act of 1991 to the floor.

Veterans of each of our Nation's wars have made grave sacrifices, some unique, some common to war. These sacrifices should never go unnoticed, and yet, sometimes they do. While we have attempted in many ways to assist our veterans, we have been slow to respond to the special needs of some of our Vietnam-era veterans.

Perhaps this is the case because veterans of that war came home with problems that health care professionals and the public at large had never encountered. Problems like post-traumatic stress disorder [PTSD], problems associated with exposure to the herbicide agent orange, and others were unheard of prior to the return of our Vietnam veterans.

Since Vietnam-era veterans were the first to experience widespread exposure to agent orange, some of these veterans now have rare forms of cancer like non-Hodgkins lymphoma, soft-tissue sarcoma, and certain types of chloracne. The evidence linking these diseases and agent orange exposure is so strong that this legislation establishes a new category of service-connected disability.

Still, there are other diseases present in Vietnam veterans who were exposed to agent orange which are not presently covered in this legislation. Perhaps the correlation between the two phenomena is purely coincidental, but the limited statistical evidence that does exist tells a somewhat different story. The evidence, at the very least, tells us that we need to look further. In order to measure any correlation, this bill calls for a critical and comprehensive study. If this study determines that there is a link between agent orange and other forms of cancer, fairness mandates, and our policies must reflect that those other veterans exposed must also be compensated.

I strongly urge passage of the Agent Orange Act so that we may more fairly begin paying the debt we owe to our Vietnam veterans and their families.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, [Mr. PAYNE], also a member of our committee.

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong support of H.R. 556 to compensate Vietnam veterans for specific diseases resulting from exposure to agent orange. As a veteran, I am very sensitive to the suffering that Vietnam veterans have experienced. It is our responsibility to the veterans who have served our Nation to ensure that they all receive fair and equitable compensation and health care for any physical disabilities that they develop in the service of their Nation. It is the least that we can do for our veterans.

The issue as to whether or not certain cancers can be attributed to exposure to dioxin has been greatly debated. Numerous studies have been performed in an effort to establish this medical association. However, it has not been conclusively demonstrated that exposure to dioxin can result in the development of certain cancers.

Under this bill, Vietnam veterans suffering from non-Hodgkin's lymphoma, soft-tissue sarcoma and chlorance will receive, by law, compensation. The Secretary of the Department of Veterans Affairs had previously made an administrative decision to provide compensation for these diseases to Vietnam veterans. As far as adding the list of compensable diseases, the Secretary of Veterans Affairs could do so after weighing the recommendations of the National Academy of Sciences. A great deal of the past controversy has revolved around the body performing scientific evaluations. The National Academy of Sciences is a highly respected, nonprofit, nongovernmental organization. The academy will review all of the scientific and medical evidence on the long-term health effects of exposure to the herbicide and report its finding to the Secretary.

I believe that this compromise legislation is a fair and equitable agreement among the various groups interested in this issue. I want to thank Chairman MONTGOMERY, Congressmen STUMP, EVANS, and APPLEGATE for their leadership in working out this compromise, and I urge my colleagues to pass this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a member of our committee who has been very, very helpful on health care and other matters in working with our committee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, like many of the issues we deal with in Congress, the debate over health care eligibility for Vietnam veterans exposed to agent orange has not been easy to resolve. While I, personally, believe a connection potentially exists between exposure and certain diseases, the scientific data is still not perfectly clear out. We still do not have all the answers.

However, this legislation represents a big step toward dealing with this issue in a fair and reasonable way.

The Department of Veterans Affairs already recognizes the eligibility of veterans exposed to agent orange who have subsequently suffered from chloracne and from non-Hodgkin's lymphoma and soft-tissue sarcomas.

Congress should do no less. This bill makes that administrative decision a matter of law.

The measure also empowers the Secretary of Veterans Affairs to add other diseases to the list. It calls on the Secretary to base his decisions on recommendations of the National Academy of Sciences, which is expected to conduct a long-term review of the scientific and medical evidence of the health effects of exposure to agent orange.

Mr. Speaker, I congratulate our chairman, SONNY MONTGOMERY, the ranking member, BOB STUMP, and LANE EVANS who has taken the lead on this issue, as well as DOUG APPLEGATE, who has been out in the forefront, as well as everyone on the Veterans's Affairs Committee who has helped to put this compromise together. I hope we now have an opportunity to resolve this issue and provide needed help to many veterans and their families.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY], another member of the committee.

Mr. KENNEDY. Mr. Speaker, first of all let me commend the chairman of the Committee on Veterans' Affairs, Mr. SONNY MONTGOMERY, and the ranking minority member, Mr. BOB STUMP, for their ability to reach consensus between the Members of Congress and the organizations on the issue of agent orange.

I also want to pay particular thanks and gratitude to LANE EVANS of the committee whose hard work and true dedication on this issue over a period of years enabled this compromise to be worked out. I know that this and other issues on the committee have faced difficult times in the past, and it is through the dedication of individuals like LANE EVANS and their willingness to work out the specifics on the part of the chairman and his staff that the bill has finally come forward, and I want to congratulate both of them for the work that they have done.

Let me say that I fully support H.R. 556, the Agent Orange Act. The bill will provide disability compensation for, what I think, are the two disabilities that cause the most concern to Vietnam veterans—non-Hodgkins' lymphoma and soft tissue sarcoma. But the most important aspect of this bill is the fact that a system will be set up, so that the National Academy of Sciences will be able to make recommendations to the Department of Veterans Affairs for compensation of other disabilities.

I think this bill is an important first step in resolving an injustice that has affected so many Vietnam veterans. Passage of this legislation will set an important precedence not only for Vietnam veterans but for the veterans of the current war in the gulf who could potentially be exposed to God only knows what kind of chemicals.

I would like to commend again Congressman LANE EVANS for championing this and other tough issues and again thank Chairman MONTGOMERY and the ranking minority member BOB STUMP for bringing this bill to a vote. I urge my colleagues to vote yes for H.R. 556.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will announce that the gentleman from Mississippi [Mr. MONTGOMERY] has 2½ minutes remaining and the gentleman from Arizona [Mr. STUMP] has 21½ minutes remaining.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 12½ minutes.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY], also a member of our committee.

Mr. SLATTERY. Mr. Speaker, I will not use the 2 minutes that the chairman has so generously allotted, but I just wanted to rise and express my support for this legislation, and also join my colleagues in expressing my gratitude to Mr. LANE EVANS and Mr. DOUG APPLEGATE and Mr. BOB STUMP as well as the chairman of the committee for bringing this legislation before us today. Certainly LANE EVANS has worked tirelessly on this since we came in together 8 years ago, and today his efforts are coming to fruition. So he should be commended for his tenacity and his sticking to the effort.

Mr. Speaker, the Second District of Kansas, which I have the honor of representing here in Washington, is home to Fort Riley and to 15,000 troops currently involved in Operation Desert Storm.

They, their families, and all others who have served our country in times of war or peace deserve to know that this country is committed to honoring their service. Their sacrifices demand no less.

The Agent Orange Act codifies recent VA decisions to compensate Vietnam veterans for non-Hodgkin's lymphoma, soft-tissue sarcomas, and a skin condition known as chloracne, all of which are believed to have been caused by the use of agent orange during the Vietnam War.

Furthermore, the legislation requires the National Academy of Sciences to review all scientific and medical evidence on the long-term health effects of agent orange and other herbicides and report its finding to the Secretary of Veterans Affairs.

H.R. 556 will enable us to unravel the many controversial issues surrounding agent orange and give disabled veterans the treatment and compensation they are entitled to receive.

I urge my colleagues to recognize the importance of this issue to so many Americans, and to pass this legislation today.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE], the ranking Republican on the Committee on Appropriations.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 556.

Mr. Speaker, this bill endeavors to right an old wrong. During the Vietnam war, we exposed our troops to tremendous quantities of a toxic herbicide mixture known as agent orange. Agent orange contains dioxin, the most toxic chemical known to man. A tiny amount of dioxin causes cancer, immune system depression, and birth defects in laboratory animals.

Mr. Speaker, our efforts to compensate veterans who may have been harmed by agent orange have been complicated by scientific uncertainty. Conclusive findings on the relationship between agent orange exposure and health ailments have eluded us. Prior agent orange studies have been criticized as inconclusive or politically motivated.

The legislation before us today directs the Department of Veterans Affairs to commission an independent study by the prestigious National Academy of Sciences to determine the probable effects of agent orange exposure. This independent review will be presented to the Secretary of Veterans Affairs. If he finds that a presumption of service connection is warranted with respect to certain diseases, he will provide for the payment of compensation to eligible veterans.

This proposal is a vehicle to break the gridlock that has stalled progress on the agent orange issue for years. I commend my dear friend and chairman of the House Committee on Veterans' Affairs, the Honorable SONNY MONTGOMERY, for his successful and good faith efforts to reach a fair compromise on this issue. I am also indebted to my wise colleague, the ranking minority member of the Veterans' Affairs Committee, the Honorable BOB STUMP, for his devoted work on this legislation.

Mr. Speaker, I would also note that the bill establishes a presumption of service connection for three diseases: chloracne, non-Hodgkins lymphoma, and soft-tissue sarcomas. The Secretary of the Department of Veterans Affairs, my good friend, the Honorable Edward Derwinski, was widely praised when he took administrative action last spring to provide benefits for veterans with these diseases. The legislation before us is a congressional affirmation of his action and a tribute to his good judgment.

Mr. Speaker, I urge my colleagues to vote "aye."

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I appreciate the chairman of the committee yielding me this time. I rise in support of the bill and commend the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Illinois [Mr. EVANS], the gentleman from Arizona [Mr. STUMP] and the others who have worked so hard on this much needed legislation.

Mr. Speaker, I rise in support of H.R. 556, legislation that will establish a process requiring the VA to determine whether certain diseases of Vietnam veterans should be presumed to be service-connected based on exposure to agent orange.

I would like to commend Chairman MONTGOMERY and Representative LANE EVANS for working together to forge this compromise which I believe is acceptable to all parties.

Over the course of the 12 years since this issue was first raised, there have been concerns that before providing compensation to veterans, there should first be some scientific evidence suggesting a reasonable connection between disease and exposure. To ensure a resolution so that agent orange-exposed veterans receive compensation, I cosponsored H.R. 3004 during the 101st Congress.

This measure would put in place a mechanism allowing an unbiased independent scientific agency to offer future guidance to the Department of Veterans Affairs and Congress on additional diseases that can be said to be reasonably associated with exposure to dioxin.

Under the legislation we consider today, a mechanism is initiated to review the health effects of agent orange among the approximately 3 million veterans who have served in Vietnam.

H.R. 556 provides for the VA's determination of whether ailments were caused by agent orange which would be based on a review of relevant scientific information by the National Academy of Sciences.

I support this measure because I believe it is a fair compromise and urge passage of the legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the chairman of the Committee on the Budget [Mr. PANETTA], who has been very cooperative. We have worked with him this last year, and look forward to working with him this year. He has had a number of members of our committee temporarily serving with him, and I know he will treat them fairly.

Mr. PANETTA. Mr. Speaker, I am pleased to have representatives from the Committee on Veterans' Affairs on the Committee on Budget.

I rise, really in support of this bill, by putting on two hats. One is as a member of the Vietnam era caucus over the last 10 years, and former vice chairman of that caucus. This is obviously legislation that we have always pursued and have worked on. With the leadership of the gentleman from Illinois [Mr. EVANS] and many others who have worked on this legislation, it finally comes to fruition.

The President has said that we ought not to repeat the mistakes of Vietnam when it comes to the Persian Gulf. One of the mistakes in Vietnam was the way we treated the veterans who returned. This bill, both symbolically and substantively, is a step taken to try to repair the damage that was done to those returning veterans. I think it is a significant step and a worthwhile step. Hopefully, it will be enacted soon with the support of all the Members.

The second hat that I wear today is that of the chairman of the Committee on the Budget. We have been dealing with a series of bills involving both the veterans as well as the fighting men and women who are in the Persian Gulf. I have been asked how these bills relate to both the budget agreement and the pay-as-you-go requirement that is part of the budget agreement. Let me just mention briefly that with regard to the COLA bill that was passed last week, the cost-of-living increases provided to veterans as well as this bill, the agent orange bill, both of these are contained within the baseline that was established by the Congressional Budget Office and was contained in the budget agreement. So they do not involve additional costs above what was prepared in the budget agreement.

Second, with regard to two other bills that will be taken up, the soldiers' and sailors' civil relief bill as well as the physicians' and dentists' relief bill that will be taken up tomorrow, these are authorization bills and obviously have to be covered within the discretionary caps that are presented to the Committee on Appropriations as part of the agreement.

Last, with regard to a bill last week, there was a bill that provided tax relief to our fighting men and women that could involve, and we are now getting the figures, a revenue loss as the result of that, and it is our intent to try to cover the costs of that in the budget resolution that will be presented to the House when we come forward with that.

The Committee on Veterans' Affairs has been, as the chairman pointed out, stalwart in terms of responding to the savings that we have asked of them every time we have developed a budget agreement. They have been always forthcoming and always very helpful in that effort. It is not easy to do. It is tough. We recognize that. It is in the spirit of that agreement that we now say that we do have obligations to meet here with regard to the veterans and the fighting men and women who are part of the Persian Gulf. That is understandable. However, we also have to implement the discipline that was part of that budget agreement to pay for these costs. In that way, not only do we serve the interests of those who are there and who are fighting, and those who will return as veterans to this society, but we also ensure that we will protect the quality of society that we will be able to return back to.

Therefore, for all of those reasons, I commend the chairman and commend the committee for bringing this legislation forward.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume to say to the chairman of the Committee on the Budget that we have tried to work with him.

I agree, we are making savings. We have to see that we carry out these agreements if we are ever going to get this budget under control. That is basically what we have done in our committee, and we did have to cut back some programs on veterans. However, we picked the programs we thought would affect the veterans least.

I thank the chairman of the Budget Committee for speaking on this bill.

Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, as a Vietnam era veteran and cochair of the Vietnam veterans in Congress, I join with my colleagues in today supporting H.R. 556, the Agent Orange Act of 1991. I want to commend my colleagues, the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from Arizona [Mr. STUMP] in introducing bipartisan, compromise legislation that would make into law administrative decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers, non-Hodgkin's lymphoma and soft-tissue sarcomas, and chloracne, a skin condition. In addition the Secretary of Veterans Affairs can presume service connection for additional disabilities suffered by veterans who served in Vietnam if he determines that a positive association exists between herbicide exposure and the occurrence of the disease in humans. The National Academy of Sciences will conduct scientific reviews and report to the Secretary its findings. My colleague and chair of the Vietnam veterans in Congress, the gentleman from Illinois, [Mr. EVANS] should be recognized for his tenacity in continously pushing to bring agent orange legislation before the House for consideration.

This compromise is one born out of conflict and controversy, much like the Vietnam war itself. The veterans of this conflict have waited for years in hope of congressional action that would mandate service-connected disability benefits for the diseases that have ravaged their bodies as a result of their exposure to the herbicide. In my meeting with individual veterans and veterans groups of the Vietnam era, many feel that they and their needs have been neglected and all too often forgotten. While this legislation is the result of many months of efforts, it is but a beginning in addressing the ongoing issue of agent orange. There have been studies upon studies and reviews of those studies and still the concerns persist. I think it is significant that today we unite in a bipartisan effort to recognize that the time has long since come to recognize in a tangible way, through legislation and compensation, our veterans who are victims of agent orange.

As we speak, a war is being waged in the Persian Gulf. Who knows at this time what the needs of the young men and women who come home from this war will be. My friend and colleague from Mississippi, who is chairman of the Committee on Veterans' Affairs, will continue to be attuned to the special needs of these veterans.

We in Congress serve the veteran and the veteran's family. As we continue each day to serve our Nation's veterans, we must keep constantly in mind the words of Lincoln that appear now on the the Department of Veterans Affairs building: "To care for those who have borne the battle and for his widow, and his orphan." It is correct and appropriate that this legislation receive the full support of all present today to show our veterans that we continue to care for the veteran once the battle has been fought.

□ 1320

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to support this bill to assist Vietnam veterans with cancers linked to war-time exposure to agent orange.

A year and a half ago, I joined other Vietnam veterans in Congress to announce the introduction of similar agent orange legislation, which served as the starting point for the bill before us today. During that year and a half, we worked to prove our case that this is the most responsible way to settle the issue. This approach treats both the exposed veteran and the taxpayer with respect.

We should pass this legislation today and the President should sign it, so that we can get on with the job of providing help and healing for Vietnam veterans who suffer from the aftereffects of agent orange. This debt to many Vietnam veterans is long overdue.

The legislation would establish a presumption that certain diseases are related to a veteran's exposure to agent orange while serving in Vietnam. In doing this, it also establishes that these illnesses and diseases are our country's responsibility—not a burden of that conflict to be borne in tragic isolation by the veteran.

The bill would provide permanent disability benefits for veterans who currently suffer from non-Hodgkin's lymphoma or soft-tissue sarcoma. The legislation would also provide benefits for survivors. In addition, the bill commissions the prestigious National Academy of Sciences [NAS] to make a scientific determination about whether other diseases may have been caused by agent orange exposure. If the NAS determined a disease is related to agent orange, the Veterans Department would be required to accept that determination within 60 days and begin paying benefits, or, if it rejected that determination, provide a clear justification.

As a Vietnam veteran myself, I am particularly sensitive to the long anguish of those veterans who were made ill by agent orange. Out of deep respect for them, I urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say to the gentleman from Colorado, the President has agreed that he will sign this legislation.

I have one more speaker, and he is a very active member of our committee. I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to support passage of H.R. 556.

H.R. 556 represents compromise legislation to provide disability payments for Vietnam veterans who were exposed to agent orange, a chemical sprayed in Vietnam to defoliate the jungles. Veterans who develop non-Hodgkin's lymphoma and soft tissue sarcoma will be presumed to have service-connected disabilities. In addition, their survivors can also apply for these benefits. The bill also provides service-connected disability for veterans who suffered from chloracne, within 1 year of their service in Vietnam. Medical care will continue to be guaranteed for veterans who were exposed to agent orange or ionizing radiation in the military service.

The second part of H.R. 556 requires the National Academy of Sciences [NAS] to examine all of the scientific data about agent orange and make recommendations to the Department of Veterans Affairs [DVA]. The Secretary of the DVA will consider these recommendations and may list additional service-connected disabilities as he deems warranted.

I would also like to thank chairman MONTGOMERY, Congressman STUMP and Congressman LANE EVANS for acting quickly on these issues of vital importance to our veterans. It is a tribute to their leadership that this compromise bill will be considered so early in the 102d Congress under the suspension calender. I urge my colleagues to support this measure.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. COX].

Mr. COX of Illinois. Mr. Speaker, I rise in support of H.R. 556, a bill to provide permanent compensation for Vietnam veterans suffering the effects of agent orange exposure.

As one of nearly 16,000 Vietnam era veterans in the 16th Congressional District of Illinois, I strongly support this legislation. We must not delay mandating compensation for those veterans exposed to agent orange. This legislation provides permanent disability for Vietnam veterans that suffer from diseases which are said to be related to agent orange exposure. Additionally, it authorizes an ongoing comprehensive review of all scientific and medical evidence on the long-term health effects of herbicide exposure. This legislation is long overdue.

In the days since January 16, the pictures from the Persian Gulf have reminded us of the horrors of war, and the commitment and sacrifice of those who answer the call to serve our country. Let us not forget, then, our responsibility to provide benefits and support to all of our Nations veterans.

Finally, I would like to thank the gentleman from Illinois [Mr. EVANS], for his efforts on behalf of our veterans. I would particularly like to commend him for his work on this legislation.

I urge my colleagues to support this bill.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before we close this debate, there are two other Members I would like to recognize. One is the gentleman from Ohio [Mr. MCEWEN] who is the ranking member of the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veterans' Affairs who I would like to thank for his hard work in resolving this agent orange compromise.

I would also like to recognize the gentleman from Texas [Mr. ARMEY] whose Subcommittee on Human Resources and Intergovernmental Relations of the Committee on Government Operations held hearings on this issue, and I thank the gentleman for his very valuable contribution.

Mr. GOSS. Mr. Speaker, I would like to commend the distinguished gentleman from Mississippi, Chairman MONTGOMERY, for bringing this important legislation back to the floor so quickly—this is another piece of unfinished business from the last Congress that deserves our immediate attention. I also wish to thank Mr. STUMP from Arizona and Mr. EVANS from Illinois for their hard work on behalf of our veterans.

Today we have the opportunity to address the very real suffering and needs of agent orange victims and their families—who for too many years have had to fight for recognition of their ailments and compensation from their Government.

Certainly this bill deserves our full support and rapid consideration in the other body. As our troops continue their brave service in the Persian Gulf, it is only fitting that we make good on our commitment to another generation of service members.

But Mr. Speaker, there is yet another group—a smaller group—of veterans who still cry out for recognition and assistance from the Government they so loyally served in World War II.

I am speaking of the mustard gas victims, men who were used as human guinea pigs by the U.S. Government to test the effects of lethal chemical gases and the effectiveness of protective clothing.

Today, more than 45 years later, the few participants of these secret experiments who are still alive, fight for their ailing health while they continue to fight for disability compensation. They are sick and they are unable to provide for themselves in some instances.

Since the last time I spoke about this tragic situation, progress has been made and the VA is now reevaluating its previous denials of assistance. In addition, I have reintroduced private relief legislation—H.R. 456—to provide compensation to the four known survivors of these grisly tests who have literally nowhere to turn.

Any veteran who suffers as a result of service to this great country has a right to expect compassion and caring. As we correct the longstanding injustice to victims of agent orange, it is my hope that soon we will do the same for the victims of mustard gas.

Ms. SNOWE. Mr. Speaker, I would like to express my support for H.R. 556, the Agent Orange Act of 1991. I would also like to congratulate my colleagues on the Veterans' Affairs Committee for producing a workable compromise on the issue of how future decisions on the question of service connection will be made. It is my hope that passage of this bill today, 11 years after Congress first requested a study of the health effects of this herbicide, will help lay to rest the fractious dispute over agent orange benefits and provide our veterans with the help they need.

I was a cosponsor of the agent orange bill in the 98th Congress which provided a temporary presumption of service connection for these conditions while studies continued. During the 101st Congress, I cosponsored the Veterans Agent Orange Exposure and Vietnam Service Benefits Act which sought to provide permanent presumption of service connection for specified health conditions. H.R. 556 will formally acknowledge the link between certain medical conditions and exposure to agent orange. In particular, non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne will be considered as service-connected disabilities for the purposes of receiving benefits and services from the Department of Veterans Affairs. It will also establish a system for determining what other conditions may or may not be related to agent orange.

I have spoken with numerous veterans in Maine over the years about this issue. It has been difficult to explain to those veterans exposed to agent orange why, 20 years after the spraying stopped, they are still fighting for access to the benefits they earned and deserve. Steven Bentley, chairman of the Maine State Council of Vietnam Veterans of America, Inc., expressed the frustration of our veterans in these words:

> And I know this above all: that the very government that sent me to Vietnam has concluded via its Centers for Disease Control that it will not bother to even look at a possible connection because it has concluded that my dioxin level and my problems, as well as those of my brother-in-arms, are statistically insignificant.

Today, in passing this bill, we are finally doing right by these veterans.

Mr. GEPHARDT. Mr. Speaker, last week this body overwhelmingly approved H.R. 3 which provides a 5.4-percent cost-of-living adjustment in compensation to our Nation's 2.2 million veterans with service-connected disabilities and to 300,000 widows and children of veterans who died of service-connected causes.

Today we are considering another bill of great importance to the Nation's veterans, H.R. 556, the Agent Orange Act of 1991. For years, many of us have been concerned by the effects of exposure to dioxin on the health of veterans who served in Vietnam. Earlier this month, a historic compromise was reached to ensure that the Vietnam veterans injured by agent orange receive the health care and compensation they deserve.

H.R. 556 enacts into law the Veterans' Administration's decisions to compensate Vietnam veterans for soft-tissue sarcoma, non-Hodgkin's lymphoma, and chloracne. In addition, the act calls on the National Academy of Sciences to conduct an impartial and exhaustive review of all previous studies of agent orange diseases. The academy will report its findings to the Secretary of Veterans Affairs who must act upon the academy's recommendations within 60 days. This process will ensure that bureaucratic disagreements will not delay the compensation justly deserved by these veterans.

We have a national obligation to recognize the courage and sacrifices of our veterans. I commend the chairman and the many Members who have worked on this issue to ensure that veterans injured by agent orange receive the compensation and support they are justly entitled to. I rise in strong support of H.R. 556, and urge my colleagues to do the same.

Mr. McGRATH. Mr. Speaker, I rise today in strong support of H.R. 556, a bill to codify decisions by the Department of Veterans Affairs to compensate Vietnam veterans for two cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and a skin condition, chloracne. This measure is a well-crafted compromise between Members of both the House and the Senate and a shining illustration of bipartisanship after last year's version of this legislation resulted in controversy and a hold-up of cost-of-living allowances [COLA's] for disabled veterans.

The agent orange issue is perhaps one of the most hapless byproducts of the Vietnam war. Conflicting scientific studies of the defoliant's affects have resulted in verbal and legal warfare between veteran's groups and Government agencies. In 1987, for example, the Centers for Disease Control in Atlanta announced that agent orange had virtually no effect on military personnel stationed in Vietnam. However, a report later that year by the Veterans' Administration concluded that those subject to the herbicide stood a better chance in developing several forms of cancer.

It is truly unfortunate that the agent orange issue has turned into a political fiasco—with veterans emerging as the victims. It is for that reason that I strongly support H.R. 556. Briefly, the bill would provide permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma, and soft-tissue sarcomas. In addition, the bill would estabish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within 1 year of their service in Vietnam. The legislation also requires the DVA to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

The time for rhetoric is over. I urge my colleague to join me in support of H.R. 556. It is now time to realize the effects of agent orange and act to mend the veterans who have been afflicted.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of this bill to compensate Vietnam veterans for illnesses linked to agent orange.

The battle we fought in Vietnam has long since ended, but the sacrifices made by thousands of veterans who participated in that war linger on.

Each year as many as 2,300 of our 3.1 million Vietnam-era veterans come down with cancers that may stem from their exposure to agent orange.

This bill will enable the victims of that war's silent killer to get the disability benefits they deserve.

Under this bill, the National Academy of Sciences will review the cases of veterans affected by other illnesses linked to agent orange.

The bill also authorizes more research on Vietnam-era veterans to advance our knowledge of service-related illnesses.

It's sad to say our military personnel who risked their lives in Vietnam must now risk death from illnesses linked to agent orange. We can't change the past, but we can begin to address today's problems. To that end, I urge my colleagues to support House Resolution 556.

Mr. BONIOR. Mr. Speaker, I rise in strong support of the legislation being considered by the U.S. House of Representatives today which greatly benefits our Nation's veterans. This legislation is truly of monumental importance to veterans, their families, and our country.

I wholeheartedly endorse the Agent Orange Act, H.R. 556, which provides compensation for veterans affected by their service-connected disabilities. This legislation helps end the nightmare of agent orange by bringing relief to the thousands of Vietnam veterans who suffer from the effects of agent orange. Like no other wartime illness, agent orange represents for many of us the lingering horror of Vietnam.

The Agent Orange Act will provide permanent disability benefits to Vietnam veterans who suffer from diseases that have been irrefutably linked to the powerful defoliant, agent orange. With the passage of this legislation, we put behind us the years of controversy over agent orange. We put behind us allegations of fraudulent studies and botched research to finally come to grips with the total impact of the agent orange tragedy.

As the founder of the Vietnam-era Veterans in Congress, I have worked for the full compensation of all veterans affected by exposure to agent orange. I am very proud that the passage of H.R. 556 sends a strong message that the time for more studies and more talk is over—agent orange victims must be treated for their suffering.

At a time when we are facing the prospect of a bloody war in the Persian Gulf, we must demonstrate our national resolve by showing that we will take care of all of our veterans. The men and women serving in the Persian Gulf are being asked to sacrifice for their country—just as young Americans did in the Second World War, the Korean war, and in Vietnam.

This bill we are considering today is truly of great national significance for veterans and will help us to close the book on the lingering scars of the Vietnam war and better provide for all veterans. I strongly support the passage of this landmark legislation.

Mr. RICHARDSON. Mr. Speaker, last week the Congress finally saw fit to grant our veterans their well-deserved cost-of-living increase. Now it is time for us to formally recognize and compensate those veterans who became disabled from exposure to agent orange, dioxin, and other debilitating chemicals while serving us so well in Vietnam.

Too many of our veterans are living with diseases that are the result of this exposure, and none are receiving disability compensation. This disability is no different than any other; we must compensate our veterans justly by passing the Agent Orange Act.

The cooperation of many Members of Congress resulted in this compromise bill which provides permanent disability benefits for Vietnam veterans who suffer from non-Hodgkin's lymphoma and soft-tissue sarcoma, as well as for veterans who developed chloracne within 1 year of their service in Vietnam.

It is time for us to stop the political debates that prevented us from moving forward on this and other important veterans' legislation during the last Congress. This bill is a vote for our veterans.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today to register my unequivocal support for the legislation before us. The Agent Orange Act of 1991, H.R. 556, finally codifies that Vietnam veterans who suffer from non-Hodgkins' lymphoma, soft-tissue sarcoma, or chloracne are eligible for VA disability benefits. Perhaps even more important is that the Agent Orange Act of 1991 holds out the promise of answers to Vietnam veterans suffering other conditions whose relation to agent orange exposure remains a mystery. By directing the National Academy of Sciences to conduct a comprehensive review of all scientific and medical evidence relating to agent orange exposure, the legislation before us takes an important and long overdue step toward unlocking the mysteries of herbicide exposure and finding long-term solutions to the agent orange problem.

I am proud to have cosponsored the predecessor to this legislation in the 101st Congress. The brave men and women who served the United States in Vietnam deserve no less. Isn't it enough that they have had to suffer the loss of comrades, the horrifying memories of combat, and their own lasting disabilities? How much longer can we ask them to continue suffering the mysteries of agent orange—the uncertainties of the herbicide's true effect not only on their own health but on the health of their children?

By approving the Agent Orange Act of 1991, we answer, "No longer." No longer will the serious health concerns of Vietnam veterans exposed to agent orange be embroiled in politics. No longer will we, as a Nation, rest content with the inconclusive findings of previous agent orange studies. No longer will we ignore that agent orange turned out to be more than just a means of defoliation. Our Vietnam veterans have served too valiantly to allow the 12-year debate on agent orange to continue.

As a child of World War II, I remember well the homecoming and victory parades of our Armed Forces. From those memories, I've gained a tremedous respect and appreciation for those who have bravely fought for freedom. For me, this profound appreciation has translated into an unwavering commitment to the health care, housing, and other quality of life interests of our Nation's veterans. In the 101st Congress, I supported legislation to improve the quality of health care personnel in veterans' hospitals, provide rehabilitation services to incarcerated veterans, counsel victims of post-traumatic stress disorder, and provide other necessary services.

Today, as the House votes to pass H.R. 556, I reaffirm my own personal commitment to the interests of those men and women who served the United States Armed Forces in Vietnam. I extend this same commitment to the more than 400,000 future veterans now serving in the Persian Gulf. I salute their courage and their professionalism and I pledge that once Operation Desert Storm has been committed to the history books, their service will not be forgotten. I am proud of each and every one of our Nation's veterans and I will never let their needs be ignored.

Mr. ESPY. Mr. Speaker, I want to commend Chairman SONNY MONTGOMERY for his outstanding leadership on behalf of the men and women who have served and who continue to serve our Nation in times of war. I also commend my colleagues on both sides of the aisle who have worked so hard to fashion a compromise in this longstanding issue.

Mr. Speaker, by passing H.R. 556, this Congress is acting to reassure the men and women who defend our freedom that our Nation appreciates their sacrifices, and most importantly, that we will honor the commitments we have made to them and their families.

Mr. Speaker, I want to express my total support for H.R. 556. Those Vietnam veterans who have suffered from the effects of agent orange have suffered long enough. Their bodies have been wounded, but so has their spirit. Disability compensation for them is long overdue.

Mr. Speaker, our support for H.R. 556 will also send a strong signal of support for men and women serving in the Persian Gulf. It will serve to ensure them that this Nation will provide for their war-related needs once this conflict is over.

Again, I thank the distinguished chairman of the Veterans Affairs Committee for his leadership in this area. And I pledge my continue support for the courageous men and women who make our freedom possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 556, The Agent Orange Act of 1991. Agent orange has been of primary concern to our Nation's veterans since the Vietnam era. And yet, 18 years after the Vietnam conflict, questions about association between disease and exposure remain unanswered. This bill seeks to find those answers. While the Agent Orange Act would provide disability benefits for those veterans suffering from certain established conditions, it also commissions the National Academy of Sciences to review and evaluate available scientific evidence regarding diseases and exposure to dioxins; and make recommendations to the Veterans Affairs Department regarding other possible diseases related to agent orange exposure. This in turn may help other veterans still suffering.

Long-term effects of exposure to this herbicide should be studied and must be evaluated. Last year agent orange passed in the House but went no further. We can no longer sit still. It is time to help those who are suffering and pursue answers to those questions still remaining.

In the past weeks, we have pledged our support for our soldiers fighting in the gulf. Let us not forget the pledge made to those who fought in the past. I urge my colleagues to join me in supporting the Agent Orange Act of 1991.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 556, a measure to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nation's veterans.

H.R. 556 establishes, for Vietnam veterans, a statutory presumption of service connection to non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. In addition, this measure requires the Department of Veterans Affairs to commission a National Academy of Sciences study of medical and scientific evidence regarding associations between herbicide exposure and human diseases.

Mr. Speaker, our Vietnam veterans continue to fight for benefits due to them because of their exposure to agent orange. The Department of Veterans Affairs has taken steps to compensate veterans who were exposed to agent orange by awarding service-connected disability benefits to veterans suffering from non-Hodgkin's lymphoma.

Due to this important measure, the Department of Veterans Affairs will be required to: Compile and analyze clinical data collected from examinations and treatment of veterans suffering from herbicide-related disabilities, establish a system for collecting and storing blood and tissue samples from Vietnam veterans, establish a program to study the feasibility of future scientific research on health hazards resulting from exposure to toxic agents in herbicides in Vietnam, and test the blood of any Vietnam veteran who has filed a disability-compensation claim for a disability allegedly related to herbicide exposure.

Mr. Speaker, many of our Nation's veterans are suffering each day due to their exposure to agent orange. Secretary Derwinski has taken the first step to compensate those who were exposed. It is time for Congress to continue to take important and necessary steps in providing compensation and medical care for those who were exposed to agent orange.

Accordingly, I fully support H.R. 556, and urge my colleagues to vote in favor of it.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the agent orange bill to provide for the Secretary of Veterans Affairs to obtain independent review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds, H.R. 556, and the bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act, H.R. 555.

At this time in our Nation's history, with our troops in the Persian Gulf, we need to especially show our support for our veterans more than ever. These amendments to the Soldiers' and Sailors' Relief Act will provide reservists on active duty and regulars in the military with certain protections. These protections are to help members of the military service who have financial obligations that have accumulated before they began their active duty and who cannot meet those obligations due to their participation in the Persian Gulf. These include protection in court proceedings and protection from action by creditors as well as protection for their dependents from eviction. Also included is personal liability protection for certain military personnel.

My State of Alaska has more veterans per capita than most States in the Union. The citizens of Alaska have done their fair share to protect and preserve our liberties. Veterans in my State and indeed veterans throughout the Nation have been willing to stand in harms way for our benefit and for the benefit of freedom loving people throughout the world. Because these veterans have been prepared to make supreme sacrifices, we can do nothing less than show our gratitude and appreciation for their brave efforts. Mr. Speaker, I am proud to vote in favor of these two bills today.

Mr. POSHARD. Mr. Speaker, I am pleased to rise in strong support of H.R. 556, the Agent Orange Act, a bill which I am honored to cosponsor.

This is a practical step toward assisting with medical problems suffered by Vietnam veterans and a symbolic salute to a group of Americans long ignored and unappreciated.

This legislation provides permanent disability benefits for Vietnam veterans who suffer from exposure to agent orange, the chemical used to eradicate parts of the jungle environment our troops fought in. Some of the benefits are immediate, while in other cases the bill calls for more study and scientific examination. It is my sincere hope and desire that we will address the medical needs of these specific cases as a Nation that appreciates the sacrifice made by our men and women in the armed services.

I am pleased to see that through the great leadership and membership of the Veterans' Committee we are able to provide both a cost-of-living adjustment and compensation for agent orange exposure only days apart. This represents a hard fought compromise that combines scientific data with a realization of our obligation not to forget the hardships faced by those affected by combat action. I congratulate the committee for its fine work at compromise, and urge my colleagues to continue to work for compassionate treatment of American veterans.

As we are once again engaged in battle, with a new generation of war veterans to be created, we must always be mindful of the obligation we owe to those who serve us and preserve our freedoms. And in this particular instance, for the Vietnam veteran who did not receive the kind of welcome home they deserved, this is perhaps a long overdue but significant thank you for all of their efforts.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to offer my support for House Resolution 556, the Agent Orange Act of 1991. This bill will give Congress the opportunity to address the often forgotten needs of thousands of veterans who served in Vietnam. The effects of agent orange on the Vietnam veteran are painful not only to the veteran but also to his family.

Mr. Speaker, I would like to thank the members of the House Committee on Veterans' Affairs for bringing this valuable legislation to the floor early in this session of Congress. I especially would like to commend Chairman MONTGOMERY, the ranking minority member Mr. STUMP, Representative PENNY, Representative EVANS, and Representative APPLEGATE for their leadership.

Mr. Speaker, I would also like to recognize the leading role played by Representative TED WEISS, chairman of the House Government Operations' Subcommittee on Human Resources and Intergovernmental Relations, on which I serve. Chairman WEISS' subcommittee has oversight responsibility for the Department of Veterans Affairs. He has worked tirelessly to address the concerns of Vietnam veterans and their families.

This legislation authorizes compensation to Vietnam veterans for two forms of cancers—non-Hodgkin's lymphoma and soft-tissue sarcomas—and chloracne, a skin condition often found in Vietnam veterans exposed to agent orange and other herbicides.

Mr. Speaker, we now have the opportunity to show our support for the men and women who have given so much to this country. So, I urge my colleagues to vote in favor of House Resolution 556. Again, I commend the members of the House Committee on Veterans' Affairs for bringing this legislation to the floor.

Mrs. MINK. Mr. Speaker, I rise today in support of H.R. 556, the Agent Orange Act of 1991. Unfortunately, I was unavoidably detained by engine trouble of the Amtrak train I was traveling on and did not register my vote in support of H.R. 556. Had I been in the Chamber at the time, Mr. Speaker, I would have voted aye on this bill.

H.R. 556 will provide for the healing of the many Vietnam veterans who were affected by agent orange—a healing not only of the body, but of the spirit. H.R. 556 will provide the desperately needed benefits for those veterans who have suffered from certain conditions due to exposure to agent orange. But just as important, Mr. Speaker, this bill will help heal the spirit of the Vietnam veterans which has been discouraged by years of neglect and indifference by our Nation and Government.

The passage of H.R. 556 will make permanent the disability benefits veterans may receive for non-Hodgkins' lymphoma and soft-tissue sarcoma, and just as important it sets procedures to determine whether other conditions are also related to agent orange exposure. This will enable even more veterans to receive disability compensation, which in many cases is needed to help sustain a decent standard of living for veterans and their families.

The passage of this bill is important, not only to compensate for the sacrifices these veterans have made, but also to show them and the Nation, that the U.S. Congress is willing to give them what they deserve. I commend Chairman MONTGOMERY and the members of the Veterans' Affairs Committee who have brought this bill swiftly to the floor this year. This issue has been addressed in other pieces of legislation, of which I am a cosponsor. I am pleased that the sponsors of such legislation were able to work with Chairman MONTGOMERY and others on the committee to bring this bill forth today. I would also like to recognize recent efforts by the Department of Veterans Affairs to provide compensation for agent orange related conditions.

In recent years this Nation has been on the road to recovery, mending the divisions created by the Vietnam war. Recognizing and providing for the needs of the Vietnam veterans will help to continue this process. Mr. Speaker, I am pleased H.R. 556 has passed and I commend my colleagues for voting for this important bill.

Mr. INHOFE. Mr. Speaker, finally there is a bill to protect service veterans of the Vietnam war. This bill establishes permanent disability benefits for verterans who suffer from diseases like non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne. It establishes a sturdy agenda for determining whether other symptoms and conditions are related to exposure from agent orange. This bill is a good, strong bill and one that is long overdue. We, as citizens of the United States, owe this to our veterans.

As I speak, we have entered into another war. A war that will produce an entirely new generation of veterans. These men and women are in the Persian Gulf defending the interests of this country and its allies. They are risking their lives for us. Passing this bill is the least we can do for them in return.

We are all hoping that the day will soon arrive when they will come home from the Persian Gulf. And when they do, they should not have to worry and wonder if they are eligible for the many disability benefits that aide in protecting them from the diseases that result from war. It should be understood by all veterans of the United States that we are protecting their best interests in every respect. And, by passing this legislation, we have made this clear.

Ms. MOLINARI. Mr. Speaker, I rise today to say that I am pleased that Congress is finally taking a responsible step toward addressing the controversies surrounding exposure to agent orange. Let me commend the chairman and ranking minority member of the Committee on Veterans' Affairs, as well as the efforts of Congressman EVANS and others to bring H.R. 556 forward for consideration on the floor today.

For 12 years, Congress has struggled with the issue of agent orange exposure. Passage of today's bill will mark the first meaningful action by Congress toward allocating Federal medical benefits to the veterans who suffer from resulting diseases. This legislation will provide compensation for non-Hodgkin's lymphoma, soft-tissue sarcomas, and chloracne, which many believe are related to exposure to the defoliant agent orange.

This legislation also coordinates the efforts of an independent scientific entity, the National Academy of Sciences, and the Administration of Veterans' Affairs. Together, the findings of these two will hopefully result in a comprehensive set of regulations so that ailing veterans will receive the compensation that they deserve.

I think it important to underline that thousands of veterans who served in Vietnam have suffered with diseases and ailing conditions associated with exposure to the dioxins of agent orange for over 20 years now. One must remember that our responsibility to these people is not just to study these problems, but rather to address them. We must continue to abide by the principle of taking care of those that served our country, regardless of the cause or responsibility of their possible injuries.

As this generation's active military continues to fight for us in the Persian Gulf, today's legislation may begin to assure them that their sacrifices will not go unnoticed upon their return home.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 556, the Agent Orange Act. I commend Chairman MONTGOMERY, Congressman STUMP, the ranking minority member, and Congressmen EVANS, PENNY, and APPLEGATE for their leadership in forging the compromise which allowed us to consider this measure and H.R. 3, the disabled veterans COLA bill, which the House and Senate unanimously passed last week. Together, these two bills reaffirm our commitment to the Nation's disabled veterans.

Vietnam veterans exposed to agent orange have been forced to cope with both life-threatening illness and the belief that they had served a government which had not fulfilled its obligation to the Nation's veterans. These veterans demand and deserve the support of Congress.

This bill would provide permanent disability compensation to Vietnam veterans who suffer from cancers currently known to be a result of exposure to agent orange. The bill would also direct the National Academy of Sciences to conduct a comprehensive review of the long-term health effects of herbicide exposure so that additional agent orange-related diseases can be identified.

I once again thank the Veterans' Affairs Committee for their work in bringing this bill to the floor. We must also thank the thousands of Vietnam veterans for their patience and perseverance in seeking these overdue benefits. I urge my colleagues to honor the Nation's commitment to all of its veterans and support this important legislation.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 555) to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes as amended.

The Clerk read as follows:

H.R. 555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) INCREASED MAXIMUM RENTAL AMOUNT FOR APPLICABILITY OF STAY.—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "$150" in subsection (1) and inserting in lieu thereof "$1,200".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990.".

SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act is amended by adding at the end the following new section:

"SEC. 702. (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

"(2) immediately before receiving the order to active duty—

"(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

"(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

"(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

"(2) A professional liability insurance carrier—

"(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

"(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

"(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

"(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

"(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium for such insurance. Such premium shall be paid by the person within 30 days of receipt of that notice.

"(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

"(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

"(e) This section does not—

"(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

"(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

"(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

"(A) the action was commenced during that period;

"(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

"(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

"(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

"(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

"(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

"(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

"(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

"(i) In this section:

"(1) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code.

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational.".

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(i) the condition arose before or during that person's period of training or service in the Armed Forces;

"(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(iii) the condition of such person has not been determined by the Secretary to be service-connected.".

(b) AMENDMENT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

"(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(1) the condition arose before or during that person's period of training or service in the Armed Forces;

"(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

"(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgement is entered, stay the action or proceeding until a date after June 30, 1991.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

"SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

"(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

"(2) With respect to a credit transaction between a creditor and such person in military service—

"(A) a denial or revocation of credit by the creditor;

"(B) a change by the creditor in the terms of an existing credit arrangement; or

"(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

"(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

"(4) A refusal by an insurer to insure such person.".

SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) IN GENERAL.—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out "active duty for not more than 90 days" and inserting in lieu thereof "active duty (other than for training)"; and

(B) by inserting ", including any period of extension of active duty under section 673b of title 10" before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) TECHNICAL AMENDMENT.—(1) Subsection (a) of such section is amended by striking out "provided for by this section" and inserting in lieu thereof "provided for by this chapter".

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps,"; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States,".

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and".

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before".

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary".

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary".

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans' Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or".

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out ", inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: *Provided*, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940,".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: *Provided*, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: *Provided*, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out "thereafter: *Provided further*, That whenever" and inserting in lieu thereof "thereafter. Whenever".

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I rise in strong support today of H.R. 555, amendments to the Soldiers' and Sailors' Civil Relief Act of 1940. This legislation was developed as a result of hearings held last fall by the House Veterans' Affairs Committee to determine what modifications were needed in the act to meet the needs of the service personnel called to active duty today. The provisions of the legislation will allay some of the stateside concerns of men and women currently serving in the Persian Gulf.

The provision suspending premium payments on professional liability insurance is a significant help to the large numbers of physicians and others recently called up. Guaranteed reinstatement of private health insurance for service members and their families upon their return from active duty will ensure that no individual or family will go without health insurance coverage as a result of service. Increasing the protection againt eviction for families paying rent up to $1,200 per month reflects the dramatic change in housing costs over the years and should give this protection to most individuals. The protections against adverse action and pending lawsuits will allow service members further peace of mind.

Finally, the clear statement of veterans' reemployment rights is the most basic assurance we can give these service members that their jobs will be there for them when they return.

Passage of this legislation is but one more way we can demonstrate our support for the men and women who are voluntarily serving on our behalf in Operation Desert Storm. I urged its adoption.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it gives me great pleasure to bring this measure, H.R. 555, to the House on behalf of the Committee on Veterans' Affairs. It is very fitting that the Congress address the needs of the members of our Armed Forces, many of whom are serving in the Middle East as we speak. Before I go into the details of this legislation, I would like to inform my colleagues about the two laws which this bill would amend, the Soldiers' and Sailors' Civil Relief Act of 1940 and the veterans reemployment rights law.

Let me briefly explain how the Soldiers' and Sailors' Civil Relief Act works.

First, the act provides legal and economic protection to people who have been called to active duty. This means members of the Guard and Reserve, as well as persons who enlist or are drafted. The act generally provides relief to persons who are significantly affected by being called to active duty, or who are suddenly assigned to a location far from their home, such as Saudi Arabia.

Second, the act was not designed to relieve a person of a debt owed, nor was it designed to permit persons to avoid valid obligations. What the act is intended to do is assure fair treatment to persons who suddenly find their personal lives changed by the country's call to duty.

Third, the act's important provisions are as follows: A lender may not charge interest or more than 6 percent a year on a debt incurred before the person went on active duty. A service member who has dependents can ask a court to delay eviction proceedings. Mortgage foreclosure proceedings must be approved by a court or be agreed to by the service member. The act protects service members from having their property sold to pay taxes that are due.

The other important law we are considering is the veterans reemployment rights law [VRR]. This law protects the civilian jobs of those who join the Armed Forces. It also protects the civilian jobs of members of the Guard and Reserve who are called to active duty. When they leave active duty, their employer must give them their jobs back and all benefits as if they had never left. The Department of Labor monitors compliance with this law.

In September 1990, our committee held a joint hearing with the Senate Committee on Veterans' Affairs on these two laws. At that hearing, the Department of Defense recommended a number of changes to these laws, and those changes are reflected in this bill. Since that hearing, we have received a lot of calls about problems that are not specifically addressed by the act. We will hold additional hearings in March and April on legislation to strengthen and clarify these laws.

I want to commend Representative TIM PENNY, the chairman of our Subcommittee on Education, Training, and Employment, and CHRIS SMITH, the ranking minority member of that subcommittee, for their efforts to bring these laws up to date.

The change in the approach to meeting our military obligations which has taken place over the last 15 years—the total force policy—has not been reflected in these two laws. The increased reliance on our Reserve and Guard units to perform essential defense functions has meant the callup of around 170,000 men and women in the past 5 months. Almost 100,000 are now serving in the Middle East. This legislation will address some of their needs.

H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and health-care professionals now serving in the Armed Forces.

For example, a surgeon might be paying $50,000 a year for malpractice insurance even while he is on active duty. This bill would allow him to suspend payments and reinstate the coverage when he leaves active duty.

H.R. 555 would guarantee reinstatement of health insurance for service members and their families when they leave active duty as if they had never been called. This means no waiting periods and no exclusions for conditions which arise while the person is on active duty.

For example, while he is serving on active duty, a service member's child might get a disease that will require medical care for many years. For example, diabetes. When the service member leaves active duty, he needs health insurance for that child, and this bill will help him get the same coverage he had before he went on active duty.

The bill would also broaden the protection against eviction to families paying rents up to $1,200 a month.

Finally, it would require courts to suspend further action on any pending lawsuits at the request of the service member until at least July 1, 1991.

The bill also makes a number of clarifying amendments to the act.

For the benefit of my colleagues, I'd like to include additional background and information on this legislation and these two laws, along with some practical advice on dealing with questions about the laws that may arise. If any of my colleagues are contacted by constituents who have a specific problem that might be covered by the act, the first thing the constituent should do is to seek advice from the base legal assistance officer. These officers are trained to offer assistance to service members and their families. They're very good at what they do. I've talked personally to some of these officers, and they are very knowledgeable.

Additional information about the Soldiers' and Sailors' Civil Relief Act is available to members' offices from the Congressional Research Service of the Library of Congress. It has prepared a summary of the act in plain English, and I highly recommend it as a basic explanation of what the act is intended to do.

The Department of Labor has prepared several factsheets which summarize the law on job rights for reservists and members of the National Guard and reemployment rights for returning veterans.

Now, I'd like to provide detailed information on the bill we are considering, H.R. 555. On September 12, 1990, the committee held a joint hearing with the Senate Committee on Veterans' Affairs on the provisions and protections afforded by the Soliders' and Sailors' Civil Relief Act and the veterans reemployment rights provisions codified in title 38, United States Code, to persons called to active duty in the Armed Forces. Witnessed at the hearing included Members of Congress, representatives of the Department of Defense, the Department of Veterans Affairs, and the Department of Labor, veteran and military service organizations, and representatives of the banking and home mortgage industry. Subsequently, the committee ordered H.R. 5814 reported to the House on October 12, 1990, and the House passed the measure on October 15. H.R. 555 is virtually identical to H.R. 5814 with certain additional provisions described hereafter.

BACKGROUND AND DISCUSSION OF H.R. 555

The Congress and State legislatures have long recognized the need for legislation to protect the legal rights of service members called to active duty. In addition, the Congress has similarly recognized that the nature of military service often compromises the ability of service members to fulfill their financial obligations. The Soldiers' and Sailors' Civil Relief Act of 1940—SSCRA, 50 U.S.C. App. 500 et seq.—is essentially a reenactment of legislation enacted during World War I. It was subsequently amended in 1942, in part to override court decisions that in some instances had led to restrictive interpretations of the act, defeating its purposes. Congress has subsequently provided for the continuation of the act's protections during peacetime. Minor amendments to the act were made in 1966 and 1972.

Since 1940, protection has been extended to the citizen soldier who leaves employment to serve in our Nation's Armed Forces by preserving the former service member's right to return to his or her preservice employment. Subsequent to the enactment of legislation pertaining to veterans of active duty service, employment protection was established for members of the National Guard and Reserves. Since the establishment of the All Volunteer Force and the development of the total force policy, there has been increasing emphasis on the Selected Reserve as an effective means of providing a significant portion of our Nation's defense.

The President's recent activation of a significant number of Reserve Forces has caused the Congress and the administration to reexamine the provisions of existing law providing employment and other protections for such persons. Subsequent to the September 12 hearing, the Department of Defense transmitted two proposals to the Congress advocating changes in existing law. I have attached copies of those two letters, dated September 21, 1990, and October 9, 1990, to my written remarks for inclusion in the RECORD on this legislation. A number of other witnesses at the September 12 hearing made suggestions for updating or modifying existing law. This legislation represents the committee's response to the Department of Defense's request for legislative modifications. The committee expects to hold additional hearings in March or April to determine the need for any further legislation.

EVICTION AND DISTRESS DURING MILITARY SERVICE

The SSCRA provides protection against eviction or distress of a service member's family except upon the express order of a court. The original 1940 act applied only to leases where the monthly payment was less than $80 per month. In 1966, this figure was amended to $150. In today's real estate market, it is not unusual for a service member to pay as much as $1,000 or more to house his or her family in a single family home in certain areas. Thus, the committee believes that it is appropriate to extend the protection against eviction to service members residing in these parts of the country. Accordingly, section 2 of H.R. 555 would change the current $150 ceiling to $1,200.

EXTENSION OF POWER OF ATTORNEY PROTECTION

In 1972, Congress added a provision to the act which provided that a power of attorney executed by a service member who is in a missing status would be automatically extended for the period the person is in a missing status. This section only applied to persons serving during the Vietnam era. Section 3 of the bill would extend this protection to any person in military service after August 2, 1990.

PROFESSIONAL LIABILITY PROTECTION

As noted in the September 21, 1990, letter from the Department of Defense transmitting proposed legislation to provide professional liability protection for military members ordered to active duty, the President's recent activation of a significant number of physicians in the Reserve components has focused attention on the problem of medical malpractice insurance for these physicians. The Department states that 60 percent of the total force medical capability is in the Reserve components. Unlike casualty insurance policies with which most Americans are familiar, most malpractice insurance provides coverage for a period of time against claims made during that period, rather than for a period during which an event which led to the claim actually occurred. Because of high premium costs, many physicians who must continue to pay for malpractice insurance during the period of their Reserve service are placed under a serious financial burden.

Under section 4 of H.R. 555, Reserve component health care professionals—and potentially other categories of personnel—called to active duty in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated. During the period the professional liability insurance policy is suspended, the reported bill would stay court actions for damages on the basis of alleged professional negligence or other actions covered by the policy. The stay would end when the policy is reinstated. A service member must request reinstatement within 30 days after release from active duty. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim in a civil or administrative action will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This legislation does not specifically address how claims made during the period of suspension should be handled by insurers. The committee believes that the nature of individual claims and the differences in procedures which various insurers utilize to handle such claims makes it unwise to prescribe a hard and fast rule for treatment of such claims. It is clear, however, that it would be inconsistent with the intent of this legislation if a claim made during a period of suspension resulted in any individual liability on the part of the insured, when an administrative or civil action based on the same treatment and brought during the same period would not result in such liability.

The committee notes that a number of insurance carriers who underwrite physician malpractice insurance have recently established policies which accomplish the same objectives as the reported bill. The committee commends the public spirit and patriotism that led to these voluntary actions, which provide much needed relief to health care professionals who are already serving in the Persian Gulf theater of operations and elsewhere. The committee believes legislation is warranted to assure those contemplating an assignment to a Reserve component that they will not be penalized financially for serving their country when called. The legislation will also help to assure the medical capabilities of the Reserve components in the future.

HEALTH INSURANCE REINSTATEMENT RIGHTS

The high cost of health care is of concern to many people, and it presents a particular problem to members of the selected Reserve who have been or may be called to active duty. Testimony presented to the committee expressed the apprehension of service members for the continuity of health care for themselves and their families. Employers and insurers are also concerned and confused about their obligations to provide health insurance benefits. The critical role of the Guard and Reserve requires that service members and their families be able to maintain adequate health care insurance. It is also appropriate that employers and insurers be made aware of their specific responsibilities regarding the benefits offered to persons who are called to active duty.

Chapter 43, title 38, United States Code, currently provides that a service member whose employment has been restored is entitled to participate in insurance and benefits offered by an employer pursuant to the employer's established rules and practices pertaining to employees on furlough or leave of absence. However, the type and extent of health insurance benefits to which a reemployed service member is entitled remain unclear. Section 5 of H.R. 555 would amend section 2021(b), title 38, United States Code, to clarify that a reemployed service member is entitled to the health insurance benefits provided by an employer as if he or she had never been called to active duty and his or her employment had not been interrupted.

The Soldiers' and Sailors' Civil Relief Act is silent on the issue of health insurance coverage. Section 5 would also amend article VII of the act to require insurers, upon the release of a service member from military service, to reinstate the health insurance coverage of the service member and of his or her family which was in effect on the day before the military service began and which was terminated during the period of such service. The amendment would also provide that such person and his or her family are entitled to the health insurance coverage which would have been provided if no period of military service had occurred.

CLARIFICATION OF REEMPLOYMENT RIGHTS

Section 8 of the reported bill would amend section 2024(g), title 38, United States Code, to clarify that members of the Selected Reserve called to active duty for 90 days or longer under section 673b, title 10, United States Code, are entitled to the reemployment rights and benefits provided under chapter 43, title 38, United States Code.

By way of background prior to the enactment of Public Law 99-661, the President was authorized to call 50,000 members of the Selected Reserve to active duty for a 90-day period under the provisions of section 673b, title 10, United States Code. Public Law 99-661, however, amended this section to provide for the callup of 200,000 selected reservists for an initial 90-day period which, under certain circumstances, can be extended for an additional 90 days.

Section 2024(g) of title 38, United States Code, currently provides reemployment rights coverage for individuals serving on active duty for up to 90 days under section 673b, title 10. Section 2024(g) was not amended following the enactment of Public Law 99-661, however, and selected reservists serving for longer than 90 days, are not protected under this section.

Although the Department of Labor has determined that other sections of chapter 43 provide reemployment rights coverage for these individuals, it is the committee's view that further clarification, by way of an amendment to section 2024(g), is advisable. Accordingly, the committee bill would provide entitlement to reemployment rights and benefits for selected reservists called to active duty—other than for training—including any period of extension of active duty under section 673b of title 10, United States Code.

STAY OF JUDICIAL PROCEEDINGS

Section 2 of H.R. 5814 contained a provision intended to clarify what actions would constitute a court appearance for the purposes of the Soldiers' and Sailors' Civil Relief Act. Since the time that this legislation was reported, questions have arisen as to whether a service member should be entitled to apply for a stay of proceeding while remaining technically outside of a court's jurisdiction. Indeed, one author has suggested that the provisions providing for a stay of civil proceedings cannot be construed to achieve such a result, and were not intended to do so. See Chandler, "The Impact of a Request for a Stay of Proceedings Under the Soldiers' and Sailors' Civil Relief Act," 102 Military Law Review 168—fall 1983. There remains some concern, however, that service members now serving during the Persian Gulf war may be disadvantaged by courts who are unwilling to grant stays as contemplated by section 201 of the act, 50 U.S.C. App. 521. Accordingly, H.R. 555 would require courts to grant an application for a stay in any judicial action or proceeding at any stage before final judgment is entered until at least July 1, 1991.

PROHIBITED ADVERSE ACTIONS

In its letter of October 9, 1990, transmitting proposed legislation, the Department of Defense noted that "there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act." Section 7 of H.R. 555 prohibits such actions, along with any other denial of credit of insurance based solely on the fact that a service member has applied for benefits authorized by the act. This would not prohibit an insurer or lender from making decisions based on its usual qualifying criteria related to the credit or insurance being sought.

For the benefit of my colleagues, I will insert the two letters from the Department of Defense regarding this subject at the end of my statement.

In closing, I want to say that our committee will be taking a closer look at the situations of the service members who are now serving their country. As my colleagues know, I will not hesitate to recommend whatever is needed to meet the real needs of our Armed Forces, particularly the many persons in the Guard and Reserve who have left families and jobs behind.

I want to thank BOB STUMP for his help in bringing this legislation before the House today. I also want to acknowledge the leadership of the Senate Veterans' Affairs Committee for their efforts to address the needs of our Armed Forces.

I urge my colleagues to support this legislation.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, September 21, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is a draft of legislation "To provide professional liability protection for certain military members ordered to active duty during military operations".

This proposal is part of the Department of Defense legislative program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for the consideration of Congress.

PURPOSE OF THE LEGISLATION

The President's recent activation of a significant number of physicians in the reserve components has focused urgent attention on the problem of medical malpractice liability insurance for these physicians. The potential effects of this problem are underscored by the fact that 60% of the total force medical capability of the armed forces is in the reserve components.

The medical malpractice insurance problem for these physicians relates to two key developments in recent years in the malpractice liability insurance industry: (1) malpractice insurance liability premiums have skyrocketed; and (2) there has been a strong shift toward "claims-made" policies. Under these policies, insurance coverage relates to the date a malpractice claim was filed, rather than the date the event on which the claim is based actually occurred. As a result, even when the physician stops or suspends his or her medical practice, the physician must continue to purchase liability insurance, either by continuing the regular policy or by purchasing "tail insurance" to cover lingering potential liabilities—claims that may be filed in the future for acts that occurred in the past. For reserve component physicians, this means they must continue to pay for malpractice liability insurance relating to their suspended civilian practice while they are serving exclusively in an active duty status. In some medical specialities, the malpractice premium charges actually exceed the total military pay and allowances the medical officers will receive while serving on active duty.

To assure the ability of the armed forces to respond to possible contingencies during the coming year in connection with Operation Desert Shield, as well as similar future urgent operational missions, the Department believes it necessary to establish special authority to protect health care professionals (and other professional personnel with similar liability problems) called to active duty from severe financial burdens associated with liability insurance.

Under the proposed bill, reserve component health care professionals (and potentially other categories of personnel) voluntarily or involuntarily called to active duty (or retired members recalled to duty) in connection with military operations will have the right to suspend their civilian professional liability insurance coverage while they are serving their temporary active duty assignment. They will be relieved of the burden of paying premiums during this period. When the active duty assignment is completed, the insurance policy will be reinstated.

During the period the professional liability insurance policy is suspended, in the case of a "claims-made" policy, the proposed bill would suspend court action on any claim made after the professional was called to active duty. The period of suspension would last no longer than 30 days after release from active duty of the member. In no case would the suspension last longer than one year except in case of a declaration of war or national emergency declared by the President. A plaintiff's right to make a claim will be protected from the expiration of any statute of limitations, but the plaintiff's ability to prosecute the claim will be withheld temporarily until the member completes his or her temporary period of active duty assignment.

This proposed legislation provides much needed relief to some reserve component health care professionals already activated in connection with the current military operations, and is needed to assure the medical capabilities of the reserve components to respond to requirements that may arise in the coming year. The Department of Defense recommends that Congress enact this proposed legislation.

COST AND BUDGET DATA

This proposed bill requires no DoD expenditures and has no federal budget impact.

Sincerely,

TERRENCE O'DONNELL.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, October 9, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Attached is draft legislation "To amend the Soldiers' and Sailors' Civil Relief Act of 1990."

This proposal is part of the Department of Defense Legislative Program for the 101st Congress. The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the presentation of this proposal for consideration of the Congress.

PURPOSE OF LEGISLATION

The President's recent activation of Reserve Forces for Operation Desert Shield has demonstrated a need to clarify and update certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. section 501 et. seq.). This proposal will address three major areas of concern: problems regarding military members informal communication with the courts, inadequacies in protection from eviction, and protection from adverse actions by creditors.

LEGAL PROCEEDINGS

Current law permits members to reopen default judgments under certain circumstances. These remedies are limited to judgments where members on active duty have not made an appearance. The Act also permits members to petition courts for a stay of civil proceedings. Where a stay is requested, it is granted unless the court finds that the member's ability to prosecute or defend an action is not materially affected by the member's military service.

The problem arises when a member receives notice of a pending action but is unable to make an appearance. Frequently, members will communicate with the court and request a stay of proceedings pursuant to the Act. Some courts have determined that the member's military service did not materially affect the member's ability to participate, and proceeded to judgment, often without the member's presence. In at least one reported case, the court considered a request for a stay of proceedings as an appearance depriving the member the opportunity to reopen the de facto default.

To resolve this problem, the proposal would amend current law to prevent an application for a stay of proceedings to be construed as an appearance for any purpose.

RENT LEVELS FOR EVICTION PROTECTION

Current law provides protection from eviction of dependents if the rent does not exceed $150. If the rent is in excess of this amount, there is no protection. This amount was last revised in 1966 and is no longer adequate to provide meaningful protection.

This legislative proposal would increase the amount to $750 and require the Secretaries concerned to annually promulgate adjustments after considering the Consumer Price Index-Urban for rental expenses, as promulgated by the Bureau of Labor Statistics. Seven hundred fifty dollars represents the rental expense of most enlisted members and junior officers with dependents. The current rate of Basic Allowance for Quarters (BAQ) for an E-8 with dependents (i.e., $468.30) as increased by the average Variable Housing Allowance (VHA) paid to those with dependents (i.e., $145.02) is $613.32. Recognizing that these allowances are approximately 81 percent of rental expenses, the $750 amount reflects the additional amount of rent not reimbursed by BAQ and VHA.

PROHIBITED ADVERSE ACTIONS

Current law provides protections and procedures to assist members experiencing financial difficulties as a result of their military service. Notwithstanding current law, there is concern that a creditor could adversely affect the credit rating of those members who avail themselves of the protections of the Soldiers' and Sailors' Civil Relief Act.

This legislation prevents a member's reliance on financial remedies, safeguards, and limitations from being considered adversely on a member's ability to satisfy just debts. Adverse reports to credit agencies are also prohibited.

MAXIMUM RATE OF INTEREST

This draft bill does not amend the section in current law that establishes a maximum rate of interest of 6 percent for all obligations and liabilities of a service member, as long as they were undertaken before entering military service, and as long as the service member's ability to pay a higher interest rate is materially affected by military service. Questions have arisen concerning the 6 percent interest rate. For example, is the unpaid interest forgiven or merely postponed until after completion of military service? Whether the 6 percent interest rate is compound or simple interest is also not addressed in current law. Finally, there is some concern as to the appropriateness of a 6 percent interest rate cap, which was established in 1942, at a time when mortgage interest rates were about 4 to 5 percent and the prime lending rate was 1.5 percent. Obviously, interest rates were significantly lower than they are today.

We will study these issues to determine if the interest rate cap should be changed to provide the intended protection within the context of current market conditions, along with studying the other issues related to the 6 percent rate. We will submit legislation to address these issues.

COST AND BUDGET DATA

This proposal requires no DoD expenditures and has no impact on the federal budget.

The Department of Defense strongly recommends that Congress enact this proposed legislation.

Sincerely,

TERRENCE O'DONNELL.

□ 1330

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank the chairman for yielding.

Mr. Speaker, I want to commend the gentleman from Arizona [Mr. STUMP] as well as the gentleman from Mississippi [Mr. MONTGOMERY] for this bill and for the previous bill, H.R. 556. As we all know, they are both so important to the veterans community.

Mr. MONTGOMERY. Mr. Speaker, I would like to say that the gentleman from Michigan [Mr. BONIOR], one of the leaders of this House, has been very active in the Vietnam veterans legislation and worked very hard on the agent orange provision.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

H.R. 555 is a very important bill because it is for the men and women in the Reserve and Guard forces fighting in the Persian Gulf war.

The Soldiers' and Sailors' Civil Relief Act and the veterans' reemployment rights law have been on the statute books for many years and are fundamentally sound provisions of law. However, they need to be updated, clarified, and expanded to meet the legal needs of military men and women.

This bill contains a number of provisions which are immediately needed quick fixes to the act, identified as a result of the Persian Gulf crisis. The House Veterans' Affairs Committee intends to develop another comprehensive group of amendments later in the session after the opportunity for hearings and further consideration.

An extensive consultation process for H.R. 555 has included the Department of Defense, which initially suggested several of the provisions. Our distinguished chairman, SONNY MONTGOMERY, has amply explained the provisions in the bill, so I won't discuss them more.

Mr. Speaker, Chairman MONTGOMERY has long been known as the champion of veterans and our men and women in military service, and I commend him once again for advancing highly beneficial legislation.

Also, TIM PENNY and CHRIS SMITH of the Subcommittee on Education deserve recognition for their contributions to the bill as the chairman and ranking Republican of the subcommittee. CHRIS SMITH, in particular, was instrumental in advancing section 5 of the bill on health insurance reinstatement upon reemployment.

I urge my colleagues to unanimously support H.R. 555, a bill which helps the personal legal situations of many soldiers, sailors, airmen, marines, and Coast Guardsmen participating in Operation Desert Storm.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to commend the gentleman from Mississippi [Mr. MONTGOMERY], and the other members of the Committee on Veterans' Affairs for the wonderful work they are doing in expediting the bills that were left over from the 101st Congress that would take care of our veterans.

Mr. Speaker, I rise in support of the Agent Orange Act. I commend the chairman of the Veterans' Affairs Committee, Mr. MONTGOMERY, for his leadership on issues which affect the lives of veterans.

This day has been a long time coming. American involvement in the Vietnam war ended in 1973. As early as 1978, there were reports of a connection between exposure to agent orange and health risks. Thus, 18 years have passed while thousands of sick and disabled veterans—veterans with no questions about the risks of exposure—have awaited assistance. This bill takes steps to help these veterans.

This issue has been studied over and over again. Unfortunately, while the Government has haggled over jurisdiction, data, and procedure, victims have suffered. So, I hope our feelings of satisfaction today are tempered by the realization that we are late. In the future, I hope we will work out a way to protect victims while we decide what we are going to do for them.

It is certainly an odd coincidence that today we consider this type of legislation. American force are presently engaged in conflict with an opponent who, as recently as yesterday, has warned that he will use chemical and biological agents. Eerily, our troops are once again vulnerable to the type of agent which caused such harm during the war in Vietnam.

I hope we have learned from the past. The brave men and women who have been committed to the Persian Gulf should not have to worry about how they will be treated when they return home—by the very government that has sent them into combat. We as a Congress should state clearly now, that is, before the fact, that we are prepared to assist any victims of chemical exposure at the soonest possible time, in whatever ways they need.

I appreciate the swiftness with which this legislation has been brought to the floor in this Congress. However, I would have hoped that some provision could have been contained for those Americans who are at risk in the Persian Gulf. In any case, this issue is not over. Veterans of all wars deserve prompt, compassionate treatment in compensation for the tremendous sacrifices they must endure.

Mr. MONTGOMERY. Mr. Speaker, I would make mention of the fact that the gentlewoman is a member of our committee also.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, I appreciate, again, the opportunity to be up here for the second time to talk about some veterans legislation.

Mr. Speaker, I think it is a great day for this Congress and all of our veterans. First, the agent orange legislation, now the amendments to the Soldiers' and Sailors' Civil Relief Act.

Mr. Speaker, H.R. 555 will clarify, update and add to the existing protections afforded under the Soldiers' and Sailors' Relief Act of 1940 and the veterans reemployment rights law to members of our Armed Forces who are serving on active duty.

This is the first major change that we have had in this legislation since World War II. I think it is particularly important today because of the veterans who will evolve from the Persian Gulf war.

Mr. Speaker, I would note that this is another of the many veterans bills that were not enacted at the end of the last session due to the problems within the other body.

There are some slight differences, but for the most part the bill accomplishes the same goals as H.R. 5184, which passed the House on October 15 of last year.

As long as we have men and women serving their country in the Armed Forces, we must continue to recognize the difficulties that they and their loved ones face when they go off to defend this country.

□ 1340

While a great deal of attention is focused on the thousands of reservists and guardsmen who have been activated during the crisis in the Persian Gulf, it is important to note the laws we are amending today cover all active duty personnel.

Mr. Speaker, we owe all members of our Armed Forces and their families the greatest amount of support that we can muster. It is due to their sacrifices that we are here as a free nation.

I want to once again commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, and the ranking member, the gentleman from Arizona [Mr. STUMP], as well as the very distinguished chairman of the subcommittee, the gentleman from Minnesota [Mr. PENNY], for their strong leadership in getting this bill on the fast track and for their tireless efforts on behalf of our veterans and their active duty counterparts.

These measures really and truly are little enough to do for the sacrifices that American veterans have made that we, as a nation and a people, have been able to remain free. Thank God that we have them, that they have done what they have done, and I think it behooves all of us, either in the Congress or as a people throughout the United States, to support our men and women in the Armed Forces, particularly as they need this support today.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 [SSCRA]. This important piece of legislation amends this act in order to clarify veterans' reemployment rights, provide for reinstatement of health insurance, and for other purposes.

The Soldiers' and Sailors' Civil Relief Act was first passed in 1940 to provide certain civil and financial protection for those called up to active duty. Once again as reservists respond to the Nation's call to duty, many are faced with a drastic pay cut as they leave their civilian jobs and responsibilities behind. While this law does not forgive any debts or other financial obligations incurred prior to being activated, it does provide reservists with certain special rights and other types of legal protection, as they honor their commitment to our Natiion now that their ability to pay has been curtailed.

The SSCRA has not been amended in nearly 50 years and while it is still an appropriate piece of legislation, it is certainly not applicable to today's economy. In particular, H.R. 555 increases the maximum rental delinquency prior to eviction from $150 to $1,200, extends power-of-attorney protection to post-Vietnam era veterans, and provides professional liability protection for those ordered to active duty, such as physicians and dentists.

I urge my colleagues to support H.R. 555. With the first call up of reservists and the National Guard to active duty since the Vietnam era, it is imperative that we provide for those who are leaving behind, a variety of careers and private practices to serve their country at considerable personal sacrifice.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise to urge my colleagues to support an important piece of legislation that is being considered today, H.R. 555. This bill will help our future veterans, the troops in the Persian Gulf.

H.R. 555 is a bill to amend the Soldiers' and Sailors' Civil Relief Act. The measure protects today's soldiers and sailors by suspending tenant evictions, requiring automatic reinstatement of health insurance, suspending civil actions against service men and women, and protecting physicians who are serving in the Persian Gulf by suspending their medical malpractice insurance premium payments until their return to the United States. I am particularly pleased that the bill includes the provision that requires all health insurance providers to reinstate coverage without waiting periods or exclusion of coverage for a preexisting condition. If a member of a soldier's family develops a condition such as diabetes, his or her health insurance coverage should not be adversely affected by his or her service. This will protect our citizen-soldiers in the gulf who have left jobs and family on short notice to serve our Nation.

I urge my colleagues to support the passage of this measure.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], the ranking member of the Subcommittee on Education, Training and Employment.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. As the vice chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I believe that it is critical that we update current law in order to meet the needs of guards and reservists called to active duty in Operation Desert Storm.

Legislation I introduced last session, and again on January 24 of this year, set out to accomplish objectives similar to H.R. 555. I am pleased that H.R. 555 contains a provision which, like the earlier bill I introduced, assures selected reservists and their families that they will not lose eligibility for health insurance as a result of their service in Operation Desert Storm.

Mr. Speaker, provisions in H.R. 555 stipulate that selected reservists and their dependents cannot be refused health care coverage upon return to their civilian jobs following active duty. In some instances, an illness developed during active duty service might be considered a preexisting illness, thereby rendering reservists or their dependents ineligible for coverage by some health insurance policies. This bill would safeguard families from loss of coverage in these cases.

Additionally, Mr. Speaker, H.R. 555 makes appropriate adjustments in current law by extending legal protections to Desert Storm reservists. The bill protects against evictions for the families of reservists renting homes up to a monthly rate of $1,200 and stipulates that legal steps cannot be taken against reservists while they are away from home serving on active duty. The bill also provides relief for professionals—particularly physicians—who are making payments on liability insurance by requiring that coverage and the payment of premiums can be suspended upon request of the reservist called to active duty.

Mr. Speaker, H.R. 555 is a good first step in making life more manageable for the thousands of Americans directly affected by Operation Desert Storm. There remains, however, much that can be done to help our Nation's reservists and their families. I am hopeful that further portions of legislation I drafted, the Operation Desert Storm Health Care Act of 1991, will be adopted in the near future. I trust that with the leadership of Representatives SONNY MONTGOMERY and BOB STUMP, we can continue work on the committee to see that the needed changes are made.

Mr. Speaker, I encourage my colleagues to support H.R. 555 and the reservists sacrificing for our country.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I thank the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, for yielding this time to me.

Mr. Speaker, the invasion of Kuwait triggered for thousands of Iraqi families horror and devastation. The invasion of Kuwait by the Iraqis also triggered for American families tumult, upheaval, and concern. Thousands of husbands and wives have been separated from one another, thousands of mothers and fathers have been separated from their children, and thousands of productive members of our civilian work force have been separated from their jobs and, in many cases, from their paychecks, a paycheck that is oftentimes more ample than the paycheck that they are currently receiving.

Just as our military commanders are endeavoring to limit casualties to the American men and women that are serving in the Persian Gulf, this Congress is endeavoring, last week and this week, to limit the casualties to the American families that are affected by this war. Last week it was with the passage of tax legislation designed to ensure that those men and women serving in the Persian Gulf receive special, special dispensation in the payment of their Federal taxes, not only with regard to what they have to pay, but also with the filing, with regard to the filing of their taxes. This week the focus is a bit different, but nonetheless important.

Mr. Speaker, we are saying with the adoption of this legislation today that a person called up onto active duty will have their job protected, that that person called to active duty as a reservist will have their benefits protected. We are saying to the family whose home may be somehow threatened by virtue of the service of one or more members of their family abroad in the Persian Gulf that they do not have to worry about being evicted, they do not have to worry about becoming homeless. We are saying with this legislation, "If you're a doctor, or dentist, or other health care provider, that we're not going to make it so onerous that you lose your medical malpractice insurance, that you can go back when this fighting is over, you can go back and pick up your malpractice insurance, pick up your practice." That is what we are saying with this legislation.

Let me conclude by simply adding that, when this war is over, there are going to be certain truths we are going to face again. First, our defense budget will be coming down in the years ahead. Second, we are going to continue to rely on an all-volunteer military. Third, we are going to continue to rely more and more in the future on reserve force.

Having said that, reservists now being called up or contemplating a call to active duty——

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I am just going to say to the gentleman form Delaware [Mr. CARPER], "You mentioned about the All-Volunteer Force. I think it's working so well that it should be made a matter of record."

Mr. Speaker, years back I thought we would have to have a draft, but I do not think we have to have a draft in this situation we are in now where the volunteer service is working well, for the Active Forces as well as the National Guard and Reserve.

Mr. CARPER. Mr. Speaker, reclaiming my time, the third point that I wanted to again reiterate is, when the war is over and the reservists are serving on active duty, they are going to face two choices. First, do I stay in; or, second, do I get out? With the adoption of this legislation today, we encourage them to stay in and to continue to meet a reserve commitment in the years ahead. We also send a second important message to those that are on active duty, who maybe contemplating becoming a reservist at some point in time.

□ 1350

And the message that we send to those active duty personnel is, "If you are ever called up, we will not forget you and we will not forget your family. We will look after both you and your family during the tough days that may someday lie ahead."

The SPEAKER pro tempore. (Mr. MAZZOLI). The time of the gentleman from Delaware [Mr. CARPER] has again expired.

Mr. MONTGOMERY. Mr. Speaker, I yield 1 additional minute to the gentleman from Delaware [Mr. CARPER].

Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I think it is very important that we talk about this issue. When the reservists come back home, we certainly hope that if any problems have developed, we can help them solve their problems. So far the reservists and the National Guard have really done the job, from the airlift, from the tankers, from the support units, and from the callup of the Marine Corps Reserve, the Naval Reserve, and the Coast Guard Reserve, on down. They have really come through for us.

When they come back home, I hope they will take a good look at when their enlistment time runs out and they will not get out of the Reserve or the National Guard. That is going to be very, very important. This legislation that we are passing today—and we will update it some more in March and April—will make it easier for these National Guardsmen and reservists when they come home.

We hope that we might even set up some type of small business loans for them and give them additional educational benefits that would show that our country does care. It will not cost the taxpayers a lot of money to take care of these matters that I have mentioned.

Mr. CARPER. Mr. Speaker, I thank the chairman of the committee for bringing this legislation to the floor and also for bringing the Agent Orange Act to the floor. I also want to commend our friends on the Republican side, including the gentleman from New Jersey [Mr. SMITH], for their support, and especially the gentleman from Minnesota [Mr. PENNY] for his leadership on this important issue.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Arizona [Mr. STUMP] has

17 minutes remaining and the gentleman from Mississippi [Mr. MONTGOMERY] has 4 minutes remaining.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. BILIRAKIS], a member of the Committee on Veterans' Affairs.

Mr. BILIRAKIS. Mr. Speaker, as a cosponsor of H.R. 555, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

Today the brave men and women of our armed services are struggling to preserve the postcold war peace. Their efforts now will save thousands of lives in the long run and make the world a safer place to live for all of us. Serving alongside our regular forces are thousands of reservists and members of the National Guard.

The families of many of these part-time soldiers are facing severe financial hardships while their loved ones are on active duty. When our forces are facing the threat of Scud missile attacks or ground force assault, the last thing these men and women need to worry about is whether or not their families will be evicted from their homes because they cannot afford the rent, or suffer loss of reemployment rights or, in the case of certain professionals, the loss of professional liability protection. Passage of H.R 555 is one way we can assure these reservists and guardsmen that the Nation will take care of their families while they are fulfilling their responsibilities overseas.

Our Nation has nothing but tremendous pride, admiration, and deep gratitude for the men and women of our Armed Forces who are carrying out their missions with exemplary bravery. Let us support them further by passing this important legislation.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to yield 5 minutes of my time to the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], and that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding this time to me, and rise in strong support of H.R. 555. I also wish to express my support for the Agent Orange Act of 1991, H.R. 556.

The SPEAKER pro tempore. The Chair wishes to state that the gentleman from Mississippi [Mr. MONTGOMERY] now has 9 minutes remaining.

Mr. MONTGOMERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee for yielding me this time. Mr. Speaker, let me take the opportunity this afternoon to rise in strong support of not only H.R. 555 but also the bill we previously debated, H.R. 556, dealing with agent orange.

The bill before us does provide some needed changes to the Soldiers' and Sailors' Relief Act as it relates to our guardsmen and our reservists who are serving so valiantly in Desert Storm.

However, Mr. Speaker, there is another problem dealing with these two groups of proud Americans which has been brought to my attention by their families, and that is the fact that if they are not stationed in the theater defined by the Department of Defense, they do not get certain benefits. The situation I will relate to the Members is that of my former Air Guard unit, the Air Refueling Squadron, the 128th National Guard, which is based in Egypt. I am told that because they are not in the defined theater, these guardsmen do not get imminent danger pay, they cannot afford themselves of the free mailing privileges, and they do not get the tax-free military pay.

I bring this issue to the floor and to the attention of the Members today to ask the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY] if in fact he is aware of this situation and if he knows of any other units that are in a similar situation and if there is any relief that can be found in his committee or in the Committee on Armed Services.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I might say that the gentleman from Arizona [Mr. STUMP] and I are both on the Committee on Armed Services as well as the Committee on Veterans' Affairs. Our jurisdiction overlaps, and we will be glad to look into this matter.

I appreciate the gentleman's bringing this to our attention, and if he will give me a copy of that letter he wrote to Secretary Cheney, I will see how we can help out.

This also brings up another matter. In my home State, I have an airlift unit that has been called to active duty, but they fly out of my congressional district in Mississippi and they spend 10 or 12 days on a mission. So they are on a circuit for 10 or 12 days, and then they come back. Probably they have this same problem even though they spend half their time in the combat area. I am not sure whether they are covered or not.

So we will look into the matter. The gentleman brings up an excellent point. It should be corrected, in my opinion.

Mr. KLECZKA. Mr. Speaker, let me thank the chairman of the committee.

I do intend to share this subject and this problem with Secretary Cheney, but I will also send a copy of the letter to the committee chairmen.

Basically, the Guard unit is stationed in Egypt. It might not be Saudi Arabia, but through their air refueling missions, they do come into the Desert Storm territory, and I think this is a benefit we can afford to all our guardsmen and all our reservists who are stationed in the Middle East.

Mr. Speaker, let me thank the chairman of the committee for his help.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I would like to commend him, as well as my colleague, the gentleman from Arizona [Mr. STUMP] for their leadership in bringing this bill to the floor.

Mr. Speaker, I do rise in support of H.R. 555, which will amend the Soldiers' and Sailors' Relief Act of 1940. This legislation is certainly needed to ease the financial burdens and uncertainties that face the brave men and women of our Armed Forces as they are called into active duty as a result of Operation Desert Storm.

Mr. Speaker, I know first hand of the need for this legislation. My home town of Chattanooga, TN, has perhaps been the hardest hit of any city in this Nation, with already over 2,000 being called up from our city. Certainly we want to honor them and give them the dignity and the respect they need at this time.

It is vital to the Guard and to our reservists, and really it is a matter of survival for so many of these families. They have been called up to active duty, and they have been forced to take dramatic pay cuts and lose so many of their important benefits, including the health care that is usually provided by their employers.

Also I have seen problems with rents, with those who are not able to make their rent payments or their mortgage payments. We need to make sure that we protect the Guard and the reservists and their families from eviction and foreclosure that might result from a loss of income associated with serving on active duty.

These men and women are serving their country unselfishly. Their dedication, their commitment, and their professionalism are the reasons that we are the best in the world. They responded patriotically to their call.

Mr. Speaker, I want to commend my colleagues for their support of this legislation. Certainly it is the least we can do.

☐ 1400

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, there is no time in our history that we should be and are more sensitive to the needs of those who are fighting for our country. I rise in support of H.R. 555 and H.R. 556.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 555, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ESPY. Mr. Speaker, I rise today to express my support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments. Fifty years have passed since the Soldiers' and Sailors' Civil Relief Act was initially enacted in 1940. Today's financial world, with credit cards, home equity loans, and dual-income families, is a very different one from that of 1940. Therefore, an adjustment of the provisions of this law is most appropriate, especially at a time when we have some 480,000 American men and women deployed in the Persian Gulf.

It is imperative that those men and women who already have experienced a major adjustment in their work, home, and family lives not be placed at a disadvantage in legal, personal, or financial matters because of their military status and location due to military orders. The Guard and Reserve unit members activated in the Persian Gulf will make up a part of this country's next generation of veterans. Their futures need to be accorded the benefit and protection available under the laws of this land.

The Soldiers' and Sailors' Civil Relief Act Amendments will protect service men and women from losing their home through foreclosure and from the loss of their personal possessions due to sale or repossession. Additionally, military personnel can rest assured that their family members back home will not find themselves without a roof over their head if their financial situation is a difficult one. Service members would also be protected against untimely civil court actions. Also importantly, physicians called to active duty will be able to gain some reprieve from their practice expenses back home by having their malpractice insurance suspended while they are on active duty.

Mr. Speaker, along with H.R. 555, there are several other important measures of support for our military personnel under consideration by this House, including Federal income tax exemption for those serving in a combat zone, income tax filing extensions, and protection for children of military couples and single parents assigned to the Persian Gulf. There are numerous resolutions calling for varying demonstrations of support, such as displaying the American flag, by American citizens.

H.R. 555 provides for a very basic form of support—protection of the family's homestead and economic status. I am proud to support this legislation.

Mr. ANNUNZIO. Mr. Speaker, I support this bill that is aimed at easing the burdens of our service men and women who are now on active duty.

The current crisis in the Persian Gulf has forced many brave men and women to set aside their personal lives so they can serve their country. As a result, many must also struggle to support their families.

This bill will strengthen existing laws that protect our service personnel who are sacrificing so much for us.

For example, this bill would forbid landlords from evicting active-duty service personnel or their families if their monthly rent is $1,200 or less.

Another provision of the bill would require insurance companies to keep up their coverage on all military personnel who are on active duty.

A third provision would delay pending lawsuits against active-duty service men and women until July 1.

Mr. Speaker, by calling up our military reservists, we have asked thousands of men and women to disrupt their lives and put their country first.

Anything we can do to ease their burdens back home merits the full support of this Congress.

Therefore, I urge my colleagues to support House Resolution 555, which amends the Soldiers' and Sailors' Relief Act.

Mr. MILLER of Ohio. Mr. Speaker, I rise in strong support of this bill—H.R. 555—as a necessary tool to improve and clarify certain provisions of the Soldiers' and Sailors' Relief Act of 1940. This measure was prompted by the current crisis in the Persian Gulf region, and I commend the House Veterans' Affairs Committee for its action on behalf of our Armed Forces in the war zone.

In summary, this important bill gives the necessary protection from certain financial obligations incurred by military service members who are now on active duty. This bill is especially important to reservists who incurred financial obligations prior to being called to duty in the gulf and who can no longer meet those obligations because their ability to pay has been affected by their military service requirements.

The specific provisions addressed in H.R. 555 are in direct response to the situation now facing many of our reservists now on active duty in the Persian Gulf region. The bill has been drafted to get our forces through a difficult time. It gives the forces assistance and it gives their families peace of mind.

Clarifying the act in this manner is an excellent and necessary way to support those who are serving us.

Mr. McGRATH. Mr. Speaker, it is with great pride that I rise today in strong support of H.R. 555, legislation to bring the 1940 Soldiers' and Sailors' Civil Relief Act up to date. I would like to thank Chairman MONTGOMERY and his fine committee for again bringing needed legislation to the House floor in a very timely manner. In recent days, we have seen the House Veterans' Affairs Committee act expeditiously, once again proving their commitment to America's Armed Forces and veterans.

Originally enacted before World War II, the Soldiers' and Sailors' Civil Relief Act is designed to assist military personnel and reserves who have incurred financial obligations prior to starting active duty and can no longer meet those obligations because their ability to pay has been curtailed due to military service.

The legislation we are debating today is indeed timely due to the current situation in the Persian Gulf. Many reservists who were called to active duty were forced to give up pay and allowances greater than they are now earning on active service. H.R. 555 would protect reservists on active duty from adverse action by creditors. I believe many of my colleagues would join me in stating that no service member of the U.S. Armed Forces should be financially penalized for serving their country—many have bought homes, cars, even started families, with no way to predict the situation they are now facing in the Middle East.

Briefly, H.R. 555 will bring the Soldiers' and Sailors' Civil Relief Act up to 1991 standards. The bill amends the 1940 law to specify that persons called to active duty do not have to appear in person to file an application for a stay of proceedings. Also, the legislation increases the maximum rental delinquency permitted before eviction occurs from $150 to $1,200. In addition, the measure extends power-of-attorney protection to post-Vietnam era veterans.

I invite my colleagues to join me in voting for H.R. 555. It is now time to update a 50-year-old law and exhibit an additional show of support for our troops braving the conditions in the Middle East.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise in strong support of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991. This legislation will correct several gaps in our current policy that could leave a member of the military without health insurance benefits or their loved ones without a roof over their heads. Passage of this bill will provide a psychological and material safety net that our troops and their families deserve.

Can you imagine spending 12 long months in the desert, away from friends and family, only to discover upon your return trip home that your employer-provided or individual health insurance policy will no longer provide full coverage to you or your family? The Soldiers' and Sailors' Relief Act will remedy this dangerous oversight by providing automatic health insurance reinstatement without waiting periods or an exclusion of coverage for preexisting conditions. In addition, this bill will prohibit landlords from evicting the families of service personnel so long as their monthly rent is less than $1,200. Without these kinds of minimum protections our troops could find themselves in unimaginable predicaments resulting from active duty service on behalf of the United States.

It is my deepest hope that the war in the Persian Gulf will end soon. While no one knows for certain how long this crisis will last, my thoughts and prayers are with our brave troops and their loyal families. Passage of this legislation sends a strong signal of support to the people whose lives are most affected by this military deployment. For these individuals, who dedicate lives in service to our country, deserve the security of knowing that they and their families are not in jeopardy of losing basic protections.

Mr. RICHARDSON. Mr. Speaker, the Soldiers' and Sailors' Civil Rights Act amendments are a critical show of support for our service members in the Persian Gulf.

As our service members risk their lives to protect our interests in Operation Desert Storm, we must protect their interests here at home.

H.R. 555 does just that: it protects the members of our Armed Forces and their families from eviction and from civil actions being filed against them. It also assists them when they return home by mandating automatic health insurance reinstatement.

We must show our great support for the efforts of the individuals in our armed services by passing H.R. 555. It will protect their families at home and make their return easier.

Mr. GEJDENSON. Mr. Speaker, during these tense days of the Persian Gulf crisis, when the eyes of all Americans are on the brave men and women in Saudi Arabia, I find it particularly appropriate that we in the Congress should be considering legislation of such importance to the veterans of past foreign conflicts.

These initiatives, the restoration of cost-of-living increases to disabled veterans, a full investigation by the National Academy of Sciences of the deleterious effects of agent orange, as well as efforts to increase the capability of the Department of Veterans Affairs to recruit and maintain doctors and dentists in the armed services are indicative of our support for our troops, past and present. In addition, H.R. 555 makes changes in the way in which persons called up for active duty are treated upon their arrival home after serving their country, including provisions to suspend certain tenant evictions, to require a smooth transition in health insurance coverage and other measures.

Mr. Speaker, I hope that these efforts to support our Nation's veterans is to be the new trend of the future. I hope that after the current war in the Persian Gulf, when the more than 400,000 courageous men and women return to this country, that we move to alleviate their problems and the unique circumstances that they face as quickly and as humanely as possible.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. This bill seeks to clarify and improve specific protections for veterans, for those returning from active military service.

Importantly, this legislation provides for automatic reinstatement of health insurance for men and women called to active duty. This applies not only to individual health insurance policies but also for employer-provided health plans. There are no waiting periods. There is no exclusion of coverage for preexisting conditions. These and other insurance measures will make the transition to and from active military service a little easier.

This bill also raises the rent suspension limit for tenant evictions and delays civil actions pending against a servicemember until July of this year. Medical malpractice insurance premiums will also be suspended for those doctors called to service. So much is asked of those who have been called to active duty. Certain protections should be extended in the tragic occurrence of war.

Mr. Speaker, as we support our men and women called to active duty, those who are fighting over in the Persian Gulf, we must assure that their rights are protected for when they return home.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991.

I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nations veterans.

H.R. 555 is designed to assist military service members on active duty who incurred financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service.

Mr. Speaker, many years ago, Congress enacted the Soldiers' and Sailors' Civil Relief Act of 1940 to protect the reservists' interests when they were called into active duty. Currently, many of our service people are experiencing financial hardships.

This important legislation will suspend professional liability insurance for those called to active duty, provide that professional liability insurance carriers may not require the payment of premiums for coverage during the period of active duty, require insurers to refund any premiums paid by those called to active duty, require reinstatement by the insurance carrier, prohibit discriminatory rate increases, and stay any civil and administrative actions for damages brought against persons serving on active duty.

Additionally, H.R. 555 provides for automatic health-insurance reinstatement for those returning from active duty, and clarifies existing reemployment rights for reservists ordered to active duty.

Mr. Speaker, under the present laws, Reservists are experiencing difficulty in meeting high rent payments. H.R. 555 protects reservists from being evicted by increasing the maximum rental delinquency from $150 to $1,200.

As you may know, I have introduced H.R. 102, legislation that would protect reservists who cannot make the high rent payments by placing a stay on their leases, as long as the reservist is in active duty for more than 30 days. During the period that the stay is placed upon the lease, the reservist would have to pay an amount agreed upon by the reservist and the landlord, which will correspond to the sum of any basic allowance for quarters and variable housing to which the reservist is entitled to while he or she is on active duty.

Mr. Speaker, I fully support H.R. 555, and urge my colleagues to send a clear message to our Nation's military service members that their services have not gone unnoticed, by voting in favor of this important measure.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of H.R. 555, legislation to ensure that Americans serving in Operation Desert Storm are able to do so free of concerns about their financial affairs here at home.

The 500,000 men and women representing the United States in the International effort to liberate Kuwait all have volunteered to wear the uniform in the defense of freedom and have been deployed as members of active duty, Reserve, and National Guard units from throughout our Nation. The legislation we consider today sends a message to our troops that we are deeply appreciative of their service and that we are looking out for the needs of their families and businesses that they have left behind.

H.R. 555 amends the Soldiers' and Sailors' Civil Relief Act to assist service members now on active duty who incurred financial obligations prior to being deployed and who can no longer meet those obligations because their ability to pay has been curtailed due to their military service. Specifically this legislation clarifies existing reemployment rights for reservists ordered to active duty, it prevents the eviction of a service member or his family from rental housing, it provides for the automatic reinstatement of health insurance benefits for those returning from active service without waiting periods or coverage exclusion for preexiting conditions, and it provides for the appropriate suspension and reinstatement of expensive professional liability insurance coverage and premium payments during and following active duty service.

This legislation follows actions taken by the House last week to defer the Federal income tax filing deadline for active duty troops and to preclude the payment of Federal Taxes on the salaries of U.S. personnel serving in conflict.

Mr. Speaker, in the first 2 weeks of Operation Desert Storm, our troops have shown the great pride, determination, and skill instilled in them through years of training. They clearly have demonstrated the benefit of an All Volunteer Force in defending freedom throughout the world.

Poll after poll of the American people has expressed respect and the highest esteem for our forces and the support and thanks for their mission. In return, we have an obligation to care and protect the families of those serving abroad. The legislative efforts of the House last week and again today make good on that commitment. They alleviate their financial concerns, allowing our troops to concentrate on the job at hand, knowing full well that the Congress is taking care of their needs, and those of their families, at home.

Mr. LEVIN of Michigan. Mr. Speaker, I want to express my strong support for H.R. 555, the Soldiers' and Sailors' Civil Relief Act. I am pleased that the Veterans' Committee has made this legislation a priority.

The men and women who have been called up for active duty in Operation Desert Storm have earned our support. As they put their lives on the line in the Persian Gulf, they should not have to worry that their families back home are facing unwarranted financial hardship resulting from their absence.

This legislation will ease the financial burden and uncertainty facing our active duty reservists in the gulf. For example, under current law, evictions of families of active duty personnel are suspended if the rent is less than $150. Under H.R. 555, the amount would be increased to $1,200.

In addition, this measure delays civil actions against any active-duty reservist until July 1, 1991. It's enough that our servicemen and women must contend with the Iraqi Armed Forces without at the same time having to grapple with their creditors 6,000 miles away.

Finally, H.R. 555 provides for automatic health insurance reinstatement for persons called to active duty. No one should have to lose their medical insurance from serving in the U.S. military Reserves. This provision will ensure that a reservist returning from active duty will continue to receive health benefits from their employer-provided and individual policies.

I believe this legislation sends the right signal that our Nation stands behind our men and women in the gulf. I am pleased to support this bill.

Mr. INHOFE. Mr. Speaker, as our soldiers and sailors prepare for yet another day of war in the Persian Gulf, we are working hard to make their return to "every-day-life" an easier one.

This bill makes numerous changes to the Soldiers' and Sailors' Relief Act [SSCRA]. It was originally designed to assist military service members on active duty who incur financial obligations prior to starting active duty, and who can no longer meet those obligations because their ability to pay has been curtailed due to military service. In this case, a war.

Those men and women are over there in the Persian Gulf risking their lives on a daily basis fighting this war. They don't have time to worry about who is going to pay their bills, and what will happen if they aren't paid. They don't want to worry about their wives and children being evicted from their homes because the rent wasn't paid on time. And, they shouldn't have to. They should feel secure in knowing that when they return home, things will be as they left them.

That is what this bill does for our service members. They are protected from any type of civil action until July 1, 1991, and our doctors that serve are protected by a suspension of medical malpractice insurance. H.R. 555 makes this clear and legally binding. We have put the minds of our soldiers at ease by passing this legislation here today.

Mr. SLATTERY. Mr. Speaker, I rise today to urge my colleagues to support H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments.

As a member of the Veterans' Affairs Committee and a Congressman from the district in Kansas that includes Fort Riley, I am very familiar with the problems and concerns faced by the members of the Armed Forces and their families.

Today, over 500,000 American men and women are involved in Operation Desert Storm. Many of their families must adjust not only to the emotional hardship of being parted from a loved one but also to the loss of significant family income, health insurance, and other employment benefits.

It is the sacrifices of our Nation's service members that enable us to remain a free nation. It is critical that we send them a message that we will stand by them when they return to civilian life. We owe it to ourselves as a country and as a people to muster every bit of support we can for these brave men and women.

H.R. 555 will go far to provide assistance for the families of persons called up for active duty by:

First, suspending tenant evictions.—Under current law, evictions of families of active duty personnel are suspended if the rent is less than $150. H.R. 555 will increase that amount to $1,200 and authorize power of attorney for families of post-Vietnam-era veterans, who are still missing in action;

Second, reinstating health insurance coverage.—H.R. 555 provides automatic health insurance reinstatement—without waiting periods or exclusion of coverage for preexisting conditions for persons called to active duty, both in the case of employer-provided plans and individual policies;

Third, suspending civil actions.—H.R. 555 delays civil actions pending against service members until July 1, 1991. Under the legislation, creditors and insurers are prohibited from taking any adverse action against any service member solely because the service member exercised rights available under the act;

Fourth, suspending medical malpractice insurance.—H.R. 555 requires insurers to suspend medical malpractice insurance for physicians who are called to active duty, once the doctor requests such a suspension. The measure specifies that insurance carriers may not require that premiums be paid during this suspension and that rates cannot be increased when the insurance is reinstated.

I urge my colleagues to support this legislation to ready themselves to pass whatever new legislation may be necessary to respond to our service members' needs as they return from active duty.

Ms. WATERS. Mr. Speaker, I rise in support of the Soldiers' and Sailors' Civil Relief Act. It is certainly an appropriate time to reconsider this law which has been unamended for over 20 years.

I continue to be interested in setting in place laws which will help those Americans who have served this country in wartime, past and present, but with the recognition that we will need even more services as our troops return from their engagements in the Persian Gulf. It is important, therefore, that we act now.

H.R. 555 does several things to assist our National Guard and Reserve personnel with the unplanned financial burdens that they will encounter due to the war in Iraq and their personal displacement. Among the benefits contained in this package is an increase in the maximum rental amounts from $120 to $1,200 for the purpose of staying eviction proceedings. Landlords of individuals who pay monthly rent up to this amount would be required to have a court's express permission to evict a tentant.

Another provision would guarantee reinstatement of health insurance for servicemembers and their families when they leave active duty and would prohibit waiting periods and exclusions for conditions which arose while the servicemember was on active duty. In addition, H.R. 555 would suspend premium payments on professional liability insurance for the thousands of doctors and healthcare professionals called up to active duty. Also, the bill would prohibit creditors or insurers from taking adverse action against servicemembers who exercise their rights under the act. Finally, this legislation would require courts to stay any pending lawsuits at the request of the servicemember until at least July 1, 1991.

As I said before, we must not waste any time in enacting the legislation before us. The House passed legislation along the lines of H.R. 555 last year. Unfortunately, it did not become law. Now, with the war already a reality, and reservists being called up every day, there is no more time to wait to see that our servicepeople and their families are attended to. I thank the Veterans' Affairs Committee and the leadership of the House for allowing such expeditious consideration of this legislation.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended.

The question was taken.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 556 by the yeas and nays; and

H.R. 555 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AGENT ORANGE ACT OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 556, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 556, as amended, on which the yeas and nays are ordered.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 16]

YEAS—412

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—22

Barnard
Boehner
Cardin
Dingell
Dornan (CA)
Fields
Franks (CT)
Kolbe
Lantos
Mink
Mrazek
Rostenkowski
Schroeder
Smith (IA)
Snowe
Tauzin
Thomas (WY)
Torres
Udall
Weiss
Wilson
Wise

□ 1426

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SCHROEDER. Mr. Speaker, I just wanted to say that my flight from Denver was canceled this morning so I was late in getting here and missed the first vote. Had I been here, I would have voted "aye." I regret that the airline schedules get more difficult every day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 555, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 555, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 17]

YEAS—414

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee

Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
LaRocco
Laughlin
Leach
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—20

Barnard
Dingell
Dornan (CA)
Fields
Franks (CT)
Kolbe
Lantos
Lehman (CA)
Mink
Mrazek
Rostenkowski
Smith (IA)
Snowe
Tauzin
Thomas (WY)
Torres
Udall
Weiss
Wilson
Wise

☐ 1435

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I rise today to express my regret at missing rollcall votes No. 16 and No. 17. I was unable to cast my vote on these important measures because earlier today the bus I was traveling on broke down and the plane I was supposed to fly on was fogged in. Had I been present I would have voted "yea" on H.R. 556, the Agent Orange Act, a measure to provide permanent disability benefits to Vietnam veterans who were exposed to agent orange. I would also have voted "yea" on H.R. 555, the Soldiers' and Sailors' Civil Relief Act amendments. Mr. Speaker, both of these measures are important to those who put their lives on the line in Vietnam and to those who are at this minute risking their lives for our country.

PERSONAL EXPLANATION

Mr. FRANKS of Connecticut. Mr. Speaker, I was unavoidably detained in Connecticut due to medical appointment delays associated with my wife's pregnancy. I was, therefore, unable to cast my votes in favor of H.R. 556 and H.R. 555.

Had I been able, I would have voted for both of these important pieces of legislation. I fully support H.R. 556 which at long last addresses veterans' concerns regarding agent orange.

The long-awaited agent orange compromise appears acceptable to the many factions involved in this lengthy and controversial debate. I believe that the Honorable Mr. MONTGOMERY and the Honorable Mr. STUMP as well as many concerned members responsible for achieving this compromise are deserving of our heartfelt congratulations and appreciation. This measure was supported by a vote of 412 to 0.

I find the bill to be particularly worthy of support in placing the responsibility for a fair and impartial review based on science in the hands of the National Academy of Sciences.

Furthermore, I fully support and endorse H.R. 555's improvements to the Soldiers' and Sailors' Civil Relief Act. These amendments are timely and imperative to ensure that our active duty personnel can rest assured that they are protected from obligations they are unable to cover during military service.

This bill protects men and women who have answered their country's call from adverse action by creditors and will also protect their dependents from eviction.

I am particularly pleased this measure was passed by a vote of 414 to 0. I wholeheartedly support the legislative intent and goals of these two important military service-related bills.

RANKING OF MEMBERS OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in House Resolution 43, adopted by the House on January 24, 1991, electing the gentleman from Hawaii [Mr. ABERCROMBIE] to the Committee on Merchant Marine and Fisheries, Mr. ABERCROMBIE rank ahead of the gentleman from Rhode Island [Mr. REED].

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair on behalf of the Speaker announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE RELATIVE TO SPECIAL ORDERS

The SPEAKER pro tempore. The Chair will recognize Members for special orders until 5:30 p.m., at which time the Chair will declare the House in recess.

☐ 1440

DICK CHENEY'S CHESSBOARD

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, there was an article about Secretary of Defense Dick Cheney in the Sunday edition of the New York Times magazine section just 2 days ago. It left me in a state of disquietude. It indicated that on several occasions for important military roles Dick Cheney had moved around the chess players on the chessboard to move out people—and I am talking about generals, admirals, and the rest—who might have had reservations about moving into a land war, moving into conflict entirely, who were making independent, thoughtful calculations of risks and benefits, and were moving into their places people who were determined and confirmed hawks.

Now, the article mentioned a number of former Secretaries of Defense, very experienced, able men, the former Chairman of the Joint Chiefs of Staff, and I have talked to several of them. They have told me that they feel that the circle of top-quality military professionals, to whom Mr. Bush is listening, is narrowing and is squeezed and has excluded people who in statements, testimony, and remarks, have indicated a view that advocated patience, that advocated caution, and that this is not part of the mix, the diversity of views of which President Bush is availing himself.

DISTURBING EVENTS IN YUGOSLAVIA

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, I rise today to express my concern about another region of the world in which they are experiencing political difficulties. No, I speak not of our Baltic friends in Lithuania or Latvia, but I speak of my relatives and friends in Yugoslavia.

Events of the last several weeks have indicated to us once again that perhaps the forces and opportunities of democracy are being threatened, or at least intimidated, by those who do not respect the will of the people to choose.

Just this last spring the world witnessed elections all over Eastern Europe, including the land of my forebears, Yugoslavia. With these elections came the strong hope of democracy for them and their people. In Yugoslavia in particular, free elections in Slovenia and Croatia demonstrated the desire of those two Republics to establish a democratic society with a market economy. It demonstrated the desire of those peoples to integrate with other capitalist systems and compete in a world at large.

Today, however, a significant political and economic differences among the six Yugoslav Republics have grown more and more profound, the situation more serious.

As we have witnessed among other nations these past 2 years, Poland, Hungary, East Germany, and others, a willingness to shed their failed economic policies of the past and to move their Communist regimes toward more and more democratic and capitalistic systems, we have witnessed the pain that comes with that change. The growing pains of these nations as they have reformed are indeed painful for us to watch; but while reform is not easy and pain is in part necessary, it is a significant and relevant act in a growingly interdependent world.

I applaud the efforts of the people of Slovenia and Croatia to speak their voice, to have their voices heard in a free, democratic society, and in market-dominated economies. Their democratic future, their economic liberalization policies, are essential to the success not only of the peoples of these two Republics, but I believe of Yugoslavia at large.

It is important that we not allow the militaristic whims of those who seek to thwart democratic and economic reforms to prevail in that fragile, ethnically diverse country.

We need to allow, indeed even encourage, the pluralism necessary to help Yugoslavia survive and compete in a world that is becoming increasingly entranced with economic and democratic reforms.

We have recognized those similar rights in the Baltic nations today. We are appalled at what violence has been brought to those who seek to repress the free expression of democratic choice in a freely choosing society.

It is my hope that the threat of violence being exercised by those in Yugoslavia will not thwart the free hopes and aspirations of the brave Republics of Croatia and Slovenia. We will not tolerate the use of force against innocent people, whether it be in the Baltics, the Persian Gulf, or my home country as well.

The people of Slovenia and Croatia want a market economy. They espouse freedom. They are walking the extra miles to ensure both. I think they deserve that opportunity to learn and grow.

As the world focuses on war in the Persian Gulf and the threat to those of us in our society here, we must be ever vigilant of oppressive regimes that seek to stifle dissent and to promote old ways and to oppress the new.

We must not permit these regimes of whatever stripe in whatever location to invoke their wills on others using the shadow of this war. The people around the world want freedom. They want a new world order, a democratic order. We need to give them that chance.

BIG OIL SITTING ON TOP OF AMERICAN CONSUMER

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, just as Saddam's oil slick sits on top of the Persian Gulf, Big Oil is sitting on top of the American Consumer.

And their dirty truths, their fourth quarter war premiums, are now becoming public.

Chevron made $633 million, up 860 percent.

Exxon's fourth-quarter profits tripled.

Amoco made $538 million, up 69 percent.

Mobile made $651 million, up 46 percent.

Shell made $446 million, up 69 percent.

And Amerada Hess made $235.2 million, up 300 percent.

Mr. Speaker, it is a good thing that we have Patriots protecting our troops in Saudi Arabia. Now we need some to protect our consumers.

Their crisis-inspired profits go beyond outrageous. These profits should go toward funding those who have been hardest hit by higher oil prices, the low-income consumer, instead of into the greedy hands of the oil barons.

My windfall profit tax returns funds to the LIHEAP Program, the Low-Income Weatherization Program, and to the Treasury to support the war effort.

Support H.R. 295, and support the American consumer.

THE DATA PROTECTION ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I am today introducing the Data Protection Act of 1991. This bill would establish a Federal Data Protection Board as a permanent, independent, and nonregulatory Federal agency. The legislation is virtually identical to H.R. 3669 which I introduced in the last Congress.

There are two principal reasons why data protection legislation is needed in the United States. First, Americans are greatly concerned about threats to their personal privacy resulting from the increased use of computers to collect, maintain, and manipulate personal information. Seven of ten Americans agree that consumers have lost control over how personal information about them is circulated and used by companies.

Despite the depth of these concerns, there is no agency in the Federal Government with the responsibility to consider the privacy consequences of modern life. We have agencies that address public health, consumer protection, civil rights, mine safety, battle monuments, and marine mammals. But no agency is devoted to privacy.

Second, foreign data protection activities may have a direct and significant impact on American business interests. Many other countries have passed data protection laws and created governmental institutions with responsibilities to implement and enforce national data protection standards. Nervousness about the transborder flow of personal information had led to the preparation of a draft European Community directive on the protection of individuals in relation to the processing of personal data. Adoption of this directive could make it expensive or impossible for American companies that need to transfer personal data to and from Europe to do business. The result could be a loss of jobs, profits, and business opportunities for America.

I would like to elaborate on each of these reasons.

Interest in privacy is not new in the United States. One of the most enduring American values is the right to privacy. From colonial times to the present, Americans have sought the right to be left alone and have worried about intrusions into their personal lives, private papers, and homes. The Bill of Rights contains several protections against invasions of personal privacy by the Federal Government.

Today, these traditional concerns about privacy are still vital. Individuals still want to be left alone. Individuals still want to be able to exercise some control over how information about them is used. In the computer age, threats to privacy come not only from the Federal Government but also from the many public and private institutions that maintain records about individuals. Almost 4 out of 5 Americans today agree that privacy should be added to the list of life, liberty, and the pursuit of happiness as a fundamental right in our Declaration of Independence.

The Federal Government is not the only threat to personal privacy. Using the power of modern computers and telecommunications, many private third party recordkeepers have developed the capacity to store detailed information about people's transactions, habits, movements, purchases, and activities. Personal information is routinely maintained by banks, insurance companies, hospitals, schools, credit bureaus, cable television operators, telephone companies, credit card issuers, department stores, supermarkets, catalog merchants, marketers of all types, and others.

Some recent stories illustrate the wide range of threats to personal privacy:

A recent court case held that it was legal for the FBI to go to a photo store and order a copy of film left for developing by a consumer. The photo store employee made a duplicate set of prints for the FBI without a subpoena or warrant. The case raises the possibility that the FBI can routinely get copies of film left for developing at film stores.

Car rental companies are running background checks on drivers without notice to consumers.

Travel agents, airlines, car rental companies, and others in the travel industry are fighting over ownership of information about an individual's travel plans maintained in computer reservation systems. Travelers are not aware of the extent to which the industry is trafficking in their private travel plans.

Some hospitals are using identifiable patient information to compile mailing lists for the purpose of selling services through direct mail.

In the 100th Congress, a bill was enacted to protect the privacy of video rental records. This is popularly known as the Bork bill, named for Supreme Court nominee Robert Bork whose video rental records were published in a newspaper. But while we now have some protection for video rental records, there is no similar protection for records of other consumer transactions and behavior. There are no formal legal protections for records about the purchase of books, music, computer software, mail order merchandise of all sorts, travel services, meals, film developing, and other goods and services purchased by consumers. Companies are able to compile, use, and sell this information without restriction and without notice to consumers.

In the not too distant future, consumers face the prospect that a computer somewhere will compile a record about everything they purchase, every place they go, and everything they do.

This information may be used by marketing companies to send targeted mail and to make telephone solicitations. If you buy a bag of potting soil, you may start getting seed catalogs in the mail. If you buy peanut butter, you may get coupons from jelly manufacturers. If you buy a pregnancy testing kit, you may get solicitations from diaper service companies. If you take a vacation at the beach, you may get travel brochures from resorts in the mountains. If you go to the hospital for a checkup, you may get an invitation to a diet seminar. If you buy a tube of Preparation H, you could get a telephone call from a proctologist. If you take film to be developed, you might get a visit from the FBI.

I am not sure that this is a vision of the future that will make most Americans feel comfortable.

We need to help consumers, businesses, and government develop policies and practices to distinguish between appropriate and inappropriate uses of personal data. That would be one of the principal functions of the Data Protection Board.

There is a reason why data protection rather than privacy is the focus of the Board's responsibility. In our complex modern world, privacy has evolved as a concept encompassing many different elements. It includes a wide range of issues about intrusive behavior, including wiretapping, surreptitious physical surveillance, and mail interception. The concept of privacy has also been cited in connection with matters as disparate as contraception and confidentiality of bank records. As the need to protect privacy has become more pressing, some aspects of its protection have become more focused. One concept that has emerged since 1970 is data protection, which applies to the control of the collection, use, and dissemination of personel information.

The Data Protection Board that I propose would be an institutional representative for privacy issues relating to the use and misuse of personal information. The Board would be a resource, a consultant, a watchdog, and a facilitator. The Board would not be a regulator. The Board would not be a data protection registrar. European requirements for registration of personal data banks maintained by the private sector have, at best, met with mixed results. In any event, Federal registration of private data banks in the United States is not a goal of my legislation.

We need a Data Protection Board principally because there is no voice in government that represents and articulates data protection concerns on an ongoing basis. In the balancing of interests that shape government policies and actions, data protection needs are frequently ignored because there is no institutional spokesman to represent them. There is no existing organization that accumulates knowledge and experience in the increasingly complicated balancing of privacy interests.

A Data Protection Board could help government and industry do a better job of protecting personal information. A Data Protection Board could, with the cooperation of business, support voluntary data protection codes. A Data Protection Board could help Congress and the States shape legislation or find alternatives to legislation.

A very recent event underscores how a Data Protection Board might help business and consumers to address privacy concerns in a constructive way. Equifax, a credit company, and Lotus, a computer company, just announced the cancellation of Lotus Marketplace, a planned product that would have distributed names, address, and marketing information on 120 million consumers using CD-ROM disks. The product had come under heavy criticism from privacy advocates. In announcing the cancellation, the companies said that the product resulted in an "emotional firestorm of public concern about consumer privacy."

Equifax and Lotus had invested considerable sums to develop this product. This investment was lost because of high levels of consumer privacy concerns. This is where a Data Protection Board could serve a valuable role that assists both consumers and businesses. A company planning a new information product could ask the Data Protection Board to help identify and address privacy issues before risking millions of dollars that could be lost in a consumer backlash. Businesses benefit by having an opportunity to obtain an independent assessment of the potential impact of new products. Consumers benefit by having suitable privacy protections considered and included as new technologies are used. A Data Protection Board can limit the risks to all.

The need for an independent entity with responsibility for data protection policies has long been recognized. Such an organization was originally proposed during congressional consideration of the Privacy Act of 1974. The Privacy Protection Study Commission recommended in 1977 that such an entity be established to monitor and evaluate privacy laws; to continue research; to issue interpretive rules for the Privacy Act of 1974; and to provide advice to the President, the Congress, and the States. My proposal is a direct descendent of that Privacy Commission recommendation.

Most other Western industrialized nations have already established national data protection agencies. Canada established a privacy commissioner in 1978. Great Britain established a data protection registrar in 1984. The Federal Republic of Germany, 1977; Austria, 1978; France, 1978; Sweden, 1973; Norway, 1978; Isle of Man, 1986; Netherlands, 1988; Australia, 1988; and Ireland, 1988 also have permanent data protection agencies. Many other countries have passed data protection legislation in the last few years.

This brings me back to the second set of reasons supporting the creation of a Data Protection Board. Data protection agencies have been established elsewhere in the world because people everywhere are concerned about how personal information is being used. By 1993, all nations of the European Community are expected to adopt data protection laws. These laws will be supplemented by a European Community directive that will establish more uniform policies for data protection. Uniformity is viewed as essential to the completion of an internal European market that permits the unrestricted transfer of personal information throughout the European Community.

The proposed directive concerning data protection will establish an equivalent, high level of protection in all European Community member states. This will serve to remove obstacles to data exchanges that are necessary for an internal market to function. Among other things, the directive calls for strict controls over the private use of personal information; restrictions on transfer of personal information to third parties; informed consent as a required element of data collection; rights of access for data subjects; sectoral codes of practice for industries; and the establishment of data protection authority in each member state.

The directive will also have a direct effect on the transfer of personal information to—and perhaps from—the United States. The current draft provides:

That personal data can only be transferred to a third party country if that country guarantees an adequate level of protection for the data;

For notice of and involvement by the European Commission when personal data is transferred to third party countries that do not have adequate protection; and

For exceptions to the strict limitations on export of personal data only after all members of the European Community have been given the opportunity to object.

American companies will be directly affected by European data protection rules in several ways. First, American subsidiaries operating in Europe will be directly subject to the same strict data protection rules that apply to European businesses. Second, corporations in the United States may be required to comply with European data protection standards as a condition of being permitted to transfer personal data from their European subsidiaries. Third, any American company that needs personal data from a source in Europe may be subject to the European requirements for transborder data flow.

American companies that could be affected include banks, insurance companies, credit grantors, computer service bureaus, direct marketers, pharmaceutical companies, and manufacturers. Any company whose business involves the transfer of any type of personal data could become subject to European regulation. Even the simple transfer of internal personnel records from a subsidiary to an American parent company would be regulated.

The United States must prepare for the implementation of the new European data protection rules. Otherwise, American companies face the prospect of having their domestic records management practices reviewed by European bureaucrats and their legal liabilities determined by European courts. As an alternative to a regulatory apparatus controlled in Brussels, we need to formalize the American system of data protection. This could be done through a combination of new industry codes, existing legislation, and participation by a nonregulatory Data Protection Board.

I do not believe that there can be any doubt that the Europeans are serious about data protection. Some restrictions have already been imposed. Recently, the French Data Protection Commission prevented Fiat in France from transferring information about its employees to Fiat in Italy because Italy has yet to adopt a data protection law. There are rumors that some limitations on the transfer of personal information to the United States may be imposed soon.

I want everyone to understand that the European Community data protection directive is still a draft. Parts of it are unclear, and other parts may be unreasonable or unworkable. We do not know what the final directive will look like or how strong it will be. It seems certain, however, that there will be a directive and that it will have some impact on American business operations.

Further, it remains uncertain how the American system of privacy regulation will be viewed under the new European standards. Many of the modern principles of privacy now being implemented in Europe were actually developed in the United States 20 years ago. These principles have been implemented here in a uniquely American way. The American system is hard to compare directly to more recent data protection laws because we rely on a combination of Federal, State, and local legislation; constitutional protections; and common law. Some of our privacy protections surpass anything found elsewhere in the world. In other areas, the American approach to privacy protection is less formalistic and less bureaucratic than the European approach, but not necessarily less effective. A Data Protection Board could bring a clear message about the American system directly to Europe in a credible way.

At the very least, the U.S. Government needs to do a better job in representing American business interests. This is an immediate need. To date, the Federal Government's response to data protection activities in Europe has been almost nonexistent. For example, there has been no official American representative at the annual meetings of Data Protection Commissioners.

Only the Office of Consumer Affairs has paid much attention to data protection. As welcome as that attention has been, I am not sure that the Office of Consumer Affairs is the best Federal representative for complex international matters with serious implications for American business, trade, and economic interests. The State Department, Commerce Department, and U.S. Trade Representative should be more actively representing American interests.

While I hope that these agencies will become more active soon, it is apparent that the lack of a central data protection authority in the United States has left American industry unrepresented when decisions are made about how multinational companies can use data for transborder purposes. At the very least, we need an American Federal agency to represent American interests in ongoing consultations with other national data protection agencies. The historical record demonstrates that data protection will not receive sufficient attention at any existing agency. The lack of an independent data protection authority also leaves American consumers without a spokesman for their fears about privacy.

A Data Protection Board is the right response to both domestic privacy concerns and international data protection threats to American business. The time has come to take a step that does more than respond to specific problems. We need to look to the future. We need to learn how to identify problems presented by new technology and new business methods before it is too late to react. We need to work together with recordkeepers and with record subjects to find ways to protect legitimate data protection concerns while allowing government and industry to function.

MFN STATUS FOR BULGARIA AND ROMANIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation which would grant most-favored-nation status to Bulgaria and Romania.

Mr. Speaker, I stood here a year ago and introduced legislation to grant most-favored-nation status to four nations: Bulgaria, Romania, East Germany, and Czechoslovakia. As you may know, President Bush announced, shortly after meeting with President Havel of Czechoslovakia, that he would grant that nation MFN status. And the question of MFN for East Germany is now a moot question as a result of German reunification. Czechoslovakia and a unified Germany can now begin the long process of sorting through the economic challenges they face.

But what about Bulgaria and Romania? Obviously progress toward true democracy and economic reform in these two nations has not been as rapid as we might like. It is my understanding, however, that the administration is considering granting Bulgaria MFN status in the coming months in light of their progress. I hope that this is the case and that necessary economic and political reforms in that nation can continue so as to make this possible.

That leaves Romania. Without a doubt, Romania lags behind these other three nations on the road to democracy, but one must remember the very real reason why this is so; there was only one Ceausescu. It is my hope that my bill and the promise of MFN when conditions warrant can help affect change in that nation. Should progress toward democracy and economic reform be made, there is no question that MFN would provide vital assistance in rebuilding the Romanian economy.

THE BANK ACCOUNT SAFETY AND SOUNDNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, George Santayana's wisdom that, "those who cannot remember the past are condemned to repeat it," is becoming increasingly applicable in the field of Federal deposit insurance.

On December 17, 1990, the House Subcommittee on Financial Institutions Supervision, Regulation and Insurance held hearings on a report from three prominent economists which concluded that the fund which insures the bank deposits of millions of Americans—the Bank Insurance Fund [BIF] of the Federal Deposit Insurance Corporation [FDIC]—is currently teetering on the edge of insolvency. As if that is not enough, the report concludes that BIF could be facing up to $65 billion in additional losses over the next 3 years.

At these very same hearings, FDIC Chairman William Seidman testified that he expected BIF to lose $4 billion in 1990, reducing the fund's reserves to $9.2 billion for a historically low reserve ratio of only 0.47 percent. By the end of 1991, Chairman Seidman predicts—and I should note that his long-term predictions usually prove to be extremely optimistic—that BIF will have only $4.2 billion in reserves for a reserve ratio of only 0.21 percent.

On September 1990, the General Accounting Office and the Congressional Budget Office reported to Congress that BIF's reserves—which have been dwindling at a rapid pace since 1986—could easily be depleted by any number of plausible events, such as a nationwide recession or one failure of a major bank.

Mr. Speaker, unless quick action is taken, it is becoming increasingly likely that FDIC's Bank Insurance Fund will become insolvent, resulting in another taxpayer bailout of a Federal deposit insurance fund. Without action, history will repeat itself.

Mr. Speaker, the time has come for Congress to take bold yet responsible action in this area. BIF cannot be permitted to become insolvent; the cost of its recapitalization cannot and should not be passed on to the American taxpayers, who have already paid for a similar bailout of FSLIC.

That is why I have reintroduced legislation entitled the Bank Account Safety and Soundness Act—H.R. 31—to recapitalize the Bank Insurance Fund and to address its major flaws.

For some time now, I have been deeply concerned with the deteriorating condition of the Bank Insurance Fund, and have been criticized by banking industry spokesmen and other experts for expressing these concerns. The facts, however, speak for themselves.

Since 1986, the strength of FDIC's Bank Insurance Fund has declined by almost 60 percent. It has lost over $9 billion in the last 3 years alone, declining from $18 billion. Today, the fund would have to increase by 250 percent to reach its historic operating level of $1.25 in reserves for every $100 in insured accounts.

The Bank Account Safety and Soundness Act addresses not only BIF's funding needs, but its structural failings as well.

Foremost among the fund's flaws is that—like its S&L counterpart—the FDIC's sole safety net is the American taxpayer. If the fund fails, it has nowhere to turn but the U.S. Treasury, which in turn send us the bill.

I believe that the burden of potential bank failures should be lifted from the shoulders of the American taxpayer, and placed it where it belongs—on banks and their shareholders who stand to reap the benefits that deposit insurance provides. My legislation corrects this flaw by requiring federally insured banks to back up the fund themselves.

Just as shareholders are required to subscribe to stock if they choose to reap the benefits of corporate ownership, the Bank Account Safety and Soundness Act would require insured banks to pay into the Bank Insurance Fund an amount equal to 1 percent of their total deposits, which would be adjusted annually. If the FDIC needed to use any of these funds to cover industry losses, banks would be required to replenish their 1-percent deposit—their stock in the fund—up to this 1-percent level. Additionally, the fund would retain all interest earned from these funds, while retaining its current authority to assess annual premiums.

Not only would the Bank Account Safety and Soundness Act result in an immediate inflow of $25 billion of much needed capital into the fund, but it would make the banking industry itself—not the taxpayer—the first and probably only line of defense to insurance fund losses. Furthermore, since banks would be required to replenish their stock if it is expended to cover losses, this automatic refill feature would never allow the fund's reserves-to-insured deposit ratio to drop below a level of 1 percent, considerably above its current ratio which is hovering at 0.47 percent.

Another flaw in the current system of deposit insurance for banks, nearly all observers agree, is the absence of market discipline. In addition to shifting the taxpayers' burdens to industry and refinancing the Bank Insurance Fund, the Bank Account Safety and Soundness Act would also go far to address the issue of market discipline.

Because the banking industry's money—not the taxpayers'—would be on the line if regulation is not adequate, insured institutions would share the interest of Government in minimizing industry losses if H.R. 31 were enacted. This results in industry self-policing, conservative lending and investment practices, and industrywide cooperation with regulators.

My legislation would also result in a deposit insurance fund that grows at the same rate as the institutions that it insures. In the early part of the last decade, deposits at the Nation's savings and loans grew more rapidly than the FSLIC, which insured those deposits.

The Bank Account Safety and Soundness Act addresses this problem as well, since banks would be required to maintain their deposit in the fund at a level equal to 1 percent of deposits. Thus, each year a bank would have to place in the fund an amount equal to 1 percent of its deposit growth, and faster growing banks would have to pay more for deposit insurance than their slower growing, more conservative counterparts.

Lastly, but perhaps most importantly, the $25 billion in new capital which would flow into the fund as a result of my legislation would more than triple its size at a time when it is needed most. This would restore the Bank Insurance Fund to its historic operating level of 1.25 percent by next year, and provide it with the cushion that will be needed to cover anticipated losses in the months and years ahead.

The Bank Account Safety and Soundness Act has one more thing that almost every other deposit insurance reform proposal lacks: it has been successfully tried and tested against real, not theoretical, market pressures. For over half a decade, the system which the Bank Account Safety and Soundness Act would establish for commercial banks has been working quite successfully for the National Credit Union share insurance fund, the Federal fund insuring accounts at 14,000 of the Nation's credit unions.

Never again should the American taxpayer be required to bail out a deposit insurance fund. The savings and loan crisis has shown the weakness of the current deposit insurance system. The taxpayers have already been called upon to do too much; I believe they should not be asked to do more.

The Bank Account Safety and Soundness Act would restore America's confidence in the American deposit insurance system by providing the fund with the money it needs to do its job. If enacted, it would also restore America's confidence in Congress by showing one and all that we have learned the lessons of the not-too-distant past.

THE MEDICARE REIMBURSEMENT ACT OF 1991

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, the tobacco industry has enjoyed a life of civil immunity in a world of products liability. For 25 years our Surgeon Generals have been advising us of the health consequences of smoking cigarettes. As a Congress we have paid too little heed to the costs to our Nation in lives lost and dollars spent because of the special status we have allowed this industry.

In the past, the tobacco industry has shaped public health and smoking policies. How long can we let this continue? I say we should stop, and stop now. It is time for the Federal Government to counterbalance the tobacco industry's heavy input and take the lead in establishing new national policy directed toward relief of tobacco induced disease and deaths and the economic burden which accompanies them.

Therefore, Mr. Speaker, today Representatives ANDREWS of Texas, LEHMAN of Florida, COLLINS of Illinois, PELOSI, LIPINSKI, and I are introducing the Medicare Reimbursement Act of 1991 which assigns part of the health related costs of smoking to the tobacco industry where it rightfully belongs. My proposal will permit the Secretary of Health and Human Services to recover funds expended in the care and treatment of Medicare patients with tobacco induced cancer, tobacco induced cardiovascular disease and tobacco induced lung disease.

Mr. Speaker, it is time for the Congress to stand with the Secretary, the Surgeon General and the thousands of people who developed and endorsed the goals of Healthy People 2000. We must exhibit the leadership necessary to show the American people we mean business about reducing the tragedies of smoking induced disease and the heavy burden the taxpayer is carrying in health care costs for an industry that has shown no compassion or remorse for the death and destruction it has created.

Congress has granted specific exemptions that protect tobacco from several regulatory acts, including the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Fair Packaging and Labeling Act. In addition, the Food and Drug Administration has refused to exercise control over this disease producing industry. We have left ourselves, the Congressmen and Congresswomen of the United States as the sole regulators of the tobacco industry. We cannot afford to shirk that responsibility.

Each year there are nearly 400,000 smoking related deaths in the United States. Cancer due to smoking is the greatest cause of these deaths, accounting for approximately 140,000 lives lost annually. Cigarette smoking causes 90 percent of all lung cancer cases in men, 79 percent in women. Lung cancer has surpassed breast cancer as the main cancer killer of women.

Cardiovascular disease, our No. 1 killer nationwide, is the second most prevalent cause of smoking related mortality in the United States accounting for 115,000 deaths annually. Smokers have more than twice the risk of heart attack as nonsmokers. Cigarette smoking causes up to 90 percent of all cases of chronic obstructive lung disease.

Mr. Speaker, smoking has been identified as the chief avoidable cause of death in the United States. The good news is that smoking prevalence is decreasing. The bad news is that the tobacco industry is working hard to recruit our young people as new smokers to replace those who are quitting or who die. The health care costs to our Nation caused by smoking induced disease will unfortunately be around for a long time, and it is a cost we can ill afford. In addition we are likely to see these expenditures grow rather than decrease because of increased longevity of the population.

The American people are overwhelmingly in favor of protecting our children and youth from the addictive habit of smoking and in preventing persons of all ages from suffering the health consequences of smoking which are preventable. I urge my colleagues to listen to the majority and act now to place the responsibility for the consequences of smoking squarely where it belongs.

The tobacco companies argue that people voluntarily choose to smoke, knowing its risks as stated on the required warning labels. What they fail to mention is that those risks cannot be reasonably calculated even by Government experts, because the ingredients and the composition of smoking tobacco are held as trade secrets by the tobacco companies. We know that cigarettes contain active carcinogens, but we don't know how much and in what form. With no way to calculate the real risk of tobacco smoking, it is impossible for any person to make an informed choice.

Worse yet is the fact that over 90 percent of regular tobacco users begin while teenagers or younger, 70 percent by age 15 and 50 percent by age 13. Eleven years old is considered a routine starting age for smoking addiction. This is not informed choice. Nor does the established fact that smoking is addicting give credence to the tobacco industry's denial of responsibility for smoking induced disease.

The bill I am introducing today, Mr. Speaker, will be only a start at recovering the estimated $22 billion annual direct cost of health care for smoking induced disease and the $43 billion in annual lost productivity. But it is time to make that start, and the Medicare Reimbursable Act of 1991 can do it.

The OTA has estimated that the Medicare Program alone is spending over $3.5 billion annually on smoking induced diseases. This bill directs the Secretary to assess each tobacco company on the basis of its annual sales the proportional amount of its corporate responsibility for these health care costs. In times of critical cost containment it is more important than ever to see that each responsible party pays his or her fair share of that cost.

The Medicare Reimbursement Act of 1991 will provide for the recovery of economic loss to the people of the United States which was caused by corporate activity directed at the production of a product which can be lethal when used according to directions. Although Congress cannot recover the health loss, it is surely within our power to recover the economic loss. Let's do it.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Reimbursement Act of 1991".

SEC. 2. IMPOSITION OF ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.

(a) In General.—Subchapter D of chapter 52 of the Internal Revenue Code of 1986 (relating to tobacco occupational tax) is amended by adding at the end the following new section:

"SEC. 5732. ADDITIONAL TAX ON MANUFACTURERS AND IMPORTERS OF CIGARETTES.

"(a) General Rule.—There is hereby imposed, for each calendar year, on each person engaged in business as a manufacturer or importer of cigarettes during the preceding calendar year, a tax equal to—

"(a) the amount of smoking-related medical costs (as determined under subsection (b)), multiplied by

"(2) the percentage (as determined by the Secretary) of the total amount of cigarettes sold during the preceding year for consumption in the United States which were manufactured or imported by such person.

"(b) Smoking-Related Medical Costs.—

"(1) Period beginning after December 31, 1991.—With respect to the 3-year period beginning after December 31, 1991, the smoking-related medical costs shall be $3,500,000,000 for each year in such period.

"(2) Period beginning after December 31, 1994.—With respect to each 3-year period beginning after December 31, 1994, the smoking-related medical costs for each year in any such period shall be the amount determined by the Secretary, after consultation with the Secretary of Health and Human Services, to be equal to the average annual amount estimated to have been expended for the care and treatment of smoking-related cancers, circulatory system diseases, and respiratory diseases under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) during the 3 years preceding the period for which the determination is being made under this paragraph.

"(c) Payment of Tax.—The tax imposed under this section shall be paid in 4 equal installments on the following dates:

"(1) April 15 of the calendar year for which the tax is imposed.

"(2) June 15 of the calendar year for which the tax is imposed.

"(3) September 15 of the calendar year for which the tax is imposed.

"(4) December 15 of the calendar year for which the tax is imposed.

"(d) Acceleration of Payments.—If the taxpayer does not pay any installment under this section on or before the date prescribed for its payment, the whole of the unpaid tax shall be paid upon notice and demand from the Secretary.

"(e) Additional Tax.—The tax imposed under this section shall be in addition to any other tax imposed under this chapter."

"(b) Clerical Amendment.—The table of sections for subchapter D of chapter 52 of such Code is amended by adding at the end the following new item:

"Sec. 5732. Additional tax on manufacturers and importers of cigarettes."

"(c) Effective Date.—The amendments made by this section shall take effect on January 1, 1992.

SEC. 3. APPLICATION OF INCREASED CIGARETTE TAX REVENUES TO MEDICARE PROGRAMS.

"(a) Portion of Increase in Revenues to Federal Hospital Insurance Trust Fund.—Section 1817 of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new subsection:

"(k)(1) There are hereby appropriated to the Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, $2,100,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are allocable to the Federal Hospital Insurance Trust Fund.

"(2) The amounts appropriated by the preceding sentence shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in the preceding sentence, paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in the preceding sentence."

"(b) Portion of Increase in Revenues to Federal Supplementary Medical Insurance Trust Fund.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

"(c)(1) There are hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund for each calendar year beginning with calendar year 1992, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(A) in the case of calendar years 1992, 1993, and 1994, $1,400,000,000 for each such year; and

"(B) in the case of calendar year 1995 and each calendar year thereafter, a percentage (as determined by the Secretary) of the taxes imposed for each such year by section 5732 of the Internal Revenue Code of 1986 which represents the percentage of the total smoking-related medical costs (as determined under subsection (b)(2) of such section) which are allocable to the Federal Supplementary Medical Insurance Trust Fund.

"(2) The amounts appropriated by paragraph (1) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in paragraph (1), paid to or deposited into the Treasury. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in paragraph (1)."

ORDER OF BUSINESS

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that I may be able to exchange my place in the special orders with the gentleman from Utah [Mr. OWENS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESS FREEDOM AND THE GULF WAR

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, I have asked for this special order this afternoon, along with others of my colleagues, to discuss a very delicate and sensitive issue, but one of great importance in the war effort which we are now leading in the Persian Gulf. I refer to the so-called ground rules for release of information relating to Operation Desert Storm.

We have witnessed from the very outset of this operation a Defense Department policy to control the news of our war efforts in Kuwait and Iraq, a policy which is vastly different from, and much more restrictive than, news dissemination policies of our past wars.

To begin, I cite the observations of Alexis de Tocqueville, who wrote:

> I admit that I do not feel toward freedom of the press that complete and instantaneous love which one accords to things by their nature supremely good. I love it more from considering the evils it prevents, than on account of the good it does.

No one really believes that the open access policy for news reporters which existed during the Vietnam war deterred the effectiveness of U.S. efforts or endangered our troops. But, for reasons which are not readily apparent, that open policy has been changed in the Persian Gulf to restrict access to American military personnel for interviews to those whom the Defense Department public relations officials designate. Pools of reporters are organized and taken to locations chosen by the Defense Department. Access to battle is denied, content of interviews is restricted, as is the transmission of photographs and television images.

Mr. Speaker, no one questions the overriding rule that journalists may not reveal information which could endanger allied troops safety or which betray future military plans. No one wants to make life more dangerous for American or allied forces in the Persian Gulf. And no responsible news reporter would release information about future operations.

But, there were also ground rules in existence during the Vietnam war effort. They were honored by newsmen, whose competitive drive to provide the world with reliable reports of the successes and the failures of the war did not, in any example offered by anyone in this debate over the last week, adversely impact on either American troops or American actions. Those ground rules worked in Vietnam, and they endangered no one.

Mr. Speaker, I voted to continue reliance upon sanctions 2 weeks ago in this Chamber, and not to go to war at this time. But since a majority vote authorized the President to use offensive force, I have risen twice in this body and countless other times elsewhere, to pledge my unreserved support for the Commander in Chief and American troops fighting in the gulf. With almost all Members of this body 10 days ago, I voted to reassure the President and our troops of such support. To those men and women who are risking their lives in Operation Desert Storm, and to their families here at home, I reiterate that we will not waiver in our support for their efforts. They will have both our moral and our material support.

There is an unquestionable interest in restricting sensitive information about military plans, capabilities, and vulnerabilities that could jeopardize the outcome of an operation or the safety of allied forces. The press is properly restricted from divulging such information, as well as from reporting casualties before the next of kin can be notified. These rules have long been recognized as necessary in times of war, even in a society which cherishes a free press as a pillar of its democracy. I am not suggesting that they be changed.

I am alarmed, rather, by additional rules that extend beyond the security requirements of the war effort; rules that enable the Government to spin the news, to create false impressions, to distort the truth, and prejudice the judgment of an informed public.

I will insert into the RECORD a story in yesterday's Washington Post by reporter Bob Woodward which sets forth a story of the successes, or lack thereof, of some of our bombing in Kuwait and Iraq. In a call to the Post this afternoon, my staff learned that the Defense Department has not contested the material in the report, although the story represents a significant difference from news releases and general information previously released by Defense Department public information officials.

In Operation Desert Storm, I speak specifically of the restrictive manner in which press pools are operated, prohibitions on independent reporting, the constant presence of Government officials at every interview in the field, and the suppression of information for political benefit. These restrictions extend far beyond those which were fairly and effectively employed in every recent American conflict. In the past, journalists were given ground rules which they were expected to obey. These guidelines were self-enforced, and with very rare exception, enabled responsible, objective, and accurate reporting without risk to allied operations or lives.

The guidelines in force for Operation Desert Storm were crafted in the aftermath of the Vietnam war, and are apparently designed to sanitize the news and shape the reactions of the American people; to make us believe that the war effort is going better than perhaps it is, to assure us that Government officials are running things better than perhaps they are, to convince us that the war is more painless and bloodless than perhaps it is. I submit, Mr. Speaker, that such a policy does not serve the true interest of Americans whose sons and daughters are risking their lives in the Persian Gulf. It will not lead us on a quicker or more painless road to victory. It will do precisely the opposite by sowing the seeds of distrust and resentment in the public, and it will steadily but ultimately erode support for the war efforts.

Why, for example, have reporters been forbidden interviews with B-52 pilots, but allowed to speak with all other pilots? What is it about these airplanes, the pilots, or the mission that threatens the war effort? Could it be that B-52s, which unload thousands upon thousands of pounds of ordinance, don't conform to the pinpoint precision image of this war? Why are reporters prevented from interviewing chaplains in the gulf? Why was news of the successful bombing of nuclear targets in Iraq delayed for later release at a Pentagon press conference? How was it that we were led to believe that the Republican Guard had been decimated in the first days of bombing? Or that we had destroyed all of Iraq's fixed Scud missile launchers, when in fact, we are now told that only 8 out of 30 had been disabled?

A successful allied war effort in the Persian Gulf will be served by an equitable balance between the ability of Amerians and our allies to know the truth about what is actually happening in the war effort, and protecting members of the Armed Forces and their future plans. These twin objectives of war reporting are not mutually exclusive. Vietnam proved that reporters will avoid compromising the safety or operations of the Armed Forces, and the Army's own history of the Vietnam war so affirmed.

From last Sunday's Washington Post op-ed piece by Robert G. Kaiser, currently the Post's deputy managing editor who covered the Vietnam war as a reporter from 1969 to 1970, comes the following point of major importance:

> The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait, the Government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news is the American press, for all its warts and imperfections. Any attempts to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors. And some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Some have foolishly alleged that it was the press which lost the Vietnam war. To that allegation, I cite the Army's own history of the war. Army historian William L. Hammond wrote:

> What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties, it is undeniable that press reports were * * * often more accurate than the public statements of the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

And to that, I would add this comment—"too little faith in the ability of the American people to perceive and accept truth."

Mr. Speaker, history indicates that the military should allow the press to operate independently in the theater at their own risk, without oversight, without censorship, and without unnecessary delays, subject only to the ground rules which will protect the safety of the troops and the secrecy of future military plans.

This means that reporters not be restricted at all times to pools, that they be allowed to speak freely with service men and women who are not handpicked by unit commanders, and that they be permitted to conduct interviews outside the earshot of a public affairs officer. At present, under the current guidelines, these are not possible. Consequently, bad news may be withheld from the public for political reasons, and good news may be delayed for packaged release by the Pentagon. It deprives the general public of credible information that it expects and deserves, even in times of war.

It is not only the public at home that suffers from press censorship. American soldiers in Saudi Arabia complain that news programming on Armed Forces Radio has been curtailed, and this, according to one Army captain, "makes you start to wonder what they are keeping from us." In interviews provided to one pool of reporters, soldiers said that they suspected the Pentagon was cutting back on news for fear that bad news might undermine morale. These soldiers said that this only heightened their anxiety.

The military is an invaluable, and for the most part, trustworthy source of information. But the military is not capable of striking an equitable balance between the public's right to know, and the need for operational security and safety.

For this we depend, as an informed public, on independently gathered news unfettered by Government interference. We demand that it be responsible, and we demand that it not place at risk the brave men and women who are serving our country.

Articles referred to follow:

OPERATION DESERT SHIELD GROUND RULES

The following information should not be reported because its publication or broadcast could jeopardize operations and endanger lives:

(1) For U.S. or coalition units, specific numerical information on troop strength, aircraft, weapons systems, on-hand equipment, or supplies (e.g., artillery, tanks, radars, missiles, trucks, water), including amounts of ammunition or fuel moved by or on hand in support of combat units. Unit size may be described in general terms such as "company-size," "multibattalion," "multidivision," "naval task force," and "carrier battle group." Number or amount of equipment and supplies may be described in general terms such as "large," "small," or "many."

(2) Any information that reveals details of future plans, operations, or strikes, including postponed or cancelled operations.

(3) Information, photography, and imagery that would reveal the specific location of military forces or show the level of security at military installations or encampments. Locations may be described as follows: all Navy embark stories can identify the ship upon which embarked as a dateline and will state the report is coming from the "Persian Gulf," "Red Sea," or "North Arabian Sea." Stories written in Saudi Arabia may be datelined "Eastern Saudi Arabia," "Near the Kuwaiti border," etc. For specific countries outside Saudi Arabia, stories will state that the report is coming from the Persian Gulf region unless that country has acknowledged its participation.

(4) Rules of engagement details.

(5) Information on intelligence collection activities, including targets, methods, and results.

(6) During an operation, specific information on friendly force troop movements, tactical deployments, and dispositions that would jeopardize operational security or lives. This would include unit designations, names of operations, and size of friendly forces involved, until released by CENTCOM.

(7) Identification of mission aircraft points of origin, other than as land- or carrier-based.

(8) Information on the effectiveness or ineffectiveness of enemy camouflage, cover, deception, targeting, direct and indirect fire, intelligence collection, or security measures.

(9) Specific identifying information on missing or downed aircraft or ships while search and rescue operations are planned or underway.

(10) Special operations forces' methods, unique equipment or tactics.

(11) Specific operating methods and tactics, (e.g., air angles of attack or speeds, or naval tactics and evasive maneuvers). General terms such as "low" or "fast" may be used.

(12) Information on operational or support vulnerabilities that could be used against U.S. forces, such as details of major battle damage or major personnel losses of specific U.S. or coalition units, until that information no longer provides tactical advantage to the enemy and is, therefore, released by CENTCOM. Damage and casualties may be described as "light," "moderate," or "heavy."

GUIDELINES FOR NEWS MEDIA

News media personnel must carry and support any personal and professional gear they take with them, including protective cases for professional equipment, batteries, cables, converters, etc.

Night Operations—Light discipline restrictions will be followed. The only approved light source is a flashlight with a red lens. No visible light source, including flash or television lights, will be used when operating with forces at night unless specifically approved by the on-scene commander.

Because of host-national requirements, you must stay with your public affairs escort while on Saudi bases. At other U.S. tactical or field locations and encampments, a public affairs escort may be required because of security, safety, and mission requirements as determined by the host commander.

Casualty information, because of concern of the notification of the next of kin, is extremely sensitive. By executive directive, next of kin of all military fatalities must be notified in person by a uniformed member of the appropriate service. There have been instances in which the next of kin have first learned of the death or wounding of a loved one through the news media. The problem is particularly difficult for visual media. Casualty photographs showing a recognizable face, name tag, or other identifying feature or item should not be used before the next of kin have been notified. The anguish that sudden recognition at home can cause far outweighs the news value of the photograph, film or videotape. News coverage of casualties in medical centers will be in strict compliance with the instructions of doctors and medical officials.

To the extent that individuals in the news media seek access to the U.S. area of operation, the following rule applies: Prior to or upon commencement of hostilities, media pools will be established to provide initial combat coverage of U.S. forces. U.S. news media personnel present in Saudi Arabia will be given the opportunity to join CENTCOM media pools, providing they agree to pool their products. News media personnel who are not members of the official CENTCOM media pools will not be permitted into forward areas. Reporters are strongly discouraged from attempting to link up on their own with combat units. U.S. commanders will maintain extremely tight security throughout the operational area and will exclude from the area of operation all unauthorized individuals.

For news media personnel participating in designated CENTCOM Media Pools:

(1) Upon registering with the JIB, news media should contact their respective pool

coordinator for an explanation of pool operations.

(2) In the event of hostilities, pool products will be the subject to review before release to determine if they contain sensitive information about military plans, capabilities, operations, or vulnerabilities (see attached ground rules) that would jeopardize the outcome of an operation or the safety of U.S. or coalition forces. Material will be examined solely for its conformance to the attached ground rules, not for its potential to express criticism or cause embarrassment. The public affairs escort officer on scene will review pool reports, discuss ground rule problems with the reporter, and in the limited circumstances when no agreement can be reached with a reporter about disputed materials, immediately send the disputed materials to JIB Dhahran for review by the JIB Director and the appropriate news media representative. If no agreement can be reached, the issue will be immediately forwarded to OASD(PA) for review with the appropriate bureau chief. The ultimate decision on publication will be made by the originating reporter's news organization.

(3) Correspondents may not carry a personal weapon.

More examples:

In one dispatch describing American pilots, a military editor changed the word "giddy" to "proud".

A report describing a tank named "Arnold the Battle Pig" was censored so as not to offend muslim sensibilities.

Cristiane Amanpour, a CNN correspondent, described Public Affairs Officers signaling to servicemen during interviews.

Video footage showing bulletholes from anti-aircraft batteries was delayed for hours, and then released.

Pentagon has withheld information on estimated Iraqi casualties, both civilian and military.

[From the Washington Post, Jan. 27, 1991]

TRUST ME

(By Robert G. Kaiser)

Here we go again. The country has been at war for 10 days, and already the government and the press are arguing about censorship, access to the front and the general flow of information about the fighting. The Bush administration has imposed the strictest rules in modern times on reporters on the scene, and the briefers in Saudi Arabia and Washington are putting out what seem to be sketchy accounts of the action to increasingly restive press corps in both places.

The government's position probably strikes most people as reasonable on its face. The Pentagon must control information to avoid helping the enemy; reporters often get in the way in wartime and must be kept in check; briefings have to be sketchy both to avoid helping the enemy, and because in wartime information is difficult to confirm. Those are the arguments made openly.

Behind these arguments—each of which has some merit—is a deep suspicion of the news media in the American armed services. Any reporter covering the Pentagon or the war has encountered some version of this suspicion; the media lost Vietnam, and we won't let them lose another one for us. That attitude is also understandable. Vietnam became an unpopular war, and the men who fought it were systematically mistreated on the home front. Some media accounts of the war were openly hostile to the military mission. More important, the media brought the news home that made the war so unpopular, and all of us in the news business know what happens to the messenger bearing bad tidings.

Gen. Colin Powell, a Vietnam veteran who is now chairman of the Joint Chiefs of Staff, summed up the government's position at his Pentagon briefing for the media Wednesday in just two words; "Trust me." Then he flashed a winning grin, and the reporters laughed, but they were not persuaded. Partly this is because it is our job not simply to trust government officials—the essence of a journalist's obligation is to be skeptical. And partly it is history. However unfairly, Powell and George Bush carry a burden in this war that Lyndon B. Johnson and William C. Westmoreland (among many others) put on their shoulders. This generation of journalists has been misled before about grave matters of war and peace; we'd be fools to think it could never happen again.

Already there have been hints that this administration wants to put a rosy cast on events in the Gulf. Powell himself said that 80 percent of the bomber attacks on the first day of the war had been "effective." That meant that 80 percent of the pilots reached what they thought was their targets and dropped their bombs—there was no information on whether the bombs hit anything. Fair-minded outsiders might think the military is exaggerating the size of its air campaign by speaking of 2,000 sorties a day, when any flight by any airplane—a refueling craft, an escort plane that carries no bombs, etc.—counts as a sortie.

But so far the system of providing information on the war has worked reasonably well. The air war is a hard thing to report; cloud cover did make it difficult to assess damage; we know we can't go to Iraq to see the damage, and most of us don't want to. We are not going to make a big issue about the government's information policy in the first 10 days of the war. It is what will come if and when a ground war begins that worries the news media.

Under the Pentagon's latest rules, no reporter will be allowed to the front except in a government-sponsored pool and accompanied by a military officer. All dispatches will be subject to "security review," which means they must be read at least once and possibly by several layers of public information officers before becoming available to news organizations in this country. One such report from a Post reporter with the Marines in the north of Saudia Arabia on the first day's fighting was delayed 24 hours, and thus was useless when it reached us. Another took eight hours to reach Dhahran, because the Army insisted on driving the dispatch many hours across the desert instead of allowing reporters to file from a telephone just an hour from their location. And these dispatches were routine.

If ground fighting begins and Americans begin to die in large numbers, how much news of such events will reach the home front? How will Americans know what is happening to their soldiers in Kuwait? And what will the impact be on the military and the Bush administration if Americans are being killed in the dark—without the news media providing full and speedy accounts of the action?

That is the key point. The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait the government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news is the American press, for all its warts and imperfections. Any attempt to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors, and some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Reporters do not want to report information that will endanger American lives or help Saddam Hussein. In Vietnam the military prepared a sensible list of topics that reporters could not write about—precise locations of bases, future troop movements and the like. Any reporter who broke the rules lost his or her accreditation. It was a simple procedure, and it worked. Reporters were otherwise free to cover the war any way they could.

The media did not cause the public to withdraw its support from the Vietnam war; the government did. Johnson and Westmoreland kept saying how splendidly the war was going, but the Viet Cong refused to cooperate. The Tet offensive undermined the government's credibility.

You need not take a newspaper editor's word for this. The Army's own official history of Vietnam includes a volume on the news media that came to the same conclusion. "What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties," wrote Army historian William L. Hammond. "It is undeniable," he added, "that press reports were . . . often more accurate than the public statements of the administration in portraying the situation in Vietnam."

"In the end," Hammond wrote, "President Johnson and his advisers put too much faith in public relations." Precisely. Americans may like a funny Diet Pepsi commercial, but on matters as serious as war, they are most unlikely to be conned by clever public relations. They want the facts, and if the government's restrictive information policy prevents them from getting the facts quickly from independent, tough-minded reporters, it's the government and its policy that will ultimately pay the price.

[From the Washington Post, Jan. 28, 1991]

KEY IRAQI ASSETS SAID TO SURVIVE 10-DAY AIR WAR

(By Bob Woodward)

Initial U.S. assessments of damage done by the first 10 days of allied bombing attacks against Iraq and Kuwait indicate that despite many successes, important parts of Saddam Hussein's war machine have not yet been significantly hurt, according to well-placed officials.

The Pentagon is not releasing details of these damage assessments because officials consider them "soft" and subject to daily changes, and because they are concerned that the first assessments might suggest incorrectly that the air campaign is not going well. But these details were being given to senior government officials in briefings during the last three days:

About 65 percent of the Iraqi airfields are still operational, though last week the Pentagon said 100 percent had been "neutralized" by air strikes or because U.S. air superiority was keeping the Iraqi planes on the ground.

Nearly all of Iraq's air defense radar was taken out in the first week of the war, but about 20 percent of it is now back in operation. The Iraqis are now using mobile radar units and have taken old radars out of storage.

As of Friday only eight of Iraq's 30 fixed Scud missile launchers had been damaged enough to fully disable them.

Officials believe some of the mobile Scud missile launchers also have been hit, but U.S. intelligence has not produced proof of that. "There is not one picture of the carcass of a mobile Scud launcher," one official said.

Pentagon officials repeatedly have said the Scuds are militarily insignificant but that Saddam is using them as a temporarily effective terror weapon. Almost daily synchronized Scud attacks on Israel and Saudi Arabia launched from different locations in Iraq are one demonstration of Saddam's ability to maintain control among his military units, officials said.

Saddam has been able to maintain communication with his forces through a sophisticated network of command posts, some of them mobile, that use remotely placed antennas located far from his physical location so he cannot be pinpointed. "It turns out he has one of the most robust and redundant and modern communications systems in the world," said one official.

A senior official said yesterday the air attacks on the Iraqi communications systems are forcing Saddam to use less reliable means of communication, and that the attack plan directed at Saddam's command network is going according to schedule.

Iraq's capability to develop and produce nuclear weapons has been destroyed; about 50 percent of the country's capacity to manufacture new chemical and biological weapons has been destroyed.

Most Iraqi supply lines have been largely unaffected by the bombing so far, allowing food and ammunition to reach troops in the field. Supply lines have not yet been a top-priority target. "The simple fact is we do not have that many airplanes when targets are divided into the half-dozen major target groups," one official said.

The Iraqis have demonstrated an unexpected skill at restoring the runways at their 66 major airfields, most of which have been put out of action at one point or another since the war began. Specially trained crews have been able to fix most damaged runways, though continued bombing from U.S. and coalition forces is planned. U.S. officials said that specific airfields can be rendered unusable at any time and noted that the Iraqi air force has been reluctant to emerge from well-protected bunkers to try to take off.

"The significant fact is that we have air superiority," one senior official said yesterday. "Not that many airfields could be used, because if he tried, we would eliminate his planes. . . . It is an abstract capability that does not worry us.

About 50 Iraqi air force planes are confirmed destroyed, and at least 39 have escaped to Iran; some 70 planes remain. Most of them are believed to be hidden in concrete and steel bunkers that were built to NATO standards by European contractors. The bunkers and their planes can be destroyed only by a direct hit from a laserguided 2,000-pound bomb. Iraq is believed to have enough of these bunkers hidden and dispersed to shelter its entire air force. One senior official said, "At the end of the war, he [Saddam] may have a sizable air force."

Iraq's 8,000 to 9,000 pieces of high grade (20mm and above) antiaircraft artillery has been largely unaffected by the allied coalition air campaign so far. Iraqi antiaircraft artillery fire has brought down some U.S. planes, and this artillery fire has a definite psychological impact on allied pilots, officials said.

Eleven of Iraq's 12 major petrochemical facilities, including three refineries, have received moderate damage. It is not yet clear if the damaged facilities can function or whether they can be repaired.

Baghdad's normal electrical generating capacity has been destroyed.

Heavy cloud cover, particularly over Kuwait, has hampered some assessments of the damage to date. Officials also said it is very difficult, perhaps impossible, to measure the impact of the air attacks on the dug-in and heavily entrenched 545,000 ground troops that Iraq has deployed in and near occupied Kuwait.

Officials said it was particularly hard to assess the damage done to the entrenched elite Republican Guard divisions in a 4,000-square-mile area of Kuwait and Iraq—a high-priority target. There are scattered, anecdotal reports of ammunition storage dumps exploding and other damage. Two to three dozen of the Guard's 800 tanks have been destroyed, officials said.

Military officials point out that the full force of the U.S. air campaign has not yet been directed at the 110,000-member Guard, the mainstay of the Iraqi army. Some U.S. officials had hoped the initial bombing would cause the Guard to break and move.

Gen. H. Norman Schwarzkopf, head of U.S. Central Command, told reporters in Saudi Arabia yesterday: "I would declare our campaign against the Republican Guard as highly successful, just based upon the delivery methods and the volume that we've been able to put on them. Being an infantryman, I certainly wouldn't want to be under that type of attack right now." He gave no specifics.

These and other findings from bomb damage assessments (BDA's in military jargon) have convinced officials that the air campaign should continue for weeks, and that ground forces will ultimately have to be used to oust Iraqi troops from Kuwait. The initial hope—held strongly in the Air Force and by some civilian officials—that air bombardment might do most or even all of the job has been tempered by the results of 10 days of bombing, officials indicated.

Publicly, U.S. officials have declined to characterize the findings of bomb damage assessments. Asked about the effectiveness of the air war yesterday, Schwarzkopf replied, "I would say it varies."

Schwarzkopf said yesterday that the U.S. command will be "deliberately conservative" in reporting bomb damage. "We don't want to mislead anybody," he said. "We don't want to tell you we've done something we haven't done. . . . When we announce something to you that, you know, something's happened, you can take it to the bank."

Mr. Speaker, I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, our thoughts are with the American fighting men and women in the Persian Gulf. We stand united in our admiration for their courage and skill, and we wish them swift success with a minimum loss of life.

I rise today to discuss an aspect of this war which I believe the brave men and women in the military would not want us to forget, and that is the need to preserve our constitutional rights here at home. In particular, we are concerned today with the damage that is being done to the first amendment by the Pentagon's attempt to control the news from the gulf.

The Defense Department has established guidelines for press coverage of this war that, in their combined effect, go beyond anything we had in earlier wars. The press restrictions are depriving the American public of the objective information needed to make informed judgments on this conflict. We are getting instantaneous coverage of this war, but we are not getting very much information.

Mr. Speaker, no one here today is questioning the Pentagon's decisions on war strategy. No one is criticizing the performance of our soldiers, sailors, and pilots. And no one is disputing the Government's legitimate need to withhold certain information to protect the troops and the military operations.

What brings us to the floor today is our concern that some of the controls imposed by the Pentagon go well beyond protecting security. Of particular concern are the overbroad use of censorship, the restrictive pool requirements, and the requirement for constant military escorts.

First, the Pentagon guidelines require that all press reports from the Persian Gulf must be cleared by U.S. military censors. There was no such censorship in Vietnam and the press acted very responsibly. They were critical of course, and they published embarrassing information, but there were very few if any cases in which the press published information that was militarily harmful.

In the gulf, censorship is being used to put the Pentagon's spin on the news. For example, in one instance, military censors changed a reporter's story to delete the word "giddy" and insert in its place the word "proud." Now there was no security purpose there. The Pentagon apparently felt it was unseemly to describe pilots just back from a bombing raid as being "giddy."

In another instance, reporters in the gulf learned that the military had launched air strikes against Iraqi nuclear laboratories, which was certainly no secret to Iraq, but the reporters were forbidden from reporting that information. Later, American military commanders released detailed information on those very attacks in their press briefing. The Pentagon was clearly eager to be the first to report the information itself, again to put the proper spin on it.

Second, the guidelines require reporters to cover the war only from approved press pools. Pools have their place, for example, when an invasion is being launched. But the Pentagon seems determined to use the pools throughout the war. That is unprecedented; as far as I can tell, it goes beyond anything imposed even in World War II.

Some of the problems encountered by the pools are comical, but they illustrate the limitations of the pool concept. One pool recently was led by a military escort who had no maps and no compass. The pool spent 6 hours in the desert, finally stumbling on an American military base. However, the pool reporters could not get into the base to find out their location because the escort did not know the proper password.

Third, reporters on military bases must be accompanied by military escort at all times. This means that the Pentagon even selects which soldiers will be interviewed and a military information officer stands by while the interview is being conducted.

What we are seeing in the Persian Gulf is a highly refined version of rules that were used in the Grenada and Panama invasions to keep from the American public important information that was not militarily sensitive. For example, during the Panama invasion, the Pentagon flatly denied that there were any casualties during a parachute drop. It was not until a month later that the Army admitted that 86 paratroopers had been hurt in the air drop. The military also kept from reporters information on civilian casualties, so that even today we do not know how many civilians died in Panama as a result of the invasion.

I am afraid that the current Pentagon leadership does not accept the role of the media in a free society. In fact, according to former Reagan defense official Fred Hoffman, Secretary of Defense Richard Cheney personally hamstrung media coverage of the Panama invasion by refusing to activate the press pool until it was too late for the press to get any reports about the initial invasion. Not a single photograph, strip of film, or eyewitness account was ever published about the combat in Panama.

The American people are financially supporting the military deployment and many have sons and daughters, husbands and wives serving in the Persian Gulf. The people at home and the troops in the gulf have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

There may be some who argue that censorship is necessary to maintain the morale of the troops. I believe that just the opposite is true. One of the most disturbing aspects of the Pentagon's censorship program is the negative effect it is having upon the morale of our own troops in the gulf. As an Army captain stationed in the gulf observed, "it's the lack of news that gets people anxious * * *. You start to wonder what they are keeping from us."

The Pentagon may feel that the public will turn against the war if failures are reported. To the contrary, Mr. Speaker, public support for the war is going to disappear if the public gets the impression that it is being given only the good news. The public will rapidly grow suspicious and stop believing anything. In the long run, a censorship program will damage the Nation's trust in the wisdom of the war and the competence of the military.

By creating an atmosphere of unreal optimism, the Pentagon is actually magnifying the future effects on the public of even a small military reverse. We have already seen this happen. The Pentagon initially contended that Allied air sorties were enjoying an 80-percent success rate. Officials later admitted that sorties included many noncombat air missions wholly within Saudi Arabia, including transport and refueling missions. This disclosure led to doubts about the air war's effectiveness, doubts that would have been less serious had the military not overinflated expectations in the first place.

Mr. Speaker, concern about the press restrictions is not a partisan issue. It is not a question of liberals versus conservatives. A former Pentagon official in the Reagan and Bush administration, Fred S. Hoffman, said earlier this month that the security review was not justified. He said it "is censorship by the Government and could be abused to protect the military from criticism or embarrassment." David Gergen, White House communications director under Presidents Ford and Reagan, also noted, "there is too strong a tendency—in the Pentagon—to lean toward less coverage."

In a democracy, it is precisely in matters of the gravest national importance, such as war, when the freedom of the press is most important. I urge the Pentagon to revise these press restrictions and allow the American public a fuller picture of this war.

□ 1500

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from California [Mr. EDWARDS], and at this point I am pleased to yield to the gentleman from Minnesota [Mr. VENTO] who organized and wrote a very excellent letter outlining the problem and our disagreement with many Members of the House with current policy which was signed by many Members of the House and forwarded recently to the Secretary of Defense.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Utah [Mr. OWENS], and commend him and associate myself with his initial remarks and those of the distinguished gentleman from California [Mr. EDWARDS] who preceded me.

Mr. Speaker, there are days when many of us here in this Chamber would like to avoid the searing hypercritical analysis of the press—prevent them from scathing treatment of Congress, control the press to write positively, fairly about our work and wonderful membership.

But we resist that temptation and for a good reason—the American public has a right to uncensored information and opinion both that which is positive and negative. Such right, such freedom of expression is so central to our democracy that it is protected by the first amendment to our Constitution, perhaps the most important provision in our basic document.

Today that right is being undermined and challenged at an especially critical time in our Nation's history with a war in the Persian Gulf. The American public is being denied complete, timely, objective, and accurate information on the war in the Persian Gulf and the administration is hoping that the American public will not notice. But many Americans do recognize the fatal flaw and the danger of such action and are taking note.

One Minnesotan wrote to me:

> We, the American public are going to pay for that war in lives and dollars, and have a right to know what is happening.

We all understand why the temptation to control the press becomes greater during the time of war but we must also realize the increased importance of accurately informing the public. The Americans news media serve as the eyes and ears of the American people. This role becomes even more essential in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public cannot make informed judgments about the status and conduct of the war.

There is a legitimate need for withholding certain information for national security purposes, but the prior restraint and information control the Defense Department is enforcing goes well beyond national security and protecting the well-being of U.S. service men and women.

For example: One correspondent reported that military censors objected to his use of the word "giddy" to describe the mood of fighter pilots returning from a bombing mission. The censors changed the word "giddy" to "proud." It is easy to see that the motive for changing that word had more to do with political security rather than national security.

In fact, the military is so obsessed with control of the news that it has canceled the public honors ceremonies at Dover Air Force Base for those service men and women who lose their lives in the Persian Gulf war. This appears to be a thin-veiled attempt to shield the American people from the human face of war—to present this war as painless and without sacrifice. It is unconscionable that the Pentagon has taken its public relations efforts so far as to deny the honor and recognition traditionally provided to those who sacrifice their lives for their country.

There is no place in a free society for this "see no evil, hear no evil, speak no evil" Pentagon policy. We cannot tolerate the Pentagon dicatating the words and images the public is allowed to receive. The Pentagon must stop trying to spoon feed us sanitized sound bites and start allowing information to flow freely.

The Pentagon, Congress, and the administration simply must trust the people, that's right, Mr. Speaker, I said "trust" the American people with the objective information about the Persian Gulf war. Such trust, such objective flow of information, is the basic tenet, the foundation, of our Nation and our democracy. An informed electorate depends upon the news media for information. The administration is not entitled to prior restraint, censorship, sanitization, or spin control of the news. When all aspects of the information and news become issues of national security and absolute control is employed, then the basic trust and support for our National Government will crumble.

The Armed Forces should be allowed to concentrate on the military campaign rather than this overzealous public relations control campaign. The destructive weapon of censorship the Pentagon is employing to control the press is rapidly chiseling away at our democratic rights. If this dangerous public relations campaign is not stopped, truth could end up as another casualty of the Persian Gulf war.

I insert the following two letters in the CONGRESSIONAL RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 16, 1991.

Secretary DICK CHENEY,
Department of Defense,
The Pentagon, Washington, DC

DEAR MR. SECRETARY: The Defense Department guidelines you have established for the press coverage of the Persian Gulf crisis seriously undermine First Amendment rights and may well prevent the American public from receiving accurate and objective information on this international crisis.

The American people are financially supporting the military deployment and many have sons and daughters serving in the Persian Gulf. They have a right to an objective accounting of the hostilities, not a version controlled by the Pentagon.

Ironically, subjecting the media to prior review, you are in effect abridging the democratic rights and values we are pledged to preserve in this region of the world. We cannot tolerate the Pentagon dictating the words and images the public is allowed to receive.

The American news media serves as the eyes and ears of the American people. This role increases in importance in time of war when the public relies almost solely on the media to provide objective information about daily events in remote areas of the globe. Without such objective information, the public would be denied the opportunity to make informed judgments about the status and conduct of the military deployment. We understand the legitimate need for withholding certain information for national security purposes and to protect our troops, but the prior restraint and information control you are enforcing goes well beyond that protection and could result in outright censorship. We urge you to immediately reevaluate the guidelines in a manner that recognizes the legitimate military security concerns but does not infringe on our free society's right to have timely accurate and uncensored reporting concerning any Persian Gulf activities.

Sincerely,

[From the Peoples Press, Owatonna, MN, Jan. 19, 1991]

VENTO SUPPORT

This is to offer some comments on a letter which Bruce Vento is planning to send to other legislators and which he hopes will carry other significant signatures along with his own—it is a letter protesting the possible curtailment of journalistic freedom in the theater of the Persian Gulf War, should there be one.

Like millions of others throughout our country and over the world, I share the deep and dreadful concern for the lives of our young men and women who have rallied to the nation's call. There is a real probability that the casualty list will be staggering and proportionately beyond any figure that we have ever known in conflict. However, this may be, there is the possibility of another horrendous casualty which is receiving little or no attention and in fact is being promoted—that is the casualty of truth which would surely come to pass if the rules for wartime journalism are changed by imposing limitations on freedom of the press unknown in World War I, World War II, the Korean Conflict or the Vietnam War.

I am not writing this letter as one who has any vested interest in the news business—nor have I ever made one cent as a writer, as the quality of this letter would aptly prove. What is more, I am not unaware of the shortcomings and weaknesses of reporters; i.e., bad taste, biased presentations, unfair reporting, meddling with certain events best left alone and a host of violations of decency and sensitivity. It may even be that on the Day of Judgment that reporters and journalists will be the last to enter—if they do.

Having said all this, and no matter how I may be angered or offended by the treatment of news, I recognize the absolute need of a free press to a free society. A muzzled press in Nazi Germany prevented its general populace from ever knowing about the death camps and from ever knowing that their nation was being swept down the current to destruction. To realize the extent to which truth can be twisted at the expense of many lives when it is kept out of the public forum and denied to the general public, one only has to read that well documented little book in the public library, 'Chernobyl, The End of the Nuclear Dream,' by an award-winning team of investigative, scientific, environmental writers. In that book, international scientists of great repute predict that over the next 30 years one simple accident in the Soviet Union is going to cost more lives than were lost in the entire Vietnam War. The nuclear barons have tightly controlled the news of 169 accidents which have taken place in American nuclear plants, of which there are 93. Any one of those accidents could have become another Chernobyl, which has been described as the greatest and the most disastrous accident in all of industrial history.

We need a free press even with all of its weaknesses and shortcomings to expose the corruption of government and industry and the press has done just that on more than one occasion. It was the press which brought down Sen. Joe McCarthy; it was the press which brought to light the Watergate and Iran Contra affairs and ended the secret shady career of Olly North. The press, not the government, exposed the S&L swindle and the HUD crime and the Pentagon's generous payment of taxpayers' funds to the manufacturers of toilet seats and washers. It is the press alerting us to the possibility of financial failure in banking, insurance and investment industries. It was the press which put out of business a string of crooked TV evangelists who had actually succeeded in deceiving millions of people.

There is nothing on record that would even remotely suggest that we ever lost a war because of journalistic irresponsibility, but there is plenty of evidence that a free press in a free society and other news media have resulted in a growing number of people opposed to war. It is a lot easier to sanction war when its horrors are never made known or visible.

I only wish that I were a significant somebody to add my signature to Vento's plea, but at least I can give all my blessing and prayers to his effort to preserve my right as a citizen in a free society to know what is happening through out the course of the Persian Gulf conflict. We, the American public, are going to pay for that war in lives and dollars, and have a right to know what is happening.—Gerald E. Huff.

MILITARY FAMILIES SUPPORT
NETWORK IN MINNESOTA,
Minneapolis, MN, January 24, 1991.

Representative BRUCE VENTO,
Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE VENTO: As the cochair of the Military Families Support Network in Minnesota, I would like to extend a note of thanks to you for your recent efforts to call for more truth and less censorship in the news coverage of the war. The Military Families Support Network in Minnesota is whole heartedly supportive of our troops and hopes that their courageous efforts will soon result in an end ot the war. We will also, however, continue to ask questions about the President's policy (unlike some other support groups) and to hold our elected Government accountable for all its decisions. We are, consequently, very aware of the extensive censorship and the disturbing paucity of true information about the war.

Your political courage in this matter has not gone unnoticed with us, here in Minnesota. Thanks again!

Sincerely,

NICHOLAS P. GRANATH,
Cochair.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for his excellent remarks and at this time yield to the gentleman from Florida [Mr. BACCHUS].

Mr. BACCHUS. Mr. Speaker, I voted on January 12 to authorize the use of force in the Persian Gulf because I believe some of our most cherished principles are at stake there.

I rise today out of a deep concern that in waging this war, we not violate another cherished principle—that of a free and independent press.

Nearly 20 years ago I sat in the Press Gallery above us as a young journalist.

It is with that perspective that I speak today—with a commitment to the first amendment and with a passion for true freedom of the press.

Is the media being insensitive or even unpatriotic by bringing the harsh realities of war to our living rooms and breakfast tables? I say no. War is harsh. War is real. We don't just need the good news. We need all the news, good and bad.

Of course the media has an obligation to act responsibly. And of course the Pentagon should not be expected to reveal battle plans or other information that would endanger our troops. But in my view the Pentagon has taken steps that go well beyond these basic security needs.

Why must reporters be restricted to tightly controlled pools that see and hear only what Government officials choose? Why must Government review panels go so far as to tinker with individual words within press dispatches? Is this protecting security or engaging in unwarranted censorship?

If the administration is truly convinced of the rightness of this cause, as I am, then it has nothing to fear from open press coverage. I trust the American people to make informed judgments. We all must understand that sometimes we must pay a terrible price to defend the values we hold dear.

Undue restrictions of the press pose a far greater threat to long-term public support for this war than does accurate and objective reporting. The American people will have more faith in our elected officials and more confidence in our military leaders if they believe they are receiving credible information about the war's consequences, no matter how disturbing that information may be.

A sanitized, overly optimistic version of the hostilities can only lead to disillusionment when the realities of war become apparent later. And surely they will, especially if we have to wage a ground campaign to achieve our aims.

Our best refuge is the truth. And maintaining our historical and constitutional allegiance to freedom of the press is by far the best way to assure that we know the truth.

Thomas Jefferson once said:

> Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

I would make the same choice as Jefferson. For, like Jefferson, I know that without a free press we would not have a free government.

□ 1510

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from Florida [Mr. BACCHUS] for his excellent remarks.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, I want to thank the gentleman from Utah [Mr. OWENS] for providing us this opportunity to talk about something very serious, with tremendous implications for this Nation, and I hope that America will listen to this discussion and will set aside our passions about other issues surrounding this war and concentrate on the very fundamental freedoms that we cherish and that in fact we really are willing to die for in this country, the fundamental freedoms of speech and press.

We are going through a very difficult time in our land as we worry day after day about the safety of our men and women in the Persian Gulf, and we pray for them to come home safely.

Before this war we were told by this administration that it would not be wise for us to debate whether or not this country should go to war. The assumption was made that if somehow we wanted to discuss and debate this issue, we were not being patriotic, that the President as Commander in Chief did not have to come to this Congress and that there did not need to be any debate and we should just move forward. But there were many of us on both sides of the aisle, no matter how we felt about this issue, who believed that it was the proper role of Congress to debate this war that is unfolding day, after day, after long day. We debated it here in this Chamber, and I believe that debate made us stronger as a country.

When I am in California and I listen to my constituents, they say, "Barbara, I watched that entire debate, and however I felt about the issue, I was proud that in this great Nation we could look at an issue so honestly and openly and dissect it and discuss it and decide what was best for our country."

I think that debate made us stronger as a nation, not weaker. They do not debate in Iraq. Iraq is ruled by fear. If we took a poll in this country today and we asked people, "What makes this the greatest Nation in the world?" I believe they would say, "Our Constitution," I believe they would say, "Our freedoms," I believe they would say, "Our free press."

I was a journalist in the 1970's myself, and I must say that my best stories and the ones that informed the most—and, yes, maybe they were controversial—were the ones where I interviewed someone 1 on 1 and got their feelings and got their emotions and got their opinions. If I had someone sitting next to that person, as our military is now, requiring an escort, I could say that you would not have that relationship that develops between a reporter and the person you are interviewing, that you would not get the real story, that you would not get the real emotion, and that you would not get the real words. Yet that is what our Pentagon is doing. Not only do they have a military security review panel that reads the copy of these reporters, as my good friend and colleague, the gentleman from California [Mr. EDWARDS], has pointed out, there is a military escort next to our young men and women who listens to everything they are saying.

This has nothing to do with security, I say to my friends, nothing at all, because the copy is submitted to the censors after that. I think it is some type of intimidation, some type of prior restraint, and we cannot let that stand. If we stand for anything in this Congress, it is to preserve and protect the Constitution and the freedoms we hold dear.

I have a resolution, House Resolution 37, and it calls on the Pentagon to do two things: One is to expand the number of press pools allowed at the front. Right now there are only two pools of 18 reporters each, but there are more than 250 reporters in Saudi Arabia. These are brave Americans, these reporters. They are not afraid to die. They are patriotic. Many of them served in wars themselves. They are not going to give anything away to the enemy.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I am sure that there are many on this floor and others who are looking at this and saying, "Wait a minute, how much more news coverage do you want?" You get 24 hours a day on this famous CNN channel, and you had hours and hours a day in the first few days of the conflict from hotel balconies in both Riyadh and Baghdad. It looks like for all intents and purposes it was just a fireworks show that was going on and not the human face that belongs in this.

All of us recognize these points, but I would just suggest that the reporters in Baghdad, Peter Arnett and others that were there, including Bernard Shaw from CNN, someone we are all familiar with, I think, and others, including Mr. Simon who was just recently in Riyadh and who we understand is in Kuwait City now, they are there in spite of those rules. They are there reporting, not because the Pentagon wanted them to. We would not have that information if they followed the types of rules that exist. We would have that much less information.

I think that the American people are better off to have that information, censored as it may be, limited as it may be. But that is the way we are getting information on this conflict, through unauthorized sources, unless we think that getting the information from a hotel balcony in Riyadh or Dhahran or someplace else is adequate. I think it is not. I think my constituents and the people in this country have a right to know far more than that.

We watch a lot of television, we see a lot of news on television, and it does not necessarily add up to the facts of the news. I would just point that out because many, I am sure, say that we are inundated and we have so much information. But what we are concerned about is that we should let the system work that has stood for over 200 years and made this country what it is today. I say, let that system work, Mr. Cheney, let that system work, President Bush, let that system work, the U.S. Congress, the House and the Senate. We want it to work.

Mr. Speaker, I want to commend the gentlewoman from California [Mrs. BOXER] for her resolution and for her efforts in this matter.

Mrs. BOXER. Mr. Speaker, I thank the gentleman so much for his contribution. This is an emotional subject because there we have our young men and women in imminent danger of losing their lives, and they are there defending freedom and stopping aggression. That is why they are there, and yet this country through the Pentagon is not even allowing their words to be given to the people here.

□ 1520

They are restricting these pools, and in addition to restricting these pools, having military escorts standing next to them. There is something very, very wrong with that.

Mrs. BENTLEY. Mr. Speaker, would the gentlewoman yield?

Mrs. BOXER. I am happy to yield to my friend, the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I have not heard the gentlewoman's whole discussion. I just heard a bit of it. But I was a newspaper woman for 25 years. I also covered the war in Vietnam. So I was there. I was on the scene.

Let me say, the one thing the press does have is a responsibility as well. I am getting lots of calls from constituents who are complaining that our press is giving out too much information that is endangering the lives of those young people over there. I have that opinion also. That is one of the reasons why the Pentagon has been a little tough on it. They want to protect those people. The press can go too far.

Mrs. BOXER. Mr. Speaker, reclaiming my time, may I say to the gentlewoman from Maryland [Mrs. BENTLEY] that if there is any information endangering anyone, the Pentagon approved it, because there is no information going out from the scene that does not get submitted to the censors.

I would also like to say to the gentlewoman that this has been in effect since the war started. The gentlewoman from Maryland [Mrs. BENTLEY] as a former reporter is at odds with the American Society of Newspaper Editors who are very distressed and disturbed at this, and who have helped me work on my resolution. As a former reporter myself, and I was only one for a few years, and I was a radio talk show host as well, I feel it is outrageous that when a reporter, and American patriotic reporter, is interviewing someone in the military, that there needs to be an escort standing next to that individual, and in addition the words have to be submitted to a censor.

If the gentlewoman from Maryland [Mrs. BENTLEY] supports that approach as a former reporter, I am truly very surprised. But I do respect her point of view, if she fells there needs to be an escort standing next to our young men and women. If they can be sent to the front line to die, they ought to be able to express how they feel without having somebody standing over them and giving them an intimidating look. I do not think that is the right thing to do.

Mrs. BENTLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I yield further to the gentlewoman from Maryland.

Mrs. BENTLEY. Mr. Speaker, I thank the gentlewoman for giving me this time. I do not believe in intimidation. I do think that escorts were also provided in part because of the dangers of the press going out on their own. In fact, we have three missing who went out on their own. CBS is very disturbed that their reporters are missing, but they decided to go without the escort. I think they do like to protect even the press over there.

Mrs. BOXER. Mr. Speaker, I would say to the gentlewoman from Maryland [Mrs. BENTLEY] that absolutely they want to protect the press. But I would point out to the gentlewoman that any time a military individual is interviewed, it is my understanding, whether they are in a danger zone or not, there is an escort next to that individual. So I think that argument is not valid in each and every case.

Mr. Speaker, we can always make excuses as to why we should limit freedom. It is real easy to do it. But one day you wake up and you find out life just is not the same. I think it is very important that the gentleman from Utah [Mr. OWENS] has taken this special order, and I want to commend him for it.

Mr. Speaker, I would like to put into the RECORD specific instances that we have from Scripps-Howard, the Detroit Free Press, and a number of others, who are very upset at what is going on.

The military blocked a New York Times report on how allied bombing had destroyed most of Iraq's nuclear capability. The Pentagon later disclosed the same information in Washington. The Pentagon wants to manipulate the good news.

The military delayed a Scripps-Howard reporter's interview with Saudi pilots for more than two days.

The military censor changed a Detroit Free Press reporter's word in a story from "giddy" to "proud" to describe U.S. pilots' emotions after a raid.

Mr. Speaker, these people are very upset at what is going on, when the things they wrote, which had absolutely nothing to do with the security of our operation, nothing to do at all with the safety of the individuals, and yet they were censored. It took them days to appeal this to the Pentagon in Washington.

For God's sake, if we stand for anything, it has got to be for freedom. Let us not allow Saddam Hussein to intimidate us from carrying out our Constitution, our freedom. Because, if we do, we have made a grave, grave error.

Mr. Speaker, I again want to thank the gentleman from Utah [Mr. OWENS] for taking this time.

Mr. OWENS of Utah. Mr. Speaker, I commend the gentlewoman for her contribution today and her resolution, as well as her leadership in this vital issue.

Mr. Speaker, I am pleased to yield to the distinguished gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I want to commend my collegues, Mr. OWENS, for reserving time to discuss this important issue, and Mr. EDWARDS, who has always been at the forefront of issues regarding infringement on the rights of American citizens.

Mr. Speaker, I am deeply distressed regarding Department of Defense censorship of news from the battlefields of the Persian Gulf. Press coverage of the return to the United States of the bodies of our brave men and women who have lost their lives in combat is prohibited, and, the Department of Defense has now also prohibited the longstanding solemn arrival ceremonies at Dover Air Force Base for combat victims. These restrictions infringe upon the rights of reporters to obtain and provide news coverage, and the rights of American families who have loved ones on the front lines of battle to accurate, timely information regarding casualties.

The Defense Department has published guidelines for media coverage of the war in the gulf. Media reports will be censored, as will pictures of combat. Reporters may accompany military units only in approved media pools. Reporters would then be required to submit reports to military public affairs officers for security review before transmission. Information about the casualties of war will also be managed by the Defense Department. For example, the term "body bag" has reportedly been stricken from the official vocabulary at the Pentagon. Instead, Defense officials prefer the more euphemistic term "human remains pouches." In another case of Pentagon censorship, in a reporter's dispatch describing pilots returning from a bombing mission, the reporter described how pilots returned "giddy." Pentagon censors reportedly changed the word "giddy" to "proud."

The Defense Department maintains that its media guidelines are not intended to hinder reporting. In fact, Mr. Speaker, the media guidelines do restrain the press and will ultimately create a special hardship for families who must depend on media reports.

Since the Revolutionary War, and not without considerable risks to their lives, reporters have been at or near the front lines of battle, providing full reports for the American people of what was happening to our soldiers at war. Reporters have historically played a vital role by providing the public independent accounts of military action, distinct from reports issued by Government officials.

The ability of the media to report about military operations has not been without challenge. For example, the civilian press was not permitted to join the invasion force in Grenada in 1983. Thus, the history of open press access to U.S. military conflicts came to a screeching halt. After the invasion, what we heard were numerous reports that military authorities withheld significant facts, impeded the efforts of journalists to verify information regarding casualties, and disseminated inaccurate information about the invasion. Subsequent, revealing media accounts about the invasion created a public uproar, underscoring the critical role of the media.

After the Grenada invasion, the Defense Department established a system of selecting a pool of reporters who would cover the early stages of a military operation and share the information with other news organizations. When Panama was invaded, the media pool system was first tested. Reportedly, the pool failed to reach Panama until 4 hours after the fighting began, and journalists were unable to file their reports until 6 hours after that. The media pool system failed miserably. Yet, the Defense Department insists on using media pools to cover the Persian Gulf.

Mr. Speaker, freedom of the press is not absolute. I concede that the right to know is outweighed by the need to protect classified information and information about military operations which might endanger the lives and security of American forces. I am well aware of this, as former chairman of the House Intelligence Committee. I also know that members of the media appreciate the need for security. However, the Defense Department media guidelines go substantially beyond the limitations required for the protection of national and operational security. For example, information on the most important question on the minds of American families—the number of casualties anticipated from the war—is not classified, nor does it jeopardize operational security.

The media have a constitutional right to access to information regarding the war in the Persian Gulf. For this reason, I have introduced a concurrent resolution, House Concurrent Resolution 38 that states the sense of the Congress that the Defense Department guidelines should be revised. Furthermore, the resolution states that the media should have timely access, in as complete a manner as possible, to all unclassified information and activities, other than information and activities that, if disclosed, would endanger the lives or security of U.S. forces. Upon issuing revised guidelines, the Secretary of Defense should issue a statement explaining the rationale for restrictions imposed on news media coverage of military activities in the Persian Gulf.

In August of last year, shortly after the conflict in the Persian Gulf erupted and United States troops were being mobilized to Saudi Arabia, Secretary Dick Cheney told reporters at a news conference that he felt it was "important that we have an adequate flow of information * * * about what our young men and women—in the Persian Gulf—are doing." Secretary Cheney promised to arrange this. We must hold the Secretary to this commitment to the American people.

Mr. Speaker, a free press is a necessity in a free society. As James Madison once said:

> A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or, perhaps both.

This is a very difficult time for all Americans. We can only hope that when we wake up in the morning, we will rise to a world at peace and American troops on their way home from the gulf. Until that day actually comes, we must stand behind our heroes and heroines fighting courageously for peace and also support the rights of the families at home awaiting their arrival.

□ 1530

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. OWENS of Utah. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I would like to commend the gentleman from California for his resolution, which I have cosponsored.

I just want to call my colleagues' attention to a letter that just has been handed to me from the Minnesota Military Families Support Network in Minnesota, and they said they wanted to thank me for my work with regards to providing for less censorship in the news coverage of the war. These are the military families who support wholeheartedly our troops in their courageous efforts, which they hope will soon result in an end to the war. It goes on to say that they are questioning some of the policies, but these are the military families. They want the information, and I think that is one of the problems.

I guess for some people, in a democracy, that is the right that we uphold that is so important. That is fundamentally one of our differences in our society, but I think it is a strength, not a weakness, and I thank the gentleman for his support.

Mr. STOKES. I thank the gentleman for his comments.

Mr. OWENS of Utah. I thank the gentleman from Ohio for his leadership and for his comments. It is clear that the task that we are about this afternoon is not a popular task at this point in time.

Yesterday at noon I did a live television interview in Salt Lake City and I spoke of this issue. As I returned from lunch, I learned that I had 20 calls, all in opposition to my position.

I think 2½ weeks ago when we debated this issue and voted on it, I think that was cathartic to the American people, and I sense there is a greater degree of unity now, though it is not unanimous, behind the war such that the American people are afraid that the goals of that war might be compromised if we allow unfettered access to the troops in terms of reportage by the journalists who are there, and that simply is misperception, and the gentleman from Ohio has pointed that out very lucidly. Nobody wants anything released which would compromise the safety and lives of the troops or the effectiveness of our war effort. That outweighs the need to know. What we are criticizing here is the policy which in a very clumsy manner in essence errs very far on the side of security and compromises the ability of the right to know those materials and that information, record of successes and failures, which will tell us at home, we who are entitled to the truth in the Congress as well as in the public at large, what is actually going on, but which does not compromise the troops or the effectiveness of future actions.

I thank the gentleman for his leadership.

Mr. STOKES. I might just say in terms of the gentleman's comment with reference to the timeliness of our taking this special order and speaking out on this subject, and the fact that at this particular time it may not be the most popular subject in the country, about a week ago when I first filed my concurrent resolution with the House, several newspaper reporters called me and discussed my resolution with me. I raised a question with them, since they were part of the media, why they were not themselves speaking out more forcefully on this issue, and in each case they indicated to me that, "Well, we feel like you do about this thing, but it's just not timely," they said.

Then I noticed a few days later the news media itself beginning to get a little more courage to speak out on this issue, and now we have seen several night programs on it, Ted Koppel and others who have begun to speak out on this issue, and I think we are doing the country a favor, frankly, here in the Congress, where we do have the responsibility to stand up on issues and to call attention to discussions and debate in our country, to take the position we have taken to bring this matter to the floor and begin an earnest discussion of it so that the American people, through us, begin to have a voice on this very sensitive and important issue affecting their families.

Mr. OWENS of Utah. I thank the gentleman from Ohio.

I am delighted to yield at this point to the distinguished gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, I want to commend my colleagues for calling this special order and I want to express my support for their efforts.

War is an extraordinary act, and for a nation it becomes an extraordinary test of its character and strength. We have not yet learned how to prevent wars, but we have learned more about how to conduct them. Some lessons, however, must be painfully relearned.

One lesson I believe our country is learning is that civil liberties may not be suspended in the name of national security. We found out the hard way how easy it is to let our fears overrule our principles. We cannot round up citizens arbitrarily, as we did with the internment of Japanese-Americans during World War II. We cannot harass and abuse protesters as the FBI did during the 1960's. And we cannot deceive the American people with false propaganda as the Government did during the Vietnam war.

I believe the President when he says this will not be Vietnam. I am sure he will not knowingly and willfully mislead Congress and the American people on the progress of this war. Yet he has surely learned another lesson of Vietnam—that bringing the reality of war home to Americans through television and other sources forces them to confront the cost and pain of real war. People may then question whether, in fact, the price is worth it.

It appears to me that this administration and the last may have learned this lesson too well, for both demonstrated a disturbing pattern of press censorship during previous conflicts. Where were the press during Grenada? Where were the press during Panama? Was the public adequately informed about these operations?

We all understand that some restrictions must be imposed on military information. The press understands this as well. We understand also the difficulty of feeding an insatiable press appetite for conflict and controversy, for instant news and analysis. Thus far, it would appear that most officials have offered remarkably sober and cautious assessments of this war.

Yet recent reports indicate that the administration is falling into the same traps others have suffered. There are reports that it is holding up timely news dispatches for no good reason, flatout censoring some news that is neither classified nor sensitive, attempting to soften negative perceptions, releasing information that is contradictory or inadequate, and not providing sufficient documentation for some of its claims. I would like to submit for the RECORD an article from the Washington Post this weekend that examines some of these claims.

The article follows:

[From the Washington Post, Jan. 26, 1991]

CORRESPONDENTS CHAFE OVER CURBS ON NEWS—RULES MEANT TO PROTECT TROOPS, OFFICIALS SAY

(By Howard Kurtz)

Carol Morello, a Philadelphia Inquirer reporter, was aboard a U.S. aircraft carrier when it was announced over a loudspeaker that the Persian Gulf War had begun. Pilots on board started cheering and giving each other high-fives. But Morello said she and other reporters were quickly hustled below by their U.S. military escort.

"He rounded us up in this little room for that first crucial hour," Morello said. "I tried begging, I tried arguing, I tried banging my head against the wall. I said, 'History is being made.' By the time we got out, that initial euphoria had died down."

Journalists and military officials in the gulf have engaged in a series of low-level skirmishes over the Defense Department's restrictions on media coverage. Reporters in combat pools must submit stories for "security review," and military escorts must accompany all reporters in the region.

Some reporters say the censors have limited their access, changed phrases, deleted facts and refused to approve dispatches until they were old news. For example:

New York Times reporter Malcolm W. Browne said officers told him that U.S. air strikes had destroyed much of Iraq's nuclear capability but that a unit commander blocked his pool report, saying it would aid Iraqi intelligence. Defense officials later disclosed the same information at a press news briefing. "The Pentagon is clearly eager to be the first to report the most newsworthy information," Browne wrote.

Peter Copeland, a Scripps-Howard reporter, said military officials delayed his reporting with Saudi pilots for 53 hours. "The worst nightmare for a journalist is to have a great story and not be able to tell it," he told Knight-Ridder Newspapers.

Frank Bruni of the Detroit Free Press said he filed a story describing returning pilots as "giddy" but that a military censor changed the word to "proud."

Pilots aboard the aircraft carrier USS John F. Kennedy told an Associated Press reporter that they had been watching pornographic movies before flying bombing missions, according to Morello. She said the censor deleted the information, saying it "would be too embarrassing" and also excused one pilot's use of an obscenity.

A New York Times pool dispatch reported "stealth" bombers striking Baghdad on the war's first day, but military officials referred the article to "stealth" headquarters in Nevada for review. The news was stale by the time it was cleared a day later.

Defense Department spokesman Pete Williams has maintained that the rules are meant to protect U.S. forces. In any event, he said, news organizations make the final decision on what to publish or broadcast. But news executives say the process is so cumbersome that important news is delayed and note that the department can revoke the credentials of offending reporters.

A senior military official said some reporters had inadvertently disclosed sensitive information. One television report, he said, described how a French unit was moving parallel to an American unit. "It tells the battle guys on the other side how we're lining up," he said.

Public sympathy for the media's complaints appears limited. Many people complain that aggressive reporting is harming the war effort. "I don't know why you're so intent on proving massive failures of some kind," White House spokesman Marlin Fitzwater told reporters Wednesday.

A survey by Frank Magid Associates found that 24 percent of those polled believe that the media has too much freedom, 17 percent said the restrictions should be eased and 54 percent said the rules were about right.

Thirteen publications and writers, including the Village Voice, the Nation, Harper's and authors William Styron and E.L. Doctorow, have sued the Defense Department, charging that the rules are unconstitutional. Fifteen members of Congress, led by Rep. Bruce F. Vento (D-Minn.), criticized the restrictions in a letter to Defense Secretary Richard B. Cheney.

Correspondents also must contend with Saudi and Israeli censorship. After an Iraqi missile attack yesterday, Cable News Network's Gary Strieker said from Tel Aviv, "We're awaiting word from the censors on what we can say."

Some reporters are pleased with the U.S. pool arrangements, saying military officials have cleared more than 200 pool reports with few incidents. "Most of us are amazed by how much they're letting get through," said Molly Moore, a Washington Post staff writer in Saudi Arabia.

But Morello said that, on the USS Kennedy, her stories were subjected to "a triple review" by her military escort, the ship's public affairs officer and the commanding officer. "The only way you can appeal is to hold up your story for days if not weeks," she said.

"This is a total, complete news blackout," said Ron Nessen, vice president of Mutual Broadcasting System and a former White House press secretary. "We've seen airplanes taking off and airplanes landing, and occasionally they bring a pilot out to talk about his adventures."

Nessen, a former NBC correspondent in Vietnam, said military officials believe that negative coverage of the Vietnam War undermined public support at home, and "they've just decided they're not going to let that happen again."

Newsday reporter Patrick Sloyan said he would not join a military pool because he did not want "a flack hanging over my back intimidating the guy I'm talking to. I think the pools are a trap. They'll take you only where they want to go, let you see what, they want you to see."

Ultimately, the American people must evaluate the information they receive on this war, and it will be they—not the President or the generals—who must judge the progress and success of our mission. They will need as much information as is practical to do this.

They say the first casualty of war is the truth. Because of the extraordinary sacrifice of human lives during war, it becomes imperative that we not sacrifice the truth as well. We learned in Vietnam that you cannot deceive the American people. Eventually, the truth will come out. I trust the American people to make their own judgments, as democracy demands, when they have the best information available.

Sometimes that truth will be painful, ugly, and disturbing. I believe, as Patrick Henry said:

> It is natural to man to indulge in the illusions of hope * * * [but] for my part, whatever anguish of spirit it might cost, I am willing to know the whole truth; to know the worst, and to provide for it.

☐ 1540

Mr. OWENS of Utah. Mr. Speaker, I thank my colleague, the gentleman from Washington, for those excellent remarks.

Mr. Speaker, I yield to my friend and cousin, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman from Utah and congratulate him on the presentation of this special order on censorship.

I think it is important to note what the meaning of censorship is. Overwhelmingly, the American people, according to recent polls, support censorship. They say, "We need more censorship instead of less." I think the American people conceive of censorship as being a control of information in order to protect our troops in the field, in order to protect our pilots who are flying, in order to protect our naval vessels, that the control of information is to protect them and if that information were not tightly controlled they would, in some way, be in danger.

A few days ago there was a television forum, and the reporter, Syd Schanberg, who distinguished himself in reporting on the war in Vietnam and the war in Cambodia, Syd Schanberg, stated that in no instance in Vietnam was any reporter, any journalist ever accused of releasing information that jeopardized the safety of the troops and the war effort. He also said that in World War II and in Korea no journalist was ever accused of releasing information that endangered the war effort, that endangered the troops in the field. They are not guilty; American journalists are not guilty of releasing information that jeopardizes our troops.

So why do we need the censorship? Why do we need the control? They understand very well, and their conduct in the past has demonstrated that they will abide by a code which says that they will do nothing to jeopardize the safety of our troops.

I do not think that the rules that have been imposed are for the purpose of protecting the safety of our troops. The rules that have been imposed are for the purpose of controlling what Americans in this country receive and controlling the way we think about the war, and in the process of trying to make that kind of control or maintain that kind of control, we have situations which have already backfired on us, because the tendency, the temptation of the military if they have full control is to exaggerate and to distort. And the reporting of what happened during the first few days of the war was exaggerated and distorted in ways which forced certain Americans who were less experienced with this kind of situation to experience a bit of trauma when they suddenly discovered that the euphoria of the first few days of the war, when it appeared that we had soundly destroyed the enemy, that Iraq was at a point where it could not rise from the ashes and it was only a matter of days before it would all be over, that is the kind of reporting we got as a result of total control by the military. The military did not bother to tell us about the inadequacies or the limitations of their own capacity to assess the damage that they had done. They have told us about that now, many days later; they tell us, "Well, we have a limited capacity to assess the damage," but the first few days the damage was done according to them. "We have destroyed the command-and-control potential of Iraq." It was all done. The military did not bother to tell us about decoys and the way decoys may deceive the people who are dropping the bombs and who are in the air.

Nevertheless, a few days ago I read an article which showed that American military officers had been in Italy interviewing some of the people who specialized in making decoys, and one of the places that they went to was a place which made decoys of any kind of armaments from anywhere in the world, and Iraq had purchased a large number of decoys from this place. Our military had been there. They knew about this place. They knew about the possibility of decoys deceiving American pilots and, yet, they never mentioned this in the first few days of the war. It only comes out later. It is a deliberate withholding of certain information.

I do not mind a delay in information if the military concedes that that delay is going to safeguard the well-being of our troops, but delays of information merely to create an atmosphere and a kind of sense of victory is a distortion which will backfire eventually, and even the American people who now overwhelmingly vote for more censorship will come to distrust their own Government, distrust all the reporting and, in the final analysis, they will lose faith in our effort, our war effort.

What we have is a situation where the quantity of information, the quantity of what is coming over the television stations and the radio stations is certainly sufficient. The problem is not quantity. The problem is diversity and quality, selectivity. We can see the same canned interviews on every station two or three times a day, and in the process of canning interviews, the military does a very bad job of it. It looks like a canned interview. It looks like a rehearsal. It looks like we have degraded this war to theater, third-class theater, where they are showing us how good a certain weapon is or they are showing us how the troops are training and how they are preparing themselves, and it looks so canned, because they have set it up in such a rigid way that an air of unreality takes over, and we have a situation where we are getting plenty of information. We are watching a war in our living rooms on television, but the whole thing is very unreal.

How do the American people make decisions in an unreal situation like this when they are given an unreal picture of the developments as they take place? It is important not only for the Congress, people who make vital decisions, the Government officials to have the right information, but since in this democracy public opinion drives so much of what we decide and do at this level, so much of what our Government decides to do, we should not, you know, set that public opinion up by giving it the wrong information. We should not distort what is being fed to the public so that we get a result and a reaction which is based on false assumptions.

We should not set all of us up for situations where the truth, when it comes out, makes it appear that the enemy has some kind of unusual, exceptional, supernatural powers. The enemy that was supposed to have been destroyed in the first few days of the war suddenly arises, and they have all kinds of tricks. It appears that they are stronger and more clever than they are. We were supposed to have destroyed the Scud missile launchers and, yet, they bounced back. We now admit that we have no way of knowing that we have destroyed the stationary Scud missile launchers, and they did not tell us about the mobile ones until later. So now there are mobile ones and stationary ones, and we think that we have destroyed almost none of the mobile ones, while we might have destroyed quite a number of the stationary Scud launchers. Why could we not have the same information at the beginning?

The enemy appears to be more competent, far move clever than he really is as a result of distortions of information.

I hope this war is ended soon. I hope that we do not have a bloodbath as the land war is forced to take place. I hope that we can find some solution which will minimize the number of casualties.

But, in the meantime, let us not be driven by the kind of hysteria that tells us that everything the military does is correct and that the military, when they censor the press and they block us from receiving information from a diverse number of sources, they are doing the right thing to protect our troops. They are not protecting our troops. They are distorting the truth. They are distorting the view of the war that we get. They are placing this democracy in greater jeopardy than it needs to be placed in.

Mr. OWENS of Utah. Mr. Speaker, I thank the gentleman from New York for his excellent remarks.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, I want to thank my brother from Utah, my good friend, for taking this time so that we can come over here and talk about something that I think a relatively small number of us are concerned about in the Congress and the country.

□ 1550

That is, the efforts of the Pentagon and the White House to politicize this war and to make it look a whole lot better than it is, and to make it appear as if it is going a whole lot better than it is. That troubles me very deeply, not only because it is wrong in the case of this war but because it goes to the very heart of our democratic system, and what this country is all about.

While I do not generally regard myself as somebody who does not trust the Government, and I am not in the camp of those people who are antipolitician or antigovernment or anti-Washington, when it comes to this subject, I do not trust the Government. I do not think the Government is going to give Members information which will make the Government look bad. That is why we have a free press in this country, so that we can get an accurate picture of what is going on.

To the extent that the Pentagon and the White House has succeeded in diminishing that capability on the part of the American press, they have done a tremendous disservice to our country, and I think they have done a disservice to the military, and they have done a disservice to themselves.

Very briefly, there are really three rules that trouble me. The first is the pool rule, which says that the press cannot travel around the country individually to get news. They have to go in a pool. It is a rotating pool. It is anywhere between 12 and 15 people. Sometimes it is not that large. Of course, generally the big networks get picked up and the big papers in the big cities get picked up, and the wire services get picked up, and some of the small magazines, those very small magazines that have filed suit against this procedure do not get picked up. So the coverage really is slanted.

Of course, it prevents people from digging around and finding out what they want to find out, and rooting around and asking questions which the Government does not want asked. Of course, that is what being a reporter is all about. That is the job. That is what we ought to be doing.

Second, all of the print media, all of the film, all of the voice, is censored. Most of it is allowed to come back to this country. It has not proven to be a big problem, but I cannot figure out why the U.S. Government should have the right to censor the news that we are putting in the American newspapers or on television or on the radio, with the obvious exception of giving away information which would jeopardize our troops. That is not at issue here. Of course, that is what people always say, "Well, aren't you worried about giving Saddam Hussein some information that is going to jeopardize our troops?" Of course we are, and of course, we do not want that to happen.

Ms. OAKAR. Mr. Speaker, 75 years ago, Senator Hiram Johnson observed, "The first casualty when war comes is truth." I do not wish to see that metaphor become fact during the current war in the Persian Gulf because war managers in the Pentagon have appointed themselves news managers as well.

What is the truth? We don't know. That is what we expect print and broadcast journalists to ferret out. We do know it is not some managed dog-and-pony show orchestrated by vested interests—whether it is some Pentagon public affairs officer looking over the shoulder of journalists or shocking television pictures of battered American pilots being paraded before the world by a despot.

Journalists are every much patriots as the audiences who anxiously await their reports. Journalists understand and, for the most part, will play by the rules of responsible restraint. Let us not wait for later to demand why we did not find our sooner.

Joint Chiefs of Staff Chairman Colin Powell says, "Trust me." I do. But I also trust the media. We have unleashed the "dog of war," as Jefferson put it. Let us also take the muzzle off the free press.

Mr. OWENS of Utah. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

AGENT ORANGE COMPROMISE

Mr. BURTON of Indiana. Mr. Speaker, today we are considering two bills of vital importance to the veterans' community. The first bill, H.R. 556, directs the Secretary of Veterans Affairs to obtain an independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.

Mr. Speaker, H.R. 556 is an important step in ending the long and divisive battle over the agent orange issue. For the last decade, a battle has raged between the Federal Government and our Vietnam veterans. Unfortunately, the same battle has been fought among our Nation's veterans' service organizations.

The legislation we are now considering is a compromise. It is a compromise between those groups who want compensation for various disabilities and those groups who believe that more time is needed to assess the scientific evidence surrounding the agent orange issue. I believe this bill has the potential to quell some of the bitterness that divides these two groups.

Mr. Speaker, it is important to note that H.R. 556 enjoys the support of the Secretary of Veteran Affairs, Edward Derwinski, the House Veterans' Affairs Committee, and a combination of Members of Congress who in the past have fought each other tooth and nail over this issue. It reflects a sincere and realistic attempt to determine whether exposure to herbicides in Vietnam has caused any of the various disabilities now present in the veterans' community.

Specifically, this legislation codifies a prior administrative decision by Secretary Derwinski to deem three conditions service-connected for compensation purposes. It will also ask the National Academy of Sciences to conduct a comprehensive review of all the available and future evidence on the long-term health effects of exposure to various herbicides. Based on the conclusions of this review, the Secretary of Veterans Affairs will be expected to decide whether any further presumptions for any disease should be granted.

The debate on whether compensation should be provided for illness related to the exposure to agent orange has gone on far too long. It's time to settle the issue, so we can move on to other serious problems that now plague our veterans. I believe that H.R. 556 goes a long way toward achieving this goal, and I urge all of my colleagues to support this important legislation.

Mr. Speaker, before I conclude my remarks I want to express my support for a second bill we will be voting on here today. That bill is H.R. 555. This legislation amends the Soldiers' and Sailors' Relief Act of 1940 to improve and clarify the protections provided to our soldiers under the act.

Mr. Speaker, during the 101st Congress, the House Veterans' Affairs Committee held hearings to determine what adjustments were needed to the Soldiers' and Sailors' Relief Act in order to meet the needs of the service people called to active duty as a result of Operation Desert Storm. I believe that H.R. 555 goes a long way toward alleviating most of the domestic concerns of those men and women now serving in the gulf.

Specifically, this bill suspends premium payments on professional liability insurance to assist those doctors who have been called to active duty. It also guarantees the reinstatement of private health insurance for service members and their families upon their return from active duty. This provision will ensure that service members do not lose their health insurance as a result of their service.

Furthermore, H.R. 555 will increase the protection against possible eviction for families paying rent from $400 to $1,200 per month. This adjustment reflects the dramatic increase in housing costs over since the inception of the Soldiers' and Sailors' Relief Act in 1940. Finally, this bill protects service people from pending legal proceedings while they are in the gulf.

Mr. Speaker, I urge my colleagues to support H.R. 555. It's simply the least we can do for those brave young men and women who are now risking their lives in the Persian Gulf.

CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KOSTMAYER] so he may continue the special order on the subject of reporting the war.

Mr. KOSTMAYER. Finally, the rule that a reporter cannot interview a GI alone, they have to have somebody from the military along while they are intervewing a GI. If a reporter wants to ask him if the food is any good, they cannot interview any GI alone. No GI will be perfectly candid with the reporter when somebody who is their superior is there while he is being questioned.

A person on my staff finally spoke yesterday to a fellow named Barry Zoratian, who from 1964 to 1968 was the chief press officer in Vietnam for military. He said that then there were about 650 reporters in the area. Now there are about 750 reporters in the area. That is 100 more. This is not a matter of logistics. There was a voluntary list. It worked in Vietnam. He says there were he believes about 6 disclosures all totally inadvertent.

This is an effort to make this war look better than it is, not an effort to protect the troops or to protect this country. This is an effort of the White House, of the President, and by the Pentagon to influence, I think very favorably, the coverage of the war in the Persian Gulf. It is wrong. The Congress ought to be a good deal more outraged about it than we are. The country ought to be more outraged about it than we are, and I am delighted there were a few Members here in the House, especially the gentleman from Utah [Mr. OWENS] who remember why the people in our district sent each member here, and to ask others in the country, and especially in the press, that rolled over and played dead in the whole issue, while we are not asking some tough questions.

Mr. OWENS of New York. Mr. Speaker, I yield to the gentleman from Utah [Mr. OWENS].

Mr. OWENS of Utah. Mr. Speaker, I thank all those who have participated in this special order. It is interesting to note, in conclusion, Mr. Speaker, that there were those people who really believe, apparently, that the war in Vietnam was lost because of the press. To that allegation, I cite the Army's own history of the Vietnam war:

> What alienated the American public in both the Korean and Vietnam wars was not news coverage but casualties.

Wrote Army historian William L. Hammond. He said:

> It is undeniable that press reports were more often accurate than the public statements or the administration in portraying the situation in Vietnam. In the end, President Johnson and his advisers put too much faith in public relations.

To that, Mr. Speaker, I add this valedictory: Too little faith in the ability of the American people to recognize and accept truth.

LESSON 2: WAR AND OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, as the war in the Persian Gulf enters its third week, two fundamental issues confront the American people.

The first is how we Americans conduct ourselves toward one another as this war continues. On the homefront, this is a time for brotherhood and sisterhood in America. War breeds strong emotions. It engages our attention; and as we know during the Vietnam war, war can be divisive. But this is not a time for people to lash out in anger at fellow citizens who, in their own way, are expressing their views on this war. I have seen anger where there should be tolerance; I have seen prejudice, where there should be understanding. There is much we can do to be helpful, rather than hurtful, at this time when national unity demands the finest that is in us all. As our sons and daughters stand poised for battle, mutual respect must rule the day here at home.

As this war continues, people's emotions and opinions about the war are only going to get stronger. It is, therefore, imperative for all Americans to remind ourselves that the definition of patriotism cannot be limited—that who is patriotic and who is not—cannot be defined or limited by any self-appointed group of Americans.

A second issue. It is imperative that the American people come to understand the causes for this war. That they know why brave men and women are in battle. We need to fully understand the patterns of economic power, the institutional arrangements, and the power of the multinational oil companies—a private power axis largely hidden from public view. These have helped to shape our policy in the Middle East in the course of the last three decades. We need to know the lessons of history so once this war is over, we will never again have to send our troops in harm's way for barrels of oil.

Let me speak to each of these issues.

First, protecting the right of dissent in times of war. Dissent is not disloyalty. The Constitution upholds the right of all Americans, regardless of their views on this war, to be heard in the public forum.

The Bill of Rights, as we all know, does not define who is a patriot and who is not. The Bill of Rights defines our right to be patriotic. It does not define what is patriotic. Nor does it limit the ability of any American to express those rights in a time of war.

□ 1600

That is what makes America unique. Free speech, including the right to approve as well as dissent is at the very core of our constitutional principles. It goes to the very heart of who we are as a people.

Let me reiterate, there is a strong distinction between dissent and disloyalty, and as one of my constituents has said, "A patriot is more than a missile."

It is, therefore, unacceptable to question the patriotism of any American, and it is not acceptable to assert that Americans who dissent in any way, directly or indirectly, are helping Saddam Hussein prolong this war. Long after Saddam Hussein has come and gone, the Bill of Rights will remain. It will remain because it is a document of breadth and vision and it will remain only if all Americans, regardless of their views on this war, subscribe to the principles encapsulated in it.

I therefore applaud President Bush for his recent remarks on the rights of all Americans to dissent, even against a policy that he believes is the right course.

This is a time for Americans to treat one another with dignity, respect and tolerance. There remains an enormous disquietude in America about the "why" of this war. Every pollster knows it. That disquiet and sense of unease is just under the very big numbers supporting the President. Those Americans who articulate that disquiet are no less patriotic than any Member of this House. All Members, regardless of their views, on the "why" of this war recognize the sacrifices our troops are making in the gulf. Supporting our troops is not the issue. All Americans support our troops.

The issue is America's long-term role in the Middle East.

Last week I spoke at some length about the power of oil in shaping and defining the American experience in the Middle East. I said that this war, an economic war, had been a long time in coming. The American people need to know the lessons of history to understand why at this particular juncture in time America is fighting its first oil war. This crisis is just one of a series of oil shocks in the last three decades that have brought the United States and its allies to the edge of war.

This war is not an aberration, Mr. Speaker, not an aberration at all. It is a continuation of an economic struggle that has engaged American policymakers since World War II.

Saddam Hussein lit the fuse for this war when he invaded Kuwait on August 2, make no mistake about it.

Saddam Hussein is brutal and calculating and a dictator who seems to think only of his own ambition, but this war is not just a war to drop a bomb on Saddam Hussein's ego or to deflate his megalomania; no, nor is it in truth a war to end brutality in Kuwait, for America has on more than one occasion turned its back on people in other lands who were under the thumb of very brutal dictators. If brutality alone was the sole rational for intervention, the United States long ago would have gone after the dozens of brutal dictators and killers who have denied the very humanity of their own people in our 20th century; but as we know all too well, the mass killings of an Idi Amin in Uganda or a Pol Pot in Cambodia did not provoke us into war. No, Mr. Speaker, this is an economic war, a war for oil security. It is a war to protect the wellhead and our continued access to the long-term proven oil reserves under the sands of the Middle East. It is a struggle to gain access to a secure source of oil from a region of the world that has historically been unstable, a region that at times has been hostile to American interests and is becoming more so.

It is a struggle, Mr. Speaker, that has demanded the attention of every American President, Democrat and Republican, since the end of World War II. At times this struggle has been simply economic. At times it has led to war; but make no mistake about it, this is an oil war, an economic war.

From the "Politics of Oil," a book written by Robert Engler back in the late 1960's or early 1970's, we learned, "Oil has long been the key reason for western intervention in the Middle East."

In the summer of 1958, a military-led and middle-class dominated coup overthrew a pro-western reactionary dictatorship in Iraq. The one Arab country in the Baghdad pact, this oil-rich country had been a center of British influence in the Middle East and a recipient of considerable American military aid.

Then American Marines landed in Lebanon and British paratroopers descended upon Jordan in an effort to contain the revolt and to bolster the collapsing western design for the Middle East.

The United States explained that its action was taken to protect American lives and prevent the indirect aggression of assassins in plainclothes seeking to place Lebanon under the domination of Nassir's United Arab Republic. During this time, a New York Times dispatch from Beirut reported a highly experienced military analyst as guessing that the job of smashing the headquarters of the opposition to the government might be done with two tanks alone.

Meanwhile, the Soviet Union delegate told the United Nations that he detected an acute smell of oil underlying the troop movements, and the New York Times further reported a series of conferences at which President Eisenhower, Secretary of State Dulles and Foreign Secretary Selwin Lloyd of Britain had agreed to limit their military action in the Middle East for the time being to Lebanon and Jordan, quoting, "As long as intervention will not be extended to Iraq, as long as the revoluntionary government in Iraq respects western oil interests," said the front page dispatch.

This gunboat diplomacy was clearly in line with the State Department's commitment to pipelines and oil profits.

Mr. Speaker, I am speaking about the power of oil for the second week in a row because the people of the United States need to know why we are fighting this war. They want to know. They deserve the facts. Their children are going to die. Their sons and daughters are on the front lines as we speak.

So this is my way to help this understanding, to remind Americans about the lessons of history, those we learned and those we did not learn, so that once this war is over we will never ever have to send our troops again into battle for oil.

We need to fully understand the patterns of economic power, the institutional arrangements and the power of the multi-national oil giants in shaping our policy in the Middle East over the last three decades.

Last week I spoke at some length about how the power of oil dominated the economic history of the 20th century. I quoted Churchill who best embodied the quest for oil where it has been said, "Mastery itself was the prize of the venture."

I went on to read into the RECORD the prologue of Daniel Yergin's important new book entitled "The Prize, the Epic Quest for Oil, Money and Power," the book that defines the 20th century as the century of oil, a book with three great themes: The power of oil in the rise and development of capitalism in modern business, the power of oil as a commodity intimately intertwined with national strategies and global politics and power, and third, the power of oil to shape and define our society to such an extent that man and woman, himself and herself, could aptly be defined in the language of anthropologists as hydrocarbon man and woman.

I also spoke about the many crises that have preceded the war that now currently demands our attention.

I spoke about the Suez crisis of 1956, of how Kuwait and Iraq, then allies, cut off our oil supplies in 1967 because of our support for Israel in the Six-Day War.

I described how the Arab nations began to nationalize western oil companies, to demand a re-definition of established rules of oil pricing and who got the profits.

The American people need to hear more about the role of Gulf Oil Corp. and British Petroleum in Kuwait. Our people need to hear more about the role of Exxon and Mobil in Iraq, and we need to learn more about Aramco, the Saudi Arabian oil company with historic ties to Exxon, Chevron, Texaco, and Mobil.

It does not surprise me at all that the new Texaco ads on television attempt to spruce up Texaco's image, or that Mobil has taken out big newspaper ads even in our congressional newsletter called Roll Call, explaining how puny their profits really are.

□ 1610

The profits of the big multinational oil companies have been skyrocketing since Iraq invaded Kuwait. Some companies are making big profits on this war.

Chevron's earnings rose by 860 percent in 1990. Chevron earned $633 million in the fourth quarter compared with a loss higher than that in the fourth quarter of 1989.

Exxon's earnings in 1990 rose about 8 percent. But if the expenses from the 1989 cleanup of the Valdez oil spill and a one-time accounting change are included, earnings rose 43 percent.

Mobil has stated that its profits rose 7 percent in 1990, led by a sharp increase in fourth-quarter results caused by rising oil prices. But in the fourth quarter of last year Mobil earned $651 million, which is up 46 percent from its profits a year ago.

Texaco, not to be outdone, reported a 35 percent increase in profits for the fourth quarter of $388 million.

Now, let me cite an example: Texaco and the Saudi Arabian oil company, Aramco, have a relationship that is extremely vertically integrated. Texaco has agreed to buy something along the order of 600,000 barrels of oil per day from Aramco at predetermined prices. This assures Aramco access to the market controlled by Texaco at stable prices and, in turn, gives Texaco assured access to that oil.

The relationship is cemented by the joint venture company of Star Enterprises.

These relationships, once developed, can be very exclusive.

As evidence of this, Texaco's profits have risen dramatically while Ashland Corp.'s profits, which does not have access to crude oil, have been tumbling.

Some smaller oil-producing countries with less oil to move may outright buy refining capabilities and market access.

Kuwait is a good example of this, as they bought out Santa Fe International in our own country for this purpose.

Thus these countries become even more representative of monopolies of old, having fully integrated the process from production to selling it at the gas pumps that our citizens go to every week.

The relationship between oil-producing countries and their governments and oil corporations is relatively simple in design but exceedingly complex in organization. In short, they have covered their bases well.

After this war ends, there will be a real movement toward direct investment by these oil companies in the Gulf States. Having been closed to direct foreign investment for some time now, this will represent a marked change in policy and an increasingly influential role in the area for oil corporations that can afford to invest the capital.

In actuality, it will be a reversal back to the past.

So the war we are in today has everything to do with who and which countries and companies control the enormous profits, and I mean enormous, involved in the sale of Middle East oil.

Last week I talked about the rise of OPEC, the Middle Eastern consortium of those nations and their companies, and how that new cartel and its oil card was played against the American consumer in our country back in 1973.

It is no secret how our economy went into an economic tailspin resulting from higher oil prices when the oil-producing nations, whose populations were and are largely poor, organized together to ask more money for a barrel of oil.

Let me give you some figures: In 1973 the price of a barrel of light crude oil went from $3.12 a barrel to $4.90 a barrel in October 1973. In December, then, prices rose again from $5.11 to $11.65. So that was a rise of almost quadrupling from $3.12 up to $11.65 a barrel.

Prior to that, in nations like Kuwait this is what it cost the oil companies to lift a barrel of oil. So let us look at what they made in profits on a barrel. It cost Western-owned oil companies 8 cents a barrel, 8 cents per barrel, to lift a barrel of oil. That oil was then marketed internationally, most of it to the United States, for $2.48 a barrel. Half of that profit, $1.24 of it, went as royalties to the kings or emirs of those nations, thus the name "royalty."

For every royalty, for every penny of royalty paid to a king, the U.S. company striking that deal got, and gets until today, an enormous U.S. tax break in the form of a straight and full deduction from taxes owed to the U.S. Government on all of its revenues paid as royalties. That is a very important word, "royalties," very special treatment in our tax laws.

America has never fully recovered as a result of the 1973 recession, and every day the taxpayers of our country are subsidizing through the tax system the payment of these royalties to the kings and emirs of the Middle East.

The defining year is 1973, the very break point in the economic history of the United States following World War II.

Prior to 1973 it could be said that the United States was indeed a nation that reigned supreme economically. Despite the cold war, the Vietnam war and all the political turbulence of the post-World War II era, the United States prior to 1973 was a country that remained above the economic turbulence of the rest of the world. But as we all know and know all too well, that time has come and gone.

The oil shock of 1973 is the oil shock that changed America. Today, over half of the U.S. trade deficit with the rest of the world is due to what we have to pay for imported oil, fully 55 percent of our national trade deficit falls in the category of imported oil.

Mr. Speaker, is it not time America took stock of itself and moved in a new direction toward energy independence from foreign supplies?

Mr. Speaker, 1973 seems a very long time ago, but even then the threat of war, the linkage between our energy situation and the Palestinian question was ever on the minds of far-sighted experts.

Last week David Warsh, a columnist for the Boston Globe, wrote an insightful column in the business section of the Washington Post entitled "Oil Remains the Driving Force of the Persian Gulf War."

The text of the article referred to is as follows:

[From the Washington Post, Jan. 23, 1991]

OIL REMAINS THE DRIVING FORCE OF THE PERSIAN GULF WAR

(By David Warsh)

Twenty years, three oil shocks, three global recessions: The Persian Gulf War that began last week may have been about borders. It may have been about civility. But deep down, its purpose is to take away the "oil weapon" from the nations that have exercised it since 1971.

Though not officially stated in such terms, the idea involves eliminating the government that has reached for the weapon most recently and intimidating the others. But President Bush had little to say the night war broke out in describing his war aims regarding the slow growth and the cycles of boom and bust that have plagued the international order since the Organization of Petroleum Exporting Countries gained control of prices.

Instead, the president repeatedly stressed the brutality of the Iraqi invasion of Kuwait. Only obliquely did he refer to the stakes (that could ultimately make the war worthwhile).

"While the world waited, while Saddam stalled, more damage was being done to the fragile economies of the Third World, the emerging democracies of Eastern Europe, to the entire world, including to our own economy," the president said. That brief mention notwithstanding, when the history books are written, the period of instability that began with the "oil embargo" of 1973 is likely to form the core of the story of the gulf war.

How might this war help the world economy free itself from the periodic stranglehold on oil that has been exercised by the oil-rich nations? It helps to go back to one of the basic economic stories of the last 20 years. Few technical issues are more susceptible to argument than the provision and distribution of energy in the world economy. But the broad outlines of a story acceptable to most experts was related by energy economist M.A. Adelman of the Massachusetts Institute of Technology in congressional testimony last autumn.

For most of a century after its discovery in 1859, Adelman said, oil's world price was held well above the cost of finding new reserves by the multinational oil companies. Then, in the years after World War II, oil's inflation-adjusted price fell by 80 percent. It hit bottom in 1970. It was then that the cartel of sovereign governments known as OPEC discovered it could exercise control of the price of oil through a combination of output cuts, threats and the shrewd manufacture of crises.

There is reason to believe, Adelman said, that the OPEC nations were abetted in their early efforts by the Nixon administration, which was anxious at the time to arm the nations of the Middle East—Iran in particular—against the Soviet Union.

Slowly at first, then in a series of sharp increases, the cartel of nations raised the price of oil 15-fold, adjusted for inflation, between 1970 and 1971, to markups far beyond those ever contemplated by the companies that had administered the oil market. The result of this governmental gouging was, as Adelman said, worldwide suffering on a grand scale. Among the consequences he noted:

Industrial nations tumbled into steep recessions twice, in 1974 and 1981. The latter slowdown in Europe turned into a six-year depression. The lost output cost the world hundreds of billions of dollars. Declining productivity growth translated into stagnant living standards that strained normally confident societies.

Less-developed countries devastated their forests for fuel. They ran up staggering debts in a vain attempt to outrun the oil shocks—debts whose ultimate uncollectability shut down new lending for worthy purposes and ultimately threatened the banking system of the West.

Arab nations invested huge portions of their oil revenues in armaments. Petrodollars financed the eight-year Iraq-Iran war, for example, with 1 million dead and 3 million casualties and refugees.

The third oil shock, which began last summer, was no different from the earlier two, Adelman argued. Last June, oil was selling for aobut $13 a barrel and the market verged on the brink of a further steep decline. Two months later, when Iraq invaded Kuwait, prices skyrocketed toward $40 a barrel. Overripe after eight years of debt-financed expansion, the United States paused momentarily on the brink, then tumbled into recession. Sales fell, unemployment rose sharply, the budget deficit soared, the banking system threatened to collapse.

Although Federal Reserve Board Chairman Alan Greenspan has said that he thought the recession just might have bottomed out, much depends on the price of oil—and so on the outcome of the war.

Just how, then, might a successful gulf war stabilize the price of oil? And at what level? With no one in the Bush administration talking much about war aims other than "the liberation of Kuwait," it is difficult to say.

But the very unanimity with which the United Nations reached its votes, and with which 28 nations assembled their military mission in the gulf suggests the extent to which a stable world economic order is desired. Predictable oil prices would form a significant part of such a world—and precisely those nations threatened by Saddam Hussein's August invasion, Kuwait and Saudi Arabia, are thought to be most deeply committed to a policy of stable prices.

It's not gas-guzzling cars and fast boats that are the issue. Nations are free to tax the use of energy as heavily as they see fit. Indeed, they can confidently be expected to do so if an environmental crisis looms. Rather, it is the freedom from sudden and disruptive shocks arising from cartel shenanigans that is desired by Bush and the leaders of the 27 nations that joined him.

On the morning after the war began, oil prices plummeted a long way toward what the markets figure might be their long-term price of $15 or less, and the possibility arose that the war might be more or less self-financing, through stronger-than-expected economic growth. So why, then, did Bush have so little to say about the economic basis of the war? Well, for one thing, the state of economic understanding of the processes of growth and development is hardly such that he could firmly base moral claims of life and death upon it. It is much better to base your policy on the promise that it will stop the torture of children than on your hope that it will enhance industrial and agricultural productivity.

Moreover, the gulf war offers no quick fix for slow global growth. Even if the war goes well for the coalition, much remains to be done to stitch together the new world order of which the president spoke.

Then, too, questions having to do with energy consumption are highly charged emotionally. For many people, economic growth means the greenhouse effect and nothing more.

Finally, it can hardly be said that all of America's problems—nor those of any of the other industrial nations—stem from gyrations of the price of oil, important as that strut of the story has been.

But barring a disaster, the likelihood is that the institutional arrangements of the post-Cold War world are being laid in the ashes of the war against Iraq. Not since the end of World War II has there been so much to gain from a possible victory.

Mr. Speaker, I wanted to include this column because it defines again in the most clear terms why oil is the reason that we are involved in the current war in the Middle East.

Whether America should have gone to war over imported oil is for historians to contemplate years hence. Our task today, however, is not to ignore but to recognize the reason that we are at war.

The core of the problem of why America is at war is that the United States, as a nation, believes itself to be desperately dependent upon oil, and foreign sources of it, for its continued well-being.

This shared premise began as an artificially created notion through the efforts of private interests, largely oil companies.

Now, we consume a lot of oil, and certain sectors of our economy are overly dependent on it. But let me ask why, why do we depend on imported oil so very much when the technology and natural resources, the alternatives available in this country abound?

Coal alone, we have more coal under the ground in America, more Btu's, British thermal units, under the ground in America in recoverable coal than the Middle East has Btu's, British thermal units, underground in oil.

☐ 1620

Mr. Speaker, I ask my colleagues, "Why haven't we developed that resource and cleaned up coal where we know we can do it? Why haven't we used our fields and farms to produce new alcohol and agriculturally related fuels?"

Mr. Speaker, we are the most productive Nation on Earth. Our farmers have corn and all types of products rotting in storage bins across this country, so I ask, "Why haven't we, as a country, begun to develop this tremendous resource? Or solar power, where we have learned so much through NASA? Or photovoltaics? Why haven't we perfected that technology, or hydrogen power, or hydroelectric power in those areas where we front on waterways? Why have we been so slow to develop these technologies? Could it be perhaps that those cartels that have created this dependence that America now finds hereself wed to foreign sources of supply have found it more profitable in the short run to seek higher profits for those companies than to invest here in America for the betterment of the good old U.S. of A.? Why do we continue to use inefficient practices and machines like the internal combustion engine without inventing a new generation of engines for motor vehicles for the 21st century? Do you mean to tell me a nation that landed a man on the moon in 10 years couldn't completely redo our form of motor transportation?"

Mr. Speaker, it is very possible. In fact, it is achievable.

I ask, "Why haven't we had the will to do that, and why is it the public is continually expected to swallow arguments for such an inefficient system when access to all the facts are not forthcoming?"

Back in 1975, former Secretary of State Henry Kissinger produced something he called his strangulation theory. He said then that oil is worth fighting for because it is the lifeblood of our economy and our way of life, and yet, as he strongly advocated that very position, at the very same time, in 1975, a joint Senate committee was denied information by the Under Secretary of the Interior at that time, Hollis Dole, on how much natural gas actually underlies the public lands in the United States.

Mr. Speaker, let me end by saying that a military strategy is no replacement for an energy strategy. It can very well serve as the impetus to overcome objections by vested interests, largely our oil corporations, to enable a national energy policy to come into being. But what a price to pay for 20 and 30 years of neglect. The public should be able to expect not to have to go to war again so America can heat her homes, so that we can operate our automobiles, and that we can run our factories.

Mr. Speaker, I ask my colleagues, "Why should we have to go to war to get the fuel to do that?" Energy self-sufficiency made right here at home by developing our own resources should be our top priority agenda as we move toward the 21st century. Once the shooting stops, that must be our No. 1 priority.

TECHNOLOGY SAVES LIVES

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, one of this Nation's greatest current challenges is the determination of how, in the wake of our new relationship with the Soviet Union and the current war with Iraq, we should spend our money to defend this Nation.

Not long ago, many in Congress were caught up in the euphoria of the Soviet Union's new openness and restructuring and in our new, less threatening relationship with them. To many it seemed that because the cold war was apparently over, we could feel free to tear down our military piece by piece. To them, not only were we free from the major military threat to our national security, but we were free from almost any military threat.

Shouts for massive defense cuts and "peace dividends" were vibrating off Capitol walls. Calls for the systematic dismantling of our military and wholesale elimination of new weapon systems were the battle cries in many political campaigns.

Then, amidst the euphoria came an unnerving shock: Iraq invaded Kuwait.

In August, as some Congressmen and congressional candidates instantly became military experts, many of them espoused theories about how we had sacrificed our conventional warfare capabilities by concentrating on the development and production of high technology weapons for a potential conflict with the Soviet Union. The strategic defense initiative [SDI] was among the first targets of antidefense rhetoric. Claims were made that defending against incoming missiles was a thing of the past, and that the money could be better used elsewhere.

As recently as last November, people have blamed me and others for participating in House Armed Services Committee decisions to spend money on sophisticated weaponry such as SDI, cruise missiles, and stealth technology. Our critics claimed that there was a misguided emphasis on high technology which evolved during the Reagan administration and that we should have learned from our lessons in Vietnam that high-tech air power cannot defeat an enemy force on its home terrain.

But on January 16, 1991, reality impinged upon political rhetoric and theory, and fact met fiction.

Since the early stages of the campaign to drive Saddam from Kuwait, sophisticated high-tech weapons and aircraft have performed brilliantly. Navy Tomahawk cruise missiles launched from warships in the Persian Gulf strike with amazing accuracy at military targets in downtown Baghdad. Laser guided missiles shot from F117A Stealth fighter bombers have been precisely directed down narrow buildings and directly through doors.

High technology weapons give our Armed Forces the ability to make surgical strikes, eliminating much of the death and destruction among civilians and their property near the targets. This is in stark comparison to Iraq's hopelessly inaccurate Scud missile which is fired in the general direction of crowded cities in hope of killing civilians for the sole purpose of terrorism.

Not only does this precise accuracy reduce collateral damage at the target, but it ultimately saves the lives of our airmen and soldiers by allowing us to destroy targets with few missions and by dramatically reducing Saddam's ability to wage war long before we send in ground troops. The cost of these weapons may be significant, but what is the price of saving U.S. lives and protecting our freedom?

Even after January 16, many still suggest that the strategic defense initiative is an enormous waste of money. To them, I would suggest a talk with those in Saudi Arabia and Israel who were spared facing an exploding Scud missile because a U.S. Patriot missile destroyed it in the air. The development of the Patriot is the same theory as SDI.

To those who suggest that we learn lessons from Vietnam, I submit that while they and others were standing on the sidelines, we did learn valuable lessons from that conflict.

We learned that we must support our troops with the best technology and the best logistical support and power we can muster. We learned that high technology can save lives of our American servicemen and women. And we learned that we must not only provide them with the best weapons, but that we must show strength, and hence our ability to defend this great Nation, lies not only in our technology and in our people, but in our willingness to support both.

But there are lessons still to be learned by many. There are too few in Congress who recognize that the Soviet Union is not the only threat to this Nation's security. We can no longer ignore the likes of a Saddam Hussein, a Mu'ammar Qadhafi and other dictators known and unknown as potential threats to the security of this Nation. Just one nuclear warhead and one intercontinental ballistic missile in their hands could prove devastating to our homes without a means to defend against it.

"Peace through strength" is much more than a hollow platitude. It has been a guiding principle during much of this Nation's history since George Washington said that the best way to keep the peace is to be prepared for war.

President Reagan understood this concept when he took office in 1980. He grabbed the reins of a dated, demoralized, and underfunded military, and steered it back to a position of strength. He realized that technology could be the answer to keeping the peace, and so we began investing heavily in it.

The results speak for themselves. The Soviet Union found that it faced a determined opponent in the United States whose technology would ever outpace its own. The Soviets recognized strength, and knew that they could no longer spend the sums necessary to keep up. And now, through the Iraqi crisis, we can see the wisdom of Reagan's—and Bush's—vision that the path to peace is truly through strength.

Let this sobering event teach us that we must not tear down our military capability in the face of a lessened threat from the Soviet Union. Instead we should carefully and prudently build down while continually developing our technological capabilities, so that we are never caught without a defense adequate to defend our Nation against any threat.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of a death in the family.

Ms. WEISS (at the request of Mr. GEPHARDT) for today, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAMP) to revise and extend their remarks and include extraneous material:)

Mr. MORRISON, for 5 minutes, each day on February 5 and 6.

Mr. HANSEN, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, on January 30.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. KENNELLY, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. NOWAK, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MOODY, for 60 minutes, on January 30.

Mr. RANGEL, for 60 minutes, on February 5.

Mr. ANNUNZIO, for 60 minutes, on February 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAMP) and to include extraneous matter:)

Mr. CONTE.

Mr. SHAYS.

Mr. DOOLITTLE.

Mr. BEREUTER.

Mr. HYDE.

Mr. GINGRICH.

Mr. GALLO.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. TRAFICANT in two instances.

Mr. ACKERMAN in two instances.

Mr. ROE.

Mr. MAZZOLI.

Mr. MILLER of California.

Mr. MATSUI.

Ms. SLAUGHTER.

Mr. KLECZKA.

Mr. DWYER of New Jersey.

Mr. STARK.

Mrs. KENNELLY.

Mr. KOLTER.

Mr. RAHALL in three instances.

Mr. SLATTERY.

ENROLLED BILLS SIGNED

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

BILLS PRESENTED TO THE PRESIDENT

[Omitted from the Congressional Record of Monday, January 28, 1991]

Mr. ROSS, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following titles:

On January 25, 1991:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. PICKETT). Pursuant to the order of the House of January 24, 1991, the House will stand in recess until approximately 8:40 p.m.

Accordingly (at 4 o'clock and 31 minutes p.m.) the House stood in recess until approximately 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 46 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from Michigan [Mr. VANDER JAGT]; and

The gentleman from Texas [Mr. FIELDS].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Hawaii [Mr. INOUYE];

The Senator from Illinois [Mr. DIXON];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Wisconsin [Mr. KASTEN];

The Senator from Texas [Mr. GRAMM]; and

The Senator from South Carolina [Mr. THURMOND].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Associate Justices of the Supreme Court.

The Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved from them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the United States Congress. I come to this House of the people, to speak to you and to all Americans, certain that we stand at a defining hour.

Halfway around the world, we are engaged in a great struggle in the skies and on the seas and sands. We know why we're there. We are Americans: part of something larger than ourselves.

For two centuries, we've done the hard work of freedom. And tonight, we lead the world in facing down a threat to decency and humanity.

What is at stake is more than one small country; it is a big idea: a new world order—where diverse nations are drawn together in common cause, to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. Such is a world worthy of our struggle and worthy of our children's future.

The community of nations has resolutely gathered to condemn and repel lawless aggression. Saddam Hussein's unprovoked invasion—his ruthless, systematic rape of a peaceful neighbor—violated everything the community of nations holds dear. The world has said this aggression would not stand—and it will not stand.

Together, we have resisted the trap of appeasement, cynicism, and isolation that gives temptation to tyrants. The world has answered Saddam's invasion with 12 United Nations resolutions, starting with a demand for Iraq's immediate and unconditional withdrawal—and backed up by forces from 28 countries of six continents. With few exceptions, the world now stands as one.

The end of the Cold War has been a victory for all humanity. A year and a half ago, in Germany, I said that our goal was a Europe whole and free. Tonight, Germany is united. Europe has become whole and free—and America's leadership was instrumental in making it possible.

Our relationship to the Soviet Union is important, not only to us, but to the world. That relationship has helped to shape these and other historic changes. But like many other nations, we have been deeply concerned by the violence in the Baltics, and we have communicated that concern to the Soviet leadership.

The principle that has guided us is simple: our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union. In our recent discussions with the Soviet leadership, we have been given representations, which, if fulfilled, would result in the withdrawal of some Soviet forces, a reopening of dialogue with the Republics, and a move away from violence.

We will watch carefully as the situation develops. And we will maintain our contact with the Soviet leadership to encourage continued commitment to democratization and reform.

If it is possible, I want to continue to build a lasting basis for U.S.-Soviet cooperation, for a more peaceful future for all mankind.

The triumph of democratic ideas in Eastern Europe and Latin America—and the continuing struggle for freedom elsewhere all around the world—all confirm the wisdom of our Nation's founders.

Tonight, we work to achieve another victory—a victory over tyranny, and savage aggression.

We in this Union enter the last decade of the 20th century thankful for our blessings, steadfast in our purpose, aware of our difficulties, and responsive to our duties at home and around the world.

For two centuries, America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and sacrifice.

But we also know why the hopes of humanity turn to us.

We are Americans: we have a unique responsibility to do the hard work of freedom. And when we do—freedom works.

The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to this victory for world peace and justice is the same spirit that gives us the power and the potential to meet our toughest challenges at home.

We are the resolute and resourceful. If we can selflessly confront the evil for the sake of good in a land so far away, then surely we can make this land all that it should be.

If anyone tells you that America's best days are behind her, they're looking the wrong way.

Tonight, I come before this House, and the American people, with an appeal for renewal. This is not merely a call for new government initiatives, it is a call for new initiative in government, in our communities, and from every American—to prepare for the next American century.

America has always led by example. So who among us will set the example? Which of our citizens will lead us in this next American century? Everyone who steps forward today, to get one addict off drugs. To convince one troubled teenager not to give up on life . . . to comfort one AIDS patient . . . to help one hungry child.

We have within our reach the promise of a renewed America. We can find meaning and reward by serving some purpose higher than ourselves—a shining purpose, the illumination of a thousand points of light. And it is expressed by all who know the irresistible force of a child's hand, of a friend who stands by you and stays there—a volunteer's generous gesture, an idea that is simply right.

The problems before us may be different, but the key to solving them remains the same: it is the individual—the individual who steps forward. And the state of our Union is the union of each of us, one to the other: the sum of our friendships, marriages, families, and communities.

We all have something to give. So if you know how to read, find someone who can't. If you've got a hammer, find a nail. If you're not hungry, not lonely, not in trouble—seek out someone who is.

Join the community of conscience. Do the hard work of freedom and that will define the state of our Union.

Since the birth of our Nation, "We the people" has been the source of our strength. What government can do alone is limited—but the potential of the American people knows no limits.

We are a Nation of rock-solid realism and clear-eyed idealism. We are Americans: We are the Nation that believes in the future. We are the Nation that can shape the future.

And we've begun to do just that—by strengthening the power and choice of individuals and families.

Together, these last two years, we've put dollars for child care directly in the hands of parents, instead of bureaucracies. Unshackled the potential of Americans with disabilities. Applied the creativity of the marketplace in the service of the environment, for clean air. And made homeownership possible for more Americans.

The strength of a democracy is not in bureaucracy. It is in the people and their communities. In everything we do, let us unleash the potential of our most precious resource—our citizens. We must return to families, communities, counties, cities, states, and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth and that's what America is all about.

I know, that tonight, in some regions of our country, people are in genuine economic distress and I hear them.

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down, saying "My heart is aching, and I think that you should know—your people out here are hurting badly."

I understand. And I'm not unrealistic about the future. But there are reasons to be optimistic about our economy.

First, we don't have to fight double-digit inflation. Second, most industries won't have to make big cuts in production, because they don't have big inventories piled up. And third, our exports are running solid and strong. In fact, American businesses are exporting at a record rate.

So let's put these times in perspective. Together, since 1981, we've created almost 20 million jobs, cut inflation in half, and cut interest rates in half.

And yes, the largest peacetime economic expansion in history has been temporarily interrupted. But our economy is still over twice as large as our closest competitor.

We will get this recession behind us, and return to growth—soon. We will get on our way to a new record of expansion and achieve the competitive strength that will carry us into the next American century.

We should focus our efforts today on encouraging economic growth, investing in the future, and giving power and opportunity to the individual.

We must begin with control of Federal spending and that's why I'm submitting a budget that holds the growth in spending to less than the rate of inflation. And that's why, amid all the sound and fury of last year's budget debate, we put into law new, enforceable spending caps—so that future spending debates will mean a battle of ideas, not a bidding war.

Though controversial, the budget agreement finally put the Federal government on a pay-as-you-go plan—and cut the growth of debt by nearly 500 billion dollars. And that frees funds for saving and job-creating investment.

Now, let's do more. My budget again includes tax-free family savings accounts; penalty-free withdrawals from

I.R.A.'s for first-time home-buyers; and, to increase jobs and growth, a reduced tax for long-term capital gains.

I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders and the Federal Reserve to cooperate with us in a study—led by Chairman Alan Greenspan—to sort out our technical differences so that we can avoid a return to unproductive partisan bickering.

But just as our efforts will bring economic growth now, and in the future, they must also be matched by long-term investments for the next American century.

That requires a forward-looking plan of action—and that's exactly what we will be sending to the Congress. We have prepared a detailed series of proposals that include:

A Budget that promotes investment in America's future—in children, education, infrastructure, space, and high technology.

Legislation to achieve excellence in education—building on the partnership forged with the 50 governors at the Education Summit—enabling parents to choose their children's schools—and helping to make America No. 1 in math and science.

A blueprint for a new National Highway System—a critical investment in our transportation infrastructure.

A research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R&D and to create jobs.

A comprehensive National Energy Strategy that calls for energy conservation and efficiency, increased development, and greater use of alternative fuels.

A banking reform plan to bring America's financial system into the 21st century—so that our banks remain safe and secure and can continue to make job-creating loans for our factories, our businesses and home-buyers. You know I do think there has been too much pessimism. Sound banks should be making more sound loans, now—and interest rates should be lower, now.

In addition to these proposals, we must recognize that our economic strength depends on being competitive in world markets. We must continue to expand American exports. A successful Uruguay Round of world trade negotiations will create more real jobs and more real growth—for all nations. And you and I know that if the playing field is level, America's workers and farmers can out-work, out-produce anyone, anytime, anywhere.

And with a Mexican Free Trade Agreement, and our Enterprise for the Americas Initiative, we can help our partners strengthen their economies and move toward a free trade zone throughout this entire hemisphere.

The budget also includes a plan of action right here at home to put more power and opportunity in the hands of the individual and that means new incentives to create jobs in our inner cities, by encouraging investment through enterprise zones. It also means tenant control and ownership of public housing. Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American.

Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences.

We're determined to protect another fundamental civil right—freedom from crime and the fear that stalks our cities. The Attorney General will soon convene a Crime Summit of our Nation's law enforcement officials. And to help us support them, we need tough crime control legislation, and we need it now.

And as we fight crime, we will fully implement our National Strategy for Combatting Drug Abuse. Recent data show that we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever.

Good health care is every American's right and every American's responsibility. And so we are proposing an aggressive program of new prevention initiatives—for infants, for children, for adults, and for the elderly—to promote a healthier America and to help keep costs from spiralling.

It's time to give people more choice in government, by reviving the ideal of the citizen politician who comes not to stay, but to serve. And one of the reasons that there is so much support for term limitations is that the American people are increasingly concerned about big-money influence in politics. So we must look beyond the next election, to the next generation. And the time has come to put the national interest above the special interest—and to totally eliminate Political Action Committees.

That would truly put more competition in elections, and more power in the hands of individuals. And where power cannot be put directly in the hands of the individual, it should be moved closer to the people—away from Washington.

The Federal government too often treats government programs as if they are of Washington, by Washington, and for Washington. Once established, Federal programs seem to become immortal.

It's time for a more dynamic program life cycle: Some programs should increase. Some should decrease. Some should be terminated. And some should be consolidated and turned over to the States.

My budget includes a list of programs for potential turn-over totalling more than $20 billion. Working with Congress and the Governors, I propose we select at least $15 billion in such programs and turn them over to the States in a single consolidated grant—fully funded—for flexible management by the States.

The value of this turn-over approach is straightforward. It allows the Federal government to reduce overhead. It allows States to manage more flexibly and more efficiently. It moves power and decision-making closer to the people. And it reenforces a theme of this Administration: appreciation and encouragement of the innovative powers of "States as Laboratories."

This Nation was founded by leaders who understood that power belongs in the hands of people. And they planned for the future. And so must we—here and all around the world.

As Americans, we know that there are times when we must step forward and accept our responsibility to lead the world away from the dark chaos of dictators, toward the brighter promise of a better day.

Almost 50 years ago we began a long struggle against aggressive totalitarianism. Now we face another defining hour for America and for the world.

There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman, and Coastguardsman—every man and woman now serving in the Persian Gulf. [Applause.] Oh, how they deserve it. What a fitting tribute to them. You see, what a wonderful fitting tribute to them.

Each of them has volunteered to provide for this Nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

Our commitment to them must be the equal to their commitment to their country. They are truly America's finest.

The war in the Gulf is not a war we wanted. We worked hard to avoid war. For more than five months we, along with the Arab League, the European Community, the United Nations, tried every diplomatic avenue. U.N. Secretary General Perez de Cuellar; Presidents Gorbachev, Mitterrand, Ozal, Mubarak, and Bendjedid; Kings Fahd and Hassan; Prime Ministers Major and Andreotti—just to name a few—all worked for a solution. But time and again, Saddam Hussein flatly rejected the path of diplomacy and peace.

The world well knows how this conflict began and when: It began on August 2nd, when Saddam invaded and sacked a small, defenseless neighbor.

And I am certain of how it will end. So that peace can prevail, we will prevail. Thank you.

Tonight, I am pleased to report that we are on course. Iraq's capacity to sustain war is being destroyed. Our investment, our training, our planning—all are paying off. Time will not be Saddam's salvation.

Our purpose in the Persian Gulf remains constant: to drive Iraq out of Kuwait, to restore Kuwait's legitimate government, and to ensure the stability and security of this critical region.

Let me make clear what I mean by the region's stability and security. We do not seek the destruction of Iraq, its culture, or its people. Rather, we seek an Iraq that uses its great resources, not to destroy, not to serve the ambitions of a tyrant, but to build a better life for itself and its neighbors. We seek a Persian Gulf where conflict is no longer the rule, where the strong are neither tempted nor able to intimidate the weak.

Most Americans know instinctively why we are in the Gulf. They know we had to stop Saddam now, not later. They know that this brutal dictator will do anything; will use any weapon; will commit any outrage, no matter how many innocents suffer.

They know we must make sure that control of the world's oil resources does not fall into his hands, only to finance further aggression. They know that we need to build a new, enduring peace—based not on arms races and confrontation, but on shared principles and the rule of law.

And we all realize that our responsibility to be the catalyst for peace in the region does not end with the successful conclusion of this war.

Democracy brings the undeniable value of thoughtful dissent—and we have heard some dissenting voices here at home—some, handful, reckless, most responsible. But the fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years.

Our progress in this great struggle is the result of years of vigilance, and a steadfast commitment to a strong defense. Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians.

Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes—whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.

The quality of American technology, thanks to the American worker, has enabled us to successfully deal with difficult military conditions and help minimize loss of precious life. We have given our men and women the very best. And they deserve it.

We all have a special place in our hearts for the families of our men and women serving in the Gulf. They are represented here tonight by Mrs. Norman Schwarzkopf. We are very grateful to General Schwarzkopf and to all those serving with him. I might also recognize one who came with Mrs. Schwarzkopf, Alma Powell, wife of the distinguished Chairman of the Joint Chiefs. And to the families, let me say our forces in the Gulf will not stay there one day longer than is necessary to complete their mission.

The courage and the success of the RAF pilots—of the Kuwaiti, Saudi, French, the Canadians, Italians, the pilots of Qatar and Bahrain—all are proof that for the first time since World War II, the international community is united. The leadership of the United Nations, once only a hoped-for ideal, is now confirming its founders' vision.

I am heartened that we are not being asked to bear alone the financial burdens of this struggle. Last year, our friends and allies provided the bulk of the economic costs of Desert Shield, and now having received commitments of over $40 billion for the first three months of 1991, I am confident they will do no less as we move through Desert Storm.

But the world has to wonder what the dictator of Iraq is thinking. If he thinks that by targeting innocent civilians in Israel and Saudi Arabia, that he will gain advantage—he is dead wrong. And if he thinks that he will advance his cause through tragic and despicable environmental terrorism—he is dead wrong. And if he thinks that by abusing the coalition prisoners of war, he will benefit—he is dead wrong.

We will succeed in the Gulf. And when we do, the world community will have sent an enduring warning to any dictator or despot, present or future, who contemplates outlaw aggression.

The world can therefore seize this opportunity to fulfill the long-held promise of a new world order—where brutality will go unrewarded, and aggression will meet collective resistance.

Yes, the United States bears a major share of leadership in this effort. Among the nations of the world, only the United States of America has both the moral standing, and the means to back it up. We are the only Nation on this earth that could assemble the forces of peace.

This is the burden of leadership—and the strength that has made America the beacon of freedom in a searching world.

This Nation has never found glory in war. Our people have never wanted to abandon the blessings of home and work, for distant lands and deadly conflict. If we fight in anger, it is only because we have to fight at all. And all of us yearn for a world where we will never have to fight again.

Each of us will measure, within ourselves, the value of this great struggle. Any cost in lives any cost is beyond our power to measure. But the cost of closing our eyes to aggression is beyond mankind's power to imagine.

This we do know: Our cause is just. Our cause is moral. Our cause is right.

Let future generations understand the burden and blessings of freedom. Let them say, we stood where duty required us to stand.

Let them know that together, we affirmed America, and the world, as a community of conscience.

The winds of change are with us now. The forces of freedom are together united and we move toward the next century, more confident than ever that we have the will at home and abroad to do what must be done—the hard work of freedom.

May God bless the United States of America.

Thank you very, very much.

[Applause, the Members rising.]

At 9 o'clock and 56 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justices of the Supreme Court.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 4 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BENNETT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

ADJOURNMENT

Mr. BENNETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday, January 30, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

526. Under clause 2 of rule XXIV, a letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1990, pursuant to 40 U.S.C. 484(o), was taken from the Speakers table and referred to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 678. A bill to guarantee the right of law enforcement officers to organize and bargain collectively; jointly, to the Committee on Education and Labor and Post Office and Civil Service.

By Mr. CONTE (for himself, Mr. SHAYS, Mr. IRELAND, and Mr. VANDER JAGT):

H.R. 679. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to establish a limit of $100,000 on the amount of deposit insurance which may be paid to any person during any 36-month period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COUGHLIN:

H.R. 680. A bill to amend the Public Health Service Act to establish in the program of block grants regarding drug abuse and mental health a requirement regarding the approval of statewide drug treatment plans, and for other purposes; to the Committee on Energy and Commerce.

H.R. 681. A bill to amend title 18, United States Code, to establish criminal penalties for failure to obey an order to land an aircraft issued by a Federal law enforcement officer enforcing controlled substances laws, and for other purposes; jointly, to the Committee on the Judiciary, Public Works and Transportation, Merchant Marine and Fisheries, and Ways and Means.

By Mr. HUNTER:

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax of 5 percent of gross income on foreign and foreign-owned corporations which do not provide sufficient information to accurately determine their taxable income; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 683. A bill to increase the maximum reward for information concerning acts of international terrorism against the United States; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. SOLOMON (for himself and Ms. MOLINARI):

H.R. 684. A bill to terminate most-favored-nation treatment for the products of Iraq; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 685. A bill to establish a Data Protection Board, and for other purposes; to the Committee on Government Operations.

By Mr. DICKINSON:

H.R. 686. A bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself and Mr. SHAYS):

H.R. 687. A bill to amend the Impoundment Control Act of 1974 to provide that any rescission of budget authority proposed by the President take effect unless specifically disapproved by the adoption of a joint resolution; jointly, to the Committee on Government Operations and Rules.

By Mr. GALLO (for himself, Mr. HORTON, Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. LEWIS of Georgia, and Mr. DWYER of New Jersey):

H.R. 688. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to provide protection for sole source acquifers; jointly, to the Committee on Energy and Commerce and Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 689. A bill to extend nondiscriminatory treatment to the products of Bulgaria and Romania for 3 years; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. MILLER of California, Mr. VENTO, Mr. DE LUGO, Mr. AUCOIN, Mr. FUSTER, Mr. FLAKE, Mr. RANGEL, Mr. MFUME, Mrs. COLLINS of Illinois, Mr. OWENS of New York, Mr. DELLUMS, Mr. ESPY, Mr. STOKES, Mr. TOWNS, Mr. DEFAZIO, Mr. RICHARDSON, Mr. MURPHY, Mr. LEHMAN of Florida, Mr. JONTZ, Mr. FASCELL, Mr. PARKER, Ms. PELOSI, Mr. STUDDS, Mr. DURBIN, Mr. FROST, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. WALSH, Mr. GORDON, Mr. SERRANO, and Mr. HATCHER):

H.R. 690. A bill to authorize the National Park Service to acquire and manage the Mary McLeod Bethune Council House National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACHTLEY (for himself and Mr. REED):

H.R. 691. A bill to amend the Small Business Act to provide disaster loan eligibility to small business concerns located in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Small Business.

By Mr. RAHALL:

H.R. 692. A bill to provide for the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell, WV, for the educational inspirational benefit of present and future generations; to the Committee on Interior and Insular Affairs.

H.R. 693. A bill to amend the Mineral Leasing Act to provide for public interest improvements in the management of Federal coal resources, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. MCCLOSKEY, Mr. BOUCHER, Mr. PERKINS, and Mr. WISE):

H.R. 694. A bill to amend the Black Lung Benefits Act to provide special procedures for certain claims due to pneumoconiosis, and for other purposes; to the Committee on Education and Labor.

By Mr. SANDERS (for himself, Mr. ABERCROMBIE, Ms. WATERS, and Mr. ANDREWS of Maine):

H.R. 695. A bill to amend title 37, United States Code, to alleviate the loss of earnings of a member of a Reserve component of the Armed Forces who is called or ordered to active duty in connection with operations in the Persian Gulf region; to the Committee on Armed Services.

By Mr. STAGGERS:

H.R. 696. A bill to provide an exclusion from gross income for certain military pay, and automatic extensions of time, for members of the Armed Forces of the United States serving in connection with Operation Desert Shield; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 697. A bill to amend the International Banking Act of 1978 and the Securities Exchange Act of 1934 to provide for fair trade in financial services; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

H.R. 698. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicaid Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Mr. LEHMAN of California, Mr. ANDREWS of Texas, Mrs. COLLINS of Illinois, Mr. LIPINSKI, and Ms. PELOSI):

H.R. 699. A bill to amend the Internal Revenue Code of 1986 to impose an additional occupational tax on manufacturers and importers of cigarettes and to provide that the amounts collected under this tax be used to reimburse the Medicare Program for providing care and treatment for smoking-related cancers, circulatory system diseases, and respiratory system diseases; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STEARNS:

H.R. 700. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to provide that appropriations of funds for congressional pay be considered separately from appropriations for other purposes, to require a recorded vote in each House on such appropriations, and for other purposes; jointly, to the Committees on Post Office and Civil Service, Rules, and House Administration.

By Mr. THOMAS of California (for himself and Mr. LAGOMARSINO):

H.R. 701. A bill to authorize the President to lease Naval Petroleum Reserve Numbered 1 and thereby assure the efficient production of oil, natural gas, and other hydrocarbon resources at that property; to ensure the Federal Government receives fair market value for leasing that property; to upgrade the Nation's energy security assets by establishing a defense petroleum inventory; and to provide for the equitable sharing with the State of California of revenues from Naval Petroleum Reserve Numbered 1; jointly, to the Committees on Energy and Commerce and Armed Services.

By Mr. SLAUGHTER of Virginia (for himself, Mr. CRANE, Mr. DREIER of California, Mr. BLILEY, Mr. RITTER, Mr. DANNEMEYER, Mr. ARMEY, Mr. DORNAN of California, Mr. EMERSON, Mr. LAGOMARSINO, Mr. IRELAND, Mr. BAKER, Mr. DELAY, Mr. HUNTER, Mr. WEBER, Mr. MCCOLLUM, Mr. PACKARD, and Mrs. VUCANOVICH):

H.R. 702. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for amounts contributed to a health care savings account and to amend title XVIII of the Social Security Act to provide for a high deductible and protection against catastrophic medical care expenses for individuals who have established such accounts; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SLAUGHTER of Virginia:

H.R. 703. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts otherwise includible on the surrender or cancellation of any life insurance policy which are used to pay long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 704. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts withdrawn from individual retirement plans for payments of long-term care insurance premiums; to the Committee on Ways and Means.

H.R. 705. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Texas:

H.R. 706. A bill to amend the Internal Revenue Code of 1986 to impose a fee on imported petroleum products and derivatives, to provide incentives for oil and natural gas exploration, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. DE LA GARZA, and Mr. COLEMAN of Missouri):

H.R. 707. A bill to improve the regulation of futures trading, authorize appropriations for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. GAYDOS:

H.R. 708. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. PENNY, Mr. FRANK of Massachusetts, Mr. POSHARD, Ms. ROS-LEHTINEN, Mr. PAXON, Mr. SKEEN, Mr. HORTON, Mr. MORAN, Mr. STEARNS, Mr. TOWNS, Mr. ROE, Mr. DORGAN of North Dakota, Mr. FALEOMAVAEGA, Mr. WOLPE, Mr. MACHTLEY, Mr. PORTER, Mrs. COLLINS of Illinois, Mr. GALLEGLY, Mr. GEJDENSON, Mr. LIPINSKI, Mr. LAGOMARSINO, Ms. SLAUGHTER of New York, Mr. JOHNSTON of Florida, Mr. CHAPMAN, Mr. SMITH of Florida, Mr. WALSH, Mr. PALLONE, Mr. WASHINGTON, Mrs. SCHROEDER, Mr. KOSTMAYER, and Mrs. MEYERS of Kansas):

H.R. 709. A bill to amend the Higher Education Act of 1965 to provide reduced rates of interest under the Guaranteed Student Loan Program to individuals who enter the teaching profession; to the Committee on Education and Labor.

By Mr. ANTHONY:

H.R. 710. A bill to amend the Internal Revenue Code of 1986 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes; to the Committee on Ways and Means.

By Mr. McDADE (for himself, Mr. ANDERSON, Mr. ANNUNZIO, Mr. BATEMAN, Mr. BENNETT, Mr. BEVILL, Mr. BLILEY, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. EMERSON, Mr. ESPY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FUSTER, Mr. GUARINI, Mr. HARRIS, Mr. HORTON, Mr. KANJORSKI, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Ms. LONG, Mr. MCCOLLUM, Mr. MANTON, Mr. MATSUI, Mr. MINETA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. OWENS of Utah, Mr. PARKER, Mr. RAHALL, Mr. RAVENEL, Mr. REGULA, Mr. ROE, Mr. SCHULZE, Mr. SERRANO, Ms. SLAUGHTER of New York, Mr. SMITH of Iowa, Mr. TOWNS, Mr. VANDER JAGT, Mr. VENTO, Mr. WELDON, Mr. WILSON, and Mr. WOLF):

H.J. Res. 95. Joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself and Mr. WHEAT):

H.J. Res. 96. Joint resolution to designate June 12 through June 19, 1991, as "Negro' Baseball Leagues Recognition Week"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H.J. Res. 97. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. SOLOMON:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that Fort Crailo in Rensselaer, NY, should be designated as the home of "Yankee Doodle"; to the Committee on Post Office and Civil Service.

By Mr. LAGOMARSINO (for himself, Mr. ANDERSON, Mr. GOSS, Mr. BROOMFIELD, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, Mr. GALLEGLY, Mr. DREIER of California, Mr. GILMAN, and Mr. VENTO):

H. Con. Res. 55. Concurrent resolution condemning Iraq's ecoterrorism in the Persian Gulf; to the Committee on Foreign Affairs.

By Mr. DYMALLY (for himself, Mr. ANDREWS of Maine, Mr. BONIOR, Mr. DELLUMS, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. HAYES of Illinois, Mr. MORAN, Ms. OAKAR, Mr. RAHALL, Mr. TOWNS, and Mr. TRAFICANT):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that Federal agencies should not engage in discrimination that threatens the civil liberties of Arab Americans and should assist in protecting Arab Americans from hate crimes and related discrimination; to the Committee on the Judiciary.

By Mr. GOSS (for himself and Mr. LAGOMARSINO):

H. Con. Res. 57. Concurrent resolution deploring the release of millions of gallons of oil into the Persian Gulf and declaring that Saddam Hussein and Iraq should be held legally, morally, and financially accountable for this cruel act against the environment; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 47. Resolution providing for enclosing the galleries of the House of Representatives with a transparent and substantial material; to the Committee on House Administration.

By Mr. PICKETT:

H. Res. 48. Resolution condemning Iraq for violations of internationally recognized human rights and the law of nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

8. By the SPEAKER: Memorial of the Legislature of the State of North Dakota, relative to support for the United States troops in the Persian Gulf, condemning the Iraqi invasion of Kuwait, and urging the President to achieve a peaceful solution to the Persian Gulf crisis; to the Committee on Foreign Affairs.

9. Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to support of negotiations to end the Persian Gulf crisis without war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE:

H.R. 711. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; to the Committee on Interior and Insular Affairs.

By Mr. SHAW:

H.R. 712. A bill for the relief of Patricia A. McNamara; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. MARTINEZ.

H.R. 51: Mr. PAYNE of Virginia.

H.R. 53: Mrs. MORELLA, Mr. DWYER of New Jersey, Mr. MARTINEZ, Mr. LAGOMARSINO, Mr. DELLUMS, Mr. JOHNSON of South Dakota, and Mr. JONES of North Carolina.

H.R. 68: Mr. BAKER, Mr. BARTON of Texas, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. CAMPBELL of California, Mr. CAMPBELL of Colorado, Mrs. COLLINS of Illinois, Mr. CLINGER, Mr. DICKS, Mr. DREIER of California, Mr. LENT, Mr. MCHUGH, Mr. PENNY, Mr. VALENTINE, Mr. WALSH, Mr. MARTIN of New York, Mrs. VUCANOVICH, Mr. KYL, Mr. FIELDS, Mrs. JOHNSON of Connecticut, Mr. GLICKMAN, Mrs. MEYERS of Kansas, and Mr. SANTORUM.

H.R. 86: Mr. SCHEUER, Mr. INHOFE, and Mr. COX of California.

H.R. 113: Mr. STOKES.

H.R. 123: Mr. BARRETT.

H.R. 135: Mr. PALLONE, Mr. APPLEGATE, Mr. COX of California, Mr. WEBER, Mr. COYNE, Mr. SCHIFF, Mr. DEFAZIO, Mr. DERRICK, Mr. RAVENEL, Mr. WOLF, Mr. KOPETSKI, Mr. HORTON, Mr. STUDDS, and Mr. GOSS.

H.R. 179: Mrs. MORELLA, Mr. MCMILLEN of Maryland, Mr. OWENS of Utah, and Mr. STAGGERS.

H.R. 193: Mrs. BOXER, Mr. ROE, Mr. HORTON, Mr. WISE, Mr. LENT, and Mr. RITTER.

H.R. 217: Mr. ROGERS, Mr. HORTON, Mr. LIVINGSTON, Mr. DANNEMEYER, and Mr. RITTER.

H.R. 233: Mr. GUARINI, Mr. LEWIS of Georgia, Mr. APPLEGATE, and Mr. HUGHES.

H.R. 252: Mr. BORSKI and Mr. SCHUMER.

H.R. 300: Ms. KAPTUR, Mr. BUSTAMANTE, Mr. ACKERMAN, and Mr. WILSON.

H.R. 317: Mr. KILDEE, Mr. JEFFERSON, Mrs. LOWEY of New York, Mr. RITTER, Mr. SCHEUER, and Mr. SERRANO.

H.R. 318: Mr. GOODLING.

H.R. 325: Mr. FLAKE, Mrs. BOXER, Mr. GORDON, Mr. SLATTERY, Mr. JOHNSON of South Dakota, Mr. MRAZEK, Ms. LONG, Mr. VENTO, Mr. KOLBE, and Mr. TOWNS.

H.R. 327: Mr. RAVENEL, Mr. OLIN, Mr. NAGLE, and Mr. GUARINI.

H.R. 328: Mr. DANNEMEYER and Mr. BEREUTER.

H.R. 329: Mr. YATES, Mr. PEASE, and Mr. ABERCROMBIE.

H.R. 357: Mr. EVANS, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. BOXER, Mr. JONES of Georgia, Mr. OWENS of Utah, Mr. McMILLEN of Maryland, Mr. SHARP. Mr. NEAL of North Carolina, Mr. HOCHBRUECKNER, Mr. KENNEDY, Mr. BROWN of California, Mr. LEVINE of California, Mr. BEREUTER, Mr. LIPINSKI, Mr. LANCASTER, Ms. KAPTUR, Mr. VENTO, and Mr. HORTON.

H.R. 381: Mr. STEARNS, Mr. ECKART, Mr. SANGMEISTER, Mr. EVANS, Mrs. UNSOELD, Mr. BROWN of California, Mr. JOHNSTON of Florida, Mr. MINETA, and Ms. SLAUGHTER of New York.

H.R. 382: Mr. ABERCROMBIE.

H.R. 384: Mrs. MORELLA, Mr. ROYBAL, Mr. STOKES, Mr. BILBRAY, Mr. EVANS, Mr. JOHNSON of South Dakota, Mr. WALSH, and Mr. SERRANO.

H.R. 385: Mr. EVANS, Mr. RICHARDSON, Mr. DELLUMS, Mr. DWYER of New Jersey, Mrs. LOWEY of New York, Mrs. BOXER, Mr. SCHEUER, and Mr. KOLTER.

H.R. 392: Mr. GLICKMAN, Mr. ANDREWS of Texas, Mr. JOHNSTON of Florida, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CONYERS, Mr. DELLUMS, Mr. DICKS, Mr. DYMALLY, Mr. EDWARDS of California, Mr. EVANS, Mr. FAZIO, Mr. FOGLIETTA, Mr. HORTON, Mr. HUGHES, Mrs. JOHNSON of Connecticut, Mr. JONES of Georgia, Mr. OLIN, Mr. PAYNE of New Jersey, Mr. ROSE, Mr. ROYBAL, Mr. SABO, Mr. SOLARZ, Ms. SLAUGHTER of New York, and Mr. TOWNS.

H.R. 394: Mr. BLILEY, Mrs. BOXER, Mr. BRYANT, Mr. COLEMAN of Texas, Mrs. COLLINS of Illinois, Mr. DARDEN, Mr. DeFAZIO, Mr. ENGLISH, Mr. ESPY, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HEFNER, Mr. HUGHES, Mr. JONES of North Carolina, Mr. JONTZ, Mr. LAGOMARSINO, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. LEWIS of Florida, Mr. LIPINSKI, Mrs. LOWEY of New York, Mr. NEAL of North Carolina, Mr. OLIN, Mr. OWENS of Utah, Mrs. PATTERSON, Mr. PENNY, Mr. RAVENEL, Mr. RHODES, Mr. ROE, Mrs. ROUKEMA, Mrs. SCHROEDER, Ms. SLAUGHTER of New York, Mr. SMITH of Florida, Mr. STAGGERS, Mr. STEARNS, Mr. STUDDS, Mr. TORRES, Mr. VALENTINE, Mr. WALSH, Mr. WILSON, Mr. WISE, Mr. WYDEN, Mr. EMERSON, Mr. DWYER of New Jersey, and Mr. FORD of Michigan.

H.R. 415: Mr. ZIMMER and Mr. SKEEN.

H.R. 426: Mr. WASHINGTON, Mrs. VUCANOVICH, Mr. COSTELLO, Mr. SKEEN, Mr. INHOFE, Mr. OXLEY, and Mr. SCHEUER.

H.R. 431: Mr. MILLER of Washington, Mr. WOLF, Mr. BATEMAN, Mr. HANCOCK, and Mrs. UNSOELD.

H.R. 447: Mr. ECKART, Mr. STUDDS, Mr. BUSTAMANTE, Mr. MOODY, Mr. COSTELLO, Mr. MINETA, and Mr. VENTO.

H.R. 460: Mr. JOHNSON of South Dakota, Mr. DURBIN, Mr. RAVENEL, and Mr. RANGEL.

H.R. 473: Mr. ALLARD, Mr. DeLAY, Mr. PENNY, Mr. WILSON, Mr. ARMEY, Mr. YOUNG of Alaska, and Mr. SKEEN.

H.R. 474: Mrs. BYRON, Mr. DORNAN of California, and Mr. KOLBE.

H.R. 482: Ms. NORTON, Mr. SERRANO, Mr. PAYNE of New Jersey, Mr. ACKERMAN, and Mr. LENT.

H.R. 519: Mr. BEREUTER.

H.R. 538: Mr. HORTON, Mr. COLEMAN of Texas, Mr. KYL, Mr. RAVENEL, Mr. SERRANO, Mr. BARNARD, and Mr. FROST.

H.R. 555: Mr. STEARNS, Mrs. PATTERSON, Mr. SMITH of New Jersey, Mr. SLATTERY, Mr. RIDGE, Mr. PICKETT, Mr. EVANS, Mr. GEREN of Texas, Mr. BILIRAKIS, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, Mr. PAXON, Mr. APPLEGATE, Mr. GOSS, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. BREWSTER, Mr. de LUGO, Mr. PALLONE, and Mr. RITTER.

H.R. 556: Mr. OBEY, Mr. JOHNSTON of Florida, Mr. PICKETT, Mr. PRICE, Mr. GOSS, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. de LUGO, Mr. BREWSTER, Mr. MACHTLEY, Mr. WELDON, and Mr. KLECZKA.

H.R. 560: Mr. LaFALCE, Mr. BUSTAMANTE, Mr. PETERSON of Minnesota, Mr. LEHMAN of Florida, Mr. PENNY, Mr. KLECZKA, Mr. EVANS, Mr. SHAYS, Mrs. UNSOELD, and Mr. SPRATT.

H.R. 574: Mr. RAVENEL and Mr. PAYNE of Virginia.

H.R. 585: Mr. MRAZEK, Mr. OWENS of Utah, Mrs. BOXER, Mr. SMITH of Florida, Mr. DELLUMS, Mr. HUCKABY, Mr. EVANS, Mr. BRUCE, Mr. FAZIO, Mr. LEACH of Iowa, and Mr. BENNETT.

H.R. 596: Mr. RAVENEL, Mr. COX of California, and Mr. THOMAS of Wyoming.

H.R. 598: Mr. APPLEGATE, Mr. PAXON, Mr. EDWARDS of California, Mr. BILIRAKIS, Mr. GEREN of Texas, Mr. EVANS, Mr. PICKETT, Mr. RIDGE, Mr. SMITH of New Jersey, Mr. SLATTERY, Mrs. PATTERSON, Mr. PENNY, Mr. JONES of Georgia, Mr. FALEOMAVAEGA, Mr. HARRIS, Mr. de LUGO, and Mr. SANGMEISTER.

H.R. 601: Mr. APPLEGATE, Mr. PORTER, Mr. McDADE, Mr. HENRY, Mr. COX of California, Mr. RITTER, Mr. MRAZEK, Mr. DONNELLY, Mr. McMILLEN of Maryland, Mr. LIPINSKI, Mr. ESPY, Mr. SANTORUM, and Mr. FRANK of Massachusetts.

H.R. 602: Mr. BAKER, Mr. BATEMAN, Mr. CHAPMAN, Mr. GALLO, Mr. HATCHER, Mr. JOHNSON of South Dakota, Mr. MACHTLEY, Mrs. MINK, Mr. MONTGOMERY, and Mr. VALENTINE.

H.R. 611: Mr. YOUNG of Alaska, Mr. SKEEN, Mr. KYL, Mr. LIVINGSTON, Mr. HERGER, and Mr. ARMEY.

H.R. 614: Mr. WILSON, Mr. DELLUMS, Mrs. LOWEY of New York, Mr. HORTON, and Mr. TOWNS.

H.R. 643: Mr. IRELAND and Mr. HANCOCK.

H.R. 644: Mr. McDERMOTT, Mr. HUNTER, Mr. SOLOMON, Mr. McNULTY, Mr. FRANK of Massachusetts, Mr. GORDON, Mrs. COLLINS of Illinois, Mr. McCLOSKEY, Mr. HORTON, Mr. de LUGO, Mr. COOPER, Mr. VALENTINE, and Mr. TANNER.

H.R. 652: Mr. LEWIS of Georgia, Mr. JONES of Georgia, and Mr. RANGEL.

H.J. Res. 2: Mr. CAMP and Mr. STUMP.

H.J. Res. 30: Mrs. BENTLEY, Mr. BLILEY, Mr. CHANDLER, Mr. de LUGO, Mr. DICKS, Mr. HOCHBRUECKNER, Mr. SMITH of Texas, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. DONNELLY, Ms. PELOSI, Mr. ENGEL, Mr. GONZALEZ, Mr. QUILLEN, Mr. RITTER, Mr. HATCHER, Mr. HEFNER, Mr. HORTON, Mr. INHOFE, Mr. ESPY, Mr. SAVAGE, Ms. SLAUGHTER of New York, Mr. HAMMERSCHMIDT, Mr. FRANK of Massachusetts, Mr. FAWELL, Mr. HUBBARD, Mr. DOOLEY, Mr. RANGEL, Mr. BILBRAY, Mr. KASICH, Mr. SCHEUER, Mr. SLAUGHTER of Virginia, Mr. SMITH of Florida, Mrs. PATTERSON, Mr. LANCASTER, Mr. LEHMAN of Florida, Mr. HENRY, Mrs. KENNELLY, Mr. TALLON, Mr. WEISS, Mr. CLAY, Mr. GILMAN, Mr. McDERMOTT, Mr. MOODY, Ms. KAPTUR, Mr. YATRON, Ms. OAKAR, Mr. MINETA, Mr. DeFAZIO, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. WALSH, Mr. SLATTERY, Mr. MFUME, Mr. MONTGOMERY, Mr. MAZZOLI, Mr. MARTINEZ, Mrs. MEYERS of Kansas, Mr. VOLKMER, Mr. CONTE, Mr. WILSON, Mr. JONTZ, Mr. APPLEGATE, Mr. BEVILL, Mr. ROBERTS, Mr. PRICE, Mr. CARR, Mr. JONES of Georgia, Mr. DORGAN of North Dakota, Mr. GINGRICH, Mr. GRANDY, Mr. DOWNEY, Mr. GUNDERSON, Mr. HYDE, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. HAMILTON, Mr. McCLOSKEY, Mr. VENTO, Mr. LEVIN of Michigan, Mr. MARTIN, Mr. McDADE, Mr. McHUGH, Mr. NEAL of North Carolina, Mr. McEWEN, Mr. PAYNE of New Jersey, Mr. PURSELL, Mr. BENNETT, Mr. REGULA, Mr. SOLOMON, Mr. SAXTON, Mr. STOKES, and Mrs. VUCANOVICH.

H.J. Res. 92: Mr. BONIOR.

H. Con. Res. 8: Mr. ANNUNZIO, Mr. BALLENGER, Mr. BONIOR, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CLINGER, Mrs. COLLINS of Illinois, Mr. DAVIS, Mr. DORNAN of California, Mr. FASCELL, Mr. FIELDS, Mr. GALLEGLY, Mr. GORDON, Mr. GOSS, Mr. HUNTER, Mr. LENT, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LIPINSKI, Mrs. LLOYD, Mr. MAZZOLI, Mr. McCANDLESS, Mr. McNULTY, Mr. NOWAK, Mr. MARTIN of New York, Mr. PALLONE, Mr. PAXON, Mr. PETRI, Mr. QUILLEN, Mr. RHODES, Mr. ROBERTS, Mr. ROE, Mr. SLATTERY, Mr. SMITH of Florida, Mr. STEARNS, Mrs. VUCANOVICH, Mr. WALSH, Mr. WOLF, Mr. EMERSON, Mr. MARTINEZ, Mr. PORTER, Mr. LEWIS of Florida, Mr. GLICKMAN, Mr. KANJORSKI, Mr. GALLO, Mr. SKEEN, Mr. MACHTLEY, Mrs. MORELLA, Mr. MOODY, Mr. ROHRABACHER, Mr. RITTER, Mr. BARTLETT, Mr. GILLMOR, and Mr. REGULA.

H. Con. Res. 23: Mr. EVANS, Mr. LIPINSKI, Mrs. PATTERSON, Mr. ERDREICH, Mr. de LUGO, Mr. LANCASTER, Mr. FROST, and Mr. HUTTO.

H. Res. 14: Mr. KYL, Mr. VISCLOSKY, Mr. ESPY, Mr. PRICE, Mr. GORDON, Mr. RAVENEL, Mr. SOLARZ, Mr. WILSON, Mr. SCHUMER, Mr. RAMSTAD, Mr. de LUGO, Mr. LEWIS, of California, Mr. BLILEY, Mr. BREWSTER, Mr. BRYANT, Mr. McDERMOTT, Mr. BROWN, Mr. LAGOMARSINO, and Ms. PELOSI.

H. Res. 36: Mrs. SCHROEDER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

20. The SPEAKER presented petition of 90 different disciplines at various German universities, the Federal Republic of Germany, relative to the Persian Gulf crisis, which was referred to the Committee on Foreign Affairs.

SENATE—*Tuesday, January 29, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 8:30 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *and his name shall be called Wonderful, Counsellor, the mighty God, the everlasting Father, the Prince of Peace. Of the increase of his government and peace there shall be no end* * * *—Isaiah 9:6, 7.

Eternal God, perfect in wisdom, justice, and love, thank Thee for Isaiah's word promising Messiah who will bring a perfect government and everlasting peace. As we gather this evening with the awful cloud of war permeating everything, everyday, we ask for special manifestation of Thy presence. Cover the Capitol with a spirit of grace and love. Grant to the President, the Congress and all gathered in the House Chamber the awareness that Thou art present and manifest. Help us to realize that Thou art the sovereign Lord overruling the affairs of nations and people.

We remember prayerfully all who are engaged in combat in the Middle East, ally and enemy. And in spite of the circumstances grant, Lord, that tonight will have great significance in the life of our Nation and the world.

In the name of Him who is the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 29, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

Mr. FORD. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

INTERPRETIVE SERVICES FOR STATE OF THE UNION

Mr. DOLE. Mr. President, there can be no question that, given the situation in the gulf, tonight's State of the Union speech is one of great interest to America. Therefore, it is especially important that all of our citizens are able to hear the President's words.

For this reason, I was especially delighted that for the first time in the history of the Presidential State of the Union Address, interpreter services for hearing-impaired individuals had been made available.

Unfortunately, Mr. President, the networks apparently will not take advantage of this service.

My colleague from Wisconsin, Senator KASTEN—who worked with me on this matter—and I are confident, however, that in the future, the networks will join with the Senate in allowing all Americans to participate fully in future Presidential addresses.

DEAF INTERPRETER FOR PRESIDENT'S SPEECH

Mr. KASTEN. Mr. President, tonight the President of the United States will make a major State of the Union Address to America. It is important that all of our citizens—including the 24 million U.S. citizens who are hearing impaired—hear the President's words.

For the first time in the history of the Presidential State of the Union Address, interpretive services for the hearing impaired will be available.

Mr. President, there are students at Delavan School for the Deaf in Wisconsin who have loved ones sacrificing their lives in the Persian Gulf. Those students, along with thousands of other hearing-impaired Americans, want to have an opportunity to "listen" to their President speak.

By airing the interpretive services made available by the U.S. Senate, the television networks can ensure that, for the first time, millions of hearing-impaired Americans can fully participate in the President's report to the Nation.

My friend and colleague from Kansas, Senator DOLE, and I are proud of the role we have played in making this service available. I am very hope- ful that the networks will join with us in taking this historic step.

COMMENDING SOLDIERS OF FORT JACKSON AND COMMUNITY LEADERS OF COLUMBIA, SC

Mr. HOLLINGS. Mr. President, last Friday, January 25, 1991, I was fortunate enough to be able to visit Fort Jackson, SC, and spend some time with its soldiers and the community leaders of Columbia, SC.

I have now been associated with the Army for some 52 years—from joining ROTC at the Citadel in 1938, through service in World War II, and continuing as Governor and now as a U.S. Senator. I have seen the Army mobilize and demobilize, grow large or grow small, many times. Now, because of Operation Desert Storm, both the Army and Fort Jackson are again growing. They greet civilian recruits and in a short 9 weeks send them out as confident, proud, and able young soldiers, as Fort Jackson always has.

But they are also bringing Army reservists and National Guard soldiers, men and women, processing them and readying them for deployment to Southwest Asia. I learned this is a complex operation, running the gamut from boots being issued to teeth being repaired. We as a country are truly indebted for the fine work Maj. Gen. John Renner, Command Sgt. Maj. Russell Anderson, and their superb staff of officers, noncommissioned officers, and civilians are accomplishing to support Operation Desert Storm.

Commendations are also in order for the citizens of the Columbia area, including the Association of the U.S. Army, led by Mr. Bob McCoy; to the former mayor of Columbia, Mr. Patton Adams; to television station WIS, and to many others, for the great job they did taking care of soldiers at Fort Jackson over the 1990 holiday period. Over $32,000 was raised for use of the soldiers, and their holiday season was made much more joyous because of the caring concerns of Columbia's citizenry.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President times such as these bring out the best in Americans as demonstrated, once again, by the soldiers and citizens in and around Columbia, SC. We are eternally grateful for their service to our Nation.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 24, 1991, during the recess of the Senate, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on January 24, 1991 are printed in today's RECORD at the end of the Senate proceedings.)

STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM 7

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

Mr. President, Mr. Speaker, Members of the United States Congress. I come to this House of the people, to speak to you and all Americans, certain that we stand at a defining hour.

Halfway around the world, we are engaged in a great struggle in the skies and on the seas and sands. We know why we're there. We are Americans: part of something larger than ourselves.

For two centuries, we've done the hard work of freedom. And tonight, we lead the world in facing down a threat to decency and humanity.

What is at stake is more than one small country; it is a big idea: a new world order—where diverse nations are drawn together in common cause, to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. Such is a world worthy of our struggle and worthy of our children's future.

The community of nations has resolutely gathered to condemn and repel lawless aggression. Saddam Hussein's unprovoked invasion—his ruthless, systematic rape of a peaceful neighbor—violated everything the community of nations holds dear. The world has said this aggression would not stand—and it will not stand.

Together, we have resisted the trap of appeasement, cynicism, and isolation that gives temptation to tyrants. The world has answered Saddam's invasion with 12 United Nations resolutions, starting with a demand for Iraq's immediate and unconditional withdrawal—and backed up by forces from 28 countries of six continents. With few exceptions, the world now stands as one.

The end of the Cold War has been a victory for all humanity. A year and a half ago, in Germany, I said our goal was a Europe whole and free. Tonight, Germany is united. Europe has become whole and free—and America's leadership was instrumental in making it possible.

Our relationship with the Soviet Union is important, not only to us, but to the World. That relationship has helped to shape these and other historic changes. But like many other nations, we have been deeply concerned by the violence in the Baltics, and we have communicated that concern to the Soviet leadership.

The principle that has guided us is simple: our objective is to help the Baltic peoples achieve their aspirations, not to punish the Soviet Union. In our recent discussions with the Soviet leadership, we have been given representations, which, if fulfilled, would result in the withdrawal of some Soviet forces, a reopening of dialogue with the Republics, and a move away from violence.

We will watch carefully as the situation develops. And we will maintain our contact with the Soviet leadership to encourage continued commitment to democratization and reform.

If it is possible, I want to continue to build a lasting basis for U.S.-Soviet cooperation, for a more peaceful future for all mankind.

The triumph of democratic ideas in Eastern Europe and Latin America—and the continuing struggle for freedom elsewhere around the world—all confirm the wisdom of our Nation's founders.

Tonight, we work to achieve another victory—a victory over tyranny, and savage aggression.

We in this Union enter the last decade of the 20th century thankful for our blessings, steadfast in our purpose, aware of our difficulties, and responsive to our duties at home and around the world.

For two centuries, America has served the world as an inspiring example of freedom and democracy. For generations, America has led the struggle to preserve and extend the blessings of liberty. And today, in a rapidly changing world, American leadership is indispensable. Americans know that leadership brings burdens and requires sacrifice.

But we also know why the hopes of humanity turn to us.

We are Americans: we have a unique responsibility to do the hard work of freedom. And when we do—freedom works.

The conviction and courage we see in the Persian Gulf today is simply the American character in action. The indomitable spirit that is contributing to this victory for world peace and justice is the same spirit that gives us the power and the potential to meet our toughest challenges at home.

We are resolute and resourceful. If we can selflessly confront evil for the sake of good in a land so far away, then surely we can make this land all that it should be.

If anyone tells you America's best days are behind her, they're looking the wrong way.

Tonight, I come before this House, and the American people, with an appeal for renewal. This is not merely a call for new government initiatives, it is a call for new initiative in government, in our communities, and from every American—to prepare for the next American century.

America has always led by example. So who among us will set this example? Which of our citizens will lead us in this next American century? Everyone who steps forward today, to get one addict off drugs. To convince one troubled teenager not to give up on life . . . to comfort one AIDS patient . . . to help one hungry child.

We have within our reach the promise of a renewed America. We can find meaning and reward by serving some purpose higher than ourselves—a shining purpose, the illumination of a thousand points of light. It is expressed by all who know the irresistible force of a child's hand, of a friend who stands by you and stays there—a volunteer's generous gesture, an idea that is simply right.

The problems before us may be different, but the key to solving them remains the same: it is the individual—the individual who steps forward. And the state of our Union is the union of each of us, one to the other: the sum of our friendships, marriages, families, and communities.

We all have something to give. So if you know how to read, find someone who can't. If you've got a hammer, find a nail. If you're not hungry, not lonely, not in trouble—seek out someone who is.

Join the community of conscience. Do the hard work of freedom. That will define the state of our Union.

Since the birth of our Nation, "We the people" has been the source of our strength. What government can do alone is limited—but the potential of the American people knows no limits.

We are a Nation of rock-solid realism and clear-eyed idealism. We are Americans: We are the Nation that believes in the future. We are the Nation that can shape the future.

And we've begun to do just that—by strengthening the power and choice of individuals and families.

Together, these last two years, we've put dollars for child care directly in the hands of parents, instead of bureaucracies. Unshackled the potential of Americans with disabilities. Applied the creativity of the marketplace in the service of the environment, for clean air. And made homeownership possible for more Americans.

The strength of a democracy is not in bureaucracy. It is in the people and their communities. In everything we do, let us unleash the potential of our most precious resource—our citizens. We must return to families, communities, counties, cities, states, and institutions of every kind the power to chart their own destiny, and the freedom and opportunity provided by strong economic growth. That's what America is all about.

I know, tonight, in some regions of our country, people are in genuine economic distress. I hear them.

Earlier this month, Kathy Blackwell of Massachusetts wrote me about what can happen when the economy slows down, saying "My heart is aching, and I think that you should know—your people out here are hurting badly."

I understand. And I'm not unrealistic about the future. But there are reasons to be optimistic about our economy.

First, we don't have to fight double-digit inflation. Second, most industries won't have to make big cuts in production, because they don't have big inventories piled up. And third, our exports are running solid and strong. In fact, American businesses are exporting at a record rate.

So let's put these times in perspective. Together, since 1981, we've created almost 20 million jobs, cut inflation in half, and cut interest rates in half.

Yes, the largest peacetime economic expansion in history has been temporarily interrupted. But our economy is still over twice as large as our closest competitor.

We will get this recession behind us, and return to growth—soon. We will get on our way to a new record of expansion and achieve the competitive strength that will carry us into the next American century.

We should focus our efforts today on encouraging economic growth, investing in the future, and giving power and opportunity to the individual.

We must begin with control of Federal spending. That's why I'm submitting a budget that holds the growth in spending to less than the rate of inflation. And that's why, amid all the sound and fury of last year's budget debate, we put into law new, enforceable spending caps—so that future spending debates will mean a battle of ideas, not a bidding war.

Though controversial, the budget agreement finally put the Federal government on a pay-as-you-go plan—and cut the growth of debt by nearly 500 billion dollars. And that frees funds for saving and job-creating investment.

Now, let's do more. My budget again includes tax-free family savings accounts; penalty-free withdrawals from I.R.A.'s for first-time home-buyers; and, to increase jobs and growth, a reduced tax for long-term capital gains.

I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders and the Federal Reserve to cooperate with us in a study—led by Chairman Alan Greenspan—to sort out our technical differences so that we can avoid a return to unproduction partisan bickering.

But just as our efforts will bring economic growth now, and in the future, they must also be matched by long-term investments for the next American century.

That requires a forward-looking plan of action—and that's exactly what we will be sending to the Congress. We have prepared a detailed series of proposals that include:

—A budget that promotes investment in America's future—in children, education, infrastructure, space, and high technology.

—Legislation to achieve excellence in education—building on the partnership forged with the 50 governors at the Education Summit—enabling parents to choose their children's schools—and helping to make America #1 in math and science.

—A blueprint for a new National Highway System—a critical investment in our transportation infrastructure.

—A research and development agenda that includes record levels of Federal investment and a permanent tax credit to strengthen private R & D and create jobs.

—A comprehensive National Energy Strategy that calls for energy conservation and efficiency, increased development, and greater use of alternative fuels.

—A banking reform plan to bring America's financial system into the 21st century—so that our banks remain safe and secure and can continue to make job-creating loans for our factories, businesses and home-buyers. I do think there has been too much pessimism. Sound banks should be making more sound loans, now—and interest rates should be lower, now.

In addition to these proposals, we must recognize that our economic strength depends upon being competitive in world markets. We must continue to expand America's exports. A sucessful Uruguay Round of world trade negotiations will create more real jobs and more real growth—for all nations. You and I know that if the playing field is level, America's workers and farmers can out-work and out-produce anyone, anytime, anywhere.

And with a Mexican Free Trade Agreement, and our Enterprise for the Americans Initiative, we can help our partners strengthen their economies and move toward a free trade zone throughout this entire hemisphere.

The budget also includes a plan of action right here at home to put more power and opportunity in the hands of the individual. That means new incentives to create jobs in our inner cities, by encouraging investment throughout enterprise zones. It also means tenant control and ownership of public housing. Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American.

Civil rights are also crucial to protecting equal opportunity. Every one of us has a responsibility to speak out against racism, bigotry, and hate. We will continue our vigorous enforcement of existing statutes, and I will once again press the Congress to strengthen the laws against employment discrimination without resorting to the use of unfair preferences.

We're determined to protect another fundamental civil right—freedom from crime and the fear that stalks our cities. The Attorney General will soon convene a Crime Summit of our Nation's law enforcement officials. And to help us support them, we need tough crime control legislation, and we need it now.

As we fight crime, we will fully implement our National Strategy for Combatting Drug Abuse. Recent data show we are making progress, but much remains to be done. We will not rest until the day of the dealer is over, forever.

Good health care is every American's right and every American's responsibility. So we are proposing an aggressive program of new prevention initiatives—for infants, for children, for adults, and for the elderly—to promote a healthier America and to help keep costs from spiralling.

It's time to give people more choice in government, by reviving the ideal of the citizen politician who comes not to stay, but to serve. One of the reasons there is so much support for term limitations is that the American people are increasingly concerned about big-money influence in politics. We must look beyond the next election, to the next generation. The time has come to put the national interest above the special interest—and totally eliminate Political Action Committees.

That would truly put more competition in elections, and more power in the hands of individuals. And where power cannot be put directly in the hands of the individual, it should be move closer to the people—away from Washington.

The Federal government too often treats government programs as if they are of Washington, by Washington, and for Washington. Once established, Federal programs seem to become immortal.

It's time for a more dynamic program life cycle: Some programs should increase. Some should decrease. Some should be terminated. And some should be consolidated and turned over to the States.

My budget includes a list of programs for potential turnover totalling more than $20 billion. Working with Congress and the Governors, I propose we select at least $15 billion in such programs and turn them over to the States in a single consolidated grant—fully funded—for flexible management by the States.

The value of this turn-over approach is straightforward. It allows the Federal government to reduce overhead. It allows States to manage more flexibly and more efficiently. It moves power and decisionmaking closer to the people. And it reinforces a theme of this Administration: appreciation and encouragement of the innovative power of "States as Laboratories."

This Nation was founded by leaders who understood that power belongs in the hands of people. They planned for the future. And so must we—here and around the world.

As Americans, we know there are times when we must step forward and accept our responsibility to lead the world away from the dark chaos of dictators, toward the brighter promise of a better day.

Almost 50 years ago we began a long struggle against aggressive totalitarianism. Now we face another defining hour for America and the world.

There is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every Marine, airman, and Coastguardsman—every man and woman now serving in the Persian Gulf.

Each of them has volunteered to provide for this Nation's defense—and now they bravely struggle, to earn for America, for the world, and for future generations, a just and lasting peace.

Our commitment to them must be the equal of their commitment to their country. They are truly America's finest.

The war in the Gulf is not a war we wanted. We worked hard to avoid war. For more than five months we, along with the Arab League, the European Community, and the United Nations, tried every diplomatic avenue. U.N. Secretary General Perez de Cuellar; Presidents Gorbachev, Mitterrand, Ozal, Mubarak, and Bendjedid; Kings Fahd and Hassan; Prime Ministers Major and Andreotti—just to name a few—all worked for a solution. But time and again, Saddam Hussein flatly rejected the path of diplomacy and peace.

The world well knows how this conflict began and when: It began on August 2nd, when Saddam invaded and sacked a small, defenseless neighbor. And I am certain of how it will end. So that peace can prevail, we will prevail.

Tonight, I'm pleased to report that we are on course. Iraq's capacity to sustain war is being destroyed. Our investment, our training, our planning—all are paying off. Time will not be Saddam's salvation.

Our purpose in the Persian Gulf remains constant: to drive Iraq out of Kuwait, to restore Kuwait's legitimate government, and to ensure the stability and security of this critical region.

Let me make clear what I mean by the region's stability and security. We do not seek the destruction of Iraq, its culture, or its people. Rather, we seek an Iraq that uses its great resources, not to destroy, not to serve the ambitions of a tyrant, but to build a better life for itself and its neighbors. We seek a Persian Gulf where conflict is no longer the rule, where the strong are neither tempted nor able to intimidate the weak.

Most Americans know instinctively why we are in the Gulf. They know we had to stop Saddam now, not later. They know this brutal dictator will do anything; will use any weapon; will commit any outrage, no matter how many innocents must suffer.

They know we must make sure that control of the world's oil resources does not fall into his hands, only to finance further aggression. They know that we need to build a new, enduring peace—based not on arms races and confrontation, but on shared principles and the rule of law.

And we all realize that our responsibility to be the catalyst for peace in the region does not end with the successful conclusion of this war.

Democracy brings the undeniable value of thoughtful dissent—and we have heard some dissenting voices here at home—some reckless, most responsible. But the fact that all voices have the right to speak out is one of the reasons we've been united in purpose and principle for 200 years.

Our progress in this great struggle is the result of years of vigilance, and a steadfast commitment to a strong defense. Now, with remarkable technological advances like the Patriot missile, we can defend against ballistic missile attacks aimed at innocent civilians.

Looking forward, I have directed that the SDI program be refocused on providing protection from limited ballistic missile strikes—whatever their source. Let us pursue an SDI program that can deal with any future threat to the United States, to our forces overseas, and to our friends and allies.

The quality of American technology, thanks to the American worker, has enabled us to successfully deal with difficult military conditions and help minimize loss of life. We have given our men and women the very best. And they deserve it.

We all have a special place in our hearts for the families of our men and women serving in the Gulf. They are represented here tonight by Mrs. Norman Schwarzkopf. We are very grateful to General Schwarzkopf and to all those serving with him. And to the families, let me say our forces in the Gulf will not stay there one day longer than is necessary to complete their mission.

The courage and success of the RAF pilots—of the Kuwaiti, Saudi, French, the Canadians, Italians, the pilots of Qatar and Bahrain—all are proof that for the first time since World War II, the international community is united. The leadership of the United Nations, once only a hoped-for ideal, is now confirming its founders' vision.

I am heartened that we are not being asked to bear alone the financial burden of this struggle. Last year, our friends and allies provided the bulk of the economic costs of Desert Shield, and having now received commitments of over $40 billion for the first three months of 1991, I am confident they will do no less as we move through Desert Storm.

But the world has to wonder what the dictator of Iraq is thinking. If he thinks that by targeting innocent civilians in Israel and Saudi Arabia, that he will gain advantage—he is dead wrong. If he thinks that he will advance his cause through tragic and despicable environmental terrorism—he is dead wrong. And if he thinks that by abusing the coalition POW's, he will benefit—he is dead wrong.

We will succeed in the Gulf. And when we do, the world community will have sent an enduring warning to any dictator or despot, present or future, who contemplates outlaw aggression.

The world can therefore seize this opportunity to fulfill the long-held promise of a new world order—where brutality will go unrewarded, and aggression will meet collective resistance.

Yes, the United States bears a major share of leadership in this effort. Among the nations of the world, only the United States of America has had both the moral standing, and the means to back it up. We are the only Nation on this Earth that could assemble the forces of peace.

This is the burden of leadership—and the strength that has made America the beacon of freedom in a searching world.

This Nation has never found glory in war. Our people have never wanted to abandon the blessings of home and work, for distant lands and deadly conflict. If we fight in anger, it is only because we have to fight at all. And all of us yearn for a world where we will never have to fight again.

Each of us will measure, within ourselves, the value of this great struggle. Any cost in lives is beyond our power to measure. But the cost of closing our eyes to aggression is beyond mankind's power to imagine.

This we do know: Our cause is just. Our cause is moral. Our cause is right.

Let future generations understand the burden and the blessings of freedom. Let them say, we stood where duty required us to stand.

Let them know that together, we affirmed America, and the world, as a community of conscience.

The winds of change are with us now. The forces of freedom are united. We move toward the next century, more confident than ever that we have the will at home and abroad to do what must be done—the hard work of freedom.

May God bless the United States of America.

GEORGE BUSH.

THE WHITE HOUSE, *January 29, 1991*.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 25, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 3. An act to amend title 38, United States Code, to revise, effective as of January 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; and

H.R. 4. An act to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield Operation.

Under the authority of the order of the Senate of Janaury 3, 1991, the enrolled bills were signed on January 25, 1991, during the recess of the Senate, by the President pro tempore (Mr. BYRD).

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on January 29, 1991, during the recess of the Senate, received a message from the President of the United States announcing that pursuant to the provisions of 20, United States Code, 42 and 43 the Speaker appoints as members of the Board of Regents of the Smithsonian Institution the following Members on the part of the House: Mr. WHITTEN, Mr. MINETA, and Mr. CONTE.

The message further announced that pursuant to the provisions of section 1505 of Public Law 99-498, the Speaker appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Members on the part of the House: Mr. KILDEE and Mr. YOUNG of Alaska.

The message also announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members on the part of the House: Mr. YATES, Mr. WILSON, and Mr. MCDADE.

The message further announced that pursuant to the provisions of section 5(b) of Public Law 93-642, the Speaker appoints as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members on the part of the House: Mr. SKELTON and Mr. COLEMAN of Missouri.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-459. A communication from the Administrator of the Farmers Home Administration, transmitting, pursuant to law, a report on the use of contracts for legal services by the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-460. A communication from the Deputy Secretary of Agriculture, transmitting, pursuant to law, the fiscal year 1990 report on advisory and assistance services; to the Committee on Agriculture, Nutrition, and Forestry.

EC-461. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the wildfire rehabilitation report for lands administered by the Department of Agriculture for fiscal year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-462. A communication from the President of the United States, transmitting, pursuant to law, notice that he has granted authority to the service Secretaries to order to active duty units and individual members not assigned to units of the Ready Reserve; to the Committee on Armed Services.

EC-463. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, documentation from the Government of Brazil relative to the lease of the naval landing ship ALAMO; to the Committee on Armed Services.

EC-464. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the expansion of foreign policy controls on certain chemicals which can be used in the production of chemical weapons; to the Committee on Banking, Housing, and Urban Development.

EC-465. A communication from the Secretary of Commerce, transmitting, pursuant to law, notice of the extension export controls maintained for foreign policy purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-466. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report on the projection of real economic growth of less than zero in the last calendar quarter of 1990 and the first calendar quarter of 1991; to the Committee on the Budget.

EC-467. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, notice of the delay in the submission of a report on research and development activities under the Steel and Aluminum Conservation and Technology Competitiveness Act; to the Committee on Energy and Natural Resources.

EC-468. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-469. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-470. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-471. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the annual report on the International Coffee Agreement for coffee year 1989/90; to the Committee on Finance.

EC-472. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report relative to prospective payments for hospital outpatient services; to the Committee on Finance.

EC-473. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to January 17, 1991; to the Committee on Foreign Relations.

EC-474. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the annual report on the Private Sector Revolving Fund for fiscal year 1990; to the Committee on Foreign Relations.

EC-475. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report and a Presidential determination with respect to El Salvador; to the Committee on Foreign Relations.

EC-476. A communication from the Secretary of State, transmitting, pursuant to law, a report stating that Israel is not being denied its right to participate in the activities on the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-477. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the annual report of the Board for fiscal year 1990; to the Committee on Foreign Relations.

EC-478. A communication from the Chairperson of the Martin Luther King, Jr. Federal Holiday Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Government Affairs.

EC-479. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-480. A communication from the Executive Secretary of the Barry M. Goldwater

Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-481. A communication from the Acting Secretary of Education, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-482. A communication from the President and Chief Executive Officer of the Farm Credit System Assistance Board, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-483. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-484. A communication from the Executive Director of the National Commission on Libraries and Information Science, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-485. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-486. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-487. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-488. A communication from the Administrator and Chairman of the Cost Accounting Standards Board, transmitting, pursuant to law, the first annual report of the Cost Accounting Standards Board, to the Committee on Governmental Affairs.

EC-489. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of the reports issued by the General Accounting Office during December 1990; to the Committee on Governmental Affairs.

EC-490. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting jointly, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-491. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-492. A communication from the Deputy Assistant to the President for Management and Director of the Office of Administration, transmitting, pursant to law, a report on the system of internal accounting and administrative controls in effect for each of the Executive Office of the President for fiscal year 1990; to the Committee on Governmental Affairs.

EC-493. A communication from the Attorney General of the United States, transmitting, pursuant to law, recommendations relative to coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities; to the Committee on the Judiciary.

EC-494. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Immigration Management—Strong Leadership and Management Reforms Needed to Address Serious Problems;" to the Committee on the Judiciary.

EC-495. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the biennial report of the National Center on Child Abuse and Neglect covering fiscal years 1987 and 1988; to the Committee on Labor and Human Resources.

EC-496. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fourth report of the Department of Health and Human Services Council on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-497. A communication from the Acting Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for fiscal year 1990; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-7. A resolution adopted by the City Council of Seattle, Washington calling for a negotiated settlement in the Middle East and a redirection of resources to the cities of the United States; to the Committee on Foreign Relations.

POM-8. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Foreign Relations.

"Joint Resolution

"Whereas, the firm commitment and courageous dedication of American men and women in the United States Armed Forces deserve the nation's highest respect and commitment to a just and peaceful resolution of the Persian Gulf Crisis; and

"Whereas, the United Nations has condemned Iraq's invasion and occupation of Kuwait, has called for the withdrawal of Iraq from Kuwait, has imposed strict sanctions against Iraq, and has authorized all necessary means after January 15, 1991, to gain Iraq's compliance with the United Nations' resolutions; and

"Whereas, war between Iraq and the United States and its allies will lead to much bloodshed and the loss of life of thousands of servicemen and servicewomen, as well as civilians, on all sides of the conflict; and

"Whereas, the economic impact of war in the Persian Gulf could cost the United States and its allies $1 billion a day, cause serious international economic disarray and prolonged worldwide recession, and divert necessary funds from health care, housing, education, economic development, and human services; and

"Whereas, war between Iraq and the United States and its allies may expand to a conflict beyond the borders of Iraq and Kuwait; and

"Whereas, more than 1,000 Montanans from the active forces, reserves, and national guard have been deployed to support Operation Desert Shield, leaving behind their homes and families. Now, therefore, be it

Resolved by the Senate and the House of Representatives of the state of Montana:

(1) That this Legislature endorse the actions of the United Nations.

(2) That the Legislature recognize the sacrifices and hardships of separation on Montana families who have sons or daughters, mothers or fathers, and sisters or brothers called to service in the present crisis.

(3) That this Legislature express its heartfelt support and gratitude to all men and women serving our country in Operation Desert Shield and offer its sincere prayer for their safe return.

(4) That it is the hope and prayer of the people of Montana that the leadership of Iraq, the United States, and all nations involved in the Persian Gulf Crisis negotiate a just and peaceful solution to the dispute for the mutual security of all people.

(5) That this Legislature call upon Congress and the President of the United States to continue to work together, thereby resolving this conflict peacefully.

(6) That copies of this resolution be sent by the Secretary of State to the President of the United States, to the presiding officer of the United States Senate, and to each member of Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 19. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the CONGRESSIONAL RECORD of January 10, 1991, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 273. A bill to recognize the organization known as the 29th Division Association, Incorporated; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 274. A bill to amend the Federal Deposit Insurance Act with respect to the procedures relating to the approval of deposit insurance and risk based premium assessments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for himself, Mr. ROTH, Mr. DURENBERGER, and Mr. MOYNIHAN) (by request):

S. 275. A bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 276. A bill to designate the Federal building located at 1520 Market Street in St. Louis, Missouri, as the "L. Douglas Abram Federal Building"; to the Committee on Environment and Public Works.

By Mr. SIMON:

S. 277. A bill to assure equal justice for women in the courts; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 278. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

By Mr. BRYAN (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. MITCHELL, Mr. ADAMS, Mr. BENTSEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEINZ, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. WELLSTONE, and Mr. WIRTH):

S. 279. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE (for himself, Mr. SASSER, and Mrs. KASSEBAUM):

S. 280. A bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself, Mr. JEFFORDS, Mr. DODD, Mr. SIMON, Mr. ADAMS, Mr. HARKIN, Mr. PELL, Ms. MIKULSKI, Mr. KOHL, Mr. WELLSTONE, and Mr. METZENBAUM):

S. 281. A bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN:

S. 282. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 283. A bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available; to the Committee on Armed Services.

By Mr. SARBANES:

S.J. Res. 49. Joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 50. Joint resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. ADAMS, Mr. BUMPERS, Mr. BRADLEY, Mr. HEINZ, Mr. BURDICK, Mr. CONRAD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. JEFFORDS, Mr. RIEGLE, Mr. MOYNIHAN, Mr. NUNN, Mr. MURKOWSKI, Mr. HOLLINGS, Mr. AKAKA, Mr. THURMOND, Mr. COHEN, Mr. SASSER, Mr. LEAHY, Mr. D'AMATO, Mr. PELL, Mr. BOREN, Mr. KERRY, Mr. STEVENS, Mr. LEVIN, Mr. ROTH, Mr. GORE, Mr. KENNEDY, Mr. DECONCINI, Mr. REID, and Mr. DODD):

S.J. Res. 51. Joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

By Mr. DECONCINI:

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSTON from the Committee on Energy and Natural Resources:

S. Res. 19. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 273. A bill to recognize the organization known as the 29th Division Association, Inc.; to the Committee on the Judiciary.

29TH DIVISION ASSOCIATION, INC.

• Mr. SARBANES. Mr. President, I am reintroducing legislation today with my colleague from Maryland, Senator BARBARA MIKULSKI, which provides recognition to the 29th Division Association, Inc. and grants the association a Federal charter. The 29th Division has a long and remarkable history and a close association with the citizens of Maryland. I am proud to introduce this bill recognizing one of our Nation's most notable military organizations.

The 29th Division Association, Inc. is a nonprofit corporation organized under the laws of the State of New Jersey. Its objects and purposes as expressed in its articles of incorporation, include: First, the promotion of fellowship among its members; second, the perpetuation of the record of the 29th Division, U.S. Army, in the World Wars; third, the promotion of the welfare of its members; fourth, the consideration of questions concerning the military policy of the United States; fifth, to uphold and defend the Constitution of the United States. The 29th Division Association was organized in 1921 by veterans of World War I who served with the 29th Division in Europe. It now has a membership of 3,500 including veterans from World War I and World War II, as well as young men and women now serving in the 29th Division.

The 29th Infantry Division was organized at Camp McClellan, AL in August 1917 during World War I. Comprised of National Guard units of citizen soldiers from Maryland, Delaware, Virginia, the District of Columbia, and New Jersey, the division consisted of two brigades with two infantry regiments, an artillery brigade and supporting units. The division arrived in France in June 1918 and fought in the Alsace and Meuse-Argonne campaigns, suffering over 5,700 casualties.

In World War II, the 29th Division was mobilized in February 1941 at Fort Meade, MD. This time it included soldiers from Maryland, Virginia, the District of Columbia, and Pennsylvania. The division sailed for England in 1942 after stateside training. Further training ensued in England. On D-day, June 6, 1944, the 29th Infantry Division stormed ashore on Omaha Beach to win a beachhead, taking heavy casualties in the process. The division then participated in four major campaigns including Normandy, Northern France, Rhineland, and Central Europe, suffering 19,814 killed, wounded, and missing. It compiled one of the most distinguished war records of any of our infantry divisions.

In 1985 the division was again reactivated as the 29th Infantry Division (Light) with citizen soldiers from Maryland and Virginia. It is continuing the proud tradition established by the 29th in two World Wars.

The 29th Infantry Division has played a key role in the defense of this country and is still doing so. It is my hope that this legislation to grant the 29th Infantry Division Association a Federal charter will be approved, and I urge my colleagues to join in this effort to honor this distinguished military unit.•

By Mr. GRAHAM:

S. 274. A bill to amend the Federal Deposit Insurance Act with respect to the procedures relating to the approval of deposit insurance and risk-based premium assessments; to the Committee on Banking, Housing, and Urban Affairs.

BANK DEPOSIT INSURANCE LEGISLATION

• Mr. GRAHAM. Mr. President, this Congress will be asked to take a series of actions designed to solidify, to strengthen, and to make less vulnerable the Federal Deposit Insurance Corporation [FDIC] fund, so that in the fall of 1992 we will not be bemoaning the fact that we had again missed the clear clarion call for action.

There are a number of legislative actions that need to occur to assist the fund. Some of that legislation was advanced last fall and will again be put forward this spring. The bill I am introducing today will do two things. First, it will give the FDIC the authority to deny insurance coverage to nationally chartered and State chartered Federal Reserve System member banks. Second, the bill will give FDIC the authority to implement a risk-based insurance system.

The concept that I introduced last year as S. 3075 and which I am again introducing today should, I think, be part of any legislation. It would give the FDIC the authority to deny insurance to any newly chartered national banks and Federal Reserve System member banks. This concept would carry out a recommendation that has been made by the current Chairman of the FDIC, Mr. William Seidman. Mr. Seidman, on July 31 of last year, speaking before the Senate Banking Committee, said that he believed "that as a basic principle the insurer should decide which institutions it insures and that that is the ultimate protection that ought to be afforded to the taxpayer. So we have that now with the savings and loans. We don't have that with the banks." "As a matter of principle, the insurer should determine what institutions qualify for insurance."

Currently the FDIC is required to provide insurance coverage to newly chartered national banks, and State chartered banks which are members of the Federal Reserve System. Also all savings associations chartered after August 9, 1989, and all newly chartered State nonmember banks must apply for FDIC coverage.

The bill today conforms the FDIC's current authority that it acquired for savings associations under the 1989 savings and loan bill to banks.

Second, Mr. President, if we are going to make the FDIC fund truly an insurance fund and not a disgusted subsidy, then the premiums paid in this fund must meet some actuarial standards of adequacy in proportion of the risk assumed. If you are a good driver, you pay lower premiums than a driver who has had a series of accidents. If you are older, you pay higher life insurance rates than younger individuals. If you operate a risky business, you pay higher premiums than that individual who operates a more tranquil enterprise.

We ought to be moving forward with a proposal to make the insurance premiums risk based; that is to relate the degree of risk for individual institutions to the amount of premiums that those institutions pay. In March 1989, Chairman Seidman stated that he felt that the FDIC should have the authority to develop a risk-based insurance system. We did not act on his request in March 1989. I hope we will not miss the opportunity to do so this Congress.

Mr. President one of the lessons we have learned from the savings and loan debacle is the fact that we cannot allow the deposit insurance fund to remove from the management of institutions their sense of personal responsibility and financial accountability for their actions. The way the insurance fund has operated in the past has been characterized as privatizing profits and socializing losses—that is, if things went well the institution would reap the benefit of the profit. If things went badly, that was the taxpayers' responsibility. That is an unacceptable allocation of risk and reward.

The legislation I have filed today will fill two pieces of that anomaly by providing to the Federal deposit insurance fund the capacity to deny coverage where it feels that a federally chartered institution does not warrant that degree of Federal assumption of financial responsibility and to set up a risk based insurance premium system.•

By Mr. DOLE (for himself, Mr. ROTH, Mr. DURENBERGER and Mr. MOYNIHAN) (by request):

S. 275. A bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes; to the Committee on Finance.

ANDEAN TRADE INITIATIVE ACT

Mr. DOLE. Mr. President, today I am pleased to introduce President Bush's Andean Trade Initiative Act.

As we all know too well, the Andean nations are engaged in a serious struggle to combat narcotics trafficking within their borders. As the preferred customer, I believe it is important that the United States aid and encourage these efforts with economic incentives to replace the unfortunately lucrative narcotics trade.

This legislation authorizes the President to offer legitimate trading opportunities, comparable to the trade preferences granted to our Caribbean Basin neighbors, to reward those Andean nations which join us in the fight to eliminate the production, processing, and shipment of illegal drugs. It will also increase the prospects for economic growth and prosperity in the Andean region and throughout the hemisphere.

Under this initiative, direct imports from a beneficiary nation are eligible for duty-free treatment if at least 35 percent of their value was added in one or more of the beneficiary countries, including the CBI countries.

Products which are particularly import sensitive and are excluded under the CBI are also excluded under this initiative. These include textiles and apparel, footwear, petroleum and petroleum products, canned tuna, watches and watch parts. Other sensitive items are subject to the gradual duty reductions already provided in the CBI.

Finally, the legislation provides for import relief to safeguard domestic industries, such as producers of live plants, cut flowers, fruits, vegetables, and juices.

Mr. President, if we are to win the war on drugs, we must support the efforts of our Andean neighbors. Their struggle is our struggle.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Andean Trade Initiative Act".

SEC 2. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this Act.

SEC. 3. BENEFICIARY COUNTRY.

(a) DEFINITIONS.—For purposes of this Act—

(1) The term "beneficiary country" means any country listed in subsection (b) of this section with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this Act. If the President designates any country as a beneficiary country for purposes of this Act, he shall notify the House of Representatives and the Senate of such designation, together with the considerations entering into such decision, no later than 30 days after the date of such designation.

(2) The term "entered" means entered, or withdrawn form warehouse for consumption, in the customs territory of the United States.

(3) The term "HTS" means the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) DESIGNATION OF BENEFICIARY COUNTRY.—In designating countries as "beneficiary countries" under this Act, the President shall consider only the following countries or successor political entities:

Bolivia
Ecuador
Colombia
Peru

(c) CRITERIA FOR DESIGNATION.—In determining whether to designate any country as a beneficiary country under this Act, the President shall take into account—

(1) whether such country is a Communist country;

(2) whether such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association, which is 50 percent or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum;

(3) whether such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards which are in favor of United States citizens or a corporation, partnership, or association which is 50 percent or more beneficially owned by United States citizens, and which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) whether such country affords preferential treatment to the products of a developed country, other than the United States, and whether such preferential treatment has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to the President that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect;

(5) whether a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent or such country fails to work towards the provision of adequate and effective protection of intellectual property rights;

(6) whether such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens;

(7) whether such country has or is taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974, 19 U.S.C. 2462(a)(4)) to workers in the country (including any designated zone in that country);

(8) whether such country has met the narcotics cooperation certification criteria set forth in section 481(h)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(h)(2)(A)) for eligibility for United States assistance;

(9) an expression by such country of its desire to be so designated;

(10) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which the President deems appropriate;

(11) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(12) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(a));

(13) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(14) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(15) the degree to which such country is undertaking self-help measures to promote its own economic development;

(16) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(17) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(18) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this Act.

(d) PRODUCTS OF INSULAR POSSESSIONS.—General Note 3(a)(iv) of the HTS (relating to products of the insular possessions) is amended by adding at the end thereof the following:

"(E) Subject to the provisions in section 4 of the Andean Trade Initiative Act goods which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such goods when they are imported from a beneficiary country under such Act.".

(e) WITHDRAWAL OF SUSPENSION OF DESIGNATION.—

(1) The President may—

(A) withdraw or suspend the designation of any country as a beneficiary country, or

(B) withdraw, suspend, or limit the application of duty-free treatment under this Act to any article of any country, if, after such designation, the President determines that as a result of changed circumstances such a country should be barred from designation as a beneficiary country.

(2)(A) The President shall publish in the Federal Register notice of the action the President proposes to take under paragraph (1) at least 30 days prior to taking such action.

(B) The United States Trade Representative shall, within the 30-day period beginning on the date on which the President publishes under subparagraph (A) notice of proposed action—

(i) accept written comments from the public regarding such proposed action,

(ii) hold a public hearing on such proposed action, and

(iii) publish in the Federal Register—

(I) notice of the time and place of such hearing prior to the hearing, and

(II) the time and place at which such written comments will be accepted.

SEC. 4. ELIGIBLE ARTICLES.

(a) IN GENERAL.—

(1) Unless otherwise excluded from eligibility by this Act, the duty-free treatment provided under this Act shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries under this Act, or a beneficiary country under the Caribbean Basin Economic Recovery Act, or two or more such countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries (under this Act or the Caribbean Basin Economic Recovery Act) is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subsection (a) including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this Act, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, interest, and salesmen's salaries, commissions or expenses.

(4) Pursuant to section 223 of the Caribbean Basin Economic Recovery Expansion Act of 1990, if the President considers that the implementation of revised rules of origin for products of beneficiary countries designated under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.), would be appropriate, the President may include similarly revised rules of origin for products or beneficiary countries designated under this Act in any suggested legislation transmitted to the Congress that contain such rules of origin for products of beneficiary countries under the Caribbean Basin Economic Recovery Act.

(b) LIMITATION ON DUTY-FREE TREATMENT.—The duty-free treatment provided under this Act shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided in heading 2709 or 2710 of the HTS;

(5) watches and watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

(6) articles to which reduced rates of duty apply under subsection (c); or

(7) sugars, syrups, and molasses classified in subheading 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, or 2106.90.12 of the HTS.

(c) REDUCTION IN CERTAIN RATES OF DUTY.—

(1) Subject to paragraph (2), the President shall proclaim reductions in the rates of duty on handbags, luggage, flat goods, work gloves, and leather wearing apparel that—

(A) are the product of any beneficiary country; and

(B) were not designated on August 5, 1983, as eligible articles for purposes of the generalized system of preferences under title V of the Trade Act of 1974.

(2) The reduction provided for under paragraph (1) in the rate of duty on any article may—

(A) result in a rate that is equal to 80 percent of the rate of duty that applies to the article on December 31, 1991, except that, subject to the limitations in paragraph (3), the reduction may not exceed 2.5 percent ad valorem; and

(B) be implemented in 5 equal annual stages with the first one-fifth of the aggregate reduction in the rate of duty being applied to entries, or withdrawals from warehouse for consumption, of the article on or after January 1, 1992.

(3) The reduction provided for under this subsection with respect to the rate of duty on any article is in addition to any reduction in the rate of duty on that article that may be proclaimed by the President as being required or appropriate to carry out any trade agreement entered into under the Uruguay Round of trade negotiations; except that if the reduction so proclaimed—

(A) is less than 1.5 percent ad valorem, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed 3.5 percent ad valorem, or

(B) is 1.5 percent ad valorem or greater, the aggregate of such proclaimed reduction and the reduction under this subsection may not exceed the proclaimed reduction plus 1 percent ad valorem.

(d) SUSPENSION OF DUTY-FREE TREATMENT.—

(1) The President may by proclamation suspend the duty-free treatment provided by this Act with respect to any eligible article and may proclaim a duty rate for such article if such action is provided under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251–2253) or section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862).

(2) In any report by the International Trade Commission to the President under section 202(f) of the Trade Act of 1974 (19 U.S.C. 2252(f)) regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this Act, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of section 203 of the Trade Act of 1974 (19 U.S.C. 2253), the suspension of the duty-free treatment provided by this Act shall be treated as an increase in duty.

(4) No proclamation providing solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be taken under section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 202(b) of the Trade Act of 1974, determines in the course of its investigation under such section that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this Act.

(5)(A) Any action taken under section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 1 of this Act is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to any such action at the time duty-free treatment is proclaimed pursuant to section 1 of this Act, the President may reduce or terminate the application of such action to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of section 203 of the Trade Act of 1974.

(e) PETITION FILED WITH THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—

(1) If a petition is filed with the United States International Trade Commission pursuant to the provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within 14 days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, the Secretary shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of the Secretary's determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) After the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, the President may issue a proclamation withdrawing the duty-free treatment provided by this Act or publish a notice of the President's determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the taking of action under section 203 of the Trade Act of 1974,

(B) on the day a determination by the President not to take action under section 203(b)(2) of such Act becomes final,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants and fresh cut flowers provided for in chapter 6 of the HTS;

(B) fresh or chilled vegetables provided for in headings 0701 through 0709 (except subheading 0709.52.00) and heading 0714 of the HTS;

(C) fresh fruit provided for in subheadings 0804.20 through 0810.90 (except citrons in subheading 0805.90.00, tamarinds and kiwi fruit in subheading 0810.90.20, and cashew apples, mameyes colorados, sapodillas, soursops, and sweetsops in subheading 0810.90.40) of the HTS; or

(D) concentrated citrus fruit juice provided for in subheading 2009.11.00, 2009.19.40, 2009.20.40, 2009.30.20, or 2009.30.60 of the HTS.

(f) FEES IMPOSED UNDER AGRICULTURE ADJUSTMENT ACT.—No proclamation issued pursuant to this Act shall affect fees imposed pursuant to section 22 of the Agriculture Adjustment Act (7 U.S.C. 624).

SEC. 5. CONFORMING AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) General Note 3(c)(i)(A) of the Harmonized Tariff Schedule of the United States is amended by adding at the end of the table the following new item:

"Andean Trade Initiative Act ..... F or F*".

(b) General Note 3(c) of the Harmonized Tariff Schedule of the United States is amended by adding at the end thereof the following:

"(ix) Products of Countries Designated as Beneficiary Countries for Purposes of the Andean Trade Initiative Act (ATIA).

"(A) The following countries or successor political entities are designated beneficiary countries for the purposes of the ATIA, pursuant to section 3 of that Act;

"Bolivia
"Colombia
"Ecuador
"Peru

"(B)(1) Unless otherwise excluded from eligibility by the provisions of subdivisions (c)(ix)(D) or (c)(ix)(E) of this note, any article which is the growth, product, or manufacture of a beneficiary country shall be eligible for duty-free treatment if that article is provided for in a subheading for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbol 'F' or 'F*' in parentheses, and if—

"(I) that article is imported directly from a beneficiary country into the customs territory of the United States; and

"(II) the sum of (A) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries under the ATIA, or a beneficiary country under the Caribbean Basin Economic Recovery Act, or two or more such countries, plus (B) the direct costs of processing operations performed in a beneficiary country or countries (under the ATIA or the Caribbean Basin Economic Recovery Act) is not less than 35 percent of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (II), the term 'beneficiary country' includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 percent of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (II).

"(2) Pursuant to section 4(a)(2) of the ATIA, the Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out subdivision (c)(ix) of this note including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under the ATIA, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country, and must be stated as such in a declaration by the appropriate party; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

"(I) simple combining or packaging operations, or

"(II) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

"(3) As used in subdivision (c)(ix)(B) of this note, the phrase 'direct costs of processing operations' includes, but is not limited to—

"(I) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

"(II) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (aa) profit, and (bb) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, interest, and salesmen's salaries, commissions or expenses.

"(C) Articles provided for in a provision for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbols 'F' or 'F*' in parentheses are eligible articles for purposes of the ATIA pursuant to section 4 of that Act. The symbol 'F' indicates that all articles provided for in the designated provision are eligible for preferential treatment except those described in subdivision (c)(ix)(E) of this note. The symbol 'F*' indicates that some articles provided for in the designated provision are not eligible for preferential treatment, as further described in subdivision (c)(ix)(D) of this note. Whenever an eligible article is imported into the customs territory of the United States in accordance with the provisions of subdivision (c)(ix)(B) of this note from a country or territory listed in subdivision (c)(ix)(A) of this note, it shall be eligible for duty-free treatment as set forth in the 'Special' subcolumn, unless excluded from such treatment by subdivision (c)(ix)(D) or (c)(ix)(E) of this note.

"(D) Articles provided for in a provision for which a rate of duty of 'Free' appears in the 'Special' subcolumn followed by the symbol 'F*' in parentheses shall be eligible for the duty-free treatment provided for in subdivision (c)(ix) of this note, except textile and apparel articles—

"(1) of cotton, wool, or fine animal hair, man-made fibers, or blends thereof in which those fibers, in the aggregate, exceed in weight each other single component fiber thereof; or

"(2) in which either the cotton content or the man-made fiber content equals or exceeds 50 percent by weight of all component fibers thereof; or

"(3) in which the wool or fine animal hair content exceeds 17 percent by weight of all components fibers thereof; or

"(4) containing blends of cotton, wool, or fine animal hair, or man-made fibers, which fibers, in the aggregate, amount to 50 percent or more by weight of all component fibers thereof;

except that beneficiary country exports of handloom fabrics of the cottage industry, or handmade cottage industry products made of such handloom fabrics, or traditional folklore handicraft textile products, if such products are properly certified under an arrangement established between the United States and such beneficiary country, are eligible for the duty-free treatment provided for in subdivision (c)(ix) of this note.

"(E) The duty-free treatment provided under the ATIA shall not apply to watches and to watch parts (including cases, bracelets, and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which column 2 rates of duty apply.".

SEC. 6. INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THE ANDEAN TRADE INITIATIVE ACT.

(a) REPORT TO CONGRESS.—The United States International Trade Commission (hereafter in this section referred to as the "Commission") shall prepare, and submit to the Congress, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four month period beginning with the date of the enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this Act is terminated under section 8(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b) CONTENT OF REPORT.—

(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect that this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c) DATE FOR SUBMITTING REPORT.—

(1) Each report required under subsection (a) shall be submitted to the Congress before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide an opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC. 7. IMPACT STUDY BY SECRETARY OF LABOR.

The Secretary of Labor, in consultation with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact that the implementation of the provisions of this Act has with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

SEC. 8. EFFECTIVE DATE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this Act shall remain in effect on or after the date that is 10 years after the date of the enactment of this Act.

• Mr. ROTH. Mr. President, I am pleased to join the distinguished Republican leader in introducing the Andean Trade Initiative Act, which is being introduced on behalf of the administration. In helping to promote greater economic opportunities for the four Andean countries, Bolivia, Colombia, Ecuador, and Peru, this legislation will fulfill the commitment made by our President during the Cartagena summit last summer, and is a critical component to supporting these countries' efforts to eliminate the production, processing, and shipment of illicit drugs.

The provisions of this act establish a trade preference regime for certain products from the Andean countries. It is closely modeled after the Caribbean Basin Initiative [CBI], which was renewed and extended by Congress just last year. It is carefully crafted to take into account the need for protecting highly import sensitive products by maintaining duties on such products.

In addition to helping eliminate the illegal drug business, the United States will benefit from other provisions contained in this legislation. For example, the President must consider various factors important to U.S. business and labor concerns prior to designating a beneficiary country. These include the extent to which such country provides adequate protection of intellectual property rights, assures equitable and reasonable market access to U.S. goods and services, and is taking steps to afford internationally recognized worker rights. These and other criteria should prompt positive constructive economic change in the region.

If we expect Andean countries to eliminate their significant economic dependency on, and involvement in, illegal drugs, then we must be willing to help them bring about an expanding pattern of normal economic growth and development. Ultimately, we will reap substantial benefits through growing export opportunities and reduced illegal drug activity. The Andean Trade Initiative Act will be a strong step in this direction and I urge my colleagues to support it.•

By Mr. DANFORTH (for himself and Mr. BOND):

S. 276. A bill to designate the Federal building located at 1520 Market Street in St. Louis, MO, as the "L. Douglas Abram Federal Building"; to the Committee on Environment and Public Works.

L. DOUGLAS ABRAM FEDERAL BUILDING

• Mr. DANFORTH. Mr. President, on behalf of myself and Mr. BOND, I am introducing legislation to designate the Federal building at 1520 Market Street, St. Louis, MO, as the "L. Douglas Abram Federal Building."

Mr. Abram, a special agent with the Federal Bureau of Investigation, was killed in the line of duty on January 19, 1990. Special Agent Abram entered on duty as an agent on June 6, 1976. During his 14-year career with the FBI, he had been assigned to the Columbus, OH, Resident Agency and Washington Field Office. In 1983, he was assigned to the St. Louis office and was a member of the special weapons and tactics [SWAT] team.

Mr. Abram lost his life in a shootout that began when officials tried to serve a search warrant on a suspected bank robber's home. Special Agent Abram was the first agent in the St. Louis office to die in the line of duty, and the 40th in the Nation.

Mr. Abram was an outstanding, dedicated professional who gave his life in the performance of his duty. He was known for his courage and loyalty and was considered a role model by many of the agents he helped train.

The war against drugs and crime is on-going. It is the dedication and persistence of our men and women in the law enforcement arena that will enable us to win this war. Special Agent Abram gave his life in the service of his country and I think he deserves to be honored in a significant way.

I offer this tribute to one of our Nation's heroes and urge your support of this bill.•

By Mr. SIMON:

S. 277. A bill to assure equal justice for women in the courts; to the Committee on the Judiciary.

EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

• Mr. SIMON. Mr. President, I rise today to introduce the Equal Justice for Women in the Courts Act of 1991. This bill addresses one of the remaining barriers to equal justice in our State and Federal judicial proceedings—gender bias by judges and court personnel. I first introduced this bill in the 101st Congress, and it was unanimously approved by the Judiciary Committee as an amendment to Senator Biden's Violence Against Women Act.

The Equal Justice for Women in the Courts Act authorizes funding for the State Justice Institute and the Federal Judicial Center to develop and disseminate model programs designed to train judges and their personnel on rape laws, sexual assault, domestic violence, and crimes of violence motivated by gender.

Training would include such topics as the physical, economic, and psychological effects of rape and domestic violence on the victim and the resulting costs to society; statistics on the nature and incidence of domestic violence; and the application of the rape shield laws and other limits on the introduction of evidence in court. Both the State and the Federal model programs would be developed with the assistance of law enforcement officials, victim's advocates, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

The Federal Courts Study Committee report released in April 1990 noted the crucial need for the type of judicial education and training this bill will provide. The study committee found that studies of many State systems reveal the presence of gender bias in State judicial proceedings. The committee concluded, "[w]e believe education is the best means of sensitizing judges and supporting personnel to their own possible inappropriate conduct and to the importance of curbing such bias when shown by attorneys, parties, and witnesses."

Two and one-half years ago, the Illinois State Bar Association, the Illinois Women's Bar Association, and the Chicago Bar Association established the task force to study gender bias in the courts. Last year the task force released its exhaustive study of the manifestations of gender bias in domestic relations cases, criminal cases, civil damage awards, and courtroom dynamics in the Illinois system. The report notes such specific instances of bias as a judge's comments in a case where a man chased his estranged wife and her companion by car. The woman and her companion were killed while trying to elude the defendant. As he sentenced the defendant to probation, the presiding judge stated, "[t]his was no drunken idiot trying to run someone off the road. This was a sober man trying to reclaim his wife."

But this is just one of many examples of blatant gender bias uncovered by the task force. The report also cites other, far more subtle, instances of gender bias throughout the justice system and strongly recommends judicial education as an important part of any meaningful effort to eliminate such bias.

I, too, believe that educational training for State and Federal judges on the legal issues and practical aspects surrounding sexual assault, domestic violence, rape, and crimes of violence motivated by gender is vital if judges and court personnel are to have a true understanding of the traumatic effects of these crimes on the victims.

Mr. President, last year my colleague, Senator BIDEN of Delaware, introduced the first comprehensive measure aimed at making our Nation's streets, college and university campuses, and homes safer for women. Following extensive hearings, the Judiciary Committee unanimously approved the Violence Against Women Act. The

Equal Justice for Women in the Courts Act was included as an amendment to the bill. Senator BIDEN has reintroduced the Violence Against Women Act this year, and I am pleased to note that the Equal Justice for Women in the Courts Act is included as title V of the bill.

Statistics compiled by the Judiciary Committee reveal that in 1989, more women were abused by their husbands than the number of women who got married. Since 1974, the rate of assaults against young women age 20 to 24 has risen 48 percent. In that same period of time, assaults against young men age 20 to 24 dropped 12 percent. In my home State of Illinois, the rate of sexual assaults has risen roughly 18 percent since 1986.

Yet rape is the most under-reported of all major crimes—it is believed that only about 7 percent of all rapes are reported to the police. One of the reasons they go unreported is the actual and perceived insensitivity of law enforcement officers and officers of the court to the victims of these crimes.

Enactment of the Equal Justice for Women in the Courts Act will provide meaningful protection to the rights of those who are victimized by sex crimes, domestic violence, and crimes of violence motivated by gender and take us one step closer to making equal justice under the law a living reality.

Mr. President, I commend this bill to my colleagues and invite their cosponsorship and support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Justice for Women in Courts Act of 1991".

TITLE I—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

SEC. 101. GRANTS AUTHORIZED.

The State Justice Institute is authorized to award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the State on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victims' gender.

SEC. 102. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this title may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses sentencing and other aspects of the administration of justice;

(7) application of rape shield laws and other limits or introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered women syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 103. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this title are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1991, $600,000 to carry out the purposes of this title. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

TITLE II—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

SEC. 201. EDUCATION AND TRAINING GRANTS.

(a) STUDY.—The Federal Judicial Center shall conduct a study of the nature and extent of gender bias in the Federal courts, including in proceedings involving rape, sexual assault, domestic violence, and other crimes of violence motivated by gender. The study shall be conducted by the use of data collection techniques such as reviews of trial and appellate opinions and transcripts, public hearings, and inquiries to attorneys practicing in the Federal courts. The Federal Judicial Center shall publicly issue a final report containing a detailed description of the findings and conclusions of the study, including such recommendations for legislative, administrative, and judicial action as it considers appropriate.

(b) MODEL PROGRAMS.—(1) The Federal Judicial Center shall develop, test, present, and disseminate model programs to be used in training Federal judges and court personnel in the laws on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

(2) The training programs developed under this subsection shall include—

(A) all the topics listed in section 102 of title I; and

(B) all procedural and substantive aspects of the legal rights and remedies for violent crime motivated by gender including such areas as the Federal penalties for sex crimes, interstate enforcement of laws against domestic violence and civil rights remedies for violent crimes motivated by gender.

SEC. 203. COOPERATION IN DEVELOPING PROGRAMS.

In implementing this title, the Federal Judicial Center shall ensure that the study and model programs are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for fiscal year 1991, $400,000 to carry out the purposes of this title. Of amounts appropriated under this section, no less than 25 percent and no more than 40 percent shall be expended by the Federal Judicial Center on the study required by section 201(a) of this title.●

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 278. A bill to provide for certain notice and procedures before the Social Security Administration may close, consolidate, or recategorize certain offices; to the Committee on Finance.

SOCIAL SECURITY ADMINISTRATION SERVICES PRESERVATION ACT

● Mr. SARBANES. Mr. President, today I am reintroducing legislation that would establish procedures to be used when the Social Security Administration proposes to close or move a field office.

My legislation, the Social Security Administration Services Preservation Act of 1991, would establish a process for ensuring that interested organizations, employees, and social security beneficiaries all receive adequate notice of proposed changes in field offices.

This bill would also require the agency to list, as part of its annual budget submission, those offices which have been closed in the preceding year as well as any that the agency plans to close. Currently, there is no readily available source of this information even though it is clearly important if we in Congress are to be informed about the agency's service to the American people.

The procedures in this legislation are based both on procedures employed by the U.S. Postal Service for office closings and on guidelines that the Social Security Administration issued on April 25, 1980. Those guidelines, part of an administrative directives system, outlined the agency's policy and I want to quote briefly from them:

> The prime purpose of any service area or facility change will be to directly improve public service, increase operational or administrative efficiency, or both. The assumption is that improvements in operational or administrative efficiency can be shown to result at least indirectly in improved public service, but where change would bring these two concepts or goals into conflict with one another, public service considerations should be carefully weighed in light of the costs involved.

The guidelines go on to specify that shifts in population, demand for personal service, socioeconomic changes, transportation availability, and public reaction to the proposal should all be considered in decisions to close or relocate facilities. If the Social Security Administration consistently adhered to these guidelines, the need for the legislation I am introducing would not be as pressing. However, the guidelines have been repeatedly revised and, more importantly, there have been a number of cases where the agency has violated its own procedures.

Mr. President, public confidence in the Social Security Program is vital to its effectiveness and is based largely on the service the agency provides. The agency's extensive network of offices plays an important role in providing quality service to the millions of Americans who depend upon Social Security programs. The agency recognized, as early as 1958, that the location of its offices around the country contributes both to public confidence and to public cooperation.

As my colleagues know, the Social Security Administration closed, moved, and recategorized a number of service offices during the 1980's. A number of those closings, including one in my own State of Maryland, were made without adequate consideration of the public interest.

In the fall of 1987, the agency decided to close its Dunbar office located on the east side of Baltimore. That office had been opened in the late 1960's as part of an effort to provide a variety of community services at one central location—a former high school in the Dunbar community. The Social Security office served as the focal point of the center and received frequent referrals from State and local agencies located there. The demand for services from this community was noticeably high.

With the closing of that office, residents of the area still receive many other services from the Dunbar location. However, it is now necessary for them to go outside of their community for Social Security assistance. The Dunbar office served a community that includes many elderly and disabled residents who find it almost impossible to travel across town to other offices.

The agency's decision to close this particular office was never fully justified. They maintained that their quality of service and operating efficiency would be enhanced by telephone and computer modernization. However, Mr. President, I do not need to remind this body of the widespread reports of serious problems with the new equipment and with telephone accessibility. Many serious concerns about the teleservice program have been expressed to me and to my casework staff.

Even assuming that problems with the telephone systems are eventually resolved, the agency itself noted that more than 15 percent of households in the east Baltimore area do not have telephones. Therefore, those residents now have no choice except to travel the extra distance to the downtown office. The agency's arguments for closing the Dunbar office were especially unconvincing since it had been handling a heavy caseload very efficiently and effectively. At the time it was shut down, the branch office employed eight people who had a reputation throughout the Baltimore area for the quality of their service and the personal assistance they provided for clients.

The service delivery review that the agency used to justify the closing of the office included little serious analysis and did not consider alternative field office arrangements. However, the most surprising thing about the review process was its failure to involve the community in assessing its own service needs. The agency did not provide community groups or Social Security beneficiaries in the Dunbar area with an opportunity to participate in the service review process.

The Social Security Administration clearly did not follow its written procedures in this particular decision to close an office. Mr. President, I am confident that many of my colleagues are aware of situations in their own States in which a service office was closed or downgraded without input from community groups and without adequate consideration of the public interest. As many of us so painfully remember, the last Administration proposed closing more than 750 service offices in mid-1985. Thanks to the congressional and public outrage sparked by that proposal, the mass closings were not done. However, since that time the agency has continued to target many of those same offices for closure or recategorization.

My legislation would assure that the need for personal attention of many Social Security beneficiaries, such as senior citizens and handicapped persons, is considered before an office is closed. It recognizes that residents of areas that are characterized by low levels of income or education often have a greater need for personal assistance. In the 1960's and 1970's, the agency opened many offices in areas that are socially or economically disadvantaged. It disturbs me that many of those very offices are among the ones that the agency has targeted for closure in recent years.

This act would also ensure that all decisions to close, recategorize, or move a Social Security office are considered using a fair process. It would prevent the Administration from basing such decisions on political interests instead of on the needs of this Nation's citizens.

Mr. President, I am pleased that my colleague from Maryland, Senator MIKULSKI, is again joining as a cosponsor of this legislation. It is my hope that all of my other colleagues will join us in supporting this important bill so that it can be promptly approved by the Senate.●

By Mr. BRYAN (for himself, Mr. GORTON, Mr. HOLLINGS, Mr. MITCHELL, Mr. ADAMS, Mr. BENTSEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. FOWLER, Mr. GORE, Mr. GRAHAM, Mr. HEINZ, Mr. KERREY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mr. MCCAIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. REID, Mr. ROBB, Mr. RUDMAN, Mr. SANFORD, Mr. SIMON, Mr. WELLSTONE, and Mr. WIRTH):

S. 279. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE FUEL EFFICIENCY ACT

• Mr. BRYAN. Mr. President, today I, together with 34 original cosponsors, am introducing the Motor Vehicle Fuel Efficiency Act of 1991. It is one of the most effective energy conservation measures available to reduce our growing dependence on imported oil.

These are tense and frustrating days for all of us. We all have struggled with the proper response to the Iraqi invasion of Kuwait, and now that war has begun we all hope and pray for a quick resolution and for peace. At the same time, we know that this war may continue for some time, with a painfully high human and economic cost.

We are limited in what we can do in the short term to assist in the day-to-day war effort. But there is much we can do in the longer term to change the conditions that make us so dependent on the unstable Middle East, and on the oil that we know ultimately is a finite resource. We have been without an energy policy in this country for over 10 years. We now import well over 40 percent of the oil we use, and we import more of our oil from the Persian Gulf than we did at the time of the 1973 embargo. The fuel economy of passenger vehicles is declining, rather than improving, at a rate of 4 percent in just the last 2 years.

These patterns are deeply troubling, and inaction in the face of these facts would be irresponsible. The consequences of such inaction, for the citizen individually and for the Nation as a whole, can be severe. The legislation I introduce today is one step, and indeed the first step for the 102d Congress, to reverse the pattern of inertia that has existed for much too long.

This legislation is very similar to S. 1224, which I introduced in the 101st Congress, and which had the support of 57 Members of the Senate. It will improve the fuel efficiency of the new passenger vehicle fleet by 40 percent over the next decade by requiring increases in the corporate average fuel efficiency, or CAFE, requirements of current law. By 2005, these improvements will save more than 2 million barrels of oil each day. This is over four times the amount of oil we imported from Iraq and Kuwait prior to the invasion. This legislation also addresses the serious environmental threat of global warming. Since each gallon of gasoline burned emits almost 20 pounds of carbon dioxide, these savings will dramatically reduce emissions of this greenhouse gas by 500 million tons per year.

While this bill will require effort on the part of the auto industry, it also has been crafted with industry's needs in mind. No increase is required until model year 1996, an additional year beyond that which would have been required by legislation that I introduced in the last Congress. This is in recognition of the considerable lead time the industry says it needs to alter its product plans. The bill does not require precise annual increases, as the current CAFE law did, but sets standards 5 years apart to permit the industry maximum flexibility in reaching the standards.

In recognition of the fact that surgical precision in setting standards 10 years in the future is difficult, the bill provides considerable discretion to the Department of Transportation to increase or reduce the standards to the maximum feasible levels of fuel economy. However, it provides strict guidance to the agency in carrying out this responsibility, to prevent the abusive and unnecessary reductions in the standards that were permitted by the administration in the late 1980's.

The legislation also will correct the unfairness in the current CAFE law, which is unduly burdensome to those manufacturers who make a full range for vehicle sizes. It will require each manufacturer to improve by the same percentage, so that all those who sell cars in the United States will have to do their fair share toward energy conservation. However, it also contains a numerical maximum, or cap, on the standards, so that those manufacturers who already have high fuel economy achievements will not be unreasonably affected.

On the other hand, the bill contains necessary deterrents to discourage violation of the standards. The bill adjusts the civil penalties chargeable to violators by an inflation factor, since the penalties have not been increased since 1975 and now are worth about one-half of what they were when enacted. Additionally, since some manufacturers repeatedly ignore the standards and simply pay penalties every year, the bill will make the standards more difficult to ignore by doubling the penalties for such repeat violators.

Finally, the bill will require several studies—on the technological potential for fuel economy improvements beyond the next decade; on the optimum formula for establishing CAFE standards; and on the accuracy of EPA fuel economy testing procedures. These studies will give Congress the information it needs to continually improve both fuel economy and the structure of our energy policy.

The standards set by this bill strike a balance between the needs of the country to save oil and reduce carbon dioxide emissions, and the needs of the industry and the consumer for a full range of vehicle types and sizes, and for the time necessary to improve the product. The standards can be achieved even if no new technology becomes available within the next 10 years, and without significant changes in the size mix of the fleet. However, there are extremely promising technologies, such as the two stroke engine, on the verge of coming into production, which will enhance the ability of manufacturers to meet these standards.

Many have suggested that by establishing increased fuel economy standards this bill mandates a new kind of vehicle fleet for the American consumer. Rather, the flexibility and lead time provided by this bill lets the industry and the consumer determine the type of fleet that will be driven into the next decade, and that is as it should be. These standards insure only that the fleet of the future is as fuel efficient as possible. One way to achieve that is to hold the line on horsepower. The horsepower of the fleet has increased by 10 percent in just 2 years—between 1988 and 1990. This, and a 6-percent weight increase, has resulted in a 4-percent decline in fuel economy. Such declines are not acceptable given the need for conservation. In my view, the elimination of one tenth of a second off the 0-to-60-miles-per-hour record should not be national policy. However, under my bill if increased horsepower and speed is provided by the industry, it must be done without sacrificing fuel economy.

Many have joined the cry for conservation, particularly since the war began in the Persian Gulf. Yet there is a disturbing tendency by some to suggest that conservation should be practiced by everyone else, or that proven conservation measures should not be instituted until conservation measures for every sector of the economy are in place. The auto industry may make such suggestions in response to this legislation. However, it is important to recognize that we cannot significantly reduce our oil use without addressing the transportation sector. The light-duty-vehicle fleet covered by this legislation accounts for almost 40 percent of U.S. oil consumption. It must be part of the solution.

In addition, CAFE standards are a proven means of conservation in this area—many say the most effective conservation measure ever enacted in this country. Since enactment in 1975, CAFE standards—and the industry's impressive achievement in meeting them—have saved 1.8 milion barrels of oil each day, and $40 billion of consumers' money. There is no rational reason to delay further improvements while other conservation measures are debated. This one works, it will not preclude other measures later, and it needs some lead time for implementation. We can, and should, move forward now.

Some suggest that the cost of improved fuel economy is too high, and that the consumer and the industry cannot bear such a burden. Evidence indicates that the cost of meeting these standards would be well under $500 per car, a cost largely offset by fuel savings. But I would suggest that we have paid, and will continue to pay, a much higher cost for ignoring conservation. In purely economic terms, the Department of Defense estimates that, prior to the beginning of the War, Operation Desert Shield had already cost $10 billion in calendar year 1990 alone. The taxpayers—including automobile consumers and the auto industry—will pay these costs, which will undoubtedly increase dramatically. The much higher price, of course, is paid in noneconomic terms—by the presence of half a million U.S. troops deployed in the Persian Gulf.

We must get serious about energy policy and conservation, and we must do it now. Solutions to this problem take time. We cannot wait to begin.

I want to acknowledge the assistance and support of the chairman of the Commerce Committee, Senator HOLLINGS, who had the foresight to recognize the original need for fuel economy standards and lead the way to their enactment in 1975. I also want to thank the ranking Republican member of the Consumer Subcommittee, Senator GORTON, who has worked with me on this legislation from its inception in the last Congress and whose hard work and support has been vital to the progress of this proposal. I urge my colleagues to join me and the 34 original cosponsors in supporting this legislation, and ensuring its expeditious enactment into law.•

• Mr. HOLLINGS. Mr. President, I am pleased to offer my strong support to my Commerce Committee colleague Senator BRYAN, and to be an original cosponsor of this legislation to increase the corporate average fuel economy, or CAFE, standards. I also was an original cosponsor of S. 1224, which had the support of a majority of the Senate in the last Congress. Today we continue the work we began in the 1970's on fuel economy for the passenger vehicle fleet.

In 1975, I cosponsored legislation that established the current CAFE standards. At the time that legislation was proposed, it was an untested and unprecedented plan. However, we believed we could effectively promote national energy security by mandating that the passenger vehicle fleet achieve a certain fuel economy.

At that time, we heard predictions from the automobile industry about the consequences of the legislation on the U.S. economy and on the consumer's choice of vehicles. It was suggested then that, if we adopted the standards that are now law, everyone would have to drive a vehicle the size of a Ford Pinto. Of course, the events of the last decade have proven that the automobile industry has the ability to meet such a challenge.

I am glad we were not deterred by those predictions, and that we proceeded to legislate fuel economy standards, which have made a significant contribution to energy conservation. They have resulted in a doubling of the fuel economy of the fleet without any loss of interior size or performance of the vehicles. It is estimated that these improvements in fuel economy save 2.5 million barrels of oil per day, and save the consumer at least $40 billion per year in gasoline costs.

We need to continue the work we started 15 years ago. The levels of fuel economy established by that law have not increased since 1985, and the fuel economy of some manufactuers' fleets is actually decreasing. In the meantime, the need for energy conservation has not diminished. Rather, we have been forcefully reminded that we cannot rely on unlimited imported oil. The oil is not really unlimited, and the owners of that oil are fully prepared to hold us hostage to obtain it. If we are prepared to send our troops to risk their lives in the Middle East, the least we can do is continue to use our best technology at home to reduce our reliance on imported oil.

Imported oil is often over 50 percent of consumption, and we recently have seen what happens to gasoline prices when there is even a threat to that supply. Of equal concern to me is the fact that energy imports are major contributors to our intolerably high trade deficit, adding almost $40 billion per year.

In addition to the ongoing, and increasing, problem of national energy security, we have another reason to continue the progress in fuel efficiency—the threat of global warming. Every gallon of gasoline that is burned emits almost 20 pounds of carbon dioxide, and we know that carbon dioxide is a primary contributor to global warming. While we may not be certain of all the consequences of the warming that is predicted, we are certain that concentrations of carbon dioxide are increasing.

I am working to enhance the research necessary to know more about the effects of this warming. In the last Congress we enacted the Global Change Research Act of 1990, which I introduced. This legislation provides for improved coordination of the research efforts to understand the Earth system and effects of changes in that system. This legislation also provides for a national plan to advance this research.

However, I am convinced that, while this research proceeds, we must immediately take the steps available to us to reduce carbon dioxide emissions. Since the transportation sector is responsible for about one-third of the country's carbon dioxide emissions, fuel economy is an important part of the solution to this problem.

The auto industry is saying the same things it said in 1975—that the standards will force all Americans into tiny cars. That did not happen as a result of that legislation, and it will not happen as a result of this legislation. In Commerce Committee hearings on this subject in the last Congress, we heard impressive testimony from a variety of experts, including the Department of Energy, that the technology exists to accomplish considerable improvements in fuel economy without noticeable size reductions or unreasonable cost.

This bill is fair, it is practical, and it balances the needs of the national energy security, the environment, the economy, and the consumer. It is the product of thoughtful work in the Commerce Committee, where we have spent years developing an expertise in the area of fuel economy. I urge my colleagues to support this important response to the country's long-term energy needs.•

• Mr. D'AMATO. Mr. President, I rise today to join with several of my colleagues in introducing the Motor Vehicle Fuel Efficiency Act. This legislation is similar to S. 1224 which died at the end of the 101st Congress.

The perilous situation in the Persian Gulf has served once again to highlight our dangerous reliance upon imported oil. It appears as if the lessons of the 1970's have been forgotten, or worse, ignored in the 1990's. Instead of getting better, our dependence has only gotten worse. In 1973, we imported 37 percent of our oil. In 1990, we imported 50 percent of our oil. Now, more than ever, we must begin to focus on ways to reduce our dependence on foreign oil, look to other sources of energy, and enact serious energy conservation measures.

Unfortunately, New York and the entire Northeast, rely very heavily upon imported oil. The New York State Energy Office reported in 1989 that foreign oil provided more than 70 percent of New York's petroleum needs. That figure is up from 60 percent from only 3 years ago. Obviously, New York is very vulnerable in the face of oil supply disruptions or price escalations. For this reason, corporate average fuel economy standards are important for New York and the rest of the Northeast.

Much has been said about our lack of a comprehensive energy plan. While the Department of Energy has presented such a plan to President Bush, its implementation will come too late to be of any assistance in our present situation. Nevertheless, it is essential that any energy plan incorporate a diversity of energy options and fuels. While we cannot immediately end our love affair with oil, we can focus our attention and efforts upon other energy sources such as natural gas, coal, nuclear, and renewables such as wind and solar.

The Motor Vehicle Fuel Efficiency Act presents us with a unique opportunity. It will allow us to curb our reliance on foreign oil, while at the same time help to reduce carbon dioxide emissions from vehicles which contribute to global warming. This legislation proposes to increase the current corporate average fuel economy, or CAFE, requirements for new cars and light trucks sold in the United States by 40 percent in 2001, with an interim increase of 20 percent in 1996. This would save 2.8 million barrels of oil when fully implemented.

Since 1975 when Congress first enacted CAFE standards, the auto industry has been fighting them. The current CAFE standards have not increased since 1985, and were actually reduced between 1986 and 1989. In 1974, the year before Congress passed a fuel efficiency law that raised new car miles per gallon from 12.5 to 27.5 over 10 years, the auto industry claimed that higher gas mileage would "outlaw most full-sized sedans and station wagons" and require all cars to be "sub-Pinto sized." Obviously that prediction has proved quite false. Yet this has not prevented the industry from making this and other claims today. Questions about the feasibility of higher CAFE standards are currently being addressed in a National Academy of Sciences study. I look forward to the results of this study which is due to be released in June of this year.

We must not overlook the environmental benefits that will come with the enactment of this legislation. It is a known fact that vehicular emissions contribute to our global warming problem. A tank of gasoline produces up to 400 pounds of carbon dioxide, a major greenhouse gas. Although the world's motor vehicles now produce only 14 percent of all CO_2 derived from fossil fuels, the vehicular contribution in industrialized countries is higher, reaching a peak of 24 percent in the United States. Enacting this legislation would be the single largest step to curbing global warming by reducing CO_2 emissions by 20 percent by the year 2000.

The Motor Vehicle Fuel Efficiency Act represents just one step we can take to free ourselves from the shackles of foreign oil while at the same time addressing the problem of global warming. I urge my colleagues to join with us in supporting this important legislation.•

• Mr. GORTON. Mr. President, I am pleased to join with my colleague, Senator BRYAN, the chairman of the Consumer Subcommittee of the Senate Commerce Committee, in introducing the Motor Vehicle Fuel Efficiency Act. As the ranking Republican of the Consumer Subcommittee, I am happy to continue my work with Senator BRYAN on this vital legislation.

With America's attention focused on the events in the Persian Gulf, it is difficult to maintain a focus on the everyday workings of the Congress. Yet, there are actions we should actively pursue to make us less dependent on both foreign oil and a region of the world which contains approximately two-thirds of the known oil reserves. Let me make it clear at the onset; we are not engaged in a war in the Persian Gulf for cheap oil. Our intervention on behalf of Kuwait is to support the U.N. resolution and the overwhelming number of nations of the world who condemn the unprecedented and abhorrent aggression of Saddam Hussein.

Nonetheless, even before Saddam Hussein's intolerable actions, it was very clear that America was sliding toward a dangerous dependence upon foreign oil. In 1973, during the OPEC oil embargo, we imported 36 percent of our oil. In January 1990, we imported 54 percent of the oil we consumed. Two years ago, former President Reagan informed the Congress under section 232 of the Trade Expansion Act that, "Petroleum imports threaten to impair the national security." Those words ring only too true today. Saddam Hussein would have had little interest in Kuwait if the world was not so dependent upon Middle East oil.

The first CAFE bill was enacted in 1975. At that time, automobiles averaged only 13.5 miles per gallon (mpg). Despite the auto companies' claims that the standards could not be met, manufacturers did reach the act's goal of 27.5 mpg by 1985. The CAFE bill is considered one of the most efficient energy saving measures ever enacted. But CAFE has not increased in the last 6 years and was actually rolled-back for a few years in the mid-eighties. Fuel efficiency for all models sold in America peaked at 28.7 mpg in 1988; the average for all 1990 models has dropped to only 28.2 mpg. Deep concern both with energy security and environmental degradation require a reversal of this trend.

The bill we are introducing today requires that each manufacturer to increase its fleet performance by 20 percent by 1996 and by 40 percent by the year 2001. It will also require light trucks, the fastest selling vehicles today, to increase their fuel economy by a like percentage over their 1988 fuel efficiency levels. When fully implemented, this bill will save 2.8 million barrels of oil per day—significantly less than the 17 million barrels of oil we presently use each day.

While today's events tend to focus our attention on the importance of ridding our Nation of our dependence on imported oil, we should not overlook the very beneficial effects this bill would have on the environment. By lessening our dependence on imported oil, we will decrease the number of supertankers in our waters and lower the chances of a disasterous oilspill. When fully implemented, the Bryan-Gorton bill will eliminate 852 trips per year by a supertanker the size of the *Exxon-Valdez*.

Of all the steps that we can take to reduce global warming, this bill is thought to be the most important. Each gallon of gasoline used typically produces 18 pounds of carbon dioxide. Carbon dioxide is the primary greenhouse gas which contributes to global warming. Over its lifetime, an 18 mpg car pumps 58 tons of carbon dioxide into the air; a 40 mpg car emits 26 tons, less than half that amount.

Last year, Senator BRYAN and I led the debate in support of increased CAFE requirements. A majority of Senators, 57, supported our attempt to pass this vital legislation. I hope that, especially now given the events in the Persian Gulf, many more Senators will see the necessity of taking a step forward toward energy independence.

In the future, there may be many difficult votes this body will take in addressing our country's energy and environmental needs. Approving this bill, however, should not be a difficult decision. This is a modest measure, the goals of which can be achieved with technology already used in fuel efficient cars today. To me, it makes sense to use our resources wisely and to practice conservation. The Bryan-Gorton CAFE bill is a responsible measure which I hope will have the widespread support of my colleagues in the Senate.•

• Mr. MCCAIN. Mr. President, as cochairman of the Congressional Energy and Environmental Study Conference, I am acutely aware of the need for a comprehensive energy policy. We certainly cannot continue to be so heavily dependent on oil, as recent events have dramatically illustrated. To its credit, the administration began working on such a policy even before Iraq's invasion of Kuwait. I am looking forward to reviewing their recommendations.

In the meantime, I believe that this legislation sends a clear and unambiguous message to the citizens of the United States that we are serious about moving forward with a strategy to reduce energy consumption. Any comprehensive energy plan involves conservation, and given that the transportation sector accounts for over 60 percent of our oil consumption, improving the fuel efficiency of the vehicles on our roads must be an integral part of our efforts.

While I wholeheartedly believe we must increase the fuel efficiency of passenger cars and light trucks, I do remain somewhat concerned about the issue of safety. Despite the testimony given by various expert witnesses to the Commerce Committee during the last session of Congress, the automobile manufacturers continue to maintain that the standards set forth in this bill cannot be achieved without significantly downsizing their fleets. That is, by making smaller and lighter weight, and, therefore more unsafe, vehicles.

Much of this rhetoric is the same that was heard 15 years ago when CAFE standards were first enacted. Regardless of these claims, however, fuel economy has doubled since that time, with no loss of interior volume or performance. Interior space and vehicle weight have been constant since 1979. In addition, traffic fatalities have been reduced from 3.5 per 100 million vehicle miles traveled in 1974, when CAFE was first enacted, to 2.4. I hope, as in our prior experience, that the automobile manufacturers' assertions will prove unfounded.

Some manufacturers also continue to voice objections to the percentage approach taken in the bill. They believe it unfairly impacts those who have already done the most to attain higher standards. We have tried to address this issue by placing a "cap" on the maximum level of fuel economy required. We have also given the Secretary of Transportation the discretion and flexibility to reduce the established standards. I recognize that some industry members still may not find this to be the best solution. Perhaps, as we debate the issue this year, we can craft an approach that addresses their continuing concerns.

Mr. President, I believe that the goals embodied in this legislation represent clear and positive steps toward realizing a sensible, economically and environmentally sound energy policy. It is imperative that we move forward to solve our long-term energy problems through conservation and the development of alternative fuels. This bill is an excellent starting place, and I am pleased to be a cosponsor of this effort.•

• Mr. LAUTENBERG. Mr. President, I rise to join Senator BRYAN and others in introducing the Motor Vehicle Fuel Efficiency Act. The bill would increase fuel economy standards by 40 percent over the next decade, saving 2.8 million barrels of oil per day. It builds on the success of the Corporate Average Fuel Economy or CAFE law enacted in 1975—one of the most effective energy efficiency measures ever passed by Congress.

We are the most wasteful society in the world. The United States uses twice the amount of energy per unit of GNP than Japan or West Germany. Mr. President, if we trimmed oil consumption by just 15 percent, we would displace all the oil America imports from the Persian Gulf. This bill alone once fully implemented would more than achieve that drop in oil consumption.

That's why Senator BRYAN's bill is so important. It expands on the original 1975 Corporate Average Fuel Economy [CAFE] Act which has been one of the most important steps we've taken to protect the global environment and promote a healthier U.S. economy. It resulted in more efficient vehicles and reducing our dependence on foreign oil than it otherwise would have been. Since the CAFE measures were enacted there has been an approximate doubling in automobile fuel efficiency. It has saved 2.5 million barrels of oil per day and $40 billion per year for consumers. Despite the auto industry's fears that the standards would harm them, they managed to meet those standards.

But fuel efficiency in the United States is slipping and legislation is necessary to continue the progress in energy conservation, environmental protection, and balancing the trade deficit that was initiated by the 1975 CAFE law. Unfortunately, the success of the 1975 CAFE standards began to level off in 1985. The average new vehicle fuel efficiency in 1988 was actually lower than the standards set in 1985. And we have witnessed a decline in fuel efficiency of some manufacturers.

The Bryan bill will reverse this decline. And it establishes standards which are technologically feasible. The Office of Technology Assessment says that the technology exists now to make these improvements without sacrificing performance or switching to smaller cars.

Higher fuel efficiency makes sense for many other reasons. This Nation faces considerable economic difficulties because of our trade deficit. Forty percent of our trade deficit is due to oil imports alone! Driving cars that consume less fuel will help wean the United States from our dependence on foreign oil.

In addition to saving oil, the Bryan bill is an important step in saving our planet. Carbon dioxide emitted from motor vehicles is a significant contributor to the threat of global warming or "the greenhouse effect." The combustion of a single gallon of gas produces almost 20 pounds of carbon dioxide. And it is estimated that an average car emits about 58 tons of CO_2 over its lifetime. The United States emits more CO_2 than any other nation—about 20 percent of the world's CO_2 emissions. Automobiles account for 25 percent of the U.S. contribution of CO_2 emissions.

Carbon dioxide is accountable for almost half of the gases that contribute to the greenhouse effect. As greenhouse gases become trapped in the Earth's atmosphere, temperatures will increase around the globe. The impacts are far reaching. Mass extinctions will result as species are unable to adapt to rapidly changing environmental conditions. Reduced soil moisture and altered weather patterns will disrupt U.S. and world agricultural cycles. Rising sea levels due to melting of the polar ice caps will inundate coastal areas around the world, resulting in loss of low lying coastal lands where millions of people reside.

Although there is some disagreement as to the rate and magnitude of change, there is a remarkable degree of scientific consensus that global climate change is upon us. This change presents a serious threat to the continuation of life on Earth as we know it.

The standards proposed in this bill would decrease carbon dioxide by about 500 million tons per year by the year 2005. By setting these new CAFE standards, the United States can assume a leadership role for the development of efficient technologies that can help us to reduce greenhouse gas emissions and address the problem of global climate change.

Mr. President, the Motor Vehicle Fuel Efficiency Act gives us the opportunity to fight wasteful energy consumption and unstable supplies of oil, to reduce our trade imbalance and curb global warming. The decline in auto fuel efficiency poses a serious threat to the Nation's economy, to our national security and to the health of the global environment. Increasing auto fuel efficiency is the single most important step Congress can take to reduce our dependence on foreign oil, enhance our economy and protect the natural systems that support life on this planet. I urge my colleagues to support this legislation.•

• Mr. KERRY. Mr. President, the need to reduce our dependence on foreign oil can no better be illustrated than by witnessing what is at stake in the Persian Gulf.

I rise today to join with Senator BRYAN and more than 30 of my colleagues in refiling legislation to jumpstart the auto fuel efficiency program. The legislation we are reintroducing today is absolutely critical in order to improve the Nation's energy situation, reduce air pollution, protect our consumers and enhance our national security.

The issue of conserving gasoline is one that many of us tried to raise during the Clean Air debate; and it is an issue that holds equal importance today, particularly in view of the energy situation in the gulf.

The energy situation in the Middle East has sadly made this debate a timely one. Our dependence on foreign oil is demonstrated each day by the news we receive from the gulf—by the risks being taken by our soldiers in the desert—and by the fears of their families and friends each day at home. At home, every one of us notices the additional costs to us from our dependence on foreign oil, from the direct cost of gasoline at the pump, to those passed on costs for heating and transportation that increase the price of airline travel, food, health care, and every manufacturing industry in the Nation.

The United States is the largest consumer of oil in the world, accounting for almost 25 percent of the consumption. Oil imports have grown from 28 percent consumption in 1982 to more than 50 percent this year. That amount exceeds our previous high of 48 percent set in 1977. This excessive dependence on foreign oil clearly reflects a lost decade with no national energy strategy. The President is expected to make reference to his forthcoming energy strategy tonight in the State of the Union Address. However, if the stories coming out of the White House are true, the President's energy strategy will provide an economic infusion for the ailing domestic oil business and stalled nuclear power industry, and reflects a myopic view of a few advisors that conservation and renewables be excluded from the energy equation. Such shortsighted vision during the Reagan years resulted in the unfortunate situation we find ourselves in today.

Many recall that during the oil embargo of 1973 Democrats and Republicans alike got serious about conservation and renewable energy resources. In 1975 Congress, through the leadership of Senator HOLLINGS and others, enacted CAFE standards which increased automobile fuel efficiency from 14 miles per gallon to today's 27.5 miles per gallon. Funds poured into research and development for renewable sources. Congress passed tax credits for conservation initiatives. Today after a decade of neglect, a decade with no energy policy, we have arrived at the economically risky and environmentally dangerous position we are in today. In the past decade funds for renewable energy sources were cut from $557 million in 1981 to $94 million last year. Meanwhile the price of the Persian Gulf war ranges from $500 million to $1 billion a day. In the 1980s tax credits for renewables such as the solar hot water heating were eliminated. And as our R&D dollars dried up for America's universities and research institutions the Japanese and the Germans passed us by to become the world's leaders in exporting technologies. It is disgraceful that complacency and the lack of an energy crisis permitted not only our competitive edge to slip away, but shelved the Nation's conservation efforts.

With new problems come new opportunities. The Persian Gulf war highlights the need for action, and provides a new chance to renew our conservation effort and to continue to curb environmental degradation.

Mr. President, before we debate the merits of the CAFE approach, I want to address the fact that many of my colleagues have received frightening and distorted and exaggerated assessments of the measuring impact on our automobile industry. Let me put this into perspective.

Fifteen years ago Congress enacted legislation which adopted CAFE standards designed to improve automobile fuel efficiency by 100 percent in just a decade. Ten years later the automobile industry to their credit, achieved that 100 percent improvement standard and in some instances went beyond.

Let's review what the automobile industry told us 15 years ago when CAFE standards first passed. In 1974 the Ford Motor Co. told us:

> This proposal would require a Ford product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from a sub-sub-compact to perhaps a Maverick.

Chrysler stated that the provision "would outlaw a number of engine lines and car models, including most full-size sedans and station wagons."

Needless to say, these dire predictions proved false. But that does not prevent the automobile manufacturers from recycling them again. For example, General Motors has suggested that the new CAFE targets "would force us to consider drastic measures, such as cutting production of our larger, family-sized cars."

Well, Mr. President, they were wrong in 1974 and they are wrong now. Because of the success of the CAFE standards, new cars rolling off the assembly line today average over 28 versus only 14 miles per gallon in 1975.

More important, these standards have saved the Nation 2.5 million barrels of oil every day and, in 1989 alone, lowered carbon dioxide emissions by over 360 million tons. This means savings from the pocket book of virtually every American family, not some abstract national oil account.

Contrary to what the auto industry says, the availability of this fuel saving technology means that the size of vehicles need not be reduced and that there is no trade off of fuel economy with safety. In fact, the Center for Auto Safety, long time watchdog of auto safety, assures us that this amendment will not compromise safety. Moreover, experts tell us that our bill will offer buyers the same size and comforts as automobile models from 1987. Certainly consumers will continue to have choices in the cars they buy.

Increasing our fuel efficiency will decrease our dependence on foreign oil. This dependency not only poses the economic threat to consumer pocketbooks, as we witnessed in October when oil prices rose to $40 a barrel, but is a direct threat to the overall economic security of our Nation. Oil imports account for close to 55 percent of our trade deficit. If you eliminate oil imports and automobile imports, we actually have a national trade surplus.

The legislation before us today will reduce our Nation's oil consumption by 2.8 million barrels of oil per day by 2006. This accounts for close to four times the amount of oil we have been importing from Kuwait and Iraq combined.

Increasing our fuel efficiency also makes sense because it will decrease the pressure to drill in environmentally sensitive areas, such as the Arctic National Wildlife Refuge in Alaska. Some predict that if we reduce our oil consumption by 2.8 million barrels per day as set out in this legislation, by the year 2006 we will save 10 times the amount of oil they expect to produce in ANWAR. It will minimize the need for off shore oil and gas drilling in environmentally sensitive coastal areas such as Georges Bank and the California coast.

Increased fuel efficiency would save consumers hundreds of dollars every year at the gas pump. It is estimated that the additional cost to produce a car achieving 40 miles per gallon may be $500. This sum would be offset by savings of more than $2,000 per year from lower gas use. And with continued rising prices of gasoline maybe even more.

In addition to saving oil, raising our CAFE standards is the single biggest step Congress can take to reduce global warming.

There is no one panacea for addressing global warming. Although experts may disagree on the extent of global warming no one will dispute the overall benefits of reducing carbon dioxide. We need a broad strategy to achieve CO_2 reduction. Our utilities must be made more efficient. We must take action to promote industrial efficiency. Deforestation must be limited while reforestation should become a priority. But cars and light trucks are the major contributors to global warming and we must move immediately to improve their efficiency.

Today, the United States is responsible for 23 percent of all carbon dioxide emissions produced by human activities worldwide. Cars and light trucks generate about 20 percent of the Nation's carbon dioxide emissions.

Every single gallon of gasoline our cars and light trucks burn produces nearly 20 pounds of carbon dioxide, the primary global warming gas. According to calculations by Environmental Action Foundation, the average car on the road today produces 58 tons of CO_2 over its lifetime. In stark contrast, cars averaging 40 mpg would emit only 26 tons of CO_2 over their lifetimes. That's right. Each and every car will produce 32 tons less CO_2 if this legislation is enacted.

More than half of America's Nobel laureates and 700 members of the prestigious National Academy of Sciences earlier last year called global warming "the most serious environmental threat of the 21st century."

These distinguished scientists were not extreme to express such alarm. Last spring a meeting of the UN's Intergovernmental Panel on Climate Change confirmed the general consensus of the world's scientific community: the earth's temperature is expected to rise 3 to 8 degrees by the early part of the next century.

Such a temperature rise could have devastating consequences for the Earth's fragile environment—sea levels could rise; droughts may occur; and extreme weather conditions could prevail. The economic, social, and political implications of these climatic changes would be enormous, even apart from the environmental losses.

The legislation that we are introducing today requires each manufacturer to increase the fuel efficiency of its fleet by 20 percent over 1988 levels by 1996 and by 40 percent by 2000. These increases would result in an overall national new car average of 34.4 mpg in 1996 and 40 mpg in 2000. The measure also sets new efficiency standards—an average of 25 mpg in 1995, 30 in 2000—for light trucks. Raising the efficiency of light trucks is especially critical since they currently account for a third of all new vehicle sales, yet on average are 25 percent less efficient than cars. By 2006, these standards would help curb global warming by reducing U.S. carbon dioxide emissions by over 300 million tons per year.

Mr. President, we need to act now and move this bill through the 102d Congress as soon as possible. The Motor Vehicle Fuel Efficiency Act of 1991 is not just about energy efficiency, but also about our national security, improving our environment, and protecting our consumers.•

• Mr. CHAFEE. Mr. President, I am pleased to join today as an original cosponsor of the Motor Vehicle Fuel Efficiency Act, which Senator BRYAN is introducing today. I am cosponsoring this bill because it realizes important energy and environmental goals.

This legislation is an essential part of what must now be a renewed effort towards fuel efficiency and conservation. The crisis in the Persian Gulf reminds all of us just how vulnerable the United States is to political disruptions in oil-producing countries.

Mr. President, the oil embargoes of the seventies gave us our first warnings of the dangers of dependence on foreign oil. For a time, the Federal Government and consumers focused on conservation as one solution. But, again, in the eighties we were lulled into complacency about the future of the energy supply with cheap prices and plentiful supplies. It is my strong hope that, this time, the United States will heed the most recent alarm by making some serious efforts at energy conservation.

As Senator BRYAN has indicated, the Motor Vehicle Fuel Efficiency Act would require that current corporate average fuel economy [CAFE] standards be improved by 40 percent over the next decade. When fully implemented, the savings in fuel will be many times the amounts that used to be imported from Iraq and Kuwait combined.

Mr. President, in addition to addressing our energy conservation needs, the Motor Vehicle Efficiency Act seeks to solve a serious environmental problem as well. Requiring improvements in fuel economy will force a significant decrease in emissions of carbon dioxide, a greenhouse gas that many scientists have found contributes to global warming.

I had hoped that the 101st Congress would have included a carbon dioxide emissions standard in the final clean air bill that was sent to the President. I was a strong backer of a CO_2 standard, because it would have begun to address the global warming problem, while bringing about much-needed energy conservation at the same time.

Unfortunately, the carbon dioxide standard became too controversial and was dropped. Then, at the end of the Congress, Senator BRYAN's bill amending the CAFE law was also derailed, despite his persistent efforts and the support of many Senators, myself included.

Senator BRYAN, I commend you for your leadership on this important subject, and for bringing this legislation back before the Senate early in the new Congress. I plan to work with you and the many other cosponsors of this bill to make this year the year we improve automobile fuel efficiency.•

• Mr. LIEBERMAN. Mr. President, I rise to speak in favor of the fuel economy bill introduced by Senator BRYAN of which I am privileged to be an original cosponsor. I commend my colleague from Nevada for his leadership and perserverance on this very crucial issue to the Nation's energy, environmental, and economic problems.

This is a critical bill for energy conservation. Fuel economy measures must be a central part of a national energy strategy. Oil is a finite resource, and most of it comes from a region of the world which is politically unstable, to say the least. This bill would, when fully implemented save 2.8 million barrels of oil per day, and that would have a profound impact on our economy, and on our national security.

This is also a critical bill for the environment because it takes a large step forward in addressing the potentially catastrophic consequences of global warming. By making millions of automobiles burn less gas, we can dramatically reduce the amount of carbon dioxide that goes into the atmosphere. We can take 500 million tons of CO_2 out of our air each year and that will have dramatic, positive effect on our efforts to reduce global warming.

This bill also means economic relief for millions of American motorists. Simply put, the better the fuel efficiency of automobiles, the less money consumers will have to pay to operate them.

American consumers and our economy are being held hostage by the big oil and OPEC oil producers. We must act now to break their hold over us. There are short term measures we can pursue. But in the long term, we need to reduce our dependence on oil itself. Raising the fuel efficiency of automobiles is one major way to do just that. We as a nation depend too much on oil, no matter where it comes from. It does us little good to reduce reliance on foreign oil if the price of oil from Alaska or Texas still goes through the roof everytime the global price of crude goes up. We need to reduce our reliance on all oil. And by reducing how much gasoline goes into the tanks of our cars, we can do just that.

Despite the oil shock of the 1970's, the Nation has not responded by reducing our dependence on petroleum in vehicles. While records show that oil consumption has declined in many major sectors of our economy: In electricity generation it is down 50 percent, industrial use of oil has dropped 10 percent, but the use of petroleum in transportation has grown 20 percent since the boycott of 1973. In 1989, transportation accounted for 63 percent of the total oil consumed in this country every day, with more than half the amount allocated to transportation consumed by automobiles.

The energy conservation numbers associated with this bill are dramatic. The Department of Transportation estimates that if we pass the bill now by the year 2000 we would save a total of more than 49 billion gallons of gasoline. By 2005, the bill would save more than 2.8 million barrels of oil every single day.

Mr. President, these savings would have dramatic effects on protecting the independence of our economy and our ability as Americans to protect the quality of our life and our standard of living.

I believe it is especially significant that we are introducing this bill several days before the start of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change which will be held in Washington. That committee is seeking a world agreement on reducing greenhouse gases, including carbon dioxide. Many other countries throughout the world already have acted and committed to reducing carbon dioxide emissions. Yet this administration has steadfastly refused to make any such commitment.

Prime Minister Brundtland of Norway, I think said it well when he stated:

> The importance of climate change may be greater and more drastic than any challenge mankind has faced, with the exception of nuclear war.

In a handful of generations our scientists are now telling us, we have unleashed a potentially lethal mix of pollutants into our atmosphere which will literally—not just symbolically—threaten us for generations to come.

Nothing in history provides us with precedents to deal with this kind of threat. But the bill before us allows us to act decisively and responsibly to address global climate change by significantly reducing carbon dioxide emissions.

Carbon dioxide is, everyone agrees, a dangerous greenhouse gas. It accounts for almost 50 percent of the gases that contribute to global warming. The United States, with about 5 percent of the world's population, generates more than 20 percent of all manmade emissions of carbon dioxide. We are doing more than our part, unfortunately, to pollute the atmosphere.

Transportation accounts for almost one-third of all of the American carbon dioxide emissions. Remarkably, we in this country generate more than most other developed countries produce from all sources.

This bill is the biggest single step that we can take to control the carbon dioxide emissions that contribute to global warming.

The testimony of scientific experts clearly indicates that it is time for us to act on this problem. Last year, 49 Nobel laureates and 700 members of the National Academy of Sciences called on Members of Congress to act as soon as possible to prevent the warming of the planet. In May 1990 the U.N. Intergovernmental Panel on Climate Change issued a report, adopted by delegates from 39 countries which concluded that scientists were certain that emissions resulting from human activities are substantially increasing the greenhouse effect, and that if nothing were done, the global mean temperature would rise by 5.4 degrees Fahrenheit by the end of the next century, bringing the Earth to its warmest level in at least 150,000 years.

The report states that with this temperature rise, ocean water would expand and ice at the poles would melt, raising the level of the sea by as much as 25.6 inches. That would be enough to submerge the Maldives and inundate the coastal planes.

An average temperature rise of only 5 percent Fahrenheit could, in addition to causing the thermal expanding of oceans, cause the melting of land-based ice and increase sea levels by 2.5 feet, which is more than enough to flood vast unprotected coastal lands, inundate low-lying areas, erode shorelines, worsen coastal flooding, and increase the salinity of rivers, bays, and aquifers.

The cost of holding back the sea in countries such as The Netherlands and ours—where a large and growing proportion of the population lives in coastal areas, cannot even be estimated in this country.

This administration's failure to take any leadership role on global warming stands in sharp contrast to the conclusions of its own Environmental Protection Agency. In its recently released report "Reducing Risk: Setting Priorities and Strategies for Environmental Protection," EPA's Scientific Advisory Board examined and ranked 31 environmental risks. Global warming ranked as one of the four highest risks to our natural ecology and human welfare. Administrator Reilly told the Environment and Public Works Committee last week that the areas of highest risks are those where he believes the Nation should be devoting its resources.

Mr. President, this is what we have the opportunity to stall and hopefully over time overcome, by taking an enormous step forward in the effort to control carbon dioxide emissions.

The automobile industry will argue that the improvements from this bill are not possible and that improved fuel economy requires smaller, less safe vehicles. But the evidence is clear that the standards in this bill can be accomplished by using the full range of fuel economy technology currently available and that consumers will not be forced into smaller or less safe cars.

There's been a lot of talk about our advances in weaponry lately and I am extremely proud of what American technology has accomplished in helping our military forces respond more quickly, accurately and efficiently in wartime.

But if we can make smart bombs, we can make smart cars. We can use American technology to improve the performance of America's automobiles, to make our environment cleaner, to conserve energy, to save consumers money, and to protect our national security. We can make our cars more fuel efficient; all we need now is a policy to make it happen.

In conclusion, Mr. President, mandating better fuel economy is one of the most effective ways to deal with the oil crises that continue to wreak havoc with our lives and our environment.●

By Mr. DOLE (for himself, Mr. SASSER, and Mrs. KASSEBAUM):

S. 280. A bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of nondeposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSIT INSURANCE FAIRNESS ACT

Mr. DOLE. Mr. President, today I am joining with my distinguished colleagues, Senator KASSEBAUM and Senator SASSER, in introducing legislation which will inject a strong dose of fairness into our Nation's deposit insurance system. For too long, banks have competed on a playing field which is tilted heavily in favor of the large money center and superregional institutions, at the expense of smaller, community-based banks.

Without a doubt, the too-big-to-fail doctrine is alive and well today. How many times do we need to see Federal banking regulators protect all liabilities at the large banks, like the Bank of New England, and then tell depositors at a smaller institution, like the Freedom National Bank of Harlem, that they are subject to the $100,000 insurance limit? How can we justify "making whole" unassessed deposits in the Bahamian branch of the National Bank of Washington, while depositors in a failing community bank somewhere in rural America do not receive the same guarantee? Mr. President, the too-big-to-fail doctrine has created a two-tiered deposit insurance system, one that protects big banks and treats community banks as "too small to save." That's unfair. The system must be changed.

Mr. President, the Deposit Insurance Fairness Act of 1991 attempts to level the deposit-insurance playing field in the following five ways.

First, it mandates the assessment of insurance premiums on foreign deposits in the overseas branches of U.S. banks. It simply isn't fair that foreign deposits receive de facto insurance coverage when they are not subject to insurance premiums. In addition, the Congressional Budget Office estimates that assessments on foreign deposits will provide at least $1.5 billion in much-needed revenue for the bank insurance fund over the next 5 years.

Second, the Deposit Insurance Fairness Act gives the FDIC discretion to assess premiums on nondeposit liabilities, such as bank notes and promissory notes, which are "securities-type" instruments issued by banks to raise capital. Although they are technically uninsured, nondeposit liabilities, like foreign deposits, receive de facto insurance coverage in large bank failures. And like foreign deposits, nondeposit liabilities should be assessed if they are going to enjoy insurance protection.

Third, this legislation requires the FDIC to develop and implement a risk-based deposit insurance premium structure within 6 months of the date of enactment. Premiums would be determined largely by capital levels, but the FDIC would have the discretion to take into account other factors in a bank's risk profile, such as diversity in its investment portfolio and the default rates on certain investment instruments. It is just simple common sense that those banks posing the greatest risk to the deposit insurance fund should be assessed higher premiums.

Fourth, the Deposit Insurance Fairness Act requires the FDIC to establish within 6 months a system for early regulatory intervention in banks with weak or deteriorating capital levels.

This provision gives regulators the authority not only to act quickly to stanch the flow of capital from unhealthy banks, but also to help banks develop sound strategies to return to financial health. If we can learn one lesson from the savings and loan debacle, it's that early action in preventing bank failures could help save the taxpayers billions of dollars.

And finally, this legislation gives Federal banking regulators the authority to restrict, or prohibit, insured depository institutions from accepting brokered deposits. Experience shows that brokered deposits are often used by troubled institutions as a quick-fix solution to improve weak capital positions. Unfortunately, this quick-fix often turns to quicksand as healthy, regional competitors are forced to draw from capital reserves to offer customers inflated, but competitive, interest rates on deposits.

Mr. President, the bill I am introducing today addresses the fundamental issue of deposit insurance fairness. The small and medium-sized banks of America are a vital part of our national and regional economies. And I can certainly attest to the importance of these banks to the small towns and rural communities of my home State of Kansas. It's time we put an end to the two-tiered deposit insurance system and achieve a level playing field for all banks, regardless of size. Mr. President, I urge all of my colleagues to support this bill.

Mr. President, I ask unanimous consent that the full text of the Deposit Insurance Fairness Act of 1991 be inserted in the Record immediately after my remarks. I also ask unanimous consent that a recent letter to Secretary of the Treasury Nicholas Brady, which outlines some of my concerns about deposit insurance fairness, be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Deposit Insurance Fairness Act of 1991".

(b) Table of Contents.—

TITLE I—FDIC ASSESSMENT AMENDMENTS

Sec. 101. Foreign deposits included in assessment base.
Sec. 102. Non-deposit liabilities included in assessment base.
Sec. 103. Risk-based assessments.

TITLE III—FINANCIAL INSTITUTION EARLY INTERVENTION

Sec. 201. Short title.
Sec. 202. Early intervention.

TITLE III—RESTRICTION OF BROKERED DEPOSITS

Sec. 301. Restriction of brokered deposits.

TITLE I—FDIC ASSESSMENT AMENDMENTS

SEC. 101. FOREIGN DEPOSITS INCLUDED IN ASSESSMENT BASE.

(a) In General.—The Federal Deposit Insurance Act (12 U.S.C. 1881 et seq.) is amended—

(1) in section 3(*l*)(5) by striking "the following" and all that follows through the end of subparagraph (B), and inserting "obligations to a Federal Reserve Bank or a Federal Home Loan Bank shall not be deposits for any of the purposes of this chapter, or be included as part of the total deposits of an insured deposit."; and

(2) in section 7(b)(5)(B) by striking all through "except" and inserting the following:

"(B) any deposits or other obligations which would constitute deposits under section 3(*l*), and which are received in any office of the depository institution, except".

(b) Assessment Rate.—Section 7(b)(1)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting a new clause (iii) as follows:

"(iii) The annual assessment rate applicable to obligations and deposits described in subparagraphs (A) and (B) of section 3(*l*)(5) shall be not less than 75 percent of the assessment rate applicable to domestic deposits.".

SEC. 102. NON-DEPOSIT LIABILITIES INCLUDED IN ASSESSMENT BASE.

Section 3(*l*)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(*l*)(5)) is amended by inserting ", including non-deposit liabilities, such as notes, bonds and other similar liabilities," after "such other obligations".

SEC. 103. RISK-BASED ASSESSMENTS.

(a) In General.—Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by adding at the end the following new paragraph:

"(10) Assessments based on risk criteria.—

"(A) Establishment of risk-based assessment structure.—The Corporation shall, by regulation, establish and implement a risk-based deposit insurance premium structure for insured depository institutions.

"(B) Amount of assessment based on risk.—The assessment made by the Corporation against an insured depository institution under paragraph (1) in any year shall be determined by the Corporation on the basis of the Corporation's evaluation of the risk posed by such institution in accordance with the criteria established under subparagraph (C).

"(C) Risk assessment criteria; capital.—In establishing a risk-based insurance structure in accordance with subparagraph (A), the Corporation shall establish criteria for assessing the risk posed to the Bank Insurance Fund or the Savings Association Insurance Fund by an insured depository institution, based on such institution's capital levels. In assessing such risk, the Corporation may consider—

"(i) the diversity of investments made by the institution;

"(ii) the institution's history of default on particular types of its investment instruments; and

"(iii) the comparative risk posed to the Bank Insurance Fund and the Savings Association Insurance Fund by each type of investment made by such institution.".

(b) Effective Date.—The Corporation shall promulgate final regulations to implement the amendment made by subsection (a) not more than 6 months after the date of enactment of this Act. Such regulations shall become effective with respect to the first semiannual assessment period that commences on or after the expiration of 6 months following the date of the enactment of this Act.

TITLE II—FINANCIAL INSTITUTION EARLY INTERVENTION

SEC. 201. SHORT TITLE.

This title may be cited as the "Financial Institution Early Intervention Act of 1991".

SEC. 202. EARLY INTERVENTION.

(a) System of Early Regulatory Agency Intervention.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 35. EARLY REGULATORY INTERVENTION.

"(a) Purpose.—The purpose of this section is to ensure that the problems of insured depository institutions are resolved at the earliest practicable time, and at no cost, or at the lowest cost possible, to the Bank Insurance Fund or the Savings Association Insurance Fund.

"(b) Early Regulatory Agency Intervention Required.—In order to carry out the purpose of this section, each appropriate Federal banking agency shall—

"(1) take prompt action to curtail investments by insured depository institutions that pose a risk to the Bank Insurance Fund or the Savings Association Insurance Fund;

"(2) work with insured depository institutions with weak or deteriorating capital positions to develop capital building strategies; and

"(3) take prompt corrective action to resolve the problems of insured depository institutions,

as described insubsections (c) and (d).

"(c) Restrictions on Undercapitalized Institutions.—With respect to an undercapitalized insured depository institution, the appropriate Federal banking agency may, by regulation or order—

"(1) restrict capital distributions by such institution;

"(2) require such institution to submit a capital restoration plan that specifies how the institution will satisfy capital standards, without increasing the risk (including credit risk, interest-rate risk, and other types of risk) to which the institution is exposed;

"(3) prohibit such institution from increasing its total assets, except to the extent of increases in capital or net interest credited on deposits, as determined by the agency;

"(4) appoint a conservator or receiver for the institution to protect the interests of the Bank Insurance Fund or the Savings Association Insurance Fund;

"(5) restrict any material transactions by the institution that would pose any risk of failure for the institution;

"(6) require periodic monitoring of the institution, including review of any capital restoration plan; or

"(7) impose any other requirements or restrictions that the agency determines to be necessary to carry out the purpose of this section.

"(d) Failure To Comply.—With respect to an insured depository institution that fails to comply with or implement any regulations or orders issued in accordance with subsection (c), the appropriate Federal banking agency may—

"(1) require the institution to sell any or all of its shares or obligations in order to meet capital requirements;

"(2) restrict the institution's activities, including the payment of dividends, transactions with the institution's affiliates, and increases in the compensation of executive officers of the institution; or

"(3) restrict the interest rates the institution may pay on deposits.

"(e) DEFINITIONS RELATING TO CAPITAL COMPLIANCE.—For purposes of this section:

"(1) UNDERCAPITALIZED.—An insured depository institution is undercapitalized if it is not in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(2) SATISFYING CAPITAL STANDARDS.—An insured depository institution satisfies capital standards only if it is in compliance with all currently applicable capital standards prescribed by the appropriate Federal banking agency.

"(f) GAO REVIEW.—The General Accounting Office shall from time to time—

"(1) review any reports required to be made by undercapitalized insured depository institutions in accordance with subsection (c); and

"(2) recommend any improvements in the supervision of insured depository institutions (including the implementation of this section).".

(b) REGULATIONS.—The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision shall each promulgate final regulations to implement the amendment made by subsection (a) not more than 6 months after the date of the enactment of this Act. Such regulations shall become effective not more than 6 months after their promulgation in final form.

TITLE III—RESTRICTION OF BROKERED DEPOSITS

SEC. 301. RESTRICTION OF BROKERED DEPOSITS.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 36. RESTRICTION OF BROKERED DEPOSITS.

"In addition to any actions authorized under section 35 with respect to undercapitalized depository institutions, the appropriate Federal banking agency is authorized by order to impose restrictions on, or to prohibit, the acceptance of funds obtained, directly or indirectly, by or through a deposit broker, as defined in section 29(f)(1), by an insured depository institution.".

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, January 16, 1991.

Hon. NICHOLAS F. BRADY,
Secretary, Department of the Treasury, Washington, DC.

DEAR NICK: As the Treasury Department concludes its study of the deposit insurance system, I thought it would be appropriate at this time to highlight several issues of particular concern for me.

Too-Big-to-Fail. It is my hope that the reform package that Treasury will soon transmit to Congress will adequately address the so-called "too-big-to-fail" issue.

I will not give you yet another lengthy explanation of the inequities of too-big-to-fail. As you probably know, these inequities were vividly highlighted by the FDIC itself, in three recent board decisions. In two of these decisions, the FDIC concluded that it was appropriate to make whole *all* of the depositors of two fairly large banks—the Bank of New England (depositors with accounts of $100,000 were protected) and the National Bank of Washington (depositors in NBW's Bahamian branch were protected even though these deposits were not assessed insurance premiums). These decisions were in sharp contrast to the FDIC's less-than-fair treatment of Freedom National Bank of Harlem. As you know, the FDIC liquidated Freedom National, but gave its uninsured depositors only 50 cents on the dollar.

It appears that Freedom National's only "crime" was that it happened to be a relatively small community bank, much like the hundreds of small community banks throughout my home State of Kansas.

As you know, one way to reduce the inequities inherent in too-big-to-fail is to assess foreign deposits. Assessing foreign deposits is not only a matter of simple fairness, but it is also a way to raise revenues for the dangerously undercapitalized Bank Insurance Fund. According to a recent preliminary estimate of the Congressional Budget Office, the potential revenue raised through an assessment of foreign deposits could be significant: Assuming a rate increase to 19.5 cents per $100 of insured deposits on January 1, 1991, and a subsequent increase to 23 cents per $100 of insured deposits on January 1, 1992, the CBO estimates cumulative savings of $2.16 billion over a five-year period.

Deposit Insurance Coverage. Any limitation on deposit insurance coverage makes sense if, and only if, the too-big-to-fail doctrine is excised from the lexicon of federal banking regulators. For example, proposals to limit insurance coverage to $100,000 per individual consumer, without taking significant steps to eliminate too-big-to-fail, will have a very negative effect on our nation's small and mid-sized banks. It's just simple common sense that individuals with deposits in excess of $100,000 will feel more comfortable placing their deposits in a large bank, believing—perhaps correctly—that federal regulators will not let a large bank fail or leave depositors uninsured. This problem will only be exacerbated if we limit deposit insurance coverage without equalizing the deposit insurance system's treatment of large and small banks.

Interstate Branching. Finally, any proposal to lift the current restrictions on interstate branching must be carefully crafted to take into account the legitimate concerns of our community bankers. It's one thing to encourage competition; it's something quite different to uproot banks that have ably served local communities for generations.

As always, Nick, thank you for your kind attention to these concerns and suggestions. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

• Mr. SASSER. Mr. President, I rise with my colleague the Republican leader to introduce the Deposit Insurance Fairness Act of 1991. This reform legislation addresses the weaknesses in the deposit insurance system that contributed to the savings and loan crisis and ensures that this tragic situation is not repeated with the commercial banks and their insurance fund.

Our bill, if enacted, will help restore fairness and stability to the banking system. I believe that this is particularly important now, at a time when our economy is in recession. Our bill will ensure the safety of the savings of millions of American families. It also will rebuild the financial resources of the Federal Deposit Insurance Corporation [FDIC] and in doing so reduce the Federal budget deficit.

The central thrust of the bill is a requirement that depository institutions pay for the insurance protection that they receive from the Government in direct proportion to their protection. The bill ensures that premiums flow into the FDIC commensurate with the risk to which the FDIC is exposed.

Mr. President, William Seidman, Chairman of the FDIC, has projected that the bank insurance fund will dwindle to $4 billion in reserves by the end of 1991. Just a few years ago the FDIC had over $18 billion in reserves. This situation calls for urgent action; adoption of our bill will be a major step in the right direction.

The bill has five major provisions that work together to achieve its goals. First, deposits of U.S. banks in foreign branches would be levied against by the FDIC the same as are domestic deposits. Second, the FDIC would be required to restructure deposit insurance premiums so that they directly correspond to the level of risk at individual banks. Third, the FDIC would have the authority to assess premiums against so-called nondeposit liabilities of banks. Fourth, Federal regulators would be given more power for early intervention to clean up banks before they become wards of the U.S. taxpayer. And last, this bill would eliminate the abusive and dangerous practice of weak banks accepting brokered deposits.

The most prominent application of our principle, that banks should pay for the risks they assume, would be to apply insurance premiums to deposits at foreign offices of U.S. banks. I think few would dare argue that foreign deposits are not in fact insured by the FDIC. The recent rescue of the Bank of New England included $600 million in foreign depositors. After the collapse of the National Bank of Washington, the FDIC paid out $37 million offshore. I don't think there has ever been a foreign depositor in a U.S. bank that has not been bailed out. Indeed, it is the stated policy of the FDIC to cover foreign deposits.

Yet currently, deposit insurance premiums are only assessed against domestic deposits of U.S. banks. In effect, foreign depositors get free deposit insurance protection from the U.S. taxpayer. This leads to a radically inequitable situation—two banks with the same amount of deposits will pay totally different sums in premiums to the FDIC depending on whether or not the deposits are held offshore.

Why is this a problem? Because the banks with offshore deposits tend to be the larger banks that the regulators are very reluctant to actually close. Because of this so-called too-big-to-fail policy of the Federal banking regulators, we have a situation where a big bank has total protection for all its deposits, but a small bank depositor is only covered up to $100,000. The bigger bank isn't paying for the full measure of deposit insurance coverage it receives.

Indeed, according to President Bush's 1991 budget, large institutions receive greater protection against failure than small ones while paying premiums on a smaller proportion of their liabilities.

A bank with significant foreign accounts pays less in insurance premiums, and therefore has a lower cost of funds, than a bank with predominantly domestic deposits. It gives such a bank a competitive advantage over other banks, thus further contributing to instability and inequity in the banking system.

In sum, Mr. President, assessing foreign deposits will help ensure that the FDIC has the funds available to pay on its liabilities.

The second major provision of our bill—risk-based assessments—goes even further to bring premiums into accordance with coverage.

Under the present system, banks pay a flat rate for deposit insurance no matter how they invest their funds. In other words, if a bank makes a loan to Donald Trump, it pays the same premiums on its deposits as does a bank that makes a loan to a young family to buy a home. These loans imply two very different risk scenarios, Yet, no matter how risky the loan portfolio at the first bank may be, it pays the same rate for deposit insurance protection as the bank with the more prudent lending practices. Premiums do not vary according to the known level of insured risk.

As a result, Mr. President, deposit insurance under the current structure does not provide an incentive to make a safe loan. There's a moral hazard because there's no reward for pursuing avenues that place the FDIC at the least risk.

The present system flies in the face of the basic principles of insurance. If bank deposit insurance practices were applied to auto insurance, drivers with clean records would pay the same as reckless drivers.

The situation is illogical. The Government may well have to pay off deposits, but it doesn't have adequate tools to protect itself from the disaster of speculative investments gone sour.

Mr. President, our legislation addresses this issue directly. It requires the FDIC to assess premiums against an institution based on an evaluation of the specific risk posed by that institution.

Making banks pay more on funds that they may use on speculative investments will decrease the likelihood that they'll make such investments. But if they do, risk-based assessments will ensure that there's money in the fund to pay for the losses.

The third major provision of our legislation is a clearly delineated procedure for early intervention. This provision forces regulators to take action against weak banks well before they fail and cause the insurance fund to incur losses.

The bill gives the regulators authority to keep an undercapitalized bank from paying dividends. Under the bill, the regulators can require weak institutions to submit a capital restorative plan and to curtail growth. Indeed, the regulators will be required to prohibit activities they deem to present a risk to the insurance fund.

The fourth major provision of the bill gives the FDIC discretionary authority to assess deposit insurance premiums against nondeposit liabilities of banks. This issue is similar to that of foreign deposits. To an increasing extent, larger banks are relying on financial instruments to raise funds that are substitutes for traditional deposits. Even though these funds are not deposits, they are however insured under the too-big-to-fail policy.

For instance, at the Bank of New England, nondeposit liabilities amounted to $2 billion. While not one nickel was paid into the FDIC fund by the Bank of New England to cover these liabilities, they were covered in full by the FDIC when the bank collapsed.

Lastly, Mr. President, our bill provides authority to restrict the acceptance of brokered deposits by undercapitalized banks. Mr. President, brokered deposits are very large denomination certificates of deposit that are placed into failing financial institutions by money brokers. The availability of this financing has permitted weak banks and savings and loans to make risky loans and further compound the fragile financial condition of the institution. Brokered deposits have greatly increased the cost of the savings and loan clean up; our bill will prevent them from exacerbating the condition of the FDIC.

Mr. President, this legislation is a significant first step toward resolving many of the problems in our banking system and protecting the savings of American families. It does not cut back on the $100,000 level of insurance coverage, and therefore would not diminish public confidence in banks, particularly small banks. The bill addresses the flaws and excesses of the current system without unravelling the core.

Although our bill does not explicitly address the too-big-to-fail policy, it does so implicitly. It does not tie the regulators hands, but by imposing risk-based assessments, assessing foreign deposits, requiring earlier intervention, and restricting brokered deposits, it makes it far less likely that banks get into a situation leading to an expensive bailout.

Mr. President, there will obviously be much debate on these issues as the year progresses. This is a matter of significant importance to the administration and I anticipate that they too will have far reaching proposals in this area.

This bill is meant to be a statement of our intentions—of the policies we would like to see upheld. I am sure that there are refinements that could be made, and I am open to any suggestions for improvements.•

By Mr. BINGAMAN:

S. 282. A bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content; to the Committee on Governmental Affairs.

NATIONAL FOREST RECYCLED PAPER ACT

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to direct the General Services Administration to make paper with recycled content available to the Secretary of Agriculture for use by the Forest Service.

It is a disturbing fact that 5 billion acres of the Earth's forest have been cut and not replaced. What makes this fact even more disturbing is that most of this destruction has occurred in this century. We all know that forest provide many benefits and this trend must be reversed.

Fortunately, trees are a renewable resource and paper can be recycled. I believe we must take the challenge and encourage measures which will improve forest conservation and the use of recycled paper products.

I have always considered the USDA Forest Service as a leader in forest conservation. As a part of this leadership role of a forest in my home State of New Mexico, the Carson National Forest, has proposed using recycled paper for their general office operations. To my surprise this proposal was denied by the General Services Administration which would not allow the forest to purchase recycled paper.

There is obviously a problem when the Agency directed to conserve the Nation's forests is not allowed to utilize recycled paper. The bill I have introduced today will authorize the Forest Service to purchase and use recycled paper as a pilot test program for 1 year. At the end of 1 year the General Services Administration will report to Congress on the results of the pilot program and the opportunity to expand the program government-wide.

I urge my colleagues to consider the importance of recycling and the use of recycled products as a practical means of saving energy and conserving natural resources by reducing the use of raw materials.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Recycled Paper Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) one third of the earth's forests, 5,000,000,000 acres, have been cut and not replaced;

(2) each man, woman and child in the United States annually uses enough paper and packaging to equal 7 trees;

(3) paper with recycled content is available for many types of uses;

(4) while many people have begun to recycle paper, a stronger market needs to be developed for the use of paper with recycled content;

(5) the General Services Administration does not offer or allow the purchase of paper with recycled content;

(6) the mission of the Forest Service is to manage and conserve forests for the future generations; and

(7) the Forest Service should be a leader in the use of recycled paper because of their leadership role in the forestry conservation.

SEC. 3. PILOT PROJECT AND REPORT BY THE GENERAL SERVICES ADMINISTRATION.

(a) PILOT PROJECT.—

(1) For a period of one year, the Director of the General Services Administration shall make available to the Secretary of Agriculture paper with varying amounts of recycled content for all standard uses. If available, other departments and agencies of the Government may also request on to use paper with recycled content and purchase this paper through the General Services Administration.

(2) The Secretary of Agriculture, acting through the Chief of the Forest Service, shall use paper with recycled content for paperwork and printing during the one-year project authorized by this subsection.

(b) REPORT.—At the end of the one year authorized by subsection (a), the Director of the General Services Administration shall report back to the Congress on the results of the pilot program and the opportunity to expand the program government-wide. Included in the report shall be an assessment from the Chief of the Forest Service describing environmental benefits of the pilot project.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

By Mr. KOHL:

S. 283. A bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available; to the Committee on Armed Services.

MILITARY FAMILY PRESERVATION ACT

• Mr. KOHL. Mr. President, today I introduce the Military Family Preservation Act of 1991.

Perhaps the most heart-wrenching scenes from the Persian Gulf crisis have been the pictures of parents leaving their children so that those parents could serve their country. Even young infants, weeks or months old, have been handed over by tearyeyed mothers and fathers en route to the gulf. That strikes many Americans as somehow not being right, even though we recognize that a soldier's duty requires sacrifice. I think we have a new reality in our Armed Forces, and this bill attempts to address it.

By no longer relying exclusively on young males for military service, the military has become a fundamentally changed institution. This bill addresses some of those changes by acknowledging that our military, while meeting its primary responsibility of defending our national security, also has a responsibility to those children, elderly, and disabled persons who are dependent on a military member. The military, if it is to employ both parents, single mothers and fathers, incurs an obligation as an institution to its dependents. This bill suggests that the changing composition of American military families necessitates addressing the dynamic needs of those families.

The bill is simple and straightforward. It calls on the military to develop regulations, within the constraints of its primary mission, to prohibit placement of personnel who are solely, or together with a spouse also in the military, responsible for minor children, dependent elderly and disabled dependent adults in locations where facilities for the dependent are not reasonably accessible. For example, if both parents in a family are called up for deployment, the regulations might presumably specify that one be sent to a location where minor children could accompany one parent. The bill would ask DOD to do its best to see that single parents are not unreasonably called away from their children or dependent parents. It is not the intent of this legislation to waive the obligations of members of the armed services, nor is it the intent to deny those individuals who seek to fulfill their obligations of that right and responsibility. It is simply the intent that, to the extent possible, we do all we can to keep some semblance of family for these men, women, and dependents during current and future deployment. I believe that this proposal leaves the Defense Department plenty of room to develop these regulations in a way that will be least disruptive to military requirements.

Mr. President, I do not mean to imply that our Armed Forces have been callous to the needs of its dependents. There are many services available to families, from DOD schools to CHAMPUS to child care to shopping at military exchanges. But I think the deployment for Operation Desert Storm opened our awareness that more needs to be done—both on the front end and upon return and readjustment.

For example, the Clare Ansberry and Carol Hymowitz article titled "Left Behind" that appeared on the front page of today's Wall Street Journal poignantly outlines the problems of children whose parents are called away to service. Fred Rogers said that "Nothing is more difficult for a child to deal with." The Army itself acknowledges in the article that thousands of children are being left without parents. We all know that reservists and active duty personnel have always been required to designate someone to care for their child in the event their duty calls them away, but I don't think we really have thought through all the implications for these children or the parents. Nor have we prepared for the reality that increasing numbers of military personnel are women, often with spouses who are also members of the Armed Forces. It is, frankly, a phenomenon which we have not had to deal on such a large scale in previous wars. It is not, in this Senator's mind, merely a matter of protecting children from becoming orphans—it is a matter of family preservation.

In the above mentioned article, a therapist from the National Childhood Grief Institute was quoted as saying that separation from warbound parents can place kids at risk for low self-esteem, chronic sorrow, substance abuse, and other self-destructive behavior. Can we stop anywhere short of doing all we can to see that the next generation of military children grow up in as healthy an environment as possible?

Mr. President, the care of dependents of our service personnel is an issue which we must begin to face. The reasoned approach in this bill will go a long way toward supporting the people and families that make up the proud Armed Forces of America.

I ask unanimous consent that the text of the bill be placed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 283

Be it enacted by the Senate and House of Representatives of the United States of America assembled,

SECTION 1. TITLE.

This Act may be cited as the "Military Family Preservation Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the first obligation of the Department of Defense is to meet the military needs of the United States;

(2) the military effectiveness of members of the Armed Forces is increased when they know that their families are taken care of; and

(3) the Department of Defense has an interest in and responsibility for protecting the best interests of dependents of members of the Armed Forces.

SEC. 3. REGULATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations with respect to the stationing of members of the Armed Forces with dependents. Those regulations shall, to the extent possible and consistent with military requirements, prohibit the stationing at a location at which facilities for dependents are not reasonably available of a member of the Armed Forces who is solely responsible for (or who together with a spouse also in the Armed Forces is solely responsible for) minor children, dependent elderly persons, or disabled dependent adult children.

(b) ASSISTANCE FOR ALTERNATIVE PLANS.—When a member of the Armed Forces described in subsection (a), at his or her request or when such deployment is otherwise required, is to be stationed at a location at which facilities for dependents are not reasonably available, the Secretary of the military department concerned shall provide assistance to the member and the member's family members to develop alternative plans for the care of the family members during the period that the member is stationed at such location.

(c) APPLICABILITY.—The regulations prescribed pursuant to subsection (a) shall apply with respect to current and future deployments.•

By Mr. SARBANES:

S.J. Res. 49. Joint resolution to designate 1991 as the "Year of Public Health", and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health; to the Committee on the Judiciary.

DESIGNATION OF "YEAR OF PUBLIC HEALTH" AND ANNIVERSARY OF THE FOUNDING OF JOHNS HOPKINS SCHOOL OF PUBLIC HEALTH

• Mr. SARBANES. Mr. President, the Johns Hopkins University will celebrate the 75th anniversary of the founding of its School of Public Health from April 1991 to April 1992. In conjunction with this celebration, I am introducing a joint resolution to designate 1991 as "the Year of Public Health," and to recognize the Johns Hopkins School of Public Health for its leadership in the campaign for global health. I am pleased to have Senator MIKULSKI as an original consponsor of this important measure.

Since its founding in 1916 by Dr. William Welch, the Johns Hopkins University School of Public Health has grown to be the largest school of public health in the world with activities extending across every continent and involving faculty, students, and alumni from over 75 countries. Its integration of research, training, and community service has served as the prototype for other institution around the world.

In an effort to take the results of 75 years of public health research and discoveries to the world and to continue its global leadership in public health, the Hopkins School of Public Health is launching a major public awareness campaign by working with the Congress to declare 1991 "the Year of Public Health." Hopkins' 75-year heritage is a testimony to its ability to lead this campaign to further global health, with its past achievements coincident with many of the most important developments in public health to date. Since its founding, the school has pioneered:

The development of vaccines against many of the most debilitating and infectious diseases;

The delivery of safe drinking water through chlorination and effective sewage disposal;

The control of disease-bearing vectors;

Improved nutrition through research culminating in the discovery of Vitamins A and D;

Education of the public regarding appropriate diets;

Improved occupational and environmental health;

The establishment of family planning and well-baby clinics;

The use of entertainment to strengthen health communication;

The development of health policy financing initiatives which have led to improvements in Medicare and Medicaid programs; and

The establishment of the first injury prevention research and education program in the Nation.

The need for an increased awareness of the pressing problems facing our Nation in the area of public health has never been greater than it is today. Public health campaigns which educate people to prevent diseases and promote health, and which extend resources and services like immunization and prenatal care of all segments of society can provide simple, cost-effective, and comprehensive solutions to the Nation's health problems.

Increasing global awareness of public health is equally important. Global trends and the enormous cost in dollars and quality of life caused by not preventing disease and its consequences have increased the need for worldwide public health solutions. The Johns Hopkins University School of Public Health is uniquely situated to lead a campaign to generate an awareness of public health on a worldwide basis. The school's international health program is by far the largest in an academic center anywhere in the world, and a full partner in the new emphasis on improving world health. Work in the school's 10 academic departments has earned global recognition, and as a result the school serves as a participant in six World Health Organizations centers.

Mr. President, a promising new era in public health awaits us. New technologies, shared international research, and modern communications abilities have maximized the potential for a national and global public health campaign. As Dr. William Welch, the founder of the Johns Hopkins School of Public Health, said in 1916:

> There are no social, no industrial, no economic problems which are not related to public health.

We can ill-afford to ignore the critical need for increased national and global awareness in the area of public health. We must expand public health initiatives in order to extend a higher quality of life to all segments of society in every corner of the world. To this end, I strongly, urge my colleagues to join me in supporting the important resolution I have introduced today to recognize and further these critical efforts.•

By Mr. BRADLEY (for himself and Mr. DURENBERGER):

S.J. Res. 50. Joint Resolution to designate April 6, 1991, as "National Student-Athlete Day"; to the Committee on the Judiciary.

NATIONAL STUDENT-ATHLETE DAY

• Mr. BRADLEY. Mr. President, I rise to introduce a joint resolution designating April 6, 1991, as "National Student-Athlete Day". Joining me today is my colleague from Minnesota, Mr. DURENBURGER.

Mr. President, this day focuses attention on the positive role that sports can have on the physical and mental development of young people. Within the proper framework of a school program, sports can build confidence, cooperation, integrity and maturity. These qualities are necessary for our future leaders.

In spite of all the positive aspects of sports, over-emphasis on sports can cause serious harm to young people, even those who pursue sports professionally. The single-minded devotion to athletics among our Nation's schools and colleges too often leads to exploitation and abuse of the student-athlete. Only 1 in 10,000 high school athletes who dream of a career in professional sports ever realize that aspiration, while those who do can expect a professional sports career of less than 4 years. Too many young people sacrifice academic achievement to the dream of professional athletics. And all too frequently schools are willing accomplices—demonstrating no interest in students' academic progress and keeping students eligible even when their real academic achievement levels do not warrant it. Students must realize that education is a lifelong asset, and schools have to remember that their primary responsibility is education.

Mr. President, I understand that all 50 States along with the District of Columbia proclaim April 6 as "Student-Athlete Day." With the help of a broadened observance of National Student-Athlete Day, educators will be able to promote the role of sports within education to stress the need for a balance between academics and athletics. This effort will direct young people away from the idea that sports can be a substitute for education. The programs planned include having professional athletes, who have returned to college to complete their degree, speaking to students about the importance of education. Since athletes are role models for many young people, the day will stress the positive role sports can play in development of personal character. Athletes will also speak frankly to students about the dangers of alcohol and drug abuse that threaten our society.

In supporting this important effort we, the U.S. Senate, join with coaches, parents, and educators throughout the Nation to encourage the pursuit of excellence in both academics and athletics.

On behalf of Senator DURENBERGER and myself I ask that the attached resolution be inserted in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 50

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides opportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division 1 college athletics;

Whereas although college athletes graduate at the same rate as other students, fewer scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high-school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1991, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.•

By Mr. SARBANES (for himself, Mr. GLENN, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. ADAMS, Mr. BUMPERS, Mr. BRADLEY, Mr. HEINZ, Mr. BURDICK, Mr. CONRAD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. WELLSTONE, Mr. JEFFORDS, Mr. RIEGLE, Mr. MOYNIHAN, Mr. NUNN, Mr. MURKOWSKI, Mr. HOLLINGS, Mr. AKAKA, Mr. THURMOND, Mr. COHEN, Mr. SASSER, Mr. LEAHY, Mr. D'AMATO, Mr. PELL, Mr. BOREN, Mr. KERRY, Mr. STEVENS, Mr. LEVIN, Mr. ROTH, Mr. GORE, Mr. KENNEDY, Mr. DECONCINI, Mr. REID, and Mr. DODD):

S.J. Res. 51. Joint Resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week"; to the Committee on the Judiciary.

FEDERAL EMPLOYEES RECOGNITION WEEK

• Mr. SARBANES. Mr. President, today I am introducing a joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week." Senators GLENN, ROTH, MIKULSKI, WARNER, ROBB, ADAMS, BUMPERS, BRADLEY, HEINZ, BURDICK, CONRAD, CHAFEE, LAUTENBURG, WELLSTONE, JEFFORDS, RIEGLE, MOYNIHAN, NUNN, MURKOWSKI, HOLLINGS, AKAKA, THURMOND, SASSER, LEAHY, D'AMATO, PELL, BOREN, KERRY, STEVENS, LEVIN, GORE, KENNEDY, DECONCINI, REID, COHEN, and DODD are joining me in introducing this measure. I have introduced similar resolutions in previous Congresses to honor the men and women who work in jobs that are so critically important to the strength and vitality of our Nation.

I am indeed proud to bring special attention to the dedicated individuals who have chosen public service as a career and who, through years of hard work, have helped to contribute to our Nation's growth and prosperity. Their important work includes protecting our Nation, keeping our food supply safe, participating in medical and scientific research, and maintaining highway and air safety. The excellent service provided by Federal employees to their country often goes unrecognized and it is only when these services become necessary for an individual or when the services are unavailable that people truly recognize the importance of Federal employees. It is with this in mind that I again want to thank and recognize the more than 3 million men and women in the Federal work force who perform these extremely important jobs every day.

I view public service as a honorable career and a high calling, and I am proud that our Government has such a conscientious and highly qualified work force. Despite previous attempts to undervalue the ideals which make public service rewarding and attractive to many, Federal employees continue to work positively and responsibly, while also accomplishing many valuable tasks. As John F. Kennedy once stated:

> Let the public service be a proud and lively career. And let every man and woman who works in any area of our national government, in any branch, at any level, be able to say with pride and honor in future years: "I served the United States Government in that hour of our Nation's need."

The Nation as a whole and others throughout the world have benefited from the many wonderful achievements of Federal employees. By setting aside a week as "Federal Employee Recognition Week," we will all have an opportunity to give Federal employees the recognition which they greatly deserve. I am very pleased to introduce legislation today which acknowledges and commends such a worthy and committed group of men and women and I urge my colleagues to join in support of this resolution.•

• Mr. GLENN. Mr. President, I am pleased to have this opportunity to cosponsor this resolution which would designate the week of March 4–11, 1991, as "Federal Employees Recognition Week."

All too often, Federal employees are taken for granted without giving much thought to the fact that the success of Government programs depends heavily upon the expertise, quality, and commitment of professional career employees.

Thomas Jefferson is quoted as saying that:

> There is a debt of service due from every man to his country proportional to the bounty which nature and fortune have measured to him.

Without those in Government service who are willing to make sacrifices and go the extra mile to do a job well, our country would not be able to solve the serious problems we face today.

Mr. President, with this resolution, we can and should say: Keep up the good work, and we salute those dedicated public servants who are paying their debt to this country.

I commend the Senator from Maryland [Mr. SARBANES] for introducing this resolution.•

By Mr. DECONCINI:

S.J. Res. 52. Joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month;" to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION MONTH

• Mr. DECONCINI. Mr. President, I am introducing today a joint resolution to declare the months of April 1991 and 1992 as National Child Abuse Prevention Month. I am hopeful that a great number of my distinguished colleagues will join me in this important effort.

Mr. President, despite the fact that agencies and organizations serving our children have made notable contributions over the past few years in improving the lives of our youth—by revamping rules and regulations, pinpointing issues, disseminating information and increasing public awareness—child abuse is still on the increase.

Recent data makes it abundantly clear that our Nation's poor children are the high-risk victims for abuse, neglect, and other poverty related problems. The families of these children are caught in a web of strife, stress, and strain in their attempt to merely survive from day to day. Their struggle is compounded by lack of resources, both spiritual and physical, to reduce the burden imposed by their state of poverty.

Mr. President, America's child abuse problem does not stop there. It appears in every State in the Union and cuts across all socioeconomic groups. From the impoverished ghettos of our urban centers to the stately manors across the Nation, millions of America's children are not getting a fair chance to grow into productive adults. Many children in the United States are growing up in wholesome, nurturing environments. However, millions more are not blessed with that good fortune. Every child in the world needs and deserves food, shelter, and love in order to survive and prosper.

The evidence of child abuse and neglect is both alarming and overwhelming. The best available statistics estimate that three of every four cases of child abuse go unreported and the number of reported incidents continues to rise. The data collected by the National Committee for the Prevention of Child Abuse and Neglect organization and others show that 2.4 million cases of child abuse are reported, so as many as 6 million of our Nation's children are being tragically abused. When I introduced this resolution in 1986, I cited national statistics which stated that reports of child abuse and neglect were up 39.8 percent. Today, I regret to report that the incidence rate has increased 78 percent between 1981 and 1987. And all experts agree that the numbers will escalate further since victims in turn, will likely victimize their own children and others.

Mr. President, despite the best efforts of the social service providers, like Child Help U.S.A., Parents Anonymous, and other members of the National Child Abuse Coalition, the entire Nation is threatened by the continued growth in child abuse and neglect. The only all day, every day, national crisis counseling hotline staffed totally by medical and clinical professionals received over 126,000 calls in 1986 compared with only 8,600 calls when it was established in 1982. The Child Help U.S.A. phone system was at capacity in 1986. Since then, it has had to expand to accommodate an increasing number of calls.

As I have stated previously, Members of Congress have an opportunity to assist the many individuals, organizations, and agencies that are striving to rid our Nation of the epidemic of child abuse and to assist the victims as well. We can help focus public attention on goals and objectives of these agencies and improve the general welfare of our children.

The declaration of April 1990 and April 1991 as National Child Abuse Prevention Month, is a significant way in which we in Congress can emphasize the importance of increasing public awareness and education for the benefit of our troubled families and suffering children. There is help available in communities throughout the Nation, but we need to get the message out to the abused as well as the abusers. Therefore, I urge my colleagues to join me in this effort to have April 1990 and April 1991 designated as National Child Abuse Prevention Month.•

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 3

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 3, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

S. 8

At the request of Mr. DOLE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation.

S. 9

At the request of Mr. DOLE, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 10

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. HEINZ] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 16

At the request of Mr. BIDEN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 16, a bill to provide emergency Federal assistance to drug emergency areas.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 65, a bill to make the 65 miles-per-hour speed limit demonstration project permanent and available to any State.

S. 107

At the request of Mr. GRAHAM, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 107, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; and for other purposes.

S. 140

At the request of Mr. WIRTH, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 175

At the request of Mr. BINGAMAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 175, a bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes.

S. 215

At the request of Mr. JOHNSTON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

S. 217

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 217, a bill to clarify the Congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensures that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

S. 237

At the request of Mr. NUNN, the names of the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

S. 239

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. DODD], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. BIDEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 250

At the request of Mr. FORD, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 255

At the request of Mr. BINGAMAN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 255, a bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable.

S. 270

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 270, a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the names of the Senator from California [Mr. CRANSTON] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 Census.

SENATE JOINT RESOLUTION 35

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Joint Resolution 35, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional and Presidential elections.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. GORE], the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from Massachusetts [Mr. KERRY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Ohio [Mr. GLENN], the Senator from Montana [Mr. BURNS], the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. HEFLIN], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE CONCURRENT RESOLUTION 4

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 4, a concurrent resolution condemning Iraq's unprovoked attack on Israel.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 5, a concurrent resolution demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution to express the sense of the Congress that the President should review economic benefits provided to the Soviet Union in light of the crisis in the Baltic States.

SENATE RESOLUTION 19—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 19

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $2,844,527, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganizations Act of 1946, as amended), and not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $2,949,780, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationary supplies purchased through the Keeper of the Stationary, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 6 and Thursday, February 7, 1991, at 9:30 a.m. on each day, to receive testimony from committee chairman and ranking members on their 1991 and 1992 committee funding resolutions.

For further information concerning these hearings, please contact Carole Blessington of the Rules Committee staff on extension 40278.

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, February 20, 1991, at 9:30 a.m., to markup Senate committees' funding resolutions for 1991 and 1992. The committee will also consider other legislative and administrative business pending on its agenda.

For further information concerning this business meeting, please contact Carole Blessington of the Rules Committee staff on extension 40278.

ADDITIONAL STATEMENTS

AFL–CIO: TIME FOR HEALTH CARE REFORM

• Mr. KENNEDY. Mr. President, I urge my colleagues to examine the AFL–CIO's recent report, "The Case for Health Care Reform." This report provides an excellent overview of the health care crisis facing our Nation.

Last fall, the AFL–CIO conducted a series of eight regional hearings to determine the human toll of this crisis. As the AFL–CIO's health care hearings so dramatically reveal, the Nation's health care system is in a state of crisis.

More and more, access to affordable health care is as serious a problem for middle-class families as for low-income citizens.

We start with the almost unbelievable fact that in this rich land of 250 million Americans, 37 million of our fellow citizens, including 24 million working men and women and their dependents, have no health insurance at all.

An additional 26 million Americans will have no insurance for substantial periods of time this year, often as long as 6 or 7 months. And there are 60 million more Americans who have insurance, but whose insurance is so poor that even the Reagan administration said it was inadequate.

Those who are adequately insured today are only one missed heartbeat away from losing their coverage—one management cost-cutting decision away—one pink unemployment slip away in this recession—from joining the ranks of the uninsured. Virtually all Americans are at risk—but it is low- and middle-income families who are most at risk.

Every year millions of citizens are turned down for needed health care or do not even seek it because they cannot afford it. Four out of every 10 hospital admissions in Washington, DC, could be avoided if patients had obtained timely medical care when their symptoms first began. Four out of 10 American children do not even get basic childhood immunizations against disease.

Americans are also paying more and more for health care, and getting less-and-less value for the dollar. We spend more on health care than any other country—40 percent more per person than Canada, 90 percent more than Germany, and twice as much as Japan.

This is the year for action. Labor, business, hospitals and physicians, and consumers are mobilized as never before, and it is time for Congress to act.

I commend Lane Kirkland and the unions of the AFL–CIO for their leadership in calling for reform of our national health care system. Together we must work to make health care a basic right for all, not just an expensive privilege for the few.

Providing access to decent health care for all Americans takes on even greater urgency because of the war in the Persian Gulf. One of the best ways to support our soldiers fighting in the gulf is for us to work harder here at home to achieve the ideals they are fighting to defend.

I ask unanimous consent that the attached remarks from AFL–CIO President Lane Kirkland be included in the RECORD.

The material is as follows:

STATEMENT BY LANE KIRKLAND

The state of America's health care system is deplorable.

The AFL–CIO conducted a series of eight public hearings in cities throughout the nation in an effort to assess the human toll of America's health care crisis.

What we found—and what the hearing record shows—is a growing problem that is no longer exclusive to the fringes of our society.

It's now hitting at the solid, working middle-class—the backbone of the country—people who do their level best to pay their bills and meet their obligations.

Medical costs which soar upward at 18 to 30 percent a year are putting basic health care beyond the reach of a steadily increasing number of Americans. As many as one in three Americans has either inadequate health insurance or none at all.

Consequently, millions of working people are living under the threat of financial disaster striking at any moment with the illness or injury of a family member.

Many of the under-insured simply pray for good health. Others postpone needed medical care. Those who can't often find themselves buried in medical bills they'll be paying for the rest of their lives.

Everywhere we looked, Americans who need health care are losing their homes, their life savings and their dignity.

Clearly, now is the time for fundamental changes in our nation's health care system. We need a comprehensive program of reform that will make basic health care available to all who need it—without bankrupting them in the process.

The AFL–CIO is firmly committed to the task of working with members of Congress and the business community to address this crisis and thereby alleviate this grave threat to our standard of living and the economic vitality of the nation.•

TERRY ANDERSON

• Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,145th day that Terry Anderson has been held captive in Lebanon.•

UKRAINIAN INDEPENDENCE DAY

• Mr. PELL. Mr. President, 73 years ago, on January 22, 1918, the Ukrainian Republic declared its independence, and established a democratic government guaranteeing many of the basic rights which we in the United States enjoy. Regrettably, just a few years later, the young republic was overtaken and incorporated into the new Soviet regime.

Last year, we witnessed many promising developments in Ukraine. We welcomed the steps toward greater religious freedom, the organization of political parties and civic organizations, and the adoption of a declaration of sovereignty in July. During the last few months, however, there have been disturbing signals about Soviet actions in Ukraine, including the arrest of political dissenters. And of course, after the bloody crackdowns in the Baltic States, the people of Ukraine cannot help but question whether their young democratic movement will be destroyed by the old Soviet regime.

This week, as we commemorate Ukrainian Independence Day, we call upon the Soviet Government to reject the course that it took in 1922, and to renew its commitment to greater openness and democratization.●

PROPRIETARY SCHOOLS

● Mr. SIMON. Mr. President, there have been some negative stories about proprietary schools, some of them deserved.

But the proprietary schools of the Nation offer aid and educational opportunity to non-college-bound students that is extremely important.

The so-called business schools of whatever variety are making an extremely important contribution to the Nation.

Only about 8 percent of those who do not go on from high school to college get any kind of skills training during their school years.

That's a grim statistic.

I do not suggest that the proprietary schools can or should fill this gap by themselves, but they are making an important contribution.

I ask unanimous consent to insert an article from the Chicago Tribune titled "Proprietary Schools Offer Training, Job Guarantees," written by Merrill Goozner.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 6, 1991]

PROPRIETARY SCHOOLS OFFER TRAINING, JOB GUARANTEES

(By Merrill Goozner)

College students aren't promised a job after four years of tuition payments. Community colleges are an even dicier proposition for students, if the measurement is a guaranteed job placement at the end of the two-year program.

But proprietary schools are held to that standard. These profit-making educational institutions—usually known for training people in fields like cosmetology, truck driving, electronics and office work—can't offer their students the excuse that at least they got a liberal arts education for their tuition money.

Their only reason for being, and their promise to the students who pay thousands of dollars to attend the schools, is that they hold the tickets to jobs in their fields.

Unfortunately, as numerous government crackdowns and newspaper exposes over the years have shown, very few of them do it right. One Illinois proprietary school regulator, who did not want his name used, despairs of every being able to clean up the "proprietary school mess."

"You wonder why the kids are going there in the first place, especially when they have community colleges to go to," he said.

However, there are proprietary schools that give their students real value for their money. The good ones:

Have rigorous academic standards for admission into the program. No student is accepted who can't do the work;

Give students a realistic sense of the career and what is expected of them before they enroll in the school;

Constantly update the curriculum so that it is in tune with the needs of the industry; and

Have an active and successful placement program for graduates.

Looking at one proprietary school that does it right provides some valuable lessons for young adults who are considering plunking down their hard-earned cash or taking out a loan to attend one of these schools.

Fox College in southwest suburban Oak Lawn has been training executive assistants for downtown corporations, law and accounting firms since 1957. Housed in a former District 123 elementary school building, the college trains more than 100 students a year in a rigorous curriculum of word processing, shorthand, business math and English and office management.

Before any young women—and in a world where sex-role stereotyping remains imbedded in the work culture, 100 percent of its students are women—enrolls in the one-year course, school president Edward Japelinski Sr. encourages the prospective student to contact employers about the school. Graduates can be found at downtown employers like Amoco Corp., National Life Insurance Co., Coopers & Lybrand and First National Bank of Chicago.

"Fox is dedicated to turning out qualified students," said Laura Bellis, a recruitment specialist at Arthur Andersen & Co., one of the firms that recruits from Fox College. "It's been fairly difficult to find skilled, qualified executive assistants because there aren't as many people interested as there were in the past.

"Plus, the grammar and vocabulary skills tend to be lacking in students coming out of school. But Fox doesn't skimp on the program. They don't just pass people through," she said.

Fox requires its students to have a high school diploma and a certain level of math and English proficiency before starting the program. The school gives prospective students a battery of tests to insure they are capable of performing the work.

About half of its student body comes directly from high school, where most were "B" and "C" students. The other half are college dropouts.

"We've really looking for a level of desire when we screen people, not the academic background," said Edward Kapelinski Jr., who is director of marketing for the school.

The desire has to be there because of the rigors of the program. Classes run from 8:30 a.m. to 2 p.m. every day with three hours of homework per night, mostly in typing and shorthand that can be done between 2 and 5 p.m. on the Fox premises.

Fox's academic calendar corresponds to the work world, not the vacation/laden school year. Students are required to dress as if they were headed downtown for a job. The program can be completed in nine months, although most students take up to a year.

"There are some dropouts," said Kapelinski, Sr. "If a young lady falls behind on her work, she's given a probation for a month. And if she doesn't catch up, she's dismissed."

Tuition for the program is $4,950 plus an additional $450 for course materials. About a third of the students get government grants and loans. Its default rate is about 5 percent according to government figures.

Another third accept a loan from the college, which must be repaid within one year. The school charges 9 percent interest on the one-year loan.

When asked how young adults just entering the work force can afford to pay back nearly $5,000 in one year, the Kapelinskis pointed to the salary, ranges and placement rates of their graduates. The school says it has placed 100 percent of its graduates in the last year. The average starting pay was $19,000.

It's that kind of salary that continues to draw students to Fox College. Most of whom hear about it by word-of-month.

"I heard from my beauty shop that their friends got real good jobs," said Elaine Tajdus of Alsip, who at 56 is attending Fox with her 19-year-old daughter Michele. She's hoping in a year's time to leave her job as a cook at Westgate Country Club. Michele wants something better than waitressing.

"These people make or break the executives they work for," said Arthur Andersen's Bellis. "Our starting salary for executive assistants ranges from the upper teens to the low twenties and an executive assistant with experience can earn up to the mid- to upper-thirties."

Despite employer raves for Fox College's program, school enrollment has suffered in recent years. Newspaper reports about abusive proprietary schools have scared away prospective students, Kapelinski, Sr. said.

Gary Osga, acting manager of the non-public school approval section of the Illinois Board of Education, said the state passed new rules for proprietary schools in 1989 in the wake of a Chicago Sun-Times investigation of proprietary schools.

Those rules won't be effective for some time. The rules require that all proprietary schools report their government-backed student loan default rates and placement rates to the state. The state then will be able to refuse a license to any school that falls below 50 percent of the statewide average.

However, the state is still months and possibly years away from developing its database. Moreover, the rules will only eliminate the worst of the student loan abusers.

That leaves the relatively unsophisticated education consumers populating the proprietary school marketplace on their own. Osga recommends that prospective students go and spend time talking to the students before enrolling in a school.

They should also get the names of graduates and see where are they wound up working. "Did the kid spend $10,000 to learn auto mechanics and wind up changing oil at a Jiffy Lube?" he said.

"Unfortunately, most of these kids aren't that sophisticated," he said. "I don't know if there is any way to save them from their own gullibility."●

THE CAFE BILL

● Mr. CONRAD. Mr. President, I am pleased to join my distinguished colleague from Nevada, Mr. BRYAN, as a cosponsor of legislation to improve the fuel economy of the U.S. vehicle fleet. This bill received considerable support in the Senate last year, but was killed when a cloture vote failed in the Senate near the end of the previous Congress. During the intervening time, our consumption and imports of oil have continued to rise.

Many of us have long argued that we need to take aggressive action to reverse these trends. The jittery response of oil prices to each day's events in the

Middle East, in spite of a short-term surplus in the oil supply, only underscores this need. Our actions should include conservation, vigorous development and implementation of alternative energy sources, and a strengthening of our domestic energy industry. These goals can only be achieved in the context of a coordinated national energy policy where each component is carefully thought out. Only in this way can our diverse needs be met and true energy independence by achieved. Indeed, we all realize that such a policy will strengthen our economy and improve our lives in the long term.

More to the point, the current corporate average fuel economy standards, passed by Congress in 1975, have not increased since 1985. In fact, they were decreased during the latter part of the Reagan administration.

Motor vehicles account for the large majority of our oil consumption, are the main component of urban smog, and are a contributor to toxic and CO_2 emissions as well. Conservation is the best method to improve all of these conditions. We have the ability to achieve this, but experience has shown that it will not happen without Congress setting appropriate goals.

The auto industry has claimed that these standards would adversely impact the size, performance, utility, and safety of automobiles and would cost jobs. In response I would say three things. First, experience has shown that such adverse impacts are not as dramatic as feared. As an example, care might actually become after if this bill caused a reduction in average horsepower.

Second, the increases called for are a percentage of each manufacturers fleet average for 1988. This will insure that all manufacturers are treated fairly. Foreign manufacturers will have as difficult a job as their American counterparts, perhaps even more so. Both the position of American cars in the marketplace and the jobs of American autoworkers will be protected.

Third and most importantly, we must decrease our consumption of energy, within the context of a coordinated, sensible national energy policy. Indications are that no single method will be sufficient, and that many approaches must be taken. While the improvements mandated by this bill may be a challenge, we must achieve them, and we can achieve them.

Both the Office of Technology Assessment and the Department of Energy agree that the fleet average could be raised above 30 miles per gallong and perhaps as high as 40 miles per gallon using conventional technology. The standards incorporated in the proposed legislation reflect these goals and require their attainment. I commend Senators BRYAN and GORTON for their insight and for the research they have put into this bill. The required percentage increase in each manufacturers fleet fuel economies represents a workable, fair, and effective method of conservation.

Finally, Mr. President, reducing the use of large but definitely limited resources like oil sets a precedent for intelligent and civilized husbandry of the planet we live on. For all of these reasons, I am happy to cosponsor this bill and urge my colleagues to join in supporting it.●

CONCERNING THE HOOKSETT, NH, TOWN COUNCIL

● Mr. SMITH. Mr. President, the town council of Hooksett, NH, has unanimously voted to endorse a proposed amendment to the Constitution which would, upon ratification by the States, empower the Congress and the States to prohibit the physical desecration of the American flag.

I agree that the "law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes * * * (the) reverence, respect, and dignity befitting the banner" of our Nation. Therefore, I join with the town council of Hooksett in urging Congress to pass a constitutional amendment to protect the American flag.

Mr. President, I ask unanimous consent that the resolution of the town council of Hooksett, NH, be printed at this place in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

TOWN COUNCIL RESOLUTION

This measure would request Congress to propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states shall have the power to prohibit the physical desecration of the American flag.

Whereas, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

Whereas, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the properly of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

Whereas, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

Resolved, That the Town Council of the Town of Hooksett, New Hampshire respectfully requests the Congress of the United States to propose an amendment of the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and all members of the congressional delegation from the State of New Hampshire and the New Hampshire House of Representatives, the State Senate and the Governor and Governor's Council.●

OREN HARRIS FIFTY YEARS OF PUBLIC SERVICE

● Mr. PRYOR. Mr. President, later this week U.S. district judge and former Congressman Oren Harris will be honored for 50 years of public service. On February 1, 1991, friends and associates will gather in the U.S. district courtroom in El Dorado, AR, to take note of this historic event.

Oren Harris holds the distinction of being the only American public servant to have served in the legislative body of our Nation for 25 years and in the judicial branch for 25 years.

Judge Harris, of El Dorado, was elected to Congress in 1940 and was to serve until February 1966 when he resigned to become U.S. district judge for the eastern and western districts of Arkansas. While in the House, he served as chairman of the Committee on Interstate and Foreign Commerce beginning in 1957.

When I was a lad of 16, Oren Harris gave me the opportunity to work as a page in the summer of 1951 in the House of Representatives. That experience made lasting impressions on me. Oren Harris was my mentor and it was a difficult assignment to follow in his footsteps as representative of the people of the 4th District of Arkansas when he was elevated to the Federal bench. Oren Harris never lost sight of his roots and the people who elected him.

Mr. President, I regret that I will not be able to join his many friends and associates throughout Arkansas and the Nation who will gather to mark this 50-year landmark. We could all learn from the stewardship example of Oren Harris. I am proud to call him my friend and mentor.●

SUPPORTING VETERANS DISABILITY COLA LEGISLATION, H.R. 3

● Mr. PELL. Mr. President, I strongly support H.R. 3, legislation to provide a

5.4 percent veterans disability compensation COLA retroactive to January 1, 1991. I commend the majority leader and the distinguished chairman of the Senate Veterans' Affairs Committee for having worked to bring this issue to the floor so quickly. Indeed, when Senator MITCHELL introduced his package of legislative priorities for the 102d Congress, his No. 1 priority was ensuring that service-connected disabled veterans receive their 1991 cost-of-living increase.

Regrettably, in the final days of the last session, Congress failed to enact a COLA for service-connected disabled veterans and their survivors, the only group of Federal beneficiaries who did not receive a 1991 COLA. These veterans depend on Congress for this essential COLA to protect them from the impact of inflation. We now have an opportunity to correct this injustice and fairness dictates that we act immediately to approve this measure.

As we ask the young men and women of our Armed Forces to take on the grave responsibilities of war, we in the Congress must remember the responsibility we have to the men and women who went into battle before them. The debt we owe to our Nation's veterans is sacred, and we send the wrong message to our disabled veterans and to the service men and women in the gulf if we fail to honor the fundamental obligations we have to veterans in recognition of their invaluable service to our country.

I am glad my colleagues have given their full support to this bill.•

THE PASSING OF CHRISTOPHER J. JACKMAN

• Mr. BRADLEY. Mr. President, I sadly note the passing of Christopher J. Jackman of West New York, NJ. Mr. Jackman, a New Jersey State senator representing the 33d district at the time of his death, was born, lived his 74 years, and died in Hudson County, NJ. He was elected to the New Jersey Assembly in 1967 and reelected seven times. He was chosen majority leader for 1977 and was speaker of the New Jersey Assembly from 1978 to 1982. He was serving his second term in the New Jersey Senate. He was a beloved politician and public figure whose colorful personality, wit, and trenchant good sense endeared him to people of all political persuasions, social classes, races, and creeds. Senator Jackman loved the political arena and the tumult of the political process. Yet, in his heart he was first and foremost a labor leader and a spokesman for working people. He rose to the post of vice president and regional director of the United Paper Workers International Union, AFL–CIO.

In political matters, his word was a bond, but his real loyalty and his strength were devoted to the working people he respected and protected. His ascent to many positions of high public responsibility speaks eloquently of the hope that our country continues to hold out to those not born to privilege who have the capacity to lead their fellow citizens. Chrissy stood up for what he believed in. He was my friend. I will miss him.•

THE WEEKLY MAIL OF SOUTH AFRICA

• Mr. SIMON. Mr. President, the Weekly Mail of South Africa is no longer suspended occasionally because of government action. It is one of many positive changes that have been brought about in South Africa, thanks to the leadership of President De Klerk.

And the Weekly Mail continues to point out real problems that exist in South Africa. There is no better illustration of the problems that nation faces, even if the finest agreement is reached tomorrow, than the article, "One Day at Two Schools," by Samantha Weinberg.

The contrast is between a white school and a black school, and it shows that South Africa has a long way to go. I do not insert this article into the CONGRESSIONAL RECORD suggesting that the United States does not have a sizable road to go yet. We do.

But because it gives some insight into the South African situation, I ask unanimous consent to insert the article at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONE DAY AT TWO SCHOOLS

(By Samantha Weinberg)

Bhukulani High School in Soweto is perched on a hill overlooking the Jabulani men's hostel. Students recently avoided classes for a month; they were afraid of being caught in the cross-fire between warring supporters of the African National Congress and the Inkatha Freedom party.

It wasn't the first time they had stayed away. Earlier in the year, classrooms were empty as pupils and teachers staged boycotts and sit-ins, protesting against severe textbook shortages and inadequate classroom facilities.

While disparities in education provision are not as bad as five years ago, the government still spends almost eight times as much on every white pupil, as it does on each black pupil.

With two weeks to go before the start of their exams, only 44 of the 120 matric candidates are at Bhukulani High. Three classes have merged into one and the pupils are sitting, two to a desk, waiting for a teacher. No one is quite sure what lesson they are due to have now.

The matric classrooms are on the second floor of a two-story building. The staircase is covered with broken glass and rubble. The deputy principal, Mr. Nkosi, said the damage was caused when the fighting from the hostels moved into the schools ground. Another teacher blamed the pupils.

Pupils hang out around the classrooms, laughing and joking.

The teacher, Daisy Noke, walks in and it takes her some time to quell the chatter. The boys sit at the back of the class, the girls nearer the front. One neatly dressed boy, Colin, wipes the wooden desk and bench before sitting down. Few pupils are wearing school uniforms, some are chewing gum.

It appears the lesson is to be Afrikaans as Noke hands out a comprehension exercise with the title Engel by die Vleiland (Angel by the Swamp). She reads out the story, which is practically archaic, chauvinist, and has an all-white cast. No one asks any questions and occasionally she translates a sentence into English.,

Colin said he didn't know how long Noke has been teaching at Bhukulani, but he thought she might have come in to help with exams. It later transpires she has been there for seven years and is head of the Afrikaans department.

The pupils follow the text, sometimes writing notes. The classroom has a caving-in cardboard roof, the windows are broken, and grafitti on the wall reads: "How can a hungry teacher teach a hungry child?" Judging by the noise outside, there is a riot in progress.

Noke finishes the story and starts working through the questions on the worksheet. She reads them out and after rather unenthusiastically asking for answers from the floor, writes the correct answer on the board. Everyone copies it onto their sheets.

Colin answers a question correctly and the class breaks out into spontaneous applause: "Well done, clever friend," they cry. It takes Noke a few minutes to calm them down again.

Eventually the board is covered with 25 answers to questions about the text and the students have copied them all down—word for word.

Colin says it is not the kind of question they will get in the exam, but he doesn't know as the pupils have not seen old exam papers yet. They don't even know the exam timetable.

Noke leaves; it is time for break, but most of the pupils stay for a chat. The rest of the class, they say, are studying at home. They study in groups, sharing the textbooks they do have—one book among four to eight pupils is about the norm—and cramming from study guides. The government promised to give every black matric candidate three study guides, but only a few have arrived—not nearly enough to go around. Some fellow pupils have spent the last couple of days cleaning cars in Johannesburg, scraping together enough money to buy study guides.

The pupils are unsure as to how many schooldays have been lost this year, but agree it had been "more than three months".

"We came to school, but the teachers were protesting, so there were no lessons," one pupil said. "We couldn't come in winter because it was too cold," said another with a meaningful look at the gaping windows. "They must repair the classrooms first thing."

Were they confident of passing their exams? "We will try, we will try." Their teachers are less optimistic, and fear a majority will fail—even to achieve the 20 percent needed before they are allowed to retake.

The principal, Mr. Mahloko, said he was expecting this year's exams results to be the worst yet—and last year only 37 percent passed matric, whereas in 1988, the pass rate was 66 percent. "There have been so many disruptions this year, very little effective schooling has taken place," he said.

The school for whites is also perched on a hill—in a leafy and comfortable suburb of Johannesburg.

It is a government school, one of the oldest and most respected in the city. Most of the pupils live nearby, their parents are English-speaking, educated and well-off.

The school buildings are covered in flowering creepers, airy and spacious, nestling on manicured lawns. Across the courtyard a group of matric pupils are engrossed in a history lesson.

The sun is streaming through arched windows into the large, tiled and painted classroom. The walls are covered with maps, posters, pupils' projects and covers of *Time* magazine depicting world leaders of the twentieth century. Ten pupils sit, relaxed—school blazers hanging on the backs of their chairs—at desks arranged in a semi-circle around the teacher, who is gesticulating energetically.

"Look guys, I just want to emphasize to you the importance of East Germany's role in the consolidation of communism after World War II," he says.

It is hard not to get caught up in the lesson, which is conducted more in the manner of a university seminar. The class is taken straight into post-war Germany and quickly and enthusiastically gets caught up in the feelings of the Germans who were there. Frequently they stop the teacher to ask questions or make contributions. You got the feeling they would call him by his first name—out of the classroom.

Shakespeare, Milan Kundera and Arthur Miller, plays and films, all are brought into the debate to emphasise a point or explain a feeling. A recent article in *Newsweek* magazine is referred to, and the textbook is hardly consulted—the lesson seems almost to be spontaneous.

Every now and then the teacher offers an exam tip: "Look here chaps, remember to spell out what Nato stands for, it'll be worth an extra two points at least." At one stage he lunges at one of the pupils and extracts a copy of a history study guide from where he had been concealing it, under the desk. "These things, they take all the joy out of teaching," he says, replacing the guide on top of the boy's pile of five history textbooks.

The hour-long lesson is soon over, amid much laughter, jokes and concentration. The pupils have made individual notes in their files—nothing was dictated—and there is a sense of upliftment that comes from having spent a productive period. It was not necessary to hear his confirmation that the pupils would all pass—some with distinction. All but one expected to go to university, the exception is a talented sportsman.

The teacher urged them all to relax, to go out and enjoy some fresh air at the cricket match on Sunday.•

PUERTO RICO STATUS REFERENDUM ACT

• Mr. JOHNSTON. Mr. President, last week I introduced the Puerto Rico Status Referendum Act, S. 244, to provide the people of Puerto Rico with an opportunity to vote on their future political relationship with the United States. In my introductory remarks, I referred to the contributions of several Senators and committees to this bill. One such contribution, which was made at the last minute, was to include the recommendations of the chairman of the Committee on Agriculture, Nutrition, and Forestry, Senator LEAHY.

These recommendations provide for the increase in food stamp benefits under both the statehood and the commonwealth options, as set forth under S. 244. However, these recommendations were made, and were included, with the express intent that revenues will be available so that the bill remains revenue neutral. In the case of the statehood option, as reported by the Finance Committee, the phaseout of section 936 of the Internal Revenue Code would provide, with perhaps some minor changes, the necessary offsetting revenue. The commonwealth option, however, does not currently have offsetting revenues and would therefore require more substantial changes to the existing language. It is my intention to seek the necessary language to provide these offsetting revenues from the Committee on Finance, which identified this problem in its report (Senate Rept. 101–481) on last year's version of this bill.

Mr. President, I would like to reiterate that one of the guiding principles of this legislation is to maintain revenue neutrality. Accordingly, if the necessary revenue generating legislative language is not developed and included in this bill, then it will be necessary to delete these provisions. I look forward to the continued assistance of the Committee on Finance on resolving this matter.

Mr. President, I would like to reaffirm, again today, my commitment to the enactment of this legislation by the July 4 target date, and my expectation that Congress will meet this schedule.

Mr. President, I ask that the letter from Senator LEAHY to myself be printed in the record.

The letter follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, January 22, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your January 8, 1991, request for my recommendations regarding the draft Puerto Rico referendum bill which you intend to introduce in the near future.

The Agriculture, Nutrition and Forestry Committee has recently addressed this issue in an October 25, 1990, letter signed by ten Members of this Committee.

In that letter we pointed out that any referendum bill should assure equal treatment between the statehood and Commonwealth options and be revenue neutral. It was also our intent to provide a balanced package of increased nutrition benefits phased in over time.

Based on those concepts, I recommend that your draft bill be modified to include the changes as set forth in the attachments to this letter.

One major item is omitted from my recommendations. Language providing for increased revenues to pay for the increases in nutrition assistance would need to be added before I, and I assume most Members of this Committee, could support final passage of this bill. My staff has alerted your staff and staff of the Finance Committee regarding this need for statutory language assuring that the attached changes are revenue neutral.

I will certainly assist you in this major undertaking of ensuring that Puerto Ricans have a fair opportunity to express their views on the political status of that Commonwealth.

Sincerely,

PATRICK LEAHY,
Chairman.

DRAFT TO THE PUERTO RICO STATUS REFERENDUM ACT

These changes are to the draft "Puerto Rico Status Referendum Act" dated December 6, 1990, as supplied to the Committee on Agriculture, Nutrition and Forestry.

Add to section 213 ("economic adjustment") the following:

( ) Nutrition Assistance and Food Stamp Program.

(a) INCREASED FUNDING LEVELS FOR THE NUTRITION ASSISTANCE PROGRAM IN PUERTO RICO.—Notwithstanding any other provision of law, from the sums appropriated under the Food Stamp Act of 1977 the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(1) $112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Statehood" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(2) $250,000,000 for the fiscal year immediately following the first fiscal year after ratification; and

(3) $337,500,000, for the second fiscal year after the first fiscal year after ratification.

(b) FOOD STAMP PROGRAM.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union—

(1) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States; and

(2) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(c) AMENDMENTS TO THE FOOD STAMP ACT OF 1977.—Beginning on the first day of October prior to January 1 of the year Puerto Rico is declared admitted to the Union, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"SEC. 19(a). SPECIAL RULES.—Notwithstanding any other provision of this Act, any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except as follows:

"(1) a household within any such State shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds

65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for the purposes of determining benefits in such State shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the State may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"Sec. 19(b). Any State whose per capita income is below 50 percentum of the national per capita income of the United States shall participate in the program under the requirements of this Act except that any such State must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program in any such State."

(d) Legal Rights to Additional Sums.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts for nutritional assistance required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act and section 19 of the Food Stamp Act of 1977. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

Add to section 407 of the "Puerto Rico Status Referendum Act" the following:

( ) Nutrition Assistance and Food Stamp Program.

(a) Increased Funding Levels for the Nutrition Assistance Program in Puerto Rico.—Notwithstanding any other provision of law, from the sums appropriated under the Food Stamp Act of 1977 the Secretary of Agriculture shall pay to the Commonwealth of Puerto Rico, in addition to the amounts required to be paid by the Secretary to the Commonwealth of Puerto Rico under subparagraph (A) of section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)(A)), the following additional sums for the years described—

(1) $112,500,000, for the fiscal year beginning on October 1 of the first calendar year after the date of the ratification of the "Commonwealth" status option by the people of Puerto Rico (hereinafter referred to in this subsection as the "first fiscal year after ratification");

(2) $250,000,000, for the fiscal year immediately following the first fiscal year after ratification; and

(3) $337,500,000, for the second fiscal year after the first fiscal year after ratification.

(b) Food Stamp Program.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs:

(1) Puerto Rico shall participate in the food stamp program under the Food Stamp Act of 1977 on equal footing with any other State of the United States except as provided in section 19 of such Act; and

(2) the block grant program authorized under section 19 of such Act for Puerto Rico is terminated.

(c) Amendments to the Food Stamp Act of 1977.—Beginning on the first day of October prior to January 1 of the 5th calendar year following the calendar year in which the ratification under section 101(e) of the Puerto Rico Status Referendum Act occurs, section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) is amended to read as follows:

"Sec. 19(a). Special Rules.—Notwithstanding any other provision of this Act, the Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except as follows:

"(1) a household within such Commonwealth shall be ineligible to participate in the food stamp program (notwithstanding the provisions of section 5(c) of the Act) if such household's's income, after the exclusions are made as provided for in section 5(d) of such Act and before the deductions in such income are made under section 5(e) of such Act, exceeds 65 percent of the poverty line as defined in section 5(c)(1) of such Act;

"(2) the standard deduction for purposes of determining benefits in such Commonwealth shall be 59 percent of the standard deduction determined under section 5(e) of the Act for the 48 contiguous States and the District of Columbia; and

"(3) the maximum excess shelter expense deduction to which a household within the Commonwealth may be entitled shall be 35 percent of the maximum excess shelter expenses deduction determined for the 48 contiguous States and the District of Columbia under paragraph (2) of the fourth sentence of section 5(e) of the Food Stamp Act of 1977 for the household.

"Sec. 19(b). The Commonwealth of Puerto Rico shall participate in the program under the requirements of this Act except that the Commonwealth must make benefits available through the use of intelligent benefit cards, other automated or electronic delivery system, or other benefit delivery system specifically designed to promote the integrity of the program.

(d) Legal Right to Additional Sums.—Unless otherwise provided through legislation providing federal revenues, the Secretary of Treasury is required to pay to the Secretary of Agriculture all additional amounts required to be paid by the Secretary of Agriculture to the Commonwealth of Puerto Rico under the Puerto Rico Status Referendum Act to operate the Nutrition Assistance Program under section 19 of the Food Stamp Act. The Commonwealth of Puerto Rico is legally entitled to receive from the Secretary of Agriculture such additional amounts.

Additional Changes to the December 6, 1990, draft:

On page 16 strike the reference to the Food Stamp Program in "(b)".

On page 62 add: "or the Committee on Agriculture, Nutrition and Forestry" after "Committee on Finance of the Senate".

On page 65: add "or the Committee on Agriculture, Nutrition and Forestry" after "Senate" on the first line of that page. Strike "consolidation of grant-aid programs" near the bottom of page 65.

On page 66 add: "or the Food Stamp Act of 1977" after "the Social Security Act" on the fifth line.

It is anticipated that language providing revenue from Puerto Rican sources to cover the additional costs to the Federal Government of these amendments will be included in the enacted "Puerto Rico Status Referendum Act" and that the entitlement language (paragraph (d) added to sections 213 and 407) in the document would be replaced with that revenue language.•

CHARLES BEACH, JR.

• Mr. McCONNELL. Mr. President, I rise today to recognize an outstanding Kentucky banker, Charles Beach, Jr. Mr. Beach has made his mark as president and CEO of the $70.3 million Peoples Exchange Bank of Beattyville, KY.

However, it is not just as a banker that Mr. Beach has distinguished himself. He was a major factor in the founding of Lee County Constant Care, Inc., a combination rest home and senior citizen apartment complex for which he has served as volunteer chairman for more than 20 years. Beach's service to the community also means prompting the Beattyville Chamber of Commerce to sponsor a "most improved property contest", designed to encourage residents to clean up area yards dominated by junked cars and other trash.

Additionally, working with students and faculty at Lee County Senior High School has been, and still is, a top priority for Mr. Beach. In his program, the bank donates funds to the school, and the students, via a student advisory board, learn to budget the funds and make a case to the bank board. This helps students develop their leadership skills through hands-on dealings with money matters.

These are but a few things in a long list of Mr. Beach's accomplishments, which is why I ask unanimous consent that a copy of his profile article in December's ABA Banking Journal be inserted in the Record. It is people like Mr. Beach who inspire others and provide an excellent example to youth, showing that it is important to care about others and the community in which you live.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the ABA Banking Journal, Dec. 1990]

Ex-General Attacks Home Front Problems

(By Steve Cocheo, executive editor)

Charles Beach, Jr. could have been nicknamed "Charlie Hustle," if that name hadn't already been bestowed on a famous baseball player. Whether he's bustling through his bank, driving along the backroads of rural Kentucky showing a visitor the sights, or trying to get something done for his hometown of Beattyville, this banker moves.

But the nickname's taken. Instead, those employees and residents who don't call him "Mr. Beach" simply call him "General." This is in recognition of Beach's second career in the Army and Army Reserve, from which he retired as a two-star general. More than a decade after leaving the service, Beach, 71, still carries himself like a soldier.

As president and CEO of $70.3 million-assets Peoples Exchange Bank, Beach now fights the Battle of Beattyville. His enemies include economic stagnation, rising costs, and government red tape.

IRAQ FACTOR

On the outskirts of Beattyville, which is 75 miles east of Lexington, Ky., sits one of Peoples Exchange Bank's commercial customers, Perdue-Davison Oil Co.

Charles Perdue's oil and natural gas drilling operation is the biggest in Lee County, with more than half of its 600 wells active. Until recently, the firm was facing tough times. Oil prices were depressed and little good news was in sight.

The Iraqi crisis changed the outlook. Oil prices shot up. Perdue, who is president of the oil company, talks enthusiastically of "infield drilling," a technique that promises to coax more oil out of older wells.

Falling production, falling prices, and costly government environmental regulation drove many of the major producers away from Lee County. This contributed to the high unemployment that continues to plague it.

Perdue started as supervisor of the operation he now runs. Up to now he's been able to make enough to stay in business where bigger companies' overhead made the economics impractical. For example, Ashland Oil, former operator of Perdue's leases, pulled out when it cost $18 to produce a barrel of $12 crude

While driving visitors back to his office after touring his operations, Perdue talks happily about the prospects for the business: "I'm going to put up a sign and call this 'Hussein Lane,'" he tells Beach with a grin and a gesture at his private road. While he's sorry the Iraqi situation has put U.S. troops at peril, Perdue says the crisis "has been a shot in the arm" for his company.

TEMPERED OUTLOOK

Back at the bank, Beach makes a call to an official of Ashland regarding one of the company's unused properties.

Beach has been trying to convince Ashland to donate the site for a hoped-for expansion to Lee County Constant Care, Inc. and is just chivvying things on a bit further.

"I'll make myself so obnoxious that they'll find somebody who will give me the deed," says Beach.

The Ashland property abuts the combination rest home and senior citizen apartment complex, which is a pet project of Beach's. Besides being a major factor in its founding, Beach has served as its unpaid chairman for more than 20 years.

After finishing his call, Beach discusses the outlook for Beattyville.

Oil has been a major part of the area's economy since the 1920s, so Beach understands Perdue's enthusiasm. But Beach is also a realist.

"I'm not as optimistic as he is," he says, "partly because all of the major oil companies dismantled their research and development departments. I hear it will take five years to get these back up."

Environmental issues and related federal regulation will also slow a comeback, Beach continues. He believes a resurgence of the oil economy will require tax incentives and relaxed regulation.

ECONOMIC PICTURE

Sustained good news for Beattyville is something Beach would welcome. Unemployment in the 7,000-person county has hovered around 7% or 8% for several years, though Beach thinks the situation is even worse than the official numbers suggest. He believes some people aren't even trying to find work anymore. He maintains that government aid killed some people's incentive to work.

As an example, he cites the experience of a friend and customer who experimented with growing crops unusual for the area such as oriental vegetables. The friend, retired Air Force Brigadier General James W. Little, found that getting people to come to his farm for harvesting required picking them up and providing both breakfast and lunch. He tired of making such accommodations and switched to tree farming.

The traditional area crops include corn, hay, tobacco, and timber. But some farmers, strapped for cash, have taken to planting marijuana. The resulting publicity hasn't helped.

LOSING THE FUTURE?

Then there is the problem of "youth brain drain."

"What you have here is a survival economy," says Beach. He explains that many local residents have learned how to make out when things are rough, but many aren't entrepreneurs who can get things moving again.

"Our problem is that most of our talent leaves," says Beach.

Venture capital is also scarce. Major undertakings—such as talk of establishing a large outlet-store mall in Beattyville to attract trade from Lexington and elsewhere—require more money than can be raised locally.

SOURCES OF HOPE

In the long term, Beach thinks better chapters are coming for Beattyville. He believes the area has a strong future in tourism.

Leaders have already obtained the state's commitment to help it develop brochures detailing one- and three-day walking tours of Beattyville and its environs. The bank is trying to convince the chamber of commerce to sponsor a "most improved property" contest that Beach believes could encourage some residents to fix up yards dominated by junked cars and the like.

There is also potential in natural gas, which is plentiful in the area. Interest in using gas is increasing as the Iraqi situation and other factors have refocused national attention on energy costs.

"It would be greatly helpful" to the area for gas activity to pick up, according to Beach, although making a successful business from this resource requires construction of a transmission pipeline. This could take several years.

BANK EFFORTS

An effort that Beach is proud of is the bank's participation in Lee County Senior High School.

Rather than simply donating funds for student activities, the bank works with officials and students to develop some leadership experience—and obtain some feedback about the bank.

A student advisory board to the bank is put in charge of the kitty of funds the bank makes available. Among its duties are devising a budget and then making a case to the bank's own board.

This kind of community spirit in not a new thing for Beach. He's been at it for years, participating on a long list of state and civic bodies.

He pushed to make the Lee County care center a reality, both to take care of the area's aged and to provide jobs.

The Ashland Oil Co. land he is lobbying for will provide space for a day care center that will serve both adult and Alzheimer's patients and preschoolers. The Alzheimer's patients, the center finds, often respond to children when they will react to nothing else.

The hoped-for expansion would provide roughly 14 new jobs. Meanwhile, Beach is searching for foundation funding to upgrade the main facility as well.

COMPLIANCE BURDEN

Considering his bank's record of community service, it is understandable that Beach is no fan of the Community Reinvestment Act.

That's mild—he calls it "an abomination."

"It is a burdensome requirement which cannot be cost-justified," says Beach. "All community banks are intensively community-oriented. Often they are the most responsible corporate citizens in the community."

Keeping all the records to document CRA performance is extremely time consuming, Beach continues, and means using resources that Beach believes could be better used.

Overall, Beach says compliance with the Bank Secrecy Act and related laws is one of the bank's toughest regulatory challenges. But what really annoys him is Internal Revenue Service taxpayer reporting, with its attendant duties of backup withholding. Tax compliance, he states, is the government's job.

CHANGING ATTITUDES

Being nestled in the hills of Kentucky is no protection from the change in federal attitude. Beach is concerned that regulations are becoming so complex that even community banks like his must consult with large out-of-town law firms to reach decisions on every new rule.

"And even then there can be differences in interpretations between us and the examiners," says Beach. "But it goes their way—they are always right."

When the possibility of additional burdens such as lifeline banking is raised. Beach grows even warmer.

"What's more important," he asks, "a strong banking system or overreacting to the whims of small advocacy groups.?"

In a time of industry trouble—when customers in Beattyville are worried by what they have heard about deposit insurance funding—Beach thinks Congress and regulators must stop thinking of banking as an adversary.

"In any capitalistic society," says Beach, "there has to be a sound depository for depositor funds." This won't be maintained, he says, by trying to turn banks into public utilities.

BIT OF HISTORY

Beach is second in a line of three Charles Beaches who have worked at Peoples Exchange. Beach's father, Charles Sr., worked for several local banks predating Peoples Exchange and was among the incorporators of Peoples Exchange in 1912. At the time of his death in 1966, he was the bank's executive vice-president and a member of the board. Nowadays Charles Beach III, the general's son, is executive vice-president and mayor of Beattyville.

Beach's military activity started with attending the Virginia Military Institute. He graduated in 1940. He was also a graduate of the Reserve Officers Training Corps and received a commission as a second lieutenant, artillery, in 1940. After brief employment at the bank, he entered active Army service in 1942.

Much of Beach's wartime service was spent in the "pack artillery." This form of mountain warfare consisted of running mule trains carrying pieces of small howitzers where conventional heavy weapons couldn't go.

Beach served in the Aleutian Islands and in Italy. He was wounded in action in May 1944 near Minturno, Italy, and subsequently received the Purple Heart.

After the war Beach returned to the bank and became assistant cashier; his father was cashier at the time. Meanwhile, he continued his military service in the reserves. In 1957 Beach received a commission as a major in the reserves.

The year 1961 saw two milestones for Beach: appointment to the position of cashier and active duty in the U.S. during the Berlin crisis, the time when the now-destroyed Berlin Wall was erected. During that active duty Beach became commander of the 397th Regiment's 1st Battalion. In 1966, when his father died, Beach became executive vice-president.

Beach continued to advance in both the reserves and at Peoples Exchange, becoming president of the bank in 1975. The next year he became commander of the 100th Division, and was promoted to the rank of major general. He retired from the service in 1979.

PRACTICAL APPLICATION

Beach is modest about his military career. Rising to division command and two stars, "was not solely my effort," he says. "There were many 'acts of God,' including deaths, illnesses, and transfers."

While the military periodically took him away from the bank, he found the experience helpful in his financial career. "I learned chain of command, respect for authority, and military organization," he says.

The military trains officers to spot strengths and weaknesses in soldiers, he continues, and he believes this helped him learn to recognize and reward good employee performance.

COST CUTTING

Whether Beach learned expense control in the Army isn't clear, but he knows its importance in a bank in 1990. Rising regulatory and other costs have prompted Beach and his board to keep a tight rein on expenses, beginning with the bank's boardroom. It's austere, with small chairs and few trimmings.

In addition, many of the bank's 34 employees wear more than one hat. Nearly every teller, for example, has some other function or responsibility.

After a special management meeting last year, department heads were asked to cut expenses by 10%.

"This has made everyone in the bank cost-conscious." says Beach.

Still, cost cutting doesn't create revenue, and with local loan demand rather flat, the bank has had to seek out-of-county loans. Most of these are equipment financing deals and adjustable-rate mortgages on homes.

This has helped improve the prospects for 1990 over 1989. Beach expects 1990 ROA to rise to 1.35% from 0.99% in 1989 and ROE to rise to 14% from 12%.

THE LONG HAUL

Beach, whose family owns the majority of the stock in the bank's holding company, is committed to keeping the bank independent.

"There is a bright future for the community bank," maintains Beach. "It has the opportunity to deliver quality service to a diverse customer base in a responsive manner."

That suits Beach fine. He likes working with people and enjoys the "ability to assist a worthy credit risk to do well."

The Beattyville campaign has proved the longest of General Beach's long career, but the results, modest though they may be to the rest of the world, have made the community a better place.●

REFITTING TRIDENT SUBS FOR CONVENTIONAL WARFARE

● Mr. PELL. Mr. President, on January 22, I had the honor of touring the Electric Boat submarine yard in Groton, CT, in the company of the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE, together with the distinguished Senators from Connecticut, Senators DODD and LIEBERMAN, and Congressman GEJDENSON.

It was a memorable day not only because of the frigid winds blowing off the Thames River, and the steep ladders we negotiated to descend into a Trident submarine, but most of all, for some remarkably creative thoughts which were expressed by Senator INOUYE regarding flexible use of our undersea forces to meet new threats.

Most notable was his suggestion that the Tridents, which are currently used exclusively as a platform for launching strategic nuclear missiles, can be modified to be used as a platform for launching the Tomahawk cruise missiles which proved so successful in the opening hours of the campaign in Iraq.

I am advised that there are a number of configurations and options by which such a shift could be implemented. Assuming the changeover would involve tactical, non-nuclear weapons and that it could be achieved within the framework of pending arms control agreements, the concept could prove to be a wise approach to strengthening conventional weapons capabilities.

It seems to me that such a shift would be a most welcome step away from excessive dependence on strategic nuclear weapons, and a creative way to use existing resources to bring maximum strength into play in future regional disturbances.

I commend the Senator from Hawaii for speaking out on this matter. And I congratulate Senator DODD for arranging for this memorable visit. I know he shares my great satisfaction at the words of recognition and encouragement expressed by Chairman INOUYE with respect to southern New England's superb submarine production facilities.

Mr. President, I ask that an article from the New London Day reporting on Senator INOUYE's visit be printed in the RECORD at this point.

The article follows:

[From the New London Day]

TOMAHAWK MISSILES CONSIDERED FOR TRIDENTS—INOUYE PLEDGES SUPPORT TO ELECTRIC BOAT FOR SECOND SEAWOLF CONTRACT

(By Barbara Nagy)

A Senate subcommittee plans to look into the possibility of basing Tomahawk cruise missiles, popularized by the war in the Persian Gulf, on a Trident submarine platform.

U.S. Senator Daniel K. Inouye, chairman of the Senate defense appropriations subcommittee, raised the idea publicly for the first time Tuesday, and pledged also to support Electric Boat's fight to win a contract to build the second Seawolf attack submarine.

The Hawaii Democrat spoke to 500 people at the Norwich Sheraton during a program sponsored by the region's two chambers of commerce. He came to the area at the invitation of U.S. Senator Christopher J. Dodd, D-Conn.

The massive 560-foot Tridents now being built by EB carry Trident missiles, long-range nuclear intercontinental ballistic missiles with multiple warheads. The shorter-range Tomahawk, which is carried by smaller 688-class attack submarines and several Navy surface ships, targets a single site or a small area.

The sophisticated and highly accurate Tomahawks are suddenly popular because of the war in the gulf, where they have been used to target facilities that could not easily be reached by warplanes. Those used in the war are conventional armaments, but Tomahawks can also carry nuclear weapons. The missiles are manufactured by the Convair Division in San Diego, like EB a subsidiary of General Dynamics Corp.

Newer 688-class submarines carry 12 Tomahawks and a complement of torpedoes for sinking enemy shipping. A Trident outfitted to carry Tomahawks instead of ICBMs could carry about 100 missiles. Some surface ships can carry more than 100 Tomahawks, but a submarine would be harder for an enemy ship to detect.

A congressional source said EB told congressmen Monday during a briefing at the shipyard that the idea of basing Tomahawks on a Trident platform is feasible. He said four of the missiles could be put in the area now occupied by each of a Trident's 24 missile tubes. The submarine is extremely quiet and stealthy.

"It is doable," said EB spokesman Neil D. Ruenzel, but he would not discuss such specifics as the configuration of missiles. Ruenzel said he did not know where the idea originated, but he added that the defense establishment routinely evaluates the possibilities for varying and improving many weapons systems.

WAR MAY HAVE IMPACT

Inouye predicted the war in the gulf will affect the decisions Congress makes this year about defense spending.

"This war seems to indicate high technology will receive massive support in the Congress," he said.

The F117A stealth fighter will be well received, he predicted.

"I think it's time we begin concentrating not only on stealth in the air but stealth in the water," Inouye said.

He said the number of submarines in the 1992 defense budget will depend on whether a cap on defense spending is lifted. He said Dodd has convinced him that EB's future and the future of southeastern Connecticut will depend on whether the company gets the contract for the second Seawolf.

EB already has a contract to build the first of the Navy's new attack submarines, and is competing with Newport News Shipbuilding of Virginia for the second. Money for that submarine is in the 1991 defense budget.

EB has said that because of cuts in the number of Seawolfs to be built, there is not enough work to keep both submarine builders in business. In a worst-case scenario, EB would have to lay off up to half its 23,000 workers by 1996, the company has said.

It is in the national interest for EB to get the second Seawolf contract and continue operating, said Inouye, a member of the committee that investigated the Watergate burglary and co-chair of the panel that looked into the Iran-Contra affair. The Navy wants to maintain both yards, but that might be impossible because of budget constraints, Inouye said.

"I'm well aware of the plight you're in," Inouye told the chamber audience. "Chris Dodd convinced me this was not a contest as to who gets a contract."

Inouye said he normally would have stepped back and let the two states resolve their differences, but decided to become an advocate for Connecticut.

"There are many things at stake here. One is the life and death of that company," Inouye said. He said Newport News builds aircraft carriers, cruisers and other ships and can manage without the submarine work.

He added that the United States needs EB because world events indicate submarines will continue to have a useful purpose. The Soviets have maintained the pace of their submarine construction, Inouye said, adding that during fiscal year 1991 the United States allocated money for two submarines while the U.S.S.R. set aside money for nine. He said recent events show the Soviet leadership is still instable.

WAIVER UNCERTAIN

Inouye said that under the Gramm-Rudman deficit reduction legislation, a cap on defense spending can be waived during war. But he added that long-term military construction projects are in a five-year plan, and said it is not clear yet whether spending limits in that plan can also be waived during a time of war. If the waiver does apply, more money could go to submarines, he said.

After a tour of EB and a briefing by shipyard officials including General Manager James E. Turner, Inouye said he was impressed by the company, its construction methods and its ability to deliver ships ahead of time. With the technical expertise and trained people at EB it would be a "national shame" to lose EB, he said.

Before going to EB, Dodd and Inouye met briefly with representatives of EB's two major labor unions.

Kenneth J. DelaCruz, president of the Metal Trades Council, said he was pleased by Inouye's message.

"He basically said what we wanted to hear," DelaCruz said. "He understands that the survivability of the region remains heavily on the functioning of Electric Boat."

Without the second Seawolf, EB and its workers will be in "major trouble" in a few years, he said.

Melvin E. Olsson, president of the Marine Draftsmen's Association, said he also was impressed by Inouye and Dodd.

"He's certainly 100 percent behind us," Olsson said of Inouye. "I feel we're fortunate to have him on our side." •

VETERANS COST-OF-LIVING ADJUSTMENT LEGISLATION

• Mr. KERRY. Mr. President, I would like to begin by thanking Senator CRANSTON for his leadership on many issues of concern to veterans, perhaps the most important of these issues is the cost-of-living adjustment which is before us today. Senator CRANSTON has long been a strong voice for the needs of our veterans and it is always an honor to work with him. I would also like to thank Senator MITCHELL for his strong support of our disabled veterans. The majority leader, by introducing the cost-of-living adjustment for disabled veterans as title I of S. 1, has shown his deep concern about this issue.

Perhaps the greatest disappointment of the last Congress was the failure to pass the omnibus veterans bill, which would have provided a cost-of-living increase for disabled veterans and their survivors. These brave individuals placed their lives on the line for the United States; but the Republican leadership were opposed to some agent orange and other provisions included in this proposal. Thus, our disabled veterans did not receive the COLA which they deserved.

Mr. President, today we are here to rectify that mistake. There are 2.2 million veterans with service-related disabilities and 911,000 survivors of veterans who died from service related disabilities who depend on the COLA in order to survive. Without this adjustment, survival will be even more difficult for these individuals who have sacrificed so much for America.

As the pressures on their budgets have increased dramatically with the growing recession and Federal Government cuts, this legislation, H.R. 3, will provide a 5.4 percent COLA to beneficiaries which would be retroactive to January 1, 1991. In this way, our disabled veterans will receive the increase which they would have received if the Senate had acted prudently last October.

In the past several weeks and months, this Chamber has heard a lot of impassioned speeches of support for our service men and women in the gulf. The Senate even unanimously passed a resolution in moral support of our troops; we now have the opportunity to provide real support for troops which have made similar sacrifices. Let us now give the same support to our disabled veterans to thank them, in some small way, for their sacrifices. I hope that this Chamber will follow the example of the House of Representatives, which passed this legislation with a unanimous vote. I urge my colleagues to support this important and worthy measure.•

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 8:40 p.m., the Senate, preceded by the Secretary of the Senate, Walter J. Stewart, and the Sergeant at Arms, Martha S. Pope, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address by the President of the United States, this day delivered by him to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 9:58 p.m., the Senate recessed until tomorrow, January 30, 1991, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess of the Senate on January 24, 1991, under authority of the order of the Senate of January 3, 1991:

U.S. TAX COURT

RENATO BEGHE, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE B. JOHN WILLIAMS, JR., RESIGNED.

DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

THE FOLLOWING NAMED PERSONS TO BE MEMBERS OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION FOR TERMS EXPIRING AT THE END OF THE FIRST SESSION OF THE 102D CONGRESS:

JAMES C. SMITH, II, OF SOUTH CAROLINA.

HOWARD H. CALLAWAY, OF COLORADO.

JAMES A. COURTER, OF NEW JERSEY.

JAMES A. COURTER, OF NEW JERSEY, TO BE CHAIRMAN OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

EXTENSIONS OF REMARKS

WHEN A PLAYGROUND BECOMES A BATTLEFIELD

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. GINGRICH. Mr. Speaker, I read with great sadness the report last week of the untimely death of young Jermaine Daniel. Jermaine was not a casualty in the successful early days of Operation Desert Storm. He was, instead, a casualty in the other war that we are engaged in—the war that we are losing—the one here at home.

Jermaine was a 15-year-old student here in the District of Columbia. Jermaine would remain merely another number in the rising death toll in our Nation's Capital if it were not for the notoriety he obtained 2 years ago when he was "adopted" by former D.C. Police Chief Maurice Turner. Chief Turner "adopted" Jermaine to show other D.C. children that people do care and opportunities do exist for children to rise above the drugs and crime that permeate our inner cities. Young Jermaine had both a father and a brother in prison. Chief Turner recognized that Jermaine had only negative influences in his life and was determined to show at least one youngster that he was not doomed to failure because of where he was born. Chief Turner knew that it would be an uphill battle.

Jermaine wasn't old enough to drive a car. He couldn't vote, enlist in the Army or even drop out of school. And yet, he was a soldier in a war—and now he is just another casualty.

We are losing this war at home. This is a ground war with an immense future at stake—the future of an entire generation. It is even more disturbing to know that Jermaine's murder on the playground of his school is not an isolated instance.

Two weeks ago another teenager was stabbed in a D.C. high school over the theft of a bag of corn chips. Earlier this month, a 14-year-old was charged with the fatal shooting of someone who was stopped at a traffic light on Capitol Hill. In December, a group of junior high students drove by a corner and sprayed gunfire into a crowd of children walking home from elementary school—seriously injuring a number of them. Where will this all end?

Last weekend approximately 75,000 antiwar protesters came to Washington to voice their protest of the war—but not one word was mentioned about the war here at home. Many of those interviewed stated that, in their opinion, we are waging a battle overseas to have lower fuel prices here at home. They don't see that as a just cause for people to lose their lives.

I would challenge those protesters—is a 15-year-old junior high school student who is shot down in cold blood over a bag of corn chips enough motivation to get involved and stop the war here at home? Imagine the impact 75,000 people could have on stopping these senseless crimes.

We need new solutions for the nineties. We cannot sit back and listen to the murder statistics in our cities and believe that they have no effect on our lives.

I hope that each of my colleagues will read the attached article and join me in developing new solutions for the nineties to finally cause a cease-fire on our playgrounds. Let us all learn a lesson from young Jermaine's brief life.

The article follows:

[From the Washington Post, Dec. 16, 1990]

THE KILLING FIELDS OF D.C.—ARE WE CROSSING A LINE INTO ANARCHY? HOW CAN WE CROSS BACK?

(By Joyce Ladner)

Two years ago, writing on this page about the murders in our city, I tried to explain what I called a "new kind of terror, pain and confusion." Today I am wondering this: Has Washington become a Beirut, a place wholly accustomed to death and desensitized to violence? Have we crossed a critical line that separates a law-abiding society from a society in which life is anarchic, brutal and short?

When I put this question to Harvard psychiatrist Dr. Alvin Poussaint, he replied, "I don't think anyone knows where the line is. We know something's happened. In the past five years, we've come to feel that anything goes. There is an immunity to violence and an acceptance of it by the perpetrators as a legitimate way to deal with things. The perpetrators use violence as a tool to negotiate the environment."

In fact, there have been so many murders here this year that most people take little more than momentary notice of the grim statistics. The daily routine of violence requires a special accommodation for those who live in neighborhoods where it is commonplace. "You get used to the killing," said one woman, as she explained to me her strategy for survivial. She lives around the corner from a drug-infested street where the police often carry out searches of men as they lie straddled on the pavement.

When asked if there is anything that shocks her, she replied, "I did get shocked one night when two boys came down the street shooting wildly. I dove under the counter at the grocery store. When something like that actually happens, you get shaken but you have the capacity to get used to anything so long as it happens with a lot of routine."

But even in our collective numbness and apparent apathy, some of these murders arouse our worst fears, our sense of vulnerability, and provoke our strongest moral outrage. Three of them occurred this month:

Clarene Collier-Wilson, 27, was murdered by a knife-wielding man in the Adams-Morgan neighborhood as she carried her 3-year-old daugther and held the hand of her 10-year-old daughter.

James "Jay" Bias, 21, was shot to death, allegedly by a man who accused him of flirting with his wife.

Frank Gibson, manager of a Tenleytown clothing store, was gunned down in an apparent robbery attempt.

A month earlier, attorney John Winston was shot and killed outside his Chevy Chase Circle townhouse. The latter two murders, in predominantly white Ward 3, were a reminder that there is no sanctuary from the violence.

These murders touched us so deeply not only because of their depravity, but because they told us of our own seeming helplessness. How, we wondered, could anyone put a knife through the heart of a woman carrying a child? Could we be next?

The violence, to be sure, is not confined to our metropolitan area. Homicide rates for New York City and Atlanta also have exceeded last year's; young men are shooting each other gangland style in broad daylight. "There's a lot of retaliation going on right now," a Washington homicide detective told me. "Money is tight. They're [drug dealers] robbing each other and getting killed between robberies. The idea is, 'If you kill my friend, I'll kill yours.' And then they know how the system works. They know the court system will give them a low bond. They'll be out of jail quickly."

Drug dealers have taken control of once-stable neighborhoods. Consequently, the violence has changed the way many live. "A lot of people do not allow their kids to go outside to play anymore," said the detective. They have retreated to the fragile security of their homes, while the streets have been taken over by dangerous young men.

In high-risk neighborhoods, people's homes have become their jails, as they venture out only when absolutely necessary. In a conversation with several fifth-graders, one stated emphatically, "I don't go outside." But he also recounted, "I heard somebody get shot; I was walking past and I saw all this blood coming out." Another told me, "I get scared walking home at night. I know a couple of people around my way who got shot in the leg and arm." And one boy told me he was afraid of being shot when he became a teenager.

It has become a society in which fisticuffs are as outmoded as the cavalry horse. As one youth told me several years ago, "It's easier to shoot it out and get it over with rather than spend the whole night fighting." Many in this generation have not been taught to use verbal skills, such as negotiation, to solve problems. The availability of weapons continues to raise the stakes for all-out warfare. A 14-year-old junior high school student told me, "We were over to a girlfriend's house. We saw a boy get shot in the leg. It made me sad."

Violence, Poussaint said, "is one of the strategies, along with other forms of anti-social behavior, they take for granted on a day-to-day basis. So it's live fast, die young and have a good-looking corpse."

These distortions often originate from, and are reinforced by, various stimuli. Consider simply the television and film industry. Not only are films getting more violent, but a growing number of black actors are cast as the leads in them. Danny Glover's roles in "Lethal Weapon" and "Predator II" and

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Eddie Murphy's roles in "Harlem Nights" and "Another 48 Hours" are good examples. A lot of youths see these films; they must get the message that this is reality, or at least a large slice of it.

Once the perpetrators of crime were poor; they were either older teenagers or adults, and they came from troubled families. That pattern has shifted. According to the D.C. detective I interviewed, "Some come from good homes, even upper-class homes as well. Some are well-educated. I recently dealt with a murderer who was a college graduate."

Perhaps some aspects of the problem cut across racial and class boundaries and predispose some individuals more than others to be drawn into this web. Poussaint addresses the issue this way. "This generation of youth is less empathetic toward people. Some of the old rules such as 'do not hit elderly women' aren't functioning anymore. Now anything goes."

Authorities, meanwhile, say that some parents tacitly approve the involvement of their children in the drug trade; they ignore the new-found riches, the jewelry and cars. When I asked the D.C. detective if the parents seemed surprised to learn their sons have been arrested, injured or killed as a result of drug involvement, he replied, "They always appear surprised. Most should know something is wrong when the kids do not come home until 3 a.m. The parents pretend they don't know, but they do.

"[Most] parents are really sorry when they find out their kids have gotten killed. [Some] see it as a case of the money going down the drain." The detective, who has investigated many of the city's killings, says he knows of cases when parents call the police "and want to know where their son's $100 tennis shoes are. They're more concerned with the kid's property—the car, tennis shoes, how much money he had in his wallet. They say they didn't know about their kid's involvement with drugs, but you find out they did when you look at their bank account."

When you look at this generation of young people, you realize their parents were shut out of the "second reconstruction"—the fruits of the civil-rights struggle. If they were poor, they had little of the social "safety net" to offer their children.

Starting with the Nixon administration, funds have shifted away from funding poor urban communities; the federal government, by drastically cutting back funds for social programs, effectively began to abandon these communities.

Ironically, many large cities are now run by black mayors, policymakers and service providers. But the presence of black leadership alone cannot by itself alleviate the problems of bad schools, poor housing and jobs without a future. "Everyone is angry with the state, but blacks are running the programs of the state," said Walter Stafford, a professor of urban policy at New York University. "The black community hasn't expanded the economic base to incorporate the youth. Everyone is saying, 'Cut the local government payroll. Get rid of the surplus workers.' But no one is saying what we should do with these kids."

No one knows what to do about a generation of latch-key children—kids who have grown up without the heavy investment of parental involvement so many of us received. A number of parents are also extremely young themselves—some had their children as teenagers and have not had enough experience to know how to raise their children. Others are simply neglectful.

Eleanor Cox, director of a program for at-risk youths in Washington, said, "The kids feel that as far as the adults are concerned, they are just there. They don't sit and talk with them, laugh with them. It's more a matter of criticizing them where they're pointing out the kids' faults and telling them what to do without any interaction with them."

Cox recounted this recent incident: "I saw a baby crawling out onto the sidewalk, going into 15th Street Northwest, and I didn't know whom he belonged to. A 2-year-old boy ran into the house and left this infant on the sidewalk! The little baby was trying to get up the walk. I picked him up and took him into the hallway of the building."

No doubt this was unusual, but how can such a thing happen even once? How can such a child grow up to be a normal human being? Whose responsibility is it to make sure this infant has the appropriate level of care?

I certainly endorse the idea that those who inflict harm on others should be punished. But it is important for us to understand and acknowledge the roots of the anger now unleashed upon society. You don't have to be a bleeding heart to understand how serious it is that a lot of young people never formed primary relationships with other human beings during their early years. Had they done so, they wouldn't be able to kill, at least not so easily. "Some kill and go on out to a party at a club, or they go home and go to sleep," the detective told me. "When it's time to go to court, they show remorse."

Dr. Cuthbert Simpkins, a surgeon at D.C. General Hospital, has treated many gunshot victims. When I asked him what should be done, he said, "They are approachable when they come into the hospital. They really didn't realize their actions would bring them to this. You can talk to them about their lifestyle. They've got a tube in the nose; they have a hole in their stomach. They're in pain and they're afraid they're going to die. You can get them to reflect on their lives."

Simpkins has seen drug dealers express humility. He has seen the toughest of them cry. But the toll is awful, he said. "It gets to be really sad. As an inquisitive person, I want to get to the bottom of this problem. I'm tired of holding a chest together. I'm tired of holding an aorta together with my hands. I'm tired of closing up wounds inflicted by trauma."

All of us, on some level, have been affected by the horrifying escalation of violence. Eleanor Cox says that even the rules of robbery have escalated. She described an incident when, after the perpetrators took the victim's jewelry, they stabbed her in the stomach.

In my case, Clarene Collier-Wilson's death touched me in a deep and personal way. When I moved to Washington in the early 70's, I lived in the building where she lived. I still have friends there.

The night following Collier-Wilson's murder, I went to pay my respects to her family. As I parked, I saw a group of people I've known in the neighborhood for years nail a sign to the tree, admonishing all who read it not to allow her death to be in vain. Candles were lit and flowers were brought to this modern-day urban shrine, as Washingtonians gathered and tried to make sense of what had happened. As I stood looking at the flickering candles, a woman drove up and shouted from her car, to no one in particular, "I don't live in this neighborhood. But I had to come over here to see where this murder took place."

Then she began to scream, repeatedly, "When is this violence going to stop? *When is it going to stop?*"

We know that if the devastation doesn't stop, we will, as a community, have crossed the line. We know that if the killings in the past represented a disorder and deviation from the norm, today's violence is rapidly being accepted as the way large numbers of people relate to each other. Normalcy is being turned inside out and there are fewer challenges to this distorted way of behaving.

Still, we must not forget the other side. In many neighborhoods, citizens have organized to take back their communities; if those most affected have become numbed, they have not stopped caring.

We must also remember the young African-American men and women in this nation—the great majority—who are thoughtful, law-abiding and serious. A case in point: M. Kasim Reed, an international-business major at Howard University who currently serves as the undergraduate representative on Howard's Board of Trustees.

Recently, Reed was on the "MacNeil/Lehrer NewsHour" to discuss how his generation feels about the military build-up in the Persian Gulf. When the program ended, friends called me to ask about this "clear-thinking, erudite, charismatic young man," as they described him. A veteran journalist friend called him "truly special"; another said, "We can surely expect great things from him in the future. He will be one of the new breed of leaders in the African-American community."

Reed is, indeed, a special person, but there are tens of thousands of others very much like him, on and off campuses across the nation. (He is featured in the November issue of Black Enterprise magazine with two fellow entrepreneurs at Howard.) But why are these young blacks virtually invisible? Why do we hear so little about them and their views on international, political and economic issues, while we are inundated with news about the latest body count of youths involved in the drug market?

Surely, a bridge can be made between the two sides of this generation. It is, after all, Reed and his peers who will inherit the burden of the terrible present.

REFORM OF THE FEDERAL BLACK LUNG PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am introducing legislation to reform the Federal Black Lung Program.

This is the legislation being advanced by the National Black Lung Association. It is a comprehensive bill to reform the Federal Black Lung Program. The changes envisioned by this measure reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Joining me in the introduction of the Black Lung Benefits Act Amendments of 1991 are my colleagues FRANK MCCLOSKEY of Indiana, RICK BOUCHER of Virginia, CHRIS PERKINS of Kentucky, and BOB WISE of West Virginia.

In general, this measure contains the following proposals:

New eligibility standards: A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

Application of new eligibility standards: The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

Elimination of responsible operators: All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

Widows/dependents: A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and, a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

Offsets: The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

I believe that in light of the many hearings that have been held by the Subcommittee on Labor Standards, we have established a strong record in support of legislative reform of the Federal Black Lung Program. It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by a program that was intended to bring them relief.

TRIBUTE TO WFMJ–TV 21 ACTION NEWS TEAM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the fine men and women of the WFMJ–TV 21 Action News team, in my 17th Congressional District of Ohio, who generously donated their time to Mahoning County libraries this January.

Our Mahoning County libraries hold preschool story times for youngsters three times weekly at the Broadman and North branches. This month, various personalities from WFMJ–TV 21 Action News volunteered to read selected stories to the children during some of those times. Volunteers included Sheila Patrick, producer; John Bindas, executive producer and assistant editor; and Dana Balash and Evonne Woloshym, reporters.

Mr. Speaker, I would like to take this opportunity to pay tribute to these fine individuals of WFMJ–TV. As news professionals, they have already made a sincere professional commitment to the well-being of the Mahoning community. But by taking time out of their hectic schedules to read to our local children, these women and men have expressed a deep personal commitment and generosity toward our community. The work of Sheila Patrick, John Bindas, Dana Balash, and Evonne Woloshym for the service of the community and the children of Mahoning County deserves special commendation. I am honored to represent such outstanding individuals.

C.K. MA RECEIVES AN HONORARY DOCTORATE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ACKERMAN. Mr. Speaker, it is my honor to pay tribute to Mr. C.K. Ma, chairman of the Oriental Daily News, who is receiving an honorary doctorate degree from St. John's University.

The Oriental Daily News is the largest newspaper in Hong Kong, with a readership of over 2 million per day. Mr. Ma's contribution to journalism has helped to make the Oriental Daily News one of the most respected and widely read newspapers in Asia. North American editions will begin publication this year.

Mr. Ma is avidly involved in charitable causes. The Oriental Daily News Charitable Fund has had a significant impact in aiding the poor, the sick, and the needy. The fund receives a majority of its contributions from the paper's readers. Mr. Ma has been inspired by the willingness of those with few resources to help others in more dire need. "How much one person can afford to donate is unimportant," Mr. Ma has written. "It is the love, the concern for another human being that counts. In this sense, 10 cents from 10,000 caring souls becomes much more meaningful than a generous donation from 1 single person. Through this fund, I * * * hope to foster greater social consciousness and participation from all members of society."

Mr. Ma's eloquent words are testimony to his compassion and his significant contribution in helping the less fortunate among us. In addition to his extensive charitable work for the needy, Mr. Ma has made a substantial gift to the Government of Grenada to erect a memorial to those American servicemen who gave their lives in the liberation of that country. His generosity is most appreciated.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in congratulating C.K. Ma on the honor of receiving an honorary doctorate degree from St. John's University, and in saluting him for his generosity and compassion. His contributions to society are greatly admired.

A CONGRESSIONAL SALUTE TO LT. MICHAEL G. MARKULIS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to a man who has served his community with great distinction. On January 30, Lt. Michael G. Markulis of San Pedro, CA, will be honored by the Harbor City-Lomita Lions Club as their "Citizen of the Year" for his outstanding contribution to both its members and the community at large.

Not only a veteran of 34 years of dedicated service with the Los Angeles Police Department [LAPD], Lieutenant Markulis loyally served 2 years with the U.S. Army during the Korean conflict. He received his honorable discharge after attaining a rank of corporal with a spotless service record.

His distinguished law enforcement career has included a great variety of positions and responsibilities, but if one were to draw a common thread through it all, it would be his tireless service to his community. Currently the commanding officer of the Harbor Detective Division, Lieutenant Markulis' commitment to his men on the job and his fellow citizens during his time off makes it no surprise that there is a long waiting list to join his nearly 40-member elite investigating team. In addition to his duties with the LAPD, Lieutenant Markulis is very active with the Harbor City Chamber of Commerce and as the cochairman of the Harbor Area Gang Alternatives Program.

A graduate of San Pedro High School and University of California at Long Beach, Lieutenant Markulis furthered his education by taking numerous additional courses including earning his teaching accreditation. Focusing on police science and education courses, Mike Markulis not only excelled at his police work, he also educated his fellow officers and the members of his community so that they might all live in a more peaceful and harmonious social environment. Not surprisingly, he is a sought after public speaker and frequent representative of the LAPD because of his consummate professionalism and obvious leadership qualities.

The Harbor City-Lomita Lions Club is grateful for the contributions Lt. Michael G. Markulis has made to the life of his community both as a distinguished law enforcement officer and a civic leader. My wife, Lee, joins me in extending a congressional salute to him today.

BRAVO FOR AMERICAN POWER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HYDE. Mr. Speaker, a fresh perspective on America's role in the gulf war is always welcome, and I offer to my colleagues the article of January 20, 1991, by Peregrine Worsthorne in the London Sunday Telegraph:

[From the Sunday Telegraph Jan. 20, 1991]

BRAVO FOR AMERICAN POWER

(By Peregrine Worsthorne)

President Bush has been proved right and his critics, this paper included, have been proved wrong. Delay in going to war was not due to loss of nerve or weakening of resolution, as we feared. He always knew what he was going to do and has now done it in his own good time in the most favourable diplomatic and military circumstances. Bravo for President Bush. Bravo for the allies, particularly Britain (coupled with the name of Mrs. Thatcher), who put their faith in American leadership. Let us give praise to this man. Not since Marlborough created, and held together, his great and victorious coalition has there been so successful an act of international statesmanship.

The war, admittedly, is not yet won. Agonising weeks of carnage could lie ahead. But the worst is over. The worst was over as soon as war began. For an ignoble peace was the worst thing that could have happened. Compared to that, any military cost will be sustainable. So there are already grounds for rejoicing. The coalition has set its hand to a necessary task from which there can be no retreat. From September 1939 until June 1940 there was a phoney war, not unlike the phoney peace that has prevailed in the last six months. Then in June 1940 hostilities began in earnest and everyone with an ounce of honour felt enormous relief. So it is today.

Not that the danger from the peace movement has wholly passed. If hostilities in the Gulf are at all protracted, and casualties mount, pressure for a shameful peace will soon return. Even now, there are peace marches, although only on a relatively small scale. Jingoism is not the danger of today. Of that excessively maligned enthusiasm there is no sign whatsoever—no crowing or triumphalist rhetoric. Quite the contrary. In both speech and demeanour President Bush is the very model of a peaceful man. So is Mr. Major. History without histrionics—that is their hallmark. Neither man at all gives the impression of walking, let alone marching, with destiny. No stirring of the blood from them. Up to a point, this coolness is a virtue. Most people respect it; feel at ease with it. The grandiloquence of a Churchill would not suit the present mood. But if things start going wrong in the Gulf, we may need to have recourse to jingoism, if only to combat the fire and fervour of the peace movement. Responsible newspapers should not dismiss jingoism as some primitive, irrational emotion, quite unsuitable to modern war. For so long as primitive, irrational pacifism can continue to cloud the minds of men—as it can and does as never before—so long will it be necessary for there to be an equally strong and emotional antidote on the other side. One hopes that this war can be sustained without recourse to jingoism. But it would be a foolish Western leader who threw this indispensable, if ancient and primitive, psychological weapon onto the scrap-heap before victory was assured.

It would be a foolish Western leader, too, who got into the habit of drawing too much satisfaction from the United Nation's amazingly supportive role in the current crisis. Great satisfaction is certainly in order. Without UN backing for this war the Labour Party would not have been able to give it their support; nor, almost certainly, would France. And the same goes for the Arab allies, even more so. UN war good; US war bad. Many think like that. But because this is a deplorable fact of modern political life, it is plainly right to get UN backing for American intervention wherever possible or, if not right, at any rate prudent. On his occasion it was possible, thanks to the very special circumstance of Saddam Hussein's peculiar ferocity, and thanks also to President Bush's diplomatic skill amounting to genius. But it won't always be possible and it would be undesirable for America to conclude that UN approval was a necessary condition for intervention in the future. Just as it would be a mistake to suppose that all wars can be brought to victory without the benefit of jingoism—because arguably this one can—so it would be a mistake to think that all American interventions must have UN backing, because this one was lucky enough to get it.

I see hostages to fortune being given here—or rather hostages to unsound liberal thinking or non-thinking, i.e., sentimentality. This war in the Gulf would not have been less necessary, less desirable, if the UN had refused to sanction it. President Bush and Mrs. Thatcher took the decision to go to war long before there was any hope of getting UN sanction, and they did so with a justifiably clear conscience. But will their successors feel equally free to decide first and then take the matter to the UN? Or will they henceforth feel bound to go to the UN first, since so much rubbish has been written in recent weeks about UN backing being the essential legitimizing factor? One is all for high-minded rubbish or hypocrisy—the tribute that vice pays to virtue—so long as people don't start taking it seriously. The danger is that rubbish repeated often enough begins to take on the shape of truth or at any rate myth. President Bush has undoubtedly pulled off a superb *coup de theatre* in getting the Third World, and the liberal elements of the First World, to go along with this war. But the danger of exemplary achievements of this order is that in time they come to get taken by subsequent generations for the norm, the expected, even the required. This must not be allowed to happen. On no account must America lose her freedom of action.

Here we move on to treacherous ground. Why must the US never lose her freedom of action for the UN? How one wishes it were possible to answer this question without sounding cynical. To say that the UN is largely made up of poor and backward countries—a third of its members are now African—whose interests are not our interests, does sound cynical. But it also goes to the heart of the matter. For there is a clash of interest between the First World and the Third World, and no international order satisfactory to the former should rely on the say-so of an institution dominated numerically by the latter. The riches of the First World provoke passionate envy in the Third World, and so do all other appurtenances of civilization. We are envied both materially and non-materially, and the Third World would dearly love to pull us down. Nothing blocks this aim except Western strength. And it is this Western strength which must on no account be trammelled. So much can be ceded to the UN but no more. This was well understood by the UN's founders, and America's recent good fortune at the hands of the UN must not encourage that eternally and gloriously optimistic country to think that anything fundamental has changed.

The aim must be for America to win an overwhelming victory; for Western technology to prove devastatingly, chasteningly superior. Nobody can suppose for a moment that President Bush even sought this opportunity to demonstrate Western might, both moral and material. Never has a war been entered into more reluctantly. But enter it American now has, using all the terrifying weight of modern rocketry. Again, the purpose is not to terrify. The purpose is to avoid repeating the mistakes of Vietnam. In Vietnam the Americans escalated step by step, too little too late. This time they have gone for the jugular from Day One. Lots could still go wrong. But it is beginning to look as if Saddam Hussein has given the West a chance once again to establish its unchallengeable pre-eminence in a manner impregnable at once to moral obloquy and military resistance. Not only will our arms have prevailed in a most spectacular fashion. So also will our ideals. Nothing is ever for ever. Sooner or later the Third World will throw up other challenges. But if the Gulf war ends as it has begun, there can be no doubt who are the masters now—at any rate for another generation. We have the laser beams and they have not. And the we who matter are not the Germans or the Japanese or the Russians but the Americans. Happy days are here again.

Bliss is it in this dawn to be alive; but to be an old reactionary is very heaven.

BRAMWELL NATIONAL HISTORICAL PARK ACT OF 1991

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation to establish, as a unit of the National Park System, the Bramwell National Historical Park in the State of West Virginia.

As I have noted in the past, it is my intention to seek as part of my Southern West Virginia Coal Heritage Initiative the establishment of what I like to call the Colonial Williamsburg of coal towns. We have been fortunate to find in Bramwell some outstanding, and what I believe to be nationally significant, historical, cultural and architectural values relating to the coal mining heritage of southern West Virginia.

The proposed Bramwell National Historical Park is envisioned as being a living unit of the National Park System in a manner similar to the Harpers Ferry National Historical Park in West Virginia. People would continue to make the area their homes. For this reason, the legislation makes a number of specific provisions to protect private property rights: acquisition of land could only take place with "willing sellers" and the National Park Service would not have access to private residential property within the park without the advice and consent of the owner.

Development of the park would be outlined in a management plan, which would be devised by the National Park Service with public input and through consultation with the Bramwell National Historical Park Advisory Committee established by the bill. However, the legislation does provide for the restoration of a brick surface to North River Street, Main Street, Rose Street, South River Street and Block Street to restore the historical and architectural character of the park; measures to mitigate the visual impact of public utility facilities such as phone and electrical lines on the historical and architectural character of the park; the reconstruction of the Bramwell Railroad Depot; and, the restoration of an edifice or edifices suitable to provide for the interpretation and visitor appreciation of the historical, cultural and architectural features of the park. Under the bill, the National Park Service would be authorized to enter into cooperative agreements with the owners of properties of historical or cultural significance within the park to mark, interpret, restore and provide technical assistance for the preservation and interpretation of the properties.

The 13 member Advisory Committee would consist of the Governor of the State of West Virginia or his delegate; one member to represent the West Virginia Division of Culture and History; the mayor of the town of Bramwell; one member to represent the Mercer County Commission; one member to represent the Mercer County Historical Society; two members to represent the Bramwell Historic Landmark Commission; two members to represent the Bramwell Millionaire Garden Club; one member to represent the West Virginia Preservation Alliance, Inc.; one member to represent Coalways, Inc.; one member to represent the West Virginia Association of Museums; and one member to represent the Pinnacle Rock State Park Foundation, Inc.

A portion of the town of Bramwell, where the historic coal baron homes are located, is currently listed on the National Register of Historic Places as a historic district. The Bramwell Historic Landmarks Commission is in the process of working to expand the historic district to include the outlying Coopers, a former company-run coal camp, and other areas within the corporate boundary of the town. I expect this effort to be finished shortly. Under this legislation, we will adopt this boundary for the purpose of the park. As such, both sides of our coal heritage—management and labor—will be represented.

I would also note that a number of developments have taken place since I originally introduced this bill during June 1990. Aside from the progress that has been made on expanding the existing National Register listing, the legislation was the subject of a hearing conducted by the Subcommittee on National Parks and Public Lands on September 18, 1990, during which we received excellent testimony from the mayor of Bramwell, Harry Donnal Murphy, who has been extremely supportive of this initiative. In fact, early in 1990 the town council voted to endorse the bill. Also presenting testimony was Louise Stoker, the chairman of the Bramwell Historic Landmark District; Beth Hager, the curator of History for the Huntington Museum of Art; and Commissioner Bill Drennen of the West Virginia Division of Culture and History.

In addition, as part of the fiscal year 1991 appropriation bill for the Interior Department, with the assistance of Senator ROBERT C. BYRD of West Virginia, we were able to obtain funds for the National Park Service to conduct a new area study on Bramwell. I would expect this study to be forthcoming in the near future. Finally, I would add that I have received a commitment from the chief of the Historic American Buildings Survey/Historic American Engineering Record [HABS/HAER] to send a staff member to Bramwell for the purpose of considering a project.

Mr. Speaker, the purpose of the bill is to gain the preservation, restoration, and interpretation of the historical, cultural, and architectural values of the town of Bramwell for the educational and inspirational benefit of present and future generations. I do contend that it is in the national interest to preserve the unique character of Bramwell and its environs.

PRIVATE RELIEF FOR PETRO RUBAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. TRAFICANT. Mr. Speaker, on January 18, 1991, I introduced H.R. 591, a private bill providing for the relief of Petro Ruban. I enter his story into the CONGRESSIONAL RECORD today so that you and the rest of my colleagues are appraised of the necessity of relief for this man in this situation.

Petro Ruban spent 22 years in a Soviet prison and was finally pardoned by President Gorbachev due to the direct intervention of President Reagan in 1988. Ruban proceeded to Rome, Italy, where he planned to obtain refugee status for entrance into the United States.

However, President Reagan wanted him in the United States by July 13, 1988, for a ceremony proclaiming that day as "Captive Nations Week." As a result, Ruban did not have sufficient time to process a refugee application. In order to cut through the red tape and get Ruban into the United States by the designated date, he was granted temporary humanitarian parole.

As you know, parolees are not entitled to the extensive benefits to which refugees are entitled. Ruban has since adjusted to refugee status but cannot qualify for refugee benefits because the deadlines associated with receiving those benefits have expired. Ruban feels that he is entitled to those benefits because, if not for the President's request, he would have obtained refugee status in Rome and received all benefits entitled a refugee prior to the expiration of those deadlines.

We have tried to solve this problem administratively to no avail. My bill states that Petro Ruban "shall be considered to be a refugee admitted to the United States as of the date of enactment of this Act."

UKRAINIAN INDEPENDENCE DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today in support of Ukrainian Independence Day. The people of the Ukraine have a long history of struggle to obtain independence. In January 1918, the leaders of the independent Ukrainian National Republic proclaimed the Ukraine's independence from the Soviet Union. Unfortunately, this autonomy was short-lived. In 1922 the Soviet Army, under the orders of Lenin, took control of the Ukraine and the Ukrainian people have sought independence ever since.

The world has been inspired by the changes in Eastern Europe and by the birth of democracy in countries long oppressed by the Soviet Union. Mikhail Gorbachev won last year's Nobel Peace Prize for bringing the Soviet Union out of the dark days of Stalin and allowing growing freedom and democracy. But recent events in the Baltic States have threatened the hopes of people within the Soviet Union who have longed for freedom and democracy for too long.

While the eyes of the world are focused on the war in the Persian Gulf, the Soviet Union has begun a brutal crackdown against the people of Lithuania. This aggression, in light of the hope inspired by President Mikhail Gorbachev and his policy of perestroika, has dampened the hopes of many republics within the Soviet Union which hope to gain independence, including the Ukraine.

All people deserve the right to self-determination. The people of the Ukraine have fought long and hard to obtain autonomy. Unfortunately, their struggle is not over. While our attention is focused on the war in the Persian Gulf, it is imporant that we not turn a blind eye to oppression in the Soviet Union and other parts of the world.

I commend the Ukrainian people for their perseverence in their long struggle for freedom. Ukrainian Independence Day is an important commemoration, and I give it my full support.

SUPREME COURT FINDS MACHINEGUNS UNCONSTITUTIONAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDERSON. Mr. Speaker, on January 14, 1991, the U.S. Supreme Court refused to hear arguments from the National Rifle Association and other pro-gun advocates against the Federal ban on the sale of fully automatic machineguns. By refusing to hear this case, Farmer versus Higgins, the Supreme Court has upheld the principles of the second amendment while rejecting the notion that unrestricted access to any weapon is an unconditional constitutional guarantee.

Any gun control measures considered by Congress must bear the scrutiny of the second amendment, and the ban on machineguns certainly passed this test. The case against unrestricted access to machineguns is a strong one. Machineguns are not used for hunting, target practice, or for the protection of home and family. They are used by criminals, drug dealers, and gang members against the men and women who bravely fight to uphold the law. For this reason, law enforcement agencies throughout the country fought to ban machineguns, and the Congress responded to their needs.

Individual States have also acted to remove dangerous weaponry that have turned their streets into battlefields. In California, the State supreme court upheld a ban on semiautomatic weapons, such as the AK-47 assault rifle and machineguns. The U.S. Supreme Court's action in Farmer versus Higgins verifies the constitutionality of the State's ruling and paves the way for other States to pass responsible gun laws.

It should be emphasized that a ban against machineguns will not curtail the rights of individual, law-abiding gun owners, nor was this the objective. People will always retain the right to protect themselves and their families under the second amendment.

For these reasons, I do not believe that the second amendment gives citizens unrestricted access to arms possessing unnecessary firepower that endangers the freedoms of others. The Supreme Court has justified this belief by ruling that Congress can curtail the proliferation of machineguns without violating the second amendment. This is a triumph not only for law enforcement officials, but for all Americans who support responsible gun control laws.

COMPETENCE WHERE YOU WANT IT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BEREUTER. Mr. Speaker, in recent days it has become increasingly clear that U.S. military forces in the Persian Gulf are of the very highest quality. Similarly, it has become evident that our military commanders have earned the trust we have placed in them. In particular, Gen. Colin Powell has stood out as a remarkable commander. Throughout the current crisis, he has demonstrated the calm and steadfast resolve of a true leader of men.

Mr. Speaker, this Member will insert the following editorial in the RECORD which recognizes the obvious competence and talents of General Powell. According to the, January 27, 1991 edition of the Lincoln Journal Star. "The four-star Army general who is Chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense that this guy is telling the truth." Indeed, Mr. Speaker, we should all be grateful to have military commanders such as General Powell.

[From the Lincoln Journal-Star, Jan. 27, 1991]

COMPETENCE WHERE YOU WANT IT

Millions of Americans should now have an understanding why Presidents Reagan and Bush entrusted very major national managerial responsibilities—in uniform and out of it—to Colin Powell.

The four-star Army general who is chairman of the Joint Chiefs of Staff is impressive every time he appears before nationally televised audiences, supplying military reports and assessments of events in the Persian Gulf. One has a sense this guy is telling the truth.

A mark of Powell's competence, in our judgment, is his steady refusal to describe the Iraqi military forces in anything other than professional terms. There are no debasing overlays of either emotion or invective.

Powell says that in the war's first week, Iraq's military assets—human and otherwise—were terribly hammered. But the war also is not going to end at the conclusion of the second week, all that earlier jazz about our superhuman air power and the conflict being over in a finger snap to the contrary. Unfortunately, John Wayne-ism continues to infect beliefs.

A sturdy military core remains available to Saddam Hussein. Its extent is uncertain because the Iraqis have demonstrated particular skill disguising weapons and facilities. Powell made the following sober analysis, repeated here (in part) because additional Americans need to digest it:

"The Iraqi army in the Kuwait theater of operations is a large combined arms army. It has tanks. It has personnel carriers. It has air defense guns. It has very redundant and resilient communications between the different operating echelons of the army. It has stockages of food, ammunition and parts with the army in-theater. And they have a very elaborate supply system coming down from the interior of the country to sustain that army. * * *

"They're spread out. They're dug in. They're hiding. They're not standing out there like a building. They're avoiding air attack. They are going to put out dummies to try to deceive you as to their exact locations. They are going to put in primary positions and alternate positions and supplementary positions. They are going to dig in their lines of communication. They are going to put in overhead cover. Those tanks are designed not to be easily destroyed.

"There is no question that this large force will become weaker every day. That's absolutely mathematical. We are going to do everything we can to make sure that army cannot be reinforced with new troops, and over time they will have increasing difficulty to resupply it. Yet that army has good soldiers.

"* * * They still have a chemical weapons capability. Their artillery can fire chemical weapons; their multiple-launch rocket systems, their free rocket over ground systems, and their air force does have that capability. It's still a threat * * *

"With respect to their national command authority and their command and control systems, they are very good at this. They have redundant systems, resilient systems they have work-arounds, they have alternatives and they are still able to command their forces."

Powell is confident the international military coalition applying lethal force against Iraq to compel its retreat from Kuwait will get the job done. So are we. Nevertheless, the general deserves thanks of adults for underscoring the rigors of the assignment.

HOPE FOR THE PACIFIC FLYWAY?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MILLER of California. Mr. Speaker, a recent Los Angeles Times article provides a timely and important description of the tremendous losses to wildlife and waterfowl in California's Central Valley. This area is the most important wintering habitat for waterfowl in the United States. Over half of the waterfowl using the Pacific flyway—the long migratory corridor stretching to the Equator in the south and Alaska in the north—winter in the Central Valley.

The scope of the loss has been enormous. Wetland habitat has dropped from a historical level of 4 million acres to less than 300,000 acres. With the loss of habitat, waterfowl populations have plummeted to all-time lows. The remaining habitat suffers because State and national wildlife refuges do not have dependable or adequate water supplies.

I will soon again introduce legislation to restore waterfowl and fish in California's Central Valley. This bill will ensure that wildlife refuges receive adequate water supplies, additional habitat, and the North American waterfowl management plan is implemented.

My legislation will provide the Department of the Interior with the necessary direction to protect and restore wildlife resources. It will build upon ongoing efforts and programs.

I was delighted to learn in this article about the efforts of the Bureau of Land Management to restore wetlands in the Central Valley and elsewhere along the Pacific flyway. Every contribution—made by Federal, State, and private entities—toward protecting wildlife and their habitat is critically important.

Mr. Speaker, I commend this article to my colleagues.

[From the Los Angeles Times, Jan. 16, 1991]

THE LAST REFUGE—FEDERAL BUREAU JOINS BATTLE TO ENSURE THAT PACIFIC FLYWAY HAS THE WETLANDS FOR WILDLIFE

(By Rich Roberts)

A thick layer of white blankets a harvested rice field near Colusa in California's northern Central Valley. It isn't snow. As visitors approach, the blanket stirs, and moments later rises like a cloud and disperses into a thousand snow geese on the wing.

"This gives me goose pimples," says Mike Mathiot, intending no pun. "These roost all the way up in Wrangell Island [in southeast Alaska]. The miracle of migration—I'll never get over it."

The Central Valley is used by 60% of the birds using the Pacific Flyway, the busiest of the four major seasonal migration routes for waterfowl in North America. Geese and ducks by the millions fly it south in the winter and north in the spring. About one-fourth of North America's waterfowl winter in the Central Valley. Others stop to rest and feed before continuing on to Mexico or Central America.

They need food, water, and shelter for nesting, but have found the selection of wetlands in California shrinking more than any other state—from more than 4 million acres before ranchers and farmers came, followed in recent years by developers, to fewer than 300,000 acres today.

The Central Valley, fed by the Sacramento and San Joaquin Rivers and their tributaries, has been hit hardest, losing 96% of its wetlands. It is estimated that since a peak in the mid-70s, flights along the Pacific Flyway have dropped by 40%, or 5 million birds.

When the decline became alarming, various conservation agencies and organizations—Ducks Unlimited, the Nature Conservancy, the California Waterfowl Assn., the Audubon Society, the Trust for Public Lands, the California Department of Fish and Game, the U.S. Fish and Wildlife Service—joined forces to regain some ground.

Now another major player has joined the fight, the U.S. Bureau of Land Management.

Historically overburdened and under-funded, the bureau brings one huge stake to the table—300 million acres of land, including 80% of Nevada. It owns 183 historic wetlands sites along the Pacific Flyway, encompassing 11 million acres, 271,100 in California. Mathiot's mission as Pacific Flyway wetlands administrator is to enhance what remains and restore the rest. The bureau plans to add 50,000 acres of wetlands in California.

In 1987 the bureau published "Fish and Wildlife 2000/a Plan for the Future," outlining its goals for this decade. A part of that was "Waterfowl Habitat Management on Public Lands," which became a mandate for the bureau's director, Cy Jamieson, when President Bush stated his strong feelings on wetlands—"no net loss"—meaning, if some wetlands are surrendered to development, they must be replaced elsewhere.

The bureau formed a partnership with Ducks Unlimited, coupling its massive landholdings with the know-how of that group, which has provided leadership in wetlands conservation since 1937. Then it hired Mathiot late last year.

Mathiot—dog trainer, coyote caller and most recently Quail Unlimited's successful organizer for Southern California—is no bureaucrat, and there are those who know more about wetlands. But there are not many with Mathiot's feel for the outdoors and his knack for getting things done. And what he doesn't know is at his fingertips. His office is in Ducks Unlimited's Western Regional headquarters in Sacramento.

But typically, Mathiot is found out in the gray, chill Central Valley, loping along levees and exploring potential wetlands. He is a determined, energetic man who attacks problems head-on. Since he lacks the patience for playing politics and bureaucracy wastes his time, his performance would be better measured by results than appearances.

Mathiot wrote his own program for implementing the bureau's plan. Wanting a catchy title to get people's attention, and without consulting Washington, he called it "WETT"—Wetlands Environments Today and Tomorrow. Then he got it approved.

Waving a copy of the plan, he vows, "I'm gonna bring that document to life."

He has already chalked up what he calls a "flagship project" in southern Oregon's Warner Valley, where 67,000 acres have been reclaimed for waterfowl, as well as other victories in Idaho and Montana.

"We're going to restore migratory waterfowl to 1970 levels," he says.

The only problem is money. In 1990 the U.S. Forest Service had a budget of $102 million to administer its 191 million acres. The bureau had a little more than $30 million for 270 million acres.

But Mathiot intends to acquire wetlands not only by purchase but through donation and what he calls "conservation easements"—one-time payments to farmers who agree to manage their property for waterfowl by planting the right crops and controlling their flooding and drainage.

The bureau also offer parcels of unsuitable land to developers and uses the money to buy and develop wetlands.

Historically, most of the money for wetlands has come from duck hunters. Some waterfowl fanciers don't reconcile killing with conservation but, traditionally, wetlands have been restored and maintained by wetlands hunters, either directly through their own projects or indirectly through their donations and licensing.

Last year Ducks Unlimited's 500,000 members kicked in $67.5 million. About two-thirds of the Central Valley's wetlands is privately owned and managed for duck hunting. In California, it costs $41.50 to hunt wetlands—$21.50 for the basic license, plus a $12.50 federal migratory waterfowl stamp and a $7.50 state duck stamp.

Mathiot says, "Hunting clubs are absolutely critical to waterfowl survival. Without them we would be in serious trouble. Let's face it, it was a bunch of hunters that started Ducks Unlimited."

Colusa, set hard against a levee of the Sacramento River upstream from the capital, is a town where hunters walk the streets in camouflage clothing without drawing a second glance. At the Richmond Hunting Club, Mathiot watches a hunter bring down a snow goose.

"Out of a thousand geese, he got one and it cost him $40, all of which goes to habitat," Mathiot says, "Hunting is a very legitimate use of the resource."

Not only legitimate but critical, says advocates, who fear that a successful anti-hunting movement would cripple wetlands and doom not only ducks but the 30% of the nation's endangered species that live there, not to mention the vast majority of nongame wildlife that make wetlands their home.

Currently, many rice fields are disc harrowed into dirt or burned after harvest to destroy straw that harbors the fungus that causes stem rot in the next year's crop, leaving them useless for waterfowl. There is a clear example on opposite sides of a levee bordering the Colusa National Wildlife Refuge: on one side, greenery and fields flooded to a few inches' depth, with an abundance of ducks; on the other, only dirt.

Mathiot hopes to acquire and turn 500 acres of that dirt into wetlands.

Elsewhere, it's a more congenial world for waterfowl.

"I'm going to show you what California looked like 250 years ago," Mathiot says.

He heads south toward the 1,400-acre Cosumnes River Preserve developed by Ducks Unlimited and the Nature Conservancy, where 1,200 acres of wetlands have been restored since 1987. Mathiot hopes to acquire 500 more adjoining acres.

The small river winds through groves of valley oaks into ponds where flocks of threatened sandhill cranes stand tall in ankle-deep water. The oaks themselves were endangered by clear-cutting years ago, but Nature Conservancy volunteers have replanted 15,000 seedlings.

Consumnes, where no hunting is allowed, is managed by Ducks Unlimited biologist Ed Collins, who restored wetlands on 31 national wildlife refuges before retiring from the Fish and Wildlife Service. Now he spends his time educating adjacent farmers about waterfowl and their needs. Some rice farmers have been persuaded to leave their fields in stubble for feed and not to drain them until July, when the ducklings have grown.

Downstate, at the DFG's Mendota Wildlife Area near Fresno, hunting is allowed, but manager Bob Huddleston runs the 12,500 acres as he pleases, flooding and draining ponds at optimum times.

Huddleston is cryptic: "While 2% of Californians are hunters, only another 2% are environmentalists, and the others don't care."

Because he cares, Huddleston grows crops, including rice, but only to feed the waterfowl.

"Basically, that's what we are—a farm, except we don't harvest the crops," he says.

North, at Los Banos, the birds are in trouble. Burlingame Investments, owned by a Hong Kong consortium, plans to build 1,500 homes between the north and south sections of the federal Grassland Wetlands, comprising 31,000 and 21,000 acres, respectively. Half of the Central Valley's waterfowl winter there.

Gary Zahm, who manages the areas for the U.S. Fish and Wildlife Service, was quoted by the San Francisco Chronicle recently, "What bothers us biologically is interrupting the Grasslands' water flow from south to north. Also, people living right next to a wetland impact the natural system. They want you to start spraying mosquitoes with pesticides, which hurts the food chain for waterfowl. Then you gets cats, dogs . . ."

This is what waterfowl have been up against, especially in California. But with Mathiot and the bureau adding their muscle to the cause, perhaps it can be what it was 20 years ago.

The prospect is enough to give someone goose pimples.

FEDERAL COAL EQUITY ACT OF 1991

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. RAHALL. Mr. Speaker, it should be noted that the Federal Government owns about one-third of the Nation's coal, the majority of which is located in the Western States. Through the Bureau of Land Management, this coal is made available under a leasing program.

There are, to be sure, a number of issues relating to this program that continue to generate controversy. These matters all deserve consideration by the Congress. However, two issues in particular are deeply troubling to this gentleman from West Virginia.

First, by most accounts, the more stringent electric utility emission requirements contained in the recently enacted Clean Air Act reauthorization will foster a dramatic increase in demand for federally owned low-sulfur coal reserves in the Western States. In fact, BLM Director Cy Jamison has been reported in various press accounts as relishing the prospect of increased Federal leasing activities.

A policy question I believe needs to be addressed is whether these publicly owned coal reserves would be developed to the detriment of coal already in production from private lands located in the Appalachian and Midwestern States, displace this coal from its historic markets and consequently, contribute to the loss of employment in the mining of this coal.

I, for one, believe that if market demand is being met with non-Federal coal resources it would not be appropriate for the Federal Government to arbitrarily become a competitor by utilizing its control over publicly owned coal.

However, BLM refuses to even consider the effects the development of a proposed Federal lease might have on coal markets that have traditionally been met by coal produced in the Appalachian and midwestern regions. This flat-out refusal to consider the full implications of Federal coal leasing activities is of grave concern to me and I hold that it reflects an inequitable approach to the management of public resources.

The fact is that Federal coal is owned by all of the people of the United States. The Interior Department and the Bureau of Land Management are simply the agents of the people in the management of these resources, and in my mind, good stewardship should include the interests of all of the people, not just a select few.

In an effort to broaden the scope of the BLM's consideration of market demand as it relates to the Federal Coal Leasing Program, today I am introducing the Federal Coal Equity Act of 1991.

Under existing law, prior to issuing a Federal coal lease, the Secretary of the Interior is required to consider the effects of leasing on communities in the area, the environment, on agriculture and on other economic activities and public services. The legislation I am introducing today would simply add one additional consideration.

The Federal Coal Equity Act of 1991 would require the Secretary of the Interior to consider the effects, if any, development of a proposed Federal lease might have on coal production, and the markets for that coal, located east of the 100th meridian. If development of the Federal coal lease would have an adverse effect on the production of this coal by displacing it from its historical markets, the Federal lease could not be issued.

Another issue of concern involves the increase in foreign coal entering the country, especially from Colombia and Venezuela. These coal imports represent a tumor on the energy security of this Nation. This tumor can only be diagnosed as being malignant; growing and spreading throughout the electric utility markets of the gulf and Southeastern States with foreign coal even penetrating the northeastern region.

The legislation I am introducing today seeks to address one of the factors which have been an essential element in the establishment of new mining operations in both Colombia and Venezuela: the financial and technical expertise of United States mining entities. In this regard, the legislation would prohibit the issuance of new Federal coal leases to any entity which is involved in the production and importation into the United States of foreign coal. From a public policy standpoint, I see no reason why the people of this country should award these companies with public coal resources when these very same entities are responsible for robbing citizens in my State of West Virginia, of employment opportunities.

Mr. Speaker, this legislation by no means represents my view that the matter it seeks to address is the only issue involving the Federal coal management program that deserves consideration by the Congress. There are others, and I would imagine that as our investigations continue we will be in a position to consider them in the future as well.

IN HONOR OF HAROLD GENKIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ACKERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Harold Genkin, who is retiring from his position as principal of John Jay High School in New York City. His retirement brings to a close 35 years of dedicated service in the New York City schools system.

Teachers are our communities' unsung heroes. We rely so heavily upon them to guide our children, to educate them and to be role models for them in their formative years. Often we take them for granted. We assume that they don't need accolades or other forms of outward appreciation. But when a man like Harold Genkin decides to retire and we see all of his accomplishments after 35 years, we are reminded of the great dedication of the teachers and administrators in our school systems.

During his career, Harold has been an exemplary figure in all of his capacities. He began as a teacher and grade advisor at Erasmus Hall High School, and moved on to be a guidance counselor and administrative dean of Canarsie High School. From there he became assistant principal and principal of Pacific High School. His final stop was as principal of John Jay High School. Harold was also active in positions beyond his regular school duties. He has served as president of Alternative High School Principals Association and chairman of the National Association of Secondary School Principals Urban Studies Committee. In these positions Harold has shown his leadership in education through an active participation in the organizations that help make policy in the New York City school system.

As a former teacher in New York City I am well aware of the many fine people who work in our educational system. They are underpaid and underappreciated. But their love of teaching and helping young people is what makes for people like Harold Genkin who spend their lives in education. Harold is a special member of his profession, one that will be sorely missed. I would like my colleagues in the House of Representatives to join me in paying tribute to Harold Genkin for his great service in our schools. We wish him the best in his retirement and congratulate him on an outstanding career.

PARLIAMENTARY SPEECH OF AUSTRALIAN PRIME MINISTER HAWKE ON ALLIED ACTION IN THE PERSIAN GULF

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SOLARZ. Mr. Speaker, On January 21, shortly after the historic U.S. Congressional debate on the Persian Gulf, the Parliament of Australia convened in special session to consider the Australian Government's decision to participate in military operations in the gulf authorized by the United Nations Security Council.

As you may know, Australia has been a strong supporter of United Nations actions during this crisis, and has sent to the gulf three ships of the Royal Australian Navy, which are serving as part of the Midway Carrier Battle Group. In addition, Australia has sent four medical teams that now serve on ships in the region, a logistic support team, and a clearance diving team of 23 men.

I am happy to say that the Australian Parliament overwhelmingly affirmed its support for Australian Government actions and policy in the gulf, and expressed "full confidence in, and support for, Australian forces serving with the UN-sanctioned multi-national forces."

Mr. Speaker, none of this should be surprising to those who are familiar with Australian foreign policy, as the Australian Parliament's action was thoroughly consistent with Australia's deep commitment to respect for international law.

In an eloquent speech at the conclusion of the Parliamentary debate on January 22, Australian Prime Minister Robert Hawke related allied action on this issue to the development of a system of collective security within the United Nations framework. Stating that the allied nations have resorted to the military option with "the greatest reluctance and deepest regret," he noted that the alternative in this instance would represent a failure for the newly developing system of collective security in its first major post-cold war test against aggression.

Mr. Speaker, it means a great deal to our country, and to me personally, to know that Australia stands with us—as it has in four previous conflicts during this century—in defense of common values and beliefs.

I insert the text of Prime Minister Hawke's Parliamentary speech on the Persian Gulf in the RECORD:

PARLIAMENTARY SPEECH BY THE PRIME MINISTER, MR. ROBERT HAWKE ON AUSTRALIA'S SUPPORT FOR THE UNITED NATIONS ACTION IN THE PERSIAN GULF

Following is the text of the speech made by the Prime Minister, the Mr. Robert Hawke, at the conclusion of the parliamentary debate on 22 January 1991.

Mr. Speaker, the last two days of Parliamentary debate have been of historic significance. This Parliament has exhaustively debated one of the most serious issues ever to come before it: The commitment of the Australian Armed Forces to support military action authorized by the United Nations in the Gulf.

I want at the outset to express my thanks to all those who have contributed to this debate, regardless of their party affiliation—a debate which has lasted more than twenty hours and has involved more than one hundred speakers. I realize that this has not been an easy issue for any of us to confront. For the first time in twenty years, Australian Forces are committed to combat. It will be to the lasting credit of this Parliament that we have confronted and debated this issue with realism, patience and a shared concern for the best interests of the nation.

I am deeply gratified that this resolution will clearly be passed, and with an overwhelming majority.

In concluding this debate, I want to repeat my thanks to the leader of the opposition, the leader of the National Party, and the other members of the opposition who have expressed their support for Australia's current involvement in the gulf.

It is vitally important, as we carry out our responsibilities in the gulf, that we maintain the shared spirit of commitment to Australia's national interests that has characterized this debate. It is important because we need to send a coherent and strong message to the world.

This message will fortify our serving personnel on board the Brisbane, the Sydney, and the Success.

This message will encourage our allies in the United Nations coalition, including those who have already in this war lost men and materiel. In the morning I will be meeting with the heads of mission of all countries who are taking action in support of the UN resolutions on the gulf and conveying to them the strength of this Parliament's support for those resolutions.

This message will, with its specific condemnation of Iraq's unprovoked attack on Israel, tell the people of Israel of this parliament's sympathy with them at this time of crisis, and of our respect for the restraint which they have displayed over recent days.

This message will underline our concern that once this crisis is over there will be intensified efforts to establish peace and stability in the Middle East—including a just resolution of the Palestinian issue and the continuing security of Israel.

And it will underline—very clearly and decisively—the support of this parliament for the resolute way this crisis has been handled by the United Nations, in defense of the principles of national sovereignty and collective security.

Mr. Speaker, it is also important that we send a clear message to the people of Australia. Because as I said yesterday, it is important as we confront this crisis in Iraq that every Australian understand the facts of the situation.

The message we will be sending to the people of Australia, with the passage of this resolution, will be a message that regardless of the widespread and innate distaste we all feel for war—regardless of the hazards being undergone by our Armed Forces in the gulf—we see support for this resolution as thoroughly and intrinsically consistent with our highest duties as the elected representatives of the people of Australia.

The allied nations did not want this war. We did not start this war. We tried hard to resolve the dispute by diplomacy. We have only with the greatest reluctance and deepest regret resorted to the military option.

And the majority of Australians understand the magnitude of Iraq's challenge to the world community and the importance of our campaign to meet and overcome that challenge. Compassion and sorrow, including for the Iraqi people, are not the exclusive preserve of those who oppose the war but are shared by this government and by all Australians.

It would, of course, be much easier if we could simply sit this out on the grounds that war is terrible, but we members of Parliament, least of all people, cannot abrogate our responsibilities and opt for the easy arguments with which some may feel more naturally comfortable. We owe it to ourselves and to our fellow citizens to examine with intellectual rigor this very complex situation.

Throughout the history of humankind, some have found it easier to go to war than others. And it has not always been true that those who found it easiest were necessarily the wisest. Let me say that I understand that those members who have said they cannot bring themselves to support this resolution have spoken from the heart. But this grave issue requires not just the heart but the head.

As previous speakers have acknowledged, the stakes in this conflict are very high, not only for Kuwait but for all countries, great and small, who may depend on a system of collective security for national survival.

If this system fails us now, at its first major test against aggression, the consequences for our security are disturbing indeed.

I might mention here my disappointment at the comments of some opponents of Australia's stance who, while previously stressing the importance to United Nations mechanisms involving international disputes, have now abandoned that approach at the very time the UN is proving to be an effective body.

Let me remind honorable members, as I did in my statement to this Parliament on 4 December, of Dr. Evatt's prescient view about the obligations of nations in circumstances such as we face today. In 1945 he said:

"It must be made crystal clear that the nations seeking representation in the world's organization must be prepared to contribute their share of physical force to restrain the action of proved aggressors."

It was crystal clear in 1945, and it remains so today. This country did not question its truth then, nor should it now.

Mr. Speaker, both the leader of the opposition and the leader of the National Party made mention of the government's white paper on defense and questioned its adequacy as a framework for Australia's policy in the light of the current crisis and its global dimensions. On the contrary, the white paper explicitly recognized that we may need to deploy forces far from Australia's shores, and ensured that the Australian Defense Forces would be able to meet that threat.

Paragraph 1.17 of the white paper explicitly states, and I quote:

"Options will always be available to Australian governments for assistance to allies . . . the type of Australian force structure required to protect our interests in our area of military interest entails substantial capabilities for operations further afield. For example, our guided missile frigates (FFG's) equipped with Seahawk helicopters are capable of effective participation in a U.S. carrier battle group well distant from Australia's shores."

That is precisely what our ships are doing in the gulf.

The fact that we were able to respond swiftly and appropriately to this present crisis in itself demonstrates, I believe, that our defense framework is right and appropriate to Australia's needs.

Mr. Speaker, this government firmly believes that we have taken the right decision on behalf of the Australian people.

The news of each passing day confirms that belief. Most recently, we have been treated to the news that Saddam Hussein's abuses of international conventions have reached new depths with his threats to use allied prisoners of war in Iraq as human shields at strategic sites.

It is difficult to find words which adequately express our outrage at this latest development. Iraq's treatment of prisoners of war is in blatant breach of the Geneva Convention and is against natural human decency.

This parliamentary resolution is one way, an important way, in which we can demonstrate, as a nation, where we stand in this dispute with this dictator. It is a way of sending a signal to the world.

Mr. Speaker, I take this opportunity to pay tribute to those Australian men and women serving in our embassies in the region, especially those in Riyadh, Tel Aviv and Amman, and, until just before the fighting began, in Baghdad itself. In Riyadh and Tel Aviv, of course, our staff have been hearing the missiles fall.

At considerable risk to their own safety, these staff have been working throughout the conflict to try to ensure the safety of fellow Australians who remain in the region. I am sure that all members of this Parliament join me in acknowledging their courage and professionalism.

Mr. Speaker, the 1990's began with the highest of hopes—that peace would be given a chance, that former superpower rivalries and tensions would give way to a new world order of cooperation among nations, one in which ordinary men and women could get on with their lives and enjoy the fruits which a peaceful world can bring.

Saddam Hussein's great crime is that he is destroying these hopes. If he is not stopped, the decade, the twentieth century, will end in hopes darkened and aggression again triumphant.

Young Australian defense personnel are in the gulf to stop this happening. It is important that they know that this Parliament and the overwhelming majority of the Australian population are fully behind them.

By supporting this resolution today, members of this Parliament will, on behalf of all Australians, demonstrate their understanding and support for the task these Australians are to perform.

RABBI SIMCHA FREEDMAN ON THE WAR IN THE GULF

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. LEHMAN of Florida. Mr. Speaker, the conflict on the Persian Gulf has made for intense feelings among the people of the 17th Congressional District.

Rabbi Simcha Freedman of Congregation Adath Yeshurun in North Miami Beach made some remarks during a recent rally in support of our troops which are shared by many in our community. I would like to reprint them in the RECORD at this point.

His statement follows:

INVOCATION

DEAR G-D—FATHER OF PEACE

Philosophers have said that all that is necessary for the triumph of evil is for men of good will to do nothing.

And that

The price of liberty is eternal vigilance—and our tradition has stated that the world is founded upon 3 pillars—Truth, Peace and Justice.

Peace cannot exist without Truth and Justice.

It is in the pursuit of truth and justice that the good men and women of the United States and her allies are demonstrating (at great sacrifice) their eternal vigilance so that evil might not triumph and that real peace shall be given a chance to prevail and so may it be.

Amen.

REMARKS

Dear Fellow Americans, I wonder about those who are singing "Give peace a chance", and I wonder about the slogan "No blood for oil!"

What would these same protestors have said during the War of Independence from England in 1776. They probably would have said "No blood for tea", not realizing that America came into being by demanding "No taxation without representation" and that Thomas Jefferson and Tom Paine and Benjamin Franklin and George Washington and the Minute Men fought for freedom against tyranny.

And I wonder what if the sloganeers would have been living during the Civil War. They would probably have screamed "No blood for cotton", not realizing that Abraham Lincoln and Ulysses S. Grant and Stonewall Jackson fought to preserve the Union and for freedom from slavery.

And if the protestors had lived during the World Wars they probably would have screamed "No blood for foreign entanglements", not realizing that America fought against the Nazi's and the axis powers and for freedom from racism, hatred and totalitarianism.

These wars were fought to preserve the very freedoms that the so-called peace protestors are abusing so blatantly. What irony!

We all want peace. Even Saddam Hussein. But he wants a piece of Kuwait and a piece of Saudi Arabia and a world in pieces so that he can devour it—piece by piece.

We know, our history has taught us, that peace must be fought for in order to be preserved.

Yes we can have the peace of the comatose, the paralyzed and the asleep but that is not the peace that we have fought for throughout our history.

Indeed, we can even "rest in peace"—under the domination of those who would enslave us—but that is not the peace we have fought for throughout our history.

What we want, what we have fought for, is Peace with Justice. Peace with decency and equality. Peace with Freedom.

That is the only peace worth living for . . . .

That is the only peace worth dying for . . . .

G-d bless the United States of America, one Nation, under G-d with liberty and justice for all.

BENEDICTION

Dear G-d, You have told us in your Holy Bible to pursue peace. But you have also instructed us "Thou shalt not murder," and that we must punish the murderer.

You have told us in your Holy Bible to pursue peace. But you have also told us "Thou shall not steal" and that we should punish the thief and robber.

Saddam Hussein and his army are guilty of murder and stealing and raping and pillaging and destroying.

We understand that to pursue peace we must eliminate the perpetrators of such terrible crimes.

Dear G-d,

Bless the men and women of the armed forces of the United States of America and our allies so that we may do Thy will and create the kind of peace where evil is destroyed and justice and freedom shall prevail.

Amen.

ENCOURAGE RATHER THAN RESTRICT MINORITY-STUDENT SCHOLARSHIPS

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. BACCHUS. Mr. Speaker, I rise today in strong support of the State of Florida's resolution opposing the U.S. Department of Education's recently announced policy on minority-student scholarships. The Department of Education has raised questions about the legality and appropriateness of minority-student scholarships. I am deeply concerned that the current administration, by issuing this policy, would restrict minority access to scholarships at a time when educational opportunities are already significantly hampered by the skyrocketing costs of post-secondary institutions. Mr. Speaker, I am inserting Florida's resolution in the CONGRESSIONAL RECORD in the hopes that my colleagues will actively support a change in the Department of Education's policy to encourage rather than restrict minority-student scholarships:

RESOLUTION OF THE STATE OF FLORIDA

Whereas, the United States Department of Education recently announced a six-point administrative policy prohibiting race-exclusive financial aid; and

Whereas, the chilling effect of this strict interpretation of administrative policy will severely hamper Florida's ability to grant scholarships as provided for in statute for minority students; and

Whereas, this most recent administrative policy has the potential for negative impact on efforts in Florida to recruit, retain, and graduate minority students from postsecondary education should statutes have to be repealed: Now, therefore, be it

Resolved, That the Governor and Cabinet of the State of Florida do hereby petition the President of the United States to intervene on behalf of all minority students to ensure that restrictive language, that would impede or otherwise prohibit minorities and disadvantaged persons from pursuing educational advancements through scholarship opportunities, be eliminated from federal policy; be it further

Resolved, That the Governor and Cabinet of the State of Florida hereby affirm their commitment to provide to the fullest extent possible, scholarship assistance to all minorities in order to further their educational pursuits.

RAILROAD RIGHT-OF-WAY CONVEYANCE VALIDATION ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing legislation that if enacted, would legalize, validate and confirm, as far as U.S. Government interest is concerned, the conveyance of certain lands in California that were granted by the United States to the Central Pacific Railway through the act of July 1, 1862; 48 parcels of land in two counties are covered under the bill, all of which formed parts of the 400-foot wide right-of-way granted to the Central Pacific, now known as the Southern Pacific Transportation Co.

The need for this legislation arises from the terms of the 1862 act, under which the Federal Government provided land grants to individuals to encourage the development of railroads. The Central Pacific Railway, during the late 1800's and early 1900's transferred the titles of unneeded land along the 400-foot wide right-of-way to private property owners whose land abutted the railway. However, because congressional consent was not obtained at the time of these transfers, the titles remain clouded; only through legislation such as that I am proposing can the owners obtain clear title to the land they have held and paid taxes on for decades.

While the legislation may appear to be minor, the lack of congressional validation has created a host of difficulties to both communities and individuals along the railroad. In Truckee, CA, the right-of-way extended to the opposite side of a river from where the railroad was built—clearly, that land was never needed by the railroad and was transferred to the adjacent property owners. To this day, though, their titles remain in question.

The question has been raised as to whether the Government should obtain fair market value for the parcels of land covered by the bill; however, these small strips of land have little value to anyone but the adjacent property owners. For example, the total amount of land involved in this legislation in the Truckee area is about 2.035 acres of land. Unfortunately, this relatively small piece of property affects, I believe in a disproportionate manner, the title of 39 property owners in Truckee. Furthermore, it would cost the Federal Government more to conduct the appraisals necessary to attempt to determine the fair market value of each parcel than it could possibly get for the land, creating only an administrative nightmare.

Another issue that might be raised with respect to the conveyances in this bill is that of third party interest in the land. Southern Pacific, however, has carefully researched the history of each property before issuing quit claim deeds in order to ensure that claims to the property were not in contest and that only the successors in interest received the deed to the land. In addition, this legislation protects third party claimants through language in section 7 which exempts any conveyance arising out of adverse possession from validation.

Mr. Speaker, only congressional action on this legislation can finally resolve the title uncertainties set in motion over 100 years ago. In light of the long delay endured by the individual property owners along the railway in obtaining clear title to the lands they have long believed to be legally their own, I urge my colleagues to support this legislation.

A TRIBUTE TO LT. THELMA SWARTZ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding resident of my congressional district. Recently, Lt. (Mrs.) Thelma Swartz assisted in her 10,000th call at the Clara Barton First Aid Squad Auxiliary in Edison, NJ, which is my place of residence.

As a volunteer since 1973, Mrs. Swartz has selflessly served Edison township, saving countless lives throughout the area. Through her years of dedicated service as an emergency medical technician [EMT], squad members and policemen alike throughout the community have grown to know and respect her judgment and look to her for guidance in times of great emergency. She never ceases to maintain her energetic, kind and pleasant demeanor—no matter how great the crisis. I understand that many in Edison will join together to honor Thelma and her invaluable contributions to the community on February 16, 1991. I am honored to join in this celebration and commend Thelma's 17 years of essential service to the citizens of Edison township. It is my hope that Edison will continue to benefit from Thelma's service for many, many years to come. I am certain her husand and two sons, Tom and Jerry, are equally proud.

Lieutenant Swartz is certainly deserving of this recognition. Her significant accomplishments to the emergency profession and the remarkable impact she has had on the lives of thousands of area residents, has certainly endeared her to the hearts of many throughout the Edison community.

THE FINE WORK OF THE UNITED JEWISH APPEAL

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SHAYS. Mr. Speaker, I want to let you and my collleagues know of the fine work being done by the United Jewish Appeal.

For more than half a century, the annual United Jewish Appeal/Federation Campaign has been the primary instrument for the support of humanitarian programs and social services for Jews in local communities throughout the United States, as well as in Israel and 33 other countries around the world.

To support these vital services, Sunday, February 3, 1991, has been declared National Super Sunday by the United Jewish Appeal. During the day, volunteers in communities across the United States will be calling their Jewish neighbors to seek contributions to the annual United Jewish Appeal/Federation Campaign.

In the United States, campaign funds help provide counseling for troubled families and individuals, Jewish education for children and adults, including recently arrived Jewish immigrants from the Soviet Union, visits for homebound elderly, Jewish cultural programs, and Jewish homes for the aged.

In Israel, campaign funds help absorb, educate and settle new immigrants, build villages and farms in rural areas, support innovative programs for troubled and disadvantaged youth, and promote revitalization of distressed neighborhoods. In 1990, nearly 100,000 Jews arrived in Israel from the Soviet Union. It is estimated that 1 million will arrive by the end of 1993. An extraordinary amount of funds will be needed to help Israel meet the challenge of integrating that wave of immigrants into their country.

In 33 other countries around the world, campaign funds provide kosher meals, Jewish education and culture, clothing, and health care to Jews to need.

The United Jewish Appeal/Federation Campaign strengthens local Jewish communities and establishes a secure and vital future for Jewish people worldwide.

I'm proud of all the good work the United Jewish Appeal/Federation Campaign accomplishes. And I salute the many volunteers throughout the country who give their time so unselfishly to help others.

DEPOSIT INSURANCE LIMITATION ACT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. CONTE. Mr. Speaker, I rise to reintroduce the Deposit Insurance Limitation Act. When I offered this bill last year I pointed out the incredible cost of the S&L crisis, a staggering $300 million and that cost has only increased. I said we had made a good start with FIRREA, but that we hadn't tackled the problem of deposit insurance reform, all we did was request a study. Well, I went after deposit insurance reform and this bill was the result.

The savings and loan crisis has shown us the flaws in deposit insurance. When it was introduced in the 1930s deposit insurance was intended to raise the confidence of depositors and put a halt to bank runs. Even then experts warned about the possible ill effects of deposit insurance; they worried about a decline in ethics in banking and a lack of depositor discipline that would create a vast potential for abuse. It's amazing how right they were. A large part of the problem is the extension of coverage to $100,000 per account, a move that led to brokered deposits, multiple accounts and investors who never worried about an institution's stability, just what interest they were paying.

Halting such practices, restoring the original intent of deposit insurance, and reducing the potential cost to the insurance fund and the taxpayers is the purpose of this bill. Essentially, this bill amends the Federal Deposit Insurance Act and the Federal Credit Union Act to do the following:

First, reduce Federal deposit insurance limits to a total of $100,000 per person rather than per account, and limit such coverage to once in a 36 month period.

Second, authorize the FDIC Board of Directors and the National Credit Union Administration Board to set up regulations to monitor such coverage.

Third, it protects the "pass-through" coverage of qualified pension accounts and exempts them from the aggregate limit.

Fourth, it maintains the existing coverage of public funds held by agents of State, local or the Federal Government.

The Congressional Budget Office released its report on deposit insurance late in September 1990, after I originally introduced this bill. They raised questions about limiting insurance in this fashion. Let me answer their concerns. Will such limits apply only to people? The bill says "person" and corporations and trusts are considered persons under the law. Does it affect government bodies? No. Is this a lifetime? No. How will this coverage be enforced? The report itself says that technology today is adequate, though there could still be cheating. I don't claim this bill is foolproof, but I can't imagine enough cheating to seriously erode the reduction in insurance fund exposure this bill would bring about.

The Deposit Insurance Limitation Act, simply by limiting coverage to $100,000 per person, will have the effect of reducing the insurance fund's exposure by approximately 16,000 times. That is the approximate number of federally insured financial institutions in the country. Obviously, the average American is not going to have 16,000 $100,000 accounts, but those investors who have multiple accounts—investment banks, brokerage houses, the very wealthy—are going to be exposed. That is the point, these are the people who have the ability to learn about the banks they are using. Let them show a little discipline, a little care. They have brokers and analysts and advisors, use them.

This body was concerned with these large chunks of federally insured money. FIRREA put a limit on brokered deposits; they can go to adequately capitalized banks and thrifts only. Last year, the Chairman of the FDIC, William Seidman, testified about them before the House Committee on Banking, Housing and Urban Affairs. He said that, "Brokered accounts can represent a valuable liquidity management tool for all financial institutions" and added that "the problem is not brokered deposits per se, but how these funds, like any other funds, are used." He pointed out that the FDIC has several regulations that govern such deposits. That's fine, and my bill adds one more safety mechanism: depositor discipline. If a bank has a liquidity problem and it is well run, then the brokered deposits will go there, with or without insurance. If it isn't well run, then let's remove the incentive for putting money into it and making it one of the walking dead.

The Chairman of the Federal Reserve System, Alan Greenspan, in testimony before the Senate Committee on Banking, Housing, and Urban Affairs in July of this year said. "Serious study should be devoted to the cost and effectiveness of policing the $100,000 limit so that multiple accounts are not used to obtain more protection for individual depositors than Congress intends." The Deposit Insurance Limitation Act requests that the FDIC establish just such a policing mechanism.

My bill will not hurt the average investor, who has savings of roughly $8,700. The safety of his or her deposits will remain the same. Nor will my bill jeopardize their pension funds, large or small. My bill takes the burden of insuring these multiple chunks of federally insured money off of the FDIC and the American taxpayer. It puts the burden squarely where it belongs, on the people and corporations whose money it is. They have the knowledge and capabilities to invest it wisely and safely.

The deposit insurance system was designed to promote stability in our banking system and to protect the average, less sophisticated depositor. It has become a system which promotes carelessness and greed. The Deposit Insurance Limitation Act brings us back toward that original intention. It will encourage large, sophisticated depositors to excercise discipline concerning their investments. Their discipline will encourage banks to follow more conservative, safer policies in order to attract depositors, thereby strengthening the entire banking system. At the same time, my bill continues to protect the average depositor.

Reforming deposit insurance is the key to protecting the banking industry from future failures. My bill provides some of those reforms. I ask all my colleagues to join with me, CHRIS SHAYS, ANDY IRELAND, GUY VANDER JAGT, and TOM DELAY in cosponsoring the Deposit Insurance Limitation Act.

JOHN G. RANGOS, SR., 1991 RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR SOCIETY'S NATIONAL PATRIOT AWARD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. COYNE. Mr. Speaker, I rise today to honor Mr. John G. Rangos, Sr., who is the 1991 recipient of the Congressional Medal of Honor Society's National Patriot Award. An active environmentalist, John Rangos has been recognized by the Congressional Medal of Honor Society for his continuing demonstrations of patriotism and dedication to freedom.

I am proud to include John G. Rangos, Sr., among my constituents, and I know the city of Pittsburgh is equally proud and grateful for his many contributions to our city. John Rangos had long been a pioneer in the development of responsible solutions to our country's solid waste disposal needs, as well as an active patron of civil organizations in Pittsburgh and across the Nation.

John G. Rangos, Sr., is the founder, president and chief executive officer of Chambers Development Co., which is headquartered in Pittsburgh. Since 1971, Chambers has compiled an outstanding record of service, environmental protection, and cost effectiveness in providing comprehensive waste treatment services to municipalities, business, and industry. Operating in 16 States. Chambers serves more than 100 municipalities and 24,000 commercial businesses across America.

At a time of increased concerns over the disposal of municipal and commercial solid waste, John Rangos has been working to develop much-needed recycling alternatives to landfills and incineration. Chambers has established successful recycling programs in Pennsylvania, Indiana, Rhode Island, Texas, Virginia, South Carolina, and New Jersey, and has been selected to process recyclables for the city of Pittsburgh.

As the Members of the House know, a successful national recycling effort depends upon the growth of commercial recycling programs. John G. Rangos has led Chambers Development Co. throughout its development of commercial recycling programs for corrugated paper, cardboard, glass, plastics, and aluminum and bimetal cans.

Yet, in addition to his business efforts, John G. Rangos is well known in his community for his civic contributions and his generous support of cultural, educational, medical and social service endeavors. He has been especially active in promoting medical research efforts at the Children's Hospital of Pittsburgh, where his gift of $3 million has endowed the Rangos Research Center. In addition, John Rangos serves on the board of Duquesne University, and has also provided generous support to the Leukemia Society, United Cerebral Palsy, Muscular Dystrophy, the Pittsburgh Opera, the Matthew B. Ridgway Center for International Security Studies, and many other fine organizations.

In designating John Rangos the 1991 recipient of the National Patriot Award, Congressional Medal of Honor Society president, J. Elliott Williams noted, "John Rangos serves as an outstanding example of today's citizen hero—a person committed to the principles of the Patriots Award. He is dedicated to freedom, he has a love of his fellow man with no qualifications and has an allegiance to our flag, fully understanding its demands without reservations."

Chartered by the U.S. Congress through legislation signed by President Eisenhower in 1958, the Congressional Medal of Honor Society is a nonprofit organization whose membership is restricted to recipients of the Medal of Honor. Currently, the organization represents 213 living Medal of Honor recipients, and includes veterans of World War II, the Korean war, and Vietnam whose acts of bravery or self-sacrifice were above and beyond the call of duty.

The National Patriots Award is a medallion bestowed upon those individuals who have exhibited the values described so eloquently by society president, J. Elliott Williams, in his tribute to John Rangos. Previous recipients of this award include former House Speaker Carl Albert, Lee Iacocca, Ambassador Philip Habib, Jimmy Stewart, George Meany, and many other outstanding Americans.

Mr. Speaker, I am very pleased to see John G. Rangos, Sr., join this illustrious assembly. I commend the members of the Congressional Medal of Honor Society for their selection of this year's National Patriots Award recipient. I know that John Rangos will continue to merit this honor through both his environmentally responsible business endeavors and his much valued civic contributions, and I salute him for these efforts.

IN MEMORY OF GAYLE McCANDLESS, MAYOR OF CHULA VISTA, CA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. CUNNINGHAM. Mr. Speaker, Chula Vista Mayor Gayle McCandless, for reasons known only to our Father in Heaven, was called from this Earth this past January 17 at the age of 36.

She had been mayor of Chula Vista for only 2 months. But in doing so, she had fulfilled a dream she had kept nearly since childhood, to lead the southern California hometown she so dearly loved.

Mayor McCandless demonstrated her remarkable leadership abilities from an early age. As a 17-year-old, she led the city's youth commission. At age 18, she served on Chula Vista's environmental control commission. Six years later, at age 24, Gayle McCandless was appointed to complete the term of a resigning city councilman, won election to the council seat in the following year, and in 1985 won reelection. While on the city council, she spoke out as a strong advocate for senior citizens, literacy, accessible day care, and prudent stewardship of the environment.

The people of Chula Vista rewarded her outstanding record on the city council by electing her their mayor this past November by a huge majority.

And yet, today, the people of Chula Vista mourn, wondering what potential for their city has been left unfulfilled by the loss of such an outstanding leader as Gayle McCandless.

What I would imagine Gayle would want is for the leaders and the people of Chula Vista not to mourn, but to continue her tradition of hard work, honesty, integrity, and devotion to her community. If Chula Vista is to continue growing and prospering, its people must take upon themselves the yoke of duty and service, and thereby continue blazing the trail begun by their outstanding, dearly departed mayor.

May the soul of Gayle McCandless rest in peace, and may her family and her many admirers take comfort in her splendid legacy of compassion and service.

CONGRESSIONAL CONDEMNATION OF IRAQ TERROR ATTACKS AGAINST ISRAEL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. WOLPE. Mr. Speaker, I strongly endorse the unanimous vote of support for House Concurrent Resolution 41, a resolution condemning the Iraqi military attack on Israel.

If there are any innocent bystanders in the allied war against Iraq in the Persian Gulf, it is the people and Government of Israel. Iraq's aggression against Kuwait was a violation of the sovereignty of one Arab state by another. The worldwide coalition that has been assembled to oppose Iraq was forged by the United States working through the United Nations. Israel played no role in responding to the invasion of Kuwait, and is not a military participant in the coalition now engaged in war against Kuwait pursuant to the authorization of the Security Council. Israel has not initiated any hostilities of any kind against Iraq.

Israel, however, is being used in the most cynical, brutal, and amoral way by Saddam Hussein. The cover for his brutal assault against Kuwait is that he was doing it to help the Palestinians and their cause. The civilized world, thank goodness, is not susceptible in any way to such lies and duplicity. If anything, the alliance between Saddam Hussein and the PLO has been a grave setback to the political aspirations of the Palestinian people; their identification with Saddam's murderous objectives of plundering Kuwait and destroying Israel have severely undercut the hopes of moderate voices in Israel and among the Palestinians themselves. The cause of peace has been severely disserved by the radical and irresponsible policies of Saddam and the PLO leadership.

True to the cold-blooded threat issued by Iraqi Foreign Minister Tariq Aziz in Geneva, Iraq has repeatedly attacked Israel with Scud missiles. These have not been attacks on military targets, but terror strikes squarely aimed against civilian populations with only one purpose: to harm innocent Israelis in their homes.

The deaths, injuries, destruction of property, and psychological anguish inflicted on the people of Israel have been substantial. But the courage, determination, and resolution of the Israelis and their government, have been paramount, and have exacted a strategic, political, and moral victory over Saddam—notwithstanding the rain of missiles against Israel's cities.

In the months before the outbreak of war, Israel was especially sensitive, and responsive, to the concerns expressed by the United States that Israel lower its profile in this struggle so as not to add unnecessary pressure to the Arab-United States coalition against Saddam. Then, in the days before the outbreak of war, when it was abundantly clear that Saddam had the ability and intention to launch a missile attack against Israel, the Government of Israel decided not to initiate a first strike against Iraqi missile installations. This exceptional decision meant that Israel knowingly put itself and its people at risk—and was doing so in deference to the overriding interests of the United States. Few allies of the United States have ever been so loyal.

In the days after the outbreak of war, Israel endured successive missile strikes against Tel Aviv and its surrounding area, and Haifa. People have died; destruction has been significant. For the first time since the War of Independence in 1948, an Arab army is attacking civilian population centers. Despite these cowardly, terrorist attacks, Israel has to date withheld from retaliating at this time—precisely in order to deny Saddam the propaganda ploy of trying to transform the allied war against Iraq into an Arab war against Israel.

Israel's role can only command our highest respect. What other country would fail to take preemptive action in the face of certain attack—an attack that could well have included chemical weapons? What other nation would decline to retaliate for a brutal assault against its civilians?

This resolution condemns Iraq's missile attack against Israel, and praises the people and Government of Israel for their courage and restraint in the fact of grave provocation. There may well come a point when Israel is impelled to act affirmatively to protect its people—and there can be no doubt that the world will understand if Israel is forced to respond.

Finally, Mr. Speaker, these events have had a lasting, and positive effect on United States-Israeli relations. At the most fundamental level, Americans across the country have come to grips, by virtue of the live satellite coverage of the missile attacks as they were underway, with Saddam's war of terror against Israel. Americans came to understand, many of them for the first time, what the threat to Israel over the past four decades has been about—that Israel faces enemies determined to destroy it.

And we can applaud as well the prompt moves by the administration, following the first waves of missile attack, to install air defense batteries in Israel under the guidance of American military personnel. Israel has never sought to have the soldiers of any other country be present on its soil to assist in its defense. But for the extraordinary circumstances of the war with Iraq, American personnel would not have been necessary. And their presence will clearly be temporary as the training of Israeli soldiers in the antimissile technology is completed. But the commitment shows the grave concern of the United States for the well-being of Israel and its people, and the need for the best possible deterrent to further attacks.

Israel has been through a very difficult ordeal. At this critical moment, it is terribly important that we in the United States stand with Israel and reaffirm our commitment to the special and enduring relationship between our countries.

UKRAINIAN INDEPENDENCE DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. LIPINSKI. Mr. Speaker, this past week Ukrainians around the world are celebrating the 73d anniversary of their nation's declaration of independence. My feelings on this event are all the more vehment because of a struggle taking place this very moment in other Soviet Republics. The desire of individuals to achieve autonomy from an oppressive power is an instinctively human condition. It can not be eradicated, only suppressed for a short time. I take great pleasure in joining in the celebration and additionally, would like to present some historical background of the Ukrainian independence movement. My intent is to inform some, reacquaint others, and enlighten all to the plight of a people who have, as yet, not been allowed to achieve their goals of self-determination and freedom.

In 1918, after a bloody revolution against a tyrannical czarist regime, the Ukrainian people achieved their independence. However, within a few years the Communist government in Moscow secured an iron grip on the fledgling nation, one that has not yet been broken. It is vital that all Americans realize the significance and necessity of independence movements, which in their implementation mirror our own history. The Ukrainian cause and their continued struggle highlights the consistent irony in the highly publicized initiatives of perestroika and glasnost. Such measures are concessionary in nature while ignoring a simple truth. The peoples of the Ukraine, as well as other republics, were unjustly forced to become vassal republics in the Soviet Union.

After the overthrow of the czar in March 1917, Ukrainian political and military organizations convened an assembly in Kiev, called the Central Rada. It proclaimed the establishment of the Ukrainian People's Republic, federated with Russia as an equal. However, after the Bolshevik Revolution in November 1917, Lenin officially recognized the Ukraine as a sovereign state. At the same time, he secretly instructed the Communists to seize power by forming a rival government in Kharkov and calling in troops from Soviet Russia for help. The Rada responded to this treachery on January 22, 1918, with a proclamation of the complete independence of the Ukraine. It is the anniversary of this courageous action which we celebrate.

During their fight for national survival, the Ukrainians, led by Simon Petlyura, had the temporary and only symbolic support of Germany and Poland, while the Communists relied on Soviet Russian troops. The Western allies refused to aid the Ukrainian separatists. After Petlyura's defeat, the Ukrainian Soviet Socialist Republic remained formally independent until 1923, when its 7th Congress of Soviets, dominated by Communists and local Russian workers, voted to join Russia and the other Soviet republics in forming a federal Soviet Union.

To try and reconcile the Ukrainians with their new Communist masters, Lenin instructed that the Ukrainian language and culture should be predominate in all government, education, and communications in the Ukrainian SSR. This would be the last attempt by the Moscow Government to bring the Ukrainian people into the union; nonviolently. In 1932 Stalin forcibly imposed collective farming upon the Ukraine and requisitioned all grain for export. This resulted in a famine of such terrifying proportions that over 3 million Ukrainians died of starvation. With so many suffering, even members of the Ukrainian Communist Party found themselves in opposition to Stalin, and he reacted by accusing them of nationalism and treason. A stronger policy of russianization was reintroduced in 1933 and for the next 7 years waves of arrests, exiles, and executions became the order of business. Historical data plainly illustrates that Stalin's terror in the Ukraine was proportionately larger in scope than in other republics.

As a result of Stalin's actions, many Ukrainians were pro-German during the early years of World War II. The Nazis, however, scorned Ukrainian independence aspirations, and the disillusioned Ukrainians turned to guerrilla warfare against the invaders. In the western Ukraine, guerrillas, led by the Organization of Ukrainian Nationalists, waged an effective campaign against the Germans and after the war, continued to fight Soviet troops. This insurgency continued until 1952. Moscow's policy of Russianization continued and intensified, maintaining its domination in Ukrainian life until the late 1960's.

The Third Universal of the Ukrainian National Republic, issued in 1917, proclaims the rights of freedom of speech, press, religion, and assembly. Today, even these basic universal rights are not guaranteed in the Soviet Union. In every republic the exercise of national self-determination and full religious freedoms still are not acceptable to Moscow.

Mr. Speaker, as we celebrate this 73d anniversary of Ukrainian Independence, it is more than just appropriate to remember that the call for autonomy and basic human rights in the Soviet Republics is still strong. We must remember that the peoples of the Ukraine, Armenia, and the Baltic States were unjustly consolidated into the Soviet Union. The struggles we see documented in the media are simply the visible struggles of independence. Though the Soviet Government continues to ignore legitimate cries for independence, choosing instead to violently suppress them, eventually freedom will be attained. Rest assured that I will continue to pray for the attainment of this noble goal. Until that day draws near however, I will continue to join others in remembrance.

THE BRAVE PEOPLE OF CROATIA AND THEIR STRUGGLE FOR A DEMOCRATIC EXISTENCE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. KOLTER. Mr. Speaker, I rise today to call my colleagues' attention to the fact that, while our Government's attention is being diverted to the crisis in the Persian Gulf, the reactionary conservative elements are pressing the newly formed democratic governments in Yugoslavia to submit to their directives regarding human dignity, economic initiatives and establishment of freedoms inherent to all people of all nations.

While the Marxist controlled Yugoslav Federal Army, has agreed to end their state of military alert which was invoked last week and has pledged not to interfere in domestic issues in the Republic of Croatia, we must remain vigilant of the four Yugoslav Republics which have elected non-Communist governments. These Republics—Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, which in the past year have received overwhelming mandates in freely held democratic elections, must remain free to choose the direction they will take economically and politically. Their human rights must not be violated by proponents of a failed ideology that has lost its credence throughout the world.

Dr. Franjo Tudjman, President of the Republic of Croatia, has indicated his Republic's agreement to call a halt to the organization of reserve paramilitary police and to purge nationalistic extremists from the Republic's government in an effort to avert a civil war. This agreement between the Federal Army and the Croatian Democratic Union represents a diplomatic compromise which will provide, at best, some temporary relief to those who see this struggle in Yugoslavia as a violation to the human dignity of those whose struggle for independence seems to be an inherent right.

Ours is a time for profound changes, historic expectations and awesome responsibilities. Today, a new world is struggling to be born on the legacy of freedom and peace with justice and human dignity. A small, nevertheless, important aspect of this struggle goes on in Croatia today. I, as well as thousands of my constituents whose roots go to Croatia, ask that you my colleagues along with our government here in the United States will not forget the brave people of Croatia and their struggle for a democratic existence.

Let us not ignore the situation in Yugoslavia as we focus on Operation Desert Storm. The most-favored nation status, as well as other benefits extended to Yugoslavia have been extended to encourage and strengthen infant institutions in Croatia, Slovenia, Bosnia-Hercegovina, and Macedonia in their quest for democratic governing bodies which will insure freedom and justice for all.

A TRIBUTE TO JOHN W. ROBINSON

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to John W. Robinson who will retire on January 31 after having served over 32 years as executive director of the Home Builders Association of Louisville.

During his long and productive tenure, John has taken an active leadership role in all phases of the housing industry. He has served on numerous task forces at local, State, and national levels. He served as president of the Executive Officer Council of the National Association of Home Builders in 1971.

Mr. Speaker, John helped to transform the Louisville Home Builders from a small, modest operation into a national model for local home builders to follow. The Louisville Home Builders Association had but 100 members in 1958 when John took over the reins. It today has 1,300 members, making it among the very largest associations in the entire Nation.

John will, perhaps, best be remembered at the national level for having originated in Louisville the Home Owners Warranty Program. The program is one of national scope which provides assurance to home buyers of the quality and performance of the dwelling they purchased.

John and Gloria, his very supportive wife, in retirement can look forward to indulging their various hobbies and interests. Prime among these is their devotion to baseball, particularly the world champion Cincinnati Reds. John has attended the Reds' spring training camp for over a quarter of a century and he has even married into the Reds' organization. His daughter Sherrie is married to Marty Brennaman, who is the radio and television voice of the Reds.

Mr. Speaker, I thank John for all he has done for Louisville, Jefferson County, the Comonwealth of Kentucky, and our Nation. And, I wish John and Gloria the best of health and happiness in the years to come.

RIGHT WING MYTHS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, in the New York Times editorial section on Sunday, January 27, Leslie Gelb has an excellent article rebutting some of the misinformation that is being spread about the debates we have had in the Congress in the past decade about weapons, and the relevance of those debates to the Persian Gulf situation. Specifically, he drives home the point that the Patriot program "owes nothing of its success to Star Wars technology." And he makes the equally important general point that the weapons which are proving useful in the Persian Gulf controversy are not the ones over which Congress debated during the 1980's. As Mr. Gelb points out, "almost all the technological wonders of the gulf war were begun well before Mr. Reagan * * * as for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than congressional democrats to buy stockpiles of munitions and spare parts."

The facts, Mr. Speaker, are very clear: the military spending issues which have been the focus of most of the debate of the 1980's are not those which are affected by the war in the Persian Gulf. SDI, the B-2 bomber, the MX, and Midgetman missiles, the continued insistence of the Bush administration on subsidizing the economies of Japan, South Korea, and Western Europe by continuing troop levels that are far beyond what is rational in the face of the substantially diminished Soviet threat—these are the areas over which we have fought in the 1980's and which we will fight over in the 1990's. Efforts to evoke the Patriot missile to protect SDI, or other aspects of the Persian Gulf war to protect unrelated budget-busting military items like the Stealth bomber, do not reflect the facts and cannot be allowed to stand unrebutted. I ask that Les Gelb's very important article be printed here.

RIGHT-WING MYTHS

(By Leslie H. Gelb)

Right-wing propagandists have discovered how to use the Persian Gulf war, which many of them oppose, to ride an old hobby-horse back into the sunlight. Turn on the television, look at their columns, and learn two new meta-facts:

We should praise the heavens for Mr. Reagan's Strategic Defense Initiative, or Star Wars, for giving us the Patriot missiles, now famous for shooting Iraqi Scud missiles from Saudi and Israeli skies.

We have Ronald Reagan's fat increases in military spending to thank for winning the war.

The first is pure baloney; the second contains a grain of very misleading truth.

Let's begin with the colorful Star Wars-Patriot tale. The Patriot is not now and never has been part of the Strategic Defense Initiative programs and owes nothing of its success to Star Wars technology.

For the truth, just call Maj. Peter M. Keating, an Army spokesman, who said in response to a query that the Patriot and S.D.I. "are not even a spinoff of each other." For emphasis, he added, "Absolutely."

The Patriot was originally designed in the Ford Administration to shoot down aircraft. Quite independently of the Star Wars bureaucracy and at modest cost, the Army changed the computer software and the explosive fuse on the missiles, and made the system ready for its present anti-missile duty.

Yes, indeed, the Patriot and Star Wars are both intended to intercept missiles. But the similarity ends there. It's like saying that since people and elephants both have ears they can equally enjoy Mozart, and the elephants should be encouraged to do so.

More troubling than the Patriot tale is the Reagan's-winning-the-war myth. In the first place, the war in the gulf is being fought with conventional weapons, not nuclear ones. Nukes were the trademark of the budget fashioned by Defense Secretary Caspar Weinberger. Nukes far more than tanks and fighter-bombers constituted the thrust of his increases in weapons procurement and research and development.

Remember the B-1 bomber, canceled by President Carter and reinstituted by Mr. Weinberger. Now, $30 billion later, the plane is so bad that the Air Force rarely flies it. The old B-52's are doing the heavy bombing work over Iraq and Kuwait.

Above all, remember the Star Wars fantasy. The Weinberger-Reagan team spilled about $20 billion down the drain on that scheme, which could have cost $250 billion, to destroy all attacking Soviet missiles.

Almost all the technological wonders of the gulf war were begun well before Mr. Reagan. Harold Brown, President Carter's Defense Secretary, deserves the major credit for the sea-launched cruise missiles, the Stealth bomber and the HARM missiles employed so effectively against radar.

One of Mr. Weinberger's notable technological contributions was the Navy's A-12 attack plane. Defense Secretary Cheney just canceled it after only a few billion dollars was wasted.

As for improvements in the readiness of conventional forces, the Reagan-Weinberger duo merits about half the credit. No one pushed harder than Congressional Democrats to buy stockpiles of munitions and spare parts.

President Reagan spent about $1.5 trillion on defense, several hundred billion more than Jimmy Carter had planned. Most was well spent and justified. But much of the quick and large increases fell victim to mismanagement, waste and fraud.

Here is how that performance was described in 1988 by David Packard, Deputy Defense Secretary under President Ford and chairman of Mr. Reagan's own Blue Ribbon Commission on Defense Management. The Administration, Congress, and the Defense Department, he said, "have created an environment in which honest and efficient military acquisition is impossible to implement. . . .One could do as good a job in awarding the major contracts by putting the names of the qualified bidders on the wall and throwing darts."

Also not to be forgotten, Mr. Weinberger's Pentagon operation achieved a record number of indictments and convictions for fraud and thievery.

If the right-wingers' new line on defense were simply to justify their past support for all the waste, it would be amusing. If it were just the usual campaign to portray Democrats as weak-kneed and lily-livered, that would be understandable. But their real aim is to keep military spending around $300 billion after the war ends—and that would prove deadly at the very moment when the nation will need to refocus on domestic priorities.

CONGRESSIONAL SALUTE TO MS. SANDRA GIN YEP

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleague's attention the work of an outstanding public figure in the Sacramento area news media, Ms. Sandra Gin Yep.

Over the last 10 years, Ms. Yep has distinguished herself as a dynamic force in the Asian-Pacific American communities and in the broadcast media. Her efforts to bring responsible public affairs programming to the citizens of the greater Sacramento area are to be commended.

Ms. Yep has won four Emmy Awards as a reporter and producer of a quarterly public affairs TV program, "Perceptions," which airs in the northern California area. Her provocative and educational reporting has added much in the fight against racism and stereotyping of the Asian-Pacific American communities.

Recently, Ms. Yep has accepted a promotion to a large San Francisco television station where she will continue to use her leadership to enhance an atmosphere of openness and a better understanding of cultural diversity in the news media. She has been a tremendous asset to our community and has greatly contributed to our cultural awareness. She will be sorely missed, however, we are proud to have been associated with someone of Ms. Yep's spirit and congratulate her on her promotion.

Mr. Speaker, I know that my colleagues join me in wishing Ms. Yep continued success in her already exemplary career and in her efforts to provide excellence in broadcast media reporting.

TRIBUTE TO RICHARD TRAINOR

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MCMILLEN OF MARYLAND. Mr. Speaker, I rise today to honor a man who has greatly contributed to the State of Maryland. Richard Trainor has, for the last 40 years, distinguished himself as a man capable of real action and decision. In these years, the State of Maryland has received from Mr. Trainor perhaps the most valuable of gifts, that of public service.

Mr. Trainor's career in transportation demonstrates a real commitment to the improvement of Maryland's transportation system. From 1950 to 1978, he worked with the State Highway Administration, serving, from 1973 to 1978 as the head of the interstate division for Baltimore City where he helped pioneer unique transportation facilities adapted to the urban environment including the Fort McHenry Tunnel under Baltimore Harbor which completed I-95 within Maryland. In 1986, he became the first commissioner of Baltimore's newly formed department of transportation and on June 11, 1987, was sworn in as its director. Both as commissioner and secretary of the department of transportation, Mr. Trainor has shown his strength as a master administrator and manager. But perhaps more importantly, he has proven to be an effective leader.

Mr. Trainor has long been a strong supporter of the National Multiple Sclerosis Society and a number of other philanthropic organizations. For his dedication to the community and for his years of productive service to Maryland, Mr. Trainor deserves both our thanks and appreciation.

THE PEOPLE OF OSSINING, NY, SHOW SUPPORT FOR U.S. TROOPS IN THE PERSIAN GULF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today in tribute to the people of Ossining, NY, who are honoring their sons and daughters who have been sent to the Persian Gulf. I join them in expressing strong support for our troops.

Technical Sergeant Robert N. Valentine, Air Force, Specialist Tamara C. Cross, Army, Sgt., David K Leslie, Army, and Sgt. David P. Whitney, Marines, are just four of the Ossining youth now fighting for our country in the sands of the Middle East. Like the hundreds of thousands of their fellow service men and women from around the country, they go with their community fully behind them.

There can and should be no doubt that we all support our troops. We all salute their courage and skill. We all are thankful for their strength and valor. And we all pray fervently for their swift and safe return.

Two days after the outbreak of war, I joined an overwhelming majority of Congress in passing a resolution that expressed our unequivocal support for the troops of Operation Desert Storm who, as the resolution stated, "are carrying out their missions with professional excellence, dedicated patriotism, and exemplary bravery." As I cast that vote, I thought of the individual men and women who have literally put their lives on the line for their country. Yes, they are parts of our Armed Forces, but we should never forget that they are first and foremost, sons and daughters, sisters and brothers.

The people of Ossining will gather this week to show their support for the troops, and to offer the community's strength to the families who must wait and watch at home. I commend them for their stalwart response, Mr. Speaker, and I add my deepest hope that the community will gather again soon—to welcome home the victorious heroes and to celebrate their safe return.

I am proud to represent the soldiers and sailors, the airmen and marines of Ossining, and I am proud to offer them my prayers and unparalleled support. My thoughts and my heart are with them. As they serve all of us, we should serve them as well as by working for a better future for them and for our Nation.

UKRAINIAN INDEPENDENCE DAY: RALLYING POINT FOR FREEDOM

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. KLECZKA. Mr. Speaker, January 22, 1991, marked the 73d anniversary of Ukrainian independence. As the Soviet Union appears to reject recent political and economic reforms and returns to the Communist dictatorship and repression of the past, it is important to convey Congress' support to the Ukrainian people.

Out of the violent chaos of the closing days of World War I, Ukrainian nationalism consolidated itself into a powerful force. Repulsing an invasion by Russian Bolsheviks, the Ukrainian Central Rada issued the fourth universal on January 22, 1918, proclaiming a free and independent Ukrainian National Republic. One year later, the Western Ukrainian Republic was united with its larger sister state.

The Ukrainian National Republic, a democratic, constitutional state, guaranteed the basic freedoms of speech, religion, assembly, and press. Progressive reforms, including abolition of the death penalty, land redistribution, and institution of an 8-hour workday, were introduced. While conflict between national groups existed, minority rights were guaranteed by the Constitution.

By 1922, this encouraging Ukrainian rebirth was snuffed out by the new Soviet Russian regime. However, the dream and memory of Ukrainian independence itself could not be extinguished. Throughout the many, difficult decades of Soviet occupation, Independence Day served as a rallying point for the courageous Ukrainian people.

Today, when freedom is closer than ever, we remember those first patriots who established an independent Ukraine 73 years ago. At this difficult time for democrats throughout the crumbling Soviet empire, we must not give up hope that Ukraine will once again be free.

CIVILIAN PARTICIPATION IN THE GULF CRISIS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. PURSELL. Mr. Speaker, I would like to bring to the attention of the Congress and the citizens of our Nation a recent act of civilian participation in the gulf crisis.

Twelve workers at PSI Repair Services of Livonia, MI, learned Friday evening that a Florida manufacturer of the Patriot missile was about to experience a shut down due to a broken part of a machine that cuts missile parts. The specific part would need to be repaired by Monday in order to maintain production schedules to meet the needs for Patriot missiles in the Persian Gulf.

Proud of our country's efforts the PSI employees accepted the broken 250-pound part and volunteered their services to do the necessary repair and rebuilding to meet the deadline. Such work would return the part to production which allows cutting tolerances measured in the millionths of an inch.

The hourly employees rebuild and refurbish parts of automated manufacturing machines, according to PSI President William Phillips, but when they heard what this particular job was for, volunteered their time and talent.

Our most sincere thanks go to these dedicated individuals; Orvin Fergerson, Ralph Hight, Douglas Maxwell, Kenneth Pernak, Luciano Staffani, William Williamson, Martin Lassen, Nick Lechman, William Orlik, Daniel Schemanske, John Dutton, and Fred McCrory.

Mr. Speaker, as our troops so far from home are defending our freedoms we so cherish, it is reassuring to note that the people back home have them in their hearts.

PROTECTING SOLE-SOURCE AQUIFERS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. GALLO. Mr. Speaker, today, I am reintroducing legislation to protect our Nation's role-source aquifers from potential contamination resulting from the siting of landfills.

We have learned from past experiences that it is easy to pollute our underground sources of safe drinking water and much more difficult to reverse the process of leachate seepage once it has begun to occur.

Each day, the United States consumes over 74 billion gallons of ground water for drinking and other uses. Contamination of this ground water with chemicals and other pollutants can be a serious environmental and public health problem. We especially need to be cautious when our landfills are placed over the sources of our precious ground water—sole-source aquifers.

Most of the Superfund sites in my congressional district involve ground water pollution from a specific source, often a landfill. My bill will prevent future occurrences of this unfortunate pattern by requiring specific actions to certify protection before the damage is done.

In 1986, we pased the Safe Drinking Water Act amendments creating a national program to identify our sole-source aquifers and now it is time to provide protections for these valuable sources of clean water.

Currently, the States make most of the decisions that affect ground water protection and the States should be responsible for certifying that projects under their review are safe. My legislation is a significant step toward providing the needed protection by placing the responsibility for prevention with the States under Federal guidance.

Specifically, my bill would ban the construction of a landfill, surface impoundment, waste pile, or land treatment facility within the aquifer protection area unless the State developed a comprehensive plan for protection of the acquifer.

The plan must include a mapping of the sole-source aquifer, an assessment of the relationship between land surface activities and ground water quality, management practices to be implemented in order to prevent the adverse impacts on ground water, and a program for State and local implementation of the plan to ensure the continued protection of the sole-source aquifer.

In addition to the creation of a plan and a means to implement this plan, the State must during the development of the plan consult with and consider the comments of concerned individuals. The State must also conduct public hearings at places within the protection area to provide the opportunity for comment.

My bill will play an important role in protecting sole-source aquifers and will provide our Nation with clean drinking water for future generations.

ISRAEL'S COURAGEOUS RESTRAINT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDREWS of Texas. Mr. Speaker, I, along with many of my colleagues, rise today to express my admiration for the Israeli people. Each night in their homes or in bomb shelters, they face the threat of attack, not knowing whether Saddam Hussein may choose that night to use conventional missiles or chemical weapons. Imagine having to place a gas mask over your child's face just once, let alone facing that horrible task each night and not knowing when this terrible ordeal will end. Their courage is remarkable.

I am a cosponsor of House Concurrent Resolution 41, condemning the unprovoked Iraqi attacks on Israel. Saddam Hussein's attacks on Israel are despicable and his attempts to link his invasion of Kuwait into an Arab-Israeli issue are outrageous. Israel has maintained tremendous restraint in the face of murderous missile attacks which have resulted in the deaths of innocent civilians, destruction of property, and continuing disruption of the lives of its citizens. This small, courageous nation's willingness to support the United Nation's Security Council resolution and the allied coalition of forces in the face of imminent danger represents a sacrifice many nations might not be willing to make. By forgoing immediate retaliation, Israel has denied Saddam Hussein the victory of engaging Israel in this terrible conflict.

This resolution recognizes Israel's right to defend herself and reaffirms America's continued commitment to provide her with the means to maintain her freedom and security.

NATIONAL REHABILITATION WEEK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. McDADE. Mr. Speaker, today I am joined by 43 of our colleagues in introducing legislation to designate the week beginning September 15, 1991, as "National Rehabilitation Week."

Across our Nation, rehabilitation services allow persons with disabilities to demonstrate that a disability need not be an obstacle to success. Americans with physical, mental, and emotional impairments gain greater independence and self-confidence thanks to the many rehabilitative agencies and facilities throughout the United States.

By passing National Rehabilitation Week, we can celebrate the daily victories and determination of the more than 36 million disabled Americans and the dedicated health care professionals who serve in this field.

Although half of the people of this Nation will need some form of rehabilitative therapy, most of us know too little of the potential it offers. National Rehabilitation Week will serve to increase awareness of the efficacy of rehabilitative services.

I urge my colleagues to join me and cosponsor this measure to heighten awareness of rehabilitative services and of the ways those services enrich the lives of Americans with disabilities.

OPERATION DESERT SHIELD TAX ACT

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STAGGERS. Mr. Speaker, as many Members are aware, on January 21, 1991, President Bush signed an Executive order designating areas of the Arabian Peninsula, airspace, and adjacent waters as a combat zone.

I am very pleased that the President took this action. Earlier this month, a number of Members of Congress joined with me and wrote the President urging him to do this. Unfortunately, it appears that the Executive order does not go as far as it should.

Today, I am introducing the Operation Desert Shield Tax Act. Under this legislation, all members of the National Guard and Reserves called to serve in the Persian Gulf or other duty stations and all active military personnel serving in the Persian Gulf region would be eligible for tax reductions and extensions for filing their Federal tax returns.

This legislation will be effective August 1, 1990. All military personnel who were called initially to defend the gulf and all members of the Guard and Reserves who were called up after August 1, 1990, would receive a reduction in taxes and extension to file their tax returns.

Mr. Speaker, this legislation is the only way to provide the benefit the American people want to extend to all guardsmen and reservists as well as all active duty military who responded after the August invasion of Kuwait.

DISPOSITION OF UNITED STATES ASSETS IN GERMANY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. HAMILTON. Mr. Speaker, Chairman DANTE B. FASCELL of the Committee on Foreign Affairs and I initiated correspondence with President Bush on August 3, 1990, with respect to United States policy on the disposition of United States assets in Germany. On December 6, 1990, I received a reply from the assistant to the President for national security affairs, Brent Scowcroft. His reply outlines the current review of assets now underway in the Departments of State and Defense and summarizes the agreements which provide the basis for determining U.S. claims for compensation. The text of the correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, August 3, 1990.

Hon. GEORGE H.W. BUSH,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: The reunification of Germany and its inclusion in NATO represent a magnificent achievement of American foreign policy.

German reunification is an important chapter in the ending of the cold war. The new era we are entering necessarily will require a reassessment of the need for the United States to retain ownership or other interests in a wide variety of installations, and associated operational rights, throughout Europe and especially in Germany. These assets were acquired at great sacrifice to the American people.

While many U.S. assets in Germany probably should be returned to German control any transfers should take place only after a most careful and thorough review. It is imperative that the United States establish priorities concerning properties or rights we wish to retain and that we receive appropriate compensation for assets we may decide to transfer. While adjustment of the complex pattern of cooperation between the United States and Germany will undoubtedly require extensive negotiations, an important first step is for the United States to first determine what we have and what our own priorities are. I urge you to designate an appropriate senior official such as the Secretary of State to compile an inventory of U.S. assets and to develop a national strategy for negotiations with Germany.

In view of Article IV, Section 3, Clause 2 of the Constitution it is imperative that Executive branch policy with respect to the disposal of any U.S. properties be developed with the closest possible cooperation with the Congress.

With best wishes, we are

Sincerely,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.
DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

THE WHITE HOUSE,
Washington, December 6, 1990.

Hon. LEE HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR LEE: Thank you for your thoughtful letter of August 2 regarding the disposition of U.S. assets in Europe, especially in Germany. These issues did not come within the scope of the Two Plus Four discussions, which dealth with basic matters of German sovereignty. However, they will be important as we manage the process of adjusting to the historic changes we have witnessed in Europe, and we value your insights and your advice.

The State Department and the Defense Department are currently reviewing U.S. holdings in Germany and adjusting them to meet our needs in the current changed environment. The two agencies consult closely, but each develops and implements plans for the disposition of the property it uses.

The Defense Department has conducted a thorough analysis of the military, political and financial factors involved in restructuring its basing presence throughout Germany. An important feature of this process was a program of consultations with host governments regarding the specific sites to be affected.

In Germany, the Supplementary Agreement to the NATO Status of Forces Agreement and related agreements provide the agreed basis for U.S. claims of compensation for the value of installations returned to the Germans. These Agreements, which were concluded in 1959, stipulate that Germany and the United States should agree on the residual value of improvements the United States has made to the properties it uses, which are owned by Germany, and that Germany should reimburse the United States for this value. The amount of compensation would be reduced by any amount the United States would be liable to pay as compensation for damages to the property or to the surrounding area.

Berlin represents a special case, in that the Germany properties used by the United States there were maintained and improved with occupational cost funds provided by the FRG. Otherwise, we expect that the arrangements for the return of property and compensation that we will agree on for Berlin will parallel those for the FRG.

The State Department has also been reviewing its needs for an efficient diplomatic and consular presence in a united Germany. If the seat of government eventually moves to Berlin, we will want to dispose of unneeded property in Bonn, and to acquire the additional property we will need in the new capital. We have opened discussions with the Germans about this. Our aim is to ensure that we receive appropriate value for the property we vacate and favorable terms for either acquiring new property, or for maintaining access to properties we already occupy in Berlin.

Both the State and Defense Departments will continue to consult with Congress regarding the important decisions we face. We look forward to working with you to ensure that the United States maintains an effective American presence abroad.

For your information, I have also sent this response to Congressman Fascell.

Sincerely,

BRENT SCOWCROFT.

PRESERVING THE CIVIL LIBERTIES OF ALL AMERICANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. DYMALLY. Mr. Speaker, I rise to add my voice to the growing chorus of Americans who are concerned about preserving the freedoms guaranteed in the first amendment of our Constitution.

Since the beginning of hostilities in the Persian Gulf, a large number of Arab-Americans have been contacted by the FBI. The FBI says it is trying to gain information on possible terrorist activities. Isn't this the same rationale that was used just prior to the incarceration of thousands of Japanese-Americans?

Because of my concern for the civil liberties of all Americans, I have introduced a resolution which expresses a sense of Congress that neither the FBI nor any other agency of Government shall engage in any investigation on other activities which threaten the civil liberties of Arab-Americans and should assist in protecting Arab-Americans from hate crimes and related activities.

Mr. Speaker, while our troops are engaged in a conflict to assure the freedom of Kuwaitis', we can't allow the rights of Americans to be diminished in the process.

Mr. Speaker, Arab-Americans have played a vital role in the building of this country and should not be singled out for any unnecessary harassment from Government agencies.

I urge my colleagues to support this resolution that guarantees freedom for all Americans including those of Arab descent.

H. CON. RES. 56

Whereas, on September 24, 1990, President Bush declared that death threats, physical attacks, vandalism, religious violence, and discrimination against Arab Americans must end and that a crisis abroad is no excuse for discrimination at home;

Whereas, in response to increased concerns about terrorism in the United States due to the Persian Gulf conflict, the Federal Bureau of Investigation has conducted "interviews" and investigations without reasonable cause in the Arab-American community;

Whereas the activities of the Federal Bureau of Investigation are based on the ethnicity or national origin of Arab Americans, as well as on their political beliefs, activities, and affiliations that are protected by the First Amendment to the Constitution of the United States;

Whereas the activities of the Federal Bureau of Investigation unfairly arouse suspicion of Arab Americans, label the Arab-American community as disloyal, and encourage hate crimes against Arab Americans;

Whereas, according to analysis and information contained in the Congressional Record dated October 23, 1985, data from the Federal Bureau of Investigation regarding terrorist incidents in the United States from 1981 to 1984 indicate that Arab Americans have been the victims, not the perpetrators, of domestic terrorist activities;

Whereas the history of the United States has been tarnished by shameful moments of xenophobia and the violation of the civil and constitutional rights of certain Americans, such as the internment of Japanese Americans during World War II;

Whereas Arab Americans' fears have been heightened by a 1986 internment contingency plan;

Whereas, in 1989, the Congress passed and the President approved a joint resolution designating October 25, 1989, as National Arab-American Day;

Whereas the Constitution and laws of the United States prohibit discrimination on the basis of race, religion, creed, and national origin;

Whereas the Constitution of the United States guarantees basic civil liberties, such as freedom of speech and political expression; and

Whereas Arab Americans are entitled to respect as peaceful and law abiding citizens of the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) Federal agencies should not engage in activities that threaten the civil liberties of United States citizens, or legal residents, of Arab descent;

(2) the Federal Bureau of Investigation should inform Federal, State, and local law enforcement agencies that Arab Americans are potential victims of hate crimes and related discrimination and that Arab Americans should be protected from such crimes and discrimination; and

(3) the Federal Bureau of Investigation should encourage Federal, State, and local law enforcement agencies to work with community leaders to report to the FBI hate crimes and discrimination against Arab Americans.

TRIBUTE TO LEWIS A. SHATTUCK

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. MARKEY. Mr. Speaker, I rise to pay tribute to Mr. Lewis A. Shattuck, a resident of the Seventh Congressional District of Massachusetts and the retiring president of the Small Business Association of New England.

Mr. Speaker, during the last decade, we in the United States have come to recognize that one of our principal advantages in the race for global competitiveness is our entrepreneurial spirit. We've realized that small businesses create 80 percent of our new jobs. And we now know that for every $1 million of R&D funds spent, small companies are six times more likely than large companies to create new products.

This awareness of the power of small business has helped shape policy in Washington and in State capitals across the country. And no one deserves more credit for raising this awareness than Lew Shattuck.

Lew was instrumental in organizing the successful White House Conference on Small Business in 1986 and was a tenacious advocate for several critical small business legislative initiatives. In the 1970's he helped pass the Steiger amendment, which made new capital available to small business. And in the 1980's he fought for the Small Business Innovation Research Program, which ensures that small business receives its fair share of Federal grants and contracts.

Lew's effectiveness in Washington is, in part, due to this effectiveness at home. Under his leadership, SBANE has become a potent political and economic force. In the 25 years Lew has served the association, membership has grown more than sixfold, now totaling almost 2,000 companies. Lew has also served as secretary of the National Small Business United and has been an energetic member of the National Advisory Council of the Small Business Administration.

With Lew's retirement, small business people in New England and across the Nation are losing a passionate and effective spokesperson. But his enduring contribution is making small business a permanent priority in our region and in Washington. We wish him well in his future endeavors and thank him for his 25 years of service to small business and to public policy.

JAPANESE THREATEN TO CUT OFF LOAN IF WE DARE QUESTION THEIR PROTECTIONIST BANKING-TRADE LAW

HON. FORTNEY H. PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. STARK. Mr. Speaker, the deficit splurge of the 1980's has come down to this: We are hooked on foreign money to finance nearly $400 billion in debt this year.

Now when we question Japan about their unfair laws restricting our bank operations in Japan, and the Congress prepares to consider legislation restricting Japanese bank operations in the United States unless Japan opens its doors, a Japanese Government Vice Minister of Finance threatens to cut off loans.

We must free ourselves of this addiction to deficits or our policies will be run by foreign bankers. We are like a heroin junkie, dependent on—and subject to blackmail by—others.

The following news article makes the facts shamefully clear.

I for one stand with the Riegle-Garn legislation and against blackmail, As a symbol of my determination, I am introducing the Senate bill of last fall in the House today.

I hope all my colleagues will read the article and share my outrage. It is time we end these deficits and our demand for loans before we lose our economic independence.

[From the New York Times, Jan. 29, 1991]

JAPAN'S STERN WARNING ON TRADE SANCTIONS

(By Clyde H. Farnsworth)

WASHINGTON, January 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial insitutions. It has long been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

DIFFERENCES NOT NARROWED

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion in the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American officials assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

NO BUSH SUPPORT

But the Bush Administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointedly that the United States "is experiencing a credit crunch."

HEALTH CARE REFORM PACKAGE

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, health care costs are rising dramatically and Government health programs are claiming an increasingly larger portion of our limited Federal resources. Despite our annual battles over taxes, benefits cuts, higher premiums, and deductibles, Medicare's trustees are still predicting bankruptcy by 1998.

I believe we can avert the pending crisis by creating incentives for individuals to save and invest for health care. Today I am reintroducing my health care reform package designed to give individual Americans the power to plan for health care in retirement.

The centerpiece of these initiatives is the Health Care Savings Account Act. This legislation would give individuals the option of establishing tax-favored savings accounts during their working years to substitute for part of their Medicare coverage in retirement. Employees and employers who participate would receive a 60-percent income tax credit for contributions. The maximum annual contribution would equal each individual's Medicare payroll tax, currently 2.9 percent, and interest would accumulate tax-free.

In retirement, individuals would use funds drawn from this account for their medical expenses before claims could be made on Medicare. Expected excess funds from health care savings accounts could be used for long-term care, long-term care insurance, or to supplement retirement income. By decreasing claims on Medicare, while maintaining payroll tax revenues, Medicare's trust funds will be put on more solid financial ground.

Without benefit cuts for the elderly, tax increases on our citizens, or freezes on payments to our health care providers, health care savings accounts could sharply reduce and potentially eliminate Medicare's long-term financing problems. More importantly, Americans would assume a greater role in planning for their future health care needs.

A recent survey concluded that almost three-quarters of Americans are willing and able to buy a long-term care insurance policy. There is much the Federal Government can do to spur the demand and supply of private long-term care insurance. I believe such action is imperative because the Federal Government cannot solve the growing problem of financing long-term care without appealing to a substantial degree to the private sector.

As part of my package, I am introducing three bills to help individuals finance long-term care, and to help expand the market for this insurance. The first bill would permit holders of individual life insurance policies to exchange or convert the cash value of these policies for long-term insurance on a tax-free basis. Similarly, the second bill would permit tax-free withdrawals from individual retirement accounts [IRA's] when the funds are used to pay long-term care insurance premiums.

Another way the Federal Government can help is to offer group long-term care insurance on a voluntary basis to some of its 2.5 million workers. I introduced legislation last year to do precisely that, and I am reintroducing the same bill today as the final part of my health care package.

The Federal Employees Long-Term Care Insurance Act would direct the Office of Personnel Management to select, through a competitive bidding process, several private insurance companies to participate in a new Federal employee group long-term care insurance program. This voluntary program would initially be open to the 650,000 Federal employees who are 50 years of age and older and their spouses, although it could be extended to all employees after 5 years.

Premiums for this insurance would be paid by each employee, but as an additional incentive to encourage participation, the bill would permit those insured under Federal group life insurance to voluntarily convert, on a tax-free basis, a portion of this policy to the new long-term care insurance program. This would enable participants to lower the monthly premium for their new long-term care insurance.

I believe this legislation would provide significant incentives for insurance companies to enhance their long-term care policies and for Federal employees to purchase attractive group policies at affordable rates. Finally, this program would encourage other businesses and States and local governments to offer similar policies to their employees, thereby increasing both the supply of and demand for long-term care insurance.

While these initiatives do not represent a comprehensive solution to our Nation's growing health care needs, they are an important first step in that direction. I firmly believe that increasing opportunities and incentives for individuals to plan and save for health care needs in retirement is a crucial part of reforming our health care system.

I encourage my colleagues to examine these proposals and consider joining the growing number of Members supporting this important effort.

TRIBUTE TO THE HONORABLE JOHN J. SINSIMER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ROE. Mr. Speaker, it is with a very special sense of pride and friendship that I rise today to honor a distinguished American and great friend, the Honorable John J. Sinsimer. After a lifetime spent serving the public good, John is retiring as chief of the Administrative Support Services for the New Jersey Board of Public Utilities. He will be honored with a dinner on February 1, at the Polish National Home in Harrison, NJ. The citizens of our great State of New Jersey will truly miss the dedication and vigor be brought to his official duties.

A lifelong resident of New Jersey, John was born on March 19, 1923, in Harrison, NJ, the third eldest of the six children of Elizabeth and Arthur J. Sinsimer. He was employed by ITT Corp. when his initial call to public service came during World War II. John entered the

Navy where he proudly served our great country as a radioman, petty officer second class in the Pacific theater. He participated in the Saipan and Marshall Island campaigns and was awarded two major battle stars for his courageous and meritorious service.

Upon his return home, he resumed his employment with ITT while attending Seton Hall University. John graduated in 1956, receiving his bachelor of science in business administration, with a minor in philosophy. He put these talents to great use at ITT continuing his career as an industrial engineer.

A resident of Pompton Lakes since 1950, John first entered the realm of public service when he become a member of the borough council in 1959. His involvement and devotion to local government community affairs continued for many years. In 1969, he was appointed by former Gov. Richard Hughes to membership on the Hospital Advisory Council, a division of the State Board of Control of Institutions and Agencies.

In 1971, John was elected to the General Assembly of the State of New Jersey where he served with distinction for several terms, adding his attention and expertise to the Committees on Labor, Auditing, and Revision and Amendment to Law. His outstanding leadership was a beacon to other legislators and contributed to the many significant accomplishments during his tenure.

John presided as deputy director of the New Jersey Division of Alcoholic Beverage Control from 1976–85. In January 1985, he was appointed to the New Jersey Board of Public Utilities, serving as an administrative analyst. From June 1987 to July 1988 he was chief of the Bureau of Budget and Fiscal Affairs and in July 1988 he became chief of the Administrative Support Services.

John also made time in his busy schedule to be active in many religious and fraternal organizations which perform so many of the vital and services which give character and quality to life in our communities. He is a parishoner of St. Mary's Church in Pompton Lakes and a member of the Holy Name Society. John is also active in the Knights of Columbus Marian Council No. 3801. He is a member of the John Hand Tri-County Post No. 2906 Veterans of Foreign Wars as well as the Kimble-Weatherwalks Post 235 of the American Legion.

John is married to the former Eleanor Hargreaves of Newark, NJ. He and his lovely wife are the proud parents of 6 wonderful children, Elizabeth, Susan, Kathleen, Maureen, Larry, and John, Jr. and have 16 grandchildren. Continuing his father's dedication to public service, John Jr. is currently holding office as the mayor of Pompton Lakes, NJ.

Mr. Speaker, I am proud to take this opportunity to share with you and all my colleagues here in the House this moment of deep gratitude to a man who can be truly recognized in our Nation as an example of the true meaning of public service. John J. Sinsimer personifies the dedication and sacrifice which such service demands. I am proud, honored, and privileged to call him my friend.

A NATIONAL ENERGY STRATEGY

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing an important piece of legislation which calls for a national energy policy based on a core supply of domestic energy, the National Energy Strategy Act of 1991. I believe this bill will serve as a framework for a comprehensive national energy policy.

I have been working on an energy policy framework over the last several years. In the 101st and 100th Congresses I introduced the Energy Security Tax Act, the Energy Security Incentive Act and the Alternative Fuels Incentive Act. These bills are supported by independent producers and integrated companies alike. My proposals will spur domestic oil and gas production, efficiency, conservation, economic growth, price stability, and clean air.

Our country has gone without a comprehensive energy policy for too long. The recent war in the Persian Gulf has made the need for such a policy clearly evident to everyone. Our increased dependence on foreign oil presents significant national security concerns which we must address now. We are allowing OPEC to get back in the saddle again. As the cartel reasserts control, we will be increasingly at the mercy of those who do not have this country's best interests at heart. Even worse, we could end up being held hostage, blackmailed by a madman like Saddam Hussein. We are hastening the arrival of that day by allowing our domestic industry to be dismantled. We must not allow this progression to continue.

In addition to this constant threat to our national security, other results of this lack of direction are also obvious—wild fluctuations in energy prices, a nearly crippled domestic petroleum industry, surging imports, reduced conservation efforts, and increased environmental degradation.

The erosion of our domestic petroleum industry particularly concerns me. In this fifth consecutive year of decline, U.S. oil production fell in 1990 to its lowest level in almost 30 years, 7.2 million barrels a day. At the same time, energy consumption fell by only 2 percent in 1990, the first time since 1983 that it has declined at all. The decline is largely attributable to a rise in fuel prices provoked by the conflict in the Persian Gulf and a national economic slowdown. Imports alone account for 47 to 48 percent of demand in this country. Clearly, U.S. production does not keep pace with consumption.

One part of the measure I am introducing today is a resolution calling upon President Bush to fulfill his campaign promise to develop a national energy policy based upon preserving a domestic core supply of energy. The core-supply concept would ensure a stable supply of domestically produced oil and gas as a secure foundation for satisfying our Nation's vital and fundamental need for energy. Petroleum's share of the core supply should be defined as 20 million barrels per day equivalent of natural gas, natural gas liquids, and crude oil.

Other components of the bill I am introducing today are designed as initial steps to implement a core-supply energy policy. The National Energy Security Act of 1991 will impose a floor price on imported crude oil and petroleum products. The amount of tax would be the difference between the then current price of oil and $22 per barrel. In the case of imported refined products and petrochemical feedstocks, an additional $2.50 differential will be imposed to compensate for the environmental costs domestic refiners must pay. A floor price for oil will generate price stability, benefiting both producers and consumers.

A floor price would stimulate drilling activity, arrest the decline in U.S. oil production, and add to proven reserves. Our dependence on imports would be mitigated, putting a significant dent in our trade gap. In addition, the revenues gained from an import fee would have a major impact on the budget deficit. If the price of oil were to remain at $17 per barrel, the National Energy Security Act could raise upward of $50 billion over 5 years.

Sure, a floor price will impose some short-term costs on the U.S. economy, but far less than the sustained long-term costs down the road if we allow our domestic industry to further erode. And in only a short time an oil import fee of the magnitude I am proposing would generate positive net benefits to the U.S. economy. And all the benefits accrue to Americans. We can pay ourselves now, or we can pay OPEC later.

The National Energy Security Act will also encourage our domestic oil and gas industry to realize its full potential. Hydrocarbons extraction is one of the most heavily taxed industries in the United States. The average effective Federal tax rate for U.S. oil companies has been well above that of firms in other industries during the 1980's. Repeal of the windfall profit tax helps, but is not sufficient. Other nations are lowering their taxes on energy production and attracting investment capital to develop their resources. If our tax system is not competitive, U.S. resources will not be developed. Our economy will be the loser and our national security will suffer.

The National Energy Security Act will create an oil and natural gas exploration and production credit, an oil production credit for maintaining marginal wells, and provide other incentives to our industry. For example, the measure treats geological, geophysical, and surface casing costs like intangible drilling costs. It also repeals the net income limitation on percentage depletion and increases the percentage depletion allowance.

We made real progress last year. The Congress repealed the transfer rule; reinstated the tight sands tax credit and extended the section 29 credit for 2 years; established credits for enhanced oil recovery; increased percentage depletion for stripper wells; and provided relief against the minimum tax.

This measure will help the struggling independents who drill about 85 percent of all wells in the United States and who have been responsible for close to half of the additions to U.S. oil reserves in recent years. The incentives I am proposing are quite modest, yet they will trigger considerable additional investment in exploratory drilling and enhanced recovery from older fields where much oil remains to be exploited.

For the longer term we should be working to make natural gas our Nation's primary energy source. The principle alternatives to oil—coal and nuclear energy—create other environmental problems. Natural gas, on the other hand, is efficient and environmentally attractive. Use of domestic natural gas has no negative impact on the Nation's trade balance and supplies are plentiful. According to the Department of Energy, the United States has a natural gas resource base in the lower 48 States adequate for more than 60 years at the present rate of consumption.

The environmental benefits of switching to clean-burning alternative fuel vehicles such as natural gas, methanol, liquid natural gas and liquid petroleum gas are numerous. These clean fuels can greatly reduce the smog-forming emissions caused by hydrocarbons and nitrogen oxide. Additionally, their use will help prevent global warming and acid rain by reducing carbon dioxide emissions. In cities across the country with air quality problems like Houston, the urgency for wide-scale alternative fuel use has never been greater.

Natural gas is already widely used in the commercial and industrial sectors. The transportation sector represents an excellent opportunity for gas to increase its share of the energy mix. If we were to convert one-half of our 16 million fleet vehicles to operate on compressed natural gas, we could slash our oil imports by 500,000 barrels a day and increase annual domestic gas consumption by 1 trillion cubic feet.

Along these lines, I have also included the Alternative Fuels Incentive Act in this legislation to promote alternative fuels use in the transportation sector. This measure will provide tax incentives to encourage fleetowners to switch to natural gas and other clean-burning fuels. Alternative fuels are not only part of a sound energy policy, they are also an important way to improve the quality of the air we breathe. Increased use of such fuels will lessen our dependence on foreign energy sources, enhance our energy security, aid our economy and protect our environment.

Mr. Speaker, it is time to make a serious commitment to preserving the ability of the U.S. oil and gas industry to respond to our future energy needs. The risks to our national security and economic well-being are growing. I look forward to working with my colleagues on both sides of the aisle and with the administration to turn this situation around.

SPENDING ON INFRASTRUCTURE A TOP PRIORITY

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 29, 1991

Mr. ANTHONY. Mr. Speaker, today, I introduce legislation the purpose of which is to provide State and local governments with relief from the administrative burden and complexity imposed by certain provisions of the Internal Revenue Code of 1986 as they issue tax-exempt bonds to finance the infrastructure of this country and to ensure that bonding authority is used properly.

The provisions of this bill are virtually the same as those contained in H.R. 5423 and H.R. 4524 which I introduced in the 101st Congress. Both these bills received wide acclaim as initiatives that were grounded in solid tax policy, and if enacted, would further the laudable goal of simplifying complex provisions of the Internal Revenue Code of 1986.

It is now more important than ever for these measures to be enacted into law. All across America, State and local governments have been stricken by financial crises that were not even imagined a year ago, and the problems will probably get worse before they get better. Unlike the Federal Government, which can and does operate at a deficit, 49 of the 50 States are legally bound to conduct their fiscal affairs in a more responsible manner—to operate with balanced budgets. More than half are facing serious financial shortfalls and many are considering drastic cutbacks in public works.

This fact does not bode well for our already deficient infrastructure since State and local governments provide nearly 70 percent of all infrastructure investment made in this country. If the States cannot continue their commitment to repair and rebuild this Nation's infrastructure, who will assume this responsibility?

I have been encouraged that the Democratic leaders of this body plan to make spending on infrastructure a top priority for the 102d Congress. We simply cannot afford to ignore our crumbling infrastructure even though we face a mountainous Federal budget deficit. But, the presence of the deficit will be many respects determine how we address our Nation's infrastructure problems.

Even if increased, Federal grants and matching funds will be insufficient to address our shortfall in public investment. Nor, can we expect State and local governments which are struggling to deal with severe budgetary problems of their own to bear the burden of raising taxes to fund infrastructure investment. There is no reason for Congress to devote its time and energy to developing a forward-looking infrastructure policy unless it can be fully implemented. That is why I believe public finance will play a vital role in raising the money that will ultimately be spent to build new roads, bridges, and schools.

If we are to rely upon State and local borrowing to provide much of the money for infrastructure investment, I believe Congress should strive to streamline the Federal tax provisions governing the issuance of tax-exempt bonds. After all, funds spent to comply with overly complex and unworkable Federal tax rules could be better spent on infrastructure. The legislation which I am introducing addresses the administrative excesses without undercutting the provisions enacted to prevent abuses in the tax-exempt bond area. These restrictions serve no discernable Federal purpose and dramatically increase the cost and complexity of State and local financings.

One of the most restrictive provisions enacted in 1986 was the arbitrage rebate requirement. When a State or local government builds a project which is financed with tax-exempt bonds, it invests the proceeds of the bond issue as the project is being constructed. If the issuer earns more on its investment than its interest costs, those earnings must now be rebated to the Federal Government. Prior to 1986, those earnings, known in the industry as arbitrage, would have been used by most governments to reduce the cost of the project. While deceptively simple in concept, the administration of the arbitrage rebate rules has been a nightmare for the Treasury Department, the Congress, and more importantly, for State and local governments. In 1989 Treasury published 243 pages of arbitrage rebate regulations that it has subsequently decided to revise because it determined they were overly complex and generally unworkable for most issuers. If the complexity of this requirement cannot ultimately be made manageable, in the future, I will request the Congress to revisit the policy decision which lead to the enactment of arbitrage rebate. While the policy aim was to limit abuses, I think there are other means to police the market which would, at the same time allow State and local governments to keep arbitrage earning to increase public investment in schools, bridges, and roads.

This legislation would provide that a small government unit, a unit expecting to issue no more than $25 million of bonds a year, will be able to keep its arbitrage earnings. It is these issuers which can least afford the costs associated with the legions of attorneys, accountants, and investment advisors needed to insure compliance with the arbitrage rebate provisions.

This legislation will also allow governmental issuers to keep 10 percent of the arbitrage they earn. Since the rebate regulations are so complex, issuers have been forced to seek alternative ways to comply with the law. The easiest way for an issuer to meet the Federal mandate is to eliminate any arbitrage earnings, thereby eliminating the payment of rebate. With increasing frequency, issuers have entered into guaranteed investment contracts [GIC's] which match investment earnings with the yield on the bonds. From the Federal prospective, the problem with this arrangement is that it results in decreased rebate collections, and apparently, shifts the arbitrage benefit from the Federal or State and local governments to the GIC provider. My proposal would create an incentive for issuers to maximize arbitrage earnings. Thus, the benefit of the increased arbitrage earnings would be shared between the Federal Government and State and local governments rather than benefiting the GIC provider.

Another provision of this bill eliminates the yield restriction requirement in cases where the issuer complies with the arbitrage rebate requirement. Yield restriction requires an issuer to restrict its investments to the same interest rate at which it borrowed after a certain period of time, that is, in most cases 3 years after the date the bonds are issued. This pre-1986 requirement, enacted to prevent abuses, is no longer needed due to the subsequent enactment of the rebate requirement. Now, this duplicitous provision only creates investment problems for issuers.

As a general rule, permitting an issuer to retain arbitrage earnings is not contrary to sound Federal tax policy. Such a practice only becomes problematic, as it did prior to 1986, when State and local governments issue more bonds than are needed to finance a project, or when they issue bonds earlier than are needed for the project. A provision enacted in 1989, better known as the "2-year rule" allows certain issuers to keep arbitrage earnings, provided they meet the provision's spendout schedule. If the issuer is unable to meet the spend out schedule, it must pay a penalty to the Federal Government. Thus, the issuer is allowed to keep arbitrage earnings and the problems of early issuance and over-issuance are addressed. When enacted, the provision was made prospective—it is only applicable to bonds issued after December 19, 1989. This effective date was chosen only because of revenue considerations. My legislation would make the 2-year rule available for bonds issued after the effective date of the 1986 act.

The bill will eliminate a requirement that no more than 5 percent of the proceeds of the bond issue may be used for an "unrelated or disproportionate use." In view of the overall 10 percent private use limit, the private loan bond limits, and the requirement of a volume cap allocation for private business use in excess of $15 million, the separate 5 percent unrelated and disproportionate use test is unnecessary, confusing, and results in needless complexity. Simply, it is another duplicitous provision that should be eliminated.

The bill will also increase the market for potential purchasers of tax-exempt bonds for small governmental issuers, those borrowing less than $25 million a year. Banks would be allowed to deduct 80 percent of their interest costs for owning these bonds. This will translate into lower interest rates for small governmental borrowers which as a group generally have the highest borrowing costs. This provision will help to rediversify the municipal market which has become increasingly dependent on the household sector to purchase its bonds since the Tax Reform Act.

Finally, the legislation reaffirms my commitment to formulate responses to questionable market practices. With this bill, I reintroduce my legislative response to advance refundings structured similar to the much-publicized Camden County Municipal Utilities Authority's 1990A series and 1990B series capital appreciation sewer revenue bonds. The structure of that issue called into question whether an unwarranted arbitrage opportunity was created when funds released by the advance refunding are invested, at approximately the same time as the refunding, in contracts which substantially guarantee a yield which is materially higher than the yield on the refunding bonds. Just as last year, issuers and advisers who try to find ways to circumvent this measured legislative response do so at their own risk. We simply cannot allow a few aggressive members of the public finance community to impair the goodwill that has been built with the members of the taxwriting committees and their staffs.

While this bill will not solve many of the complex problems facing State and local governments, it will make those jobs a little easier and less costly. I urge my colleagues to join with me in taking yet another positive step in reestablishing the Federal-State-local partnership which is imperative if the infrastructure needs of this country are to be met.

SENATE—*Wednesday, January 30, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD BRYAN, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Love is patient and kind; love is not jealous or boastful; it is not arrogant or rude. Love does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrong, but rejoices in the right. Love bears all things, believes all things, hopes all things, endures all things.—I Corinthians 13:4–7 RSV.

Eternal God, Father of us all, St. Paul's words on love seem a million miles away as we hear them. Yet we know love is of the very essence of Godliness. Our days are filled with sadness and anxiety, immersed as we are in the cloud of violent, unforgiving war. We pray for all those who suffer, ally and enemy, those in combat, civilians caught in the vortex of the conflagration, the prisoners of war, families here at home, among our allies and our enemies, who lose loved ones. We pray for leaders who bear the awful burden of judgment and decision.

For every person affected by this global tragedy we pray. Help us, Lord, in our anxiety, our weakness, our helplessness, our fear. And dear God, if it be possible, open some window, intervene in some way that an alternative may be found, that violence and suffering may cease.

We ask this in His name who suffered and forgave. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 30, 1991.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for the transaction of morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 11 this morning, it is my intention to proceed to the consideration of S. 238, the agent orange benefits bill. When the Senate considers the bill, as provided for under a previous unanimous-consent agreement, it will be considered under a 1-hour time limitation with no amendments in order.

The Senate will recess today from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences.

The vote on final passage of the agent orange bill will occur at 2:15 p.m. today.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives H.R. 556, the House companion to S. 238, it be held at the desk; that at 2:15 p.m., S. 238 be laid aside and, without any intervening action or debate, the Senate proceed to the consideration of H.R. 556, and that the bill be deemed read a third time.

I further ask unanimous consent that the vote ordered to occur on final passage of S. 238 be transferred to H.R. 556.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGENT ORANGE ACT OF 1991

Mr. MITCHELL. Mr. President, today the Senate takes up consideration of S. 238, the Agent Orange Act of 1991. I am proud to be an original cosponsor of the legislation that was introduced January 17 by Senator DASCHLE.

Senator DASCHLE's legislation is virtually identical to a bill introduced by the chairman of the House Veterans' Affairs Committee, Representative G.V. "SONNY" MONTGOMERY, H.R. 556, that will be before the Senate today. H.R. 556 was passed yesterday by the House on a vote of 412 to 0.

S. 238 has three main thrusts. First, it would require the following diseases to be presumed to be service connected by reason of service in the Republic of Vietnam: Non-Hodgkin's lymphoma; soft-tissue sarcoma; and chloracne becoming manifest within 1 year of service in the Republic of Vietnam.

Second, it would establish a mechanism for the Secretary of Veterans Affairs to provide service-connected presumptions for other diseases when the Secretary determined, based on sound medical and scientific evidence, that a positive association exists between exposure and the occurrence of the disease in humans.

The Secretary's decision would be based on periodic reports by the National Academy of Sciences and all available scientific research. In order to accomplish that, the Secretary would be required to seek to contract with the National Academy of Sciences—or, if this is not possible, with another appropriate, independent scientific organization—to perform additional research on diseases associated with exposure to herbicides in Vietnam.

Based on those NAS reviews, the Secretary would be required to take a number of actions related to health affects of exposed veterans, unless he determined they would not be feasible or useful.

Finally, in addition to the compensation and research provisions discussed above, S. 238 also reinstates through December 31, 1993, the recently expired authority for priority VA health care for veterans exposed to agent orange or ionizing radiation. It would also expand VA outreach services related to agent orange.

Mr. President, in the last Congress, under the leadership of Senator CRANSTON and bolstered by the energy and advocacy of Senators DASCHLE and KERRY, the Senate twice passed legislation addressing the compensation and research issues associated with veterans' exposure to agent orange or other herbicides.

Unfortunately, the House did not accept either of those two bills.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

At the close of the last Congress, the Senate once again confronted the question of agent orange compensation and research in S. 2100, the Veterans Benefits and Health Care Amendments of 1990.

That bill was reported by the Senate Veterans' Affairs Committee in July, but it was never brought to the Senate floor for consideration because I was unable to obtain an agreement that would have allowed debate and votes on the measure. As a result, progress on resolving the issue of agent orange was stalled again.

Senator CRANSTON's Veterans' Affairs Committee staff worked very hard over the past several months trying to reach accord on the agent orange provisions that have been so difficult to reconcile. The introduction of S. 238 and H.R. 556 is testimony to their effort and good work, as well as that of other Senators, Members of Congress, and interested parties.

Yesterday's House action and today's debate sets the stage for putting this divisive and difficult issue behind us.

It is a welcome day for Vietnam veterans and their families who have pressed the Federal Government for more than a decade, to resolve the many questions related to exposure to agent orange and other herbicides in Vietnam.

Those veterans and their families have had a steadfast ally in Senator ALAN CRANSTON, the chairman of the Senate Veterans' Affairs Committee. He is the author or coauthor of every major agent orange bill considered in the past decade. Taking up the effort with Senator CRANSTON in recent years have been Senator TOM DASCHLE and Senator JOHN KERRY.

I congratulate all Senators. I want to thank Senator DECONCINI and Senator SPECTER who will be the floor managers for this bill for what I anticipate will be their usual fine work.

I urge my colleagues to support the legislation before us today. I hope that Vietnam veterans and their families will take a measure of comfort in its enactment.

Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The Chair recognizes the Senator from New Mexico.

MISSILE PROLIFERATION, ATBM's, AND SDI

Mr. BINGAMAN. Mr. President, the events in the Persian Gulf over the past 2 weeks have graphically brought home the dangers of missile proliferation around the globe.

Lessons are quickly being drawn from our experience in combating Scud and al-Hussein missiles in the Persian Gulf. Some of those lessons learned are on the mark; some unfortunately are very wide of the mark. This morning I want to put forward the framework by which I view the missile proliferation threat.

This is a threat that many of us have been urging for some time now be given a far higher priority in our national security policy. I believe we have neglected this problem in the past because of our overwhelming focus on the Soviet Union and the threats it posed across the spectrum to United States interests. We viewed almost all Third World developments through an East-West prism and we saw conventional arms transfers as part of the global competition with the Soviets. The fall of the Berlin Wall and remarkable changes in the Soviet Union have finally freed us to look more squarely at the missile proliferation threat. The Persian Gulf conflict has put that threat at the very center of the stage.

The essence of a strategy for dealing with this threat is clear. Such a strategy will need to have three mutually reinforcing components: First, multilateral export controls; second, diplomatic efforts aimed at arms control and conflict resolution; and third, improved antitactical missile defenses.

First, it is essential that we have strong multilateral export controls targeted at slowing the spread of missile technologies. The Missile Technology Control Regime is a good start, but it needs to be broadened in membership and made more vigorous in implementation. Last year, Congress passed comprehensive missile technology control legislation as title XVII of the fiscal year 1991 Defense Authorization Act. This legislation, which was drafted by a bipartisan, bicameral group of legislators led by AL GORE, JOHN MCCAIN, HOWARD BERMAN, and myself, was aimed precisely at strengthening the MTCR.

Export control by itself will not prevent proliferation, as high-technology industry becomes increasingly global and as military and civilian technologies increasingly overlap. But it is crucial as a means of buying time for diplomacy to work to bring about regional arms control agreements and for improved theater defense capabilities to be developed. And let me add that our multilateral export controls need to make no distinction between missiles and so-called peaceful space launch vehicles. The technology is identical, and we must deal with capabilities, not intentions. Intentions can be both masked and easily changed.

The second component of our missiles nonproliferation strategy must involve diplomacy. Our diplomatic efforts should be aimed at strengthening the multilateral control regime by bringing nations such as China into that regime. At the same time, we must seek to mediate the regional disputes which spur regional arms races and cause nations to seek missile and other defense capabilities.

This is not going to be easy. Many of the regional disputes appear intractable and continuation of regional arms races appears inevitable. But NATO-Warsaw Pact relations seemed equally intractable just a few years ago. If the weight of conventional defense expenditures can become unbearable for the Soviet economy, the same can be true for many struggling Third World economies as well.

The third and final component of our strategy will be technological. Congress has strongly supported development of antitactical ballistic missile defenses. On a bipartisan basis we have consistently supported funding for the Army's Patriot system and for improvements in our antitactical missile defenses.

We have done so because the technology to cope with the threat of unsophisticated short-range missiles of the Scud or al-Hussein type to our deploying military forces and to our allies is both reasonably mature and affordable. This is largely a result of the Army's consistent investment in these technologies over the past 30 years. The successful test Monday of an ERIS—exoatmospheric reentry vehicle interceptor system—interceptor missile in the Pacific also points to the maturity of these ground-based ABM Treaty-compatible technologies for dealing with limited ICBM threats.

The antitactical ballistic missile threat has not been the focus of the SDI Program since its inception in 1983, although there have been indications the past few weeks that we may see a shift in focus toward development of improved ATBM's in the fiscal year 1992 budget we will receive on Monday, February 4.

Instead, the SDI Program has focused on space-based defenses to cope with the enormous Soviet ballistic missile capability, 5,000 warheads even under the START Treaty now in final stages of negotiation. This task is many orders of magnitude more difficult and the technologies far less mature. Coping with the entire Soviet ballistic missile threat forces a focus on space-based defense capable of boost-phase intercepts. Indeed, the SDI Program has been characterized by a constant search to find something which could be deployed rapidly in space, the latest candidate being the Brilliant Pebbles space-based interceptors, whose cost, performance, and schedule have been egregiously overpromised. And I should note that Brilliant Pebbles, even if you believed all the claims for them, would not be able to engage the short-range Iraqi missiles deployed against ourselves and our allies in the current conflict.

Unfortunately, the President's call last night for pursuit of "an SDI program that can deal with any future threat to the United States, to our forces overseas and to our friends and allies" sounds once again like a call for deployment of space-based defenses, which are technologically immature, enormously costly, and would bring about a renewed United States-Soviet strategic arms race.

The public should not be mesmerized by the Patriot ATBM's great success against Iraqi missiles in the Persian Gulf theater into believing that the SDI Program should receive blanket support. There are fundamental problems in the way SDI Program has been conducted, and those problems are still with us. Many of us who have supported SDI spending over the past 8 years want to see this program placed on a substainable footing. We want to support technologies that work, that are affordable, that will deal with real threats, and that will not reignite an arms race with the Soviet Union. We need to get away from rhetoric that calls for dealing with any threat anywhere. This program has been plagued from the very start by rhetoric that set unachievable goals.

We still have fundamental issues to resolve regarding the goals and direction of the SDI Program. We started that debate last year with the Bingaman-Shelby amendment which defined essentially four missions for SDI and allocated funding among those missions. Those missions were first, theater missile defenses, second, ABM Treaty-compliant defenses against accidental launches or limited strikes, third, near-term space-based defenses and fourth, longer-term research on more robust defenses involving more exotic follow-on technologies.

Last year Congress appropriated $398 million for antitactical missile defenses—the Partriot II, Arrow, extended range interceptor [ERINT], and theater high-altitude area defense [THAAD] programs—almost triple the request. Congress indicated it would be willing to deploy such improved theater defense if development is successful. Last year Congress showed strong support for ground-based interceptors and ground-based sensors which might provide the basis for an ABM Treaty-compliant defense against accidental ICBM launches or very limited ICBM threats. Congress supported a modest research program on follow-on technologies. But Congress did not support the Brilliant Pebbles and related space-based systems, cutting them sharply from requested levels and requiring all SDI activities in fiscal year 1991 be conducted in compliance with the ABM Treaty.

The essence of the debate that started last year as we broke SDI down into its components comes down to what missions should SDI be aimed at and how can those missions be achieved at the lowest overall cost, broadly defined. We need to stop having technologies in search of missions, which is what Brilliant Pebbles is today.

I do not know the shape of the SDI Program which will be proposed to us for fiscal year 1992 and subsequent years. However, I hope that a consensus will develop in support of directing the bulk of our research efforts at antitactical missile defenses and ground-based strategic defenses. Research on more exotic defenses should continue at a modest level within the constraints of the ABM Treaty. But with the limited resources we can devote to this area, we need to be focussing on affordable solutions to real technologically solvable problems, not on finding a new rationale for expensive, unproven, space-based defenses which would undermine strategic stability and reenergize a strategic arms race with the Soviet Union.

The missile proliferation problem is going to be with us for the foreseeable future. That problem should not be confused with the separate and more challenging problem of dealing with existing Soviet strategic missile capabilities. No strategy is going to be completely successful in dealing with missile proliferation in the Third World. But the combination of multilateral export controls, diplomatic initiatives to develop regional arms control regimes and to resolve long-festering disputes, and development of defensive antitactical missile systems offers the best strategy for dealing with missile proliferation. No component of this strategy will be able to address the problem on its own. Export controls will be imperfect. Diplomacy will achieve uneven results. Defenses will never be impenetrable. But together these efforts offer the best approach to dealing with a problem to which our national security policy has not given sufficient attention in the past.

WAR PATIENCE

Mr. REID. Mr. President, in the spring of 1861, America girded itself for war. From the plantations and small holdings of the South, men in grey streamed north to join the army of northern Virginia. From the factories and workshops and main streets of the Northern States their brothers streamed south to meet them in the army of the Potomac.

Sometimes when I drive through the lovely land which surrounds us, I stop to remember those young men, so confident in their powers and righteous in their faith. I stop to remember men like Elmer Ellsworth, who spoke without a blush of shame of one of the first casualties of that war, who spoke without a blush of shame of the glory of giving their lives for their Nation.

Mr. President, they were, on one side, Americans fighting to maintain the Union and, on the other side, to tear her asunder. They were divided by ideals and heritage and economics, but they shared some common traits. One of those was the self-confidence, indeed, the overconfidence with which we as a nation have always faced the prospects of armed conflict.

Each side was convinced it would immediately prevail. Each was sadly mistaken.

Mr. President, the brash assurance with which we Americans face any problem is both our most basic strength and our potential Achilles' heel. We always want instant solutions to very complex problems; sometimes the very answer we seek is found in patience rather than undue haste.

Mr. President, when I spoke to this body 2 weeks ago in support of the use of force in the gulf, I asked that the President of the United States maintain the tradition our Nation has always followed of never sending a man where we could send a munition, of expending replaceable machines rather than irreplaceable young men and women.

To date, our Armed Forces have followed exactly that approach and with stunning success. Despite that success, despite the severe damage we have inflicted with pinpoint accuracy on the Armed Forces and military assets of Iraq, the media is reporting that the American people are growing restless, that they want a quick solution.

It is because I have heard those reports that I came to the floor today. Mr. President, the people of the United States should not, and I believe they do not, wish to engage our ground forces in combat until we have taken every step to neutralize the enemy's fortifications and emplacements.

Eventually I fear a time may come when the President, after consulting with General Schwarzkopf, will decide we must utilize the Army and the Marines, as well as the soldiers of our allies, to at least assault some portion of the Iraqi line. I hope, and I believe, that if the time comes the decision to send our young men and women into the naked flame of combat will not be taken until we have done everything possible to reduce the enemy's positions to rubble.

We have tremendous advantages in ground and air mobility, Mr. President, and we can use those assets to save lives, both American and allied, and also the lives of those Iraqis who Saddam Hussein is forcing us to fight. If we can break their line and cut them off and starve them into submission, then by all means, Mr. President, let us do so. I am more than willing to measure this war in months rather than weeks, if by doing so we reduce the measure of our loss by the life of one American soldier.

This body took the step of supporting action to free Kuwait after a considerable delay, and after an agonized debate. I spoke in support of that action, both for philosophic reasons, and because I strongly believe that the day-to-day direction of modern combat is too complex, too rapid, and too violent to be managed in anything other than an instantaneous fashion.

We have sent our men and women into a war, Mr. President. Let us be patient, let the American people be patient, although they may have to wait for a month or two or three. Even measured by the petty affairs of men, that is but a little time, and if we forbear haste, when the victory arrives, and those young men and women come marching home again, God willing, more of them will be able to run into our welcoming arms.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY and Mr. LIEBERMAN pertaining to the introduction of S. 284 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID. Mr. President, there are few watershed events in our lives that remain with us as clearly as conflict that involves our Nation. This is a time when our Nation is whole, yearning for a swift conclusion of the hostilities and the return of our loved ones at the earliest possible time. It is a time when we feel a togetherness of purpose and will. Whether we are for or against the use of force to dislodge the scourge of the Persian Gulf, it is abundantly clear that we stand behind the women and men that have responded to the call of duty.

Expressions of dissent against and agreement with our policy is the American way; it is the democratic way that makes America the envy of the world. Whether it is the demonstration in San Francisco or across from the White House, whether it is the human flag in San Diego's Jack Murphy Stadium or the 23½-mile yellow ribbon encircling Reno and Sparks, it is hometown America expressing itself. Regardless of one's posture on this issue, we can be certain that support for our troops facing aggression is not divided.

I was particularly struck by an article this week by Mary Stanley in the Las Vegas Sun highlighting a program by the Variety School. The youngsters and staff at the school wanted to show support for and build up the morale of our men and women in the field; the school is distributing T-shirts emblazoned with the statement "We are unable to serve—but we can support" and then "the few, the proud—the students of Variety School." The Variety serves about 180 handicapped students. While they cannot serve, they do serve. They remind us that their hearts and minds and prayers are with our sisters and brothers defending our ideals.

I ask unanimous consent that the Las Vegas Sun article be printed in the RECORD after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROOPS WILL GET UNIQUE SUPPORT

(By Mary Stanley)

Students and staff at Variety School are one step short of sending the shirts off their backs in support of American troops in the Middle East.

The school, which serves about 180 handicapped students, is selling T-shirts at $8 each, or two for $15—enough, principal Beverly Minnear hopes, to outfit all the approximately 500,000 servicemen and women stationed in the Persian Gulf. Las Vegans are asked to "sponsor" shirts to be sent overseas.

The shirt sale is a combination fund-raiser for the school and morale booster for the troops.

The school wanted to do something to show support for U.S. troops, but a gesture as simple as cards is not feasible because most of the students are unable to write, Minnear said. And when it comes to traditional fund-raisers, she added, "it's out of the realm of our possibility."

The T-shirts solve both problems.

The white shirts, printed in red and blue, feature a silhouette of Variety students saluting an American flag. The message on the top reads, "We are unable to serve—but we can support," and on the bottom it says, "the few, the proud—students of Variety School."

Military personnel in the gulf should not be subject to the same type of treatment as Americans who served in Vietnam, Minnear said.

Project organizers hope to clear $1 per shirt sold. Minnear would like to use the money to build a gym. Variety has only a small and often crowded multi-purpose room.

Orders may be mailed to Variety School, 2601 E. Sunrise Ave., Las Vegas, NV 89101. Orders may be individual or group. Names of donors will be included in the packages.

TRIBUTE TO SAM ISRAEL

Mr. HEFLIN. Mr. President, it is with great sorrow that I rise to pay tribute to a man who gave freely of himself not only to his family and friends, but also to his community and to the whole State of Alabama. Samuel Jacob Israel, who died on November 21, 1990, was one of those rare individuals who was able to offer himself to others and yet ask for little recognition in return. For almost one century, Sam lent his leadership to improving this great Nation in such diverse fields as finance, business, literacy, charities, religious organizations, and medical institutions.

Sam Israel immigrated from Ponadel, Lithuania, as a young man, and settled in Sheffield, AL, in 1909. In 1949, he founded the Paper and Chemical Supply Co. in Sheffield. Through his leadership as the chairman of the board for the next 45 years, Sam built his company into a thriving business. He proved to be not only a successful businessman, but a durable one as well, for he retired at the ripe age of 93.

Sam Israel's hard work and dedication to numerous worthy causes, led him to become known as a generous benefactor who could accomplish whatever task he set his mind to.

I can think of few men who have set such a fine example of hard work, commitment, and generosity. Sam Israel succeeded in fulfilling the American dream. He immigrated to America as a young man of 18, looking for a better way of life. In return for freedom and a chance to succeed, Sam gave freely of himself through his whole life to many causes benefiting the community. He donated land and helped raise funds for the Northwest Alabama Rehabilitation Center in Muscle Shoals. Sam's efforts influenced Alabama Public Television to cooperate in teaching adults across Alabama to read. In addition, he is also remembered as one of the driving forces behind the construction of the Muscle Shoals Airport.

Sam Israel donated much of his time to numerous worthy organizations within his community. He served on the board of directors for the Red Cross, the Salvation Army, the United Way, and the Tennessee Valley Council of the Boy Scouts, the B'nai Israel Temple, and the B'nai Brith Home for the Aged in Memphis, TN.

Many people recognized Sam's benevolence and devotion through formal awards. Although I cannot name all of these awards, two of the more important ones are the Daughters of the American Revolution American Medal and the Chamber of Commerce Citizen of the Year Award. By his passing, I feel that America has lost a great man who always had a warm heart and an open hand.

Mr. President, I ask unanimous consent that the attached newspaper article which describes Samuel Israel's outstanding service to the Muscle Shoals area and to Alabama be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOALS BUSINESSMAN SAM ISRAEL RECALLED AS HUMANITARIAN

FLORENCE.—One of the most durable and benevolent businessmen in Northwest Alabama died Wednesday, Nov. 21, at his residence at the age of 99.

Samuel Jacob Israel died at Mitchell-Hollingsworth Annex and was remembered Friday as a humanitarian whose influence will long be felt in the Shoals.

Israel founded Paper and Chemical Supply Co. more than 40 years ago after many years as a wholesale grocer. He immigrated from Lithuania and settled in Sheffield in 1909.

"He was a very kind and caring person, and he had a real concern for the handicapped people in our community," said E.B. Hamner, director of the Northwest Alabama Rehabilitation Center in Muscle Shoals. Israel donated the land for the center and headed fund-raising efforts for its construction.

"He helped get the community and the service league involved with it and he made a large contribution to it himself," Hamner said.

Dick Biddle, president of WOWL-TV in Florence, said Israel was the primary organizer of many community service projects though he did not seek credit or publicity for his work.

"I've known Sam for 44 years and he was one of a kind," he said. "He never sought publicity for the good works he did though he initiated many things.

"People worked with Sam and not for him. That's the way he wanted it," Biddle said. "He was unique among men."

Charles Peery, retired president of First National Bank of Florence, said Israel "initiated many things that were good for the community."

"Anything that was good for the community, you could count him in," Peery said.

Israel's grandson, David Muhlendorf of Florence, said Israel was deeply involved in business and civic affairs, "but always had time for his family.

"His involvement in civic affairs is what has inspired my involvement and inspired my brother (Dr. Ken Muhlendorf) to become a doctor," he said.

The graveside service will be at 2 p.m. Sunday at Sheffield Oakwood Cemetery with Rabbi Peter Haas officiating. Morrison Funeral Home, Tuscumbia will direct.

Visitation will be from 7-8:30 p.m. today at the funeral home.

Israel was born in Ponadel, Lithuania, and came to Sheffield in 1909, marrying Bessie Kreisman in 1912. After her death in 1965, he later married Hilda Shipper. He was active in the wholesale grocery business until 1952. In 1949, he formed Paper and Chemical Supply Co. in Sheffield with his son-in-law, the late Jack Muhlendorf. Israel was chairman of the board until his retirement in 1984.

A naturalized citizen, he received the Daughters of the American Revolution American Medal and was honored by the Exchange Club's Book of Golden Deeds award. He was the first person to receive the Citizen of the Year award presented by the chamber of commerce and WOWL-TV. He was a member of the Elks Lodge and was a 32nd Degree Mason and a Shriner.

He served on the boards of directors of the Red Cross, State Nation Bank (now Central Bank of the South), the Salvation Army, Alabama Society for Crippled Children and Adults, United Way of Colbert County, Muscle Shoals Chamber of Commerce, Muscle Shoals Regional Library and Tennessee Valley Council of the Boy Scouts. He was president of the Muscle Shoals Airport Authority and played an important role in gaining support and money for construction of the airport.

He was active in adult literacy efforts and gained the cooperation of Alabama Public Television in teaching adults throughout Alabama to read. He served as president and was a life member of the board of B'nai Israel Temple, Florence, and was president of the Jewish Federated Charities. He also served on the board of the B'nai Brith Home for the Aged, Memphis, Tenn.

Survivors include a daughter, Mrs. Jack Muhlendorf, Sheffield; stepsons, Stanley Shipper, Florence, Edward Shipper, Little Rock, Ark; three grandchildren; six great grandchildren; nieces and nephews.

Memorials may be made to charity. Bearers will be Roy Wilson, Stanley Shipper, Gary Wilkinson, Dr. Andy Greene, Buddy Draper and Morris Klibanoff.

Honorary bearers will be members of the Sheffield Kiwanis Club, employees of Paper and Chemical Supply, Dick Biddle and George Stabler.

TRIBUTE TO JOHN EDWARD WALLER

Mr. HEFLIN. Mr. President, I rise today to pay tribute to John Edward Waller who died earlier this month in Mobile, AL. John Waller was truly a distinguished businessman and an outstanding Alabamian.

John Waller's 72 year life could only be called successful and fulfilled. He saw many changes over these years and built what became one of this nation's outstanding office supply companies. He is remembered not only for his brilliant business career, but also for his outstanding military and civic accomplishments.

John attended public schools in Mobile and the Southern Military Academy in Greensboro, AL, before graduating from Riverside Military Academy in Gainesville, GA. After his first job as a sales representative in southern Mississippi for R.J. Reynolds Tobacco Co. John joined the U.S. Army as a private.

In the military, as in the rest of his life, John Waller rose through the ranks by distinguishing himself as a hard and devoted worker. He rose to the rank of major, serving under both Gen. George Patton and Gen. William C. Westmoreland, and earned the Bronze Star with a cluster and the combat infantryman's badge.

He also served for 2 years during the Korean conflict. He remained in the National Guard until 1957 when he retired as a lieutenant colonel.

Mr. President, on February 2, 1984, I paid tribute to John Waller following a feature story on his life in Nation's Business, a U.S. Chamber of Commerce publication. They were recognizing John's contributions to the creation and expansion of Waller Brothers, Inc., a large business equipment company.

John started the company in 1953 with his brother Joe. The company has expanded to include many stores and cover much of the Southern United States. In 1978, he turned his back on the sales offer made to him and instead sold the company to his employees. It is this kind of decision that made John a successful businessman, a good friend and a humanitarian.

John will be especially missed at the Dauphin Way United Methodist Church, where he was an active member for his entire life. His work on the church's board of stewards, as president of the Mobile Boys Club of America and in the Mobile Chamber of Commerce have left many of his friends with fond memories of his benevolence and devotion.

John Edward Waller's legacy, Waller Brothers Inc., will long bear the stamp of his hard work and devotion. He will be greatly missed by all who knew and loved him.

Mr. President, I ask unanimous consent that an article describing John Edward Waller's life be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Mobile Press Register, Jan. 12, 1991]

JOHN EDWARD WALLER

John Edward Waller, a well-known businessman, died Saturday at a local hospital.

Waller, 72, was a lifelong resident of Mobile and was co-founder of Waller Brothers Inc. He retired as the company's chairman of the board in 1977.

He was a lifelong member of Dauphin Way United Methodist Church, where he served on the board of stewards.

A graduate of Riverside Military Academy, Waller attended Mobile public schools. He served in the U.S. Army from 1941 to 1946 and was in the National Guard until 1957, retiring as lieutenant colonel.

He was on the board of the Mobile Firemen's and Policemen's Pension Funds and served on the board of directors for Secor Bank.

He was a former director of Mobile Area Chamber of Commerce, a former president and director of Boys' Clubs of Mobile and an honorary alumnus of Virginia Military Institute.

Survivors include his wife, Mary Anne Risen Waller of Mobile; one daughter, Suzanne Waller Silva of Mobile; two brothers, Joe P. Waller and Charles Lee Waller Jr., both of Mobile; two granddaughters and other relatives

Funeral services will be held at Dauphin Way United Methodist Church on Monday at 3 p.m., followed by interment in the Chapel of the Pines Mausoleum in Pine Crest Cemetery.

Visitation will be from 1 until 3 p.m. Monday at Dauphin Way United Methodist Church.

Memorials may be made to Dauphin Way United Methodist Church.

Arrangements are by Rodney Funeral Home, Dauphin Street.

TRIBUTE TO DR. ANNETTE SHELBY

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding Alabamian who has risen to the top of her field in higher education. Dr. Annette Shelby, a native of Kinston, AL, is today one of the most talented and respected professors in the Georgetown University School of Business.

Although Annette began her career teaching at the University of Alabama, she has found an academic home at

Georgetown. In 1979, she accepted a position at Georgetown and was later named as an associate professor of management communications. She has distinguished herself through both her published works and through her teaching. Her outstanding contributions to Georgetown have been recognized through numerous awards as well as her being named the first woman to earn tenure in the Georgetown University School of Business.

Although I cannot begin to name all of the awards and recognitions which Dr. Annette Shelby has won but I have selected a few which give you an idea of her accomplishments. Dr. Shelby has served as an instructor in the Helsinki School of Economics International MBA Program. Her teaching excellence at Georgetown recently won her the Joseph LeMoine Award of Teaching. In addition, she received the Alpha Kappa Psi Award for Distinguished Publication in Business Communication.

Some of us might consider that Dr. Shelby holds two full time positions, for in addition to her job as a professor, you may recognize her as the wife of our colleague, Senator RICHARD SHELBY. The Shelby's met while they were both attending the University of Alabama and recently celebrated their 30th wedding anniversary. For 20 of those years, Senator SHELBY has held elected office. In my judgment, they have done an excellent job of balancing their careers.

Mr. President, I ask unanimous consent that an article from the University of Alabama Alumni magazine, describing Dr. Shelby's career be included in the RECORD.

Thank you, Mr. President.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNETTE SHELBY

(By Mark A. Morrison)

To Annette Shelby, Teaching is a little like investing money in a savings account: the more you put into it, the more you get out of it. Especially if you want to have a positive influence on every student you meet. And Annette Shelby wants to do just that, although the associate professor of management in the Georgetown University School of Business admits it doesn't always happen.

"Teaching affords you an opportunity to make a difference. And although you want to, you don't make a difference with every student," Shelby says with a hint of disappointment in her voice.

"But with some students you know that you have been able to have some sort of positive impact and that in turn makes you want to work harder."

As she sits in her office on the Georgetown campus, which is only minutes from the nation's capitol in Washington, D.C., and talks about education, making a difference, and reaching students, it is easy to see that the professor's words are more than mere rhetoric.

Dr. Shelby, as even her colleagues affectionately refer to her, wants to make a difference. A genuine difference.

Such intensity makes one wonder why.

She hesitates to answer.

It is a cautious, strategic pause, not because she is under pressure to provide a suitable response, but instead because the business communication professor and South Alabama native wants to choose her words carefully and not be misunderstood.

"I come from a family of school teachers. Initially, I resisted the idea of teaching because I thought I wanted to do something different. But I realized quite early in my life where my talents lie. And when I began teaching and received feedback from my students that showed that I was making some connection with things that were important over the long term with them, then I knew I had the potential to teach students things that would go with some of them for the rest of their lives."

Simply put, Annette Shelby enjoys teaching and considers herself fortunate to have a job she likes.

Georgetown University is a long way from Kinston, Ala., where Annette Nevin Shelby grew up and attended high school. But the contributions the educator has made and continues to make in the area of business and speech communication are numerous and notable reasons which indicate she made the correct career choice.

Consider the following.

1990

Instructor, International MBA program at the Helsinki School of Economics.

Received the Joseph LeMoine Award of Teaching, recognizing teaching excellence in Georgetown University's School of Business.

Received Alpha Kappa Psi Award for Distinguished Publication in Business Communication.

Presented the Hallie Armor Lectures at the University of Montevallo.

1989

Named Fellow of the Association of Business Communication.

1987

Won the Outstanding Alumni in Speech Communication Award from The University of Alabama.

Inducted into the Alabama Women's Academy of Honor by the Alabama Business and Professional Women's Foundation.

1985

Nominated by U.S. Committee for Fulbright Lecturing Award.

1984

Won the Leavey Award for Excellence in Private Enterprise Education, the Freedom's Foundation award for excellence in teaching.

1980

SCA Golden Anniversary Monograph Award for her essay "The Southern Lady Becomes an Advocate."

A 1960 graduate of the University of Alabama, Shelby received an MA in speech from the University in 1962 and later received her doctorate in the same field from Louisiana State University in 1973.

A fellow student at the Capstone remembers Shelby as very career oriented and determined even as an undergraduate. "You have to remember this was a generation ago. Annette was on the cutting edge of women in professional business. Thirty years ago there were not that many women on the front lines. She was out front," says then-UA law student and now U.S. Senator Richard Shelby, '57, LLB'63, D-Ala, and husband of Mrs. Shelby.

The senator said his wife has always had a desire to teach and that he is not surprised at her success in her academic endeavor. "Annette has always had a lot of energy and has channeled it into her academic career. She is well organized and has done extremely well at Georgetown. She is where she is today on her own merit."

Of course it hasn't always been an easy drive down the academic parkway for the politician's wife. And the senator is the first to admit that maybe his career is a drain to his wife. Married to a state senator-turned congressman-turned U.S. Senator is a demanding role in itself—traveling, campaigning, and visiting constituents. "Sure it's been tough," says Mrs. Shelby. "But being a politician's wife is not a new role for me.

"For almost all of my married life, my husband has been involved in politics. He was in the Alabama State Senate for eight years, in the U.S. Congress for eight years and is in his fourth year in the U.S. Senate. That's a long time," she says, in a way that suggests she has become accustomed to the life.

"I am aware of the tremendous pressure that Dick is under, both pressure from the national spectrum in doing something useful in terms of the direction of the country and also pressure from the Alabama constituencies. But I don't think that affects me particularly other than I am aware of his responsibilities," Mrs. Shelby said.

"I am also aware that it means a lot of long nights for him which affect me in that there are fewer suppers and time spent together. That sort of goes with the territory. And if you are not willing to buy into it then you will not be able to survive in the political life.

"I think we have always wished each other well. Politics is not a life which I would have chosen for myself. And teaching is not a profession he would have chosen for himself. He has always been supportive of my being able to get the kind of education I needed to succeed in a life as a teacher. That has not always been easy on him."

Serving constituents or serving students, the Shelbys, who are in the forefront in their respective careers, realize they have their own offices to run. The couple credits much of their individual success to the other's support, and recently celebrated their 30th wedding anniversary. They own a townhouse in Georgetown and also maintain a Tuscaloosa residence and have two sons: Richard Jr., a 1989 graduate of the University, and Claude, a senior at the Capstone.

A smile spreads over Annette Shelby's face when asked to talk about The University of Alabama. So much that has happened in her life revolves around her alma mater, she says. Not only did she receive her bachelor's and master's degrees and meet the man she later married, but it was at the Capstone that she began her professional teaching career.

"I had a lot of wonderful opportunities while I was in school. My opportunities to be a part of the debate program were very important, not only in terms of the people I met and the wonderful travel opportunities, but from the perspective of helping me to think more clearly and in a more disciplined manner, to take defensible positions and to be able to defend them with good reasons.

"I received a good education from the University of Alabama. I had some superior teachers who challenged me to think and gave the opportunity to explore ideas. More importantly, they gave me confidence in my own abilities."

Hired as a temporary instructor in the speech communication department in 1971, Mrs. Shelby quickly decided "temporary" was not a title she wanted the rest of her career. So she earned a doctorate from LSU two years later and was appointed to the graduate faculty in the speech department at Alabama in 1974. In 1977 she moved from the speech department to the business department at Alabama, where she became an associate professor until she left to join the Georgetown faculty.

Dr. Barry Mason, dean of the University's College of Commerce and Business Administration, was chairman of the management and marketing department during Mrs. Shelby's Alabama tenure.

Mason said the business school began refocusing the department's attention on business communication when it brought Mrs. Shelby into the college.

"Annette was a pioneer at the time when she moved from the speech department to the College of Business to help develop the expertise within our faculty in the area of interpersonal relations and conversation," Mason said.

"Leaders do not have a road to follow. And Annette had the ability to lead by example. She was able to give us a sense of what the future would hold for the University's business communication program.

"What impressed me the most about Annette is that she had a holistic perspective on what the curriculum should be, not only in terms of communication, but also in terms of the global market and human resources. She was ahead of the times in talking about the need for cultural diversity of nuances of communication across global cultures."

Shortly after her husband was elected to Congress in 1978, Mrs. Shelby took leave of her University position and became a research associate at Georgetown in 1979. She received a visiting appointment in 1980 and was later named to her current position as associate professor of management communication.

Just as she blazed new trails in her work at Alabama, Annette Shelby continued to set new standards at Georgetown University where she became the first woman to gain tenure in the school of business.

"The first year I was here (Georgetown) I actually was a research assistant which led into a tenure track position in management communication. Though the university had been teaching courses in the area, no permanent position had been established until I came," Mrs. Shelby remembers.

"I have had tremendous support from the other facility and from the administration at Georgetown for what I do and that has been important in giving management communication credibility for my students."

The Master's of Business Administration (MBA) program is relatively new at Georgetown. Mrs. Shelby was involved in implementing the school's first program which has evolved into a fully accredited degree. "I teach primarily MBA students, although I do teach some undergraduates occasionally," said Mrs. Shelby.

In addition, Mrs. Shelby is the director of Georgetown University's program in comparative business at Oxford University, a highly selective summer program for undergraduates.

"Dr. Shelby is certainly one of our outstanding key teaching scholars," said Dr. Ali Fekrat, associate dean for faculty at Georgetown. "Her teaching has been exemplary. He contributions to management communication and management in general has been praised by her peers in and outside of Georgetown. She is considered a valuable and cherished colleague.

"The business school never had a tenured faculty member that was a woman until she was tenured a few years ago. The importance of this is the role model she is and the role that she can play in helping other female faculty members achieve tenure."

Dr. David Walker is director of the Center for Business-Government Relations at Georgetown and has been a fellow faculty member of Mrs. Shelby's since 1980. "Annette is one of my favorite people in the world. We were delighted to steal her away from Alabama," Walker says with amusement. "She is one of our real faculty leaders. When she speaks up on an issue people listen. She has a talent of taking financial lingo and putting it into English so everyone can understand it."

Walker also calls Shelby "one of the most popular teachers" in Georgetown's business school.

At 51, Mrs. Shelby is a courageous woman. She has won the respect of her family, her friends, her students, her colleagues, peers and administrators. She has balanced a career and a family. And, in addition, for more than 15 years she has also had to battle a chronic illness, a disease which only three years ago left her in serious condition at University Hospital in Birmingham. Although the Shelbys have decided to keep her illness a private matter, Mrs. Shelby said the chronic illness is lupus.

Lupus is a disease of the immune system in which the body's natural defense system turns on itself, forming antibodies that attack and destroy healthy tissue. Some of the more common symptoms include pain and swelling of the joints, skin rashes and inflammation of the membrane lining of the lungs.

"It is much more common that I realized, although three years ago it was very threatening. I have been most fortunate to have received outstanding medical care and the support and prayers of a lot of people."

Although she has been at Georgetown University for more than a decade, she talks of its campus with the enthusiasm of a newcomer. "It's a beautiful campus, especially this time of year," Dr. Shelby says. As she walks across the school grounds colleagues and students alike stop her and engage in friendly conversation. The salutations are many and the smiles focused in her direction on this fall afternoon are also frequent. One student stops to ask about a class assignment while another is concerned about a test grade. A fellow faculty member gestures from across a walkway signaling for a brief conference. She acknowledges him, their paths meet and the conference is granted.

Dr. Shelby seems to embrace the hectic pace of this somewhat typical day. "There is really not any such thing as a typical day," she says, responding to her companion's notion. "But," she continues, "it's a good day to be a teacher."

U.S. SENATOR RICHARD SHELBY

Senator Richard C. Shelby and his wife, Annette, recently celebrated their 30th wedding anniversay, Sen. Shelby, of Tuscaloosa, was elected to the U.S. Senate on November 4, 1986, following four terms as Alabama's Seventh District Congressman. He serves on the Armed Services Committee, the Committee on Banking, Housing and Urban Affairs and the Special Committee on Aging.

Education: BA, University of Alabama, 1957, LLB, University of Alabama School of Law, 1963.

Public service: Throughout his professional career as a practicing attorney and small businessman in Tuscaloosa, Sen. Shelby held leadership positions in several community service organizations. He was elected to the Alabama State Senate in 1970 where he served as chairman of the Legislative Counsel. On Nov. 7, 1978, he was elected to represent Alabama's Seventh Congressional District.

IT'S TIME TO PAY THE BILLS, AND LET'S START BY PAYING FOR THIS WAR

Mr. HOLLINGS. Mr. President, attending the State of the Union last night in the House Chamber, I could not help imagining I was listening to a Democratic President. After all, as far back as my memory goes, it has only been Democratic Presidents who got the United States involved in major foreign wars. And on domestic themes, George Bush sounded like Lyndon Johnson with a Yankee accent, talking up liberal spending initiatives ranging from "a new national highway system" to "record levels of Federal investment" to "incentives to create jobs in inner cities." The President proposed new investments in children, education, infrastructure, space, high technology—you name it, the President is for it.

All of which goes to confirm that there is no essential difference between Republicans and Democrats in Washington these days. Both parties are gung ho for major Government spending programs, and both parties are adamantly opposed to paying for them with increased taxes. To the contrary, both parties are falling over themselves in a bidding war to cut people's taxes even further. The President wants a tax cut for those making more than $200,000 a year—his holy grail is a lower capital gains tax rate. The Democratic leadership wants tax cuts for working Americans. Chances are we will work out a deal and cut taxes for both groups. Whoopee. Deficits? Who is the skunk at the garden party who mentioned deficits? Obviously, both parties seem to think that the Treasury has too much money, so we need to cut taxes and give money back to the people just as fast as we can. I reread the President's speech carefully—I saw ringing phrases like "shining purpose" and "thousand points of light," but the President did not once utter the word "deficit."

He is living in a dream world. But meanwhile, back here in the real world, we are looking at a record $360 billion deficit for 1991, according to the Congressional Budget Office's latest estimate. The deficit for 1992 is predicted to be roughly at that same level. And these estimates are optimistic; they assume a smart, quick rebound from our current recession.

The President, in his dreamworld sing-song, called last night for Alan

Greenspan to lower interest rates. Meanwhle, back in the real world, Alan Greenspan has no choice but to keep interest rates high enough to attract the hundreds of billions in foreign capital that are financing our public debt. This year we will borrow another $360 billion-plus to finance Uncle Sam's new deficit spending for 1991. Some two-thirds of that sum will be raised from foreign sources. And, with a falling dollar, those foreign lenders are not going to keep fueling our gravy train unless we offer them a handsome rate of return. So let us be done with the hypocrisy of the President calling on January 29, for the Federal Reserve to lower interest rates, and then on February 4 submitting a 1992 budget blueprint that calls for another $354 billion in new deficit spending.

Here is the rude awakening: Interest on the debt. We will pony up more than $290 billion in interest on the debt in fiscal year 1991 alone. That is nearly as big as the entire defense budget. What is worse, thanks to runaway deficits, interest in the debt is escalating in increments of nearly $30 billion per year. This year, some 60 cents out of every $1 in personal income taxes will go strictly to pay for interest on the national debt; 60 cents out of every $1 will purchase not so much as a paper clip for the American people. Talk about waste, fraud, and abuse. The Grace Commission overlooked the biggest culprit—interest on the debt. So I can tell you that with interest costs jumping in increments of $30 billion a year, George Bush has put in place an affirmative action program to support waste, fraud, and abuse on a monumental scale. But far be it from him to mention the word deficit in his State of the Union Address.

Mr. President, the President devoted much of his speech to the Persian Gulf war. This tragic war has produced two very curious and unlikely coalitions. One coalition is on the battlefield, with the United States, the Soviet Union, Syria, Egypt, and a host of other strange bedfellows arrayed against Saddam Hussein. The other coalition is right here at home. It is a coalition which is bound and determined that America should not raise a special tax to pay for this war. I was particularly bemused in the Budget Committee last week to hear that Robert Reischauer of the Congressional Budget Office is in the vanguard of this war-by-credit-card coalition. Dr. Reischauer is offended that anyone would raise the idea of a special tax to pay for the war. Instead, he advances the interesting proposition that the Persian Gulf war is actually an investment in our future, and therefore it is only proper that our children and grandchildren should pay for it. In this morning's Washington Post, columnist Robert Samuelson also pooh-poohs the idea that it might be a responsible thing to wage this war on a pay-as-you-go basis. Can you imagine that serious people are talking this way?

Of course, Dr. Reischauer and Mr. Samuelson are singing the song of the administration, which is dead set against paying for this war. Harry Truman raised taxes to pay for the Korean war. Lyndon Johnson levied a surtax to pay for the Vietnam war and left his successor a $3.2 billion budget surplus. But Goerge Bush has a better idea. Since war is, after all, an investment—sort of like sending your child to college—then let us just run up the national debt a couple more tens of billions to pay for it. This is what passes for conservatism in the year 1991.

Mr. President, a very cynical assumption underlines this war-by-credit-card coalition. The assumption is that the American people are gung-ho to wage war in the gulf, but that their zeal will somehow evaporate if they are asked to pay for it. Frankly, I give people a lot more credit than that. At a time when our service men and women in the gulf are being asked to risk the ultimate sacrifice, I believe that Americans here at home are willing and able to make the minimal sacrifice of paying a dedicated tax to pay for this conflict.

To that end, Mr. President, I have revised the thrust of the value-added tax I proposed in the initial days of the 102d Congress. My bill called for a 5-percent national value-added tax capable of raising approximately $100 billion in its first full year of operation. My original proposal earmarked the lion's share of this new revenue strictly for reducing the deficit and eliminating the debt. In addition, a portion was to be set aside for health care costs—the idea being that by reducing health care costs you are also reducing the deficit. What I now propose is that revenues raised by the value-added tax be used first and foremost to pay for that portion of the war costs not covered by cash contributions from our allies.

Of course, opponents of this tax or any other tax will howl that we should not raise taxes during a recession. This is the same crowd that says you should not raise taxes during a recovery, either. They are against any taxes at all, at any time, period—regardless of the size of the deficit. But for those of us who operate in the real world, let me point out that my VAT proposal would have no impact on this recession whatsoever. The earliest that a VAT could kick in would be January 1, 1993, nearly 2 years from now, at which time CBO and OMB both predict we will be in the midst of a robust recovery. The only sure-fire impact of a VAT would be to signal to financial markets that we are finally serious about tackling the deficits. This will lead to lower interest rates and lower inflation.

What is more, as all the experts point out, a VAT would be a tremendous plus in reducing the $100 billion deficit in our balance of trade. Remember that a VAT is a tax on consumption. The more you consume the more you pay. The more you save, the less VAT you pay. Bear in mind that many of those nonessentials that people choose to forego will be luxury consumer goods imported from abroad. Even more importantly, under international agreements a VAT is the only kind of tax that can be legally rebated on exported items. In other words, when Mercedes-Benz exports a car to the United States, the German Government rebates the VAT to the manufacturer. This saves Mercedes-Benz on its tax bill, and it makes German cars less expensive and more competitive on the United States market. As Lester Thurow, dean of the business school at MIT, says, "The rules of international trade are structured to make you stupid if you don't have a value-added tax."

The VAT is a tax that everyone loves to hate. It also happens to be the best bet for reining in America's private and public borrowing binge. VAT's are currently in place throughout the industrialized world. European nations average a 16-percent VAT. In Korea it is 25 percent. As these countries' experience demonstrates, a VAT fosters higher savings, lower interest rates, and—after the first year—lower inflation.

Of course, the best rationale for a VAT is that, even at a low percentage rate, it raises one heck of a lot of money. A 5-percent VAT will bring in $100 billion in its first year. We need every penny of it—not to lubricate the Federal gravy train but, at long last, to liquidate the Federal budget deficit.

Mr. President, it strikes me that this value-added tax proposal should enjoy strong support in the Congress. After all, the issue here is very simple: Are you or are you not in favor of paying the bills. The read-my-lips crowd loves to trot out the argument that any new revenues will simply be used to stoke up the gravy train. Well, Mr. President, the gravy train was stoked up and left the station long ago. You are not going to stop either the domestic gravy train or the Persian Gulf gravy train. The only serious question is whether we are going to pay for these gravy trains or, alternatively, are we just going to run up the tab on the national debt.

The President and 80 percent of Americans favor the Persian Gulf war. Likewise, on February 4, the President will submit a budget that will propose gravy-train spending to the tune of some $400 billion in excess of our revenue intake. So the question is simple: do we begin to pay for these expenditures, or do we continue the destructive joy ride of "read my lips?" I, for one, am hopeful that the cost of this

Persian Gulf war will bring us to our senses. I hope that we will choose to pay up-front for this war, and that we will take the next step and start paying up-front for all the other investments of the U.S. Government.

By all means, let us demand that our coalition partners pay their fair share of this war effort. But let us demand that we ourselves—this generation, not the next generation—pay the American share of the war effort. The most honest way of doing this is to levy a tax, such as a value-added tax, expressely earmarked to pay for the war. Any extra revenues can go to cover health care costs, and to reduce the deficit and debt. I believe that Americans are patriotic enough, and responsible enough, to see the wisdom and correctness of such a tax.

Mr. President, we can't afford to stand idly by as Europe blossoms and Japan takes the lead. We cannot ignore our fiscal crisis. While we are sidetracked by the Persian Gulf, we are falling further and further behind in the trade war—which is the war that really matters. We need to get the country moving again. We cannot rebuild Kuwait—we desperately need to rebuild America.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,146th day that Terry Anderson has been held captive in Lebanon.

PROTESTERS DO THREATEN CONDUCT OF GULF WAR

Mr. HELMS. Mr. President, I have a friend, now retired after a distinguished career in the U.S. Army, who lives in Southern Pines, NC. His name is Theo. C. Mataxis, but those of us who count him as a very special friend call him Ted.

Ted Mataxis loves his country, and he understands the meaning of America. He has little patience with some of his country men and women who are always on the ready to run to the streets to protest at the very times when America needs unity—not contrived complaints and criticism.

Perhaps it is because Ted Mataxis understands that America's freedoms can be as easily lost as they were painfully won by our forefathers by hellish sacrifice. The protesters have won no freedoms from mankind, nor have they preserved any. Clearly they protest for the sake of protest.

There also is always that predictable gaggle of protesters in the news media, using printer's ink and television cameras to denounce America, to criticize when they don't know what they are talking about. As Jeane Kirkpatrick once put it, "they always blame America first."

On January 18, a left-leaning newspaper in my State, the Fayetteville, NC, Observer-Times pontificated that the protests throughout America posed no threat to the military operation in the Persian Gulf. Ted Mataxis read the editorial with amazement. He sat down and wrote a letter to the editor of the Fayetteville paper which, it must be acknowledged, was promply published on January 24.

Mr. President, that letter deserves to be considered by all who are concerned whenever and wherever freedom is under attack, and whenever and wherever cruel, bloody tyrants like Saddam Hussein raise their heads.

I therefore ask unanimous consent that General Mataxis' letter to the editor be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROTESTERS DO THREATEN CONDUCT OF THE GULF WAR

Your Jan. 18 editorial claimed that it is doubtful that the protesters "pose any threat to the operation." I and many others disagree.

As stated by the Iraqi Defense Minister, "Baghdad has decided on a long-term war which will bleed America and its allies." Saddam Hussein is basing his strategy on a long, drawn-out war while he depends on the dug-in tanks and infantry divisions to defend Kuwait.

The first phase of Desert Storm is an air war. As noted by Israeli analysts, "The air force can help in a war. It can shorten it, but it cannot decide it."

If the Iraqi soldier accepts the war as a Jihad, or holy war, and continues to defend his dug-in positions in spite of heavy air strikes, it will take ground combat to finally defeat the Iraqi army.

After the first days' euphoria over our air strikes, the president, the secretary of state and the Chairman of the Joint Chiefs of Staff have all reinforced this view, cautioning the public to expect hard fighting before the end of the war.

Ground combat results in increased casualties, and this is what Saddam Hussein's long-war strategy is based upon—not winning the war, but a holding action as he runs up the casualty lists and works to gain sympathy and support among the Arab nations. A key objective is to generate pressure through protest and demonstrations across the country on the U.S. government to withdraw, or to agree to a compromise which will leave his battered armed forces intact, able to try again in the future.

We should take a look at how public support changed during our last two major wars, Korea and Vietnam. Extensive studies have been conducted on how support for the Korean and Vietnam wars eroded as war dragged on and the casualty lists grew. These studies show a direct correlation of erosion of support for the war to the increase in casualty lists as the war continued.

As one of Iraq's key objectives, an attack on U.S. public support for Desert Storm, the political officers in the Iraqi embassy will be carefully analyzing the U.S. media for indications of declining morale and public support for the war. Demonstrations across the country will encourage Saddam Hussein and his followers to continue to hang on because the "great Satan" will lose spirit and agree to a compromise.

With our home-front morale a key target of the enemy and the demonstrators encouraged by feelings expressed by editorials such as yours ("it is un-American to equate dissent with treason"), demonstrations will continue to grow. This will encourage the Iraqis to hold on hoping the Americans will throw in the towel and quit as they did in Lebanon! This lengthening of the war will result in more American casualties.

While this "Theater of Dissent" may play well in the media and before the Supreme Court, these dissenters must realize that their actions are "giving aid and comfort to the enemy." The editors who state "it is un-American to equate dissent with treason" should review our laws—Title 18, Chapter 115—TREASON—Treason, Sedition and subversive activities, particularly Sec. 238 . . . "aid and comfort to our enemies." While the effect of today's protesters has not yet reached the stage where the government has to use such measures, it is well to recognize that such laws are in the books.

Another point raised by the editorial was that "wars are won and lost by men, machines and strategy—not demonstrations." It would be well to turn to history once again and review why we lost the Vietnamese war. It was the collapse of support at home which resulted in withdrawal from Vietnam.

News articles from the Middle East have carried numerous stories of soldiers' concern over public support for the war. Our soldiers don't want to fight another war like Vietnam. While risking their lives, they need to be reassured of support from their countrymen.

Congress has voted to support the president's use of our armed forces, and over two-thirds of the American people support action to free Kuwait. Legal issues aside, it is well for the protesters to think how their actions could contribute to lengthening the war and causing more American casualties. This is how their actions are perceived by the majority of the public who support the war, including those who have relatives and friends fighting the war.

As you noted in your editorial, "our nation was born in dissent." However, I recommend you carefully read our history of that era and note how the colonists reacted againt their neighbors who dissented from the position of the majority. Today we may not use tar and feathers, but where there are strong feelings there will be strong reactions—particularly by those who have contempt and hatred for those "demonstrators" who they feel are prolonging the war and causing more casualities to our forces. You should realize particularly in this region, which has supplied so many fighting men, that editorials such as yours only add to the frustration and bitterness felt by the relatives and friends of those who are fighting and dying for our country.

THEO. C. MATAXIS.

SOUTHERN PINES.

A TRIBUTE TO DOROTHY YATES KIRKLEY: THE FIRST WOMAN TO BE INDUCTED INTO MEMBERSHIP BY THE AMERICAN COLLEGE OF TRIAL LAWYERS

Mr. FOWLER. Mr. President, I rise to bring to your attention today the outstanding achievements of Dorothy Yates Kirkley, who has just been inducted into membership by the American College of Trial Lawyers. Dorothy is the first woman from the State of Georgia to be inducted into membership by the American College of Trial Lawyers.

The college is the most distinguished honorary society of trial lawyers. It was founded in 1950, with a current membership of 4,500. The organization sponsors national competitions for law students and programs to improve the administration of justice. Membership in the college is by invitation of the board of regents.

Ms. Kirkley has served as an assistant attorney general for the State of Georgia and as an assistant U.S. attorney for the Northern District of Georgia.

A graduate of Emory University Law school in Atlanta, she served on the education board of the Journal of Public Law and was a member of Order of the Coif.

It is with great pleasure that I rise today to recognize my friend and one of Georgia's leading citizens.

APPOINTMENTS OF THE PRESIDENT PRO TEMPORE PURSUANT TO SENATE RESOLUTION 357, 101ST CONGRESS

Mr. MITCHELL. Mr. President, as provided for by Senate Resolution 357, adopted on October 28, 1990, authorizing the President of the Senate, the President pro tempore, and the majority and minority leaders of the Senate, to make certain appointments after sine die adjournment of the 101st Congress, the following appointments were made:

NATIONAL COMMISSION ON CHILDREN

On November 9, 1990, the President pro tempore appointed Dr. Reed Tuckson of New York, to the National Commission on Children.

On November 21, 1990, the President pro tempore appointed Mrs. Barbara B. Blum of New York, to the National Commission on Children.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KOHL). Morning business is closed. The Chair recognizes the Senator from Arizona.

AGENT ORANGE ACT OF 1991

Mr. DECONCINI. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. 238, the agent orange benefits bill.

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 238) to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order there will be 1 hour of debate on this bill, equally divided and controlled by the two leaders or their designees with 10 minutes of the Republican leader's time under the control of the Senator from Wyoming [Mr. SIMPSON].

The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, as the ranking Democratic member on the Committee on Veterans' Affairs, I am very pleased to be here, responding to the request of Chairman CRANSTON, the distinguished chairman of this committee, to serve as the floor manager for this legislation.

As our colleagues know, Senator CRANSTON cannot be here due to his illness. I did talk to him yesterday. He is doing better. He says he will be here within a month, and I know he wishes very much that he could be here for this important legislation. We owe him a debt of gratitude for his leadership over the years on this particular legislation. But in all legislation for the 14 years that I have been here dealing with veterans affairs, Senator CRANSTON has been the leader.

This final action on this agent orange legislation is just one other very vital piece of legislation that Senator CRANSTON has been instrumental in getting to the floor and now will be signed very shortly.

It would have established a process for the Veterans' Administration to determine, taking into consideration first a review of the relevant scientific information established by the National Academy of Science, whether certain diseases of veterans, Vietnam veterans, should be presumed to be service connected based on exposure to dioxin in agent orange or to other toxic agents in herbicides.

Mr. President, this bill is substantively identical to H.R. 556, which was introduced in the House at the same time as S. 238 by Representative SONNY MONTGOMERY, chairman of the House Committee on Veterans' Affairs. I am pleased to note that H.R. 556 passed the House yesterday by a unanimous rollcall vote and that we will vote on that measure this afternoon. As evidenced by the House's prompt action yesterday and the number of cosponsors on S. 238, both bills enjoy strong, bipartisan support—including support from those who opposed the agent orange legislation that we sought to enact last year.

Mr. President, this bill represents a historic agreement on agent orange legislation. It is the result of negotiations among the parties in both bodies, which began very soon after the end of the last session when we were unable to gain Senate consideration of S. 2100.

Mr. President, as my colleagues will recall, we sought in vain last year to have the Senate consider a bill, S. 2100, which provided a veterans' COLA and addressed other veterans issues, including the agent orange issue. However, because of objections to the agent orange provisions of the bill, Senate consideration of S. 2100 was blocked in the waning days of the Congress. As a result of a lot of hard work and effort, the agent orange issue was resolved. This resolution made possible early action on the veterans' COLA which passed last Thursday, January 24, and is now on the President's desk to be signed. Today we complete action on this package of very important legislation.

On behalf of myself and Senator CRANSTON I want to recognize particularly Senator DASCHLE of South Dakota for his fine effort. Senator DASCHLE has a very long legacy in this area. He worked for years on agent orange legislation in the House before he came to the Senate. Senator DASCHLE continued his efforts in the Senate. Even when other Senators had other issues or bills that they wanted to take up, Senator DASCHLE raised this very important legislation on behalf of Vietnam veterans.

It was because of his persistence that we are here today along with the work of Senator CRANSTON and, of course, the Senator from Massachusetts [Mr. KERRY], a Vietnam veteran, who has also worked as long as anyone on this issue.

We thank Senator DASCHLE for his long persistence and leadership in this area.

This legislation has been long in coming. We have worked tirelessly, for several years, trying to get a bill that would really address the problem. We are finally at that point today.

I have already expressed my thanks to Chairman MONTGOMERY for his leadership in the House and I want to thank the ranking member, Mr. STUMP, for their leadership and cooperation on this bill.

I urge my colleagues to give their unanimous support to this very important measure. I anticipate it passing very quickly and perhaps unanimously.

Mr. President, the Office of Management and Budget [OMB] has informed Chairman CRANSTON that it supports enactment of S. 238. I ask unanimous consent that the OMB statement of administration policy be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT
AND BUDGET,
Washington, DC, January 28, 1991.

STATEMENT OF ADMINISTRATION POLICY

(S. 238—Agent Orange Act of 1991, Daschle and 36 others)

The Administration supports enactment of S. 238.

S. 238 would require that the Veterans Administration (VA) treat Vietnam veterans with non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne (within one year of leaving Vietnam) as if these diseases were contracted as a result of Vietnam services. The VA acting pursuant to it's regulatory authority, permits approval of such claims. This bill codifies this authority. Because of the prior VA action the costs associated with these claims are included in the Office of Management and Budget (OMB) budget baseline. Since the pay-as-you-go requirements are measured against the baseline, enactment of S. 238 will not require offsets in order to avoid a sequester.

Mr. DECONCINI. Mr. President, as I mentioned, Senator CRANSTON is unable to be with us today. I ask unanimous consent that a statement by him be printed in the RECORD at this point.

The statement of Mr. CRANSTON follows:

S. 238: THE AGENT ORANGE ACT OF 1991

• Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs and an author or coauthor of every major agent orange bill that Congress has considered over the last 12 years, I am delighted to join my good friends, Senators DASCHLE and KERRY, who coauthored this bill with me, in urging support for S. 238. This bill has the overwhelming support of a bipartisan group of the Senator who have played major roles in agent orange legislation, including the cosponsorship of all of my colleagues on the Veterans' Affairs Committee, Senators DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, AKAKA, SPECTER, SIMPSON, MURKOWSKI, THURMOND, and JEFFORDS, and 33 other Senators. This legislation would establish a process requiring VA to determine, taking into consideration a review of relevant scientific information by the National Adademy of Sciences, whether certain diseases of Vietnam veterans should be presumed to be service connected, based on exposure to dioxin in agent orange or to other toxic agents in herbicides used in Vietnam.

Mr. President, this bill is substantively identical to H.R. 556, which was introduced in the House by my esteemed counterpart, Representative MONTGOMERY, chairman of the House Committee on Veterans' Affairs, on the same day we introduced S. 238 in the Senate. I am pleased that the House passed H.R. 556 yesterday by a unanimous rollcall vote and that the Senate will vote on the measure this afternoon and, I am confident, send it to the President.

Mr. President, this bill represents an historic compromise among those who have had strong differences of opinion about compensation for, and the study of, diseases possibly related to exposure to agent orange in Vietnam. It is the result of intense negotiations among the parties in both bodies, which began very soon after the end of the last session when we were unable to gain Senate consideration of S. 2100. Both sides made compromises and I think that the resulting bill reflects an excellent, improved approach to this subject. Enactment of this bill will be a major step toward putting behind us one of the most contentious and divisive issues remaining from the war in Vietnam. It is ironic that we are so close to healing this wound from our last war just as the Nation has entered into a new war.

Mr. President, my remarks would not be complete without acknowledging the leadership and energy that Senator DASCHLE has provided on the issue of compensation for veterans for diseases possibly related to agent orange exposure. From the time he served in the House, including his service as a House Veterans' Affairs Committee member and chairman of its Subcommittee on Education and Employment, he has been a chief proponent in the Congress of agent orange compensation legislation. Senator KERRY, has played a major role in this area and has been very active in developing this bill and the previous legislation on which it is based, including the three bills in the last Congress—S. 1153 and the agent orange provisions in S. 13 and S. 2100—and various other bills in previous Congresses. Senators DASCHLE and KERRY deserve congratulations for their contributions to this culmination of our efforts.

I also wish to express particular appreciation to House committee chairman MONTGOMERY and ranking minority member STUMP for the great spirit of cooperation and the oustanding leadership that they brought to this process. Without their excellent work on this bill, we would not be taking final action on agent orange legislation today.

Mr. President, I will not describe the provisions of the bill because the distinguished Senator from Arizona [Mr. DECONCINI], who at my request is managing floor consideration of this bill, is submitting for the RECORD a detailed explanatory statement prepared by the two Veterans' Affairs Committees. I note, however, that one of the major changes reflected in this bill, compared to its predecessors, is elimination of a requirement that the National Academy of Sciences categorize the degree of association between each disease that the academy studies and exposure to agent orange. Instead, the academy will focus on a purely scientific analysis of studies and other information regarding possible links between diseases and exposure to herbicide agents used in Vietnam.

The bill also simplifies the procedure that the Secretary must follow after receiving a report from the academy. The bill would require the Secretary to evaluate all the diseases examined by the academy to determine in each case whether there is a positive association between the disease and exposure to herbicide agents. If the Secretary finds a positive association, the Secretary would be required to establish a presumption that the disease is connected to service. This approach ensures that the independent scientific organization will make independent scientific judgments and recommendations, while the policymaker—the Secretary—will make the policy decision that determines whether VA must establish a presumption of service connection. This is the appropriate division of responsibilities.

Mr. President, resolution of the agent orange issue has made possible early action on the veterans' compensation cost-of-living adjustment that was blocked by two Senators in the waning days of the 101st Congress. I am pleased that we passed the COLA last Thursday, January 24, and that this vital legislation is now with the President for his signature. The distinguished majority leader, Mr. MITCHELL, who is a member of our committee and a cosponsor of this bill, clearly indicated his intention to make enactment of the fiscal year 1991 veterans' COLA and the agent orange legislation one of the Senate's very highest priorities when he introduced as S. 1 a bill containing the COLA and the agent orange provisions from last session's omnibus veterans' legislation, S. 2100. The extraordinary speed with which we enacted the COLA and will pass the agent orange bill today would not have been possible without Senator MITCHELL's leadership and active participation, for which I am very grateful.

I also thank our committee's ranking Democratic member, Senator DECONCINI, for managing this bill in my absence—as he did with respect to the VA compensation COLA passed by the Senate last Thursday.

I also would like to express my gratitude for their excellent work on this legislation to the House committee's majority staff members, John Brizzi, Pat Ryan, and Mack Fleming, and minority staff members, Kingston Smith and Carl Commenator and, for all their great help to me on this measure, majority staff members Kimberly Morin, Susan Thaul, Michael Cogan, Bill Brew, and Ed Scott. I also extend thanks for their very hard work on this legislation and cooperation in its development to Laura Petrou on Senator DASCHLE's staff and Steve Hart on Senator MITCHELL's staff.

S. 238 is an excellent, well-considered bill that addresses in a comprehensive way the concerns of Vietnam veterans and their families about agent orange. I urge my colleagues to support this important measure by voting for the House-passed companion bill, H.R. 556, this afternoon.●

Mr. DECONCINI. Mr. President, I ask unanimous consent that the explanatory statements by the Senate and House committees on the provisions of H.R. 556, to which I referred earlier, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON THE AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 (H.R. 556 as passed by the House of Representatives on January 29, 1991) was derived, with modifications, from bills considered by the Senate and the House of Representatives, but not enacted, during the 101st Congress. These include S. 1153, which the Senate passed on August 3, 1989; title VIII of S. 13, which the Senate passed as part of a substitute amendment to H.R. 901 on October 3, 1989; part C of title I of S. 2100, which the Senate Committee on Veterans' Affairs reported on July 19, 1990, but which did not receive Senate consideration prior to the end of the 101st Congress; and H.R. 5326, which the House of Representatives passed on October 15, 1990. H.R. 556 as passed by the House is substantively identical to S. 238, which was introduced in the Senate on the same date that H.R. 556 was introduced in the House.

The Committees on Veterans' Affairs of the Senate and the House of Representatives have prepared the following explanation of H.R. 556 (hereinafter referred to as "the bill").

PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISEASES

Section 2(a) of the bill would (1) codify decisions the Secretary of Veterans Affairs has announced to grant presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma in veterans who served in Vietnam; and (2) codify and expand current VA regulations providing a presumption of service connection for chloracne becoming manifest within three months after completion of the veteran's service in Vietnam by expanding the manifestation period to one year.

Section 2(a) also would create a procedure requiring the Secretary to establish in regulations a presumption of service connection for other diseases that the Secretary determines to have a positive association with exposure to Agent Orange or other herbicides used in Vietnam. The determinations as to whether such associations exist would be required to be based on sound medical and scientific evidence, taking into account (1) periodic reports by the National Academy of Sciences reviewing scientific information regarding possible association between exposure to herbicides and the occurrence of diseases; and (2) all other scientific information available to the Secretary.

The Committees note that the Secretary already has authority to apply any presumption established under new section 316(b) of title 38, United States Code (as added by section 2(a) of the bill), to veterans exposed outside Vietnam to the same herbicide agent on which the presumption is based.

INDEPENDENT SCIENTIFIC STUDY OF HERBICIDES

Section 3 would require the Secretary to seek to enter into a contract with the National Academy of Sciences (NAS), within 60 days after enactment, to review scientific and medical information regarding the health effects of exposure to Agent Orange and other herbicides used in Vietnam. If VA is unable to enter into a contract with NAS, the Secretary must seek to enter into a contract with another independent scientific organization having expertise and objectivity comparable to that of NAS.

For each disease suspected of being associated with exposure to an herbicide, NAS would review and summarize the relevent scientific evidence and determine (1) whether there is a statistical association with exposure to the herbicide; (2) the increased risk of disease among those exposed to the herbicides during service in Vietnam; and (3) whether there is a plausible biological mechanism or other evidence of a causal relationship between herbicide exposure and the disease. NAS also would include in its reports any recommendations it has for further studies to resolve areas of continuing scientific uncertainty about the health effects of exposure to herbicide agents.

The first report by NAS, due not later than 18 months after the date of enactment, would include the Academy's recommendations as to whether the programs under sections 6–9, discussed below, should be implemented.

The bill would require follow-up reviews by NAS at least once every two years for 10 years after the initial report.

The Committees expect that NAS will identify the specific herbicide agent responsible for each of the Academy's determinations under section 3(d) of the bill.

EXPANSION OF OUTREACH ACTIVITIES

Section 4 would expand the outreach activities required under Public Law 100–687 to require VA to provide veterans with annual updates about the health effects of exposure to herbicides.

EXTENSION OF SPECIAL HEALTH-CARE ELIGIBILITY

Section 5 would extend from October 31, 1990, to December 31, 1993, priority eligibility for VA health care based on possible exposure to Agent Orange or radiation.

COMPILATION AND ANALYSIS OF DATA FROM VA EXAMINATIONS AND TREATMENT

Section 6 would require VA, effective 90 days after VA receives the first NAS report, to compile, analyze, and submit annual reports to Congress about scientifically useful, clinical data obtained from VA medical examinations and treatment provided after November 3, 1981, to Vietnam veterans who sought VA health care under section 610(e) of title 38 based on exposure to Agent Orange or radiation. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

BLOOD AND TISSUE ARCHIVING

Section 7 would require VA, effective 90 days after VA receives the first NAS report, to establish an archiving system for blood and tissue samples contributed voluntarily by Vietnam veterans, for the purpose of facilitating scientific research on the effects of veterans' exposure to dioxin and other agents in herbicides. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

SCIENTIFIC RESEARCH FEASIBILITY STUDIES

Section 8 would require VA, effective 90 days after VA receives the first NAS report, to establish in consultation with NAS a program of pilot studies of the feasibility of conducting additional scientific research on health hazards of exposure to herbicide agents or service in Vietnam. The program would be subject to specific appropriations being made to carry it out and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that it is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans or herbicide exposure.

BLOOD TESTING

Section 9 would require VA, effective 90 days after VA receives the first NAS report, to test for TCDD in any blood sample voluntarily provided by Vietnam veterans who seek VA health care under priority eligibility based on exposure to Agent Orange. VA would be required to provide tested veterans with the results of the test and an explanation of the meaning of the results. The program would be subject to specific appropriations being made to carry it out, not to exceed $4 million a year, and would not be implemented if the Secretary determines, giving great weight to the recommendations in the first NAS report, that the program is not feasible or cost-effective to carry out the program or that carrying out the program would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure.

The Committees expect NAS to include in its recommendations under section 3 the Academy's recommendations as to what, if anything, the results of the blood tests might indicate regarding the likelihood that a veteran was exposed to 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD). If section 9 of the bill is implemented, the Committees further expect the Secretary, in explaining these blood-test results to veterans, to give great weight to the NAS recommendations in that regard.

MODIFICATION OF FUNCTIONS OF THE VA ADVISORY COMMITTEE ON ENVIRONMENTAL HAZARDS

Section 10 would eliminate the Agent Orange functions of VA's Advisory Committee on Environmental Hazards six months after the date of enactment or upon the Secretary's determination that the Advisory Committee has completed its responsibilities under the May 2, 1989, court order in *Nehmer* v. *Department of Veterans Affairs*, No. C–86–6160 TEH (N.D. Calif.), whichever occurs first.

VA has advised the Committees that it expects the Advisory Committee to complete these responsibilities by the end of May 1991. The Committees thus fully expect the Advisory Committee and the Secretary to carry out those responsibilities by the end of the six-month period following the enactment of this measure.

Mr. DECONCINI. Mr. President, I yield to the ranking member the Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I thank the Chair.

I offer my congratulations to the distinguished ranking Democrat, Senator DECONCINI, for his efforts on this bill and associate myself with his comments about the outstanding work done by Senator CRANSTON on this important item and also join in recognition of the work of Senator DASCHLE on this very important legislation.

Mr. President, this legislation is the conclusion of very lengthy efforts on a very complex matter where there has been a great deal of pain and suffering by the Vietnam veterans who were exposed to agent orange in many ways, themselves and their families. We are finally coming to the conclusion or at least an important step to a conclusion to provide compensation.

When I came to the Senate 10 years ago and was assigned a position on the Veterans' Affairs Committee, one of the first things that I did was to hold a series of hearings in Pennsylvania on veterans' problems. I held those hearings on July 2, 1981, in Philadelphia; August 7, 1981, in Erie, and on September 19, 1981, in Pittsburgh, because the consideration of the issues of Vietnam veterans was so important and had been long neglected because there had been so much public disdain for the Vietnam war.

During the course of those hearings, I heard a great deal of testimony about the problems of agent orange. I heard about cancers, burns, disfigurement. One of the items which was especially telling for this Senator was the testimony about children who had genetic defects which their parents believed were casued by the exposure of the father to agent orange in Vietnam.

Mr. President, I ask unanimous consent to print at the conclusion of my statement a part of the transcript from one of the hearings in Philadelphia on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, without going into great length, I recall vividly, almost 10 years ago, a child, 4 or 5 years old who came in without an arm. The concern was and the thought was that that genetic defect had been caused by the exposure of the father to agent orange in Vietnam.

As a result of what I saw there on December 15, 1981, I introduced Senate bill 1953 which would have provided compensation for victims of exposure to agent orange on proof in a trial, with competent medical evidence, that damages or disabilities or injuries were, in fact, caused by exposure to agent orange.

Mr. President, as we all know, there is a doctrine of sovereign immunity. A person cannot sue the U.S. Government because the U.S. Government is immune. It comes from the laws of England where the King was sovereign and you could not sue the King, and that doctrine of sovereign immunity has been maintained in the United States and in the 50 States as well, unless there is some legislative exception.

There is a legislative exception partially under the Federal Tort Claims Act—without going into any extensive detail on the consideration of those issues—suffice it for these purposes to say that a serviceman or others who claim to have been injured by exposure to agent orange could not go into Federal court and assert a claim and produce evidence, if you would, if there were litigation between two private parties when a doctor, an expert would testify as to cause and effect within the legal standards.

It seemed to this Senator in 1981 that consideration should be given on this important subject to moving beyond the traditional sovereign immunity and to allowing claimants to come into court with competent medical evidence, prove causation and have an opportunity to make that kind of a recovery.

I was aware at the time that it was a significant departure from existing legal procedures, but it seemed to me that that was something worth considering. I had then pursued it beyond the 97th Congress and on February 2, 1983, in the 98th Congress, I reintroduced the Vietnam Veterans Agent Orange Relief Act, captioned Senate bill 374, which would, again, have moved around the concept of sovereign immunity with proof of competent medical evidence as cases would be proved in courts involving private parties.

This Senator has long had a concern about this issue. As I was reviewing what has happened chronologically, it is a long torturous trail in the 10 years that I have been here. I note that on September 28, 1983, the Senate Veterans' Affairs Committee considered S. 1388 which dealt with this subject; on May 22, 1984, there was floor debate on Senate bill 1651 where this Senator offered an amendment 3090; then on June 17, 1985, there was Senate bill 876 dealing with health care issues which touched on agent orange; on July 31, 1987, this Senator cosponsored Senate bill 1510; January 26, 1988, there was other legislation, Senate bill 2011; on June 8, 1989, a number of us joined to cosponsor Senate bill 1153; and in 1990, February 28, Senate bill 2100 was under consideration. So it is a long torturous course to where we are today in having an agreement on this very important legislation.

I think it is very important, Mr. President, as Senator DECONCINI has already said about the obligation of this country to our veterans. We make many gifts, we make many grants, but we are not so good at fulfilling our obligations. We have a contract with the veterans of America to treat them fairly, and Vietnam veterans have not been treated fairly. There are many who have been exposed to agent orange, who have suffered very severe disabilities, and it has not been recognized. Much too much time has passed in the failure of the Government to come to grips with this very important item, and we are taking a significant step in correcting that by the action which we are taking today.

Mr. President, I inquire as to how much time remains on my side?

The PRESIDING OFFICER. The Republican leader's time is 12 minutes with an additional 10 minutes for the Senator from Wyoming.

Mr. SPECTER. We have an hour for debate equally divided, 30 minutes on each side?

Mr. DECONCINI. Ten of the Senator's thirty is for Senator SIMPSON.

Mr. SPECTER. I will take a few more moments, Mr. President, at this juncture, to read a letter from the Secretary of Veterans' Affairs, Edward J. Derwinski, dated January 29, which bears on this subject:

DEAR SENATOR SPECTER: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of S. 238, 102nd Congress, the "Agent Orange Act of 1991." This bill is a compromise which relies on science to settle the troubling questions concerning the effect on veterans of exposure to herbicides—such as agent orange—used in the allied effort during the Vietnam war.

Among the bill's key features is codification, with minor modifications, of the presumptions of service connection for certain diseases associated with herbicide exposure or Vietnam service that VA, with the invaluable assistance of the Veterans' Advisory Committee on Environmental Hazards, has developed in recent years.

Without taking the time now, Mr. President, to read the full letter, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, what we have are certain presumptions where there was exposure to agent orange and a procedure to expand that category to grant compensation as well.

Much too much time has passed with all the studies that have been undertaken, but it is a significant step at this juncture to reach this milestone today.

I yield the floor.

EXHIBIT 1

TRANSCRIPT OF PROCEEDINGS OF VETERANS' AFFAIRS COMMITTEE HEARING HELD IN PHILADELPHIA, PA, ON JULY 2, 1981

Senator SPECTER: Would you amplify for the record the status of the parents in terms of the exposure to Agent Orange which has led to that condition you have just described.

Mr. CHRISTIAN: The father was drafted to serve in the military, serve with the 1st Cav. We broke Vietnam into corps and he was in 3 Corps with the 1st Cav., severely exposed to spraying.

I asked him did he get sick during the spraying. He said yes, he got sick during the spraying. Did he have any problems? He said yes, he had skin rashes.

There is no trace in their family of birth defects, no trace whatsoever. The mother is a registered nurse with a Master's degree. The father was drafted into the military. They were married before he went over. They had their children after his return.

Senator SPECTER: How long did he serve in Vietnam, if you know, Dave?

Mr. CHRISTIAN: One year, sir, 12 months in Vietnam. He received also a Purple Heart.

Danny and Donna Jordan are the family. As a matter of fact, I can share with you here, sir, if you would like, stuff from the State of Texas, their legislation, also a picture of the children.

Senator SPECTER: Yes, I would like to see that and I would like to have that made a part of the record.

Mr. CHRISTIAN: Here are the two children. It says, "I'm proud my dad is a Vietnam veteran. Don't forget the Vietnam veterans."

They are holding the shirt up with their deformed arms and it tells all about the children.

Senator SPECTER: I understand the situation with respect to the exposure to Agent Orange, but would you testify for the record your understanding of what exposure there was on the part of this Vietnam vet to Agent Orange.

Mr. CHRISTIAN: My own personal situation, sir?

Senator SPECTER: Well, no. With respect to him.

What is your understanding of his exposure to Agent Orange?

Mr. CHRISTIAN: His sharing with me personally that he was actually sprayed. There was a ranch hand study that was released and they were saying that they weren't—there's no side effects to that and I said, "What's your problem?"

And he said he was actually sprayed underneath the spraying.

I heard the ranch hand study on television. I said, "Well, they have no problem, no side effects." I understand that you have some of the words with you that was in the ranch hand study. I am saying that within the cockpit of an airplane is a different story than being on the ground when he was sprayed.

When he was actually sprayed, he got physically sick, physically sick.

They have also shared with United States Senators that people were not in the areas when they were sprayed. The Department of Defense has shared that. I have to tell you, sir, they are not sharing the truth with you.

Senator SPECTER. Physical sickness, nausea—

Mr. CHRISTIAN. Nausea, skin irritation. There is also a gentleman in the room that esperienced the exact similar disabilities that Danny Jordan experienced.

Senator SPECTER. And what immediately, if anything, beyond the nausea and the skin irritation?

Mr. CHRISTIAN. The skin irritation kept up ever since his service in Vietnam. He's had minor growths, minor tumors on his body.

Senator SPECTER. Was he subjected to Agent Orange on a variety and a number of occasions?

Mr. CHRISTIAN. As a combat soldier, yes, he was, sir.

Senator SPECTER. Then he served for one year and returned to the United States?

Mr. CHRISTIAN. One year, and returned to the United States.

Senator SPECTER. It was after his return to the United States that the two children were born?

Mr. CHRISTIAN. Gave birth to two children who have the exact same physical disabilities and there's no other evidence of disabilities in their family, there's no other evidence of that type of disability in and around his town in Texas and it's just such a heartbreaking situation to see two children having three fingers, shortened arms, stubs, the same arms that are holding up that T-shirt saying their father is proud.

I share with you also my brother, sir—

Senator SPECTER. These are photographs of the children.

Mr. CHRISTIAN. Photographs, but their arms are hidden behind the T-shirt there. We have actual photographs of people exposed, what's happened to them physically, physiologically. They have been somewhat destroyed and also emotionally it has taxed their system, yes, sir.

Senator SPECTER. He had just the two children?

Mr. CHRISTIAN. That's all they will have. They had another child. It was a coincidence. The medical doctors told them it was a freak accident they had the one child. When they had the second child with the exact same disabilities, that's when they became crusaders in Austin, Texas and they asked the state legislature to help them pass meaningful legislation which would give documented evidence and data to the federal government.

What we are doing right now, sir, is we are going state by state introducing legislation which will collect and compile the data to give to you to share with peers in the Senate how the people in the State of Pennsylvania are suffering. We can't wait for this test like they did with the nuclear reactor in the Midwest and our boys were exposed 30 years after and we are getting compensation coming down.

What I'm saying is today, with all this doubt and this question and this preponderance of evidence, weigh the benefit of the doubt as is established in Title 38 of the United States Code. If there's a doubt, weigh that benefit of the doubt in behalf of the veterans.

That's what we ask, sir.

EXHIBIT 2

THE SECRETARY OF
VETERANS AFFAIRS,
Washington, January 29, 1991.

Hon. ARLEN SPECTER,
Ranking Minority Member, Committee on Veterans' Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of S. 238, 102d Congress, the "Agent Orange Act of 1991." This bill is a compromise which relies on science to settle the troubling questions concerning the effect on veterans of exposure to herbicides—such as Agent Orange—used in the allied effort during the Vietnam war.

Among the bill's key features is codification, with minor modifications, of the presumptions of service connection for certain diseases associated with herbicide exposure of Vietnam service that VA, with the invaluable assistance of the Veterans' Advisory Committee on Environmental Hazards, has developed in recent years. Specifically, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tissue sarcoma (with some exceptions), or chloracne (within one year of leaving Vietnam) will be presumed to have incurred that disease while on active duty.

Further, the bill would establish a new regulatory mechanism for adding—or deleting—presumptions of service connection based on exposure to herbicides in Vietnam. Essentially, VA would be required to enter into a contract with the National Academy of Sciences (NAS) under which NAS would review and summarize the literature related to herbicide exposure and would provide its advice to VA. Taking into account the advice of NAS, VA could amend the list of those diseases for which service connection is presumed. That advice would also assist VA in decisions concerning further research and study.

The bill would also provide for research-related efforts in areas including tissue archiving, blood sampling and testing, and clinical-records review, but would do so subject to two important conditions: such activities would not be conducted if VA determines after considering the report of NAS, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge; and, such activities would be subject to specific appropriation of funds by the Congress. We are pleased with this balanced provision, which will encourage important research within the limits of available resources and scientific feasibility.

Also, the bill would eliminate the dioxin function of the Veterans' Advisory Committee on Environmental Hazards.

We wish to express our belief that our Advisory Committee, since its creation in 1985, has done a thoroughly professional job in carrying out its assigned duties. We appreciate the difficult and often frustrating work they have undertaken over the years. Nevertheless, we are aware of the concern of some that a non-Governmental review would be of value. VA has testified before both the Senate and House Committees on Veterans' Affairs that we would not object to an independent review of our work in this area, after that work was completed. However, in the spirit of compromise, we support your proposal to eliminate the dioxin function of the Advisory Committee and replace it with a review of evidence by the NAS.

While we are supportive of this bill, we are seriously concerned about the effective date of the amendments, in section 10 of the bill, to Pub. L. No. 98-542 and to the provision relating the the court's order in *Nehmer* v. *Department of Veterans' Affairs.* We therefore ask that the staffs of the House and Senate Committee on Veterans' Affairs work with my staff to develop an amendment to this section that is more consistent with the bill's goal of resolving the uncertainty about the associations between diseases and exposure to herbicides, and to address other technical matters.

In sum, we applaud your efforts and those of your colleagues to work toward a thoughtful and meaningful compromise of this controversial issue. We have testified many times that VA has one overriding goal in this area: providing, as best we can, the truth for our Vietnam veterans about the effects of exposure to Agent Orange. Because, in our opinion, that is the goal of this fine legislation, we are pleased to offer our support.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the views expressed in this letter on S. 238.

Sincerely yours,

EDWARD J. DERWINSKI.

Mr. THURMOND. Mr. President, I rise today in support of S. 238, the Agent Orange Act of 1991. I am pleased to cosponsor this compromise to address the agent orange issue which is so important to our brave Vietnam veterans.

The bill before us today will codify action that the Secretary of Veterans Affairs took last year to grant permanent presumptions of service connection for non-Hodgkins lymphoma and soft-tissue sarcoma in Vietnam veterans.

The bill also establishes a permanent presumption of service connection for chloracne in veterans whose chloracne became manifest within 1 year of service in Vietnam. This is an important step which will provide disability benefits to many of those Vietnam veterans who were exposed to herbicides while serving their country.

Additionally, this bill establishes a method of determining whether permanent disability benefits should be awarded to veterans suffering from any other diseases that may be associated with expose to agent orange or other herbicides. The Secretary of Veterans Affairs is required to enter into a contract with the National Academy of Sciences to review all scientific and medical information regarding the health effects of expose to agent orange and other herbicides used in Vietnam. The National Academy of Sciences will submit its findings to the Secretary, who is required to provide a presumption of service connection for a disease if he determines there is a positive association with exposure.

I have stated many times that the highest obligation of American citizenship is to defend this country in its time of need, and the highest obligation of this grateful Nation is to provide for those who have been disabled because of service to their country. Now more than ever we must stand up for those who have sacrificed for freedom and America, our veterans. I urge my colleagues to join me in strongly supporting this long overdue measure.

Mr. DECONCINI. Mr. President, I misspoke when I mentioned the Senator from Nebraska [Mr. KERREY] as an original cosponsor; it is the Senator from Massachusetts [Mr. KERRY] although I am informed the Senator from Nebraska desires to be a cosponsor. Therefore, I ask unanimous consent that he be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, it is a pleasure to yield the floor at this point to the distinguished Senator from South Dakota. Senator DASCHLE, along with Senators CRANSTON and JOHN KERRY, is the primary author of the measure we are considering today and of the many similar bills that led up to this historic compromise.

Although we are now debating S. 238, we will vote later today on H.R. 556. Through the vagaries of congressional procedure and timing, the House was able to vote on agent orange legislation before the Senate. In order to speed up enactment of the measure, the Senate will vote on the House-passed bill, so it may go directly to the President for his signature.

However, it should be clear to all that this legislation has its roots in the Daschle-Cranston-Kerry bill in the 101st Congress, S. 1153.

I yield to the distinguished Senator from South Dakota.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Arizona for yielding and for his kind remarks. Certainly I thank the Senator from Pennsylvania. I appreciate their cooperation and leadership efforts over the years, as Senator SPECTER has outlined, it has taken to bring us to this point.

Mr. President, I also ask unanimous consent that a list of cosponsors to S. 238 be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

S. 238—COSPONSORS LIST

Senators Cranston, Kerry, DeConcini, Mitchell, Rockefeller, Graham, Akaka, Jeffords, Pell, Leahy, Riegle, Bradley, Dodd, Lautenberg, Gore, Simon, Sanford, Adams, Mikulski, Wirth, Bryan, Kohl, Cohen, Chafee, Burdick, Levin, Harkin, Conrad, Biden, Shelby, McCain, Heflin, Ford, Simpson, Kennedy, Specter, Murkowski, Bingaman, Kerrey, Bentsen, Durenberger, Mack, Wellstone, Pressler, Moynihan, Thurmond, D'Amato.

Mr. DASCHLE. Mr. President, today we are finally beginning to resolve a problem that has plagued Vietnam veterans and their families for over 20 years. That problem stems both from veterans' exposure to agent orange and from an inadequate Government response to the consequences of that exposure.

S. 238, the Agent Orange Act of 1991, is the culmination of many years of work by many dedicated people. Senator JOHN KERRY and I first introduced the Veterans' Agent Orange Disabilities Act in 1987. Representative LANE EVANS introduced the companion bill in the House. Since then, there have been countless drafts and painstaking negotiations, all leading us to this moment in which we are about to enact comprehensive legislation to address the treatment, research, and compensation issues related to veterans' exposure to agent orange.

The premise of this legislation is a simple one: veterans suffering diseases that may be associated with exposure to agent orange—or any other factors related to their military service—deserve the benefit of the doubt with respect to their disability claims. We are not seeking to give Vietnam veterans any special status, only to give them the same status afforded all other veterans before them.

A sizable and growing body of scientific evidence suggests that exposure to agent orange is associated with the development of various diseases in Vietnam veterans. S. 238 is intended to make clear that, in cases where evidence for such associations is equal to or outweighs evidence against those asociations, the benefit of the doubt will be given to the veteran, and he or she will be compensated. The bill sets in motion a procedure for identifying diseases that meet that scientific test and providing immediate compensation for them.

Under the bill, the National Academy of Sciences will review the scientific evidence related to the possible health effects of exposure to agent orange and other herbicides and report their findings, on a continuing basis, to Congress and the Secretary of Veterans Affairs. The Secretary would then determine, on the basis of that report and other relevant information, which diseases, if any, have a positive association with exposure to agent orange. Such diseases would be compensated automatically.

This National Academy of Sciences review and subsequent mechanism for providing presumptions for diseases associated with exposure to agent orange have been the cornerstone of this legislation from the beginning. Though the actual language has been modified several times over the last few years, the basic procedure has remained intact. It is my sincere hope that this ongoing process will finally provide veterans the answers and treatment that have been denied them for so long.

The bill will also codify the Secretary's decisions granting presumptions of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma, two rare cancers that have been frequently associated with exposure to components of agent orange. This legislation is necessary to lock in these benefits permanently.

S. 238 also expands compensation standards for chloracne to cover chloracne that manifests itself within one year of a veteran's last date of service. Currently VA compensation has been extended to chloracne victims whose chloracne manifested itself within 3 months of service.

The bill also extends veterans' eligibility for free medical care based on agent orange or radiation exposure through December 31, 1993. Since the statutory mandate for this eligiblity expired on December 30, 1990, this provision is essential to ensuring that veterans receive agent orange and radiation-related treatment.

S. 238 also includes several provisions intended to facilitate further scientific research through VA medical records analysis, a tissue archive, pilot studies, and voluntary blood testing. In the interest of time, I ask that a summary of the full provisions of S. 238 be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. Enactment of this legislation is long overdue. It is ironic that as we are finally dealing with this issue as there are men and women facing the threat of chemical and biological warfare in the Persian Gulf. Veterans of the Vietnam war have waited over 20 years for a meaningful response to the complex issues surrounding their hidden wounds. I can only hope that if veterans of the war with Iraq suffer their own hidden wounds, they will not have to endure that same fate.

There could be no better way to demonstrate our commitment to our future veterans than to fulfill our continuing commitment to our current veterans. That means providing health care to all veterans who were promised it. That means treating the psychological wounds of war. And that means passing this agent orange bill today.

In the time I have I cannot name all the people who have played important roles in the development of this bill. As I mentioned earlier, Senator JOHN KERRY and Representative LANE EVANS, and David McKean and Lori Becker of their staffs, have been fighting for this legislation since its inception 4 years ago and have been longtime advocates for their fellow veterans since they came to Congress. There are several other people without whom we simply would not be here today.

First, the chairman of the Veterans' Affairs Committee, Senator ALAN CRANSTON, has been a tireless worker on behalf of this legislation. He and his staff—especially Ed Scott, Bill Brew, and Michael Cogan—have been absolutely essential to the development of this bill and have helped steer it through the stormy negotiations and the parliamentary obstacles. They are especially responsible for the success of the most recent negotiations with the House Veterans' Affairs Committee. I sincerely regret that the distinguished chairman of the committee is unable to be on the floor today, and I wish him a rapid recovery and return to the Senate. He deserves an enormous amount of credit for making this landmark legislation possible.

Also, I want to thank the majority leader for the support he and his staff have provided throughout this process. The majority leader, who has been a cosponsor of this legislation since its early stages, has consistently pushed for timely consideration of this issue and included and included agent orange provisions as part of his first bill in the 102d Congress, S. 1. Our consideration of S. 238 today, in the first weeks of the session, is further testament to his leadership.

S. 238 reflects a compromise that attempts to address some of the very complex and controversial issues surrounding the agent orange debate. I want to thank the chairman of the House Veterans' Affairs Committee, Representative SONNY MONTGOMERY, for his willingness to work with us to resolve these issues. Several other of my former House colleagues also played key roles, including Representatives DOUG APPLEGATE, DAVID BONIOR, and MARTIN LANCASTER. I also want to note the excellent work of Representative TED WEISS, who has held important agent orange-related hearings in his subcommittee of the House Government Operations Committee.

So also must we thank members of the Senate Veterans' Affairs Committee, including the distinguished Senator from Wyoming, for their cooperation.

There are many other Senators and House Members on both sides of the aisle who have been key players in the struggle for just compensation for Vietnam veterans. That list includes virtually all of the members of the Vietnam-era Veterans in Congress Caucus.

The work of two other people is especially notable. First, Secretary of Veterans Affairs Ed Derwinski has brought an open mind of the agent orange debate, and that is something that has been missing from the VA for a long time. His willingness to listen to veterans, to reexamine the scientific evidence, and to give veterans the benefit of the doubt has been crucial to the effort to redefine the Federal Government's response to the agent orange problem.

Secretary Derwinski is also responsible for bringing into this process another man who has played a pivotal role in the development of a policy that reflects both the state of the science and the human element of agent orange victims' plight. Adm. Elmo R. Zumwalt, Jr., has volunteered his time, intellect, and sensitivity to facing the challenges posed by agent orange. The contributions that he, his late son, Elmo, and his entire family have made to this process are invaluable.

Finally, it is important to note the effort to enact this legislation that came from scientists and veterans organizations who helped ensure that the legislation would fulfill its intended purpose. There have been many scientists who, through their advice and their research, have played a crucial role in the development of this bill. Also, various veterans organizations have supported this bill and kept the pressure on the Federal Government to respond to the legitimate needs of agent orange victims.

As we consider S. 238 today, I feel compelled to point out the special contributions of two special veterans organizations that have been steadfast in their support of this legislation: the American Legion and Vietnam Veterans of America. During the legislative process, people invariably learn who their friends truly are. Every veteran should know that they have true friends in these two organizations.

Vietnam Veterans of America has been a leader in the agent orange effort from the beginning. Both Mary Stout, VVA's president, and Paul Egan, VVA's legislative director, have spoken with strong, clear voices about the need to confront this issue. They have been with me every step of the way, and they have provided agent orange victims crucial support through their direct service operation, their landmark lawsuit that led to the recent service connection of soft-tissue sarcoma and non-Hodgkin's lymphoma, and their effective legislative efforts. Everyone at VVA deserves credit for their role in developing this bill.

The American Legion has consistently demonstrated its longstanding commitment to resolving the agent orange dilemma since the very first stages of this debate. In addition to being a vocal advocate for veterans exposed to agent orange, the Legion has been a welcome ally in developing a reasonable legislative response to the problem. Beyond their work in the legislative arena, the people of the American Legion have demonstrated their commitment to the cause by commissioning a study of the potential health effects of agent orange in cooperation with Columbia University. I want to thank everyone at the American Legion, especially National Commander Robert S. Turner; Phil Riggin; John Sommer, John Hanson; and Dick Christian.

Before I elaborate on the specific provisions of S. 238, I want to put those provisions in the context of the underlying philosophy of this legislation. Since the beginning stages of this bill's development in 1987, its purpose has been to afford veterans exposed to agent orange and other herbicides in Vietnam the benefit of the doubt with respect to their service-connected disability claims.

Current Department of Veterans Affairs policy is that when there is reasonable doubt as to whether or not a veteran's disability is service-connected, the benefit of that doubt is resolved in favor of the veteran, and the disability claim is granted. In this process, a veteran does not have to prove that his or her disability was caused by military service or a particular aspect of that service. This is clear from the precedent set by over 50 presumptive disabilities in the VA system, including spastic colon in POW's, cardiac disease in amputees, and several diseases associated with exposure to radiation. It is also clear from Public Law 98-542, the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, and from the procedures established in S. 238 that proof of a causal relationship between exposure and disease is not required for disability compensation purposes.

Within that framework, I would like to take a few minutes to outline the history behind, and specific provisions of, S. 238.

BACKGROUND

S. 238 reflects a compromise agreed to by the lead authors of the agent orange legislation passed in the Senate in the 101st Congress and members of the House Veterans' Affairs Committee. The compromise was derived primarily from four bills in the 101st Congress: S. 1153, which passed the Senate on August 3, 1989; substantially identical provisions in S. 13/H.R. 901, which passed the Senate on October 3, 1989; substantially similar provisions in S. 2100, which was blocked in the final days of the 101st Congress; and substantially similar provisions in H.R. 5326—derived from H.R. 3004—which passed the House of Representatives on October 15, 1990.

Although the House and the Senate passed almost identical agent orange provisions in the 101st Congress, opponents of S. 1153 and the provisions in H.R. 5326 were successful in their efforts to prevent enactment of the legislation by not allowing either House to take final action on agent orange provisions passed by the other House. Specifically, the House failed to act on either of the Senate-passed bills containing agent orange provisions—S. 1153 and S. 13—and Senate opponents blocked consideration of both the House-passed bill containing the agent orange provisions (H.R. 5326) and the Senate Veterans' Affairs Committee-reported compensation COLA bill that included similar provisions. These parliamentary tactics created the extraordinary situation that effectively blocked enactment of legislation that has passed both Houses of Congress.

Although negotiations to break the October 1990 impasse were attempted, they were not successful. Additional negotiations were pursued immediately following the close of the 101st Congress. S. 238 and its companion in the House, H.R. 556, are the result of those negotiations.

SECTION 1

Section 1 designates the act as the "Agent Orange Act of 1991."

SECTION 2

Section 2 establishes permanent presumptions of service connection for non-Hodgkin's lymphoma and soft-tissue sarcoma, excluding osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma, in Vietnam veterans. This provision has the effect of codifying decisions the Secretary of Veterans Affairs made in 1990 to compensate veterans suffering from these two rare cancers.

Section 2 also expands the presumption of service connection for chloracne in Vietnam veterans to cover chloracne that becomes manifest within one year after a veteran's last date of service in Vietnam.

Finally, section 2 establishes a presumption of service connection for any disease the Secretary determines, based on sound scientific and medical evidence, has a positive association with exposure to agent orange or other herbicides used in Vietnam. In making these determinations, the Secretary is required to take into account reports received from the National Academy of Sciences pursuant to section 3 of the bill. Also, for the purposes of disability compensation, section 2 codifies the existing regulatory presumption of exposure to agent orange and other herbicides used in Vietnam for all Vietnam veterans.

SECTION 3

Section 3 requires the Secretary of Veterans Affairs to seek to enter into a contract with the National Academy of Sciences to perform a review of the scientific evidence related to the possible health effects of exposure of agent orange and other herbicides used in Vietnam. The section outlines some of the information Congress expects the National Academy of Sciences [NAS] to include in its reports. The first NAS report would be submitted 18 months after the date of enactment, and five subsequent reports would be issued at 2-year intervals.

The language relating to the National Academy of Sciences [NAS] is the language that, at first glance, would appear to have changed the most in this compromise legislation. However, most of the changes in this section were intended not to alter the nature of the proposed NAS involvement, but to streamline the language. Exclusion of language requesting specific information is not intended to suggest that the Congress is seeking less, or even different, information from the NAS. In fact, as the colloquy between the floor manager and myself will clarify, most of the excluded language was left out because it was deemed self-evident or unnecessary in light of the NAS's commitment to include the information in its reports.

SECTION 4

Section 4 expands current VA outreach services by requiring the Secretary of Veterans Affairs to furnish annual updates on Agent Orange-related information to affected veterans.

SECTION 5

Section 5 extends eligibility for free health care based on exposure to agent orange or ionizing radiation through December 31, 1993.

SECTION 6

Section 6 requires the Secretary of Veterans Affairs to compile, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related to: dioxin or other toxic agents in herbicides; or Vietnam service. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she determines that "it is not feasible or cost-effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

SECTION 7

Section 7 requires the Secretary of Veterans Affairs to establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate further research. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she determines that "it is not feasible or cost effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

SECTION 8

Section 8 requires the Secretary of Veterans Affairs to establish a program of appropriate independent pilot studies to facilitate future scientific research on Vietnam service-related disabilities. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she determines that "it is not feasible or cost effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

SECTION 9

Section 9 requires the Secretary of Veterans Affairs to fund voluntary testing of veterans' blood to ascertain the level of 2,3,7,8 TCDD that may be present in the veterans' bodies. The Secretary must notify the individual veterans of the test results, giving great weight to the National Academy of Sciences' recommendations regarding such notification. The Secretary is not required to carry out this section if, after reviewing a related report from the National Academy of Sciences, he or she determines that "it is not feasible or cost effective to carry out this section or that carrying out this section would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

The National Academy of Sciences would include in its report an evaluation of the significance, if any, of the results of such blood tests taken so many years after veterans' potential exposure. This is a very complicated issue, which needs to be clarified. It is my understanding, based on information from scientific experts in the dioxin field, that levels of 2,3,7,8 TCDD, or doxin, measured in the blood decades after exposure must be viewed with caution. That caution is based on the as yet unknown half-life of dioxin, the effects of weight loss or gain on dioxin body burden, and other variables. These factors make reliance on blood tests to determine actual exposure levels at the time of exposure virtually impossible, and this situation is exacerbated by the fact that TCDD levels in Vietnam veterans are decreasing as time passes.

While blood test apparently can prove that a veteran was exposed to elevated levels of dioxin, they apparently cannot prove that a veteran was not exposed to elevated levels. For example, if a veterans' TCDD blood level registers at 350 parts per trillion 20 year after service in Vietnam, and that veteran was not exposed to dioxin at such levels in any environment other than Vietnam, scientists can reasonably conclude that that veteran was exposed to significant dioxin levels in Vietnam. However, if a veterans' TCDD blood level falls within the range most scientists consider background level, it is virtually impossible, given the current state of the science, to determine whether the veteran is within that background level because the veteran has always been within that level—that is, was not exposed significantly in Vietnam—or was exposed to a significant level of dioxin 20 years ago that, due to its half-life, is no longer detectable.

I should note, too, that even the definition of "background level" for human dioxin body burden is uncertain at this point. Various experts cite the maximum background level—the level we could reasonably expect to find in the average American who does not work in a chemical plant or paper mill and is exposed to relatively small levels of dioxin through everyday activity—at various points ranging anywhere from 3 to 20 parts per trillion. So, there is still much to be learned about the significance of TCDD blood levels, and that is one issue we hope the academy and future scientific studies will address.

SECTION 10

Section 10 has the effect of terminating the Department of Veterans Affairs' Advisory Committee on Environmental Hazards' responsibilities with respect to ongoing review of the scientific evidence related to the potential health effects of exposure to agent orange or other herbicides used in Vietnam. To allow the Advisory Committee and the Secretary to conclude their current activities in accordance with the Court's decision in the case of Nehmer versus Department of Veterans Affairs, section 10 takes effect 6 months after the date of enactment—or earlier if the Secretary determines that the Advisory Committee's responsibilities pursuant to Nehmer have been met. For further information on the intent of this section, please refer to the "Explanatory Statement on the Agent Orange Act of 1991" submitted by the distinguished chairman of the committee, Senator CRANSTON and the colloquy on this issue between the manager of the bill, Senator DECONCINI, and myself.

Again, Mr. President, I want to thank everyone involved in this effort. I am extremely pleased that we are finally sending this bill to the President and that veterans will begin to receive these long overdue benefits.

I yield the floor.

EXHIBIT 1

SUMMARY: AGENT ORANGE ACT OF 1991

The Agent Orange Act of 1991 would establish a permanent presumption of service connection for soft-tissue sarcoma and non-Hodgkin's lymphoma in Vietnam veterans (this would codify the Secretary of Veterans Affairs' decisions made in 1989).

The bill would also establish a permanent presumption of service connection for chloracne in Vietnam veterans whose chloracne became manifest within one year of their service in Vietnam.

The legislation would provide a mechanism under which the Secretary of Veterans Affairs must determine, based largely on bienniel independent scientific reviews covering all relevant evidence, whether permanent disability benefits should be given to veterans suffering any other diseases that may be associated with exposure to Agent Orange or other herbicide agents used in Vietnam. The organization conducting the reviews would be the National Academy of Sciences (NAS) unless NAS declines the contract. In making his determinations, the Secretary must provide a presumption of service connection for diseases that have a positive association with exposure.

The bill would extend veterans' eligibility for free medical care based on Agent Orange or ionizing radiation exposure through December 31, 1993.

The Secretary of Veterans Affairs would also be required to do the following unless he determines, taking into consideration recommendations received from the National Academy of Sciences, that these actions would not be feasible or cost-effective or "would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure."

Gather, analyze, and report, on a continuing basis, clinical data from the health records of veterans examined or treated for disabilities related to (1) dioxin or other toxic agents in herbicides; or (2) Vietnam service;

Establish a tissue archiving system of voluntarily contributed blood and tissue samples to facilitate future research;

Fund appropriate independent pilot studies to facilitate future scientific research on Vietnam service-related disabilities; and

Fund voluntary testing of veterans' blood (appropriations are limited to $4 million per year).

The legislation would make technical changes regarding VA outreach services related to Agent Orange.

Mr. DASCHLE. Mr. President, I have a number of issues that I would like to discuss with the very able floor manager and ranking Democratic member of the Veterans' Affairs Committee, Mr. DECONCINI, who, as he has noted, is acting on behalf of the Veterans' Affairs Committee chairman, Mr. CRANSTON, who is in California recouperating from treatment for cancer and is unable to be here today.

First, Mr. President, the Secretary of Veterans Affairs is obligated under Public Law 96-151 to conduct an epidemiological study of any long-term adverse health effects in humans of service in the Armed Forces of the United States in the Republic of Vietnam during the period of the Vietnam conflict as such health effects may result from exposure to phenoxy, herbicides, including the herbicide known as agent orange. The question of whether the Secretary has fulfilled his obligations under that law is the subject of consolidated lawsuits currently pending in Federal court (*The American Legion* v. *Derwinski*, Civ. No. 90-1808 SSH (D.D.C.), and *Vietnam Veterans of America* v. *Derwinski*, Civ. No. 90-1809 SSH (D.D.C.)). I would like to ask what impact, if any, this legislation has on that issue?

Mr. DECONCINI. Mr. President, as far as I am aware, this legislation has no such impact and no such impact is intended. The provisions in section 3 of this legislation relating to recommendations of the National Academy of Sciences for additional scientific studies and in section 8 relating to the feasibility of conducting additional scientific research do not amend or repeal Public Law 96-151. The requirements in this legislation are in addition to, and independent of, the requirements of Public Law 96-151. Thus, I cannot see how this legislation can affect the merits of that lawsuit in any way.

Mr. DASCHLE. Mr. President, I thank the distinguished floor manager. I share his views on this issue and note that this legislation does not include in the section, section 10, which contains conforming amendments to Public Law 98-542, any amendment to section 8 of Public Law 98-542. That section of Public Law 98-542 amended those obligations of the Secretary under Public Law 96-151 that are the subject of the aforementioned lawsuit.

On another subject, section 202 of S. 2100 in the 101st Congress contained a congressional finding that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection for purposes of veterans disability compensation law. The pending measure does not expressly address whether a scientific conclusion of causation is required for justification of a presumption of service connection for diseases associated with exposure to herbicides during service in Vietnam.

I was agreeable to omitting such a finding in this compromise legislation because I believe that, in light of other provisions in this bill and other provisions of law, the matter is self-evident and the finding is thus unnecessary. For example, enactment of the provisions of this legislation requiring a presumption of service connection upon a determination that there is a positive association between exposure and disease, as well as the provisions enacted in Public Law 98-542, and the decision in *Nehmer* v. *U.S. Veterans Administration*, 712 F. Supp. 1404 (N.D. Cal. 1989)—make clear beyond dispute the congressional view that the standard of proof required for a scientific conclusion of causation is higher than the standard of proof necessary to justify a presumption of service connection, for purposes of veterans disability compensation law, based on exposure during military service to herbicides. Does the distinguished floor manager agree?

Mr. DECONCINI. Mr. President, for the reasons stated by the author of this bill, I agree completely with his conclusion that the inclusion of that finding is not necessary. Congress clearly does not—and I strongly believe should not—use the high standard of proof required for a scientific conclusion of causation in deciding whether to establish presumptions of service connection. To do so would place the heavy burden of scientific uncertainty totally upon the veteran and that would be inconsistent with the approach that Congress has followed in creating presumptions of service connection and providing for the creation of presumptions.

Mr. DASCHLE. Mr. President, section 202(b) of S. 2100 specifically required a survey and evaluation of scientific evidence or information regarding the effects "that herbicide agents have on humans and other animals." This language is not included in the compromise measure. As the author of the Senate bill, I do not view the omission of that wording as changing the scope of the scientific review. Rather, it is my intention that the requirement in section 3 of the bill for NAS to "review and summarize the scientific evidence * * * concerning the association between exposure to an herbicide used in * * * Vietnam * * * and each disease suspected to be associated with such exposure" be considered to be just as broad. In my view section 3 requires the review of scientific studies of the association between exposure of animals to an herbicide agent and the occurrence of a disease in animals to the extent that such studies are relevant to the question of association between human exposure and disease.

Likewise, it is my intention that the requirements, in section 2, for the Secretary to base his determinations on "sound medical and scientific evidence" and to take into account the NAS reports and "all other sound medical and scientific information" would include the consideration of animal studies that bear on the issues related to human exposure.

Does the very able floor manager share these views?

Mr. DECONCINI. Mr. President, I fully agree. Animal studies definitely come within the ambit of "scientific" data and, if relevant and probative, should certainly be considered. I would also note the language in section 3(a) stating that it is the purpose of section 3 to provide for a review and evaluation of "the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides." This reflects the intent to provide for a comprehensive review and certainly not to exclude any category of potentially useful scientific information.

Thus, it is my understanding that, to perform their duties properly, the Secretary and NAS must consider relevant scientific studies regarding the effects of herbicide exposure on animals.

Mr. DASCHLE. Mr. President, section 2 of the pending measure requires the Secretary, in evaluating studies on the effects of dioxin, to "take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review." I want to make clear that it is not my intention that, in making determinations under section 2 of the legislation, the Secretary is required or intended to refuse to rely upon studies that he considers not to be "statistically significant" or "capable of replication" or able to "withstand peer review."

Rather, as the language indicates, these factors are intended to guide the Secretary in weighing the studies included as part of the information and analyses upon which his determinations must be based.

Is that also the distinguished floor manager's view?

Mr. DECONCINI. Mr. President, that is indeed my view, and I believe the language of that provision is quite clear that those three factors are to be taken into account by the Secretary in deciding how much weight to give particular studies.

Mr. DASCHLE. If the Secretary determines that a presumption of service connection is warranted for a particular disease, he is required by section 2 of the bill to conduct a rulemaking proceeding, involving notice to the public and the opportunity to comment. On the other hand, if the Secretary determines that a presumption of service connection is not warranted for a particular disease, he is required to publish this determination, as well as an explanation of the basis for the determination, in the Federal Register, without conducting a public rulemaking proceeding.

It is my understanding that the Secretary's determination that a particular disease does not warrant a presumption of service connection would be subject to judicial review. For example, the Secretary's published determination that a presumption of service connection is not warranted for a particular disease clearly seems to be a "statement of general policy * * * formulated and adopted by the agency" within the meaning of the Freedom of Information Act, 5 U.S.C. 552(a)(1). Such statements of general agency policy are subject to judicial review under the Veterans Judicial Review Act.

What is the distinguished floor manager's view on this issue?

Mr. DECONCINI. I agree that such a determination would be reviewable in court.

Mr. DASCHLE. Mr. President, the previous agent orange legislation, S. 2100, contained language specifying that the National Academy of Sciences should review scientific evidence related to the health effects of exposure, "including specifically effects involving porphyrin synthesis, nervous system function, immune function, reproduction, and birth defects, and psychological and psychiatric effects." In redrafting the language outlining the academy's responsibilities, we attempted to make the instructions more concise, but did not intend to exclude these or any other diseases from the academy's consideration. Is it the understanding of the manager of the bill that the health effects to be reviewed by the academy include the effects I have just mentioned?

Mr. DECONCINI. Mr. President, that is definitely my understanding. I also note that I expect the academy to review any evidence related to a possible connection between exposure to herbicides used in Vietnam and the soft-tissue sarcomas excluded from presumptive disability compensation under section 2 of the bill: Osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma. The exclusion of these diseases from the presumption is not intended to suggest that they should be excluded from the scientific review.

Mr. DASCHLE. I agree. These are diseases about which we have little information at this time, and any information on them that the academy can provide would be helpful.

Finally, Mr. President, section 9 would establish a voluntary blood testing program to be implemented by the Secretary unless the Secretary, after receiving recommendations from the National Academy of Sciences, determines that such a program would not be feasible or "would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure." It is my intention that the blood testing program, if implemented, be used to further scientific research efforts, not to affect either an individual veterans' eligibility for disability compensation or the presumption of exposure in new section 316(a)(3) of title 38, as added by section 2(a) of the bill. Is that also the manager's view?

Mr. DECONCINI. Mr. President, that is my view. In fact, I believe section 9(e)(1)(A) supports that view by providing that the program would not be implemented if the Secretary determines that it "would not make a material contribution to the body of scientific knowledge concerning the health effects in humans of herbicide exposure." This clearly is a reference to the value of the program in achieving research goals.

Mr. DASCHLE. Mr. President, section 10 of the bill brings to an end the responsibilities of the VA Advisory Committee on Environmental Hazards with respect to exposure to dioxin, which were created by Public Law 98-542. Section 10 would take effect six months after the date of enactment or upon the Secretary's determination that the advisory committee has completed its responsibilities under Public Law 98-542 and the final order in *Nehmer* v. *Department of Veterans Affairs*, Civ. No. C-86-6160 (N.D. Calif.), whichever occurs first.

This delay in the effective date is intended to allow an orderly completion of the rulemaking proceedings required by Public Law 98-542. In setting this delayed date, I and the other sponsors of the legislation relied on VA representations that by the end of May 1991, the advisory committee will have completed its deliberations and made its recommendations to the Secretary concerning the remaining diseases alleged to be associated with exposure to dioxin.

Public Law 98-542 and the court orders in Nehmer require that, if the recommendations of the advisory committee, the studies and analyses it reviewed, and any other pertinent scientific information provide a basis for a presumption of service connection for certain diseases, the Secretary immediately would consider the promulgation of regulations establishing the presumption. The bill keeps that process intact by allowing a period to complete the rulemaking procedure required by Public Law 98-542. Thus, the Secretary may establish presumptions for diseases immediately after the advisory committee makes it recommendations.

On the other hand, under the pending legislation, the first report of the National Academy of Sciences will provide the Secretary with additional information upon which to add or subtract diseases from the list of those that are presumptively service connected.

Does the manager agree with that assessment?

Mr. DECONCINI. Yes, that is absolutely correct.

Mr. DASCHLE. I would like to clarify a related issue.

I and the other bill sponsors are aware that the Secretary is required by the Nehmer decision to adjudicate pending agent orange claims and readjudicate certain agent orange claims that VA previously had denied, based on regulations the Secretary promulgates in accordance with the court decision.

By providing for orderly completion of the rulemaking required by Nehmer, this legislation allows the Secretary to adjudicate these claims in a manner consistent with section 3007(b) of title 38 of the United States Code, which gives the benefit of the doubt to VA claimants. We expect the Secretary to grant benefits to those who prevail under the regulations ultimately promulgated by the Secretary.

As to those who do not prevail under those regulations, I believe that the Secretary has the authority under title 38 to delay the final resolution of their claims until the Secretary obtains the additional information that the National Academy of Sciences will provide under section 3 of this legislation.

I would encourage the Secretary to delay final resolution of these otherwise unsuccessful claims at least until the Secretary receives the first NAS report and makes the determinations required by section 2 of the bill.

Does the floor manager agree with this assessment?

Mr. DECONCINI. Yes, I understand the situation exactly as the author of the bill has described it and join him in encouraging the Secretary to handle pending disability claims in the manner he has just described.

Mr. DASCHLE. I thank the Senator from Arizona.

Mr. DECONCINI. Mr. President, I regret that I agreed that the distinguished minority assistant would have the next time as far as I was concerned, and then I would yield 3 minutes to the Senator from Massachusetts as soon as he is finished.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I would inquire if the Senator from Massachusetts is seeking only 3 minutes.

Mr. DECONCINI. No; he wants more than that. So the Senator can go ahead.

Mr. SIMPSON. That is appropriate. I appreciate the courtesy of the Senator from Massachusetts, the Senator from Arizona, and the Senator from South Dakota also. It has been kind of a tough struggle on this one, and all of us have the best of motives.

I have worked with the Senator from South Dakota and the Senator from Massachusetts on some veterans' issues. I remember once the Senator from Massachusetts and I jumped off a cliff together in a freefall on one issue. I think there were six votes on our side of the issue. He had committed to that vote. I always appreciated that remarkable support from him on what was a very tough issue at that time.

So I am going to support the agent orange study legislation now before us. The road to this point, as we all know who are here, has been very long and very hard. What is before us today is the compromise hammered out over the course of several months.

It is not exactly what any of us would have wanted, but it reflects the kind of give and take and balancing that we must do if we are to be responsible legislators. There is no other way to legislate but giving up, learning how to take a crumb when you cannot get a loaf, and learning to compromise an issue without compromising ourselves. I think we have done that.

I want to be quite clear at the outset that this bill is not necessary in order to achieve justice or fair treatment for Vietnam veterans exposed to agent orange. I want that clearly heard. Some have tried to portray it over the years as some long-sought end to a titanic and laborious battle for justice and for compensation for diseases which have occurred as a result of exposure to agent orange. It is not, though some have sought to obtain glory and gain in that attempt at definition.

This bill is absolutely unnecessary in order to achieve that end. The bill legislatively establishes presumptions of service connections for veterans exposed to agent orange for three conditions: chloracne, non-Hodgkin's lymphoma, and soft-tissue sarcomas.

Those presumptions have already been recognized and granted to veterans of the United States by the Secretary of Veterans Affairs—please, do not anyone miss that. It is not at all imperative that we take this action legislatively. It apparently—yes I think some of it came from a distrust of the Secretary of Veterans Affairs, when he had already done this administratively and performed this act, and the deed is done. We are simply following it up now with legislation, unnecessarily so, but that is the way it works in this instance.

But I believe it is very important for everyone to understand that. It is not always easy to understand things with veterans' issues. The word "veteran" comes up in this Chamber, and you just get out of the way.

I am a veteran. I have said that many times. I served 2 years in the Army of Occupation in Germany, and was very proud to be part of an armored infantry, "Hell on Wheels," 2d Armoured Division Infantry Battalion and Company.

So I have seen how this goes. But that is the way it is with veterans' issues. I, too, have received tremendous support from the Vietnam Veterans of America's Mary Stout, a splendid lady, the VFW—I am a lifetime member of the VFW; a member of the American Legion; AMVETS. My distinguished colleague from South Dakota is a distinguished veteran. Our friend from Massachusetts served in combat in the Vietnam war with distinction; highly honored distinction.

So we all are for veterans. There is not any issue about that. It is too bad it sometimes comes up like that in the debate: You are either for veterans or you are against veterans; you are not for this bill or that bill. And that is all trash, real trash.

This bill also mandates yet another study of the massive scientific literature already compiled regarding exposure to herbicide agents used in Vietnam, and the connection between that exposure and diseases in human beings.

Although it seems to be quite unlikely that any new literature review will reveal any new information—we spent $88 million in this area already—that it will reveal any new information or will provide any evidence that we do not already have, I have determined to support the bill, and I cosponsor it with my friend from South Dakota because it includes important safeguards. Finally, it once again reiterates congressional intent that service connection be given for diseases only when there is a causal relationship between the exposure and the disease, and when there is sound medical and scientific evidence to back it up.

That was exactly what was said by our majority leader when he began his remarks this morning: sound medical and scientific evidence. That is all I have ever asked for. We should not pass bills based on frustration or pressure from veterans groups. They do a beautiful job of that. This is a classic: Just pressure, pressure, pressure.

But if anyone really wants to know the results of what dioxin does, remember that hundreds and hundreds of lawyers finally settled a case because they knew they could not prove their case.

That is a pretty good test of things in real-life America, when the lawyers give up and finally settle on a pool of so many millions of dollars because they knew they could not ever get it done. So they are taking their fees and their clients' portion out of that pool.

Now, we have another study that just came out that dioxin is wholly overrated as being a carcinogen, even at extremely high exposures. What we assumed to have happened years ago did not prove to be so, and yet here we go again.

It is very important to resolve this and put the issue behind us. That is why I am supporting this. Because in structuring the literature review, we have told the National Academy of Sciences, the NAS, that it should determine, with respect to each disease that it studies, whether statistical association with herbicide exposure exists; if there is an increased risk of the disease among those exposed to herbicides during service in Vietnam; and whether there is evidence of a causal relationship between herbicide exposure and the disease.

Veterans who suffer disease or injury because of their service deserve to be compensated for that injury or disease. And that fact is a given.

But surely there must be a valid medical and scientific basis for determining that conditions of service caused or may have caused the disease, and that is what we are saying in this bill clearly and for all to understand.

At some point we must look at all the evidence that has been collected to date, and we must recognize honestly what it tells us.

I am not a scientist, but I have followed this issue for years. What I have seen is study after study after study failing to substantiate a connection between exposure to agent orange and disease.

The Ranch Hand study of 1,285 American Air Force personnel is the one that really tears people up, because these are the people who threw the stuff out of the aircraft. They bathed in it every day. It was in the airstream when they took it out of the drums and tossed it out over the foliage. That is who they were and they were studied as a cohort—Operation Ranch Hand. It is still ongoing, studying the health effects on people who actually were charged with handling the agent orange and throwing it out of aircraft, spraying it, opening the containers, and it has shown us that in that group there is no increased risk of cancer.

The Centers for Disease Control has also completed its selected cancers study, and it showed no evidence of a connection between exposure to agent orange and the cancers studied.

The selected cancers study showed an increased risk of non-Hodgkin's lymphoma among Vietnam veterans, but the risk was not attributable to exposure to agent orange.

Another study has been completed by the National Institute for Occupational Safety and Health, which shows the dangers of dioxin exposure may have been overestimated.

The NIOSH study of the health records of 5,000 chemical workers over 40 years found only a slightly increased risk of cancer among the 1,500 workers who have exposure levels of 500 times the norm.

Finally, one has to wonder how many more studies we will have to do before we are able to put this issue behind us and accept what science is telling us, unless we like to continue to hype the issue. You are never going to satisfy some of the veterans groups, ever. They are insatiable in some of their demands.

It almost seems as if every study which tends to show that dioxin might not be responsible for the diseases it was once suspected of causing only fuels the ire and frustration of those who feel it must be responsible—frustrating, anguishing anti-administration talk then comes. And, of course, there is the tragic case of Admiral Zumwalt's son, Elmo, who died a hideous death of cancer. Many sons do that. That is really a terrifying, hideous fact of life. Admiral Zumwalt is a marvelous spokesman for his cause, but we must not permit anecdotal incidents based on the experiences of one human being to dictate and direct public policy. He has my deepest sympathy but we must consider all exposed veterans. We must do scientific studies and pursue them carefully—ever more carefully.

Perhaps the results of the literature review mandated by this bill will at least put the issue to rest. That is my earnest and fond hope.

The bill also makes modifications to several programs that the legislation under consideration last year would have simply mandated.

Clinical data collection, tissue archiving, blood testing, and a scientific research feasibility studies program would all be authorized, contingent upon the availability of funding and the finding of the Secretary that it would be feasible and cost-effective to undertake such activities. The National Academy of Sciences is to make recommendations in its reports regarding the scientific usefulness of such activities, and that recommendation would enter into the Secretary's decision.

Finally, this bill would eliminate the need to have the dioxin portion of the Veterans Advisory Committee on Environmental Hazards, as the need for that will be obviated by having the NAS complete the literature review.

The bill is far from perfect, but it does provide for an independent review of the evidence—something that should be a comfort to those veterans who feel that their concerns about possible harmful effects of exposure to agent orange have not been adequately addressed by the Government.

It also clearly states that Congress expects that any conclusions about an association between exposure and diseases are to be based upon cause and effect, in other words, upon a valid and sound scientific and medical basis.

I am pleased to add my support to the measure and I do commend Senator DASCHLE of South Dakota, Senator KERRY of Massachusetts, and Senator DECONCINI for their consistent, real and very sincere approach to this issue down through the years.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I yield 5 minutes to the distinguished Senator from Massachusetts [Mr. KERRY].

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona for affording me time. I particularly thank the Senator from Wyoming for his comments. I do not know why, but I enjoyed jumping off that legislative cliff with him and I appreciate his memo of that event. It taught me a lot about the workings of this place.

The Senator from Wyoming is certainly one of the most able and best legislators here in this body. He understands the workings as well as anyone. I am delighted that he is supportive of this measure.

Before I comment on his comments, which I think are pertinent as to why it is in fact important that we codify what we are doing here even though it is somewhat in administrative form, I would also like to pay my respects and tribute to a few other people who are really deserving. One is Senator CRANSTON, who is not here. Senator CRANSTON for years has been in the forefront of the effort to guarantee that the special contract between veterans and their country is fulfilled. On this issue he has always been there with Senator DASCHLE and myself in an effort to try to help us. I am very appreciative for that fact and obviously wish him speedy recovery and return here to the Senate.

I also, as Senator DASCHLE did, thank the American Legion for joining with the Vietnam veterans and others whose leadership and intercession was important and it helped to make a difference particularly, I think, over in the House as this issue moved on. I think the Vietnam Veterans of America deserve very special credit for continued dedication to the issues that concerns Vietnam veterans. There is no other issue, or few others, of comparison. No other issue I think elicited as much emotional concern and continued consternation as the contradictions that have been evident between the promises that the Government has made and does make with respect to veterans, and the contradictions in the various studies, the willingness of Government to try to sort them out. I think this measure tries now to do that.

There is another tribute. Senator SIMPSON mentioned Admiral Zumwalt. Elmo Zumwalt, Jr., served in the same duty that I served in in Vietnam, and I read his book with great interest. One of the things he said in his book before he died was that he could not, to a certainty, say that the cause of his death was, in fact, the result of his exposure to agent orange because he could not go into a court of law and somehow prove it. But to a certainty in his soul and in his mind and body he felt it was. He believed it was, because of everything about his life, and when the change took place, the manner of change—because he bathed in the water, ate the food and so forth. That is part of the problem here.

That is why it is important that we codify this, because Elmo Zumwalt is not alone. There are countless numbers of veterans who have died since the war whose families are convinced they died as a consequence of their exposure and who believed as they died that they were doing so as a consequence of their exposure.

It is simply inadequate for us to allow the kind of bias that has pervaded the studies on both sides conceivably to remain as confused as it remains to so many veterans and so many families. So many people are left struggling with this issue.

So I applaud the Senator from Wyoming because I think this is sensible, I think this is a kind of compromise where people create an effort to get a nonpartisan, unbiased analysis of literature on this in order to try to ascertain it, but at the same time remember the contract with veterans and not to deprive those who live today with the needs of the benefits and services that they need in the meantime. I think that is most appropriate.

My final tribute with respect to this legislation—and you know there is no surprise about the outcome here today, Mr. President. We know this is going to pass. It passed the House overwhelmingly, and it has passed the Senate before, but there is a difference today. Today it is going to the President of the United States. Today it is going to become the law of the land and it is going to become the law of the land with a very important message I think, and I thank Senator DASCHLE.

That is my final tribute, because Senator DASCHLE has really seized the baton on this one and he has been relentless and persevering. I first met Senator DASCHLE when I had the privilege of going out to South Dakota campaigning, he was a Congressman running for the Senate, we went to visit a veterans' hospital, and I saw at that stage the link and relationship between TOM DASCHLE and the veteran community in his concern for this issue.

Since he has arrived in the Senate he has never relinquished that for a moment. He has been the organizer of meetings; he has helped push the Veterans' Committee on the House side, helped organize the legislative arguments and effort. I really think all veterans owe him an enormous debt of gratitude for his perseverence and commitment to this issue. I, personally, thank him for it.

Out of this legislation today I think comes a twofold message. We are saying to the veterans of Vietnam, a whole generation who answered the same call that the brave young men and women, who received an appropriate ovation and sense of gratitude yesterday, that they went off in the same attitude, with the same sense of commitment, with the same sacrifices, with the same devotions, and there were speeches made in the same way about support for them.

But the fact is that 20 years after they returned when the first appearances of this problem really began to manifest themselves, that over a 10-year period there has been a gap between the speeches and the making good on the promises that helped send them there, and everybody knows that. I think all of us are committed that that is not going to be repeated this time.

I think, while we are 2 weeks into a war, to now be able to pass this legislation, have the President sign it, and help in fulfilling that earlier promise is a way of making good on the current promise and saying to people that we are going to make good on it, and we are not going to repeat this same kind of problem.

So there is that twofold message to the last generation of veterans for whom this legislation is specifically directed and to the current generation for whom it is a message about the potential of chemicals and other uses in this particular war, and that the Congress and legislators are not going to forget that kind of responsibility. I think both of those, Mr. President, are extremely important messages for us to be sending.

Finally, I would say to my friend from Wyoming, this does need to be codified. It is appropriate we pass this into law. Just as a regulation is issued on one day, it could be withdrawn on another, it is appropriate that the Congress of the United States move to do what the Secretary did in response to what was a growing movement in the country. So I think that this will create a process by which future determinations with respect to the damage that may or may not have been done but with respect to other diseases will hopefully be resolved, and in the end we are all going to be winners for this.

So I think this is a very positive piece of legislation. I am delighted to have been associated with the Senator from South Dakota in the effort to make it happen.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the majority leader be granted an additional 5 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I yield 4 minutes to the distinguished junior Senator from Hawaii [Mr. AKAKA], who is also a member of the Veterans' Affairs Committee.

Mr. AKAKA. Mr. President, I rise in strong support of the pending legislation, S. 238, the Agent Orange Act of 1991, which was introduced by Senator TOM DASCHLE earlier this month. I am pleased to be an original cosponsor of this measure.

This legislation essentially does two things. First, it codifies the historic step taken 2 years ago by VA Secretary Derwinksi, who adminstratively granted presumptions of service-connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for Vietnam veterans. This courageous and humanitarian action came in the midst of a contentious debate over the validity of studies regarding the casual relationship between agent orange and these particular illnesses. This action did much to dispel VA's unfortunate image as an insensitive bureaucracy unwilling to give the benefit of the doubt to veterans.

Second, and perhaps more important in the long term, the Daschle bill establishes a systematic process which requires VA to determine whether other diseases should be presumed to be linked to a service member's exposure to agent orange or other herbicides used in the Vietnam war, thus making them eligible for a wide range of VA compensation and health care benefits.

VA's, or specifically the Secretary's, determinations are to be based in large part on a review conducted by the National Academy of Sciences of scientific information related to agent orange. That the NAS, one of our most respected scientific bodies, is in charge of the review should help dispel perceptions that Government-sponsored agent orange studies or reviews have been tainted by political considerations or technical shortcomings.

The Agent Orange Act of 1991 represents a grand compromise worked out among a number of key individuals, including Senators CRANSTON, MURKOWSKI, and Representatives MONTGOMERY, STUMP, and EVANS. The distinguished floor manager of the bill, Senator DECONCINI, and the new ranking minority member of the Senate Veterans' Affairs Committee, Senator SPECTER, also played important roles in the development of this legislation.

In addition, I must recognize the distinguished majority leader for according such high priority to this bill. In the final analysis, however, the greatest credit must go to my colleagues from South Dakota and Massachusetts, Senators DASCHLE and KERRY, who have long been the most outspoken proponents of agent orange reform. It is safe to say that we would not be at this important juncture if not for their dedicated advocacy.

Mr. President, in this compromise legislation, we now have an opportunity to put behind us one of the most troubling legacies of the war in Southeast Asia, a legacy that has called into question this country's basic commitment to care for those who served under arms, and which has embittered thousands of Vietnam veterans and their families.

As a nation, we are only now beginning to face up to our responsibilities to this lost generation, a generation that was unheralded in war and forgotten in peace. Let us begin to clear our debt to these veterans by unanimously adopting the pending measure. By doing so, we will also be sending a strong message to our men and women in the gulf that we intend to keep our promises to them as well.

Thank you, Mr. President. I yield the floor.

Mr. DECONCINI. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota [Mr. WELLSTONE].

Mr. WELLSTONE. Mr. President, first of all I would like to thank Senator CRANSTON, whom I spoke with yesterday on the phone, and Senators KERRY and DASCHLE for their tremendous leadership. Second, I would like to thank Mary Stout of Vietnam Veterans of America. Without the perseverance of Vietnam Veterans of America this bill would not be before us today.

This bill is about the costs of war, which continue to take their toll long after the guns are silent. This bill is also about our common responsibility to compensate and support men and women who proudly served our country.

Mr. President, during my career in the U.S. Senate, there will be no vote that I will be more proud of than my vote for this piece of legislation today.

I also rise at this moment, Mr. President, to express my deep concern on the floor of the U.S. Senate that once again a protracted, and I fear bloody, ground war looms in our near future. The United States will achieve a military victory in the gulf, but the question is how and at what price.

Last night's statement by Secretary of State Baker and the Soviet Foreign Minister was a tremendously important statement. It was a statement by diplomats trying to find a diplomatic solution. Their statement said if Iraq would make a commitment to withdraw from Kuwait, then indeed we can have a cease-fire and that ultimately there can be a settlement of some of the most important issues in the Middle East.

An escalation to a ground war courts disaster, Mr. President. Saddam Hussein wants to shoot his way into immortality. We must not let him do that. He wants a ground war. He wants an opportunity to be a martyr. He wants the opportunity to bloody Americans and cause havoc.

Mr. President, I rise on the floor of the U.S. Senate to say today that we must not allow ourselves to become trapped in a deadly ground war. Before the United States takes this fateful step we must make every effort possible to develop and pursue alternatives.

I believe the proposal last night was a first important step. I thank the Secretary of State for that effort. And I urge our Government and our country to follow that step with others to make sure that we do not find ourselves in the quagmire of a long, costly ground war which will cause a terrible loss of life.

Thank you very much, Mr. President.

Mr. DECONCINI. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 2½ minutes remaining.

Mr. DECONCINI. Apparently there is no one else on this side of the aisle who wishes to talk, so we yield back our time.

Mr. SPECTER. There is no one on this side of the aisle who wishes to speak, so I yield back the remainder of time on this side of the aisle.

The PRESIDING OFFICER. All time has been yielded back.

Mr. CONRAD. Mr. President, I am proud to rise today as a cosponsor and strong supporter of S. 238, the Agent Orange Act of 1991.

I am particularly pleased to see such a successful compromise has been reached in this matter of compensation for agent orange related disabilities.

This legislation represents the solution to a very difficult and longstanding problem. For the over 20,000 Vietnam veterans in my State, and for the over 3 million Vietnam veterans around the country, this bill is a victory that has been long awaited.

S. 238 will classify as service-connected disabilities non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam. This provision serves to codify a ruling that was made by Secretary of Veterans Affairs Derwinski in 1989.

The bill also provides for a more effective process of determining whether other diseases of Vietnam veterans are service-connected based on exposure to agent orange. The National Academy of Sciences will provide objective, scientific analysis of health problems suspected to be related to agent orange. The Academy will report its findings to the Secretary of Veterans Affairs, who will make rulings based on this information.

The conflict against Iraq reminds us of our country's obligation to its veterans. The millions of men and women who have faithfully served our country over the years have done so with the knowledge that we will support them, both in combat and after they have come home. Now, it is all the more important that we reaffirm this commitment. The Agent Orange Act of 1991 is an important step in this direction. Its swift enactment will help ensure that veterans and their families receive the benefits that they so rightly deserve.

I want to specifically commend Senator DASCHLE for his leadership and effectiveness on this issue. We would not be here today without his persistence and perseverence. Thank you, Senator DASCHLE, for your hard work on this matter.

Mr. BIDEN. Mr. President, I am proud to be a cosponsor of the Agent Orange Act of 1991. And, I am pleased that Congress is finally prepared to begin to provide benefits to those men and women who were exposed to agent orange during their service in Southeast Asia.

During the recent debate on the Persian Gulf crisis, many Senators implored us to remember the lessons of Vietnam. If there is one lesson we should never forget, it is that we must make a distinction between the war and the warriors. Contempt for the Vietnam war too often, tragically, became contempt toward those who fought it.

When these men and women—alone and vulnerable—returned from the jungles of Vietnam to the heartland of America, Americans too often turned their backs on them. Too often, America made veterans a parody, instead of giving them a parade. Too often, America looked at those veterans with hatred, instead of with honor. Too often, America failed those veterans, instead of fulfilling her commitments to them. Americans wanted to forget the war. But, in the process, we forgot the valiant men and women who survived it.

The Federal Government is as guilty of this neglect as anyone. For too long now, we have ignored the problems of the men who were sent to battle in Southeast Asia and of the women who nursed them. For too long, we have forgotten the contributions of those who so bravely sacrificed their health and their lives. For too long, we have tried to placate the victims of agent orange with yet another study. Nearly two decades and a generation are enough.

With all due respect, another study would be just another way of saying: "We're working on it. We'll, get back to you." Well, we've worked on it, and the time to get back to our veterans is now.

There are those who say that the evidence is not conclusive. Let me say that I agree with them—those doubts are not baseless. But when there is inconclusive evidence, shouldn't the benefit of the doubt be given to our veterans? As long as there remains a possibility—if not a probability—that agent orange is a cause of cancer in many veterans, the benefit of the doubt should be given to those who were in the field; those who had to wear agent orange in their clothing; those who had to sleep with agent orange; those who had to eat food, drink water, and breathe air contaminated with agent orange.

This concept is not new. We have always given the benefit of the doubt to our veterans. Providing benefits to agent orange victims is not being overly generous. When there is inconclusive evidence, we have always been generous toward our veterans. This legislation is not treating Vietnam veterans differently. It is a guarantee that they will finally be treated the same.

The Agent Orange Act of 1991 is not as far reaching as it could be—or perhaps should be. But, at least we have reached the point where we have begun to do something. For the first time, it will be the law of the land that those who were exposed to agent orange and who suffer from three types of cancer—chloracne, non-Hodgkin's lymphoma, and soft-tissue sarcoma—are eligible for compensation from the very Government who dumped the agent orange on them in the first place.

With this bill, I believe that we have finally become sensitive to the pleas for help from the Vietnam veterans themselves, and from their families and loved ones—all of whom have been affected by agent orange. With this bill, we have finally begun to address effectively the problems caused by agent orange exposure. These veterans deserved much better than they have received.

When men and women are wearing the American uniform in combat abroad, it is not the time to forget the men and women who wore America's uniform in the past. Indeed, it is the perfect time to rectify the injustices from which they have suffered. We should do no less; we must do no less.

But let everyone know—especially those veterans who are still ailing from the conflict in Vietnam—that the Agent Orange Act of 1991 is not the end. It's the beginning. Passage of this legislation does not solve the problem or end the suffering. This Senator will continue to pursue the matter with equal vigor in the days ahead.

Mr. ADAMS. Mr. President, I rise today in support of H.R. 556, the Agent Orange Act of 1991. We all agree that war in the Persian Gulf is the most pressing issue facing our Nation today. However, while pursuing the war overseas we cannot forget domestic policy at home. Support and compensation for veterans of our Nation's past wars is a vital part of our domestic policy agenda.

Veterans know the horrors of war, and know that unity and burdensharing in the face of the enemy are imperatives for victory. By voting for H.R. 556, we can demonstrate that our unity is not only the consequence of an immediate threat to our national interest, but also a long-standing commitment to recognizing and rewarding the sacrifices our armed personnel have made, and will continue to make, in the name of their country.

As a nation, we have made every effort to maintain and enhance the alliance of forces presently united against Iraq. Our message to Saddam Hussein, and our commitment to the liberation of Kuwait, are unequivocal. As legislators, we must also demonstrate our unity today by voting to guarantee compensation to veterans who suffer as a result of exposure to agent orange.

Our message, which goes out not only to the Vietnam-era veterans so deserving of this legislation, but to future veterans now serving in the gulf, must be equally powerful: We are unwavering in our commitment and will continue to fulfill our debt to them long after they have returned from the battlefield.

As a strong supporter of veterans and veterans' causes, I was distressed by the failure of the 101st Congress to pass the bill containing provisions for agent orange compensation and a cost-of-living allowance increase for disabled veterans. Last week, Congress rectified the COLA situation with the passage of H.R. 3, the veterans compensation amendments. It is now time to provide the care and appropriate compensation that veterans exposed to agent orange have so long deserved.

During the Vietnam war, United States forces sprayed approximately 20 million gallons of herbicides in South Vietnam. This practice left a legacy of over 36,000 exposure-disabled veterans, plagued with extensive tissue damage and degenerative diseases such as non-Hodgkin's lymphoma and soft-tissue sarcoma. Although the Department of Veterans' Affairs [VA] decided last year to establish non-Hodgkin's lymphoma as a service-connected disease eligible for disability compensation, legislation mandating this and similar changes has been hampered by partisan political maneuvering. The maneuvering is about to end. Vietnam veterans must finally get the recognition and care they deserve.

H.R. 556 will establish a permanent presumption of service connection for veterans with non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne whose symptoms became apparent within 1 year after service in Vietnam. The bill would also require the Secretary of Veterans' Affairs to establish a presumption of service connection for other diseases found to have a positive association with exposure to agent orange or other herbicides used in Vietnam. These decisions would be based on impartial data provided by the National Academy of Sciences and all other scientific information available to the Secretary. Though budgetary constraints dictate belt tightening on all levels of government, the estimated $49 million cost of programs authorized by H.R. 556 is certainly no less than these veterans deserve.

Vietnam veterans suffering from various ailments associated with agent orange exposure should be given the benefit of the doubt in determining the cause of their ailment. For too long our society has too often shunned the Vietnam veteran. Now is the time to prove that the Federal Government can sustain long-term support for U.S. service personnel. Where support for our troops in the gulf is concerned, there are no Democrats or Republicans, only Americans. Likewise, when we vote on H.R. 556, we must put partisan politics aside and express our unified support and appreciation for Vietnam veterans exposed to agent orange. My vote will express that sentiment for all of our Nation's veterans, and particularly the 1,400 Washington State veterans, currently suffering from agent orange related diseases. With passage of this bill, we can provide our veterans the treatment—and compensation—they deserve.

I ask unanimous consent that the attached letter from a Washington State veteran about the importance of compensation for veterans exposed to agent orange be printed in the RECORD.

SEPTEMBER 5, 1990.

DEAR SENATOR ADAMS:

Enclosed you will find a copy of a poem published in Blue Horizons July 1990.

I vote, I pay taxes, I served in the military for over 28 years.

And I think it is tragic that my country would treat an American casualty of our chemical warfare so poorly.

Personally, I would prefer higher taxes and honorable treatment for agent orange victims if that is what it takes.

Everything I have ever read makes me think that the Agent Orange question has been ignored and people like Ron Rose have suffered unnecessarily because of it.

Please do something!

WILLIAM D. HURD,
Seabeck, WA.

Mr. MCCAIN. Mr. President, I strongly support, and am pleased to be a cosponsor of S. 238, the Agent Orange Act of 1991. This long overdue legislation will finally give our Vietnam veterans the answers they so desperately need regarding their exposure to herbicides during conflict.

I am pleased that the Senate is considering this bipartisan compromise today. Those who so nobly served our country and their families have been patient long enough. This should not be a political debate. They deserve answers. They deserve action.

First, I want to thank Secretary Derwinski for all his efforts on this subject. The Secretary first took action in this area in 1989. It is due in great part to the work of Secretary Derwinski and his staff that we are here on the floor today.

The Agent Orange Act of 1991 will do a number of things. First, it will establish, by law, a permanent presumption of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, and chloracne that manifests itself within 1 year of service. These diseases have a direct linkage to agent orange from all that we know.

Second, S. 238 would mandate that a nonpartisan, independent scientific study be conducted to review all relevant evidence to determine whether any permanent disability benefits are due veterans suffering from other diseases that may be associated with exposure to agent orange or other herbicides used in Vietnam. Upon completion, the report would be given to the Secretary, who must determine within a specified timeframe whether to establish a presumption of service connection for other diseases.

Mr. President, I believe that this is a fair and equitable approach to deal with the controversy that surrounds agent orange. For too long, much too long, the Government's response to agent orange has been based on opinion, perhaps even politics, but certainly not on facts. We have an obligation to discern the facts from the rhetoric. Our Vietnam veterans served our Nation with dignity and honor. We cannot now leave them without answers.

Two weeks ago, this Senate—rightly I believe—pledged its enthusiastic support to our men and women in the gulf. Our Vietnam veterans did not enjoy this needed support for their actions. In the jungles of Southeast Asia, they fought an unpopular war at the behest of their country. They expected to come back to a supportive caring environment. They were not so lucky. For some, they have also had to endure severe medical hardships as a result of their experiences in Vietnam. In spite of the risks involved, they answered our country's call to fight. It is time we settled the controversy over agent orange once and for all.

The Agent Orange Act of 1991 is not a panacea. But it will answer important questions regarding health care and the effects of herbicides used in the Vietnam conflict. Most importantly, it will give explanations and provide help to those who most deserve it, those who served our Nation.

Mr. PRESSLER. Mr. President, I urge the passage of S. 238, the Agent Orange Act of 1991, which will provide scientific review of certain diseases of Vietnam veterans and their connection to agent orange exposure. I have long supported legislation to help veterans receive the best care our Nation can provide. This legislation, of which I am a cosponsor, will provide treatment to veterans in need. I would like to commend the efforts of Senators SIMPSON, MURKOWSKI, DASCHLE, and CRANSTON in developing this bipartisan compromise package.

This bill provides that veterans disabled by non-Hodgkins lymphoma, soft-issue sarcoma, or chloracne occurring within 1 year of leaving Vietnam, will be permanently presumed to have incurred that disease while on active duty.

By requiring the Department of Veterans Affairs [DVA] to enter into a contract with the National Academy of Sciences [NAS], the bill provides a mechanism for the DVA to add presumptions of service connection based on exposure to herbicides in Vietnam. The NAS would examine the evidence relating to herbicide exposure and advise the DVA of its conclusions.

Mr. President, I was exposed to agent orange while serving in the Army in Vietnam; but I was fortunate not to be affected by this exposure. Others were not so lucky. I have long supported legislation that would provide answers and treatment for veterans who have an illness associated with exposure to herbicides. I urge my colleagues to pass this measure.

Mr. DOLE. Mr. President, I rise today to support H.R. 556, the Agent Orange Act of 1991. This bill is a workable compromise of many different groups and many different opinions on the contentious issues involved in seeking a fair and equitable treatment for our Nation's veterans.

This legislation will give us an opportunity to reach an independent scientific conclusion on the effects of agent orange exposure. The National Academy of Sciences will study the evidence and provide the VA with its conclusion on the information, reports and studies that have been produced over the years. This legislation will establish the data base for blood and tissue research that will produce the information necessary to make a valid and substantiated conclusion on the long-term effects of agent orange exposure. Further, it will allow the VA to test any blood sample voluntarily provided by a veteran who seeks a priority eligibility for dioxin exposure.

But this bill goes farther than just another study. It will establish the regulatory framework for adding the results of this study to the VA service-connection disability compensation. The VA will finally have the flexibility and the authority to amend disability compensation in future years for diseases that may have been a direct result of agent orange exposure.

I am particularly pleased that this bill will codify the disability compensation for cancers that the center for disease control found a clear undisputed link to agent orange exposure.

This gives immediate help to those veterans in need or treatment today.

The Department of Veterans Affairs has been in the center of the agent orange controversy for many years. The issue has raged for these years with hard fought opinions, rhetoric and often accusations on all sides. I believe that this legislation gives us the opportunity to create an environment where we can dissipate the rhetoric and controversy and get on with everyones real goal.

The best possible care to those valiant Americans that answered when their Nation called, the veterans of the United States of America.

Mr. DURENBERGER. Mr. President, I am pleased to be a cosponsor of this very important piece of legislation. This bill will benefit U.S. servicemen affected by agent orange or other defoliants used in Vietnam, in that it makes it easier for servicemen to receive benefits for diseases, disabilities, or other ailments associated with agent orange.

It extends the priority eligibility for VA health care based on exposure to agent orange. And it requires the Veterans' Administration to take certain steps to provide Congress and those affected by agent orange with information about the effects of exposure.

Mr. President, veterans of Vietnam and their families have sacrificed much in their lives. And they have earned our appreciation and our thanks.

The people of the United States have a responsibility to provide for the care and well-being of those who have served us so well and so courageously. The brave men and women who have served in our Armed Forces and suffered disabling injuries or ailments resulting from exposure to these defoliants have earned the support that this bill provides.

When we pass this legislation, we not only fulfill an important part of our obligation to Vietnam veterans, but we send a clear and unmistakable message of support to the men and women now in Desert Storm: You are appreciated; you are loved; you have earned our gratitude; and we will take care of you when you return.

This is a great country Mr. President. And we owe much of that greatness to the veterans of the U.S. armed services who have put themselves unselfishly in harm's way, and often paid a high price for doing so.

I am pleased to have had a part in this legislation. Our Vietnam veterans have earned it.

I thank the Chair and yield the floor.

Mr. WIRTH. Mr. President, one of the tragedies of the Vietnam war was the widespread use of the herbicide agent orange. From 1962 to 1972, the American forces sprayed agent orange, the most commonly used herbicide of the war, in South Vietnam to remove the canopy of jungle leaves concealing hostile troop movements. Approximately 11 million gallons of agent orange was sprayed over some 2.9 million acres of mangrove, inland forest, and cropland. Agent orange contains dioxin, a highly toxic chemical, which we now know causes cancer.

Many Vietnam veterans suffer from illnesses related to toxic chemicals, such as those found in agent orange. Unfortunately, the Department of Veterans Affairs [DVA] has for many years denied most of the 31,000 claims for disorders associated with exposure to herbicides during the Vietnam war because the ailments were not considered to be service-connected. About 265 of these claims were filed by veterans living in my own State of Colorado. Additionally, more than 150,000 Vietnam vets have received medical examinations at VA hospitals since 1978 and are listed on a registry which Congress required be created should other illnesses be linked to exposure to agent orange. More than 750 of these veterans live in Colorado.

I am very pleased to say, Mr. President, that today, after years of denying a correlation between exposure to agent orange and the development of cancer, the Congress is finally going to act to give Vietnam vets the compensation they deserve. The bill we are now considering, S. 238, will at long last provide Vietnam vets suffering from non-Hodgkin's lymphoma and soft-tissue sarcoma—two rare cancers—with permanent disability benefits. I am proud to be an original cosponsor of this bill, Mr. President. I am also proud to have worked alongside Senators DASCHLE, KERRY, and CRANSTON during their long fight to bring this issue to the Senate's attention. Their refusal not to let the plight of our Vietnam veterans go unnoticed by a sometimes ungrateful country is to be commended.

Now, at a time when our Nation is again at war, it is especially important that the Congress send the signal to our service men and women that their sacrifices will not be forgotten. The hardships suffered by our soldiers and veterans were born of a unique selflessness. In return for their brave service, our country has made a commitment to provide its veterans with the finest benefits program in the world. It is a commitment that we justly reaffirm today.

Mr. HELMS. Mr. President, it is my hope that this legislation will prove to be a compromise which will settle the agent orange issue once and for all. Instead of leaving the issue to continued political wrangling, the bill sets up a mechanism within the Department of Veterans Affairs—with the help of the National Academy of Sciences—for determining service connection whenever a positive scientific correlation is established between a specific disability and exposure to herbicides in Vietnam. Such service connections can also be deleted if and when scientific evidence later demonstrates that no correlation exists.

This bill takes the first step in making such determinations by codifying Secretary Derwinski's findings last year that non-Hodgkins lymphoma, soft tissue sarcoma, and chloracne are service-related for veterans who served in Vietnam.

Mr. President, I commend the sponsors of the bill for requiring only that the National Academy of Sciences conduct surveys of scientific information in advising the Department of Veterans Affairs rather than engage in independent and expensive studies of its own—a wise recognition of the existing budget crisis.

Mr. President, there are approximately 290,000 Vietnam veterans in North Carolina and on their behalf I thank the bill's sponsors for reaching a reasonable compromise that, it is to be hoped, will put the divisive agent orange controversy to rest.

Mr. LAUTENBERG. Mr. President, I rise in support of S. 238, the Agent Orange Act of 1991. This bill has been long awaited by our Vietnam veterans. It provides that the Secretary of Veterans Affairs shall obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides. This legislation codifies earlier action by the Secretary of Veterans Affairs to grant presumption of a service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam.

Direct American involvement in the Vietnam war ended in 1975, but the effects of that painful experience have long endured for many Americans. One of the most vexing problems has been determining just and equitable ways of dealing with the ill-effects to those American veterans who were exposed to the herbicide agent orange. I have endorsed previous efforts to provide relief to veterans exposed to agent orange. Therefore I am especially pleased that this law would create a procedure for the Secretary of Veterans Affairs to work with the National Academy of Sciences to review scientific and medical information regarding the health effect of exposure to agent orange and other herbicides used in Vietnam.

The legislation is aimed not only at reviewing physical but also the emotional pain which has become a major burden for veterans and their families struggling with the effects of agent orange. That is why the bill expands outreach activities and the extension of the eligibility date for VA health care based on exposure to agent orange or radiation.

The pilot studies which this legislation provides offer the best hope for resolving questions on health hazards of exposure to herbicide agents or service in Vietnam. Such studies are relevant not only to our Vietnam veterans but also to our military forces in the Persian Gulf who have been threatened with exposure to chemical and biological weapons by Iraqi President Saddam Hussein.

I urge my colleagues to pass this bill, first, as a commitment to remedy a longstanding problem of Vietnam veterans and, second, as a signal of American resolve to face squarely any similar problem encountered by the men and women of our Armed Forces today.

Mr. BRADLEY. Mr. President, throughout our history, America has asked its soldiers to defend the principles that form our Nation, and the members of our military have responded with courage, honor, and dedication. The war in the gulf reminds us of what we ask for our military. It should also remind us of what we as a nation owe to the members of our Armed Forces.

The Agent Orange Act of 1991 will help us to live up to our obligations to veterans of the Vietnam war who were exposed to agent orange. Between 1962 and 1971, the U.S. Air Force sprayed herbicides, including agent orange, to destroy enemy crops in Vietnam. Since 1977, veterans have attributed a number of illnesses to agent orange exposure. However, disability compensation for the veteran's illnesses has been denied unless it could be shown that the disabling condition began during the period of service.

After much prodding, the administration agreed to compensate veterans who suffer from diseases frequently associated with exposure to agent orange. But the Agent Orange Act codifies this into law, and removes any ambiguity about the Federal Government's treatment of effected veterans.

The Agent Orange Act of 1991 has two main goals: To compensate those who were exposed to agent orange and to encourage research into the effects and treatment of exposure. The act establishes a permanent presumption of service connection for the diseases that are frequently associated with exposure to agent orange, soft-tissue sarcoma and non-Hodgkin's lymphoma. It also mandates compensation for victims of these rare cancers. This legislation establishes an independent procedure for identifying and compensating diseases related to the exposure to agent orange. This bill would also help our research efforts on the effects of agent orange by funding pilot studies on Vietnam service-related disabilities and by gathering, analyzing, and reporting on a continual basis the clinical data from health records of veterans who have disabilities related to agent orange.

This legislation would enable us to put to rest one of the most contentious issues associated with the war in Vietnam. It will also enable us to live up to our moral obligations to those who served their country in the Vietnam war. I applaud the passage of the Agent Orange Act of 1991, and am proud to be one of its sponsors.

Mr. McCONNELL. Mr. President, the Senate is currently considering legislation important to many Vietnam era veterans, S. 238, the Agent Orange Act of 1991.

Nearly 2 years ago, I voted for the Veterans' Agent Orange Exposure and Vietnam Service Benefits Act of 1989. I did so because of my support for America's vets, and because of my desires to fairly and adequately resolve issues relating to agent orange exposure. Today, I will vote for the Agent Orange Act of 1991.

Among other provisions, S. 238 codifies presumptions of service connection for non-Hodgkin's lymphoma, soft-tissue sarcoma, and chloracne for veterans who served in Vietnam; establishes a presumption of service connection for other diseases that the Secretary of Veterans Affairs finds associated with exposure to agent orange; and requires the VA to work with the National Academy of Sciences to examine information on veterans exposure to agent orange and other herbicides.

I would like to take a moment to offer my thanks to all veterans who have honorably served our country, but in particular, those who served in Vietnam. Under difficult conditions and during trying times, they stood faithfully by their country. Today, we stand firmly by them.

Mr. HEINZ. Mr. President, I want to thank my friend from South Dakota, Senator DASCHLE, for introducing this legislation. I also want to congratulate him on his persistence. My involvement with agent orange legislation stretches back more than a decade. In that time, I have been in partnership with Senator DASCHLE to obtain compensation for Vietnam veterans for disabilities arising from exposure to the chemical agent orange during wartime service. I am pleased to add my voice to the many that support the Agent Orange Act of 1991, and believe that its enactment is long overdue.

In this period of military conflict, our thoughts are appropriately focused on our troops in the Middle East. We pray for them; we hope that they will be spared from harm while there, and come home alive and in the same good health in which they left. But, Mr. President, even as this new war unfolds, the unfinished business from an old one nudges at our collective conscience. Regrettably, Vietnam returnees received something less than the hero's welcome to which they were entitled. As we think of the troops in the Middle East, I urge my colleagues to think also of the troops who labored in Vietnam, then consider the disgrace of their belated and inadequate recognition.

It is unfortunate that despite the existence of studies showing a relationship between certain ailments plaguing Vietnam veterans and exposure to the dioxin contaminants in agent orange, the issue of granting compensation for agent orange-related diseases is still being debated. It is my desire to see that this legislation is put in place, not only to address past inattention to this probem, but also to see that it continues to be addressed in the future.

In the past, efforts to pass agent orange legislation met with failure due in part to disputes concerning the reliability of studies linking agent orange to disease. But I am encouraged about the Agent Orange Act of 1991, Mr. President. It is the product of a compromise reached after lengthy negotiations.

The bill provides for permanent presumption of service connection for soft-tissue sarcoma, non-Hodgkin's lymphoma, as well as chloracne that became manifest within 1 year of a Vietnam veterans service. Further, the Secretary of Veterans Affairs is charged with determining whether permanent disability benefits should be given to veterans suffering any other diseases that may be associated with agent orange based on National Academy of Sciences reviews of relevant evidence. Other provisions authorize the Veterans Administration to collect, study, and report on clinical data and samples that could yield critical information.

Mr. President, the Veterans' Administration has the facilities and expertise required to evaluate available scientific information and to review veteran's claims. For this reason, the Veterans' Administration must be given sufficient discretion to determine how to fairly and efficiently administer its programs. This bill grants that discretion.

At the same time, an independent scientific organization reviews the facts and presents them to the Secretary so that policy may be established.

Mr. President, America's Vietnam veterans, people who put their lives at risk for this country, are suffering because of exposure to agent orange. These are individuals who thought they came home safe and whole, only to discover the existence of insidious, war-related disease. It is a small part of the debt we owe our veterans to provide compensation for the sacrifices they have made. The Agent Orange Act of 1991 will help fulfill part of our obligation to veterans of the Vietnam war, and I urge my colleagues to adopt it.

Mr. DECONCINI. Mr. President, are we now in morning business again?

The PRESIDING OFFICER. There is no order to that effect.

Mr. DECONCINI. Mr. President, will the Chair advise when we are going to vote on this bill? Is there an order already standing?

The PRESIDING OFFICER. At 2:15 the Senate will vote on the House companion measure.

MORNING BUSINESS

Mr. DECONCINI. Mr. President, I ask unanimous consent that a period not to extend beyond 12:30 for morning business be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROMANIA: PROBLEMS AND PROSPECTS

Mr. DECONCINI. Mr. President, we begin the new session with our thoughts and emotions focused on the struggle for freedom and justice in faraway lands—Kuwait, and, more recently, the Baltic nations. Our concern is warranted. But there are other regions, as well, where the prospects for the future are unclear. As Cochairman of the Commission on Security and Cooperation in Europe, I wish to draw attention to Romania.

Despite a landslide victory in last May's elections, the government of President Ion Iliescu and Prime Minister Petre Roman has failed to secure public confidence, domestic or international, particularly since the dismal events of June 1990. We will not soon forget the horrifying photos and gruesome eyewitness accounts of miners—armed with clubs and bludgeons—terrorizing peaceful protesters in the streets of Bucharest.

Strikes and demonstrations have persisted in Romania since that time. Among the demands of the demonstrators are: The resignation of Mr. Iliescu and his government, a revised economic program, a detailed account of the December 1989 revolution, stepped up military reform, and, increasingly, the return of former monarch King Michael. Thousands of students, union workers, and intellectuals have taken to the streets to protest a seemingly inefficient and corrupt bureaucracy. So far, the Government has refrained from a repeat of last June's brutality. But one demonstration in Bucharest this month resulted in a violent clash between students and police—an ominous sign for the future that is very disturbing.

Much of the political conflict stems from Romania's severe economic crisis. Shortages of consumer goods continue to plague society and exert inflationary pressure on the economy. Industrial production has been falling, yet workers bitterly complain they lack the raw materials to run their factories. Meanwhile, the situation in the Persian Gulf, combined with a drop in Soviet oil production and a dearth of hard currency, has intensified a sharp lack of energy resources, prompting the Government to impose gas rationing policies at the outset of what promises to be a cold winter.

Another area of concern is the media. While an independent media is not explicitly forbidden, the new opposition press is disadvantaged in a number of ways and has been subject to continuing harassment and violence. State-run publications are given privileged access to limited supplies of paper; use of printing equipment requires Government approval. Independent journalists have reported ongoing threats from Government agents. Earlier this month a number of foreign journalists were assaulted by Romanian police, apparently after having displayed their identification cards. Television, too, remains heavily influenced by the state.

Within Romanian society, deepseated hostilities toward ethnic minorities persist unresolved. Since the revolution, anti-Hungarian and anti-Gypsy sentiments have been inflamed by the emergence of independent organizations and publications that flaunt ethnocentric ideals. As we recall, those sentiments erupted in violence last March in the Transylvanian town of Tirgu Mures, when villagers armed with pitchforks were bused in from the countryside and attacked local Hungarian citizens.

And, of course, one of the most troubling issues in Romania is the fate of its abandoned children, many of whom are victims of neglect, malnutrition, and AIDS. While the international community, including numerous American citizens, has rallied to the rescue of Romanian orphans, the larger concerns go unanswered. The conditions that produced these children—forced birth policies and primitive health care—have not been adequately addressed by the Romanian Government or by outside sources. Access to birth control and family planning resources is still severely limited, and medical supplies and technology have been slow to arrive. The most innocent members of Romanian society have become its most pathetic victims.

Clearly, President Iliescu faces a difficult challenge in undoing the legacy of Ceausescu and consolidating democracy in Romania. Equally clearly, the authorities are preoccupied with the disastrous state of the economy and resent the ongoing strikes and demonstrations. But without the trust and confidence of the public, no policy initiative is likely to succeed. I would like to raise a few areas in which I think the United States can—and should—encourage the Romanian Government to act.

The first step would be to clarify the events of the December 1989 revolution. Many doubts have endured within Romanian society as to who was responsible for instigating the violence in Bucharest. A second important step would be to issue an official report on the June clashes between opposition forces and miners. A Parliamentary Commission was established long ago to conduct such an inquiry, but as of January 19 had produced only preliminary conclusions. The Romanian authorities did recently complete a report on last March's ethnic violence in Tirgu Mures, but critics say it fails to identify the reasons behind the outburst of hostility. Overall, it appears the authorities are reluctant to probe the sources of conflict menacing Romanian society.

Iliescu's government must also prove its commitment to a free press. The Romanian public needs unfettered access to honest, comprehensive information; the current environment is promoting division, speculation, and slander. The United States should reemphasize this issue as we evaluate our relationship with Romania, for example when considering foreign aid. And we should be sure to continue Radio Free Europe and Voice of America broadcasts in the region.

Finally, Mr. Iliescu and his government must demonstrate genuine tolerance of the opposition forces in Romania. This will be the truest test of his commitment to democracy. Good faith discussions with members of the opposition, ethnic minority leaders, trade union officials, and students would go a long way toward building support for his policies. A President is elected by the people and for the people. Mr. Iliescu must show he can serve all the people.

Mr. President, things have not changed that much, even though there have been elections. I think it is very important for us to focus on Romania and to send some clear messages to that Government that now that democratization, so to speak, has come to Romania, there are some responsibilities that are inherent in such actions. That includes human rights. It includes, as a signatory to the Helsinki accords, that they respect human rights and they comply with the CSCE process and that is not occurring.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered. The Chair advises the Senator that the period for morning business expires at 12:30.

Mr. MURKOWSKI. I thank the Chair. I wonder if I might be extended by unanimous consent about 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

THE AGENT ORANGE ACT OF 1991

Mr. MURKOWSKI. Mr. President, as a cosponsor of Senate bill 238, which is the proposed Agent Orange Act of 1991, I rise in support of the Senate passage of this bill. I have carefully reviewed the bill in my capacity as ranking member on the Veterans' Affairs Committee and view it as a thoughtful and very carefully crafted compromise.

I commend my colleagues who have worked hard to reach the agreement on what has been a very difficult issue, and one that has been with us for a long time. I particularly commend the contribution of Senator SIMPSON, Senator DASCHLE, Senator CRANSTON, Congressman MONTGOMERY, and Congressman STUMP.

For several years, the problem of how to address the agent orange issue has proven to be a divisive one. The House and Senate have simply been unable to reach an agreement on agent orange legislation.

Mr. President, I recall coming into the Senate in 1980, going on the Veterans' Affairs Committee, and being advised that there was a study being conducted by a leading American university that would determine once and for all what action should be taken by this body on the responsibility concerning agent orange.

Clearly, 10 years have gone by, and we have yet to reach a solution and a consensus. We recognize, of course, our continuing obligation.

I am, therefore, especially pleased that all interested Members have examined the goals of the agent orange proposals and have taken into account the concerns of those opposed to past agent orange bills. This understanding was a necessary ingredient in achieving a compromise on agent orange.

Mr. President, our Nation's Vietnam veterans will benefit greatly from enactment of this bill. Many of these Vietnam veterans have been extremely concerned about possible exposure to agent orange while in Vietnam and the possible health effects of such exposure.

The independent evaluation of agent orange research by the National Academy of Sciences, as provided under this bill, will be a useful tool in providing the American people—and particularly Vietnam veterans—with valuable information on the effects of exposure to agent orange.

Mr. President, yesterday I received a copy of a letter addressed to my friend, the Honorable G.V. "SONNY" MONTGOMERY from VA's Secretary, Ed Derwinski. This letter began in the following way—

> On behalf of the Administration, I am pleased to inform you the President is personally aware of and totally supportive of H.R. 556, 102d Congress, the Agent Orange Act of 1991.

In addition to the support of President Bush, the U.S. House of Representatives passed H.R. 556 by a vote of 412 yeas and 0 nays. The Senate bill, S. 238, is nearly identical to the House-passed bill.

I hope that the Senate will overwhelmingly pass the agent orange bill under consideration today.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until 2:15.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, will the Senator withhold for 1 moment?

Mr. LEVIN. I withhold.

The PRESIDING OFFICER. The Senator from Vermont.

NOTICE OF MEETING

Mr. LEAHY. Mr. President, I understand there may be a few minutes' delay before the vote. I inform the members of the Agriculture Committee, there is a meeting beginning right now in the President's room. I urge attendance for the purpose of a quorum. Thank you.

AGENT ORANGE ACT OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Michigan suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, S. 238 is laid aside, and the clerk will report the House companion bill.

The assistant legislative clerk read as follows:

> A bill (H.R. 556) to provide for the Secretary of Veterans' Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

The PRESIDING OFFICER. Under the previous order, H.R. 556 is considered read a third time, and the question occurs on passage of the bill.

The question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—99

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth

NAYS—0

NOT VOTING—1

Cranston

So the bill (H.R. 556) was passed.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, are we in morning business at this point?

The PRESIDING OFFICER. If the Senator asks unanimous consent, we could be.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may be allowed to proceed for not more than 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 293 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is advised that we are presently acting under an absence of an agenda. Will he want to ask for unanimous consent to proceed for a brief period as in morning business?

Mr. JEFFORDS. Mr. President, I ask unanimous consent to proceed as in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AGENT ORANGE ACT OF 1991

Mr. JEFFORDS. Mr. President, I unfortunately was absent during the debate on the agent orange bill which just passed. Myself and many others, especially the sponsor of the bill, Senator DASCHLE from South Dakota, spent many years trying to bring forth progress in this area. I was very pleased to see how well it passed today.

Mr. President, I remember how these events came about which led us to what we did today. I was one of those fortunate individuals who did his military service in the gap between wars. I was just a little bit too old to be in the Vietnam war and a little bit too young to have served in either World War II or the Korean war. Yet, I did observe the end of World War II and the tremendous joy when our troops came home. I remember how emotional we were and how thankful we were and how glorious an occasion it was.

Then I remember the end of the Vietnam war when our men came home and they unjustly received the scorn of our veterans, the people who looked at them as if they had been stupid or foolish to come back and understood how miserable they must have felt; for if you are in a popular war, certainly it takes much out of you, but you can bear your wounds with pride. But to fight an unpopular war means that when you come back and people look down upon you, those wounds become even more difficult and burdensome.

I remember we held a meeting with Bobbie Muller, the founder and head of the Vietnam Veterans of America, who came to Vermont. Half of the auditorium was filled with Vietnam veterans and the other half with World War II veterans and citizens, and the horrible debate that went on and the scorn that was expressed to those Vietnam veterans left me deeply, deeply moved.

Thus, as time progressed, we were able to make progress. I established a veterans advisory committee and got the groups together in Vermont and healed those wounds probably quicker than others.

One of the real scars of that war was the agent orange issue. For bad as it was to be dumped on with scorn when you came home, it was even worse to realize you had been dumped on by acid rain or the yellow rain, whatever you want to call it, and left with the threat of illness, or the threat to your life.

Some progress was made through a litigation which ended in the mid-1980's. But the court told us at that time the real place this issue had to be resolved because of the complications of proof and the ability to be able to show that anything that happened to you might be related to dioxin was in the Congress. The court said you are the ones who ought to find the answer to this very complicated and difficult problem.

We worked at it and we worked at it and finally today we have a real hope. Part of that hope is brought about by the Secretary of the VA, Mr. Derwinski, who himself moved forward to try and resolve some of these issues. The answer we have here today is not a perfect one, but it is infinitely better than the situation was before this bill passed.

It has taken years for this country to recognize the illnesses unique to Vietnam veterans, some of the most devastating being those associated with exposure to a deadly defoliant heavily sprayed over hundreds of thousands of acres in Vietnam—agent orange.

The Agent Orange Act of 1991 is a compromise crafted from a long-time controversy concerning whether existing scientific evidence adequately proves the effects of exposure to agent orange. While this controversy has not been completely resolved, I think we should give the benefit of the doubt to veterans.

The legislation before us would codify the presumptions of service connection for certain diseases associated with herbicide exposure. After passage of this bill, a Vietnam veteran disabled by non-Hodgkin's lymphoma, soft-tissue sarcoma, or chloracne will be presumed to have incurred that disease while on active duty.

Second, this legislation provides for research in areas including tissue archiving, blood sampling and testing, and clinical-records review. Such activities would not be conducted if the Veterans' Administration determines after considering the report of the National Academy of Sciences, that they are not feasible or cost effective or would not make a material contribution to the body of scientific knowledge. Such activities would be subject to specific appropriation of funds by the Congress.

Clearly, we will never be able to offer full compensation to the soldier who lost a leg to a land mine, or to the family broken as a result of a clinically depressed or alcoholic father, or to those with manifestations of exposure to agent orange. Already victimized by controversies surrounding Vietnam, these veterans should not be further victimized by a questioning scientific community. We cannot forget the price these men and women paid serving their country in Vietnam. They are owed the commitment that this bill at long last provides.

I am thankful to have been a cosponsor of this bill and feel rewarded for all the years I put in to try to bring us to this day and want to express my sincerest thanks for those who helped pass this.

The PRESIDING OFFICER. The acting majority leader is recognized.

BILL INDEFINITELY POSTPONED—S. 238

Mr. DASCHLE. Mr. President, I ask unanimous consent that S. 238 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Arkansas yields the floor.

Does the assistant Republican leader ask for recognition?

Mr. SIMPSON. Yes, Mr. President.

The PRESIDING OFFICER. The assistant Republican leader.

COMMENTS ON THE DEMOCRAT RESPONSE TO THE STATE OF THE UNION

Mr. SIMPSON. Mr. President, I rise this afternoon to commend the President for his excellent State of the Union Address last evening. It was a stirring speech, and it cut right to the heart—to the very bone and sinew—of what so many of us have been thinking and feeling these past 2 weeks.

Most importantly, I think his words united us for one crisp, clear, and moving moment. It brought the Congress of the United States to its feet and the House and Senate stood together, joined with singleness of purpose, united in our belief and the course of our direction.

Toward the end of the address, when we rose as a body to give the President's words in support of our troops a standing ovation, I felt that Saddam Hussein, who most certainly was watching, or who probably would be seeing portions of that address, should have realized what a tremendous strength and dedication is displayed when we are united.

I feel a great deal of pride in our President, and I think so many of us do, and the unity he inspired last night, however, I must say that I was disappointed in the Democrat response which followed the State of the Union Address.

It was entirely appropriate during this crisis in the Persian Gulf, which threatens the very foundations of what we believe in as a nation, to focus on our goals in the Persian Gulf and what it means to be an American, and what it means to have the burden of leadership in this world. The State of the Union Address appropriately focused on issues much more important than inside-the-beltway political in-fighting and partisanship.

Unfortunately, the Democrat response implied that the President was not doing enough to resolve our crises here at home. It is the Congress that does the Nation's business. The President does not get a vote. Although this President has been criticized for not being specific, the Democratic Party's response on domestic issues sounded more like a tired string of old political slogans dribbling out of a leaky balloon.

What specifics do they propose? None. They encourage economic growth, sensible energy policy, more concern with our environment, the strengthening of our banking system, campaign finance reform, and access to health care. Who does not? Those are issues we are all here to address.

But at the end of that litany came the added verbiage of the same old tired images of class warfare in this country. I would hope, and think that the Democrats might learn once and for all, that class warfare rhetoric really does not sell too well.

The President took the high road. He congratulated our troops on the importance of their mission. He did not focus on whether they were black or white or brown or yellow, or whether or not their families made $10,000 a year, $50,000 a year, or more than that a year, because none of that really matters at all when the cause is so very great and so very just.

In the midst of this crisis, which threatens the very fiber of our country and everything in which we believe, I found it incredibly distasteful that the Democrats resorted to the same type of rich versus poor campaign rhetoric of 1990 with which they sought to use to divide this country during the course of the budget reform debate. All we were trying to do in that measure was to take the Medicare budget and allow it to be increased by 10 percent instead of 11 percent. That was called a cut from coast to coast. When a 10-percent increase is called a cut, all Americans should be on guard as to what political rhetoric can do.

And so here we see another attempt to divide the country with that kind of political rhetoric targeted at the State of the Union address, a speech intended primarily to unify this country in a time of war.

Mr. President, we cannot expect to achieve our solemn and sworn duty of leadership in the world if we have to stick a finger in the air and constantly gauge which way the wind blows according to the polls of either the Democrats or the Republicans.

George Bush has not done that I can assure you. He has boldly and decisively embarked upon a course of action which is grounded in moral conviction, reflective conscience, and experience not political expediency or popular opinion. That is why he deserves our full support.

It is clear that he does, in fact, have the overwhelming support of the American people. That must be a very disconcerting strategic problem for the partisan efforts of the Democrats. You do not see many of them lined up to take him on for the Presidency. Odd, is it not?

I am extremely proud of George Bush's human rights record. He and James Baker, in their expert ways, are dealing with the Soviets in such a manner as to maintain our bilateral cooperation, urging restraint and obtaining commitments for human rights improvements in the Baltic States.

The majority leader regrettably brought up the subject of the Jesuit murders in El Salvador. I think that was a wretched excess, and I would say that and I will. In fact, I have advised my friend from Maine that I would be saying some strong things on the floor. That singular reference was wretched excess. In a State of the Union Address response, we are told about the murdered Jesuit priests in El Salvador as a shot across the bow of this President. The majority leader conveniently omitted mentioning the American servicemen, our troops—who were recently executed in cold blood by the rebels, the leftist rebels, in that same country, after their helicopter had been shot down. This was a gross act, certainly no less egregious than the murder of the Jesuit priests.

There was no expressed outrage over that atrocity in the response—none. Double standards? The quote in the Democratic response was that "we cannot oppose repression in one place and overlook it in another." What could be more obvious a double standard than the example I have given regarding the murder of our servicemen in El Salvador?

Mr. President, in the response to the State of the Union Address, the Democrats also seemed very eager to take credit for missile systems like the Patriot, which is serving so well in the Middle East.

I now take this opportunity to thank President Ronald Reagan, President George Bush, and former Secretary of Defense "Cap" Weinberger, who used to take a pretty good load of guff right here in this Chamber, for their foresight and for their encouragement in funding the Patriot missile and other strategic defense initiatives, which we, on our side of the aisle, we have fought like dogs for over a decade.

In the interest of bipartisanship and comity, I would not think it necessary to go to recite chapter and verse, or Member by Member, to demonstrate where the support has been for these kinds of high-technology defensive weapons. That is unseemingly inappropriate at this time.

The President also called for a sensible national energy policy. There have been many of us calling for a sensible national energy policy in the Senate for years. I come from an energy producing State. We have been pleading for a national energy policy.

This is not a new idea, and it certainly is not one that the Democrat Party has invented. In fact, some of the gravest problems we have in trying to form a national energy policy comes from regional, not party concerns—Northeast versus the Southwest, the West versus the East. That is why we have never obtained a national energy policy. We are all at fault on that. This President is going to present us now with an energy program soon after the 1st of February, and we will then proceed.

Finally, Mr. President, I heard the Democrats calling for what was described as the crisis of the decade, long-term care for the elderly. Mr. President, that sounds like classic political posturing.

Have we forgotten what happened to the catastrophic health care measure in this Chamber? How in the world are we going to move on to the issue of long-term care if we cannot even legislatively address the issue of catastrophic health care? That was shot down in here, by a great miasma of rocketry from people who were the most privileged in our society, people who refused to pay $750 a year or $1,500 a year in the year 1993. That is what it would have cost. So this 5 percent of the senior population, the folks most able to afford the cost rattled our cages in ways that we found ourselves cowering under the desks.

Now they are going to ask us to do long-term health care which is 25,000 bucks a pop per year, per person? We have not even been able to do catastrophic health care when we should have. I did not vote to repeal it. I can promise you that. I was ready to require people to put up $4.16 a month. Then we would have gone to $9.80 a month in 1993, to take care of having 365 days of health care in a hospital, and 180 days of skilled nursing care, hospice care, no more coinsurance, and never pay over $600 a year for their pharmacy charges. The cost would have been approximately $4 per month. That would have taken care of 80 percent of the people in the United States that we were trying to help.

There are 15 percent of those people who would have had to pay no more than $200 a year additional. Then the top 5 percent would have had to put in the $750 or the $1,500.

So it is not really going to do any good to start off the session talking about the rich and the poor, and whether you make $10,000 or $50,000 or $200,000, or whether your children are over there in that part of the Earth. I think that is very unfortunate; a very poor way to start the session.

I saw the language of the Democrat response. I thought for a moment. I do not think that is my friend GEORGE MITCHELL, the majority leader, who I have the greatest respect for. I serve with him on two committees, I respect him deeply, respect his judgment, and I respect his honesty. We have worked together on tough issues—clean air, environmental issues, and veterans issues. And I think we see here a hazard of politics. This address was probably prepared before the President's address. It was taped before the President's address.

I think the most disturbing part was on page 3 where it said "We seek a world where justice and human rights are respected everywhere. Students massacred in China, priests murdered in Central America, demonstrators gunned down in Lithuania—these acts of violence are as wrong as Iraqi soldiers killing civilians. We cannot oppose repression in one place and overlook it in another."

That was a puzzling statement for me, and I have outlined the reasons why I think so.

Then this was also stated in the Democrats response. "The war has shown us the enormous potential of our people and our technology. We have combined superior equipment with concentrated training."

Yes. A lot of us did that. And a lot of us did not do that to assist in that cause. Certainly we have had no energy policy. On that point, the Democrat response is correct. And then the response also said: "We spend more on health care than any other country. We get the best of care but only for those who afford it." What an extraordinary statement! Six hundred sixty billion dollars a year is expended in this country for health care. That is reality, $660 billion a year.

Some Americans are left out. But in fact, those that were newly included in the Budget Reform Act in October when we made citizens under 19 eligible for Medicaid.

The Democrat response cites that we have had record budget deficits and record trade deficits, and we have lost jobs. We sure have. During all the time I have been here, except for a 4-year hiatus, the Congress has been controlled by the Democrat Party.

In fact, in the House of Representatives, there is an extraordinary lock over there that should be broken by the American public at some appropriate time. I would think soon, not only to vote in some new Members but also to shake up a recalcitrant and obstinate staff who have become arrogant and encrusted over in that body. At least here we had a little disruption here in '84, and everybody woke up, smelled the coffee, and figured, "My God, you can lose your job when you are entrenched staff personnel. It is a healthy thing to learn in a legislative body, very healthy.

So now I have gotten to the most disappointing part of the Democrat response—the discussion about families who earn more than $200,000 a year and how there are not many kids from families like that who serve in the Armed Forces. The Majority Leader asserted that it is mostly the children of working people, the middle class, the poor who will do the fighting and dying, and their families should not have to bear all that burden." I think that is really, very unbecoming class warfare rhetoric. It does not serve our country well.

I hope that the American people—thoughtful as they are—go back and look at the debate on the tax reform package several years back when the Democratic Party in the House and the Senate were saying: "This is a remarkable tax package. It finally hits the rich. It finally 'donged' them." We finally brought equity into the system, and we are terribly pleased. We think everyone should accept it." That is what they said. That is what they said down at this end, of the Capitol, and at that end of the Capitol. That is what they said. Yes during the budget accord debate it was said that "finally, we have brought equity to the system." We saw that one go a glimmering—it was used for good mileage, too—in October. No one can argue that. That is politics. But, ultimately, it will not sell.

Go back and look at the language of the leaders on both sides of the aisle, and in the Democrat Party, at the debate, passage and signing of the Tax Reform Act. And you will find it was one of the greatest things ever to have been put together. At least that is what they said until October of last year.

So as we say in our trade, "look at the record."

So I want to share those things, and to tell you the reasons why I am saying them. I wonder what solutions will be presented other than the ones that will always be presented. There was not anything new there in the Democrat response. How in the world will we move on to addressing the important issues like health care if we are going to try to emphasize class warfare? Certainly trying to leapfrog right over a catastrophic health care bill disaster or ignoring it completely is not the answer.

Mr. President, George Bush came up here last night and inspired us to unite behind him and the American troops—the men and women who are putting their lives on the line in the Middle East. That was a noble, patriotic and reasonable request. It was no time for the tired repetition of partisan shots. George Bush did not lob any at the Democrats. For just once I thought the Democrats might do the same. But I was sadly mistaken, and personally disappointed.

I know that my colleagues who I have seen gathering in and out about the floor will undoubtedly have some response. I am here to share my views, but I share them with the deepest of my being.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes Senator SARBANES.

Mr. SARBANES. Mr. President, I listened carefully to the Senator from Wyoming when he spoke. I think he used the phrase "wretched excess" in the course of his comments about the majority leader's speech, and I must say to him that if there was a statement to which that phrase ought to apply, I think it is the statement the Senator from Wyoming has just made.

I believe the majority leader made a very thoughtful and sensitive statement last night. I think he recognized clearly where our Nation finds itself at the moment and reiterated very strong support for our men and women who have answered their country's call. In fact, the majority leader, in referring to them, said, "They are Americans, not Republicans or Democrats, but Americans who have answered their country's call."

I find it passing strange that at a time of such serious magnitude the assistant minority leader would take to the floor and, in effect, inject partisanship into this debate by the nature of his own remarks. That injection is wretched excess. The majority leader said last night, "There is nothing a democratic society can do that is more difficult than to ask a few to risk everything in behalf of the many who risk nothing. We have done that. Our troops deserve our full support. They have mine and that of the Congress." Then he went on to say, "Our support will not end when the fighting ends." And he talked about what is to come when the war is over.

Obviously, domestic needs are an important agenda, too, and must be addressed. And while the President mentioned domestic issues in the course of his remarks last night, there are obviously differences that exist over the nature of what the domestic agenda should be and what the extent of the commitment to it should be.

I heard the assistant minority leader talk about the health care section and the statement that a lot of Americans are left out of receiving health care, and he questioned that, as I understood him. I, frankly, do not know on what facts he bases that question. It is undeniable that millions of Americans do not have health insurance. He made reference to the expansion of the Medicaid Program to cover some additional people last year, a very welcomed development. But I suggest to him that there are millions and millions above the Medicaid levels who are in no position to afford adequate health care, and that is a problem that needs to be addressed.

I have to say to him very candidly that I do not think it is class warfare when confronted once again by what is becoming, I regret to say, a fixation on the part of the President with the capital gains tax cut, to point out that the benefit of this tax cut runs preponderately, overwhelmingly to those at the upper end of the income scale, and that the men and women that are fighting in the gulf are in fact drawn from families, middle-income working people, and from the poor.

Of course, we are in a difficult deficit situation, but if any taxes are to be cut, it ought to be those of working men and women in the middle class, the ones who are already bearing the burden of taxes, and as the majority leader noted yesterday evening, also bearing the burden of war. The troops there have been drawn from these families, and those families ought not to have to carry both that burden and the financial burden.

The Senator from Wyoming made reference to the passage of a tax bill and said it was greeted with great enthusiasm. That tax bill did not contain the proposal for the capital gains tax cut. What is now proposed is a change in the existing tax structure, in order to extend this tax cut to those at the very top of the income scale, those earning more than $200,000 a year. We had that fight. We have had that fight now more than once in the last Congress, and I cannot understand why the President continues to come back with that issue, and the Senator from Wyoming has defended that here on the floor this afternoon.

If there is any sense of fairness and equity, then we ought to be concerned about the tax burden of working people and of the middle class, and that is exactly the point that the majority leader made last night when he talked about the meaning of America in terms of everyone having a chance. That is the domestic agenda that needs to be developed. We need to have a domestic agenda that provides quality education for every American child, that provides jobs and fairness in the workplace. The majority leader said, "* * * no guarantees for anyone but an equal chance to succeed for everyone."

I, too, like the Senator from Wyoming, respect the judgment and honesty of the majority leader. I have encountered no person in public life in whose judgment and honesty I repose greater trust and confidence. I think that judgment and honesty was reflected in the statement he made yesterday evening. I thought it was a statement of dignity; it was a statement that sought to go to the very heart of what America stands for. It was, in my judgment, a measured statement that sought to provide support to the President in a bipartisan fashion in those areas in which such support is critical at this time in our Nation's history.

I suggest to the distinguished Senator from Wyoming that it is important to make that distinction. We have a democratic system and we have differences. We debate them. We have different policy approaches. The majority leader laid some of those out in the domestic arena last night, but he did not carry those differences into the areas in which the Nation needs to join together at this time. I find it, as I said earlier, passing strange that the Senator from Wyoming should now be seeking to inject that kind of sharpened difference into the debate here in this body.

I listened carefully to his comments. I think he used another phrase "unseemingly inappropriate." I think that phrase applies to his remarks as well.

I thank the majority leader for the statement he made last night. I think it spoke to what is deepest and best in our Nation. I think he articulated a vision for our country. He talked of building a better society not just for our returning servicemen and women but for their children and all children. That is a vision worthy of the best in the American spirit and I am pleased to stand with him and join in that effort.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota [Mr. DASCHLE].

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the distinguished Senator from Maryland. I, too, felt very proud to be represented by the leadership demonstrated last night in response to the State of the Union Address. As a matter of fact, I must say I was also proud to identify very clearly and unequivocally with much of what the President said about our purposed and hopefully our long-term success in the Persian Gulf.

The words "wretched" and "unseemly"—whether they apply to a particular response to the State of the Union Address or any words attributed to the majority leader—just do not fit. How can one have profound respect for an individual who utters wretched or unseemly comments? It seems to be incongruous.

I think, if anything, it demonstrates an extraordinary superinsensitivity on the part of the minority whip that I find difficult to understand, especially given the magnanimous words last night by the President who spoke of those who are on the street demonstrating, those who differed with him. The President said, "Look I understand that difference; that is what this democracy is all about, expressing our differences. People are out on the street, and I understand that. That is their right."

If the President of the United States can say, "I understand why people are demonstrating in the street against my policy," how is it we in the Senate cannot tolerate dissent and differences of opinion without ascribing motivation, without calling it wretched or unseemly?

If it is not unseemly to demonstrate, how in the world is it unseemly to register, in as mild and diplomatic and tactful a way as we can, our fundamental differences as they pertain only to domestic policy?

For 8 months Democrats have been silent in the name of presenting a unified country to Saddam Hussein. We have been silent, and the pressure has been mounting on the majority leader throughout that 8-month period to speak out in opposition to some of the things the President did. But that is behind us because, in the name of bipartisanship, in the name of nonpartisanship, those who might have held dissenting views with regard to policy agreed not to air them on this floor until the final days prior to the time we went to war. And only then, in what everyone said was one of the most constructive debates we have had here in a long time, did Democrats come to the floor to speak their minds, forcefully in many cases. But how many Democrats have taken the floor since the war began to utter their dissent, to challenge the President, to say he was wrong?

We may have suspended partisanship, but we did not suspend the two-party system. We did not suspend the opportunities for us to express ourselves. I do not think anyone could have done that more capably than the majority leader did last night.

Are there differences of opinon between Democrats and Republicans on domestic issues? You bet. Will we debate them in this session of Congress? You bet. Will we have more specifics? You bet. And speaking of specifics, it is incredible to me that any one would criticize the Democratic response for lack of specifics. We had very few when it came to the domestic agenda expressed last night by the President of the United States.

I must tell you if I have seen any wretched excess in the last week or so, that wretched excess has come from partisans on the other side: A statement by the new chairman of the Republican National Committee saying Democrats are going to regret their vote and are going to be made to pay for it in the polls, a letter sent out by the RSCC saying "Stop those liberal Democrats from undermining the President; send money to the RSCC; send $1,000 to the RSCC to save our troops in the Persian Gulf." That is the wretched excess we need less of.

We ought to have honest and fundamental debates about these things. We need to talk about domestic issues, about the national long-term priorities, about the fundamental priorities without ascribing motives.

There are going to be differences on energy policy, health care, and a whole range of issues we as a nation must address. And everyone has a right to express themselves. To say it is wretched excess—the majority leader's constructive response to the President of the United States—is unfortunate and does a disservice to the kind of debate that I think is going to be necessary if we are to do the jobs we were elected to do in confronting the issues we must in the months ahead.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming, Senator SIMPSON.

Mr. SIMPSON. Mr. President, I am fully aware my remarks would elicit that type of response. There is no one I respect more than the Senator from Maryland. He has been an extraordinarily helpful and supportive counsel to me since I came to the U.S. Senate and I have great respect for him. When he ranges the floor, I am always on full alert. And when he comes to the floor he always says something important and says it very powerfully. I just explained my differences with the Democrats. That is what I intended to do; nothing more, nothing less.

I believe that is called freedom in debate and all the things that the good Senator from South Dakota discussed.

"Sharpened differences." I like the term. That is exactly what I am talking about.

But I would like to humbly suggest that the words "wretched excess" be at least brought back into their original context. What I called wretched excess—then and now—was this paragraph. And the paragraph is:

> Out of the tragedy of war, we seek a world where the force of law is more powerful then the force of arms. We seek a world where justice and human rights are respected everywhere. Students massacred in China, priests murdered in Central America, demonstrators gunned down in Lithuania—these acts of violence are as wrong as Iraqi soldiers killing civilians. We cannot oppose repression in one place and overlook it in another.

That is what I call wretched excess and that is the only portion of the issue that I addressed in that way.

Mr. SARBANES. Will the Senator yield on that point?

Mr. SIMPSON. Yes, I yield for a question.

Mr. SARBANES. Is it wretched excess to receive in the White House the Chinese Foreign Minister when the regime there has made it clear prior to his arrival that they intend to proceed against the student leaders, those who demonstrated in Tiananmen Square?

Is it wretched excess to go to Geneva and meet with Assad who after all is still on the terrorist list of the State Department?

I simply suggest to the Senator that the point that was being made in that paragraph is this commitment to human rights which I support has to be reflected everywhere and at all times, and that it is clear in other instances we have not brought the same pressure to bear in trying to address those matters.

It is very clear to me the Soviet Union unfortunately, tragically, has once again used a Middle East conflict to put down, to suppress movement toward freedom. It happened in 1956 and tragically, it is happening again in 1991.

So I simply say to the Senator that there is I think a problem here in addressing these matters, and I think the majority leader was right to make reference to them.

Mr. SIMPSON. Mr. President, one man's wretched excess is another man's genuine inquiry. The Chinese student issue was heavily debated in this Chamber. George Bush was the Ambassador to the People's Republic of China. He knew the leaders. He knew what was occurring. Since that time thousands of students have continued to travel between our countries in the usual course of their education. The Peace Corps operates. People who were involved in that have been presented to their courts of jurisdiction. We can latch on to that old stuff all we want to.

All I was saying is it surely seems to me there should have been a comment about the three GI's—our troops—who were pulled out of their helicopter and slaughtered by a group called the left, the FLMN in El Salvador, a bunch of terrorists who have apologists on this floor.

One of them is not the Senator from Maryland—

Mr. SARBANES. Will the Senator yield?

Mr. SIMPSON. Just a moment. I will not yield until I finish my remarks. That is what I am talking about. And the real issue is more important than going back and digging up old laundry lists. The issue is what has happened in the world since George Bush and Ronald Reagan came here, and it is called peace—peace in the most extraordinary ways in the Soviet Union and other places in the world and in Eastern Europe.

And this man, this remarkable President, and his remarkable Secretary of State and his Cabinet and his National Security Adviser, make the most extraordinary efforts that can be made to try to bring about peace in the world. And what do they get for that? I will tell you what they get for it. For the first time in the history of the world, the United Nations came down in a great big bloc and rammed it to a tyrant despot in the sands of the Middle East. That is what this administration got for their work.

It is what everybody in the world wants. It is called peace. The United Nations presented 10 resolutions to the world, and we approved the final one on a bipartisan vote, which was extraordinary. It enabled this President to go forward with 28 nations assisting him. And of those 28 nations, a group of them have already pledged $40 billion to our cause in the Middle East.

I think that it is very important to remember what has happened here; that the People's Republic of China—China—supported our activities and supported the United Nations time after time after time as has Syria. I know what Assad did. He hopped in his tanks and wiped out 20,000 human beings. We all know that in our history, and he dug in and covered them up with pavement within weeks. That is what he did.

But I tell you, I do not know how anyone can fault in a partisan shot what the President of the United States has done to bring about peace and make the United Nations work like it was supposed to work in the eyes of its founders. And I like the phrase, "I find it passing strange," which my friend from Maryland has used a time or two today. That is why I commented upon those things.

And if we want to go back, then, to the class warfare rhetoric in the context of capital gains, which we are going to do again, I hope we can remember what the President said last night without a shred of partisan whacking throughout his entire address. He said: "I know there are differences among us about the impact and the effects of a capital gains incentive. So tonight, I am asking the congressional leaders"—that is us; all of us are leaders—"and the Federal Reserve to cooperate with us in a study, led by Federal Reserve Board Chairman Alan Greenspan, to sort out our technical differences so that we can avoid a return to unproductive partisan bickering."

That is what the President said.

Capital gains, the rich versus the poor. Whatever happened to the real thought about the little guy, the little farmer trying to sell his farm so he can benefit from the capital gains rate. How about the elderly couple wanting to sell their house so they can help their grandchild or their kids, and a lower capital gains is what makes the difference as to their proceeds. That is called real life, honest life.

And the reason the President will probably continue to bring back capital gains again and again and again is because 66 Democrats have already voted for it in the U.S. House of Representatives—I doubt very seriously if they are going to go against their original position—and we will pick up 12 or 15 of them over here.

There is a corollary of political life in the lexicon of politics that if you have votes, you will eventually get something passed. And that is why capital gains, with a new session, will at some point, pass. It will pass by a good bipartisan majority of already 66 Democrats, who have put themselves right on the line right down at the other end of the building, and about 12 to 15 Democrats who will do the same right here. So those are the things I share.

The President said last night: Let us share our differences; discuss them in a bipartisan nature. And what I am really saying—maybe you all missed that—it would be well for us, to be sharp enough in the future, on both sides—to at least put aside our response after an address to make the punishment fit the crime, and not do the response before the speech and in the can, and distribute it so that it comes out after the speech, when the speech took on a totally different tone. That is part of what I am saying.

Prior to my remarks, I went to this fine majority leader, and I said: "I am going to say some things on the floor, and I hope you will be there because they are on my bosom and they might be considered hard, but they are certainly there."

And he, being the kind of a chap that he is, said, "I understand," with that marvelous grin, and the smile. And he gives as good as he gets. We should never be concerned about our leader. He is superman, and he always gives as good as he gets. He will be in here soon, and I want to stay alert; I would think he might. He has left some very fine surrogates here in the process. But I see that the Senator from Nebraska will be weighing in, so I will gird my loins for the full shot and stay until the day is done.

INTERNATIONAL TRIBUNAL TO TRY SADDAM HUSSEIN

Mr. COCHRAN. Mr. President, I think the colloquy so far has indicated that there are some sharp divisions in this body on some of the issues that have been discussed. Not wanting to change the subject or interfere with any other Senators who want to pursue this colloquy, I would just say that I have been here on the floor for the purpose of introducing a resolution today on which I hope we all can agree, and maybe it is a good time to bring it up so that we could refocus our attention on something that I think should galvanize the entire Senate and make us want to act in concert.

I am introducing today, Mr. President, a Senate concurrent resolution to urge that a forum be established with jurisdiction to ensure that Saddam Hussein will be made to pay a price for his criminal conduct in the Persian Gulf war. His reprehensive treatment of allied prisoners of war, his brutal treatment of innocent people in the illegal invasion and occupation of Kuwait, and his targeting of civilians in Israel with his weapons of terror cannot be tolerated by the world community.

This Congress should formally express its determination that, should Saddam Hussein survive this war, he will be brought to justice for his crimes.

The suffering that he has inflicted upon innocent civilians in Kuwait and Israel and upon allied prisoners of war requires a response by this Congress that goes beyond the recent approval of the enforcement of U.N. Security Council Resolution 678.

Justice demands the trial of Saddam Hussein by an international tribunal established by those nations whose men and women are risking their lives to end the oppressive occupation of Kuwait and terminate Saddam Hussein's repulsive reign of terror.

I invite all Senators, Democrats and Republicans, to join in cosponsoring this resolution.

I ask unanimous consent that a copy of the resolution and a copy of a letter to my colleagues further describing the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be appropriately received and referred.

The text of the concurrent resolution (S. Con. Res. 7) is located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 30, 1991.

DEAR COLLEAGUE: Today I will introduce a concurrent resolution urging the President to work with the governments allied with us in the Persian Gulf War to establish an international tribunal with jurisdiction to judge and punish Saddam Hussein for conducting unprovoked war against Kuwait and Israel and for abusing prisoners-of-war.

Under the command of Saddam Hussein, the armed forces of Iraq have killed, tortured, and wrongfully detained the inhabitants of Kuwait and engaged in the wanton pillaging of that country. At his behest, hundreds of foreign nationals were detained for more than four months as hostages and "human shields" in Iraq and Kuwait. Iraqi missiles have been launched against civilian population centers in Israel. Saddam Hussein has openly promoted acts of terrorism against the United States and its allies. His stated intention to use U.S. and allied prisoners-of-war as "human shields" violates Geneva Convention provisions against interning prisoners near combat zones, and his abuse, exploitation, and public display of U.S. and allied prisoners-of-war violates Geneva Convention provisions on the treatment of such prisoners.

It is time for the United States and its allies to declare that Saddam Hussein will be brought to justice for these crimes. Through this resolution, the Congress will urge the President to work with our Persian Gulf allies to establish an international tribunal with jurisdiction to judge and punish Saddam Hussein.

If you wish to cosponsor this resolution, or if you have any questions, please do not hesitate to contact me or have a member of your staff contact Robert McArthur (4-6405) or Rich Golb (4-6414).

Sincerely,

THAD COCHRAN,
U.S. Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I had not intended to make remarks in this regard on the floor today. I hope I will not disappoint my friend and colleague from the neighboring State of Wyoming with what I am about to say. It is said without malice to anyone.

I only rose to speak because I am disappointed indeed, on coming onto the floor of the U.S. Senate, after reading the press wires immediately outside of the wall in front of which the Presiding Officer sits. Out there in that hall the news wires are coming forth with the stories of the first 12 ground combat deaths suffered by our forces within the last few hours.

The talk made by the President of the United States last night I thought was a good one, and I said so. The talk that the majority leader gave last night I thought was a good one.

I think this is not the time, nor is this the place, at this juncture, for us to be debating the merits or demerits of capital gains. I find myself not enthralled with the proposition that we would begin what could be described as partisan debate on such a subject at this juncture.

Whether or not we ever have a capital gains tax cut is the furthest possible thing from the mind of this Senator at this moment. I only hope we can quell partisan debate at this time when I think on the minds of all of us is something far more important than partisan considerations, at this moment.

Mr. President, I guess it can best be summed up by what I am going to read from the CONGRESSIONAL RECORD on Thursday, January 10. It was the opening prayer of that opening day of debate on whether or not we should authorize hostilities after the now famous January 15 date. I talked that day, after the Chaplain gave this prayer. I am going to read parts of that very short prayer that I hope would permeate this body right now and stop any heated partisan debate which would, in my opinion, be improper at this particular stage of events.

Chaplain Halverson said at that time:

> Eternal God, infinite in truth and justice, fill this Chamber with Your presence, Your light, today. Aware of the rebuke to Job and his loquacious friends: "Then the Lord answered Job out of the whirlwind, and said, Who is this that darkeneth counsel by words without knowledge?" (Job 38:1,2)—

The Chaplain went on to say—

> and aware of the power of words to conceal as well as illuminate, to deceive as well as inform, to confuse as well as clarify, to kill as well as edify, grant to the Senators in their debate cool heads, warm hearts and economy of language. Protect the cosmic issue of war from being reduced to political pragmatism. Keep us sensitive to Your overruling providence in history and the possibility of divine intervention when frustration freezes to inaction.
>
> To the glory of Your name and the doing of Your will. Amen.

Suffice it to say, Mr. President, I think those well thought out words of the Chaplain, of Wednesday, January 10, 1991, should prevail at this juncture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, the Senator from Nebraska and I came here the same year, and were sworn in the same day, and we had a great mutual friend in Gov. Ed Herschler of Wyoming, a Democrat by the way, and a lawyer of course—which has always troubled my friend from Nebraska, about those of us in the legal profession. We chuckle about that, but nevertheless, I have come to know him and enjoy his company and enjoy his friendship. We have done a lot of nice things together from baseball games to just the regular camaraderie of the Senate. I agree with everything the Senator has just said.

When I made my remarks I knew that they would be taken harshly and would be misunderstood, and that is why I told the majority leader I was going to make them. I expressed my feeling about "wretched excess" regarding his comments about Jesuit priests and the murder and the discussion of the fact that the children of people who earned over $100,000, or earned over $200,000, were not fighting over there. I was disappointed in those remarks. I really am and I remain so, and probably will always remain so.

So those are the things I have described here. And the prayer was a marvelous prayer. And recall, I never brought up capital gains. I never said anything about capital gains when I came in here to make my remarks.

I share the Senator's view totally. It is not appropriate to discuss it, even think about it, along with a lot of other things that we should not be discussing or thinking about while men in the ground forces are dying. We knew that would happen. No one knew it better than the Senator from Nebraska, who has been an old master sergeant back in his days in the Army.

So the Senate prayer was just, and to the same appropriateness as I felt with it.

I also remember the Senate prayer on the original swearing-in day. We should also reread that one: A powerful, powerful prayer which later on in the day was punctuated by contention in this Senate, not even participated in by those of us on this side of the aisle. And the majority leader handled that with great grace and patience.

So I just wanted to make that comment as to what I said and why I said it. I would not retract a word of it, but I want to get it in the proper context of why I was disappointed.

I specifically went through the remarks of our leader to emphasize that and said again, and I say again, I think it would be more effective for all of us—myself included—when we respond, that we do that after something has actually happened. My hunch is that our leader would not have quite done it that way. He would not have said it quite that way if he had been there in that Chamber and had then been asked to later respond. There would have been a little bit different cast to his remarks. That is my hunch based upon 10 years of knowing him. And I just say that is a hazard, and I expressed my disappointment, and I have done so, and I thank the Senator from Nebraska.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

OPERATION HOMEFRONT

Mr. BURNS. Mr. President, after the President's speech last night on the State of the Union and after the submission of a resolution by my good friend from Idaho, Senator SYMMS, we have started to organize in the State of Montana and to start to take to heart this resolution called Operation Homefront. It is a grassroots movement in the State of Montana, or will be, as we organize and organize more to express not only our support for the troops in the Persian Gulf, but also when it is over and when they come home, they come home to welcome arms.

Our men and women over there are the best-trained All Volunteer Force there is in the world. They are highly motivated, dedicated, and professional. They and their families have endured separation now for about 6 months. We will have to mobilize a national effort to let them know that they have the wholehearted support and recognition of this country.

Those of us who witnessed the support the Congress gave the President last night, a President who was interrupted by applause many, many times and standing ovations three or four times when talking about this situation we are in in the Middle East, the overwhelming response from Congress last night when the President referred to our troops is so indicative of the type of support that they enjoy today.

Mr. President, time wears on and we must start now to work to build that support in our communities. We must communicate that support to the troops in the Persian Gulf and ultimately transform that support when they come home.

Operation Homefront was kicked off in Idaho a couple of weeks ago, and I plan on kicking it off in Montana pretty soon. Its purpose is to get individuals, veterans organizations, churches, schools, service clubs—the entire community—involved in activities supporting our troops and, yes, more important, supporting those families who are left at home. Eventually, these volunteers will help coordinate that great big welcome home.

Last week, I joined Senator SYMMS as an original cosponsor of Senate Resolution 17 expressing the Senate's support of Operation Homefront. I hope that the Senate will consider it quickly and agree to it quickly. It is a resolution, after last night and what is happening in the Middle East, whose time has come. I hope my colleagues will support it and agree to it as quickly as this body can.

Mr. President, I yield the floor.

Mr. GORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ADAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I ask unanimous consent that I may proceed as in morning business for 2 minutes.

The PRESIDING OFFICER. The Chair reminds the Senator the Senate is in morning business. The Senator is so recognized.

CONDOLENCES TO ISRAELIS

Mr. ADAMS. Mr. President, we have had a number of comments in the long debate on the Persian Gulf. But one situation I do not believe needs more attention paid to is the unprovoked Iraqi attacks on Israel. I would like to take this opportunity to express my condolences to the families in this country who have relatives in Israel, and for the Israeli people who have suffered attacks from Iraq, even though their country is not involved in the war in the Persian Gulf.

I hope that others of my colleagues might join me during the course of the next week to express our concern and sympathy for those Israelis who have suffered damage and in some cases death in their families from Iraqi Scud missiles.

It is important that we acknowledge and commend the people of Israel, a nation that is capable of defending itself and of taking various forms of retribution, but which so far has decided against taking such action. Israel has not become militarily involved in this war, and I hope it will continue to show such brave restraint.

During the earlier debate on whether the United States should resort to war against Iraq, I expressed the concern that the conflict could spread to Israel. Saddam Hussein has tried to draw Israel into this war, but the Israelis have been very patient. And I rise today to express my condolences to the families in this country who have relatives in Israel and to the Israeli families who have suffered losses both materially and in human life under the Iraqi attacks during this war.

Mr. President, I yield back my time.

Mr. GORE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFTER THE WAR

Mr. CHAFEE. Madam President, this afternoon briefly I would like to discuss an important issue I believe we should be mindful of as we focus much of our attention on the news from the war front in the Persian Gulf. This issue is what preparation and planning should we undertake to ensure that we win the peace with Iraq, not just the war.

It is important to note that even while our armies were fighting the Axis powers in World War II, nearly 50 years ago, political leaders in the United States during that war, our political leaders in the United States, Great Britain, and the Soviet Union went to considerable lengths to discuss their objectives for a now postwar world order.

Historians can certainly quarrel over the conferences that took place, during the war, at Tehran, at Yalta, and at Potsdam, but there is no disagreement that at those meetings the postwar structure of Europe was designed. At Bretton Woods, in New Hampshire, during the war our political leadership discussed the nature of the postwar international economic institutions for the free world.

In the gulf war, although the primary objectives of the allied powers are clearly the withdrawal of Iraqi forces from Kuwait, a secondary object, it seems to me, should be that there be regional stability after the conflict ends.

At least at the outset it appears that the allied powers would have been satisfied with Saddam Hussein remaining in power so long as he withdraw from Kuwait. With the new development of potential war crimes being perpetrated against allied prisoners of war, the survival of the Saddam regime may no longer be tolerable.

For example, under article 19 of the Third Geneva Convention, to which both the United States and Iraq are signatories, it starts therein, "Prisoners of war shall be evacuated, as soon as possible after, their capture, to camps situated in an area far enough from the combat zone for them to be out of danger."

Saddam's announcement last week that captured allied pilots had been sent to potential target sites and in fact may have been killed by allied bombing raids could be a clear violation of the Geneva Convention referred to.

Moreover, it is also possible that the launching of Scud missiles against civilian targets and the release of millions of barrels of oil into the Persian Gulf may constitute a war crime.

As we examine the prospects of a postwar Iraq, it appears that the United States should be focusing on one primary goal, the establishment of stability and tranquility in the region. Indeed, this is what the President referred to last night in his State of the Union Message.

The first part of this equation relates to the structure and the power of the Iraqi Government. Regardless of who controls the eventual postwar Government of Iraq, the key will be whether Iraq has been totally debilitated. In order for there to be regional stability, Iraq must remain a counterweight to Iran, which has also shown a penchant for war and in fact an appetite for interfering in the internal affairs of its neighbors.

This critical objective presents the allied powers with a tremendously difficult balancing act. On the one hand, the allied forces must inflict sufficient damage on the Iraqi military structure to force a withdrawal from Kuwait. That is our first goal: Get him out of Kuwait. On the other hand, there is a need to preserve Iraq as a viable nation after the conflict ends so it can defend itself against its neighboring nations. A power vacuum in the area which would draw, quite possibly, Iran, Syria, and the Kurdish people and even potentially Turkey into competition for domination of Iraq, it does not seem to me, would help anyone.

The second part of the postwar equation is finding a way to break the impasse between Israel, the Palestinians, and Israel's Arab neighbors over the territories Israel occupied after the 1967 war. First, it should be stated that this dispute is in no way related to the war with Iraq, and the President is absolutely correct in resisting Iraqi attempts at linkage.

The peace which follows the current war will provide an opportunity for Israel to reach out to the Palestinians. While it is true that most Palestinians have embraced Saddam and his unprovoked attacks on Israel, peace could strengthen the hand of Palestinian moderates who seek a political accord with Israel. This is not guaranteed, of course, but the possibility is there.

The military and political cooperation between the United States and Syria against Iraq could set the stage for compromise on the Arab-Israeli issues.

It is unique and perhaps unforeseen that the United States and Syria are cooperating in this effort against Iraq. As the principal frontline state still at war with Israel, Syria's entry into the mainstream of world politics if, indeed, we can call this participation, in the Allied forces in Saudi Arabia against Iraq, hopefully—again, I have to stress the word "hopefully"—could in the future further the peace process.

The decision to station American soldiers with the Patriot missile system has engendered a tremendous outpouring of favorable sentiment by the Israeli people. I think we all recognize that and appreciate it. There also has been renewed good will between the United States and Israel in the aftermath of the Israeli decision not to retaliate against Iraq for the Scud attacks.

These factors present the United States with the opportunity to play a critical role for cooperation on Arab-Israeli issues. Most notably, being confident in the United States as a friend of Israel allows that country, Israel, to be bolder and to consider making serious concessions to the Arabs in the efforts for peace.

While our servicemen and servicewomen ensure that we achieve victory on the battlefield, it is my sincere wish that our political leaders continue to work to prevail in the aftermath, to prevail after this war is over. From the ashes of destruction, we must hope that a more peaceful and stable world will emerge, and particularly a more peaceful and stable section of the world in the Persian Gulf area.

I thank the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Madam President, our objectives in war and our objectives for the time that will follow this war are closely related, each affecting the other. How we prosecute this war and the manner in which it is concluded will seriously influence the postwar environment.

Conversely, our objectives for the postwar environment ought to have their due influence on how we fight the war. Despite the natural tendency to focus our attention on the news of the day, this is the time to be thinking these matters through carefully. If we fail to do so, we may well lose the larger objective of this war, even while winning all of the significant battles.

The successes so evident on day one of this conflict came not only because of the technology of the weapons we employ, but also because of 5½ months' worth of very careful, meticulous planning to select targets, rank them according to priority, to map the approach routes, and to plan the different waves of the attack, and so forth.

Is it impossible to imagine that we might take that degree of care in planning our efforts to win the peace after the war has been concluded? Just as day one of the war was significant in shaping the future course of the war, day one of the peace following the war will be significant in shaping our options during that period of time.

Therefore, Madam President, I rise today to share with my colleagues some thoughts, questions, and preliminary views on these problems. Let me begin by asking what might seem to be the simplest of questions: When will the fighting stop? What I mean by that is under what circumstances will we conclude that it is time for the fighting to stop?

We are not seeking the surrender of Iraq. That has been made clear. No one in a position of responsibility is talking about the conquest of Iraq.

The President continues to state U.S. objectives in terms precisely limited to those which have been endorsed and legitimized by the U.N. Security Council resolutions: Essentially that Iraqi forces must be ejected from Kuwait since Saddam Hussein would not comply with the January 15 deadline.

Yesterday's United States-Soviet communique adds a possible cease-fire, but only to permit prompt Iraqi withdrawal from Kuwait if, even now, Saddam Hussein should decide belatedly to comply with the demands of the Security Council. That, however, is not a new departure, but rather a perfectly reasonable amplification of what we intended. Our position seems on the surface to be straightforward and correct.

It is doubtful that the conquest of Iraq is anything that this Nation would ever want to seek. Even if it were adopting that as a stated goal, it would be a terrible mistake, for reasons we can all certainly see clearly. Any effort to expand our objectives so as to include the military conquest of Iraq would certainly blow apart the core of international consensus upon which all else depends. Arab public opinion would be inflamed to a point endangering not only the ability of moderate Arab governments to cooperate with us, but also their ability to survive. That much seems clear and accepted.

But our position, as it stands, on exactly when and under what circumstances the war will be brought to a conclusion, is not quite as straightforward as it might seem to be on the surface.

For example, Madam President, U.N. Resolution 678, which authorizes the use of force, refers back to the first U.N. resolution on Kuwait, Resolution 660, which demanded that Iraq withdraw all its forces to "the position in which they were located on 1 August 1990."

Madam President, as I recall, as early as the end of July, Iraq had tripled the number of troops just along the Kuwaiti border up to 100,000 men, and then augmented that force steadily throughout the remainder of July. By August 1, there were perhaps two to three full corps of Iraqi troops just north of Kuwait, along with hundreds of tanks.

So should we understand, Madam President, that our international mandate and our position to conduct military operations according to that mandate expires if and when we roll Saddam Hussein's armies back to the point where they stood one day before he swept through Kuwait?

Or if Saddam were at any time to pick up the recent offer of a cease-fire and retire in good order back to these positions, with hundreds of thousands of soldiers armed to the teeth, seething with anger and resentment, poised on the border of Kuwait, would we, under those circumstances, declare that the mandate for prosecting this war had instantly dissipated, and then immediately begin the process of bringing our troops back to the United States? Would that be the end of it? Would that be the end of the war? Could our troops leave the region under those circumstances?

As our position is currently defined, those are the circumstances which define conditions consistent with the end of the war in the terms of the U.N. resolution.

Let us look again at the language of U.N. Resolution 678, because it contains some other very interesting language. The resolution authorizes member states, after January 15, to use all necessary means to uphold and implement past Security Council resolutions and restore international peace and security in the area.

What, Madam President, might this final bit of language mean? What might we have to do to really restore international peace and security? How far will the coalition be able to follow the possible implications of those words? How far would the broader international consensus stretch?

These are not academic questions. We may be assuming that at some point in this conflict Saddam Hussein will be overthrown, or at some point he will declare that he is completely through with his ambitions over Kuwait.

But, Madam President, those circumstances may not emerge. We may, instead, find at some point down the road that, indeed, every square inch of Kuwait has been freed of Iraqi troops, but we may still see a military presence along the border of Kuwait, which gives evidence of Saddam's continuing ambitions toward Kuwait.

By the time this war reaches that point, there may well have been a massive ground conflict. I hope not, and I hope that we will not see heavy U.S. casualties; but that is, unfortunately, a possibility, and within the last 24 hours, the first ground casualties have been reported.

Also, the threat of chemical warfare on a large scale hangs over that battlefield and over every solider on the battlefield. So, too, does the threat of biological warfare. If we have to pay in this kind of coin to serve the new international order, I submit we must immediately turn our attention to exactly how the war is to be terminated and the true requirements for international peace and security.

Madam President, we need to give serious thought to the circumstances we want for ourselves after the war is over. War may not produce those circumstances for us. War may not even make it easier for them to be attained. On the contrary, war may make them harder or even impossible to achieve, but we must at least begin with the right questions. What do we want to see?

Above all, it seems to me that the United States needs an outcome minimizing the amount of exposure we must subsequently accept in the Middle East. Certainly, we will be heavily involved for a long time to come, but our ultimate objective must be control of our own agenda as a nation. That cannot happen if we must remain indefinitely mortgaged to the Middle East and its crises.

In particular, we need to be as certain as possible that Iraq will not soon be able to challenge the peace again in a way that could conceivably force us to consider returning our forces to the region in large numbers. We must have an aftermath which makes that possibility outside the range of what could occur.

To realize that objective, we need stability among moderate Arab governments, stability reflecting the strength to bear the political pressures arising from their association with us. The need for stability embraces not only the oil wealthy States such as Saudi Arabia, Kuwait, and the gulf emirates, but also the economic "have nots," such as, most prominently, Egypt.

Although their problems are different, these governments now have a common interest in each other's survival. This common interest must become the foundation for close cooperation after war. We also need a local postwar balance of power that minimizes the chance of serious trouble from Iraq for the foreseeable future, reduces the potential for future difficulties arising from Iran and Syria. And that provides for the security and stability of Turkey, whose value to us as an ally is one of the important lessons of this war.

Of course, we need to assure Israeli security, considering not only its military but also its economic dimension. In the search for a solution to the Israeli-Palestinian problem, we should drop the confrontational tactics the administration has employed diplomatically, but we must continue and even intensify our efforts.

Given there requirements, what can be said about the way in which we prosecute this war, and the way we deal with our concerns and interests, our assets and liabilities in the aftermath of the war? There is a view that says it is important to us that Iraq emerge from this war as little damaged as possible, in terms of its military forces, and even sometimes, I have heard it said, in terms of Saddam Hussein's ability to remain in power.

According to this view, the more serious the damage to Iraq, the more likely it is that we will then have to face very dangerous behavior on the part of Iran, Syria, or both, as they attempt to fill a power vacuum created by the destruction of Iraq. Saddam Hussein's obduracy makes this option seem increasingly theoretical with each passing day. An effort to crush Iraqi ground forces already is underway from the air and shortly may begin in earnest on the ground.

I am among those who hope very deeply that we will not have to engage in a massive ground war. And I hope that we will give every chance to the air war and its potential for avoiding the ground combat, which, as I said before, unfortunately, may soon have to begin.

At the other end of that process, Iraq will certainly have sustained enormous damage. Barring a strategic retreat from Kuwait, much of Iraq's military force will have been demolished. The Iraqi economy will be in shambles. Saddam Hussein himself may, hopefully, have been removed, and with him the force that held the Iraqi Baath Party together will be gone. Short of that, he will preside over the residue of this military force in an Iraq surrounded by enemies.

Some may regret this outcome, afraid of the consequences for meaningful stability, if Iraq emerges from the war weakened, factionalized and subject to external manipulation, if not intervention.

I am not convinced that we should go to any extraordinary lengths to assure Iraqi military power or political continuity. On the contrary, in my opinion, if we are to have stability in this region, Iraq's ability to threaten its neighbors or anyone else in the region must be cut down to size and kept that way for as long as possible. To the extent that Saddm Hussein increases the chances of this outcome by refusing to yield, we should not necessarily regret that, but rather, plan to build a strategy on that basis.

Let me be clear then about what we want. The removal of Iraqi forces from Kuwait is enough to warrant a suspension of combat operations. That is clear. I am not suggesting otherwise, but I am asking, however, whether we can tolerate a situation in which Iraq is left free to plot its revenge within the sanctuary of its borders in a condition that is neither war nor peace.

Madam President, we cannot hold massive United States forces in and around Kuwait for an indefinite period of time. After our forces have been reduced, we may not be able to easily return again to such numbers as presently. A large Iraqi military force intact and under unrepentant leadership, with commerce restored and full access to billions of dollars of oil revenue, does not bode well and should not be an acceptable outcome to this war.

So, Madam President, we are led to ask an obvious but very delicate question: Do we end this war on the simplest of all terms, regardless of the implications for the future, or do we try to bring about an end to hostilities under conditions that we have defined, that we can monitor, that we can enforce? What should these terms include? Would it be unreasonable to require, for example, to take a minimum case, the return of all allied prisoners of war? That would not appear to be in the U.N. resolution, but it would appear to be, obviously, a condition that we would demand as part of the terms for ceasing hostilities. What about a standdown of Iraqi military forces? What about a return not just to their August 1 positions on the border of Kuwait, but a return to the premobilization positions? What about the demobilization of reserve units inside Iraq?

What about the creation of a large internationally policed demilitarized zone just above the border between Kuwait and Iraq? Under what conditions, Madam President, could the international consensus consider a clearer definition of the exact conditions that would justify an end to the activity of combat now underway?

Is the future size of Iraqi ground and air forces of no concern after Kuwait has been liberated? Shall we, having been exposed to the threat of weapons of mass destruction, turn our backs on future Iraqi efforts to recoup their losses? Or should we be seeing to bar them from access to nuclear materials and nuclear technology, to demand full international inspection in demand of any industrial, scientific, or military facility thought to be able to support chemical or biological weapons production? And should we not seek to eliminate the vestiges of their space program, whether military or civil?

But suppose Saddam Hussein is overthrown? Well, some would say that perhaps then we could accept a relatively high degree of ambiguity on the assumption that his special personal qualities as a tyrant and threat to peace will not be easily replicated. Doubtless, among the exiled Iraqis, one can find survivors who are people of virtue and wisdom, but it is hard to see how these individuals might come to power unless we were to install them, and that would require the conquest and occupation of Iraq, which is not in prospect and should not be in prospect.

So, short of such an eventually, can we consider the emergence of a government in Iraq that we or any other powers in the region can trust? Those who have studied the Iraqi Baath Party and the structure of this government that Saddam Hussein put in place wonder whether or not that is possible. Iraq is a nation which, based on its record in recent history, may not soon be governable except by despots whose stock in trade is xenophobia. Therefore, our objective, whether or not Saddam Hussein survives, should be to ensure that Iraq remains incapable of posing a serious offensive military threat to its neighbors.

There is, of course, some talk of arms control proposals, including the proposal recently advanced by Israeli Prime Minister Yitzak Shamir. Such concepts may eventually be useful, but I seriously doubt that any real progress along these lines is likely to occur until after a political settlement, including general Arab recognition of the legitimacy of the State of Israel. Meanwhile, we need something upon which we can rely to prevent Iraq from regenerating the military capabilities it is now in the process of losing.

A more likely approach, and one that has been mentioned in a number of analyses, is to create some kind of institution on the order of the Cocom, to control exports of weapons and military-related technology to Iraq. That is certainly an avenue we should vigorously explore. In the aftermath of the cold war, it turns out the Cocom mechanism did better than many had believed possible in denying the Soviet Union and the Warsaw Pact countries access to militarily important technologies. It is a success upon which we should build.

Of course, Cocom took shape in the shadow of the Soviet threat at its most imposing. It existed because of a strong, common bond of fear and self-interest among the participants, a bond strong enough to overcome their normal interest in selling any product to any buyer. No such consensus has ever existed with respect to any other region of the world, but that may have changed—and I hope it has.

Perhaps, for example, the French, whose military forces in the gulf must now face some of the very same equipment France sold to Iraq, have learned a lesson. Perhaps the Germans, who have done more than anyone else to arm Iraq with chemical weapons and to advance Iraq's efforts to acquire nuclear weapons, will now recognize where their true interests are. I do wonder. Perhaps the Soviets, who helped make Iraq into a military Frankenstein, will have learned something from the experience. Perhaps our own authorities and political leaders will not be tempted to back leaders like Saddam Hussein for misplaced reasons of state or the desire to compete in a lucrative market, no matter the consequences.

But do not count on it. Certainly, do not count on it unless the United States also makes it crystal clear that there is one and only one choice for all these corporate amoralists doing business with Iraq in the future: The penalty of losing any ability whatsoever to do business with or through the United States Government. And for those of our own businessmen who get caught: back-breaking fines and long prison sentences.

Even so, Madam President, we may need something more certain. It is time to begin exploring other options. What will happen to the flow of oil from Iraq through Saudi Arabia and through Turkey in the immediate aftermath of this conflict? Is there a mechanism the international community could consider for enforcing the use of some of the revenue which comes from that oil for the cleanup of the environmental damage Iraq has intentionally caused, for reparations paid to those who have suffered because of Saddam Hussein's aggression? These are questions which need to be explored, Madam President, and with some creativity.

Far from being a requirement for regional stability, a militarily strong Iraq will be a threat to that stability. What we need is an Iraq too weak to threaten a postwar force that we can hope to assemble out of the moderate oil states, plus Egypt, with ourselves only in the role of backup. A weak Iraq, cordoned off from further access to weapons and advanced military technologies is the basis for secure eastern borders for Syria, secure western borders for Iran, and secure southern borders for Turkey. It is the basis for Jordanian security in the future, and it is a vital component of Israel's security as well.

No matter what the outcome, we will have to worry about Iran and Syria, which may either have designs on Iraq or concerns about each other's intentions that will cause them to grapple for influence over the future of Iraq. Perhaps they will, for their own convenience, agree that it is in their mutual self-interest to avoid mischief in Iraq. This should be our first hope, and we ought to have in place a diplomatic program that makes this outcome possible. To the extent that Syria and Iran want to participate in the construction of a more stable postwar system, so much the better. But there are reasons for concern and dangers to guard against.

President Assad of Syria has longstanding ambitions to be the dominant force in his region, based on the same grosspolitik that has enabled him to swallow up Lebanon. Iran intends to be the region's dominant force, even though it is not an Arab State, on grounds of its claims to Islamic purity.

We cannot afford to let either of these ambitions be realized. This means that in the aftermath of war we must not stumble into the next in the long series of mistakes we have made in the Middle East: We must not, in other words, assume Haffez Assad's goodwill after the war, and we certainly must not make it easier for him to aggrandize himself in its aftermath. Certainly, it would be absurd for the United States to become his arms supplier or for Saudi Arabia to bankroll him extravagantly, as they once did Saddam Hussein. We will obviously have some influence in this matter, and we must be prepared to use it.

As for Iran, we must regard that country as the biggest single beneficiary of this war and the biggest potential postwar threat to regional security. Iran already has demanded that the United States totally withdraw from the region after conclusion of the war. We should be extremely cautious about provoking Iran because of the utterly irrational foundation of its political life.

As I have said, to the extent that Iran shows an interest in a major constructive role, we need to encourage that. Indeed, some of Iran's statements seeking to explain the recent puzzle of Iraqi warplanes taking refuge within its borders have had a responsible tone. But at the conclusion of this war, it would be folly to make preemptive concessions to Iran by simply vacating the Middle East, as they belligerently demand.

I would like to turn next, Madam President, to the question of Israel and the occupied territories. It is very much to President Bush's credit that he has resisted all sorts of blandishments to avoid war by trying to strike a deal at the expense of Israel. But he is already subject to pressure to pay for the peace in the same coin. We hear from many voices that an Israel-Palestinian settlement should be imposed on Israel as soon as possible after hostilities end. That is an idea whose assumption needs to be examined and I believe rejected.

Every day that Israel refrains from responding to Iraqi provocation is a day they place the lives of their own people on the line in order to shield our forces from the risk of political chaos among our Arab coalition partners. We owe them something better than going back after the war to the policy of trying to get them to negotiate on terms not at all of their choosing. The Palestinians have gone very far to demonstrate that the goal of peaceful coexistence with Israel is a chimera. We may appreciate the origins of their behavior and understand something about the frustrations that feed it, but all of us had better realize it is nonetheless a menace.

However, Madam President, it is also vital for us to realize that in the aftermath of this war, the Government of Israel may itself be in a position to dramatically advance the cause of peace. The PLO will have lost influence and support among the governments that make up the coalition. These same governments hold many of the elements of a peace agreement involving Israel and the Palestinians, and they may never again be so keenly interested in having that matter settled for reasons of their own security. The governments of the coalition are in a position to come to terms with Israel, and to make it clear to the Palestinians that the time to accept a settlement has come.

To say it plainly, this may be the one time when an Israeli peace initiative, perhaps worked out initially with Egypt as the go-between, might work. The stakes would be huge, involving local Palestinian autonomy, Israeli security interests in the West Bank, and the interests of both Israel and Syria in the Golan Heights. But the reward could be peace on terms acceptable to the governments of the region, including principally Israel. And that would be the sweetest retribution to exact from Saddam Hussein.

Madam President, it seemed apparent to many that during the Iran-Iraq War, with Syria behind the eight ball in the Arab world for having been such a strong supporter of a non-Arab nation, with Iraq otherwise occupied along with Iran, obviously, in the war, that the conditions then were propitious for an initiative seeking a more stable and peaceful outcome to the Israeli-Palestinian conflict. Some opportunities then were missed.

In the aftermath of the Iran-Iraq War, the geopolitical balance changed dramatically, and many of the problems we have seen emerged in the vacuum that resulted. In the immediate aftermath of this present ongoing conflict, the geopolitical balance will once again change in a way which at least for a time will create conditions that are conducive to an Israeli peace initiative. The timing and judgment exhibited by Israel in deciding not to reflexively respond militarily to the Iraqi's reprehensible Scud attacks is the same kind of judgment, wisdom, and timing which now ought to be brought to bear in the construct of a peace initiative in the immediate aftermath of this conflict.

We shall not have the peace of God in the Middle East. If we are lucky and smart, however, we can have a balance of power that might in time lead to normalized relations. There has been much counsel that this war would inescapably lead us to a future so dangerous as to make us yearn for the past: Saddam Hussein and Iraqi occupation of Kuwait, included. I disagree. There may be better opportunities to secure the peace.

It would be folly to ignore the many uncertainties and dangers we will face even after this war is over. Nevertheless, just as we entered combat aiming to win the war and planning to do so, we must also enter the period that follows war, aiming to win the peace, and having planned boldly to do so.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas [Mr. GRAMM] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 102d Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Alaska [Mr. STEVENS] as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 102d Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276, as amended, appoints the Senator from Montana [Mr. BURNS] as vice chairman of the Senate delegation to the Interparliamentary Union during the 102d Congress.

IN SUPPORT OF S. 270

Mr. AKAKA. Madam President, I rise today to urge the Senate to enact legislation requiring the administration to provide Congress with full and accurate accounting of the cost of Operation Desert Shield and Operation Desert Storm.

At a time when American service men and women are actively joined in combat, I intend to support the appropriations necessary to safeguard their well-being. I do not intend to let our soldiers down.

However, Congress and the American people have a right to know how we will pay for the cost of this war. Although not as grave as the decision to commit the country to war, the decision of how to pay for Desert Storm will have consequences well beyond the end of the armed conflict.

One need only recall the economic stagnation following the Vietnam years to realize the importance of the decision that must be made. Americans have a right to know the cost of this war, not only in terms of lives lost, but also in terms of dollars and cents. Estimates of the war's costs are running as high as $1 billion a day. The American people must understand that the conflict in the Persian Gulf will have a direct and meaningful effect on each household.

Long after the hostilities come to an end, the bill for this war will still be with us. Our troops can be certain that Congress will provide the funds to support their efforts. But, Congress must know the costs in order to make the difficult decisions of how to pay for this effort.

Madam President, the need for this information motivates me to rise today to support S. 270 introduced by my distinguished colleague from Iowa, Senator GRASSLEY. S. 270 would require the President to submit periodic reports to Congress specifying the amount of obligations incurred and expenditures made in connection with Operation Desert Shield and Operation Desert Storm.

I also rise today to call on President Bush to aggressively continue efforts to ensure that our allies pay their fair share of Desert Storm's costs. The contributions of some countries have been very generous. But without an accurate account of the war's full costs, we have no way of telling whether theirs is a fair share. Allies, like the Germans and Japanese, are more reliant than the United States on Middle East oil.

Because these allies have not committed troops to restoring peace, we should expect them to pay a significant portion of the costs of Desert Storm. S. 270 will enable the American people to track the administration's success at achieving greater burden sharing. This legislation would require regular reports on our allies' efforts to meet their obligations and pledges of support to the war.

Madam President, S. 270 is responsible legislation that I hope will be adopted in short order.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

IMPLEMENTATION AND EFFECTIVENESS OF UNITED STATES-CANADA FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 304(f) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100–449; 102 Stat. 1875), I am pleased to transmit the attached report pertaining to the implementation and effectiveness of operation of the United States-Canada Free-Trade Agreement (FTA) in its first 2 years.

GEORGE BUSH.

THE WHITE HOUSE, *January 30, 1991.*

MESSAGES FROM THE HOUSE

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes; and

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 20. An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. Res. 21. An original resolution authorizing the expenditures by the Committee on Environment and Public Works; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY (for himself, Mr. Lieberman, Mr. Lautenberg, Mr. Dodd, Mr. Wallop, Mr. Symms, Mr. Grassley, Mr. Chafee, Mr. Burns, Mr. Burdick, Mr. Gorton, Mr. McCain, Mr. Sarbanes, Mr. Harkin, Mr. Helms, Mr. Adams, Mr. Thurmond, Mr. Bond, Mr. Shelby, Mr. Graham, Mr. Bingaman, Mr. Murkowski, Mr. Danforth, Mr. DeConcini, Mr. Ford, Ms. Mikulski, Mr. Cranston, Mr. Levin, Mr. Baucus, Mr. Kerrey, and Mr. Breaux):

S. 284. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

By Mr. AKAKA:

S. 285. A bill for the relief of Imelda Villanueva Locquiao; to the Committee on the Judiciary.

S. 286. A bill for the relief of Ikechukwu J. Ogujiofor, Joy I. Ogujiofor, and Godfrey I. Ogujiofor; to the Committee on the Judiciary.

S. 287. A bill for the relief of Clayton Timothy Boyle and Clayton Louis Boyle, son and father; to the Committee on the Judiciary.

By Mr. DIXON (for himself, Mr. Boren, Mr. Sanford, and Mr. DeConcini):

S. 288. A bill to establish a series of 8 Presidential primaries at which the public may express its preference for the nomination of an individual for election to the Office of President of the United States; to the Committee on Rules and Administration.

By Mr. GARN (for himself, Mr. Moynihan, Mr. Warner, Mr. Robb, and Mr. Glenn):

S. 289. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Murkowski, Mr. Conrad, Mr. Burdick, and Mr. Cochran):

S. 290. A bill to establish an Indian Substance Abuse Program, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. McCAIN:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe; to the Select Committee on Indian Affairs.

S. 292. A bill to expand the boundaries of the Sanguaro National Monument; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 293. A bill to reduce the cost of the savings and loan crisis and to maximize the recovery of funds on behalf of the American taxpayer by providing the RTC and FDIC a priority relating to its claims against officers, directors and others responsible for losses at insolvent federally insured financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUMPERS (for himself, Mr. Boren, Mr. Reid, Mr. Bryan, Mr. Cranston, Mr. Daschle, Mr. Conrad, and Mr. Dixon):

S. 294. A bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process; to the Committee on Rules and Administration.

By Mr. DODD:

S. 295. A bill for the relief of Mary P. Carlton and Lee Alan Tan; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Simpson, and Mr. Simon):

S. 296. A bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years; considered and passed.

By Mr. HEFLIN:

S. 297. A bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 298. A bill for the relief of Maria Eduarda Lorenzo; to the Committee on the Judiciary.

By Mr. DODD:

S. 299. A bill to authorize activities for bank holding companies, to authorize additional powers for safe bank holding companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. Sanford):

S. 300. A bill to permit interstate banking; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. Specter, and Mr. Byrd):

S. 301. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify trade liberalization priorities, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 302. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 303. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

By Mr. HATCH:

S. 304. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve protections against eviction and distress; to the Committee on Veterans Affairs.

By Mr. KERRY (for himself, Mr. D'Amato, Mr. Riegle, Mr. Garn, Mr. Metzenbaum, Mr. Graham, Mr. Bryan, and Mr. Dixon):

S. 305. A bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself, Mr. Bond, and Mr. Lieberman):

S. 306. A bill to amend the Export-Import Bank Act of 1945 to permit the Export-Import Bank to assist in the export of certain U.S. defense articles and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIEGLE:

S. 307. A bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. Heinz, Mr. McCain, Mr. Reid, Mr. Cranston, Mr. Sarbanes, Mr. Mack, Mr. Shelby, Mr. Burdick, Mr. DeConcini, Mr. Murkowski, Mr. Durenberger, Mr. Lieberman, Mr. Glenn, Mr. Boren, Mr. Dixon, Mr. Leahy, Mrs. Kassebaum, Mr. Hatch, Mr. Gore, Mr. Sanford, Mr. Robb, Mr. Conrad, Mr. Moynihan, Mr. Hollings, Mr. Jeffords, Mr. Warner, Mr. Biden, Mr. Akaka, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Stevens, Mr. Simon, Mr. Cohen, and Mr. Pell):

S.J. Res. 53. Joint resolution to designate April 9, 1991 and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

By Mr. DIXON (for himself and Mr. Simon):

S.J. Res. 54. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. Chafee, and Mr. Kerry):

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portugese diplomatic relations; to the Committee on the Judiciary.

By Mr. KASTEN (for himself, Mr. Levin, Mr. Dole, Mr. Symms, Mr. Heflin, Mr. Warner, Mr. Moynihan, Mr. Dixon, Mr. Kerry, Mr. Riegle, Mr. Burdick, Mr. Grassley, Mr. Sanford, Mr. Shelby, Mr. Simon, Mr. Inouye, and Mr. DeConcini):

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 57. Joint resolution to designate the month of May 1991, as "National Foster Care Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 20. An original resolution authorizing the expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. BURDICK:

S. Res. 21. An original resolution authorizing the expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. D'AMATO (for himself, Mr. HELMS, Mr. SMITH, Mr. DECONCINI, Mr. WALLOP, and Mr. LIEBERMAN):

S. Res. 22. Resolution to urge the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 23. Resolution to authorize Michael Kinsella to testify before a grand jury; considered and agreed to.

By Mr. COCHRAN (for himself, Mr. LUGAR, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, and Mr. SIMPSON):

S. Con. Res. 7. Concurrent resolution urging the establishment of an international tribunal with jurisdiction to judge and punish Saddam Hussein for offenses committed against the citizens of Kuwait and Israel and against prisoners-of-war; to the Committee on Foreign Relations.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DODD, Mr. WALLOP, Mr. SYMMS, Mr. GRASSLEY, Mr. CHAFEE, Mr. BURNS, Mr. BURDICK, Mr. GORTON, Mr. MCCAIN, Mr. SARBANES, Mr. HARKIN, Mr. HELMS, Mr. ADAMS, Mr. THURMOND, Mr. BOND, Mr. SHELBY, Mr. GRAHAM, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. DANFORTH, Mr. DECONCINI, Mr. FORD, Ms. MIKULSKI, Mr. CRANSTON, Mr. LEVIN, Mr. BAUCUS, Mr. KERREY, and Mr. BREAUX):

S. 284. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

TAX TREATMENT OF PAYMENTS FOR CERTAIN LIFE INSURANCE PREMIUMS

Mr. BRADLEY. Mr. President, together with 30 of my colleagues, I am introducing legislation which can help to ease the financial burden on terminally ill persons, giving many of them the freedom to choose how to confront and pay for the special care often required in the last year of a person's life.

The living benefit is a feature introduced over the past year by many for the Nation's leading life insurance companies. It allows individuals who are certified by a physician to have a terminal illness or injury, which can be reasonably expected to result in death within 12 months, to receive the proceeds of their contracts prior to their death.

These efforts have been widely praised, but their benefit is diminished because of a tax problem. Section 101 of the Tax Code provides an exclusion for benefits "paid by reason of the death of the insured." Although proceeds paid at death are clearly tax free, the Internal Revenue Service has not yet ruled on whether accelerated benefits get the same treatment.

In other words, if you cashed in and got your payment out in the last year of your life, that would be a taxable event and you would have less of your benefit. If you died, of course, there would be a tax-free death benefit.

This bill that we are introducing today makes clear that in one specific case—a terminal illness—early life insurance payments are tax free. Because the benefits would normally be paid to survivors within a year anyway, there is virtually no significant cost to the Federal Government. But the enactment of this provision will make the lives of the terminally ill individuals much, much easier.

Another issue our bill addresses is a potential problem airising for individuals who do not choose the early payment option. If the mere availability of these accelerated benefits is treated as income, it could affect eligibility for other programs, such as Medicaid. It would not be fair to force the terminally ill to choose between their own welfare and the future welfare of their survivors. This bill amends the Social Security Act to ensure that policyholders are not compelled to elect prepayment of death benefits in order to become eligible or remain eligible for Federal means-tested programs such as Medicaid.

To date, 45 States have passed legislation excluding the living benefit when calculating State income taxes. These measures have been supported by the insurance industry, hospice and cancer societies, public policy analysts, Members of the Senate from both sides of the aisle, and most importantly—the patients and family members who must deal with both the emotional stress of confronting a terminal illness, and the financial concerns which result. This is not a complicated issue. It is a small but important step to increase the options for individuals and families facing a host of difficult decisions.

In summary, the legislation I have introduced today with 30 cosponsors will clarify the tax treatment of accelerated death benefits to Americans who need financial help at a most critical time, the last year of their life. Having access to these funds before death could mean the difference between dignity and despair for many terminally ill people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF PAYMENTS UNDER LIFE INSURANCE CONTRACTS FOR TERMINALLY ILL INDIVIDUALS.

(a) GENERAL RULE.—Section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end thereof the following new subsection:

"(g) TREATMENT OF AMOUNTS PAID WITH RESPECT TO TERMINALLY ILL INDIVIDUALS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a licensed physician as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.

SEC. 2. TAX TREATMENT OF COMPANIES ISSUING QUALIFIED TERMINAL ILLNESS RIDERS.

(a) QUALIFIED TERMINAL ILLNESS RIDER TREATED AS LIFE INSURANCE.—Section 818 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(g) QUALIFIED TERMINAL ILLNESS RIDER TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to life insurance shall be treated as including a reference to a qualified terminal illness rider.

"(2) QUALIFIED TERMINAL ILLNESS RIDER.—For purposes of this subsection, the term 'qualified terminal illness rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual upon the insured becoming a terminally ill individual (as defined in section 101(g)(2))."

(b) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(1) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Paragraph (5)(A) of section 7702(f) of such Code is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified terminal illness rider (as defined in section 818(g)(2)), or".

(2) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or de-

termining whether either such section applies to such contract), the issuance of a qualified terminal illness rider (as defined in section 818(g)(2) of such Code) with respect to any contract shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after December 31, 1989.

SEC. 3. APPLICANTS OR RECIPIENTS UNDER PUBLIC ASSISTANCE PROGRAMS NOT TO BE REQUIRED TO MAKE ELECTION RESPECTING ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE POLICIES.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end thereof the following new section:

TREATMENT OF ACCELERATED DEATH BENEFITS

"SEC. 1143. (a) IN GENERAL.—Notwithstanding any other provision of law, no individual who is an applicant or recipient of aid or assistance under a State plan approved under title IV, X, XIV, XVI, or XIX, of assistance funded by payments under title V or XX, or of benefits under the Supplemental Security Income program established by title XVI shall—

"(1) be required, as a condition of eligibility for (or of continuing to receive) such aid, assistance, or benefits, to make an election to receive an accelerated death benefit under a policy of life insurance, or

"(2) by reason of failure to make such an election, be denied (or suffer a reduction in the amount of) such aid, assistance, or benefits.

"(b) ACCELERATED DEATH BENEFIT.—For purposes of this section, the term 'accelerated death benefit' means any payment made under the terms of a life insurance policy, while the insured individual is alive, as a result of a recalculation of the insured individual's life expectancy."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 1990.

Mr. LIEBERMAN. Mr. President, I am pleased to join today with my friend and colleague, the senior Senator from New Jersey, in introducing the Living Benefits Act. Last year, this bill attracted 49 cosponsors, which I thought was an impressive start for a new proposal. This year, we are confident that we can actually succeed in passing this meritorious idea into law.

The Living Benefits Act should be a priority for the 102d Congress because of how much it will mean to those in our society who are the most seriously ill. When people confront a disease that can be fatal, such as AIDS or some kinds of cancer, they confront not only the physical consequences of that disease, they face a painful myriad of economic and social difficulties as well. Illness forces many to leave their jobs, remain at home, and undertake expensive medical procedures. Some become so poor they lose their homes, or cannot pay the rent, or cannot afford the care and services that can ease their troubled lives.

In spite of such economic devastation in the wake of a serious illness, for many people in this country, thousands of their dollars that have been saved carefully over the years lie just beyond their reach. Those are dollars that sit in the form of life insurance policies. Under current law, life insurance money generally can only be released after the insured person dies and is not available to meet the special needs of a person in his or her last months of life. Even in the rare case when the seriously ill can access their life insurance, that money is taxed simply because the person has chosen to receive it while alive instead of waiting for others to receive it after the person dies.

This legislation is based on a simple premise: It would allow those who are told by a doctor that they have a year or less to live to gain access to their life insurance benefits, giving them the means to live out the remaining months of their lives in dignity. Those prepaid benefits that some might call death benefits, but I think in this case more properly would be called living benefits, would enhance seriously ill people and their families to keep their homes, to receive quality care, and otherwise live their lives with a measure of independence, security, and peace.

Forty-five State insurance commissioners have actually approved the sale of living benefits policies and riders in their States. However, Federal legislation is now critically necessary to ensure that the recipient does not have to pay income tax on the money that would be received before death, just as survivors who receive the benefits of a life insurance policy do not have to pay a tax on those benefits.

Many Americans make life insurance their primary form of savings. In 1989 the American Council of Life Insurance found that 104 million Americans were covered by individual life insurance and 138 million by group policies. The average American household has $87,600 in life insurance. With that money and this legislation, we can put those resources to work in cases where they can really do the most human good.

Prudential Insurance Co. and Connecticut Mutual Life Insurance Co. are to be commended for taking the lead in the insurance industry in proposing and crafting policies designed to give seriously ill people access to their life insurance money before their death. I am proud to be working with my colleague, Senator BRADLEY, and our cosponsors—now number over 30—and I am hopeful they will soon number over 50, to broaden this worthwhile concept and make it available to thousands of Americans who face the terrible consequences of a life threatening illness.

Our bill costs the taxpayers nothing. But it benefits people who have but months to live a great deal. The Living Benefits Act is a compassionate, commonsense health care—life care—bill and it deserves the support of Congress and the President. I hope it will become law soon so those who are desperately in need of help can have some hope that help is on the way.

• Mr. McCAIN. Mr. President, I am pleased today to join my colleagues, Senators LIEBERMAN, BRADLEY, DODD, LAUTENBERG, WALLOP, SYMMS, GRASSLEY, and others, in introducing the Living Benefits Act. This legislation, which we also introduced last year, will enable life insurance companies to provide for payment of death benefits to those who are terminally ill.

Allowing life insurance policyholders who are terminally ill to tap a portion of their policy to help meet expenses in the later period of their life is not only good public policy, it is humane public policy. This policy will allow terminally ill individuals to live their remaining days comfortably, with appropriate care, and with dignity.

While insurance commissioners in 44 States have now approved the sale of policies that permit accelerated death benefits, and many insurance companies are now offering prepayment of death benefits if the individual insured under the policy becomes terminally ill, the tax treatment is unclear. This legislation will ensure that those receiving accelerated death benefits do not get taxed on them. In addition, the legislation amends the Social Security Act to prevent policyholders from being forced to take accelerated death benefits before they can qualify for means-tested public programs.

Mr. President, health care expenses can be ruinous today, as we know. I believe it is good policy to permit those with terminal illnesses to tap all available resources, including their life insurance policies, to meet necessary health care, housing, and food expenses. While this legislation does not do away with the need for assistance in the area of long-term care, I contend it is one brick in that wall. What's more, it does not require any additional outlay of resources. As such, I am pleased to join my colleagues in offering this bill. I hope that the rest of our colleagues will examine it with an eye toward support, even cosponsorship. And, I hope it will be taken up for consideration soon.•

By Mr. DIXON (for himself, Mr. BOREN, Mr. SANFORD, and Mr. DECONCINI):

S. 288. A bill to establish a series of eight Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States; to the Committee on Rules and Administration.

REGIONAL PRESIDENTIAL PRIMARIES AND CAUCUSES ACT

• Mr. DIXON. Mr. President, I rise today to reintroduce the Regional Presidential Primaries and Caucuses Act, but I would first like to thank Senator FORD, the distinguished chairman of the Rules Committee, and Senator STEVENS, the distinguished ranking member, for their repeated and successful efforts to get regional primaries legislation through their committee. I am grateful for their past and continuing support for this legislation, which is designed to improve our Presidential nominating process.

This legislation is the product of many years of diligence by our former and current colleagues of both parties who, like me, believe that our current process of Presidential primaries is too long and chaotic for the candidates and the voters.

It has been well established for a decade in political polls, and reflected in voter turnout, that the people of this country want a change in the current Presidential process. In the New York Times/CBS News poll taken just after the 1988 elections, 73 percent of Americans favored a regional primary process over the present system. That should speak volumes about the need for this legislation. The people recognize that they are being left out of the primary process. Considering how few people voted in 1988, we can ill-afford more disenfranchisement.

Anybody who followed the 1988 Presidential primaries knows that our Presidential nominating system needs to be reformed. The combination of the Iowa caucuses and New Hampshire primary with the huge number of primaries held on super Tuesday created a front loaded, chaotic and inequitable system. It is time for us to bring some rationality and fairness to the way we choose our candidates for the Presidency.

There are are least three problems with the current system that can be solved by enacting a regional primaries system: First, the States that currently begin the process are small and unrepresentative. Second, the chaos and disarray of the primary and caucus schedule have caused the most qualified candidates to shun the Presidency, and the voters to shun the ballot boxes. And third, the process is too long and confusing for most voters. The issue addressed by this legislation is the selection process for the most important position in our Federal Government. The problems with this process pose a grave danger to our democracy.

As we all know, Iowa and New Hampshire are where every candidate begins his or her campaign under the present system. The reason these two small States are so important in the process today is simply that their caucuses and primary are held first. The media certainly recognizes this point. A George Washington University study of CBS's 1980 coverage of different primaries found that California, with nearly one tenth of the Nation's population, received one fiftieth and one fortieth of the attention give to Iowa and New Hampshire, respectively. My own State of Illinois received one sixteenth and one twelfth the attention given to Iowa and New Hampshire. This trend is apparently still going strong.

Iowa's and New Hampshire's successes in picking Presidents may be partly due to good luck or old fashioned New England or Midwestern horse sense, but numbers like these make me believe that they are successful largely because their contests come first. New Hampshire's State Legislature even had the good sense to pass a law requiring that their primary be held 1 week before any other State primary.

With just 2 percent of the Nation's population, Iowa and New Hampshire have enormous power over the other 98 percent of the country. Under the current system, the impact of a vote cast in these two small States far outweighs the impact of votes cast in the rest of the country. And the number of voters participating in the 1988 Iowa caucuses and the New Hampshire primary was equivalent to asking the population of Columbia, SC, to decide which candidates should receive the media's nod to compete in the rest of the country.

Why should we allow Iowa to conduct the first caucus and New Hampshire the first primary? With all due respect to my colleagues from both States, why should they go first? Why should any State have a permanent advantage over all the others?

Other States have not overlooked the importance of being first; 20 States on the Democratic side and 17 States on the Republican side all held primaries 3 weeks after New Hampshire on super Tuesday. Over 30 States now hold their primaries before the end of March, and California may change its law moving its primary up to March, as well. The States are crowding their primary dates closer and closer together, and the result is an increasingly front loaded system.

However, these other States cannot achieve parity as long as Iowa and New Hampshire continue to hold their contests first. The system will not become equitable and reflect national concerns until the influence that comes with being first is shared among all 50 States.

The Senate Rules Committee approved my regional primaries bill in both the 100th and 101st Congress. The bill sets up a system of eight regional primaries of approximately equal electoral size. State primaries and caucuses are then placed into the regions on the basis of their geographic location.

Each election year, 90 days before the first primary, the Federal Election Commission [FEC] would determine by lot the order of the eight regional primaries. The first regional primary would be held on the first Tuesday in March, and subsequent primaries would take place every 2 weeks thereafter until June.

By having the Federal Election Commission decide by lottery the order of the primaries, the Regional Primaries and Caucuses Act allows every State and every region the opportunity to be first, and no region would be eligible to hold the first primary in two consecutive Presidential elections.

Just imagine it, Mr. President. No longer would the voters of the rest of the country be disenfranchised as they are under the current system. The people of Fargo, ND, and Portland, OR, and Los Angeles, CA, and Peoria, IL, would finally have an opportunity to exert their influence on the choice of President. The candidates would be forced to spend time with the voters of those States too. And imagine what would happen if endorsements by the Des Moines Register and the Manchester Union-Leader no longer decided the fates of so many candidates.

The second problem that we can solve with this bill is the problem of disarray that comes from the chaos of our current primary schedule. Many candidates, including former Presidents Ford and Nixon, have lamented the great distances traveled early in Presidential campaigns to reach so few people. Not only do these great distances make weary the many candidates and their staffs, they also cost a great deal of money.

The people who know whereof they speak in this debate are the Presidential candidates themselves. And some of the harshest criticism of our current nominating process comes from those who have been through it. One such person is our distinguished colleague from North Carolina, TERRY SANFORD, who wrote a book in 1981 entitled, "A Danger of Democracy—the Presidential Nominating Process." In it, he very clearly identifies the threat our current system poses:

> It is inevitable that a sloppy and disorganized method of nominating presidential candidates is an imminent danger. If our process makes it impossible to know what we are getting until we have got it, if our process does not ensure that we attract the best possible men and women to the presidential candidacy, we may very well elect an inadequate President, or a succession of inadequate Presidents, until we come to the point of desperation that renders us willing to change drastically our definition of democracy.

How true! If our Founding Fathers could see how inequitable this process is, they would say their intentions have been corrupted. The dangers our good friend from North Carolina tells us about are the dangers we face with a process such as the one we now have.

My proposal will encourage each candidate to appeal to all parts of our Nation, rather than to one small sector of our population. It will replace chaos and confusion with fairness and reason in choosing each party's Presidential candidates.

The third problem we face with the current system is the inordinate length of the Presidential primary process. In poll after poll, year after year, the public has told us that the process is too long. And low voter turnout should tell us something about the weariness of the public during the primary season. In a Gallup Poll following the 1988 campaign, 70 percent of Americans said they favored shortening the length of the Presidential primary campaign.

It is my contention, Mr. President, that the campaign is both too long and too short. It is too long in the sense that candidates spend so much time leading up to the election in Iowa and New Hampshire to prepare for those contests. It is too short because once those contests have been decided, the campaign ends within a month as the frontrunner sews up his nomination. Why should we let 2 percent of the country view the candidates for so long, while the other 98 percent of us get only a glimpse?

Because the Federal Elections Commission would decide the order of the regions just 90 days before the first primary, the candidates can no longer move to Iowa 2 years before the election. Candidates will be forced to spend time in Kansas and Arizona and other States that are currently left out. And the voters in these States will hear more than just the candidates' positions on the issues facing Iowa and New Hampshire. We may see greater voter turnout as a result. That would make this regional primary system really worthwhile.

Some have and will ask the question of whether it should be the National Government's right to impose a centralized system of primaries on the individual States that have up to now chosen their own primary dates. To those people I say: I would rather see the parties or States act on their own, but I think it is time for the Congress to take the lead on reforming our system. We need the national perspective that Congress can give on what is truly a national problem. We must impose some logic on a system that clearly lacks it. We must allow the best and most qualified candidates to run, and the only way to do that is to put some order back into the system that is now in chaos. Most of all, Mr. President, we must stand up and do what is right and fair and just for the American voters, to whom we all owe our allegiance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Regional Presidential Primaries and Caucuses Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the numerous elections and caucuses held by States for the expression of a preference for the nomination of individuals for election to the office of President of the United States are conducted without any semblance of order;

(2) the conventions held by national political parties for the purpose of nominating candidates for election to the offices of President and Vice President are vital to the process of selecting candidates for those offices; and

(3) in order to preserve the effectiveness of the Presidential election process and to provide for the public welfare of the Nation, the Congress must regulate certain parts of the process for selecting candidates for the office of President.

SEC. 3. REGIONAL PRIMARIES.

(a) Prohibition.—No State shall conduct a Presidential primary except in accordance with this Act.

(b) Number of Primaries.—Eight regional Presidential primaries shall be held during each Presidential election year.

(c) Dates of Primaries.—The first regional Presidential primary shall be held on the first Tuesday in March of such year, and the remaining 7 regional Presidential primaries shall be held every second Tuesday thereafter.

(d) Determination of Order of Primaries by Region.—(1) Ninety days before the date of the first regional Presidential primary, the Commission shall determine by lot the order in which the primaries are to be held.

(2) No region shall be chosen to have the first regional Presidential primary in 2 successive Presidential election years.

(3) A State may not hold a Presidential primary on a date other than the date assigned by the Commission to the region in which the State is located.

(e) Action by the Attorney General.—When the Attorney General has reason to believe that a State is holding or is about to hold a Presidential primary in violation of this section, the Attorney General may bring a civil action in United States district court for such relief as may be appropriate, including injunctive relief.

(f) Sanctions.—(1) Section 9006 of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new subsection:

"(d) Reduction of Payment.—The amount of payments to which a candidate is entitled under this section shall be reduced by 20 percent if the candidate is a candidate of a political party for which a Presidential primary was conducted in any State in violation of section 3 of the Regional Presidential Primaries and Caucuses Act of 1991.".

(2) Section 9008(b) of the Internal Revenue Code of 1986 is amended by inserting at the end thereof the following new paragraph:

"(6) Disentitlement to payments in case of violation of the regional presidential primaries and caucuses act of 1990.—In order for a major party, minor party, or new party to be eligible to receive any payments under this subsection, all Presidential primaries of such party must have been conducted in accordance with section 3 of the Regional Presidential Primaries and Caucuses Act of 1991.".

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "Commission" means the Federal Election Commission;

(2) the term "Presidential primary" means a primary, first tier caucus, convention, or other means of expressing a preference for the nomination of individuals for election to the office of President of the United States or for the selection of delegates to a national nominating convention of a political party, but the term does not include a national nominating convention of a political party;

(3) the term "region" means—

(A) region 1, comprising Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, and Connecticut;

(B) region 2, comprising Ohio, Pennsylvania, New Jersey, and Delaware;

(C) region 3, comprising Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, the District of Columbia, and Maryland;

(D) region 4, comprising Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, the Virgin Islands, and the Commonwealth of Puerto Rico;

(E) region 5, comprising Wisconsin, Michigan, Illinois, Indiana, and Missouri;

(F) region 6, comprising Texas, Oklahoma, Kansas, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota;

(G) region 7, comprising Arizona, New Mexico, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, Washington, and Alaska; and

(H) region 8, comprising California, Nevada, Hawaii, American Samoa, and Guam; and

(4) the term "State" means each of the 50 States of the United States, the District of Columbia, the Territories of American Samoa, Guam, the Commonwealth of Puerto Rico, and the Virgin Islands.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.•

• Mr. PACKWOOD. Mr. President, Senator Dixon and I are today reintroducing legislation which would establish eight regional Presidential preference primaries. This legislation is designed to replace the present mismash of Presidential extravaganzas which leave the candidates tired and broke and leave the public bored, bewildered and—far too often—disgusted. Voters understandably ask, "When is this nonsense coming to an end?" In the process, the candidates lose their credibility and the office loses its dignity.

Credibility must be restored to the candidates because, without it, dignity cannot be restored to the most important office in the world. A plan must be devised that somewhat dramatically improves the traveling sideshow of our current system. Congress must meet its responsibility of providing a vehicle for the American people to select the nominee of their party from a wide range of candidates.

The legislation which we are introducing today will, I believe, restore credibility to the candidates and dignity to the office they seek. It establishes a system of eight regional primaries throughout the Nation. Every State or territory under U.S. sovereignty is included in one of the following eight regions:

One. Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, and Connecticut;

Two. Ohio, Pennsylvania, New Jersey, and Delaware;

Three. Kentucky, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, the District of Columbia, and Maryland;

Four. Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, the Virgin Islands, and the Commonwealth of Puerto Rico;

Five. Wisconsin, Michigan, Illinois, Indiana, and Missouri;

Six. Texas, Oklahoma, Kansas, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota;

Seven. Arizona, New Mexico, Colorado, Utah, Wyoming, Montana, Idaho, Oregon, Washington, and Alaska; and

Eight. Arizona, New Mexico, Oklahoma, and Texas.

Each year, 90 days before the first primary, the Federal Election Commission would decide by lot the actual order of the eight regional primaries. Under the current system, some candidates begin their campaigns for nomination almost 2 years prior to the Presidential election. They are able to do this because certain States have a set primary date and the result is that all of the candidate's money, energy, and talent are focused on those particular States.

Under my original legislation, 70 days before each of the regional primaries, the Federal Election Commission would have decided by lot which region would go next. Under that proposal, candidates would not have been privy to the location of the first regional primary until 70 days prior to it, nor would they have been privy to the location of any of the remaining primaries until 70 days prior to each of those. In that manner, repeating this procedure for each of the ensuing primaries, the order of none of the primaries would have been known in advance. While I would have preferred my original proposal for drawing the order of the primaries by lot prior to each primary, I am pleased that the Senate Rules Committee did take positive action in reporting out a regional primary bill very close to my original proposal.

Under the legislation as reported out of the Senate Rules Committee in the last Congress and being reintroduced here today, the first regional primary would be held on the first Tuesday in March and the remaining primaries would take place every 2 weeks thereafter until June. Practical politics would dictate that candidates spend most of their available time in the region holding the next primary. In conducting primaries in this organized manner, we will avoid the whirlwind approach of our current system which fatigues the candidates, sours the voters, and badly erodes confidence in government.

Our bill does not attempt to regulate the national convention and delegate selection procedures. These procedures should rightfully be left to the States and political parties. Neither does this bill dictate what form a State's primary should take, that is, whether it should be open or closed. If a State provides for an open primary whereby those persons not registered in a particular political party may vote in a party's primary, the State would be able to continue to do so.

A regional primary such as we propose will allow candidates to spend a relatively small amount of time and money in order to determine whether they have widespread support. If candidates do well in the first primary, they will be off and running. If they do poorly, they can avoid the embarrassment and expense of hopelessly campaigning nationwide. Under this proposal, supporters and contributors will have a chance to become involved with a more viable candidate. Candidates can enter their first primary and if they do well can marshall the organizational and financial backing necessary to garner additional support. Their candidacies will have the chance to catch fire and gather momentum. In short, regional primaries will allow candidates to gracefully withdraw if their campaigns fail to catch fire. By the same token, regional primaries will also allow a smoldering ember to be built into a blazing bonfire.

Under this measure, moreover, the voters will have a better chance to judge a candidate's true qualifications. "Madison Avenue" will be shelved. A more personal and direct approach will be the result. Rather than the trademarks of image and style characteristics of our present system, the trademarks of a regional primary will be issues and answers.

If we are to return "government to the people" and restore confidence in that government, we have that opportunity through the regional primary concept. The regional Presidential primary offers the best hope of returning credibility to the candidates and dignity to the Presidency.•

By Mr. GARN (for himself, Mr. MOYNIHAN, Mr. WARNER, Mr. ROBB, and Mr. GLENN):

S. 289. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes; to the Committee on Rules and Administration.

EXTENSION OF NATIONAL AIR AND SPACE MUSEUM

• Mr. GARN. Mr. President, on behalf of myself and Senators MOYNIHAN, WARNER, ROBB, and GLENN, today I am reintroducing a bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Dulles International Airport. Last year, the Senate passed an act that is identical to the bill now being introduced, but the House did not act on that Senate measure, S. 2636.

The report that accompanied S. 2636 summarized the need for an extension of the Air and Space Museum. I quote now from that report:

> [An extension] is needed because there is no room for many important air and spacecraft at the Museum on the Mall or the storage facility in Suitland, Maryland, and it is impossible to transport very large exhibits to those locations. In addition, the Suitland facility is without proper environmental control needed to preserve the artifacts.
>
> The Museum's growing collection requires additional hangar-like exhibition space. It is estimated that the proposed extension would require 1.5 million gross square feet of building area. Over the past several years the Board of Regents has considered many possible locations for this museum extension; it has selected the Washington Dulles International Airport location for its convenience both to scholars involved in research and to the general public.
>
> The passage of S. 2636 would enable the Smithsonian to continue the planning and design of the proposed extension. The Institution will seek funds for construction from non-Federal sources; the Commonwealth of Virginia has already offered its financial and strategic support. S. Rpt. 101-343, 101st Cong., 2d Sess. 1-2 (1990).

Mr. President, on three occasions stretching over the past 7 years the Board of Regents of the Smithsonian Institution has recommended that an extension of the National Air and Space Museum be constructed at Washington Dulles International Airport so that the museum may continue to fulfill its mandate to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance." The U.S. Senate has twice—1990 and 1986—approved the Dulles extension.

The National Air and Space Museum on The Mall is the most popular museum in the world. Its popularity stems from the manner in which its artifacts are exhibited and from the fact that Americans—and, indeed, people throughout the world—are intrigued with and enthusiastic about the idea and implements of flight and space exploration. But the facility on The Mall is no longer adequate.

The artifacts of air and space are large: The prototype Boeing 707—which introduced the commercial jet age, generated billions of dollars for U.S. workers and investors, and shrank the world—should be available as an example of our aviation heritage. But it is too large for The Mall museum. The space shuttle *Enterprise*—which I was pleased to help obtain for the Smithsonian—should be available. But there is no room on The Mall. The speedy and mysterious *Blackbird* is awaiting exhibit space, as are other examples of man's achievements in the air. All of these machines are too large to be exhibited in the museum on The Mall; indeed, most of them cannot even be disassembled for transportation to The Mall. These objects require a very large facility with a runway—and the Regents of the Smithsonian Institution believe the best location in the entire country is at nearby Dulles International Airport.

In a letter to the chairman of the Senate Rules Committee, the Smithsonian Institution spelled out the major problems that jeopardize the future of the Air and Space Museum. The Institution's own descriptions of those problems bear repeating:

> First, neither the Museum on the Mall nor its Paul E. Garber Preservation, Restoration, and Storage Facility in Suitland, Maryland, have sufficient space in which to house properly or exhibit artifacts now in or available for [the] collection. Many important airplanes are stored in pieces at the Garber Facility; others are stored in the Arizona desert because there is no room for them in Washington.
>
> Second, it is virtually impossible to transport very large air and spacecraft, such as the Space Shuttle Orbiter "Enterprise" or the Concorde which has been promised by Air France, to either the Museum on the Mall or to the Garber Facility. Very large artifacts cannot readily be moved by road because urbanization and obstacles such as overpasses require their laborious and sometimes destructive disassembly. Thus, their movement intact must be done by air.
>
> Third, the physical integrity of eighty percent of the national collections now housed at the Garber Facility is compromised by the deterioration of its overcrowded warehouses which are without proper environmental control. S. Rpt. 101-343, op. cit., at 2-3.

Mr. President, our air and space machines represent some of man's greatest accomplishments, but those machines will slowly rot if we don't protect them. An extension of the National Air and Space Museum is necessary to protect those machines, and to tell the stories of the designers, builders, and flyers who made those machines conquer the air. I hope this will be the year that the House joins the Senate to authorize funds to plan and design that extension.•

• Mr. WARNER. Mr. President, I rise in support of the legislation being introduced today by the distinguished Senator from Utah which would authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport.

This bill is the result of many years of hard work by Senator GARN, who serves on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. Since then, the Board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, Charles Robb, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

The Senate vote on August 4, 1990, marked the third time that the U.S. Senate approved legislation to expand the National Air and Space Museum at Dulles.

Therefore, I must state my frustration and dismay that we are here again only beginning the legislative process which would allow the planning and design of such a worthwhile and historically important project to commence.

This legislation would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft in the world. However, due to the limited exhibition space in The Mall building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367-80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B-29, *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed nor enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibits the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes:

A $3 million interest-free loan for planning and design work;

State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension;

A commitment to provide the required site improvements at a total cost of $26 million;

A $6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions;

A pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro station and the museum site by the year 2000;

A willingness to initiate Metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and

Plans for construction of the Barnsfield Road interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with exiting airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

I call on every Member of Congress to support this legislation which will make the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we have so recently witnessed in the operations of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience first hand the magnitude and significance of man's technological achievements.•

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. CONRAD, Mr. BURDICK, and Mr. COCHRAN):

S. 290. A bill to establish an Indian Substance Abuse Program, and for other purposes; to the Select Committee on Indian Affairs.

INDIAN ANTI-DRUG ABUSE AMENDMENTS

• Mr. McCAIN. Mr. President, I rise today to introduce on behalf of myself, Senators INOUYE, MURKOWSKI, CONRAD, BURDICK, and COCHRAN, legislation to reauthorize for 5 years several drug and alcohol abuse programs for native Americans that were included in the Anti-Drug Abuse Act of 1988. I am particularly pleased to be joined in introducing this proposal by the distinguished chairman of the select committee, who has been very involved in this issue and has contributed greatly to this proposal.

As I am sure my colleagues are aware, native Americans suffer a greater incidence of alcoholism than any other segment of our Nation's population. The alarmingly high rate of alcohol consumption among native Americans results in correspondingly high rates of illness, accidents, and related incidents. In fact, it also leads to a high rate of death. Experts tell us that the death rate among native Americans due to the consumption of alcohol is over four times that of any other segment of our population.

A number of tribes are now completely dry, and some are just beginning to recognize and want to deal with the high rate of alcoholism among their people. I believe we need to be assisting those tribes who wish to help their members who have a problem with alcohol to rid themselves of this disease. This means that we need to provide assistance in the areas of education, prevention, and treatment.

There are a number of good programs in Indian country, such as the programs for which continued funding would be provided by this reauthorization. But, we cannot be complacent with where we are at now—for the need is much greater than what is currently being addressed. Last year, I had the occasion to spend a Saturday night in Gallup, NM. The population of this rural town on the border of Arizona and New Mexico triples on weekends as Indians from three nearby reservations pour into town. Most come to do necessary shopping. Many come to drink.

According to the police in Gallup, who often lock drunks up in what is termed "protective custody," an average month can see the detention of as many as 3,000. This particular weekend only saw 150, which made it a particularly slow weekend.

Towns this size usually average 11 liquor licenses—Gallup has 61. With the bars opening at 8 a.m., it is not uncommon to the see the road from the Navajo reservation to Gallup littered with the bodies of the drunk.

Traffic accidents caused by drunk drivers in surrounding McKinley County are 10 times the national average.

I believe alcoholism will remain an epidemic among native Americans as long as native Americans continue to be deprived of opportunities to improve their circumstances. Until the prospects for improving the quality of reservation life are dramatically enhanced, there will be little we can do to achieve a meaningful reduction in the numbers of native Americans who abuse alcohol. Providing opportunities, not welfare, to native Americans should be a national priority. The creation of Indian enterprise zones—offering tax incentives to promote investments on the reservation—is a sensible step in this direction. Should this urgent necessity suffer the usual Government neglect, more Indians will suffer the slow suicide of alcoholism.

Addressing the fundamental causes of alcohol abuse is essential to preventing future generations of native Americans from succumbing to the disease that has claimed so many of their parents. This legislation reauthorizes just such programs.

This legislation is not a be-all, end-all proposal in the area of alcohol and substance abuse. Rather, it is a proposal to beef up the current programs and add a few new ones. But, I am confident that as this proposal moves its way through the Senate Select Committee on Indian Affairs my colleagues will assist me in making this a more comprehensive proposal. For example, I know that my friend from South Dakota, Senator DASCHLE, is working on a comprehensive proposal to address the critical problem of fetal alcohol syndrome that is crippling the future of so many tribal communities across this land. I look forward to his contribution to making this a more complete proposal, and I look forward to the contributions of my other colleagues as this proposal moves its way through the hearing and markup process.

I ask unanimous consent that a copy of the bill and a section-by-section summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986.

(a) SHORT TITLE.—This Act may be cited as the "Indian Anti-Drug Abuse Amendments of 1991".

(b) AMENDMENTS.—Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.).

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Paragraph (2) of section 4206(d) (25 U.S.C. 2412(d)(2)) is amended to read as follows:

"(2) There are authorized to be appropriated not to exceed $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for grants under this subsection.".

SEC. 3. TECHNICAL AMENDMENTS TO SECTION 4209.

The last sentence in subsection (a) of section 4209 (25 U.S.C. 2415(a)) is amended by striking the word "Interior"' and inserting, in lieu thereof, the word "Interior's" and by striking the phrase "shall b" and inserting, in lieu thereof, the phrase "shall be".

SEC. 4. AUTHORIZATIONS.

Subsection (b) of section 4210 (25 U.S.C. 2416(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.".

SEC. 5. INDIAN EDUCATION PROGRAMS.

Section 4212(a) (25 U.S.C. 2432(a)) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1992, 1993, 1994, and 1995".

SEC. 6. EMERGENCY SHELTERS AND HALFWAY HOUSES.

Paragraph (1) of section 4213(e) (25 U.S.C. 2433(e)(1)) is amended to read as follows:

"(1) For the planning and design, construction, and renovation of, or purchase or lease of land or facilities for, emergency shelters and half-way houses to provide emergency care for Indian youth, there are authorized to be appropriated $7,000,000 for fiscal year 1992, and $3,500,000 for each of the fiscal years 1993, 1994, and 1995.".

SEC. 7. ILLEGAL NARCOTICS TRAFFIC.

(a) INVESTIGATION AND CONTROL.—(1) Paragraph (1) of section 4216(a) (25 U.S.C. 2442(a)) is amended by—

(A) striking the word "and" at the end of subparagraph (A);

(B) striking the period at the end of subparagraph (B) and inserting in lieu thereof a comma and the word "and"; and

(C) inserting the following new subparagraph (C):

"(C) the Makah Indian Tribe of Washington for the investigation and control of illegal narcotic traffic on the Makah Indian Reservation arising from its proximity to international waters.".

(2) Paragraph (3) of section 4216(a) (25 U.S.C. 2442(a)(3)) is amended to read as follows:

"(3) For the purpose of providing the assistance required by this subsection, there are authorized to be appropriated—

"(A) $500,000 under paragraph (1)(A) for each of the fiscal years 1992, 1993, 1994, and 1995,

"(B) $450,000 under paragraph (1)(B) for each of the fiscal years 1992, 1993, 1994, and 1995, and

"(C) $450,000 under paragraph (1)(C) for each of the fiscal years 1993, 1994, and 1995.".

(b) SOURCE ERADICATION AUTHORIZATION.—Paragraph (2) of section 4216(b) (25 U.S.C. 2442(b)(2)) is amended to read as follows:

"(2) AUTHORIZATION.—For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(c) MARIJUANA ERADICATION AND INTERDICTION.—(1) The Secretary of the Interior, in cooperation with appropriate Federal, tribal, and State and local law enforcement agencies, shall establish and implement a program for the eradication of marijuana cultivation, and interdiction, investigation, and control of illegal narcotics trafficking within Indian country as defined in section 1152 of title 18. The Secretary shall establish a priority for the use of funds appropriated under subsection (b) of this section for those Indian reservations where the scope of the problem is most critical, and such funds shall be available for contracting by Indian tribes pursuant to the Indian Self-Determination Act (25 U.S.C. 450f et seq.).

(2) For the purpose of establishing the program required by paragraph (1), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 8. LAW ENFORCEMENT AND JUDICIAL TRAINING.

Subsection (b) of section 4218 (25 U.S.C. 2451(b)) is amended to read as follows:

"(b) AUTHORIZATION.—For the purpose of providing the training required by subsection (a), there are authorized to be appropriated $1,650,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 9. JUVENILE DETENTION CENTERS.

Paragraph (1) of section 4220(b) (25 U.S.C. 2453(b)(1)) is amended to read as follows:

"(1) For the purpose of constructing or renovating juvenile detention centers as provided in subsection (a), there is authorized to be appropriated $5,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

SEC. 10. INDIAN HEALTH SERVICE PROGRAM.

Section 4226 (25 U.S.C. 2473) is amended by—

(1) inserting the subsection heading "(a) Comprehensive Prevention and Treatment Program.—" at the beginning thereof;

(2) striking the subsection heading "(c) Contract Health Services.—" and inserting in lieu thereof the heading "(b) Contract Health Services.—"; and

(3) striking all of paragraph (2) of subsection (b) and inserting in lieu thereof the following:

"(2) In carrying out this subsection, the Secretary shall provide assistance to Indian tribes to develop criteria for the certification of alcohol and substance abuse service providers and accreditation of service facilities which meet minimum standards for such services and facilities as may be determined pursuant to section 4205(a)(3).

"(3) In addition to amounts otherwise authorized to be appropriated for contract health services, there are authorized to be appropriated $11,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for the purpose of carrying out the provisions of this subsection.".

SEC. 11. INDIAN HEALTH SERVICE YOUTH PROGRAM.

(a) Treatment Centers.—(1) Paragraph (2)(A) of section 4227(b) (25 U.S.C. 2474(b)(2)(A)) is amended to read as follows:

"(2)(A) For the purpose of constructing or renovating centers or facilities required by paragraph (1), there are authorized to be appropriated $4,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(2) Section 4227(b) is amended by adding at the end the following:

"(3) Notwithstanding any other provision of this subtitle, the Secretary may, from amounts authorized to be appropriated pursuant to this section, make funds available to the Tanana Chiefs Conference, Incorporated, for the purpose of leasing, constructing, renovating, operating, and maintaining a residential youth treatment facility in Fairbanks, Alaska.".

(b) Federally Owned Structures.—Paragraph (3) of section 4227(c) (25 U.S.C. 2474(c)(3)) is amended to read as follows:

"(3) There are authorized to be appropriated $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.".

(c) Rehabilitation and Aftercare Services.—(1) The subsection heading of subsection (d) of section 4227 (25 U.S.C. 2474(d)) is amended to read as follows: "Rehabilitation and Aftercare Services.".

(2) Paragraph (3) of section 4227(d) (25 U.S.C. 2474(d)(3)) is amended to read as follows:

"(3) For the purpose of providing the services authorized by paragraph (1), there are authorized to be appropriated—

"(A) $13,000,000 for fiscal year 1992,

"(B) $14,000,000 for fiscal year 1993,

"(C) $15,000,000 for fiscal year 1994, and

"(D) $16,000,000 for fiscal year 1995.".

(d) Adult Family Outpatient Care.—Subsection (e) of section 4227 (25 U.S.C. 2474(e)) is amended by adding at the end thereof the following new sentence: "Not less than 10 per centum of the funds appropriated pursuant to subsection (d) shall be used for outpatient care of adult family members related to the treatment of an Indian youth under that subsection.".

(e) Multidrug Abuse Study.—Section 4227 (25 U.S.C. 2474) is amended by adding at the end thereof the following new subsection (f):

"(f) Multidrug Abuse Study.—(1) The Secretary of Health and Human Services shall cause a study to be conducted to determine the incidence and prevalence of the abuse of multiple forms of drugs, including alcohol, among Indian youth residing on Indian reservations and in urban areas and the interrelationship of such abuse with the incidence of mental illness among such youth.

"(2) The Secretary shall submit such report, together with his recommendations relating to his findings, to the Congress no later than two years after the date of enactment of this Act.

"(3) There is hereby authorized to be appropriated $500,000 to fund the study required by this subsection.".

(f) Alcohol and Substance Abuse Treatment Facility.—(1) The Secretary of Health and Human Services, acting through the Indian Health Service, shall establish a regional youth alcohol and substance abuse prevention and treatment center in Sacaton, Arizona, on the Gila River Indian Reservation. The center shall be established within facilities leased, with the consent of the Gila River Indian Tribe, by the Indian Health Service from such Tribe.

(2) The center established pursuant to this subsection shall be known as the "Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center".

(3) The Secretary of Health and Human Services, acting through the Indian Health Service, shall establish, as a unit of the regional center, a youth alcohol and substance abuse prevention and treatment facility in Schurz, Nevada.

(4) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 12. TRAINING AND COMMUNITY EDUCATION.

Subsection (d) of section 4228 (25 U.S.C. 2475(d)) is amended to read as follows:

"(d) Authorization.—There are authorized to be appropriated for each of the fiscal years 1992, 1993, 1994, and 1995—

"(1) $3,500,000 to carry out the provisions of subsection (a), and

"(2) $2,000,000 to carry out the provisions of subsection (b).".

SEC. 13. GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.

Section 4229 of the Act of October 27, 1986 (25 U.S.C. 2476), as amended, is further amended to read as follows:

"SEC. 4229. GALLUP ALCOHOL AND SUBSTANCE ABUSE TREATMENT CENTER.

"(a) Grants for Residential Treatment.—The Secretary of Health and Human Services shall make grants to the Navajo Nation for the purpose of providing residential treatment for alcohol and substance abuse for adult and adolescent members of the Navajo Nation and neighboring tribes.

"(b) Purposes of Grants.—Grants made pursuant to this section shall be used to—

"(1) provide at least 15 residential beds per annum for adult long-term treatment, including beds for specialized services such as polydrug abusers, dual diagnosis, and specialized services for women with fetal alcohol syndrome (FAS) children;

"(2) establish clinical assessment teams which shall consist of a clinical psychologist, a part-time addictionologist, a master's level assessment counselor and a certified medical records technician and which shall be responsible for conducting individual assessments and matching Indian clients with the appropriate available treatment;

"(3) provide at least 12 beds for an adolescent shelterbed program in the city of Gallup, New Mexico, which will serve as a satellite facility to the Acoma/Canoncito/Laguna Hospital and the adolescent center located in Shiprock, New Mexico, for emergency crisis services, assessment, and family intervention;

"(4) develop a relapse prevention program which will be responsible for identifying sources of job training and job opportunity in the Gallup area and for providing vocational training, job placement and job retention services to recovering substance abusers; and

"(5) provide continuing education and training in the areas of intensive outpatient services, development of family support systems and case management for treatment staff in cooperation with regional colleges, community colleges, and universities in the area.

"(c) Contract for Residential Treatment.—The Navajo Nation, in carrying out the purposes of this section, shall enter into a contract with an institution in the Gallup, New Mexico, area which is accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide comprehensive alcohol and drug treatment as authorized in subsection (b).

"(d) Authorization of Appropriations.—There are hereby authorized to be appropriated—

"(1) to carry out the purposes of subsection (b)(1) $400,000 for fiscal year 1993, $400,000 for fiscal year 1994, and $500,000 for fiscal year 1995;

"(2) to carry out the purposes of subsection (b)(2) $100,000 for fiscal year 1993, $125,000 for fiscal year 1994, and $150,000 for fiscal year 1995;

"(3) to carry out the purposes of subsection (b)(3) $75,000 for fiscal year 1993, $85,000 for fiscal year 1994, and $100,000 for fiscal year 1995;

"(4) to carry out the purposes of subsection (b)(4) $150,000 for fiscal years 1993, 1994, and 1995; and

"(5) to carry out the purposes of subsection (b)(5) $75,000 for fiscal year 1993, $90,000 for fiscal year 1994, and $100,000 for fiscal year 1995.".

SEC. 14. URBAN INDIAN PROGRAM.

Subsection (e) of section 4231 (25 U.S.C. 2478(e)) is amended to read as follows:

"(e) Authorization for Grant Program.—There are authorized to be appropriated $5,000,000 for fiscal year 1992 and $7,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out the purposes of this section.".

SEC. 15. FETAL ALCOHOL SYNDROME.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act is amended by adding at the end thereof the following new section 4232:

"SEC. 4232. FETAL ALCOHOL SYNDROME GRANTS.

"(a) The Secretary of Health and Human Services is authorized to make grants to Indian tribes to establish fetal alcohol syndrome (FAS) programs as provided in this section.

"(b)(1) Grants made pursuant to this section shall be used to—

"(A) identify and provide alcohol and substance abuse treatment to high-risk women;

"(B) develop and provide community training, education, and prevention programs relating to fetal alcohol syndrome; and

"(C) develop, encourage, and where necessary, provide for special services and education programs for fetal alcohol syndrome and fetal alcohol effect victims.

"(2) The Secretary shall establish criteria for the review and approval of application for grants under this section.

"(c) The Secretary shall provide assistance to Indian tribes in the development, printing, and dissemination of education and prevention materials on FAS and not more than $220,000 of the funds appropriated pursuant to this section shall be used for this purpose.

"(d)(1) There are hereby authorized to be appropriated $10,000,000 for each of the fiscal years 1993, 1994, and 1995 for the purposes of this section.

"(2) Ten percent of the funds appropriated pursuant to this subsection shall be used to make grants to urban Indian organizations.".

SEC. 16. ALASKA NATIVE DRUG AND ALCOHOL ABUSE DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROGRAM.—The Secretary of Health and Human Services, acting through the Service, shall make grants to the Alaska Native Health Board for the conduct of a two-part community-based demonstration project to reduce drug and alcohol abuse in Alaska Native villages and to rehabilitate families afflicted by such abuse. Sixty percent of such grant funds shall be employed by the Health Board to stimulate coordinated community development programs in villages seeking to organize to combat alcohol and drug use. Forty percent of such grant funds shall be transferred to a qualified nonprofit corporation providing alcohol recovery services in the village of St. Mary's, Alaska, to enlarge and strengthen a family life demonstration program of rehabilitation for families that have been or are afflicted by alcoholism.

(b) EVALUATION AND REPORT.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall evaluate the program established under subsection (a) of this section and submit a report on such evaluation to the appropriate committees of Congress by January 1, 1992.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of making grants under subsection (a) of this section $1,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 17. TREATMENT CENTER.

(a) GRANT.—The Secretary of Health and Human Services, acting through the Indian Health Service, shall make a grant to the Thunderchild Treatment Center at Sheridan, Wyoming, to match funds already received by the Thunderchild Treatment Center through private contributions for the completion of construction of a multiple approach substance abuse treatment center which specializes in the treatment of alcohol and drug abuse of American Indians.

(b) AUTHORIZATION.—To carry out subsection (a), there is authorized to be appropriated, the sum of $2,000,000 for fiscal year 1992. No funding shall be made available for staffing or operation of this facility. None of the funding appropriated to carry out subsection (a) shall be used for administrative purposes.

SUMMARY OF THE INDIAN ANTI-DRUG ABUSE AMENDMENTS OF 1991

Sec. 1. Short Title: Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.

Provides that this title may be cited as the "Indian Anti-Drug Abuse Amendments of 1991".

Provides that whenever a section or other provision is amended or repealed, such amendment or repeal is to be made to that section or other provision of P.L. 99-570.

Sec. 2. Authorization of Appropriations for Grants.

Amends Sections 4206(d)(2) of the Anti-Drug Abuse Act of 1986 by striking out "1987, 1988 and 1989" where it appears and inserting in lieu thereof an authorization of appropriations "not to exceed $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for grants under this subsection.".

Sec. 3. Technical Amendments to Section 4209.

Amends Subsection (a) of section 4290 by striking the word "Interior" and inserting, in lieu thereof, "Interior's" and by striking the phrase "shall b" and inserting, in lieu thereof, the phrase "shall be".

Sec. 4. Newsletter Authorizations.

Amends Subsection (b) of Section 4210 by authorizing to be appropriated $500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of this section.

Sec. 5. Indian Education Programs.

Amends Section 4212(a) by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1992, 1993, 1994, and 1995".

Sec. 6. Emergency Shelters and Halfway Houses.

Amends paragraph (1) of section 4213(e) by authorizing appropriations of $7,000,000 for fiscal year 1992, and $3,000,000 for each of the fiscal years 1993, 1994, and 1995.

Sec. 7. Illegal Narcotics Traffic.

Paragraph (1) of Section 4216(a) is amended by inserting a new subparagraph which includes the Makah Indian Tribe of Washington in the international investigation and control of illegal narcotic traffic on the Makah Indian Reservation.

Paragraph (3) of section 4216(a) is amended to reauthorize the appropriation of $500,000 for the Tohono O'Odham Nation and $450,000 for the St. Regis Mowhawk Tribe in fiscal years 1992, 1993, 1994, and 1995, and to authorize for appropriation $450,000 for the Makah Indian Tribe during this same period.

Paragraph (1) of section 4216(b) is amended to expand the program for the eradication of marijuana cultivation by adding "interdiction, investigation and control of illegal narcotics trafficking" to this section.

The authorization for appropriation, under paragraph (3) of section 4216(b) is amended by increasing the authorization from $500,000 to $2,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 8. Law Enforcement and Judicial Training.

Subsection (b) of Section 4218 is amended to increase the authorization from $1,500,000 to $1,650,000 for each of the fiscal years 1992, 1993, 1994, and 1995. Section 4218 authorizes the Secretary to establish supplemental training programs for judicial and law enforcement personnel to improve the investigation and prosecution of cases involving illegal narcotics.

Sec. 9. Juvenile Detention Centers.

Subsection (b) of section 4220 is amended to increase the authorization from $5,000,000 to $5,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995. Section 4220 authorizes the Secretary to construct or renovate new or existing juvenile detention centers.

Sec. 10. Indian Health Service Program.

Section 4226 is amended with a technical correction to include proper identification and headings for subsections (a) and (b). Subsection 4226 is further amended to direct the Secretary to assist tribes in the development of criteria for the certification of alcohol and substance abuse service providers and facilities. Finally, section 4226 is amended to increase the authorization for services from $10,000,000 to $11,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 11. Indian Health Service Youth Program.

Treatment Centers: Subsection (a), paragraph (1), amends subsection 4227(b) of the Act by extending the authorization for appropriations for the construction of renovation of regional treatment centers at $3,000,000 for fiscal year 1991 and $4,500,000 for fiscal years 1992, 1993, 1994, and 1995.

Paragraph (2) amends subsection 4227(b) by adding a new paragraph (3) which authorizes the use of funds under subsection 4227(b) by the Tanana Chiefs Conference, Inc., of Alaska for the leasing, construction, renovation and operation and maintenance of a residential youth treatment facility in Fairbanks, Alaska.

Federally Owned Structures: Subsection (b) amends subsection 4227(c) of the Act to extend the authorization of appropriations for the use of federally-owned structures for treatment centers at $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Rehabilitation and Aftercare Services: Subsection (c) amends subsection 4227(d) to extend the authorization of appropriations for rehabilitation and aftercare services at $13,000,000 for fiscal year 1992, $14,000,000 for fiscal years 1993, $15,000,000 for fiscal year 1994, and $16,000,000 for fiscal year 1995.

Adult Family Outpatient Care: Subsection (d) amends subsection 4227(e) of the Act, related to the inclusion of the family in youth treatment, by providing that not less than 10 percent of the funds appropriated pursuant to subsection 4227(d) shall be used for outpatient care of adult family members.

Multidrug Abuse Study: Subsection (e) amends section 4227 by adding a new subsection (f) which provides for a study and report to the Congress by the Secretary of Health and Human Services of multi-drug abuse among Indian youth and authorizes the appropriation of $500,000 for such study.

Alcohol and Substance Abuse Treatment Facility: Subsection (f) amends the Anti-Drug Abuse Act by adding clarifying language regarding the establishment of the "Regional Youth Alcohol and Substance Abuse Prevention and Treatment Center" in Sacaton, Arizona, on the Gila River Indian Reservation. In addition to this center, a youth alcohol and substance abuse prevention and treatment facility in Schurz, Nevada. An authorization for appropriations of "such sums as may be necessary" to carry out this subsection is mentioned.

Sec. 12. Training and Community Education.

Amends subsection 4228(d) of the Act, relating to training and community education, to extend the authorization of appropriations for such activities by $3,500,000 for each of the fiscal years 1992, 1993, 1994, and 1995 for community education and $2,000,000 for each of such fiscal years for training.

Sec. 13. Gallup Alcohol and Substance Abuse Treatment Center.

Amends section 4229 of the Act, which established a Navajo alcohol rehabilitation demonstration program for Gallup, New Mexico, by striking all of the existing language and inserting new language establishing a grant program for a Gallup Alcohol and Substance Abuse Treatment Center as follows:

Subsection (a) authorizes the Secretary of Health and Human Services to make grants to the Navajo Nation to provide residential treatment for alcohol and substance abuse by adult and adolescent members of the Navajo Nation and neighboring tribes.

Subsection (b) defines the purpose for which such grants will be made relating to the provision of such treatment.

Subsection (c) provides that the Navajo Nation shall enter into a contract with a local institution in the Gallup area which is accredited to provide such treatment by the Joint Commission on the Accreditation of Health Care Organizations.

Subsection (d) makes separate authorizations of appropriations to carry out each of the defined purposes at a total $850,000 for fiscal years 1993 and 1994, and $1,000,000 for fiscal year 1995.

Sec. 14. Urban Indian Program.

Amends subsection 4231(e) of the Act to extend the authorization of appropriations for urban Indian programs in alcohol and substance abuse at $5,000,000 for fiscal year 1992 and $7,000,000 for each of the fiscal years 1993, 1994, and 1995.

Sec. 15. Fetal Alcohol Syndrome.

Amends the Indian Alcohol and Substance Abuse Prevention Act by adding a new section 4232 establishing Fetal Alcohol Syndrome (FAS) Grants as follows:

Subsection (a) authorizes the Secretary of Health and Human Services to make grants to Indian tribes to establish FAS programs.

Subsection (b) defines the uses of such grants and provides that the Secretary shall establish criteria for the review and approval of grant applications.

Subsection (c) authorizes the use of not more than $220,000 appropriated pursuant to subsection (d) for the development, printing and dissemination of materials on education and prevention of FAS.

Subsection (d) authorizes the appropriation of $10,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out the purposes of the section and provides that 10 percent of such funds shall be used for grants to urban Indian organizations.

Sec. 16. Alaska Native Drug and Alcohol Abuse Demonstration Project.

Provides a new section to reduce drug and alcohol abuse in Alaska Native villages. The Secretary, acting through the IHS, is authorized to make grants to the Alaska Native Health Board to conduct a two-part demonstration project. Sixty percent of such grant funds shall be awarded to initiate coordinated community development programs to address alcohol and drug use. Forty percent of such grant funds shall be transferred to a non-profit corporation in the village of St. Mary's, Alaska, to expand and strengthen family rehabilitation services. An evaluation of these programs is required in fiscal year 1992. The authorization for appropriations is $1,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

Sec. 17. Wyoming Treatment Center.

Provides a new section to authorize a grant, through the IHS, to the Thunderchild Treatment Center at Sheridan, Wyoming, to match funds already received through private contributions for the completion of construction of a multiple approach substance abuse treatment center. An authorization for an appropriation of $2,000,000 in fiscal year 1992 is provided. No funding shall be made available for staffing or operation of this facility and none of the funding appropriated to carry out this section shall be used for administrative purposes.•

• Mr. MURKOWSKI. Mr. President, I am pleased to join the vice chairman of the Select Committee on Indian Affairs, Senator McCAIN, in sponsoring the Indian Anti-Drug Abuse Amendments of 1991.

Senator McCAIN has pointed out, but it is worth reemphasizing, that these amendments are aimed at problems not only of illegal substance abuse, but at problems arising from alcohol as well.

Like other States, Alaska has serious problems of both substance and alcohol abuse. Among the Eskimos, Indians, and Aleuts, the graver problem is that of alcohol abuse and the tragedies—suicide, family violence, infant mortality, and handicapping conditions—that accompany such abuse.

Mr. President, in testimony presented before the Select Committee on Indian Affairs during the last Congress, the statewide Alaska Federation of Natives described in very stark terms the consequences of alcohol abuse among Natives, calling alcohol abuse an epidemic of a new kind, a plague of our times. In rural Alaska, the Federation told us, "virtually every Native family has been affected by alcohol abuse and senseless death."

In that testimony, it is important to point out, the Federation also told us of its formation of a special commission to address problems of drug and alcohol abuse, of its own prohibition of alcohol use at functions it sponsors, and of the adoption of ordinances by nearly half of the villages to curb or end the use of alcohol.

Mr. President, what this legislation promises is assistance to efforts like those being made by Alaska's Native organizations and villages. It is for that reason that I was sorely disappointed at the failure of the House of Representatives to act upon a similar bill which we passed in the Senate during the last session.

Two struggling programs which are widely applauded for the beginnings they have made would be special beneficiaries of this legislation—the statewide community self-help Raven project and the St. Mary's village family-based alcohol recovery project. In addition, this bill would resolve a technical issue that has arisen in connection with a youth treatment center operated by the Tanana Chiefs Conference.

In its broader provisions and its reauthorization of existing programs, this legislation will help meet very grave problems in American Indian and Alaska Native communities. Given the Senate's approval during the last Congress, I am counting upon early action by the Select Committee on Indian Affairs so that it may be promptly brought to the floor again for approval.•

By Mr. McCAIN:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe; to the Select Committee on Indian Affairs.

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT

• Mr. McCAIN. Mr. President, I rise today to introduce legislation to provide for the settlement of the water rights of the San Carlos Apache Tribe in the State of Arizona.

The bill I introduce today is identical to H.R. 5539, which passed the House in the final days of the 101st Congress. Unfortunately, the Senate did not have time to consider H.R. 5539 prior to adjournment. It is my understanding that Representatives UDALL and RHODES are introducing this bill in the House today.

Mr. President, this bill reflects several years of intense work by the Department of the Interior, the San Carlos Apache Tribe, the Salt River project, the Roosevelt Water Conservation District, the State of Arizona, the cities of Globe, Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, and Tempe, and the towns of Safford and Gilbert. The Phelps Dodge Corp. and the Gila River Indian community, among others, have also participated in bringing about this settlement.

As is the case in all true compromises, not everyone who may be affected by this settlement is entirely happy with the provisions of this bill. It is my intent to work closely with all affected parties to attempt to resolve any outstanding concerns. To that end, I am pleased that Representative UDALL, the distinguished chairman of the House Committee on Interior and Insular Affairs, has agreed to hold a joint hearing on this bill in early March with the Senate Select Committee on Indian Affairs. I am hopeful that we will be able to move expeditiously following that hearing to bring this bill before the full Senate for consideration.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Carlos Apache Tribe Water Rights Settlement Act of 1991".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) SPECIFIC FINDINGS.—The Congress finds and declares that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) quantification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation

economies particularly in arid western States;

(4) on November 9, 1871, and by actions subsequent thereto, the United States Government established a reservation for the San Carlos Apache Tribe in Arizona;

(5) the United States, as trustee for the San Carlos Apache Tribe, obtained water entitlements for the Tribe pursuant to the Globe Equity Decree of 1935; however, continued uncertainty as to the full extent of the Tribe's entitlement to water has severely limited the Tribe's access to water and financial resources necessary to develop its valuable agricultural lands and frustrated its efforts to reduce its dependence on Federal program funding and achieve meaningful self-determination and self-sufficiency;

(6) proceedings to determine the full extent and nature of the Tribe's water rights are currently pending before the United States District Court in Arizona and in the Superior Court of the State of Arizona in and for Maricopa County, as part of the General Adjudication of the Gila River System and Source;

(7) recognizing that final resolution of pending litigation will take many years and entail great expense to all parties, continue economically and socially damaging limits to the Tribe's access to water, prolong uncertainty as to the availability of water supplies and seriously impair the long-term economic planning and development of all parties, the Tribe and its neighboring non-Indian communities have sought to settle their dispute to water and reduce the burdens of litigation;

(8) after lengthy negotiations, which included participation by representatives of the United States Government, the Tribe, and neighboring non-Indian communities of the Salt River and Gila River Valleys, who are all party to the General Adjudication of the Gila River System and Source, the parties are prepared to enter into an Agreement to resolve all water rights claims between and among themselves, to quantify the Tribe's entitlement to water, and to provide for the orderly development of the Tribe's lands;

(9) pursuant to the Agreement, the neighboring non-Indian communities will relinquish claims to approximately 58,735 acre-feet of surface water to the Tribe, provide the means of storing water supplies of the Tribe behind Coolidge Dam on the Gila River in Arizona to enhance fishing, recreation, and other environmental benefits, and make substantial additional contributions to carry out the Agreement's provisions; and

(10) to advance the goal of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Agreement and contribute funds for the rehabilitation and expansion of existing reservation irrigation facilities so as to enable the Tribe to utilize fully its water resources in developing a diverse, efficient reservation economy.

(b) PURPOSES OF ACT.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Agreement to be entered into by the Tribe and its neighboring non-Indian communities,

(2) to authorize and direct the Secretary of the Interior to execute and perform such Agreement, and

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Tribe as provided in the Agreement and this Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) "Active conservation capacity" means that storage space, exclusive of bank storage, available to store water which can be released through existing reservoir outlet works.

(2) "Agreement" means that agreement among the San Carlos Apache Tribe; the United States of America; the State of Arizona, the Salt River Project Agricultural Improvement and Power District; the Salt River Valley Water Users' Association; the Roosevelt Water Conservation District; the Arizona cities of Chandler, Glendale, Globe, Mesa, Safford, Scottsdale and Tempe, the Town of Gilbert; Buckeye Water Conservation and Drainage District, Buckeye Irrigation Company, and the Phelps Dodge Corporation, together with all exhibits thereto, as the same is executed by the Secretary of the Interior pursuant to sections 10(c) and 11(a)(7) of this Act.

(3) "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(4) "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 15, 1972, for the delivery of water and repayment of costs of the Central Arizona Project.

(5) "Globe Equity Decree" means the decree dated June 29, 1935, entered in the United States of America v. Gila Valley Irrigation District, et al., Globe Equity 59, in the District Court of the United States in and for the District of Arizona, and all decrees and decisions supplemental thereto.

(6) "Reservation" means the reservation authorized by the Treaty with the Apache Nation dated July 1, 1852, 10 Stat. 979 (1852) established by the Executive Order of November 9, 1871, Executive Order of December 14, 1872, and the Executive Order of August 5, 1873.

(7) "RWCD" means the Roosevelt Water Conservation District, an irrigation district organized under the laws of the State of Arizona.

(8) "Secretary" means the Secretary of the Interior.

(9) "SRP" means the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona corporation.

(10) "SCIP" means the San Carlos Irrigation Project authorized pursuant to the Act of June 7, 1924 (42 Stat. 475), expanded pursuant to the Act of March 7, 1928 (45 Stat. 200, 210), and administered by the Bureau of Indian Affairs.

(11) "Tribe" means the San Carlos Apache Tribe, a Tribe of Apache Indians organized under section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 987 (25 U.S.C. 476), and duly recognized by the Secretary.

SEC. 4. WATER.

(a) REALLOCATION OF WATER.—The Secretary shall reallocate, for the exclusive use of the Tribe all of the water referred to in subsection (f)(2) of section 2 of the Act of October 19, 1984 (98 Stat. 2698), which is not required for delivery to the Ak-Chin Indian Reservation under that Act.

(b) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to 14,655 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to Phelps Dodge Corporation in the Notice of Final Water Allocations to Indian and non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 Fed. Reg. 2446 et seq., March 24, 1983). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245 between the United States and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(c) ADDITIONAL ALLOCATIONS.—The Secretary shall reallocate to the Tribe an annual entitlement to 3,480 acre-feet of water from the Central Arizona Project having a CAP municipal and industrial priority, which the Secretary previously allocated to the City of Globe, Arizona in the Notice of Final Water Allocations to Indian and Non-Indian Water Users and Related Decisions, dated March 24, 1983 (48 Fed. Reg. 2446, et seq., March 24, 1983). The Tribe shall pay the United States or, if directed by the Secretary, CAWCD, all operation, maintenance and replacement costs associated with such CAP water. Water service capital charges, or any other charges or payments for such CAP water other than operation, maintenance and replacement costs shall be nonreimbursable. The Secretary shall exclude, for the purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract No. 14-06-W-245 between the United States and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with such water from CAWCD's repayment obligation and such costs shall be nonreimbursable.

(d) WATER STORAGE POOL.—Notwithstanding the Act of June 7, 1924 (43 Stat. 475), as amended by the Act of March 7, 1928 (45 Stat. 200, 210), in order to permit the Tribe to maintain permanently a pool of stored water for fish, wildlife, recreation and other purposes, the Secretary shall designate for the benefit of the Tribe such active conservation capacity behind Coolidge Dam on the Gila River in Arizona as is not being used by the Secretary to meet the obligations of SCIP for irrigation storage, except that any water stored by the Tribe shall be the first water to spill ("spill water") from Coolidge Dam. The water stored by the Tribe shall be, at the Tribe's designation, the water provided to the Tribe pursuant to subsections (a), (b) and (c) of this section, its entitlement under its Tribal CAP Delivery Contract, or any combination thereof. Evaporation losses shall be deducted daily from the Tribe's stored water balance as provided in the Agreement. The Tribe shall pay an equitable share of the operation and maintenance costs for the water stored for the benefit of the Tribe, subject to the Act of July 1, 1932 (47 Stat. 564).

(e) EXECUTION OF AGREEMENT.—The Secretary shall execute the Agreement which establishes, as between and among the parties to Agreement, the Tribe's permanent right, except as provided in paragraphs 13.0, 15.0 and 23.4, to the on-reservation diversion and use of all ground water beneath the Tribe's Reservation, subject to the management plan referred to in section 10(d), and all surface water in all tributaries within the Tribe's Reservation to the mainstreams of: The Black River, the Salt River below its confluence with the Black River, the San Pedro River and the Gila River, including the right, except as provided in paragraphs 15.0 and 23.4, to fully regulate and store such water on the tributaries. The Tribe's rights to the mainstream of Black River, San Pedro River and the Gila River shall be as provided in the Agreement and the Globe Equity Decree as amended. With respect to parties not subject to the waiver authorized by subsection 8(b), the claims of the Tribe and the United States, as trustee for the Tribe, are preserved.

SEC. 5. RATIFICATION AND CONFIRMATION OF CONTRACTS.

(a) RATIFICATION OF CONTRACT.—Except as provided in section 10(h), the contract between the SRP and the RWCD District dated October 24, 1924, together with all amendments thereto and any extension thereto entered into pursuant to the proposed Agreement, is ratified, confirmed, and declared to be valid.

(b) SUBCONTRACT.—The Secretary shall revise the subcontract of the Roosevelt Water Conservation District for agricultural water service from the CAP to include an addendum substantially in the form of Exhibit "A" to the Agreement and to execute the subcontract as revised. Notwithstanding any other provision of law, the Secretary shall approve the conversions of agricultural water to municipal and industrial uses authorized by the addendum at such time or times as the conditions authorizing such conversions, as set forth in the addendum, are found to exist.

(c) REMOVAL OF RESTRICTIONS.—The lands within RWCD and SRP shall be free from the ownership limitations of Federal reclamation law and all full cost pricing provisions of Federal law.

(d) DISCLAIMER.—Neither the Salt River Valley Water Users' Association nor the Salt River Project Agricultural Improvement and Power District shall become subject to the provisions of the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) by virtue of their participation in the settlement or their execution and performance of the proposed Agreement, including but not limited to any exchanges of, or leases of, CAP water.

(e) FULL COSTS PRICING PROVISIONS.—The lands within the Tribe's Reservation shall be free from all full cost pricing provisions of Federal law.

(f) CERTAIN EXTENSIONS AUTHORIZED.—The Secretary, subject to tribal approval, is authorized to: extend the term of that right-of-way permit granted to Phelps Dodge Corporation on March 8, 1950, and all amendments thereto, for the construction, operation and maintenance of an electrical transmission line and existing road for access to those facilities over the lands of the Tribe; extend the term of that right-of-way permit numbered 2000089 granted on July 25, 1944, to Phelps Dodge Corporation, and all amendments thereto, for the construction, use, operation and maintenance of a water plant, pipeline, canal, water flowage easement through Willow Creek and existing road for access to those facilities over the lands of the Tribe; and grant a water flowage easement through the portions of Eagle Creek flowing through the Tribe's Reservation. Notwithstanding any other provision of law, each such right-of-way and flowage easement shall be for a term expiring on March 8, 2090, and shall be subject to the right of Phelps Dodge to renew the rights-of-way and flowage easements for an additional term of up to 100 years, subject to payment of rental at a rate based upon fair market rental value.

SEC. 6. WATER DELIVERY CONTRACT AMENDMENTS; WATER LEASE, WATER WITHDRAWAL.

(a) AMENDMENT OF CONTRACT.—The Secretary shall amend the CAP water delivery contract between the United States and the Ak-Chin Indian Community dated December 11, 1980, and the contract between the United States and the Ak-Chin Indian Community dated October 2, 1985, as is necessary to satisfy the requirements of section 4(a) of this Act.

(b) CONTRACT AMENDMENT.—The Secretary shall amend the CAP water delivery contract between the United States and the Tribe dated December 11, 1980 (hereinafter referred to as the "Tribal CAP Delivery Contract"), as follows:

(1) To include the obligation by the United States to deliver water to the Tribe upon the same terms and conditions set forth in the Tribal CAP Delivery Contract as follows: water from those sources described in subsections (a), (b), and (c) of section 4 of this Act; except that the water reallocated pursuant to such subsections shall retain the priority such water had prior to its reallocation. The cost to the United States to meet the Secretary's obligation to design and construct new facilities to deliver CAP water shall not exceed the cost of construction of the delivery and distribution system for the 12,700 acre-feet of CAP water originally allocated to the Tribe.

(2) To extend the term of such contract to December 31, 2099, and to provide for its subsequent renewal upon the same terms and conditions as the Tribal CAP Delivery Contract, as amended.

(3) To authorize the Tribe to lease or to enter into an option or options to lease the water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, within Maricopa, Pinal and Pima Counties for terms not exceeding one hundred years and to renew such leases.

(4) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, to the City of Scottsdale under the terms and conditions of the Water Lease set forth in Exhibit "B" to the Agreement.

(5) To authorize the Tribe to lease water to which the Tribe is entitled under the Tribal CAP Delivery Contract, as amended, including, but not limited to, the cities of Chandler, Glendale, Goodyear, Mesa, Peoria, Phoenix, Scottsdale, Tempe and the Town of Gilbert.

(c) APPROVAL OF AMENDMENTS.—Notwithstanding any other provision of law, the amendments to the Tribal CAP Delivery Contract set forth in Exhibit "C" to the Agreement are hereby authorized, approved and confirmed.

(d) CHARGES NOT TO BE IMPOSED.—The United States shall not impose upon the Tribe the operation, maintenance and replacement charges described and set forth in section 6 of the Tribal CAP Delivery Contract or any other charge with respect to CAP water delivered or required to be delivered to the lessee or lessees of the options to lease or leases herein authorized.

(e) WATER LEASE.—Any Water Lease entered into by the Tribe as authorized by section 6 shall specifically provide that—

(1) the lessee shall pay all operation, maintenance and replacement costs of such water to the United States, or if directed by the Secretary, to CAWCD; and

(2) the lessee shall not be obligated to pay water service capital charges or municipal and industrial subcontract charges or any other charges or payment for such CAP water other than the operation, maintenance and replacement costs and lease payments.

(f) ALLOCATION AND REPAYMENT OF COSTS.—For the purpose of determining allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Numbered 14-06-W-245 between the United States of America and CAWCD dated December 15, 1972, and any amendment or revision thereof, the costs associated with the delivery of CAP water to the lessee or lessees of the options to lease or leases herein authorized shall be non-reimbursable, and such costs shall be excluded from CAWCD's repayment obligation.

(g) AGREEMENTS.—The Secretary shall, in consultation with the Tribe, enter into agreements necessary to permit the Tribe to exchange, within the State of Arizona, all or part of the water available to it under its Tribal CAP Delivery Contract, as amended.

(h) RATIFICATION.—As among the parties to the Agreement, the right of the City of Globe to withdraw and use water from under the Cutter subarea under the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(i) USE OF WATER.—As among the parties to the Agreement, the right of the City of Safford to withdraw and use water from the Bonita Creek watershed as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(j) WITHDRAWAL AND USE OF WATER.—As between the Tribe and Phelps Dodge, the right of Phelps Dodge to divert, withdraw and use water as provided in the Agreement, as limited and conditioned thereunder, is hereby ratified and confirmed.

(k) PROHIBITIONS.—Except as authorized by this section, no water made available to the Tribe pursuant to the Agreement, the Globe Equity Decree, or this Act may be sold, leased, transferred or in any way used off the Tribe's Reservation.

SEC. 7. CONSTRUCTION AND REHABILITATION; TRUST FUND.

(a) DUTIES.—The Secretary is directed—

(1) pursuant to the existing authority of the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.) to design and construct new facilities for the delivery of 12,700 acre-feet of CAP water originally allocated to the Tribe to tribal reservation lands at a cost which shall not exceed the cost for such design and construction which would have been incurred by the Secretary in the absence of the Agreement and this Act; and

(2) to amend the contract between the United States Economic Development Administration and the Tribe relating to the construction of Elgo Dam on the San Carlos Apache Indian Reservation, Project No. 07-81-000210, to provide that all remaining repayment obligations owing to the United States on the date of the enactment of this Act are discharged.

(b) FUND.—There is established in the Treasury of the United States a fund to be known as the "San Carlos Apache Tribe Development Trust Fund" (hereinafter called the "Fund") for the exclusive use and benefit of the Tribe. The Secretary shall deposit into the Fund the funds authorized to be appropriated in subsection (c) and the $3,000,000 provided by the State of Arizona pursuant to the Agreement. There may be deposited into the Fund, at the discretion of the Tribe, any monies paid to the Tribe or to the Secretary on behalf of the Tribe from leases or options to lease water authorized by section 6 of this Act.

(c) AUTHORIZATION.—There are authorized to be appropriated $12,000,000 in fiscal year 1992, $12,000,000 in fiscal year 1993, and $12,200,000 in fiscal year 1994, together with interest accruing thereon beginning one year from the date of enactment of this Act at rates determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Federal obligations of comparable maturity, to carry out the provisions of subsection (b).

(d) USE OF FUND.—When the authorizations contained in section 8(b) of this Act are effective, the principal of the Fund and any interest or income accruing thereon may be used by the Tribe to put to beneficial use the Tribe's water entitlement, to defray the cost to the Tribe of CAP operation, maintenance and replacement charges as appropriate, and for other economic and community development purposes. The income from the Fund shall be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council. Such income may thereafter be expended only in accordance with such budget. Income not distributed shall be added to principal. The principal from the Fund may be distributed by the Secretary to the San Carlos Apache Tribe only upon presentation to the Secretary of a certified copy of a duly enacted Resolution of the Tribal Council requesting distribution and a written budget approved by the Tribal Council and the Secretary. Such principal may thereafter be expended only in accordance with such budget; provided, however, that the principal may only be utilized for long term economic development projects.

(e) DISCLAIMER.—The United States shall not be liable for (1) any claim or cause of action arising from the Tribe's use or expenditure of monies distributed from the Fund; and, (2) any monies paid directly to the Tribe or to the Secretary on behalf of the Tribe which are not deposited into the Fund pursuant to subsection (b) but are paid to the Tribe by the Secretary.

SEC. 8. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—Except as provided in subsection (e), the benefits realized by the Tribe and its members under this Act shall constitute full and complete satisfaction of all members' claims for water rights or injuries to water rights under Federal, State and other laws (including claims for water rights in ground water, surface water, and effluent) from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's Reservation.

(b) RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, authorized, as part of the performance of the obligations under the Agreement, to execute a waiver and release, except as provided in the Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from time immemorial to the effective date of this Act, and any and all future claims of water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise.

(c) ADDITIONAL RELEASES.—Except as provided in the Agreement, the United States shall not assert any claim against the State of Arizona or any political subdivision thereof, or any person, corporation or municipal corporation, arising under the laws of the United States, the State of Arizona or otherwise in its own right or on behalf of the Tribe based upon—

(1) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) of the Tribe and its members, or

(2) water rights or injuries to water rights (including water rights in ground water, surface water and effluent) held by the United States on behalf of the Tribe and its members.

(d) SAVINGS PROVISION.—In the event the authorizations contained in subsection (b) of this section do not become effective pursuant to section 10(a), the Tribe and the United States shall retain the right to assert past and future water rights claims as to all Reservation lands.

(e) DISCLAIMER.—Nothing in this Act shall affect the water right or claims related to the San Carlos Apache Allotments outside the exterior boundaries of the Reservation.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) NO MAJOR FEDERAL ACTION.—Execution of the settlement agreement by the Secretary as provided for in section 10(c) shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all necessary environmental compliance during the implementation phase of this settlement.

(b) AUTHORIZATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out all necessary environmental compliance associated with the settlement under this Act, including mitigation measures adopted by the Secretary.

(c) LEAD AGENCY.—With respect to such settlement, the Bureau of Reclamation shall be designated as the lead agency in regard to environmental compliance, and shall coordinate and cooperate with the other affected Federal agencies as required under applicable Federal environmental laws.

(d) ENVIRONMENTAL ACTS.—The Secretary shall comply with all aspects of the National Environmental Act, and the Endangered Species Acts (16 U.S.C. 1531 et seq.), and other applicable Federal environmental acts and regulations in proceeding through the implementation phase of such settlement.

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY.—In the event any party to the Agreement files a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of this Act or the Agreement, naming the United States of America or the Tribe as parties, authorization is hereby granted to joining the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived.

(b) CERTAIN CLAIMS PROHIBITED.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of this Act or the Agreement against any lands within the San Carlos Apache Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) APPROVAL OF AGREEMENT.—Except to the extent that the Agreement conflicts with the provisions of this Act, such Agreement is hereby approved, ratified and confirmed. The Secretary shall execute and perform such Agreement as approved, ratified and confirmed. The Secretary is authorized to execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(d) GROUND WATER MANAGEMENT PLAN.—The Secretary shall establish a ground water management plan for the San Carlos Apache Reservation which, except as is necessary to be consistent with the provisions of this Act, will have the same effect as a management plan developed under Arizona law.

(e) AMENDMENT TO RATIFY ACT OF APRIL 4, 1938.—The Act of April 4, 1938 (52 Stat. 193, 25 U.S.C. 390) is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided, further* That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe".

(f) LIMITATION.—No part of the Fund established by section 7(b) of this Act, including principal and income, or income from options to lease water or water leases authorized by section 6, may be used to make per capita payments to members of the Tribe.

(g) DISCLAIMER.—Nothing in this Act shall be construed to repeal, modify, amend, change or affect the Secretary's obligations to the Ak-Chin Indian Community pursuant to the Act of October 19, 1984 (98 Stat. 2698).

(h) WATER RIGHTS.—Nothing in this Act shall be construed to quantify or otherwise affect the water rights, claims or entitlements to water of any Arizona tribe, band or community, other than the San Carlos Apache Tribe.

SEC. 11. EFFECTIVE DATE.

(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization contained in section 8(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the Secretary has fulfilled the requirements of sections 4 and 6;

(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 5(b);

(3) the funds authorized by section 7(c) have been appropriated and deposited into the Fund;

(4) the contract referred in section 7(a)(2) has been amended;

(5) the State of Arizona has appropriated and deposited into the Fund $3,000,000 as required by the Agreement;

(6) the stipulations attached to the Agreement as Exhibits "D" and "E" have been approved; and

(7) the Agreement has been modified, to the extent it is in conflict with this Act, and has been executed by the Secretary.

(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) have not occurred by December 31, 1994, section 4, subsections (a), (b), and (e) of section 5, section 6, subsections (a)(2), (c), (d), and (e) of section 7, subsections (b) and (c) of section 8, and subsections (a), (b), (c), (d), (e), (f), and (g) of section 10, together with any contracts entered into pursuant to any such section or subsection, shall not be effective on and after the date of enactment of this Act, and any funds appropriated pursuant to section 7(c), and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the Treasury, as general revenues, and any funds appropriated pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this Act, shall immediately revert to the State of Arizona.

(2) Notwithstanding the provision of paragraph (1), if the purposes of section 4 or subsection (a), (b), or (e) of section 5, of this Act have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988, prior to the date of the enactment of this Act, the provisions of paragraph (1) shall not be construed as affecting such section or subsection.•

By Mr. McCAIN:

S. 292. A bill to expand the boundaries of the Saguaro National Monument; to the Committee on Energy and Natural Resources.

EXPANSION OF SAGUARO NATIONAL MONUMENT

• Mr. McCAIN. Mr. President, today I'm introducing legislation to expand the Saguaro National Monument located in Tucson, AZ. The measure seeks to enlarge this extremely popular monument by adding adjacent lands of spectacular beauty and superior ecological value. The bill is identical to the bill passed by the House on October 10 of last year. Unfortunately, the 101st Congress adjourned before further action could be taken.

The Saguaro National Monument was established in 1933 in order to preserve and protect "the exceptional growth thereon of various species of cacti including the majestic saguaro cactus." The people in my State value the outstanding natural resources with which we have been blessed. Saguaro National Monument is one of our most treasured resources and it has become a favorite spot for Arizonans and visitors to enjoy the outdoors and our unique desert environment.

The legislation I'm introducing today will authorize the addition of 3,540 acres to the Rincon unit of the monument—an area of 63,000 acres. The areas designated for inclusion abut the existing monument and contain outstanding natural features including an exceptional example of the Saguaro Cactus-Palo Verde uplands Sonoran Desert habitat. The land's healthy multiaged saguaro stands add ecological diversity to the present area, and is prime habitat for desert tortoise, gila monster, javelina, and numerous other species of reptiles, mammals, and birds typical of the ecologically rich Sonoran Desert. Additionally, the area contains important archeological and cultural sites.

The bill authorizes the Secretary of the Interior to acquire the land and all interest therein through donation, exchange, or purchase with donated or appropriated funds. The legislation was drafted, as is the normal practice, to provide the Secretary with the widest degree of discretion in acquiring the land, so that the Secretary could choose the appropriate time and means of acquisition consistent with existing priorities and resources. Considering the dire fiscal condition of the Federal Government, I would certainly expect the exchange option to be the appropriate alternative.

Legislation to expand the monument has received wide support including that of the Pima County Board of Supervisors, the city of Tucson, the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society and the National Parks and Conservation Association. I would like to ask unanimous consent that letters from the Pima County Board of Supervisors, and the city of Tucson, and the environmental coalition in support of this initiative be printed in the RECORD upon the conclusion of my remarks.

Again, I would like to thank and congratulate the Tucson based Saguaro National Monument boundary review working group which has labored so diligently on the expansion plan, particularly Russ Butcher, Jim Norton, Ken Rait, Jim Nathanson, Doug Shakel, Luther Propst, William Lienesch, and Steven Whitney.

Arizona is blessed with a rich natural heritage—a heritage we are very proud of and fiercely determined to protect. As the population of Arizona grows, it's particularly important that we strive to preserve natural areas which are within or in close proximity to urban areas. The quality of life in our State depends on our ability to manage development in a way which respects and protects the natural beauty that makes our State such a unique and enjoyable place to live. Enactment of the Saguaro National Monument Expansion Act will help us accomplish that goal.

I look forward to a hearing on this legislation at the earliest possible time so that the Senate can examine the proposal in detail. I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF BOUNDARY.

(a) BOUNDARY REVISION.—(1) In order to protect, preserve, and interpret, for the education and benefit of the public, the area generally to the south of the Saguaro National Monument (referred to as the "national monument"), which contains—

(A) an exceptionally rich area of saguaro cactus-palo verde uplands Sonoran Desert habitat;

(B) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(C) prime habitat supporting the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds; and

(D) important archaeological and cultural sites,

the boundaries of the national monument are revised to include the lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91.001-D, and dated September 1990.

(2) The map described in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior may acquire land and interests in land within the boundaries of the national monument by donation, purchase with donated or appropriated funds, or exchange.

(2) Lands and interests in lands within the boundaries of the national monument that are owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) ADMINISTRATION.—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the national monument and shall be subject to all laws applicable to the national monument.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PIMA COUNTY BOARD OF SUPERVISORS,
Tucson, AZ, August 1, 1990.

Hon. JOHN MCCAIN,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR JOHN: Please find enclosed a copy of the Pima County Board of Supervisors Resolution No. 1990-118 endorsing the expansion of the Saguaro National Monument.

The Pima County Board of Supervisors wholeheartedly supports the expansion of the boundaries of the Saguaro National Monument to include this beautiful area which contains the richest stand of Saguaros I have ever seen in Arizona and John, you understand, Republicans will not lie. We would certainly love to have your support to accomplish the extra addition to the Saguaro National Monument.

In spite of what you read in the newspaper, our Board has been very active in obtaining pristine land and creeks which are so scarce in Arizona. We have added in the past week 25,820 total acres in the Cienega Creek area. Only 880 acres were purchased by the County, but BLM and Pima County have worked hand in hand in taking 75,000 acres of the Cienega and Empire Ranches out of the hands of developers and back into a natural preserve or conservation area, with a trail head and trails area going all the way to Sonoita. This purchase preserves riparian environment of the whole area and stopped the sand and gravel operation.

John, I hope you will give careful consideration to supporting the proposed expansion of the Saguaro National Monument efforts. Thank you for all your efforts on behalf of Southern Arizona.

Best regards,

REG T. MORRISON,
Chairman.

RESOLUTION 1990-118

Whereas, a coalition of local and national environmental organizations has recommended the enlargement of the boundaries of the eastern unit of the Saguaro National Monument; and

Whereas, the Saguaro/Palo Verde habitat of the foothills of the Rincon Mountains bordering the southern side of the Monument is an exceptionally rich area of Sonoran Desert uplands; and

Whereas, the stand of saguaros inhabiting these foothills comprises a particularly excellent, healthy, and multi-aged stand that is not only one of the finest in the region, but rivals or even exceeds the quality of stands presently featured within the Monument; and

Whereas, on June 5, 1990, the recommendation of the Sierra Club, the Pima Trails Association, the Conservation Foundation, the Wilderness Society, the National Parks and Conservation Association, and local environmental activist to expand the Saguaro National Monument was transmitted to Arizona's Congressional delegation; and

Whereas, a number of Arizona's Congressional delegates have sought the views of the National Park Service concerning the propriety and wisdom of expanding the eastern unit of the Saguaro National Monument; and now, therefore, be it

Resolved, That the Board of Supervisors of Pima County, State of Arizona, hereby recommends the inclusion of the lands within the Enhanced Monument Boundary into the eastern unit of the Saguaro National Monument. Be it further

Resolved, That the Clerk of the Board of Supervisors of Pima County be directed to immediately transmit this Resolution to the Director of the National Park Service and to Arizona's Congressional delegation.

Passed and adopted this 17th day of July, 1990, by the Pima County Board of Supervisors.

Memo: A Proposal to Expand the Rincon Mountain Unit of Saguaro National Monument, AZ.

From: National Parks and Conservation Association, The Wilderness Society, Sierra Club, The Conservation Foundation, Pima Trails Association, and Doug Shakel.

To: The Arizona Congressional Delegation.

Over the past several months, representatives of our organizations have explored possible addition of ecologically significant lands to the Rincon Mountain Unit of Saquaro National Monument. After consulting with a variety of individuals and organizations, including biologists, representatives of local, state, and national environmental groups, the Arizona State Land Department, and large land owners in the area, we are agreed upon a proposal for a boundary enhancement for Saguaro National Monument. The proposed boundary revision is indicated on the attached draft map for your consideration.

Our review of land suitable for inclusion in the monument began with an existing analysis of the botanical/ecological and archaeological attributes of all land in the Rincon Valley, independent of land ownership. This analysis, conducted by Dr. William Shaw, wildlife biologist at the University of Arizona; Mr. Mark Raming of SWCA Environmental Consultants; and Messrs. Dan Campbell and Peter Warren of the Arizona Nature Conservancy, revealed an area of approximately 3,000 acres of significant National Park System quality land depicted on the attached map by the "Prime Resource Boundary." The "Prime Resource" is defined as the Saguaro-Palo Verde Uplands habitat.

We believe that undeveloped portions of this nationally significant land should be added to Saguaro National Monument on a willing seller basis.

Three large landowners—Rocking K Ranch, X9 Ranch, and the Arizona State Land Department—control most of the land in question. All three have been contacted and are willing to consider the addition of at least a portion of the subject property to the monument. Smaller landowners within the proposed boundary have also been contacted and several are willing to consider making their properties available for addition to the monument.

Approximately 1,800 acres of the proposed monument expansion are privately owned Rocking K Ranch property, owned by Rocking K Development. These lands encompass an extraordinarily scenic and ecologically and archaeologically significant hidden valley and surrounding hills of the Deer Camp Creek watershed. This valley, immediately adjacent to the present monument boundary, contains an exceptionally rich area of saguaro cactus-palo verde uplands Sonoran Desert habitat. These saguaros comprise a particularly excellent, healthy, and multi-aged stand that is not only one of the finest in the region, but rivals or even exceeds the quality of sands presently featured within the monument. Its health and full range of age categories provide a sharp contrast to saguaros to the north in the monument. There, saguaro mortality has been occurring at an alarming rate; and there is a major age hiatus resulting from past decades of livestock grazing within the monument. As reported in the July-August 1989 National Parks magazine, the monument's saguaro stand in the Rincon Mountain Unit has mysteriously declined by more than 50 percent since the 1930s.

The proposed Rocking K addition to the monument is also prime habitat supporting the desert tortoise, gila monster, javelina, and numerous other species of reptiles, mammals, and birds typical of this ecologically rich Sonoran Desert area.

Important cultural sites are also present within the Rocking K tract and would be a further important asset for the monument.

The owners of the Rocking K Ranch have expressed to us their willingness to support the proposed monument expansion over the area of their land within the Prime Resource Boundary. However, they do still intend to build a resort facility within approximately 100 yards of the monument boundary, just to the west of the Enhanced Monument Boundary proposal; they have expressed to us their unwillingness to consider including this tract within the monument addition proposal. Although inclusion of this tract within Saguaro National Monument is desirable, it appears unobtainable at this time.

Rocking K Development's plans still must obtain approval from Pima County, and our organizations have certain concerns about the impact this development might have upon the monument. Therefore, the present monument expansion proposal is not intended by our groups to imply any endorsement of any development plans for the balance of the Rocking K Ranch property.

Extending in an easterly direction from Rocking K's Deer Camp Valley tract is more of the ecologically important saguaro-palo verde uplands habitat—much of it on the northern two-thirds of the privately owned X9 Ranch. This roughly 1,000-acre area, adjoining the southern boundary of the monument, slopes downward toward the south, to the outstanding and beautiful riparian corridor of large Arizona sycamores and cottonwoods bordering Rincon Creek.

Mr. Pat Egbert, Manager of the X9 Ranch, has participated in our group discussions and has expressed a willingness to support this proposed monument expansion. The owner would prefer not to have only the northern two-thirds of the ranch (the saguaro-palo verde uplands) added to the monument, since that would leave behind an isolated tract of private land which would be largely unmanageable. From the environmental protection point of view, extending the monument on southward to include the rich wildlife habitat of the Rincon Creek riparian corridor presently on the X9 Ranch would be highly desirable.

Acquisition of the X9 property would also provide options for public access into the southern part of the monument which could then resolve problems that have existed since 1967.

State lands with important Prime Resource values (saguaro-palo verde uplands) lie sandwiched between Rocking K and the X9 tracts. Mr. Arlan Colton, of the State Land Department's Tucson area office, indicated at one of our group meetings that his department is open to resolving this issue; that the state would not wish to become a state trust "island" within an expanded monument; and that such state inholdings would not be beneficial to the monument.

Given the special, nationally significant quality of the natural and cultural resources that cover these lands, and given the support of the major property owners, we urge, therefore, that this is an extraordinary opportunity in which to seek Congressional authorization to expand the monument's Rincon Mountain Unit so as to bring these worthy lands under the National Park Service's protective management, in perpetuity, before it is too late.

We would be pleased to work with you and your staffs and with the National Park Service to draft appropriate legislation and to help resolve any questions that you may have about this unusual opportunity to protect and enhance Saguaro National Monument.

With our thanks for your consideration.

Russell D. Butcher, Southwest-and-Calif. Representative, National Parks and Conservation Association; Ken Rait, Tucson area representative, Sierra Club; Jan Nathanson, Pima Trails Association; James W. Norton, Southwest Regional Director, The Wilderness Society; Doug Shakel, Liaison, Buffers Committee (e. Pima County); Luther Propst, Associate, The Conservation Foundation.

CITY OF TUCSON,
OFFICE OF THE MAYOR,
Tucson, AZ, July 16, 1990.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR JOHN: Thank you for asking for the City of Tucson's comments on the proposed expansion of the Rincon Mountain unit of Saguaro National Monument. Our comments are as follows:

The proposal to expand the boundaries of the Rincon Mountain Unit of Saguaro National Monument, as delineated in the May 15 memo from the Boundary Review Working Group, is consistent with City plans and policies promoting open space and resource preservation. This coalition, comprised of representatives from National Parks and Conservation Association, The Wilderness Society, Sierra Club, The Conservation Foundation, Pima Trails Association and Doug Shakel, has proposed an "Enhanced Monument Boundary" and plans to pursue Congressional authorization to include this new addition.

The City's comprehensive General Plan, adopted in 1979, encourages the preservation of significant natural areas and promotes the establishment of federal managed wildlife preserves. Mayor and Council is currently considering an update to the Recreation Element of the General Plan which will include additional goals and policies promoting the preservation of natural resources and the expansion of the public preserves. Specifically, Open Space Policies under consideration in the Recreation Element which appear to have Mayor and Council support include the following:

II.A.: Encourage cooperation between local governments, state and federal agencies, private organizations and citizens to acquire, manage, conserve and protect natural open space resources.

II.C.: Generate public interest and support for open space preservation by emphasizing environmental, recreational and aesthetic values, including wildlife habitat, water conservation and flood control, visual relief and opportunity for contact with natural elements.

Mayor and Council have also recently demonstrated concern and appreciation for preservation of the resources by their adoption of the Environmental Resource Zone Ordinance on July 2, 1990. The purpose of this ordinance is to protect the remaining riparian areas along selected watercourses at the edges of the City which provide habitat for wildlife and buffer the preserves.

The coalition has drafted a proposal which is based on identification and scientific analysis of the botanical/ecological and archaeological attributes of the land area adjacent to the Monument. Consultation with pertient property owners provided information regarding willingness to support the expansion and bring these resources under the protection of the National Park Service. This appears to be a commendable effort matching a resource inventory with acquisition potential.

Given the City's position of support for open space and natural resource preservation and the apparent soundness of the coalition's methodology, the City's support for the expansion of the Rincon Mountain Unit of Saguaro National Monument would be consistent with adopted plans.

Again, thank you for requesting comments from us. If you have any questions regarding the above information, please feel free to contact our office. Thank you.

Sincerely,

THOMAS J. VOLGY,
Mayor.●

By Mr. HEINZ:

S. 293. A bill to reduce the cost of the savings and loan crisis and to maximize the recovery of funds on behalf of the American taxpayer by providing the RTC and FDIC a priority relating to its claims against officers, directors, and others responsible for losses at insolvent federally insured financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

REDUCTION OF COST OF SAVINGS AND LOAN CRISIS

Mr. HEINZ. Mr. President, the savings and loan crisis continues to burn a multibillion-dollar hole in the American taxpayers' pockets. Very soon, Congress will be asked to provide another $57 billion to the Resolution Trust Corporation to deal with insolvent savings and loans in fiscal year 1991 alone. These funds will more than double the size of the $50 billion mountain of money provided to the RTC just 18 months ago.

The American taxpayers are rightfully asking: "What is being done to get this money back from those who caused this financial catastrophe?" The only honest response is: "Not enough."

Three times in the last 18 months this body has overwhelmingly approved a measure that I sponsored giving the Resolution Trust Corporation and the Federal Deposit Insurance Corporation a priority on behalf of the American taxpayer to recover funds from officers, directors, and others who looted failed savings and loans. Three times the House of Representatives has stiffed the American taxpayer by refusing to adopt a measure designed expressly to reduce the cost of the savings and loan bailout.

Today, I am reintroducing my taxpayer priority bill.

The FDIC and RTC are currently conducting investigations of claims against officers, directors, attorneys, accountants, and others who were responsible for losses at more than 1,300 federally insured institutions and have filed more than 350 such lawsuits for damages in some cases of up to as much as $1 billion.

This legislation puts the RTC's claims to recover funds, on behalf of American taxpayers, at the head of the line in front of claims by shareholders and other creditors.

When the RTC takes over an insolvent S&L, it will sue to recover losses from officers, directors, and others. However, today, shareholders and other creditors can race to the courthouse before the RTC; get a judgment against these crooks and wring their pockets dry. When the RTC shows up, all that is left is an empty bag. Even if the race to the courthouse is a tie, the shareholder's claims will compete with the RTC for the limited amount of money that can be gotten back.

My bill ensures that the taxpayers always win.

Under this bill, when others race into court, the RTC could put these other claims on hold. This would allow the RTC to collect its claims first. Once the RTC recovers its losses, others can divide up what is left.

Some complain, mostly lawyers who represent shareholders, that giving the FDIC a priority is unfair. They claim that shareholders are hurt by bank failures too. They don't want to take a back seat to federally insured depositors. But shareholders are supposed to come last. They get all the profits when a bank is doing well and the taxpayers get nothing. Depositors have always been ahead of shareholders on the totem pole during an insolvency. Allowing shareholders to get their money first allows them to step over the depositors on the way up the totem pole. This is unfair.

This legislation does not rob shareholders of their day in court. It does not take away any rights that shareholders have to sue. It simply tells them that they must wait their turn in line, because the taxpayers come first.

Mr. President, the goal of this bill is simple. When it comes to digging into the pockets of those responsible for the savings and loan crisis, the taxpayers should have the right to reach in first. For far too long the House has paid only lip service to reducing the cost of the savings and loan bailout—while the American taxpayers have paid hard cash. The other body may believe that talk is cheap—but by failing to adopt this legislation the American taxpayer is paying an incredibly stiff price.

I ask that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIORITY OF CERTAIN CLAIMS.

(a) Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following:

"(s) PRIORITY OF CERTAIN CLAIMS.—(1) Subject to paragraph (2), in any proceeding brought by the Corporation related to any claim acquired under this section or sections 12 or 13 against an insured depository institution's director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to an insured depository institution, any suit, claim or cause of action brought by the Corporation shall have priority over any suit, claim or cause of action asserted against that person by a depositor, creditor, or shareholder of the insured depository institution other than a suit, claim or cause of action asserted by a Federal agency (other than the Corporation) or the United States.

"(2)(A) If the Corporation is notified in writing of the commencement of a suit, claim or cause of action asserted by a depositor, creditor, or shareholder of an insured depository institution in a proceeding described in paragraph (1), a suit, claim or cause of action of the Corporation shall not have priority under paragraph (1) unless—

"(i) not later than 180 days after the date on which the Corporation receives the notice, or if the Corporation acquires its claim after receipt of the notice, not later than 180 days after the date on which the Corporation acquires its claim, the Corporation files with the court a statement that the Corporation intends to pursue potential claims against the insured depository institution's director, officer, employee, agent, attorney, accountant, appraiser or other person employed by or providing services to the insured depository institution and is diligently pursuing its claims; and

"(ii) not later than 1 year after the date on which the Corporation receives the notice (or, if the Corporation acquires its claim after receipt of the notice, not later than 1 year after the date on which the Corporation acquires its claim), the Corporation files suit, unless the court enlarges the time for filing suit pursuant to subparagraph (B).

"(B)(i) If the Corporation requests an enlargement of time to file a suit described in subparagraph (A)(ii), the court shall extend the period for the Corporation to commence its proceeding unless the court finds that the prejudice that would result to a person's ability to prove the person's claim that would result from a grant of the requested enlargement of time would outweigh the harm to the Government that would result from a denial of the requested enlargement of time.

"(ii) In making a finding under clause (i), the court shall consider the diligence with which the Corporation is investigating its claim.

"(3) The priority of the Corporation shall apply both the prosecution of any suit, claim or cause of action, and to the execution of any subsequent judgment resulting from such suit, claim or cause of action.

"(4) This subsection shall not be construed to afford the Corporation priority as to an asset that is adjudicated to be unavailable to satisfy any subsequent judgment obtained by the Corporation as a result of its suit, claim or cause of action."

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to suits, claims or causes of action of depositors, creditors or shareholders commenced before the date of enactment of this Act.

By Mr. BUMPERS (for himself, Mr. BOREN, Mr. REID, Mr. BRYAN, Mr. CRANSTON, Mr. DASCHLE, Mr. CONRAD, and Mr. DIXON):

S. 294. A bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process; to the Committee on Rules and Administration.

USE OF INDEPENDENT EXPENDITURES IN FEDERAL ELECTION CAMPAIGNS

Mr. BUMPERS. Mr. President, I am pleased to be joined by my colleagues Senators BOREN, REID, BRYAN, CRANSTON, DASCHLE, CONRAD, and DIXON today in introducing legislation which will curtail the use of independent expenditures in Federal election campaigns and help to counter the efforts of those who seek to circumvent the spirit of the Federal Election Campaign Act. According to records at the Federal Election Commission, so-called independent expenditures in congressional races during the 1990 election cycle exceeded $4 million. During the 1988 election cycle, independent expenditures in congressional races totaled $7 million. In the 1988 Presidential race independent expenditures totaled more than $14 million.

Too often, so-called independent expenditures are not very independent at all. There is no limit to the amount of money that can be poured into a campaign as an independent expenditure; I am deeply concerned about the pernicious influence of these expenditures on the democratic process.

Let me put this legislation in context. Under current law, expenditures made expressly to advocate the election or defeat of a clearly identified candidate, which are made without prior consultation or cooperation with any candidate, are independent expenditures. In the landmark case of Buckley versus Valeo, the Supreme Court held that independent expenditures are a form of constitutionally protected free speech, and therefore are not subject to any dollar limits. But the Court reserved this protection only for expenditures made totally independently of a candidate and his campaign. Only such totally independent expenditures are protected because, the Court held, the totality of their independence "alleviat[es] the danger that they will be given as a quid pro quo for improper commitments from the candidate." *Buckley* 424 U.S. 1, 47 (1976).

In the Federal Election Campaign Act of 1976 [FECA], we sought to codify the rule of Buckley. In the absence of total independence, an expenditure made in support of a candidate constitutes a contribution limited to the amounts specified in section 315 of FECA—2 U.S.C. 441(a). The independent nature of such expenditures will be destroyed by any contact or coordination with the candidate or campaign, and will subject them to the limits and reporting requirements of ordinary campaign contributions.

That is the law. Yet in many recent campaigns, most notably during the 1988 elections, this standard of independence has been blatantly abused and circumvented by political committees which ostensibly are organized as separate, segregated funds of special interest groups with active and aggressive lobbying programs. It is natural that, in such situation, members of an interest group or an affiliated lobbying organization develop a close working relationship with Members of Congress and their staff. It is likely, if not inevitable, that in the course of their meetings some discussion of the Member's campaign in coming elections will occur. Yet, now, these interest groups may make independent expenditures on behalf of the very same Members they have spent so much time lobbying and who have supported, or might support, the agendas of those interest groups.

Imagine this scenario: During the final days of a neck-and-neck Senate race, a well-financed political committee spends hundreds of thousands of dollars on media spots in opposition to a candidate who has taken positions they oppose. The other candidate, by no coincidence, has taken positions supported by the political committee. Millions of voters see the ads attacking the first candidate and he can't exceed his own spending limits to respond and doesn't have the time to do so in any case. He loses the race by a few thousand votes, the victim of so-called independent expenditures by the political committee. The political committee is left with a newly elected Member who favors its agenda. The new Member owes his election to the committee.

It's a plausible scenario, and it raises some questions. Should this massive last-minute spending be allowed? In fairness, should it be allowed on any scale, at any time during the campaign? Are these expenditures the type of spending envisioned by the Supreme Court in Buckley? Are they in keeping with the spirit of the Federal Election and Campaign Act? The answer to these questions is clearly no.

The Supreme Court acknowledged this problem in the recent case of Austin versus Michigan State Chamber of Commerce. In Austin, the Court upheld Michigan law which forbids corporations to use general treasury funds for independent expenditures on behalf of candidates in State elections. By a vote of 6 to 3, the Court held that there was a compelling State interest in "preventing corruption or the appearance of corruption in the political arena by reducing the threat that huge corporate treasuries—which are amassed with the aid of favorable State laws and have little or no correlation to the public's support for the corporation's political ideas—will be used to influence unfairly election outcomes."

While the decision in Austin applies only to corporations themselves rather than to corporate PAC's, Austin reflects a refinement of the basic idea set forth in Buckley. In the same way, the bill I offer here represents a refinement and a clarification of the existing definition of "independent expenditures" set forth in FECA. This bill will not eliminate legitimate independent expenditures. It will simply provide for a definition of independent expenditures that may be more easily understood and more honestly applied.

We see a growing need and a growing demand for campaign finance reform legislation. If we intend to reach that goal, I urge my colleagues to support this simple and effective measure as an integral part of any serious attempt at achieving real reform. The people we represent and the Supreme Court and we all have enough sense to know what a truly independent expenditure is. This bill will make that simple and fair idea into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, AS FOLLOWS:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) is amended by adding before the period at the end thereof, the following: "Provided, That such term does not include any expenditure made by a separate segregated fund or any other political committee if such fund or committee is established, administered, controlled or financially supported directly or indirectly by a connected organization which is required to register, or pays for the services of a person who is required to register, under the Federal Regulation of Lobbying Act (2 U.S.C. 267), for the purpose of influencing legislation on behalf of the connected organization. Any such expenditure made under the preceding sentence shall be a contribution subject to the limitations of section 315 of this Act."

By Mr. HEFLIN:

S. 297. A bill requiring that the U.S. Postal Service study and report to Congress on ways to encourage mailers of second-class and third-class mail matters to use recycled paper; to the Committee on Governmental Affairs.

USE OF RECYCLED PAPERS IN CERTAIN MAILINGS

• Mr. HEFLIN. Mr. President, over the past couple of years, direct mail marketing activities have been increasing. Despite the fact that a slight majority of all Americans have made at least one purchase as a result of direct mail marketing tactics, the vast majority of this mail ends up in the trash can and, consequently, in our landfills. In fact, it is estimated that the paper generated by the direct mail bombardment accounts for 3 percent of the waste stored in our Nation's landfills. Given these statistics, it is little wonder that we have come to refer to this onslaught of paper as junk mail.

After months of receiving letters from Alabamians complaining about the increased volume of unsolicited promotional material they received in their mailboxes, I was surprised to see Time magazine's cover story on November 26, 1990, pronouncing that while "Some call it direct mail and others know it as junk, Americans love the paperflood washing over them as much as they say they hate it." Actually, I am somewhat skeptical of this assertion, particularly in light of the fact that the only concrete evidence used to support this theory is a U.S. Postal Service survey which was conducted 2 years ago. In any event, the article clearly makes the point that many consumers benefit from, or at least do not object to, direct mail marketing. The elderly, particularly the homebound, for example, often rely on mail-order shopping. Also, many nonprofit organizations have been able to raise substantial amounts of money through such strategies. Additionally, a wide variety of advocacy groups have used direct mail to inform and mobilize their constituents on important public policy issues.

Obviously, there are no clear facts to indicate that the American public wholeheartedly supports or opposes the increased volume of promotional mail which they are receiving. However, the facts do clearly indicate that this flood of paper exacerbates the current solid waste crisis in our country.

Without attempting effect the amount of direct mail currently being circulated but in an effort to reduce the environmental consequences of increased direct mail activity, one of my colleagues in the House of Representatives, Congressman LAGOMARSINO, recently introduced a bill to require the Postal Service to study and report to Congress on ways to encourage mailers of second-class and third-class mail matter to use recycled paper. I heartily endorse the goals of this legislation and it is my privilege to introduce today a companion measure here in the Senate.

I am sure that my colleagues see in their States, as I see in Alabama, a growing concern about environmental issues among their constituents. I therefore urge them to lend their support to this legislation and to take this small, but necessary, step down the road to becoming a less wasteful and more responsible society.•

By Mr. DODD:

S. 299. A bill to authorize certain activities for bank holding companies, to authorize additional powers for safe bank holding companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DODD (for himself and Mr. SANFORD):

S. 300. A bill to permit interstate banking; to the Committee on Banking, Housing, and Urban Affairs.

INTERSTATE BANKING AND BRANCHING

• Mr. DODD. Mr. President, the last 15 years have seen dramatic changes in the banking industry, caused by a combination of rapid technological changes, incursions into banking by other financial services providers, mistaken Federal and State legislative and regulatory decisions, and adverse economic conditions. These developments have resulted in the staggering S&L fiasco and a seriously weakened banking industry. As the last decade came to an end, there was broad agreement on the need to address these problems legislatively.

Recently, the national recession, and the more severe recessions in several areas including my own New England region, reinforce the importance of moving quickly to adopt legislation to reform and strengthen our deposit insurance system and to modernize the laws governing all financial services.

Today I am introducing two bills designated to be part of that solution. The first, the Financial Modernization and Safe Bank Act, would establish a structure for financial restructuring that would promote synergies between banks and other financial services providers, while at the same time prohibiting the use of Federal deposit insurance to support risky activities.

The second, a bill to permit full interstate banking and branching, is designed to provide for the more efficient delivery of banking services domestically and to create stronger domestic banks to compete in the international arena. The enactment of this legislation also would permit swifter movement of funds to creditworthy borrowers in areas suffering from a credit crunch.

Let me start by briefly outlining some of the key developments that make adoption of financial services modernization legislation essential:

The high inflation of the 1970's gave rise to the explosion of money market mutual funds and the elimination of deposit interest rate ceilings. In the short run, these changes were beneficial to consumers, who could earn higher returns on their deposits, but it also meant higher costs for banks. For S&L's, it meant that their long-term mortgages were badly mismatched against more expensive short-term deposits.

The growth of the commercial paper market cost the banks some of their best and most lucrative loans, and the securitization of all kinds of different loans reduced the banks' profit margins on many of their other loans.

New technology has been a powerful force for change, as the cost of informational businesses such as banking, insurance, and securities has become so inexpensive that they are increasingly attracted to each other's businesses.

Loophole lawyers and creative regulators have furthered the process of blurring the lines between banks and their competitors. The nonbank bank, the South Dakota loophole, the comptroller's small town loophole, and the Fed's section 20 affiliates are just some of the devices through which nonbanking institutions have flooded into the banking business and the banks have marched into the insurance and securities businesses.

The disparities in rules among States and nations have blurred or sometimes obliterated the lines between commercial banking and investment banking.

As a result of these events, the banking franchise, substantially based on cheap deposits and a captive market in some lucrative areas of lending, has been dramatically devalued. That has led banks to take greater risks than before in order to seek to maintain their profit margins. Unfortunately, the banks have guessed wrong time after time, concentrating their assets too greatly in areas of lending that went bust—from loans to lesser developed countries, to agriculture and energy loans, and, most recently, to commercial real estate loans. As loans in each of those areas turned sour, the banks were forced to write off large losses.

Thus, when the recession finally took hold, U.S. banks were in a weakened condition, lacking the capital necessary even to continue lending to their longtime good credit risks. The result—in New England and other regions—has been a credit crunch. The effect of the crunch is both on creditworthy borrowers and on the banks themselves. Because good borrowers cannot get credit, the economic downturn is prolonged. In turn, a weaker economy makes it more difficult for borrowers to pay off their loans.

The economic conditions and forecasts for Connecticut are distressing. Unemployment has risen from 2.8 percent in mid-1988 to 5.2 percent and is forecast to reach 7.5 percent by this summer. Real personal income fell 1.1 percent through the first 11 months of 1990, the first decline in 15 years.

Normally, other financial services providers would step into fill the vacuum. However, for a variety of reasons, they, too, find themselves short of capital.

Mr. President, these events provide the backdrop to Banking Committee action this year. There is unanimous agreement that we must do something to reform our deposit insurance reform system. Very much to his credit, Chairman RIEGLE put a serious, comprehensive proposal on the table late last year, S. 3103, which I was proud to cosponsor. The White House will make its recommendations for reform shortly, and clearly we must act in this area this year.

However, I believe if we stop there we may be leaving ourselves open for the next deposit insurance debacle. I am not denigrating these proposals. But I am saying—and this echoes the sentiments of Treasury Secretary Nicholas Brady—that no deposit insurance reform will be viable in the long run unless the insured institutions are strong and competitive.

That is why I believe now is the time to develop a modern system that will insure that banks, as well as other financial service providers, will be able to compete—both domestically and internationally—in the 21st century. It is important for our financial services industry, but it is far more important for everyone in this country who needs credit—for personal reasons and for business reasons.

How should this modernization be carried out, particularly in light of the S&L debacle? I think the answer lies in two parts: First, a melding of financial services that permits the maximum amount of competition and synergies among the different services, but without the backing of Federal deposit insurance for risky activities; and second, full interstate banking and branching to enable banks to diversify both their source of deposits and their lending.

Some contend that now is not the time to take action that would let banks into new areas. However, I believe it is far riskier to do nothing and let the banking system weaken to the point where it cannot provide credit to fuel our economy and will assuredly require a bailout of the bank insurance fund.

The first bill, the Financial Modernization and Safe Bank Act, builds on legislation approved by the Senate in 1988, the Proxmire Financial Modernization Act. It would grant banks certain new phased-in securities powers, while at the same time requiring banks to conduct these new activities out of separate subsidiaries with so-called firewalls among the different subsidiaries to prevent abuses. The securities subsidiaries would be registered broker-dealers and subject to the full panoply of SEC regulation.

At the same time, I think banks and other financial service providers would benefit from a further integration of their products. The key question is how to achieve such a result without creating greater risks for the deposit insurance system.

One answer I find very attractive is the so-called safe bank proposal, and I have incorporated it as title III of my bill. Thus, while all banks would be permitted to exercise the securities powers I described, any further bank activities would have to be carried out through a safe bank structure. The safe bank portion of my bill, modeled on the work of Robert Litan of the Brookings Institution and Professors Jack Guttentag and Richard Herring of the University of Pennsylvania's Wharton School, works from the premise that we can never have enough cops on the beat, enough regulators to enforce rules about fair dealing between banks and nonbank subsidiaries. Similarly, it questions whether such rules would prevent a bank from helping out a troubled affiliate in a time of crisis. To avoid these problems, this portion of my bill says that if a bank wants to get into any business beyond those permissible today under the Bank Holding Company Act, or those securities activities authorized by this bill, the bank must agree to become a safe bank.

A safe bank is one that invests its deposits in high liquid and highly marketable instruments, such as obligations of the U.S. Government and obligations guaranteed by the U.S. Government. Thus, depositors' money would be very safe—and so would the Federal deposit insurance fund.

Once a bank had agreed to become a safe bank, then it would be free to establish separate subsidiaries to engage in any other business it wished. These subsidiaries would be separately capitalized, with no funds coming from the bank. Further, the bank would not accept deposits from any of its nonbank affiliates nor would it extend credit to any of its nonbank affiliates.

The major advantages to the bank holding company would lie in its ability to diversify its portfolio and to cross-market bank products with the other subsidiaries' products.

The advantages to the Government and the public also would be considerable. Inasmuch as this approach involves a true two-way street—one which would not only permit safe banks into other businesses but would also permit nonbanking businesses to enter the banking business if they agreed to convert the bank to a safe bank—it would permit the maximum amount of competition. It also would permit modernization of our financial services laws with the closest possible thing to a failsafe device to protect against abuses that could bankrupt the deposit insurance fund.

Mr. President, I appreciate that others believe that the safe bank approach is too narrow. I believe it is a fundamentally sound approach, but I also believe there are other configurations that might well achieve the goals we all seek. One such approach has been put forward by Lowell Bryan, who advocates a core-bank concept. As with the safe bank, new activities would be carried out by separately capitalized subsidiaries, as would some of the banks' riskier lending activities, such as real estate lending. However, he would permit the banks to continue to conduct some traditional lending activities out of the bank, such as small business and consumer lending, activities that have not been a source of problems for banks.

While we can—and will—continue to debate where to draw the line between activities carried on in the bank and those carried on outside it, and what the relationship should be between the bank and the other subsidiaries, we must do everything we can to assure new competitive opportunities for our banks if we wish to assure their long-term viability—and, in turn, assure the maximum protection for the deposit insurance funds.

There is another reform that I believe meets this goal. That is the facilitation of full interstate banking and branching. To that end, I am reintroducing legislation similar to S. 2922, which I introduced in the 101st Congress. It is designed to provide for the more efficient delivery of banking services domestically and to create stronger domestic banks to compete in the international arena. In addition, as has been driven home very clearly by the credit crunch of New England, full interstate banking will permit swifter movement of funds to creditworthy borrowers in areas that are starving for credit.

The legislation builds on the regional interstate banking compacts that developed in the early 1980's and were adjudged to be constitutional by the Supreme Court in 1985. Today, 47 States have some form of interstate banking and more and more States are opting for full interstate banking, including my own State of Connecticut.

The bill's main provisions are simple and straightforward:

It authorizes the Federal Reserve to approve applications by bank holding companies to acquire banks across State lines. In effect, this provision repeals the so-called Douglas amendment.

However, the bill delays de novo entry by out-of-State banks until July 1, 1993. This provision will give States a little more time to prepare for new entrants without delaying full interstate banking for a prolonged period.

Finally, it permits interstate branching as of July 1, 1994, unless a State enacts a law prohibiting such branching between January 1, 1990, and June 30, 1994. This provision will permit States to exercise greater supervisory control over banks in their States if they so choose.

Full interstate banking and branching should have positive effects on both sides of the banks' balance sheets. Banks that need to raise deposits will not be restricted in where they can secure their funds and banks will be able to diversify their assets by lending outside their State or region of location. Such opportunities, I believe, would have helped avoid the disasters of overconcentration of lending in agriculture in the Midwest and energy in the Southwest, as well as the overlending in commercial real estate in New England. In banking, as in most business endeavors, a well diversified portfolio will most times be a safer portfolio.

While Congressman SCHUMER, who introduced identical legislation in the House, and I have received support for this bill from many banks and bank analysts, from the administration and from States that have seen the damage that can be done to their local economies when there is insufficient credit available, there are others who have expressed reservations about it.

I understand the concerns about the concentration of economic power and the fear that capital will be drained out of an area. These are questions that need to be fully explored during the hearings. Previous banking bills have used different devices to prevent any such undue concentration and we may wish to consider applying similar devices here.

As for the ability of large banks to drive small competitors out of business, I think the evidence suggests to the contrary. In Connecticut, some 20 percent of all the banks in the State were started after adoption of the legislation authorizing regional banking compacts. Moreover, the history of banking is replete with examples of small banks that have outcompeted large banks by knowing their customers better and meeting their needs. This is a history that we find in other industries as well.

I also understand the State regulators' concerns about State regulation and taxation. I believe these, too, are issues that warrant serious consideration. I look forward to working with both the State regulators and small bankers to fine tune the legislation to devise an interstate banking and branching bill that takes into consideration their legitimate concerns.

Finally, Mr. President, while I believe that the two bills I am introducing today, coupled with Federal deposit insurance reform along the lines of the legislation I cosponsored in the last Congress, will strengthen both the deposit insurance system and financial services providers, I think it is important also to devise short-term solutions to meet the credit crunch.

There are regions of the country, including New England, that need help now if they are to be in a position to be strong participants in the new world of financial services. In order to assure their presence, I urge the administration to use existing authorities to infuse capital into banks that time will heal if they can get a little help now. The capital, if properly used, can be the basis for loans to creditworthy businesses. The effect will be to generate economic activity that will strengthen the banking system, the region, and the U.S. economy as a whole.

Obviously, any such system must make careful choices as to which banks to help, and there must be restrictions on the use of the capital. To qualify, an institution should be required to demonstrate that it has adequate liquidity, that it has a reasonable probability of returning to profitability, that it possesses the management capability to do the job, and that it has the ability to attract private capital within a reasonable period of time.

Among the restrictions that would seem appropriate would be limitations on the interest rates the banks can offer to attract depositors, limits on dividends, restrictions on management remuneration, and some dilution of the shareholder's equity, as well as restrictions on asset growth and quality.

While it is encouraging to see the efforts by the Association of Bank Holding Companies to devise a program for injection of private bank capital into troubled banks, I believe the Connecticut and New England economies are in such difficulty that we need a short-term solution to bridge the time between the present and the implementation of any such system. Therefore, I urge the administration to examine all of its existing authorities and devise a program to strengthen both banks and the deposit insurance fund.

In sum, Mr. President, our banking system in general, and the New England economy in specific, are in trouble and it is time for us to take bold action. I urge the Congress and the administration to act expeditiously and wisely to put our financial services providers on a strong footing to meet today's credit needs and those of the 21st century.●

By Mr. LEVIN (for himself, Mr. SPECTER, and Mr. BYRD):

S. 301. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify liberalized priorities, and for other purposes; to the Committee on Finance.

FAIR TRADE AND EXPORT EXPANSION ACT

● Mr. LEVIN. Mr. President, I rise to reintroduce, along with Senators SPECTER and BYRD, the Fair Trade and Export Expansion Act to extend and strengthen the Super 301 trade law that expired last year. This legislation is similar to the legislation my distinguished colleagues and I introduced last year. It is intended to force the administration to defend American jobs, families, and communities.

This year a companion bill is also being introduced in the House of Representatives.

Foreign trade barriers cost thousands of American jobs each year, billions of dollars in exports, and contribute to our more than $100 billion trade deficit. Yet, this administration like the ones before it has not aggressively attacked the foreign trade barriers which cost us these jobs. It has not demanded that other countries open their markets to American products to the same extent that our market is open to their products.

I believe we ought to stand up and defend our jobs here in this country with the same determination that we defend liberty around the world. The current crisis in the Middle East has demonstrated the Bush administration's ability to aggressively pursue American interests and willingness to risk retaliation. If the administration pursued foreign trade barriers with similar determination, more markets would be open to American products and jobs could be saved.

The legislation we introduce today is aimed at moving the administration toward a more aggressive trade policy and ensuring that removal of the most costly foreign trade barriers is a top priority for this country.

Last year the Bush administration had an opportunity and obligation under the Super 301 provisions of the 1988 trade bill to target priority foreign trade barriers. Despite a long record of unfair trade practices and a $49 billion bilateral trade deficit, the administration removed Japan from its priority list. By removing Japan and only naming India under the Super 301 law, the administration made a mockery of both the law and its promises to pry open protected markets.

The administration ignored what history has clearly taught us: It takes the threat of sure retaliation to achieve results and pry open markets.

I said last year when the administration announced its decision not to target a single one of Japan's unfair trade practices that I thought it sent absolutely the wrong message. Regrettably, that now appears to be true.

The U.S. Trade Representative [USTR] based her decision not to name Japan on the belief that the Uruguay round of GATT negotiations and the structural impediments initiative [SII] presented more effective means for opening foreign markets and increasing United States exports. However, last month the GATT talks collapsed and recent press reports suggest the Japanese have failed to implement key SII commitments. While the verdict is still out on both initiatives, it's not likely that either will match the Bush administration's goals or rhetoric, and neither was ever a substitute for Super 301 action.

In contrast, the Super 301 law which authorized strong action to eliminate unfair trading practices seems to have achieved some success in opening markets in the few instances it was used. The threat of retaliation, and the threat of being targeted under the Super 301 law, opened markets and removed barriers that years of pleading could not budge. Later this spring we'll be able to measure better the law's success when the administration reports on the extent to which exports increased as a result of the agreements reached under the Super 301 law.

Recently the USTR took a step that indicates she understands that our trading partners will not open their markets to American products unless they know we are serious about treating them no better than they treat us. To defend American beef and pork producers and to apply pressure to restart the GATT talks, the USTR accepted a U.S. industry petition to negotiate, under the threat of retaliation, the removal of an European Community [EC] ban on U.S. beef and pork imports.

I commend the USTR for accepting this section 301 petition, but it's too little, too late. While the EC's ban on beef and pork imports is expected to cost American producers $100 million a year, Japanese barriers to auto parts and rice imports, for instance, cost American manufacturers and farmers billions every year.

We ought to address the barriers that are costing us the most in exports and jobs. Those barriers should be our priority. That was clearly Congress' intention when it passed the Super 301 legislation requiring the administration to target priority foreign trade barriers.

The Fair Trade and Export Expansion Act forces the administration to fulfill the original intent of the Super 301 law. It mandates that we set priorities, and moves us from rhetoric to action. It requires the administration to continue to make annual Super 301 designations through 1995, but also adds some new guidelines for selecting which countries and barriers to target.

To help the administration define its liberalization priorities, this legislation requires the USTR to estimate the cost of the trade barriers listed in its annual report on foreign trade barriers. It then requires Super 301 action against the worst offenders, those countries who discriminate against American products and have a bilateral trade deficit which is 15 percent or more of the total U.S. trade deficit. And it will require Super 301 action on those unfair trade practices associated with a sectoral deficit equal to or exceeding 5 percent of the bilateral trade deficit.

These new provisions will ensure that the administration does not again target a country like India with whom we had an $851 million deficit without also targeting a country such as Japan with whom we had a $49 billion deficit.

Currently, Japanese barriers to auto parts exports would qualify for mandatory identification and negotiations under this legislation. Japanese practices have limited American auto parts makers to 1 percent of the $60 billion auto parts market, and as a result we had a $10.5 billion auto parts trade deficit with Japan in 1989.

The USTR's own 1990 Report on Foreign Trade Barriers stated that Japanese auto and auto parts companies "are so tightly interlinked through long-standing business relationships that selling to the [auto companies] is as difficult as if the interlinked companies were one." The 301 law was written so that it could be used to attack exactly these type of business practices, yet the administration declined to use it.

In addition to facing discrimination abroad, the American auto parts industry is now facing a recession and discrimination at home. The GAO recently estimated that 11,000 American jobs were lost in 1989 because Big Three vehicle production was replaced by Japanese transplant production. This costs auto parts jobs because the Japanese transplants import about half of their parts and purchase much of the rest from Japanese-owned auto parts companies operating in the United States who may be subsidizing their United States parts with profits made in their protected home market.

Other countries and practices could also be cited by the USTR, but the worst offenders and the worst practices, the ones that meet the criteria I have indicated, would have to be cited as trade liberalization priorities.

If subsequent negotiations were to fail to eliminate the cited discriminatory trade practices, this legislation requires that equivalent restrictions be placed on the offending countries' products. Under the expired Super 301 law, the USTR had total discretion to decide whether and how to retaliate, unless the unfair practice was in violation of a trade agreement in which case equivalent restrictions were mandatory.

By requiring that equivalent restrictions be applied if negotiations fail, this legislation will help put an end to the pleading and the rhetoric and the empty promises, and make clear that if countries persist in discriminating against our products we will place equal restrictions on their products.

A waiver of the sanctions provisions would still be available to the President under certain circumstances.

This bill also provides an expedited procedure. Within 15 days after the USTR identifies Super 301 priorities, a Member of Congress could initiate an expedited procedure to list additional trade liberalization priorities. Under this procedure, Congress, by a vote of three-fifths of the Congress, could require Super 301 action on unfair practices which did not qualify for mandatory Super 301 treatment but merit citing.

The intent of this legislation is to force the administration to attack foreign trade barriers and defend American jobs with the same determination it has attacked aggression in the Middle East. Preserving American jobs should always be a priority, but during a recession it's particularly crucial. I urge my colleagues' support for this legislation.

I ask unanimous consent that the text of the bill be included in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Trade and Export Expansion Act of 1991".

SEC. 2. IDENTIFICATION OF PRIORITIES EXTENDED TO 1995.

Section 310(a) of the Trade Act of 1974 (19 U.S.C. 2420(a)) is amended by striking "calendar year 1990" and inserting "calendar years 1991 through 1995".

SEC. 3. MANDATORY IDENTIFICATION OF PRIORITY PRACTICES AND PRIORITY FOREIGN COUNTRIES.

Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended by adding at the end the following new subsections:

"(e) MANDATORY IDENTIFICATION OF PRIORITY FOREIGN COUNTRY AND PRACTICE.—

"(1) PRIORITY FOREIGN COUNTRY.—For purposes of this section, a country shall be identified as a priority foreign country under subsection (a)(1)(B) and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to the priority practices of such priority foreign country, if—

"(A) the amount of the trade deficit between the United States and such country for the calendar year for which a report under section 181 is submitted exceeds 15 percent of the amount of the total trade deficit of the United States for such calendar year,

"(B) the practices of such country have been identified under subsection (a)(1)(A) or under section 181(a)(1), and

"(C) such country has not entered into a free trade agreement with the United States.

"(2) MANDATORY IDENTIFICATION OF PRIORITY PRACTICE.—For purposes of this section, a practice shall be identified as a priority practice, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice if—

"(A) such practice is identified under section 181(a)(1), and

"(B) such practice is associated with a sectoral deficit (as listed in the National Trade Estimates) of 5 percent or more of the balance of trade between the United States and the foreign country conducting such practice for the calendar year for which a report under section 181 is submitted.

"(f) MANDATORY IDENTIFICATION BY JOINT RESOLUTION OF CONGRESS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a practice shall be identified as a priority practice and a foreign country shall be identified as a priority foreign country under this section, and the Trade Representative shall initiate an investigation under section 302(b)(1) with respect to such practice or country if a joint resolution described in paragraph (2) is enacted into law.

"(2) JOINT RESOLUTION DESCRIBED.—A resolution is described in this paragraph if it is a joint resolution—

"(A) which is introduced in either the Senate or the House of Representatives not later than 15 days after the date the Trade Representative identifies United States trade liberalization priorities under subsection (a)(1),

"(B) which is approved by three-fifths of the duly elected and sworn Members of each of the two Houses of Congress, and

"(C) the matter after the resolving clause of which contains the name of the country identified as a priority country or the practices identified as priority practices, and a finding that elimination of such priority practices is likely to have significant potential to increase United States exports, either directly or through establishment of a beneficial precedent.

"(3) HOUSE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the House of Representatives of a joint resolution described in paragraph (2).

"(B) The joint resolution shall, upon introduction, be referred to the Committee on Ways and Means of the House of Representatives.

"(C) If the Committee on Ways and Means has not reported the joint resolution by the end of 30 legislative days after such joint resolution was introduced, the Committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House.

"(D)(i) At any time after the joint resolution placed on the appropriate calendar has been on such calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of such joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the joint resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

"(ii) Debate on the joint resolution shall not exceed 10 hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

"(iii) An amendment to the joint resolution is not in order.

"(iv) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the House is in session.

"(4) SENATE PROCEDURES.—(A) The provisions of this paragraph apply to the consideration in the Senate of a joint resolution described in paragraph (2).

"(B) A joint resolution shall, upon introduction, be referred to the Committee on Finance of the Senate.

"(C) If the Committee on Finance has not reported such joint resolution at the end of 30 legislative days after its introduction, the Committee shall be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the calendar.

"(D)(i) Notwithstanding any rule or precedent of the Senate, including Rule XXII, when the Committee to which a joint resolution is referred has reported, or has been discharged under subparagraph (C) from further consideration of a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member (after consultation with the majority leader as to the most appropriate time for the consideration of such joint resolution) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

"(ii) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(iii) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

"(iv) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution shall be decided without debate.

"(E) As used in this paragraph, the term 'legislative day' means a day on which the Senate is in session.

"(5) SPECIAL RULE.—In the case of a resolution described in paragraph (2), if, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution with respect to the same matters, originated in that House, then the following procedures shall apply:

"(A) The joint resolution of the other House shall not be referred to a committee.

"(B) With respect to a joint resolution described in paragraph (2) of the House receiving the resolution—

"(i) the procedures in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

"(6) RULEMAKING POWER.—This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (2), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.".

SEC. 4. MANDATORY ACTION.

(a) IN GENERAL.—Section 301(a)(1) of the Trade Act of 1974 (19 U.S.C. 2411(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by inserting "or" at the end of subparagraph (B)(ii), and

(3) by inserting immediately after subparagraph (B)(ii), the following new subparagraph:

"(C) a priority practice

"(i) identified under section 310, or

"(ii) with respect to a priority foreign country identified under section 310,

constitutes an act, policy, or practice of a foreign country which is unreasonable or discriminatory and burdens or restricts United States commerce;".

(b) CONFORMING AMENDMENT.—Section 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by striking "(a)(1)(B)" and inserting "(a)(1)(B), (a)(1)(C),".

SEC. 5. ESTIMATION OF BARRIERS TO MARKET ACCESS.

Section 181(a)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2241(a)(1)(C)) is amended—

(1) by striking ", if feasible,", and

(2) by adding at the end thereof the following new sentence: "If it is not feasible to make an estimate under this subparagraph, the United States Trade Representative shall provide an explanation of why such estimate is not feasible.".•

By Mr. D'AMATO:

S. 303. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

RELIEF OF MELISSA JOHNSON

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation for the private relief of Melissa Johnson. On June 3, 1982, Melissa, who was then 6-years-old, was molested and sexually abused by a U.S. Postal Service employee by the name of Luis Ojeda. Mr. Ojeda was arrested and charged with rape, sexual abuse, and endangering the welfare of a child. He entered a plea of guilty to the charge of sexual abuse and was sentenced to a term in prison.

Melissa Johnson, however, was left high and dry. The Federal Tort Claims Act specifically excludes claims based on assault and battery committed by a Federal employee. Melissa thus had no means of recourse.

Legislation to compensate Melissa was introduced and subsequently passed the House of Representatives in both the 100th and 101st Congresses. In addition, I introduced similar legislation, S. 2295, in the 101st Congress. Unfortunately, no final action was taken on any of these bills.

This matter has been studied at length in the House, and is clearly a compelling and deserving case. I feel that the passage of this bill will in some way help comfort Melissa for the tragedy she endured. Therefore, I urge my colleagues to join in swift passage of this bill.

I ask unanimous consent to have printed in the RECORD following my remarks the text of this bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT FOR THE BENEFIT OF CLAIMANT.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, $125,000 to Melissa Johnson of Barryville, New York. Such sum shall be in full and complete settlement of all claims against the United States arising out of the personal injuries and mental pain and suffering incurred as a result of the sexual assault and molestation of Melissa Johnson by an employee of the United States Postal Service on June 3, 1982, and various other dates.

SEC. 2. DEPOSIT OF AMOUNT IN TRUST ACCOUNTS.

Barbara Johnson Lizzi of Barryville, New York, the mother of Melissa Johnson, shall deposit the sum paid under section 1 in a federally insured depository institution in an interest bearing account or accounts in trust for Melissa Johnson. Barbara Johnson Lizzi shall serve as sole trustee of such account or accounts and, as such trustee—

(1) shall pay those debts and obligations which are outstanding at the time the sum is paid under section 1 to the extent those debts and obligations arise from the injuries and pain and suffering described in section 1;

(2) shall, until Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay, from the amounts in the trust account or accounts, expenses incurred for Melissa Johnson's medical care and education; and

(3) shall, when Melissa Johnson reaches the age of majority under the laws of the State in which Melissa Johnson is residing at the time, pay to Melissa Johnson all amounts remaining in the trust account or accounts.

SEC. 3. LIMITATIONS ON ATTORNEYS' FEES.

Not more than 10 percent of the amount appropriated by section 1 may be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claim described in section 1, notwithstanding any contract which provides otherwise. Any person who violates the provisions of this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.•

By Mr. HATCH:

S. 304. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve protections against eviction and distress; to the Committee on Veterans' Affairs.

IMPROVEMENTS OF RELIEF AGAINST EVICTION AND DISTRESS

Mr. HATCH. Mr. President, I send a bill to the desk and ask for its appropriate referral.

This bill amends the Soldiers' and Sailors' Civil Relief Act of 1940 by strengthening the existing protections afforded by the act against eviction and related distress of persons activated into military service and their families.

My amendment improves these protections in two ways: First, it prevents such persons from being evicted, regardless of the level of rent they agreed to pay, for at least 12 months. Second, while I do not interfere with the right of landlords to seek an appropriate court judgment allowing either eviction or other remedies under leasing contracts, my amendment would stay such an order for at least 12 months. Obviously, there are some persons, who regardless of the status of the military member or, in the case of high-earning spouses who are not activated, could afford to pay a rent agreed upon prior to activation. I do not want to tamper with the opportunity of the courts to decide equity in such cases.

MANY SHARING THE BURDEN OF THE GULF INTERVENTION

In mid-February, I organized meetings with the families of Utah reservists who had been activated for duty in the Persian Gulf. Let me say at the outset that these are dedicated men and women with families no less aware of the importance of the purpose of our presence there. I am extremely proud of every one of them.

Utah has been especially hard hit during this activation, with 14 percent of our reservists in the gulf and the largest number of medical reservists on active duty, including a 1,000-bed general hospital, a 400-bed evacuation hospital, ambulatory, and other medical service units. Our veterans' hospitals, rural clinics, and other medical services have adopted emergency staffing procedures that compel virtually everyone, including some infirm and seriously ill persons, to share the burden of our Persian Gulf intervention.

I know that many of my colleagues find themselves in somewhat similiar circumstances and admire the commitment of the Nation to the necessary and just action that we must take in the gulf to assure a more peaceful world order. I really believe that we are approaching the day when petty tyrants, like Saddam Hussein, will find that force cannot be used to settle international differences.

FAMILIES COULD SUFFER UNDULY

My greatest concern lies with our military persons whose lives are on the line in the gulf. Utah, incidentally, has already had casualties. Cpl. Ron Logan of Sunset, UT, broke his back when his maneuver vehicle overturned near the Kuwait border. From his hospital bed at the Army Medical Center in Landstuhl, Germany, Ron said that he was proud of his role in the 1st Cavalry Division. I hasten to add that Ron was also involved in the Panamanian crisis.

I will never turn my back on the needs of soldiers like Ron, and especially their families. And that brings me back to the purpose of my amendment.

In the meetings with families of Utah reservists, I learned that no fewer than two, and as many as five, have been evicted or are being threatened with eviction, because of lost income from military activation.

Imagine the specter of military families joining the ranks of the homeless? Who in this Chamber could tolerate such an unconscionable act? Worse, who would commit such a social atrocity at a time when the very purpose of the gulf action is to preserve the type of economic well-being and political culture that freely allows the aggrandizement of wealth, like the ownership of property? Evicting military families is a perverse form of price gouging. I intend to stop it.

WE MUST NOT LOSE SIGHT OF THE INTENT BEHIND THE LAW

Mr. President, when the Soldiers' and Sailors' Civil Relief Act was first drafted in 1940, the language clearly depicted the intent of Congress—to assure that those called up would be able "to devote their entire energy to the defense needs of this nation."

Our Armed Forces in the gulf have enough to worry about without causing them to agonize over the well-being of their loved ones back at home.

But, Mr. President, my bill does not ignore the rights of property owners. On the contrary, it strengthens the very process of achieving equity. That comes form balancing rights and duties, especially in wartime. The courts remain fully empowered to consider any type of contract-related inequity brought to it by any party to the agreement.

For example, landlords can still sue. I do not change that. And landlords can get favorable judgments, to include those of default where the military members cannot appear for reason of military service.

What I do change, however, is the period that the court can stay the judgment, which was formerly 3 months and is now 12.

Nor do I alter the provision of the act that allows for the military authorities to order an allotment from a member's military pay to take care of one's wife, children, or other dependent members of the military family of any active duty spouse.

I urge my colleagues to join me in this small step for equity. One which I believe acknowledges a vastly more complex society than that which existed when the original act was drafted.

By Mr. KERRY (for himself, Mr. D'AMATO, Mr. RIEGLE, Mr. GARN, Mr. METZENBAUM, Mr. GRAHAM, Mr. BRYAN, and Mr. DIXON):

S. 305. A bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses, to amend chapter 53 of title 31, United States Code, to require the Secretary of the Treasury to issue regulations concerning the identification of nonbank financial institutions subject to the Bank Secrecy Act, to prohibit illegal money transmitting businesses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MONEY LAUNDERING ENFORCEMENT AMENDMENTS

• Mr. KERRY. Mr. President, today, I am introducing the Money Laundering Amendments of 1991. This bill is nearly identical to legislation which Senator D'AMATO and I introduced last year. That legislation was passed by the Senate and but for procedural error would undoubtedly have been conferenced with the House.

I am confident that this year Senator D'AMATO and I will see this bill passed by the Congress and signed into law.

Mr. President, I have said more than once that I believe the vast majority of bankers in this country are law abiding citizens; and I believe the vast majority of banks in this country are honest and working to cooperate with law enforcement in antimoney laundering efforts. This legislation is not directed at those individuals or those institutions.

But the fact remains that the laundering of illegal profits continues to be a $100 billion industry in this country.

No one can dispute that money laundering continues to be a central part of the drug trade. In my view, there is also a close connection between money laundering and the savings and loan crisis which I have outlined on numberous occassions both here on the floor of the Senate and in the committee.

Mr. President, I am deeply disturbed that drug dealers and S&L profiteers continue to use the depository institutions of this country to launder their ill-gotten gains.

This bill will give the appropriate Federal depository institution regulatory agencies the power to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions—banks, savings and loans, or credit unions—involved in money laundering or monetary transaction reporting offenses.

Before a charter can be revoked, however, the regulator must consider the following factors at a hearing: First, the degree to which senior management officials knew of, or were involved in, the solicitation of criminal funds or the money laundering operation; second, the effect revocation would have on the adequacy of the depository and credit services in the local community; third, the institution's cooperation with law enforcement authorities; fourth, the potential losses to the Federal deposit insurance funds and the RTC if the charter is revoked; and fifth, whether the depository institution's compliance and deterrence programs clearly exceeded the programs required by law.

This legislation will give law enforcement a new tool in the war on drugs, and in the effort to put the S&L swindlers in jail.

This bill also contains money laundering provisions originally introduced by Senator D'AMATO. This section improves cooperation between Federal and State authorities, improves the oversight and enforcement of money laundering compliance programs of nonbank financial institutions and addresses wire transfer transactions that currently are not monitored for detection of money laundering.

In hearings which I held in the fall of 1989, the Senate Banking Committee received testimony on the problems of money laundering in nonbanking financial institutions such as money transmitters, check cashers, and money exchange houses. This legislation will make it a Federal felony for these institutions to transmit money without a license.

The legislation also requires the Secretary of the Treasury to issue final regulations concerning recordkeeping for international wire transfers. As we heard in our hearings last year, once money was deposited into the banking system, it can be transmitted electronically from bank to bank around the world. According to the Federal Reserve, an estimated 1 trillion U.S. dollars in international wire transfers occurs each day. Despite this huge volume of transactions there is important information that can be gleaned from these transfers and the entire system needs to be reevaluated. Senator D'AMATO's legislation requires that the Treasury Department, in promulgating regulations governing wire transfers, must consider the usefulness of the records in criminal, tax or regulatory investigations or proceedings and the effect of recordkeeping in the cost and efficiency of the payment system.

The only difference between this bill and the one we introduced during the last session is the addition of section 209 concerning an authorization of $1 million for the Treasury Department to establish a team of experts to assist and provide training to foreign governments and agencies on antimoney laundering enforcement.

Mr. President, this bill represents months of hard work in both Houses. It represents a bipartisan effort. It is sound legislation and I urge my colleagues to adopt this bill unanimously.

I would like to thank Senators D'AMATO, RIEGLE, GARN, and METZENBAUM, all of whom worked on this legislation. I would also like to thank the other cosponsors of this legislation, Senators GRAHAM, BRYAN, and DIXON.•

• Mr. RIEGLE. Mr. President, I join my colleagues, Senators KERRY, D'AMATO, GARN, and others, in introducing the Money Laundering Enforcement Amendments Act of 1991. This legislation is nearly identical to legislation passed by the Senate in 1990. That legislation was the subject of hearings before the Senate Banking Committee and was reported out by the committee unanimously. The House of Representatives passed similar legislation twice—first, by a vote of 407–0, and second, by unanimous consent. This legislation is necessary and important to this country's continuing war on drugs and drug money launderers. It will strengthen enforcement efforts and increase the pressure on drug money launderers. The legislation was broadly supported in the 101st Congress, by the Treasury Department and by private industry. Had it not been for the crush of last minute business in the 101st Congress, this legislation would have become law. I fully expect the Banking Committee to move this bill expeditiously. I want to commend Senators KERRY and D'AMATO for their fine work on this bill.

We have made major strides against drug traffickers and those who assist them in laundering their illicit profits. Nevertheless, gaps in enforcement remain. Events and developments during the past 2 years which were explored by the Banking Committee during several hearings brought this to light. We found that it may be difficult to immediately close institutions that are actively soliciting and laundering drug money. This legislation authorizes regulators of depository institutions, in appropriate cases, to revoke a charter, terminate deposit insurance and remove employees convicted of money laundering. The bill sends a clear message to bank management and employees who assist money launderers—you will lose your job, your institution will be closed, and you will be banned from the banking industry.

As we have adopted measures to deter and catch money laundering at depository institutions, the drug trade has come to rely on other avenues for laundering their drug money. They increasingly have used money transmitters, money exchangers, and check cashers as entry points into the financial system and they have used international wire transfers to swiftly move and conceal their illegal profits. This legislation requires depository institutions to identify their customers that are nonbank financial institutions, including money transmitters, money exchangers, and check cashers, to the Treasury Department so that compliance with money laundering enforcement statutes by these entities can be monitored more closely. Furthermore, the legislation makes conducting a money transmitting business without the appropriate State license punishable as a Federal felony where such conduct constitutes a misdemeanor or felony under State law. Finally, the legislation requires the Secretary of the Treasury to promulgate final regulations by October 1991 requiring depository institutions, money transmitters and others to keep records of international and other funds transfers.

This bill is important to our efforts to fight drug trafficking in this country. I strongly urge my colleagues to support this important legislation and to enact it quickly.●

By Mr. DODD (for himself, Mr. BOND, and Mr. LIEBERMAN):

S. 306. A bill to amend the Export-Import Bank Act of 1945 to permit the Export-Import Bank to assist in the export of certain U.S. defense articles and services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FINANCING DEFENSE ARTICLES AND SERVICES

● Mr. DODD. Mr. President, today on behalf of myself, Senator BOND and Senator LIEBERMAN, I am introducing legislation to mandate that the U.S. Export-Import Bank [Eximbank] establish a guarantee program to assist U.S. exporters of defense articles and services in their struggle to remain competitive in this highly subsidized sector of international commerce. This bill mandates that Eximbank establish a sensible program for providing guarantees to assist United States companies attempting to compete for business in NATO countries, Japan, Israel, Australia, and New Zealand—countries that are close friends and allies.

Why is such a program needed at this time? Despite the recent outbreak of hostilities in the Persian Gulf, it is fairly clear that the new international order that has emerged since the dismantling of the Berlin Wall seems to no longer demand the spending of enormous sums of U.S. taxpayers' dollars on increasingly sophisticated and very costly defense systems. Nor can the current sorry state of the Federal budget sustain such spending.

Ironically, the result of these changed circumstances has put at risk the continued viability of the U.S. defense industry as it is currently configured. Plant closings have threatened the livelihoods of millions of American workers and hold out the grim prospect of economic hardships for entire communities across the country. Understandably, corporate planners and strategists throughout the industry have attempted to adjust to the new realities of less U.S. defense spending by seeking out alternative commercial opportunities. The more successful they are in finding commercial alternatives, the greater the cushion to companies, to workers and to communities experiencing these Government spending cutbacks.

Let me be clear about what this bill does and does not do with respect to Eximbank and with respect to procedures for ensuring that U.S. national security interests are protected. Aside from waiving the two provisions of law which cast doubt on whether Eximbank can legally undertake this effort, the bill in no way seeks to alter any of the other safeguards and standards set forth in Eximbank's charter. Nor would this bill require that Eximbank approve any and all requests for assistance, without regard to the commercial soundness of the sale or its national security implications. The Government review and licensing requirements which currently apply to the export of defense equipment and services would continue to apply to Eximbank-assisted defense exports.

Nor would this program come at the expense of existing programs. It would in no way impinge on Eximbank's assistance to its traditional clients—nondefense exporters. This is so, because historically the bank has come no where near to exhausting the $10 billion of guarantee authority that is made available to it annually by the Congress.

There is no question that our defense industry faces enormous challenges in the coming decade. I believe that Eximbank can and should play a small role in assisting the industry at this critical juncture. There is no question that the products and services offered by our industry are top of the line and highly sought after by other governments. But, they are very expensive and to be attractive to foreign purchasers they must be accompanied by financing packages as attractive as those offered by our competitors. There is little dispute that most foreign competitors have available to them well established official guarantee and loan programs that improve their prospects for capturing sales. In most cases this is done by the very agency that provides credits and guarantees to nondefense exporters.

However, since the early 1970's, Eximbank has generally declined to assist U.S. exporters of defense articles and services, both as a matter of law and policy. Legislative efforts on my part over the last several years to alter that policy have until now met resistance by the Eximbank and by certain other U.S. Government agencies—although some have been sympathetic to the change.

The bill that Senator BOND and I are introducing today is nearly identical to a provision that we offered to a Banking Committee bill last year. That provision was adopted by the committee with a vote of 16 to 5 during consideration of S. 2927—a bill to amend and extend the Export Administration Act of 1979, and subsequently passed the Senate without opposition. But, for a variety of reasons, including administration opposition to it, the provision never became law. I would ask unanimous consent that the appropriate portion of the Banking Committee's report on S. 2927 pertaining to this provision be printed in the RECORD at the conclusion of my statement.

Since last October when this matter was last considered, it appears that the administration has had a change of heart. I am told that serious consideration is now being given to Eximbank's getting into the business of providing some guarantees for defense related exports to our NATO allies and certain other major non-NATO allies, along the lines that Senator BOND and I have been suggesting.

Mr. President, I will be seeking early consideration of this bill by the Senate Banking Committee. And, I look forward as well to working with the administration to get this program up and running, so that our defense industry will not be forced to compete with one hand tied behind its back during this particularly difficult economic adjustment period.

There being no objection, the material mentioned earlier was ordered to be printed in the RECORD, as follows:

EXPORT ADMINISTRATION ACT AMENDMENTS OF 1990—REPORT OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, U.S. SENATE

SECTION 206. FINANCING DEFENSE ARTICLES AND SERVICES

This section would amend the Export-Import Bank Act of 1945 to require the Eximbank to establish a program to provide guarantees for the sale of defense articles and services to Japan or any NATO member country on terms and conditions which are fully competitive with the Government-sponsored terms and conditions available from the principal countries whose exporters compete with U.S. exporters in the sale of defense articles and services to Japan and NATO countries. This provision clarifies existing law by explicitly directing the Eximbank to use its guarantee authority to assist United States exporters of defense articles and services in pursuing commercially viable sales to Japan and to our NATO Alliance partners, while keeping intact the general prohibitions on the sale of these items to economically less developed countries as contained in Section 2(b)(6)(A) of the Export-Import Bank Act and Section 32 of the Arms Export Control Act.

The Eximbank as a matter of policy—versus statutory requirement—has refrained from financing sales of defense articles and services, regardless of the economic status of the country to which the sale was directed. That policy was based in part on a decision to concentrate the resources of the Eximbank on providing commercial export financing and not to divert limited staff resources to develop financing packages for military sales. In addition, there was a concern that a significant exposure by the Eximbank in a country under a military sales program could reduce the Eximbank's ability to provide support under its regular commercial export financing programs owing to the concentration of Eximbank exposure to credit risk in that country.

Several considerations led the Committee to adopt this provision. First, last year as part of the FY 1990 Foreign Operations Appropriations Act, the Senate adopted a provision which made clear that the Senate did not intend the prohibition on Eximbank assistance for defense related exports to less developed countries to apply to NATO countries, which are developed countries and close allies. In a compromise adopted by House and Senate conferees, the final bill specifically authorized the Eximbank to utilize its guarantee program for sales to Greece and Turkey. Despite this provision, the Eximbank has not provided loan guarantees for any defense related exports. Therefore, the Committee felt that it was now appropriate to mandate a change in policy with respect to NATO countries and Japan.

Second, under current circumstances, considerable guarantee authority could be provided for military sales to NATO and Japan without reducing the availability of Eximbank resources for non-defense exports. In FY 1989, the Eximbank utilized only $5.6 billion of the $19 billion in guarantee authority that had been made available. Similarly, in the current fiscal year the Eximbank has utilized only $5 billion of the $10.1 billion in guarantee authority as of July, and clearly will not utilize all of the remaining authority in the last ten weeks of this fiscal year.

Third, European and Japanese governments heavily subsidize their defense industries, and provide concessional financing to their defense exporters. This has placed U.S. defense exporters at a competitive disadvantage in these markets and has cost U.S. sales and jobs. The U.S. foreign military sales program which does provide financing for defense sales, does so only for government-to-government sales, and has not been made generally available for sales to most European countries.

Fourth, substantial cuts in U.S. defense expenditures that will occur in this fiscal year and in fiscal years to follow threaten to place an enormous burden on the U.S. defense industry, and particularly upon those communities that are very dependent on these companies for jobs. Providing Eximbank guarantees for defense exports at this juncture could help cushion the adjustment of the U.S. defense cuts by allowing the industry to gear itself up to compete internationally and keep production lines operational.

The requirements of this section are limited only to the loan guarantee authority of the Eximbank and are subject to standards and requirements which the Export-Import Bank Act mandates for all of Eximbank's programs.•

By Mr. RIEGLE:

S. 307. A bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes; to the Committee on Finance.

FIRST-TIME HOME BUYER OPPORTUNITY ACT

• Mr. RIEGLE. Mr. President, I am introducing today the First-Time Homebuyer Opportunity Act of 1991, which will bring home ownership within the reach of many American families. This legislation, which I originally introduced in 1987, would allow people to use funds in their individual retirement accounts [IRA's] to help them purchase a first home.

The dream of owning their own home has motivated generations of American families. For most Americans, home ownership has been the only realistic way to build family assets and provide a nest egg for their retirement years. Home ownership contributes enormously to the quality of our community life and the stability of our society.

Unfortunately, because of rising costs coupled with a recession, the ability to purchase a home has been elusive for many Americans. This legislation would allow people to use up to $10,000 of their investment in an IRA or other individual retirement annuity for investment in a home. There would be no penalty or tax due for this type of withdrawal as long as a home was purchased within 90 days. The tax would only be due when the home is eventually sold.

This legislation would impose no further burden on the U.S. Treasury. Its effect would be to make investment in a first home a permitted form of IRA investment. Individuals already have wide latitude in investing their IRA funds: stocks, bonds, real estate investment trusts, certificates of deposit, and other forms of financial assets. It is ironic that investment in a person's own home is not already a permitted form of investment since home ownership has long proven to be one of the best ways for most Americans to build up assets.

This legislation would also provide stimulus to home purchasing and would thus be an effective means of helping to bring the United States out of an economic recession.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD as if read.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 307

Be it enacted by the Senate and House of Representatives of the United States of America in Conress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First-Time Homebuyer Opportunity Act of 1991".

SEC. 2. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNT OR ANNUITY USED FOR FIRST-TIME HOME PURCHASE.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to treatment of distributions) is amended by adding at the end thereof the following new paragraph:

"(8) Distributions used to purchase a home by first-time homebuyer.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any payment or distribution received by a first-time homebuyer from an individual retirement account or from an individual retirement annuity to the extent such payment or distribution—

"(i) is used by the individual before the close of the 90th day after the day on which such payment or distribution is received in connection with the acquisition during such 90-day period of a principal residence for such individual, and

"(ii) is attributable to amounts paid into such account or annuity at least 12 months before the date of the acquisition of the principal residence described in clause (1).

For purposes of clause (ii), any payment or distribution shall be treated as made first from amounts described in clause (ii).

"(B) $10,000 AGGREGATE MAXIMUM.—The aggregate amount of payments and distributions to which subparagraph (A) applies for all taxable years with respect to any individual shall not exceed $10,000.

"(C) BASIS REDUCTION.—The basis of any principal residence described in subparagraph (A) shall be reduced by any amount excluded from gross income of such first-time homebuyer by reasons of subparagraph (A).

"(D) RECOGNITION OF GAINS AS ORDINARY INCOME.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, gain (if any) on the sale or exchange of a principal residence to which subparagraph (A) applies shall, to the extent of the amount excluded from gross income under subparagraph (A)—

"(I) be treated as ordinary income by such individual, as

"(II) included in gross income ratably over the 5-taxable year period beginning with the taxable year in which such sale or exchange occurs.

"(ii) DEATH OF FIRST-TIME HOMEBUYER.—Except as provided in clause (iii), in the case of the death of any individual to which clause (i) applies, any amount not included in gross income for any taxable year ending before the taxable year of such decedent's final return shall be included in gross income on such final return.

"(iii) SPECIAL RULE FOR SURVIVING SPOUSE.—If a decedent's interest in the proceeds from a sale or exchange of a principal residence passes to the decedent's surviving spouse, such surviving spouse shall include in gross income that portion of the gain required to be included in gross income under clause (i) which was not included in the gross income of such decedent. Such amount shall be included ratably in gross income by such surviving spouse over the unexpired portion of the 5-taxable year period referred to in clause (i).

"(iv) COORDINATION WITH OTHER PROVISIONS.—In the event all or part of the gain referred to in clause (i) is treated as ordinary income under any other provision of this subtitle, such provision shall be applied before clause (i).

"(E) DEFINITIONS.—

"(i) FIRST-TIME HOMEBUYER.—For purposes of this paragraph, the term 'first-time homebuyer' means any individual who (or whose spouse) has had no present ownership interest in a principal residence during the 3-year period ending on the date of purchase of the principal residence described in subparagraph (A).

"(ii) PRINCIPAL RESIDENCE.—For purposes of this paragraph, the term 'principal residence' shall have the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—For purposes of this paragraph, the term 'date of acquisition' means the date on which a binding contract to buy the principal residence described in subparagraph (A) is entered into.".

(b) CONFORMING AMENDMENTS.—Subsection (a) of section 1016 of the Internal Revenue Code of 1986 (relating to adjustments to basis) is further amended—

(1) by striking out "and" at the end of paragraph (23),

(2) by striking out the period at the end of paragraph (24) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (24) the following new paragraph:

"(25) to the extent provided in section 408(d)(8)(B).".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to payments or distributions made after the date of enactment of this Act in taxable years ending after such date.•

By Mr. GRAHAM (for himself, Mr. HEINZ, Mr. MCCAIN, Mr. REID, Mr. CRANSTON, Mr. SARBANES, Mr. MACK, Mr. SHELBY, Mr. BURDICK, Mr. DECONCINI, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. LIEBERMAN, Mr. GLENN, Mr. BOREN, Mr. DIXON, Mr. LEAHY, Mrs. KASSEBAUM, Mr. HATCH, Mr. GORE, Mr. SANFORD, Mr. ROBB, Mr. CONRAD, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. WARNER, Mr. BIDEN, Mr. AKAKA, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. STEVENS, Mr. SIMON, Mr. COHEN, and Mr. PELL):

S.J. Res. 53. Joint resolution to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day"; to the Committee on the Judiciary.

NATIONAL FORMER PRISONER OF WAR RECOGNITION DAY

• Mr. GRAHAM. Mr. President, today I am introducing legislation designating April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day."

We are all worried about the wellbeing of American soldiers held captive in Iraq. The images of these prisoners make us painfully aware of the physical and mental hardships these soldiers endure for their country. I am outraged that President Saddam Hussein has purposely put these prisoners' lives in danger in clear violation of international treaties.

Our thoughts and prayers are with the families and friends of these soldiers. It is my sincere hope that the prisoners now held in Iraq will be home to participate in the celebrations on April 9.

It is appropriate at this time to pause and reflect on the courage and sacrifice of our estimated 80,000 former prisoners of war. We have chosen the 9th of April as it marks the day in 1942 when Bataan fell and thousands of American soldiers were taken prisoner by enemy troops in the Philippines. What followed was the grim, forced march that led to the death of many of those captured. Survivors faced such brutalities that most were left with permanent disabilities.

The men and women who were captured and imprisoned gave up months and years of their lives to ensure the continuation of the freedoms we enjoy today. Their service has taught us about patriotism, perseverance, and character. There is little we can do to repay these men and women, but we can recognize their invaluable contribution.

I urge my colleagues to join Senator HEINZ, Senator MCCAIN, and the 35 Members of this body who have already cosponsored this important resolution honoring our former prisoners of war.

I ask unanimous consent that the text of the joint resolution be included in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 53

Whereas members of the armed forces of the United States have been recently captured by the armed forces of Iraq and have been held as prisoners of war;

Whereas the prisoners of war held by Iraq have endured incredible hardships and the events surrounding the holding of such prisoners remind us of the thousands of members of the armed forces of the United States who served in past armed conflicts and were held prisoners of war;

Whereas many prisoners of war have been subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war;

Whereas many former prisoners of war died, or were disabled, as a result of such treatment;

Whereas, in 1985, the United States Congress directed the Department of Defense to issue a medal to former prisoners of war recognizing and commemorating their great sacrifices in service to our Nation; and

Whereas the great sacrifices of prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1991 and April 9, 1992, are designated as "National Former Prisoner of War Recognition Day" in honor of the members of the armed forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.•

• Mr. HEINZ. Mr. President, I rise to sponsor, along with my colleague Senator BOB GRAHAM of Florida, legislation to designate April 9, 1991, and April 9, 1992, as "National Former Prisoner of War Recognition Day."

When this measure was introduced in the last Congress, the Nation was not at war. Of course, now it is. Unfortunately, with the onset of conflict has come an increase in the POW count.

Mr. President, we all saw the terrifying images of Americans being held by Iraqi captors under Saddam Hussein's orders, staring blankly and reciting scripted messages. In response, I joined my colleagues in calling upon Iraq to uphold its Geneva Convention pledge. Further, I joined with Senator MCCONNELL to introduce the War Crimes Act, a measure providing for the prosecution of Iraqi war criminals in United States Federal courts or before an international tribunal.

Someday, Mr. President, the war will end and, we hope, American prisoners will be released. While the atrocities committed against them cannot be undone, they can be avenged. If we are truly outraged and sickened by the brutal treatment American POW's are receiving in Iraqi hands, we can do no less than bring Saddam Hussein and his torturers to justice.

But, Mr. President, we must do more than mete out punishment to war criminals. We must honor their victims, the individuals who bravely withstood cruelty and inhumane treatment. That is why I am asking my colleagues to support our effort to designate April 9 as "National Former POW Recognition Day." It is a resolution which serves to underscore the importance of the individuals known as POW's, and the sacrifices and hardships they endured for the cause of freedom.

In his farewell address, former President Ronald Reagan warned Americans against ignorance of their history and their heritage. Mr. President, the experiences of former prisoners of war is an especially vital part of that lesson, and serves as an object lesson on the meaning of self-sacrifice.

Thus, it is fitting to designate April 9 as a day to remember. It is the anniversary of Bataan—a name synonymous with suffering endured in captivity and a symbol of man's cruelty to other men. We must never forget those who perished or the individuals who still suffer from the horrors of deprivation and torture. It is for this reason that Senator GRAHAM and I led the effort here in the Senate during the last Congress to secure benefits for former POW's for disabilities from which they continue to suffer.

Mr. President, I am heartened by the support for this measure by my colleagues here in the Senate. I ask that those who seek to recognize these valorous POW's join us as cosponsors of this legislation. Americans should be aware of the special sacrifices made for them through a national day of recognition.●

By Mr. DIXON (for himself and Mr. SIMON):

S.J. Res. 54. Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT RELATIVE TO LINE-ITEM VETO

● Mr. DIXON. Mr. President, I rise today to reintroduce a joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce individual items of appropriations, subject to a majority vote override. I am joined in this effort by my warm friend and distinguished colleague, Senator PAUL SIMON.

I do not propose this Constitutional amendment lightly, but I am convinced we need fundamental changes in our budgeting procedures if we are ever to restore fiscal discipline to the Federal Government. Our looming deficit cuts into our ability to deal with the many other problems facing the Nation. Until we significantly reduce the deficit, we will not be able to fully fund many other vital domestic programs.

Especially at this moment in our history, Federal funds are squeezed tighter than ever. The recession and costs associated with Operation Desert Shield will add billions to the Federal deficit, thereby reducing funds for other programs.

The most recent budget deficit projections, announced by the administration recently, is estimated between $300 billion and $325 billion. When the costs associated with Operation Desert Shield are included, and the $66 billion Social Security surplus are excluded, the Federal Government could face an operating deficit in excess of $400 billion.

Although Congress enacted the largest deficit reduction package in the Nation's history, the people of the United States will face the largest deficit in the Nation's history. We have been unable to rid ourselves of this ball and chain on our economy.

Where does the money come for new initiatives when the deficit continues to eat away at our ability to meet the needs of the country? Budgetary legerdemain will not solve our ongoing fiscal crisis; fundamental reform of our budget processes is required if Federal deficits are to be controlled over the long run.

Solving our budget problems will require strong action in a number of areas. I am convinced that adding an item veto provision to our Constitution is probably the single most important action we could take if we really want to end the deficit nightmare.

The Senate Judiciary Committee passed this constitutional amendment out of committee in the 101st Congress. It was the first time in decades a line-item veto constitutional amendment had been passed through the committee process.

The item veto amendment to the Constitution is not a flash in the pan idea, Mr. President. It has a long and distinguished history, dating back to the Confederate Constitution. In the years since the Civil War it has been included in the constitutions of 43 of the 50 States. The States gave their Governors this authority because it was needed, because it strengthens their budget processes, and because it works. No State that has adopted the item veto has ever repealed it.

While the idea has demonstrated its merit at the State level, however, it has never seriously been considered at the Federal level. Numerous item veto proposals have been introduced in Congress since the first one in 1876. At least seven different Presidents have requested item veto authority. But none of these proposals or requests has ever been sent to the States or been acted on by either the House or the Senate.

Mr. President, it is long past time to change that situation, and act on an item veto provision that helps restore the President's veto power. I say restore because the truth is that the presidential veto is now a much weaker weapon than it once was.

Under our constitution, a President can only veto an entire bill. He or she cannot veto individual items of spending within the bill—the veto is an all or nothing proposition. When our Constitution was written, that was a reasonable and workable balance of powers between the legislative and executive branches. Government was smaller and simpler. Over the past two centuries, though, Congress has tipped the balance in its favor and substantially eroded the President's veto power. The growth in government, together with the increasing use of omnibus legislation, now make it significantly more difficult for a President to play the role envisioned by the Nation's Founders.

At times, a President has the choice of either shutting down the Government, or signing into law billions of dollars of spending which he or she does not support. In 1987, you will recall, all Government spending was included in a single omnibus bill instead of the 13 annual appropriation bills that Congress usually acts on to exercise its control over Government spending.

Congress did pass each appropriation bill on its own in 1990, rather than in one lump sum, but the practice of attaching controversial items to most bills in an effort to make it more difficult for a President to use his veto power was just as evident. Logrolling, and packaging good and bad programs into a single appropriations bill, have become a way of life.

These practices are near and dear to the hearts of many legislators, but they work to undermine our ability to budget in a fiscally sound and responsible manner. They are clearly wasteful, extravagant, and destructive.

Congress will never resolve the deficit problems, Mr. President, if it continues this business as usual approach. Congress must surrender some of the prerogatives it has accumulated over the years, and allow at least a partial restoration of the President's veto power.

Many members, as well as those who benefit from the current way of doing things, may not want to surrender all the power they have gained. To ensure that the proper balance of powers between the legislative and executive branches of Government is maintained—to ensure no possibility of the creation of an imperial presidency—I am proposing only a partial restoration, giving the President item veto authority, but allowing Congress to override it by a simple constitutional majority.

Under my proposal, a President would have to choose, either veto an entire bill, forcing Congress to attempt to override by two-thirds vote, or use the item veto, recognizing that it would be easier for Congress to override.

Stated another way, it simply allows a President to put the Congress on record, to see whether there is in fact majority support for certain individual items of spending in an omnibus bill. As we all know too well, most Members of Congress have never seen and do not know about many of the literally thousands of individual items in the hundreds of pages of appropriations bills enacted every year. We rely on staff, and the knowledge, character, and ability of the Senators and Representatives that are the subcommittee chairmen and ranking members that handle the bills. Yet all these items are presumed to have majority support because they were included in a major bill that majorities in both the House and the Senate supported.

If a President opposes an item, why shouldn't he or she have the right to ask the Congress to go on record, and to determine whether the majority that is presumed to exist actually exists? In the early days of our Republic, Presidents often effectively had that right because bills were narrower and did not deal with more than one subject. We have now reached the point, however, where a single appropriations bill contains over $558 billion in spending authority, a practice which I believe usurps the President's constitutionally-mandated role in the legislative process.

Majority override means that a President could not overturn strong congressional support for a single item through use of the item veto and the support of "one-third plus one" in either the House or the Senate. Only the veto of an entire bill would take a two-thirds vote to override. An item veto would be sustained if the President commanded majority support, and would be overturned if the item had majority backing.

The item veto constitutional amendment is not a cure-all for the budget problems we are facing, Mr. President. Dealing with the deficit will require action in every area of the budget, action that will be difficult and distasteful. However, this proposal can and will make a real difference. If a Federal item veto with majority override works as well at the Federal level as it does in my own State of Illinois, it could save billions of taxpayers dollars a year.

I urge the Senate to consider this proposal very carefully. I am convinced that the result of this fair and reasonable examination will be an early submission of the constitutional amendment to the States for ratification. I look forward to working with my colleagues toward these objectives. Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 54

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"The President may reduce or disapprove any item of appropriation in any Act of joint resolution, except any item of appropriation for the legislative branch of the Government. If an Act or joint resolution is approved by the President, any item of appropriation contained therein which is not reduced or disapproved shall become law. The President shall return with his objections any item of appropriation reduced or disapproved to the House in which the Act or joint resolution containing such item originated. The Congress may, in the manner prescribed under section 7 of the article I for Acts disapproved by the President, reconsider any item disapproved or reduced under this article, except that only a majority vote of each House shall be required to approve an item which has been disapproved or to restore an item which has been reduced by the President to the original amount contained in the Act or joint resolution.".•

• Mr. SIMON. Mr. President, I rise to join my senior Senator ALAN DIXON in sponsoring this constitutional amendment to provide for a line-item veto. Adding a line-item veto to the Federal Constitution is a needed step in the direction of fiscal responsibility.

Last April, the Judiciary Committee approved this and another constitutional amendment for a line-item veto. This was the first time since 1884 that the committee had approved any constitutional amendment for a line-item veto. I want to see us do that again this year and move it forward.

As chairman of the Subcommittee on the Constitution, I do not take amending the Constitution lightly. Historically, we have added only 16 amendments since the Bill of Rights. But the growing Federal deficit shows more clearly with each passing year that Presidents and the Congress are failing to live within the Government's means.

Absent our own will and fortitude and leadership to reduce spending, this constitutional amendment is necessary to help alleviate our budgetary problems.

The line-item veto plan my colleague Senator DIXON and I propose today takes from the very successful history of our State of Illinois. According to some studies, the Illinois State government is able to reduce its annual budget by about 3 percent because of the line-item veto. Similar success on a Federal basis will bring us that much closer to reducing the national debt.

Our amendment is relatively simple. It is a constitutional amendment to permit the President to reduce or disapprove any item of appropriations. If he does not reduce or disapprove it, the item becomes law. If he does reduce or disapprove it, then Congress is empowered to override that veto by a simple majority vote of each House. There are those who are concerned that the line-item veto takes away power from the legislative branch and puts it into the hands of the executive. That might be so if this veto were like all others and required a two-thirds override. Ours does not. Our legislation is faithful to the principle of majority rule in passage of legislation. It threatens only those appropriations items which often are the least credible in the eyes of the American people and most difficult to justify.

Forty-three States now have the line-item veto. It is by no means a panacea. It is, however, a big step in the right direction for any serious attempt to put our fiscal affairs in order. It deserves passage by Congress and ratification by the States.•

By Mr. PELL (for himself, Mr. CHAFEE, and Mr. KERRY):

S.J. Res. 55. Joint resolution commemorating the 200th anniversary of United States-Portuguese diplomatic relations; to the Committee on the Judiciary.

THE 200TH ANNIVERSARY OF UNITED STATES-PORTUGUESE RELATIONS

Mr. PELL. Mr. President, I rise today to introduce a resolution on behalf of myself, Mr. CHAFEE, and Mr. KERRY commemorating the bicentennial of United States-Portuguese diplomatic relations. Congressman MACHTLEY is introducing a companion measure in the House of Representatives.

On February 21, 1791, our predecessors in this body ratified President George Washington's nominee, David Humphreys of Connecticut, to be our Nation's first Minister to Portugal, and on May 13, Mr. Humphreys presented his credentials to the court of Lisbon. On a personal note, I might add that 136 years later, my father, Herbet Pell, following in Mr. Humphreys' footsteps, took up his post as U.S. Minister in Lisbon.

While 1791 marked the official beginning of United States-Portuguese relations, Portugal's ties to the New World reach back much further—to the 15th century—when Portuguese explorers paved the way for the discovery of the Americas. For example, the Portuguese navigator Cabrilho, working for the Spanish kings, was the first European to sail into San Diego Bay.

Indeed, the strong maritime traditions of Portugal and the United States have contributed to the bonds between our two nations. Sea trade, for example, was the most important aspects of United States-Portuguese relations during the 19th century. New England fishermen regularly visited the Portuguese islands of Cape Verde and the Azores on their Atlantic Journeys. Many Portuguese mariners joined the crews of the American ships and eventually many of these sailors emigrated to New England towns. The United States consulate in the Azores, through which many Portuguese immigrants passed, is the oldest active United States consulate post in the world.

Portuguese-Americans have contributed greatly to the religious, cultural, commercial, and political life of our Nation. The first synagogue in the United States—the Touro Synagogue in my home State of Rhode Island—was dedicated in 1763 by Portuguese and Spanish Jews. The New York financial and retail community was built in part by Portuguese Jews, and the University of Virginia was cofounded by Thomas Jefferson and Abbe Correira da Serra, a Portuguese botanist. Composers John Philip Sousa and Joe Raposo, writers Emma Lazarus and John Dos Passos, and Supreme Court Justice Benjamin Cardozo were all Portuguese-Americans.

Mr. President, our political and diplomatic ties with Portugal are strong. Portugal is a valued ally in the North Atlantic Treaty Organization and an important trans-Atlantic partner. Our two countries share a commitment to democracy, freedom, and peace—values which are particularly important as we approach such challenges as the war in the Middle East, the great changes in Europe, and conflicts in Africa. Portugal is a great friend of the United States, and I believe it is appropriate for us to mark the anniversary of the beginning of our formal relationship. Accordingly, I commend this resolution to my colleagues and urge their support.

By Mr. KASTEN (for himself, Mr. LEVIN, Mr. DOLE, Mr. SYMMS, Mr. HEFLIN, Mr. WARNER, Mr. MOYNIHAN, Mr. DIXON, Mr. KERRY, Mr. RIEGLE, Mr. BURDICK, Mr. GRASSLEY, Mr. SANFORD, Mr. DIXON, Mr. SHELBY, Mr. SIMON, Mr. INOUYE, and Mr. DECONCINI):

S.J. Res. 56. Joint resolution to designate the period commencing March 10, 1991 and ending on March 16, 1991, as "Deaf Awareness Week"; to the Committee on the Judiciary.

DEAF AWARENESS WEEK

• Mr. KASTEN. Mr. President, during the second week of March 1988 the whole world heard the voice of the students at Gallaudet University. In the history of deaf America that event stands above all others in excitement and importance. That week resulted in the installation of Gallaudet's first-ever deaf president.

Today it gives me great pride to once again introduce a resolution that gives national recognition to that historic week.

Designating March 10–16, 1991, as "Deaf Awareness Week" will help Americans—and especially the more than 24 million who are hearing-impaired—remember that important week and the ideals it has come to symbolize.

This special week will once again give us all an opportunity to "listen" to our fellow citizens who are hearing-impaired.

Let us continue the proud tradition of observing this special week in commemoration of the truly historic events at Gallaudet University.•

By Mr. THURMOND:

S.J. Res. 57. Joint resolution to designate the month of May 1991 as "National Foster Care Month"; to the Committee on the Judiciary.

NATIONAL FOSTER CARE MONTH

• Mr. THURMOND. Mr. President, I am pleased to introduce today a Senate joint resolution which would designate May of this year as "National Foster Care Month."

It is acknowledged that a family environment with loving and caring parents is the ideal situation for children. However, in the United States there are hundreds of thousands of foster children who through no fault of their own have been deprived of this normal home relationship involving love, shelter, and other needs that are the basic necessities of all children. Foster parents volunteer their time, energy, and material resources 24 hours a day, 7 days a week, to help enable these children to develop into mature, responsible, and productive adults.

Our Nation's foster parents have a long and proud tradition of reaching out to those children who need them most. We need to publicly recognize these efforts and call attention to the vital needs of all foster children in the United States. Acknowledgment of the valuable contributions of foster care parents will provide for greater public awareness of and community support for these Americans.

Mr. President, I urge my colleagues to join me in supporting this resolution.•

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 18

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 18, a bill to establish constitutional procedures for the imposition of the death penalty for certain Federal offenses.

S. 19

At the request of Mr. SPECTER, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 19, a bill to provide expedited procedures for the consideration of habeas corpus petitions in capital cases.

S. 25

At the request of Mr. PACKWOOD, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 68

At the request of Mr. THURMOND, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 68, a bill to amend title 10, United States Code, to authorize the appointment of chiropractors as commissioned officers in the Armed Forces to provide chiropractic care, and to amend title 37, United States Code, to provide special pay for chiropractic officers in the Armed Forces.

S. 88

At the request of Mr. DURENBERGER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 105

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 105, a bill to entitled the "The Drug Kingpin Death Penalty Act."

S. 142

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 142, a bill to redefine "extortion" for purposes of the Hobbs Act.

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 160

At the request of Mr. SMITH, his name was added as a cosponsor of S. 160, a bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces.

At the request of Mr. MCCAIN, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Tennessee [Mr. GORE], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 160, supra.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Washington [Mr. ADAMS], the Senator from New Hampshire [Mr. RUDMAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Georgia [Mr. FOWLER], the Senator from Wisconsin [Mr. KASTEN], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 190

At the request of Mr. GRAHAM, the names of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit veterans who have a service-connected disability and who are retired members of the Armed Forces to receive compensation, without reduction, concurrently with retired pay reduced on the basis of the degree of the disability rating of such veteran.

S. 199

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 204

At the request of Mr. SMITH, his name was added as a cosponsor of S. 204 a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 204, supra.

S. 205

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 218

At the request of Mr. INOUYE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 218, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in technologies, and for other purposes.

S. 221

At the request of Mr. SMITH, his name was added as a cosponsor of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

At the request of Mr. GLENN, the names of the Senator from Maine [Mr. COHEN], the Senator from Tennessee [Mr. GORE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 221, supra.

S. 232

At the request of Mr. SMITH, his name was added as a cosponsor of S. 232, a bill to amend title 38, United States Code, to increase the maximum amount of coverage under Servicemen's Group Life Insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase.

S. 237

At the request of Mr. SMITH, his name was added as a cosponsor of S. 237, a bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger.

At the request of Mr. NUNN, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 237, supra.

S. 238

At the request of Mr. DASCHLE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. BENTSEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. MACK], the Senator from Minnesota [Mr. WELLSTONE], the Senator from South Dakota [Mr. PRESSLER], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from New York [Mr. D'AMATO] were added as a cosponsors of S. 238, a bill to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

At the request of Mr. GRASSLEY, his name was added as cosponsor of S. 238, supra.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 266

At the request of Mr. BIDEN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 266, a bill to prevent and punish domestic and international terrorist acts, and other purposes.

S. 267

At the request of Mr. REID, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 267, a bill to prohibit a State from imposing an income tax on the pension or retirement income of individuals who are not residents or domiciliaries of that State.

S. 275

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 275, a bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes.

S. 280

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 280, a bill to provide for the inclusion of foreign deposits in the deposit insurance assessment base, to permit inclusion of non-deposit liabilities in the deposit insurance assessment base, to require the FDIC to implement a risk-based deposit insurance premium structure, to establish guidelines for early regulatory intervention in the financial decline of banks, and to permit regulatory restrictions on brokered deposits.

S. 281

At the request of Mr. KENNEDY, the names of the Senator from Illinois [Mr. DIXON], the Senator from Colorado [Mr. WIRTH], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 281, a bill to provide schoolbased education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes.

SENATE JOINT RESOLUTION 45

At the request of Mr. REID, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. HATCH], the Senator from South

Carolina [Mr. HOLLINGS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 45, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 46

At the request of Mr. STEVENS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. BURNS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 46, a joint resolution disapproving the action of the District of Columbia Council in approving the Assault Weapon Manufacturing Strict Liability Act of 1990.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. AKAKA], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th Anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 17, a resolution to express the sense of the Senate in support of "Operation Homefront."

SENATE CONCURRENT RESOLUTION 7—URGING THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL TO JUDGE AND PUNISH SADDAM HUSSEIN FOR HIS OFFENSES

Mr. COCHRAN (for himself, Mr. LUGAR, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, and Mr. SIMPSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the military forces of Iraq, acting under the direction of Saddam Hussein, have killed, tortured, and wrongfully detained Kuwaiti citizens and others who reside in Kuwait;

Whereas Saddam Hussein and his military forces have engaged in a wanton spree of pillaging and destroying private property in Kuwait;

Whereas Saddam Hussein detained hundreds of foreign nationals for more than four months as hostages and "human shields" in Iraq and Kuwait;

Whereas Saddam Hussein has used deadly missiles against civilian population centers in Israel;

Whereas Saddam Hussein has called for and promoted openly acts of terrorism against the United States and its allies;

Whereas Saddam Hussein's stated intention to use United States and allied prisoners-of-war as "human shields" violates Geneva Convention provisions against interning prisoners near combat zones; and

Whereas Saddam Hussein's abuse, exploitation, and public display of United States and allied prisoners-of-war violate Geneva Convention provisions on the treatment of such prisoners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress urges the President to conclude an agreement with the other foreign governments allied with the United States in the Persian Gulf War for the establishment of an international tribunal with jurisdiction to judge and punish Saddam Hussein for—

(1) conducting unprovoked war against Kuwait and Israel, including the targeting, maiming, and killing of innocent civilians; and

(2) abusing prisoners-of-war captured in the War.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE RESOLUTION 20—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 20

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,183,489, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $3,302,578, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 21—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURDICK, from the Committee on Environment and Public Works, reported an original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 21

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of any such department of agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $2,771,485.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $2,874,714.00, of which amount (1) not to exceed $8,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 22—RELATIVE TO BALTIC RECOGNITION

Mr. D'AMATO (for himself, Mr. HELMS, Mr. SMITH, Mr. DECONCINI, Mr. WALLOP, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 22

Whereas on March 11, 1990, the Supreme Council of the Republic of Lithuania declared the restoration of the independence of it enjoyed from 1918 until its forcible annexation by the Soviet Union in 1940;

Whereas that annexation was undertaken as a part of the Hitler-Stalin Pact;

Whereas the United States has never recognized that annexation;

Whereas the Soviet Union is now engaged in a brutal repression of the democratically elected government of Lithuania, including the killing of innocent civilians;

Whereas the Republics of Latvia and Estonia have also declared the restoration of their independence;

Whereas the Republics of Latvia and Estonia were also annexed as a part of the Hitler-Stalin Pact;

Whereas similar repression is now threatened in Latvia and Estonia: Now, therefore, be it

Resolved, That the Senate urges the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia.

• Mr. D'AMATO. Mr. President, I rise today to submit legislation, along with Senators HELMS, SMITH, DECONCINI, WALLOP, and LIEBERMAN as original cosponsors, urging the President to grant full diplomatic recognition to the Republics of Lithuania, Latvia, and Estonia.

While the attention of our country and world is properly riveted to the reports coming in from the Middle East, we must not allow the Soviet Union to believe that we have forgotten or forgiven their brutal actions in Lithuania. The slaughter of freedom-loving civilians by Soviet troops is a chilling action reminiscent of the worst cold war atrocities.

When Lithuanians first reasserted their independence on March 11, 1990, those of us who counseled diplomatic recognition of their Government were met with arguments that doing so would be precipitous. Those arguments are now clearly without merit. The Soviets have now taken the precise action we intend to dissuade by a measured response to their previous threats.

The murder of Lithuanians whose only crime was to desire freedom and democracy demands an immediate response from the United States. The United States should grant diplomatic recognition to the democratically elected Governments of Lithuania, Latvia, and Estonia. That recognition will send the clearest possible signal to Soviet leaders.

Our country has never recognized the illegal annexation of the Baltics by the Soviet Union. It was accomplished under the auspices of the Hitler-Stalin Pact that precipitated World War II. We should now reaffirm our commitment to Baltic independence by granting diplomatic recognition to their democratically elected governments.•

SENATE RESOLUTION 23—AUTHORIZING TESTIMONY BEFORE A GRAND JURY

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 23

Whereas a Grand Jury in the United States District Court for the Eastern District of New York has caused a subpoena to be issued for the testimony of Michael Kinsella, a Senate employee;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Michael Kinsella is authorized to testify before the grand jury in the Eastern District of New York, except as to matters for which a privilege should be asserted.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., January 30, 1991, to receive testimony on S. 244, a bill to provide for a referendum on the political status of Puerto Rico.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 10 a.m., for a hearing on the nomination of Lynn Martin to be Secretary of the U.S. Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 2:15 p.m. to consider the committee budget and committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 30, 1991, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEBT-FOR-NATURE EXCHANGES

• Mr. BIDEN. A recent New York Times article discussed the evolution of a promising financing mechanism for international environmental projects. Debt-for-nature swaps have grown from a theory put forth by Thomas Lovejoy to a proven means to provide long-term support for conservation projects in a number of countries. The opportunity is before us to expand dramatically the use of this mechanism. I hope that opportunity will be seized by this administration.

The groundwork for an expanded use of debt-for-nature swaps has been laid. As the New York Times article notes, over a dozen such exchanges have been completed to date, funding a variety of conservation, environmental and scientific projects.

Although the first of these swaps were completed using private funds, the concept can and has been used by governments. In 1989, Senators PELL, LUGAR, and I joined in authoring a law to clear the way for the Agency for International Development [AID] to fund debt-for-nature exchanges. We saw the promise these types of financial exchanges held for a number of pressing local environmental concerns around the globe.

We were under no illusions that debt-for-nature swaps would have a significant impact on the foreign debt burden of participating countries, but they could make urgently needed financial support available to chronically underfunded local conservation groups.

The mechanism is a viable one, but it has been used only in a few countries where it could be helpful and it has not tapped the full range of debt that could be applied. However, as the article notes, that may be changing. The administration is becoming more open to the use of Government-held debts—food aid or economic assistance loans for example—that no one believes will be repaid in the foreseeable future.

It should also be noted that an excessive burden of foreign debts, whether commercial or Government, can result in increased stress on environmental and natural resources. The broader debt relief under consideration by the administration will help the environment directly through a trust fund and indirectly through the reduction of economic pressures to adopt expeditious but environmentally wasteful economic development strategies.

The law Senators LUGAR, PELL, and I authored was limited in its specific authorization of action. At that time, the administration was strongly against expanding debt-for-nature swaps to Government-held debt. We were told it would be impossible to do and budget-busting if it were. Both have proven to be false. I am pleased the administration has been converted to the possibilities offered by debt-for-nature swaps.

But there are other sources of funding that remain untapped. For those, we hear the same arguments that we heard about commercial debts a few years ago and food assistance debts of more recent times—it is impossible to make the swap, the negotiations and the mechanics are far too complex, and so forth. It is clear, however, that the successes of the environmental swaps to date show that the approach is viable. What has been lacking is the will and determination to make the swaps work.

Specifically, I refer to commercial debt renegotiated under the framework of the Brady plan. To date, the administration has been unwilling to support efforts to provide what we have termed "the environmental option" in those renegotiation talks.

As the 102d Congress begins its legislative activity in earnest, I intended to work in support of debt-for-nature swaps in three areas. First, to encourage AID to use its existing ability to support debt-for-nature swaps to the fullest extent possible. In that I would also include aggressive use of the authorities and directives of the Global Environmental Protection Act of 1989. Among those are efforts by AID to encourage other developing countries to propose debt-for-nature swaps and to encourage high environmental standards in the foreign aid programs of other donor countries.

Second, should the Latin American initiative be reproposed as expected, I intend to work closely with the administration and other members of the Foreign Relations Committee to develop an effective program.

Third, I will continue to support the expansion of the debt swap mechanism to other areas. Future debt renegotiations certainly appear to be a solid opportunity to support international environmental efforts.

I ask that the text of the New York Times article be printed at the conclusion of my remarks.

The article follows:

WASHINGTON OFFERS MOUNTAIN OF DEBT TO SAVE FORESTS

(By Peter Passell)

Could foreign debt be the lever that moves poor countries to save their rain forests? President Bush apparently thinks so. The White House is backing a bold program to channel billions of dollars that Latin American governments owe Washington into local conservation projects.

"Debt for nature" swaps are not new. Private groups are already busy raising cash to buy up foreign debt, trading the I.O.U.'s back to the financially troubled debtors in return for commitments to acquire parks and conserve environmental resources in eight countries.

What is new is the possible addition of vast quantities of Government money to the pot—and the prospect of a systematic, well-financed defense of tropical forests that serve as a natural sink for greenhouse gases and shelter the lion's share of the world's plant and animal species.

William Reilly, the Administrator of the Environmental Protection Agency and the program's most influential champion, believes that a successful reshuffling of some $12 billion in foreign aid loans by the United States would mobilize $100 million a year for conservation projects. The approach could also serve as a model for European and Japanese governments, which carry another $38 billion in Latin American debt.

No less important is that the plan requires the participation of local environmentalists, who have often been excluded from decision-making. John Sawhill, the head of the Nature Conservancy, an active promoter of debt-for-nature swaps, argues that the resulting public-private partnerships could tilt local interests in favor of environmental protection.

The big question now is whether Washington, preoccupied by war in the Persian Gulf and recession at home, is sufficiently committed to the swap idea to plow through the political and financial obstacles. Much depends on the Administration's flexibility in determining which Latin debtors are eligible. For its part, Congress will either have to allow some creative accounting on the debt shuffle or will have to add new foreign aid money to the budget.

Thomas Lovejoy, an ecologist now at the Smithsonian Institution, dreamed up the idea of linking foreign debt relief to the financing of environmental projects in debtor nations in 1984. At the time, crushing foreign debts had led most poor countries to cut back on environmental protection. Why not wipe out part of the debts denominated in dollars and yen for commitments to spend cruzeiros and pesos on conservation?

But it was private organizations, not governments or commercial banks, that turned theory into practice. In the very first swap in 1987, Conservation International, an American group, paid $100,000 for an uncollectible $650,000 that Bolivia owed to Citicorp. The group then agreed to wipe out Bolivia's $650,000 debt in return for its promise to protect a 3.7-million-acre buffer around the Beni Biosphere Reserve and to spend the equivalent of $250,000 in local currency to manage the reserve. Since then, 14 other debt-for-nature swaps have been carried out, reducing external debts and protecting forests in Ecuador, Costa Rica, the Philippines, Madagascar, Zambia, the Dominican Republic and Poland.

Clever financing arrangements, along with the enthusiastic cooperation of environmentally sensitive governments, have magnified the effects of the $16 million investment far beyond initial expectations. But as Mr. Sawhill of the Nature Conservancy points out, dependence on charitable donations has limited the overall impact on the global environment to "peanuts." That is why environmental groups, led by the World Wildlife Fund in Washington, worked hard to make a case for Federal intervention.

They struck pay dirt last June when Mr. Bush included debt-for-nature swaps in his "Enterprise for the Americas" initiative, a broad effort to pare debt, liberalize trade and stimulate investment in Latin America and the Caribbean. In October, Congress authorized swaps for some $1.7 billion in debts incurred in the sales of subsidized food. The President is expected to ask that the swaps be extended to loans made by the United States Agency for International Development, as well as Export-Import Bank and Commodity Credit Corporation loans originally used to subsidize United States exports.

To be eligible, debtor countries will have to pass muster on a number of criteria—what one environmental lobbyist calls the "flaming hoops." They must be actively working to make deals with their other big creditors, in particular the World Bank, the International Monetary Fund and the commercial banks. And they must open their borders to foreign investors on reasonable terms.

The carrot is substantial debt relief. The Administration is targeting a 50 percent write-off. Payments forgiven by the United States Treasury would be converted to local currencies and deposited in a national environmental fund.

The money could be used for anything from conservation training to restoration of the world's oceans and atmosphere. But outlays would be planned and supervised by boards that included private citizens nominated by the United States Government.

Many a slip is still possible. While environmental interests played a major role in passing the legislation, "different people in the Administration have different priorities," Mr. Sawhill noted.

Jamaica, Chile, Bolivia and Costa Rica all reportedly have advocates in the Administration, and will probably be the first to cut Enterprise for the Americas deals. But if the

United States takes a hard line on debt arrears or foreign investment rules, environmentally critical countries like Brazil and Peru will not qualify anytime soon.

Another worry is the host nations' receptivity. Debt-for-nature swaps on a large scale will require countries to reorder economies priorities. Unless governments cut back on other spending when they agree to spend more on the environment, the arrangement will be inflationary.

Outright rejection of swaps as an impingement on sovereignty, the position taken by Brazil's former President, José Sarney, is no longer fashionable in Latin America. Indeed, Latin American politicians seem more inclined to follow the lead of Costa Rica, which has touted debt-for-nature as a way to sustain jobs in tourism and develop agricultural techniques that will allow sustainable development.

It is still not clear, though, whether elected officials will buy the idea of independent boards, which could compete with established interests. "Will they really allow anybody outside the government to have guaranteed funding?" asked Lamond Godwin, a vice president at the American Express Bank who has served as an adviser on a number of private debt swaps.

Perhaps the most serious obstacle to swap is the issue of how they will be treated in the Federal budget. The Administration expects to arrange deals that maintain the level of payments to Washington that would otherwise be expected.

Debtor countries would come out ahead, since they would no longer need to reschedule unpaid debts each year and would be able to liquidate their debts in a reasonable time frame. But since there would be no real loss of income to Washington, the Administration contends that there ought to be no effect on budget accounting.

If, for example, a country is now paying $1 million in principle plus $4 million in interest each year on an $80 million debt, it would go on writing annual checks to the United States Treasury for $5 million. But all the $5 million would be declared repayment of principle, allowing a far faster liquidation of the debt balance. The $4 million annual interest, converted to local currency, would go into the national environment fund.

This socially redeeming sleight-of-hand does not, however, sit well with the professionals who keep the books for Congress. Some want the Treasury to treat debt reduction the way a private creditor would write off a bad loan, taking a loss in the year the deal is signed. Congress would be obliged to appropriate funds to cover the paper loss, adding to the budget deficit.

That is not a problem in principle: If debt-for-nature swaps are worth doing, the logic goes, they are worth paying for. But as a practical matter it would probably torpedo large-scale swaps. "If there is a single budget item less popular than foreign assistance," said one senior Administration official, "I'm not aware of it."

Environmental groups are nonetheless optimistic. Many of their leaders believe that Mr. Bush is committed to their cause.

Once off the ground, they believe, the initiatives will be imitated in Europe and Japan. Debt-for-nature provisions could also be routinely integrated into the rescheduling of hundreds of billions of dollars in debts owed to the World Bank and the International Monetary Fund. If the optimists are right, the only practical limit on their scale will be good ideas for making conservation compatible with economic development.●

NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

● Mr. COATS. Mr. President, today, January 30, 1991, is National Appreciation Day for Catholic Schools, and I would like to take this opportunity to recognize and applaud the hard work of teachers, administrators, and students involved in Catholic education in Indiana.

The successes of Catholic elementary and secondary schools and universities in both our country and in my State are a model for educational institutions everywhere.

This success is no accident: Catholic schools combine the exceptional motivation skills of teachers, strict discipline, interaction between parents and students, commitment to a value-based education and high academic standards which are all factors in the winning equation.

Consider just a few statistics: Eighty-three percent of Catholic high school graduates go to college. The drop-out rate in Catholic high schools is 3 percent versus a national average of 14 percent.

In national math and science achievement tests at both the elementary and secondary levels, Catholic school students outscored their public school counterparts.

Catholic schools educate children from a broad spectrum of backgrounds, including African American, Hispanic, Asian and others. Many Catholic school students—from 20 to 80 percent in certain urban areas—are not even Catholic.

The academic reputation which Catholic schools have earned is so strong that many students and their parents choose Catholic education over other options available. In the inner city, Catholic schools offer opportunities for a quality of education that many urban children might not otherwise have.

The Catholic schools' success serves not just the Catholic community but all of American society. So I again offer my congratulations to these dedicated faculty, teachers, parents, and students for their success in Catholic education, as well as my thanks for the example of hope they give to all of us.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Samual H. Poole, a member of the staff of Senator SANFORD, to participate in a program in Germany, sponsored by the American Council of Young Political Leaders [ACYPL] and the German Atlantic Society, from November 24–December 3, 1990.

The committee has determined that participation by Mr. Poole in the program in Germany, at the expense of the ACYPL and the German Atlantic Society, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. James P. Lucier, a member of the staff of the Committee on Foreign Relations, to participate in a program in Oman, jointly sponsored by the United States Government and the Government of Oman, from November 28 to December 1, 1990.

The committee has determined that participation by Dr. Lucier in the program in Oman which is partially funded by the Government of Oman, is in the interest of the Senate and the United States.●

COMMITTEE ON FINANCE RULES OF PROCEDURE

● Mr. BENTSEN. Mr. President, paragraph 2 of Senate rule XXVI requires that, not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Committee on Finance as amended on January 23, 1991, by unanimous vote of the committee, be printed in the RECORD at this point.

The rules follow:

COMMITTEE ON FINANCE

RULES OF PROCEDURE

(Adopted January 23, 1991)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 12. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 13. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committees may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for that witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 14. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distraction or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 15. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 16. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 17. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 18. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.•

DRUG AND ALCOHOL TESTING—UNFINISHED BUSINESS

• Mr. DANFORTH. Mr. President, during the 102d Congress, we must confront a number of issues that are literally matters of life and death. One of these is the continued problem of drug and alcohol abuse in the transportation industries. On January 4, we marked the fourth anniversary of the Chase, MD tragedy, which claimed 16 lives and injured 170 railroad passengers. The engineer and brakeman of the conrail locomotive that caused the crash were using drugs at the time.

Four years have passed. Some progress has been made through Department of Transportation rules requiring that transportation employees be tested for drug use only. These requirements do not go far enough. Recently, we were provided a grim reminder that transportation worker testing must cover alcohol, as well as drug use. On December 28, 1990, a Boston mass transit operator, with a blood alcohol content above 0.10 percent, crashed his trolley car into another, injuring 33 people. According to press reports, the operator initially claimed there were equipment problems with the trolley, but none was discovered. The general manager of the Massachusetts Bay Transportation Authority said, "It is clear that the operator's inability to function was the critical element * * *. There is no better argument for random drug testing than what we've seen in the last few days."

On nine occasions, in the last two Congresses, the Senate has passed legislation to require random drug and alcohol testing of critical safety employees in the transportation industries. The House has failed to meet its obligations on this issue. In the coming weeks, I will be working with Senator HOLLINGS, the chairman of the Commerce Committee, and others to see that this lifesaving legislation is enacted into law.

Mr. President, I urge my colleagues to support these efforts.•

HONORING OSHKOSH TRUCK

• Mr. KASTEN. Mr. President, the greatest weapon the United States has is the hard work and creativity of its people. Winning the war against the Iraqi dictator will be the achievement not only of our brave servicemen and women, but of all Americans who have worked to make our country No. 1 in product innovation and craftsmanship.

Today, I'd like to call the attention of this Chamber to one group of people who really stand out. The employees of Wisconsin's Oshkosh Truck Corp. have manufactured the heavy expanded mobility tactical trucks—or HEMTT—that have done such a great job under combat conditions in the Persian Gulf. Some of these trucks are rolling off the assembly line right now, and being placed on the C-5 transport aircraft that will bring them to Saudi Arabia.

Our soldiers deserve every possible advantage we can give them. Oshkosh Truck is doing its part to make their lives easier—and these hard-working Wisconsinites, led by company President R. Eugene Goodson, deserve our recognition and our praise.•

DOUBLE JEOPARDY FOR RETIRED SENIOR CITIZENS

• Mr. McCAIN. Mr. President, I am pleased to join my colleague, the Senator from Nevada, in taking steps to correct a situation of double jeopardy for many of our Nation's senior citizens. The situation to which I refer is some States' practice of taxing the retirement income of people who are not residents of those States. Twelve States now tax the pensions of people who have moved elsewhere. Furthermore, some of these States go so far as to base their tax not only on pension income, but on the total income of their former residents.

Mr. President, I come from a State that attracts retirees. One of the many reasons that people choose to spend their golden years in the State of Arizona—and I must say the list is long—is that Arizona has a relatively low rate of taxation on pension incomes. S. 267 would make sure that the nest egg of these retirees is not shattered by a practice of taxation that often comes as a surprise to them—a practice that takes a great toll on Americans who live on a fixed income. This bill would finally prohibit a State from imposing an income tax on the pension income of individuals who are no longer residents of that State.

I would suggest, Mr. President, that the status quo for many unfortunate retirees amounts to nothing less than taxation without representation, a situation that our Forefathers fought a revolution over. Clearly, this practice must end. In a time when fighting for what is right weighs heavily in the minds of all Americans, I would commend the leadership of the Senator from Nevada [Mr. REID] in righting this wrong. There is simply no justification for making these pensioners pay taxes for services they no longer receive, in States where they no longer live.

Mr. President, I am confident that this body will see fit to take steps to correct this wrongful taxation. As James Otis, an American Revolutionary statesman said, "Taxation without representation is tyranny."•

IMPLEMENTING THE CIVIL JUSTICE REFORM ACT

• Mr. BIDEN. Mr. President, on December 1, 1990, President Bush signed into law the Judicial Improvements Act of 1990. Title I is the Civil Justice Reform Act, which was praised by the President as making valuable suggestions for improving the management of the civil justice system. The act addresses the monumental problems of costs and delay in civil litigation by mandating a series of sweeping steps at the local and national level to make Federal civil litigation more affordable, more accessible, and less time consuming.

A principal feature of the act is the requirement that every district court develop and implement a civil justice expense and delay reduction plan. The district court shall do so based on the recommendations of a local advisory group. Section 478 mandates that within 90 days after the date of enactment of this chapter, the advisory group required in each United States district court shall be appointed by the chief judge of each district court, after consultation with the other judges of such court.

The function of the advisory groups is to formulate individual plans to implement the principles of the bill in each district court. The obvious importance of these groups should be reflected in the quality of their membership. It is vital for the advisory groups to be comprised of a wide range of individuals with broad experience in Federal litigation. This will help ensure that effective and fair plans are developed and implemented.

I would like to take this opportunity to bring to the attention of my colleagues two districts that have already appointed advisory groups: the Southern District of Florida, located in Miami, and the Eastern District of New York, located in Brooklyn. The extremely high quality and the wide range of expertise represented by the members of these appointed groups is exactly what I envisioned when drafting the legislation. I am impressed and encouraged by the first steps that have been taken by these two district courts to implement the Civil Justice Reform Act. I hope other district courts will use the Southern District of Florida and the Eastern District of New York as role models.

Chief Judge James Lawrence King of the Southern District of Florida has appointed the following distinguished individuals as members of his district court's advisory group: Chesterfield Smith, former president of the American Bar Association and attorney with Holland & Knight; Ana Barnett, Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A.; Randall C. Berg, Jr., executive director, Florida Justice Institute, Inc.; Richard Capen, vice president, Knight-Ridder, Inc.; Robert Coords, chief executive officer, Sun Bank; Dean Mary Doyle, University of Miami School of Law; Robert L. Dube, Dube & Wright, P.A.; Elizabeth Du Fresne, Southeast Financial Center; Alan G. Greer, Floyd Pearson Richman Greer Weil Zack & Brumbaugh, P.A.; James Jay Hogan, Hogan, Greer & Shapiro, P.A.; Robert Krawcheck, assistant county attorney; Ira J. Kurzban, Kurzban, Kurzban & Weinger, P.A.; Henry Latimer, Fine Jacobson Schwartz Nash Block & England, P.A.; Dexter Lehtinen, U.S. attorney; Edward A. Moss, Anderson, Moss, Parks & Russo, P.A.; Aaron S. Podhurst, Podhurst, Orseck Josefsberg Meadow Olin & Perwin, P.A.; Raul L. Rodriguez, AIA, Rodriguez & Quiroga; Thomas E. Scott, Steel Hector & Davis; Charlene H. Sorrentino, U.S. magistrate judge; and T.G. Cheleotis clerk of the court.

I applaud the efforts of Judge King in selecting a group that is diverse and experienced. Members of the community with intimate knowledge of the local legal system are part of this group. From trial attorneys to professors of law, from leaders in business to district court judges—all of those who use the courts will have a role to play in the implementation of the plan. That was precisely the intent of this legislation.

Chief Judge Thomas C. Platt of the Eastern District of New York has also taken a strong, positive lead in appointing his advisory group. The members include: as chairman, Edwin J. Wesely, Winthrop, Stimson, Putnam & Roberts; as deputy chair, Stephen P. Hoffman, of Pomerantz Levy Haudck Block & Grossman; Bruce Barton, District Executive of the Eastern District of New York; Robert L. Begleiter, Chief, Civil Division, U.S. Attorney's Office; Joel Berger, Senior Litigator, corporation counsel; Prof. Margaret A. Berger, Brooklyn Law School; Bertram Bronzaft, Garwin, Bronzaft Cerstein & Fisher; Raymond L. Casey; as reporter, Prof. Edward D. Cavanagh, St. John's University School of Law; Prof. Oscar G. Chase, New York University School of Law; Thomas F. Clause, Jr., Winthrop, Stimson, Putnam & Roberts; Ellen M. Coin, Graubard Mollen Horowitz Pomeranz & Shapiro; Thomas Concannon, Legal Aid Society; Jo Davis, Kaye, Scholer, Fierman & Hays; Hon. Sandra J. Feuerstein, district court judge; Barbara Flicker, director, Institution of Judicial Administration, New York University School of Law; Cherie A. Gaines, executive director, Bedford Stuyvesant Community Legal Services Corp.; Thomas L. Genovese, vice president and general counsel, Grumman Corp.; John C. Gray, Jr., project director, Brooklyn Legal Services Corp.; Robert C. Heinemann, clerk of the court, Eastern District of New York; Peter Herbert, Cowan, Liebowitz & Latman, P.C.; Stephen Hochhauser, Bertine, Hufnagel, Headley & Zeltner; George F. Hritz, Davis, Markel & Edwards; Prof. Beryl R. Jones, Brooklyn Law School; V. Anthony Maggipinto; Peter Reilly, Jr.; Paul D. Rheingold, Rheingold & McGowan; Sol Schreiber, Milberg, Weiss, Bershad, Specthrie & Lerach; Ann Shields, Skadden, Arps, Slate, Meagher & Flom; and Guy Miller Struve, Davis Polk & Wardwell.

These individuals fairly represent the wide spectrum of interests involved in civil litigation in the Eastern District of New York. There is no doubt that they can provide a fair and thorough assessment of how best to develop a civil justice expense and delay reduction plan for their district court.

Mr. President, I am greatly encouraged by the constructive steps taken by Chief Judge King and Chief Judge Platt. I look forward to following the implementation of the Civil Justice Reform Act in their districts. I also eagerly anticipate learning about other districts who have appointed the members of their advisory groups. This initial step in implementing the law is critical to the success of civil justice reform. While these are but two districts and this is but one step, what I have seen thus far in these two courts is encouraging and exciting. I commend the members of the Southern District of Florida and the Eastern District of New York, and the leadership exercised by Chief Judge King and Chief Judge Platt.•

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

• Mr. PRYOR. Mr. President, each year the Chief Justice of the Supreme Court issues an annual report on the state of the Federal judiciary. I have always found this report very informative and I share it with the legal community throughout my State.

Chief Justice Rehnquist provided the latest installment of this useful report and I ask that the text of this report for 1990 follow my remarks. I commend this report to my colleagues.

The text of the report follows:

THE 1990 YEAR-END REPORT OF THE FEDERAL JUDICIARY

(By William H. Rehnquist, Chief Justice of the United States)

STATE OF THE JUDICIARY

A theme of the judicial activities of 1990 has been that of the collaboration of efforts and ideas among the three Branches and among various segments of the national and international judiciary. The year has seen joint meetings and conferences at which representatives of the three Branches, representatives of the various levels of federal and state judiciaries, and even representatives of the judicial systems of other countries have combined their energies to seek creative solutions to problems of mutual concern.

The business of the federal courts continued to multiply during 1990, fueled by drug cases and an ever-rising tide of personal bankruptcies. Criminal case filings in the district courts rose 6 percent to nearly 49,000, doubling the growth recorded last year and marking the tenth consecutive increase in filings. New drug filings were up 6 percent, while filings for violations of weapons and immigration laws climbed more than 23 percent each as the Immigration and Naturalization Service and the Bureau of Alcohol, Tobacco and Firearms used their expanded resources to attack drug networks.

Drug cases were also a factor in the 3 percent rise in the caseload of the courts of appeals, which reached nearly 41,000 filings this year. Appeals of drug cases increased 29 percent and accounted for 60 percent of all criminal appeals filed this year. Appeals of sentences imposed under the sentencing guidelines added 1,750 cases to the criminal appeals workload in 1990.

Bankruptcy petitions filed in the courts during 1990 rose to 725,000, as personal bankruptcies rose 14 percent. Business bankruptcies also grew this year by 3 percent to 64,700. Despite a 7 percent rise in the number of cases closed this year, the number of bankruptcy cases pending in the courts rose to 975,000.

Filings of civil non-bankruptcy cases in the district courts fell 7 percent this year to below 218,000. This is due in part to downward trends in filings by the United States to collect overpayments of benefits and filings against the United States for denials of social security claims. The increase from $10,000 to $50,000 in the amount required for federal jurisdiction in diversity of citizenship cases was in effect for its first full year in 1990. This change helped to reduce diversity filings by 15 percent from 67,000 last year to 57,000 this year. The change in diversity jurisdiction had no impact on the level of asbestos personal injury case filings, which rose 66 percent in 1990 to 13,500. By year's end, the number of civil cases pending three years or more had passed 25,000, with asbestos claims accounting for 30 percent of these cases. In an effort to give this issue the priority it deserves, I have named a special Ad Hoc Committee on Asbestos Litigation of the Judicial Conference and asked the members for recommendations for handling the complex problems of case management in this area.

The total number of cases pending in the district courts (excluding bankruptcy cases) reached a new record of nearly 278,000 by year's end, while pending appeals topped 32,000, also a record high. But for the service of our dedicated senior judge corps, these numbers would have been even higher. Senior judges accounted for nearly 13 percent of case dispositions in the district courts in 1990, including 3,049 trials. They also provided 9 percent of the total case participations in appeals terminated during the past year.

IN APPRECIATION

Two retirements of special significance occurred this year. In July, after almost 34 years of distinguished service as an Associate Justice, William J. Brennan, Jr. announced his retirement. An honors graduate of the Wharton School of Finance and Commerce and the Harvard Law School, William Brennan was appointed to the Court by President Dwight D. Eisenhower to fill the seat vacated by Justice Sherman Minton. His period of service is one that has been exceeded by only five other members of the Court. His profound influence on American constitutional law is measured not only by his many years on the bench but also by the numerous no-table opinions he authored during that time. With his combination of personal warmth and keen intelligence, Justice Brennan has enriched the lives of all those who have had the pleasure of working with him.

Judge John C. Godbold retired in March as Director of the Federal Judicial Center and has returned to his responsibilities at the Eleventh Circuit Court of Appeals. Judge Godbold was formerly Chief Judge of both the U.S. Court of Appeals for the Eleventh Circuit and the U.S. Court of Appeals for the Fifth Circuit. He brought a special dedication to the work of the Center and his enthusiasm will be missed by all.

IN MEMORIAM

On October 15, 1990, the Bar of the Supreme Court of the United States met to honor the memory of Arthur J. Goldberg, who died on January 19, 1990. Justice Goldberg served as an Associate Justice on the Court from October, 1962 through July, 1965. Arthur Goldberg also held the positions of Secretary of Labor and United States Ambassador to the United Nations. Our country is fortunate to have been served by a man of his remarkable combination of intellectual ability and willingness to hold public office.

1990 HIGHLIGHTS

I. The Supreme Court of the United States

Investiture of Justice Souter

Justice Brennan's seat on the Court was filled by David H. Souter, who served for seven years as an Associate Justice of the Supreme Court of New Hampshire and who also sat briefly on the Court of Appeals for the First Circuit prior to his nomination as Justice of the Supreme Court of the United States. Justice Souter took the Constitutional Oath at the White House on Monday, October 8, 1990. The investiture ceremony at which the Judicial Oath was administered to Justice Souter took place at the Court on October 9, 1990.

Developments

Project Hermes—In June, the Supreme Court initiated Project Hermes, a two-year pilot program to determine the feasibility of the electronic transmission of Court opinions. Project Hermes was initiated in response to requests from the press and legal publishers for access to the Court's opinions in electronic form. The computer hardware, software, and technical assistance for Project Hermes are provided by the Supreme Court Opinion Network (SCON), a not-for-profit consortium of 30 legal, media, and publishing organizations organized under the aegis of the American Bar Association. As soon as Court opinions are announced from the bench they are transmitted to Hermes' subscribers (currently 13 in number) who in turn distribute the information nationwide on a variety of computer networks. Hermes' first transmission was conducted on June 18, 1990, when four opinions, totalling 107 pages, were transmitted in approximately 22 minutes. The Court, through its Public Information Office, will also continue to distribute paper copies of the opinions.

Rules—Revised Rules of the Supreme Court of the United States were adopted December 5, 1989 and became effective January 1, 1990. Among other things, the new Rules contain important changes relating to written filings and in forma pauperis cases. The new Rules also reflect the Court's practice of one continuous annual term, thus eliminating the need for "special terms" as contemplated by the previous Rules.

Caseload—In the October Term 1989, 4,918 cases were docketed in the Supreme Court. This represents an increase of more than 100 cases over the number docketed in the October Term 1988. The Court decided 146 cases during the October Term 1989.

Bar admissions—During the October Term 1989, 3,898 attorneys were admitted to the Bar of the Supreme Court of the United States, an increase of over 100 admissions from the October Term 1988.

Bicentennial of the Judicial Branch

Ceremonies in the early months of 1990 marked the 200th anniversary of the creation of the federal Judiciary. On January 16, 1990, the Supreme Court conducted a special sitting commemorating the Bicentennial of its first session on February 2, 1790 in New York City. On February 2, 1990, the Bicentennial of the Judicial Branch was marked at the Court in a first-day-of-issue ceremony dedicating a 25-cent U.S. postage stamp honoring Chief Justice John Marshall. The stamp was fourth in a series marking the bicentennials of the Presidency, the two houses of Congress, and the federal courts.

II. Federal Judicial Center

William W. Schwarzer, United States District Judge of the Northern District of California, succeeded Judge John Godbold as Director of the Federal Judicial Center. Judge Schwarzer comes to the Center with 14 years of experience in the federal judiciary; he is the sixth Director of the Center since its establishment by Congress in 1967.

Constant throughout the Center's existence has been its role in stimulating the "revolution" in judicial management of litigation that the Federal Courts Study Committee recognized in its 1990 Report. Through its educational programs for both newly appointed and experienced federal judges, the Center has introduced the federal bench to such essential and now well-established management techniques as the individual assignment calendar and the setting of firm dates for cutoff of discovery and for trial. Federal Judicial Center programs have also enhanced the ability of court support staff and other judicial branch personnel to keep pace with increasing caseloads. In FY '90, nearly 400 newly appointed probation and pretrial services officers, organized into ten separate classes, each received two weeks of training to orient them to their investigative and supervisory responsibilities.

III. Administrative Office of the U.S. Courts

1990 has also been a year in which the Administrative Office of the U.S. Courts and the Federal Judicial Center have undertaken many new and expanding programs that will greatly enhance their abilities to support the Federal court system. There are several new comprehensive administrative operations designed to examine the state of services in the areas of automation, financial management, personnel, procurement, security, space management, and statistical reporting. As a result of the Administrative Office of the United States Courts Personnel Act of 1990, the Administrative Office will have the statutory framework to enable it to do a number of things it has been hoping to do for several years and which will strengthen its ability to respond to the growing needs of the Federal Judiciary.

On April 4, 1990, a groundbreaking ceremony was held at the site of the new Judiciary Office Building, which will house the Administrative Office of the U.S. Courts, the Federal Judicial Center, the U.S. Sentencing Commission, and the Panel on Multidistrict Litigation. The building, which is located adjacent to Union Station, is expected to be completed by Fall, 1992

IV. Conferences and Committees

The Judicial Conference of the United States held sessions at the Supreme Court on March 13, 1990 and September 12, 1990. Highlights of the March meeting include the approval with modifications of the report of the Ad Hoc Committee on Federal Habeas Corpus in Capital Cases and the approval of a fee schedule for a pilot project involving electronic access to court information. At the September meeting the Conference authorized a three-year controlled experiment to allow news media cameras in selected appellate and district courtrooms. At this meeting the Conference also approved significant amendments to the Rules of Civil Procedure which were then forwarded to the Supreme Court with the recommendation that they be approved and set to Congress by May 1, 1991.

Federal courts study committee

In November, 1988, the 100th Congress created within the Judicial Conference of the United States a 15-member committee that was charged with examining problems and issues currently facing federal courts, developing a long-range plan for the future of the federal judiciary, and transmitting a report of their findings. This report was issued on April 2, 1990.

I commend the Committee and its chairman, Judge Joseph F. Weis, Jr. of the Court of Appeals for the Third Circuit, for their efforts, which resulted in a thoughtful discourse on the issues facing the federal courts and concluded with over one hundred recommendations for change. Many of the Committee's proposals have already been implemented either legislatively or through administrative action of the Judicial Conference. These changes will have an immediate and observable beneficial impact on judicial operations. Next year will bring the opportunity to pursue additional proposals. Once again I would urge some modification be made in the area of diversity jurisdiction. Adopting even the very modest recommendation of the FCSC—raising the jurisdictional amount to $75,000 and indexing that figure—would result in substantial benefit to the federal system without noticeable impact on the state courts or harm to litigants' rights.

Conferences

The year saw two important conferences at which judges from differing jurisdictions met to exchange ideas about judicial administration and to explore areas of mutual interest. On September 10, 1990, a joint meeting was held by the Conference of Chief Judges and the Judicial Conference of the United States. Activities at this joint meeting include the inauguration of the National Federal-State Judicial Council (as had been suggested by the Federal Courts Study Committee). The Council is charged with the continuing examination of the relationship between the state and federal judicial systems.

On September 11, 1990, the Opening Ceremonies of the Fifth International Appellate

Judges Conference were held at the Supreme Court. Delegations of appellate judges from approximately 100 countries attended this Conference, which was organized by a special committee chaired by Judge Cynthia Holcomb Hall of the Court of Appeals for the Ninth Circuit with the able assistance of the Judicial Conference of the United States Committee on the Bicentennial of the Constitution, chaired by Judge Damon J. Keith of the Court of Appeals for the Sixth Circuit.

V. Legislative Activities

In my year-end statement last year, I made a special plea for Congress to consider the addition of sufficient judicial resources to meet the caseload burden on the courts. I also commended the Congress for their understanding and support of the funding needs of the courts. The actions of Congress over the past year on our judicial manpower and fiscal resource requirements have substantially responded to our requests.

New judgeships

Senator Joseph Biden and Representative Jack Brooks, the respective chairmen of the Senate and House Judiciary Committees, played key leadership roles in developing and processing an omnibus judgeship bill that will add 85 new Article III judgeships to the federal system. These 85 positions include 74 district judgeships and 11 judgeships at the appellate level. In addition, eight temporary judgeships were given permanent status. The Judiciary was desperately in need of additional judgepower. The circuits and districts with the greatest needs have been accommodated through enactment of the Omnibus Judgeship Act. We appreciate the bipartisan leadership and commonality of purpose in Congress that brought about the passage of this legislation.

Civil justice reform

The Civil Justice Reform Act of 1990 is designed to address delays and cost in civil litigation. The act requires expense and delay reduction plans for all federal district courts. Ten specified districts are required to include in their plans the principles of litigation management that are contained in the bill, as part of a three-year pilot program.

Federal courts study committee recommendations

Several recommendations of the Federal Courts Study Committee were implemented through Title III of H.R. 5316, including a requirement that the Federal Judicial Center study the number and frequency of unresolved intercircuit conflicts.

Judicial conduct

Title IV of H.R. 5316, the "Judicial Discipline and Removal Reform Act of 1990," creates a National Commission on Judicial Impeachment to examine problems of judicial discipline and impeachment and allows the Judicial Conference to transmit to Congress a statement that "impeachment may be warranted" in the case of a judge who has been convicted of a felony and has exhausted all direct appeals.

Crime bill

In final negotiations all federal habeas corpus reform provisions were dropped from the 1990 crime bill, leaving this important issue in essentially the same posture as existed prior to the extensive study undertaken by the Judicial Conference Ad Hoc Committee on Federal Habeas Corpus in Capital Cases. I hope that the next Congress will once again give serious attention to badly needed reforms in this area, with a view to assuring counsel to capital defendants, and assuring to the states the necessary degree of finality, in federal habeas proceedings.

Budget

We appreciate the continued Congressional understanding of the fiscal needs of the courts. Our budget for FY 91 will exceed $2 billion for the first time in history. This increase has been necessitated by the demands of handling cases of increasing complexity and by an expansion of the nonadjudicative duties that are either assigned to the courts or required for their operation. In addition to the traditional judicial functions (which resulted in the closing of approximately 1.3 million cases), the courts oversee a vast spectrum of programs ranging from pretrial services, to drug aftercare, to the development, installation, training and monitoring of the new and enhanced court automation system. With our overall caseload continuing to multiply, the Judiciary will be facing a continued need for expansion of our budget.

Administrative office personnel bill

As noted above, Congress this year authorized the Administrative Office of the U.S. Courts to set up a comprehensive, self-contained personnel system which will make it easier to hire court staff as well as to streamline and simplify the rest of its personnel system.

Judicial compensation

The pay increase for judges authorized by the Ethics Reform Act of 1989 became effective on January 1, 1991. Adoption of this increase averted a crisis in the Judiciary by fairly addressing what had been one of the most important issues affecting our Branch in the late 80's.

CONCLUSION—CHALLENGES

The challenges of the last decade of this century are daunting. But with the groundwork laid in 1990 for the enhanced administration of justice—coupled with a corps of remarkably dedicated and capable judicial officers—we can meet those challenges.•

RESTORING CONFIDENCE IN POLITICS

• Mr. SIMON. Mr. President, one of the brightest and most promising young State legislators in the Nation is Minnesota State Senator John Marty.

He wrote an article for a Minneapolis publication called the Metro Lutheran, which talked about the need for restoring confidence in politics and the problems that we face.

It contains nothing startlingly new, but it is the common sense that we ought to all be paying attention to.

I ask to insert his comments in the RECORD at this point.

The comments follow:

RESTORING CONFIDENCE IN POLITICS

(By John Marty)

During a campaign, a candidate hears a lot of what is on voters' minds. Having just come through an intense campaign, I had the chance to talk with thousands of people. What concerns me about those conversations is not that people were critical of government, but that so many were cynical about politicians and politics.

A democracy can exist, even thrive, when people are critical of their government. Criticism suggests an interest, the hope for something better, the willingness to be involved. But a democracy is in trouble when people move from criticism to cynicism. The latter suggests a loss of interest, a lack of hope, an unwillingness to be involved because "all politicians are crooks."

There seems to be a growth in cynicism. Why is that? Partly, it's because many politicians make cynical promises. Notice, in the campaign literature, how many candidates promise both to cut taxes and to spend more for education, the environment, health care, fighting crime, etc., while making sure the budget is balanced!

Desperate candidates make last-minute smears, accusing the opponent of greed and stupidity, if not dishonesty and corruption. In the last election, supporters of a local candidate in my area waited until just four days before the election before mailing a brochure injecting new, serious charges about the opponent. There was, of course, no time for the other candidate to respond effectively.

While politicians deserve much of the blame for growing cynicism, others have responsibility as well. The news media and the public have been far too easy on candidates who distort facts and smear opponents. Much of the public and the media have been unwilling to demand that candidates spell out their stands on the issues, and unwilling to read those positions when candidates take the time to do so.

Are things that bad? Let's look at the bright side.

While almost half the eligible voters in Minnesota stayed home, turnout was significantly higher than expected. A number of candidates who talked openly and honestly about the issues did get elected—in some cases pulling off upsets.

Much of the public's disenchantment was not with the political system as a whole, but with the negative advertising, the special-interest money, and the lack of substance in the campaign. Citizens are becoming more aware of the problems with our electoral system and beginning to demand change.

What can we do? I believe firmly that if politicians appeal to the good in people, they respond in a positive way. If we appeal to greed and cynicism, the public responds by turning away from participation.

Each of us—candidates, the media, and the public—has a responsibility to raise the level of political discussion and debate.•

• Mr. AKAKA. Mr. President, over the past few weeks I have watched with growing alarm the continued erosion of freedom now taking place in the Baltic States. Apparently the Soviet leadership has found it more expedient to check the growth of these evolving democratic governments through violence and denial of civil liberties than through peaceful negotiations.

We in Congress can only view the unprovoked armed attacks in the Baltic States as attempts by the Soviet Government to subvert the democratic process now growing in these republics.

I am also concerned that President Gorbachev may view the use of force as the only alternative to resolving his differences with the Baltic States and the other republics.

I was therefore pleased to join my colleagues on January 24, 1991, to support Senate Joint Resolution 6, which condemned the Soviet Union's violent crackdown in the Baltic States and called on President Bush to consider economic sanctions if the Soviet Government continues to use military force in the region. That this measure was unanimously adopted in both the House and the Senate sends a strong message to the Soviet Union that United States-Soviet relations could suffer if aggression continues in the Baltic countries.

Fortunately, we are now seeing a possible shift in Soviet policy and I am pleased that President Bush and Secretary of State Baker have made clear our concerns to Soviet Foreign Minister Bessmertnykh.

However, it is important that our Government continues to let the Soviet Union know that the use of force to suppress reform seriously jeopardizes the cooperative and expanding relationship between our two countries. Equally important is the need to conclude far-reaching disarmament talks and bilateral economic discussions which are threatened by Soviet action in the Baltic region.

We have a responsibility to the people of the Baltic republics and to the people of the Soviet Union. We must make it clear to President Gorbachev and the Soviet leadership that the will of the people of the Baltic States and in the other republics must be respected. The Soviet Government must remain firmly committed to the process of political and economic reform.

If the Soviet Union persists in its use of military action rather than working cooperatively and peacefully with the republics, then I believe that we have no other alternative but to support economic sanctions and other strong measures against the Soviet Union. Obviously, I would see such action as a major setback in the progress we have made in United States-Soviet relations in recent years.

I call on President Gorbachev to end the hostilities in the Baltic States immediately and restore those civil liberties so recently won by the Soviet people. Let there be no misunderstanding that the United States wants the Soviet leadership to renew and invigorate its commitment to reform by seeking peaceful resolutions to differences with the people of the Baltic States and other republics.

What is at stake is the future course of our relationship with the Soviet Union and the destiny of her citizens.●

THE SHAME OF HUNGER

● Mr. SIMON. Mr. President, I recently received a copy of WHY magazine, the title coming from World Hunger Year published in New York City.

The publication reprinted the keynote address given by Elie Wiesel at the Fourth Annual Alan Shawn Feinstein World Hunger Awards ceremony at Brown University.

He speaks of "the shame of hunger" and he observes that the only disease or catastrophe that the prophets of old use the word shame with is "the shame of hunger," citing the prophet Ezekiel.

Elie Weisel has stimulated people all over the world. We are proud to have him as a U.S. citizen today. He has won the Nobel Peace Prize and is a survivor of the Holocaust.

I urge my colleagues to read his statement, and I ask to insert the article in the RECORD at this point.

The article follows:

THE SHAME OF HUNGER

(This was the keynote address at the presentation of the Fourth Annual Alan Shawn Feinstein World Hunger Awards at Brown University, April 5, 1990.)

I have been obsessed with the idea of hunger for years and years because I have seen what hunger can do to human beings. It is the easiest way for a tormenter to dehumanize another human being. When I think of hunger, I see images: emaciated bodies, swollen bellies, long bony arms pleading for mercy, motionless skeletons. How can one look at these images without losing sleep?

And eyes, my God, eyes. Eyes that pierce your consciousness and tear your heart. How can one run away from those eyes? The eyes of a mother who carries her dead child in her arms, not knowing where to go, or where to stop. At one moment you think that she would keep on going, going, going—to the end of the world. Except she wouldn't go very far, for the end of the world, for her, is there. Or the eyes of the old grandfather, who probably wonders where creation had gone wrong, and whether it was all worthwhile to create a family, to have faith in the future, to transmit misery from generation to generation, whether it was worth it to wager on humankind.

And then, the eyes of all eyes—the eyes of children—so dark, so immense, so deep, so focused and yet at the same time, so wide and so vague. What do they see? What do hungry children's eyes see? Death? Nothingness? God? And what if they saw us, all of us, in our complacency if not complicity? And what if their eyes are the eyes of our judges?

Hunger and death, death and starvation, starvation and shame. Poor men and women who yesterday were proud members of their tribes, bearers of ancient culture and lore, and who are now wandering among corpses. What is so horrifying in hunger is that it makes the individual death an anonymous death. In times of hunger, the individual death has lost its uniqueness. Scores of hungry people die daily, and those who mourn for them will die the next day, and the others will have no strength left to mourn.

Hunger in ancient times represented the ultimate malediction to society. Rich and poor, young and old, kings and servants, lived in fear of drought. They joined the priests in prayer for rain. Rain meant harvest, harvest meant food, food meant life, just as lack of food meant death. It still does.

Hunger and humiliation. A hungry person experiences an overwhelming feeling of shame. All desires, all aspirations, all dreams lose their lofty qualities and relate to food alone. I may testify to something that I have witnessed, in certain places at certain times—those people who were reduced by hunger, diminished by hunger, they did not think about theology, nor did they think about God or philosophy or lterature. They thought of a piece of bread. A piece of bread was, to them, God, because a piece of bread then filled one's universe. Diminished by hunger, man's spirit is diminished as well. His fantasy wanders in quest of bread. His prayer rises toward a bowl of milk.

Thus the shame.

In Hebrew, the word hunger is linked to shame. The prophet Ezekiel speaks about "Kherpat raav"—the shame of hunger. Of all the diseases, of all the natural diseases and catastrophes, the only one that is linked to shame in Scripture is hunger—the shame of hunger. Shame is associated neither with sickness nor even with death, only with hunger. For man can live with pain, but no man ought to endure hunger.

Hunger means torture, the worst kind of torture. The hungry person is tortured by more than one sadist alone. He or she is tortured, every minute, by all men, by all women. And by all the elements surrounding him or her. The wind. The sun. The stars. By the rustling of trees and the silence of night. The minutes that pass so slowly, so slowly. Can you image time, can you imagine time, when you are hungry?

And to condone hunger means to accept torture, someone else's torture.

Hunger is isolating; it may not and cannot be experienced vicariously. He who never felt hunger can never know its real effects, both tangible and intangible. Hunger defies imagination; it even defies memory. Hunger is felt only in the present.

There is a story about the great French-Jewish composer Daniel Halevy who met a poor poet: "Is it true," he asked, "that you endured hunger in your youth?" "Yes," said the poet. "I envy you," said the composer. "I never felt hunger."

And Gaston Bachelard, the famous philosopher, voiced his view on the matter, saying, "My prayer to heaven is not, "Oh God, give us our daily bread, but give us our daily hunger."

I don't find these anecdotes funny. These anecdotes were told about and by people who were not hungry. There is no romanticism in hunger, there is no beauty in hunger, no creativity in hunger. There is no inspiration in hunger. Only shame. And solitude. Hunger creates its own prison walls; it is impossible to demolish them, to avoid them, to ignore them.

Thus, if hunger inspires anything at all, it is, and must be, only the war against hunger.

Hunger is not a matter of choice. Of course, you may say, but what about the hunger striker? Haven't they chosen to deprive themselves of nourishment, aren't they hungry? Yes, but not the same way. First, they alone suffer, those around them do not. Second, they are given the possibility to stop any time they so choose, any time they win, any time their cause is attained. Not so the people in Africa. Not so the people in Asia. Their hunger is irrevocable. And last, hunger strikers confer a meaning, a purpose, upon their ordeal. Not so the victims in Ethiopia or Sudan. Their hunger is senseless. And implacable.

The worst stage in hunger is to see its reflection in one's brother, one's father, one's child. Hunger renders powerless those who suffer its consequences. Can you imagine a mother unable, helpless, to alleviate her child's agony? There is the abyss in shame. There, suffering and hunger and shame multiply.

In times of hunger, family relations break down. The father is impotent, his authority gone, the mother is desperate, and the children—the children, under the weight of accumulated suffering and hunger, grow older and older, and soon, they will be older than their grandparents.

But then, on the other hand, perhaps of all of the woes that threaten and plague the human condition, hunger alone can be curtailed, attenuated, appeased, and ultimately vanquished—not by destiny, nor by the heavens, but by human beings. We cannot fight earthquakes, but we can fight hunger. Hence our responsibility for its victims. Responsibility is the key word. Our tradition emphasizes the question, rather than the answer. For there is a "quest" in question, but there is "response" in responsibility. And this responsibility is what makes us human, or the lack of it, inhuman.

Hunger differs from other cataclysms such as floods in that it can be prevented or stopped so easily. One gesture of generosity, one act of humanity, may put an end to it, at least for one person. A piece of bread, a bowl of rice or soup makes a difference. And I wonder, what would happen, just imagine, what would happen, if every nation, every industrialized or non-industrialized nation, would simply decide to sell one aircraft, and for the money, feed the hungry. Why shouldn't they? Why shouldn't the next economic summit, which includes the wealthiest, most powerful, the richest nations in the world, why shouldn't they decide that since there are so many aircrafts—why shouldn't they say, "Let's sell just one, just one, to take care of the shame and the hunger and the suffering of millions of people."

So the prophet's expression, "the shame of hunger," must be understood differently. When we speak of our responsibility for the hungry, we must go to the next step and say that the expression "shame of hunger" does not apply to the hungry. It applies to those who refuse to help the hungry. Shame on those who could feed the hungry, but are too busy to do so.

Millions of human beings constantly are threatened in Africa and Asia, and even in our own country—the homeless and the hungry. Many are going to die of starvation, and it will be our fault. For we could save them, and if we do not, we had better have a good reason why we don't.

If we could airlift food and sustenance and toothpaste to Berlin in 1948, surely we could do as much for all the countries—Ethiopia and Sudan and Mozambique and Bangladesh, in the year 1990. Nations capable of sending and retrieving vehicles in space must be able to save human lives on earth.

Let our country, and then other countries, see in hunger an emergency that must be dealt with RIGHT NOW. Others, our allies, will follow. Private relief often has been mobilized in the past—Jews and Christians, Moslems and Buddhists have responded to dramatic appeals from the African desert. One of my most rewarding moments was when I went to the Cambodian border 10 years ago and saw there the misery, the weakness, the despair, the resignation, of the victims.

But I also saw the extraordinary international community motivated by global solidarity to help them. And who were they? They represented humankind at its best: there were Jews and Christians and Moslems and Buddhists from all over the world. And if ever I felt proud of the human condition, it was then. It is possible to help, but private help is insufficient. Government-organized help is required; only governments can really help solve this tragedy that has cosmic repercussions.

We must save the victims of hunger simply because they CAN be saved. We look therefore at the horror-filled pictures, when we dare to look, day after day. And I cannot help but remember those who had surrounded us elsewhere, years and years ago. Oh, I do not wish to make comparisons. I never do. But I do have the right to invoke the past, not as a point of analogy, but as a term of reference. I refuse to draw analogies with the Jewish tragedy during the era of darkness; I still believe and will always believe that no event ought to be compared to that event. But I do believe that human tragedies, all human tragedies, are and must be related to it. In other words, it is because one people has been singled out for extinction that others were marked for slavery. It is because entire communities were wiped out then that others were condemned to die later in other parts of the planet. All events are intertwined.

And it is because we have known hunger that we now must eliminate hunger. It is because we have been subjected to shame that we must now oppose shame. It is because we have witnessed humanity at its worst that we now must appeal to humanity at its best.•

LEGISLATION AFFECTING SENIOR CITIZENS

• Mr. GORTON. Mr. President, I rise to speak in support of two pieces of legislation designed to aid our senior citizens which I have cosponsored in recent days. The first piece of legislation will gradually remove the earnings test for outside income placed on Social Security recipients. The second bill is a positive response by the Federal Government which seeks to reinforce the ability of our senior population to live anywhere they want without penalty.

Mr. President, the Fairness for Older Workers Act which has been introduced by the distinguished minority leader, Senator DOLE, will gradually free our senior citizens to earn as much outside income as possible without reducing their Social Security benefits.

Our Government's policies should not penalize a large, able, and experienced part of America if they want to work. I have seen one analysis of the current law which shows how a senior who could earn up to $9,720 without reduction in Social Security benefits would end up actually receiving only 34 cents of each additional dollar they earn due to the combination of taxes and the corresponding reduction in Social Security benefits.

I look forward to the day when our seniors can easily and straightforwardly decide whether continued or additional work makes more sense for them without having to calculate the corresponding deduction in Social Security. Extra initiative should be rewarded, Mr. President, not penalized by Government restrictions.

Also, Mr. President, I have joined as an original cosponsor of legislation which will be introduced by Senator REID and Senator BRYAN of Nevada. This legislation will rightly prohibit the imposition of taxes upon retirees pensions and income by a State in which the retirees no longer reside.

Many residents of Washington's retirement communities have been writing to me, and I have been listening. Residents of Washington cities such as Sequim, Edmonds, and Spokane, all have expressed their frustration at being taxed by a State in which they no longer reside nor can benefit from the services which their taxes go to support.

This tax represents not only taxation without representation, this tax represents a further drain on already limited and fixed incomes. I am happy to join the Senators from Nevada in remedying this grossly unfair taxation and help all of America's senior citizens.

I urge all of my colleagues to support both the distinguished minority leader's and Senators REID and BRYAN's efforts to aid and improve the lives of our seniors.•

S. 257, THE BRADY "WAITING PERIOD" BILL

• Mr. CHAFEE. Mr. President, 1 week ago today I joined with my colleagues in reintroducing the Brady Handgun Violence Prevention Act. It is a bill whose time is long overdue, and I believe that it will achieve success in this Congress.

At the close of 1990, we were inundated with reports about the record-breaking homicide rates in nearly every major city across the country. As we all know too well, the homicide rate in our Nation is far higher than virtually every other modern industrialized country. Homicide is one of the 15 most frequent causes of death for all Americans. In 1987, 7,800 Americans were murdered by handguns; in 1988, over 8,000 Americans were killed—a terrible human waste. In my home State of Rhode Island, the number of homicides has increased by one-third in the past 5 years, and today guns are used in nearly half—46 percent—of all homicides in Rhode Island.

The tragic element is that many of these deaths might have been prevented. Many crimes are committed on impulse, by persons under the influence of drugs. In 1988, the Bureau of Justice Statistics reported that 2 out of 5 offenders said that they were under the influence of drugs or were very drunk around the time of the offense; according to the Bureau's survey, 35 percent of the homicides were committed by inmates under the influence of drugs or alcohol. Many of these offenses were committed with handguns. A waiting period could help give potential criminals time to cool off and count to 10.

In addition, some individuals unfortunately buy guns when they are feeling extremely depressed. Each year in this country there are at least 12,000 handgun suicides. For those between the ages of 15 and 34, suicide is the third leading killer, right behind homicide. This bill means that those contemplating suicide would have to wait before committing a final rash act, using an all too accessible weapon.

Certainly the causes of crime are complex. I welcome this measure, because in the face of such uncertainty, it offers some proven effectiveness. Across the Nation, in those States and cities where waiting periods are required, thousands of felons have been prevented from purchasing guns. That is why law enforcement officials support the imposition of a waiting period overwhelmingly as an effective step in preventing violent crime and suicides.

Simply put, this bill makes sense. It is a reasonable effort to ensure that felons may not purchase handguns. A week of waiting is no sacrifice compared to the grief of people who have had a loved one shot dead.

I commend Jim and Sarah Brady, and members of the police, health, and childrens communities, for their tireless work on this measure. Largely due to their efforts, this bill is receiving national attention, and national support. It is time for Congress to act.•

PRIVATE RETIREMENT INCENTIVES

• Mr. GORTON. Mr. President, I rise today to express my support for a piece of legislation which I believe is long overdue. I have joined as an original cosponsor of the legislation which will be introduced by Senator PACKWOOD designed to create a simplified retirement system for small employers and their employees.

The Private, Retirement Incentives Matched by Employers or [PRIME] accounts, will enable small employers to provide to their employees the same benefits offered by larger employers. These PRIME accounts will provide the best of IRA's and 401(k) plans to small employers and their employees.

Mr. President, I support this legislation because the PRIME accounts created by this legislation will help small business attract and retain the best and the brightest America has to offer. I believe that employees of our small businesses should not have to worry about their retirement years just because their employer is too small to create a retirement plan under a complicated and burdensome system designed for larger employers.

With small business employing more than half of all people in the United States, and by many estimates providing the sources of much of the creativity in our businesses, such a system of retirement planning should have been provided these employers long ago. Consequently, I believe it is in the interests of the smaller employers, their employees, and our country that such a retirement alternative be made available.

I urge all of my colleagues to join me and the distinguished Senator from Oregon [Mr. PACKWOOD] in providing the alternative retirement system for small employers.•

AUTHORIZING TESTIMONY OF SENATE STAFF MEMBER

Mr. MITCHELL. Mr. President, on behalf of myself and the distinguished Republican leader, Senator DOLE, I send to the desk a resolution to authorize the testimony of a Senate staff member and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 23) to authorize Michael Kinsella to testify before a grand jury.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, this resolution would authorize Michael Kinsella, a Senate employee, to testify before a Federal grand jury in the Eastern District of New York in response to a subpoena for his testimony. The resolution authorizes Mr. Kinsella to testify as to all matters except those for which a privilege should be asserted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 23) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 23

Whereas a grand jury in the United States District Court for the Eastern District of New York has caused a subpoena to be issued for the testimony of Michael Kinsella, a Senate employee;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that the testimony of employees of the Senate concerning information acquired in the course of their official duties is needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Michael Kinsella is authorized to testify before the grand jury in the Eastern District of New York, except as to matters for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS DISCHARGED FROM LABOR COMMITTEE AND REFERRED TO AGRICULTURE COMMITTEE

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 223 and S. 224 be discharged, en bloc, from the Labor Committee where they were erroneously referred and that the bills then be referred to the Agriculture Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider all nominations placed on the Secretary's desk in the Coast Guard.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

Coast Guard nominations beginning Richard E. Wells, and ending Robert C. Ayer, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

Coast Guard nominations beginning Alan B. Foster, and ending Richard M. Sebek, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

Coast Guard nominations beginning Ronald L. Hindman, and ending Sandra E. Zabala, which nominations were received by the Senate on January 8, 1991, and appeared in the CONGRESSIONAL RECORD of January 10, 1991.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 296, a bill to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably or who are enlisted to serve in the Armed Forces of the United States for at least 12 years, introduced earlier today by Senators KENNEDY and SIMPSON; that the bill be deemed read for a third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 296) was deemed passed, as follows:

S. 296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited at the "Armed Forces Immigration Adjustment Act of 1991".

SEC. 2. SPECIAL IMMIGRANT STATUS FOR ALIENS WHO HAVE SERVED HONORABLY (OR ARE ENLISTED TO SERVE) IN THE ARMED FORCES OF THE UNITED STATES FOR AT LEAST 12 YEARS.

(a) In General.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking "or" at the end of subparagraph (H).

(2) by striking the period at the end of subparagraph (I) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(K) an immigrant who has served honorably on active duty in the Armed Forces of the United States after October 15, 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating—

"(i) 12 years and who, if separated from such service, was never separated except under honorable conditions, or

"(ii) 6 years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years,

and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.".

(b) Numerical Limitation.—

(1) In general.—Subject to paragraph (2), the number of individuals who may be granted special immigrant status under section 101(a)(27)(K) of the Immigration and Nationality Act in any fiscal year (other than as a spouse or child described in such section) may not exceed—

(A) in the case of aliens who are nationals of a foreign state for which there is a numerical limitation treaty or agreement (as defined in paragraph (3)), 2,000, or

(B) in the case of aliens who are nationals of any other state, 100.

(2) Exception for aliens currently meeting requirements.—The numerical limitations of paragraph (1) shall not apply to individuals who meet the requirements of section 101(a)(27)(K) of the Immigration and Nationality Act as of the date of the enactment of this Act.

(3) Numerical limitation treaty or agreement.—In paragraph (1), the term "numerical limitation treaty or agreement" means a treaty or agreement in effect on the date of the enactment of this Act which authorizes and limits the number of aliens who are nationals of such state who may be enlisted annually in the Armed Forces of the United States.

(c) Adjustment of Status.—The Attorney General may adjust to the status of lawful permanent residence any alien—

(1) who qualifies for the status of a special immigrant described in section 101(a)(27)(k) of the Immigration and Nationality Act,

(2) who is otherwise admissible for permanent residence, and

(3) who is physically present in the United States at the time of approval of an application for a visa for admission as a special immigrant described in section 101(a)(27)(k) of the Immigration and Nationality Act,

in the same manner as if the alien had been previously inspected and admitted or paroled into the United States.

Mr. KENNEDY. Mr. President, on behalf of Senator SIMPSON and myself, I have introduced today a bill to provide special immigrant status for certain aliens who have served honorably in the Armed Forces of the United States for 12 years.

This bill passed the House of Representatives in the last Congress, was approved by our Subcommittee on Immigration and Refugee Affairs as well as the Judiciary Committee and was cleared on all sides for final action by the Senate. Regretably, for totally extraneous reasons unrelated to the merits of the bill, the clock ran out in the waning days of the Senate last October before final action could be completed on this legislation.

Mr. President, this bill is noncontroversial, technical in nature, and cleared on all sides with the support of the administration.

It simply grants permanent resident status to aliens who serve honorably in our Armed Forces for at least 12 years, and is similar to the provisions we have for foreign service nationals serving in our embassies overseas.

This bill will principally affect Filipino servicemen with the U.S. Navy, which has indicated only about 400 aliens are enlisted in our Armed Forces each year. So the number of beneficiaries of this special immigrant status will be small, and will never exceed 2,000 under the terms of the bill.

But this is an important gesture and benefit, particularly for those Filipino servicemen now stationed in the Persian Gulf and the Navy strongly endorses its enactment.

ARMED FORCES IMMIGRATION ACT

Mr. SIMPSON. Mr. President, I am pleased to join with my colleague, Senator KENNEDY, the chairman of the immigration subcommittee, in introducing the Armed Forces Immigration Adjustment Act of 1991. I urge its swift passage.

This legislation was cleared for passage during the 101st Congress, but failed in the waning hours. It would grant permanent residence to certain foreign nationals who have either: First, served honorably for 12 years in the U.S. Armed Forces, or second, served honorably for 6 years, and agreed to serve for another 6 years. By granting this benefit, we encourage the most qualified foreign members of our military service to proceed in their military careers, and we give them the opportunity to advance into the highest level of the military for which they qualify.

There are two major limitations on this benefit: First, an annual numerical limitation; and second, a requirement that the appropriate military department request that the particular alien receive the immigration status. I should add that the administration strongly supports the bill.

Mr. President, foreign nationals now serve among the U.S. military forces in the Persian Gulf. I believe that quick passage of this legislation is a timely and appropriate gesture to those aliens who are fighting with the U.S. Armed Forces.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 12 noon tomorrow, Thursday, January 31; that following the prayer, the Journal of the proceedings be deemed approved to date; and that following the time reserved for the two leaders, there be a period for the transaction of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak for not to exceed 5 minutes each; that at 12:30 p.m., the Senate proceed to the consideration of Senate Joint Resolution 44, a joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; that the statutory time for consideration of the joint resolution be reduced to 2 hours equally divided and controlled between Senators SASSER and DOMENICI, and that the Senate vote on passage of Senate Joint Resolution 44 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that it now be in order to request the yeas and nays on Senate Joint Resolution 44.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask for the yeas and nays on Senate Joint Resolution 44.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECESS UNTIL TOMORROW

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until noon tomorrow.

There being no objection, at 5:03 p.m., the Senate recessed until Thursday, January 31, 1991, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate on January 30, 1991:

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING RICHARD E. WELLS, AND ENDING ROBERT C. AYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.

COAST GUARD NOMINATIONS BEGINNING ALAN B. FOSTER, AND ENDING RICHARD M. SEBEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.

COAST GUARD NOMINATIONS BEGINNING RONALD L. HINDMAN, AND ENDING SANDRA E. ZABALA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 1991.

HOUSE OF REPRESENTATIVES—*Wednesday, January 30, 1991*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all our hearts, gracious God, we pray for those who must meet the test of battle and know the ordeal of conflict. May Your boundless grace, so new every morning, be with them this day and every day.

O God, whose love breaks down the barriers that separate people from other people, look with compassion on the whole human family. Forgive our mistakes and any arrogance of our hearts and lift our sight to see Your heavenly vision—where people honor each other and peace is our common treasure. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma [Mr. INHOFE] please come forward and lead the House in the Pledge of Allegiance.

Mr. INHOFE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCTION OF 1991 NATIONAL TOURISM WEEK RESOLUTION

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, every year, since 1983, National Tourism Week has become one of our Nation's most popular commemorative weeks. Thousands of Americans in every State and territory participate in exciting events and tourism conferences. Governors in many States issue proclamations recognizing the importance of tourism in their States. Media attention, both television and print, has been tremendous and increases every year focusing more attention on tourism.

This year, however, tourism is getting a different kind of attention. With the war in the gulf, we can't help but be concerned about our safety while traveling. Both business and recreational travelers all over the world are opting to stay close to home.

However, we can't let this turn of events allow us to lose sight of the tremendous contributions that travel and tourism make to our economy. Tourism means jobs in every congressional district and tax revenue for our Federal, State, and local treasuries. Foreign visitor spending helps our international balance of payments.

In 1990, travel and tourism was our Nation's largest retail industry and the second largest private employer in the United States, generating nearly 6 million jobs and indirectly employing another 2.46 million Americans. Tourism is an essential American export, as over 38 million foreign travelers spend approximately $44 billion annually in the United States.

I am pleased to introduce the 1991 National Tourism Week resolution today designating the second week in May as National Tourism Week. I urge my colleagues to join me in cosponsoring this resolution.

CNN'S COVERAGE FROM BAGHDAD IS SADDAM'S PROPAGANDA

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, CNN's coverage of Peter Arnett being used as a propaganda tool by Iraqi dictator Saddam Hussein is disgusting if not treasonous.

We and our allies are engaged in a conflict in the Persian Gulf in support of resolutions adopted by the United Nations. On our part, that use of force was requested by the elected President of the United States and authorized by the elected Congress of the United States.

Saddam Hussein's propaganda purposes are clear: First, to turn U.S. public opinion against the war effort; second, to inflame Arab-Israeli tensions, and third, to disrupt the coalition, including almost every nation in the world, arrayed against him.

To aid and abet in that effort is actually posing additional danger to the lives of U.S. servicemen and servicewomen. That is to say nothing of aiding a fanatic who has invaded, raped, and plundered an innocent neighbor, aimed missiles indiscriminately against innocent civilians in both combatant and noncombatant countries, brutalized prisoners of war in violation of the Geneva Convention, conducted environmental terrorism, and threatened the use of chemical, biological, and nuclear weapons.

We respect the right of free speech. We respect the right of dissent. In his own country, Saddam Hussein has silenced dissent with brutal force. Since the initial courageous days of reporting from Baghdad by Bernard Shaw, John Holliman, and Peter Arnett, the reporting from Baghdad has not been free. Though not by his own wishes, Peter Arnett has been reduced to being the Joseph Goebbels of Saddam Hussein's Hitler-like regime.

To compare Arnett's censorship by Iraq to allied censorship to protect our forces is to make a moral equivalence of our Government and Saddam Hussein. I cannot believe any American truly thinks our Government is evilly injuring innocent civilians.

The risk to our men and women, and the danger of the fanatics who actually believe Saddam Hussein, urgently suggest that the voice of Baghdad be more carefully aired.

□ 1410

BIG OIL COMPANIES PARTY ALL NIGHT LONG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the big oil companies of America partied all night long. It is not hard to figure out why. Yesterday the President said he wants a capital gains tax cut.

Now, let us take a look at this. Texaco's profits are up 110 percent. Chevron is up 113 percent. Amoco, 150 percent. Phillips, 265 percent. Unical, 500 percent increase in profits.

Would you want a capital gains tax cut? Absolutely.

But you can bet one thing, and this is what frosts me. You could bet the life of your sons and daughters that the sons and daughters of these big oil barons of America are not in the gulf fighting. It seems that the working people do the fighting and the rich get a tax break.

Before we go plea bargaining with Saddam Hussein, we better take a look at the statistics and numbers, and I say we should put a windfall profit tax on these oil barons, not give them a tax break.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DON'T LET SADDAM OFF THE HOOK

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, there seems to be some confusion over the details of yesterday's communique by the United States and the Soviet Union on the situation in the Persian Gulf.

But whatever the details, one thing should be clear. Saddam Hussein cannot be allowed to profit from his murderous invasion of Kuwait or allowed to escape the consequences of his many war crimes.

We have got to show Saddam, and any other tyrants with similar designs, that they cannot assault and pillage smaller countries and expect to get away with it.

Let us not lose sight of one important reason we are engaged in this conflict. We need to develop a new world order that rests on the rule of law.

That means tyrants who scoff at the law can count on being brought to justice.

ADMINISTRATION'S OVERTURE TO SADDAM HUSSEIN IS INAPPROPRIATE

(Mr. RAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, I rise today to respond to the joint statement made Tuesday by the United States State Department and the Soviet Union which states that the fighting in the Persian Gulf could end immediately if Iraq promises to withdraw from Kuwait. It also linked a resolution of the war with a promise to quickly address the Palestinian-Israeli issue.

I believe that this overture to Saddam Hussein is inappropriate and smacks of a "peace at any cost" theme. It is appropriate for us to pray for the end of hostilities. I do not believe that we should allow Saddam Hussein to continue as the leader of Iraq. Saddam Hussein has a consistent record of proof that he is not fit to rule Iraq. If he is allowed to continue as a ruthless dictator under any circumstances, we will soon have to deal with him again after he has rebuilt his defenses and weapons stockpile. Any resolution of the war must demand that he answer to war crimes charges.

In addition, Mr. Speaker, I do not believe that we should link the Palestinian question to our discussion on peace. Saddam Hussein is using this issue as a ploy to disrupt our coalition and we should not bow to his pressure to address this matter.

America can play a key role in resolving this important issue in the future, and this should be on the agenda, but we should do it according to our own schedule and not under Saddam Hussein's timetable.

AN UNPRECEDENTED SURGE OF PATRIOTISM IN OUR YOUTH

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, when a crisis surfaces, it is often accompanied by an unanticipated greatness in character. Or as Paul said in Romans 5, "suffering produces perseverance and perserverance produces character." We are observing a growth in American character today as evidence by a surge of patriotism unprecedented since World War II.

And it is most prominent where you would least expect it, in our youth. In the midst of an environment of national disrespect, flag burning, anti-Christian behavior, and immorality, young America has emerged waiving old glory with an enthusiasm understood by few parents.

The decades of the 1960's and 1970's were plagued by a fashionable disregard for the fundamental institutions our forefathers revered. The Jane Fondas and the Angela Davises captured the hearts of political leaders and squeezed the last drops of decency and national respect from our American fiber.

But those born in the midst of this moral decay have rejected it emphatically and have provided an example for all mature Americans to emulate.

But look at what happened in Tulsa, OK, last Saturday, a red, white, and blue ocean of high school students as far as the eye could see. And how did it happen? One 16-year-old student, Eric Wolking, thought his generation had a message to deliver, and he delivered it. The teen-aged army walked for miles on that cold Saturday morning shouting, "'USA, support our troops. America, we love you."

Just a kid, some people will say, and I guess that is right. But a kid who wanted to deliver a message to half a million brave Americans in the Middle East. But equally significant is the message he sent to the rest of America.

God bless you, Eric Wolking, and your whole screaming army of teen-aged patriots. We hear you loud and clear.

REAL NOBILITY IS IN OUR ALLIED FORCES IN THE GULF

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, when Saddam Hussein was interviewed on CNN the other evening he referred to those people, in America and elsewhere, who oppose Operation Desert Storm as "noble souls." And to those noble souls he said, Iraq is grateful.

Given Saddam's track record on human rights, terrorism, and international relations generally, all but the most hard-core protesters are likely to be discomforted at the thought of fitting his definition of nobility. Frankly, the vast majority of Americans—who support Desert Storm—have no compunctions about being an affront to Saddam's sensibilities. He did not earn the nickname, "Butcher of Baghdad," because he is a peacemaker.

The real nobility, Mr. Speaker, is being demonstrated day after day by our allied forces, all of them together over in Saudi Arabia. And President Bush paid our soldiers, sailors, airmen, marines, and Coast Guardsmen appropriate tribute last night during the State of the Union Message, which you all stood and applauded, and I applaud you all for it, because all of us, every single American, ought to be standing side by side making the same commitment that our troops are making overseas. Let us stand behind them.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore (Mr. HOYER) laid before the House the following resignation as a member of the Committee on the Budget:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 1991.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Due to my increased responsibilities on the House Appropriations Committee, I herewith tender my resignation as a member of the Committee on the Budget and request its acceptance as soon as possible under the rules of the House.

Sincerely,

DEAN A. GALLO,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON THE BUDGET

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 49) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 49

Resolved, That the following named Member be, and is hereby elected to the following standing committee of the House of Representatives to rank behind Mr. Miller of Washington.

Committee on the Budget Mr. Kolbe of Arizona.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1420

PERSIAN GULF: THE MAIL MUST GO THROUGH

(Mr. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRIS. Mr. Speaker, last night all of us, including the President, applauded our troops in the Persian Gulf for their efforts and sacrifices.

Day after day we speak of our pride in them and pledge to support their efforts in every way—the most sophisticated weapons, the best logistics, the most comprehensive medical facilities.

But, Mr. Speaker, we are failing these troops in the most fundamental way. We cannot get the mail delivered to them.

My State has one of the highest numbers of National Guard units and reservists in the gulf of any State and their families are letting me know that this problem is not an isolated one and is continuing even today.

You can imagine the effect this has on the morale of those men and women separated from home and family. We ask them to risk life and limb for us, but we cannot even deliver a message from home to say "Thanks, we are remembering you."

Someone has a misplaced sense of priorities if they cannot find a way to correct this problem immediately. Mr. Speaker, I call upon Secretary Cheney and General Powell to take whatever action is necessary to ensure this problem is corrected.

The mail must be delivered in a timely manner.

WE SHOULD BE A LITTLE MORE THAN SUSPICIOUS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, if someone told me that he felt that everything I did as Congressman was wrong but he was my supporter, my guess is I would be a little suspicious.

If someone told me he hated everything I stood for but he was my supporter, I would be a little more suspicious.

And if that same someone told me he had always voted for my opponents but he was my supporter, I would get quite suspicious.

Yet that is the kind of thing we are hearing regarding our troops.

We have people who refuse to support the mission in the Middle East but say they support the troops. We have people who say they do not agree with the choice of profession by our soldiers but they support the troops. We even have people who march beside folks who are calling for an Iraqi victory but claim to support the troops.

We should be more than a little suspicious.

PLANNED INTRODUCTION OF THE FREEDOM FROM WANT ACT

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, President Bush came back to the Capitol this morning, to attend a ceremony on the 50th anniversary of FDR's famous "Four Freedom's" speech.

The four freedoms are simple: freedom from fear; freedom of expression; freedom of religion.

And the final one: freedom from want. As chairman of the Select Committee on Hunger, I feel very strongly about freedom from want.

But 50 years later, Mr. Speaker, too many people are still hungry, too many people still want, and too little is done for them. Millions of Americans are poor—many are homeless—locked in a cycle of poverty by the very programs designed to help them. Every year, 40,000 American children die before their first birthday. Every day 40,000 Third World children die unnecessarily. For these people, there is no freedom from want.

Soon I will be introducing the Freedom From Want Act, to secure real freedom for needy people here in America and around the world.

Freedom from want means that no child eligible for the WIC Program will be turned away. It means that hungry American children can get a nutritious diet. It means that low-income citizens can work or accumulate assets without jeopardizing their eligibility status. It means that famine barons of Third World won't be able to use hunger as a weapon of war. Freedom from want means assuring the basic right to food for all people.

Mr. Speaker, let us use this anniversary to get serious about guaranteeing real freedom from want to hungry, needy people around the world.

ALL WHO SERVE IN THE PERSIAN GULF ARE AMERICA'S FINEST

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I recently called the office of my physician in Hillsboro, OH, Paul Terrell. The answering machine said:

> The office is closed. Dr. Terrell is on active duty for 1 year in the U.S. Air Force.

Also his wife, a nurse, is in the Middle East, the mother of his children.

The children are with their aunts and uncles, and his wife, a licensed Methodist minister and nurse, is wearing the uniform of our country.

Mr. Speaker, those men and women who are sacrificing as volunteers to protect independence and freedom around the globe deserve our utmost respect and appreciation.

Scripture says, "Greater love hath no man than to lay down his life for another." And they have volunteered to do that.

This morning in the Washington Post the distinguished majority leader is quoted as saying last night:

> Not many kids whose families earn more than $200,000 a year volunteer to the Army. It is mostly the poor who do the fighting and dying.

Mr. Speaker, that is unwarranted, that is inappropriate. You should apologize to those fine technicians who are maintaining the sophisticated equipment, not only the pilots, not only the mechanics, but everyone involved who have dedicated their lives to serving in this noble cause.

Don't ridicule them, don't look down at them because they do not get a Senator's salary. Don't impugn their worth by such references that somehow or another they chose to serve their country as a last resort.

They are America's finest.

MY VISION: MAKE AMERICA A BETTER PLACE TO LIVE FOR OUR CHILDREN

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, to be a great leader you must have a vision of the future. To be a great legislator you must have a vision of the future.

It is our hope that as Members of the Legislature, as Members of Congress, we can make this country a better place to live for our children than what we see today.

There is no question that one of the reasons our soldiers are overseas in the Persian Gulf is because of the lack of vision toward an energy policy for this country. Last night we heard the President make a commitment to work with this body to look at expanding alternative fuels, moving toward production of solar energy, wind energy, ethanol, methanol, and superconductive energy.

We have some of the brightest minds in the world right here in this country. With the investments that we have made in the superconducting super collider, we will be able to develop a battery about 1-foot square to provide enough energy to operate an automobile, one a little larger to provide enough energy to fuel and take care of our homes.

Ethanol, methanol will create jobs, create jobs, create alternative source of income for our farmers throughout this country.

Mr. Speaker, I challenge my colleagues to work aggressively toward a vision in the production of these alternative fuels to help make this country a better place to live for our children.

THE SAGA OF A FLAGSAVER

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, 2 weeks ago, while driving home, Bill Smith, of Orange Park, FL, saw three teenagers burning an American flag. Instinctively, he could not tolerate this blatant display of disrespect, and ran to stop it. One of the teenagers, seeing Mr. Smith approach, pulled out an electric stun gun and attacked him.

Despite this, Mr. Smith was able to stop the desecration of our flag.

I have been touched by this act of patriotism. Mr. Smith's act reminds us that for many Americans, the flag represents the Nation.

The young people who burned the flag may have intended to express a political view, but in fact they simply provoked Mr. Smith and others who fought and died—and are dying today—to keep it free. Mr. Speaker, it is time that the Constitution of the United States recognized the unique place that the flag has in our hearts.

This country needs citizens who take pride in their flag, and as long as we have patriotic citizens, this issue will not go away.

□ 1430

PROCLAMATION SUPPORTING U.S. TROOPS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUNDERSON. Mr. Speaker and Members, many individuals in communities across this country have chosen different ways to express their support for the men and women on behalf of us in the gulf, however I was particularly moved last Friday by receiving the following proclamation, which I would like to share with my colleagues.

Proclamation Supporting U.S. Troops

Whereas, the United States of America Congress has approved sending American troops into battle in the Mideast; and

Whereas, the support of an understanding and informed citizenry is vital to the morale and well-being of the troops that have been sent into battle; and

Whereas, the efficiency of the qualified and dedicated personnel being called upon to perhaps give the ultimate sacrifice is materially influenced by the people's attitude and understanding of the importance of their mission; Now, therefore, be it

Resolved, That I, Duane Pederson, Mayor of the City of River Falls, do hereby proclaim that the City of River Falls supports the troops in the Mideast conflict, and I call upon all citizens to show their support to this special group of men and women ordered to battle.

Given under my hand and seal of the City of River Falls this 22nd day of January, 1991.

Mr. Speaker, a similar copy of this resolution has been forwarded to the President. I would encourage each community to pass a resolution like this, and I would encourage each of my colleagues to make all these resolutions of cities and villages in support of our troops a part of our CONGRESSIONAL RECORD.

TIME FOR RTC TO GET TO WORK AND STOP LOOKING FOR HANDOUTS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the Resolution Trust Corporation [RTC] is building a $141 billion empire, and the administration wants the taxpayers to pick up the tab.

In 1989, the administration repeatedly assured Congress that only $50 billion would be needed to sell the assets of insolvent S&L's. Now, the Treasury says it needs another $77 billion just to get through this year.

Mr. Speaker, it is outrageous that the RTC is asking for more taxpayer money, especially while the RTC is focusing more on holding assets than selling them.

Contrary to popular belief, nearly two-thirds of RTC's assets are performing and readily marketable. As of last October, delinquent loans made up only 14 percent of RTC's $141 billion asset portfolio, and real estate made up only 12 percent.

On the other hand, $92 billion of the RTC's assets consisted of performing loans, cash, and marketable securities. Instead of selling these assets, the RTC wants the taxpayers to pay $77 billion to hold them and gather new ones.

Enough is enough. It is time for the RTC to feed itself by selling its assets rather than turning to the taxpayers for another handout.

SADDAM HUSSEIN—NOT A MAN OF HIS WORD BUT A MAN OF LIES

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, it strikes me as strange every time I hear a report which says that Saddam Hussein follows through on his word.

The 1925 Geneva treaty, signed by Iraq, explicitly prohibits the use of chemical weapons and poisonous gas as a means of waging warfare. And for years, Saddam Hussein has used chemical weapons against Iran.

The 1949 Geneva protocols demand the humane treatment of prisoners of war. Yet, Saddam has gone out of his way to mistreat our prisoners of war, and brutally parade their bruised bodies before the world.

In 1972, Iraq participated in and signed an international agreement which called for the prohibition of the development, production, or stockpiling of biological weapons.

And each nation which signed the treaty promised to destroy any biological weapons in their arsenal within 9 months.

And in 1977, Iraq participated in and signed an international agreement which prohibited the use of "hostile environmental modification techniques by the military."

Under this treaty, Iraq agreed not to use their military to harm the environment in any way which would have widespread, longlasting, or severe effects.

A man of his word, Mr. Speaker?

Saddam Hussein is a man of lies!

And he will be held accountable for his war crimes as well as for his crimes against the environment.

THREE WAYS TO SHOW SUPPORT FOR OUR TROOPS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Earlier, Mr. Speaker, one of my colleagues said that there are many ways to show support for the troops, and he read a resolution from one of his communities. I have a couple of ideas.

Mr. Speaker, protesters have a constitutional right to get out and protest and say whatever they want, but protestations have a way of demoralizing the troops, and I do not like it. But the one thing I do not like that they do is to burn the flag of the United States. I think that is reprehensible. That is not free speech. We should respect it, fly the flag and show some of our patriotism that we say we have.

The next idea I have is: buy U.S. products, products made in the United States by Americans. The United States is paying for most of this war, both in money and in lives, and it is going to benefit mostly Europe and Southeast Asia whose products are coming into this country free.

Last, I would like to suggest that one thing we can all do is to give blood to the troops. The Members of this House of Representatives and the U.S. Senate could give their blood. I say to my colleagues, "It is the life fluid that you can get back in a short period of time and give again."

Mr. Speaker, the Rayburn nurses station is going to be open Thursday and Friday, and all my colleagues can go down and give all the blood they want. I am going to be giving my gift of life for the troops, and I am asking my colleagues to give theirs. There is nothing that is more precious than that. There is no greater support.

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, unfortunately, because I was in another part of the Capitol at a meeting with the Wyoming Hospital Association, I missed voting on the bills H.R. 555, to amend the Soldier's and Sailors' Civil Relief Act of 1940, and H.R. 556, to provide for the Secretary of Veterans Affairs to obtain independent review regarding associations between diseases and exposure to agent orange compounds. Had I been present, I would have strongly supported these bills and voted "yes" on both.

WE NEED AN ENERGY STRATEGY

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we heard a few Members get up in the last several days and talk about energy policy. Mr. Speaker, mostly they are talking about sources of energy which make relatively small contributions to the total energy pie. They are not about to substitute for all of this oil we are importing from the Middle East.

However, Mr. Speaker, I must say they talk about taxpayer-funded subsidies to some of these more arcane technologies, moving them well past R&D subsidies and subsidies taking them into the marketplace. At the same time these are the same people, these people crying for energy policy, that have over the years voted and worked against sound development of America's major sources of energy: Coal, nuclear, our oil, our gas. Yes, those are the energy products that can substitute en masse for Persian Gulf oil.

□ 1440

We can leave a $5.5 billion nuclear plant sitting idle in New York City while we import that same oil from the Persian Gulf. Does it make any sense at all?

Let us have an energy strategy. Let us have it based on health and environmental considerations, to be sure, but let us realize the biggest human health and environmental risk faced by the American people and this world is global war over oil in the Persian Gulf, which is exactly the bind we have gotten ourselves in today.

REINTRODUCTION OF EMERGENCY OIL MARKET STABILITY ACT

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, the dependence of the United States on foreign sources of oil is holding the American economy hostage to international instability.

When Iraq invaded Kuwait last August, the price Americans paid for oil shot up to $40 a barrel even though there was a glut of oil in the world.

Just 2 weeks ago, after military force was launched against Iraq, oil prices jumped back up to nearly $40 a barrel—again without a shortage.

But what will happen next?

What will happen if there is a shortage?

Mr. Speaker, Congress needs to act and act now.

Last night in his State of the Union address, the President called for a national energy policy.

Today, I am reintroducing the Emergency Oil Market Stability Act to act as the circuit breaker the country needs as part of that national energy policy.

Mr. Speaker, I hope Congress will send this legislation to the President as soon as possible, to give the American people the protection they need until the United States ends it addiction to oil.

OUTRAGE EXPRESSED AT MEDIA'S TREATMENT OF U.S. POW'S

(Mr. MARTIN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, 8 days ago I was granted permission to address the House for 1 minute, and on that occasion I expressed my outrage and the outrage of others at our major networks using Iraqi film showing our prisoners of war in an almost impossible situation, being paraded in front of Saddam Husssein, TV cameras. I said they were working hand in glove with Saddam Hussein in his efforts to manipulate our POW's. That was 8 days ago, and I want to quote now from the second paragraph of that statement.

I said this:

> When our leading national magazines hit the streets this week, you can bet there will be pictures of one or more of these hapless pawns, perhaps selected at random, features perhaps on the front page, for a little bang-bang. Come on people, have a heart.

Well, call me psychic if you wish, but unfortunately it is just the absolute predictability of our media that led to my prediction. They seemingly just cannot pass up the opportunity to bring more despair and more hurt, not only to those prisoners of war but to their families, loved ones, and countrymen.

I ask my colleagues to take a look at the front cover of Newsweek. This is absolutely what we predicted here 8 days ago. Have they no conscience? Have they no heart?

They do seemingly have a sense of fairness, and professional integrity however. On the inside they give the photo credit to Iraqi TV, sometimes known as Saddam Hussein.

Mr. Speaker, I just ask them in their board rooms, if not in their editorial rooms, to use a little common sense and have a little heart. These are not pieces of hamburger. These are American fighting men doing the very best they can under incredibly difficult circumstances.

ARAB-AMERICANS UNFAIRLY TARGETED BY FEDERAL AUTHORITIES

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, a year ago this Congress made a painful admission. In the days following the commencement of the Second World War, Americans of Japanese ancestry were questioned. Their loyalty to America was put at issue. We recognized that wrong.

Now, as America goes to war again, across this country agents of the Federal Government are visiting other Americans, not because of their views, not because of associations with dangerous elements, or their knowledge of foreign governments but because of their ancestry, because indeed they or those before them came from Arab nations.

Mr. Speaker, the great tragedy is that as America goes to war, the first victims could become Americans, Arab-Americans. I ask the administration, I ask the Federal Bureau of Investigation, consider again what it is they are doing. If there are legitimate leads for those who might be violating our laws, follow them, but a person's ancestry and family is not cause for questioning.

Please, as Americans, this is a time to come together, not to be divided. Learn by the things we have done in the past. To come together 40 years hence to apologize will not be good enough. Respect one another and come together as a country as America once again wages war.

INTRODUCTION OF LEGISLATION TO ALLOW ADDITION TO OCMULGEE NATIONAL MONUMENT IN GEORGIA

(Mr. ROWLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND. Mr. Speaker, the Ocmulgee National Monument, located in Macon, GA, is one of the country's important archeological treasures.

It is the site of a prehistoric Indian burial mound and village, a window into the lives of the earliest known

Americans. Although the most recent settlement dates back to about A.D. 900, there is evidence that native Americans inhabited the area as far back as 11,000 years ago.

The city of Macon is proposing to donate an 18-acre parcel of land known as Drake's Field to the national monument's existing 683 acres. This is something the Interior Department and National Park Service support, that local leaders support, and that archeologists support.

Unfortunately, the additional land cannot be accepted under current law. The legislation which created the Ocmulgee National Monument in 1936 prohibited any expansion. That law has to be amended to accept this gift from the city of Macon.

Today, I am introducing legislation to allow this transaction to take place. It would be an extremely valuable addition. Archeologists say it is potentially a rich archeological resource. Even now, Drake's Field is frequented by artifact collectors after heavy rains. This additional land would also enhance the visual impact of the monument.

Hundreds of thousands of visitors, including many schoolchildren, have toured this site. It is for their sake, Mr. Speaker, that I urge the passage of this legislation.

KENTUCKY HOSPITAL GROUP POINTS TO PROBLEMS IN QUALITY AND COST OF HEALTH CARE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, we all know that health care costs to America are both figuratively and literally going off the charts. The average U.S. company today will spend over $3,200 per year in insurance costs for its employees, and depending upon how we look at it and how extensive the coverage is, as much as 26 percent of the net earnings of these companies can be going for health care costs. And costs are rising. From 1989 to 1990, the costs have risen somewhere around 20 percent.

Just yesterday the Kentucky Hospital Association came to Washington and visited with the Kentucky delegation and told us of the pressures being placed against hospitals and other health care providers, as well as upon the companies, to pay these costs.

Mr. Speaker, just a few feet from where I am standing, last night the President of the United States spoke to us and to the world about major problems in the gulf. He spoke to us eloquently about a new world order, and we support him in that. But let us not forget, Mr. Speaker, that in seeking a new world order and in seeking solutions to some of the problems here at home, prime among them is the quality and the cost of health care in the United States.

□ 1450

TRIBUTE TO MANUEL RIVERA

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, on Sunday, I spoke to an overflow congregation at a solemn pontifical mass for the repose of the soul of one of our best and brightest sons, 31-year-old Marine Capt. Manuel Rivera, who went down with his plane in the Persian Gulf.

I want to share with my colleagues the heroic but nonetheless tragic story of this young man from my neighborhood.

Like many poor working class families, Manuel's parents came to this country from Puerto Rico in search of a better quality of life. Manuel and his three sisters grew up in a housing project, a challenging environment in which to grow up.

Thanks to loving family care and good example, Manuel, like many of his peers, managed to avoid the pitfalls and temptations of urban poverty. He was a popular youngster, a good student, and an Eagle Scout, a classic role model for the youth of today.

He pursued a lifelong ambition to be a pilot by enrolling at Aviation High School, and completed his formal education at Dowling College on Long Island.

Then, like his Vietnam veteran father before him, Manuel joined the Marine Corps. He gave 10 dedicated years of service to his country, ultimately attaining the rank of captain. And Manuel had even loftier ambitions. He dreamed of flying to the stars and planned to apply for admission to NASA as an astronaut once the present conflict had ended. Manuel Rivera will never know that thrill. His service to his country has ended. He has made the supreme sacrifice.

I am heartsick that our young men and women, often the cream of their generation, are obliged to place themselves in harm's way while thousands of miles away, loved ones anguish over their safety and well-being.

Though I have consistently opposed military action at this time, I am nonetheless inspired by the courage of our forces now engaged in the field. We must support them without reservation. Most of all, we must pray for an end of these hostilities as soon as possible.

And in their hour of sorrow, we offer our heartfelt sympathy to the family of Capt. Manuel Rivera, this brave young man to whom this Nation owes an eternal debt.

AMERICA MUST NOT FORGET WHO ITS ENEMIES ARE

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, our good friend, the gentleman from New York [Mr. SERRANO], has just documented the first marine casualty as a result of combat. Yesterday and this morning we lost 12 more. While inflicting great casualties on the enemy, 12 of our young men are now dead today. And so it starts, the sadness of real combat, the truth about real combat, that people are going to die.

Mr. Speaker, we should not forget who our enemies are. I have taken to this well before and said very clearly that now that we are engaged in hostilities, it is time to keep a scorecard: who is with us, and who is not.

As we go through this, and hopefully it will be over soon and our casualties and losses will be at a minimum, we should remember just who is against us and who is with us.

So far the PLO have shown themselves to be a major force against the interests of the United States. Two days ago they started shelling Israel again, in addition to the Scuds of Saddam Hussein. The Israelis have retaliated against the PLO in southern Lebanon. But the PLO has allied themselves with Saddam Hussein. Jordan has allied itself with Saddam Hussein.

Mr. Speaker, our memories must be very clear, not only through the war, but subsequent to the war, people that we once supported, people we helped, people we tried to defend, ultimately are now fighting against us and our own men and women. That scorecard should be kept for a long time to come.

TAX RELIEF ON MIDDLE INCOME FAMILIES NEEDED, NOT TAX BREAKS FOR THE WEALTHY

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, President Bush's State of the Union Address struck so many correct notes last night that I was sorely disappointed to hear him raise his voice once again for the devisive issue of tax break for capital gains—at least if the tax break resembles the one President Bush proposed last year. You will remember from last year's debate the overwhelming amount of the benefit of such a tax cut would go to the very wealthiest individuals in our society, those earning over $100,000 per year. And studies show that such a proposal would add only a small increase to our economy.

The average service man and woman now serving in the Persian Gulf—including officers—earns $28,000. Will those soldiers' families reap any benefit whatsoever from this policy of subsidizing wealthy investors?

Over 11 million households in this country, or 12 percent, of all American households, do not even have bank accounts—no savings at all. Tens of thousands of other households have only negligible savings.

Will they benefit from the President's proposed tax giveaway to the wealthy?

Clearly, no.

What we need is tax relief and savings incentives for average middle-income families.

I will soon introduce the Working Americans Tax Relief Act that will ease the squeeze faced by the great majority of workers who build our automobiles, run our small businesses, and manage the day-to-day operations of our enterprises.

Mr. President, with us now at war, offering a tax break targeted to the weathiest Americans is a slap to the dependable, hardworking, middle-income taxpayers whose children are fighting in the Persian Gulf and who are facing rising unemployment and higher costs of living here at home.

AMERICA MUST RALLY SUPPORT FOR ISRAEL'S CAUSE AND SECURITY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I am here today to comment on yesterday's joint United States-Soviet statement on the Persian Gulf.

We all look forward to a swift resolution of the war in the Middle East. But if yesterday's statement is a wink in the direction of a so-called peace conference in the Middle East following this war, many must glare at it with regret and with anger.

We all know that peace conference is the code in the Arab world for a settlement for the Palestinians based on territorial concessions by Israel, concessions which recent events have shown would be no less than life-threatening to the Middle East's only democratic state. And, of course, any linkage of this issue to the cease-fire with Iraq would give Saddam the means to enhance the image he dreams of as a pan-Arabic leader.

Now more than ever, we must rally support for Israel's cause and her security. Americans must warn our President not to sacrifice our truest friend in the region for the sake of flirtations with the Arab States in our U.N. coalition. Was this the price the administration expected to pay for Arab participation in our protection of their borders? If so, this entire strategy in the Middle East, in building this coalition and in prosecuting this war, is thrown open to question.

Israel, with deadly Scuds flying over her almost nightly, has awesome restraint, mainly out of her loyalty and affection for America. Why, then, are we giving Israel the back of our hand?

Instead, I urge the President to use our diplomatic opening with our Arab coalition partners, and the debt they owe us, to convince them to recognize Israel and the contribution she can make to peace. Lasting peace requires those states to rescind their declarations of war against her.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

DEPARTMENT OF VETERANS AFFAIRS PHYSICIANS' AND DENTISTS' COMPENSATION AND LABOR RELATIONS ACT OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 598) to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health care employees of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Physicians' and Dentists' Compensation and Labor-Relations Act of 1991".

TITLE I—PHYSICIANS AND DENTISTS SPECIAL PAY

SEC. 101. REVISION AND REORGANIZATION OF SPECIAL PAY STATUTE.

(a) IN GENERAL.—Part V of title 38, United States Code, is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION—PERSONNEL

"[SUBCHAPTER I—RESERVED]

"Sec.

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"4241. Special pay: authority.
"4242. Special pay: written agreements.
"4243. Special pay: full-time physicians.
"4244. Special pay: part-time physicians.
"4245. Special pay: full-time dentists.
"4246. Special pay: part-time dentists.
"4247. Special pay: general provisions.
"4248. Special pay: coordination with other benefits laws.
"4249. Periodic review of pay of physicians and dentists; quadrennial report.
"4250. Annual report.

"[SUBCHAPTER I—RESERVED]

"SUBCHAPTER III—SPECIAL PAY FOR PHYSICIANS AND DENTISTS

"§ 4241. Special pay: authority

"(a) In order to recruit and retain highly qualified physicians and dentists in the Veterans Health Services and Research Administration, the Secretary shall provide special pay under this subchapter. Such special pay shall be provided under regulations that the Secretary shall prescribe to carry out this subchapter. Before prescribing regulations under this subchapter, the Secretary shall receive the recommendations of the Chief Medical Director with respect to those regulations.

"(b) Special pay may be paid to a physician or dentist under this subchapter only upon the execution of, and for the duration of, a written agreement entered into by the physician or dentist in accordance with section 4242 of this title.

"(c) A physician or dentist serving a period of obligated service pursuant to chapter 76 of this title is not eligible for special pay under this subchapter during the first three years of such obligated service, except that, at the discretion of the Secretary and upon the recommendation of the Chief Medical Director, such a physician or dentist may be paid special pay for full-time status during those three years.

"(d)(1) The Secretary may determine categories of positions applicable to both physicians and dentists in the Veterans Health Services and Research Administration as to which there is no significant recruitment and retention problem. Notwithstanding any other provision of this subchapter, physicians and dentists serving in those positions shall not be eligible for special pay under this subchapter. Before making a determination under this paragraph, the Secretary shall receive the recommendations of the Chief Medical Director with respect to the determination.

"(2) Not later than one year after making any such determination with respect to a category of positions, and each year thereafter that such determination remains in effect, the Secretary shall make a redetermination.

"(3) Any determination under this subsection shall be in accordance with regulations prescribed to carry out this subchapter.

"(e)(1) Special pay may not be paid under this section to a physician or dentist who—

"(A) is employed on less than a quarter-time basis or on an intermittent basis;

"(B) occupies an internship or residency training position; or

"(C) is a reemployed annuitant.

"(2) If the Chief Medical Director determines that payment of special pay to a physician or dentist who is employed on a less than half-time basis is the most cost-effective way available for providing needed medical or dental specialist services at a Department facility, the Chief Medical Director may authorize the payment of special pay for factors other than for full-time status to that physician or dentist at a rate computed on the basis of the proportion that the part-time employment of the physician or dentist bears to full-time employment.

"§ 4242. Special pay: written agreements

"(a) An agreement entered into by a physician or dentist under this subchapter shall cover a period of one year of service in the Veterans Health Services and Research Administration unless the physician or dentist agrees to an agreement for a longer period of service, not to exceed four years, as specified in the agreement. A physician or dentist who has previously entered into such an agreement is eligible to enter into a subsequent agreement unless the physician or dentist has failed to refund to the United States any amount which the physician or dentist is obligated to refund under any such previous agreement.

"(b)(1) An agreement under this subchapter shall provide that if the physician or dentist entering into the agreement voluntarily, or because of misconduct, fails to complete any of the years of service covered by the agreement (measured from the anniversary date of the agreement), the physician or dentist shall refund an amount of special pay received under the agreement for that year equal to—

"(A) in the case of a failure during the first year of service under the agreement, 100 percent of the amount received for that year;

"(B) in the case of a failure during the second year of service under the agreement, 75 percent of the amount received for that year;

"(C) in the case of a failure during the third year of service under the agreement, 50 percent of the amount received for that year; and

"(D) in the case of a failure during the fourth year of service under the agreement, 25 percent of the amount received for that year.

"(2) The Secretary may waive (in whole or in part) the requirement for a refund under paragraph (1) in any case if the Secretary determines (in accordance with regulations prescribed under section 4241(b) of this title) that the failure to complete such period of service is the result of circumstances beyond the control of the physician or dentist.

"(3) Any such agreement shall specify the terms under which the Department and the physician or dentist may elect to terminate the agreement.

"(c)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist who has previously entered into an agreement under this subchapter (or under section 4118 of this title as in effect before the effective date of the Department of Veterans Affairs Physicians' and Dentists' Compensation and Labor-Relations Act of 1991) that will exceed the previous annual amount of special pay provided for the physician or dentist by more than 50 percent (other than in the case of a physician or dentist employed in an executive position in the Central Office of the Department), or that will be less than the previous annual amount of special pay provided for the physician or dentist by more than 25 percent, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement.

"(2) For purposes of paragraph (1), the previous annual amount of special pay provided for a physician or dentist is the total annual amount of special pay provided, or to be provided, to the physician or dentist for the most recent year covered by an agreement entered into by the physician or dentist under this subchapter or under section 4118 of this title. In the case of an agreement entered into under section 4118 of this title, incentive pay shall be treated as special pay for purposes of this paragraph.

"(3) The Secretary shall adjust special pay as necessary for purposes of this subsection to reflect appropriately any change in the status of a physician or dentist (A) from full-time status to part-time status, (B) from part-time status to full-time status, or (C) from one proportion of time spent as a Department employee under part-time status employment to a different proportion.

"(d)(1) If a proposed agreement under this subchapter will provide a total annual amount of special pay to be provided to a physician or dentist which, when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5, the proposed agreement shall be promptly submitted to the Secretary. The proposed agreement shall not take effect if it is disapproved by the Secretary within 60 days after the date on which the physician or dentist entered into the proposed agreement. The Secretary may disapprove a proposed agreement submitted under this subsection only if the Secretary determines that the amounts of special pay proposed to be paid are not necessary to recruit or retain the physician or dentist.

"(2) The Secretary shall include in the annual report required by section 4250 of this title—

"(A) a statement of the number of agreements entered into during the period covered by the report under which the total amount of special pay to be provided, which when added to the amount of basic pay of the physician or dentist, will be in excess of the amount payable for positions specified in section 5312 of title 5;

"(B) a statement of the number of proposed agreements which during the period covered by the report were disapproved under this subsection; and

"(C) a detailed explanation of the basis for disapproval of each such proposed agreement which was disapproved under this subsection.

"(3) This subsection does not apply to any proposed agreement entered into after September 30, 1994.

"§ 4243. Special pay: full-time physicians

"(a) The Secretary shall provide special pay under this subchapter to eligible physicians employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time physicians are as follows:

"(1) For full-time status, $9,000.

"(2)(A) For length of service as a physician within the Veterans Health Services and Research Administration—

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years.	$4,000	$ 6,000
4 years but less than 8 years.	6,000	12,000
8 years but less than 12 years.	12,000	18,000
12 years or more	12,000	25,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a medical specialty with respect to which the Chief Medical Director has determined that there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians, an annual rate of not more than $40,000.

"(B) For service by a physician who serves only a portion of a year in a medical specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Minimum	Maximum
Service Chief (or in a comparable position as determined by the Secretary).	$4,500	$15,000
Chief of Staff or in an Executive Grade.	14,500	25,000
Director Grade	0	25,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
"Deputy Service Director	$20,000
"Service Director	25,000
"Deputy Assistant Chief Medical Director	27,500
"Assistant Chief Medical Director	30,000
"Associate Deputy Chief Medical Director	35,000
"Deputy Chief Medical Director	40,000
"Chief Medical Director	45,000

"(C) For service by a physician who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty certification or first board certification, $2,000, and for subspecialty certification or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified physicians in a specific category of physicians, an annual rate of not more than $17,000.

"(7)(A) For service by a physician with exceptional qualifications within a specialty, an annual rate of not more than $15,000.

"(B) Special pay under this paragraph may be paid to a physician only if the payment of such pay to that physician is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that physician under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a physician with the same length of service, specialty, and position as the physician concerned.

"§ 4244. Special pay: part-time physicians

"(a) Subject to section 4241(e) of this title and subsection (b) of this section, special pay under this subchapter for physicians employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 4243 of this title.

"(b) The annual rate of special pay paid to a physician employed on a part-time basis shall bear the same ratio to the annual rate that the physician would be paid under section 4243 (other than for full-time status) if the physician were employed on a full-time basis as the amount of part-time employment by the physician bears to full-time employment, except that such ratio may not exceed 3/4.

"§ 4245. Special pay: full-time dentists

"(a) The Secretary shall provide special pay under this subchapter to eligible dentists employed on a full-time basis based upon the factors, and at the annual rates, specified in subsection (b).

"(b) The special pay factors, and the annual rates, applicable to full-time dentists are as follows:

"(1) For full-time status, $3,500.

"(2)(A) For length of service as a dentist within the Veterans Health Services and Research Administration—

"Length of Service	Rate	
	Minimum	Maximum
2 years but less than 4 years.	$1,000	$2,000
4 years but less than 8 years.	2,000	3,000
8 years but less than 12 years.	3,000	3,500
12 years or more	3,000	4,000

"(B) The Chief Medical Director shall specify a uniform national rate for each range of years of service established by or under this paragraph. The Chief Medical Director may, as to length of service in excess of 12 years, establish uniform national rates for such ranges of years of service as the Chief Medical Director considers appropriate.

"(3)(A) For service in a dental specialty with respect to which there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified dentists, an annual rate of not more than $20,000.

"(B) For service by a dentist who serves only a portion of a year in a dental specialty for which special pay is paid under subparagraph (A), the annual rate shall be calculated on the basis of the proportion of time served in the specialty for which the special pay is paid.

"(4)(A) For service in any of the following executive positions, an annual rate not to exceed the rate applicable to that position as follows:

"Position	Rate	
	Minimum	Maximum
Service Director	$1,000	$9,000
Deputy Service Director.	1,000	8,000
Chief of Staff or in an Executive Grade.	1,000	8,000
Director Grade	0	8,000
Service Chief (or in a comparable position as determined by the Secretary).	1,000	5,000

"(B) For service in any of the following executive positions, the annual rate applicable to that position as follows:

"Position	Rate
Assistant Chief Medical Director (or in a comparable position as determined by the Secretary)	$10,000
Deputy Assistant Chief Medical Director	10,000

"(C) For service by a dentist who serves only a portion of a year in an executive position listed in subparagraph (A) or (B) or who serves a portion of a year in such a position and also serves a portion of that year in another position or grade for which special pay is provided under this section, the annual rate shall be calculated on the basis of the proportion of time served in the position or positions for which special pay is provided.

"(5) For specialty or first board certification, $2,000 and for subspecialty or secondary board certification, an additional $500.

"(6) For service in a specific geographic location with respect to which there are extraordinary difficulties in the recruitment or retention of qualified dentists in a specific category of dentists, an annual rate not more than $5,000.

"(7)(A) For service by a dentist with exceptional qualifications within a specialty, an annual rate of not more than $5,000.

"(B) Special pay under this paragraph may be paid to a dentist only if the payment of such pay to that dentist is approved by the Chief Medical Director personally and on a case-by-case basis and only to the extent that the rate paid under this paragraph, when added to the total of the rates paid to that dentist under paragraphs (1) through (6), does not exceed the total rate that may be paid under those paragraphs to a dentist with the same length of service, specialty, and position as the dentist concerned.

"§ 4246. Special pay: part-time dentists

"(a) Subject to section 4241(e) of this title and subsection (b) of this section, special pay under this subchapter for dentists employed on a part-time basis shall be based on the special-pay factors and annual rates specified in section 4245 of this title.

"(b) The annual rate of special pay paid to a dentist employed on a part-time basis shall bear the same ratio to the annual rate that the dentist would be paid under section 4245 of this title (other than for full-time status) if the dentist were employed on a full-time basis as the amount of part-time employment by the dentist bears to full-time employment, except that such ratio may not exceed 3/4.

"§ 4247. Special pay: general provisions

"(a) A physician who is provided special pay for service in an executive position under paragraph (4)(B) of section 4243(b) of this title may not also be provided scarce specialty special pay under paragraph (3) of that section. A dentist who is provided special pay for service in an executive position under paragraph (4) of section 4245(b) of this title for service as a Service Director, Deputy Service Director, Deputy Assistant Chief Medical Director, or Assistant Chief Medical Director may not also be provided scarce specialty special pay under paragraph (3) of that section.

"(b) The following determinations under this subchapter shall be made under regulations prescribed under section 4241 of this title:

"(1) A determination that there are extraordinary difficulties (on a nation-wide basis or on the basis of the needs of a specific medical facility) in the recruitment or retention of qualified physicians in a medical specialty or in the recruitment or retention of qualified dentists in a dental specialty.

"(2) A determination of the rate of special pay to be paid to a physician or dentist for a factor of special pay for which the applicable rate is specified as a range of rates.

"(3) A determination of whether there are extraordinary difficulties in a specific geographic location in the recruitment or retention of qualified physicians in a specific category of physicians or in the recruitment or retention of qualified dentists in a specific category of dentists.

"(c) A determination for the purposes of this subchapter that there are extraordinary difficulties in the recruitment or retention of qualified physicians in a medical specialty, or in the recruitment or retention of qualified dentists in a dental specialty, on the basis of the needs of a specific medical facility may only be made upon the request of the director of that facility.

"(d) A physician or dentist may not be provided scarce specialty pay under section 4243(b), 4244(b), 4245(b), or 4246(b) of this title (whichever is applicable) on the basis of the needs of a specific medical facility unless the Secretary also determines that geographic location pay under that section is insufficient to meet the needs of that facility for qualified physicians or dentists, as the case may be.

"(e)(1) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a full-time basis in the Veterans Health Services and Research Administration;

"(B) was employed as a physician or dentist on a full-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary, full-time, and length of service.

"(2) A physician or dentist shall be paid special pay under this subchapter at a rate not less than the rate of special pay the physician or dentist was paid under section 4118 of this title as of the day before the effective date of this subchapter if the physician or dentist—

"(A) is employed on a part-time basis in the Veterans Health Services and Research Administration;

"(B) was employed as a physician or dentist on a part-time basis in the Administration on the day before such effective date; and

"(C) on such effective date was being paid only for the special-pay factors of primary and length of service.

"(f) Any amount of special pay payable under this subchapter shall be paid in equal installments in accordance with regularly established pay periods.

"(g) Except as otherwise expressly provided by law, special pay may not be provided to a physician or dentist in the Veterans Health Services and Research Administration for any factor not specified in section 4243, 4244, 4245, or 4246, as applicable, of this title.

"(h) In no case may the total amount of compensation paid to a physician or dentist under this title in any year exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"§ 4248. Special pay: coordination with other benefits laws

"(a) Special pay paid under this subchapter shall be in addition to any other pay and allowances to which a physician or dentist is entitled.

"(b)(1) A physician or dentist who has no section 4118 service and has completed not less than 15 years of service as a physician or dentist in the Veterans Health Services and Research Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84 of title 5, as appropriate.

"(2) A physician or dentist who has section 4118 service and has completed a total of not less than 15 years of service as a physician or dentist in the Veterans Health Services and Research Administration shall be entitled to have special pay paid to the physician or dentist under this subchapter considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 as follows:

"(A) In an amount equal to the amount that would have been so considered under section 4118 of this title on the day before the effective date of this section based on the rates of special pay the physician or dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under this subchapter in excess of the amount such physician or dentist was entitled to receive under section 4118 of this title on the day before the effective date of this section, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Services and Research Administration after the effective date of this section.

"(3) All special pay paid under this subchapter shall be included in average pay (as defined in sections 8331(4) or 8401(3) of title 5, as appropriate) for purposes of computing benefits paid under section 8337, 8341(d) or (e), 8442(b), 8443, or 8451 of such title.

"(4) Special pay paid under section 4118 of this title, as in effect before the effective date of this section, to a physician or dentist who has section 4118 service shall be credited to the physician or dentist for the same purposes and in the same manner and to the same extent that such special pay was credited to the physician or dentist before such effective date.

"(5) For purposes of this subsection:

"(A) The term 'physician or dentist who has no section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Services and Research Administration who has no previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(B) The term 'physician or dentist who has section 4118 service' means a physician or dentist employed as a physician or dentist in the Veterans Health Services and Research Administration who has previous service as a physician or dentist in the Administration (or its predecessor) before the effective date of this section.

"(C) Service in any predecessor entity of the Veterans Health Services and Research Administration shall be considered to be service in the Veterans Health Services and Research Administration.

"(c) Compensation paid as special pay under this subchapter or under an agreement entered into under section 4118 of this title (as in effect on the day before the effective date of the Department of Veterans Affairs Physicians and Dentists Compensation and Labor-Relations Act of 1991) shall be considered as annual pay for the purposes of chapter 87 of title 5, relating to life insurance for Federal employees.

"§ 4249. Periodic review of pay of physicians and dentists; quadrennial report

"(a) In order to make possible the recruitment and retention of a well-qualified work force of physicians and dentists capable of providing quality care for eligible veterans, it is the policy of Congress to assure that the levels of total pay for physicians and dentists of the Veterans Health Services and Research Administration are fixed at levels reasonably comparable—

"(1) with the levels of total pay of physicians and dentists employed by or serving in other departments and agencies of the Federal Government; and

"(2) with the income of non-Federal physicians and dentists for the performance of services as physicians and dentists.

"(b)(1) To assist the Congress and the President in carrying out the policy stated in subsection (a), the Secretary shall—

"(A) define the bases for pay distinctions, if any, among various categories of physicians and dentists, including distinctions between physicians and dentists employed by the Veterans Health Services and Research Administration and physicians and dentists employed by other departments and agencies of the Federal Government and between all Federal sector and non-Federal sector physicians and dentists; and

"(B) obtain measures of income from the employment or practice of physicians and dentists outside the Administration, including both the Federal and non-Federal sectors, for use as guidelines for setting and periodically adjusting the amounts of special pay for physicians and dentists of the Administration.

"(2) The Secretary shall submit to the President a report, on such date as the President may designate but not later than December 31, 1992, and once every four years thereafter, recommending appropriate rates of special pay to carry out the policy set forth in subsection (a) with respect to the pay of physicians and dentists in the Veterans Health Services and Research Administration. The Secretary shall include in such report, when considered appropriate and necessary by the Secretary, recommendations for modifications of the special pay levels set forth in this subchapter whenever—

"(A) the Department is unable to recruit or retain a sufficient work force of well-qualified physicians and dentists in the Administration because the incomes and other employee benefits, to the extent that those benefits are reasonably quantifiable, of physicians and dentists outside the Administration who perform comparable types of duties are significantly in excess of the levels of total pay (including basic pay and special pay) and other employee benefits, to the extent that those benefits are reasonably quantifiable, available to those physicians and dentists employed by the Administration; or

"(B) other extraordinary circumstances are such that special pay levels are needed to recruit or retain a sufficient number of well-qualified physicians and dentists.

"(c) The President shall include in the budget transmitted to the Congress under section 1105 of title 31 after the submission of each report of the Secretary under subsection (b)(2) recommendations with respect to the exact rates of special pay for physicians and dentists under this subchapter and the cost of those rates compared with the cost of the special pay rates in effect under this subchapter at the time the budget is transmitted.

"§ 4250. Annual report

"The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the use of the authorities provided in this subchapter. The report shall be submitted each year as part of the budget justification documents submitted by the Secretary in support of the budget of the President submitted pursuant to section 1105 of title 31 that year. Each such report shall include the following:

"(1) A review of the use of the authorities provided in this subchapter (including the Secretary's and Chief Medical Director's actions, findings, recommendations, and other activities under this subchapter) during the preceding fiscal year and the fiscal year during which the report is submitted.

"(2) The plans for the use of the authorities provided in this subchapter for the next fiscal year.

"(3) A description of the amounts of special pay paid during the preceding fiscal year, shown by category of pay.

"(4) A list of those geographic areas, and those scarce specialties, for which special pay was paid during the preceding fiscal year, those for which special pay is being paid during the current fiscal year, and those for which special pay is expected to be paid during the next fiscal year, together with a summary of any differences among those three lists.

"(5) The number of physicians and dentists (A) who left employment with the Veterans Health Services and Research Administration during the preceding year, (B) who changed from full-time status to part-time status, (C) who changed from part-time status to full-time status, as well as (D) a summary of the reasons therefor.

"(6) By specialty, the number of positions created and the number of positions abolished during the preceding fiscal year and a summary of the reasons for such actions.

"(7) The number of unfilled physician and dentist positions in each specialty in the Veterans Health Service and Research Administration, the average and maximum lengths of time that such positions have been unfilled, and a summary of the reasons that such positions remain unfilled and, in the case of any specialty not designated as a scarce specialty for purposes of special pay under this subchapter, an explanation (including comparisons with other specialties that have been so designated) of why the specialty has not been so designated.".

SEC. 102. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEAL OF SECTION 4118.—Section 4118 of title 38, United States Code, is repealed.

(b) CROSS-REFERENCE AMENDMENTS.—(1) Section 4107 of such title is amended—

(A) in subsection (c), by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter III of chapter 74 of this title"; and

(B) in subsection (d), by striking out "sections 4118 and 4120 of this title" and inserting in lieu thereof "section 4120 of this title and subchapter III of chapter 74 of this title".

(2) Section 4120(f) of such title is amended by striking out "section 4118 of this title" and inserting in lieu thereof "subchapter III of chapter 74 of this title".

SEC. 103. REIMBURSEMENT OF CONTINUING PROFESSIONAL EDUCATION EXPENSES FOR FULL-TIME BOARD-CERTIFIED PHYSICIANS AND DENTISTS.

(a) IN GENERAL.—(1) Section 4113 of title 38, United States Code, is amended—

(A) by inserting "(a)" at the beginning of the text; and

(B) by adding at the end the following:

"(b) The Secretary shall reimburse any full-time board-certified physician or dentist appointed under section 4104(1) of this title for expenses incurred, up to $1,000 per year, for continuing professional education.".

(2) The heading of such section is amended to read as follows:

"§ 4113. Travel expenses of certain employees; continuing professional education of physicians".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 73 of such title is amended—

(1) by striking out the item relating to section 4113 and inserting in lieu thereof the following:

"4113. Travel expenses of certain employees; continuing professional education of physicians."; and

(2) by striking out the item relating to section 4118.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to expenses incurred for continuing professional education that is pursued after the date of the enactment of this Act.

SEC. 104. OTHER BENEFITS.

(a) DISCRETIONARY BENEFITS.—Chapter 73 of title 38, United States Code, is amended by inserting after section 4120 the following new section:

"§ 4120A. Additional pay authorities

"The Secretary may authorize the Chief Medical Director to pay allowances or expenses to employees described in paragraph (1) of section 4104 of this title in the same manner, and subject to the same limitations, as in the case of the authority provided the Office of Personnel Management under sections 5524a, 5706b, 5753, and 5754 of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4120 the following new item:

"4120A. Additional pay authorities.".

SEC. 105. EFFECTIVE DATE AND TRANSITION.

(a) EFFECTIVE DATE.—The amendments made by sections 101 and 102 shall take effect on the the first day of the first pay period beginning after the earlier of—

(1) July 1, 1991; or

(2) the end of the 90-day period beginning on the date of the enactment of this Act.

(b) TRANSITIONS PROVISIONS.—(1) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (a), the Secretary of Veterans Affairs and the physician or dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement under subchapter III of chapter 74 of title 38, United States Code, as added by section 101, to take effect as of that effective date.

(2) In the case of an agreement entered into under section 4118 of title 38, United States Code, before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a physician or dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (a) who is eligible for an agreement under section 4118 of title 38, United States Code, any such agreement may not extend beyond that effective date.

(c) SAVINGS PROVISION.—Except as provided in subsection (b)(1), any agreement entered into under section 4118 of title 38, United States Code, before the effective date specified in subsection (a) shall remain in effect in accordance with its terms and shall be treated for all purposes in accordance with such section as in effect on the day before such effective date.

(d) PROHIBITION OF RETROACTIVE AGREEMENTS.—An agreement entered into under subchapter III of chapter 74 of title 38, United States Code, as added by section 101, may not provide special pay with respect to a period before the effective date specified in subsection (a).

TITLE II—LABOR-MANAGEMENT RELATIONS

SEC. 201. COLLECTIVE BARGAINING FOR TITLE 38 EMPLOYEES.

(a) IN GENERAL.—Chapter 74 of title 38, United States Code, as added by section 101, is amended by inserting before subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"§ 4231. Personnel administration: in general

"(a) Notwithstanding any law, Executive order, or regulation, the Secretary shall prescribe by regulation the hours and conditions of employment and leaves of absence of employees appointed under any provision of this chapter in positions in the Veterans Health Services and Research Administration listed in subsection (b).

"(b) Subsection (a) refers to the following positions:

"(1) Physicians.

"(2) Dentists.

"(3) Podiatrists.

"(4) Optometrists.

"(5) Nurses.

"(6) Physician assistants.

"(7) Expanded-duty dental auxiliaries.

"§ 4232. Collective bargaining

"(a) Except as otherwise specifically provided in this title, the authority of the Secretary to prescribe regulations under section 4231 of this title is subject to the right of Federal employees to engage in collective bargaining with respect to conditions of employment through representatives chosen by them in accordance with chapter 71 of title 5 (relating to labor-management relations).

"(b) Such collective bargaining (and any grievance procedures provided under a collective bargaining agreement) in the case of employees described in section 4231(b) of this title may not cover, or have any applicability to, any matter or question concerning or arising out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title.

"(c) For purposes of this section, the term 'professional conduct or competence' means any of the following:

"(1) Direct patient care.

"(2) Clinical competence.

"(d) An issue of whether a matter or question concerns or arises out of (1) professional conduct or competence, (2) peer review, or (3) the establishment, determination, or adjustment of employee compensation under this title shall be decided by the Secretary and is not itself subject to collective bargaining and may not be reviewed by any other agency.

"(e) A petition for judicial review or petition for enforcement under section 7123 of title 5 in any case involving employees described in section 4231(b) of this title or arising out of the applicability of chapter 71 of title 5 to employees in those positions, shall be taken only in the United States Court of Appeals for the District of Columbia Circuit.

"§ 4233. Personnel administration: full-time employees

"(a) The hours of employment in carrying out responsibilities under this title of any employee who is appointed in the Administration under any provision of this chapter on a full-time basis in a position listed in section 4231(b) of this title (other than an intern or resident appointed pursuant to section 4114 of this title) and who accepts responsibilities for carrying out professional services for remuneration other than those assigned under this title shall consist of not less than 80 hours in a biweekly pay period (as that term is used in section 5504 of title 5).

"(b) A person covered by subsection (a) may not do any of the following:

"(1) Assume responsibility for the medical care of any patient other than a patient admitted for treatment at a Department facility, except in those cases where the person, upon request and with the approval of the Chief Medical Director, assumes such responsibilities to assist communities or medical practice groups to meet medical needs which would not otherwise be available for a period not to exceed 180 calendar days, which may be extended by the Under Secretary for additional periods not to exceed 180 calendar days each.

"(2) Teach or provide consultative services at any affiliated institution if such teaching or consultation will, because of its nature or duration, conflict with such person's responsibilities under this title.

"(3) Accept payment under any insurance or assistance program established under title XVIII or XIX of the Social Security Act or under chapter 55 of title 10 for professional services rendered by such person while carrying out such person's responsibilities under this title.

"(4) Accept from any source, with respect to any travel performed by such person in the course of carrying out such person's responsibilities under this title, any payment or per diem for such travel, other than as provided for in section 4111 of title 5.

"(5) Request or permit any individual or organization to pay, on such person's behalf for insurance insuring such person against malpractice claims arising in the course of carrying out such person's responsibilities under this title or for such person's dues or similar fees for membership in medical or dental societies or related professional associations, except where such payments constitute a part of such person's remuneration for the performance of professional responsibilities permitted under this section, other than those carried out under this title.

"(6) Perform, in the course of carrying out such person's responsibilities under this title, professional services for the purpose of generating money for any fund or account which is maintained by an affiliated institution for the benefit of such institution, or for such person's personal benefit, or both.

"(c) In the case of any fund or account described in subsection (b)(6) that was established before September 1, 1973—

"(1) the affiliated institution shall submit semiannually an accounting to the Secretary and to the Comptroller General of the United States with respect to such fund or account and shall maintain such fund or account subject to full public disclosure and audit by the Secretary and the Comptroller General for a period of three years or for such longer period as the Secretary shall prescribe, and

"(2) no person in a position specified in paragraph (1)(B) may receive any cash from amounts deposited in such fund or account derived from services performed before that date.

"(d) As used in this section:

"(1) The term 'affiliated institution' means a medical school or other institution of higher learning with which the Secretary has a contract or agreement as referred to in section 4112(b) of this title for the training or education of health personnel.

"(2) The term 'remuneration' means the receipt of any amount of monetary benefit from any non-Department source in payment for carrying out any professional responsibilities.".

(b) CONFORMING AMENDMENT.—Section 4108 of such title is amended by striking out subsection (a).

SEC. 202. ADVERSE PERSONNEL ACTIONS.

(a) REFORM OF DISCIPLINARY PROCEDURES FOR SECTION 4104(1) EMPLOYEES.—Chapter 74 of title 38, United States Code, as added by section 101 and amended by section 201, is further amended by adding at the end the following:

"SUBCHAPTER V—GRIEVANCE PROCEDURES

"§ 4261. Adverse actions: section 4104(1) employees

"(a) Whenever the Chief Medical Director (or an official designated by the Chief Medical Director) brings charges based on conduct or performance against a section 4104(1) employee and as a result of those charges an adverse personnel action is taken against the employee, the employee shall have the right to appeal the action.

"(b)(1) If the case involves or includes a question of professional conduct or competence in which a major adverse action was taken, such an appeal shall be made to a Disciplinary Appeals Board under section 4262 of this title.

"(2) In any other case, such an appeal shall be made—

"(A) through Department grievance procedures under section 4263 of this title, in any case that involves or includes a question of professional conduct or competence in which a major adverse action was not taken or in any case of an employee who is not covered by a collective bargaining agreement under chapter 71 of title 5; or

"(B) through grievance procedures provided through collective bargaining under chapter 71 of title 5 or through Department grievance procedures under section 4263 of this title, as the employee elects, in the case of an employee covered by a collective bargaining agreement under chapter 71 of title 5 that does not involve or include a question of professional conduct or competence.

"(c) For purposes of this subchapter—

"(1) Section 4104(1) employees are employees of the Department employed on a full-time basis under a permanent appointment in a position listed in section 4104(1) of this title (other than interns and residents appointed pursuant to section 4114 of this title).

"(2) A major adverse action is an adverse action which includes any of the following:

"(A) Suspension.

"(B) Transfer.

"(C) Reduction in grade.

"(D) Reduction in basic pay.

"(E) Discharge.

"(3) A question of professional conduct or competence is a question involving any of the following:

"(A) Direct patient care.

"(B) Clinical competence.

"(d) An issue of whether a matter or question concerns, or arises out of, professional conduct or competence is not itself subject to any grievance procedure provided by law, regulation, or collective bargaining and may not be reviewed by any other agency.

"(e) Whenever the Secretary proposes to prescribe regulations under this subchapter, the Secretary shall publish the proposed regulations in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

"§ 4262. Major adverse actions involving professional conduct or competence

"(a)(1) Disciplinary Appeals Boards appointed under section 4264 of this title shall have exclusive jurisdiction to review any case—

"(A) which arises out of (or which includes) a question of professional conduct or competence of a section 4104(1) employee; and

"(B) in which a major adverse action was taken.

"(2) The board shall include in its record of decision in any mixed case a statement of the board's exclusive jurisdiction under this subsection and the basis for such exclusive jurisdiction.

"(3) For purposes of paragraph (2), a mixed case is a case that includes both a major adverse action arising out of a question of professional conduct or competence and an adverse action which is not a major adverse action or which does not arise out of a question of professional conduct or competence.

"(b)(1) In any case in which charges are brought against a section 4104(1) employee which arises out of, or includes, a question of professional conduct or competence which could result in a major adverse action, the employee is entitled to the following:

"(A) At least 30 days advance written notice from the Chief Medical Director or other charging official specifically stating the basis for each charge, the adverse actions that could be taken if the charges are sustained, and a statement of any specific law, regulation, policy, procedure, practice, or other specific instruction that has been violated with respect to each charge, except that the requirement for notification in advance may be waived if there is reasonable cause to believe that the employee has committed a crime for which the employee may be imprisoned.

"(B) A reasonable time, but not less than seven days, to present an answer orally and in writing to the Chief Medical Director or other deciding official, who shall be an official higher in rank than the charging official, and to submit affidavits and other documentary evidence in support of the answer.

"(2) In any case described in paragraph (1), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"(3)(A) If a proposed adverse action covered by this section is not withdrawn, the deciding official shall render a decision in writing within 21 days of receipt by the deciding official of the employee's answer. The decision shall include a statement of the specific reasons for the decision with respect to each charge. If a major adverse action is imposed, the decision shall state whether any of the charges sustained arose out of a question of professional conduct or competence. If any of the charges are sustained, the notice of the decision to the employee shall include notice of the employee's rights of appeal.

"(B) Notwithstanding the 21-day period specified in subparagraph (A), a proposed adverse action may be held in abeyance if the employee requests, and the deciding official agrees, that the employee shall seek counseling or treatment for a condition covered under the Rehabilitation Act of 1973. Any such abeyance of a proposed action may not extend for more than one year.

"(4)(A) The Secretary may require that any answer and submission under paragraph (1)(B) be submitted so as to be received within 30 days of the date of the written notice of the charges, except that the Secretary shall allow the granting of extensions for good cause shown.

"(B) The Secretary shall require that any appeal to a Disciplinary Appeals Board from a decision to impose a major adverse action shall be received within 30 days after the date of service of the written decision on the employee.

"(c)(1) When a Disciplinary Appeals Board convenes to consider an appeal in a case under this section, the board, before proceeding to consider the merits of the appeal, shall determine whether the case is properly before it.

"(2) Upon hearing such an appeal, the board shall, with respect to each charge appealed to the board, sustain the charge, dismiss the charge, or sustain the charge in part and dismiss the charge in part. If the deciding official is sustained (in whole or in part) with respect to any such charge, the board shall—

"(A) approve the action as imposed;

"(B) approve the action with modification, reduction, or exception; or

"(C) reverse the action.

"(3) A board shall afford an employee appealing an adverse action under this section an opportunity for an oral hearing. If such a hearing is held, the board shall provide the employee with a transcript of the hearing.

"(4) The board shall render a decision in any case within 45 days of completion of the hearing, if there is a hearing, and in any event no later than 120 days after the appeal commenced.

"(d)(1) After resolving any question as to whether a matter involves professional conduct or competence, the Secretary shall cause to be executed the decision of the Disciplinary Appeals Board in a timely manner and in any event in not more than 90 days after the decision of the Board is received by the Secretary. Pursuant to the board's decision, the Secretary may order reinstatement, award back pay, and provide such other remedies as the board found appropriate relating directly to the proposed action, including expungement of records relating to the action.

"(2) If the Secretary finds a decision of the board to be clearly contrary to the evidence or unlawful, the Secretary may—

"(A) reverse the decision of the board, or

"(B) vacate the decision of the board and remand the matter to the Board for further consideration.

"(3) If the Secretary finds the decision of the board (while not clearly contrary to the evidence or unlawful) to be not justified by the nature of the charges, the Secretary may mitigate the adverse action imposed.

"(4) The Secretary's execution of a board's decision shall be the final administrative action in the case.

"(e) The Secretary may designate an employee of the Department to represent management in any case before a Disciplinary Appeals Board.

"(f)(1) A section 4104(1) employee adversely affected by a final order or decision of a Disciplinary Appeals Board (as reviewed by the Secretary) may obtain judicial review of the order or decision.

"(2) In any case in which judicial review is sought under this subsection, the court shall review the record and hold unlawful and set aside any agency action, finding, or conclusion found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) obtained without procedures required by law, rule, or regulation having been followed; or

"(C) unsupported by substantial evidence.

"§ 4263. Other adverse actions

"(a) The Secretary shall prescribe by regulation procedures for the consideration of grievances of section 4104(1) employees arising from adverse personnel actions in which each action taken either—

"(1) is not a major adverse action; or

"(2) does not arise out of a question of professional conduct or competence.

Disciplinary Appeals Boards shall not have jurisdiction to review such matters, other than as part of a mixed case (as defined in section 4262(a)(3) of this title).

"(b) In the case of an employee who is a member of a collective bargaining unit under chapter 71 of title 5, the employee may seek review of an adverse action described in subsection (a) either under the grievance procedures provided through regulations prescribed under subsection (a) or through grievance procedures determined through collective bargaining, but not under both. The employee shall elect which grievance procedure to follow. Any such election may not be revoked.

"(c)(1) In any case in which charges are brought against a section 4104(1) employee which could result in a major adverse action and which do not involve professional conduct or competence, the employee is entitled to the same notice and opportunity to answer with respect to those charges as provided in subparagraphs (A) and (B) of section 4262(b)(1) of this title.

"(2) In any other case in which charges are brought against a section 4104(1) employee, the employee is entitled to—

"(A) an advance written notice stating the specific reason for the proposed action, and

"(B) a reasonable time to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

"(d) Grievance procedures prescribed under subsection (a) shall include the following:

"(1) A right to formal review by an impartial examiner within the Department of Veterans Affairs, who, in the case of an adverse action arising from a question of professional conduct or competence, shall be selected from the panel designated under section 4264 of this title.

"(2) A right to a prompt report of the findings and recommendations by the impartial examiner.

"(3) A right to a prompt review of the examiner's findings and recommendations by an official of a higher level than the official who decided upon the action. That official may accept, modify, or reject the examiner's recommendations.

"(e) In any review of an adverse action under the grievance procedures prescribed under subsection (a), the employee is entitled to be represented by an attorney or other representative of the employee's choice at all stages of the case.

"§ 4264. Disciplinary Appeals Boards

"(a) The Secretary shall from time to time appoint boards to hear appeals of major adverse actions described in section 4262 of this title. Such boards shall be known as Disciplinary Appeals Boards. Each board shall consist of three employees of the Department, each of whom shall be of the same grade as, or be senior in grade to, the employee who is appealing an adverse action. At least two of the members of each board shall be employed in the same category of position as the employee who is appealing the adverse action. Members of a board shall be appointed from individuals on the panel established under subsection (d).

"(b)(1) In appointing a board for any case, the Secretary shall designate one of the members to be chairman and one of the members to be secretary of the board, each of whom shall have authority to administer oaths.

"(2) Appointment of boards, and the proceedings of such boards, shall be carried out under regulations prescribed by the Secretary. A verbatim record shall be maintained of board hearings.

"(c)(1) Notwithstanding sections 3301 and 4132 of this title, the chairman of a board, upon request of an employee whose case is under consideration by the board (or a representative of that employee) may, in connection with the considerations of the board, review records or information covered by those sections and may authorize the disclosure of such records or information to that employee (or representative) to the extent the board considers appropriate for purposes of the proceedings of the board in that case.

"(2) In any such case the board chairman may direct that measures be taken to protect the personal privacy of individuals whose records are involved. Any person who uses or discloses a record or information covered by this subsection for any purpose other than in connection with the proceedings of the board shall be fined not more than $5,000 in the case of a first offense and not more than $20,000 in the case of a subsequent offense.

"(d)(1) The Secretary shall provide for the periodic designation of employees of the Department who are qualified to serve on Disciplinary Appeals Boards. Those employees shall constitute the panel from which board members in a case are appointed. The Secretary shall provide (without charge) a list of the names of employees on the panel to any person requesting such list.

"(2) The Secretary shall announce periodically, and not less often than annually, that the roster of employees on the panel is available as described in paragraph (1). Such announcement shall be made at Department medical facilities and through publication in the Federal Register. Notice of a name being on the list must be provided at least 30 days before the individual selected may serve on a Board or as a grievance examiner. Employees, employee organizations, and other interested parties may submit comments to the Secretary concerning the suitability for service on the panel of any employee whose name is on the list.

"(3) The Secretary shall provide training in the functions and duties of Disciplinary Appeals Boards and grievance procedures under section 4263 of this title for employees selected to be on the panel.".

(b) CONFORMING REPEAL.—(1) Section 4110 of title 38, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 73 of such title is amended by striking out the item relating to section 4110.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 74 of title 38, United States Code, as added by section 101, is amended—

(1) by inserting before the item relating to subchapter III the following:

"SUBCHAPTER II—COLLECTIVE BARGAINING AND PERSONNEL ADMINISTRATION

"4231. Personnel administration: in general.
"4232. Collective bargaining.
"4233. Personnel administration: full-time employees."; and

(2) by adding at the end the following:

"SUBCHAPTER V—GRIEVANCE PROCEDURES

"4261. Adverse actions: section 4104(1) employees.
"4262. Major adverse actions involving professional conduct or competence.
"4263. Other adverse actions.
"4264. Disciplinary Appeals Boards.".

SEC. 203. DEADLINE FOR REGULATIONS.

The Secretary of Veterans Affairs shall prescribe regulations under subchapter V of chapter 74 of title 38, United States Code (as added by section 202), not later than 180 days after the date of the enactment of this Act. Such regulations shall be published in the Federal Register for notice-and-comment not less than 30 days before the day on which they take effect.

SEC. 204. PRESERVATION OF EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS AND PENDING ACTIONS.

(a) EXISTING COLLECTIVE-BARGAINING ARRANGEMENTS.—Any determination under chapter 71 of title 5, United States Code, of a collective bargaining unit within the Veterans Health Services and Research Administration of the Department of Veterans Affairs, and any recognition under that chapter of an employee labor organization as the exclusive bargaining representative for employees in a collective bargaining unit of the Department of Veterans Affairs, that is in effect on the date of the enactment of this Act shall not be affected by the amendments made by this Act and shall continue in effect in accordance with the terms of such determination or regulation.

(b) PENDING CASES.—With respect to cases pending on the date of the enactment of this Act, or those cases which are brought before the establishment of either an administrative grievance procedure pursuant to section 4263 of title 38, United States Code (as added by the amendments made by this title), or a negotiated grievance procedure established under a collective bargaining agreement, such cases shall proceed in the same manner as they would have if this Act had not been enacted.

TITLE III—MISCELLANEOUS

SEC. 301. AMENDMENTS TO PROVISIONS ENACTED BY THE DEPARTMENT OF VETERANS AFFAIRS NURSE PAY ACT OF 1990.

(a) SAVINGS PROVISION.—Physician assistants and expanded-function dental auxiliaries shall continue to be paid after August 14, 1990, according to the Nurse Schedule in section 4107(b) of title 38, United States Code, as in effect on August 14, 1990, until the effective date of a determination by the Secretary to convert those occupations to "covered positions" and pay them pursuant to section 4141 of such title

(b) Conforming Amendment.—Section 4107(f) of title 38, United States Code, is amended by striking out "shall be compensated by use of Nurse Schedule grade titles and related pay ranges and" in the first sentence.

(c) Chief Medical Director Authority.—Section 4141(d) of such title is amended—

(1) in paragraph (1)(B), by inserting "or the Chief Medical Director, with respect to covered Regional and Central Office employees in that grade," before "determines";

(2) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D) and by inserting "or Chief Medical Director" in that subparagraph after "facility"; and

(B) by inserting after subparagraph (B) the following:

"(C) The Chief Medical Director shall prescribe regulations providing for the adjustment of the rates of basic pay for Regional and Central Office employees in covered positions in order to assure that those rates are sufficient and competitive."; and

(3) in paragraph (4), by inserting ", or the Chief Medical Director with respect to Regional and Central Office employees," in the first sentence after "facility" the first place it appears.

(d) Inclusion of Certain Title 5 Employees.—Section 4141(a)(3) of such title is amended by inserting "or chapter 53 of title 5" before the period at the end.

(e) Technical Amendment.—Section 4142(a)(3) of such title is amended by striking out "appointed" and inserting in lieu thereof "paid".

(f) Effective Date.—Section 104(a)(2) of Public Law 101–366 is amended by inserting "the first day of the first pay period beginning after" before "April 1, 1991".

SEC. 302. EXTENSION OF ANNUAL REPORT ON FURNISHING NON-SERVICE-CONNECTED HEALTH CARE.

Section 19011(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out "each of" and all that follows through "1989" and inserting in lieu thereof "each fiscal year through fiscal year 1991".

SEC. 303. CONDITIONS OF EMPLOYMENT OF MEDICAL EMPLOYEES.

(a) Full-Time Employees.—Section 4233 of title 38, United States Code, as added by section 201(a), is amended by adding at the end the following new subsection:

"(e) A person appointed as a full-time employee of the Veterans Health Services and Research Administration under this title may (notwithstanding any other provision of law) receive and retain amounts (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.".

(b) Part-Time Employees.—Section 4114 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h) A person appointed as an employee of the Veterans Health Services and Research Administration on a part-time basis may (notwithstanding any other provision of law) receive and retain amounts (or any other thing of value) paid to that person for an appearance, speech, or article, so long as the appearance, speech, or article does not create a conflict of interest or an appearance of a conflict of interest.".

SEC. 304. ADMINISTRATIVE REORGANIZATION AUTHORITY.

Section 210(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking out the second and third sentences and inserting in lieu thereof the following: "No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.";

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) An administrative reorganization described in this subparagraph is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

"(i) by 15 percent or more; or

"(ii) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.";

(3) in subparagraph (C)—

(A) by inserting "administrative" before "reorganization" the first place it appears;

(B) by striking out "the reorganization" after "applies to" and inserting in lieu thereof "an administrative reorganization";

(C) by striking out "more than 25 but less than 100 employees" and inserting in lieu thereof "30 or more employees"; and

(D) by striking out "in such unit—" and all that follows and inserting in lieu thereof "in such unit by 50 percent or more."; and

(4) in subparagraph (D)—

(A) by adding at the end of clause (i) the following new sentence: "Such term does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Services and Research Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.";

(B) by striking out clause (ii); and

(C) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 305. SALARY OF JUDGES OF UNITED STATES COURT OF VETERANS APPEALS.

(a) In General.—Subsection (e) of section 4053 of title 38, United States Code, is amended to read as follows:

"(e) The judges of the court shall each receive a salary at the same rate as is received by judges of the United States Court of Military Appeals.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the first day of the first pay period beginning after the date of the enactment of this Act.

SEC. 306. TECHNICAL AMENDMENTS.

(a) Section 3202.—Section 3202(d) of title 38, United States Code, is amended by striking out "an inmate" and inserting in lieu thereof "a patient".

(b) Subchapter Heading.—(1) The heading of subchapter II of chapter 85 of such title is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

(2) The item relating to such subchapter heading in the table of sections at the beginning of such chapter is amended by striking out "INMATE" and inserting in lieu thereof "PATIENT".

The SPEAKER pro tempore (Mr. HARRIS). Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 598.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the second session of the 101st Congress, many of the committee's bills that passed the House were held up in the Senate. While several measures were agreed to in principle, problems experienced in the other body prevented action on the House-passed legislation.

The bill we are considering today reflects a compromise agreement reached between the Veterans' Affairs Committees of the House and the Senate on VA physician's and dentist's pay. This compromise contains provisions derived from H.R. 4557 and S. 2100.

In recent weeks and months, Members of the House and Senate have received thousands of letters from veterans throughout the country who are frustrated about the lack of access or delays in receiving VA care. It is no secret that many VA hospitals are having a difficult time. Our VA hospitals simply do not have the resources and staff to take care of all eligible veterans seeking specialized inpatient care, outpatient care, and long-term care.

A key part of the problem is the inability of the VA to recruit and retain highly qualified physicians, nurses, and other health care professionals who are needed to provide quality care. Something must be done about it. I believe this bill is a step in the right direction.

Mr. Speaker, the committee has heard a lot of testimony from various physician and dental organizations both within and outside the Department, concerning how overworked and underpaid these VA health care professionals are. Yet, they continue to work for the Department. They do so because they are dedicated and loyal employees. They do so because the VA, despite its problems, is still a high-quality health care delivery system and we want to keep it that way. However, we cannot continue to rely on this dedication and loyalty alone. We must make the VA a real option for medical professionals and a more competitive salary structure would go a long way toward accomplishing this goal.

On August 15, 1990, the President signed into law Public Law 101-366. This law restructured the nurse pay system within the Department in order to provide local directors with more flexibility in their efforts to recruit and retain needed nursing personnel. What we need now is a similar effort for VA physicians and dentists.

In May of last year H.R. 4557, as amended, was passed by the House. This was a bill to improve the capability of the VA to recruit and retain physicians and dentists through increases in special pay authority. As noted previously, the other body failed to act on the bill. The bill before you today contains many of the same provisions that were in H.R. 4557. It was important then that action be taken to address the VA's recruitment and retention problems and it is even more important now that the House remain steadfast in its commitment to correct them. Otherwise, the VA is going to lose some of its better physicians and will continue to have difficulty in recruiting many specialists.

Mr. Speaker, in some medical specialties and in some geographic locations, VA pay lags at least 33 percent behind comparable private sector salaries. This means that more and more physicians are leaving the VA every day and that more and more work is being contracted out to private physicians at a tremendous expense. In fiscal year 1988, the VA spent $42 million on physician contracts for doctors the VA had been unable to recruit into specialty areas such as radiology, anesthesiology, and orthopedic surgery. This amount exceeds the Administration's request for increased physicians' and dentists' special pay in its fiscal year 1991 budget submission. More and more physicians are leaving fulltime service with the VA. Many are converting to part-time status so that they can supplement their VA salary by engaging in private practice.

Specifically, the bill would increase the amount of special pay available to some categories of physicians and dentists. It would also streamline disciplinary procedures for VA health care professionals to make the system more responsive. Finally, it contains several provisions from H.R. 5740 as passed by the House on October 15, 1990.

Mr. Speaker, this bill addresses one of the most compelling problems in VA medical care system: Attracting and keeping the dedicated, well-trained staff that are the foundation of the VA's Veterans Health Services and Research Administration. It would provide a partial solution to the Department's current shortage of medical professionals which is critical to the VA's efforts to maintain high-quality care for our Nation's veterans. The problems with recruitment and retention of DVA medical care staff are well known. Our committee's 1988 survey of Department medical centers documented that VA medical centers are staffed at much lower levels than their community counterparts and that they suffer from unfilled vacancies across all medical professions.

This bill would help address these problems by authorizing changes in the amount of special pay for DVA physicians and dentists. As in current law, this title would provide special pay for five characteristics of employment—as applicable: First, longevity—tenure of service; second, scarce specialty; third, geographic location; fourth, executive medicine; and fifth, board certification. By increasing the amounts available for these types of special pay and by allowing the local medical center directors the flexibility to pay only what is necessary to recruit and retain needed physicians and dentists, the bill would be less costly and more effective than a simplistic across-the-board increase.

In fact, the most significant departure from current law is the flexibility the bill would provide local directors to meet unique circumstances both for a particular physician or dentist and for certain categories of such professionals. At the committee's hearing on the recruitment and retention of physicians and dentists on October 25, 1989, Deputy Secretary Principi testified that the DVA supported the idea of providing the local director with flexibility to make the necessary determinations in hiring needed medical professionals. At that hearing, the committee received additional testimony supporting the need for the maximum amount of flexibility at the local managerial level. The committee strongly believes that directors should have the flexibility to use the special pay authority as an incentive for DVA employment.

The committee has stated previously, and I want to reemphasize its intention, that this flexibility not be circumvented. Under current law, the Secretary "may pay no more than" certain amounts for the different special pay factors. The bill before you today clearly addresses this issue. It provides that the local director would determine the amounts of scarce specialty and geographic special pay. This was a major concern of the committee since we wish to provide as much local flexibility as possible. It should be noted that only with length of service special pay does the bill follow current law and vest the chief medical director with the authority to set uniform national rates.

In the past, departmental regulations have significantly reduced the flexibility of the ranges provided in current law. Those regulations established a fixed amount within the range that must be paid for each special pay category. By setting a uniform regulatory amount, the regulations fail to take account of local circumstances and deprive local directors of discretion. We do not intend for the Department to pay a uniform rate of special pay to all physicians and dentists, but rather to allow the local directors to pay differing amounts to address their different needs.

Clearly, there must be greater flexibility in physicians' and dentists' special pay. Now, Mr. Speaker, I realize that there may be some who are concerned that this increased flexibility will cause professional pay to increase beyond what is needed. However, the bill contains safeguards. For example, the bill would provide a check against unwarranted increases by requiring any individual request for an increase of over 50 percent of the previous year's amount of special pay to be submitted to the Secretary. The request would have to be disapproved within 60 days or it would take effect. This would provide the Department with the necessary authority to deny unreasonable and unwarranted requests for increased amounts of special pay. Let me clarify, Mr. Speaker, that this check on special pay increases is not intended to apply to central office physicians performing executive functions, including outstationed physicians. On the other hand, the bill would provide a measure of protection for physicians and dentists. It would do so by providing that if the total amount of special pay would be reduced by more than 25 percent of the previous year's amount then the request would have to be submitted to the Secretary.

One final check is that any special pay request that would raise a physician's or dentist's total pay over the executive level I threshold would have to be submitted to VA central office [VACO]. This submission requirement would cover all salary requests, including those physicians and dentists serving in the central office. Once again, such a request would have to be disapproved by the Secretary within 60 days or it would automatically take effect. The committee does not intend for this dollar threshold or additional check to be used as a cap for physicians' or dentists' pay. The Secretary would exceed the authority granted in this measure if he were to deny a special pay request on the basis that it exceeds this threshold. This check is intended to be used as a device by which the Secretary would monitor the upper levels of pay, and disapproval would be permissible only upon a Secretarial finding that a proposed special pay amount is not necessary to recruit or retain the particular physician or dentist. To ensure that this check is not to be used as a means by which to cap salaries, the committees have decided to sunset this submission requirement.

The bill also changes current law by allowing part-time physicians and dentists, who work one-quarter or three-eighths time, to be eligible for special pay. Under current law, only those part-time physicians and dentists who are employed at least half-time with the Department can receive special pay. The bill would authorize payment of special pay to those medical professionals working less than half-time when the chief medical director determines that such payment is the most cost effective way for providing the needed services.

Mr. Speaker, it does not make sense that the VA should be forced to contract out for physicians and dentists, at a much higher cost, when they might be able to attract a part-time physician through the use of special pay. As I stated before, many of the VA's hospitals are being forced to contract out for needed services at great expense to the VA. For example, the Seattle Medical Center spent over $1 million on anesthesiology contracts in fiscal year 1990. Also, the St. Louis Medical Center has spent approximately $2.4 million during the same fiscal year on radiology contracts. Mr. Speaker, these are not isolated examples, but rather reflect the current salary crisis throughout the VA.

Mr. Speaker, I want to take this opportunity to explain how the committee's emphasis on flexibility relates to the various provisions of the bill.

Current law limits the amount of longevity pay for full-time physicians to a maximum amount of up to $3,000 after 8 years of service and does not provide a minimum amount that must be paid. The amounts available under existing law, however, are insufficient and do not provide enough of a retention incentive for VA physicians considering outside employment opportunities. At the committee's hearing in October 1989, witnesses testified that the Department loses many of its physicians with 4 to 6 years of experience because their compensation from VA is not competitive with those of their peers in academic medicine and the private sector. If this trend continues, we are going to have fewer experienced physicians to take over our critical leadership positions in the future. This provision addresses the problem by increasing both the minimum and maximum amounts of longevity special pay available. By increasing the amount of special pay available, especially in the earlier years, and allowing the facility director the flexibility to meet unique situations, it is the committee's intent to curb the flow of less senior physicians from the VA and to reward physicians whose experience and seniority contribute significantly toward the high quality of care provided in the VA medical care system.

Similarly, the bill increases the local director's flexibility to pay scarce specialty pay. Under current law, the chief medical director must determine which specialties are scarce within the Department. These physicians are then eligible for scarcity pay within a mandated pay range. However, as stated previously, VA regulations have restricted flexibility by setting a specific amount that may be paid to each of the scarce specialties. The committee believes that the Department should pay what it takes to recruit physicians in these specialties and no more. We expect that there would be differences in the amounts of special pay offered to physicians within a given specialty, even at the same facility, because in some geographic areas it will cost more to hire a physician in that specialty and, conversely, in some areas it will cost less. Paying everyone the same amount is an unwise and ineffective use of limited resources.

The bill would also address the problem of local scarcity. Not all vacancies at a medical center are reflective of a national scarcity; some are unique to specific locations. In these instances, we expect that local directors would identify those specialties that are extraordinarily difficult to recruit and retain at their facility, though not necessarily at the national level. The committee intends that the local director would request authority from the Secretary to pay scarce special pay in these specialties. The committee intends that the use of this authority would be allowed in those instances where geographic special pay was not sufficient to meet the local need to recruit and retain physicians in a locally scarce specialty.

Let me state again the importance of retaining the flexibility provided in the bill. For purposes of paying scarce specialty and geographic location special pay, the local directors could offer amounts up to the maximum amount allowable in order to meet their recruitment and retention needs.

Mr. Speaker, this bill also contains several provisions applicable to certain health care professionals. These provisions would authorize collective bargaining as to certain working conditions and provide for a revision of disciplinary procedures, including a negotiated grievance process.

For many years, the VA and the employee unions have litigated over the scope of collective bargaining for health care professionals appointed under title 38. This culminated in the case of Colorado Nurses Association versus Federal Labor Relations Authority in which the courts decided that title 38 employees did not have any collective bargaining rights. It had long been the VA's position that certain areas were exempt from collective bargaining because provisions of law granted the VA's Administrator—now Secretary—exclusive authority over them. These areas related principally to patient care, disciplinary actions, professional peer review, and employee compensation. The committee shares the view that the VA must have unfettered authority in these areas and complete accountability for the care of its patients.

However, the committee and the Department believe that some conditions of employment should be subject to collective bargaining and the provisions found in title II of the bill reflect the efforts of the Department and the employee unions to come to agreement on what areas are grievable and what areas are not. Both sides are pleased with the provisions in title II and the committee appreciates the efforts of these and other interested groups and their support of the bill.

Title II of the bill would provide for an improved system to govern the disciplining of VA physicians, dentists, nurses, and other specified health care personnel. The bill would distinguish for the first time between procedures to govern the handling of major versus lesser adverse personnel actions affecting these employees. Those lesser cases—that is, those not arising out of a question of professional conduct or competence, or not a major adverse action—would be subject to grievance procedures developed by the Secretary or through grievance procedures determined through collective bargaining.

Mr. Speaker, I take this opportunity to clarify a relatively technical point. New section 4261(d) would provide that issues of whether a matter or question concerns or arises out of professional conduct or competence are not subject to any grievance procedure provided by law, regulation, or collective bargaining, and may not be reviewed by any other agency. This section is consistent with new section 4232 (b), (d), which reserves exclusively to the Secretary the power to determine whether a matter concerns, first, professional conduct or competence; second, peer review; or third, the establishment, determination, or adjustment of employee compensation under title 38, and excludes determinations concerning such matters from collective bargaining—including grievance procedures pursuant to such collective bargaining—and from review by any agency other than VA. Although new section 4261(d) does not specifically mention peer review or compensation matters, the committee does not intend to authorize either grievance procedures or outside review to extend to these matters which section 4232 (b), (d) excludes from collective bargaining.

Additionally, the bill would resolve concerns provoked by provisions of the Ethics Reform Act of 1989. Under the act, Federal employees are prohibited from accepting payments for articles, speeches, or appearances as of January 1, 1991. There is growing recognition that this sweeping prohibition is not warranted and yet its impact on the VA is likely to be severe. In almost all universities, honoraria and royalties are regarded as both appropriate and desirable sources of income for the individual, as long as no conflict of interest is present. The law's ban will clearly discourage from VA employment the very specialists and academicians that VA hopes to recruit and retain. This prohibition would have a particularly negative impact on the Department's ability to recruit and retain needed part-time physicians; such part-time medical staff allow the VA to employ personnel for medical subspecialties where there may be insufficient workload to justify a full-time staff member or where the cost to contract for such care would be very expensive.

Mr. Speaker, if part-time physicians in critical subspecialties are penalized by being denied fees that they would otherwise collect while not on duty with the VA, many will seek employment elsewhere. With staffing levels already low in some specialties, the Department cannot afford to lose any critical personnel.

Mr. Speaker, this bill would exempt employees of the Department's Veterans Health Services and Research Administration from the restrictions contained in the Ethics Reform Act of 1989. However, the bill provides an important safeguard. It clearly states that receipt of outside payments must not create a conflict of interest or the appearance of a conflict of interest. Mr. Speaker, in keeping with the aim of providing the Department with greater flexibility to meet critical needs, this bill seeks to provide a measure of flexibility to VA in carrying out administrative reorganizations. The need for such changes was highlighted by VA's experience in attempting to reorganize the structure of its medical regions by reducing the number of regions from seven to four. As with any changes, there were some difficulties with the reorganization. This bill addresses some of those problems by relaxing existing restrictions on reorganizations and allowing the Secretary more flexibility to manage the Department efficiently.

First, it would allow the Secretary to submit plans for reorganizations at any time during the year. Currently, these plans must be presented along with the Department's budget submissions.

Second, it would revise the definition of an administrative reorganization subject to the law's reporting requirements. It would do so by increasing the percentages of the number of employees that would be affected by a reorganization. It would also revise the circumstances under which VA central office reorganizations are reported.

Third, it would authorize reorganizations in place without any advance notice. These reorganizations do not change the number of employees or the work that they do. The only change is one in which the bureau, agency, or office management control changes.

Mr. Speaker, it is important to note that these changes do not reflect a lack of interest on the committee's part regarding VA's internal operations. Rather these changes are intended to provide the Secretary the necessary flexibility to operate the Department effectively. I believe that these provisions provide the Secretary with the flexibility that he needs to carry out his mission.

Mr. Speaker, the provisions in this bill are very important to the vitality of the VA's health care system. I believe it will provide the Department with the necessary tools which are critical to realizing our goal of quality medical care for our veterans.

Mr. Speaker, as stated previously, the bill we are considering today reflects a compromise agreement reached between the Veterans' Affairs Committees of the House and the Senate.

Mr. Speaker, I want to thank the ranking minority member of the committee, BOB STUMP, and JOHN PAUL HAMMERSCHMIDT, the ranking minority member on the Hospitals and Health Care Subcommittee, for their cooperation in working out this compromise with the other body.

I would also like to thank the distinguished gentleman from Georgia [Mr. ROWLAND] for his assistance in working out this compromise. His medical background and clinical experience were of great value to us.

Finally, I want to thank the Members of the other body for their cooperation, Senators ALAN CRANSTON, chairman of the Senate Veterans' Affairs Committee, and FRANK MURKOWSKI, of Alaska, the ranking minority member.

I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 598, as amended, a bill for improved VA physicians' and dentists' special pay and for other purposes.

Our chairman, SONNY MONTGOMERY, has explained the basic provisions of the bill, and I am going to defer to the distinguished ranking member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, for any further remarks he may care to make on the bill's substance. My good friends from Mississippi and Arkansas are continuing to follow up on issues of critical importance to the VA's health care system when its capabilities may well become vital to our national security.

SONNY MONTGOMERY, DR. ROY ROWLAND, and JOHN PAUL HAMMERSCHMIDT deserve our Nation's deepest gratitude for all that they have done, including this legislation, for our men and women in uniform and for our veterans of wars past.

Mr. Speaker, my colleagues are urged to give H.R. 598 their approval at a moment when support for our veterans and our military forces in Operation Desert Storm is of paramount importance.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I join my colleagues today in support of H.R. 598, the Department of Veterans Affairs Physicians' and Dentists' Compensation and Labor-Relations Act of 1991. This bill contains many of the same provisions of H.R. 4557, as amended, which was passed by the House in the 101st Congress. Furthermore, H.R. 598 is a compromise piece of legislation, supported by both the House and Senate Committees on Veterans' Affairs.

The 101st Congress was successful in clearing H.R. 1199, the DVA Nurse Pay Act for the President's signature. It is only fitting that we commence the 102d Congress by passing legislation which establishes vital improvements in the pay structure of DVA physicians and dentists, as well as providing for improved grievance procedures for title XXXVIII employees. These are all necessary components to enhance the recruitment and retention efforts of the DVA.

The current pay structure has perpetuated a staffing shortage in DVA hospitals of immense proportion. The DVA finds it increasingly difficult to compete with the private sector as the disparity in basic pay continues to grow. H.R. 598 provides relief by increasing the amounts of special pay available for physicians, dentists, and other dedicated health care professionals.

This bill further provides for local flexibility for directors of DVA medical centers by allowing them to set the amounts of special pay within given ranges. It was the judgment of both the House and Senate Committees on Veterans' Affairs that the pay levels outlined in H.R. 598 are sufficient to adequately compensate DVA physicians and dentists. To set these pay levels any lower would defeat the purpose of the bill.

Finally, H.R. 598 reaffirms DVA employees' rights, as Federal employees, to collective bargaining, as well as sets regulations for hours, conditions of employment, and leaves of absence. This bill also exempts DVA Veterans' Health Service and Research Administration employees from the Ethics Reform Act of 1989, thus allowing them to accept honoraria.

As we face inevitable casualties and injuries from our involvement in the Persian Gulf, our DVA hospitals must be prepared to give the highest quality of care by top-notch professionals. H.R. 598 is certainly a substantial step in attracting skilled medical professionals to provide our Nation's deserving veterans, old and young, with the best possible care.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. ROWLAND], a member of the Veterans' Affairs Committee.

Mr. ROWLAND. Mr. Speaker, I thank the chairman for yielding this time to me, and also thank him for bringing this legislation to the floor. I thank the ranking minority member, the gentleman from Arizona, Mr. STUMP, and the gentleman from Arkansas, Mr. JOHN PAUL HAMMERSCHMIDT, ranking minority member on the Hospitals and Health Care Subcommittee, for the work that they have done on this legislation.

Mr. Speaker, our VA health care centers have been trying to cope with shortages of physicians and dentists for a number of years. We have not provided special pay to recruit and retain physicians and dentists in the VA system for more than a decade. As a result, VA centers have been getting by as best they can. But the situation is getting more critical every day.

At last count, the VA system had more than 500 vacancies out of the some 7,000 full-time physician positions. This does not count the many positions that are filled by contracting out or by retaining part-time physicians.

The Carl Vinson VA Medical Center in Dublin, GA, in my congressional district, has five vacancies out of a full-time physician staff of 38. Three of those positions have been filled with contract physicians, two remain unfilled.

This is not an efficient way to operate. It costs twice as much to retain physicians on a contract basis as it does to employ them on a full-time basis. Contracting out also does not provide the kind of stability we need at our VA Hospitals and stability is a must. These hospitals will probably be needed even more, due to the war in the gulf.

H.R. 598 provides for special pay increases to VA physicians and dentists based on such factors as length of service, level of responsibility, and prevailing area pay levels. It also establishes new procedures for dealing with employee grievances. It is a bill that provides the kind of reform that has long been needed.

Mr. Speaker, this bill is essential if we are to fulfill the promise of quality health care that we have given our veterans.

□ 1510

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. The gentleman makes an excellent point that I would like to follow up on. We are getting some casualties now over in the Persian Gulf, and as the primary backup for our military medical hospitals, and I hope we do not have any more wounded, but if we do, they will come back to our VA health care facilities around the country. Eighty Veterans Department hospitals are on alert now. Beds are available to receive those wounded. We all hope we do not have to use them, but certainly we have to be prepared. My point is that with this legislation we are talking about, we can keep the quality and get more quality in our veterans' hospitals with health care professionals, not only doctors and nurses, but technicians. We can give better service to our veterans, plus our new veterans in combat in that faraway place in Saudi Arabia and Kuwait.

Mr. ROWLAND. Mr. Speaker, the gentleman is exactly right. We have been having difficulty for a good many years now in trying to continue to provide the quality of care that is due our veterans, and have been able to do that only because of the dedication of the people that work in the VA.

As the gentleman pointed out, veterans who may be coming back who have been wounded, and we hope there are not many, but it is quite possible that many would have to come to the VA.

I think it is important that we get prepared for this, and not let the horse leave the barn and find anyone lacking severely in being able to supply the kind of care that is needed for the brave men and women who are now defending our freedom and the freedom of the entire world in the Persian Gulf area.

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 598.

Mr. Speaker, thunderous applause filled this Chamber last night in demonstration of our support for our troops overseas. Let there be no mistake: this Congress stands behind our servicemen and servicewomen all the way.

The brave young men and women who risk everything on behalf of their country deserve our continued support, long after they return home from the fields of war and the deserts of battle. This is as true for our veterans of World War II, Korea, Vietnam and other engagements as it is for our valiant forces in the Persian Gulf.

Mr. Speaker, passage of the bill before us will help strengthen the hospital system of the Department of Veterans Affairs. This system provides medical care to our veterans and may be called upon to treat Persian Gulf casualties as well.

The biggest problem faced by the VA hospitals is their inability to compete with the private sector for qualified health care professionals. Last year, we passed a special pay act to attract nurses to the system. Today's companion bill will provide for scales of special pay for physicians and dentists.

Mr. Speaker, the medical professionals in the VA system are among the Federal Government's brightest stars. These dedicated men and women sacrifice a great deal in the service of our veterans. For many, the sacrifice is too great, and they cannot afford to enter or remain in the system. H.R. 598 will permit the payment of more competitive salaries to VA doctors and dentists and will help reduce the private sector's overwhelming competitive advantage over the VA in the recruitment of medical professionals.

Mr. Speaker, I find myself once again indebted to my dearest of friends, the wise and honorable gentleman from Mississippi, Chairman SONNY MONTGOMERY. His dedication to the care of our veterans knows no bounds. My esteemed and learned colleague, the Republican chairman of the House Committee on Veterans' Affairs, the Honorable BOB STUMP, is also to be commended for his exacting work on this and all veterans' legislation.

Mr. Speaker, this is a sensible, fair and necessary bill. I urge my colleagues to vote "aye".

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of this worthy legislation—H.R. 598—and I want to take this opportunity to commend the chairman of the Veterans Affairs Committee and the minority leadership on that committee for bringing to the House a bill designed to improve the quality of health care for our Nation's veterans.

With the Nation's attention rightfully focused on events in the Persian Gulf, interest in our veterans—those brave Americans who have served in previous conflicts—has increased, as well. Those veterans needing medical attention deserve nothing less than the best care which can be provided by the Department of Veterans Affairs. VA medical facilities must be responsive. They must be well staffed by those best qualified to give excellent care and service to veterans and their dependents.

The VA medical system must compete for highly professional and well trained care providers. The record shows that the need to recruit and retain quality doctors and dentists for our military forces and veterans is overwhelming. Without the pay incentives and increases included in this measure, the public sector—the VA facilities—will lose out, again, to the private sector. The veteran will lose, and we—as a society—cannot afford to let that happen. There are limits on the use of special pay. This bill does not open up a fiscal floodgate. It gives us the means to bring equity to pay for those expected to care for our veterans. This is a matter of fairness. The bill deserves approval. I urge the House to approve it.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 598, the Physicians' and Dentists' Pay Amendments and Labor Relations Act.

I would like to commend the distinguished chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nations veterans.

H.R. 598 is intended to enhance the Department of Veterans Affairs' ability to recruit and retain quality physicians, dentists, and other health-care professionals. This measure authorizes the Department of Veterans Affairs to increase special pay for medical professionals in order to make DVA's salaries more competitive with the private sector, as well as sets limitations on the use of this special pay.

Mr. Speaker, veterans health care must not be neglected. There are flaws in the health care programs that need to be corrected. H.R. 598 attempts to resolve many of the difficulties the DVA has with recruiting and retaining physicians and dentists.

This measure sets regulations for hours, conditions of employment, and leaves of absence for various medical professionals and medical support personnel serving the DVA. Additionally, H.R. 598 establishes avenues and procedures by which full-time permanent employees may appeal adverse personnel action.

Mr. Speaker, now, more than ever, the quality of health care for our Nation's veterans must not deteriorate. H.R. 598 takes the necessary steps needed in providing the health care our veterans deserve.

Accordingly, I fully support this measure, and urge my colleagues to vote in favor of it.

Mr. HARRIS. Mr. Speaker, I rise to express my strong support for House Resolution 598, the Department of Veterans Affairs Physicians' and Dentists' Compensation and Labor-Relations Act of 1991. This bill will reform the compensation rates for physicians and dentists who serve our Nation's veterans in VA medical centers.

I believe this bill is vitally important to our veterans, because it will assure that specialized health care professionals remain an integral part of the VA medical system. Without this pay reform, I believe many physicians and dentists would leave the system. The ultimate price would be paid by our veterans when specialists are no longer available to perform surgery such as orthopedic reconstructive surgery.

The measure authorizes the medical directors at VA facilities to create special pay incentives for those physicians and dentists who are most in demand. These special pay rates will be both flexible and responsive to individual situations throughout the medical system. As you may be aware, many of our specialists are part-time employees. This bill exempts these medical professionals from the Ethics Reform Act of 1989, allowing them to maintain their private practice as well as provide specialized medical service to our veterans. Without this exemption, many of these specialists would choose to pursue full-time employment in the private sector. In addition, this exemption acts as a valuable recruitment incentive.

Last year the House VA Committee drafted similar legislation which was overwhelmingly supported by the House of Representatives. Unfortunately, the other body did not act upon the issue before adjournment. I am hopeful that this bill will be favorably received by the Senate VA Committee to ensure quick passage of this bill. Our veterans need assurance that the VA medical system will continue to run efficiently with high quality personnel. I urge my colleagues to support its passage.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of H.R. 598, the Physicians' and Dentists' Compensation and Labor-Relations Act of 1991. H.R. 598 improves the working conditions for VA health care professionals and provides more flexibility in pay rates for workers.

H.R. 598 provides pay increases for VA health care workers and targets the increases to those areas in greatest need. Under the legislation, special pay can be awarded to professionals with exceptional qualifications, or concentrated in areas where recruitment and retention is a particular problem. Additionally, H.R. 598 gives more authority to VA medical center directors to adjust pay to address the unique difficulties their institution may face.

H.R. 598 also makes changes to allow health care professionals to accept honoraria for work outside the VA. Currently, VA workers are not permitted to accept honoraria and it is believed that this policy makes it more difficult for the VA to recruit and retain well qualified professionals.

Mr. Speaker, this legislation is very important in order to maintain the delivery of quality care to veterans. Compounding the real need for this legislation is the situation in the Persian Gulf, which may result in yet greater demands upon the VA for health care services.

Mr. Speaker, H.R. 598 is a good bill and I urge my colleagues to join in my support of the measure.

Mr. MCGRATH. Mr. Speaker, I rise today in strong support of H.R. 598, the Physicians' and Dentists' Pay Amendments and Labor Relations Act.

Salary levels of Department of Veterans Affairs physicians and dentists were last set in 1980. The DVA faces difficulty in recruiting and retaining highly qualified physicians and dentists, especially in metropolitan areas. H.R. 598 provides the DVA with the flexibility to address the recruitment and retention problems at the local level by authorizing pay increases to professional medical staff. Under the bill, physicians and dentists will be eligible for pay increases based on factors such as length of service, level of responsibility, and service in a specialty or geographic area where there are recruitment and retention difficulties.

There are currently 20,000 DVA beds not in use today because of an acute shortage of health care personnel. With the DVA recently stating that they will accommodate Operation Desert Storm casualties, the need for qualified physicians has never been greater.

Again, I want to thank Chairman MONTGOMERY and the Veterans' Affairs Committee for their expeditious work this week. I urge my colleagues to join me in voting for H.R. 598 and send a message of support to our DVA physicians.

Ms. WATERS. Mr. Speaker, approximately 20,000 beds are no longer in use at VA hospitals, many due to a shortage of VA doctors. According to the Veterans Affairs Committee, special pay for VA physicians and dentists—intended to improve recruitment and retention of these health care workers—has not been increased since 1980. As a result, it is critical that we pass H.R. 598 to begin to address this problem.

I have spoken before about the difficult state in which our veterans' care facilities find themselves today. Funding continues to be a problem in many different areas. One of the most critical, it seems to me, is the financial inability to retain the services of qualified, competent doctors and dentists. There is certainly no shortage of demand for their services. We must see to it that the supply of caregivers matches the demand of its patients.

Chairman MONTGOMERY deserves credit for, once again, bringing attention to the plight of our veterans service systems. H.R. 598 takes steps to deal with the problem of retaining medical professionals by increasing the salary levels of VA physicians and dentists. These increases would be based on factors such as length of service, level of responsibility, and services in a specialty or geographic area where recruitment or retention is difficult.

In addition, the legislation authorizes collective bargaining and a negotiated grievance procedure for VA health care workers. Under the legislation, the VA would be required to issue regulations regarding hours, conditions of employment and leaves of absence for health care employees as well.

It is no mystery that once the war in the Persian Gulf comes to an end, hopefully sooner rather than later, a whole new class of veterans will be in need of care and assistance. Our veterans service-delivery system is already swamped. We must prepare now for the anticipated influx of new cases.

I thank Chairman MONTGOMERY for his leadership and look forward to working with him in the future on the problems affecting our veterans.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARRIS). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 598, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 18]

YEAS—399

Abercrombie
Alexander
Allard
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conte
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally

Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer

Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Luken
Machtley
Madigan
Manton
Markey
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price

Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman

Weber
Weldon
Wheat
Whitten
Williams

Wilson
Wise
Wolf
Wyden
Wylie

Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—35

Ackerman
Andrews (ME)
Anthony
Boxer
Condit
Crane
Dellums
Donnelly
Edwards (CA)
Foglietta
Gaydos
Gejdenson

Hefner
Kennedy
Lloyd
Lowey (NY)
McCurdy
McDermott
Mrazek
Owens (UT)
Pelosi
Porter
Rahall
Rostenkowski

Schulze
Smith (IA)
Snowe
Staggers
Synar
Tauzin
Udall
Unsoeld
Weiss
Wolpe
Yates

□ 1536

Mr. THOMAS of California and Mr. DICKINSON changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PELOSI. Mr. Speaker, I offer a personal explanation of my absence from vote on rollcall No. 18, passage of H.R. 598, the VA Physician and Dentist Pay Act. I was unavoidably delayed due to an official meeting on the Persian Gulf. Had I been here to vote, I would have voted "aye."

PERSONAL EXPLANATION

Mrs. LOWEY. Mr. Speaker, during consideration of H.R. 598 the Veterans' Administration Physician and Dentist Pay Act, I was unavoidably detained in a meeting with the Speaker of the House. Had I been present, I would have voted "aye" on rollcall No. 18.

PERSONAL EXPLANATION

Mr. CONDIT. Mr. Speaker, I was absent for rollcall No. 18. Had I been present I would have voted "aye." I believe that our veterans have a right to decent medical care and believe that H.R. 598 goes a long way to achieving this goal.

PERSONAL EXPLANATION

Mr. SYNAR. Mr. Speaker, on January 30, I was unable to cast my vote during consideration of H.R. 598, the Veterans' Administration Physician and Dentist Pay Act. Had I been present, I would have voted "aye" on rollcall No. 18, which was passed by the House by a vote of 399 to 0.

H.R. 598 will help solve a major problem in our Nation's veterans health care system. This measure will help give the Veterans' Administration the ability to recruit and retain highly qualified physicians and dentists who are needed to provide necessary care to our country's veterans. H.R. 598 will authorize higher salaries for physicians and dentists at the Nation's 172 veterans' hospitals. I am hopeful the Senate will act quickly on companion legislation.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, during rollcall No. 18 on H.R. 598, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, I was unavoidably detained and was not present on the House floor for rollcall No. 18.

Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, I was unavoidably absent from the Chamber and unable to vote on H.R. 598, the VA physician and dentist pay bill. Had I been present and voting, I would have voted "aye."

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I am taking this time for the purpose of inquiring of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, business is finished for today. There will be a pro forma session tomorrow but no votes.

Friday there will not be a session of the House.

The program for the week of February 4 is as follows: On Monday, February 4, we will meet in pro forma session, no legislative business. On Tuesday, the House will meet at noon, consider two bills on suspension. However, recorded votes on suspensions will be postponed until after debate on all suspension.

First there will be H.R. 180, veterans education and employment amendments of 1991, and, second, H.R. 154, transfer of an existing U.S. memorial, Pershing Hall, to the Department of Veterans Affairs.

Wednesday, February 6, the House will meet at 2 p.m. to consider one suspension, H.R. 232, veterans housing and memorial affairs amendments of 1991, and resolutions providing for the establishment of select committees.

Thursday, February 7, the House will meet at 11 a.m., but it will be a pro forma session, no legislative business.

Friday, February 8, the House will not be in session. That will be the start of the Lincoln-Washington district work period.

At the close of the week's business the House will adjourn until noon on Tuesday, February 19, for the Lincoln-Washington district work period.

Conference reports may be brought up at any time, if there were any.

Any further program will be announced at a later point.

Mr. MICHEL. I thank the gentleman from Missouri.

ADJOURNMENT TO MONDAY, FEBRUARY 4, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, January 31, 1991, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1540

MAKING IN ORDER ON WEDNESDAY, FEBRUARY 6, 1991, CONSIDERATION OF H.R. 232, VETERANS' HOUSING AND MEMORIAL AFFAIRS AMENDMENTS OF 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, February 6, to consider a motion to suspend the rules and pass the bill, H.R. 232, the veterans' housing and memorial affairs amendments of 1991.

The SPEAKER pro tempore (Mr. HARRIS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON IMPLEMENTATION AND EFFECTIVENESS OF OPERATION OF UNITED STATES-CANADA FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed.

(For message, see proceedings of the Senate of today, Wednesday, January 30, 1991.)

UNITED STATES NEEDS A POLICY FOR ENERGY INDEPENDENCE

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, even as the war in the gulf continues, it is not too soon for this Nation to develop and adopt an energy policy that will free us, once and for all, from our dangerous dependence on foreign oil to meet energy needs.

For more than a decade now, U.S. energy policy has languished, the victim of a mistaken belief that the energy requirements of our Nation could safely be left to the vagaries of the world oil market place as manipulated by multinational oil companies and producing nation cartels.

In the 1970's, Americans heard a clarion call for conservation, alternate fuels, and the development of domestic energy supplies.

During the entire decade of the 1980's, nothing even resembling a coherent energy policy came from the White House. As a consequence, the United States produces less oil today than it did just 5 years ago; and it imports more—1.2 million barrels per day more than it did 5 years ago. Efforts to achieve conservation have been ridiculed, and projects to develop alternate fuels have been abandoned.

Mr. Speaker, I have supported our President in every major action he has taken thus far to expel Saddam Hussein from Kuwait. But I also believe firmly that we cannot let another oil crisis pass without a sensible and achievable energy policy that makes our Nation energy independent.

For this reason, I have again introduced legislation, H.R. 647, that will require the President to submit to Congress, and the American people, a plan to achieve the goal of U.S. energy independence by the year 2000. For the sake of our economic and strategic security, I urge Members to join me in this initiative.

KUWAITI YOUTHS CELEBRATE WAR IN CAIRO

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks) and to include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, as America's sons and daughters risk their lives to stop the atrocities of Saddam Hussein, many young Kuwaitis have chosen to fight the battle on the discotheque floors of the Semiramis Hotel in Cairo, Egypt.

It was recently reported that when news of war was announced, a certain number of Kuwaiti youths at an exclusive hotel in Cairo, Egypt, were having rounds of drinks, and just enjoying themselves by partying and dancing to pop music at a discotheque. While our military men and women are out there risking their lives to liberate Kuwait, many rich Kuwaiti families are paying $3,000 monthly rents in apartments in Cairo just waiting to return after we liberate Kuwait, at the expense of American and coalition blood and guts. Mr. Speaker, this just does not make any sense.

Mr. Speaker, I rise to voice my outrage at such conduct unbecoming a country that really appreciates freedom and independence. The Kuwaiti students who qualify to serve in the army, should be in the front lines defending their country, and if they choose not to fight because of royalty or because they come from rich families—then I submit, Mr. Speaker, perhaps we should not sacrifice the lives of our men and women in battle, if we are doing it only to allow these rich Kuwaiti families and their children to continue enjoying the luxuries of life after we do the dirty work by forcing Saddam Hussein back to Iraq.

Mr. Speaker, I submit that it is indeed a tragedy that these Kuwaiti students either do not fully appreciate and comprehend the efforts of America's help and that of the coalition countries, or that they simply do not care. I submit the leaders of Kuwait need to examine closely the apparent lack of appreciation of our assistance by the more affluent members of their society—and if such is the case, then do we really need to liberate Kuwait?

Mr. Speaker, I submit for the RECORD the written article which appeared in the Wall Street Journal on the matter.

[From the Wall Street Journal, Jan. 24, 1991]

FOR SOME KUWAITIS, WAR IS JUST REASON FOR ANOTHER PARTY—THEY BOOGIE DOWN IN CAIRO TO THE CHAGRIN OF ELDERS; SENDING IN THE DISCO SPIES

(By Jane Mayer)

CAIRO, Egypt.—When Allied bombs first hit Baghdad, many young Kuwaitis here had their own, unique response: They hit the dance floors.

"They're battling it out in the discotheque," cracked an official at Cairo's newest five-star luxury hotel, the Semiramis Intercontinental.

As the night wore on, the neon-lighted dance floor at Sultana's, the hotel's discotheque, became crowded with fashionably-dressed Kuwaiti youths. They celebrated the news of war by ordering rounds of drinks, nibbling hors d'oeuvres and gyrating to American pop hits; at one point, a belly-dancer joined in. At dawn, some of them formed a convey of cars, rocking and rolling through Cairo's narrow, sooty streets, honking their horn with glee. A few left the driving to their chauffeurs.

FACING THE MUSIC

That night one week ago marked the beginning of what some Kuwaiti officials here delicately call "the disco problem." Kuwait's extraordinary oil wealth has long aroused envy in poorer Arab lands, such as Egypt. But the spectacle of draft-aged Kuwaiti youths partying while Egyptian and other troops risk their lives has sharpened tensions. It has also given new life to feelings here that Kuwait is less a country than a country club.

"They start their days at two in the afternoon, and stay out until five each morning," exclaims Ahmed Hamed, a waiter at Cairo's spacious Safir Hotel, where a number of Kuwaiti families are waiting out the war in $3,000-a-month apartments. "At first, they tried to act nice, but now that the war has begun, and they know they will get their villas back, they are reverting to their arrogant ways."

"It is real, this discotheque problem," sighs Ahmed al Nafisi, a former member of the Kuwaiti parliament who now heads a citizens group here called the Kuwait Association for People's Work. "In normal times it's okay for people to do whatever they want. But now that people are dying on the front, it doesn't look good to have young Kuwaiti men going to all the wrong places at the wrong times. The obvious question to many is why instead of going to discos, don't they enlist?"

HIRED HELP

The answer, he suggests, lies in Kuwaiti society. Before the war, Kuwait had a population of about 2 million, of which only 750,000 were native Kuwaitis. The rest were Palestinians, Egyptians and other non-Kuwaitis who filled many roles in the country—including that of soldier. Mercenaries were common in the military, but since Iraq's invasion of Kuwait, they have disappeared.

So it is that Kuwait has contributed only a small military force of roughly 7,000 troops to the war effort, though several thousand more are in training and at least some Kuwaitis have been fighting underground in Kuwait. Notably, the country has also contributed several A-4 Skyhawk fighter-bombers and pilots to the effort; one of those pilots was recently shot down in a combat mission and is now a prisoner of war in Iraq.

The fact that so many of the country's soldiers and service workers have been outsiders has left some Kuwaitis thinking about the future—and about reducing the number of Non-Kuwaitis in a liberated Kuwait. "There's so much money in Kuwait, we are used to having non-Kuwaitis doing many jobs for us," says Mr. Nafisi. "We want to become far more self-reliant. We have been living in a very artificial society."

Extravagant socializing may be one of the more minor problems Kuwait faces these days, but Kuwaiti leaders are nonetheless moving swiftly to assure disco damage control. Mr. Nafisi's group has formed a committee to offer youths other pastimes, such as courses in plumbing and auto mechanics. It has also sent out three directives to the 7,000-odd Kuwaiti families hunkered down in Cairo, calling for them to behave in a modest manner, stay at home as much as possible and cease gathering in large groups "particularly in hotels and restaurants."

Kuwait's embassy in Cairo has gone even further. It began this week to send citizen volunteers out to infiltrate the city's most glitzy watering holes and collect the names of Kuwaitis behaving in an indecorous fashion. Hard-core party-goers who don't heed their government's warnings, say embassy officials, will face the ultimate punishment: deportation to Saudi Arabia, where women are not allowed to drive, let alone dance.

PAINFUL REALITY

Kuwait's ambassador to Egypt, Abdul Razag al Kandari, who has the task of ministering to the 30,000 Kuwaitis living in Egypt, explains his approach to the disco problem this way: "I've advised our people not to feel so happy." Of course, not all have been dancing the Arabian nights away. Amal el Hamad, who works at the Kuwait information center here, says, "It was always a mixed feeling of happiness that they had started to liberate our land, and agony over the death and destruction."

But Mr. Kandari nonetheless has his hands full: Judging from the early hours of Wednesday morning, the war on the disco front is having mixed success. As American tunes blast over Sultana's huge sound system, and decorative fog pours from pipes in the ceiling, a number of young men describing themselves as Kuwaiti take to the dance floor, while others make a beeline for the bar. A young Saudi woman named Reba, scantily clad in black velvet and pearls, looks on admiringly and declares, "The Kuwaiti men have the best style!"

But nearby, a 19-year-old Kuwaiti youth, who give his name only as Butres, isn't so thrilled. He acknowledges he has been sent to Sultana's by the embassy to collect names of misbehaving Kuwaitis. Observing the crowd illuminated by strobe lights, the citizen sentinel admits, "There's not really a lot I can do to stop anyone right here. All I can do is report back."

HOLD THE ANCHOVIES

The anti-disco campaign is controversial among some Kuwaiti youths in Cairo. "In Kuwait, we were free, so they can't expect us to live under severe restrictions here," complains Abul Azziz el Naqar, a lanky 19-year-old who says he hopes to join the military.

Ashrad el Qattan, 18, says he whiles away much of his free time hanging out with his buddies in one of Cairo's two Pizza Hut restaurants. He says he has no appetite for dancing these days, although he understands why others do. "Everyone is just so frustrated," explains the nattily dressed young man.

His own life was turned upside down the day he fled Kuwait last summer in his Mercedes coupe. "I was crying, seeing the streets burning behind me," he recalls. His family soon relocated for the duration in Cairo, where they own an apartment.

Next fall he plans to start stuying medicine at the American University in Cairo. Kuwait has student deferments, so this should keep him out of the military. "Of course I thought about joining the army," he says, "but I would rather study. The troops over there now can surely carry it."

Meanwhile, until school begins next fall, he's not worried about having too much free time. "In Egypt," he says with a smile, "I have fun everywhere I go."

THOUGHTS REGARDING THE ISSUE OF JOURNALISTIC RESTRICTIONS IN THE PERSIAN GULF WAR

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, I rise to address the issue of journalistic restrictions in covering the war in the Persian Gulf.

What will history say about the war now being waged in the Persian Gulf? How will a complete story be pieced together? Will the historical record of this conflict be complete?

These may seem only important questions to a historian, but in truth they hold crucial meaning for us all. We are a nation built on history and dependent on truth, and it will be valuable to us and invaluable to our children to know everything that can be known about Operation Desert Storm.

We have all seen the heavy restriction placed on reporters who have been covering this war. And for those restrictions that are solely intended to protect the lives of soldiers and civilians, I give my wholehearted support. There can be no excuse for aiding and abetting an enemy in time of war, whether for journalistic reasons or not.

But this is not to say that journalists should be prevented from witnessing the events of the war. I see a tremendous difference between restricting what reporters see and restricting what they say. What they see harms no one so long as they respect the need for utmost discretion in reporting. Yet what they see will perhaps be one of the best sources for understanding this war when it is over. We cannot afford to let the history being created now in the Persian Gulf pass away unrecorded.

Truth is not served well when there is only one source. And the military, however well intentioned, cannot be expected to be objective in time of war. It is simply not their job. The military should not be permitted to have exclusive rights to report on the war after it is over to the public. History must be taken from the record of eyewitnesses, both military and civilian.

I support restrictions on what information may be made public and when, but I strongly condemn constraints on what our journalists and others can see and hear and learn. We owe it to ourselves and our posterity to record as completely and accurately as possible what is being done in the Persian Gulf.

[From the Washington Post, Jan. 27, 1991]

THE WAR AND THE PRESS—

WORK THE PROBLEM OUT

(By Barry Zorthian)

Controversy about media coverage seems to have become as much a part of American combat operations as air strikes and troop movements. The role of the media in Vietnam, of course, has long been a matter of sharp contention, and both Grenada and Panama resulted in intense dispute about how the media were treated by the military.

And now in the Gulf, even though the first week seems to have gone reasonably well in terms of relations between the U.S. military and the media, there has been a rising under current of media grumbling about the amount and nature of the information made available. The groundwork has been laid for even more serious dispute in the future through growing media complaints about the rules of coverage established by the military. These rules will be challenged much more intensively if and when U.S. ground operations get underway.

In the face of all our other national concerns about the war, this prospective dispute seems unnecessary. What is needed to avoid future acrimony is agreement by both the military and the media that each has a legitimate and essential role in informing the American public about the conduct and progress of combat operations, and each has legitimate needs and concerns that must be taken into account by the other.

It isn't that the military and the media can or should march hand in hand down the same road to inform the public. There are differences and tensions—adversarial relations, if you will—built into the system growing out of different cultures, constitutional provisions and roles in our society. The military must provide official information as part of its accountability to the public for the use of the nation's manpower and other resources, and the media must provide an independent accounting on the same activities as a check on the military.

No democratic system can be devised that will eliminate all disputes between the two. But these can be held to a minimum, and the overall relationship need not become hostile. There might even develop a deeper degree of mutual respect if some confidence can be established on each side that the other is operating in good faith.

To begin, both sides need to accept the reality that the military information gathering system as distilled for briefings is not designed to meet the journalists' desires for personal observation, detail and favor. In turn, the journalist's approach to coverage is no substitute for official overall analysis and evaluation in perspective. The two complement each other, and the combination of information from both these sources provides the American public with a much better basis for making judgments on national policy which after all is the ultimate goal of this communication process.

Beyond this, the military must realize that it is better served in the long run by putting out an accurate and candid report of information, both good and bad, sooner rather than later, complete rather than selective—all with a proper concern for security, of course, but with a security standard that is sensible and logical. And in this framework, the military must recognize the media's excellent record in Vietnam and elsewhere and its voluntary readiness to accept and observe restrictions on tactical military information that could jeopardize either the security of a mission or the lives of personnel. This is the only form of restriction accepted by the American public over the years. Coverage and comment, critical or favorable, on other aspects of a war—justification, strategy, overall conduct, general performance—while sometimes irritating or even invalid, is not subject to censorship in our open form of government.

Moreover, the military would do well to acknowledge that the media in their own way can lead credibility to the official military briefing if the latter is accurate and valid.

For their part, the media need to concede more readily that the military has legitimate security concerns that must be met and that voluntary acceptance of restrictions on tactical information must be respected in spirit as well as in fact. They must also recognize that the enormous number of correspondents of varying competence seeking to cover military operations presents a problem of overwhelming presence at the combat unit level that must be resolved. It is also clear that today's communications capabilities in which a secretary of defense can say that his most current information comes from watching a television network leads to extraordinary responsibility on the part of the media to make certain that hostile forces are not able to obtain critical information through interception of their broadcasts.

Furthermore, editors and producers at home offices must, despite the pressures created by competition, assume full responsibility for the actions of their representatives in the field and for their final product at home.

With this kind of mutual understanding, there is no reason the present points of contention can not be resolved without serious harm to the effective performance of either element.

"TRUST ME"

(By Robert G. Kaiser)

Here we go again. The country has been at war for 10 days, and already the government and the press are arguing about censorship, access to the front and the general flow of information about the fighting. The Bush administration has imposed the strictest rules in modern times on reporters on the scene, and the briefers in Saudi Arabia and Washington are putting out what seem to be sketchy accounts of the action to increasingly restive press corps in both places.

The government's position probably strikes most people as reasonable on its face. The Pentagon must control information to avoid helping the enemy; reporters often get in the way in wartime and must be kept in check; briefings have to be sketchy both to avoid helping the enemy, and because in wartime information is difficult to confirm. Those are the arguments made openly.

Behind these arguments—each of which has some merit—is a deep suspicion of the news media in the American armed services. Any reporter covering the Pentagon or the war has encountered some version of this suspicion: the media lost Vietnam, and we won't let them lose another one for us. That attitude is also understandable. Vietnam became an unpopular war, and the men who fought it were systematically mistreated on the home front. Some media accounts of the war were openly hostile to the military mission. More important, the media brought the news home that made the war so unpopular, and all of us in the news business know what happens to the messenger bearing bad tidings.

Gen. Colin Powell, a Vietnam veteran who is now chairman of the Joint Chiefs of Staff, summed up the government's position at his Pentagon briefing for the media Wednesday in just two words: "Trust me." Then he flashed a winning grin, and the reporters laughed, but they were not persuaded. Partly this is because it is our job not simply to trust government officials—the essence of a journalist's obligation is to be skeptical. And partly it is history. However, unfairly, Powell and George Bush carry a burden in this war that Lyndon B. Johnson and William C. Westmoreland (among many others) put on their shoulders. This generation of journalists has been misled before about grave matters of war and peace; we'd be fools to think it could never happen again.

Already there have been hints that this administration wants to put a rosy cast on events in the Gulf. Powell himself said that 80 percent of the bomber attacks on the first day of the war had been "effective." That meant that 80 percent of the pilots reached what they thought was their targets and dropped their bombs—there was no information on whether the bombs hit anything. Fair-minded outsiders might think the military is exaggerating the size of its air campaign by speaking of 2,000 sorties a day, when any flight by any airplane—a refueling craft, an escort plane that carries no bombs, etc.—counts as a sortie.

But so far the system of providing information on the war has worked reasonably well. The air war is a hard thing to report; cloud cover did make it difficult to assess damage; we know we can't go to Iraq to see the damage, and most of us don't want to. We are not going to make a big issue about the government's information policy in the first 10 days of the war. It is what will come if and when a ground war begins that worries the news media.

Under the Pentagon's latest rules, no reporter will be allowed to the front except in a government-sponsored pool and accompanied by a military officer. All dispatches will be subject to "security review," which means they must be read at least once and possibly by several layers of public information officers before becoming available to news organizations in this country. One such report from a Post reporter with the Marines in the north of Saudi Arabia on the first day's fighting was delayed 24 hours, and thus was useless when it reached us. Another took eight hours to reach Dhahran, because the Army insisted on driving the dispatch many hours across the desert instead of allowing reporters to file from a telephone just an hour from their location. And those dispatches were routine.

If ground fighting begins and Americans begin to die in large numbers, how much news of such events will reach the home front? How will Americans know what is happening to their soldiers in Kuwait? And what will the impact be on the military and the Bush administration if Americans are being killed in the dark—without the news media providing full and speedy accounts of the action?

That is the key point. The American people are shrewd; they have an excellent record over the years in giving support to policies that deserve it and withholding it from those that don't. They can be trusted. If things start to go badly in Kuwait the government ought to realize that it needs to convey that news to home quickly and in detail. The most credible messenger to carry such news is the American press, for all its warts and imperfections. Any attempt to withhold bad news, or put a false shine on it will diminish the public support the military wants and needs. If reporters are hobbled by "security reviews" and lack of access to the front, Americans—who are used to getting the full story—will become suspicious. They will spread rumors. And some of them will never believe subsequent government accounts, because there will be no independent witnesses to confirm them.

Reporters do not want to report information that will endnager American lives or help Saddam Hussein. In Vietnam the military prepared a sensible list of topics that reporters could not write about—precise locations of bases, future troop movements and the like. Any reporter who broke the rules lost his or her accreditation. It was a simple procedure, and it worked. Reporters were otherwise free to cover the war any way they could.

The media did not cause the public to withdraw its support from the Vietnam war; the government, did. Johnson and Westmoreland kept saying how splendidly the war was going, but the Viet Cong refused to cooperate. The Tet offensive undermined the government's credibility.

You need not take a newspaper editor's word for this. The Army's own official history of Vietnam includes a volume on the news media that came to the same conclusion. "What alienated the American public, in both the Korean and Vietnam wars, was not news coverage but casualties," wrote Army historian William L. Hammond. "It is undeniable," he added, "that press reports were . . . often more accurate than the public statements of the administration in portraying the situation in Vietnam."

"In the end," Hammond wrote, "President Johnson and his advisers put too much faith in public relations." Precisely. Americans may like a funny Diet Pepsi commercial, but on matters as serious as war, they are most unlikely to be conned by clever public relations. They want the facts, and if the government's restrictive information policy prevents them from getting the facts quickly from independent, tough-minded reporters, it's the government and its policy that will ultimately pay the price.

[From the New York Times, Jan. 23, 1991]

BUSH'S TIGHT CONTROL

WHITE HOUSE STRAINS TO WAGE WAR IN GULF AS CONGRESS SEEKS INFORMATION

(By Andrew Rosenthal)

WASHINGTON, Jan. 22—In Saudi Arabia, the military briefing officer was so careful about sensitive information that he would not say whether it had been good flying weather today.

NEWS ANALYSIS

At the White House, Marlin Fitzwater, the President's spokesman, got as many questions about American policy on news from the Persian Gulf as about the progress of the war.

After six days of conducting the most intensive bombardment in history, with inconclusive results, the Administration is confronting the political problems created by war news as it affects political debate, journalistic analysis and, potentially, public support or opposition.

Every wartime President has had to find the balance between the need to wage war in an effective and secure way and the need to inform a public and Congress who ultimately judge whether the bloodshed was justified. It is particularly hard to conduct a war that is showing little progress, or producing high casualties.

A FUTURE POLITICAL PROBLEM

But for President Bush, news from the war front has become a contentious issue at military briefings and among some in Congress even before the public has had a chance to judge the progress of the war, or debate the efficacy of the Pentagon's tactics and strategy. It underscores the risks of a policy that has appeared to succeed at keeping down information so far but may become a political problem in the future.

There is no way to say now whether the information withheld by the military would provide a different view of the war than Americans have seen through vague briefings, controlled interviews and a half-dozen videotapes of successful attacks by high-technology rocketry.

Those have provided snapshots of the action, but the Government has so far not revealed a comprehensive picture of the results of a bombing campaign that has surpassed that launched on Hanoi and Haiphong in 1972.

SUPPORT FOR BUSH'S POLICY

The Pentagon blames clouds for obscuring its view of bomb damage, but almost one week into battle, most analysts agree that Iraq still has 450 of its 500 warplanes, an army capable of fighting and worrisome surface-to-air missiles like the one that struck Israel this evening.

President Bush so far appears to be enjoying wide support for his gulf policy. Today, with spokesmen coming under intensified questioning, Administration officials promised repeatedly that they would be more forthcoming. The Pentagon said the Secretary of Defense, Dick Cheney and Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, would hold a news conference on Wednesday to discuss the war "as graphically as possibly."

Pete Williams, Mr. Cheney's spokesman, said, "There's some feeling that we know a lot more about battle damage than we're saying, and we're trying to convey to you that that is not the case."

Mr. Fitzwater said today that Mr. Bush had little more information about bombing runs and casualties than the public and was "frustrated" by it.

"Our policy, of course, is to report as much damage as possible, to be as forthcoming with information as we can be," Mr. Fitzwater said. "It doesn't seem to me that there's much more information to give. The reason we don't have more is because we don't have more."

SOME CONCERN IN CONGRESS

The White House has minimized discontent on Capitol Hill by providing daily briefings on the war. Many lawmakers, including some who opposed the war, said they were inclined to give the Administration the benefit of the doubt for now.

But some members of Congress and military analysts have started to express concern that the tight control of information is—deliberately or inadvertently—delaying the moment when Mr. Bush will have to face public accountability for his conduct of the war.

"I don't object in the early stages, because they are trying to get their feet on the ground," said Senator Bob Kerrey, Democrat of Nebraska, who opposed the war. "But in the longer run, people like myself in Congress need to have more information so we can make judgments about what the policy ought to be. It's not healthy to have so much silence."

Representative Les Aspin, the Wisconsin Democrat who heads the House Armed Services Committee, said in an interview today with the NBC News, "We haven't got the specifics and that's causing heartburn in Congress, as well as it has in the press corps."

BUSH'S OPERATING STYLE

The tight information policy may have been militarily effective so far. The risk the White House faces, as demonstrated in recent days, is that public opinion can swing from optimism to pessimism as the current of good news is punctuated by more sobering information, like the sight of American prisoners in Iraq or the Pentagon's acknowledgement that raids on Iraqi airfields have left the vast majority of Baghdad's warplanes intact.

There are several apparent reasons for the Administration's attempt to hold down news coverage. For one thing, it suits the operating style of Mr. Bush—to make a decision with a small circle of advisers, let it play out with minimal information and then ask to be judged on the results.

The Pentagon also has long grappled with the belief among many officers that the press "lost the war" in Vietnam.

And there are universally recognized security reasons for not revealing details about things like troop movements and bombing targets, since that would aid the Iraqis.

CIVILIAN CASUALTY ESTIMATES

But the Pentagon has revealed some obvious operational details, including accounts of attacks by allied bombers of Scud missiles in western Iraq that circulated when Washington was trying to assure Israel and its domestic lobby that the Israelis were being protected and thus keep them out of the war.

That has raised questions about whether the Administration is using its security concerns as an umbrella to restrict information that not only would affect operations but also could inflame the domestic political situation.

The withholding of civilian casualty estimates and bomb damage could be the result of inadequate information, as the Pentagon has repeatedly said. Or, it could be an effort to avoid focusing on issues, that could prove divisive at home and within the Arab alliance.

Mr. Kerrey, who won the Medal of Honor during the Vietnam War, said he was particularly concerned about the Administration's refusal to estimate civilian casualties, a figure that Washington also withheld during the invasion of Panama in December 1989.

"The American people need to feel that price," he said. "They need to know that people are dying right now and that force is being applied in a major way and they need to accept the responsibility at the beginning."

Senator John F. Kerry, Democrat of Massachusetts, a Vietnam veteran, said: "There is a general sense left over from Vietnam that they don't want the media telling an independent story for fear of what the repercussions might be. No one is talking about writing about battles yet to come or deployment of troops, but in a democracy you need more information than has been forthcoming."

VOLLEYS ON THE INFORMATION FRONT

FRUSTRATED BY POOLS, CENSORSHIP AND TIGHT-LIPPED MILITARY OFFICIALS, THE MEDIA FIGHT FOR MORE—AND MORE DETAILED—NEWS FROM THE BATTLEFIELD

(By Richard Zoglin)

The briefing was lengthy, packed with information and as candid as any of the Bush Administration had yet given on the gulf war. But when General Colin Powell trotted out the visual aids last week, things got a bit fuzzy. One chart, showing the decline in Iraqi radar activity under allied bombing, was virtually devoid of numbers. Still, said Powell, the gist was accurate. "Trust me," he said, "Trust me."

That could be the battle cry from an emerging theater in the gulf conflict: the information front. Despite the deluge of words and pictures, analysis and speculation, pouring forth on TV and in print, the supply of reliable, objective information about the war's progress has been scant. Most of the dribs that have been released are coming from—or have been carefully screened by—Pentagon officials or their coalition equivalents. Inevitably, frustration with that eyedropper approach has been on the rise, particularly among correspondents trying to cover the action. For others, less concerned with that friction than with monitoring the progress of the war, a pair of crucial questions came to the fore: Are they being told enough about what is happening on the battlefield? And can they trust what they are being told?

Disgruntlement among the press was boiling all week. Press briefings in Saudi Arabia grew testy, as tight-lipped officers evaded questions as simple as what the weather was like over Iraq. Pentagon spokesman Pete Williams was fending off more attacks than an Iraqi supply depot. "There is a beast of war out there, an elephant we're trying to describe," said a frustrated Forrest Sawyer on ABC's *Nightline*. "Based on the information we're given, we're about at the toenail range." Pentagon briefings, meanwhile, churned out sterile numbers (1,000 sorties a day, 80% of them successful) and confusing generalizations (Saddam's communications network was cut; then it wasn't).

Powell's relatively forthcoming press conference was a response to the demand for better information. But it did not stem the complaints of reporters in the field. Hampered by a pool arrangement that restricts them largely to specified trips arranged by military officials, correspondents grew restless—and possibly reckless. Late in the week, a vehicle belonging to CBS-TV correspondent Bob Simon and three colleagues was found abandoned near the Saudi-Kuwaiti border. Their whereabouts was still not known by the weekend, but they had apparently struck out on their own—something allowed but discouraged under Pentagon rules—to try to find out more about what was going on.

What is going on? Despite the saturation news coverage, Americans remain ignorant of countless details about the gulf operation, from the exact targets being hit in Iraq to the morale among U.S. troops on the front lines—wherever those might be. Part of the problem, of course, is the nature of the war thus far. Most of it is taking place in the skies over Iraq, territory that is inaccessible to reporters. Confusion has also resulted from a mix of Pentagon obfuscation and reporters' unfamiliarity with military jargon and many technical details. It took nearly a week, for example, for the press to learn the definition of such terms as air superiority and the 80% success rate attributed to allied-bombing sorties.

All of this is exacerbated by the delicate problem facing journalists in any war: how to communicate events fairly and accurately without revealing confidential military information. The problem has been made even tougher by the advent of live, satellite-fed TV communication. While U.S. viewers are watching air-raid alerts and Scud attacks as they happen, so are the Iraqis, via CNN. One ill-advised sentence or too revealing a picture could put troops in danger.

Reporters acknowledge, and always have, that restrictions are necessary in wartime. They voluntarily adhered to security guidelines for press coverage during the Vietnam War. Yet they are now feeling the heavy hand of the Pentagon in a more direct fashion. In Vietnam reporters were free to travel almost anywhere they wanted in areas under nominal U.S. control. With the restrictive gulf pool system, military escorts stand by while a limited number of journalists conduct their interviews. Pentagon officials insist that the pools are intended to help reporters gain access and to avoid the nightmare of more than 700 journalists all trying to reach the front lines at once. "Having reporters running around would overwhelm the battlefield," says Colonel Bill Mulvey, director of the military's Joint Information Bureau in Dhahran.

Logistics, though, is hardly the military's main concern. All press reports from the gulf must be passed by military censors, who look for taboo details such as troop locations or hints of future operations. Their ostensible aim is to protect the lives of American servicemen, a goal no journalist would decry. But complaints are growing about the arbitrary and dilatory way in which the censors are operating. When ABC News wanted to report that the pilot had been rescued from a downed F-14, military censors refused to allow the plane to be identified. Reason: the F-14 carries a two-man crew, and the Iraqis would know to look for the other member. "That sounded perfectly reasonable to us," says Richard Kaplan, coordinator of ABC's coverage in Saudi Arabia. "Then 20 minutes later they have a briefing, and the briefer says, 'An F-14 was shot down, and we picked up one of the pilots.'"

Similarly a report from New York Times correspondent Malcolm Browne that U.S. warplanes had hit an Iraqi nuclear installation was held up for two days while censors wrangled over wording. By the time his story was cleared, the Pentagon had announced the same news.

The military scrutiny is not only slowing the flow of information; it is also making it difficult for the public to assess the war. Forcing reporters into supervised pools, for example, reduces the chance that candid opinions or negative news about the war will be reported. "If combat boots are wearing out, as they did in Vietnam, or weapons are not working, somebody has to be there to report it," says ABC correspondent Morton Dean. "If we're not there, who is going to do it?"

Elsewhere in the gulf, the press is operating under other tough restrictions. Israel has long required that all material relating to military security be subject to censorship. Revealing such details as the exact location of Scud missile hits is forbidden. (The information could theoretically be used by the Iraqis to improve their targeting.) After a Scud attack in Tel Aviv, NBC correspondent Martin Fletcher broadcast prematurely that there were casualties; Israeli authorities retaliated by cutting NBC's satellite link. NBC anchorman Tom Brokaw had to apologize on air for the inadvertent violation before the line was restored. "We apologized for telling the truth," said NBC News president Michael Gartner later. "And that really grates on you."

The few dispatches from Iraq itself have posed unique problems. CNN's Peter Arnett, the last American correspondent left in Baghdad, has been filing reports via satellite with the approval of Iraqi censors. Fears that his dispatches are being used for propaganda purposes surged last week, when Arnett reported that allied bombs had hit a plant that manufactured infant formula. U.S. Officials insist that it produced biological weapons.

CNN executives defend the airing of Arnett's reports so long as they are clearly identified as Iraqi approved. "The alternative," says executive vice president Ed Turner, "is to pack up and leave, and then there is no one there at all." CNN, along with NBC and CBS, also aired footage of American POWs making pro-Iraqi statements apparently under duress. ABC refused to broadcast the statements, noting that its policy is to avoid using anything said by hostages that "furthers the aims of those holding them."

The dearth of uncensored, firsthand information about the war is forcing the press—especially television—to focus on the few parts of the story reporters can witness. The TV networks have continued (though with less frequency) to break in with live shots of reporters under Scud missile attack in Israel and Saudi Arabia. Some correspondents learned the hard way the pitfalls of that approach. For many viewers, the week's most memorable moment came not when General Powell unveiled his diagrams of damaged Iraqi targets but when CNN's Charles Jaco scrambled for his gas mask on the air in Saudi Arabia, in the erroneous belief that he had whiffed poison gas during an alert in Dhahran.

For all the miscues, the immediacy of television coverage has continued to overshadow the efforts of daily print journalism. But newspapers are catching up, running important pieces of reporting and analysis, like a story in the New York Times revealing that pro-Saddam sentiment is growing in Egypt. Times executive editor Max Frankel maintains that the major unexplored story of the war lies inside Iraq: "That's the heart of the war, not some Scud missile landing on a correspondent's hotel roof."

Some veteran journalists, particularly those who remember the adversarial days of Vietnam, lament the meekness with which the press seems to have acceded to the Pentagon's control of the war story. The public, however, does not appear to have much sympathy for that view—at least not yet. "In a war, people are apt to feel that the press is being too pushy and that it ought to be less intrusive, more 'on the team,'" says Marvin Kalb, a former CBS and NBC diplomatic correspondent who heads the Barone Center at Harvard. "I think that's a perfectly natural human reaction." But if the war starts to take a troubling turn, another natural reaction may set in: a demand to know why more was not revealed sooner.

SHOWDOWN AT 'FACT GAP'

CAN THE PRESS MAKE THE MILITARY LOOSEN UP?

"Trust me, trust me," said Gen. Colin Powell at a Pentagon briefing last week. Powell was trying to explain why he wasn't releasing more information about the course of the war—but he wasn't making much headway. Reporters realize that certain military details, conveyed via CNN, could help Saddam Hussein; they understand that the military can't, as Powell said, "keep up with the hourly news cycle"; most admire Powell personally. But to "trust" the word of the government without being able to report the story on their own is alien to the very nature of journalism. As the press chafed under wartime censorship last week, polls showed Americans siding overwhelmingly with the military. Before long, however, more viewers may come to realize that for all the spooky network music, theatrical correspondents and Nintendo military briefings, they have little real information about the progress of the war.

It's no wonder that more than 700 reporters from around the world are going stir crazy in Saudi Arabia. The "pool" system, in which small groups of tightly controlled correspondents report back to their colleagues, is widely viewed by the press as a disaster. "If the war is a beast, we've seen only a toenail," says Forrest Sawyer, an ABC News correspondent in Dhahran. While avoiding a repeat of Lyndon Johnson's "credibility gap," military planners realize that a "fact gap" is widening, and it leaves them with a dilemma. While they crave the control their stringent approach provides, they know the dangers of a frustrated press corps.

The Pentagon's argument that it's simply trying to save the lives of soldiers and reporters is wearing thin. Why, for instance, did a military spokesman refuse to acknowledge the capture of American POW's even days after the downed pilots showed up on Iraqi TV? The "security review" process was supposedly streamlined, but Carol Morello of The Philadelphia Inquirer says that reports she filed from the Red Sea went through four layers of censorship. Even adjectives are edited: Frank Bruni of The Detroit Free Press wrote that pilots were "giddy" on returning from early missions. Officers changed the word to "proud"; they compromised on "pumped up." From avoiding coverage of wounded Marines to banning the traditional pictures of the arrival of flag-draped coffins at Dover Air Force Base, the military is determined to impede reporting that might convey the war's emotional price.

Whiny: The press has a crippling fear of appearing whiny about its own logistics. This is partly what led news organizations to go along with the unworkable pool system, even after it failed miserably in its 1989 debut in Panama. The whole arrangement is antithetical to the craft. Not only is enterprise reporting impossible in pools (whose information must, by definition, be shared), but talking to soldiers in the presence of public-affairs officers rarely yields anything substantial. Reporters on the ground are disturbed that their bosses back home haven't fought harder to change these realities.

Now, with the political motivation of the restrictions growing clearer, objections are mounting from other quarters. "The Pentagon is as much interested in structuring public opinion as safeguarding security," charges Rep. Frank McCloskey (Democrat of Indiana), who said hearings will likely begin next week to scrutinize the restrictions. Meanwhile, Federal Judge Leonard Sand ordered Pentagon spokesman Pete Williams to submit to a deposition in a suit brought by the Center for Constitutional Rights challenging the legality of the rules.

Some newspeople—most of them photographers and print reporters—decided to fight the restrictions on the ground in Saudi Arabia, undertaking unauthorized trips to cover what they could in the desert. Reaching the front without the help of the military is far more difficult and dangerous than in Vietnam (in part because of allied roadblocks). CBS correspondent Bob Simon and his crew disappeared near the Kuwaiti border early last week after embarking on one such unauthorized trip. Their car, with keys and gear still in it, was found abandoned in the desert.

Beyond the incident's potentially tragic implications, the disappearance dealt a blow to the cause of independent reporting. Simon had already broken free from the pool for one first-rate piece from the front and he was determined to do so again. Now his colleagues might be discouraged from following his example. The military argues that the pools are not only safer for reporters, but a distinct improvement over the 1983 invasion of Grenada, which was off the record entirely. "What we have here is a compromise between the journalists who want to go to the front in their rent-a-car and the generals who would rather have all the press stay in a hotel in London," says Col. William Mulvey. To the Pentagon, George Bush's battle cry "This will not be another Vietnam" means in part that the easy media access of that conflict will not be repeated.

But the pool system could unravel yet. Last week's first footage of the Persian Gulf oil spill came from ITN, a British network that circumvented the pool system to obtain it. This caused alarm at other networks, whose cooperation is needed for the system to work. "We've been playing by the rules, and the rules aren't working very well," says Ed Turner, executive vice president of CNN. The best arrangement from reporters' perspective would be simply to help them go independently where they request. Military complaints about the troops being overrun by the media ring hollow. Spread out over 500,000 troops, a few hundred carefully accredited reporters at a time would hardly be noticed.

Grandstander: As it is, the journalists have been reduced to interviewing one another. The Dhahran prize for grandstanding goes easily to CNN's Charles Jaco. "It's gas!" he yelled to his viewers at one point, reaching for his gas mask. (He later apologized.) "I've run for it too many times," Jaco said in a war-weary voice to a reporter from Mirabella magazine in the Dhahran International Hotel last week. "The next thing you know, we are taking these air bursts and I'm almost literally knocked off my feet." Other reporters who believe the danger has been greatly exaggerated point out that so far not one person in the Dhahran area has been even slightly injured. On TV, anyway, the war is strangely bloodless. With Iraq sealed off and Israel under heavy censorship, reporters have employed the wonders of live satellite technology mostly just to fill time.

Live, unedited coverage not only generates mistakes, it lacks a sense of context. That elusive journalistic quality involves more than disclaimers on propaganda reports. Sometimes true context requires breaking the rules for getting to the story, as Simon did. And sometimes it simply means focusing on the subject from a different angle. Only rarely, for instance, have Iraqi refugees who fled to Jordan been interviewed on TV about the effects of the allied bombing, as if first-hand accounts of war are somehow less newsworthy than the "I've got nothing for you on that" comments of briefers or the repetitious speculation of retired generals. Dissenters from the war, given at least a little voice before hostilities began, have been all but absent from most network coverage. ABC, NBC and CBS have each extended their evening news programs to one hour, which by itself allows for more context. But if the Pentagon succeeds in severely restricting access to information, all the air time imaginable won't fill the gap in what the public needs to know about its war.

REPORTING FROM ENEMY TERRITORY

(By Peter Arnett)

In 1966, Harrison E. Salisbury of The New York Times traveled to North Vietnam and filed reports on civilian casualties caused by American bombing that caused a furor back home. In 1991, Peter Arnett of CNN, the only major Western reporter allowed by the Iraqis to remain inside the country, finds himself in a similar situation. For a week, Arnett filed censored daily reports from Baghdad by telephone. Now Iraqi authorities have granted CNN permission to bring in a crew for live satellite transmission. The network has an exclusive that's envied by all its competitors. But it's also one that plenty of Americans resent.

Arnett is virtually a journalistic prisoner of war. He sees only what the Iraqis want him to see, and is not allowed to interview anyone independently. Unlike his carefully controlled colleagues in Saudi Arabia, he can't complain about his working arrangements or call the home office without someone listening in. But even while transmitting the official Iraqi line to the world via CNN, New Zealand-born Arnett manages to remain a reporter. Having covered more than a dozen wars in 30 years, he knows what to look for. (He won a Pulitzer Prize for his Vietnam coverage for the Associated Press.) From the start, he has refused to speculate or report anything beyond what he can physically see, hear and smell. As a result, his reports of civilian casualties at various sites have more credibility than they might in the hands of a less experienced correspondent. Last Saturday, for instance, he reported accounts of civilian deaths in a holy city believed to have been off-limits to bombing. But he added that the mosque itself was still open and full of visitors. What emerges from his reporting is a country that has been stunned by the allied bombing, but far from destroyed—not such a different picture from the one provided by the American briefers.

Baby Formula: Of course the White House doesn't quite see it that way. When Arnett reported on bombing at a plant that the Iraqis claim made baby formula, the U.S. military argued that the site was in fact a chemical-weapons factory. Do such conflicting reports harm the allied war effort? It's hard to see how they do. TV viewers know—or ought to know—that women and children die in war. CNN has put its Baghdad reports in context with a series of disclaimers. As a tool for Iraqi manipulation, Arnett's formidable talents are not being put to their best use. But a little light from enemy territory is better than none at all.

SADDAM THANKS THE PROTESTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I thought I had the current cover of Time magazine, or this week's Newsweek, with me. I do not. On the cover is Lt. Jeffery Vaun, V-a-u-n, one of the A-6 pilots off the *Saratoga* that was shot down on the second night of Desert Storm.

Mr. Speaker, we are actually living through one of the most peculiar periods of warfare in all of the ignominious history of aggressors and the glorious history of men, and in many cases women, who fought for freedom to defend their home, their country or way of life. Until a few hours ago, as we approached tonight, the ending of the second week of war, we had, unbelievable as it may sound, as phenomenal as this is; we had one American killed in action, an F-18 pilot, also off the *Saratoga*, that went down the first night, and that pilot was followed down by his wingman, I guess, at night, and did not get out of the airplane. That was Lt. Michael Speicher from Jacksonville, FL. One killed in action, seven POW's, seven missing in action and four Purple Hearts in small skirmishes along the Kuwaiti-Saudi border; that is the way we were up until a few hours ago.

Yesterday, before the interview, the amazing interview of Peter Arnett of Saddam Hussein, the dictator that has brought the world into a war, the propaganda ministry of Saddam Hussein said that one of our pilots had been killed in a bombing. He had been put as a human shield in what we think was the ministry of industry, and then they gave the ominous news that several others were wounded. Now the families of our seven missing in action American pilots and our eight allied air crew that are missing in action, not to mention the families of the five allied prisoners who have been identified, and we could see that they had been tortured, or the seven American pilots and bombadier navigators that had been shown on television that are now declared as POW; all of these families of these over 2 dozen airmen are wondering now: Was that my son? My brother? My husband? The father of our kids? Was he the one that they say was killed? Was somebody killed? How badly were the others injured? Were they blinded? Did they lose an arm or a leg? Are they dying in some hospital now? Are they getting medical treatment? No Red Cross people under Geneva Convention, civilized treatment, have been allowed to see any of these two dozen plus air crewmen, or the seven Americans or the five allied pilots that have been shown on Iraqi television.

But a few hours ago, the count is now, according to CNN, 13 KIA, because 12 young marines in blunting this Iraqi attack across the border, an attack at our allied forces, the forces of 28 nations now with combat people in the area; who knows how many hundreds they lost to kill these 12 marines? We now have some ground action, and the death toll begins to move up.

Mr. Speaker, I would ask those demonstrators, at least those who saw the Arnett interview with Saddam Hussein, to please consider what they are doing when they are in the streets. Saddam Hussein has looked into a camera and thanked those demonstrators for being in the streets in the United States, in Germany, Great Britain and France. He has thanked them because they are figuring in his war planning. He will extend this war based on the calculations of seeing them in the streets and number 6 or 7 years before people appeared in those numbers in the Vietnam war. He feels they are his key to some sort of victory that he will claim in spite of the fact that his air force is destroyed or fled to Iran, in spite of the fact that he does not have one naval surface ship left that can be put to sea, in spite of the fact that he has polluted the gulf with the biggest oilspill in history times 44, and maybe bigger, that another oilspill has started with Iraqi oil up in the Fao area, which may in the end be bigger than the spill he already put out from Sea Island with captured Kuwaiti oil.

□ 1550

He is now looking at demonstrators, and as the President said here last night, Mr. Speaker, some are reckless, but most are not. I maintain now that it is reckless to go into the streets, not just to burn an American flag but to fly one and embolden this dictator and prolong this war and kill off not only allied men and women but to kill Iraqi kids in uniform who do not know which end is up.

GROUND RULES FOR A PEACE CONFERENCE ON THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 5 minutes.

Mr. ORTON. Mr. Speaker, just a few short months ago, as I campaigned for this office, the world rejoiced as the barbed wire was rolled up and the concrete walls crumbled before Eastern European demands for freedom. A new world order was declared, a new era of world peace proclaimed. And the ancient Prophet Isaiah was quoted, wherein he foretold a day when the peoples of the world would "beat their swords into plowshares and not learn war anymore."

In my first week as a Member of this body, I sanctioned the war which now rages in the very cradle of civilization. I recall the words of the Apostle John who described so vividly the final battle of Armageddon.

Which course is it on which the world has now embarked—world peace or Armageddon?

The United States of America is unquestionably the world's only true superpower. Over the past few weeks, we have displayed to the world our terrible military might. With our superior technology and training, military victory can only be a matter of time.

Our military power is evident and our willingness to use that power confirmed. But there is a still greater power in this Nation. It is the power of freedom and the love of peace. Now that we have demonstrated our willingness to use force in defense of collective security, let the United States now show the strength of our resolve for peace.

I commend President Bush for his leadership in building the international coalition, and, I call upon him now to build an even greater coalition for peace. The President should take this opportunity to call for an international peace conference to resolve all issues of war and peace in the Middle East.

It is not too early to sue for peace. I agree with the President that we cannot reward Saddam for his military aggression and that his removal from Kuwait must not be linked to other issues. But we have made our point there is no linkage. As we speak, United States and allied forces are driving Saddam inevitably from Kuwait, and I will continue my unflagging support for the President in that goal.

Now is the ideal time to call for a peace conference on the Middle East. We have the chance not only to display our commitment to peace, but to remove future generations from the everpresent specter of war.

If a peace conference is to be successful, it must be based upon certain ground rules. I suggest the following:

First, no more terrorism: All participants must denounce terrorism and cooperate in investigation and prosecution of terrorists.

Second, Israel's safety must be guaranteed: Israel has an absolute right to exist within safe and secure borders. Any attack against Israel will be treated as an attack against the world community.

Third, Palestine self-rule. Palestinians have an absolute right to exist in a Palestinian state with governmental self-rule.

Fourth, a neutral Jerusalem: Jerusalem is a holy city to Jews, Christians, and Moslems. It should be an international city similar to the Vatican.

These four points are not negotiable. All other grievances and issues, including borders, are negotiable.

Mr. Speaker, now is the time for America to show its resolve for peace. The horrible consequences of war lie in full view before the world. Now is the time to strike a blow for peace while the world is united in a coalition against aggression.

Let America, the world's greatest superpower, use all her might for peace. Let the fire kindled in the cradle of civilization light the torch of world peace—not fan the flames of Armageddon.

LANDLORD OR FRIEND? JAPAN THREATENS UNITED STATES FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, yesterday the New York Times carried a story that "a top Japanese Treasury official warned that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a very, very harmful situation."

This statement is a reaction to the sanctions bill by Senators RIEGLE and GARN which authorizes regulators to deny bids for expansion in the United States by financial institutions originating in countries barring American companies from competitive opportunities.

The bill, aimed mostly at Japan, strikes at the arcane web of laws and regulations that protect Japanese financial institutions from competition with American firms.

I know some American officials have labeled the sanctions bill as narrow reciprocity. To the contrary, I believe, any narrowness is on Japan's part. They are the ones not wanting to compete on a level field. Japanese banks and securities firms expect full faith and credit from the United States and even exemption from capital gains taxes. Why shouldn't they open their markets?

Also in the New York Times this week is a story about the Industrial Bank of Japan opening a boutique of American mergers and acquisitions in New York City.

I think the sentiments expressed by Mr. Hideo Ishihara, deputy president of the Industrial Bank, fully explain the Japanese attitude of doing business.

Asked why a new firm was developed instead of purchasing an existing firm, Mr. Ishihara replied:

> We did not want to commit the interests of our Japanese clients into the hands of people who might not have the same motives as we do.

The story also reported that:

> Unlike many American investment banks which have been criticized by Americans and Japanese for being more interested in executing transactions, the preservation and retention of relationships with Japanese corporations has been the cornerstone of the Japanese banking community.

That paragraph completely explains the difference in the attitude between American and Japanese businesses. It speaks to the heart of the Riegle-Garn sanctions bill and the need for a level playing field for American business in foreign markets.

A recent article on foreign investment by John Burgess in the Washington Post explained how foreign firms are investing in the United States with American, not foreign loans. In other words, foreign firms are competing with us for our capital—then taking the profits out of the country and fraudulently delaying the payment of $50 billion of taxes.

At a time when this country is in a recession, the foreign firms are borrowing from our capital pool to buy American properties. The New York Times article also reported "as a group, foreign-owned companies in the United States were paying off debt to their parents abroad and they were sending out profits faster than they were making them."

The report on repatriation of earnings is not welcome news for the investment lobby. They argue that foreign companies often reinvest their profits in the United States, creating more jobs and economic activity.

The report in the paper states that foreign companies repatriated more money out of the United States than they kept in the United States.

Another article in Business Week stated that the Government's "tough new line on foreign investment is only a mirage." A recent Treasury Department directory limits the Committee on Foreign Investment in the United States [CFIUS] to only examining critical technology if a foreign firm buys a 51-percent interest. Now any astute businessman will tell you that it does not take 51 percent to be able to control a company.

What does this mean to the United States? It is time that we stand firm behind American business and stop bowing to blackmail threats. Japan can threaten to pull their funds and create a hardship for us—but they will for themselves as well.

Whenever the United States politely asks for more freedom of financial opportunities or a level playing field—quid pro quo, if you like—Japan, like scolding parents, threatens to ground us—and take away our allowance. I wish they would take away their Japanese cars instead.

□ 1600

LESSON 3: WAR AND OIL

Mr. SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gerntlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, last night the President of the United States came to this Congress to present his State of the Union Address. The title of my remarks this afternoon is "Lesson 3: War and Oil."

I have been on this floor since the war began last week talking about how the United States became involved in this conflict, the reasons for it, and the manner in which we can avoid war over oil in the future.

I would like to refer to the President's address, because it was very well presented. No sentence in the speech was more powerfully applauded than the President's assertion that there is no one more devoted, more committed to the hard work of freedom, than every soldier and sailor, every marine, airman, and Coastguardsman, every man and woman now serving in the Persian Gulf. All of them are on our minds every minute of the day.

Mr. Speaker, the President devoted much of his remarks to the war in the gulf, and properly so. It is an all-consuming subject, a topic that dominates every conversation, a subject for every dinner table discussion all across our land. The war is on our minds, and it will be on our minds for some time.

But the war in the gulf, as I have said repeatedly, is a war that has been a long time in coming. The war is the culmination of three decades, three decades, of American policy, or failure of policy, many would say, that has, in fits and starts, attempted to define and protect American interests in the Middle East.

Those interests have been defined by two consuming issues: Our consuming demand for cheap oil, and the need to protect the security of Israel. As we all know too well, these two American interests are, more often than not, in direct conflict with each other.

The Arab nations arrayed against Israel control the world's proven oil reserves. Despite more than two decades of effort, little real progress has been made to resolve the security concerns of Israel and the demands of the Palestinian people for a homeland. It has been a muddle, a muddle that has been exploited by Saddam Hussein.

This is why yesterday I was heartened to see the statement issued by our Secretary of State, James Baker, and Soviet Foreign Minister Alexander Bessmertnykh. This statement offers the possibility, a ray of light, to the Government of Iraq and the allied nations that negotiations on the Arab-Israeli conflict will be a part of the aftermath of the crisis in the Persian Gulf.

I would like to enter the entire statement in the RECORD, and only quote directly from parts of it at this point.

JOINT UNITED STATES-SOVIET STATEMENT ON GULF

(Following is last night's joint statement by Secretary of State James A. Baker III and Soviet Foreign Minister Alexander Bessmertnykh:)

In the course of the discussions held in Washington on January 26-29, 1991, USSR Minister of Foreign Affairs Alexander Bessmertnykh and U.S. Secretary of State James Baker devoted considerable attention to the situation in the Persian Gulf.

The ministers reiterated the commitment of their countries to the U.N. Security Council resolutions adopted in connection with Iraq's aggression against Kuwait. They expressed regret that numerous efforts of the United Nations, other international organizations, individual countries, and envoys were all rebuffed by Iraq. The military actions authorized by the United Nations have been provoked by the refusal of the Iraqi leadership to comply with the clear and lawful demands of the international community for withdrawal from Kuwait.

Secretary of State Baker emphasized that the United States and its coalition partners are seeking the liberation of Kuwait, not the destruction of Iraq. He stressed that the United States has no quarrel with the poeple of Iraq, and poses no threat to Iraq's territorial integrity. Secretary Baker reiterated that the United States is doing its utmost to avoid casualties among the civilian population, and is not interested in expanding the conflict. Minister of Foreign Affairs Bessmertnykh took note of the American position and agreed that Iraq's withdrawal from Kuwait must remain the goal of the international community. Both sides believe that everything possible should be done to avoid further escalation of the war and expansion of its scale.

The ministers continue to believe that a cessation of hostilities would be possible if Iraq would make an unequivocal commit-

> ment to withdraw from Kuwait. They also believe that such a commitment must be backed by immediate, concrete steps leading to full compliance with the Security Council resolutions.
>
> The Iraqi leadership has to respect the will of the intenational community. By doing so, it has it within its power to stop the violence and bloodshed.
>
> The ministers agreed that establishing enduring stability and peace in the region after the conflict, on the basis of effective security arrangements, will be a high priority of our two governments. Working to reduce the risk of war and miscalculation will be essential, particularly because a spiraling arms race in this volatile region can only generate greater violence and extremism. In addition, dealing with the causes of instability and the sources of conflict, including the Arab-Israeli conflict, will be especially important. Indeed, both ministers agreed that without a meaningful peace process—one which promotes a just peace, security, and a real reconciliation for Israel, Arab states, and Palestinians—it will not be possible to deal with the sources of conflict and instability in the region. Both ministers, therefore, agreed that in the aftermath of the crisis in the Persian Gulf, mutual U.S.-Soviet efforts to promote Arab-Israeli peace and regional stability, in consultation with other parties in the region, will be greatly facilitated and enhanced.
>
> The two ministers are confident that the United States and the Soviet Union, as demonstrated in various other regional conflicts, can make a substantial contribution to the achievement of a comprehensive settlement in the Middle East.

Both Secretary Baker and the Soviet Foreign Minister stated, "The ministers continue to believe that a cessation of hostilities would be possible," even at this point, "if Iraq would make an unequivocal commitment to withdraw from Kuwait. They also believe that such a commitment must be backed by immediate concrete steps leading to full compliance with the Security Council resolutions."

"In addition," they say, "dealing with the causes of instability and the sources of conflict, including the Arab-Israeli conflict, will be especially important. Indeed, both ministers agreed that without a meaningful peace proposal—one which promotes a just peace, security, and a real reconciliation for Israel, Arab states, and Palestinians—it will not be possible to deal with the sources of conflict and instability in the region. Both ministers, therefore, agreed" in the statement "that in the aftermath of the crisis in the Persian Gulf, mutual U.S.-Soviet efforts to promote Arab-Israeli peace and regional stability, in consultation with other parties in the region, will be greatly facilitated and enhanced.

"The two ministers" state they "are confident that the United States and the Soviet Union, as demonstrated in various other regional conflicts, can make a substantial contribution to the achievement of a comprehensive settlement in the Middle East."

Would it not be wonderful if these two superpowers, even today, as troops are lined up in battle on both sides of the front, could somehow convince Saddam Hussein that that particular issue would be put on the table? This offered us hope as late as just yesterday afternoon.

Now I would like to go back into some of the history of how we got involved in this. I place this in the RECORD for historians and Americans interested in how wars happen.

They just do not happen overnight. We can go back to the experts who have told us and saw that this war was coming. Let us go back to 1957, following the first oil war in the Middle East called the Suez crisis. They even make movies about that now, and I ask people to go out and rent one of those films on the Suez crisis and show it on your VCR at home. It will tell you where the root of all this is.

At the time a very well known journalist, John C. Campbell, wrote for Foreign Affairs magazine the following: "Nothing is so unstable in the world balance as a group of newly independent states," and, of course, he was referring to the new states in the Middle East that had just been carved, "weak, uncertain of their frontiers and their future, jealous and suspicious of each other, resentful of the interference of the great powers from the outside." He said; "The Middle East today recalls the Balkans of 50 years ago."

□ 1610

Campbell went on to write: "Outside Powers who fish in such waters have to gauge the force of nationalism and to accommodate their policies to it if they wish to succeed at all. But woe to those who, in pursuit of supposed advantage or of a benevolent theory or principle, abdicate powers of decision vital to their own future."

Remember, this was being written in 1957.

"The important thing," he goes on, "is that the Arabs know where the United States stands, that it is not an enemy of their cause, but neither as a responsible world power can it give a premium to irresponsibility," on the part of others. "On a number of matters (oil production, pipelines, economic development, regional planning) the possibility of arrangements of real benefit to them should provide some incentive. Saudi Arabia, for example, has an obvious interest in such practical relationships, rather than in beating the anti-Western drums for the greater glory of Abdel Nasser," who was then, of course, the nationalist leader of Egypt, and still is a very popular person today in Egypt and the Arab world.

He goes on to say;

> Only in that way can the West successfully support and encourage those Arab leaders who are moderate nationalists, who do not repudiate the West and all its works, or who have a substantial political or economic interest in cooperation. Such leaders may seem hard to find at the moment.

That was back in 1957. They are still hard to find today.

> The tide has been running so strong in the other direction that they have tended to ride along with it or to keep silent. They can not make headway if the West persists in making Abdel Nasser the sole champion of Arab nationalism who can win victories.

I might add on a personal note at this point that the unfortunate Western habit of picking one man in the Arab world and making him into the enemy, or picking another and making him into a hero, serves to hide the real currents that are going on in each of these nations, the political currents, the economic currents, the religious currents, and the social movements that are transforming the Middle East even today in the midst of war. The more the West tries to create an Arab enemy in the person of one man, the more it fuels the latent nationalism, pride, resentment, and the strong pressures for nationalism and recognition in their own right of each of these nations.

I want to go on continuing with a quote from this Foreign Affairs article.

It may be objected that to try to walk this fine line—if it exists at all—between encouragement of "good" nationalists and appeasement of "bad" nationalists is well beyond the capacities of our diplomacy. How can the West "accept" Arab nationalism without playing into the hands of the extremists . . . Our only hope of doing so is by consistent official and public attitudes which give Arabs the sense that they are regarded as equals and" not as those being exploited for lower wages or because they happen to have oil under the ground, "and are being treated fairly and impartially."

We can recognize the "futility of trying to hold Western positions based on former imperial relationships," colonial powers that dominated that region for years, "that are an offense to Arab feeling and serve to unite all Arabs against the West." We can encourage "greater unity among Arab States that are desirous of maintaining freedom, and even taking a more tolerant attitude toward the Arab League if the league will itself develop a measure of tolerance; by respecting the neutrality of those Arab States that prefer it, provided it is genuine; and by a courageous attempt to tackle the question of Israel in a way that does some justice to outraged Arab feeling without feeding the fires of Arab megalomania."

The last point illustrates the basic dilemma in which the existence of unsolved and seemingly insoluble conflicts in the Middle East has placed the Western powers. The United States, on Palestine and other thorny disputes, has not been eager to make proposals sure to be rejected and to earn the abuse of both sides. Yet it is the persistence of unsettled conflicts that has brought us to the present.

This is why yesterday's United States-Soviet statement by our Secretary of State and their Foreign Minister is so significant, because it places the two superpowers strongly on the side of negotiating the Arab-Israeli festering sore.

In 1968, and this was about 10 years after the quotes I have just been reading, 10 years later we saw this coming. We saw this war coming back as much as 30 years ago, just after the 1967 war when Charles Yost, a senior career diplomat and American Ambassador to the United Nations, wrote an article in Foreign Affairs magazine entitled "Order and American Responsibility." In his article Yost reviewed America's responsibility throughout the world, particularly in relationship to the Soviet Union, and his remarks on the Middle East, like those of Campbell 10 years earlier, are a precursor of our troubles today in 1991.

Yost wrote back then:

> In view of the passionate nationalism of most of the states in the area, as well as its fragmentation and the crisscross of rivalries among the countries involved, it is most unlikely that either the Soviet Union or the United States could hope to dominate the area or any significant part of it. New intruders into the Arab world can not expect, particularly in this day and age, to be any more permanently successful than old ones were. It can hardly be doubted that their aid will be used by their respective clients more in the interests of the clients than of the patrons.

He recommends:

> If this analysis is correct, both the United States and the Soviets should firmly forgo, unilateral military intervention in the area, or indeed other competitive measures which could lead to confrontation. The traditional involvement of the United Nations creates a convenient cushion, to the extent it can be used, between the interests of the two superpowers and their respective friends. Before new disasters occur, the United States, the Soviet Union and the Europeans should exert every ounce of leverage they possess to achieve whatever elements to settlement can be extracted, for if multilateral peacekeeping fails again in the Middle East, there is little we can do unilaterally that would not entail greater peril than profit to ourselves and our friends.

This was stated back in 1967.

Then, in 1973:

> The increasing dependence of America on Middle East oil would once again draw the attention of American experts, and once again the reason for our attention was the growing instability of the Middle East. The 1973 war between Israel and the Arab Alliance had not yet occurred, but experts here at home were already raising their voices concerning our dependency on Middle East oil.

Speaking at congressional hearings in May 1973, 5 months before the outbreak of war in the Middle East, Michael Hudson, a professor at Johns Hopkins University School of International Studies, would make the connection between the Palestinian question and the growing American dependency on Middle East oil.

He said, and this man was a prophet,

> The energy question has justifiably rekindled worries about the Middle East. Only a decade ago it was argued in some quarters that the Middle East was becoming an unimportant part of the world because of an alleged oil glut. But then in the last few years, when skyrocketing petroleum consumption and environmental concerns have forced us to revise our thinking about energy, the concerns, the estimates of our growing dependence on Middle East oil have been revised upward repeatedly.
>
> The President's 1970 task force on oil imports predicted that the United States would not need to depend for 10 percent of its oil from Middle East sources—a dangerous threshold even then—until 1980; but that date was subsequently moved back to 1975. The State Department's top specialist in fuels and energy told a congressional hearing in 1971 that by 1980 the United States would be consuming 24 million barrels per day of which only half would be domestically produced: some 9 million barrels, around 37 percent, would be coming from the Arab States of North Africa and the Persian Gulf and from Iran. . . . But in a political sense, there is no escaping the simple fact that we are going to need, he said back then, substantial amounts of Arab oil at least until the end of this century. Furthermore, we are going to have to pay for it. According to a Chase Manhattan Bank study.

□ 1620

And, of course, Chase Manhattan has been the institution that has accepted so much of the oil wealth from the Middle East and has managed to move those dollars around the world; they said that the outflow of dollars from the United States for petroleum could reach $30 billion a year by 1985, and that proved to be correct; and it could result in an enormous balance-of-payments deficit for petroleum alone on the order of $25 billion, and it certainly has, and today, as we stand here, I can say parenthetically that 55 percent of our imports in this country are oil imports, energy imports, and nearly half of our trade deficit with the world today, as it has been for every year of the last several years, is due to imported fuels. We continue to have the balance-of-payments problems, and it is causing this economy to erode internally. Already, he stated back then, the Arab oil producers are accumulating huge dollar reserves and will do so at a rapidly increasing rate in the years to come, and of course, when they accumulated those rapid dollar reserves, do you think they deposited them in institutions within the Middle East, financial institutions in the Middle East? Of course not. They brought those dollars back to the United States, put them in institutions here in our country, the most stable republic in the world, and now we are paying interest on the dollars that were our dollars to begin with had we not had to buy foreign oil, and that money has worked its way into our economy, and we are paying them interest on the dollars that were ours to begin with. That money is in the very veins of this economy. Arab oil dollars flowing to German marks are prominent in the most recent dollar crisis, he said back in the 1970's, and there is every indication that these transactions were motivated only by strict financial rationality.

He went on:

> Thus it seems possible that some of the Arab oil States angered by hostile U.S. policies in the area, might try to punish us in some future crisis. The Arabs did cut off their oil during the Suez war of 1956 and briefly during the Six Day War of 1967. Recently we have heard the Saudi oil minister politely threaten to use oil as a weapon to pry the United States away from its support of Israeli expansion. Lybia's leader, Mu'ammar Qadhafi, who deposed a king, has been bitterly critical of the United States policy toward the Arabs and there have been numerous serious incidents between the United States and Lybia recently.

This was back in the 1970's, and, of course, that has continued.

> The Kuwait Parliament has voted to cut off its oil in any future crisis. Palestinian or Lebanese radicals have sabotaged the United States pipeline and storage tanks in Lebanon. And four major Arab oil producers recently staged a symbolic cutoff. Even with the best good will on both sides there will be some very hard bargaining on energy matters between the United States and the Arabs in the coming years. The addition of political hostilities is not likely to improve the outcomes.

And so he goes on:

> We are approaching the point—if we have not already reached it, and this was back in the early 1970's—where the argument that "the Arabs would never deny us oil because they need our dollars more than we need their oil" is less than persuasive. A total and indefinite oil cutoff is most unlikely (though not impossible), but there is a variety of intermediate options open to the Arabs—including temporary cutoffs, slow-downs, and financial mischief—that could be extremely inconvenient, to the West. It may be true that the Arabs are unable to effectively threaten American vital security interests, but I would suggest that Arab oil must now be classified in the "almost vital" or at least "very important" category. Arms purchases from the U.S. notwithstanding, these signs do not suggest that the Arab producers can be counted on to keep oil and politics—especially the Arab-Israeli crisis—separate.

And, of course, we know as time went on and economic linkages developed that the nation of Kuwait as well as the nation of Saudi Arabia came to control almost 70 percent of the oil profits flowing from the Middle East to Western nations, and that the nationalist states like Iraq, Algeria, and Libya only controlled about 30 percent, and one of the driving forces behind this war is an attempt of those nationalist states to acquire a greater share of the profits that have been flowing to the Kuwaiti and Saudi States. Now there is a definite linkage between the Palestinian issue and the energy situation, and I am glad our Secretary of

State and the Soviet Foreign Minister confirmed that as recently as yesterday.

He goes on to say:

> Finally, I would agree that there is a linkage between the Palestinian issue specifically and the energy situation, notwithstanding the present feebleness of the Palestinian guerilla movement. Palestine functions as an accelerator of instability and change among the Arabs. It is a free-floating myth around which all contradictions and conflicting interests in Arab society emerge. While uniting the Arabs in spirit, it sets country against country, class against class, generation against generation. As Ambassador Charles Yost and others have remarked, it breeds extremism and terror.

And we know that now well in 1991. "Indeed, our diplomats work now in fear of their lives in most Arab nations," and he stated this back in the 1970's. He says:

> My travels in the Arab world, including the gulf last year, leave me with a strong impression that Arab hostility to the United States is largely due to what is perceived as complete American support for Israel and its conquests. At the same time, as we have seen, the United States is becoming increasingly dependent on Arab oil. The mere juxtaposition of these two facts might be sufficient to convince some that linkage exists, but I think we must explore the matter further primarily because of a condition I referred to earlier: The divisions and discontinuities among the Arabs.

And he goes on that there are several more specific grounds for asserting the connection between the energy situation and the Palestinian problem. None alone is compelling, but taken together, in his judgment, they constitute a serious argument for its significance.

> First, there is a large and influential Palestinian community in Arabia and the gulf—Kuwait, Saudi Arabia, Abu Dhabi, Dubai. These Palestinians perform vital services in the governments, business, and oil installations themselves. They have proselytized the Palestinian case effectively among the gulf Arabs. In the second place, the rising, politicized, Western educated younger gulf Arabs are being sensitized to the Palestine issue more effectively than were their parents. Universities in Damascus, Cairo, and Beirut, for example, have been centers of diffusion of Palestinian and Arab values and commitments; and Arab students studying overseas have also been acculturated into the Palestine problem through their own studies and contacts with other Arabs. Third, on the ideological level, the Palestinian case and Arab nationalism are inextricably linked. Gulf Arabs, despite their various commitments and priorities, feel that Palestine is part of the Arab nation and that the Palestine problem is their problem.

When this gentleman traveled in the gulf in Arabia, he states he could see first hand the extensiveness of this awareness. The strong Islamic commitments of many gulf Arabs makes them particularly concerned over the fate of Jerusalem.

□ 1630

He said:

> I need not go into detail to indicate the signs that have appeared recently from the conservative monarchial regimes themselves as to their concern over American policy as regards the Arab-Israeli question. We have had the Saudi Arabian Oil Minister come and deliver his veiled threat. We have had a recent cut-off, a symbolic cut-off, of oil supplies by at least five major Arab oil producers.

This was back in the 1970's.

> We have had the oil installations of the Tapline blown up in Lebanon, Tapline being an American company.

He goes on:

> We have had increasing difficulties with the government of Libya. The Kuwait Parliament and the ruler of Kuwait have vowed to withhold further increases in oil if there is not some change. Now, I would regard these statements as statements to be taken seriously.

He says:

> I am not claiming that if there were no Palestinian problem that the Gulf would be completely stable. But I could contest the opposite claim—one which seems to be widely accepted in Washington—to the effect that the Arab-Israeli conflict is entirely unrelated to developments in the Gulf.

He says:

> I am not alone in this assessment. For example, a seminar on the Gulf conducted by the American University's field staff in Italy last summer states: "One inescapable conclusion is that, if for no other reason than meeting the oil requirements of American citizens bent on comfort and convenience, the United States cannot afford to be on bad terms with the whole Arab membership of OPEC (The Organization of Petroleum Exporting Countries); this statement holds good no matter how much the states in question may differ politically or ideologically within the Arab League."

And further that:

> Therefore, an event thought more conducive to stability in the Gulf than any other single happening was a settlement of the Arab-Israeli dispute, in terms acceptable not only to the Arabs but to the international community, and Israel.

These are telling words, Mr. Speaker, telling words indeed. For as far back as 1973, before the first oil shock of 1973, here were clearheaded thinkers, telling everyone that there was trouble ahead. Why did we not listen to them then? The rest as we all know is history.

Five months after Professor Hudson's prophetic remarks, the Arabs once again were at war with Israel. The oil crisis that followed as the result of that war would send the U.S. economy into a severe recession, a recession from which we have never fully recovered. Since 1973, our balance of problems has continued to grow worse. We have been importing more oil from all over the world, and even more from the Middle East, rather during the 1980's than becoming less dependent on Middle East oil, we became more dependent on Middle East oil.

I would like to point out, as an American who comes from the heartland, it has always been a curiosity to me, and helps me understand the power of multinational oil corporations, that under the ground in the United States we have more Btu's of energy in coal, British thermal units, which is a measurement of energy than the Middle East has oil liquid form. In fact, just in coal reserves, recoverable coal reserves alone in this country, we have 3 times what the Middle East has in Btu's in liquid oil. Yet why is it that our multinational oil companies have gone to the Middle East rather than investing in the United States of America and creating jobs here? Very important question. Very important question to ask because that has been the private government, the relationship of the oil companies to those nations that have led America to the brink of war and now into war. Those companies must be held accountable by the American people.

Now it is 1991, our troops are in the field. We are losing people every day. What have we really learned about our dependency on Middle East oil, and our energy dependency here at home and other places? Sometimes I think we have not learned hardly anything at all. Stuart Eizenstat, the former Domestic Policy Director for President Carter, wrote an article in 1990 entitled "No more oil binges?," and in this article which I am placing into the RECORD, he recounts the long sorry history. And it is, indeed, a sorry history every day that we live now of how we became so dependent on Middle East oil. I will include the article at this point:

NO MORE OIL BINGES?

(By Stuart E. Eizenstat)

We are all willing to pay the cost of sending 200,000 American military personnel to Saudi Arabia to protect U.S. and western oil supplies, and to have some of our men and women pay the ultimate price with their lives. Yet, as a nation, we have time and again shown our unwillingness to bear the sacrifices necessary to reduce our reliance on crude oil from the world's most unstable region—the Middle East.

The United States is experiencing its third oil shock in the past 17 years. Each has produced a similar economic trauma. After the first OPEC oil embargo by Arab states in 1973–74, a new word had to be added to our economic lexicon as a result of the huge runup in oil prices—"stagflation," the simultaneous increase in inflation and decrease in growth. In 1979–80, following the fall of the shah of Iran and the western panic over the drop in Iranian oil production, the same thing happened. As domestic policy adviser to President Jimmy Carter, I personally experienced the full economic—and political—impact of a 120 percent rise in oil prices in a one-year period—leading to double-digit inflation and interest rates, an economic downturn and the loss of the 1980 presidential election.

Now the oil shock of 1990 presents another grim reminder. The embargo of Iraq's and Kuwait's 4.3 million barrels of daily oil production (the loss to world oil supplies is now well under 1 million barrels per day as additional production has come on line to replace the Iraq-Kuwait exports) and the fear of war in the world's oil belt threatened to again set the U.S. economically on its heels. As oil prices have doubled since July, a recession looms and inflation has jumped.

A pattern has developed. With each oil shock there is a temporary public clamor for action, a presidential plan produced in a crisis atmosphere, public apathy when the emergency recedes and only limited success in implementing the president's program. In 1973, President Richard Nixon called for Project Independence to eliminate U.S. dependence on foreign oil by 1980, but little of the program survived intact in Congress.

President Gerald Ford followed with his own version, which initially was to include a major synthetic energy program, but only parts were passed by Congress.

President Carter—following up his major energy initiative of 1977, which was billed by him as the "moral equivalent of war," and his courageous decision to decontrol crude oil prices in June, 1979—produced an energy bill in the heat of the price rise and gasoline lines of 1979. It had as its centerpiece a Synthetic Fuels Corp, to produce largely coal-based synthetic fuel and an Energy Mobilization Board, to speed up the licensing of domestic energy facilities. The Energy Mobilization Board was killed in the Senate and the Synthetic Fuels Corp. was ended by President Ronald Reagan as an intrusion in the free marketplace.

Now, in the face of our third energy crisis President George Bush has asked the Department of Energy to accelerate its work begun in July, 1989, on a National Energy Strategy, so that the president can make it a centerpiece of his 1991 State of the Union Address.

The danger is that once the Iraqi crisis recedes and world oil prices plummet to near pre-crisis levels, as will likely happen, President Bush's efforts will die aborning.

This is not to say, with all the ups and downs, frantic, ambitious energy plans proposed and half-measures passed, that our country has not made significant progress.

We are much more energy efficient than we were before the first oil shock in 1973 and can produce a unit of economic growth with about 50 percent more efficiency now.

Through the efforts of Presidents Carter and Reagan, price controls on crude oil and natural gas, which discouraged domestic production and conservation, have been ended.

A Strategic Petroleum Reserve initially set up after the first Arab oil shock, has gone from only 7 million barrels in 1977, when President Carter was in office, to some 800 million barrels today.

Oil consumption has been reduced since the first oil crisis in every sector except transportation. Electric power generators use only half the oil they did in 1973; oil consumption is off by 40 percent in the residential and conmercial sector, and American industry's energy consumption was lower last year than it was in 1973.

Yet with all the improvements, President Reagan's laissez-faire attitude during the '80s set the nation back. Government support for research and development in alternative fuels and conservation was dramatically slashed. President Reagan spent more time trying to bill the Department of Energy than reducing our energy dependence.

Automobile fuel efficiency standards, which improved from a fleetwide average of 18 miles per gallon in 1978 to 27.5 miles per gallon in 1985, stagnated. The speed limit was raised in many states. Improvements in energy efficiency waned. Domestic crude oil production continued to plummet to 7.8 million barrels per day, the lowest level since 1951. Oil consumption was up last year by over 2 million barrels per day from 1983 levels and back to pre-1973 levels, before the first oil shook.

The United States is now dependent on imported oil for almost 50 percent of its needs—a level only once before—with much of the oil coming from the volatile Middle East. We spent over $37 billion on oil imports last year and it was a third of the total U.S. trade deficit.

Why have we had such a mixed record on energy? Why do we respond only in times of apparent crisis and then forget the lessons we have learned? Energy is the single most difficult domestic issue. Regions are pitted against each other—producing areas in the Southwest and West which want higher prices to stimulate production and consuming areas in the Middle West and East which want cheap prices; oil and gas states fighting coal states; fierce interstate battling each other to an energy policy gridlock—environmentalists against producers, consumer groups against utilities and the auto industry. We are unwilling to compromise.

We want inconsistent things—cheap prices, but greater conservation; more domestic oil, gas and coal production, but total environmental protection; less reliance on foreign oil, but risk-free domestic energy sources. And our decentralized political system permits endless roadblocks to be erected.

If President Bush's National Energy Strategy is to build a successful energy policy for the 21st Century, it must be premised on the following realities.

First we must end the premise that energy policy has to be either production or pro-conservation. We need both to reduce our dependence on foreign oil.

Production of all domestic energy sources is needed. In the short and medium term, this means incentives for recovery of hard-to-get crude oil, environmentally safe exploration of the most promising offshore sites and drilling in limited areas of Alaska's Arctic National Wildlife Range; removal of regulatory barriers to plentiful and clean natural gas; encouragement for a new generation of nuclear power plants, and the safe disposal of nuclear wastes.

For the long run, the administration should sharply increase research on and development of alternative fuels, particularly renewable sources of energy like geothermal and solar, so that ultimately American ingenuity can replace foreign oil.

On the conservation side, the most serious energy problem is in the transportation sector, where oil consumption is 20 percent higher today than in 1973. Two-thirds of the 17 million barrels of oil the United States consumes each day is used here, mostly for our cars and trucks. This calls for two politically difficult answers—higher gasoline taxes and more stringent fuel-economy standards. Congress made a modest start in the new budget package with a tax hike of 5 cents a gallon, but we still pay only about half of what more conservation-oriented nations do for gas. Significantly higher gas taxes are needed.

Senator Richard Bryan (D-Nev.) has a proposal, which deserves support, to raise fuel efficiency standards by 40 percent to 40 miles per gallon by the year 2001. Increased substitution of methanol and ethanol for gasoline as mandated by the new Clean Air Act amendments will help. If we are really interested in conservation, a broad-based tax on all energy consumption would be important. This was considered but dropped during the budget summit talks.

A second necessity is to recognize that the overblown promise of achieving complete energy independence is illusory and will only lead to public disappointment. We live in a global economy in which there is an interdependence of need for a variety of products; crude oil is no exception. We need to replace the boom and trust cycle of energy policy with a steady, dedicated, persistent policy.

Third, the Department of Energy must be given authority to license and locate major energy facilities upon a finding of national need and adequate safety margins, even if states try to block them. It is now virtually impossible to site a major energy facility in the Northeast. We cannot have a sound national energy policy when a withering variety of state and local regulations can block national energy actions.

Last, our energy policy will continue to require the type of military muscle President Bush has provided in the Persian Gulf to protect those foreign energy markets from hostile domination. Until we reach the stage well into the 21st Century when crude oil is no longer central to our economy, oil will be worth fighting for.

It did not surprise me at all that one of the early scenes on the news these last few weeks was the Aramco sited in Saudi Arabia where we see Americans who are worried about the possible chemical bombing that might occur, and most Americans do not realize that the largest settlement of United States citizens outside of the United States is at the Aramco facility in Saudi Arabia. We have colonized that part of the world. The oil interests and our alliance with the companies has been a largely hidden part of the news, and yet it is a central core of what this news is about.

Three oil shocks since 1973; three economic recessions; a balance of payments problem that keeps getting worse. Yet despite some progress at conservation, 55 percent of the oil that we use remains imported, and out of the taxpayers' pockets of this country, when we go to the gas pump and we buy that gasoline, $37 billion of what we pay is sent to those producer nations.

If we look at the entire U.S. trade deficit, one-third of what we owe, one-third of that trade deficit, is related to oil, the accumulated deficit of this country. Another third is due to imported automobiles. So much of the trade deficit that we face as a nation is intertwined: oil and automobiles. Is it so hard for Americans to really look at the numbers and understand what has happened to this country?

I cite this history to once again remind Americans that the failure of having a clear policy, the failure to resolve the long-festering problem of protecting Israel and resolving the Palestinian issue, and the failure to become more energy independent in the last decade, has led the United States to war in the gulf today.

Mr. Speaker, this war has been a long time coming. It has been a long time coming. God bless America, and God bless the world.

SUPPORT FOR JOINT UNITED STATES-SOVIET GULF STATEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I wish my friend and colleague, the gentlewoman from California [Ms. KAPTUR] would not have left because I wanted her to know how much I, and I suspect millions of others, appreciate her scholarly work and indepth analysis of our investment in the Middle East. She was eloquent yesterday as well as this evening in explaining some of the more historical and important facts that are so relevant today as we face this very difficult issue as a country.

□ 1640

Mr. Speaker, I would like to rise and speak with every ounce of energy I can for the joint statement in support of the joint statement that was issued by the United States and the Soviets on the gulf yesterday. I think it is important and maybe perhaps even instructive that I read the statement, because it is not that long, and I think it says much and even more than that. I think it provides some whisper of hope in these very dark and bleak days that we are engaged in.

JOINT UNITED STATES-SOVIET STATEMENT ON GULF

(Following is last night's joint statement by Secretary of State James A. Baker III and Soviet Foreign Minister Alexander Bessmertnykh:)

In the course of the discussions held in Washington on January 26-29, 1991, USSR Minister of Foreign Affairs Alexander Bessmertnykh and U.S. Secretary of State James Baker devoted considerable attention to the situation in the Persian Gulf.

The ministers reiterated the commitment of their countries to the U.N. Security Council resolutions adopted in connection with Iraq's aggression against Kuwait. They expressed regret that numerous efforts of the United Nations, other international organizations, individual countries, and envoys were all rebuffed by Iraq. The military actions authorized by the United Nations have been provoked by the refusal of the Iraqi leadership to comply with the clear and lawful demands of the international community for withdrawal from Kuwait.

Secretary of State Baker emphasized that the United States and its coalition partners are seeking the liberation of Kuwait, not the destruction of Iraq. He stressed that the United States has no quarrel with the people of Iraq, and poses no threat to Iraq's territorial integrity. Secretary Baker reiterated that the United States is doing its utmost to avoid casualties among the civilian population, and is not interested in expanding the conflict. Minister of Foreign Affairs Bessmertnykh took note of the American position and agreed that Iraq's withdrawal from Kuwait must remain the goal of the international community. Both sides believe that everything possible should be done to avoid further escalation of the war and expansion of its scale.

The ministers continue to believe that a cessation of hostilities would be possible if Iraq would make an unequivocal commitment to withdraw from Kuwait. They also believe that such a commitment must be backed by immediate, concrete steps leading to full compliance with the Security Council resolutions.

The Iraqi leadership has to respect the will of the international community. By doing so, it has it within its power to stop the violence and bloodshed.

The ministers agreed that establishing enduring stability and peace in the region after the conflict, on the basis of effective security arrangements, will be a high priority of our two governments. Working to reduce the risk of war and miscalculation will be essential, particularly because a spiraling arms race in this volatile region can only generate greater violence and extremism. In addition, dealing with the causes of instability and the sources of conflict, including the Arab-Israeli conflict, will be especially important. Indeed, both ministers agreed that without a meaningful peace process—one which promotes a just peace, security, and a real reconciliation for Israel, Arab states, and Palestinians—it will not be possible to deal with the sources of conflict and instability in the region. Both ministers, therefore, agreed that in the aftermath of the crisis in the Persian Gulf, mutual U.S.-Soviet efforts to promote Arab-Israeli peace and regional stability, in consultation with other parties in the region, will be greatly facilitated and enhanced.

The two ministers are confident that the United States and the Soviet Union, as demonstrated in various other regional conflicts, can make a substantial contribution to the achievement of a comprehensive settlement in the Middle East.

Mr. Speaker, I rise as I indicated in wholehearted support of the sentiments and the words expressed in this resolution. They are significant for a variety of reasons.

No. 1, they have the potential of making sure that the over 1.2 million troops that face each other in the open desert and in the open seas in the Persian Gulf do not come in conflict with each other, which as we know could result in catastrophic casualties of immense proportions.

This dialog, this statement between the Soviets and the United States, opens the way, I believe, in a significant and a very different way to Saddam Hussein withdrawing from Kuwait. If he and his aides and ministers are serious about the claim that was put forward by Foreign Minister Aziz on numerous occasions and by others at the United Nations representing the Iraqi cause and by Palestinians who have aligned themselves with Saddam Hussein, then they will take this statement, they will carefully analyze it, and they will come to the recognition that the two superpowers, the Soviet Union and the United States, are prepared to, as they say in their statement, in a meaningful way deal with the questions of the Middle East, one, and which I quote, "Promotes a just peace, security, and a real reconciliation for Israel, Arab states, and Palestinians."

The statement goes on that it is not possible to deal with these sources of conflict and instability in the region without dealing with these root causes.

Both Ministers therefore agreed that in the aftermath of the crisis in the Persian Gulf, mutual United States-Soviet efforts to promote this Arab-Israeli peace and regional stability, in consultation with other parties in the region, will be greatly facilitated and enhanced—greatly facilitated and enhanced.

I refer to the preceding statement in the paragraph, which I think is significant, that the Ministers continue to believe that a cessation of hostilities would be possible if Iraq would make an unequivocal commitment to withdraw from Kuwait, a commitment to withdraw from Kuwait which is different, Mr. Speaker, than previous demands put upon Saddam Hussein.

Mr. Speaker, this is an important statement and it represents the views of the two most powerful Governments in the world today. It would be very important for all of my colleagues who have read it, who perhaps might be listening to this discussion this evening, to carefully analyze for themselves what it contains. I would encourage each and every one of them to join me and my other colleagues in support of this resolution.

We will in due course be circulating a letter to the rest of our colleagues in the Congress, asking them to support our Government, the Soviet Foreign Ministers, and those in the world community who seek a cessation of hostilities so that we can get on with a more profound and lasting peace for this most troubling area of the world.

So, Mr. Speaker, again I just want to reiterate my support for the work that was done to put this statement together, for the expression, for the flexibility that it embodies, and for the hope that it gives to literally tens of millions of people around the world who want to see an end to this war in a peaceful way that respects the sovereignty of Kuwait, that respects the dignity of Arab community, that protects the rights of Israel, and that recognizes in the most profound way possible that only through talk and discussion can we avoid further bloodshed of the type that we have had and the type that we regretfully will continue to have unless Saddam Hussein recognizes the justice and flexibility of the statement which was issued by the Soviet Union and the United States.

□ 1650

So, in conclusion, let me say, Mr. Speaker, I hope my colleagues would join me and others in supporting this and that we would move forward from this point so that we can bring our troops home.

The last thing that any of us wants to see is a protracted land war in the desert which could, and I stress could, consume literally tens of thousands of American, British, French, Saudi, Kuwaiti, Iraqi, Egyptian life, and all the others who are engaged and potentially engaged and ready for combat in that region.

Mr. Speaker, I commend the Secretary of State for making this effort, and also the administration.

Mr. Speaker, I ask for the support of my colleagues.

AN ALTERNATIVE STRATEGY IN THE CONTINUATION OF THE PERSIAN GULF WAR

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House the gentleman from California [Mr. MILLER] is recognized for 15 minutes.

Mr. MILLER of California. Mr. Speaker, Members of the House, I want to congratulate our deputy whip, the gentleman from Michigan [Mr. BONIOR], for his statements here in the well on behalf of what hopefully will become a peace process with respect to the war that now rages in the Middle East and Iraq.

We hope that the statements by Secretary Baker and by the foreign minister of the Soviet Union will be nurtured and will bloom into a full-blown peace process.

But if that should not happen or if that should take longer than is necessary, I would also like to say I believe we must make all efforts now to avoid a ground war in Iraq.

As we know, the American people, most of the world, has been sitting with great anxiety waiting to see when the ground war would begin.

Some have suggested that the ground war should begin right away and we could get this all over with. I think we have heard numerous times from Secretary Cheney and Gen. Colin Powell that they would like to proceed in this matter in the manner in which they have planned it, and make sure that they can use the air war to the extent that it will allow them to provide the full protection of our soldiers and the coalition soldiers and, hopefully, for the full minimization of whatever loss of life might take place should the ground war be entered into.

But I would like to build upon that notion. That is that today in his briefing for the press our allied commander, General Schwarzkopf, the supreme commander of the forces in the Middle East at this time, engaged in the battle of Iraq, gave what I think was a rather extensive and certainly a complete and upbeat report on what has taken place in the battle of Kuwait and Iraq over the last 14 days.

He indicated that he felt that he could now say that in fact American forces had achieved supremacy of the skies, that in fact the only planes that were now coming up from their air bases were those seeking to go into Iran to seek, apparently, safe haven.

In Iran presently some 90 planes have done that to date. Also, he reported that out of 30,000 sorties only 19 allied aircraft had been lost, a rather spectacular performance, with minimum damage to the allied forces.

He went on to explain that they had been able to essentially systematically destroy the command and control centralized control—and he suggested that Saddam Hussein has now given up the centralized command and control of his forces, that he is forced, as a result of our activities, into a much different means of passing on orders to his forces in the fields.

He suggested that the main supply route had now been cut some 90 percent, that where before on a daily basis we saw a thousand trucks moving toward Kuwait City from Iraq, that we now saw 100 trucks on a daily basis, and that the bombing of those convoys and that road and bridges, was continuing.

Mr. Speaker, spectacular footage was shown as to how we were now able to locate and destroy the hard revetments for the aircraft at the various airfields and to seek and destroy additional Scud missile launchers; really spectacular successes in the prosecution of this air war.

I would suggest that that should lead us to the conclusion, again, that we should not rush into a ground war, that we ought to be very careful about that decision.

I would suggest perhaps that General Schwarzkopf's briefing and the material he laid out to the press and to the people across the world suggests that we can wait a long time.

When we had the debate in this Congress some 3 weeks ago, we discussed and it was debated back and forth and suggested by those who did not like sanctions, time and again, the sanctions alone would not work and that is why we had to give the President that authority. I oppose that argument. I believed sanctions should be given more time.

But what we now see is that we are no longer in the position of having sanctions alone, we are no longer in the position of proving whether or not sanctions will or will not work, because sanctions have now been joined—and these are the most comprehensive sanctions in modern history—joined in by more of the rest of the world than any sanctions the United States has declared against a foreign country, and the testimony as to its success was given time and time again by Secretary Cheney to Members of Congress and to others, that we now have those sanctions joined by an unprecedented prosecution of an air war, strategic and tactical air war, against Saddam Hussein's forces in Iraq and Kuwait.

The reports that have now come out of the last 14 days of fighting, along with the declaration of air supremacy, suggests that that air war can continue to be prosecuted with minimum exposure to danger, hopefully no loss of life to the allied command and the coalition forces.

We ought to take that and understand that we can continue to inflict a huge amount of punishment, in a military sense, in terms of supplies and logistics. General Schwarzkopf informed us that he believes that a very substantial, if not all, of the ability for production of nuclear, biological, and chemical warfare had been destroyed, that those facilities would continue to be targeted even after the extent to which they have already been devastated.

So, much, much of the military goals that the President set out, that General Schwarzkopf set out, are in fact being achieved at this time.

Now the issue goes as to whether or not we have to go in and root out the Iraqi soldiers that have been in bunkers now, in many instances, exceeding 5 months. Will we have to commit ground forces, the bulk of which will be young American men and women, to that battle? Or can we continue to prosecute this war, make life very difficult for the Iraqi soldiers who are stuck in those bunkers, continue to go after their antiaircraft guns, their artillery guns, their tanks, and avoid the necessity for a ground war?

I realize, and I was one of those who said and still believe, that no war will be won simply by the use of an air war. But we also see here that we are so denigrating the command and control of the strategic capability of Saddam Hussein that it would be foolish to rush in with tens of thousands of our young men and women to prove a point.

As General Schwarzkopf pointed out, many of these people now in Saddam Hussein's army in Kuwait are only being fed once a day. There is no water for them to wash by. There apparently is a shortage of water which becomes more and more troublesome in the desert.

☐ 1700

Many of the defectors are telling us that the Iraqi soldiers are begging or stealing food in Kuwait City. Things are dramatically different today than they were at the beginning of this air war 14 days ago.

Mr. Speaker, I think the point is this, that we ought to give this an opportunity to work. Secretary Baker, the Soviet Union, have put Saddam Hussein on notice that, if he leaves, if he sends a strong signal; meaning the President has modified that to say that what he meant was that in fact that he take concrete steps to leave Kuwait, and more than just an unequivocal commitment, but very substantial demonstrations of his commitment to leave, that it is in Saddam Hussein's hands, and we need not kill these young soldiers to make that point.

Last night the first ground skirmish, or the first serious ground skirmish, of this war took place. Twelve American marines were killed in a very small skirmish compared to what we expect to see in the future, and I think it is important that we understand that, that we allow the sanctions, the air war, to continue and that we spare the tens of thousands of young men and women the holocaust that may very well take place should we engage in that ground war prematurely, or even unnecessarily, if the diplomatic openings that were suggested by Secretary Baker can in fact be followed up on and nurtured so that maybe Saddam Hussein will now understand that his best chance for the survival of his country is to get out of Kuwait, to bring those troops back to Iraq. Many of the concerns that were expressed by the world community, by our own leaders, by people in the Congress, about his nuclear, biological and chemical capacity have been destroyed, and so, if he comes back, brings his troops back, he will not have that capability.

Mr. Speaker, I think we have got to look and make a very clear delineation about that decision, and I do not suggest for a minute that the decision to commit ground troops by Secretary Cheney, or the President of the United States, or Colin Powell, they have all told us time and again that this is the most difficult, serious decision that they will have to make. I just want to make sure that that decision is made for the right reasons and that we are not just now going in because we think we have to do this to finish off Saddam Hussein. If we go into Kuwait, we will not be finishing off Saddam Hussein. We will be finishing off conceivably, possibly, terrible scenarios, tens of thousands of American and coalition soliders and also Iraqi young men who have been put in there by the terror of Saddam Hussein.

So, Mr. Speaker, I would hope that my colleagues and that the public would read what General Schwarzkopf has told us we have been able to accomplish. I am not suggesting a ceasefire. I am not suggesting any alteration from the plan that General Schwarzkopf and his staff has laid out. What I am suggesting is we ought to understand that this is a policy that can bring about great devastation to Saddam Hussein, can bring about great denigration of the society which he wants to lead and can still for the time being spare American young men and women from the horror of a ground war in the desert of Kuwait and of Iraq. I think that these two things taken together give us the best hope for avoiding a ground war, but they must be nurtured. Diplomacy must be invoked upon. We now deal from an incredible strength. Secretary Baker, the President of the United States, obviously are able to demonstrate what our capabilities are over the last 14 days and what they would be into the future.

So, this is not a question of deciding that we are going to pause and let Saddam Hussein redeploy, resupply. Not at all. I am just suggesting that this approach can be pursued for a considerable length of time and provide for the protection of our troops. We have seen many banners and many flags, and many people have said; all of us have said in this country, that we support the troops. The best support we can give those troops is to make sure that they are not unnecessarily committed to a ground war should it turn out that there is another way to prosecute the war that we have already undertaken. I think substantial evidence has been given to us in the last several hours that it can, and substantial evidence has been given to us in the last 24 hours about a ground war.

Mr. Speaker, I noticed General Schwarzkopf said there were 12 KIA. He had to be very fast. That is "killed in action." Twelve marines are now dead as a result of the first skirmish of the ground war, and, given all of the briefings that we have, it is fair to expect that those numbers would grow geometrically if we engage in that. So, I would hope that the goodness of the successful prosecution of the air war to date and the plan laid out by General Schwarzkopf and others, combined with the agreements reached with the Soviet Union about the future of this region and about the potential for diplomacy, for negotiations, for trying to settle some of the historic problems, that those two things would be pursued and be exhausted any time prior to making any kind of commitment to American troops and coalition troops to a ground war.

REITERATION OF SUPPORT FOR U.N. RESOLUTIONS

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Maine [Mr. ANDREWS] is recognized for 15 minutes.

Mr. ANDREWS of Maine. Mr. Speaker, I did not want the day to end without focusing my attention and the attention of this House and many Members to recognize the diplomatic developments that have occurred and were announced today by our Secretary of State and by the Soviet Foreign Minister with regard to the war in the Persian Gulf. We have engaged as a body in a great debate over the means by which we as a nation should oppose the aggression and indeed the brutality of Saddam Hussein, and throughout that debate there was very clear unanimity that this country stands firm against that aggression, that we stand together and united in opposing that aggression and bringing together the international community to form a common cause in opposition to the actions of Saddam Hussein.

Last night in this Chamber we also saw and we also felt the great unanimity of this body, and indeed America itself, in strong support for our troops and their heroic efforts on behalf of their Nation. But today we read of developments from the diplomatic front of this crisis, and I think that is extremely important because the focus of America, and the focus of this Chamber, and the focus of towns, and cities, and neighborhoods and coffee shops across this country has been a focus of war. We have turned on the television sets day after day, night after night, to find the status of war, and we have learned about what progress might have been made, what defeats might have been suffered, how many deaths might have been suffered by either side in this conflict, but the terms of our inquiries have been war. Well, today we now have something else to talk about, and I could not let this day go by without talking about it on the floor of this great Chamber.

□ 1710

The statement that came today by the Secretary of State and the Soviet Foreign Minister was significant. First of all, it recognized that these two great countries are devoting considerable attention and energy to this conflict, and, very importantly, both sides reiterate the commitments of the Soviet Union and the United States to the United Nations Security Council resolutions adopted in connection with Iraq's aggression against Kuwait. And they spoke very clearly about their support and our support of those resolutions and our opposition to Iraq's aggression.

But they also said something else that was extremely significant in this statement. They said that both sides believe—and I am quoting now—"both sides believe that everything possible should be done to avoid further escalation of the war and expansion of its scale."

Let me repeat that. They said that everything possible should be done to avoid further escalation of the war and expansion of its scale. "The Ministers continue to believe," the statement read, "that a cessation of hostilities would be possible if Iraq would make an unequivocal commitment to withdraw from Kuwait." And they said that they also believe that such a commitment must be backed by immediate concrete steps leading to compliance with the U.N. Security Council resolutions.

There is an opportunity, there is a diplomatic initiative that has been taken today by two great nations involved in this coalition's effort to try and bring about a resolve to this war, not on the battlefield but through diplomatic initiative. It does not backtrack, it does not appease, it does not contradict anything that this coalition and the U.N. Security Council have been saying very clearly and forthrightly for the past several days and weeks, but it does say that both sides have this commitment to doing everything possible to avoid further escalation of the war.

Finally, that communique very significantly said that these two great nations, the Soviet Union and the United States, will work very hard to establish enduring stability and peace in the region after the conflict on the basis of effective security agreements which for those nations will be a high priority.

Mr. Speaker, I am going to quote here:

> Working to reduce the risks of war and miscalculations will be essential, particularly because the spiraling arms race in this volatile region can only cause greater violence and extremism.

So establishing enduring peace and stability in the region as a commitment of these two nations after the cessation of hostilities has been achieved is now on the record. We have been following the progress of the war, and today we can begin to follow what progress we can note in the effort toward diplomatic resolution of this conflict, what progress we can note in efforts toward the pursuit of peace without the use of force.

I would like to take some of my time, Mr. Speaker, before we close this day to commend the administration for entering into this joint initiative, to at least register my wholehearted support and commendation for that agreement, and I further would commend the administration in its efforts to continue its pursuit of peace, its pursuit of diplomatic initiatives, so that nations like the Soviet Union and the United States and other coalition partners can work together to propose options that might cause a cessation of these hostilities in the Persian Gulf and bring an end to this war.

SUPPORT REGISTERED FOR JOINT UNITED STATES-SOVIET PROPOSAL FOR PEACE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. CHAPMAN). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOGLIETTA] is recognized for 60 minutes.

Mr. FOGLIETTA. Mr. Speaker, 3 weeks ago, we debated the question of whether to authorize the President to go to war. Many of us argued that the President was pursuing a wrong policy—that he was rushing into an unnecessary war.

Here today, this country is at war. Our brave young men and women are risking their lives in the Middle East.

Soldiers are starting to come home in body bags. And it may get worse—much worse. A ground war could be a catastrophe. We may see chemical warfare, biological warfare, or even nuclear warfare.

That cannot take place. This war must end before that takes place. This country must pursue peace. That is why we should commend the administration for its new proposal from Secretary of State James Baker and his counterpart in the Soviet Union.

Every Member of this body should read the joint statement. In summary, it says: "Both sides believe everything possible should be done to avoid further escalation of the war and an expansion in its scale."

The Ministers continue to believe that a cessation of hostilities would be possible if Iraq makes an unequivocal commitment to withdraw from Kuwait.

They also believe that such a commitment must be backed by immediate, concrete steps leading to full compliance with the Security Council resolutions.

And the joint statement goes even further by taking the long-range view of peace in the Middle East.

Let me quote,

> Establishing enduring stability and peace in the region after the conflict will be a high priority. Working to reduce the risk of war and miscalculation will be essential, especially because a spiralling arms race in this volatile region can only generate greater violence and extremism.

I strongly endorse this initiative as a basis for an end to the hostilities, an end to the carnage and destruction, and the start of long-term peace initiatives.

Congress should line up behind this new initiative. A ground war would be a catastrophe. We must prevent that bloodbath. The Bush administration can do that if it continues to pursue the outline of this joint statement.

Let us let President Bush know we stand behind this proposal.

Even more importantly, let's let Saddam Hussein know that the American people stand behind this proposal and urge him to accept its conditions.

RULES OF THE COMMITTEE ON RULES FOR THE 102D CONGRESS

(Mr. MOAKLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, pursuant to the provisions of clause 2(a) of rule XI of the rules of the House, I submit for publication in the CONGRESSIONAL RECORD the rules adopted by the Committee on Rules for the 102d Congress on January 29, 1991.

RULES OF THE COMMITTEE ON RULES U.S. HOUSE OF REPRESENTATIVES—102ND CONGRESS

Rule XI, 1(a)(1) of the House of Representatives provides:

> The rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees.

Rule XI, 2(a) of the House of Representatives provides, in part:

> Each standing committee of the House shall adopt written rules governing its procedure. * * *

In accordance with the foregoing, the Committee on Rules adopted the following Rules of Procedure on January 29, 1991.

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Rules (hereafter in these rules referred to as the "Committee") so far as applicable, together with the rules contained herein.

RULE 2—SCHEDULING AND NOTICE OF MEETINGS AND HEARINGS

Regular Meetings

(a)(1) The Committee shall regularly meet at 10:30 a.m. on Tuesday of each week when the House is in session.

(2) A Tuesday meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair or by the filing of a written request, signed by a majority of the Members of the Committee, with the Staff Director of the Committee.

Notice for Regular Meetings

(b) The Chair shall notify each Member of the Committee of the agenda of each regular meeting or hearing of the Committee at least 48 hours before the time of the meeting or hearing and shall provide to each such Member, at least 24 hours before the time of each regular meeting or hearing—

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of (A) the bill or resolution, (B) any committee reports thereon, and (C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda, a copy of (A) the bill, resolution, report, or materials relating to the other matter in question, and (B) any report on the bill, resolution, report, or other matter made by any subcommittee of the Committee.

Emergency Meetings and Hearings

(c)(1) The Chair may call an emergency meeting or hearing of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the Ranking Minority Member.

(2) As soon as possible after calling an emergency meeting or hearing of the Committee, the Chair shall notify each Member of the Committee of the time and location of the meeting or hearing and shall particularly make an effort to consult the Ranking Minority Member of the Committee or, in such Member's absence, the next ranking minority party Members of the Committee.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting or hearing and copies of available materials which

would otherwise have been provided under subsection (b) if the emergency meeting or hearing was a regular meeting or hearing.

RULE 3—MEETING PROCEDURES

In General

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the Ranking Majority Member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each Member of the Committee has had an opportunity to question the witness.

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each Member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

Voting

(b)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the Members of the Committee is actually present, except as otherwise specified in these rules.

(2) A rollcall vote of the Committee shall be provided on any question before the Committee upon the request of any Member of the Committee.

(3) A record of the vote of each Member of the Committee on each rollcall vote on any matter before the Committee shall be available for public inspection at the offices of the Committee.

(4) The Members of the Committee, or one of its subcommittees, present at a meeting or hearing of the Committee of the subcommittee, respectively, may, by majority vote, limit the duration of debate, testimony, or Committee or subcommittee consideration with respect to any measure or matter before the Committee or subcommittee, respectively, or provide for such debate, testimony, or consideration to end at a time certain.

Media Coverage of Committee and Subcommittee Proceedings

(c)(1) The Committee and each of its subcommittees may permit, by majority vote for each day of an open meeting or hearing of the Committee or of that subcommittee, respectively, the coverage of that meeting or hearing, in whole or in part, by television broadcast, radio broadcast, or still photography.

(2) Any media coverage under this subsection shall be subject to all the requirements and limitations set forth in clause 3 of rule XI of the Rules of the House of Representatives, and the provisions of subparagraphs (1) through (13) of paragraph (f) of such clause are hereby incorporated as part of the rules of the Committee applicable to such coverage.

Quorum

(d)(1) For the purpose of hearing testimony on requests for rules, five Members of the Committee shall constitute a quorum.

(2) For the purpose of hearing and taking testimony on measures or matters of original jurisdiction before the Committee, three Members of the Committee shall constitute a quorum.

Subpoenas and Oaths

(e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any Member designated by the Committee, and may be served by any person designated by the Chair or such Member.

(4) The Chair, or any Member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

General Oversight Responsibility

(f)(1) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(2) Upon direction of the Chair, the Committee shall meet to discuss and formulate oversight plans for each new Congress, as described in clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

RULE 4—SUBCOMMITTEES

Application of House and Committee Rules

(a)(1) As provided by clause 1(a)(2) of rule XI of the Rules of the House of Representatives, subcommittees of the Committee are a part of the Committee and are subject to its authority and direction.

(2) Subcommittees of the Committee shall be subject (insofar as applicable) to the Rules of the House of Representatives and, except as provided in this rule, to the rules of the Committee.

Establishment and Responsibilities of Subcommittees

(b)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on the Legislative Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive branch.

(B) Subcommittee on Rules of the House, which shall have general responsibility for measures or matters related to relations between the two House of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(2) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

Reference of Measures and Matters to Subcommittees

(c)(1) In view of the unique procedural responsibilities of the Committee—

(A) no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee, and

(B) all other measures or matters shall be subject to consideration by the full Committee except for those measures or matters referred by the Chair to one or both subcommittees of the Committee.

(2) The Chair may refer a measure or matter, which is within the general responsibility of one of the subcommittees of the Committee, jointly or exclusively to the other subcommittee of the Committee where the Chair deems it appropriate.

(3) In referring any measure or matter to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(4) The Chair or the Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

Composition of Subcommittees

(d) The size and ratio of each subcommittee shall be determined by the Committee at its organizational meeting at the beginning of each Congress, and Members shall be elected to each subcommittee, and to the positions of Chairman and Ranking Minority Member thereof, in accordance with the rules of the respective party caucuses.

Subcommittee Meetings and Hearings

(e)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may, without the Chair's approval, meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The Chair of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

(4) A Member of the Committee who is not a Member of a particular subcommittee of the Committee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

Quorum

(f)(1) For the purpose of taking testimony on measures referred to a subcommittee, two Members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the Members of the subcommittee, except as otherwise specified in these rules.

(3) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining Members to execute the functions of the subcommittee.

Records

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records and votes taken in the subcommittee and such other records with respect to the subcommittee as the Chair deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—BUDGET AND TRAVEL

Budget

(a) The Chair, in consultation with other Members of the Committee, shall prepare for each session of Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

Travel

(b)(1) The Chair may authorize travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of Members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE 6—STAFF

In General

(a)(1) Except as otherwise provided in this rule, a Staff Director of the Committee, professional and clerical staff of the Committee, and investigating staff of the Committee compensated from funds provided by any expense resolution, shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Except for any staff appointed by the Ranking Minority Party Member or a subcommittee (pursuant to subsection (c)) or by any other minority party Member of the Committee (pursuant to subsection [b]), all professional and clerical staff provided to the minority party Members of the Committee under paragraphs (a)(2) and (b)(2), respectively, of clause 6 of rule XI of the Rules of the House of Representatives, shall be appointed, and may be removed, by the Ranking Minority Member of the Committee and shall work under the general supervision and direction of such Member.

Associate Staff

(b) Each Member of the Committee is authorized to designate one person, whom the Chair shall appoint to the staff of the Committee and who shall work under the general supervision and direction of the Member. The type of staff to which such a person is appointed shall be determined by the Chair, in the case of a person recommended by a majority party Member, and shall be determined by the Ranking Minority Member of the Committee, in the case of a person recommended by a minority party Member.

Subcommittee Staff

(c)(1) The Chair and Ranking Minority Member of each subcommittee of the Committee are each authorized to designate one person, whom the Chair shall appoint to the professional staff of the Committee and who shall work under the general supervision and direction of the Chair or the Ranking Minority Member, respectively, of the subcommittee.

(2) The Chair may assign investigating staff of the Committee compensated from funds provided by any expense resolution to assist in work of a subcommittee of the Committee to the extent the Chair determines it to be appropriate, and any such staff to the extent so assigned shall work under the general supervision and direction of the Chair of the subcommittee.

Compensation of Staff

(d)(1) Subject to paragraph (2), the Chair shall fix the compensation of all professional, clerical, and investigative staff of the Committee, as provided by clause 6(c) of Rule XI of the Rules of the House of Representatives.

(2) Compensation paid to associate staff appointed under subsection (b) shall not exceed 75 per centum of the maximum established in clause 6(c) of Rule XI of the Rules of the House of Representatives.

Certification of Staff

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Staff Director of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that Member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the Member of the Committee with respect to the month in question met the requirements of clause 6 of rule XI of the Rules of the House of Representatives.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made (A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and (B) on his own responsibility to the extent the staff is under the Chair's supervision and direction.

RULE 7—COMMITTEE ADMINISTRATION

Reporting

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or Acting Chair shall report it to the House or designate a Member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any Member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

Records

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing.

(2) The minutes of each executive meeting of the Committee shall be available to all Members of the House of Representatives in compliance with clause 2(e)(2) of rule XI of the Rules of the House of Representatives.

(3) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b) (3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any Member of the Committee.

Calendars

(c)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and others matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other Committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each Member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a Member of such committee authorized to act on the Chairman's behalf) (A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and (B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

Other Procedures

(d) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees.

RULE 8—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs.

Clause 3 of Rule XI of the Rules of the House of Representatives—Broadcasting of Committee Hearings

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House

under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography or by any of such methods of coverage, and the personal behavior of the committee Members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee Members in connection with that hearing or meeting or in connection with the general work of the committee of the House; or

(2) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause. *Provided, however*, Each committee or subcommittee Chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(f) The written rules which may be adopted by a committee under paragraph (e) of this clause shall contain provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of this rule, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of television cameras permitted by a committee or subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News pictures. If requests are made by more of the media than will be permitted by a committee or subcommittee Chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

[The rule permitting broadcasting of committee hearings was contained in section 116(b) of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and became part of the rules on January 22, 1971 (H. Res. 5, 92nd Congress, p. 144). On July 22, 1974 (H. Res. 1107, 93rd Congress, p. 24447), the rule was amended to permit committees to adopt rules allowing coverage of committee meetings as well as hearings.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. ANDREWS of Maine, for 5 minutes, today.

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on February 5, 6, and 7.

Mr. GINGRICH, for 60 minutes each day, on February 4, 5, 6, and 7.

Mr. BEREUTER, for 60 minutes, on January 31.

Mrs. BENTLEY, for 60 minutes each day, on February 19, 20, 25, and 26.

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. LONG, for 5 minutes today, and 5 minutes on January 31.

Mr. ORTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 60 minutes each day, on February 5, 6, and 7.

Mr. BONIOR, for 60 minutes, today.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. FOGLIETTA, for 60 minutes, today.

Mr. DELLUMS, for 60 minutes, today.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. MILLER of California, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and include extraneous matter:)

Mr. HEFLEY.

Mr. SOLOMON in two instances.

Mr. DOOLITTLE.

Mr. COLEMAN of Missouri.

Mr. WYLIE.

Mrs. BLILEY.

Mrs. BENTLEY.

(The following Members (at the request of Ms. KAPTUR) and to include extraneous matter:)

Mr. TORRICELLI.

Mr. FRANK.

Mr. SWETT.

Mr. MONTGOMERY.

Mr. LANTOS in two instances.

Mr. ROE.

Mr. MILLER of California.

Mr. LEHMAN of Florida.

Mr. HOCHBRUECKNER.

Mr. APPLEGATE.

Mr. GUARINI.

Mr. RICHARDSON.

ADJOURNMENT

Mr. FOGLIETTA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, January 31, 1991, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

527. A letter from the Executive Secretary, Harry S Truman Scholarship Foundation, transmitting notification that the Foundation elected not to establish an office of inspector general because of its size; to the Committee on Government Operations.

528. A letter from the Administrator, U.S. Small Business Administration, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

529. A letter from the Comptroller General, General Accounting Office, transmitting a report and recommendations concerning the claim of Mr. William A. Proffitt to be reimbursed full relocation expenses consistent with those benefits and entitlements provided for employees transferred in the interest of the Government, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

530. A letter from the Director, Office of Personnel Management, transmitting a report titled, "Performance Management and Recognition System—1988 and 1989," pursuant to 5 U.S.C. 5408; to the Committee on Post Office and Civil Service.

531. A letter from the Department of Defense, transmitting the report on Department of Defense Procurement From Small and Other Business Firms for the period October 1990, fiscal year 1991, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

532. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

533. A letter from the Secretary of Energy, transmitting a copy of a report entitled, "Air-Blown Integrated Gasification Combined Cycle Project," proposed by CRSS Capital, Inc., and TECO Power Services Corp. a subsidiary of Tampa Electric Co.; jointly, to the Committee on Appropriations, Energy and Commerce and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALLENGER (for himself, Mr. DERRICK, Mrs. PATTERSON, Mr. FRANK of Massachusetts, Mr. LANCASTER, Mr. HORTON, Mr. SPRATT, Mr. COBLE, Mr. MCMILLAN of North Carolina, Mr. JONES of North Carolina, Mr. HEFNER, Mr. RITTER, Mr. RAY, Mr. HANCOCK, Mr. ROSE, Mr. NEAL of North Carolina, Mr. SPENCE, Mr. TALLON, Mrs. BYRON, Mrs. LLOYD, Mr. SOLOMON, Mr. DUNCAN, Mr. BAKER, and Mr. JENKINS):

H.R. 713. A bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of texile machinery and parts thereof be applied to support research for the modernization of the American texile machinery industry; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. BARNARD (for himself and Mr. ROWLAND):

H.R. 714. A bill to amend the Public Service Act to provide grants for the expansion or renovation of biomedical and behavioral research facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARPER:

H.R. 715. A bill to suspend until January 1, 1994, the duty on o-benzyl-p-chlorophenol; to the Committee on Ways and Means.

H.R. 716. A bill to extend the existing temporary suspension of duty on fusilade; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 717. A bill to award a congressional medal in recognition of Edward Vernon ("Eddie") Rickenbacker; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DOOLITTLE:

H.R. 718. A bill to provide for the sale by the Secretary of Interior of the Sly Park Unit of the Central Valley Project to the El Dorado Irrigation District, Placerville, El Dorado County, CA.; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 719. A bill to amend the Internal Revenue Code of 1986 to extend treatment of certain rents under section 2032A to all qualified heirs; to the Committee on Ways and Means.

H.R. 720. A bill to amend the internal Revenue Code of 1986 to clarify the treatment of interest income and rental expense in connection with safe harbor leases involving rural electric cooperatives; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 721. A bill to establish a United States Commission on Southern Africa; to the Committee on Foreign Affairs.

H.R. 722. A bill to amend title 32, United States Code, to provide that the protections afforded to Federal employees under subchapter II of chapter 75 of title 5, United States Code, be extended to National Guard technicians; jointly, to the Committees on Armed Services and Post Office and Civil Service.

H.R. 723. A bill to provide that positions held by civilian technicians of the National Guard be made part of the competitive service; jointly, to the Committees on Post Office and Civil Service and Armed Services.

By Mr. ERDREICH (for himself, Mr. HARRIS, and Mr. DERRICK):

H.R. 724. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Energy and Commerce.

By Mr. GAYDOS:

H.R. 725. A bill to revive and extend the authorization of appropriations for the general revenue sharing program; to the Committee on Government Operations.

H.R. 726. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes; to the Committee on Government Operations.

H.R. 727. A bill to amend the Internal Revenue Code of 1986 to provide a $600 income tax credit to individuals who are volunteer firefighters; to the Committee on Ways and Means.

H.R. 728. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 729. A bill to amend the Export Administration Amendments Act of 1985 to assist in the export of certain U.S. defense articles and services, and for other purposes; jointly, to the Committees Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. GUARINI (for himself, Mr. RANGEL, Mr. GILMAN, Mr. SCHEUER, Mr. STARK, Mr. HUGHES, Mr. SMITH of Florida, Mrs. LOWEY of New York, Mr. ROE, Mr. ANDERSON, Mr. MORAN, Mr. SERRANO, Mr. MCNULTY, Mr. HORTON, Mr. WALSH, Mr. MACHTLEY, Mr. FOGLIETTA, Mr. LIPINSKI, Mr. RAVENEL, Mrs. BOXER, Mr. WILSON, Mr. FUSTER, and Mr. DE LUGO):

H.R. 730. A bill to establish permanent Federal and State drug treatment programs for criminal offenders, and for other purposes; jointly, to the Committee on Energy and Commerce, and the Judiciary.

By Mr. GUARINI (for himself and Ms. KAPTUR).

H.R. 731. A bill to prevent and punish domestic and international terrorist acts, and for other purposes; jointly, to the Committees on the Judiciary, Foreign Affairs, Ways and Means, and Public Works and Transportation.

By Mr. HAMMERSCHMIDT:

H.R. 732. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period which is presently required in order for an individual to be eligible for benefits based on disability; to the Committee on Ways and Means.

H.R. 733. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 734. A bill to amend the Radiation Exposure Compensation Act to provide that no person seeking compensation under that act may be represented in connection with the initial filing of and proceedings on a claim; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself, Mr. UDALL, Mr. KOLBE, Mr. SISISKY, Mr. KYL, Mr. CAMPBELL of Colorado, Mr. SCHAEFER, Mr. PICKETT, and Mr. RHODES):

H.R. 735. A bill to amend the Federal Water Pollution Control Act to provide for the use of biomonitoring and whole effluent toxicity testing in connection with publicly owned treatment works, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOCHBRUECKNER:

H.R. 736. A bill to provide veterans' benefits to individuals who serve in the U.S. merchant marine in a combat zone during a period of war; to the Committee on Veterans' Affairs.

By Mr. HUNTER:

H.R. 737. A bill to amend the Immigration and Nationality Act with respect to the naturalization of certain aliens through service in the Armed Forces of the United States for at least 3 years; to the Committee on the Judiciary.

By Ms. LONG (for herself, Mr. BUSTAMANTE, Mr. WILLIAMS, Ms. OAKAR, Mr. TRAFICANT, Mr. JACOBS, and Mr. VISCLOSKY):

H.R. 738. A bill to direct the Secretary of Defense to prescribe regulations with respect to the stationing of military personnel who are solely responsible for dependents at locations where facilities for dependents are not reasonably available; to the Committee on Armed Services.

By Mr. McCURDY:

H.R. 739. A bill to authorize States to regulate certain solid waste; to the Committee on Energy and Commerce.

By Mr. MARTINEZ:

H.R. 740. A bill to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve adults and to youth, and for other purposes; to the Committee on Education and Labor.

By Mr. MINETA:

H.R. 741. A bill to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products, and to limit the prices thereof, during a severe petroleum supply shortage or a threat thereof, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MONTGOMERY (for himself, Mr. Stump, Mr. Rowland, and Mrs. Byron):

H.R. 742. A bill to amend title 38, United States Code, to increase from $50,000 to $75,000 the amount of life insurance provided to members of the Armed Forces under the Servicemen's Group Life Insurance and Veterans' Group Life Insurance Programs; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself and Mr. Stump);

H.R. 743. A bill to amend title 38, United States Code, to include military service performed during the Persian Gulf War within the definition of "period of war" for purposes of veterans benefits under that title attributable to service during a period of war; to the Committee on Veterans' Affairs.

By Mr. MRAZEK (for himself, Mr. Valentine, Mr. Roybal, Mr. de Lugo, Mr. Towns, Mr. Shays, Mr. Miller, of California, Ms. Pelosi, Mr. Levine of California, Mr. Dellums, Mrs. Boxer, Mr. Wilson, Mr. Jacobs, Mr. Hochbrueckner, Mr. Roe, Mr. Schumer, Mr. Scheuer, Mr. Rinaldo, and Mr. Andrews of Texas):

H.R. 744. A bill to prohibit the importation into the United States of Australian kangaroos and products made therefrom; to the Committee on Merchant Marine and Fisheries.

By Mr. MRAZEK (for himself, Mr. Stallings, Mr. Valentine, Mr. Owens of New York, Mr. Bruce, Mrs. Boxer, Mr. McNulty, Mr. Hochbrueckner, Mr. Rangel, and Mr. DeFazio):

H.R. 745. A bill to provide relief for U.S. taxpayers by providing for the establishment of a private firm consisting of highly qualified individuals to assist the U.S. Government, on a contingent fee basis and subject to regulations prescribed by the Attorney General of the United States, the Federal Deposit Insurance Corporation, the Oversight Board, and the Resolution Trust Corporation, in recovering assets from looted savings associations to help pay for the savings and loan resolution; jointly, to the Committees on Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. NAGLE:

H.R. 746. A bill to extend until January 1, 1995, the existing suspension of duty on certain sulfonamides; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. Rangel, Mr. Russo, Mr. Vander Jagt, Mr. Sundquist, Mr. Moody, Mr. Guarini, Mr. Lent, Mr. McDade, Mrs. Roukema, Mr. Roe, Mr. Penny, Mr. Kolter, Mr. Martin of New York, Mr. Bereuter, Mr. Porter, Mr. Paxon, Mr. Dornan of California, Mr. Walker, Mr. Fields, Mr. Lightfoot, Mr. Jontz, Mr. Houghton, Mr. Weldon, Mr. Oxley, Mr. Ravenel, and Mr. Gallo):

H.R. 747. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on certain educational loans; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. Udall, and Mr. Kyl):

H.R. 748. A bill to provide for the settlement of water rights claims of the San Carlos Apache Tribe in Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROWLAND:

H.R. 749. A bill to authorize the Secretary of the Interior to accept a donation of land for addition to the Ocmulgee National Monument in the State of Georgia; to the Committee on Interior and Insular Affairs.

By Mr. RUSSO:

H.R. 750. A bill to amend the Internal Revenue Code of 1986 to provide that the excise tax on handguns will be transferred to a trust fund to be used for purposes of providing compensation to victims of crime, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. SAWYER (for himself, Mr. Goodling, Mr. Ford of Michigan, Mr. Kildee, Mr. Miller of California, Mr. Martinez, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Payne of New Jersey, Mrs. Lowey of New York, Mrs. Unsoeld, Mr. Washington, Mr. Serrano, Mrs. Mink, Mr. Visclosky, Mr. Gunderson, and Mr. Klug):

H.R. 751. A bill to enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs; to the Committee on Education and Labor.

By Mr. SYNAR (for himself and Mr. Panetta):

H.R. 752. A bill to amend chapter 11 of title 31, United States Code, to require that the annual budget submitted by the President includes a statement of revenues obtained from the sale, lease, and transfer of Government assets, and for other purposes; to the Committee on Government Operations.

By Mr. TORRICELLI:

H.R. 753. A bill to suspend temporarily the duty on certain multifilament yarns of viscose rayon until January 1, 1994; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. Dymally, Mr. Serrano, Mr. Stokes, Mr. Harris, Mr. Lipinski, Mr. Owens of New York, Mr. Flake, Mr. Payne of New Jersey, Mr. Moran, Mr. Emerson, Mr. Rangel, Mr. Bustamante, Mr. Lewis of Georgia, and Ms. Kaptur):

H.R. 754. A bill to provide an exception to the limit on the amount of deposit insurance for deposits of nonprofit tax-exempt organizations at insured depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WELDON (for himself, Mr. Wolf, Mr. Bliley, Mrs. Lloyd, Mr. Frank of Massachusetts, Mr. Ravenel, Mr. Walsh, Mr. Lagomarsino, Mr. Ballenger, MR. Blaz, Mr. Owens of Utah, Mr. DeFazio, Mr. Dellums, Mr. Pease, Mr. Gallo, Mr. Saxton, Mr. Burton of Indiana, Mr. Paxon, Mr. Campbell of California, Mr. Mineta, Ms. Oakar, Mr. Ritter, Mr. Fuster, Mr. Zimmer, Mr. Hochbrueckner, Mr. Clinger, Mr. Stenholm, Mr. Bennett, Mr. Towns, Mr. Torres, Mr. Hughes, Mr. Bilirakis, and Mr. Lipinski):

H.R. 755. A bill to improve the collection, analysis, and dissemination of information that will promote the recycling of municipal solid waste; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. Broomfield, Mrs. Schroeder, Mr. Gejdenson, and Ms. Pelosi):

H.R. 756. A bill to provide for the certification of embryo laboratories; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 757. A bill to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. Hansen):

H.R. 758. A bill entitled, Northwest Indiana Ancient National Forest Act"; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself Mr. Anderson, Mr. Archer, Mr. Armey, Mr. Baker, Mr. Barnard, Mr. Bartlett, Mr. Barton of Texas, Mr. Bateman, Mrs. Bentley, Mr. Bevill, Mr. Blaz, Mr. Bliley, Mr. Boehner, Mr. Broomfield, Mr. Burton of Indiana, Mr. Chapman, Mr. Clinger, Mr. Combest, Mr. Coughlin, Mr. Cunningham, Mr. Dannemeyer, Mr. Davis, Mr. DeLay, Mr. Dickinson, Mr. Doolittle, Mr. Dornan of California, Mr. Duncan, Mr. Edwards of Oklahoma, Mr. Emerson, Mr. English, Mr. Fields, Mr. Gallegly, Mr. Gekas, Mr. Grandy, Mr. Hall of Texas, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hayes of Louisiana, Mr. Hefley, Mr. Herger, Mr. Holloway, Mr. Houghton, Mr. Hubbard, Mr. Huckaby, Mr. Hunter, Mr. Hyde, Mr. Inhofe, Mr. Kyl, Mr. Laughlin, Mr. Lent, Mr. Lewis of California, Mr. Lightfoot, Mr. Livingston, Mrs. Lloyd, Mr. Lowery of California, Mr. Madigan, Mr. Marlenee, Mr. Martin of New York, Mr. Mavroules, Mr. McCandless, Mr. McCrery, Mr. McDade, Mr. McEwen, Mr. Michel, Mr. Miller of Ohio, Mr. Montgomery, Mr. Moorhead, Mr. Murphy, Mr. Myers of Indiana, Mr. Ortiz, Mr. Oxley, Mr. Packard, Mr. Parker, Mr. Paxon, Mr. Quillen, Mr. Rhodes, Mr. Roberts, Mr. Rogers, Mr. Rohrabacher, Mr. Schaefer, Mr. Shaw, Mr. Skeen, Mr. Smith of Oregon, Mr. Smith of Texas, Mr. Solomon, Mr. Stenholm, Mr. Stump, Mr. Sundquist, Mr. Tanner, Mr. Tauzin, Mr. Thomas of Wyoming, Mr. Thomas of California, Mr. Traficant, Mr. Vander Jagt, Mrs. Vucanovich, Mr. Walker, Mr. Young of Florida, and Mr. Zeliff):

H.R. 759. A bill to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, lands in the coastal plain study area of the Arctic National Wildlife Refuge for oil and gas exploration, development, and production; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. BOEHLERT:

H.J. Res. 98. Joint resolution designating March 4-10, 1991, as "National School Breakfast Week"; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.J. Res. 99. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of terms for Members of the House of Representatives and the Senate; to the Committee on the Judiciary.

By Mr. MACHTLEY:

H.J. Res. 100. Joint resolution to recognize the 200th anniversary of the establishment of diplomatic relations between the United States and Portugal; to the Committee on Foreign Affairs.

By Mr. SABO:

H.J. Res. 101. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 22d amendment to the Constitution to remove restrictions on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. SPENCE:

H.J. Res. 102. Joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week"; to the Committee on Post Office and Civil Service.

By Mr. TALLON (for himself, Mr. ROTH, Mr. RAHALL, Mr. BILBRAY, Mr. CLEMENT, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. CARR, Mrs. VUCANOVICH, Mr. RITTER, Mr. OBERSTAR, and Mr. BEVILL):

H.J. Res 103. Joint resolution designating the second week in May 1991 as "National Tourism Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H. Res. 49. Resolution designating membership on certain standing committees of the House.

By Mr. GONZALEZ:

H. Res. 50. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Banking, Finance and Urban Affairs in the 1st sess. of the 102d Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII:

10. The SPEAKER presented a memorial of the Senate of the State of Nebraska, relative to commending President Bush, Congress, and Nebraskans for their roles in the Persian Gulf crisis and expressing support for the U.S. actions involving Operation Desert Shield and Operation Desert Storm;to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 760. A bill to permit Willie C. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

H.R. 761. A bill to waive the foreign residency requirement for the granting of a visa to Amanda Vasquez Walker; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BARTLETT.

H.R. 23: Mr. BARTLETT.

H.R. 68: Mr. BATEMAN, Mr. COOPER, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GUNDERSON, Mr. JOHNSTON of Florida, Mr. SWIFT, Mr. GREEN of New York, and Mr. LIGHTFOOT.

H.R. 82: Mr. MCNULTY, Mr. OWENS of Utah, Mr. GUARINI, Mr. TOWNS, and Mr. SERRANO.

H.R. 83: Mr. HOLLOWAY.

H.R. 123: Mr. QUILLEN and Mr. HOLLOWAY.

H.R. 127: Mrs. BYRON, Mr. ATKINS, Mr. BATEMAN, Mr. PAXON, Mr. GRANDY, Mr. BONIOR, Mr. LAGOMARSINO, Mr. BRUCE, Mr. HAMILTON, Mr. GALLO, Mr. PACKARD, Mr. CHAPMAN, Mr. ACKERMAN, Mr. PAYNE of New Jersey, Mr. HEFNER, Mrs. MORELLA, Mr. HANSEN, Mr. HARRIS, Mr. ERDREICH, Mr. BILBRAY, Mr. MCMILLEN of Maryland, Mr. DEFAZIO, Mr. INHOFE, Mr. OWENS of Utah, Mr. KOLBE, Mr. MURTHA, Mr. MCCOLLUM, Mr. MCHUGH, Mr. SOLOMON, Mrs. KENNELLY, Mrs. MEYERS of Kansas, and Mr. MCNULTY.

H.R. 135: Mr. BUNNING, Ms. LONG, Mr. BRYANT, Mrs. LLOYD, Mr. LEWIS of California, Mr. FEIGHAN, Mr. KOLTER, Mr. LENT, Mr. DORNAN of California, Mrs. MORELLA, Mr. HATCHER, Mr. MONTGOMERY, Mr. RANGEL, Mr. MCGRATH, Mr. BLILEY, Mr. FRANK of Massachusetts, Mr. JONES of Georgia, Mr. CAMPBELL of Colorado, Mr. OLIN, Mr. ROGERS, Mr. COMBEST, Mr. HALL of Texas, Ms. MOLINARI, Mr. HEFLEY, Mr. AUCOIN, Mr. BRUCE, Mr. CARR, Mr. CHAPMAN, Mr. WALKER, Mr. LIVINGSTON, Ms. KAPTUR, Mr. FORD of Michigan, Mr. RITTER, Mr. LIPINSKI, Mr. COSTELLO, Mr. EMERSON, and Mr. BURTON of Indiana.

H.R. 180: Mr. MCCLOSKEY.

H.R. 232: Mr. MCCLOSKEY.

H.R. 295: Mr. SHAYS, Mr. HYDE, Mr. OBERSTAR, Mr. SANDERS, Mr. GEJDENSON, Mr. HORTON, Mr. MAVROULES, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. RANGEL, Mr. LAFALCE, Mr. DONNELLY, and Mr. HERTEL.

H.R. 300: Mr. SERRANO.

H.R. 328: Mr. MURTHA, Mr. KLECZKA, Mr. HOCHBRUECKNER, and Mr. FALEOMAVAEGA.

H.R. 330: Mr. DELLUMS, Mr. BORSKI, Mr. FORD of Tennessee, and Mr. BACCHUS.

H.R. 346: Mr. LENT, Mr. QUILLEN, Mr. EMERSON, and Mr. INHOFE.

H.R. 413: Mr. SHAYS, Ms. PELOSI, Mr. MCGRATH, Mr. TOWNS, and Mr. YATES.

H.R. 414: Mr. RITTER and Mr. FAWELL.

H.R. 415: Mr. HYDE.

H.R. 459: Mr. GORDON, Mr. RAVENEL, Mr. PERKINS, Mr. WALSH, Mr. LANCASTER, Mr. ROGERS, Mr. STENHOLM, Mr. BATEMAN, Mr. EMERSON, Mr. SERRANO, Mr. HATCHER, and Mr. ESPY.

H.R. 473: Mr. THOMAS of Georgia.

H.R. 508: Mr. BAKER, Mr. HUCKABY, Mr. HAYES of Louisiana, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. MCCRERY, and Mr. TAUZIN.

H.R. 516: Mr. LEVIN of Michigan, Mr. BUSTAMANTE, Mr. ABERCROMBIE, Mr. ESPY, Mrs. KENNELLY, Mr. VENTO, Mr. BONIOR, Mrs. MINK, Mr. STOKES, Mr. ROYBAL, Mr. DEFAZIO, Mr. CHAPMAN, Mr. LEHMAN of California, Mrs. LOWEY of New York, and Mr. TOWNS.

H.R. 524: Ms. KAPTUR, Mr. SMITH of Florida, Mr. SERRANO, Mr. SCHEUER, and Mr. BORSKI.

H.R. 525: Mr. MILLER of Washington, Mr. RANGEL, Mr. HATCHER, Mr. SANTORUM, Ms. SLAUGHTER of New York, Mr. MARTINEZ, Mr. CHAPMAN, Mr. FAZIO, Mr. SPENCE, Mr. MCNULTY, Mrs. MORELLA, Mr. ZIMMER, Mr. LANCASTER, Mr. BILBRAY, Mr. JONTZ, Mr. SERRANO, and Mr. HOCHBRUECKNER.

H.R. 534: Mr. TALLON, Mr. HUGHES, Mr. PALLONE, Mr. BONIOR, Mr. PETERSON of Minnesota, Mr. GOSS, Mr. FUSTER, Mr. HORTON, Mr. GORDON, Mr. PETRI, Mr. RAVENEL, Mr. DE LUGO, Mr. CAMP, Mr. TOWNS, Mr. MARTIN of New York, Mr. EMERSON, Mr. STUDDS, Mrs. LLOYD, Mr. DEFAZIO, Mr. FASCELL, Mr. LENT, Mr. ROHRABACHER, Mr. HOCHBRUECKNER, Mr. CARR, Mr. OBERSTAR, Mr. HAYES of Louisiana, Mr. YOUNG of Alaska, Mr. NOWAK, Mr. FORD of Michigan, and Mr. HERTEL.

H.R. 559: Mr. EDWARDS of Texas, Mr. ARMEY, Mr. CAMPBELL of Colorado, and Mr. LENT.

H.R. 571: Mr. LEWIS of Georgia, Ms. KAPTUR, and Mr. DE LUGO.

H.R. 572: Mr. YATES, Mr. MILLER of Washington, Mr. RANGEL, Mr. RAVENEL, and Mr. MACHTLEY.

H.R. 598: Mr. MCCLOSKEY.

H.R. 602: Mr. BARNARD, Mr. BOUCHER, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Ms. KAPTUR, Mr. PAXON, Mr. PAYNE of Virginia, Mr. RANGEL, Mr. RAY, and Mr. TALLON.

H.R. 658: Mrs. LLOYD, Mr. HORTON, Mr. GORDON, Mr. RANGEL, Mr. JENKINS, Mr. MONTGOMERY, Mr. LAGOMARSINO, Mr. TOWNS, Mr. DE LUGO, Mr. WOLF, Mr. MILLER of Washington, Mr. ESPY, Mr. LIPINSKI, Mr. HASTERT, and Mr. VALENTINE.

H.R. 672: Mr. SERRANO.

H.J. Res. 2: Mr. THOMAS of Wyoming.

H.J. Res. 17: Mr. HOLLOWAY.

H.J. Res. 57: Mr. LEWIS of Florida, Mr. BATEMAN, Mr. MARTINEZ, Mr. VOLKMER, Mr. COSTELLO, Mr. ZIMMER, Mr. SKEEN, Mr. WALSH, Mr. SERRANO, Mr. PALLONE, Mr. FUSTER, Mr. VENTO, Mr. QUILLEN, Mr. ROWLAND of Georgia, Mr. OWENS of Utah, and Mr. GUARINI.

H.J. Res. 87: Mr. DUNCAN, Mr. HORTON, Mr. HAMMERSCHMIDT, Mr. TALLON, Mr. BATEMAN, Mr. DE LUGO, Mr. MCDERMOTT, Mr. THOMAS of Georgia, Mr. GUARINI, Mr. HYDE, Mr. COLEMAN of Texas, Mr. ACKERMAN, Mrs. JOHNSON of Connecticut, Mr. BLILEY, Mr. WOLF, Mr. PAYNE of Virginia, Mr. ERDREICH, Mr. DORNAN of California, Mr. LENT, Mr. MCGRATH, Mr. FRANK of Massachusetts, Mr. BACCHUS, Mr. MACHTLEY, Mr. CARPER, Mr. BOUCHER, and Mr. RITTER.

H.J. Res. 95: Mr. HUGHES, Mr. RANGEL, Mr. SPRATT, Mr. JEFFERSON, Mr. POSHARD, Mr. LIPINSKI, Mr. BLAZ, Mr. MACHTLEY, Mr. MAVROULES, and Mr. WHITTEN.

H. Con. Res. 47: Mr. SKELTON, Mr. CLEMENT, and Mr. APPLEGATE.

H. Con. Res. 50: Mr. LEHMAN of Florida, Mr. WYDEN, Mr. COX of California, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. FOGLIETTA, Mr. BEREUTER, Mr. SHAYS, Mr. DE LUGO, Mr. KOLTER, Mr. ARMEY, and Mrs. BYRON.

H. Con. Res. 56: Mr. WALSH, Mr. SANDERS, AND MR. TORRICELLI.

H. Res. 38: Mr. ANNUNZIO, Mr. RAHALL Mrs. COLLINS of Illinois, Mr. SMITH of Florida, Mr. CLEMENT, Mr. POSHARD, Mr. SPENCE, Mrs. BENTLEY, Mr. WALSH, Mr. MACHTLEY, Mr. RANGEL, Mr. DE LUGO, Mr. ROE, Mr. RAVENEL, Mrs. BYRON, and Mr. JEFFERSON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

21. The SPEAKER presented a petition of the city of Warner Robins, GA, relative to the crisis in the Persian Gulf; which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

COMPREHENSIVE REAPPRAISAL OF THE HIGHER EDUCATION ACT

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. COLEMAN of Missouri. Mr. Speaker, Chairman WILLIAM D. FORD recently delivered this speech before the Coalition of Higher Education Assistance Organizations on the coming reauthorization of the Higher Education Act. As the Education and Labor Committee moves toward a comprehensive reappraisal of the higher education programs, particularly Federal student aid, I think that this speech sets forth some general ideas which should be considered by the Members of this House.

The speech follows:

REAUTHORIZATION OF TITLE IV OF THE HIGHER EDUCATION ACT: GOALS AND PROPOSALS

(Speech by Congressman William D. Ford, Chairman, House Committee on Education and Labor)

I am very pleased to again address a meeting of COHEAO. As you know the principal education issue on Congress' agenda this year will be the reauthorization of the Higher Education Act. I expect to be the chairman of the Subcommittee on Postsecondary Education which will handle this reauthorization, and I will also be the chairman of the Education and Labor Committee.

I look forward to again working with COHEAO during the reauthorization. I expect that in the near future Congressman TOM COLEMAN, the ranking minority member of the Subcommittee on Postsecondary Education, and I will be asking COHEAO and other interested organizations to give us their recommendations for the reauthorization.

Today I would like to offer you some personal and preliminary thoughts on the reauthorization of Title IV of the Higher Education Act, the student assistance programs. These thoughts are necessarily preliminary since we have not yet organized the subcommittees of the Education and Labor Committee, and I have, therefore, not had the benefit of consulting with my colleagues, reviewing proposals from the administration and the higher education community or being informed by hearings. Those caveats having been noted, let me sketch out for you some of the broad principles and basic goals that I believe will and should guide the reauthorization of title IV and indicate some of the kinds of changes in title IV that might be effective in achieving those goals.

The first principle that I believe will characterize this reauthorization of title IV is that there will be a thorough reexamination of all of the programs. I served as chairman of the Subcommittee on Postsecondary Education during the reauthorizations of 1980 and 1986. Basically, these reauthorizations only tinkered with the programs. I expect that this reauthorization will be different. This time we will put everything on the table and make major and fundamental changes where they are called for. I consider no program sacred or untouchable. We may end up with some or many of the current programs but it will only be after having carefully considered each program on its merits.

It is time for a thorough reexamination of the programs since the last major changes were made in 1972, nearly two decades ago. Since 1972 the programs have grown and evolved without a clear plan or logic. Today they are less like a carefully integrated and well balanced structure and more like a coral reef, a convoluted mass that has grown by accretion.

A second principle for this reauthorization derives from a brief review of the history of Federal policy making for higher education. Such a review indicates that we have only been able to make major changes and major advances in higher education policy when the Congress and the administration work in cooperation and partnership. This was certainly the case with respect to the G.I. bill of 1944, the National Defense Education Act of 1958, the Higher Education Act of 1965 and the education amendments of 1972. Therefore, I look forward to a major reauthorization initiative from the administration that will help set the reauthorization agenda and provide the basis for a cooperative working relationship between Congress and the administration. I hope that the administration will be a major player in this reauthorization and that President Bush will emerge from it with his claim to be the "education President" vindicated.

Finally, the guiding principle of this reauthorization of title IV will be enhancing postsecondary educational opportunities for Americans. We know that high ability/low income students are significantly less likely to continue their education beyond high school than high ability/high income students. For example, a recent report notes that "a student from a high family income background has 8 to 13 times greater chance of having a baccalaureate degree by age 24 than does a student from a low family income background." It is clear that we are not developing the human resources of our Nation to enable us to compete effectively in the world economy. It is equally clear that we are frustrating the aspirations of millions of our citizens who lack the resources to continue their education beyond high school. Therefore our overriding principle must be to emerge from this reauthorization with a title IV that more effectively provides access to postsecondary education for those with the talent and the ability to benefit from it. The purpose of title IV is not to support institutions, administrators, lenders, student loan agencies, secondary markets or servicers. The purpose of title IV is to expand educational opportunities, and the programs and delivery systems must be measured in terms of their effectiveness in meeting that objective.

In light of these principles, I expect that five goals will guide the title IV reauthorization effort.

First, we know that the purchasing power of Federal grant assistance has eroded significantly in the last decade and there has been a dramatic shift from grants to loans as the primary source of Federal student aid. We must restore the purchasing power of grants and reinstate grant assistance as the primary vehicle for access to postsecondary education particularly for the lowest income students.

Second, middle income and working families have seen their incomes stagnate while the costs of higher education have increased faster than the rate of inflation. A recent New York Times series on the economic status of middle America was appropriately titled "Scraping By." Another recent New York Times analysis indicates that in terms of inflation adjusted incomes, "most Americans are entering the 1990's worse off than they were in the early 1970's." It is no wonder that over 80% of the public in a recent poll agreed with the statement that "college costs are rising at a rate that will put college out of reach of most people." In addition, title IV needs analysis produces results that most people find unfair and unreasonable. Most people don't just grumble when they learn their expected family contribution they shake their heads in disbelief. For example, the notion that home or farm equity represents a resource available to pay for higher education is greeted with derisive laughter. We must restore eligibility for the student aid programs to middle income and working families.

Third, the student aid programs have been tarnished by a drumbeat of reports detailing the exploitation of students by unscrupulous schools, growing default costs, schools offering overpriced and inferior educational programs and schools and lenders with unacceptable default rates. Default costs in excess of $2 billion a year may be explainable but they are politically intolerable. The easy assumption can no longer be made that everyone who assumes the title of educator offers a quality educational program or puts the interests of students uppermost. The result of the criticism of the student aid programs and the record of abuses has been to create a negative perception of the effectiveness and integrity of the programs. We must restore public confidence in the programs. Indeed, restoring public confidence in the programs is an absolute precondition for renewing the commitment to grant assistance and extending Federal aid to middle income and working families.

Fourth, the student aid programs have become increasingly complex. Students and their families are frequently bewildered by the maze of programs, forms, documentation and players. Most Stafford student loans, for example, have seen different players involved in making each loan—a borrower, a lender, a school, a guarantor, a secondary market, a servicer and the Department of Education. The complexity of the programs is defeating their basic purpose. This complexity has itself become a barrier to educational opportunity for students from low-income and disadvantaged families. We must simplify the programs and the delivery system.

Fifth, the target population of the student aid programs is frequently ill-informed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

about the availability of aid for postsecondary education, the range of postsecondary educational opportunities and the appropriate high school programs that lead to various postsecondary programs. Students and their families don't know that they can and should aspire to postsecondary education or if the aspiration is flickering in their mind they don't know the appropriate path to follow. We must significantly strengthen our outreach and intervention during the high school and even the middle school years.

There are a number of specific proposals that could shape the Higher Education Act to meet these goals. These proposals include:

Limit Pell grants to the first 2 years of postsecondary education or alternatively to the first half of a student's undergraduate postsecondary education program. Also make Pell grants an entitlement and substantially increase the Pell grant maximum. I introduced a "frontloading" proposal along these lines in the last two Congresses and it has received some favorable comment. It would increase grant assistance at the beginning of postsecondary education to provide for greater access for low-income students.

At the same time, limit student loans (with a substantially increased loan maximum) to those periods during which an undergraduate is not receiving a Pell grant. This change could make major reductions in default costs by eliminating loan eligibility for the highest risk students—those in the first two years of postsecondary education and those in short term courses.

Essentially the savings made by frontloading Pell grants and by reducing defaults could be used to buy the higher Pell grant maximum.

In addition, grants could be increased by phasing out the National Direct Student Loan Program with the funds from the revolving funds being channeled into the SEOG Program. Eliminating Stafford loans for beginning students and phasing out NDSL would also make for a simpler system particularly for those entering postsecondary education.

Grants could also be increased by raising the SEOG match and by requiring that the SSIG Program match only new State appropriations for need-based grants each year. Grant funds, and indeed all campus-based funds, could be better targeted to those institutions with the neediest students by eliminating the hold-harmless provisions in the campus-based allocation formulas.

There is much to be said on behalf of the proposal that has recently been floated from the Bush Administration. Under this proposal the Stafford Loan Program would be replaced by a direct loan program financed by Federal appropriations. Such a system could make the same volume of loans available at a significantly reduced cost. This would allow for the expansion of student aid to meet the needs of moderate income and working families. Such a system could also be dramatically simpler for students and for institutions by eliminating private lenders and much of the student loan bureaucracy. The University of Michigan, for example, would no longer have to deal with all 54 guarantors and several hundred different lenders.

The integrity of the programs could be enhanced and public confidence in them restored by specifying more rigorous standards of financial solvency and administrative competence for institutions, by requiring minimum Federal standards for State licensing of institutions, by providing that all institutions must be recertified and relicensed using the new tougher standards, by restricting commissioned salespersons in the recruitment, admissions and financial aid processes, by mandating pro-rata tuition refunds and by prohibiting abuses in branching and clock hour/credit hour conversion.

The programs could be simplified, in addition to the proposals already mentioned, by providing for a single needs analysis for all title IV programs, by creating a simple eligibility determination for those who are already being served by other public income-tested programs, by mandating a single free Federal student aid application form and by adopting outcome-based accountability rather than relying on micromanagement of the student aid process.

A Pell grant entitlement and simplified program delivery systems would certainly enhance early intervention and outreach efforts. In addition, the State Student Incentive Grant Program might be completely transformed into matching grants to the States for early intervention efforts. If the original purpose of the SSIG Program was to introduce all States to need-based grant programs, perhaps it is time to provide incentives for States to try early intervention programs.

I believe that these are all ideas that are worthy of serious consideration, and I expect that they will be seriously considered. Obviously most of them need to be fleshed out and refined. I am sure there also will be many other meritorious ideas put forth by COHEAO and others. These ideas are not my agenda. Rather I have listed them to give you some idea of scope of this reauthorization and my intent to carefully reexamine title IV with no holds barred. I look forward to your participation and your contribution to that effort.

INTRODUCTION OF THE ARCTIC COASTAL PLAIN DOMESTIC ENERGY LEASING ACT OF 1991

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I join together with almost 100 of my colleagues today to introduce long overdue legislation which would move us away from a reliance on foreign sources of energy while creating hundreds of thousands of new jobs and billions of dollars in new investment right here in the United States. The Arctic Coastal Plain Domestic Energy Leasing Act of 1991 would do what the overwhelming majority of Alaskans want—authorize the Secretary of the Interior to expeditiously lease a small sliver of Alaska adjacent to Prudhoe Bay for environmentally sound oil and gas leasing, exploration and development.

The so-called 1002 Area—named after section 1002 of the Alaskan National Interest Lands Conservation Act, or ANILCA and sometimes referred to as ANWR, of which it is but a small part—is beyond a doubt, the most promising oil and gas province remaining in North America onshore. One must look far and wide to find a geologist who will dispute that scientific fact. In point of fact, while a Department of the Interior report estimated that if oil in commercial quantities exists the size of such discovery would be between 3 billion and 9 billion barrels of recoverable oil, others have been much more optimistic about the area's energy potential. The National Wildlife Federation, in a report on the Coastal Plain, appended their own independent analysis of the Department of the Interior's findings, which described the Department's estimates as conservative. Recently, Fortune magazine suggested that just one of the structures in the Coastal Plain—structure No. 18—could yield 300 billion barrels of oil or more if it is full. To quote Fortune, "That is more than Saudi Arabia's present proved reserves of about 254 billion barrels." Finally, Fortune said of the 26 structures in ANWR, "* * * in the extremely unlikely event that even one is full, it would alter history." And there are 26 potential structures in ANWR.

Mr. Speaker, it is time to see if we can change history. It is time to see if we have within our own borders the answers to our future energy questions. It is time to open the Coastal Plain.

Our Nation's energy situation is out of control. The export of over $100 billion per year in hard-earned American dollars to fund governments in unstable parts of the world saps our economic and national security. The amount this Nation spends on energy imports annually dwarfs our imports of foreign cars which run on this energy.

The real tragedy, Mr. Speaker, is that Congress has delayed and delayed and delayed on this matter. Four years ago, the Department of the Interior recommended to the Congress that the Coastal Plain be opened for oil and gas leasing, exploration, development and production. If we had acted at that time, we would know today whether, as Fortune says, the Coastal Plain's oil potential would alter history. Instead, the United States has moved from 38 percent dependency on foreign oil 4 years ago, to over 50 percent dependency today. This is chilling because even under an expeditious leasing system, if oil is found in commercial quantities, it will be the year 2000 before oil is delivered to markets in the lower 48 States. During this time, the production and delivery of oil via the Trans-Alaska Pipeline is estimated to fall from its present 2 million barrels per day to just under 900 million barrels. At today's oil prices, that means that even if Congress passes this legislation today, the United States will be spending an additional $25 million per day for foreign energy in the year 2000. Moreover, the United States will be that much more dependent upon foreign—probably Persian Gulf—sources for the energy that runs our Nation.

As an Alaskan concerned about the environment of our North Slope and the impact upon the people who live in the region, I believe it is the height of recklessness to delay further our authorization to explore this area. If we undertake a prudent, deliberate course at this time, we need not be forced during an emergency to invade this area to satisfy the needs of an energy-hungry nation. Alaskans have proven that the Arctic areas of our Nation can be developed consistent with environmental protection. The caribou herd in and around Prudhoe Bay has increased sixfold since development was undertaken there in the late 1960's. Visual impacts have been reduced as new technologies have been developed by an industry which 20 years ago was unfamiliar with operations in the Arctic. There is a direct corollary between Alaskans' familiarity with energy operations on the North Slope and their overwhelming support for opening the Coastal Plain of ANWR.

Alaskans know about oil production—we are the No. 1 producing State in the Union. We know it can be done safely, and we have learned from the *Exxon Valdez* the consequences of unsafe operation. Despite this tragic event, opening the Coastal Plain is widely supported in Alaska, because Alaskans understand better than most the successes of our Arctic oil operations. The State of Alaska and its new Governor support opening the area for leasing. The North Slope Borough government supports it. The people of Alaska support it. The local Eskimo residents on the North Slope and in the village of Kaktovik—in the Coastal Plain—support leasing, exploration and development. But for some reason, people who don't live there—or have never been there—are opposed to such a policy. This is despite the fact that over half of ANWR—9.3 million acres—has already been designated as wilderness.

Still, others believe that exploration and development of the Coastal Plain pose undue risks to the caribou and the birds who use this area for a few weeks or months in the summer. I can only report that the experience and the observation of expert scientists and Eskimo subsistence hunters on the North Slope is that these risks are extremely minimal. This is evidenced by the substantial increases in caribou populations which coincide with Arctic development of the last 20 years.

I do not worry about potential risks to wildlife, provided the proper conditions are placed upon such development, and we are not forced by congressional inaction at this time to initiate an emergency leasing program in the future. I do, however, worry about the real risks of our growing dependency on imported oil, particularly Persian Gulf oil. Oil import dependence creates terrible risks at many levels. These risks have received little congressional or public attention until recently.

It is my hope that our Nation will embark upon a discussion soon on the need for a national energy strategy to meet future needs. Such a strategy must of necessity include a strengthened commitment to conserving energy. But conservation alone will not wean this Nation from the transfer of our wealth and our security to other parts of the world.

Energy is the blood that courses through the arteries of our great Nation. We cannot afford continued transfusions from foreign bodies into our own for much longer. It is time to begin producing our own energy, our own blood, from within our own body. The Coastal Plain is a good place to begin making the Nation well again.

I urge the appropriate committees to move swiftly this session to deal with this matter, and to take what may be a historic step towards U.S. energy independence. I urge we vote quickly to open ANWR to environmentally responsible domestic oil and gas leasing, development and production.

VA GIVES HIGH PRIORITY TO CASUALTY AND TRANSITION ASSISTANCE FOR DESERT STORM PERSONNEL AND THEIR FAMILIES

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MONTGOMERY. Mr. Speaker, most Americans are of one mind when it comes to the brave men and women who are serving in Operation Desert Storm: Their safety and well-being is the most important consideration of the war. We must give them cutting-edge technology and topline equipment with which to fight and, regardless of individual feelings about the war, our service personnel must know that they have the collective support of the American people and our allies. This support extends beyond the battlefield. When they come home, they become veterans. And they have every right to expect timely, compassionate responses to their claims for veterans' benefits.

On August 29 of last year, the Department of Veterans Affairs [VA] set in motion a plan, mandated by the Congress, in which the Nation's veterans' hospitals will back up our military hospitals if necessary to treat casualties from the war. Further, since the beginning of the Persian Gulf crisis, VA has implemented contingency plans to help meet the transition needs of Desert Storm personnel and their families.

I would like to share with my colleagues a summary of the VA efforts in this regard:

VA/DOD Contingency Hospital System

BACKGROUND

Public Law 97-174, the Veterans Administration and Department of Defense Health Resources Sharing and Emergency Operations Act, signed in May 1982, established the VA/DOD Contingency Hospital System. VA's health-care system is the primary backup to DOD in case of war or a national emergency involving military personnel. VA's backup role is the fourth mission of the Veterans Health Services and Research Administration (VHSRA).

The primary reason for establishing this backup hospital system was to provide beds that could be used in an emergency without expanding the DOD hospital system. (During World War II, DOD had 500,000 beds. The current count is approximately 16,000.)

THE CONTINGENCY PLAN

VHSRA's Emergency Medical Preparedness Office, located at the Minneapolis VA Medical Center and directed by Raymond C. Bonnabeau, Jr., M.D., is the focal point for Contingency Plan activities and is in regular contact with DOD's Health Affairs Office. The Emergency Facility Operations Center at the VA Medical Center in Martinsburg, W. Va., is a component of the Emergency Medical Preparedness Office and is the control center for the system.

Under the VA/DOD Contingency Plan, VA medical centers have been divided into three categories:

Primary hospitals	80
Secondary hospitals	79
Installation support centers	86

(Some ISCs also are primary hospitals):

Hospitals designated as primary hospitals could receive patients directly from the battlefield or from a DOD facility. Secondary hospitals would receive patients from the primary hospital. Installation centers serve as backup to the military hospitals to handle normal caseload if military hospital staff are called to service elsewhere. All VA hospitals are potential sites for conventional war injuries as well as chemical casualties.

The hospitals will be under the control of the Armed Services Medical Regulating Office (ASMRO) at Scott Air Force Base, Ill. ASMRO will notify a VA hospital if casualties are being sent to that facility. A VA employee has been detailed to ASMRO.

BED AVAILABILITY

When military personnel are injured or become ill (or civilians, in a national emergency such as an earthquake), they would be classified in one of eight categories: medicine, psychiatry, surgery, orthopedics, spinal cord, burns, OB/GYN, pediatrics.

VA medical centers are reporting available beds to the Emergency Facility Operations Center at Martinsburg. Beds are reported in the eight categories according to availability within 24 hours. These figures are being reported on a daily basis. Martinsburg, in turn, reports them to ASMRO. The contingency plan developed under PL 97-174 specified that 25,000 VA beds could be freed up within a one-month period to receive patients. This figure was not determined specifically for the Iraqi situation. Currently, facilities are reporting the following regarding bed availability: Within 72 hours, 15,000; 72 hours, up to 1 month, 25,000.

Bed reporting reflects the number of patients who could be discharged, the number of patients who could be transferred to another VA facility or a non-VA hospital, and the impact of the loss of VA Reserve personnel who may be called up or volunteer. No beds are being reported that cannot be fully staffed.

TRAINING INITIATIVES

VA, DOD and civilian health-care providers received a 3-hour teleconference training session that focused on infectious diseases, exposure to chemical weapons and combat stress. "Cluster workshops" have been held at the VA Regional Medical Education Center, Northport, N.Y.; Aberdeen Proving Grounds, Maryland; and Fort Benjamin Harrison, Indiana. Briefings on infectious diseases, exposure to chemical weapons and combat traumatic stress were held for key clinical and administrative staff from medical centers designated as primary receiving centers. In addition, Vet Centers close to primary sites sent one counselor from their respective facilities.

Veterans Benefits Administration Contingency Planning for Operation Desert Storm

BACKGROUND

While Operation Desert Storm will affect all operations of VA regional offices, the program most affected will be the Veterans Services Divisions. Adjudication Divisions may also experience a significant increase in disability compensation, and dependency and indemnity compensation workloads.

PRIORITY ACTIVITIES

The following areas within the Veterans Benefits Administration (VBA) have been given highest priority:

1. *Casualty Assistance.*—Services to families of servicemembers killed on active duty. These services are coordinated with military service branches and Defense Department casualty assistance officers.

2. *Services to Disabled Servicemembers.*—Benefits information and claims assistance to personnel returning with injuries and illnesses as a result of combat. These services will be provided at military hospitals, VA medical centers, physical evaluation boards and other military locations.

3. *Military Liaison Services.*—An upgraded information dissemination effort with military program and installation officials at the national and local level, and increased information delivery at military locations including reserve and national guard centers.

4. *Transition Assistance.*—Expanded delivery of these services to active duty military personnel within 180 days of separation to provide employment readiness, and information on benefits and other services.

GENERAL REGIONAL OFFICE CONTINGENCY PLANNING

Casualty assistance officers have been identified at each VA regional office.

Veterans Benefits Counselors have been positioned at each of the VA medical centers that have been designated as primary sites to receive Desert Storm casualties.

Eight VA regional offices have been designated as processing centers for Desert Storm compensation claims.

Regional Office Directors will assure the following:

Immediate processing of notices of death.

Expediting handling of servicemen's group life insurance claims.

Coordinating joint travel and family visits with military officials.

As appropriate, granting of presumptive ratings for active duty military personnel likely to be separated or retired due to disability, and expediting payments.

Coordinating with VA medical centers to ensure immediate notification when military personnel are assigned there as patients.

Assigning full or part-time Veterans Benefits Counselors to military medical facilities, as needed.

Designating a Veterans Services Division staff member as contact point for referral to military sources and VA Central Office control point.

Identifying regional office personnel (other than Veterans Benefits Counselors and Veterans Claims Examiners) who can be used for field contact services in overload or emergency situations.

VETERANS SERVICES DIVISION CONTINGENCY PLANNING

VBA Regional Office Directors and Veterans Service Officers will determine which of the following arrangements are required in local situations, depending on the volume of Desert Storm activities.

As necessary, assign up to 40 percent of the current Veterans Benefits Counselor staff (regional office-based) to responsibilities associated with Operation Desert Storm.

As necessary, suspend veterans benefits counsel coverage at long-term care facilities for three months and dedicate available staff to Operation Desert Storm.

Divert staff dedicated to compliance survey activities to Operation Desert Storm to provide contact services.

Divert certain field examination staff to Operation Desert Storm to provide contact activities.

NATIONAL CEMETERY SYSTEM CONTINGENCY PLANNING FOR OPERATION DESERT STORM

BACKGROUND

Prior to Operation Desert Storm, the Defense Department had reported 100 members of the Armed Forces had died in Operation Desert Shield. Of that total, 59 deaths occurred in the Middle East and 41 deaths were outside the theater. Twelve of those who died have been buried in national cemeteries. Three others, whose bodies were not recovered, have been memoralized. Markers from the theater are marked "Persian Gulf."

CONTINGENCY PLANNING

In response to Operation Desert Storm, NCS will institute the following policies:

Field operations

Has established liaison and coordination with the Defense Department's Casualty Assistance Office;

Will bury all remains based on Casualty Assistance Calls Officer notification.

Cemetery Directors:

Will accommodate next-of-kin's request for date and time of burial, including weekend or holiday burial. (Normally, NCS does not conduct weekend burials.)

Will maintain close working relationships with military commands to ensure that honors are provided at burials, reflecting the utmost respect.

Will assist with arranging for chaplain and other arrangements associated with the burial service.

Monument service

Monument Service has expedited processing and delivery of headstones and markers by:

designating a Persian Gulf project manager

coding on application for special handling

satisfying all requests for additional inscriptions at government expense

GENERAL INFORMATION

Gravesites.—Burial in the national cemeteries is dependent on space. Approximately 250,000 gravesites for the burial of full, casketed remains are available in the system. Gravesites are not reserved. An additional 54,000 sites are available for the burial or inurnment of cremated remains.

Military honors.—NCS does not provide military honors for burial services. Honors are provided by the Armed Forces, normally at the discretion of the nearest base commander.

Caskets.—NCS does not provide caskets. In cases of active-duty deaths, the Defense Department furnishes caskets.

Headstones.—NCS provides headstones or markers at National Cemeteries and at private cemeteries.

AMERICA NOW APPRECIATES MILITARY REBUILT BY RONALD REAGAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. SOLOMON. Mr. Speaker, I know that some of my friends on the other side of the aisle—especially those who spent the 1980's voting against any weapons system more complicated than bows and arrows—would rather undergo root canal work than admit Ronald Reagan was a great President.

And I hate to rub it in, but all America is now rejoicing that Ronald Reagan rebuilt our military strength. That rebuilt military, especially its technological superiority, is not only winning a war, it's saving lives.

An example of this nationwide celebration is a recent column by Ralph Martin of the Albany Times-Union. I heartily recommend it, and with great pleasure place it in today's RECORD.

The article follows:

WAVE THE FLAG FOR REAGAN

(By Ralph Martin)

It's no time to talk about legislative follies, politics, taxes, budgets, layoffs and the other issues that usually fill up this space. My heart wouldn't be in it, and I'm sure your mind wouldn't be on it. We're at war. Everything else is secondary.

Can we voice our thanks at a time like this? It wouldn't seem so. There's nothing to be thankful about when we're in the midst of combat and lives are being lost. It's a tragic time in history. But, there is something we can be thankful for—or at least appreciate. It's our military might.

We're leveling Iraq as if it were a pile of wooden blocks being swatted by a pro rassler.

Remember how Ronald Reagan was raked over the coals during his presidency for the billions he spent on weaponry? Give him credit. He wasn't dozing on this one. He wanted more—more manpower, more ships, more aircraft. It seems Secretary of Defense Cap Weinberger couldn't spend money fast enough.

This gave social activists, antinukers and other peace groups plenty of reason to carry around placards in protest. Why spend money on submarines or sophisticated bombers when people are homeless, diseases are incurable and defense contractors are billing the government $600 for toilet seats? They chanted.

There were excesses. Some of the weapon systems did go awry. But Ronald Reagan, as true and blue as an old shoe, weathered the storm. We needed a strong military, he insisted, at any cost. How his steadfast approach has paid off today. The foresight of Reagan and determination of George Bush is there for all to see in Operation Desert Storm. So far we, and our allies, have blown the enemy away with unchallenged air dominance, while suffering only minimal casualties. When the ground troops swing into full action, you can bet they'll be just as effective.

Might is the only thing the likes of the "Butcher of Baghdad" seems to know. If he thought we were bluffing, he knows better now.

A butcher? Yes. How else would one describe a person who condones the use of chemical warfare, takes hostages as human shields, overruns countries, removes babies from incubators and hideously tortures those who oppose him? He's been compared to a modern-day Hitler, even worse.

The peace advocates ignore, or conveniently overlook, these atrocities. No one can question the sincerity of anti-war protesters, but they're playing right into the hands of Saddam Hussein while seemingly forgetting this no longer is a small, compact world. It is one of nuclear weapons, electronic gadgetry and aircraft that wink at the sound barrier. Today it's Kuwait, tomorrow it's . . .?

Unless human nature changes, there always will be Saddam Husseins and always will be wars. We just have to be on the side of freedom and be prepared. And we were, thanks to Reagan and Bush.

Some decisiveness in the White House was long overdue. Why should we, the strongest nation on Earth, sit around while hostages are taken and tinhorn dictators bully us and others? We have to stand up for what is right. President Carter proved a wimp when he botched the Iranian hostage situation.

President Reagan (although a booster of our military) failed to act decisively when 250 Marines were killed in Beirut. Now the tide of timidity is changing under Bush and Operation Desert Storm.

Force is the only thing bullies understood. Not logic, not diplomacy, not reasoning, but force. After winning this war with the aid of our United Nations allies, we won't be taken so lightly. The dictators and terrorists of the world will pause before staging a skyjacking, taking a hostage, torturing the innocent, raping their enemies and committing other sins against humanity. They'll realize they can't get away with it.

Let's just hope and pray this is a mercifully short war, one in which casualties will be few on both sides and American military men and women soon will be reunited with their loved ones.

Until their job is done, our thoughts will be with them, along with one columnist's appreciation of military might due, in large part, to a flag-waving president named Reagan.

A TRIBUTE TO PAUL TAGLIABUE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. LANTOS. Mr. Speaker, with the memory of a great Super Bowl still fresh in our minds, I rise today to pay tribute to a man whose contribution to the game cannot be measured in yardage, passing percentages, or points. That man is Paul Tagliabue, the commissioner of the National Football League.

Born in Jersey City, NJ in 1940, Mr. Tagliabue, demonstrated early in his life the talents and abilities that have enabled him to rise to the top. He is truly an exceptional individual worthy of this body's recognition and praise. An athlete, a scholar, a businessman, a family man—Mr. Tagliabue, excels in all that he puts his hand to.

Known to his Hoya teammates at Georgetown University as "Mr. Chairman of the Boards," Paul Tagliabue, was a model of hard work and diligence on the basketball court. His grit was an inspiration to those with whom he played. But he was more than just an athlete at Georgetown, where he graduated in 1962.

He was able to balance his love of sports with his academic studies. The combination of his natural scholastic talents and his work ethic culminated in his being named a Rhodes Scholar finalist—a crowning academic achievement.

In 1965 he graduated with a degree in law from New York University, where he edited the Law Review. His professional career has been nothing short of meteoric. After a clerkship with the U.S. Claims Court, Mr. Tagliabue worked for 3 years as a defense analyst with the Department of Defense. He then joined the Washington firm of Covington & Burling, where his professional association with the National Football League began. In 1989, he was named commissioner after a fractious election.

In the ensuing months and years, he has proven a most worthy choice. Putting the difficult election behind him, his administrative talents and leadership ability quickly won the praise of his colleagues, the media and the fans of the game. Clearly, he has placed the N.F.L. on the right track heading toward the 21st century.

Mr. Speaker, those who are lucky enough to know Mr. Tagliabue, know him as a man of integrity and vision. A devoted husband of 26 years to his wife, Chandler, and the proud father of two daughters, Drew and Emily, he is a rare breed indeed. It is my hope that when we gathered with family and friends to watch the New York Giants prevail over the Buffalo Bills in a great game, we remembered the man off the field and his considerable contribution to the game.

TRIBUTE TO ANNIE MAI HAMLETT MILLER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to an outstanding educator in my congressional district who is being honored for her many years of dedication in the field of education. Her name is Annie Mai Hamlett Miller and she resides in Jackson, TN.

Mrs. Miller began her teaching career at Lane College in Jackson where she was an assistant professor of English. Her marriage to the late Rev. Walter Alfred Miller caused her to move to several States in the Midwest area where she held various positions at Christian centers before returning to her chosen field of teaching. In 1966, she returned to Lane College where she served in various capacities including a teacher of English, and director of research. She also established an office of institutional research which later merged with the planning department. In all, she has served 20 years on the Lane College staff.

In 1984, the Traditional Black Colleges and Universities Special Interest Group of Association Institutional Research awarded her the first plague in recognition of more than a decade of dedicated service.

I join with Mrs. Miller's many friends and colleagues who honor her years of devoted service in conjunction with celebrating her birthday. She is an inspiration to us all.

INTRODUCTION OF THE INDIANA NATIONAL FOREST BILL

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to create a new national forest in the northwestern corner of Indiana. I believe this is the first necessary step toward reclaiming some of America's great wild lands which some say were decimated by the settlement of nonnatives in the lower 48 States.

Few today know that northwestern Indiana used to be a land of ancient forests and rolling prairies, with a diversity of wildlife habitat. Due to settlement, these lands were cleared for human habitation, and agriculture followed the slashing and burning of ancient forests.

It is time to reverse this trend.

The time has come to turn these lands over to the kinder, more gentle heirs of the strong men and women who opened this great Nation. The urban recreationists who predominate our Nation's city streets deserve the use of these lands. Away from the therapeutic values of working with one's hands for a living, these folks yearn for a getaway for the weekends. This is clearly demonstrated by their support for land set-asides in the Western and Northwestern part of the United States. It is time to give them some of their own closer to home.

Further, the people who reside in this area have been hamstrung by a declining industrial and agriculture base, which is clearly out of step with the progressive times of today if we are to follow the logic which representatives of this region apply to other, less developed parts of the country. Instead of selling a finished product, with all of its added value to this economy on the market abroad, they have chosen to harvest raw materials for export. Think of the jobs to be created if we limited the export of grain to finished products, rather than in the raw. Why should we destroy our environment with industrial agriculture, only to ship raw materials to Japanese bakers to add value? Everyone knows that the farmer gets very little of the value from his crop—the bankers, the shipper, the distributor, the processor and the retailer get the lion's share. By reducing the amount of acreage available in this region, it would encourage the development of a stable, environmentally sustainable food processing industry with many jobs producing added value for resale in our global markets. We could sell Wonder Bread instead of just raw grain. These are just some of the experiments which might prove helpful to the beleaguered economy of northwest Indiana.

This is balanced legislation. It would allow the local people to get intimately involved in the establishment of their national forest by holding a vote to name the new unit of the National Forest System. I believe this is a first for local participation in the National Forest System, and hope this type of deference to local interests catches on. I hope other Members, especially from areas of the country with their own national forests, will join me in cosponsoring this overdue legislation.

MILITARY PERSONNEL, VETERANS DESERVE ADEQUATE INSURANCE COVERAGE

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MONTGOMERY. Mr. Speaker, I am introducing legislation today which will afford our military personnel an adequate level of life insurance. They deserve the peace of mind in knowing that, if the worst happens, their families will not be left in a financial bind.

The maximum individual coverage under the Servicemen's Group Life Insurance Program is currently $50,000. My bill would increase the base from $50,000 to $75,000 the maximum individual coverage under the VA-administered Servicemen's Group Life Insurance Program. This coverage was last increased in 1985.

This bill would also give veterans the opportunity to increase their coverage to $75,000 under Veterans Group Life Insurance.

It is my understanding that the administration has expressed support for an increase in this life insurance coverage.

I am also introducing legislation which would establish August 8, 1990, as the beginning date, for veterans benefits purposes, of the Persian Gulf war.

I hope my colleagues will support each measure.

SGT. KELLY DOYLE OF GLENS FALLS, NY EXEMPLIFIES THE SPIRIT OF OUR MILITARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. SOLOMON. Mr. Speaker, the Post-Star of Glens Falls, NY, my hometown newspaper, recently printed a letter from Sgt. Kelly Doyle, a Glens Falls native now serving with the 82d Airborne in Saudi Arabia.

His letter suggested several things to me. First, it convinced me that the young men and women in that theater understand exactly why they are there.

Even more significant is the importance of public support for our troops. For the average soldier in the desert or seaman in the gulf, knowing that the folks back home are supportive is more important than all the high-technology military hardware we are using against Saddam Hussein.

Mr. Speaker, I ask you and all Members to join me in urging our constituents to please write our military personnel in Saudi Arabia and the Persian Gulf. It is the best thing we can do to let them know that this will not be another Vietnam.

I proudly insert in today's RECORD Sergeant Doyle's letter.

To the Editor: This letter is in response to the letters written for the soldier in Saudi Arabia. My name is Sgt. Kelly P. Doyle and I am a member of 1st Brigade, 82D Airborne Division.

I am a 1985 graduate of Glens Falls High School and have been in the military for a little over 3 years now.

I would like to thank all the people who took the time to write the letters to you for the soldiers over here in Saudi Arabia. It really shows how good the support is for us from back home and we appreciate it. Really. This will be the second Christmas away from home for me because of a military action. I just hope it's the last one for a while.

I can understand the growing public opinion that force should not be used to eradicate Saddam Hussein from Kuwait. I don't want to see young Americans sent home in body bags either.

But, they must also consider the consequences of letting a man like Saddam roam free to do as he pleases. He will have nuclear capabilities very soon, if not already, and the whole world will be in danger.

He has shown that he is not afraid to use his military forces, as we saw with his war with Iran. We are not over here just because of the oil, our economy and world safety are also at risk. Who knows how long it will take the economic sanctions to be effective, if they work at all.

It's time for action and to let Saddam know that his atrocities will no longer be tolerated. His use of the hostages as deterrents from military action is a war crime and he must be punished!

The American people should know by now that congressional debate, by design, is a deliberate and lengthy process.

The element of surprise could be lost if Congress is allowed to debate this over the coming months. We saw how well they worked together for the 1991 budget. If we wait too long, Saddam may have a chance to pull out of Kuwait and he would be able to continue his reign of terror in the world.

Again, thank you all for the wonderful letters published in the Nov. 8 supplement to your paper. If anyone would care to write back to me, my address is:

Sgt. Kelly P. Doyle, Aco. 313th MIBN, 1st BDE, 82D ABN DIV, APO, N.Y. 09656.

HONORING THE LATE JAMES BUCHANAN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. TANNER. Mr. Speaker, I rise today to honor the late James Buchanan whose outstanding and numerous contributions to the Jackson/Madison County, TN area will be recognized at a ceremony on February 5 at the Jackson Area Vocational School.

Mr. Buchanan, who passed away last December, was a long-time community activist whose efforts in 1988 overturned the city of Jackson's commission form of government replacing it with a city council whose members are elected from specific districts. Mr. Buchanan was elected to that first city council under the new representation guidelines.

In addition to his many civic contributions, he was a dedicated family man and an active church leader. He will be missed by all those who had the privilege of knowing him and working with him for the betterment of the Jackson/Madison County region. Mr. Buchanan was a public servant in the finest sense of the word and it was an honor for me to count him among my friends. This recognition of his achievements is richly deserved and I am proud to be included among those who pay tribute to this great man today.

TRIBUTE TO ANN BELKNAP BENNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to a dear and valued friend—Ann Belknap Benner—on the occasion of her being named to the Women's Hall of Fame of San Mateo County.

Mr. Speaker, Ann is such a fine and exceptionally capable individual. Time and again, she demonstrates the endearing qualities and keen abilities that have characterized her productive life. I am extremely fortunate to have Ann on my district staff. She has performed her job with skill and professionalism, but this was hardly a surprise: she came on staff with a most impressive list of credentials.

In 1940, Ann received her B.A. in English at Rockford College in Rockford, IL. Three years later, she was awarded an M.A. in philosophy from Mills College in Oakland, CA. Since moving to the San Francisco peninsula, her contribution to the community has been tremendous.

In 1941, she was a founding member of the Unitarian-Universalist Church of San Mateo. In recognition of her commitment to the Unitarian community, the "Ann Benner Award" was established by the San Mateo congregation to recognize individual service to the church and community.

Ann is a lifetime member of the NAACP and she served as vice president and member of the board. She has been president and member of the board of the Peninsula Halfway House since 1960. She was a board member of the Starr King School of the Ministry—Unitarian—in Berkeley, the San Mateo High School Parent Teachers Association—where she also served a term as president—the South Hillsborough Parents' Group, the Childcare Coordination Council of San Mateo County, the PACE Organization—planning to achieve change in education—of San Mateo County, and a number of other groups.

Ann has lent her considerable talents and abilities to a variety of organizations that specifically seek to improve the status of women. She is a member of the American Association of University Women, the Head State Auxiliary, the American Civil Liberties Union, Women for Responsible Government, the National Women's Political Caucus, the National Organization for Women, and the Older Women's League.

Mr. Speaker, I would describe Ann's political involvement both locally and nationally as nothing less than exemplary. In 1945, she was a founding member of the League of Women Voters of Central San Mateo County and she has devoted her considerable talents to helping a number of political candidates at all levels of Government.

I often think Ann must know something we do not, for she possesses a well of energy that never fails to amaze. At the age of 70, Ann took on the awesome responsibility of adopting a young black girl from South Africa. She cared for her and helped her complete high school and begin college, which she could not do in her native South Africa because of the political turmoil.

Mr. Speaker, on January 11, 1991 Ann was named to the Women's Hall of Fame of San Mateo County. I am pleased that the county board of supervisors saw it fit to award her this honor. If the truth be told, Ann has long been a member in my hall of fame. Today I offer her my gratitude for the unyielding dedication she has shown to our community. I thank her for lending her spirit and strength to the causes worth the fight and I wish her all the good fortune she deserves.

SADDAM HUSSEIN'S CYNICAL MANIPULATION OF THE PALESTINE QUESTION

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. SWETT. Mr. Speaker, the current crisis in the Persian Gulf is, sadly, yet another example of a belligerent and ruthless dictator's use of violence and intimidation to impose his will on this often troubled region.

Saddam Hussein often claims he dreams of a united Arab nation, but like the leaders of the PLO, that has not prevented him from slaughtering his fellow Arabs in Iran, Kuwait and Saudi Arabia.

Hussein and the self-appointed leaders of the PLO have justified their devastation by pretending they are acting in the best interest of their Arab brothers against Israel. No one should be fooled. Arab leaders like Hussein have prevented their neighbors from working toward a lasting peace with Israel.

The war in the gulf has directed the attention of the world to a region that desperately calls for dialog instead of death. If the world wants to see an end of politics by violence in the Middle East, terrorists such as Saddam Hussein and the PLO must change their ways or be replaced by leaders who will advocate and exemplify nonviolent avenues toward peace.

Mr. Speaker, on January 29, 1991, an excellent article by our former U.N. Ambassador appeared in the Washington Post. I insert it in the CONGRESSIONAL RECORD, and I urge all of my colleagues to give it serious and thoughtful consideration:

AFTER THE WAR

(By Jeane Kirkpatrick)

Although the Gulf war has only just begun, Middle Eastern specialists in America—both in and out of government—are already turning their attention to the shape of the region after the conflict is over.

Conventional wisdom has long held that the Arab-Israeli conflict is the central problem of the Middle East. But it seems especially clear now that the central problem is the area's longstanding and deeply rooted habit of violent politics.

The latest manifestations of this habit are Iraq's brutal invasion and occupation of Kuwait and its attacks against Saudi Arabia—both of whom had provided billions of dollars to Iraq during its long war against Iran.

In this fundamental sense, although most Arabs and analysts hate to admit it, the current Arab-Arab problem closely resembles the Arab-Israeli problem.

Although Saddam Hussein speaks frequently and vehemently of a united Arab nation (which he longs to lead), of Allah, of holy crusades and holy war, neither Arab brotherhood nor shared religion prevented him from making war against fellow Moslems in Iran or invading Kuwait or threatening Saudi Arabia. Habits of violence proved stronger than ties of brotherhood.

But it is true that Abu Iyad criticized Yasser Arafat for allying the PLO with Saddam Hussein. It is true, too, that he advocated union with Jordan and called King Hussein, not Saddam Hussein, the ultimate sovereign of the Palestinian people. It is also undoubtedly true that he was cut down by an associate of Abu Nidal, probably on the orders of Arafat's ally, Saddam Hussein.

It is the same violent politics that ruined Lebanon, destroyed Hamas in Syria, prevented the development of normal relations between Israel and its Arab neighbors, and eliminated any possibility for normal life on the West Bank.

No people have suffered more from this habitual violence and caused more suffering by it than the Palestinians, whose self-appointed leaders in the PLO have conducted a long war against each other as well as against Israel. The most recent victim of this war within a war was Yasser Arafat's deputy, Salah Khalaf (also known as Abu Iyad), murdered recently in Tunis.

Since his death, Abu Iyad has been accused of all manner of political deviations, including "moderation" and meeting with the Israelis in the pursuit of peace. This hardly seems fair to a dead man who spent his last days traveling about the region extolling the blood of martyrs and vowing war to the death against Zionists and Americans.

This pattern of violence manifest throughout the region is underpinned by a political culture that emphasizes radical nationalism, "the liberation" of Palestine and the destruction of Israel.

It is extremely important that the U.S. government understand and remember the reality of this politics and violence and its consequences for friendly Arab regimes. Among its victims are: Presidents Anwar Sadat and Bashir Gemayel, murdered; Lebanese democracy, destroyed; Kuwait, trashed; and Jordan's government, reduced to impotence. The Gulf war is the most recent consequence. But another consequence is the denial of a normal life to both Israelis and Palestinians.

The U.S. government should bear these human and economic costs in mind as it considers what comes after the war.

All decisions should be designed to weaken the forces of violence and strengthen the politics and leaders of nonviolence. But incredibly there are already American citizens on American airwaves describing the PLO as the sole legitimate representative of the Palestinian people and demanding—in the name of peace—that Israel install this party of permanent war as the government of a new Palestinian state.

Already some former American ambassadors are worrying aloud about how important it is to preserve Iraq and/or Iraqi military forces and/or the Iraqi government intact. Especially they warn against humiliating Iraq, as though a government that trashes its neighbor should not suffer humiliating defeat.

The most optimistic factor for the postwar world is precisely that PLO and Iraqi leaders have been thoroughly discredited by their role in this costly conflict. This fact should weaken the hold of violent politics on the region, since obviously it will not be possible to develop nonviolent politics under violent leaders.

New leaders for the Palestinians could mean a new beginning for a real Arab-Israeli peace process. And at the conclusion of this war, Saudi Arabia and Kuwait will presumably have a new appreciation of the importance of peace and of nonviolence. They, too, might just be ready for peace with Israel.

But peace can come only with the renunciation of violent politics and an end to excuses and indulgences for its practitioners.

TRIBUTE TO MAJORIE F. WEINSTEIN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Majorie F. Weinstein of Sands Point, Long Island, who has recently retired from her position as a trustee of the incorporated village of Sands Point.

I insert into the RECORD today an appreciation of the outstanding service Mrs. Weinstein has given to her community, as published in the village newsletter this month. As my colleagues will see, both Mrs. Weinstein and her husband, Jerome, have compiled an admirable record of civic service, and I am sure that my colleagues join me today in recognizing this spirit of public responsibility. I wish the Weinsteins the very best in their future endeavors, and join with the village of Sands Point in thanking them for their altruistic efforts in behalf of the common good.

The appreciation follows:

IN APPRECIATION OF MAJORIE F. WEINSTEIN

Jerome Weinstein came to Sands Point in 1946 with his parents. In 1951 he and Majorie Farb were married and took up residence in the Village. Their son, Jon, his wife Ilana, and their daughter Diana in Port Washington and daughter Susan, her husband Dr. Kenneth Dobuler and their son, Paul reside in Branford, Connecticut.

Majorie and Jerry have a tradition of public service. He was a Trustee of Sands Point, then Deputy Mayor and became Mayor in 1971. He served as a Councilman on the Board of the Town of North Hempstead until 1987.

Majorie was appointed by Mayor Roy Olson to the Board of Zoning Appeals in 1979 and became its Chairperson in 1981. She was elected to the Board of Trustees in 1987 and was appointed Building Commissioner in 1988. In this position her attention, diligence and knowledge resulted in superior performance.

She had to work with a new, very detailed and complex New York State Building Code which has to be applied to projects undertaken by a rather independent minded group of residents who were engaged in a tremendous amount of building and remodeling. In her term of service there were more applications for building permits than in prior periods.

This brought about untold hours of office work, phone calls, property visits and meetings with architects and residents.

We are most appreciative of her devotion to her responsibilities undertaken on behalf of the residents of this wonderful Village. That kind of devotion helped to maintain our Village as it is. We regret that Majorie and Jerry will be leaving Sands Point, but they will be nearby. She has graciously consented to continue in her appointive office as Building Commissioner for an interim period to assist in our transition.

The Mayor, Trustees and the other Administrative leaders offer their personal thanks, affection and gratitude to this lovely person who is also a dedicated and outstanding public servant. We convey these thoughts to Majorie on behalf of all of our residents and the professional staffs in the Police and Water Departments, the Village Office Personnel and especially the Building Department.

We wish Majorie and Jerry good health and much happiness in their abode.

LEONARD WURZEL,
Mayor.

TECHNICAL CHANGES IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. YOUNG of Alaska. Mr. Speaker, it is a privilege today to offer legislation relating to technical changes with the Alaska Native Claims Settlement Act of 1971. The Alaska Native Claims Settlement Act [ANCSA] resolved land claims issues raised by Alaska Natives in 1971. ANCSA also instructed the Secretary of Interior to begin the process of granting land allotments to Alaska Native allotment applicants for lands traditionally used by the applicants.

This bill will focus on settlement of certain claims under the Alaska Native Claims Settlement Act of 1971 and resolve other noncontroversial but important issues in Alaska. Specifically, section two of this bill will amend the Alaska National Interest Lands Conservation Act [ANILCA] to allow relief for specifically named allottees near Nome, AK, to obtain approval of their allotments at Fort Davis, AK. Fort Davis was previously listed as military land in the 1900's, returned to the Department of the Interior in 1921, but withdrawal was not modified to show restoration to public land use. These lands were not valid in ANILCA because the withdrawals were not identified as a bar to conveyance until 1979, too late to make the ANILCA title and conference report. This section of my bill will legislatively approve the 18 Fort Davis allotment applications near Nome, AK.

Section 3 of this bill will amend section 18 of ANCSA by adding language to allow amended land descriptions for lands selected by the State of Alaska, if equal in acreage and the State of Alaska agrees to reconvey or relinquish the land described in the amendment. This section also includes language to assure that the State entitlement is not increased or reduced. It allows relocation of allotments out of State parks and other legislatively designated areas to more usable land without the cost and time of reconveyance. This section will allow Natives, whose land was mistakenly conveyed to the State, to relocate their allotments on other State lands.

Section 4 amends section 12(b) of ANCSA by adding a subsection 12 to relieve the Secretary of the Interior's obligation to fulfill entitlements under ANCSA to two Native groups, Montana Creek Native Association and Caswell Native Association. In February 1976, Cook Inlet Region, Inc. [CIRI], entered into an agreement with the two Native groups, in which CIRI agreed to convey 11,520 acres of land to each group in satisfaction of their group land entitlement. In 1982 CIRI conveyed the land to the groups as required by the 1976 agreement; however, the Secretary of the Interior was not a party to the agreement.

Section 5 amends section 7(h)(C)(iii) by adding language to include brothers and sisters in allowing an adult holder to transfer settlement stock to his or her brothers and sisters.

Section 6 amends section 21(j) to allow a Native corporation to establish shareholder homesite program after 1991, so long as the alienability of the corporation's settlements common stock has not been terminated.

Section 7 amends the patent to the State of Alaska to instruct the Secretary of the Interior to remove the reverter clause for lands patented to the State of Alaska for airport purposes.

Section 8 modifies the boundary of the Chugach National Forest to include 9,300 acres of earthquake-slumped lowlands, which the BLM feels could be more efficiently and effectively managed by the Forest Service. The State of Alaska has indicated that it does not wish to select these lands, and the Forest Service is willing to incorporate them within the Chugach National Forest.

Section 9 of this bill will provide for the relief of the Rabbit Creek Lions Club. The Secretary of the Interior is authorized and directed, under current fair market value less 50 percent, to convey 0.93 acres of land to the Rabbit Creek Lions Club. This conveyance shall reserve all minerals to the United States.

Section 10 amends section 7(g)(1)(B)(i)(I) by adding language to include descendants of Natives born after December 18, 1971, in allowing ANCSA regional corporations to issue up to 100 shares of its settlement common stock to all children of its original shareholders.

Section 11 amends section 16 by adding language to withdraw public lands in Haines, AK which were declared surplus by the General Services Administration in 1976 for 6 months from the date of this subsection to allow Klukwan Native Corp. to select those public lands in Haines as part of its 23,040 acre entitlement.

Section 12 amends section 201(7)(b) of the Alaska National Interest Lands Conservation Act by adding Iliamna Native Ltd. after Nondalton Village Corp., to include Iliamna in this section to allow certain land uses in accordance to that used by Nondalton Village Corp.

Section 13 amends section 201(7)(b) of the Alaska National Interest Lands Conservation Act to transfer Sitkalidak Island from the Alaska Maritime National Wildlife Refuge to Kadiak National Wildlife Refuge.

Finally, section 14 amends section 12(c) of ANCSA to legislatively approve land selections by Chugach Alaska Corp. within the Nellie Juan Lake and River power site classification. The Department of Interior, aware of the technical unavailability of the land for selection, did not object to Chugach's selection nor attempt to invalidate the selection. This selection will legislatively approve these land selections by Chugach Alaska Corp.

Mr. Chairman, I have worked with the rest of the Alaska delegation, the Governor, the Alaska Federation of Natives, the Bureau of Land Management and all those affected by the legislation in resolving some of the issues addressed in this bill. Although the changes envisioned by the legislation are technical in nature, they are necessary clarification of existing law.

HELPING INFERTILE COUPLES

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. WYDEN. Mr. Speaker, since the birth of the first test tube baby, the infertility industry has mushroomed. One in six American couples is infertile and many are willing to do anything to have a baby. This year alone, an estimated $1 billion will be spent by Americans desperately seeking a baby.

I have been concerned by the lack of even minimum standards to protect couples from exploitation, as well as the proliferation of overpromising success claims. More than half of the in vitro clinics in this country have not produced even one baby, yet some clinics have misled patients by citing nationwide success rates—about 10 percent—and statistics other than live births. Couples can squander thousands of dollars on fertility services, only to come up short with no baby, a mountain of debt, and lingering physical and emotional trauma.

The bottom line is that there's no objective information available, and no one is monitoring the quality of care in these clinics. That's why today, along with my colleague Congressman BILL BROOMFIELD, I am reintroducing the Fertility Clinic Success Rate and Certification Act: to provide access to objective information about the success of infertility clinics and establish minimum quality control standards.

This bill is the result of an extensive 2-year investigation by my Small Business Subcommittee. It requires that all clinics performing in vitro fertilization, the process by which a woman is impregnated with her fertilized egg, report their success rates annually to the Secretary of Health and Human Services. Infertile couples could then use this information to compare the Nation's approximately 200 clinics.

In addition, the legislation requires that embryo laboratories meet quality control standards. Today, such laboratories—unlike clinical laboratories—are totally unregulated. Basic standards regarding personnel, equipment, and recordkeeping would be put into place.

While many fertility clinics are honorable and caring, too many have misrepresented provider credentials, engaged in questionable advertising, and misused reproductive technology. For example, more than half of the IVF clinics in the Nation have not produced even one baby—yet some have cited national success rates to describe their own program, and many have used misleading statistics instead of the live birth, or take home baby. One program in particular cited the unsubstantiated and highly misleading success rate of 40 percent—the national average is 10 percent.

The use of fertility services will expand greatly in the years ahead as couples put off having children until later in life, and as the incidence of sexually transmitted disease grows. More and more couples will be looking to fertility clinics to help them obtain what they want most—a child. These couples deserve a fair shake and my legislation gives them the assurance that the clinics will provide quality medical services and that quoted success rates will be accurate and comparable.

I want to offer my sincere appreciation to health care professionals and organizations who have provided their input and support along the way. I particularly want to thank the American Fertility Society, the American Clinical Laboratory Association, and the College of American Pathologist—three groups who are most affected by this bill's provisions, and all three of which have given the bill their strong endorsement.

I urge my colleagues to join me in a bipartisan effort to help the millions of infertile American couples by cosponsoring the Fertility Clinic Success Rate and Certification Act.

STATEMENT OF THE AMERICAN CLINICAL LABORATORY ASSOCIATION

It gives us great pleasure to endorse and support legislation being introduced by Representative Wyden which calls for the certification of embryo laboratories. Certification would be granted to embryo labs that complied with quality assurance standards. No embryo lab could perform procedures without having a certificate.

ACLA which consists of federally regulated, clinical laboratories, has since its inception in 1971, called for the establishment of comprehensive, uniform quality assurance programs applicable to laboratories involved in the delivery of health care services. ACLA's member laboratories know and have personal experience with the beneficial impact of quality assurance regulation on laboratory performance. They understand the need for standards applicable to quality assurance, quality control, standardized procedures, specimen acceptance or rejection, specimen disposal, facilities, preventive and corrective maintenance, equipment and personnel. The bill that Representative Wyden introduces today will, if enacted, mandate the development of such standards for embryo laboratories.

ACLA members also understand the importance of review of a laboratory's operations by independent inspectors whose job it is to ensure that laboratories are complying with the quality assurance standards. The bill that Representative Wyden introduces today will, if enacted, mandate such inspections of embryo labs.

ACLA members appreciate the important role that private accrediting bodies can play in assuring quality and overseeing laboratory performance. The bill that Representative Wyden introduces today will, if enacted, assure the involvement of such accrediting bodies in the regulatory process established by the legislation.

ACLA members are committed to the need for due process guarantees in the event that adverse action against a laboratory's certification is proposed. The bill that Representative Wyden introduces today will, if enacted, establish procedures that assure due process of law.

ACLA applauds Representative Wyden for his continuing efforts to assure that laboratory testing services provided in the United States are of the highest quality. We urge Congress to pass this measure as quickly as possible so that infertile couples receiving assisted reproductive services can be confident that embryo labs are meeting comprehensive, meaningful performance standards.

STATEMENT OF THE AMERICAN FERTILITY SOCIETY

The Fertility Clinic Success Rate and Certification Act will contribute to the provision of quality health care and enable patients to make informed decisions when choosing an in vitro fertilization (IVF) or gamete intrafallopian transfer (GIFT) program. Congressman Wyden's legislation focuses on the laboratory aspects of IVF and GIFT, both methods of assisted reproduction used to treat couples with various types of infertility. The legislation requires the development of standards for quality assurance, maintenance of records, and qualifications of personnel.

The Fertility Clinic Success Rate and Certification Act also requires all IVF/GIFT programs to report their success rates (live birth rates) annually to the Secretary of Health and Human Services for publication and distribution to patients. This requirement will also help patients select an IVF/GIFT program. In comparing programs, couples should consider differences in the types of patients being treated, e.g. percent of older patients or percent of male factor infertility.

When selecting a program, patients must also consider the qualifications and experience of personnel, the availability of support services such as counseling, program costs, and convenience. Until Congressman Wyden's legislation is enacted, the American Fertility Society will make available to the public, beginning in early March 1991, 1989 data on live birth rates now being collected from 175 IVF/GIFT programs in the United States.

THE PRISON DRUG TREATMENT ACT OF 1991

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. GUARINI. Mr. Speaker, today I am reintroducing the Prison Drug Treatment Act of 1991, a bill to establish permanent Federal and State drug treatment programs for criminal offenders.

More than half of all criminals serving time for a drug-related offense, are arrested again within 3 years of their release. We can break this existing cycle of repeat offenders—drug treatment programs reduce the numbers of repeat offenders by 50 percent.

While drug treatment for prisoners is not a new concept, our criminal justice system lacks a comprehensive treatment program and the resources to implement one. My bill authorizes $40 million for States, $25 million for Federal prisons, and $10 million for juvenile facilities. The most recent omnibus crime bill requires that all Federal prisoners be given treatment on demand. Yet, the Bureau of Prisons currently devoted less than 1 percent of its budget—$8 million—to treatment and does not have the resources to provide treatment to every prisoner who wants it.

According to the Bureau of Prisons, 13,000 of the estimated 27,000 prisoners who are substance abusers have requested treatment. With only 800 treatment beds on line, it is inconceivable that the Bureau's current efforts will even begin to make a dent in this growing problem. In fact, drug-related criminals are the fastest growing segment of our prison population.

My bill establishes guidelines for a comprehensive treatment program but does not restrict the Attorney General or the States from developing their own program. I encourage each State program administrator to develop an innovative and cost-effective plan. My bill authorizes planning grants to assist each State in developing their program. Once a State's plan is approved by the Secretary of Health and Human Services, a grant, administered by the Alcohol, Drug Abuse, and Mental Health Administration [ADAMHA], is awarded on a cost-sharing basis.

The ADAMHA reauthorization bill is up for consideration this year and I hope that the administration will include this important legislative initiative in its request.

I am introducing this legislation, Mr. Speaker, with the bipartisan support of 22 of my colleagues. Our country loses billions of dollars in lost productivity as a result of drugs and spends billions more incarcerating drug offenders. Drug treatment is the only way to break the cycle of repeat offenders and give prisoners a chance to become a productive part of our society again. I urge my colleagues to support this legislation.

UKRAINIAN INDEPENDENCE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mrs. BENTLEY. Mr. Speaker, last week marked the 73d anniversary of the Declaration of Ukrainian Independence and the 72d year of Ukrainian Unification. This month, 73 years later, the Ukraine, with the Baltic States are again struggling to gain their sovereignty. In the light of recent events in Lithuania and Latvia, it is imperative that I, with my colleagues declare strong support for a self-determining Ukrainian Republic.

On January 22, 1918, the representatives of the Ukrainian republics met together in Kiev to proclaim to the world that the Urkaine would no longer be occupied land, that a new democratic and independent country was born. A year later, a formal declaration of Ukrainian union was signed between the western Ukrainian Republic and the Ukrainian National Republic of Russia.

A constitution was soon written, based on the American Constitution and the ideals Americans hold sacred. The Ukrainian Constitution included a bill of rights which articulated the same freedoms we Americans are guaranteed. Tragically, the joys and hopes of the Ukrainian people were short-lived.

In 1921, the Bolsheviks forcibly incorporated the Ukraine into the Soviet Union. Gone were the basic liberties and rights the Ukrainian people had fought for so long. Despite Soviet oppression, Ukrainians did not lose their desire for freedom.

Glasnost has made the Ukrainian dream a possible reality. With independence movements sweeping all of the Soviet republics and Eastern Europe, Ukrainians realize that this is the time for the Ukraines resurrection. Early last year the Ukrainian Parliament once again passed a declaration of sovereignty proclaiming their independence. At that same time a human chain was formed across the republic in demonstration of Ukrainian resolve for independence.

Recently the old-style ruthlessness and repression of the Kremlin has returned. As Ukrainian-Americans celebrate their heritage they watch in horror as the Soviet military violently crush the popular and peaceful independence movements in the Baltic States—killing 15 and injuring hundreds more. In the Ukraine, the crack down has included restrictions on freedoms of speech, press, and assembly, as well as the imprisonment of peaceful protesters. How ironic Mr. Speaker, that during the same week the Nobel Commission hails Gorbachev for his triumphs for peace and humanity, he pulls off this act of immorality and illegality.

I pray that the Soviet Government will end their repression and facilitate the peaceful transition of the Baltic States, the Ukraine and other republics to full independence. I stand with the people of the Ukraine during their anniversary of independence and pledge my continual support for self-determination throughout the world.

SLY PARK UNIT SALE ACT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. DOOLITTLE. Mr. Speaker, today I am introducing legislation to provide for the sale of the Sly Park unit of California's Central Valley project to the El Dorado irrigation district in El Dorado County, CA.

Mr. Speaker, there are many reasons to pass this important legislation.

First, the Sly Park unit is operationally separate from the rest of the Central Valley project and the El Dorado irrigation district is the sole beneficiary of this unit. For this reason it makes eminent sense to separate the Sly Park unit fromt he rest of the CVP financially as well.

Second, at a time when the Federal Government is reducing its involvement in water project construction and operation, particularly for smaller, independently operated projects such as Sly Park, it makes sense both from a fiscal and resource management standpoint for the Federal Government to sell this porject to the local user and beneficiary.

In the long run, both the county of El Dorado and the Federal Government will benefit from this sale. The sale of the Sly Park unit will allow the Federal Government to recoup its original investment plus the appropriate interest, and to cease to incur any more operating and maintenance costs—in that sense, Mr. Speaker, by raising Federal revenues this proposal is actually a deficit reduction measure.

On the other hand, from the local perspective, this sale would mean that the Sly Park users would own this facility which they've been operating and maintaining for more than 30 years, and they will cease to incur additional interest costs in the future on a project they are willing to pay off now.

This proposal is consistent with the new generation of water policy endorsed by the Congress with passage of H.R. 6 in the 99th Congress: it places the burden of owning and operating a water project on the local beneficiary—not the Federal Government.

The provisions in the bill allow for the Secretary of Interior to set the price based on the actual construction cost plus interest on the M&I portions of the project plus Federal O&M costs minus what EDID has already paid under their existing water contracts.

It is our intention in writing the price this way to determine the fair and equitable level which will help the Federal Government recover its investment and allow El Dorado, in essence, to buy out its existing contract.

PROTECTING THE GRAND CANYON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MILLER of California. Mr. Speaker, years ago, President Theodore Roosevelt issued a somber warning about the Grand Canyon: "Leave it as it is. Man can only mar it."

Unfortunately, we did not take his advice. Because of man's desire to dominate nature, the priceless river environment deep within the Grand Canyon is literally washing away.

The problem is Glen Canyon Dam, just a few miles upstream from Grand Canyon National Park. As the following article from U.S. News and World Report explains, the dam impounds billions of gallons of Colorado River water, storing it for daily hydroelectric power generation and for consumptive use by farmers and cities in the desert Southeast.

The problems at Grand Canyon are the direct result of the way the Secretary of the Interior operates Glen Canyon Dam. By dumping almost unimaginable volumes of water through the dam's turbines every day to generate peaking hydroelectric power, the operators of the dam are unnecessarily risking the resources of Grand Canyon National Park.

The problem is not going away—it is getting worse. I will soon introduce a bill to permanently protect the Grand Canyon from damage inflicted by operation of Glen Canyon Dam. Quick enactment of the Grand Canyon Protection Act will stop the senseless and wasteful destruction of this priceless resource.

The article follows:

[From the U.S. News & World Report, Jan. 21, 1991]

POWER AND THE GLORY—SHOULD WE TRADE THE GRAND CANYON'S WONDER FOR CHEAP ELECTRICITY?

(By Michael Satchell)

It took the Colorado River between 5 and 6 million years to carve out the 277 miles of the Grand Canyon. It has taken humans a mere two decades to start undoing some of nature's finest handiwork. To the 4 million tourists who visit the national park annually to gaze down from the rim at the red-rock fantasia, the chasm appears as indestructible and immutable as it is magnificent. Only from deep within is the physical damage evident. The river's few fragile beaches, vital to both the canyon's ecosystem and its tourism, are disappearing.

The beaches are habitat for vegetation like cottonwoods and tamarisks, and a plethora of wildlife including deer, bald eagles, wrens, ring-tailed cats, rattlesnakes and gila monsters. They also provide campsites that permit about 22,000 white-water adventurers each year to voyage the length of the steep-walled canyon on the turbulent Colorado. Most of the river silt that in the past would have replenished or created new beaches is now trapped behind the Glen Canyon Dam at Lake Powell, some 15 miles upstream from the park's eastern boundary at Lees Ferry. The sandy spits that remain are being eroded by fluctuating water levels created as hydroelectric turbines at the dam respond to varying daily power demands from customers in six Western states. California Democrat George Miller, principal House sponsor of the Grand Canyon Protection Act, which would regulate water flows, likens the flushing action to "running hundreds of bulldozers down the canyon floor daily." Despite strong support in both the Senate and the House, the measure died last October in the waning hours of the 101st Congress. Arizona Republican Sen. John McCain plans to reintroduce it this week.

Lost lore. The river levels, which can rise and fall as much as 13 feet in a few hours, are also destroying ancient Anasazi archaeological remains like pueblos and storage sites, many of which have yet to be surveyed. Two species of native fish, the bonytail chub and the Colorado squawfish, have been wiped out, and two more species, the humpback chub and the spineyback sucker, are also threatened.

The central issue is whether these environmental and cultural costs are an acceptable trade-off for the economical, nonpolluting convenience of hydroelectricity. "Hydropower is a clean, renewable resource," argues Lloyd Greiner, area manager of the Western Area Power Administration. "It's damned foolish to waste it. Besides, should we have all these fish subspecies?"

But to conservationists like veteran river guide Bob Melville, the critical riparian zones of America's grandest geologic wonder are being flushed downstream for the sake of cheap electricity. "Floating the Grand Canyon changes people's lives; they discover themselves here," Melville says. "I want people to be able to enjoy this for time immemorial. If the beaches disappear, the experience will be lost."

The solution to the problem is simple: Provide a more even water flow. The current now ranges from 1,000 to about 31,000 cubic feet per second, or cfs. Environmental groups want the fluctuation narrowed to between 8,000 and 20,000 cfs but this would rob the plant's eight turbines of their unique ability to be cranked up to peak performance in minutes simply by opening up sluice gates and allowing more water to run through them. By contrast, oil or coal-fired power stations require several hours to reach their maximum output. As coffee makers and hair dryers are turned on in the mornings, ovens and televisions in the evenings, the flow is raised to handle the increased power demands. The Federal Bureau of Reclamation, which built and operates the dam, is reluctant to restrict the flows and thus set a precedent for modifying other hydroelectric plants. Without Glen Canyon's flexibility, municipal utility customers would have to buy more expensive power elsewhere during peak periods.

To hear some conservationists describe it, harnessing the Colorado River offers nothing but negative environmental consequences for the Grand Canyon. But here, as elsewhere, the green equation is not so black and white. When the cold, clear waters from Lake Powell began flowing through Glen Canyon Dam and into the warm and muddy Colorado in 1964, it made possible a blue-ribbon trout fishery in the 15-mile stretch of river from the dam south of Lees Ferry, and further downstream. Some 55,000 anglers fish here annually, and during spawning season these trout—often stranded by the river fluctuations—provide a feast for burgeoning populations of endangered peregrine falcons and bald eagles.

Boon to tourism. Taming the fearsome power of the Colorado has also made safe boat trips possible year-round, allowing river runners to view the canyon as John Wesley Powell and other early explorers saw it. Before the dam was in place, only a handful of brave adventurers risked riding the river during a brief low-water season.

Ironically, concern about the impact of a second dam on the river has led to a different kind of environmental damage. In the 1960's a proposal for another hydropower dam just inside the park at Marble Canyon was defeated. As a compromise, the coal-fired Navajo Generating Station at nearby Page, Ariz., was built. Navajo now pumps up to 300 tons of sulfur dioxide into the atmosphere daily and is blamed by the National Park Service for contributing to the winter haze that sharply reduces visibility and washes out the canyon's vibrant view-scapes. In fact, for 20 to 30 winter days each year, the north rim of the canyon is visible only as a mere shadow from the south rim just 10 miles away.

If the dam operation remain unchanged and the beaches continue to wash away, park officials could buttress them with steel, rocks and concrete and haul in sand to build them up again. For power official Greiner—who likes to sport a T-shirt depicting Daniel Boone carrying a portable television through the forest in search of an electric outlet—artificial beaches and other modifications would not degrade the Grand Canyon experience. But for river guides like Melville, even minor tinkering with such a unique natural resource would be anathema. Says Melville: "If you lose the ecosystem, you can mess around with nature by putting to concrete embankments to protect it. But then you might as well go to Disneyland."

CONFUSED NEWS ON THE STATE OF THE UNION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. OWENS of New York. Mr. Speaker, President Bush's State of the Union Address was notable for its confused news on how we are doing as a nation. Much of it was centered on his 1988 Presidential campaign "thousand points of light" rhetoric. And as he has done on previous occasions, much of the speech was an attempt to absolve our Government of any responsibility to its citizens, its taxpayers who pay into the Government so that it may better serve them, and place the burden of meeting America's social needs on the individual.

Conspicuous by its absence was any reference to what the Government can do to house the homeless, provide jobs and job training for the unemployed, make quality health care available to the 37 million who lack health insurance, improve our education system which currently has our children lagging behind their European, Japanese and eastern bloc counterparts in mathematics, the sciences, and languages, or whether it would ever seriously address employment and education discrimination against minorities and women in this country. Our current economic recession, which has thrown thousands of Americans out of work, was given short shrift—something on the order of, "We'll get this over with soon"—with no detailed mention of how we will do it. Our massive Federal budget deficit was similarly ignored.

What I found most appalling about the speech, however, was that the savings and loan bailout scandal and its adverse effect on the Federal budget was never mentioned, even in passing, unless there was a hidden message in all of the references to the individual having to shoulder more of the burden of providing social services for Americans.

Perhaps President Bush was trying to tell us that we individuals will have to shell out even more of our tax dollars to rescue the failed S&L's, although we have already paid out more than $50 billion—funds that were drained from desperately needed social programs, and retirement of the Federal debt.

Of course, some individuals will be exempt from shouldering their fair share of the bailout and reducing the Federal budget deficit: the President's favorite constituency, the rich, many of whom were responsible for the S&L debacle in the first place, as they siphoned off depositors' moneys to finance parties, trips abroad, and other goodies denied to the majority of Americans who are middle- and low-income people struggling daily to make ends meet. But the rich will not have to struggle under President Bush's government by individual. In fact, he noted in his speech that once again he will attempt to give them a reduced tax for long-term capital gains in his proposed fiscal 1992 Federal budget.

Mr. Speaker, the President's vision of "the promise of a new America" as outlined in his State of the Union Address will never be achieved, as long as his policies allow the rich to become fatter and "the skinny poor to go to hell." The following rap poem is a portrait of the contradictions and confusions generated by the President's address which was supposed to clarify "the State of the Union."

CONFUSED NEWS ON THE STATE OF THE UNION

Run and tell
The national good news
The points of light
Have a brand new fuse
No more banking abuse.
Taxpayers come and sing
Independent individualism
Is now the White House thing.

The old boys network
Will lose its license to rob
Neil and Jeb
Must now go to work
On a productive real job.
All Americans are equal
But the rich
Are too fat to fail
And the skinny poor
Can go to hell.

Run and tell
The national good news
The points of light
Have a brand new fuse.
The FDIC
Is a "New Deal" ghost
It's the living individual
Who matters the most.
Protect individual millionaires
Line the rich in a row
They're the parasites
Who really know
Where the taxpayer's
Dollars will surely go.
We throw money
At our biggest banks
Where powerful relatives
Are in the ranks.

Run and tell
The national good news
The points of light
Have a brand new fuse.
And when the troops
Come home from Kuwait
We'll rout rampant socialists
From all of our banks
We'll send soldiers in
With new high tech tanks.

RESOLUTION TO REPEAL THE 22D AMENDMENT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. SABO. Mr. Speaker, today I am introducing a resolution of constitutional amendment to repeal the 22d amendment, which limits Presidents to two terms in office. I have been an opponent of term limits for Federal office throughout my congressional tenure, and I am particularly convinced of the need to repeal the two-term limit for the Presidency.

The 22d amendment, originally proposed in 1946 by those frustrated over F.D.R.'s long tenure, is an antidemocratic limitation on the right of the American people to choose their President. It assumes that the American people lack the wisdom and common sense to decide if they want their President to continue serving. I do not share that assumption.

I believe the American people are capable of deciding if they want a change in Presidential leadership. If Presidents retain the respect and affection of the voters, as determined at the ballot box, their contract should be renewed, if not, they will be voted out of office.

Another problem with the two-term limit is that it institutionalizes the "lame duck" status of second term Presidents, consigning them to political and administrative limbo. As we all know, a President's clout—with Congress, his political party, the bureaucracy and foreign nations—is diminished when people know he or she won't be around much longer.

The Framers carefully considered the duration of Presidential terms. They were concerned about the accumulation of excessive power in one person's hands. To guard against this possibility, they devised an elaborate system of checks and balances and made the President accountable to the voters every

4 years. That system has worked well. But for the vagaries of political vengeance, it would never have been changed.

The 22d amendment is an unwise and politically unworkable restraint on Presidential power which should be repealed. Why should the people's choice for President be restricted? As Woodrow Wilson observed, "By seeking to determine by fixed constitutional provision what the people are perfectly competent to determine by themselves, we cast doubt upon the whole theory of popular government."

I know that the war in the Persian Gulf has absorbed all our energy and attention in recent weeks. And rightly so. But even in the face of such cataclysmic events, the business of American Government must be done.

The Constitution should offer the flexibility of letting the voters decide who will serve them as President and for how long. I urge my colleagues to show their faith in democracy and in the judgment of the American people by repealing the 22d amendment.

STUDENTS PRESENT PETITION ON GULF

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday morning, January 28, I began my day with a meeting with students at Brown Junior High School in Newton, MA. During the previous week the students had expressed interest in making their views known on the current war in the Persian Gulf. After a discussion with school administrators, they agreed to do this in the form of a petition, which they would then present to me, as the Member of the House of Representatives from that area, and which I would have a chance to discuss with them in a open meeting.

I did that. Several of the students presented the petitions to me, with the names that they had gathered, and a brief explanation of their views. I then had a chance to respond to questions and comments from the entire student body for approximately one-half hour. The text of the petition is a short and very direct one. Obviously it does not reflect all of those who go to Brown Junior High but it does stand for the views of a large number of the students, who went to considerable trouble to see that these views were expressed.

I congratulate both the students and the administration and faculty of Brown Junior High for coming together in discussions to find a constructive and healthy way in which the students could express their views. I admire the initiative of those who gathered signatures from their fellow students and I admire as well the care they took to express their views in a balanced and mature way. Members will note, Mr. Speaker, that this petition which was circulated by young people who were seeking to express their preference for sanctions over war at this point contains at its onset a strong statement of support for America's soldiers. And I was impressed that the buttons that some of the people at the school were wearing to express their opposition to the fighting in the Middle East contained an equally prominent decoration of opposition to Saddam Hussein's brutal invasion of Kuwait.

Mr. Speaker, Members will in varying degrees agree and disagree with the views the students expressed, but I think all Members will join me in expressing our appreciation that these young people showed the confidence they have in our democratic system by choosing to express their views in this way. I was pleased to be able to contribute to this expression by attending the meeting and discussing this matter with them. The students with whom I spoke were intelligent and well informed and I believe that all of those at Brown Junior High who participated in this are entitled to be proud of the way in which they have been and conducted their part in our democratic debate.

Mr. Speaker, I insert the text of that petition here:

PETITION

This petition shows that the students of Brown Jr. High School support the soldiers in the Middle East and prefer sanctions and peace to war.

EVAN PRESSMAN
(And 34 others).

THE PUBLICLY OWNED TREATMENT WORKS BIOMONITORING USE ACT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. HEFLEY. Mr. Speaker, today I have introduced legislation to restore what I believe was the original intent of the Clean Water Act with respect to publicly owned treatment works and biological monitoring.

The 1987 amendments to the Clean Water Act provided that where numerical criteria are not available for controlling toxicity in the Nation's waters, States are to adopt criteria based on biological monitoring—also known as biomonitoring or whole effluent testing—or assessment methods consistent with information published by the Environmental Protection Agency. The act did not mandate the EPA to establish enforceable biomonitoring limits in discharge permits which authorize civil fines and penalties for a single biomonitoring test failure.

Nonetheless, this summer the EPA issued regulations which indicated in the preamble that a single biomonitoring test failure can subject publicly owned treatment works to administrative and civil penalties of up to $25,000 per day per violation. Under one interpretation this means a single test failure could result in a fine of almost $2.3 million where the EPA and the State require biomonitoring on a monthly or quarterly basis. That result is based on the assumption that the permittee was in violation each day of the 30- to 90-day testing period contained in his permit.

There are a number of reasons why this approach to POTW toxicity control is flawed. POTW's are not designed to control toxics and have limited control over what is discharged to them. The interaction of complex influent to treatment plants, which may result in toxicity, cannot be anticipated in advance of a test failure, and even then its control may be problematic. Further, household products and plumbing can cause toxicity, yet a POTW's authority over such sources is limited at best. Experience has shown that municipal pretreatment programs are the most effective way of controlling toxicity, but they are no guarantee that toxicity will not appear in POTW effluent.

Scientific studies indicate that test variability, interlaboratory variability and the potential for false test results render the test inappropriate as a basis for enforcement proceedings. In addition, a serious question exists relative to the correlation between such end-of-the-pipe test measurements and instream impacts. But most importantly, EPA scientists who developed the technical protocols for conducting biomonitoring tests have said that such tests were never designed for compliance and enforcement use. The Agency's technical personnel have acknowledged the potential variability in such test results, as well as the fact that one test does not tell the POTW anything about the nature or source of the toxicity. Repeated tests are a prerequisite to toxicity identification and reduction.

The EPA's approach operates as a disincentive for POTW's to conduct these repeated tests. Sewage treatment plant owners and operators should be encouraged to test as often as they can within the EPA or State-prescribed frequency. But under the EPA's approach, each test in an accelerated program would subject POTW's to possible fine and penalty liability. This creates an understandable reluctance on the part of the POTW's to engage in an investigatory process. In other words, we are penalizing municipalities for doing what we hoped they would do in the first place.

As an Agency, the EPA has stated a desire its retain prosecutorial discretion by making such test failures the potential subject of civil prosecution. But such a policy can lead to abuse and uneven nationwide enforcement in order to meet acknowledged Agency enforcement goals and staff performance objectives, and it may be undermined by threatened or actual third party suits. POTW's cannot be asked to place reliance on the future good faith of regulating entities.

My bill, the Publicly Owned Treatment Biomonitoring Use Act would accomplish two things. First, it would clarify congressional intent by expressingly removing any authority under the Clean Water Act to use a single, biomonitoring test failure by a POTW as the basis for determining a violation of the act and seeking fines and penalties. Naturally, the States would remain free to adopt more stringent standards of their own.

Second, my bill would recognize that the Environmental Protection Agency or State agencies acting under Federal law could include enforceable compliance schedules or other restrictions in discharge permits if toxicity appears in sewage treatment plant effluent. Failure to follow such compliance schedules, which could include testing, detection, and identification of the source of the toxicity, would subject the POTW to enforcement action and penalties as provided by law. That is to say, the POTW would be required, in a timely manner, to investigate, locate and remediate, to the extent technically achievable, and pursuant to prescribe performance objectives established by the EPA or the State, any recurrent toxicity which appeared in the effluent or face the prospect of enforcement proceedings.

Last, this bill would help resolve a long-standing dispute between the State of Colorado and the EPA. The EPA has challenged Colorado's biomonitoring regulation despite the fact that Colorado's regulation leads to quicker resolution of toxicity problems and more certain enforcement. Lest this sound parochial, I should point out that this issue has implications for a number of States across the country, among them California, Washington, Utah, Virginia, and Arizona. So it's not just a Colorado problem.

Mr. Speaker, in my view, the approach taken in this bill is fair and technically sound. Further, it would encourage sewage treatment utilities throughout the country to cast their nets widely and frequently to control toxicity through the use of biomonitoring. I commend this bill to my colleagues review and urge that the appropriate committee undertake its consideration as soon as possible.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Publicly Owned Treatment Works Biomonitoring Use Act".

SEC. 2. USE OF BIOMONITORING FOR PUBLICLY OWNED TREATMENT WORKS.

(a) STATE REVIEW OF WATER QUALITY STANDARDS.—Section 303(c)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1333(c)(2)(B)) is amended by striking the period at the end and inserting the following: "; except that with respect to publicly owned treatment works, nothing in this Act shall be construed to authorize the use of effluent limitations which result in the finding of a violation solely upon failure of a whole effluent toxicity test where the Administrator or the State utilizes permit conditions or limitations based on or involving biological monitoring. Effluent limitations and other permit conditions used by the Administrator or a State may include enforceable schedules of compliance and other restrictions upon the discharge should toxicity appear in the effluent.".

(b) DISCHARGE PERMITS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following new subsection:

"(q) USE OF BIOLOGICAL TESTING.—To the extent that the Administrator determines that in the control of toxicity it is necessary to include biological monitoring, testing, or assessment methods as a term or condition of a permit issued to a publicly owned treatment works pursuant to this section, the failure of a single whole effluent toxicity test shall not result in a finding of violation. Where it is determined that there is a discharge of toxicity in toxic amounts by a publicly owned treatment works, the publicly owned treatment works may be found in violation of this Act only for a failure to comply with a schedule of compliance or other permit term or condition established for purposes of identifying, detecting, and controlling such toxic discharges.".

(c) MORE STRINGENT STATE LIMITATIONS.—Section 301(b)(1)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(1)(C)) is amended by inserting "or permit condition" after "limitation".

(d) INFORMATION ON WATER QUALITY CRITERIA.—Section 304(a)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(8)) is amended by inserting ", consistent with section 303(c)(2)(B) of this Act," after "publish".

(e) EFFLUENT LIMITATION DEFINED.—Section 502(11) of the Federal Water Pollution Control Act (33 U.S.C. 1362(11)) is amended to read as follows:

"(11) The terms 'effluent limitation' and 'effluent limit' mean any restriction established by a State or the Administrator on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable waters, the waters of the contiguous zone, or the ocean, including schedules of compliance as established through permit conditions, enforcement orders, or consent decrees.".

NEED FOR NEW SOURCES FOR DISPOSING OF GARBAGE

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. McCURDY. Mr. Speaker, today I am introducing legislation which will give States the authority to regulate the flow of nonhazardous solid waste that is generated in one State and shipped to another for disposal.

This legislation is needed because a crisis is facing a number of States as enormous amounts of municipal waste generated in the northeast are transported to States such as Oklahoma, Louisiana, Kentucky, Indiana, Virginia, and other areas of the country where landfill space is still relatively cheap and plentiful. Since the courts have determined that previous efforts by the States to regulate the import of municipal waste fall under the "dormant commerce clause" of the Constitution, which forbids States to place undue burdens on interstate commerce, the people of Oklahoma have no control over the trash which comes from States such as New Jersey, New York, and Pennsylvania. While States which export garbage can save money in their waste disposal costs by shipping it across the country, Oklahomans must assume the environmental burdens of pollution, ground water contamination, reduction in landfill space, and the costs associated with these problems.

Therefore, Congress must take steps to give the States the authority to handle this crisis. The legislation I am introducing would allow States to impose higher fees on out-of-State garbage which could be used to pay for the costs of properly disposing of this waste. If the States deem it necessary, this bill would provide them with the authority to ban the importing of waste generated in another State. These provisions would not apply to waste which is shipped for the purpose of recycling.

Mr. Speaker, I understand the pressing need some States have to find new sources for disposing of their garbage. But I do not believe that the people of States which are net importers of garbage should have to pay the entire costs of this environmental problem. I urge my colleagues to support this legislation.

THE NATIONAL LITERACY ACT OF 1991

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. SAWYER. Mr. Speaker, last night, the President urged the Nation to continue "the hard work of freedom."

Today, I plan to reintroduce legislation to combat a condition that is a formidable barrier to freedom for 30 million Americans. Illiteracy—the inability to read or write well enough to function productively.

The National Literacy Act of 1991, will provide tools to improve the literacy and basic skills levels of adults by coordinating, integrating and investing in adult and family literacy programs at the Federal, State, and local level.

Mr. Speaker, if we succeed in improving the literacy and basic skills levels of these 30 million American adults, this Nation will, once again, set the pace of global economic growth and prosperity.

Mr. Speaker, this legislation was approved by the House and the Senate by overwhelming margins in the last Congress. We were able to fashion a creative, and I think powerful, conference agreement that would have been approved by both bodies if we had not run out of time.

I urge my colleagues to join me, my chairman, BILL FORD and our distinguished ranking member BILL GOODLING, as a cosponsor of this legislation before we do—run out of time.

BEALLSVILLE, OH, AND THE PRICE OF WAR

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. APPLEGATE. Mr. Speaker, as America and her allies confront aggression and tyranny in the Persian Gulf, families and communities all across our Nation will come to know and experience the costs of battle.

While friends and families all over the United States will face the terrible price of war as the enemy is engaged and sacrifices of life and limb become a reality, there are always those small towns and communities in our land where the costs are always extraordinarily high. One such community is the small town of Beallsville in Monroe County of Ohio.

Recently, the Stars and Stripes newspaper ran an account of the terrible price that Beallsville paid during the war in Vietnam. By all accounts, the number of casualties suffered by the sons of Beallsville are thought to be the highest of any community throughout the United States. Today, 13 residents of this small town of roughly 500 people are currently serving in the Middle East. And, as they serve America and fight for the cause of freedom and liberty, their thoughts and the thoughts of the townspeople of Beallsville will return to the six young sons of Ohio who served a generation ago in yet another far away corner of the world, six young sons who paid the ultimate price, six young sons who will never be forgotten.

Mr. Speaker, as we once again go into battle, let us never forget the brave and courageous sons of Beallsville, from Vietnam to Iraq. Our thoughts and our prayers will always be with them.

The article follows:

BEALLSVILLE: FROM VIETNAM TO IRAQ

BEALLSVILLE, OH.—The tiny community of Beallsville, where 500 people live nestled in rolling hills near the Ohio River, lost six of its sons in the Vietnam War. Twenty years later, 13 more young residents are in the Middle East.

It is believed Beallsville's per capita death rate during the Vietnam War was the highest in the nation. Five of the men killed in Vietnam are buried in Beallsville Cemetery, which overlooks the high school.

"We are a very small and close-knit town and that made the losses we suffered in Vietnam even more traumatic to us," said Delmas Moore, social studies teacher at Beallsville High School.

"I have taught every one of the students in class that are stationed over in Saudi Arabia right now and I graduated with some of the men who were killed in Vietnam and I do not want to see such a tragedy happen again," Moore said.

Dessa Strahl, a student at Beallsville High School, said she loves and misses her brother, Ronald, 22, who is one of the 13 stationed in the Middle East.

"I'm scared for him but he joined the military to protect our country so if that's what he wants to do, I'll support him," she said.

Ben Mann, another student, said he is concerned about his brother, Michael, 25, also stationed in the Middle East.

"I'd rather they didn't have to go over to Saudi Arabia at all, but my brother chose to do this," he said. "He chose to fight for his country."

At the entrance to the cemetery, a monument erected 20 years ago bears the names of Jack Pittman, William Robert Lucas, Charles G. Schnegg, Richard Lee Rucker, Phillip Brannon and Duwaine Greenlee, the six killed in Vietnam.

The people of Beallsville want no additions.

INTRODUCTION OF THE EDDIE RICKENBACKER GOLD MEDAL BILL

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. WYLIE. Mr. Speaker, today I am reintroducing a bill to grant a congressional gold medal in recognition of the 100th anniversary of the birth of Eddie Rickenbacker.

Eddie Rickenbacker was an outstanding American from my hometown of Columbus, OH. His lifetime achievements are worthy of remembering through a congressional gold medal awarded to his heirs.

In his early years he became internationally known as a famous race car driver. In fact, Eddie raced and finished in the first Indianapolis 500 in 1911.

Later, Eddie left Columbus to become a world hero during the First World War. Captain Rickenbacker was the commander of the 94th Aero Pursuit Squadron during that war and for his valor in the air he was known as the "ace of aces." He is credited with downing 26 enemy aircraft during his service, far more than his closest competitor. For these achievements he was recognized as a national hero.

The achievements of Captain Rickenbacker did not end, however, with the World War. He went on to become a leader of the commercial airline industry. He was president and director of Eastern Airlines during the infancy of commercial aviation.

Eddie further demonstrated his heroism during World War II. During a trip to the Pacific theater as the Secretary of War's special representative, Eddie's B–17 was shot down. He drifted in the ocean for 23 days in enemy waters before being saved.

I am introducing this bill today, to commemorate the 100th anniversary of Eddie Rickenbacker's birth. My hope is to work with the leadership of the Banking Committee's Consumer Affairs and Coinage Subcommittee to comply with the subcommittee rules and pass this legislation expeditiously. I urge my colleagues in joining me in cosponsoring this bill and recognizing the achievements of this great American from Columbus.

INTRODUCTION OF TEXTILE MACHINERY MODERNIZATION ACT OF 1991

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. BALLENGER. Mr. Speaker, I rise today, along with 23 original cosponsors, to reintroduce legislation entitled the Textile Machinery Modernization Act of 1991.

The textile machinery industry is comprised of approximately 500 companies, employing 17,800 citizens. The industry consists primarily of small businesses producing finished machinery, parts and accessories used in the production of textile mill products for apparel, defense, furniture, and industrial applications. Not only has the U.S. market been besieged with foreign imports of textile machinery, but U.S. firms have lost out on export opportunities due to foreign trade barriers.

This legislation establishes a Textile Machinery Modernization Fund within the Department of Treasury to support research for the modernization of the American textile machinery industry. The fund consists of a portion of existing revenues collected from duties levied on imports of textile machinery. The fund is capped at 10 percent or $10 million of these import duties, whichever is greater.

The Secretary of Commerce, in consultation with industry representatives, would administer the funds in the form of grants for research and development projects. To demonstrate the industry's commitment, all potential grant recipients must have already incurred the total costs associated with the research project prior to being awarded a grant. Additionally, the Federal share can not exceed 60 percent of the total cost of the project.

Information from the Department of Commerce indicates that 86 percent of the textile machinery industry is comprised of firms with 50 or fewer employees. To ensure the smallest textile machinery businesses are not deprived of an opportunity to participate in the grant-making process, the Secretary may give a company prior commitment that the project is in fact an eligible project, and the firm will be reimbursed for their expenses. This letter of commitment could be used to secure the necessary financial backing for the project.

Research and development is crucial to the future viability of all industry, including the domestic textile machinery industry. This legislation would establish the necessary R&D funds without raising tariffs or restricting imports. With the concern over the lack of civilian research and development, I believe it is time we took action to bolster a crucial domestic industry and preserve American jobs.

THE FIFTH ANNIVERSARY OF THE LOSS OF THE SPACE SHUTTLE "CHALLENGER"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. BROWN. Mr. Speaker, January 28 marked the fifth anniversary of the most tragic events of recent decades—the loss of the space shuttle *Challenger* and its crew of seven.

None of us can forget the names of that brave crew: Commander Francis R. Scobee; Pilot Michael J. Smith; Mission Specialist Judith A. Resnik; Mission Specialist Ellison S. Onizuka; Mission Specialist Ronald E. McNair; Payload Specialist Gregory Jarvis; and Concord, NH high school teacher Christa McAuliffe.

For many months following the accident we grieved with the families of the *Challenger* astronauts, and we anxiously awaited the findings of the investigative bodies working to discern the cause of the accident.

Now, on the fifth anniversary of the *Challenger* accident, we have a recovered and rejuvenated Space Shuttle Program. And, as is the case with many adversities, the program is stronger because of the tragedy.

Since the accident, every element of the space shuttle has been carefully reviewed to ensure that it is safe and reliable. Countless man-hours have been spent analyzing the technical and managerial factors that led to the accident. Where deficiencies were found, they were corrected. Additionally, an Office of Safety and Mission Quality was created at NASA headquarters, and throughout the agency renewed emphasis has been placed on safety and quality.

An example of renewed emphasis on safety and quality that was publicly apparent was the period when hydrogen leaks were discovered in space shuttle flight hardware last summer.

NASA suspended all space shuttle launches until the source of the leaks could be discovered and corrected. Another example has been the outstanding record of successful missions that NASA has accrued since the space shuttle was cleared for a return to flight status in 1988. Since September 1988, the space shuttle has successfully completed a total of 13 safe and uneventful space missions.

The Nation has permanent reminders of *Challenger's* episode in America's space history. In New Hampshire, a planetarium has been built in the name of Christa McAuliffe; in Ohio, a hospital has been built in memory of Judy Resnik; in North Carolina, a children's wing to a museum was dedicated in the name of Michael Smith; and throughout the country, scores of scholarships and teacher-study programs have been instituted in memory of the crew. These reminders stand for their bravery but also for our ability to rise above this tragic circumstance and rededicate ourselves to continuing progress in space.

One of the most far-reaching initiatives to grow out of the *Challenger* tragedy may be the Challenger Center for Space Science Education. This center, headquartered in Alexandria, VA, was created by the families of the *Challenger* astronauts. The goal of the center is to inspire children to learn math and science by using the excitement that surrounds the subject of space exploration.

Through the center, its regional affiliates around the country, and satellite video teleconferencing, the families of the *Challenger* crew hope to inspire an entire generation of young people to improve their understanding of math and science.

Mr. Speaker, as we look back over the past 5 years, I believe that we can take pride in our recovery program, which has been demanding and definitive. We learned some very hard lessons that will make our future in space infinitely safer and more successful.

THE RECYCLING INFORMATION CLEARINGHOUSE ACT

HON. CURT WELDON

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 30, 1991

Mr. WELDON. Mr. Speaker, in 1988, the EPA correctly predicted that by the year 1990, half of the Nation's cities would reach landfill capacity. Now EPA is predicting that by 1995 the amount of municipal solid waste will escalate to 200-million-tons per year. By the year 2000, the amount will exceed 215-million-tons per year, an increase of almost 20 percent over current volumes.

As America's waste stream continues to grow, as the cost of disposal continues to escalate, and as the capacity for disposal rapidly diminishes, there is a growing awareness that a new solution must be found. One reasonable, responsible, and economic solution to the solid waste management crisis is recycling.

In order to promote recycling, I first introduced the Recycling Information Clearinghouse Act in 1988. The act would centralize information on recycling in the Office of Solid Waste at the EPA. Through seminars, a toll-free hotline, and other resources, the clearinghouse would make available technical assistance on recycling to interested State and local officials.

Today, I am reintroducing the Recycling Information Clearinghouse Act. Now is the time to make recycling work, and I urge my colleagues to cosponsor this important legislation.

ISRAEL'S RESTRAINT AGAINST SADDAM HUSSEIN

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 30, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to show my solidarity with the people of Israel. Amid a sea of hostility, Israel has remained a neutral entity in the war against Iraq. Provoked again and again, pelted by Saddam Hussein's Scud missiles, the people of Israel continue to be unjustly attacked.

Each country has the right to defend itself against unwarranted attack by a hostile nation. Yet Israel has exhibited profound restraint and courage, courage by not retaliating against an aggressor that knows no sort of morality. Saddam Hussein does not attack military bases, he attacks civilians; the innocent men, women, and children of Israel. Saddam Hussein attacks a country that is not at war. He will bring about his own end. The world has seen this man in his true light and it has fortified our resolve against this brutal foe.

Through this savagery, Israel has proven itself an ally to the United States. Their restraint not to retaliate has helped to ensure and strengthen the international coalition. The Israelis yearn for peace as we all do. They have sustained much damage, with the loss of life and home, and have the right as a democratic and sovereign nation to protect themselves. And yet Israel has made the utmost sacrifice and in doing so has strengthened the ties between our two nations.

Mr. Speaker, the United States has a responsibility to the nation of Israel. I urge my colleagues to join me in thanking that country for their restraint and for being a real friend in a time of need.

SUPER BOWL PERSPECTIVE

HON. HENRY J. NOWAK

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 30, 1991

Mr. NOWAK. Mr. Speaker, the Super Bowl game has been played and for this year is over.

The game itself, by many accounts, was the best of the 25.

Both teams played hard and had outstanding moments, down to the last 8 seconds.

In this game, on one truly lost but perhaps the best of what the game personifies was shown by the NFL, the teams, the media, and the fans by putting the game in the proper perspective.

No play got a bigger fan response than the playing of the Star-Spangled Banner and that is how it should be.

Sure, the players from Buffalo were disappointed after working hard all season.

But they came to play and I can't help believe, as do the 30,000-plus people who cheered the Bills in Buffalo on Monday, that they will be back in the Super Bowl next year, representing a great State and a great city.

A TRIBUTE TO JAMES J. DOWNS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, January 30, 1991

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to my constituent, Mr. James J. Downs. At 11 o'clock tomorrow morning the Government of the U.S.S.R. will bestow a Medal of Commendation upon Mr. Downs and others in recognition of their contributions to the Allied victory in World War II and for heroic efforts as members of the U.S. Merchant Marine. Although long overdue, this presentation is a symbol of the enormous gratitude felt by the Soviet people toward those individuals who braved the Nazis and the North Atlantic while transporting vital foodstuffs and supplies to the embattled Soviets.

During the Second World War, Mr. Downs joined the U.S. Merchant Marine and attended the U.S. Maritime Service Training Station at Sheepshead Bay, NY. He was trained as an oiler fireman/watertender and served on three different vessels eventually becoming a 3d assistant engineer. Known as Liberty ships, these vessels ranged from C–2 cargo ships to coverted luxury lines. In addition to serving in the Mediterranean and Pacific theaters, Mr. Downs took part in several combat operations which became known as the Murmansk convoys.

Between 1941 and 1943, the Soviet Union was desperately trying to hold back the invading German forces. In answer to a Russian plea for assistance, the Allied Governments put together a series of emergency convoys. Although German U-boats consistently hunted and destroyed large numbers of the convoy members, large numbers of crucial supplies were delivered to the Soviets at the northern port of Murmansk.

Mr. Downs participated on one such journey from New York to Murmansk. He sailed on the Liberty ship *Joshua Thomas,* loaded with a cargo of machinery and ammunitions, as well as four full-sized steam locomotives secured to the top deck. Traveling from New York to Scotland and then up the coast of German-occupied Norway, the convoy was under almost constant threat. It was only a sincere dedication to duty and the knowledge that thousands of Russian lives depended upon their success that pushed Mr. Downs and his fellow members of the Merchant Marine forward.

Mr. Speaker, I take great pride in relating to you the history behind today's commendation to Mr. Downs. I would also commend the Soviet Union for finally recognizing the many past achievements of the United States Merchant Marines. I'm sure that the people of the

Soviet Union will remain forever grateful of this contribution to their past struggles. I know that my colleagues join me in wishing Mr. Downs continued success in all his endeavors and the best of health and happiness in the years to come.

TRIBUTE TO R.J. BARRETO: 50 YEARS OF SERVICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. LEHMAN of Florida. Mr. Speaker, in the lifetime of human beings, 40 years at one endeavor represents a significant commitment that merits recognition. It is for this reason I would like to extend my congratulations to R.J. Barreto of Miami, who recently completed 50 years of service with the Florida East Coast Railway Co.

Mr. Barreto, currently vice president of the FEC, has been a contributor and witness to many profound changes in the railroad industry. The FEC has a proud colorful history. Founded by Henry Flagler, the FEC played a crucial role in the phenomenal growth of Miami and all of south Florida. It is still a key transportation link today.

Mr. Barreto can take justifiable pride in the fact that the FEC has become one of this Nation's most modern and efficient railroads. We congratulate him on a lifetime of achievement.

UNITED STATES NEEDS AN ENERGY POLICY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. TORRICELLI. Mr. Speaker, the Persian Gulf crisis can hardly be called the first warning of this Nation's desperate need for a comprehensive energy policy. Nonetheless, it is critical that we act immediately to reduce our thirst for imported oil, by promoting conservation and efficiency, and by making better use of alternative sources.

The following opinion piece was written by Jared O. Blum, president of the Polysocyanurate Insulation Manufacturers Association, and appeared in New Jersey's Star Ledger this past fall. I believe this piece is an important contribution to our debate on national energy policy, and I wanted to take this opportunity to bring it to my colleagues' attention:

U.S. ENERGY POLICY NEEDS REAL ACTION

(By Jared O. Blum)

Everyone can applaud the Bush administration's public awareness campaign aimed at resurrecting the country's short-lived experiment with making energy conservation an ingrained national habit. Energy Secretary Watkins and Transportation Secretary Skinner are on a national tour stressing energy conservation themes and introducing radio ads and other materials which hold out the possibility of saving over seven million gallons of gasoline a day by taking a few simple steps including driving slower and keeping tires properly inflated.

If, however, this constitutes Washington's bottom line action on energy conservation we will have missed an historic opportunity to make real progress and lasting gains for the United States in energy security. The central fact is that government jawboning doesn't work when it comes to energy conservation, government action does. While many in Washington will eschew calls for new regulations or legislation that create incentives for energy conservation, the record clearly shows that using any measure of "cost benefit," government action works.

Rarely have so many forces, each of historic significance, converged at one moment in time to force the rediscovery of an obvious national response. Individually, the Gulf crisis, our economic vulnerability to oil price fluctuations, and environmental concerns underscore the desirability of using fossil fuels more wisely. Collectively, they represent an energy efficiency imperative.

Studies by the Oak Ridge National Laboratory, among other prestigious institutions, confirm that increasing energy efficiency in the transportation, residential, commercial and industrial sectors of our economy could produce annual energy savings of between 25 percent and 50 percent. A 50 percent reduction would put the United States on par with Japan and West Germany in terms of their energy-use-to-GNP ratio.

Can this be achieved? The answer is an emphatic yes. As one recent Department of Energy report concluded, "the constraint on efficiency improvements in the short term is not primarily technological." Today, through a series of cost-effective retrofitting measures, we can reduce energy consumption in our homes and industrial plants by 30 percent. Substantial gains in the transportation sector are also within our grasp, as evidenced by General Motors' introduction of a four-door passenger car with an EPA rating of 65 mpg, plus a growing commitment to cleaner burning gasoline alternatives from oil companies like Arco. And the technology exists to reduce electricity use in the industrial and commercial sectors by almost 40 percent.

Our nation's ability to realize so many vital objectives through energy efficiency is frustrated, however, by government leaders failing to seize the opportunity of the moment. It is considered heresy to challenge the broad based acceptance that:

"Market forces," left unfettered, will produce the desired result.

Government regulation of energy has contributed to the problem, not the solution.

Neither of these arguments withstand close scrutiny.

The "market" price of oil today, even at current levels, fails to reflect the total costs to our society of our dependence on oil. The billions of dollars spent for our military effort in the Gulf; the cost to our health and way of life resulting from polluted air and fouled beaches; the weakened state of our economy as a result of the tremendous drain associated with our oil purchases—none of these "external costs" are reflected in today's price of oil.

Moreover, to the extent we rely exclusively upon "market forces," we are playing right into the hands of those who profit from our dependence. Leading OPEC nations have repeatedly revealed their marketing strategy: To maintain a price level just below that which would result in a permanent reduction in the demand for their product.

Finally, our Nation does not rely upon market forces when it comes to conventional energy production technologies. We have invested hundreds of billions of dollars in the fossil fuel and nuclear industries through a myriad of tax incentives and R&D expenditures.

It is true that government intervention in the energy field has produced mixed results. Oil and gas price regulations arguably created more distortions in the market than benefits for the consumer. However, it is also true, and more relevant, that government action to compel higher mileage standards from Detroit, and the creation of incentives for non-traditional utility-type energy production, have been remarkably successful.

Fortunately, there is mounting evidence outside Washington suggest that government is recognizing the positive role it can and must play. Local officials are now at the forefront of efforts to substitute natural gas for gasoline in bus and taxi fleets; state and local officials are adopting model energy codes designed to increase the energy efficiency of new buildings; state regulators are beginning to permit utilities to make a profit on energy saved; and the President has now set forth his commitment to conservation.

But Washington must do more. Congress currently has before it several legislative proposals that would support expanding state and local energy conservation efforts. One such piece of legislation, the State Energy Efficiency Program Improvement Act, would support capital investment in energy conservation activities.

Experience has taught us that exhortations to conserve do not constitute a program. Energy efficiency simply cannot be relegated to the policy equivalent of volunteerism. Federal, state, and local measures which provide economic incentives for energy efficiency where appropriate, and more stringent regulation where required, should be the fundamental principle of America's public policy response to the life-threatening dangers posed by our energy addiction.

HONORING NEW MEXICO GUITARIST

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. RICHARDSON. Mr. Speaker, it gives me great pleasure to recognize and honor a New Mexico guitarist who recently won a top prize in a prestigious international competition.

Michael Chapdelaine, currently a professor of guitar at the University of New Mexico, has won a silver medal in the VIII Concurso Internacional de Guitarra "Alirio Diaz" in Caracas, Venezuela late last year.

The competition, which is one of the oldest and most prestigious in the world, featured 24 soloists from South America, Australia, Central and North America and a highly esteemed international jury including Cuban composer Leo Brouwer, Venezuelan Maestros Alirio Diaz and Rodrigo Riera, and Michele Pittaluga of Italy. This is only the second time in the competition's history that a North American has achieved such a high honor.

Mr. Chapdelaine is a well known figure in the American guitar scene, having won first prize in the Guitar Foundation of America International Competition, the National Endowment for the Arts Solo Recitalist Grant, as well as several other major U.S. guitar competitions. Mr. Chapdelaine joined the University of New Mexico Music Faculty in 1985.

I ask my colleagues to join me in congratulating Mr. Chapdelaine on a job well done.

INTRODUCTION OF THE EMERGENCY OIL MARKET STABILITY ACT OF 1991

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MINETA. Mr. Speaker, since the Iraqi invasion of Kuwait, Americans have paid as much as $40 for a barrel of oil and a record $1.40 for a gallon of gasoline, on average. All this without an oil shortage.

In the first hour after war began in the Middle East, oil prices jumped back up to nearly $40 a barrel. Seven of the country's biggest oil companies announced that they would temporarily freeze gasoline prices. Then, as a result of successful reports, oil prices dropped drastically Thursday morning.

The past few months have clearly demonstrated that, while the supply of oil has been relatively stable, the market has been extremely unstable.

We can't ignore this problem simply because oil prices are down. Now, more than ever, America needs a circuit breaker.

We need a switch we can throw to stop a panic from sending oil prices through the roof, and our economy into a tailspin.

We've learned that lesson in the past few months.

That is why I introduced the Emergency Oil Market Stability Act in the last Congress after the President asked us to develop a national energy policy. The 101st Congress adjourned before it could be considered.

Last night the President again called for a national energy policy. This is why I have reintroduced this legislation today.

Mr. Speaker, this legislation would give the President and Congress the authority to stabilize prices and allocate supplies during an oil shotage, threat of shortage or market panic.

Ten years ago, Congress passed legislation that would have helped keep oil markets stable during an emergency.

But when we passed our legislation in 1981, the White House vetoed it.

They said it was "Bad for America."

It wasn't.

If we had a law like the Standby Petroleum Allocation Act of 1981 in effect today, we would be far better off than we now are. But even that legislation would not have gone far enough.

For the last 10 years, the White House has mandated an energy policy to the American people. The policy has said:

Consume, consume, consume as if there is no tomorrow.

Well, tomorrow is here.

Mr. Speaker, we're now at the mercy of speculators filled with so much fear about the crisis in the Middle East that the United States has entered an economic recession.

Inflation is increasing.

Tens of thousands of Americans may soon be thrown out of work because of rising energy costs.

The Federal deficit may be pushed so high as a direct result of oil prices that we may never see a balanced budget.

What will happen now that we have gone to war?

Mr. Speaker, I say send the President the Emergency Oil Market Stability Act as quickly as possible and give our Nation the protection it needs.

CAPLAN'S MENSWEAR CELEBRATES ITS 100TH ANNIVERSARY

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. HOLLOWAY. Mr. Speaker, we seldom appreciate just how much our world has changed during the past 100 years. A century ago, the primary mode of travel was horse-and-buggy. Today, by comparison, space travel is nearly routine. Some 100 years ago, we communicated with pencil and pen. Today, people of all ages are comfortable with computers and satellite technology. Indeed, in the midst of this information age, one is hard pressed to find something which hasn't changed during the last 100 years.

Yet, Mr. Speaker, some institutions in American society have spanned generations and bridged eras to become symbols of stability in a world characterized by rapid technological and commercial change.

Accordingly, it is with great pride today that I pay tribute to a business which represents such stability in central Louisiana. The success of Caplan's Menswear, which celebrates its 100th anniversary this year, speaks for itself. The record of this small business is one of uninterrupted success. Caplan's Menswear has set for the Alexandria, LA, area a standard of excellence to which every small business, everywhere, should aspire. Caplan's longevity speaks volumes about its owners, managers, and employees.

Mr. Speaker, Caplan's is something more than a successful business. It is a symbol of continuity, community, and tradition. Caplan's Menswear has served central Louisiana through times of war and depression, prosperity and goodwill, good times and bad.

Mr. Speaker, it is with great enthusiasm that I wish Caplan's Menswear a happy 100th anniversary and very best wishes for another century of service and prosperity.

TRIBUTE TO REV. MSGR. NICHOLAS DiMARZIO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. GUARINI. Mr. Speaker, I rise today to pay tribute to an outstanding clergyman and fellow New Jerseyite, Rev. Msgr. Nicholas DiMarzio, and to the outstanding work he has accomplished over the last 6 years as executive director of one of the Nation's largest immigration and refugee agencies, Migration and Refugee Services of the U.S. Catholic Conference.

Monsignor DiMarzio is leaving MRS this month. He is being called to the Archdiocese of Newark where he will become the vicar for human services. While we will miss his energy, his commitment, and his clear vision of what our Nation's refugee and immigration policies should be, we are happy to know that he will continue his ministry in Newark.

With the Speaker's permission, I would like to tell my colleagues about Monsignor's tenure as MRS and the remarkable work of this organization.

Under his able leadership, MRS, which is the service office of the U.S. Catholic Conference, has resettled over 167,000 refugees in its national network of some 140 diocesan resettlement programs and also provided initial assistance from Church resources to over 40,000 persons from refugee-like situations. MRS helps people irrespective of their race, creed or national origin.

To assist newcomers and aliens in the United States to deal with their immigration problems and to assist these families in reuniting with separated loved ones, Monsignor DiMarzio, at the direction of the migration committee of the National Conference of Catholic Bishops, created the National Catholic Legal Immigration Network. CLINIC serves low income clients through diocesan immigration programs and has served well over 50,000 individuals since its inception in 1988.

A strong proponent of a generous U.S. refugee and asylum policy, particularly of the need for a legally recognized safe haven status for persons unable or unwilling to return to their homelands because of war, generalized conditions of violence, unrest, or persecution, Monsignor DiMarzio was a frequent witness before congressional committees. Monsignor took every opportunity that presented itself to win support for the Catholic Church's positions that sought to protect family life and family unity, and that supported a generous and diverse U.S. immigration policy as one that best enhanced the vitality and special character of our nation.

Monsignor was particularly concerned about the need to enact the Moakley-DeConcini legislation that would have offered temporary asylem to El Salvadorans and Nicaraguans, but he wanted that legislation to contain work authorization so that these refugees could support themselves and their families. Monsignor's concerns were truly catholic—he worried about the needs of all newcomers whether the undocumented, the refugee, the parolee or the immigrant. He worked and testified to promote increased U.S. admissions of Irish, Poles, and other Eastern Europeans, as well as Africans, Amerasians, former Vietnamese re-ed prisoners, the Cambodian survivors of the Asian Auschwitz, skilled and unskilled workers, particularly religious workers.

If the Congress and the executive branch heard from Monsignor DiMarzio and MRS, so too did the refugees he visited in camps around the world, and the officials responsible for their protection and care. He even went to

Vietnam and to Cuba to urge the release of political prisoners and the reunification of separated families.

When Monsignor made a series of trips to Cuba to negotiate the release of Cuban political prisoners with Fidel Castro, not many of us were surprised at the outcome. If anyone could argue philosophically, pleadingly, or polemically, and maybe even wear out Fidel, it was this determined, vocal priest from New Jersey. His efforts in Cuba were successful and literally thousands of former Cuban political prisoners have come to our shore and been aided by this man and the Catholic Conference's services.

As a recognized expert on acculturation and self-sufficiency for refugees, Monsignor worked for more realistic Federal policies that would promote the smoother integration of newcomers into our communities and that would encourage less reliance on welfare or other forms of public assistance. He urged Congress and the administration to make welfare a last resort in refugee resettlement and for quicker resettlement of refugee groups like Amerasians or former political prisoners so that no more of their lives were wasted and so that their energies could be directed toward new and productive work, instead of marking time in endless queues.

MRS Immigration Program assisted some 200,000 individuals under the legalization effort and is now involved in aiding Salvadorans to register for temporary protective status during the 6 months set aside by last year's landmark Immigration Act of 1990, a piece of legislation that was a top priority for Monsignor DiMarzio and MRS/USCC's public policy division in the last Congress.

But now Monsignor DiMarzio is packing up and heading back to New Jersey, where I know he will receive a warm welcome from his many friends and family.

We'll miss him in the halls of Congress but I have no doubt that as a priest and as an administrator, he will continue to aid the poor and the afflicted, to find shelter and refuge for the homeless, whether in this country or abroad. For Father Nick long ago took to heart the words of the Gospel and sought to comfort the sorrowful, to shelter the homeless so that they will be alien and strangers no more.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 31, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9:30 a.m.

Joint Economic

To hold hearings on the employment-unemployment situation for January.

2359 Rayburn Building

FEBRUARY 5

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings on U.S. national energy policy.

SD–366

10:00 a.m.

Budget

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1992 budget.

SD–608

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings to examine infrastructure, productivity, and economic growth.

SD–406

FEBRUARY 6

9:30 a.m.

Governmental Affairs

To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.

SD–342

Rules and Administration

To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR–301

10:00 a.m.

Budget

To hold hearings to review the economic outlook for fiscal year 1992.

SD–608

10:15 a.m.

Finance

To hold hearings on the prospect of free trade negotiations with Mexico.

SD–215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Consumer Product Safety Commission, Consumer Information Center, Council on Environmental Quality, and the Office of Consumer Affairs.

SD–138

FEBRUARY 7

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 207, to provide funds for and to enhance the effectiveness of the Commodity Futures Trading Commission.

SR–332

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 244, providing for a referendum on the political status of Puerto Rico.

SD–366

Rules and Administration

To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.

SR–301

10:00 a.m.

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings to examine transportation demand as related to demographic trends.

SD–406

Foreign Relations

To hold oversight hearings on U.S. foreign policy.

SD–419

FEBRUARY 19

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to review a recent report of the Augustine Commission on the future direction of NASA.

SD–138

FEBRUARY 20

9:30 a.m.

Rules and Administration

Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991 and 1992, and other pending legislative and administrative business.

SR–301

10:00 a.m.

Finance

To resume hearings on the prospect of free trade negotiations with Mexico.

SD–215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Selective Service System, the American Battle Monuments Commission, Cemeterial Expenses (Army), the Nuclear Regulatory Commission, and the National Institute of Building Sciences.

SD–138

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD–342

FEBRUARY 26

10:00 a.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and related transportation issues.

SD–406

MARCH 1

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.
SD-138

MARCH 5

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.
SD-192

MARCH 6

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.
SD-138

MARCH 7

9:30 a.m.
Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.
SD-406

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.
SD-192

MARCH 8

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.
SD-138

MARCH 12

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Humans Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.
SD-192

MARCH 13

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-138

MARCH 14

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.
SD-192

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.
SD-192

MARCH 15

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.
SD-138

MARCH 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.
SD-192

MARCH 20

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspecter General, and the National Credit Union Administration.
SD-116

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.
SD-192

MARCH 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.
SD-192

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Com-

mission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD-192

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

APRIL 10

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD-124

APRIL 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 17

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans Affairs.

SD-138

APRIL 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 19

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD-138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD-138

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-1902

APRIL 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD-124

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

APRIL 26

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD-138

MAY 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Space Council, and the National Aeronautics and Space Administration.

SD-138

MAY 15

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.

SD-138

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

HOUSE OF REPRESENTATIVES—*Thursday, January 31, 1991*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to work for justice, forgive us of any selfish purpose, encourage us to be in reconciliation with each other, unite us in the spirit of peace, and grant us Your benediction.

May Your word of hope, gracious God, be with us in difficult times and especially upon those to whom great responsibility has been given. Bless us this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kentucky [Mr. MAZZOLI] please come forward and lead the House in the Pledge of Allegiance.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 296. An act to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years.

The message also announced that, pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. STEVENS as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 102d Congress.

The message also announced that, pursuant to section 276 of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. BURNS as vice chairman of the Senate delegation to the Interparliamentary Union during the 102d Congress.

The message also announced that, pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRAMM as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 102d Congress.

APPROVAL OF UNITED STATES-SOVIET ROLE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the newspapers today are full of stories concerning the statement on Tuesday night of Secretary Baker and the Foreign Minister of the Soviet Union, Mr. Bessmertnykh, in which it is suggested that there could be a cessation of hostilities, a cease-fire, on two conditions: One, that Iraq signals that it would make an unequivocal commitment to leaving Kuwait; and second, that Iraq take immediate and concrete steps to do so.

This has caused dismay in some countries of the world. It has caused dismay to our friends like the State of Israel. Some people feel it might signal a change of policy.

I really do not share this dismay or this concern. I think this is very healthy. As a matter of fact, I am encouraged by it because it signals that despite the fact that the hostilities are well underway and are being very finely led by our President and the various generals in the field, there are behind the scenes, and perhaps even on top of the scenes, diplomatic efforts and other dynamics underway. These efforts could probably reach the goals the President has set, which are the eviction of Iraq from Kuwait, the restoration of the Kuwaiti Government, and the stability in that region, because it is very clear, Mr. Speaker, that if there is ever to be, most importantly, peace and stability following this hostility, the United States and the Soviet Union will be big partners in it.

We have armed the participants and we could disarm them. I look at this very approvingly.

IMPLEMENTATION OF STATE OF THE UNION PROVISIONS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, today I will be introducing a bill which will help implement some of the provisions of the State of the Union Message presented by President Bush just the other evening. The President called for initiatives in Government, and specifically at one point, for a new highway program, for the new world that will be here when our troops come home from the successful exercise in Saudi Arabia and Kuwait.

My bill would provide for taking a highway trust fund off budget.

What would that do? That would allow a new infusion of funds to our States, new allocations of funds from the taxes paid by our motor public, so that the infrastructure, bridges and highways in our country, can be given a new burst of construction and reconstruction.

What this does along the way is to help fight the recession, create jobs, and bring everyone a part of a new highway system and infrastructure that will make the United States even more competitive in the world competition for trade and for free enterprise.

NATIONAL DAY OF PRAYER

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I have just returned from the National Prayer Breakfast and certainly our Nation and indeed the world is in great need of prayer today. At this breakfast, President Bush, Billy Graham, Coach Joe Gibbs, and leaders of both parties spoke. The House can be especially proud of the participation of the gentleman from Texas [Mr. STENHOLM], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Pennsylvania [Mr. GRAY], and former Congressmen Buddy Roemer, and DANIEL AKAKA.

Many of the problems we face, both as individuals and as a Nation have come about because we have wrongly placed so much faith in men and laws and so little faith in God. We mean well, and we try hard, but we have passed so many laws that would fill buildings, and no one, no human being, not even the most advanced computer can keep up with them all. Probably everyone unintentionally violates laws that they do not even know are on the books.

What we really should do is to eliminate perhaps 50 percent or more of the laws on the books today and place more emphasis on the Ten Commandments and the other teachings of the Bible, and the simply human kindness, one to another that is called for there.

At the breakfast this morning, President Bush called for a National Day of Prayer on Sunday, February 3. I hope the Congress and all Americans will strongly support and participate in this National Day of Prayer on February 3.

COMMENDATION TO CONGRESS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the night before last President Bush addressed this body and the country. It was President Bush in his finest hour, I believe. The President came through to the American people exuding confidence. But more than that, he came through to our troops overseas with that same kind of confidence that means so much to them.

This morning's Washington Post and other newspapers around the country portrayed our troops sitting in tents, over in Saudi Arabia, watching the President give his State of the Union Address. When he said "Right is on our side," and when he said that "We, the American people"—meaning he, the President, the Congress as a whole, and the American people—"should have the same kind of commitment in support of our troops as our troops have over there for the interests of the United States of America," our troops in Saudi Arabia stood and applauded.

When the President made that statement, when this Congress as an entire body, the House, the Senate, and all the Cabinet, the Supreme Court members, and the ambassadors from around the world, all stood in unison and applauded the President in his seeking the total cooperation of all the American people, that meant so much to our soldiers in the gulf region.

I commend this Congress for giving that kind of standing ovation to our troops.

RESCIND LAWRENCE WELK MUSEUM APPROPRIATION

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, today I am being joined by the gentleman from Ohio [Mr. KASICH], and 15 other Members of both parties, in introducing legislation to rescind the appropriation included in H.R. 5268, the fiscal year 1991 appropriations measure for "Agriculture, Rural Development, and Related Agencies," that earmarks $500,000 in rural economic development funds for a museum at the birthplace of Lawrence Welk in North Dakota.

We also are sending President Bush a letter urging him to use the rescission authority he holds under the title X of the Congressional Budget and Impoundment Control Act of 1974 to ask Congress for permanent cancellation of the Lawrence Welk appropriation.

Mr. Speaker, $500,000 is a drop in the bucket in our $1.23 trillion budget. But to most Americans who are struggling to pay their bills, provide health care for their families, or finance their children's education, it is not a small sum.

For every program we fund today, we must ask ourselves this simple question: Can we justify borrowing from our children and grandchildren to pay for it? If we cannot, we should have the courage to terminate it. This is an appropriation that can be terminated.

Later in this Congress, I will be introducing legislation to alter the way our tax and spending bills are printed so we can more easily identify the provisions they contain.

I urge my colleagues to join this effort to reduce wasteful Government spending so we can focus our limited resources where they are needed most.

□ 1110

PERSONAL EXPLANATION

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, for the last several days I was unavoidably away from the Capitol. I would like the RECORD to reflect that had I been here, I would have cast a "yes" vote for H.R. 556 on rollcall No. 16; a "yes" vote for H.R. 555, on rollcall No. 17, and a "yes" vote for H.R. 598 on rollcall No. 18, all three of these bills designed to improve the lot of veterans and to insure that this Nation respects the full rights that we have promised these veterans. Their service to this Nation, particularly at a time when so many of our young men and women and our senior veterans who have been recalled to active duty in the Persian Gulf, shows how they have placed their lives on the line in defense of liberty in this world.

I would also like to commend the President for his address the other night. I think he rallied the spirit of America again to a most noble cause, and I am pleased to see such bipartisan support for the troops in the field and for the administration's efforts to conclude this action in the Persian Gulf successfully and with a minimum number of casualties.

VACATION OF 5-MINUTE SPECIAL ORDER AND PERMISSION FOR 15-MINUTE SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent to rescind my 5-minute special order today and ask for a 15-minute special order.

The SPEAKER pro tempore (Mr. OWENS of Utah). Is there objection to the request of the gentleman from California?

There was no objection.

REMEMBERING OUR POW'S

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I, along with some of my colleagues, this morning attended the National Prayer Breakfast. I have tried to make as many of these prayer breakfasts as I could over the 14-year span that I have been on Capitol Hill. I have never attended a more beautiful or inspiring one than this morning's; prayers from over a thousand people in the room for President and Mrs. Bush for the heart-rending decisions he has had to make over the last few months. I just have to come to the well this morning and bring to mind two people who have been prisoners in Lebanon and who will soon start their seventh year in captivity. They will soon conclude their sixth year. They have six Americans, another seven or eight Europeans—including a great British hero, Terry Waite—who are being held hostage in Lebanon. If you remember, Waite went over to try to get the others out when he was taken hostage. He completed his fourth year in captivity last week. One American, Terry Anderson, was captured by Hezbollah, fundamentalist radicals in Lebanon. He was the head of the AP bureau there. He was captured March 16, 1985, so he wraps up 6 years of hell in just a few weeks. Tom Sutherlund, who went over to teach agriculture at the American University in Beirut, was captured June 9 of the same year, 1985. He begins his seventh year in a few months, in June.

These men and our airmen who are prisoners of war, their families are suffering a torment that most Americans just cannot conceive of.

I hope all of America is not only praying for the safe return of these men, but will write to the International Red Cross in Geneva, Switzerland, and will put as much pressure as possible on the Government of Iraq to live up to the Geneva Convention, to which they pledged their national honor.

As a religious people, adhering to the Koran and the same god, Allah, as our God, I hope that the Iraqis will not endanger any more of our POW's, and I hope, frankly, they were lying when they said that one of our pilots was already put out as a human shield and died and that others have been torn apart and wounded.

Our prayers for these wounded men, please, and do not forget our hostages in Beirut.

TERRORISM SHOULD BE PUNISHED

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUARINI. Mr. Speaker, unfortunately terrorism and the threat of terrorism have become important weapons in the arsenals of international outlaws.

While we in the United States have largely been spared of terrorism's horrors, we can no longer afford the luxury of complacency. We have seen that nothing is sacred to Saddam Hussein, and his cruelty knows no bounds.

Yesterday, I introduced legislation making terrorist murders of U.S. citizens either at home or abroad subject to the death penalty. In addition, terrorists who damage any property, whether it be public areas, drinking supplies, or transportation centers, could receive life imprisonment.

The time has come to send international terrorists a strong signal: The brutal victimization of Americans will be met with the harshest of penalties. I ask my colleagues to join me in this legislation.

MILITARY FAMILY PRESERVATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana [Ms. LONG] is recognized for 5 minutes.

Ms. LONG. Mr. Speaker, yesterday I joined with a number of my colleagues in introducing the Military Families Preservation Act of 1991. Companion legislation was introduced in the other body earlier in the week by the gentleman from Wisconsin [Senator KOHL].

It is clear that the makeup of our Nation's Armed Forces has changed dramatically over the years. Prior to the termination of the draft, the number of dual-married military couples, single-parent military personnel, and the number of dependents was very low. But gone are the days when service members had to get permission from their commanding officer before they got married. Gone are the days when we relied solely on young males to defend our country.

With the advent of the All-Volunteer Force, and marketplace incentives, the composition of our military has changed dramatically. Now, our military services are comprised of more than 55,000 dual-married military couples. Now, over 91,000, or 3 percent, of our service personnel are single parents. Now, there are more than 1.6 million dependents of our military service personnel.

It is incumbent upon us to recognize the realities of this changing composition of our military force, and to reassess how we treat our service personnel with dependent children.

No one denies that those who serve in our military must do so at the discretion of the Secretary of Defense. When citizens joined the armed services, they took an oath to defend our Nation. The duty of our service personnel is to defend the United States.

The Congress should not go about passing laws that inhibit our defense capabilities in any way. The Military Families Preservation Act reflects this primary responsibility of our military. The bill would in no way weaken our defense readiness. In fact, the bill actually acknowledges the fact that the first obligation of the Department of Defense is to meet the military needs of the United States.

But certainly, the military effectiveness of members of the Armed Forces is increased when they know that their families are taken care of, and the Department of Defense has an interest in, and responsibility for, protecting the welfare of dependents of members of the Armed Forces.

Striking a reasonable balance between the new realities of our force composition and the primary responsibilities of our service personnel to defend our country is not an easy task. But I believe the Military Family Preservation Act moves us forward in this direction. I believe it is a fair and modest approach.

Specifically, the bill requires the Secretary of Defense to prescribe regulations with respect to the stationing of members of the Armed Forces with dependents. It requires, to the extent possible and consistent with military requirements, that the Department prohibit stationing certain military parents at a location at which facilities for dependents are not reasonably available—that is, in a war zone. The bill would apply to a member of the Armed Forces who is solely responsible for—or together with a spouse also in the Armed Forces is solely responsible for—minor children, dependent elderly persons, or disabled dependent adult children.

Finally, the bill requires the Secretary of the military department concerned to provide assistance to the member's family to develop alternative plans for the care of the family members, should a determination be made by the military or at the request of the service member that the service member will be stationed at a location without adequate care facilities.

I urge my colleagues to join me in support of this legislation, and I respectfully ask the members of the Armed Services Committee in particular to carefully examine this measure as soon as possible.

□ 1120

THE ALLIED COALITION IS UNITED AND UNIFIED IN THEIR ACTIONS

The SPEAKER pro tempore (Mr. OWENS of Utah). Under a previous order of the House the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, our country is very fortunate in having the individuals who are leading our war effort in the Middle East in the persons of General Powell, Secretary Cheney and, in the field itself, General Schwarzkopf.

That is why I was a little bit taken aback yesterday when after a briefing by General Schwarzkopf in which he gave an update on all the successes thus far brought about by the new technologies of warfare so well implemented by the allied forces, when a series of alarms really shook the battlefield beyond what was going on, from the media itself, from those commenting on reports about the incursions of the Iraqis into Saudi Arabia.

I did not take that attack to mean a reversal of our fortunes for the allies as so many pessimists and other alarmists saw in what was happening. As a matter of fact, I took encouragement from what happened.

Four incursions occurred by four separate movements by the Iraqis into Saudi Arabia. Three of them, with heavy losses on the part of the Iraqis, were repulsed immediately by the allied forces, primarily in those three sectors by the U.S. marines using air cover and all the means at their disposal for the job they are supposed to do, to beat back the Iraqi attack if one should occur. While the fourth succeeded in getting down to a nonvaluable base in Khafji, just a little town there that does not have any military significance, and from what occurred there you would think that the war had been reversed and an Iraqi-Saddam Hussein victory in the war could be proclaimed.

But in reality, one excellent result occurred from that, notwithstanding the tragic loss of allied forces, including 12 of our marines who were killed in action, something of course that will shake us every time we hear such a statistic. But the repulsing of the Iraqi troops, even though they remained in Khafji as long as they did, was done primarily by the Saudi troops and the Qatari troops.

What does that mean for the allied efforts? It means once and for all that we can shake aside, set aside any worries that we had that our allies really would not fight with us or that this was going to be a totally U.S. effort and when the time came for military action on the ground or anywhere, that it would be 100 percent American and nobody else would help us.

This was an important event from that standpoint, with the Saudis defending their homeland and the Qataris helping because they were part of the coalition forces. It was an excellent symbol as well as the reality of a unified coalition allied action.

I take heart from the fact that we were able to repulse those attacks. I take heart from the fact that the allied forces did their job and converged on Khafji to assert the military action required to retake the town and to repel the Iraqis from an incursion that still no one in military circles fully understands, except that it might have been an attack calculated to encourage the antiwar demonstrations in our country and elsewhere to say, "Look, you are right, you antiwar people, you should oppose your President, oppose the military forces, oppose your fellow Americans fighting in the desert, because we have entered Saudi Arabia."

Well, they did not remain that long. They were repulsed, and they should, the antiwar demonstrations, should not take any courage from that, nor should Saddam Hussein be encouraged by the television pictures of antiwar demonstrations.

They do not signify the overwhelming majority of the American people who support the President of the United States, who support the Secretary of Defense, who support the Chairman of the Joint Chiefs of Staff and, most importantly, support wholeheartedly their fellow Americans, our young people who are manning the trenches and the airplanes and the ships in the Persian Gulf in the Mideast theater.

We have a proud moment at our hands, with setbacks, yes, with tragic moments, yes, but with eventual victory in the offing and with a bounty of thanks that we are going to bestow upon our fellow Americans and our allies for a job well done.

AMERICAN-ISRAELI RELATIONS: BACK TO BASICS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO], is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, on July 26, 1990, I spoke on the floor of the U.S. House of Representatives on the subject of Middle Eastern affairs.

I said at that time that, while Americans have witnessed remarkable changes toward freedom and democracy in the Soviet block:

> I regret that the winds of change sweeping across Eastern Europe have not reached the Middle East, which remains perhaps the most volatile area on the globe.

How prophetic these words have proven to be. One week to the day later, Iraq invaded Kuwait, setting in motion a series of events which have led the United States to war.

I concluded in my July speech that, because of the instability of the region, "strong American-Israeli relations are as crucial to regional and world peace today as before," and joined our former U.N. Ambassador, Jeane Kirkpatrick, in criticizing the Bush administration for seeing Israel "rather the same way as the 'moderate' Arab states view Israel: as the source of the problem, the state that has disrupted the peace of the region."

While I have been critical of the state of American-Israeli affairs over the last decade, it is true that we have witnessed improvements in recent months. It is my earnest hope that this improvement in relations is not shortlived, because in the aftermath of the gulf war, the alliance between our two countries will be more important than ever before.

The first area of improvement is over the issue known as linkage. Ever since it overrun Kuwait, Iraq has tried to link discussion of its annexation to broader talks on Palestinian claims against Israel. The U.S. vigorous opposition to this ludicrous concept is laudable. Clearly, Saddam did not rape for the sake of the Palestinians his oil-rich neighbor, Kuwait, which remains in a state of war with Israel and has funneled billions of dollars to PLO terrorist groups over the years.

To argue that Iraq's attack on Kuwait was somehow on behalf of the Palestinians and that Israel should somehow be forced to pay the price of that invasion is simply ridiculous. It was for these reasons that on October 23, 1990, I voted for House Concurrent Resolution 382, expressing the sense of the Congress that the crisis created by Iraq's invasion and occupation of Kuwait must be addressed and resolved on its own terms separately from other conflicts in the region, particularly pertaining to the state of Israel.

I also applaud the high degree of coordination this Nation has embarked upon with the state of Israel as hostilities with Iraq grew increasingly likely. I welcomed the Bush administration's decision earlier in January to indefinitely freeze an order for four AWACS [Airborne Warning and Control Systems] jets and additional AWACS tankers. Israel has long opposed the sale of these $125 million Boeing 707's modified to carry sophisticated radar which Saudi Arabia continues not to recognize Israel's right to exist.

In addition, the State Department, in sending Deputy Secretary of State Lawrence Eagleburger to meet with Prime Minister Shamir and high ranking Knesset members, has sent a strong message of cooperation to Israel. These meetings led to the deployment of United States Patriot missile crews to Israel, which will hopefully increase Israel's defenses against Iraq's terrorist launching of Scud missiles at innocent civilians. Although Israel has proudly never asked anyone to assist in her self-defense—a sentiment that I and most Members of Congress deeply respect—I commend the White House for facilitating this and other aspects of American-Israeli cooperation.

These developments no doubt contributed to the comment by Israel's Deputy Foreign Minister, Benjamin Netanyahu, that American-Israeli relations are as good as they have ever been. That now may be true, or Mr. Netanyahu may be trying to be very diplomatic. But, this much is sure—until very recently, many international observers were saying that American-Israeli relations had hit a 35-year low.

Over the last decade, we have witnessed two grave errors in our Nation's foreign policy. The first was America's drifting from its traditinally strong alliance with Israel. Since its creation, Israel has been and remains among America's strongest and most strategically important allies, and I for one believe that our alliance with the State of Israel should—and will—grow in stength and importance in the years ahead. In addition to a strategic commitment to Israel, Mr. Speaker, we must not forget that we have a moral commitment to her as well. The historic ties which bind our two nations are as strong as any the United States has ever enjoyed.

The second was America's increasingly taking the side of "moderate" Arab states—which are still overwhelmingly fixated on their mission to reject regional peace and to destroy the state of Israel. The failure of these policies has become increasingly evident in the past 6 months. This policy has now resulted in placing Israel in a yet unfolding state of grave danger, to say nothing of placing the lives of over 400,000 American servicemen and women stationed in Saudi Arabia in jeopardy.

Nowhere is the folly of this foreign policy of favoring moderate Arab States over the interests of Israel—and its resulting harm to our strongest, most dependable and most democratic ally in the region—more evident than in the area of America's affairs with Saddam Hussein's Iraq.

America's policy toward Iraq during the Reagan-Bush administrations has been neither clear nor consistent and has lacked both vision and long-range planning. I find it appalling that over the last decade, Saddam has received supportive messages from the United States, while Israel has received unprecedented messages of criticism from our Nation.

For example, why is it that in April 1990, when the Bush administration was criticizing Israel for being not serious about seeking peace, did Saddam's public threat to "let our fire eat half of Israel" meet nothing but White House silence, a White House which at the same time was accusing Israel of being obstructionist in entering into a dialog with the Palestine Liberation Organization?

And why is it that in February 1990, when Voice of America broadcasted a critical report of Iraqi human rights abuses, Assistant Secretary of State John Kelly ordered our Iraqi Ambassador in Baghdad to apologize to Saddam? This from an administration that has seldom held its tongue when it came to criticizing Israel's alleged human rights abuses.

And last July, when Israeli experts were warning the United States that Iraq was gearing up for trouble as it escalated its war of words with Kuwait over increased oil production and began mounting tens of thousands of troops on the border, why did State Department officials testify before Congress that the United States was unlikely to respond sharply to any Iraqi military action, noting that the United States had "no defense treaty relationship with any gulf country" and that "we have historically avoided taking a position on border disputes or internal OPEC deliberations." Now, with windows being sealed and Israeli television showing how to cope with a gas attack, it is small comfort to these Israeli experts that they were right.

And why, on July 25, did our Ambassador in Baghdad, April Glaspie, tell Saddam Hussein that "we have no opinion on the Arab-Arab conflicts, like your border disagreement with Kuwait," and why did Assistant Secretary Kelly halt a July 25 Voice of America broadcast warning Iraq that "the United States remains strongly committed to supporting the self-defense of its friends in the gulf."

How could a State Department which lashed out at Israel for not doing enough to forge a peaceful solution to regional conflicts be so silent in the face of such militarism?

Not that American support of Iraq is a recent phenomenon. During the decade of the 1980's, as the State Department began to strain relations with Israel, we witnessed America's sale of helicopters to Baghdad, Iraq's removal from our terrorist list, export credit guarantees for agricultural purchases totaling $5 billion, and the sharing of military intelligence data with Saddam during the Iran-Iraq war. We also implicitly supported Iraq in its war against Iran by reflagging Kuwaiti vessels. When the U.S.S. *Stark* was hit by an Iraqi missile and 27 of our sailors died, Iraq apologized but brazenly refused our request to interview the pilot who fired the missile and to examine the plane that did the attack.

Then, at the conclusion of the war with Iran, Saddam not only introduced chemical weapons as a military weapon, but as a means of maintaining domestic control, gassing 8,000 Kurds. Saddam used poison gas against Iran and his own countrymen in violation of all international law and covenants, and the United States reaction was timid, at best. The State Department did not want to upset our friends, the Iraqis, but not such concern was apparent for our strongest ally in the region, Israel.

When Congress attempted to reprimand Iraq for its many human rights abuses 1 week before the Kuwaiti invasion, the Bush administration's policy characterized by syndicated columnist Charles Krauthammer as "craven appeasement of Iraq" remained intact. That week saw the State Department's vigorous opposition to congressional efforts to end subsidies for American-Iraqi trade and denying all assistance and banning all trade with Iraq. It is incredible that when I and a majority of my colleagues in the U.S. House of Representatives voted on July 30, 1990, to cut off favorable treatment and agricultural exports to Iraq, the Bush administration lobbied vigorously against it.

This is not to excuse Saddam, but to serve as a reminder that Saddam was given no firm, clear delineation of U.S. determination to reverse any act of aggression or manipulation of his neighbors. To the contrary, the adminstration has contributed to the current crisis through the mixed signals of support we have sent Saddam over the last decade, while casting judgment on Israel for not caving in to the demands of its often hostile neighbors.

So now we are at war, a war which threatens the lives of American and allied GI's, threatens the citizens of Tel Aviv and Haifa with Scud missile attacks, and threatens the future of Israel itself.

We are at war to restore the legitimate Government of Kuwait, the same Kuwait which during the Iraq-Iran War, when we were reflagging their vessels, would not allow U.S. forces to be put ashore for rest and recreation, or United States ships to come ashore to be repaired, and the same Kuwait which remains officially in a state of war against Israel.

Yet, Israel's support for the United States during these troubled times could not possibly be stronger, and it troubles me how we show gratitude for her cooperation and assistance.

When, as the events after Iraq's August 2 invasion unfolded, the United States asked Israel to keep a low profile, Israel acquiesced.

As Saddam's threats against Israel mounted in the ensuing months, the United States asked Israel not to launch a preemptive attack—even though Iraq made it clear that Israel would be victimized if hostilities commenced. Again, Israel acquiesced.

Now, most recently, the White House extended its requests to Israel, asking that Israel not respond even if an attack is launched.

Nonetheless, Israel has restrained itself and complied with requests of the United States—despite strong, internal pressures to the contrary.

How does the United States reward Israel for its cooperation? By undermining Israel's security and voting repeatedly in the U.N. Security Council for resolutions that are biased against Israel.

The United States has recently voted for a U.N. resolution that characterized the West Bank and Jerusalem—Israel's capital—as Palestinian lands. The resolution states that the United Nations is "gravely concerned about the deterioration of the situation in all the Palestinian territories occupied by Israel since 1967, including Jerusalem." This was the second time in 2 years that the United States had voted for such untrue language. Then there was President Bush's unanticipated and still perplexing pronouncement last Spring that the United States considers East Jerusalem to be occupied Arab territory and off limits for settlement by immigrant Soviet Jews. Furthermore, the United States permitted the passage of other U.N. resolutions condemning Israel, our strongest ally.

Those U.N. resolutions convey a number of very distinct messages to the world community. First, those resolutions send the message that Palestinian terrorism is acceptable, but Israel's response is not.

Second, by failing to object to these resolutions in the name of appeasing the so-called sensitivities of some of our coalition partners, I fear that the United States may have sent a signal that we have abandoned our most trusted friend in the Middle East.

Third, these resolutions increase the pressure on Israel to make a bad deal on the West Bank and the occupied territories. Such pressure on Israel can only intensify in the aftermath of the destruction of Iraq. Now that war is here, the thin veneer of the allied coalition will not disguise the fact that the United States is waging war against an Arab nation, which has radicalizing and destabilizing effects throughout the Arab world.

The price for readmission of the United States into the good graces of Arab nations will likely be an international conference. The aftermath of a massive military victory over Saddam Hussein could very well compel our State Department to try to make it up to the Arabs by forcing Israel into accepting a solution to the Palestinian question which would be far closer to the Arab negotiating position than to a fair arrangement that ensures Israel's security.

As columnist George Will recently put it, we must make sure that:

> The crisis that began with the United States unfurling a banner proclaiming 'No Munich!' [does not] end with a Munich, an international conference to carve up an inconvenient democracy.

If you don't believe this is possible, let's take a look at who our allies in the gulf war are. With the exception of Egypt, all are officially in a state of war with Israel and are known to resent our longstanding relationship with her.

The most repugnant among them is Syria's President Hafiz Assad, a brutal dictator, a known terrorist, and a supporter of terrorism. A few weeks ago, Assad urged Saddam Hussein to withdraw from Kuwait so that all of the Arab nations could unite against the real enemy; namely, Israel. This is President Hafiz Assad, our ally, believe it or not. Just the sight of our Secretary of State chatting collegially with Assad, the man who many in the intelligence community blame for the 1983 deaths of over 200 of our Marines in Beirut, is enough to turn any American's stomach.

And what of a world without Saddam. Even a successful military campaign against Iraq is likely to increase pressures on Israel. One result would be to liberate Iran—upon which only Iraq served as an effective balance—and allow it to resume its path of the worldwide spread of Islam and the liberation of Jerusalem. Additionally, our ally Syria would be freed of the Iraqi threat, thereby permitting it to plan a war against Israel and pursue its quarrel with our NATO ally, Turkey. It has been reported that the Syrians are purchasing missile technology from the Chinese. If this is correct, those missiles will be aimed at Israel and Turkey as well as Saudi Arabia.

Therefore, Mr. Speaker, even as the current events surrounding the gulf war swirl around us, now is the time to focus on American-Israeli affairs. We must make sure that the mixed signals received in the past—signals which may have contributed to the current state of affairs in the Middle East—are clarified.

First, and foremost, we must send a clear message to the people of Israel that they have now, and always will have the complete, undiluted support of the United States. This is particularly important as we look into the dangerous and uncertain future which faces the region generally and Israel particularly.

Second, the United States must strive to guarantee that the gulf war must produce decisive progress in Arab-Israeli peacemaking. After the war is over, Saudi Arabia and the Persian Gulf Arab states will owe the United States for its peacemaking. The price of this peace must be for them to convince the Palestinians and their leaders that they can secure their interests only through direct diplomacy with Israel.

Third, the United States must clarify its position on Jerusalem and the occupied territories. To this end, I am proud to have been a cosponsor of House Concurrent Resolution 290, which was overwhelmingly approved by the House last year, to acknowledge that Jerusalem is and should remain the capital of the State of Israel.

All these measures, Mr. Speaker, are modest proposals. However, in light of the current state of affairs in the Middle East, in light of the tremendous and increasing pressures facing Israel, and in light of how the United States has conducted its affairs with Israel over the past decade, I believe that it is the very least we can do.

INTRODUCTION OF THE REPRODUCTIVE HEALTH EQUITY ACT [RHEA]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, today I join my colleague from New York, Representative BILL GREEN, in introducing the Reproductive Health Equity Act [RHEA], legislation which seeks to ensure that all women have an equal opportunity to protect their reproductive health.

Even though the Supreme Court affirmed in Roe versus Wade that women have the constitutional right to choose whether or not to terminate a pregnancy, over the years, Congress has misguidedly allowed restrictive abortion riders to be attached to a wide variety of appropriations bills, thereby restricting this right for women who rely on the Federal Government or Federal health insurance benefits for their medical care. As a result, Peace Corps volunteers, military personnel and their dependents, Medicaid recipients, Federal employees, D.C. residents, and native American women may exercise their reproductive rights in only extremely limited circumstances. Consequently, women who are able to afford health care without the assistance of the Federal Government are free to exercise their constitutional right to choose, while these other groups of women are not.

RHEA will end this discriminatory practice which affects millions of American women by making any care, assistance or benefits for services related to abortion available in the same manner as other pregnancy-related services. RHEA would give all American women control over their reproductive lives. I urge my colleagues to cosponsor this much-needed legislation.

HUMAN COSTS FROM THE COLLAPSE OF THE URUGUAY ROUND

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Nebraska [Mr. BEREUTER] is recognized for 30 minutes.

Mr. BEREUTER. Mr. Speaker, in 1986, in the city of Punte del Este, Uruguay, the eighth round of negotiations under the General Agreement for Tariffs and Trade—or GATT as it is commonly known—was begun. The agenda developed at that time which envisioned negotiations that would expand multilateral rules in 14 areas—such as textiles, telecommunications, agriculture, banking, investment services, management services, patents, and intellectual property—and that was reaffirmed during the midterm review in Montreal and Geneva, as well as by the G-7 at the Houston summit, was far reaching and visionary indeed. An opportunity to expand and improve the multilateral system was foreseen; hopes to broaden the agreement to include a wider array of goods and services were engendered; increasing benefits to living standards throughout the world by extending the current framework agreement to increasingly greater percentages of goods and services were anticipated; opportunities for continued expansion in world trade as more nations and more goods and services were included under the auspices of the GATT—all were on the horizon.

Indeed, the atmosphere in Brussels during the first week of December 1990 was brimming with anticipation. Perhaps it was just a brave front, but banners that filled the conference halls and meeting rooms challenging participants in the round to have the courage to go further proved to be of little inspirational value to members of the European delegation. The irony of the failure of the round in Brussels, of all places, is deep indeed. This is the city that is the heart of the European Community, where the ideals and directives for a single, integrated, common European market are developed. It was in Brussels that the Europeans, with their vision of a Europe without economic barriers, were unable to extend that vision to the world training system.

□ 1130

Recent history had shown great promise for an expanded and strengthened multilateral system. Mexico and four other developing countries have recently joined the GATT, extending its rules to significant new markets. The recently freed countries of eastern and central Europe have responded positively to the challenges of the GATT and have led to further expectations of expanding the multilateral system. Brazil and other South American countries, having experienced and learned from the multiple tragedies of closed and highly controlled economies, had begun to reliberalize their domestic markets, and had shown a willingness to open their borders and be more flexible in the negotiations. The repressive Government of the People's Republic of China is still trying to become a member, in spite of their conservative hard-line stance in other respects. In stark contrast then, the lack of courage from the European Community in the crucial reform of agricultural subsidies and in other areas of agricultural reform upon which everything hinges for the developing countries of the world, is certainly disheartening in this otherwise progressive atmosphere. It is truly the EC against the rest of the world, as even the difficulties with Japan and South Korea would melt away except for the EC's intransigence, lack of political courage, and failure to understand when their trade brinkmanship had gone too far.

Mr. Speaker, this member is not optimistic, unfortunately, that the current round will be salvaged. Clearly, even at this late date there is little evidence that the agriculture ministers of the EC will have the courage to put together a plan that will still provide a safety net to their producers but stop their costly export of market disruption and uncertainty to producers throughout the rest of the world. The Cairns group named for that city in Australia, and developing countries have stood solidly with the United States in demanding that an agriculture agreement must contain three crucial elements. First, a plan to reduce or transform domestic policies that export distortions and uncertainty to the world and distort trade. Second, a plan to significantly reduce extremely harmful export subsidies that force producers outside of the EC to bear the burden of EC policies through lower prices. Third, a plan to increase import access to highly protected markets within the EC. Now the EC has remained isolated in its refusal to accept meaningful reform in these three areas of negotiation.

Thus, the loss of the current round falls squarely on the shrugged shoulders of the EC. United States negotiators could see agreements falling into place in every other area under negotiation except for the crucial reforms in agriculture. In the closing hours of the December session in Brussels, the Hellstrom proposal named for the Minister from Sweden provided an opportunity to work out an agreement that was acceptable to the EFTA countries. These are the countries of eastern and central Europe that are major developed countries, but outside the European Community. So, it was an opportunity to work out agreement, not only with the EFTA countries, with the Cairns group, with the United States and most of the developing countries of the world, the so-called Third World countries. Look at the

EFTA countries. For example, look at Sweden and Switzerland. They recognize the need for reform. They have higher levels of agricultural support than the EC, and, therefore, would face higher adjustment costs in agriculture than would the EC itself. Yet these two countries, Sweden and Switzerland, found the courage to seek reform.

Only the EC, and under that cover of the EC temporarily at least, Japan and South Korea rejected negotiations based upon utilizing this proposal. The Hellstrom proposal did not contain all the elements that the United States, the Cairns group and the developing countries really wanted, but it was certainly an acceptable basis to begin meaningful negotiations that could have resulted in significant agricultural reforms and then opened up all of the other 14 areas for resolution, and we would have had a remarkable success on our hands. Later Japan indicated a willingness to accept that proposal, the Hellstrom proposal, and South Korea would have undoubtedly followed the lead of the Japanese. In the final moments of the round, the Cairns group, led in particular by its South American members, finally, in disgust with the intransigence or indifference of the EC negotiators; they walked out of the negotiations.

The South American countries had made significant concessions in the 13 negotiating sessions other than agriculture, based on an expectation that the EC would move toward a more reasonable position in the agricultural session. When the absolute unwillingness of the EC to accept a framework that would confer fairness in agricultural trade to countries dependent on this trade became obvious, the two South American countries pulled their negotiators from all groups, essentially ending the round. Now, contrary to oft made comments by the propagandists of the EC, the position or actions of U.S. negotiators most emphatically did not end the round.

The EC has greatly enjoyed fairness and low barriers to trade in many areas of critical importance to its countries. It is truly lamentable that the EC is unwilling to extend such fairness to a sector that accounts for less than 5 percent of their total exports; that is to say, food and agricultural products make up less than 5 percent of their total exports, and they refuse to do that in exchange for very significant benefits in so many other areas.

The benefits to the peoples of the world under the current provisions of the GATT are well documented and significant. Since the inception of the GATT over 40 years ago, world trade has increased from $55.2 billion to nearly $2.9 trillion in 1989. A reduction of tariffs of 75 percent on goods covered by the GATT over this period has certainly contributed to this trend. The expansion of multilateral trade rules on an additional one-third of world trade that would result from a successful Uruguayan round would certainly provide impetus for continued growth of world trade and help move us out of the recession that grips so many parts of the world. In the United States alone, the USTR has estimated that a successful trade round could add $1.1 trillion to U.S. output, in total, over the next 10 years. This relates to or is the equivalent of $16,000 for every American family of four.

This expected increase in benefits that a more open and more fair world trading system could have provided to the peoples of the world are only speculative, and arguably not a real loss that people feel today at this very moment. The real loss that the EC delegation has conferred on their constituents and the people of the entire rest of the world is a loss of opportunity—loss of an opportunity to expand and to grow and improve their standard of living. This loss is truly lamentable indeed, lost opportunities that we can only imagine.

It is also difficult to focus on these speculative losses when current trading practices and subsidy regimes employed by the EC do significant and highly irresponsible damage to the most desperate of the world's poor in less developed and developing countries. Extreme overproduction of basic foodstuffs by misdirected internal subsidy policies of the EC flood world markets with commodities that severely dampen world price. Export subsidies then employed by the EC further depress world commodity prices to the level where the poorest of the poor countries are unable to utilize their relatively abundant supplies of land and labor to develop a viable production agriculture system and infrastructure necessary to sustain development and simply feed their people.

An old adage states:

> Give a man a fish and he has food for a day. But enable him to fish and he will have food for a lifetime.

To the poorest of the poor countries of the world, exceptionally low food prices may enable them to marginally feed their people over the short term, but excessively low prices, that, we are going to see for a long period of time, unless reform removes the economic incentives necessary to enable these people to progress beyond their abject poverty and beyond a system of subsistence farming.

To countries of the world that rely on agricultural exports as a significant source of foreign exchange, the actions of the EC pose a very difficult problem. Exceptionally low-commodity prices have significantly contributed to the inability of countries such as Brazil and Argentina to service their national debt on their foreign debt. The economic chaos found in these countries is thereby increased and certainly contributes to their political instability. Such increases in instability as well as increased risk of losses to the banking system of developed countries certainly increase the indirect cost of EC policies borne by average people throughout the world. Hardship of EC policies is directly exported to the farmers, rural businesses and infrastructure of all countries that are unable to offset the costs of these policies through bountiful treasuries. They simply do not have those bountiful treasuries. Certain segments of U.S. farmers are somewhat insulated from this hardship by our farm programs. We are fortunate; we have been able to afford those programs, and we have set the priorities to do so in these Halls of Congress. However, producers from countries unable to afford such protections face much more difficult problems, much greater obstacles by far.

During the past 4 years, insignificant pressure has been building, it would appear, but actually very substantial pressure has been applied among special interests and within the Halls of Congress for the United States to take unilateral action to confront actual and perceived unfairness in world trade. Action has been deliberately postponed in hopes that a successful GATT agreement, like the Uruguay round, would make significant strides toward correcting these inequities and practices that harm U.S. businesses and agribusinessmen. Failure of the Uruguay round makes unilateral actions by the United States to address its trade concerns almost inevitable. We have to act to protect ourselves and to protect our farmers and business people and our whole agricultural economies in many States. The United States will now almost certainly move toward increased use of unilateral trade agreements within the Western Hemisphere. We will establish a North American free trade pact. We will establish individual trade relationships with Asian countries and with various developing countries. Demands for unilateral retaliatory actions by protectionist factions will undoubtedly become louder and stronger right here in this Chamber. This Member expects this pressure will cause the Congress to act in ways that may assist specific businesses or industries and farmers, but that will be detrimental to the broader interests of the international community as well as the United States. And we will do it only because of European intransigence and the failure of the Uruguay round.

Mr. Speaker, we are rapidly approaching a very important deadline which, once passed, will signal the end of the Uruguay round. This is March 1, 1991, the date by which an agreement must be submitted to the Congress by the administration to preserve fast-track authority that we have put in place here. This Member sees no evidence to predict that fast-truck authority will be extended by the Congress. Anybody who thinks that is the case is too optimistic. Too many economic forces opposed to the agreement have become too well organized to prevent this action. For example, the protectionist elements of the textile industry are already well organized to oppose an extension without significant concessions or conditions. We will not have the fast track extended without significant concessions or conditions.

A failed attempt by the administration to gain such an extension from the Congress poses significant risk to the President. EC officials could then easily distort this issue by propagating claims that the failed round was due to the inability of President Bush to gain an extension of fast track authority from the Congress, rather than their lack of willingness or ability to offer a meaningful set of agricultural reform proposals.

During the past week, Mr. Speaker, Frans Andriessen, EC external relations Commissioner, has visited our Nation's Capital in an effort to gain support from U.S. officials to piece together a package of results in the areas of services, textiles, and tarrifs that could be salvaged from the round and submitted to the Congress by March 1. U.S. officials have reportedly agreed that such a package should be developed. This Member sincerely hopes that the administration will recognize this attempt at compromise as the serious trap that it really is. Falling prey to this EC attempt would be nothing less than a sell-out of the American farmer, agribusiness men and exporters, and will most definitely lead to a loss of U.S. export markets, with a direct loss of income to these sectors.

At this time, the United States is viewed by developing countries throughout the world as being the leader of the good guys in the agriculture negotiations with the EC. If we accept a still grossly inadequate EC offer, it will illustrate to the most desperately poor people of the world that the United States does not care about them; that we have no interest in dealing with them in a fair and evenhanded manner that will enable them to develop their seriously poor economies. Most tragically, the United States will become a coculprit with the EC in damaging the developing countries by supporting changes in other areas that benefit our interests, the interests of the developed nations, while demanding few or grossly inadequate reforms of EC agricultural policies that are significantly harming the poor within the borders of developing countries, the Third World nations. The moral turpitude associated with such action is unconscionable.

In a speech before the EC's Council of Ministers on January 21 of this year, Commissioner Ray MacSharry of Ireland stated that "the CAP finds itself once again confronted with a serious crisis." The CAP is the Common Agricultural Policy. Further he states:

> In my view the Community's agricultural policy cannot avoid a succession of increasingly serious crises unless its mechanisms are fundamentally reviewed and adapted to the new situation.

He challenges his colleagues by stating:

> The community must recognize the existence of international interdependence and accept its responsibilities as the leading world importer and second leading exporter.

In the conclusion of remarks on the EC's agricultural policies he states emphatically, "One thing is clear: we cannot continue as we are." And I certainly agree with him.

Given this level of understanding of the need to reform the agricultural policies of the EC, it is absolutely incomprehensible to this Member that Commissioner MacSharry, would cause, by his rejection of, or indifference to, the last-ditch Hellstrom proposal, the failure of the most progressive and most important round in the history of the multilateral system. Let there be no mistake about it, this failure will be due to the unwillingness of the EC to reform its agricultural policies. The United States, Cairns group and the developing countries of the world have been asking for agricultural trade reforms from the EC for years, certainly for the 4 years of the GATT negotiations under the Uruguay round. Current EC policies export instability and uncertainty to the rest of the world. The burden of this huge cost fails in greatest measure on the poor of the world who have the least ability to absorb this cost.

Let me conclude with these remarks, Mr. Speaker, private comments made by the elected representatives of the European people show that in their hearts and minds, they do recognize the need for reforms—very substantial reforms—of their agricultural policies. In their guarded moments, their private moments, these national legislators and the people running those governments do recognize the need for such substantial change.

In the light of these realities, a failure of political courage by the EC and thus the Uruguay round would be truly tragic indeed.

Therefore, this Member hopes that the leaders of the EC will screw up their courage, face reality, and accordingly give the developing countries the just treatment they deserve.

The U.S. position is not for the United States. We do not have the most to gain from a change in agricultural policy. We recognize the need to have compromise in these areas if the developing world expects to have agreement in the other 13 areas. And this Member hopes the EC will act quickly to develop a proposal that the poor and developing countries of the world, as well as the United States, can responsibly and enthusiastically accept. This Member says to the EC, the European Community, put away your shopworn excuses to explain your political cowardice and do the right thing.

□ 1150

DISCOURSE ON PERSIAN GULF WAR

The SPEAKER pro tempore (Mr. OWENS of Utah). The gentleman from California [Mr. DORNAN] is recognized for 15 minutes.

Mr. DORNAN of California. Mr. Speaker, the war that unfolds before us, has the American people immersed like no other. It is not limited to the evening news broadcasts on the three major networks, as was the case in the Vietnam war. This war unfolds before us for 24 hours a day. A lot of this is due, of course, to the impact of CNN, which has two channels on 24 hours a day, the regular broadcast and CNN headline news. These two have been almost totally given over to covering the war.

The latest story being reported on the news media, and which we are unable to confirm it on the Hill but looks as if it may be true, is that we just lost a four-engine transport, a C–130 Hercules, or in this case an AC–130, which is a gunship. It was reported in the open news last night that the gunship was working over some of the Iraqi tanks that had come across the Saudi border to attack the oil town village of Al-Khafji which lies along the coast, near the Kuwaiti border.

If that is true, and if those men survive, I hope they will be rescued. If they survive on the other side of the battlefield, then we will have doubled the number of allies held prisoners.

I wanted to make some observations about the maturity and the professionalism of the people that have lost their lives in the air war or are suffering unbelievable torments at the hands of sadistic captors who seem to leave no depth unplumbed in violating common decency and all the rules of engagement in warfare.

What is there left, Mr. Speaker, for Saddam Hussein to do to unimpress straight thinking people in the world? He rockets civilian areas with his Scud missiles in Assad, Haifa, Tel Aviv, and now in the Judea area, hitting an Arab village. He has hit three different locations in Saudi Arabia, often more than once.

He has polluted the environment, not once, but now it appears twice. There is an oil slick coming from Fauh, which means this is Saddam's own oil.

He released Kuwaiti oil in what many believe to be largest oilspill ever, some 50, maybe even 100 times larger than the *Exxon Valdez*. This, undoubtedly the largest deliberate despoiling of the environment. That is saying something, given what the Eastern European countries did to their own environments over the half of a century of Communist rule.

Saddam has tortured and maybe murdered a POW. His own radio station claims that one of the human shields they put in harm's way was killed. That is murder. And that is the way it would be considered by a war crimes tribunal court.

Now it appears that Saddam has ordered his tanks to turn their turrets around—which is a sign of surrender—and come toward our marines, which are further in from the coastline. Then when the marines went to accept their surrender, the Iraqis gunned them down.

This is murdering the people on the battlefield under a flag of truce, a flag of surrender. With aircraft, if you drop your landing gear, it is a form of surrender. In a tank, you turn the turret around.

This is just another in a long series of war crimes. Just look at the way the Iraqis abused the Iranian prisoners that they took. When the Red Cross went into some of the Iraqi prison camps holding Iranians in 1985, they found hundreds of men who were deaf in both ears, or in hundreds of cases in their left ear. That is from slugging prisoners from right to left, smashing them on the ear and the side of the head.

If you look at all the pictures of allied POW's lined up side by side in this week's national news magazines, you will see it was on the left side of their face on which there were closed eyes, badly swollen eyes, contusions, bruises, sometimes on both sides, but always on the left side. That is from constant beating on the left side of the face by people using their right hands. Some of these men have probably suffered hearing damage, which may be the least of their worries if they are staked out like animals at possible strategic or important tactical targets.

It was 38 years ago yesterday, Mr. Speaker, that I joined the Air Force as a teenager. I was very lucky, having dropped out of college during the Korean war, to go through an aviation cadet program, a program which does not exist any more. I had my beautiful wings of silver over my heart at age 21. I served mostly in the Tactical Air Command, which is bearing 90 percent of the burden of the Air Force air wings over in the Saudi Arabian area and in the hot skies over Iraq.

But I was one of those lucky pilots, as we have had for the last 18 years, who served his 4, 5—in my case almost 6—7, 8, 9, or 10 years in peace time. Some pilots could have served 18 years, and if they got out last week they would have missed this conflict.

The dream of every mother, every wife, every son and daughter, is to have their dad—a trained combat-ready person, enlisted NCO officer, in any of the services—never have to kill another man's son.

Well, after 5 years I separated at 24 years of age. I was a combat-ready fighter pilot.

Listen to the ages of our men who are captive or missing: 42, 37, 33, 29, 30, 43, 27, 34, 30, 26, 25, and 28. Three of them are in their forties. These are mature, professional men, Mr. Speaker, all college graduates, all family men. If there is a bachelor in there, he will be the exception to the rule.

These people, I repeat, are suffering grievously, and we all pray for them.

Mr. Speaker, the way to relieve them of their agony is to end this war as quickly as we can. I look back on the agony in Lebanon which I mentioned just this morning. Six Americans have been held anywhere from almost 7 years to a minimum of 4½ years. I look back at Vietnam where our longest prisoner was held for 9 years—Eb Alvarez. My squadron commander was held for 7½ years. Ten different friends of mine were shot down. Most of them did not come home, but two or three came home after spending over 6½ years in captivity.

That is because we fought a political war in Vietnam. It is no wonder the media went ballistic and started to withdraw from their American citizenship. Indeed, Walter Cronkite, the great, revered American, at one point said midway through the war:

> I am not going to call them Communist troops or Reds or even enemy troops any more. I am just going to refer to them as the forces from the north.

Now we have Peter Arnett. The other night he sat in front of Saddam Hussein, and Saddam Hussein looks at this journalist from CNN and says, "I can see the shame in your face. I can see how you are ashamed for your country."

Peter Arnett did not open his big mouth and say, "I am a journalist and you don't know what is in my heart." He could have at least said that. Maybe he is not even an American. Maybe he is like Peter Jennings. Somebody told me he is an Australian. I do not know. But whether he is American or Australian or British he ought to stand up for the allied forces. After all, both the British and the Australians are part of the coalition forces.

Maybe it is time for Peter Arnett to come home, now that he has got his Pulitzer Prize for interviewing the Adolf Hitler of this current chapter in history.

Some of the reporting has been incredible. Look at this third page of the Washington Post: "Allies Claim to Bomb Iraqi Targets at Will."

Can't they see the statistics? What do they mean, "Claim?" Can't the headlines just say, "Allies Able to Bomb Iraqi Targets at Will"?

We moved from air superiority to air supremacy; that is a doctrine. There are no SAM's; there are no Migs coming up any more; no Mirages. They have all fled to Iran. It is right there; yet the Post, ever the epitome of adversary journalism, chose to qualify U.S. Government statements.

Except for this possible AC-130 last night, we have not lost a plane for 2 days. What is this claim?

John Holliman is an acquaintance of mine from CNN. He is sitting there with Bernie Shaw and they are praising one another. "Oh, Bernie, you are great." "Oh, John, you are great." "Oh, God, we are stars." "Now, isn't Peter great? Oh, God, we love Peter. Peter, how are you doing?" The media has made itself the story.

And then there is Bill Moyers, who makes me ill. Yes, Bill Moyers makes me sick to my stomach. He betrayed LBJ, betrayed Texas, and betrayed his Baptist faith. He makes me ill. And he joins in saying, "Oh, Peter, you are wonderful."

They are all congratulating one another on their coverage. What about the cause that we are involved in here? What about the evil of this man who has immersed people in acid? Why hasn't the news media had some special report on Saddam Hussein and his inner circle? Probably it would involve some old-fashioned leg work, something foreign to today's pampered, lazy journalists.

□ 1200

Now we have Saddam looking into the camera, thanking the demonstrators in the street who will prolong the war. I am not talking about the ones that fly the flag and fly the "no blood for oil" sign. All of us have agonized over that, but I am talking about the ones that burn the flag and spew hatred for America, and drag in Central America. The kind that caused the San Francisco Police Department to remove flags on their helmets so as not to provoke the so-called demonstrators. They go up on the satellite, and are linked right into Baghdad across the screen to Saddam Hussein, and Saddam grins and says, "I'll go on a little longer." And do my colleagues know who will be killed more than anyone else? It will be the Iraqi peasants out in the field who are facing this technological warfare of 28 nations of the free world. By tens of thousands they will die serving the ego of a man who is bolstered and boosted by what the President called these reckless people in the streets who are almost telling Saddam to fight on.

They cannot chant, "Ho, ho, Ho Chi Minh" today. That was another Communist leader, and that was not even his real name. You cannot chant that today. Nor can you say, as during Vietnam, that this war is a political war, and it is not my fault for demonstrating because the politicians cannot figure out why we are there or how to win it. This is different. When you are out there in the street now and attacking this country, you are helping this man decide to keep going and to get tens of thousands of his kids killed, and some of our POW's tortured.

We may have the first woman prisoner, a marine who together with her partner disappeared with their rifles late last night. If we do not find them, this could be a real mess.

Mr. MOODY. Mr. Speaker, will the gentleman yield?

Mr. DORNAN of California. I am happy to yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Speaker, I assume the gentleman would agree with what the President said a few feet from where he is standing, that the overwhelming majority of people who are expressing their views are doing so in a totally patriotic and responsible way?

Mr. DORNAN of California. I agree, most are.

Mr. MOODY. And the gentleman would not want to impugn the patriotism or the integrity of those who are following their conscience?

Mr. DORNAN of California. No, only the flag burners, and most of the responsible ones the President spoke of have gone away. Most of them disappeared when Saddam killed women and children in Israel. More of them disappeared when he tortured our pilots, and many packed up and headed home, particularly the green ones who are concerned with our environment, as most of us are, when Saddam despoiled the gulf. Now that he is violating the rules of engagement by pretending to surrender, and then murdering the people that go to accept their surrender, a few more are honorably unfurling their flag.

But sometimes I think these people are like the American Communists of the 1930's who could not understand the Hitler-Stalin pact. Some left after Hungary was crushed. Some left after Czechoslovakia was crushed. And some left after Vietnam. But for some, hanging their heads, it took the collapse of the Berlin Wall. Some, like Lillian Hellman, went to their grave as avowed Stalinists.

Some Americans, especially my liberal colleagues, cannot get it into their head what the President also talked about the other night and at the prayer breakfast this morning, and that is the difference between good and evil. I am talking about the reckless demonstrators who are burning the flag. I am talking about those who spoke right after some FMLN Communists that happened to be at the Federal building in Los Angeles ranted and raved about mining the harbors in Nicaragua. And then there is the Member of Congress who has been here 3 weeks talking about how we are not hitting anything with our bombs. This is inexcusable. With a top-secret clearance any Congressman can go and look at the bomb damage photographs and see that we are making headway.

To come back to my focus on our POW's, I would have been satisfied initially to drive Saddam out of Kuwait, to take away his offensive military power and to get rid of his NBC, nuclear, biological, and chemical warfare. But now that he has postured himself as a war criminal, I think it is important that he not be allowed to escape justice. I do not know whose responsibility it is going to be, but hopefully our Arab allied brothers in this struggle will be the ones to take him on in Kuwait City, where he has raped and pillaged and murdered children, a place where people will be missing in action for generations to come. Have a war crime trial there. He can avoid that by shaping up his act and let the Red Cross in to see these mature, heroic pilots of ours carrying the burden of warfare.

I repeat to my friends over at the Department of Defense, please carry the air war on for another couple of months before we send in our ground troops. We lost in one engagement the night before last, in one engagement, more than all of the courageous pilots lost in 2 weeks of aerial bombardments over the military installations in Iraq and Kuwait. I think there is still hope we can for all intents and purposes win this thing by air power.

Mr. Speaker, I yield back the balance of my time.

UNITED STATES ARMS SALES TO IRAQ: EXCERPTS OF RECENT CBS "60 MINUTES" BROADCAST

The SPEAKER pro tempore (Mr. OWENS of Utah). Under a previous order of the House, the gentleman from Wisconsin [Mr. MOODY] is recognized for 5 minutes.

Mr. MOODY. Mr. Speaker, on Sunday, January 20, the CBS television network program "60 Minutes" broadcast an extraordinary interview with an international arms dealer, Sarkis Soghanalian, who lives in Miami. I am placing in the RECORD a transcript of key excerpts from that interview.

The revelations and allegations made by Mr. Soghanalian are, and must be, extremely disturbing to every American. They are disturbing to Mr. Soghanalian. He gives a first-hand description of official and unofficial American involvement in the enormous buildup of arms to Saddam Hussein. Much of this buildup occurred after the end of the Iran-Iraq war in 1988. He gives chilling accounts of the cozy relationship among high past and present U.S. Government officials who permitted, and in some cases, actually assisted his sales of many of the lethal weapons Saddam Hussein is now using to bring death to American military personnel and civilians throughout the Middle East region.

I congratulate the staff of "60 Minutes" for bringing this explosive matter to the attention of the American public. Executive producer Don Hewitt, producer Lowell Bergman, and on-air reporter Steve Kroft have raised profound questions in this piece that demand further investigation.

Mr. Speaker, last week, after his interview on "60 Minutes" I traveled to Miami to spend a day with Mr. Soghanalian exploring in greater detail many of the issues he touched on in the TV broadcast. At a later time I will share some of these items with the Congress. At this time, I can only say to my colleagues that the outline contained in the following excerpts from the "60 Minutes" broadcast only scratches the surface of where and how the dictator Saddam Hussein acquired the deadly weapons he is now using against American and allied soldiers in the gulf war.

If our fears of a protracted ground war in Iraq are borne out—and I hope they won't be—hundreds and perhaps thousands of American soldiers will be wounded or killed by weapons our own Government helped Saddam Hussein acquire. Toward the end of this excerpted interview Mr. Soghanalian discusses the weaponry he has sold Iraq with the direct involvement and cooperation of various U.S. Government agencies.

Mr. Speaker, this matter calls out for further investigation.

Mr. Soghanalian is to be commended for his openness and his willingness to bring out into the open this most disturbing issue of the U.S. Government's rôle in arming Saddam Hussein.

Mr. Speaker, I include for the RECORD the transcript of the "60 Minutes" interview.

THE MAN WHO ARMED IRAQ

KROFT. Sarkis Soghanalian is the arms dealer who armed Iraq. During the war between Iraq and Iran, despite a worldwide embargo, Sarkis sold billions in arms to Saddam Hussein.

This Lebanese Armenian has made a career out of breaking international embargoes—supplying arms to countries and groups with whom the United States in particular—did not want to be seen with in public.

Filling that niche made him rich. And supplying Iraq made him during the 1980s the largest private arms dealer in the world.

As you would imagine, Sarkis's intimate relationship with Iraq's military gives him unique insight into their strategy. For a couple of days earlier this week, he talked with us about the arms he sold to Saddam Hussein and gave us what his assessment of what might be in store for our own troops.

SARKIS. Iraqi troops will never surrender to foreign troops. If they use Egyptians on a front line, you know, for psychological reason, maybe Iraqi soldier will say, I am surrendering to another brother, but to surrender to a foreign troop like Germans or

French or American, they don't . . . they will fight to their last bullet.

KROFT. Sarkis Soghanalian not only provided weapons to Iraq, he inspected the front lines regularly during the war with Iran, checked out captured equipment, even helped develop Iraq's military strategy. The day before the war began, Sarkis told us in his Miami office that Iraq would, in fact, put up little or no resistance to U.S. air power. But his predictions about a ground war that is almost sure to follow are not so rosy.

SARKIS. The United States is facing hard core, tough battlefield trained ground forces.

KROFT. It's not going to be like Grenada?

SARKIS. No. Grenada was a vacation. Panama was the same way. This is not Panama, this is not Grenada. And you're fighting a different kind of people.

KROFT. What do you mean . . . ?

SARKIS. Well, Iraqi soldiers can go into the desert, into sand, and sit for two, three days. They don't need no heavy arms. They don't need no distilled water, no bottled water, you know. They can get milk out of a camel and survive, but they will dig in and wait for us to come in.

KROFT. Sarkis thinks the real battle will come when allied troops try to push the Iraqis out of populated areas like Kuwait City.

SARKIS. How we gonna kick those guys out of the houses? It's gonna be like Berlin, wall to wall, and room to room . . . they will try to cause as much personal casualties as they can in order to embarrass our leaders here. That's their tactic. This is what's gonna be concentrated on. And Air Force superiority electronics-wise, maybe they jam all their equipment, that's . . . they don't care about that. But the major aim is how much casualty they can cause. . . . The [American] equipment is advanced equipment, but it is not for this war. You are not fighting in a climate like European climate, your fighting heat, rain, dust. It won't work.

KROFT. Sarkis says the equipment he sold to Iraq has been customized to withstand the heat and sand and dust of the Middle East. He says Iraq's military hardware may be more reliable.

SARKIS. Because it's not electronic . . . it's conventional weapons. Just like their tanks. They don't have air conditioning, no stabilizer, no nothing. They just, you know, the old-fashioned conventional thing. They dig a hole, they circle a couple of times, they make a hole. They sit there like a sniper and wait for the enemy to come in. And they have artillery superiority.

KROFT. You sold the Iraqis quite a bit of artillery, French artillery . . . the 155 Howitzer . . self propelled?

SARKIS. Yes.

KROFT. Why is it superior to anything the United States has?

SARKIS. We do not have the same range as this vehicle . . . this gun has. It's modified to 42 kilometers [25 miles]. What do we have in the field to match this gun?

KROFT. The Iraqis have a 20 kilometer [12 mile] advantage in terms of artillery range.

SARKIS. Yeah. They can fight from a distance.

KROFT. And Sarkis says that the French artillery pieces he sold to Iraq, over one hundred of them, are backed by thousands of specially modified Soviet long-range cannons, as well as advanced artillery purchased from South Africa by way of Austria. Sarkis used Austria as a middle man to get around U.N. sanctions against South Africa. A lot of different people had their hands in this, one way or another.

SARKIS. Oh, yeah the . . . the . . . war game.

KROFT. What do you mean the war game?

SARKIS. Well, some people lose blood, some people make money. That's why I don't want to get involved in this war. I don't want to make money on . . .

KROFT. You're already involved in this war, aren't you?

SARKIS. Well, I don't look at it that way.

KROFT. A lot of that equipment that's facing the United States right now was sold to the Iraqis by you, Sarkis.

SARKIS. Yeah, but I didn't sell it eight years ago to fight ourselves today. That was sold to fight Khomeini. And we were against Khomeini. U.S. had hostages there, and I said, I'll go ahead and take my share in it.

KROFT. So you sold the weapons to the Iraqis to fight the. . .

SARKIS. Khomeinis . . . not to fight the, you know, Americans.

KROFT. Right. Because that would be best for America . . . and best maybe for Sarkis.

SARKIS. Well, you get compensated sometimes. There's nothing wrong with that. And if Sarkis wouldn't do it, somebody else would do it.

KROFT. And other arms dealers and countries did. Brazil provided thousands of armored vehicles. China and the Soviet Union sent tanks, missiles and munitions. German companies sold Saddam poison gas technology, and France, not only approved the sale of artillery to Iraq, but [also sold] armed helicopters and antiaircraft missile systems.

This Chilean arms manufacturer [shown on screen] sold Saddam deadly cluster bombs—reportedly with technical assistance from U.S. companies, and the United States allowed American computer technology to go to Iraq as well. It allowed Sarkis to sell Hughes and Bell helicopters. The U.S. government approved the sale after Iraq promised that they would only be used for civilian purposes. Sarkis told us that the helicopters were used as transportation during Iraq's invasion of Kuwait.

SARKIS. I did it with the knowledge of U.S. authorities, policy makers—and also they have delivered weapons that are equally weapons as I did. I do not have anything on my conscience. I did not sell the weapons to kill the American boys.

KROFT. Which agencies of the U.S. government knew about Sarkis and his deals with Iraq? Well, according to Sarkis, almost all of them. And federal court documents show that Sarkis Soghanalian had a relationship with U.S. intelligence agencies for decades, and has performed work on their behalf.

Not all of Sarkis's deals with Iraq involve weapons. He arranged the sale of $280 million in uniforms to the Iraqi army. And Sarkis's partners in the deal included former Vice President Spiro Agnew, and a former Attorney General, Colonel Jack Brennan.

The partners used their influence to get ex-President Nixon to provide them with these letters of introduction [shown on screen] to heads of state around the world.

[To Sarkis] Do you think there was anything unusual about a former Vice President and a former Attorney General and a former Chief of Staff for the President of the United Stateas to want to be selling military uniforms to the Iraqis?

SARKIS. They were not only in the uniform business. They would sell their mothers if they could, just to make the money.

KROFT. Some of his partners in that deal aren't talking to him at all today. They're in court suing Sarkis over the multimillion dollar commissions they say he hasn't paid them . . . [To Sarkis] Are you a Merchant of Death? You are an arms salesman.

SARKIS. No. I am a coordinator of industries that produce arms. But I am not a salesman. I don't carry no bag. I don't carry no catalogue in my pocket to sell arms to anybody.

KROFT. Why did this international arms dealer [Sarkis]—who is currently under federal indictment in Miami—decide to talk with us? Well, Sarkis says this is one war he doesn't want any part of.

SARKIS. No, this war stinks. It's not to anybody's advantage. I don't know who's advising who. This is a dirty war for us. What are we gonna do with Kuwait? We lose so many men, and next spring the Emir of Kuwait is sitting in Monaco, in Monte Carlo, happy with European girls. I'd fight for anybody that I have faith in. . . . The man has 80 wives. Which one can he love, you know, if he's raising a family or a country? What do you owe the Emir of Kuwait? Why? For all this much sacrifice, or for prestige?

KROFT. Which do you think?

SARKIS. I think it's for ego, somebody's ego. . . .

KROFT. You don't think it's worth committing a half a million American troops to . . .

SARKIS. Hell no. . . . go to die for this garbage war, no way, not me. I obey my country. I obey my President. He's a lovely man. He's a good man. He's, ah, intelligent person, but how he's making this decision, I don't know.

KROFT. And Sarkis Soghanalian made a decision too. He says Iraq has approached him about breaking the current embargo and selling them more arms. He says he's not running their phone calls.

SARKIS. It against my principle . . . to go against U.S. policy. I'm staying away 100 percent now because I don't want to supply them with nothing. No spare parts or nothing. No vehicles, no shoes, no clothes, no nothing because they will support the enemy of today. A friend of yesterday is an enemy of today.

. . . KROFT. And tomorrow?

SARKIS. Who knows? Maybe a friend again.

KROFT [closing]. For the last three years Sarkis Soghanalian has been under a federal indictment for—among other things—conspiring to sell 300 American-built Hughes combat helicopters to Iraq.

The case has been stalled largely because U.S. intelligence agencies have been reluctant to turn over classified files that Sarkis says he needs to conduct his defense.

TRIBUTE TO MARINE L. CPL. DION JAMES STEPHENSON

(Mr. HANSEN asked and was given permission to address the House for 1 minute.)

Mr. HANSEN. Mr. Speaker, after 2 weeks of the Persian Gulf war, 11 marines became the first Americans to die in ground combat on January 30, 1991, when thousands of Iraqi troops in armored trucks and tanks made several attacks over Saudi Arabia's border. It is not surprising to me that already accounts of selfless heroism among our elite young men in the service of our country are apparent. The more I am privileged to work with all branches of the military because of my position on the Armed Services Committee, the more impressed I am with the high caliber of personnel our American service men and women are.

Although it was inevitable that the news of casualties, and the hard-hitting reality of personal loss was forthcoming, it is impossible to steel oneself against the emotional impact of personal loss. This morning I had a call from a father of one of these brave young men who was lost yesterday. A force recon Marine L. Cpl. Dion James Stephenson, 22 years old. His father, James Stephenson of Bountiful, UT, called to tell me how proud he was of his son, and that he wanted me and the President and the Joint Chiefs of Staff to know that he and his family were fully behind the United States and allied efforts in the Persian Gulf, and felt that his son's death was not in vain.

His parting comment was tell the President that we must continue in this resolve, and that Saddam must be pushed back to Baghdad, and defeated.

Our cause is just and necessary. The testimony of a family with such a tragic and personal loss confirming this is heartening. I implore everyone to back our troops and their heroism on behalf of our country until this conflict is resolved.

Mr. OWENS of Utah. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I am happy to yield to the gentleman from Utah.

Mr. OWENS of Utah. Mr. Speaker, I just want to join my colleague from Utah in expressing my deep regrets at the death of his constituent from my neighbor city. This comes, of course, as an especially disappointing occurrence to those of us from Utah.

It was a deep disappointment to learn early that 20 marines had died. Then it was reduced to 12 and then reduced to 11, gratefully going in the right direction, but driving it home now that it is someone from our State of Utah.

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Therefore, I join my colleague in expressing deep sympathy to Mr. Stephenson's family, and pray that the number of such human tragedies will be very small indeed, and the success of our efforts in the Persian Gulf be successful and rapidly completed.

SYMPATHY EXPRESSED FOR SCHROEDER FAMILY IN WISCONSIN

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, only a few minutes ago I was informed that my district also has suffered a great and tragic loss in the person of Scott Schroeder of Wauwatosa, WI. Scott was one of the 11 brave marines whose lives were lost the other evening in the fire fight in Saudi Arabia.

Mr. Schroeder will always be remembered by his friends and of course his family and those who loved him, and will be honored by, I am sure, the entire constituency of the Fifth District in Wisconsin for his bravery and heroism. Mr. Schroeder had just celebrated his 20th birthdate.

I know it is a great tragedy to all Americans that this happened. I want to extend my deepest sympathy to his family and friends. And our hearts go out to all the other families who have lost a loved one. We want to take a moment to record this tragic circumstance for the State of Wisconsin and for the Wauwatosa community.

GERMAN INDUSTRIAL LEADER SPEAKS OUT IN SUPPORT OF UNITED STATES

The SPEAKER pro tempore (Mr. OWENS). Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, there has been some discussion in recent weeks about where the German people stand regarding the coalition effort to oust Saddam Hussein from Iraq. I met recently with the chairman of the board of one of Germany's largest and most respected companies who is taking a leadership role in support of the United States and its policies in the Middle East and in Europe.

Mr. Edzard Reuter is chairman of the Daimler-Benz Group, which includes the Mercedes-Benz automobile company; Deutsche Aerospace, and aviation, space, and defense technology company; AEG, and electrotechnological and electronics company and Daimler-Benz Interservices, a financial services, insurance and marketing firm. In addition to speaking out, his group has entered into a joint effort with the German Government to provide support programs for the wives and families of U.S. service personnel in Germany who have been deployed to the Persian Gulf.

I want to share with my colleagues a statement Mr. Reuter released to the German press on January 24 in support of our country's policies.

[Press Release From Daimler-Benz AG]

DAIMLER-BENZ AG CHAIRMAN OF THE BOARD EDZARD REUTER THANKS THE USA AND THE ALLIES FOR THEIR EFFORTS TO SAFEGUARD PEACE AND FREEDOM

On Thursday, January 24, 1991, Edzard Reuter, Chairman of the Board of Daimler-Benz AG, thanked the USA for its efforts to safeguard peace and freedom. Reuter said that the citizens of a united Germany, who have had their first opportunity to elect the Senate in the united capital Berlin, should be aware that in the Gulf conflict, the USA, with the Allies and in agreement with the UN, has once again shouldered the heavy burden of fighting against dictatorship, aggression, and disregard for international law. These efforts on the part of the USA, said Reuter, were a continuation of the policies which made peace and unification in freedom possible for Germany. In the Gulf conflict, he said, the United States of America and the Allies, as representatives of all members of the community of civilized nations, were guaranteeing enforcement of the principles which are essential to the free coexistence of nations.

Reuter characterized insinuations often repeated at demonstrations in the last few days, that the USA was a warmonger and interested in political and economic dominance, as shameful and irresponsible. He said that this was a complete misrepresentation of the facts, and a reversal of cause and effect. He went on to say that frank and thorough discussions about the future role of Germany in the NATO defensive alliance were needed instead. He said that it was an imperative for prudent foreign policy and for moral integrity to consider seriously how to distribute the defense burden fairly among the several players, with substantial cooperation from the Federal Republic, in the context of the alliance. He said that a position which trusts that the USA would assume the heavy role as the "world's policeman", while exposing the USA to suspicion, critical reserve and false distance for that role, must be adamantly opposed.

Finally, Reuter said that it would be fitting for citizens in the Federal Republic to contact relatives of US soldiers living in Germany and to plan activities with them, as a sign of direct solidarity and unity.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at the request of Mr. GEPHARDT), for January 30, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. DORNAN of California, for 15 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. MOODY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FAZIO, for 5 minutes, today.

(The following Member (at the request of Mr. MOODY) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. FIELDS.

Mr. BEREUTER.

Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. LAFALCE.

Mr. DE LUGO.

LEAVE OF ABSENCE

Omitted from the Congressional Record of Wednesday, January 30, 1991]

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL) for today, on account of a death in the family.

Mr. WEISS (at the request of Mr. GEPHARDT) for today, on account of illness.

Mrs. LLOYD (at the request of Mr. GEPHARDT) for today, on account of illness.

ADJOURNMENT

Mr. MOODY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 12 minutes p.m.) under its previous order, the House adjourned until Monday, February 4, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A communication from the President of the United States, transmitting a progress report toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the period from mid-October through December 1990, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

535. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notice that effective January 13, 1991, the Department designated Somalia as a danger pay location, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

536. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act for 1990, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted January 3, 1991]

Mr. ROE: Committee on Science, Space, and Technology. Report on summary of activities of the Committee on Science, Space, and Technology, for the 101st Congress (Rept 101–1026). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Colorado:

H.R. 762. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. FORD of Tennessee (for himself, Mr. SCHEUER, Mr. MILLER of California, Mrs. COLLINS of Illinois, Mr. RANGEL, Mr. SAVAGE, Mr. MCDERMOTT, Mr. TOWNS, Mr. GORDON, Mr. WASHINGTON, Mr. JONTZ, Mr. BRYANT, Ms. LONG, Mr. CLAY, Mr. LANCASTER, Mrs. SCHROEDER, Mr. SERRANO, Mr. OWENS of New York, and Mr. WISE):

H.R. 763. A bill to establish a program to guarantee students from selected high schools a chance to go to college, and for other purposes; to the Committee on Education and Labor.

By Mr. GEKAS (for himself and Mr. MCEWEN):

H.R. 764. A bill to take the highway trust fund off-budget and to allocate among the States funds deposited into the trust fund as a result of certain increases in motor fuel taxes, and for other purposes; jointly, to the Committees on Government Operations, Public Works and Transportation, and Rules.

By Mr. GOODLING (for himself, Mr. FORD of Michigan, Mr. BATEMAN, Mr. KILDEE, Mr. FAZIO, Mr. WILLIAMS, Mrs. MORELLA, Mr. GUNDERSON, Mr. PAYNE of New Jersey, Mr. FOGLIETTA, Mr. HANSEN, Mr. GLICKMAN, Mr. BOEHLERT, and Mr. BENNETT):

H.R. 765. A bill to amend title 5, United States Code, to allow for coverage under the health benefits program of unmarried dependent children between ages 22 and 23 if they are full-time students; to the Committee on Post Office and Civil Service.

By Mr. GREEN of New York (for himself and Mr. FAZIO):

H.R. 766. A bill to amend various provisons of law to ensure that services related to abortion are made available to the same extent as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Foreign Affairs, the District of Columbia, the Judiciary, and Interior and Insular Affairs.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. STUMP, Mr. HERGER, Mr. DOOLITTLE, Mr. THOMAS of California, Mr. GALLEGLY, Mr. LEWIS of California, Mr. DORNAN of California, Mr. DANNEMEYER, Mr. MARLENEE, Mrs. VUCANOVICH, Mr. THOMAS of Wyoming, and Mr. PACKARD):

H.R. 767. A bill to give any State in which lands are more than 25 percent federally owned the right to disapprove the establishment of wilderness areas located in that State; to the Committee on Interior and Insular Affairs.

By Mr. HASTERT:

H.R. 768. A bill to amend the Internal Revenue Code of 1986 with respect to method of rounding used in adjusting tax rates and certain other amounts for inflation: to the Committee on Ways and Means.

By Mr. LANTOS:

H.R. 769. A bill to prevent and punish domestic and international terrorist acts, and for other purposes; jointly, to the Committees on the Judiciary, Foreign Affairs, Ways and Means, and Public Works and Transportation.

By Mr. MARLENEE:

H.R. 770. A bill to authorize the establishment of a memorial at Custer Battlefield National Monument to honor the Indians who fought in the Battle of the Little Bighorn, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS:

H.R. 771. A bill to abolish the franking privilege for the House of Representatives and to establish a spending allowance for postage for official mail of the House of Representatives; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. SLATTERY (for himself, Mr. KASICH, Mr. DINGELL, Mr. HORTON, Mr. LENT, Mr. HYDE, Mr. PETRI, Mr. KOSTMAYER, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. KLECZKA, Mr. SPRATT, Mr. BARTON of Texas, Mr. BRUCE, Mr. KANJORSKI, Mr. MILLER of Washington, Mr. KYL, Mr. INHOFE, Mr. UPTON, Mr. LANCASTER, Mr. MCDERMOTT, Mr. THOMAS of Wyoming, Mr. ZELIFF, Mr. DOOLEY, Mr. BARTLETT, and Mr. SMITH of Florida):

H.R. 772. A bill to repeal the authority to use $500,000 from the appropriation for rural development grants for the restoration of the birthplace of Lawrence Welk; to the Committee on Agriculture.

By Mr. STARK (for himself, Mr. MATSUI, Mrs. BOXER, Mr. BROWN of California, Mr. DELLUMS, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. LEHMAN of California, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Ms. PELOSI, Mr. ROYBAL, Mr. TORRES, and Ms. Waters):

H.R. 773. A bill to amend title XVI of the Social Security Act to make ineligible for payments under title XIX of such act States which supplement Federal supplemental security income benefits but do not pass along Federal cost-of-living adjustments in such benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VISCLOSKY:

H.R. 774. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for contributions in aid of construction where the construction is of water mains necessitated by contamination of well water; to the Committee on Ways and Means.

By Mr. MICHEL (for himself and Mr. GEPHARDT):

H.J. Res. 104. Joint resolution to designate March 26, 1991, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con Res. 58. Concurrent resolution expressing the sense of the Congress that the Soviet Union should release the prison records of Raoul Wallenberg and account for his whereabouts; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. ZIMMER and Mr. CUNNINGHAM.

H.R. 586: Mr. DURBIN.

H.R. 672: Mr. DORGAN of North Dakota.

H. Res. 14: Mr. MANTON, Mr. ZELIFF, Mr. DIXON, Mr. HERTEL, and Mr. NOWAK.

SENATE—*Thursday, January 31, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. Today's prayer will be offered by a guest chaplain, the Reverend Hampton J. Rector, office of Senator ROBERT C. BYRD, U.S. Senate.

PRAYER

The Reverend Hampton J. Rector, office of Senator ROBERT C. BYRD, U.S. Senate, Washington, DC, offered the following prayer:

Let us pray:

Holy! Holy! Holy! Lord God of hosts! Heaven and Earth are full of Thy glory!

Glory be to Thee, O Lord, most high! Thou art most high, O Lord—higher than the farthest galaxies, higher than either the reach of space vehicles or the trajectory of the most spectacular comet, and higher than the furthest grasp of our minds.

But Thou art likewise nearer to any of us than the beating of our hearts or the movement of our minds.

In Thy unmatched greatness and magnitude, challenge us to think Thy thoughts and entertain Thy visions, to seek Thy will and to heed Thy law, and to see our world and our country as Thou seest them.

And in Thy nearness, share with us Thy compassion, Thy patience, Thy forgiveness, and Thy mercy, that in all of our doings, in all of our musings, in all of our decisions, and in all of our compromises, we may serve Thee and radiate more perfectly the brilliance of Thy love in our community, and reflect more truly the omnipotent rule of Thy enternal kingdom in the choices that we make this day.

For we offer these petitions in the name of Him who bought for us the privilege of seeking Thy grace and Thy love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 31, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Journal of the proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The Senator is correct.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, today following the time reserved for the two leaders, there will be a period for morning business, not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

At 12:30 p.m., the Senate will consider Senate Joint Resolution 44, a joint resolution which would, if enacted, waive the Gramm-Rudman provisions of the Budget Act. The resolution is unamendable and will be considered under a previously agreed 2-hour time limitation, with the time to be equally divided and controlled between Senators SASSER and DOMENICI.

The Senate will vote on the joint resolution at 2:30 p.m. today.

(The remarks of Mr. MITCHELL pertaining to the introduction of S. 308 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, if any, and I reserve all of the leader time of the distinguished Republican leader.

I now yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MCCAIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 309 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the introduction of S. 314 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 313 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DANFORTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. DANFORTH. I thank the Chair.

(The remarks of Mr. DANFORTH pertaining to the introduction of S. 308 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO SENATOR RICHARD LUGAR

Mr. COHEN. Mr. President, today I have the honor of offering a few words in recognition of the ouststanding work of Indiana Senator RICHARD LUGAR. Senator LUGAR is one of the most respected Members of this distinguished body, a true public servant who has honorably represented the State of Indiana for 14 years in this Chamber. He is a thoughtful, reflective scholar, a coalition-builder, and a good friend.

In particular, his service on the Senate Foreign Relations Committee has been marked by his effective leadership, depth of knowledge, and careful analysis. Recently, the Boston Globe printed an article that explained the importance and clarity of Senator LUGAR'S voice on this committee. I am pleased to offer my thanks to Senator

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

LUGAR for his service and friendship, and I ask that a copy of the article that appeared in the Globe be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Boston Globe; Jan. 1, 1991]

BUSH'S HAWK IN THE SENATE—RICHARD LUGAR SEEN AS ADMINISTRATION'S POINT MAN ON THE MIDEAST

(By Jim Drinkard)

WASHINGTON.—Early in the Persian Gulf crisis, Sen. Richard Lugar was invited to a private dinner with the president and a few advisers in the living quarters upstairs at the White House.

For an hour and a half, they talked about Lugar's public assertion earlier in the day that Saddam Hussein must either leave power "or be removed."

President Bush "heard very well everything I had said," the Indiana Republican later recalled in an interview. When Lugar told him he planned to repeat the same ideas in a speech the next day in Indiana, Bush did not try to dissuade him, even though the thought of removing Saddam Hussein went well beyond any public administration position.

Asked whether he was pushing Bush to go further or giving voice to things the president could not say himself, Lugar paused, then smiled and said: "Maybe both."

After five months of dealing with the crisis, it is clear that some of the administration's toughest messages have been delivered through Lugar.

Lugar is sure to play a big role in the new session of Congress, which is likely to be dominated by the gulf crisis. He pressed—unsuccessfully—for an emergency congressional session to vote on a resolution endorsing Bush's gulf policy. He has aligned himself with a new group of congressional hawks formed to support a hard-line approach.

"In general, he is the point man for the administration on the Foreign Relations Committee," said Sen. Paul Simon, the Illinois Democrat, who is also a committee member. "My assumption is that whatever he says, he is also speaking for the administration or with their approval."

The crisis is giving still more prominence to Lugar. At 58, he is graying but trim, a jogger, a Senate workhorse. He was elected mayor of Indianapolis when he was 35 and he remains loyal to Bush even though it must have been painful when Bush reached over him to select his junior partner in the Senate, Dan Quayle, as his running mate in 1988.

THE NAGGING VOICE

Not that everything Lugar says on the gulf pleases Bush. Lugar has been the nagging voice asking some unpopular questions:

What does the United States do if Saddam Hussein withdraws from Kuwait but remains in power in his own country with a million-man army and nuclear ambitions?

Who starves first if the international food supply to Iraq is cut off—soldiers or children?

Why should Congress be allowed to criticize the US military buildup and snipe at the administration's policy without a formal vote on whether it is willing to use military force to remove Iraq from Kuwait?

"Somebody in the public dialog has to raise these questions," Lugar said. He denied that he is the launcher of White House trial balloons, but he added, "My thinking is a fairly careful fit with the way they see the world."

That has not always been the case. He earned his foreign policy credentials during the Reagan administration, most often by pushing the administration to do things it resisted.

A DECISIVE VOTE

Lugar was the key to a policy shift that gave up on keeping Ferdinand Marcos in power in the Philippines, and he was a decisive vote when Congress forced Reagan to accept economic sanctions against South Africa. He also has been active in other arenas from Central America to Southeast Asia.

And the only foreign aid authorization bill to be passed by Congress during the past decade came during Lugar's brief tenure as chairman of the Foreign Relations Committee in 1985-86, when the GOP controlled the Senate.

But Lugar's credibility on foreign policy comes not from his standing on the committee but his personal contacts and study around the globe.

"He reads and studies issues, visits with a number of specialists and travels a fair amount," said Sen. Nancy Kassebaum, Republican of Kansas, who added that Lugar's game plan in foreign affairs is not always clear. "He tends to keep his cards very close to his vest," she said.

POLITICAL COMPENSATION?

Some have suspected that his toughness on the gulf issue might be a form of political compensation for a preinvasion stand opposing sanctions on Iraq for using poison gas against its own citizens.

Sanctions would have hurt American farmers, an important constituency for the Indiana senator, and would have damaged administration efforts at the time to strengthen Iraq as a counterweight to Islamic fundamentalism in neighboring Iran.

But Lugar denies that he is bending over backward to make up for that stand, saying he still opposes the use of a food embargo as a foreign policy tool because it starves the innocent.

Instead, he says, he wants to help shape what Bush has called "one of the defining moments in history."

"We are really coming to a crucial point as to whether there is the potential for the world's people to unite in a crisis," he said. "That seems to be a . . . pretty sober responsibility. Things are going to happen, and the consequences are going to be very substantial. . . . I just see this as an amazing opportunity."

TRIBUTE TO WILMA HOUSEWRIGHT

Mr. SASSER. Mr. President, I rise to pay tribute to an extraordinary lady—Mrs. Wilma Housewright. It is with some sadness—and considerable regret—that I announce she is retiring today as a member of my personal staff after 20 years of Federal service.

Wilma joined my staff in Washington in 1977, 4 months after I began my Senate service. Her reputation had preceded her. Wilma had come to Washington from her hometown of Knoxville, TN, in 1970 to work for the late Congressman Joe L. Evins. Upon his retirement in 1976, Congressman Evins told me about "Miss" Wilma and strongly urged and recommended that I consider her for a position on my staff. I have never regretted asking Wilma to join me and I have indeed been fortunate to have someone of Wilma's expertise. She has proven to be one of the most dedicated and loyal members of my staff.

"Miss" Wilma was perfectly suited for working in the U.S. Senate. No days were too long: No task was too difficult. She brought to my staff in those early days a sense of completeness. I always knew that Wilma would handle any assignment thoughtfully, professionally, and most efficiently. As my colleagues know, one of our most important responsibilities is to assist constituents who experience difficulty with the Federal Government. This is Wilma's forte. When a constituent was wronged by the Government, Wilma was tireless in her efforts to make things right. None could ask for a stronger advocate who truly believes that Government service is indeed "service."

Over the years, Wilma has nurtured younger members of my staff and instilled in them a sense of loyalty and dedication to public service—and above all, responsiveness to constituent concerns. While in Washington, she not only assumed the role of director of casework, but she handled the Senate finances for my Senate office as well. With a watchful eye, she coordinated the expenditure of funds for travel, salaries, equipment, and supplies—and we all know that is no small task and must be entrusted to someone of integrity and competence.

In 1982, Wilma returned to Tennessee to take responsibility for my Knoxville office, while continuing to do the office bookwork. She rolled up her sleeves and immediately got busy answering the telephones and responding to constituent concerns. She has devoted countless hours at night and on weekends to make certain that deadlines are met and my office was run efficiently. That commitment and hard work is rare these days.

"Miss" Wilma is the epitome of the certified professional secretary. But despite this age of computers, she is much happier typing away on her electric typewriter. I have never known anyone who could type as fast; compose perfect letters; or be as persuasive with obstinate Government bureaucrats.

So, Mr. President, as Wilma retires today after many years of faithful service to the U.S. Congress, I wanted to take this opportunity to pay tribute to a truly fine lady. And I wanted to thank her publicly for those years of loyalty and dedication to me and the people of Tennessee. I will be the first to admit that Wilma Housewright is entitled to a well-deserved rest and the opportunity to spend more time with her family: her mother, Mrs. Eileen Hood; her daughter and son-in-law, Suzi and Kyle Johnson; her grandson, Bradley Johnson; and her daughter, Laura Housewright. I know she is looking forward to traveling and having more time to play bridge. But saying farewell to Wilma does not come easily. She will never be far from our minds and will always be in our hearts. My entire staff joins me in saluting Wilma Housewright. Others may follow in her footsteps, but there will only be one "Miss Wilma."

FLORIDA POPULATION GROWTH

Mr. MACK. Mr. President, I came across an article in the Miami Herald this weekend that underscores the tremendous population growth in the State of Florida. Florida has grown by an average of 892 people each and every day since the last decennial census. The article points out that this growth is the equivalent of all the people in Wyoming, South Dakota, Montana, and Maine packing up their belongings and moving to the Sunshine State. Florida has grown three times as fast as the rest of the Nation as a whole and is now the country's fourth largest State. Florida will be getting four new seats in Congress and several billion dollars more in Federal aid. Unfortunately, these dollars were needed long ago while these people were moving to the State of Florida and now the State will be using these funds just to catch up with this incredible growth.

Part of the problem is that many of the formula grant programs distribute billions of dollars in funds based on outdated population figures from the decennial census. In fiscal year 1989, 93 Federal formula programs involving funds totaling $27.5 billion used Census Bureau population data to determine program eligibility or distribute funds to State and local governments. A majority of those funds were distributed based on population figures that were almost 10 years old, and in the State of Florida's case, over 3,190,000 people behind. Clearly these funds are needed as the population expands and the State and local infrastructure incurs stress.

I will be introducing legislation in this Congress to require that the most updated population data be used in disbursing money from Federal formula grant programs. This will eliminate the spikes in funding that occur every 10 years and provide funds to areas intended by formulas based on population as the population increases.

TAKING CARE OF THEIR OWN

Mr. FOWLER. Mr. President, on Tuesday, January 29, I was fortunate to be able to visit Hunter Army Airfield, GA. Hunter is an installation which is part of the 24th Infantry Division (Mechanized), which is deployed to Southwest Asia as an important component of our forces in Operation Desert Storm.

My reason for visiting was to spend time with the spouses and families of the soldiers, noncommissioned officers and commissioned officers of the division. These spouses and families are living in the cities, towns, and areas near Hunter Army Airfield and Fort Stewart, which is the home of the 24th Infantry Division. These communities include Savannah, Richmond Hill, Hinesville, and Glenville.

I have now been associated with the U.S. Army for a period of approximately 32 years, dating back to my joining the Reserve Officers Training Corps detachment at Davidson College in 1958. During this period I have seen the Army's commitment to families continue to grow until it is now an integral part of the Army's leadership planning.

During this visit, I was very much impressed with how the Army is taking care of their own in southeast Georgia. There is no doubt that the Army leadership, from the Chief of Staff of the Army and down all the levels of his chain of command, have put a great deal of thought into planning effectively for the care of these families when the soldier is deployed.

I was also very much impressed with the amount of quality volunteer work which is being performed by soldiers' spouses. These volunteers are selflessly helping others cope with their difficulties in this trying period. Also contributing greatly to the welfare of those remaining are the local and county governments. They have literally taken Fort Stewart and its personnel into their lives, their homes, their school, and other institutions that are able to offer assistance during these difficult and tedious times.

I commend the citizens of Fort Stewart and southeast Georgia for their extraordinary service and caring dedication to the needs of these families. I am sure all of us offer them our prayerful support.

TRIBUTE TO BILL BURMEISTER OF NUCLEAR METALS, INC.

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay a brief tribute to Mr. William A. Burmeister, vice president of Nuclear Metals, Inc., who passed away on January 19, 1991. A distinguished businessman and a true patriot, Mr. Burmeister will be sorely missed by his many friends and admirers.

Mr. Burmeister received his bachelor of science degree from the University of Michigan at Ann Arbor. He attended the university on an athletic scholarship and played both varsity football and tennis. During World War II, he was a member of the U.S. Navy Air Corps and piloted search and rescue operations.

He began his career in sales and marketing with Federal Mogul's bearing division in Detroit, MI. He joined Nuclear Metals in 1969 and held various positions in sales and marketing prior to becoming vice president of marketing in 1979. Mr. Burmeister established a Washington office for the company in 1984 in Arlington, VA.

Mr. Burmeister was actively involved in Carolina Metals, a subsidiary of Nuclear Metals located in Barnwell, SC. His special interest in Carolina Metals helped to shape its corporate culture in the image of the same high ideals that it reflects today. He was a most welcome addition to the South Carolina business community.

Mr. Burmeister was a member of the American Society of Metals, American Powder Institute, American Vacuum Society, American Defense Preparedness Association, and the Association of the U.S. Army. He was an accomplished tennis player and an avid traveler.

Through his fine work at both Nuclear Metals and Carolina Metals, Mr. Burmeister made a great and lasting contribution to the State of South Carolina, the United States and our national defense. We are grateful for his good work and we mourn the loss of this truly outstanding American.

My wife Nancy joins me in extending our deepest sympathy to his lovely wife Yvonne.

TRIBUTE TO SCETV'S PROGRAMMING IN HONOR OF BLACK HISTORY MONTH

Mr. THURMOND. Mr. President, I would like to take this opportunity to bring to the attention of my distinguished colleagues the fine work of South Carolina Educational Television [SCETV] in honor of National Black History Month. Throughout the month of February, SCETV will focus on the culture and achievements of African Americans in several special programs.

In particular, SCETV will broadcast its Fourth Annual Live Black History Teleconference titled, "The Struggle Continues: Hearing and Internalizing the Message." This innovative and thought-provoking program features eight senior honor students from South Carolina high schools who question 10 nationally prominent black Americans. Dr. Marianna W. Davis of Keenan High School in Columbia, SC, who developed the teleconference, stands out among educators as a true leader and serves as a role model for young African Americans everywhere.

I would like to congratulate the eight young South Carolinians who will participate in the project: Freeman Hayden of Lancaster High School; Tomeka Hill of Greenwood High School; Michie D. Jeffries of Gaffney High School; Patrick Jones of Marion High School; Cassandra McGowan of Union High School; Leslie Simmons of Beaufort High School; Willie Sutton of

Richland Northeast High School; and Teneka Witherspoon of Manning High School. These outstanding students deserve our recognition and praise for both their academic and civic achievements. I wish them the best of luck in all future endeavors.

Mr. President, I commend Mr. Henry Cauthon, able president of South Carolina Educational Television and ETV's dedicated staff, Dr. Davis, and the students and panelists of "The Struggle Continues," on their devotion to cultural excellence in broadcasting. We are very proud of our fine educational television network, and we are especially proud to have South Carolina lead the Nation in this important manner during National Black History Month.

TRIBUTE TO MAJ. GEN. T. ESTON MARCHANT

Mr. THURMOND. I rise today to pay tribute to a highly esteemed South Carolinian, Maj. Gen. T. Eston Marchant. Based on his outstanding record of which we are all proud, my good friend General Marchant was recently selected by WIS-TV in Columbia, SC, as the 1990 "South Carolinian of the Year."

Last November, General Marchant was reelected to the post of adjutant general of South Carolina. In fact, he is the only adjutant general in the United States to be elected by the people. He has served his State and Nation with great distinction, and we are grateful to him for his many contributions.

Mr. President, I ask unanimous consent that the following biography of General Marchant from the 1990 South Carolinian of the Year Program be printed in the RECORD following these remarks.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

MAJ. GEN. T. ESTON MARCHANT

Major General T. Eston Marchant has spent a lifetime serving South Carolina as a soldier and citizen. His military service began in 1939 when he enlisted in the South Carolina Army National Guard. In 1942, he fought in World War II as a member of the U.S. Marine Corps, commanding a rifle company in the Third Division during the Guam and Iwo Jima campaigns, ultimately attaining the rank of Captain and serving as commander of Headquarter Company, Third Regiment.

After World War II, he returned to his native state to earn a law degree from the University of South Carolina. Upon graduating in 1948, he entered into private law practice and joined the South Carolina Air National Guard.

General Marchant's civilian career as a Columbia attorney and civic leader earned community respect. In 1965, he became a member of the University of South Carolina Board of Trustees and served as chairman of that board from 1970 to 1978. Under his leadership, USC experienced tremendous expansion, including the development of the USC Medical School.

Meanwhile, General Marchant was making significant contributions to the success of the South Carolina National Guard. In 1978, he was elected the state's Adjutant General, a role that made him commander of the more than 15 thousand Army and Air National Guard members. Under his direction, the South Carolina National Guard force has become the best in the nation.

General Marchant's leadership can be seen in all facets of the National Guard. In recruitment and training, he set new standards for guard forces nationwide, with the goal of making the Guard a viable partner with active forces. His success was rewarded when the South Carolina Air National Guard became the first to receive the F-16 Fighting Falcon. South Carolina's Guard demonstrated its expertise with these weapons by capturing the Overall Top Team Award at Gunsmoke 1989.

General Marchant has also led the South Carolina National Guard to become a force in the community. Each year the Guard completes more than fifty major service projects. South Carolinians have benefited from Guard contributions such as haylifts for drought-striken farmers in 1986. Following Hurricane Hugo, the Guard played a crucial part in disaster relief and statewide recovery efforts.

In 1990, as the role of the National Guard became increasingly important, General Marchant's excellence and influence as one of the Guard's finest leaders earned him national recognition. In addition to serving as President of the Adjutants General Association of the United States, in 1990, General Marchant received the Army Distinguished Service Medal, the highest peacetime award.

It is for his leadership in making South Carolina's National Guard the country's finest, his service to the community, and the national recognition his outstanding work has brought to our state that WIS Television honors Major General T. Eston Marchant as the 1990 South Carolinian of the Year.

ISRAEL'S RESTRAINT IN THE WAR

Mr. KENNEDY. Mr. President, as the attention of all Americans is focused on the war in the Persian Gulf, I urge my colleagues to reflect on the extraordinary role of Israel in defying Saddam Hussein.

Since the beginning of the conflict, Saddam Hussein has attempted to draw Israel into the conflict and transform the fighting into another Arab-Israeli war. Despite repeated attacks against its civilian population, Israel has refused to be lured into Saddam's brutal and unconscionable strategy.

In the past 2 weeks, Americans have seen the harsh conditions of the war footing under which Israelis have lived for 40 years. Many of us hoped that peace would prevail and that air raid sirens, gas masks, and the terror of bombs raining down each night on innocent men, women, and children would never be witnessed again in the Middle East. The Scud attacks by Saddam Hussein have brought home to each of us the dangers facing the people of Israel every day. Iraq has fired 26 missiles at Haifa and Tel Aviv, on 7 separate occasions. Four Israelis have been killed by Saddam's bombs, and 200 have been wounded. Others have died from the shock of the terror, and 2,000 homes have been destroyed.

Only Israel can decide how and when to defend itself. Americans have great sympathy for the suffering of the Israeli people at this time of crisis, and we are impressed by the restraint that Israel has displayed. As William Safire pointed out in his column in the New York Times on January 21:

> By using its head instead of its arms, Jerusalem is denying an enemy a strategic goal while showing the world it is on the side of the right.

Last week, the Senate unanimously passed a resolution condemning Iraq's unprovoked attacks on Israel, and declaring that the indiscriminate Scud attacks on civilian targets are a form of terrorism. We must not forget that the terror continues.

Historically, an important deterrent against Israel's enemies has been their knowledge that any attack would be greeted with immediate and massive retaliation. In this war, however, Israel has restrained so far from such action. The decision against retaliation and for restraint is no doubt difficult for a proud nation that has valiantly defended itself since its very creation. In fact, Israel is again proving its strength to the world, by demonstrating that restraint is also a form of strength.

The current war in the gulf also demonstrates something else—the enduring vitality and importance of America's relationship with Israel. The crisis has drawn us closer than ever to Israel. It proves how well the Israeli and American Governments can work together, in good faith, when the going is most difficult.

When this war is finally behind us, and we all pray for that time to come soon, I hope that the restraint displayed by Israel in these difficult days will enhance the understanding by all nations of the continuing threats Israel faces from her neighbors. Let us hope that this new understanding will become the foundation for building a true and lasting peace for Israel and for all the nations of the Middle East.

TRIBUTE TO JIM FITZHENRY

Mr. HATFIELD. Mr. President, all of us who serve the people of our respective States here in the U.S. Senate know that we are only able to provide the level of service we wish to provide to our constitutents because we are served by a dedicated group of individuals: our staffs.

Today I rise to express my appreciation to one of the members of my staff, my legislative director and legal counsel, Jim Fitzhenry, upon his departure from the Hill where he has made his professional home for the past 5 years.

I met Jim, as we often first meet many of those who become our trusted aides, when he arrived in Washington in 1978 to participate in the summer internship program in my office. At that time he had just completed his first year of legal training at my Alma Mater, Willamette University. He stood out among the many young people who have served as interns as a gifted and diligent student.

I had the opportunity to examine the quality of his legal training following his graduation from law school in 1980 when he served once again on a temporary assignment with my staff in Oregon.

In 1985, with 2 years experience in the private practice of law under his belt, Jim was a natural choice to fill an open legislative assistant position in my Washington office. He took on responsibility for the issues that have remained his strong suit: Business matters, trade, the budget, government finance, and judicial affairs.

My colleagues who have been a part of the legislative activity during the past two Congresses, as well as any informed observer of the Congress, will appreciate the important role that has been played by a legislative assistant providing staff assistance in those critical areas. Jim has been a thorough, careful, and diligent staff member dedicating, as do many members of our staffs, more hours than should be expected, to his job.

It was a special pleasure to promote Jim to the chief legislative role in my office in 1988. He has served with distinction as the director of my legislative staff and as my legal counsel for the past 2 years. I owe a great deal to Jim and his good counsel on the full range of issues on the legislative agenda. He has developed good relationships with the staff of many of my colleagues and has shouldered the burden of leadership with great professionalism.

Now the time has come to wish him success in new endeavors. Along with the many responsibilities that Members of Congress have is a unique and very satisfying opportunity: To be a part of the training of the early career of a multitude of men and women who will be leaders in our political, social, and economic future. I am happy to have had that relationship with Jim and as he takes his next career steps I have the sense of a proud father at his son's commencement. He will be sorely missed and we wish him well.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,147th day that Terry Anderson has been held captive in Lebanon. As yet another month draws to a close, I ask that you remember Terry Anderson—and all of the men still held hostage—in your prayers.

TRIBUTE TO REV. MSGR. NICHOLAS DiMARZIO

Mr. KENNEDY. Mr. President, for many years, the U.S. Catholic Conference has been both conscience and caretaker in assisting refugees and immigrants around the world. Much of the credit for this goes to the Rev. Msgr. Nicholas DiMarzio, who for the past 6 years has directed USCC's office of Migration and Refugee Assistance.

During his time with USCC, "Father Nick" has become a familiar figure in Congress, as he constantly called us to remain true to our heritage by welcoming the immigrant and providing haven for the oppressed. Whether on behalf of hopeful immigrants seeking to make a future in America or fleeing refugees in need of care and protection, Monsignor DiMarzio has had an enduring impact on our Nation's immigration laws and policies.

Whatever the issue, he always approached it with great authority and knowledge and a big heart. He reminded us of the importance to our country of keeping families together, and assuring that our immigration laws accomplish this goal. He has been relentless in his advocacy of laws and policies which assist those who have been forced to leave their home countries for whatever reason, and are now an undocumented subclass in the United States.

His presence and concern was felt not only in Washington's corridors, but in refugee camps in Thailand, among the oppressed in Cuba and Vietnam, with Salvadorans in Los Angeles, with those from the Soviet Union and Eastern Europe requiring a new home, and the many thousands who benefited from the recent Immigration Legalization Program due to his leadership in the church.

During his 6 years directing the Migration and Refugee Services office, Monsignor DiMarzio made a difference between lives of despair and lives of hope and promise for thousands and thousands of immigrants and refugees. He has ably guided our country's largest private immigrant and refugee assistance agency, and has truly been a priest for all people.

I believe it is a fitting tribute to this great man that he now returns to the Newark diocese from which he came. During his 6 years in Washington, he never lost touch with the people there, and I am certain his presence in the diocese has been sorely missed, just as we will miss him here in Congress.

He will be taking up duties as vicar for human services, continuing his commitment to those in need of the church's comfort, shelter and refuge.

We wish Monsignor well as he faces this new challenge, and have little doubt that his caring hand will continue to touch the lives of those in need.

INTERNATIONAL LAW AND THE GULF CRISIS

Mr. MOYNIHAN. Mr. President, on January 12, I voted against using force against Iraq at this time in order to give the U.N. economic embargo more time. It was working. Saddam Hussein was being punished for his act of aggression. The international community—not the United States alone—was enforcing the embargo. I was not convinced that war was unavoidable, nor yet that our stake in this conflict was so overwhelming that the kind of war being contemplated was warranted. Now we will never know.

At least we avoided what would have been a constitutional crisis of the first order. President Bush had claimed the right to take America to war without congressional authorization. Fortunately, in the end he asked for authorization, as the Constitution requires.

Now America is at war. But the question which confronts us has not changed. Namely, why are American troops in Saudi Arabia? Access to oil cannot justify a single American death. There is no shortage of oil in the world. No, in this conflict we must have the same goal as the U.N. economic embargo: Enforcing the rule of law. Prior to January 15, Saddam Hussein had twice invaded a neighbor, routinely used horrifying chemical weapons and held innocent civilians hostage.

Well before Iraq's invasion of Kuwait I began to argue that the United States had to take strong action against Saddam Hussein to convince him that his violations of law were unacceptable. At a hearing before the Foreign Relations Committee on June 15, 1990, I stated:

> I think that the Geneva Protocol on poison gas was probably the most solemn undertaking the world has ever made. It was violated. It finally happened. What have we done?

Just 8 days before the invasion of Kuwait I warned:

> Iraq has in the recent past flagrantly violated one of the most solemn of international covenants—the prohibition on the use of poison gases in time of war. What was the response of the United States? Did we impose any sanctions for this violation of international law? We did not. Today Kuwait and the United States worry that Iraq will not respect Kuwait's borders. But having failed to suffer any penalty for violating one important norm of international law, why should Iraq expect to be punished for violating its Charter obligations?

Two days later I cosponsored the Iraq International Law Compliance Act imposing sanctions on Iraq which was adopted by the Senate despite strong opposition from the State Department.

On the day of the invasion, I made the following plea:

> We are in the midst of the first military crisis of the post-Cold War era. Might we now return to the idea that law is at issue here? In the coming days many will denounce Saddam Hussein for his "immoral" behavior. Immoral it is, but more importantly he has committed a crime. Should we

be surprised? Saddam Hussein has violated other solemn international obligations with impunity. His repeated use of chemical weapons, a flagrant violation of the Geneva Protocol Against the Use of Poisonous and Asphyxiating Gases, went unpunished. Our sense that law is and ought to be an integral part of our diplomacy has simply disappeared. The Administration resisted imposing sanctions on Iraq. Why should Hussein think that we are serious about international law? Why should we be surprised when he threatens to use chemical weapons against Israel?

On August 17, 1990, I offered the following thought:

> Today Saddam Hussein stands on the edge of the abyss. In his war with Iran he cast aside the established laws of warfare. The Iraqi Air Force carried out indiscriminate bombing in heavily populated civilian areas. He used chemical weapons routinely. Now he has begun to show his contempt for the laws protecting civilians who find themselves in occupied territory or in the midst of an armed conflict. Let Saddam Hussein pause and consider well. Should he choose to show his contempt for the laws protecting civilians he will surely reap the whirlwind to follow. The law of nations and the charter provide the means to respond.

A little while later I went to the gulf in my capacity as chairman of the Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. Upon my return, I invoked another international convention. I returned on August 26, and the next morning, on "Good Morning America," I returned to this subject:

> You know, there are more things involved here than just the (United Nations) Charter. If he touches on (of the hostages) he is liable under the Geneva Convention of 1949, which put into international treaty—and Iraq is a party—the Nuremberg Tribunal decisions. That means he hangs and his commanders hang.

On October 29, the U.N. Security Council adopted Resolution 674 which demanded that Iraq immediately halt its violations of the Geneva Convention.

On January 12, the Senate debated the resolution authorizing President Bush to use force in the gulf. I made the following points:

> Why is it that we seemingly cannot give economic sanctions a chance? At least a dozen times since this crisis began I have said on the floor of the Senate or in the Committee on Foreign Relations that economic sanctions are not a "kinder, gentler" form of diplomacy. They can be brutal. And as I said Thursday, Iraq will leave Kuwait. One way or another.
>
> Nor am I opposed to the use of force. The Charter of the United Nations explicitly provides for the use of U.N. forces to defeat aggression. I have come to this floor time and again to plead the case for international law, and in doing so have time and again rejected the notion that law, to use the phrase of John Norton Moore, is a system of negative restraint, a system that tells us what we cannot do whilst others are free to do as they please.
>
> Iraq should be under no illusions. If, after a sufficient period, economic sanctions fail, or if it attacks U.S. troops or our allies in the region, we will dstroy the Iraqi forces. We have the will and the capacity to do so. In particular, Saddam's blustering threat that he will attack Israel if war begins only hardens our resolve to see that he gains nothing from this aggression. For 42 years Israel has been a friend of the United States. For 42 years Israel has been a model of democracy, civil liberties, and religious tolerance in a turbulent and violent region. While Saddam Hussein's opponents were being imprisoned, tortured and executed, Arab citizens of the State of Israel were sitting as members of the Knesset. We must utterly repudiate Saddam Hussein's attempts to link his illegal acts to the effort to resolve the conflict with the Palestinians. And let none doubt that we will come to Israel's aid if it is attacked.

Now Saddam Hussein has added to his list of crimes. He has again violated international law by launching Scud missile terror attacks against civilian targets in Israel. He has violated the Third Geneva Convention by using American POW's as human shields and parading them before the cameras. I believe that Saddam Hussein must be held accountable for these acts or we will forever forfeit the credibility of these essential humanitarian rules.

THE GENEVA CONVENTIONS

Mr. MOYNIHAN. Mr. President, the four Geneva Conventions adopted in 1949 were primarily concerned with protecting particular classes of persons: "the wounded and sick * * * in the field," first convention; "the wounded, sick, and shipwrecked * * * at sea," second Convention; prisoners of war, third Convention; and civilians, fourth Convention. The various conventions drafted at The Hague are primarily concerned with regulating particular types of weapons or conduct. For that reason, it is sometimes said that victims are protected by "the law of Geneva" and combat is regulated by "the law of The Hague."

THE THIRD GENEVA CONVENTION

The Convention is unequivocal on the subject of using POW's as "human shields":

> No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations. (article 23)

POW's are, of course, protected against physical abuse and torture, but they are, in addition to be "at all times humanely treated" and "protected * * * against acts of violence or intimidation and against insults and public curiosity," article 13.

The Geneva Conventions are so widely accepted that their contents have now been virtually accepted as customary international law. For instance, at this time there are 165 state parties to the fourth Convention; in other words, more states adhere to the Convention than are members of the United Nations.

THE NUREMBERG PRINCIPLE

The Geneva Conventions contain the principle of individual responsibility that was established at Nuremberg. In this context, Nuremberg is, of course, a short hand reference for all of the post-World War II war crimes trials which included, in addition to the trial of 22 major war criminals at Nuremberg conducted by the International Military Tribunal, trials in Tokyo, "the Far East trials," and elsewhere. The international panels which presided over these trials repeatedly rejected the defense of respondeat superior in cases where an officer knew or should have known that the orders he had received were illegal. As the United States Army field manual "The Law of Land Warfare" explains:

Section 509. Defense of superior orders:

> a. The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character of a war crime, nor does it constitute a defense in the trial of an accused individual, unless he did not know and could not reasonably have been expected to know that the act ordered was unlawful. In all cases where the order is held not to constitute a defense to an allegation of war crime, the fact that the individual was acting pursuant to orders may be considered in mitigation of punishment.

ENFORCEMENT OF THE GENEVA CONVENTIONS

The Geneva Conventions mandate the suppression and punishment of "grave breaches" of the Convention. According to the Army Field Manual on the Law of Land Warfare, "The punishment imposed for a violation of the law of war must be proportionate to the gravity of the offense. The death penalty may be imposed for grave breaches of the law."

Under both the third Convention, article 129, and the fourth Convention, article 146, high contracting parties:

> shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, * * * grave breaches, and shall bring such persons, regardless of their nationality, before its own courts.

Alternatively, a party may hand a war criminal over to another concerned state. All accused war criminals have the rights of prisoners of war and a right to a full and fair trial.

Several objections have been raised recently to the idea that the international coalition facing Iraq should prosecute war criminals after the conflict. Some of the arguments are virtually tautological. For instance critics call war crimes trials "victor's justice." The pejorative nature of this term disguises the circular nature of the argument: If you lose you do not get to hold such trials, therefore, when you try war criminals you are simply engaging in victor's justice.

In yesterday's Wall Street Journal, L. Gordon Crovitz argues that "the

Nuremberg trials passed lightly over U.S. constitutional protections such as prohibitions on ex post facto laws. * * *" Hardly. The question of whether the charges against the Nuremberg defendants were already established international law of which the defendants had due notice was a major issue of the Nuremberg trials and a central aspect of the defendants' case. They lost. More importantly, this argument is now surely archaic: in the aftermath of the Nuremberg trials and given the universal acceptance of the Geneva Conventions, no one can credibly claim that Iraqi commanders have not been given notice of the prohibitions against committing war crimes.

As to how the trials would be conducted, the international community has agreed that flexibility is desirable in bringing war criminals to justice, provided that all defendants "benefit by safeguards of proper trial and defense." These safeguards are spelled out in considerable detail. As I have noted, parties to the Geneva Conventions also have first, the right to adopt legislation creating penal sanctions for persons committing grave breaches of the Conventions, and second, a duty to "search for persons alleged to have committeed * * * such grave breaches, and [to] bring such persons, regardless of their nationality, before its own courts."

The Conventions also allow a party—"if it prefers"—to hand war criminals over to another party for trial. This may well be the most desirable course of action in this instance. Security Council Resolution 674 has already addressed the question of violations of the Fourth Geneva Convention. I would suggest that the United States take up the question of violations of the Third Convention in the Security Council. Time and again during the last 6 months the Security Council has confounded its critics by acting with impressive solidarity to vindicate the interest of the world community in the rule of law. All states have an interest in securing the full adherence of states to the Geneva Conventions. Here again, the Security Council is available to demonstrate that the forces opposing Iraq in the Persian Gulf are enforcing the will of the international community, and not simply securing U.S. access to oil.

LEWIS A. SHATTUCK: A NEW ENGLAND LANDMARK

Mr. PELL. Mr. President, this evening in Boston a testimonial dinner will be held to mark the retirement of Lewis A. Shattuck from his position as the president of the Smaller Business Association of New England, better known to many simply as SBANE. For those of us who can only be there in spirit, the occasion is no less an important rite of passage and a time for recognition of outstanding service.

For 25 years, Lew Shattuck's name has been synonymous with the promotion and advancement of small business interests in New England. I have known and admired Lew over those years, and have been a constant supporter of his legislative programs. I salute him on his retirement and wish him well.

When Lew took over SBANE in the 1960's, it was a modest organization of 300 members and a staff of 2. Under his stewardship, the membership grew to nearly 2,000 and the staff grew to 12. But the true measure of his accomplishments is the extraordinary bond of good will, mutual respect, and cooperation he built between the small business community and public policy makers at all levels but most especially with Congress.

The principal vehicle for forging this bond was an annual event which became known as the Washington Presentation, a grassroots opportunity for small business executives to meet with members of Congress and make known their special concerns and needs. These annual springtime pilgrimages provide an opportunity for a dialog which is as useful for us in Congress as it is for our small business constituents.

I might note that the dialog is especially meaningful for my State since over 90 percent of Rhode Island's 26,307 business establishments are classified as small businesses.

The Washington Presentation became such a success, and SBANE gained such prominence as a regional lobbying organization, that both have gone national. Under Lew Shattuck's guidance and leadership, the Washington Presentation is now a national event giving voice to small businesses from across the country. It is now sponsored by National Small Business United [NSBU], an organization which Lew helped to establish in 1986 and which he now serves as secretary.

Lew's legislative accomplishments are too numerous to list here but it should be noted that he was instrumental in securing passage of legislation to increase the availability of capital for small businesses as well as legislation to establish the Small Business Innovation Research Program. He laid the groundwork for the White House Conference on Small Business and he continues to be an active participant on the National Advisory Council of the Small Business Administration.

I know I speak for Lew's host of friends and admirers in Rhode Island when I extend to him a warm expression of appreciation for all he has done for them and for our State over the years as an officer of SBANE. We hope we will continue to benefit from his wisdom and guidance for many years to come.

IRAQ MUST COMPLY WITH GENEVA CONVENTIONS, GIVE ICRC ACCESS TO POW'S

Mr. PELL. Mr. President, it is disturbing that the Government of Iraq has failed to permit the International Committee of the Red Cross, known as the ICRC, to visit American and other captured personnel who are prisoners of war in their country.

The ICRC has a delegation in Baghdad that assisted Iraq arranging the exchange of POW's with Iran in the aftermath of the Iran-Iraq War. ICRC is now sending a convoy of medical supplies and equipment to the Iraqi Red Crescent and to the Ministry of Health of that country.

All these actions have been consistent with the Geneva Conventions of 1949, the almost universally acknowledged basic standards for the care of prisoners of war and other victims of armed conflict. The third Geneva Convention relates entirely to the treatment of prisoners of war.

The Convention provides that initial notification of the capture of POW's must be provided as soon as possible and no later than a week after capture. Information bureaus are to be established by each party to a conflict for the purpose of exchanging such information.

The most effective way for participants in a conflict to comply with their Geneva Convention obligations is to involve the ICRC in the process from the start. ICRC visits to prisoners provide a way to send basic information and letters to anxious relatives. The ICRC can provide needed medical and other supplies if needed. And the ICRC can assure that the conditions of detention comply with the standards of the convention.

I am glad that the treatment accorded to POW's captured by American and allied forces has complied with these standards. The ICRC has been enabled to visit POW's shortly after their capture and to conduct interviews with them under conditions of privacy, without witnesses. The plan to transfer POW's to Saudi Arabia for safe detention is envisaged by article 12 of the third Geneva Convention.

War is always an ugly business. The Geneva Conventions grew out of the experience of war in the 19th century when the wounded and those captured were often left to die and terribly maltreated. The evolution of the conventions over a period of more than 125 years represents steady progress in the direction of greater protection for the victims of armed conflicts. The conventions have been ratified by more than 160 governments.

Iraqi officials have been quoted as saying that they plan to treat the prisoners in their power in accordance with Islamic law. This itself is a welcome recognition that basic humanitarian standards should apply to these personnel, among whom there may now be one or more women as well as men.

Iraq could do itself a great deal of good by applying the standards of the Geneva Conventions as well. The Iraqi Government is a party to the conventions, and over the years there have been a number of scholarly analyses demonstrating that the conventions are fundamentally consistent with the humane standards of other legal and moral precepts. Their basic principles embody qualities of mercy and the recognition that once a person is "hors de combat," that is out of the battle, no purpose is served by treating him or her inhumanely.

This resolution follows on the expression of our concern established by House Concurrent Resolution 48 adopted in the Congress last week. We cannot too often restate our support for the International Committee of the Red Cross and for the necessity that all parties to the conflict in the Persian Gulf enable the ICRC to carry out its humanitarian mission as set forth in the Geneva Conventions.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MOYNIHAN. Mr. President, if it does not too much interrupt the procedures that were planned for the next 2½ hours, I would like to speak a moment to the general subject that we are addressing which is the problem of the deficit and of the various ways in which the Congress has attempted to deal with it. And the fact that the specific measure is not before us is perhaps not an adventitious one because I would like to make preliminary remarks.

The ACTING PRESIDENT pro tempore. Would the Senator suspend so we could lay down the resolution?

Mr. MOYNIHAN. I am happy to do so. Mr. President, do I lose my right to the floor if I agree to that?

The ACTING PRESIDENT pro tempore. The regular order is to lay down the resolution. The Senator has no right to the floor at this time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SUSPENSION OF CERTAIN PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of Senate Joint Resolution 44. The time for debate between now and 2:30 will be evenly divided and controlled by Senators SASSER and DOMENICI. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 44) suspending certain provisions of law pursuant to Section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act.

The Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SASSER. Mr. President, I yield myself such time as I may require, and then at the appropriate time, following the statement of the Senator from New Mexico, I will be pleased to yield time to the Senator from New York.

Mr. President, the issue before the body today is, simply stated, whether to suspend the provisions of the Gramm-Rudman-Hollings law. In essence, what we are doing today is dealing with a circuit-breaker concept.

As the body knows, a circuit breaker is a mechanical device that automatically interrupts the flow of electric current under an infrequent abnormal condition. The circuit breaker turns off the power to a circuit, or path of electrical energy, whenever too much current surges through the system for it to operate safely. Circuit breakers, as we all know, provide important protection for the home and for the office. Without a circuit breaker, a short circuit could cause extremely high temperatures in the wiring and that could set a house on fire.

The drafters of the Gramm-Rudman-Hollings law prudently built two circuit breakers into that system. One of these circuit breakers is tripped by a congressional declaration of war. As much as the events of the Middle East weigh heavily on all of our minds here today and indeed on the minds of our countrymen all across this land, we are not here today to address the issue of a declaration of war.

The second circuit breaker in the Gramm-Rudman-Hollings statute is tripped by a forecast of an economic recession or, in the alternative, actual results showing low economic growth for two successive quarters. Specifically, this circuit breaker device is triggered if either the Office of Management and Budget or the Congressional Budget Office projects that real economic growth will be negative for two consecutive quarters during the year-and-a-half starting with the quarter just ended. Both the Office of Management and Budget and the Congressional Budget Office issued a projection of negative economic growth for the first quarter of 1991 on January 23. This follows also, of course, reports of actual failure to grow economically in the fourth quarter of 1990. So there are two back-to-back quarters of negative economic growth, one actual and one projected, by both the Congressional Budget Office and the Office of Management and Budget.

I might note, Mr. President, that this circuit breaker can also be triggered by the Department of Commerce which can report that actual real economic growth for the last two quarters came in at less than 1 percent. So there is a distinction. Projected growth has to be negative, but actual growth, as certified by the Department of Commerce, may also trip the circuit if it is less than 1-percent real growth.

Tripping the Gramm-Rudman-Hollings recession circuit breaker forces the majority leader to introduce a joint resolution, a joint resolution stating that the Gramm-Rudman-Holings law shall be suspended. The Budget Committee must report on this joint resolution within 5 session days or be discharged. The Budget Committee of the Senate complied with this requirement last Thursday on January 24. By a vote of 21 to 0 the committee reported unfavorably the resolution to suspend the Gramm-Rudman-Hollings law for fiscal years 1991 and 1992.

Following the action of the Senate Budget Committee, the Senate as a whole must vote on this resolution within 5 session days. If the Senate has not voted on it by midnight of the fifth day, then, under a 1986 precedent, the Presiding Officer must automatically put the question before the body at that time.

The substance of the joint resolution is simple and it is prescribed by statute. If Congress adopts the joint resolution and the President signs it—or if Congress enacts the joint resolution over the President's veto—then it will suspend Gramm-Rudman-Hollings system of reports and orders for fiscal years 1991 and 1992. It would also suspend points of order on spending bills for the same period. All Gramm-Rudman-Hollings procedures would then come back automatically in fiscal year 1993.

When a circuit breaker shuts off power in our home, it can mean one of two things;

One of these conditions is normal; one is not. The first condition may mean we have turned on too many appliances at the same time on the same circuit, that we have connected too many devices to a circuit. Or it may mean that we have a short circuit, which can be very dangerous.

If we just turned on too many appliances at the same time, we go downstairs to the panel of switches and turn the circuit breaker back on. If we have a short circuit, however, we have to call an electrician to troubleshoot and perhaps rework the system.

With the Gramm-Rudman-Hollings recession circuit breaker, the Senate must examine the economic system and vote. If the economic system is basically sound, we should vote to leave the Gramm-Rudman-Hollings structure in place. But, if instead we find the economic system to be in great peril at the moment, then we should vote to suspend the Gramm-Rudman-Hollings rules and take dramatic action to stimulate the economy.

We do not have to rework the system every time the circuit breaker tips. It is merely a device that operates automatically to force us, then, to exercise judgment. And that is precisely what the Senate is being called upon to do this afternoon; to exercise a judgment on the economy.

Is the economy indeed in such dire straits, is it in such great peril, is it in such danger, clear to all, that we today should vote to suspend the strictures of the Gramm-Rudman-Hollings law?

Although I reach my decision with some mixed feelings, it is my judgment at this time the circumstances do not call for a suspension of Gramm-Rudman-Hollings.

Why do I hold this view? I hold this view for five reasons. First, 3 months ago we struck a policy with the administration which I think is a sound one. We committed this Government to a sizable long-term path of deficit reduction. Indeed, if this package holds together and we stay the course, we will have enacted and effectuated the largest deficit reduction package in the history of the country. In doing that we freed the Federal Reserve to loosen its constraints on the monetary policy.

I remind my colleagues that the chairman of the Federal Reserve, Dr. Alan Greenspan, indicated in testimony before committees of the Congress that if we could enter into an agreement that would effectively reduce the deficit by $40 billion, then and only then did he feel he would be in a posture to lower interest rates. We did and he did.

It is our policy that we enacted 3 months ago that makes the interest rates coming down possible. Given the constraints that we operate under at this time, the lowering of interest rates may be the one best way to combat the recession.

I think I ought to note this policy would have been a much better one had we agreed upon it earlier. The President, the administration and the Congress should have taken the courageous step that we took finally almost 3 months ago much earlier.

Had the President agreed to address the deficit in a more vigorous way when the economy was stronger, as many urged leading figures in his administration to do in January and February and March 1989, then maybe this recession would not have occurred.

Had the President agreed to address the deficit more vigorously in the first year of his term, which I think was a critical turning point, then maybe we would not have before us the necessity of making this decision today. Because the Federal Reserve could have lowered those rates earlier, we could have enlarged the money supply earlier, and the economy might not be in recession today.

My second reason for opposing suspension is the new budget agreement law we passed provides explicitly for emergency legislation that will not count against the caps on spending and will not bring on automatic across-the-board cuts called, commonly, sequester.

I believe that the necessary anti-recession legislation that we can anticipate in the short run can be accommodated within the rubric of emergency legislation within the meaning of the new law that we passed last year.

Third, we are debating here today whether to suspend a policy we put in place a mere 3 months ago. Sticking to our recent decisions, I think, will be evidence to the country and to the markets that we are going to stay the course. Reversing our deficit reduction policy merely 3 months into that policy will heighten, I think, the sense that the Congress will not do its share to manage the Nation's fiscal policy. None of our colleagues, I am confident, want to leave that impression nor encourage it.

Fourth, my conclusion flows from the improvement that was built into the Gramm-Rudman-Hollings systems when we revised it 3 months ago. In the Budget Enforcement Act of 1990, we changed the Gramm-Rudman-Hollings law to eliminate the dangerous and counterproductive requirement that we do more deficit reduction in declining economic times. Economists call that a procyclical effect. What it meant was in declining economic times, as the deficit increased, then the Congress was called upon to cut spending even more to reduce the deficit even more, and this had the effect of building up the recessionary forces in a geometric way.

For laymen, we could describe it I think best by saying calling for more deficit reduction in poor economic times would be similar to pouring 5 gallons of water into a rowboat that was in danger of sinking.

The provision is no longer in the system. The new law requires, at least through fiscal year 1993, that the President must adjust the deficit targets for both economic and technical changes. The law defines these changes quite precisely. The President has no discretion.

So, in sum, the unhealthy economic consequences of sticking with Gramm-Rudman-Hollings are no longer there.

Fifth, and finally, our decision here today is not final. I want to emphasize that for the benefit of my colleagues who may be watching this in their offices on television. Our decision today is not final.

This circuit breaker to suspend Gramm-Rudman-Hollings is probably going to trip several times this year. I think we can predict with some confidence we will have an opportunity to reassess the whole situation, the economic situation, as early as April. That is when the Commerce Department will issue its first report on the actual performance of the economy for the first quarter of this year. And if at that time the Commerce Department says the economy has failed to grow by at least 1 percent, then this resolution will be right back before us.

If either OMB or CBO issues a report expanding its recession forecast by another quarter, in that instance the Senate will have an opportunity to reassess its position, and that could come even sooner than April.

To the extent the recession continues, the law will require the Senate periodically to revisit this whole issue.

So I would say that by voting down this joint resolution today, the Senate does not foreclose the option of suspending Gramm-Rudman-Hollings within just a few months.

Indeed, if the economic downturn proves deeper or longer than is now projected, then I will serve notice on my colleagues now that this Senator will be the first to stand at the forefront of those calling for suspension of the budget rules to allow for appropriate antirecession legislation.

Mr. President, I firmly believe that if this economy worsens, then the Senate will have the opportunity to look at this process and to consider reaching a different conclusion on that day. A number of factors, I might say, lead me to have some deep concerns about the economy.

I must admit that I view with some skepticism the frequent predictions that I read and hear of short wars and short, mild recessions. I was interested to read the interview of the distinguished Chairman of the Federal Reserve Board, Dr. Alan Greenspan, in today's New York Times in which Dr. Greenspan indicated that if this war goes on for 3 months or longer, then we may, indeed, see this recession worsen and deepen significantly.

I say to my colleagues that because of the unwise fiscal policies that have been pursued during the decade of the 1980's, we find ourselves today with almost an empty toolbox with regard to dealing with the problems of recession. Because of the enormous deficits, we are hemmed in in trying to move expeditiously with countercyclical measures and countercyclical legislation. We find ourselves at this juncture relying primarily on the ability of the Federal Reserve to lower interest rates and also relying on good fortune to get us through this very, very tenuous time.

So, Mr. President, I will vote no today. I will vote no because we have not yet reached the point where we know that we need to suspend Gramm-Rudman-Hollings. I urge my colleagues to vote today to uphold the deficit reduction package that we agreed to after long debate—long debate—last year. We do not want to reopen that old can of worms here in the short term.

So, Mr. President, I will now defer to the distinguished ranking member of the committee, the distinguished Senator from New Mexico [Mr. DOMENICI], for any remarks he might wish to make.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know of at least two Senators, I say to my friend, the chairman, who seek recognition for about 15 minutes. I assume that before we are finished, there will be a few more. But I think we are going to have plenty of time.

I do want to say to my friend from New York, Senator MOYNIHAN, who was seeking recognition a while ago, that I was here waiting and because I wanted to accommodate the chairman, I let him proceed first. It is for that reason that I thought we should bring up the resolution. Obviously, it will be up to the two managers who have time on this resolution to yield time to Senators who want to speak, be it the Senator from New York or others.

Mr. President, I yield myself 15 minutes and ask that I be advised when I have used 15 minutes.

Mr. President, I join Senator SASSER in asking the Senators who are going to vote this afternoon to vote no on this resolution. I would like to explain to them why I think any other vote ought to be cast with real trepidation. Those who would vote aye ought to have some idea of what they would like to do that is significantly different from the tax and fiscal policy in 1992 as prescribed in the budget agreement.

What would they do different from the budget agreement? I assume they would be motivated by trying to ameliorate or make better the most important commodity we have, to wit, a vibrant American economy. We are trying to work our way out of a recession, and we have currently before the U.S. Congress for the first time in history some real binding processes on our fiscal policy.

Frankly, we are alluding to this resolution that is before us as a resolution that would waive the Gramm-Rudman-Hollings procedural restrictions. But that really is a misnomer. It is much more than that. When we first put in what the chairman has described as a circuit breaker, it came about because certain economists were worried that the automatic nature of the then Gramm-Rudman-Hollings deficit reduction, the sequester mechanism, might not be a good policy if the economy was in the middle of a recession.

So we came along and said, OK, that sounds right if, in fact, there is a projection of two successive quarters of negative real growth. If that happens, we will detrigger—maybe that is what I would call it; the chairman says circuit breaker, I would say detrigger—and turn everything loose. Turn it loose to whom? To Congress and the President to do whatever they want. That is what we would be doing if we vote for this resolution.

If we pass this resolution, we would say the recession is such that we want to detrigger all of the commitments made in the budget summit for the next 5 years. But, in particular, for the next 2 years, we want to get rid of all enforcement. Then we can say, Congress, do what you think best; you and the President collectively. You spend more money than is provided; you put more taxes on than are provided; you cut more taxes than are provided; you build new entitlements in because you find somebody who needs some, and there would be no limitations on your actions.

Mr. President, this Senator has been here through one major recession and one minor one. We used to always immediately, upon knowing that we were in a recession, see who could be first to cure it fastest. I am here to tell my colleagues that I have every reason to believe we did not have much of an impact on curing the recessions. I think we enacted legislation that we called jobs bills. We put in bills that we called public works to stimulate employment, and I believe a pretty good economic history of that would reveal quickly that more times than not we did no good; that by the time they became law, the recession was over, or we did them in the wrong area so that we actually affected inflation instead of employment.

It is all very interesting. There are no significant antirecession packages around that I am aware of based on dramatically increasing spending. I looked, and I did not find any. Maybe it is because the deficit is pretty big, but maybe it is because we have reached a point in time that even the fertile imaginations of those who think they know how to spend money on programs to fix a recession have come to a screeching halt.

So, Mr. President, it is not just simply the antisequester detriggering device that we would be waiving, as the chairman indicated.

We have already provided that the Gramm-Rudman-Hollings old sequester mechanism that I described briefly today is really not at issue, because we effectively adjust the targets here based on economic change. So this recession changes the targets itself, automatically.

So what do we do if we pass this resolution? The caps on defense spending for the next 2 years, but in particular 1992, that are mandatory and to be carried out, are out the window. The caps on domestic discretionary spending are gone. The caps on foreign assistance spending are gone. The very innovative and I think fiscally sound policy in the new summit for the next 5 years, the summit agreement as adopted into law, called pay as you go for direct spending and for entitlements, would go.

(Mr. DODD assumed the chair.)

Mr. DOMENICI. The pay-as-you-go sequester is gone. Points of order that are very effective in keeping us on our targets are waived. Points of order against legislation that would violate even the aggregate budget will be waived. The new requirement that we have 5-year budgets, and that any changes under reconciliation will be put in new laws, to be measured in its 5-year impact against these targets, would be waived.

All of these together, and many of them singularly, in this Senator's opinion—and I have been working on this kind of thing for a long time—rank among the most important mechanisms we have ever adopted to have some semblance of fiscal control that is understandable, achievable, and enforceable. Why in the world would we today say "throw it all out?"

We just received a new piece of data, as I understand it, on the state of the economy. There are some who say this economic downturn is going to be a very long-term one and a very deep one. The majority of economists say the recession will be shallow and short. I do not know who is right. I am glad they are all beginning to admit that economics is not a science. And those who do these economic assumptions and modeling do not claim it is a science.

But we did get an economic indicator yesterday that, based on past history, would have this contentious issue come down on the side of that group which says the recession is probably short rather than long, not so deep rather than extremely deep. We already saw a turn upward in the index of leading indicators. But be that as it may—and it may be right and it may be wrong—I think that on my side of the aisle, speaking to Republicans, over the years I have heard more Senators ask, if the fiscal policy and the budget process could have more teeth in it, could we not predict with certainty how much we are going to spend and say we really did not spend any more when the year ended?

I have heard some ask why do we adopt new entitlements and do not pay for them; in the third and fourth year, they go wild in cost, there is no money for them, and it adds to the deficit.

All of those were good questions.

The Senator from New Mexico would say to them, I am just carrying out the law you gave me, and it does not have any of those things in it.

But, Mr. President, each of those questions I described—right off the top of my head—are all addressed in the law now, and if as a matter of fact you adopt this resolution, you have waived them because you think there should be no cap on defense spending, there should be no cap on discretionary spending, there should be no cap on foreign assistance, and you do not have to pay for new programs as you go. It used to be that if you saved money on defense, you could spend it on domestic. You cannot do that now for the next 2 years. That is the way this law is written. You can not do that. If you save money on defense, it goes to deficit reduction. Throw that out, too if this resolution is passed.

I could continue. Anybody who wonders whether I feel a bit compelled on this issue, I do. But I do not want anyone to think that this budget process has been so adjusted and modified that it is going to provide for us a sterling fiscal policy for the next 4 years, and the most adequate tax policy the minds of man could come up with. It is not going to do either of those. But it is substantially better than anything we had before.

Domestic spending on both entitlements and discretionary, appropriated accounts, will be tight. There will be no new entitlements without paying for them. On the discretionary side, spending will go up even less than the rate of inflation. It will do that for a number of years.

But I submit that we all really believe the best way to help the American economy recover is probably through reduced interest rates and stabilizing the banking system, so that we get some money in circulation at lower rates and, second, probably on the tax side, if people can fashion a tax policy that will stimulate and be permanent in terms of its positive impact. Very few really believe they are smart enough to know what programs we ought to spend more money on to fix this recession.

That is the way I see it.

Mr. President, I also believe that sooner, rather than later, the American people are going to understand that a very new issue is raised by this economic budget summit agreement as adopted into law which would be waived and thrown away if we adopt this resolution.

I think there is a real chance for the first time since I have been here—almost two decades—we will really debate the priority of programs. There is a real chance that for the first time we will decide whether some programs have worn out their usefulness and should be supplanted by a new program for a new day. The domestic cap will force everyone who thinks we should spend money differently in education, to think about what you will get rid of, alter, or change, because we are all agreed to the total number. There is no bidding war left. It is the same total for Democrats and Republicans, but now how will you spend it?

Frankly, I think the country needs such a debate. It will never get that debate if you adopt a resolution and get rid of these caps, because then we will be back in the war of bidding for programs.

That is going to be a good debate. It may be called prioritizing. It may have something to do with some of the President's words about no program being immortal; it is time to give them all a mortality, a life cycle. If you want new ones in research, what are you going to get rid of? If you want more in education, what are you going to change elsewhere?

I think we should have that debate for a couple of years around here. The budget resolution might let us do it. Appropriations will certainly let us do it. We will not get that chance if we adopt this resolution today.

There are many other reasons but I will summarize again. The expenditure levels on entitlements and discretionary appropriations are in this Senator's opinion not so restrictive that they make the recession worse. No one around has offered any major program with any commitment that will help us get out of this recession.

So I think we ought to leave it right where it is, stick to the target, stick to the basic blueprint, and see what the next 3 or 4 months yields.

My honest recommendation to Senators on both sides of the aisle is that this game plan is probably as good as we are going to come up with in this body, Senate and House, arguing with a President and vice-versa. So leave it where it is. We will probably come out better for our people than any other way.

Why do I get concerned? I close by telling you that when you have a recession everybody understands how important it is that we have a growing economy. When you have a growing economy they do not understand how important a growing economy is because all of a sudden when you have a recession it is the worst thing around—no growth, losing jobs, no profit for American companies, loss of treasury, money for the treasury of your country. All of those come when you have a recession.

It seems so obvious to me that when you have the opposite sustained growth, all of those things in the reverse—more jobs, more profits, more growth in our business, more competitiveness, more revenues. That is what we ought to aspire to before we worry about programs. We ought to aspire to that. That is what brings prosperity to most people most of the time under our system.

I think leaving the blueprint of the summit alone has the best chance of getting us out of the negative into the positive on that cycle.

Having said that, I have much additional time. I am going to begin to yield it on my side.

But first, I will ask the chairman what his pleasure is. And then the Senator from Texas desires 10 minutes. Could I now yield him 15 minutes when the chairman sees fit so I could leave and he could manage for a while for me?

I ask unanimous consent that the Senator from Texas manage my time until I return, which should be about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Tennessee has 34 minutes and the Senator from New Mexico has 32 minutes and 10 seconds.

Mr. SASSER. Mr. President, I see the distinguished senior Senator from New York has come to the Chamber. He was waiting patiently seeking recognition to address this matter when the resolution was taken up.

So I will yield now to my distinguished friend from New York. May I inquire how much time he needs?

Mr. MOYNIHAN. Ten minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman of the Committee on the Budget.

I rise not to oppose the managers of the measure that is about to come before us but to deride the process by which it arises. Which is to say the process that began in 1985 when the U.S. Senate judged that it could no longer be entrusted to make its own decisions and would put into place a machinery that would make the decisions for us.

On that occasion the Senator from New York and the former Senator from Colorado, spoke at very great length about a bill that had never been printed, never had hearings. We had provisions in it that were startling. We discovered at one point that it exempted agricultural programs from the automatic sequestrations, cuts, ceilings, slashes, and bells and whistles, and all other sorts of mechanical contrivances. This was initially denied. But after several days it was acknowledged that perhaps it was so, and it was agreed we would take it out. We also said the entire effort would not work. We said more importantly, it took away from us that central responsibility which brings us here, which is to choose.

John F. Kennedy, who was inaugurated 30 years ago, used to say "to govern is to choose." That was not just one line in a speech. He would say it at the end of a meeting. I heard him say it. "To govern is to choose." It is our choice.

This somehow was to be an effort to avoid choice. It was a curious statement on the part of the Democratic Party that we could not resist the temptations of more government and more programs and more interest group pacification.

The conservatives had developed a brilliant strategy which is instead of fighting programs one by one they would starve the beast by creating a permanent fiscal crisis. They did. That is what the term was: starve the beast. Here we are.

Remember the Gramm-Rudman law was to have produced a series of deficit reductions in which, always 5 years away, we would have a balanced budget. Just as in Alice in Wonderland she was told: "jam yesterday, and jam tomorrow, never jam today." Indeed. We had a deficit yesterday, and a balanced budget tomorrow; well, 5 years from now, never a balanced budget today.

In 5 years' time we have never come anywhere near that deficit. Indeed the deficit has grown. This year the Federal funds deficit will reach $418 billion. That is defined as the sum of what the Government borrows from the public and what it borrows from the trust funds. It might be interesting to know that in current dollars the entire cost of the Vietnam war is estimated to be $750 billion. Our annual deficit is $418 billion and rising, as we add more things "off budget" and still to come and so forth.

In the history of financial calamity we see nothing like it. We have become a debtor nation in the process. There was a wonderful beginning to this century. John Hay gave the eulogy to President McKinley over in the House Chamber, after the McKinley assassination in Buffalo, and he described the prodigious prosperity of McKinley's age and how the debtor nation had become the creditor nation.

He described how the center of world finance moved from the Euphrates to the banks of the Seine and the Thames. Overnight it seemed to be passing to the banks of the Hudson.

At end of the century we see it moving toward Tokyo Bay, all under our irresponsibility of the past decade. In 1980, the Federal debt was less than a trillion dollars. It is approaching $4 trillion today, in the name of fiscal responsibility.

The situation is not just perverse and destructive in that sense, sir. It becomes a question of institutional integrity. As we look to the degree we have chosen to manage—even as much as we have managed—our finances by using the trust funds of the Social Security System.

No democratic government on Earth would dare do what we have done. Last year, sir, we provided in the Omnibus Budget Reconciliation Act that over the 5-year period, fiscal 1991 to 1995, we would reduce the deficit by $496 billion. At the same time we would be spending, as general revenue, $495 billion in Social Security trust fund surpluses. In other words, every penny—with a $1 billion difference—every penny, every bit of that budget deficit reduction constitutes a misuse of trust funds money. Payroll taxes. From people who work and get paid by the hour, by the week. The payroll taxes on their first dollar of income will go to pay the service on a $4 trillion debt. In the history of public finance, there can never have been a more gross transfer of resources from labor to capital. No more elemental transfer. From the first dollar of a working person's pay to the interest payments for the holders of million dollar Treasury bonds. Some of whom live in this country and some of whom do not. It seems we have no intention of changing this.

The Democratic Party, the Democratic disease is such that we would rather debauch the integrity of those trust funds than give up our beloved special programs for this group, that group, what Theodore Lowi called "interest group liberalism."

On the other side of the aisle, there is no difficulty in this, taking from the first dollar earned by working people. Taking from labor and transferring to capital is not a new idea on that side of the aisle. What is new is the acquiescene on this side. It is only by acquiescing in that massive transfer of wealth are we left with our little programs, our little interest groups, our little hopes that yet another agency or bureau directed to a special problem will serve the general interest and that particular initiatives will add up to a general good. And in the process, sir, we do a profound disservice to the one enduring institution of the 20th century social reform in our country, which is the Social Security System.

Nothing is to be done about it now. But if this century ends up with the Democratic Party having effectively disestablished at the end of the century the most extraordinary program they put in place in the first half, what will be said of us? I do not know, and it does not very much matter, but it should be recorded as we go forward today. I know the chairman of the Budget Committee does not like what we have done one bit. He said so when we had occasion on the vote last year. But we are using trust funds in a way that cannot be defended and ought not to be continued.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I yield myself 10 minutes.

Mr. GRAMM. I thank the distinguished chairman of the Budget Committee. I want to thank the distinguished majority leader for his decision to oppose the resolution before us, a resolution that would trigger a provision of the original Gramm-Rudman law that would suspend the process which, with all of its imperfections has reduced the size of the Federal Government relative to the private sector of the economy substantially, and with all of the avenues of circumvention that the ingenious mind of the American politician has found, a process that still stands as the only sentry at the gate.

Mr. President, there would be two reasons whereby we would make a decision to suspend the provisions of the Gramm-Rudman law and the provisions adopted in the budget summit last year. The provision that would produce this trigger was put into the original Gramm-Rudman law when a concern was raised about the potential negative impact an across-the-board cut in spending, or other changes in public policy that would be pro-cyclical, might tend to have on the economy. In the spirit of compromise, we worked up the provision that would allow a vote in the event of a recession, either perceived in the future or actually realized.

In fact, this is not the last vote we will have on this waiver. If we have two actual quarters of recession, we will have to have another vote. I hope we will vote the same at that time as I expect us to do today, and that is to reject the waiver.

One of the things you might say is that with a recessionary falloff in revenue and the accompanying increase in automatic spending, deficit reduction targets would be unachievable, and should be adjusted.

I think it is important to note, Mr. President, that this action is unnecessary because in the budget summit, we saw the problem coming, we saw tremendous instability in the budget due to the S&L bailout, so we agreed to an adjustment where factors beyond the control of the Congress, like the state of the economy or the cost of the S&L bailout, based on what has already occurred. If those costs rose, there would be an automatic, once-and-for-all adjustment in the targets to take that into account. So the fact that we are looking a recession in the face does not mean that meeting the targets becomes more difficult, because the targets are adjusted.

Let me make it clear, however, we still may not spend more money through a discretionary decision. Those targets are still in place. It simply means that the loss of revenues due to the recession alone and the automatic increase in spending due to the recession, are calculated and used to refigure the targets.

My first point is that there is no reason to suspend the Gramm-Rudman process and its enforcement mechanism because of the unachievability of the targets. That has already been taken care of.

In fact, the only argument that remains for voting for the resolution before us is the argument that in a recession we would want to increase the deficit; therefore, we might want to suspend the enforcement process of Gramm-Rudman and the budget mechanism so we could raise the deficit as a countercyclical device.

Mr. President, let me respond to that in two ways. First of all, if deficits ever were a cure for recessions, if defícts ever represented a drug that produced economic recovery—and we have taken the deficit drug in so many expansions, contractions, inflations, and other circumstances that we long ago became addicted to it—any curative powers it might have ever had we long ago lost.

Second, our experience with second-guessing the economy has been uniformly poor. In fact, if you look at the postwar period, most of the fiscal policy we have undertaken in the name of fighting recessions normally has come into full effect long after the recession was over, has fed the ensuing inflation, and has made the next recession worse.

So, Mr. President, if deficits were bad before—and I believe they were—I believe they are equally bad today when our goal is to reduce Federal borrowing, to free capital to build new homes, farms, and factories, and to generate new economic growth. For that reason I am totally unconvinced that we should now or for the foreseeable future vote to waive the enforcement of the budget process based on this recession.

Mr. President, I thought the distinguished Senator from New Mexico did it well, but I simply want to reiterate what we would be waiving would be the entire enforcement process, including the point of order that allows us, despite all the difficulty we encounter in preventing Congress from spending money, to have on numerous occasions the opportunity to sheer off spending that would have made government bigger, made the private sector smaller and ultimately, in my opinion, made the American people poorer.

I think, Mr. President, we are looking for the first time in a long time this year and next year at a debate not about who will vote to spend the most money, the debate that we have engaged in throughout my 13 years in Congress, but for the first time, because of the strongest budget mechanism that has existed since we went off the gold standard, we are looking at a debate about ideas instead of money.

It will no longer be possible for someone to stand up on the floor of the Senate and say, "I am more for education than you are because I am willing to spend more money to prove it."

Mr. President, I look forward to a debate about ideas. And I would just like to say in the spirit of bipartisanship, it is going to put a burden on my side of the aisle as well as the other side of the aisle, because the plain truth is everybody loves a free lunch. We all want something for nothing. The gods conspire against us in that activity and the forces of nature prevent it, but we all love it.

People who want to spend more money ultimately are going to have to take it away from a current expenditure on the discretionary programs; if we want to create a new entitlement, they will have to pay for it by either imposing a tax or a fee or by cutting another entitlement. That will set a standard in debate on policy that we have not had in my 13 years in Congress.

Finally, I want to just touch on two other things. Mr. President, to govern is to choose. I agree with that. But the whole history of American Government is a history of limits on the choice that Government can make in order to preserve the ability of the people to choose. The purpose of the Constitution itself was to limit the power of the Government.

I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. GRAMM. The Constitution was written to limit the power of the Government.

So, Mr. President, the budget process that we have implemented, with all of its faults, has many things for which it can be criticized, but the idea of limiting the power of Congress is an idea which is well established in the American system and in my opinion is at the foundation of our freedom and our prosperity.

Finally, let me note that one of the points of order which would be waived if we voted for this resolution is the firewall surrounding Social Security. We have had long debates on the floor of the Senate about the Social Security trust fund. I am thankful that we still have a trust fund to debate.

I am committed to preserving these firewalls. I think it is vitally important to prevent raids on the Social Security trust fund. I think the more that we can move in the direction of having a secure trust fund to protect the retirement nest egg of our senior citizens who depend on the Social Security trust fund, the more true we will be to those who have, in fact, poured billions of their hard-earned dollars into that trust fund.

So, again, I congratulate our leadership. I think there was a lot of room for mischief here. I think there might have been many who could see by passing this resolution and waiving Gramm-Rudman and the budget process a lot of things that might have been done that could have had temporary political benefit to people on both sides of the aisle. I think our leadership has been wise in recognizing that the cost is too great, and I rejoice in the fact that we will vote down this resolution. I hope we will continue to do that until the economy is strong and prospering, as I am sure it will be.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time do I have and how much time does the Senator from Tennessee have?

The PRESIDING OFFICER. The Senator from New Mexico has 19½ minutes and the Senator from Tennessee has 20 minutes.

Mr. DOMENICI. I yield myself 3 minutes and then I will yield to the chairman.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield to the Senator from Arizona.

Mr. McCAIN. Mr. President, I rise today in opposition of Senate Joint Resolution 44. Passage of this joint resolution would remove all protection against uncontrolled spending. With the Congressional Budget Office predicting a deficit of $298 billion for 1991, we simply cannot afford another bout of runaway spending. We must preserve the few restrictions against increased spending to prevent even larger deficits, until such time as we are able to agree on substantial reforms to the entire budget process.

I would like to talk briefly about what the passage of this joint resolution means. Passage would suspend the deficit targets for fiscal year 1991 and fiscal year 1992, nullify sequestration orders and spending caps, and nullify most budget points of order. Broadly stated, the enforcement mechanisms of Gramm-Rudman-Hollings would be suspended. There would be no effective means of controlling Government spending. Can we as a Nation afford a continuing flood of debt? I believe we cannot afford the consequences of waiving the budget enforcement mechanisms. Americans taxpayers and generations unborn should not have to bear the burden of even larger deficits.

There are more reasons for opposing this joint resolution than just the control of Federal spending and deficits.

Defeat of Senate Joint Resolution 44 will not adversely affect direct spending programs like food stamps or unemployment compensation. These programs are "held harmless" for economic changes such as a recession to protect the poor when they most need assistance. Simply put, a recession will not trigger sequestration of funds for these programs. Thus, the defeat of this joint resolution will not be a defeat for the needy. Instead, the defeat of Senate Joint Resolution 44 will be a much needed victory for spending restraint.

Mr. President, that is why I rise in opposition to the joint resolution before the Senate. Its defeat will prevent spending from expanding uncontrollably. It will prevent the deficit from further growth above already record levels. But, it will not impose greater hardships on the poorest of Americans. That is why I urge my colleagues to defeat Senate Joint Resolution 44.

Mr. DOMENICI. Mr. President, I would be remiss if I did not rise now for a moment and say to my friend from Texas, Senator GRAMM—and he is my friend—that I greatly appreciate his remarks. I think what we said today, the Senator from Texas and myself is not just directed at Republicans. I clearly believe there are many Members on both sides who are really worried about the propensity of government to spend money. Competition also exists to create new programs and I will say not only in domestic affairs, but also in defense. Nothing is immune. After all, we are a democracy and there are a lot of people who get elected and really want to get things done.

I believe the explanation we are trying to give to our fellow Senators here today will help each one of them as they face their constituents. They will be able to say I had a limit on spending that I could not break, and I had to take another program or another project or another activity of our Government and reduce it or eliminate it or change it, and I tried.

I think that is about all they will ask of us. I think that is good for the next 3 or 4 years while we get this fiscal policy under control. I truly urge you give this agreement with its points of order, its caps and other limitations, a resounding vote of confidence today by saying leave it alone and let us just see if you can live by it. That is going to be enough of a chore. I want to tell the Senate I have been working on these issues for a while.

I pledge to you while I cannot commit that ingenuity will not find some way to make these caps and these enforcement mechanisms less than we have said today on the floor. We have found the minds of Senators and Representatives and their staffs have great ability to find ways to get around all these things. We have truly tried to put some understandable, reasonable limitations on our appetites and ways to enforce it.

And I say to all of you, I am going to do my best as the ranking minority member, and hopefully with the chairman on the majority side, to enforce it to the letter. The first time we let somebody by with a couple hundred million here or there, I believe it is gone. So I want to make it work, and I think we can.

I yield the floor.

Mr. SIMPSON. I rise to express my opposition to Senate Joint Resolution 44, which would suspend the sequestration, spending caps, and pay-as-you-go requirements of last fall's budget agreement. My strongly held opinion is that enactment of this resolution would instantly validate every possible doubt that has been expressed as to whether that agreement could lead to real deficit reduction.

All of my colleagues have heard those expressions of skepticism. I receive letters every day which say, "you've done it to us again. Congress raised taxes, but won't use it to erase the deficit." If we pass this resolution, we'll be proving them to be right.

I was one who gritted his teeth and voted for that budget agreement last October, even though I had several problems with it. I felt that too much of the job had been done through revenue increases, and not enough through spending restraint. The gas-tax increase was particularly odious to my State, and to me.

But there were many more reasons to support the agreement, as I saw it. Insufficient spending restraint was better than none. In addition, the measure would provide for three kinds of sequestration, where previously there had been only one.

We can have sequestration to enforce discretionary spending caps, and to enforce the pay-as-you-go rules. Those two kinds of sequestration are very important. They mean that it will not be possible to hold the deficit down by revenue measures alone, without any constraints placed upon spending. These types of sequestration ensure that restraining the growth of Government will be the larger part of deficit reduction.

However, they are not enough by themselves. All of us know that an economic downturn can increase the deficit, even when such spending caps have not been violated. So it was vital that we also have a provision which would trigger a sequestration if the deficit target was exceeded.

We could very well see sequestration of that last type by 1994. CBO informs us that the economy is on the verge of a second consecutive quarter of negative real economic growth—shrinking, to you and me. Deficit-cutting sequestration ought not to be necessary for a couple of years—spending caps and adjustments for economic developments are supposed to do the job for the immediate future. But nothing ever works out as Washington plans it, and there is room for things to go awry after that.

That's exactly why we need the sort of enforcement provisions we passed last fall. Left to its own devices, it is the instinct of this body, when things become more difficult than anticipated, to pull back and say, "we can't go through with this now. We'll come back later and do it right, but for now, let's back off."

So we have an escape hatch built into the agreement passed last year—in fact, several of them. Certain expenses will not trigger sequestration—Operation Desert Storm, or deposit insurance payments. Those are certainly sensible exceptions. But there's another big one—if there's a sufficiently long period of economic contraction, all bets are off. This resolution then comes before the Congress, which would waive virtually every enforcement provision we've put in. Sequestration, spending caps, pay as you go—the whole ball of wax.

Whatever legitimate reasons there may be for having that escape hatch in there, everyone here knows fully well how that is likely to appear to the man on the street—especially if we were to make use of it today. The man on the street won't believe that there was ever any sincere intention to whittle down the deficit. We have been in session less than a month since that agreement was passed. That is not asking for too much staying power.

Arguments of good faith aside, there is not even an economic reason for adopting such a resolution. It is not necessary in order to bail out those in need—direct payments such as food stamps and unemployment compensation are not subject to sequestration. Medicare can't take a program-wide hit of more than 2 percent in any deficit-enforcing sequestration, under law.

Moreover, even where we might believe emergency spending is necessary above and beyond that provided for in the spending caps, there is no reason to renege. Presidentially designated emergency spending is not even included in deficit calculations, and it is an option available to us which can do the job without removing the restrictions on all other spending.

In fact, the agreement as is, already has, in my opinion, more than enough loopholes which permit spending beyond our self-imposed caps. If we are to change our enforcement provisions, we ought to tighten them, not throw away those that we currently have.

I ask those who supported this agreement last fall to support it again by defeating this resolution, which would make it unworkable. I hope that those who opposed it because it spent too much will join in keeping in place the spending restraints that the agreement contained.

I believe that everyone here and everyone out there has a stake in voting down this resolution, simply because we all have such a big stake in deficit reduction. I do earnestly hope that this resolution will be defeated.

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Iowa [Mr. HARKIN].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HARKIN. Mr. President, I thank my friend from Tennessee for yielding me this time.

Mr. President, I have to point out, as the Senator from New York did, that since Gramm-Rudman was enacted, it has not worked. Period. It has been one of the colossal failures in the history of American Government enterprise.

When Gramm-Rudman came in, the deficit was $171.9 billion in 1986. Under Gramm-Rudman, it was supposed to go down to zero by 1991. What is our deficit this year? It is estimated, as the distinguished Senator from New York said, at about $418 billion. So Gramm-Rudman has failed. And the fact is that Gramm-Rudman by its operations has prevented us from being frugal in the way that we invest taxpayers' money. It has forced the Congress to spend that money in a way that actually costs our taxpayers more.

I will give you a couple of examples. A couple of years ago, we had a crisis in agriculture. We had to get through an ag credit bill to help the farmers. We wanted to put it on budget. Gramm-Rudman said no. So it had to go off budget. How do you go off budget? You bond it. You sell bonds to raise the money to pay for it. Well, it makes the budget look nice, but you have all those bonds out there. And that is going to wind up costing our taxpayers more money than if we had honest budgeting and honest spending and honest revenues at that time.

Another example: the S&L crisis. Well, what did we do about the S&L crisis? We put much of it off budget because of Gramm-Rudman. What do we do? We sell bonds to finance this debacle. What are the bonds going to cost? An estimated $300 billion to $400 billion or even more over the next 30 years, just in interest payments, to pay for the bonds.

And where does all that interest money go? Does it go to the working people of this country? Does it go to the average American? No; it goes to big banks; it is going to the wealthy that own those bonds. So in the next 30 years, our taxpayers will be asked to pay $300 billion to $400 billion more. Another way of shifting money from the working people to the wealthy in America.

But that has been the history of the Reagan-Bush administration, with the help from Gramm-Rudman. Gramm-Rudman, during its life here, has also shifted us from urgent domestic needs to other enterprises; it has taken choices away.

I can tell you, Mr. President, in my Subcommittee on Appropriations that funds health, education, human services, labor, like job-retraining programs, that, because of Gramm-Rudman and the budget approach taken last year, the amount of additional money that we will have next year is half of what we had last year. And we are in a deep recession this year, unlike last year.

So all of the programs that go to meet human needs and to help us get out of a recession, like job retraining and health and education, those are going to get cut right in the depths of a recession.

And, Mr. President, if there is anyone here who does not believe we are in a recession, please go out on Main Street. Go out and talk to your auto dealers. Go out and talk to your homebuilders. Go out and talk to your heating and air-conditioning people. Go out and talk to the people up and down those Main Street businesses and see how they are doing, and then you will know there is a recession throughout this land, and a very bad recession. And it is going to get worse if we continue to follow the Reagan-Bush administration policies, and Gramm-Rudman.

You know, Mr. President, at least Herbert Hoover was honest. When the Depression came, Herbert Hoover said: We know we are going to have tight monetary policies and tight fiscal policies, and we are going to let the forces of nature and economics just take it over. Well, at least Hoover was honest. But we are phony. We are absolute phonies here the way we are doing business under Gramm-Rudman.

Mr. President, it is time to put Gramm-Rudman where it belongs, on the trash heap of misguided economic theories and fiscal policies. Communism, mercantilism, oligopolism, and supply-side economics; yes, all of them ought to be put on the trash heap of history.

It is time for us to get back to honest budgeting, honest spending, and honest revenue in this country; not this phony-baloney stuff that we have been doing with Gramm-Rudman. It has not gotten us out of the deficit. It has taken money out of the middle class and put it in the wealthy class, and it is making it impossible for us to meet the needs of real people out there in a recession.

I think we have to recognize why we have Gramm-Rudman. Gramm-Rudman came along after the Reagan tax giveaway in 1981, when he put us on a credit card economy. It got so bad by the mid-1980's that we enacted Gramm-Rudman. I have always likened Gramm-Rudman's attempt to address the deficit problems caused by the Reagan policies to trying to treat cancer with cocaine. It might make you feel better, but it does not get to the underlying root cause of the illness; and secondly, it makes things even worse than they were before.

Yes, we went on a credit card economy in 1981. Mr. President, in 1981, after the Reagan tax giveaway came in, I held up my credit card and I said that is what Ronald Reagan just did to us in America. He put us on a credit card economy.

You know something; we are going to feel pretty good when we are out there spending on that credit card. And boy, it felt good in the 1980's. But the time comes to pay the bill. Now, I know you get into economics and it gets a little complicated, and people do not understand it. Permit me to use a simple analogy.

We went on a credit card economy and began tax policies just like this credit card. I pay 18 percent on this credit card; 18 percent. Well, let us say we went out and we spent all we could on our credit card, and we raised the limit. We went to our bank and we said: "I had a $1,000 limit. Now I need a $2,000 limit."

And they said, "Fine; go ahead."

I said, "Well, now I am up to $2,000. I need a $4,000 limit." They said, "Go ahead." And now I have to start paying the bills on my credit card, and I find out I cannot pay them. So then what do I do? I sell my car; I get a little capital, and I pay off a little of my credit card bill. Well, I am still behind, and so I sell all my furniture, and pay a little bit more.

It helps out for a couple of months, but I am still not above water. So I sell my house, pay off some more. But the 18 percent is still eating me up. And so now what do I do? I rent a house; I rent my furniture; and I rent my car. And I am still paying on my credit card. That is what the Reagan-Bush policies and Gramm-Rudman have done to America. They are turning us into a country of renters and interest payers, rather than owners and true capitalists, in our country.

The mismanagement of the U.S. economy over the last 10 years has done that to us, made us a nation of renters and interest payers, and shifting the wealth of America from the middle class to the wealthy few.

You can look at the statistics, they are all out there. And now we have Gramm-Rudman, and that is why I am not going to vote for this phony thing. I never did. I never voted for Gramm-Rudman because I saw it for what it was, treating cancer with cocaine, not getting at the root causes of the deficit. We need honest budgeting. We need honest spending to meet the real needs of real people in America.

President Bush stood on the House floor the other night and said we have to spend more on education, health, infrastructure, research and development, alternate energy. Did he tell us how he was going to pay for it? No. He did not mention how he was going to pay for it. Put it on the credit card, folks. And then have Gramm-Rudman, that will not let us address the real needs of people out there who are hurt by a recession.

The PRESIDING OFFICER (Mr. ADAMS). The time of the Senator from Iowa has expired.

Mr. SASSER. I yield the Senator from Iowa 1 additional minute.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 additional minute.

Mr. HARKIN. I would like to address the charge that the passage of this resolution might have a negative effect on Social Security. Nobody in this body is a stronger proponent of defending Social Security than this Senator. No Senator is more interested in assuring that the Social Security trust fund remains solvent.

The continuation of Gramm-Rudman pushes the Congress to take short-term actions and escalates the true long-term cost of solving problems. It also pushes those costs into the future. That is what endangers Social Security.

So, while I recognize the arguments of those who say perhaps we have to pass this, I tell you, Mr. President, the time has come. The American people understand. They know this is phony; they know it is fraudulent. They know and are demanding it is time we stand up here and have honest budgeting, honest spending, honest revenues to address the real needs in this country.

The recession is here. It is real. People are hurting. Working people are hurting. Our small business people are hurting. We cannot bury our heads in the sand and go along with this phony Gramm-Rudman any longer. That is why this Senator is going to vote in favor of this resolution, and I will continue to oppose the phoniness and fraudulent aspects of this Gramm-Rudman bill that came up in the 1980's. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, let me ask, will 5 minutes accommodate the Senator from Pennsylvania?

Mr. HEINZ. It will more than accommodate him.

Mr. DOMENICI. Then I yield him 4 minutes. If 5 is too much, I will yield him 4.

Mr. HEINZ. As always, the ranking minority member of the Budget Committee is economical.

Mr. President, I have worked for the past 8 years for a cause I consider crucial to the preservation of the Social Security system; namely, removing the Social Security trust funds from the Federal budget.

Last year, I thought we had finally achieved success. Not only did we truly remove the trust funds from the budget, we also built a firewall around the funds to prevent future raiding.

The firewall allows any Senator to raise a point of order against a budget resolution or any legislation that would irresponsibly spend down the trust funds. That point of order can only be overridden by a vote of three-fifths of the Senate; it provides strong protection for the Social Security system and mandates honest budgeting practices.

The joint resolution presently under consideration would waive the points of order available to protect Social Security. The joint resolution would once again leave Social Security exposed. Our best effort in a decade to guarantee retirement security and to create real national savings would be dead before leaving the starting gate.

Any Member who casts a vote for this resolution casts a vote to threaten the solvency of the Social Security trust funds. A vote in favor of this resolution undermines our commitment that millions of elderly and disabled Americans will continue to receive their retirement or disability benefits each month.

Mr. President, the Budget Committee unanimously opposes passage of the resolution. Our bipartisan leadership opposes passage. I want to add my voice to the chorus of those crying out for fiscal responsibility in our current time of need. We must stand firm against the temptation of deficit spending and the raiding of Social Security assets.

The original Gramm-Rudman-Hollings Budget Act designed automatic waivers of budgetary points of order to allow emergency deficit spending in times of severe fiscal crisis. There is no question that we are currently facing difficulties in our economy. Our present situation does not, however, justify backing away from our firm commitment to saving now for the future retirement and economic security of our society.

Accumulating real savings in the trust funds not only ensures that benefits will be paid, it also generates capital growth—capital needed to sustain a competitive economy. CBO projects that the Social Security trust funds will accumulate a real surplus of $63 billion in fiscal year 1991 and $552 billion through fiscal year 1996. By waiving budgetary points of order, this crucial source of national savings could be poured down the rathole of deficit spending.

Mr. President, I urge my colleagues to vote against this resolution.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield 5 minutes to the distinguished President pro tempore, the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my good friend, the chairman of the Budget Committee and senior Senator from Tennessee [Mr. SASSER].

On January 23, the Congressional Budget Office informed Congress that the country was in a recession. That notice triggered the introduction of this resolution.

The majority leader was required by section 258(a)(1) of the Gramm-Rudman-Hollings Act to introduce a joint resolution suspending Gramm-Rudman-Hollings deficit targets for the remainder of fiscal year 1991 and for fiscal year 1992. Enactment of this resolution would also preclude sequester orders for fiscal years 1991 and 1992; it would suspend points of order under titles III and IV of the Congressional Budget Act, and it would suspend the spending caps and enforcement provisions of last year's bipartisan budget agreement against committees exceeding their allocations, and would suspend the requirement that outlays should not exceed receipts for a fiscal year.

I oppose this resolution for a number of reasons. First, enactment of Senate Joint Resolution 44 would suspend for fiscal years 1991 and 1992 the spending caps and enforcement mechanisms that were agreed to in the budget summit. This would totally eliminate any chance of maintaining fiscal discipline at a time when Dr. Reischauer's latest deficit projections show an on-budget deficit for fiscal year 1991 of $360 billion, and an on-budget deficit of $354 billion for fiscal year 1992. These projections, I might add, do not include the costs of Desert Storm.

So, we are looking at huge deficits for fiscal years 1991 and 1992, despite the savings that were made by the budget summit agreement. Additionally, both CBO and OMB expect this to be a mild and short recession, in great measure depending upon what happens in the Persian Gulf and how costly that exercise will be and how long we will be there.

In a recent report to Congress, CBO's budget projections assume that the recession will end by this spring. After that, according to the CBO, prospects for a solid recovery with low inflation are good.

If CBO and OMB are accurate in their projections, the remedy to recession provided by this resolution would be excessive. We should not suspend our deficit targets and enforcement mechanisms for 2 fiscal years in order to ease a recession that may have ended in the spring of this year. Any antirecessionary appropriations that we might enact would be too late to help fight a recession that was over.

Additionally, if CBO and OMB projections are incorrect and if recession continues into succeeding quarters, there will be ample opportunity to revisit this issue. The same provisions of the Budget Act that triggered the pending resolution will trigger another such resolution in April, if either CBO or OMB project a continued recession in the second quarter of 1991, or if the Commerce Department reports two consecutive quarters of less than 1 percent growth.

Furthermore, suspension of GRH targets for 2 years under present circumstances may cause the financial markets to react negatively. The Federal Reserve might be forced to raise interest rates, rather than lower them, if Congress acts in a fiscally irresponsible way. I am hopeful that the OMB and the CBO are correct in their determinations that this could well be a relatively mild and short recession.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SASSER. Mr. President, I yield the distinguished Senator an additional 3 minutes.

Mr. BYRD. I thank the Senator. Mr. President, whether their forecasts prove to be accurate may well depend in part on the length and cost, as I say, of Desert Storm. We are, of course, hopeful that the war will end quickly and that our allies will make good on their commitments, make good on their promises, to pay for the lion's share of the costs of the war. They really ought to pay for all of it. There will be time to discuss that in future days. But we must be prepared for the worst. If conditions change and it becomes obvious that the recession will continue beyond current projections, we will have ample opportunity to address this issue again. So for now, it is premature and unnecessary to enact such a resolution.

Mr. President, we entered into an agreement at the summit, and we ought to do everything we can to keep our part of that agreement. The administration should do everything it can to fully keep its side. We have the responsibility to keep our side of the agreement. I hesitate to think what would happen in this Senate if we should remove the GRH budgetary restraints; if we removed those 60-vote points of order, there would be chaos in here.

My confidence in the courage and backbone and the will of this Senate to stand in the face of special interest groups has been greatly thinned in recent times.

I can remember one or two votes just last year—I will not be specific about it right now—when I saw this Senate turn and run for the doors, everybody, find the fire escapes, get out quickly, do not take a stand here. If we remove these budgetary restraints, we will see that happening more and more in this Senate. We have to show ourselves to be fiscally responsible. I am thankful that we have these restraints that enable us to stand up against the pressures that will come if we open the gates and remove these points of order. It will be "Katie bar the door."

So, Mr. President, I hope that the Senate will give a resounding no vote to this resolution. Let us send the word that we want to be fiscally responsible and that we intend to be fiscally responsible.

Mr. President, I congratulate the chairman and ranking members of the Budget Committee and all other members of the committee, and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DOMENICI. How much time remains on our side?

The PRESIDING OFFICER. Twelve-and-a-half minutes.

Mr. DOMENICI. I yield myself 2 minutes.

How much does the Senator from Oklahoma desire? Four minutes to the Senator from Oklahoma.

Mr. President, before the distinguished chairman of the Appropriations Committee leaves, might I thank him for his statement here today. I agree precisely with what the Senator has said. I cannot imagine what will happen if we do not have mandated restraints, and, I will add, the Congress, not just the Senate to his statement.

Frankly, in some areas, I believe he is right in saying we have a deal and it runs down Pennsylvania Avenue. There will be nothing worse for America than for us to tell everyone expecting recovery and growth that we have turned this economy loose with, in essence, the first one to the trough has the best deal; they win, if they can get the President on board. Besides, we probably will not get things done on time.

Before I get off the subject of addressing my good friend, the chairman of the Appropriations Committee, let me say, he has a personal interest in some of these because we worked for weeks. I can tell my colleagues that while that was not all done at one time. It is logical and reasonable and imposes restraint where none was. It was all in appropriations once. It is spread out where it ought to be. Those who have entitlements get a little restraint here. If they want to spend, they have to pay for it and we do not have to take it out of education. We take it out of their program. That is an exciting idea. That is in here.

I just want to say I think he is right. I will add by saying we are not going to adopt this. I hope we are saying we are going to enforce the agreement. I hope it is both ways.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator DOMENICI from New Mexico for his leadership on this issue. I likewise would like to be recorded in opposition to waiving the restraints that we have in the budget package. I, for one, think the restraints are minimal, but we certainly should not waive them.

We have a very significant problem. The deficit is growing, and it is growing out of control. It needs to be contained. We have not done a good enough job. The deficit last year, Mr. President, was $220 billion. The year before, it was $153 billion. That is a 43-percent increase in the deficit in 1 year. That was between 1989 and 1990.

Some may ask, "Why did it grow? Were revenues not growing enough?" Revenues grew 4.1 percent, but expenditures grew at 9.4 percent. So we had total expenditures growing well above the rate of inflation, almost twice the rate of inflation, in a lot of areas.

Again, to my colleagues I say, the deficit is growing; it is growing very rapidly; it is also growing in the first quarter of fiscal year 1991. I will give you those figures as well.

In the first quarter of this year, the deficit is 23 percent more than it was for the first quarter of last year. Actually, we find expenditures have grown, the 3 months this year compared to the first 3 months of last year, 13.8 percent. Revenues have grown at 10.9 percent first quarter to first quarter. That is first quarter of fiscal year 1991 compared to 1990. So we have revenues growing at 10 percent. But expenditures are growing at 13.8 percent, over twice the rate of inflation. So we have not been successful at reducing spending. Mainly because of RTC and defense.

I am going to have printed in the RECORD these charts that show month by month our outlays, our revenues, and how those have grown and also the relating deficit.

But looking at the figures for last year, where, as I mentioned before, we had expenditures growing by 9.4 percent, we have it broken down by agency. I noticed that the Department of Agriculture had a 4.8-percent reduction. I noticed in the Department of Defense in military, actual outlays went down by 1.7 percent, actually reduced outlays in the Department of Defense for military, a reduction of over $5 billion. The list shows other increases, total increase of expenditures. In 1990, we actually spent $107 billion more than we did in 1989. That is the reason why the deficit has continued to grow because expenditures are growing at more than the rate of inflation, actually in this case, almost twice the rate of inflation.

I was pleased—and probably one of the things the President said in his State of the Union Message that I personally thought was very much needed—he said in his budget he would work to see that expenditures grew at less than the rate of inflation. If we do that, we will be taking a giant step in the right direction.

I am concerned about the path that we are on for this fiscal year. Expenditures, as I said already, for the first 3 months are growing at 13.8 percent, over twice the rate of inflation. When we look at the various categories, we see in Health and Human Services, expenditures grew 7.7 percent; that is $17 billion. Looking at the Department of Treasury, that is interest on the debt, we actually spent $24 billion more this year than we did last year. That is a 10-year increase. I could go on and on.

I will include these for the RECORD for my colleagues and also for the public's information so they can see exactly where the money is that we are spending and also the growth and outlays which, in my opinion, are the real sources of the problem.

Mr. President, I ask unanimous consent to place these items in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MONTHLY RECEIPTS, OUTLAYS, AND DEFICITS

[Dollar amounts in millions]

	Receipts	Cumulative	Outlays	Cumulative	Deficit/(surplus)	Cumulative
Fiscal year 1989:						
October	$63,582	$63,582	$90,587	$90,587	$27,005	$27,005
November	64,330	127,912	93,470	184,057	29,140	56,145
December	93,655	221,567	106,446	290,503	12,790	68,935
January	89,306	310,873	86,509	377,012	(2,797)	66,138
February	61,897	372,770	89,769	466,781	27,871	94,009
March	68,205	440,975	103,988	570,769	35,784	129,793
April	128,892	569,867	88,237	659,006	(40,654)	89,139
May	71,025	640,892	96,458	755,464	25,433	114,572
June	108,249	749,141	100,464	855,928	(7,785)	106,787
July	66,191	815,332	84,428	940,356	18,237	125,024
August	76,136	891,468	98,286	1,038,642	22,150	147,174
September	99,233	990,701	105,378	1,144,020	6,146	153,320
Total		990,701		1,144,020		153,320
Fiscal year 1990:						
October	68,426	68,426	94,510	94,510	26,084	26,084
November	71,213	139,639	100,945	195,455	29,732	55,816
December	89,130	228,769	103,901	299,356	14,772	70,588
January	99,538	328,307	91,256	390,612	(8,282)	62,306
February	65,170	393,477	100,377	490,989	35,207	97,513
March	64,819	458,296	118,142	609,131	53,324	150,837
April	139,624	597,920	97,795	706,926	(41,829)	109,008
May	69,212	667,132	111,693	818,619	42,482	151,490
June	110,614	777,746	121,719	940,338	11,105	162,595
July	72,356	850,102	98,280	1,038,618	25,924	188,519
August	78,486	928,588	131,206	1,169,824	52,719	241,238
September	102,874	1,031,462	82,026	1,251,850	(20,848)	220,390
Total		1,031,462		1,251,850		220,390
Fiscal year 1990 compared to fiscal year 1989 (in percent):						
October	7.6	7.6	4.3	4.3	−3.4	−3.4
November	10.7	9.2	8.0	6.2	2.0	−0.6
December	−4.8	3.3	−2.4	3.0	15.5	2.4
January	11.5	5.6	5.5	3.6	196.1	−5.8
February	5.3	5.6	11.8	5.2	26.3	3.7
March	−5.0	3.9	13.6	6.7	49.0	16.2
April	8.3	4.9	10.8	7.3	2.9	22.3
May	−2.6	4.1	15.8	8.4	67.0	32.2
June	2.2	3.8	21.2	9.9	−242.6	52.3
July	9.3	4.3	16.4	10.4	42.2	50.8
August	3.1	4.1	33.5	12.6	138.0	63.9
September	3.7	4.1	−22.2	9.4	−439.2	43.7
Total		4.1		9.4		43.7
Fiscal year 1990:						
October	$68,426	$68,426	$94,510	$94,510	$26,084	$26,084
November	71,213	139,639	100,945	195,455	29,732	55,816
December	89,130	228,769	103,901	299,356	14,772	70,588
January	99,538	328,307	91,256	390,612	(8,282)	62,306
February	65,170	393,477	100,377	490,989	35,207	97,513
March	64,819	458,296	118,142	609,131	53,324	150,837
April	139,624	597,920	97,795	706,926	(41,829)	109,008
May	69,212	667,132	111,693	818,619	42,482	151,490
June	110,614	777,746	121,719	940,338	11,105	162,595
July	72,356	850,102	98,280	1,038,618	25,924	188,519
August	78,486	928,588	131,206	1,169,824	52,719	241,238
September	102,874	1,031,462	82,026	1,251,850	(20,848)	220,390
Total		1,031,462		1,251,850		220,390
Fiscal year 1991:						
October	78,711	78,711	110,172	110,172	31,461	31,461
November	72,819	151,530	120,871	231,043	48,052	79,513
December	102,266	253,796	109,650	340,693	7,384	86,897
Fiscal year 1991 compared to fiscal year 1990 (in percent):						
October	15.0	15.0	16.6	16.6	20.6	20.6
November	2.3	8.5	19.7	18.2	61.6	42.5
December	14.7	10.9	5.5	13.8	−50.0	23.1

MONTHLY TREASURY STATEMENT COMPARISON—FISCAL YEAR 1989 AND FISCAL YEAR 1990—OUTLAYS

Agency/account	Fiscal year—		Change dollars	Change percent
	1989	1990		
Legislative branch	$2,095	$2,233	$138	6.6
The Judiciary	1,492	1,641	149	10.0
Executive Office of the President	124	157	33	26.6
Funds appropriated to the President	4,257	10,087	5,830	137.0
Department of Agriculture	48,316	46,012	(2,304)	−4.8
Department of Commerce	2,571	3,734	1,163	45.2
Department of Defense—Military	294,881	289,755	(5,126)	−1.7
Department of Defense—Civil	23,450	24,975	1,525	6.5

MONTHLY TREASURY STATEMENT COMPARISON—FISCAL YEAR 1989 AND FISCAL YEAR 1990—OUTLAYS—Continued

Agency/account	Fiscal year—		Change dollars	Change percent
	1989	1990		
Department of Education	21,608	23,109	1,501	6.9
Department of Energy	11,387	12,028	641	5.6
Health and Human Services	172,301	193,679	17,525	7.7
Social Security	227,473	244,998	487	2.5
Housing and Urban Development	19,680	20,167	486	9.2
Department of the Interior	5,308	5,794	507	8.1
Department of Justice	6,232	6,739	507	8.1
Department of Labor	22,657	25,316	2,659	11.7
Department of State	3,722	3,979	257	6.9
Department of Transportation	26,607	28,637	2,030	7.6
Department of the Treasury	230,566	255,268	24,702	10.7
Department of Veterans Affairs	30,041	28,998	(1,043)	−3.5
Environmental Protection Agency	4,906	5,1068	200	4.1
General Services Administration	(462)	(122)	340	−73.6
National Aeronautics and Space Administration	11,036	12,429	1,393	12.6
Office of Personnel Management	29,073	31,949	2,876	9.9
Small Business Administration	85	692	607	714.1
Federal Deposit Insurance Corporation	12,913	11,729	(1,184)	−9.2
Federal Emergency Management Agency	532	2,032	1,500	282.0
Resolution Trust Corporation	9,172	46,547	37,375	407.5
Other independent agencies	11,153	13,206	2,053	18.4
Undistributed offsetting receipts	(89,155)	(99,025)	(9,870)	11.1
Total outlays	1,144,020	1,251,850	107,830	9.4

SUMMARY OF LARGEST OUTLAY INCREASES

[Dollars in millions]

Agency/account	Fiscal year—		Change dollars	Change percent
	1989	1990		
Funds appropriated to the President: Foreign military financing	($2,241)	$4,618	$6,859	−306.1
Department of Commerce: Bureau of the Census	557	1,575	1,018	182.8
Health and Human Services:				
Grants to States for Medicaid	34,604	41,103	6,499	18.8
Payments to health care trusts	31,782	34,008	2,226	7.0
FHI trust fund	58,238	66,687	8,449	14.5
FSMI trust fund	38,215	42,971	4,756	12.4
Family Support Administration	13,819	15,236	1,417	10.3
Social Security:				
FOASI benefit payments	204,648	218,957	14,309	7.0
FDI benefit payments	22,556	24,343	1,787	7.9
Department of Labor: State unemployment benefits	13,880	17,210	3,330	24.0
Department of the Treasury: Interest on the public debt	240,863	264,853	23,990	10.0
Independent agencies:				
Bank insurance fund	2,847	6,429	3,582	125.8
Resolution Trust Corporation	9,172	46,547	37,375	407.5

Mr. NICKLES. I yield the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SASSER. Mr. President, I am pleased to see the distinguished Senator from Oklahoma has come around to the view of supporting the agreements we entered into last fall which were contained in the budget agreement.

Last fall, when the distinguished ranking member, Senator DOMENICI, and I were struggling hard to try to persuade our colleagues of the rightness of this budget agreement, which put a limitation on spending, which put caps on domestic discretionary spending and on defense spending, the distinguished Senator from Oklahoma could not see his way to support us at that time. But I am pleased that he now sees the validity——

Mr. NICKLES. Will the Senator yield?

Mr. SASSER. No, I will not yield until I finish.

Of some of the arguments we were making at that time.

With regard to the growth in Federal spending, as the distinguished Senator from Oklahoma knows, when he cites the growth in outlays and lays them down against the growth in revenues, the fastest growing component in the Federal budget is interest.

In fiscal year 1991, it is projected we will pay $198 billion in net interest, an increase of almost $16 billion over fiscal year 1990. By 1992, we will pay over $200 billion in net interest on the national debt.

The fastest growing component is interest. But also included in these 1991 outlays are funding for the Resolution Trust Corporation, which I would submit is the result of almost a decade of negligence in the savings and loan industry, something that we knew needed attention but for which attention was not given.

We are going to be confronted on the floor in the not too distant future with the necessity for paying for military operations in the Middle East. When that comes before the body, I wonder who among us is going to rise and say, "Gentleman and ladies of the Senate, distinguished Senators, let us not put this on the national debt; let us not put this burden on subsequent generations; let us do something about paying for this legitimate military expenditure in the Middle East."

I dare say we will hear that from no Member of this body; certainly not from anyone that I can think of at the present time.

So I would say to my distinguished friend from Oklahoma, I agree with his views that this deficit is spinning out of control, it is growing too large, and I hope that as we move into the days and weeks ahead of trying to control and deal with this deficit we can look to the support of our friend from Oklahoma in that regard.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. DOMENICI. Mr. President, the Senator from Oklahoma was seeking recognition. I yield 1 minute to the Senator.

The PRESIDING OFFICER. The Senator from New Mexico yields I minute to the Senator from Oklahoma. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my friend from New Mexico. I would like to clarify a couple of things that were mentioned by my colleague and friend, Senator SASSER from Tennessee.

I did not support the package last year because I did not think it was a good enough package. The package does have some minimal restraints. We should not repeal those retraints. My argument for opposing the package last year was it did not do enough to curtail spending. We are seeing that happen today. The growth in spending for the first 3 months this year is 13.8 percent, over twice the rate of inflation. I think that is too high.

I do not think the solution is to repeal minimal restraints enacted last year. I am glad we have some restraints. I hope eventually they will start working. We should not repeal those. But we should be working to curtail the growth of spending in all areas. That requires more courage than we have seen in the past.

I have heard a lot of people say we should not look at the budget this year. I do not think that is acceptable. But we are not going to solve this problem by repealing the minimal restraints in the current package.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Mexico.

Mr. DOMENICI. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. Four and a half minutes. The time of the Senator from Tennessee has expired.

Mr. DOMENICI. Mr. President, I just want to say, there not being very much time remaining, if there is anyone on the Republican side who wants a minute or two, if they want to get here quickly, I will yield.

Mr. President, let me wind this up on our side and put in a quorum call momentarily in case someone wants to use that last couple minutes.

Let me talk about Social Security and the firewall for a moment, because it was brought up. I do think the Senator from Pennsylvania makes a good point. This resolution is not discrete. It does not say some points of order will remain and are good. It does not say some caps are good and will remain. It says they all go for a period of time. So you cannot pick and choose when you vote on this.

If you vote to support waiving them, you vote to waive that firewall.

I am very pleased that we put this firewall in, the process whereby you need a supermajority to change the basic strengths that underpin Social Security's availability in the future. That idea is an idea whose time had come when we decided to build surpluses of the magnitude we have. Without it, the surplusses could be spent with a majority vote and could be used under circumstances that would seriously violate the original purpose. So I am proud to have been part of the original bill and to have come up with the firewall concept that others perfected.

Let me close by saying to the Senate I hope a compelling majority of those who vote not to adopt this resolution have their eyes wide open and we are voting to enforce that summit agreement, with its difficulties, with its caps, with its points of order, with all of those things we were able to put in to restrain the voracious appetite that we have to spend more than we have year after year and not pay for what we spend. I think it is a good restraint package and we ought not undo it. There is no just reason.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, this joint resolution to suspend Gramm-Rudman-Hollings because of poor economic growth is the first, though certainly not the last, serious challenge to last year's budget agreement.

No one, including the President, will argue that we are not in the middle of tough economic times—he made that clear in his State of the Union Address. No, the real question is whether a recession is the right time to throw fiscal responsibility out the door.

For most Americans, the answer is simple. Tough times for them means cutting out luxuries and postponing necessities, and they expect no less from us.

To our credit, Congress and the President hunkered down last year and made some tough choices to cut the budget a record $500 billion. We made real, long-term cuts in entitlement programs, we capped discretionary spending, and yes, we raised taxes. But more importantly, we added tight budget enforcement procedures to Gramm-Rudman-Hollings to make sure the spending cuts were carried out.

There were those on this side who said that the budget agreement was just another attempt to heap more taxes on the American public. Many Republicans believed that at the first convenient opportunity Democrats would ditch the enforcement procedures and use the new taxes to finance higher and higher Federal spending.

Well, I am happy to report that these predictions are so far unfounded. Yes, we are faced with a vote on suspending GRH, but this time, the Democrat leadership has joined forces with Republicans to oppose removing budget enforcement controls.

It is quite a tribute to the strength of the budget agreement, that Democrats and Republicans are united in their determination to enforce the agreement even during these most difficult economic times. I hope you will join us in voting "no" on Senate Joint Resolution 44.

Mr. KOHL. Mr. President, like many of my colleagues, I rise today to praise spending constraints—not to bury them. Because the resolution before us would bury the constraints created by last year's budget agreement, I will vote against it, and I urge my colleagues to do the same.

We are considering this resolution because we are officially in a recession. And normally we respond to a recession by increasing spending to meet human needs and stimulate economic growth. But these are not normal times—we can not increase deficit spending because it has already passed the bounds of rationality.

Yesterday, the Congressional Budget Office issued its annual report on the budget outlook. Its short-term forecast was bad news: A deficit for fiscal year 1992 approaching $300 billion. And that already excessively large figure doesn't count the unknown—but undoubtedly large—off-budget costs for Operation Desert Storm and the $200 billion or more we expect to need to bail out failed S&L's and banks over the next 2 years.

Happily, CBO's longer range projections contained a glimmer of hope. Let me quote from the report:

> Last fall's budget agreement significantly curbed future deficits. In total, the agreement trimmed deficits over the 1991 to 1995 period by $482 billion. About two-thirds of the reduction is already in place, through a combination of tax increases, spending cuts, and savings on debt service. The rest must still be accomplished by passing annual appropriation bills that comply with discretionary spending caps.

CBO's promise of "significantly curbed" future deficits is a function of the fact that almost $300 billion of the deficit reduction achieved in last year's budget agreement is already locked in. That $300 billion represents financial sacrifices on the part of our constituents—tax increases and benefit cuts that were made permanent in last year's reconciliation bill.

The remaining $200 billion in savings promised by the agreement are up to us. These savings depend on Congress and the administration sticking to the spending targets agreed on last year.

Our constituents have done their share. Today, we have an opportunity to start doing ours. By defeating this resolution, we can demonstrate the Senate's willingness to keep our end of the deficit reduction deal.

If we do, there are real benefits available to us. According to CBO, if we keep the promises we made last year, we could have a deficit in 1995 that is under $100 billion for the first time in 15 years—a deficit that is under 1 percent of GNP for the first time in 20 years.

Given that incentive, why would we even consider waiving the law? Well, Congress and the President—like all politicians—love to spend money. We spend on worthy causes, on our pet programs, on growth incentives, on our constituents. But as much as we love spending, we must love our country more.

There is no doubt that our overspending is a serious threat to the well-being of our country. The 1980's—the deficit decade—was a period of growth, but not a period of gain for most Americans. While GNP growth was steady, fixed investment slowed, real earnings fell, per capita income stagnated. The U.S. economy grew, but the country as a whole was no better off for it.

In fact, we've entered the 1990's in a precarious economic situation. Our financial system is strained, government and private enterprise are immobilized by record levels of debt, interest payments on the Federal debt eat up 14.7 cents of every Federal tax dollar.

Let me expand on that last statistic. The Federal Government paid $184 billion in interest on its debt last year. That makes expenditures on interest the third largest item in our budget, trailing only defense and Social Security spending. We spend almost 20 times more on interest payments than we do on Head Start, elementary education, and secondary education combined.

We worked hard to get a budget bill last year, and that bill will make our budget work less contentious this year. But that is no reason to lose sight of the lasting damage deficits and debt are doing to our economy.

Unfortunately, right now, there is very little forcing us to stick to the hard work of deficit reduction. The budget process reforms we passed last year allow us to focus on achievable spending targets and to forget the bottom line deficit. That was a serious mistake. Congress has a responsibility to respond to events that threaten this Nation's economic health—whether those threats are of our own making or not. We have a duty to respond to this year's record deficit—even if it is primarily the result of the uncontrollable costs of war and deposit insurance obligations.

To be fair, Congress isn't alone in overlooking the country's disturbing bottom line. In his State of the Union Address, the President talked about several new domestic programs—and neglected to explain how he planned to pay for them. If we are ever to get the deficit under control, we will need leadership from the White House. And leadership means acknowledging that spending initiatives—whether they be Democratic or Republican—increase the deficit if they are not paid for.

According to an article in this week's Congressional Quarterly, deficit reduction is dead as an issue this year. I certainly hope that the reports of this death are greatly exaggerated. We must keep our eyes on the bottom line. We owe that to the people who have already contributed to deficit reduction with higher taxes. We owe it to our many constituents who did not share in the lopsided prosperity of the 1980's. And we owe it to the United States which, if unshackled from the constraints of massive debt, could become again an overwhelming economic power. I urge my colleagues to defeat this joint resolution.

Mr. DURENBERGER. Mr. President, I rise to speak in opposition to the resolution suspending the enforcement targets contained in the Gramm-Rudman balanced budget law. The predicate for this resolution is contained in section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985. Under the terms of that section, the enforcement targets can be waived when either the Congressional Budget Office [CBO] or the Office of Management and Budget [OMB] projects real economic growth to be less than zero for two consecutive quarters.

The economic downturn that began last fall was recently confirmed by both CBO and OMB. Last week, the Commerce Department reported that real GNP dropped by more than 2 percent in the last quarter of 1990. Both CBO and OMB have already stated that when the economic results from the last quarter are considered in conjunction with the projections for the first quarter of 1991, our economy will have suffered two consecutive quarters of negative economic growth.

In light of the economic downturn, should we therefor waive the enforcement mechanisms contained in Gramm-Rudman? Should we give up on the carefully crafted 5-year budget package that took months to work out last year? In this Senator's view, it is far too early to give up on our efforts to reduce the budget deficit because of what appears to be a temporary slowdown in the economy.

Mr. President, yesterday CBO published its annual "Economic and Budget Outlook" in which it issued its economic forecast for the fiscal years 1992 through 1996. In that report, CBO states that: "The U.S. economy has slipped into its ninth recession of the postwar period." However, in the view of the experts at CBO "This recession will probably be milder than the average downturn and will end by midyear." In support of this conclusion, CBO cites four fundamental factors:

First, inventories are relatively low compared with sales, and reductions in orders are therefore less likely than in previous recessions.

Second, real exports are expected to remain strong as a result of the dollar's decline and a healthy growth in foreign demand;

Third, the war in the Persian Gulf is not likely to generate large disruptions in oil supplies; and

Fourth, inflation is lower than at the onset of earlier recessions, thereby permitting a further easing of monetary policy.

Mr. President, while no one can project the future with certainty, there appears to be a consensus among nearly all economists that while this will be a painful recession, it is more than likely that this will be a fairly short recession. Most experts seem to agree that the economy could begin to show real signs of an upturn by mid-spring.

In light of these economic forecasts, should we in the Congress essentially abandon all fiscal discipline? That is what we would be doing if we voted to approve this resolution. We would abandon all caps on defense spending that were put in place last year. We would abandon the caps on domestic discretionary spending and foreign assistance. We will have given up on the entire notion underlying last year's budget agreement, namely that this Government is moving in the direction of a pay-as-you-go budget.

If we suspend the enforcement mechanisms underlying Gramm-Rudman today, we will have to live with that decision far longer than the life of this recession. If we suspend these rules, the suspension period would last until the first fiscal year beginning at least 12 months after the resolution is enacted. Therefore, a suspension resolution adopted today will stay in effect until October 1992—the start of fiscal year 1993.

Mr. President, if we adopt this resolution, we will send a message to the financial markets of the world that we have abandoned any commitment to reducing spending. We will open the floodgates for increased Federal spending without recourse to revenues to pay for such spending. The net result could be a precipitous drop in the dollar with concomitant pressure on interest rates in this country.

Mr. President, if this is not going to be a prolonged recession, we must have lower interest rates and an atmosphere more conducive to bank lending. Yet if we adopt this resolution, I can assure you that interest rates will go, Federal spending will go up, and the net effect will be an economy more severely troubled than it is today, and with the foundation for balancing the Federal budget cracked beyond repair.

I urge my colleagues to reject this amendment as did the Republican and Democratic members of the Senate Budget Committee.

Mr. RIEGLE. Mr. President, I would like to join my colleagues in expressing concern about the measure we are considering today. I have never supported the Gramm-Rudman-Hollings approach to the Federal budget, and I did not support the budget package adopted last fall because I believe that these approaches just created layers of procedure and don't solve the real problems we are facing.

Our economy is clearly in a recession. Many people have lost their jobs, and others are experiencing a real erosion of personal security. The Congressional Budget Office tells us the recession will be short. I hope they are right. But there are real weaknesses in our economy and we are still in the early days of an increasingly expensive war in the Persian Gulf, and these factors should concern us.

If the recession continues to deepen, we must be prepared to take steps to counteract the negative impact on the people of this country. I am investigating possible countercyclical measures to minimize the loss of jobs, and bring our economy out of the recession quickly. I hope the administration will work with the Congress to combat the effects of this economic downturn.

I will oppose this resolution today because there are other mechanisms available to us to enact the kinds of countercyclical measures I am talking about, without taking the major step of suspending the discipline of the Budget Act—imperfect as it is.

I am also aware that we will have an opportunity to vote again on this issue this spring. I may well make a different decision at that time if it is apparent that we must suspend the Gramm-Rudman-Hollings to take action to end the recession.

Mr. AKAKA. Mr. President, America is preoccupied with war—but the recession is producing casualties as well. A million more Americans are out of work today than were last year. In my own State of Hawaii, our major industry, tourism, has been sharply affected by the war in the Middle East and the recession on the mainland.

Mr. President, the joint resolution we are debating today would suspend enforcement sections of Gramm-Rudman-Hollings. More importantly, adoption of Senate Joint Resolution 44 would undermine some of the deficit reduction gains we achieved last year—achievements which declared to the American people our intent to deal decisively with the Federal deficit.

I am voting against Senate Joint Resolution 44 because I believe it would send the wrong signal at this time. Suspension of last year's budget agreement, which provides strict spending limits, could send the wrong signal to American and international financial markets. Suspension of Gramm-Rudman-Hollings would also tell the people back home that Congress is not serious about reducing the Federal deficit.

In reaching my decision to vote against this resolution, I am relying on the expert advice of individuals who say we will experience only a "short and shallow recession." Federal Reserve Board Chairman Alan Greenspan, Congressional Budget Office Director Robert Reischauer, and the administration anticipate that the current recession will be mild.

Although I hope and pray that their prophesies prove true, I want the people of Hawaii and all Americans to know that I am skeptical of these expert predictions. I will not forget that a recession causes innocent people to endure hardships, and I will not forgo my responsibility to ease that suffering should the experts be proven wrong.

Mr. BIDEN. Mr. President, today I joined 96 of my colleagues in voting to reject Senate Joint Resolution 44, a joint resolution to suspend the enforcement procedures of last year's budget deficit reduction agreement, and to preclude any sequestration actions to enforce overall deficit targets. The introduction of this joint resolution was triggered automatically by the recent report of the Congressional Budget Office that the U.S. economy has entered a recession. Although I believe the Congress should act when necessary and under the appropriate circumstances to fight recessions, for the following reasons I am not convinced that now is the time to do so.

First, I believe Congress must stick to its decisions and its promises. The enforcement provisions of the budget agreement sent a long-awaited message to the financial markets that the United States is finally committed to reducing Federal budget deficits. Although I did not support the agreement because I felt its terms were unfair, I recognize the importance of demonstrating this commitment. To suspend the enforcement provisions now would send a negative message to weary consumers and to the financial markets, making it more difficult for the Federal Reserve to use monetary policy—a better bet at this time than fiscal policy—to stimulate the economy.

Second, although this joint resolution would have allowed new legislation in the near future to stimulate the economy and create jobs, our economy already has built-in features that will help lessen the pain of the recession for working Americans. Unemployment insurance, food stamps, welfare, and Medicaid are all programs that will help make up for the job losses and falling incomes which accompany the recession. They are proven, built-in stabilizers that will help families to keep bread on their tables and to ride out the storm.

Last, our decisions today are not final. The uncertainty surrounding events in the gulf war make economic predictions difficult. But most experts now predict that the recession will be short-lived, ending as early as this spring. If they are correct, as I hope they are, then the effects of legislation to stimulate the economy will be felt long after they are needed. Should the experts be wrong, however, and the recession prove far worse than expected, the Senate will again have a chance to consider an identical resolution. This could be as early as April if the Commerce Department data show another quarter of recession, or sooner if the Congressional Budget Office or the Office of Management and Budget forecasts a longer recession. It may very well be appropriate at that time to suspend the budget restraints and to enact legislation to fight the recession.

Mr. LIEBERMAN. Mr. President, I rise today in opposition to Senate Joint Resolution 44. It would send all the wrong economic signals to suspend Gramm-Rudman-Hollings [GRH] at a time when our Federal deficit is totally out of control. According to the Congressional Budget Office, the percent of our GNP that goes to the Federal budget deficit has expanded 46 percent during the last decade, accounting for 4.1 percent of our GNP as compared to 2.6 percent at the end of the seventies. That level is causing our economy serious harm.

GRH has not provided us with the kind of discipline that we need to eliminate our deficit, but if we did not have this mechanism on the books, I shudder to think how large our deficit would be. What GRH does is provide some incentive to get the deficit down. Over time, with a favorable economic environment, we may have a manageable deficit. But we cannot achieve this if we abandon GRH for a spending free for all.

Just as important to remember, however, is this: if the recession deepens, then we will have an opportunity to revisit this issue. It may be that our economy will require a fiscal stimulus from the Federal Government in order to lift us out of our present economic woes. But we are not there yet, and I hope that we will not reach that point.

Last year I voted against the budget agreement. I did so because of specific provisions within the budget agreement, not because of GRH. I support fiscal discipline, and I urge my colleagues to do the same by voting against Senate Joint Resolution 44.

Mr. DOMENICI. Mr. President, I yield back any time I might have for our side.

The PRESIDING OFFICER. The Senator has yielded back a little over 1 minute. Under the previous order, all time now has expired. The vote is to occur at 2:30 p.m.

Mr. DOMENICI. Mr. President, have the yeas been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

All time has expired. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 2, nays 97, as follows:

[ROLLCALL VOTE NO. 10 LEG.]

YEAS—2

Harkin
Wellstone

NAYS—97

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wirth

NOT VOTING—1

Cranston

So the joint resolution (S.J. Res. 44) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS and Mr. LEAHY pertaining to the introduction of Senate Joint Resolution 58 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

AN AMERICA WORTHY OF OUR TROOPS

Mr. BOREN. Madam President, last Tuesday of this week, a historic occasion took place in this building. The President of the United States came to deliver his State of the Union Address, not only to the Members of the Congress assembled in joint session but also to the American people. Madam President, this was one of the few times in this century that a President came to this Capitol to deliver that address on the State of the Union and that report to the American people in time of war.

The hopes and prayers of all Americans were with the President as he delivered that speech, and remain with him as he acts not only as our President but also as our Commander in Chief, at a time when our vital national interests are engaged in the Middle East and the lives of so many of our most outstanding young men and women of our Nation are at risk as they courageously serve our Nation for the cause of freedom and the rule of international law.

Madam President, as I heard the words of the President of the United States, I was appreciative of the fact that he paid tribute in such a moving way to the courage, the dedication, and the patriotism of the young men and women from across America who serve us now in the Persian Gulf.

As I heard the President speak those words, and as the Congress rose in a prolonged ovation in recognition of the service of those young men and women in uniform, and as people all across this country, as they were gathered to hear the remarks of the President, joined in their own manner at home and in their place at work, wherever they had stopped to listen to those remarks all across this country, there was one strong unified expression of heartfelt appreciation of support for our troops from the people of the United States.

As I listened to that ovation, as I thought of the words of appreciation spoken by the President, I thought again of those young people from my own home State that I had seen off, members of the National Guard unit in my home county that I once commanded several years ago, members of a unit which now consists primarily of the sons and daughters of those members with whom I had served, young men and women who are carrying on a very proud tradition in our State, a tradition of the Oklahoma Thunderbirds who have served in World War II and the Korean conflict in more days of frontline combat than any troops from any other National Guard unit in the United States. As that expression of appreciation was being made I thought of those young men and women and I remembered again the day when I last saw them.

Just that morning, Tuesday morning, I received a letter from one of the officers of that National Guard unit, enclosing a picture taken together with several members of the unit with me on the day they departed for the Persian Gulf.

I remember standing there as they boarded the transportation to be carried to the aircraft to leave for Saudi Arabia. I remember shaking hands with each and every one of them as they prepared to leave, exchanging words with them. I remember the looks on their faces, the hope, in some ways the fear and anxiety and the concern, the pain at leaving loved ones; but common to all of them, a determination, a look of determination and expression of determination to do their duty, to serve their country as they had been requested.

Every day since I saw them off to Saudi Arabia, I have thought of them. And there are millions of people all across this country who think of other young men and women in uniform, those that they know, those from their home communities, those from their families all across this country who are loved and cherished by those Americans.

I was glad, Madam President, that the entire population of this country had an opportunity to share in that expression as voiced by the President for all of us in his State of the Union Message.

After the conclusion of the State of the Union Address by the President of the United States, there was another address given to the American people. It was designated as a Democratic response to the speech by the President of the United States, and it was presented on national television by the distinguished majority leader, the Senator from Maine, our colleague, GEORGE MITCHELL.

As I had felt a sense of pride at the remarks of the President as he expressed appreciation to our brave young men and women in uniform, I felt also a great sense of pride, not only as a member of a common political party, the Democratic political party, with the Senator from Maine, but I felt a great sense of pride as an American that we have individuals like GEORGE MITCHELL serving in this body, speaking for us as an institution.

I believe on that occasion, on Tuesday night, GEORGE MITCHELL spoke eloquently, not only for those of us on the Democratic side of the aisle; I think he spoke eloquently for the Senate as an institution, and for the vast majority of Americans of both political parties.

He was not given an easy task on Tuesday evening, to follow the President and to present, in essence, a message which would reflect the values and concerns of his own political party in an honest way, while at the same time expressing the feelings of unity and support for our young men and women in uniform that are shared by all Americans without regard to politics.

I have heard many responses to State of the Union Messages of Presidents of the United States. And I said, in a statement I released to the press Tuesday evening that I felt the response message given by the Senator from Maine, the distinguished majority leader, was the finest message in response to a Presidential State of the Union Address that I have ever heard during my time of public service, and during the time that I have followed those kinds of messages to the American people.

I felt tremendous pride to serve as colleague with a person who would express in such a heartfelt way his dedication to this country and his desire to see it be all that it can be.

As was once said, "Some people see things as they are and wonder why, and others see things that have not yet been and ask why not?"

As I listened to the message of the majority leader, the Senator from Maine, I heard the message of a person who understood the full possibility of America. I heard the message of a person who, in reflecting upon the service of those who put their lives at risk in the Persian Gulf, was challenging all of us to make this country all that it could possibly be; to provide an opportunity for all of our citizens that would enable each and every one of them to live up to his or her full potential placed within that individual by the Creator.

I can think of no finer way for us to express our appreciation for the service of the young men and women in uniform in the Persian Gulf today than to dedicate ourselves, in response to that challenging message from Senator MITCHELL, to make this country all that it can be.

We were elected to office by the people of our home States and districts for a term of years, and during that term of years we are sent here not only to represent a political point of view or to serve a partisan political interest or to serve a regional political interest or an economic interest that is of special importance to the constituents who vote in the elections where we are chosen. Madam President, our highest responsibility is to give the best that we have in terms of our knowledge and our talent and our own perception about where this country should go; to share our best judgment about what should be done for America; to act as trustees for this institution and this constitutional system; and then to have the moral courage to try to lead our Nation in the direction that it should go. That is the highest service that any of us can possibly render.

If we want to express our appreciation to the young men and women who are serving in the Persian Gulf today, if we want to honor the memory of those brave marines who lost their lives in the last few hours in the engagements that have taken place in the Persian Gulf, then, Madam President, let each and every one of us, without regard to politics, dedicate ourselves and our abilities to the service of this country without thought of personal gain or political gain, looking only at what is best for the entire country.

That is the kind of call that Senator MITCHELL gave to all of us. That is why I said that I sincerely believe it was the best speech of that kind that I have ever heard given by a member of either political party in response to a Presidential address, because he tapped those basic elements of duty that should be present in all of us as Americans, and especially present in the lives of those of us who have said that we want to render public service by occupying positions of public trust under our Constitution.

Senator MITCHELL made it clear that without regard to partisan politics, we join in our support of the young men and women in uniform. Like the President, he said, "Those young men and women over there are not Democrats; they are not Republicans; they are Americans. They are at risk for all of us." Then he said something that I think is incredibly important. He said, "There is nothing in a democratic society more difficult than to ask a few to risk everything on behalf of the many who risk nothing."

We owe a great debt of gratitude to those who are serving there for us while we remain at home in a secure setting with the highest quality of life in the world; the most secure people in the world; the freest people in the world. And he made it clear that we owe them not only our support now, but we owe it to them to provide for them and to help them with opportunities when they come home. Our support for the troops must not end when the fighting ends, Senator MITCHELL said. It must continue after they come home.

It is ironic that on the very week in which that address was made, we were finally coming to an end of our deliberations about meeting the needs of those veterans from the Vietnam conflict who were medically damaged through the use of agent orange. It has take all of those years to finally resolve our obligations to those young people who served us in Vietnam.

We must vow that when these young people come home from the Persian Gulf, as they will come home—and they will come home victorious just as we are determined to provide them with any support they need to prevail—they will come home not only to the appreciation of the American people, not only as men and women who are treated as heroes by their fellow citizens. They will also come home to a society that provides them every opportunity they need in terms of medical care and in terms of equal access to education.

We have to be acutely aware—and I think it is something we should think about, and I think it is appropriate we talk about it—that because of the nature of the All Volunteer Force which now serves in the Persian Gulf, because of the fact that we do not have a draft in place in the United States—one of the few times in our history in which we have been at war without a draft in place—not all Americans and not all segments of the American society are serving in an equal fashion. Not all elements of our society are as much at risk as others.

Those from the middle and lower income groups, those from certain racial and ethnic groups in our society, make up a disproportionate share of those whose lives are at risk in the Persian Gulf right now.

Ross Perot in speeches across this country has stated very eloquently that in World War II, for example, when our Nation went to war, all of our people went to war, all of us went together; not just some of our people; not just some from certain economic levels of society; not just principally those who were serving in the military to supplement their income because they needed help with educational opportunities or other opportunities for themselves or their families.

When this is all over, I think it is appropriate that we should have a thorough discussion of what the policy should be in this country, and whether or not we should have some kind of system where all of the people in a generation equally make some kind of contribution back to our society, whether it is through military service or some other form of giving back to our society.

When Senator MITCHELL spoke, I think all of us were reminded of the fact that in some ways we have drifted away from an American ideal we all hold dear. We have become somewhat fragmented in our country. We have become somewhat divided not only geographically and racially, but economically as well; that we have had something of a breakdown of community in our country; that there are fewer common experiences which bind us together.

In the past, during the tragedy of wartime, those from all walks of life, all strata of society, all racial and religious groups have fought side by side. And from those common experiences of working together, the poor child from the ghetto and the wealthy child from the suburbs, have realized that they shared together one common sense of purpose; that they were brothers and sisters who were part of one single American family; that they had no higher identity, no hyphenated identity that separated them from that first identity they felt as all being Americans together, sharing together a common purpose and working together with a common spirit in a common community for common goals.

Madam President, we need to think long and hard when this conflict is over about what we can do to break down the walls which are appearing between neighborhoods and sectors of our own society. What we can do is to bring all of those into the mainstream of American life who for one reason or another have begun to feel alienated from it.

The majority leader spoke eloquently about those who have become citizens of this country by choice, and he spoke about his experience as a Federal judge in presiding over citizenship ceremonies. He said time and time again when he asked those who could come to our country voluntarily who wanted to become citizens of this country, why did you want to become an American? Time and time again they would answer, because America is a place where everyone has an equal chance.

Madam President, a common commitment to that goal and to that ideal must bind us together as people, where everyone has an equal chance for an education, for example, of equal quality—everyone who is willing to work for it and who has the talent and the potential to be developed through that kind of education.

If we really want to honor those who are risking their lives and those who have given their lives in the Persian Gulf, we are called upon to do some soul-searching as a people. We are called upon to look into ourselves and to try to determine what we can do as public officials to help the process of bringing us all back together as one American family. We are called upon to ask ourselves how can we create a society in which, when we have a period of international emergency, the children of one American family are asked to make a sacrifice that is equal to the children of every other American family.

Above all, we are called upon to keep this country as great as it can possibly be. What worries me is that while we focus our concern on the Persian Gulf, and it is appropriate we focus our concern there, especially that we focus our concern upon the lives and security of those young men and women who are fighting for us there and fighting so bravely and courageously, I hope that we will not take our eye off what needs to be done to keep this country great, keep this country strong, to maintain this country in a position of leadership in the world.

I am often asked as chairman of the Senate Intelligence Committee, what is the greatest threat to our national security? I suppose most people expect me to answer in short-term language and talk about chemical weapons that might be used against us or acts of terrorism that threaten the world order and American citizens, or the drug trade and how drugs are corrupting our society. Many, many other answers could be given and they would be legitimate. But in a very real sense, Madam President, the gravest threat to our society and to the future leadership of the United States and our place in the world is the failure to change our thinking to coincide with all the changes in the world around us.

It is true that in the current military emergency, it was absolutely necessary that the United States be able to move with dispatch. We are the one country in the world that had the capability of moving quickly enough to prevent an invasion of Saudi Arabia and the compromise of that vital interest to the United States. So we are involved in that part of the world.

But at the same time, we have to realize if we are going to continue to have influence as a nation, we must rebuild the economic and social strength of this Nation; that our leadership and our influence are exerted in many ways in this world; that the nations of Eastern Europe, for example, became free ultimately, not only because we had the patience to remain strong enough militarily to deter aggression, but they became free and were inspired to become free because of the power of American ideas and American ideals.

If America is to continue to influence the world, America must be the place where all people have equal opportunity, where potential is realized, where we set an example of social justice that inspires the rest of the world and calls them to follow our lead toward political freedom.

Madam President, we must be economically strong. We are fooling ourselves if we think we can become and remain a world leader in the next century if we allow the economic strength of this country to continue to erode. Some people are fond of saying that the cold war is over; that we won and that we are now the only superpower left in the world.

Madam President, that assertion is only partially accurate. Indeed, I think we have triumphed in the cold war. Our ideals and ideas have triumphed. The danger of so-called confrontation of superpower conflict with the Eastern bloc seems to be receding in spite of some aftershocks and changes that are still ongoing in the Soviet Union. But we are not a superpower in the same sense that we were in 1950, at the beginning of the cold war.

In 1950, we had 9 of the 10 largest banks in the world. Today we do not have any of the top 20. In 1950, we had the highest per capita income in the world. Today, we are barely in the top 10, far behind the Japanese in per capita income. In 1950, we had the largest market in the world. In fact, we had an almost 70-percent share of the world market. Today we are struggling to hang on to 18 percent, in terms of our share of the world market.

If we think that the United States of America can continue to be a leader in the world, an influence in the world, an influence for good, as we have been an influence for good and for freedom in the world, we are fooling ourselves if we think we can do that and allow the economic strength of this country to continue to erode. We are fooling ourselves if we think we can continue to lead the world when we waste 29 percent of the human talent in our country, those young people who drop out of school before they graduate from high school, versus a waste of only 1 percent of the human talent in a country like Japan. That is the dropout rate there.

We are fooling ourselves, Mr. President, if we think we can continue to be a leader of the world, a so-called superpower, an influence for good in the world that can bring about positive change if we continue to allow the fiscal strength of this Nation to be eroded with $300 billion and $400 billion deficits each and every year, piling debt upon debt that will burden the next generation and force the sale of American assets right out from from under the next generation before they have a chance to create the kind of country that they want to have.

We are fooling ourselves if we think we can have a savings rate which is 10 or 20 percent of the savings rate in the rest of the world, with them building and investing in new plant and equipment, new technologies to be productive, while we lag behind in our investment rate, making do with patched equipment and wornout infrastructure in this country.

And so, Madam President, if we are to be the trustees of the next generation, if we do not look after the interests of the next generations, who will? If we do not look after the well-being of this institution, who will? Who will take care of the democratic institutions of this country? If we do not look out for an equal chance for every single American citizen without regard to race or religion or economic status, an equal chance for good education, and an equal chance for good medical care, who will look after that principle of equality? If we do not act to rebuild the economic strength of this country by rebuilding our educational system, by rebuilding our economic infrastructure, by adopting policies that encourage savings and investment and allow us to compete again, who will?

It is our responsibility, and that is what the Senator from Maine was saying to us with such clarity and with such force and with such vision on Tuesday night. He was saying if you love those young men and women who are putting their lives on the line for us in the Persian Gulf, if you care about them, then dedicate yourselves to the rebuilding of this country so that when they come home, they will not only come home to parades to be forgotten a week later. Instead, they will come home to a society that is on the move, to be all that it can be, to a society that provides them the opportunities that they deserve and will be deserved by the generations of Americans to follow.

It was a clarion call to all of us to be all that we can be in this country. It was the kind of speech that challenged us by saying not how did we get into this situation in the Persian Gulf, but why are things as they are. It was a challenge to us to dedicate ourselves in tribute to those brave young men and women to make this country all that it can be.

When I listened to that speech, I thought about the vision contained in it and the depth of understanding and the knowledge, for example, that we cannot continue to be a leader in the world if our economic strength continues to erode. I thought about the tragedy that would result, when the fighting is all over in the Persian Gulf, if we so neglect the economic strength of our country, if we so fail to contribute to the efforts we are now making that we make it difficult to compete economically in the future.

How ironic it would be if by neglecting our needs here at home, by neglecting the investments necessary to assure the future of those young men and women who are coming home, we end up serving the economic well-being of others in other nations and other lands more than we have served the well-being of our own people.

We are challenged to make the right decisions in the Persian Gulf. We are challenged to stand united behind our young men and women in uniform. We are reminded that we must never again allow young people to come back from a foreign war any place on the globe without them knowing as they come back to their hometowns and communities from which they have gone, they are being greeted by people who did not forget them, they are being greeted by people who appreciate them, they are being greeted by people who will feel a sense of lasting obligation to them for what they have done. Let there be no mistake, Madam President, that when they come home we will greet them in the most appropriate way possible, and that is with renewed dedication to work with them side by side to make this country all that it can be and to truly unite us, not just as Democrats and Republicans, as people who sit on one side of the aisle or another, but as one American family in which we are all prepared to give back according to our proportionate ability for the sake of our future.

So, Madam President, I felt a tremendous sense of satisfaction and pride as I listened to the Senator from Maine [Mr. MITCHELL] speak to the American people. There are times when we become discouraged in this place. There are times when we wonder if we are not expending a tremendous amount of energy and getting very little done. There are times in which we wonder if the American people really understand what is at stake and really understand what we are going to have to do if we are to preserve the influence of this country and its role in the world, to preserve America as a force for good as we think about what we have achieved together in the history of this world, particularly in this century.

There are times when we become discouraged and there are times when we begin to think our attention is diverted to what is going on temporarily, lurching from one crisis to another, that we in the Senate do not measure up to the long view, the vision of what needs to be done in this country, not tomorrow, not next week but 10 years from now and 20 years from now and what needs to be done in this body, in the Senate, to help prepare America for opportunities for the next generations and, yes, even into the next century.

I have had those frustrations. I will confess to you over the last several weeks and months and years, as I have served in the Senate, I have wondered if we have not diverted our attention to minutia while we have lost sight of the big picture. I have wondered at times if we had not been so interested in playing to the special interests and securing our own reelections that we lost sight of the national interests and the common objectives. I have wondered if we have not so focused our attention on those small matters that divide us as people, divide us into economic interest groups and regional interest groups, that we have lost sight of those things that are so fundamental, that bind us together as Americans.

Madam President, that is why I felt such a sense of appreciation and optimism when the Senator from Maine concluded his address, because he spoke with a broad vision about where this country needs to go. He spoke with an integrity and an honesty which told the American people the truth about what needs to be done. He did not speak in shallow platitudes. He spoke with deep conviction about the most appropriate way we could honor the courage and bravery of those young men and women in uniform in the Persian Gulf. He spoke for me, not just as a Democrat; he spoke for me as an American. His words rekindled my hope and my personal commitment to work to make this country all that it can be.

I congratulate him on what I think is an address of historic quality. I congratulate him for delivering words that I think will be preserved and at other times and other places will serve as an inspiration and a guide for a course of action needed by our country, perhaps even in times of another generation. He has made us all proud to be Members of the Senate. He has made us all proud that he is our majority leader. He has made us all grateful that we share together his vision of America.

Madam President, I ask unanimous consent that this extraordinary address by the majority leader, the Senator from Maine, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR MITCHELL: "THE OTHER BUSINESS OF THE NATION WON'T WAIT"

Following is the Democratic response, given by Senate Majority Leader George J. Mitchell (Maine), to President Bush's State of the Union address:

Across the Persian Gulf, dawn is breaking. For Americans there, another night of danger is passing. Another day of combat begins. In the skies over Iraq, aboard the ships in the gulf, on the sands of Arabia, they're Americans—no Republicans or Democrats—but Americans who've answered their country's call.

Before the war began, we debated openly, as democracy demands. We agreed that Iraq's aggression was brutal and illegal and that Iraq must leave Kuwait, by force if necessary. The difference was not in the goals but in the means: Whether force should be used immediately or only as a last resort if other means failed. No one will ever know if that other course would have worked. Now that war has begun, we'll work to see that it's swift and decisive, with the least possible loss of life.

Our hearts go out to the prisoners of war who've endured brutality and exploitation. We honor their bravery. We care for their families. We warn their captors they'll pay a heavy price for mistreating our men.

There's nothing a democratic society can do that's more difficult than to ask a few to risk everything in behalf of the many who risk nothing. We've done that. Our troops deserve our full support. They have mine and that of the Congress. Our support will not end when the fighting ends.

Those who risk their lives in our behalf, and their families, must know that a grateful nation cares about them; not just during but also after the war. And then, when the war's over, there's one lesson we must never forget: The dictator we help today may turn his weapons on us tomorrow. For 10 years, U.S. policy favored Iraq. We can't repeat that kind of mistake.

Out of the tragedy of war, we seek a world where the force of law is more powerful than the force of arms. We seek a world where justice and human rights are respected everywhere. Students massacred in China, priests murdered in Central America, demonstrators gunned down in Lithuania—these acts of violence are as wrong as Iraqi soldiers killing civilians. We cannot oppose repression in one place and overlook it in another.

We seek a world where the burdens of freedom are shared by all who enjoy its benefits.

For half a century, from the Berlin airlift to the Persian Gulf, America has done its part. Those allies who've prospered behind the shield of a common defense must contribute their fair share. They're not doing it yet. It's time they did.

One nation, Israel, has done much by its brave refusal to be provoked. This crisis has given us powerful new proof of the importance of Israel's friendship.

A CRISIS ABROAD, A CRISIS AT HOME

But as critical as the gulf conflict is, the other business of the nation won't wait. The president says he seeks a new world order. We ask him to join us in putting our own house in order. We have a crisis abroad, but we also have a crisis here at home.

We're in a recession. More than a million Americans who had jobs last year are out of work today. Bankruptcies are rising. The banking system is in trouble. People are worried about their economic future.

We can meet this crisis by providing for the well-being of the American family. That's our strength. Working families, the men and women who toil in industry, tend farms, work computers and run small business, the children and students who are the future—they're the true measure of our national vitality.

In just two weeks, this war has shown us the enormous potential of our people and of our technology.

We've combined superior equipment with concentrated training, high skill with great courage, to do the work of war. Now we should apply our talent and technology to the work of peace.

If we can make the best smart bomb, can't we make the best VCR? If we can build a high-speed Patriot missile, can't we build a high-speed train? I believe we can. Our first priority must be economic growth.

A skilled and dedicated workforce, modern equipment and innovation are essential to a rising standard of living. And economic growth solves many problems. The old saying is true: The best social program is a good job.

The first step to growth is a sensible energy policy. We should have learned the lessons of the two oil price shocks of the '70s. But we didn't.

For 10 years, we've had no energy policy. We've just relied on imported oil. We must change that. We need a new energy program which encourages conservation, promotes the use of alternative fuels and reduces our dependence on imported oil.

We're outraged by the environmental disaster in the Persian Gulf. But there's a broader threat to the global environment. We must combat pollution before it makes much of the Earth unfit for life.

We must strengthen the banking system now, before it's a full national crisis, not after.

Last year, the Senate passed a good bill to limit spending in political campaigns and to eliminate political action committees. We're going to pass it again this year and push until it becomes law.

PUTTING RESOURCES WHERE THEY BELONG

We want a better society, not just for our returning service men and women but for their children and all children. We owe them not just a safer world but safer streets at home. So we'll put the emphasis and the resources where they belong—at the state and local level. That's the front line of the war on drugs and crime.

We'll provide care, food and early education for the millions of children who don't get them. We spend more on health care than any other country. We get the best of care—but only for those who can afford it. That leaves out a lot of Americans.

Thirty-seven million don't have any health insurance. And we don't have any policy on what will be the crisis of this decade: long-term care for the elderly. We can provide better health care at less cost. We all have to do more with less. Your families have to. Government must do the same, to be more careful with your tax dollars.

For 10 years, we've had record budget deficits and record trade deficits. We've lost a lot of American jobs. We've got to bring the deficits down and the jobs home. The president's way to do that is to give huge tax cuts to those with incomes over $200,000 a year. We disagree.

It's working men and women, the middle class, whose taxes should be cut. They're already bearing most of the tax burden. They're also bearing the burden of war. Not many kids whose families earn more than $200,000 a year volunteer to join the Army. It's mostly children of working people, the middle class and the poor who'll do the fighting and dying. Their families shouldn't have to bear all the burdens. What they need, what all Americans need most of all is opportunity—the chance to succeed through hard work. Before I entered the Senate, I served as a federal judge. It's a position of great power. But what I enjoyed most was presiding at citizenship ceremonies. People who'd come from all over the world gathered before me in a federal courtroom. There, in the final act, I administered to them the oath of allegiance to the United States, and they became Americans.

After every ceremony I spoke personally with each new American. I asked them how and why they came. Their stories were inspiring. Their devotion to America, moving. Their answers were different but through them ran a common theme, best expressed by a young man who said, in halting English, "I came because here in America everyone has a chance."

He summed up America in one sentence: Here, everyone has a chance.

I know that's true. I know that in America you can go as high and as far as your talent and your willingness to work will take you. That means there must be a quality education for every American child. There must be jobs, fairness in the workplace, with no discrimination, with equal rights and economic independence for women. No guarantees for anyone, but an equal chance to succeed for everyone.

So tonight, as we take stock of our country, we acknowledge our good fortune to be Americans, citizens of the most free, the most open, the most just society in human history, even as we recognize that there remain wrongs to be righted.

But most of all, we think of our grave responsibility: To half a million of our fellow citizens who bear the burden of battle. To support them now, and to respect them when they return.

I think tonight about a young airman from Winslow, Maine. I met him in December in Saudi Arabia. He has four children, including 1-year-old twins. He hadn't seen them for months and didn't know when he would. But he didn't complain. He was quiet, but it was the quiet strength of someone committed to his country and his duty.

Our duty is to support the men and women serving in the Persian Gulf, to work and pay for their swift and safe return and to build an America worthy of them and their children.

May God bless and watch over each of them.

Thank you, and good night.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Madam President, I will in a moment be discussing a resolution, to which I will speak for just a very few moments, in behalf of Senator MITCHELL and Senator DOLE. Before I do, however, let me say I am privileged to have been on the floor for the last several moments listening to our colleague, the distinguished senior Senator from the State of Oklahoma.

I would like to say this was one of the finest statements of conscience and thoughtfulness I have heard in the 12 years I have been a Member of the U.S. Senate.

Madam President, I had the privilege of coming to the Senate with Senator DAVID BOREN of Oklahoma. In addition to that, I have the high honor of being a neighbor to the State of Oklahoma and serving as the neighboring Governor to then-Governor DAVID BOREN of Oklahoma.

In my many years and many wonderful times that I have had the privilege of being with DAVID BOREN on both a professional and a social basis, I do not think that I have ever been prouder of our colleague than for the very, very thoughtful and thought-provoking address he has delivered this afternoon in the U.S. Senate.

REGARDING RED CROSS ACCESS TO PRISONERS OF WAR

Mr. PRYOR. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Concurrent Resolution 8 now at the desk, a resolution submitted earlier today by both the majority leader and the Republican leader, myself and others, regarding Red Cross access to prisoners of war held in Iraq.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) demanding that the International Committee of the Red Cross be given access to prisoners of war held in Iraq.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. Madam President, I am proud today to be able to join with Senator MITCHELL, Senator DOLE, and others of our colleagues in offering this resolution expressing our concern and, I must say, our outrage about the treatment given to the prisoners of war that have been captured by Iraq.

Yesterday General Schwarzkopf, our military commander in the gulf, spoke out against the Government of Iraq for its mistreatment of POW's and its rejection of requests by the International Red Cross to inspect our POW's.

To date, Saddam Hussein has rejected all requests by the International Committee of the Red Cross to see Americans and coalition prisoners of war held in Iraq. This is not only shameless, Madam President, it is also a very clear violation of international law.

The Third Geneva Convention requires any nation holding prisoners of war to allow representatives of the International Red Cross to visit and interview those prisoners of war. On our side, the Red Cross has freely visited with the POW's held by United States and other allied forces. We have done our part. We have complied. They have inspected the prison facilities. They have interviewed prisoners. It is reported that we are treating Iraqi POW's with dignity and with respect under the accords of the Geneva Convention.

Iraq's reason for shutting out the Red Cross appears to be to cover up other breaches of law and decency. Who could have missed the disgraceful video parade of allied POW's, who appeared to have been beaten, abused, and coerced by their captors?

Recently Saddam Hussein sunk to new lows by threatening to use allied POW's as human shields at likely targets of allied air attacks. The press has now reported that a POW may have been killed as a result of Saddam's human shield policy. The press has recently reported—Madam President, I do not know if this has been verified—that now there is a female prisoner of war held by Iraq.

Cowardly, inhuman, cruel; yes, Madam President, Iraq's actions have been all of these.

Just as certainly, Iraq's treatment of POW's is a violation of another article of the Third Geneva Convention.

Madam President, the resolution that Senator MITCHELL, Senator DOLE, and I have introduced today deplores and expresses our outrage at this latest round of Iraq travesties.

Our resolution demands that Iraq permit immediately the International Red Cross to visit all POW's held by Iraq. We condemn the heinous mistreatment of POW's by the Iraqis, including the deliberate endangerment of POW lives.

Madam President, in this resolution we will find very, very strong and certain language. But it is in response to those inexcusable, barbaric actions in Iraq.

I believe that General Schwarzkopf spoke for all of us, Madam President—whether the strongest supporter of the war or the most fervent marcher for peace—when he said, "The Red Cross has inspected our POW camps. I challenge—I challenge the Iraqis right now to do the * * * same thing in their POW camps—and look at how they're treating our people and the other coalition POW's."

Madam President, I ask for my colleagues' support on this concurrent resolution at this time.

I yield the floor.

The PRESIDING OFFICER. Speaking as the Senator from Maryland, I would like to be added as a cosponsor.

Mr. PRYOR. Without objection, the Senator from Maryland is added as an original cosponsor of the concurrent resolution.

Mr. MITCHELL. Madam President, as the war in the Persian Gulf continues, it is inevitable that prisoners of war will be taken on both sides of the conflict. Those captured by the United States and the other countries in the coalition against Iraq will be given fair and humane treatment. They will be fed and sheltered. They will not be abused. All requirements of the Third Geneva Convention on the treatment of prisoners of war will be observed.

Sadly, it appears that the same thing cannot be said for those who are captured by the Government of Iraq. That Government, which displayed captured pilots on television more than 1 week ago, has yet to provide the International Committee of the Red Cross with access to those prisoners. Additional Americans are reported missing today, including one woman soldier of the American forces. Iraq has yet to release any information on these missing Americans.

The Third Geneva Convention, to which Iraq is a party, requires that prisoners of war be treated humanely and not subjected to torture, physical or mental abuse, or placed in areas where they could be subject to the ongoing combat. Iraq may have violated each of these requirements already. Moreover, Iraq has not yet permitted the International Committee of the Red Cross to have access to the captured Americans and other prisoners.

The Senate has called upon the Government of Iraq to respect the rights of prisoners of war and to observe the requirements of the Third Geneva Convention by adopting Senate Concurrent Resolution 5. Today's concurrent resolution reaffirms that demand. Specifically, we are today calling on the Government of Iraq to permit the International Committee of the Red Cross to have access to the detained prisoners from the coalition forces.

Iraq is required to do this by international agreement. Iraq is required to do this by norms of decency and morality. The United States must insist that Iraq agree to treat prisoners of war in a humane manner and that the International Committee of the Red Cross be given access to these prisoners.

Mr. DOLE. Madam President, I am pleased to join Senator MITCHELL in offering this concurrent resolution.

If we have learned one thing these past few weeks, it is that no action of Saddam Hussein—no matter how brutal, or how bizarre—should come as a surprise.

Indeed, the world has witnessed a disgusting display of military terrorism—psychological terrorism—and environmental terrorism.

Madam President, there is no getting around the fact that war is a tough business. Soldiers and civilians on both sides have been killed and injured, and unless Saddam releases Kuwait, then more fatalities will occur.

But throughout modern history, truly civilized nations have declared there is a fundamental difference between acts of war, and war crimes.

These nations understood their obligation to comply with the resolutions of the third Geneva Convention.

These resolutions include granting representatives of the International Committee of the Red Cross free access to all prisoners of war.

The United States and the coalition are abiding by the conventions, and we will continue to do so. This resolution demands the same from Saddam Hussein.

Will this resolution make a difference in Baghdad? Probably not. Will Saddam finally surprise us and exhibit some degree of humane, civilized behavior? Probably not.

But we owe it to our own conscience, and most of all, to our POW's and their families to try.

The PRESIDING OFFICER. Is there further debate on the concurrent resolution? If not, the question is on agreeing to the concurrent resolution?

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 8

Whereas the United States and other United Nations members armed forces are engaged in armed conflict with the Government of Iraq pursuant to United Nations Security Council Resolution 678;

Whereas the Convention Relative to the Treatment of Prisoners of War (hereinafter referred to in this resolution as the Third Geneva Convention) requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross free access to all prisoners of war;

Whereas the Government of Iraq has violated the Third Geneva Convention by not authorizing requests from the International Committee of the Red Cross to visit and interview American and other prisoners of war;

Whereas the Third Geneva Convention requires the humane treatment of all prisoners of war and provides that no prisoner of war may be held in areas that expose him to the fire of the combat zone;

Whereas the the Government of Iraq has threatened to place POW's in danger, and whereas it has been reported that American and other prisoners of war have been injured or killed while being held by the Government of Iraq as "human shields" at likely military targets of coalition forces;

Whereas such cruel and inhumane treatment of prisoners of war is a violation of the Third Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

The United States demands that Iraq permit the International Committee of the Red Cross to visit all American and other prisoners of war at the earliest possible time, in accordance with the requirements of the Third Geneva Convention.

The United States condemns the Government of Iraq for brutal mistreatment of American and other prisoners of war, for deliberately placing their lives in danger, and for other violations of the Third Geneva Convention.

Mr. PRYOR. Madam President, I move to reconsider the vote by which the concurrent resolution was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS

Mr. PRYOR. On behalf of the majority leader, Madam President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 3:47 p.m., recessed until 4:20 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ROBB).

The PRESIDING OFFICER. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, am I correct in my understanding that the Senate is now in a period for morning business with Senators permitted to speak therein?

The PRESIDING OFFICER. The Senator is correct.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. HEINZ].

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 325 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HEINZ. Mr. President, I see no other Senator seeking recognition. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 326 and S.J. Res. 59 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROGRESS IN SPACE AND AERONAUTICS DURING CALENDAR YEAR 1988—MESSAGE FROM THE PRESIDENT—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's progress in aeronautics and space during calendar year 1988, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Not only do aeronautics and space activities cut across many sectors of our Federal Government as represented in this report, but the results of this ongoing research and development affect the Nation as a whole. This report details the accompolishments of the 14 contributing departments and agencies, with the National Aeronautics and Space Administration (NASA) and the Department of Defense the major contributors.

In 1988 we were proud to return to successful spaceflight with the launch of two space shuttle flights and the additional successful launch of six unpiloted expendable launch vehicles, putting in orbit a wide variety of space tracking, science, navigational, weather, and defense satellites. In addition, many other kinds of achievements highlighted the year. Global climate change and ozone depletion were intensely studied. The world's fastest supercomputer was installed, permitting solutions to aerodynamic problems far too complex to be handled by previous computers. The Department of Defense completed delivery of all 100 B–1B bombers and saw the rollout of the first B-2 Stealth bomber. Progress was made at the Federal Aviation Administration in the modernization of air navigation and air traffic control and many safety research projects, including new ways of reducing aviation problems caused by adverse weather. Spin-offs, or benefits to the Nation resulting from practical applications of space technology, have resulted in an estimated $27 billion from contributions to sales or savings since 1978. It should not be overlooked that U.S. aeronautical products are one of the principal positive contributors to the U.S. balance of trade. Significant developments in technology applications included a cooperative effort to use space technology to improve the sight of persons with impaired vision and a joint project to improve laboratory identification and monitoring of cancer cells. These are just a few of the many accomplishments our fiscal year 1988 $26.6 billion space budget and $7 billion aeronautics budget have produced.

In 1988 we reaffirmed our commitment to the exploration and use of space in support of our national well-being. Our mission to provide leadership in critical areas of space activities in an increasingly competitive international environment urges us to build on the great achievements of those who have gone before and continue with the extraordinary aeronautical and space achievements that this Nation has so capably demonstrated.

GEORGE BUSH.

THE WHITE HOUSE, *January 31, 1991.*

PLANS AND PROGRAMS FOR INTERNATIONAL SPACE YEAR—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to submit the attached report on plans and programs for the International Space Year (ISY) in 1992, prepared by the National Aeronautics and Space Administration in response to Senate Joint Resolution 75 (Public Law 101-339, July 31, 1990). The report shows considerable progress since the ISY was first proposed by the Congress in 1985 and advanced internationally by NASA at President Reagan's direction.

The report indicates a broad acceptance for the ISY that confirms the original intent and expectations of the Congress. The ISY celebrates a new age that inspires a unifying perspective on Earth as we continue to push back the frontiers of space. I invite the American people to develop activities for 1992 that foster the ISY's global perspective.

The ISY will place important emphasis on education. The language of science and the perspective of space are both global in scope. They will be united during the ISY in many science education programs in which challenging subjects such as astronomy, geology, physics, and chemistry will draw on the universal appeal of space science and exploration. Similarly, other public education activities ranging from television programs to expositions will carry the ISY's universal message to the widest possible audience.

I invite the leaders of all the nations of the world to join me in endorsing and actively supporting the International Space Year in 1992. In particular, I urge their continued support for the Space Agency Forum on the ISY (SAFISY), whose membership includes 28 space agencies plus eight affiliated international organizations, including the United Nations. The SAFISY has adopted Mission To Planet Earth as the central ISY theme and is also supporting ISY activities concerning human exploration, education, benefits for developing nations, and space science. I look forward to continued progress in those areas as the ISY approaches.

The ISY will promote worldwide recognition of a new era of global cooperation in space. Everyone can and should join in its celebration.

GEORGE BUSH.

THE WHITE HOUSE, *January 31, 1991.*

NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit today for the consideration of the Congress and the American people the 1991 National Drug Control Strategy, in accordance with section 1005 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 21 U.S.C. 1504).

This is the third National Drug Control Strategy, and it should be viewed as a companion to the previous two submitted in September 1989 and January 1990. This Strategy lays out a comprehensive plan for Federal drug control activities for fiscal year 1992. The principal goal remains unchanged: to reduce the level of illegal drug use in America. This goal cannot be achieved by the Federal Government acting alone, and so this Strategy calls upon all segments of our society to continue to do their part. In crafting this Strategy, we have sought the counsel not only of Federal officials and Members of the Congress, but also State and local officials; experts in the fields of drug prevention, treatment, and enforcement; and public-spirited citizens.

I am pleased to be able to report that there are indications that we are embarked on the right path: although much remains to be done and serious problems still confront us, numerous indicators show that we are beginning to see significant declines in drug use throughout the Nation. Continued congressional support is essential to ensure progress.

GEORGE BUSH.

THE WHITE HOUSE, *January 31, 1991.*

MEASURES PLACED ON THE CALENDAR

The Committee on Veterans' Affairs was discharged from the further consideration of the following bill; which was placed on the calendar:

H.R. 555. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 331. An original bill to amend section 501 of title 37, United States Code, to remove a limitation on the amount of leave that may accrue toward leave payable upon discharge (Rept. No. 102-3).

S. 332. An original bill to increase the rate of special pay for duty subject to hostile fire or imminent danger, extend unemployment compensation benefits, and expand savings programs and life insurance coverage for members of the Armed Forces serving in connection with the Persian Gulf conflict, and to provide additionalbenefits for such members (Rept. No. 102-4).

By Mr. NUNN, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 160. A bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces (Rept. No. 102-5).

By Mr. NUNN, from the Committee on Armed Services, with amendments:

S. 204. A bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty (Rept. No. 102-6).

S. 221. A bill to require the Secretary of Defense to permit members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States, and to amend title 10, United States Code, to waive the limitation on the amount which may be deposited in a savings program by or for members of the Armed Forces determined to be in a missing status in connection with the Persian Gulf conflict (Rept. No. 102-7).

S. 232. A bill to amend title 38, United States Code, to increase the maximum amount of coverage under Servicemen's Group Life Insurance; and to direct the Secretary of Veterans Affairs to pay a death gratuity to certain survivors of members of the uniformed services who died after August 1, 1990, and before the effective date of such increase (Rept. No. 102-8).

S. 237. A bill to amend title 37, United States Code, to increase the rate of special pay for duty subject to hostile fire or imminent danger (Rept. No. 102-9).

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S. Res. 24. An original resolution authorizing expenditures by the Committee on Finance; referred to the Committee on Rules and Administration:

By Mr. INOUYE, from the Select Committee on Indian Affairs, without amendment:

S. Res. 25. An original resolution authorizing expenditures by the Select Committee on Indian Affairs; referred to the Committee on Rules and Administration.

By Mr. BOREN, from the Select Committee on Intelligence, without amendment:

S. Res. 26. An original resolution authorizing expenditures by the Select Committee on Intelligence; referred to the Committee on Rules and Administration.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 27. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; referred to the Committee on Rules and Administration.

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. Res. 29. An original resolution authorizing expenditures by the Committee on the Judiciary; referred to the Committee on Rules and Administration.

By Mr. PRYOR, from the Special Committee on Aging, without amendment:

S. Res. 31. An original resolution authorizing expenditures by the Special Committee on Aging; referred to the Committee on Rules and Administration.

By Mr. SASSER, from the Committee on the Budget, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on the Budget; referred to the Committee on Rules and Administration.

By Mr. DECONCINI, from the Committee on Veterans Affairs, without amendment:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. DANFORTH, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DURENBERGER, Mr. PRYOR, Mr. SYMMS, Mr. CHAFEE, Mr. REID, Mr. BURDICK, Mr. HOLLINGS, Mr. SARBANES, Mr. MCCONNELL, Mr. LAUTENBERG, Mr. GLENN, Mr. SHELBY, Mr. COHEN, Mr. AKAKA, Mr. KERRY, Mr. GORTON, Mr. D'AMATO, Mr. LEVIN, Mr. PELL, Mr. COCHRAN, Mr. FORD, Mr. SANFORD, Mr. CRANSTON, Mr. SASSER, Mr. LIEBERMAN, Mr. BRYAN, Mr. CONRAD, Mr. BOND, Mr. PRESSLER, Mr. JOHNSTON, Mr. LEAHY, Mr. DODD, Mr. DIXON, Mr. GRAHAM, Mr. STEVENS, Mr. WARNER, Mr. SMITH, Mr. DASCHLE, Mr. MCCAIN, Mr. PACKWOOD, Mr. BAUCUS, Mr. JEFFORDS, Mr. GORE, Mr. HARKIN, Mr. ADAMS, Ms.

Mikulski, Mr. Kohl, Mr. Heinz, Mr. Kasten, Mr. Rudman, Mr. Bingaman, Mr. Bumpers, Mr. Robb, Mr. Murkowski, Mr. DeConcini, Mr. Craig, Mr. Burns, Mr. Grassley, Mr. Simon, Mr. Inouye, and Mr. Hatfield):

S. 308. A bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. Gore and Mr. D'Amato):

S. 309. A bill to control the transfer of arms to countries that threaten world peace, including countries that are the subject of a United Nations or United States blockade or embargo; to the Committee on Foreign Relations.

By Mr. PELL:

S. 310. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. Seymour):

S. 311. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. EXON:

S. 312. A bill for the relief of Luis A. Gonzalez and Virginia Aguilla Gonzalez; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. Leahy, Mr. Kennedy, Mr. Adams, Mr. Akaka, Mr. D'Amato, Mr. Inouye, Mr. Kerry, Mr. Kohl, and Mr. McCain):

S. 313. A bill to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing; to the Committee on the Judiciary.

By Mr. COHEN:

S. 314. A bill to establish a uniform minimum package and claim procedures for health benefits, provide tax incentives for health insurance purchases, encourage malpractice reform, improve health care in rural areas, establish State uninsurable pools, and for other purposes; to the Committee on Finance.

By Mr. KASTEN (for himself, Mr. Lugar, Mr. Burns, Mr. Lott, Mr. Cochran, and Mr. Pressler):

S. 315. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. Cochran, Mr. Wallop, Mr. Symms, Mr. Gorton, Mr. Grassley, and Mr. Lott):

S. 316. A bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process; to the Committee on Governmental Affairs.

By Mr. BURDICK (for himself, Mr. Moynihan, Mr. Baucus, Mr. Lautenberg, Mr. Bentsen, Mr. Reid, and Mr. Lieberman):

S. 317. A bill to establish a National Infrastructure Council, and for related purposes; to the Committee on Environment and Public Works.

By Mr. PACKWOOD (for himself, Mr. Bentsen, Mr. Dole, Mr. Bumpers, Mr. Kasten, Mrs. Kassebaum, Mr. Chafee, Mr. Symms, Mr. Baucus, Mr. Danforth, Mr. Breaux, Mr. Durenberger, Mr. Gorton, Mr. Cohen, and Mr. McConnell):

S. 318. A bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. Hatch, and Mr. Akaka):

S. 319. A bill to amend the Public Health Service Act to establish an Office of the Associate Director for Special Populations to place emphasis on needs of women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. Garn, Mr. Pell, Mr. Helms, Mr. Sarbanes, Mr. Heinz, and Mr. Cranston):

S. 320. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; placed on the calendar.

By Mr. McCONNELL:

S. 321. A bill to establish a Law Enforcement Officer's Bill of Rights; to the Committee on the Judiciary.

By Mr. HELMS:

S. 322. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require a 5 percent reduction in certain assistance under that Act to a law enforcement agency unless such agency has in effect a binding enforcement officers bill of rights; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. Packwood, Mrs. Kassebaum, Mr. Jeffords, Mr. Cohen, Mr. Simpson, Mr. Adams, Mr. Akaka, Mr. Wirth, Mr. Bingaman, Mr. Bradley, Mr. Burdick, Mr. Cranston, Mr. Dodd, Mr. Glenn, Mr. Gore, Mr. Harkin, Mr. Hollings, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Pell, Mr. Riegle, Mr. Robb, Mr. Simon, and Mr. Wellstone):

S. 323. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WIRTH (for himself, Mr. Gore, Mr. Heinz, Mr. Adams, Mr. Akaka, Mr. Bradley, Mr. Bryan, Mr. Bingaman, Mr. Breaux, Mr. Bumpers, Mr. Chafee, Mr. Cohen, Mr. Cranston, Mr. Daschle, Mr. D'Amato, Mr. DeConcini, Mr. Dodd, Mr. Domenici, Mr. Durenberger, Mr. Fowler, Mr. Graham, Mr. Gorton, Mr. Harkin, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mr. Johnston, Mrs. Kassebaum, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Nunn, Mr. Pell, Mr. Reid, Mr. Riegle, Mr. Rockefeller, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Shelby, Mr. Simon, and Mr. Wellstone):

S. 324. A bill to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HEINZ:

S. 325. A bill to exempt certain members of the Armed Forces of the United States from duty in the Persian Gulf theatre of operations; to the Committee on Armed Services.

By Mr. SPECTER:

S. 326. A bill to establish a comprehensive energy conservation program; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. Bingaman, Mr. D'Amato, Mr. DeConcini, Mr. Exon, Mr. Ford, Mr. Gorton, Mr. Helms, Mr. Hollings, Mr. Johnston, Mr. Sarbanes, Mr. Pell, Mr. Shelby, Mr. Heflin, Mr. Simon, Mr. Graham, Mr. Nickles, and Mr. Reid):

S. 327. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans' Affairs.

By Mr. GORE:

S. 328. A bill for the relief of Sven O. Spjuth, M.D., Margareta Barbaro Eriksson Spjuth, and Martin Sven Olof Spjuth.

By Mr. PELL (for himself, Mr. Kennedy, Mrs. Kassebaum, Mr. Dodd, Mr. Simon, Mr. Cochran, Ms. Mikulski, Mr. Jeffords, Mr. Metzenbaum, Mr. Bingaman, Mr. Bumpers, Mr. Boren, and Mr. Kerrey):

S. 329. A bill to strengthen the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MITCHELL (for Mr. Cranston, for himself, Mr. Specter, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, Mr. Graham, Mr. Akaka, Mr. Murkowski, Mr. Simpson, Mr. Thurmond, Mr. Jeffords, Mr. Bryan, Mr. Burdick, Mr. Conrad, Mr. D'Amato, Mr. Daschle, Mr. Dixon, Mr. Dodd, Mr. Dole, Mr. Ford, Mr. Gorton, Mr. Johnston, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Ms. Mikulski, Mr. Moynihan, Mr. Reid, Mr. Sanford, Mr. Sarbanes, and Mr. Wirth):

S. 330. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NUNN:

S. 331. An original bill to amend section 501 of title 37, United States Code, to remove a limitation on the amount of leave that may accrue toward leave payable upon discharge; from the Committee on Armed Services; placed on the calendar.

S. 332. An original bill to increase the rate of special pay for duty subject to hostile fire or imminent danger, extend unemployment compensation benefits, and expand savings programs and life insurance coverage for members of the Armed Services serving in connection with the Persian Gulf conflict, and to provide additional benefits for such members; from the Committee on Armed Services; placed on the calendar.

By Mr. KASTEN:

S. 333. A bill to amend the Soldiers' and Sailors' Civil Relief Act to improve protections against eviction and distress; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Adams, Mr. Harkin, Mr. Kohl, Mr. Metzenbaum, Ms. Mikulski, Mr. Pell, Mr. Simon, Mr. Wellstone, and Mr. Jeffords):

S. 334. A bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. Pell, Mr. Durenberger, Mr. Metzenbaum, Mr. Burdick, Mr. Dodd, Mr. Inouye, Mr. Simon, Mr. Wellstone, and Mr. Harkin):

S. 335. A bill to provide relief for active duty military personnel serving in connection with Operation Desert Storm on obligations under the Robert T. Stafford Student Loan Program, to alleviate health care provider shortages resulting from hostilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 336. A bill to amend chapter 43 of title 38, United States Code, to clarify and improve reemployment rights and benefits for certain inductees and veterans, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SIMON:

S. 337. A bill to amend chapter 30 of title 38, United States Code, to provide that certain service by members of the Selected Reserve who are ordered to active duty in connection with the Persian Gulf conflict be deemed to satisfy certain requirements for basic educational assistance under such chapter, to revise the requirements for such assistance applicable to such members, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DANFORTH (for himself and Mr. Moynihan):

S. 338. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the sale of any international airline route; to the Committee on Finance.

By Mr. DeCONCINI (for himself, Mr. D'Amato, Mr. Warner, Mr. Heflin, and Mr. Lieberman):

S. 339. A bill to enhance the Federal Government's authority and ability to eliminate violent crime committed by outlaw street and motorcycle gangs; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Jeffords, Mr. Adams, Mr. Akaka, Mr. Bradley, Mr. Brown, Mr. Bryan, Mr. Bumpers, Mr. Burns, Mr. Chafee, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. Danforth, Mr. DeConcini, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Ford, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Hatch, Mr. Hatfield, Mr. Heflin, Mr. Hollings, Mr. Inouye, Mrs. Kassebaum, Mr. Kasten, Mr. Kerrey, Mr. Kohl, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Lott, Mr. Mack, Mr. Metzenbaum, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mr. Nickles, Mr. Nunn, Mr. Pell, Mr. Pressler, Mr. Reid, Mr. Rockefeller, Mr. Roth, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Simpson, Mr. Smith, Mr. Specter, Mr. Stevens, Mr. Symms, Mr. Thurmond, and Mr. Wallop):

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day"; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. Lautenberg, and Mr. Heinz):

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day; A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 24. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. INOUYE:

S. Res. 25. An original resolution authorizing expenditures by the Select Committee on Indian Affairs; from the Select Committee on Indian Affairs; to the Committee on Rules of Administration.

By Mr. BOREN:

S. Res. 26. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. HOLLINGS:

S. Res. 27. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. MITCHELL (for Mr. Ford for himself and Mr. Stevens):

S. Res. 28. A resolution to authorize the payment of private legal expenses for Michael Kinsella, a Senate employee, out of the contingent fund of the Senate; considered and agreed to.

By Mr. BIDEN:

S. Res. 29. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. PACKWOOD:

S. Res. 30. A resolution to express the sense of the Senate that the Willamette Meteorite should be returned to the State of Oregon; to the Committee on Rules and Administration.

By Mr. PRYOR:

S. Res. 31. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. SASSER:

S. Res. 32. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. DeCONCINI:

S. Res. 33. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself, Mr. Dole, Mr. Pryor, Mr. McCain, Mr. Pell, Mr. Domenici, Mr. Robb, Mr. Riegle, Mr. Graham, Mr. DeConcini, Mr. Fowler, Mr. Warner, Mr. Lugar, Mr. Murkowski, Mr. D'Amato, and Ms. Mikulski):

S. Con. Res. 8. A concurrent resolution demanding that the International Committee of the Red Cross be given access to prisoners of war held in Iraq; considered and agreed to.

By Mr. DeCONCINI (for himself, Mr. Graham and Mr. Shelby):

S. Con. Res. 9. A concurrent resolution to encourage the Angolan Peace Talks; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. Danforth, Mr. Moynihan, Mr. Riegle, Mr. Durenberger, Mr. Pryor, Mr. Symms, Mr. Chafee, Mr. Reid, Mr. Burdick, Mr. Hollings, Mr. Sarbanes, Mr. McConnell, Mr. Lautenberg, Mr. Glenn, Mr. Shelby, Mr. Cohen, Mr. Akaka, Mr. Kerry, Mr. Gorton, Mr. D'Amato, Mr. Levin, Mr. Pell, Mr. Cochran, Mr. Ford, Mr. Sanford, Mr. Cranston, Mr. Sasser, Mr. Lieberman, Mr. Bryan, Mr. Conrad, Mr. Bond, Mr. Pressler, Mr. Johnston, Mr. Leahy, Mr. Dodd, Mr. Dixon, Mr. Graham, Mr. Stevens, Mr. Warner, Mr. Smith, Mr. Daschle, Mr. McCain, Mr. Packwood, Mr. Baucus, Mr. Jeffords, Mr. Gore, Mr. Harkin, Mr. Adams, Ms. Mikulski, Mr. Kohl, Mr. Heinz, Mr. Kasten, Mr. Rudman, Mr. Bingaman, Mr. Bumpers, Mr. Robb, Mr. Murkowski, Mr. DeConcini, Mr. Craig, Mr. Burns, Mr. Grassley, Mr. Simon, Mr. Inouye, and Mr. Hatfield):

S. 308. A bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit; to the Committee on Finance.

EXTENSION OF LOW-INCOME HOUSING CREDIT

Mr. MITCHELL. Mr. President, I am pleased to introduce legislation today with Senator Danforth and 61 other Senators that would make the low-income housing tax credit permanent.

I wish to thank Senator Danforth for his cooperation and leadership in this area. I have worked with him closely on this matter now for some years and announce that Senator Danforth is necessarily delayed but will be on the floor to make a statement in this regard shortly. I want the Record to reflect my gratitude for his cooperation and his outstanding leadership.

This legislation is a simple extension of current law under which the low-income housing credit is scheduled to expire at the end of this year.

Since its creation in the Tax Reform Act of 1986, the low-income housing tax credit has been a great success, producing almost 300,000 units of housing for low- and moderate-income families.

The credit is a tightly targeted, 10-year tax incentive for the construction, rehabilitation, and acquisition of housing provided to families with less than 60 percent of median income who pay rent not in excess of 30 percent of their income. This program is a vast improvement over prior law tax incentives for low-income housing. It provides less generous tax subsidies while at the same time achieving better targeting toward lower income families and for a longer period of time. Important refinements were made to the credit in 1989 to further target the tax benefits to families and geographic areas that are most in need of housing assistance.

The credit has turned out to be a far more effective means of stimulating low-income housing development than was first anticipated by anyone, including me when I authored this provision in 1986. That is due in large part to the innovative work of the development community and to the strong leadership efforts of the State housing credit agencies.

The tax credit is a valuable incentive for developers to build and rehabilitate low-income housing. But in almost all cases other subsidies remain necessary to make these projects work. Because rents are strictly controlled under the tax credit program, cash flow is insufficient to support high levels of debt. Since the equity that is attracted through the tax credit usually cannot make up the difference, most of these projects have a gap which must be filled in other ways.

One of the exciting aspects of the low-income housing credits is the way it is currently serving as a catalyst to bring other sources of funds to low-income housing development to bridge the gap between the amount that is necessary for project development and the amount that can be provided through tax credit equity and the primary debt on the property.

The credit has worked during a period of scarce housing resources because State and local governments have been working in partnership with nonprofit and for-profit developers to bring together diverse sources of funds—from charities, community funds, corporations, and governments—that enable low-income housing to be built.

Despite enactment of new housing programs in the Cranston-Gonzalez National Affordable Housing Act last fall, the low-income housing tax credit remains the largest housing production program currently operating. Once appropriations are provided to initiate the new housing programs, the tax credit will leverage further production and renovation.

The low-income housing tax credit is one of about a dozen tax programs which expire at the end of this year. Most of the programs have large constituencies which present compelling reasons why they should be extended in the Tax Code. During this period of budgetary restraint it will be particularly difficult to extend any of the expiring tax provisions.

I believe the low-income housing credit deserves special consideration. It is unfortunate, and inappropriate, that this program finds itself on the list of tax incentives that expire. Unlike most other expiring tax provisions, incentives for low-income housing have traditionally been a part of the tax system. What is new is the treatment of low-income housing under tax reform when all existing incentives were replaced with a limited credit program that is subject to strict per capita volume caps.

If the low-income housing tax credit is permitted to expire, low-income housing—rented to tenants who cannot afford to pay rents that can support the property—will receive the same tax treatment as other residential housing and only marginally better tax treatment than commercial real estate. That must not be permitted to occur.

Recent data indicates that as many as five of every six poor renter households pays now more than 30 percent of their income for housing. Forty percent of those very low-income renters pay more than half of their income for housing. More than half of their total income goes for housing. Today, at a time when the gap between housing needs and Federal housing assistance is so great, we simply cannot permit this program to expire.

The credit has been a success. It has strong support in Congress as evidenced by the fact that there are 61 cosponsors for this legislation in the Senate and among housing and community development organizations that I hope this year will pass a permanent extension of the credit.

I ask unanimous consent that the text of the bill and a copy of a letter from 47 organizations in support of the credit be included in the RECORD following my statement.

Mr. President, I want to conclude as I began with particularly gratitude to Senator DANFORTH for the strong support he has given to the low-income housing credit over the years. He intends to speak on the floor within a few minutes to express his support for the credit. I encourage all of my colleagues to listen to and to support his views.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF LOW-INCOME HOUSING CREDIT.

(a) PERMANENT EXTENSION.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by striking subsection (o).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to calendar years after 1991.

JANUARY 23, 1991.

DEAR SENATOR: The undersigned organizations represent virtually all those concerned with affordable housing for low-income and homeless Americans—tenants organizations, state and local housing agencies, municipalities, civil rights organizations, community and neighborhood groups, charities, nonprofit and for-profit developers and equity financiers.

We are writing to urge you to support legislation being introduced by Senators Mitchell and Danforth that would permanently extend the low-income housing tax credit, which is now due to expire on December 31, 1991.

The credit remains the major federal incentive for producing and rehabilitating low-income rental housing. Since its inception in 1987, well over 300,000 units of affordable housing have been produced. This housing fills a critical need: more than 1.35 million units of low-income housing have been lost from the inventory over the past several years while, during the same period, almost 5 million households paid more than half of their incomes toward rent.

The credit is a highly efficient program which has become even more effective due to legislation enacted in 1989 and 1990 by the Congress. For instance, state administration of the program has been strengthened, agencies are closely scrutinizing applications to ensure that only credits which are necessary for financial feasibility are allocated and agencies are monitoring projects to make certain that there is adherence to program rules.

Congressional support for the credit has been very strong. In the last Congress, 78 Senators supported the Mitchell/Danforth bill to extend the program permanently. Support for companion legislation in the House has also been strong.

We ask, if you have not already done so, that you contact either Senator Mitchell or Senator Danforth to co-sponsor this bill.

Thank you.

American Association of Homes for the Aged.
American Association of Retired Persons.
American Planning Association.
Association of Community Organizations for Reform Now.
Association of Local Housing Finance Agencies.
Association for Retarded Citizens.
Center for Community Change.
Coalition on Human Needs.
Coalition to Preserve the Low Income Housing Tax Credit.
Consumer Federation of America.
Council for Rural Housing and Development.
Council of State Community Affairs Agencies.
Enterprise Foundation.
Institute for Responsible Housing Preservation.
Leadership Conference on Civil Rights.
Local Initiatives Support Corporation.
McAuley Institutes.
Mortgage Bankers Association of America.
National Affordable Housing Trust.
National Alliance to End Homelessness.
National Apartment Association.
National Assisted Housing Management Association.
National Association of Area Agencies on Aging.
National Association of Counties.
National Association of Housing & Redevelopment Officials.
National Association of Home Builders.
National Association of Realtors.
National Church Residences.
National Coalition for the Homeless
National Community Development Association.

National Congress for Community Economic Development.
National Corporation for Housing Partnerships.
National Council of La Raza.
National Council of Senior Citizens.
National Council of State Housing Agencies.
National Housing Conference.
National Housing and Rehabilitation Association.
National League of Cities.
National Leased Housing Association.
National Low Income Housing Coalition.
National Multi Housing Council.
National Neighborhood Coalition.
National Trust for Historic Preservation.
NETWORK: A National Catholic Social Justice Lobby.
Public Securities Association.
United States Conference of Mayors.
United Way of America.

Mr. DANFORTH. Mr. President, today Senator MITCHELL and I are introducing a bill to permanently extend the low-income housing tax credit. The low-income housing tax credit, the only remaining tax incentive for the production of low-income housing, expires at the end of this year.

The low-income housing tax credit was established in the 1986 Tax Reform Act to encourage investment in areas and projects that Congress considered desirable, but unlikely to attract capital on their own because of their high risk, high cost, and low projected rate of return. Mr. President, this type of investment is crucial to our Nation's poor who need affordable places to live.

Our country is in the midst of a vast and growing housing affordability and availability crisis. Clearly, most Americans are better housed today than at any time in our history. However, a significant number of people are struggling against a growing gap between available income and the cost of decent housing. Homelessness is the most tragic and visible indicator of the low-income housing crisis. As many as 700,000 people are homeless on any given night. Considerably more could experience homelessness in the course of a year. National estimates range from 250,000, from a report by the Department of Housing and Urban Development, to more than 3 million, according to the National Coalition for the Homeless. In Missouri, an estimated 40,000 people seek emergency shelter, live in cars or on the street during a 1-year period.

These housing problems point out the need for the low-income housing tax credit program. Use of the credit has grown from 19 percent of the allocation available in 1987 to 98 percent of that available in 1989. Data is not yet available with respect to 1990 activity. Currently in Missouri, 119 projects are being developed statewide for a total of 1,365 low-income units.

Senator MITCHELL and I were successful in passing legislation in 1989 and 1990, to improve the low-income housing tax credit. This legislation extended the duration of low-income use of these projects, defined the types of projects eligible for the credit, and improved the overall efficiency of the program in its administration and in the development and management of the credit financed project.

The new low-income housing tax credit rules also require States to develop a qualified allocation plan that ensures the selection of those projects which address the most pressing housing needs of the State. For example, the Missouri Housing Development Commission has reserved 5 percent of its allocation of credit for developments with single-room occupancy units for the homeless or with units for the handicapped or mentally ill.

It is estimated that 25 to 40 percent of the homeless are mentally ill. Senator MOYNIHAN and I have introduced the Homeless Mentally Ill Outreach Act of 1991 (S. 62), that would require concentrated outreach, assessment, and an individualized treatment plan for each mentally ill homeless person. The low-income housing tax credit will be an important resource as States develop plans for aiding this vulnerable population.

Mr. CHAFEE. Mr. President, the low-income housing credit was created in the Tax Reform Act of 1986 to encourage construction and rehabilitation of housing for low-income Americans. The credit was originally enacted for a test period of 3 years to provide the Congress with an opportunity to study the effectiveness of the program in accomplishing its stated goals. Since the enactment of this credit, the Congress has twice extended the credit, however, it is currently scheduled to expire at the end of this year.

In 1988, the Rouse-Maxwell Report was issued by a high level task force assigned by the Subcommittee on Housing of the Senate Banking Committee to recommend comprehensive housing policy reforms. One of the proposals advanced in that report was the indefinite extension of the low-income housing credit.

The bill we are introducing would implement this recommendation of the Rouse-Maxwell Report by permanently extending the low-income housing credit. This legislation is vitally important to filling the housing needs of all low-income Americans, including those Americans who are homeless. In addition, I believe the effectiveness of this credit in providing low-income housing has been proven during the 4 years since its enactment.

The credit provides a valuable tax incentive to both nonprofit and for-profit developers to fund the production and preservation of low-income rental housing. It is absolutely necessary to encourage the development and renovation of housing for the poor.

In my State, the Rhode Island Housing and Mortgage Finance Corp. [RIHMFC] has used the tax credit to successfully address the needs of our citizens for safe and affordable housing. The loss of these credits would be devastating to their efforts. By combining the credit with bond financing and zero interest second mortgages, RIHMFC has been able to produce and preserve low-income housing in one of this country's most expensive housing markets. Our State was one of only nine States to use 100 percent of its credit allocation for both 1988 and 1989.

During the last 3 years, 25 Rhode Island developers have received tax credit financing for the production and preservation of a total of 851 units of low-income rental housing. Although only 10 of the 25 developers are nonprofit organizations, they have received 72 percent of the almost $3 million dollars in tax credits that have been allocated by RIHMFC. According to the National Council of State Housing Agencies, Rhode Island allocated a higher percentage of 1988 low-income housing credits to nonprofit housing developers than any State in the country.

Providing an adequate supply of safe and affordable housing is a long-term job, for both State housing agencies and developers. State housing agencies that assist with these programs must invest a considerable amount of time and resources in the development of the necessary administrative capacity to operate the program. In addition, private housing developers must have considerable lead time for these undertakings. If they are to make the required investments in time and resources, these necessary participants in the program must know that it will be extended past this year.

This bill preserves the basic structure of the credit, as amended in 1989 and 1990, by tightly targeting the program to provide housing for families whose income is at or below 60 percent of area median income. In addition, a family's monthly rental cost for a unit in a low-income housing project must not exceed 30 percent of their monthly income. The amendments made to the credit in 1989 and 1990 assure that tax credit developments receive only the amount of benefits necessary for their feasibility and long-term viability as low-income developments.

Experience has shown that investment in low-income housing is highly dependent on the tax benefits provided by this credit. The low-income housing credit is one of the most direct and efficient ways to subsidize the production of low-cost, affordable housing for low-income Americans. I urge my colleagues to give this bill their full support.

By Mr. McCAIN (for himself, Mr. D'AMATO, and Mr. GORE):

S. 309. A bill to control the transfer of arms to countries that threaten world peace, including countries that are the subject of a U.N. or U.S. blockade or embargo; to the Committee on Foreign Relations.

NONPROLIFERATION AND ARMS TRANSFER CONTROL ACT

Mr. MCCAIN. Mr. President, grim as the situation in the gulf may be today, we could face far greater threats in the future: The threat of aggressors equipped with long-range missiles with nuclear warheads, equipped with massive stocks of chemical weapons, and equipped with biological weapons as lethal as nuclear weapons.

Where we once talked of merchants of death, we now must talk of merchants of mass destruction. The sale of arms to developing nations has reached the point where it goes far beyond any reasonable limits. It includes biological, chemical, and nuclear weapons—as well as annual sales of thousands of the most advanced conventional systems. In fact, as tensions continue to ease between East and West, the military buildup in the developing world has become the principal threat to peace.

If one considers the case of Iraq, recent reports indicate that well over 100 West German firms are, or have been, under investigation for their role in transferring the means to manufacture chemical, biological, and nuclear weapons. A recent report by the Weisenthal Center named 87 West German firms as major weapons suppliers of Iraq, as well as 18 Austrian firms, 17 French firms, 16 United States firms, 15 British firms, 12 firms each from Spain and Portugal, and firms from 11 other developed countries—yet, this report excluded the Soviet, PRC, and North Korean suppliers who have provided most of Iraq's arms.

Iraq, however, is only the tip of the iceberg. There are at least 25 developing countries that are producing, or seeking to produce, weapons of mass destruction. There are 17 developing nations with more than 1,000 tanks. Iraq is only the most visible symbol of the consequences of arms transfers to aggressive regimes that threaten world peace.

The current confrontation between those states who believe in a world order based on the rule of law and peaceful relations between nations, and those who believe in arms and the rule of force, will not end with the gulf crisis. The world will not become a better place through some mysterious force of history. It will become a better place only because those who believe in peace and law take action.

THE MC CAIN NON-PROLIFERATION AND ARMS TRANSFER CONTROL ACT

This is why I rise today to reintroduce an act that proposes dramatic new measures to deal with the growing threat that the transfer of conventional arms, and weapons of mass destruction pose to the United States, its allies, and world peace. I believe that effective efforts to reduce the flow of arms are, in fact, the best way to eliminate the need for future conflicts and future major deployments of U.S. forces.

TARGETING NATIONS THAT THREATEN WORLD PEACE

This legislation carefully targets those nations that threaten to use arms transfers to attack or intimidate other nations, that violate U.S. and U.N. embargoes, or that use or threaten to use weapons of mass destruction.

It requires the President to make a determination as to which countries threaten world peace by acquiring conventional arms or the means to manufacture and deliver weapons of mass destruction.

In making this determination, the President is asked to include:

All nations that have conducted an aggressive attack against any other nation during the course of the previous year;

All nations that threaten to attack other states, or to use weapons of mass destruction against them;

All nations that support terrorist organizations or state-sponsored terrorist activity against the United States, its allies, or other peaceful states.

All nations that transferred military and/or arms technology and equipment that may be used to manufacture and deliver arms or weapons of mass destruction, and dual use technology, to nations that the President had listed as threatening world peace in his previous report, and/or which were the subject of a U.N. or U.S. blockade or embargo during the previous year.

All other nations that the President shall determine are a threat to world peace.

This list of countries does not include our friends or allies, or include any peace-loving state that is acquiring arms for its own defense. It recognizes the fact that all nations have a legitimate right to self-defense, but no nation has a right to threaten its neighbors or to commit acts of unprovoked aggression.

RESTRICTING TRANSFERS OF U.S. ARMS AND TECHNOLOGY

At the same time, this list of countries provides the basis for enforcing powerful sanctions against the arms transfers that have become such a growing threat to our security.

Once the President designates any country as a threat to peace under the provisions of this act, it prohibits all U.S. companies from the transfer of any item or technology subject to controls under the Arms Export Control Act or the Export Administration Act of 1979—unless the President shall delete the country from his list or grant a waiver for national security reasons.

ESTABLISHING SANCTIONS AGAINST MERCHANTS OF WAR AND MASS DESTRUCTION

At the same time, the act does not penalize U.S. firms while ignoring foreign firms. It establishes powerful sanctions against foreign countries and companies that act as merchants of war and mass destruction.

No item or technology produced by a foreign company or entity—which has sold the tools of mass destruction to a state or entity listed in the report that is subject to controls under the Arms Export Control Act or the Export Administration Act of 1979—may be imported into the United States, or enter U.S. airspace and/or waters unless the President shall delete the country from his list or grant a waiver.

Further, no foreign company or entity that has transferred technology or equipment that is a violation of this act may own any property or rights in any company incorporated or licensed to do business in the United States, or maintain any technology transfer or cooperative agreements of any kind with a company incorporated or licensed to do business in the United States.

In the event a foreign company or entity shall violate this act, it must, at its sole expense, divest itself of all such holdings and ties within 30 days of such violation or all assets and holdings in the United States shall be forfeited and shall become the property of the U.S. Government.

SANCTIONS AGAINST BUYER NATIONS

The penalties for buyer nations are equally severe. The act cuts them off from U.S. military and economic aid of any kind. No foreign military assistance, foreign military sales credits, other military assistance, or technology and technical transfers of any kind may be provided to any country that licenses or permits transfers of items to a state or entity listed in the report—unless the President removes the country from his list or grants a waiver based on national security grounds.

DENIAL OF MOST-FAVORED-NATION STATUS

Additonally, no nation may be given, or retain, most-favored-nation status—or be given any form of loans or credits by the U.S. Government—that licenses or permits transfers of items or technology subject to controls under the Arms Export Control Act or the Export Administration Act of 1979 that is listed in the above act, unless the President strikes the country from his list or grants a waiver.

THE NEED FOR STRONG NEW MEASURES TO LIMIT THE RISK OF WAR

Mr. President, this is strong legislation, and I recognize that it raises serious legal and jurisdictional issues. However, I believe that the time for such action has clearly come. If we are to preserve world stability for our children and grandchildren, we must find the requisite courage to act.

We can no longer excuse the problem as the inevitable result of East-West rivalry. In fact, with the conclusion of the cold war, we now have a priceless opportunity to reduce those arms sales that threaten world peace. East and West now share a common interest in fighting all forms of proliferation, and Iraq's invasion of Kuwait is a grim lesson in the risk of arming one thug to defend against another.

We are seeing the consequences of our carelessness in the Persian Gulf today. Regardless of Saddam Hussein's fate, there will be countless other aggressors seeking to take his place through the acquisition of arsenals of mass destruction. Mr. President, the United States must take the lead to ensure that they do not acquire the means to fulfill their ambitions.

MILITARY FORCES AND POLITICAL AND ECONOMIC DEVELOPMENT

If we are to take such action, we must understand just how serious the problem really is. We now live in a world where roughly 6 percent of the gross national product, and 20 percent of all government expenditures, of developing countries is now being spent on the military. At least 22 developing countries are spending more than 10 percent of their GNP on military forces. In three of these countries—Vietnam, Cambodia, and Laos—the average per capita income is under $200 per year.

The arms trade to aggressor states is also a major threat to the political and economic development of virtually every less developed state. In fact, if we could reduce total military spending from 6 to 5 percent of the total GNP of the developing world, we would release some $40 billion a year for badly needed development and growth.

We are also talking about the waste of countless human lives. War after war in the developing world has involved hundreds of thousands of casualties and refugees. The millions who have died or starved because of such conflicts since the end of World War II are innumerable.

THE GROWING THREAT POSED BY THE WORLD ARMS TRADE

These military expenditures and wars in the developing world are fueled by an annual traffic in arms that is now worth more than $50 billion a year. This total does not include billions of dollars more for transfers of military engineering equipment, civil goods used by military forces, military construction, and military advisers and technicians.

Worse yet, we have no way to estimate the cost of the installations and equipment that some 25 developing states have already purchased to produce and deliver weapons of mass destruction—although even conservative estimates indicate that India, Iraq, Libya, and Pakistan have already spent over $1 billion each on such weapons.

In fact, if we talk about the total value of all transfers of arms, technology for weapons of mass destruction, and related goods and services to developing states during the last decade, we may be talking about a sum close to $1 trillion.

To put this trafficking in death in more concrete terms, we are talking about the transfer to the developing world of roughly 1,700 main battle tanks a year, 2,800 major artillery weapons, 3,400 other armored vehicles, 500 combat aircraft, 100 combat ships, and 5,400 surface-to-air missiles.

While most of these transfers go to the Middle East and North Africa, no region in the world is free of this scourge. Further, these figures do not include the thousands and thousands of weapons that are produced in the developing world because of the transfer of the tools and technology for weapons production.

MODERN MERCHANTS OF DEATH

The West, the East, and several nations in the developing world all share the blame for this situation. The U.S.S.R. has consistently been the leading seller of conventional arms. It sold 129 billion dollars' worth of arms during 1982–89. Soviet arms exports consistently totaled over 20 percent of all Soviet exports, and were the second largest source of hard currency equivalents to the U.S.S.R.—ranking only after oil.

The United States, however, ranks second to the Soviet Union. U.S. arms sales have only totaled about 4 percent of total U.S. exports, but they reached a total of 56 billion dollars' worth of arms during 1982–89. France ranked third in world arms sales, with $24 billion, and the rest of the top 10 included the United Kingdom, $21 billion; PRC, $14 billion; Italy, $5 billion; West Germany, $5 billion; Czechoslovakia, $4 billion; Spain, $4 billion; North Korea, $4 billion; and Brazil, $3 billion.

While the U.S.S.R. dominated the arms trade during the last decade, 6 of the world's 10 top merchants of death and mass destruction are Western democracies, and they accounted for 104 billion dollars' worth of arms sales out of the $261 billion sold by the top 10 exporters over the last decade.

We no longer have the excuse that such sales are the inevitable result of the rivalry between East and West. In fact, with the current thawing of the cold war, we now have a priceless opportunity to reduce those arms sales that threaten world peace. East and West now share a common interest in fighting all forms of proliferation, and Iraq's invasion of Kuwait is a grim lesson in the risk of arming one thug to defend against another.

THE NEED TO TARGET SPECIFIC STATES

We can only take effective action, however, if we recognize that a relatively few states have catalyzed the current pattern of world arms transfers. The solution to the problem does not lie in futile efforts to disarm the world, halt every aspect of the traffic in arms, or control every aspect of proliferation. There is no point in trying to deny peaceful countries the basic tools necessary to preserve their security, or in embarking on arms control efforts that are more likely to weaken friendly states than the states whose arms purchases drive regional arms races and which are the primary threat of aggression.

One of the great failures of the Carter administration's efforts to control arms transfers was that it focused largely on the control of U.S. arms sales, and tended to try to halt the sale of arms to friend and foe alike.

We need to recognize that many regional arms races have been driven by a few rogue nations. While there are some major regional arms races—such as the India-Pakistan arms race—where no nation is guilty of aggression, most arms races are driven by a few states that actively threaten their neighbors. The developing world has no more love for arms and weapons of mass destruction than the developed world, and there is no point in denying nations the legitimate right of self-defense.

STATES THAT THREATEN WORLD PEACE

This need for carefully targeted efforts to limit arms transfers becomes even clearer when we consider a few of the states that we all recognize threaten whole regions.

IRAQ

Iraq received 45.7 billion dollars' worth of arms transfers between 1982 and 1989, and this total does not include expenditures on weapons of mass destruction and military-related imports. Some $22 billion of these arms came from the U.S.S.R., $4.2 billion from the PRC, and $6.1 billion from other Communist States, principally North Korea. West Europe States, principally France, sold 8 billion dollars' worth of arms, and other non-Communist States sold $5.3 billion.

Appalling as these figures are, they do not include the transfers of technology—principally from West Germany—that have given Iraq chemical and biological weapons and which have nearly provided Iraq with the ability to use centrifuges to produce nuclear weapons. They do, however, include the funds that bought Iraq some 5,500 tanks and nearly 800 combat aircraft, and which allowed it to invade Iran and Kuwait.

IRAN

The situation in Iran is only marginally better. Iran received 15 billion dollars' worth of arms transfers between 1982 and 1989—a total which does not include covert United States arms transfers, expenditures on weapons of mass destruction, and military-related imports.

Some $22 million of these transfers came from the U.S.S.R., $3.3 billion from the PRC, and $4.8 billion from other Communist States, principally North Korea. West European States sold 2.3 billion dollars' worth of arms, and other non-Communist States sold $4.4 billion.

Like the arms transfers to Iraq, these transfers fueled an 8-year war that produced over a million casualties on both sides.

CUBA

Cuba received 12.9 billion dollars' worth of arms between 1982 and 1989, $11.5 of which came from the U.S.S.R., and the rest from other Communist States. These arms transfers helped to virtually bankrupt the Cuban economy and lowered the living standards of every Cuban citizen.

Further, these weapons were used to help fuel civil war in El Salvador and to support a Marxist regime in Nicaragua. These arms transfers began some 20 years after the Bay of Pigs: proving that Cuba is not threatened, it threatens.

NORTH KOREA

The situation in North Korea is equally ominous. Korea has imported some 3 billion dollars' worth of arms in the last decade. Virtually all of these imports have been from the U.S.S.R., and they are critical to North Korea's acquisition of the sophisticated weapons and technology it needs to maintain an offensive posture.

North Korea has recently become one of the world's 10 largest arms exporters. It exported well over 3.3 billion dollars' worth of arms during the last decade and these exports were the key to giving North Korea the hard currency earnings it needs to fuel its war machine, as well as import the technology that will soon give it nuclear weapons.

VIETNAM, AFGHANISTAN, SYRIA, AND LIBYA

If we look at other aggressors or threatening states on the list of the world's top 10 arms importers, we find that Syria imported 15.4 billion dollars' worth of arms during 1982–89; Vietnam imported $12.7 billion; Afghanistan imported $11.6 billion; and Libya imported $12.5 billion.

Vietnam, Afghanistan, Syria, and Libya are all either carrying out major efforts to deploy weapons of mass destruction, or had other nations use weapons of mass destruction on their behalf. It is also worth noting that if we add Angola, Cambodia, and Ethiopia to this list of four countries, we could have seven developing nations whose regional or civil conflicts have produced well over 10 million casualties and refugees, and millions of deaths from combat and starvation.

THE TRUE PATTERN OF WORLD ARMS SALES

Focusing on arms transfers to aggressor states also creates a very different picture of the patterns in world arms sales than statistics on total arms transfers to the developing world. These patterns are shown in table 1, and it immediately becomes clear that most of the nations who threaten the peace of the developing world are radical states that obtained their arms from Communist bloc countries at a time when the Soviet Union was attempting to break up the status quo throughout the developing world, and the West was largely attempting to protect it.

Table 2 shows that the United States sold virtually no arms to aggressor states during the 1980's. Over 70 percent of such arms transfers came from Warsaw Pact countries, 8 percent came from major West European states, 6 percent came from the People's Republic of China, and 13 percent from other states—largely developing exporters like Brazil and North Korea.

Hopefully, many of these patterns will become only memories of the cold war. Soviet arms transfers to Ethiopia and Nicaragua have already been sharply reduced, South Yemen is now part of a unified Yemen, and United States and Soviet cooperation may soon reduce the arms race in nations like Angola and Mozambique.

In other cases, however, the end of the cold war may act as a temptation to both East and West to compete even more aggressively for the arms market in the developing world. Iraq and Libya have long received arms from both East and West, and there is a serious risk that ideological conflict will be replaced with sheer opportunism.

TABLE 1.—SOURCE OF MAJOR ARMS IMPORTS TO KEY AGGRESSOR STATES IN THE DEVELOPING WORLD: 1987

[In current millions of dollars]

	Total	U.S.S.R.	United States	France	United Kingdom	Federal Republic of Germany	China	Poland	Czech.	Itlay	Bulgaria	Other
North Africa:												
Ethiopia	4,330	4,200	0	0	0	0	0	0	20	30	0	80
Libya	7,730	3,900	0	240	0	30	10	50	1,200	600	200	1,500
South Africa	30	0	20	0	10	0	0	0	0	0	0	0
Subtotal	12,090	8,100	20	240	10	30	10	50	1,220	630	200	1,580
Middle East and Gulf:												
Syria	10,450	8,900	0	20	0	10	70	320	700	0	20	410
Iran	8,865	100	10	....	70	....	1,800	20	40	....	650	5,610
Iraq	29,865	13,900	0	4,800	40	700	3,300	460	700	370	625	5,000
South Yeman	1,910	1,900	0	0	0	0	0	0	0	0	0	10
Subtotal	51,090	24,800	10	4,820	110	710	5,170	800	1,440	370	1,295	11,030
Asia:												
Afganistan	4,070	4,000	0	0	0	0	0	0	50	0	20	0
Cambodia	1,110	1,100	0	0	0	0	0	0	0	0	0	10
North Korea	1,440	1,200	0	20	0	0	10	110	0	0	0	100
Vietnam	8,650	8,500	0	0	0	0	0	130	0	0	0	20
Subtotal	15,270	14,800	0	20	0	0	10	240	50	0	20	130
Latina America:												
Cuba	8,380	7,000	0	0	0	0	0	130	350	0	250	650
Nicaragua	1,970	1,800	0	10	0	0	0	0	0	0	0	5
Subtotal	10,350	8,800	0	10	0	0	0	130	350	0	250	655
Total	88,800	56,500	30	5,090	120	740	5,190	1,220	3,060	1,000	1,765	13,395

Source: Arms Control and Disarmament Agency, "World Military Expenditures and Arms Transfers," 1988, Washington, GPO, 1989.

THE PROBLEM OF MASS DESTRUCTION

This opportunism has already helped to proliferate chemical, biological, and nuclear warfare. And in this case, the West is at least as guilty as the East. While no one can quantify the value of the technology transfers involved, it is all too clear that Western states like Germany and Austria have become leading merchants of death. Iraq and Libya have only been able to acquire major production facilities for chemical weapons because of extensive assistance from many West European countries, and Syria has acquired at least some of its chemical weapons capabilities with Western aid.

The U.S.S.R. PRC, and North Korea have all contributed to the proliferation of long-range missiles, but the bulk of the major transfers of nuclear weapons technology have again come from Western Europe. The same is true of many transfers of the technology needed for biological weapons, although it is difficult to distinguish the source of such research and production efforts in many of the developing nations involved.

There also is no way of excusing such transfers by references to the cold war, or legitimate needs for national defense. Proliferation has never served any strategic objective for either East or West, and the acquisition of weapons of mass destruction by developing states is doing nothing to deter war or create a delicate balance of terror. Quite to the contrary, table 2 shows that proliferation is now taking place in states that often seek to use such weapons to enforce their will on their neighbors, or which are all too likely to use such weapons to achieve their national objectives.

TABLE 2.—PROLIFERATION IN THE DEVELOPING WORLD

Nation	Status of proliferation				Strike aircraft
	Nuclear	Biological	Chemical	Missile	
Africa:					
Algeria	....	....	RD	....	DP
Ethiopia	....	....	....	....	....
Libya	RD	RD	PR	DP	DP
South Africa	PR	RD	DP?	RD	DP
Middle East and Gulf:					
Egypt	....	RD	PR	RD	DP
Iran	RD	DP	DP	DP	DP
Iraq	RD	DP	DP	DP	DP
Israel	DP	PR	PR	DP	DP
Saudi Arabia	....	....	....	DP	DP
Sudan	....	....	DP?	....	DP
Syria	....	RD	DP	DP	DP
Yemen	....	....	DP?	DP	DP
Asia:					
Afghanistan	....	....	DP?	DP	DP
Burma	....	....	DP?	....	....
India	PR	RD	RD	PR	DP
North Korea	PR	PR?	PR	DP	DP
South Korea	RD?	RD	PR?	....	DP
Pakistan	PR	RD	RD	PR	DP
People's Republic of China	DP	PR?	DP	DP	DP
Taiwan	RD	PR?	DP?	PR	DP
Thailand	....	....	PR?	....	DP
Vietnam	....	....	DP	....	DP
Latin America:					
Argentina	RD	RD	RD	RD	DP
Brazil	PR?	RD	PR?	RD	DP
Chile	....	RD	PR?	....	DP
Cuba	....	....	RD	....	DP

Note.—RD=Substantial R&D estimate; PR=production capability or capability to produce within 1 year. DP=deployed in combat forces, or held in combat ready storage. These codes are estimated on the basis of material available in unclassified sources and do not represent estimates drawn from U.S. Government sources.

THE IMPORTANCE OF KEY REGIONAL ARMS RACES

More is required, however, than simply shutting off arms transfers to those states that do most to threaten world peace. While aggressor states drive most arms races in the developing world, it is far from easy to shut off the flow of such arms and technology, and at least three major regional arms races will require regional arms control negotiations and multilateral diplomacy—as well as efforts to limit arms transfers.

INDIA AND PAKISTAN

The India-Pakistan arms race, for example, has brought both nations to the "kit" or "do-it-yourself" level of nuclear proliferation, where both can quickly assemble nuclear weapons. It is leading both nations to develop long range missiles, and has led the two developing states to spend about $3 billion a year on conventional arms imports, as well as to create major defense industries. India is spending 4 percent of its GNP, and 17 percent of its total government expenditures, on military forces, and 15 percent of its imports are military. Pakistan is spending 7 percent of its GNP, and 25 percent of its total government expenditures, on military forces, and 7 percent of its imports are military.

It is impossible to blame either India or Pakistan for driving this arms race, or see it as fueled by either East or West—although the Soviet Union has provided nearly 75 percent of India's arms imports in recent years, and the United States has provided more than 65 percent of Pakistan's. It is a difficult arms race to control. While outside powers may be able to slow the proliferation of weapons of mass destruction, they cannot prevent it, and the conventional arms race has reached a point where it can only be controlled by negotiations between India and Pakistan. In the case of conventional arms, outside powers can at best assist India and Pakistan by ensuring that agreements reached by both states have the active support of supplier states.

THE KOREAN ARMS RACE

The arms race between the two Koreas is a different story. It has been driven by North Korea, and North Korea could not have sustained its military build-up without some $600 million annually worth of relatively high technology Soviet arms. The difference between the two nations is illustrated by the fact that North Korea is spending some 22 percent of its GNP, and over 40 percent of its total government expenditures, on military forces, and 20 percent of its imports are military. In contrast, South Korea is spending some 5 percent of its GNP, and 25 percent of its total government expenditures, on military forces, and less than 2 percent of its imports are military.

There is a clear case for sharply reducing arms transfers to North Korea, but there is also a clear case for multilateral arms control negotiations between the two states. Actions by suppliers can push North Korea toward a more reasonable approach to dealing with South Korea, but it will take years for such measures to produce any real degree of stability without negotiations.

THE ARAB-ISRAELI ARMS RACE

The Arab-Israeli arms race has been driven in recent years by two major factors: Syria's search for "Parity" and Iraq's emergence as a significant threat to Israel. While Israel retains a decisive technical edge over Iraq and Syria, and probably has a nuclear option, it has confronted a situation where Syria has imported well over twice as many arms as Israel, and where the total flow of arms to Iraq and Syria has been more than nine times the size of arms transfers to Israel.

To put this in perspective, during 1983–87—the most recent period where truly comparable unclassified data are available—Israel imported $4,300 million worth of arms, Syria imported $10,450 million and Iraq imported $29,895 million. Syria's arms imports have declined since 1987, largely because of its failing economy and cuts in Soviet sales, but this decline has been more than offset by increases in arms transfers to Iraq. Further, while Jordan does not pose a significant threat to Israel under its current regime, it has received $2,470 million worth of arms transfers during 1983–87, and has since received significant direct arms transfers from Iraq.

Given these trends, reducing arms transfers to Iraq would do a great deal to improve Israel's security, even if no other steps were taken. Similarly, making further reductions in arms transfers to Syria would also ensure the stability of the current military balance, reduce the risk of another Arab-Israeli conflict, and reduce the risk of an escalation to weapons of mass destruction.

Nevertheless, regional arms control efforts could unquestionably do a great deal more to reduce tensions than simply trying to restrict arms sales. They could reduce the very real risk that the "hyper-inflation" in the cost of the most advanced conventional arms could drive the confrontational states toward greater reliance on weapons of mass destruction. Equally important, such agreements could be of great benefit to the economies of Egypt, Israel, Jordan, and Syria. Given the fact that no Arab confrontational state can now hope to materially shift the military balance, or to win meaningful gains through another military conflict, such negotiations may also be more feasible than the seemingly intractable search for Arab-Israeli peace treaties.

THE NEED FOR NEW LEGISLATIVE CONTROLS ON ARMS TRANSFERS

In an ideal world, the United States could achieve timely and comprehensive controls on the transfer of arms, and the equipment and technology to manufacture advanced arms and weapons of mass destruction, by relying on multilateral diplomacy and international institutions. There is no question that such an approach must be a vital part of U.S. policy, and we have made significant progress with the Nuclear Non-Proliferation Treaty and

Missile Technology Control Regime, and in our efforts to strengthen the international treaties and accords affecting biological and chemical weapons.

We do not, however, live in an ideal world and we do not always share the same priorities as even some of our closest allies. As table 1 has already made clear, several allies have been respsonsible for many arms transfers to threatening or aggressor states. Our allies have also been responsible for most transfers of the technology and equipment necessary to develop and manufacture weapons of mass destruction.

Other major arms sellers, like the Soviet Union, People's Republic of China, and East European arms exporters will face major incentives to continue to sell arms. They are a key source of hard currency at a time when most Communist states have little to export and are desperate for funds to buy imports from the West. Similarly, many Western firms face a sharp decline in domestic markets, and have strong incentives to sell to the developing world, regardless of the potential cost in regional and global security.

The situation in regard to arms purchasers is even more tenuous. Aggressor and threatening states generally have little real interest in arms control, although many are perfectly willing to engage in endless negotiations. The states threatened by aggressor nations have little reason to be confident that regional arms control will work as long as aggressor states can buy arms freely on the world arms market, and few states can stand aside from proliferation when a neighbor is actively acquiring biological, chemical, or nuclear weapons.

In short, we already have ample evidence that negotiation and multilateral approaches are not a solution to the problems we face unless we take more dramatic and effective steps, and create new incentives to make such approaches work. We also have ample evidence that even U.S. policymakers tend to choose expediency over restricting exports and arms control unless there is strong legislative pressure to force different priorities.

This is why I believe that we need to take a new and much firmer approach to the problem than simply relying on negotiation and diplomacy. We need to send a signal to the world that the United States will use its political and economic power to reduce the flow of arms and weapons of mass destruction to aggressor states, and that we will apply strong sanctions to foreign countries and companies, and not simply apply controls to American exports.

Mr. GORE. Will the Senator yield?

Mr. McCAIN. I would like to yield to the Senator from Tennessee for a brief statement.

Mr. GORE. Mr. President, I know others of our colleagues are waiting on the floor. I simply want to congratulate the Senator from Arizona on this piece of legislation which I am proud to cosponsor. It is a very tough bill. Some will say when examining these provisions that surely this will have to be pared back somewhat before it can pass. I do not know if that is the case or not. But I know it is the right statement. I know it is the right policy. I know it is the right political impulse for this Nation to introduce into the international dialog right now.

I have been pleased to work with my colleague in the past on similar and related issues. I am pleased to join as a cosponsor of this important bill today.

I thank my colleague for yielding.

Mr. COHEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Mr. COHEN. Mr. President, I want to join in commending Senator McCAIN for his legislation that he is offering and also share the comments offered by my colleague from Tennessee.

By Mr. PELL:

S. 310. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Governmental Affairs.

PREVAILING WAGE RATE ADJUSTMENT REFORM ACT

Mr. PELL. Mr. President, I am today introducing legislation to correct an injustice affecting thousands of Federal Government workers who are paid under the so-called prevailing wage rate system. This legislation, the Prevailing Wage Rate Adjustment Reform Act of 1991, will give Federal blue-collar workers in the Federal wage system [FWS] full adjustments to their pay based on the annual local wage survey of private industries in each wage grade area.

I am very pleased that my colleague Congressman GEORGE HOCHBRUECKNER of New York is introducing identical legislation in the House of Representatives today.

This legislation is necessary because in every year since 1979 an appropriations pay cap has been placed on the annual adjustments to FWS pay, limiting the percentage increase to that received by General Schedule [GS] employees.

The intent of the Congress in establishing the FWS was to pay Federal blue-collar workers according to the private sector wages in each of the 135 geographic wage grade areas across the country. Due to the imposition of this pay cap, pay for FWS workers in many areas no longer reflects the local prevailing rate paid to employees in similar jobs in private industry.

Federal wage system worker salaries now lag an average of 10.36 percent behind those paid in the private sector. In some areas the situation is far more severe because private sector wages have risen far more sharply. In the Narragansett Bay wage grade area in Rhode Island, FWS worker salaries in June 1990 were more than 18 percent below private sector salaries. And in some areas of the Nation, FWS wages lag as much as 28 percent behind private sector wages.

The result is not only an injustice to Federal workers, but a severe recruitment and retention problem for Federal Government agencies. The FWS system provides for special exceptions to be made in determining wages in cases in which there are recruitment and retention problems. But the continued application of pay caps over 11 years has created a problem which cannot be remedied by special exceptions. Indeed, special pay alternatives that do exist are now being used as a substitute for adequate comprehensive pay adjustments instead of for the intended purpose of dealing with unusual and limited recruitment and retention problems.

The recruitment and retention problems experienced in the blue collar pay system are similar to those experienced in many areas of the country in the General Schedule [GS] pay system.

Last year, the Congress enacted a Federal pay reform under which GS pay levels will be determined on a regional instead of a national basis, taking into account living costs and wage levels in each region. I fully supported reform of the GS pay system and I applaud the progress made last year to close the gaps that exist between Federal white-collar pay and private sector salaries. Unfortunately, in the process we ignored a large segment of our Federal employee population—our blue-collar workers.

President Bush recently approved a pay differential of 8 percent for white-collar employees in three of the country's highest cost metropolitan areas—New York, Los Angeles, and San Francisco. This additional locality adjustment for the white-collar workers in these areas will begin to address the significant pay disparities and the severe recruitment and retention problems. Although subject to some to the same pressures and costs of living, blue-collar workers in those areas are not eligible for this 8-percent locality adjustment.

This situation is unfair. It is unfair to all Federal blue-collar employees who were promised fair wages by Congress when the prevailing rate system was designed. And it is particularly unfair now that the white-collar pay system has been reformed to include locality-based comparability payments to bring GS salaries in line with private sector wages in local wage areas. As a simple matter of equity, we must move to close the pay disparity gap for blue-collar workers.

The bill I am introducing fills that gap by requiring that, upon passage, Federal wage system employees be paid the full prevailing wage rate in each area as determined by annual area wage surveys.

The legislation would provide a fair rate of pay to FWS workers and would make it possible for Federal agencies to recruit and retain the workers required for them to provide services to the public efficiently and effectively.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prevailing Wage Rate Adjustment Reform Act of 1991".

SEC. 2. WAGE RATES.

Without regard to any other provision of law limiting the amounts payable—

(1) to a prevailing rate employee defined under section 5342(a)(2) of title 5, United States Code;

(2) to an employee covered by section 5348 of such title; or

(3) to any other employee subject to section 612 of the Treasury, Postal Service and General Government Appropriation Act, 1991, Public Law 101-509, 104 Stat. 1473;

such employees shall be paid, beginning on the effective date of each annual wage survey adjustment in the region after the date of the enactment of this Act, wages as determined and established in accordance with the provisions of subchapter IV of chapter 53, title 5, United States Code.

By Mr. ROTH (for himself and Mr. SEYMOUR):

S. 311. A bill to make long-term care insurance available to civilian Federal employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES LONG-TERM CARE INSURANCE ACT

Mr. ROTH. Mr. President, Americans are living longer lives with greater vitality than the generations that preceded them. But more than 40 percent of individuals over 65 can expect at some time in their lives to need nursing home care. And as the need for nursing home care has increased, long-term care has been pushed to the forefront of Seniors' priorities. We need to seek and develop innovative solutions to meet the needs and concerns of these individuals.

The legislation I am introducing today will provide Federal employees with the opportunity to enroll in a long-term care insurance program, thereby meeting their concerns in this very important area. It is my hope that by expanding the private sector insurance market through the development of this program, long-term care insurance will then be offered to a greater number of individuals nationwide.

Over the past 50 years, there has been a great increase in the number of older Americans. In 1940, the elderly represented 6.7 percent of the total American population, in 1980 11.1 percent was elderly—by the year 2000, 12.9 percent of the population will be elderly. This understates the fact that the actual number of older Americans is expected to quadruple from 1940 to 2000. Of these elderly individuals, the population of those over 75 and over 85 will grow at a faster rate than the overall elderly population. This phenomenon of the greying of America further emphasizes the need for innovative solutions to providing care for Seniors.

The Federal Employees Long-Term Care Insurance Act of 1991 will make an important step toward improving access to long-term care coverage for hundreds of thousands of Federal employees, thus increasing the market for long-term care insurance. It will also make the Federal Government more competitive as an employer, as we increase the benefits available to our work force. The Federal Government should be the employer of first resort, and this program has the potential to attract more qualified candidates.

This bill will enable Federal employees to change their type of insurance as their needs change. Essentially, a qualified Federal employee could roll his or her life insurance over to nursing home or home health care coverage. When this legislation becomes effective, more than 650,000 Federal employees would immediately be eligible. Even if a small percentage choose to enroll, this would drastically increase the number of Americans now covered by long-term care. This proposal could serve as an important example for the development of long-term care for the elderly nationally.

This bill would create a long-term care insurance option for those Federal employees over 50 who have enrolled in the Federal life insurance plan for at least 10 years. Employees under the age of 50 would also be eligible to enroll in this program, except that such individuals could not convert a portion of their life insurance to long-term care insurance until the employee has participated in the life insurance program for at least 10 years. Employees who participate in the long-term care insurance option will also have the option to purchase supplementary coverage for their spouse at standard group rates. This option must be exercised at the time of the employee's participation or upon subsequent marriage.

Similar to the health and life insurance programs currently in law for Federal employees, this legislation would require the Office of Personnel Management to work with private sector insurance companies to establish optional long-term care insurance for Federal civilian employees. The bill permits OPM to negotiate with insurers under this program for multiple reimbursement plans and additional benefits over the minimum requirements.

I would like to point out that the long-term care coverage provided in this bill is entirely voluntary for Federal employees and cost neutral from the Government's standpoint. Under the plan, Federal employees who have contributed to the Federal Employees' Group Life Insurance for more than 10 years could opt to acquire long-term care coverage in exchange for a reduction in their life insurance, while at the same time maintaining a minimum amount of life insurance. The legislation provides that employees who are ineligible for the life insurance conversion or who do not wish to convert a portion of their life insurance may elect long-term care insurance and pay the full group-based long-term care premium. The effective date of the legislation is January 1 of the first year beginning at least 120 days after enactment.

The legislation I am proposing was first introduced in the 100th Congress and again in the 101st Congress by Senator Pete Wilson, recently elected as the Governor of California. As an original sponsor of those bills, I plan to continue his efforts to enact this legislation. More than 50 of our colleagues, including strong bipartisan support, cosponsored this legislation in the 101st Congress.

During the 101st Congress, a hearing was held on this proposal in the Senate Committee on Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Services. Testimony from many witnesses praised this ground breaking proposal. Mr. Dennis L. DeWitt, who served as Executive Director of the Congressionally mandated Task Force on Long-term Health Care Policies, stated:

> I would encourage support of the initiative . . . to allow the Federal Government as an employer to sponsor a private long-term care insurance program for its employees. I would encourage consideration of the development of private policies which conbine life insurance and long-term care insurance.

Mr. Bruce L. Boyd of the Health Insurance Association of America stated the association's support for the bill. Mr. Boyd went on to say that the bill would provide "critically important long-term care protection and it helps stimulate the employer group market which has vast potential."

As the demographics of our Nation are changing and the demand for long-term care is needed, the Government and the private sector need to act rationally in approaching the issue. This proposal will place the Federal Government in a leadership role in the long-term care arena which would encourage the private sector to also participate in sponsoring long-term care insurance. It will help provide for important protection from the unexpected need of nursing home care for our Federal work force in their later years. I believe this is an appropriate role for our Nation's largest employer. By implementing a plan that greatly increases the number of long-term care enrolled persons, we would be armed with an example of valuable experience that could guide us in truly solving the problem of long-term care.

• Mr. SEYMOUR. Mr. President, I am proud to rise today with my distinguished colleague and the ranking member of the Governmental Affairs Committee, Senator ROTH, to introduce much-needed legislation, the Federal Employees Long-Term Care Insurance Act.

My colleagues know and have met with increasing numbers of constituents who express growing concern and anxiety that they will be unable to find or afford the kind of long-term health care they anticipate they will need in their geriatric years.

In fact, this level of concern and, frankly, the outright need, led me to introduce a very similar proposal in the California State Senate, which mirrors the provisions in this bill that Senator ROTH and I are offering today.

The need is clear. Representing 13 percent of our population today, Americans over the age of 65 will comprise some 20 percent of our population by the year 2030. In California alone, there were an estimated 2.4 million residents over age 65. This figure is expected to reach 4 million by the turn of the century.

Roughly 40 percent of our over-65 population risk spending time in a nursing or other long-term care facility. With the costs quickly adding up and Medicare and private insurance barely making a dent in the actual expenses, it doesn't take long to see that one or two illnesses could wipe out everything an individual has worked for, thus spelling financial disaster for our frail elderly and their families.

Clearly, a proposal that calls on the Federal Government to foot 100 percent of this cost is unworkable and certainly unreasonable given our spiraling deficit. In the same respect, a proposal that is everything but voluntary would be unfair. This legislation involves no Federal spending, and it is completely voluntary.

The beauty of the proposal before us is quite simple: It allows Federal employees the opportunity to protect themselves from the spiraling costs of long-term care by redirecting those dollars accrued in their group life plans and dedicating them to group long-term care insurance. This is an option they currently do not enjoy.

Our legislation would require the Federal Government to expand benefit options available to Federal employees to include long-term care insurance. Essentially, it gives Federal employees two options.

First, as I stated, it creates long-term care as a new optional benefit for our active Federal work force—some 3 million strong—and their families.

Second, employees who have been participating in the Federal Employee Group Life Insurance [FEGLI], for 10 years would be immediately eligible to convert a portion of their life insurance to long-term care coverage. Under this conversion option, the Federal Government and the employee would redirect contributions normally made toward life insurance to long-term care coverage. Coupled with the built-up reserves in an employee's FEGLI account, this would help defray the employee's long-term care premium.

It is estimated that well over 660,000 employees plus their spouses would be immediately eligible for this new benefit. And the obvious pooling of employees that would result would give employees access to long-term care insurance at lower group rates.

I am especially encouraged by this legislation because it gives the Federal Government the lead role—at no cost—in developing innovative coverage in this emerging area of concern. Moreover, it will promote competition in the private sector to offer greatly improved long-term care insurance benefits, meaning less cost and greater coverage for the employee. Hopefully, this will steamroll to the point where other large employers such as the States, as I sought to promote in Sacramento, will begin to offer long-term care coverage to their employees.

Mr. President, this bill recognizes the changing landscape in America, the changing life circumstances that we all must face—or perhaps have already confronted with elderly parents and loved ones—as one ages. It is no secret that young and middle-aged wage earners focus on attaining appropriate life insurance coverage for their families. We must continue to protect that need.

But what happens as these young families grow and the children leave home to strike out on their own? As one ages, in some if not most instances, the need for increased life insurance coverage is offset by the need for assured long-term care coverage. This bill provides Federal employees with that option; they will have the choice and tools available to respond to their changing needs.

This debate is timely, and I feel the 102d Congress has an excellent opportunity to seek solutions to the problems associated with long-term care. This legislation is but one step in that long process, and I look forward to working with Senator ROTH, the Government Affairs Committee, and all my colleagues as we explore solutions to the long-term care dilemma.•

By Mr. SPECTER (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. ADAMS, Mr. AKAKA, Mr. D'AMATO, Mr. INOUYE, Mr. KERRY, Mr. KOHL, and Mr. McCAIN):

S. 313. A bill to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extrajudicial killing; to the Committee on the Judiciary.

TORTURE VICTIM PROTECTION ACT

Mr. SPECTER. Mr. President, today I am introducing a bill captioned the Torture Victim Protection Act of 1991, which will provide Federal jurisdiction for victims of torture to be able to sue in the Federal courts.

One might think, Mr. President, it would be unnecessary to have legislation on such a subject, because torture is such a heinous offense, such a heinous crime, that the courts would have jurisdiction without a formal legislative measure. This is necessary because of litigated cases in the field, most particularly a decision by the court of appeals for the District of Columbia circuit captioned *Tel-Oren* versus *Libyan Arab Republic*, 726 F.2d. 774 (D.C. Cir. 1984).

We have as a matter of current concern the torture of the U.S. service men and service women and the potential for more torture which, in addition to being a war crime and in violation of the Geneva Convention, would also provide a basis for a civil lawsuit in a U.S. court if this bill were passed.

It is not an extreme matter, Mr. President, for victims of torture to be able to identify potential civil defendants within the jurisdiction of the United States and to serve these legal papers and be able to collect money damages.

The issue of extraterritorial jurisdiction is one which is present in our criminal laws, having been expanded in 1984 in the omnibus crime control bill to allow for prosecution of terrorists, for example, who hijack U.S. planes or who take U.S. citizens as hostages; and then further legislation in 1986, which makes it a violation of U.S. law to attack, maim, or murder a U.S. citizen anywhere in the world.

As we speak, as this Senate is in session, Fawaz Yunis illustratively was captured in the Mediterranean and brought back to the United States and is now in a Federal prison.

Of course, a civil cause of action is different, but there has to be this express grant of authority.

Mr. President, the legislation which I am introducing today is being introduced on behalf of Senator LEAHY, Senator KENNEDY, Senator ADAMS, Senator AKAKA, Senator D'AMATO, Senator INOUYE, Senator KERRY, and Senator

KOHL, the distinguished Presiding Officer, and Senator MCCAIN, as well as myself.

This legislation has passed the 100th Congress, the 101st Congress, and in the 100th Congress the House passed it by the overwhelming vote of 362 to 4. Unfortunately, it has not been passed by the U.S. Senate, and it seems to this Senator it is long past due. And now with the events in the Persian Gulf and with the acts of torture being committed against the U.S. service personnel, I think the additional impetus and push is present to have it adopted.

The House of Representatives has passed this legislation in both the 100th Congress and the 101st Congress. In the 100th Congress, the House passed it by the overwhelming vote of 362 to 4. Last Congress, the Senate Judiciary Committee's Subcommittee on Immigration and Refugee Affairs reported the bill out favorably.

Mr. President, now that the Senate has ratified the U.N. Convention Against Torture, there is every reason to pass this bill now. As my distinguished colleague from Rhode Island remarked at the time the Senate took up ratification, the Convention "represents a major step forward in the international community's campaign to combat torture." Indeed, ratification of the Torture Convention is only the latest in this country's longstanding support for respect for human rights abroad.

In 1974, Congress amended the Foreign Assistance Act to require that security assistance be terminated if the receiving country's government was engaged in human rights violations. Torture is specified as one of those violations. In 1975, the same act was amended to include section 116, which applies restrictions to economic assistance as well. Then, in 1977, the sale of agricultural commodities under section 112 of the Agricultural Trade Development and Assistance Act was also restricted. Finally, in 1984, Congress enacted a joint resolution reaffirming the U.S. Government's opposition to torture.

While nearly every nation now condemns torture and extrajudicial killing in principle, in practice more than one-third of the world's governments engage in, tolerate, or condone such acts. Last July, Amnesty International released its 1990 report documenting the incidence of torture of thousands of individuals in more than 100 countries.

Unfortunately, torture hits Americans abroad as well as innocent foreigners. Our soldiers languishing in Saddam Hussein's prisons have almost certainly been brutally tortured. This bill will give our P.O.W.'s a cause of action if any of their torturers should ever enter the United States in the future.

This bill closes a gap in the law. Under court decisions, aliens have the right to sue their torturers under the Alien Tort Claims Act, but not U.S. citizens. This bill would extend protection to U.S. citizens while retaining the current law's protection of aliens.

The definition of "torture" contained in the bill is taken from the Torture Convention, including the understandings further defining what constitutes torture which were adopted by the Senate when it ratified the Torture Convention this past October. See the CONGRESSIONAL RECORD, October 27, 1990, at S 17491—Understandings (1)(a) and (b). The definition of "extrajudicial killing" is specifically derived from common article 3 of the Geneva Conventions of 1949. The definition refers to "a deliberated killing" to exclude killings that lack the requisite extrajudicial intent, such as those caused by a police officer's authorized use of deadly force or by a military force's authorized and lawful actions in a declared state of war.

Let me emphasize that the bill is a limited measure. It is estimated that only a few of these lawsuits will ever be brought. Only persons acting "under actual or apparent authority or under color of" a foreign nation would be liable for damages; the courthouse door would not be opened wide to suits based upon any type of violent international crime. In addition, the courts should decline jurisdiction over such suits if it were shown by "clear and convincing evidence" that the claimant had not exhausted "adequate and available remedies" in the nation where the alleged violations took place.

Opponents of this bill have argued that it will damage our country's foreign policy objectives. This is nonsense. The bill is limited to suits against persons who specifically ordered, abetted, or assisted in the torture. It will not permit lawsuits against, for example, the leader of a country merely because acts of torture occurred in that country. Such a complaint would fail to meet the bill's requirement that the offender "subjects" the person to torture. Moreover, this bill now includes word-for-word the understandings included by the Senate in its ratification of the Torture Convention. One of those understandings, which is included in section 3(2)(b) of the bill, limits the definition of torture to "acts directed against persons in the offender's custody or physical control." Consequently, the bill would exclude lawsuits against higher officials having no connection to the torture.

The bill as revised also includes a limitation on the definition of what constitutes mental pain and suffering under the definition of torture, again taken verbatim from the understandings which the Senate attached to ratification of the Torture Convention. This understanding limits mental pain and suffering to:

prolonged mental harm caused by or resulting from—

(i) the intentional infliction or threatened infliction of severe physical pain or suffering;

(ii) the administration or application, or threatened adminstration or application, of mind altering substances or other procedures calculated to disrupt profoundly the sense or the personality;

(iii) the threat of imminent death; or

(iv) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the sense or personality.

While human rights violaters seldom present themselves to their victims while in the United States, providing victims of gross human rights abuses access to the courts is of both practical and symbolic importance. It would serve notice to individuals engaged in human rights violations that the United States will not shelter human rights violators from being accountable. The legislation will hopefully encourage other nations to develop and apply meaningful domestic remedies, clearly the most effective deterrent to continued human rights abuses.

Mr. President, passage of this bill is both necessary and timely. I look forward to working vigorously this year to see that it is passed.

Mr. President, I ask for unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victim Protection Act of 1991".

SEC. 2. ESTABLISHMENT OF CIVIL ACTION.

(a) LIABILITY.—Every person who, under actual or apparent authority or under color of law of any foreign nation, subjects any persons to torture or extrajudicial killing shall be liable for damages in a civil action to the party injured, the party's legal representatives, or the beneficiaries in a wrongful death action, as the case may be.

(b) EXHAUSTION OF REMEDIES.—A court shall decline to hear a claim under subsection (a) if the defendant establishes by clear and convincing evidence that the plaintiff has not exhausted adequate and available remedies in the place in which the conduct giving rise to the claim occurred.

(c) LIMITATIONS.—No statute of limitations or similar period of limitation shall apply to a claim under subsection (a).

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "extrajudicial killing" means a deliberated killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized people; and

(2) the term "torture" means any act by which severe pain or suffering (other than pain or suffering arising only from or inherent in, or incidental to, lawful sanctions),

whether physical or mental, is intentionally inflicted on a person for such purpose as obtaining from that person or a third person information or a confession, punishing that person for an act that person or a third person has committed or is suspected of having committed, intimidating or coercing that person or a third person, or for any reason based on discrimination of any kind.

(a) Mental pain or suffering refers to prolonged mental harm caused by or resulting from—

(i) the intentional infliction or threatened infliction of severe physical pain or suffering;

(ii) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the sense or the personality;

(iii) the threat of imminent death; or

(iv) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

(b) The definition of torture is intended to apply only to acts directed against persons in the offender's custody or physical control.

Mr. KENNEDY. Mr. President, I am pleased to join once again with Senator SPECTER in cosponsoring the Torture Victim Protection Act—legislation which will be a key component in our Government's efforts to combat torture and extrajudicial killings abroad.

One of the most important actions in the last Congress was the ratification by the Senate of the Torture Convention. The Convention is a monumental achievement and a testament to efforts over many years to address the disturbing extent to which governments oppress their own citizens through heinous acts of torture.

The Torture Victim Protection Act complements and strengthens the Torture Convention. The legislation which we introduce today would provide legal remedies in U.S. courts to victims of torture or extrajudicial killings who are unable to seek relief in the courts of their own countries.

The United States should be at the forefront of efforts to encourage governments to abide by the terms of the Torture Convention, and this bill could be an important tool in that task.

Significant progress has been made in recent years in the world-wide effort against the cruelty and brutality of torture. Unfortunately, as we know only too well, not all governments adhere to these international standards and conventions. The record of torture and death squad activity by government officials in very recent years demonstrates that all too often these officials consider themselves above the law and beyond the reach of any civilized sanction. The Torture Victim Protection Act is a crucial step in America's contribution to the enforcement of international laws against torture.

There are few actions so dehumanizing as torture. Victims bear the physical and psychological scars of their experience for life. Its use is designed to terrorize and oppress entire populations.

So we have an obligation to make our courts accessible to those victims to the maximum extent our Constitution allows to assure that torturers feel the full weight of international law.

This legislation is a modest but important step. There are reasonable limits to what we can achieve, in part because our laws require that both the victim and the torturer must be present in the United States for the matter to be considered.

But if other governments follow the same course we are considering today, there will be fewer and fewer places for torturers and death squads to hide. By enacting this legislation we are helping to set a standard for other nations to apply under their laws.

I commend Senator SPECTER, for his leadership on this important initiative and am pleased to cosponsor this bill.

By Mr. COHEN:

S. 314. A bill to establish a uniform minimum package and claim procedures for health benefits, provide tax incentives for health insurance purchases, encourage malpractice reform, improve health care in rural areas, establish state uninsurable pools, and for other purposes; to the Committee on Finance.

COMPREHENSIVE HEALTH CARE ACT

Mr. COHEN. Mr. President, in addition to concern about what is taking place in the Persian Gulf, in my travels throughout Maine, I find that health care is the one subject that is frequently on the minds of most of my constituents. They know that America is capable of providing some of the best care in the world. We have the latest inventions, the most advanced hardware, the best surgical technology, but many of them also let me know they are worried, worried that when they really need the finest medical attention in the world, it is not going to be available to them because they cannot afford it or it will not be nearby.

This is a problem that affects many segments of our society—young parents who worry about providing the best care for their children, senior citizens who fear the devastating financial and emotional effects of serious illnesses and businesses that simply cannot afford to help employees pay for the insurance to cover their medical bills.

At the root of many of these worries is the fact that these people have no health insurance. There are 130,000 within my State, some 37 million nationwide, and a particular worry experienced by those who live in rural areas like Maine where medical practitioners can be scarce and where rural hospitals face many great financial strains.

I believe that we in Congress have an obligation to help and to accomplish their goal. I am today reintroducing the legislation that I proposed last fall that sets forth a national agenda for health care reform. This is a bill that preserves what is best about our existing health system while making significant changes designed to make quality, affordable health care accessible to all Americans.

The plan is basically aimed at working people, the backbone of my State and virtually of other States—the people who are not old enough for Medicare, not poor enough for Medicaid, and who have limited or no access to health insurance from their employers.

Ironically, working Americans make up the great majority—80 percent of the uninsured. Many of them denied coverage because of preexisting medical conditions. Most have been simply priced out of the market.

Rising health care costs Government-mandated benefit packages have sent these health insurance premiums skyrocketing virtually precluding small businesses from providing adequate coverage for workers and individual families with modest means of purchasing their own coverage.

My bill would deal with these problems in a variety of ways. It is comprised of five major components. It makes health insurance more accessible and affordable for both individuals and small businesses. It would make health care services more available for rural Americans. It would reduce health care costs. It will provide for medical liabilities in the form of the development of national standards of care, and increase access to cover the long-term care.

In order to make health insurance more accessible and affordable for individuals and small businesses, my proposal calls for the elimination of existing barriers to coverage and provides special tax incentives for individuals and small businesses wishing to purchase health insurance.

To help cover the cost of insurance premiums for the estimated 28.6 million uninsured Americans with family incomes under $30,000, the Comprehensive Health Care Act provides a refundable tax credit to low- and moderate-income individuals and families not covered by employer provided plans. A credit of 60 percent would apply to premiums of up to $1,200 for individuals and $2,400 for families. Individuals with adjusted gross incomes of less than $18,000 and families with adjusted gross incomes of less than $28,000 would be eligible for the full 60 percent credit. The credit would be phased out for individuals with incomes between $18,000 and $23,000 and families with incomes between $28,000 and $33,000.

The Comprehensive Health Care Act would also make insurance more affordable for small businesses and self-employed individuals by granting them the same 100 percent tax deduction for health benefit costs currently granted to incorporated businesses. It is estimated that 2 million of the uninsured in America are self-employed. In addition, unincorporated small businesses are about half as likely to provide health care coverage to owners and workers as incorporated businesses of a comparable size. Enactment of the full 100 percent deduction for health benefit costs should encourage greatly expanded coverage for these individuals.

A recent study estimated that as many as one-quarter of the uninsured lacked coverage because they had been priced out of the market by increases in State-mandated benefit laws. More than 640 specific State mandates now require insurers to include specific benefits in all group health plans. A number of States require coverage for acupuncturists, herbalists, and in vitro fertilization. One State even mandates coverage for hairpieces. While many of the State-mandated benefits are important, the proliferation of these requirements has priced health insurance coverage out of reach for many individuals and small businesses.

My proposal would extend the same exemption from these requirements which is currently enjoyed by self-insured plans to purchasers of group insurance. It also calls for the development of a uniform, low-cost minimum benefit package which could then be made available for purchase by individuals and businesses nationwide. This package would include basic hospital, physician, primary, and preventive care services such as pap smears and mammograms. Individuals who choose to pay more for comprehensive coverage could certainly continue to do so. However, the availability of a "no-frills" package would provide greater freedom of choice and would help ensure universal access to affordable basic health care services. The legisation also calls for the development of a plan for standardizing and simplifying public and private insurance forms and procedures to facilitate comparisons between policies and to expand consumer choice.

The Comprehensive Health Care Act of 1991 also provides for the development of State-run risk pools for the medically uninsurable. Individuals who are uninsurable because of a pre-existing medical condition would have the option of purchasing—or having their employer purchase—health insurance from a state pool. The legislation authorizes a block grant program for States to develop programs for individuals who are uninsurable. Twenty-four States, including my home State of Maine, have already provided for the creation of such pools.

The problem of access to affordable health care services is not limited to the uninsured. The problem of access is shared by the one-fourth of our Nation's population who live in rural areas. This legislation incorporates elements of bills I introduced in the last Congress to increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas. In addition, the bill includes provision of a special tax credit for health care providers serving in rural areas.

While I think this legislation is going to go a long way toward improving our health care system so that all can take advantage of it, health insurance alone is not going to insure good health. As a noted author and physician Dr. Michael Crichton has observed, "the future of medicine lies not in treating illness but in preventing it."

Many of our most serious health problems are directly related to unhealthy behaviors—smoking, overeating, lack of exercise, and abuse of drugs and alcohol. Today, more than ever, the way we die is directly related to the way we live.

Americans have to be encouraged to engage in healthy behavior and to accept more responsibility for their physical well-being. An ever-expanding body of evidence shows that investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life, increased productivity, and an enhanced ability to deal with the pressures of modern life.

Clearly, our national health system has serious problems. While they are critical, they are not yet terminal.

The Comprehensive Health Care Act I am introducing today builds upon the existing public and private health care partnership to preserve what is good about the American system and at the same time takes important steps toward resolving the problems we have and ensuring availability and accessibility for quality health care for all Americans at a price they can afford.

The Comprehensive Health Care Act of 1991 will help to encourage participation in such programs by clarifying that expenditures for disease prevention and health promotion programs are considered medical expenses for tax treatment. Increasing participation in these programs should not only help to improve general health, but also to reduce health care costs.

The Comprehensive Health Care Act of 1991 will also reduce costs by encouraging neighboring hospitals to band together to share costly high-technology equipment or services to eliminate unnecessary duplication. In addition to providing Federal funds for State cost-sharing programs to encourage such cooperation, the legislation provides a waiver of antitrust laws to allow hospitals to enter into such agreements.

Medical malpractice costs have reached an estimated $5 billion annually nationwide. When legal costs are added, the estimated annual costs climb to $20 billion. The medical malpractice crisis has also had a serious negative impact on the availability of care, particularly in rural areas. Many family physicians have given up the high-risk practice of obstetrics because they simply do not deliver enough babies annually to justify the added malpractice premium costs.

The Comprehensive Health Care Act will encourage States to institute pre-litigation screening panels which are charged with determining whether an injury has occurred and whether that injury has resulted from negligence. My home State of Maine has had great success in reducing medical malpractice costs through the use of these panels. As a result, malpractice premiums for both physicians and hospitals have declined.

The legislation also provides for the development of national practice guidelines and standards of care in order to ensure appropriate and effective care. Development of such guidelines and standards will also help to reduce the practice of defensive medicine, which is costing the American public as much as $121 billion a year. The legislation also allows health care providers to use the practice guidelines as the standard of care in medical liability cases.

Only 2 percent of our Nation's elderly have long-term care insurance. In order to increase access to coverage for long-term care, the Comprehensive Health Care Act reclassifies long-term care insurance as health insurance for tax purposes. This will enable individuals to deduct long-term care expenses and will ensure that long-term care benefits are not subject to income tax. The proposal also provides for the inclusion of long-term health care coverage in cafeteria benefit plans, and will allow individuals to roll over funding held in individual retirement accounts to long-term care insurance without penalty. Finally, the bill allows individuals and families to use life insurance benefits during the final stages of terminal illness or for long-term care without incurring harsh tax consequences.

Our Nation's health care system is plagued by serious problems primarily related to cost and access to quality care. However, while these problems are critical, they are not terminal. The Comprehensive Health Care Act builds upon the existing public-private health care partnership to preserve what is good about the American system. At the same time, it takes important steps toward resolving the problems plaguing the system and toward ensuring the availability and accessibility of quality health care for all Americans at a price they can afford.

Mr. President, I ask unanimous consent that the following summary of the provisions of the Comprehensive Health Care Act of 1991 as well as the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Health Care Act of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Section 1. Short title.

TITLE I—MEDICARE REIMBURSEMENT FOR RURAL HOSPITALS

Sec. 101. Elimination of separate average standardized amounts for hospitals in different areas.

TITLE II—JOINT USE OF HIGH TECHNOLOGY EQUIPMENT AND SERVICES BY HOSPITALS

Sec. 201. Waiver of antitrust laws.

Sec. 202. Grants.

TITLE III—HEALTH CARE CLAIMS PROCEDURES AND MINIMUM BENEFITS

Sec. 301. Development of provisions to provide uniform, low cost and quality health insurance policies.

Sec. 302. Preemption of State mandated benefits.

TITLE IV—TAX INCENTIVES

Sec. 401. Increase in deductible health insurance costs for self-employed individuals.

Sec. 402. Credit for health insurance expenses.

Sec. 403. Disease prevention and health promotion programs treated as medical care.

TITLE V—MALPRACTICE REFORM

Sec. 501. Treatment practice guidelines.

Sec. 502. Prelitigation screening panel grants.TITLE VI—P

TITLE VI—PHYSICIAN ISSUES

Subtitle A—Tax Incentives for Rural Practice

Sec. 601. Short title.

Sec. 602. Refundable credit for certain primary health services providers.

Sec. 603. Studies.

Sec. 604. National Health Service Corps loan repayments excluded from gross income.

Subtitle B—Student Loan Deferment

Sec. 611. Short title.

Sec. 612. Resident physician deferments.

TITLE VII—LONG-TERM CARE INSURANCE

Sec. 701. Qualified long-term care insurance defined and treated as accident and health insurance.

Sec. 702. Qualified long-term care insurance treated as accident and health insurance for purposes of exclusion for benefits received under such insurance and for employer contributions for such insurance.

Sec. 703. Deduction of expenses relating to qualified long-term care.

Sec. 704. Cafeteria plans.

Sec. 705. Exclusion from gross income for amounts withdrawn from individual retirement plans for qualified long-term care insurance premiums.

Sec. 706. Tax treatment of accelerated death benefits under life insurance contracts.

Sec. 707. Tax treatment of companies issuing qualified terminal illness or dread disease riders.

TITLE VIII—STATE UNINSURABLE POOLS

Sec. 801. State uninsurable pools.

TITLE I—MEDICARE REIMBURSEMENT FOR RURAL HOSPITALS

SEC. 101. ELIMINATION OF SEPARATE AVERAGE STANDARDIZED AMOUNTS FOR HOSPITALS IN DIFFERENT AREAS.

Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(j)(1) As used in this subsection:

"(A) The term 'Commission' means the Prospective Payment Assessment Commission established under subsection (e).

"(B) The term 'subsection (d) hospital' has the meaning given the term in subsection (d)(1)(B).

"(2)(A) On or before September 1, 1992, the Secretary and the Commission shall each submit to the Congress a report recommending a methodology that provides for the elimination of the system described in subsection (d)(2)(D) for determining separate average standardized amounts for subsection (d) hospitals located in large urban, other urban, or rural areas. The methodologies set forth in such reports shall provide for the complete elimination of the average standardized amounts applicable to large urban, other urban, or rural area hospitals for discharges occurring on or after January 1, 1993. Such methodologies may provide for such changes to any of the adjustments, reductions, and special payments otherwise authorized or required by this section as the Secretary or the Commission determines to be necessary and appropriate to carry out this subsection. In no case may the Secretary or the Commission recommend or provide for a methodology that will result in total payments under part A of this title to hospitals at a level less than such hospitals were receiving on October 1, 1992.

"(3) On or before October 1, 1992, the Secretary shall promulgate interim final regulations to implement the recommendations of the Secretary under paragraph (2). The regulations shall include any recommended changes in the adjustments, reductions, and special payments otherwise authorized or required by this section.

"(4) If the Congress does not enact legislation after the date of the enactment of this subsection and before December 1, 1992, with respect to the average standardized amounts applicable to large urban, other urban, or rural area hospitals, then, notwithstanding any other provision of this section, the average standardized amounts for such hospitals for discharges occurring on or after January 1, 1993, shall be determined in accordance with the interim final regulations promulgated under paragraph (3).

"(5) On or before July 1, 1993, the Secretary and the Commission shall each submit to the Congress a report specifying the manner in which the average standardized amounts that were determined under the regulations and that became effective in accordance with paragraph (4) should be adjusted appropriately to reflect differences in the operating costs of providing inpatient hospital services (as defined in subsection (a)(4)) for different categories of subsection (d) hospitals.".

TITLE II—JOINT USE OF HIGH TECHNOLOGY EQUIPMENT AND SERVICES BY HOSPITALS

SEC. 201. WAIVER OF ANTITRUST LAWS.

(a) IN GENERAL.—Notwithstanding any provision of the antitrust laws, it shall not be considered a violation of the antitrust laws for hospitals to jointly undertake, in the provision of care, the purchasing, contracting for, or sharing of high technology equipment and services.

(b) ANTITRUST LAWS DEFINED.—For purposes of this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, commonly known as the "Sherman Act" (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

(2) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

(3) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the "Clayton Act" (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

(4) any State antitrust laws that would prohibit the activities described in subsection (a).

SEC. 202. GRANTS.

Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after section 633 the following new part:

"PART D—EQUIPMENT AND SERVICES

"SEC. 637. HIGH TECHNOLOGY EQUIPMENT AND SERVICES.

"(a) ESTABLISHMENT.—The Secretary shall establish and carry out demonstration projects to assist hospitals in acquiring and sharing high technology equipment and services. In carrying out the demonstration projects, the Secretary shall make grants to States for the purpose of paying the Federal share of the costs of assisting hospitals to jointly purchase, contract for, or share high technology equipment and services in order to eliminate unnecessary duplication of the equipment and services.

"(b) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria prescribed by the Secretary.

"(c) DURATION OF GRANTS.—Grants made under this section may be made for periods not to exceed 3 years.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines necessary to carry out this section. At a minimum, the application shall include—

"(1) a State plan that describes the manner in which the State health authority will assist hospitals in undertaking the joint activities described in subsection (a);

"(2) a description of the criteria and procedures the State health authority will use to select hospitals to be assisted under this section; and

"(3) an assurance that the State will provide 50 percent of the cost of the demonstration project from non-Federal funds.

"(e) Federal Share.—The Federal share of the cost of carrying out any State plan under this section shall be 50 percent.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1992 through 1995 fiscal years.".

TITLE III—HEALTH CARE CLAIMS PROCEDURES AND MINIMUM BENEFITS

SEC. 301. DEVELOPMENT OF PROVISIONS TO PROVIDE UNIFORM, LOW COST AND QUALITY HEALTH INSURANCE POLICIES.

(a) In General.—(1) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary"), shall request the National Association of Insurance Commissioners (hereinafter referred to as the "Association") in consultation with representatives of consumer groups, government agencies, public and private insurers, health care providers, business, labor, and such other groups as the Secretary deems appropriate, to develop a model set of regulations and laws to provide a uniform, low-cost, minimum insurance benefit package to include hospital, physician, primary care, preventive care and other selected services for purchase by individuals, businesses and governmental entities.

(2) The Secretary shall also request the Association working in consultation with the groups described in paragraph (1) to develop a plan for standardizing public and private insurance forms, which provides for a simplification of terminology and claims procedures in order to facilitate a comparison between various policies and to enhance access to quality policies. The Association shall also provide for a periodic examination and modification of provisions with respect to any model developed under this section. The Association shall submit a copy of such model regulations and laws to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, not later than 12 months after the date of enactment of this subsection.

(b) Default Provision.—If within 12 months after the date of enactment of this section, the Association does not develop a model set of regulations and laws with respect to the uniform, low cost, minimum insurance benefit package described in subsection (a), the Secretary shall within 12 months after such date develop such a model as provided in subsection (a) and submit a report to Congress as provided under such subsection.

SEC. 302. PREEMPTION OF STATE MANDATED BENEFITS.

Section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(2)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(2) by adding at the end the following new subparagraph:

"(C) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any provision of the law of any State to the extent that the provision mandates or provides any requirement relating to the type or level of benefits that are to be provided under contracts or policies of health insurance issued to or under a plan that constitutes an employee welfare benefit plan (as defined in section 3(1)).".

TITLE IV—TAX INCENTIVES

SEC. 401. INCREASE IN DEDUCTIBLE HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) In General.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "100 percent".

(b) Permanent Deduction.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 402. CREDIT FOR HEALTH INSURANCE EXPENSES.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. HEALTH INSURANCE EXPENSES.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified health insurance expenses paid by such individual during the taxable year.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) Applicable dollar amount.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) Qualified Health Insurance Expenses.—For purposes of this section—

"(1) In general.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(d)(1)(C)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) Dollar limit on qualified health insurance expenses.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed $1,200 ($2,400 in the case of a taxpayer filing a joint return).

"(3) Election not to take credit.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(c) Eligible Individual.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) Special Rules.—For purposes of this section—

"(1) Coordination with advance payment and minimum tax.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) Medicare-eligible individuals.—No expense shall be treated as a qualified health insurance expense if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) Subsidized expenses.—No expense shall be treated as a qualified health insurance expense to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) Advance Payment of Credit.—

(1) In general.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF HEALTH INSURANCE EXPENSES CREDIT.

"(a) General Rule.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom a health insurance expenses eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's dependent care advance amount.

"(b) Health Insurance Expenses Eligibility Certificate.—For purposes of this title, a health insurance expenses eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have a health insurance expenses eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has a health insurance expenses eligibility certificate in effect,

"(4) estimates the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) Health Insurance Expenses Advance Amount.—

"(1) In general.—For purposes of this title, the term 'health insurance expenses advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated qualified health insurance expenses included in the health insurance expenses eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) Advance amount tables.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of health insurance expenses credit.".

(c) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 401, is further amended by adding after paragraph (5) the following new paragraph:

"(6) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) TERMINATION OF HEALTH INSURANCE CREDIT.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF HEALTH INSURANCE CREDIT.—In the case of taxable years beginning after December 31, 1991, the health insurance credit percentage shall be equal to 0 percent."

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Health insurance expenses.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 403. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), expenditures for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1990.

TITLE V—MALPRACTICE REFORM

SEC. 501. TREATMENT PRACTICE GUIDELINES.

(a) ESTABLISHMENT.—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part C as part D; and

(2) by inserting after section 914 the following new part:

"PART C—MALPRACTICE REFORM

"SEC. 917. TREATMENT PRACTICE GUIDELINES.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Assistant Secretary for Health (referred to in this part as the 'Assistant Secretary'), acting through the Administrator and in consultation with the Subcouncil on Outcomes and Guidelines, established under section 921(d), shall establish treatment practice guidelines for health care services provided to patients, taking into account available patient outcome research and other available information.

"(2) SUBJECTS.—In carrying out paragraph (1), the Assistant Secretary shall establish guidelines that specify appropriate, inappropriate, and permissive methods of evaluation and treatment. The Assistant Secretary shall give priority to establishment of guidelines for—

"(A) common procedures;

"(B) medical problems for which physicians use a wide variety of treatment practices; and

"(C) procedures involving high risk and low probability of improvement.

"(3) CONSIDERATIONS.—In establishing practice guidelines, the Assistant Secretary shall consider—

"(A) the setting of the evaluation and treatment provided to patients, including whether the evaluation and treatment are provided in an urban or rural setting;

"(B) the need to improve the quality of care; and

"(C) the need to reduce the practice of defensive medicine.

"(b) APPLICATION OF GUIDELINES AS LEGAL STANDARD.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, guidelines established under subsection (a) may not be introduced in evidence or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

"(2) PROVISION OF HEALTH CARE UNDER GUIDELINES.—Notwithstanding any other provision of law, in any action brought in a Federal or State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under subsection (a), the guidelines—

"(A) may be introduced by a provider who is a party to the action; and

"(B) if introduced, shall establish a rebuttable presumption that the service prescribed by the guidelines is the appropriate standard of medical care.

"(c) REVIEW AND MODIFICATION.—

"(1) PERIODIC REVIEW.—The Assistant Secretary shall review each of the guidelines established under this section at least once in each 2-year period.

"(2) REVIEW FOR ESTABLISHMENT OF GUIDELINE.—If the head of a Federal agency or a private organization requests the Assistant Secretary to establish treatment practice guidelines for an area of health care services for which the guidelines have not been established, the Assistant Secretary shall—

"(A) conduct a review to determine if the establishment of the guidelines is appropriate; and

"(B) if the Assistant Secretary determines that the establishment of the guidelines is appropriate, establish the guidelines.

"(3) REVIEW FOR MODIFICATION OF GUIDELINE.—If the head of a Federal agency or a private organization requests the Assistant Secretary to review existing treatment practice guidelines, the Assistant Secretary shall—

"(A) conduct a review of the guidelines; and

"(B) if the Assistant Secretary determines that modification of the guidelines is appropriate, modify the guidelines.

"(d) SUBMISSION OF STANDARDS AND VIEWS.—In carrying out this section, the Assistant Secretary shall solicit and consider standards and views submitted by the heads of Federal agencies, physicians, and physician organizations.

"(e) AVAILABILITY.—The Assistant Secretary shall make guidelines established under this subsection available to the public.".

(b) SUBCOUNCIL DUTIES.—Section 921 of the Public Health Service Act (42 U.S.C. 299c) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(3) TREATMENT PRACTICE RECOMMENDATIONS.—

"(A) STUDY.—The Council shall study and investigate variations in physician treatment practices, in order to determine the relationship between different treatment patterns and patient outcomes. In particular, the Council shall study the overutilization, underutilization, appropriateness, and effectiveness of physician treatment practices, and the quality of care provided by the practices.

"(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Council shall make a report to the Secretary and to the appropriate committees of Congress containing the findings of the study described in subparagraph (A).

"(C) RECOMMENDATIONS.—The Council shall make recommendations and provide advice to the Assistant Secretary with respect to the establishment of treatment practice guidelines under section 917 and the conduct of related areas of research, including recommendations and advice based on the study described in subparagraph (A)."; and

(2) in subsection (d)(1), by inserting "and in subsection (b)(3)" after "of subsection (b)(2)".

SEC. 502. PRELITIGATION SCREENING PANEL GRANTS.

Part C of title IX of the Public Health Service Act (as added by section 501 of this Act) is amended by adding at the end the following new section:

"SEC. 918. PRELITIGATION SCREENING PANEL GRANTS.

"(a) ESTABLISHMENT.—The Assistant Secretary, acting through the Administrator, shall establish a program of grants to assist States in establishing prelitigation panels.

"(b) USE OF FUNDS.—A State may use a grant awarded under subsection (a) to establish prelitigation panels that—

"(1) identify claims of professional negligence that merit compensation;

"(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

"(3) encourage early withdrawal or dismissal of nonmeritorious claims.

"(c) AWARD OF GRANTS.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

"(d) APPLICATION.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1992 through 1995 fiscal years.".

TITLE VI—PHYSICIAN ISSUES

Subtitle A—Tax Incentives for Rural Practice

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Rural Primary Care Incentives Act of 1991".

SEC. 602. REFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34A (as added by section 402 of this Act) the following new section:

"SEC. 35. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) Allowance of Credit.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this subtitle for any taxable year in the mandatory service period an amount equal to—

"(1) the number of months of such period occurring in such year, times

"(2) $1,000.

"(b) Limitation.—No credit shall be allowed under subsection (a) with respect to any month in any mandatory service period in excess of 36 (reduced by the number of months in any previous mandatory service period for which a credit was allowed under subsection (a)).

"(c) Qualified Primary Health Services Provider.—For purposes of this section, the term 'qualified primary health services provider' means any physician who for any month during the mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing such services—

"(A) full time,

"(B) to individuals at least 80 percent of whom reside in a rural health manpower shortage area, and

"(C) in a health care practice which is—

"(i) related to a migrant health center or a community health center (as defined in sections 329(a)(1) and 330(a)(1) of the Public Health Service Act (42 U.S.C. 254b(a)(1) and 254c(a)(1)), respectively), or

"(ii) subject to the conditions described in subparagraphs (A) and (B) of section 338D(b)(1) of the Public Health Service Act (42 U.S.C. 254n(b)(1)),

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program (as established in section 338A of the Public Health Service Act (42 U.S.C. 254l) or a loan repayment under the National Health Service Corps Loan Repayment Program (as established in section 338B of the Public Health Service Act (42 U.S.C. 254l-1),

"(3) is not fulfilling service obligations under such programs, and

"(4) has not defaulted on such obligations.

"(d) Mandatory Service Period.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is certified by the Bureau as a qualified primary health services provider.

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Bureau.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) Physician.—The term 'physician' means any doctor of medicine or osteopathy who provides direct patient care and practices principally in 1 of the 4 following primary care specialties:

"(A) General or family practice.

"(B) General internal medicine.

"(C) Pediatrics.

"(D) Obstetrics and gynecology.

The term shall not include administrators, researchers, or teachers.

"(3) Primary health services provider.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act (42 U.S.C. 254c(b)(1)).

"(4) Rural health manpower shortage area.—The term 'rural health manpower shortage area' means a class 1 or class 2 health manpower shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A)) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww)).

"(f) Recapture of Credit.—

"(1) In general.—If, as of the close of any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) Applicable recapture percentage.—

"(A) In general.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1-23	100
Months 24-35	75
Months 36-47	50
Months 48-59	25
Months 60 and thereafter	0.

"(B) Timing.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) Recapture event defined.—

"(A) In general.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be certified as a qualified primary health services provider for any month during any mandatory service period.

"(B) Cessation of designation.—The cessation of the designation of any area as a rural health manpower shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) Secretarial waiver.—The Secretary, after consultation with the Bureau, may waive any recapture event caused by extraordinary circumstances.

"(4) No credits against tax.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(b) Conforming Amendments.—

(1) Paragraph (4)(A) of section 6211(b) of the Internal Revenue Code of 1986 (relating to rules for applying definition of deficiency) is amended by striking "sections 32 and 34" and inserting "sections 32, 34, and 35".

(2) Section 6513 of such Code (relating to time return deemed filed and tax considered paid) is amended by adding at the end the following new subsection:

"(f) Time Tax Is Considered Paid for Primary Health Services Providers Credit.—For purposes of section 6511, the taxpayer shall be considered as paying an amount of tax on the last day prescribed for payment of the tax (determined without regard to any extension of time and without regard to any election to pay the tax in installments) equal to so much of the credit allowed by section 35 (relating to primary health services providers credit) as is treated under section 6401(b) as an overpayment of tax.".

(3) Subsection (d) of section 6611 of such Code is amended by striking the caption and inserting the following:

"(d) Advance Payment of Tax, Payment of Estimated Tax, Credit for Income Tax Withholding, and Primary Health Services Providers Credit.—".

(c) Clerical Amendment.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Primary health services providers.

"Sec. 36. Overpayments of tax.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 603. STUDIES.

(a) Expansion of Credit.—

(1) Study.—The Secretary of Health and Human Services or the Secretary's delegate shall determine the present number of, and future need for, nonphysician primary care providers in rural health manpower shortage areas. Such determination shall form the basis for a study of the feasibility (including cost estimates) of extending the tax credit provided by the amendments made by section 602 to such providers.

(2) Reports.—An interim report of the study described in paragraph (1) shall be submitted by the Secretary of Health and Human Services to the Congress 1 year from the date of the enactment of this Act. A final report of such study shall be submitted to the Congress within 2 years of such date of enactment.

(b) Status of Credit.—

(1) Study.—The Secretary of Health and Human Services or the Secretary's delegate shall evaluate the effect of the tax credit provided by the amendments made by section 602 in increasing the supply of primary care physicians in class 1 and class 2 rural health manpower shortage areas and improving health care delivery access to medially underserved populations. Such evaluation shall form the basis for a study of the necessity and feasibility (including cost estimates) of extending such credit to primary care physicians in other rural health manpower shortage areas. Such study shall also include an evaluation of alternative methods of defining rural health manpower shortage areas.

(2) Report.—The Secretary of Health and Human Services shall submit to the Congress a report of the study described in paragraph (1) along with any recommendations for further legislative action no later than 2 years after the date of the enactment of this Act.

SEC. 604. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act (42 U.S.C. 2541-1(g)).".

(b) CONFORMING AMENDMENT.—Section 338B(g)(3) of the Public Health Service Act (42 U.S.C. 2541-1(g)(3)) is amended by striking "Federal, State, or local" and inserting "State or local".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.
"Sec. 137. Cross references to other Acts.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to payments made under section 338B(g) of the Public Health Service Act (42 U.S.C. 2541-1(g)) after the date of the enactment of this section.

Subtitle B—Student Loan Deferment

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Resident Physician Student Loan Deferment Act."

SEC. 612. RESIDENT PHYSICIAN DEFERMENTS.

(a) FEDERALLY INSURED STUDENT LOANS.—Section 427(a)(2)(C)(i) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(i)) is amended—

(1) by striking "or" before subclause (III);

(2) by striking "except" and all that follows through "residency program"; and

(3) by inserting before the semicolon at the end the following: "or (IV) is serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(b) FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.—Section 428(b)(1)(M)(i) of the Act (20 U.S.C. 1078(b)(1)(M)(i)) is amended—

(1) by striking "or" before subclause (III);

(2) by striking "except" and all that follows through "residency program"; and

(3) by inserting before the semicolon at the end the following: "or (IV) is serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(c) LOAN AGREEMENTS.—Section 464(c)(2)(A)(i) of the Act (20 U.S.C. 1087dd(c)(2)(A)(i)) is amended—

(1) by striking "except" and all that follows through "residency program"; and

(2) by inserting before the semicolon at the end the following: "or serving in a medical internship or residency program accredited by the Accreditation Council for Graduate Medical Education or the Accrediting Committee of the American Osteopathic Association".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to any loan made, insured, or guaranteed under part B or part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087aa et seq.), including a loan made before the date of enactment of this Act.

TITLE VII—LONG-TERM CARE INSURANCE

SEC. 701. QUALIFIED LONG-TERM CARE INSURANCE DEFINED AND TREATED AS ACCIDENT AND HEALTH INSURANCE.

(a) IN GENERAL.—Section 818 of the Internal Revenue Code of 1986 (relating to other definitions and special rules involving life insurance companies) is amended by adding at the end the following new subsection:

"(g) QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT OR HEALTH INSURANCE.—

"(1) IN GENERAL.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.

"(2) QUALIFIED LONG-TERM CARE INSURANCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified long-term care insurance' means insurance under a policy or rider, issued by a qualified issuer, which provides coverage—

"(i) for not less than 12 consecutive months for each covered person,

"(ii) on an expense incurred, indemnity, disability, prepaid, or other basis,

"(iii) for—

"(I) 1 or more necessary or medically necessary diagnostic services, preventive services, therapeutic services, rehabilitation services, maintenance services, or personal care services, or

"(II) cognitive impairment or the loss of functional capacity, and

"(iv) in a setting other than in an acute care unit of a hospital.

"(B) QUALIFIED ISSUER.—For purposes of subparagraph (A), the term 'qualified issuer' means any of the following if subject to the jurisdiction and regulation of at least 1 State insurance department:

"(i) Private insurance company.

"(ii) Fraternal benefit society.

"(iii) Nonprofit health corporation.

"(iv) Nonprofit hospital corporation.

"(v) Nonprofit medical service corporation.

"(vi) Prepaid health plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 702. QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF EXCLUSION FOR BENEFITS RECEIVED UNDER SUCH INSURANCE AND FOR EMPLOYER CONTRIBUTIONS FOR SUCH INSURANCE.

(a) IN GENERAL.—Section 105 of the Internal Revenue Code of 1986 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULES RELATING TO QUALIFIED LONG-TERM CARE INSURANCE.—For purposes of section 104, this section, and section 106—

"(1) BENEFITS TREATED AS PAYABLE FOR SICKNESS, ETC.—Any benefit received through qualified long-term care insurance (as defined in section 818(g)) shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) EXPENSES FOR WHICH REIMBURSEMENT PROVIDED UNDER QUALIFIED LONG-TERM CARE INSURANCE TREATED AS INCURRED FOR MEDICAL CARE OR FUNCTIONAL LOSS.—Expenses incurred by the taxpayer, his spouse, dependent, parents, the parents of his spouse, or grandparents to the extent of benefits paid under qualified long-term care insurance (as defined in section 818(g)) shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)) and benefits received under the qualified long-term care insurance shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer, his spouse, dependent, his parents, the parents of his spouse, or grandparents.

"(3) REFERENCES TO ACCIDENT AND HEALTH PLANS.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance (as defined in section 818(g))."

(b) CURRENT DEDUCTION FOR EMPLOYER PREMIUMS FOR LONG-TERM CARE INSURANCE.—Subparagraph (B) of section 404(b)(2) of the Internal Revenue Code of 1986 (relating to plans providing certain deferred benefits) is amended by inserting before the period at the end the following: "or any benefit provided under qualified long-term care insurance (as defined in section 818(g)) through the payment (in whole or in part) of premiums by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 703. DEDUCTION OF EXPENSES RELATING TO QUALIFIED LONG-TERM CARE.

(a) IN GENERAL.—Paragraph (1) of section 213(d) of the Internal Revenue Code of 1986 (defining medical care) is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by adding after subparagraph (C) the following new subparagraph:

"(D) as premiums for qualified long-term care insurance (as defined in section 818(g))."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 704. CAFETERIA PLANS.

(a) EXCEPTION FOR CERTAIN QUALIFIED LONG-TERM CARE INSURANCE.—Section 125(d)(2) of the Internal Revenue Code of 1986 (relating to the exclusion of deferred compensation plans) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR CERTAIN QUALIFIED LONG-TERM CARE INSURANCE.—Subparagraph (A) shall not apply to qualified long-term care insurance (as defined in section 818(g)) provided under a plan if—

"(i) the employee may not surrender such insurance for cash, and

"(ii) if the terms of the plan permit, the employee may elect to continue the insurance upon cessation of participation in the plan."

(b) TREATMENT AS QUALIFIED BENEFITS.—Section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by striking "section 79 and such term includes" and inserting "section 79, qualified long-term care insurance (as defined in section 818(g)), and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 705. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS FOR QUALIFIED LONG-TERM CARE INSURANCE PREMIUMS.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to tax treatment of distributions from individual retirement plans) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR QUALIFIED LONG-TERM CARE INSURANCE PREMIUMS.—

"(A) IN GENERAL.—No amount (which but for this paragraph would be includible in the gross income of the payee or distributee under paragraph (1)) shall be included in gross income during the taxable year if the distribution is used during such year to pay premiums for any qualified long-term health insurance policy for the benefit of the payee or distributee or the spouse of the payee or distributee.

"(B) DEFINITION OF LONG-TERM CARE INSURANCE.—For purposes of this paragraph, the term 'long-term care insurance' has the meaning given such term by section 818(g)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 706. TAX TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) GENERAL RULE.—Section 101 of the Internal Revenue Code of 1986 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN ACCELERATED DEATH BENEFITS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who has a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) DREAD DISEASE.—For purposes of this subsection, the term 'dread disease' means a medical condition which has required or requires extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) PERMANENTLY CONFINED TO A NURSING HOME.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in the individual remaining in a nursing home for the rest of his life."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1991.

SEC. 707. TAX TREATMENT OF COMPANIES ISSUING QUALIFIED TERMINAL ILLNESS OR DREAD DISEASE RIDERS.

(a) QUALIFIED TERMINAL ILLNESS OR DREAD DISEASE RIDERS TREATED AS LIFE INSURANCE.—Section 818 of the Internal Revenue Code of 1986 (relating to other definitions and special rules involving life insurance companies), as amended by section 701, is further amended by adding at the end the following new subsection:

"(h) QUALIFIED TERMINAL ILLNESS OR DREAD DISEASE RIDERS TREATED AS LIFE INSURANCE.—

"(1) IN GENERAL.—For purposes of this part, any reference to life insurance shall be treated as including a reference to a qualified terminal illness or dread disease rider.

"(2) QUALIFIED TERMINAL ILLNESS OR DREAD DISEASE RIDER.—For purposes of this subsection, the term 'qualified terminal illness or dread disease rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to or for the benefit of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)) or incurring a dread disease (as defined in section 101(g)(3))."

(b) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(1) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Paragraph (5)(A) of section 7702(f) of the Internal Revenue Code of 1986 (defining qualified additional benefits) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) qualified terminal illness or dread disease rider (as defined in section 818(h)(2)) or any qualified long-term care rider (as defined in section 818(g)(2)) which reduces the death benefit), or."

(2) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance (as described in section 818(g)) shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after December 31, 1991.

TITLE VIII—STATE UNINSURABLE POOL PROGRAMS

SEC. 801. STATE UNINSURABLE POOL PROGRAMS.

Title XIX of the Public Health Service Act (42 U.S.C. 1901 et seq.) is amended by adding at the end the following new part:

"PART D—STATE UNINSURABLE POOLS

"SEC. 1941. DEFINITIONS.

"As used in this part:

"(1) MEDICALLY UNINSURABLE INDIVIDUAL.—The term 'medically uninsurable individual' means an individual—

"(A) who is a resident of a State;

"(B) who does not have health insurance coverage on the date on which the individual applies for health insurance coverage under a qualified uninsurable pool program in the State in which the individual is a resident;

"(C) who has received a notice from one or more insurance providers regarding coverage that is substantially similar to the coverage offered by the qualified uninsurable pool program in the State, without material underwriting restriction, and the notice is issued on the basis of a pre-existing medical condition of the individual and constitutes—

"(i) a notice of rejection;

"(ii) a notice of a reduction or limitation that substantially reduces health insurance benefits compared with benefits available to other individuals, such as a rider that excludes or modifies benefits for a condition for a period that is not less than 6 months; or

"(iii) a notice of an increase in premiums for health coverage for which the individual is applying or which the individual is receiving, that exceeds the premium rate for coverage provided by the qualified uninsurable pool program in the State; and

"(D) who is not eligible to receive benefits under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.)

"(2) QUALIFIED UNINSURABLE POOL PROGRAM.—The term 'qualified uninsurable pool program' means a program that—

"(A) is operated by a nonprofit corporation established and regulated in accordance with State law;

"(B) has a membership that may include—

"(i) insurers writing expense-incurred health insurance;

"(ii) hospital and medical service plan corporations;

"(iii) health maintenance organizations; and

"(iv) employers;

"(C) makes available to all medically uninsurable individuals in a State, without regard to the health conditions of the individuals, levels of health insurance that are similar to the levels of coverage provided in the State by other insurers;

"(D) charges a pool premium rate that is not more than 150 percent, of the average premium rates for individual standard risks in the State for comparable coverage; and

"(E) at the option of the State and to the extent practicable, constrains costs through the use of appropriately managed care.

"SEC. 1942. ALLOCATION OF FUNDS.

"The Secretary shall allocate funds to States, as provided in section 1944, to pay for the Federal share of the costs of establishing qualified State uninsurable pool programs.

"SEC. 1943. USE OF ALLOTMENTS.

"(a) QUALIFIED UNINSURABLE POOLS.—Except as provided in subsection (b), a State shall use funds allotted under this part to support a qualified uninsurable pool program to provide health insurance for medically uninsurable individuals.

"(b) UNDERWRITING OF COSTS.—A State may use an allotment awarded to the State under this part to assist the State in underwriting the costs of a qualified uninsurable pool program for the State, in accordance with the requirements of this part.

"(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of the amount paid to a State under section 1945 for a fiscal year may be used for administering the funds made available under section 1945 for the fiscal year.

"SEC. 1944. AWARD OF ALLOTMENTS.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), of the amount appropriated under section 1952 for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the amount appropriated as the population of the State bears to the population of all States.

"(b) LIMITATIONS.—Notwithstanding subsection (a), the allotment of each State for a fiscal year—

"(1) may not be less than one-half of 1 percent of the total amount appropriated under section 1952 for the fiscal year; and

"(2) may not be more than 3 percent of the total amount appropriated under section 1952 for the fiscal year.

"(c) REVERSION OF FUNDS.—

"(1) IN GENERAL.—Funds appropriated under section 1952 for a fiscal year that are not allotted under subsection (a) because of a reason described in paragraph (2) shall be allotted as described in paragraph (3).

"(2) FUNDS NOT ALLOTTED.—Funds referred to in paragraph (1) are funds not otherwise allotted because one or more States—

"(A) have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(B) have offset or repaid State allotments under section 1947(b)(2).

"(3) ALLOTMENT OF EXCESS FUNDS.—Funds not allotted for any fiscal year because of actions referred to in paragraph (2) shall be allotted among the remaining States in proportion to the amount otherwise allotted to the remaining States for the fiscal year concerned.

"SEC. 1945. PAYMENTS UNDER ALLOTMENTS TO STATES.

"(a) IN GENERAL.—

"(1) AMOUNT OF PAYMENT.—Except as otherwise provided in this part—

"(A) the Secretary shall pay to any State the Federal share of the costs of supporting State uninsurable pool programs under this part; and

"(B) no State may be paid an amount for any fiscal year in excess of the amount of the allotment for the State under section 1944 for the fiscal year.

"(2) FEDERAL SHARE.—The Federal share of the costs of supporting a State uninsurable pool program in any State under this part shall be 75 percent.

"(b) AVAILABILITY.—Any amount paid to a State for a fiscal year that remains unobligated at the end of the year shall remain available to the State for the purposes for which the payment was made for the next fiscal year.

"(c) REDUCTION OF PAYMENTS.—

"(1) REDUCTION FOR SUPPLIES OR DETAIL.—If the Secretary furnishes supplies or equipment or details an officer or employee of the Federal Government to a State for the convenience of, and at the request of, the State for the purpose of establishing a uninsurable pool program, the Secretary, at the request of a State, may reduce the amount of payments under subsection (a) by—

"(A) the fair market value of any supplies or equipment furnished to the State under this part; and

"(B) the amount of the pay, allowances, and travel expenses of any officer or employee of the Federal Government, when detailed to the State, and the amount of any other costs incurred in connection with the detail of the officer or employee.

"(2) USE OF REDUCTION.—The Secretary may use the amount by which any payment is reduced under paragraph (1) to pay the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of the payment is based. The amount shall be considered to be part of the payment and to have been paid to the State.

"SEC. 1946. APPLICATION.

"To receive an allotment for a fiscal year under this part, a State shall submit an application to the Secretary in such form, at such time, and containing such information, certifications, and assurances as the Secretary shall require. At a minimum, the application shall contain—

"(1) certifications by the chief executive officer of each State that demonstrate to the satisfaction of the Secretary that—

"(A) the State will use the funds paid to the State under this part in accordance with this part;

"(B) the State will use Federal funds made available under this part for any period to supplement and increase the level of State, local, and other non-Federal funds that would be used to support State qualified uninsurable pool programs in the absence of Federal funds, and will in no event supplant the non-Federal funds; and

"(C) the State will provide from non-Federal sources the non-Federal share of the costs of supporting State qualified uninsurable pool programs; and

"(2) the amount the State intends to spend to carry out this part, including the amount of Federal funds that the State intends to use.

"SEC. 1947. REPORTS AND AUDITS.

"(a) REPORTS.—

"(1) ANNUAL REPORT BY STATE.—

"(A) IN GENERAL.—A State that receives funds under this part shall prepare and submit to the Secretary at least one report each year concerning the activities of the State under this part.

"(B) FORM AND CONTENTS.—Reports submitted under this paragraph shall be in such form and contain such information as the Secretary determines (after consultation with the States and the Comptroller General of the United States) to be necessary—

"(i) to determine whether funds provided to the State under this part are expended in accordance with this part and consistent with the insurance needs within the State;

"(ii) to inform the Secretary of the activities of the State under this part, including information regarding the insurance services provided, the entities involved in the pool program, and the individuals who receive the services; and

"(iii) to inform the Secretary of the purposes for which funds provided under this part are spent, of the recipients of the funds, and of the progress made toward achieving the purposes for which the funds were provided.

"(C) COPIES.—Copies of the report submitted under this paragraph shall be provided, on request, to any interested person, including any public agency.

"(2) PROHIBITION ON BURDENSOME REPORTING REQUIREMENTS.—In determining the information that States must include in the report required by this subsection, the Secretary shall not establish reporting requirements that are burdensome.

"(b) AUDITING PROCEDURES.—

"(1) ESTABLISHMENT OF FISCAL CONTROLS.—To receive funds under this part, a State shall—

"(A) establish fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this part;

"(B) provide for an annual audit of expenditures from payments received under this part;

"(C) provide for the annual audit to be performed by an entity independent of any agency administering a program funded under this part and, insofar as practical, in accordance with the standards of the Comptroller General of the United States for auditing governmental organizations, programs, activities, and functions;

"(D) submit a copy of each audit to the Secretary not later than 30 days after the date the audit is completed; and

"(E) make copies of each audit available for public inspection within the State.

"(2) REPAYMENTS TO THE UNITED STATES.—If the Secretary determines that a State has not expended funds awarded under this part in accordance with the requirements of this part, after providing the State with adequate notice and an opportunity for a hearing within the State, the Secretary shall require the State to repay to the United States amounts found not to have been expended in accordance with the requirements of this part. If the repayment is not made, the Secretary shall, after providing the State with adequate notice and opportunity for a hearing within the State, offset the amounts against the amount of any allotment to which the State is or may become entitled under this part.

"(3) EVALUATION OF EXPENDITURES.—The Comptroller General of the United States shall, from time to time, evaluate expenditures made by the States of payments made to the States under this part in order to assure that expenditures are consistent with the provisions of this part.

"(4) REPORT BY SECRETARY.—Not later than October 1, 1992, the Secretary shall submit to the appropriate committees of Congress, a report concerning the activities of the States that have received funds under this part and may include in the report such recommendations for legislative action as the Secretary considers appropriate.

"(c) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Chapter 2 of subtitle C of title XVII of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 762 et seq.) shall not apply with respect to audits of funds allotted under this part.

"(d) DATA AND INFORMATION.—The Secretary, in consultation with appropriate national organizations, shall develop model criteria and forms for the collection of data and information with respect to services provided under this part to enable States to share uniform data and information with respect to the provision of the services.

"SEC. 1948. WITHHOLDING.

"(a) IN GENERAL.—

"(1) NOTICE AND HEARING.—The Secretary shall, after adequate notice and an opportunity for a hearing conducted within the State concerned, withhold funds from any State that does not use its allotment in accordance with the requirements of this part. The Secretary shall withhold the funds until the Secretary finds that the reason for the withholding has been removed and there is reasonable assurance that it will not recur.

"(2) INVESTIGATION.—The Secretary shall not institute proceedings to withhold funds under paragraph (1) unless the Secretary has conducted an investigation concerning whether the State has used its allotment in accordance with the requirements of this part. Investigations required by this paragraph shall be conducted within the State concerned by qualified investigators.

"(3) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the requirements of this part.

"(4) MINOR FAILURE.—The Secretary shall not withhold funds under paragraph (1) from a State for a minor failure to comply with the requirements of this part.

"(b) INVESTIGATIONS.—

"(1) BY SECRETARY.—The Secretary shall conduct in several States in each fiscal year investigations of the use of funds received by the States under this part in order to evaluate compliance with the requirements of this part.

"(2) BY COMPTROLLER GENERAL.—The Comptroller General of the United States may conduct investigations of the use of funds received under this part by a State in order to insure compliance with the requirements of this part.

"(c) AVAILABILITY OF RECORDS.—To receive funds under this part, a State shall agree to make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity on a reasonable request.

"(d) Unreasonable Requests.—

"(1) In general.—In conducting an investigation in a State to determine compliance with this part, the Secretary or the Comptroller General of the United States shall not make a request for any information not readily available to the State or make an unreasonable request for information to be compiled, collected, or transmitted in any form not readily available.

"(2) Judicial exception.—Paragraph (1) shall not apply to the collection, compilation, or transmittal of data in the course of a judicial proceeding.

"SEC. 1949. TECHNICAL ASSISTANCE.

The Secretary may provide technical assistance to States in the planning and operation of activities to be carried out under this part.

"SEC. 1950. NONDISCRIMINATION.

"(a) In General.—

"(1) Construction.—Programs and activities funded in whole or in part with funds made available under this part are considered to be programs and activities receiving Federal financial assistance for the purpose of prohibitions against discrimination—

"(A) on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

"(B) on the basis of handicap under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

"(C) on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

"(D) on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

"(2) Gender or religious discrimination.—No person may be excluded from participation in, denied the benefits of, or subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this part, on the basis of sex or religion.

"(b) Failure To Comply.—If the Secretary finds that a State has failed to comply with a provision of law referred to in paragraph (1) or (2) of subsection (a), or with an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request the officer to secure compliance. If within a reasonable period of time, not to exceed 60 days following the date of the notice, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(1) refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted;

"(2) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(3) take such other action as may be provided by law.

"(c) Reference to Attorney General.—When a matter is referred to the Attorney General under subsection (b)(1), or whenever the Attorney General has reason to believe that a State is engaged in a pattern or practice in violation of a provision of law referred to in paragraph (1) or (2) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"SEC. 1951. CRIMINAL PENALTY FOR FALSE STATEMENTS.

"A person shall be imprisoned for not more than 5 years or fined in accordance with title 18, United States Code, or both, if the person—

"(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payment may be made by a State from funds allotted to the State under this part; or

"(2) having knowledge of the occurrence of any event affecting the initial or continued right of an individual to any such payment, conceals or fails to disclose the event with an intent to fraudulently secure the payment either in a greater amount than is due or when no such payment is authorized.

"SEC. 1952. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $50,000,000 in fiscal year 1992, and such sums as may be necessary in each of the subsequent fiscal years.".

Summary of the Comprehensive Health Care Act of 1991

I. PROVISIONS TO MAKE HEALTH INSURANCE COVERAGE MORE ACCESSIBLE AND AFFORDABLE FOR INDIVIDUALS AND SMALL BUSINESSES

Pre-emption of State-mandated benefit laws. A recent study estimated that as many as one quarter of the uninsured lacked coverage because they had been priced out of the market by increases in State-mandated benefit laws. More than 640 specific State mandates now require insurers to include particular benefits in health plans. While many of these services are desirable, the proliferation of so many requirements has priced insurance out of reach for many individuals and small businesses. Self-insured plans are currently exempt from these requirements. The proposal would extend that exemption to all purchasers of group health insurance.

Provides for the development of low-cost minimum benefit package that could be made available for purchase by individuals and businesses nationwide. This package would include basic hospital, physician, primary, and preventive care services such as pap smears and mammograms. Individuals choosing to pay more for comprehensive coverage could certainly continue to do so. However, the availability of a minimum benefit package would guarantee freedom of choice and help ensure universal access to affordable basic health care services.

Provides incentives to states to develop risk pools for those who are medically uninsurable.

Provides equal treatment for self-employed persons and unincorporated businesses by granting them the same 100 per cent deduction for health costs granted to incorporated businesses.

Provides refundable tax credit to help make insurance affordable for low and moderate-income individuals and families not covered by employer plans.

II. PROVISIONS TO MAKE HEALTH CARE SERVICES MORE AVAILABLE IN RURAL AMERICA

One of the most critical problems facing Americans in rural areas is the scarcity of doctors and other health professionals. The proposal would increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas, and also would provide a special tax credit for practitioners serving in rural areas.

III. PROVISIONS TO REDUCE COSTS

Health insurance alone will not ensure good health. Americans must be encouraged to engage in healthy behavior and to accept more responsibility for their physical well-being. The proposal will encourage participation in health promotion and prevention programs by clarifying that expenditures for these programs are considered amounts paid for medical care for tax purposes.

Provides federal support for State cost-sharing programs to encourage neighboring hospitals to band together to share costly high-tech equipment or services to eliminate unnecessary duplication. Also provides a waiver from antitrust law for hospitals entering into such agreements.

IV. MEDICAL LIABILITY REFORM AND DEVELOPMENT OF NATIONAL STANDARDS OF CARE

Encourages states to institute pre-litigation screening panels, which have had great success in a number of states in reducing medical malpractice costs.

Provides for the development of national practice guidelines and standards of care in order to ensure appropriate and effective care. Development of such guidelines and standards will also help to reduce the practice of defensive medicine, which is costing the American public as much as $121 billion a year. The bill will also allow health care providers to use the practice guidelines as a "rebuttable presumption" in medical liability cases.

V. PROVISIONS TO INCREASE ACCESS TO COVERAGE FOR LONG-TERM CARE

Reclassifies long-term care insurance as health insurance rather than disability insurance for tax purposes. This would enable individuals to deduct long-term care expenses and would ensure that long-term care benefits would not be subject to income tax.

Allows for inclusion of long-term care insurance in cafeteria benefit plans.

Allows individuals to roll over funds held in IRAs to long-term care insurance without penalty.

Allows individuals who are terminally ill, who have a "dread" disease, or who have been permanently confined to a nursing home to use their life insurance benefits to pay for their care without penalty.

By Mr. KASTEN (for himself, Mr. Lugar, Mr. Smith, Mr. Burns, Mr. Lott, Mr. Cochran, and Mr. Pressler):

S. 315. A bill to amend the Internal Revenue Code of 1986 to increase to 100 percent and make permanent the deduction for health insurance for self-employed individuals; to the Committee on Finance.

SELF-EMPLOYED HEALTH INSURANCE EQUITY ACT

• Mr. KASTEN.

Mr. President, I rise today with my distinguished colleagues Dick Lugar, Bob Smith, Conrad Burns, Trent Lott, Thad Cochran, and Larry Pressler to introduce legislation which will eliminate an inequity in our tax laws and increase the number of Americans who are covered by health insurance.

This bill, the Self-Employed Health Insurance Equity Act of 1991, will provide a 100-percent tax deduction for the health insurance costs of self-employed business owners. This bill would amend the Internal Revenue Code of 1986 to allow self-employed individuals, primarily sole proprietors and partners in America's smallest businesses, to deduct the full cost of health insurance for themselves and their families.

Mr. President, who are the self-employed? They are all around us. The dairyman in Wisconsin, the farmer in Iowa, the owners of the "mom and pop" grocery store in Mississippi; these are all good examples of self-employed individuals. Self-employed businesses are the most dynamic sector of our economy; they are the heart and soul of what we call the "American dream."

However, self-employed businesses are also the most precariously balanced of all firms, compensating for a lack of financial resources with ingenuity, and just plain hard work. For the self-employed business owner, providing adequate health insurance for themselves and their employees is a daunting task.

My legislation will correct an inequity in the current law which serves to further discourage self-employed business owners from offering health benefits to their employees. Under current law, all employers can deduct as a business expense the cost of providing health insurance coverage to their employees. The owner of an incorporated business may also deduct the full cost of his or her own health insurance. However, self-employed individuals can deduct only 25 percent, and even this meager amount is due to expire this year.

Almost one-half of the businesses in this country are self-employed. Yet, the Federal Tax Code discriminates against the self-employed when it comes to tax incentives for the provision of health insurance.

Mr. President, this is not right and it's not fair. It's time to put an end to this double standard. Why should our Federal tax laws treat big corporations like IBM or General Motors more favorably than the family farmer in Wisconsin? This is simply a matter of equity.

Self-employed businesses should not be penalized simply because they are small. The employees of those firms have just as much right to health insurance as employees of the Fortune 500. But because our tax policy makes health insurance so expensive for small self-employed firms, far too many people are not adequately covered.

According to a study by the Employment and Benefits Research Institute, over 22 percent of self-employed business owners are not covered by health insurance. The self-employed make up 7 percent of all uninsured workers and employ 32 percent of the work force.

The power of tax incentives is clear: The Congressional Research Service has reported that employers cited the less generous tax treatment of health insurance premiums for unincorporated businesses as an important reason for not offering coverage.

One of our top legislative priorities in this session of Congress should be to make health insurance more affordable. Allowing the self-employed the full 100-percent deduction would help defray the high cost of health insurance premiums, and increase incentives for self-employed business owners to provide health insurance for their employees.

I believe it's time to bring some fairness to America's self-employed. Allowing the full tax deduction would not only make our tax system more fair for this important sector of our economy, but it would increase the number of working people covered by health insurance.

Mr. President, many avenues have been suggested for increasing the availability of health care: Some are controversial; some are expensive; some involve more Government intrusion in our lives. But no approach makes more sense or is more fair than this one.

By enacting the Self-Employed Health Insurance Equity Act, we will help make affordable and available health insurance more of a reality.•

By Mr. CRAIG (for himself, Mr. COCHRAN, Mr. WALLOP, Mr. SYMMS, Mr. GORTON, Mr. GRASSLEY, and Mr. LOTT):

S. 316. A bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process; to the Committee on Governmental Affairs.

GARNISHMENT EQUALIZATION ACT

• Mr. CRAIG. Mr. President, I am today introducing a piece of legislation which will eliminate an unfortunate situation. That situation permits Federal employees to ignore their personal bills with impunity. And, for the very large proportion of Federal employees who are honest and conscientious, the situation we seek to correct could make it more difficult to receive credit.

People should pay their bills. This is an ethic most Americans accept and live by, and the premise that underlies our credit system. It is also the commonsense understanding behind legal remedies, including garnishment, that creditors can use against those who do not pay their bills.

The Garnishment Equalization Act will simply ensure that the remedy of garnishment applies equally to all debtors, regardless of who employs them. It would plug the current hole that allows Federal employment to be used as a shield against garnishment. This will not only promote fairness, but it will also help reduce the deficit and avoid a credit crunch for Federal workers.

Mr. President, most Federal employees are conscientious people who make every effort to keep up with their debts. This bill is not aimed at that vast majority.

Indeed, the average Federal employee would be more likely to benefit from the legislation, rather than suffer from it. Lenders are already becoming much more cautious as the result of recessionary trends and increased regulatory scrutiny of financial transactions. Knowing garnishment is unavailable against a defaulting Federal employee could influence a lender to withhold approval of loans for such employees. By extending the remedy of garnishment, this legislation may help prevent a credit crunch for creditworthy Federal employees.

Although there are relatively few Federal workers who have taken advantage of their employment status to avoid paying their debts, those few have amassed a surprisingly large amount of debt. For example, Federal employees owe more than $177.5 million on defaulted student loans. Based upon a recently released Department of Health and Human Services report, Federal employees owe at least $284.3 million in child support alone. This money comes from the Federal Government's welfare program when it should be coming from the defaulting employee's pocket.

In addition to this direct impact on the Federal budget, there's an indirect impact, as well. Revenues flowing into the Federal Treasury are reduced some $130 million annually when banks and other lenders write off bad loans owed by Federal employees and are allowed to deduct them from their taxable income. Further, failure to make payments for child support and alimony often leave families with no option but to depend on welfare.

This bill has the support of thousands of local, State, and national organizations and businesses including the coalition of higher education assistance organizations, the National Federation of Independent Businesses [NFIB], and the U.S. Chamber of Commerce.

Mr. President, this is a needed change that will eliminate discriminatory treatment of an entire class of Americans. The legislation is just, it is simple, and it will be effective. I hope my colleagues will join me in cosponsoring this bill, and look forward to its consideration.•

By Mr. BURDICK (for himself, Mr. MOYNIHAN, Mr. BAUCUS, Mr. LAUTENBERG, Mr. BENTSEN, Mr. REID, and Mr. LIEBERMAN):

S. 317. A bill to establish a National Infrastructure Council, and for other related purposes; to the Committee on Environment and Public Works.

NATIONAL INFRASTRUCTURE COUNCIL ACT

• Mr. BURDICK. Mr. President, I am today introducing the National Infrastructure Council Act of 1991 which is a revised version of legislation which I sponsored in the last Congress.

I believe that establishing a coordinating organization at the Federal level to provide direction, guidance, technical assistance and information on infrastructure matters is one of the most cost-effective measures which this Congress could take to address the crisis which now exists in our built environment.

In the present budget environment the infusion of massive amounts of new Federal funding for infrastructure is, regrettably, unlikely. Nevertheless, our cities, towns, counties, suburbs, and other jurisdictions face a crisis in managing our water systems, roads, bridges, and waste treatment facilities. This legislation establishes a central focused organization at the Federal level to provide guidance to the country on infrastructure issues.

The Environment and Public Works Committee held hearings on this legislation last year. At that time this legislation was endorsed by the former director of the National Council on Public Works Improvement and the W.R. Grace Corp. At the same time the representatives of three executive agencies testified that this legislation was unnecessary and costly. I have revised the version of this legislation which I am introducing to ensure that the entire cost of implementing and staffing the National Infrastructure Council shall be borne by the agencies which are members of the Council. I believe that between them the Transportation Department, the Army Corps of Engineers, the Environmental Protection Agency, the Interior Department, and the Commerce Department can provide the $20 million necessary for the operation of the Council.

This legislation also includes a number of proposals which were made to the Environment and Public Works Committee in testimony on this legislation. A public-private sector advisory group has been incorporated into the bill to advise the Council on public-private partnership opportunities in infrastructure development. Most important, a new section has been added which directs the Council to develop an education program in coordination with the National Research Council on the importance of our built environment for use in primary and secondary schools.

Mr. President, this legislation presents a cost-effective program to address our Nation's infrastructure ills during a period of severe budget constraint. I urge my colleagues to consider it carefully.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE NATIONAL INFRASTRUCTURE COUNCIL ACT

Section 1: Permits the citation of the Act as the "National Infrastructure Council Act of 1991".

Section 2: Provides the necessary definitions for the purposes of the Act

Section 3: Establishes the Federal Infrastructure Council to be composed of the Secretary of the Army, Interior, Transportation, and Commerce, and the Administrator of the Environmental Protection Agency. Establishes the powers and duties of the Council in carrying out its basic mission to coordinate federal infrastructure policy; evaluate roles for public and private entities in this policy; assess the nation's infrastructure annually; develop a program of infrastructure education in cooperation with the National Research Council; establish guidelines for providing Federal assistance to non-Federal public bodies on infrastructure matters; and develop priorities for Federal infrastructure investments. This section also provides the necessary authority for the Council to operate as an independent body within the Executive Branch and authorizes $5 million annually for its operations. In addition, this section establishes that the personnel and financing of all the programs and activities of the Council shall come from monies transferred for this purpose to the Council from the member agencies of the Council.

Section 4: Establishes an advisory board to the Council composed of designees from the National Governors Association; Conference of Mayors; League of Cities; National Association of Counties; the National Association of Regional Councils and five representatives of the private sector selected by the President.

Section 5: Directs the Council to implement a program of infrastructure technology transfer and information assistance in consultation with the National Research Council, and the National Technical Information Service. $1 million is authorized annually to carry out this function.

Section 6: Directs the Council to establish a program of technical assistance for state and local governments on infrastructure matters utilizing and coordinating the expertise of the various Federal agencies. Establishes that the cost sharing required for such assistance shall be 25% except for disadvantaged units of local government for whom the assistance would be provided at full federal expense. These units of government are defined as having less than 50,000 in population and an impaired ability to obtain financing. There is authorized $5 million annually to carry out this program.

Section 7: Directs the Council to undertake a five year program to promote innovation in the design, construction, rehabilitation, use, operation, and management of infrastructure. There is authorized a total of $20 million to carry out this program.

Section 8: Directs the Council to develop a national infrastructure education program composed of two parts: A "built environment" program with a focus on improving the awareness of the importance of infrastructure in the nation's primary and secondary schools; and an "excellence in engineering" program with a focus on environmental and civil engineering. $10 million is authorized annually for this program.

Section 9: Directs the Council to conduct a one time study on the value and worth of the nation's infrastructure and authorizes $1 million for this purpose.•

By Mr. PACKWOOD (for himself, Mr. BENTSEN, Mr. DOLE, Mr. BUMPERS, Mr. KASTEN, Mrs. KASSEBAUM, Mr. CHAFEE, Mr. SYMMS, Mr. BAUCUS, Mr. DANFORTH, Mr. BREAUX, Mr. DURENBERGER, Mr. GORTON, and Mr. COHEN):

S. 318. A bill to amend the Internal Revenue Code of 1986 to provide for employees of small employers a private retirement incentive matched by employers, and for other purposes; to the Committee on Finance.

PRIME RETIREMENT ACCOUNT ACT

• Mr. PACKWOOD. Mr. President, today, I am introducing the PRIME Retirement Account Act of 1991 to create a simplified retirement plan for small business called the private retirement incentives matched by employers account [PRIME]. I am pleased to be joined by the distinguished chairman of the Finance Committee, Senator BENTSEN; the chairman and ranking member of the Small Business Committee, Senator BUMPERS and Senator KASTEN; and other members on both sides of the aisle.

The Nation's private retirement system has, for the most part, been very successful. As of May 1988, 60 million workers in this country were covered by an employer-sponsored retirement plan. While this statistic is impressive, there is still a large gap in our private retirement system—small businesses. Less than 25 percent of the work force employed by small businesses is covered by an employer-sponsored retirement plan, while 80 percent of those employed by large companies are covered by a plan.

Small businesses are reluctant to offer their employees a retirement plan because they are just not able to keep up with the complex rules governing our private retirement system. Small businesses do not have the resources to cope with the various testing and form filing requirements of retirement plans. It is apparent that without the availability of a simplified retirement plan, very few of the estimated 35 million small business employees will have the option of saving for retirement through an employer-sponsored retirement plan.

The PRIME account bill I am introducing today is specifically targeted to increase the number of small businesses offering retirement plans to their employees. The PRIME account combines the best aspects of IRAs and 401(k) plans, while eliminating the complexity normally associated with employer-sponsored retirement plans.

Here's how the PRIME account will work. Businesses with less than 100 employees will be permitted to offer PRIME accounts to employees. Employees can make tax deductible contributions, through payroll deductions, up to a maximum of $3,000 a year. These contributions are deposited to a PRIME account in each employee's name. Employers must match each employee's contribution dollar-for-dollar up to a maximum of the first 3 percent of compensation that the employee contributes to the PRIME account. All contributions are fully vested. Most of the normal IRA rules apply to funds contributed to the PRIME account. Employees will have total control over the investment vehicle for amounts in the PRIME account. Employers will be subject to virtually no filing and recordkeeping requirements. No complicated testing rules are applicable. Financial institutions will supply all documents needed for an employer to offer PRIME account to employees.

The PRIME account breaks new ground in the employee benefit area by eliminating the need for the complex employee benefit rules in the small employer setting. Many of the current law rules are directed at making sure that low and middle income workers receive a minimum level of benefits from an employer-sponsored plan, a goal that I wholeheartedly support. The PRIME account incorporates many features that will make it very attractive to employees, regardless of their income. I am confident that the PRIME account will give many low and middle income workers the opportunity to save for retirement—an opportunity that is not realistically available to them now.

Small business groups are enthusiastic about the PRIME account and its potential to expand the number of employees offered retirement plans by small employers. The major banking and mutual fund associations also support the PRIME account.

I hope many of my colleagues will join me and embrace the concepts in this bill.

Mr. President, I ask unanimous consent that the full text of the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PRIME Retirement Account Act of 1991".

SEC. 2. ESTABLISHMENT OF PRIVATE RETIREMENT INCENTIVES MATCHED BY EMPLOYERS.

(a) IN GENERAL.—Section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PRIME ACCOUNTS.—

"(1) IN GENERAL.—For purposes of this title, the term 'prime account' means an individual retirement plan—

"(A) with respect to which the requirements of paragraphs (3), (4), and (5) are met; and

"(B) with respect to which the only contributions allowed are contributions under a qualified salary reduction arrangement.

"(2) QUALIFIED SALARY REDUCTION ARRANGEMENT.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified salary reduction arrangement' means a written arrangement of an eligible employer under which—

"(i) an employee may elect to have the employer make payments—

"(I) as elective employer contributions to the prime account on behalf of the employee, or

"(II) to the employee directly in cash,

"(ii) the amount which an employee may elect under clause (i) for any year is required to be expressed as a percentage of compensation and may not exceed a total of $3,000 for any year, and

"(iii) the employer—

"(I) is required to make a matching contribution to the prime account for any year in an amount equal to so much of the amount the employee elects under clause (i)(I) as does not exceed 3 percent of compensation, and

"(II) may make no other matching contribution.

"(B) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term 'eligible employer' means an employer who normally employs fewer than 100 employees on any day during the year.

"(C) ARRANGEMENT MAY BE ONLY PLAN OF EMPLOYER.—

"(i) IN GENERAL.—An arrangement shall not be treated as a qualified salary reduction arrangement for any year if the employer (or any predecessor employer) maintained a qualified plan with respect to which contributions were made, or amounts were accrued, for any year in the period beginning with the year such arrangement became effective and ending with the year for which the determination is being made.

"(ii) SERVICE CREDIT.—A qualified plan maintained by an employer shall provide that, in computing the accrued benefit of any employee, no credit shall be given for service during a year for which such employee was eligible to participate in a qualified salary reduction arrangement of such employer.

"(iii) QUALIFIED PLAN.—For purposes of this subparagraph, the term 'qualified plan' means a plan, contract, pension, or trust described in subparagraph (A) or (B) of section 219(g)(5).

"(D) NO FEE OR PENALTY ON EMPLOYEE'S INITIAL INVESTMENT DETERMINATION.—An arrangement shall not be treated as a qualified salary reduction arrangement unless it provides that no fee or penalty will be imposed on an employee's initial determination with respect to the investment of any contribution.

"(3) VESTING REQUIREMENTS.—The requirements of this paragraph are met with respect to a prime account if the employee's rights to any contribution to the prime account are nonforfeitable. For purposes of this paragraph, the rules of subsection (k)(4) shall apply.

"(4) PARTICIPATION REQUIREMENTS.—The requirements of this paragraph are met with respect to any prime account for a year only if, under the qualified salary reduction arrangement, all employees of the employer who are reasonably expected to work at least 1,000 hours during such year are eligible to make the election under paragraph (2)(A)(i).

"(5) ADMINISTRATIVE REQUIREMENTS.—The requirements of this paragraph are met with respect to any prime account if, under the qualified salary reduction arrangement—

"(A) an employer must make the elective employer contributions under paragraph (2)(A)(i) and the employer matching contributions under paragraph (2)(A)(iii) not later than the close of the 30-day period following the last day of the month with respect to which the contributions are to be made,

"(B) an employee may elect to terminate participation in such arrangement at any time during the year, except that if an employee so elects, the employee may not elect to resume participation until the beginning of the next year, and

"(C) each employee eligible to participate—

"(i) may elect, during the 60-day period before the beginning of any year, to participate in the arrangement, or to modify the amounts subject to such arrangement, for such year, and

"(ii) may elect, within 30 days of commencing employment during any year, to participate in the arrangement.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE.—The term 'employee' includes an employee as defined in section 401(c)(1).

"(B) YEAR.—The term 'year' means the calendar year."

(b) PRIME ACCOUNTS NOT TREATED AS PENSION PLANS.—Notwithstanding any other provision of law, a prime account or qualified salary reduction arrangement under section 408(p) of the Internal Revenue Code of 1986 shall not be treated as an employee benefit plan or pension plan for purposes of the Employee Retirement Income Security Act of 1974.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1991.

SEC. 3. TAX TREATMENT OF PRIME ACCOUNTS.

(a) DEDUCTIBILITY OF CONTRIBUTIONS.—

(1) Section 219(b) of the Internal Revenue Code of 1986 (relating to maximum amount of deduction) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR PRIME ACCOUNTS.—This section shall not apply with respect to any amount contributed to a prime account established under section 408(p)."

(2) Section 219(g)(5)(A) of such Code (defining active participant) is amended by striking "or" at the end of clause (iv) and by adding at the end thereof the following new clause:

"(vi) any prime account (within the meaning of section 408(p)), or".

(b) CONTRIBUTIONS AND DISTRIBUTIONS.—

(1) Section 402 of such Code (relating to taxability of beneficiary of employees' trust) is amended by adding at the end thereof the following new subsection:

"(k) TREATMENT OF PRIME ACCOUNTS.—The rules of paragraphs (1) and (3) of subsection (h) shall apply to contributions and distributions with respect to a prime account under section 408(p)."

(2) Section 408(d)(3) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) PRIME ACCOUNTS.—This paragraph shall not apply to any amount paid or distributed out of a prime account (as defined in section 408(p)) unless it is paid into another prime account."

(3) Clause (i) of section 457(c)(2)(B) of such Code is amended by striking "section

402(h)(1)(B)" and inserting "section 402(h)(1)(B) or (k)".

(c) PENALTIES.—

(1) EARLY WITHDRAWALS.—Section 72(t) of such Code (relating to additional tax in early distributions) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR PRIME ACCOUNTS.—In the case of any amount received from a prime account (within the meaning of section 408(p)) during the 3-year period beginning on the date such individual first participated in any qualified salary reduction arrangement maintained by the individual's employer under section 408(p)(2), paragraph (1) shall be applied by substituting '25 percent' for '10 percent'."

(2) FAILURES TO REPORT.—Section 6693 of such Code is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) PENALTIES RELATING TO PRIME ACCOUNTS.—

"(1) EMPLOYER PENALTIES.—An employer who fails to provide 1 or more notices required by section 408(l)(2)(C) shall pay a penalty of $100 for each day on which such failures continue.

"(2) TRUSTEE PENALTIES.—A trustee who fails—

"(A) to provide 1 or more statements required by the last sentence of section 408(i) shall pay a penalty of $100 for each day on which such failures continue, or

"(B) to provide 1 or more summary descriptions required by section 408(l)(2)(B) shall pay a penalty of $100 for each day on which such failures continue."

(d) REPORTING REQUIREMENTS.—

(1)(A) Section 408(l) of such Code is amended by adding at the end thereof the following new paragraph:

"(2) PRIME ACCOUNTS.—

"(A) NO EMPLOYER REPORTS.—Except as provided in this paragraph, no report shall be required under this section by an employer maintaining a qualified salary reduction arrangement under subsection (p).

"(B) SUMMARY DESCRIPTION.—The trustee of any prime account established pursuant to a qualified salary reduction arrangement under subsection (p) shall prepare, and provide to the employer maintaining the arrangement, each year a description containing the following information:

"(i) The name and address of the employer and the trustee.

"(ii) The requirements for eligibility for participation.

"(iii) The benefits provided with respect to the arrangement.

"(iv) The time and method of making elections with respect to the arrangement.

"(v) The procedures for, and effects of, withdrawals from the arrangement.

"(C) EMPLOYEE NOTIFICATION.—The employer shall notify each employee immediately before the period for which an election described in subsection (p)(5)(C) may be made of the employee's opportunity to make such election. Such notice shall include a copy of the description described in subparagraph (B)."

(B) Section 408(l) of such Code is amended by striking "An employer" and inserting—

"(1) IN GENERAL.—An employer".

(2) Section 408(i) of such Code is amended by adding at the end the following new flush sentence:

"In the case of a prime account under subsection (p), only one report under this subsection shall be required to be submitted to the Secretary (at the time provided under paragraph (2)) but, in addition to the report under this subsection, there shall be furnished, within 30 days after each calendar quarter, to the individual on whose behalf the account is maintained a statement with respect to the account balance as of the close of, and the account activity during, such calendar quarter."

(e) CONFORMING AMENDMENTS.—

(1) Section 280G(b)(6) of such Code is amended by striking the "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or" and by adding after subparagraph (C) the following new subparagraph:

"(D) a prime account described in section 408(p)."

(2) Section 402(g)(3) of such Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding after subparagraph (C) the following new subparagraph:

"(D) any employer contribution under section 408(p)(2)(A)."

(3) Subsections (b) and (c) of section 414 of such Code are each amended by inserting "408(p)," after "408(k),".

(4)(A) Section 415(a)(2) of such Code is amended by striking "or" at the end of subparagraph (B), by inserting "or" at the end of subparagraph (C), and by adding after subparagraph (C) the following new subparagraph:

"(D) a prime account described in section 408(p),"

(B) Section 415(a)(2) of such Code is amended—

(i) by striking "or pension" and inserting "pension, or account", and

(ii) by striking "or 408(k)" and inserting "408(k), or 408(p)".

(C) The second last sentence of section 415(c)(2) of such Code is amended—

(i) by inserting a comma after "408(d)(3))", and

(ii) by inserting ", and without regard to contributions to a prime account which are excludable from gross income under section 408(p)" after "408(k)(6)".

(D) Section 415(e)(5) of such Code is amended by inserting "or prime account" after "simplified employee pension".

(E) Section 415(k)(1) of such Code is amended by striking "or" at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ", or", and by inserting after subparagraph (F) the following new subparagraph:

"(G) a prime account described in section 408(p)."

(5) Section 4972(d)(1)(A) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding after clause (iii) the following new clause:

"(iv) any prime account (within the meaning of section 408(p))."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

SUMMARY OF PACKWOOD SMALL BUSINESS RETIREMENT PLAN (THE PRIME ACCOUNT)

The proposal establishes a new retirement savings program, called the PRIME account, for employees of small businesses. The PRIME account is intended to provide small businesses with an affordable way to offer a retirement plan to employees without the administrative hassles associated with other retirement plans.

DESCRIPTION OF THE PRIME ACCOUNT

Employers with under 100 employees can set up PRIME accounts for full-time employees (those expected to work at least 1,000 hours a year). The PRIME account must be the only retirement plan offered to employees.

The PRIME account is a combination of the best elements of 401(k) plans and IRAs:

Employees can make pre-tax contributions to the PRIME account, through payroll deductions, of up to $3,000 annually. The employer must match each employee's contribution dollar-for-dollar up to a maximum of the first three percent of compensation. All contributions are fully vested when made.

Contributions and income thereon are not taxable until withdrawn.

Once employer and employee contributions are deposited in the PRIME account, the account operates very similar to current law IRA accounts.

A 25 percent penalty applies to pre-retirement withdrawals made during the first three years an employee contributes to the PRIME account. After three years, the current law 10 percent penalty for pre-retirementwithdrawals applies.

Employers are not subject to the various IRS and ERISA filing requirements or extensive recordkeeping burdens for current law retirement plans, which previously may have discouraged small businesses from offering a retirement plan to their workers. In addition, no discrimination or coverage tests apply to PRIME accounts.

Employers will not have to incur legal, accounting, or actuary fees to set up and maintain PRIME accounts for employees. Banks and other financial organizations will provide all the documents necessary for employers to offer PRIME accounts to employees.•

• Mr. BENTSEN. Mr. President, I am pleased to cosponsor the PRIME Retirement Account Act of 1991. This bill will make significant progress toward simplifying the Federal tax rules on retirement plans for small employers.

Over the last decade, the laws governing the private pension system have become increasingly complex, and the administrative burden associated with maintaining those plans has risen dramatically. Since 1980, legislation on retirement plans has been enacted in every year except 1983. IRS regulations have also multiplied, both in number and in length.

Employers who want to provide for the retirement security of their workers are finding it more and more difficult to cope. This is particularly true for small employers. According to a study by the National Federation of Independent Business, only 18 percent of small employers provide retirement coverage to all their employees. This compares with a coverage rate of about 80 percent among medium-sized and large employers and over 90 percent for Government employers. In many cases, small employers simply do not have the financial resources to provide pension coverage. But more and more, they are being discouraged from establishing new plans because they are unable to deal with the complexity of the pension laws and regulations.

It's time that we address that problem, time to start simplifying the rules wherever possible. Last year, I joined with Senator PRYOR, the chairman of the Finance Committee's Subcommittee on Private Pension Plans and IRS Oversight, in introducing the Employee Benefits Simplification Act. At that time, Senator PRYOR and I knew that the task of simplifying the rules on pension plans would be anything but simple. The Employee Benefits Simplification Act was only a starting point in an effort to simplify the Tax Code in the pension area and elsewhere. The PRIME legislation, being introduced today by Senator PACKWOOD in his role as the ranking Republican member on the Finance Committee, is another step in the right direction.

Under the PRIME bill, employers with under 100 employees would be allowed to set up simple retirement accounts for their employees without having to deal with many of the complex rules that govern most pension plans. Many of the rules that are included in ERISA and the Internal Revenue Code are important to ensure that low-paid workers receive a fair share of the benefits of employer-provided retirement plans. The PRIME account is able to eliminate some of the complexity without sacrificing the protection of the rights of workers by requiring: First, that all full-time employees be able to participate; second, that the employer provide generous matching contributions; third, that all contributions be immediately vested; and fourth, that employees be informed of the plan annually. The PRIME account should give many low- and middle-income workers employed by small businesses a new opportunity to save for retirement—an opportunity that is not available to them now.

I want to commend Senator PACKWOOD and his staff on this bill, and I look forward to working with him to simplify the tax rules governing pension plans.•

• Mr. KASTEN. Mr. President, I am pleased to join my colleague Senator PACKWOOD as an original cosponsor of his legislation to create a simplified retirement plan for small business called the private retirement incentives matched by employers [PRIME]. As the ranking Republican on the Senate Small Business Committee, I am greatly concerned with the needs of small business. There are today 20 million small firms in the United States, an increase of more than 50 percent from the 13 million in 1980. Small firms account for 80 percent of the new jobs created.

The PRIME account will help address the lack of retirement plan coverage for employees of small firms. Small businesses obviously do not have the same financial resources as large established firms. They are often unable to afford the benefits provided by larger firms. In fact, it is estimated that only 20 percent of the people employed by small firms are covered by retirement plans. This is why the PRIME account is necessary. Anything that can help reduce the cost of benefits to small businesses will help their employees.

The PRIME account is patterned after the 401(k) and IRA programs. Full time employees of businesses with 100 employees or less would be permitted to make pre-tax contributions to the PRIME account through payroll deductions. These employees would be permitted to contribute up to $3,000 per year to the PRIME account. The employer would then be required to match the employee contributions dollar-for-dollar up to a maximum of 3 percent of the employee's salary. All contributions to the PRIME account by the employee and employer will be fully vested and belong to the employee at the time the deposit is made. Interest and income build-up on the funds in the PRIME account will not be taxed until the funds are withdrawn. This tax-free compounding effect will give a considerable boost to the retirement nest egg building in the PRIME account. Since the plan is a retirement plan, there will of course be appropriate penalties for the pre-retirement withdrawal of funds in the PRIME account.

One reason, other than limited resources, that small businesses find it difficult to offer retirement plans is the extensive paperwork and coverage requirements of the IRS Code and under ERISA. Obviously, large companies with sophisticated accounting departments find it much less difficult to comply with the paperwork and regulatory requirements of retirement programs. The PRIME account would be exempt from many of these requirements.

It is my belief that the PRIME account is an innovative and effective means of increasing the retirement security of millions of small business employees. I look forward to working toward its enactment.•

By Mr. INOUYE (for himself, Mr. HATCH, and Mr. AKAKA):

S. 319. A bill to amend the Public Health Service Act to establish an Office of the Associate Director for Special Populations to place emphasis on needs of women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems, and for other purposes; to the Committee on Labor and Human Resources.

OFFICE OF ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS

• Mr. INOUYE. Mr. President, I am introducing legislation on behalf of Senator HATCH, Senator AKAKA, and myself to establish an Office of the Associate Director for Special Populations both within the National Institute of Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, as is currently in effect for the National Institutes of Mental Heath.

In meeting the unique needs of our Nation's women and various ethnic minorities, it would be very good public policy to specifically identify an individual in each of these institutes to ensure that they are given appropriate policy attention. The members of the Appropriations Subcommittee which has jurisdiction over the Department of Health and Human Services have been most impressed with the reports that have been received from the individual who fulfills this responsibility for the National Institutes of Mental Health.

We ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF THE OFFICE OF ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS.

(a) NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.—Section 502 of the Public Health Service Act (42 U.S.C. 290aa-1) is amended by adding at the end the following new subsection:

"(e)(1) The Director shall designate an Associate Director for Special Populations.

"(2) The Secretary, acting through the Associate Director for Special Populations, shall—

"(A) develop and coordinate prevention, treatment, research, and administrative policies and programs to assure increased emphasis on the needs of women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems;

"(B) support programs and projects regarding the delivery of services to women and minorities for the prevention and treatment of alcoholism and alcohol abuse and related problems, including demonstration programs and projects;

"(C) develop a plan to increase the representation of women and minorities in service delivery and manpower programs for the prevention and treatment of alcoholism and alcohol abuse and related problems;

"(D) support programs of basic and applied social and behavioral research on the problems of women and minorities regarding alcoholism and alcohol abuse and related problems;

"(E) study the effects of discrimination by institutions against alcoholics and alcohol abusers;

"(F) develop systems to assist women and minority individuals who are alcoholics or alcohol abusers in adapting to, and coping with, the effects of discrimination;

"(G) support and develop research, demonstration, and training programs designed to eliminate institutional discrimination against alcoholics and alcohol abusers; and

"(H) provide increased emphasis on the concerns of women and minorities in training programs, service delivery programs, and research activities of the Institute.".

(b) NATIONAL INSTITUTE ON DRUG ABUSE.—Section 503 of such Act (42 U.S.C. 290aa-2) is amended by adding at the end the following new subsection:

"(e)(1) The Director shall designate an Associate Director for Special Populations.

"(2) The Secretary, acting through the Associate Director for Special Populations, shall—

"(A) develop and coordinate prevention, treatment, research, and administrative policies and programs to assure increased emphasis on the needs of women and minorities for the prevention and treatment of drug abuse and related problems;

"(B) support programs and projects regarding the delivery of services to women and minorities for the prevention and treatment of drug abuse and related problems, including demonstration programs and projects;

"(C) develop a plan to increase the representation of women and minorities in service delivery and manpower programs for the prevention and treatment of drug abuse and related problems;

"(D) support programs of basic and applied social and behavioral research on the problems of women and minorities regarding drug abuse and related problems;

"(E) study the effects of discrimination by institutions against drug abusers;

"(F) develop systems to assist women and minority individuals who are drug abusers in adapting to, and coping with, the effects of discrimination;

"(G) support and develop research, demonstration, and training programs designed to eliminate institutional discrimination against drug abusers; and

"(H) provide increased emphasis on the concerns of women and minorities in training programs, service delivery programs, and research activities of the Institute.".•

By Mr. RIEGLE (for himself, Mr. GARN, Mr. PELL, Mr. HELMS, Mr. SARBANES, Mr. HEINZ, and Mr. CRANSTON):

S. 320. A bill to reauthorize the Export Administration Act of 1979, and for other purposes; placed on the calendar.

EXPORT ADMINISTRATION REAUTHORIZATION ACT

• Mr. RIEGLE. Mr. President, I rise in support of legislation that Senators GARN, PELL, HELMS, SARBANES, HEINZ, CRANSTON, and I are introducing today that will, among other things, revise and amend the Export Administration Act to strengthen America's ability to control the development and use of chemical and biological weapons. All of us introducing today's bill were members of the conference held last fall with the House to reconcile differing House and Senate bills. The conference report: First, streamlined our national security export controls governing exports to the newly emerging democracies of Eastern Europe; second, instituted new export controls on goods that could assist renegade governments to develop chemical and biological weapons and the means to deliver them, and third, imposed sanctions on Iraq for its invasion and occupation of Kuwait. The bill we are introducing today is identical to the conference agreement bill which we developed with the House last fall and that both Houses passed without objection and sent to the President in the closing days of the 101st Congress.

In preparing last year's conference agreement both Houses of the Congress worked closely with administration to ensure that changes in our export control policy were consistent with United States policy in Cocom, the institution in which we and our allies coordinate controls on exports to Eastern Europe and the Soviet Union. We labored to ensure that the new controls we fashioned on chemical and biological weapons would be workable and effective. We made the Iraq sanction portions of the bill a strong statement of support for the President's policy of utilizing economic sanctions as one means to punish Iraq's invasion of Kuwait.

Despite this, shortly after the Senate passed the conference report on H.R. 4653 and sent it to President Bush, we began to hear reports that some of his advisers were recommending that he veto the bill because it did not provide the President with complete discretion to waive sanctions against companies that assisted in the development and use of chemical and biological weapons or against countries that used such weapons in violation of international law. To deter such activity the Congress provided that any such sanctions once imposed could not be removed for 1 year. Some officials in the administration wanted complete discretion to waive any such sanctions at any time.

To head off a veto 79 Senators wrote to the President on October 27 and urged him to sign the conference agreement noting that a veto would be contrary to our shared commitment to eliminate chemical weapons. That letter also cautioned the administration that the Congress wanted a tough sanctions policy on those companies and countries that aid in the development or which utilize chemical and biological weapons in violation of international law. The wisdom of Congress's commitment to take strong measures to deter development and use of such weapons has become clearer now that we see firsthand the terrors associated with Iraq's threat to use such weapons against innocent civilian and even military targets.

Editorials appeared in both the New York Times and the Washington Post urging the President to sign the Omnibus Export Amendments Act developed by conferees. The Times stated in its October 25, 1990, editorial that "mandatory sanctions would send a strong message that the United States is serious about curbing the spread of chemical weapons." The Washington Post stated in its November 4, 1990 editorial that:

> . .. some of the President's advisers are pressing for a veto on the grounds that the bill imposes sanctions that would be mandatory. The Administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. . . . The bills says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year the President could lift the penalties. Similary if a foreign company helps certain countries build these weapons—countries that have used them recently or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again after a year, the president could lift the ban. It's absurd to describe that as interference with the President's control of foreign policy.

Mr. A. M. Rosenthal, the noted New York Times columnist also wrote an article that appeared in the New York Times on November 2, 1990 urging the bill be signed. In that article he succinctly summed up why it made no sense for the President to veto the Omnibus Export Amendments Act developed by Congress. He stated,

> Yes, it's hard to believe, but it's true. President Bush is threatening to veto Congressional legislation to impose penalties on foreign companies that sell poison gas to our enemies. Yes—and right at the time when about 300,000 American soldiers in the desert face the chemical-weapons power sold to Iraq by German companies.

Right now, of course, not only do our troops face Iraq's chemical and biological weapons power but so do civilian populations throughout the Persian Gulf.

The CEO's of some of America's most prestigious and responsible corporations such as John Akers of IBM, Robert Allen of AT&T, and Gordon Moore of Intel also wrote to the President in November urging him to sign the conference bill.

Despite these many urgings on November 26 President Bush issued a veto message noting that he was not going to approve H.R. 4653, the Omnibus Export Amendments Act of 1990. In his message he noted that the major flaw in H.R. 4653 was not the requirement of sanctions, but the rigid way in which they are imposed, that is, they could not be waived for a year. The President, stated in his veto message that "the mandatory imposition of unilateral sanctions as provided in this bill would harm United States economic interests and provoke friendly countries who are essential to our efforts to resist Iraq." I respectfully disagree that imposing nonwaivable sanctions on companies that assist in the development of chemical or biological weapons for use by countries that use them in violation of international law is unjustifiable.

Those of us who are conferees on the Omnibus Export Amendments Act, both Democratic and Republican and from both the Banking and Foreign Relations Committees are committed to seeing this legislation passed as quickly as possible this session of Congress. Perhaps recent events in the Persian Gulf will have convinced the President that we are correct in urging him to pass the bill we developed last year. At any rate we want to give him another opportunity to sign this much needed legislation. I ask unanimous consent that the editorials and letter I mentioned in my statement be reprinted in full following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the president's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to descibe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German government also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the Senate 92 to 0, and 79 senators have now publicly urged him to sign it. But the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

[From the New York Times, Nov. 2, 1990]

THE POISON GAS TRADE

(By A.M. Rosenthal)

Yes, it's hard to believe, but it's true. President Bush is threatening to veto Congressional legislation to impose penalties on foreign companies that sell poison gas to our enemies.

Yes—and right at the time when about 300,000 American soldiers in the desert face the chemical-weapon power sold to Iraq by German companies.

Almost every plane, tank or missile deployed by Saddam Hussein against American troops was sold to him by our old friends—Germany, France, Italy, Britain and Japan, for instance—or our new friend, the Soviet Union. Moscow still keeps some hundreds of military "advisers" in Iraq.

But what makes Saddam Hussein a danger to us now, and a threat as long as his military power exists, are his chemical weapons and his nuclear potential.

After Israel wiped out Saddam Hussein's first nuclear plant in 1981, he started a new one and also stepped up his long effort to become a power in poison gas and other chemical weapons. The Italians built the first Iraqi mustard gas plant. But Baghdad turned to the rather more efficient West German companies, buying chemical warfare know-how and ingredients from at least 25 of them.

Officially, Bonn said the poison gas trade was illegal and naughty. But nothing much was done to try to stop it until long after German help enabled the Iraqis to build chemical warfare plants of their own, at Samarra and other sites. Coupled to his foreign-bought ballistic missiles, Iraqi poison gas shells can now be flung hundreds of kilometers.

The United States sent diplomatic notes to Bonn. That did not terrify the Germans, because they knew that the Presidents of the U.S. already had the optional power to punish poison peddlers by applying trade sanctions against companies or countries involved, but that no President had ever cared to opt.

So the current Congress made it mandatory that companies or countries that illegally sold chemical, nuclear or biological weapons, or the capacity for manufacturing them, paid some price for it—such as not being allowed to trade with the U.S. for a year or so.

Now, Americans in the Arabian desert might think mandatory penalties for selling chemical weapons is a pretty good idea. But some of Mr. Bush's advisers said it would unconstitutionally interfere with Presidential powers. Constitutional lawyers I have consulted say that is simply not so.

Or maybe he is listening to those State Department people who tell him the legislation may force him to annoy our dearest and nearest by slapping embargoes against some of their important companies. Germans already have signaled acute displeasure. Right now the poison business is in a slump because of the U.N. blockade, but if Saddam Hussein stays in power, boom days will be back.

But maybe the President just has not thought it through sufficiently. Some 79 senators have sent a letter to Mr. Bush urging him not to cast the veto. It would be a moral, political and military mistake that will besmirch the record of his Presidency.

One of the signers and a prime mover of the bill was Senator Jesse Helms, the North Carolina Republican. He also has been a major player in action against nuclear proliferation, for sanctions on the butcher regime of Beijing, and a friend to Lebanese Christians, Israel and Tibet. I am in favor of abortion rights, freedom of art and afffirmative action. But I think to be silent about the Helms record on other matters important to me would be to commit a falsehood of silence.

You can help the senators, but you do not have much time to do it.

The President can veto at any hour. Or, if he waits just a few more days, the bill dies under the Constitution. Then it will be held over until the next Congress. The same Presidential supporters in the Congress who dillied until the last days of the session will start dallying all over again; Mr. Helms and other pushers of the legislation may not be around. And conveniently enough for Administration opponents of the bill, the 10 days until the pocket veto becomes operative end on Nov. 7, the day after Election Day.

If you want to plead with the President not to do this thing to himself, the country and the morale of soldiers he sent abroad, you better phone the White House now—(202) 456-1414—and leave a clear message.

Maybe it will help persuade him not to veto with pen or pocket. Maybe it won't. But you will have done what you could to save this important bill and the President's honor, or at least your own.

[From the New York Times, Oct. 25, 1990]

STANDING ON CEREMONY ON POISON GAS

For years the United States did nothing while Saddam Hussein used chemical weapons, first in his war with Iran and then against Iraq's Kurdish citizens. Now U.S. troops face a chemically armed Iraq in the desert and Congress is about to vote to impose mandatory sanctions on countries that produce, acquire or use chemical weapons. How can President Bush, of all people, be threatening to veto the bill?

Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, November 9, 1990.

The PRESIDENT,
The White House
Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, HR 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign HR 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corp.; Robert E. Allen, Chairman of the Board and CEO AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corp.; W.P. Conlin, President, CalComp; Charles E. Exley, Jr., Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corp.; Gordon E. Moore, Chairman of the Board, Intel; Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and CEO, Alliant Computer Systems Corp.; Safi U. Qureshey, President, CEO and Co-Chairman, AST Research, Inc.; John A. Rollwagen, Chairman and CEO, Cray Research Inc.; Robert Saldich, President and CEO, Raychem Corp.; John Sculley, Chairman, President and CEO, Apple Computer, Inc.; Bob Stephens, President and CEO, Emulex Corp.; J. Richard Iverson, President and CEO, American Electronics Association.•

• Mr. GARN. Mr. President, I rise in support of reintroducing the Conference Report 101-944, the Omnibus Export Administration Act of 1990, along with my colleagues who were conferees on this bill last year. It is comprehensive legislation that makes a number of important changes in our export control laws to reflect political changes in Eastern Europe and to address the growing threat of proliferation of chemical weapons and missiles, a threat now recognized as even more critical because of the war in the Middle East.

At the end of the 101st Congress, this conference report passed both the House and the Senate by voice vote. However, the President pocket-vetoed the report on November 16, 1990, after Congress had adjourned. The President indicated that his major problem was the limit that the bill placed on his discretion to waive sanctions in cases of chemical weapons proliferation by foreign companies or use of chemical weapons by foreign governments.

The sanctions provisions place the basic determination over sanctions with the President. The limits to which the President objects require that if a foreign company has knowingly and materially assisted proliferation and has gone unpunished, or a country has used chemical weapons in violation of international law, sanctions must be imposed for 1 year. In either case, the President has the discretion to waive the sanctions after 1 year in the national security interest or if remedial action has been taken.

I strongly believe that the bill as structured represents an appropriate response to the proliferation of chemical weapons. A company assisting chemical weapons proliferation or a country that uses chemical weapons would simply never be allowed to escape punishment. Sanctions currently in place in the administration permit a waiver at the sole discretion of the State Department. Given the track record of U.S. sanctions, this policy clearly represents a weaker stand against proliferation.

My second objection is that the President's emergency powers under the International Emergency Economic Powers Act [IEEPA] are now being used, not to protect vital national interests, but to bar the Congress from any role in defining critical trade and foreign policies. Those export control provisions of the vetoed bill favored by the administration are being selectively implemented under IEEPA authority. Chemical sanctions are being imposed under a state of emergency that did not exist before this bill passed the House and Senate.

IEEPA is a powerful grant of authority from the Congress to the President that has been used appropriately in the past to protect United States interests against Iranian and Libyan terrorism and to respond to the invasion of Kuwait. We cannot accept its abuse as a defense against an invasion of supposed Executive prerogatives by the Congress.

It is unfortunate that there is any argument between the Congress and the White House on this issue since both agree that eradication of chemical weapons must be a national priority. I firmly believe that rejection of this bill over the sanctions issue was a mistake because it has produced a weaker U.S. policy toward chemical weapons. I am hopeful that we can reach a meeting of the minds with the administration on this issue. I look forward to its speedy enactment and urge the support of all Senators.•

• Mr. SARBANES. Mr. President, last October the Congress unanimously passed the conference report to accompany H.R. 4653, the Omnibus Export Amendments Act of 1990. The conference report would have reauthorized the Export Administration Act, directed the President to impose controls and sanctions on the proliferation of chemical and biological weapons and missile technology, and imposed economic sanctions on Iraq.

Unfortunately on November 16, the President issued a memorandum of disapproval announcing his decision to pocket veto the conference report. Although the memorandum acknowledged that the President agreed with the principal goals of the conference report, it stated that the conference report contained provisions which "unduly interfere with the President's constitutional responsibilities for carrying out foreign policy." Chief among these was the requirement in the conference report that the President impose sanctions on foreign countries which use chemical weapons in violation of international law and on foreign companies which knowingly and materially assist proliferation and are not punished by their own governments.

In lieu of signing the conference report, the memorandum announced that the President was issuing an Executive order implementing in large part the provisions of the conference report dealing with chemical and biological weapons proliferation. The memorandum also stated that the President was issuing directives to executive departments and agencies to implement some of the Export Administration Act reforms contained in the conference report.

Today the members of the Banking Committee and Foreign Relations Committee who served as members of the conference committee which produced the conference report—Senators RIEGLE, GARN, PELL, HELMS, HEINZ, CRANSTON, and myself—are reintroducing the conference report as a new bill in this Congress, the Omnibus Export Amendments Act of 1991. We do this because we believe the conference report represented a carefully considered and balanced effort to address two of the most important issues confronting the United States—the proliferation of chemical and biological weapons and missile technology and export controls on high-technology trade with Eastern Europe and the Soviet Union—and that the Executive order and directives are not a substitute for congressional action on these issues.

I would like to begin by addressing the portion of the conference report which the President found most objectionable—the provisions dealing with the proliferation of chemical and biological weapons. The President's memorandum of disapproval is largely correct when it asserts that the Executive order issued by the President imposes sanctions similar to those contained in the conference report and implements similar new chemical and biological weapon export controls. One critical difference is that the conference report would provide a legislative authority for these important policy reforms which we believe is both essential.

The other principal difference is the amount of discretion provided the executive branch in imposing sanctions. The Executive order gives the Secretary of State complete discretion to waive sanctions on a foreign country or company whenever he determines that lifting a sanction is in the foreign policy or national security interest of the United States; or, in the case of sanctions on a foreign company, if he determines that the proliferation activities have ceased.

The conference report, on the other hand, while giving the President considerable discretion in the imposition of sanctions, places some limits on the discretion. The conference report would not require the President to impose sanctions on a foreign country unless he first determines that the country has used chemical or biological weapons in violation of international law or against its own citizens. If the President makes such a determination, he would have discretion to choose 6 from 11 possible sanctions listed in the conference report. If the country has not stopped using such weapons after 3 months and not agreed to onsite inspections, the President would be required to impose an additional sanction of his choice from the list. The President would have authority to waive the sanctions at any time if he determines and certifies to the Congress that there has been a fundamental change in leadership and policies of the government of the country, or after 12 months if he certifies that doing so is in the interest of U.S. national security.

However, once the President makes a determination that a foreign country has actually used chemical or biological weapons in violation of international law or against its own citizens and there has not been a fundamental change in leadership and policies of the country, the President would not have discretion to waive sanctions entirely. This is the limitation on Presidential discretion imposed by the conference report that was the principal cause of the pocket veto by the President. Frankly this strikes me as an entirely reasonable and appropriate limitation on Presidential discretion. This approach would establish a principle that if a country uses these terrible weapons in violation of international law, sanctions will be imposed.

A similar analysis applies in the case of foreign companies which assist proliferation. The conference report would not require that sanctions be imposed on foreign companies unless the President makes a determination that a company has knowingly and materially contributed to the efforts to use, develop, or acquire chemical or biological weapons by a foreign country that the President has determined has used such weapons in violation of international law, has made substantial preparations to engage in their use, or has been designated a terrorist country under the Export Administration Act. Even after the Presidential determination is made, the President would have authority to delay imposing the sanctions for up to 90 days in order to pursue negotiations with the home government of the foreign company. The President could waive sanctions if he determines that the home government has taken effective actions to terminate the foreign company's assistance. The President would also have authority to waive sanctions after 12 months if he certifies it is in the interest of U.S. national security.

However, if he determines that a foreign company has assisted in proliferation of chemical or biological weapons and that the home government of the company has not taken effective actions to end the proliferation, then the President would be required to impose sanctions for at least 12 months. He could not waive the sanctions.

In his memorandum of disapproval, the President asserts that mandatory sanctions unduly interfere with his constitutional responsibilities for carrying out foreign policy. This argument does not stand up to scrutiny. Among the powers of the Congress specifically enumerated in the Constitution is the power to "regulate Commerce with foreign nations." In the past, Congress has invoked this authority to simply cut off all aid or trade with a particular country. In a number of cases, Congress has given the administration a role in deciding whether to impose or lift sanctions. Under several of these statutory regimes, the President actually has significantly less discretion to waive the imposition of sanctions than is provided in the conference report.

For example, under the so-called Toshiba provision of the Omnibus Trade and Competitiveness Act of 1988, where the President makes a determination that a foreign company has violated the Cocom agreement and that this adversely affects the strategic balance of force, he is required to impose import and procurement sanctions on the company for at least 2 years. Similar sanctions were also specifically imposed on the Toshiba and Kongsberg companies by the 1988 act without any requirement of a Presidential determination at all.

The Anti-Apartheid Act of 1986 imposed a wide range of sanctions involving trade with and loans to South Africa. These sanctions remain in place. The President may lift these sanctions only if he makes a formal determination that South Africa has taken a number of specific steps to dismantle apartheid. Thus a Presidential determination is required to stop sanctions whereas under the conference report sanctions are not imposed unless the President makes the relevant determination.

The point is that the sanctions required under the chemical and biological weapons provisions of the conference report are entirely consistent with past actions of the Congress and in fact provide for greater Presidential discretion than previous laws. The problem they address—the proliferation of chemical and biological weapons—is also of a comparable order.

This point was made forcefully in a Washington Post editorial of last November urging the President to sign the legislation:

> . . . some of the President's advisers are pressing for a veto on the grounds that the bill imposes sanctions that would be mandatory. The Administration's lawyers argue that the American response to the use of these weapons ought to be left up to Presidential discretion. The bill, they claim, is an infringement on the President's constitutional authority to conduct foreign policy. That's a gross exaggeration. The bill says that if a country uses these weapons, the U.S. will impose on it a range of penalties affecting its economic and political relations with this country. After a year the President could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons . . . the company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as an interference with the president's control of foreign policy.

I ask unanimous consent that the Washington Post editorial as well as an editorial from the New York Times of last October 25, which also urged the President to sign the conference report, appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 4, 1990]

CHEMICAL WEAPONS

President Bush is getting bad advice from the lawyers who want him to veto the bill on chemical and biological weapons. It's time to tighten the rules against countries that use these foul devices and the manufacturing companies that help them to do it. With very few exceptions—Iraq is the most notorious—the world is now moving to rid itself of these weapons. The United States ought to be leading that movement.

Instead, some of the president's advisers are pressing for a veto on grounds that the bill imposes sanctions that would be mandatory. The administration's lawyers argue that the American response to the use of these weapons ought to be left up to presidential discretion. The bill, they claim, is an infringement on the president's constitutional power to conduct foreign policy.

That's a gross exaggeration. The bill says that if a country uses these weapons, the United States will impose on it a range of penalties affecting its economic and political relations with this country. After a year, the president could lift those penalties. Similarly, if a foreign company helps certain countries build these weapons—countries that have used them recently, or are preparing to use them or are on the list of havens for terrorists—that company's products will be banned from the American market. Again, after a year, the president could lift the ban. It's absurd to describe that as interference with the president's control of foreign policy.

This legislation is a response not only to Iraq's use of gas but to the revelations that a number of European companies, particularly in Germany, helped Iraq and Libya build factories to produce gas. The German government also has reacted, tightening its restriction of suspect exports and sharply increasing the penalties for violating them. International cooperation to discourage these weapons is improving. A veto of the bill would suggest to all the wrong people that the United States was losing interest in the subject.

The breadth of congressional support for this bill is impressive. It passed the Senate 92 to 0, and 79 senators have now publicly urged him to sign it. But the president's lawyers are telling him that the next time an army uses poison gas, he might find it expedient to overlook the incident—as President Reagan overlooked the Iraqi use of gas, first on Iranian troops and then on Kurds who were Iraq's own people. In this bill Congress is saying that it doesn't want poison gas or biological warfare overlooked. That's what this quarrel is about, and this time Congress is right.

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Mr. Bush has pledged to rid the world of the scourge of chemical weapons. And he's negotiating a global treaty to do just that. But Secretary of State Baker says mandatory sanctions limit the President's discretion. What a bizarre time to stand on ceremony. Congress is right to enact the legislation, and the President would be wrong to veto it.

Sanctions legislation has long bogged down in jurisdictional disputes between committees of Congress. Finally a House-Senate conference has agreed to appropriately tough sanctions in the Export Administration Act.

The act bars foreign companies that help countries develop chemical weapons from selling goods in the United States. Further, once the President determines that a country has used chemical or biological weapons, he must apply sanctions. The list of sanctions includes a cutoff of foreign and military aid, export and import restrictions and suspension of U.S. arms sales.

Mr. Baker says the bill limits administrative flexibility to impose or waive sanctions. But the President could waive sanctions after a year if he determined that was important for national security. In the meantime, mandatory sanctions would send a strong message that the U.S. is serious about curbing the spread of chemical weapons. This is a very good time to send such a message, and a very good cause to get serious about.

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But maybe the President just has not thought it through sufficiently. So 79 senators have sent a letter to Mr. Bush urging him not to cast the veto. It would be a moral, political and military mistake that will besmirch the record of his Presidency.

One of the signers and a prime mover of the bill was Senator Jesse Helms, the North Carolina Republican. He also has been a major player in action against nuclear proliferation, for sanctions on the butcher regime of Beijing, and a friend to Lebanese Christians, Israel and Tibet. I am in favor of abortion rights, freedom of art and affirmative action. But I think to be silent about the Helms record on other matters important to me would be to commit a falsehood of silence.

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If you want to plead with the President not to do this thing to himself, the country and the morale of soldiers he sent abroad, you better phone the White House now—(202) 456-1414—and leave a clear message.

Maybe it will help persuade him not to veto with pen or pocket. Maybe it won't. But you will have done what you could to save this important bill and the President's honor, or at least your own.

Mr. SARBANES. I should also point out that not only was the conference report adopted unanimously by the Senate, but 79 Senators, including the majority and minority leaders, sent a letter last October 27 to the President urging him to sign the conference report. I would like to note that the distinguished minority leader of the Senate, Senator DOLE, was an early and active advocate of mandatory sanctions for chemical weapons use, and his bill, S. 8, served as a basis for the bill adopted by the Senate. I ask unanimous consent that the text of the letter be printed in the RECORD at the end of my remarks.

In summary, Mr. President, I believe the sanctions requirements of the chemical and biological weapons provisions of the conference report are consistent with, and in fact are even less restrictive than, prior congressional actions and establish a clear principle that potential violators would understand. In addition, I believe it is important that U.S. policy in this area be given a clear legislative base.

In regard to the portions of the conference report dealing with the reauthorization of the Export Administration Act, I would like to make several points. First, the Senate Banking Committee worked in a close, bipartisan fashion with the administration in developing the Senate version of the reauthorization of the EAA. In fact the administration endorsed the bill that was reported out of the Banking Committee. It was also my understanding that the administration had no opposition to the EAA provisions of the bill that was finally reported out of the Senate.

In the conference committee we continued to work closely with the administration in an effort to fashion a set of EAA provisions that recognized the rapid changes taking place in Eastern Europe while continuing to protect the genuine U.S. national security interests in controlling the export of high technology goods with possible military applications. It was my understanding that the final EAA provisions of the conference report addressed the key concerns that had been raised by the administration. The memorandum of disapproval issued by the President vaguely refers to micromanagement of export controls mandated by the conference report as an intrusion on Presidential discretion. Frankly I am not sure what is meant by that reference. I am sure that during the conference committee's deliberations on the legislation the administration did not indicate that micromanagement was of such concern that it would be a basis for a veto of the legislation.

In his memorandum of disapproval, the President announced that he was directing executive departments and agencies to implement some of the EAA reforms contained in the conference report. My understanding is that some of the reforms have been implemented administratively, some have not. The point is that administrative action in this area, even if it implements some of the reforms contained in the conference report, is not a substitute for legislative reauthorization of the Export Administration Act.

Since the first Export Control Act was passed in 1949, Presidential imposition of export controls has been done pursuant to congressional authorization. The administration is currently using the emergency authority provided by IEEPA, the International Emergency Economic Powers Act, to continue the routine enforcement of the U.S. system of export controls. While this has been done in the past when Congress has failed to reauthorize the Export Administration Act, that is not the case here. Congress last year voted a reauthorization of the Export Administration Act. It is frankly presumptuous of the administration to believe that it can pocket veto a congressional reauthorization of the EAA and then selectively implement those export control provisions of the vetoed bill favored by the administration under IEEPA authority. IEEPA is a broad grant of authority intended for use in economic emergencies. As far as I am aware, no economic emergency exists that justifies use of IEEPA to implement the routine administration of export controls.

The fact is that the EAA provisions of the conference report were carefully worked out with the administration and in large part reflect policies favored by the administration. In such important areas as the COCOM license free zone, resolution of commodity jurisdiction disputes between the Commerce and State Departments, and indexing of controls to take account of advances in technology, the conference report goes beyond actions contemplated, much less undertaken by the administration. In such important policy areas, it should be the Congress providing legislative authorization for reforms. Administrative action by the President is not a substitute.

Last November 9 the President of the American Electronics Association and the chairmen of 16 of our country's leading high technology companies, including IBM, AT&T, Intel, NCR, and Apple Computer, sent a letter to the President urging him to sign the conference report into law. Just this week I received letters from the presidents of the Computer and Business Equipment Manufacturers Association (CBEMA) and the National Machine Tool Builders Association (NMTBA) urging quick congressional passage of the conference report in the new Congress. I ask unanimous consent that all three of these letters appear in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, November 9, 1990.
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We the undersigned CEOs are writing to recommend that you sign into law the Omnibus Export Amendments Act of 1990, HR 4653. The legislation amends the Export Administration Act to reflect European unification, the significant changes in Eastern Europe and the rapid advancement of technology.

While the bill is not perfect, it will allow the U.S. electronics and telecommunications companies to have a level playing field with our European and Japanese competitors. In particular, exports represent a significant source of revenue for our companies and it is imperative that we be able to export on par with our competitors. Furthermore, the majority of our trade is with U.S. allied nations and the Export Amendments Act will allow us increased flexibility in trading with these partners. Finally, our companies fuel the nation's economic growth. Enhancing our ability to export will strengthen the U.S. economy.

Mr. President, we urge you to sign HR 4653 into law.

Sincerely,

John F. Akers, Chairman, International Business Machines Corp.; Robert E. Allen, Chairman of the Board and CEO, AT&T; Richard Ashcroft, President, International Imaging Systems; Joseph R. Canion, President and CEO, Compaq Computer Corp.

W.P. Conlin, President, CalComp; Charles E. Exley, Jr.; Chairman and CEO, NCR; Joe Finney, President and CEO, International Converter; John C. Lewis, Chairman and CEO, Amdahl Corp.; Gordon E. Moore, Chairman of the Board, Intel.

Scott G. McNealy, President and CEO, Sun Microsystems, Inc.; Craig J. Mundie, President and COO, Alliant Computer Systems Corp.; Safi U. Qureshey, President, CEO and Cochairman, AST Research, Inc.; John A. Rollwagen, Chairman and CEO, Cray Research Inc.

Robert Saldich, President and CEO, Raychem Corp.; John Sculley, Chairman, President and CEO, Apple Computer, Inc.; Bob Stephens, President and CEO, Emulex Corp.; J. Richard Iverson, President and CEO, American Electronics Association.

COMPUTER AND BUSINESS EQUIPMENT MANUFACTURERS ASSOCIATION,
Washington, DC, January 29, 1991.
Hon. PAUL S. SARBANES,
Chairman, International Finance and Monetary Policy Subcommittee, Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Computer and Business Equipment Manufacturers Association (CBEMA), I am writing to thank you for your efforts to reauthorize the Export Administration Act.

Like you, we were disappointed that the President did not sign the legislation sent to him in late 1990. However, we do believe the actions he promised to take in his November 16 memo of disapproval will result in some sound improvements to the export control system, although much remains to be done. Your work in bringing about these changes is greatly appreciated.

In addition, while we were encouraged by the actions of the White House, we do believe it is essential that Congress renew the statutory basis for the export control system. We continue to support the measured and thoughtful reforms contained in H.R. 4653, legislation to reauthorize the Export Administration Act and urge its readoption in the new Congress. Put simply, we believe that the export control reforms in H.R. 4653 make good sense.

Again, your work on this issue is very much appreciated. We look forward to working with you in the 102nd Congress.

Sincerely,

JOHN L. PICKITT,
President.

NMTBA, THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY,
McLean, VA, January 24, 1991.
Hon. PAUL S. SARBANES,
Chairman, Subcommittee on International Finance and Monetary Policy, Senate Banking, Housing and Urban Affairs Committee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, NMTBA—The Association for Manufacturing Technology support passage of the Conference Report on H.R. 4653, the Omnibus Export Administration Act of 1990. While it was not all that we hoped it would be, we felt that it went a long way towards solving a number of the problems that have plagued American exporters in general, and the machine tool industry in particular, in recent years.

Unfortunately, on November 16, 1990, the President saw fit to veto this bill, deciding instead to enforce export controls through the authority granted in the International Emergency Economic Powers Act.

We believe this decision was ill-advised. While the bill did not achieve all of our objectives, last year's Omnibus Export Administration Act contained many badly needed reforms that had been hammered out during long hours of legislative bargaining. We believe it would be unnecessary, and, indeed, counterproductive to start again from scratch in 1991. Thus, we urge you to resubmit the very same bill, H.R. 4653, in the 102nd Congress and work towards its passage. Let me assure you, Mr. Chairman, you can count on the support of NMTBA—The Association For Manufacturing Technology in that important effort.

With warm regards,

Sincerely,

ALBERT W. MOORE,
President.

Mr. SARBANES. Mr. President, I urge my colleagues to readopt the conference report as the Omnibus Export

Amendments Act of 1991. I would refer them to the original Conference Report No. 101–944 of the 101st Congress, 2d session, for an understanding of the agreements reached between the House and the Senate on this legislation.

I ask unanimous consent that the letter to the President referred to earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, October 27, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The Congress has enacted H.R. 4653, the Omnibus Export Amendments Act of 1990. This legislation makes important changes in our export control policies to reflect rapid political change in Eastern Europe, the growing challenge of chemical and missile proliferation, and the crisis in the Persian Gulf.

In preparing this legislation, the Congress worked closely with the Administration to ensure that changes in export control policy were consistent with U.S. policy in CoCom. We labored to ensure that the new nonproliferation regimes created in law would be workable and effective, relying primarily on current multilateral mechanisms but using economic sanctions as a last resort. We made the Iraq sanctions title of the bill a strong statement of support for your policy in the Gulf.

Despite our efforts, we now understand that some of your advisors are recommending a veto of the bill because of what they see as excessively limited Presidential discretion to waive sanctions in the chemical and biological weapons title of the bill. This is a very abstract judgment about Presidential discretion in foreign affairs. The real issue here, however, is how to respond effectively to the scourge of chemical weapons.

The sanctions provision of the CBW title are premised on Presidential discretion. The President must make the determination that a foreign company has knowingly assisted proliferation and not been punished, or that a country has actually used chemical weapons. Once a determination is made, sanctions must be imposed for one year following which there is Presidential discretion to waive sanctions in the national security interest or if remedial action is taken. This is not unfettered discretion but it is certainly discretion as broad as that covering EAA sanctions in current law.

The only use of discretion broader than this would be to let a company selling chemical weapons or a country that uses chemical weapons against its people escape any punishment. We reject the idea that there could ever be a diplomatic gain sufficient to justify a waiver in these circumstances.

You have made eradication of chemical weapons a national priority and you urged the Congress to pass sanctions legislation. We have answered that call and believe a veto on these narrow grounds would be contrary to our shared commitment to eliminate chemical weapons. It is our intention to see tough sanctions enacted, if necessary by pursuing legislation in the 102nd Congress. For all these reasons, we urge you to sign this legislation.

Sincerely,

PAUL SARBANES
(And 78 others).

Mr. HELMS. Mr. President, I am pleased to be an original cosponsor of the Omnibus Export Amendments Act of 1991, a bill identical to legislation passed overwhelmingly in the 101st Congress, but subsequently pocket-vetoed by the President. It includes provisions developed over the course of 3 years by this and other Senators.

During the past 3 years, we have seen uncovered a vast network of weapons and weapons-related trade by firms, mostly European, which have had the effect of creating the war making capabilities of Iraq, Iran, Syria, and Libya. These firms built Iraq's poison gas factories and stocked them with equipment. They sold Saddam Hussein the machines to make nuclear weapons. And, now we know these firms designed the aircraft and command bunkers which, to put out of commission, our brave fliers risk their lives every day.

Mr. President, at my direction, the minority staff of the Senate Foreign Relations Committee has compiled, from open sources, a list of arms and war-related equipment sold to Saddam Hussein by western companies during the past several years. More than 100 German firms have been exposed by the Western press as having participated in this trade. But they are not alone. Firms from England, France, Sweden, Belgium, and even the United States have been linked to Saddam's military machine.

This dastardly trade is known, and has been known, by Western intelligence agencies for at least a decade. There was no failure of intelligence. Indeed, the Director of the Central Intelligence Agency, Judge Webster, reported on this issue to the committee in open session early in 1989.

There was, however, a massive failure of political will among policymakers, particularly at the State Department. These bureaucrats were repeatedly informed of shipments of arms and transfers of weapons and for a decade, as we now know, they did absolutely nothing to stop or restrain this trade. The result has been the largest build-up of weapons of mass destruction in history.

Mr. President, at the beginning of the decade of the 1980's, Iraq, Iran, Syria, and Libya had nothing in the way of advanced weapons beyond mere plans and schemes. As we entered the 1990's, all four terrorist states had chemical, biological, and ballistic missile programs, and in some instances at least the beginning of nuclear programs. And, I repeat, the Department of State watched, but did nothing to stop this insidious trade in weapons of mass destruction.

The bill introduced today will go a long way toward reversing this do-nothing policy. The provisions relating to chemical weapons would deny foreign companies, which after the date of enactment, assist the chemical, biological, and ballistic missile programs of Iran, Iraq, Syria, and Libya access to the great open American market.

Mr. President, the kind of trade this bill aims to stop is very lucrative. Billions of dollars are involved. Saddam Hussein alone is estimated to have spent between $50 billion and $100 billion on this weapons program during the decade of the 1980's. No calls to reason or morality are going to stop this trade. Only forceful government action backed up by severe penalties will have any effect on those engaged in this traffic.

As I stated on this floor on January 22, 1991, I pledge to do everything possible to ensure that this or similar legislation becomes law at the earliest possible moment. We must do all we can to prevent the German and other greed-motivated Western companies from going in and rebuilding the chemical, biological, and ballistic missile facilities so gallantly destructed by allied air forces in the gulf. Anything less would be a betrayal of the brave American men and women who risk their lives and destroy their facilities.

Mr. President, I ask unanimous consent that the list of firms, compiled from published sources, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

SADDAM'S FOREIGN LEGION

CORPORATIONS MARCHING TO SADDAM'S CALL

Number of corporations cited in open sources as having sold materials and equipment for the production of weapons of mass destruction to Iraq, by country of origin:

Germany	110
United Kingdom	36
Austria	24
United States	22
France	22
Spain	17
Italy	15
Switzerland	14
Belgium	14
India	6
Brazil	4
Netherlands	4
Argentina	3
Greece	2
Japan	2
South Africa	2
Sweden	2
Chile	1
China (PRC)	1
Egypt	1
Jordan	1
Kuwait	1
Liechtenstein	1
Poland	1

Compilation prepared by the U.S. Senate Foreign Relations Committee Republican Staff from open sources, as of January 30, 1991.

WEAPONS SALES TO IRAQ

GERMANY

Siemens

[Nuclear technology—Parent of Interatom—Der Spiegel, 24 December 1990]

[Precision lathes and computer control equipment—Der Spiegel, August 6, 1990]

[Programming instruments for cannon factory—Der Spiegel, August 6, 1990]

[Non-echoing room for missile research—Der Spiegel, March 27, 1989]

Daimler Benz

Messerschmidt-Boelkow-Blohm (MBB)

[Fuel air explosive technology—BBC "Panorama", September 3, 1990]

[Subcontractor on SAAD-16 chemical weapons plant—Der Spiegel, August 20, 1990]

[Combat helicopters—Der Spiegel, August 13, 1990]

[Parent of Euromissile—Die Zeit, August 10, 1990]

["Hot" and "Roland" anti-tank rocket—Stern, August 9, 1990]

[Electronics and testing for Condor 2 missile—Stern, August 9, 1990]

[Lab Equipment—Stern, January 26, 1989]

[Parent Firm of Transtecnics—Profil, March 6, 1990]

Carl Zeiss

[Unspecified equipment at chemical weapons facility—Der Spiegel, March 27, 1989]

Thyssen-Rheinstahl Technik

[Development of modifications to SCUD-B—Der Spiegel, January 28, 1991]

[Parent of Thyssen Industrie and Thyssen Unformtechnik—Der Spiegel, January 28, 1991]

[Weapon and ammunition facilities at Taji—Der Spiegel, August 13, 1990]

AEG

[Weapon and ammunition facilities—Der Spiegel, August 13, 1990]

Preussag

[Buildings for chemical weapons facility—Der Spiegel, August 13, 1990]

Degussa

[Unspecified equipment at chemical weapons plant—Der Spiegel, March 27, 1989]

Dornier

[Co-development of "Alphajet" ground-attack jet—Stern, August 23, 1990]

Philips

[Night vision equipment—Die Zeit, 31, August, 1990]

ABB

[Electrical equipment for furnaces at gun factory—Der Spiegel July 9, 1989]

Anlagen Bau Contor (ABC)

[Acquisition of high capacity missiles drives—Der Spiegel, October 15, 1990]

[Owned by Dr. Holger Beaujean—Der Spiegel, October 15, 1990]

Anton Eyerle

[Mobile toxicological labs—Der Spiegel, January 23, 1989]

Aviatest

[Contractor at SAAD-16 chemical weapons plant—Stern, August 9, 1990]

[Wind tunnel facilities for missile research—Profil, March 6, 1989]

Beaujean Consulting Engineers

[Dr. Holger Beaujean's engineering firm—Der Spiegel, October 15, 1990]

Blohm Machine Building

[Computer controlled grinding facilities at missiles research plant—Der Spiegel, March 27, 1989]

Bohlen Industrie

[Missiles development research—Parent of Consen Group—Financial Times, November 21, 1990]

Buderus/Wetzlar

[Casting technology for cannon factory—Der Spiegel, July 9, 1990]

C Plath HG

[Gyrocompasses for SCUD missiles—Der Spiegel, January 28, 1991]

CBV Blumhardt

[Tank transportation trucks—Der Spiegel, October 15, 1990]

CIFKO Handel and Spedition GmbH

[Intermediary firm for transfers of arms from Chile, Great Britain and Germany—Die Tageszeitung, January 23, 1991]

[Bomb detonation factory—West Deutsche Rundfunk/AP, January 22, 1991]

Dango and Dienenthal

[Equipment for treating melting masses—Der Spiegel, July 9, 1990]

Demag-Huettentechnik

[Casting equipment for cannon factory—Der Spiegel, July 9, 1990]

Deutsche BP

[Unspecified military equipment—Der Spiegel, August 13, 1990]

Dynamit Nobel

[Weapon and ammunition facilities—Der Spiegel, August 13, 1990]

Eltro GmbH

[Missile guidance system—Southwest Radio (SWF), September 25, 1990]

Export-Union GmbH

[Metal for production of components for gas centrifuge for uranium enrichment—Der Spiegel, August 13, 1990]

Faun

[Transportation equipment for tanks—Der Spiegel, August 13, 1990]

Feld-Muehle

[Equipment for cannon factory—Parent for Buderus—Der Spiegel, September 13, 1990]

Ferrostaal A.G.

[Cannon factory general contractor—Der Spiegel, August 6, 1990]

[Universal smithy—Der Spiegel, July 11, 1990]

Fritz Werner Industrial Equipment, Ltd.

[Universal Drilling Equipment at chemical weapons plant—Der Spiegel, March 27, 1989]

George Fischer

[Equipment for cannon factory—Der Spiegel, August 13, 1990]

Gildemeister Projecta GmbH (Gipro)

[General contractor at SAAD-16 chemical weapons plant—Stern, August 9, 1990]

[General Contractor for missile programs—Der Spiegel, March 27, 1989]

[Computer Programs—Stern, January 26, 1989]

Graeser

[Mediated deal for factory to produce cannon factory—Der Spiegel, October 15, 1990]

H and H Metalform, Ltd.

[Computer controlled facility for material checks and the hardening of cannon barrels and cartridge cases—Der Spiegel, August 13, 1990]

Missile bodies—Der Spiegel, July 9, 1990]

[Machinery for production of gas, ultracentrifuges (used for uranium enrichment and missile casings)—Der Spiegel, December 18, 1989]

Hasebclever Maschinenfabrik GmbH

[Work at cannon factory—Congressional Record, January 22, 1991]

Havert Consult Project

[Bomb release mechanisms—Hessischer Rundfunk/DPA, January 15, 1991]

Havert Handelsgesellschaft GmbH

[Technical improvements on SCUD-B missile—Der Spiegel, September 10, 1990]

Heberger Bau

[Buildings for chemical weapons facilities—Der Spiegel, August 13, 1990]

Heinrich Mueller Maschinenfabrik GmbH

[Technical improvements on SCUD-B missile—Der Spiegel, September 10, 1990]

Heraus

[Tubular furnace for biological weapons—Der Spiegel, October 8, 1990]

Hochtief AG

[Construction of foundation of cannon factory—Der Spiegel, July 9, 1990]

Ibbenbueren

[Aerial bombs for chemical warfare—Der Spiegel, November 26, 1990]

I.B.I.

[Construction at chemical weapons plant—Stern, June 26, 1989]

Industriewerke Karlsruhe (IWKA)

[Machine tools—Der Spiegel, June 26, 1989]

Infraplan

[Facilities for precursor chemical production—Der Spiegel, 23 January, 1989]

Integral/Sauerinformatic/ICME

[Computer programs—Stern, January 26, 1989]

Interatom

[Nuclear technology—Der Spiegel, December 24, 1990]

Inwako GmbH

[Technical improvements on SCUD-B missile—Der Spiegel, August 20, 1990]

[Magnets for uranium enrichment processing plant—Der Spiegel, August 20, 1990]

Iveco Magirus Deutz

[Vehicles for mobile toxicological labs—Der Spiegel, January 23, 1989]

Karl Kolb

[Chemical warfare plant—New York Times, March 30, 1984]

[Laboratory equipment for material testing—Stern, March 27, 1989]

[Biological agent equipment—Der Spiegel, January 23, 1989]

Kavo

[Electrical Components for nuclear weapons plants—London Sunday Times, December 16, 1990]

Kloeckner Industrial Facilities Company

[Compressors and machine parts—Der Spiegel, August 6, 1990]

[Steel manufacturing for cannon factory—Der Spiegel, August 6, 1990]

Koerber AG

[Parent firm of Blohm—Der Spiegel, March 27, 1989]

Krauss-Kopf

[Unspecified equipment at weapons plant—International Herald Tribune, January 7-8, 1989]

KWU

[Nuclear technologies—Mednews, April 2, 1990]

Lab Consult

[Coating machine for loading gas into artillery shells—Der Spiegel, January 28, 1991]

Labsco GmBH

[Assorted biological equipment—Der Spiegel, October 8, 1990]

Lasco Metal Forming Technology

[Forging presses for artillery shells—Der Spiegel, August 13, 1990]

Leifeld and Company (Leico)

[High-capacity driving nozzles for missiles—Der Spiegel, July 9, 1990]

[Engineering for Dr. Bull's gun—Der Spiegel, July 9, 1990]

Leybold-Heraus

[Valves for nuclear weapons plant—The Sunday Times of London, December 16, 1990]

[Three recasting plants for cannon factory—Der Spiegel, August 6, 1990]

LOI Industrial Furnaces

[Furnaces for cannon installation—Der Spiegel, August 6, 1990]

Ludwig Hammer

[Unspecified equipment at weapons plant—International Herald Tribune, January 7-8, 1989]

MAN-Roland

[Transportation equipment—Der Spiegel, August 13, 1990]

MAN Technologie

[Nuclear Technology—Der Spiegel, December 18, 1990]

Mannesmann Demag

[Weapons and ammunition facilities—Der Spiegel, August 13, 1990]

Mannesmann-Rexroth

[Components for Dr. Bull's gun—Groot Bijagaarden De Standaard (Belgium), May 18, 1990]

Marposs

[Weapon and ammunition facilities—Der Spiegel, August 13, 1990]

Matuschka

[Parent of Leico—Der Spiegel, July 9, 1990]

Mauser-Werke

[Unspecified equipment for missile research—Der Spiegel, March 27, 1989]

Nickel GmbH

[Climate control at missile plant—Profil, May 8, 1989]

PBG

[Missile technology—Financial Times, November 20, 1989]

Pilot Plant

[Chemical warfare plant—Christian Science Monitor, December 13, 1988]

Plath

[Guidance equipment for SCUD—Der Spiegel, January 28, 1991]

Plato-Kuehn

[Toxins—Der Spiegel, January 30, 1989]

Project Betreungs GmbH

[Missile development—Der Spiegel, August 13, 1990]

Projecta

[Affiliate of Gildemeister—Stern, April 6, 1989]

Promex Explorations GmbH

[Missile technology—Mednews, April 12, 1990]

Quast

[Lab equipment for chemical warfare plant—BBC Panorama, October 27, 1986]

Ravensburg Machine Factory

[Boring equipment for cannon—Der Spiegel, August 13, 1990]

Rhein-Bayern Vehicle Construction

[Mobile toxicological lab—Der Spiegel, August 13, 1990]

Rheinstahl Technik

[Work at cannon factory—Congressional Record, January 22, 1991]

Rheinmetall

[Equipment for cannon factory—Der Spiegel, July 9, 1990]

[Parent firm of Aviatest—Profil, March 6, 1989]

Rhema-Labortechnik

[Inhalation system for chemical weapons research plant—Hannoversche Allgemeine, October 31, 1990]

Rotexchemie International Handels-GmbH and Co.

[Sodium cyanide—used for prussic acid and tabun—DPA, September 29, 1990]

Ruhrgas

[Parent of LOI—Der Spiegel, August 6, 1990]

Saarstahl

[Metal for production of components for gas centrifuge for uranium enrichment—Der Spiegel, August 13, 1990]

Schaerer Werkzeugmaschinen GmbH

[Lathes to produce artillery shells—Der Spiegel, June 12, 1989]

Schirmer-Plate-Siempelkamp

[Weapon and ammunition facilities—Der Spiegel, August 13, 1990]

Schloemann SIEMAG

[Work at cannon factory—Congressional Record, January 22, 1991]

Schmidt, Kranz and Company

[Computer controlled facility for material checks—Der Spiegel, August 13, 1990]

Sigma Chemie

[Chemical precursors-biological—The Washington Times, January 31, 1989]

SMS Hasenclever Maschinenfabrik GmbH

[Forging press for cannon factory—Der Spiegel, July 9, 1990]

Stalco Industrial Installations

[Middleman for arms sales—ZDF-TV, October 24, 1990]

TS Engineering

[Precision equipment for automation of weapons factories—Die Tageszeitung (Berlin), October 18, 1990]

Teldix GmbH

[Missile technology—Southwest Radio (SWF), September 25, 1990]

Tesa

[Unspecified equipment—Der Spiegel, March 27, 1989]

Thyssen Unformtechnik

[Pressure doors and other equipment at Iraqi aircraft bunkers—ARD-TV January 29, 1991]

Thyssen Industrie

[Pumps for missile propulsion—Der Spiegel, January 28, 1991]

Tramac

[Middleman for shipping of SCUD guidance equipment—Der Spiegel, January 28, 1991]

Transtechnica

[Calibration equipment for missile research—Der Spiegel, March 27, 1989]

Unipath

[Bactriological culture media—Der Spiegel, October 8, 1990]

Waldrich-Siegen

[Machine tools at missile plant—Simon Wiesenthal Center/Mednews, October 1990]

Walter-Thosti-Boswau

[Construction of Hussein's command bunker—Bunte/DPA, January 23, 1991]

[Construction of four nerve gas plants—Stern, January 26, 1989]

Water Engineering Trading GmbH (W.E.T.)

[Chemical substances for manufacture of nerve gases—Der Spiegel, August 13, 1990]

Wegmann

[Tractor rocket launch system—Financial Times, November 2, 1989]

Weiss Technik

[Hot and cold chambers—Profil, May 8, 1989]

Wolfgang Denzel

[Radar, radio and navigation equipment for helicopters—Frankfurter Rundschau, September 14, 1990]

WTB Walter Thosti Boswau

[Construction of four nerve gas plants—Stern, January 26, 1989]

Zueblin

[Construction of steel plant at gun factory—Der Spiegel, July 9, 1990]

ARGENTINA

Aerotech

[Missile technology—Financial Times, November 20, 1990]

Conseltech SA

[Missile technology—Financial Times, November 20, 1990]

Intesa A.S.

[Missile technology—Financial Times, November 20, 1990]

AUSTRIA

Alu-Bau Normbau

[Parts for chemical weapons plants—Kurier, August 30, 1990]

Andritz Machine Factory

[Supplies for Iraqi ammunition facility—Der Standard, August 31, 1990]

AST Consult Co.

[Weapons laboratory construction—Profil, March 6, 1989]

BBC

[Subcontractor at Iraqi weapons laboratory—Der Standard, August 31, 1990]

Brown Boveri

[Missile technology electronics—Profil, April 25, 1989]

Consultco

[Building blueprints and general planning weapons laboratory—Stern, January 26, 1989]

Delta Consult Studien GesmbH

[Electronic construction missile plans—Kurier, May 13, 1990]

[Detailed estimates for missile plant—Profil, March 6, 1989]

Delta System GmbH

[Missile technology—Financial Times, November 20, 1989]

Emmerich-Assman

[Parent firm of Hutter and Schrantz—Profil, March 6, 1989]

Engesa

[Light tanks—Washington Post, September 8, 1990]

Feneberg

[Construction planning—Profil, April 24, 1990]

Girozentrale Bank

[Financing of weapons laboratory—Profil, March 6, 1990]

Grill and Grossman

[Parts for chemical weapons plants—Kurier, August 30, 1990]

Hirtenberger

[Percussion caps and traction machines—Profil, August 13, 1990]

Hutter and Schrantz

[Iron and steel construction at weapons laboratory—Profil, March 6, 1989]

Illbau

[Supplies for Iraqi ammunition facility—Der Standard, August 31, 1990]

Lenhardt Metal Construction and Roofing

[Steel construction for chemical weapons plant—Kurier, January 13, 1990]

LIM Kunststoff Technology

[HTPB—used in solid rocket propellants—Der Kurrier, October 3, 1990]

Neuberger Wood and Plastics Industry, LTD.

[Precursor chemicals—Austria State Radio, January 4, 1989]

Polytronic

[Development of Dr. Bull's gun—Die Tageszeitung, January 23, 1991]

Steyr-Daimler-Puch

[Nonferrous-metal cartridge case facility—Profil, August 13, 1990]

Swatek and Cerny

[Sanitary equipment—Profil, March 6, 1989]

Tencom

[Missile systems, Consen group—Profil, April 24, 1989]

Voest-Alpine

[GC-45 Howitzers—The New York Times Magazine, August 26, 1990]

BELGIUM

AIB

[Work on Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Amalgamated Trading Industries (ATI)

[Components for Dr. Bull's gun—Groot Bijgaarden De Standaard, May 18, 1990]

Besix [formerly Six Construct]

[Air base construction—Het Volk, October 27, 1990]

Catepillar of Belgium

[Work on Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Cockerill

[Parts for Dr. Bull's gun—Simon Wienthal Center/Mednews, October 1990]

Forges de Zeebrugge Herstal

[Parts for Dr. Bull's gun—Simon Wienthal Center/Mednews, October 1990]

Kuhne and Nagel

[Work on Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Philips Petroleum

[Thiodiglycol, a precursor chemical—BBC "Panorama," Febuary 2, 1987]

Poudriers Reunies de Belgique (PRB)

[Solid fuel for self-propelling ammunition—Groot Bijgaarden De Standaard, May 17, 1990]

SBBM

[Construction work on aircraft bunkers—Le Soir, January 23, 1991]

Sebata

[Built Iraqi chemical plant—The Washington Post, August 25, 1990]

Sitco

[Supervision of construction for aircraft bunkers—Le Soir, January 23, 1991]

Societe Nord-France

[Supplies for aircraft bunkers—La Libre Belgique, January 25, 1991]

Space Research Corporation

[Dr. Bull's Corporation—AFP, May 5, 1990]

BRAZIL

Avibras Aerospace Industry Inc.

[Unguided rockets—O Estado De Sao Paulo, August 23, 1990]

Embraer

[Services in the area of aerodynamics, structural and flight testing, trajectory control, onboard electronics, propellants and enhancements of SCUD missiles—O Globo, May 17, 1990]

Hugo de Oliveria Piva Consultants Co. (HOP)

[Provided engineers for lengthening range of SCUD-D missles, developments of an AWACS early warning radar and air to air missle—O Globo—August 25, 1990]

Orbita Aerospace Systems

[Services in the area of aerodynamics, structural and flight testing, trajectory control onboard electronics, propellants and enhancements of SCUD missiles—O Globo, May 17, 1990]

CHILE

Industrias Cardoen

[Fuse factory—Mednews, December 17, 1990]

[Fuel air explosives technology—The independent, October 14, 1990]

[Cluster bombs—NBC-TV, August 31, 1990]

CHINA

North China Industries Corp.

[Chemicals for missiles and nuclear applications—The independent on Sunday, October 30, 1990]

EGYPT

WTB International AG

[Construction of chemical weapons plant—Mednews, April 2, 1990]

FRANCE

Aerospatiale

[Parent of Euromissile—Die Zeit, August 10, 1990]

Atochem

[Sarin precursors—BBC "Panorama", February 2, 1987]

Carbone Loraine

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

CFE

[Construction work on aircraft bunkers—Le Soir, January 23, 1991]

De Dietrich France

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

Euromissile

["Hot" "Roland" and "Milan" missile systems—Die Zeit, August 10, 1990]

Gachot

[Vaccum pumps and valves for nuclear weapons plants—The Sunday Times of London, December 16, 1990]

Gruau

[Work on Iraqi aircraft bunkers—Le Soir, January 29, 1991]

ITR S.A.

[Automation equipment for munitions—Die Tageszeitung, October 18, 1990]

Intespace

[High-resolution infrared cameras—Mednews, April 2, 1990]

Le Vide

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

Pirep

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

Protec SA

[Intermediary for transfer of chemicals—The New York Times, September 21, 1990]

Provost

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

Sagem

[Missile Guidance Equipment—Financial Times, November 21, 1989]

[Inertial guidance kits—Mednews, April 2, 1990]

SEP

[Rocket motor nozzles—Mednews, April 2, 1990]

Sika

[Concrete construction materials for Iraqi aircraft bunkers—Le Soir, January 29, 1991]

SNPE

[Solid rocket fuel—Mednews, April 12, 1990]

St. Gobain

[Nuclear technologies—Mednews, April 2, 1990]

SVCM

[Equipment for chemical weapons plant—The New York Times, September 21, 1990]

Thomson-CSF

[Radar jamming equipment—Financial Times, September 12, 1990]

[Engineers for development of Iraqi indigenous military electronics industry—Mednews, May 8, 1988]

Usinor-Sacilor

[Corrosion-resistant steels for centrifuges—Simon Wiesnethal Center/Mednews, October, 1990]

GREECE

Advance Technology Institute

[Engineering for Dr. Bull's gun—The New York Times Magazine, August 26, 1990]

Matren

[Front company for firms building Dr. Bull's gun, same founders and members of the board as Advance Technology Institute—Vry Nederland, December 15, 1990]

INDIA

Cyanide and Chemical Co.

[Precursor chemicals—Far Eastern Economic Review, September 6, 1990]

Exomet Chemicals

[Precursor chemicals——Far Eastern Economic Review, September 6, 1990]

Khaleej Pte

[Financed sale of precursor chemicals—Far Eastern Economic Review, September 6, 1990]

Oriental Shipping Agency

[Arranged shipping of precursor chemicals—Far Eastern Economic Review, September 6, 1990]

Transpek India Ltd.

[Trionyl chloride, a precursor chemical—Far Eastern Economic Review, August 30, 1990]

United Phosperous of Baroda and Bombay

[Precursor chemicals—Far Eastern Economic Review, September 6, 1990]

ITALY

Ausidet

[Precursor chemicals—BBC "Panorama", October 27, 1986]

Banco National del Lavaro

Italy/United States

[Atlanta branch financed exports ($3 billion) to Iraq—Financial Times, November 21, 1989]

Binishell

[Architect for Iraqi aircraft bunkers—ARD-TV, January 29, 1991]

Cimolai

[Steel doors for Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Danieli

[Steel rolling mill at Iraqi gun factory—Der Spiegel, July 9, 1990]

European Manufacturer Center (Euromac)

[Organized construction of Dr. Bull's gun—Der Spiegel, July 9, 1990]

[Nuclear Detonators—Der Spiegel, July 9, 1990]

Fincantieri

[Military exports financing—L'Expresso, October 21, 1990]

ILVA

[Parent of Le Fucine—Financial Times, May 15, 1990

[Parts for Dr. Bull's gun—Reuters, May 14, 1990]

Intercamp

[Work on Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Montedison

[Precursor chemicals—BBC "Panorama," October 27, 1986]

Snia BpD

[Iraqi missile project—Financial Times, November 21, 1990]

Snia Tech Int

[Nuclear technology and chemical weapons lab—Mednews, April 2, 1990]

Societa della Fucine Steelworks

[Components for Dr. Bull's gun—Corriene Della Sera (Milan), May 14, 1990]

Socosme

[Construction metals for Iraqi aircraft bunkers—Le Soir, January 29, 1991]

Technipetrole

[Construction of nerve gas plant—Simon Wiesenthal Center/Mednews, October 1990]

JAPAN

Minolta

[Optical equipment for ballistic missiles—Der Spiegel, January 14, 1991]

Nissho Shoji

[Precursor chemicals shipped through India—Far Eastern Economic Review, September 6, 1990]

JORDAN

Aly Armouk Freight Services

[Transfered embargoed equipment from Europe via Cyprus and Jordan—Die Tageszeitung, January 17, 1991]

KUWAIT

Rio Tinto Explosives (ERT)

Spain/Kuwait

[Precursor chemicals—Cambo, August 27, 1990]

[Parent of Expal, Space Research Corporation Espanola, and FOREX—Cambo, August 27, 1990]

LIECHTENSTEIN

VAT

[Valves for nuclear weapons plants—The Sunday Times of London, December 16, 1990]

NETHERLANDS

Eurometal

[Indicted on illegal arms exports—AFP, September 7, 1990]

Franarex

[Munition shells (210 mm)—Die Tageszeitung (Berlin), January 23, 1991]

KBS

[Thiodiglycol—BBC "Panorama", February 2, 1987]

Melchemie

[Chemical precursors—Christian Science Monitor, December 13, 1988]

POLAND

Chemadex

[Repair work on Iraqi uranium processing plant—The Washington Post, August 25, 1990]

SPAIN

Alkantara
[Military supplies—Cambo, August 27, 1990]
Construcciones Aeronauticas (CASA)
[Assembly of combat helicopters—Frankfurter Rundschau, September 14, 1990]
Esperenza
[Various weapons shipments—Cambo, August 27, 1990]
Explosive de Burgos
[Military supplies—International Defense Review #9, 1990]
Explosives Alaveses [EXPAL]
[Fuel air explosive technology—The Independent, October 14, 1990]
[Unspecified weapons—The Independent, October 14, 1990]
[Fuses for poison gas bombs used against Kurds—Cambo, August 27, 1990]
Forjas Extruidas (FOREX)
[Machinery for production of Al Fao gun—International Defense Review #9, 1990]
Industrias Metalugicas Estraegicas Contrabricas de Santander [IMESCA]
[Cluster bombs—Tiempo, October 22, 1990]
International Technology
[Military supplies—International Defense Review #9, 1990]
International Trade Consulting
[Missile technology middleman—Mednews, April 12, 1990]
Martec
[Construction of Dr. Bull's gun—El Pais, May 27, 1990]
MS Systems
[Fuel air explosive technology—The Independent, October 14, 1990]
National Truck Company, Inc. (ENASA)
[200 BMR armored vehicles—Campo, August 27, 1990]
RioTinto Explosives (ERT)
Spain/Kuwait
[Precursor chemicals—Cambo, August 27, 1990]
[Parent of Expal, Space Research Corporation Espanola, and FOREX—Cambo, August 27, 1990]
Space Research Corporation Espanola
[Design and construction of Dr. Bull's gun—Cambo, August 27, 1990]
Santa Barbara
[Various weapons shipments—Cambo, August 27, 1990]
Santana
[Military supplies—International Defense Review #9, 1990]
Trebelan
[Ammunition cases for Al Fao gun—El Pais, May 24, 1990]
["Supertrucks" for transport of Dr. Bull's gun—Cambo, August 27, 1990]
[Steel cradles for Dr. Bull's gun—Financial Times, May 26, 1990]

SOUTH AFRICA

Reutech
[Fuse technology—Tiempo, October 22, 1990]
Puchs
[Fuse technology—Tiempo, October 22, 1990]

SWEDEN

Bofors
[Missile Equipment—Financial Times, November 21, 1989]
Scania—Saab
[Trucks for SCUD launch vehicles—L'Express September 7, 1990]

SWITZERLAND

Advanced Technical Services (ATS)
[Arranged transfer of embargoed technology—Die Tageszeitung, January 17, 1991]
Companies Inc.
[Chemical precursors—New York Times, January 31, 1989]
Condor Projekt AG
[Missile project development—Financial Times, November 21, 1989]
Consen
[Development of Condor 2 missile including dispatch of 150 electronic and computer specialists to Iraq—Kurier (Austria), May 13, 1990]
[Missile Production Plant—Stern, April 6, 1989]
Consen S.A.
[Missile technology—Financial Times, November 21, 1990]
[150 electronics and computer engineers—NBC News June 30, 1989]
Desintec
[Missile technology—Financial Times, November 21, 1989]
Georg Fischer
[Casting molds and machinery for cannon plant—Der Spiegel, July 11, 1990]
Hilti
[Tools for construction of Iraqi aircraft bunkers—Le Soir, January 29, 1991]
Institute for Advanced Technology [IFAT]
[Major contractor missile systems—Profil, April 24, 1989]
Luwa
[Fire protection system for Iraqi aircraft bunkers—Le Soir, January 29, 1991]
[Nuclear, chemical and biological protection systems for Iraqi aircraft bunkers—Le Soir, January 29, 1991]
Schmiedemeccania S.A.
[Gas centrifuge for nuclear material enrichment—Die Tageszeitung (Berlin), August 21, 1990]
Schaeublin
[Tools for nuclear facility—Berliner Tagesspiegel, August 22, 1990]
Von Roll Steelworks
[Components for Dr. Bull's gun—The New York Times Magazine, August 26, 1990]
Vufvaltunt and Financierung (VUF) AG
[Organizer of Iraqi front companies and main Iraqi covert arms purchaser—Mednews, April 2, 1990]

UNITED KINGDOM

600 Group
[Machine tools for weapons plants, parent of Colchester Lathes—The Sunday Times of London, December 2, 1990]
Allivane International
[Fuses and propellant charges—The European, September 7, 1990]
Astra Holdings
[Owner of PRB of Belgium—Dr. Bull's gun—AFP, May 5, 1990]
Avesta
[Non-corrosive steel for nuclear weapons plants—The Sunday Times of London, December 16, 1990]
Battenfeld
[Machine tools for fuse factory—Tiempo, October 22, 1990]
Berisford Group
[Machine tools for cannon factory, parent of Wickman Bennett—The Sunday Times of London, December 2, 1990]
BIMEC
[Metal treatment for tanks—The Sunday Times of London, December 2, 1990]
British Aerospace
[Rocket propellant, parent of Royal Ordinance—The Sunday Times of London, December 2, 1990]
BSA Machine Tools
[Machine tools for missile program—BBC "Panaroma", September 3, 1990]
Canira Technical Corp.
[Iraqi controlled front company—Simon Wiesenthal Center/Mednews—October, 1990]
Colchester Lathes
[Machine tools for weapons plants—The Sunday Times of London, December 2, 1990]
D.G. Jones and Partners
[Design of bunker barracks and command centers—The Sun, January 23, 1991]
Eagle Trust
[Owner of Halesowen—London Press Association, April 17, 1990]
Ewbank Preece
[Consultant engineering for aircraft bunkers—The Sun, January 23, 1991]
GTD Partnership
[Architecture for aircraft bunkers—The Sun, January 23, 1990]
Halesowen
[Parts for Dr. Bull's gun—London Press Association, April 17, 1990]
International Highway Transport
[Dr. Bull's gun—Ankara TRT-TV, April 29, 1990]
Magenetech
[Computerized testing equipment for nuclear weapons—The Sunday Times of London, December 16, 1990]
Matrix Churchill
[Precision lathes (company owned by Iraq)—Financial Times, September 21, 1989]
[Owner of Matrix Projects—Financial Times, September 21, 1989]
Matrix Projects
[Turnkey project for a die forging plant—Financial Times, September 21, 1989]
Meed International
[Iraqi-front company involved in purchase of military capable machine tools—BBC Panorama, September 3, 1990]
Mivan Overseas
[Project 304X construction project with possible military use—Financial Times, September 7, 1990]
Ordnance Technologies
[Detonators—Washington Times, October 4, 1990]
Rascal Radio
[Battlefield radios—The Sunday Times of London, December 2, 1990]
Rio Tinto Zinc Chemicals
[Precursors for chemical weapons, parent of Alcolac US—Regardies, November 1990]
Royal Ordnance
[Rocket propellent—The Sunday Times of London, December 2, 1990]
Rusgon
[Main electrical center for Iraqi aircraft bunkers—Le Soir, January 21, 1991]
Scott Wilson Kirpartrick and Partners
[Design of aircraft bunkers—The Sun, January 23, 1991]
Sheffield Forgemasters
[Barrel for Dr. Bull's gun—London Press Association, April 12, 1990]
SRC Composites
[Iraq controlled front company—Financial Times, April 17, 1990]
Swift-Levick
[Magnets for nuclear weapons plants—The Sunday Times of London, December 16, 1990]
Thorn EMI
[Battlefield radar—The Sunday Times of London, December 2, 1990]
Trade and Development Group (TDG)
[Finance carbon-tipped machine tool plant in Iraq—Mednews, April 2, 1990]
TMG Engineering
[Iraqi controlled front company—Simon Wiesenthal Center/Mednews—October, 1990]
Walter Somers LTD
[Hydraulic equipment for Dr. Bull's gun—Wall Street Journal, April 23, 1990]
Wickman Bennett
[Machine tools for cannon factory—The Sunday Times of London, December 2, 1990]

UNITED STATES

ABB Lummus Crest

[Ethylene oxide—possible mustard gas precursor—The Washington Times, April 27, 1990]

Al Haddad Trading

[Sarin precursor chemicals—BBC "Panorama," February 2, 1987]

Alcolac International

[Chemical precursors—US News and World Report, June 4, 1990]

Banco National del Lavoro

Italy/United States

[Atlanta branch financed exports ($3 billion) to Iraq—Financial Times, November 21, 1989]

Consarc

[High temperature ovens—New York Times, July 16, 1990]

Electronic Associates Inc.

[Analog processors—Mednews, December 17, 1990]

[Integrated circuits and electronics equipment used at SAAD 16—Mednews, December 17, 1990]

[Supercomputer for Iraqi research center via West Germany—ABC News, September 7, 1990]

Glass Incorporated International

[Glass-fiber manufacturing plant—Financial Times, September 21, 1989]

Hewlett-Packard, Inc.

[Personal computers for Iraq Atomic Energy Commission—Mednews, December 17, 1990]

[Electronic test equipment—Washington Post, May 3, 1989]

Honeywell

[Fuel air explosives—NBC News, November 30, 1990]

Hughes Helcopters

[Military-use helicopters—Village Voice, December 18, 1990]

Industrial Procurement Corporation

[Precursors for chemical weapons—Regardies, November, 1990]

International Imaging Systems

[Electronic imaging and photographic equipment—Los Angeles Times, September 18, 1990]

Nu Kraft Marcantile Co.

[Precusor chemicals—The New York Times, January 31, 1990]

Product Ingredient Technology

[Hydrogen cyanide and production equipment—Dallas Morning News, September 16, 1990]

Scientific—Atlanta

[Telecommunications—Washington Post, May 3, 1989]

Sitico

[Iraqi financed front company for VUF AG—Mednews, April 2, 1990]

Techalloy Chemical Corporation

[Precursors for chemical weapons—Regardies, November, 1990]

Tektronix, Inc.

[Radio spectrum analyzer—Mednews, December 17, 1990]

[Computers for missile research—Financial Times, November 21, 1989]

[Computer graphic terminal—Washington Post, May 3, 1989]

Thermo Jarrell Ash Corp.

[Five crates of machine tools for vacuum spectrometer—DPA, January 15, 1991]

United Steel and Strip Corporation

[Precursor chemicals—New York Times, January 31, 1989]

Veeco

[Vacuum pumps and bellows for nuclear weapons plants—The Sunday Times of London, December 16, 1990]

Wiltron Co.

[Electronic test and measuring equipment for SAAD-16 flight test laboratory—Mednews, December 17, 1990]

[Scalar analyzer system—Washington Post, May 3, 1989]

All information comes from published sources.

• Mr. HEINZ. Mr. President, I am pleased to add my support for this bill renewing the Export Administration Act, which is identical to last year's bill which was vetoed by the President. As Senators know, I have been intimately involved in the last three major rewrites of our basic export control law—in 1979, 1983-85, and 1987-88, either as chairman or ranking member of the subcommittee of jurisdication. Last year, while no longer holding either position, I was nonetheless directly involved in crafting the final product, and I want to commend the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. GARN], and the Senator from Michigan [Mr. RIEGLE] for all their hard work in working out with the House a balanced bill that both advances the cause of American exports and retains controls over those critical goods and technologies that our adversaries could see against us.

Because of all that hard work, Mr. President, I was particularly disappointed when the President chose not to sign the bill, ignoring the 70 Senators who wrote him in support of it. His main argument, that he should not be required by law to impose sanctions against countries that have actually used chemical weapons—not a low threshold—makes no sense as a matter of policy and only serves to signal to the rest of the world that we are less than steadfast in our effort to halt the proliferation of these weapons. His larger assertion that the bill intrudes on his ability to conduct foreign policy ignores the fact that the bill regulates the export of American goods and technology—authority which falls squarely within the commerce clause of the Constitution and authority which is, thereby, reserved to the Congress.

One of the most significant developments in this bill is its broadening of control regimes to include missile technology and chemical and biological weapons within a framework consistent with that already in operation for exports of critical technology.

These additions to our control regime are an effort to deal with a consistent manner with the new political and military realities in Eastern Europe and the Persian Gulf. The former events—the literal disappearance of the Communist bloc—have forced us to redefine who the enemy is and have enabled us to permit substantial liberalization of controls to those Eastern European countries that are lesser strategic threats.

The latter events—the Iraqi invasion of Kuwait and the past use and threatened future use of chemical weapons—have forced us to reappraise both the identify and nature of the enemy and to broaden the base of our control structure to include these other kinds of means of destruction.

With respect to Eastern Europe, the bill reflects the recently achieved great success for U.S. national security export control policy and the American exporting community at the Cocom high level meeting last June, and it directs the administration to propose in Cocom certain further liberalizations in the computer and telecommunications areas.

At the June Cocom meeting, the 17 nations that participate announced that they had agreed to a significant reduction of controls to the emerging democracies of central and Eastern Europe. Poland, Hungary, and Czechoslovakia, along, obviously, with the former German Democratic Republic, stand to benefit immediately from this historic agreement. Substantial liberalization is occurring, particularly in the critical categories of machine tools, computers, and telecommunications. In the latter case, we will now permit the export of exactly the kind of sophisticated common channel switching equipment and other technology that will permit these countries to move their telephone systems into the 20th century, not to mention the 21st—the most basic requirement for a modern economy.

With respect to computers, we will now be able to export to Eastern Europe at a level substantially higher than what has previously been permitted to go to China.

The Cocom agreement and the further steps authorized by this bill affirm what so many of us in the Senate have been saying since the political revolutions of 1989 rocked Eastern Europe: The cold war is over and U.S. policy should reflect that fact.

In particular, this liberalization will play a critical role in modernizing the Eastern Europe economies. That is of great interest to me, because last spring I led a Senate delegation there. During our visit, the four of us—Senators GARN, CHAFEE, BOND, and myself—were deeply impressed with the prevalence of the word "democracy" in the region and the rapid movement toward adopting such Western values and principles as freedoms of speech, thought, worship, free elections, and the free enterprise system, and we were convinced of the irreversibility of those changes.

At the same time, we were well aware of the fragility of these new governments because of the economic crises they face. While the ultimate burden of economic progress and reorganization must be on those governments themselves, there is a great deal the West can do to help out. We have begun that process in the SEED legislation enacted in 1989, and I hope in future SEED II legislation as well, but the most useful form of Western assistance will come from our private sector in the form of investment and joint ventures.

Making such investment, however, inevitably depends on our ability to transfer the sophisticated technology needed to modernize these creaky economies. This legislation opens the door to this opportunity.

The deepest meaning of this bill, therefore, Mr. President, is that the elusive level playing field has been achieved. U.S. firms, particularly those in the most advanced technologies I mentioned—telecommunications, computers, and machine tools—will be able to compete without the unilateral restrictions that had inhibited not only the transfer of technology to Eastern Europe, but more importantly, our ability to compete in seeking markets for private direct investment.

This bill, as well as the June Cocom agreement, also reflect the wisdom of those in the United States Congress who have disagreed with the administration's initial impulse to extend the benefits of the relaxation of controls to the Soviet Union. The Soviet Union will benefit by the agreement in Cocom; once an item is decontrolled, it is gone, and approximately one-third of the categories on the list should have been decontrolled by the end of last summer. The completion of negotiations on a smaller core list that will form the basis for future controls will also mean further decontrol for the Soviet Union.

Even under the core list, however, there will still be many sensitive items controlled by Cocom, thereby attesting for the need for the continued existence of the organization. These sensitive technologies, be they supercomputers, laser technologies, advanced telecommunications, navigation and avionics systems, marine technology, and propulsion systems, to name but a few, should not be made available to the Soviet Union at this time, and they continue to be protected in this bill.

I will grant that the remarkable changes in Eastern Europe have been made possible in no small measure by Mikhail Gorbachev's new policies. But they have not been matched in the Soviet Union. For all that it means in concept, perestroika has so far brought little gain to Soviet citizens, and the backtracking of liberalization there as well as the outright suppression taking place in the Baltic States make clear that now is not the time to consider further liberalization for the Soviet Union.

As I mentioned initially, Mr. President, the other important element of this bill is its recognition of the growing complexity and diversity of the political landscape made evident by the Iraqi invasion of Kuwait. As the security threat from the Communist bloc recedes, it is apparent that the threat from other sources is increasing as other nations seek to acquire chemical, biological, or nuclear weapons and the means to deliver them. This is a profoundly destabilizing development, and we have already seen its consequences in such nations as Libya and Iraq.

For that reason, this bill contains provisions on missile technology and chemical and biological weapons that would set up both a clear licensing regime and a set of sanctions on countries and companies that do not cooperate in limiting proliferation. With respect to companies, both these titles, which are based on bills Senator DOLE and I introduced early in the last Congress, track closely the language we have already enacted into law in the 1988 trade bill providing sanctions for companies that violate Cocom controls.

Taken together, all these provisions provide a complete, symmetrical control and sanctions regime for goods and technology that would have a profoundly destabilizing effect were they to fall into the hands of irresponsible parties in the world. This will represent a marked improvement over the patchwork control structure under which we presently operate.

Instead, what we have, thanks to the President's veto, is export control by emergency decree. The President has employed the International Emergency Economic Powers Act [IEEPA], a statute intended for very different purposes, to give himself the authority to run an export control program without congressional sanction. Those of us involved in this bill heard a great deal in the past months about this bill's unconstitutional limitations on the President's authority to conduct foreign policy. In most cases, those claims go far beyond anything I have heard from the other four Presidents who have held office since I came to Congress.

Most of this bill deals with foreign trade—exports and imports—and the Constitution is explicit in reserving authority to regulate interstate and foreign commerce to the Congress. I have for years resisted various administrations' efforts to redefine trade policy as foreign policy in order to expand the range of the President's authority, and I object to that tactic with respect to this bill as well. The bill already recognizes that this line can be difficult to draw, and we did our very best in trying to work out with the administration and the House a fair resolution of these differences.

In our business, of course, Mr. President, nobody gets a whole loaf, and this bill is no exception. It certianly does not contain everything I want, and I have no doubt it does not contain everything the President wants. It is, however, a fair compromise, and I hope that this time around the President will see its wisdom and allow it to become law.

On that note, Mr. President, I will close by commending this bill both to my colleagues and to the President. It is a sound bill and a balanced one. It deserves our support.●

By Mr. McCONNELL:

S. 321. A bill to establish a law enforcement officers' bill of rights; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

● Mr. McCONNELL. Mr. President, as we continue to fight the war against Iraq, we must not forget the war at home against drug abuse and crime.

This war is being fought by our Nation's law enforcement officers. For these brave men and women, who risk their lives every day to protect American citizens, there is no peace summit in sight. There is no negotiating with an enemy fed on drugs and greed and violence.

While we should be standing behind our police officers—in the same way we stand behind our troops—these police officers face regular investigations into their finances and professional conduct, usually at the behest of some recently arrested street criminal looking for payback.

Such investigations often have no safeguards to protect the police officer's civil rights or reputation; they operate under a cloak of secrecy that adds to the officer's stress; and they are invariably humiliating. This is a rude slap in the face to the officers who work diligently and honestly to protect our safety.

The bill I introduce today addresses some of the concerns I have heard from law enforcement officers in Kentucky.

This bill, the law enforcement officers' bill of rights, allows police officers to engage in, or refrain from, political activity. It protects officers from abusive investigations and interrogations. And it provides police officers certain basic rights in connection with disciplinary actions. At a minimum, police officers ought to be entitled to the same rights we all cherish, particularly the right of due process.

My remarks on the law enforcement officers bill of rights would not be complete without an explanation of the central role played by the Jefferson County and Louisville Lodges of the Fraternal Order of Police, in securing my Senate introduction of this measure.

The Kentucky FOP Lodges, and in particular Lodges 6 and 14, have been tremendously active in advancing the legislative agenda of the National Fraternal Order of Police. Each year, during the Annual Peace Officers' Memorial Day, the national trustee of the Kentucky FOP visits my Washington office with a delegation of officers from throughout my State.

The Kentucky national trustee always are among the best informed, best prepared advocates I have encountered on Capital Hill. They know the concerns of the man and woman on the beat, because they are police officers themselves. Further, they are familiar with each item on their legislative agenda, and their presentations always are to the point. Finally, they understand the limitations and delays of the legislative process, and try to work with their elected Representatives in Washington.

When the leaders of the Jefferson County and Louisville FOP Lodges approached me last year on the law enforcement officers' bill of rights, they explained their concerns so persuasively that I felt compelled to introduce legislation in the Senate to remedy the problem.

It meant a lot to me that these officers were speaking from experience. They also worked with me in refining the language, and have offered to help me get this bill passed into law, where it belongs. Therefore, a lot of the credit for this legislation belongs to Kentucky's high-profile FOP Lodges, especially Lodges 6 and 14.

Finally, I would like to add a personal note of thanks to Ray Franklin, president of Lodge 6, Denis Spalding, president of Lodge 14, Mike Hettich, national FOP trustee for Kentucky, Verlin Flaherty, former national FOP trustee, Ralph Orms, president of the Kentucky State FOP, and Rod Milburn, for all of their work on behalf of police officers throughout the country. I owe you all my heartfelt thanks, and so do your fellow police officers.•

By Mr. HELMS:

S. 322. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require a 5-percent reduction in certain assistance under that act to a law enforcement agency unless such agency has in effect a binding enforcement officers bill of rights; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

Mr. HELMS. Mr. President, I'm introducing today what I believe Senators will agree is an extremely significant piece of legislation—The Law Enforcement Officers' Bill of Rights. It is almost identical to legislation I introduced last year.

Mr. President, law enforcement officers across America face great challenges every day as they fight the war against crime and drugs. They are on the front line; their lives are in constant jeopardy. All of us owe them our gratitude and our respect.

Congress can emphasize that respect by making certain that the rights of law enforcement officers are protected when the going gets rough. The Law enforcement Officers' Bill of Rights would guarantee that police officers will be treated fairly during any inquiry.

Mr. President, too often law enforcement officers lose their jobs for frivolous reasons—or for no reason at all. For example, an officer may have a difference of opinion with a superior. Furthermore, many small law enforcement agencies do not have a formal procedure for conducting inquiries.

This bill sets minimum procedures for inquiries and grants law enforcement officers certain minimum rights during that process.

Mr. President, my bill differs only slightly from a similar bill introduced in the House last year. Last year, I adjusted a few provisions at the suggestion of the chiefs of police groups who expressed some minor concerns. As was the case last year, I have attempted to address these concerns in my bill, while assuring police officers of certain minimum rights. I believe a careful balance has been achieved.

First, my bill requires that only 5 percent of law enforcement grants be withheld from a State until it implements a Law Enforcement Officers' Bill of Rights. The McConnell bill requires withholding 20 percent.

Second, my bill does not preempt existing State laws that meet the minimum requirements of the bill.

Third, the sections on political activity and public legal assistance for civil suits have been deleted.

Fourth, the bill adds a section requiring that policemen be given an opportunity for a hearing. The procedures for such a hearing are left up to the States. This strengthens the protection afforded the law enforcement officer.

Fifth, the bill allows the States to decide that this bill of rights does not apply to summary punishment or emergency suspensions that do not result in dismissal, demotion, transfer, or similar action. These provisions track similar provisions in a Maryland statute.

Sixth, my bill does not include a section on the disclosure of finances. I felt that each State should be allowed to decide how to deal with that particular issue.

Finally, we define law enforcement officers as sworn officers of a public agency—or allow each State to use its definition.

Mr. President, I am confident that these changes address most, if not all, of the concerns of the chiefs of police, while still providing policemen the necessary minimum rights.

By Mr. CHAFEE (for himself, Mr. PACKWOOD, Mrs. KASSEBAUM, Mr. JEFFORDS, Mr. COHEN, Mr. SIMPSON, Mr. ADAMS, Mr. AKAKA, Mr. WIRTH, Mr. BINGAMAN, Mr. BRADLEY, Mr. BURDICK, Mr. CRANSTON, Mr. DODD, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. HOLLINGS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, Mr. ROBB, Mr. SIMON, and Mr. WELLSTONE):

S. 323. A bill to require the Secretary of Health and Human Services to ensure that pregnant women receiving assistance under title X of the Public Health Service Act are provided with information and counseling regarding their pregnancies, and for other purposes, to the Committee on Labor and Human Resources.

TITLE X PREGNANCY COUNSELING ACT

• Mr. CHAFEE. Mr. President, I am pleased today to introduce the title X, Pregnancy Counseling Act of 1991.

When title X of the Public Health Service Act was enacted 20 years ago, its stated goal was to provide quality family planning and health care services to low-income women who would otherwise have little or no access to such services. The original authors of title X made it clear that Federal support for family planning excluded the use of Federal funds to finance abortions. Section 1008 of title X states:

> None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

The General Accounting Office and 32 HHS Inspector General Audits have certified that the prohibitions encompassed in section 1008 are being adhered to, that title X funds are not being used to pay for abortions. Thus, let me make it clear from the start that the debate on this issue is not, and should not be, about whether title X funds should be used to pay for abortions, because recipients of title X funds are not using those funds to finance abortions. This legislation does not change this provision in any way.

Prior to 1981, the title X guidelines promulgated by the Department of Health and Human Services did not address directly the issue of whether family planning providers should counsel a woman with an unintended pregnancy, at her request, about all of her legal and medical options, including pregnancy termination. In 1981, however, HHS issued guidelines for the title X program which provided clear direction on this issue. These 1981 guidelines read as follows:

> Grantees must provide pregnancy diagnosis and counseling to all clients in need of this service. Pregnancy testing is one of the most frequent reasons for an initial visit to the family planning facility, particularly by adolescents. It is therefore important to use this occasion as an entry point for providing education and counseling about family planning.

The 1981 guidelines go on to say:

> Pregnant women should be offered information and counseling regarding their pregnancies. Those requesting information on options for the management of an unintended pregnancy are to be given non-directive

counseling on the following alternative courses of action, and referral upon request:

Prenatal care and delivery;

Infant care, foster care, or adoption; and

Pregnancy termination.

Thus, HHS made it abundantly clear that family planning providers were to provide women who seek information about how to manage an unintended pregnancy with nondirective and noncoercive counseling regarding all available legal and medical options.

In 1988, in an arbitrary and capricious reversal of policy, HHS promulgated new regulations on this issue. The 1988 title X regulations prohibit clinics receiving title X funds from counseling or making referrals on abortion.

Mr. President, these new regulations are bad policy for a number of reasons. First, they conflict with the professional ethics and guidelines of major medical organizations, including the American Medical Association and the American College of Obstetricians and Gynecologists, which insist on the patient's right to full information and self-determination.

Second, the regulations place health care professionals at risk for medical malpractice. Physicians have already been held liable by the Supreme Court for failing to provide complete information to a patient about his or her medical condition and medical options.

Third, the regulations create a two-tiered health care system where low-income women receive more limited care and information from federally funded clinics than women who can afford private health care services. Women who seek private consultation about how to manage an unintended pregnancy will be provided with information about all their legal and medical options, including abortion. If a private physician does not condone abortion, he or she will likely refer the patient to a physician or counselor who can comfortably address the topic.

The title X regulations issued in 1988 not only bar family planning providers from mentioning abortion, they bar physicians and counselors in title X clinics from even referring a woman who asks about abortion to another physician or provider that could address her questions.

Fourth, the regulations would compel family planning providers to choose between offering only Government approved information to pregnant women, or foregoing Federal funds. As more clinics forego Federal funds in order to avoid these restrictive regulations and the possible result of increased exposure to medical malpractice, fewer low-income women will receive critical family planning services. Further, while title X funds often comprise a relatively small percentage of a clinic's total revenues, the regulations prohibit family planning counselors and physicians from discussing abortion as a legal and medical option with all of the clinic's patients, even those who are not receiving services under the title X program.

Let me illustrate this point, Mr. President. In my home State of Rhode Island, virtually all title X funds go to community health centers. Thundermist Community Health Center receives approximately $27,000 in title X funds. The total number of family planning patients served at Thundermist Health Center is 1,600. Of those 1,600, only 216 patients are subsidized by title X funds. Nevertheless, the new title X regulations would force Thundermist to refrain from providing information regarding all legal and medical options to all 1,600 patients, even though 1,383 are non-title X patients.

As a direct result of the regulations, Thundermist Community Health Center, and other family planning providers, must choose between foregoing already limited title X funding or complying with the regulations which will result in increased risk of medical liability and the forced provision of incomplete information to a woman seeking advice about her health care.

Fifth, if family planning providers were to opt out of title X on a large scale, the health of low-income women would be compromised, and the number of unintended pregnancies and abortions would increase. The title X family planning program currently provides services to almost 5 million women, including 1.5 million teenagers. Nonetheless, it is estimated that more than 31 million women remain at risk of an unwanted pregnancy. It is also estimated that for every dollar spent on family planning services, the American taxpayer saves $4 in health and welfare costs. It is imperative that we continue to serve as many women as possible under the family planning program.

For all of these reasons, when the new regulations went into effect in March 1988, lawsuits against HHS were filed in Federal district courts in Colorado, Massachusetts, and New York. Two circuit courts were split on the constitutionality of the title X regulations, and the case went to the Supreme Court, where oral arguments have already been heard. A decision by the Supreme Court is expected this spring.

Mr. President, it is my hope that the Supreme Court will find that the 1988 regulations are unconstitutional, and will overturn them. However, in the event that the Court rules in favor of HHS, I will push for enactment of the Title X Pregnancy Counseling Act of 1991. This legislation would codify the 1981 HHS guidelines and nullify the prohibition against abortion counseling as contained in the 1988 regulations. Simply put, this legislation will allow family planning providers to provide information about how to manage an unintended pregnancy to a woman seeking such information. Such counseling will include information about the entire range of legal, medical options, not just those currently sanctioned by HHS.

Mr. President, the legislation I am introducing today is cosponsored by 31 of my colleagues. Last year, I offered it in the form of an amendment to the title X reauthorization legislation and it was approved by a vote of 62-36. So, you can see, there is a great deal of support for this bill. The Congress intended in title X to expand—not limit—access to health care for poor women, and the Congress will not stand by while its intent is ignored.

Mr. President, as long as abortion is legal in this country, information about it should not be denied to low-income women simply because they cannot afford private health care services. This is a health care issue, Mr. President, not an abortion rights issue. I urge my colleagues to honor the right of a woman to complete information about her health care, regardless of her financial circumstances.•

• Mr. PACKWOOD. Mr. President, I am pleased today to join with Senator CHAFEE and a number of our colleagues, both Democrat and Republican, to introduce the Pregnancy Counseling Act of 1991.

Most Senators are familiar with the subject of this legislation. In the 101st Congress the Senate voted 63 to 35 in favor of the so-called gag rule amendment to the Title X Reauthorization Act. That amendment would have overturned regulations which preclude title X family planning clinics from discussing all of a pregnant woman's medical options with her. Unfortunately, the Title X Reauthorization Act was not enacted by the 101st Congress. The Pregnancy Counseling Act will give the Senate another opportunity to restore title X regulations which reflect the will of the Congress.

Title X of the Public Health Services Act, enacted in 1970, provides for family planning for low-income people in the United States. Title X has been enormously effective, far beyond our expectations. It has served approximately 5 million women each year, providing them with family planning information and services. The cost benefit of these services has been tremendous.

Pursuant to the original authorization bill in 1970, title X funds may not be used, and have never been used, to pay for abortions. The Department of Health and Human Services has repeatedly affirmed that title X providers are in full compliance with this prohibition.

The problem addressed by the Pregnancy Counseling Act is not the title X program itself, which has performed in stellar fashion. The problem is administrative regulations promulgated in

1988 which contravene congressional intent in a critical area of the title X program.

The original Health and Human Services regulations stated that title X funded clinics should offer pregnant women nondirective counseling on all of their options: prenatal care, infant care, foster care of adoption, and pregnancy termination. In 1988, HHS changed the regulations so that medical providers that receive title X funds are prohibited from discussing abortion or providing any abortion information to their patients. The regulations violate the intent of Congress, which has defeated numerous attempts to put similar prohibitions into law. The intent of Congress is reflected in the original HHS regulations which encourage counseling on all options.

The current HHS regulations do not even allow information about pregnancy termination in cases of rape, incest, fetal deformity, or where the life or health of the woman may be endangered by the pregnancy. The regulations even apply to women who pay for all or part of their health care, but who happen to choose a clinic which receives title X funds. The rules create a two-tiered health care system with women receiving more limited care and information from federally funded clinics than women who pursue private health services.

The present prohibitions place health care professionals at risk of committing medical malpractice. A number of courts have found doctors liable who fail to inform patients of alternatives or who do not advise pregnant women when there are risks of fetal deformity.

The Senate has already spoken on this matter: It is time to undo the injustice. I hope my colleagues will join me in enacting into law the Pregnancy Counseling Act of 1991.●

By Mr. HEINZ:

S. 325. A bill to exempt certain members of the Armed Forces of the United States from duty in the Persian Gulf theatre of operations; to the Committee on Armed Services.

EXEMPTION OF CERTAIN ARMED FORCES MEMBERS FROM DUTY IN THE PERSIAN GULF

Mr. HEINZ. Mr. President, as many in this Chamber will recall, during World War II and in other conflicts, the parents of this country have benefited from what has been called the sole survivor regulations of the Department of Defense. These regulations were created and refined during and after World War II, and provided for the removal from combat and imminent danger of anyone whose other siblings had been killed in battle.

Today, however, we have a very different situation than in World War II or the Korean war. We have a volunteer army, in which there are many single parents, and couples who are parents of minor children, serving in the military. And with the growth of that military, in which we have families with both parents in uniform, these regulations have in part been adjusted to take into account these changes and provide for the removal of the surviving spouse should the other be killed. This is as it should be.

Nevertheless, Mr. President, there is still a very serious gap in our policy regarding military families, for there is still no restriction against assigning both parents, or single parents, to the Desert Storm theater.

This, in my view, is creating a situation of unnecessary risk and certainly extreme and very grave anxiety for the minor children of military families.

Today I am proposing legislation which would expand on the sole survivor regulations. Just as we once sought to protect parents from the loss of all their children, which was the original intention of the sole survivor regulations, so we must have appropriate protection for young children who might otherwise lose, in war, both parents or their only parent.

The Desert Storm area is under the threat of missiles and aircraft that could not only attack our men on the front, as they did within the last 24 or 36 hours, but, as we have also seen, attack civilians and support personnel throughout the theater and the Middle East. The threat includes not just conventional weapons, but unconventional weapons such as chemical and gas warfare, disease spread by biological weapons, and even possibly crude nuclear weapons. We have to ensure that we make appropriate provisions for those parents or single parents who wish to be assigned to other military duties where both are currently assigned to potentially deadly hazard and duty.

I say that, Mr. President, because only one bomb or missile loaded with anthrax, one missile carrying nerve gas or nuclear debris, could in a single moment leave only an orphaned child, or many orphaned children.

Consider the example of the May family of Ambridge, PA. Eleven weeks ago, Army reservist Claudiann May gave birth to a baby girl, Brittani. Brittani's dad, Sgt. Jeffrey May, could not be there to welcome his new daughter, because he, like many other young fathers, has been serving in Saudi Arabia on the front for the past 5 months. Soon after Brittani was born, Mrs. May was activated and assigned to a base in San Francisco, where she might next have been readied for deployment to the gulf. The Mays have been asked to make a great sacrifice by leaving their newborn daughter, Mr. President, and I find it unconscionable that we have no provisions in place to assure that young Brittani cannot be made an orphan before she ever knows her parents.

I realize that many will point out that our military is a volunteer military, and that our troops were aware of the risks when they joined. That argument is unassailable among adults, Mr. President, but it is of little comfort to vulnerable children faced with the loss of their family. Few, I think, could have foreseen a war of the scale of the effort against Iraq, in which both mother and father would find themselves in areas of imminent danger. It is hardly just or equitable that we punish our volunteers by pitting the call of duty against the needs of our children.

This legislation, where single or divorced parents are concerned, refers only to cases where there is no other natural parent, or where that parent has been deemed unfit to take custody of the child. The waiver I am proposing would not apply to cases where there is another fit parent or alternative guardian, and I would leave it to the Defense Department to ascertain and adjudicate such cases.

Mr. President, it is not my intention to micromanage the manpower policy of the Pentagon from Capitol Hill. Moreover, I realize that the Defense Department already has in place provisions for reassignment under hardship conditions. Indeed, it is my hope that the Pentagon will revise its hardship rules to accommodate the new realities of war. Ours is a large and flexible military, Mr. President, and I am sure that this can be done without undue strain on the war effort.

This legislation does not require reassignment of those servicemen or women who wish to stay in the Desert Storm theater, but it does allow reassignment of at least one spouse, or the single parent, if desired by the serviceman or woman. In addition, it stipulates that reassignment is at the discretion of the Secretary of Defense, in the hopes that any disruption of military readiness would be minimal.

I ask my colleagues to join me in this effort to alleviate but one burden of the many our young men and women in the gulf already are bearing with such quiet courage and dedication. It is not for the convenience of the individual that I propose this, but to protect our posterity, our children, from being orphaned by an outdated policy that does not take into account the dramatic changes in American society and in the American Armed Forces.

Mr. President, I ask unanimous consent that the text of my bill be printed and that the bill be sent to the desk and referred appropriately.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON ASSIGNMENT TO DUTY IN THE PERSIAN GULF THEATRE OF OPERATIONS OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) Prohibition of Assignment of Single Parent.—(1) On and after the date of the enactment of this Act, a member of the Armed Forces of the United States serving on active duty who is a single parent may not be assigned to duty in the Persian Gulf theatre of operations.

(2) In any case in which a member of the Armed Forces is serving on active duty in the Persian Gulf theatre of operations on the date of the enactment of this Act and such member is a single parent, the Secretary shall ensure that, immediately after that date, the member is reassigned to an area in which the member will not be in imminent danger of being exposed to hostile fire or the explosion of hostile mines.

(3) The Secretary of Defense may waive the requirement of paragraph (2) in the case of any member described in that paragraph if the member submits to the Secretary a written request the requirement be waived with respect to the member.

(b) Prohibition of Assignment of Both Parents.—(1) On and after the date of the enactment of this Act, a member of the Armed Forces of the United States serving on active duty may not be assigned to duty in the Persian Gulf theatre of operations at the same time that another member of the Armed Forces is serving in such theater of operations if such members are the parents of the same minor child or children.

(2) The prohibition in paragraph (1) shall not apply in the case of a member of the Armed Forces who makes a request in writing to serve in the Persian Gulf theatre of operations.

(3) In any case in which a member of the Armed Forces who are the parents of the same minor child or children and both are serving in the Persian Gulf theater of operations on the date of the enactment of this Act, The Secretary of Defense shall ensure that, immediately after that date, at least one of the members is reassigned to an area in which the member will not be in imminent danger of being exposed to hostile fire or explosion of hostile mines.

(4) The Secretary of Defense may waive the requirement of paragraph (3) in the case of any member described in that paragraph if the member submits to the Secretary a written request that the requirement be waived with respect to the member.

(c) Definitions.—In this section:

(A) The term "single parent" means a person who is legally responsible for the support of one or more minor children. A person does not qualify as a single parent of a minor child for purposes of this Act if another parent of the child is living and has not been determined to be unfit or unable to care for the minor child.

(B) The term "minor child" means a person under 18 years of age who is unmarried and is the natural child, stepchild, legally adopted child, or ward of a member of the Armed Forces referred to in subsection (a) or (b).

By Mr. SPECTER:

S. 326. A bill to establish a comprehensive energy conservation program; to the Committee on Energy and Natural Resources.

ENERGY CONSERVATION ACT

Mr. SPECTER. Mr. President, today I am introducing legislation to promote energy conservation and greater efficiency in our use of available energy resources.

Even as armed conflict in the Persian Gulf threatens a severe disruption of the world's oil supplies, our country's consumption of energy has continued to grow despite the uncertainty with respect to the availability and cost of future energy resources.

We know that our very high dependency on Mideast oil has been a triggering factor in the war in the gulf at the present time, although I believe that our real purpose for being there is not the issue of oil and not the issue of jobs, but rather the concern about aggression, the threat to the national security of the United States posed by Iraq and the possibility that it may soon have nuclear weapons, and also our determination to see to it the collective security through the United Nations Resolution 678 is enforced.

So while the oil issue is not the reason we are there, there is no doubt about the fact that our heavy dependence on Mideast oil is highly undesirable.

There have been many proposals, Mr. President, on energy conservation which have been attached to other provisions and complex legislative proposals and there are quite a number of suggestions which could have a very significant impact on conservation which have not been enacted because of the complexity of other provisions which they are attached to.

Late last year, I visited with Mr. George Frampton, the president of the Wilderness Society, who made the point to this Senator that it was unfortunate that a number of sensible and potentially effective energy conservation ideas have gone unnoticed because they have been co-opted by larger, more controversial legislative initiatives.

Mr. Morris Ruffin, a distinguished member of my staff, has been working for the past several months with Mr. Frampton and with others in the Alliance to Save Energy, Mr. Jim Wolf, the Alliance's executive director, in an effort to cull certain key provisions which we feel could be enacted in a relatively prompt way.

One of the proposals comes from Senator WIRTH's global warming bill. I have discussed the matter with Senator WIRTH and have extracted a very good idea he has because it ought to be considered separately from the more complex provisions of Senator WIRTH's bill. Similarly, Senator ROTH had introduced a very unique idea on a clunker bill which would achieve a number of the objectives of the complex CAFE standards bill which we took up last year.

According to recent Department of Energy statistics, if present energy consumption trends continue, the country would need 206 quadrillion Btu in the year 2030, as opposed to present consumption of 86 quadrillion Btu. As a percentage of our gross national product, our energy bill amounts to about 11 percent, whereas the Japanese spend only 5 percent.

Mr. President, I believe that unless we control our demand for energy, we risk putting our economic welfare and security at the whim of those who will control future energy markets.

In the face of such a threat, we can expect to see a variety of legislative initiatives in the 102d Congress aimed at promoting energy conservation. The problem is that although most of us can agree energy conservation is an important objective, there is very little consensus concerning which methods are most appropriate. As with many environmental issues, there is a subtle balance between what is desirable for purposes of promoting energy conservation and what makes practical business and economic sense.

The purpose of the energy conservation bill I am introducing today is not to present a proposal for a comprehensive energy policy that will govern every facet of our domestic energy consumption, but instead to encourage practical conservation practices that could bring about significant near-term results. I discussed the concept for this legislation last November with Mr. George Frampton, the president of the Wilderness Society, who observed that it was unfortunate that a number of sensible and potentially effective energy conservation ideas have either gone unnoticed or have been coopted by larger more controversial legislative initiatives. Accordingly in this bill I have sought, with the assistance of the Alliance to Save Energy, and a yeoman's effort by the Alliance's executive director, Mr. Jim Wolf, to cull the sensible energy conservation proposals from other legislation, broaden its scope, and combine it with a number of new ideas targeted at the Federal Government's energy consumption, the utility industry, the transportation sector, and Federal housing and commercial building regulations.

Mr. President, the Federal Government is the largest single consumer of energy in the United States. Therefore, it seems reasonable to me that any strategy to implement more efficient energy consumption practices should begin with the Federal Government. According to recent Department of Energy statistics, total Federal energy usage has increased by 7 percent in the last 10 years, while at the same time costs have increased from $6.3 billion in 1979 to $8.5 billion by 1988. Furthermore, Department of Energy records show that investment in energy conservation on the part of the Federal Government has decreased from $300 million in fiscal year 1981 to $130 million in fiscal year 1990. The Alliance to Save Energy estmates that in 1989 industry averaged $7,000 in expenditures per building on energy conservation while the Federal Government averaged only $90 per building. The fact of the matter is that Federal agencies have simply been neglecting the much needed modernization and improvements required to achieve greater energy efficiency at Federal facilities.

The legislation I am introducing today will require each Federal agency to submit an energy conservation plan within 1 year of enactment which includes conservation measures that carry a payback of 10 years or less by the year 2000. Each plan shall include an energy use baseline for all of the agency's operations. Additionally, a $500 million revolving fund shall be established to assist Federal agencies in implementation of their plans.

Shared energy savings contracting is another important energy saving measure which I believe the Federal Government should be implementing in all the Federal agencies. This approach is used as a means of procuring energy conservation improvements for Federal buildings and facilities. Shared energy savings contracts work by encouraging the contractor to incur the costs of implementing energy conservation measures at Federal buildings and facilities in exchange for a share of the savings once these measures take effect. This legislation will require all Federal agencies to employ shared energy savings contracting in order to achieve their energy conservation targets.

The bill contains several other provisions geared toward bringing about greater energy savings in the Federal Government. One provision requires each class of Federal fleet cars to maintain the average fuel economy level for that class from the previous 2 years. Another provision requires the Department of Energy to undertake a number of energy conservation R&D demonstration projects at Federal facilities that have received financial assistance from the Federal Government for research and development.

Mr. President, if we are to achieve any meaningful long-term progress in energy conservation the utility industry must be the focus of our effort. Accordingly, I am introducing several provisions in this bill which will serve to require the utility industry to adopt more comprehensive least-cost planning practices. The principal provision draws upon Senator WIRTH's Global Warming Bill introduced July 11, 1990, and requires that rates charged by State-regulated utilities reflect investments in energy conservation that are as profitable as its costs associated with the construction of new generation facilities. After discussing the matter with Senator WIRTH, I have extracted this important provision from the more controversial aspects of this bill in the hope that it can be considered and enacted at an early date.

The bill also requires the Secretary of Energy to report on the implementation of least-cost planning practices and to include detailed information concerning States that do not require least-cost planning. With respect to interstate transfers of power, the bill requires that all filings with the Federal Energy Regulatory Commission [FERC] for approval of an interstate sale of power include a statement by the purchaser that consumption of the sale is the least costly means by which the purchaser can obtain power. I have decided to include this least-cost planning provision in the bill because I consider it to be an important concept which could be adopted relatively easily.

Another measure targets ratepayers themselves and ensures that gross income shall not include the value of any rebate provided by a public utility to a customer for the installation of energy conservation equipment in their homes. To assist ratepayers in making intelligent home improvement purchases, the legislation also requires the Secretary of Energy to establish an insulation value rating system for home and commercial windows and requires that all windows display a label disclosing the rating of the window.

Mr. President, in order to complement energy efficiency improvements in the utility industry, this legislation also includes measures to require the establishment of home energy rating systems and financing incentives to encourage construction of energy efficient homes. The Alliance to Save Energy, of which my distinguished colleagues Senator WIRTH and Senator JEFFORDS are co-chairs, recently did a survey in which they determined that 89 percent of those polled supported a minimum Federal efficiency standard for homes.

A far more controversial aspect of energy conservation is the efforts to achieve better energy efficiency in the transportation sector. Since transportation comprises approximately 28.5 percent of the energy consumption in the United States, it must be an essential part of any serious energy conservation plan. Moreover, transportation, of which 97 percent of the energy consumed is in the form of oil, according to the World Resources Council, now approaches 65 percent of the domestic oil demand. For this reason, oil conservation efforts are usually focused on how the transportation sector, namely the automobile industry, can be encouraged to build more fuel efficient cars.

The controversial issue involved in maintaining high corporate average fuel economy [CAFE] in this country for domestic and international auto manufacturers are being considered in the pending bills. A more limited and less controversial approach for encouraging greater fuel efficiency was set forth in Senator's ROTH's "clunker" bill introduced last year. This bill provides an incentive to take the less fuel efficient older cars out of service in return for a CAFE credit to the manufacturer as the older cars are exchanged for new ones. I have included this approach in the transportation section of this bill, after discussing this matter with Senator ROTH who has not yet reintroduced this legislation, because I believe it will accomplish many of the same objectives of a higher CAFE standard.

Another important provision in the transportation section will require all employers providing free or subsidized parking to their employees to offer them the choice of taking the market value of the subsidy as a cash travel allowance in lieu of the parking subsidy. The parking subsidy will only be exempt from Federal income tax if the employer offers the cash travel allowance.

This bill, Mr. President contains what I believe to be a sensible approach to energy conservation and meets the challenge of finding incentives and penalties which are fair, and which will produce significant long-term results. I urge my colleagues to join me in cosponsoring this important legislation.

I have circulated that bill to a number of interested parties in the executive branch and to a number of my colleagues in the Senate who are considering cosponsoring; but I thought it appropriate to facilitate the bill at this time to give it broader circulation and encourage comments on the substance of these proposals.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the country's consumption of energy has continued to grow consistently despite the growing uncertainty with respect to the availability and cost of future energy sources;

(2) according to a study published in 1987 by Lawrence Berkeley Laboratories, the energy bill of the United States amounts to 11 percent of its gross national product, whereas that of Japan is only 5 percent of its gross national product;

(3) according to Department of Energy statistics, the use of energy by the Federal Government has increased by 7 percent in the last 10 years, while at the same time costs have increased from $6.3 billion in 1979 to $8.5 billion in 1988;

(4) according to the Department of Energy, if present energy consumption trends continue, the Nation would need 206 quadrillion Btu's in the year 2030, as opposed to present consumption of 86 quadrillion Btu's.

(5) according to a report from the World Resources Institute, oil production in the United States, both in the lower 48 States and in Alaska, is falling and is likely to continue declining indefinitely, while oil imports have risen to nearly 50 percent of domestic oil consumption;

(6) according to the Department of Energy, about 80 percent of all the oil wells ever drilled worldwide were drilled in the United States; the chances of finding large new oil fields in the continental United States are slim, and proven oil reserves have dropped by 15 percent over the past decade;

(7) according to the General Accounting Office, oil use for transportation has grown steadily since 1982 and now accounts for an all time peak of 63 percent of United States oil consumption; transportation fuel use represents a 20 percent increase since 1973, and motor vehicles and airplanes will be the hardest hit as petroleum supplies diminish.

(8) according to the World Resources Institute, the average oil well in the United States produces only 13 barrels of oil per day, while in the Middle East, the average well produces more than 2,500 barrels per day, even though there are more than 600,000 producing oil wells in the United States compared with 6,000 in the Middle East;

(9) according to a General Accounting Office report, as of November 1988 only 4 government agencies (the Department of Defense, Department of Energy, Department of Housing and Urban Development, and United States Postal Service) had taken advantage of shared energy savings contracting, a means of procuring energy conservation improvements for Federal buildings and facilities, even though the concept of shared energy savings contracting has the potential to save each agency a significant portion of its energy budget;

(10) according to the General Accounting Office, research and development spending for energy conservation has declined steadily from $428,000,000 in fiscal year 1979 to $129,000,000 in fiscal year 1989, constituting a 69 percent cut; these research and development spending cuts have delayed technology development at the very time that new conservation technology is needed to enhance national security;

(11) according to the General Accounting Office, spending for State and local conservation programs has fallen from $777,000,000 in fiscal year 1979 to $157,000,000 in fiscal year 1989, an 80 percent drop.

(12) according to a report from the National Research Council entitled "Planning for Energy Conservation Research and Development", Federal data on the impact of energy conservation should be collected and published more thoroughly and more frequently in order to provide the information needed to make important policy decisions;

(13) according to the Alliance to Save Energy, of 12,000,000 homes which use oil for heating, only 40 percent have been retrofitted with energy efficient oil burners, even though retrofitting saves an average of 16 percent on energy bills; and

(14) according to the Alliance to Save Energy, only 15 States have a fully developed system in which their utilities use least-cost planning, and only 4 States (California, Massachusetts, New York, and Wisconsin) have instituted regulatory reform to reward utilities for implementing conservation investments.

(b) PURPOSE.—The purpose of this Act is to establish a comprehensive energy conservation program to—

(1) achieve greater efficiency in energy consumption by the Federal Government and in all Federal facilities;

(2) encourage more wide-spread use of least-cost planning in the utility industry and establish a more sensible tax strategy for energy rebates;

(3) establish stricter product and appliance efficiency standards for lighting, windows, and motors;

(4) create a special incentive tax credit to encourage conservation retrofits of oil heating units in homes;

(5) develop Federal guidelines for home energy rating systems and energy efficient mortgages and encourage their use through a technical assistance, education, promotion, and demonstration effort;

(6) establish Federal guidelines for residential energy efficiency ratings and a Federal building labeling program;

(7) provide incentives for consumers to trade in older motor vehicles for newer, more efficient models; and

(8) encourage the use of public transportation.

TITLE I—FEDERAL PROGRAMS

SEC. 101. FEDERAL ENERGY MANAGEMENT PROGRAM.

(a) ESTABLISHMENT OF FUND.—The Secretary of Energy shall establish a Federal Energy Efficiency Fund (referred to as the "fund") to provide financing to enable Federal agencies to install energy conservation measures.

(b) APPLICATIONS FOR FINANCING.—A Federal agency may apply to the fund for financing of energy conservation measures.

(c) ALLOCATION OF FINANCING.—During each quarter of a year, the Secretary of Energy shall allocate financing from the fund on a competitive basis after an assessment of the technical and economic effectiveness of agency proposals.

(d) PRIORITY OF ALLOCATIONS.—In allocating financing from the fund under subsection (c), the Secretary of Energy shall give priority to agency proposals that leverage utility rebates or private financing through shared savings contracts.

(e) ANNUAL REPORT.—The Secretary of Energy shall submit to Congress an annual report detailing the amount of funds allocated to each Federal agency, the measures installed, and the projected energy savings from installed measures.

(f) GUIDELINES.—Not later than June 30, 1992, the Secretary of Energy shall issue guidelines for agency proposals for financing from the fund.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $250,000,000 for fiscal year 1992;

(2) $350,000,000 for fiscal year 1993; and

(3) $500,000,000 for fiscal year 1994.

SEC. 102. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

(a) SUBMISSION OF PROJECT LISTS.—(1) Not later than January 1, 1993, each agency shall submit to the Secretary of Energy a report listing energy conservation projects that will meet a 10-year payback criterion, describing the amount of energy that each project will save and the amount of cost savings that will be realized.

(2) Not later than 180 days after receiving an agency report under paragraph (1), the Secretary of Energy shall submit to the agency a list of all energy conservation measures that could be implemented by the agency.

(b) ALTERNATIVE IMPROVEMENTS.—In cases in which it is possible to install alternative conservation improvements that perform the same task and provide the same energy service as is currently provided, the improvement with the greatest net present value shall be installed.

(c) LIMITATION ON OBLIGATION OF FUNDS.—An agency that does not meet the requirement of subsection (a) shall not obligate any funds in a State where the requirement is not met for the construction or acquisition of a Federal building except for the purpose of meeting the requirement of subsection (a).

(d) DATE FOR SUBSTANTIAL COMPLETION OF PROJECTS.—Subject to the availability of funds, a Federal agency shall, by January 1, 1997, substantially complete—

(A) 25 percent of the projects on the list submitted pursuant to paragraph (3); or

(B) projects that account for 25 percent of the total energy savings projected in that list.

(e) WAIVER.—(1) The Secretary of Energy may waive application of subsection (a) if the Secretary finds that—

(A) an agency is taking all practicable steps to meet the requirement of subsection (a); and

(B) the application of subsection (c) would pose an unacceptable burden on the agency.

(2) The Secretary of Energy shall promptly notify Congress of a waiver made under this subsection.

(f) EXCLUSION IN CASES OF IMPRACTICALITY.—(1) An agency may exclude from the requirements of subsection (a) a Federal building and its associated energy consumption and gross square footage if the head of such agency finds that compliance with the requirements of subsection (a) would be impracticable.

(2) A finding of impracticability shall be based on—

(A) the energy insensitiveness of activities carried out in a building;

(B) the type and amount of energy consumed;

(C) the technical feasibility of making the desired changes; and

(D) the unique character of a facility operated by the Department of Defense or Department of Energy.

(3) Each agency shall identify and list in its report made under subsection (a)(1) the Federal buildings designated for exclusion under paragraph (1).

(4) The Secretary of Energy shall review findings made under paragraph (1) for consistency with the impracticability standards set forth in paragraph (2), and may, not later than 90 days after receipt of such a finding, overrule it, in which case the agency shall comply with the requirement of subsection (a) with respect to the building in question.

(g) APPLICATION OF SECTION.—This section does not apply to—

(1) an agency's facilities that generate or transmit electric energy; or

(2) the uranium enrichment facilities operated by the Department of Energy.

SEC. 103. SHARED ENERGY SAVINGS CONTRACTS.

(a) CONTINUED AVAILABILITY OF APPROPRIATIONS.—Two-thirds of the portion of the funds appropriated to a Federal department, agency, or instrumentality for a fiscal year after fiscal year 1991 that is equal to the amount of energy cost savings realized by the agency, including financial benefits resulting from shared energy savings contracts and financing incentives described in paragraph (3)(B), shall remain available for obligation for purposes described in paragraph (2) through the end of the following fiscal year without additional authorization or appropriation.

(b) Use of Appropriations.—The amount that shall remain available for obligation in a fiscal year following the fiscal year for which it was appropriated under subsection (a) shall be used as follows:

(1) One-half of the amount shall be used to implement additional energy conservation measures at such buildings, facilities, or installations as the head of the department, agency, or instrumentality that realized the saving may designate in accordance with regulations prescribed by the Secretary of Energy.

(2) One-half of the amount shall be used at the building, facility, or installation at which the savings were realized, as determined by the Secretary or the Administrator at the General Services Administration or commanding officer of that building, facility, or installation consistent with applicable law, for—

(A) improvements to existing military family housing units;

(B) any unspecified minor construction project that will enhance the quality of life of agency personnel; or

(C) any morale, welfare, or recreation facility or service.

(c) Energy Management Programs.—Each Federal department, agency, and instrumentality may, and is encouraged to—

(1) participate in programs conducted by gas and electric utilities for the management of energy demand or for energy conservation;

(2) accept any financial incentive that is generally available from any such utility to adopt technologies and practices that the Secretary of Energy determines are cost-effective for the Federal Government; and

(3) enter into negotiations with electric and gas utilities to design special energy demand management and conservation incentive programs to address the unique needs of Federal facilities.

(d) Method of Contracting.—(1) The Secretary of Energy shall develop a simplified method of contracting for shared energy savings contract services that will—

(A) accelerate the use of such contracts; and

(B) reduce the administrative effort and cost on the part of the Government as well as of the private sector.

(2)(A) In carrying out paragraph (1), the Secretary of Energy may—

(i) request annual statements of qualifications prescribed by the Secretary of Energy, including financial and performance information from firms engaged in providing shared energy savings contracting;

(ii) designate, based on statements received under clause (i), firms that are presumptively qualified to provide shared energy savings services;

(iii) select at least 3 firms from among firms designated under clause (ii) to conduct discussions concerning a particular energy conservation project proposed by any agency, including the submission of a technical and price proposal from the firms; and

(iv) select the firm that is most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary of Energy determines to be fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

(B) In carrying out subparagraph (A), the Secretary of Energy may provide for the direct negotiation by a Federal department, agency, and instrumentality, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

(e) Financial Bonus Program.—(1) The Secretary of Energy shall establish a financial bonus program to reward outstanding energy managers at Federal buildings, facilities, and installations.

(2) The Secretary of Energy shall annually make no less than 10 and no more than 100 individual cash bonus awards in the amount of $2,500 or more.

(3) The Secretary of Energy shall promulgate procedures for the award program under this subsection no later than June 30, 1992.

(4) Criteria for selecting outstanding energy managers shall include their ability in procuring shared energy saving contracts and the amount of energy saved in their conservation projects.

(5) The Secretary of Energy shall publish and disseminate to Federal agencies an annual report highlighting the achievements of award winners under this subsection.

SEC. 104. PURCHASE OF FEDERAL VEHICLES.

The Administrator of the General Services Administration shall ensure that average fleet fuel efficiency of vehicles in each class purchased by the General Services Administration is at least equal to the average fuel economy level for that class in the previous model year.

SEC. 105. DEMONSTRATION OF ENERGY EFFICIENCY TECHNOLOGIES.

(a) Establishment of Program.—Not later than January 1, 1992, the Secretary of Energy shall establish a program to demonstrate energy efficiency technologies at Federal facilities that have received financial assistance from the Federal Government for research and development.

(b) Minimum Number of Technologies To Be Demonstrated.—The Secretary shall annually select at least 3 energy efficiency technologies to demonstrate at Federal facilities.

(c) Report.—The Secretary of Energy shall prepare and disseminate a report that includes an evaluation of each energy efficiency technology that is the subject of a demonstration under this subsection, outlining its technical and economic effectiveness.

(d) Statistical Reliability.—A demonstration of energy efficiency technology shall include a sufficient number of applications to permit statistically reliable evaluation of results based on the technology's application in various climates and building situations.

TITLE II—UTILITIES

SEC. 201. REPEAL OF TAX ON UTILITY REBATES.

(a) Amendment of Internal Revenue Code.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended—

(1) by redesignating section 136 as section 137; and

(2) by inserting after section 135 the following new section:

"SEC. 136. ENERGY AND WATER CONSERVATION SUBSIDIES.

"(a) General Rule.—Gross income shall not include the value of any subsidy provided by a public utility to a customer for the purchase or installation of any energy conservation measure.

"(b) Denial of Double Benefit.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure to the extent of any subsidy excluded under subsection (a) which was provided with respect to such expenditure. The adjusted basis of any property shall be reduced by the amount of any subsidy excluded under subsection (a) which was provided with respect to such property.

"(c) Energy Conservation Measure.—For purposes of this section, the term 'energy conservation measure' means—

"(1) any residential energy conservation measure described in section 210(11) of the National Energy Conservation Policy Act (42 U.S.C. 8211(11)),

"(2) any commercial energy conservation measure described in section 710(b)(5) of the National Energy Conservation Policy Act (as in effect on the day before the date of the enactment of the Conservation Service Reform Act of 1986), and

"(3) any specially defined energy property (as defined in section 48(l)(5) of this title, as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990).

"(d) Public Utility.—For purposes of this section, the term 'public utility' means any person, corporation, State agency or local unit of government, or Federal agency engaged in the sale of electrical energy or gas.".

(b) Technical Amendment.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 136 and inserting:

"Sec. 136. Energy conservation subsidies.

"Sec. 137. Cross reference to other Acts.".

(c) Effective Date.—The amendments made by this section shall apply to amounts received after the date of enactment of this Act.

SEC. 202. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES AND STUDY OF CERTAIN STATE RATEMAKING POLICIES.

(a) Amendment of PURPA.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end thereof the following new paragraph:

"(7) Encouragement of Investments in Conservation and Energy Efficiency Resources.—(A) The rates allowed to be charged by a State-regulated electric utility shall be such that the utility's investments in and expenditures for energy conservation, energy efficiency resources, and other demand side management measures are as profitable as its investments in and expenditures for the construction of new generation facilities.

"(B) For purposes of implementing subparagraph (A), any reference contained in this title to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of this paragraph.".

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the President and to the Congress containing—

(1) a report on all State laws, regulations, practices, and policies under which State regulatory authorities require least-cost planning by electric utilities subject to their jurisdiction, including detailed information concerning States that do not require least-cost planning;

(2) an evaluation by the Secretary of Energy concerning whether and to what extent least-cost planning is likely to result in—

(A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers;

(B) enhanced or reduced reliability of electric service; and

(C) increased or decreased dependence on particular energy resources; and

(3) an evaluation by the Secretary of Energy concerning whether and to what extent ratemaking methodologies implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) Approval of Sales of Power.—(1) On and after the date that is 1 year after the date of enactment of this Act, the Federal Energy Regulatory Commission shall not, except in a case of emergency, take any action the effect of which would be to approve an interstate sale or transfer of electric power under a contract of 2 years' duration or longer by a seller or transferor that is a utility on which a State regulatory authority imposes a requirement to adopt a least-cost plan unless the seller or transferor has in effect a least-cost plan in conformance with that requirement.

(2) On and after the date that is 1 year after the date of enactment of this Act, the Federal Energy Regulatory Commission shall require that an application for any action the effect of which would be to approve an interstate sale or transfer of electric power be accompanied by a statement by the purchaser or transferee that consummation of the sale or transfer is the least costly means by which the purchaser or transferee can obtain the power.

(d) Definition.—For the purposes of this section, the term "least-cost plan" means a standard, regulation, practice, or policy imposed by a State regulatory agency on an electric utility within its jurisdiction that requires the utility to take or consider taking an action that affects or achieves the conservation of energy resources by the utility in order to provide adequate and reliable service to its customers at the lowest achievable cost.

SEC. 203. LEAST-COST PLANNING BY THE TENNESSEE VALLEY AUTHORITY AND BY UTILITIES THAT PURCHASE POWER FROM THE WESTERN AREA POWER ADMINISTRATION.

(a) Tennessee Valley Authority.—Not later than 1 year after the date of enactment of this Act, the Tennessee Valley Authority shall adopt a least-cost plan.

(b) Western Area Power Administration.—On and after the date that is 1 year after the date of enactment of this Act, the Western Area Power Administration shall not, except in case of emergency, sell power to a purchaser that does not have in effect a least-cost plan.

(c) Definition.—For the purposes of this section, the term "least-cost plan" means a standard, regulation, practice, or policy by which an electric utility considers actions (including the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand side management measures) to provide adequate and reliable service to its electric consumers with the incurrence of lowest costs by the utility and its customers.

SEC. 204. ENERGY CONSERVATION STANDARDS AND LABELING.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall—

(1) devise a plan for implementation of energy conservation standards that will result in the issuance of standards within 3 years for consumer and commercial lighting, distribution transformers, and small package heating, ventilating, and air conditioning systems; and

(2) devise a plan for implementation of an insulation value rating system that will result in the establishment of such a system for home and commercial windows and require that all windows display a label disclosing the rating of the window.

TITLE III—BUILDINGS AND HOUSING

SEC. 301. TAX CREDIT FOR RETROFIT OF HOME OIL HEATERS.

(a) Amendment of Internal Revenue Code.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. OIL RETROFIT CONSERVATION CREDIT.

"(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified oil retrofit conservation expenditures.

"(b) Dollar Limitation.—The amount of the credit under subsection (a) shall not exceed the excess (if any) of—

"(1) $100 ($50 in the case of a married individual filing a separate return), over

"(2) the aggregate amount of the credits allowed under subsection (a) for all preceding taxable years.

"(c) Qualified Oil Retrofit Conservation Expenditure.—For purposes of this section—

"(1) In general.—The term 'qualified oil retrofit conservation expenditure' means an expenditure by the taxpayer for the installation of an oil retrofit component in or on a dwelling unit which—

"(A) is located in the United States, and

"(B) which is used as a principal residence by the taxpayer.

"(2) Oil retrofit component.—The term 'oil retrofit component' means an item—

"(A) which is a flame retention replacement burner for an oil burner or a similar item specified by the Secretary as using comparable conservation technologies,

"(B) the original use of which begins with the taxpayer, and

"(C) which can reasonably be expected to remain in operation for at least 3 years.

"(3) Specification of items.—The Secretary, after consultation with the Secretary of Energy, shall prescribe performance and quality standards, and procedures, for the specification of items as oil retrofit components.

"(d) Special Rules.—For purposes of this section—

"(1) When expenditures made; amount of expenditures.—

"(A) In general.—Except as provided in subparagraph (B), an expenditure with respect to an item shall be treated as made when original installation of the item is completed.

"(B) Amount.—The amount of any expenditure shall be the cost thereof.

"(2) Principal residence.—The determination of whether or not a dwelling unit is a taxpayer's principal residence shall be made under principles similar to those applicable to section 1034, except that—

"(A) no ownership requirement shall be imposed, and

"(B) the period for which a dwelling is treated as the principal residence of the taxpayer shall include the 30-day period ending on the first day on which it would (but for this subparagraph) be treated as his principal residence.

"(3) Property financed by subsidized energy financing.—

"(A) Reduction of qualified expenditures.—For purposes of determining the amount of qualified oil retrofit conservation expenditures made by any individual with respect to any dwelling unit, there shall not be taken into account expenditures which are made from subsidized energy financing.

"(B) Subsidized energy financing.—For purposes of subparagraph (A), the term 'subsidized energy financing' means financing provided under a Federal, State, or local program a principal purpose of which is to provide subsidized financing for projects designed to conserve or produce energy.

"(4) Dollar amounts in case of joint occupancy.—In the case of any dwelling unit which is jointly occupied and used during any calendar year as a principal residence by 2 or more individuals—

"(A) the amount of the credit allowable under subsection (a) by reason of expenditures made during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all of such individuals as one taxpayer whose taxable year is such calendar year; and

"(B) there shall be allowable with respect to such expenditures to each of such individuals a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount of such expenditures made by such individual during such calendar year bears to the aggregate of such expenditures made by all of such individuals during such calendar year.

"(5) Tenant-stockholder in cooperative housing corporation.—In the case of an individual who is a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual shall be treated as having made his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures of such corporation.

"(6) Condominiums.—

"(A) In general.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having made his proportionate share of any expenditures of such association.

"(B) Condominium management association.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of paragraph (1) of section 528(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

"(7) Joint ownership of energy items.—Any expenditure otherwise qualifying as a qualified oil retrofit conservation expenditure shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

"(e) Basic Adjustments.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

"(f) TERMINATION.—No credit shall be allowed under this section for taxable years beginning after December 31, 1994.".

(b) TECHNICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Oil retrofit conservation credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 302. GUIDELINES FOR VOLUNTARY RESIDENTIAL ENERGY EFFICIENCY RATING SYSTEMS.

(a) PROMULGATION OF GUIDELINES.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Housing and Urban Development, shall by rule promulgate guidelines for energy efficiency ratings of new and existing residential buildings.

(b) PROHIBITION.—After the guidelines described in subsection (a) are promulgated, it shall be unlawful for a seller, contractor, or other person involved in the construction or sale of a residence or residential improvement to make a representation to a buyer or prospective buyer concerning the energy efficiency of the residence or improvement that is inconsistent with the guidelines.

(c) CONTENTS OF GUIDELINES.—The guidelines described in subsection (a) shall—

(1) establish a uniform scale for measuring the energy efficiency of residential buildings, providing for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis;

(2) establish requirements and procedures for certifying the accuracy of building energy ratings and energy savings from building retrofits, making allowance for the differences between rating systems capable of rating a wide range of buildings and certification systems that prescribe a limited set of energy efficiency features;

(3) establish residential energy efficiency labeling requirements, covering both format and content of such labels, which at a minimum provide for the reporting of—

(A) the numerical energy rating prescribed under paragraph (1);

(B) the estimated annual heating and cooling costs for a building; and

(C) the energy performance of the components of a building envelope (including walls, windows, ceilings, roofs, doors, floors, and overall air infiltration rate) and heating and cooling systems;

(4) set forth a specific schedule and procedures for achieving compliance with the guidelines, include alternative methods of compliance to accommodate local needs;

(5) establish data collection and reporting requirements for organizations that operate energy efficiency rating systems, making provision for administrative support of such data reporting;

(6) facilitate the use of energy efficiency ratings in conjunction with the financial incentives offered under energy efficient mortgage programs, consistent with and supportive of the uniform plan for mortgage financing incentives called for in section 946 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12712 note); and

(7) establish a model residential energy efficiency rating system described in subsection (e).

(d) CREDITING OF RENEWABLE ENERGY USAGE.—For purposes of the guidelines described in subsection (c), a residential building that includes heating, cooling, or hot water systems operated directly by renewable energy sources shall be permitted to have its direct renewable energy usage credited toward the energy efficiency rating of the building.

(e) NONSUPERSEDANCE OF MODEL RATING SYSTEM.—The model residential energy efficiency rating system established under subsection (c)(7) shall not supersede local energy efficiency rating systems, but shall be used in technical assistance efforts to help illustrate the guidelines and be made available for optional use, at no charge, to State and local organizations seeking to establish residential energy efficiency rating programs.

(f) ASSISTANCE PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall establish a 5-year program to provide technical and financial assistance to State and local organizations seeking to establish residential energy efficiency rating systems.

(g) THRESHOLD FOR FEDERAL MORTGAGE PROGRAMS.—(1) Not later than 6 months after the date on which guidelines are promulgated pursuant to subsection (a), the Secretary of Energy shall establish the energy efficiency rating that represents the minimum degree of energy efficiency that a residence shall have in order for a loan, mortgage, or advance on the residence to qualify for Federal mortgage assistance.

(2) After the Secretary of Energy establishes a minimum degree of energy efficiency pursuant to paragraph (1), a Federal agency may not make, insure, or guarantee any loan, mortgage, or advance under the programs described in paragraph (3) to finance the construction or acquisition of a one-to-four-family dwelling that does not have the minimum degree of energy efficiency specified by the Secretary of Energy.

(3) The programs referred to in paragraph (2) are—

(A) mortgages insured under title II of the National Housing Act;

(B) loans under title V of the Housing Act of 1949; and

(C) loans or mortgages insured or guaranteed under chapter 37 of title 38, United States Code.

(4) The Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Veterans Affairs shall develop a program to inform prospective homebuyers of—

(A) the benefits of energy efficient residences; and

(B) the availability of energy efficient mortgage programs and of any other special financing incentives to achieve energy efficiency.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $750,000 for fiscal year 1992 for development of the guidelines described in subsection (a),

(2) $5,000,000 for fiscal years 1993, 1994, 1995, 1996, and 1997 for technical and financial assistance to State and local organizations; and

(3) $400,000 to support data collection and analysis on buildings that receive energy efficiency ratings under the guidelines.

SEC. 303. COMMERCIAL AND INSTITUTIONAL BUILDINGS; STATE AND LOCAL BUSINESS CODE IMPROVEMENT AND INCENTIVE PROGRAMS.

(a) REPORT RECOMMENDING IMPROVED ENERGY EFFICIENCY STANDARDS.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall issue a report recommending to State and local governments improved commercial building energy efficiency standards for adoption in their building codes.

(2) The report described in paragraph (1) shall—

(A) review the state of the art in commercial and institutional building energy efficiency standards and model codes; and

(B) address issues in commercial building energy performance, including—

(i) building science and engineering principles;

(ii) emerging commercial building design methods and technology;

(iii) energy auditing and performance monitoring methods;

(iv) building commissioning procedures; and

(v) training and education for owners and operators.

(b) TECHNICAL ASSISTANCE PROGRAM.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall initiate a 3-year technical assistance program to promote adoption of the standards recommended under subsection (a) in State and local building codes.

(2) The program described in paragraph (1) shall—

(A) provide technical and implementation assistance for the adoption of the recommended standards; and

(B) include at least 6 educational and technical assistance projects in the form of regional workshops and conferences concerning the effective application of the recommended standards and the overall topic of improving energy efficiency in commercial buildings.

(3) At the completion of the program described in paragraph (1), the Secretary of Energy shall produce a report on the results and planned follow-up of the program.

(c) REPORT ON IMPLEMENTATION OF RECOMMENDED STANDARDS.—Not later than 4 years after the date of enactment of this Act, each State shall submit a report on the status of incorporation of the recommended standards in State and local building codes.

(2) A State that fails to incorporate the standards recommended under subsection (a) in State building codes shall detail in the report the reasons for not incorporating them.

(d) MODEL INCENTIVES.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall develop model incentives for increasing energy efficiency in commercial buildings beyond the levels established in the standards recommended under subsection (a).

(2) The model incentives described in paragraph (1) shall be field tested in at least 4 States, in cooperation with the building industry, utilities, State utility regulatory commissions, State energy offices, professional organizations, and nonprofit groups.

(3) Not later than 3 years after the date of enactment of this Act, the Secretary of Energy shall issue a report on commercial building energy efficiency incentives, which shall include recommendations for State and local governments, utilities, and other parties on the effective use of the model incentives.

(4) The Secretary of Energy shall use the report described in paragraph (3) to promote the use of the model incentives nationwide.

(e) TASK FORCE.—(1) The Secretary of Energy shall establish a task force to—

(A) assist in the development of the program;

(B) seek consensus on its recommendations; and

(C) review program results.

(2) The task force established pursuant to paragraph (1) shall include representatives of—

(A) the building construction industry including architects, engineers and developers;

(B) professional and building trade associations;

(C) building scientists;

(D) nonprofit groups concerned with energy efficiency in buildings;

(E) utilities;

(F) manufacturers and installers of energy efficient materials and systems;

(G) the financial community;

(H) code officials; and

(I) commercial building owners, operators, and managers.

(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $1,500,000 for fiscal year 1992;

(2) $2,500,000 for fiscal year 1993; and

(3) $2,000,000 for fiscal year 1994.

TITLE IV—IMPROVEMENT OF INDUSTRIAL AUDITS AND VOLUNTARY GUIDELINES FOR INDUSTRIAL INSULATION

SEC. 401. RECOMMENDATIONS FOR IMPROVEMENT OF ENERGY AUDITING.

Not later than December 31, 1992, the Secretary of Energy shall, in conjunction with the development of guidelines described in section 402, review the status of industrial energy auditing procedures and make recommendations for improvement as appropriate.

SEC. 402. GUIDELINES FOR INDUSTRIAL INSULATION.

(a) In General.—The Secretary of Energy shall, out of appropriated funds available to carry out this section, provide financial assistance to support a voluntary national program to devise guidelines for industrial insulation that reflect the economic, national security, and environmental benefits that can be achieved by appropriate levels of insulation.

(b) Consultation.—The guidelines described in subsection (a) shall be developed and issued by a nonprofit organization selected by the Secretary of Energy in consultation with—

(1) manufacturers, suppliers, and installers of insulation;

(2) utilities; and

(3) major industrial energy users.

(c) Date of Issuance of Guidelines.—The Secretary of Energy shall issue the guidelines described in subsection (a) not later than December 31, 1992.

SEC. 403. EDUCATION AND TECHNICAL ASSISTANCE.

The Secretary of Energy shall conduct a program of education and technical assistance concerning the auditing procedures described in section 401 and guidelines described in section 402.

SEC. 404. REPORT.

The Secretary shall transmit, by December 31, 1994, a report to the Congress detailing the guidelines and recommended changes in audit procedures by December 31, 1992, and shall transmit a report detailing the educational and technical assistance provided, an evaluation of its effectiveness, and the responsiveness of the industrial sector to the guidelines.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section not more than $750,000 for each of the fiscal years 1992, 1993, and 1994.

TITLE V—INTERNATIONAL MARKET ASSESSMENTS AND EXPORT PROMOTION

SEC. 501. MARKET ASSESSMENTS.

(a) Annual Report.—The Secretary of Energy shall annually issue a report on at least 3 countries detailing the market potential for energy efficiency technologies.

(b) Contents of Report.—The report described in subsection (a) shall include an evaluation of the potential market size for specific technologies and policy and program developments in the countries that would promote the adoption of those technologies.

SEC. 502. RESEARCH AND PROGRAM DEVELOPMENTS IN INDUSTRIAL COUNTRIES.

(a) Biannual Report.—The Secretary of Energy shall biannually issue a report on the research and programs of major industrialized countries to promote the development and adoption of energy efficiency technologies.

(b) Contents of Report.—The report described in subsection (a) shall—

(1) indicate which energy efficiency technologies are receiving priority from other countries;

(2) detail how the funding levels of support for energy efficiency technologies compare to other areas of funding for energy technologies;

(3) propose policy or program initiatives to accelerate the adoption of specific energy efficiency technologies in those countries; and

(4) describe the nature and amount of assistance that is provided to manufacturers of energy efficiency technologies to help export their products.

SEC. 503. TRADE MISSIONS.

(a) In General.—The Secretary of Energy shall sponsor and conduct trade missions to countries that are identified as good markets for energy efficiency technologies.

(b) Minimum Number of Trade Missions.—The Secretary of Energy shall conduct at least 2 trade missions during each of fiscal years 1992, 1993, and 1994.

SEC. 504. TRAINING AND TECHNICAL ASSISTANCE.

The Secretary of Energy shall conduct a program of training and technical assistance to assist other countries in policy design and program development to accelerate the adoption of energy efficiency technologies.

SEC. 505. EVALUATION REPORT.

During 1994 the Secretary of Energy shall submit a report to the Congress on the implementation of this title, containing an evaluation of the program, and recommendations for change or improvement.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) $2,000,000 for fiscal year 1992;

(2) $2,500,000 for fiscal year 1993; and

(3) $3,000,000 for fiscal year 1994.

TITLE VI—TRANSPORTATION

SEC. 601. REMOVAL OF CERTAIN MODEL YEAR VEHICLES FROM USE.

Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended by adding at the end the following new section:

"REMOVAL FROM SERVICE OF CERTAIN MOTOR VEHICLES

"Sec. 513. (a) Prior to the expiration of the 90-day period following the date of the enactment of this section, the Secretary shall issue such regulations as may be necessary to establish and implement a program encouraging the removal from use and the marketplace of motor vehicles manufactured prior to model year 1980.

"(b) Such program shall provide that any motor vehicle dealer who receives, as a trade-in on the sale by such dealer of a new motor vehicle, a motor vehicle of a model year prior to model year 1980, may remove such motor vehicle from use and the marketplace.

"(c) Such regulations shall further provide that upon certification by the motor vehicle dealer to the Secretary that the engine block and the chassis of the motor vehicle have been removed from use and the marketplace and destroyed in accordance with such program, the manufacturer of the new motor vehicle shall receive a credit to its corporate average fuel economy. Such credit shall equal the difference between the fuel economy of the new motor vehicle, and the motor vehicle removed from use and the marketplace.

"(d) Regulations under this section shall require proof from the motor vehicle dealer that the motor vehicle was destroyed in accordance with the regulation, and that the vehicle's identification number was removed from the registration list of the appropriate State or States.

"(e)(1) Such regulations under this section shall require the motor vehicle manufacturer to calculate and transmit to the Secretary the financial value per gallon credit.

"(2) No later than 30 days after receipt of the calculations under paragraph (1), the Secretary shall—

"(A) review and approve such calculations to determine if they are in accordance with regulations; and

"(B) if approved under subparagraph (A), publish such calculations in the Federal Register.

"(f) Such regulations shall require—

"(1) the motor vehicle manufacturer to rebate the financial value to an individual who traded in a motor vehicle of a model year prior to 1980 described under subsection (b);

"(2) that an individual trading in a motor vehicle shall have evidence that such vehicle has been registered and in use for 1 year prior to the date of trade-in; and

"(3) that an individual who purchases a new motor vehicle and certifies that the motor vehicle of a model year prior to 1980 was not traded in but was destroyed, shall receive such financial value.

"(g) Any person violating a regulation promulgated under this section shall be subject to a civil penalty assessed by the Secretary in an amount not to exceed $2,000.

"(h) No credits shall be given under this section on or after January 1, 1994.".

SEC. 602. DEDUCTIBILITY OF EMPLOYER-PROVIDED PARKING SPACE.

(a) Amendment of Internal Revenue Code.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

"(m) No Deduction for Parking Expenses Unless Employer Provides Cash Alternative.—

"(1) In general.—No deduction shall be allowed under this chapter for any amount paid or incurred by an employer in connection with the providing of a parking subsidy to any employee unless the employer provides the parking subsidy pursuant to an arrangement under which the employee may elect, in lieu of a parking subsidy, to receive cash or a mass transit, car pool, or van pool subsidy in an amount equal to the fair market value of such parking subsidy.

"(2) DEFINITION.—For purposes of this subsection, the term 'parking subsidy' includes the direct and indirect cost to an employer of providing a parking space to an employee, not including any amount paid by the employee.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning with the third taxable year beginning after the date of enactment of this Act.

By Mr. BOREN (for himself, Mr. BINGAMAN, Mr. D'AMATO, Mr. DECONCINI, Mr. EXON, Mr. FORD, Mr. GORTON, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. SARBANES, Mr. PELL, Mr. SHELBY, Mr. HEFLIN, Mr. SIMON, Mr. GRAHAM, Mr. NICKLES, and Mr. REID):

S. 327. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war; to the Committee on Veterans Affairs.

PRISONERS OF WAR OUTPATIENT MEDICAL SERVICES

• Mr. BOREN. Mr. President today I am introducing my legislation to clarify the statute defining eligibility of veterans for medical treatment by the Department of Veterans Affairs. This bill amends section 612a(a)(1) of title 38 United States Code to ensure that all former prisoners of war receive outpatient care.

This is the same bill that I introduced last year. It, too, was a casualty of the same dispute in the waning days of the 101st Congress that delayed the cost-of-living increase for veterans and their dependents.

The development of medical treatment policy for POW's has been a long, arduous process, but in recent years it has grown into a comprehensive system meeting most of their needs. For example, in determining service connection, former POW's are given the benefit of every reasonable doubt because of the obvious lack of records. This has made it easier to assess severe physical and mental damage from brutality, torture, hunger, and disease.

Now more than ever, we need to make a commitment to former prisoners of war. Operation Desert Storm reminds us once again of the pain and suffering endured by our POW's. Clearly, this pain—the uncertainty and the burtality of the imprisonment—caused by an enemy force does not vanish upon release but remains throughout life. We owe special consideration to those who are imprisoned while fighting for the United States, and it is our obligation to provide health care to our POW's who suffered for love of their country.

My bill will correct a problem arising from Public Law 100-322 which guarantees inpatient care to POW's but restricts outpatient care to those with 50 percent or more disability.

In a hearing last year on this bill, I said that every man and woman entering the military must be assured that their Government is committed to their well-being. Mr. President, it is even more critical during these days of Operation Desert Storm to stand behind our troops.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, as follows:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF FORMER PRISONERS OF WAR TO RECEIVE OUTPATIENT MEDICAL SERVICES FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 612(a)(1) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of clause (B);

(2) by striking out the period at the end of clause (C) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(D) to any former prisoner of war for any disability.".

By Mr. PELL (for himself, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. DODD, Mr. SIMON, Mr. COCHRAN, Ms. MIKULSKI, Mr. JEFFORDS, Mr. METZENBAUM, Mr. BINGAMAN, Mr. BUMPERS, Mr. BOREN, and Mr. KERRY):

S. 329. A bill to strengthen the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL TEACHER ACT

• Mr. PELL. Mr. President, today I am introducing a very important piece of legislation. The National Teacher Act is a modest, but critically important bill designed to attract more talented individuals into teaching and to provide better programs of inservice education to those already in the classroom. The provisions of this bill are those which were approved by the full Committee on Labor and Human Resources last year.

The legislation was developed in the bipartisan spirit that is the hallmark of so many of the education bills reported to the Senate floor. In that regard, I am particularly grateful for the close and cooperative work of the ranking minority member of our subcommittee, Senator KASSEBAUM, and her staff for the many hours of long, hard work that have gone into this bill.

I am also grateful for the leadership of our committee chairman, Senator KENNEDY, for it is his concern in this area that has spurred us to push ahead and to reintroduce this legislation.

Finally, I want to thank all of my colleagues on both sides of the aisle. Partisanship has had no part in this bill. Our goal has been a common one: To set forth a series of programs to improve the quality of teaching in America. We have worked on this legislation together and we are unified in believing that it is important that we act in this area.

The need for this legislation is without question. In just 2 years, 1993, we will need an additional 200,000 teachers. By the year 2000, we will need an additional 300,000 math and science teachers alone. We also face an aging teacher force in which fully one-half of all teachers will reach retirement age by the end of this decade.

The teacher shortage problem is particularly acute among minorities. The numbers of blacks who want to become teachers is declining. Today they make up only 6.9 percent of the teaching force, but that will drop to 5 percent by the end of this decade. At the same time, the percentage of minorities in our school population is increasing dramatically.

We must attract more and better teachers into the profession, and we must make sure that their talents are sharpened while they are in the classroom. This legislation seeks to do just that.

In the area of teacher recruitment, title I, we seek to alleviate the teacher shortage through four programs.

First, for individuals who enter the teaching profession in areas of teacher shortage, areas such as mathematics, science, and foreign languages, we provide for the forgiveness of loans taken out during the junior and senior years of college. If individuals agree to teach for 5 years in a school with a large concentration of poor children, their loan obligation would be forgiven.

This means forgiving as much as $8,000 in loans. That, we believe, should serve as a strong incentive to bring more young people into the teaching profession. This provision would apply to new borrowers and would take effect in the 1992-93 school year.

A second part of our teacher recruitment efforts is an expansion of the current Paul Douglas Scholarship Program. This is a highly successful program, and with a modest increase in both authorizations and appropriations we can do much to bring more of the best and the brightest into teaching. This matter is a major concern to my friend and colleague, PAUL SIMON, and I am very glad his proposal is a part of this legislation.

The third aspect of teacher recruitment addressed in this amendment is the creation of a new Teacher Corps Program. This program stresses the recruitment of minorities and provides a teacher scholarship in exchange for 5 years of teaching in a school with a heavy concentration of poor students. This proposal was at the heart of the teacher legislation authored last year by Senator KENNEDY.

Also included in the legislation before us is a proposal by Senator BOREN to establish a national foundation to supplement assistance under the Douglas Scholarship and Teacher Corps Programs or to provide help to other highly qualified students. Assistance would be given first to those eligible for a Stafford loan. This not only introduces an element of need to the foundation scholarships but also indicates our desire that the program be utilized to help curtail student indebtedness that has become all too prevalent in our society because of the inadequacy of our grant programs and the increased need for many students to borrow to pay for a college education.

The bill would authorize up to $15 million to establish the foundation scholarship program, and that $15 million would have to be matched dollar for dollar by the private sector. The idea is an intriguing and interesting one, and I am very glad to have had Senator BOREN's help in this area.

Fourth, to help address the severe shortage of foreign language teachers, we have included a program based on proposals by Senator DODD and Senator JEFFORDS. This provision seeks to upgrade and expand foreign language instruction in our Nation's schools through cooperative arrangements involving an institution of higher education, a secondary school with a strong foreign language program, and a secondary school with a sizable concentration of chapter I eligible children.

Title II is concerned with teacher enhancement, or improving the skills of those already in the classroom. The establishment of up to 10 national teacher academies is the first of the three major programs established in this title. These national academies are patterned after the highly successful and acclaimed NSF summer institutes and would provide master teachers a unique opportunity to upgrade their skills and add depth to the subject matter they teach.

The national teacher academies would be established in a series of critical areas, which include basic skills and literacy instruction; civics and government; the National Writing Project; mathematics; foreign languages; history, geography, and sociology; economics; life sciences; physical sciences; and the arts, including art, music, and the performing arts. The National Writing Project is an outstanding program that Senator COCHRAN has championed and I am very glad we could accommodate his interests.

The bill would also establish professional development schools in as many States and congressional districts as funding would allow. These schools, of particular interest to Senator KENNEDY and myself, would be partnerships between a school and an institution of higher education or a private nonprofit organization of demonstrated effectiveness. The school would be charged with providing ongoing inservice programs to teachers throughout the State or congressional district.

The third major part of this title is the creation of the Christa McAuliffe Career Teacher Corps. This program would enable the State education agency to make grants to teachers with 8 or more years of classroom experience. These grants would give the teacher the chance to get away from the rigors of the classroom for a period of time to pursue independent study, learn a new area of expertise, or work in a consulting capacity with other school districts. It is an excellent way to aid teachers already in the classroom. It would provide them an incentive not only to remain in teaching but also to hone their skills and increase their knowledge and understanding of the subject matter they teach.

Title III is a demonstration title and consists of four programs we believe should be tested in a small, but targeted effort. These programs include:

A class size research and demonstration project to test whether or not the quality of instruction is related to the size of a class.

A new careers for teachers demonstration to test the concept of providing school support personnel, paraprofessionals, and individuals in occupations other than teaching the opportunity and training to become teachers.

A minority teacher recruitment demonstration to test innovative approaches to bringing more minorities into the teaching profession.

A Restructuring of Schools/School-Based Management Program to test different ways of restructuring the school, including the involvement of teachers in its management, in order to improve both student and teacher performance and retention. This is a combination of proposals put forth by Senator BOB KERREY and Senator KENNEDY.

Finally, title IV authorizes some very important studies. One of these is the examination of the teacher bank that teachers could use to locate job openings, and would include a test of the concept in addition to a study of its feasibility. This proposal was first put forward by Senator SIMON.

The second and third studies involve an examination of pension portability on the one hand and the study of alternative ways to increase minority participation in teaching on the other.

Mr. President, I have said frequently that if we are to remain competitive in the international arena in the years ahead, we must have a world-class work force. A world-class work force depends upon a world-class education. And a world-class education cannot exist unless the quality of instruction in our Nation's schools is topnotch. That, quite simply, is the object of the legislation we consider today.

Mr. President, I ask that the entire text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Teacher Act of 1991".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
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TITLE I—RECRUITMENT

PART A—LOAN FORGIVENESS FOR TEACHERS DEMONSTRATION PROGRAM

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PART B—PAUL DOUGLAS TEACHER SCHOLARSHIPS

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Sec. 131. Short title.
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PART E—MISCELLANEOUS PROVISION

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TITLE II—TEACHER ENHANCEMENT

PART A—NATIONAL TEACHER ACADEMIES

Sec. 201. Program established.
Sec. 202. Eligible recipients.
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PART C—CHRISTA MCAULIFFE CAREER TEACHER CORPS

Sec. 241. Christa McAuliffe Career Teacher Corps.
Sec. 242. Authorization of appropriations.

TITLE III—DEMONSTRATIONS

Sec. 301. Fund for the improvement and reform of schools and teaching.

TITLE IV—STUDIES AND EVALUATIONS

PART A—TEACHER JOB BANK STUDY AND DEMONSTRATION

Sec. 401. Statement of purpose.
Sec. 402. Study.
Sec. 403. National teacher job bank demonstration.
Sec. 404. Authorized activities.

PART B—STUDY OF PENSION PORTABILITY

Sec. 411. Study of pension portability.

PART C—STUDY OF ALTERNATIVE WAYS TO INCREASE MINORITY PARTICIPATION IN THE TEACHING PROFESSION

Sec. 421. Study.

PART D—MISCELLANEOUS EVALUATIONS

Sec. 431. Loan forgiveness for teacher demonstration evaluation.
Sec. 432. Teacher Corps program evaluations.
Sec. 433. National teacher academies evaluation.
Sec. 434. Professional development schools evaluation.
Sec. 435. FIRST demonstration program evaluations.
Sec. 436. Restructuring of schools demonstration program evaluation.

PART F—AUTHORIZATION OF APPROPRIATIONS

Sec. 441. Authorization of appropriations.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the quality of the Nation's schools depends primarily on the men and women who teach in such schools;

(2) the United States will need 2,500,000 new teachers between 1990 and 2000, yet only 100,000 teachers per year are prepared for licensure;

(3) talented individuals interested in teaching need to be encouraged to maintain their interest, and will need support in entering and paying for college;

(4) the status of the teaching profession must be raised through increased recognition and professional opportunities for teachers so that the best teachers remain in the classroom and talented individuals are attracted to teaching;

(5) efforts must be made to direct the supply of teachers to areas of need;

(6) there are shortages of teachers with specialized kinds of training, including early childhood education, bilingual education, and special education and related services;

(7) there are severe shortages of minority teachers, as demonstrated by—

(A) only 10 percent of the Nation's teaching force are Black, Hispanic, Native American or Asian American, while more than 30 percent of the Nation's school children are Black, Hispanic, Native American or Asian American;

(B) in urban areas, minorities comprise 70 percent of the students, but only 32 percent of the teachers; and

(C) under current trends, by the year 2000, minority students will comprise more than one-third of elementary and secondary school enrollments nationally, but only 5 percent of teachers:

(8) the lack of role models for minority children and children with disabilities hampers the academic progress of all children;

(9) traditional routes to the teaching profession have not encouraged enough minorities and individuals with disabilities to enter the teaching profession;

(10) significant efforts must be made to increase the number of minority teachers, and to overcome additional barriers to such goals;

(11) the United States is falling far behind other industrial nations in educational achievements, as demonstrated by students in the United States scoring lower on math and science tests than such student's counterparts in other industrial countries, and students in the United States ranking last in biology, next to last in chemistry, and close to the bottom in physics;

(12) the future economic welfare and national security of the United States will substantially depend upon our ability to educate our citizens to communicate in other languages, yet only 17 percent of public elementary schools offer any form of language instruction;

(13) young people complete school with little or no understanding of history and the rights and responsibilities of citizenship, yet the preservation of our Nation's freedom depends on a knowledgeable and reasoned commitment to basic democratic values by students, and informed and responsible participation in government by the public;

(14) the quality of education provided in our Nation's schools has a direct impact upon the prosperity, productivity, and well-being of the Nation as a whole; and

(15) the Federal Government has a leadership role in leading the charge for renewed public commitment to the support of teachers and teacher training.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "elementary school" has the meaning provided by section 1471(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "institution of higher education" has the meaning provided by section 1201(a) of the Higher Education Act of 1965;

(3) the term "local educational agency" has the meaning provided by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(4) the term "preschool age" means children below mandatory school attendance age, as determined by State law;

(5) the term "related services" has the meaning provided by section 602(a)(17) of the Education of the Handicapped Act;

(6) the term "Secretary" means the United States Secretary of Education;

(7) the term "school-age population" means the population of individuals aged 5 to 17, as determined by the Bureau of the Census in the most recent ecennial census;

(8) the term "secondary school" has the meaning provided by section 1471(21) of the Elementary and Secondary Education Act of 1965;

(9) the term "State" has the meaning provided by section 1471(22) of the Elementary and Secondary Education Act of 1965;

(10) the term "State educational agency" has the meaning provided by section 1471(23) of the Elementary and Secondary Education Act of 1965; and

(11) the term "student with a disability" has the same meaning given the term "handicapped children" in section 602 of the Education of the Handicapped Act.

TITLE I—RECRUITMENT

PART A—LOAN FORGIVENESS FOR TEACHERS DEMONSTRATION PROGRAM

SEC. 101. GENERAL AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of the Higher Education Act of 1965, and in order to encourage individuals to enter the teaching profession and to assist in the recruitment of minority teachers, the Secretary shall, in accordance with the provisions of this title, assume the obligation to repay a Stafford loan (a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965) for any borrower who is employed as a full-time teacher—

(1) in a school which qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 for loan cancellation for Perkins loan recipients who teach in such schools; and

(2) of mathematics, science, foreign languages, special education, bilingual education, or any other field of expertise where the State educational agency determines there is a shortage of qualified teachers.

(b) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 102. LOAN REPAYMENT.

(a) IN GENERAL.—(1) For the first or second academic year in which the borrower of any Stafford loan is employed as a full-time teacher in a school described in section 101(a), the Secretary shall assume the obligation to repay 15 percent of the total amount of Stafford loans incurred by the student borrower during such borrower's last 2 years of undergraduate education.

(2) For the third or fourth academic year in which the borrower of any Stafford loan is employed as a full-time teacher in a school described in subsection (a), the Secretary shall assume the obligation to repay 20 percent of the total amount of Stafford loans incurred by the borrower during the borrower's last 2 years of undergraduate education.

(3) For the fifth academic year in which the borrower of any Stafford loan is employed as a full-time teacher in a school described in subsection (a), the Secretary shall assume the obligation to repay 30 percent of the total amount of Stafford loans incurred by the borrower during the borrower's last 2 years of undergraduate education.

(4) Nothing in this subsection shall be construed to authorize the refunding of any repayment of a Stafford loan.

(5) If a portion of a loan is repaid by the Secretary under this subpart for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(b) SPECIAL RULE.—(1) In the case where a student borrower who is not participating in loan repayment pursuant to subsection (a) returns to an institution of higher education after graduation from an institution of higher education for the purpose of obtaining a teaching certificate, the Secretary is authorized to assume the obligation to repay the total amount of Stafford loans incurred for a maximum of 2 academic years in returning to an institution of higher education for the purpose of obtaining a teaching certificate or additional certification. Such Stafford loans shall only be repaid for borrowers who qualify for loan repayment pursuant to the provisions of section 101(a), and shall be repaid in accordance with the provisions of section 103.

(2) If a portion of a loan is repaid by the Secretary under this section for any year, a proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

SEC. 103. REPAYMENT OF ELIGIBLE LENDERS.

The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of Stafford loans which are subject to repayment pursuant to this part for such year.

SEC. 104. APPLICATION FOR REPAYMENT.

Each eligible individual desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

SEC. 105. DEFINITION.

For the purpose of this part the term "eligible lender" has the same meaning provided in section 435(d) of the Higher Education Act of 1965.

SEC. 106. EFFECTIVE DATE.

The provisions of this part shall take effect on June 1, 1992, for Stafford loans made for academic year 1992–1993 and succeeding academic years.

PART B—PAUL DOUGLAS TEACHER SCHOLARSHIPS

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

Paragraph (1) of subsection (d) of section 502 of the Higher Education Act of 1965 is amended to read as follows: "(1) For subpart 1 of part D, there are authorized to be appropriated $27,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996.".

PART C—TEACHER CORPS

SEC. 121. TEACHER CORPS PROGRAMS AUTHORIZED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants, in accordance with the provisions of this title, to State educational agencies to conduct Teacher Corps activities.

(b) AMOUNT OF GRANTS.—The amount awarded to each State educational agency pursuant to subsection (a) shall be an amount awarded on the basis of the school-age population in the State compared to the school-age population in all States.

(c) DESIGNATION.—(1) A scholarship awarded under this part shall be referred to as a "Teacher Corps scholarship".

(2) A recipient of a scholarship under this part shall be referred to as a "Teacher Corps member".

SEC. 122. SECRETARY'S USE OF FUNDS.

The Secretary shall use funds provided pursuant to this part to—

(1) disseminate information nationally about the availability of scholarships under this part to individuals leaving the armed services; and

(2) conduct activities, with the cooperation of the State educational agency, which foster communication among, and bring together, members of the Teacher Corps including activities such as written communications, meetings, or training sessions.

SEC. 123. STATE USE OF FUNDS.

(a) IN GENERAL.—Each State educational agency receiving a grant under this part may use such funds to—

(1) award grants to local educational agencies to establish or expand induction and mentor programs in accordance with this part;

(2) establish and operate in-service and mentoring programs for Teacher Corps members at the State and local levels;

(3) provide technical assistance to local educational agencies for establishing and operating Teacher Corps and induction programs;

(4) evaluate applications for Teacher Corps membership and award scholarships to Teacher Corps members;

(5) make Teacher Corps awards to individuals in training to become a school psychologist, school social worker, or a school counselor;

(6) ensure that Teacher Corps members understand the obligation to repay such scholarships upon failure to comply with the conditions of the scholarship;

(7) assist in employment placement of Teacher Corps members; and

(8) collect scholarship repayments from individual Teacher Corps members, in accordance with the provisions of section 129.

(b) PRIORITY.—In carrying out the provisions of subsection (a)(1), the State educational agency shall give priority in awarding grants to local educational agencies with the greatest proportion of disadvantaged students.

(c) SPECIAL RULE.—Each State educational agency may choose to administer the program assisted under this part through a preexisting panel which is experienced in administering similar programs.

SEC. 124. LOCAL USE OF FUNDS.

(a) IN GENERAL.—Each local educational agency receiving a grant under this part may use such funds to—

(1) establish, operate, and expand induction programs for new Teacher Corps members and other new teachers, including—

(A) orientation;

(B) using mentor teachers to work with new teachers;

(C) curriculum guidance; and

(D) increasing the preparedness of all classroom teachers for the participation of particular populations of students, such as disadvantaged students, students with disabilities, students who are limited English proficient, and students from diverse cultural backgrounds, in the classrooms of such teachers; and

(2) ensure that Teacher Corps members participate in an induction program for a minimum of one year, including working with a mentor teacher designated by the local educational agency.

(b) INDUCTION PROGRAMS.—The induction programs described in subsection (a)(1) may be developed in cooperation with institutions of higher education.

SEC. 125. TEACHER CORPS.

(a) SELECTION.—The State educational agency, in cooperation with the State higher education agency, shall select Teacher Corps members.

(b) CRITERIA.—The State educational agency, in cooperation with the State higher education agency, shall establish criteria to select Teacher Corps members, intended to attract highly qualified individuals to teaching, and to meet the needs of States in addressing teacher shortages, including—

(1) in the case of students or recent graduates, strong academic promise, or in other cases contributions which can be made by individuals working in other careers; and

(2) a demonstrated interest in teaching, or skill or professional experience in substantive fields of expertise in which the State is experiencing teacher shortages.

(c) SPECIAL CONSIDERATION.—The State educational agency, in cooperation with the State higher education agency shall give special consideration in the selection of Teacher Corps members to individuals who—

(1) intend to teach or provide related services to students with disabilities;

(2) intend to teach limited English proficient students; or

(3) intend to teach preschool age children.

(d) PRIORITY CONSIDERATION.—The State education agency, in cooperation with the State higher educational agency shall give priority consideration in the selection of Teacher Corps members to individuals from disadvantaged backgrounds, including racial and ethnic minorities and individuals with disabilities, who are underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.

(e) APPLICATION.—Each individual wishing to participate in the Teacher Corps shall submit an application to the State educational agency for the State in which such individual wishes to be employed as a teacher, if such State has a Teacher Corps program. Each application shall contain such information as such State educational agency may reasonably require.

SEC 126. STATE APPLICATION.

Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

(1) describe teacher shortages in the State including shortages in specific substantive fields of expertise and geographic areas, and shall describe steps to be taken to place Teacher Corps members in areas experiencing teacher shortages; and

(2) provide assurances that the State educational agency, in cooperation with local educational agencies, shall assist in employment placement within the State for Teacher Corps members in areas which have induction programs for new teachers.

SEC 127. LOCAL APPLICATION.

Each local educational agency desiring a grant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(1) describe teacher shortages in the local educational agency; and

(2) describe the induction program for new Teacher Corps members and other new teachers which will be established, expanded, or both, with funds made available under this part.

SEC. 128. SCHOLARSHIPS.

(a) ELIGIBILITY.—(1) An individual is eligible to receive Teacher Corps scholarships for a maximum of 3 years during enrollment in any of the following programs of study, or a combination thereof:

(A) a program of study leading to a baccalaureate or associate's degree;

(B) a 1- or 2-year post-baccalaureate program of study leading to a masters or specialist degree or a teaching certificate; or

(C) a 2-year program of study leading to an associate's degree in early childhood education or early childhood development, or a 1-year program of study leading to a child development associate credential.

(2) An individual pursuing a program of study described in subparagraph (B) of paragraph (1) is eligible to receive a Teacher

Corps scholarship during any of the first 3 years that such individual is employed as a teacher to defray the costs of pursuing such post-baccalaureate instruction.

(3) An individual in possession of a bachelor's degree, who wishes to enter teaching from another profession, is eligible to receive a Teacher Corps scholarship to enable such individual to receive the instruction necessary to enter the teaching profession, as determined by the State in which the individual wishes to teach. Such instruction may be provided while the individual is employed as a provisional teacher, at the discretion of the State educational agency and local educational agency.

(b) LIMITATIONS ON AMOUNT AND DURATION.—Subject to subsection (d), each Teacher Corps member shall receive a $5,000 scholarship for each academic year of postsecondary education, except that no individual shall receive scholarship assistance for more than 3 years of postsecondary education (including post-baccalaureate), as determined by the Secretary.

(c) CONSIDERATION OF AWARD IN OTHER PROGRAMS.—Each Teacher Corps scholarship awarded pursuant to this part shall be considered in determining eligibility for student assistance under title IV of the Higher Education Act of 1965.

(d) ASSISTANCE NOT TO EXCEED NEED.—Each Teacher Corps scholarship, when added to assistance received under title IV of the Higher Education Act of 1965, if any, shall not exceed the cost of attendance, as defined in section 472 of such Act, at the institution the individual is attending. If the amount of the Teacher Corps scholarship and assistance received under title IV of such Act, exceeds the cost of attendance, loans received under parts B, D, or E of such title shall be reduced by an amount equal to the amount by which the combined awards exceed the cost of attendance.

(e) CONTINUED ELIGIBILITY.—Each individual who receives a Teacher Corps scholarship shall continue to receive such scholarship payments only during such periods that the State educational agency finds that such individual is—

(1) enrolled as a full-time student in an accredited postsecondary institution; and

(2) maintaining satisfactory progress defined under title IV of the Higher Education Act of 1965.

SEC. 129. SCHOLARSHIP CONDITIONS.

(a) SCHOLARSHIP AGREEMENT.—(1) Each individual receiving a scholarship under this part shall enter into a written agreement with the State educational agency which shall provide assurances that each such individual—

(A) will pursue a course of study which meets State requirements for teacher preparation;

(B) will maintain satisfactory academic progress and participate in teaching-related activities while in undergraduate or post-baccalaureate programs;

(C) will work as a teacher upon completion of such individual's education for 5 years in a school which qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 for loan cancellation for Perkins loan recipients who teach in such schools, except that Teacher Corps members may transfer to another such school in a local educational agency within the State or in another State with a Teacher Corps program upon approval of the sending and receiving local educational agency, or State;

(D) will repay all or part of a Teacher Corps scholarship received under section 128(b) plus interest and, if applicable, reasonable collection fees, in compliance with regulations issued by the Secretary under subsection (b), in the event that the conditions of subsection (a) are not complied with, except as provided for in subsection (c);

(E) at least during the first year of employment, will participate in an induction program which includes working with a mentor teacher selected by the local educational agency in which the Teacher Corps member is employed and who, to the extent practicable, has the same substantive field of expertise as the Teacher Corps member;

(F) who is not enrolled in a program of study as set forth in section 128(a)(1)(C) will obtain full State teacher certification within 3 years of employment as a teacher or as soon as possible thereafter as State law requires; and

(G) will, subject to approval of the local educational agency, participate in an induction program for new teachers during the fifth year of employment, by serving as a mentor to new Teacher Corps members, or to other new teachers, or by making some other contribution to the induction program.

(2) For the purpose of subparagraph (C) of paragraph (1), section 465(a)(2)(A) of the Higher Education Act of 1965 shall be applied by substituting "25 percent" for "50 percent".

(b) SCHOLARSHIP REPAYMENT.—(1) Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay to the State educational agency a pro rata amount of the scholarship awards received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees, in accordance with the provisions of paragraph (3).

(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3) or 558(b) of the Higher Education Act of 1965, or if the individual dies.

(3) Each individual found by the State to be in noncompliance with the agreement entered into under section 129(a) shall be required to repay—

(A) 100 percent of the total amount of scholarships awarded under this part if such individual does not teach pursuant to the agreement described in subsection (a) or teaches pursuant to such agreement for less than 1 year;

(B) 90 percent of the total amount of scholarships awarded under this part if such individual teaches pursuant to the agreement set forth in subsection (a) for at least 1 year but less than 2 years;

(C) 80 percent of the total amount of scholarships awarded under this part if such individual teaches pursuant to the agreement set forth in subsection (a) for at least 2 years but less than 3 years;

(D) 60 percent of the total amount of scholarships awarded under this part if such individual teaches pursuant to the agreement set forth in subsection (a) for at least 3 years but less than 4 years; and

(E) 30 percent of the total amount of scholarships awarded under this part if such individual teaches pursuant to the agreement set forth in subsection (a) for at least 4 years but less than 5 years.

(4) If a portion of scholarship is repayed under this subsection in any year, the entire amount of interest on such portion of such scholarship which accrues for such year shall be repayed.

(5) Any repayments of scholarships made to the State educational agency pursuant to the provisions of this section shall be used by the State educational agency to award additional scholarships in accordance with the provisions of this part.

(c) WAIVER.—The Secretary may provide for the partial or total waiver or suspension of any service obligation or repayment by an individual who received a Teacher Corps scholarship whenever compliance by such individual is impossible or would involve extreme hardship to such individual, or if enforcement of such obligation with respect to such individual would be unconscionable.

SEC. 130. PUBLICATION AND RECRUITMENT.

(a) IN GENERAL.—Each State educational agency receiving assistance under this Act shall—

(1) publicize the availability of, and procedure to apply for, Teacher Corps scholarships, particularly among students participating in teaching-related activities through summer teaching institutes, future teacher clubs, and other teaching-related activities, at institutions of higher education throughout the State, particularly in institutions of higher education with large minority enrollments, historically Black colleges and universities, secondary schools throughout the State, particularly those with minority enrollment in excess of the statewide average minority enrollment, and with—

(A) individuals participating in programs funded under subpart 4 of part A of title IV of the Higher Education Act of 1965;

(B) individuals leaving the armed services;

(C) community-based organizations working in minority education; and

(D) other agencies and entities likely to attract individuals interested in entering teaching from another career; and

(2) recruit minority students to participate in such program.

(b) SPECIAL RULE.—The publications required under subsection (a) shall describe substantive fields of expertise and geographic areas experiencing teacher shortages within the State.

SEC. 130A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this part.

(b) SPECIAL RULES.—(1) Not more than $20,000,000 of the amount appropriated pursuant to the authority of subsection (a) in fiscal year 1992 shall be available to carry out the provisions of sections 123(a)(1) and 124.

(2) No funds shall be appropriated pursuant to the authority of subsection (a) unless the amount appropriated to carry out the provisions of subpart 1 of part D of title V of the Higher Education Act of 1965 equals or exceeds $15,000,000.

PART D—FOREIGN LANGUAGE COMPETENCE FOR THE FUTURE

SEC. 131. SHORT TITLE.

This part may be cited as the "Foreign Language Competence for the Future Act of 1990".

SEC. 132. STAR SCHOOLS PROGRAM APPLICATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 903(b) of the Star Schools Program Assistance Act is amended by inserting at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated for fiscal year 1993 such sums as may be necessary to carry out the provisions of this Act.".

(b) Application.—Section 905(b)(2) of the Star Schools Program Assistance Act is amended to read as follows:

"(2) describe, in the case of an application for assistance for instructional programming, the types of programming which will be developed to enhance instruction and training, and provide assurances that such programming will be designed in consultation with teachers of the applicable subject matter and grade level;".

SEC. 133. DEMONSTRATION GRANTS FOR CRITICAL LANGUAGE AND AREA STUDIES.

(a) Program Authority.—The Secretary is authorized to make demonstration grants to eligible consortia to operate critical languages and area studies programs, develop and acquire educational equipment and materials, and develop teacher training programs, texts, curriculum, and other activities designed to improve and expand the instruction of foreign languages at elementary and secondary schools across the Nation.

(b) Grant Limitation.—No grant under this section shall exceed $2,000,000 to any consortium in any fiscal year, but shall be of sufficient size, scope and quality for a program of comprehensive instruction of foreign languages.

(c) Special Rules.—(1) In awarding grants under this section, the Secretary shall give priority to consortia with demonstrated, proven effectiveness in the field of critical language and area studies and which have been in existence for 1 year prior to applying for a grant under this section.

(2) In awarding grants under this section, the Secretary, in accordance with the provisions of paragraph (1), shall take into consideration providing an equitable geographic distribution of such grants among the regions of the United States.

(3) Each eligible consortia receiving a grant under this section shall include in the activities assisted pursuant to such grant a study abroad or cultural exchange program.

(d) Eligible Consortia.—(1) For the purposes of this section the term "eligible consortia" means a cooperative effort between entities in one or more States that must include at least 3 schools of which—

(A) one shall be an institution of higher education;

(B) one shall be a secondary school with experience in teaching critical foreign languages; and

(C) one shall be a secondary school in which at least 25 percent of the students are eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

(2) Each eligible consortia described in paragraph (1) may include a not-for-profit organization to provide services not otherwise available from the entities described in paragraph (1).

(e) Administration.—No more than 10 percent of each grant shall be used for administrative expenses.

SEC. 134. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this part.

PART E—MISCELLANEOUS PROVISION

SEC. 141. PERKINS LOAN CANCELLATION.

Section 465 of the Act is amended by adding at the end thereof the following new subsection:

"(c) Special Rules.—(1) If the list of schools in which a teacher may perform service pursuant to subparagraph (A) of paragraph (2) of subsection (a) is not available before May 1 of any year, the Secretary may use the list for the year preceding the year for which the determination is made to make such service determination.

"(2) Any teacher who performs service in a school which—

"(A) meets the requirements of subparagraph (A) of paragraph (2) of subsection (a) in any year; and

"(B) in a subsequent year fails to meet the requirements of such subparagraph,

may continue to teach in such school and shall be eligible for loan cancellation pursuant to paragraph (1) of subsection (a) in such subsequent years.".

TITLE II—TEACHER ENHANCEMENT

Part A—National Teacher Academies

SEC. 201. PROGRAM ESTABLISHED.

(a) In General.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to eligible recipients to establish and operate national teacher academies.

(b) Subject Areas and Staff.—(1) One national teacher academy shall be established in each of the following subject areas commonly taught in elementary and secondary schools:

(A) basic skills and literacy instruction,

(B) civics and government,

(C) National Writing Project,

(D) mathematics,

(E) foreign languages,

(F) history, geography and sociology,

(G) economics,

(H) life sciences,

(I) physical sciences, and

(J) the arts, including art, music, and the performing arts.

(2) Academy staff shall be selected from the most accomplished and prominent scholars in the relevant fields of study and in the methodologies which prepare persons to teach in such fields of study.

(c) Duration of Grant.—Each grant to establish and operate a national teacher academy shall be for a period of 5 years, and is renewable.

(d) Competitive Grant Awards.—The Secretary shall award grants on the basis of a competitive bidding process.

(e) Special Consideration.—In awarding grants under this part the Secretary shall give special consideration to eligible recipients that have demonstrated effectiveness in establishing and administering a national network of individuals who assist in teacher training and in-service programs at the State and local levels in the subject areas listed in section 201(b).

SEC. 202. ELIGIBLE RECIPIENTS.

(a) In General.—For the purposes of this part, the term "eligible recipient" means—

(1) an institution of higher education;

(2) a private nonprofit educational organization of demonstrated effectiveness; or

(3) a combination of the institutions or organizations set forth in paragraphs (1) and (2) of this paragraph.

(b) Expertise Requirements.—The Secretary shall only award grants to eligible applicants which have demonstrated expertise in the—

(1) subject area of the national teaching academy to be established and operated; and

(2) in-service training of teachers.

SEC. 203. USE OF FUNDS.

(a) In General.—Funds provided pursuant to this part shall be used to—

(1) provide in-service training programs for teachers and administrators including—

(A) the study of subject matter, methodology, and teacher education, including effective strategies for teaching all students in mixed-ability classrooms;

(B) the use of the most recent applied research findings concerning education and the classroom; and

(C) integrating materials from different disciplines into classroom instruction, especially for elementary school teachers;

(2) conduct at least one 3-week summer institute each year;

(3) train the leadership teams described in section 228 to provide in-service training for teachers in the professional development schools established pursuant to part B of this title; and

(4) provide support services to such professional development schools including—

(A) the establishment of a national network of individuals to assist in teacher education programs in professional development schools;

(B) consulting assistance in the design and implementation of teacher education; and

(C) monthly newsletters or other methods of communicating useful information.

(b) Administrative Costs.—Not more than 10 percent of the amount of funds received under this part may be used by grant recipients for administrative costs.

SEC. 204. SUMMER INSTITUTE PARTICIPANTS.

Each year a national academy conducts a summer institute to provide teacher training programs to teachers and school administrators, participants from each congressional district shall include the leadership team described in section 228.

SEC. 205. APPLICATION.

(a) Application.—Each eligible recipient desiring a grant under this part shall submit an application to the Secretary at such time and in such manner, as the Secretary may reasonably require.

(b) Contents.—Each application submitted pursuant to subsection (a) shall—

(1) describe the activities, services, and programs for which assistance is sought;

(2) describe how at least 70 percent of the institute's time will be devoted to basic course content relevant to the particular subject field and necessary for improving the quality of teaching in public and private elementary and secondary schools;

(3) describe how not more than 30 percent of the institute's time will be devoted to the development of methods of instruction and the planning of in-service training programs to be conducted by the professional development academies established in part B of this title; and

(4) provide such additional assurances or information as the Secretary may reasonably require.

(c) Special Rule.—An application submitted pursuant to subsection (a) by the National Academy on Basic Skills and Literacy Instruction shall not be required to contain the descriptions set forth in paragraphs (2) and (3) of subsection (b).

SEC. 206. SPECIAL RULE: NATIONAL WRITING PROJECT.

(a) Authorization.—(1) From amounts appropriated pursuant to the authority of section 207 for the establishment and operation of the national teacher academy described in section 201(b)(1)(C), the Secretary is authorized to award a grant to the National Writing Project (hereafter in this section referred to as the "grantee"), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms, to establish and operate such national teacher academy.

(2) The National Writing Project shall use the grant awarded pursuant to paragraph (1) to—

(A) support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;

(B) support classroom research on effective teaching practice and to document student performance; and

(C) pay the Federal share of the cost of such programs.

(b) GRANT REQUIREMENTS.—The grant awarded pursuant to subsection (a) shall require that—

(1) the grantee enter into contracts with institutions of higher education or other non-profit educational providers (hereinafter referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

(2) funds made available by the Secretary to the grantee pursuant to the grant awarded under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

(1) be conducted during the school year and during the summer months;

(2) train teachers who teach grades kindergarten through college;

(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

(4) encourage teachers from all disciplines to participate in such teacher training programs.

(d) FEDERAL SHARE.—(1) Except as provided in paragraph (2) or (3) and for purposes of subsection (a) the term "Federal share" means with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

(2) The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.

(3) The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

(4) For the purposes of paragraph (1) the costs of teacher programs do not include the administrative costs, publication cost or the cost of providing technical assistance, to the grantee.

(e) CLASSROOM TEACHER GRANTS.—(1) The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of section 207 for the establishment and operation of the national teacher academy described in section 201(b)(1)(C) to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—

(A) conduct classroom research;

(B) publish models of student writing;

(C) conduct research regarding effective practices to improve the teaching of writing; and

(D) conduct other activities to improve the teaching and uses of writing.

(2) Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).

(3) Each grant awarded pursuant to this subsection shall not exceed $2,000.

(f) NATIONAL ADVISORY BOARD.—(1) The National Writing Project shall establish and operate a National Advisory Board.

(2) The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $38,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this part (of which no more than $7,500,000 is authorized to be appropriated for each of the national academies listed in section 201(b)(1)).

(b) SPECIAL FUNDING RULE.—In the event that less than $75,000,000 in funds is available for expenditure under this part $7,500,000 shall be allocated to each national academy in the order in which the academies are listed in section 201(b)(1), until such funds are exhausted.

Part B—Professional Development Schools

SEC. 221. ALLOTMENT.

From amounts appropriated under section 230 the Secretary shall allot to each State educational agency an equal amount for each congressional district in the State to establish and operate professional development schools.

SEC. 222. PROGRAM AUTHORIZED.

(a) IN GENERAL.—Funds allotted to the States pursuant to section 221 shall be used by the State educational agency to pay the Federal share of providing grants to eligible recipients to establish and operate professional development schools.

(b) FEDERAL SHARE.—The Federal share shall be 50 percent.

(c) SPECIAL RULE.—In the event that a State does not participate in the program assisted under this part the Secretary is authorized to make grants to local educational agencies or consortia thereof in each congressional district in a State for the establishment and operation of professional development schools.

(d) GEOGRAPHIC DISTRIBUTION.—(1) Each State educational agency receiving an allotment under section 221 shall establish one professional development school in each congressional district in the State.

(2) If the amount appropriated pursuant to the authority of section 230 does not exceed $10,000,000, then each State educational agency receiving an allotment under section 221 may establish one professional development school for the entire State or several professional development schools serving two or more congressional districts.

(3)(A) Each State educational agency receiving an allotment under section 221 may combine allotments for several professional development schools to establish one professional development school in States where several congressional districts are served by one local educational agency or other educational service entity.

(B) Each State educational agency receiving an allotment under section 221 may adjust the boundaries of the area to be served by each professional development school so that each local educational agency or other educational service entity is served by one professional development school.

(4) Each State educational agency receiving an allotment under section 221 shall ensure that professional development programs provided by the professional development school will be offered in a variety of locations throughout the congressional district if offering such programs in such locations is necessary to provide access to such programs throughout such district.

(e) DURATION OF GRANT.—Each grant provided pursuant to this part to establish and operate a professional development school shall be for a period of 5 years, and is renewable.

(f) GRANT AWARDS.—Each grant provided pursuant to this part shall be awarded on the basis of a competitive bidding process, and to an eligible recipient selected on the basis of need, as evidenced by measures such as the rate of teacher attrition and the proportion of the student body at risk of educational failure.

(g) SPECIAL RULE.—(1) The professional development schools for Guam, Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and American Samoa are to be combined into a single school, and such school shall be administered by the Center for the Advancement of Pacific Education, located in Honolulu, Hawaii, or its successor.

(2) The Center for the Advancement of Pacific Education may enter into contracts with organizations of demonstrated experience, expertise and effectiveness in order to carry out its responsibilities in each of the designated subject areas.

(3) The Center for the Advancement of Pacific Education shall work with each of the leadership teams established in Guam, Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and American Samoa in accordance with the provisions of section 228, and with the Steering Committee selected in accordance with the provisions of section 229. Such leadership team shall be selected by the agency responsible for elementary and secondary education in Guam, Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and American Samoa.

SEC. 223. DEFINITIONS.

For the purposes of this part—

(1) the term "congressional district" includes each of the following:

(A) the Commonwealth of Puerto Rico;

(B) the District of Columbia;

(C) the Virgin Islands; and

(D) the aggregation of Guam, Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and American Samoa; and

(2) the term "eligible recipient" means—

(A) a public local educational agency or private school system in partnership with an institution of higher education or a private nonprofit organization of demonstrated effectiveness, or consortia thereof; and

(B) the agency responsible for elementary and secondary education in each of the following:

(i) Guam,

(ii) Palau,

(iii) the Commonwealth of the Northern Mariana Islands,

(iv) the Federated States of Micronesia,

(v) the Republic of the Marshall Islands, and

(vi) American Samoa.

SEC. 224. LOCAL APPLICATION.

(a) APPLICATION.—Each eligible recipient wishing to receive a grant under this part shall submit an application to the appropriate State educational agency at such time, in such manner, and containing such information as the State educational agency shall reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) describe the activities, services, and programs for which assistance is sought;

(2) provide assurances that all public and private elementary and secondary school teachers in the area served by the professional development school will be eligible to participate in the training programs;

(3) contain a description of where the professional development programs will be located and a justification for selecting the geographic location for each program;

(4) provide assurances that professional development programs will be conducted by teachers of demonstrated excellence, including teachers who have participated in training programs at the National Teacher Academies and teachers participating in the Christa McAuliffe Career Teacher Corps;

(5) provide assurances that professional development programs will be developed and conducted with the participation of faculty from institutions of higher education or private nonprofit organizations of demonstrated effectiveness, and will be conducted in both academic course content and methods of instruction and with the participation of the schools' teachers and administrators;

(6) contain a description of how the professional development school's activities will be coordinated with other current in-service training activities in the State;

(7) describe the provisions which will be made to allow individuals release time from their teaching or administrative responsibilities to participate in professional development school activities;

(8) contain a description of how the professional development school's activities will help teachers teach all students in mixed-ability classrooms; and

(9) where applicable, describe how teachers and administrators from the professional development school will be involved in the teacher training programs at institutions of higher education.

(b) SPECIAL RULE.—In the case of Guam, Palau, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and American Samoa, the application described in subsection (a) shall be submitted to the Center for the Advancement of Pacific Education.

SEC. 225. STATE ADMINISTRATION.

Not more than 10 percent of the amount of funds allotted to each State educational agency pursuant to section 221 shall be available for—

(1) conducting the grant award competition;

(2) program evaluation;

(3) technical assistance; and

(4) other administrative costs.

SEC. 226. LOCAL USE OF FUNDS.

(a) IN GENERAL.—Grants awarded to eligible recipients pursuant to this part shall be used in a school or schools best able to provide services to teachers and administrators of at risk students to—

(1) provide professional development programs for teachers which—

(A) upgrade and strengthen knowledge of academic course content, particularly in the following subject areas:

(i) mathematics,

(ii) English, reading, and language arts,

(iii) civics and government,

(iv) basic skills and literacy instruction,

(v) the arts, including art, music, and the performing arts,

(vi) history, geography, and sociology,

(vii) economics,

(viii) life sciences,

(ix) physical sciences, and

(x) foreign languages;

(B) improve methods of instruction in content areas to—

(i) increase the preparedness of all classroom teachers for the participation of particular populations of students, such as disadvantaged students, students with disabilities, students who are limited English proficient, and students from diverse cultural backgrounds, in the classrooms of such teachers;

(ii) improve teaching and classroom management skills;

(iii) provide training in new instructional techniques, methods, and practices supported by educational research findings, including instructional techniques, methods and practices supported by federally supported laboratories, centers, and other Federal agencies; and

(iv) improve teacher training in courses of study which combine one or more related subject areas;

(C) where appropriate, provide professional development programs for participants in school-based management programs;

(D) strengthen bilingual educational instruction by—

(i) teaming classroom teachers with teachers trained to teach limited English proficient students for the development and implementation of instructional programs; and

(ii) operating professional development programs for bilingual teachers which include summer sessions, follow-up sessions during the school year, classroom observation and peer coaching;

(E) encourage teacher collaboration, especially among teachers of different subjects, including vocational education, physical education, and other specialties not described in subparagraph (A);

(F) involve experienced teachers in the training and assessment of novice teachers;

(G) encourage participation in activities of a network of professional development schools; and

(H) provide outreach to parents and greater involvement of parents in the education of their children; and

(2) pay the costs of release time, stipends, college or university credit, curricular materials, and other necessary expenditures.

(b) PROFESSIONAL DEVELOPMENT PROGRAMS.—The programs described in subsection (a)(1) shall include individuals who have participated in the parallel program under part A of this title.

SEC. 227. RELATIONSHIP WITH OTHER PROGRAMS FUNDED UNDER THIS ACT.

If a national academy funded under part A of this title serves teachers within the jurisdiction of a professional development school assisted under this part, each such professional development school shall annually conduct an in-service training program in each of the course content areas for which teachers receive training at such national academy. Such program shall—

(1) include individuals who have participated in the activities, programs and services of the appropriate national academy;

(2) contain both the academic course content and methods of instruction learned at such national academy;

(3) be available to all elementary and secondary teachers in the congressional district who teach the relevant subject matter; and

(4) provide at least 50 teachers at least 30 hours of high quality instruction per year.

SEC. 228. LEADERSHIP TEAMS.

(a) IN GENERAL.—Each steering committee established pursuant to section 229 shall select a 3 person leadership team for each national teacher academy assisted under part A of this title.

(b) COMPOSITION.—Each leadership team shall be composed of—

(1) 1 administrator with authority to design and conduct in-service training programs;

(2) 1 elementary school teacher; and

(3) 1 secondary school teacher.

(c) DUTIES.—Each leadership team shall—

(1) attend the appropriate subject area summer institute at the appropriate national teacher academy; and

(2) assist in the development and operation of professional development schools.

(d) INFORMATION AND COORDINATION.—Each leadership team serving a professional development school shall exchange information and coordinate efforts on the establishment of the professional development programs described in section 226.

(e) SPECIAL RULE.—Each teacher participating in the Christa McAuliffe Career Teacher Corps shall be encouraged, upon return from the award period described in section 563(b) of the Higher Education Act of 1965, to assist in the development and operation of the appropriate professional development school.

SEC. 229. STEERING COMMITTEE.

(a) ESTABLISHMENT.—Each eligible recipient desiring a grant under this part shall also establish a 10 member steering committee.

(b) COMPOSITION AND REPRESENTATION.—(1) At least 50 percent of the membership of each steering committee shall be classroom teachers, selected by, and representative of, teacher organizations, if any, in the congressional district.

(2) The composition of each steering committee shall be broadly representative of the elementary and secondary schools and the local educational agencies served by the professional development school.

(c) FUNCTION.—Each steering committee shall—

(1) annually select the leadership teams in accordance with section 228; and

(2) involve the individuals selected pursuant to paragraph (1) and any participating Christa McAuliffe Career Teacher Corps member in the development and operation of the professional development schools.

SEC. 230. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of this part.

PART C—CHRISTA McAULIFFE CAREER TEACHER CORPS

SEC. 241. CHRISTA McAULIFFE CAREER TEACHER CORPS.

(a) AMENDMENT TO HEADING.—The heading to subpart 2 of part D of title V of the Higher Education Act of 1965 is amended to read as follows:

"Subpart 2—Christa McAuliffe Career Teacher Corps".

(b) AMENDMENT TO TEXT.—Subpart 2 of part D of title V of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 561. DECLARATION OF PURPOSE; DESIGNATION.

"(a) PURPOSE.—It is the purpose of this subpart to establish a national fellowship program for experienced teachers.

"(b) DESIGNATION.—(1) A fellowship awarded under this subpart shall be known as a 'Christa McAuliffe Career Teacher Corps fellowship'.

"(2) A recipient of a fellowship under this subpart shall be known as a 'Christa McAuliffe Career Teacher Corps member'.

"SEC. 562. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants, in accordance with the provisions of this subpart, to State educational agencies to enable such State educational agencies to—

"(1) conduct Christa McAuliffe Career Teacher Corps activities; and

"(2) to award fellowships to Christa McAuliffe Career Teacher Corps members in accordance with the provisions of this subpart.

"(b) AMOUNT OF GRANTS.—The amount awarded to each State educational agency pursuant to paragraph (1) of subsection (a) shall be an amount awarded on the basis of the school-age population in the State compared to the school-age population in all States, except that the Secretary may adjust the awards to insure that such awards are of sufficient size to carry out the purposes of this subpart.

"(c) STATE ACTIVITIES.—Each State educational agency receiving a grant pursuant to subsection (a) shall use not more than 10 percent of such grant to carry out the State activities described in section 569.

"SEC. 563. CHRISTA McAULIFFE CAREER TEACHER CORPS FELLOWSHIPS.

"(a) AWARD DISTRIBUTION AND AMOUNTS.—(1) Each State educational agency receiving a grant under this subpart shall use such funds to award Christa McAuliffe Career Teacher Corps fellowships to public and private school teachers who have been employed as teachers for 8 or more years to enable such teachers to engage in the activities described in subsection (b).

"(2) Fellowships shall be in an amount equal to the annual salary the individual would earn in such individual's current place of employment for the award period.

"(3) If an individual receives a fellowship award for less than a school year, such fellowship shall be ratably reduced to equal the salary foregone.

"(4) Each Christa McAuliffe Career Teacher Corps member may not receive an award for 2 consecutive years.

"(5) Subject to the repayment provisions of section 566(b), each Christa McAuliffe Career Teacher Corps member shall be required to return to a teaching position in their current place of employment for at least 2 years following the fellowship award, except that such member may work in another State with a Christa McAuliffe Career Teacher Program upon approval of both the sending and receiving State.

"(b) USE OF FELLOWSHIPS.—Each Christa McAuliffe Career Teacher Corps fellowship may be used for—

"(1) sabbaticals for study, research or academic improvement to—

"(A)(i) improve such teacher's knowledge base in an area of expertise; or

"(ii) learn a new area of expertise; and

"(B) increase skills and professional ability;

"(2)(A) consultation with or assistance to other school districts or private school systems; or

"(B) development of special innovative programs for the purpose of improving—

"(i) in-service training for teachers and other school personnel; or

"(ii) student achievement; or

"(3) expanding or replicating model programs of staff development.

"SEC. 564. SELECTION OF CHRISTA McAULIFFE CAREER TEACHER CORPS MEMBERS.

"(a) IN GENERAL.—Christa McAuliffe Career Teacher Corps members in each State shall be selected (in accordance with section 565) by a 7-member statewide panel appointed by the chief State school officer, or by an existing panel designated by the chief State school officer. The statewide panel shall be representative of school administrators, teachers, parents, and institutions of higher education.

"(b) SPECIAL RULE.—Each State educational agency may choose to administer the program assisted under this subpart through a pre-existing panel which is experienced in administering similar programs.

"SEC. 565. EVALUATION OF APPLICATIONS.

"(a) SUBMISSION TO AND REVIEW BY STATEWIDE PANEL.—An applicant for a Christa McAuliffe Career Teacher Corps fellowship shall submit a proposal for a project under section 563(b), and shall indicate the extent to which the applicant wishes to continue current teaching duties. The applicant shall submit such a proposal to the local educational agency for comment prior to submission to the statewide panel (appointed under section 564) for the State in which the teacher is employed. Each such application shall contain such information as such State educational agency may reasonably require.

"(b) CONSULTATION AND CONSIDERATION.—(1) In evaluating proposals, the statewide panel shall consult with the local education agency, and shall consider—

"(A) evaluations during employment as a teacher;

"(B) demonstrated commitment to teaching in the future; and

"(C) intended activities during the award period;

"(2) The statewide panel may request recommendations from teaching peers, the principal and the superintendent on the quality of the proposal, the benefit of such proposal to education, and any other criteria for awarding fellowships as is considered appropriate by such statewide panel.

"(3) Selection of members of the statewide panel shall be made in accordance with regulations prescribed by the Secretary.

"(c) SPECIAL CONSIDERATION.—The statewide panel shall give special consideration, in the selection of Christa McAuliffe Career Teacher Corps members, to individuals who intend to use an award period to improve or acquire skills—

"(1) in the subject areas of science or mathematics; or

"(2) in order to teach or provide related services to students with disabilities, limited English proficient students or preschool age students.

"(d) PUBLIC ANNOUNCEMENT.—Announcement of fellowship awards shall be made in a public ceremony.

"SEC. 566. FELLOWSHIP AGREEMENT AND REPAYMENT PROVISIONS.

"(a) AGREEMENT.—Each individual who receives a Christa McAuliffe Career Teacher Corps fellowship shall enter into a written agreement with the State educational agency. Each such agreement shall provide assurances that the Christa McAuliffe Career Teacher Corps member—

"(1) will spend up to a one-year award period during which the Christa McAuliffe Career Teacher Corps member is released from teaching responsibilities to participate in programs and activities allowed under section 563(b), approved pursuant to section 565 by the statewide panel;

"(2) shall be encouraged, subject to the approval of the local educational agency, during the 2 years following the award period through the professional development school, if one exists, to—

"(A)(i) participate in an induction program for new teachers by acting as a mentor to new Teacher Corps members under part C of title I of the National Teacher Act of 1990 or other new teachers with the same substantive field of expertise as the Christa McAuliffe Career Teacher Corps member where practicable; or

"(ii) make some other contribution to the Teacher Corps programs conducted pursuant to part C of title I of the National Teacher Act of 1990; and

"(B) assist in the development of in-service training programs through the professional development school, if such school exists; and

"(3) shall be given the opportunity to participate in activities developed by the Secretary and the State educational agency through which the individual was selected as a Christa McAuliffe Career Teacher Corps member which are intended to foster communication among, and bring together, members of the Christa McAuliffe Career Teacher Corps.

"(b) FELLOWSHIP REPAYMENT.—(1) Individuals found by the State educational agency to be in noncompliance with the agreement entered into under subsection (a) shall be required to repay to the State educational agency a pro rata amount of the Christa McAuliffe Career Teacher Corps fellowships received, plus interest at the highest rate applicable to loans under part B of title IV of the Higher Education Act of 1965 and, where applicable, reasonable collection fees.

"(2) An individual shall not be considered to be in violation of the agreement entered into pursuant to subsection (a) during any period in which such individual meets the exception to repayment provisions set forth in section 558(a)(2), 558(a)(3) or 558(b) of the Higher Education Act of 1965, or if the individual dies.

"(c) WAIVER.—The Secretary may provide for the partial or total waiver or suspension of any service obligation or repayment by an individual who received a Christa McAuliffe Career Teacher Corps fellowship whenever compliance by such individual is impossible or would involve extreme hardship to such individual, or if enforcement of such obligation with respect to such individual would be unconscionable.

"SEC. 567. SECRETARY'S RESPONSIBILITIES.

"The Secretary shall—

"(1) make awards to State educational agencies having applications approved under section 568; and

"(2) in cooperation with the State educational agency, conduct activities which foster communication among and bring together members of the Christa McAuliffe Career Teacher Corps including activities such as written communications, meetings, or training sessions.

"SEC. 568. STATE APPLICATION.

"(a) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) provide assurances that Christa McAuliffe Career Teacher Corps members will be released from teaching responsibilities for up to one school year without jeopardizing the rights such members would have had without participating in the program assisted under this part;

"(2) provide assurances that the State educational agency, or its designee, in cooperation with local educational agencies, shall maintain accurate records regarding the activities of Christa McAuliffe Career Teacher Corps members within the State to ensure that such members are meeting all conditions of the fellowships provided pursuant to this subpart, and shall notify the Secretary immediately upon a change in a Christa McAuliffe Career Teacher Corps member's status rendering such Christa McAuliffe Career Teacher Corps member in violation of the conditions of the fellowship; and

"(3) provide assurances that the State educational agency has consulted with local educational agencies in designing and developing the Christa McAuliffe Career Teacher Corps program.

"SEC. 569. STATE USE OF FUNDS.

"(a) IN GENERAL.—Each State educational agency awarded a grant under this subpart may use such funds to—

"(1) establish, operate, and expand in-service programs and activities for Christa McAuliffe Career Teacher Corps members at the State and local levels, through professional development schools if such entities exist, or other entity, to improve knowledge of subject matter, and to increase skills and professional ability, in coordination with local educational agencies;

"(2) award Christa McAuliffe Career Teacher Corps fellowships;

"(3) provide funds to statewide panels to administer programs in accordance with section 565;

"(4) award grants to local educational agencies to establish programs and activities described in paragraph (1) through professional development schools if such entities exist or other entities;

"(5) publicize the availability of fellowships pursuant to this subpart; and

"(6) ensure that each Christa McAuliffe Career Teacher Corps member understands the obligation to repay the fellowship in accordance with section 566(b).

"(b) PUBLICATION AND RECRUITMENT.—Each State educational agency receiving assistance under this subpart shall publicize the availability of Christa McAuliffe Career Teacher Corps fellowships in local educational agencies throughout the State, particularly in local educational agencies with minority enrollment in excess of the statewide average minority enrollment, and shall recruit minority teachers to participate in such program. Such publication shall contain a description of programs and activities available to Christa McAuliffe Career Teacher Corps members through professional development schools if such entities exist, institutions of higher education or other approved entities.".

SEC. 242. AUTHORIZATION OF APPROPRIATIONS.

Paragraph (2) of subsection (d) of section 502 of the Higher Education Act of 1965 is amended to read as follows:

"(2) For subpart 2 of part D, there are authorized to be appropriated $27,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996.".

TITLE III—DEMONSTRATIONS

SEC. 301. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.

(a) IN GENERAL.—The Fund for the Improvement and Reform of Schools and Teaching Act is amended by—

(1) striking paragraph (8) of subsection (a) of section 3211;

(2) redesignating paragraphs (9), (10), and (11) of subsection (a) of section 3211 as paragraphs (8), (9), and (10), respectively;

(3) redesignating subparts 3 and 4 as subparts 7 and 8, respectively;

(4) redesignating sections 3231, 3232 and 3233 as sections 3271, 3272, and 3273, respectively;

(5) redesignating sections 3241, 3242, and 3243 as sections 3281, 3282 and 3283, respectively; and

(6) inserting the following new subparts after subpart 2:

'SUBPART 3—CLASS SIZE RESEARCH AND DEMONSTRATION PROJECT

"SEC. 3231. PURPOSE.

"It is the purpose of this subpart to make demonstration grants to local educational agencies having elementary and secondary schools with large classes in order to demonstrate the advantages of reducing the size of classes in such schools.

"SEC. 3232. DEMONSTRATION GRANTS AUTHORIZED.

"(a) GENERAL AUTHORITY.—(1) From the amount appropriated under section 3282 in each fiscal year, the Secretary shall pay the Federal share of making grants to local educational agencies in accordance with the provisions of this subpart.

"(2)(A) The Federal share shall be 50 percent.

"(B) The non-Federal share of each grant awarded under this subpart may be in cash or in kind fairly evaluated, including planned equipment or services.

"(b) SELECTION CRITERIA.—The Secretary shall make grants to local educational agencies on the basis of—

"(1) the need and the ability to reduce class size in elementary or secondary schools of the local educational agency making an application under this subpart;

"(2) the ability of the local educational agency to furnish the non-Federal share of the costs of the project for which assistance is sought;

"(3) the ability of the local educational agency to continue the project for which assistance is sought after the termination of Federal financial assistance under this subpart; and

"(4) the degree to which each application demonstrates consultation in program implementation and design with parents, teachers, school administrators, and local teacher organizations, where applicable.

"(c) PRIORITY.—The Secretary shall give priority in awarding grants to applicants having applications that describe projects which involve—

"(1) young students, and

"(2) at-risk students.

"(d) SUFFICIENT SIZE AND SCOPE REQUIRED.—The Secretary shall make grants only to applicants having applications which describe projects of sufficient size and scope to contribute to carrying out the purposes of this subpart.

"SEC. 3233. APPLICATIONS.

"(a) APPLICATION.—(1) A grant under this subpart may be made only to a local educational agency which submits an application to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require.

"(2) The Secretary shall encourage applicants to make applications for a 3-year period.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include—

"(1) a description of the objectives to be attained with the financial assistance made available under this subpart and the manner in which funds so made available will be used to reduce class size;

"(2) a description of the steps to be taken to achieve target class sizes, including, where applicable, the acquisition of additional teaching personnel and classroom space;

"(3) a statement of the methods for the collection of data necessary for the evaluation of the impact of class size reduction programs on student achievement;

"(4) an assurance that the local educational agency will pay from non-Federal sources the non-Federal share of the costs of the project for which assistance is sought; and

"(5) such additional assurances as the Secretary may reasonably require.

"(c) ADMINISTRATIVE COSTS.—Not more than 10 percent of any grant under this subpart may be used for administrative expenses.

"SEC. 3234. ADMINISTRATIVE PROVISIONS.

"(a) GRANTS MUST SUPPLEMENT OTHER FUNDS.—A local educational agency receiving funds under this subpart shall use the Federal funds only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the activities described in the application.

"(b) AUDIT.—The Comptroller General shall have access for the purpose of audit and examination to any books, documents, papers, and records of any local educational agency receiving assistance under this subpart that are pertinent to the sums received and disbursed under this subpart.

'SUBPART 4—NEW CAREERS FOR TEACHERS DEMONSTRATION

"SEC. 3241. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to establish and operate new career demonstration programs to attract minority candidates, who are in school support or paraprofessional positions or in occupations other than teaching, to careers teaching in elementary and secondary schools.

"SEC. 3242. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—(1) The Secretary is authorized to pay the Federal share of making grants to eligible recipients to enable such eligible recipients to pay the costs of establishing and operating programs to attract minority candidates to teaching careers.

"(2) The Federal share shall be 50 percent.

"(3) The non-Federal share of each grant awarded under this subpart may be in cash or in kind fairly evaluated, including planned equipment or services.

"(b) Duration of Grant.—Each grant awarded under this subpart shall be for a period of 2 years and may be renewed for periods not to exceed 3 years.

"(c) Competitive Basis.—The Secretary shall award grants under this subpart on a competitive basis.

"(d) Priority.—In awarding grants under this subpart, the Secretary shall give priority to programs that focus on recruitment of minorities.

"(e) Special Consideration.—In awarding grants under this subpart, the Secretary shall give special consideration to programs designed to identify, recruit, and certify—

"(1) speakers of non-English languages who have been trained as teachers in their home country; or

"(2) individuals already employed in a local educational agency.

"SEC. 3243. ELIGIBLE RECIPIENT.

"As used in this subpart the term 'eligible recipient' means a consortia of—

"(1) institutions of higher education, and

"(2) local educational agencies,

working in conjunction with the State educational agency, and the appropriate State or local teacher credentialing body.

"SEC. 3244. APPLICATION.

"(a) In General.—A grant under this subpart may be made only to an eligible recipient which submits an application to the Secretary containing or accompanied by such information as the Secretary may reasonably require.

"(b) Contents of Application.—Each such application shall—

"(1) describe the activities and services for which assistance is sought;

"(2) set forth the number of expected participants in each program assisted under this subpart;

"(3) demonstrate steps on a career ladder leading to the position of fully credentialed teacher, ranging from nonskilled entry positions, extending through intermediate subprofessional functions, and terminating in full professional status as a certified teacher duly recognized by the appropriate State agency;

"(4) contain assurances that advancement within such career ladders would be based on merit, but that the opportunity for attainment of higher station is available to all;

"(5) demonstrate a plan for employing permanently individuals who have participated in the program at their new level of training, including individuals who terminate the program at a level below that of fully credentialed teacher;

"(6) demonstrate a plan for bringing a sizable portion of the educational program and coursework to the place of the participant's employment;

"(7) demonstrate a plan for providing academic credit for in-service training and other relevant experience as well as formal academic coursework;

"(8) provide for participation of individuals who have attained various levels of education including individuals who have not completed high school, with special consideration for such participation given to individuals already serving within the school system;

"(9) provide assurances that the program assisted under this subpart will be available to the disabled; and

"(10) contain such other assurances as the Secretary may reasonably require.

"SEC. 3245. USE OF FUNDS.

"(a) In General.—Funds provided pursuant to this subpart may be used to—

"(1) pay tuition for participants in programs established under this subpart;

"(2) pay for the release time of participants in programs assisted under this subpart; and

"(3) provide stipends for child care to participants whose academic coursework takes place outside the normal workday.

"(b) Administrative Costs.—Not more than 10 percent of any grant provided pursuant to this subpart may be used for administrative expenses.

"Subpart 5—Minority Teacher Recruitment Demonstration

"SEC. 3251. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary is authorized to pay the Federal share of making grants in accordance with the provisions of this subpart to carry out programs and activities designed to—

"(1) improve recruitment and training opportunities in education for minority individuals, including language minority individuals; and

"(2) increase the number of minority teachers, including language minority teachers, in elementary and secondary schools.

"(b) Federal Share.—The Federal share shall be 50 percent.

"(c) Non-Federal Share.—The non-Federal share of each grant awarded under this subpart may be in cash or in kind fairly evaluated, including planned equipment or services.

"SEC. 3252. USE OF FUNDS.

"Funds provided pursuant to this subpart may be used—

"(1) by—

"(A) 1 or more local educational agencies,

"(B) a State educational agency or a State higher education agency,

"(C) 1 or more institutions of higher education, or

"(D) community-based organizations,

to identify students from minority backgrounds, including language minority backgrounds, in middle and secondary schools interested in teaching, and to provide such students with activities and services which support and encourage the pursuit of teaching as a career;

"(2) by 2- and 4-year institutions of higher education with large concentrations of minority students, including language minority students, to—

"(A) identify students who indicate an interest in entering the teaching profession, and provide such individuals with support programs such as—

"(i) scholarship funds to meet expenses;

"(ii) remedial and tutoring programs;

"(iii) counseling and support services;

"(iv) teaching related activities;

"(v) academic advice and guidance in course selection to prepare for teacher certification;

"(vi) test taking skills; and

"(vii) information and advice regarding eligibility for membership in the Teacher Corps, and other financial assistance programs;

"(B) establish or strengthen teacher training programs;

"(C) establish or enhance early identification/articulation partnership programs with high schools and community colleges; and

"(D) establish partnerships with graduate schools of education to foster and facilitate the movement of minority students into post-graduate studies; and

"(3) by 2- and 4-year institutions of higher education or consortia thereof, State educational agencies, or State higher education agencies, to—

"(A) establish programs and activities which foster and facilitate the movement of students interested in pursuing teaching careers from 2-year institutions to 4-year institutions, focusing particular attention on facilitating the transfer of academic credit; and

"(B) improve existing assessment practices that determine an individual's qualifications to become a teacher.

"SEC. 3253. APPLICATION.

"(a) Application Required.—Each institution of higher education, State educational agency, State higher education agency, local educational agency or community based organization desiring a grant pursuant to this subpart, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall—

"(1) describe the activities and services for which assistance is sought;

"(2) set forth the individuals to be served; and

"(3) contain such assurances as the Secretary may reasonably require.

"(b) State Educational Agency Review.—Each application from a local educational agency for a grant under this subpart shall be forwarded to the appropriate State educational agency for review and comment if the State educational agency requests the opportunity for such review. The State educational agency must complete the review of such application and comment to the Secretary within 30 calendar days of receipt. Failure of the State educational agency to submit comments to the Secretary shall not prejudice such application.

"SEC. 3254. MISCELLANEOUS PROVISIONS.

"(a) Administrative Costs.—Not more than 10 percent of any grant provided pursuant to this subpart may be used for administrative expenses.

"(b) Definition.—For the purposes of this subpart the term 'State higher education agency' means the officer or agency primarily responsible for the State supervision of higher education.

"Subpart 6—Restructuring of Schools/School-Based Management Demonstration Program

"SEC. 3261. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to provide financial assistance to eligible entities to enable such eligible entities to plan or implement the restructuring of school organization, school-based management or instructional programs in elementary and secondary schools.

"SEC. 3262. GRANTS.

"(a) In General.—The Secretary is authorized to pay the Federal share of awarding grants to eligible entities to plan and implement the restructuring of school organization, school-based management, or instructional programs in elementary and secondary schools.

"(b) Award Basis.—The Secretary shall award grants under this subpart on a competitive basis.

"(c) Grant Period.—The Secretary shall award grants under this subpart for a period of 3 years.

"SEC. 3263. APPLICATION.

"(a) APPLICATION REQUIRED.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the activities and services for which assistance is sought; and

"(2) include a plan for widespread consultation with parents, community members, teachers, other local educational agency personnel, and the private sector in planning and implementing the restructuring of a school.

"SEC. 3264. RESTRUCTURING PLAN.

"(a) PLAN REQUIRED.—Each eligible entity desiring grant payments pursuant to section 3266 in the second and third year of a grant period, shall prior to the second year of such grant period, submit to the Secretary for approval a plan which describes the implementation of the restructuring of the school.

"(b) CONTENTS.—The plan submitted pursuant to paragraph (1) shall—

"(1) describe the activities and services for which assistance is sought;

"(2) demonstrate that in developing the restructuring plan the applicant has consulted with teachers and parents who will be affected by such plan;

"(3) demonstrate broad support for the restructuring plan in the community, including private sector involvement;

"(4) demonstrate that the restructuring plan is designed to improve the eligible entity's delivery of educational services as measured by student achievement or retention, or teacher performance or retention;

"(5) demonstrate that the eligible entity will be able to continue the restructuring of the school after the termination of financial assistance;

"(6) describe the independent evaluation to be conducted in accordance with section 446 of the National Teacher Act of 1990; and

"(7) demonstrate that the eligible entity is committed to and not legally prevented from undertaking the changes proposed in the plan.

"(c) SPECIAL CONSIDERATION.—In awarding grants under this subpart the Secretary shall give special consideration to applications from eligible entities which describe school restructuring plans which—

"(1) benefit students or a school with below average academic performance; and

"(2) benefit an eligible entity serving a large number of minority or disadvantaged students.

"(d) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall ensure that a broad geographic cross-section, including rural, urban, and suburban schools and local educational agencies, are served.

"SEC. 3265. USE OF FUNDS.

"Funds awarded under this subpart may be used for the planning, implementation, expansion, or replication of—

"(1) school-based management/shared decision making programs;

"(2) programs which increase the professional status and professional satisfaction of teachers;

"(3) differential staffing patterns (such as career ladders and job-sharing);

"(4) incentive pay to teachers;

"(5) employment of experienced teachers as mentor or master teachers;

"(6) research on effective techniques to recruit, train, and reward teachers;

"(7) curriculum reforms;

"(8) programs of cooperative learning;

"(9) models of alternative student assignment within schools;

"(10) programs which increase parent and community involvement in the schools;

"(11) coordinated efforts and partnerships with business, institutions of higher education, and other entities;

"(12) programs of interactive learning through technology; and

"(13) programs to train teachers, principals, school board members, and other individuals involved in the restructuring program.

"SEC. 3266. PAYMENTS.

"(a) IN GENERAL.—The Secretary shall pay to each eligible entity having an application or restructuring plan approved under this subpart the Federal share of the cost of the activities described in such application or plan.

"(b) SPECIAL RULE.—(1) In the first fiscal year in which an eligible entity receives a grant payment under subsection (a), such payment shall not exceed $150,000 and shall be used for planning the restructuring of a school.

"(2) In the second and third fiscal years in which an eligible entity receives a grant payment under subsection (a), each such payment shall not exceed $2,000,000 and shall be used for implementing the restructuring of a school.

"(3)(A) Notwithstanding the provisions of this subpart, the Secretary may make payments for the implementation of a restructuring plan in the first fiscal year in which an eligible entity receives a grant payment under subsection (a), if such eligible entity submits a restructuring plan pursuant to section 3264 in the first fiscal year for which a grant is sought.

"(B) Each eligible entity receiving a grant payment pursuant to the provisions of subparagraph (A) shall not receive a grant payment which exceeds $2,000,000 in each fiscal year for which the grant is awarded.

"SEC. 3267. FEDERAL SHARE; NON-FEDERAL SHARE.

"(a) FEDERAL SHARE.—The Federal share of each grant awarded under this subpart shall be 50 percent.

"(b) NON-FEDERAL SHARE.—(1) The non-Federal share of each grant awarded under this subpart may be in cash or in kind fairly evaluated, including planned equipment or services.

"(2) Each eligible entity receiving a grant under this subpart shall supply at least 50 percent of the non-Federal share of each grant awarded under this subpart from non-governmental sources.

"SEC. 3268. DEFINITIONS.

"For the purposes of this subpart—

"(1) the term 'eligible entity' means—

"(A) a local educational agency or consortia thereof;

"(B) an elementary or secondary school, or consortia thereof; or

"(C) a nonprofit organization, in consortium with a local education agency or school, if the Secretary determines that such nonprofit organization has a particular expertise to carry out the purpose of this subpart; and

"(2) the term 'school-based management/shared decisionmaking' means a process by which a team of individuals is formed at a school site to make decisions regarding the management of the school. Such a team may include teachers (including representatives of professional teachers associations or organizations, where applicable), the school principal, school administrators, parents, community representatives, school employees, and students. The school-based management/shared decisionmaking team is responsible for decisions, determined by the team, which affect the school and classroom environment. Such decisions may include decisions such as—

"(A) curriculum and instruction priorities which meet priorities and goals of the local educational agency, including materials and activities, organization, evaluation and assessment, while taking into account the special needs of students;

"(B) student grouping, promotion, and tracking;

"(C) school rules and discipline policies;

"(D) the scheduling and structure of the school day;

"(E) the school environment;

"(F) the physical structure of school facilities;

"(G) the administrative structure of the school;

"(H) establishing standards for the hiring and evaluation of teachers and administrators;

"(I) professional development programs which will meet faculty needs;

"(J) the use of non-Federal general operating funds; and

"(K) relationships with parents and community.".

(b) SPECIAL GRANT RULES.—Section 3281 of the Act (as redesignated in paragraph (5) of subsection (a)) is amended by striking "for the Fund" and inserting "to award grants pursuant to the provisions of subparts 1 and 2".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 3282 of the Act (as redesignated in paragraph (5) of subsection (a)) is amended to read as follows:

"(a) AUTHORIZATIONS.—There are authorized to be appropriated to carry out the provisions of this part $50,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993, 1994, 1995, and 1996.

"(b) RESERVATIONS.—From amounts appropriated pursuant to the authority of paragraph (1) of subsection (a)—

"(1) the Secretary shall reserve one-third of such funds or $10,000,000, whichever is less, for activities under subpart 2 of this part; and

"(2) the Secretary shall reserve $150,000 for activities authorized by section 3272.".

TITLE IV—STUDIES AND EVALUATIONS

PART A—TEACHER JOB BANK STUDY AND DEMONSTRATION

SEC. 401. STATEMENT OF PURPOSE.

It is the purpose of this part to provide for a study of the feasibility of establishing a clearinghouse to operate a national teacher job bank, and for establishing a regional clearinghouse composed of several State educational agencies to test the concept of a teacher job bank.

SEC. 402. STUDY.

The Secretary, through the Office of Educational Research and Improvement, shall conduct a study on the feasibility of—

(1) establishing a clearinghouse to operate a national teacher job bank; and

(2) establishing regional clearinghouses.

SEC. 403. NATIONAL TEACHER JOB BANK DEMONSTRATION.

(a) PROGRAM AUTHORIZED.—The Secretary, through the Office of Educational Research and Improvement, shall contract with one or more State entities, nonprofit organizations, or institutions of higher education to pay the Federal share of the costs of establishing a Teacher Job Bank Clearinghouse which shall—

(1) assist public and private education agencies in locating qualified applicants for teaching-related positions; and

(2) help individuals in locating teaching-related jobs or the training necessary to enter the teaching profession.

(b) APPLICATION.—(1) Each entity desiring to enter into a contract with the Secretary for the establishment of a Teacher Job Bank Clearinghouse shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(A) a demonstration of the capacity to efficiently and effectively handle a large volume of inquiries from employers and potential employees; and

(B) a demonstration of support from public and private education agencies that are likely to use the services provided by the Teacher Job Bank Clearinghouse.

(2) The Secretary shall give priority to applications submitted pursuant to paragraph (1) which—

(A) are representative of a region of the United States and involve the cooperation of several State educational agencies; or

(B) demonstrate an ability to address shortages of teachers, such as underrepresented minorities, special education teachers, bilingual teachers, or individuals planning to teach in subject areas, geographical areas, or types of schools with shortages.

SEC. 404. AUTHORIZED ACTIVITIES.

Each entity, organization or institution receiving funds under this part may use such funds to—

(1) develop, in consultation with local education agencies and other appropriate entities, standardized initial application forms for teaching jobs and related positions, and standardized forms and procedures for announcing available teaching positions;

(2) coordinate and assist State and local teacher recruitment efforts;

(3) publish and disseminate information about opportunities for teacher employment and teacher training;

(4) maintain a system for matching the supply of teachers with the demand for teachers among the States;

(5) promote the development of programs to recruit and train minorities and individuals with disabilities to become teachers;

(6) assist employers in checking the background of applicants;

(7) publicize the availability of scholarships, loans, and other programs that assist individuals wishing to pursue a teaching career;

(8) assist employers in the development of effective teacher recruitment programs;

(9) assist in developing reciprocal agreements on teacher certification among States; and

(10) conduct such other activities and services necessary to carrying out the purposes of this subpart in accordance with the provisions of this subpart.

PART B—STUDY OF PENSION PORTABILITY

SEC. 411. STUDY OF PENSION PORTABILITY.

The Secretary, through the Office of Educational Research and Improvement and in consultation with the Secretary of Labor, shall conduct a study of the feasibility of permitting teachers and administrators to transport pension benefits among States and among local educational agencies.

PART C—STUDY OF ALTERNATIVE WAYS TO INCREASE MINORITY PARTICIPATION IN THE TEACHING PROFESSION

SEC. 421. STUDY.

The Secretary shall, by grant or contract, conduct a study of alternative ways to increase minority participation in the teaching profession. Such study shall focus on barriers to entry into the profession for qualified minority group members, possible options for addressing the minority teacher barriers present, alternative assessment mechanisms, and the possibilities for increasing the supply of minority teachers. The Secretary shall consult with State educational agencies, local educational agencies and other interested parties in developing such study. The results of such study shall be reported to the appropriate committees of Congress not later than 2 years after the date of enactment of this Act.

PART D—MISCELLANEOUS EVALUATIONS

SEC. 431. LOAN FORGIVENESS FOR TEACHERS DEMONSTRATION PROGRAM EVALUATION.

(a) EVALUATION.—The Secretary shall conduct a continuing evaluation on the effectiveness of the loan repayment program set forth in part A of title I of this Act. Such evaluation shall analyze the demographic characteristics of participants in the loan repayment program. In addition, the evaluation shall include, but not be limited to, a consideration of the following:

(1) The effectiveness of the program in meeting the needs of the teacher shortage areas.

(2) The extent to which the program increases the number of minorities who become teachers.

(3) A comparison of the Stafford and Perkins loan forgiveness programs.

(4) The general overall effectiveness of the program in serving the needs of the United States.

(b) REPORT.—The Secretary shall report to the Congress on the results of the evaluations conducted pursuant to subsection (a) 4 years after the date of enactment of this Act.

SEC. 432. TEACHER CORPS PROGRAM EVALUATIONS.

(a) EVALUATION.—The Secretary shall conduct an evaluation of the effectiveness of the Teachers Corps established pursuant to part B of title I of this Act. An interim report on the results of such evaluation shall be submitted to the Congress by the Secretary 3 years after the date of enactment of this Act and subsequent reports shall be submitted every 2 years thereafter. The Secretary shall make such reports available to the public.

(b) REPORT TO SECRETARY.—Each State educational agency receiving financial assistance pursuant to part B of title I of this Act shall evaluate the work of the Teacher Corps in their State. An interim report on the findings of such evaluations shall be submitted to the Secretary 3 years after the date of enactment of this Act and subsequent reports shall be submitted every 2 years thereafter.

SEC. 433. NATIONAL TEACHER ACADEMIES EVALUATION.

The Secretary shall, by grant or contract, evaluate the work of each national teacher academy and the program established pursuant to part A of title II every 2 years. The Secretary shall make available to the Congress and the public the results of such evaluation.

SEC. 434. PROFESSIONAL DEVELOPMENT SCHOOLS EVALUATION.

(a) REPORT TO SECRETARY.—Each State educational agency receiving financial assistance pursuant to part B of title II shall evaluate the work of the professional development schools every 2 years and report the findings of such evaluations to the Secretary. The initial report shall be submitted 2 years after the date of enactment of this Act and subsequent reports shall be submitted every 2 years thereafter.

(b) REPORT TO CONGRESS.—The Secretary shall submit to the Congress a summary of the reports required under subsection (a). The initial summary shall be submitted 2 years after the date of enactment of this Act and subsequent summaries shall be submitted every 2 years thereafter.

SEC. 435. FIRST DEMONSTRATION PROGRAM EVALUATIONS.

(a) EVALUATION.—(1) The Secretary shall, through grant or contract, conduct a continuing evaluation of programs assisted under subparts 3, 4, and 5 of Fund for the Improvement and Reform of Schools and Teaching Act. Such evaluation shall commence prior to the awarding of grants pursuant to the provisions of such subparts, and shall take place before, during, and after the program cycle.

(2) In selecting an entity or organization to conduct the evaluation required in subpart 4 of the Fund for the Improvement and Reform of Schools and Teaching Act, the Secretary shall give priority to entities or organizations with experience in new career programs.

(b) REPORT.—The Secretary shall report to the Congress on the results of the evaluations conducted pursuant to subsection (a) 2 years after the date of enactment of this Act.

SEC. 436. RESTRUCTURING OF SCHOOLS DEMONSTRATION PROGRAM EVALUATION.

(a) EVALUATION.—(1) Each eligible recipient of a grant under subpart 6 of the Fund for Improvement and Reform of Schools and Teaching Act shall use not less than 5 percent of the grant received under such subpart to conduct an independent evaluation of restructuring activities assisted under such subpart on the delivery of educational services, the stability and quality of school staff, student achievement and retention, the relationship of the school with the community, and in the case of school-based management/shared decisionmaking initiatives, what decisions were transferred to the school-based management/shared decisionmaking teams.

(2) Such evaluations shall be forwarded to the Secretary at such time and in such manner as the Secretary may require.

(b) REPORT.—The Secretary shall report to the Congress on the results of the evaluations conducted pursuant to subsection (a) within 2 years of the date of enactment of this Act, and every 2 years thereafter.

PART E—AUTHORIZATION OF APPROPRIATIONS

SEC. 441. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, and 1996 to carry out the provisions of parts A, B, and C of this title.•

• Mrs. KASSEBAUM. Mr. President, I am pleased to join Senator PELL in cosponsoring legislation designed to assist in the recruitment and professional enhancement of teachers.

I can think of no profession deserving of more respect than that of teaching. As Henry Adams wisely observed, "A teacher affects eternity; no one can tell where his influence stops." We place our children in the hands of teachers 5 days a week for 9 months out of the year. Yet, we often fail to accord teachers the level of respect generally given to other professionals such as doctors and lawyers.

The quality of the individuals entering the teaching profession will make an enormous difference in our ability to meet the high standards of excellence we need and expect for our educational system. In addition, the millions of teachers already in the system require our support in addressing increasingly more challenging classroom situations.

A substantial amount of work has already gone into the development of this legislation. An identical measure was reported by the Senate Committee on Labor and Human Resources during the 101st Congress but was not considered by the full Senate prior to final adjournment.

The bill focuses on teacher recruitment through the establishment of a Stafford Loan Forgiveness Demonstration Program and a Teacher Corps Program. In addition, it increases the authorization for the existing Paul Douglas Teacher Scholarship Program, which provides scholarship assistance to students in the top 10 percent of their classes who agree to teach in exchange for scholarship assistance.

In the area of teacher enhancement, the bill authorizes the establishment of National Teacher Academies to provide intensive in-service teacher training in specific subject areas and of professional development schools for trianing programs at the school level. In-service training is also provided through a critical language and area studies demonstration program.

I believe there is a need to enhance cooperation between schools and teacher training institutions. The professional development schools proposed by this legislation offer a step in this direction. In addition, it expands the current Christa McAuliffe Program—which provides opportunities for teachers to obtain fellowships to be used for sabbaticals and other professional development activities.

Finally, the bill authorizes a series of special demonstration programs and studies which I believe can offer us important guidance in future legislative efforts. In particular, there is emphasis on finding ways to attract greater numbers of minority students into teaching. As the number of minority students continues to grow, it is critical that we work to correct the growing imbalance between minority students and minority classroom teachers.

Other studies and demonstrations address the issues of class size, pension portability, school year length, teacher training for paraprofessionals and other school employees, school restructuring, and teacher job banks.

In testimony before the subcommittee last year, Dr. Jerry Bailey of the University of Kansas observed:

> My spouse and I have a six-year-old son. Andrew was born white, male, healthy and as comfortable as two Kansas public-service salaries can make him. He is at least average in ability and was born into an educationally enriched community. His condition is abnormal. When historians of education write about the 1990's, they will evaluate us on how we dealt with the decade's big problems—the education of the nation's tens of millions of very young children and urban at-risk children and youth. As policy makers, educators and citizens we face major crises in these areas.

Certainly, the classroom teacher is at the forefront in meeting this challenge. To the extent that we can improve the attractiveness of teaching and support the work of the classroom teacher, we will all gain. I hope this legislation will bring us closer to that goal.•

• Mr. KENNEDY. Mr. President, today we reintroduce the National Teacher Act of 1991. This legislation marks the return of effective, appropriate, and long overdue Federal leadership in one of the most important areas of education. This bill was introduced and reported to the Senate floor during the last session, but the bill was not passed. Since then the need for effective, well-trained teachers has continued. We must act decisively if we are to address the enormous problems facing education in this country.

For years, we have looked the other way while the teaching profession has suffered falling recruitment, low retention, and a serious loss of status. In large measure, the current low state of American education reflects our neglect of the teaching profession and our failure to provide teachers with the recognition they deserve and professional opportunities they need to make teaching a more attractive career for more people. Whatever else we do in education reform, we will not improve American schools unless we ensure that there are talented well-trained teachers in American classrooms.

The demand for new teachers in the coming years will grow far beyond the current supply. Teacher shortages threaten to leave students with unqualified instructors in oversized classrooms. There is a critical need for this legislation.

The lack of minority teachers is particularly severe. It represents a crisis, not only for the 25 percent of American students who are minorities, but for the student population as a whole. Shortages in specialized areas are also acute, especially in bilingual education, education for the disabled, early education, and math and science education.

The National Teacher Act of 1991 responds to these needs by offering new incentives for teachers to enter the profession, new ways to train teachers, and new opportunities for experienced teachers to develop professionally.

The bill provides for the forgiveness of loans for undergraduate and graduate students who agree to teach up to 5 years. It establishes a Christa McAuliffe Career Teacher Corps to provide paid sabbaticals for experienced teachers to refresh their skills and gain a new perspective on teaching. It creates national academies for teachers to enhance their knowledge of specific disciplines. It gives teacher candidates and experienced teachers an opportunity to participate in national professional development schools—an innovative school-based teacher training program supported by the administration. In addition, the bill contains provisions for foreign language instruction and for demonstration programs and studies to encourage school restructuring and increased minority recruitment.

Finally, this bill reestablishes the teacher corps that began in the 1960's and was successful until the Reagan administration folded it into a block grant. The teacher corps offered scholarships to students who agree to teach 5 years. We modified the original teacher corps so that States rather than the Federal Government will administer it. This way, corps members will earn the same salary as other starting teachers in their State.

In addition, we target our teachers corps members on the poorest schools across the country where it is hardest to attract teachers. The revised teacher corps will provide these schools with the teachers they need. Recent programs that offer scholarships to students who go into teaching show that students do respond to incentives that direct them into teaching. Many of these new teachers remain in the classroom.

This omnibus bill includes many ideas by the members of the Labor and Human Resources Committee. Proposals by Senators PELL, SIMON, JEFFORDS, DODD, BINGAMAN, COCHRAN, myself and others have been integrated into the measure. The leadership of Senators KASSEBAUM, HATCH, and PELL has been essential in developing this bipartisan legislation, and I commend them for this achievement.

The result is a strong teacher bill that responds to one of the most urgent needs in our educational system, and I hope that it will be enacted into law this year.•

• Mr. SIMON. Mr. President, I am pleased to be an original cosponsor of the National Teacher Act of 1991. This proposal was developed last year and received strong support from my colleagues on the Labor and Human Resources Committee. Some parts of the bill deserve swift action by Congress, and others will be considered along with the reauthorization of the Higher Education Act this year.

I would like to take this opportunity to highlight some of the key provisions of this bill.

SCHOLARSHIPS FOR FUTURE TEACHERS

As the chairman of the Postsecondary Education Committee on the House side in 1984, I led the effort to provide scholarships to encourage our top students to go in to teaching. That program, now named for Paul Douglas, the former Senator from Illinois, provides scholarships of $5,000 per year to more than 3,000 students across the country. For each year of assistance, they agree to teach for 2 years. While the program is still young, we have seen some good results: A preliminary study found that, of those participants who have graduated and received their teaching credentials, 93 percent are in the classroom.

In a bill I introduced last year, I proposed expanding the successful Paul Douglas Teacher Scholarship Program, to encourge more of our brightest students to commit to teaching. I am pleased that this bill incorporates my proposal to double the authorization.

This bill also establishes forgiveness of Stafford loans for those who teach in schools with large numbers of disadvantaged students, much like the current forgiveness provisions for Perkins loans. Combined with the return of the teacher corps, these efforts will go a long way toward bringing excellent teachers to the schools that need them most.

IMPROVING TEACHERS' SKILLS

Also in the package of proposals that came out of my subcommittee in 1984 was the idea of talented teacher fellowships, now named for teacher-astronaut Christa McAuliffe. This small program has provided each State with at least one fellowship each year for a teacher to conduct a special project or go on a study sabbatical. This bill includes my proposal to expand this program, and combines it with the senior teacher corps proposal that was in the bill I cosponsored with Senator KENNEDY last year.

At the heart of this bill are the national teacher academies, focused on 10 different subject areas, and the professional development schools, which will provide ongoing training for teachers at the local level. I would like to point out two small but extremely important provisions that I asked the committee to include in this part of the bill.

First, it is said that teaching is the loneliest profession. Teachers are alone in front of the classroom, and few ever get to work with their fellow teachers on special projects or even just to hone their skills by sitting in on each other's classes. Part of the responsibility of the professional development schools is to "encourage teacher collaboration, especially among teachers of different subjects." Among the most powerful moments in a student's career is when different subjects converge, and there is the realization that real life is not divided into subject areas: there's math in civics, chemistry in auto shop, and history in music. Physical education shouldn't be ignored, either. In the June 13 issue of the Chronicle of Higher Education, there was a review of a book called "The Physics of Baseball," by Robert Adair. I can think of no better way to get sports-obsessed students to think about science than to talk about the physics of hitting home runs.

Second, these teacher training efforts are to be designed to help teachers teach all students in mixed-ability classrooms. This is an attempt to reverse the destructive effects of tracking, or ability grouping, in schools. The Governors, in their education strategies report released last year, identified this as a priority:

> Challenge educators to eliminate ability grouping and tracking: Schools must challenge all students to meet high standards. Yet ability grouping in the elementary grades and tracking in the secondary grades prevent this, especially for students placed in the lower groups. There, low expectations become self-fulfilling prophecies and limit students' access to challenging material or instruction. Once placed in lower tracks, few students ever move up.
>
> By high school, the consequences of tracking are particularly devastating for students in the general track, who find themselves unprepared for either work or postsecondary education. For all students, artificial barriers between academic and vocational curriculum and between theoretical and applied learning must be removed.
>
> Eliminating these practices does not require ending special opportunities for students, such as gifted and talented or Advanced Placement courses. Nor does it mean abandoning special education or remedial programs for those who need additional services or assistance.
>
> However, assignment to these or other instructional opportunities should not permanently label individuals, or place enduring limits on their access to learning opportunities. And educators should be encouraged and assisted to develop new or use available instructional practices—such as peer tutoring, cooperative learning, or reciprocal teaching—that capitalize on the diversity of students' talents, rather than segregating by ability levels.

In the 1988 revision of chapter 1, provisions were included to ensure that disadvantaged students are not provided with a watered-down curriculum, but are taught the same skills and advanced concepts that other students are expected to master. The professional development schools will help to carry out that charge, by helping teachers be successful with all students in diverse classrooms.

SCHOOL RESTRUCTURING

The demonstration project in this bill include grants to encourage and assist school restructuring and efforts in school-based management. This incorporates the School Restructuring Act that I introduced last year with my colleague from Nebraska, Senator KERREY. School reform will not be successful simply by giving the reins of power to teachers and parents. Decades of bureaucratic control cannot be reversed overnight. In Chicago, the local school councils need our help. They need training in fiscal and personnel management, leadership, group process and other skills. They need strategies for retraining teachers, reinvigorating students, and involving parents. This bill will provide them with this assistance, to help ensure the success of the Chicago reforms, and to encourage similar efforts across the Nation.

TEACHER JOB BANK

Also included in this legislation is a demonstration and study of a teacher job bank, based on my proposal in the National Teacher Recruitment Act of 1990. People interested in teaching can't comb the entire country looking for openings; likewise, few schools have the resources to recruit outside of their area. The teacher job bank would fund multi-State efforts to create an employment network for schools and prospective teachers. It could focus on particular types of teachers in short supply, such as bilingual teachers, or an effort to improve teacher mobility within a region.

MINORITY TEACHERS

Perhaps the most important element of this bill is its overall focus on minority teachers. In my statement on January 14, 1991, on the minority scholarships issue, I provide some sobering statistics from Illinois on the lack of minority teachers. Different elements of this bill address the need for minority teachers at various stages of the educational process. The demonstration grants will help to establish programs at the middle school level through college that engage students in teaching-relating activities, such as tutoring. The expansion of loan forgiveness and scholarship programs will help those with an interest in teaching get the education that they need. And the New Careers Program will help school paraprofessionals and people in other professions, including the military, to get into the teaching profession.

Mr. President, the Federal Government's role in education is to provide leadership and assistance in addressing the Nation's most pressing needs affecting our least fortunate citizens. The National Teacher Act of 1991 is focused on the crucial need for a quality, diverse teaching force, to improve the education and opportunities of all people, especially those who have been neglected in the past. Passage and funding of these initiatives would represent an important step toward increasing teacher quality and diversity in this Nation.●

• Mr. COCHRAN. Mr. President, education holds the key to the future of our country. If we fail to provide quality education, we risk not only the lives of our children but also our Nation's place in an increasingly competitive global economy.

No profession in our society is more important to the Nation's future than teaching. Senators, presidents of corporations, well-known athletes, and witnesses before our committees, often describe how teachers made the difference in their lives. A teacher gave them a particular insight, provided needed encouragement, or inspired self-confidence and a desire to achieve a goal.

As a member of the Labor and Human Resources Committee, I have been fortunate to meet fine educators from all over the country. Most are very dedicated and believe their hard work makes a difference. They are not teachers to become rich or because it is an easy job; they devote themselves to teaching because they believe children deserve an opportunity to make the most of their lives.

Our Nation is beginning to experience a shortage of qualified teachers which will soon become more severe. There are various contributing factors. Fewer college bound students plan a teaching career. Minorities are not well represented among those entering the field. Schools struggle to retain the best teachers. Teachers of math, science, and foreign language are especially hard to find, particularly in rural areas where shortages are already critical.

I am increasingly convinced that the two most important elements in education are good teachers and parents who are involved in the education of their children.

A Nation-wide survey published by Newsweek showed that nearly three out of four parents said their busy schedules limited the time they could devote to their children's education, a modern condition which increases the burden of educators.

We cannot require parents to set aside time to work with their children on their studies or spend more time at their school. But there are steps we can take. We can reward our best teachers for the excellent job they do; provide inservice training programs to help teachers improve their skills and share the latest successful teaching methods; give foreign language teachers opportunities to study abroad; encourage teachers' participation in decisions made at their school; and provide incentives for bright young people to enter the profession and stay there.

I am pleased to support the legislation before us today. I believe we cannot have a first-rate educational system without first-rate teachers. This bill enhances professionalism, will attract more college students, particularly minorities to the field, and will give teachers the opportunity to enhance and improve their teaching skills through life-long learning programs.

I commend Chairman KENNEDY, Senator HATCH, Senator PELL, and Senator KASSEBAUM for introducing this bill again in the 102d Congress. I believe it will go a long way to expand our pool of qualified teachers and to strengthen our Nation's educational system.

I would like to thank Chairman PELL, Senator KASSEBAUM, and other members of the Subcommittee on Education, Arts, and Humanities for approving my request to include the National Student Writing and Teaching Act of 1990 (S. 2039) as part of the National Teacher Act. I introduced this legislation during the 101st Congress to authorize funding for the national writing project, a national network of teacher training programs, affiliated with institutions of higher education to improve the quality of student writing and learning and the teaching of writing in the Nation's classrooms. The section, which was added to the national teacher academies section of the bill, had 40 Senate cosponsors and was adopted by the other body.

There are currently 143 national writing project sites in 44 States. Federal funds will support its programs at each of these sites and develop new sites on a dollar-for-dollar matching basis up to $40,000 per site. Priority for new site development will go to those States currently lacking national writing project programs.

The "Writing Report Card," an assessment of writing skills of school children conducted by the U.S. Department of Education, recently reported that in 1988, fewer than 25 percent of our high school juniors could write an adequate, persuasive, error free letter.

Over the past two decades, colleges and universities across the country have reported increasing numbers of entering freshmen unable to express themselves in simple grammatical English. Over 90 percent of our colleges feel required to offer remedial courses to teach basic skills.

A survey conducted by the American Business Conference shows that 50.8 percent of business executives are very concerned about education. So serious is the problem of limited basic skills of entry level workers, the National Alliance of Business and the American Business Conference have joined together to create a new pre-employment standardized test for high school graduates to measure an array of basic skills achievement. For business, this means better identification of qualified workers who would need less training once on the job, particularly in basic skills such as reading, writing, and arithmetic. For those students lacking in basic skills, it means fewer job opportunities.

The national writing project is a teachers-teaching-teachers program that identifies and promotes what is working in the classrooms of the Nation's best teachers. It is a positive program that celebrates good teaching practice and increases the Nation's corps of successful classroom teachers.

In Mississippi, national writing project sites have made remarkable progress in improving teaching and learning. Not only English teachers, but also history, science, geography, math, reading, and social studies teachers participate in the program. Educators from kindergarten through college attend intensive summer workshops and school-based programs during the school year. The result has been a measurable increase in student test scores and a rekindling of teacher enthusiasm, confidence, and morale.

This legislation should provide a very high return on a modest investment and take us further toward our goal of improving the quality of education in the Nation's classrooms.

This bill represents a good balance of innovative approaches to address the growing need for more and better teachers. I urge its adoption early in the 102d Congress.•

• Mr. JEFFORDS. Mr. President, I am glad to be a cosponsor of the National Teacher Training Act. With the recent education summit and the media's attention focused on the status of our schools, students, and teachers, this bill is both timely and needed.

I further want to commend the chairman for his inclusion of foreign language teacher training within this legislation. With our rapidly changing world and the ever increasing likelihood of a global marketplace, foreign language skills are imperative to our students.

Yet, statistics indicate that much of the reason our young people lag behind their foreign counterparts in language competency is due to the death in skilled foreign language instructors.

A survey by the American Association of Colleges for Teacher Education found that less than 5 percent of teachers being trained had any formal exposure to intercultural, international, or foreign language matters.

If we are going to meet the challenge posed by our cultural and foreign language illiteracy we must strengthen and expand the role of elementary and secondary schools in the instruction of critical languages and area studies. In order to achieve this, we must bring together the resources of the Federal Government, the private sector, and the expertise of the education community in the establishment of model teacher training and education programs.

In Vermont, a consortium such as this exists which addresses this most critical need. The Critical Languages and Area Studies Consortium was created to address our national problem of foreign language illiteracy by promoting the instruction of critical languages and area studies at the secondary and elementary level. It has developed new curriculum and developed appropriate teaching materials.

The consortium represents a serious attempt to break the log jam and significantly improve the teaching of these foreign languages in American education. As an established program with a history of success, it represents a means to address the dearth in foreign language teachers.

I commend the chairman for his leadership in creating legislation which will invigorate teacher recruitment and preservice training, place an emphasis on minority recruitment and encourage inservice training.

It is time that our Nation understand that teachers are the backbone of our future generation. They are at the heart of the equation to strengthen our schools. Attention, incentives, and encouragement are needed to reinforce the fact that teachers have been and will continue to be the bedrock of the future.

I am glad to be a cosponsor of this legislation. And look forward to working with the chairman on the provisions of foreign language teacher training.●

● Mr. KERREY. Mr. President, today I rise to lend my support to the National Teacher Act of 1991 being introduced by the distinguished Senator from Rhode Island [Mr. PELL], who has worked tirelessly to improve our educational system.

This legislation will bring together a number of important measures aimed at improving the recruitment, retention, and professional development of elementary and secondary school teachers.

I am especially pleased to have worked with Senator PELL and other members of the committee to include my Schools Restructuring Act of 1990 (S. 2580) as the restructuring of schools demonstration program in this legislation. It is this section of the legislation that I would like to address in my statement.

In recent years there has been a lot of talk about education reform. I believe, however, that the reality has fallen short of the rhetoric here in Washington. In fact, most of the action has been occurring at the local level where there are hundreds of grassroots restructuring experiments being planned or implemented.

If we are willing to lend a hand, there are many local schools and school districts that would respond. There is a number of exciting restructuring efforts currently underway in Nebraska. The restructuring legislation would implement these innovative local efforts.

Here are some examples:

About 5 years ago Grand Island's school district undertook a strategic planning process with the aim of creating independent learners. The result was a plan that led to the creation of school improvement teams composed of parents, teachers, and administrators into the process to strengthen their schools. The level of involvement and interest is extraordinary and it is a good example of a community coming together to improve its schools. Yet it is only one example.

In Gering, parents, community leaders, teachers, and administrators have formed a team to set goals for the junior high school. The recommendations led to teachers using new, cooperative learning techniques, new math, and science material emphasizing critical thinking skills.

In Norfolk, the staff of one school was granted control over its own budget, staff assignments, textbooks, supplies, and scheduling. One result is that teachers have been granted more planning time to develop new lesson plans and improve communication among teachers.

In Hastings, industrial arts teachers revamped the traditional shop program to better train students for working in an information-based society. Students now work independently on lessons in robotics, desktop publishing, and computer applications.

In Holdrege, grades were reorganized in order to put grades 5-8 in one building and teachers were organized into teams that are student focused rather than "subject focused."

There are a number of other exciting projects underway in Nebraska that will be important to local school restructuring efforts. Of particular interest are a number of technologies that have been developed and will be important resources to local schools interested in strengthening their curriculum. For instance, we have a closed circuit capability within the university system. We have a dedicated satellite system which can currently carry programs throughout the State. We started just this month to join this system with some 33 land-grant colleges and can now provide for-credit courses through this system, which is known as AG SAT.

In addition, we offer through the Satellite Educational Resources Consortium [SERC] a nationally recognized Japanese course which is made available through the consortium. We have a video disc design group with more than 10 years experience in educational programming and a vast library of materials. We are fortunate to have at the University of Nebraska-Lincoln, the Midwestern hub for the National Science Foundation's national research and information networking system. While this system to date has principally served the graduate and undergraduate community, we will soon have it operational, on a model basis, at one secondary site in Omaha, and we hope to extend it beyond that. We are currently working to expand the availability, accessibility, and materials which can be provided through these systems.

It is entirely possible that as we expand our capability to utilize the above, and we are actively working to do so, we will find a need to modify the way some of our schools or systems are organized and the manner in which instructional programs are delivered. While the restructuring proposal in this bill would not do all that we are trying to do with our technologies, it could make a contribution toward the organization or reorganization of the structures and systems which will utilize the technologies.

Nebraska is fortunate to have many individuals who are interested and involved in strengthening our schools. Not every effort requires Federal assistance, yet I believe that my demonstration program can provide an important resource to local communities interested in strengthening their schools.

Mr. President, we need to reach out and support the most innovative local initiatives because local administrators are in the best position to understand the limitations of our schools and the steps that must be taken to strengthen them.

The schools restructuring demonstration program provides Federal support for local schools and school districts that are interested in pursuing restructuring proposals. It recognizes that innovation comes from below and that it is our responsibility at the Federal level to support such innovation.

This legislation establishes a program whereby a school, group of schools, or school district to schools can apply to the already existing Fund for the Improvement and Reform of Schools and Teaching [FIRST] for a 3-year grant. During that 3-year period an applicant would receive no more than $150,000 during the first year for planning purposes and no more than $2 million to implement the restructuring proposal during the second and third year. The program will require that 50 percent of the funds be put together by the applicant. Further, half of that local match must come from nongovernmental sources such as local community businesses interested in supporting bettering the community's schools.

If school restructuring is to be successful and thrive it will require broad community support. In order to qualify for funding the school or schools applying for funding must demonstrate that they have a plan that will involve parents, teachers, the business community and other interested parties in their restructuring plan. As discussed above, the project must also receive some financial support from the community.

The program establishes a competitive grant system that provides funding for a broad variety of restructuring proposals that touch on school organization, school management, or instructional programs in elementary and secondary schools.

The legislation is also designed to ensure that the Federal funds are wisely used. The successful applicant will need to submit a plan for the Secretary of Education's approval at the end of the first year of funding in order to qualify for additional assistance. Finally, the schools are required to undergo an independent evaluation that will be made available to the Department and Congress.

Mr. President, this is a modest step, but the hundreds of schools and school districts, in Nebraska and all across the country, currently interested in or involved in restructuring experiments could use the help of a Federal partner.

I hope that this bill will contribute to the burgeoning school restructuring movement where they are occurring—at the local level. I am pleased to work with the chairman of the Education Subcommittee and the Labor Committee on this legislation.•

By Mr. MITCHELL (for Mr. CRANSTON, for himself, Mr. SPECTER, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. AKAKA, Mr. MURKOWSKI, Mr. SIMPSON, Mr. THURMOND, Mr. JEFFORDS, Mr. BRYAN, Mr. BURDICK, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. FORD, Mr. GORTON, Mr. JOHNSTON, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MOYNIHAN, MR. REID, Mr. SARBANES, Mr. SANFORD, and Mr. WIRTH):

S. 330. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that Act; to amend title 38, United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes; to the Committee on Veterans' Affairs.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1991

Mr. MITCHELL. Mr. President, as Members of the Senate are aware, Senator CRANSTON is unable to be here today because he is recovering from treatment for cancer. Thus, I am submitting for him the following statement on S. 330.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I regret that I am unable personally to introduce this most significant and timely legislation. I am honored, however, that my good friend, the distinguished majority leader, Mr. MITCHELL, an esteemed member of the Veterans' Affairs Committee, has agreed to introduce and cosponsor S. 330, the proposed Soldiers' and Sailors' Civil Relief Act Amendments of 1991. I am pleased to note that we are joined by the committee's ranking minority member, Mr. SPECTER, and by all other committee members—Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, MURKOWSKI, SIMPSON, THURMOND, and JEFFORDS—as well as Senators BRYAN, BURDICK, CONRAD, D'AMATO, DASCHLE, DIXON, DODD, DOLE, FORD, GORTON, JOHNSTON, KOHL, LAUTENBERG, LEAHY, MIKULSKI, MOYNIHAN, REID, SANFORD, SARBANES, and WIRTH. This bill would modify and make technical amendments to the Soldiers' and Sailors' Civil Relief Act of 1940 [SSCRA] (50 U.S.C. App. 510 *et seq.*) and the Veterans' Reemployment Rights [VRR] law, which is codified in chapter 43 of title 38, United States Code.

The SSCRA was enacted by Congress in 1940 to protect individuals called to active duty. It is intended in large part to promote the national defense by suspending enforcement of civil liabilities of servicemembers in order to enable them to devote their entire energies to the defense needs of the Nation. For example, the act provides for forbearance and reduced interest on certain obligations incurred prior to service and restricts default judgments against servicemembers and rental evictions of servicemembers and their dependents.

Reservists called to active duty also are concerned about having jobs when they return to civilian life—preferably their old jobs—and not losing seniority and other employment benefits because of their absence while serving their country. Under the VRR law, reservists ordered to active duty under section 673(b) of title 10, United States Code—as in the case of those individuals currently serving by virtue of Executive Order 12727—are entitled to return to their civilian jobs after an honorable discharge or release from service if they apply for reemployment within 31 days after separation from active duty. For purposes of rights and benefits based upon length of service, employees are entitled to be treated as though they had never left. Thus, returning veterans step back on the seniority escalator at the point they would have occupied without the interruption for military service.

Mr. President, the bill being introduced today is very similar to S. 3248, which I introduced in the 101st Congress on October 25, 1990, and which was identical in most respects to H.R. 5814, introduced in the House of Representatives by my good friend and chairman of the House Veterans' Affairs Committee, Representative MONTGOMERY, on October 11 and passed by the House on October 15. Unfortunately, in the last days of the 101st Congress all veterans legislation in the Senate was blocked as a result of objections to several provisions in S. 2100, the Veterans Benefits and Health Care Amendments of 1990. The controversy, which has been resolved, had no substantive connection with the proposed amendments to the SSCRA or VRR.

On January 17, Chairman MONTGOMERY introduced H.R. 555, a bill very similar to H.R. 5814, with two additional provisions which he and I developed together. That bill, as amended slightly, was passed by the House on January 29 by a vote of 414 to 0. The bill being introduced by Sentor MITCHELL on my behalf today is a companion to the one passed by the House.

Mr. President, this measure addresses concerns raised in a September 12, 1990, joint hearing of the Senate and House Committees on Veterans' Affairs. The two new provisions—one to allow a stay of civil action pending against servicemembers until after June 30, 1991, and the other to prohibit creditors or insurers from taking adverse action against a servicemember because he or she exercised rights available under the act—were added at the request of the Department of Defense.

Chairman MONTGOMERY and I—together with the two committees' ranking minority members—Mr. MURKOWSKI during the 101st Congress and Mr. STUMP—agreed to seek in this bill only those changes to the SSCRA and VRR necessary to address the application of these laws in connection with Operation Desert Storm. In the near future, we plan to carry out a more comprehensive review of these laws.

The similarities between the House-passed bill and the measure being introduced today reflect our continuing joint effort to develop legislation that will bring timely relief to those who answered their Nation's call.

SUMMARY OF PROVISIONS

Mr. President, this bill contains seven substantive provisions that would:

First, increase from $150 to $1,200 the maximum rental amount of a residence from which the family of a servicemember who has been ordered to active duty may not be evicted.

Second, expand the authority under the SSCRA for automatic extension of a power-of-attorney of a servicemember who is missing in action that otherwise would have expired as of July 31, 1990.

Third, provide that the professional liability insurance for physicians and members of other professions who are ordered to active duty would be suspended upon written request to the insurance carrier for the period of the individual's active duty.

Fourth, provide under both VRR and SSCRA for reinstatement of health insurance, without waiting periods or exclusion of coverage for preexisting conditions, for a reservist who is ordered to active duty and his or her family.

Fifth, provide for the stay of any judicial action or proceeding—other than a criminal case—involving a member of the Armed Forces until after June 30, 1991, if the member applies for the stay and is on active duty and serving outside the State in which the court having jurisdiction over the action or proceeding is located.

Sixth, provide that the servicemember may not be discriminated against in terms of creditworthiness and certain other contexts by reason of exercise of rights under the SSCRA.

Seventh, clarify existing reemployment rights for reservists called to active duty for periods of 90 days or longer.

BACKGROUND

Mr. President, in response to the August 22, 1990, mobilization of over 46,000 members of National Guard and other selected Reserve units for what was then called Operation Desert Shield, the Senate and House Veterans' Affairs Committees held a joint hearing, on September 12, 1990, to assess the adequacy of protections provided by the Soldiers' and Sailors' Civil Relief Act of 1940 and the Veterans' Reemployment Rights Law. Witnesses included representatives from the Departments of Veterans Affairs, Defense, and Labor; veterans service organizations; and institutions and trade associations in the financial and housing industries. Now, 6 months later, we have nearly 200,000 National Guard and reservists on active duty, many of whom are serving in the Persian Gulf, amidst the hostilities of Operation Desert Storm—and still the number continues to climb towards the 319,000 strength ceiling established by the Department of Defense.

INCREASE IN RENTAL CAP ON EVICTION PROTECTION

Section 2 of the bill would amend section 300 of the SSCRA, which protects servicemembers and their families against eviction from rental homes. Under current law, this protection applies only in cases in which the rent is not more than $150 a month. This ceiling clearly is unrealistically low, considering the rent that even a family of three or four must pay for a modest apartment or house—especially in high-cost areas, such as my own State of California, which has a large number of the Nation's military and Reserve members.

The Department of Housing and Urban Development [HUD] compiles annual data on current rent levels in the United States for standard-quality rental housing units. According to HUD, these levels reflect estimated rentals for privately owned, decent, safe, nonluxury housing. The most recent compilation includes rents of $1,144 per month for a three-bedroom home and $1,281 for a four-bedroom home in the San Francisco metropolitan area; $1,087 for a three-bedroom home and $1,217 for a four-bedroom home in Boston; and $1,042 for a three-bedroom home and $1,164 for a four-bedroom home on Long Island. These data were printed in volume 55 of the Federal Register on October 1, 1990 (pages 40044-40117).

This provision would amend section 300 of the SSCRA to increase the maximum rental amount from $150 to $1,200 for purposes of staying eviction proceedings, and would apply to actions for eviction or distress that are begun after July 31, 1990.

POWERS OF ATTORNEY

Section 701 of the SSCRA provided for an extension of powers of attorney executed by service members who later are missing in action. Section 3 of the bill would amend this provision, which currently applies only to powers of attorney executed during the Vietnam era, to cover powers of attorney that expire after July 31, 1990.

PROFESSIONAL LIABILITY INSURANCE

Mr. President, one critical issue addressed at the September 12 hearing was the effect of a callup on the professional liability insurance of a reservist ordered to active duty who is a physician or other health-care professional. As a result of changes in the malpractice insurance industry, there has been a shift toward "claims-made policies", which provide coverage for claims filed during the period of coverage, rather than in connection with actions or injuries that occur during the coverage. Thus, to ensure that they are covered for claims made while on active duty, reservists must continue paying malpractice insurance premiums after being called to active duty. In some medical specialties, the malpractice insurance premiums could far exceed the reservist's military pay and allowances during the period of active service.

Section 4 of the bill, which would add a new section 702 to the SSCRA to address this issue, is derived from draft legislation proposed by the Department of Defense. It would require a professional-liability insurance carrier, if requested by a professional who is a reservist ordered to active duty after July 31, 1990, to suspend coverage under a "claims-made" policy during the individual's period of service. Under a "claims-made" policy, the individual is protected against liability for claims presented during the period of coverage, regardless of when the events giving rise to the alleged liability occurred. Under new section 702, a claim based upon abandonment—the failure of a professional to make adequate provision for patients to be cared for during the period of active duty—would be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance. Under this legislation, an insurance company could not require premium payments during the period of suspension and would be required either to refund any prepayments or, if the service member chooses, to apply any such prepayments to coverage after reinstatement. After the individual's release from active duty, the insurance carrier would also be required to reinstate coverage on the date the service member submits a written request, if such a request is submitted within 30 days after release. The premium would be due within 30 days after the insurance carrier provides notice of the amount owed. This provision also would prohibit discriminatory rate increases and would stay civil and administrative actions for damages brought against the service member by holding such claims in abeyance until after the individual leaves active duty.

REEMPLOYMENT RIGHTS

Mr. President, when I visited the Middle East in September, many service members with whom I met expressed concerns about how their active duty might affect their ability to regain their jobs after military service. They wanted clarification of how much time they had to apply for their reemployment upon release from active duty and how long after their return they were protected from discharge without cause. Currently, section 2024(g) of title 38 makes clear that reservists ordered to active duty for not more than 90 days have 31 days to apply for reemployment and that they will be given 6 months of protection upon return. However, those rights are in doubt when there is an extension of the reservists' active duty for more than 90 days, as has been the case since late November—90 days from the initial August callup. To address this concern, section 6 of the bill would amend the VRR law to clarify that all reservists called to active duty under section 673(b) of title 10 would have 31 days after their service to apply for reemployment and 6 months of job protection upon returning to work.

HEALTH INSURANCE PROTECTION

Mr. President, section 5 of the bill addresses concerns regarding the reinstatement of health-insurance coverage for reservists called to active duty and their families. It would amend section 2021(b) of title 38, a VRR provision, and add a new section 703 to the SSCRA to provide for health-insurance reinstatement for service members and their families—with no waiting period or exclusion of coverage for preexisting conditions—in cases in which coverage would have been provided if the service member had not been called to active duty. Our bill would provide the same reinstatement rights under the SSCRA for returning reservists—and their families—who, as self-employed persons, were covered by health-insurance prior to being called to active duty.

STAY OF JUDICIAL PROCEEDINGS

Mr. President, section 201 of the SSCRA currently provides a court with discretion to stay a judicial proceeding—other than a criminal case—involving a person in the military service if, in the opinion of the court, the ability of the servicemember, as either plaintiff or defendant, is materially affected by reason of his or her military service.

Under recent military buildups and deployments, personal mobility has been greatly restricted. In many instances, servicemembers have not been able to leave their military facility or have been transferred great distances on short notice. Reserve and National Guard personnel have been activated and deployed with little time to settle their personal affairs. For many, the last 6 months have been a time of turmoil.

The Department of Defense has expressed to the committee its concern that servicemembers who were involved in court proceedings but unavailable for a court appearance could be adversely affected by reason of their military service if a court, exercising its discretion, decided it would not grant a stay of proceedings until the individual would again be available. It was noted that at least one court, several years ago, treated a letter from a servicemember requesting a stay of proceedings as a court appearance, allowing jurisdiction to be established and a default judgment to be entered.

The Defense Department and I, however, are equally concerned that the legal process not be unduly restricted. Section 6, which represents a temporary remedy pending a more comprehensive review of the SSCRA, provides for the suspension of court discretion regarding stays until July 1, 1991. Courts will not be able to deny a request for a stay of judicial action or proceeding—excluding criminal cases—if, at the time of application, the servicemember is on active duty and is serving outside the State in which the court of jurisdiction is located. After June 30, 1991, provisions of current law will again be in force, providing that a stay of judicial proceedings would be subject to the court's discretion.

PROTECTION OF RIGHTS

Mr. President, section 7 of the bill, which would add a new section 108 of the SSCRA, expresses the intent of Congress that lenders, creditors, insurers, and others involved in financial transactions not take adverse action against a person in the military because he or she exercises the rights available under the SSCRA. The provision prohibits certain adverse actions, including denial or revocation of credit by a creditor, adverse reports relating to the credit record of a servicemember, and refusal to insure a servicemember, based solely upon the application for or receipt of relief under the SSCRA. New section 108 would underscore our support for the dedicated men and women who wear the uniform of this great Nation by ensuring that the exercise of rights under the act does not have a negative impact on their future financial transactions.

CONCLUSION

Mr. President, the Soldiers' and Sailors' Civil Relief Act of 1940 and the veterans' readjustment rights law are intended to protect individuals called to active duty and their families. The bill being introduced today is intended to ensure that those protections reflect current legal and economic realities. The committee will again look very closely at these two important laws in the near future, when we have more time to investigate and deliberate the numerous issues we have already encountered and others which will undoubtedly arise. For now, however, I would urge my colleagues to support this set of provisions in order to address the areas in need of immediate attention.

Mr. President, I ask unanimous consent that the text of the bill be printed at this time in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers' and Sailors' Civil Relief Act Amendments of 1991".

SEC. 2. EVICTION AND DISTRESS DURING MILITARY SERVICE.

(a) INCREASED MAXIMUM RENTAL AMOUNT FOR APPLICABILITY OF STAY.—Section 300 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 530) is amended by striking out "$150" in subsection (1) and inserting in lieu thereof "$1,200".

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (1), (2), (3), and (4) as subsections (a), (b), (c), and (d), respectively; and

(2) in subsection (c), as so redesignated, by striking out "subsection (1) hereof" and inserting in lieu thereof "subsection (a)".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) applies to actions for eviction or distress that are commenced after July 31, 1990.

SEC. 3. EXTENSION OF POWER OF ATTORNEY PROTECTION.

Subsection (c) of section 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 591) is amended to read as follows:

"(c) This section applies to the following powers of attorney executed by a person in military service or under a call or order to report for military service (or who has been advised by an official of the Department of Defense that such person may receive such a call or order):

"(1) A power of attorney that is executed during the Vietnam era (as defined in section 101(29) of title 38, United States Code).

"(2) A power of attorney that expires by its terms after July 31, 1990.".

SEC. 4. PROFESSIONAL LIABILITY PROTECTION FOR CERTAIN PERSONS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding at the end the following new section:

"SEC. 702. (a) This section applies to a person who—

"(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10, United States Code, or who is ordered to active duty under section 672(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

"(2) immediately before receiving the order to active duty—

"(A) was engaged in the furnishing of health-care services or other services determined by the Secretary of Defense to be professional services; and

"(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to such person during the period of the person's active duty unless the premiums are paid for such coverage for such period.

"(b)(1) Coverage of a person referred to in subsection (a) by a professional liability insurance policy shall be suspended in accordance with this subsection upon receipt of the written request of such person by the insurance carrier.

"(2) A professional liability insurance carrier—

"(A) may not require that premiums be paid by or on behalf of a person for any professional liability insurance coverage suspended pursuant to paragraph (1); and

"(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such person, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

"(3) A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a person that occurs during a period of suspension of that person's professional liability insurance under this subsection. For the purposes of the preceding sentence, a claim based upon the failure of a professional to make adequate provision for patients to be cared for during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

"(c)(1) Professional liability insurance coverage suspended in the case of any person pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that person transmits to the insurance carrier a written request for reinstatement.

"(2) The request of a person for reinstatement shall be effective only if the person transmits the request to the insurance carrier within 30 days after the date on which the person is released from active duty. The insurance carrier shall notify the person of the due date for payment of the premium of such insurance. Such premium shall be paid by the person within 30 days after the receipt of that notice.

"(3) The period for which professional liability insurance coverage shall be reinstated for a person under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

"(d) An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any person for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension, except to the extent of any general increase in the premium amounts charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

"(e) This section does not—

"(1) require a suspension of professional liability insurance coverage for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

"(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

"(f)(1) A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a person whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

"(A) the action was commenced during that period;

"(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

"(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability negligence or other professional liability of the person.

"(2) Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any person, the action shall be deemed to have been filed on the date on which the professional liability insurance coverage of such person is reinstated under subsection (c).

"(g) In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

"(h) If a person whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

"(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such person under subsection (f)(1) shall terminate on the date of the death of such person; and

"(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased person in the same manner and to the same extent as such carrier would be liable if the person had died while covered by such insurance but before the claim was filed.

"(i) In this section:

"(1) The term 'active duty' has the meaning given that term in section 101 of title 10, United States Code.

"(2) The term 'profession' includes occupation.

"(3) The term 'professional' includes occupational.".

SEC. 5. HEALTH INSURANCE REINSTATEMENT UPON REEMPLOYMENT.

(a) AMENDMENT TO TITLE 38.—Paragraph (1) of section 2021(b) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(b)(1)"; and

(2) by adding at the end the following:

"(B) In the case of employer-offered health insurance, an exclusion or waiting period may not be imposed in connection with coverage of a health or physical condition of a person entitled to participate in that insurance under subparagraph (A), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(i) the condition arose before or during that person's period of training or service in the Armed Forces;

"(ii) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(iii) the condition of such person has not been determined by the Secretary to be service-connected.".

(b) AMENDMENT TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 is amended by adding after section 702, as added by section 4, the following new section:

"SEC. 703. (a) A person who, by reason of military service described in section 702(a)(1), is entitled to the rights and benefits of this Act shall also be entitled upon release from such military service to reinstatement of any health insurance which (1) was in effect on the day before such service commenced, and (2) was terminated effective on a date during the period of such service.

"(b) An exclusion or a waiting period may not be imposed in connection with reinstatement of health insurance coverage of a health or physical condition of a person under subsection (a), or a health or physical condition of any other person who is covered by the insurance by reason of the coverage of such person, if—

"(1) the condition arose before or during that person's period of training or service in the Armed Forces;

"(2) an exclusion or waiting period would not have been imposed for the condition during a period of coverage resulting from participation by such person in the insurance; and

"(3) the condition of such person has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

"(c) Subsection (a) does not apply in the case of employer-offered insurance benefits in which a person referred to in such subsection is entitled to participate pursuant to the provisions of chapter 43 of title 38, United States Code.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of August 1, 1990.

SEC. 6. STAY OF JUDICIAL PROCEEDINGS.

(a) STAY OF ACTION OR PROCEEDING.—In any judicial action or proceeding (other than a criminal proceeding) in which a member of the Armed Forces described in subsection (b) is involved (either as plaintiff or defendant), the court shall, upon application by such member (or some other person on the member's behalf) at any stage before final judgment is entered, stay the action or proceeding until a date after June 30, 1991.

(b) MEMBERS COVERED.—A member of the Armed Forces is covered by subsection (a) if at the time of application for the stay of a judicial action or proceeding the member—

(1) is on active duty; and

(2) is serving outside the State in which the court having jurisdiction over the action or proceeding is located.

(c) DEFINITION.—For purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

SEC. 7. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

Article I of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 510 et seq.) is amended by adding at the end the following new section:

"SEC. 108. Application by a person in military service for, or receipt by a person in military service of, a stay, postponement, or suspension pursuant to the provisions of this Act in the payment of any tax, fine, penalty, insurance premium, or other civil obligation or liability of that person shall not itself (without regard to other considerations) provide the basis for any of the following:

"(1) A determination by any lender or other person that such person in military service is unable to pay such civil obligation or liability in accordance with its terms.

"(2) With respect to a credit transaction between a creditor and such person in military service—

"(A) a denial or revocation of credit by the creditor;

"(B) a change by the creditor in the terms of an existing credit arrangement; or

"(C) a refusal by the creditor to grant credit to such person in substantially the amount or on substantially the terms requested.

"(3) An adverse report relating to the creditworthiness of such person in military service by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

"(4) A refusal by an insurer to insure such person.".

SEC. 8. CLARIFICATION OF TITLE 38 REEMPLOYMENT RIGHTS COVERAGE FOR RESERVISTS.

(a) IN GENERAL.—(1) Subsection (g) of section 2024 of title 38, United States Code, is amended—

(A) by striking out "active duty for not more than 90 days" and inserting in lieu thereof "active duty (other than for training)"; and

(B) by inserting ", including any period of extension of active duty under section 673b of title 10" before the period at the end.

(2) The amendments made by paragraph (1) shall apply to any member of a reserve component of the Armed Forces who is ordered to active duty (other than for training) under section 673b of title 10, United States Code, after July 31, 1990.

(b) TECHNICAL AMENDMENT.—(1) Subsection (a) of such section is amended by striking out "provided for by this section" and inserting in lieu thereof "provided for by this chapter".

(2) The amendment made by paragraph (1) shall take effect as of December 3, 1974.

SEC. 9. TECHNICAL AMENDMENTS TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.

The Soldiers' and Sailors' Civil Relief Act of 1940 is amended as follows:

(1) Section 101 (50 U.S.C. App. 511) is amended—

(A) in paragraph (1), by inserting "the Air Force," after "the Marine Corps,"; and

(B) in paragraph (2), by striking out "shall include" and all that follows through "discharge" and inserting in lieu thereof "means, in the case of any person, the period beginning on the date on which the person enters active service and ending on the date of the person's release".

(2) Section 102 (50 U.S.C. App. 512) is amended by striking out ", including the Philippine Islands while under the sovereignty of the United States,".

(3) Section 103(4) (50 U.S.C. App. 513(4)) is amended by striking out "after the date of the enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942".

(4) Section 105 (50 U.S.C. App. 515) is amended—

(A) by striking out "The Secretary of War and the Secretary of the Navy" and all that follows through "to insure" in the first sentence and inserting in lieu thereof "The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, shall ensure"; and

(B) by striking out "the Secretary of War and the Secretary of the Navy" in the second sentence and inserting in lieu thereof "the Secretary of Defense and the Secretary of Transportation".

(5) Section 106 (50 U.S.C. App. 516) is amended—

(A) by striking out "Selective Training and Service Act of 1940, as amended," and inserting in lieu thereof "Military Selective Service Act (50 U.S.C. App. 451 et seq.)";

(B) by striking out "the Enlisted Reserve Corps" and inserting in lieu thereof "a reserve component of the Armed Forces"; and

(C) by striking out "he reports for such service" and inserting in lieu thereof "such member reports for military service or the date on which the order is revoked, whichever is earlier".

(6) Section 205 (50 U.S.C. App. 525) is amended by striking out "the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942" and inserting in lieu thereof "October 6, 1942".

(7) Section 206 (50 U.S.C. App. 526) is amended—

(A) by striking out "per centum per annum" each place it appears and inserting in lieu thereof "percent per year"; and

(B) by striking out "prior to his entry" and all that follows through "bear interest" and inserting in lieu thereof "before that person's entry into that service shall, during any part of the period of military service, bear interest".

(8) Section 300 (50 U.S.C. App. 530) is amended—

(A) in subsection (c), as redesignated by section 2(b), by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,"; and

(B) in subsection (d), as redesignated by section 2(b), by striking out "Secretary of War," and all that follows through "as the case may be," and inserting in lieu thereof "Secretary of Defense or Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy,".

(9) Sections 301(2), 302(4), 304(3), and 305(3) (50 U.S.C. App. 531(2), 532(4), 534(3), 535(3)) are amended by striking out "shall be guilty" and all that follows through "$1,000," and inserting in lieu thereof "shall be fined as provided in title 18, United States Code, or imprisoned for not to exceed one year,".

(10) Section 302(3) (50 U.S.C. App. 532(3)) is amended by striking out "after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 and".

(11) Section 400(a) (50 U.S.C. App. 540(a)) is amended by striking out "before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 or not less than one hundred and eighty days before" in clause (2) and inserting in lieu thereof "not less than 180 days before".

(12) Section 401 (50 U.S.C. App. 541) is amended—

(A) by striking out "Administrator of Veterans' Affairs" in the first sentence and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary"; and

(C) by striking out "Administrator" in the last sentence and inserting in lieu thereof "Secretary".

(13) Section 402 (50 U.S.C. App. 542) is amended—

(A) in the first sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Veterans' Administration" and inserting in lieu thereof "Secretary".

(14) Section 403 (50 U.S.C. App. 543) is amended—

(A) in the first sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(15) Section 404 (50 U.S.C. App. 544) is amended by striking out "Veterans' Administration" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(16) Section 405 (50 U.S.C. App. 545) is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(17) Section 407 (50 U.S.C. App. 547) is amended—

(A) in the first sentence, by striking out "The Administrator of Veterans' Affairs is hereby authorized and directed to" and inserting in lieu thereof "The Secretary of Veterans Affairs shall"; and

(B) in the second sentence, by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary".

(18) Section 408 (50 U.S.C. App. 548) is repealed.

(19) Section 504(3) (50 U.S.C. App. 564(3)) is amended by striking out "within six months after the effective date of this Act or".

(20) Section 505(1) (50 U.S.C. App. 565(1)) is amended by inserting "(30 U.S.C. 28)" after "section 2324 of the Revised Statutes of the United States".

(21) Section 506(2) (50 U.S.C. App. 566(2)) is amended—

(A) by striking out "six months after the effective date of this Act or"; and

(B) by striking out "General Land Office" and inserting in lieu thereof "Bureau of Land Management".

(22) Section 507 (50 U.S.C. App. 567) is amended—

(A) by striking out "General Land Office" in the second sentence and inserting in lieu thereof "Bureau of Land Management";

(B) by striking out "a register of a United States land office" in the third sentence and inserting in lieu thereof "an officer designated by the Secretary of the Interior"; and

(C) by striking out ", inclusive" in the last sentence.

(23) Section 510(2) (50 U.S.C. App. 570(2)) is amended by striking out "prior to the effective date of this Act" and inserting in lieu thereof "before October 17, 1940".

(24) Section 514 (50 U.S.C. App. 574) is amended—

(A) by striking out "orders: *Provided*, That nothing" in paragraph (1) and inserting in lieu thereof "orders. Nothing"; and

(B) by striking out "the use thereof:" in paragraph (2) and all that follows through "has been paid" and inserting in lieu thereof "the use thereof, but only if a license, fee, or excise required by the State or territory, possession, or District of Columbia of which the person is a resident or in which the person is domiciled has been paid".

(25) Section 600 (50 U.S.C. App. 580) is amended by striking out "the date of the approval of this Act" and inserting in lieu thereof "October 17, 1940,".

(26) Section 601 (50 U.S.C. App. 581) is amended—

(A) in paragraph (1), by striking out "Chief of the Bureau of Navigation of the Navy Department" and inserting in lieu thereof "Chief of Naval Personnel"; and

(B) in paragraph (3)—

(i) by striking out "Department of War or the Navy" and inserting in lieu thereof "Department of Defense"; and

(ii) by striking out "jurisdiction: *Provided*, That no" and inserting in lieu thereof "jurisdiction. No".

(27) Section 604 (50 U.S.C. App. 584) is amended—

(A) by striking out "1945: *Provided*, That" and inserting in lieu thereof "1945, except that"; and

(B) by striking out "thereafter: *Provided further*, That whenever" and inserting in lieu thereof "thereafter. Whenever".

By Mr. KENNEDY (for himself, Mr. DODD, Mr. ADAMS, Mr. HARKIN, Mr. KOHL, Mr. METZENBAUM, Ms. MIKULSKI, Mr. PELL, Mr. SIMON, and Mr. WELLSTONE):

S. 334. A bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict, and for other purposes; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, Mr. BURDICK, Mr. DODD, Mr. INOUYE, Mr. SIMON, Mr. WELLSTONE, and Mr. HARKIN):

S. 335. A bill to provide relief for active duty military personnel serving in connection with Operation Desert Storm on obligations under the Robert T. Stafford Student Loan Program, to alleviate health care provider shortages resulting from hostilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 336. A bill to amend chapter 43 of title 38, United States Code, to clarify and improve reemployment rights and benefits for certain inductees and veterans, and for other purposes; to the Committee on Veterans' Affairs.

MILITARY FAMILY LEGISLATION

Mr. KENNEDY. Mr. President, over the past week, several bills have been introduced to provide benefits to U.S. military personnel serving in the conflict in the Persian Gulf. I strongly support these efforts to provide compensation for the dangerous and difficult mission our service men and women are performing in the gulf.

Increasing imminent hazard pay, offering a secure savings plan for deployed military personnel, and improving military insurance benefits are important steps that I have supported in the Armed Services Committee and on the floor.

But, few of these measures address the hardships that Operation Desert Storm has brought to military families here at home. My experience traveling to military bases in Massachusetts shows that this situation is particularly difficult for the families of the active duty personnel and the reservists who have been activated for the Persian Gulf conflict.

The families of activated reservists face financial hardship, lack of child care, burdensome health care adjustments, and inadequate family assistance programs. These problems are also reflected among active duty families, where the deployment of nearly one-fourth of our Active Force has strained military support facilities to the breaking point.

I am introducing a series of bills to address some of the most serious problems faced by military families. To ease committee jurisdictional overlaps, I have divided my proposals into four bills.

I introduced the first of these bills as S. 281 on January 29. It would provide $10 million for grants to school-based counseling and teacher training programs in areas of the United States from which large numbers of military personnel have been deployed to the gulf.

That bill would also provide $20 million to improve family assistance programs. These funds would be used to support existing military family support facilities, as well as to support hard-pressed nonprofit organizations such as the Red Cross and the YMCA, which are already attempting to provide family support services in areas in which there are no nearby military installations.

It is essential that we take steps as soon as possible to enhance the military family support network and to help families deal with the inevitable difficulties of separation and possible loss of loved ones.

This bill also offers the families of activated reservists the option of retaining their private, employment-based health insurance during their active duty service. The Department of Defense would pay the premiums for the private coverage, in lieu of providing health care coverage directly under CHAMPUS, the military health care program for dependents. For many reserve families, this option will reduce the disruption in health care and avoid the administrative headaches that occur when families shift from established health programs for what all of us hope will only be a brief period of active duty service.

The second bill, which I am introducing today, would offer three additional benefits to military families. It would provide $20 million to supplement existing military child care. Current facilities, which were already overburdened, cannot meet the increased demand caused by the deployment of so many active duty personnel and the callup of thousands of reserves.

This bill also would provide reservists who have no private health plan after they are discharged with a 60-day transitional coverage under the military health care system. This is the same benefit that we now provide to active duty personnel who are involuntarily separated from military service.

And this bill would delay the effective date of cuts in military mental benefits enacted last year. It is inappropriate to cut these benefits during a time of conflict, when they will be most needed.

The third bill would relieve the burden of educational expenses for military personnel participating in Operation Desert Storm. It would extend the deferment on repayment of student loans for those personnel. It would also require educational institutions to refund tuition or give academic credits to military personnel unable to complete their courses because of the Persian Gulf conflict. Service men and women who have interrupted their lives and education to fight for their country should have full relief from these financial burdens.

This bill would also address the shortages of civilian health care personnel caused by the activation of reserves. The massive callup has left many communities critically short of physicians and other health care professionals. The bill would provide $50 million for the Secretary of Health and Human Services to enable public and nonprofit entities to replace activated health personnel.

The fourth bill would update the Veterans Reemployment Rights Act that protects Reservists when they complete their active duty service and return to civilian life. The act's coverage would be expanded to include temporary, as well as full-time, employees. Employers would also be required to provide reasonable retraining for returning Reservists and make reasonable accommodations for disabled veterans. These provisions would ensure that the Veterans Reemployment Rights Act, which was first passed in World War II, could meet the demands and standards of the 1990's.

Nearly 500,000 American service men and women are risking their lives to defend our interests in Operation Desert Storm. We have an obligation to ensure that while they are fighting in the Persian Gulf, their families are being well cared for at home.

The reforms that I have outlined in this package are useful measures to meet this obligation. I hope that the Congress will act expeditiously on these bills.

I ask unanimous consent that the full text of S. 281 and the bills that I am introducing today, be printed in the Record. I also ask unanimous consent that letters from various nonprofit military family organizations supporting these bills be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICABILITY

(a) In General.—This Act applies with respect to members of the Armed Forces of the United States who serve on active duty during the Persian Gulf conflict.

(b) Definition.—In this Act, the term "Persian Gulf conflict" means the period beginning August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

SEC. 2. SCHOOL-BASED EDUCATION AND SUPPORT SERVICES

(a) In General.—The Secretary of Defense may make grants to eligible local educational agencies for purposes specified in subsection (c).

(b) Eligible Local Educational Agencies.—(1) A local educational agency is eligible for a grant under this section if the agency is responsible for public schools in an area—

(A) in which a substantial number of members of the active components of the Armed Forces of the United States are permanently assigned and from which a significant number of such members are being deployed, or have been deployed, in connection with a current operational contingency or a current armed conflict;

(B) from which a significant number of members of the reserve components of the Armed Forces ordered to active duty pursuant to section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, are being deployed, or have been deployed, in connection with a current operational contingency or a current armed conflict; or

(C) which is significantly adversely affected by the incidence of casualties among residents of such area who have been so deployed.

(2) The Secretary of Defense, in consultation with the Secretary of Education, shall determine which areas meet the criteria set out in paragraph (1).

(c) PURPOSES OF GRANTS.—The proceeds of a grant received by a local educational agency under this section may be used only for one or more of the following purposes:

(1) To provide individual or group counseling for children and other members of the families of members of the Armed Forces of the United States who have been deployed in connection with, or are casualties of, an armed conflict.

(2) To provide training and technical assistance for teachers and other school employees to better prepare such teachers and employees to address questions and concerns of children of such members of the Armed Forces of the United States.

(3) To provide other appropriate programs, services, and information designed to address the special needs of children and other members of the families of members of the Armed Forces referred to in paragraph (1) resulting from the deployment, the return from deployment, or the medical or rehabilitation needs of such members.

(d) SCHEDULING OF SERVICES.—Services funded in any part by a grant made under this section may be provided before, during, or after regularly scheduled school hours.

(e) MEANS FOR PROVIDING SERVICES.—A local educational agency receiving a grant under this section may provide services through school personnel or contract with organizations that have appropriate expertise to provide services, training, technical assistance, programs, or information necessary to carry out any of the purposes for which the grant is made.

(f) DEFINITIONS.—In this section, the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1991, $10,000,000 to carry out the provisions of this section.

SEC. 3. COMPREHENSIVE FAMILY SUPPORT SERVICES

(a) IN GENERAL.—The Secretary of Defense shall make grants to organizations referred to in subsection (b) that enter into an agreement with the Secretary to furnish family support services to families of members of the Armed Forces of the United States—

(1) living in an area, other than an area in which there is a military installation, in which there is a significant concentration of families of members of reserve components of the Armed Forces serving on active duty pursuant to orders issued under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code; or

(2) living at or in the vicinity of an installation or facility of the Department of Defense where there is a demonstrated need—

(A) to increase the availability of case-managed family support services for families of members of the Armed Forces of the United States deployed or being deployed in connection with a current operational contingency or a current armed conflict; and

(B) to consolidate the furnishing of such services through a family support center at such installation or facility.

(b) ELIGIBLE RECIPIENTS.—(1) The Secretary shall make financial assistance available for family support services in an area referred to in subsection (a)(1) through grants to nonprofit organizations capable of effectively providing for such services. Grants for such purpose may be made to local facilities of the YWCA, local facilities of the YMCA, chapters of the American Red Cross, Family Services Associations, local posts or other local units of veterans service organizations, other family resource organizations, and similar organizations.

(2) In order to provide financial assistance for the furnishing of family support services at installations and facilities referred to in subsection (a)(2), the Secretary shall make grants to family support centers or family service centers at such installations or facilities, or to similar type entities providing family support services at such installations or facilities.

(c) PRINCIPAL USES OF GRANTS TO PRIVATE NONPROFIT ORGANIZATIONS.—(1) In the case of a grant under this section to an organization referred to in subsection (b)(1), the grant recipient may use the grant proceeds for the coordination of the provision of family support services by organizations currently providing such services in the area in which the grant recipient is located.

(2) If the family support services available in the area from sources other than the grant recipient are not sufficient to meet the needs of families referred to in subsection (a) or are not reasonably accessible to such families, the grant recipient may use the proceeds of the grant to defray the costs incurred by the grant recipient in providing the family support services. If the grant recipient does not have the expertise appropriate for providing a family support service, the grant recipient may use the grant proceeds to procure by contract—

(A) the family support service to be provided by a person with the appropriate expertise; or

(B) any technical assistance necessary for the effective provision of such service by the grant recipient.

(d) CASE MANAGEMENT AT FAMILY SUPPORT CENTERS.—Funds made available under this section to a family support center referred to in subsection (a)(2) shall be used to increase the availability of case-managed family support services at installations or facilities of the Department of Defense.

(e) OTHER ALLOWABLE USES OF GRANT PROCEEDS BY PRIVATE NONPROFIT ORGANIZATIONS.—(1) In addition to using the proceeds of a grant for purposes permitted under subsection (c), the grant recipient may use the grant proceeds as provided in paragraphs (2) and (3).

(2) The grant recipient may make a one-time emergency cash payment or a one-time emergency interest-free loan directly to a family of a member of the Armed Forces of the United States in connection with family support services provided for under this section. A payment or loan under this paragraph may be made only if necessary for the family to mitigate a family hardship resulting from a deployment of the member of the Armed Forces in connection with a current operational contingency or a current armed conflict. A payment or loan may not be made under this paragraph if sufficient funds are available from another source to mitigate the family hardship. Not more than one such payment or loan may be made to a family out of the grant proceeds.

(3) The grant recipient may use not more than 15 percent of the amount of the grant for activities designed to provide actual notice to families of members of the Armed Forces of the family support services available to such families.

(f) AMOUNT OF GRANT.—The amount of a grant awarded to a recipient under this section shall be such amount as the Secretary determines necessary to carry out the purposes for which the grant is made, but in no event may the amount be less than $50,000.

(g) OUTREACH EFFORTS.—Not more than 15 percent of the amount appropriated pursuant to subsection (i) may be used for activities designed to provide actual notice to families of members of the Armed Forces of the availability of family support services from recipients of grants made under this section.

(h) DEFINITIONS.—In this section:

(1) The term "family support services" includes such services as the following:

(A) Mental health services.
(B) Substance abuse treatment.
(C) Family crisis intervention.
(D) Family counseling.
(E) Family support groups.
(F) Respite care.
(G) Housing protection and advocacy.
(H) Food assistance.
(I) Employment assistance.
(J) Child care.
(K) Child welfare services.
(L) Income maintenance services.
(M) Benefits eligibility determination services.
(N) Transportation assistance.
(O) Adult day care for dependent elderly and disabled adults.

(2) The term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1991, $20,000,000 to carry out the provisions of this section.

SEC. 4. CONTINUED COVERAGE OF HEALTH INSURANCE BENEFITS

(a) IN GENERAL.—In any case in which a person—

(1) is a member of a reserve component of the Armed Forces of the United States,

(2) is employed by an employer who has in effect one or more group health insurance plans for the employees of that employer,

(3) is ordered to active duty under a provision of law referred to in subsection (c), and

(4) is covered by one of those plans (and the beneficiaries of such person are covered by one of those plans) at the time such person is ordered to active duty,

the Secretary of Defense shall pay on behalf of that person, for the period described in subsection (b), the portion of the premiums that would otherwise be required to be paid by the person in order to continue coverage of the beneficiaries of that person under that group health insurance plan. The Secretary shall reimburse the employer of the person for that portion of the premiums that the employee pays for the continued coverage of the beneficiaries of the member during the period of active duty performed by the member pursuant to the order to active duty referred to in the preceding sentence.

(b) REQUIREMENT FOR EMPLOYER TO CONTINUE GROUP HEALTH INSURANCE COVERAGE.—(1) Except as provided in paragraph (2), an employer shall be required to provide continued coverage for the beneficiaries of a person referred to in subsection (a) during the period that a person is required to perform active duty under one of the provisions referred to in subsection (c).

(2) An employer shall not be required to provide continued coverage under a group health insurance plan for the beneficiaries of a person described in subsection (a) if the plan for all employees of the employer is discontinued.

(c) APPLICABILITY.—A member of a reserve component of the Armed Forces referred to in subsection (a) is a person ordered to active duty (other than for training) after August 1, 1990, under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States, or is ordered to active duty under section 672(d) of such title during a period when members of reserve components are on active duty as the result of an order to active duty under any such section.

(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary for the administration of this section. The regulations shall provide for the continued coverage under a health insurance plan—

(1) of the beneficiaries of a self-employed person who, at the time the person was ordered to active duty, were covered under a health insurance plan, and

(2) of the beneficiaries of a person who is covered under a self-insured plan and whose beneficiaries, at the time the person was ordered to active duty, were covered under that self-insured plan.

(e) APPLICATION OF CERTAIN REQUIREMENTS AND LIMITATIONS.—(1) Except as otherwise provided in this section and in paragraph (2), in carrying out the program provided for in this section, the Secretary shall, to the maximum extent practicable, apply requirements and limitations similar to those applicable to the continuation coverage of group health plans under section 162 of the Internal Revenue Code of 1954.

(2) In carrying out the program provided for in this section, the Secretary shall not except any plan referred to in paragraph (2) of section 162(b) of the Internal Revenue Code of 1954.

(f) DEFINITION.—As used in this section, the term "beneficiaries" means, in the case of an employee or self-employed person covered by a health insurance plan, persons other than the employee or self-employed person who are beneficiaries under the plan at the time the employee or self-employed person is ordered to active duty.

SEC. 5. TREATMENT OF EXPENDITURES

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.

S. 334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the "Military Family Assistance Act of 1991".

SEC. 2. APPLICABILITY

(a) IN GENERAL.—This Act applies with respect to members of the Armed Forces of the United States who serve on active duty during the Persian Gulf conflict.

(b) DEFINITION.—In this Act, the term "Persian Gulf conflict" means the period beginning August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

SEC. 3. CHILD CARE SERVICES

(a) IN GENERAL.—The Secretary of Defense shall provide assistance for eligible military families in order to ensure that the children of such families obtain needed child care services. The Secretary may provide such assistance by means of grants to eligible child care providers, contracts with eligible child care providers, or issuance of child care certificates to eligible families.

(b) ELIGIBLE MILITARY FAMILIES.—(1) A family is eligible for child care services if—

(A) a parent in such family is a member of the Armed Forces of the United States serving on active duty;

(B) child care services are needed for a child of such family in order—

(i) to facilitate the employment of a parent of the child or the employment of a person who is the primary source of care and supervision of the child while a parent of the child is separated from the child for an extended period because of the performance of active duty; or

(ii) to provide a temporary respite from child care responsibilities to a parent or other person referred to in clause (i) because of an emergency; and

(B) the family income does not exceed the amount that the Secretary determines appropriate for eligibility for financial assistance under this section.

(2) In carrying out this section, the Secretary shall give priority to families with the lowest incomes.

(c) ELIGIBLE CHILD CARE PROVIDER.—For the purposes of this section, an eligible child care provider is a person that provides child care services in a child care center or in a family day care setting in a private home and—

(1) complies with all State and local government requirements applicable to the child care services provided by the child care provider; and

(2) is licensed or regulated under State law or meets the minimum health and safety requirements prescribed by the Secretary.

(d) AMOUNT OF ASSISTANCE; PARENT FEES.—(1) The amount of assistance furnished in the case of an eligible family under this section shall be determined in accordance with a sliding scale prescribed by the Secretary.

(2) The payment rates for the provision of child care services for which assistance is provided under this section shall be sufficient to ensure equal access for eligible children to comparable child care services in the area in which the child resides that are provided to children whose parents are not eligible to receive assistance under this section. Such payment rates shall take into account the variations in the costs of providing child care in different settings and to children of different age groups and the additional costs of providing child care for children with special needs.

(3) The Secretary shall prescribe guidelines establishing fees to be charged parents for child care assistance under this section. Those guidelines shall be uniform for the military departments and shall require that, in the case of children provided such assistance on a regular basis, the fees shall be based on family income.

(e) EXTENDED ELIGIBILITY FOR MOBILIZED MEMBERS OF THE RESERVE COMPONENTS.—A family receiving assistance under this section while a parent of the family is on active duty pursuant to a call to active duty under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code, shall continue to be eligible to receive such assistance for 60 days following the date of the discharge or release of the parent from such active duty.

(f) COORDINATION WITH LOCAL INFORMATION AND REFERRAL PROGRAMS.—The Secretary shall ensure that—

(1) each family eligible to receive financial assistance for child care services under this section receives information regarding local child care information programs and local child care resource and referral programs available to the family; and

(2) the child care services available in military child development centers and from providers of family home day care are coordinated with child care resource and referral programs in the locality in which such services are provided.

(g) GRANTS FOR CORRECTION OF MINOR DEFICIENCIES IN FAMILY DAY CARE HOMES.—(1) The Secretary of Defense may use not more than 10 percent of the amount appropriated pursuant to subsection (j) for grants for correction of minor structural, equipment, or other deficiencies relating to the provision of child care in a family day care setting in a private home.

(2) The Secretary may make a grant under paragraph (1) to a child care provider for correction of minor deficiencies only if—

(A) the private home in which the child care is to be provided is located in an area where the availability of child care services in military child development centers and the availability of family home day care is inadequate, as determined by the Secretary;

(B) a license for the provision of child care services in such private home is required by the State or local jurisdiction in which the private home is located;

(C) it is necessary to correct the deficiencies in order for the child care provider to be eligible for such license; and

(D) the child care provider agrees to furnish child care services in such home for eligible families under this section.

(3) A correction of a deficiency for which grant proceeds are used under this subsection may include minor remodeling.

(4) In awarding grants under this section, the Secretary shall give priority to child care providers who are members of families of members of the Armed Forces of the United States.

(5) In this subsection, the term "child care provider" means a person that proposes to furnish child care services, including child care services for which financial assistance may be furnished for an eligible family under this section.

(h) PROHIBITED USES OF GRANTS.—The proceeds of a grant under this section may not be used for the purchase or improvement of land or for the purchase or major renovation of any building or facility.

(i) DEFINITIONS.—In this section:

(1) The term "active duty" has the meaning given such term in section 101(22) of title 10, United States Code.

(2) The term "child care certificate" means a certificate (that may be a check or other disbursement) that is issued by the Secretary of Defense under this section directly to a parent and may be used by the parent only as payment for child care services.

(3) The term "family home day care" has the meaning given such term in section 1501(b)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1589; 10 U.S.C. 113 note).

(4) The term "military child development center" has the meaning given such term in section 1501(b)(1) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (103 Stat. 1589; 10 U.S.C. 113 note).

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1991, $20,000,000 to carry out the provisions of this section.

(k) SUPPLEMENTATION OF OTHER PUBLIC FUNDS.—Funds appropriated pursuant to the authorization in this section may be used only to supplement, and not to supplant, the amount of any other Federal, State, or local government funds otherwise expended or authorized for the support of child care programs for members of the Armed Forces of the United States.

SEC. 4. LIMITATION ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES

(a) No financial assistance provided under section 2 pursuant to any grant or contract shall be expended for any sectarian purpose or activity including sectarian worship or instruction.

(b) With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this section shall be expended for—

(1) any services provided to such students during the regular school day;

(2) any services for which such students receive academic credit toward graduation; or

(3) any instructional services which supplant or duplicate the academic program of any public or private school.

SEC. 5. APPLICABILITY OF CERTAIN NONDISCRIMINATION PROVISIONS

The provisions of section 658N of the Child Care and Development Block Grant Act of 1990, relating to nondiscrimination shall apply to the programs provided for in section 2 of this Act in the same manner and to the same extent that such provisions apply to programs referred to in such section 658N.

SEC. 6. ELIGIBILITY OF RESERVISTS SERVING DURING THE PERSIAN GULF CONFLICT FOR CERTAIN BENEFITS UPON INVOLUNTARY SEPARATION

(a) IN GENERAL.—Subject to subsection (c), a member of a reserve component of the Armed Forces of the United States who is ordered to active duty as described in subsection (b) shall be considered to be involuntarily separated for the purposes of section 1145 of title 10, United States Code—

(1) if the member serves on such active duty for not less than 90 days; and

(2) if—

(A) in the case of an officer, the member is discharged or released from active duty, under conditions other than adverse conditions, as characterized by the Secretary concerned; and

(B) in the case of an enlisted member, the member (i) is denied reenlistment, or (ii) is discharged or released from active duty under conditions other than adverse conditions, as characterized by the Secretary concerned.

(b) ACTIVE DUTY FOR RESERVISTS.—Active duty referred to in subsection (a) in the case of a member of a reserve component is—

(1) active duty to which the member is ordered pursuant to section 672(a), 672(g), 673, 673b, 674, 675, or 688 of such title during the Persian Gulf conflict; and

(2) active duty to which the member is ordered under section 672(d) of such title during a period in which members of reserve components are being ordered to active duty pursuant to a provision referred to in clause (1).

(c) AVAILABILITY OF BENEFITS.—(1) Except as provided in paragraph (2), transitional health care under section 1145 of such title in the case of a member referred to in subsection (a) shall be available for a period of 60 days beginning on the date on which the member is involuntarily separated from active duty.

(2) A member referred to in subsection (a) who is involuntarily separated from active duty shall not be entitled to receive the care and benefits referred to in such subsection—

(A) if the member is covered by employer-offered health insurance on the date on which the member is involuntarily separated and for a period of at least 60 days following that date; or

(B) on and after the date on which the member becomes covered by employer-offered health insurance, if the member becomes covered by employer-offered health insurance during the 60 day period referred to in paragraph (1).

(d) APPLICABILITY.—This section shall only apply to a member of a reserve component who is involuntarily separated from active duty during the Persian Gulf conflict.

SEC. 7. DELAY IN EFFECTIVE DATE OF CERTAIN REDUCTIONS IN MENTAL HEALTH SERVICES UNDER CHAMPUS

(a) MENTAL HEALTH SERVICES.—Subsection (d) of section 703 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1583) is amended to read as follows:

"(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect one year after the date of the termination of the Persian Gulf conflict as specified by Presidential proclamation or by law and shall apply with respect to mental health services provided under section 1079 or 1086 of title 10, United States Code, on or after that date.".

(b) ANNUAL DEDUCTIBLES FOR CERTAIN BENEFICIARIES.—Subsection (c) of section 712 of such Act is amended to read as follows:

"(c) APPRECIATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to health care provided under sections 1079 and 1086 of title 10, United States Code, more than one year after the date of termination of the Persian Gulf conflict as specified by Presidential proclamation or by law.".

SEC. 8. TREATMENT OF EXPENDITURES

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.

S. 335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf War Higher Education and Health Care Shortage Assistance Act".

SEC. 2. GULF WAR DEFERMENT.

(a) REQUIREMENTS.—Section 427(a)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)) is amended by—

(1) striking "or" at the end of clause (x);

(2) striking the comma at the end of clause (xi) and inserting a semicolon and "and"; and

(3) inserting immediately after clause (xi) the following new clause:

"(xii) selected by the borrower but not to exceed 6 months, and in addition to all other deferments for which the borrower is eligible under this part, during which the borrower is a member of the Armed Services of the United States serving in connection with Operation Desert Storm,".

(b) INSURANCE PROGRAM AGREEMENTS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended by—

(1) striking "and" at the end of clause (x);

(2) inserting "and" after the semicolon at the end of clause (xi); and

(3) adding at the end thereof the following new clause:

"(xii) selected by the borrower but not to exceed 6 months, and in addition to all other deferments for which the borrower is eligible under this part, during which the borrower is a member of the Armed Services of the United States serving in connection with Operation Desert Storm;".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 428B(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078-2(c)(1)) is amended by striking "or (ix)" and inserting in lieu thereof "(ix), or (xii)".

(2) Section 428C(b)(4)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(4)(C)) is amended by striking "or (ix)" and inserting in lieu thereof "(ix), or (xii)".

SEC. 3. TUITION REFUNDS OR CREDITS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 435(b) of the Higher Education Act of 1965 (20 U.S.C. 1085(b)) is amended by—

(1) striking "and" at the end of paragraph (4);

(2) striking the period at the end of subparagraph (B) of paragraph (5) and inserting a semicolon and "and"; and

(3) inserting immediately after subparagraph (B) of paragraph (5) the following new paragraph:

"(6) provides substantial tuition refunds or credits, to members of the Armed Forces of the United States serving in connection with Operation Desert Storm for the period of instruction which such individuals were unable to complete as a result of being called into active duty in connection with Operation Desert Storm, that shall be used within 1 year after such individual's discharge or release from active duty.".

(b) DEFINITION OF VOCATIONAL SCHOOL.—Section 435(c) of the Higher Education Act of 1965 (20 U.S.C. 1085(c)) is amended by—

(1) striking "and" at the end of paragraph (3);

(2) striking the period at the end of subparagraph (C) of paragraph (4) and inserting a semicolon and "and"; and

(3) inserting immediately after subparagraph (C) of paragraph (4) the following new paragraph:

"(5) provides substantial tuition refunds or credits, to members of the Armed Forces of the United States serving in connection with Operation Desert Storm for the period of instruction which such individuals were unable to complete as a result of being called into active duty in connection with Operation Desert Storm, that shall be used within 1 year after such individual's discharge or release from active duty.".

(c) CONFORMING AMENDMENTS.—Section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) is amended by adding at the end thereof the following new subsections:

"(o) ACTIVE DUTY.—The term "active duty" has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

"(p) TUITION.—The term "tuition", for the purpose of tuition refunds or credits made pursuant to subsections (b) or (c), includes tuition, institutionally controlled room and board, and required fees, if any.".

(d) TECHNICAL AMENDMENT.—Section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085) is amended in the matter preceding subsection (a) by inserting "(except as otherwise provided)" before the semicolon.

SEC. 4. IMPLEMENTATION.

In implementing the provisions of this Act, the Secretary shall facilitate the utilization of benefits provided pursuant to this Act and shall minimize the administrative burden placed on institutions of higher education, lenders, and guarantee agencies in carrying out the provisions of this Act, including allowing family members or other appropriate parties to certify the status of individuals applying for benefits pursuant to this Act.

SEC. 5. HEALTH CARE PROVIDER SHORTAGE RESULTING FROM HOSTILITIES.

The Public Health Service Act is amended by inserting after section 319 (42 U.S.C. 247d) the following new section:

"SEC. 319A. HEALTH CARE PROVIDER SHORTAGE RESULTING FROM MILITARY HOSTILITIES.

"(a) Definition.—As used in this section:

"(1) Active duty.—The term 'active duty' means, in the case of a member of a reserve component of the Armed Forces of the United States—

"(A) active duty to which the member is ordered under section 672(a), 672(g), 673, 673b, 674, 675, or 688 of title 10, United States Code; and

"(B) active duty to which the member is ordered under section 672(d) of the title during a period in which members of reserve components are being ordered to active duty under a provision referred to in paragraph (1).

"(2) Health care provider.—The term 'health care provider' means a licensed medical doctor, dentist, nurse, midlevel provider (including a nurse practitioner or physician's assistant), or other provider specified by the Secretary.

"(3) Health professional shortage area.—The term 'health professional shortage area' has the meaning given the term in section 332(a)(1).

"(4) Medically underserved population.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

"(b) Declaration of Shortage.—

"(1) Medically underserved populations and health professional shortage areas.—The Secretary may declare a health care provider shortage in a medically underserved population or a health professional shortage area if the Secretary determines that physicians and other health care providers serving the population or area have been ordered to active duty.

"(2) Other areas.—The Secretary may declare a health care provider shortage in any region of the United States not designated as a medically underserved population or a health manpower shortage area if the Secretary determines, on the basis of such criteria as the Secretary may specify, that—

"(A) a health care provider shortage exists in the region; and

"(B) the shortage exists because health care providers have been ordered to active duty.

"(c) Grants.—

"(1) Medically underserved populations and health professional shortage areas.—

"(A) Establishment.—The Secretary shall make grants on an expedited basis to eligible entities that serve populations or areas with respect to which the Secretary has declared a health care provider shortage under subsection (b)(1), to pay for the cost of—

"(i) enabling the entities to replace, on a temporary basis, health care providers who have been ordered to active duty; and

"(ii) securing additional necessary professional liability coverage for replacement health care providers.

"(B) Preference.—In making grants under this paragraph, the Secretary shall give preference to—

"(i) entities that serve a predominantly indigent patient population; and

"(ii) entities in areas with the greatest shortage of health care providers, as determined by the Secretary on the basis of such criteria as the Secretary may specify.

"(C) Eligible entities.—Public and nonprofit private entities, including entities that are eligible to receive grants under section 329, 330, or 340, shall be eligible to receive grants under this paragraph.

"(2) Other areas.—To the extent that appropriated funds are available after the Secretary carries out paragraph (1), the Secretary may make the grants described in paragraph (1) to eligible entities that serve regions with respect to which the Secretary has declared a health care provider shortage under subsection (b)(2).

"(d) Responses to Shortages.—The Secretary may take such action as the Secretary determines to be appropriate to respond to the shortages described in paragraph (1) or (2) of subsection (b). In responding to the shortages, the Secretary may—

"(1) acting through the Surgeon General, detail physicians and other health care providers employed by the Service to regions of the United States in which there is a health care provider shortage;

"(2) coordinate and facilitate the voluntary placement, in regions of the United States in which there is a health care provider shortage, of—

"(A) private sector health care providers; and

"(B) faculty members at schools with courses of study in health professions; and

"(3) gather and provide to the Secretary of Defense information about the scope and nature of the health care provider shortage in each region of the country, to assist the Secretary of Defense in minimizing the disruption caused to particular regions when health care providers are ordered to active duty.

"(e) Regulations.—The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out this section.

"(f) Construction.—Nothing in this section shall be construed to limit the authority of the Secretary to detail employees of the Service under circumstances otherwise authorized by law.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the subsequent fiscal years.".

SEC. 6. EMERGENCY EXPENDITURES.

For the purposes of sections 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Storm.

SEC. 7. EFFECTIVE DATE.

(a) In General.—The amendments made by sections 2 and 3 of this Act shall be effective on the date of enactment of this Act.

(b) Termination.—The amendments made by sections 2 and 3 of this Act shall cease to be effective 1 year after the date designated by the President by Executive Order as the date of termination of combatant activities in connection with Operation Desert Storm.

S. 336

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. REEMPLOYMENT RIGHTS OF TEMPORARY EMPLOYEES INDUCTED INTO THE ARMED FORCES.

Section 2021(a) of title 38, United States Code, is amended by striking out "(other than a temporary position)" in the matter above clause (A).

SECTION 2. REQUALIFICATION OF FORMER EMPLOYEES.

Section 2021(a) of title 38, United States Code, is amended—

(1) in clause (A), by inserting "or able to become qualified through reasonable efforts by the employer" after "perform the duties of such position"; and

(2) in clause (B), by inserting "or able to become qualified through reasonable efforts by the employer" after "perform the duties of such position".

SEC. 3. IMPROVED REEMPLOYMENT RIGHTS FOR DISABLED VETERANS.

(a) In General.—Chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2027. Qualification for employment position

"(a) For the purposes of this chapter, a person shall be considered qualified for an employment position if such person, with or without reasonable accommodation, can perform the essential functions of the position.

"(b) For the purposes of subsection (a) of this section, the term 'reasonable accommodation' shall have the meaning given such term in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

"(c) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990.".

"(b) Technical Amendment.—The table of sections at the end of such chapter is amended by adding at the end the following:

"2027. Qualification for employment position."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as of August 1, 1990.

SEC. 5. TREATMENT OF EXPENDITURES.

For the purposes of section 251(b)(2)(D) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.), as amended by section 13101 of Public Law 101-508, all direct or discretionary spending contained in this Act are emergency expenditures related to Operation Desert Shield.

National Military
Family Association,
Alexandria, VA, January 29, 1991.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: The National Military Family Association (NMFA) is pleased to support your legislation providing needed services to uniformed families.

NMFA has long recognized the need for increased access to affordable child care in the military community. Operation Desert Storm which includes the activation of thousands of reserve and guard members, has substantially increased this need. Reserve and guard families may be hundreds of miles from a military child development center. Those who are located near a military installation will typically find a lengthy waiting list at both the child development center and for Home Day Care. The legislation introduced by you will enable military families most in need of affordable child care to obtain it without having to wait for new construction of installation based centers.

The number of elderly or disabled parents dependent on service members and their families for care is unknown. However, the need for alternative care for these family members during a deployment is obvious.

NMFA has had numerous calls from families of mobilized reservists and guardsmen asking what health care coverage they will have when the service member is no longer needed on active duty and released to inactive status. The current answer is—none. The provisions of the Soldiers' and Sailors' Civil Relief Act and the Veterans Reemployment Rights Act do not appear to apply to health insurance offered by the service member's employer and could not apply to those individuals who were self employed prior to mobilization. The reservist or guardsman whose child is diagnosed with a heart condition or whose wife is pregnant at the time of release from active duty will find that preexisting clauses of most health insurance policies will preclude immediate coverage for these conditions. If the families' health care coverage had not been interrupted by the member's active service these conditions would have been covered. NMFA therefore fully supports extending CHAMPUS eligibility for 60 days and allowing these families to purchase a conversion health policy without pre-existing restrictions.

Family Support Center personnel of all the services have responded to substantially increased work loads with dedication. There is a limit however, to the extent to which these same people can provide service to the ever growing needs of the military population. Families of reserve and guard members may not be located close enough to a military installation to use a Family Support Center. A variety of organizations exist within most communities that can be of assistance to military families. Coordination of the services these agencies can provide will allow them to better meet the needs of military families and enhance their own efficiency.

NMFA has consistently urged adequate funding of the Impact Aid program for public schools that educate military children. A number of these schools were facing substantial financial problems before the advent of Desert Shield. Many of these same school systems have further increased their financial burden by hiring additional counselors to assist children and family members of those deployed in support of Desert Shield/Storm. Since this additional burden is directly related to the needs of military children whose parent(s) is(are) deployed in support of Desert Storm, it is necessary to provide additional funds to help offset additional costs.

The National Military Family Association is most grateful to you for your constant and continuing attention to the needs of uniformed families.

Sincerely,

JODY NYALKO,
Vice President.

FAMILY RESOURCE COALITION,
Washington, DC, January 29, 1991.

Senator EDWARD M. KENNEDY,
Committee on Labor and Human Resources, U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KENNEDY: The Family Resource Coalition strongly supports the proposed support services for children and families of military personnel. The war in the Persian Gulf has brought about an unprecedented need for expanded services for families left behind: more children left without a parent, more uncertainty for those called up, fewer networks of support for those remaining behind, and less preparation to handle these additional problems in already overloaded agencies.

Our country is requiring tremendous sacrifices from the families of those women and men serving in the Persian Gulf. They deserve both acknowledgement of their contributions and tangible support in coping with the constant stress they are experiencing.

In addition, there are family as well as military lessons to be learned from the Vietnam era. An investment now in providing support services for families could help prevent the overwhelmingly tragic aftermath that occurred in many military families after Vietnam: soaring divorces, domestic violence, child abuse, and suicides. Families are our most important human resource any time. In war time and in its aftermath, they are essential to preserving the human connections vital to every soldier and healing the wounds military conflict inflicts on everyone who is touched by it. Every effort our society can make to strengthen a family's capacity to do its job is one we should all support.

Sincerely,

JUDY LANGFORD CARTER,
Executive Director.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, January 29, 1991.

Hon. EDWARD M. KENNEDY,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the American Psychological Association (APA) to commend you on your leadership in support of our military families during the Persian Gulf war, and to offer our assistance. As you know, this nation still suffers the emotional and social consequences of our failure to anticipate the needs of such families during the Viet Nam conflict. It is most reassuring to believe we may have learned from that experience. Your proposed legislation certainly represents a critical start in shaping a sound public policy response.

In recent days the APA has been inundated with anecdotal evidence of the war's psychological toll on civilians across the country. We believe the APA must mobilize the clinical, research and teaching expertise of our 100,000 members nationwide to meet the tremendous mental health demands the Gulf conflict creates in our communities. Specifically, the Practice Directorate of the APA—the division representing clinical practitioners—is now organizing a grassroots network of member volunteers, accessed through a toll-free number here in our Washington headquarters.

Our intent is to put these volunteers to work to empower communities to cope effectively through self-help training and support programs, direct consultation with families and individuals in distress, through materials that educate the public about crisis intervention, psychological trauma, separation and bereavement. Within the next week, we will be distributing the first of these materials, a pamphlet, to all Members of Congress. We hope our initiative will provide some immediate short-term relief to the military families facing crises.

We believe your legislation is an important and critical step in helping Americans cope now. Our military families represent a population who live daily with chronic stress associated with frequent family separation and constant geographic relocation. While very resourceful, in terms of ability to cope and adjust, they are nonetheless, a population at high-risk for many psychological and social problems. During wartime, it is vital that we provide these individuals with as much support as possible, and our possible, and our military men and women need and deserve to know their families will receive assistance to sustain them during the war in the Gulf.

Your legislation is a logical, humanitarian action on behalf of our service men and women and their families. The APA stands committed to assisting you in any policy initiative that will offer the kind of support these individuals need. Be assured that your organization will continue our outreach efforts to ensure the delivery of some basic psychological support services to military families in need.

Sincerely,

BRYANT L. WELCH, J.D., Ph.D.,
Executive Director for Professional Practice.

FAMILY SERVICE AMERICA,
Washington, DC, January 30, 1991.

Hon. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR KENNEDY: This letter is to inform you that Family Service America endorses and supports the Military Children and Families Act of 1991. We have been pleased to participate in discussions that helped produce this legislation and encourage the full support of the Congress in achieving early passage.

Family Service America, founded in 1911, is an international nonprofit association dedicated to strengthening family life through services, education and advocacy. Family Service America's member agencies in the United States and Canada constitute the largest network of community-based, family counseling and support services in North America, serving more than 3.2 million people annually in 1000 communities. Many FSA member agencies operate in communities where military installations are located and have historically been available as a resource for military families.

Family Service America commends you for your outstanding leadership on behalf of America's military families.

Sincerely,

JAN SEVERSON,
Chairman, Board of Directors.
GENEVA B. JOHNSON,
President and CEO.

CHILDREN'S DEFENSE FUND,
Washington, DC, January 29, 1991.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Children's Defense Fund is grateful for your foresight and leadership in the preparation of legislation to address the needs of children, families and local communities whose lives have been disrupted by the Persian Gulf conflict.

The war has had immeasurable effects on children whose parents have been called away and on communities who have lost vital resources such as medical personnel. We commend you for developing legislation which will help to address a range of necessary services from child care and family counseling to health care and education. We hope that this initiative can be speedily enacted to demonstrate support for families at home as well as for troops abroad.

Sincerely,

MARIAN WRIGHT EDELMAN,
President.

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
Washington, DC, January 29, 1991.

Hon. TED KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the Child Welfare League of America (CWLA), I want to commend your efforts to support the military personnel in the Persian Gulf with legislation to provide critical services for their children and families at this most difficult time in their lives.

As you know, the Child Welfare League is a membership organization of public and voluntary organizations that serve millions of children, youth and their families in need of family support services, out-of-home care, child care, emergency shelter, adoption and other vital assistance and services. These agencies are now dealing first-hand with the impact that this war has imposed upon many, many families. We are finding that children are particularly vulnerable as parents and other caregivers face unparalleled stress in their struggle to cope with fear, uncertainty and separation. These situations are even more acute for the children and the spouses of military personnel serving in the Gulf who may be unaware of and/or ineligible for many of the services they now need.

CWLA is therefore especially grateful that you are introducing legislation specifically designed to help the children and families of military personnel. Your efforts to provide Comprehensive Family Support Services for them is absolutely essential. Family support centers and case advocacy are important to coordinate the range of necessary services including mental health, housing, employment assistance and child welfare services. Child care is particularly important for separated spouses who must assume sole responsibility for the supervision and care of their children at the same time that they strive to support their families. Your legislation also responds to the special educational and health needs of military families.

We hope to work with you and others in Congress to ensure essential services and support for all our children and families—especially for those carrying our nation's responsibilities in the Gulf.

Sincerely,

DAVID LIEDERMAN,
Executive Director.

YWCA OF THE U.S.A.,
Washington, DC, January 29, 1991.

Hon. EDWARD KENNEDY,
Chair, Labor and Human Resources Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The YWCA of the U.S.A. congratulates you for your efforts on behalf of organizations providing support services to military families. The war in the Gulf has caused major disruption in the lives of families and in community life throughout the country. The YWCA is doing its best to meet difficult needs during a difficult time.

Please accept our endorsement of your bill to provide support services for military children and families. It has been our priviledge to work with your staff during the development of the bill. We thank your staff for their good work.

Thank you for your leadership and support for children and families. We look forward to working with you to achieve swift enactment of the bill.

Sincerely,

GLENDORA MCILWAIN
PUTNAM,
National President.
GWENDOLYN CALVERT
BAKER,
National Executive Director.

YMCA OF THE U.S.A.,
Washington, DC, January 29, 1991.

Hon. EDWARD KENNEDY,
Committee on Labor and Human Resources,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the YMCA National Board Public Policy Committee, in strong support of proposed legislation to provide critical family services to those affected by the deployment of military personnel to the Persian Gulf.

YMCAs are keenly aware of the impact the deployment of service men and women to the Persian Gulf has had on thousands of American families and communities. In addition, the YMCA has a rich history of providing services to the United States military. There are currently 20 Armed Services branches and 40 program sites located throughout the country, with large service centers connected to major military bases such as Hawaii, El Paso, San Diego, and Norfolk. Last year, the Armed Services YMCAs provided services to over 500,000 members of the military and their families. This year the demand for services has doubled.

When Operation Desert Shield began last August, YMCA responded by working in collaboration with military and community support organizations and have developed an informal national network ready to help those families when and where they need it most. Some examples of how YMCAs are responding include: support groups for spouses struggling to survive as a single parent; free child care (YMCAs are trying to make their limited child care scholarships stretch a little further), recreational activities for children; emergency counseling; transportation; help with housing; and communication centers to help families stay in touch with those serving in the Gulf.

The proposed legislation recognizes the hardship placed on families when a member is deployed by providing assistance with child care, counseling, and other family support services. The resources available through the legislation will enable organizations, like the YMCAs, to respond to the growing demand for services and support. Passage of the legislation will send a direct message across the country that we appreciate the sacrifice and commitment that is being made by our military families.

Please do not hesitate to contact me if you have any questions about our programs or our support for this legislation.

Sincerely,

HANS B. JONASSEN,
Chair, National Board
Public Policy Committee.

THE SALVATION ARMY,
Washington, DC, January 29, 1991.

Re Military Children and Families Act of 1991

Ms. Laurie Kohn,
Senator Kennedy's Office,
U.S. Senate.

DEAR LAURIE: We are pleased to give our support to the efforts being made to provide for military families.

The Salvation Army is already working with the Department of Defense rendering assistance at the local level to dependents of active duty military families and activated reservists families.

Sincerely yours,

Col. WALTER C. FRENCH,
Director.

AMERICAN ASSOCIATION
OF SCHOOL ADMINISTRATORS,
Arlington, VA, January 30, 1991.

Hon. EDWARD M. KENNEDY,
Russell Building,
Washington, DC.

DEAR CHAIRMAN KENNEDY: The American Association of School Administrators, AASA, would like to thank you for your leadership in seeking to include provisions to aid families where one or both parents have been either stationed in the middle east or called up as reservists. Your proposed grants to local school districts for counseling and teacher training of children whose lives have been suddenly interrupted responds to a very real short term need. Further, the provisions for other family support programs will help stabilize the lives of affected children and parents.

AASA strongly supports this humane assistance for the families at home and the peace of mind of the men and women in the armed forces. Thank you for your consideration.

Sincerely,

BRUCE HUNTER,
Associate Executive Director.

THE NATIONAL PTA,
Washington, DC, January 31, 1991.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Next week, the Senate Armed Services Committee will be marking up a bill that will provide $50 million from Department of Defense appropriations in support services including child care, health access, student counseling and teacher training to help students work through the stress of having a parent at war.

This emergency appropriations bill is designed to help those children and families who have members deployed to the Persian Gulf for Operation Desert Storm. The National PTA, an organization devoted to the education, health and protection of youth urge you to support this measure. While our Nation's focus is on the Persian Gulf, and National PTA believes that we cannot forget about the special needs of those children and families who are at home.

Thank you for your consideration of this crucial matter.

Sincerely,

ANN LYNCH,
President, National PTA.
ARLENE ZIELKE,
Vice President, Legislative Activity.

NATIONAL ASSOCIATION OF
SCHOOL PSYCHOLOGISTS,
Silver Spring, MD, January 29, 1991.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building,
Wahington, DC.

DEAR SENATOR KENNEDY: The National Association of School Psychologists, comprised of more than 16,000 school psychologists and related educational and mental health professionals, understands that legislation will soon be marked up in the Armed Services

Committee relating to the provision of services for deployed military personnel. Included in this bill are services for children and families of those who have been deployed into the Middle East.

We urge the Committee's strong support and swift passage of the proposed legislation. The bill has the potential to alleviate what is already a growing crisis in America—helping children and families understand and cope with the ravages of war.

We are particularly impressed with the school-based and family support services component of the bill which would provide counseling to children and families of deployed military personnel; training and technical assistance to better prepare teachers and pupil service professionals in addressing the concerns of children and families impacted by the deployment of military personnel into the Middle East; and, to provide programs for the special needs of children and families impacted by Operation Desert Storm.

Never before in the history of this nation, have so many images of war been so readily accessible to the American public. In addition, our profession has noted in the past few weeks, a sharp increase in the number of referrals for assistance by teachers, parents, and students who are impacted by the war.

While an all-volunteer military may indicate choice by many of those participating in the Gulf War, we would ask that the Committee carefully consider those who are involuntarily impacted by this conflict, namely the children and youth of this country.

Senator Kennedy, NASP stands ready to assist you and your colleagues in the passage of the proposed legislation. We look forward to the Committee's positive action and hope you will contact us if we can be of help.

Sincerely,

RICHARD YEP,
Assistant Executive Director.

Mr. DURENBERGER. Mr. President, I am pleased to join the Senator from Massachusetts and a number of our colleagues in introducing legislation to address the needs of small towns which have been hit hard by the massive Persian Gulf call up.

As I have said many times on this floor, small towns have a difficult challenge in today's America. They try to provide an adequate quality of life for their citizens over and against the economic law of large numbers. Resources and economic advantages flow toward larger populations and larger markets. And yet these towns have shown a remarkable resilience and America benefits much from their values, products, and heritage.

An unfortunate consequence of the massive Persian Gulf call up of Guard and Reserve personnel has been the depletion of skilled workers in many of these small towns. Nowhere is this situation more critical than in rural health care, where medical professionals were in very short supply even before the recent call up.

That is why we have introduced legislation today to have the Federal Government shoulder some of the burden for the problem it has created. This bill will provide up to $50 million in grants to communities which have lost medical staff. The grant procedure in the bill has been streamlined to provide maximum flexibility and expeditious payment to the affected communities. These folks need help today, not a tangle of red tape. I am particularly glad this bill gives the Secretary the authority to provide grants to communities outside the normal medically underserved category in the Public Health Service Act.

As this bill was coming together, my office has been in touch with the community of Tracy, MN, in the southwest corner of our State. Tracy, which has a 36-bed community hospital, lost one of its two doctors to the Air Force Reserve recently. A recent article from the St. Paul Pioneer Press, by reporter Tom Majeski, gives a very good picture of the problem this bill addresses. I ask unanimous consent that it appear at the conclusion of my remarks.

Mr. President, I hope that all my colleagues will appreciate the difficulty faced by these small towns, and agree with us that this grant program is the very least we can do. I commend Senator KENNEDY for his leadership, and trust that we will soon have an opportunity to pass this bill on this floor and send it to the President's desk.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Paul Pioneer Press, Jan. 30, 1991]

GULF CALL-UP LEAVES TOWN WITH JUST ONE DOCTOR

(By Tom Majeski)

Although the call-up of more than 1,000 medical military reservists in recent days has not left Twin Cities hospitals seriously understaffed, it does have the southwestern Minnesota town of Tracy worried.

Until Friday, the community of 2,059 had two doctors. But a call-up of Air Force Reserve members last week slashed that in half.

"It's a hard thing to handle," said Omer Eischens, administrator of the 37-bed Tracy Municipal Hospital. Everywhere he goes, he added, people ask, "Have you found a doctor yet?"

Tracy's remaining physician, Dr. Kannan Chatterjee, has been on the hospital's staff for 2½ years. He now works during the day and remains on call all night, Eischens said.

The physician who left, Dr. Wilfredo Apostol, has been on the hospital's staff for 17 years.

Eischens said the hospital has three national agencies searching for a temporary doctor. But attracting a doctor to a small town is a difficult task even in good times, he added.

Apostol left town late last week after an Air Force Reserve call-up. Then on Monday, the remaining 487 members of the 5501st U.S. Army Reserve Hospital unit based in Fort Snelling were called up. They will join 217 other members of the unit already on active duty.

The unit's members include doctors, nurses, lab technicians, supply people and a variety of other specialties.

So far, military officials said, about 2,500 Minnesotans have been called to active duty since the buildup began in the Persian Gulf.

Hospital and reserve officials say the call-up's impact on Minnesota hospitals will be minimal because the 5501st draws its personnel from a large geographical area that extends all the way to Colorado.

Although a number of reservists in the 5501st come from the VA Medical Center at Fort Snelling, spokeswoman Linda Duffy said they are spread among enough hospital services so that no one unit will be hurt badly.

"We don't anticipate any long-term problems," she said. "We notify the Defense Department about the number of staffed beds available, so if we get any casualties from the Mideast war, we won't get more than we can handle."

At St. Paul-Ramsey Medical Center, only one physician has been called to active duty so far, said hospital spokeswoman Diana Harvey. In anticipation of receiving war casualties, the hospital has doubled the capacity of its burn unit.

At St. Paul's United Hospital, two nurse anesthetists and three physicians are on active duty. In addition, 12 staff members who are in the Reserves are on alert, while an unknown number of physicians who belong to the National Guard also are on alert.

"We definitely have a plan in place to cover shortages," said spokeswoman Marge Avoles, "but we haven't reached that point yet."

Sgt. Bill Brockberg said the 5501st's primary responsibility will be to operate a 1,000-bed hospital at Brooke Army Medical Center at Fort Sam Houston in San Antonio, Texas.

One reservist, Ronald Merckling of Minneapolis, has applied for conscientious objector status.

Merckling said Tuesday he will report for duty at 7:30 a.m. Monday and will serve as a medic at Fort Sam Houston. But he said he morally objects to being sent into violent situations and plans to refuse orders to go to the Persian Gulf or any other combat area.

Merckling was a senior at the University of Minnesota majoring in political science and minoring in studio art.

The latest call-up also includes about 300 Minnesotans who are members of the individual ready reserve. Former active-duty reserve members, they were completing their military obligation by remaining eligible for individual call-up but did not attend monthly meetings or annual two-week training exercises.

By Mr. SIMON:

S. 337. A bill to amend chapter 30 of title 38, United States Code, to provide that certain service by members of the Selected Reserve who are ordered to active duty in connection with the Persian Gulf conflict be deemed to satisfy certain requirements for basic educational assistance under such chapter, to revise the requirement for such assistance applicable to such members, and for other purposes; to the Committee on Veterans' Affairs.

EDUCATION EQUITY ACT FOR DESERT STORM RESERVISTS

• Mr. SIMON. Mr. President, I rise to introduce the Educational Equity Act for Desert Storm reservists. We are asking a great deal of the troops we have sent to the Persian Gulf. Yet many of those called up under the reserves will not have the same educational benefits as their fellow soldiers when they come back. The bill I am introducing today simply allows these reservists to choose the program that is best for them, on the same terms as other members of the Armed Forces.

Since 1985, new members of the U.S. Armed Forces—not including reservists—have had the opportunity to sign up for education benefits under the All-Volunteer Force Educational Assistance Program, also known as the Montgomery GI bill. The program provides participants with a base rate of $300 per month for education programs for a period of 36 months.

The purpose of the Montgomery GI bill is to assist in the readjustment of members of the Armed Forces to civilian life after they leave military service and to provide higher education to men and women who might not otherwise be able to afford it. Individuals are fully eligible if they serve in active duty for 3 years, or serve in active duty for 2 years with an additional 4 years in the reserve—known as the 2 by 4 program.

Reservists, except for the very few who are in the 2 by 4 program, receive a maximum education benefit of only $140 per month under a separate program. That's less than half the benefit available to soldiers they are now working side by side with in the Persian Gulf. These programs were created for a peacetime military; certainly, military action of the scope now occurring in the Middle East was not contemplated.

This bill would provide educational equity for reservists in the Persian Gulf by making them eligible for the education benefits provided by the Montgomery GI bill. The legislation simply states that a reservist's Desert Storm service is sufficient to cover the 2-year active duty requirement in the 2 by 4 program.

Mr. President, an improved opportunity for higher education or job training is the least we can do for the reservists we are sending to the Persian Gulf.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASIC EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) CERTAIN ACTIVE DUTY TO BE DEEMED TO MEET MINIMUM ACTIVE DUTY REQUIREMENT.—Section 1412(b)(1) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(C) For the purposes of subsection (a)(1)(A)(i) of this section, an individual referred to in subsection (f) of this section shall be deemed to have served two years of continuous active duty in the Armed Forces.".

(b) COMPUTATION OF SELECTED RESERVE DUTY.—Section 1412(b)(1) of such title (as amended by subsection (a)) is further amended by adding at the end the following new subparagraph:

"(D) For the purposes of calculating a period of continuous duty in the Selected Reserve under subsection (a)(1)(A)(ii) of this section in the case of an individual referred to in subsection (f) of this section, such period shall include any period of duty performed by that individual in the Selected Reserve before the performance of any active duty pursuant to an order referred to in subsection (f) of this section.".

(c) ELECTION OF ASSISTANCE.—Section 1412(d) of such title is amended by adding at the end the following new paragraph:

"(3) An individual who is eligible for basic educational assistance under this chapter and whose eligibility is based in whole or in part on service referred to in subsections (b)(1)(C) and (b)(1)(D) of this section may elect to receive such assistance. Any individual who does not make such an election shall not be entitled to educational assistance under this chapter.".

(d) COVERED RESERVISTS.—Section 1412 of such title is amended by adding at the end the following new subsection:

"(f)(1) An individual referred to in subparagraph (C) or (D) of subsection (b)(1) or subsection (d)(3) of this section is a member of the Armed Forces—

"(A) ordered to active duty under—

"(i) Executive Order Numbered 12727, dated August 22, 1990; or

"(ii) any order issued subsequent to the Executive order referred to in clause (A)(i) of this paragraph that orders members of the Selected Reserve to active duty in connection with the Persian Gulf conflict; and

"(B) whose service under an order referred to in clause (A) of this paragraph is characterized by the Secretary concerned as honorable.

"(12) For the purposes of this paragraph (1) of this subsection, the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.".•

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. WARNER, Mr. HEFLIN, and Mr. LIEBERMAN):

S. 339. A bill to enhance the Federal Government's authority and ability to eliminate violent crime committed by the outlaw street and motorcycle gangs; to the Committee on the Judiciary.

THE OUTLAW STREET AND MOTORCYCLE GANG CONTROL ACT OF 1991

• Mr. DECONCINI. Mr. President, gangs are taking over our neighborhoods. They are recruiting young children with the lure of money, expensive clothes, powerful weapons, and the addiction of cocaine; the violence and terror of the street hardens our youths into criminals before they are old enough to attend high school—if they live that long. The violence is not isolated to street gangs. Outlaw motorcycle gangs, Jamaican Posses, and even prison gangs have established national drug and weapon trafficking networks to facilitate the spread of their destruction. Gangs are expanding at alarming rates; in fact, Los Angeles authorities estimate that the area street gang population is approaching 100,000.

As these gangs expand, they seek out new territory, and new buyers for their drugs. Rival gangs battle each other, but the bloodshed is not limited to gang members. Their diplomacy is gunfire, and they do not care who receives their deadly message. Innocent, law abiding citizens are caught in the middle of this violence; they are held firmly in the grasp of the gangs. Communities have lost control of their streets, their parks and playgrounds, and more importantly, control of their children. If they speak out, or attempt to interfere with a gang, they face the terror of deadly retaliation.

A Los Angeles Unified School official recently found an 11-year-old boy stashing two sawed-off shotguns in the bushes across the street from his school. When the official asked him why, the youth replied, "I just want to be prepared for any gang activity or violence that may break out." An 11-year-old boy, still in grade school, preparing for a possible confrontation—he's too young to comprehend the consequences of his actions. To him, it is kill or be killed. The gangs got to him before he had a chance. According to the Juvenile Justice Bulletin from the Department of Justice, "superintendents from 15 major urban school districts recently rated weapons on school grounds as their No. 1 concern (followed by gangs and drugs)."

Gang violence is not limited to the street youth gangs such as the Crips and the Bloods. Outlaw motorcycle gangs, Jamaican Posses, and prison gangs also have a firm grasp on our cities. Communities are held hostage by violence and drugs. Families are being torn apart. Innocent people, caught in the crossfire, are dying. Local law enforcement is overwhelmed—they need Federal assistance, and they need it now.

Mr. President, I rise today to introduce a bill to provide Federal law enforcement with the additional tools to combat the violence and terror that gangs are inflicting in the communities of America. The legislation I am introducing today will severely limit gang members' ability to acquire firearms and explosives, and in turn, their ability to inflict terror and distribute drugs throughout the cities of this Nation.

Gang members and the crimes they commit are growing at horrifying rates. Our Nation's major cities are overrun with gang-related violence. Gangs have taken over neighborhoods and turned them into war zones. The Los Angeles Police Department reports that from 1985 to 1988 the number of gangs and gang-related homicides increased 71 percent and other major cities report record homicides attributable to gang violence. The gang explosion is not limited to our major cities; midsize cities and suburban areas face gang problems as well.

In suburban Los Angeles, gang killings are up 53 percent, according to the Los Angeles County Sheriff's Office. As the gangs expanded in the major cities, they began to seek out new markets. Chris Baca, director of Youth Development, Inc., in Albuquerque, has observed Los Angeles gangs moving into Albuquerque, and using violence to intimidate and enlist new recruits. Baca notes that, "No Federal jobs programs can provide such a quick out for those poor inner city youth." The Bureau of Alcohol, Tobacco, and Firearms [ATF] reports that although gangs are highly concentrated in cities such as Los Angeles, New York, Chicago, and Miami, gang activity exists now in almost every State—it certainly exists in my home State, Arizona.

Capt. Michael Frazier of the Phoenix Police Department said that he observed significant gang activity in his city as early as 1986. The Arizona Department of Public Safety estimates that there are currently 2,100 Bloods and Crips gang and associate members on the streets of Arizona. And with the gangs, comes the violence. In 1990, Tucson experienced 30 drive-by shootings, resulting in 6 deaths, and Phoenix experienced 120 drive-by shootings, resulting in 14 deaths. Already, in the first 10 days of 1991, the Phoenix Police Department reports 10 gang-related homicides. Arizona's problem is not isolated to the Bloods and Crips; Hispanic gangs, motorcycle gangs, prison gangs, and organized crime groups are all cashing-in on the outrageous profits of the drug trade.

ATF classifies gangs into four basic categories: Outlaw Motorcycle Gangs, Crips and Bloods, Jamaican Posses, and Prison Gangs. Gangs form for diverse purposes, ranging from the sole purpose of drug trafficking to basic survival on the streets. A gang profile beyond the major categories is difficult to describe, because gangs vary in so many ways. Memberships range from 4 to 5 members to thousands of members; gang members range in age from 10 years old and up. Some gangs, such as the Hell's Angels, are extremely organized, with a national organization and national leadership, while street gangs, such as the Bloods and Crips, are unsophisticated, with a structure that changes from day to day. The leadership of these street gangs is often determined by the member with the most money, drugs, or weapons at the time.

Many members of gangs such as the Jamaican Posse are recent arrivals from other countries. Steve Valvida, director of Community Youth Gang Services told the Los Angeles Times that—

> It has a direct correlation with the political and economic upheaval in other countries. A lot of them come over with a violent history. The law enforcement here is no match for what they saw over there. Over there the police cut off an arm or slit your throat. Here, they put you in jail and feed you well.

With the vast differences among the gangs themselves, the problem almost seems too large to attack. Yet these gangs have one glaring similarity—they are all extremely violent and involved in drug trafficking. Firearms are the tools of gang members' trade; if we act now to keep guns out of their hands, they will no longer be able to practice their trade.

These gangs deal with the purchase and distribution of cocaine, mostly in the deadly form of crack. They are very mobile and heavily armed. Andrew Hague from the Dade County, FL, Attorney's Office says that it is not uncommon for police to seize sophisticated and powerful assault weapons and other high-caliber firearms. In her testimony before the Senate Judiciary Committee last year, Lynn Richardson, a Harlem hospital emergency room physician said, "Today, everybody has a gun—and not the Saturday night specials of the past. They all have large caliber, high velocity, automatic and semiautomatic weapons."

Cocaine and crack are a lucrative business, luring many youths and adults into gangs. The Los Angeles Police Department reports that drug pushers took in an estimated $130 billion last year, and they have knowledge of at least four Los Angeles gangs whose cocaine sales exceed $1 million per week. It is a fast-paced, frontier justice lifestyle that provides enormous profits for those who choose this illegal path. What do gangs do with these enormous profits? They purchase firearms.

Lawrence Sherman, director of the Washington-based Crime Control Institute, says that the "crack trade placed large amounts of cash into the hands of gangs who bought very expensive guns." Sherman further claims that guns, not drugs, are the biggest crime problem today. "Until we get those guns out of circulation, the homicide rate is likely to stay at this much higher level in big cities."

The media and statistics both depict the gang prevalent neighborhoods as war zones housing only thugs. While these areas are extremely volatile, we must never forget that they contain honest, law-abiding citizens who are not murderers or drug pushers. Decent people are still in the majority, but are helpless to defend themselves. Gang members control vast resources, and they have little regard for human life. They retaliate with gunfire, and they are not concerned about the targets of their shots. Sadly, many of their targets are innocent people caught in the line of senseless, avoidable gunfire.

Local law enforcement and the communities infested with gangs are desperate for Federal help. They need Congress to act to save their communities and their children's futures. Commander William Both of the Los Angeles Police Department told the Los Angeles Times that—

> [Gangs] have the weapons plus the mobility. Plus they simply have little reverence for human life, somebody else's life. It's almost an animal kind of syndrome that prevails with the gang mentality.

Verne L. Speirs, former Administrator of the Juvenile Justice Bulletin summed up the helplessness of the situation:

> Gangs hold many neighborhoods hostage. Residents are fearful of leaving their homes. They are afraid to let their children play in area parks that have been taken over by gangs for drug dealing. Neighborhood businesses suffer economically because residents are hesitant to leave their homes to shop. And community services, such as law enforcement and courts, find themselves with escalating costs as they struggle to deal with gangs.

Mr. President, as you can clearly see, gang violence is an epidemic. Local law enforcement agencies are doing all they can do, but the simple fact is that they are out-manned and out-gunned. The Gang Control Act of 1991 [GCA] combats the growing problem of the heavily armed outlaw, street, and motorcycle gangs that have spread across this country by enhancing the enforcement power of the lead Federal agency in the antigang effort—the Bureau of Alcohol, Tobacco, and Firearms [ATF].

The bill establishes a national gang analysis center under the direction and control of ATF as a national repository for gang intelligence which in turn will provide information to law enforcement and the public. Authorities in Los Angeles developed a similar data base which made tremendous leaps in the control of gang violence. The gangs are mobile and their networks often span many States. This national repository will enable law enforcement agents to track gang activity and to learn more about their networks so that they can begin to predict their movements. This is a crucial step in eradicating these violent gangs.

This bill empowers ATF with seizure and forfeiture authority of drugs, money, and other property involved in crimes relating to firearms and explosives. Presently ATF agents are only authorized to seize firearms and explosives. With this increased seizure power, ATF agents will no longer have to leave money and drugs in the hands of gangs. ATF will now be able to bankrupt the gangs.

The bill also toughens penalties for firearms violations. It creates a new offense punishable by a mandatory minimum 5-year prison term for stealing a firearm or explosive material. This legislation makes it unlawful for any person to transfer a firearm having "reasonable cause to believe" that it will be used to commit a crime of violence or drug trafficking. The bill further makes it unlawful to steal any firearm from a licensed dealer. These crucial amendments to the Firearm Act of the Criminal Code will thwart the efforts of gangs to elude authorities and escape prosecution for their heinous crimes of terror and violence.

Mr. President, this bill will not end the gang problem in this country, but it is a step in the right direction. Our city streets are rampant with tales of horror brought about by gang violence. Local law enforcement agenices are overwhelmed and the communities are helpless, crying out for help from somewhere. That somewhere is here—Federal assistance from the U.S. Government. Remember that gang violence is not isolated; it is a national problem, and it is exploding. Rapid Federal assistance is crucial to combat gangs and it can begin today with the Gang Control Act of 1991.

I ask unanimous consent that the entire text of my bill and a section-by-section analysis be included in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 339

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Outlaw Street and Motorcycle Gang Control Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) outlaw and street motorcycle gangs pose an ever-increasing threat of violent crime;

(2) such gangs are a force that can be contained only through law enforcement efforts coordinated at the Federal level; and

(3) such gangs are a national epidemic, and they must be the subject of a national strategy for interdiction and control.

(b) Purpose.—It is the purpose of this Act to—

(1) combat gang-related violent crime through enhanced penalties and other provisions of law that control the illegal use of firearms and explosives;

(2) expand seizure and forfeiture authority of the Bureau of Alcohol, Tobacco and Firearms; and

(3) authorize the establishment of a National Center for Outlaw Street and Motorcycle Gang Analysis.

TITLE I—ENHANCED PENALTIES FOR THE MISUSE OF FIREARMS AND EXPLOSIVES

SEC. 101. POSSESSION OF STOLEN FIREARMS AND EXPLOSIVES.

(a) Firearms.—Section 922(j) of title 18, United States Code, is amended by inserting "possess," before "conceal".

(b) Explosives.—Section 842(h) of title 18, United States Code, is amended by inserting "possess," before "conceal".

SEC. 102. TRANSFER OF FIREARM TO COMMIT CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(h) of title 18, United States Code, is amended by inserting "or having reasonable cause to believe" after "knowing".

SEC. 103. PERIOD OF LIMITATION FOR VIOLATIONS OF THE NATIONAL FIREARM ACT.

(a) In General.—The first sentence of section 6531 of the Internal Revenue Code of 1986 (relating to periods of limitation on criminal prosecutions) is amended by inserting "shall be 5 years for offenses described in section 5861 (relating to firearms violations) and" after "the period of limitation".

(b) Effective Date.—The amendment made by this section shall apply to offenses committed after the date of enactment of this Act.

SEC. 104. RECEIPT OF FIREARMS BY NONRESIDENTS.

Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7) by striking "and" at the end thereof;

(2) in paragraph (8) by striking the period at the end thereof and inserting "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive a firearm.".

SEC. 105. THEFT OF FIREARM OR EXPLOSIVE MATERIAL.

(a) Firearms.—Section 924 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) Whoever steals a firearm that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title and imprisoned for not less than 5 years or more than 10 years, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(k) Whoever steals explosive material that is moving as, or is a part of, or that has moved in, interstate or foreign commerce shall be fined under this title and imprisoned for not less than 5 years or more than 10 years, or both.".

SEC. 106. POSSESSION OF FIREARM DURING COMMISSION OF A CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(c) of title 18, United States Code, is amended—

(1) by striking "uses or carries a firearm" and inserting "uses, carries, or possesses a firearm"; and

(2) by striking "used or carried" and inserting "used, carried, or possessed".

SEC. 107. FIREARMS AND EXPLOSIVES CONSPIRACY.

(a) Firearms.—Section 924 of title 18, United States Code, as amended by section 105, is amended by adding at the end thereof the following new subsection:

"(j) Whoever conspires to commit an offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) Explosives.—Section 844 of title 18, United States Code, as amended by section 105, is amended by adding at the end thereof the following new subsection:

"(l) Whoever conspires to commit an offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 108. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.

(a) Firearms.—Section 924 of title 18, United States Code, as amended by section 107, is amended by adding at the end thereof the following new subsection:

"(k) Whoever steals a firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

(b) Explosives.—Section 844 of title 18, United States Code, as amended by section 207, is amended by adding at the end thereof the following new subsection:

"(m) Whoever steals explosive material from a licensed importer, licensed manufacturer, licensed dealer, or permittee shall be fined in accordance with this title, imprisoned not more than 10 years, or both.".

TITLE II—SEIZURE AND FORFEITURE

SEC. 201. EXPANDED AUTHORITY OF THE SECRETARY OF THE TREASURY.

(a) Firearms and Ammunition.—Section 924(d) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Any property (other than real property) subject to forfeiture under section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)), may be seized and forfeited in connection with an investigation of a violation of subsection (c) of this section, and all provisions of section 551 of the Controlled Substances Act shall apply to seizures and forfeitures under this paragraph.

"(B) For the purposes of subparagraph (A), the functions of the Attorney General under section 551 of the Controlled Substances Act with respect to the seizure, forfeiture, and disposition of property shall be carried out by the Secretary of the Treasury.".

(b) Explosive Materials.—Section 844(c) of title 18, United States Code, is amended to read as follows:

"(c)(1) The following shall be subject to forfeiture to the United States and their former owner shall have no property right in them:

"(A) Any explosive material that is involved, used, or intended to be used in connection with a violation of the provisions of this chapter or any rule or regulation promulgated thereunder or a violation of any criminal law of the United States.

"(B) Any real or personal property that is involved, used, or intended to be used in any manner or part in connection with a violation of subsection (d), (e), (f), (g), (h), or (i) of this section or of section 842(h).

"(C) Any real or personal property that constitutes or is derived from proceeds traceable to a violation of subsection (d), (e), (f), (g), (h), or (i) of this section or of section 842(h).

"(2) No property shall be forfeited under this subsection to the extent of the interest of an owner or lienholder by reason of a violation committed without the knowledge of that owner or lienholder.

"(3)(A) The Secretary may seize any property subject to civil forfeiture under this subsection—

"(i) upon process issued pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims by any district court of the United States having jurisdiction over such property; or

"(ii) without such process when—

"(I) the seizure is pursuant to a lawful arrest or search;

"(II) the Secretary has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

"(III) the Secretary has probable cause to believe that the property is subject to civil forfeiture under this section.

"(B) Proceedings under paragraph (4) shall be instituted promptly in the case of a seizure pursuant to subparagraph (A)(ii) (II) or (III).

"(C) The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this subsection in the same manner as is provided for the issuance of a search warrant under the Federal Rules of Criminal Procedure.

"(4)(A) Subject to subparagraph (B), the law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition and transfer of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims shall apply to seizures and forfeitures incurred or alleged to have been incurred under this subsection, insofar as that law is applicable and is not inconsistent with this subsection.

"(B) In carrying out the law described in subparagraph (A) for the purposes of this subsection, such duties as are imposed on the customs officer or any other person with respect to the seizure and forfeiture of property under that law shall be performed with respect to seizures and forfeitures of property under this subsection by such officers, agents, or other persons as the Secretary designates for that purpose.

"(5) All right, title, and interest in property described in paragraph (1) shall vest in the United States upon commission of the violation that gives rise to forfeiture under this subsection.

"(6) The filing of an indictment alleging a violation of subsection (d), (e), (f), (g), (h), or (i) of section 842(h), or of State or local law that could have been charged under such Federal laws which is also related to a civil forfeiture proceeding under this subsection shall, upon motion of the United States and for good cause shown, stay the civil forfeiture proceeding.".

TITLE III—FUNDS FOR UNDERCOVER PURCHASES

SEC. 301. RECOVERY AND REDEPOSIT OF UNDERCOVER FUNDS.

Section 3302 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Moneys expended from appropriations for the Bureau of Alcohol, Tobacco and Firearms for the purchase of alcohol, tobacco, firearms, and explosives for evidentiary purposes and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.".

TITLE IV—NATIONAL CENTER FOR OUTLAW STREET AND MOTORCYCLE GANG ANALYSIS

SEC. 401. ESTABLISHMENT OF CENTER.

(a) In General.—There shall be established in the Bureau of Alcohol, Tobacco and Firearms a National Center for Outlaw Street and Motorcycle Gang Analysis.

(b) Purposes.—The purposes of the Center shall be—

(1) to identify the street and motorcycle gangs that engage in drug-related and other violent crime by—

(A) types of illegal activity;

(B) methods of operation; and

(C) geographic distribution;

(2) to gather intelligence on illegal activities undertaken by violent street and motorcycle gangs from law enforcement sources;

(3) to increase public awareness of outlaw gang identification and threat to the public and to solicit information and evidence, under the assurance of confidentiality, from persons who possess information that may assist law enforcement investigations;

(4) to establish a national hotline for the public to report unlawful gang activity;

(5) to share intelligence information pertaining to illegal gang activity with the appropriate Federal, State, and local law enforcement and correction agencies;

(6) to conduct seminars and conferences for Federal, State, and local law enforcement and correction agencies and community leaders, to assist in identification of gang activities and methods to curtail and control such activities; and

(7) to publish an annual report that includes significant findings pertaining to—

(A) gang identification;

(B) incidence of gang use of explosive devices and firearms; and

(C) the results of Federal outlaw gang eradication efforts.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 402. AUTHORITY OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS.

The Director of the Bureau of Alcohol, Tobacco and Firearms shall be responsible for providing—

(1) national oversight in the accumulation and dissemination of gang-related information; and

(2) coordination of gang-related investigations by Federal law enforcement agencies.

The Outlaw Street and Motorcycle Gang Control Act of 1991 Section-by-Section Analysis

Sec. 1. Findings.

Sec. 2. Purpose.

TITLE I—ENHANCED PENALTIES FOR THE MISUSE OF FIREARMS AND EXPLOSIVES

Sec. 101. Possession of stolen firearms and explosives.

Current law makes it unlawful to ship, transport, or receive stolen firearms, or to receive, transport, ship, sell, or dispose of stolen explosives. The law does not make possession of a stolen weapon or explosive illegal. This legislation amends sections 922(j) and 842(h) of title 18, United States Code, making it unlawful for any person to possess stolen firearms or explosive materials if they know or have reason to know that the firearms or explosives were stolen.

Sec. 102. Transfer of a firearm to commit a crime of violence or a drug trafficking crime.

This section will amend section 924(h) of title 18, United States Code, to make it unlawful for any person to transfer a firearm having "reasonable cause to believe" that it will be used to commit a crime of violence or drug trafficking crime. Current law provides that the transferor must know that the firearm will be used to commit such crimes. This will greatly enhance law enforcement efforts to prevent gang members and other drug traffickers from acquiring firearms—the tools of their trade.

Sec. 103. Increase the statute of limitation for violations of the National Firearms Act.

Presently the statute of limitations is three years for violations of the National Firearms Act (NFA), relating to machine guns, short-barreled rifles and shotguns, and destructive devices. This legislation will amend section 6531 of the Internal Revenue Code of 1986 (18 U.S.C. Sec. 6531) by increasing the statute of limitations from three years to five years for violations of the NFA, Section 5861 of the Internal Revenue Code of 1986 (18 U.S.C. Sec. 5861). This would be consistent with the statute of limitations for violations of the Gun Control Act, as amended, 18 U.S.C. Chapter 44.

Sec. 104. Receipt of firearms by nonresidents.

This section addresses the law enforcement problem posed by aliens legally in the United States, but not residing in any State, who acquire firearms from Federal firearms licensees by utilizing an intermediary. Having acquired firearms in this country, such aliens often smuggle the weapons out of the country. It is generally unlawful for any person to transfer a firearm to any other person who does not reside in the State in which the transferor resides. However, the alien's receipt of a firearm from a licensee or through an intermediary does not violate any specific portion of the Act. This legislation amends Section 922(a) of title 18, United States Code, making it unlawful for any person, other than a licensed importer, manufacturer, licensed dealer, or licensed collector, who does not reside in any State, to purchase or otherwise receive firearms.

The section would not prohibit an alien lawfully conducting a firearms business in the United States from receiving firearms in the conduct of such business. Moreover, the amendment does not affect those aliens who legally import or bring firearms into the United States for legitimate purposes and would not preclude the lawful acquisition of firearms by aliens who have established residency in a State.

Sec. 105. Theft of firearms or explosives.

This section further amends sections 844 and 924 of title 18, United States Code, by creating new offenses punishable by a mandatory minimum five year prison term for stealing a firearm or explosive materials. Currently, sections 842(h) and 922 (i) and (j) of title 18, United States Code, punish the transportation, receipt or disposition of firearms or explosive materials known to have been stolen. There is however, no offense specifically directed at the theft of firearms or explosives.

Sec. 106. Possession of a firearm during the commission of a crime of violence or drug trafficking crime.

This section is designed to broaden the prohibition in section 924(c) of title 18, United States Code, to reach persons who have a firearm available during the commission of certain crimes even if the firearm is not carried or used. Currently, section 924(c) punishes by a mandatory five-year prison term the carrying or use of a firearm during and in the relation to the commission of a drug or violent felony. The proposed amendment is designed to cover any circumstance in which, for example, a drug trafficker has available a firearm during and in relation to his illegal drug activities. As under the existing provision, the Government will still be required to establish a relationship between the drug or violent offense and the defendant's possession of the firearm (for example, it would not include a gun kept exclusively in a club locker and used only for sporting purposes at the club), but the relationship or connection may be more attenuated than under current law and may apply to a firearm that is possessed by the defendant for potential employment in his illegal activities, even though it is not physically on his person or within reach and even though it is not proved to have been used or planned to be used during the offense.

Sec. 107. Firearms and explosives conspiracy.

This section would add sections 844(l) and 924(j) to title 18, United States Code, to provide that the penalty for conspiring to violate the Federal firearms or explosives laws would be the same as the substantive offense. These amendments are similar to 21 U.S.C. Section 846 relating to conspiracies to violate the Federal drug laws.

Sec. 108. Theft of firearms or explosives from licensee.

This section also amends sections 924 and 844 of title 18, United States Code, by adding that whoever steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, or any explosive materials from a licensed importer, licensed manufacturer, or licensed dealer shall be imprisoned not more than ten years, fined or both.

TITLE II—SEIZURE AND FORFEITURE

Sec. 201. Amendments to expand ATF seizure and forfeiture authority.

This section amends section 924(d) of title 18, United States Code, to give the Bureau of Alcohol, Tobacco, and Firearms (ATF) the authority to seize and forfeit property (except real property) in connection with ATF's enforcement of section 924(c) of title 18, United States Code. Section 924(c) provides for mandatory penalties for the use or carrying of a firearm during and in relation to a drug trafficking crime. ATF's existing seizure and forfeiture authority under the Gun Control Act of 1968 is limited to firearms and ammunition. This legislation would allow ATF to seize and forfeit drugs, money, and other property involved in the underlying drug trafficking crime. Currently, ATF must either turn the property over to the Drug Enforcement Administration (DEA) or allow State or local agencies to dispose of the property. Requiring DEA to process forfeitures resulting from ATF investigations results in an administrative burden on DEA. Turning property over to State or local agencies means that the proceeds resulting from the disposition of the property are lost to the Federal Government. Both of these alternatives could be avoided if ATF's authority to seize and forfeit property involved in drug trafficking crimes is extended as proposed in the attached amendments.

This section would extend ATF's seizure and forfeiture authority to provide for the efficient forfeiture of property in connection with ATF's enforcement of section 924(c) of title 18, United States Code, and to insure that ATF will recover certain resources expended in their investigations.

TITLE III—FUNDS FOR UNDERCOVER PURCHASES

Sec. 301. Recovery and Redeposit of Undercover Funds.

This section amends section 3302 of title 31, United States Code, to allow the Bureau of Alcohol, Tobacco and Firearms (ATF) to redeposit money used to purchase alcohol, tobacco, firearms and explosives for evidentiary purposes and subsequently recovered into its current appropriation rather than into the General fund. This amendment is similar to provisions in section 3056(a) of title 18, United States Code, and section 886(b) of title 21, United States Code, which enable the Secret Service to reimburse their current appropriation with money they expended for purchase of counterfeits and controlled substances and subsequently recovered.

TITLE IV—NATIONAL CENTER FOR OUTLAW STREET AND MOTORCYCLE GANG ANALYSIS

Sec. 401. Establishment of Center.

This section authorizes the necessary appropriations for the establishment of a National Gang Analysis Center under the direction and control of the Director of the Bureau of Alcohol, Tobacco and Firearms. The purpose of this Center is to establish a national repository of information on outlaw street and motorcycle gangs to assist State and local, and other Federal law enforcement and corrections agencies to obtain information on outlaw gangs. It is also the purpose of this Center to conduct a public awareness program to educate the public regarding gang identification and illegal activity so that the public can in turn report suspicious gang activities to the Center. Moreover, the Center will be responsible for publishing an annual report regarding gangs' use of explosive devices and firearms.

Sec. 402. Authority of the Bureau of Alcohol, Tobacco and Firearms.

This section directs that the Director of the Bureau of Alcohol, Tobacco and Firearms will have the lead role over the collection and dissemination of gang-related intelligence and be responsible for the overall coordination of Federal investigations of outlaw street and motorcycle gangs.●

● Mr. D'AMATO. Mr. President, I rise today to cosponsor the Outlaw Street and Motorcycle Gang Control Act and I commend Senator DECONCINI for his leadership in developing this important legislation.

The continuing rise of gang and outlaw violence is intolerable. The headlines enumerating the random and senseless killings resulting from gang violence have become all too familiar, all to frequent.

The victims of these heavily armed gangs are not by any means limited to gang members and drug dealers—the violence is not limited to gang territory.

The victim is often the innocent bystander—too often the innocent child, the war zone has moved from gang turf to the front porch of the family home and the playground of the neighborhood.

The death of an innocent child is clearly the ultimate cost of this violence, but let us not be blind to the psychological cost of a parent sending a child to school in a bulletproof vest; the elderly—locked in their homes—prisoners of fear, the locks, alarms, attack dogs, and mace canisters that have become household necessities in the minds of the public. I fear the day that we accept these conditions as a routine part of everyday life. The loss of personal freedom to live in our homes, schools, and neighborhoods is unacceptable.

Gangs have become increasingly more dangerous to the public as evidenced by substantial increases in their commission of arsons, gun related crimes, and the use of explosive devices. These methods of violence facilitate their drug trafficking and gun trading activities.

For these reasons I strongly support the Outlaw Street and Motorcycle Gang Control Act. This act strikes at the heart of this growing problem in the following ways:

First, outlaw gangs are a national problem requiring a national strategy. This act establishes a national gang analysis center under the control of the Bureau of Alcohol, Tobacco and Firearms. This will provide for a much needed national repository for the development and dissemination of gang related intelligence information to the law enforcement community.

Second, the law enforcement community has increasingly witnessed the value of the seizure and forfeiture of contraband, money, and the fruits of criminal enterprise. This financial and personal property loss has become an effective compliment to prison terms and fines which are dispensed to convicted criminals by the courts. This act will empower Federal law enforcement with strong and effective seizure and forefeiture authority so that criminals will not benefit from the fruits of their crimes at anytime during or after a prison sentence or probation.

Third, the necessity of possessing a firearm as seen by these outlaws has resulted in the increase of other criminal activity—the theft of firearms and explosives by means of burglaries and robberies. This act provides for the creation of an offense for the theft of firearms and explosives and a mandatory 5-year prison term for a conviction of this offense.

Fourth, additional provisions are made for violations and increased penalties relative to firearms and explosive transfers if there is reasonable cause to believe that the firearm/material will be used to commit a crime or traffic in illegal drugs. This is a good beginning in the ever increasing need to severely punish those who choose to use firearms during the commission of a crime.

This act provides a specific strategy for a specific problem; creates new offenses to deter a new trend in criminal activity; strengthens penalties for those who intend violence; and seizure and forefeiture to ensue that criminals do not benefit in any way through criminal activity.

The escalating growth of gangs and gang violence demand immediate attention and strong measures. The battle against street violence requires extraordinary efforts by the law enforcement community. Those efforts require and deserve our support.

I therefore urge my colleagues to support the Outlaw Street and Motorcycle Gang Control Act. This bill is strong, this bill is fair, this bill is timely, and this bill is necessary if we are truly committed to ending the national epidemic of gang and drug related violence.●

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. ADAMS, Mr. AKAKA, Mr. BRADLEY, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. DANFORTH, Mr. DECONCINI, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr.

DURENBERGER, Mr. FORD, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KERREY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MACK, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. REID, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. WALLOP):

S.J. Res. 58. Joint resolution to designate March 4, 1991, as "Vermont Bicentennial Day"; to the Committee on the Judiciary.

VERMONT BICENTENNIAL DAY

Mr. JEFFORDS. Mr. President, though the Mozart bicentennial may have received somewhat more attention to date, today my colleague, Senator LEAHY, and I are going to fix that, by introducing legislation to mark the 200th anniversary of Vermont's entry into the United States. On March 4, 1791, Vermont became the 14th State, the first to join the Original Thirteen.

That day also represents the end of another period in Vermont history—its 14-year span as an independent republic. It is a too-little-known fact that Vermont was the first republic to join the Union.

I'm afraid our State is not large in land or bluster. So I am very pleased that so many of our colleagues have seen fit to honor Vermont as we approach its bicentennial.

Our State motto—Freedom and Unity—is a fitting one. The Freedom, I suppose, came first. Hardy souls from New York, Connecticut, and Massachusetts traveled north into the wilderness to carve out settlements in what is now Vermont—a process that continues today. By the outbreak of war in 1776, they had settled towns as far north as Peacham, in what is now nobly called the Northeast Kingdom.

But it was far from easy, physically or politically. Many of the towns in southern Vermont were part of the so-called New Hampshire grants, land deeded to settlers by New Hampshire. Yet the rapacious crown government of New York claimed the same land. Sadly, the Green Mountain Boys were formed not to fight the British Regulars, but the New York revenuers.

Vermonters tried in vain to join the Union, but were thwarted by New York. While I have the highest regard for New York's present delegation, no true Vermonter can feel the same toward this delegation's ancestors.

Frustrated but not daunted, in January 1777, Vermonters assembled and declared themselves an independent republic. And notwithstanding their snub, agreed to do their part in expelling the British.

In this war and every war, Vermonters did more than their share—lending critical support at the Battles of Bennington, Hubbardton, Ticonderoga, and elsewhere.

Vermont's first constitution, written in 1777, 10 years before the U.S. Constitution, is an extraordinary document. It was the first to adopt universal male suffrage and to forbid slavery.

The State seal, designed a year later, includes a central pine, which was carefully drawn to include 14 branches. Even as it remained a republic, Vermont hoped to become part of the United States.

At the conclusion of the war, it renewed its efforts. Finally, in 1791, so strong was its desire to join the Union that it agreed to pay the blackmail demanded of it by New York. On March 4, 1791, it became the 14th State to join the Union.

Its history as a State is a colorful and proud one, too much to chronicle at this point. But I would mention just one event that was critical to the early course of American history. And this is a little-known fact. But if Vermont has not joined the Union, Thomas Jefferson would not have been President.

Those of you who supported the opponent may not be as excited about that as I am. But let me give you a little information about Matthew Lyon. We hear about him still in modern day. Matthew Lyon has two sides to his character—one not so good. For instance, he is the first Member of Congress to be reprimanded; the first one to have a fistfight on the floor. The good side: he had a strong character and was jailed because he violated the Alien and Sedition Acts, and why that becomes significant is the fact that was right during the time of the election and then it was tied and it had to go to the House of Representatives, and lo and behold, Thomas Jefferson was short by one vote. So the Senator from Virginia, Senator Randolph, hopped on his horse, and rode to Vermont with a bag of gold and bailed out Matthew Lyon who then transversed all the way to Washington with him and cast the deciding vote for the election of Thomas Jefferson. I want when you think of Vermont think in the best of terms that Thomas Jefferson would not have been President were it not for us.

Mr. President, again I thank my colleagues in the Senate for their support. And I want to extend my congratulations to the people of Vermont on their upcoming birthday.

Mr. LEAHY. Mr. President, I thank the Senator from Vermont for his eloquent statement, and I note that Senator JEFFORDS has worked long and hard on this subject.

My distinguished colleague and I are very proud native Vermonters, and proudly to commemorate the bicentennial anniversary of Vermont's statehood. We come from two ends of the State of Vermont, grew up in different communities, and proudly represent, I believe, what is so typical of Vermonters. No matter what your party, no matter where you come from, no matter what your political affiliation, we all have a deep love for our special State. There is good reason.

Two hundred years ago next month, a small, stubborn 14-year-old republic hoisted the Federal flag over its small towns for the first time.

Among the ranks of real Vermonters, the merit of our entry into the union is still debated.

But I submit that no State has been more patriotic in its service to this country than the State of Vermont.

Now, every member of this Senate would easily stand up at any time and espouse the unique qualities of his or her home State.

I am no different. Because Vermonters are more unique.

Our Vermont forebears took intense pride in the State because it was so difficult to settle, and because they were drawn by its beauty.

On its rolling hills were tall stands of aged pine. To the east, early settlers followed the Connecticut River north into the New Hampshire grants, as Vermont was known for a time. To the west, the giant expanse of Lake Champlain had been discovered in 1609 and used for transportation by Iroquois, Algonquin, and other Native Americans.

From my own home in Vermont, I can look across the fields and the woods and down the valleys and the mountains, and I can stand on the front steps of my own home and see everything that is so beautiful about Vermont: Its ruggedness, but also its calmness. It is a very beautiful and very special State.

Our early settlers—mostly individuals abandoning the comfortable towns of southern New England—were eager and ambitious. They found happiness working this untamed land for a living.

This rugged land taught its people democracy. By hard labor, by flood, freezing and famine, by enemies within and outside its borders, historians remark that Vermonters established an almost castless society based on these rigors they commonly endured.

They called this implicit bond neighborliness. It was born of a time when the community was the only insurance of survival. In rural Vermont it remains so today.

Our sense of equality is the foundation of this neighborliness. Vermont clings to the right of every citizen to his opinion or her voice, and constantly demands its Government to protect both the right to speak one's mind, and to assure equality of all people.

I know my distinguished colleague from Vermont and I understand that. Because there is not one single Vermonter—whether they agree with us or disagree with us—who is going to hesitate for one moment to come up to us on the streets in Vermont, call us at home, come to our office, and let us know their opinion.

Our beginnings were colored by a rebel crowd of young men eager to make Vermont free from the British, then from other States with conflicting claims on our land. The Green Mountain Boys, led by Ethan Allen, are a legend as real to us today as they were to Vermont settlers in the 18th century.

Allen and his men, as well as the hundreds of settlers who had claims on the Vermont land, forged for the State its unique identity of resilience, independence, and fierce devotion to the land.

After 100 years of settlement, 14 as an independent republic, Vermont entered the Union at the same time as Kentucky—a slave and free States in the new Nation. We had tempered our radical, cause-driven ways, and opted to settled down in the new Union.

Not ironically, Vermont became known as one of the most vocally abolitionist States in the Union before and during the Civil War.

Our 16 regiments dispatched to the Union army represented the highest number of troops per capita than any other State.

We fought bravely, and our presence was crucial at a turning point in the war, the Battle of Cedar Creek.

We Vermonters take pride in the accomplishments of our famous citizens. The eloquent Stephen Douglas, the inventor Thomas Davenport, President Calvin Coolidge, and one of our favorite famous sons, Warren R. Austin, the first U.S. Representative to the United Nations. Of course, Ethan Allen remains one of our favorites.

That is because there remains in all Vermonters a piece of the old Republic—a time when we were our own people, unburdened by the rules of larger neighbors, free to make our own.

In fact, last year there were a number of debates held around the State on the issue of seccession. They were referred to as "mock debates," but in name only. They were well attended, with eloquent speech making about why we could be our own republic again.

But in the end what came through was our dedication to this Nation, a dedication that cannot be questioned; nor will it ever change. Our bicentennial anniversary of entrance to this Nation will be celebrated in every corner of the State.

So, Mr. President, I want to thank you for indulging me with a few minutes of praise for my beloved State. Let me just conclude by saying "Happy birthday, Vermont."

Mr. President, I send to the desk a joint resolution on behalf of myself and Mr. JEFFORDS and others.

Mr. BOREN. Mr. President, I wish to congratulate my colleagues from the State of Vermont on the historic occasion which they are observing and also the great contributions which the people of their State made to this Nation and our national heritage over the years.

By Mr. SPECTER (for himself, Mr. LAUTENBERG, and Mr. HEINZ):

S.J. Res. 59. Joint resolution designating March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

GREEK INDEPENDENCE DAY

Mr. SPECTER. Mr. President, on behalf of Senator LAUTENBERG and myself, I file a joint resolution which would designate March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." Senator LAUTENBERG and I are cosponsoring it.

Mr. HEINZ. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I join in that request, Mr. President.

The resolution provides that, in the Senate and House of Representatives of the United States of America, in Congress assembled, March 25, 1991, be designated as Greek Independence Day.

I ask unanimous consent, Mr. President, that the full text of the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 59

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1991, marks the 170th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1991, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

• Mr. LAUTENBERG. Mr. President, I am pleased to join as the original cosponsor of a resolution to designate March 25, 1991, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The resolution also asks the President to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

This resolution is identical to one that Senator SPECTER and I introduced in the last Congress. That resolution was approved unanimously by the Senate.

March 25, 1991, marks the 170th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. It is fitting that we celebrate this day together with Greece in order to reaffirm the common democratic heritage of Americans and Greeks.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the people. As Aristotle said:

> If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost.

Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not of Greek ancestry, are kinsmen of a kind to the ancient Greeks. America's Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our Government. For that contribution alone, we owe a heavy debt to the Greeks.

The common heritage which we share has forged a close bond between Greece and the United States and between our peoples. And it is reflected in the numerous contributions made by present day Greek-Americans in New Jersey and across the country to our American culture.

I urge my colleagues to support this resolution as a tribute to these contributions, past and present, which have greatly enriched American life.•

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 11

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 11, a bill to cut Social Security contribution rates and return Social Security to pay-as-you-go financing, and for other purposes.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Louisiana [Mr. BREAUX], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 50, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 113

At the request of Mr. BIDEN, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 113, a bill to amend title 18 of the United States Code, to increase the term of imprisonment for offenses involving driving while intoxicated when a minor is present in the vehicle.

S. 143

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 160

At the request of Mr. MCCAIN, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 160, a bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces.

S. 199

At the request of Mr. GLENN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 203

At the request of Mr. GLENN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 203, a bill to provide for periods of military, naval, or air service in the Persian Gulf region in connection with Operation Desert Shield to be disregarded in determining the time for performing certain acts required by the Internal Revenue Code of 1986.

S. 204

At the request of Mr. GLENN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 205

At the request of Mr. GLENN, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 221

At the request of Mr. GLENN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

S. 275

At the request of Mr. DOLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 275, a bill to provide for the implementation of a tariff preference regime affecting certain articles from Andean countries, and for other purposes.

S. 284

At the request of Mr. BRADLEY, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 288

At the request of Mr. DIXON, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 288, a bill to establish a series of eight Presidential primaries at which the public may express its preference for the nomination of an individual for election to the office of President of the United States.

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Alaska [Mr. STEVENS], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. INOUYE], the Senator from Arizona [Mr. DECONCINI], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991 and 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. DODD], the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. WARNER], the Senator from Wisconsin [Mr. KASTEN], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. AKAKA], the Senator from Vermont [Mr. JEFFORDS], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. BURDICK], the Senator from Alabama [Mr. HEFLIN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Georgia [Mr. NUNN], the Senator from Florida [Mr. GRAHAM], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the months of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 17, a resolution to express the sense of the Senate in support of "Operation Homefront."

SENATE CONCURRENT RESOLUTION 8—DEMANDING RED CROSS ACCESS TO PRISONERS OF WAR IN IRAQ

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PRYOR, Mr. MCCAIN, Mr. PELL, Mr. DOMENICI, Mr. ROBB, Mr. RIEGLE, Mr. WARNER, Mr. GRAHAM, Mr. LUGAR, Mr. DECONCINI, Mr. MURKOWSKI, Mr. FOWLER, Mr. D'AMATO, and Ms. MIKULSKI) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas U.S. and other United Nations member armed forces are engaged in armed conflict with the Government of Iraq pursuant to United Nations Security Council Resolution 678;

Whereas the Convention Relative to the Treatment of Prisoners of War (hereinafter referred to in this resolution as the Third Geneva Convention) requires that a government holding prisoners of war grant representatives of the International Committee of the Red Cross free access to all prisoners of war;

Whereas the Government of Iraq has violated the Third Geneva Convention by not authorizing requests from the International Committee of the Red Cross to visit and interview American and other prisoners of war;

Whereas the Third Geneva Convention requires the humane treatment of all prisoners of war and provides that no prisoner of war may be held in areas that expose him to the fire of the combat zone;

Whereas the Government of Iraq has threatened to place POWs in danger, and whereas it has been reported that American and other prisoners of war have been injured or killed while being held by the Government of Iraq as "human shields" at likely military targets of coalition forces;

Whereas such cruel and inhumane treatment of prisoners of war is a violation of the Third Geneva Convention: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that—

The United States demands that Iraq permit the International Committee of the Red Cross to visit all American and other prisoners of war at the earliest possible time, in accordance with the requirements of the Third Geneva Convention.

The United States condemns the Government of Iraq for brutal mistreatment of American and other prisoners of war, for deliberately placing their lives in danger, and for other violations of the Third Geneva Convention.

SENATE CONCURRENT RESOLUTION 9—RELATIVE TO PEACE IN ANGOLA

Mr. DECONCINI (for himself, Mr. GRAHAM, and Mr. SHELBY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas talks to determine the future of Angola were held in the city of Washington, D.C. on December 13, 1990, between representatives of the Government of the United States, the Soviet Union, Portugal, the People's Republic of Angola, and the Union for the Total Independence of Angola (UNITA),

Whereas a fundamental foreign policy objective of the United States to promote peace, freedom, and democracy throughout the world, and

Whereas these talks have enhanced the prospects for an end to the tragic conflict in Angola with agreement among the aforementioned parties of the following principles:

Angola will be a multi-party, democratic nation;

An international monitoring group approved by the parties in the current conflict should guarantee a ceasefire;

Free and fair elections in Angola should be monitored by international observers;

A ceasefire should be signed concurrently with an agreement legalizing all political parties and estabilshing a date for free and fair elections;

All outside lethal assistance will terminate upon the implementation of a ceasefire; and

A national army, whose neutrality shall be guaranteed by international monitors, shall be formed by the time the elections are held; Therefore, be it

Resolved by the Senate (the House of Representatives concurring) That the President of the United States and the Secretary of State be commended for this peaceful diplomatic initiative with its goal of achieving a multiparty democracy in Angola;

Further, that the United States Congress offer its support for the six principles agreed to in the five party talks; and

Further, that it is the hope of the United States Congress that these six principles will encourage the Angolan parties to seek an early ceasefire and guarantee free and fair elections at the earliest possible, mutually agreed upon, date.

• Mr. DECONCINI. Mr. President, I rise today to introduce a resolution designed to encourage the ongoing Angola peace process. I am pleased to be joined in this effort by Senator GRAHAM of Florida and Senator SHELBY.

After more than 15 long years of civil war, the people of Angola may be seeing the light of peace at the end of this long tunnel. A major breakthrough occurred on December 13, 1990, when representatives of the United States, the Soviet Union, Portugal, the People's Republic of Angola, and the Union for the Total Independence of Angola [UNITA] held joint talks in Washington at the State Department. Movement on the major differences separating the two sides to the conflict was reported and a list of basic principles were agreed upon, pending minor modifications.

These principles include the transformation of Angola into a multiparty, democratic nation; the establishment of an international monitoring group to guarantee the cease-fire composed of members agreed upon by the two sides; free and fair, internationally monitored elections; termination of all outside lethal assistance upon the implementation of a cease-fire; and the formation of a national army by the time the elections are held whose neutrality shall be guaranteed by international monitors.

The final key principle is that the cease-fire should be signed concurrently with an agreement legalizing all political parties and establishing a date for free and fair elections. This is an extremely important point because it is the crux of the entire conflict. The reason that UNITA and the government party, the MPLA, have been at war all these years is that elections promised in 1975 by the Alvor accords were never held. Instead, the MPLA, with the assistance of the Cubans and the Soviets, took control of the country—effectively denying the Angolan people the opportunity to choose their leaders. That opportunity is again within the grasp of the beleaguered Angolan population. It must not be denied to them again.

With a firm commitment for a date certain for free and fair elections in Angola, the admittedly difficult process of rebuilding this shattered nation can begin. It is important that the date be mutually acceptable, but it is equally important that the elections be held in the shortest time possible. The longer the delay between the signing of the cease-fire and the elections, the greater the possibility for problems to arise with the monitoring of the cease-fire. After so many years of war, the level of distrust between the Angolan Government and UNITA is extremely high. These tensions will not evaporate overnight.

Ample time must be provided for all political parties—and there are already indications that there will be more than two—to organize and advertise their visions for the future of Angola. This was an issue in Albania recently when the opposition parties successfully encouraged the ruling party to delay for a few months the first democratic elections in that country so that they could get their message to the people. Thus, time to organize must be provided, but a delay in the elections should not become an issue in and of itself. We must continue to do all that we can to get both sides to mutually agree upon a cease-fire and turn their attention to feeding their people and restarting their nation's economic engine.

I have been a firm believer that dialog between two opposing sides can assist in reducing tensions and enhancing understanding of the issues. This resolution also commends the Bush administration for its leadership, in conjunction with the Portuguese, in bringing both sides together. A landmark meeting occurred in December between former Soviet Foreign Minister Shevardnadze and UNITA's President Jonas Savimbi. A similar meeting occurred between Secretary of State Baker and the Angolan Foreign Minister at the same time. These talks were indeed helpful. I am also pleased that the Soviets have indicated their commitment to the progress made in Washington even though Shevardnadze has since resigned as Foreign Minister.

It is my hope that this year will see real peace come to all the people of Angola. I congratulate UNITA, and its leader, Dr. Savimbi, for its commitment to the peace process and for helping to bring it to this point. The MPLA has also demonstrated wisdom by its agreeing to change the nature of its political platform and open the country to a multiparty, democratic system. We are close to seeing these goals achieved, but there can be no backsliding on these commitments. I stand ready to assist in the rebuilding of Angola as it joins Namibia and others in the community of democratic nations.

I encourage all of my colleagues who desire to see peace in Angola to join with me in cosponsoring this resolution. A House companion resolution is also being introduced.●

SENATE RESOLUTION 24—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BENTSEN, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 24

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,526,075, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $3,620,095, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 25—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE, from the Select Commitee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rules XXV of such rules, including holding hearings, reporting such hearings, making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Select Committee on Indian Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992 through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Select Committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $1,394,043, of which (1) an amount not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $0 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992 through February 28, 1993, expenses of the Committee under this resolution, shall not exceed $1,270,664, of which amount (1) not to exceed $4,846 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $0 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationary supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 26—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BOREN, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Intelligence is authorized from March 1, 1991 through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $2,453,497, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $2,546,381, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through

February 28, 1993, to be paid from the Appropriations account for "expenses of Inquiries and Investigations."

SENATE RESOLUTION 27—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS, from the Committee on Commerce, Science and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures form the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,930,949, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $4,076,709, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $12,400 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 28—AUTHORIZING THE PAYMENT OF CERTAIN LEGAL FEES

Mr. FORD (for himself and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 28

Resolved, That (a) the Committee on Rules and Administration is authorized to pay out of the contingent fund of the Senate the legal expenses incurred by Michael Kinsella for the employment of private counsel to represent him with respect to official actions and responsibilities before the grand jury in United States District Court for the Eastern District of New York.

(b) The amount of expenses paid pursuant to subsection (a) shall be determined by the Committee on Rules and Administration.

SENATE RESOLUTION 29—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. BIDEN, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 29

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $5,051,907.00 of which amount (1) not to exceed $40,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $5,243,785.00 of which amount (1) not to exceed $40,000.00 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 203(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $1,000.00 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, and the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 30—RELATIVE TO THE WILLAMETTE METEORITE

Mr. PACKWOOD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 30

Whereas in 1902, the nation's largest meteorite, known as the "Willamette Meteorite", was found 2 miles west of the city of Willamette, Oregon, on land owned by the Oregon Iron and Steel Company;

Whereas in 1904, the Willamette Meteorite was determined to be the legal property of the Oregon Iron and Steel Company;

Whereas in 1905, the Willamette Meteorite was displayed at the Lewis and Clark Exposition in Portland, Oregon, and then Governor George Earle Chamberlain of Oregon declared that the meteorite would always remain within the State;

Whereas in 1906, the Willamette Meteorite was sold to a resident of the State of New York by the Oregon Iron and Steel Company, was subsequently donated to a New York museum, and is presently on display at the American Museum of Natural History's Hayden Planetarium in New York City;

Whereas a group known as the "Help End Willamette Meteorite Absence Committee" (HEWMAC), established by students from the Forest Hills Elementary School in Lake Oswego, Oregon, is presently campaigning to bring the Willamette Meteorite back to Oregon;

Whereas Oregonians, including a coalition of Oregon City businessmen, have attempted without success to have the Willamette Meteorite return to the State of Oregon for more than 50 years; and

Whereas the Oregon Museum of Science and Industry, scheduled to relocate to new facilities in the city of Portland in 1992, would be an ideal location to display the Willamette Meteorite: Now, therefore, be it

Resolved, That the United States Senate supports the efforts of HEWMAC to have the Willamette Meteorite returned for display to its place of discovery in the State of Oregon.

• Mr. PACKWOOD. Mr. President, as early as 1880, when local native Americans attributed supernatural powers to the rock, the Willamette Meteorite has had special significance for Oregonians. As the largest meteorite ever discovered in the United States and one of the largest ever discovered in the world, it has long been a source of pride for us.

Despite regional enthusiasm, however, the meteorite was sold to a resident of New York City, and in 1936 it became part of the Hayden Planetarium collection.

In 1990, the third graders at Forest Hills Elementary School in Lake Oswego, OR formed a committee, the Help End Willamette Meteorite Absence Committee [HEWMAC], in an effort to return the meteorite to Oregon. In May of last year, I attended an all-school assembly at Forest Hills Elementary School to view a presentation by the students. I can assure you this hardworking, dedicated group of kids is determined to bring back to Oregon one of our most important natural treasures. The students, now in the fourth grade, have been joined in their efforts by the third graders at the school.

The resolution I am introducing today is intended to help these Oregon students in their quest. Our goal is to see the Willamette Meteorite returned for display to its place of discovery in the State of Oregon.

I am proud of the efforts of these students. These young citizens are learning an important lesson in the value of political activism and the difference individuals can make within their communities. I hope they will be successful in their efforts to return the Willamette Meteorite to Oregon for display. I will work with them every step of the way.•

SENATE RESOLUTION 31—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. PRYOR, from the Special Committee on Aging, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 31

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 1991 through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $1,220,675, of which amount (1) not to exceed $0 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $0 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $1,264,993, of which amount (1) not to exceed $0 may be expended for the procurement of services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $0 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of the Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 32—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. SASSER, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,526,693, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exeed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $3,661,008, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of Investigations."

SENATE RESOLUTION 33—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. DECONCINI, from the Committee on Veterans' Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 33

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $1,202,644, of which not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $1,252,411, of which not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been rescheduled before the full Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony concerning the U.S. national energy policy.

The hearing, originally scheduled to take place on Tuesday, February 5, 1991, has been rescheduled. The hearing will now take place on Tuesday, February 19, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Patricia Beneke of the committee staff at (202) 224-2383.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session during the session of the Senate on Thursday, January 31, 1991, at 2 p.m. to receive a classified briefing from the Department of Defense on the operational use and effectiveness of combat equipment in Operation Desert Storm.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ANNOUNCEMENT OF THE 1991 CONGRESS-BUNDESTAG STAFF EXCHANGE

• Mr. DECONCINI. Mr. President, since 1983, the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political institutions and convey the views of members from both sides on issues of mutual concern.

This exchange program has been one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year will mark the first exchange with a reunified Germany and a parliament consisting of members from both the west and the east. Eight staff members from the United States Congress will be chosen to visit Germany from April 8 to 21. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag party staffers, and representatives of political, business, academic, and media institutions.

They also will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin.

A comparable delegation of German staff members will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany. Accordingly, United States participants should be experienced and accomplished Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take time to meet with the U.S. delegation. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in European affairs. Applicants need not be working in the field of foreign affairs, although such a background is helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern to Germany and the United States, such as, but not limited to, trade, security, the environment, immigration, economic development, and other social policy issues.

In addition, U.S. participants will be expected to help plan and implement the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make is the planning of topical meetings in Washington. Moreover, participants are expected to host one or two staff people in their Member's district over the Fourth of July, or to arrange for such a visit to another Member's district.

Applications for participation in the United States delegation will be reviewed initially by the congressional staff group on German-American affairs. Final selection of the delegation will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter only in which they state why they believe they are qualified, what positive contributions they will bring to the delegation, and some assurances of their ability to participate during the time stated. Applications may be sent to Connie Jones, Office of Representative RALPH REGULA, 2207 Rayburn, by Friday, February 15.•

IN LIBERIA INNOCENCE LOST

• Mr. SIMON. Mr. President, I have held a hearing on the Liberian situation and have visited with State Department and other people to see what can be done about this tragic situation.

The warring factions continue to conduct peace talks, and I have communicated to all sides the importance of coming to a permanent ceasefire so that immediate relief and longer term rehabilitation can begin to move ahead.

For over a year, Liberia has suffered tremendous devastation with thousands of Liberians having died and over 1.5 million people displaced or refugees outside the country. Now that the brutal conflict appears to be coming to a close, 350,000 people in Monrovia, including 120,000 children, are without food, health facilities and water. Basic services throughout the nation—water, electricity, and communications—are either nonexistent or running at minimum levels. Thousands of homes and businesses have been destroyed, and because virtually no planting has occurred over the past year, the Liberian population will be heavily dependent on international food aid in the months ahead.

Liberia has suffered a tremendous human tragedy. Just to give one small insight into what has been happening, there is an article I read in the Lutheran written by Sonia C. Groenewold.

I ask to print in the RECORD the article from the Lutheran.

The article is as follows:

In Liberia: Innocence Lost—"I never thought . . . That People Could Be Such Savages To Have Done What Was Done in the Church"

(By Sonia C. Groenewold)

Several images of war haunt Bette McCrandall. Especially poignant is the specter of 10- and 12-year-old soldiers toting automatic weapons.

McCrandall, the last Evangelical Lutheran Church in America missionary to leave Liberia in the midst of its civil war, worries about their future.

"They have lost their childhood, their innocence," she said. "They are used to giving orders, used to the 'glamour' and power of a soldier's life, used to killing those who do not obey them. How can they return to school and to being children again?" She said many youth felt pressured to join the fighters, and some joined for survival.

"Will Liberia have lots of crazy young people when this is over?" McCrandall asked. "What will the country do with them?"

Other images of the living hell in Liberia spill forth as McCrandall remembers her last months there.

Bedraggled civilians wander the roads in search of food for that day and a safe place for one more night. They have been forced from their homes with only the clothes on their backs.

Long lines of people wait at checkpoints, where suspected members of certain tribes are executed on the spot.

Bodies in various stages of decomposition lie in the streets and roadsides. Personal belongings are scattered where their owners dropped them before being shot—unless soldiers stole the items worth selling or keeping.

Despite these grotesque images, McCrandall longs to return to her "adopted country" soon. "I cried when I left Liberia," she said. "I didn't want to leave."

She left her home in the capital city of Monrovia Sept. 18 after living through the siege that began July 2. She arrived in the United States Nov. 9.

"The Lord put such peace in my heart and allowed me to stay," the 44-year-old native of Flint, Mich., said. "I know that some people are alive today because I stayed."

McCrandall is administrative assistant to Bishop Ronald Diggs of the Lutheran Church in Liberia. She bore sole responsibility for the Liberian church compound in Monrovia—its offices and residences—in the months preceding and during the siege. (Diggs, a member of the June peace negotiation team in Freetown, Sierra Leone, was unable to return to Liberia until November. He has been selected as Liberia's interim vice president.)

A petite and resolute woman, McCrandall said she felt that people depended on her. "Later they couldn't get over the fact that I had gone through their suffering," she said. "I had lost weight. I had faced soldiers to protect lives. I had been cleaned out like everyone else. It meant so much to people that I stuck by them, and it meant a lot to me that I had not abandoned them."

McCrandall had thought that the war—which began in December 1989 in Liberia's northern counties—would be over before it reached the coastal cities of Monrovia and Buchanan in the south. In July, when Charles Taylor's National Patriotic Front of Liberia closed in on the now-slain President Samuel Doe in Monrovia, electricity, water, food and medicines became unavailable. Death from starvation, illness and gunfire became daily realities.

"We ate lots of 'chicken greens,' which grew near the latrines in the swamp," McCrandall said. "That saved many people from starvation."

The Lutheran church headquarters housed many people displaced from their homes. By July 29, "we had a packed compound," McCrandall said. But by the next day, life became terrifying for the group.

St. Peter Lutheran Church, about three blocks from the church headquarters, was an official Red Cross refugee center. It housed as many as 2,000 refugees. But a massacre by government troops during the night of July 29 killed a reported 600 people as they slept.

Government soldiers had come to the headquarters the night of the massacre, McCrandall said, but security guards headed them off. Later that night, she heard constant gunfire coming from the direction of St. Peter.

The gunfire went on and on, and dogs began to howl. "I knew what that meant," McCrandall said. "Dogs do that in the presence of death."

The trauma was heightened because soldiers had held McCrandall and residents of the church headquarters at gunpoint for five hours during the daylight hours of July 29.

"We were just finishing our noonday worship," she recalled. "Soldiers shot the lock off our unlocked gate and began pouring in. They ordered everyone out. I tried to stay with the soldiers so they wouldn't scare people.

"I didn't see it happen, but my Liberian 'daughter,' Suwah, challenged a soldier and was shot immediately. I was still upstairs calming people. All I could do when I saw her lying outside was bend down and touch her. Her real mother and family were there too. They were hysterical. I had to tell them to be quiet. I was afraid we would all be shot if they didn't calm down.

"Soldiers made the men line up and identify themselves by tribe and home place. The women lined up and faced the compound wall. They feared being shot in the back. I moved around where the men were, trying to confirm their identification.

"I did have thoughts of being shot, but I felt calm and unafraid. I was thinking of the people who were depending on me. The soldiers would have let me go if I had asked, but I felt my presence meant a lot to the others.

"One soldier—obviously drunk—held a gun into one woman's mouth, but she was not shot. 'We'll blow your heads off,' soldiers shouted at many of the men. After five hours soldiers told some people to leave and not return. The soldiers took others with them when they left. Many of those people were not seen again."

When commanders of an elite government unit reached the area, they were upset that a mistake had been made. The raid had been intended for St. Peter's compound rather than for the church headquarters.

By 9 a.m. the next morning, McCrandall heard about the massacre at the church. Thinking an eyewitness might be needed, she went to St. Peter.

"There were bodies all over inside the church," she said. "The wounded were crying for water. People who had hidden in the ceiling came out when they heard my voice."

The Rev. Martin Peterhaensel, another ELCA missionary living in Monrovia at the time, described what he saw six hours after the attack: "The church was filled with bodies of men shot and slashed with bayonets. I walked toward the altar over dead bodies and pools of blood and saw the altar area covered with more bodies. I stood in front of the altar with a Catholic priest and tried to pray—but I couldn't.

"The scene in the school was even more horrifying—women and children with their heads bashed in, bodies slashed. A mother with her baby tied to her back—both shot."

Peterhaensel helped take more than 100 wounded to the hospital. "Even the ambulance was shot at by government soldiers," he said. Later abducted, threatened and robbed, he was forced to evacuate Monrovia Aug. 12.

"Leaving Liberia was not easy," he said. "I can't forget the wounded who were left behind, the children who had lost their whole families, the many people who were still struggling to survive without food."

For Liberians who survive the war, locating other living family members will be a priority. "People don't know where family members are, if they are dead or alive," McCrandall said.

In September, when she left Monrovia and headed for the Lutheran hospital at Phebe, McCrandall said her group picked up five children. The oldest, a teenage boy, had four small children in his charge. The boy said his mother and the mother of the youngest child went out searching for food one day and did not return. He is now responsible for his three younger sisters and a 2-year-old.

A Nov. 23 letter from Diggs to the Rev. Daniel Olson, ELCA Division for Global Mission, shared the emotions he felt upon returning to Liberia in November. "The joy that filled my heart turned to sorrow when I visited St. Peter Lutheran Church and the Lutheran church compound on 13th Street. I could not help but hang my head in shame and in tears. I really never thought . . . that people could be such savages to have done what was done in the church," he wrote.

A suggestion has been made to turn St. Peter into a civil war memorial, Diggs said.

"The faith of the people has been strengthened through all this," McCrandall said. "The people are crying for their country, for the unnecessary bloodshed. The churches [will] need to work together to help rebuild lives and Liberia." •

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

• Mr. JOHNSTON. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on Energy and Natural Resources.

The material follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such

Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings on business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or the Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request on any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.•

SAN CARLOS INDIAN WATER RIGHTS SETTLEMENT LEGISLATION

• Mr. DECONCINI. Mr. President, yesterday my junior colleague from Arizona, Senator MCCAIN, introduced legislation that will provide for the settlement of the water rights claims of the San Carlos Apache Tribe. This legislation will facilitate the performance of the settlement agreement by authorizing the necessary funding and by authorizing the Secretary of the Interior to undertake the steps required to effect the settlement. It is my understanding that this legislation is identical to that which passed the House late, last Congress. I support the general intent of this legislation and commend my colleague for his efforts to move this settlement forward. However, it currently contains specific provisions that make it impossible for me to join on as a cosponsor at this time.

As many of my colleagues know, there are over 50 lawsuits currently pending before State and Federal courts to resolve disputes over tribal rights to water flowing on or past Indian reservations. Litigation of this kind is costly, time consuming, uncertain in outcome, and once decided, can displace existing water uses and provide only paper rights, not wet water. This prolonged uncertainty clouds the validity of water rights for Indians and non-Indians alike, forestalling investment based on the availability of, and rights to water. This hurts tribes, businesses, States and the Nation.

As a result of this pending litigation, there has been an effort to undertake an aggressive program to negotiate settlements for the outstanding Indian water rights claims throughout the West. The San Carlos settlement is a product of these efforts.

Last year, the Senate Select Committee on Indian Affairs and the House Interior Committee held a joint hearing on the San Carlos legislation during which a number of concerns regarding the impact of this bill were raised. These included concerns about provisions in the bill that, among other things, may impact water users in the Upper Gila Valley, remove incentives for various parties in Arizona to negotiate a water transfer bill in the State legislature and reallocate Ak-Chin surplus water to the San Carlos Tribe. With the exception of the Ak-Chin surplus water issue, the other concerns were for the most part addressed in the bill passed by the House. It is because the bill introduced yesterday by my junior colleague left unresolved the issue of Ak-Chin surplus water, I cannot support this legislation at this time.

For the benefit of my colleagues, I want to take a moment to discuss the Ak-Chin surplus water issue. In 1984, Congress enacted the Ak-Chin settlement which authorized the Secretary to acquire 50,000 acre-feet from the Yuma-Mesa Irrigation District which when combined with the amount already included in the Ak-Chin community's central Arizona project contract, 58,300 acre-feet, would give the Ak-Chin community the 75,000 acre-feet needed to complete the settlement of this community's water rights claims. However, the combined total of the two sources mentioned above is 108,300 acre-feet, 33,000 acre-feet in excess of the amount needed to satisfy the Ak-Chin settlement. The legislation introduced by my colleague yesterday proposes using this excess 33,000 acre-feet to complete the water budget for the San Carlos settlement. However, Senator Goldwater and I cosponsored an amendment to the 1984 Ak-Chin legislation which specifically stated that any water not utilized by the Ak-Chin community for this settlement would return to the central Arizona project to be reallocated by the State. I refer my colleagues to the CONGRESSIONAL RECORD dated September 25, 1984, pages S11836–S11838 for further explanation on this issue. My intent as expressed in these passages of the RECORD remains the same and accordingly I cannot support the San Carlos legislation because of its treatment of the Ak-Chin surplus water issue.

Notwithstanding the foregoing, I am confident that this issue can be worked out and the San Carlos legislation will eventually enjoy my support. I am very supportive of the efforts to resolve these Indian water rights claims in a negotiated fashion and will continue to work to see that they are enacted after the outstanding issues are addressed.

I look forward to working with my distinguished colleague to move the San Carlos legislation forward.●

ERUPTS

● Mr. SIMON. Mr. President, over the weekend, I caught up on some of my reading and came across Strobe Talbott's commentary on the opening of the Mideast war.

Because it provides a balance and perspective that is so easily lost in the avalanche of minutia that overwhelms us, I am asking that it be printed in the RECORD.

I urge Members of the House and Senate and our staffs to read it.

The commentary is as follows:

[From Time, Jan. 28, 1991]

ERUPTS

(By Strobe Talbott)

Force. Derived from the Latin fortis, meaning "strong," it was the watchword of an extraordinary week.

"I am stronger than you; therefore you will do what I say. Obey, or I will use force. That was what George Bush said to Saddem Hussein. For more than five months he had been saying it with warnings, then an ultimatum. Wednesday evening he switched to the vocabulary of bombs.

But Saddam talked back. I am stronger than you, he said to the man he calls the Satan in the White House. You may have more means of killing, but I have many more soldiers willing to die. Therefore I will not do what you say. On the second day of the war, Saddam added, Not only do I refuse to do what you want, I will now do something you thought you could prevent me from doing.

With that, sirens sounded in Israel.

The interaction of Bush's adamancy and Saddam's defiance was, to an unprecedented degree and in unprecedented ways, seen and heard round the world. Even when deprived of video transmission, television newsmen in Baghdad could still hold microphones to their hotel windows. Audiences on every continent studied maps of the city while they listened to the boom, boom, boom of what Bush was saying to Saddam.

Everyone expected this war. It started on schedule. The reporters were as ready as the warriors. Partly for that reason, and partly because the coverage was so pervasive and transfixing, another spectacle in another corner of the global village caught the world by surprise and received far less attention than it deserved. The agents of Soviet power and the people of Lithuania engaged in a grim dialogue of their own.

"I am stronger than you," said Mikhail Gorbachev. "Therefore you will do what I say. You can, if you insist, pursue your secessionist ambitions, but only according to rules and a timetable that suit those of us who don't want to see you ever achieve your goal. Otherwise I will use force."

The Lithuanians' reply: "We are stronger than you because we have historical justice on our side. We are also strengthened by your own promises to govern democratically and to forswear the principle that might makes right. Therefore you cannot crush us."

Gorbachev: "Wrong."

With that, the tanks rolled in Vilnius.

Thus the world saw, in a few astonishing days, two examples of the resort to force that were, in many ways, at opposite ends of the moral spectrum. If there is such a thing as a just war, President Bush launched one against Saddam. The Iraqi dictator confirmed the worst that Bush had said of him by raining down ballistic missiles on the civilian population of Israel, a nation totally uninvolved in the dispute over Kuwait—and one with which Saddam's Foreign Minister, Tariq Aziz, had said only a week earlier Iraq has "no bilateral dispute."

At the other end of the spectrum, Gorbachev was showing the world that however earnest he may be in wanting to reform the Soviet Union, the system over which he presides—and for which he bears responsibility—still relies heavily on the threat and use of force. The Soviet version of the social compact still boils down to the powers that would be saying to the citizenry: "We are stronger than you; therefore you will do what we say."

It is, as Russians often say, no accident that Joseph Stalin's first important job in the Bolshevik government was commissar of nationalities. Gorbachev demonstrated last week that he is prepared to tolerate if not instigate Stalinist methods to keep the U.S.S.R. together. His alibis and obfuscations do not change that stark, ugly bottom line.

Yet there was a bizarre similarity between what Gorbachev and Bush felt compelled to do last week. Each was resorting to the use of force in the name of law and order.

Gorbachev hopes the world in general and Bush in particular will indulge him in his crackdown on separatists because the alternative could be worse: the chaotic disintegration of the Soviet Union, which in turn may trigger a takeover of the country by a troika representing the military, the secret police and the Communist Party hard-liners. The sad implication of last week's massacre in Vilnius was that such a reversal may already have begun, with Gorbachev himself either as a participant or as a front.

For his part, Bush justified the violence he unleashed on Iraq as an unavoidable step toward the forging of "a new world order, a world where the rule of law, not the law of the jungle, governs the conduct of nations."

It was the right rhetoric on behalf of the right policy. But no one should be under any illusion that the much vaunted new world order is in place or even at hand. Quite the contrary, last week's events in the Persian Gulf and on the Baltic Sea, while different in so many respects, had the combined effect of making the new world order seem all the more remote.

The U.S. Administration has been praised, deservedly, for securing the support of the United Nations Security Council and assembling a multinational coalition behind the effort to drive Saddam from Kuwait. Bush and other U.S. officials stressed repeatedly that the armed forces of 27 nations were fighting, or at least supposedly prepared to fight, alongside the American soldiers, sailors, aviators and Marines.

While all that is admirable, it is hardly new. The U.S. went to war against Adolf Hitler half a century ago as part of an alliance and on behalf of principles similar to those at stake today. In 1950 the U.S. plunged into Korea with the backing of a Security Council resolution and accompanied by the forces of 16 other nations.

Moreover, politically comforting as it is to have them there, the multitude of different colored flags arrayed in and around Saudi Arabia is not terribly relevant to the outcome of the battles now under way in Kuwait and Iraq. Desert Storm is very much an American operation. Once again, America's hardware, prowess and ability to absorb casualties will ultimately make the difference. In his press conference Friday, when Bush expressed his desire for the U.S. to be a "healer" and a "conciliator" once the fighting stops, he sounded downright Wilsonian. Even the President's idealism and his eagerness to be a good winner are out of the past.

Much of the talk about a new world order started a year ago, when Saddam was just another loudmouth bullyboy who was being paid off by the gulf Arabs, lethally equipped by the Soviets, as well as by the French and Germans, and coddled by the U.S. The cold war was over—that was the big news and the all-transforming fact of international life.

Yet now that proposition seems less clear-cut than it did even a few weeks ago. The horror in Vilnius is a reminder that there is still a lot of trouble, and terror, left in that giant country, not to mention almost 30,000 nuclear weapons. And if Gorbachev's relatively benign foreign policy collapses because of the vicious circle of internal revolt and repression, the West may find itself waging a Cold War II in the coming years. At a minimum, the Soviet Union may be less cooperative in the Security Council the next time Uncle Sam tries to round up a posse to go after some bad guy.

But the most basic refutation to the idea of a new world order was what happened in the air and on the ground in the Middle East last week. The resort to force—no matter how necessary under the circumstance—was an admission that the preferred and defining methods for making a better world had failed. Talk of a pax Americana was not just premature but out of place. There was plenty of Americana but too little pax. It was the same old world last week, and a not very orderly one at that.●

RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. BIDEN. Mr. President, in accordance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of the Committee on the Judiciary, to be printed in the Record.

These committee rules were adopted at the committee's first executive session of this Congress, held on January 31, 1991.

The rules of the committee on the Judiciary follow:

Rules of the Committee on the Judiciary[1]

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Eight members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with eight votes in the affirmative, one of which must be cast by the Minority.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship, and seniority on the particular. Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Member, in the case of Subcommittee hearings. 48 hours in advance of the hearing that attendance will be taken otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

TELEVISION TRIES TO HELP KIDS COPE WITH WAR

● Mr. HEINZ. Mr. President, images of war continue to flash on our television screens. Parents sit nervously and anxiously glued to their sets as television personalities describe in excited voices missiles flying overhead and troop movements in the desert sand.

Children are painfully aware that something is going on. Their parents' moods and demeanors may be affected. Often, they may be watching their favorite television show when a news update breaks in. And for many, one or both parents may have been called to the gulf.

One of my dearest friends, public television's Fred Rogers, of Mr. Roger's Neighborhood, has taken a lead role in attempting to help our children as they too share in the stress of war on their families. Fred's program, produced in my hometown, Pittsburgh, by Family Communications and public television station WQED, has long been recognized as a salient television feature for children. Of particular note, Fred's war spots are not intended to be substitutes for the roles only family can play. Rather, they urge adults to reassure children of their safety, to listen to children's concerns, and to help children find their own ways to cope.

Last week, the New York Times cited Fred's leadership, and that of others as well, in using television to help meet this challenge. I ask that a copy of this article be printed in the Record at this point.

The article follows:

TV Tries To Help Children Deal With the War

(By Eleanor Blau)

Producers of children's shows and the networks have been rushing to consider ways to address youngsters' possible fears of war. Some experts, however, are skeptical about whether television is useful for this.

Fred Rogers, the longtime host of "Mr. Rogers' Neighborhood," has created spot messages, some for young viewers and some directed at adults. The messages are being shown on public television and on the Nickelodeon cable channel.

On Saturday morning during a time usually reserved for cartoons, Peter Jennings delivered an ABC News report on the war. He repeatedly noted that children might be watching, and he tried to gear some of his remarks to them.

ABC announced yesterday that it would broadcast a live one-hour call-in program for children at 11 A.M. Saturday. Mr. Jennings will be the anchor for the program, which is still untitled. An 800 number will be provided

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[1] Reaffirmed by the Committee on the Judiciary in executive session on February 23, 1989. Printed in the Congressional Record on February 23, 1989. Pursuant to the Legislative Reorganization Act of 1970.

for young viewers to call with questions and concerns about the war. ABC news correspondents and members of the military will be available to answer the questions. The program is in response to the reaction to Saturday's report, on which Bill Greenwood, an ABC correspondent, also talked to children about the war. His 12-year-old daughter, Kelly, helped him edit the segment to make sure it would be understandable to people her age.

NBC News plans to examine children's reaction to the war, ways of dealing with their fears and other war issues on "A Closer Look," a new program with Faith Daniels as host, which is to begin at 11:30 A.M. Monday. Children's Television Workshop, which produces "Sesame Street," and Nickelodeon are doing research to determine how to deal with the issue.

Mr. Rogers' announcements have brought a deluge of inquiries from viewers and news organizations. A spokesman for his show, which is produced in Pittsburgh, said the program was receiving more than a hundred calls a day, some from commercial television and radio programs who are considering broadcasting the tapes.

But not everybody agrees on who, if anyone, should be advised about coping with the war. Unlike Nickelodeon, which may produce a children's program on the matter, Children's Television Workshop has no plans to address children. A workshop spokeswoman, Fran Kaufman, said possible plans—all aimed at adults—include a pamphlet to be sent to subscribers of Sesame Street Magazine and, perhaps, a televised message.

"We believe that the psychological security of kids rests on their relationship with their adult protectors," Ms. Kaufman said. "Real comfort won't come from a television set, but from a person they love and trust. So the best uses of mass media would be to support the interpersonal communication between parents and kids."

Dr. Robert Coles, the child psychiatrist and author, said he had not seen the tapes by Mr. Rogers but was skeptical about the value of television advice to children or parents.

Recalling that his own parents had got through World War II without counseling, he said, "It has been possible in the past for children in the United States to get through wars without the massive intervention of school psychologists and television personalities, and I rather suspect it will be possible in the future if we only give children a chance."

Questioning the value of "wholesale assurances," he said, "Children use the war as a kind of surrogate problem for difficulties they are going through" at home and school.

He said he had recently observed some absurdly patronizing classroom sessions on the war, and added, "I worry sometimes about condescending and patronizing messages to millions of American parents who really are quite able to talk thoughtfully and intelligently to their children without the assurance of these spot interventions on the tube."

ANOTHER HESITATION

Mr. Rogers said the Public Broadcasting Service had asked him to produce the spot announcements and that he had hesitated briefly, for fear of contributing to what he called the news blitzkrieg on the subject. But he said he feels that "children really can hear that grown-ups can help" and that parents can do that in a number of ways, particularly by maintaining comfortable routines.

He has produced six PBS spots on the subject. Two are for children. One features puppets, with Mr. Rogers offscreen supplying the voices; in the other he wears his familiar cardigan. The four others are for adults, also delivered by Mr. Rogers in his distinctive ultragentle manner but in suit and tie.

In the 60-second children's message Mr. Rogers says that when he was a boy he was so scared by hearing his neighbors fighting that he did not want to go out and play. "My mom asked me why I didn't want to go out," he continues. "At first I didn't say anything, but finally I told her I was scared I'd get hurt because of the neighbors. She and I talked a long time, and she told me how proud she was of me and how she and Dad would do everything they could to keep me safe."

Because he has received so many inquiries about the spot announcements, he sent newspapers a four-page statement expressing his thoughts about "helping parents, teachers and care givers deal with children's concerns about war."

It urges adults to assure youngsters they will take care of them, to limit the grown-ups' television viewing about the war to minimize feelings of "helplessness and despair," to be good listeners and to help children "find peaceful resolution to their everyday conflicts."•

RECOGNITION OF UKRAINIAN INDEPENDENCE

• Mr. AKAKA. Mr. President, this month Ukrainians throughout the world celebrated the Ukraine's 1918 declaration of independence. In light of events during the past year, this celebration has special significance for all Ukrainians.

The ideals of freedom, democracy and self-determination—the goals established in the Ukrainian Declaration of Independence on January 22, 1918—have endured and found renewed expression in the democratic movement in Ukraine today. A major step toward those goals was taken on July 16, 1990, when the Government of Ukraine approved it's Declaration on State Sovereignty.

The events of the past month, including the dispatching of Soviet troops to Ukraine and other republics, coupled with the arrest of Ukrainian student leader Oles Donij, threaten the peaceful transition of these republics to full independence. As you know, Mr. President, Congress and the administration have sent strong messages to all nations that individual freedoms must be protected.

Last night, Mr. President, Ukrainian Americans met here in the Nation's Capitol to celebrate the 73d anniversary of Ukrainian independence. The remarks of Mr. Askold Lozynskyj, vice president of the Ukrainian Congress Committee of America, were particularly thoughtful and compelling. I ask, therefore, that the full text of Mr. Lozynskyj's statement be printed in the RECORD at the conclusion of my remarks.

On behalf of Ukrainian-Americans in Hawaii, Mr. President, I wish to reaffirm my commitment to the basic right of all peoples to determine their own destiny. Let it be known that the quest for freedom by the people of Ukraine will not be forgotten by the people in the United States.

REMARKS OF ASKOLD LOZYNSKYJ AT THE UKRAINIAN INDEPENDENCE DAY RECEPTION

Distinguished guests, fellow Americans. Seventy-three years ago on January 22, 1918, the people of Ukraine threw off the Czarist Russian imperial yoke and proclaimed before the world their desire to be free. The bells of St. Sophia's Cathedral in Kiev, the capital of Ukraine, echoed a message to the Ukrainian people: By your power, your will and your work, a Free Ukrainian National Republic has been created on Ukrainian soil. One year later those same bells of St. Sophia rang out and proclaimed: From this day henceforth are united all the separate regions of Ukraine severed throughout the centuries. Thus the sovereignty of the Ukrainian nation was at long last accomplished overcoming centuries of foreign subjugation, domination, persecution, and exploitation.

The dreams of our forefathers had been realized and the Ukrainian National Republic emerged as the guardian of the Ukrainian nation where its spirit and craving for its rightful place in the comity of free nations would find realization, where its language and culture would achieve fruitful development and where its religious beliefs would obtain ready outlet.

Unfortunately, Ukrainian independence and sovereignty were short-lived. The forces of the newly formed Ukrainian National Republic could not withstand the imperialistic onslaught of foreign invaders, Russian, bolshevik and others assisted by the mute paralysis of moral spine within the brotherhood of world nations. At the peace talks in 1919, the allies proposed a plan for the rebuilding of one great Russian; U.S. Secretary of State Robert Lansing reaffirmed the necessity of sustaining the principle of the essential unity of the Russian people and disavowed the Ukrainian movement as a separatist one. Even the humane international Red Cross refused assistance to the Ukrainians because they were fighting non-communist Russian forces as well and the Red Cross was committed to assisting the Russians alone. Ukraine's righteous quest for independence was crushed.

The ensuing years brought more suffering and tragedy as Ukraine became a victim of a deadly force Soviet Russian imperialism that murdered some 10 million innocent men, women, and children in the man-made famine of 1932-33. Still today, despite pronouncements of glasnost and perestroika, crimes perpetrated by the Soviet Russian regime have not abated. Ukraine is once again the victim on its own land violated with unprecedented environmental devastation for which Chernobyl now seems the norm and not an aberration. And yet, despite attempts at intimidation, terror, and destruction, the Ukrainian people have refused to bow their heads in defeat. Instead, in an even louder voice, they clamor for their place in the sun. The essence of freedom feeds the lifeline of our brethren in Ukraine. Still Gorbachev portrays Ukraine as a non-negotiable vital interest of the Soviet Union and our government acquiesces on the question of Ukraine by regarding it as an acceptable if not fully justified concession in the interest of rapprochement and renewed detente.

The significance of today's commemoration lies not only in reflection, but in the conviction that the dawn of the ultimate day of Ukrainian independence is on the horizon. To that purpose, we turn to our President and to our government and congressional leaders to champion the cause of all Ukrainians throughout America by assisting our brothers and sisters in Ukraine in effectuating the ultimate and lasting Ukrainian independence day, a day of a new beginning for Ukraine, when all its people will have achieved their place in the sun, where their national, religious, and human rights would be safeguarded by a sovereign Ukrainian state and then for Ukrainians as well truly light will have overcome darkness and the sun of freedom will have descended upon the earth.•

S. 284—INSURANCE BENEFITS FOR TERMINALLY ILL INDIVIDUALS

• Mr. LAUTENBERG. Mr. President, I am pleased to be an original cosponsor of this legislation, which would allow terminally ill people to receive death benefits from their life insurance policies before they die, without having to pay taxes on the benefits.

Mr. President, this is a bill based on compassion and common sense. It is a bill that will make a real difference for the most tragically fated of our citizens.

Any compassionate, civilized society must take care of its dying. But the need in our Nation is particularly acute. All too often, terminally ill people have to deal with more than their own trauma, more than their own pain. They also must deal with enormous financial burdens.

The costs of caring for the terminally ill can be enormous. Lengthy hospital stays and expensive medications can bankrupt not only the dying themselves, but their families as well.

It is tough enough to deal with one's own impending death or the death of a loved one. It can be unbearable if a family's financial stability is also being destroyed in the process.

This legislation reflects the compassion we all feel for those who suffer from terminal illnesses, and their families. But the bill is based on more than compassion. It is also based on common sense.

Providing access to life insurance benefits does more than help the dying and their families. It helps the Nation as a whole.

After all, to the extent that private insurance funds substitute for Medicaid and other public assistance, the financial burden on the Government is reduced. So taxpayers also benefit. It is a win-win situation all around.

I look forward to working with Senator BRADLEY and the other cosponsors to see this legislation enacted.•

STANLEY FRYCZYNSKI AND THE DEBORAH HEART AND LUNG CENTER

• Mr. BRADLEY. Mr. President, as we are inundated with reports on the crisis in our health care system, it is refreshing to see that there are innovative programs that use creative and compassionate means to provide outstanding specialized medical care. The Deborah Heart and Lung Center in Browns Mills, NJ, has been a pioneer in the treatment of heart, lung, and vascular diseases, and a center for the training of the latest diagnostic and surgical techniques.

The hallmark of the center is the partnership of community volunteers and skilled medical staff. Deborah provides the highest caliber of heart and lung care to all—regardless of their ability to pay. They are the world's predominate hospital in treating children with congenital heart defects, seeking out children from all over the world who need life-saving treatment.

Stanley H. Fryczynski, Jr., is the president of the Deborah Heart and Lung Center. By giving his time, energy, and skills, he epitomizes the spirit that sustains the center.

John Conway recently devoted a column in the Wall Street Journal to Stanley Fryczynski. His story is a tribute to Stanley and to all of those involved with the Deborah Heart and Lung Center, and I ask that it be printed in the RECORD.

The column follows:

[From the Wall Street Journal, Oct. 4, 1990]

STANLEY H. FRYCZYNSKI KNOWS HOW TO SPELL SUCCESS FOR DEBORAH CENTER

(By John A. Conway)

Stanley H. Fryczynski Jr. has 20 letters in his name, 80 hours in his work week and more than 2,000 children who owe him their lives. Half his time goes to the Bayonne, N.J., undertaking business his grandfather started about 80 years ago. The other 40 hours are spent as unpaid president of the Deborah Heart and Lung Center in Browns Mills, a two-hour drive south into New Jersey's Pine Barrens.

Deborah (pronounced Biblical-style with the accent on the "o") was started in 1922 as a TB sanitarium. Now it is a 155-bed hospital specializing in heart, lung and vascular diseases in adults and congenital heart defects in children. Stanley Fryczynski's wife, Pat, jointed the Bayonne chapter of its supporters after the couple's 2½-year-old daughter died. Pat "wanted to get involved in something life-giving," her husband says. She asked him to help her raise funds "and so I was enrolled." by 1977, he was on Deborah's board and in 1980 become the unpaid president.

Mr. Fryczynski actually wears three presidential hats at Deborah, one for the hospital, the others for its research arm and its fundraising foundation, which now boasts 70,000 volunteers in 300 chapters up and down the East Coast. The hospital, which since its founding has never sent a patient a bill, usually has children in 10 percent of its beds. "In the U.S.," Mr. Fryczynski explains, "children can be treated in hundreds of hospitals," Overseas, however, can be a different story and Mr. Fryczynski set up the Deborah's Children of the World program to help change things. Since then, Deborah has cared for 2,000 children from 45 countries, again with never a bill.

Deborah's first foreign child patient was from Guatemala. After seeing a newspaper story that detailed the lack of pediatric heart care in Poland, Mr. Fryczynski mounted a major effort there. During the early 1980s, Deborah treated 300 Polish children both at Browns Mills and by sending doctors and technicians to Poland. The hosptial also brought 23 Polish doctors to New Jersey to learn the latest diagnostic and surgical techniques. (For these efforts Polish-born Pope John Paul II held a private audience for Mr. Fryczynski in 1983.)

The next arena for Deborah is the Soviet Union, which, Mr. Fryczynski says, has just two hospitals and six surgeons that can provide pediatric heart care for a population of 300 million. Deborah provided heart surgery for its first Soviet child in 1988. The newly liberated Soviet press gave the treatment full coverage, resulting in 20 more children treated at Deborah and a waiting list of 200.

Last month, charter airplanes (paid for by Deborah supporters) carried 62 of the hospital's surgeons, nurses, technicians and housekeeping staff to Tbilisi in Soviet Georgia. There, they spent a week performing heart surgery on 30 children. Simultaneously, they taught Soviet medical staffers in what Mr. Fryczynski calls "a new dimension of glasnost."

The Deborah team brought with them $2.3 million of surgical and diagnostic equipment, $1.5 million of it from Siemens U.S.A. They left $1.3 million of the equipment behind in Tbilisi. This weeklong demonstration was the opening move in a two-year program that will bring Soviet doctors to Browns Mills on a rotating basis for instruction in operating and diagnostic skills.•

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

• Mr. LEAHY. Mr. President, in compliance with rule XXVI of the Standing Rules of the Senate, I submit for the RECORD the rules of the Committee on Agriculture, Nutrition, and Forestry which were adopted by the committee on January 30, 1991.

The material follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

RULE 1—MEETINGS

1.1 Regular Meetings. Regular meetings shall be held on the first and third Wednesday's of each month when Congress is in session.

1.2 Additional Meetings. The Chairman, in consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

1.3 Notification. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.4 Called Meeting. If three members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions. Business meetings and hearings held by the Committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts. A transcript shall be kept of each business meeting and hearing of the Committee or any subcommittee unless a majority of the Committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance (a) Meetings. Official attendance of all markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all subcommittee markups and executive sesions shall be kept by the subcommittee Clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the subcommittee Chairman and Ranking Minority Member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice. Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the Committee or subcommittee prescribes.

3.3 Minority Witnesses. In any hearing conducted by the Committee, or any subcommittee thereof, the minority members of the Committee or subcommittee, shall be entitled, upon request to the Chairman by the Ranking Minority Member of the Committee or subcommittee, to call witnesses to their selection during at least one day of such hearing pertaining to the matter or matters heard by the Committee or subcommittee.

3.4 Swearing in of Witnesses. Witnesses in Committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or subcommittee deems such to be necessary.

3.5 Limitation. Each member shall be limited to five minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment. All nominations shall be considered by the full Committee.

4.2 Standards. In considering a nomination, the Committee shall inquire into the nominee's experience qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information. Each nominee shall submit in response to questions prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee.

Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the Committee.

4.4 Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a pre-hearing questionnaire submitted by the Committee.

4.5 Action on confirmation. A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the Ranking Minority Member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony. For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the Committee and each subcommittee thereof shall consist of one member.

5.2 Business. A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

5.3 Reporting. A majority of the membership of the Committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Roll calls. A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies. Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the Committee is actually present.

6.3 Polling. The Committee may poll any matters of Committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments. To assure the equitable assignment of members to subcommittees, no member of the Committee will receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance. Any member of the Committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members. The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and Ranking Minority Member may not be counted toward a quorum.

7.4 Scheduling. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. The full Committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.5 Application of Committee Rules to Subcommittees. The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations. Any investigation undertaken by the Committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the Committee voting for approval to conduct such investigation at a business meeting of the Committee convened in accordance with Rule 1.

8.2 Subpoenas. The Chairman, with the approval of the Ranking Minority Member of the Committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the Committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this paragraph the subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the Committee designated by the Chairman.

8.3 Notice for taking depositions. Notices for the taking of depositions, in an investigation authorized by the Committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

8.4 Procedure for taking depositions. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the Committee Clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the Committee as long as any witnesses who may be affected by the change in rules are provided with them.●

ORDER FOR ARMED SERVICES COMMITTEE TO FILE LEGISLATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Armed Services Committee be permitted to file reported legislation today until 5:30 p.m., notwithstanding the recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE TO MEET

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session during the session of the Senate on Thursday, January 31, 1991, at 2 p.m., to receive a classified briefing from the Department of Defense on the operational use and effectiveness of combat equipment in Operation Desert Storm.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 320

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 320, a bill to reauthorize the Export Administration Act of 1979, and for other purposes, introduced earlier today by Senators RIEGLE, GARN, SARBANES, and others be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES PLACED ON CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 598, the physicians and dentists compensation bill, it be placed on the calendar; I further ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 555, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PAYMENT OF PRIVATE LEGAL EXPENSES

Mr. MITCHELL. Mr. President, on behalf of Senators FORD and STEVENS, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 28, a resolution to authorize the payment of private legal expenses for Michael Kinsella, Senate employee, out of the contingent fund of the Senate submitted earlier today by Senators FORD and STEVENS.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 28) to authorize the payment of private legal expenses for Michael Kinsella, a Senate employee, out of the contingent fund of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, yesterday the joint leadership group of the Senate made the following recommendation to Senate legal counsel regarding representation of a Senate employee in an upcoming judicial proceeding:

RECOMMENDATION OF ACTION TO AVOID CONFLICT OR INCONSISTENCY IN THE REPRESENTATION OF SENATE PARTIES

Pursuant to §710(a) of the Ethics in Government Act of 1978, 2 U.S.C. §288i(a)(1988), it is recommended that the Senate Legal Counsel take the following action in order to avoid a potential conflict that could arise between the Legal Counsel's responsibilities to the Select Committee on Ethics and representation of Michael Kinsella, a Senate employee who has been subpoenaed to testify before a federal grand jury. In the event that Mr. Kinsella requests legal representation in connection with his appearance before the grand jury, the Senate Legal Counsel shall refer Mr. Kinsella to the Committee on Rules and Administration for assistance in arranging for the employment of private counsel to represent him with respect to official actions and responsibilities.

U.S. SENATE JOINT LEADERSHIP GROUP.
JANUARY 30, 1991.

Mr. FORD. Mr. Kinsella has now contacted the Committee on Rules and Administration for assistance in arranging for the employment of private counsel to represent him with respect to testimony before the grand jury in the Eastern District of New York. Accordingly, I now send a resolution to the desk on behalf of myself and Senator STEVENS, the ranking Republican on the Committee on Rules and Administration, and ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 28) was agreed to, as follows:

S. RES. 28

Resolved, That (a) the Committee on Rules and Administration is authorized to pay out of the contingent fund of the Senate the legal expenses incurred by Michael Kinsella for the employment of private counsel to represent him with respect to official actions and responsibilities before the grand jury in United States District Court for the Eastern District of New York.

(b) The amount of expenses paid pursuant to subsection (a) shall be determined by the Committee on Rules and Administration.

Mr. MITCHELL. I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR FRIDAY AND TUESDAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 9:15 a.m., tomorrow, Friday, February 1; that the session on Friday be pro forma only; that upon convening, the Senate immediately stand in recess until 2:15 p.m., on Tuesday, February 5; that on February 5, the Journal of proceedings be deemed approved to date; and that following the time reserved for the two leaders, there be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if the acting Republican leader has no further business and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess as under the previous order until 9:15 a.m. tomorrow.

There being no objection, the Senate, at 4:44 p.m., recessed until Friday, February 1, 1991, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 1991:

DEPARTMENT OF STATE

KATHERINE SHIRLEY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

MARINE MAMMAL COMMISSION

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1991, VICE FRANCIS H. FAY, TERM EXPIRED.

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1994 (REAPPOINTMENT).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DONALD HALL, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 1996, VICE JACOB NEUSNER, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JIMMIE V. ADAMS, [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM G. PAGONIS, [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WILLIAM C. BOWES, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) WILLIAM A. BUCKENDORF, [redacted] U.S. NAVY.

REAR ADM. (LH) DAVID M. LICHTMAN, [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) RAY R. SAREERAM, [redacted] U.S. NAVY.

REAR ADM. (LH) EDWARD M. STRAW, [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. (LH) JACK E. BUFFINGTON, [redacted] U.S. NAVY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be lieutenant commander

WILLIAM A. MCMANUS.

EXTENSIONS OF REMARKS

TRIBUTE TO ENOLIA P. McMILLAN

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 30, 1991

Mr. MFUME. Mr. Speaker, I rise today in recognition of one of the most outstanding individuals of our time. With tremendous enthusiasm, I call your attention to Mrs. Enolia P. McMillan who has been a stalwart in the ongoing civil rights efforts of the National Association for the Advancement of Colored People [NAACP] for more than 50 years.

It is upon her retirement, after more than 21 years as president of the Baltimore chapter of the NAACP, and later as president of the National chapter, that we pause to laud her phenomenal accomplishments and tireless dedication to this organization and to the fight for civil rights

Born October 20, 1904, Mrs. McMillan has been a resident of the great State of Maryland since age 3. She went on to pursue her first love, teaching, in Charles County. Later, as she pursued her master's degree in school administration at Columbia University, where she wrote a thesis focusing on the racial inequalities of the Charles County school system, Mrs. McMillan inaugurated what was to become a longstanding commitment to eradicating racial inequality. As a result of her work on behalf of black school children and teachers, she was asked to assist with the revitalization of the Baltimore branch of the NAACP.

Mrs. McMillan muses that her involvement with the NAACP and her unending fight for equal rights probably stymied her career in the school system. Nonetheless, her diligence as civil rights activist remained undisputed. For 50 subsequent years, she endeavored to recruit hundreds of young people and thousands of dollars to revitalize the faltering Baltimore chapter.

Unfortunately, few of those who were active during the first strife-filled decades of the civil rights struggle remain among us. Nevertheless, history has vividly captured those days and we are reminded daily of how far we have come. Unfortunately, we are equally reminded of how far we have to go, as the remaining years of the 20th century seem an accurate reflection of those first tumultuous decades of the struggle, even as we approach the year 2000.

As an activist charged with recruiting for the historic civil rights organization, Mrs. McMillan was faced with the major obstacle of allaying people's fear of reprisals as a result of joining the movement. Although segregation and violent opposition to any change made most people leery, Enolia McMillan successfully enlisted new members, bolstering the effectiveness and the reach of the NAACP. In 1969, she would become president of the Baltimore chapter and would continue to shape the branch into one known throughout the Nation for its impressive recruiting and fundraising.

Perhaps her greatest accomplishment, however, was as president, convincing the national NAACP to move its headquarters to Baltimore in 1986. Here, she continued to steer the organization to its mission of attaining civil rights.

Mr. Speaker, the fight for civil rights is an arduous one and requires persons with conviction and fortitude. As activist and president, Enolia P. McMillan distinguished herself as such a person. For more than 21 years, she has been a vital force in the fight for the rights of African-Americans. Tenacious in her efforts and touching the lives of many in pursuit of her mission, she dutifully served at the helm of both the Baltimore chapter and the national office of the NAACP. As one of many who have directly benefited from her efforts, I commend her.

Mr. Speaker, I know you join me as I wish Mrs. McMillan well, and hope for her continued success in all future endeavors. She has indeed made a profound contribution to our rich national heritage. Let us hope that our Nation will strive to continue in the spirit of that legacy.

MORALITY AND U.S. POLICY IN THE GULF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. BEREUTER. Mr. Speaker, a number of religious leaders have raised questions regarding U.S. policy in the Persian Gulf. It has been suggested that the gulf crisis does not fulfill the criteria for military action under the tradition of "just war," and that sanctions should have been continued.

Mr. Speaker, we all recognize the American religious community can have a legitimate role to play in the debate about U.S. policy in the gulf. Of course there is the moral underpinning of an alliance strategy to carefully consider. Even though Saddam Hussein is a thug and a despot, the United States and the allies cannot abandon their respective and collective standards of morality.

It is clear to this Member that the United States actions to cause Iraq to withdraw or be removed from Kuwait are morally justified. Saddam Hussein seized and raped a sovereign state, and positioned his armies to sustain and perhaps further expand his conquests. Saddam Hussein possesses weapons of mass destruction, and has used poison gas against his enemies and his own people. He is the leader of a terrorist state that has fundamentally disrupted the international order. America is absolutely correct in responding in a swift and decisive manner to Saddam Hussein's aggression.

Mr. Speaker, this Member would insert into the RECORD an excellent editorial by Dr George Weigel from the December 9, 1990 edition of the National Catholic Register that addresses the morality of U.S. policy. Dr. Weigel makes the persuasive argument U.S. policy does fulfill the requirements of the just war doctrine. He argues that, "what's at stake in the first crisis of the post-cold-war world: Will international public life be conducted according to civilized ground rules, or will we be in Hobbes' state of nature where all are at war with all?" This Member commends the editorial to the attention of his colleagues.

GOD AND THE GULF

(By George Weigel)

The facts: America's bishops have applied just-war reasoning to the Gulf crisis in a highly controversial way.

The impact: Despite their good intentions, neither justice nor peace have ultimately been served.

WASHINGTON.—At the close of the U.S. bishops' annual meeting here in November, Archbishop Daniel Pilarczyk of Cincinnati, conference president, addressed a letter to President Bush in the name of the body of bishops.

In it, he raised questions about the morality of possible American military intervention in the Persian Gulf.

Pilarczyk's letter amplified an earlier letter sent to Secretary of State James Baker by Archbishop Roger Mahony, chairman of the bishops' international policy committee.

One of the most striking characteristics of the debate over U.S. policy in the Persian Gulf is the way in which it has been couched in the language of the just-war tradition. Mahony and Pilarczyk have every reason to enter that debate, bringing the full resources of the long Catholic heritage of thought on these matters to bear in a situation fraught with both peril and opportunity.

One might have wished that the national Church leadership had entered the argument several months earlier. The two letters may raise, in sound minds, the question of whether America's bishops believed that the moral dimension of the argument had been ignored until their intervention—a dubious assumption, given the vigor with which commentators and politicians have been arguing precisely on moral grounds about the ends and means of U.S. action in the Gulf.

In any event, the issue now is not whether the bishops have the right to enter the debate—they surely do—but whether their intervention has deepened the argument in the way the bishops intended.

I would respectfully suggest that the two letters have not done the needed job.

The just-war tradition, which the bishops rightly argue is the normative Catholic framework for thinking about issues of war and peace, is a tradition under pressure at the end of the 20th century.

It's under particular pressure in the case of an adversary like Saddam Hussein. Saddam's actions in the Iran-Iraq war, in the suppression of the Kurds (through, among other

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

things, the indiscriminate use of poison gas, a tool even Hitler eschewed), and in the rape of Kuwait since Aug. 2 (which has included the execution of children in front of their parents) suggest that he does not share, in even the vaguest way, our universe of moral reasoning.

That Saddam acts like a barbarian is, of course, no excuse for our abandoning our own standards. But it does complicate the situation in a grave way, and the bishops could have acknowledged this in their letters.

In fact, it's not clear that the bishops correctly identified the full measure of the threat posed by Saddam. The Iraqi invasion of Kuwait was the symptom of a deeper disease: the disease of a terrorist state, ruled by coercion, possessing weapons of mass destruction and the ability to use them far beyond its borders, and threatening to control the greater part of a resource essential to the orderly functioning of international economic life. (If Saddam controlled the Saudi oil fields, his first economic victims would not be middle-class American drivers, but the poor of the Third World.)

Because this is the threat, the policy goal in the Gulf must be (a) the elimination of Saddam's arsenal and his chemical and nascent nuclear weapons capability; and (b) the collapse of his regime. Our goal in other words, should be an Iraq shorn of weapons of mass destruction, radically diminished in its capacity to conduct offensive conventional war and capable of living in a measure of order, if not the fullness of peace, with its neighbors.

If this can be done through a combination of diplomacy, political and economic pressure, and an internal coup, so much the better. But we ought not doubt that it *must be done* if we're to avoid a tragedy of unspeakable proportions at some point in the 1990's. The bishops' letters do not adequately address this larger dimension of the Gulf crisis.

The bishops are also more impressed by United Nations and Arab support for U.S. policy than perhaps they should be. The fact of an international coalition against Saddam is a plus, at the moment, from the American point of view. But we shouldn't fool ourselves about the motives of some of our Arab allies in this affair. Nor should we be sanguine about future prospects of the U.N. Security Council as the "proper authority" (in just-war terms) for legitimating the resort to military force.

Some of the Arab states involved in the coalition have acted from the conviction that Saddam's defeat could open the path to a more rational politics in the Middle East: Egypt is prominent among them.

Others, notably Syria, have acted from sheer experience. Indeed, Syria's cynical use of the Gulf crisis as the occasion for completing its demolition of Lebanon (and, be it noted, its Christian community) goes singularly unremarked in the bishops' letters.

Does a coalition that includes the odious Hafez Assad of Syria more fully satisfy the just-war criterion of "proper authority?"

As for the United Nations, it is, as ever, a stage on which a script written elsewhere is being played out. That the U.N. has, to date, fallen into line behind the leadership of the United States is no indication of a fundamental change in that usually disappointing institution. Rather, it illustrates the fact that the post-Cold War world is a *unipolar* world, in which the United States is the sole great power capable of laying down the ground rules of international behavior.

The United States ought to exert that leadership at the head of a coalition of states and with the agreement of the U.N., whenever possible. But the key to a more effective U.N. is more assertive U.S. leadership in that organization. Nor should we suppose that a U.N. Security Council whose members include Yemen [the December chair of the council] is a more plausible "proper authority" than a democratically elected president and Congress of the United States.

The bishops' letters urge the economic sanctions against Iraq be pressed, a position with considerable support among American [and European] political leaders. But this policy is not without its own moral difficulties. The last people to feel the "bite" of sanctions will be those whom we are most concerned to defeat; the military and political infrastructure of Iraq. The people who will suffer, first, are the non-combatant people of Iraq, who President Bush has rightly insisted are not our enemies.

There are no easy answers to this moral and political dilemma. But the bishops would have deepened the argument had they not seemed to suggest that the sanctions strategy was self-evidently more satisfactory, from a moral point of view, than the proportionate and discriminate use of armed force.

Then there's the question of "last resort," another classic just-war criterion. The Mahoney and Pilarcyzk letters put great stress on this point, as indeed they should. But "last resort" is not an arithmetic concept. One can always imagine one more other-than-military tactic Mr. President, could be tried.

No, what "last resort" means is that all reasonable efforts at a non-military solution to a problem have been exhausted. This is especially important to keep in mind in the case of a dictator like Saddam Hussein, who has shown a cunning ability to manipulate our moral concerns [and our democratic process] to his own ends.

Moreover, does the criterion of "last resort" automatically exclude, in any and all circumstances, the pre-emptive use of proportionate and discriminate armed forces? Unlikely. Had Israel not used such force against Iraq's Osirak nuclear reactor in 1981, today's Gulf crisis would have taken on truly apocalyptic overtones.

The just-war tradition is a theory of statecraft as well as a calculus for relating the use of military force to the pursuit of peace, freedom, justice and security. Thinking within the just-war tradition is far more like a conductor interpreting a symphonic score than like an engineer factoring an equation.

The tradition also contains within itself a concept of peace—not the peace of a world without conflict, nor the peace of the Kingdom come in its fullness, but the peace of a minimum of legal and political order in international public life.

That, in brief, is what's at stake in the first crisis of the post-Cold War world: Will international public life be conducted according to civilized ground rules, or will we be in Hobbes' state of nature, where all are at war with all?

The Bush administration's failure to articulate this issue notwithstanding, there is no escape from American responsibility here. We have to do what we can—with whatever allies we can muster and according to our own best standards—to assure that order, rather than anarchy, characterizes the future of world politics.

Were Saddam to succeed—and any face-saving compromise that allows him to maintain his regime and his arsenal while coughing up the remains of poor Kuwait will be accurately interpreted as a defeat for the forces of world order—anarchy would almost certainly prevail.

And that, morally and strategically, could be the worst outcome of all.

IN RECOGNITION OF HAMMOND ADULT EDUCATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise today to commend the Hammond Adult Education Program and its director, Dr. Steven E. Watson, for their outstanding accomplishments. Administered by the School City of Hammond, IN, the Hammond program was recently named a recipient of the Secretary of Education's Outstanding Adult Education and Literacy Program Award for 1990. Hammond Adult Education is certainly deserving of this high honor.

One outstanding feature of the Hammond program is a structural design that allows students to teach and support one another as they interact with the instructor, one-on-one, and in groups. A comprehensive support system, with cooperation from numerous social service agencies and local businesses, provides exceptional resources for the adult students. Their needs are also met through a strong development program for teachers and staff.

In 1988, this program was selected to become a competency-based instructional system pilot site by the Indiana State Department of Education. The curriculum is designed to prepare individuals to set and pursue individual goals, complete secondary education, acquire training and retraining for employability, and gain specialized knowledge, skills, and information.

Hammond Adult Education has also worked with local 1010 of the United Steel Workers of America and the Inland Steel Co. to develop Joblink 2000, a joint union-management training program. Hammond Adult Education provides academic instruction to steel-workers so that they can learn new skills due to increased technological and competitive demands. The voluntary program has been well-received and attended by members of local 1010 who are interested in improving their reading, vocabulary, mathematics, and test-taking skills.

Joblink 2000 is a shining example of how to prepare our work force to meet the demands of the future. Ultimately, our national security and prosperity depend upon the capabilities of our Nation's work force to compete in a global marketplace. Joblink 2000 is taking innovative steps toward meeting the needs of the workers of northwest Indiana.

All those associated with Hammond Adult Education, and Joblink 2000 should be proud of their outstanding efforts, which have had a dramatic and positive impact on the lives of the residents in northwest Indiana. I would also like to recognize the special contributions of Mike Mezo at local 1010, and Ian Hughes and Morgan Burke at Inland, whose combined efforts helped to make Joblink 2000 possible. We in the region are familiar with their accomplishments and I am pleased that deserved recognition has now been achieved on the national level.

SUPPORT OUR TROOPS IN THE PERSIAN GULF DAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. PALLONE. Mr. Speaker, on Sunday afternoon, February 3, I will have the honor and privilege of taking part in a very special event. At the boardwalk in Seaside Heights on the New Jersey shore, a rally will be held to express the widespread support of the people of Ocean County for our brave men and women serving in Operation Desert Storm.

The rally will mark the occasion of Support Our Troops in the Persian Gulf Day, which has been proclaimed by the Ocean County Mayors Association. The people of Ocean County, like the majority of all Americans, support President Bush and the members of our Armed Forces involved in this conflict.

At this time when our Nation is at war, Americans are united behind the President and our men and women in uniform to a degree that has not been seen in a generation. Traditional differences over political affiliation, ideology, and regional identification have melted away as we all join in admiration for the bravery and professionalism of our volunteers and pray for their safe return after the successful conclusion of this worthy mission. Perhaps the most deeply moving experience I have had as a Member of Congress occurred Tuesday night during the President's State of the Union Address when all of us assembled in the House Chamber rose for a sustained standing ovation to salute the troops in the Middle East.

In casting my vote in favor of authorizing the President to use military force to uphold U.N. resolutions that Iraq must withdraw from Kuwait, I was torn by hopes for a peaceful resolution to the conflict and the realization of the need to enforce international law. Although voting for the use of force was not a decision I took lightly, it was a clear decision and one I do not regret.

While we waited for economic sanctions to have their intended effect, Saddam Hussein would have been able to enhance his military preparedness and pose an even greater threat to the world. Iraq had been frantically working on weapons of terrible destruction, including nuclear. Saddam's cowardly missile attacks against purely civilian targets in Israel, his use of environmental terrorism in the gulf and his disgraceful and illegal treatment of POW's are further proof that we could not afford to let this dictator buy more time.

At no time since the United Nations was founded has there ever been such universal consensus and resolve among the nations of the world as there has been against Iraq's brutal takeover of Kuwait. The burden of leadership has once again fallen to the United States, and, thanks to the brave efforts of our fighting men and women, we will once again prevail over tyranny and aggression.

CALIFORNIA DROUGHT FORCES WATER POLICY SHIFTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. MILLER of California. Mr. Speaker, the drought in California is now in its 5th year. Fundamental changes must be made in the way California allocates its scarce water supplies among competing interests. In particular, as noted in the following editorial from the Los Angeles Times, relatively small reductions in water use by irrigated agriculture could serve thousands of urban customers in this rapidly growing State.

The continuing drought will require Californians and Federal water officials to make difficult choices. The current hodge-podge of 19th century water laws, wasteful irrigation practices, and long-term water delivery contracts must be changed to face the current drought in a realistic manner.

AGRICULTURE'S BIG THIRST IS NO LONGER A SACRED COW

Something long overdue is coming to California's water policy—some candor about where the richest and most populous state will get the water it needs in years to come.

From one wet year to another, regional politics have almost always dominated debate on water issues. In such years, Northern California, where most of the state's supply is captured for distribution to cities and farms, can stifle calls for action from Southern California, where the need for water outstrips supply. In such years, farmers can drown out complaints that they waste enough water irrigating marginal lands to more than make up for shortages in cities. Not this year.

Quite suddenly, agriculture is on the defensive, and serious meetings are being called to discuss future policies that involve people who have scarcely talked to one another since the last drought of the 1970s: urban water managers, environmental activists, farmers, northerners and southerners.

What turned the tables—so that questions about future water resources will dominate regional politics at least for a while—is the fifth year of a drought of historic proportions. As Times writer Kevin Roderick reported recently in chronicling the drought, water levels in California's most important reservoirs fell during December, a month when they almost invariably collect more water.

That hit home a week ago in Southern California.

The Metropolitan Water District already had served notice that it would cut residential water deliveries to the 17 local agencies that depend on the MWD for all or most of their supplies by 5% and agricultural deliveries by 10%. After reservoir levels fell, the district squeezed its local agencies even tighter, cutting residential supplies by 10% and agricultural deliveries by 30%. That same day Sen. David A. Roberti (D-Los Angeles), Senate president pro tem, hoisted water policy from near the bottom to the very top of this list of issues for 1991.

Not only that, the first of three steps he recommended in his outline to ensure adequate water supplies for all of California would require mandatory reductions in water used for irrigation, which accounts for 80% of all water distributed in the state. Next, he said, the state should concentrate on cleaning up polluted aquifers and building new storage facilities to hold water that falls during the winter for delivery during the summer.

The California Water Code gives urban use preference over agricultural use, but the language is vague, and it is worse than vague—silent, in fact—on the crucial question of the circumstances that would give urban users the first crack at water supplies. In years past, when the federal government could always find the dollars for a new dam or reservoir or canal, urban leaders seldom mentioned the water code. Cities often needed farmers on its side in lobbying for new water projects, and discussing urban preference irritated irrigators.

In recent years, analysts have been more vocal in challenging agriculture's claim to so much of the state's water. Nor have politicians, notably Assemblyman Phillip Isenberg (D-Sacramento), been shy about talking about it.

Isenberg, who probably knows water policy better than any other elected official in Sacramento, said flatly early this year that in his opinion future supplies of water for growing urban areas would come "from a reallocation of water conserved by agriculture."

To illustrate the potential for conservation in agriculture, Isenberg said that pasture, alfalfa, cotton and rice account for only 12% of the state's total farm output. But the water that is used to irrigate those crops could provide urban areas with supplies adequate for something over twice the state's present population.

Changing water policy requires more than sensible talk or reasonable outlines. Laws that deal realistically with water and California's future are far from passage.

But with the drought, serious people are giving serious thought to the shape of new laws. That is worth celebrating.

HONORING THE EFFORTS OF THE PITTSBURGH FEDERAL EXECUTIVE BOARD AFRICAN-AMERICAN HISTORY MONTH COMMITTEE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. COYNE. Mr. Speaker, the Nation will soon celebrate African-American History Month. Across the country, Americans will take part in local programs celebrating the contributions of African-Americans to our cultural, business, educational, scientific, and political life.

I am proud of the efforts of local citizens in Pittsburgh who have labored to ensure that everyone in our city has an opportunity to join in this celebration. In particular, I want to recognize the 10-year commitment of the Pittsburgh Federal Executive Board African-American History Month Committee to making African-American History Month an enjoyable and educational event for so many members of our community.

This committee, under the chairmanship of Roland L. Saunders, has succeeded over the years in expanding the observation of African-American History Month. The committee sponsored events have grown from a series of programs observed mostly by Federal employees to an exciting range of programs in which every part of the community, from school children to senior citizens, has taken part.

Mr. Speaker, I commend the efforts of the African-American History Month Committee and wish them the very best in making this year's celebration of African-American History Month a great success. So that others may learn from these efforts, I insert a brief statement outlining the history of the African-American History Month Committee be printed in the RECORD immediately following my statement.

STATEMENT OF MR. ROLAND L. SAUNDERS, CHAIRMAN, AFRICAN-AMERICAN HISTORY MONTH, PITTSBURGH FEDERAL EXECUTIVE BOARD

In 1982, the Pittsburgh Federal Executive Board (PFEB), one of the most active FEBs in the area of "Special Emphasis Programs" (SEP), organized an ad-hoc committee to develop and produce programs to commemorate African American History Month (AAHM). Employees from 17 agencies assembled to respond to its request. The Committee was ad-hoc because, until that time, SEP programming was a function of the PFEB's Equal Employment Opportunity (EEO) Committee. Working with the 1982 theme, "Blueprint for Survival," approximately 12 programs were produced. All but one of these programs were held in the Federal Building and were viewed almost exclusively by federal employees who worked in that facility. The remaining program was a dinner held at the U.S. Army Oakdale facility. That year, two significant programs were initiated. They were the "Art Contest" that was conducted in the Pittsburgh middle schools and the "Outstanding Citizens' Awards Dinner."

The 1982 theme, "Blueprint for Survival," has proven to be a most appropriate beginning endeavor because the success of that year's programming resulted in the PFEB Policy Committee converting the ad-hoc committee to full and permanent committee status. As we approach February 1991, this Committee, that was to disband after the 1982 programs, will be producing and implementing its tenth year of program activities. During this period, it has more than doubled its growth in participating agencies, more than doubled its number of programs, expanded its program activities to include producing commemoration programs for the Dr. Martin Luther King, Jr. Holiday, expanded the "Art Contest" to an "Art /Essay Contest" conducted in Pittsburgh and adjacent county schools, awarded more than $6,000 in U.S. Savings Bonds to the contest winners, recognized more than 30 local community people for contributions they have made to improve the quality of life of the less fortunate, produced several programs each year at non-federal facilities in local minority communities, and more than tripled the number of federal facilities at which programs are produced, thereby, substantially increasing the number of employees who benefit from the various experiences.

The 1991 program year will be another year of growth. The Committee has broader representation than ever before and it is planning to implement some new and exciting programs. It will produce a Dr. Martin Luther King, Jr. program at a home for the aged and its first public AAHM kick-off event. This activity will be a two-hour jazz show featuring some of Pittsburgh's finest local talent. It's our belief that African American History Month is deserving of a prime time public kick-off program and jazz is an appropriate presentation because of its roots in African American culture. The "Art/Essay Contest," "Outstanding Citizens' Awards Dinner," "Art/Essay Awards Luncheon," "Personnel Workshop," and "Minority Business Opportunity Workshop" will continue with the general public as the target audience. In addition to these, all of the participating agencies will produce commemoration programs for their employees.

All of us, past and present, who have emjoyed the privilege of serving on this Committee feel especially honored for being given the opportunity to produce, in program form, the products of our individual and collective creative talents, while at the same time making a difference in the level of cultural awareness of our fellow employees and the citizens of the Greater Pittsburgh Area. The leadership and staff of the PFEB are to be commended for their progressive visions and support of all the efforts of this Committee and the employees who volunteer so much of their time to do the work of the Committee are to be given a resounding vote of thanks for jobs extremely well done. I am particularly honored that I started as the Chairman in 1982 and remain there through 1991. I sincerely thank everyone for the confidence and support you have given me. Without it this testimony could not be possible.

MANSFIELD, MA CITIZENS FORM GULF WAR SUPPORT GROUP

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, I want to congratulate the citizens of the town of Mansfield for the initiative they are taking to provide support for the families and friends of those members of our Armed Forces who are serving in the Persian Gulf.

As the accompanying article from the Sun Chronicle, published in Attleboro, makes clear, Ginny Hayes and Vicki Prasad are performing a very important service for the rest of us in their work. By organizing Together Love Conquers at this time, Ginny Hayes and Vicki Prasad are both providing important help to those who are now worried over the safety of loved ones in the gulf, and also giving the rest of us the chance to help out in this effort to provide comfort and support.

I am pleased to be able to be working with them in this, and I ask that this article about their work be printed here so that it may serve as an example for other communities around the Nation.

[From the Attleboro (MA) Sun Chronicle, Nov. 25, 1991]

MANSFIELD WOMEN HOPE TO GIVE TLC TO AREA FAMILIES

MANSFIELD.—People's feelings of frustration and hopelessness over the Persian Gulf war have prompted two local women to start an extended support group designed for the general public and friends and families of servicemen in the Tri-Town area.

Ginny Hayes, whose son, Sgt. Patrick Dillon, is in Saudi Arabia with the Marine Corps, and Vicki Prasad, a volunteer with the Mansfield Cable Access group, have started TLC (Together Love Conquers) to offer various services to families of the troops.

The first meeting, said Prasad, open to Mansfield, Norton and Foxboro residents, has been scheduled for 7:30 p.m. Monday Feb. 4 at the Mansfield Cooperative Bank, 80 No. Main Street, in Mansfield.

"I think the whole concept is to see what avenues we can open up to the families and friends of people stationed there," said Prasad.

The women stressed they want to go beyond counseling and assist soldiers' families with the everyday tasks facing them while their loved ones are abroad.

"I'm just proud of all these kids. I'm scared," Hayes acknowledged, adding she was "thrilled" by a phone call she got Wednesday from her own son.

Still, Hayes has a difficult time, as do many Americans, grasping the reality of sending a child off to war.

"I just never thought it would come to this," she said.

"I have nine children. We've (she and her husband Raymond) gone through a lot, but we've never been through a war," Hayes said, adding the time for homefront action has arrived.

"I think the realism (of the war) has to override the emotion at this point. You can't sit home and do nothing," said Hayes, whose children range in age from 21 to 31.

Services that the women want to offer include: Baby-sitting services for family of servicemen; cosmetology and hair-cutting services; tax-preparation; advice from the military; legal services; some "fun" events such as dining out, going to movies and other forms of entertainment; repairs to homes such as plumbing; help with household budgets.

"This does not have to be publicized," said Prasad, explaining the services will be handled through various organizations that the two women are in the process of contacting, including:

The Rotary and Lions clubs, Tri-Town Chamber of Commerce, Catholic Women's Club of Mansfield, Red Cross of North Attleboro, Emblem Club and American Legion Post in Mansfield.

Also, all churches and houses of worships, the support group based in the Bethany Church in Foxboro currently meeting Tuesday nights at 7:30, Foxboro Human Services, Self-Help, Inc., a fuel-assistance group that serves the greater Attleboro area, the Mansfield Women of Today, the Masons and the United Way.

"So far, everything has been positive," said Prasad. "We're getting beautiful response from people."

Individuals to be contacted, Prasad said, will include Mansfield Selectman Amos Robinson, who has spurred a letter-writing campaign by the board of selectmen, State Sen. William Keating, D-Sharon, State Rep. William Vernon, R-Mansfield and U.S. Rep. Barney Frank, D-Newton.

The group, however, stress the women, will be a political and will not take sides in the war.

"I feel very confident about this. I feel that a lot of people feel very frustrated—it will get rid of their anxiety—their feeling of helplessness," Prasad said.

Hayes concurs.

"I found myself watching CNN so much—I think a lot of people do feel helpless—and we're going to give people a chance to get involved," she said.

Those interested in helping, should contact Prasad at home (339-8797) or at the Mansfield Cable Access studios (339-2858).

BLACK NURSES DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Ms. PELOSI. Mr. Speaker, I rise today to recognize Black Nurses Day. I commend my colleague Congressman LOUIS STOKES for his leadership role in bringing to the attention of Congress the many significant contributions of black nurses.

I would like to commend especially the National Black Nurses Association [NBNA]. The members of this organization make day-to-day health care available to people in their communities who have little or no other access to health care. The Black Nurses Association was organized in 1971 under the leadership of Dr. Lauranne Sams, former dean and professor of nursing, school of nursing, Tuskegee University, Tuskegee, AL. NBNA has 50 chartered chapters throughout the United States, the eastern Caribbean, and Africa.

Since 1971, the NBNA has provided a forum for collective action by black nurses to investigate, define, and determine the health care of black Americans and to implement change to make available to black Americans and other minorities health care commensurate to that of the larger society.

The NBNA's programs on teenage pregnancy, infant mortality, high blood pressure, and hypertension are examples of their dedication to providing important and necessary health care for all citizens.

Today I commend the black nurses in the United States and throughout the world for their dedication and commitment to providing health care and for the sick, their contributions stand as an example to all of us.

THE RIGHT TO SAFE DRINKING WATER ACT OF 1991

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. VISCLOSKY. Mr. Speaker, there is something fundamentally wrong when a country's Tax Code is structured so as to force people to drink contaminated water when other options exist.

There is something fundamentally wrong when a country's Tax Code penalizes utilities for extending safe water services to areas threatened by ground water contamination.

There is something fundamentally wrong when a country's Tax Code forces Federal agencies to use Federal funds to pay Federal taxes.

Today I have introduced legislation to change this fundamental problem with our Tax Code. My legislation, the Right to Safe Drinking Water Act of 1991, will allow a utility to exclude from its gross income, for Federal income tax purposes, a contribution received in aid construction for water main extensions in cases where public health is threatened by ground water contamination. These contributions are now taxable under section 118(b) of the Internal Revenue Code.

The exemption will only apply in cases where the donation of dollars or property is received from a governmental entity. Under the current system, utilities are often required by public service commissions to pass the tax on to the public body, which must then use tax dollars to pay taxes. In addition, the legislation will only apply to circumstances where wells already in existence have become contaminated, thereby preventing developer abuse.

While this legislation addresses a growing nationwide problem, I am aware of a situation in northwest Indiana that painfully illustrates the effects of section 118 can have on communities and their residents.

The Lake Sandy Jo Superfund site is located in the center of a small northwest Indiana neighborhood. The hazardous wastes that accumulated in this one-time landfill have seeped into the surrounding environs—contaminating nearby ground water and threatening the health of nearby residents.

The Environmental Protection Agency determined that it was necessary to bring water mains to the neighborhood; however, problems with section 118 of the Tax Code have blocked progress for almost 3 years.

In June of 1988, a widow who lives next to Lake Sandy Jo was quoted in a local newspaper:

> I just feel it's taking too long to do this. I don't drink the water. I'm paying $14 a week for six gallons of bottled water. I wash in my well water, sometimes. I used to use it to water my flowers, but my African violets didn't bloom. So I started using the bottled water for that and they started to bloom again.

It is now January 1991, 9 years after Lake Sandy Jo was designated a Superfund site, and water main construction has barely started. Various Federal agencies haggled for almost 3 years about who was going to pay this Federal tax. Ironically, most of it will be paid for by the Federal Government.

Mr. Speaker, the water problem experienced by those who live near Lake Sandy Jo—and the many others like them around the country—is unnecessary. The legislation I am introducing today easily remedies the problem without affecting the larger meaning of section 118(b).

I urge my colleagues to support me in this measure. Clean water is a right that all our constituents deserve. It is unconscionable that homes in the United States not have access to safe, clean water.

SUPER SUNDAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. PALLONE. Mr. Speaker, on Sunday, February 3, 1991, the Jewish Federation of Great Monmouth County, NJ, will hold its annual Super Sunday. Hundreds of volunteers will gather at the Jewish Community Center in Deal, NJ, for a massive telephone campaign in support of humanitarian services here at home, in Israel and around the world. Organizers hope to raise $300,000 during the 12-hour phonathon coordinated nationwide.

This year's Super Sunday comes at a time of great anxiety and concern for Jews throughout the world. The ongoing Iraqi Scud missile attacks on Israeli population centers has reminded the world of the constant threat that the citizens of the Jewish State live under and the vulnerability of this tiny country. The admirable restraint that Israeli leaders have shown in not being drawn into this conflict despite such cruel provocations demonstrates the dependability of Israel as a partner for peace and stability in the Middle East. I am confident that the many friends of Israel in Congress will see to it that the Israelis' sacrifices will not go unrecognized and unappreciated by the United States.

While our attention remains fixed on the Persian Gulf, the situation in the Soviet Union continues to deteriorate. The tragic tradition of anti-Semitism in Russia, the Ukraine and elsewhere, always just beneath the surface, is being fueled by ultranationalist hate groups and the tendency to find a scapegoat for the economic collapse. As a result, life is becoming increasingly difficult and dangerous for Soviet Jews. Fortunately, the State of Israel exists to take in these refugees and provide them with a new life. However, this modern-day exodus is straining the resources of Israeli society to the breaking point—particularly during this time when the Middle East is convulsed by a war that threatens the security of Israel.

This urgent humanitarian effort needs outside support, and efforts like those of the Jewish Federation of Greater Monmouth County will provide much-needed assistance to rescue more than 1 million Soviet Jews from a very bleak future. While their future in Israel is also somewhat clouded by uncertainty, I am confident that the great sense of family and community that has marked the absorptioin of each new wave of immigrants to Israel—from European refugees of the Holocaust through the recent influx of Ethiopian Jews—will provide these Soviet refugees with lives of dignity and a bright future for their children.

Mr. Speaker, I am proud to take part in this important event and share my pride with my colleagues in the House of Representatives.

LET BLACKS BE WHAT THEY CAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. STOKES. Mr. Speaker, for the past weeks, the attention of the Congress and the world has been focused on events in the Persian Gulf. The outbreak of war with Saddam Hussein and his armed forces in Kuwait and Iraq has raised some very serious and complex issues which our Nation must now confront.

One of the issues which I and others have followed closely are reports of the disproportionate number of African-Americans not only serving in today's Armed Forces, but who comprise the frontline troops who will see combat in Operation Desert Storm. While African-Americans represent only 12 percent of the general population, they constitute 23 percent of the military, and as much as 30 percent of our frontline troops in the Persian Gulf war.

Mr. Speaker, our military has been characterized as the "highest quality we have ever had," and military recruits described as "smarter and better educated than their civilian counterparts." Yet, for the vast majority of children of working-class African-Americans, a career in the military is the only option available upon completion of high school. The issue has caused us to focus our attention on corporate America and its failure to reach out to our best and brightest citizens.

Mr. Speaker, Clarence Page, a columnist for the Chicago Tribune recently explored this issue in an article entitled, "Let Blacks Be What They Can." I hope my colleagues will take a moment to read this thoughtful analysis:

LET BLACKS BE WHAT THEY CAN

(By Clarence Page)

African-Americans are serving heroically in the Persian Gulf, just as some have served in every war America has fought. But never before has their role been challenged as vociferously as black leaders challenge it today.

Even before the bombs started to fall over Baghdad, the high numbers of blacks in Operation Desert Storm had become an obligatory invocation at peace rallies. "If that war breaks out, our youth will burn first," Jesse Jackson told a black audience a few days before bombing began.

Many other echo similar, if less incendiary, sentiments. Black Americans comprise 23 percent of the military, although they are only about 12 percent of the general population, and are variously estimated to make up as much as 30 percent of front-line troops in Operation Desert Storm.

Blacks also show higher enlistment and lower "attrition" (failure to complete a term of enlistment) rates than whites. Although the reasons are not clear, black women show the lowest attrition rate of all groups, and white women have the highest, according to Northwestern University's Charles Moskos, a widely published military sociologist.

Historically, blacks have shared the belief that progress can only be won if blacks share the burden of defending the nation. Now, barely a century after Frederick Douglass urged president Abraham Lincoln to allow black volunteers to fight in the Civil War, today's black leaders complain that blacks may be overrepresented on the front lines.

Even in the Persian Gulf, black soldiers complain among themselves from time to time that they could be "dying disproportionately for a country that won't grant them their rights," says Moskos, who visited American troops in Saudi Arabia last fall.

Although they are nowhere near staging a mutiny over it, their grumbling shows how many troops have brought with them some of the widespread bitterness many American women and minorities feel back home over President Bush's veto of the Civil Rights Act of 1990 as a "quota bill." Civil rights leaders hope President Bush will have a tougher time vetoing a revived version of the bill, now that he has sent large numbers of women and minorities to Operation Desert Storm.

Of course, there are two easy ways to even up the military's racial numbers: an outright racial quota on enlistments or an equitable draft without exemptions or loopholes. So far, neither of those alternatives has received much support from civil rights leaders.

Besides, the private sector offers a better place to look for a solution. Just about everyone agrees that young black men and women go into the military to find better opportunities than they might get in civilian life. If they had better civilian job opportunities, maybe their military numbers would decline. It could happen, if civilian companies followed the Pentagon's example and improved their standards for recruitment, training and merit promotions as openly and fairly as the military has since the '60s.

Although critics claim affirmative action policies tend by the very nature to sacrifice quality for quotas, minorities and women have increased at all levels in America's new high-tech military during a period in which it standards for enlistment actually have become more rigorous, not less.

The lesson here is important for the growing number of private companies that are wondering how they can attract the best talent in both sexes and all races at a time when Labor Department statistics show women and minorities to be the fastest growing groups in the work force: Emphasize quality, not quotas.

Contrary to popular belief, today's military may not be drawing and rehabilitating members of the so-called urban "underclass" as much as it is creaming off black high school graduates who would have the best chance of finding work somewhere else.

Richard L. Fernandez, a Congressional Budget Office analyst, recently wrote that a young male from a community with family incomes 20 percent below the average was only slightly more likely to enlist than one from an area with incomes 20 percent above the average.

Many recruits are attracted by opportunities the private sector has been slow to offer, including education, training and promotions based more on merit than on oldboy networks and buddy systems. "The military has offered blacks a sense of inner security that they got to where they are because they earned it, not because of a quote," Moskos says.

So, if anyone wonders, as a recent Washington Post headline did, why black leaders are "trying to divide blacks from the American mainstream," perhaps a better question is: Why has America's mainstream persisted in dividing itself from blacks?

For example, a record number of black colonels and generals have retired in recent years, yet Moskos' studies show almost none have received any private-sector offers to match the top-level corporate position offers retiring senior white officers routinely receive. Social segregation still persists in the country club set.

Maybe we're not asking the right questions. Instead of asking why the military has so many courageous and intelligent minorities in its ranks, maybe we should be asking why the private sector has so few.

GENERAL MOTORS HONORS BETHLEHEM'S BAR, ROD, AND WIRE DIVISION

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. MURTHA. Mr. Speaker, I would like to congratulate Bethlehem Steel Corp.'s bar, rod, and wire division in Johnstown, PA, for winning the General Motors Corp. prestigious Mark of Excellence Award.

This award, which is the highest honor attainable within GM's Targets for Excellence Program, demonstrates the high quality of work and the dedication of the employees at the bar, rod, and wire division. They became the first supplier of bar steel in the United States to win this award from GM.

The bar, rod, and wire division is one of the cornerstones of the steel industry in Johnstown today. Like all steel manufacturers, the BRW division has had to work hard to overcome the downturn which took place in the steel industry in the early 1980's. But the commitment by Bethlehem to the BRW division and the hard-working employees, who are committed to producing the best product possible, has enabled the BRW division to meet the high standards that GM has set for this award. The axle and drive shafts and pinion blanks that the BRW division produces for GM have proven to be of the highest quality, and the BRW division is extremely deserving of this award.

I would like to salute the employees of the BRW division for their hard work which has resulted in this award. The people of the BRW division should be very proud of this honor, and I know that this will only drive them to higher goals.

YOUTH ADVISORY BOARD GETS YOUNG PEOPLE INVOLVED

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. FIELDS. Mr. Speaker, I would like to take this opportunity to salute the outstanding young men and women who serve on my youth advisory board during the current school year. The young men and women who serve on the board were selected by their schools' principals and/or counselors to represent their fellow students based on the leadership they already have demonstrated in academics, student government, athletics, or other extracurricular activities.

We hear much about a growing alienation Americans feel toward the institutions of their government and toward their government officials. Perhaps some of that alienation arises because too many Americans have never met their elected officials—and too few elected officials have made a genuine effort to go out and get to know the men and women they serve. In the absence of that kind of interaction between public officials and the public, the unfortunate alienation we see today will only become more and more widespread in the years ahead.

Such alienation is especially common among our young people—many of whom believe adults aren't interested in their opinions and concerns, won't seek them out for serious discussions and, for the most part, simply don't want to bother with them. The youth advisory board sends a signal to young men and women in north and east Harris County that their opinions and concerns are important and that they should be included in any discussion of the issues facing our country. Most of all, it indicates to our young people that they matter.

The youth advisory board, which I created when I first entered Congress 10 years ago, is composed of two students from every high school and junior college in my congressional district. The board provides high school and junior college students with direct access to their Congressman and allows them to meet prominent men and women who have succeeded in a wide variety of fields. The board involves young people in, and teaches them about, their government. The young men and women who serve on the board, in turn, talk with their fellow students about issues being debated in Congress—motivating all students to think about, and become knowledgeable of, the issues that surely will affect all Americans now and in the future. That knowledge can only motivate students to become involved in our political process, as more and more students come to understand that you have to get involved in order to succeed in life.

But in the 10 years that the youth advisory board has been in existence. I've gained from the students at least as much as I've given to them.

The youth advisory board offers high school and junior college students living in the Eighth Congressional District an opportunity to pass along their idea and opinions directly to their representative in Congress. It affords the students the opportunity to hear inspirational speakers who have excelled, in a variety of fields. In the past, youth advisory board speakers have included astronaut Alan B. Shepard; radio personalities Chuck Wolf and Derrill Holly; television newscasters Melanie Lawson and Jan Carson; and Gen. Frederick F. Woerner, Jr., commander in chief of the U.S. Southern Command [Southcom]. But most of all, by demonstrating the value of their opinions and concerns, it encourages today's students to work to become tomorrow's leaders.

As a result of organizing the youth advisory board, I have a deeper appreciation for the opinions of tomorrow's leaders—at least those who live in my congressional district. I have become a better Congressman—a better representative—because of the input and suggestions and ideas I've obtained from the members, past and present, of the youth advisory board. I remember one meeting at which the students and I discussed ideas to discourage drug use in our country. I explained several of the Federal programs designed to address this pressing problem; they, in turn, outlined approaches taken in their schools pointing out which approaches seemed to work and which did not. This is the kind of interaction that makes me a better Congressman, and makes the youth advisory board such a wonderful and valuable program.

The members of the youth advisory board for the 1990–91 school year are:

Aldine High School—Jennifer Mullins and Ronnie Loflin.

Aldine Contemporary Education Center—Anu Srivastav and Larry Shivers.

C. E. King High School—Kimberly Scott and Bryan Cannon.

Channelview High School—Tammy Early and Ricky Robichaux.

Chinquapin High School—Ana Morena and Alex Bolanos.

Crosby High School—Tracey Edmondson and Derek Eagleton.

Eisenhower High School—Alice Hardt and Jerry Froehner.

Furr High School—Diana Marroquin and Scott Abbott.

Galena Park High School—Patricia Martin and Reducindo Guerra.

Huffman Hargrave High School—Shannon Kershaw and Patrick Malone.

Humble High School—Amber Rietdijk and Greg Wachel.

Jersey Village High School—Laura Frakey and Scott Bryant.

Kashmere High School—Ingrid Baker and Nobelton Jones.

Kingwood High School—Heather Wiley and Graeme Nistler.

Klein High School—Tanya Ponton and David Myers.

Klein Forest High School—Shannon Zenner and Sean Christ.

Klein Oak High School—Stephanie Pipkin and Michael Sanders.

MacArthur High School—Cicely Youngblood and Jeffrey Saunders.

New Caney High School—Kim Early and Gilbert Pina.

Nimitz High School—Lisa Harrelson and Michael Sharp.

North Shore High School—Keri Harvey and Chris Villa.

Lee High School—Veronica Jones and Justin Poepsel.

Sterling High School—Allison Witte and Bryant Swint.

Sam Houston High School—Monique Rushing and Winslow Guiterrez.

Smiley High School—Mona White and Charles Jones.

Spring High School—Lydia Hollie and Matthew Randall.

Westfield High School—Heather Powell and David Gloystein.

Lee College—Janet Mouton and Michael Welch.

North Harris County College (North)—Laura Adams and Dale Martin.

San Jacinto College (North)—Marie Moore and Stephen Krebs.

North Harris County College (South)—Karen Callery and S. Patrick Zickert.

Mr. Speaker, each of these students has chosen to get involved, to make a difference. I know that you join with me in saluting their dedication, and the dedication of all the young men and women who have served on the youth advisory board during the past decade. These young men and women already have achieved a level of success, and already have been recognized as leaders in their schools. But I remain confident that their greatest accomplishments, their greatest successes, their greatest opportunities to demonstrate the leadership skills they have developed lay ahead.

PRAISE FOR 1991 LAMOTTA AWARD WINNERS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. DE LUGO. Mr. Speaker, I am proud to make a statement today in praise of three outstanding Virgin Islanders and longstanding friends of mine, Helen Kelbert, Allen Richardson, and Frank Powell, who have been chosen receipients of the St. Thomas-St. John Chamber of Commerce 1991 Wilbur "Bill" LaMotta Community Service Awards.

Helen has endeared herself to her community through her years of dedicated work with public service organizations, particularly the chamber. Her quiet competence is an example of selfless devotion to the Virgin Islands and its people.

Allen's artistry has been seen on numerous carnival floats and costumes as well as here in the Nation's Capital by the ornaments he has crafted for the national Christmas tree. He, too, has given years to public service work particularly the Frenchtown Civic Organization.

Frank not only devoted many years to the Department of Public Works, he also served his community as one of the founders of the St. John Celebration Committee. Since 1958, he has helped to make the Fourth of July celebration a success that thousands of residents and visitors enjoy every year.

It is citizens such as these who truly embody the spirit of the Virgin Islands, and are richly deserving of the honor of the Bill LaMotta Award.

LET'S NOT FORGET OUR DOMESTIC AGENDA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. MILLER of California. Mr. Speaker, Anna Quindlen basically said it all in her January 31 column in the New York Times. All the applause lines and flag waving in the world cannot camouflage the unmet and deepening crises right here at home.

It would be a great tragedy if the budget the President sends to the American people and the Congress next month ignores the enormous challenges of poverty, health care, housing, child development, and the environment as thoroughly as did his State of the Union Message.

The column follows:

THE DOMESTIC FRONT

(By Anna Quindlen)

There are many ways to watch America in action, but one of the most colorful is to stroll the public spaces of the Port Authority Bus Terminal, that squat, ever-busy gateway to the world on wheels. You can learn something about the state of the Union by the state of this place. And it has precious little to do with cuts in the capital gains tax.

The irony of the terminal is that the building has never looked better, with neon wall sculptures and bright lighting. It's the people that are the problem. The scamsters, who do a booming business in selling telephone calling card numbers for $10 a shot. The runaways, their eyes as old as the stories they can tell about serial parents, prepubescent incest and foster homes. The broken men, with years of booze running red in the veins of their faces. "Excuse me, sweetheart," some of them say as you edge past, proving that chivalry is not dead, it's just drunk.

And all around them move the commuters, angry at being panhandled, tired of walking over prone bodies to get to the greener, cleaner places where they live.

America is a little like this now. In some ways it has never looked better, with its flags flying and the yellow ribbons tied around its trees. It's the inside that's rotting away, the domestic disintegration that war has given us all an excuse to forget.

On television, reporters said that children in Israel were sleeping in hotels, homeless because of the war. Children in New York slept in hotels for years because they were homeless.

On television they showed bombed buildings that were shells amid fields of rubble. I've seen those broken buildings and rubble fields in forgotten neighborhoods all over New York.

The same country that has rallied round pushing Iraq out of Kuwait has given up on parts of itself. Infant mortality. Teen-age pregnancy. Drugs. Dropouts. Bank failures. Home foreclosures. We walk around the bad stuff on our way to somewhere else and mutter under our breath: Own fault, own fault.

Fault is not the point. A capable, nononsense woman named Janis Beitzer runs the little world of the bus terminal, and it would be perfectly understandable if she said her job was to put people on buses, and all the rest is someone else's problem. But that would be shortsighted, like missing the opportunity to rally people united behind a war abroad around an equally horrible war at home. Rerouting traffic patterns to discourage loitering, opening a drop-in center for the homeless, hiring social service workers—she's had to deal with issues no one running a bus terminal ever had to consider before.

"We didn't really have a choice," Ms. Beitzer says.

Neither do we. America often has a one-track mind, and the track in the last month has led straight to the Persian Gulf. The President knew where the ovations lay in his State of the Union address, a kind of boilerplate noble-cause speech that could have been delivered by any American President engaged in battle abroad. When he praised the men and women fighting in the gulf, a great roar went up from his audience.

But the domestic initiatives in his speech were sketchy, perfunctory and shockingly beside the point. At a time when many Americans still believe this war is inextricably linked to our reliance on foreign oil, he kissed off energy conservation with one vague sentence. Elimination of PAC's and a cut in capital gains taxes don't seem like pressing issues for a country with thousands of people sleeping in the streets and thousands of mothers giving birth to addicted babies.

Time magazine named George Bush "Man of the Year" at the beginning of the month, declaring him adept at foreign affairs and muzzy on domestic issues. It was the first known case of a multiple personality defense for an elected official. Now the President has a mandate to play to his strengths, and to forget the national weaknesses. And his own.

A one-track mind is not enough for government. If the President thinks only of war, the home front will have disintegrated, in some cases beyond repair.

The soldiers he invoked to such rousing effect the other night will come home. Some of them will lose their houses if the recession continues. Some of them will watch their children die on city streets if we do not do something about crime and drugs. Some of them might even wind up someday in a bus terminal, sleeping on the floor, in the home of the free and the brave. When that happens we will know that we have lost, the war, the war we turned our backs on while we were busy with yellow ribbons.

PASSAGE OF AGENT ORANGE LEGISLATION

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. RIDGE. Mr. Speaker, on Tuesday of this week, the House of Representatives cast a long-awaited vote on H.R. 556, the Agent Orange Act of 1991. This legislation represents a bipartisan compromise on a controversial and emotional issue. As a Vietnam veteran and member of the House Veterans' Affairs Committee, I am pleased to have joined all of my colleagues on the committee as an original cosponsor of this well-intended and well-written legislation.

Let me begin by commending several individuals on the committee for their work on this issue and their efforts to bring this legislation forward so soon in the 102d Congress. The distinguished chairman of the committee, Chairman MONTGOMERY, and ranking minority member, Congressman STUMP, deserve recognition for their leadership to work toward a reasonable compromise. Congressman LANE EVANS also deserves a great deal of recognition for his determination to see this issue resolved for the Vietnam veteran community. Many others on the committee have sat through many hearings, reviewed this issue, and worked diligently toward an equitable and compassionate solution to the agent orange issue.

Since the 1970's, many questions have lingered regarding exposure to agent orange, and more often than not, we have been unable to respond. As many of my colleagues said earlier this week, one of the most difficult issues for members of the committee was how to balance fairness for the veteran community with our responsibility as public policymakers to enact responsible and just legislation.

Earlier this week, the House of Representatives unanimously approved legislation that would properly balance these objectives. H.R. 556 will codify decisions previously made by the Department of Veterans Affairs to recognize non-Hodgkin's lymphoma, soft-tissue sarcoma and the skin condition, chloracne, as service-connected conditions, thus guaranteeing VA compensation for individuals with these conditions. This legislation will also instruct the National Academy of Sciences [NAS] to conduct a thorough review of the existing studies that have been completed on agent orange and to report to the DVA on a regular basis as to its findings. The Secretary would then be required to make a determination with respect to each disease, and if appropriate, to grant a presumption.

This provision addresses two important roadblocks that have been difficult to overcome in the past. First, it gives the scientific review authority to an independent organization—a step that is intended to ensure the objectivity of the agency charged with responsibility. Second, it removes Congress from the scientific role that we have tried to fill in the past—a move that will allow for compensation in appropriate cases in a more timely manner.

As I have said in the past and will restate today, our Government's commitment to the veteran should endure long after battles have ended. We fulfilled part of that commitment to the Vietnam veteran community by passage of H.R. 556, but the road to achieve this was marked by controversy and conflict—much like the Vietnam conflict itself.

As our men and women battle in the Persian Gulf, I pledge my continued, strong support for these individuals. Our commitment to them has only just begun to be fulfilled. As this week's vote indicates, it will continue long after the situation in the Persian Gulf is resolved.

Let me again express my satisfaction with passage of the Agent Orange Act of 1991.

FREE TRADE NEGOTIATIONS WITH MEXICO: NO BLANK CHECK

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. LAFALCE. Mr. Speaker, the Congress must soon decide whether to approve or reject President Bush's request for a "fast-track" negotiation process of a free trade agreement with Mexico. If granted, this authority would permit the President, under the rules of the 1988 Omnibus Trade and Competitiveness Act, to negotiate a trade agreement with Mexico and submit it for congressional ratification without possibility of modification or amendment. The President's trade negotiators have already announced their intention to exclude critical environmental, labor, antitrust, and drug enforcement issues from these negotiations. And both United States and Mexican officials recently signaled their intent to complete negotiations by the end of this year.

While I strongly support expansion of free trade through both multilateral and bilateral arrangements, I am deeply concerned with the haste and the limited focus that appears to characterize the Bush administration's approach to these critical negotiations. And while I respect the effort President Salinas has made to reform the Mexican economy, I fear that a hastily concluded trade agreement could have immediate adverse consequences for American industry and labor without producing significant long-term reciprocal trade benefits for the United States economy. I wish President Salinas and the Mexican people every success in their efforts, but not at the expense of American workers.

Our Nation's successful experience with the United States-Canada Free Trade Agreement [FTA] has been cited as a precedent for the proposed trade agreement with Mexico and as justification for an accelerated negotiation and ratification process. As someone who closely monitored the development of the Canadian FTA from its initial discussions, I see few parallels between the Canadian and Mexican situations to warrant the "blank-check" approach sought by the administration. The United States and Canada share similar political and cultural traditions, and decades of relatively unhindered trade and investment have also produced similar economies with compatible industrial structures and labor standards. In those sectors where differences in capital costs, labor wages, and general business costs have created competitive advantages between the two economies, many have favored American producers.

Given these similarities, plus the fact that nearly three-quarters of bilateral trade between the two countries was already duty free, negotiation of the United States-Canada FTA focused largely on harmonizing technical differences in the two nation's policies governing protected industries, State subsidies, industry regulation, and product certification and inspection. But achieving agreement even on these more technical issues required several years of negotiation, necessitated a 10-year implementation, and prompted an intense political debate throughout Canada.

An entirely different set of circumstances govern the economic relations between the United States and Mexico. While Mexico is now our Nation's third largest trading partner, it has only recently initiated steps to open broad economic and political ties with the United States. For 130 years, Mexico's overriding political objective was to separate itself from the United States, creating an economically isolated Mexican economy of Government-controlled or Government-owned industries designed to produce only for a tightly controlled domestic market. These policies stifled industrial development, bankrupted the Mexican Government, and impoverished the Nation's large and rapidly growing population.

The United States and Mexico are now at vastly different levels of economic development. Like most developing countries, Mexico lags far behind the United States in technology and productivity, but enjoys substantial advantages in labor and production costs. The average manufacturing wage in Mexico is currently 57 cents per hour, compared with $10.47 per hour for American workers. And if fringe benefits are added, the differential is even larger. Mexican standards governing employee benefits, environmental protection, workplace safety, and public health are also extremely weak or unenforced, permitting manufacturers to avoid the significant costs that must be borne by their American competitors.

The proposed United States-Mexico Free Trade Agreement is thus unprecedented in seeking to link an advanced industrial economy with a developing country whose size and proximity carries the potential to dislocate industries and workers on a massive scale. Given the cost differences, it is easy to understand why United States manufacturers would be drawn to Mexico in response to intensifying foreign competition. As the Maquiladora Program has shown, large numbers of American manufacturers have been able to significantly reduce labor costs and avoid compliance with costly employment and environmental regulations by simply moving their manufacturing operations across the border. This has eliminated thousands of skilled manufacturing jobs in the United States and stimulated an increase in Mexican imports that has further weakened our industrial base.

Nearly 500,000 Mexican workers are now employed at 1,500 American-financed plants in Mexico producing products destined almost entirely for the United States market. This has required movement of substantial American capital abroad that otherwise might have been employed to improve United States production facilities, enhance product quality, and train American workers. By granting Mexican products broader access to United States markets, a free trade agreement will further encourage this export of American capital and jobs. American industry would also be hurt as the Japanese and other competitors are encouraged to invest in Mexico to set up nearby production bases from which to expand their penetration of the United States market. Indeed, Japanese speakers at a recent international investment conference admitted that a free trade agreement would greatly encourage Japanese investment in Mexico as a way of reaching the United States market "through the back door."

Under traditional concepts of free trade, the closing of domestic factories and the export of some jobs could be justified if economic growth is stimulated in Mexico to such an extent that new demand is created for American exports of goods and services. Such broad-based economic development in Mexico, however, would require substantial domestic and foreign investment in production facilities and long-term capital improvements, together with a major redistribution of economic benefits to enhance the living standards and the purchasing power of the mass of Mexican workers. This is very unlikely to occur for several important reasons.

First, an expansion of Mexican economic activity in response to a free trade agreement is unlikely to enhance significantly the lives or income of Mexican workers for the obvious reason that low wages must be maintained to attract new foreign investment. At the Maquiladora plants along the border, more than 400,000 workers earn less than $1 an hour and live in squalid shantytowns near the factories. While these workers benefit from having jobs, few can afford to buy the consumer goods they produce, let alone more expensive American exports. The Mexican Government seeks to replicate the Maquiladora concept throughout Mexico. Even if successful, this will provide only marginal improvement in the living standards of the Mexican people while perpetuating the economic inequities that characterize Mexican life.

Second, the substantial domestic and foreign investment needed to finance economic development continues to be discouraged by perceived weakness in the Mexican economy and Government. Eight years of debt crisis and devaluation have created a severe capital shortage that has forced the Mexican Government to compete with Mexican business in seeking financing abroad. Unfortunately, the limited investment that is occurring has been targeted either to short-term securities or expansion of Maquiladora plants. Little capital is available for long-term investment to construct new production capabilities, erect distribution networks, or improve the country's decaying infrastructure.

While potential investors are impressed with the pace of reform in the Mexican economy, they continue to be deterred by the weak foundations of these reforms and the weakness of political support for the reform effort. President Salinas has acted boldly to privatize the banks and to open key industries to foreign investment. But he has never formally repudiated the Government's initial nationalization of the banks, and his efforts to liberalize foreign investment have come through administrative measures rather than legislation. Considerable fear exists that these reforms could easily be reversed. These fears are compounded by the growing instability of Mexican democracy. The most recent national elections indicate that the 60-year, near-dictatorial rule of the Institutional Revolutionary Party may be coming to an end. The absence of any sign of a new political restructuring perpetuates fears that economic reform could be the first victim of any serious political upheaval.

The third and, perhaps, most significant factor discouraging broad economic growth in Mexico is the continued withdrawal of billions of dollars in capital assets from the economy through capital flight. Between 1973 and 1987 an estimated $64 billion in Mexican capital was invested abroad by wealthy Mexicans seeking to protect capital assets from triple-digit inflation and possible devaluation of the overvalued Mexican peso. This has significantly impeded economic growth by diverting capital needed for domestic investment and by absorbing scarce foreign exchange to finance foreign investments that could have been used to finance imports needed for economic growth.

The level of capital flight occurring between 1973 and 1987 was nearly 65 percent of the increase in foreign debt accumulated during these years. Had these private assets been mobilized within the economy, Mexico's debt burden could have been substantially reduced and austerity measures that have stifled growth could have been avoided. Instead, capital flight has continued to undermine resolution of Mexico's debt crisis by permitting a sizable portion of new resources from new foreign credit and investment to "slip out" of the economy again as new capital flight.

The key to Mexico's prosperity is persuading Mexicans, not just foreigners, to invest in their country's future. Mexico's economy cannot grow if it is dependent on the type of foreign investment represented by the Maquiladoras. It must convince Mexicans to repatriate the billions of dollars in Mexican capital for long-term investment in resource development, business expansion, and infrastructure improvement. While the Salinas government has done a great deal to attract foreign investment to Mexico, it has not succeeded in convincing Mexicans in large numbers to bring their capital back home.

Given these impediments to economic growth in Mexico, I question the potential success of any trade agreement that does not attempt to address the broader structural problems of the Mexican economy. American policy toward Mexico should seek to encourage greater liberalization of the economic process, including development of policies to encourage long-term investment and repatriation of Mexican assets and to provide Mexican workers with an increasing share of the benefits of economic improvement. Without such broad structural reforms, I fear we will be throwing American jobs away in a free trade agreement that benefits principally the wealthy elite of Mexico and provides a low-wage export platform for entry into the American market.

Mr. Speaker, I believe it is time to begin constructive trade discussions with Mexico. However, in view of the wide disparities between our economies, and the numerous economic and political issues involved, I do not think it appropriate to set artificial deadlines for the completion of these discussions. Moreover, I am certainly not prepared to limit the role of Congress to a single yes or no vote on any package that might emerge from these discussions.

I intend to oppose vigorously the President's request for fast-track authority to pursue free trade negotiations with Mexico. These negotiations are far too important to proceed without careful deliberation. And the outcome of these discussions is far too important to American workers in my district and across the country whose jobs may be sacrificed with little or no reciprocal benefit to the American economy.

NEW INITIATIVES IN GOVERNMENT: THE HIGHWAY TRUST FUND

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. GEKAS. Mr. Speaker, during his State of the Union Message, the President proclaimed before the assembled Congress, leaders of Government, and the U.S. people, that the efforts of the Federal Government should not be exclusively devoted to new Government initiatives. Instead, the President called for "new initiative in Government."

Today, I am introducing legislation that goes to the heart of the President's call to action. My legislation does not propose a new Government program, does not increase taxes, and requires no reduction in other programs. Yet, this same legislation will result in increased expenditures approximating $25 billion or more for this Nation's infrastructure—while, as best as I can determine at this time, saving taxpayer money. Additionally, the legislation I am introducing will result in increased revenues to the Treasury.

Mr. Speaker, I am proposing today to take the highway trust fund off budget. Certainly, this is not a new idea. Last year the House voted on this proposal only to see it narrowly defeated. I believe, for several reasons, this should be the year Congress makes a new initiative regarding the use of the highway trust fund.

First, as we all know, the Federal-Aid Highway Program must be reauthorized before it expires at the end of the current fiscal year. This is the appropriate time to resolve the issue of the highway trust fund surplus, and the issue of how it is masking the true size of the deficit.

Second, as a result of last year's Omnibus Budget Reconciliation Act, taxes collected from the sale of motor fuels are, for the first time, devoted to a purpose other than the construction, maintenance, and safety of our Nation's highways and bridges. Two and one-half cents of the 5-cent increase in motor fuels tax is being sent directly to the Treasury to pay for deficit spending by the Federal Government. My proposed legislation seeks to strike an element of fairness with the States concerning the 5-cent increase in the motor fuels tax. As part of the agreement reached during deliberations on the OBRA of 1990, half of the fuels tax increase will accrue to the highway trust fund during fiscal years 1991 through 1995, but it cannot be spent. Section 3 of my proposed legislation would return this money to the States for each fiscal year 1992 through 1995, with no matching requirement. These funds would be available to be used on programs authorized under the Urban Mass Transportation Act of 1964. There can be no denying that the increase in motor fuels tax passed last year impacts the ability of States to raise revenue for highway programs. If the Federal Government is going to take half of that tax increase and apply it to reduction of the Federal deficit, and not highway programs, it is only fair that we not require the States to match the other half which will be used for highway programs.

Finally, I believe that given the condition of our Nation's economy and the need to improve our infrastructure, we must make the surplus in the highway trust fund available for obligation, in addition to immediately returning the revenue that will accrue as a result of the OBRA of 1990. Those who would argue that this action will increase the deficit are wrong. I admit that taking the Highway Trust Fund off budget will increase the bookkeeping size of the deficit, and as a result give the American public a more correct accounting of the size of this Government's deficit spending. What this action will not do is increase the amount of money the Federal Government must borrow to meet its obligations.

Mr. Speaker, I contend that promoting and investing in the Nation's infrastructure must be among the highest priorities of the Congress.

At this juncture in American history, when the need for investment in infrastructure is reaching critical dimensions, and the need to focus on improving our ability to compete internationally is paramount, we continue to chose the shortsighted path of budget expediency. According to the U.S. Department of Transportation [DOT], more than 40 percent of the Interstate Highway System—the backbone of America's network for carrying goods to market—is in need of repair. DOT's 1989 report to Congress estimated that over 40 percent of U.S. bridges are classified as "structurally deficient" or "functionally obsolete." The House Task Force on Economic Policy has reported that spending on public works has dropped from 2.3 percent of GNP in 1960 to less than 1.1 percent in 1985.

While the conditions of our highways and bridges is getting worse, and spending relative to GNP is declining, the demand will continue to grow. The U.S. Department of Commerce estimates that the use of infrastructure by industry will increase by more than 30 percent between 1985 and 1995. Vehicle miles of travel on the Nation's highways is expected to almost double to nearly 3.7 trillion miles by the year 2020. This situation will cost Americans and the economy even more than it does today. Currently, 1.3 billion hours and 1.4 billion gallons of gasoline is wasted per year due to poor road surfaces and congestion on limited access highways. According to independent research, poor roads adds almost $20 billion per year to the cost of driving in the United States, about $120 per licensed driver.

In the short term, my legislation will begin to address unemployment, confidence in Government, and aid in the growth that will bring the current recession to an end. In the long-term, this legislation will result in substantive improvement to our Nation's infrastructure that will spur efficiency and its attendant growth and opportunity.

Mr. Speaker, I am certain that the reasons for taking the actions I propose are correct. My legislation is a clear opportunity for every Member of this body to stand up and be counted on this issue.

IN RECOGNITION AND HONOR OF MR. JOSEPH A. ALMAGNO

HON. JOHN F. REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. REED. Mr. Speaker, I rise today to pay tribute to Mr. Joseph A. Almagno on the occasion of a testimonial honoring his 27 years of valued service to the city of Providence and the State of Rhode Island. Mr. Almagno, who last month was appointed chief of staff to the mayor of Providence, is recognized statewide for his kindness, generosity, and civic activism, most notably during his 26-year rise through the ranks of the Providence Public School System to superintendent. As superintendent, he was cited for numerous achievements in the revitalization of the school system and for implementing successful collaborations between businesses, community agencies, and schools. Indeed, all donations to the testimonial will be directed to the Public Education Fund which he helped to create.

During Joe Almagno's term as superintendent, the high school dropout rate in the city of Providence dropped from 50 percent to 42 percent. Also a broad range of special initiatives were developed to address the needs of at-risk students, including the highly successful tri-city Urban Collaborative Accelerated Program, implementation of several programs in early literacy for all students, which included extensive home and community outreach support components, and the implementation of major programs to increase involvement of parents in the education of their children. As a result of these efforts, Mr. Almagno was one of only four superintendents to be invited by President Reagan to a Youth 2000 Ceremony at the White House in 1988.

In undertaking and executing these initiatives, Mr. Almagno distinguished himself as a far-sighted innovator who time and time again projected the needs of the present into programs for the future. His early intervention programs won him the respect of the educational community, as did the kindly and accommodating manner with which he implemented them.

Outside of the educational community, Joe Almagno is known to thousands of Rhode Islanders as a tireless civic activist. His work for the International Reading Association, the Rhode Island Board of Regents, the Rhode Island Catholic Diocesan School Board, the Urban League of Rhode Island, the Providence Ethnic Tolerance Task Force, and the Italo-American Club of Rhode Island, among countless civic organizations, has earned him numerous awards of appreciation, including the prestigious Verrazzano Day Award. He has always brought to these organizations the same accessibility and consideration which so endeared him to the Providence School System.

Mr. Speaker, I ask you and my colleagues to join me in honoring Joseph A. Almagno, a man who is universally admired and who through the years has fought consistently for the principle of equal opportunity for all. His foresight and compassionate nature have not only distinguished him among his peers, but have improved the lives and educational opportunities of countless Rhode Islanders. I am proud that Joe Almagno resides in my congressional district, and I am honored to join friends, colleagues, and family who this week salute him.

EXTEND FEDERAL EMPLOYEE HEALTH BENEFITS FOR DEPENDENTS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. GOODLING. Mr. Speaker, it came to my attention that dependents of Federal employees are only covered under the Federal Employee's Health Benefits Program until they reach the age of 22. This is an inequity which places many children of Federal employees at an educational disadvantage as compared to many children of employees in the private sector.

This oversight places a financial burden on those families who have children still attending a college or university after they have already turned 22 years of age. Families in this position must purchase health insurance from private carriers so that a child will be covered if some medical emergency should occur. There are many instances in which students may find themselves in this position. For example, if a student had been held back early in school or flunked a grade, that student might not graduate from college until after turning 22 years old. Also, a student may be forced to leave college for a year or semester for health reasons; again, this student might not graduate until after turning 22. In each of these instances, it is not the fault of the student that they have not already graduated from college before their health insurance expires. In fact, in some cases it is a credit to the student's character for having completed their education after experiencing an early setback. Such perserverance should be rewarded, not punished. We in the Federal Government should strive to make it possible for a child to finish his or her education without such extraneous worries.

A student presently caught in the situation which I have been discussing would be forced to purchase a private health insurance plan. An unemployed, full-time college student would probably not have the means to purchase such a policy without neglecting his or her studies and taking an extra job. Some families might have the means to pay this added expense, but many would not.

This bill is a very simple one that would make graduating from college a little less of a burden than it already is for many families. The bill extends the age for which unmarried, dependents who are full-time college students are covered under their parent's health benefits plan to the age of 23. This bill would make this provision of the Federal Employees Health Benefits Program consistent with that of the U.S. military, which already covers unmarried, dependent, full-time college students until the age of 23. We all know that in the private sector many dependents are covered up to the age of 25 or 26 in some cases.

In addition, many States such as Pennsylvania have a kindergarten age entry law which states that you must be 5 years old by a certain date in order to attend kindergarten. If a student is held back even 1 year, most likely that student will not graduate from college until after turning 22. This law has only been in effect for about 5 years so we do not know how many future college students this will affect.

I would like to thank my colleagues and former chairman of the Post Office and Civil Service Committee, BILL FORD, Mr. BATEMAN, Mr. KILDEE, Mr. FAZIO, Mr. WILLIAMS, Mrs. MORELLA, Mr. GUNDERSON, Mr. PAYNE of New Jersey, and Mr. FOGLIETTA for joining me as original sponsors of this bill and I would urge all of my colleagues to join me in cosponsoring the bill I introduced today to amend the Federal Employee's Health Benefits Program to cover unmarried, dependent, full-time college students.

FEBRUARY IS GRAPEFRUIT MONTH

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. IRELAND. Mr. Speaker, the State of Florida is proclaiming February, 1991, as "Grapefruit Month". For more than 175 years, Florida has been producing this citrus fruit which has changed the eating habits not only of Americans, but of people in many part of the world. It supplies 100 percent of the U.S. RDA for vitamin C, and is usually available in abundance. In addition, Florida grapefruit is recognized worldwide for its high quality and fine sweet taste.

The total economic impact of the Florida citrus industry, including grapefruit, is more than $8 billion annually. Grapefruit production alone covers about 125,000 acres in Florida and includes more than 11 million grapefruit trees. Florida produces more than 50 percent of the world's grapefruit supply. During the 1990 and 1991 season more than 4 billion pounds of grapefruit are expected to be harvested.

In addition to meeting most of the domestic demand for grapefruit and grapefruit products, grapefruit is a major export commodity for Florida. Consumers, particularly in Japan and Taiwan, purchase large quantities of our nutritious citrus fruit.

Given the importance of the grapefruit crop to Florida, the United States and the world, I ask my colleagues to join with me during the month of February to salute the Florida citrus industry and the world's finest grapefruit.

HIALEAH CHAMBER OF COMMERCE AND INDUSTRIES KICK OFF THE HIALEAH SPRING FESTIVAL 1991

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to bring to your attention the Hialeah Chamber of Commerce and Industries annual gala which will kick off the Hialeah Spring Festival for 1991.

This gala is the chamber's main fundraiser for the year. It also is the first event in the Hialeah Spring Festival for 1991, which began 8 years ago to bring more attention to the rapidly growing and vibrant Hialeah area. The Hialeah Chamber of Commerce and Industries, which began just 11 years ago, is representative of the many new businesses and residents which have helped make Hialeah the fastest growing city among cities with over 100,000 people in Florida. Nearly 200,000 people now make the Hialeah area their home according to the 1990 census, making Hialeah south Florida's second largest city in population.

The Hialeah Chamber of Commerce and Industries is made up of over 1,000 businessmen who have united to help promote the Hialeah area. The chamber is involved in numerous civic and volunteer activities which make up this important community's contribution to the "thousand points of light" President Bush has often referred to.

This year, the gala will be held at the Park Plaza Hotel in Hialeah this Saturday, February 2. I extend my sincere hope for the chamber's continued success, and special thanks to its president, Vicente P. Rodriguez and executive director, Herman Echevarria.

I would also like to take this opportunity to thank the following individuals on the chamber's 1991–93 board of directors: Luis Estrada, Jr., vice president; Lila E. Cruz, vice president; Ray Flores, vice president;

Armando (Mandy) Llanes, vice president; Jorge Rivero, vice president; Manny Rodriguez, secretary; Jose Izquierdo, treasurer; Luis Estrada, Sr., vice secretary; Orlando Dominguez, vice treasurer; Antonio Fernandez Conde, director international relations; Jose Caraballo, director; Dr. Alberto Rodriquez, director; Pedro Acosta, director; Luis Miguel Diaz, director; Heliodoro Duran, director; Arturo Suarez, director; Daniel Hernandez, director; Victor Benitez, director; Nisin Kredi, director; and the many volunteers who have contributed their time and energy to the Hialeah Chamber of Commerce and Industries.

H.R. 747

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to make student loan interest tax deductible and higher education more affordable. My legislation corrects an egregious error in the Tax Reform Act of 1986 which reclassified student loan interest as consumer interest and made it nontax deductible. As a result of tax reform, student loans are now classified as consumer loans. No longer is there a distinction between buying a new television on credit or borrowing for education. By making interest on educational bonds tax exempt for individuals earning under certain income caps, Congress recognized last year that investing in education should be provided preferential tax treatment. Educating our youth is the purest form of investing in the future of our country. My legislation reinforces this principle by making student loan interest tax deductible.

Last year my bill had the bipartisan support of 330 Members of the House and half of the members of the Ways and Means Committee which has jurisdiction over this issue. I expect that my bill will have even more support this year.

Escalating education cost place an enormous financial burden on American students. Graduate students in particular may incur debts so large that their initial payment on loans consists mainly of interest. The number of student loans distributed by the Federal Government has increased by 79 percent in the last 10 years. Higher education is pricing itself out the hands of low- and middle-income families. Over 50 percent of Government student loans were awarded to individuals with income under $15,000. Considering the average debt upon graduation from medical school ranges between $50,000 to $100,000, student loans are clearly a necessity. Allowing a tax deduction for educational loan interest could actually be a matter of economic survival for thousands of higher education graduates.

Current law penalizes low- and middle-income individuals pursuing higher education. While current law allows for an interest deduction on home equity loans used for educational expenses, the vast majority of the student population cannot benefit from this deduction since most are not homeowners.

My legislation will target those most in need by limiting the deduction to those individuals earning under $55,000 and couples earning under $90,000. This policy serves to both help the people who are more affected by sky-rocketing educational costs and reduce the cost of the bill.

Unless education is made more affordable for all students, our international competitiveness may be threatened. In order to remain competitive, students must be encouraged through bills like H.R. 747 to pursue higher education.

Mr. Speaker, student loan interest deductibility is a step in the right direction for our Nation's students and our country's future.

TRIBUTE TO THE PORTLAND EVENING EXPRESS

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. ANDREWS of Maine. Mr. Speaker, more than 100 years ago the Evening Express, a 1-cent afternoon newspaper, first appeared in my home city of Portland, ME. At the time, competition among newspapers was intense. Portland had three dailies, four Sunday papers, three weeklies and five monthlies. Nevertheless, the Express thrived and by 1889 it was the largest circulation daily in the State.

Tomorrow, the Evening Express will cease publication after 108 years of unbroken service to Portland and its suburbs. It will leave a single daily newpaper for the readers of Portland.

The demise of a newspaper has many causes, but it provides no better evidence of a weakening economy. More than that, when a newspaper dies, part of a community dies with it. It is a final chapter in a lengthy chronicle of the city's progress, its politics and its people. For the generations of skilled workers and loyal employees who provided the newspaper with its rich history, the loss of the Evening Express is the loss of a way of life.

Ironically, the death of the Evening Express comes at a time when newspapers are needed more than ever. America is at war and we are absorbing each passing event at the speed of light through instant electronic communications. But the task of adding meaning, clarity and depth falls to newspapers. That is what newspapers do best.

The Evening Express will be remembered as a newspaper that strived to reach out to its community and provide meaning, clarity and depth to the events affecting our lives. It will be missed.

SEND OFF

HON. PETE PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. PETERSON. Mr. Speaker, I rise today in recognition of a special community which distinguished itself this past weekend.

The war has touched all of us in a very personal way. None of us will ever forget the pictures of the allied POW's paraded before the cameras in a horrible display of Iraqi propogranda. The Nation struggled to understand their plight, their pain, and their courage and left with the eerie realization that the war had come home.

On Sunday, January 26, the war came home to north Florida. The National Guard's 710th Service Company of Apalachicola, FL was federalized and moved out en route to Saudi Arabia.

In my 26 years of service I have experienced many emotional moments, but none was more moving than this weedend's send off. The valor and bravery displayed by the 84 company members were matched only by the strength and support by their families, neighbors, and the 1,300 town residents who turned out to say goodbye.

I want to take this opportunity to commend the members of the 710th National Guard Unit—the 50 fathers, sons, and neighbors who were called up—along with their families and friends who with the prospects of leaving their loved ones exhibited great courage. I would also like to congratulate the community of Apalachicola on the spirit and support demonstrated at Sunday's ceremony.

It was a remarkable moment and I extend my sincere hopes that the 710th and all of our troops can come home as soon as possible.

UKRAINIAN INDEPENDENCE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mrs. OAKAR. Mr. Speaker, last week marked the 73d anniversary of Ukrainian independence. I stand with the Ukrainian people as they commemorate this important event in their history and I fully support their efforts for self-determination and independence.

On January 22, 1918, the Ukrainian National Rada issued the Fourth Universal declaring the independence of Ukraine. Tragically, only 2 years later the movement for freedom and independence was brutally crushed by the Bolsheviks when Ukraine was forcibly incorporated into the Soviet Union.

Much of our attention recently has been focused on the Baltic States, but we should remember that Soviet troops have also been sent into Ukraine to put down the movement for freedom and self-determination. As Ukrainians watch the Soviet Union attempt to crush the independence movements in the Baltic States, they fear that they will suffer from the brutal forces of oppression next.

These are indeed troubled times in the Soviet Union for those who want democracy and freedom. The Ukrainian people have waited so long for freedom. I only hope that next year on Ukrainian Independence Day that Ukraine will be free.

"IF I HAD THE WINGS OF AN EAGLE I WOULD FLY AWAY"—TRIBUTE TO THE TUSKEGEE AIRMEN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, although the history of African Americans in U.S. military aviation begins at Tuskegee Army Air Field, the legacy of African Americans received the training that they were denied at home.

In 1941 the NAACP sued the War Department on behalf of a Howard University trained pilot to ensure that African Americans received the training they were promised. Because of this action the 99th Fighter Squadron was formed.

During World War II, there existed rigid patterns of racism; because of this fact 966 African American military aviators were trained at an isolated training complex near the town of Tuskegee, AL. Four hundred and fifty African American fighters under the command of Col. Benjamin O. Davis Jr., fought gallantly in North Africa, Sicily, and Europe.

These airmen felt that flying would be an escape from the racism they experienced at home. Although they exemplified the skill and dedication of any other airmen they were bombarded by the reality of racism in the military. They were unable to enter for "white only" officer clubs, and they continuously had to prove themselves as airmen.

Despite all of these obstacles and pressures the Tuskegee airmen fought a good fight and served this country well. It is for that reason that I wish to commend and acknowledge the Tuskegee airmen for their bravery.

I would like to commend the African American section of the Newark Public Library, under the direction of Mr. James Brown, for the library's exhibit on the Tuskegee airmen. I appreciate your commitment to education. I encourage all of my constituents to take advantage of this opportunity and visit the exhibit.

INTRODUCTION OF THE REPRODUCTIVE HEALTH EQUITY ACT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 31, 1991

Mr. GREEN of New York. Mr. Speaker, today my distinguished colleague from California, Mr. FAZIO, and I are introducing the Reproductive Health Equity Act, which seeks to remove the current restrictions on the use of Federal funds for abortions. We have offered this legislation since 1985 because women who depend on the Federal Government for their health care, either as an earned benefit or an entitlement, do not have the same access to abortion as do other women. We believe that such legislated economic discrimination is wrong.

Although the Supreme Court ruled in 1973 in Roe versus Wade that a woman has a constitutionally protected right to determine whether to terminate a pregnancy, congressional actions since 1977 on appropriations bills have resulted in the enactment of the following restrictions on a women's access to a safe, legal abortion:

If you are a Federal employee receiving health coverage from the Federal employees health benefits program [FEHB], you do not have coverage for abortion services, except in cases of life endangerment, even though you contribute to your own coverage.

If you are in the military or are a dependent of someone in the military, your health insurance, Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] does not provide coverage for abortion services.

If you are a Peace Corps volunteer you do not have access to abortion services, even if you are serving your country in a remote and isolated region of the world.

If you are a native American who is dependent on the facilities of the Indian Health Services for your health care, you cannot receive abortion services at those facilities, except in cases of life endangerment.

If you are a low-income woman who is dependent on the Medicaid Program for your health care, you cannot receive reimbursement for abortion services except in cases of life endangerment.

This discriminatory health care policy represents an intrusion that is unjust. Since the Supreme Court handed down its decision in the Webster case 18 months ago, there has been a heightened awareness that women are in danger of losing the right to decide for themselves whether to terminate a pregnancy. However, many women, some of them our most vulnerable citizens, already have had that right seriously restricted.

I was struck by a statement made by President Bush on January 29 in his State of the Union Address. The President said, "Freedom and the power to choose should not be the privilege of wealth. They are the birthright of every American." Although President Bush was not specifically referring to abortion when he made that statement, I believe the principle is very much applicable to the issue of abortion. Not only are decisions about one's reproductive health among the most personal decisions one can make, but those decisions are still constitutionally protected. As long as Roe versus Wade is the law of the land, it should be applied equally to all women regardless of their economic status. I urge my colleagues to join Mr. FAZIO and me in our efforts to overturn this unjust and horrible form of discrimination.

SENATE—*Friday, February 1, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL TUESDAY, FEBRUARY 5, 1991, AT 2:15 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until Tuesday, February 5, 1991, at the hour of 2:15 p.m.

Thereupon, the Senate, at 9:15 and 30 seconds a.m., recessed under the order of Thursday, January 31, 1991, until Tuesday, February 5, 1991, at 2:15 p.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, February 4, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We have been called to a day of prayers for peace, to lift our voices with the earnest petition that the conflicts will cease and people will be free to live in harmony with their neighbors.

We pray, O loving God, for our President and the leaders of other nations that they will be filled with wisdom and guidance as they seek the peace that is Your will for us.

We recall in our prayers, O God, the men and women of the armed services together with the commanders who lead them and the families who wait for them. May Your blessing, O God, which is new every morning, be with them always, and may Your benediction be for us, for all, and forevermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Tennessee [Mr. DUNCAN] please come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, January 31, 1991:

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

APPOINTMENT AS MEMBER OF PRESERVATION OF JAZZ ADVISORY COMMISSION

The SPEAKER. Pursuant to the provisions of section 4 of Public Law 101–499, the Chair and the President pro tempore of the Senate jointly appoint Mrs. Lindy Boggs to the Preservation of Jazz Advisory Commission.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS.
Washington, DC, January 24, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the following Members of the Committee on Ways and Means have been designated to serve on the Joint Committee on Taxation during the 102nd Congress:

Dan Rostenkowski (D., Ill.)
Sam M. Gibbons (D., Fla.)
J. J. Pickle (D., Tex.)
Bill Archer (R., Tex.)
Guy Vander Jagt (R., Mich.)

Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.

SELECTION OF MEMBERS TO BE ACCREDITED AS OFFICIAL ADVISERS TO U.S. DELEGATIONS RELATING TO TRADE AGREEMENTS

The SPEAKER. Pursuant to the provisions of 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on Ways and Means, the Chair has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st session of the 102d Congress:

Mr. ROSTENKOWSKI of Illinois;
Mr. GIBBONS of Florida;
Mr. JENKINS of Georgia;
Mr. ARCHER of Texas; and
Mr. CRANE of Illinois.

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–3)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

I. THE BUDGET MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am pleased to present the *Budget of the United States Government for Fiscal Year 1992.*

The budget is consistent with the 5-year deficit reduction law enacted last fall. It recommends discretionary spending levels that fall within the statutory caps for defense, international, and domestic discretionary programs. It implements the entitlement savings and reforms enacted in the Budget Agreement. It conforms to the new pay-as-you-go requirements.

By holding the overall rate of growth of Federal Government spending to approximately 2.6 percent—below the inflation rate—the budget puts into effect the concept of a "flexible freeze," which is an essential means of bringing the budget into long-term balance.

The longest period of peacetime economic expansion in history has been temporarily interrupted. We can, however, return to growth soon—and proceed on the path to a new era of expansion. With that goal in mind, the budget places special priority on policies that will enhance America's potential for long-term economic growth, and that will give individuals the power to take advantage of the opportunity America uniquely offers.

To this end, I am again proposing tax incentives to increase savings and long-term investment.

On the spending side of the budget, the existence of a cap on domestic discretionary outlays rightly creates a competition for resources. Priorities must be set. This budget proposes that domestic investment be increased in the following key areas:

Education and Human Capital.—The budget proposes investments to prepare children better for school, to promote choice and excellence in our educational system, to improve math and science education, and to increase the access of low-income Americans to higher education.

Prevention and the New Generation.—The budget includes proposals to help

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reduce illness and death from preventable diseases, and to reverse the long-term trend of underinvestment in children.

Research and Development and the Human Frontier.—The budget recommends an increase of $8.4 billion in the Federal investment in research and development, with special emphasis on basic research, high performance computing, and energy research and development. It proposes to extend permanently the tax credit for research and experimentation to encourage private sector R&D investment. In addition, the budget reflects the Administration's continued commitment to expanding human frontiers in space and biotechnology.

Transportation Infrastructure.—The budget supports an expansion of the Federal Government's investment in highways and bridges to over $20 billion within 5 years, and proposes substantial increases to improve the condition of the Nation's airports, to modernize the air traffic control system, and to continue to develop the transportation infrastructure for exploration and use of space.

America's Heritage and Environmental Protection.—The budget includes increased funds for the expansion and improvement of America's treasury of parks, forests, wildlife refuges, and other public lands; for the implementation of the Clean Air Act and other key environmental statutes; for the cleanup of pollution at various Federal facilities and at Superfund sites; and for protection and enhancement of coastal areas and wetlands.

Choice and Opportunity.—The budget provides: funds to help give parents greater choice in child care, health care, education, and housing; the resources to allow *all* Americans, especially those with low incomes, to seize the opportunities that such choice provides; and a proposal to establish Enterprise Zones to bring hope to our inner cities and distressed rural areas.

Drugs and Crime.—The budget further increases the Administration's investment in drug prevention, treatment, and law enforcement. And the budget substantially increases the resources available to help the Federal Bureau of Investigation fight crime, the Federal prosecutors prosecute criminals, and the Federal prison system accommodate those convicted of crimes.

To make such investments possible, the budget includes recommendations to terminate or reduce Federal investment in certain low-return programs, and proposes reforms to slow the continuing growth of mandatory entitlement programs and to increase fairness in the distribution of the benefits these programs provide.

In addition, the budget contains a new proposal to fund various programs now carried out by the States through a comprehensive block grant. The States are continuing to develop new and innovative ways to deliver services more effectively. The budget not only highlights several of these innovations; it proposes to reinforce and build upon them.

The budget contains several proposals that reflect my commitment to managing government better. These include measures to improve accountability, to reduce waste, to reform regulation, to employ risk management budgeting in addressing threats to health and safety, and to set clear objectives and measure performance in meeting them.

Finally, consistent with the statutory caps enacted last year, the budget provides the resources necessary to maintain national security, and to better advance American interests abroad. As the budget goes to press, the timing of the resolution of the multinational coalition's efforts to reverse the aggression in the Persian Gulf is uncertain. For this reason, the budget reflects only a placeholder for Operation Desert Shield. A supplemental request for the incremental costs of Desert Shield, which includes Desert Storm, will be forwarded to the Congress in the coming weeks.

The priority investments embodied in this budget will help America prepare for the requirements and opportunities presented by a rapidly changing world. I look forward to working with the Congress in developing a budget that lays the groundwork for a brighter future, protects our national interests, and helps create the conditions for long-term economic growth and prosperity.

GEORGE BUSH.

FEBRUARY 4, 1991.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 1, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 11:58 a.m. on Friday, February 1, 1991, the following message from the Secretary of the Senate: That the Senate passed S. Con. Res. 8 and the Senate made appointments to the National Commission on Children.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ADMINISTRATION'S BUDGET: NOTHING BUT SMOKE AND MIRRORS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, once again, the administration's budget is nothing but smoke and mirrors. It starts out by making two unrealistic assumptions: That the recession will be over by summer and that the war will cost only $15 billion. Why such a low war cost? The administration assumes our allies like Japan and Germany will contribute their fair share. If you believe these assumptions, I have a dream vacation in Baghdad I would like to sell you.

In this budget, there is good news for those in science and space. And there is good news if you have investments and want a cut in the capital gains tax. There's bad news for senior citizens who will have to absorb $23 billion in Medicare cuts, there is bad news for parents that need loans to send their kids to college, there is bad news for hospitals struggling to stay open, and there is bad news for poor, newborn children trying to stay alive.

The debate this year will not be over how much money should be spent, but how it should be spent. There will be no peace dividend. Military savings cannot be used to finance domestic programs. Domestic programs will have to compete with each other.

Mr. Speaker, let us face it. There is one untouchable in this budget—the funds to pay for Desert Storm. And rightly so. But until that enormous cost is clear, this budget process, other issues and problems at home will have to wait.

GULF WAR DEMONSTRATIONS

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, over this weekend in Buellton, CA in the heart of my congressional district, hundreds of American citizens rallied in support of our brave men and women fighting in Operation Desert Storm. I believe, and so do all the polls, that the vast majority of Americans strongly support our troops and Operation Desert Storm, though that always isn't evident on the news.

I strongly support the positive, pro-America rallies like the one in Buellton. Just as the standing ovation here in this Chamber during President Bush's State of the Union Address bolstered the morale of our troops and signaled to the Iraqis that we are united, strong and committed to our righteous objectives, so too are identical messages sent directly from the American people through support rallies.

The greatness of America lies in its freedoms. It is the right of any citizen to openly protest Operation Desert Storm, and some are. However, protestors should know that their actions have a negative impact on our forces on the front lines. Their actions could prolong fighting and be responsible for greater casualties. Further, their actions play right into Saddam Hussein's hands. Saddam Hussein has said "Iraqis feel gratitude to all Americans who demonstrate in the United States against the war. We are attentively following (them) and we will not forget"—that's a direct quote from the Iraqi dictator himself. We Americans won't forget, either.

As so well stated in the liberty song of our own American revolution, "Then join hand in hand, brave Americans all! By uniting we stand, by dividing we fall."

□ 1210

PRISONERS SHOULD NOT BE PAID TO TESTIFY IN COURT

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I am introducing legislation which will rescind the requirement that taxpayers pay prisoners to testify in Federal court. On January 8, 1991, in the case of Demarest versus Manspeaker the Supreme Court of the United States held that under current law prisoners that testify in Federal court must be paid an attendance fee as any other witness.

Mr. Speaker, it has been a longstanding policy of the Federal Government not to pay prisoners to testify in court. Federal appellate courts on several occasions in past years have ruled that the Congress never intended to compensate prisoners in any way for giving testimony in Federal court. The Justice Department through its regulations has always considered prisoners ineligible to receive witness related fees under title 28, section 1821 of the United States Code. The Treasury Department has had an agency policy not to pay fees to prisoners since the beginning of this century. The Congress has never expressed any intent to pay prisoners to testify.

Mr. Speaker, one conservative estimate that has come to my attention of the cost to the American taxpayer of paying prisoners to testify in Federal court is $1 million a month or $12 million a year. Such costs are bound to rise as prisoners discover this new way to collect money from the Government. Prisoners are likely to bring new lawsuits against the Government so that other prisoners can testify and collect fees.

Mr. Speaker, the taxpayer pays for the food, clothes, housing, medical care, law libraries, education courses, and other privileges that prisoners receive while they are incarcerated. We should not saddle the people with another multimillion dollar burden in the form of salaries for prisoners.

Mr. Speaker, I know the court did what it understood to be its job in rendering the decision that it did. Now we must do our job. The legislation that I am proposing today will remove any doubt about the intention of Congress when it comes to paying prisoners to testify in Federal court. We do not think that prisoners should be paid to be witnesses in court. Except for detained material witnesses, this bill would specifically disqualify any incarcerated person from receiving any of the payments included under section 1821 of title 28.

BE BRAVE, MELISSA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, I come to the well today to talk about Melissa Ralhban-Nealy and to express our hope that she is safe somewhere in Kuwait or Iraq. I also want to express my concern to her parents, Leo and Joan Ralhban; I want them to know that our thoughts are with them today.

Mr. Speaker, Melissa is one of our superior military personnel. She is a motivated individual, like so many others that are serving us today in the Middle East. She joined the forces and went to the gulf for patriotic reasons. She also had a strong desire to increase and extend her advanced education.

At this time, when our citizens are called on to help their country, to join in the defense of a situation that we believe in, to be against aggression, it is only right that our daughters stand beside our sons in the armed services, and so I say today to Melissa, "I hope you're safe. Our thoughts are with you. Be brave, Melissa. We hope you are home soon. God bless you."

TEXTILE MACHINERY MODERNIZATION ACT OF 1991

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today, I am reintroducing legislation entitled the Textile Machinery Modernization Act of 1991.

I encourage any Member that supports small businesses to cosponsor this legislation. The textile machinery industry consists of approximately 500 companies, employing some 17,800 citizens nationwide. In fact, 86 percent of this industry is comprised of firms with 50 or fewer employees. These small businesses produce finished machinery, parts and accessories used in the production of textile mill products for apparel, defense, furniture, and industrial applications.

This legisaltion establishes a Textile Machinery Modernization Fund to support research for new technology to modernize the American textile machinery industry. This fund is made up of existing revenues collected from duties levied on imports of textile machinery.

Research and development is crucial to the future viability of all industry, including the domestic textile machinery industry. This legislation would establish the necessary R&D funds without raising tariffs or restricting imports. With the concern over the lack of civilain research and development, I believe it is time we took action to bolster a crucial domestic industry and preserve American jobs.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 31, 1991.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit three sealed envelopes received from the White House at 3:47 p.m. on Thursday, January 31, 1991, and said to contain the following:

(1) A report entitled "National Drug Control Strategy, 1991,"

(2) A report entitled "1988 Aeronautics and Space Report of the President," and

(3) "International Space Year for 1992 Report."

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

PLANS AND PROGRAMS FOR INTERNATIONAL SPACE YEAR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology and the Committee on Foreign Affairs:

(For message, see proceedings of the Senate Thursday, January 31, 1991, at page 2658.)

PROGRESS IN AERONAUTICS AND SPACE DURING 1988—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the Presient of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Science, Space, and Technology:

(For message, see proceedings of the Senate of Thursday, January 31, 1991, at page 2658.)

NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services, the Committee on Banking, Finance and Urban Affairs, the Committee on Education and Labor, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Public Works and Transportation, the Committee on Science, Space, and Technology, and the Committee on Ways and Means:

(For message, see proceedings of the Senate of Thursday, January 31, 1991, at page 2659.)

SUPPORT FOR DESERT STORM FORCES, A NATIONAL ENERGY POLICY, AND BUDGETARY SUPPORT FOR CITIES AMONG GOALS FOR 102D CONGRESS

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Kentucky [Mr. MAZZOLI] is recognized for 5 minutes.

Mr. MAZZOLI. Mr. Speaker, having returned earlier from a weekend trip back home to my district, during which I spoke, as I usually do, to many people in various capacities, I have come back to Washington with a couple of thoughts that might be worth sharing with my colleagues and with those who are observing these proceedings.

One of those thoughts is that the sole objective which we have currently in the gulf is to make sure that all the men and women of Operation Desert Storm have available to them, without delay, all of the logistical assistance they may need to pursue the mission which the Commander in Chief has given them and to pursue and complete that mission with the greatest degree of facility, of speed, of success, and of safety both to them, the combatants, and to the many innocents on both sides of the fighting.

We certainly have observed on television and read in newspapers the extent of the activity there, and it is such as to give us pause and concern. Very, very appropriately, yesterday was the day of prayer which was asked of the Nation by our Commander in Chief, our President, George Bush, because certainly these are times in which prayer may be the only means by which we can pass through this terrible challenge and this terrible period of sacrifice.

But, once again, while there is within the country still some concern as to how and why this war came to pass—I myself share this concern and dismay that at a time of such high technology and at a point in human civilization of such high sophistication we still resort to killing in order to solve problems and that we cannot solve them seemingly by more peaceful means—that debate which occurred right here on the House floor on those remarkable 3 days in the months of January has ended. We now, as I say, need to make sure that the men and women of Desert Storm have what they need to complete their mission. But once that mission is over, once the war is over, and once the sizable and daunting task of making peace and of rebuilding those areas begins, our job is still only partially over here in this body because we have a very strong obligation to complete the second phase of this, which is to establish a national energy policy.

While oil is not the only reason we are in the gulf region at this time, oil is one of the powerful reasons why we are there, and until we can extricate ourselves from the coils of the Middle Eastern supply of oil, until we eliminate our thralldom to oil and foreign energy, we will always be more prone and more susceptible of getting into these regional battles.

So certainly one of the great tasks of the 102d Congress, even while operation Desert Storm is ongoing, and when the war ends, is to make sure we have a national energy policy which encompasses both conservation and a movement toward alternative energy. That sentiment is shared by all of our people back home in Kentucky.

The second point I would bring up, Mr. Speaker has to do with the budget. This has been spoken to earlier today, and today the fiscal year 1992 budget was delivered by the President and was discussed by him the other night in this Chamber. We want to be sure that this budget does not ignore the needs of urban areas and the cities of our country and, for that matter, does not ignore the needs of rural areas and the more sparsely settled communities.

I hope my fears are not realized, but there is the potential that we will be so consumed and so fixated on the gulf, with all of the very legitimate reasons for us to concentrate on that area, that we may ignore the domestic budget. Our men and women are exposed to dangers in the gulf and, therefore, we certainly have to concentrate on them and that responsibility. But we cannot forget the domestic needs and concerns back home.

Just as recently as Friday, Mr. Speaker, in the conference room at the city hall, I had a chance to meet with Mayor Jerry Abramson and his deputy mayor, Joan Riehm and all of their city commissioners to talk about the needs of the city of Louisville, which, I am sure, coincide with the needs of all of our cities and communities around the country.

So I would say, Mr. Speaker, that while we give our greatest attention and all of our prayers to the Middle East and to the quick end of that battle, we should not forget that our responsibility, beyond creating an energy policy for the future so that we have fewer such conflagrations, includes our need to attend to the budget for the domestic needs of our country. Otherwise we will not have actually carried out the oath which all of us swore in this Chamber just a few days ago.

Mr. Speaker, we have a large challenge in the 102d Congress, but I think we can realize our needs and face that challenge.

THE PRESIDENT'S BUDGET FALLS SHORT OF MEETING UNMET NEEDS

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we have just received the budget message. Clearly there is a budget crunch in this country. From my preliminary reading, I am afraid the administration's response is robbing Peter to pay Paul.

I have looked at three areas. For example, unemployment compensation. The administration is at last going to react to the administrative needs so that people like those in Michigan no longer will have to wait 5 or 6 weeks for their check when they are unemployed through no fault of their own, but they are going to have to take money from TAA people who are unemployed.

On student grants, there is going to be a shuffling from middle income students to those in lower income brackets. The middle income students apparently are going to be lost in the shuffle.

Let us take Medicare. The proposal is to cut billions of indirect medical education from hospitals in urban and suburban areas that are feeling the brunt of the uninsured and those with AIDS and other diseases.

So what does this Nation need in facing this budget crunch? Not another shell game. It needs straight talk and sensitivity to unmet needs. From a preliminary reading of this budget of the administration's, there is no straight talk and little sensitivity to unmet needs.

SMALLEST CHILDREN ARE VICTIMS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, we must reexamine our policies in calling up the reserves—and in deploying both the mother and father of small children to a combat zone. It is wrong to send both a mother and father to theater of war.

We talk about being a kinder gentler nation but, in this instance, the Pentagon is only looking at cold numbers and not at the heart of the Nation.

World War II was different. We never drafted only the sole provider of a family. With the Korean police action and in Vietnam we did not send both parents. Now that policy has changed. Since we have been promoting an All-Volunteer Army we should change the policy and protect our young children with the second parent doing duty in this country.

I am now calling on the Pentagon and Secretary Cheney to look at every case of deployment of both parents and—I ask them to leave one parent in this country. I have supported our action and that of allowing women to be almost on the front line—but the children are our future. They must be protected.

□ 1230

EPA TRIES, BUT LOSES, GRAND CANYON AIR BATTLE

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, today I want to applaud the Environmental Protection Agency Administrator William Reilly for trying to attack head on the cleanup of the air in the Grand Canyon, a step long overdue. Unfortunately, Mr. Reilly, a man who has not shied away from taking bold steps to protect the environment, could not find sufficient support among his colleagues in the administration to do what really needed to be done.

We have learned from recent news reports that EPA proposed to reduce 90 percent of the sulfur emissions from a Navajo powerplant that is a significant contributor to the persistent haze shrouding the Grand Canyon, one of the Nation's most spectacular natural wonders. EPA, however, lost the battle to the Office of Management and Budget and the Department of the Interior who propose reducing emissions by 70 percent.

This is disappointing news for several reasons. First, EPA's own analysis indicated that a 90-percent reduction in pollution would be more cost effective than a 70-percent cut. Further, if the administration had used the new allowance provisions of the new clean air law—provisions promoted by the administration which allow a utility to sell credits—a 90-percent cut would have been even more economical. The sale of allowances could have offset the cost of the controls needed to cut sulfur emissions by 90 percent.

Third, it is significant to note that a reduction of 70 percent leaves three times more pollution than a reduction of 90 percent. For example, if there are 100 tons of pollution and a plant reduces by 70 percent, 30 tons are left. If 90 percent is cut, 10 tons remain. Thus, the 70-percent reduction results in more pollution, a result which is contrary to the goal of the whole exercise.

Finally, one must question the dedication of the Department of the Interior to its basic goals. Interior is the lead Federal agency whose mission is to protect the Nation's natural resources. Interior is the steward of the Nation's parks, wildernesses, and refuges; but Interior, in this case, is part owner of the plant generating the pollution. Interior as both protector of the environment and generator of pollution seems to have lost sight of its environmental mission.

I have been very impressed and encouraged by Administrator Reilly's forward-looking approach these past 2 years. And I commended the Bush administration for proposing a clean air bill, a proposal that spurred a Congress that had been deadlocked for over 10 years. I hope that the decision on the Grand Canyon—one of the world's preeminent natural wonders—does not mean that this administration is already backsliding after signing into law a landmark clean air bill.

PROTEST OF EL SALVADOR VIOLENCE

The SPEAKER pro tempore (Mr. BENNETT). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, our pressing concerns at home and abroad should not distract us from the recent upsurge of violence in El Salvador.

On January 2, leftist guerrillas shot two of our soldiers in cold blood after their helicopter crashed in El Salvador.

Now we have heard from Catholic Church officials in El Salvador that members of that country's military recently massacred 15 peasants.

According to a 17-page report, the soldiers stabbed and slit the throats of the victims, while their children watched from hiding places. The peasants, including a 14-year-old girl, apparently had ties to the Salvadoran rebels.

The Salvadoran military has denied involvement in the killings, but witnesses said the killers wore uniforms identifying them as government troops.

I urge our diplomats in El Salvador to thoroughly investigate this atrocity and other incidents attributed to either government or rebel forces.

Only then can we as a Congress make a clear judgment as to whether the Government of El Salvador deserves more military or economic help from the United States.

SCANDAL INVOLVING ATLANTA AGENCY OF BANCO NATIONAL DEL LAVORO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, having had the privilege of living long enough, and having a very good memory, I recall before 1941, and in fact in the late thirties, the old trolley tracks in my hometown of San Antonio being torn up and sold to Japanese procurers of scrap iron and steel, so the day of the autobus was coming in.

There were those then, and I recall vividly they were considered sort of out of line, who were saying, well, the day is going to come when you are going to have all of that steel shot back at our soldiers.

Well, it certainly did seem that those in my generation would never have to go to war, much less be scattered to the four corners of the Earth, and some of them not to return.

I am forcibly reminded of that period because of some of the things that have now happened in our country, where it looks as if again we have not learned anything. We are like the Bourbon kings. We do not seem to learn anything or forget anything.

Mr. Speaker, let me preface my remarks before I go into them too much by expressing my gratitude to an outstanding staff member of the full Banking Committee. Let me say by way of parenthesis, so that some of my anxious colleagues who seem to think that as chairman I have total control of all the funding that is allocated to the Banking Committee, that actually about all I have is one-tenth of the staff, the total staff, that the Banking Committee lists as subcommittee staff and the like. One-tenth.

I have one-tenth of the budget for full committee chairman's discretion and direction.

I want to keep that in mind, because it is very important in order to exalt and to emphasize the preparation, what I call the genius of such a staffer, as Mr. Dennis Kane, who is the one that I want to give credit to for today's report.

I am here today to talk about the scandal involving the Atlanta branch of the large Italian Government-owned Banca Nazionale del Lavoro [BNL]. This is a sensational case in which former employees of the Atlanta branch of BNL approved over $3 billion in supposedly unauthorized loans to Iraq over the latter half of the 1980's. Most of these loans were not reported to American or Italian banking officials, so it is said.

The BNL scandal is a case study in bank regulatory failure. It is apparent that the State and Federal bank regulatory agencies failed to adequately supervise BNL. The Banking Committee is presently investigating this matter.

The BNL scandal raises several additional concerns within the jurisdiction of the Banking Committee. Foremost is the adequacy of the regulation and supervision of U.S. branches and agencies of foreign banks. Entities like BNL command over $575 billion in assets in the United States and over $7.5 billion of their liabilities are guaranteed by the FDIC. The Banking Committee is quite concerned that the present sharing arrangement between the State and Federal bank regulatory agencies is inadequate to ensure these entities are properly supervised. This was certainly the case in the BNL affair. It is apparent that a thorough review of the International Banking Act is in order.

The BNL affair also raises the issue of whether or not we should allow U.S.-based financial institutions to be used as a conduit of foreign policy. It is time the committee delved into the intentions of foreign banks, especially those owned by foreign governments, and the role they play in our economy. We should ask ourselves: Should we permit foreign governments to carry out their foreign policy through our banking system, especially if it goes against our own interests? Should we permit foreign banks that are underwritten by foreign taxpayers to compete head on with our privately owned banks? One must wonder if it is fair for a foreign Government-owned bank to take business and jobs away from our privately owned domestic banks.

Maybe it is time we established a natioal screening board to monitor more closely foreign bank presence in the United States. Such a screening board could review applications for foreign bank entry into the United States, as well as monitor these banks to ensure they are not engaged in foreign policy activities or unfairly competing against our own firms.

BNL NOT JUST ANOTHER BANK REGULATORY FAILURE

The BNL scandal is not simply a bank regulatory failure, it is intimately linked with Iraq and the current gulf war. BNL loans permitted the export of almost a billion dollars of United States agricultural goods to Iraq. These loans not only permitted Iraq to feed its people, they freed up scarce foreign exchange that was used by Iraq to build up its military arsenal.

I have developed evidence clearly linking BNL loans to a network of companies that helped to build the Iraqi war machine; the same war machine or so-called coalition partners are now trying to destroy. It is also the same war machine that has taken the lives of some of our Nation's precious young adults, and placed over 500,000 of our soldiers directly in harms way.

Unfortunately, the United States and European technology and know-how used in building the Iraqi war machine may have been legal. Inadequate export control laws and the lack of enforcement of these laws among the industrial nations, permitted the export of sophisticated technology and know-how to Iraq. Instead of being employed in civilian projects, this technology was often used to build and improve Iraqi weapons. Many of the companies providing this technology to Iraq were financed directly by BNL loans, while many others were indirect beneficiaries of BNL moneys.

Of course deceit also played a large part in building the Iraqi war machine. It is quite probable that many of the companies providing technology and know-how to the Iraqi war machine did not realize they were doing so. During the 1980's Iraq established a sophisticated network of front companies charged with the mission of finding and exporting Western technology to Iraq. No expense was spared including possible bribes and higher than normal profits for the producers of the goods exported to Iraq.

One must wonder what the United States and the Western intelligence community knew about BNL's role in transfering technology to Iraq. It would be surprising if the intelligence community of the United States and those of our Western allies did not know about the transfer of this technology and its uses. It would be hard to believe that they did not know about BNL's role in building the Iraqi war machine.

The BNL affair also raises questions about our own and other Western governments policies toward Iraq. For the most part the West ignored massive human rights abuses in Iraq. Iraq used poison gas against Iran, and even its own citizens, the Kurds. Brutal Iraqi relocation policies made refugees out of over 100,000 Kurds. Iraq was a know heaven of terrorist groups. Through all of this, the United States and other Western governments provided billions in export credit assistance to Iraq which had a history of being delinquent or not paying on its loans.

Over the next several months I will be taking the floor to talk about the many implications of the BNL scandal. Today I would like to start with some background material. I will introduce you to the strategy Iraq used to obtain Western technology that was ultimately used for military applications. I will provide background on the United States policy toward Iraq, background on BNL, and finally a summary of BNL's use of United States Government export credit programs.

At future dates I will provide an in-depth look at the warning signs the United States ignored in dealing with Iraq, provide a more detailed look at the Iraqi technology procurement network including BNL's role in financing that network, provide statistics on the West's role in building the Iraqi war machine, and finally the need for our society, and that of our allies, to stop the proliferation of weapons of mass destruction.

SUMMARY OF UNITED STATES POLICY TOWARD IRAQ

In order to set the stage for an in-depth look at the BNL scandal, it will be useful to take a quick look at United States policy toward Iraq during the past decade or so.

In 1979, during the Carter adminstration, Iraq was labeled as a nation that had consistently supported international terrorism. At one time or another, Iraq was reportedly providing state sponsored support for the notorious anti-Israeli group the Abu Nidal Organization and other terrorist organizations. Under the export controls operative at that time, a terrorist designation meant Iraq was prohibited from purchasing many United States goods including civilian aircraft or military equipment.

Shortly after this action the Iranian revolution and ensuing hostage crisis rocked United States policy in the region. At the same time, tensions between Iran and Iraq were mounting. In 1980, Iraq invaded Iran, starting a bloody war that would last nearly 8 years and claim hundreds of thousands of lives.

The loss of Iran was a severe strategic blow to the United States. The United States feared Iranian hegemony in Middle Eastern affairs and began to tilt toward Iraq as a counterbalance to the rise of Iran. In a controversial decision, the Reagan administration removed Iraq from the terrorist list in 1983, thus easing export controls that had been instituted in 1979. It appears the United States wanted Iran to lose the war so bad that it was willing to reestablish diplomatic relations with Saddam Hussein's terrorist regime after a 17-year interruption even though many believed Iraq was still harboring terrorists.

Iraq was also friendly with Russia, and countering this influence in Iraq probably played a role in this United States decision to tilt toward Iraq. At the time, economic factors played little role.

Removing Iraq from the terrorist list also opened the door for United States Government guaranteed agricultural exports to Iraq which began in 1983. This was convenient, because at about the same time the U.S. agriculture community was experiencing surpluses in many agriculture commodities. The agriculture community supposedly saw Iraq as having long-term food needs that would present significant market opportunities for United States agricultural commodities.

In 1984, the United States officially reestablished diplomatic relations with Iraq even though in that same year Iraq had used posion gas in its war with Iran. Over the remaining years of the 1980's, Iraq continued to be one of the world's worst violators of human rights—a topic I will discuss at some length at a later date. Nevertheless, the administration continued to ignore massive human rights abuses.

As incredulous as it may seem, the United States reacted to all the human rights abuses, including Iraq gassing its own citizens, by expanding United States credit guarantee programs. From 1985 to 1990, the United States authorized over 4 billion in United States guaranteed agricultural exports to Iraq, the peak being $1.1 billion in 1988.

While Iraqi participation in the agriculture export guarantee program was increasing dramatically, Iraq was in default on United States Export-Import Bank credit programs. After settling its differences with Iraq, in 1987, the Export-Import Bank opened up for business with Iraq by providing a $200 million a year line of short-term insurance coverage for United States manufacturing exports to Iraq. These actions were probably taken to appease Saddam and his ambitious economic reconstruction program announced in 1987. The war with Iran ended in 1988, and Iraq was anxious to get the reconstruction program going. BNL would play a major role in the reconstruction effort.

THE IRAQI RECONSTRUCTION PROGRAM

With earnings from its huge oil reserves—second in the world to Saudi Arabia—Iraq entered the decade of the 1980's with hefty cash reserves. But its war with Iran—1980–88—and the drop in oil prices during the 1980's changed all that. Wartime weapons purchases coupled with domestic infrastructure expansion served to deplete Iraq's foreign exchange reserves.

Even though Iraq emerged from its war in poor financial condition, there was still some optimism regarding the reconstruction program. Iraq's oil reserves and its educated work force led many experts to believe that if Iraq could manage its economy properly, it could fulfill the promises of the reconstruction program. But with oil prices stagnating, Iraq was in poor shape to pay for this ambitious reconstruction program.

Iraq had accumulated massive debts of some $70 billion during the 8-year war with Iran. A good portion of Iraq's external debt was owed to Western bankers, and this debt had to be repaid in foreign exchange earned from oil exports. Since much of Iraq's oil earnings had to be earmarked for debt servicing, its reconstruction program was in jeopardy of failing.

Saddam reacted to this problem by calling on many foreign countries to reschedule and spread out loans that had been extended to Iraq. Iraq had showed favoritism in contracting to nations that remained loyal during the war with Iran. Iraq also preferred to deal with nations willing to reschedule debts. It has been reported that Iraq often threatened to default on its official debts if a nation would not reschedule its loans to Iraq. Iraq refused to reschedule loans with nations in a multilateral forum, a process referred to as the Paris Club. While this was a violation of stated United States policy, it was purportedly ignored because Iraq was for the most part current on its United States debt.

Complicating Iraq's debt problems, was the unwillingness of most Western banks to lend to Iraq without Government guarantees. At the date of the Iraqi invasion of Kuwait, United States-owned banks had an exposure to Iraq of a little over $100 million. Western banks were not thought to have a relatively large net position in Iraq at the time of the invasion. Since few, if any, banks were willing to lend money to Iraq, Saddam turned to Western governments for help.

Many in the West perceived Iraq as a lucrative future export market. Iraq showed a distinct liking of Western technology and agricultural commodities. Many Western governments proved more than willing to provide the credit guarantees to capture part of the Iraqi market for their exporters.

With the help of the United States, through its CCC and Eximbank programs, and augmented by similar programs administered by several European and Asian countries, Saddam was able to keep his ambitious reconstruction going. But Saddam was not satisfied, he wanted more credit to fuel the reconstruction program. Enter BNL Atlanta.

BACKGROUND ON BNL AND ITS USE OF U.S. GOVERNMENT SPONSORED EXPORT CREDIT PROGRAMS

BNL is the largest Italian bank in terms of deposits. It is 96 percent Government-owned and has over $100 billion in assets worldwide. BNL commands over $8 billion in assets in the United States with offices based in Atlanta, New York, Chicago, Miami, and Los Angeles. Its North American headquarters are in New York. In addition, BNL has a commerical paper subsidiary, called BNL U.S. Corp., incorporated in Delaware and operating out of New York. BNL has offices throughout Europe and branches in Hong Kong, Singapore, and a representative office in Tokyo. BNL also has subsidiaries in Canada and The Netherlands Antilles.

THE RAID ON BNL U.S. OPERATIONS

In July 1989, the Federal Reserve Bank of Atlanta was notified by the FBI of a substantial off-book operation at the Atlanta agency of Banca Nazionale del Lavoro. On August 4, 1989, the Federal Reserve, accompanied in Atlanta by the FBI and U.S. attorney in Atlanta, raided the U.S. operations of BNL.

Based on information gathered from that raid, it was apparent that BNL-Atlanta was conducting massive off-book transactions. The Atlanta office was lending and raising billions that it did not report on its financial statements or in its bank regulatory statements.

The off-book lending probably began in February 1987. These transactions, kept on a set of secret books, were purportedly established to conceal the excessive Iraqi loans from BNL's headquarters in Rome.

The off-book transactions were originally used to finance commodity exports to Iraq. The first such transaction occurred in February 1987 with Rafidain Bank of Baghdad, Iraq. The following paragraphs provide some background on BNL-Iraq participation in the agriculture credit programs.

USDA-CCC EXPORT CREDIT GUARANTEE PROGRAMS

The U.S. Department of Agriculture's [USDA] Commodity Credit Corporation [CCC] is authorized under the CCC Charter Act and related legislation to develop and administer programs to expand U.S. agricultural export markets. During the early 1980's, CCC devised two main credit guarantee programs to accomplish this mission; the GSM–102 and GSM–103 export credit guarantee programs. These programs target countries that have potential for additional food purchases, but are short on cash and need credit. The USDA looks at a potential participant country's long-term food needs, market development opportunities for U.S. commodities, as well as the ability of a country to repay credit extended under the programs. The USDA also receives input from the U.S. export industry, before a final decision is made on which countries will be eligible to utilize the programs.

The GSM–102 and GSM–103 programs both work in a similar manner. Essentially, the CCC guarantee operates to attract credit from the private sector to finance sales of U.S. agricultural commodities, rather than having the Government provide credit directly. The principle and most significant differences between the GSM-102 and GSM-103 programs is the length of the credit terms. Depending on individual country announcements, GSM-102 guarantee programs can cover financing terms up to 3 years. Under the GSM-103 program, credit guarantees are provided for periods from 3 to 10 years, although typically financing coverage does not extend beyond 7 years.

Prior to the beginning of each year, USDA, through its commodity divisions and the attaché service of the Foreign Agricultural Service [FAS], enter into discussions with foreign countries interested in the GSM programs. FAS then allocates the amounts of credit guarantees among potential participating countries, establishing specific country lines by commodity. These proposals are then presented to an interagency group—the National Advisory Council—for its advice.

Under both programs CCC first announces the availability of coverage for eligible countries. After the announcement, U.S. agricultural exporters register sales to the eligible country, and pays a guarantee fee to CCC.

Transactions under both programs must be covered by an irrevocable letter of credit issued by a CCC-approved bank located in the importing country. This was the Rafidain Bank in the case of Iraq. U.S. exporters usually assign the guarantee to a United States or foreign bank which then provides the financing of the export transaction.

In the case of the GSM-102 program, Congress mandated that CCC make available no less than $5 billion annually in short-term credit guarantees. Under the GSM-103, program Congress established a ceiling level which for the most recent fiscal year was $1 billion.

IRAQ UTILIZATION OF CCC CREDIT GUARANTEES

Iraq began purchasing United States commodities under the GSM program in 1983, just prior to the United States and Iraq reestablishing diplomatic relations that had been severed for 17 years. The following chart summarizes Iraq use of the GSM program.

SUMMARY OF SALES APPROVED UNDER CCC CREDIT GUARANTEE PROGRAMS FOR IRAQ

[In millions of dollars]

	GSM-102	GSM-103	Total
Fiscal year:			
1983	364.5	0	364.5
1984	646.1	0	656.1
1985	340.1	0	340.
1986	392.9	9.7	392.9
1987	652.5	85.1	652.5
1988	1,112.1	83.3	1,113.1
1989	1,088.8	38.4	1,088.8
1990	495.4	0	481.2
Total	4,862.7	216.5	5,079.2

On August 2, 1990, the USDA suspended Iraq from the GSM-102/103 Program. As of the latest reading, the total GSM Program exposure to Iraq is approximately $2 billion. Of this amount, CCC owes BNL between $347 million—BNL says $382 million—because of Iraqi nonpayment.

BNL, IRAQ, AND CCC

BNL had extensive dealings with high level Iraqis. Employees of BNL frequently visited Iraq and high-ranking government officials often made trips to the United States to meet with BNL employees.

After BNL was raided by Government officials in August 1989, the Department of Agriculture was alerted to what appeared to be irregularities in the BNL/Iraqi GSM 102-103 Programs. CCC investigated several irregularities which included:

First, unusually high prices obtained by exporters in connection with 102 sales to Iraq involving BNL;

Second, shifting of some freight and freight financing costs to CCC, thus lowering the amount of guarantee authority under the 102 Program that could be used by others;

Third, utilization of after-sales services in violation of CCC regulations;

Fourth, Iraq requiring exporters to pay a stamp tax, a policy that is supposed to be prohibited under the 102 Program.

Upon concluding its review, CCC asked the USDA's Office of Inspector General to conduct a thorough investigation of all CCC-guaranteed sales to Iraq. CCC will take the appropriate administrative or civil action in the event that the OIG report disclose wrongful violation of program requirements. The CCC is also waiting for the results of the Justice Department's ongoing criminal investigation of BNL when more information will become available.

BNL is also being investigated for links to several tobacco exporting companies that have pled guilty or are being investigated for shipping foreign source tobacco to Iraq in violation of CCC Program regulations. BNL financing of illegal sugar exports is also under review. To date, the CCC has not suspended BNL from participating in the GSM-102/103 Program.

The following sections explain the Eximbank Credit Guarantee Program Iraq participated in with BNL.

IRAQ UTILIZATION OF EXPORT-IMPORT BANK PROGRAMS

Like the GSM-102/103 Programs, Iraq used BNL to finance many of its imports transactions using Eximbank insurance programs. Eximbank finances U.S. exports by providing guarantees, insurance, and loan support. The Eximbank programs utilized by Iraq include the short-term single buyer policy which was utilized mainly by American exporters, and the bank letter of credit insurance policy which was utilized by banks like BNL. Both programs indemnify the insured party—a United States exporter or a bank—against the risk of Iraqi nonpayment.

From July 1987 to August 2, 1990, the Export-Import Bank [Eximbank] provided Iraq with $200 million of short-term insurance coverage, insuring against Iraqi nonpayment for up to 360 days. In testimony before the House Banking Committee, Eximbank officials stated, "* * * we cautiously opened in Iraq only for short-term insurance despite tremendous pressure from the American business community as well as competition from foreign export credit agencies * * *" Eximbank also received tremendous pressure from the Government of Iraq, which was continually requesting that Eximbank expand its coverage to include medium- and long-term insurance coverage.

Eximbank was cautious about its exposure to Iraq because of a history of Iraqi payment delinquencies. In fact, for 18 months prior to opening with Iraq in 1987, Eximbank had suspended Iraq because of payment delinquencies. As recent as July 20, 1990, Eximbank had to pay an exporter $53,000 because of Iraqi refusal to make good on a contract insured by Eximbank.

In total, Eximbank has insured hundreds of millions of dollars of exports to Iraq. The current Eximbank exposure to Iraq is $73.5 million, of which $55 million is for amounts outstanding and $18.5 million represents potential exposure. The potential exposure of $18.5 million relates to shipments which did not take place prior to August 2, 1990. Since these exports were banned, Eximbank should be able to take these guarantees off its books.

Under the Eximbank Letter of Credit Program with Iraq, BNL was insured for 51 export transactions with a dollar value of $47 million. Of this amount $43.8 million has been repaid by Iraq. Eximbank currently owes BNL the remaining $3.2 million because Iraq defaulted on several letters of credit that were funded by BNL and insured by Eximbank.

BNL LOANS FOR IRAQI RECONSTRUCTION PROGRAM

Officials from the Atlanta office of BNL had developed a close working relationship with high-level Iraq Government officials due to BNL participation in the CCC Credit Guarantee Program. As the war with Iran ended in 1988, BNL Atlanta was asked to take a bigger role in the reconstruction program by financing noncommodity exports to Iraq. While these loans were supposed to help rebuild the Iraqi civilian economy, many went to improve the Iraqi war machine.

Lending under these agreements took the form of four "medium-term loan agreements [MTL's] signed with the Central Bank of Iraq [CBI]. These loans had 5- to 7-year maturities and 2- to 5-year grace periods. BNL was able to borrow such large amounts of money because of its reputation and, more importantly, its top-notch credit rating. The loan agreements are summarized below.

Note	Date	Amount
MTL I	2/22/88	$200 million.
MTL II	10/6/88	300 million.
MTL III	12/3/88	500 million.
MTL IV	4/8/89	1.155 billion.

By the time regulators raided BNL a majority of the loans had already been disbursed. Disbursement took several forms. Sometimes BNL paid exporters directly. Sometimes the Central Bank of Iraq would pay an exporter directly and then BNL would make a payment to the CBI's account at a U.S. bank that covered the dollar equivalent of all foreign currency payments made by CBI. Other times, BNL would lend directly to CBI by placing funds in CBI accounts.

As of January 1990, a total of $1.55 billion had been drawn and committed under these agreements. After the raid, Iraq still insisted that BNL make good on the remaining loans still outstanding under the agreements. After months of intense negotiations, on January 24, 1990, BNL and Iraq renegotiated the four MTL's. They agreed that the residual $600 million or so would be utilized for new transactions, two-thirds of which would finance projects, the supplies and services coming from Italian firms and one-third could be used for purchases from other countries.

You might wonder why BNL renegotiated the loans. It's simple, under international law the contracts signed with BNL were valid. So Iraq threatened not to repay the money it already owed to BNL unless BNL made good on the remaining balance of the loans.

INTRODUCTION TO IRAQI TECHNOLOGY PROCUREMENT NETWORK

Besides providing an example of botched bank supervision, BNL provides an example of a less evident, but more more profound policy failure; the failure to stop arms proliferation.

The spread of ever more sophisticated weaponry—including chemical, biological, and nuclear weapons—and of the missiles capable of carrying them, represents a growing danger to international security. Arms proliferation exacerbates and fuels regional tensions, complicates U.S. defense planning, and poses ever greater dangers to U.S. forces and facilities abroad.

The West's policy toward Iraq is a case study in the dangers of failing to stop arms proliferation. Many of our coalition partners sold weapons directly to Iraq. The United States and many coalition partners, either directly or indirectly, provided Iraq with the technology and know-how needed to build and improve the very weapons capability we are now engaged in destroying.

A recent episode of the ABC–TV show "20/20" highlights the dangers of allowing sophisticated U.S. technological know-how to get into the wrong hands. A U.S. company developed a feared weapon called a "cluster bomb." The United States had prohibited the sale of this bomb to Iraq, but this did not stop Iraq.

Arms dealers apparently bought the know-how to produce the cluster bomb from the American company that developed the bomb for the U.S. military. The arms dealers then modified the plans slightly, applied and were granted a U.S. patent, and then sold the plans to other arms dealers outside the United States, who built a cluster bomb factory. Iraq was grateful; it purchased thousands of bombs and may have even built its own bomb factory. Needless to say, the Iraqi cluster bombs now threaten the lives of our soldiers in the gulf.

Third world nations like Iraq, wishing to obtain dominance in their regions by using the military might, too often do not have to relay on obtaining the weapons of mass destruction directly.

Instead, these nations take advantage of nonexistent or poorly enforced export control laws in the West to obtain the technology and know-how to build weapons facilities on their own home soils. Iraq was one such nation.

IRAQIS SUCCESSFUL IN OBTAINING WESTERN TECHNOLOGY

The Iraqi's were quite successful in obtaining western technology. During the 1980's, Iraq established ownership or control of a sophisticated network of United States and European front companies whose primary mission was to obtain western military technology and know-how and export it back to Iraq. The Iraqis were very secretive in their dealings and were careful to conceal their true affiliation.

An example of the success of this network is the Taji Complex, a cannon factory outside of Baghdad. This project was long considered a civilian industrial complex, and many western nations provided the technology and know-how to build it. Last year, a German Government investigation concluded Taji was meant for the manufacture of gun barrels. Many European and United States companies provided technology for this plant.

Hopefully, coalition air forces have destroyed the Taji Complex. But the Taji Complex is just one example of the Iraqi strategy. Over the next several months I will acquaint you with other Iraqi military applications made possible by Western technology and BNL financing.

A recent example of a company linked to the Iraqi network is the Cleveland, Ohio-based machine tool company, Matrix-Churchill. Iraqis secretly owned Matrix-Churchill and its affiliate in England and used both to obtain computer-controlled lathes and other industrial machinery that went into the Taji Cannon Complex.

Upon gaining control of the Cleveland-based Matrix-Churchill, the Iraqi's set up a procurement division within the company. The procurement side of the company received its orders, mostly in Arabic, directly from Baghdad. It was apparently charged with finding other United States companies that would build industrial plants in Iraq. Matrix-Churchill helped find U.S. contractors to build a Fiberglass plant and sophisticated cutting tool plant in Iraq. The cutting plant may have been used to manufacture parts with nuclear applications, while the Fiberglass plant was supposedly used to produce missile casings.

Ironically, the U.S. Government and our Western allies often granted export licenses for such plants, thus permitting countries like Iraq access to such sophisticated technology. This was the case with the above plants. The United States Customs Service confiscated Matrix-Churchill in September 1990, calling it an "Iraqi front company."

HUNDREDS OF SUCH COMPANIES?

It is likely that the Iraqi network used dozens of United States and European companies to supply the needed technology and know-how to upgrade Iraqi military capability. It is debatable whether or not these companies knew the ultimate destination of their products. Some probably did; some probably did not. These companies were often lured into supplying Iraq by higher than normal profits and even bribes.

WHERE WAS THE INTELLIGENCE COMMUNITY?

As I stated earlier, it is hard to believe that the United States intelligence community or that of our allies did not know about the applications of technology being transferred to Iraq. It is also hard to believe BNL escaped the attention of the intelligence community. These organizations monitor overseas telexes and phone conversations. Did they fail to discover the over 3,000 telexes between BNL and Iraqi Government agencies, many providing information detailing loans to companies that were building the Taji complex and other military related projects within Iraq?

They also monitor travel between the United States and Iraq. Did they fail to discover the many visits BNL employees made to Iraq and vice versa, and the purpose of such visits?

Given the magnitude of the loans to Iraq, and the projects that some of the loans were going to finance, one would almost be justified in asking the question: If the United States and Western intelligence community did not know about BNL, did they fail to do their job properly?

Obviously, many exporters knew they were building or supplying machinery and know-how to weapons plants in Iraq. If it was common knowledge among exporters that many of the supposed "industrial facilities" in Iraq, like the Taji complex, were actually military plants, one would think the Western intelligence community would know about these plants? I would also like to think our Government would have severely reprimanded Iraq for such activities. Maybe the United States intelligence community did not know, because Iraq was never severely penalized.

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Mr. Speaker, at the end of my remarks I am including some tables and also copies of correspondence between the Honorable Richard L. Thornburgh, the Attorney General of the United States, and myself. Let me say that the Attorney General was very, very much opposed to my calling and holding the hearings last November.

My colleagues can read what I said by way of explanation in this letter. I will just read the first paragraph. I said to the Attorney General: "The purpose of this letter is to respond to your letter of September 26, 1990, and to express my distress over your apparent lack of understanding of the investigative and legislative functions of the Congress."

Mr. Speaker, there is only one of the three basic constitutional powers inherent in the Congress and not delegatable that has remained, I would say, fairly intact and upheld by Supreme Court decision after Supreme Court decision, and that one is the right for the Congress to know, seek, and obtain information. Our purpose is legislative because we have the task of having to plug this tremendous hole in our regulatory structure that allows, even now as I speak, close to 600 billion dollars' worth of credit resources in this country to be used in a way that may not be perceived now any more than it was before August 2, 1990.

Mr. Speaker, the tables and correspondence to which I referred are included as follows:

BNL PARTICIPATION IN CCC PROGRAMS

TABLE L-1.—ANNOUNCED AVAILABILITY OF ALL-RISK FINANCING GUARANTEES APPLICABLE UNDER THE TRADITIONAL CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) DURING FISCAL YEAR 1983

[In millions of dollars]

Country and commodity	Announced value of all-risk financing guarantees availability	Announced period of coverage (months)
Iraq:	....	....
Wheat/flour	137.0	36
Rice	80.0	36
Feed grains	13.0	36
....	47.33	....

TABLE K-1.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1984

[In millions of dollars]

Country and commodity	GSM—102 guarantees			Direct credit GSM-5	Total (102 and 5)	Credit period months
	Straight	Blended	Total			
Iraq:						
Feed grains	168.4	....	168.4	....	168.4	36
Seeds, planting	10.0	....	10.0	....	10.0	36
Protein meal	86.4	....	86.4	....	86.4	36
Rice	197.0	....	197.0	....	197.0	36
Tobacco	17.0	....	17.0	....	17.0	36
Wheat	203.0	....	203.0	....	203.0	36
Subtotal	681.8	0.0	681.8	0.0	681.8	....

TABLE K-1.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1984

[In millions of dollars]

Country and commodity	GSM—102 guarantees			Credit period (months)
	Announced	Registered	Balance	
Iraq:				
Beef/poultry parts	9.00	0	9.00	....
Corn	45.00	5.20	39.80	36
Feed grains	60.00	0	60.00	....
Fruits/veg. canned	3.00	0	3.00	....
Lentils	11.00	2.80	8.20	36
Livestock, breeding	15.00	.90	14.10	36
Meats, canned	2.00	0	2.00	....
Oilseeds	7.50	0	7.50	....
Planting seeds	12.00	11.40	0.60	36
Potatoes	3.00	0	3.00	....
Protein meal	107.50	16.50	91.00	36
Rice	180.00	178.80	1.20	36
Sugar	20.00	14.70	5.30	36
Tallow/grease	15.00	4.40	10.60	36
Tobacco	25.00	13.70	11.30	36
Veg. oils	5.00	3.20	1.80	36
Wheat	160.00	88.50	71.50	36
Subtotal	680.00	340.10	339.90	....

TABLE K-1.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1986

[In millions of dollars]

Country and commodity	GSM—102 guarantees			Credit period (months)
	Announced	Registered	Balance	
Iraq:				
Beans, dry edible/peas/lentils	15.0	8.2	6.8	36
Corn	64.3	33.0	31.3	36
Cotton and/or cotton yarns/wool	20.0	15.6	4.4	36
Hides and/or skins and leather	16.0	11.4	4.6	36
Oilseeds/protein meals and/or protein concentrates of veg./animal origin	51.0	36.4	14.6	36
Planting seeds	12.0	11.2	0.8	36
Rice	115.0	91.9	23.1	36
Soft drink concentrate	7.0	6.8	.2	36
Sugar (U.S. grown & refined)	23.0	22.5	.5	36
Veg. oils and/or tallow	24.0	24.0	0	36
Wheat	110.0	107.5	2.5	36
Wheat flour	17.7	14.7	3.0	36
Subtotal	475.0	383.2	91.8	36

TABLE K-1A.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1986

[In millions of dollars]

Country and commodity	GSM—103 guarantees			Credit period (years)
	Announced	Registered	Balance	
Iraq:				
Tobacco	15.0	0.0	15.0	4.7
Breeder livestock	10.0	9.7	0.3	4.5
Subtotal	25.0	9.78	15.3	....

TABLE K-1.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1987

[In millions of dollars]

Country and commodity	GSM-102 guarantees			Credit period (months)
	Announced	Registered	Balance	
Iraq:				
Barley	10.0	6.7	3.3	36
Beans/peas lentils, dry edible	12.5	12.4	.1	36
Corn	6.4	56.3	.1	36
Cotton and/or cotton yarns	30.0	17.0	13.0	36
Hides and/or skins (including a full range of further processed commodities such as wet blue hides and fully finished leather	9.9	9.8	.1	36
Planting seeds	10.8	10.3	.5	36
Poultry meat, frozen	59.1	59.1	0	36
Protein concentrates (animal or vegetable origin)	17.0	16.9	.1	36
Protein meals	55.9	55.9	0	36
Rice	107.9	107.8	.1	36
Soft drink and/or fruit juice concentrate	13.0	12.8	.2	36
Sugar (U.S.-grown and refined)	40.5	40.5	0	36
Tallow	9.3	9.3	0	36
Veg. oils	15.9	15.9	0	36
Wheat	88.0	82.1	5.9	36
Wheat flour	17.9	17.9	0	36
Wood products (lumber, match-sticks, pulp)	33.5	31.6	1.9	36
Wool	5.7	5.1	.6	36
Subtotal	593.3	567.4	25.9	....

TABLE K-1A.—ANNOUNCED COMMERCIAL CREDIT LINES—BY COUNTRY AND COMMODITY DURING FISCAL YEAR 1987

[In millions of dollars]

Country and commodity	GSM-103 guarantees			Credit period (years)
	Announced	Registered	Balance	
Iraq:				
Breeder livestock (incl. breeder chicks and/or hatching eggs)	8.0	7.4	.6	4-7
Eggs, table	10.0	9.4	.6	4-5
Protein concentrates (animal or vegetable origin)	44.0	44.0	0	4-7
Tobacco	25.0	24.3	.7	4-7
Subtotal	87.0	85.1	1.9	....

TABLE K–1.—ANNOUNCED COMMERCIAL CREDIT LINES, BY COUNTRY AND COMMODITY, DURING FISCAL YEAR 1988

[In millions of dollars]

Country and commodity	GSM–102 guarantees			Credit period (months)
	Announced	Registered	Balance	
Iraq:				
Barley	13.0	13.0	0	36
Barley malt, hops and/or hop extract	0.8	0.8	0	36
Beef, frozen (incl. frozen beef and lamb variety meats)	2.77	2.77	0	36
Concentrates (fruit juice and/or soft drink)	8.2	8.1	.1	36
Corn thickeners	.56	.56	0	36
Cotton and/or cotton yarns	59.79	59.79	0	36
Feed grains	113.60	113.60	0	36
Hides and/or skins	2.1	2.1	0	36
Infant milk formula	4.8	4.8	0	36
Leather (semi and/or fully-finished—incl. a full range of further processed commodities such as crust leather)	5.82	5.82	0	[1] 720
Lumber	53.40	53.40	0	36
Milk powder, dry (full fat)	16.2	16.2	0	36
Plantings seeds	12.50	12.43	.07	36
Protein concentrates (animal or vegetable origin)	48.2	48.2	0	36

TABLE K–1.—ANNOUNCED COMMERCIAL CREDIT LINES, BY COUNTRY AND COMMODITY, DURING FISCAL YEAR 1988—Continued

[In millions of dollars]

Country and commodity	GSM–102 guarantees			Credit period (months)
	Announced	Registered	Balance	
Protein meals	85.4	85.4	0	36
Pulses (dry edible peas, beans, lentils)	16.17	16.17	0	36
Rennet, natural calf (U.S.)	.5	.3	.2	36
Rice	265.98	265.98	0	36
Sugar (U.S.-grown and refined)	68.0	67.5	.5	36
Tallow	14.18	14.18	0	36
Veg. oils	26.52	26.52	0	36
Wheat	134.59	134.59	0	36
Wood cants (U.S.)	2.9	2.9	0	36
Wood products, solid (plywood)	21.14	21.14	0	12
Wood pulp	46.2	46.2	0	36
Wool/wool yarn	7.41	7.41	0	36
Undesignated	10.77	0	10.77	
Subtotal	1,041.50	1,029.86	11.64	

[1] Days.

TABLE K–1A.—ANNOUNCED COMMERCIAL CREDIT LINES, BY COUNTRY AND COMMODITY, DURING FISCAL YEAR 1988

[In millions of dollars]

Country and commodity	GSM–103 guarantees			Credit period (years)
	Announced	Registered	Balance	
Iraq:				
Breeder livestock (incl. breeder chicks and hatching eggs)	35.4	32.3	3.1	4–7
Protein concentrates (animal or vegetable origin)	22.7	24.1	3.6	4–7
Tobacco	26.9	26.9	0.0	4–7
Subtotal	90.0	83.3	6.7	

BNL PARTICIPATION IN EXPORT-IMPORT BANK PROGRAMS

Insname	Supname	City, and State	Import name	Products	Amount cleared	Date authorized
BNL–Atlanta	Petrogen Intl Ltd	Richmond, VA	ST ENT Iron & Steel	Oxy-Gas Cutting Torches	230,000	Feb. 23, 1988
BNL–Atlanta	Gould Electronics	Woodbridge, NJ	Iraqi Grain Board	Spare Parts for elect equp	195,614	Feb. 25, 1988
BNL–Atlanta	Ransome Company	Houston, TX	Oil Equipment Co	Arc Welding equipment	283,193	Apr. 8, 1988
BNL–Atlanta	Marnerwood Ltd	Baltimore, Md	Rayon State Estab	Cooling plant parts	144,884	Apr. 12, 1988
BNL–Atlanta	Trading & Inv Corp	Charlotte, NC	Al Hilal Ind Estab	Air cooler parts	352,560	May 11, 1988
BNL–Atlanta	Snap-On Tools	Kenosha, WI	Light Industries Co	Spare parts	217,090	May 11, 1988
BNL–Atlanta	RD & D Intl Inc	Vienna, VA	Sadam Genl Estabmt	Machine Tools and Tech svcs	3,805,938	May 11, 1988
BNL–Atlanta	CDP Intl Inc	Sydney, OH	Iraqi Trading Co	A/C compressors	1,928,505	May 11, 1988
BNL–Atlanta	Lobel Chemical Corp	New York, NY	St Org Mech & Ag Sup	Herbicide	247,005	May 11, 1988
BNL–Atlanta	Ransome Company	Houston, TX	Oil Equipment Co	(12) Welding machines	16,584	May 17, 1988
BNL–Atlanta	Telwar Intl Inc	Nashville, TN	Modern Paint Indust	Chem raw mat and solvents	806,423	May 17, 1988
BNL–Atlanta	West Point	West Point, GA	St Establish Cotton	Spare parts for Looms	20,108	May 25, 1988
BNL–Atlanta	Munradtech Ltd	Detroit, MI	North Cement St Ent	(2) 35 ton dump trucks	297,926	May 25, 1988
BNL–Atlanta	Mobayt Crop Dyes	Rock Hill, SC	St Est Leather Ind	Leather dyes	59,500	May 25, 1988
BNL–Atlanta	Bristol Myers Intl		St Co. Drugs & Med Ap	Pharmaceuticals	348,750	June 7, 1988
BNL–Atlanta	Videojet System Intl	Elk Grove Villiage, IL	St Ent Beverages	Coding machine and parts	45,487	June 14, 1988
BNL–Atlanta	McNeil Akron, Inc	Akron, OH	New Tyres Project	(26) Tube presses	1,796,448	June 14, 1988
BNL–Atlanta	Breezevale Inc	Woodbridge, NJ	Iraqi Trading Co	Tires and tubes	5,249,649	June 21, 1988
BNL–Atlanta	Copeland Intl Inc		Iraqi Trading Co	A/C compressors	147,120	June 23, 1988
BNL–Atlanta	Breezevale Inc	Woodbridge, NJ	Iraqi Trading Co	Tires and tubes	683,194	June 29, 1988
BNL–Atlanta	Gould Electronics	North, MA	Genl Cement St Ent	Controller modicum	127,942	June 29, 1988
BNL–Atlanta	American Textile	Gastonia, NC	St Est for Cotton	Polyester yarn	1,210,000	July 18, 1988
BNL–Atlanta	Cyanamid Intl Sales	Wayne, NJ	Agric Supplies	Vet pharmaceuticals	267,000	July 15, 1988
BNL–Atlanta	Med-Tek Intl	New York, NY	St Co Drugs & Medical	C. T. Scanner parts	448,009	July 15, 1988
BNL–Atlanta	Ceva Labs	Wayne, NJ	Agric Supplies	Vet pharmaceutics	177,550	July 15, 1988
BNL–Atlanta	DOW Chemical		Agric Supplies	Lorsban and Dursban	1,497,000	July 15, 1988
BNL–Atlanta	American Ex-Im	Southfield, MI	Electronic Indust Co	Electronic parts and mat	2,100,000	July 22, 1988
BNL–Atlanta	John Deere Co		Misan St Sugar Ent	Spare parts	94,913	Aug. 3, 1988
BNL–Atlanta	Warner Lambert Co	Morris Plains, NJ	St Co Drugs & Med App	Pharmaceuticals	19,332	Aug. 4, 1988
BNL–Atlanta	Carey Agri Intl	Brandon, FL	Agric Supplies Co	Embryo Transfer Supplies	72,740	Oct. 31, 1988
BNL–Atlanta	West Point Foundry	West Point, GA	St Est Cotton	Spare parts	33,803	Oct. 31, 1988
BNL–Atlanta	Singer Products	Great Elk, NY	St Battery Manuf	Spare parts	80,244	Oct. 31, 1988
BNL–Atlanta	Draper Corp	Spartanburg, NC	St Est Cotton	Spare parts	77,326	Oct 31, 1988
BNL–Atlanta	Al Haddad	Des Plaines, IL	St Ent Pup & Paper	Rubber blankets	67,143	Oct. 31, 1988
BNL–Atlanta	Al Hadad	Nashville, TN	St Ent Pulp & Paper	Reed Cutter knives	67,494	Oct. 31, 1988
BNL–Atlanta	Nash Intl Co	Norwalk, CT	St Ent Pulp & Paper	Vacuum pumps	313,760	Oct. 31, 1988
BNL–Atlanta	Al Haddad	Nashville, TN	St Ent Pulp & Paper	Paper and board mach blades	48,272	Oct. 31, 1988
BNL–Atlanta	EMU Inc	Des Plaines, IA	St Est Leather Ind	Various chemicals	332,820	July 26, 1988
BNL–Atlanta	Telwar Intl	Nashville, TN	Modern Paint Indust	Paint solvent and thinner	179,200	June 29, 1988
BNL–Atlanta	EMU Inc	Buffalo, NY	St Est Leather Ind	Varnish, wax and paint	326,670	July 18, 1988
BNL–Atlanta	Carey Agri	Brandon, FL	Agric Supplies Co	Vet pharmaceuticals	1,233,870	Nov. 17, 1988
BNL–Atlanta	Cyanamid Intl	Wayne, NJ	Agric Supplies Co	20 tons of aurofac	178,000	Nov. 17, 1988
BNL–Atlanta	Stork Gamco		Agric Supplies Co	Spare parts	1,050,234	Nov. 29, 1988
BNL–Atlanta	Amer Cast Iron Pipe	Birmingham, AL	Amanat Baghdad	Ductile iron pipe	6,000,000	Dec. 20, 1988
BNL–Atlanta	Draper Corp	Spartanburg, SC	St Est Cotton Indust	Spare parts	96,213	Feb. 9, 1989
BNL–Atlanta	Top Value	Mount Vernon, NY	St Co Drugs & Med App	Spare parts	700,084	Feb. 9, 1989
BNL–Atlanta	EMU Inc	Buffalo, NY	St Est Leather Indus	Collophane and dry pexol	19,400	Feb. 9, 1988
BNL–Atlanta	Telwar Intl	Nashville, TN	Modern Paint Indust	Chem raw materials	9,712,000	Apr. 10, 1989
BNL–Atlanta	VWR Scientific	San Francisco, CA	Agric Supplies Co	Lab Equipment	126,848	June 27, 1989

Source: Eximbank Oct. 12, 1990.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, September 26, 1990.
Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to express my profound disappointment in your decision to ignore the strong objections of this Department in the Banca Nazionale del Lavoro (BNL) matter. I am similarly distressed by your refusal last evening to discuss the matter with me.

Your intention to schedule a hearing for October 9th on the investigation of unauthorized loans to Iraq by BNL and the request to interview both the Assistant United States Attorney and the government witnesses in the case raises the prospect that culpable parties will elude prosecution. Your staff is fully aware of the existence of our ongoing criminal investigation and the likely impact that these actions will produce on our efforts.

As you should be aware, this is a sensitive case with national security concerns. The United States Attorney in Atlanta advises me that both witness security and the willingness of witnesses to continue to cooperate with the investigation and prosecutions will be jeopardized by your Congressional staff interviews and hearing.

Mr. Chairman, a decision to proceed with these interviews and the hearing at this time significantly diminishes the Department's ability to successfully prosecute this matter. Accordingly, we again request that your staff work with the Department to find alternatives that allow both the legislative and the law enforcement processes to function.

Sincerely,

DICK THORNBURGH,
Attorney General.

COMMITTEE ON BANKING, FINANCE
AND URBAN AFFAIRS,
Washington, DC, September 28, 1990.

Hon. RICHARD L. THORNBURGH,
Attorney General, Washington, DC.

DEAR MR. ATTORNEY GENERAL: The purpose of this letter is to respond to your letter of September 26, 1990, and to express my distress over your apparent lack of understanding of the investigative and legislative functions of the Congress.

On September 21, 1990, I agreed to allow my staff to meet with your staff to discuss the Justice Department's concerns related to the Banking Committee's investigation of the Atlanta Agency of Banca Nazionale Del Lavoro (BNL). During, and subsequent to this meeting, your staff was unable to comply with my request for specific justification for suspending this most important inquiry.

Specifically, the Justice Department failed to reveal how interviewing employees from the Federal Board, the Federal Reserve Bank of Atlanta, the Department of Banking and Finance of the State of Georgia, and current and former employees of BNL would, as your letter states, "significantly diminish the Justice Department's ability to successfully prosecute this matter." In addition, the Justice Department failed to demonstrate how the Banking Committee's investigation would jeopardize the personal security of witnesses or inhibit their cooperating with the Justice Department's investigation of BNL.

As Chairman of the Banking Committee, I am concerned that the regulation and examination of the U.S. branches and agencies of foreign banks (see the International Banking Act 92 Stat. 607) is inadequate. These entities command over $500 billion in assets in the U.S., and a significant portion of their liabilities are guaranteed by the Federal Deposit Insurance Corporation (FDIC). The magnitude of the BNL fiasco (i.e., $2.8 billion in unauthorized loans to Iraq), while not directly posing a risk of the FDIC, certainly raises the question of the adequacy of state and federal regulation and oversight of these entities. Rest assured, in order to ensure the U.S. branches and agencies of foreign banks do not pose an undue risk to the already beleaguered FDIC, the Banking Committee will continue to investigate the adequacy of the regulation and examination of these entities. The BNL case provides a clear case of a regulatory breakdown that needs to be understood and addressed.

With regard to the Banking Committee's legislative interest in BNL, the Federal Reserve has notified me that the BNL investigation uncovered a loophole in the criminal code that will probably allow former employees of BNL to escape Federal prosecution for fraud, theft, enbezzlement, misapplication of funds, and bribery. You can be sure that I will continue to work to correct this over decade long Justice Department oversight. I have been given permission by the Rules Committee, and I intend to offer, a Floor amendment to the crime bill that will close this loophole in the criminal code.

I hope this letter has served to properly inform you as to the Banking Committee's legislative and investigative interests in BNL. I trust the Justice Department will provide it full cooperation.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GLICKMAN, for 60 minutes each day, on February 5 and 6.

Mr. BILBRAY, for 5 minutes, on February 5 and 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LAGOMARSINO) and to include extraneous matter:)

Mr. GREEN of New York.
Mr. KOLBE.
Mr. GRADISON.
Mr. CLINGER.
Mr. MICHEL.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. LANTOS in two instances.
Mr. STARK in three instances.
Mr. CLEMENT.
Mr. DORGAN of North Dakota.
Mr. STOKES.
Mr. PENNY.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mrs. LLOYD in five instances.
Mr. HAMILTON in 10 instances.
Mr. DE LA GARZA in 10 instances.
Mr. MATSUI in three instances.
Mr. ERDREICH.
Mr. HOCHBRUECKNER.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

SENATE BILL REFERRED

[Omitted from the Congressional Record of Thursday, January 31, 1991]

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 296. An act to amend the Immigration and Nationality Act to provide for special immigrant status for certain aliens who have served honorably (or are enlisted to serve) in the Armed Forces of the United States for at least 12 years; Committee on the Judiciary.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 5, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

537. A letter from the Deputy Assistant Secretary (Communications, Computers and Logistics), Department of the Air Force, transmitting notification of the decision to convert to contractor performance the military family housing maintenance function at Little Rock Air Force Base, AR, pursuant to Public Law 100-463, sections 8061 (102 Stat. 2270-27); to the Committee on Appropriations.

538. A letter from the Deputy Director, Defense Research and Engineering, Department of Defense, transmitting notification of one additional fiscal year 1991 test project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

539. A letter from the Deputy Secretary of Defense, transmitting a waiver of limitation on obligation against stock funds, pursuant to Public Law 101-510, section 311; to the Committee on Armed Services.

540. A letter from the Acting Chair, the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 1990 annual report, pursuant to Public Law 101-73 section 1103(a)(4) (103 Stat; 512); to the Committee on Banking, Finance and Urban Affairs.

541. A letter from the Deputy Under Secretary for Policy, Planning and Analysis, Department of Energy, transmitting the Department's notification that the report on energy projections will be forthcoming no later than July 31, 1991, pursuant to 42 U.S.C. 7361(a); to the Committee on Energy and Commerce.

542. A letter from the Assistant General Counsel, Department of Energy, transmitting a notice of a meeting related to the International Energy Program to be held on January 24, 1991, at the OECD, in Paris, France; to the Committee on Energy and Commerce.

543. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of Presidential Determination No. 91-12, authorizing the furnishing of assistance from the emergency refugee and migration assitance fund for unexpected urgent needs

of refugees and conflict victims in Africa and the Middle East, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

544. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1, 1990, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

545. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Katherine Shirley, of Illinois, to be Ambassador to the Republic of Senegal, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

546. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

547. A letter from the Board for International Broadcasting, transmitting a copy of the Board for International Broadcasting 1991 annual report; to the Committee on Foreign Affairs.

548. A letter from the Administrator, Cost Accounting Standards Board, transmitting the first annual report, pursuant to Public Law 100-679, section 5(a) (102 Stat. 4062); to the Committee on Government Operations.

549. A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting the Commission's 32d annual report of the Advisory Commission on Intergovernmental Relations, pursuant to 42 U.S.C. 4275(3); to the Committee on Government Operations.

550. A letter from the Acting Cochairman, Appalachian Regional Commission, transmitting a report of the Commission's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

551. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

552. A letter from the Executive Assistant, Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

553. A letter from the President, Export-Import Bank, transmitting a report of the Bank's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

554. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

555. A letter from the Chairman, National Labor Relations Board, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

556. A letter from the Executive Secretary, National Security Council, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

557. A letter from the Staff Director, U.S. Commission on Civil Rights, transmitting a report of the agency's compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

558. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting a report on six compensatory royalty agreements relating to oil or gas which were entered into during fiscal year 1990 involving unleased Government lands, pursuant to 30 U.S.C. 226(g); to the Committee on Interior and Insular Affairs.

559. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan for the use of the Seminole Nation of Oklahoma judgment funds, pursuant to Public Law 101-277, section 3(a) (104 Stat. 143); to the Committee on Interior and Insular Affairs.

560. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

561. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

562. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

563. A letter from the Assistant Attorney General for Legislative Affairs, Department of Justice, transmitting the Department's annual report on the assets forfeiture fund for the fiscal year 1990, pursuant to 28 U.S.C. 524(c)(6)(A); to the Committee on the Judiciary.

564. A letter from the Chairman of the Board, Panama Canal Commission, transmitting the Commission's report, including unaudited financial statements, covering the operations of the Panama Canal during fiscal year 1990, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marine and Fisheries.

565. A letter from the Director, Office of Personnel Management, transmitting a copy of the fiscal year 1990 report on the implementation of the Federal Equal Opportunity Recruitment Program, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

566. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in Operation Desert Storm, or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

567. A letter from the Acting Chairman, U.S. International Trade Commission, transmitting the Commission's 64th quarterly report on trade between the United States and nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

568. A letter from the Secretary of Defense, transmitting a copy of Presidential exemptions in the interest of national defense, relating to apportionments, internal accounting controls, and use of authority to provide for the cost of an airborne alert and increased military personnel, pursuant to 10 U.S.C. 2201; jointly, to the Committees on Armed Services and Appropriations.

569. A letter from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting a report on various issues of the Safety Research Program of the Nuclear Regulatory Commission, pursuant to 42 U.S.C. 2039; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

570. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

571. A letter from the Comptroller General of the United States, transmitting a report on the assignment or detail of General Accounting Office employees to congressional committees as of January 11, 1991; jointly, to the Committees on Government Operations and Appropriations.

572. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry our the programs of the U.S. Holocaust Memorial Council; jointly, to the Committees on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STOKES (for himself, Mr. LEWIS of California, Mr. DYMALLY, and Mr. MFUME):

H.R. 775. A bill to establish summer science academies for talented students, particularly economically disadvantaged, minority participants, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Education and Labor.

By Mr. SHARP (for himself, Mr. DINGELL, Mr. SLATTERY, and Mr. TOWNS):

H.R. 776. A bill to provide for improved energy efficiency; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself, Mr. DINGELL, Mr. SLATTERY, and Mr. TOWNS):

H.R. 777. A bill to amend the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself, Mr. DINGELL, Mr. MARKEY, Mr. SLATTERY, and Mr. TOWNS):

H.R. 778. A bill to provide additional authority to draw down the strategic petroleum reserve; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself, Mr. DINGELL, Mr. SWIFT, Mr. SLATTERY, and Mr. TOWNS):

H.R. 779. A bill to increase the Nation's use of natural gas by simplifying and streamlining current regulatory requirements for new natural gas pipeline construction; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself, Mr. Markey, Mr. Swift, Mr. Slattery, and Mr. Towns):

H.R. 780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for generating electricity using solar, wind, or geothermal energy and to encourage energy and water conservation; to the Committee on Ways and Means.

By Mr. BUSTAMANTE:

H.R. 781. A bill to delay the planned increase in the annual deductibles for health care under the Civilian Health and Medical Program of the uniformed services until the end of the Persian Gulf conflict; to the Committee on Armed Services.

By Mr. CLINGER:

H.R. 782. A bill to amend the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to reduce under certain circumstances the percentage of voting interests of air carriers which are required to be owned or controlled by persons who are citizens of the United States; to the Committee on Public Works and Transportation.

By Mr. DARDEN:

H.R. 783. A bill to amend title 28, United States Code, to make incarcerated individuals ineligible for witness fees; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota (for himself, Mr. Jenkins, Mr. Chandler, Mr. Grandy, Mr. Ramstad, Mr. Horton, Mr. Oxley, Mr. Valentine, Mr. Machtley, Ms. Long, Mr. Hefner, Mr. Chapman, Mr. Hughes, Mr. Zimmer, Mr. Sundquist, Mr. Kleczka, Mr. Kolter, Mr. Jontz, Mr. Martinez, Mr. Walsh, Mr. Combest, Mr. Stenholm, Mr. Price, Mr. Smith of Florida, Mr. Bruce, Mr. Ford of Tennessee, Mr. Weber, Mr. Rahall, Mr. Barnard, Mr. English, Mr. Walker, Mr. Gejdenson, Mr. Synar, Mr. Johnson of South Dakota, Mr. Gallegly, Mr. Burton of Indiana, Mr. Emerson, Mr. Hall of Texas, Mrs. Byron, Ms. Pelosi, Mr. Torres, Mr. Mollohan, Mr. Kostmayer, Mr. Peterson of Minnesota, and Mr. Foglietta):

H.R. 784. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction; to the Committee on Ways and Means.

By Mr. GREEN of New York:

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to make it clear that housing cooperatives are exempt from the provisions of section 277 of such code; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER:

H.R. 786. A bill to provide for full statutory wage adjustments for prevailing rate employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEVIN of Michigan (for himself, Ms. Kaptur, Mr. Regula, and Mrs. Collins of Illinois):

H.R. 787. A bill to amend the Trade Act of 1974 to strengthen and expand the authority of the U.S. Trade Representative to identify trade liberalization priorities, and for other purposes; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mrs. LLOYD (for herself, Mr. Morrison of Washington, Mr. McEwen, and Mr. Hubbard):

H.R. 788. A bill to maintain a competitive, financially strong, and secure uranium enrichment capability in the United States by reorganizing the uranium enrichment enterprise, and for other purposes; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; and Science, Space, and Technology.

By Mr. McCLOSKEY:

H.R. 789. A bill to amend title 10, United States Code, to require the Armed Forces to provide not less than 10 minutes of free telephone calls a month for a member of the Armed Forces serving in a combat zone; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 790. A bill to amend the Internal Revenue Code of 1986 to require tax-exempt hospitals to provide sufficient charity care and community benefits, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PENNY:

H.R. 791. A bill to amend the Internal Revenue Code of 1986 to require the participation in general election debates of any candidate who receives public campaign financing, and to establish criteria for participation of certain candidates in election debates; to the Committee on House Administration.

By Mr. SOLOMON:

H.R. 792. A bill to amend the Internal Revenue Code of 1986 to restore the prior law exclusion for scholarships and fellowships and to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. SWIFT (for himself, Mr. Andrews of Texas, Mr. Boehlert, Mr. Bryant, Mr. Bustamante, Mr. Dicks, Mr. Dwyer of New Jersey, Mr. Fascell, Mr. Flake, Mr. Ford of Tennessee, Mr. Frost, Mr. Gallo, Mr. Gilman, Mr. Guarini, Mr. Hochbrueckner, Mr. Horton, Mr. Hutto, Mr. Lehman of Florida, Mr. Lent, Mr. Livingston, Mr. Lowery of California, Mr. McCollum, Mr. McDermott, Mr. Manton, Mr. Martin of New York, Ms. Molinari, Mr. Montgomery, Mr. Morrison of Washington, Mr. Mrazek, Mr. Ortiz, Mr. Parker, Mrs. Patterson, Mr. Paxon, Mr. Rangel, Mr. Rinaldo, Mr. Roybal, Mr. Russo, Mr. Saxton, Mr. Skeen, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Solomon, Mr. Staggers, Mr. Tauzin, and Mrs. Unsoeld):

H.R. 793. A bill to amend chapter 83 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Post Office and Civil Service.

By Mr. ERDREICH:

H.J. Res. 105. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII:

11. The SPEAKER presented a memorial of the Legislature of the State of Oklahoma, relative to U.S. troops in Saudi Arabia and the Persian Gulf; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Ms. Pelosi.

H.R. 87: Mr. Annunzio.

H.R. 122: Mr. Lightfoot.

H.R. 133: Mr. Tallon and Mr. Kolter.

H.R. 154: Mr. Brewster, Ms. Long, Mr. Rowland of Georgia, Mrs. Patterson, Mr. Jones of Georgia, Mr. Applegate, Mr. Penny, Mr. Jenkins, Mr. Hefner, Mr. Richardson, Mr. Stenholm, Mr. Payne of Virginia, Mr. Parker, Mr. Slattery, Mr. Hammerschmidt, Mr. Evans, and Mr. Pickett.

H.R. 179: Mr. Abercrombie.

H.R. 180: Mr. Brewster, Ms. Long, Mr. Rowland of Georgia, Mrs. Patterson, Mr. Jones of Georgia, Mr. Applegate, Mr. Hefner, Mr. Jenkins, Mr. Richardson, Mr. Stenholm, Mr. Payne of Virginia, Mr. Parker, Mr. Slattery, Mr. Hammerschmidt, Mr. Evans, Mr. Pickett, and Mr. Edwards of California.

H.R. 217: Mr. Machtley, Mr. Jefferson, Mr. Walsh, Ms. Ros-Lehtinen, Mr. Schaefer, and Mr. Frost.

H.R. 302: Mr. Tauzin.

H.R. 311: Mr. Henry.

H.R. 352: Mr. Goss, Mr. Hunter, Mr. Wyden, Mr. Livingston, Mr. Horton, Mr. Gilman, Mr. Stearns, Mr. Lent, Mr. Combest, Mr. Moran, Mr. Machtley, Mr. Bonior, Mr. Ballenger, Mr. Dornan of California, Mr. Rhodes, Mr. Solomon, Mr. Bustamante, Mr. Kyl, Mr. Jefferson, Mr. Applegate, Mr. Lancaster, Mrs. Byron, Mr. Gallo, Mr. Doolittle, Mr. Bereuter, Mr. Washington, Mr. Walsh, Mr. Towns, Mr. Ritter, Mr. Burton of Indiana, and Mrs. Meyers of Kansas.

H.R. 460: Mr. Hertel, Mr. Lipinski, Mr. Jontz, Mr. Abercrombie, and Ms. Kaptur.

H.R. 461: Mr. Coble, Ms. Long, Mr. Moody, Mr. Barton of Texas, and Mr. Wolpe.

H.R. 550: Mr. Costello, Mr. Lipinski, and Mr. Huckaby.

H.R. 559: Mr. Moody and Mr. Frost.

H.R. 586: Mr. Russo and Mr. Wolpe.

H.R. 587: Mr. Penny, Mr. Nowak, and Mrs. Collins of Illinois.

H.R. 650: Ms. Pelosi.

H.R. 652: Mr. McNulty, Mr. Ford of Michigan, Mr. Hertel, Mr. Abercrombie, Mr. Huckaby, Mr. Bacchus, Mrs. Boxer, and Mr. Bonior.

H.R. 659: Mrs. Lloyd, Mr. Wolf, Mr. Gordon, Mr. Rogers, Mr. Roe, Mr. Cardin, Mr. Zimmer, Mr. Lipinski, Mr. Jontz, and Ms. Kaptur.

H.R. 759: Mr. Allard, Mr. Franks of Connecticut, Mr. Hammerschmidt, and Mr. Wilson.

H.R. 773: Mr. Dixon and Mr. Waxman.

H.J. Res. 1: Mr. Abercrombie, Mr. Ackerman, Mr. Andrews of Maine, Mr. Andrews of Texas, Mr. Atkins, Mr. AuCoin, Mr. Boehlert, Mrs. Boxer, Mr. Boucher, Mr. Brown of California, Mr. Campbell of Colorado, Mr. Cardin, Mr. Clay, Mr. DeFazio, Mr. Downey, Mr. Evans, Mr. Geren of Texas, Mr. Glickman, Mr. Horton, Mr. Jontz, Ms. Kaptur, Mr. Kildee, Mr. Klug, Mr. Leach of Iowa, Mr. Lehman of California, Mrs. Lowey of New York, Mr. Martinez, Mr. McHugh, Mr. Mineta, Mr. Moran, Mr. Mrazek, Mr. Nagle, Mr. Pease, Mr. Rangel, Mr. Roe, Mr. Scheuer, Mr. Sharp, Ms. Slaughter of New York, Mr. Traxler, Mr. Udall, Mrs. Unsoeld, Mr. Vento, Mr. Walsh, Mr. Waxman, Mr. Williams, Mr. Wilson, Mr. Wyden, and Mr. Zimmer.

H.J. Res. 73: Mr. Mrazek, Mr. Fazio, Mr. Lancaster, Mr. Bilbray, Mr. Jontz, Mr. Owens of Utah, Mr. Inhofe, Mr. Towns, Mr. Martinez, Mr. Emerson, and Mr. McGrath.

H.J. Res. 79: Mr. Barton of Texas, Mr. Hall of Texas, Mr. Lipinski, Mr. Stump, Mr. Armey, and Mr. Mollohan.

H.J. Res. 88: Mr. Applegate, Mr. Campbell of Colorado, Mr. Costello, Mr. Hatcher, Mr. Horton, Mr. Huckaby, Mr. Jefferson, Mr. Jontz, Mr. Lent, Mr. Lipinski, Mrs. Lowey of New York, Mr. Manton, Mr. Payne of Virginia, Mr. Scheuer, Mr. Skeen, Mr. Walsh, and Mr. Wyden.

H.J. Res. 92: Mr. Yates, Mr. Glickman, Mr. Wyden, Mr. Serrano, Mr. Guarini, Mr. Espy, Mr. Miller of California, Mr. Wise, Mr. Thomas of Georgia, Mr. Traficant, Mr. Bryant, Mr. Rangel, and Mr. Jefferson.

H. Con. Res. 34: Mr. Young of Alaska, Mr. Montgomery, Mr. Horton, Mr. McNulty, Mr. Roe, Mr. Mollohan, Mr. Panetta, Mr. Lipinski, Mr. Lancaster, Mr. Frost, Mr. Jontz, and Mr. McGrath.

H. Con. Res. 37: Mr. Serrano and Mr. Sanders.

H. Con. Res. 38: Mr. Dellums, Mr. Vento, Mr. Clay, Mr. Markey, Mr. Mrazek, Mrs. Boxer, Mr. Bacchus, Mr. Bryant, Mr. Hayes of Illinois, Mr. Owens of Utah, and Mr. Skaggs.

H. Con. Res. 56: Mr. Kildee, Mr. Edwards of California, and Mr. Payne of New Jersey.

H. Res. 11: Mr. Gejdenson.

H. Res. 14: Mr. Abercrombie, Ms. Kaptur, Mr. Weiss, Mr. Foglietta, and Mr. Mazzoli.

H. Res. 37: Mr. Kostmayer, Mr. Miller of California, Mr. Rangel, Ms. Pelosi, Mr. Bryant, Mr. AuCoin, and Mr. Abercrombie.

PETITIONS, ETC.

Under clause 1 of rule XXII,

22. The SPEAKER presented a petition of the National Medical Association, Washington, DC, relative to Medicaid; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

A SPECIAL TRIBUTE TO JESSE S. BOGAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. STOKES. Mr. Speaker, I rise and ask that my colleagues join me in paying tribute today to Jesse S. Bogan, who passed away on January 23, 1991. Jesse was a longtime friend and very special person who will be missed greatly.

Mr. Speaker, my friendship with Jesse and his family spans more than 20 years. Our families were neighbors and our children played and grew up together. Jesse was a devoted husband, caring father, and at all times exhibited a special pride in his family. In Cleveland where I first came to know him, Jesse was a community activist. More than that, he trained people in economic development and leadership. He was an expert in economic development, housing and consumer protection. It was this expertise which enabled him to go into his own consulting business.

Mr. Speaker, I am pleased to share with my colleagues some of the highlights of Jesse's life.

Jesse S. Bogan was a native of Selma, AL. He received a B.S. degree from Alabama A&M University, and did graduate work at Case Western Reserve University in Cleveland, OH. He was a member of the Armed Forces, serving his country in West Germany. Jesse returned to Cleveland where he worked for the Department of the Navy, and as a field representative for the city's housing and development department.

Jesse moved to the Washington area in 1971 and was employed with Dale Greene Consulting and the Better Business Bureau. In 1984 he formed his own consulting firm, Bogan Associates, specializing in housing, economic programs, consumer protection, and equal employment opportunity.

Jesse was a member of the Community Ministry of Montgomery County; the Silver Spring Chamber of Commerce; the Black Business League; and served as a deacon at People's Community Baptist Church in Silver Spring.

Mr. Speaker, my wife, Jay, and my family join me in extending our deepest sympathy to Jesse's wife, Dorothy W. Bogan, his son, David, and his many relatives and friends. Jesse Bogan was a kind and compassionate individual. We will miss him, and we shall always remember him.

NATIONAL ENERGY EFFICIENCY ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. SHARP. Mr. Speaker, today I am introducing the National Energy Efficiency Act of 1991, one of a series of bills that I hope will help give us a comprehensive national energy policy.

Our need for a national energy policy is based on energy's contribution to a number of serious problems such as environmental degradation, increased national security risks and a weakened economy.

We are all familiar with the environmental problems resulting from energy production and use—air pollution, strip mining waste, hazards from radioactive waste, dams holding back our beautiful rivers. More recently the specter of global warming has been looming before us, and one of the main culprits suspected in this theory is carbon dioxide emissions from fossil fuel burning.

We are also all too familiar right now with the national security problems associated with energy. There are many reasons why we are fighting in the Persian Gulf area today, but one of them is certainly the strategic importance of the oil supplies there. A poll conducted in December for the Alliance to Save Energy by both Democratic and Republican pollsters found that 50 percent of the public believes that securing Middle East oil supplies for the United States and its Allies is the main reason why we are fighting the war with Iraq.

Energy also has an important impact on the economy. Fluctuations in the world price of oil create wide swings in costs for consumers and businesses, both on the 6 to 8 million barrels per day that we import and on the 9 million barrels per day we produce ourselves. Increases in the price of energy contribute to inflation and slow the economy. The less energy we use, the less vulnerable we are to these price swings.

Energy efficiency is the only energy resource we have that addresses all these national objectives at once.

Energy efficiency can be defined as using less energy to get the same amount of work done, or more dollars of product per unit of energy. In contrast, energy curtailment is doing without or doing less. Turning down your thermostat is energy curtailment; insulating your home so it is warmer and uses less energy is energy efficiency.

Energy efficiency, therefore, can allow us as a nation to get more work done, with less energy, at lower costs and at the same time improve the environment and limit our exposure to national security risks.

The momentum for energy efficiency which we had in the 1970's, and lost in the 1980's, needs to be regained in the 1990's.

Indeed, the economy has already made tremendous strides in energy efficiency since the 1970's. A report entitled "Energy Use and the U.S. Economy," released last June by the Office of Technology Assessment stated:

> Energy-efficiency improvements implemented in the production process between 1972 and 1985 mean that the 1985 economy would have used 15 quadrillion British thermal units more of energy if these gains had not been achieved. If these savings had not occurred, the U.S. economy would have required 20 percent more energy in 1985 to produce its output—more than the total amount of energy imports in 1985.

This report, by far the best work done on the subject to date, shows the tremendous power of increased energy efficiency to help the economy, not hurt it.

We have learned a great deal, however, over the last 15 years. We have learned to stress efficiency, not curtailment. Gone are the days of asking people to turn down their thermostats past the comfort level. We have learned that market forces work very well in many situations and work imperfectly in others. Therefore, we must target our efforts and interventions at correcting market imperfections.

The legislation I am filing today has many measures to correct market imperfections. For example, a consumer needing new windows for his or her house has no way to compare the relative energy efficiency of different manufacturers' windows. This bill calls for a uniform testing and labeling program so that consumers who care about energy costs can make informed decisions.

We have also learned that simply spending a large amount of money does not necessarily solve the problem. We need to look for how we get the most bang for the Federal buck. This bill authorizes a number of new activities, but most of them are relatively low-cost by Federal budget standards, and the area with the highest authorization levels is in energy management at Federal facilities which will save the taxpayers' money in reduced Federal utility bills.

Besides pointing out the benefits of energy efficiency I would also like to point out that the public strongly supports energy efficiency. The Alliance to Save Energy poll mentioned above also found that 75 percent felt that we should reduce demand through efficiency measures while 28 percent said it was preferable to increase supply.

This bill is a package of initiatives that will improve the energy efficiency of housing, businesses, products and the Federal Government in the years to come. It is divided into six titles: Buildings, Federal energy management, electricity and utilities, product labeling and standards, data collection and miscellaneous. A more detailed summary is provided below.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The major energy using sector that is not addressed in this bill is transportation. Cars and light trucks alone make up 40 percent of our domestic consumption of oil, and no national energy policy can ignore this problem. I intend to introduce separate legislation to increase the corporate average fuel economy standards for cars and light trucks in the near future.

SUMMARY OF NATIONAL ENERGY EFFICIENCY ACT OF 1991

I. BUILDINGS

This title directs DOE to develop a uniform, voluntary home energy rating system for use by states, local governments and others so that home buyers can accurately compare energy costs.

Housing is the largest energy consuming purchase most people make in their lives, and there is no reliable way for someone to compare the relative energy efficiency of two different homes. With car purchases, this comparison is relatively easy because of the Miles Per Gallon stickers required to be placed on the cars by law. The lack of information available to home buyers is a serious impediment to the proper functioning of the free market when it comes to home energy use. This provision of the bill would begin to develop a national system for rating the energy efficiency of homes. The system would be voluntary; no state or local government would have to use it. However, a number of states are beginning to experiment with their own ratings systems. This provision would give impetus to the movement, provide assistance to those states that do not have the technical capability to implement a system on their own, and provide a uniform consistency across programs throughout the country.

Another provision directs DOE to provide technical assistance to states to update building codes to meet existing Department of Energy or Council of American Building Officials (CABO) residential and commercial standards and requires states to update their codes within four years.

Building codes are one of the best ways to improve residential energy efficiency because it is easier and cheaper to build in efficiency at the beginning than add it on later. In fact many additional energy saving measures can be added at little or no additional cost during construction. Once built, these houses may be used for 50 or 100 years; hence their energy using life will be long and will have a long term impact on energy consumption.

Many states have already updated their energy building codes. This provision would require and help the other states to do so. The standard codes referenced in the provision, the DOE voluntary commercial code and the Council of American Building Officials Model Energy Code (CABO MEC) are moderate standards developed with a great deal of input and participation from all sectors of the building industry and are adaptable to any climate zone. A number of states have developed codes that are more rigorous than these.

II. FEDERAL ENERGY MANAGEMENT

The Federal government is the single largest energy consumer in the country, spending $8.7 billion on energy in 1989. While most of that is spent on fuel for military operations, $3.5 billion of it was spent on energy in buildings. It is this energy use in buildings that Title II addresses. By investing in more energy efficient buildings, we can save energy and save the taxpayers' money.

Title II requires agencies to do all energy efficiency retrofits that have a ten year or less payback by 2000. Agencies which do not meet the requirement are prevented from spending funds on construction or acquisition of buildings.

This title also sets up a fund administered by DOE to finance, on a competitive basis, energy saving projects in facilities run by other agencies. Agencies are also encouraged to participate in utility efficiency programs.

This provision is to help overcome institutional barriers to the financing of such improvements. One of the many problems building or facility managers have is that in order to get funds to improve the energy efficiency of their buildings they have to compete with funds that go directly for their agency's main mission such as delivering the mail or providing hospital care to veterans. This is a problem even though the projects will eventually reduce costs, often in one to two years.

With a fund that is exclusively for energy efficiency programs, the manager can compete against other efficiency projects and become a hero to his agency by bringing in new money from outside the agency.

The provision is designed, however, to give an advantage to projects which provide matching money to the DOE funds whether in the form of agency contributions or private sector money.

Title II sets up a cash bonus program to reward agency personnel that do outstanding jobs of improving energy efficiency. Agency personnel who save the government money through energy efficiency should be rewarded with money for themselves, not just with a paper certificate.

Federal agencies will also be required to purchase vehicles that are more fuel efficient than the average in their class. This provision has two purposes. One is to increase the fuel economy of the federal fleet, without restricting agencies to purchasing from any one class of vehicles. The second is to increase the demand for higher mileage cars thereby making them more attractive to manufacture and sell.

III. ELECTRICITY AND UTILITIES

Title III requires state commissions to consider regulatory reforms to make investments in energy efficiency as profitable as investments in supply.

This is an attempt to eliminate financial disincentives which discourage utilities to from investing in energy efficiency. State commissions are not required to implement these reforms, but they are required to at least hold a public hearing to consider them. California has done so, and one of its utilities, Pacific Gas and Electric, is planning on spending $1.2 billion on efficiency over the next ten years.

Certain utilities that are not state regulated are also required to do a public least cost planning process which considers both supply and demand side resources and to provide technical assistance to wholesale customers (which are retail utilities) to implement efficiency programs. Also requires those purchasing utilities to implement energy efficiency programs as a prerequisite for getting a contract extension or a new contract.

IV. STANDARDS

Title IV requires DOE to develop testing and labeling requirements for windows. Windows are a major energy losing component in buildings. It is just as important to choose energy efficient windows as it is to choose the correct level of insulation. Unlike insulation, windows have no standardized rating or labeling system to tell the consumer which products are more energy efficient. This provision is designed to provide the information builders and home owners need to purchase energy efficient windows. This is particularly important since there have been several breakthroughs in window design and manufacture during the last ten years which have resulted in many more energy efficient products being available on the market.

DOE is also required to design industrial insulation guidelines. Home builders have several nationally approved guidelines to use in determining how much insulation to include in a building. Local building codes have their own standards. But the factory manager has no such guidelines for industrial insulation around boilers, steam pipes and hot air ducts. A study released in January of this year by the Termal Insulation Manufacturers Association indicates that there may be as much as one quadrillion Btu's of energy lost due to uninsulated industrial boilers, pipes and ducts. This is more than one percent of all U.S. energy use.

Title IV also directs DOE to set minimum energy efficiency standards for a limited number of lamps (light bulbs and fluorescent tubes), small package commercial air conditioners, and electric motors.

These products currently come in various levels of efficiency and, due to market imperfections, the most efficient are not widely used. Amends existing appliance efficiency law, which is estimated to save the energy equivalent of twenty-seven, 1000 megawatt power plants.

DOE would first have to determine a limited number of products in each category to set standards for. There is no intention of setting them for every lamp, motor and package air conditioner. This limited number should represent a large portion of the total usage, however, and also a large portion of the energy consumed. At first identifying the largest selling types of products, DOE would then set standards for their manufacture through a rulemaking with public participation.

V. DATA

Title V requires the Energy Information Administration to collect more data from utilities on their conservation programs, to collect state level data in its existing end-use efficiency surveys and to collect more data on renewable energy production.

An ongoing problem for policy makers and individuals in the efficiency and renewable energy industries has been a lack of data on efficiency and renewable energy comparable to the data available on energy supplies.

VI. MISCELLANEOUS

Title VI directs DOE to promote energy efficiency exports through its CORECT program. Currently, CORECT only promotes the export of renewable energy technologies. Many renewable energy technologies work best in combination with efficient end-use systems. Moreover, the increasing concern about global warming has made it more important that we help other countries use energy as efficiently as possible as they grow economically.

Title VI also repeals the Energy Extension Service (E.E.S.) program at DOE. This program is no longer needed since P.L. 101-440 was passed last year. P.L. 101-440 expanded another program, the State Energy Conservation Program (SECP) to give states the flexibility to undertake the activities required by E.E.S. The E.E.S. activities were useful, but states should be given the option of integrating them into their other energy efficiency programs.

INCREASED THREAT OF TERRORISM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. LANTOS. Mr. Speaker, at this time of increased threat of terrorism because of the Persian Gulf war, it is important that we in the Congress act to strengthen our defenses against the violence of terrorism against U.S. civilian targets here and abroad.

Saddam Hussein has demonstrated that he has absolutely no scruples about attacking innocent civilian targets in order to provoke terror. He is a man who means what he says. He said he would attack civilians in Israel and Saudi Arabia, and he has sent his Scud missiles against urban areas in both countries. He said he would use terrorism against us, and we must be prepared.

If ever there were a time to improve this Nation's ability to cope with the threat of terrorism, that time is now. The Persian Gulf crisis has given rise to the increased likelihood of terrorist acts and, consequently, we should review our policy to respond to this threat.

As it stands, there are several gaps in our current laws on terrorism. Surprisingly, most acts of terrorism that might be carried out in this country would be punishable only under State law. At present they do not violate Federal law, and this limits and hampers the ability of Federal law enforcement agencies to deal with terrorism. These are gaps that should be filled.

The Comprehensive Counter-Terrorism Act of 1991, H.R. 769, which I have introduced, would provide better means through which Federal agencies can both prevent and punish terrorist acts committed against Americans here and abroad.

This legislation which was introduced in the Senate by the chairman of the Judiciary Committee, JOSEPH BIDEN, would equip Federal agencies with both the legal and financial wherewithal to combat potential acts of terrorism.

Mr. Speaker, this is an important and timely bill. I urge my colleagues to join me in sponsoring it and supporting its passage. I insert a brief summary of the legislation in the RECORD:

COMPREHENSIVE COUNTER-TERRORISM ACT OF 1991

TITLE I—PUNISHING TERRORIST ACTS

Provides the death penalty for terrorist acts committed within the United States or against U.S. citizens abroad.

Establishes the first-ever federal criminal law for acts of domestic terrorism committed by agents of a foreign power, punishable by up to life imprisonment.

Significantly boosts existing penalties for terrorist acts committed against U.S. citizens that result in serious bodily injury.

TITLE II—PREVENTING DOMESTIC AND INTERNATIONAL TERRORISM

Establishes a new criminal offense for providing material resources or support to terrorist organizations or concealing the assets of such organizations.

Authorizes the FBI to seize and forfeit material resources provided to, or used in support of, terrorist organizations.

Authorizes the Attorney General to grant permanent residency status to aliens that significantly cooperate in U.S. terrorism investigations.

TITLE III—PREVENTING AVIATION TERRORISM

Establishes a new criminal offense for knowing and willful violations of FAA security regulations.

TITLE IV—PREVENTING ECONOMIC TERRORISM

Creates a new criminal offense for counterfeiting U.S. currency outside the territorial United States.

Creates an Economic Terrorism Task Force, including experts from the Departments of Defense, Justice, State and Treasury, to assess the threat of terrorist acts against the U.S. economy and to recommend preventive measures.

TITLE V—AUTHORIZATIONS FOR COUNTER-TERRORIST AGENCIES

Boosts funding for the counter-terrorist activities of the FBI, State Department, the U.S. Secret Service, and state and local law enforcement agencies by $75 million.

CONGRESSIONAL SALUTE TO MATHER AIR FORCE BASE AIRMEN OF THE YEAR

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to several outstanding individuals in my community who deserve to be recognized for their dedication and service to the public. Tonight Mather Air Force Base will hold its annual enlisted awards banquet, and I take great pleasure in congratulating this year's award winners.

Tonight's ceremony is to recognize the achievements of a very elite group of outstanding enlisted personnel stationed at Mather Air Force Base, in Sacramento, CA. M. Sgt. John E. Shauck, First Sergeant of the Year; M. Sgt. Charles F. Keenhold III, Senior Noncommissioned Officer of the Year; T. Sgt. Gina M. Noland, Noncommissioned Officer of the Year; and Sr. Airman Gregory S. Lee, Jr., Airman of the Year, are to be highly commended for their work on behalf of the U.S. Government. It is through their commitment and skill that these individuals have made significant contributions to Mather Air Force Base and the entire Sacramento community.

Mr. Speaker, I commend the 1990 Enlisted Award winners for their many accomplishments. I am sure that my colleagues join me in saluting these invaluable members of the U.S. Air Force for their expertise and their dedication to the service of our beautiful country. I extend my best wishes for their continued success in all their future endeavors.

A MORE PERFECT STATE OF THE UNION ADDRESS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. STARK. Mr. Speaker, as I listened to the President's State of the Union Address, I was disturbed by the lack of specifics on the domestic side of the economy. Robert Riech, the noted Harvard economist has filled that gap for us. He shows that in important measures across the board from wages to homeownership rates to nonmilitary R&D spending, we are losing ground.

Mr. Speaker, I ask that this important unvarnished look at the State of the Union be included in the RECORD.

[From the Wall Street Journal, Jan. 30, 1991]

A MORE PERFECT STATE OF THE UNION ADDRESS

(By Robert Reich)

(This is the State of the Union speech that George Bush drafted himself yesterday, during a brief point of light, but discarded after sunset.)

Fellow Americans:

For over a decade, my predecessor and I have done everything in our power to take your minds off America's decaying competitiveness, declining wages and growing gap between rich and poor. I could continue this strategy by using the war in the Persian Gulf to distract you further from what's really happening to America, but it would be wrong.

Many of you see America standing tall once again, reasserting our power and leadership in the world. But you must remember that our efforts in the Gulf are all on credit. Japan and Germany, whose giant economies are booming even as ours stagnates, are funding only a small portion of the war effort (the equivalent of about $20 million out of the $700 million that the war is costing us every day). Mostly, they're lending us the money to run the war by purchasing our IOUs. If the war continues much longer, or if it requires our presence in the Mideast for years to come (as seems increasingly likely), we'll be so deep in the hole that interest rates will need to rise precipitously in order to keep the foreign money coming in. And that means little or no economic growth for America in the foreseeable future.

Now, I know that American defense contractors are crowing about how well their complex technologies are working in the Gulf. I'm glad they have something to be proud of, after years of kickbacks, cost overruns, failed equipment and other scandals. But this is no reason to assume that America is once again the world's technology leader. Quite the contrary. Today's military systems are so complex and specialized that they have almost no bearing on technological prowess in commercial sectors of the economy. While we pour billions of dollars into Patriots and Tomahawks, other nations are pouring billions into advanced semiconductors, superconducting materials, high-definition televisions, monoclonal antibodies and other industries of the future. Government support for non-military R&D in the U.S. has dropped to about a third of 1 percent of our gross national product—its smallest proportion in 20 years. All told, nondefense R&D accounts for 2 percent of GNP, compared with almost 3 percent in Japan and 2.6 percent in the former West Germany.

You will want to believe that our current recession is the work of Saddam Hussein, and that the American economy will boom once the war is behind us. But we were sliding into recession long before he invaded Kuwait, and we will still be there after he leaves. The recession is the product of a decade of speculation and mounting private debt—an "anything goes" era fostered by my predecessor and me. Non-financial companies are paying out almost 30 percent of their cash flow in interest—a post-war record. Financial institutions are swimming in red ink. Commercial banks and insurance companies are heading in the same direction as the savings and loans (and while we're at it, let me remind you that as vice president I chaired the White House Deregulation Task Force that unleashed the S&Ls in the first place). I've asked Nick Brady to come up with some bandaids, but it will be years before the financial crisis is over.

Above all, don't allow the pyrotechnics in the Gulf to distract you from the basic fact that most of you are getting poorer. Controlled for inflation, the wages of non-supervisory workers (about two-thirds of you) are now 16 percent below what they were in 1973—at about their level in the last 1950s. They've fallen 2 percent since I became president. The only way many of you have managed to prop up your family income is by sending another family member into the work force, and having fewer kids. Meanwhile, average wages in the former West Germany are already higher than here, and if present trends continue Americans will fall further behind the citizens of other nations. We'll be their mercenaries, creating a "new world order" in which they will live better than we do.

Since I became your president, another 3 million American children have slipped into poverty. Another 1.2 million Americans have lost their homes. Our rate of infant mortality has increased by 2 percent, putting us behind 18 other industrialized nations. I told you I'd be your "education president," but the federal government is now spending less on education than it did when I took over.

And because the largest share of the cost of our schools is now borne by local communities, our poorest cities and rural towns with the worst social problems are hardest hit by budget cuts. If you're a kid from a poor or working class family, your chance of attending college is worse now than at any time in the past quarter century. Your best bet is to sign up for service in our volunteer mercenary army.

The top fifth of income earners now brings home more than the bottom 80 percent put together—the highest portion in 40 years—and the gap continues to widen. Last fall's budget deal makes our tax system a bit more progressive, but the marginal income tax rate paid by wealthy Americans is still the lowest of any industrialized nation. And their non-pecuniary contributions are as skimpy. Relatively few of their children are in the Gulf.

I have said that we have more will than wallet, but the events in the Gulf have shown that we have as much wallet as we need when the will is there. This nation was willing to dig deep into its resources to rebuild Western Europe and Japan after the Second World War, and those countries' successes since then are a lasting tribute to our foresight and commitment. With a U.S. economy four times as large as it was in the late 1940s, we should be able to rebuild America.

The only way to restore this country's greatness is to make us strong and fit on the inside, to tackle these large and growing problems here at home. To equip us to do so, and to simultaneously finance the war in the Gulf, I am proposing to raise the income-tax rate paid by Americans earning more than $100,000 per year to 40 percent, to remove the cap on income subject to Social Security taxes and to treat all Social Security benefits as taxable income.

This is a time for leadership. I am sure that I can count on your support. After all, my approval ratings are the highest of any president during the past 30 years.

TRIBUTE IN HONOR OF ALBERT C. ZETTLEMOYER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to my constituent and friend, Albert C. Zettlemoyer, who passed away on Sunday, January 27, 1991. Albert was former Lehigh University provost and vice president and former president of the American Chemical Society. He was highly respected by his peers locally, nationally, and worldwide for his many outstanding contributions to the academic arena.

I had the distinct privilege of working with Al Zettlemoyer during my years at Lehigh University. I know I speak for all who knew Al when I say he was a man with profound impact on American Science and Technology, profound impact on his profession and his university, and profound impact on his community, family, and friends.

I am submitting for the RECORD Al's obituary which appeared in the Allentown Morning Call:

ALBERT C. ZETTLEMOYER, 75, FORMER LEHIGH U. PROVOST

Albert C. Zettlemoyer, 75, former Lehigh University provost and vice president and former president of the American Chemical Society, died Sunday in Muhlenberg Hospital Center.

A Distinguished Professor Emeritus of Chemistry at Lehigh, Zettlemoyer began his academic career at the university in 1941 and went on to earn national and international recognition for his research. He published more than 230 technical articles, eight book chapters and held 10 patents.

Well-known as a surface and colloid chemist, he was honored many times for his contributions to the printing ink industry and directed cloud-seeding projects to manage rainfall.

Zettlemoyer was still doing research until two weeks ago, colleagues say, working in Sinclair Laboratory, a building for which he led the fund-raising campaign two decades earlier.

A member of several national and international professional societies, Zettlemoyer was most active in the American Chemical Society, the nation's largest organization of chemists and chemical engineers, which he served for more than 50 years.

In 1981, he was ACS president, and in 1968, he received the ACS Kendall Award, the highest honor bestowed by the society to someone in his field. Zettlemoyer was honored by ACS in 1985 for lifelong contributions to the society and to colloid chemistry. A former Lehigh Valley ACS chapter president, he was awarded the chapter's Distinguished Service Award last year.

He was Lehigh provost and vice president from 1969 to 1980 and the university's first vice president for research from 1966 until 1969.

Zettlemoyer introduced more than two dozen academic programs to the university during his 11 years as provost. He established Lehigh's Freshman Seminars program, which he said "put mature professors in front of freshmen early." He also established the Learning Center, which helped students with basic English and math, the continuing education program, and professional-development programs for faculty and teaching assistants.

As a teacher, he directed more than 50 doctoral candidates and 200 master's degree students. In large undergraduate classes, he was known to seat students in reverse alphabetical order, "a protest," he once said, "at my having been in the back of the room in so many cases when I was a student."

In 1946, Zettlemoyer played a key role in the establishment of the National Printing Ink Research Institute (NPIRI) at Lehigh, and in 1965, he was named director of the new Center for Surface and Coatings Research. The center was renamed the Zettlemoyer Center for Surface Studies in 1987.

Zettlemoyer was the husband of Onetta (Hartman) Zettlemoyer, and resided in Bethlehem.

Born in Allentown, he was a son of Frederick R. Zettlemoyer of Allentown and the late Florence (Nagle) Zettlemoyer.

He received a doctoral degree in physical chemistry from MIT. At Lehigh, he earned a bachelor's in chemical engineering and a master's in organic chemistry. He received honorary degrees from the Clarkson Institute of Technology and the China Academy of Taiwan. He was honorary editor of the journal Advances in Colloid and Interface Science.

In 1966, Zettlemoyer received the Hillman Award for outstanding service to Lehigh. His other honors included the Honor Scroll of the Philadelphia Chapter of the American Institute of Chemists, the Elmer C. Voight Award from the Educational Council of the Graphic Arts Industry, the Ault Award for outstanding contributions to the printing ink industry, and the Mattiello Medal, from the Federation of Paint and Varnish Production Clubs.

Zettlemoyer served his community as past president and a director of the Bethlehem YMCA, past president of the Bethlehem Rotary, past campaign chairman of the Red Cross and past chairman of the United Annual Fund (now United Way).

He was a member and trustee of First Presbyterian Church, Bethlehem.

Survivors: Wife and father; sons, Christopher and Anthony, both of Mechanicsburg, Cumberland County, Nicholas of Houston, Texas, and Timothy of West Chester, Chester County; daughter, Mrs. Nan Zettlemoyer Luff of Cleveland, Ohio, and 12 grandchildren.

HISPANIC-AMERICAN PERSIAN GULF SUPPORT GROUP

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, a group has formed in Miami to help Hispanic families cope with knowing that their loved ones are proudly serving our country in the Persian Gulf. The Hispanic-American Support Group was formed to allow families the opportunity to meet with each other and discuss the flood of emotions which they experience each day.

This support group is aware of the seriousness of this historic moment in which the international community, led by the United States, has united to confront the naked aggression of Saddam Hussein. Although they desire and hope for peace, the Hispanic-American Support Group realizes that a lasting peace may only be secured by force of arms. They are proud of their family members serving in the U.S. Armed Forces and pray, as we all do, for their safe return.

This warm and supportive group has helped family members cope with their anxiety, worries, anguish, and fears. The members get together at least every Friday night and the humble ceremony starts with a reading of the names of the brave men and women serving in the Persian Gulf. As each name is read, the family member of that soldier, sailor, airman, marine, and coast guardsman stands up proudly.

The family members comfort one another and bring photos of their sons, daughters, grandchildren, brothers, and sisters in their military uniforms. These individuals swell with pride as they recount stories of what motivated their relatives to join the Armed Forces. This is truly a patriotic group and all understand that one must always be ready to fight for the ideals of liberty and freedom throughout the world.

What is truly inspiring about the group is that it is made up of families who have experienced the wrath of another brutal dictator, Fidel Castro. These families know that dictators must be stopped. They know that there is no dialog with ruthless dictators; there is no compromise; there is only confrontation.

As President Bush has stated, we will be victorious in this battle and it will be because of the motivation and the patriotism of young people such as the ones represented by the Hispanic-American Persian Gulf Support Group.

I would like to commend Mr. Juan Ojito, father of Erick Ojito, who has dedicated time and effort as the group's president. I would also like to recognize the following members of the group and their sons and daughters who are presently deployed in Operation Desert Storm: Max Alvarez, father of Carlos Alvarez; Jorge V. Andrade, father of Galo I. Andrade; Antonio Jiminez, relative of Luis Arboleda; Juan Bacigalupi, father of Maj. Juan A. Bacigalupi; and Reyna Barrocas, mother of Derrick Caballero.

Also: Yolanda Caballero, mother of Norberto Caballero; Lucrecia Cabre, mother of Kerry Cabre-Barba; Clara Cabrera, mother of Frank Cabrera; Madelyn Caceres, mother of Jorge Caceres; Georgina de Cordoba, grandmother of Jorge Cantos; Ena Cariet, mother of Carlos A. Cariet; Abel Concha, father of Abel L. Concha; and Maria Cruz, mother of Juan C. Cotto.

In addition: Elva M. Crego, mother of Manny Crego; Miriam Bella, mother of Yunior B. Cruz; Arnaldo Diaz, father of David Diaz; Rosario Dumas, mother of Luis A. Dumas; Pedro B. Encinosa, father of Pedro G. Encinosa; Mireya Escalona, mother of Lazaro Escalona; and Hernando Escudero, father of Fabio Escudero.

Also: Maria del Carpio, sister of Hugo Kayo; Luis Lazcano, father of Jorge L. Lazcano; Jaime Meza, father of Jaime A. Meza; Hector Moreira, father of Jorge L. Moreira; Javier Ortega, father of Rodolfo Ortega; Gladys Espinosa, mother of Jorge A. Ospina; Humberto Pelaez, father of Humberto Pelaez; and Marta Caria, relative of Guillermo Pena.

In addition: Mercedes Pereira, mother of John J. Pereira; Grace Perez, sister of Diana Perez; Yolanda Prado, relative of William Prado; Jesus Prieto, father of Jose A. Prieto; Saray de la Rosa, mother of Osvaldo J. Rebolledon; and Carlos Rivas, father of Juan M. Rivas.

Also participating in the group: Miriam Rizo, mother of Jorge Rizo; Yolanda Rodriguez, mother of Roberto Rodoli; Jorge Rodriguez, father of Eduardo J. Rodriguez; Francisco Rodriguez, father of Edwin Rodriguez; and Raudel Rodriguez, father of Joel Rodriguez.

In addition: Carmen Estoy, mother of Juan Estoy; Dulce M. Vigil, aunt of Jose R. Fernandez; Pedro Garcia, father of Jocelyn Garcia; Francisco Garcia, father of Jose A. Garcia; Susana Garcia, mother of Reynaldo Garcia; Silvia Gardillo, mother of Douglas Gardillo; and Alfredo Gomez, Sr., father of Alfredo L. Gomez.

Also: Jose L. Gonzalez, father of Carlos F. Gonzalez; Jairo Gonzalez, father of Fabian Gonzalez; Sonnia Gonzalez, mother of George Gonzalez; Maritza Gonzalez, mother of Juan C. Gonzalez; Pola Gonzalez, grandmother of Richard J. Gonzalez; and Epifania Ramos, relative of William Gonzalez.

Also participating: Guillermo Villar, father of Oliver Grandez; Eitan Guerrero, brother of Juan J. Guerrero; Gladys Hurtado, mother of Kenneth Hurtado; Marta Iturbe, sister of Andres Iturbe; Antonio Jiminez, father of Hector Jiminez; Isabel Jiminez, wife of Hector A. Jiminez; and Zenaida Caceres, mother of Jorge Caceres.

Also: Samuel Sanchez, father of Samuel Sanchez, Jr.; Mario P. Santana, father of Mario A. Santana; Jorge Cao, father of Richard M. Sartorio; Jorge A. Soberon, father of George Soberon; and Roberto Talavera, father of Roberto S. Talavera.

And: Max Alvarez, father-in-law of Zsuzsanna E. Tomay Ybly;. Berenice Torres, wife of Noel Torres; Jorge Utset, Sr., father of Jorge Utset, Jr., Aida Gonzalez, mother of Leonard S. Vargas; Juan L. Vera, Sr., father of Juan L. Vera; and Carmen Vidiez, mother of Rodolfo Vidiez.

Our hearts and prayers are with these brave men and women and their families.

THE NATURAL GAS ENHANCEMENT ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. SHARP. Mr. Speaker, today I am introducing legislation to increase the Nation's use of natural gas by simplifying and streamlining current regulatory requirements for new natural gas pipeline construction. This is one of several bills I am introducing as part of a national energy policy.

The clean-burning, environmentally benign features of natural gas are matched by its economic benefits: It's a low cost, abundant, and secure domestic fuel that is being delivered by an increasingly competitive and efficient industry.

Natural gas can help significantly lower our dangerously high oil import levels, while also fueling the new market oppportunities last year's Clean Air Act amendments opened up, for example in natural gas cofiring, gas-powered electric generation, and natural gas-powered cars, trucks, and buses.

Mr. Speaker, any radical changes to our gas industry would be extremely unwise: The record level of new gas pipeline construction projects now underway, the dozens of major new facilities approvals recently granted by the Federal Energy Regulatory Commission [FERC], and the continuing low, stable level of consumer gas prices—even during a period of extremely disrupted oil markets—are strong testimony that there is much that is right with our current system and with the agency that regulates it.

Nevertheless, some modest positive changes can be made:

Some of them restore procedures previously used by FERC, but recently limited or called into question.

Some allow more decentralized decision-making for new gas pipelines, just as we have had for decades in the cases of oil pipelines and electric transmission lines.

Some build on the trend to less regulation and more negotiation that began with partial wellhead decontrol in 1978, and continued with FERC's mandatory carriage reforms and complete decontrol more recently.

Some eliminate litigation opportunities that can delay needed pipelines for years—a costly flaw, since some lines can save us more over 1 year in foreign oil not imported, than their total capital cost.

Mr. Speaker, I stress that this bill does not limit or alter the National Environmental Policy Act in any way.

All environmental and natural resource laws, rules, and permits—for example, in the areas of clean air, hazardous wastes, archeological and historic interests, forests, fish, wildlife, wetlands, endangered species, and other important matters—will continue to apply according to their terms and are not amended by this bill.

This measure also preserves strong protections for landowners, farmers, and others with property, scenic, safety, and other interests along the routes of new gas pipelines, or near the kinds of expansions of existing facilities which are also covered by this bill.

Finally, this bill continues FERC rate regulation and protection against monopoly charges or discrimination on facilities that may be added under these new procedures. In one case, rates can be freely negotiated before construction and in that event, will be enforced as negotiated; all other rates will still be subject to full FERC control under the Natural Gas Act.

Mr. Speaker, more interconnections and new segments in our national gas pipeline grid will benefit both consumers and producers, by giving them more shipping routes, more pipeline-to-pipeline competition, and more rate discounts. New facilities make capacity shortages and winter bottlenecks less likely. They can allow a higher volume of shipments—and profits—by our domestic gas producers.

Most important, by encouraging these new lines, we can take one of the less painful of the very many and often very tough steps we will have to take to improve our Nation's energy policy, and to cut our obviously costly, dangerous, and unaffordable reliance on foreign oil.

BRIEF SUMMARY OF PROVISIONS OF THE BILL

The four provisions of the bill make modest amendments to three alternate procedures which have all been used in recent years to authorize new gas pipelines, and create one new option like that used for oil pipeline construction over the last 70 years.

The three amended procedures are the traditional certificate procedure under section 7 of the Natural Gas Act, the "self-executing" procedure under section 311 of the Natural Gas Policy Act, and the "fast track" procedures under the Alaska Natural Gas Transportation Act used to build a large portion of that system.

The fourth procedure is an approach long used for oil pipelines and electric transmission lines, combined with "stand alone" and "at risk" rate rules. These are increasingly being used by FERC to prevent overbuilding that can needlessly inflate regulated rate bases and burden captive shippers or core consumers with excessive costs.

All four procedures are alternatives. Each could be selected by the sponsors of a specific project, depending on the project's specific circumstances, and are equally available to new point-to-point pipelines or instead to expansions of existing lines via the addition of looping or new compressor facilities, for example.

Section 1: The bill's short title is the Natural Gas Enhancement Act of 1991.

Section 2: This modifies FERC's traditional gas pipeline approval procedure, which grants a "public convenience" certificate to pipelines that are found by FERC to be in the public interest. FERC's advance determination can be a "major Federal agency action" that triggers environmental reviews under NEPA; may require brief or lengthy adversarial hearings; and carries with it a right of eminent domain over the approved route.

FERC has commendably streamlined many parts of this traditional procedure, as for example in its rules on budget certificates for small facilities, and "at risk" optional expedited certificates. The following statutory changes can allow a further streamlining:

Delays in rehearing periods must be limited to 90 days. (These delays in some cases drag on for many months.)

Pipelines may retain a FERC-approved environmental consultant to perform environmental work on a specific project. This is commonly termed the "third-party contractor" approach. (Currently, pipelines may retain a consultant to perform such work, which the FERC then may re-do with another consultant, resulting in duplication and delay.)

Certificate hearings may be carried out by informal "paper" procedures, just as rate cases have been for many years.

Recertification is not needed for new facilities which merely replace previously certificated facilities of the same size and character. (FERC is currently proposing a lengthier, slower version of its traditional fast track process for replacement facilities.)

Projects which are not opposed by anyone, after a reasonable period of public notice on the specifics of such projects, are deemed to be certificated.

Section 3: This section amends the self-executing gas transportation provisions of section 311 of the 1978 NGPA.

While generally intended to allow small hookups between the gas-rich intrastate systems and the gas-short interstate systems of the late 1970s, this procedure has increasingly been used to rapidly build larger lines, such as the large new interstate facilities of Panhandle and ANR Pipeline in Indiana and Ohio, Mid-Con in Iowa, and Arkla in Arkansas and Oklahoma.

FERC does not grant a certificate to lines built under this procedure, nor do they carry any eminent domain power. Project sponsors accordingly must privately negotiate with and satisfy the concerns of all property owners along the route, since a single unhappy resident can prevent the completion of the project and the flow of gas. State historic, environmental, and safety laws must be complied with; so must similar Federal laws.

The bill makes the following changes in this procedure:

"Construction" and "operation" of new facilities are expressly allowed. (The section now expressly authorizes only "transportation;" the essential means for doing that, i.e., constructing and operating the facilities, has to date been assumed to exist, though some have challenged this assumption.)

These facilities may be built and used by anyone. (FERC had previously broadly interpreted section 311 to allow this result, but was recently overruled.)

These facilities need not be small hookups, but can be of any length, capacity, or pressure. (Some have suggested that large interstate lines were not contemplated by the 1978 Congress and are not permitted under section 311, though it does not contain any express size limits.)

Section 4: This makes available some of the special "fast track"Alaska gas pipeline procedures set out in the 1976 Alaska Natural Gas Transportation Act (ANGTA). Though the entire Alaskan pipeline has not been built, a large portion of its southern setion—the Northern Border Pipeline—was completed under these procedures in 1982.

These procedures would be available when the President finds that the national interest requires the expeditious construction or expansion of pipeline facilities: Over a specific route; from a specific gas producing area; or into a specific consuming market.

The President designates the specified facilities as a priority project, and directs the FERC to issue a certificate for them within a specified time. FERC may impose any conditions on the certificate which the public interest requires.

Streamlined judicial review, as provided under section 10 of ANGTA, applies to the certificate FERC issues to the designated priority facilities.

This provision does not make available the following special ANGTA procedures:

Special Presidential decision and report;

Congressional review and veto;

Waiver of law;

Special Environmental Impact Statement procedures.

Section 5: This provision covers only new "at risk" pipelines and facilities that cannot be put in the regulated "rate base" of a pipeline, but must be separately priced to new and willing shippers and consumers. Thus, the new line must financially stand or fall on its own merits, and cannot become a source of guaranteed profits from other captive consumers or producers.

Placing all economic risks on such a project is an effective way to "weed out" proposals that do not successfully, efficiently deliver large volumes of gas at competitive, pre-contracted rates to markets that truly need them. Conversely, if investors are willing to finance such a project, and consumers and producers are willing to support it with long term shipping contracts, then its utility can be fairly presumed. FERC accordingly can have a reduced role in deciding whether the line is needed.

A similar approach has been developed at FERC in recent years, which has granted a "fast track" expedited certificate for pipelines assuming significant market risks. And this same approach—allowing entry into a regulated industry without any advance certificate hearings or approvals—has been used for decades for the construction of interstate oil pipeline and interstate electric transmission lines.

As with oil pipelines and electric lines, when gas starts being shipped interstate in the new line, a FERC tariff would be filed and a FERC rate case starts.

Under this option, no eminent domain authority is granted to a project; and it must comply with all applicable environmental and natural resource laws, as oil pipelines and electric lines do.

Specific requirements are as follows:

New facilities are incrementally priced, and built on a "stand alone" basis,

They are held separate, with separate books, accounting, and records.

They cannot go into rate base undersections 4 or 7 of the Natural Gas Act.

If existing shippers or customers believe the new facilities mean higher prices or worse service for them, they can file a FERC complaint.

The rule of decision for such complaints is that the new facilities cannot result in such higher rates or worse service.

The rate (and all terms of service, perhaps continuing over many years) freely negotiated by initial backers, funders, or customers supporting the new facility with capital or contracts, becomes a negotiated "initial rate" that cannot be suspended or refunded, or challenged under section 5 of the Natural Gas Act.

Transportation service and capacity that is *not* covered by or committed under the negotiated "initial rate" would be subject to sections 4 and 5 of the Natural Gas Act, and their prohibitions of unjust, unreasonable, or discriminatory rates or services.

New facilities would have to accept a transportation certificate after they start up; this certificate could require non-discriminatory open access as to new capacity opening up in the future on the new facility, or any uncommitted capacity not covered by the negotiated initial rate.

But this certificate would preserve the rates and rights negotiated by the backers of the new facility in their original contract, which becomes the special "initial rate."

DECLARATION ON HUMAN RIGHTS VIOLATIONS AGAINST ALBANIANS IN THE KOSOVO REGION OF YUGOSLAVIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. LANTOS. Mr. Speaker, I rise today to call to the attention of this House once more the most disturbing state of affairs in the Kosovo region of Yugoslavia. The basic human rights of ethnic Albanians in this region are being systematically violated by the Yugoslavian Federal and Serbian Governments. The ethnic Albanians' rapidly deteriorating situation in Kosovo warrants our immediate attention.

The Assembly of Kosovo, freely and fairly elected, was abolished by the Serbian Government and its assemblymen are being persecuted. Albanian newspapers, radio and television have all been officially silenced. Kosovo's economy is in a state of shambles as a result of its forced integration with Serbia's economy. Unemployment and extreme poverty are rampant. Since March 13, 1981 several hundred Albanians have been killed by the Yugoslav and Serbian armed forces and police. Arbitrary arrest, torture and jailings are common.

It is imperative that we in the Congress send a strong and unified message to those guilty of repression in this region.

Recently in Luxembourg I met with members of the Interparliamentary Group for Human Rights and Democracy. At this conference, a declaration expressing our deep concern for the current state of affairs in Kosovo was signed by members of the European Parliament, the banned Assembly of the Republic of Kosovo and the United States House of Representatives.

I insert the full text of the declaration in the RECORD, and I urge my distinguished colleagues to join us in signing it.

DECLARATION OF THE INTERPARLIAMENTARY GROUP FOR HUMAN RIGHTS AND DEMOCRACY IN KOSOVO

Whereas, we, the undersigned, representing the European Parliament, the U.S. House of Representatives, and the Kosovo Assembly are assembled here in Luxembourg on this seventh day of January 1991 to declare our commitment to peace and stability in Yugoslavia, and cooperation among its people;

Whereas, the worth and dignity of human beings constitute the foundation of freedom, peace and justice in societies governed by the rule of law;

Whereas, political stability in Yugoslavia is closely linked to peace and security in the Balkans and in Europe;

Whereas, several visits by members of our respective legislative bodies to Kosovo have revealed gross and systematic violations of human rights of the Albanian population;

Whereas, the European Parliament and the U.S. Congress have repeatedly drawn the attention of the Yugoslav Federal and Serbian Republican authorities to these violations;

Whereas, several hundred Albanian men, women and children have been killed by the Yugoslav and Serbian Armed Forces and Police since March 13, 1981;

Whereas, thousands of Albanians have been arrested, tortured and jailed in massive and arbitrary police operations;

Whereas, widespread unemployment and poverty have resulted from the mass dismissals of Albanians from work, the systematic dismantling of the Albanian economy, the intentional neglect of its infrastructure and the forceful integration with the economy of Serbia;

Whereas, the denial of education to Albanian children and the segregated schooling is producing a new generation of illiterate and underprivileged Albanians;

Whereas, the denial of health care services brings risk of widespread epidemics;

Whereas, the denial of Albanian participation in public life has made them the only disenfranchised population in Europe;

Whereas, the abolition of the Assembly of Kosovo and the persecution of its Assemblymen, forcing them into exile or detention is a capricious and arbitrary act violating the most elementary rules of democratic and civil society;

Whereas, silencing of the Albanian press, radio and television services has deprived the local Albanian population of its right to be informed in their native language;

Now therefore, we the undersigned,

Declare our support of the Kosovo population to assert their rights, and to denounce any form of discrimination;

Declare our support to the Kosovo Assembly to convene and operate under normal and legal circumstances, as the legislative body representing the democratically determined will of the people;

Declare our support to the demand of the Kosovo population for the withdrawal from Kosovo of all Federal and Serbian Army police and special force units brought into Kosovo since March 13, 1981, and to cancel all emergency measures which limit the freedom of action of the Albanian population in government, economic, educational, health care and cultural life;

Declare our support to the request of the Kosovo population to release all political prisoners who have not used, nor advocated the use of, violence;

Declare our support to free and fair elections supervised by international bodies;

Declare our support to the non-Albanian population in Kosovo to maintain their basic human rights;

Declare our support to an open and constructive dialogue with the Federal Government of Yugoslavia to determine a negotiated solution to the problems in Kosovo, and appeal to all people of goodwill to assist us in bringing peace, political stability, humanitarian assistance, economic aid and democracy to Kosovo in order to ensure freedom and justice for all.

CONGRESSIONAL SALUTE TO CAL CENTRAL PRESS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to a business that has long been a model of excellence in my community as well as a leader in the printing industry for the past 100 years.

Today, local dignitaries, clients, and friends of Cal Central Press will gather at the Sacramento Railroad Museum to participate in the centennial celebration of one of my community's oldest business establishments.

For the past 100 years, the people of Sacramento have come to rely on the quality and dependability of the employees at Cal Central Press to meet their specific printing needs. In turn, Cal Central Press has been a stable influence on the economic growth of the Sacramento area and currently provides employment for over 200 individuals

In addition to being recognized as one of the Nation's top printing companies, Cal Central Press has made significant contributions to the enrichment of service organizations in our community. I feel extremely fortunate to have exemplary business establishments like Cal Central Press in my congressional district.

Mr. Speaker, it is my distinct honor and pleasure to ask my fellow colleagues to join me in saluting Cal Central Press on the occasion of its 100th anniversary.

REQUIRE STATES TO PASS ALONG SSI COLA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. STARK. Mr. Speaker, on January 31, Representativs MATSUI, BOXER, BROWN, DELLUMS, DIXON, DYMALLY, EDWARDS of California, FAZIO, LEHMAN of California, MARTINEZ, MILLER of California, MINETA, PELOSI, ROYBAL, TORRES, WATERS, WAXMAN, and I introduced a bill to require States with supplemental SSI benefits to pass along the Federal COLA to beneficiaries.

Last July California decided to deprive California SSI recipients of their 5.4 percent Federal COLA. California is pocketing the extra Federal money to use in other areas and not paying the people for whom the increase was intended.

The Federal SSI benefit in 1990 was $386 a month for an individual and $579 for a couple. This amount is well below the poverty level, which for 1990 was $527 for one person and $702 for two people. Many States supplement the SSI amount with State funds.

Approximately half of California's 800,000 SSI recipients rely totally on SSI for income. In 1991, it will appear that the Federal Government has not given a COLA. The Federal portion of the SSI check has been raised from $386 to $407, and the California SSI supplement portion has decreased from $244 to $223, and California pockets approximately $12 million each month.

Our bill will amend the present law so that States that supplement Federal SSI benefits will have to pass along the Federal COLA to SSI recipients or lose matching Medicaid funds.

Our bill says give the money to the poor or give it back to the U.S. Government.

TRIBUTE TO MICHAEL CARUSO

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. RITTER. Mr. Speaker, I rise today to pay tribute to my constituent and friend, Mike Caruso. Mike is Lehigh University's only three time NCAA wrestling champion and the first engineer matman elected to the National Wrestling Hall of Fame. He was honored at their Wrestling Club's annual dinner on Saturday, January 26, 1991.

Mike has brought to his Alma Mater, the legend of Lehigh's wrestling, his community, his family, and his friends. He was not only a champion on the mat, he is a champion at life. That came through loud and clear at this year's Wrestling Club dinner.

I am submitting for the RECORD an article written by Scott D. Morse, Sports Information Assistant, Lehigh Sports News.

CARUSO TO BE INDUCTED INTO HALL OF FAME

(By Scott D. Morse)

If the ultimate challenge for any collegiate wrestler is to win an NCAA championship, then the ultimate honor for any NCAA champion is to be inducted into the National Wrestling Hall of Fame.

It seems only fitting that Lehigh's lone three-time NCAA champion, Mike Caruso, be the first Engineer wrestler to be inducted, joining former coaches Gerry Leeman and Billy Sheridan.

The ceremonies, which will take place May 3-4 in Stillwater, Okla., will mark an honor not only received by Caruso, but shared with family and friends, Lehigh associates, and even Bob Fehrs, the man he beat three times in the 123-pound NCAA championship finals.

"It all started when Bob and I roomed together on a recruiting trip at Navy," says Caruso of his long-time friend. "We worked out that weekend and it was close, one way or the other. I really couldn't tell you who won."

Both decided not to attend Navy, mainly because "neither of us wanted to have a 5:30 a.m. wake-up call." Fehrs would attend Michigan and Caruso, although he decided very late, would come to Lehigh.

"It was like a catch 22," explains Caruso. "I thought they weren't interested and they thought I wasn't interested. I watched them wrestle in the Eastern tournament my senior year of high school (St. Benedict's in Newark, NJ), and I knew Lehigh wrestling was for me."

A sports enthusiast, Caruso got into wrestling because of his small stature. "Initially, it was my size," says Caruso. "I was 81 pounds as a high school freshman, so my options were limited. My first love was baseball. In wrestling, you can always meet someone your own size."

Needless to say, he found his sport, and went on to excel in it, going 57-1-0 over three seasons, including three national championships—1965, 1966, and 1967—an accomplishment garnered by only 30 other athletes.

It was Fehrs who Caruso would meet each time in the 123-pound finals of the NCAA tournament, and each match was as equal as the last.

"I respect Bob the most for not moving to a different weight," says Caruso. "He could never admit to himself that he couldn't beat me I always respected that."

Caruso is saddened by the trend of wrestlers shifting weights so as to avoid the stronger competition.

"It's really disappointing to see wrestlers these days without the competitive eagerness," says Caruso. "Seeing guys moving away from other strong guys is really bad for the sport. The fans would much rather see two strong guys in an equal match than a one-sided match."

Caruso has certainly taken on the strong opponents throughout his career. For that reason, among many others, he joins Wade Schalles, who wrestled at Clarion University, and the late Richard W. Barker, who founded the wrestling program at Cornell College of Iowa, as this year's inductees. The induction of the three wrestling greats will raise the Hall of Fame membership to 83.

The excitement of being inducted really hasn't hit home yet for Caruso.

"My one concern was living in the past," says Caruso. "It's going to take a while to sink in. As time goes on, this will mean more."

Caruso strongly believes the award is not just his, but for many to share. "I've had tremendous support since I came here in the fall of 1963," says Caruso, now the owner of the M.J. Caruso & Associates insurance firm in Bethlehem. "I think the Lehigh Valley treats newcomers as adopted children."

"No award could ever mean as much as my relationships," explans Caruso. "The plaque in Oklahoma represents all of my relationships within the wrestling community."

Caruso will be honored Saturday, January 26, at the annual dinner of the Lehigh Wrestling Club. The Wrestling Club is limiting its attendance to the first 350 members of guests purchasing tickets at $25. Reservations for the event, slated for the Mountaintop Campus, may be made through Thad Turner or Jack Abel, cochairmen of the event. Turner can be reached at his office (758-3133) or home (1-967-2207) for additional information.

MAN BATTLING CANCER ALSO FIGHTING INSURER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. BROWN of California. Mr. Speaker, cancer is a frightening and unforgiving disease.

It requires a patient to focus spiritual, emotional, and physical energies against this dreaded illness. A discouraging development is that health insurance companies are refusing to cover therapies proven effective in the field on experimental grounds.

I am including in my remarks today an article that appeared in the San Bernardino Sun on November 4, 1990, by Marilyn Leary that presents a specific example. I share this with my colleagues because patients should not have to battle cancer and their health insurance companies at the same time:

MAN BATTLING CANCER ALSO FIGHTING INSURER

(By Marilyn Leary)

It takes a lot to get Rudy Castro fighting mad.

He didn't even get angry when he learned he had cancer. He just made up his mind to survive.

But his health insurer, which had refused to pay for anticancer drugs, pushed him too far when it canceled coverage for the San Bernardino Community Services Department that Castro heads.

Castro viewed the sweeping cancellation as retaliation aimed at him because he insisted on his right to find the best possible cancer treatment.

"I couldn't take that. They are punishing the whole department to get rid of me."

James B. Lukas, spokesman for Health Net, a California health maintenance organization, said the cancellation had no connection with Castro's case.

The insurance was canceled because the department has many older and female employees, and both categories have higher-then-average health bills, he said.

"The costs to Health Net were simply too high."

Peter Groom, an attorney for the State Department of Insurance, said the company was within its rights.

"Group insurance can be canceled for any reasons."

Before the cancellation, Castro, 48, had been battling Health Net to get better cancer treatment.

The Banning resident has kidney cancer that has spread to his lung. It could kill him.

Health Net refused to pay for interferon, a drug that Castro's doctors hope will prolong his life. The insurer said the drug "is investigational."

Health Net based its refusal on the Food and Drug Administration's list of drugs approved for specific illnesses.

Treatment with interferon, a manufactured form of a natural body chemical, costs about $1,000 a month. The FDA approves it for treatment only of one kind of leukemia, genital warts and AIDS-related tumors. It is not approved for kidney cancer.

Refusal to pay for experimental drugs is becoming the national norm. A survey published in the Association of Community Cancer Centers' Oncology Issues magazine showed that in 1988 insurers denied half of all claims when interferon was prescribed for off-label cancers—those without the FDA label of approval.

"Virtually all insurers now are classifying any new use of cancer drugs or high-technology biologicals as 'experimental.' The resulting delay means that cancer patients do not have access to some proven therapies for years—if at all," said Lee E. Mortenson, executive director of the association.

Health Net is one of hundreds of health insurance nationally that will not pay for experimental drugs.

Blue Cross, California's largest health insurer with more than 1.5 million members in just one of its plans, also refuses to pay for treatment with non-FDA approved drugs.

"Patients don't understand why we can't insure them for experimental treatments," said Beth Powis, spokeswoman for California Blue Cross.

"There is no proof that it will help. There may be unfavorable results."

Despite the odds, Castro persisted.

Castro, an amiable, burly man, struggled through eight months of futile argument with Health Net even when a company employee told him in a telephone call that "we know you are terminal."

The remark was like a kick in the stomach.

"It freaked me out. I prefer to be declared terminal after I'm dead."

But even then, he didn't lose his temper.

The last straw came when Health Net canceled its agreement for health-care coverage for all 83 members of Castro's community services department, which provides services to the poor and elderly.

"I try to deal with things with humor, but I couldn't find anything funny about that," Castro said.

"There is no way to express the frustration, disappointment and emotional stress Health Net has put me through over eight months."

Castro learned late last year that he had renal cell carcinoma—cancer in the left kidney.

"When the doctor told me, I thought, "Wow, I'm dead."

And the day before surgery to remove the kidney there was another unpleasant message: "I was having lunch and my fortune cookie said, 'Now is the time to take care of all final business.' You can imagine how that made me feel."

The kidney was removed, along with surrounding tissues and nearby lymph nodes. Cancer specialist Dr. Jack P. Schwartz then prescribed Health Net-approved chemotherapy once a week to prevent a recurrence.

But an examination early this year at St. Bernardine Medical Center found three metastic tumors in Castro's left lung.

Schwartz told Castro he wanted to refer him to the City of Hope in Duarte for interleukin, a powerful anticancer drug.

Health Net refused to authorize the referral, saying interleukin was an experimental drug.

It was Health Net's first refusal of treatment for Castro.

On March 8, oncologist Schwartz told Castro he would treat him with interferon. A day later, Health Net refused to pay for it, saying interferon also was an experimental drug.

Schwartz immediately sent a note to Health Net's medical director, accompanied by a long hand-written list of research articles reporting good results when interferon was used to treat kidney cancer. He pointed out that he was treating two kidney cancer patients with interferon and Medicare was paying for it.

Schwartz ended his letter with this line: "An urgent reply is requested since this patient has a progressive disease."

While Schwartz awaited a reply, the company refused two more requests to approve interferon treatment for Castro. After the second refusal, Castro filed a formal complaint with the State Department of Insurance on June 21.

Kerry Fletcher, spokeswoman for the state insurance department in San Francisco, would not comment on the complaint, saying all investigations are confidential.

On October 18, seven months after Schwartz sent his letter, he heard from Dr. Leonard Knapp, Health Net's medical director. Knapp told him that new research had found interferon effective against kidney cancer.

But Health Net had canceled the department's coverage one week earlier.

Since then another health maintenance organization has stepped in, said Charles Adams Jr., community services department personnel director.

As of Thursday, the department was covered by the Loma Linda Health Plan, an HMO based in Loma Linda.

Castro can continue to see the same oncologist. And he hopes that this time, treatment with interferon will be approved.

"Now I think it's time for me to get all the treatment I can get."

CONGRATULATIONS TO STATE CHAMPS TROUSDALE COUNTY HIGH SCHOOL YELLOW JACKETS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. CLEMENT. Mr. Speaker, I would like to extend hearty congratulations to the Trousdale County High School Yellow Jackets, who won the State football championship last month.

Over the past 4 years, the Yellow Jackets have gone from the worst won-loss record in 30 years to the best record in the school's history. In fact, last season's 14–0 record was the most consecutive wins in the school's history and the first undefeated season since 1977.

In the championship game, the Yellow Jackets played against the reigning State champions, Bruceton. And, in the 14–7 win, the Yellow Jackets ended the State's longest winning streak at 29 games. It is, indeed, a tribute to both teams that this critical game was low scoring. I was present on the sidelines during the game and I can attest to the fact that both teams fought with great determination and dedication. I congratulate all of the players and coaches, as well as the teams' supporters.

I also want to express very special congratulations to the Yellow Jackets' head coach, Clint Satterfield. Accompanied by assistant coaches Jim Satterfield, James Plumlee, and Phillip Taylor, Clint has instilled discipline and self-confidence in his athletes. Under his watchful eyes, the team has developed into a well-trained and hardworking squad.

I want to congratulate principal Toby Woodmore and Assistant Principal William Beasley for their untiring work on behalf of the team. And special thanks need to be extended to team manager Timmy Davis and cheerleaders Lissa Thompson, Toni Johns, Tina Hodges, Marli Pruitt, Wendy Webb, Jamie Oliver, Tina Gregory, Tish Holt, Holly Smith, and Bridget Trisdale. I know the team members are grateful for the ongoing support all of these individuals gave during the long season.

Mr. Speaker, without further ado, I would like to recognize and personally congratulate the individual members of the State championship Yellow Jackets team. They are:

Senior players: Rodger Reed, Corey Gammons, Shawn Williams, Shane McGowan, Troy Calhoun, Brian Gregory, Wayne Hawkins, and Dewayne Harper.

Junior players: Michael Mungle, Wenn Turner, John Hehn, Billy Allen, Troy Schabacker, Brian Hawkins, Charlie Freeman, Shannon Woodmore, Marty Carr, and Tony Shivers.

Sophomore players: Jackie Brown, Michael Roberts, Jason Holder, Shane Blackwell, William Vanoven, and Mike Cunningham.

Freshman players: Sherrod Hicks, Brandon Helm, Phillip Dean, and Timothy Towns.

I know the parents of these players and all of the townspeople of Hartsville are proud of the team. I am pleased to join them in saluting the Yellow Jackets on winning the State football championship for 1990.

INTRODUCTION OF THE RENEWABLE ENERGY AND ENERGY EFFICIENCY TAX ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. SHARP. Mr. Speaker, today, I am introducing the Renewable Energy and Energy Efficiency Tax Act of 1991 as part of a package of bills I am introducing as components of a national energy policy.

This legislation has three sections that will encourage the greater use of renewable energy to generate power, encourage customers to take advantage of rebates for energy efficient investments, and encourage the use of mass transit.

RENEWABLE ENERGY PERFORMANCE TAX INCENTIVE

The use of renewable energy has grown exponentially since the 1970's.

Currently there are nearly 1,400 MW of wind capacity installed in California, which generated enough power in 1990 for the residential needs of a city the size of Washington.

Solar powerplants in the Mojave Desert are the largest in the world, with 194 MW installed currently and another 450 MW under construction or contract.

The United States is the world's largest producer of electricity from geothermal energy, with 2,200 MW installed capacity in the Western States.

These successes were brought about by the development of better technology that was partially fueled by tax incentives in the early 1980's. Another important factor was the passage of the Public Utility Regulatory Policies Act [PURPA] which required utilities to purchase power from renewable energy powerplants.

These technologies are poised for further breakthroughs. To this end, the 101st Congress enacted the Sharp-Lloyd-Fowler bill, which provided for public-private joint ventures to develop the next generation technologies. Last year Congress also lifted size limitations on renewable energy powerplants so they could take advantage of economies of scale.

However, to achieve the environmental benefits that greater commercial use of these technologies would have, REEETA provides a 2½-cent per kilowatt hour performance tax credit for powerplants that run on solar, wind, and geothermal energy.

It is called a performance incentive because the incentive is tied to actual production, in order to reward efficient operators and prevent tax shelter abuses with equipment that does not work. It contains a sunset provision to ensure that the temporary incentive does not become a permanent subsidy; it only applies to powerplants built in the first 6 years after enactment and to power produced during the first 10 years of a plant's operation.

It is my hope that this incentive will help utility executives and others to take into account the full national benefits, both to the environment and to energy security, of using these power sources rather than traditional energy sources and will help close the gap between the cost to the utility of those conventional sources and the cost of renewable energy powerplants.

UTILITY REBATES DECLARED AS NONTAXABLE INCOME

Current IRS rules declare that utility rebates to consumers who install energy efficient equipment are counted as taxable income. Meanwhile, rebates on a host of consumer products such as cars are not considered taxable income. Making such utility rebates nontaxable will encourage greater energy efficiency in homes and businesses, as well as reduce the administrative burden on utilities which now have to report all rebates to the Internal Revenue Service. This provision is similar to H.R. 4249 sponsored by Congressman KENNELLY last year.

TAX STATUS OF EMPLOYER SUBSIDIZED PARKING AND MASS TRANSIT

REEETA reverses a tilt in current tax law that now encourages commuters to use cars rather than mass transit. It declares employer-subsidized parking fees taxable income, while making employer-subsidized mass transit fares nontaxable up to $75 per month. Currently, payment for parking goes untaxed while payment for transit fares are considered taxable income.

This change only applies to subsidies for parking fees in commercial lots or garages. Parking provided for employees in company-owned lots or garages that are not generally open to the public will not be taxed. This provision should help encourage commuters who have a choice to get out of their cars and onto mass transit, which is far more energy efficient and far less polluting.

Altogether, I hope this bill will help rebuild the momentum for renewable energy and energy efficiency that was lost in the last decade.

I urge my colleagues to join with me in cosponsoring this important legislation.

CONGRESSIONAL SALUTE TO THE SACRAMENTO FAMILY OF THE YEAR WILLIAM HALLERMAN FAMILY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. MATSUI. Mr. Speaker, I am honored to rise today to bring to my colleagues' attention the tremendous contributions of a very special family from Sacramento, the William Hallerman family.

This evening the community will hold a celebration dinner in honor of the Hallerman family to name and award them 1990 Sacramento Family of the Year. The purpose of this award is to focus the attention on families and their importance to the children in our community.

William Hallerman and his wife, Ellen, have brought eight beautiful children into this world. Dedicated to their children, they are as committed to their community, devoting much of their time to serving charities, community service organizations, and their church.

William Hallerman, Sr., is currently the chief executive officer of the Sacramento Area United Way. His son, Bill, Jr., is currently a director of the Loaves and Fishes Program to fund the homeless. His daughter, Karen, is the executive director of Chrysalis, an organization which helps to provide housing and jobs for the homeless. Another son, Mark, is an Eagle Scout. All eight of the children have pursued higher education for some length of time. Clearly the entire family shares in the commitmernt to help make the communities in which they live better places.

The diversity in their efforts, and the broad range of activities in which they participate are a testament to the quality of the family experience they share. We can only hope that by their nomination for this award other families can see the positive influence which a sharing, caring, and dedicated family can present to the community.

Mr. Speaker, I know that my colleagues join me in congratulating the William Hallerman family for receiving this prestigious award and to extend our wish that they continue their exemplary endeavors that serve as an example for all the families of our great Nation.

SMOKING-RELATED DEATHS INCREASE AS TOBACCO PROFITS SOAR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. STARK. Mr. Speaker, the Wall Street Journal reports that Philip Morris posted a 19-percent gain in profit on its domestic tobacco business and more than tripled its international tobacco business in its fourth quarter. While profits are up, so are smoking-related deaths. More than 434,000 Americans died in 1988 from health problems caused by smoking, according to a newly released study by the Center for Disease Control. This number represents an 11-percent increase over the 1985 number.

While Philip Morris reaps profits from tobacco sales, Medicare and Medicaid pay $4.2 billion a year for the treatment of tobacco related illnesses. It seems only fair that, as a cost of doing business, the tobacco industry should reimburse the Federal Government for these expenses.

I've introduced two bills, H.R. 698 and H.R. 699, that would collect a tax from tobacco companies to reimburse the Federal Government for the health costs of smoking. The tax on each company would be directly related to the market share of that company. With profits like Philip Morris just reported, the tobacco industry appears quite able to pay for the damage it wreaks.

TRIBUTE TO MR. AND MRS. ANTHONY GEORGE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Anthony Gerge of my 17th Congressional District of Ohio, who will be celebrating their 50th anniversary of marriage on February 24, 1991. Mr. and Mrs. George were married at St. Patrick's Church in Washington, DC, and returned to their home city of Warren, OH, where they have dedicated the last 50 years to family and the community.

Born of immigrant parents, Mr. and Mrs. George were instilled with the vision of the American Dream; an ideal that teaches the value of hard work and love of country. During World War II, Mr. George served with the U.S. Army in the 795th Antiaircraft Automatic Weapons Battalion. Mr. George later became an active member of the Trumbull County Democratic Central and Executive Committees. He served at committee functions for many years, often supervising fundraising events and inaugurations.

Mr. and Mrs. George have been lifelong members of St. Cyril and St. Methodius Catholic Church in Warren and have taught their own children the values of their immigrant parents, Mr. and Mrs. George have four children: Patricia, a teacher at Howland High School for the past 23 years; Monica, a librarian and media specialist with the North Clackamas School District No. 12 in Milwaukie, OR; Gregory, a family practice physician in Hermitage, PA; and Margie, a housewife. Mr. and Mrs. George have three grandchildren: Tonya, Jimmy, and Omar.

Mr. Speaker, I would like to take this opportunity to recognize Mr. and Mrs. Anthony George as outstanding and model Americans who have fought for and upheld the many values and beliefs our country was founded upon. Mr. and Mrs. George have given their children every ounce of their resources, guidance, energy, and love. I would like to congratulate Mr. and Mrs. George on the annniversary of their 50th year of marriage and thank them on behalf of their four children. It is truly an honor to represent them.

THE PRESIDENT'S FISCAL YEAR 1992 BUDGET

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. MICHEL. Mr. Speaker, the President has been presented his fiscal year 1992 budget to the Congress today. This budget is consistent with the deficit reduction agreement reached between the President and Congress last fall.

The President's budget proposes discretionary spending levels in line with the statutory caps for defense, international and domestic discretionary programs; implements the entitlement reforms enacted as part of the budget agreement last year; and conforms to the new pay-as-you-go requirements.

Yes, the President has proposed entitlement reforms. Yes, they are in excess of the amount necessary to offset receipt losses and proposed entitlement expansions, required by pay-as-you-go rules. But, last year's agreement has not been breached, as some have alleged.

We face record deficits. The President has decided to suggest some additional areas of cost containment to further reign in the deficit. He should be commended for doing so.

Now it is up to Congress to begin work on the budget.

If there is disagreement with the President's priorities or proposals, then it is up to Congress to produce an alternative.

The budget agreement must stand. And the Congress has to take a stand—are we going to try to work with him, or will the President's budget be greeted in Congress by another version of "DOA"—demagoguery on arrival?

TAXATION OF COOPERATIVE HOUSING

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. GREEN of New York. Mr. Speaker, today, I rise to introduce legislation to amend the Internal Revenue Code of 1986 to exempt cooperative housing corporations from the provisions of section 277 of such code. As a Member of Congress who probably has more housing cooperatives in his district than any other Member, I feel that it is necessary to ensure that the intent of Congress regarding the taxation of housing cooperatives is not thwarted by the Internal Revenue Service.

Section 277 was enacted in 1969 to tax revenues derived by membership organizations, such as country clubs and hunting lodges, from services which they provided to nonmembers at a higher fee than members paid. It states that nonmember income of membership organizations cannot be used for tax purposes to offset the cost of providing services to a member. Only the direct costs of that service can be deducted for tax purposes. There is nothing in the history of section 277 which indicates that Congress intended to apply section 277 to housing cooperatives, and the effort of the IRS subsequently to apply that section to them seems to be most inappropriate.

Furthermore, cooperatives are very well regulated without invoking section 277. Section 216 of the Internal Revenue Code sets strict standards for qualification as a cooperative, and affords to qualifying cooperatives the right to pass along to shareholders the deductions for mortgage interest and for real estate taxes. Subchapter T further defines cooperatives by providing for extensive taxation guidelines. Clearly, co-ops are well regulated by existing law, and the application of section 277 is an unwarranted intrusion.

I should like to emphasize that cooperatives are worthy vehicles for providing affordable housing. In the past, the Federal Government has recognized this fact and given cooperative housing its support and encouragement. The majority of cooperatives are owned by middle- and low-income families. Many were constructed with Government insured loans and some were federally assisted through housing production programs. In order to preserve cooperatives as providers of affordable housing, I believe that they must be protected from misguided overtaxation under section 277.

I strongly encourage my colleagues to join my efforts to protect housing cooperatives from onerous taxation that would result from the application of section 277. The IRS efforts to impose section 277 taxation on housing cooperatives will no doubt have serious ramifications not only for cooperatives in New York but for those throughout the Nation.

TAX FAIRNESS FOR THE SELF-EMPLOYED

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, in the 101st Congress, 243 House Members joined me in cosponsoring legislation to extend and expand the 25-percent tax deduction for amounts paid for health insurance on behalf of self-employed individuals. The tax deduction expires at the end of 1991, and with its expiration, a major step that Congress has taken toward providing equity among taxpayers in the matter of health insurance deductions regardless of their status as sole proprietors, partnerships, or corporations.

Today, I introduce for myself, Mr. JENKINS, Mr. CHANDLER, Mr. GRANDY, and many other distinguished colleagues, legislation to provide equity for self-employed taxpayers by extending the current 25-percent tax deduction through 1992 and 1993, expanding it to 50 percent in 1994 and 1995 and phasing in full 100 percent deductibility of the health insurance premiums in 1996.

Saving and expanding the health insurance cost tax deduction is important to farmers, ranchers, and small business owners who conduct their businesses as sole proprietors. Competitors organized as C corporations are able to take advantage of full deductibility of these same health costs. The same treatment should be available for self-employed taxpayers.

Aside from the important issue of equity, health insurance costs continue to spiral upward at an alarming rate. At a time when 37 million Americans do not have any health insurance coverage, the goal of the Federal Government ought to be to stimulate and encourage employer-provided health insurance, and this legislation provides an important incentive to ensure that self-employed individuals can provide for their own insurance needs.

I urge my colleagues to join me in this effort to provide equitable tax treatment and an incentive to ensure adequate health coverage by cosponsoring this bill. We ought to be encouraging self-employed taxpayers to provide sufficient health care coverage for themselves, their families, and employees.

The full text of the bill follows:

H.R. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "the applicable percentage".

(b) Paragraph (6) of section 162(l) of such Code is amended to read as follows:

"(6) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"In the case of taxable years beginning in calendar year:	The applicable percentage is:
1992 or 1993	25 percent
1994 or 1995	50 percent
1996 or thereafter	100 percent."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

INTRODUCTION OF THE STRATEGIC PETROLEUM RESERVE ENHANCEMENT ACT OF 1991

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. SHARP. Mr. Speaker, as one of a series of energy policy bills, I am today introducing legislation to expand the size of our strategic petroleum reserve [SPR] by boosting its fill rate and its ultimate authorized size, and to put it on a self-financing user fee basis.

As we all know, the SPR has been our major economic defense against devastating oil price increases during the oil market turmoil of recent months, and I share the nearly unanimous sentiment that we should enlarge and fill SPR as soon as possible.

This is a key goal for three reasons:

First, though the administration regrettably did not use the SPR to protect the economy in late 1990, when prices briefly hit the $40 level, simply having this huge reserve placed us in a far better situation than we were in during the two disruptions of the 1970's—when we had no reserves at all and could not afford to antagonize any major Mideast oil exporter. Even though it was unused, SPR made it possible for the United States and its allies to consider and carry out the worldwide embargo of Iraqi and Kuwaiti oil exports in August 1990. Remember, in the 1970's, they embargoed us; in 1990, we embargoed them. That's a big difference, and the U.N. embargo would not have even been suggested, much less successfully executed, without a large SPR to dampen industry and consumer supply panic. The same is true of the current war.

Second, when the administration refused to use the SPR in late 1990, we heard the following rationales: "Save it in case a bigger crisis comes along, such as the destruction of the Saudi oil fields. Don't use it yet. It might not be big enough to help us now and help us out of a bigger crisis later." Plainly, this logic strongly supports a bigger SPR.

Third, when the administration finally did use the SPR on January 16, in tandem with the large reserves of our allies, oil prices actually fell by record levels. Certainly, some of that was due to apparent early military success and rising hopes of a short war and no disruption; but some of it was due to the selling of over 1 million barrels per day of SPR oil.

In sum, Mr. Speaker, the SPR works. Though we used it "too little and too late," it has still proven itself. We should accordingly enlarge and fill it.

This bill does that, in a rapid and aggressive way, without budget costs to the Federal Government. It is similar to measures earlier sponsored by our late and dear colleague, the distinguished Mickey Leland, and also cosponsored by Chairman DINGELL and myself, and endorsed by the House Budget Committee.

Instead of filling SPR with appropriated funds that further raise the deficit, this bill places the costs of filling SPR upon oil consumers and the oil industry. It imposes both a SPR storage requirement for, and a SPR user fee on, imported oil.

Like the mandatory commercial oil storage programs of several of our allies, it requires companies importing crude oil into the United States to place 200,000 barrels per day—about 3 percent of their imports—into our SPR. The companies would continue to own their oil. Importers of refined products would similarly store some of their imports in the newly established refined product reserve Congress created last year.

Even if all the costs of this oil storage program are fully passed through to American consumers—and they probably will be—the motorist and the heating oil consumer will only see a price rise of about 70 cents per barrel, or under 2 cents per gallon.

Is 2 cents per gallon too much to pay, for a rapid filling of our SPR to a level of 1 billion barrels by the late 1990's? I don't think so.

Is 2 cents per gallon too much to pay, in order to save about $1.5 billion per year in Federal spending on SPR? I don't think so.

Is it time to end our frequent debates over how fast we'll fill SPR, and whether it's worth it, and whether we can afford it? I hope so.

Mr. Speaker, this bill also raises the authorized size of the SPR from the current level of 1 billion barrels, to a new level of 1.5 billion barrels. Even at the fill rate set by this bill, we would not reach the 1.5 billion barrel level until after the year 2000. But as a policy matter, especially in view of the likely rise in our future oil import levels, we should agree now on the policy goal of a larger SPR.

By supporting these changes, my colleagues will help put this major, proven weapon against new disruptions into a rapidly growing, self-financing, and usable status.

Don't count on the Persian Gulf miraculously becoming a peaceful, stable area in the years ahead. Expect more problems. Plan for them now. Help fill our strategic petroleum reserve. Many believe that oil may fall to very low price levels after the current conflict ends. This tells us that it may soon be an ideal time to fill the SPR, and that the possible price impact on our consumers may be very small.

The following is a brief summary of the bill:

Section 1: The bill's short title is "The Strategic Petroleum Reserve Enhancement Act of 1991."

Section 2: This section imposes a storage requirement on oil importers that in the aggregate will equal an average daily fill rate of 200,000 barrels, and raises the ultimate size of the SPR to 1.5 billion barrels.

Each importer of crude and refined oil would have to store roughly 3% of its net imports in the SPR. The 1975 Energy Policy and Conservation Act has discretionary authority for such a program, which this bill makes mandatory.

Importers of refined products would store 3% of their imports in the newly established refined product reserve, up to that reserve's maximum authorized capacity. After that point, they would store an equivalent amount of crude oil in the crude oil SPR.

The approximately 3% "set aside" totals the required 200,000 barrels per day of SPR fill, at current U.S. Oil import levels of about 7 million barrels per day. If import levels rise or fall, the Secretary of Energy would adjust the percentage figure so that it yields the required fill rate of 200,000 barrels/day.

This fill rate is about six times as high as the 35,000 barrel/day rate in effect in 1990, and close to the record fill rate of 250,000 barrels/day achieved in 1981.

While all importers continue to own their stored oil, only the President could withdraw it from the SPR, and then only during a severe or a regional disruption, as existing law specifies.

Importers, not the U.S., would receive sales revenues from any of their oil sold during a drawdown. The proven economic benefits of a large SPR depend on being able to place a large amount of oil into a disrupted market; they do *not* depend on whether the government or private companies own the oil. Hence, there is no public disadvantage associated with the private ownership of these stocks.

The privately-owned oil would be deemed to be the first oil withdrawn in a future crisis. This maximizes the value of the privately contributed oil.

Private ownership of the stored oil is what makes possible a cut in Federal appropriations for buying SPR oil. With a world oil price of $20, a high fill rate like that set by this bill would cost $1.533 billion per year. That is the annual appropriations saved by adopting this plan.

To make the program more workable, the contribution of 3% of each day's actual physical imports is not required. Exchanges, paper swaps, credits, and payments would be used by DOE to minimize unnecessary shipping costs and ensure the injection and storage of proper grades and mixes of oil.

The 590 million barrels of oil now in the SPR (less withdrawals during the current sales period) would remain fully owned by the U.S. government.

Mr. Speaker, some may contend that this bill is really an oil import fee: The argument is that it will necessarily raise the costs of oil importers—like an import fee does—and that they will then pass on those higher costs to our consumers.

But I have always opposed an oil import fee, and I disagree with this contention.

First, this bill in fact is not a tariff or tax on imported oil. It is instead an oil storage requirement, of the same type that is authorized by the Energy Policy and Conservation Act of 1975 (EPCA).

Second, though our major trading partners have traditionally opposed an oil import fee, they themselves have instituted similar commercial oil storage programs to meet their oil stock requirements under the International Energy Program. Nothing in that program requires us to bill our taxpayers to fund our oil reserve (as we now do), instead of oil consumers (as this plan does).

Third, oil importers will continue to own the stored oil, and it will continue to have a real economic value for them. The oil thus may be a cost or an asset to them, and they might *not* pass on all their higher oil storage costs to U.S. consumers—as they are presumed to do in the case of an import fee.

Fourth, import fees are not likely to bring us appreciable protection against future disruptions. Many studies show such fees slightly raise domestic oil output at a huge price, with the domestic oil production gained by a fee typically raising consumer prices by over one hundred dollars per "extra" barrel. But this bill is far more modest in cost, and it gives our consumers large savings later on—in the form of lower oil prices in a disruption—in return for possible small increases now.

Section 3: The costs of preparing underground storage sites for the SPR have to date been only a fraction of the cost of purchasing oil for SPR:

Purchasing oil has cost $16 billion in nominal dollars over the last ten years.

Spending for underground storage sites and installing related injection and withdrawal facilities has totaled $3 billion since the late 1970s.

This bill assesses future SPR storage site costs against importers, in protection to their future imports which will be stored in those new sites.

Section 4: Conforming and technical amendments.

A BILL TO REVISE THE RULES ON FOREIGN OWNERSHIP OF U.S. AIRLINES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. CLINGER. Mr. Speaker, 2 weeks ago, Eastern Airlines, an airline with a long and proud history, ceased operations. Pan Am and Continental, two other major airlines, are operating under the protection of the bankruptcy laws. It is estimated that the airline industry lost $2 billion last year.

It is clear that our Nation's airline industry is in trouble. Today I am introducing legislation to try to help. This bill will improve the airline industry's access to capital by liberalizing the rules on foreign investment.

Currently, U.S. airlines must be 75 percent owned by U.S. citizens. Foreign citizens are permitted to own no more than 25 percent of the voting interest of the airline corporation. As a result of this restriction, airlines have difficulty obtaining funding to survive and grow.

My bill, by raising the limit on foreign ownership to 49 percent, would make it easier for our airlines to raise necessary funds. This could help some financially ailing airlines to survive and would help all airlines weather the current storm so that they can prosper and grow. As such, this bill will help prevent consolidation and concentration in the airline industry, enhance competition, and lead to better service and lower fares for all passengers.

It is also important to realize that international aviation is changing. Just as we have seen in many other industries, a globalization of the airline industry appears to be occurring. This is already apparent in the code sharing and other relationships between our airlines and their counterparts in foreign countries. We must recognize this globalization process and allow our airlines to respond to it. Investment is an integral part of that response. My bill will create an environment that is conducive to foreign investment in the U.S. airline industry.

Secretary of Transportation Sam Skinner has recognized the need for this as well and has moved to liberalize the rules to the extent that he can under current law. But Congress has an important role to play in this process, both in revising the law and in settng the limits.

It should be emphasized that my bill will not permit unrestricted foreign ownership of U.S. airlines. In addition to the 49 percent limit, there are several key restrictions that are crucial features of this bill. These restrictions will ensure that the new liberalized rules in this bill are not abused by foreign interests.

The first restriction requires that any foreign investor must come from a country that has a procompetitive air service agreement with the United States. This will ensure that a foreign airline will not be able to use these liberal investment rules to gain access to international routes that it has been unable to obtain through bilateral negotiations. Foreign countries must be willing to fully open their aviation markets before we will let their citizens make the investment in U.S. airlines permitted by this bill.

The second restriction requires that the foreign country of which the investor is a citizen would permit the same level of U.S. investment in its airlines as it citizens is seeking in our airline. This will ensure that there is reciprocity in the application of these foreign investment rules.

The third restriction requires that the key offices of the airline continue to be occupied by U.S. citizens. This will ensure that the airline remains in the control of American citizens.

The fourth restriction requires that the investment be consistent with our national security. This will ensure that U.S. airlines do not fall into the hands of our enemies. It is also designed to ensure that aircraft will continue to be available for the Civil Reserve Air Fleet [CRAF] Program that has been instrumental in ferrying troops and supplies to the Middle East.

The Secretary of Transportation is directed to make a finding on each of these restrictions. If a particular investment in a U.S. airline would not be in the public interest, the Secretary would have the power to block it.

I believe this bill could aid our ailing airline industry, will help to move that industry into the 21st century, and is carefully drawn to prevent any abuses. I would urge this Congress to give it careful consideration.

IN RECOGNITION OF THE BURNS HARBOR PLANT OF BETHLEHEM STEEL CORP.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I rise today to commend the workers and management of Bethlehem Steel Corp's Burns Harbor plant. Burns Harbor was recently recognized as the Nation's first integrated producer of sheet steel to earn the General Motors' "Mark of Excellence" award for superior supplier performance.

Employee input and cooperation throughout the plant made this achievement possible, but I would like to specifically recognize the contributions of the plant's two chapters of the United Steel Workers of America led by Paul Gipson, president of local 6786, and Sandy Sutton, president of local 9144. I would also like to recognize Joseph Emig, vice president and general manager at Burns Harbor, for this outstanding accomplishment.

The "Mark of Excellence" award culminated an 18-month effort by employees at the Burns Harbor plant to meet the requirements of GM's targets for excellence process. General Motors introduced targets for excellence, a continuous improvement process for its suppliers, more than 3 years ago. The aim of targets for excellence is to evaluate and assist suppliers in five key areas: Quality, cost, delivery, management, and technology. This process measures a company's current capabilities and, more importantly, its potential to improve. The award further solidifies Bethlehem's reputation as a world-class supplier of quality steel products.

All of those affiliated with Burns Harbor should be proud of their outstanding efforts. As a "Mark of Excellence" designee, the plant is distinguished as a supplier that has demonstrated to General Motors the capacity and desire to be a long-term partner in pursuit of quality, customer satisfaction, and a competitive position that results from continuous improvement. We in northwest Indiana are familiar with their accomplishments, and I am pleased that deserved recognition has now been achieved on a national level.

ARIZONA'S COPPER INDUSTRY BUOYS ECONOMY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. KOLBE. Mr. Speaker, with our country in the midst of an economic slump, I am pleased to report some good news: the resurgence of the Arizona copper industry. Copper has played a large role in Arizona's economy since the late 1800's. After falling on tough times, the copper industry has reemerged a success. In fact, in 1989, Arizona produced about 60 percent of total U.S. output.

The expansion projects already begun at Arizona mines total more than $500 million, and 700 jobs were added to the Arizona work force in 1989 alone. At a time when Arizona, as well as the rest of the United States, needs an economic boost, the copper industry's productivity and profits are especially encouraging.

I commend to my colleagues a feature article appearing in The Business Journal, week of December 24, which explains the struggles and successes of the copper industry in Arizona.

Copper's Comeback Buoys Economy Just When Arizona Needs it the Most—Higher Productivity Prices Spark Rebound

(By Scott Rodrian)

After taking some hard knocks in the 1980s, Arizona's copper industry has scratched its way back to financial health.

All of the companies with major copper mining operations in Arizona—Phelps Dodge Corp., Magma Copper Co., Asarco Inc. and Cyprus Minerals Inc.—are booming. Production is growing, productivity is at record levels and profits are strong.

These four firms combined have more than $500 million worth of expansion projects under way at mines in Arizona. And after years of declining employment levels, Arizona's copper industry added 700 workers in 1989, bringing its ranks to 9,500 workers.

The comeback of copper mining in Arizona is "one of the greatest stories of American industry," contends Peter Anker, a metals analyst with First Boston Corp., New York. "These companies really had their backs to the wall . . . and now they're setting the pace worldwide."

Dick Beard, a mining engineer with the Arizona Department of Mines and Mineral Resources, says copper firms are "enjoying some fat margins. [Arizona] is producing about the same amount of copper as 10 years ago, but with about one-half the employees. Productivity is sky-high."

Profits have shot up as well. Consider these third-quarter results:

Phoenix-based Phelps Dodge posted record earnings of $126.2 million on revenues of $674.2 million;

Magma, based in Tucson, reported record net income of $28.9 million on sales of $202.9 million;

Asarco, New York, showed net earnings of $59.4 million on sales of $594.3 million; and

Cyprus, with headquarters in Englewood, Colo., posted earnings of $42.2 million on revenues of $493.1 million.

Moreover, the copper industry's recent prosperity has been a boon for Phoenix and Tucson companies that supply mining firms with heavy equipment and other products. [See related story, page 9.]

For example, John Whiteman, president of Mesa-based Empire Machinery Co., says his firm has sold more than 50 Caterpillar trucks to mining firms in the past year and half. These huge trucks, ranging in size from 140 to 200 tons, carry price tags of up to $1 million each.

"Our sales increased 15 percent from 1989 to 1990," says Whiteman. "That's primarily been fueled by copper [industry] purchases."

A key to the industry's resurgence has been the surprising strength of copper prices over the past three years. The price per pound of copper jumped to more than $1 in 1988 and should average roughly $1.20 for 1990, analysts say. And although copper prices have begun to slip, the metal last week was still trading around $1.12 a pound on the Comex exchange.

Although many analysts project that copper will fall to less than $1 next year, mining firms claims they are ready. They have been preparing for such a downturn for years by slashing costs and lowering their break-even points. Phelps Dodge could break even with copper as low as 61 cents. Anker believes, Asarco at about 66 cents, Magma a little higher and Cyprus at around 75 cents.

Richard Osborne, chairman of Asarco, puts it this way: "I fully expect we will see copper at a lower price next year. Our earnings will drop, but our stretegic plans will stay in efect."

But copper prices are only part of the turnaround story, say executives and analysts interviewed by the Business Journal. They point instead to the painful restructuring the industry went through in the 1980s—a time when bitter strikes, layoffs and cutbacks were the order of the day. [See related story, next page.]

"We had to make hard decisions in the mid-80s: salary cuts, no bonuses, no company cars, layoffs, shutdowns," says Leonard

Judd, president and chief executive officer of Phoenix-based Phelps Dodge, the nation's largest copper producer, with $2.5 billion in assets.

"What we've created here at Phelps Dodge—out of necessity—is a company that can stand 75 cent copper prices. And I think that, long term, is going to be the salvation of the industry."

Indeed, while production levels of copper in Arizona have remained fairly steady throughout the 1980s, nearly everything else has been transformed. Employment levels and production costs have plummeted, while technology, labor relations, management methods, and even the way ore is mined and processed have changed.

"We're talking about a new [Management] structure that virtually eliminates authoritative supervision," says J. Burgess Winter, president and chief executive officer of Magma. "These are such exciting times to be in the business of mining copper."

Copper, which is used extensively in automobiles, electronics and construction, has played a large role in Arizona's economy since the first major mines appeared in the late 1800s. Arizona has yielded more copper than the rest of the states combined, and in 1989 produced about 60 percent of total U.S. output.

It's estimated that the state's known copper reserves can last for half a century at least.

In 1989, Arizona's economy gained $6.7 billion as a result of the copper industry, according to an annual report prepared by George F. Leaming, of the Western Economic Analysis Center, Marana. That total economic benefit was 2.5 times more than the value of Arizona copper production in 1988, Leaming reports.

What makes the copper industry's turnaround so remarkable is that so few saw it coming. When a 1984 Business Week cover story proclaimed "The Death of Mining," the industry did appear to be down for the count.

The copper industry's woes started in the early 1980s, when the metal dropped in price from almost $1.50 to some 60 cents a pound. The decline occurred primarily becuse several Third World countries, determined to maintain employment levels at their mines, flooded the market in the face of a worldwide copper glut.

The price drop devastated the U.S. copper industry. Almost every copper mine in the United States was forced to shut down—some temporarily, some not. Strikes ensued, layoffs and cutbacks became commonplace, and the industry became drenched in red ink.

Instead of a collapse, what occurred was a shakeout: Many copper companies vanished during the early '80s. Phelps Dodge became the industry's main producer, replacing Anaconda and Kennecott, which no longer survive as copper manufacturfers. Cyprus quickly became Arizona's second-largest producer after buying up several properties, putting it ahead of the state's only other major survivors: Asarco and Magma.

Despite their differences, all of the surviving copper companies embarked on similar missions in the '80s: to slash costs, raise productivity and eliminate fat.

The numbers tell the story. In 1981, employment in the Arizona copper industry peaked at 21,900 workers, and production was a state record 1.15 million tons of copper. Now the slimmed-down industry employs just 9,500 mine workers, while copper production has held fairly steady, with 1 million tons produced in 1989.

The upshot is that worker productivity has doubled, from about 62 pounds of copper per man-hour in 1981 to 118.7 pounds per man-hour in 1989, according to data from the Arizona Department of Mines and Minerals.

Improvements in labor relations have been an engine for change in the copper industry. Once a union stronghold, where confrontation was commonplace, the Arizona copper industry now is only about 50 percent organized.

"Labor suddenly realized they weren't in the driver's seat anymore," says Beard, "and management realized it's a hell of a lot easier to get along than suffer through a strike every year."

Says David Ridinger, president of the Arizona Mining Association: "They're into participative management these days."

Across the board, management is trying to coax productivity from its workers. Employees are being cross-trained to perform multiple jobs and are being encouraged to approach their supervisors with ideas for improvement.

At Magma's underground mine in Superior, workers can gain bonus checks by meeting production deadlines; and at Phelps Dodge, managers at its Morenci mine have begun holding monthly, no-holds-barred meetings with their employees.

"We're teaching people how to be nice to each other," quips Pete Chen, assistant manager of Phelps Dodge's Morenci branch.

In addition to implementing kinder, gentler management techniques, copper companies have used technology to improve productivity and slash production costs. Reducing production costs hasn't been easy; after all, there are only so many ways to blast rock out of the ground, haul the ore to a crusher and pull out the copper content (which typically amounts to less than I percent).

But copper companies have found new ways. Bigger trucks mean that ore can be hauled from the pit more inexpensively and quickly. Computers—now used for everything from dispatching trucks to regulating the smelting process—have brought new levels of efficiency to the mines. And in-pit crushing and conveying systems, like the one at Phelps Dodge's Morenci mine, are being installed to haul ore even more efficently.

"You'd be surprised how quickly the mining industry is changing," says Ray Winslow of Modular Mining Systems, Tucson. "The people who don't want anything to do with computers are vanishing pretty quickly."

But the technology that has made the biggest impact is solvent extraction/electrowinning. With SX/EW, the crushing, milling, smelting and refining processes are completely by passed.

The SX/EW process uses acid to dissolve copper from certain low-grade ore. Typically, the cost of the SX/EW process is half that of conventional methods.

Although the process was developed in Arizona in the 1960s, SX/EW didn't really catch on until the 1980s. Today, all the copper companies are implementing SX/EW processes wherever they can.

In addition to the four large copper companies in Arizona, smaller players may show up if copper prices stay high enough, Beard believes. He points to Arimetco, which operates a mine in northern Cochise County. That mine yielded 48,000 pounds of copper in 1989—not a lot, but something.

"I believe there's a lot of potenital for smaller operators," Beard says.

TRIBUTE TO CAROLE A. COWAN, ED.D.

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. ATKINS. Mr. Speaker, it is with great pleasure that I rise today to recognize the investiture of Carole A. Cowan, ED.D., as the new president of the Middlesex Community College in Massachusetts.

Dr. Cowan, formerly the dean of administration and finance at Middlesex Community College brings with her a long list of professional and academic accomplishments illustrating her devotion to the field of education.

In 1963, Dr. Cowan launched her educational career at Salem State College when she received a bachelor of science degree in business education. After several years working as an educator and administrator, Dr. Cowan completed her doctorate in education at the University of Massachusetts in 1982.

During her career she has served the Massachusetts education community as a respected teacher of both high school and college. Her effectiveness as an educator and her dedication to teaching were honored by her peers in 1976, and again in 1978 when she was selected Middlesex Community College Teacher of the Year. Over the years, she has also been a tireless lecturer at seminars and conferences discussing a variety of issues from legal concerns in higher education to better communications and techniques for identifying effective teaching behaviors. In addition, Dr. Cowan's accomplishments go well beyond academia, she is also deeply respected by the Massachusetts business community as an expert in management and communication strategies.

Dr. Cowan's outstanding accomplishments illustrate her vivacious attitude and overall dedication to the field in which she has been so involved. Her years of experience as an educator and an administrator provide a perfect balance from which to effectively serve the educational needs of Massachusetts. At a time when this country struggles to define its educational responsibilities, I am proud to bring to the attention of my colleagues a woman who's efforts on behalf of education should serve as an example to all.

Mr. Speaker, I commend and congratulate Dr. Carole A Cowan for her accomplishments in the educational field and wish her much success as the new president of Middlesex Community College.

INTRODUCTION ON THE STRATEGIC PETROLEUM RESERVE ECONOMIC RESPONSE ACT

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. SHARP. Mr. Speaker, I am today introducing a series of energy bills that I hope will become part of a national energy policy. One is the Strategic Petroleum Reserve Economic Response Act.

This bill changes the trigger for using the strategic petroleum reserve. Its use in a crisis would still be discretionary with the President. But instead of asking him to consider whether an oil shortage exists, this change would also expressly let him consider whether oil prices have risen too high.

In today's world oil market, any physical shortfall is of course immediately translated into higher prices—just as a glut of oil translates into low prices. Thus, this amendment simply acknowledges economic and market reality by directing the President's attention to oil prices, which are after all the real cause of the economic harm that strategic petroleum reserve seeks to minimize.

This change is needed because several administration spokesmen have argued that strategic petroleum reserve cannot and should not be used unless there is a physical shortage of oil. They based that view on the language of the statute—which was drafted in 1975, when oil prices were controlled, oil contracts were fixed price and long term in nature, and few competitive liquid markets were available to oil companies and traders. The result was that physical shortages were indeed possible in those earlier days.

Now, however, world oil markets are much different: Contracts are short term. Prices are volatile, move quickly up and down to ration supply in a shortfall, and balance demand with supply during both gluts and shortfalls. Large cash and futures markets are open to the entire industry.

It now makes no sense for administration spokesmen to contend—as some did last fall in justifying their refusal to use strategic petroleum reserve—that strategic petroleum reserve cannot be used to affect oil prices, or that strategic petroleum reserve cannot be used unless there is a physical shortage of oil. Such poor logic could prevent any use of strategic petroleum reserve ever—because its use will always affect prices, and because physical shortages will probably never exist.

CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED FEDERAL BUDGET

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. ERDREICH. Mr. Speaker, today I am introducing a resolution proposing a constitutional amendment to require a balanced Federal budget. As the President today proposes a record level of deficit spending, it is clear that it is past time that we put in our Constitution a clear mechanism to aid our budget-balancing efforts, one that will compel both the Congress and the President to make the tough budget choices that must be made. Huge, recurring deficits pose a continuing and grave threat to our Nation's economic future. The balanced budget amendment would restore much needed fiscal common sense and restraint to the budgetary process.

My resolution does not propose anything radical. It simply requires that outgoing expenditures match incoming revenues. This is the same principle that operates the budgets of families, businesses and many of our States every day. And although the Federal budget is much more complicated than each of these budgets, the principle must still apply.

Mr. Speaker, with my support in the 101st Congress we were able to obtain consideration of a balanced budget amendment by getting 218 signatures on a discharge petition. The vote for passage on July 17, 1990, was overwhelming, 279–150, but fell seven votes short of the necessary two-thirds margin needed for a constitutional amendment.

The events of 1990 show in no uncertain terms the need for a balanced budget amendment. For many months, the budget summiteers met while the American public fumed at the inability of the President and Congress to devise a plan that would attack the budget deficit. The final budget package adopted by the Congress and endorsed and signed by the President was one that raised taxes by over $140 billion. I did not agree with many components of this act and voted against it. And, as many across America, I strongly disagreed with the process that produced it. I feel my constitutional amendment would force a more rational budget process, something we all should applaud.

Mr. Speaker, the Gramm-Rudman-Hollings Act was circumvented many times after its enactment. I believe that the enforcement mechanism incorporated in the Budget Reconciliation Act of 1990 may be similarly circumvented, this sabotaging any hopes for true deficit reduction. A strong balanced budget amendment must be employed to bring fiscal discipline to the budget process. The balanced budget amendment is needed not only to eliminate our current fiscal crisis, but to insure that this Government remains financially stable and healthy for the future generations it must serve.

HEINOUS CRIME AGAINST DEFENSELESS NONCOMBATANTS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. YATRON. Mr. Speaker, as we focus attention on the war in the Persian Gulf, we must not lose sight of a recent atrocity which claimed the lives of two American helicopter crewmen in El Salvador. On January 2, a UH-1H helicopter was shot down by Salvadoran rebel forces. Two of the three crewmen survived the crash, but were shot and murdered by FMLN rebels.

This heinous crime against defenseless noncombatants constitutes a gross violation of international humanitarian law. Those responsible for these crimes must be brought to justice. However, efforts to allow the judicial process in El Salvador to work will clearly be thwarted by the guerrillas who are intending to set up a kangaroo court to try the accused. Guerrilla justice, whether administered by the Contras in Nicaragua or Renamo in Mozambique is not, and never will be, that of an independent and impartial tribunal.

Mr. Speaker, it would be a grave miscarriage of justice for the rebels to stage this illegal trial and I would urge our colleagues, the human rights community, and the United Nations to denounce these proceedings and to call on the rebels to hand those accused over to Salvadoran Government authorities so that they can be tried under the Salvadoran court system.

Mr. Speaker, I do not mean to overlook or minimize the problems of the Salvadoran judicial system. I do suggest, however, that there is a significantly greater opportunity for justice to prevail under Salvadoran jurisprudence than under rebel chicanery.

THE HOSPITAL CHARITY CARE ACT—H.R. 790

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. ROYBAL. Mr. Speaker, today I am calling upon the Congress, the administration and the nonprofit hospital community to take corrective action. Once again we must require that tax-exempt hospitals provide, to the extent the hospital's finances allow, services to the medically indigent. The Charity Care Act, which I am reintroducing today, will do just that.

I want to express my appreciation to the General Accounting Office, the Treasury Department and the Internal Revenue Service [IRS], the National Association of Counties, the Congressional Research Service, and several hospital organizations, including the American Hospital Association, the Catholic Health Association, and Volunteer Trustee of Not-For-Profit Hospitals, for their advice and assistance in preparing this legislation.

I am pleased to report that we have made progress on this important issue over the past year. The Internal Revenue Service has begun an effort to tighten up the requirements with respect to charity care and have put out a clear message that all tax-exempt hospitals have a responsibility to provide a fair amount of charity care. The Committee on Ways and Means, the key authorizing committee, and Representative DONNELLY have helped push this issue further and they seem ready to act in the 102d Congress. Similarly, more States have taken further steps to tighten up the charity care requirement and more action is expected this year. During this same time, the press has increased its scrutiny of the charity care issue and has helped to make the public and the hospital community more aware of what public responsibilities tax-exempt hospitals have.

Let me provide some background on the issue as well as an overview of the Charity Care Act. On June 28 last year, the House Select Committee on Aging held a hearing to examine first, how much and what kind of charity care is provided by private, tax-exempt, nonprofit hospitals, and second, what legislation is needed to assure that all tax-exempt hospitals provide appropriate amounts and kinds of charity care to poorer patients of all ages.

To help with this examination, I released a General Accounting Office [GAO] study, "Nonprofit Hospitals: Better Standards Needed for Tax Exemption," prepared at my request. The GAO probe of nonprofit hospitals and their tax-exempt status documented a troubling situation where many nonprofit, tax-exempt hospitals have too little commitment to poorer Americans. Fifteen percent of tax-exempt hospitals in GAO's study have less charity care and bad debts than the Federal and State value of their tax exemption. If only charity care is counted, 57 percent of the study's tax-exempt hospitals provide less charity care than the value of their exemption.

To quote the General Accounting Office:

> This report concludes that the Congress should consider revising the criteria for hospitals' tax exemption if it believes that providing charity care should be a fundamental basis for such an exemption.

Considering our critical need for hospital charity care, I believe legislative action is needed.

Over one-half of America's hospitals are private nonprofit institutions. These hospitals are a vital but uncertain cornerstone for ensuring hospital care for millions of underinsured Americans. Through the late 1960's, private nonprofit hospitals' tax-exempt status depend on their commitment to providing care for those with a limited ability to pay. Since 1969, the Internal Revenue Service loosened its requirements by allowing community benefits to justify hospital tax-exempt status. This loosening of the requirements allowed many nonprofit hospitals to substantially reduce or eliminate their commitment to lower income Americans.

According to the GAO study, many nonprofit hospitals are looking more like for-profit hospitals and are focusing almost totally on paying patients. Those nonprofit hospitals remaining committed to caring for poorer Americans are at a competitive and financial disadvantage. Their willingness and ability to continue subtantial amounts of charity care are a great source of concern.

In recent years and as cost and competition pressures increased on hopsitals, many nonprofit hospitals have not only reduced their commitments to poorer Americans but have apparently shifted available resources toward community activities. These community activities are often used for marketing the hospitals to only insured Americans. As a result, the medically indigent are getting squeezed out and shipped off to Government hospitals or to nonprofit hosptials still having a commendable commitment to indigent care. To their credit, many nonprofit hospitals are carrying their fair share, but they are unfairy penalized for being good caring citizens while their competitors focus on only paying patients.

No one should interpret the GAO report, or my request for the GAO study, as a call to remove tax-exempt status. These should interpret the report or my request as a call for America's conscience to prevail and for the appropriate use of tax-exempt status to help protect the poor and near poor. With the value—Federal, State, and local taxes foregone—of hospital Federal tax-exempt status estimated at over $8 billion annually, we must once again target this vital Federal resource at providing hospital care to uninsured, underserved, and disadvantaged Americans.

Further, no one should interpret my Charity Care Act as a solution to the problems of medically indigent Americans. It is not. However, until this Nation commits itself to a national health policy protecting all Americans, it cannot afford to lose the $8 billion in protection that the value tax-exempt status potentially offers. Tax-exempt status should continue for nonprofit hospitals and charity care should be a fundamental basis for that Federal tax-exempt status.

To bring about this change, we believe that the Charity Care Act needs to be quickly enacted into law. Our intent is to preserve hospital tax-exempt status and to ensure that it is used to fairly and humanely provide charity care to millions of Americans unable to afford desperately needed hospital care.

What would the Charity Care Act do? Beginning with tax years after December 31, 1993, the bill requires a private tax-exempt hospital to serve both Medicare and Medicaid patients. It requires a hospital to provide a reasonable amount of charity care—defined as unreimbursed care to the medically indigent, bad debts and Medicaid allowances. For a hospital with too few medically indigent in its service area, other service, contractual and financial arrangements may be made to make up any shortfall. Charity care must be worth at least as much as 50 percent of the value of a hospital's tax exemption. Also, a hospital is required to provide other community benefits worth as least as much as 35 percent of the value of a hospital's tax exemption. To assist the Internal Revenue Service [IRS] in administering this provision, hospitals are required to obtain review and comment from their respective State and furnish it to the IRS.

For purposes of this act, the value of the tax exemption is based on a national target percentage. This is the percentage which Federal, State, and local taxes foregone—taxes which tax-exempt hospitals do not have to pay—are of gross hospital receipts. As appropriate, this figure is adjusted downward to ensure that no more than 25 percent of hospitals are affected. If a hospital can show that this percentage is too high for it, the IRS will use the lower figure. If the IRS determines that the percentage is too low for a particular hospital, it may use the higher figure. In all cases, this requirement is dependent upon a hospital's financial ability.

If a hospital fails to meet the charity care and community benefit requirements, IRS will publish a notice in the first year. In subsequent years, IRS will impose a 100-percent excise tax on any shortfall between the amounts of a hospital's qualified charity care and community benefits and a hospital's tax-exemption value. In general, IRS still retains the authority to revoke the exemption when appropriate. To ensure that the hospital tax exemption's value is not lost, any excise taxes collected from a State's hospitals will be returned to that State and be used only for charity care in public hospitals and private tax-exempt hospitals.

Again, the intent of this legislation is to ensure that the value of the tax-exemption given to a private tax-exempt hospital is used to help meet critical social needs. In my view and given the state of health care in America, the caring provision of charity hospital care is a critical social need and one to which this legislation can make some contribution. This is not the panacea for the problems of over 30 million uninsured Americans and millions more of underinsured Americans, but it can provide some relief as we tackle more comprehensive solutions to ensured financial access for all Americans. Further, it can restore some fairness between the hospitals who do more than their fair share to help the medically indigent and those who fail to do their fair share.

Mr. Speaker, I insert the attached description of the bill in the RECORD:

CHARITY CARE AND HOSPITAL TAX-EXEMPT STATUS REFORM ACT—"RESTORING COMMITMENT AND FAIRNESS"

Section 1. Short title.

Section 2. Determination of tax-exempt status for hospitals to be based on provision of charity care, care to Medicaid and Medicare patients, and other community benefits.

In addition to any other criteria set by the Commissioner of the Internal Revenue Service, the Commissioner is required to use the following criteria in determining whether or not a private, nonprofit hospital, including any nonprofit elements of a reorganized health system substantially engaged in hospital care, qualifies initially and on an ongoing basis for tax-exempt status:

a. The hospital is required to serve a reasonable number of Medicaid and Medicare patients consistent with its size and community needs and in a nondiscriminatory manner, have an open door policy toward Medicaid and Medicare patients, and provide documentation to that effect, and

b. Except to the extent that the hospital can demonstrate financial inability, it is required to provide an amount of qualified charity health care (measured by costs) in a non-discriminatory manner that is at least as much as 50 percent of the value of its tax-exempt status. What qualifies to be counted as qualified charity care is (1) the amount of uncompensated care (defined as (i) free care provided to persons with limited or no ability to pay, (ii) care provided at a discount, commensurate with ability-to-pay, to persons with a limited ability to pay for care, and (iii) the amount of care written off as bad debt (not including bad debt for third party payers)), and (2) Medicaid allowances (difference between costs and reimbursements) resulting from hospital care provided to Medicaid patients.

A hospital may also count as charity care the cost incurred in providing health care and other health-related services, whether provided directly or by establishing financial or other contractual arrangements, which together are designed primarily to improve the health of members of their community or other communities who are medically underserved and disadvantaged.

c. A hospital is required annually to provide other documentable community benefits in an amount that is at least as much as 35 percent of the value of its tax-exempt status. In order to be counted toward meeting this requirement, the community benefits must be those that generally would not otherwise be provided in the community by hospitals that are not tax-exempt. For purposes of meeting this requirement, only the amount of costs not recovered from other funding sources can be used. In addition, any charity care qualifying under "b" and exceeeding the requirements of "b" may be used to help satisfy this requirement.

d. A hospital is required to provide further written justification as to how it benefits the community in ways that are unique from hospitals that are not tax-exempt.

e. The Internal Revenue Service is to revise the annual information returns for exempt organizations to collect this information.

f. A hospital with tax-exempt status is required to send a complete copy of its annual information return to the State in which the hospital is located and to obtain and forward the State's review and comment in the same manner as is detailed in "Section 4."

The value of the tax-exempt status for a hospital is deemed to be the amount that represents the target percent of a hospital's gross revenues. Annually, the Internal Revenue Service is to set the national target percentage based on the most recent and best available data on nonprofit hospitals. The national target percentage is calculated from the estimated federal, state and local taxes foregone as a percentage of estimated gross revenues. However, the target percentage is to be set by the Internal Revenue Service so as to generate a deemed value of the tax-exempt status which 75 percent of private tax-exempt hospitals are estimated to exceed with their qualified charity care and community benefits.

If the Internal Revenue Service determines that the actual value of the tax-exempt status for a hospital is substantially greater than the requirement, the Internal Revenue Service may use the higher value. If the Internal Revenue Service determines that the value of the tax-exempt status for a hospital is substantially less than the requirement, the Internal Revenue Service shall use the lower value. As noted above, the application of this requirement shall take into acount a hospital's financial inability to meet the requirement.

Within two years of enactment, the Internal Revenue Service is to implement, if feasible, a methodology for measuring the value of federal, state and local taxes foregone for individual hospitals and how this would change the charity care requirement. Within one year after enactment, the Internal Revenue Service, in consultation with the Department of Health and Human Services, is to submit recommendations to Congress on how to treat a nonprofit hospital that clearly and consistently (a) meets the Medicaid and Medicare requirement and (b) exceeds the basic requirements on charity care and community benefits. These recommendations are to suggest ways to reward this type of hospital by (a) reducing the amount and/or frequency of reporting requirements or (b) other appropriate methods.

Section 3. Excise tax on failure to meet charity care and community benefit requirements.

While the Internal Revenue Service retains the authority to remove tax-exempt status in cases where they determine that such action is the most appropriate action, several other sanctions are established.

In the first year that IRS determines a tax-exempt, nonprofit hospital is not in compliance with this act, it is to notify the hosptial and publish a public notice that the hosptial is not in compliance and may lose its tax-exempt status. If the hospital continues to be out of compliance in the subsequent year, IRS is to assess the excise tax described in the following paragraph. If the hospital continues to be out of compliance in another subsequent year, the IRS may either continue the application of the excise tax or remove the tax-exempt status.

In general, IRS is also given the option to impose, when appropriate, a 100 percent excise tax on the amount by which the value of the tax-exempt status exceeds the value of charity care and other community benefit provided. If this amount is less than one percent of the amount of a hospital's total gross receipts and there are unusual circumstances justifying a higher sanction, IRS may impose a 100 percent excise tax on one percent of the amount of a hosptial's total gross receipts.

All revenues collected from the above excise tax are to be used to offset an increase in the year's federal matching rate under Medicaid (Title XIX of the Social Security Act) that corresponds to the collection of the tax. The federal matching rate for Medicaid for a given State is to be adjusted to match revenues collected from hospitals located in that State. In order for a State to be eligible to receive increased federal matching funds, it is required to document that an additional amount at least equal to the amount of the increased federal matching funds is made available to public and tax-exempt, nonprofit private hospitals to help pay for the provision of charity care for the year in which the revenues are collected.

Section 4. State review and comment on application for tax-exempt status for hospitals.

A hospital requesting tax-exempt status is required to send a complete copy of its federal request for tax-exemption to the State in which the hospital is located and to obtain the following:

a. A statement from the State Medicaid agency certifying that, to the best of the State's knowledge, the hospital is expected to openly serve Medicaid patients (this may be waived for States which only contract with a limited number of hospitals and the hospital has made a reasonable effort to obtain a contract) and Medicare patients and does not discriminate against Medicaid and Medicare patients, and

b. A statement from the State verifying that, to the best of the State's knowledge, the hospital is expected to meet the charity care and community benefits requirements.

The statements by the State must be furnished to the IRS is a timely fashion and prior to IRS rendering of a determination of tax-exempts status.

Section 5. Effective dates.

Reporting requirements, including the State review and comment, made under this act take effect for tax years beginning after December 31, 1992. The new requirements for determining tax-exempt status under this act take effect for tax years beginning after December 31, 1993 for all hospitals. Nothing in this Act is intended to affect the interpretation of requirements in effect prior to the effective dates.

NEW YORK CITY SYNAGOGUE RECEIVES 19TH CENTURY TORAH SCROLL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. WEISS. Mr. Speaker, I rise today to commemorate Congregation Beth Simchat, located in the 17th Congressional District of New York. On November 16, 1990, Congregation Beth Simchat, New York City's gay and lesbian synagogue, held a very special public ceremony to dedicate a 19th century torah scroll. The scroll, originally from Kladno, Czechoslovakia, was written in the early 1800's. It was one of 1,564 scrolls that were collected in Prague by the Nazis, and later recovered from the Holocaust by the Westminster Synagogue of London.

This torah scroll is part of a long, rich Jewish-European history. The first known Jewish population in Kladno, a town in central Bohemia, was recorded as early as 1685. By 1942, 1,600 Jews from Kladno had been deported to the concentration camp at Theresienstadt. Although 124 Kladno Jews returned to their homes after the defeat of Nazi Germany, no congregation exists there today.

The selection of Congregation Beth Simchat as the new home of this historic torah scroll is an honor not only to the synagogue, but to my entire district. I am pleased to have the opportunity to congratulate and applaud the congregation on this exciting and joyous event.

THE DEMOCRACY IN PRESIDENTIAL DEBATES ACT

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. PENNY. Mr. Speaker, today I have introduced legislation that will institutionalize debates in Presidential campaigns, and will help to rekindle dwindling voter participation and interest in our elections.

At the same time as democracy is spreading throughout the world, there are unmistakable signs of public dissatisfaction with our democratic processes. We are all aware, for example, of the lack of voter turnout in our elections—91 million people, 50 percent of the eligible electorate, voted in the 1988 Presidential elections; and a New York Times poll found that 66 percent of those who did vote were unhappy with the choice of candidates. In the 1990 midterm elections, as estimated 36 percent of the eligible electorate voted. There is a shortfall in public funding for Presidential elections, a direct result of Americans failing to check off the box on their income tax statements which directs money to this fund.

We must act now to reclaim the faith and interest of a cynical electorate. In a campaign environment that is increasingly dominated by photo opportunities and 30-second sound bites, there are strong indications that voters feel increasingly starved for free, open, and substantive discussion of real political issues. Presidential debates can make a profound contribution to the heatlh of our democracy, for they have become an important forum for exposing citizens to the ideas of candidates running for national office. The 1988 Presidential contest was the fifth campaign in which candidates debated each other in a televised format. While 160 million people watched the debates, there was overwhelming dissatisfaction expressed. People felt that the debates were staged and scripted events, with minimal discussion of substantive issues. In response, several of my colleagues have introduced debates legislation intended to force Presidential candidates to speak to the issues of concern to the American people.

Critical to any legislation concerning the Presidential debates is that it provide for a forum from which all significant candidates who meet certain criteria can express their positions. The Democracy in Presidential Debates Act has three essential parts. First, it requires all candidates who receive primary matching funds, should they win the nomination of their party, to participate in at least two Presidential general election debates. Second, the legislation requires the sponsor of the debate to be a nonpartisan entity, thereby guaranteeing that the format of the debates will be in the voters' interests, not the candidates' interests. Third, the legislation sets objective criteria for the inclusion of significant national independent and minor party candidates. Historically, such candidates have been fertile sources of new ideas and new programs, and provide opportunities for the American public to enter into a diverse and open dialog on the critical issues of the day. These candidates often represent views held by large segments of the disenfranchised of our population, and their inclusion will surely stimulate discussion of substantive issues. In the interests of fairness and free and open dialog, all significant candidates who meet the stringent criteria set forth in this legislation must be included in the debates.

There is clear need for legislation to institutionalize the debates, to designate the sponsors as a nonpartisan entity, and to set objective criteria for including significant independent and minor party candidates. The narrowness of the Presidential debates, their scripted nature, is the source of their lack of vitality and credibility. Including signficant independent and minor party candidates is a critical aspect of democractizing the debates and broadening our national dialog. The American public has made it clear they want broadness and inclusion. As we look toward the 1992 elections and beyond, we must look for ways to increase voter participation and strengthen American democracy. I urge my colleagues to join me in this effort.

The bill follows:

H.R. 791

Be it enacted by the Senate and House of Representatives, of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Democracy in Presidential Debates Act of 1991".

SEC. 2. DEFINITION OF PRESIDENTIAL CANDIDATE DEBATE.

Section 9002 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(13) The term 'Presidential candidate debate' means, with regard to any Presidential election, a debate at which each candidate nominated for election to the office of President by a political party or as an independent candidate meeting the qualifications set forth in this title, appears and participates in a regulated exchange of questions and answers on political, economic, and other issues.".

SEC. 3. PRESIDENTIAL ELECTION DEBATES.

"(a) IN GENERAL.—Chapter 96 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 9043. PRESIDENTIAL ELECTION DEBATES.

"(a) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements specified in section 9033, in order to be eligible to receive any payments under section 9037, the candidates for the office of President and Vice President in a Presidential election shall agree in writing—

"(1) that the Presidential candidate will participate in not less than two Presidential general election debates with all other candidates meeting the criteria set out in this section;

"(2) to participate in such Presidential debates, one of which shall be held in the month of September before the Presidential election and one of which shall be held in the month of October, at least two weeks prior to the election;

"(3) that the Vice Presidential candidate will participate in not less than one Vice Presidential general election debate with all other candidates meeting the criteria set out in this section;

"(4) to participate in such debate, which shall be held in the month of October between the two Presidential debates; and

"(5) to participate in such Presidential and Vice Presidential debates as sponsored by a nonpartisan organization or organizations having no affiliation with any political party.

Each debate under this subsection shall last at least 90 minutes, of which not less than 30 minutes shall be devoted to question and answers or discussion directly between the candidates, as determined by the sponsor. The sponsor of the debates shall announce the time, location, and format of each debate prior to the first Monday in September before the Presidential election.

"(b) ENFORCEABILITY.—If the Commission determines that a Presidential or Vice Presidential candidate failed to participate in a general election debate under subsection (a) and was responsible at least in part for such failure, the candidate of the party involved shall pay to the Secretary of the Treasury an amount equal to the amount of the payments made to such candidate under section 9037.

"(c) CRITERIA FOR ELIGIBILITY TO PARTICIPATE IN GENERAL ELECTION DEBATES.—In order to be eligible to participate in general election debates, as set out in this section, a candidate must meet the following criteria:

"(1) BALLOT QUALIFICATIONS.—Such candidate has qualified for the election ballot as the candidate of a political party or as an independent candidate to the office of President or Vice President in not less than 40 States.

"(2) FINANCIAL QUALIFICATIONS.—Such candidate—

"(A) has qualified to receive payments under section 9033 and this section; or

"(B) as reported under section 304 of the Federal Election Campaign Act of 1971, has raised not less than $500,000 on or after January 1 of the calendar year immediately preceding the calendar year of the Presidential election.

"(d) SPONSORING ORGANIZATION.—Any sponsoring organization shall include in the general election debates all candidates who meet the criteria in this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 96 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 9043. Presidential election debates.".

SEC. 4. TECHNICAL AMENDMENT.

Section 9032(2)(A) of the Internal Revenue Code of 1986 is amended by inserting after "election," the following; "including, for independent or minor party candidates, initiating petition signature gathering activities to be placed on the ballot for the general election".

HAPPY BIRTHDAY ROBERT D. McCLOUD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues a happy occasion that took place last weekend in my district. That occasion was the celebration of the birth of Mr. Robert D. McCloud. Mr. McCloud became 80 years old on Sunday, February 3.

Today, more often than not, we hear a great deal about the mobility of our society, the weakening of the family structure, and a lessening sense of community. I am proud to note that the McClouds are the exceptions to the "rules."

Robert D. McCloud is the proud father of 13—6 girls and 7 boys. His lineage includes scores of grandchildren and seven great grandchildren. His children are productive members of our society—son Thomas is a lawyer and director of public affairs of the National League of Cities; son Robert, Jr. is a retired Master Gunnery Sergeant, U.S. Army; son Sam is a manager of Ethicon, a subsidiary of Johnson & Johnson; daughter Rosseta is a teacher in the Newark, NJ public school system; and daughter Beatrice is a legal secretary with the prestigious law firm of McCarter and English.

The McClouds have been long-time members of the same community. They have resided in the same home for more than 30 years. This home is part of a tucked-away community in my hometown. In fact, I represented this area during my tenure as a member of the Newark Municipal Council. This is a neighborhood with a strong block association—an association that exhibits pride and caring and sharing.

Mr. McCloud is the son of 105-year-old Mrs. Alice McCloud of Dothan, AL and widower of Pearline A. McCloud. He is a retired employee of the New Jersey Central Railroad. He is deacon and treasurer of Wells Cathedral, Church of God in Christ in Newark, NJ.

Mr. Speaker, I am sure my colleagues will want to join me as I wish Mr. Robert D. McCloud a happy birthday and congratulate the McClouds on being persons we can look to, with pride, as we recommit ourselves to the strengthening of the family and the shoring up of our senses of community and pride.

PREVAILING WAGE RATE ADJUSTMENT REFORM ACT OF 1991

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. HOCHBRUECKNER. Mr. Speaker, at a recent meeting with National Guard technicians on Long Island a serious problem was brought to my attention. An appropriations pay cap on the annual salary increase allowed in the Federal wage system [FWS] has denied Federal blue collar employees across the Nation wage parity with their occupational counterparts in the private sector. Today I am introducing legislation that will correct this injustice. This legislation, the Prevailing Wage Rate Adjustment Reform Act of 1991, seeks to lift the unfair wage cap and base future pay adjustments on the annual local wage surveys of private industry that accurately reflect regional economies. This is the companion bill to legislation being introduced in the Senate today by Senator CLAIBORNE PELL of Rhode Island.

The intent of the Congress in establishing the Federal wage system was to pay Federal blue collar workers according to the private sector wages in each of the 135 geographic wage grade survey areas across the country. However, since 1979, the appropriations pay cap has limited the annual adjustments in FWS pay to the percentage increase received by General Schedule [GS] employees that same year. Because of this restriction, pay for FWS workers in many areas no longer reflects the local prevailing rate paid to employees in similar jobs in private industry.

Nationally, Federal wage system worker salaries now lag approximately 10 percent behind those paid in the private sector. FWS pay lags as much as 28 percent behind private sector salaries in some areas. The situation is far more severe in some regions because private sector wages have risen far more sharply. The New York Metropolitan area GS workers have received by Executive order an additional 8-percent interim geographic adjustment in pay to take into account that area's enormous pay gap, bringing the total white collar employee salary increase up to 12.1 percent. New York's Federal wage grade employees, on the other hand, were not included in this adjustment, and will receive no more than a 4.1-percent increase in June 1991. FWS employees continue to lag in average of 10 percent behind private sector employees in similar occupations.

The result of the cap is not only an injustice to Federal workers, but continues to produce severe recruitment and retention problems for Federal Government agencies. The FWS provides for special exceptions to be made in determining wages in cases in which there are recruitment and retention problems. But the continued application of pay caps over the past 13 years has created a problem which cannot be remedied by special exceptions. Indeed, special pay alternatives that do exist are now being used as a substitute for adequate comprehensive pay adjustments instead of for the intended purpose of dealing with unusual and limited recruitment and retention problems.

The National Guard on Long Island also faces severe recruitment and retention problems: 82 out of 132 wage grade employees at the 106th Suffolk Westhampton Air National Guard Unit and the Ronkonkoma Army Flight Facility No. 1 now have adjusted salaries. Another problem that has arisen from this situation is that in certain occupations and grades, the minimum appointment rates have been raised up to the highest pay level in the grade, step five. This gives new employees the same salaries as the experienced workers who have already attained the highest pay step.

The recruitment and retention problems experienced in the blue collar pay system are similar to those experienced in many areas of the country in the General Schedule [GS] pay system. Because of those GS pay problems, the Federal Employee Pay Comparability Act, enacted in 1990, is in the process of reforming the GS system. By 1993, GS pay levels will be determined on a regional instead of a national basis, taking into account living costs and wage levels in each region. I fully support and applaud this reform of the GS pay system. The legislation, however, makes no specific provision that would bring the FWS up to date.

The bill Senator PELL and I are introducing fills that gap by requiring that Federal wage system employees be paid the full prevailing wage rate in each area as determined by local wage surveys. The legislation would provide a fair rate of pay to Federal wage system workers and would make it possible for Federal agencies to recruit and retain the skilled workers required for them to provide services to the public efficiently and effectively.

The text of the bill reads as follows:

Section 1. This Act may be cited as the "Prevailing Wage Rate Adjustment Reform Act of 1991".

Section 2. Without regard to any other provision of law limiting the amounts payable—

(1) to a prevailing rate employee defined under section 5342(a)(2) of title 5, United States Code;

(2) to an employee covered by section 5348 of such title; or

(3) to any other employee subject to section 612 of the Treasury, Postal Service and General Government Appropriations Act of 1991, Public Law 101-509, 104 Stat. 1473; such employees shall be paid, beginning on the effective date of each annual wage survey adjustment in the region after the date of the enactment of this Act, wages as determined and established in accordance with the provisions of subchapter IV of chapter 53, title 5, United States Code.

H.R. 775, THE SUMMER SCIENCE ACADEMIES ACT OF 1991

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1991

Mr. STOKES. Mr. Speaker, today I rise to reintroduce the Summer Science Academies Act of 1991, H.R. 775. This measure represents one of many measures needed to address the severe underrepresentation of women and minorities in the science, math, and engineering fields.

The challenges facing our country in the next century are complex and pernicious. The foundation of our economy has shifted from manufacturing to one of high technology. This trend, in part, has been accelerated by a strong, competitive global economy and has brought intense pressure on American productivity. Consider, for example, that the United States has become the world's largest debtor nation, incurring substantial trade deficits and growing increasingly dependent on foreign capital to finance domestic programs.

Following World War II, American businessmen dominated world markets. Today, only one-third of the world's top businessmen are American. Six years ago, the two largest banks in the world were American. Today, not a single U.S. bank ranks in the top five.

As our Nation attempts to address this changing economic climate, we see that the face of our Nation is changing. A larger share of our Nation is minority, and the numbers are growing. In a 1987 report titled, "Workforce 2000," the Department of Labor estimates that by the year 2000, approximately 85 percent of the new entrants to the U.S. labor force are expected to be minorities, women, handicapped, and immigrants, groups which have been historically underrepresented in science, mathematics, and engineering. The Department notes that, "Although this large share of a more slowly growing work force might be expected to improve the opportunities for these workers, the concentration of blacks in declining central cities and slowly growing occupations makes this sanguine outlook doubtful." By the last quarter of the 21st century, as a result of immigration and differing birth rates, Mr. Speaker, it is estimated that minorities, in fact, will be the majority.

While much of the pool of talent for new scientists and engineers is comprised of women and minority persons, these are the very groups which have not had an opportunity to prepare for the scientific and technological demands facing our Nation.

Currently, blacks comprise only 2 percent of all employed scientists and engineers, even though they are 12 percent of the general population. They earn 5 percent of the baccalaureates and 1 percent of the Ph.D's in science and engineering. Similarly, Hispanics, our Nation's fastest growing minority group, comprise 9 percent of the population, but account for only 2 percent of all employed scientists and engineers. They hold 3 percent of all bachelor's degrees and 2 percent of all Ph.D's in science and engineering.

Our future national economic growth is dependent on our being able to correct the shortage of labor resulting from the large pool of inner-city youth who are not acquiring the basic skills of reading, writing, and mathematics. The issue is no longer just a matter of equity, it is a matter of grave economic necessity.

In a report released in December 1989, "Changing America: The New Face of Science and Engineering," it is noted that:

> It is time for action. * * * Many studies have detailed the looming crisis in the science and engineering work force. America faces a shortfall of scientists and engineers by the year 2000. We can meet these shortfalls only by utilizing all our talent, especially those traditionally underrepresented in science and engineering—women, minorities, and people with disabilities. Without this kind of world-class science and technical excellence, America's competitive prospects dim.

The legislation I am introducing today addresses this looming crisis. It will contribute significantly to the recruitment of minorities and women in the high-technology and engineering fields.

Specifically, the bill directs the National Science Foundation to provide grants for the establishment of at least 20 summer science academies for the training of talented economically disadvantaged, minority students and women in the areas of math, science, engineering, and communications. Each academy will provide 8 weeks of intensive instruction to 50 students in each of the grades 7 through 12. The students will return to the academy each summer until completion of their 12th grade academy term. The cost to run the summer science academies is a modest $2 million in fiscal year 1992. Over a 5-year period, total costs will be about $26 million.

As we anxiously and sadly watch our country engaged in war, we are all proud of our brave men and women who have been called upon to serve. The American public is equally proud and amazed by the tremendous technological advances we have discovered which have helped protect our troops from danger. If we are to continue this advantage, not just militarily, but in all aspects of our lives, we must make a commitment to these under-represented populations. The President himself most recently promised in his State of the Union Address to support and invest in educational excellence for our children, and to help "make America No. 1 in math and science."

Mr. Speaker, I am confident that this measure will contribute greatly to exposing hundreds of disadvantaged children to educational concepts and experiences to which they otherwise might not be exposed. By taking these steps we will strengthen the foundation upon which the future of our Nation rests. Equity and economic necessity are now part of the same equation. By opening the door of opportunity for these youth, we prevent the door of a socioeconomic crisis from slamming in our faces.

In closing, Mr. Speaker, I also would like to acknowledge and commend Dr. Shirley McBay, dean of student affairs at the Massachusetts Institute of Technology; Shirley Malcolm, of the American Association for the Advancement of Science [AAAS]; and the Carnegie Foundation for their efforts in addressing these issues. The idea for the summer academies was first published in the "Quality Education for Minorities" report. These individuals, with the assistance of the Carnegie Foundation, helped turn this seed of an idea into legislation. I look forward to working with them in getting this measure enacted into law.

I strongly urge my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 5, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 6

9:30 a.m.
Governmental Affairs
To hold hearings on proposed legislation to revise the staff honoraria provision of the Ethics in Government Act of 1989 which bans the receipt of money or anything of value for work performed outside the Government.
SD–342

Rules and Administration
To hold hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.
SR–301

10:00 a.m.
Budget
To hold hearings to review the economic outlook for fiscal year 1992.
SD–608

Judiciary
To hold hearings to review the national drug control strategy.
SD–226

10:15 a.m.
Finance
To hold hearings on the prospect of free trade negotiations with Mexico.
SD–215

10:30 a.m.
Labor and Human Resources
To hold hearings on the nomination of Andrew Lamar Alexander, Jr., of Tennessee, to be Secretary of Education.
SD–430

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Consumer Product Safety Commission, Consumer Information Center, Council on Environmental Quality, and the Office of Consumer Affairs.
SD–138

2:00 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine recent events and trends relating to the prospects of democratization, economic reform and glasnost in the Soviet Union.
SH–216

FEBRUARY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 207, to provide funds for and to enhance the effectiveness of the Commodity Futures Trading Commission.
SR–332

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 244, providing for a referendum on the political status of Puerto Rico.
SD–366

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings on the impact of restructuring the savings and loan industry, focusing on the Southwest Savings case study.
SD–226

Labor and Human Resources
To hold hearings on the nomination of Walter E. Massey, of Illinois, to be Director of the National Science Foundation.
SD–430

Rules and Administration
To continue hearings on proposed committee resolutions requesting funds for operating expenses for 1991 and 1992.
SR–301

10:00 a.m.
Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold hearings to examine transportation demand as related to demographic trends.
SD–406

Foreign Relations
To hold oversight hearings on U.S. foreign policy.
SD–419

1:30 p.m.
Veterans Affairs
Business meeting, to markup proposed legislation relating to Operation Desert Storm.
SR–418

FEBRUARY 8

10:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of Susannah Simpson Kent, of Pennsylvania, to be Director of the Institute of Museum Services, National Foundation on the Arts and the Humanities.
SD–430

FEBRUARY 19

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings to review a recent report of the Augustine Commission on the future direction of NASA.
SD–138

10:00 a.m.
Veterans Affairs
To hold hearings on the nomination of Charles L. Cragin, of Maine, to be Chairman of the Board of Veterans Affairs, Department of Veterans Affairs.
SR–418

2:00 p.m.
Energy and Natural Resources
To hold oversight hearings on U.S. national energy policy.
SD–366

FEBRUARY 20

9:30 a.m.
Rules and Administration
Business meeting, to consider proposed committee resolutions requesting funds for operating expenses for 1991

and 1992, and other pending legislative and administrative business.

SR-301

10:00 a.m.

Finance

To resume hearings on the prospect of free trade negotiations with Mexico.

SD-215

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Selective Service System, the American Battle Monuments Commission, Cemeterial Expenses (Army), the Nuclear Regulatory Commission, and the National Institute of Building Sciences.

SD-138

FEBRUARY 21

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings to review the Procurement Integrity Act.

SD-342

FEBRUARY 26

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled Americans Veterans.

345 Cannon Building

10:00 a.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Federal-aid highway program and related transportation issues.

SD-406

FEBRUARY 27

9:00 a.m.

Veterans' Affairs

To hold hearings on the President's proposed budget request for fiscal year 1992 for Veterans programs.

SR-418

FEBRUARY 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Vietnam Veterans of America, Military Order of the Purple Heart, and the Noncommissioned Officers Association.

345 Cannon Building

MARCH 1

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Research Service, the Cooperative State Research Service, and the Extension Service.

SD-138

MARCH 5

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Labor, focusing on the Office of the Secretary of Labor, and the Office of Inspector General.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for the Department of Health and Human Services, focusing on the Office of Civil Rights and Policy Research.

SD-192

MARCH 6

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Emergency Management Agency.

SD-138

MARCH 7

9:30 a.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1992 for the Environmental Protection Agency.

SD-406

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Family Support Administration, Human Development Services, and the Office of Inspector General.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Health Care Financing Administration.

SD-192

MARCH 8

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Agricultural Stabilization and Conservation Service, the Foreign Agricultural Service, General Sales Manager, and the Soil Conservation Service.

SD-138

MARCH 12

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the Office of the Assistant Secretary for Health, the Agency for Health Care Policy and Research, and the Centers for Disease Control.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Humans Services, focusing on the Alcohol Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.

SD-192

MARCH 13

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-138

MARCH 14

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Office of Director, Buildings and Facilities, the National Cancer Institute, Heart, Lung and Blood Institute, the National Dental Institute, Allergy and Infectious Diseases, Diabetes, Digestive, and Kidney, Child Health and Human Development, Environmental Health, and the Fogarty International Center.

SD-192

1:30 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Health and Human Services, focusing on the National Institutes of Health, the Neurology Institute, the Deafness Institute, General Medical Sciences, the National Eye Institute, the National Institute on Aging, Arthritis Musculoskeletal and Skin, Division of Research Resources, Nursing Research, Human Genome, and the National Library of Medicine.

SD-192

MARCH 15

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, the Food Safety and Inspection Service, and the Agricultural Marketing Service.

SD–138

MARCH 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Office of the Secretary of Education and Special Institutions.

SD–192

MARCH 20

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, Office of Inspecter General, and the National Credit Union Administration.

SD–116

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Education, focusing on the Offices of the Assistant Secretaries of Education, and the Office of Inspector General.

SD–192

MARCH 21

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for ACTION, National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD–192

2:00 p.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home.

SD–192

MARCH 22

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Food and Nutrition Service, and the Human Nutrition Information Service.

SD–138

APRIL 10

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Farmers Home Administration, the Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD–138

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Inter-agency Council on the Homeless, and the Department of Housing and Urban Development.

SD–124

APRIL 16

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 17

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the American Ex-Prisoners of War, the Jewish War Veterans, and the Veterans of World War I.

345 Cannon Building

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

1:30 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the United States Court of Veterans Affairs, and the Department of Veterans' Affairs.

SD–138

APRIL 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 19

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture, focusing on the Commodity Futures Trading Commission, the Food and Drug Administration, the Farm Credit Administration, and the Farm Credit System Assistance Board.

SD–138

APRIL 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the science education programs of various Federal agencies.

SD–138

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–1902

APRIL 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Office of Science and Technology Policy, and the National Science Foundation.

SD–124

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 25

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD–192

APRIL 26

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Agriculture.

SD–138

MAY 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the Na-

tional Space Council, and the National Aeronautics and Space Administration.
SD-138

MAY 15

1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation.
SD-138

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

HOUSE OF REPRESENTATIVES—*Tuesday, February 5, 1991*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your word, O God, is ever with us. It comes to refresh us when we wake and guides during all the day even to the night. We are grateful that no matter where we are or what we do or what our individual concern, Your word speaks to us the message of new life and hope and peace.

We remember in prayer those who experience the test of battle, those who are hostages or prisoners. May Your word, O God, that brought the whole world into being, strengthen and keep them and each of us, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. HUTTO] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTTO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

UNEMPLOYMENT INSURANCE PROGRAM MAY UNDERGO NEW SHORTFALLS

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, I want to highlight one area of the President's budget request, the unemployment insurance program.

Last year's budget process shortchanged the administration of the unemployment program and now unemployment benefits are held up for weeks on end because we did not appropriate the funds set aside in the unemployment trust fund for this very purpose. These funds have become hostage to the budget process in order to create paper savings in the numbers game. As the unemployment rate continues to rise, this problem will only become worse. Unfortunately, it is working Americans who have recently become unemployed that will be the losers in the game.

The President has partially recognized the importance of funding the administration of the unemployment program and is proposing to free an extra $100 million from the trust fund. Mr. Speaker, while this money will not be enough to fully cover the expected shortfall, it will go a long way toward ensuring that unemployment benefits reach those who need them, when they need them.

WHAT WILL CONGRESS DO WITH THE BUDGET?

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the Congress now has the President's budget in hand. What will it do with it?

The Congress must pass a budget, according to its own rules, its own laws, by September 30. Will it be able to do so? Not if past history shows us the way. The Congress has only been able to pass the appropriation bills on time before October 1 twice in the last 25 years. So can we expect the Congress to do its job? No.

That is why I am introducing legislation that will say that if by September 30 of any fiscal year the Congress has failed to pass the budget, then automatically last year's budget will come into effect. This will prevent the threat of Government shutdown. It will prevent actual Government shutdown as we had this past fall, to the detriment of our American people.

If we as a Congress know that our job is to do what we say we ought to do, we have got to pass this kind of legislation to make sure that never again shall we have that fiasco of the Government shutting down while our own troops are in the Persian Gulf area waiting to do their duty.

RESIGNATIONS AS MEMBERS OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER laid before the House the following resignations as members of Committee on Foreign Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 28, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I am writing to formally resign my permanent assignment on the House Foreign Affairs Committee in order to assume my new post as a permanent member of the House Energy and Commerce Committee.

It is my understanding that this will also clear the way for me to assume the temporary assignment to the Foreign Affairs Committee granted me by the Caucus.

Thank you for your time and attention, and please contact me if you have any questions, or need anything else.

With every good wish,
Sincerely,
PETER H. KOSTMAYER.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 1991.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to formally resign as a permanent member of the House Foreign Affairs Committee, in order to accept my recent appointment to the Committee on Energy and Commerce.

In addition, I am writing to confirm my acceptance of my appointment last week as a temporary member of the Foreign Affairs Committee.

With warm regards.
Sincerely,
GERRY E. STUDDS.

The SPEAKER. Without objection, the resignations of Representative STUDDS and Representative KOSTMAYER from their membership on the Committee on Foreign Affairs, as established by House Resolution 8, adopted by the House on January 3, 1991, are accepted.

The election of those members to the Committee on Foreign Affairs on January 24, 1991, by the adoption of House Resolution 43 continues to be effective in the order established in that resolution.

There was no objection.

THE PRESIDENT'S BUDGET IS A SHAM

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, today President Bush sends us a $1.45 trillion budget that even the finest doctors in the world, could not heal.

Again the administration attempts to present a budget that will decrease the deficit, however, we are presented with a record deficit of $318 billion, a budget that I believe is a sham.

Last year, the American people were told that the deficit would be reduced when Congress approved a $500 billion deficit reduction plan. However, those savings are nowhere to be found so it's time again to bring back old ideas.

In the rebirth of the Reagan new federalism proposal, OMB proposes to shift programs over to the States, and

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

again attempts to ask our seniors to bear more of the costs of the Medicare Program. Unfortunately, the administration did not hear the voices of seniors last year when they said they could not afford additional costs.

As the Budget Committee begins its deliberations of the 1992 budget, I urge them to be very wary of this budget and make the necessary cuts to reduce the deficit.

CONTINUING BRUTAL CRACKDOWN BY SOVIETS OF BALTIC REPUBLICS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I rise today to bring to the attention of my fellow Members the continuing brutal crackdown by Soviet authorities of the Baltic Republics. During the past 5 years, the United States has been treated to nonstop propaganda singing the praises of Mikhail Gorbachev and his policy of glasnost. However, only in the last few months has the real Gorbachev begun to reemerge.

In April 1989, the Soviet military murdered 19 Georgians with sharpened shovels and poison gas. This action was blamed by Gorbachev on local military authorities. Just 3 weeks ago, Soviet troops stormed the Lithuanian radio and television facilities and killed at least 14 unarmed civilians and injured over 150. All this is done by the man the Nobel Committee awarded its annual peace prize.

Mr. Speaker, we must stand up for freedom, whether it is in the Baltics or in other parts of the Soviet empire. In Latvia, Soviet authorities seized the main press building in the capital of Riga and effectively cut off all press freedom. On January 16, the Soviet Government went further and revoked the freedom of the press law which they had previously trumpeted to the world as proof of its true desire to reform.

Mr. Speaker, the time is now to speak out against this kind of repression. We are now in danger of becoming a partner of this government and the continuing pattern of repression. A prime example of the United States complicity is the extension of U.S. taxpayer loan guarantees and other subsidies to the Gorbachev regime. For example, on December 12, 1990, $1 billion in agricultural credit guarantees through the Department of Agriculture's Commodity Credit Corporation [CCC] program. On January 14, 1991, 1 month later, the White House announced that less than $200 million remained uncommitted. The Soviets had spent or at least committed over $800 million in 1 month.

The time to act is now, Mr. Speaker. Mikhail Gorbachev has betrayed the spirit of glasnost by cracking down in the Baltics and in other republics. The United States has played a major role in supporting the government of Mikhail Gorbachev and now must lead the way in supporting the dreams of the citizens of the Baltic Republics. The American taxpayer should not be forced to support the Soviet Union and its repressive policies.

WHAT KIND OF COUNTRY WILL OUR TROOPS COME HOME TO?

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the President's budget has now been presented to the American public. I hope, quite honestly, that our young men and women who are fighting in the gulf do not get a chance to read it, because if they do they are going to wonder who it is that this budget really empowers anyway. They are going to wonder what kind of country they are going to come home to after fighting to preserve its values.

I can tell you that the President's budget, if passed, what kind of country they are going to come home to, a country which is going to cut veterans' benefits under the President's plan so that housing benefits and education benefits and health benefits will be less for more veterans who fight in Desert Shield and Desert Storm than they were before they left. These are people who are already married with children, in the Reserves, who went away from a job, who lost that income, who will come home to less benefits than they might have had before.

This is a man or woman who will come home, if they are 20 or 30 or 35 or 40 who will find out that their education benefits and those of their children have been cut, because under the President's budget guaranteed student loans and other educational opportunities are denied the children of the people who are right now out there fighting for us. They are going to wonder what kind of country it is and who are going to be the big beneficiaries.

Are we going to be fighting to preserve our way of life or fighting to preserve the Kuwaiti way of life?

□ 1210

I want to give them all the entitlements they are entitled to, all the opportunities they are entitled to, both over there as they are fighting and protect them and make sure they have every tool; and when they come home, every, every advantage to which they are entitled.

The President's budget does not do that.

HOORAY FOR OUR TROOPS

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, like many of my colleagues this past weekend I had the opportunity to attend a number of protroop rallies.

When I was in southern California I had delivered to my office a poem which I would like to share with you here today. It came from a 10-year-old fifth grader called Danny Gorden, who is a student at Washington Elementary School in Glendora, CA. It is entitled "Hooray for Our Troops." And it reads as follows:

Here is a story about Kuwait over there.
Saddam got jealous and pulled Kuwait's hair.
So sit right back and listen to me;
I will tell you the story from A to Z.
See, Saddam got mad 'cause Kuwait had all the oil.
So he started this war and made our blood boil.
He took over Kuwait and made us really mad.
Then he started killing!
That is really sad!
We started thinking, "He has really gone too far this time."
So we joined other countries to fight against this crime.
We gave him a deadline, we gave him a date,
We said by January 15 you have to be out of Kuwait.
But he didn't budge, he didn't move ten yards,
So we took out our deck, and played with our own cards.
We have all the good guys, the Aces, Kings, and Queens,
We even have the Army, Air Force, Navy, and Marines!
So here we are just listening to our rhyme,
Get up and do something, it is about time!
Get your yellow ribbons and American flags.
Just say "Horray for our troops" over there in camouflage rags.

I say "hooray" to Danny Gorden and all the other students at Washington Elementary School and all of the young people in this country who are going to benefit from the freedom which is being fought for in the Persian Gulf.

THOUGHTS ON THE PRESIDENT'S BUDGET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the President's budget is supposed to be a blueprint; this budget reads like an autopsy.

It contains 320 billion dollars' worth of deficits, and what is worse, the savings and loan crisis is taken off budget, Desert Storm is taken off budget, and the recession is off budget.

What is next, Mr. Speaker? Will the President take the deficit off budget?

We have gone from Gramm-Latta to Gramm-Rudman to Gramm-bankrupt.

I honestly believe that Dr. Ruth is beginning to advise the President on the budget because this must be some massive sex experiment, the way all the taxpayers in this country are being treated.

REAUTHORIZING THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, tomorrow the House is scheduled to consider a resolution that reauthorizes three select committees, one of which is the Select Committee on Narcotics Abuse and Control. That select committee has no power to report bills and like all select committees it ceases to exist at the end of each Congress.

For over 14 years now we have attempted to coordinate a long-term effort—the war against drugs—by relying on a short-term limited solution, called a select committee. It is time to correct that inconsistency if we are going to deal with this tremendous problem that faces us today.

Today I am introducing a resolution that will create a standing committee on drug abuse and control, which would have the authority to report bills and would abolish this temporary select committee which never seems to perform its functions. The new subcommittee chairman, TONY BEILENSON, from my Rules Committee, has promised to hold hearings on our proposal, and I would urge all Members to cosponsor that legislation. It is about time we got down to business and dealt with this terrible problem.

PRAYERS FOR OUR MISSING CREWMEMBERS IN THE PERSIAN GULF

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, the cause of freedom is our reason for being involved with some 28 nations in Desert Storm in the Middle East. The war is being fought in a distant land, but it involves us all in one way or another. It has hit home in my congressional district, perhaps harder than any in the Nation. The Defense Department announced last week that a U.S. Air Force AC-130 gunship had gone down in southeast Kuwait during a combat mission. All 14 crewmembers are listed as missing. They are 1st Lt. Thomas Clifford, Jr., S. Sgt. John P. Blessinger, S. Sgt. Paul G. Buege, Sgt. Barry M. Clark, Capt. Arthur Galvan, Capt. William D. Grimm, S. Sgt. Timothy R. Harrison, T. Sgt. Robert K. Hodges, Sgt. Damen V. Kanuha, M. Sgt. James B. May II, S. Sgt. John L. Oelschlager, S. Sgt. Mark J. Schmauss, Capt. Dixon L. Walters, and Maj. Paul J. Weaver. Our prayers are with their families as the search continues for these brave and courageous Americans.

DEMOCRATS WANT A SOCIALIST BUDGET

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, if you take a look at the President's budget, it does a couple of things. It cuts taxes to encourage economic growth, it cuts some Government benefits that go to the wealthiest of Americans, and it proposes some real reforms in the way Government conducts its business.

What we hear from the other side of the aisle, from the Democrats, is complaints about that particular budget. They really want to raise taxes; they say they want to raise the taxes on the rich, but we know from last year's experience what that really means. And then they want to send the money back out as subsidies, including money to some of the wealthiest people in this country.

That is where deficits come from, my friends; it comes from that kind of spending and that kind of subsidies. Yet the Democrats want to continue to increase spending and, therefore, increase deficits.

Just listen to what they have said so far today; just listen to what they would say over the next several days. There is a name for that process where you collect a lot of taxes so you can send the money back out to them in subsidies; that system is called socialism.

The President did not see fit to present a Socialist budget to this Congress. Instead he sent up a reform budget. The Democrats wanted a Socialist budget and, therefore, they complained.

THE PRICE OF THE RTC'S INACTION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the Resolution Trust Corporation [RTC] has failed to sell $94.7 billion in marketable securities and performing loans. The price for this failure is the administration's request for an additional $77 billion to cover the agency's costs.

However, the lost income resulting from the slow pace of sales isn't the only expense the taxpayers are being asked to pay. The RTC also has to pay various expenses each and every day it holds these assets.

Through September 1990, $103 million of the taxpayer's money has been spent to hold and maintain the RTC's receivership real estate inventory. These expenses include $27 million in management fees.

The RTC doesn't even keep expense records for its conservatory real estate inventory, which is 30 percent larger than its receivership inventory. Nor does the $103 million figure include the salaries of RTC employees responsible for managing its real estate portfolio. The total cost for holding, rather than selling, the real estate is likely to already be a quarter of a billion dollars.

Mr. Speaker, how much longer will the taxpayer have to pay hundreds of millions of dollars so the RTC can hold properties it should be selling?

MAKE RECYCLING A PRIORITY

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, today I am reintroducing legislation that will encourage American entrepreneurs to develop new and innovative ways to recycle our resources.

Landfills are closing all across the country. Of the 20,000 landfills in operation in 1979, only 6,000 still exist today. Five States have less than 5 years' capacity to dispose of their waste.

Incineration, with its air pollution and toxic waste, is running into local opposition in communities across the country.

The obvious solution is to reduce the waste we produce and to recycle as much of it as possible. But, as of today, we often lack the technological skill to do this.

We have been trying. New York's Monroe County, my home, has an aggressive and successful curbside recycling program as our community seeks to meet the Environmental Protection Agency's new goal of recycling 25 percent of our waste stream within the next 4 years. But not all the products collected nationwide have markets.

What we need is to create new uses for old goods. The Recycling Initiatives Grant Act will provide Federal grants to support creation of innovative recycling techniques. At a total annual cost of $3 million, this program would be a cost effective way to encourage recycling. Each $100,000 grant to an individual, a nonprofit or commercial organization, or a locality can support development of new methods to separate, collect, reuse, market, or produce goods with recycled materials.

This program will be authorized for 4 years and requires that grant recipients report to the EPA the final results of their projects. This necessary feedback will assist us as we work toward a national recycling policy in the future.

We have to find innovative ways to stop sweeping our problems under nature's rug. This bill is a first step in that direction.

□ 1220

TRIBUTE TO CPL. ISMAEL COTTO, JR.

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, for the second time in 2 weeks I come before this body to mourn the loss of one of my constituents.

Marine Cpl. Ismael Cotto, Jr., 27 years old, lost his life in Operation Desert Storm.

Like most of his neighbors, Ismael Cotto grew up poor in the south Bronx section of New York. He dreamed of a better future for himself and his family. With this thought in mind, Corporal Cotto joined the Marine Corps in 1984. He wanted to serve our country and he wanted to help his family.

Ismael Cotto is remembered by his neighbors as a solid man from a humble and decent family. A man who cared about his family and his community. He loved our country and for us he has made the ultimate sacrifice. To his wife Christina, and his 3-year-old daughter Christine and his family, we offer our condolences and our prayers. As we say goodbye to Corporal Cotto let us not forget that when the troops come home they'll need our help then as much as they do now.

And finally, Mr. Speaker, let us commit ourselves to a war against drugs, against AIDS, against homelessness; a war against poverty.

This is the greatest tribute a grateful nation can pay to one of its fallen sons. May the soul of Cpl. Ismael Cotto, a true American hero, rest in peace.

INTRODUCTION OF THE ETHICS IN FOREIGN LOBBYING ACT

(Mr. GUARINI asked and was given permission to address the House for 1 minute.)

Mr. GUARINI. Mr. Speaker, today Representative KAPTUR and I are introducing the Ethics in Foreign Lobbying Act.

Many have criticized the influence of special interests in our electoral process. Those criticisms have focused on the activities of domestic PAC's. But few have focused on the influence of the Europeans, the Japanese, and others through their own PAC's and trade associations.

Our act establishes a central clearinghouse—greatly needed to gather information on foreign lobbying activities. The bill also bars foreign-controlled PAC's and trade associations that receive more than 50 percent of their funds from foreign sources when contributing to candidates.

The time is ripe for campaign reform. An integral part of that reform should be the establishment of a clearinghouse to monitor foreign lobbying efforts and the banning of political contributions from foreign-controlled PAC's and trade associations.

JAPAN IS IN THE BIG LEAGUES NOW

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, the war in the Persian Gulf heralds a new level of global cooperation on behalf of peace and stability. President Bush deserves very high grades for building an unprecedented coalition backed up by the United Nations. Yet the sharing of the defense burden and the sharing of the human and financial costs of peacekeeping is very dear, and any new world order that comes out of this gulf conflict must have a new way of sharing this financial burden.

Mr. Speaker, as one Member who has been very critical of Japan's defense burden sharing over the 1980's, I am heartened by the Japanese Government's statement that it will contribute $9 billion additional to our effort in the gulf. I know that that money must be approved in the Japanese Diet. That is their Parliament. I know that half of the public opinion is against that contribution. But I want to urge to Japanese colleagues in their Parliament to do the right thing here. This is a chance to build the same kind of respect for Japanese global political leadership that they have enjoyed in terms of their industrial leadership.

Mr. Speaker, the world is watching Japan. The American people are watching Japan.

Using a baseball metaphor since baseball is so popular in Japan, I say to them, "Japan, you're in the big leagues now. It is time to step up to the plate and get off the bench."

UTAH IS NOT THE NATION'S WASTELAND

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, I am reintroducing legislation today that is intended to facilitate the debate over the shell game being played with hazardous waste disposal in our country. It does not make sense to ship hazardous waste across the country when there are waste treatment and disposal facilities near the generating source. It does not make sense to transport hazardous waste to States with open spaces, clean air, and clear waters just because they lag behind in environmental regulation.

If incinerator technology is so clean, then locate these facilities closer to the generating source where emergency response capabilities already exist. Industrialized States already have the tax base and emergency response infrastructure in place. The risks associated with transporting hazardous waste over long distances, with small towns and volunteer fire departments, is just not realistic.

My bill will allow a State to refuse hazardous waste generated outside of that State. It also gives States clear authority to remove the economic incentive to ship hazardous wastes to States charging lower fees for disposal or treatment. It allows States to charge sliding fees based on wastes generated within State versus wastes generated out of State.

Most waste generators decide where their hazardous waste will be disposed by: First, the cost of disposal fees and transportation; second, the waste treatment facility design and reputation; third, whether they own the facility; fourth, they want all of their waste in one location for long-term liability protection; and fifth, the unique needs of specific Superfund site cleanups.

This bill will help level the playing field between industrialized States and rural States.

In the West a new carpetbagger has arrived, boasting of clean technology and new jobs. If this technology is so clean then why are these facilities locating in States with lesser enforcement capabilities and small staffs? Why are incineration companies applying for permits within Indian reservations where enforcement jurisdiction is less clear?

Locating these incinerators in nonindustrialized States is another symptom of the fact that we need a clear national policy that focuses on both reducing the waste stream and treating the waste closer to the generating source. We need to scrutinize the effectiveness of the capacity assurance plans required under the Superfund Act. This bill will initiate this process by modifying subtitle C of the Resource Conservation and Recovery Act, as amended.

Just to illustrate how inequitable the current fee structures are, California charges from $105 per ton to $210 per ton for hazardous waste disposal within the State. California also charges $42 per ton to ship hazardous wastes outside of the State. Clearly, the fees are structured as an incentive to ship hazardous wastes outside of the State.

I am advocating earnest, responsible disposal within those States who generate large amounts of hazardous waste. Utah has tried to be responsible for the hazardous wastes generated in our State by making fees charged within our State reasonable for within State disposal.

Mr. Speaker, I do not want Utah to be known as a net importer State for hazardous wastes and interstate transport of such waste over long distances is not sound national policy. I do not want to have to come to the public trough and ask for the additional Federal funding to pay for emergency response capability for small towns when this capability already exists in industrialized States.

When people think of Utah they should think of magnificent red rock canyons, pristine alpine mountains, spacious blue sky, and crystal clear waters. It is time for the rest of the Nation to think of the arid West as a unique national treasure with a rich and full heritage, not as the Nation's wasteland or the national sacrifice zone.

USE WHAT HAS TO BE USED

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we all know what kind of a fellow Saddam Hussein is. He has used chemical weapons in violation of the Geneva Convention to kill people in the Iran-Iraq war. He used chemical weapons to kill his own people, part of the Kurdish population in Iraq itself.

Mr. Speaker, Saddam Hussein has had 5 months to dig in in the Kuwaiti desert. He has dug his elite Republican Guard into concrete reinforced bunkers, and our bombers have been doing a good job, but we have not been able to dig them out. He has put 1 million land mines, probably some of them laced with chemical weapons, into that desert. He has barbed and concertina wires strewn all across the front. There are large ditches filled with oil and other flammable liquids, and our young people, if we cannot dig his elite Republican Guard out, are going to have to go in in a land attack to dislodge them.

Mr. Speaker, any military expert will say it takes an attacking army by a ratio of 3 to 1 to dig out a dug-in army, and so we are going to see thousands and thousands of casualties.

So, today I would just like to say to our friends at the Defense Department and our friends over at the White House, "If conventional bombing does not work in dislodging Saddam Hussein's elite Republican Guard, rather than sending our young men and women into that kind of a horrible battle, we should consider using tactical nuclear weapons—low-yield tactical nuclear weapons—to hit those military targets, to dislodge them with everything at our disposal before we send our young Americans into a meat grinder. To do less would be inhumane in my opinion."

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Mr. Speaker, if we would ask any parent, any mother, any father, any husband, or any wife what they think about it, I am sure they would say, "Before you send my loved one into that kind of a meat grinder, use what has to be used."

ADMINISTRATION'S BUDGET SEEN AS CONTINUING DANGEROUS FISCAL POLICY

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, as predictable as the spring mating of brown bears is the annual release of the Federal budget by the White House followed by the ritualistic support by Republicans and well-practiced complaints by Democrats.

Yesterday, the President sent us his annual budget proposing that we spend $281 billion more than we take in this coming year. Or put another way, he said let us charge the kids nearly $1 billion a day for programs he believes the country needs but is unwilling to pay for now.

It is the same tired but dangerous fiscal policy that we have seen for a decade.

One year ago, the President estimated the Federal deficit would be $100 billion this year. Now, he says it is going to be $318 billion. He missed his estimate by $218 billion.

How can an administration that builds a Patriot missile capable of striking with such breathtaking accuracy be so completely unable to come even remotely close to correctly estimating the Federal deficit? How can a Government that trumpets such competence in missiles be so incompetent in its fiscal policy?

As I look at this year's budget, Mr. Speaker, it looks and smells like another helping of the same meal that has made the American economy sick. It is more deficits piled on top of an already crushing debt. And it is spending priorities that trumpet the message, "Let's take care of things around the rest of the world and not worry much about things here at home."

Mr. Speaker, the President and this Congress had better wake up soon to a couple of truths. First, the American people want some leadership to stop spending money we do not have and, second, the American people want us to start taking care of things here at home first.

WHOSE PUMP IS BEING PRIMED?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I have reviewed the President's 1992 budget and I have found some disquieting facts.

First, almost $304 billion in interest payments of one kind or another will be paid.

Second, in fiscal years 1989 and 1990, foreigners purchased over one-third of the U.S. debt instruments.

I add to these facts that the United States has been pouring billions and billions into Desert Storm but unemployment keeps rising.

We are at war, and the United States must guarantee our troops will receive the costly materiel and equipment. But can we deliver what we promise? Or must we rely on the Germans and Japanese—who are very slow to deliver on their promises while our interest payments to them are mounting.

Whether we like it or not, we need them. Their economies build many of the components that keep the American war machine going.

Government spending generally primes the pump. But whose pump will be primed by this budget? If it is an American pump, it is one that includes German and Japanese components—and it gushes marks and yens, not dollars.

Soldiers cannot shoot with promises nor can they fly in commitments. Our troops need our allies to step forward with their checkbooks today.

MINORITIES ARE FIRST TO FIGHT—LAST TO PROSPER

(Mr. TOWNS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, it is ironic that as a legislative body we constantly speak of protecting freedom. What greater freedom is there than security from discrimination based on race, sex, or ethnic origin? And what better vehicle is there than a civil rights bill?

As we rush to protect the world from naked aggression we must be equally vigilant in protecting our minority citizens from harassment and persecution in this country.

Mr. Speaker, freedom from oppression abroad should be matched by an equal protection under the law here in the United States. I implore my colleagues to raise their voices and be heard in support of H.R. 1, better known as the civil rights bill.

COALITION PREVAILING IN AIR WAR; GROUND WAR MAY BE UNNECESSARY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, we are now at a critical moment in the short history of the war against Iraq.

Last week, Gen. Norman Schwarzkopf announced a broad list of successes attributable to the air war, and also that allied troop strength in the Persian Gulf had surpassed the half million soldier mark. And last night, there was the first serious ground skirmish of the war.

These development raise a fundamental question: Would we not best serve our military objectives and our desire to limit casualties by limiting our actions to a continuation of the targeted air war combined with continuing economic isolation?

The military command clearly believes that the air war has been tremendously effective to date.

We have launched 44,000 sorties. Just this week, allied forces dropped over 800 tons of bombs on the Republican Guard in just 2 days this week.

Centralized control of Iraqi air defenses has been shattered.

Seventy-five percent of Iraq's command and control and communications facilities have been attacked, and one-third have been totally destroyed.

We have destroyed or severely damaged 178 trucks, 55 artillery pieces, and 52 tanks. Supplies traveling on the main supply route to Kuwait City have been reduced by 90 percent.

We have flown over 500 missions against chemical, nuclear, and biological weapons facilities and have damaged or destroyed many of them. Reportedly all major missile production facilities have been destroyed.

Given this record of destruction against Iraq in just 2 weeks, and the minimal loss of allied lives, it seems to me that the prudent—and militarily sound—strategy for the present would be to defer any ground offense, to continue to utilize our unchallenged air power to remove offensive Iraqi capabilities, and to seize upon the United States-Soviet communique of Tuesday evening as the basis for initiating possible negotiations on an end to the war.

It is obvious that moving into the ground war phase will be very, very costly in terms of human life on both sides. And a ground war could well extend the duration of the war, complicate the peace by producing massive numbers of Arab deaths, and jeopardize our domestic economy by lengthening the recession.

Now, with Iraq severely battered and with our military superiority unchallenged in the air, we should take bold initiatives to find an alternative to a grinding ground assault. Regardless of our views on the wisdom of going to war, we should surely agree that we should take no actions that unnecessarily risk thousands of lives for no sound military or diplomatic purpose.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remaks, and include extraneous matter, on H.R. 180 and H.R. 154, which will be considered by the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' EDUCATION AND EMPLOYMENT AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 180) to amend title 38, United States Code, with respect to veterans education and employment programs, and for other purposes.

The Clerk read as follows:

H.R. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

Section 2011(2)(B) of title 38, United States Code, is amended by striking out "1991" and inserting in lieu thereof "1994".

SEC. 2. EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) In General.—Chapter 36 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§1797A. Educational and vocational counseling

"(a) The Secretary shall make available to an individual described in subsection (b) of this section, upon such individual's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary determines necessary to aid the individual in selecting—

"(1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective; or

"(2) an employment objective that would be likely to provide such individual with satisfactory employment opportunities in the light of the individual's personal circumstances.

"(b) For the purposes of this section, the term 'individual' means an individual who—

"(1) is eligible for educational assistance under chapter 30, 31, or 32 of this title or chapter 106 or 107 of title 10;

"(2) was discharged or released from active duty under conditions other than dishonorable if not more than one year has elapsed since the date of such last discharge or release from active duty; or

"(3) is serving on active duty in any State with the Armed Forces and is within 180 days of the estimated date of such individual's discharge or release from active duty under conditions other than dishonorable, including those who are making a determination of whether to continue as members of the Armed Forces.

"(c) In any case in which the Secretary has rated the individual as being incompetent, the counseling services described in subsection (a) of this section shall be required to be provided to the individual before the selection of a program of education or training.

"(d) At such intervals as the Secretary determines necessary, the Secretary shall make available information concerning the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Secretary determines practicable.

"(e) The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all individuals described in subsection (b) of this section with the availability and advantages of counseling services under this section.".

(b) Conforming Amendments.—(1) Chapter 34 of such title is amended—

(A) by striking out section 1663; and

(B) in the table of sections of such chapter, by striking out

"1663. Educational and vocational counseling.".

(2) Sections 1434(a)(1) and 1641(a)(1) of such title are amended by striking out "1663,".

(3) Section 1797(a) of such title is amended by inserting "under section 1797A of this title or to an individual" after "individual".

(4) The table of sections of chapter 36 of such title is amended by adding the following new item at the end of the items for subchapter II:

"1797A. Educational and vocational counseling.".

SEC. 3. VOCATIONAL REHABILITATION.

(a) Rehabilitation Under Chapter 31.—Section 1502(1)(B) of title 38, United States Code, is amended by striking out "for a service-connected disability" and all that follows through "determines" and inserting in lieu thereof "or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that (i) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned, and (ii) the person is suffering from a disability which".

(b) Handling Fees.—(1) Section 1504(a)(7) of such title is amended—

(A) by inserting "(A)" before "Vocational";

(B) by redesignating clauses (A) and (B) as clauses (i) and (ii);

(C) by striking out "and licensing" and inserting in lieu thereof "handling charges, licensing"; and

(D) by adding at the end the following new subparagraph:

"(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.".

(2) The amendments made by this subsection shall apply only to payments made on or after the date of the enactment of this Act.

(c) Amount of Allowance.—Section 1508(c)(2) of such title is amended by inserting ", State, or local government" after "Federal".

SEC. 4. EXTENSION OF THE PERIOD PRECEDING AUTOMATIC DISENROLLMENT UNDER CHAPTER 32.

Section 1632(b)(1) of title 38, United States Code, is amended by inserting before the comma "and at the end of one year thereafter has not filed a claim for utilizing such entitlement".

SEC. 5. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) In General.—Section 1642 and paragraph (3) of section 1798(e) of title 38, United States Code, are repealed.

(b) Clerical Amendment.—The table of sections for chapter 32 of such title is amended by striking out the item for section 1642.

SEC. 6. PROVISION FOR CERTAIN INDIVIDUALS TO ELIMINATE AN OVERPAYMENT BY PERFORMING WORK-STUDY SERVICES.

(a) In General.—Section 1685 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, 35, or 36 (other than an education loan under subchapter III) of this title, or chapter 106 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 of such title).

"(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

"(B) For the purposes of this subsection, the Secretary may—

"(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

"(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 3115 of this title on the indebtedness to be satisfied by performance of the agreement; and

"(iii) notwithstanding the indebtedness offset provisions of section 3114 of this title, waive or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 3114 of this title.

"(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

"(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

"(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

"(4) The Secretary shall promulgate regulations to carry out this subsection.".

(b) Conforming and Technical Amendments.—(1) Section 1685(a)(2) of such title is amended by inserting "and subsection (e) of this section" after "subsection".

(2) Section 1685(b) of such title is amended by inserting before "utilize" in the first sentence ", subject to the provisions of subsection (e) of this section,".

(3) Section 3114(a) of such title is amended by inserting before the comma "and section 1685(e) of this title".

(4) Section 3115(a) of such title is amended by striking out "section 3102" and inserting in lieu thereof "sections 1685(e) and 3102".

SEC. 7. EDUCATIONAL ASSISTANCE FOR FLIGHT TRAINING.

(a) Post-Vietnam Era Veterans' Educational Assistance.—Section 1641 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 1673(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

"(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

"(B) the individual possesses a valid pilot's license and meets the medical requirements necessary for a commercial pilot's license; and

"(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

"(2) This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.".

(b) Benefit Amount and Entitlement Charge.—Section 1631 of such title is amended—

(1) in subsection (a)(2), by inserting "subsection (f) of this section and" after "provided in"; and

(2) by adding at the end the following new subsection:

"(f)(1) Subject to subsection (a)(1) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 1641(b) of this title shall be paid educational assistance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

"(2) No payment may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

"(3) The entitlement of an eligible veteran pursuing a program of education described in paragraph (1) of this subsection shall be charged at the rate of one month for each amount of educational assistance paid which is equal to the monthly benefit otherwise payable to such veteran (computed on the basis of the formula provided in subsection (a)(2) of this section).".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 1991.

SEC. 8. COMMITTEE ON VETERANS' EMPLOYMENT.

(a) In General.—Section 2010 of title 38, United States Code, is amended to read as follows:

"§ 2010. Advisory Committee on Veterans Employment and Training

"(a)(1) There is hereby established within the Department of Labor an advisory committee to be known as the Advisory Committee on Veterans Employment and Training.

"(2) The advisory committee shall—

"(A) assess the employment and training needs of veterans;

"(B) determine the extent to which the programs and activities of the Department of Labor are meeting such needs; and

"(C) carry out such other activities that are necessary to make the reports and recommendations referred to in subsection (f) of this section.

"(b) The Secretary of Labor shall, on a regular basis, consult with and seek the advice of the advisory committee with respect to the matters referred to in subsection (a)(2) of this section.

"(c)(1) The Secretary of Labor shall, within 90 days after the date of the enactment of this section, appoint at least 12, but no more than 18, individuals to serve as members of the advisory committee consisting of—

"(A) representatives nominated by veterans' organizations that are chartered by Federal law and have a national employment program; and

"(B) not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.

"(2) A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

"(d) The following, or their representatives, shall be ex officio, nonvoting members of the advisory committee:

"(1) The Secretary of Veterans Affairs.

"(2) The Secretary of Defense.

"(3) The Secretary of Health and Human Services.

"(4) The Secretary of Education.

"(5) The Director of the Office of Personnel Management.

"(6) The Assistant Secretary of Labor for Veterans Employment and Training.

"(7) The Assistant Secretary of Labor for Employment and Training.

"(8) The Chairman of the Equal Employment Opportunity Commission.

"(9) The Administrator of the Small Business Administration.

"(10) The Postmaster General.

"(11) The Director of the United States Employment Service.

"(12) Representatives of—

"(A) other Federal departments and agencies requesting a representative on the advisory committee; and

"(B) nationally based organizations with a significant involvement in veterans employment and training programs, as determined necessary and appropriate by the Secretary of Labor.

"(e)(1) The advisory committee shall meet at least quarterly.

"(2) The Secretary of Labor shall appoint the chairman of the advisory committee who shall serve in that position for no more than 2 consecutive years.

"(3)(A) Members of the advisory committee shall serve without compensation.

"(B) Members of the advisory committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the responsibilities of the Board.

"(4) The Secretary of Labor shall provide staff and administrative support to the advisory committee through the Veterans Employment and Training Service.

"(f)(1) Not later than July 1 of each year, the advisory committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans. Each such report shall contain—

"(A) an assessment of the employment and training needs of veterans;

"(B) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs; and

"(C) any recommendations for legislation, administrative action, and other action that the advisory committee considers appropriate.

"(2) In addition to the annual reports made under paragraph (1), the advisory committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at such times and in such manner as the advisory committee determines appropriate.

"(g) Within 60 days after receiving each annual report referred to in subsection (f)(1), the Secretary of Labor shall transmit to Congress a copy of the report together with any comments concerning the report that the Secretary considers appropriate.

"(h) The advisory committee shall continue until terminated by law.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 41 of such title is amended by striking out the item for section 2010 and inserting in lieu thereof the following:

"2010. Advisory Committee on Veterans Employment and Training.".

SEC. 9. VETERANS READJUSTMENT APPOINTMENTS.

(a) POLICY.—Section 2014(a)(1) of title 38, United States Code, is amended—

(1) by striking out "It is the policy of the United States" and inserting in lieu thereof the following: "The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life since veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers. The Federal Government is also continuously concerned with building an effective work force, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States"; and

(2) by striking out "certain veterans of the Vietnam era" and all that follows through the period and inserting in lieu thereof "disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era who are qualified for such employment and advancement.".

(b) IMPLEMENTATION.—(1) Section 2014(b)(1) of such title is amended—

(A) in clause (A), by striking out "up to" and all that follows through the semicolon and inserting in lieu thereof "up to and including the level GS-11 or its equivalent;";

(B) by striking out clauses (B) and (C) and inserting in lieu thereof the following:

"(B) a veteran shall be eligible for such an appointment without regard to the number of years of education completed by such veteran;

"(C) a veteran who is entitled to disability compensation under the laws administered by the Department of Veterans Affairs or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

"(D) a veteran receiving such an appointment shall—

"(i) in the case of a veteran with less than 15 years of education, receive training or education; and

"(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and";

(C) by striking out clauses (E) and (F); and

(D) by redesignating clause (D) as clause (E) and by striking out "; and" at the end of such clause and inserting in lieu thereof a period.

(2) Section 2014(b) of such title is amended by striking out subparagraph (B) of paragraph (2) and all that follows through paragraph (4) and inserting in lieu thereof the following:

"(B) veterans who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after May 7, 1975, and were discharged or released from active duty under conditions other than dishonorable.

"(3)(A) Except as provided in subparagraph (C) of this paragraph, a veteran of the Vietnam era may receive an appointment under this section only during the period ending—

"(i) 10 years after the date of the veteran's last discharge or release from active duty; or

"(ii) December 31, 1993,

whichever is later.

"(B) Except as provided in subparagraph (C) of this paragraph, a veteran described in paragraph (2)(B) of this subsection may receive such an appointment only within the 10-year period following the later of—

"(i) the date of the veteran's last discharge or release from active duty; or

"(ii) December 18, 1989.

"(C) The limitations of subparagraphs (A) and (B) of this paragraph shall not apply to a veteran who has a service-connected disability rated at 30 percent or more.

"(D) For purposes of clause (i) of subparagraphs (A) and (B) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than ninety days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force described in section 1411(a)(1)(A)(ii)(III) of this title or of an involuntary separation described in section 1418A(a)(1).".

(c) CLERICAL AMENDMENTS.—(1) The title heading for chapter 42 of such title is amended by striking out "**DISABLED AND VIETNAM ERA**".

(2) The item for such chapter in the table of chapters is amended by striking out "Disabled and Vietnam Era".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply only to appointments made after the date of the enactment of this Act.

SEC. 10. TECHNICAL AMENDMENTS.

(a) TITLE 38 TECHNICAL AMENDMENTS.—Title 38, United States Code, is amended as follows:

(1) Section 1411(a)(3) is amended—

(A) by redesignating clause (C) as clause (D); and

(B) by striking out clauses (A) and (B) and inserting in lieu thereof the following:

"(A) continues on active duty;

"(B) is discharged from active duty with an honorable discharge;

"(C) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or".

(2) Section 1418(b)(4) is amended—

(A) by striking out the comma after "service" and inserting in lieu thereof "(i)"; and

(B) by inserting ", or (ii) has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree" before the semicolon.

(3) Section 1432(f)(3) is amended by striking out "or (c)" and inserting in lieu thereof "(c), or (d)(1)".

(4) Section 1433(b) is amended by striking out "section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note)," and inserting in lieu thereof "chapter 109 of title 10".

(5) Section 1685(a)(1) is amended—

(A) by redesignating clauses (1) through (5) as clauses (A) through (E), respectively; and

(B) in clause (E), as so redesignated, by inserting ", Coast Guard, or National Guard" after "Department of Defense".

(6) Sections 1732(c)(3), 1732(e), and 1733(a)(1) are amended by striking out "Secretary of Veterans Affairs" and inserting in lieu thereof "Secretary".

(7) Section 1774(a)(1)(A) is amended by striking out "chapters 106 and 107" and inserting in lieu thereof "chapter 106".

(8) Section 2004 is amended—

(A) in subsection (a)(1), by striking out "assignment" each place it appears in the material preceding subparagraph (A) and inserting in lieu thereof "appointment";

(B) in subsection (a)(1)(C), by striking out "assignment" and inserting in lieu thereof "appointment";

(C) in subsection (a)(4), by striking out "assigning" and inserting in lieu thereof "appointment"; and

(D) by striking out subsection (d).

(9) Section 3013(a) is amended by inserting "or chapter 106 of title 10" after "of this title".

(b) TITLE 10 TECHNICAL AMENDMENT.—Section 2136(b) of title 10, United States Code, is amended by striking out "1434(b),", "1663,", and "1780(g),".

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

□ 1240

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 180 would improve education employment programs for veterans. This is a compromise, reflecting agreement with the other body, on legislation that failed to pass the Senate last year. In a moment I will recognize the gentleman from Minnesota [Mr. PENNY], who will explain the bill. First I want to thank the gentleman for his hard work on this measure and congratulate him on being reelected this morning as subcommittee chairman of the Subcommittee on Education, Training and Employment. The gentleman takes his job very seriously.

Mr. Speaker, I want also to thank the gentleman from New Jersey [Mr. SMITH], the ranking minority member of the Subcommittee on Education, Training and Employment, for the work he has done, and also the full ranking minority member, the gentleman from Arizona [Mr. STUMP].

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, during the second session of the 101st Congress, we reached agreement with the other body on a compromise measure concerning veterans' education and employment issues. Unfortunately, the session ended before final action could be taken on the agreement. Accordingly, H.R. 180, the bill we are considering today, reflects that compromise and includes provisions derived from measures acted on during the 101st Congress—H.R. 4087, H.R. 4088, H.R. 4089, and S. 2100. The following is a brief summary of the major provisions included in the compromise agreement.

Section 1 of the compromise measure would extend the definition of a veteran of the Vietnam era for eligibility purposes under chapter 41 of Title XXXVIII: Job Counseling, Training, and Placement Service for Veterans, and Chapter 42: Employment and Training of Veterans, to December 31, 1994. Under current law, this definition would expire on December 31, 1991, thus eliminating certain requirements for affirmative action for Vietnam era veterans and, most importantly, significantly reducing the number of disabled veterans outreach specialists. DVOP's, most of whom are service-connected disabled veterans, are assigned to local employment service offices and provide employment assistance to disabled and other eligible veterans.

Mr. Speaker, I must at this point express my deep disappointment that the President's budget for fiscal year 1992 does not contain a legislative recommendation or funding for an extension of the DVOP Program. It seems remarkably inappropriate to me, particularly in view of the war now occurring in the Persian Gulf, that the administration supports the near termination of a very successful program which enhances the ability of service-disabled veterans, and other veterans, to find jobs. The costs of war do not end when the shooting stops. I firmly believe we have a continuing obligation to provide programs, such as the DVOP Program, which assist disabled and other eligible veterans in their transition to civilian life.

Section 2 of H.R. 4089, approved by the House on July 10, 1990, would have extended Department of Veterans Affairs educational and vocational counseling to service persons who are within 180 days of discharge or release from active duty. It would also have provided counseling for veterans not eligible for education benefits if not more than 1 year had elapsed since the date of their discharge or release. Under existing law, such counseling is available only to individuals who have eligibility for assistance under one of the education or rehabilitation programs administered by DVA. Section 2 of the compromise agreement includes these provisions which would provide deserved assistance to our Nation's service persons and veterans when selecting appropriate educational and career opportunities and in making a successful transition from military to civilian life.

Section 3 of the compromise measure would allow DVA to extend vocational rehabilitation services and benefits to service persons pending discharge from active duty, who have a service-connected disability, and who are being treated in private facilities or Government facilities other than those operated by the Department of Defense. This provision would permit comprehensive rehabilitation planning to be initiated during the period of medical care and treatment.

Section 3 of H.R. 180 would provide the appropriate chapter 31 institutional monthly subsistence allowance to disabled veterans who are in uncompensated on-the-job training programs offered by State and local governments. Under existing law, only disabled veterans in Federal Government OJT programs receive this subsistence allowance. Both bodies are in accord that disabled veterans in State and local government uncompensated OJT programs deserve the same consideration and subsistence allowance as their counterparts in similar Federal programs. The bill we are considering today would correct this inequity.

Section 6 of H.R. 180 would allow DVA to waive certain restrictions on the number and periods of work-study service and the requirement to be in pursuit of a program of education, and would permit DVA to reduce an individual's overpayment by applying the amount payable for the work-study service to the debt owed the Government. Both the Government and the eligible individual would benefit, since this provision would allow persons who may have available time but only limited financial resources to satisfy their obligations to DVA.

Section 8 of the compromise measure would replace the existing Secretary of Labor's Committee on Veterans Employment with an Advisory Committee on Veterans Employment and Training. This provision is substantially the same as that included in section 2 of H.R. 4087. This restructuring would enable the Secretary of Labor and the Congress to make more informed decisions regarding the employment and training needs of our Nation's veterans.

Mr. Speaker, I am very pleased we were able to reach agreement with the other body on provisions related to the Veterans Readjustment Appointment [VRA] Program. Since the establishment of the VRA under Executive Order 11397, issued by President Lyndon Johnson in 1968, this highly successful noncompetitive appointment authority has enabled hundreds of thousands of veterans to enter the Federal work force. Although we were unable to reach agreement regarding the reinstitution of VRA eligibility for all Vietnam era veterans, many of the provisions of H.R. 4088, approved by the House on June 12, 1990, are contained in section 9 of the compromise measure. I want to remind my colleagues that the House has passed legislation several times to make the VRA a permanent program and to remove the education-level restriction now in law. The compromise includes these changes, and I am particularly gratified we were able to reach agreement with the other body on these matters.

I want to extend my sincere thanks to CHRIS SMITH, the ranking minority member of the Subcommittee on Education, Training and Employment, for his assistance and cooperation. I am also grateful to the chairman of the full committee, SONNY MONTGOMERY, and to BOB STUMP, ranking minority member of the full committee, for their support for this measure. Additionally, I would like to thank the members of the Senate Veterans' Affairs Committee, as well as Ed Scott, chief counsel and staff director of that committee, for their cooperation.

Mr. Speaker, I urge my colleagues to support H.R. 180.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 180, the veterans' education and employment amendments of 1991.

This bill is derived from three bills which were passed by the House in the last Congress but were not enacted. It also incorporates certain elements of S. 2100 from the last Congress and represents a compromise between the House and Senate Veterans' Affairs Committees.

There is a modest discretionary cost attached to this bill for continuation of assistance for disabled Vietnam-era veterans in finding employment. Their unemployment rates continue to be high, and our Nation has a continuing obligation to help them overcome their disabilities. Also, with respect to the pay-as-you-go budget procedures, the bill's various other provisions taken together result in a small spending increase of around $2 million per fiscal year.

Now that Americans are in combat again, we must realize that veterans benefits do cost money and that some veterans' legislation may entail new expenditures under the pay-as-you-go procedures. In the coming months, there will be many reminders that veterans benefits are a continuing cost of war. This body can expect the Veteran's Affairs Committee to examine carefully any legislation requiring new expenditures and to continue to live up to its reputation of fiscal responsibility.

SONNY MONTGOMERY, our chairman, and TIM PENNY, and CHRIS SMITH, chairman and ranking minority member of our Education, Training and Employment Subcommittee, all deserve our commendation for introducing and moving H.R. 180 at the earliest opportunity in this Congress.

My colleagues are urged to support the veterans' education and employment amendments of 1991.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, as the vice chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment, I rise in strong support of H.R. 180, the Veterans' Education and Employment Amendments of 1991.

H.R. 180 is very similar to three bills the House passed last session—H.R. 4087, H.R. 4088, and H.R. 4089. These measures were not acted on by the Senate, however, and it was necessary for us to reintroduce the legislation. Minor changes were made in H.R. 180 in order to reach agreement with the Senate.

H.R. 180 makes changes in veterans employment, job training, and vocational counseling programs. The legislation expands vocational and education counseling to soon-to-separate service members and individuals recently separated from the service. By providing counseling services at these times, veterans will be more accessible to the VA and receive services when they are most receptive and interested.

Additionally, the bill allows the VA to provide these services to individuals eligible for—but not necessarily participating in—various education programs. This is a particularly important group to target for vocational counseling since these individuals have not pursued an education program to prepare for a career.

H.R. 180 also enables the VA to provide vocational rehabilitation services to disabled servicepeople pending discharge and receiving treatment in VA hospitals, outpatient facilities, or a specialized or private facility under VA authority. Again, this provision merely allows the VA to provide services to an individual at the optimum time—when they need it most.

H.R. 180 also provides for special job counseling and training services for service members ready to consider separating from the service and authorizes the use of specially trained advisors, Disabled Veterans Outreach Program Specialists [DVOPS], to perform the services.

Currently, Mr. Speaker, this benefit is not available until after service members have ended their tour of duty. By authorizing DVOPS to counsel individuals at this time, the continuity and quality of service is greatly improved.

Additionally, Mr. Speaker, H.R. 180 restructures the Secretary of Labor's Committee on Veterans' Employment and Training. The committee is responsible for assessing employment programs as related to veterans. Due to the makeup of the committee, however, its ability to objectively evaluate policies and recommend change is limited. The new advisory committee created by H.R. 180 will facilitate an exchange of ideas among committee members and better enable them to act on their findings.

The bill also makes a very important change regarding the definition of a Vietnam era veteran. The definition is extended in order to expand eligibility for certain veterans benefits. Without this change, certain Vietnam veterans would lose preference for affirmative action in employment and the number of special job counselors for these veterans would be cut drastically.

Also important in this bill, Mr. Speaker, are changes made in the Veterans Readjustment Appointment Program [VRA]. Though the provisions in H.R. 180 are not as expansive as in the originally House-passed version—H.R. 4088—I am pleased to have reached this compromise with the Senate.

The VRA Program has been successful in assisting the Federal Government to carry out its responsibility to employ veterans. H.R. 180 will expand employment opportunities for veterans and will help to make the program more attractive to Federal employers. Under the legislation, the program is made permanent, is opened to a higher Federal grade level, and gives preference to disabled veterans.

Mr. Speaker, I would like to commend Representative TIM PENNY, the chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment, and Representatives SONNY MONTGOMERY and BOB STUMP, the chairman and vice chairman of the Veterans' Affairs Committee, for their efforts and leadership in drafting this legislation.

Mr. Speaker, H.R. 180 makes necessary changes in various programs for veterans. I strongly support the bill and urge my colleagues to join in my support.

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Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 180, the veterans' education and employment amendments. I am impressed, once again, with the commitment of Chairman MONTGOMERY to our Nation's veterans and the speed with which he has brought this measure to the floor. I think it is critical to focus attention on veterans, all veterans, as we have done, in light of our current involvement in the Persian Gulf.

This bill extends eligibilty for employment and training benefits for certain classes of Vietnam-era veterans. It also extends various educational and vocational counseling and vocational rehabilitation programs. The measure also requires the VA to compensate disabled veterans pursuing on-the-job training in State and local government.

In addition, this bill would make permanent and expand the eligibility for the veterans readjustment authority, a veterans set-aside program within the Federal Government.

I am very pleased that we have been able to enact several items in the House early in this session of Congress dealing with veterans. I think it is critical to assist, in every way we can, all those who have served our country during war. In addition, however, I believe it is equally important to anticipate the needs of those who will be returning from duty in the Persian Gulf. We must serve these brave men and women as well. I hope we will be back here soon for that purpose.

Finally, Mr. Speaker, I think the legislation before us today contains several well-thought-out ideas about social service. This bill coordinates educational and vocational counseling, it subsidizes people who are receiving job training. I hope we can see to it that we extend these types of services not only to other veterans, but to other sectors of the general population as well. I can think of several groups around this country, all deserving, that could use the kind of assistance we are offering today. Hopefully, Congress will follow the lead.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. GRADISON], the ranking member of the Committee on the Budget.

Mr. GRADISON. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, enactment of H.R. 180, the veterans education and employment amendments of 1991, may eventually trigger a cut in three small entitlement programs under the new pay-as-you-go requirement we adopted as part of OBRA last October.

I would like to review how pay-go works and its implications for H.R. 180. Under pay-go, legislation which increases entitlement spending or reduces revenue must be offset by entitlement cuts or tax increases by the end of the session. If the net of all direct spending and revenue bills at the end of the session increases the deficit, then nonexempt entitlement programs are subject to a Gramm-Rudman style sequester.

Pay-go has several features which we should bear in mind as we pass legislation increasing direct spending. First, pay-go is enforced 15 days after the end of session, not on a bill-by-bill basis. Consequently, we have until the end of the session to offset this bill.

Second, the committee which reports legislation is in no way bound to pay for it. If the Veteran's Committee does not pay for H.R. 180 through subsequent legislation and no other committee covers the shortfall, then a list of nonexempt entitlement programs are cut by a sequester equal to the pay-go deficit increase.

CBO and OMB agree that H.R. 180 falls under pay-go. According to CBO, this legislation will increase direct spending by $2 million in fiscal year 1992 and more than $9 million over 5 years. If this legislation is not paid for by mandatory cuts or revenue increases sometime before this session ends, then a $2 million sequester will be triggered when Congress adjourns.

In no other direct spending bills are passed, then $2 million will be taken out of the special milk program, Vocational Rehabilitation and the National Wool Act. If passage of other bills necessitates a somewhat larger sequestration, guaranteed student loans, foster care, and adoption assistance will be cut. If a still larger sequester is required, Medicare, the CCC, title XX, child support enforcement, veterans education, and several dozen other mandatory programs will be cut.

Obviously, there are times, such as this, when it is necessary to pass legislation which is not offset in the same bill. I, as much as anyone here, want to see that our Nation fully provides for its young men and women who are risking their lives in the Persian Gulf.

As ranking minority member of the House Budget Committee, I simply ask that we recognize that the cost of this bill, like all other direct spending legislation, must eventually be paid.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise in support of H.R. 180, the veterans education and employment amendment of 1991.

I join my colleagues in commending the gentleman from Minnesota [Mr. PENNY] for introducing this important measure, and the distinguished chairman of the Veterans Committee, the gentleman from Mississippi [Mr. MONTGOMERY] and the ranking Minority Member, the gentleman from Arizona [Mr. STUMP] for their unceasing efforts on behalf of our Nation's veterans.

H.R. 180 will amend title 38, United States Code, with respect to veterans education and employment programs. This measure will extend the eligibility of the educational and vocational counseling programs to: those members of the Armed Forces who are within 180 days of receiving a discharge—other than dishonorable—those being released from active duty, and veterans who are not eligible for education benefits and who were discharged or released from active duty—other than under dishonorable conditions—within the last year.

Mr. Speaker, our support of this measure confirms the support in the Congress for our Nation's Veterans by extending counseling services to all veterans. H.R. 180 will extend counseling service to veterans—with other than dishonorable status—within 1 year of release from active duty, whereas counseling services are presently available to only those who elect to participate in the Department of Veterans Affairs education assistance programs, at the present time.

This measure will allow the Department of Veterans Affairs to provide Chapter 31 vocational rehabilitation services to service-disabled active duty military personnel being treated in nondepartment of Defense facilities, as well as continue to treat service-connected disability veterans who are in a Department of Defense facility.

Additionally, an important aspect of this measure establishes an advisory committee on veterans employment and training which will assess the employment and training needs of veterans, determine the extent to which the programs and activities of Labor are meeting such needs, and report on and make recommendations regarding the employment and training needs of veterans.

Mr. Speaker, ensuring the integrity of the veterans educational system must remain an important concern of this body. Accordingly, I strongly urge my colleagues to adopt this measure.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, I thank the Chairman for yielding me the time. I wanted to direct my remarks to the ranking Member on the Budget Committee, because we certainly are aware of the new budget policies that apply to all spending legislation during this legislative session.

I would simply state that the reason this bill is on the floor at this time is because it is a carryover from last year, and because of that the Speaker did Chairman MONTGOMERY the courtesy of putting this item on the agenda early this session. We intend within the committee to look for offsets during the course of the year, and we know in the final analysis that these expenditures have to be reconciled in some fashion.

I would also say that this morning's organizational meeting of the Democratic caucus of the Veterans' Affairs Committee the chairman led a discussion in which we talked about the need to keep all of our initiatives on a pay-as-you-go principle throughout the year. So this was fully discussed within our committee, and members of our committee have been alerted to the need to make the necessary offsets as we proceed with veterans legislation.

Mr. GRADISON. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Ohio.

Mr. GRADISON. Mr. Speaker, I want to thank the gentleman from Minnesota for his very constructive comments and for the leadership of the committee and the understanding which the gentleman has of this new process.

Frankly, I think we have an educational job to do, not only within the House of Representatives, but with the public in general about the way in which these new paygo requirements work.

I do not intend to make a career of being a nag within this institution. I just think that since this is one of the first times that such a bill has come to the floor it is useful to recite, as I did, the way in which the sequester would work if indeed a sequester proved to be necessary.

□ 1300

I want to assure the gentleman that this member will be back from time to time when other committees come to the floor for the purposes of offering a gentle reminder of the new discipline under which we all must operate.

I thank the gentleman.

Mr. PENNY. Mr. Speaker, again, I would state that our committee has certainly taken this very seriously. It was thoroughly discussed at our caucus meeting this morning, and we will do our part to comply with the pay-as-you-go requirement throughout the year and take into account the legislation which we have already processed here today.

In addition, as someone who has been a chief proponent of pay-as-you-go budgeting for several years, I want to join with the gentleman and the chairman of the Committee on the Budget in bringing this issue to the attention of the membership so all of us here can better comply with these new restrictions.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I am happy to yield to the gentleman from California.

Mr. PANETTA. Mr. Speaker, I thank the gentleman for yielding.

The gentleman in the well and I have provided this Dear Colleague to the Members, and I appreciate the gentleman making clear for the RECORD what the situation is.

What we are trying to do is advise the Members, so that is really what we are trying to do. We are not trying to undercut the need for this legislation. We are not trying to say that we should not debate whether or not we ought to proceed with the bill itself. That is important. We need to look at the issues.

But we are operating under different rules now, and we just need to know that at some point down at the end if there are costs involved here, they could very well end up as a sequester, and we need to know what programs might be vulnerable.

That is not to say that the gentleman and I are not going to look at this in the budget resolution and try to see if there are not ways to cover some of the costs here so we do not face that, but we are running a risk, and Members need to know that as we weigh the legislation that comes to the floor.

I thank the gentleman for bringing it to the attention of the Members, and hope that they will pay attention to this Dear Colleague.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. PENNY. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank both the chairman of the Committee on the Budget and also the ranking minority member who will agree that we on our Committee on Veterans' Affairs in the past have had to cooperate and have cooperated with the Committee on the Budget in every way that we could, and the savings that we got that you requested that we make last year were good savings. They went to the heart of the situation.

Certainly we appreciate this debate, and we will be careful; as discussed by the gentleman from Minnesota [Mr. PENNY] this morning, we brought up at our Democratic caucus of Veterans' Affairs members, that we had this problem, and I think on both sides of the aisle we have got to realize now that we have got to pay as you go, and these committees that are organized and they have amendments to be offered in the committees, they have got to find the savings and be sure that it is covered and that we do as the instructions that have been given to us by the Committee on the Budget.

So we will do the best we can and thank the gentleman for pointing this out. I hope the gentleman from Ohio will vote for the bill, however.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say that we have blue sheets here at the desk that give a full explanation of this bill and the next bill. I would hope all Members would vote for this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in support of H.R. 180, the veterans education and employment amendments of 1991. This bill is compromise legislation combining provisions of three bills—H.R. 4087, H.R. 4088, and H.R. 4089—which were passed by the House during the 101st Congress.

The United States is indebted to its veterans for their service to our Nation and we, therefore, have a responsibility to help them make the transition back to civilian life.

In an effort to provide more veterans with valuable training and services, H.R. 180 extends the definition upon which eligibility for veterans' programs, such as the Job Counseling, Training, and Placement Service Program and the Employment and Training of Veterans Program, is determined. In particular, H.R. 180 extends the eligibility time for a Vietnam veteran to participate in specific veterans' programs.

Present law provides counseling services only for those who opt to participate in DVA education assistance programs. H.R. 180 extends program eligibility for several educational and vocational counseling programs to, first, those members of the Armed Forces who are within 180 days of receiving a discharge—other than dishonorable, second, those being released from active duty, and third, veterans who are not eligible for education benefits and who were discharged or released from active duty within the last year.

H.R. 180 also allows the DVA to provide vocational rehabilitation services to service-disabled active duty military personnel being treated in non-DOD facilities. Currently, only those individuals being treated for a service-connected disability in a DOD facility are eligible for chapter 31 vocational rehabilitation services.

Finally, H.R. 180 makes the Veterans Readjustment Appointment Program permanent. This is a substantial provision in that the United States is morally obligated to assist veterans in readjusting to civilian life by providing educational and training opportunities. It is only fitting that there be a permanent vehicle through which to provide these valuable services.

I urge my colleagues to support H.R. 180.

Ms. SLAUGHTER of New York. Mr. Speaker, again this week, the House has an opportunity to reaffirm its commitment to the needs and interests of our Nation's proud veterans. Today, we vote on the veterans' education and employment amendments—H.R. 180—and tomorrow, the House will vote on the veterans' housing amendments—H.R. 232. I rise today to register my strong support for both of these important measures.

H.R. 180 expands and updates the veterans readjustment appointment [VRA] authority to better suit the needs of veterans and Federal agencies. The VRA allows certain veterans to work in the Federal Government without having to compete for appointment. By making the VRA a permanent program and broadening that group of eligible veterans, H.R. 180 helps ensure that veterans, particularly disabled veterans, have access to top-level government jobs.

Our veterans are men and women who have proven themselves to be of the highest caliber. Each time the Federal Government hires a veteran, we all benefit. As a nation, we also benefit from the important employment and training programs for Vietnam-era veterans and various other vocational counseling and vocational rehabilitation programs which H.R. 180 extends and improves. Such programs ensure that those men and women who served in the Armed Forces can continue to be productive and successful members of their communities long after their military careers have ended.

H.R. 232 takes a further step toward this end by strengthening a helping hand to homeless veterans. It is a tragedy that so many veterans who sacrificed for this country cannot find a home here. H.R. 232 is no panacea, but it is an important first step toward solving the problems of these homeless veterans. The bill expands the Veterans' Administration rehabilitative compensated work therapy [CWT] program and authorizes an important transitional housing demonstration project for homeless veterans participating in CWT programs.

Legislation in the interests of our veterans is in the national interest. I am proud this week to reaffirm this conviction, and I urge my colleagues to join me in strong support of the veterans' housing amendments and the veterans' education and employment amendments. Resounding approval of this legislation sends an important message to the men and women serving in the Persian Gulf—America appreciates those who serve and will not let their needs be ignored.

Mrs. MINK. Mr. Speaker, today the House takes up H.R. 180, the Veterans' Education and Employment Amendments. I support this bill, and I urge my colleagues in this body to join me in voting for it. This country owes a great debt to those who have given of their time and talents to our country and sacrificed their health and well-being to maintain the rights and freedoms that we enjoy.

This bill will expand and extend employment and training programs, educational and vocational counseling for veterans, and make permanent the Veterans Readjustment Appointment Program. Mr. Speaker, these programs are important to veterans in assimilating back into civilian life and often afford them the only opportunity they have to continue their education, find jobs, and pursue new careers.

Mr. Speaker, there is no doubt that this country is grateful for the services of every man and woman in the Armed Forces, not only those who have served in armed conflict, but every person who has served in the military. It is our responsibility to assure all veterans, those with service-connected disabilities and others who have put aside their educational endeavors or career opportunities that they will have the chance to lead productive and profitable lives.

The importance of this legislation is magnified as thousands of young men and women now serve in armed conflict in the Middle East. Soon, very soon we hope, they will return to resume their lives—lives that have been disrupted and changed by the experience of war. We as a nation must look ahead and prepare for their return home and make available to them the opportunities to continue their education, train for jobs, and pursue new and exciting careers.

Therefore, Mr. Speaker, we must pass H.R. 180 and give the veterans of our Nation a fighting chance to meet with the same kind of success in civilian life as they have in the military.

Mr. MILLER of Ohio. Mr. Speaker, I rise in support of the bill, H.R. 180, and I commend the veterans committee leadership for its work on this measure. The bill represents a compromise of four bills which were not finalized in the previous Congress. This bill provides a range of assistance for eligible veterans in the areas of job counseling and protection, educational and vocational counseling, veterans fights, vocational rehabilitation and outreach assistance for disabled veterans.

A key element in the measure is the extension of the definition for a veteran of the Vietnam era for eligibility for job training and placement under the bill, the period during which Vietnam-era veterans are entitled to certain job-related benefits is extended through December 31, 1994. Under current law, this definition would expire at the end of this year, thus denying eligible Vietnam-era veterans certain job protection rights and, at the same time greatly reducing the number of disabled veterans outreach specialists. With regard to job protection, current law stipulates that Federal contracts in excess of $100,000 must give certain affirmative action considerations to Vietnam-era veterans.

Another key element in the bill is the extension of educational counseling to members of the Armed Forces who are within 180 days of discharge or release from active duty. Another provision in the bill allows for the restructuring of the Labor Department's Committee on Veterans Employment to better facilitate the implementation into legislation of suggestions from the committee to the Congress. It is a management improvement tool, if you will, and an important one.

As I noted, this bill is a compromise between the Veterans' Committee leadership in both the House and Senate. As such, I commend all involved for placing a priority on moving this legislation along quickly and for placing a high priority upon programs of tremendous value to our veterans.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of H.R. 180, the veterans' education and employment amendments. I commend my colleague Representative PENNY, chairman of the Veterans' Affairs Subcommittee on Education, Training, and Employment and his colleagues on the Veterans' Affairs Committee, for their work in bringing this important legislation to the floor today.

This bill, similar to several measures considered in the 101st, seeks to improve the education and employment possibilities of Vietnam era and disabled veterans. This bill extends eligibility for employment and training benefits under certain Vietnam-era programs. In particular, this bill affects the Disabled Veterans Outreach Program. Since funds available for counseling, training and placement are determined by the number of Vietnam era and disabled veterans, the extension of eligibility benefits from December of this year until December 1994, increases the number of veterans classified as Vietnam era. This, then, allows the Disabled Veterans Outreach Program to continue.

Eligibility for educational and vocational counseling and guidance are also extended within this bill. This vital measure is important to those veterans who are seeking educational choices and rehabilitative services.

In addition, this bill makes permanent the Veterans Readjustment Authority Program which allows certain veterans to work in the Federal Government without having to compete for appointment. It also gives preference to veterans seeking employment in this program. By removing some current requirements, this bill expands eligibility for the program which will be renamed, the veterans recruitment authority.

Importantly, this legislation permits individuals to perform work-study at the VA in order to pay back the VA for overpayments in education and rehabilitation benefits.

Mr. Speaker, in the past week, we have considered many pieces of legislation concerning our Nation's veterans. So much needs to be done. The veterans education and employment amendments seek to provide opportunities to our Vietnam era and disabled veterans. With this legislation, our veterans can continue to receive education, and training, and employment opportunity. I urge my colleagues to join me in supporting H.R. 180, the veterans education and employment amendments.

Mrs. MINK. Mr. Speaker, I rise today to commend this body for the passage of H.R. 180, the veterans' education and employment amendments. I supported this bill, and joined my colleagues in voting for it yesterday. This country owes a great debt to those who have given their time and talents to our country and sacrificed their health and well-being to maintain the rights and freedoms that we enjoy.

This bill will expand and extend employment and training programs, educational and vocational counseling for veterans, and make permanent the Veteran Readjustment Appointment Program. Mr. Speaker, these programs are important to veterans in assimilating back into civilian life and often afford them the only opportunity they have to continue their education, find jobs, and pursue new careers.

Mr. Speaker, there is no doubt that this country is grateful for the services of every man and woman in the Armed Forces, not ony those who have served in armed conflicts, but every person who has served in the military. It is our responsibility to assure all veterans, those with service-connected disabilities, and others who have put aside their educational endeavors or career opportunities that they will have the chance to lead productive and profitable lives.

The importance of this legislation is magnified as thousands of young men and women now serve in armed conflict in the Middle East. Soon, very soon we hope, they will return to resume their lives—lives that have been disrupted and changed by the experience of war. We as a nation must look ahead and prepare for their return home and make available to them the opportunities to continue their education, train for jobs, and pursue new and exciting careers.

Mr. Speaker, with the passage of H.R. 180 the Congress has given the veterans of our Nation a fighting chance to meet with the same kind of success in civilian life as they have in the military.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 180.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

TRANSFER OF PERSHING HALL TO THE DEPARTMENT OF VETERANS AFFAIRS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 154) to provide for the transfer of an existing U.S. memorial erected under the auspices of the American Legion, Inc., for the use and benefit of American officers and enlisted personnel who served in World War I to the

Department of Veterans Affairs, and for other purposes.

The Clerk read as follows:

H.R. 154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERSHING HALL, PARIS, FRANCE.

(a) IN GENERAL.—Pershing Hall, an existing memorial in Paris, France, owned by the United States, together with the personal property of such memorial, is hereby placed under the jurisdiction, custody, and control of the Department of Veterans Affair so that the memorial to the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I may be continued in an appropriate manner and financial support be provided therefor.

(b) ADMINISTRATION.—(1)(A) The Secretary of Veterans Affairs shall administer, operate, develop, and improve Pershing Hall and its site in such manner as the Secretary determines appropriate to meet the needs of veterans, including maintaining an office to disseminate information, respond to inquiries, and otherwise assist veterans and their families in obtaining veterans' benefits.

(B) To carry out the purposes of this section, the Secretary may enter into agreements authorized by subsection (c) to fund the operation of the memorial and projects authorized by subsection (d)(6).

(2)(A) The Secretary shall, after consultation with the American Battle Monuments Commission, provide for a portion of Pershing Hall to be specifically dedicated, with appropriate exhibitions and monuments, to the memory of the commander-in-chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

(B) The establishment and continuing supervision of the memorial that is dedicated pursuant to subparagraph (A) shall be carried out by the American Battle Monuments Commission.

(3) To the extent that funds are available in the Pershing Hall Revolving Fund established by subsection (d), the Secretary may incur such expenses with respect to Pershing Hall as the Secretary determines necessary or appropriate.

(c) LEASES.—(1) The Secretary may enter into agreements for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for not to exceed 20 years in other areas of the Hall, as the Secretary determines necessary or appropriate.

(2) Leases entered into by the Secretary shall be for consideration in the form of cash or in-kind, or a combination of the two, as determined by the Secretary, which shall include the value of space leased back to the Secretary by the lessee, net of rent paid by the Secretary, and the present value of the residual interest of the Secretary at the end of the lease term.

(3) The Secretary may not enter into a lease agreement described in this subsection until the end of a 60-day period of continuous session of Congress following the date of the submission of the proposed lease agreement to the Committees on Veternas' Affairs of the Senate and House of Representatives. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(d) FUND.—(1) There is hereby established the Pershing Hall Revolving Fund to be administered by the Secretary of Veterans Affairs.

(2) There shall be transferred to the Pershing Hall Revolving Fund, at such time or times as the Secretary may determine without limitation as to year, amounts as determined by the Secretary, not to exceed $1,000,000 in total, from funds appropriated to the Department of Veterans Affairs for the construction of major projects. The account from which any such amount is transferred shall be reimbursed promptly from other funds as they become part of the Pershing Hall Revolving Fund.

(3) The Pershing Hall Memorial Fund, established in the Treasury of the United States pursuant to section 2 of the Act of June 28, 1935 (Public Law 74–171; 49 Stat. 426), is hereby abolished and the corpus of the fund, including accrued interest, is transferred to the Pershing Hall Revolving Fund.

(4) Funds received by the Secretary from operation of Pershing Hall or from any lease or other agreement with respect to Pershing Hall shall be deposited in the Pershing Hall Revolving Fund.

(5) The Secretary of the Treasury shall invest any portion of the Revolving Fund that, as determined by the Secretary of Veterans Affairs, is not required to meet current expenses of the Fund. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of Veterans Affairs, has a maturity suitable for the Revolving Fund. The Secretary of the Treasury shall credit to the Revolving Fund the interest on, and the proceeds from the sale or redemption of, such obligations.

(6)(A) Subject to subparagraphs (B) and (C), the Secretary of Veterans Affairs may expend not more than $100,000 from the Fund in any fiscal year upon projects, activities, and facilities determined by the Secretary of Veterans Affairs to be in keeping with the mission of the Department.

(B) An expenditure under subparagraph (A) may be made only from funds that will remain in the Fund in any fiscal year after payment of expenses incurred with respect to Pershing Hall for such fiscal year and only after the reimbursement of all amounts transferred to the Fund under subsection (d)(2) has been completed.

(C) An expenditure authorized by subparagraph (A) shall be reported by the Secretary to the Congress no later than November 1 of each year for the fiscal year ending on the previous September 30.

(e) WAIVER.—The Secretary may carry out the provisions of this section without regard to section 5022 of title 38, United States Code, section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), sections 202 and 203 of the Federal Property and Administrative Services Act (40 U.S.C. 483 and 484), or any other provision of law inconsistent with this section.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that this bill does not contain any direct spending and would be cleared by the Committee on the Budget.

Mr. Speaker, H.R. 154 would transfer Pershing Hall to the Department of Veterans Affairs. The bill is identical to H.R. 5506, which passed the House last year. Unfortunately, the Senate failed to act on the measure.

Pershing Hall is a building owned by the Federal Government located in the middle of downtown Paris, France. Some have estimated the appraised value of the building and furnishings to be $50 million to $60 million.

Many American community and civic organizations occupy space in the building. Some of the tenants include the USO, the American Womens' Group in Paris, Boston University, and the State University of New York. Should the building be transferred to the Department of Veterans Affairs, the Secretary would, of course, discuss the future use of Pershing Hall with all of the current users of the building.

Mr. Speaker, although the United States has had full, unrestricted title to the building for almost 50 years, no agency of the Government has ever occupied the building or exercised administrative control over it. It is time someone took charge of the building and the Secretary of Veterans Affairs has agreed to do it.

Mr. Speaker, this valuable and historic building in downtown Paris was established for the primary use of veterans. The building was also supposed to serve as a memorial to Gen. John J. Pershing and the American forces that served with him during World War I. For all practical purposes, the memorial does not exist.

The American Legion took control of the building in 1928 and managed the facility for many years under an operating agreement with the Department of France American Legion Paris Post No. 1. Due to disagreements concerning management and use of the facility, the American Legion decided to terminate the operating agreement in May 1982. Since that date, the committee has continued to receive many complaints about the way the building is being managed and the lack of access to the building by veterans. In other words, Mr. Speaker, no one was running the building.

In 1985, based on a GSA task force report, the committee was informed that a legislative proposal would be submitted by the administration to transfer title of the building to the State Department. The proposal was never submitted to the Congress. I assume the State Department did not want the building.

Last year, I asked Secretary Derwinski to send a site team to Paris to see what could be done to resolve problems there. The site team confirmed there were numerous problems with the operation and management of Pershing Hall. Secretary Derwinski was so concerned that he has agreed to take custody of the building and to work with the American Battle Monuments Commission in establishing the memorial as was originally intended.

In addition, a VA contact office would be located in the building to assist veterans residing in that part of the world or veterans even going over to that part of the world, and the Secretary would have authority to lease out any remaining space. Proceeds from the leased space would be deposited into a revolving fund to offset expenses. It is intended that the fund will be self-sustaining.

A more detailed explanation of the bill can be found in House Report 101-858 filed by the Committee on Veterans' Affairs on October 13, 1990.

Mr. Speaker, we must act without further delay to resolve the problems that currently exist at Pershing Hall. I am confident the transfer of this facility to the VA will solve those problems.

I appreciate Secretary Derwinski's interest. It is the first time we have seen the head of any Department or agency willing to assume responsibility for the facility.

I want to thank my good friend, the gentleman from Arizona [Mr. STUMP] for his cooperation, in bringing the bill up for early consideration and I urge the adoption of H.R. 154.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 154, a bill to transfer the Pershing Hall Memorial to the Department of Veterans Affairs.

For some years it has been unclear which part of the U.S. Government is responsible for this World War I memorial in Paris, France. Yet, it is clearly the property of the U.S. Government and it has clearly been mismanaged, as well as neglected. Part of the building actually contains the memorial and the remainder of the building is valuable commercial space.

H.R. 154 will give the Department of Veterans Affairs jurisdiction and authority over the Pershing Hall Memorial. The VA welcomes this responsibility and is fully prepared to undertake it.

Chairman MONTGOMERY made it his personal concern to stop the wasting of this important war memorial, just as he did with the memorial at Corregidor. I commend him for his initiative, and I urge my colleagues to unanimously pass the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope all Members will support this bill, and I believe they will.

Also, we have so many of our military forces in that part of the world, when I have been to Pershing Hall I have seen different military people from our services, airmen and others, in that part of France that come and use this facility. The USO is located there. The building needs a lot of work done on it. By the Veterans Department taking the building over is certainly the right step. We need legislation to do it, so I ask my colleagues to support the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today in support of H.R. 154, a bill to provide for the transfer of an existing U.S. memorial, Pershing Hall in Paris, France, to the Department of Veterans Affairs [DVA].

Pershing Hall was erected in the 1920's in honor of Gen. John J. Pershing, commander of the American Expeditionary Forces in World War I and the first to hold the rank of general of the armies upon his return to the United States in 1919.

Pershing Hall was operated by the American Legion until 10 years ago. Since that time, there has not been a Government agency willing to operate this very valuable piece of Government property which contains profitable commercial space.

H.R. 154 thus transfers the U.S. Government-owned Pershing Hall, originally built under the auspices of the American Legion, to the jurisdiction, custody, and control of the DVA.

The Secretary of Veterans Affairs will be authorized to administer and develop the site in such a manner as he deems most beneficial to our Nation's veterans. Furthermore, the DVA will, in consultation with the American Battle Monuments Commission, dedicate a portion of Pershing Hall to the memory of the Commander in Chief, officers, men, and auxiliary services of the American Expeditionary Forces in France during World War I.

Finally, H.R. 154 gives the Secretary authority to lease portions of the hall for specified amounts of time. The funds received from any lease or agreement regarding Pershing Hall will subsequently be deposited in the Pershing Hall revolving fund.

The Pershing Hall revolving fund, as established by H.R. 154, will be administered by the DVA and shall consist of $1,000,000 of the DVA's major project construction funds, funds remaining from the Pershing Hall Memorial Fund and any funds received from the operation of the hall.

I urge my colleagues to support H.R. 154.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 154.

The question was taken.

Mr. MONTGOMERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be proposed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 180, by the yeas and nays; and

H.R. 154, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

VETERANS EDUCATION AND EMPLOYMENT AMENDMENTS OF 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 180.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 180, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 32, as follows:

[Roll No. 19]

YEAS—402

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell

Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—32

Allard
Anthony
AuCoin
Bilirakis
Conte
Donnelly
Durbin
Dymally
Edwards (OK)
Ford (TN)
Gunderson
Hatcher
Ireland
Jacobs
Johnson (CT)
Laughlin
Levine (CA)
Markey
McCloskey
McCurdy
McDade
Mrazek
Oxley
Peterson (MN)
Rahall
Rostenkowski
Russo
Smith (IA)
Tanner
Udall
Weiss
Young (AK)

□ 1335

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MAZZOLI). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

TRANSFER OF PERSHING HALL TO DEPARTMENT OF VETERANS AFFAIRS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 154.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 154 on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 20]

YEAS—405

Abercrombie
Ackerman
Alexander
Allard
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Archer
Armey
Aspin
Atkins
Bacchus
Baker
Ballenger
Barnard
Barrett
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Madigan
Manton
Marlenee
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCollum
McCrery
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen

Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Synar
Tallon
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Anthony
AuCoin
Bilirakis
Conte
Donnelly
Durbin
Dymally
Edwards (OK)
Ford (TN)
Ireland
Jacobs
Laughlin
Levine (CA)
Markey
McCloskey
McCurdy
McDade
Mrazek
Oxley
Peterson (MN)
Rahall
Rostenkowski
Russo
Smith (IA)
Tanner
Udall
Weiss
Wheat
Young (AK)

□ 1344

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Speaker, I was unavoidably absent from the Chamber on Tuesday, February 5, 1991, and unable to vote on two measures, H.R. 180, the Veterans Education and Employment Act amendments, and H.R. 154, pertaining to the transfer of the administration of a military memorial—Pershing Hall. Had I been present and voting, I would have voted "yea," and "yea."

PERSONAL EXPLANATION

Mr. DYMALLY. Mr. Speaker, If I were present, I would have voted "yea" on H.R. 180—veterans education and employment amendments of 1991; and H.R. 154—transfer of an existing U.S. memorial.

Mr. DURBIN. Mr. Speaker, having been unavoidably detained because of fog in the central Illinois area, I was unable to vote on rollcall No. 19, H.R. 180, the veterans' education and employment amendments, and rollcall No. 20, H.R. 154, legislation transferring Pershing Hall to the Veterans Affairs Department.

Had I been present, I would have voted "aye" on both measures.

PERSONAL EXPLANATION

Mr. PETERSON of Minnesota. Mr. Speaker, I wish to make public my views concerning votes on rollcall No. 119 and 120, passage of H.R. 180, veterans' education and employment amendments and passage of H.R. 154, transfer of Pershing Hall to the Department of Veterans Affairs, respectively. Unfortunately, I was on official business, and had I been present to vote, I would have voted "aye" for both bills.

PERSONAL EXPLANATION

Mr. MCCLOSKEY. Mr. Speaker, I was unavoidably detained at the Indianapolis Airport by foggy weather and was therefore absent from the House during rollcall votes No. 19 and No. 20 on H.R. 180 and H.R. 154 respectively. However, had I been present I would have voted "yea" on each of these rollcall votes. I therefore ask unanimous consent that my statement appear in the RECORD immediately following rollcall votes Nos. 19 and 20.

CONDITIONAL ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, FEBRUARY 6, 1991 UNTIL TUESDAY, FEBRUARY 19, 1991, AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM THURSDAY, FEBRUARY 7, 1991 OR FRIDAY, FEBRUARY 8, 1991 UNTIL TUESDAY, FEBRUARY 19, 1991

Mr. MOAKLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 59) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 59

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 6, 1991, it stand adjourned until 12 o'clock meridian on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 7, 1991 or Friday, February 8, 1991, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand in recess or adjournment until 2:30 post meridien on Tuesday, February 19, 1991, or until 12 o'clock meridian on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION TO ESTABLISH THE SELECT COMMITTEE ON HUNGER, THE SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES, AND THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102–3) on the resolution (H. Res. 51) to establish the Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control, which was referred to the House Calendar and ordered to be printed.

JAPAN MAKES UP HALF OF THE UNITED STATES TRADE DEFICIT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, Japan alone continues to make up almost half of the United States trade deficit with the world. This is largely due to the lack of market access to American goods into Japan, particularly in the automotive sector. Years of negotiating in the form of MOSS talks, Super 301, SII, have amounted to little change in Japan's attitude toward this deficit or toward granting market access to United States goods in Japan.

Now when America is negotiating for reciprocity in Japan's financial markets, it is insulting and unacceptable that Japan should try to intimidate the United States by threatening to curb credit to our country. Basically Japan is choosing to hold for ransom its international commitments. Will it hold for ransom the $9 billion it has promised to pay the United States for the war in the Persian Gulf?

Mr. Speaker, little actual money has yet been transferred from the Japanese treasury to our Treasury. Results are what counts. Let Japan open her markets. Our troops are fighting for her oil supplies.

[From the New York Times, Jan. 29, 1991]

JAPAN'S STERN WARNING ON TRADE SANCTIONS

(By Clyde H. Farnsworth)

WASHINGTON, Jan. 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial institutions.

It has long been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

DIFFERENCES NOT NARROWED

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion in the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American official assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

NO BUSH SUPPORT

But the Bush administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointedly that the United States "is experiencing a credit crunch."

[From The Journal of Commerce, Jan. 31, 1991]

JAPAN'S GULF AID COULD POSTPONE UNITED STATES TRADE ACTION

(By John Maggs)

WASHINGTON.—The Bush administration probably will postpone trade retaliation for restrictions on Japan's construction market in order to hold that country to its promise of $13 billion to aid the Persian Gulf war, said Sen. Frank Murkowski, R-Alaska.

Talks to avoid that retaliation failed to make any progress last week and U.S. officials have threatened to revive a two-year-old trade complaint against Japan's construction market.

Sen. Murkowski has been a forceful advocate of reform in Japan's construction market, and sponsored a law last year that could cut off Japan's access to public works projects in the United States if the bilateral talks fail.

U.S. trade officials have said that Japan must act in the next one or two weeks to avoid retaliation, but Sen. Murkowski said it is likely that the Bush administration will hold off on any action until Japan delivers aid it has committed to the war effort.

"There will be an interagency review of this, and I think it will be determined that the timing is too sensitive," he said. "I think it's unfortunate that we're in this time frame; we really don't have the leverage we would have at other times."

Japan has formally committed $4 billion in direct aid and other benefits to the multinational forces and front line states in the Persian Gulf and is still in the process of approving another $9 billion. Secretary of State James Baker has been busy holding together the coalition of countries supporting the war, and seeking help from them in paying for it.

Japan, among the slowest of U.S. allies to act on the request, also has been criticized in the United States for failing to commit personnel to the war.

Any effort at retaliation against Japan must be approved by a cabinet-level review of the decision, but U.S. officials involved in the talks say that Japan's perception about this process could be even more important.

"There are some signs that (the Japanese) might believe that the government would not agree to retaliate, but I think that would be a big mistake on their part," an official said.

Sen. Murkowski believes that Japanese negotiators have concluded that the United States would never risk Japanese funding of the war by retaliatory trade action. "I think they think they have us over a barrel, I really do," he said.

If the United States retaliate against Japan, it could lead to a cutoff in access to all U.S. construction projects, an action that would undoubtedly lead Japan to close all its construction markets to U.S. companies.

The talks broke up when Japanese negotiators rejected seven or eight key U.S. demands, among them that existing bilateral agreements on a list of major public works projects be expanded to cover all public works project. A Japanese official in Washington involved in the talks said that his government had offered to expand that list, but the United States had insisted on a blanket change that would cover all present and future projects.

Sen. Murkowski said he remains dissatisfied with Japan's contribution to the war effort, especially its unwillingness to send personnel to the gulf. He said he would consider trying to raise the issue in a Senate hearing this spring.

JAPAN'S WAR DOLLARS MAY GO FOR NON-LETHAL PURPOSES

(By Yuri Kageyama)

TOKYO.—Prime Minister Toshiki Kaifu tried today to win parliamentary approval for Japan to contribute $9 billion to the Persian Gulf War by saying the money was intended for non-lethal purposes.

"It is government policy that the money be used for peaceful purposes such as food, living expenses, administrative, transportation and medical purposes," Kaifu told a parliamentary budget committee.

The statement was the strongest indication Kaifu would accede to demands from the Komeito, or Clean Government Party, that Japanese funds not be used to buy weapons or ammunition for the coalition fighting to oust Iraq from Kuwait.

Kaifu's Liberal Democratic Party needs the support of Komeito if the aid package is to win approval in the opposition-dominated upper house of Parliament.

A senior Foreign Ministry official, speaking on condition of anonymity, said Japan has informally notified Washington that some restrictions would be imposed.

Kaifu did not say how such restrictions would be monitored. The ministry official has said there would be almost no way for Japan to check how its money is used because other countries also are contributing cash to the allies.

The main opposition party, the Social Democratic Party of Japan, maintains financial aid to the alliance would violate Japan's pacifist constitution, which forbids the use of force to settle international disputes.

Japan has not sent troops to the Persian Gulf. It previously pledged $4 billion, half to the allies and half to Egypt, Jordan and Turkey states hurt by economic sanctions imposed against Iraq.

UNEQUAL STATUS OF U.S. TERRITORIES AND COMMONWEALTHS AGAIN CITED

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to take this opportunity to compliment my good friend and colleague, the distinguished gentleman from the territory of Guam, Gen. BEN BLAZ for a most comprehensive and well-thought-out statement which appeared in yesterday's Washington Post, concerning the ironies of our Federal system, and the unfortunate perceptions that are held by certain segments of American society, that is, U.S. citizens who are literally treated as second-class citizens only because of where they live and not because of who they are.

Mr. Speaker, I am making specific reference to all U.S. citizens who are residents of the District of Columbia, the Commonwealth of Puerto Rico, the territories of the Virgin Islands and Guam, and the Commonwealth of the Northern Mariana Islands. The irony of all this, Mr. Speaker, is that the residents of the territory of American Samoa are categorized by Federal law as U.S. nationals, which simply means that American Samoans are neither U.S. citizens nor aliens, but they do owe permanent allegiance to the United States.

Mr. Speaker, as we are confronted with the crisis in the Persian Gulf, relative to the anxieties and fears that all our men and women in uniform go through—and I can truly appreciate the feeling after having served in the U.S. Army in Vietnam myself—Mr. Speaker, it is ironic that for the thousands of U.S. citizens and U.S. nationals from U.S. territories who serve in the military, who obey and take orders from their Commander in Chief of our armed services—our President of these United States—U.S. citizens who willingly fight our battles and wars, and yet these same U.S. citizens are not given the privilege of voting for the President of these United States.

Mr. Speaker, I commend the gentleman from the territory of Guam, Mr. BEN BLAZ, for bringing this inequity to light and I want to share the gentleman's statement with my colleagues.

[From The Washington Post Feb. 4, 1991]

'WHEN THEY CALL THE ROLL FOR WAR'

I read with interest Courtland Milloy's column "Patriotism in the Face of Inequality" [Metro, Jan. 15] and the Jan. 15 editorial "When They Call the Roll for War" decrying the fact that residents of the District of Columbia are being asked to fight in the Persian Gulf while having no voice in Congress, where the vote was taken to sanction the use of arms.

The editorial's point was well made, and it called attention to a serious concern. However, it did not go far enough; for it is not the people of the District alone who live under the onus of partial citizenship, but the residents of all U.S. territories.

Certainly, the people of my district—the Territory of Guam—serve as case in point. During the past three wars, the people of Guam have served with distinction in the U.S. armed forces. During the Korean and Vietnam Wars, Guam suffered more casualties per capita than any other U.S. community, and during World War II the territory—its people all American nationals—was captured and held for 2½ years by the enemy. The people of Guam have made these sacrifices willingly and with pride despite the fact that they had no voice when the roll call for action was taken in Congress.

I can attest to this because, first by default and later by design and desire, I participated in all three of these wars. It is my fervent hope and wish that I and all of those from Guam who have defended this nation's honor will one day be fully enfranchised. But in all candor, I often fear that my grandson may one day be expressing the same sentiment.

The people of the District at least have the opportunity to vote for the president, giving them some say—though limited—about who will make policy on the federal level. This cannot be said for the people of Guam and the other territories.

I do find myself in disagreement with Mr. Milloy's column. In discussing the issue of inequity, he writes, "Only the most naive among us now doubt that the reason the District does not have a vote in Congress is because the city is predominantly black."

What Mr. Milloy overlooks and, indeed, what is most ironic about the situation, is the fact that the people of the District, like the people of Guam, are disenfranchised in Congress not because of who they are but because of where they live. In the case of the District, this was a purposeful—though not an antiquated—inequity, intended to secure the independence of the federal government. For Guam and the other territories, however, no such rationale exists, and the continued denial of a basic franchise based on place runs counter to the spirit of the Constitution.

□ 1350

THE PERSIAN GULF EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, Operation Desert Storm has taken a new turn and as the prospects of ground fighting begins, I cannot help think of the extreme disruption we have imposed on our reservists' lives. We have asked them to protect our way of life, to guard access to Kuwaiti oil for ourselves and our allies, and to defend us from the expansionist terrorism of Saddam Hussein.

The commitment our reservists make to our defense demands a willingness to risk one's life; this risk deserves a commitment from us, to at the very least, ease the disruptions that active duty causes in the lives of service members and their families, as well as in their educational and financial commitments. My bill aims at minimizing the disruption to a reservist's life by enabling the reservists to return from the Persian Gulf in solid financial standing, and by preventing the loss of payments made for educational courses left unfinished because of participation in the war. The legislation I am introducing has three major components: Partial student loan forgiveness, tuition reimbursement, and restoration of GI bill education benefits.

Under the current GI bill, reservists are entitled to a benefit worth $140 per month for up to 36 months in order to help defray the costs of their education. Student reservists who are called to active duty before the end of a semester not only lose credit for that semester, but they also lose that number of months of benefits. Under my bill, students returning from active duty would be considered as not having used their monthly entitlement during the semester in which they were called to duty. In other words, the monthly educational benefits used during the unfinished semester would be fully restored.

In order to further restore a student reservist's financial standing, my bill mandates that the reservist's school reimburse tuition for the incomplete semester. I recognize and applaud the great number of colleges and universities that have instituted a voluntary policy of reimbursement. Nonetheless, we all know that voluntary compliance does not yield the same results as a Federal mandate. We also know that voluntary compliance does not protect the dedicated reservists who go to schools that declined to institute a reimbursement policy. In fact, this very situation has come to pass in my district.

A young man from Espanola, a town in my district of northern New Mexico, was a college student when he was called to active duty in the Persian Gulf. Despite efforts by his parents and my office, his university has thus far refused to refund the reservist's tuition and fees. Isn't it enough that this young man's parents must worry about the well-being of their son? They certainly do not need the added distress of negotiating with a university bureaucracy and of losing money. My legislation is important because it will protect students like this.

My bill allows for partial loan forgiveness for reservists who serve in the combat zone for under 1 year. Currently, those who serve at least 1 year in the combat zone are entitled to have their student loans reduced by 12.5-percent. Yet, those members who serve in the combat zone for less than a full year, who are taking on the same risk to their lives, do not receive any loan cancellation. My legislation recognizes the risk that these service members take for our protection by incorporating a 12.5-percent pro rata system of loan cancellation for service in the combat zone for less than 1 year.

The Congressional Budget Office estimates that the loan foregiveness provison will cost less than $1.8 million. In fact, they consider this estimate to be exceptionally high because they were unable to get statistics from the Department of Defense on the number of students it has called to active duty. Furthermore, there is no record of the number of student service members who have Perkins loans, making it extremely difficult to predict the actual cost of this provision.

Finally, let me close by emphasizing the importance of supporting the educational goals of our service members. The cost of protecting the educational goals of the members of our Armed Forces is negligible in comparison to the risk they have undertaken. Those reservists who are serving us now deserve to come back to stable circumstances and educational opportunities. The risking of their lives entitles them to pursue their education without setbacks. My legislation will allow them a strong start by ensuring their educational benefits, by preventing loss of tuition, and by decreasing indebtedness.

Mr. Speaker, this is important legislation. When many of our veterans came back from Vietnam, there were few counseling, treatment, educational, and training programs. We finally woke up to the fact that we owed a debt to these service members.

What we need to do now is set forth a program so that our Persian Gulf service members, when they return, will already have the benefits of a program. It is in this spirit that I have introduced and asked for the passage of this legislation.

TRIBUTE TO THE HONORABLE HAMILTON FISH, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, it is my sad duty to rise to pay tribute to one of the outstanding and remarkable Americans of all time. I thank our colleague, the gentleman from New York [Mr. RANGEL] for also reserving time for this purpose.

The passing of former Congressman Hamilton Fish, Sr., on January 18, 1991, was a distressing loss for me and for Americans everywhere. Hamilton Fish was an adviser, confidant, critic, and friend throughout my career in public life. I know that many other Members of this House can say the same. He was also an astute and vibrant commentator on American life and Government policy right up until his last days. I shall remain eternally grateful for his generous council and support. Thousands of other Americans join with me in feeling the loss of his insight and wisdom.

The passing of Congressman Fish is truly a historic milestone. Less than 202 years have transpired since the adoption of the U.S. Constitution. Hamilton Fish, Sr.'s life spanned more than half the time that our Nation has been a Republic. Representative Fish, however, was not just a witness to history—he was a major participant.

Ham Fish, Sr., was a key player in the major world and national affairs which have affected our lives for the past eight decades. He was born in the historic village of Garrison, NY, on December 7, 1888, the son of Congressman Hamilton Fish and the grandson of the Hamilton Fish who served as Congressman and Senator from New York, as Governor of New York, and as Secretary of State during the administration of President Ulysses S. Grant.

After graduating from St. Mark's Preparatory School, where he played football for 3 years, Ham Fish was admitted to Harvard University. In that long-ago era, college athletes were expected to maintain academic excellence while participating in athletics. Ham Fish excelled at both, becoming a college football legend before graduating with honors from Harvard in 1910. He was a member of the College Football Hall of Fame, and was the last surviving member of Walter Camp's all-time, all-America football team. Walter Camp in fact pronounced that Ham Fish "was the best rounded-out of all the tackles that have played that position."

While at Harvard, Ham Fish struck up a friendship with his classmate John Reed. "I knew him very well, and I liked him," Fish later stated, long after Reed became famous for his participation in the Bolshevik Revolution of 1917, which Reed chronicled in the classic book, "Ten Days That Shook the World."

After his graduation from Harvard, Ham Fish gravitated naturally to politics, the vocation of his father and grandfather. An ardent follower of former President Theodore Roosevelt, who led his progressive followers in a struggle to wrestle control of the Republican Party from the conservatives. When those efforts were unsuccessful, Ham Fish followed Theodore Roosevelt out of the Republican Party to found the new Splinter Progressive Party, known popularly as the Bull Moose Party.

The Associated Press story at the time of Mr. Fish's death—2½ weeks ago—erroneously reported that he had initially sought office as a Democrat. This was an error. Ham Fish was first elected to the New York State Assembly as candidate of the Progressive Party, which was an offshoot of the Republicans. He, in fact, never sought office as a Democrat, and, in fact, followed his idol and mentor, Teddy Rosevelt, back into the Republican Party where he remained loyally all of his life.

Recently, Mr. Fish revealed in interviews that his then friend and colleague, Franklin D. Roosevelt, urged him to move up to State senate, and promised him democratic support if he did so. However, war had broken out in Europe, and confident that the United States would become involved, Fish withdrew from politics and helped organize Company K, 15th New York National Guard. When America did indeed enter the war, Fish was commissioned as a captain and his group eventually became the 369th Infantry, which became legendary for its heroism on the battlefields of France.

The 369th consisted of black Americans. It is hard to conceive of now, but in that day and age our military forces were segregated by race, and the few black outfits that were allowed to function could do so only under white leadership.

As their captain, Ham Fish learned of the needs and aspirations of black Americans. In several incidents with white American soldiers, Ham Fish received a crash course in the racial discrimination and bigotry which in those days were accepted by American society. As a result, Ham Fish became a lifelong champion of civil rights for all Americans, and Afro-Americans earned an articulate spokesperson who stood by their cause consistently for the next 70 years.

When he was discharged upon the conclusion of World War I, Ham Fish had risen to the rank of major, and had earned France's Croix de Guerre and the American Silver Star. His bravery was cited in the War Department general orders, and he became a colonel in the Officers Reserve Corps.

The obituaries which our newspapers published in January 1991, almost uniformly stated that Hamilton Fish was elected to his first term in the U.S. House of Representatives in 1920. This is an understandable error, for it could easily be assumed that Mr. Fish ran for Congress in a regular election. This, however, was not the case. Congressman Edmund Platt of Poughkeepsie resigned from Congress on June 7, 1920, to accept appointment by President Woodrow Wilson to the Federal Reserve Board. A special election to fill the vacancy in Congress was called, and Ham Fish won that special election. Accordingly, his service in Congress did not begin with the 67th Congress, as the obituaries implied, but in fact he took his seat half way through the 66th Congress.

Upon entering Congress, Hamilton Fish did not observe the usual waiting period in which freshmen were expected to be seen but not heard, but instead threw himself into the major issues facing the Nation.

Congressman Fish will always be remembered as one of the best friends the U.S. veteran ever had. At the conclusion of World War I, he was one of the cofounders and a charter member of the American Legion. He authored the preamble to the constitution of the American Legion, which remains intact today with only one change: Whereas Colonel Fish referred to "the great war", the American Legion saw fit to go alter this terminology to read "all wars." Fighting diligently in the Halls of Congress for the establishment of VA hospitals and fair pension rights for veterans, Congressman Fish will always be remembered as their champion. The newest wing of the Castle Point VA Hospital in Dutchess County, NY., was dedicated in his honor. Congressman Fish also spearheaded the decision to perpetually honor an unknown American soldier at Arlington National Cemetery, and laid the wreath on his grave when it was dedicated on Armistice Day in 1921. Ironically, Congressman Fish was never again invited to participate in any ceremonies at the Tomb of the Unknown Solider, until President Reagan rectified this oversight and invited him to do so in the 1980's.

Congressman Fish also authored the legislation officially declaring "The Star Spangled Banner" to be our national anthem, which was adopted in 1931.

As a constant critic of the policies of President Franklin Delano Roosevelt, Congressman Fish earned Roosevelt's personal animosity, best remembered by Roosevelt's mocking slogan of "Martin, Barton, and Fish" uttered throughout the 1940 election campaign. Roosevelt and Fish, long-time neighbors and friends, became bitter enemies in those days when Roosevelt was President and Fish was ranking Republican on the House Foreign Affairs Committee.

Congressman Fish's strident opposition to communism in those days earned him such renown that his former classmate and friend, John Reed, who died in Moscow helping the Bolsheviks gain control, must have turned over in his grave. But Congressman Fish's opposition to communism was based on his undying faith in the goodness of the American system.

However, the post-World War II expansionist policies of the Soviet Union, including the brutal supression of liberties and freedom throughout Eastern Europe, proved that Congressman Fish was in many ways a prophet when he warned against the threat of international communism. We cannot help but wonder how different our world would have been had Roosevelt accepted Congressman Fish's sage advice at the time of the Yalta Conference.

Congressman Fish lived long enough to witness the collapse of communism in Eastern Europe—a collapse he long predicted.

During the 1930's, as a founder and active member of the House Committee on UnAmerican Activities, Congressman Fish so earned the hatred of the American Communist Party that he was branded in their publications with the label of anti-Semite. This slanderous charge remained with Congressman Fish in some circles until the day he died. However, an examination of the record indicates that the accusation was without substance. In fact:

Representative Fish was the first Congressman to introduce a resolution calling for the creation of a Jewish state in Palestine. He did this in 1922, anticipating the creation of the State of Israel a quarter century before this dream became a reality;

In the early 1930's, when Hitler first rose to power, Representative Fish introduced legislation denouncing Nazi persecution of the Jews, and calling for the restoration of Jewish property to the rightful owners;

In 1939, Representative Fish used his authority as ranking minority member on the House Foreign Affairs Committee to personally assist in the relocation of 300 Jewish families from Germany to the United States, under the pretense of allowing them to visit the New York World's Fair. This was at a time when much of the world including, sadly, our own administration, was turning a deaf ear to the plight of the Jews in Germany.

Another example of Congressman Fish's concern for minorities that was decades ahead of its time came at the 1928 Republican National Convention. As a delegate to that convention, Representative Fish lobbied actively for the nomination of his friend, Senator Charles Curtis of Kansas, for the Vice Presidency. In his nominating speech before the convention, Representative Fish pointed out that Senator Curtis was a native American on his mother's side. Curtis went on to win the Vice Presidential nomination and the Vice Presidency. And, although the Hoover-Curtis ticket was defeated for reelection 4 years later, Senator Curtis remains to this day the only native American nominated by either party for major national office.

Mr. Speaker, I was a constituent of Congressman Hamilton Fish from the day of my birth until a month after my 22d birthday. I remember well that all of us in the Hudson Valley of New York, especially how our young people considered him a figure larger than life.

In 1937, I attended the National Boy Scout Jamboree held in Arlington, VA. Both President Roosevelt and Congressman Fish visited us at our campsite, and to this day I remember the humanity and the patriotism of the man. He told us that day—as he shared our hamburgers—the words he quoted often for the rest of his life:

> If there is any nation worth fighting for, if there is any nation worth dying for, it is the United States of America. God bless America!

After he left the House in January 1945, Colonel Fish remained a vital political leader in New York State. In his later years, Representative Fish became the revered elder statesman of the mid-Hudson region. I became friendly with Ham when we served on the Orange County Republican Committee together, after my own return from service in World War II. In 1952, I had the pleasure of driving Representative Fish throughout our Mid-Hudson region as he made speeches and posted literature on behalf of the Presidential campaign of another close friend and contemporary of his, Senator Robert A. Taft.

I considered it a privilege that Congressman Fish took me into his confidence in those days, and will never forget the valuable political lessons which he shared with me.

Colonel Fish was an annual fixture at our Gilman citizens campaign events, for which I was most grateful, and, right up to his admission to the hospital on January 3, 1991, Congressman Fish was a regular contributer of letters to our local editors and a radio commentator, whose views were widely respected.

In 1981, Warren Beatty released his highly successful movie biography of Congressman Fish's old friend and classmate, John Reed. Rather than hiring an actor to portray Mr. Fish, director Beatty interspersed the motion picture—entitled "Reds"—with actual interviews with Mr. Fish. The former Congressman told the world of his abhorrence of the long-deceased John Reed's communism, and thus at the age of 93, Hamilton Fish was able to add the title "Movie Star" to his long list of accomplishments, and helped Warren Beatty win an Oscar in the process.

We join our entire region in extending our condolences to our dear colleague, his son, Congressman HAMILTON FISH, JR.; to his daughter, Elizabeth Pyne; to his widow, Lydia, who I understand is with us in the House today; and to his eight grandchildren, five great-grandchildren, and five step-children. They may console themselves with the knowledge that many many Americans share their grief over the loss of this outstanding public servant and patriot.

Mr. Speaker, I insert into the RECORD a front page editorial which appeared in the Sentinel newspaper of New Windsor, NY, the week of Representative Fish's passing. It was written by Everett Smith, a close friend of Colonel and Mrs. Fish, and so excellently expresses the grief of the mid-Hudson Valley on the passing of this remarkable man that I wished to share it with our colleagues:

Mr. Speaker, I also insert in the RECORD the eulogy which our colleague the gentleman from New York [Mr. FISH] read at the funeral as a tribute to his father:

EULOGY OF HAMILTON FISH, WEST POINT ARMY CHAPEL, SATURDAY, JANUARY 26, 1991

(By Congressman Hamilton Fish, Jr.)

Rev. Clergy. General Palmer. Thank you for the friends, mine and my father's that you lead into this service. Lydia, on behalf of Pop's children and granchildren, thank you for your devotion to him and making it possible for him to remain active.

Also present today is William Ogden Layton of Newark, New Jersey, who served in Pop's regiment in World War I.

As we meet this hour to give thanksgiving for this life, the flag of a grateful people flies in Washington at half-mast over our nation's Capitol. The Congress was the forum where for a quarter century Pop gave his best intellect and judgement to the great national issues of his day. I recall him saying that he addressed these issues with but one yardstick—"what is best for America." Appropriately, the flag that covers him today, a few days ago flew over the Capitol.

A descendant of two signers of the Declaration of Independence, his life of public service exemplified the closing words of the Declaration—"we mutually pledge to each other, our lives, our Fortunes, and our sacred Honor."

There is a line in a hymn we shall be singing, which for me sums up how he lived his life—"who more than self, their country loved."

Hamilton Fish—was:

A man of peace, yet decorated for valor in his country's war. In later life, long before it became U.S. policy, he spoke out on the consequences of nulear war, calling for the abolition of nuclear weapons.

Hamilton Fish was a gentle man, yet a commanding figure, a born leader.

Hamilton Fish was a passionate patriot with a simple faith that his native land was special. He was confident in the wisdom of its people . . . its institutions, its future.

Hamilton Fish was a legislator, always mindful that the reason for government as stated in the Preamble of the Constitution—was and remains an ongoing dedication to a more perfect union, a just society and to secure the blessings of liberty for all people for all time.

Hamilton Fish was a man who lightly bore the honors awarded heroes of the gridiron . . . the battle field, the nation's governance. This because he knew—not medals or decorations—but elective office—being entrusted with our Nation's noble endeavors—is the highest honor a free, self-governing people can bestow. How many times have we heard him thank Hudson Valley residents for making his public life possible.

Each of us has personal recollections of my father. Some of us will recall his love of country, his lifelong commitment to our Nation's veterans, or his courageous stand for equality and opportunity for all. Some will marvel at his physical and intellectual energy, which enabled him to become a national public figure in an era when television was unknown, radios were primitive, and air travel was in its infancy.

Others will recall the issues on which he was ahead of his time.

Still others, whether they agreed with Pop or not, admire his forthright, principled positions, and his obvious enjoyment of our tradition of open, vigorous debate on public issues. There was never any doubt where he stood.

To this view of an extraordinarily gifted man, I add my thanks for the life of a loving and supportive father. The family which meant so much to him, was blessed with several recent happy occasions together. Age and infirmity were not obstacles up to a peaceful end.

We shall hear from his friend and past National Commander of the American Legion and we are honored by the presence of the Secretary of the Army. The family, however, felt that Pop should have the last word. Therefore we will hear my father speak on the Floor of the House of Representatives on December 8th, 1941, in support of the Declaration of War. This will be followed by what the family calls his stirring signature speech closing which many of you, I know, will remember.

SOME PERSONAL THOUGHTS ABOUT HAM FISH, SR.

(By Everett Smith)

An old man slowly made his way to the speaker's podium. Several dignitaries had already spoken, and all had received polite applause from the large audience seated on the lawn of Washington's Headquarters in Newburgh. Suddenly a transformation occurred. As the old man reached the microphone his back straightened, his eyes pierced directly into the crowd, and with a powerful voice he began a speech that electrified his audience. When he finished his speech, and, with the fervency of a fire-and-brimstone preacher, delivered his traditional conclusion . . . "If there is any nation worth fighting for . . . If there is any nation worth dying for . . . It is the United States of America! . . . God Bless America!!" . . . the entire audience rose to its feet cheering and applauding. That was the first time, nearly a decade ago, that I had seen Hamilton Fish, Sr. I had met him earlier that day and we had a short conversation. There were to be many more conversations over the next decade and we would become friends, especially after he married his wife Lydia, who had been Editor of The Sentinel.

Hamilton Fish, Sr. lived his 102 years to the fullest and never lost his interest or dropped his involvement in the issues of the day. When he was admitted into the hospital on January 3, he angrily remarked to those standing around him "You all think I'm going to die. Well, I can't die now . . . I've got too much work to do!"

There was much more to Hamilton Fish, Sr. He was revered by veterans across the nation. He was known as a super patriot who was not afraid to admit it, he was known as a powerful speaker, and as a superb congressman by those who remember. But, there was much more to Ham Fish, Sr. He was a man immensely proud of his family's long tradition of public service, and he devoted his life to living up to that tradition. He had a special admiration and concern for blacks, stemming back to his World War I experience as a Captain in an all-black unit, and an affection for the French, with whom he fought during that war. He was a man of great courage, who, at a time when conservative Republicans were a very rare breed, stood up to the President of the United States. He served as a major opposing force when he disagreed with the President's policies. His favorite twentieth-century leaders were Theodore Roosevelt and Winston Churchill because "They were men of real courage," he told me a couple of weeks ago. He had a high regard for people who performed acts of courage. He was a celebrated athlete and a New York Mets fan, a man with a great sense of humor, a mighty willpower, and a man who valued all human life and showed compassion and generosity for those in need . . . especially veterans. He was indeed of a very rare breed.

All his life Hamilton Fish, Sr. was a crusader for great causes. In his last days the old warrior showed considerable interest in our war with Iraq. As I was writing this article I thought that he surely would have adopted this war as his new cause. Maybe he has.

I can picture old Ham entering the gates of heaven, and, with all the renewed strength of his youth, rallying the support of angels for our troops in the Persian Gulf. Perhaps we haven't lost a great patriot . . . we have gained a guardian angel.

□ 1400

Mr. Speaker, I am pleased to yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentleman for yielding and thank him for bringing this special order before us today because, Mr. Speaker, of all the men and women who have served in the U.S. Congress, a few of them have towered like giants above the rest.

One of them was Hamilton Fish, Sr., and while we mourn his loss, we can admire a long life full of incredible achievements.

I first offer my condolences to his son, HAMILTON FISH, Jr., our colleague, my friend and neighbor from New York's 23d District, and worthy heir to one of the most honored names in American history.

Mr. Speaker, the Fish family can trace its history of service back to the Revolutionary War.

Even before serving in Congress from 1921 to 1945, Hamilton Fish, Sr. graduated cum laude from Harvard as an all-American football player.

He commanded a black infantry regiment in World War One, and was awarded the Silver Star and the French Croix de Guerre.

Mr. Speaker, as a life member of the American Legion and former ranking member of the Veterans' Affairs Committee, I had a special reason to admire Hamilton Fish, Sr.

He played a leading role in founding the American Legion 72 years ago, and wrote that great organization's constitution.

Mr. Speaker, besides sharing the dias on a great many occasions, with him, Hamilton Fish, Sr. and I had something else in common. He was, at one time, the ranking Republican on the House Rules Committee, a position I am privileged to hold today. And Mr. Speaker, just like me, Hamilton Fish, Sr. was an unabashed conservative, and it just might be that the resurgence of a conservative philosophy in this country gave him a new lease on life.

I am glad he lived long enough to see the triumph of those ideals, but I mourn his loss, as does everyone who knew this great talented and patriotic American, Hamilton Fish, Sr.

Mr. GILMAN. I thank the gentleman, and we thank him for his contribution to this special order.

Mr. Speaker, I am pleased to yield to my good colleague, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I want to join in thanking my friend, the gentleman from New York, BEN GILMAN, for taking out this special order. As the gentleman pointed out, I will have another special order following.

The only reason I rise at this point is because of the remarks made by my friend and colleague from New York, Congressman GERALD SOLOMON, because he attributes conservatism for the longevity of the distinguished career of Congressman Hamilton Fish, Sr. I hope to point out that he had qualities that go far beyond just being a conservative, and during my special order I would like to share those thoughts with the House.

Mr. GILMAN. I thank the gentleman from New York [Mr. RANGEL] for taking the time to add his thoughts to this special order.

Mr. Speaker, I am pleased to yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from New York for yielding. I, too, rise to pay homage to the family of the Honorable Hamilton Fish, Sr.

Mr. Fish was an outstanding Congressman and a powerful voice that shaped American conservatism for decades. For this, he deserves our enduring respect and gratitude.

However, there is so much more to the Honorable Mr. Fish: He had, for example, a lifelong commitment to the equality of opportunity for black Americans. He was a tireless fighter for their basic civil rights and against racism and hatred. Indeed, during World War I, he captained the 369th Army Regiment out of Harlem—the first unit of black Americans to fight in Europe. While in Europe, he earned the Silver Star and the French Croix de Guerre.

After the war, he came home to lead the fight for veterans benefits. Hamilton Fish—an old ally of President Teddy Roosevelt—clearly understood one of his mentor's favorite maxims: "If a man is good enough to shed his blood for his country, he is good enough to be given a square deal afterwards." Mr. Fish was also instrumental in the founding of the American Legion.

Mr. Fish's sense of right and morality extended to other areas as well. He was an able and sensitive chairman of the House Rules and Foreign Affairs Committees. As early as 1922, he urged establishment of a Jewish homeland in the Middle East.

I never had the opportunity to meet the Honorable Mr. Fish, but his son and I have been great friends since I came to this Chamber 14 years ago.

Moreover, it gives me great pride to inform the House that both Fish Congressmen are cousins of mine—distant cousins, to be sure—but cousins nonetheless.

Mr. Speaker, throughout the 20th century, Mr. Hamilton Fish, Sr., was a tremendous asset to America. I have been struck by his brilliance, his concern for his country, his steadfast conservative principles, and his dedication to the Congress, which he maintained long after his service in these Halls came to a close.

I thank the gentleman from New York for taking out this special order and I ask unanimous consent to reread into the Record remarks made on April 6, 1989, by the Honorable Mr. Fish, Jr., and myself that deal with our respective family histories.

The excerpt from the Congressional Record of April 6, 1989 is as follows:

HOUSE OF OUR FOREFATHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, Mr. Fish, is recognized for 60 minutes.

Mr. FISH. Mr. Speaker, I am honored to participate in this commemoration arranged by the gentlewoman from Louisiana, Lindy Boggs, of the 200th anniversary of the first quorum of the House of Representatives.

This is the House of our political forebearers, the House of our Nation's fathers, the House of our fathers, literally and figuratively.

I am delighted to participate, and especially pleased to be joined by my cousin, the gentleman from Louisiana, Bob Livingston. The Livingston, Kean, Morris, and Fish families share both familial ties and careers in public service dating back to this body's first days and beyond to the Continental Congress. They served this country before there were political parties, and thereafter as Federalists, Democrats, Whigs and Republicans. In the early years of our Republic, much more compact geographically and far smaller in population, it seemed that the same names kept appearing over and over in our quorum calls.

Since the first Livingston arrived in colonial America in 1673, seven of his descendants have served in the House of Representatives, a record for any family. The seventh, of course, is my friend, cousin, and colleague, Robert L. Livingston, of Louisiana. In fact, Mr. Livingston was elected as a Republican from the seat held by his ancestor, Edward Livingston.

A delegate to the Continental Congress from New York, Philip Livingston was the only Livingston to sign the Declaration of Independence. He served in the Continental Congress from 1774 to 1778.

Philip's brother William, although born in New York, served as a delegate from New Jersey to the Continental Congress from 1774 to 1776. William Livingston was elected Governor of New Jersey in 1776 and served until his death in 1790. He was one of the signers of the Constitution.

Two of William and Philip Livingston's nephews were extremely interesting individuals: Robert R. Livingston and Edward to whom I referred earlier.

Robert, born in New York in 1746, served as a delegate to the Continental Congress from 1775 to 1777 and from 1779 to 1781. As Chancellor of the State of New York, he administered the oath of office to President Washington in 1789. Before his death in Columbia County, NY, in 1813, he served as our minister to France and assisted Robert Fulton in the construction of the first steam boat. Many of his descendants, including Eleanor Roosevelt, lived along the Hudson River.

His brother Edward, 18 years his junior, served as a Representative from two different States and, in between, as the mayor of the city of New York. Edward Livingston was elected as a Democrat from New York and served in the 4th, 5th, and 6th Congresses from 1795 to 1801 before serving as mayor until 1803 when he moved to New Orleans. He fought with "Old Hickory", General and later President Jackson, at the battle of New Orleans in 1813. The people of Louisiana returned him to the House of Representatives from 1823 to 1829 and then to the Senate until 1831 when he became President Jackson's Secretary of State, and later Minister to France. He eventually returned to Montgomery place in Dutchess County until his death in 1836. Their cousin Walter, the son of Philip Livingston, was a member of the Continental Congress from 1784 to 1785. His son Henry Walter was elected to the 8th and 9th Congress from 1803 to 1807.

A century and a half later, with many sons and grandsons in between, our colleague Robert Livingston, was elected to serve in the House of Representatives.

Starting in the Continental Congress, there have been four members of the Kean family to serve in our legislative branch.

The first was John Kean, born in Charleston, SC, in 1756 at a time when we were beginning our struggle for independence. He was a high ranking member of our Revolutionary Army and a member of the Continental Congress from 1785 to 1787. He was later chosen by President Washington to serve as cashier of the bank of the United States.

His great grandson, and namesake, was born over a century later in 1852, on the eve of another great American struggle, the Civil War. John Kean was elected as a Republican from New Jersey, to the 48th Congress in 1883, and to the 50th Congress. He also served in the other body from 1899 to 1911. It is interesting to note that although he failed to win the governorship of New Jersey in 1892—his great nephew, Thomas H. Kean, serves that State as Governor today.

Four years younger than John Kean, his brother, Hamilton Fish Kean, was elected as a Republican Senator from New Jersey in 1929 and served until 1935. His son, Robert Winthrop Kean, father of Governor Kean, born in New Jersey in 1893, had a distinguished military career during World War I before serving as a Republican member of the House from 1939 until 1959.

These two families, the Livingstons and the Keans, shared many things in common besides service in this House: In 1786, Susan Livingston the daughter of Peter Van Brugh Livingston, the niece of William, signer of the Constitution and Philip, a signer of the Declaration of Independence, married John Kean, delegate to the last Continental Congress from South Carolina. Their son, Peter Philip James Kean married Sarah Sabina Morris, daughter of Revolutionary War General Jacob Morris and granddaughter of Lewis Morris, another signer of the Declaration of Independence. Familial ties were added to the political ties when Julie Kean, the daughter of Peter Philip James and Sara Sabina, married my greatgrandfather, namesake and member of this body.

Mr. Speaker, most of these individuals I have mentioned were blessed for the most part with productive and long lives. I have wondered what it would be like if they were to all somehow appear on this floor to answer the quorum on Former Members Day. A fantasy, of course, and yet these relatives together with all of the other men and women from the past 100 Congresses are here, at least in spirit, every single legislative day.

For 200 years their children, brothers, nephews, cousins, and political inheritors have been entrusted with their very special legacy of public service in this house and to our Nation. We, as their political heirs and descendants, today, in our time, are privileged to serve in guiding the fortunes of this great republic. What greater honor, than the opportunity to preserve, protect, and strengthen the institutions of self-government for those who will come after us? What greater reward than to be part of the continuing development and perfection of the words in the preamble of our Constitution: to establish justice and to promote the general welfare.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Louisiana [Mr. Livingston].

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding. I thank my cousin and distinguished colleague from New York, Mr. Fish.

Mr. Speaker, I too am honored to participate in this special order arranged by the gentlewoman—and my friend—from Louisiana, Lindy Boggs.

As we celebrate the 200th anniversary of the first House quorum, I can't help but reflect on how far the House, as an institution, has come. 200 years ago, the members had trouble reaching a quorum—there were charges and counter-charges of ethics violations and the pay raise was a big issue. Whereas today we have—moving on to another subject.

Since my cousin and colleague from New York, Mr. Fish, spoke so eloquently about the Livingston family's roots in this historic chamber, I am pleased to reciprocate. In fact, when we speak of Keans, Fishes, Morrises and Livingstons, we are often speaking of the same family, so intertwined are the historical lineages of these names.

Mr. Fish's lineage is a long and distinguished one. In fact, for 50 of the last 146 years, the House has been graced by a Representative named Hamilton Fish.

Actually there were four in all. And there were two others, in addition to those four, who were actually candidates, one Nicholas in 1800, and then Hamilton III, the son of my colleague, Ham, who ran just last fall. So in fact a total of six have actually offered themselves for office in this great institution.

Mr. Speaker, the Fish tradition in public service began back in 1843 when a 35-year-old ex-New York City Commissioner named Hamilton Fish, running on the Whig ticket, won election to the 28th Congress. Though he was unsuccessful in his reelection bid 2 years later, Mr. Fish went on to serve ably as Governor of New York, Senator from New York, and, from 1869-77, as Secretary of State under President Ulysses S. Grant.

After 1845, the Fish name was absent from the Congress until 1909. That year, Hamilton Fish, son of the elder Fish, decided after 22 years in the New York State Assembly, where he served as Speaker, and 5 years in Teddy Roosevelt's administration, he was ready to join this Chamber. Two years later, in 1911, Mr. Fish retired from public life and once again, the House was without a Fish.

But not for long. On November 2, 1920, the third Hamilton Fish—a decorated veteran and grandson of the original Hamilton Fish—won a special election to join the Members of the 67th Congress. In World War I, he commanded soldiers in France, winning both the American Silver Star and the French Croix de Guerre. Mr. Fish proved to be as tenacious a politician as he was a fighter. He won 11 successive reelections, finally departing these Chambers in 1945.

However, after a score more years, his son, the distinguished gentleman from New York who preceded me a few moments ago, became the Honorable Hamilton Fish, Jr. From 1969 to the present, this man has carried on the finest traditions of his forebears and has ably served his constituents in the Empire State's 21st District, and I'm proud to call him cousin.

To complete the record, both grandfathers of Congressman Fish were speakers of the New York State Assembly and served in this Chamber. His maternal grandfather, Alfred C. Chapin, a Democrat, represented New York in the 52d Congress.

Mr. Speaker, while I'm at this lectern, I would also like to mention the great services of another family that helped shape our Nation during its nascent days.

Both Mr. Fish and I are related—distantly to be sure—to the Morris family. Though not as well remembered as other colonial families, they provided some of the best minds and able leaders of their time.

The most famous of the Members was Gouverneur Morris. In 1775, it was he who signed the Articles of Confederation. In 1777 and 1778, he served in the Continental Congress and soon thereafter became Assistant Minister of Finance. In 1787, Gouverneur Morris joined America's other Founding Fathers in confecting our Nation's Constitution during that long, hot summer in Philadelphia. In fact, with the possible exception of James Madison, no individual so influenced the final document as did Mr. Morris.

Though he never served in this House, Gouverneur Morris did spend 3 years in the other Chamber.

Mr. Morris' half-brother was Lewis Morris, a Member of the Continental Congress from 1775-77 and signer of our Declaration of Independence. Prior to that, Lewis Morris had spent 14 years as a judge in the Court of Admiralty. He never came to Washington in an official capacity, preferring instead the comfort of New York.

Lewis Robert Morris was the nephew of both Gouverneur Morris and Lewis Morris. He was elected as a Federalist to the Fifth, Sixth, and Seventh Congresses and was also a member of the commission that presented Vermont's statehood plea to the Congress in 1791.

Yet Lewis Robert Morris' most notable action was probably something he didn't do. In the Presidential contest between Thomas Jefferson and Aaron Burr, which was decided right here in the House of Representatives, Morris withheld his vote on the 36th ballot, thus giving Jefferson Vermont's vote and the Presidency.

Mr. Speaker, few families have given more to America's system of government than the Fish and Morris families. Their selfless dedication to freedom and public service helped not only to forge, but to develop America's government, and to establish the most successful democracy in world history.

For this, we are all grateful.

Mr. FISH. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I want to again thank the gentleman from Louisiana for joining us in our special order and for his kind tribute on behalf of Hamilton Fish, Sr.

Mr. Speaker, I am pleased to yield to my good colleague and friend, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I really wish to congratulate the gentleman in the well for taking out this special order for a very, very unusual and very important man in American history. Hamilton Fish, Sr., was one of those people that made a difference. When he spoke and when he took a stand, he effected public policy.

He had a career that we can all emulate and follow, because he had an interest truly in what happens to the United States, in making our country strong, and making it one in which the rights of the individual are important.

I did not know Congressman Fish, but having sat next to his son for many, many years on the Judiciary Committee I feel I know him, and I have learned a great deal about him from HAMILTON FISH, JR. He represents a portion of a long traditional Fish family. HAM FISH, JR., is now the fourth in his line of succession in the family to sit in the House of Representatives. That is something extremely unusual in American history. All of them have contributed greatly to the welfare of our Nation.

I know in talking to HAM, JR., he has told us many times about how his father so very strongly followed the issues that we are taking up each day in the Congress and how interested he was and continued to be in the welfare of our Nation. Sometimes he agreed with his son and sometimes he did not, but he was the first to let him know if he did not, and maybe he was not the first to let him know that he did.

There are other members of the family who are interested in politics, and perhaps someday we will even have a fifth in that family that comes to the U.S. Congress. If they do the kind of job that their ancestors have and that HAM FISH, JR., is doing, and that their grandfather has done, they will do a mightly job for our Nation.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. MOORHEAD] for his kind contribution to our special order.

Mr. GREEN of New York. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. GREEN of New York. Mr. Speaker, I rise today to pay tribute to the late Representative Hamilton Fish, Sr., of New York State, who was a constituent of mine for some years, and who passed away on January 18, 1991, at the age of 102.

I should also like to thank my New York colleagues, Mr. GILMAN and Mr. RANGEL, for sponsoring today's special order in Mr. Fish's honor.

After serving for nearly a quarter of a century in the House of Representatives, Representative Fish achieved the status of ranking Republican on both the prestigious Committee on Rules and Committee on Foreign Affairs. Throughout his tenure, he was a vocal proponent of civil rights and of veterans, while an outspoken critic of communism. He will be remembered most for drafting the Fish Palestine Resolution, which called for a Jewish homeland, and for introducing legislation to create the Tomb of the Unknown Soldier, and to establish the Star Spangled Banner as our national anthem.

I did not know Representative Fish when he was in the Congress, but I did have occasion in recent years to meet him many times. He was always a featured speaker at our annual Veterans' Day celebration in Manhattan, and he was present at many, many more civic affairs. I can also recall he was 100 years old when he still came down with the American Legion to lobby on behalf of veterans, and was there at the annual reception for Members of Congress. He was truly a person who retained full vigor and power to participate in public affairs, right up to the end.

Therefore, I am delighted to join my colleagues in commemorating the memory of Hamilton Fish. I particularly should like to offer my best wishes to his widow, his son, and my colleague, Representative HAMILTON FISH, JR., his daughter, Elizabeth Pyne, and to his many stepchildren, grandchildren, and great-grandchildren.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind contribution to our special order.

Mr. HORTON. Mr. Speaker, before I begin, I want to take a moment to thank my colleagues BEN GILMAN and CHARLIE RANGEL for their time and effort in organizing this special order honoring a most distinguished New Yorker and former Member of Congress.

Mr. Speaker, I rise today with my colleagues in the New York delegation and the rest of the Congress to pay tribute to a man who dedicated his life to politics—and, oh yes, to football—a man who is believed to be the longest living House Member ever. I speak, of course, of Hon. Hamilton Fish.

Born in Garrison, NY, Hamilton Fish attended Harvard College where he graduated cum laude and twice earned all-American honors in football, which subsequently led to his induction into the College Football Hall of Fame. Following his graduation from Harvard, he attended law school for 1 year, only to leave to serve in the New York State Assembly.

After serving in the State assembly from 1914 to 1916, Hamilton enlisted in the National Guard for service in World War I. During the war, he served as the captain of the 369th Infantry, a regiment of black soldiers from Harlem; for his distinguished service, he was awarded the Silver Star and the Croix de Guerre.

Returning stateside, Hamilton Fish won a special election to the House of Representatives in 1920. He represented New York's 26th District, which included Orange, Putnam, and Dutchess Counties in the Hudson Valley region, from the 66th to the 78th Congress, a region that has been represented by four members of the Fish family, beginning with Hamilton's grandfather, who was elected to the 28th Congress as a Whig in 1842.

During Hamilton Fish's 24 years in the House of Representatives, he rose to become the ranking Republican on both the Rules and the Foreign Affairs Committees. Congressman Fish opposed the spread of communism and urged the country not to enter World War II unless it was attacked. In addition to being remembered for his ideological stances, Hamilton Fish is also well known for his numerous legislative initiatives. He introduced the bill to create the Tomb of the Unknown Soldier and was selected to place the first wreath on the tomb during its 1921 opening ceremony. Congressman Fish also introduced legislation to establish the Star Spangled Banner as our national anthem and, never leaving his passion for football far behind, to call upon the football teams of the Naval Academy and West Point to play an annual game. He also authored the Fish Palestine Resolution calling for a Jewish homeland.

My wife, Nancy, and I would like to express our condolences to Hamilton's wife Lydia, his son and our colleague, the distinguished gentleman from New York, HAMILTON FISH, JR., as well as Hamilton's daughter Elizabeth, and his five stepchildren, eight grandchildren, and five great-grandchildren. Our heartfelt thoughts and prayers are with you all.

The death of a statesman and an institution such as Hamilton Fish, who combined political conviction with dedication, determination, and compassion, is a loss to the Hudson River Valley, New York State, and the United States. He will be missed by his family, friends, and colleagues.

Mr. QUILLEN. Mr. Speaker, on January 18 of this year former Representative Hamilton Fish, Sr., of New York passed away at the age of 102. While I did not have the pleasure of knowing him personally, his son, HAMILTON, JR., is a close friend of mine and, therefore, I would like to pay tribute to his father.

My impression is that Mr. Fish lived his 102 years to the fullest, never losing his profound interest or involvement in current issues.

Instrumental in founding the U.S. American Legion of which I am a member, I know he was revered by veterans across the Nation. Fish was chosen as an honorary past national commander, entitling him to wear the red Legion hat that he wore frequently in his later years to his many speaking engagements around the country.

The son and grandson of Members of Congress, Mr. Fish was proud of his family's tradition of public service which dated back to the Revolutionary War. While serving as a Member of the House, he was a crusader for civil rights, veterans' affairs, and an active voice against communism. As the ranking Republican member of my committee, the House Rules Committee, he showed great courage standing up to President Franklin Delano Roosevelt's New Deal legislation at a time when conservative Republicans were a rare breed.

I look forward to reading his memoirs which he only recently completed and which are to be published this summer.

My heartfelt sympathy goes out to his family.

Mr. LENT. Mr. Speaker, it is a great privilege for me to join with my colleagues in paying tribute to the Honorable Hamilton Fish, Sr. Hamilton Fish came from a family whose history is tightly knit with the history of my home State of New York. He was the grandson, son, and father of Members of this institution and, in every respect, he represented all that is noble and good about public service in the United States.

I feel deeply honored that I had the opportunity to know Hamilton Fish. In his 102 years, he never hesitated to speak his mind and always remained true to his beliefs and his vision for America. In historical terms, he was the living link between Theodore Roosevelt's "Bull Moose' movement and Reagan-Bush era. In practical terms, Hamilton Fish, Sr. was a courageous and principled advocate for the values that have made America the world's showcase for freedom and democracy.

Hamilton Fish always did more than just talk about issues—he acted to make the United States a better place for all those who lived or sought refuge here. As students of politics and history, we all know that his disagreements with Franklin Roosevelt have become the stuff of legends and will be endlessly debated in academic circles. His many accomplishments as a Member of Congress are well known and have been fittingly described in detail this afternoon. So, Mr. Speaker, I would like to mention what I believe to be a lesser known, but equally revealing, side of this man.

When Hamilton Fish, Sr. enlisted in the Armed Forces for service during World War I, conditions for black soliders were not good. Despite their heroic contributions in earlier conflicts, in 1917, black soldiers were still discriminated against in pay, assignments, and rank in an army that was almost completely segregated. Hamilton Fish saw these injustices for what they were and sought to correct them.

As the United States entered the war, Capt. Hamilton Fish took command of a company of the all black 369th Infantry Regiment of the New York National Guard. His unit, like the entire 369th, demonstrated great bravery and courage under fire and never lost an inch of ground. The 369th had the distinction of serving in action the longest of any American regiment and will also be remembered for being: the only volunteer regiment raised during World War I that reached France; the first regiment of Allies to reach the Rhine; the only regiment in U.S. history to carry a State flag through the war.

By the armistice in 1918, Hamilton Fish Sr. had risen to the rank of major and had been highly decorated for his bravery, winning the Silver Star and France's Croix de Guerre. I know that in later years, he took great pride in his association with the 369th and his pioneering efforts to reform the racial policies of the Armed Forces.

Mr. Speaker, simply stated, I am very proud to serve in this House because of men like Hamilton Fish, Sr. I extend my heartful sympathy to every member of the Fish family and, in particular, to my good friend and colleague, HAMILTON FISH, Jr.

Mr. HAMMERSCHMIDT. Mr. Speaker, January 18, 1991 marked the passing of a giant—Hamilton Fish, Sr. The oldest living former Congressman, Mr. Fish had a zeal for life that few could match. Coming from a long line of public servants, dating back to the Revolutionary War, Congressman Fish lived up to his family's legacy and certainly added to it. An accomplished athlete and scholar, Mr. Fish was also the oldest living alumnus of Harvard University.

Three years after graduating from Harvard, he was elected to serve in the New York State Assembly. An unabashed patriot, he passed up an opportunity to run for the State Senate seat of Franklin D. Roosevelt, and instead joined the Army to fight in World War I. Mr. Fish served with distinction, earning the American Silver Star and the French Croix de Guerre for his conduct in battle. He was discharged with the rank of major.

Following the war, Mr. Fish was one of the founders of the American Legion and is remembered as one of the staunchest supporters of our Nation's veterans. As a current member of the Veterans' Affairs Committee, I certainly appreciate his work on behalf of the men and women who served in our Nation's Armed Forces.

He was elected to Congress in 1920—becoming the third Hamilton Fish to serve in Congress. Never one to shy away from speaking his mind, for the next 25 years he was an outspoken proponent for his constituents and causes that he considered vital to the Nation.

Hamilton Fish, Sr., made yet another contribution to this Chamber—that of HAMILTON FISH, JR. It has been my privilege to serve with HAM for the last 23 years. He continues the fine family tradition of serving the people of this Nation in an admirable and selfless manner.

My condolences are extended to the entire Fish family on the passing of Hamilton Fish, Sr.

Mr. GUARINI. Mr. Speaker, I rise today to recognize the passing of a truly great American, former Member of Congress, Hamilton Fish. It is ironic that the death of one who understood the cost of war so well occurs during a time when America and her allies are at war with a foreign nation. Let us take a moment to reflect on what Mr. Fish sought to teach and would have wanted us to remember.

As an individual who put aside the possibility of becoming a congressman to volunteer for combat duty in World War I, Hamilton Fish would have wanted us to remember that Americans must act courageously during times of national emergency. As a Congressman who was instrumental in the creation of the Tomb of the Unknown Soldier and the formation of the U.S. American Legion, Hamilton Fish would have wanted us to remember that the American people must pay proper tribute to those who sacrificed their lives and livelihood in defense of our Nation. This would have included fully supporting American veterans, both morally and financially, a cause he championed throughout his life. Finally, as a leader who urged unwavering support of Israel and warned of the impending dangers of communism before the cold war had even begun, Hamilton Fish would have wanted us to remember that support for our allies and foresight in dealing with our adversaries is a sure formula for peace.

Hamilton Fish is to be remembered as one who understood the awesome responsibility for the protection of liberty, which all free men must assume. We can best honor him by supporting the standards and ideals which he sought to uphold.

Mr. ROE. Mr. Speaker, I wish to join my colleagues from New York who have organized this special order in paying tribute to the late Hamilton Fish, Sr. Of course, I wish to extend my deepest sympathy to his son, our colleague, HAMILTON FISH.

At the time of his death, Hamilton Fish, Sr., was described as New York's oldest war veteran, as Harvard College's oldest graduate, and as the oldest living Member of Congress.

Hamilton Fish, during his long life did more than merely survive to the age of 102 to become the oldest in all these categories. His life was filled with rich and varied accomplishments, from his selection to the first college football all-American team to his winning of the Silver Star during World War I to his plans to appear on CBS television this year to discuss the deployment of his beloved 369th Army Regiment to the Persian Gulf.

This 25-year House veteran was truly part of the American aristocracy. He was descended from Peter Stuyvesant, the last Dutch governor of New Amsterdam and a colonel in the American Revolution who was an executor of Alexander Hamilton's will.

His life though, devoted to public service, demonstrated a concern for all Americans. He ignored the opportunity to serve in the New York State Senate and enlisted instead to fight in World War I. The 369th Regiment was the first all-black unit to fight in Europe and he was at its head as captain. In 1922, he introduced legislation to create a Jewish homeland in Palestine.

As a distinguished veteran himself, he never forgot the Nation's war veterans and their needs. He was a cofounder of the American Legion, he played an instrumental role in the dedication of the Tomb of the Unknown Soldier, and he fought long and hard for veterans' pensions and VA hospitals.

In 1939, while at the Inter-Parliamentary Peace Conference in Oslo, he used his position to rescue 300 Jewish families from Nazi Germany. He also found the necessary payment of $150,000 to get one of three ships of these refugees accepted in the Dominican Republic when they were turned away from our shores.

Through all this, he managed to author several history books and was working on his memoirs when he died.

Hamilton Fish, Sr., was truly an extraordinary person. The people of the Hudson valley and all of New York State were richer for the experience of his century among them. We here in Congress were also fortunate to have his wisdom and guidance for these many years.

Mr. Speaker, I join with my colleagues in this well-deserved tribute to a great American who helped shape the 20th century.

Mr. STOKES. Mr. Speaker, I want to thank the distinguished gentlemen from New York, Mr. RANGEL, Mr. GILMAN, and Mr. HORTON, for reserving this time to pay tribute to a former colleague and good friend, Hamilton Fish, who recently passed away at his Cold Springs, NY, home. At the age of 102, Hamilton Fish is thought to have been the longest living House Member ever. I join my colleagues and the Nation in mourning the loss of a great statesman and an outstanding legislator. During his 24-year tenure in the House of Representatives, Hamilton Fish served his district, the State of New York, and the Nation with great honor.

The passing of Hamilton Fish brings to a close a distinguished career of public service. It is interesting to note that Hamilton was the fourth in a five generation lineage of American statesmen dating as far back as the Revolutionary War. His great-grandfather, Nicholas Fish, fought in the Revolutionary War, was present at the British surrender at Yorktown, and later became a New York State adjutant after the war. His grandfather, Hamilton, served as Governor of New York, a U.S. Senator, a U.S. Representative, and Secretary of State. His father, also named Hamilton, served as a U.S. Congressman, and his son, HAMILTON FISH, JR., serves with us in this body today.

It was in 1913 when Hamilton Fish successfully sought public office, being elected to the New York State Assembly. He served a 2-year term before joining the Army to fight in World War I where he served with great distinction. He was commissioned a captain, leading the all-black 15th New York Volunteers Regiment from Harlem.

In combat, Fish earned the American Silver Star and French Croix de Guerre for gallantry in action. Following the war, he was one of the founders of the American Legion. In fact, it was Fish's final draft that was chosen as the preamble to the American Legion constitution.

Mr. Speaker, Hamilton Fish was elected to the House of Representatives in 1920. During his tenure, Hamilton was a crusader for great causes and he worked tirelessly to bring about change. Hamilton Fish was an outspoken advocate for civil rights, veterans affairs, and he maintained an active voice against communism. He is remembered for his introduction of legislation to create the Tomb of the Unknown Soldier, to establish the Star Spangled Banner as our national anthem, and to call upon the football teams of the Naval Academy and West Point to play an annual game. Many will remember Hamilton Fish as the author of the Fish Palestine Resolution, calling for a Jewish homeland.

Mr. Speaker, as we gather today, we pay tribute to a man of great courage, a crusader, and compassionate and caring individual. Although Hamilton Fish will be missed, we know that he will always be remembered. I join my colleagues in extending our sympathy to his son and our colleague, HAMILTON FISH, JR., his family, and many friends.

Mr. MCGRATH. Mr. Speaker, I appreciate the opportunity to join in this special tribute to the late Hamilton Fish, Sr. I first wish to extend my condolences to our colleague from New York and his family. I hope that our words today provide some comfort. I think, however, that the legacy of Hamilton Fish, Sr., stands on its own as a source of encouragement and pride to his family and to all who knew him.

A relative handful of Americans have matched his stamina and longevity. Even fewer among us would forgo the opportunity for a leisurely retirement in favor of the continued pursuit of our most treasured beliefs. Hamilton Fish, Sr., served our Nation during many of its greatest triumphs and through some of its darkest moments.

Highly decorated for bravery as a young man in World War I, almost seven decades later, Hamilton Fish, Sr., continued to be a tireless advocate for veterans of all wars. Many Members of this body will never forget the tall and inspiring figure of a man nearly 100 years old, who proudly walked the Halls of the Capitol with his American Legion uniform hat. That same enthusiasm and commitment was displayed at Republican conventions and countless other forums in which he was revered as a leader.

The residents of New York's Hudson Valley had a great Congressman for 25 years. At a time of our worst national economic crisis and at the risk of his own political career, Hamilton Fish, Sr., stood firm with our Founding Fathers in the belief that the Federal Government should be limited in power and scope. His love of freedom and democracy also helped to shape foreign policies which finally fractured Communist dominion over Eastern Europe and the Soviet Republics.

Another hallmark of his commitment to our democracy is the fact that Hamilton Fish, Sr., instilled the family ethic of public service in his son, whom I have been proud to serve with as a member of the New York Congressional delegation. Generations of the Fish family have offered distinguished service to New York and to our Nation for well over a century.

While Hamilton Fish, Sr., is no longer with us, the ideals and principles to which he devoted his life are stronger and richer thanks to his lifetime of dedicated service and accomplishment.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues today to commemorate the passing of one of the most distinguished individuals ever to serve in the House, Hamilton Fish.

As a Representative from the State of New York for 24 years, Hamilton Fish established himself as a principled, eloquent statesman who believed fervently in his country and who stood by his convictions. As a leader on two important committees in the House of Representatives, the Committee on Rules and the Committee on Foreign Affairs, he fought to see that the United States not enter World War II unless it were attacked, but at the same time he advocated positions which we now take for granted: creating a Tomb of the Unknown Soldier; designating the Star Spangled Banner as our national anthem; and calling for the creation of a Jewish state.

He brought to the Congress a rare intellect, a compelling personality, and a strength of conviction that distinguished his career. My thoughts are with his son and our colleague, Representative HAMILTON FISH, JR., at this time and I want to extend my deepest sympathies to his family on the passing of this great American.

Mr. YATRON. Mr. Speaker, I rise today in great sadness to join with my colleagues in paying tribute to an outstanding leader, former Congressman Hamilton Fish, Sr. This Nation has lost one of its greatest and most enduring public servants.

Congressman Fish led a full and varied life. Throughout his life, he worked diligently at supporting numerous honorable causes and accomplishing many worthy goals. Indeed, Congressman Fish's tenacity and hard work was evident at an early age when he became an all-American tackle and captain of Harvard's football team. Soon after graduating from college, Congressman Fish demonstrated his interest in public service and entered a career which began in the New York Assembly and reached its pinnacle in this body. During World War I, he enlisted as a captain, won the Silver Star and the Croix de Guerre for bravery, and was a major by the time he was discharged from military service. As a veteran, he became an instrumental co-founder of the American Legion.

As a Member of this body for 25 continuous years, Congressman Fish was a steadfast and active advocate for veterans affairs and civil rights. In addition, he took a keen interest in foreign policy issues.

It is with a heavy heart that I bid farewell to former Congressman Fish, but with admiration and respect that I reflect on his life and his many accomplishments. His presence will be greatly missed, but his memory will long be remembered.

Mrs. LOWEY of New York. Mr. Speaker, I commend my colleagues from New York for organizing this special order today. It is a fitting tribute to a man whose honorable service to this body, and the people of New York and the United States, was truly remarkable.

I would like to extend my deepest sympathies to my Westchester County colleague and good friend, HAM FISH, JR., and to the entire family. I wish them strength at this difficult time, and offer my most heartfelt condolences, as well as those of my family.

When the history of this country's greatest families is written, the Fishes of New York will no doubt be a part of that work. Starting with Col. Nicholas Fish, a hero of the Revolutionary War, the family has had a legacy of public service which is unmatched by any. The late Congressman Fish was the third generation of his family to serve in this House, and his 24 years in Congress will be remembered for a long time to come.

He was not one to gloss over differences of opinion. Everyone always knew where he stood, and he held his views with a passion. There is one area where I clearly share his perspective, and I want to pay special tribute to his outstanding achievements in support of our Nation's veterans.

A recipient of the Croix de Guerre and the Silver Star for his brave and valorous conduct in World War I, Hamilton Fish was a tireless advocate of measures to honor his fellow veterans. He introduced the legislation that created the Tomb of the Unknown Soldier, and placed the first wreath at its opening in 1921. Throughout his career, he continued his dedication to remembering those who had served our country in time of war. Ham Fish continually reminded us that we should never forget or ignore our Nation's veterans, for we owe them our lives and our liberty. For that, I sincerely commend him.

Once again, I offer my sympathy and prayers to my colleague, HAMILTON FISH, JR., and to the entire Fish family. Your loss is shared by all who knew Hamilton Fish, and by the State and country that he loved.

Mr. HUGHES. Mr. Speaker, today I join with my colleagues in paying tribute to one of the most distinguished gentlemen to serve in the House of Representatives, former Congressman Hamilton Fish.

From his victory in a special election in 1920, Hamilton Fish represented New York's 26th District, in the Hudson Valley region, through the 78th Congress. Throughout his 24-year career in the House of Representatives, he distinguished himself as a legislator. He promoted ideas that have now become American traditions and institutions such as establishing the Star Spangled Banner as the national anthem and calling for an annual Army-Navy football game. A World War I hero, Hamilton Fish also introduced legislation to create the Tomb of the Unknown Soldier.

I would like to extend my condolences to family: his wife, Lydia Ambrogio, my colleague, HAMILTON FISH, Jr., his daughter, Elizabeth Pyne, and to his stepchildren, grandchildren, and great-grandchildren.

Mr. MAZZOLI. Mr. Speaker, I rise today to pay tribute to former Representative Hamilton Fish, Sr., the father of our esteemed colleague and my friend, Representative HAMILTON FISH, JR., of New York, who died recently at the remarkable age of 102.

The Fish family has left a distinct and ennobling imprint on Congress, on the State of New York, and on these United States. Our colleague, HAM FISH, not only has continued this record for distinctive and productive public service, but has added luster to it by reason of his many years of courageous and estimable service on the House Judiciary Committee.

In our service together on the Immigration Subcommittee, HAM and I have spent many hours and days together in the committee room, in our respective offices, on planes and in hotels both in the United States and abroad. In the course of these times together, HAM told me many stories—colorful to say the least—of his father, the "old man," as he termed his dad.

It is fair to say that Representative Hamilton Fish, Sr., was nothing if not direct, committed, stalwart, frank, and tenacious to his views regardless of the number and rank of his opposition.

Mr. Speaker, Representative Fish, Sr.'s life achievements are most impressive: a graduate of Harvard College in 1910; All-American in football for the Crimson; distinguished military service in World War I; member of the New York State Assembly; and, U.S. Representative in Congress from the 66th to the 78th Congress—1920 to 1945.

While serving in the Congress, Hamilton Fish, Sr., became the ranking Republican on both the Rules and the Foreign Affairs Committees. He was well known for his introduction of legislation to establish the "Star Spangled Banner" as our national anthem and to create the Tomb of the Unknown Soldier to commemorate all those who have given their lives in the service of their Nation.

More than a little of the "old man's" verve, tenacity, and steel are evident in his son, our colleague, HAM. The longest and most difficult days for immigration reform in the 1980s coincided with some personally difficult and stressful days for HAM. But, despite personal discomfort and pain, HAM hung in there and saw it through in the best tradition of the Fish family whose history goes back five generations in American politics.

Mr. Speaker, Hamilton Fish, Sr.'s death is a loss to New York and the Nation, though, thankfully, we are privileged that his son—and his fighting spirit—remain with us. I extend my condolences to HAM, to Mrs. Fish, and to all the family.

☐ 1420

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the matter of this special order.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New York?

There was no objection

TRIBUTE TO HAMILTON FISH, SR.

Mr. RANGEL. Mr. Speaker, in tribute to my dear friend, Hamilton Fish, Sr., I would like to have included at this point an article from Sports Illustrated, written by Robert Boyle, and ask that it be included in the CONGRESSIONAL RECORD as follows:

A GOLDEN OLDIE, IN EVERY WAY—AT AGE 101, HAMILTON FISH, IS THE LAST OF A RARE SPORTS BREED

(By Robert H. Boyle)

He was one of the greatest tackles ever to play college football and was a two-time All-America. He is now 101 years old and as tough and spirited as when he fought for Harvard more than 80 years ago.

He is Hamilton Fish, Harvard, class of 1910, the last surviving member of Walter Camp's alltime All-America football team and a member of the College Football Hall of

Fame. As a Republican member of Congress from 1920 to 1945, Fish again became a nationally known figure, for his vehement opposition to President Franklin Delano Roosevelt and the New Deal.

Fish lives in Cold Spring, N.Y., with his fourth wife, Lydia, 58, a former state corrections officer. After a lengthy correspondence, the always ready to socialize Fish met his wife-to-be in person for the first time at a library reception, and they were married three months short of Fish's 100th birthday, on Sept. 9, 1988. Fish has not lost his zest for politics either, even when it means taking on family members. In 1974, when his son, Hamilton Fish Jr., a Republican member of the House of Representatives' Judiciary Committee, voted to impeach President Richard Nixon, Fish was a prominent member of Operation Freedom, which took out ads opposing any prosecution. Twelve years later, when his grandson Ham III ran for the Democratic nomination for Congress, the eldest Fish all but branded Ham III a Communist and announced that he intended to campaign against him. "My grandfather regarded me as he would any political opponent," says Ham III, 38. "I never took it personally."

Fish now wears a hearing aid and gets about with the aid of a walker to offset a bad knee ("Nothing to do with football," he says), but he also has a full-time secretary to help keep his hectic schedule of public engagements. Recently, his calendar for the coming month showed an evening panel discussion at a Connecticut community college, two parades, a reception for the Salvation Army, another speech, a trip to Southborough, Mass., to celebrate the 125th anniversary of St. Mark's, his preparatory school, lunch at the Porcellian Club in Cambridge, Mass, and a class reunion at Harvard.

Five years ago Fish attended his 75th reunion, and as a member of the class of 1910, he confidently expected to lead the parade as the oldest alumnus present. His grandnephew J. Winthrop (Winty) Aldrich was there attending his 20th Harvard reunion, and as Aldrich says, "The scene that followed was vintage Ham Fish. He came upon an infirm, sickly old man clutching a walker and a sign that said 1906. Brandishing his cane at the man with the walker, Uncle Ham shouted, 'That man is an imposter! He was behind me!'" It turned out that the man was indeed a member of the class of 1906, but it also proved that trying to upstage Fish is a daunting task for anyone.

Fish had better luck this year at his 80th reunion, though there were again some tense moments. When Harvard president Derek Bok and Chancellor Helmut Kohl of West Germany, Ella Fitzgerald and other recipients of honorary degrees began the academic procession, Fish, using his walker, was slow in getting to the lead. As the band started to play and the grand marshal checked his watch, Aldrich decorously transferred Ham Sr., holding his 1910 sign, to a folding chair on top of a dolly and pushed the old man to the head of the line. The band parted like the Red Sea before Moses, and, as Fish wheeled by, Fitzgerald slapped him on the shoulder and exclaimed, "Why, you sweetie pie!"

That might have been the first time Fish has ever been addressed in such a manner. Certainly his opponents on the gridiron or in Congress had other names for him. At St. Mark's, Fish played football for three years, and he is still upset that while he was there his teams never beat archrival Groton.

At Harvard, Fish played right tackle both ways, as was the rule then. In 1907, when he was a sophomore, Harvard won its first seven games, but then lost three straight, to the Carlisle Institute, Dartmouth and Yale. The defeats were blamed on Crimson coach Joshua Crane, and he was replaced for the 1908 season by Percy Haughton, perhaps the greatest coach in Crimson history.

A believer in specialized coaching, Haughton wanted Lieut. Ernest Graves, a West Point graduate then serving in the Corps of Engineers, to coach the line. According to Morris A. Bealle's The History of Football at Harvard, Haughton sent a message to President Theodore Roosevelt to ask that Graves be detached from duty in Washington to coach in Cambridge. The president subsequently wrote a note to Secretary of War William Howard Taft, a Yale man, no less, informing Taft, "I was a Harvard man before I was a politician. Please do what these gentlemen want."

Haughton and Graves built much of the Harvard offense and defense around their right tackle. In 1910, Camp referred to Fish as "a leader of men." On defense Fish was, in Camp's words, "a certain and deadly tackle," while on offense he "was as equally good."

Tackles were then eligible to receive passes, and the combination of senior quarterback John Cutler, who later married Fish's sister, Rosalind, and Fish became a vital part of the Harvard attack. "No man who has been developed since the introduction of the forward pass could equal him at receiving the ball," Camp wrote of the 6' 4", 190-pound Fish. "And the stretch of his arms up into the air, as can be readily appreciated, is considerable. Furthermore, he had a way of so planting himself upon his feet that the men whose province was to knock over the man receiving the pass invariably found Fish immovable." Overall, Camp pronounced that Fish was "the best rounded-out of all the tackles that have played that position."

Early in the 1908 season, Harvard captain Francis Burr, an All-America guard and a senior, suffered an injury that ended his football career. Haughton named Fish, a junior, as acting captain. Fish, in turn, named his classmate, John Reed, as the cheerleader, because, he says, "I knew him very well, and I liked him." The archconservative Fish liked Reed's politics less as time went on. After graduating, Reed was reputed to have taught striking workers songs with proletarian lyrics that he had set to the tunes of Harvard fight songs, and he wrote Ten Days That Shook the World, an account of the Russian revolution. When Reed died in Moscow of typhus in 1920, an appreciative Lenin honored him by having his body buried at the Kremlin wall.

In its first five games of the 1908 season, Harvard ran up 93 points and held its opponents scoreless. Then came a 6–6 tie with the U.S. Naval Academy at Annapolis. Despite the tie, Harvard was still in contention for the Ivy League championship, which at that time was tantamount to being national champion. The Crimson beat Brown 6–2 and then faced its biggest test: undefeated, untied Carlisle with a sensational new back, Jim Thorpe.

"Pop Warner was the Carlisle coach," Fish says, "and they believed they were going to win the national championship." Before they played us, they beat Syracuse, a very strong team that year. Pop Warner had sewn the covers from old footballs onto the jerseys of his three backs and two ends so that Syracuse would have a difficult time distinguishing who really had the ball, and they beat Syracuse 12–0. Syracuse was furious. They rang me up, and I called my squad to a meeting. I said, 'You are Harvard men, you're supposed to be intelligent. I want you to take the rule book and see if there is anything against putting the cover of a football on the backs and ends.' They came back in the morning, and said, 'We can't find anything against it in the rules.' But we had a very fine, intelligent coach in Percy Haughton, and he outsmarted Pop Warner. The home team provided the football, and Percy Haughton had the football colored crimson, the same as our jerseys, and Pop Warner had to send his three backs and two ends back to change their jerseys. We beat Pop Warner's team and Jim Thorpe, 17–0.

"Thorpe was the best player I ever saw," Fish continues. "He was recognized at the time as the best man, he really was. He could do anything. He had the speed, he had the strength, he had the knowhow, he could go through the line, he could run the ends, he had all the tricks. When we beat them, I believe it was the first time he didn't score. I tackled him more than anyone else."

Harvard went on to defeat Dartmouth and Yale—neither opponent scored a point—and was declared Ivy League champion. In 1909, the Crimson looked like a good bet to repeat. There was a close call against Williams, which led 6–0 at the half because Haughton started second-stringers, but then he sent in the regulars, including Fish, who had been sidelined by ptomaine poisoning, and Harvard won 8–6.

After an 11–0 win over Brown, The Boston Globe reported, "Captain Fish was prominent in one of the most spectacular plays of the game." It occurred when Ted Frothingham, the Harvard halfback, picked up the ball on the Harvard eight-yard line and headed downfield with Adrien Regnier, Brown's captain, in pursuit, closely followed by Fish. "The two captains raced along yards behind Frothingham," The Globe reported, "and when they reached the middle of the field Fish threw himself at Regnier and knocked him down. Fish fell on the Brown leader and whenever the latter would strive to rise Fish would stiffen out his arms and legs, taking care not to hold his rival. Regnier tried half a dozen methods to free himself, but could not do so, while the 16,000 spectators laughed. Finally when Frothingham had crossed the goal line Fish rolled off Regnier and the latter somewhat sheepishly regained his feet." Fish's clever heroics were to no avail; it turned out that the referee had called the ball dead before Frothingham had broken loose.

Undefeated Harvard next played Army. At the time, the rules prohibited a player from returning to the game once he was taken out. Eugene Alexis Byrne, the Army captain, played opposite Fish and proved no match for him. "I could see that he was pretty well in at the end of the half," Fish says, "and I said to my coach, 'You ought to send word to the West Point coach that the captain is all in and might get hurt.' I suggested that Byrne be taken out for a substitute, but he wanted to play. Shortly after, in the second half, we had the ball. We gave the ball to our 200-pound fullback, Dono Minot, a rugged fellow. Strangely enough, on this particular play, I was shifted over to the other side of the line, and the West Point captain came through the line fast, smashed into our fullback and fell to the ground. He couldn't move and became unconscious. We had to stop the game—we were way ahead—and he died the next day from a broken neck. That's when football changed the rule so that you could take a man out and put him back in again, and that's a very good rule."

Harvard followed with an 18–0 victory over Cornell and a 12–3 defeat of Dartmouth to set up a dream game—Harvard vs. Yale. These two unbeaten teams, arch-rivals at that, were meeting to decide the national championship on the final day of the season. Harvard, 8–0, had outscored its opponents 103–9. Yale had gone 9–0. But the Elis were unscored upon and boasted six All-America players, including Ted Coy, the fullback and captain whom Camp would name his alltime All-America fullback. In profiling Coy, Camp wrote: "It was almost impossible to stop him in front when he had acquired full headway."

Anchored by Fish, who was playing with badly damaged ribs suffered in the Dartmouth game, Harvard held Coy and Yale to only 100 yards and two first downs, but Yale won the game and the championship 8–0 on a safety and two drop-kick field goals by Coy. "I never played a better game," Fish says. "I'd rested up, my tackling was perfect, but I couldn't attempt to catch a pass because I couldn't lift my left arm [because of his injured ribs]. We would have beaten them though if I'd been able to lift my arm."

After graduating from Harvard cum laude, Fish declined an offer to teach history and government at his alma mater and served as secretary to his congressman father, Hamilton Sr. Once back home in Garrison, N.Y., Fish formed a baseball team that played every weekend in a field next to the sprawling family estate. "I broke into politics through baseball," Fish says. "Three or four hundred people would come every Saturday or Sunday we played, and that's how I got known. I played first base, we had a lot of good players, and we won most of the time. We even played in Sing Sing state prison." Fish served in the state assembly from 1914 though 1916 as a member of the Progressive Party, led by former president Theodore Roosevelt.

Assemblyman Fish had been friendly with state senator Franklin Delano Roosevelt of Hyde Park, a fellow Hudson Valley patrician and Harvard graduate. "We became great friends," Fish says. "Franklin Roosevelt was then a fine Jeffersonian Democrat. Sometime after he became assistant secretary of the Navy in 1913, he came to me and said, 'I want you to succeed me in the state senate. I'll get you the Democratic support, you have the independents, and most of the Republicans will vote for you anyway.' I said, 'Thank you very much. I'd love to do it, but I can't do it because I intend to enlist for the war.' "

Fish served as a captain in a National Guard unit that would become the legendary 369th Infantry, a black regiment from Harlem. During its training in Spartanburg, SC, the 369th was stationed next to an all-white regiment from the Deep South. Ugly words were exchanged that eventually led to the southern regiment's threatening to attack the black soldiers. The lore of the 369th has it that Captain Fish offered to settle matters once and for all by challenging three officers to a fistfight.

"The newspapers said I challenged each of them to fight, but that was an exaggeration," Fish says. "The men from the southern regiment had said they would attack us. As captain, I served notice to my men that if we were attacked, we would fight to the death. I trained all the men and armed them to attack. Late one night, someone, I don't know who, stupidly blew a bugle. My men came pouring out of their tents ready to fight and kill. I told them to stay where they were, and I went out to meet the southerners. I uncocked my pistol, went out and met several southern officers. Standing in the dark with my cocked pistol, I said, 'You must stop. My troops are under orders to fight to the death. It will simply be a massacre on both sides and one of the worst things to happen to our country.' There was no trouble."

In combat in France with the 369th, Fish won the Silver Star and the Croix de Guerre for gallantry in action. When the war was over, Fish served as chairman of the committee of Three, which wrote the preamble for the newly founded American Legion.

In 1977, filmmaker William Miles used long-forgotten footage to make a movie, Men of Bronze, about the 369th. Fish and Ham III attended the premier together at Lincoln Center in Manhattan. "We sat up in a box with other members of the cast, separated from the rest of the audience in the theater," Ham III recalls. "It was a remarkable and moving film. When the lights went on afterward, the 2,000 people in the audience, many of them liberals from the Upper West Side, turned and looked up at my grandfather and gave him a standing ovation."

After World War I, Fish and Roosevelt remained friendly, but when FDR won the presidency in 1932, the friendship soured. It did not help that Fish was congressman from Roosevelt's Hudson Valley home district. If FDR were alive, he doubtless would have his side of the story about the estrangement, but Fish says, "I put the start of the change in Roosevelt to his work in the Navy in World War I. Money began to mean nothing to him, and he had power. Lord Acton said, 'Power tends to corrupt, and absolute power corrupts absolutely.' That's what changed the whole life of the man I was once very fond of and who wanted me to succeed him."

Fish was the ranking minority member on the House of Representatives' Rules and Foreign Affairs committees, which provided him with plenty of power of his own, and he stridently opposed the New Deal almost from the start. He also objected to Roosevelt's effort to pack the Supreme Court, fought against recognition of the Soviet Union, and after World War II began in Europe, accused Roosevelt of attempting to lead the country into the war.

Relations between the two men deteriorated to the point that the president barred Fish from the White House. "Yes, he hated me, and he had a right to," Fish says. "I didn't hate him," he adds with a chortle. "I despised him."

On Oct. 28, 1940, in a campaign speech delivered at Madison Square Garden, FDR scathingly denounced by name his three principal Republican opponents in Congress. The Rooseveltian refrain of "Martin, Barton and Fish," the last name drawn out with almost a hiss—F-i-s-s-s-h-h-h—became part of the national political vocabulary.

Fish was defeated for reelection to Congress in 1944, and he returned to New York. Nevertheless, his speeches on behalf of various organizations and his letters to the editor that frequently appeared in newspapers and magazines kept his name before the public. In 1960 his wife, the former Grace Chapin Rogers, whom he had married in 1920, died. In the fall of 1970, his oldest sister, Janet, died in Washington. The newspapers reported that her funeral would be held on Nov. 21 at St. Philip's Church in Garrison. "Then," says Aldrich, "the word came from Uncle Ham that the date conflicted with the Harvard-Yale game, and that he was not about to miss it. The funeral would have to be rescheduled." It was.

In 1967, Fish married for a second time. His wife was Marie Blackton, a Russian émigré who lived in a Park Avenue apartment.

After Marie died in 1974, Fish, then 86, was married for a third time, to Alice Desmond of Newburgh, N.Y., the widow of a state senator. They endowed a 20,000-volume library in Garrison, the very library in which Fish was first to meet his current wife, Lydia, after Alice and he were divorced in 1984.

Throughout the vicissitudes of life, Fish has remained an ardent football fan. At Harvard, where the band serenaded him and Lydia before last year's Yale game, he is given seat 21 in row 1, section 32, right on the 50-yard line of Harvard Stadium. Yale accords him a similar honor in years The Game is played in the Yale Bowl. And when he attends U.S. Military Academy games at West Point, in his old home district, he gets the best seat available in Michie Stadium. Ham III who since childhood has regularly accompanied his grandfather to Harvard games, recalls times when "I had to restrain him from running down the stairs to upbraid coaches or players for not performing up to snuff."

Fish remains ever ready to deliver a speech, and he does so without notes or a microphone. Recently, he was an honored guest at a dinner of the Theodore Roosevelt Association in New York where he, author Tom Wolfe and Paul Nitze each received the association's medal for distinguished service. Fish spoke on Americanism, and he says, "By the time I had finished, Nitze was crying."

"I'm very privileged to be married to him," Lydia says. "He's living history. Life is exciting, it's interesting. It's never dull."

Mr. Speaker, I welcome the opportunity to join my friend, the gentleman from New York [Mr. GILMAN], in paying tribute to one of my heroes. He certainly was not my Congressman, and certainly I was not a member of his party. However, it is interesting to point out that this gentleman who was born on December 7, 1888, died in Cold Spring, NY, January 18, 1991. He died at the age of 102, and may be the longest living House Member ever. Cum laude Harvard graduate, 1910, football All-American, College Football Hall of Fame, elected to the New York State Assembly from 1914 to 1916, which our previous speakers from New York, Mr. GREEN and Mr. Gilman and I have all served. In World War I he enlisted and led the 15th New York Volunteers of the Colored Infantry, later known as the 369th Infantry.

He was awarded the Croix de Guerre and the American Silver Star and was one of the founders of the U.S. American Legion.

In 1920, he was elected to the 66th Congress, representing Orange, Putnam, and Dutchess Counties, the New York 26th, a county which is the district now in the 22d and represented by my friend, the gentleman from New York [Mr. GILMAN].

During his 24 years in the House, he rose to the ranking Republican on both the Rules and the Foreign Affairs Committee, and introduced legislation on the Tomb of the Unknown Soldier, the Star Spangled Banner as national anthem; helped establish an American war memorial in France; legislated the Army-Navy traditional football game, and the Fish Palestine resolution calling for a Jewish homeland.

He is survived by his wife, Lydia, my friend and his son, Representative HAMILTON FISH, JR., his daughter Elizabeth Pyne, five stepchildren, eight grandchildren, and five great-grandchildren.

He was fourth in a five-generation line of American statesmen dating back to the Revolutionary War.

He was an outspoken advocate for civil rights and veterans affairs and an active voice against communism. He was an opponent of World War II, unless the United States was attacked.

Mr. Speaker, when I think of Hamilton Fish, Sr., I think of a big man, a strong man, a man of courage and of principle. The idea of service to his country was not an abstraction to him, but he demonstrated that dedication concretely.

Picture Harlem in New York, my hometown, in 1916. The country is engaged in a great war and there are patriotic African-Americans ready to serve to protect and defend their country, but no one will take them. Their own army, their own country, refuses to admit them to the ranks. My own uncle, Herbert Wharton, enlisted in the 15th Infantry Regiment and never was able to go overseas because they found out that he was too young.

Enter young Hamilton Fish, who was commissioned to serve as a Captain in the Army leading the all-black 15th New York Volunteers Regiment from my hometown village of Harlem. This National Guard unit went on to become the legendary 369th Infantry that was trained under Capt. Hamilton Fish and delivered to serve, not with the American troops in the European Theater, but with the French. This 369th Infantry of Harlem became the most highly decorated unit that served in Europe, earning as I said, the French Croix de Guerre. As their captain, Hamilton Fish also earned the French Croix de Guerre and the American Silver Star citation for gallantry in action. The 369th rise to appropriate recognition was not without difficulty.

The article by Robert Boyle for Sports Illustrated, which I have indicated in the RECORD, has the story in it where it recalls the regiment's training in Spartanburg, SC, where the 369th was being trained by Hamilton Fish next to an all-white unit.

As Fish reports:

> The men from the southern regiment had said they would attack us. As captain, I served notice to my men that if we were attacked, we would fight to the death. I trained all the men and armed them to attack. Late one night, someone, I don't know who, stupidly blew a bugle. My men came pouring out of their tents ready to fight and kill. I told them to stay where they were, and I went out to meet the southerners. I uncocked my pistol, went out and met several southern officers. Standing in the dark with my pistol cocked, I said, "You must stop. My troops are under orders to fight to the death. It will simply be a massacre on both sides and one of the worst things to happen in our country." There was no trouble.

Mr. Speaker, it is this kind of personal involvement and human concern that was typical of the relationship between the man and his troops. The "Fighting 369th" of the "Hell Fighters" landed in Brest, France, in the spring of 1918, and saw action in the Champagne sector. They were in continuous combat longer than any other American unit, 191 consecutive days on the front lines. They never lost a trench, never retreated an inch, and never surrendered a prisoner. The determination of these troops to serve so valiantly on behalf of a nation that had refused them an equal opportunity to demonstrate their ability to serve is a sincere and significant tribute to the man who led them.

Many, many years later, I was privileged to serve as the president of the Manhattan district of the National 369th Veterans Association, named after the Fighting 369th. When I came to Congress, one of the first things I sought to do was to get a Federal charter for this outstanding veterans association. It was difficult, and I had the help of a distinguished friend, my friend and his distinguished son, Congressman HAMILTON FISH, JR., who introduced the legislation as a member of the district committee and had the support of Peter Rodino, the chairman. It passed the House overwhelmingly, but I had problems in the Senate, because on the other side a gentleman from one of the Southern States chaired a committee that had said we would not have any further Federal charters for any other organizations.

I went to visit this gentleman and shared with him what this American flag stood for and the fact that these men who fought for this country were denied the opportunity to fight with our American troops and also pointed out that they were led by Hamilton Fish, Sr., a captain in World War I.

Needless to say, I succeeded in getting it passed in the Senate, and today the 369th Veterans Association is one of the few organizations in this decade that enjoys a Federal charter.

Every year the 369th marches in the village of Harlem as a reminder of the contribution that African-Americans had always made to our Armed Forces. Every year Capt. Hamilton Fish was in the grandstand as they marched by to salute. He will not be there this year, but I tell you, and I state for the RECORD, that again I will march by and even though he will not be there physically, I will salute Capt. Hamilton Fish, Sr., for the principles that he stood for, the contributions that he made and also that he has made this great Republic a greater Nation for us to live in.

THE SPIRIT OF THE NATION

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I was very happy to let the gentleman from New York [Mr. RANGEL] go ahead of me to pay tribute to Hamilton Fish, Sr., a great man. I have never had the privilege of meeting him, but he did write me when I first came to the Congress and congratulated me and I was very interested in all the remarks of both the gentleman from New York [Mr. RANGEL] and the gentleman from New York [Mr. GILMAN] and what they had to say about him.

Mr. Speaker, I support our actions in Operation Desert Storm, I have been concerned about the fate of small children who have both parents serving in that theater of war.

Last week I was in touch with Spec. Sara Davis Waters, an inactive reservist, who has been called to serve in Saudi Arabia. She is willing to serve, but the problem is that Sara's husband is already in Saudi Arabia and her daughter, Christina, is just 2 years old.

Since reading Sara's story I have talked with officials at the Pentagon and the White House. Yesterday the Pentagon notified my office that they were calling the units involved in the call up of the Reserves to refresh their memory of the guidance for options of ready reservists. Yesterday, they stated all the units would be informed by 1 o'clock. I am very pleased they are doing this and hope it will relieve stress in many families.

Through this experience of Specialist Waters I also have learned just what is happening to women in the service who happen to have young children or to those who are now pregnant. It is not a good story in a kinder and gentler nation.

For instance, I was told about three young women with tiny tots—and when I say tiny—I am referring to babies just a few weeks old. In these cases, the fathers of the children were also in Saudi Arabia. In each case the young women were told that within another month they would be sent to Saudi Arabia. One women was sent back from Saudi Arabia and told that she would return to the war front immediately after the birth of her baby.

As I listened to these stories I wondered what has happened to the compassionate heart of this country. We talk about a kinder gentler nation—but deploying both parents of small children to a war theater in Saudi Arabia is wrong.

When we had a draft during World War II, we had a policy not to draft the sole provider in a family—nor to allow members of a family to be assigned together after the five Sullivan brothers from Nebraska were killed in 1942 on the U.S.S. *Juneau*. There were other measures as well designed to protect family units.

During the Korean police action, we followed the same policy and we did the same thing in Viet Nam. It seems to me those guidelines should not change just because we have an all volunteer army. To the contrary, we should be even more considerate with volunteers. We push volunteerism, and with it we should be pushing harder to protect our children. Volunteerism does not change the need to provide the optimum support for those troops in the field by making certain their children are provided for.

How can a man do a good job in battle when he knows his wife is also there and his children are at home with friends, family or total strangers?

In practical terms—just how much will it cost a nation in the future for the traumas of childhood that these small children suffer now?

Everyday our newspapers and magazines are full of do's and don'ts of how to treat children and people—the talk shows are filled with this fare. Why not avoid these traumas—and keep one parent serving in the States?

I did learn that if both parents are in a war theater and one is killed—that the military will deploy immediately the other parent back to the States. Obviously, this policy reflects the awareness that a child should at least have one parent. Then why not recognize that need up front—and keep one parent in the States?

Just who is responsible for such a policy? It is the Pentagon. For that reason I am calling on Secretary of Defense Dick Cheney and those responsible for directives in the Pentagon to:

One, look at each case of deployment of both parents of young children to Saudi Arabia.

Two, change the policy about the deployment of members of one family in the same theater of war.

Three, change the policy of sending the last in line in a family to combat.

There are other reasons why this policy should be changed—but to me it is important that if we are a kinder gentler nation—that we protect our future by protecting our small children. They need to have at least one parent.

Just what would a change in the policy mean? It would simply mean that as a nation we are concerned about our future—about the families of this Nation.

The reason I am concerned about both parents with children being deployed to Saudi Arabia is simple.

War always has been a watershed in the lives of women. As men's lives changed so did women's. They were launched into activities and business outside the home after the Civil War. Women used their executive talents and established day nurseries and kitchen gardens as a forerunner of vocational education. They became clerks and worked in any industry you could think of.

By 1917 the Women's Land Army was created by the Government to help in the World War I effort. Women worked on farms, and by 1918 there were 15,000 women placed by the Government in 20 States to raise agricultural products.

After the war the Government decided women were an industrial economic asset. The Government at that time began to open doors for women to work.

Again war was a watershed for women. Women worked in factories and jobs for the war effort. In World War II women also served in all the branches of the service and ferried planes to England.

The WAVES and WACS beckoned to young women to serve their country. They were prisoners of war—and they did any job that was asked of them. Some of them dying in camps and at the front along with the men.

These young modern women of today are no different than the women who have been the backbone of this country since it was settled. Today, young women like Spec. Sara Waters are trying to do two tough jobs at a time.

They are serving their country—willing to carry a gun and do what is asked of them and taking care of their family. Don't forget one of the prisoners of war currently is a woman.

Women have worked very hard for every advance they have made in jobs, both in the service and in business. They should not be denied opportunity, but it should be recognized that they are doing two jobs. One at soldiering and, one providing for their family.

I have not forgotten, nor have you, that women are the guardians of the Nation's spirit. Each parent has a role to fulfill in the family. It is through the women of the family—sometimes the father that the traditions and values of our Nation are passed along. In that respect they are filling a traditional role that is unchanged since the dawn of civilization.

Women's lives always have changed in relation to men. First we started out in a cave and progressed from there. As men expanded their sphere of life—women's sphere changed too.

Now instead of searching for food and providing protection with a club we are buying food at the corner grocery and protecting the family with high tech weapons. Women are doing exactly the part that has always been expected of them.

I am very proud of these young women and I admire Spec. Sara Waters who understood this need for young women today and was willing to speak up about it. She is the fine tradition of women as are all the women who are serving in the military.

It is time that the Pentagon and Secretary Cheney act to change the policy to make it possible for these young women to continue to fulfill their role to their children and to their country. They are willing to serve—but both parents should not be deployed to a theater of war.

This country always has been a beacon of freedom and opportunity to people all over the world. I am a first generation Serbian. My parents came to this country for opportunity—as did many of my colleagues and/or their parents or grandparents. Each came for opportunity for his/her family.

This issue is an issue of parents and families. It strikes at the very spirit of America's strength in protecting the family. If we are not careful our children will be the true victims of this war. This policy must be changed.

WOMEN AT WAR

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House the gentlewomen from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Mr. Speaker, first I would commend the gentlewoman from Maryland [Mrs. BENTLEY] for her special order and to say that, coming from the ninth District of Ohio, I have personally spoken with women, some of whom are pregnant at the present time, and once the baby is born they are given 4 weeks to go back to Saudi Arabia while their husband is deployed in the same theater.

Mr. Speaker, I support the gentlewoman's efforts to try to get the Secretary of Defense to take this very serious matter into consideration. These women are willing to serve, but why should both the husband and wife, with a young child like that, be deployed in the type of environment?

I think it goes to the heart of what we think about family in this country, and I want to compliment the gentlewoman from Maryland on her special order today.

□ 1450

LESSON FOUR: WAR AND OIL

Ms. KAPTUR. Mr. Speaker, I have been coming to this floor now for several days to talk about the lessons of history, and I would like to entitle my remarks this afternoon as "Lesson Four: War and Oil," how oil and the Balkanized politics of the Middle East have time and time again drawn the United States near and now actually into armed conflict.

This story is a very old story, over three decades old and the themes are very predictable. The story goes like this:

We are told time and again by clear-sighted experts that the unstable nature of the Middle East politics and our dependency for Middle East oil do not mix. Like prophets coming down from the mountaintop, these clear-sighted thinkers tell us war is coming if we do not watch out.

Time and time again they tell us that our consuming demand for cheap oil coupled with Arab nationalism and Israel do not mix well. "The free floating contradictions and conflicting interests in Arab society emerge."

Their warnings are ignored and the predictable war erupts. The instability in the oil markets caused by the war in the Middle East, the so called oil shocks sends our economy into a recession.

Think back with me. First, the 1973 recession, then 1978 recession and 1979, and now in 1990 and 1991, all tied to oil, imported oil.

The story goes on. The war, which is usually between the Arabs and Israel, is brought to a halt through the combined influence of the United States and the Soviet Union.

With the war at an end there is generally a great flurry back here at home for energy independence, for a new national energy strategy. As well, there is usually a great flurry of diplomatic activity about once and for all resolving the issues of Israel's security needs and the demand for a solution to the Palestinian issue.

But despite the warnings and plenty of history to back it up, and despite all the wars, and despite all of the flurry of general activity, which is generally halted, nothing fundamentally changes.

Oil remains cheap, in comparison to the rest of the world, so we Americans guzzle away.

The politics of the Middle East sinks back into the quagmire of Arab and Israeli politics with the United States trying to balance both sides against each other with really little overall success.

And, so America comfortably forgets. We get a case of diplomatic amnesia. We forget our history. And, then once again the clear-sighted thinkers come down from the mountaintops, come before congressional committees and once again tell us that trouble is coming—that war will erupt—that the linkage between our dependency of Middle East oil and Arab nationalism is kept burning because of the Palestinian issue and Israel's need for secure and safe borders will once again draw us into war.

That is the story. A very old story. In fact, it's been rerun many times. A very predictable story. Here, for example is an editorial that I choose to read that was places in the CONGRESSIONAL RECORD during energy policy hearings held in May 1973, 5 months before was erupted again in the Middle East and America felt its first great oil shock, in 1973. Let me read it:

U.S. ENERGY CRISIS IS MAKING WAR THINKABLE AGAIN

(By Dr. H. Peter Metzger)

War, as a solution to the problem of diminishing resources, has had a long history. If the spoils of war appear to be sufficient compensation for the risks involved, politicians have always been able to promote war as an honorable policy.

Lately, however, that's been harder to do. The atomic bomb has increased the risk of war immeasurably. The stresses that cause friction between nations have become ideological rather than physical. People whose bellies are full are harder to talk into a war.

But that's all changing now. Our society is about to confront its first serious physical shortage in modern times: A crisis in the supply of cheap energy.

And no wonder, in the last 30 years, man has used up more energy than he had in all of history prior to 1940. Americans, 6 percent of the earth's population, consume 33 percent of all the world's energy—an amount expected to triple in another 30 years.

While many different solutions have been proposed, there is general agreement that within a very few years the energy demand in America will reach a degree unmatched before in peacetime.

The big question is this: How long will America or the other Western nations for that matter, tolerate the loss of the many energy consuming conveniences and pleasures we have come to regard as our birthright?

When the crunch comes, America and the West are bound to cast a conscious eye on Arab oil. Not only is most of the world's oil in the Middle East, but much of the world's money is on its way over there too, to pay for it all.

Arab oil has doubled in price since 1970. In less than 10 years, Arab income will exceed more than the combined profits of the 500 largest American industrial corporations today.

The amount of money that the Arab nations receive from the sale of oil, greater than the combined profits of our Fortune 500 companies.

With relatively little to spend it on at home in their own land, Arab billions will be invested elsewhere. One of their more obvious projects is to finance a massive war with Israel. That threat alone is enough to ensure increasing unrest in the Middle East. But there is another worry.

When the U.S. superpower is stressed sufficiently, starving for energy and watching its dollar deteriorate, it is not likely to accept its fate passively. War becomes thinkable again.

But war too has changed. New developments in weapons have made even atomic war more acceptable—to the militarist at least.

Our newest is a laser-lighted nuclear fusion bomb. Ordinary atomic bombs are too powerful and dirty to be used for anything other than nuclear blackmail. The new variety produces none of the nasty fission byproducts associated with radioactive fallout. Also, more manageable sizes can be produced; enough say to wipe out a small city without harming neighboring oil production facilities.

Furthermore, so little radioactivity [tritium] is produced by the blasts contemplated, that it's conceivable that the fallout blown across international borders would be too low to measure. If so, such blasts would not be in violation of the Nuclear Test Ban Treaty, thereby creating greater incentive for their use.

Planners have already worked out several game plans for such a war. For example, there are thousands of American technicians and their families, living in "American" towns in the oil rich areas of the Middle East. One scenario calls for those Americans to be unjustly attacked by a ruthless local population thereby justifying American intervention. That same method was used to justify the German occupation of the Sudentenland in 1938.

Trial balloons for a Middle East war have already been sent aloft. Elmer Renneit, assistant director of the U.S. office of Oil and Gas of the U.S. Department of Interior, said last month, "If our dependency on foreign oil becomes so great, or our control in foreign policy and international influence declines the alternative could be to send an expeditionary force to the Middle East that could make Vietnam seem like a picnic."

But as likely as it appears, war is not inevitable. America has several hundred years of coal reserves left, not to mention many more exotic alternatives to oil. The trouble is that the massive programs required to make those sources more available have so far received only token support from the federal government. In that connection, President Nixon's recent energy message was very shortsighted. Not only would those aimless efforts continue, but even greater reliance would be placed upon oil imports.

That too, of course, could change very quickly, once the electorate runs out of gas for their automobiles.

□ 1500

Listen to these words again, from 1973: "If our dependency on foreign oil becomes so great, or our control in foreign policy and international influence declines * * * the alternative could be to send an expeditionary force to the Middle East that could make Vietnam seem like a picnic."

I do not think we have another Vietnam on our hands, Mr. Speaker, but the words are more than prophetic. We were told our future. We chose not to find a new way of coming to terms with this vexing problem.

Today, Daniel Yergin, one of America's most well-informed energy experts, told us the same story in different terms in an article he wrote in 1988, entitled "Energy Security in the 1990's."

In this article, Mr. Yergin asked the key question, "Are the seeds now being planted for revived problems in the next decade?" Or have we learned from the "harsh experience of the 1970's" that we can now look forward to a decade of energy stability?

Mr. Yergin lays out for us the economics of oil in the 1990's. He tells us in clear terms that new pressures are building—how U.S. imports, "having hit bottom in 1985 at 25 percent of total consumption, have risen sharply since." That imported oil, at least in 1988, was at a new high of 36 percent, and today as I speak 55 percent of all we consume is imported.

Mr. Yergin also tells us that much has changed since 1973 that should give us some sense of oil stability. He describes how oil production is far more diversified, how energy efficiency has made its mark here at home, how the West has built up an oil reserve, and how oil has lost a significant share of the total world energy market, down from 54 percent in 1973 to approximately 44 percent as we enter the global world of the 1990's.

But having described how a "security margin" has been built up, Yergin points out that the United States has been on an upward spiral in our demand for Middle East oil, and that over half of all the world's "surplus production capacity" is in the gulf. In fact, 65 percent of surplus oil is in the gulf.

So Yergin poses the question, "Do growing imports make the United States more vulnerable?" He does not answer the question. I think every American should answer that question for himself or for herself. The growing imports make the United States more vulnerable.

Yergin points out that the structural changes in the world oil market, what he defines as "downstream integration" by producing countries like the Middle Eastern countries lends itself to some sort of energy stability.

Put simply, producing countries like Kuwait and Saudi Arabia have been adopting all the hallmarks of a traditional integrated oil company. They were becoming "significant international refiners and marketers" with the emphasis on marketing. Kuwait, for example, had moved from the simple production of oil to the direct control of oil marketing with its purchase of 1,000 gas stations in Western Europe. And Texaco and Saudi Arabia had in 1988 developed in principle an agreement to establish a joint venture to "take over Texaco's refining and marketing operations in 23 States in the United States." In short, these producing nations were attempting to assure their "security of demand."

That investment occurred so slowly and it happened so quickly that it missed the average American's attention. It has not been written about on most front pages of our major dailies across the country because it has been a slow, progressive purchase of the underbelly of America.

This, Mr. Yergin notes, is a plus for energy security but only if the "commercial logic" that drives this decisionmaking can withstand being "tested and buffeted by politics. After all, these new integrated entities are state-owned flagship companies."

In the Middle East, Saudi Arabia owns Aramco, and Kuwait owns the Kuwait Petroleum Co., et cetera.

Mr. Yergin points out that there could be turmoil in some producing countries, and others could have political rifts with the consuming countries like the United States in which their outlets are located. This, as we know, has now come to pass.

In addition, Mr. Yergin notes that energy security and stability can only be assured if we adopt a real long-term energy security strategy, that we slow oil imports, that we strengthen our domestic oil and gas industry, that we increase natural gas use, that we promote energy efficiency, that we support research and development for cleaning up coal and producing clean fuels like methanol off of that coal, that we develop alternative fuels like hydrogen and like reprocessing our nuclear waste, supporting agricultural fuels development in ethanol, and using the products of our fields, that we continue building up our strategic petroleum reserve, and that we ensure competitive markets.

All these points are well taken and must be explored and enacted by this Congress. A visionary President would help lead this Nation in that effort.

This Nation cannot afford to win the war and lose the peace, especially the peace here at home. We can only win the peace if we start, even as this war unfolds, to deal in real terms with the twin issues that have caused us to get into the war today—our consuming demand for cheap imported oil from the Middle East and our inability to once and for all find a solution to Israel's security needs, as well as a Palestinian homeland.

THE LINK-UP-FOR-LEARNING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 10 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to announce the introduction of an important bill designed to improve our Nation's ability to educate at-risk youth.

It is a tragic fact that large numbers of children in America are growing up under conditions which create the very real danger of academic failure.

More than 20 percent of our Nation's children are living in poverty. Almost half of all children and youth live in a single-parent family for part of their lives. High proportions of disadvantaged and minority children are with teenage mothers who are struggling to fulfill academic programs themselves or have been forced to abandon hope.

Many of our Nation's children suffer from the effects of inadequate nutrition and health care. Some are victims of homelessness or violence. Still others have fallen victim to alcohol or drug abuse. And many are children of recent immigrants who face language and other barriers to educational success.

At the same time that the population of at-risk youth is growing, the Nation's support system for these children is eroding. For instance, 40 percent of eligible children do not receive free or reduced-price lunches or benefit from food stamps. As many as 25 percent of our Nation's children are not covered by health insurance, and only 20 percent of those in need are accommodated in public housing.

Moreover, existing services for at-risk youth are fragmented, expensive, overregulated, ineffective, and duplicative. School personnel and other support service providers often lack knowledge of and access to available services for at-risk students and their families. Providers are constrained by bureaucratic obstacles and have few resources or incentives to coordinate services for these youth.

These facts are indicative of a national crisis in the making. Unless we respond to the needs of at-risk youth now, we will pay the price as a nation later. Our at-risk youth will continue to fail in school at an alarming rate, and our Nation will pay the price in the costs of remedial education and job training, lost productivity, reduced competitiveness, and increased spending on our criminal justice system.

The link-up-for-learning bill, which I am introducing today, seeks to address these serious problems by enhancing the effectiveness of educational support services for at-risk youth. It does so by providing resources to link together our Nation's families with schools and community social service agencies in an effort to provide overall coordination of services for at-risk youth. By uniting parents, educators, and social service providers in addressing these problems in a comprehensive fashion, we can make significant progress in improving educational programs for these children. We can also better ensure that the billions of dollars we invest in elementary and secondary education are not undermined by shortcomings in the environments in which children are raised.

The link-up for learning bill calls for the establishment of a demonstration grant program in the Department of Education to encourage a coordinated approach to the provision of educational support services for at-risk youth. Local school districts collaborating with a public social service agency or a consortium of agencies will be eligible to receive grants under this program, so long as the local school district is also eligible to receive chapter I funds for disadvantaged students. Participating school districts will be able to select any eligible school, grade level, or program area for the establishment of coordinated educational support services for at-risk youth.

Local education agencies receiving grants under this act may use the funds for coordinating, expanding, and improving such school-based or community-based services as: Child nutrition and nutrition education; health education, screening, and referrals; student and family counseling; substance abuse prevention; remedial programs; before and after school care; tutoring; mentoring; special curricula; family literacy; parent education and involvement activities; and other appropriate services cited in the bill.

In addition, funds may be used to develop a coordinated services program for at-risk youth to increase their access to community-base support services, such as: Foster care and child protective services; child abuse services; recreation; juvenile delinquency prevention and court intervention; and job training and placement.

In addition to using funds for increased coordination and of access to support services, school districts may also use grant funds to facilitate interagency collaboration, coordinate case management, and train staff in the participating agencies. Special consideration will be afforded to school districts which have a particularly high proportion of at-risk students, and to achieving geographical distribution of awards.

Finally, the bill creates a Federal interagency task force to facilitate interagency collaboration at the Federal, State, and local level, and it directs the Secretary of Education to conduct a study of funded projects and make recommendations to Congress to improve the coordination of educational support services.

The bill authorizes $50 million for link-up for learning demonstration grants in fiscal year 1992, and such sums as are necessary in fiscal years 1993 and 1994.

The impetus for this bill comes from the National School Boards Association [NSBA], members of which have experienced firsthand the severe difficulties faced by local schools in responding to the compelling needs of at-risk youth. The NSBA understands that we must bring together parents, educators, and social service providers if we hope to overcome the myriad problems facing at-risk youth today.

This bill is the product of the NSBA's experience on the front lines in responding to the crisis facing at-risk youth. They have recognized the severe impediments to success that are posed by today's system of fragmented services, and the concept which they have proposed and which is embodied in this legislation will go a long way toward achieving success in educating America's most troubled youths.

In particular, I would like to thank the president of the NSBA, Ms. Martha Fricke, and the executive director, Thomas Shannon, for their assistance in drafting this proposal, and I would like to commend all of the members of this organization for their commitment to improving the educational performance of all American children, including at-risk youth.

I would also like to note that this bill is intended as a discussion document. It seeks to call attention to the desperate need for improved coordination in the provision of services for at-risk youth—a subject which must be addressed if we are to succeed in preparing these children to become productive members of society.

However, some provisions of the bill will no doubt be revised in light of upcoming hearings in the Education and Labor Committee on the problems facing the American education system today, and other comments and suggestions. I invite all interested parties to comment on the specific provisions of the bill and to offer additional suggestions on the specific means which should be used to improve and coordinate services for our Nation's at-risk youth.

Mr. Speaker, the issue of educating at-risk youth is among the most important issues facing education today. I believe that the concept embodied in the linkup for learning bill, which calls for a coordinated effort on the part of parents, educators, and social services agencies in responding to the needs of at-risk students, can help dramatically improve educational success on the part of at-risk students. This, in turn, will reap benefits for our entire society in increased productivity, enhanced competitiveness, and reduced spending on social services.

I urge all of my colleagues to join in this effort to improve our Nation's educational report card by cosponsoring the linkup for learning bill. A copy of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Link-up for Learning Demonstration Grant Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Growing numbers of children live in an environment of social and economic conditions that greatly increase their risk of academic failure when they become students.

(2) More than 20 percent of the Nation's children live in poverty while at the same time the Naton's infrastructure of social support for children of poor families has greatly eroded; for example, 40 percent of eligible children do not receive free or reduced price lunches or benefit from food stamps, 25 percent are not covered by health insurance, and only 20 percent are accommodated in public housing.

(3) Many at-risk students suffer the effects of inadequate nutrition and health care, overcrowded and unsafe living conditions and homelessness, family and gang violence, substance abuse, sexual abuse, and child abuse, involuntary migration, and limited English proficiency that often create severe barriers of learning the knowledge and skills needed to become literate, independent, and productive citizens.

(4) Almost half of all children and youths live in a single parent family for some period of their lives, greatly reducing parental involvement in their education.

(5) High proportions of disadvantaged and minority children are with never married mothers or teenage mothers, greatly limiting the resource available for early childhood development and education.

(6) Large numbers of children and youths are recent immigrants or children of recent immigrants with limited English proficiency and significant unmet educational needs.

(7) Services for at-risk students are fragmented, expensive, overregulated, often ineffective and duplicative, and focused on narrow problems and not the needs of the whole child and family.

(8) School personnel and other support service providers often lack knowledge of the access to available services for at-risk students and their family in the community, are constrained by bureaucratic obstacles from providing the services most needed, and have few resources or incentives to coordinate services.

(9) Service providers for at-risk students such as teachers, social workers, health care givers, juvenile justice workers and others are trained in separate institutions, practice in separate agencies, and pursue separate professional activities that provide little support for coordination and integration of services.

(10) Coordination and integration of services for at-risk students emphasizing prevention and early intervention offer a great opportunity to break the cycle of poverty that leads to academic failure, teenage parenthood, leaving school, low skill levels, unemployment, and low income.

(11) Coordination of services is more cost effective for schools and support agencies because it reduces duplication, improves quality of services, and substitutes prevention for expensive crisis intervention.

SEC. 3. PURPOSES.

(a) IMPROVEMENT OF STUDENT PERFORMANCE.—It is the purpose of this Act to establish a program of grants to local educational agencies to improve the educational performance of at-risk students by—

(1) removing barriers to their learning;

(2) coordinating and enhancing the effectiveness of educational support services;

(3) replicating and disseminating programs of high quality coordinated support services;

(4) increasing parental educational involvement;

(5) improving the capacity of school and support services personnel to collaborate;

(6) integrating services, regulations, data bases, eligibility procedures, and funding sources whenever possible; and

(7) focusing school and community resources on prevention and early intervention strategies to address student needs holistically.

(b) COORDINATION.—It is also the purpose of this Act to provide assistance to foster planning, coordination, and collaboration among local, county, State, and Federal educational and other student support service agencies and levels of government, nonprofit organizations, and the private sector to improve the educational performance of at-risk students by—

(1) identifying and removing unnecessary regulations, duplication of services, and obstacles to coordination;

(2) improving communication and information exchange;

(3) creating joint funding pools or resource banks;

(4) providing cross-training of agency personnel; and

(5) increasing parental and community involvement in education.

SEC. 4. ELIGIBILITY.

(a) COORDINATED SERVICES.—A local educational agency that seeks to plan and implement a coordinated services program for at-risk students with at least 1 other cooperating public agency is eligible to apply.

(b) COORDINATING SUPPORT SERVICES.—A consortium, including at least 1 local educational agency and 1 cooperating public service agency, formed for the purpose of coordinating support services for at-risk students is eligible to apply.

(c) COOPERATING AGENCIES.—Nonprofit organizations, institutions of higher education, and private enterprises with experience or expertise in providing services for at-risk students may also participate as a cooperating agency with a local educational agency or consortium in developing, operating, or evaluating programs assisted under this Act.

(d) HEAD START AGENCIES.—A local educational agency that is receiving assistance under the Head Start Transition program shall also be eligible for assistance under this Act if it meets the requirements under subsection (a) or (b) and the cooperating public agency is in addition to a local Head Start agency.

(e) LIMITATION.—A local educational agency shall not be eligible to apply unless it is eligible to receive financial assistance under chapter 1 of the Elementary and Secondary Education Act of 1965.

SEC. 5. TARGET POPULATION.

(a) ELIGIBLE STUDENTS.—Educationally deprived students, in chapter 1 eligible schools or students in chapter 1 schoolwide projects, and their family members, may receive services provided by a project funded under this Act.

(b) ELIGIBLE SCHOOLS, GRADES, AND AREAS.—An eligible local educational agency may select any school, grade span, or program area for project services providing the requirements of subsection (a) are met and the project design is of adequate size, scope, and quality to achieve project outcomes.

SEC. 6. AUTHORIZED USES OF FUNDS.

Local educational agencies receiving grants under this Act may use the funds to—

(1) plan, develop, coordinate, acquire, expand, or improve school-based or community-based education support services through cooperative agreements, contracts for services, or direct employment of staff to strengthen the educational performance of at-risk students; education support services may include but are not limited to child nutrition and nutrition education; health education, screening and referrals; student and family counseling, substance abuse prevention; extended school-day enrichment and remedial programs; before and after school child care; tutoring; mentoring; homework assistance; special curricula; family literacy; and parent education and involvement activities;

(2) plan, develop, and operate with other agencies a coordinated services program for at-risk students to increase their access to community-based social support services including but not limited to child nutrition, health and mental health services; substance abuse prevention and treatment; foster care and child protective services; child abuse services; welfare services; recreation; juvenile delinquency prevention and court intervention; job training and placement; community-based alternatives to residential placements for handicapped students; and alternative living arrangements for students with dysfunctional families;

(3) develop effective strategies for coordinated services for at-risk students whose families are highly mobile;

(4) develop effective prevention and early intervention strategies with other agencies to serve at-risk students and families;

(5) improve interagency communications and information-sharing including developing local area telecommunications networks, software development, data base integration and management, and other applications of technology that improve coordination of services;

(6) support colocation of support services in schools, cooperating service agencies, community-based centers, public housing sites, or other sites nearby schools including rental or lease payments, open and lockup fees, or maintenance and security costs necessary for the delivery of services for at-risk students;

(7) design, implement, and evaluate unified eligibility procedures, integrated data bases, and secure confidentiality procedures that facilitate information sharing;

(8) provide at-risk students with integrated case planning and case management services through staff support for interagency teams of service providers or hiring school-based support services coodinators;

(9) subsidize the coordination and delivery of education-related services to at-risk students outside the school site by a participating service agency such as a public housing authority, library, senior citizen center, or community based organization;

(10) provide staff development for teachers, guidance counselors, administrators, and participating agency support services staff including cross-agency training in service delivery for at-risk students;

(11) plan and operate 1-stop school-based or nearby community-based service centers to provide at-risk students and their families with a wide variety and intensity of support services such as information, referral, expedited eligibility screening and enrollment, and direct service delivery; and

(12) support dissemination and replication of a model coordinated educational support services program to other local educational agencies including materials and training.

SEC. 7. APPLICATION REQUIREMENTS.

An applicant seeking assistance under this Act shall submit an application that provides evidence of—

(1) the degree of need for a coordinated services plan among the students of the local educational agency;

(2) the expected improvement in educational outcomes for at-risk students served by the program;

(3) a plan for assessing educational and other outcomes of support services by each cooperating agency providing support services;

(4) participation of a coordinated services program advisory council in the development of the application which council shall consist of the head of each cooperating support services agency, a member of the local board of education and the superintendent of schools or their designees, representatives of parents, students, and the private sector;

(5) a plan for improving the educational achievement of at-risk youth through more effective coordination of support services, staff development and cross-agency training, and the educational involvement of parents;

(6) a plan for continuing support services when Federal assistance is terminated; and

(7) capacity to serve as a model that could be replicated by other local educational agencies.

SEC. 8. SPECIAL CONSIDERATIONS.

In making an award under this Act, the Secretary shall give special consideration to—

(1) the geographic distribution of awards, including urban and rural districts;

(2) districts with high proportions of at-risk students;

(3) plans that include interagency teams of collaborators to provide case management services; and

(4) districts that experience a significant increase in the number of at-risk students.

SEC. 9. REVIEW OF APPLICATIONS.

The Secretary of Education shall coordinate review of applications with the Secretary of Health and Human Services and the Secretary of Housing and Urban Development as appropriate.

SEC. 10. DURATION.

Grants under this Act may be for up to 3 years duration subject to providing the Secretary with evidence of satisfactory progress toward the achievement of program objectives.

SEC. 11. LIMITATIONS.

(a) FEDERAL SHARE.—Federal funds may be used for no more than 80 percent of the costs of the project with the remaining funds coming from non-Federal sources, including inkind services.

(b) LIMITATION ON LIABILITY FOR COSTS.—In no case may a local educational agency be held liable for the cost of a service under the project provided by a cooperating agency that is not required by law or mutually agreed to.

(c) NONENTITLEMENT.—The provision of any support service under this program by a local educational agency or cooperating agency to any student does not entitle that student or other similarly situated students to the continuation of such services if at any time the local educational agency chooses to terminate the program or if Federal funds are withdrawn for any reason.

(d) LIMITATION ON PLANNING COSTS.—No more than ⅓ of project funds may be used for planning a coordinated services program.

(e) LIMITATION ON DELIVERY OF DIRECT SERVICES.—No more than 50 percent of project funds may be used for the delivery of direct services.

(f) SUPPLEMENTATION OF NON-FEDERAL FUNDS.—All Federal funds must be used to supplement and not supplant the funds that would otherwise be available from non-Federal sources for this project.

SEC. 12. FEDERAL INTERAGENCY TASK FORCE.

There is established a Federal Interagency Task Force consisting of the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Health and Human Services, and the heads of other Federal agencies, as appropriate, for the purpose of identifying means to facilitate interagency collaboration at the Federal, State, and local level to improve support services for at-risk students. The Task Force shall, at a minimum—

(1) identify, and to the extent possible, eliminate program regulations or practices that impede coordination and collaboration;

(2) develop and implement whenever possible plans for creating jointly funded programs, unified eligibility and application procedures, and confidentiality regulations that facilitate information sharing; and

(3) make recommendations to the Congress concerning legislative action needed to facilitate coordination of support services.

SEC. 13. STUDY.

The Secretary of Education shall conduct a study of grantees under the Act to identify the regulatory and legislative obstacles encountered in developing and implementing coordinated support services programs and the innovative procedures and program designs developed with support under the Act and report the results to the Congress with recommendations for further legislative action to facilitate coordinated educational support services.

SEC. 14. AUTHORIZATION OF FUNDS.

There are authorized to be appropriated to carry out the provisions of this Act $50,000,000 for the fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 and 1994.

APPOINTMENT AS MAJORITY MEMBERS AND MINORITY MEMBERS OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER. Pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair appoints as majority members of the Permanent Select Committee on Intelligence the following members of the House:

Mr. MCCURDY of Oklahoma, chairman; Mr. WILSON of Texas; Mrs. KENNELLY of Connecticut; Mr. GLICKMAN of

Kansas; Mr. MAVROULES of Massachusetts; Mr. RICHARDSON of New Mexico; Mr. SOLARZ of New York; Mr. DICKS of Washington; Mr. DELLUMS of California; Mr. BONIOR of Michigan; Mr. SABO of Minnesota; and Mr. OWENS of Utah.

Pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair appoints as minority members of the Permanent Select Committee on Intelligence the following members of the House:

Mr. SHUSTER of Pennsylvania; Mr. COMBEST of Texas; Mr. BEREUTER of Nebraska; Mr. DORNAN of California; Mr. YOUNG of Florida; Mr. MARTIN of New York; and Mr. GEKAS of Pennsylvania.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEISS of New York (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, today.

Mr. PICKLE, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 10 minutes, today.

Mr. HOAGLAND, for 5 minutes, on February 6.

Mr. RICHARDSON, for 5 minutes, on February 6.

Mr. ANDREWS of New Jersey, for 5 minutes, on February 6.

Mr. STOKES, for 60 minutes, on February 27.

Mr. GONZALEZ, for 60 minutes each day, on February 6, 19, 21, 25, and 28.

(The following Member (at the request of Mrs. BENTLEY) to revise and extend his remarks and include extraneous material:)

Mr. HANCOCK, for 5 minutes, on February 6.

(The following Member (at the request of Mr. RANGEL) to revise and extend his remarks and include extraneous material:)

Mr. PICKLE, for 5 minutes, on February 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PAXON) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. GRADISON.

Mr. YOUNG of Alaska.

Mr. CONTE.

Mr. RHODES.

Mr. LEWIS of California in two instances.

Mr. MCDADE.

Mr. KYL.

Mr. SLAUGHTER of Virginia in two instances.

Mr. HORTON.

Ms. SNOWE.

Mr. SUNDQUIST.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. TORRES.

Mr. FOGLIETTA.

Mr. YATRON.

Mr. DYMALLY.

Mr. STARK in two instances.

Mr. MINETA.

Mr. PANETTA.

Mr. MILLER of California.

Mr. RAHALL.

Mr. DELLUMS.

Mr. RICHARDSON.

Mr. GLICKMAN.

BILL PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On February 4, 1991:

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 6, 1991, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

573. A letter from the Administrator, National Aeronautics and Space Administration, transmitting determination that it is in the public interest to use other than competitive procedures for the advanced solid rocket motor [ASRM] nozzle, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Appropriations.

574. A letter from the Chief, Program Liaison Division and Office of Legislative Liaison, Department of the Air Force, transmitting a report on the Department's programmed actions affecting installations and activities; to the Committee on Armed Services.

575. A letter from the Secretary of the Air Force, transmitting a report on the Department's examination of its management headquarters and support structure and major initiative to reorganize and reduce overhead and support organizations; to the Committee on Armed Services.

576. A letter from the Director, Office of Management and Budget, transmitting a report on compliance with the Budget Enforcement Act of 1990, OMB's cost estimate for pay-as-you-go calculations on providing tax relief for Desert Shield/Storm participants; to the Committee on Government Operations.

577. A communication from the President of the United States, transmitting notice of his intention to add Chile to the list of beneficiary developing countries under the Generalized System of Preferences [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 102–37); to the Committee on Ways and Means and ordered to be printed.

578. A communication from the President of the United States, transmitting notice of his intention to add the Central African Republic, Paraguay, and Namibia to the list of beneficiary developing countries under the Generalized System of Preference [GSP], pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 102–38); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H. Res. 51. A resolution to establish the Select Committee on Hunger, the Select Committee on Children, Youth and Families, and the Select Committee on Narcotics Abuse and Control. (Rept. 102–3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 794. A bill to establish the Connecticut River National Fish and Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

H.R. 795. A bill to establish programs to provide recognition to academic excellence; to stimulate innovation in postsecondary education; to reduce unnecessary regulatory burdens of Federal higher education programs; and to develop a diffusion network for information that will improve postsecondary education programs in the United States; to the Committee on Education and Labor.

By Mr. CAMPBELL of California:

H.R. 796. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions for participants in Operation Desert Storm; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. LENT, Mr. MARKEY, and Mr. RINALDO):

H.R. 797. A bill to amend the Federal securities laws to equalize the regulatory treatment of participants in the securities industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DORNAN of California (for himself, Mr. Hunter, Mr. Lent, Mr. Dannemeyer, Mr. Bartlett, and Mr. Bunning):

H.R. 798. A bill to provide that no Federal financial assistance in any form may be provided to investigate the antiprogesterone steroid—known as RU-486—for approval under the Federal Food, Drug, and Cosmetic Act, to amend the Federal Food, Drug, and Cosmetic Act to require that the labeling of drugs which are derived from materials from a human fetus shall include notice of the source of such materials and the labeling shall be made available to the consumer and the parent or guardian of the consumer, and to regulate the interstate transportation, importation, exportation, and storage of human fetal tissue; jointly, to the Committees on Energy and Commerce, Foreign Affairs, and Ways and Means.

By Mr. DWYER of New Jersey (for himself, Mr. Poshard, Mr. Wilson, Mr. Foglietta, Mr. Kanjorski, Mr. Valentine, Mr. Hansen, Mr. Smith of Florida, Mr. Erdreich, Mr. Bilbray, Mr. Roe, Mr. Horton, Mr. Slattery, Mr. Hughes, Mr. Boucher, Mr. Gaydos, Mr. Jefferson, Mr. Hertel, Mr. Jontz, Mr. Guarini, and Mr. Bevill):

H.R. 799. A bill to ensure that checks to pay benefits under title IV of the Federal Mine Safety and Health Act of 1977 are delivered early if the usual delivery date falls on a Saturday, Sunday, or holiday; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 800. A bill to protect the rights of persons to due process of law and equal protection of the laws in guardianship proceedings; to the Committee on the Judiciary.

By Mr. DWYER of New Jersey (for himself, Mr. Poshard, Mr. Wilson, Mr. Foglietta, Mr. Kanjorski, Mr. Valentine, Mr. Hansen, Mr. Smith of Florida, Mr. Erdreich, Mr. Bilbray, Mr. Roe, Mr. Horton, Mr. Slattery, Mr. Hughes, Mr. Boucher, Mr. Gaydos, Mr. Jefferson, Mr. Hertel, Mr. Jontz, Mr. Guarini, and Mr. Bevill):

H.R. 801. A bill to ensure that checks to pay benefits under the Railroad Retirement Act of 1974 are delivered early if the usual delivery date falls on a Saturday, Sunday, or holiday; to the Committee on Energy and Commerce.

H.R. 802. A bill to ensure that checks to pay annuities under the civil service retirement system and the Federal employee retirement system are delivered early if the usual delivery date falls on a Saturday, Sunday, or holiday; to the Committee on Post Office and Civil Service.

H.R. 803. A bill to amend title 10, United States Code, to ensure that checks for military retired and retainer pay and to pay benefits under the retired serviceman's family protection plan and the survivor benefit plan are delivered early if the usual delivery date falls on a Saturday, Sunday, or holiday; to the Committee on Armed Services.

By Mr. GEKAS (for himself, Mr. Wolf, Mr. Hansen, and Mr. DeLay):

H.R. 804. A bill to amend title 31, United States Code, to provide an automatic continuing appropriation for the U.S. Government; jointly, to the Committees on Appropriations and Rules.

By Mr. GLICKMAN (for himself, Mr. Marlenee, Mr. English, Mr. Roberts, Mr. Campbell of Colorado, Mr. Peterson of Minnesota, Mr. Kopetski, Mr. Smith of Oregon, and Mr. Stallings):

H.R. 805. A bill to restore the effectiveness of the Export Enhancement Program; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. GUARINI (for himself, Ms. Kaptur, Mr. Bonior, Ms. Long, Mr. Fuster, Mr. Traficant, Mr. Moran, Mr. de Lugo, Mr. Smith of Florida, Mr. Pease, Mr. Kanjorski, Mr. Bryant, Mr. Wolpe, Mr. DeFazio, Mr. Kildee, Mr. Campbell of Colorado, Mr. Poshard, Mr. Ford of Tennessee, Mr. Gephardt, Mr. Eckart, Mr. Lehman of Florida, Mr. Ford of Michigan, Mr. Lipinski, Mr. Bilbray, Mr. Lancaster, Mr. Roe, Mr. Zeliff, and Mr. Hughes):

H.R. 806. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; jointly, to the Committees on House Administration and the Judiciary.

By Mr. HORTON:

H.R. 807. A bill to amend the Internal Revenue Code of 1986 to allow individuals to direct that part or all of their Federal income tax refunds be contributed to Operation Desert Storm; jointly, to the Committees on Ways and Means and Armed Services.

By Mr. HUNTER (for himself, Mr. Lowery of California, Mr. Packard, and Mr. Cunningham):

H.R. 808. A bill to authorize the Secretary of the Interior to participate with the city of San Diego, CA, in a water reclamation and reuse study; to the Committee on Interior and Insular Affairs.

By Ms. KAPTUR (for herself, Mr. Wolpe, Mr. Miller of California, Mr. Guarini, Mr. Sharp, Mr. Rangel, Mr. Pease, Mr. Kolter, Mr. Lipinski, Mr. Bilbray, and Mr. Harris):

H.R. 809. A bill to amend chapter 11 of title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising foreign persons for a period of 4 years after leaving Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 810. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and limited deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 811. A bill to reduce rates of pay for Members of Congress to the levels which would currently apply based on the rates which were in effect in 1980, adjusted by the cost-of-living adjustments which have occurred since then under title II of the Social Security Act; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mrs. LOWEY of New York (for herself, Mrs. Morella, and Mr. Andrews of New Jersey):

H.R. 812. A bill to establish a program of grants for the provision of coordinated educational support services to at-risk youth; to the Committee on Education and Labor.

By Mr. McEWEN:

H.R. 813. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage savings for education expenses and home ownership and to provide incentives to increase economic growth; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. Shays, Mr. de Lugo, Ms. Pelosi, Mr. Coleman of Texas, Mr. Moody, Mr. Owens of Utah, Mr. Beilenson, Mr. Frank of Massachusetts, Mr. Synar, Mr. Durbin, Mr. Ravenel, Mr. Horton, Mr. Pallone, Mrs. Boxer, Mr. Jontz, Mr. Lehman of Florida, Mr. Vento, Mr. Stark, Mr. Kostmayer, Mr. Rahall, Mr. Machtley, Mr. McDermott, Mr. Rose, Mr. Gejdenson, Mr. Edwards of California, Mr. Yates, Mr. Poshard, Mr. Faleomavaega, Mr. Mrazek, Mr. Frost, Mr. Kleczka, Mr. Hochbrueckner, Mr. Neal of North Carolina, Mr. Abercrombie, Mr. Levine of California, Mr. Eckart, Mr. Neal of Massachusetts, Mr. Bonior, Mr. Smith of Florida, Mr. Dellums, Mr. Andrews of Texas, Mr. Lewis of Georgia, Mr. Torres, Mr. Peterson of Minnesota, Mr. Brown, Mrs. Meyers of Kansas, Mr. Waxman, Mr. Hertel, Mr. Rangel, Mr. Payne of New Jersey, Mr. Murphy, Mr. Towns, Mr. Udall, Mr. Markey, Mr. Clay, Mr. Johnson of South Dakota, Mr. Bennett, Mr. Guarini, and Mr. Sikorski):

H.R. 814. A bill to amend the Colorado River Storage Project Act to direct the Secretary of the Interior to establish and implement interim operating procedures at Glen Canyon Dam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OBERSTAR (for himself, Mr. Clinger, Mr. de Lugo, Mr. DeFazio, Mr. Lipinski, Ms. Oakar, and Mr. Penny):

H.R. 815. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah (for himself, Mr. Bilbray, and Mr. Wilson):

H.R. 816. A bill to amend the Solid Waste Disposal Act to authorize each State to prohibit the importation of hazardous waste into the State for treatment or disposal; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 817. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that the label or labeling of a food state the specific common or usual name and the amount of each or oil contained in the food, the amount of saturated, polyunsaturated, and monounsaturated fats contained in the food, the amount of cholesterol contained in the food, and the amount of sodium and potassium contained in the food; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 818. A bill to amend title 38, United States Code, to establish a program to provide scholarships to students in mental health professions in return for agreement for subsequent employment with the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 819. A bill to designate an Assistant Secretary of the Department of Veterans Affairs as the Chief Minority Affairs Officer of the Department of Veterans Affairs and to provide for the appointment of Deputy Officers of Minority Affairs of the Department; to the Committee on Veterans' Affairs.

By Mr. RHODES (for himself, Mr. Campbell of Colorado, Mr. Lagomarsino, Mr. Kyl, Mr. Kolbe, and Mr. Stump):

H.R. 820. A bill to provide for the operation of the Glen Canyon Dam to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Parks and Glen Canyon National Recreation Area were established; to the Committee on Interior and Insular Affairs.

By Mr. RICHARDSON:

H.R. 821. A bill to provide for the cancellation of a portion of the direct student loans of members of the Armed Forces who serve in a combat zone in connection with the Persian Gulf conflict and to require the restoration of educational benefits and tuition reimbursement for those members of the Armed Forces who are unable to pursue studies because of military commitments; jointly, to the Committees on Education and Labor, Armed Services, and Veterans' Affairs.

By Mr. RINALDO:

H.R. 822. A bill to amend title 18, United States Code, to provide procedures for the imposition of the death penalty, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA:

H.R. 823. A bill to reform the deposit insurance system, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAWYER (for himself and Mr. Clay, Mr. Roemer, Mr. Wolpe, Mr. Markey, Mr. Scheuer, Mr. Stokes, Mr. Horton, Mr. Lantos, Mr. Stark, Mr. Moody, Mr. Jacobs, Mr. Oberstar, and Mr. Miller of California):

H.R. 824. A bill to provide participants in private pension plans which were terminated before September 1, 1974, the nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. SCHULZE (for himself and Mr. Coyne):

H.R. 825. A bill to amend the Internal Revenue Code of 1986 to allow subchapter S corporations to have foreign sales corporations as subsidiaries; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Gekas, Mr. Coble, Mr. Emerson, and Mr. Bilbray):

H.R. 826. A bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Goss, and Mr. Lewis of Florida):

H.R. 827. A bill to amend title XVIII of the Social Security Act to provide an additional payment under part A of the Medicare Program for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries; to the Committee on Ways and Means.

By Ms. SLAUGHTER of New York (for herself, Mr. Beilenson, Mr. Bryant, Mr. Bustamante, Mr. DeFazio, Mr. Dellums, Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Dwyer of New Jersey, Mr. Frost, Mr. Gordon, Mr. Hochbrueckner, Mr. Horton, Mr. Hughes, Mr. Johnson of South Dakota, Mr. Jontz, Ms. Kaptur, Mr. Lipinski, Mr. Machtley, Mr. Markey, Mr. Moran, Mr. Mrazek, Mr. Olin, Mr. Poshard, Ms. Pelosi, Mr. Serrano, Mr. Torres, Mr. Towns, Mr. Valentine, and Mr. Walsh):

H.R. 828. A bill to amend the Solid Waste Disposal Act to authorize Federal grants for the development of innovative recycling techniques; to the Committee on Energy and Commerce.

By Mr. SLAUGHTER of Virginia:

H.R. 829. A bill to amend title 28, United States Code, to make changes in the composition of the Eastern and Western Districts of Virginia; to the Committee on the Judiciary.

By Mr. STARK (for himself and Mr. Penny):

H.R. 830. A bill to provide for the imposition of economic sanctions on any foreign person that engages in the trade of nuclear equipment and technology under certain circumstances that are prohibited under U.S. law; to the Committee on Ways and Means.

By Mr. STOKES:

H.R. 831. A bill to designate the Owens Finance Station of the U.S. Postal Service in Cleveland, OH, as the "Jesse Owens Building of the U.S. Postal Service"; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H.R. 832. A bill to amend title 10, United States Code, to prohibit the assignment of a member of the Armed Forces who is an only child to a combat-related military occupational specialty without the consent of the member; to the Committee on Armed Services.

By Mr. VANDER JAGT:

H.R. 833. A bill to extend until December 31, 1995, the temporary suspension of duties on certain clock radios; to the Committee on Ways and Means.

H.R. 834. A bill to extend until December 31, 1995, the existing temporary suspension of duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. Morrison, Mr. Thomas of Georgia, Mr. Callahan, Mr. Boehlert, Mr. Tallon, Mr. Martin of New York, Mr. Lancaster, Mr. Ravenel, Mrs. Unsoeld, Mr. Parker, Mr. Hefner, Mr. Spratt, Mr. Swift, Mr. Derrick, Mr. Hayes of Louisiana, Mr. DeFazio, Mr. Davis, Mr. Wilson, Mr. Chapman, Mr. Hatcher, Mr. Harris, Mr. Montgomery, Mr. Rowland, Mr. Gunderson, Mr. McDade, Mr. Ray, Mr. Valentine, and Mr. Olin):

H.R. 835. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to farming activities; to the Committee on Ways and Means.

By Mr. WYDEN (for himself, Mr. DeFazio, Mrs. Unsoeld, Mr. Kopetski, Mr. Morrison, Mr. Miller of Washington, Mr. Chandler, Mr. Riggs, and Mr. Herger):

H.R. 836. A bill to direct the Secretaries of Agriculture and the Interior to conduct a yield and cost study of timber management investment opportunities on Federal timberlands in California, Oregon, and Washington, and for other purposes; jointly, to the Committee on Agriculture and Interior and Insular Affairs.

By Mr. DORNAN of California (for himself, Mr. Hunter, Mr. Doolittle, Mr. Rinaldo, Mr. Armey, Mr. Lent, Mr. Dannemeyer, and Mr. Bunning):

H.J. Res. 106. Joint resolution to amend the Constitution of the United States to protect the right to life; to the Committee on the Judiciary.

By Mr. IRELAND:

H.J. Res. 107. Joint resolution to designate May 1991 as "Motorcycle Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. McDADE (for himself, Mr. Clinger, Mr. Horton, Mr. Staggers, Mr. Bereuter, Mr. Roe, Mr. McNulty, Mr. Martin of New York, Mr. Bustamante, Mr. Wolpe, Mr. Emerson, Mr. McDermott, Mr. Doolittle, Mr. Bateman, Mr. Espy, Mr. Sundquist, Mr. Harris, Mr. Rahall, Mr. Poshard, Mr. Applegate, Mr. Wilson, Mr. Hatcher, Mr. Paxon, Mr. Lightfoot, Mr. Payne of Virginia, Mr. Conte, Mr. Bruce, Mr. Jontz, Mr. Lancaster, Mr. Costello, Mr. Walsh, Mr. de Lugo, Mr. Roberts, Mr. Towns, Mr. Hefner, Mrs. Vucanovich, Mr. Moakley, Mr. Washington, and Mr. Riggs):

H.J. Res. 108. Joint resolution designating September 8, through 14, 1991 as "Rural Small Business Week"; to the Committee on Post Office and Civil Service.

By Mr. MANTON:

H.J. Res. 109. Joint resolution designating the week beginning May 12, 1991 as "Emergency Medical Services Week"; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.J. Res. 110. Joint resolution designating August 17, 1991, as "Marcus Garvey Recognition Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 111. Joint resolution to authorize and request the President to proclaim July 6, 1991 as Louis "Satchmo" Armstrong Day; a day to observe and commemorate the 91st anniversary of his birth; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H. Con. Res. 59. Concurrent resolution providing for the adjournment of the two Houses; considered and agreed to.

By Mr. RANGEL:

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that the mail fraud charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. Burton of Indiana):

H. Con. Res. 61. Concurrent resolution to encourage the Angolan peace talks; to the Committee on Foreign Affairs.

By Mr. SOLOMON (for himself, Mr. Quillen, Mr. Dreier of California, and Mr. McEwen):

H. Res. 52. Resolution to establish a Committee on Drug Abuse and Control and to abolish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. FORD of Michigan (for himself, Mr. Williams, Mr. Goodling, and Mrs. Roukema):

H. Res. 53. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Education and Labor and the pension reform activities of its Subcommittee on Labor-Management Relations in the first session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H. Res. 54. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Ways and Means in the first session of the One Hundred Second Congress; to the Committee on House Administration.

By Mr. YOUNG of Alaska:

H. Res. 55. Resolution supporting the creation and implementation of "Hope 91," a goodwill dog sled race involving the United States and the Soviet Union; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. SNOWE introduced a bill (H.R. 837) for the relief of Richard W. Ireland; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of February 4, 1991]

H.R. 232: Mr. BREWSTER, Ms. LONG, Mr. ROWLAND, Mrs. PATTERSON, Mr. JONES of Georgia, Mr. APPLEGATE, Mr. PENNY, Mr. JENKINS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, Mr. SLATTERY, Mr. HAMMERSCHMIDT, Mr. BURTON of Indiana, Mr. EVANS, Mr. EDWARDS of California, and Mr. PICKETT.

H.R. 644: Mr. JEFFERSON, Mr. HERTEL, Mr. ESPY, Mrs. LOWEY of New York, Mr. WASHINGTON, Mr. ABERCROMBIE, Ms. PELOSI, Mr. RANGEL, Mr. WAXMAN, Mr. LAGOMARSINO, and Mr. BONIOR.

H.J. Res. 72: Mr. FASCELL, Mr. LANCASTER, Mr. STENHOLM, Mr. APPLEGATE, Mr. QUILLEN, Mr. EVANS, Mr. McDERMOTT, Mr. MICHEL, Mr. DWYER of New Jersey, Mr. NEAL of Massachusetts, Mr. WALSH, Mr. STOKES, Mr. VENTO, Mr. IRELAND, Mrs. MINK, Mr. RAVENEL, Mr. DORNAN of California, Mr. SAXTON, Mr. KOLTER, Mr. MACHTLEY, Mr. BUSTAMANTE, Mr. BLAZ, Mr. KASICH, and Mr. BENNETT.

[Submitted February 5, 1991]

H.R. 11: Mr. MACHTLEY and Mr. SERRANO.

H.R. 78: Mr. BURTON of Indiana, Mr. HASTERT, Mr. PENNY, Mr. SUNDQUIST, Mr. HOLLOWAY, Mr. BENNETT, Mr. PETRI, Mr. WEBER, and Mr. BUNNING.

H.R. 100: Mr. COLEMAN of Texas, Mr. DWYER of New Jersey, Mr. SMITH of Florida, Ms. KAPTUR, Mr. SCHEUER, Mr. ROYBAL, Mr. LEVINE of California, Mr. WALSH, and Mr. MANTON.

H.R. 109: Mr. BUSTAMANTE, Mr. JOHNSON of South Dakota, Mrs. COLLINS of Illinois, Mr. POSHARD, Mr. HORTON, Mr. PICKETT, Mr. WOLF, Mr. JEFFERSON, Mr. HERTEL, Mr. MILLER of Ohio, and Mr. DELLUMS.

H.R. 123: Mr. BARTON of Texas and Mr. STENHOLM.

H.R. 127: Mr. GUNDERSON, Mr. McDADE, Mr. MURPHY, Mr. SHAYS, Mr. ROYBAL, Mr. RAY, Ms. PELOSI, and Mr. PAYNE of Virginia.

H.R. 134: Mr. MOODY, Ms. SLAUGHTER of New York, Mrs. LLOYD, Mr. MADIGAN, Mr. DANNEMEYER, Mr. HUGHES, Mr. EVANS, Mr. TORRES, Mr. LANCASTER, Mr. BACCHUS, Mrs. LOWEY of New York, Mr. COSTELLO, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. ERDREICH, Mrs. JOHNSON of Connecticut, Mr. FORD of Tennessee, Mr. HERTEL, Mr. KOPETSKI, Mr. JOHNSON of South Dakota, Mr. WELDON, Mr. STENHOLM, and Mr. PICKETT.

H.R. 135: Mr. HERTEL, Mr. NOWAK, Mr. BROWN of California, Mr. LUKEN, Mrs. LOWEY of New York, Mr. HUCKABY, Mr. LEHMAN of California, Mr. ABERCROMBIE, Mr. YOUNG of Florida, Mr. MOLLOHAN, Mr. DREIER of California, Mr. BACCHUS, Mr. BERMAN, Mr. WAXMAN, Mr. SUNDQUIST, Mr. THOMAS of California, Mr. BENNETT, Mr. LAGOMARSINO, Mr. BATEMAN, Mr. HERGER, Ms. ROS-LEHTINEN, Mr. BILBRAY, Mr. BUSTAMANTE, Mr. LEWIS of Florida, Mr. PAYNE of Virginia, Mr. ROE, Mrs. BYRON, Mr. SAXTON, Mr. OXLEY, Mr. BEVILL, and Mr. KOSTMAYER.

H.R. 148: Mr. YATES, Mrs. UNSOELD, Mr. OWENS of Utah, Mr. FRANK of Massachusetts, Mr. WILSON, Mr. FALEOMAVAEGA, Mr. SLATTERY, Mr. BOUCHER, Mr. RAVENEL, Mrs. MORELLA, Mr. LIPINSKI, Mr. SMITH of Florida, Mr. FORD of Michigan, Mr. ESPY, Mr. HERTEL, Mr. BROWN of California, Mr. ABERCROMBIE, Mr. WASHINGTON, Mr. WALSH, Mr. BRYANT, Mr. RANGEL, Ms. PELOSI, Ms. DeLAURO, Mrs. SCHROEDER, Ms. OAKAR, Mrs. BOXER, Mr. JEFFERSON, Mr. FOGLIETTA, Mrs. PATTERSON, Mrs. LLOYD, Mr. ROE, Mr. STEARNS, Mr. FORD of Tennessee, Mr. ROYBAL, Mr. EDWARDS of California, Ms. WATERS, Mr. HAYES of Illinois, Mrs. KENNELLY, and Ms. LONG.

H.R. 154: Mr. RAMSTAD.

H.R. 175: Mr. BATEMAN, Mr. PICKETT, Mr. BLILEY, Mr. SISISKY, Mr. PAYNE of Virginia, Mr. SLAUGHTER of Virginia, Mr. MORAN, Mr. BOUCHER, and Mr. WOLF.

H.R. 180: Mr. RAMSTAD and Mr. REED.

H.R. 193: Mr. PICKETT and Mr. SAXTON.

H.R. 232: Mr. RAMSTAD.

H.R. 233: Mr. KILDEE.

H.R. 258: Mr. YOUNG of Florida and Mr. FALEOMAVAEGA.

H.R. 303: Mr. INHOFE, Mr. EMERSON, Mr. BENNETT, Mr. HASTERT, Mr. GUARINI, Ms. SNOWE, and Mr. KOSTMAYER.

H.R. 318: Mrs. MEYERS of Kansas.

H.R. 330: Mr. RINALDO, Mr. MAVROULES, and Mr. FAWELL.

H.R. 481: Mr. ZIMMER, Mr. DE LUGO, Mr. ABERCROMBIE, Mr. RAVENEL, Mr. BACCHUS, Mr. SANTORUM, Mr. FORD of Tennessee, Mr. HUGHES, Mr. CARPER, Mr. PETERSON of Minnesota, Mr. BONIOR, Mrs. LOWEY of New York, and Mr. BUSTAMANTE.

H.R. 519: Mr. BAKER, Mr. HERGER, Mrs. MINK, AND Mr. STENHOLM.

H.R. 524: Mr. KOLTER, Mr. MARTINEZ, Mr. PETERSON of Minnesota, Mr. DeLAY, and Mr. DORNAN of California.

H.R. 537: Mr. FUSTER, Mr. BONIOR, Mr. KOPETSKI, Mr. JONTZ, Ms. OAKAR, Mr. UDALL, Mr. PAYNE of New Jersey, Mr. BRYANT, Mr. DELLUMS, Mr. JACOBS, Mrs. PATTERSON, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. STUDDS, Mr. FOGLIETTA, Mr. HAMILTON, Mr. AuCOIN, Mrs. LOWEY of New York, Mr. GUARINI, and Mrs. COLLINS of Illinois.

H.R. 553: Mr. ENGLISH, Mr. TOWNS, Mr. PENNY, and Mr. FROST.

H.R. 572: Mr. BUSTAMANTE and Mrs. LOWEY of New York.

H.R. 585: Mrs. MEYERS of Kansas, Mr. PORTER, Mr. HUGHES, Mr. WAXMAN, and Mrs. MORELLA.

H.R. 587: Mr. FROST.

H.R. 596: Ms. MOLINARI, Mr. FAWELL, Mr. HERGER, and Mr. OXLEY.

H.R. 612: Mr. YATES, Mr. SPRATT, Mr. FORD of Tennessee, Mr. LIPINSKI, Mr. BERMAN, and Mr. GUARINI.

H.R. 639: Mr. BACCHUS, Mr. BILBRAY, Mr. BILIRAKIS, Mr. CONDIT, Mr. FROST, Mr. HERGER, Mr. HORTON, Mr. KYL, Mr. LIVINGSTON, and Mr. SHAW.

H.R. 652: Mr. PAYNE of Virginia.

H.R. 688: Mr. GONZALEZ.

H.R. 695: Mr. RANGEL, Mr. FOGLIETTA, Ms. KAPTUR, Mr. MFUME, Mr. DELLUMS, Mr. OWENS of New York, Ms. COLLINS of Michigan, Mr. LEWIS of Georgia, Mr. HAYES of Illinois, Mr. FLAKE, Mr. OBERSTAR, Mr. OWENS of Utan, and Mr. ROE.

H.R. 735: Mr. STUMP.

H.R. 739: Mr. ENGLISH, Mr. BREWSTER, and Mr. INHOFE.

H.R. 772: Mr. MOODY, Mr. RAVENEL, Mrs. MORELLA, Mr. TALLON, Ms. LONG, Mr. MAZZOLI, Mr. PAYNE of New Jersey, Mr. WELDON, Mr. FAWELL, Mr. WILSON, Mr. DARDEN, Mr. MARLENEE, Mr. SYNAR, Mr. RAY, Mr. GUNDERSON, Mr. MRAZEK, Mr. CARPER, and Mr. TAYLOR of Mississippi.

H.R. 773: Mr. PANETTA.

H.J Res. 66: Mr. GUARINI, Mr. SAXTON, Mr. HORTON, Mr. WILSON, Mr. GORDON, Mr. STUDDS, Mr. BAKER, Mr. BLILEY, Mr. CLEMENT, Mr. FASCELL, Mr. DE LUGO, Mr. SERRANO, Mr. TOWNS, Mr. CONTE, Mr. SCHEUER, Mr. MILLER of Washington, Mr. PAYNE of Virginia, Mr. HARRIS, Mr. HUGHES, Mr. JOHNSON of South Dakota, Mr. SCHULZE, Mr. BEILENSON, Mr. RINALDO, Ms. MOLINARI, Mr. HOAGLAND, Mr. RANGEL, Mr. WOLF, Mr. McDERMOTT, Mr. LIPINSKI, Mr. MINETA, Mrs. BYRON, Mr. THOMAS of Georgia, Mr. EMERSON, Mr. POSHARD, Mr. LEHMAN of Florida, Mr. COSTELLO, Mr. WALSH, Mr. RAHALL, Mr. ABERCROMBIE, Mr. NOWAK, Mr. MARTINEZ, Ms. OAKAR, Mr. BILIRAKIS, Mr. HASTERT, Mr. HOCHBRUECKNER, Mr. YOUNG of Florida, Mr. JONTZ, Ms. KAPTUR, Mr. JEFFERSON, Mr. McNULTY, Mr. WAXMAN, Mr. BUSTAMANTE, and Mrs. MINK.

H.J. Res. 67: Mr. GUARINI, Mr. SAXTON, Mr. YATRON, Mr. STUDDS, Mr. FUSTER, Mr. GORDON, Mr. IRELAND, Mr. BROWN of California, Mr. CLEMENT, Mr. DE LUGO, Mr. COLEMAN of Missouri, Mr. CONTE, Mr. TOWNS, Mr. SCHEUER, Mrs. MINK, Mr. HUGHES, Mr. SCHULZE, Mr. KOLTER, Mr. RANGEL, Mr. WOLF, Mr. McDERMOTT, Mr. HERTEL, Mrs. MORELLA, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. KOSTMAYER, Mr. NOWAK, Mr. ZIMMER, Ms. OAKAR, Mr. HOCHBRUECKNER, Mr. WALSH, Mr. McNULTY, and Mr. BUSTAMANTE.

H.J. Res. 81: Mr. DREIER of California and Mr. GINGRICH.

H.J. Res. 83: Mr. MONTGOMERY, Mr. LIVINGSTON, Mr. HALL of Texas, Mr. ANNUNZIO, Mr. BEREUTER, Mr. BAKER, Mr. SLAUGHTER of Virginia, Mr. MARLENEE, Mr. IRELAND, Mr. GILMAN, Mr. SMITH of Texas, Mr. KASICH, Mr. STUMP, Mr. SENSENBRENNER, Mr. COUGHLIN, Mr. HYDE, Mr. MADIGAN, Mr. HORTON, Mr. SKEEN, Mr. ARMEY, Mr. RAHALL, Mr. RAVENEL, Mr. WILSON, Mr. GALLO, Mr. SPENCE, Mr. OXLEY, Mr. BARNARD, Mr. HANCOCK, Mr. EMERSON, Mr. RAMSTAD, Mr. BATEMAN, Mr. DORNAN, of California, Mr. PAYNE of Virginia, Mr. LAGOMARSINO, Mr. THOMAS of Wyoming, Mr. COX of California, Mr. ROWLAND, Mr. BALLENGER, Mr. JAMES, Mr. RAY, Mr. CUNNINGHAM, Mr. YOUNG of Florida, Mr. McNULTY, Mr. FAWELL, Mrs. VUCANOVICH, Mr. PAXON, and Mr. GOSS.

H.J. Res. 92: Mr. BEVILL, Mrs. COLLINS of Illinois, and Mr. FORD of Tennessee.

H.J. Res. 100: Mr. CONTE, Mr. REED, and Mr. FRANK of Massachusetts.

H. Con. Res. 20: Mr. FROST and Mr. ECKART.

H. Con. Res. 35: Mr. ARMEY and Mr. HERGER.

H. Con. Res. 39: Mr. HOLLOWAY, Mr. SOLOMON, and Mr. PAXON.

H. Con. Res. 44: Mr. GUARINI, Mr. THOMAS of Georgia, Mr. WILSON, Mr. OLIN, Mr. IRELAND, Mrs. BYRON, Mr. LANCASTER, Mr. GOSS, Mr. PRICE, Mr. SCHAEFER, Mr. LIPINSKI, Mr. WALKER, Mr. MARTINEZ, Mr. YOUNG of Florida, Mrs. VUCANOVICH, Mr. DeLAY, Mr. STEARNS, Mr. ZELIFF, Mr. PETERSON of Florida, Mr. YOUNG of Alaska, and Mr. SANTORUM.

H. Con. Res. 53: Mr. GUARINI, Mr. MAVROULES, Mr. LIPINSKI, Ms. KAPTUR, Mr. FOG-

LIETTA, Mr. EVANS, Mr. FORD of Tennessee, and Mr. LEWIS of Georgia.

H. Res. 11: Mr. MFUME.

H. Res. 12: Mr. ANDREWS of New Jersey, Mr. BACCHUS, Mr. CHANDLER, Mr. GONZALEZ, Mr. TANNER, Mr. TORRICELLI, Mr. WILLIAMS, and Mr. YATRON.

H. Res. 14: Mr. SERRANO, Mr. ROE, Mr. MOODY, and Mr. MAVROULES.

SENATE—*Tuesday, February 5, 1991*

(Legislative day of Thursday, January 3, 1991)

The Senate met at 2:15 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer: Let us pray:

The prayer of layman Walter Guntharp, offered at the Chesterbrook Presbyterian Church last Sunday, was a great blessing. I use it with his permission:

"Father: In a tormented world, we go our usual ways, safe from the perils of war, secure from hunger, and protected from the elements in warm and comfortable homes. We are observers of the world's troubles, yet we are largely insulated against them.

"Help us, Father, to understand the magnitude of our blessings, to realize that, however unworthy we might be, You have made us to prosper in the midst of a world of pain, fear, and privation * * *

"We pray that You will open our eyes to our own blessings. Forgive our indifference and grant us a deeper commitment of service to You and to our fellow man. Amen."

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders there will be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

It is my hope that this week the Senate can take up three matters: the export administration reauthorization bill, the defense production reauthorization bill, and the nomination of Lynn Martin to be Secretary of Labor if reported favorably by the Labor Committee.

With respect to the latter, I am advised that that committee will be meeting tomorrow and if as expected the nomination is reported favorably, it is my hope and intention to attempt to accommodate the President and his nominee by dealing promptly with that recommendation.

I hope also we can gain clearance to proceed to the export administration reauthorization bill and the defense production reauthorization bill. Both of those items have been cleared on the Democratic side, and consultation is now occurring on the Republican side. We hope we will obtain approval to proceed to those items promptly.

U.N. MEETING ON CLIMATE CHANGE

Mr. MITCHELL. Mr. President, this week the United States is hosting the first negotiating session of the Intergovernmental Negotiating Committee for a framework convention on climate change of the U.N. General Assembly. The hope is that agreement on a global warming convention can be reached in time for the meeting in Brazil next year.

But for these negotiations to be successful, the United States must take a leadership position. We can and must demonstrate to the world that we are leaders in environmental protection.

In global warming, we stand out in two ways. First, we are among the most wasteful nations on this planet. We contribute 20 percent of the world's global warming commitment. We use 15 times the energy per person that a person in a typical developing country uses and twice that of some industrialized nations, such as Japan, France, and Italy.

Second, we are alone among industrialized nations in opposing even the concept of setting an emissions reduction target and deadline. Austria, Australia, Canada, Denmark, France, Germany, Italy, Japan, The Netherlands, New Zealand, Norway, and Sweden have all proposed reductions in greenhouse gas emissions.

Ignoring this problem simply makes it worse. Delay leaves us with more limited choices in a more urgent situation. What will the next generation think of our inability to adequately address this problem?

Global warming is an immediate threat. The decade of the 1980's includes some of the warmest years on record. This week temperature records are being broken across the country as we experience April in February. The potential of temperature shifts that previously occurred over thousands of years instead taking place in a matter of decades, confronts us with an unprecedented event.

Neither our Earth nor our human civilization has any experience with such a change. Scientists are doing their best to warn us of potential outcomes. But their warnings are of probabilities, not certainties.

They are well-founded probabilities, and they are becoming more well-founded over time.

Efforts are under way to improve the data base for those predictions. But because short-term climate shifts are an entirely new phenomenon, our reading and interpretation of the data will always include some margin of error.

Climate change will affect the life of every human being.

Some nations have already recognized that action cannot wait.

The international community has undertaken an urgent program of worldwide monitoring: The World Meteorological Organization, the International Council of Scientific Unions, and the U.N. Environmental Programme are working with national governments to collect and analyze global climate data.

The sense of urgency is growing.

But there are some, in this Nation and others, who argue that the scientific view must be final and unanimous before any concrete steps are taken to combat the causes of the problem.

But we do not wait for scientific certainty in other cases where a technical problem confronts us.

We apply experimental medical protocols in the effort to fight cancer, even when we do not know what the ultimate cancer-causing agent is.

We try to prevent the discharge of toxic wastes into the waterways, even though we may not know precisely which toxins pose the greatest threat to which organisms.

The call for scientific certainty is a double standard. It is not a standard we meet in any other legislative field. In this instance, it is a device for delay for those who are unwilling to act.

This is especially ironic, and potentially dangerous, that this argument is being raised in connection with what is the most serious, far-reaching; and irreversible environmental danger the world faces.

The best scientific information today tells us that the concentration of greenhouse gases already in the atmosphere has committed the world to an increase in the warming of the atmosphere.

The Intergovernmental Panel on Climate Change [IPCC]—an intergovern-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

mental group of scientists and government officials, including those from the United States, concluded last year that under a business-as-usual scenario for emissions of carbon dioxide and other greenhouse gases, a global warming of 5 to 10 degrees Fahrenheit above preindustrialized levels is likely by the end of the next century. This is more climate change in a shorter period of time than we have experienced in at least 150,000 years.

The Secretary General of the World Meteorological Organization has said:

> The global warming to which we are already committed is irreversible * * * By the time we detect it, it will be too late * * *

The majority of the scientific community today believes the concentrations of atmospheric carbon dioxide alone—and it is just the main one of the greenhouse gases—will nearly double from 1985 to 2010.

Greenhouse gases are being released into the atmosphere much faster than they are being removed by the Earth's natural systems.

Even if we could hold emissions of greenhouse gases constant their concentration in the atmosphere would continue to intensify for the next century.

There is no quick response on this issue. Greenhouse gases have long atmospheric lifetimes so it takes many years for emissions reductions to have an impact on the atmosphere. Carbon dioxide, which accounts for over one-half of the global warming effect, has an atmospheric lifetime of 50 to 200 years. Nitrous oxides last 150 years. Chlorofluorocarbons last 60 to 400 years.

It took this Congress 10 years to enact amendments to the Clean Air Act. It will take the Environmental Protection Agency and the States 10 to 20 years to fully implement clean air legislation enacted last year. If we postpone action on global warming, we may find we eliminated the choice which, in retrospect, would have been the prudent, cost-effective course of action.

The action of greenhouse gases is well known and not in dispute. They prevent some of the heat of the Sun's energy from reradiating back into space and warm the air near the Earth's surface. Warmer air at the Earth's surface affects the climate. And on the climate depends our ability to produce the major food crops on which human life depends.

The increase in greenhouse gases in the atmosphere has been measured. It is not in doubt. Their heat-conserving effects are scientifically known, and not in dispute. The question is not if the Earth will become warmer; it is when and by how much?

Given the facts that we know as well as the large uncertainties about regional effects, it is the responsibility of all nations to develop strategies for reducing the emission of these gases into the atmosphere.

Undoubtedly, the largest share of that control must come from those nations now responsible for the largest share of the emissions—the Western Nations and the Soviet Union, which together produce more than half the excess emissions in question.

But that share of the responsibility does not eliminate the responsibility of other contributors to the problem. And that means we face a worldwide responsibility from which no inhabited nation is exempted.

The threat of global warming thus confronts the entire world with an unprecedented challenge and an unprecedented opportunity.

Never before have all of the nations on the Earth been faced with a danger from which none of their neighbors is protected. Unlike manmade calamities, such as wars, or regional disasters, no part of the Earth will remain unscathed, no human population will be untouched by climate change.

But change presents opportunity as well as danger.

Never before have all the nations of the Earth been faced with the imperative of treating our Earth as the one world it is.

Never before has the survival and health of the richest depended upon the help and cooperation of the poorest. Never before has there been as great an incentive for nations to share in the work and in the rewards of developing technologies and processes to meet a common problem.

When national boundaries cut across natural ecological systems, as they do on four of the five inhabited continents, the health and well-being of the natural environment is a matter of concern to all the nations affected. River systems, tidal patterns, wind flows, rain fall, plant, and animal communities—all respect no manmade boundary.

The challenge we face is to develop effective ways of preserving natural systems and at the same time improve the living conditions of the people who rely on those natural systems.

For that challenge, we will need both imaginative ideas, and aggressive efforts to develop and share the least polluting technologies, so that developing nations need not pass through the smokestack period of industrialization on their path to economic development.

Equally important, we will need the commitment and support of people for the actions that must be taken by our society and others to meet these challenges.

Even as we are forced to focus our attention on the deadly clash of military forces, the long term survival of our planet demands that we keep a focus on natural forces as well.

In the long term, those forces will determine how we live as certainly as the outcome of war.

At the first session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change beginning this week, the United States can be both host and leader if we announce a policy of specific reductions in greenhouse gases and deadlines for such reductions. As was the case with clean air legislation, the President can then share with us his legislative initiative for meeting these requirements domestically.

Delay reduces our options and increases the final cost of action. The President should have announced a bold initiative to address this global environmental problem. Unfortunately, his administration's so-called action plan, announced yesterday, is in reality an "inaction plan." The administration's statement of policy is positive in that it recognizes global warming demands a solution. However, the administration fails to offer a solution. In this policy area, the administration has chosen to follow, not lead. It is up to the Congress to provide the leadership the United States should have and the world needs.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved and that there be added to his time such additional time as I may have used over and above the time I was allotted prior to my remarks made here.

I now yield the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order there will now be a period for transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. Mr. METZENBAUM first sought recognition.

Mr. METZENBAUM. I thank the Chair.

WARN ANNIVERSARY TWO

Mr. METZENBAUM. Mr. President, this week marks the second anniversary of the effective date of the Worker Adjustment and Retraining Notification Act—the so-called WARN Act. Two years have elapsed since we furiously debated the wisdom of requiring employers to provide 60 days advance notice of a plant closing or a mass layoff.

Many in this body remember that debate. I was the principal author of the legislation. It was a modest provision designed to cushion the devastating impact of plant closing or a long-term layoff on workers and their communities.

Opponents of the bill did not see it that way. On the floor of the Senate, a number of Senators on the other side of the aisle passionately argued that the WARN Act was "garbage" legislation that "represents the worst of America." They predicted that the bill would "create industrial paralysis" and would "prompt an avalanche of costly, wasteful litigation."

Last year, on the occasion of the first anniversary of the WARN Act, I documented that those opponents were dead wrong. Published reports concluded that there had been no explosion of litigation under the WARN Act—only a handful of cases had been filed. The general consensus was that the vast majority of firms followed the plant closing law with little problem.

Mr. President, I rise today to report to the Senate that the WARN Act continues to work reasonably well. Once again, there is no evidence that the act has spawned a flood of litigation. In fact, we have uncovered only about a dozen lawsuits filed in the 2-year history of the act. More importantly, advance notice continues to help ease the trauma of a plant closing for the affected workers and their families.

Just last month, I received a letter from Jeff Fritz of Lakewood, OH. Mr. Fritz recently got a notice under the WARN Act that he and 70 of his coworkers would lose their jobs because Venture Packaging was closing its Cleveland plant. He writes "things could have been a lot worse without the 60 days notice we were given."

Mr. Fritz also attached a letter signed by most of the workers at the plant. They write, "The blow was softened considerably by the 60 days notice we received." I ask unanimous consent that both letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, Jeff Fritz and his colleagues are not isolated beneficiaries of the WARN Act. For example, throughout Ohio, there have been nearly 300 advance notices filed with the State dislocated worker unit in the last 2 years. Those notices have provided early warnings to more than 40,000 working men and women.

In addition, there have been nearly 240 onsite visits by Ohio rapid response units. These State level strike forces help establish immediate assistance for workers facing plant closings.

One can extrapolate from the Ohio experience, which represents 4.3 percent of the national work force. Thus, one can expect more than 480,000 workers to receive advance notice each year nationwide.

According to the Department of Labor, in the most recent program year, State rapid response units had been notified under the WARN Act for 2,636 plant closings or mass layoffs.

Despite the successes of the past 2 years, there is still room for improvement. I am aware of several cases where employers have tried to hide behind the shield of bankruptcy law to avoid the requirements of the act. Moreover, there is some evidence that employers are attempting to manipulate the numerical triggers in the law to avoid providing notice.

In addition, a report from the Federation for Industrial Retention and Renewal lists the "plant closing dirty dozen." This report documents case studies where corporations continue to treat workers and communities with great indifference when they abandon a plant. For example, the case studies indicate that employers have been reluctant to cooperate with workers and community leaders to find alternative owners for the plant. In one instance reported in the study, a manufacturer responded to efforts by State and local officials to save the plant by relying on public relations staff.

Mr. President, a plant closing is not an image problem that needs to be managed. It is a traumatic event that should be avoided at all costs. One of the original goals of the WARN Act was to provide workers and communities with enough lead time to explore options to save the plant. Part of such an effort involves gathering information, generally with the help of the employer.

It is an open question whether 60 days notice is enough lead time to explore alternatives effectively. Likewise, it is an open question whether employers will provide necessary information on a voluntary basis. Nonetheless, the goal remains that employers should assist workers and communities to pursue every option to avert a shutdown.

Mr. President, we should build on the success of the WARN Act. In the difficult economic times ahead, it is an essential shock absorber that will cushion the impact of job loss. I will continue to monitor the impact of the law. If problems arise, I am prepared to propose amendments to strengthen the WARN Act.

EXHIBIT 1

LAKEWOOD, OH,
January 9, 1991.

Senator HOWARD METZENBAUM,
Senate Office Building, Washington DC.

DEAR SENATOR METZENBAUM: I greatly admire you and the way you stand up for the "little guy." I also thought it was great the way you fought against the flag burning amendment.

The main reason I'm writing today is to express my appreciation for your sponsorship of the plant-closing notification bill. I recently received word that Venture Packaging would close its Cleveland plant, putting approximately 70 people out of work. Things could have been a lot worse without the 60 days notice we were given. Most of the plant workers didn't know much about the bill or who was responsible for it. That's why I circulated the enclosed letter. Most of my fellow workers were happy to sign and express their gratitude.

Sincerely,

JEFF FRITZ.

LAKEWOOD, OH,
January 9, 1991.

Senator HOWARD METZENBAUM,
Senate Office Building, Washington DC.

DEAR SENATOR METZENBAUM: On January 3, 1991 we received word that Venture Packaging's Cleveland plant would be permanently closed. The blow was softened considerably by the 60 days notice we received. Thank you for sponsoring the plant-closing notification bill.

Sincerely,

JEFF FRITZ,
(And 48 coworkers).

Mr. METZENBAUM. Mr. President, I thank you for your courtesy.

I yield the floor.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. THURMOND].

PRESIDENT BUSH'S NATIONAL DRUG CONTROL STRATEGY FOR 1991

Mr. THURMOND. Mr. President, last Thursday, President Bush presented the Nation with the 1991 national drug control strategy. This new updated strategy is the third such plan. Yet, the principal goal remains the same: To reduce the level of illegal drug use in America by stressing a mix of supply and demand reduction policies and programs. Once again, President Bush has provided the Nation with a sound blueprint for action as we continue to tackle the problems posed by illegal drugs.

Mr. President, tomorrow, the Senate Judiciary Committee will hear testimony from the Acting Director of the Office of National Drug Control Policy, John Walters. He has done an excellent job in preparing this updated strategy for the President. I look forward to his testimony.

As we are each aware, the drug crisis has had a profound impact upon every facet of American life. Illicit narcotics, such as crack cocaine, ice, and marijuana, have become the major focus of virtually every law enforcement organization. Cities, towns, and neighborhoods have been plagued with drugs.

Mr. President, the dire need for a national drug strategy is unquestionable. Although Congress made great strides with the 1986 and 1988 drug bills, it chose to create the Office of National Drug Control Policy so that our Nation may have a cohesive plan for fighting drug abuse. One and a half years ago, President Bush unveiled our Nation's first comprehensive strategy for winning the war on drugs. In the short time since its introduction, the national strategy has proven to be very effective. Early indications are that we have embarked on the right path.

The national drug control strategy established several detailed goals and objectives. These goals and objectives were first set in the 1989 strategy as targets for 1991. Under the leadership of then Director Bennett, and under the continuing guidance of Acting Director Walters, the Office of National Drug Control Policy has met these objectives. For example, the President's goal was to decrease overall drug use by 10 percent. Drug use has, in fact, decreased by 11 percent. Another goal was to decrease casual cocaine use by 10 percent. Casual use has decreased by 29 percent. Frequent use of cocaine has seen a 23-percent decline. Finally, and perhaps most importantly, the President had a modest goal of achieving a 20-percent decrease in adolescent cocaine use. Cocaine use among our Nation's young people has decreased by 49 percent. The antidrug strategy, although in its early stages of implementation, has resulted in a recession of the drug epidemic. The progress we have made so far makes the best case for continued efforts to implement and improve upon the President's plan.

President Bush has made clear in the 1991 strategy that we cannot afford to dwell on these recent successes. Drugs still have the upper hand in many communities and the fight must be never ending. The drug crisis is far from over. That is why the 1991 strategy seeks $11.7 billion in drug-related funding, an 11-percent increase over last year and an 82-percent increase since President Bush took office.

In addition to funding, the strategy calls for Congress to act on implementing legislation which is vital to the continued success of the strategy. Some of the legislative proposals include the death penalty for major drug kingpins, a measure to encourage the States to develop and implement coordinated treatment and prevention plans, and streamlined deportation procedures for criminal aliens.

In closing, in the next few weeks, the Judiciary Committee will begin confirmation hearings on President Bush's nominee for Director of the Office of National Drug Control Policy, Gov. Bob Martinez. I am confident that, when confirmed, Governor Martinez will continue to build upon and improve this strategy.

Mr. President, as we continue to fight the war on drugs, a war which will not be won easily, our resolve to prevail must become stronger. For this reason we must work together to ensure full implementation of the President's 1991 strategy.

TRIBUTE TO THE LATE DR. RABBI DAVID H. PANITZ

Mr. LAUTENBERG. Mr. President, I rise to note with sadness, the passing of Rabbi Dr. David H. Panitz, a personal friend and leader in the Jewish community in New Jersey. He had been the spiritual leader of Paterson's Temple Emanuel since 1959, and celebrated his retirement and 45 years of rabbinical service on June 12, 1988. Upon his retirement, he was named rabbi emeritus.

A graduate of the Academic and Teacher Training Schools of the Baltimore Hebrew College, Rabbi Panitz received his undergraduate education and master of arts degree from the Johns Hopkins University. He was ordained at the Jewish Theological Seminary of America in 1943. This same institution later conferred upon him the honorary degree of Doctor of Divinity.

Prior to his serving as spiritual leader of Temple Emanuel of North Jersey, he was Rabbi at Temple Adath Yeshurun in Syracuse, NY, Congregation B'nai Jeshurun in New York City, and Adas Israel Congregation in Washington, DC.

Rabbi Panitz had a distinguished record of service to the community. Among his many endeavors, he served as a commissioner of the Paterson Board of Education, as Jewish Chaplain of the Passaic County Jail, Chair of the Passaic County Alcoholic Rehabilitation Board, national cochairman of the State of Israel Bonds Rabbinic Cabinet, and national chairman of the Inter-Religious Affairs Committee of the B'nai B'rith Anti-Defamation League.

He further touched the lives of others by his activity as national chairman of the Commission on Social Justice, as a member of the National Rabbinic Advisory Committee of the United Jewish Appeal, and as a member of the board of directors of the Jewish Federation of North Jersey.

He was an active participant in interfaith endeavors. He preached and lectured at many civic organizations, churches, and colleges, and held high positions at the National Conference of Christians and Jews. He served as cochairman of the Task Force for Community Action to Combat Poverty, among others.

Rabbi Panitz devoted his life and distinguished career to serving others. Admired and loved by family, friends, members of his congregation, he leaves a legacy of contributions. I pay tribute to his long life of accomplishment and service.

Mr. President, I extend my deepest sympathies to his devoted wife, Esther, and his sons, Lieutenant Commander Jonathan, Dr. Raphael I., Rabbi Michael, his sister Judith Saphire, his brothers Bernard and Seymour, and his seven grandchildren. He will be missed.

CHALLENGING TIMES

Mr. GRAHAM. Mr. President, these are challenging times for our country and the world.

In the wake of powerful democratic movements that have changed the face of nations, we witness the brutal tyranny of Saddam Hussein. In a world where millions of people, once silenced by repressive regimes have begun to speak the common language of liberty and universal justice, Saddam's despotism is especially abominable.

We in the United States, as Founders of the world's most enduring constitutional democracy, have a special responsibility to hold high the standards of freedom in these difficult times. What better time to impress on our own young people the cherished values first written in the Declaration of Independence and embodied in our Constitution. By instilling in our youth an appreciation for liberty, we assure liberty for generations to come.

In this spirit, I am pleased to recognize a group of State and district coordinators who have demonstrated—through the "We The People" Bicentennial programs on the Constitution and the Bill of Rights—exemplary efforts to enhance our student's civic education.

The individuals are: Theresa Bryant, Eugene Caine, Suzanne Prior, Steve Kovacs, George Jeandheur, John Doyle, Paul Hanson, James Elliott, Charles Fleming, Connie Hankins, Dr. Gus Jiminez, Sheila Keller, Kathleen McCarron, Dr. James Moore, Randy Pachuta, Laurie Petter, Annette Boyd Pitts, Louis Roos, Clinton Rouse, Cynthia Ryan, Kathy Steiner, Warren Tracy, Dr. Theron Trimble, and H. Quinn Wiggins. These people coordinate the "We The People * * *" Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution and the National Historical Pictorial Map Contest.

Through the dedicated and voluntary efforts of these people, thousands of upper elementary, middle, and high school students are able to participate in this program. This curriculum, based on the principles of the Declaration of Independence, introduces students to the philosophical ideas of our Founding Fathers, the historical background of the Philadelphia convention and the issues and debates that shaped the writing of our Constitution. Students learn how our Government is organized and how it protects the rights and liberties of all citizens. Most importantly, students learn the responsibilities that accompany the rights of citizenship in the democracy.

These exercises are especially important now. In the face of tyranny, democratic debate is testimony to the power of freedom. Preserving the tradition of debate of fundamental issues is our pledge to the world that freedom and justice will prevail.

These programs also help teach our youth the responsibilities that accompany the rights of citizenship in a democracy. I am honored to express admiration and gratitude to these coordinators for their contributions to the development of competent and responsible citizenship.

TRIBUTE TO CHRISTOPHER JACKMAN

Mr. LAUTENBERG. Mr. President, I rise with deep sorrow to note the recent passing of one of New Jersey's great legislators, State Senator Christopher Jackman.

Chris Jackman dedicated most of his life to public service. He first served as the assistant supervisor and supervisor of bills in both the assembly and the senate. In 1967 he was elected to the first of eight terms in our State assembly. He served as assembly majority leader in 1977 and speaker of the assembly from 1978 to 1982. In 1983 he was elected to the State senate and was serving his second term.

The senator was also vice president and area director for the United Paperworkers International Union, AFL-CIO, and a member of the State AFL-CIO executive board. He was a fighter for the working men and women of New Jersey.

In addition to his political contributions, Chris Jackman will also be remembered for his charity work. He served as chairman for the local units of the Sister Kenny Foundation, the American Cancer Society, and the Heart Fund. He was a member of the advisory board of St. Joseph's Home for the Blind in Jersey City and has been a sponsor of Youth Activities in west New York since 1950.

Throughout his battle with cancer, Chris Jackman retained his commitment, wit, and his concern for the average men and women of our State.

I would like to extend my deepest sympathies to his wife Genevieve, his family, and to all of those who had come to love and respect him.

TRIBUTE TO JOHN NICOSIA

Mr. LAUTENBERG. Mr. President, I rise to express my deep sorrow at the death of a brave fireman. John Nicosia lost his life fighting a devastating fire in the city of Paterson, NJ. We salute his courage, and we honor his memory.

John Anthony Nicosia was only 28 years old when he died. Born and raised in Paterson, he grew up wanting to be a fireman. Paterson Fire Chief John Mauro said John constantly told him of his goal. In 1987 he realized his dream.

It was John's company, Engine Company 4, that responded to the news of the blaze that ultimately destroyed 15 stores—almost two blocks in the city's commercial district—leaving some 400 people without jobs and resulting in nearly $15 million worth of damage. John was one of the first firefighters on the scene; one of the first to take action to try to minimize this terrible destruction. It was 2 days before his coworkers could pull his body from the smouldering rubble. In the words of Chief Mauro, "Nobody knows what we lost here. He was a beautiful kid." The city gave him, as he deserved, a hero's funeral.

Mr. President, I love the city of Paterson. I was born there and I grew up there. Some of my family still lives there. So it was particularly poignant for me when I toured the site after the fire. I never met John Nicosia; but I will never forget him. He was fighting to save my hometown when he died.

My thoughts are with his wife, Mary Ellen, his parents, John and Mary Amato Nicosia, and his brother, Vincent, and his grandparents, Vincent and Sara Amato. For John's family and his friends, there are no words to compensate for this loss. To them I send my deepest sympathy and my hope that their memories of this brave man will help them through these very difficult days.

The PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Mr. JOHNSTON. I thank the Chair.

(The remarks of Mr. JOHNSTON and Mr. WALLOP pertaining to the introduction of S. 341 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. WIRTH. I thank the Chair. Mr. President, I ask unanimous consent that Kevin Matthews of Senator LIEBERMAN'S staff be granted privilege of the floor during the discussion of the National Energy Policy Act of 1991.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I want to commend Senator JOHNSTON for the introduction of a complex and important, vital piece of legislation. While I do not agree with everything in the bill—and none of us are going to, I am sure—I think he has done yeoman work in putting this together and putting in front of the Nation the extraordinary important of having a national energy policy. I have a feeling this is where I came in, Mr. President.

My first committee assignment as a freshman Member of the House of Representatives was on the Commerce Committee. We struggled for the next 6 years to begin to focus on and develop an energy policy and by 1980 had a pretty good template out there. Unfortunately, all of that changed, as we all remember, in 1981. We went through a decade in which the administration's policy was dedicated to low prices and low prices alone. That policy by the administration, Mr. President, was successful beyond their wildest dreams. Energy prices went down and President Reagan told us that the energy crisis was over.

Unfortunately, that strategy, Mr. President, neglected the fact that the Straits of Hormuz are as narrow in 1990 as they were in 1980, as they were in 1970. It is breaking into that oil dependency that Senator JOHNSTON'S legislation is addressed. The legislation I am introducing is part of the Johnston bill. I believe it is focused and upon which we have a great deal of work to do.

If there is, Mr. President, a silk purse to come out of this extraordinarily unhappy situation in the Persian Gulf, it will be energy policy, focused on national security, our own economic security, our environmental security, and our own moral responsibility, if nothing else, the morality of having more than 500,000 troops in the gulf and not acting to do something about it. We must do that.

The four issues of conservation: alternative energy programs, nuclear, and drilling in the North Slope of Alaska or off the California coast or Florida keys are going to be heavily debated, and it is not my intent to get into that at this point. Rather, the need for long-term energy policy, driven, I believe, in the coming decades by environmental considerations, more than anything else, is the thrust behind S. 324, legislation which I have introduced and for which the primary cosponsors are my distinguished colleagues, Senator GORE, from Tennessee, and Senator HEINZ, from Pennsylvania. The three of us worked on this legislation last year, and have cooperated in many endeavors such as this, and I am delighted to have them as the lead cosponsors and to announce to the Senate, Mr. President, that there are 48 cosponsors already of S. 324.

Mr. President, I was struck, during last week's State of the Union Address, by the President's eloquent discussion about the burden of leadership. Unquestionably, we in the United States have taken on that burden in the conduct of world affairs during this century. Unfortunately, Mr. President, in the area of the environment, this administration is in danger of abdicating the American legacy of leadership. We are bucking that burden and isolating ourselves outside the community of nations lined up to take on the greatest environmental challenge we face—global warming. It is to that that S. 324 and the attention of so many Senators is addressed.

Yesterday, the United States began hosting the first round of what will be a long series of negotiations designed to develop a binding international agreement to address the global warming threat. These negotiations build on the work of the Intergovernmental Panel on Climate Change, which worked for 18 months to develop state of the art assessments of the science, impacts and policy options associated with global warming.

In response to the IPCC work, a number of countries have been compelled by the scientific evidence to develop specific emissions reduction targets—Germany, Australia, Canada, France, Great Britain, Italy, Japan, Sweden and the Netherlands to name only a few. But the United States firmly opposes specific emissions reductions targets and timetables, and has yet to articulate any policy position on emissions of carbon dioxide and other greenhouse gases.

Yesterday, as was reported in this morning's papers, the United States unveiled an "action agenda" as the negotiating meetings got underway. The administration's "action agenda," as pointed out by the majority leader, covers the actions of the past—reductions in CFCs and energy efficiency benefits associated with passage of the Clean Air Act amendments, something we did last year, the reduction of the CFCs coming out of the Montreal Protocol, some years ago. It is encouraging to know that our work in the past will limit our contribution to the greenhouse problem in the future. But make no mistake about it, putting a new label on old initiatives is no substitute for strong leadership and a comprehensive, clearly articulated statement of policy from our government.

In essence, the United States entered the first negotiating session with no policy, just new packaging. Unfortunately, the sense of urgency surround these negotiations has increased in recent months as more and more nations have clearly annunciated positions on emissions reductions and as the U.N. General Assembly considered and issued a resolution calling for immediate negotiation of an agreement.

Therefore, Mr. President, the contrast beween the lack of development of a comprehensive U.S. policy on the one hand and the movement of the international community and the development of science on the other hand, has been startling. Last month, it was widely reported that 1990 was the warmest year on record. Taken by itself, one warm year would not trouble us. But last year was not an anomaly. Instead, it is only the latest in a string of hot years. Seven of the warmest years ever recorded have occurred during the past decade. Instinctively, we understand that a trend is developing. It is clear that the Earth is warming.

The scientific community is rapidly refining its ability to understand and predict the so-called greenhouse effect has improved. The most recent report from the Intergovernmental Panel on Climate Change [IPCC]—the internationally recognized body tasked with studying this issue—reported unambiguously that:

> There is a natural greenhouse effect * * * (and that) emissions resulting from human activities are substantially increasing the atmospheric concentrations of the greenhouse gases will enhance the greenhouse effect, resulting in an additional warming of the Earth's surface * * * the long-lived gases would require immediate reductions in emissions from human activities of over 60 percent to stabilize concentrations at today's levels.

To some, these may sound like mild encouragements from the scientific community. On the contrary, however, these are urgent warnings that the global climate is going to change, with potentially devastating results, unless we change course.

It is a situation not unlike that in which we find ourselves in terms of energy policy. The warning signs of growing dependence have been around for years, and yet it is only recently that we have been shaken from the complacency invoked by cheap energy prices.

It was only 15 years ago, in response to our heavy dependence, that we enacted a broad national energy policy to secure an independent energy future. During the 1980's, those objectives were systematically compromised by an administration that failed to acknowledge the problem—a steady, but inexorable increase in dependence on foreign oil.

Similarly, we are now conscious that steadily and inexorably we are changing the composition of the Earth's atmosphere. And the Earth will warm as a result of this trend. We hear so much from the administration, particularly the President's Chief of Staff, about the uncertainties associated with this issue. The only question is how much the Earth will warm and how fast. The IPCC scientists I referred to earlier believe that we are currently headed toward a rate of warming greater than has been seen in 10,000 years, when ice a mile thick covered New York City.

And what is the response of our Government to these frightening projections? The administration's response has been characterized by delay, denial, and outright deception. As a candidate, George Bush pledged to use the "White House effect" to combat the greenhouse effect. And the initial rhetoric was promising. In his first major speech as Secretary of State Baker said: "Time will not make the problem go away," and urged specific and commendable steps that might be taken to fight global warming.

In May 1989, however, the administration censored the testimony of one of this Nation's most respected Government scientists—Jim Hansen of NASA-Goddard. Hansen, in testimony before the Senate, wanted to give his honest assessment that global warming is a serious threat to the long-term interests of this Nation and the world. But, the administration gutted his testimony to reflect the perception of a few political appointees that the problem is not serious at all.

At the 1989 economic summit in Paris, the President signed a final communique which said that "decisive action is urgently needed to understand and protect the Earth's ecological balance. * * * We strongly advocate common efforts to limit emissions of carbon dioxide and other greenhouse gases."

Later that year, the administration tried to block its own EPA Administrator, Mr. Reilly, from attending a major conference in Europe. Mr. Reilly was eventually allowed to go, but his hands were tied at these negotiations. At that conference dozens of nations said that we should freeze emissions of carbon dioxide, but not the United States, which led the effort to scuttle the final conference statement.

In February of last year, President Bush, addressed the Intergovernmental Panel on Climate Change—whose work the administration has repeatedly endorsed—and gave a very cautious and poorly received speech. He called for more science. Hardly the White House effect. Indeed, Marlin Fitzwater, the President's spokesman, said that "the people who think this is a problem that needs to be solved today don't understand it. They're wrong." Asked about the President's pledge to use the White House effect, Fitzwater said: "I don't know if he said those words during the campaign, but if so, he's changed his mind." (New York Times, Feb. 6, 1990.)

Again in March at a much delayed White House conference, the President cautioned the scientists to do more research. His speech was so poorly received, he had to go back to the conference the next day to clarify himself, stating the United States "commitment to action, to sound analysis and sound policies." Disgracefully, it was disclosed the next day that the administration had distributed a briefing to its representatives instructing them on "Debates to Avoid." It is, the warning said, "not beneficial to discuss whether there is or is not warming, or how much or how little warming. In the eyes of the public we will lose this debate. A better approach is to raise the many uncertainties that need to be understood on this issue." "Don't let reporters positoin this conference as an attempt to delay serious decisions on this issue." A reprehensible display of hubris. (Washington Post, Mar. 19, 1990.)

In the intervening time, the Europeans, the Japanese, governments around the world have taken steps to stabilize emissions at 1990 levels by the year 2000 or to actually reduce emissions early in the next century. Most recently, the European Community announced a plan to stabilize emissions.

Last summer, it was revealed that the United States was scuttling the major international effort to develop global warming prevention strategies. The IPCC, which the administration endorsed, has three working groups—one on science, one on effects, one on policy responses, which the United States chairs. Consider the disconnect between the science and policy panels. The science panels says "with certainty" that there is a natural greenhouse effect and that greenhouse gas emissions are increasing and that therefore the Earth will warm. The science panel estimates that the Earth will warm by 3 to 9 degrees in the next century and faster than at any time in more than 10,000 years. The U.S. chaired policy panel reports that "The information available to make sound policy analyses is inadequate." What more can we ask for: the IPCC science panel says this is a problem, half our Nobel laureates and half of the members of the National Academy of Sciences say this is a problem, but not the administration.

Last November, U.S. intransigence reached its nadir. The United States, and the United States alone, blocked consideration of a common agreement to stabilize emissions at 1990 levels. Even the Japanese have come around to accept stabilization. Indeed, the Japanese, like all of the European governments, have found that there are enormous economic efficiencies to be achieved in reducing greenhouse gas emissions and that there are huge markets for "greenhouse friendly" energy technologies. And A.I.D. report last year found that the developing world will need an additional 300 to 900 billion dollars' worth of energy technology in the next 20 years. The U.S. position is summed up accurately in this quote from Bill Reilly to the U.S. representative—himself a third level representative as compared with Margaret Thatcher and the French Prime Minister: "Roll up your sleeves and give blood. We're just going to be beaten black and blue."

Yesterday, the administration repackaged a number of old initiatives into a so-called action agenda. It is time to change course. It is time to take on the "burden of leadership." So I have introduced, together with 48 of my colleagues, and with Senator GORE and Senator HEINZ as lead cosponsors, legislation that will slow down the U.S. contribution to the mindless buildup of greenhouse gases in the atmosphere. This broad-based, bipartisan legislation, is virtually identical to the global warming bill passed by the Senate last year.

This legislation focuses on the nexus between energy policy and environmental policy and on the need to reduce emissions of carbon dioxide, the primary greenhouse gas. It is increasingly clear that our greatest environmental challenges are also our greatest energy challenges. My bill begins with the premise that the Department of Energy should develop a national least-cost energy plan, which equally balances our supply-side resources with the enormous potential that exists in this country to reduce the demand for energy. And that is what least-cost planning is all about, putting energy efficiency on a level playing field with supply-side alternatives. We task the Department of Energy with coming up with low-cost strategies that will reduce our carbon dioxide emissions 20 percent by the year 2005.

This bill also strengthens the Nation's commitment to energy efficiency by building a variety of new programs to realize the full potential of energy conservation in the industrial and buildings sector. This legislation builds on last year's proposals to strengthen the Nation's commitment to natural gas, the cleanest burning of the fossil fuels. Our bill also proposes to step up the effort to develop electric vehicles, which have promise for reducing emissions of greenhouse gases and local air pollutants. Moreover, my bill would strengthen U.S. efforts to provide clean energy technologies to the nations of the developing world.

Finally, Mr. President, I want to comment briefly on a resolution that is being circulated by the distinguished majority leader. This resolution urges the administration to develop a specific set of targets and timetables for reducing greenhouse gases by the United States. Nations around the globe are developing these kind of programs and we are outside the mainstream in these efforts. As we enter the first phase of negotiations on an international agreement to protect the global environment, it is essential that the United States take the lead. As always, the majority leader is at the forefront of this effort, and I urge all of my colleagues to support his resolution.

I ask unanimous consent, Mr. President, that the full text of the bill, a summary of the bill and other material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act, together with the following table of contents, may be cited as the "National Energy Policy Act of 1991".

SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. Findings.
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Sec. 211. Encouragement of Investments in Conservation and Energy Efficiency Resources and Study of Certain State Ratemaking Policies.

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Sec. 302. Management Plan.
Sec. 303. Joint Ventures.

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Sec. 311. Vehicle Engine Fuel Research.
Sec. 312. High Efficiency Heat Engines.
Sec. 313. Natural Gas Cofiring Research, Development and Demonstration.

Subtitle C.—Technology Development Program

Sec. 321. Program.
Sec. 322. Authorizations.

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Sec. 331. Programs.

Subtitle E.—Coal

Sec. 341. Coal Program Goals.
Sec. 342. Non Fuel Use of Coal.
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Subtitle F.—Natural Gas and Other Alternative Fuels

Sec. 351. Mass Transit Program.
Sec. 352. Natural Gas and Other Alternative Fuel Use in Fleet Vehicles.
Sec. 353. Training Program.
Sec. 354. Vehicle Research, Development and Demonstration Program.
Sec. 355. Natural Gas Recovery Research, Development and Demonstration Program.
Sec. 356. Natural Gas and Electric Heating and Cooling Technologies.
Sec. 357. Vehicle and Battery Research, Development, and Demonstration Program.
Sec. 358. Definitions.

Subtitle G.—Hydropower

Sec. 361. Program.
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Sec. 401. Objective.
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Subtitle D.—United Nations Conference
Sec. 431. 1992 United Nations Conference on Environment and Development.
TITLE V—NATURAL RESOURCE POLICY
Sec. 501. Ecological and Environmental Resource Study.
Sec. 502. National Forestation Initiative.
Sec. 503. Urban Forestry and Energy Savings.

SEC. 3. FINDINGS.—The Congress finds that—

(1) scientific evidence indicates that the atmosphere of the earth is being affected by the generation from natural and man-made sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere may result in global changes in climate, with potentially significant economic, social and environmental implications for human-kind;

(3) a scientific understanding of the causes and economic effects of global climate change is necessary to formulate effective policies;

(4) the formulation of domestic and international energy and natural resource policies may be necessary in order to reduce the generation of carbon dioxide and other greenhouse gases and mitigate or adapt to potential adverse consequences of human-induced global climate change;

(5) the formulation of such policies by the Government will include an effort involving the private sector and the laboratories of the Department of Energy; and

(6) the United States should pursue a framework convention on global climate change by the year 1992 through the Intergovernmental Panel on Climate Change (IPCC) of the United Nations Environmental Program and the World Meteorological Organization.

SEC. 4. PURPOSES.—The overall purposes of this Act is to establish a national energy policy that will fully consider the contribution of energy use to potential changes in global climate and will include cost-effective strategies to lessen the generation of energy-related greenhouse gases consistent with the achievement of other domestic energy, economic, social, and environmental goals. The specific purposes of the Act are to—

(1) improve scientific understanding of the natural and man-made sources of greenhouse gases and their relative contributions to global climate change;

(2) evaluate the environmental, social, and economic consequences of global climate change;

(3) evaluate the environmental, social, and economic consequences of domestic and international policies for mitigating or adapting to global climate change;

(4) identify the actions required to mitigate current trends in atmospheric concentrations of greenhouse gases and analyze their relative cost-effectiveness;

(5) identify the actions necessary to mitigate or adapt to adverse consequences of global climate change;

(6) identify and evaluate the domestic policies required to mitigate or adapt to the possible adverse social and economic consequences of a reduction or stabilization in the generation of greenhouse gases;

(7) encourage the formulation of effective domestic and international energy and natural resource policies that will mitigate adverse consequences of human induced global climate change;

(8) foster the development of technologies that will advance the goals and purposes of the Act and the transfer such technologies to lesser-developed countries; and

(9) establish programs within the Department of Energy for the achievement of these purposes.

SEC. 5. GOALS.—(a) The goals of this Act are to—

(1) foster the identification of an appropriate mix of policies referred to in subsection (b) that have the potential, if fully implemented, to stabilize the generation of carbon dioxide and other greenhouse gases in the United States;

(2) assess the feasibility of further limiting, or reducing, the generation of carbon dioxide and other greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;

(3) investigate the feasibility and economic, energy, social, and environmental implications of achieving a 20 per centum reduction in the generation of carbon dioxide by the year 2005 as recommended by the 1988 Toronto Scientific World Conference on the Changing Atmosphere;

(4) investigate the feasibility and economic, energy, social, and environmental implications of stabilizing carbon dioxide emission by the year 2005; and

(5) evaluate the potential social, economic, energy, and environmental implications of implementing the policies mentioned in paragraphs (1), (2), (3), and (4) in order to enable the United States to comply with any obligations under an international global climate change framework convention or agreement.

(b) Policies to be considered in section 5(a) for the stabilization or reduction in the generation of carbon dioxide and other greenhouse gases include, but are not limited to, policies that—

(1) implement standards for more efficient use of fossil fuels;

(2) increase the energy efficiency of existing technologies;

(3) encourage technologies, including clean coal technologies, that generate lower levels of carbon dioxide and other greenhouse gases;

(4) promote the use of renewable energy resources, including solar, geothermal, sustainable biomass, hydropower, and wind energy;

(5) affect the development and consumption of energy and energy efficiency resources and electricity through tax policy;

(6) encourage investment in energy efficient equipment and technology;

(7) encourage the development of energy technologies, such as advanced nuclear fission and nuclear fusion, that produce energy without carbon dioxide other greenhouse gases as byproduct, and encourage the deployment of nuclear electric generating capacity; and

(8) encourage afforestation and reforestation.

(c) The reduction of the generation of chlorofluorocarbons shall be in according with the provisions of the Montreal Protocol, unless subsequent Federal legislation is enacted establishing new guidelines for the reduction or elimination of the use of chlorofluorocarbons.

(d) In order to promote international cooperation in addressing potential global climate change, it is the goal of the United States to establish by 1992, an international framework convention on global climate change through the activities of the Intergovernmental Panel on Climate Change of the United Nations International Environmental Program and the World Meteorological Organization and secure the commitment of the community of nations to such convention.

SEC. 6. DEFINITIONS.—For the purposes of this Act, the term—

(1) "Department" means the Department of Energy;

(2) "energy efficiency resource" means energy saved through improvements in the efficiency of energy production, transportation, or utilization;

(3) "energy resources" includes, but is not limited to, supplies of natural gas, crude oil and petroleum products, coal, nuclear energy, and renewable energy;

(4) "global climate change" means changes in the climate of the earth that result from increases in the atmospheric concentrations of greenhouse gases;

(5) "greenhouse gases" means carbon dioxide and other gases such as chlorofluorocarbons, methane, ozone, and nitrous oxides that contribute to global climate change;

(6) "lesser-developed countries" shall include, but not be limited to, Eastern Europe and the Soviet Union; and

(7) "Secretary" means the Secretary of Energy.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A—National Energy Strategy

SEC. 101. LEAST-COST ENERGY STRATEGY.—(a)(1) The First National Energy Policy Plan (the "Plan") under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) prepared and submitted by the President to Congress after the date of the enactment of this Act, and each subsequent such Plan, shall include a least-cost energy strategy prepared by the Secretary.

(2) The Secretary need not prepare and submit a least-cost energy strategy with the National Energy Plan scheduled to be submitted in April of 1991.

(b)(1) The least-cost energy strategy shall identify Federal priorities for the encouragement of the use of energy and energy efficiency resources. In developing the least-cost energy strategy, the Secretary shall take into consideration the economic, energy, social, and environmental consequences of his choices. Such strategy shall be designed to achieve to the maximum extent practicable and at least-cost to the Nation—

(A) the energy production, utilization, and conservation objectives of the Plan; and

(B) the stabilization and eventual reductions in the generation of carbon dioxide and other greenhouse gases mentioned in section 5(a).

(2) The least-cost energy strategy shall include—

(A) a comprehensive inventory of available energy and energy efficiency resources and their projected costs, taking into account all costs of production, transportation, and utilization of such resources, including—

(i) coal, clean coal technologies, coal seam methane, and underground coal gasification;

(ii) energy efficiency, including existing technologies for increased efficiency in production, transportation, and utilization of energy, and other technologies that are anticipated to be available through further research and development; and

(iii) other energy resources, such as renewable energy, solar energy, nuclear fission, fusion, geothermal, biomass, fuel cells, hydropower.

(B) a proposed two-year program for assuring adequate supplies of energy and energy efficiency resources under paragraph (1), and an identification of actions that can be undertaken within existing Federal authority; and

(C) recommendations for any new Federal authority needed to achieve the purposes of this Act.

(c)(1) The relative costs of energy and energy efficiency resources under this section shall be determined based upon a comparison of the estimated system costs of other similarly reliable and available resources.

(2) System costs under paragraph (1) are all direct and quantifiable net costs for the resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

(3) When comparing an energy efficiency resources to an energy resource, a higher priority shall be assigned to the energy efficiency resource whenever its estimated system cost is equal to the estimated system cost of the energy resource.

SEC. 102. CONFORMING AMENDMENTS.—(a) Section 801 of Public Law 95-91 is amended in subsection (c)(1) by inserting "cost estimates," after "whatever data and analysis are necessary to support the".

(b) Title III of the Energy Security Act (42 U.S.C. 7361, et seq.) is hereby repealed.

Subtitle B—Director of Climate Protection

SEC. 111. APPOINTMENT.—(a) Within six months after the date of the enactment of this Act, the Secretary shall appoint within the Department, a Director of Climate Protection (the "Director"). The Director shall—

(1) in the absence of the Secretary, serve as his representative for interagency and multilateral policy discussions of global climate change;

(2) monitor domestic and international policies for their effects on the generation of carbon dioxide and other greenhouse gases; and

(3) have the authority to participate in the planning activities in relevant Departmental programs.

(b) Beginning eighteen months after the date of the enactment of this Act, and annually thereafter, the Director shall participate in the formulation of the least-cost energy strategy under section 101, research and development priorities under section 301, and the management plan under section 302.

Subtitle C—National Academies of Science and Engineering

SEC. 121. REVIEW.—(a) Within ninety days after his appointment under section 111, the Director, in consultation with the Office of Science and Technology Policy (the "Office"), shall seek to enter into an agreement with the National Research Council to use the services of the National Academy of Sciences and the National Academy of Engineering (the "Academies") to conduct an ongoing review of current knowledge regarding—

(1) trends in the atmospheric concentrations of greenhouse gases, including current capabilities to model such trends with sufficient reliability to support international, domestic, and regional policy formulation;

(2) the causes of global climate change and the relative contribution of various sources of greenhouse gases including, but not limited to, fossil fuel production and use, forest management practices, agricultural practices, and other sources;

(3) the climatic, physical, economic, social and environmental consequences of current trends in atmospheric concentration of greenhouse gases;

(4) actions that might be taken to mitigate or adapt to possible adverse economic, social, and environmental consequences of global climate change and the relative cost-effectiveness of these actions;

(5) the generation and disposition of greenhouse gases into the environment including the relative contribution of the oceans, clouds, and biosphere; and

(6) current knowledge on the relationship between those policies that mitigate or abate stratospheric ozone depletion and those policies that mitigate or abate global climate change.

(b) In conducting such review, the Academies are encouraged to consult with international scientific and technical entities to determine where there is a consensus in current knowledge with respect to paragraphs (a) (1) through (6).

(c) The Secretary, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Director of the National Science Foundation shall, upon request, furnish to the Office and the National Research Council any information that such Office or Council determines to be necessary for purposes of conducting the review required under subsection (a).

SEC. 122. REPORT TO THE CONGRESS.—(a) Within one year after the date of the enactment of this section and periodically thereafter the Academies shall submit a report containing the findings and recommendations resulting from the review conducted under section 121 to the Office and the Congress. The findings and recommendations contained in such report shall not be subject to any prior clearance or review, nor shall any prior clearance conditions be imposed on the National Research Council, as part of the agreement made by the Office.

(b) Within six months after the transmission of such report to the Congress, the President shall transmit to the Congress his assessment of the findings and recommendations in the report pursuant to subsection (a) and any recommendations therein.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A—Energy Efficiency

SEC. 201. REPORT.—The Secretary, in consultation with the Council of Economic Advisors, shall submit to the Congress within one year after the date of the enactment of this Act, and every three years thereafter through the year 2004, a report evaluating energy efficiency policy options that would be necessary to produce decreases of 1, 2, 3, and 4 per centum per-year per-unit of GNP through the year 2005, below the projected energy consumption for 2005. The Secretary shall evaluate, describe and rank these policy options according to their cost-effectiveness and their feasibility of implementation.

SEC. 202. ENERGY-INTENSIVE INDUSTRIES.—(a) The Secretary, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other applicable laws, shall—

(1) pursue a research and development program intended to improve energy efficiency and productivity in energy-intensive industries and industrial processes; and

(2) in accordance with the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218), undertake joint ventures to encourage commercialization of technologies developed under paragraph (1).

(b)(1) The Secretary shall—

(A) conduct a competitive solicitation for proposals from specialized private firms and investors for such joint ventures under subsection (a)(2); and

(B) provide financial assistance to at least five such joint ventures.

(2) The purpose of the joint ventures shall be to design, test and demonstrate changes to industries and industrial processes that will result in improved energy efficiency and productivity. The joint ventures may also demonstrate other improvements of benefit to such industries so long as demonstration of energy efficiency improvements is the principal objective of the joint venture.

(3) In evaluating proposals for financial assistance and joint ventures under this section, the Secretary shall consider—

(A) whether the research and development efforts under this section (i) improve the quality and efficiency of industries or industrial processes, and (ii) reduce the generation of carbon dioxide and other greenhouse gases into the atmosphere;

(B) the regional distribution of energy-intensive industries and industrial processes; and

(C) whether the joint-venture projects are located in the region in which the energy-intensive industries are located.

(c) There is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

SEC. 203. FEDERAL ENERGY MANAGEMENT.—Part 3 of title V of the National Energy Conservation Policy Act (NECPA) (42 U.S.C. 8251 et seq.), as amended, is further amended as follows:

(a) In section 543:

(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 per centum of the projects on the list or projects on the list that would account for 25 per centum of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impractical. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within ninety days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(2) In subsection (b):

(A) after the words "subsection (a)," insert the following: "The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this Part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in lieu thereof "National Energy Policy Act of 1991, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following: "and such plan shall include steps to take maximum advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph:

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) as "(5)".

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in Section 544, and".

(b) In section 544:

(1) Strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after the word "each", in paragraph (b)(2) and insert in lieu thereof: "agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.".

(c) In section 545, add after the word "measures" the following: "as needed to meet the requirements of section 543.".

(d) In section 546, strike subsection (b) and insert in lieu thereof the following:

"(b) IMPLEMENTATION.—To facilitate the financing of energy conservation energy measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). The Secretary, in consultation with the Secretary of Defense and the Administrator of the General Services Administration, within six months after the date of the enactment of the National Energy Policy Act of 1991, shall develop appropriate procedures and methods for use by Federal agencies to select energy service contractors that will achieve the intent of this section in a cost-effective manner. Notwithstanding any other procurement laws and regulations, such procedures and methods shall apply to the selection of energy service contractors by each Federal agency.".

(e) In section 548:

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following: "In addition to the plan required to be submitted to the Secretary pursuant to Section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 204. FUEL CELLS.—Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 Public Law 101-218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

SEC. 205. REPEAL OF PROHIBITIONS ON SUPPLY AND INSTALLATION OF RESIDENTIAL ENERGY CONSERVATION MEASURES BY UTILITIES.—Section 216 of the National Energy Conservation Policy Act (42 U.S.C. 8217) is repealed and subsequent sections are renumbered accordingly.

SEC. 206. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.—(a) DEVELOPMENT OF PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with the National Fenestration Rating Council and appropriate industry representatives, provide financial and technical assistance to support the voluntary development of a national window rating program to establish energy efficiency ratings for windows and window systems. Such program shall set forth information and specifications that will enable purchasers of windows or window systems to make more informed purchasing decisions based upon the potential cost and energy savings of alternative window products.

(b) SECRETARIAL ACTION.—If a national window rating program, consistent with the objectives of subsection (a), is not established within two years of the date of enactment of this Act, then the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, a rating program to establish energy efficiency ratings for windows and window systems under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293).

(c) FEDERAL TRADE COMMISSION RULES.—The Federal Trade Commission (hereinafter in this section, the "Commission") shall prescribe labeling rules for the rating program established pursuant to either subsection (a) or (b) under section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) unless, the Commission determines that labeling in accordance with subsections (a) or (b) of this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions with respect to any type of window or window system (or class thereof).

(d) COVERED PRODUCTS.—For purposes of sections 323 and 324 of the Energy Policy and Conservation Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292) unless excluded by the Commission pursuant to subsection (c).

(e) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

SEC. 207. ENERGY EFFICIENCY INFORMATION.—(a) Within one year after the date of the enactment of this section, the Administrator of the Energy Information Administration shall report to Congress on the information being collected or otherwise acquired by the Administrator with respect to the efficiency of energy consumption. The report shall estimate future needs for collection of additional information related to energy efficiency and environmental impacts. The report shall also consider the feasibility of—

(1) increasing the frequency of collection of information on the utilization of energy;

(2) including additional energy-using classes and sectors in surveys conducted; and

(3) collecting additional information to assist in the analysis of barriers to improvement in energy efficiency.

(b) The report shall take into account reporting burdens and the protection of proprietary information under law.

(c) The Administrator shall periodically publish measures of energy efficiency in classes, sectors, and regions that consume significant amounts of energy.

SEC. 208. COMPACT FLUORESCENT LAMPS IN FEDERAL FACILITIES.—Not later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the generation of carbon dioxide and sulfur dioxide.

SEC. 209. DEMONSTRATION OF NEW TECHNOLOGY.—(a) Within one year after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of renewable energy and energy efficiency resource technologies that have received Federal financial assistance for research and development. The technologies shall be those that are ready for commercial demonstration but are not widely commercially available. The Plan shall include—

(1) a listing of those technologies with specific candidate sites for the demonstration;

(2) the energy; environmental, cost savings or other expected benefits;

(3) a timetable for implementation; and

(4) a process for evaluation of the performance of the technologies.

(b) The Plan shall be updated every two years.

SEC. 210. RESIDENTIAL ENERGY EFFICIENCY RATINGS.—(a) Title II of the National Energy Conservation Policy Act is amended by adding a new Part 6 as follows:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"SEC. 271. RATINGS.—(a) Within twelve months after the date of the enactment of the National Energy Policy Act of 1991, the Secretary, in consultation with the Secretary of Housing and Urban Development and State governments, shall, by rule, promulgate guidelines for procedures to be implemented by State governments that would enable the assignment of an energy efficiency rating to residential buildings.

"(b) The guideline under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings can receive a rating at time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters; and

"(4) ensure that the rating system is designed to facilitate its use by lenders and the secondary mortgage markets to promote energy efficiency.

"SEC. 272. TECHNICAL ASSISTANCE.—Within twelve months of the date of the enactment of this section the Secretary shall establish a program to provide technical assistance for State and local governments adopting energy efficiency rating systems or building codes. The program shall utilize the Federal Government's experience in developing Federal building energy performance standards and shall provide compliance methods, educational materials for builders and code officials, and other technical support.

"SEC. 273. AUTHORIZATION.—There are hereby authorized to be appropriated such funds as are necessary to carry out the purposes of this subtitle.".

(b) The National Energy Conservation Policy Act should be further amended by adding in the table of contents at the end of title II—Residential Energy Conservation, the following items:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"Sec. 271. Ratings.
"Sec. 272. Technical Assistance.
"Sec. 273. Authorization.".

Subtitle B—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 211. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES AND STUDY OF CERTAIN STATE RATEMAKING POLICIES.—(a) The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117), as amended, is further amended by inserting the following new paragraph at the end of section 111:

"(7) ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES.—

"(A) The rates allowed to be charged by a State-regulated electric utility shall be such that the utility's investments in and expenditures for energy conservation, energy efficiency resources and other demand-side management measures are at least as profitable as its investments in and expenditures for the construction of new generating facilities.

"(B) For purposes of implementing the provisions of this paragraph, any reference contained in this title to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of the National Energy Policy Act of 1991.".

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report to the President and to the Congress containing—

(1) a survey of all State laws, regulations, practices, and policies under which State regulatory authorities require or permit rates charged by an electric utility to reflect least-cost planning;

(2) an evaluation by the Secretary of whether, and to what extent, least-cost planning is likely to result in:

(A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers;

(B) enhanced or reduced reliability of electric service; and

(C) increased or decreased dependence on particular energy resources.

(3) an evaluation by the Secretary of whether, and to what extent, ratemaking methodologies implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) For purposes of subsection (b), the term "least-cost planning" means any standard, regulation, practice, or policy by which a State regulatory agency considers, or requires an electric utility to consider, actions (including, but not limited to, the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand side management measures) taken by a State regulated utility to provide adequate and reliable service to its electric consumers with the incurrence of lowest costs by such utility and its customers.

Subtitle C—Fuel Cells

SEC. 221. AMENDMENT.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251–8261) is amended by adding the following new part after section 569:

"PART 5—FUEL CELLS

"SEC. 571. DEFINITIONS.—For purposes of this subtitle the term—

"(1) 'Federal building' shall mean 'Federal building' as defined by Section 549(6); and

"(2) 'Task Force' shall mean the Interagency Energy Management Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term 'Task Force' shall include the Environmental Protection Agency.

"SEC. 572. FUEL CELL PROGRAM.—The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

"SEC. 573. PURPOSES.—The purposes of this program are to—

"(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

"(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

"(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

"SEC. 574. IMPLEMENTATION AND ACQUISITION.—(a) In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cells systems for the production of energy to satisfy electrical and other energy requirements of such buildings.

"(b) Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall identify a minimum of ten projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

"(c) The Secretary may provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install fuel cells systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In order to receive financial assistance from the Secretary, a project identified under subsection (b) must meet the ten-year payback criterion of section 543. The calculation of such ten-year payback period shall take account of cost benefits associated with cogenerated energy to the extent provided under section 544. In selecting qualified projects for financial assistance, the Secretary, in consultation with the Task Force, shall also consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal buildings undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

"(d) Not later than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

"SEC. 575. AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of this subtitle a total of $15,000,000 for fiscal year 1992 through 1994.".

TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES

Subtitle A—General

SEC. 301. ENERGY RESEARCH AND DEVELOPMENT PRIORITIES.—The Secretary shall establish priorities for research and development activities. These priorities shall include consideration of the following criteria:

(a) the potential to reduce generation of carbon dioxide and other greenhouse gases sooner than alternative projects;

(b) the projected cost-effectiveness of the energy or energy efficiency resource to be produced or saved, including an evaluation of the likelihood of the activities contributing to the achievement of commercialization of new energy technologies for the purposes of this Act;

(c) the comparative environmental and public health impacts of the energy to be produced or saved by the specific activities;

(d) the national security impact of the energy produced or saved, including its projected contribution to the reduction of oil imports and to the diversity of the domestic energy resource mix;

(e) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or maintaining technological leadership in the area of energy and energy efficiency resource technologies, including, but not limited to, solar, fuel cells, fusion, clean-coal technologies, and hydrogen;

(f) the contribution of a given activity to fundamental scientific knowledge;

(g) the anticipated impact of the results of these activities on special or targeted populations, including low-income or aged persons; and

(h) the contribution to U.S. competitiveness.

SEC. 302. MANAGEMENT PLAN.—(a) The Secretary, in consultation with the Energy Advisory Board to the Secretary, shall prepare a management plan for the conduct of research, development, and commercialization of energy technologies that is consistent with the purposes of this Act and guided by the priorities set forth in section 301.

(b) The management plan under subsection (a) shall contain proposals for—

(1) investigation of promising energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to the least-cost energy strategy under section 101;

(2) development of contingency energy and energy efficiency resource technologies that have the potential to minimize adverse impacts on the environment, the global climate, and the economy and to reduce energy supply vulnerability; and

(3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can make a substantial contribution to reducing the impact on the global climate of the energy resource supply and use patterns of foreign nations.

(c) Within one year after the date of the enactment of this section, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially at the time of submittal of the President's annual budget submission to the Congress.

SEC. 303. JOINT VENTURES.—Joint ventures authorized under this Act shall be conducted pursuant to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218).

Subtitle B—Engine and Vehicle Fuel Research

SEC. 311. VEHICLE ENGINE FUEL RESEARCH.—The Secretary shall establish and carry out a program of research, development, and demonstration on advanced vehicle engine systems (including engine systems that rely on alternative fuels, reformulated gasoline, or advanced, high efficiency materials) that offer the potential to reduce the generation of greenhouse gases and improve the efficiency of energy in transportation uses.

SEC. 312. HIGH EFFICIENCY HEAT ENGINES.—(a) The Secretary shall carry out a program of research, development, demonstration and commercialization of high efficiency heat engines. The Secretary shall emphasize advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and automotive power generation, such as—

(1) advanced combined cycle turbine;

(2) steam-injected gas turbines; and

(3) intercooled steam-injected gas turbines.

(b) The Secretary may enter into joint ventures with the appropriate parties to construct and demonstrate high efficiency heat engines.

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 313. NATURAL GAS COFIRING RESEARCH, DEVELOPMENT AND DEMONSTRATION.—(a) DEFINITIONS.—For the purposes of this section, the term—

(1) "cofiring" means the injection of natural gas and pulverized coal into the primary combustion zone of an electric utility unit or an industrial boiler and shall include gas reburn technologies; and

(2) "gas reburn" means the injection of natural gas into the upper furnace region of an electric utility unit or an industrial boiler to produce a fuel-rich zone thereby reducing nitrogen oxide emissions.

(b) The Secretary shall conduct a program of research, development and demonstration of cofiring in electric utility units and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(c) The Secretary may provide financial assistance under this section to public entities or interested or affected private firms to perform the research, development and demonstration of cofiring technologies.

(d) The Secretary may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of such programs to perform the research, development and demonstration of cofiring technologies.

(e) For purposes of this section, there is authorized to be appropriated to the Secretary not more than $9,000,000 for each of the fiscal years 1992, 1993 and 1994.

Subtitle C—Technology Development Program

SEC. 321. PROGRAM.—The Secretary shall establish a program to develop technologies originating with the Department that is directed to the stage of technology development beyond the basic research stage. The purpose of such program shall be to develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development. Technology development programs may be conducted at any Department facility and would be intended to enhance the commercial development and transfer to private industry of technologies originating with the Department, consistent with the technology transfer mission of the Department. As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, and wholly non-Federal, funding of commercial development of particular technologies.

SEC. 322. AUTHORIZATIONS.—For the purposes of carrying out this subtitle, there are authorized to be appropriated such sums as are necessary for fiscal years 1992, 1993, and 1994.

Subtitle D—Fusion

SEC. 331. PROGRAMS.—(a) The Secretary shall conduct research, development, and demonstration programs to address in a timely fashion questions concerning the development of magnetic and inertial confinement fusion for the production of electricity consistent with the purposes of this Act. Such programs shall be designed to demonstrate by the year 2010—

(1) a demonstration of the achievement of ignition conditions in both magnetic and inertial confinement fusion test facilities; and

(2) a demonstration of the technological feasibility of magnetic and inertial confinement fusion for the production of electricity.

(b) In the event such feasibility is determined for a fusion technology pursuant to subsection (a), the Secretary shall prepare a design for a prototype commercial fusion reactor using such technologies, including associated cost estimates and specifications shall be in sufficient detail to permit bids for construction.

Subtitle E—Coal

SEC. 341. COAL PROGRAM GOALS.—(a) The Secretary shall establish research, development, and demonstration goals to assure the timely development of technologies for the production, transportation, and utilization of coal consistent with this Act.

(b) The Secretary shall establish a research, development, and demonstration program within the Department designed to assure the timely development of cost-effective advanced coal-based technologies to be available for widespread commercial use after the year 2010, which are capable of achieving the control of sulfur oxides and oxides of nitrogen at levels of proficiency greater than currently available commercial control technology. The coal technology development program shall also be designed to assure the timely development of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from coal.

(c) The Secretary shall develop the program described herein, for technologies that include, but are not limited to, the following:

(1) advanced integrated gasification combined cycle;

(2) pressurized fluidized bed combustion technology capable of achieving higher conversion efficiency than can be achieved through on-going demonstration projects;

(3) direct and indirect coal-fired turbines;

(4) coal refining processes capable of efficiently producing or utilizing the energy contained in coal and also utilizing the byproducts thereof;

(5) technologies for the cost-effective control and disposition of carbon dioxide produce during the combustion of coal;

(6) magnetohydrodynamics;

(7) molten carbonate and solid oxide fuel cells; and

(8) other coal-based technologies or processes on systems that are capable of achieving conversion efficiency greater than currently available technology.

SEC. 342. NON-FUEL USE OF COAL.—(a) Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for research, development, and demonstration with respect to technologies for non-fuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for nonfuel uses of coal.

(c) The plan under subsection (a) shall address and evaluate:

(1) the known and potential products and processes for the use of coal for products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of coproduction of products from coal in conjunction with production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of research results produced by the research program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with nonfuel use of coal.

(d) The Secretary shall conduct a program of research and development under the plan under subsection (a).

(e) The Secretary may provide financial assistance for a research project under the plan using funds authorized by section 343(b) to the extent he finds that such project—

(1) furthers achievement of the goals and purposes of this Act;

(2) offers promise for commercial application; and

(3) has a reasonable prospect of support in at least 50 per centum of its direct costs from non-Federal funds.

(f) In preparing the plan and carrying out research under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 343. AUTHORIZATIONS.—(a) There is authorized to be appropriated such sums as are necessary for each of fiscal years 1992, 1993, and 1994 for purposes of implementing the program pursuant to section 341.

(b) There is authorized to be appropriated to carry out section 342, a total of $20,000,000 for fiscal years 1992 through 1994.

Subtitle F—Natural Gas and Other Alternative Fuels

SEC. 351. MASS TRANSIT PROGRAM.—(a)(1) The Secretary, consistent with this Act, in consultation with the Administrator of the Urban Mass Transit Administration, may, consistent with the Alternative Motor Fuels Act of 1988 (P.L. 100–494), enter into cooperative agreements and joint ventures proposed by any municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility, including safety of specific vehicle design, of using natural gas or other alternative fuels for mass transit.

(2) The cooperative agreements and joint ventures under paragraph (1) may include interested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(b)(1) The Secretary may not enter into any cooperative agreement or joint venture under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least 25 per centum of the costs of such demonstration.

(2) The Secretary, at his discretion, may grant such priority under this section to any entity that demonstrates that the use of natural gas or other alternative fuels used for transportation would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(c) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 352. NATURAL GAS AND OTHER ALTERNATIVE FUEL USE IN FLEET VEHICLES.—(a) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100–494), and in consultation with the Administrator of the United States Environmental Protection Agency and the Secretary of Transportation, shall establish and carry out a program, and provide financial assistance to encourage the development and commercialization of natural gas and other alternative fuels for use in passenger fleets, light-duty trucks, and heavy-duty trucks consistent with the purposes of this Act. Such assistance shall provide for the purchase and construction of vehicles dedicated to the use of natural gas or other alternative fuels and of vehicles dually fueled by natural gas or other alternative fuels and gasoline or diesel, and associated refueling equipment.

(b) Public and private fleets may be eligible for financial assistance under this section.

(c) The Secretary, at his discretion, may grant such priority to those fleets where the use of natural gas and other alternative transportation fuels would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(d) To facilitate the use of natural gas and other alternative fueled vehicles, the conversion of a vehicle from either gasoline or diesel alone to natural gas or other alternative fuels alone, or to natural gas or other alternative fuels and either gasoline or diesel, shall not be considered a violation of any anti-tampering provisions of the Federal law and implementing regulations: *Provided*, That the conversion complies with emissions standards issued by the Administrator of the Environmental Protection Agency.

(e) Any program established under this section that applies to existing vehicles shall take into consideration the safety of specific vehicle design and the compatibility of natural gas or other alternative fuel use with the original components of such existing vehicles.

(f) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 353. TRAINING PROGRAM.—(a) The Secretary of the Department of Labor shall establish and carry out a training and certification program for technicians who are responsible for vehicle installation of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas or other alternative fuels alone, or on natural gas or other alternative fuels and either diesel fuel or gasoline, and for the maintenance of such converted vehicles. Such training and certification programs shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) The Secretary, may enter into cooperative agreements with, and provide financial assistance to, under this section, appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) The program under this section shall be consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100–494).

(d) There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 354. VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary shall carry out a program of research, development, and demonstration on techniques related to improving natural gas and other alternative fueled vehicle technology including, but not limited to, the following areas—

(1) fuel injection;

(2) carburetion;

(3) manifolding;

(4) combustion;

(5) power optimization;

(6) efficiency;

(7) lubricants and detergents;

(8) engine durability;

(9) ignition, including fuel additives to assist ignition;

(10) multifuel engines;

(11) emissions control, including catalysts;

(12) novel gas compression concepts;

(13) advanced storage systems;

(14) advanced gaseous fueling technologies; and

(15) the incorporation of advanced materials in these areas.

(b) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (Public Law 100-494), may enter into cooperative agreements with, and provide financial assistance to, under this section, public entities or interested or affected private firms willing to provide 50 per centum of the costs of such programs to perform the research and development necessary to improve natural gas vehicle and other alternative fuel vehicle technology.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 355. NATURAL GAS RECOVERY, RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary shall expand and continue a program of research, development, and demonstration on techniques to increase the availability of natural gas from—

(1) intensive recovery of natural gas in place in discovered reservoirs or formations; and

(2) economic recovery of unconventional natural gas, including gas from tight sands, Eastern shales, gas from less permeable formations, coal-bed methane, and geopressured reservoirs.

(b) The Secretary shall seek to enter into joint ventures with persons engaged in the production, transportation, distribution, or major use of natural gas to implement the program under subsection (a).

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 356. NATURAL GAS AND ELECTRIC HEATING AND COOLING TECHNOLOGIES.—(a) The Secretary shall expand the program for research, development, and demonstration for natural gas and electric hearing and cooling technologies for residential and commercial buildings.

(b) The natural gas heating and cooling program shall increase research on thermally-activated heat pumps including:

(1) absorption heat pumps; and

(2) engine-driven heat pumps.

(c) The electric heating and cooling program shall increase research on:

(1) advanced heat pumps;

(2) thermal storage; and

(3) advanced electrically-driven HVAC (heating, ventilation, and cooling) and refrigeration systems that utilize replacements for chlorofluorocarbons, including HCFC-22.

(d) There is authorized to be appropriated to the Secretary, not more than $15,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section in addition to current authorizations.

SEC. 357. VEHICLE AND BATTERY RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary shall conduct a program of research, development, and demonstration on techniques related to improving electric vehicle and battery technology including, but not limited to, the following areas:

(1) high efficiency electric power trains, including advanced motors and hybrid power trains for vehicle range improvement;

(2) light-weight body structures for vehicle weight reduction;

(3) advanced batteries with high specific energy and specific power for electric vehicle application; and

(4) primary batteries and fuel cells for hybrid vehicle application.

(b) The Secretary shall enter into joint ventures with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of the joint ventures.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 358. DEFINITIONS.—For purposes of this subtitle natural gas includes natural gas derived fuels.

Subtitle G—Hydropower

SEC. 361. PROGRAM.—The Secretary, in consultation with the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of Commerce shall undertake an assessment of the statutory, economic, and regulatory barriers to expanded hydroelectric capacity development at existing dams. The assessment shall quantify the contribution that expanded hydroelectric power development could reasonably be expected to make to national energy needs and a reduction in the generation of greenhouse gases.

SEC. 362. REPORT.—The Secretary will submit a report to Congress containing the results of the assessment by December 31, 1991.

Subtitle H—Electric Vehicle Technology Development and Demonstration

SEC. 371. SHORT TITLE.—This subtitle may be cited as the "Electric Vehicle Technology Development and Demonstration Act of 1991".

SEC. 372. FINDINGS.—The Congress finds that:

(1) electric vehicles may be recharged primarily during times of nonpeak use of electricity, which will permit the most efficient utilization of electrical generating capacity, produce economic benefits for purchasers and producers of electricity, and improve the quality of air;

(2) the development, demonstration, and commercialization of electric vehicles in the United States will enhance the energy security of the United States and will encourage electric vehicle production in the United States;

(3) the use of electric vehicles rather than vehicles powered by conventionally fueled internal combustion engines could significantly improve the quality of air by allowing areas of the country that have not attained a quality of air that meets minimum health standards to meet such standards;

(4) because initial production of electric vehicles will not have economies of scale associated with mass production, the price to a user or owner may be so high as to discourage vehicle purchase and use; and

(5) because the substantial potential environmental and domestic energy security benefits that will result from the commercialization of electric vehicles are so great for the United States, it is in the public interest for the United States Government to assist in the development, demonstration, and commercialization of domestically produced, cost competitive, electric vehicles.

SEC. 373. DEFINITIONS.—For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "conventionally fueled vehicle" means a vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source;

(3) "electric vehicle" means a vehicle powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and that may include a nonelectrical source of power designed to charge batteries and components;

(4) "eligible nonattainment area" means a nonattainment area that the Secretary designates as an eligible nonattainment area under section 374(b);

(5) "life cycle costs" means all costs associated with the purchase, operation, maintenance, and disposal of a vehicle; and

(6) "nonattainment area" means a nonattainment area identified by the Administrator pursuant to section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

SEC. 374. IDENTIFICATION OF NONATTAINMENT AREAS.—(a) The Secretary, in consultation with the Administrator, shall identify, not later than thirty days after the date of the enactment of this Act, the nonattainment areas in the United States in which the use of conventionally fueled vehicles contributes significantly to that nonattainment and in which the use of electric vehicles could contribute to attainment of applicable National Ambient Air Quality Standards. The Secretary shall provide notification to those nonattainment areas identified under this section.

(b) The Secretary, after consultation with the Administrator and not later than thirty days after notification of the nonattainment areas identified under subsection (a), shall designate nonattainment areas eligible to participate in the program authorized by this subtitle.

SEC. 375. APPLICATIONS FROM MANUFACTURERS.—(a) Not later than thirty days after the Secretary designated the eligible nonattainment areas under section 374(b), the Secretary shall make an initial request for applications from manufacturers to develop, demonstrate, certify, manufacture, sell, warranty, and service electric vehicles in one or more eligible nonattainment areas. Additional requests for applications may be made if the Secretary determines that the responses to the initial request are inadequate.

(b) The request for applications shall require a manufacturer to identify the following:

(1) SALES AREA.—Any eligible nonattainment area in which the electric vehicles will be sold;

(2) QUANTITY.—The quantity of vehicles that will be available for sale in each area;

(3) DISTRIBUTION.—The dealership network or other means to be used by a manufacturer to distribute, market, and sell vehicles;

(4) TYPE.—The type of vehicle (which may include light to medium duty cargo or passenger vehicles);

(5) CHARACTERISTICS.—The specifications and performance characteristics of each vehicle;

(6) SERVICE.—The maintenance and other support services that will be available to a purchaser;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of each type of vehicle;

(8) LIFE CYCLE COSTS.—Information regarding the life cycle costs, including projected costs of operating and maintaining an electric vehicle in comparison with operating and maintaining a conventionally fueled vehicle;

(9) STATE AND LOCAL INVOLVEMENT.—The level of involvement (cost-sharing or otherwise), if any, that State or local government entities will have in the manufacturer's proposal, and how that involvement will affect the level of Federal cost-sharing required; and

(10) OTHER.—Other information that the Secretary deems necessary.

SEC. 376. SELECTION OF MANUFACTURERS.—(a) After consulting with the Secretary of Commerce, the Secretary of Transportation, and the Administrator, and not later than one hundred eighty days after the initial request for applications is made under section 375, the Secretary may select one or more manufacturers eligible to receive reimbursement payments for the development, demonstration, manufacture, and sale of electric vehicles.

(b) The Secretary shall select a manufacturer based upon the overall quality of the proposal, including the following:

(1) CAPABILITY.—The ability of a manufacturer, directly or indirectly, to develop, demonstrate, manufacture, distribute, sell, and service a significant number of electric vehicles;

(2) GEOGRAPHIC DIVERSITY.—The commitment of the manufacturer to distribute, sell, and service electric vehicles in various regions of the country;

(3) SUITABILITY.—The suitability of the vehicles for use as a cargo or passenger vehicle;

(4) SAFETY AND ENVIRONMENTAL BENEFIT.—The quality of the vehicle with respect to safety and environmental considerations;

(5) VIABILITY.—The long-term technical viability of the vehicle, and the ability of the manufacturer to incorporate subsequent advancements, modifications, and technology;

(6) LIFE CYCLE COST REDUCTION.—The ability and commitment of a manufacturer to reduce the life cycle costs of electric vehicles over a period of five years or less after selection to a level at least equal to comparable conventionally fueled vehicles;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of vehicles, the proposed discount (as defined in section 377), and life cycle costs of the electric vehicles;

(8) STATE AND LOCAL SUPPORT.—The extent to which the involvement of State or local government in the program will permit the reduction of the Federal cost share per vehicle to be supported or will otherwise be used to leverage the Federal cost-sharing to be provided among a greater number of vehicles; and

(9) OTHER.—Other criteria that the Secretary deems necessary.

SEC. 377. DISCOUNTS TO PURCHASERS.—(a) A manufacturer selected by the Secretary shall offer a purchaser a discount equal to either:

(1) LIFE CYCLE COST DIFFERENTIAL.—An amount which represents the excess of the estimated life cycle costs of the electric vehicle over the life cycle costs of a conventionally fueled vehicle of comparable type; or

(2) PURCHASE PRICE COST DIFFERENTIAL.—An amount by which the selling price of the electric vehicle exceeds the suggested retail price of a conventionally fueled vehicle of comparable type.

In no case shall the discount be greater than 50 per centum of the selling price by varying volumes of production.

(b) The Secretary, not later than thirty days after a manufacturer has provided notice in the form and manner specified by the Secretary of the sale of an electric vehicle, shall pay a manufacturer a payment not to exceed the discount for each electric vehicle sold.

(c) To be eligible for payment under subsection (b), a manufacturer shall certify to the Secretary the following:

(1) PURCHASER DISCOUNT LIMITATION.—The discount to the purchaser does not lower the selling price of each electric vehicle below the suggested retail price of a conventionally fueled vehicle of comparable type;

(2) DISCOUNT PASSTHROUGH.—The actual selling price of the vehicle is equal to the selling price specified in the manufacturer's proposal to the Secretary reduced by the full amount of the discount received, calculated as specified above, unless the Secretary agrees to a request by the manufacturer to adjust the selling price as specified in the contract to reflect higher costs actually incurred in production;

(3) NONATTAINMENT AREA USE.—The vehicle will be used primarily in the eligible nonattainment area in which the vehicle will be purchased;

(4) INFORMATION FROM PURCHASER.—The purchaser has agreed to provide the manufacturer with information regarding operation, maintenance, and usability of the vehicle for five years after purchase; and

(5) INFORMATION FROM MANUFACTURER.—The manufacturer will provide such information regarding the development, demonstration, manufacture, sale, and maintenance of electric vehicles that the Secretary requests for a period of five years, beginning in fiscal year 1992.

(d) The Secretary may enter into contracts with manufacturers of electric vehicles for purposes of carrying out this Act.

SEC. 378. REPORTS TO CONGRESS.—The Secretary shall report to Congress in fiscal years 1992 and 1994 on the programs and projects supported under this subtitle and the progress being made toward accomplishing the goals of this subtitle.

SEC. 379. AUTHORIZATIONS.—There is authorized to be appropriated for purposes of this subtitle $10,000,000 for each of the three fiscal years following the date of enactment of this Act.

Subtitle I—Advanced Nuclear Reactor Study

SEC. 381. REPORT.—Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report on whether, and to what extent, continued or increased use of energy generated from nuclear fission can contribute substantially to safe and reliable supplies of electricity and reduce the generation of carbon dioxide and other greenhouse gases in the United States and internationally. The report shall include data on the extent to which additional increments of nuclear-generated electricity can reduce the generation of greenhouse gases and over what period of time. In preparing such report, the Secretary shall consider and make recommendations on the appropriate level of Federal support for research, development, and demonstration of advanced nuclear reactor technologies to support these objectives. Such report shall also include the recommendations of the Secretary regarding the necessary restructuring of existing nuclear fission research programs to achieve these objectives and the role of joint funding and cost-sharing in these activities.

TITLE IV—MISCELLANEOUS

Subtitle A—Methane Assessment

SEC. 401. OBJECTIVE.—The objective of this subtitle is to identify and analyze options to reduce the risks of global climate change by—

(1) reducing worldwide generation of methane;

(2) identifying and analyzing the relationships between methane and other greenhouse gases to determine the synergies that may contribute to global climate change;

(3) promoting additional analyses of the factors causing methane concentrations to increase, and of the sources of methane generation, and the opportunities for reducing such generation; and

(4) identifying options for the reduction of methane generation that are economically as well as environmentally advantageous.

SEC. 402. DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS.—(a) Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Congress reports on:

(1) methane emissions from biogenic sources such as

(A) tropical, temperate, and subarctic forests;

(B) tundra; and

(C) freshwater and saltwater wetlands;

(2) changes in the generation of methane from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide;

(3) methane generation associated with natural gas extraction, transportation, distribution, storage and use, including an inventory of methane generation associated with such activities within the United States, information on accidental and intentional methane releases from natural gas and oil wells, pipelines, processing facilities, and gas burners;

(4) methane generation associated with coal extraction, transportation, storage, and utilization, including, but not limited to, an inventory of methane generation associated with such activities within the United States, information on accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal; and

(5) other sources of methane generation associated with human activities that are deemed by the Secretary to be significant.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that outlines measures that could be implemented to reduce the growth in atmospheric concentrations of methane from sources within the United States. This report shall identify and evaluate the technical options for reducing the generation of methane from each of the sources listed in paragraph (a) as well as other sources deemed by the Secretary to be significant, and shall include an evaluation of costs.

SEC. 403. INTERNATIONAL STUDIES.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit to Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane generation associated with the activities listed in section 402(a). The report shall also identify the United States and international lending agency programs, and an itemization of the costs of each category of reductions, that may be used to induce lesser-developed countries to undertake measures that could reduce the generation of methane and the resource needs of such programs.

Subtitle B—Committee on Renewable Energy Commerce and Trade

SEC. 411. DUTIES OF CORECT.—Section 256(d) of title II part B of the Energy Policy and Conservation Act is amended by striking the existing text and inserting the following in lieu thereof:

"(d)(1) DUTIES.—There shall be established an interagency working group (hereafter in this subsection referred to as the Committee on Renewable Energy Commerce and Trade (CORECT)) which, in consultation with the representative industry groups and relevant agency heads, shall make recommendations to coordinate the actions and programs of the Federal Government to promote the export of United States renewable energy and energy efficiency products and technologies. The Secretary of Energy shall be the Chairman of such group. The heads of appropriate agencies may detail such personnel and may furnish such services to such working group, with or without reimbursement, as may be necessary to carry out its functions.

"(2) ADDITIONAL DUTIES.—CORECT shall promote the development and application in lesser-developed countries of renewable energy and energy efficiency resource technologies that—

"(A) promote more efficient use of fossil fuels;

"(B) reduce dependence on the importation of fossil fuels by encouraging the use of sustainable biomass, wind power, hydropower, solar, geothermal and other energy and energy efficiency resource technologies;

"(C) foster rural and urban energy development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies;

"(D) explore mechanisms for assisting in the domestic manufacturer, particularly by small business manufacturers, of energy-efficiency and renewable energy technologies, for export; and

"(E) increase staffing to support the new authority and responsibilities described in this section.

"(3) TRAINING AND ASSISTANCE.—In furthering the purposes of this section, CORECT shall—

"(A) provide aggressive in-country technical training for local users and international development personnel;

"(B) provide financial assistance to support nonprofit institutions designed solely and specifically to support the efforts of domestic renewable energy and energy conservation companies to market their products, and to develop environmentally responsible projects in developing nations;

"(C) establish feasibility and loan guarantee programs to facilitate access to capital and credit; and

"(D) support, through financial incentives, private sector efforts to commercialize and export renewable energy and energy efficiency resource technologies.

"(4) OUTREACH.—CORECT may establish renewable energy industry outreach offices in the Pacific Rim and in the Caribbean Basin for the purpose of providing information concerning renewable energy and energy efficiency technologies and industries of the United States to governments, industries, and others outside of the continental United States.".

SEC. 412. INFORMATION AND TECHNICAL PROGRAM.—Section 256(c)(2)(D) title II part B of the Energy Policy and Conservation Act is amended by striking clause (ii) and inserting in lieu thereof the following new clause:

"(ii) information on the specific energy technology needs of lesser developed countries, the technical and economic competitiveness of various renewable energy and energy efficiency resource technologies, and the status of ongoing technology assistance programs shall be provided. Information from this program shall be made available to industry, Federal and multilateral lending agencies, nongovernmental organizations, host-country and donor-agency officials, and such others as the Secretary deems necessary.".

SEC. 413. COMPREHENSIVE ENERGY TECHNOLOGY EVALUATION.—Section 256 of title II part B of the Energy Policy and Conservation Act is amended by adding at the end a new subsection (e) as follows:

"(e)(1) Not later than June 1, 1991, and biennially thereafter, the Secretary shall prepare and submit to Congress, a report evaluating the range of energy efficiency and renewable energy technologies available to meet the energy needs of developing countries. This report shall also provide information on the specific energy needs of lesser developed countries, an inventory of United States technologies and services to meet those needs, and an update on the status of ongoing bilateral and multilateral technology assistance and renewable energy resource programs.

"(2) The report should also include an evaluation of current programs and their priority for meeting program objectives as well as recommendations for future programs that:

"(A) develop and promote sustainable use of indigenous renewable energy resources in lesser developed countries;

"(B) given the credit and capital restrictions in lesser developed countries, focus on technologies that are both appropriate and economically viable;

"(C) meet the needs of lesser developed countries for energy rather than creating new needs, in order to ensure immediate income-generating use of the power generated;

"(D) work with local individuals to assure that programs and projects meet specific national and local needs;

"(E) use indigenous materials and associated hardware, wherever possible, in order to reduce costs and ensure project duplication;

"(F) provide examples of cost-effective systems and applications for in-country nongovernmental organizations and project technical personnel;

"(G) provide mechanisms for assisting United States manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services;

"(H) expand technical and administrative training programs, as well as distribution of multilingual technical training manuals and related materials; and

"(I) examine the potential for using economic incentives to promote technology transfer (e.g., shared savings contracts, loan guarantees, tax incentives, etc.) to lesser developed countries.

SEC. 414. JOINT VENTURES IN DEVELOPING, DEMONSTRATING, AND MARKETING ENERGY EFFICIENT AND RENEWABLE ENERGY TECHNOLOGIES IN KEY LESSER DEVELOPED COUNTRIES.—(a) FIVE-YEAR PLAN.—The management plan under section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101–218) shall include a five-year implementation plan for:

(1) pursuing joint ventures with United States manufacturers for the development, demonstration, or marketing of energy efficient and renewable energy technologies for application of use in key lesser developed countries; and

(2) providing mechanisms to assist United States manufacturers, particularly smaller manufacturers of energy efficient and renewable energy technologies, in identifying and pursuing opportunities for sales or joint ventures.

In developing the implementation plan required under this subsection, the Secretary shall consult with the Agency for International Development.

(b) The Secretary shall solicit proposals for joint ventures in the areas described in subsections (a)(1) and (a)(2) as if such joint ventures were required by, and subject to the requirements set forth in, section 6 of Public Law 101–218. The Secretary shall select a total of at least three joint ventures, except that the Secretary may reduce this requirement to the extent that the proposals received do not meet the Secretary's qualifications.

(c) For the purposes of this section, a lesser-developed country shall be considered a key lesser-developed country if direct export or use of United States manufactured energy efficient and renewable energy technologies in such country is inhibited by cultural, or other factors.

SEC. 415. AUTHORIZATIONS.—(a) Section of title II part B of the Energy Policy and Conservation Act as amended, is amended by adding at the end a new subsection (f) as follows:

"(1) There is authorized to be appropriated for purposes of carrying out the programs under sections (d) and (e) $10,000,000 for fiscal year 1992, including $2,000,000 to carry out the purposes of subparagraph (d)(2), and such sums as may be necessary for fiscal year 1993 and 1994 to carry out the purposes of this subtitle except for subparagraph (d)(4).

"(2) There is authorized to be appropriated for the purposes of subparagraph 256(d)(4), in addition to the amount specified in the previous sentence, $2,750,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.".

(b) There is authorized to be appropriated for the purposes of section 414, in addition to the amount specified in sections (a), $1,000,000 for fiscal years 1992, 1993, and 1994.

Subtitle C—Fuel Cycle Costs Analysis

SEC. 421. PROGRAM.—The Secretary shall undertake a comparative analysis of United States, European and Asian fuel cycle costs. The analysis shall be undertaken for five fuel cycles: coal, oil, natural gas, nuclear, and renewable energy. The renewable energy fuel cycle shall include solar, hydro, wind, and biomass. The analysis shall be based on comparable assumptions, data, and methodologies and will explicitly address the extent to which environmental and other externalities are, or are not, reflected in the energy prices paid by consumers in the United States, Western Europe, and in the market economies of Asia.

SEC. 422. REPORT.—The Secretary will submit a report to Congress containing the results of the comparative fuel cycle cost analysis by December 31, 1991.

Subtitle D—United Nations Conference

SEC. 431.—1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.—(a) FINDINGS.—The Congress finds that—

(1) the 1992 United Nations Conference on Environment and Development will play a crucial role in advancing efforts to protect the global environment;

(2) international preparations for 1992 Conference have already begun; and

(3) the effectiveness of United States participation in the 1992 Conference would be greatly enhanced by the establishment of a secretariat within the Department of State to coordinate United States preparations for the Conference.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of State for fiscal year 1992, $350,000 for the purpose of establishing within the Department of State a secretariat to prepare for the 1992 United Nations Conference on Environment and Development. Such funds shall remain available until expended.

TITLE V—NATURAL RESOURCE POLICY

SEC. 501. ECOLOGICAL AND ENVIRONMENTAL RESOURCE STUDY.—(a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall conduct a study of the ecological and environmental resources in the United States that could be affected by a global climate change. The study should include implications for wildlife habitat preservation, coastal protection, inland rivers and lakes, irrigation and reclamation, ground water protection, and the natural resources within the boundaries of the Nation's wildlife refuges and parks, national forests, and other Federal lands.

(b) The study should—

(1) include specific regional climatic and resource base information useful in anticipatory and mitigatory planning;

(2) identify actions that, if taken, could help mitigate the effects of global climate change; and

(3) evaluate the cost-effectiveness, including the environmental effects of possible action.

SEC. 502. NATIONAL FORESTATION INITIATIVE.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall report to the President and the Congress on the feasibility of a National Reforestation Initiative. Such report shall include—

(a) in coordination with the Resources Planning Act of 1974, an inventory of Federal, State, and private forested lands;

(b) an evaluation of the status of timber harvesting on those lands, including the extent to which those lands are being reforested;

(c) an assessment of the extent to which Federal, State, and private lands can be reforested, including lands not necessarily suitable for timber harvesting such as urban areas;

(d) an evaluation of the potential of a national reforestation initiative for mitigating climate change, and the measures needed to achieve that potential; and

(e) an assessment of the potential economic and environmental benefits and costs of such an initiative, the measures available to mitigate such costs, and an evaluation of the effectiveness of such measures.

SEC. 503. URBAN FORESTRY AND ENERGY SAVINGS.—(a) The Secretary, in consultation with the Secretary of Agriculture, and other relevant Federal agencies, shall conduct a study of the potential for reducing carbon dioxide emissions by undertaking targeted urban tree and vegetative plantings, including landscaping and the use of natural windbreaks, designed to reduce the air-conditioning and heating needs of buildings. The study shall provide estimates of the cost-effectiveness of such a program and shall outline a range of Federal, State, and local public policies and incentives that would encourage public and private efforts to undertake such plantings.

(b) Within eighteen months after the date of enactment, the Secretary shall complete the study and transmit it to the Congress.

Amend the title so as to read: "A bill to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes.".

SUMMARY OF THE NATIONAL ENERGY POLICY ACT OF 1991

The overall purpose of this Act is to establish a national energy policy that fully considers the contribution of energy use to potential changes in global climate. The goal of the Act is to foster the identification of an appropriate mix of policies that have the potential, if fully implemented, to stabilize the generation of carbon dioxide and other greenhouse gases. It is anticipated that such policies would include cost-effective strategies consistent with the achievement of other domestic energy, economic, social and environmental goals.

The bill focuses on programs within the jurisdiction of the Committee including: least-cost planning, energy efficiency, innovative clean-coal and renewable energy technologies; reforestation and natural resource management policies; and international energy technology transfer in order to help ensure sustained economic growth and development, achieve a secure domestic energy supply, and protect against potential global climate change.

Least-Cost National Energy Strategy—Requires the Department of Energy to include a "Least-Cost National Energy Strategy" designed to meet the aforementioned goal in the formulation of a National Energy Plan. The Strategy is designed to outline policies and assign priorities among the energy resources that the Secretary determines to be the most cost-effective, taking into consideration the impact of the production and use of these energy resources on global climate change, and the economic, energy, social, and environmental consequences of these policies.

Director of Climate Protection—Requires the Secretary of Energy to appoint a Director of Climate Protection (hereafter the "Director") to serve as the Secretary's representative on all interagency and multilateral policy discussions regarding global climate change.

Review by National Academies of Science and Engineering—Calls for the Director, in consultation with the Office of Science and Technology Policy, to contract with the National Academies of Science and Engineering to conduct an extensive review of the current scientific knowledge regarding global climate change. Upon completion, the report will be presented to Congress and the President for use in establishing energy and natural resource policies for dealing with global climate change.

Energy Efficiency Initiatives—Directs the Secretary to give energy efficiency high priority in the areas of planning, research and development, private assistance, and Federal procurement. The Secretary is directed to prepare a report which evaluates energy efficiency policies and their relative contribution to a decrease in overall U.S. energy use per unit of GNP.

Energy Intensive Industries—Directs the Secretary to pursue a research and development program and joint venture program to improve efficiency in energy intensive industries and industrial processes. Authorizes $5 million for 1992, $15 million for 1993, and $25 million for 1994.

Federal Energy Management Programs—Amends NECPA to strengthen the existing Federal Energy Management Program by requiring, to the extent funding is available, Federal agencies to install energy efficiency improvements with payback periods of 10 years or less. The Act also amends the policy for leasing buildings for Federal use by setting criteria for improvements in energy efficiency.

Fuel Cells—Authorizes $15 million for the Secretary to use in conducting a program for the promotion of the early commercial applicaiton of fuel cells systems through demonstration of such systems in Federal buildings.

Repeal of Prohibitions on Supply and Installation of Residential Energy Conservation Measures—Repeals section 216 of NECPA to permit utilities to participate in the supply and installation of residential conservation measures.

Energy Efficiency Labeling for Windows and Window Systems—Requires the Secretary to provide financial assistance to support the voluntary development of a nationwide program to develop energy ratings and labels for windows and window systems and authorizes the Secretary to develop such a program if it is not developed voluntarily.

Energy Efficiency Information—Directs the Administrator of the Energy Information Administration to expand the scope and frequency of data collection under the National Energy Information System in order to improve the ability of the Department of Energy to evaluate the effectiveness of energy efficiency policies and programs.

Home Energy Efficiency Ratings—Directs the Secretary to provide financial assistance to States and local organizations to support a national program to develop energy rating systems for residential buildings. Under this provision, all residential buildings would receive an energy efficiency rating at the time of sale.

Compact Fluorescent Lamps in Federal Facilities—Requires the Secretary to submit a report on the feasibility of using compact fluorescent lights in Federal facilities.

Amendments to PURPA/Encouragement of Least-Cost Investments—Reformulates certain ratemaking standards in Title I of PURPA applying to regulated electric utilities and adds a requirement for the Department to perform a study of State laws and policies regarding least cost energy planning.

Energy Research and Development Priorities—Directs the Secretary to set priorities and prepare a management plan for research and development programs consistent with the purposes of the Act. The subtitle authorizes the Department to conduct joint ventures pursuant to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989. (P.L. 101-218)

Engine Vehicle and Fuel Research—Instructs the Secretary to establish and carry out a program of research, development and demonstration on advanced vehicle engine systems, including those engines which run on natural gas and alternative fuels.

High Efficiency Heat Engines—Instructs the Secretary to establish and carry out a program of research, development and demonstration on high efficiency heat engines including advanced gas turbin cycles. Authorizes $25 million for each of fiscal years 1992, 1993, and 1994.

Natural Gas Cofiring—Incorporates provisions of S. 1848, the Natural Gas Cofiring Promotion Act of 1989, directing the Secretary to conduct a 3-year, $27 million program for research, development and demonstration of cofiring technologies.

Fusion—Directs the Secretary to establish research and development goals and prepare program plans for magnetic and inertial confinement fusion for the production of electricity.

Coal—Directs the Secretary to establish research, development, and demonstration goals and develop a program plan for the development of coal technologies which meet the goals of the Act.

Non-fuel Uses of Coal—Authorizes research into the uses of coal as a feedstock for processes other than fuel or energy production. The legislation also provides for the submission of a report to Congress on the potential for further developments in the area of nonfuel uses of coal.

Advanced Nuclear Reactor Study—Directs the Secretary to submit to Congress within 180 days a report evaluating the extent to which continued or increased use of nuclear energy can reduce the generation of carbon dioxide and contribute to safe and reliable supply of energy.

Electric Vehicle Demonstration Program—Authorizes a $50 million program to address the cost penalty between electric and conventional vehicles. The program is designed to overcome technical and economic barriers to widespread use of electric vehicles.

Natural Gas and Other Alternative Fuels/Mass Transit Program—Provides for cooperative agreements and financial assistance to municipal, county, or regional transit authorities in large urban areas to demonstrate the feasibility of using natural gas or other alternative fuels as fuels for mass transit. Authorizes $30 million for each of fiscal years 1992, 1993, and 1994.

Natural Gas and Other Alternative Fuel Use in Fleet Vehicles—Establishes a joint program to provide financial assistance to encourage the development and commercialization of natural gas and other alternative fuel use in passenger fleets, light duty trucks, and heavy duty trucks. Authorizes $30 million for each of fiscal years 1992, 1993, and 1994.

Natural Gas and Other Alternative Fuel/Training Program—Establishes a Department of Energy training and certification program for technicians who install equipment that converts gasoline or diesel powered vehicles to those vehicles capable of running on natural gas or other alternative fuels. Authorizes $5 million for each of the fiscal years 1992, 1993, and 1994.

Vehicle Research, Development, and Demonstration Program—Establishes a program of research, development, and demonstration on techniques related to improving natural gas or other alternative fueled vehicle technology. Authorizes $10 million for each of the fiscal years 1992, 1993, and 1994.

Natural Gas Recovery, Research, Development and Demonstration Program—Directs the Secretary to continue and expand a program of research, development, and demonstration on techniques to increase the recovery of natural gas. Authorizes $25 million for each of the fiscal years 1992, 1993, and 1994.

Natural Gas Heating and Cooling Technologies—Expands the program for research, development, and demonstration for natural gas heating and cooling technologies for residential and commercial buildings. Authorizes $10 million for each of the fiscal years 1992, 1993 and 1994.

Methane Assessment—Eastablishes national goals for the assessment and reduction of methane emissions. Directs relevant Federal agencies to prepare reports outlining domestic and international measures necessary to reduce methane generation associated with various energy and natural resource sectors.

Committee on Renewable Energy Commerce and Trade (CORECT)—Designates additional duties for CORECT to foster U.S. policies which will enhance economic development in less-developed countries and reduce the generation of carbon dioxide and other greenhouse gases through the increased transfer of energy efficient and renewable energy technologies. Authorizes $1 million for assisting U.S. manufacturers of energy efficiency and renewable energy technology and equipment in exporting their goods and services to lesser-developed countries. Authorizes $12,750,000 for 1992 and such sums as may be necessary thereafter.

Hydropower—Directs the Secretary, in consultation with other relevant agencies, to assess the statutory and regulatory barriers to expanded hydroelectric capacity development at existing dams, and submit a report to Congress on the findings of such an assessment.

Fuel Cycle Cost Analysis—Directs the Secretary to undertake a comparative analysis of fuel cycle costs in the United States, Europe, and Asia for coal, oil, natural gas, nuclear, and renewable energy and submit a report to Congress on the findings of such an analysis.

Technology Transfer—Requires the Secretary to establish a program to develop those technologies that are beyond the basic research stage but not yet widely available and focuses primarily on moving promising new energy efficiency and renewable energy resource technologies into the private sector.

Ecological and Environmental Resource Study—Directs the Secretary of the Interior to conduct a study of the ecological and environmental resources that may be affected by global climate change.

Secretariat—Authorizes $350,000 to the Secretary of State for the purposes of establishing a secretariat to prepare for the 1992 UN Conference on Environment and Development.

National Forestation Initiative—Calls for a report on the feasibility of a National Reforestation Initiative designed to help stabilize or reduce the build-up of carbon dioxide in the atmosphere.

Urban Forestry and Energy Savings—Directs the Secretary to conduct a study regarding the potential for reducing the generation of carbon dioxide through urban tree plantings designed to reduce the air-conditioning needs of buildings.

U.S. GETS MIXED REVIEWS ON GLOBAL WARMING PLAN—"ACTION AGENDA" LACKS CARBON DIOXIDE TARGET

(By Michael Weisskopf)

The Bush administration yesterday announced what it called an "action agenda" to combat global warming, predicting that it will cut emissions of some climate-warming gases to 1987 levels by the turn of the century.

But the plan, unveiled at the first day of a U.N.-sponsored conference on global warming remedies, is essentially a repackaging of policies devised for other purposes and contains no assurances that emissions will not resume growing after the year 2000.

Nor does the plan set targets and timetables for control of carbon dioxide emissions—the principal warming gas—that most of Europe, Japan and Canada have pledged to stabilize or reduce early next century. U.S. emissions of carbon dioxide, produced when any fuel is burned, would increase by 15 percent under the plan.

Criticized by some European delegates as disingenuous, the plan was praised by other conference officials as a positive step for an administration that previously has talked more of scientific uncertainties than of remedies.

"We are united in the belief that despite large uncertainties, the potential threat of climate change justifies taking action now," Michael R. Deland, chairman of the White House Council on Environmental Quality, told the conference.

"If this is their program, it signifies a shift," said Mostafa K. Tolba, executive director of the United Nations Environment Program. "They are stabilizing" warming gases.

More than 130 nations are participating in the conference, which is supposed to meet intermittently over the next 18 months to draft a strategy to fight global warming. Tolba convened the nations after an international scientific panel concluded last summer that heat-trapping gases from industry and farming will raise world temperatures 2 degrees by 2025 and 6 degrees by 2100.

With the United States responsible for one-quarter of world carbon dioxide emissions, diplomatic pressure has been building for U.S. policies to match the commitments of other countries. But because of the economy's reliance on fossil fuels—chiefly coal and oil—the administration has been slow to move beyond the research stage.

Yesterday's announcement by Deland speaks of a "comprehensive strategy," which shifts the focus of control efforts from carbon dioxide to other warming gases.

The strategy, outlined in a pamphlet called "An Action Agenda," includes the phaseout of chlorofluorocarbons (CFCs), a policy that Washington agreed to last summer as part of the treaty to protect the stratospheric ozone layer.

Provisions of the new Clean Air Act, which Congress passed last October, also are included in the plan. Under the act coal-burning utilities were to adopt energy-conserving measures to combat acid rain. The same measures would reduce carbon dioxide emissions. The act also sets tougher limits on auto and industrial pollution to reduce smog, which acts as a warming gas.

Deland said the plan would result in the emissions of global warming gases in 2000 "being equal to or below 1987 levels." He did not use the verb "stabilize," which advocates of tougher measures prefer to characterize more ambitious programs to permanently cap emissions at current levels.

Environmentalists accused the administration of "double-counting," noting, for example, that the CFC phaseout alone will account for 85 percent of the global warming gases to be reduced by the plan.

Willem Kakebeeke of the Dutch Ministry of the Environment said the U.S. program was "hiding a little bit" by taking credit for CFC phaseout and failing to target carbon dioxide for controls. "They should come out in the open and say what they are going to do with carbon dioxide."

UNITED STATES ACCEPTS GREENHOUSE TARGET

(By Keith Schneider)

CHANTILLY, VA, February 4.—The Bush Administration today opened an international conference on global warming with the declaration that the United States will stabilize its overall production of the gases that have been linked to rising world temperatures.

According to the Administration's plan, introduced in a 22-page "action agenda" prepared by the White House, the United States will hold down the production of gases thought to cause the earth's warming to roughly 2.3 billion tons annually by the year 2000, the same amount produced in 1987.

The Administration also said for the first time in an international setting that it believed global warming was a problem.

The White House is proposing no new steps to hold down carbon dioxide or other gases, however, saying it believes that measures already taken will put a cap on greenhouse gases. Environmentalists compare this position unfavorably with that of European nations, which have agreed to cut back carbon dioxide emissions.

"The old White House position was this isn't a problem and we're not going to do anything about it anyway," said Dr. Michael Oppenheimer, an atmospheric physicist at the Environmental Defense Fund in New York. "The new position is yes, this is a problem, but we're still not going to do anything about it."

Michael Deland, chairman of the White House Council on Environmental Quality, told delegates to the international conference today, "Despite huge uncertainty, the potential threat for climate change justifies taking action now," said:

The Administration's plan and Mr. Deland's call to action came today at the first session of an international meeting to begin work on a treaty to curb emissions of carbon dioxide and several other gases that trap heat in the atmosphere, like the glass panes of a greenhouse.

The 10-day meeting, which attracted delegates from 130 nations, is the first of 5 scheduled to culminate in Rio de Janeiro in June 1992 with the signing of a treaty to take new economic, environmental and scientific steps to curb the warming.

RELIEF AND DERISION

Mr. Deland's remarks and the White House proposal were greeted today with a mixture of relief and derision. Leaders of American environmental groups and some delegates said they indicated a new willingness by the Bush Administration to pursue strategies to reduce the threat of global warming. Other Administration officials, notably William K. Reilly, administrator of the Environmental Protection Agency, have voiced alarm over threatened global warming, but until now the White House position was that the threat had not been proved.

The critics of the Administration also noted that the White House proposals appeared to be more of a public relations move because they did not commit the United States to take any actions to reduce carbon dioxide, the most important of the gases involved in global warming. In fact, under the proposal, the production of carbon dioxide would rise by the year 2000 to 1.5 billion tons a year from 1.3 billion tons in 1987.

Three-quarters of the roughly five billion tons of carbon dioxide released into the atmosphere from human activiity is produced by the industrialized countries, and the United States is responsible for nearly a quarter of the total.

CUT IN CHLOROFLUOROCARBONS

The increase in production of carbon dioxide, according to the Bush Administration's plan, would be offset by a reduction in the production of chlorofluorocarbons, a chemical used as a coolant and linked to the destruction of the atmospheric ozone shield. Almost four years ago in Montreal, the United States and other industrialized countries agreed to cut the production of chlorofluorocarbons by 50 percent. Last summer, the same nations agreed to phase out the chemical's production by the turn of the century.

Dr. Oppenheimer of the Environmental Defense Fund said: "This plan does not commit the United States to anything painful that hasn't been done already. But what is important is that we have a specific plan that the Administration says it's committed to. It's conceptually important that for the first time they are accepting targets. It is significant from a political perspective."

Before the conference ends on Feb. 14, delegates are scheduled to designate the members of three or four committees that will draft specific recommendations for reducing the threat of global warming. The committees are expected to consider proposals to reduce greenhouse gases and to preserve forests, which absorb carbon dioxide; ways to help less developed nations conform to a treaty, and the proposed legal text of the treaty.

The United States has proposed that a fourth committee be formed to provide the other committees with the latest research data on global warming.

Officials of other nations, especially the Europeans, oppose the proposal, saying that the best source of data is the Intergovernmental Panel on Climate Change, 300 of the world's leading climate experts, organized by the United Nations to provide such research data.

NATIONAL ENERGY GUIDE

As part of its new plan for stabilizing the production of the gases that are linked to the changing climate, the White House today said that it was relying on aspects of its long-awaited national energy strategy. Conserving energy would reduce the production of such gases, the White House said.

Among the proposals outlined today was a plan by the White House to press for new standards to make appliances more efficient. Such standards could reduce the consumption of energy 7 to 8 percent by the turn of the century, and 15 percent by the year 2010. Large appliances, the White House said, account for more than two-thirds of the energy used in homes.

The White House also wants to increase its program to train engineers who can audit and improve the consumption patterns of more than 350,000 industrial plants in the United States.

The Federal Government will also be pressed to come up with new programs to reduce the consumption of energy for lighting. A quarter of the Government's energy consumption is for lighting offices, factories, military bases, and other installations, according to the White House. Improving lighting could reduce the production of the gases linked to the greenhouse effect by an amount equivalent to 1.4 million metric tons of carbon.

[From Scripps Howard News Service, Jan. 9, 1991]

IT'S OFFICIAL: 1990 WARMEST YEAR ON RECORD

(By Robert Engelman)

WASHINGTON.—NASA and British government scientists reported Wednesday that 1990 was the warmest year on record worldwide, surpassing 1988 and several other very warm years in the 1980s.

Those reports, based on thermometers around the world, were bolstered by a separate finding that less ground was covered by snow in the Northern Hemisphere last year than at any time since snow-cover measurements began 19 years ago.

The year thus appeared to continue a gradual and erratic warming trend, evident since 1965, that made the 1980s the warmest decade ever recorded. At least the four warmest years on record have occurred since 1980, according to both the NASA and British records.

The manmade enhancement of the atmosphere's heat-trapping "greenhouse effect" may not be related to the warming trend, the British Meteorologic Office said in a statement. But "it is likely that it has played some role in contributing to the recent warmth."

Two space scientists who monitor global satellite data on atmospheric temperatures contested last year's record warmth. They reported measurements of the lower atmosphere—from the surface to about 30,000 feet up—showed 1990 to be the fourth-warmest year since their satellite began keeping records in 1979.

"It's possible that both are correct," Roy Spencer, a NASA scientist, said of the discrepancy. With a University of Alabama colleague, Spencer maintains the satellite data.

The Earth's surface could have experienced record warmth in 1990 while temperatures closer to normal prevailed in the atmosphere above it, which Spencer's satellite measures, he said.

"We're getting a little better at understanding the climate, but the more we understand the more confused we get," Spencer said.

Both the British scientists and James Hansen, director of NASA's Goddard Institute for Space Studies, reported that 1990 temperatures on land and at sea were on average 0.7 degrees Fahrenheit above those recorded from the 1950s through the 1970s.

The year also was about 0.1 of a degree warmer than 1988, the previous warmest year, by the thermometer records.

James Angell, a National Oceanic and Atmospheric Administration climatologist who measures atmospheric temperatures with balloons at 63 weather stations worldwide, also declared the year the warmest on record.

"Yes, it's a record, but barely so in my record," Angell said. He found the year to be just four hundredths of a degree warmer than 1988.

At the same time, David Robinson of Rutgers University reported that satellite data showed North America, Europe and Asia had less snow cover—fewer acres under snow on fewer days—in 1990 than at any time since 1971. That continued an overall trend he has identified of declining snow cover over the 2 decades.

NOAA's National Climate Center reports that 1990 was the seventh warmest since 1895 in the U.S. record, and the warmest year in the Southeast.

All the scientists conceded that no conclusions about global warming or the greenhouse effect can be drawn on the basis of a single year's record.

"The results of a single year are less significant than the trend over a period of years," said Hansen.

[From the New York Times, Jan. 10, 1991]

SEPARATE STUDIES RANK 1990 AS WORLD'S WARMEST YEAR

(By William K. Stevens)

The earth was warmer in 1990 than in any other year since people began measuring the planet's surface temperature, separate groups of climatologists in the United States and Britain said yesterday.

A third group, in the United States, reported record temperatures from one to six miles above the earth's surface. These were recorded from balloons from December 1989 through November 1990.

Some scientists said the new reports, taken together with the series of very warm years in the 1980's, strengthen the possibility that the feared greenhouse effect, a global warming caused by an increase of heat-trapping atmospheric gases, had already begun.

The 10 warmest years since 1880 and average temperatures in Fahrenheit.

1990	59.81
1981, 1988	59.64
1987	59.56
1980, 1983	59.51
1989	59.45
1973	59.31
1977, 1986	59.30

Source: NASA Goddard Institute for Space Studies.

MAN OR NATURE?

These gases, chiefly carbon dioxide, chlorofluorocarbons and methane, are increasing, mostly as a result of human activity. A greenhouse warming could cause drastic changes in climate, agriculture and even sea levels.

Other scientists noted the difficulty of detecting the tiny initial signal of greenhouse warming amid the much greater temperature swings caused by nature.

"I would agree that it is of concern that we've had these hot periods," said Tim Barnett, a climatologist at the Scripps Institution of Oceanography in La Jolla, Calif. "But at this point you can't attribute it to any single cause. Is it the greenhouse gases, or is it natural variability?" It is impossible, he said, to draw any conclusion based on the average global temperatures alone.

The seven warmest years since 1880 all occurred in the last 11 years, according to climatologists at the space agency's Goddard Institute for Space Studies in New York. And six of the seven warmest years since 1850 have all occurred since 1980, according to a somewhat different set of surface measurements by scientists at the University of East Anglia in England and at the British Meteorological Office. The Goddard team analyzed temperatures recorded on land and on oceanic islands; the British team also included temperatures taken by ships at sea.

"The case for a cause-and-effect relationship" between the recent warming and a human-induced greenhouse effect "is becoming harder to deny," said James E. Hansen of the Goddard Institute. Dr. Hansen made a well-publicized statement in 1988 that the greenhouse effect was probably the cause of the observed rise in global temperatures.

A SKEPTIC BEGINS TO WAVER

His group reported yesterday that 1990, with an average global temperature of 59.8 degrees, was the warmest year globally since the records used by the group began in 1880.

"I wouldn't disagree with that," James K. Angell of the National Oceanic and Atmospheric Administration's Air Resources Laboratory in Silver Spring, Md., said of Dr. Hansen's comment. Dr. Angell reported the balloon measurements. "I've been a skeptic, but as these warmish years come one upon the other, you begin to waver a little bit."

Nevertheless, he said, "we still may have to wait a decade longer to make sure."

The British groups headed by Phil Jones at East Anglia and David Paker of the meteorological office, reported 1990 to be the warmest year since comparable records were first kept in 1850.

"Although it is still too early to confirm whether the recent exceptional warmth is related to the greenhouse effect," the British scientists said in a statement, "international scientific opinion strongly supports the reality of this enhanced greenhouse effect, and it is likely that it has played some role in contributing to the recent warmth."

SATELLITES MEASURE WARMTH

A fourth analysis, of data from satellite measurements of the entire lower atmosphere through the first 11 months of 1990, showed the year could turn out to be the fourth warmest since the satellite measurements began in 1979. The analysis was made by John R. Christy of the University of Alabama and Roy Spencer of the space agency's Marshall Space Flight Center, both in Huntsville.

The Goddard group found that the record average surface temperature for the globe was eight-tenths of a degree Fahrenheit above the 1951–1980 average of 59 degrees. The British group found it seven-tenths of a degree higher than the 1951–80 average.

The warming was particularly pronounced over the eastern United States, where record temperatures were also set in 1990, and across the entire Eurasian land mass the Goddard team discovered. The only region with temperatures substantially below normal was Greenland and the neighboring Canadian archipelago. The British group found the warmth of 1990 "particularly evident" over Europe, western Siberia, the Far East and most of the United States and southern Canada.

The Federal Government reported last week that 1990 was the seventh warmest year in the United States since record-keeping began in 1895. In New York City, it was the warmest year recorded since the Government began measuring the temperature in Central Park in 1869.

Dr. Hansen's group calculated that the 1980's were about one degree warmer, globally, than the 1880's, and that 1990 was about 1.25 degrees warmer. By way of comparison, the world's average temperature is about 9 degrees warmer now than it was in the last ice age. Dr. Hansen said that the figures were corrected to take account of the "urban heat island effect," in which the growth of cities have caused land masses to warm by about two-tenths of a degree.

The Goddard analysis also found that the rate of global warming for the past quarter-century was greater than at any other time since 1880. Scientists believe that natural climate variation may have produced higher global temperatures at other junctures since the last ice age, but they have no reliable way of making comparisons between then and now.

"LOADING THE DICE"

Dr. Hansen said that if the global climate rises only about another two-tenths of a degree and remains there, the odds of warmer than normal winters and summers will increase substantially, and that this will be readily noticeable. "Seasonal temperature is still a crapshoot," he said, "but the global warming is loading the dice."

He calculates that with the two-tenths of a degree further warming, the chances for a warmer than normal season will increase from 1 in 3 to 2 in 3 and that the chances for a normal or colder than normal season decrease from 2 in 6 to 1 in 6.

"We're already close to there," he said.

While many scientists say it is not possible to conclude that the warming is being caused by increased greenhouse gases emitted as a result of human activity, Dr. Hansen said that the temperature increase "is roughly on the track" of what is predicted by computer models of the climate that try to predict the course of a greenhouse warming.

An international group of scientists convened under United Nations auspices found last year that if greenhouse gases continued to be emitted at the current rate, the earth's temperature would increase by about 2 degrees by the year 2025 and by more than 5 degrees by the end of the next century.

Given that range, scientists cannot say whether the warming would be mild or catastrophic, or which regions of the earth might be most affected.

A group of 16 Senators led by Al Gore, Democrat of Tennessee, yesterday signed a letter to President Bush citing the findings and saying that the data "illustrates clearly that global climate changes is real, that global warming is not a problem that will disappear if we ignore it and that there is an increasingly urgent need for policies that address these issues."

[From the Washington Post, Jan. 10, 1991]

GLOBAL WARMING CONTINUES, BUT CAUSE IS UNCERTAIN—BUILDUP OF POLLUTANTS IN EARTH'S ATMOSPHERE STUDIED; DEFINITIVE EVIDENCE IS LACKING

(By William Booth)

The average temperatures on Earth in 1990 were the highest since record keeping began, continuing a warming trend first detected in the 1980s.

The world's two leading authorities on global surface temperatures reported these findings jointly yesterday, but said it is not clear that the cause of the warming is the buildup of pollutants in the atmosphere.

The analyses were done by the British Meteorological Office and the National Aeronautics and Space Administration's Goddard Institute for Space Studies in New York, using a network of thermometers on land and sea.

Most climate experts say they lack definitive evidence that the observed global warming is caused by pollutants such as carbon dioxide, a gas that has been steadily increasing in the atmosphere because of the burning of forests and fossil fuels, and which acts like a blanket to trap heat close to the Earth's surface.

The observed warming may instead be some completely natural, though poorly understood, phenomenon. But there is a growing feeling among many researchers that the warming trend may be fueled by human pollutants.

"I have been skeptical about saying it's an enhanced greenhouse effect," said Jim Angell, a climate expert at the National Oceanic and Atmospheric Administration's Air Resources Laboratory in Silver Spring. "But it's getting harder to defend that skepticism."

While uncertain about the cause of the warming, both the British and American researchers yesterday agreed that 1990 beat out 1988, which was previously the hottest year on record. Indeed, six of the seven warmest years in more than a century occurred in the 1980s. In descending order the seven warmest years on record are 1990, 1988, 1983, 1987, 1944, 1989 and 1981.

Angell and his colleagues, however, believe that it may take another decade to know for certain whether pollutants are causing the warming.

Based on computer simulations on how the planet operates, an international group of researchers sponsored by the United Nations predicted that the average global temperatures would increase between 2 and 6 degrees Fahrenheit by the end of the 21st century, if gases such as carbon dioxide continue to accumulate at projected rates.

The United States will host an international meeting in February to discuss possible responses to global warming. In past discussions, the Bush administration has resisted attempts to reduce carbon dioxide emission, arguing that more research is needed to prove that warming will occur.

James Hansen, head of NASA's Goddard Institute, stressed that a single record-breaking year was meaningless. Rather, he said, scientists were most interested in—and concerned about—what they view as a warming trend.

The warm weather was most evident over the United States and southern Canada, Europe, western Siberia and the Far East.

Readings taken with weather balloons launched by Angell and colleagues at NOAA confirmed that 1990 was the warmest year not only at the Earth's surface but in the planet's atmosphere, from about 5,000 to 30,000 feet. Similarly, Angell said, the warming trend of the 1980s was also observed in the atmosphere.

Satellite data collected by Roy Spencer at NASA's Marshall Space Flight Center in Huntsville, Ala., also confirmed that the atmosphere was warm in the 1980s. However, Spencer's satellites showed that 1990 was not the hottest year, but the fourth warmest. Spencer is not sure why his temperature record is different.

Spencer said scientists don't really understand natural fluctuations in climate. Records have been kept only since the late 1800s. Indeed, there was a distinct warm peak in the 1930s and 1940s, which gave way to 20 years of relatively cool temperatures, followed by the warming of the 1970s and 1980s.

"If it was a purely scientific thing, I'd say I'm not convinced. I'm skeptical," Spencer said. "But I'm just glad I'm not a policymaker. There is so little proof, but the possible consequences are so severe."

Last year also had by far the lowest annual snow cover ever recorded for the Northern Hemisphere, according to analyst David Robinson of Rutgers University.

Robinson said he is not sure whether the decreased snow cover was a result of higher temperatures, or the cover actually contributed to the warming. The less snow cover, the more the Earth's surface heats up. The more snow cover, the more sunlight is reflected back into space.

Mr. WIRTH. Mr. President, in closing, I again thank my colleagues who have worked long and hard on this issue. I point especially to the distinguished Senator from Tennessee, Senator GORE, and Senator HEINZ, the distinguished Senator from Pennsylvania, who have worked on this issue.

This is a broad, bipartisan move on this enormously important global issue. Forty-eight Senators have sponsored this legislation. I look forward to its early passage.

Mr. President, I yield the floor.

Mr. HEINZ. Mr. President, I am pleased to join my distinguished colleague from Colorado in introducing legislation which carries today a new imperative. The Persian Gulf crisis has served to dramatize many facets of national life, not the least of which is the way Americans use, perhaps abuse, energy resources. And the environmental effects of our relentlessly increasing use of petroleum products continues to generate alarm and controversy.

The geologic record is quite clear in some respects. We know the planet has periodically cooled then warmed. What continues to alarm scientists is the present rate at which Earth is warming and to what ends our current warming cycle will bring us. There is no dispute about the massively increased loading of greenhouse gasses into our atmosphere. There is disagreement among those same scientists about what the actual effect of this man-made change will be. The scenarios range, literally, all over the imaginable list of possible outcomes. The worst of those scenarios is nothing short of catastrophic. Given the length of time necessary for Earth's systems to respond to meteorological change, it seems only reasonable and prudent, Mr. President, that we assume that the majority opinion of our scientific community is correct and that we should move now to alter the inevitability of that outcome. Our National Energy Policy Act represents a crucial first step to alter our energy use activities and turn the worst-case debate, hopefully, into an academic exercise.

But here is another, I believe equally imperative and compelling, reason to act on this legislation. Increasing concentrations of atmospheric carbon dioxide not only pose the potential for catastrophic global warming rates, but signals a continued reliance on petroleum energy which may well have reached dangerous proportion. Carbon dioxide is believed to account for about half of the warming effect of all the greenhouse gases. In the past 30 years alone, concentrations of CO_2 in the atmosphere have increased by 25 percent and, without changes, the world will experience an 80 percent increase in the next two decades. And that increase will come, almost exclusively, from increased use of oil—oil which we now import at nearly 50 percent of our daily requirement. Our national security and our planet's security are two very good reasons why we must use energy more efficiently and conservatively.

The legislation we are introducing today contains a variety of provisions to require greater energy efficiency practices by Government and the private sector. The bill encourages research and development regarding alternative energy sources including renewables. And provides that least-cost planning methodologies used by States and utilities be evaluated and revamped if necessary. I want to stress that the overall purpose of this legislation is to establish a national energy policy that fully both considers the contribution of energy use to potential changes in global climate and lays some very essential groundwork toward building energy efficiency and conservation into our work ethic.

Mr. President, the road to real reduction in greenhouse gases emissions promises to be nothing if not controversial and acrimonious. but to leave the road untravelled is to tempt a worst fate. In 1979, the national academy of sciences reported that there is no reason to believe that global climate changes will be negligible if CO_2 concentrations continue to rise. The academy warned us then that a wait and see policy might well result in our waiting until it is too late. The scientific debate goes on Mr. President, and no doubt will for some time. That is the nature of scientists—to debate, to shift data through the various prisms of interpretation. That debate should not be ours—ours should address the social scenarios of action, or inaction if you will. The data are not conclusive, only suggestive with regards to global warming. But the consequences of guessing wrong are unacceptable and the energy use numbers are real, and alarming.

Mr. President, I urge my colleagues to support S. 324 and to join in an aggressive effort to set responsible policy with regards to the increasingly critical issue of global climate change and energy use.

Mr. COHEN. Mr. President, I am very pleased to be joining Senator WIRTH in introducing S. 324, the National Energy Policy Act. I would like to take this opportunity to commend Senator WIRTH for his diligence and leadership in addressing the need for a national energy policy.

I am cosponsoring S. 324 because I believe this Nation needs to expend a good deal of its resources on examining existing, under-utilized and alternative energy resources with the aim of developing a sound approach to national energy use. The impetus for the drafting of the National Energy Policy Act is the need to reduce the emission of carbon dioxide into the atmosphere—a key component of the global warming phenomenon. By conducting indepth research into various energy sources and alternatives, the bill seeks to provide us with a variety of approaches—a menu of sorts—that we may review as we prepare to deal with the changes brought on by global warming.

In addition, this bill is important from another standpoint, and that is energy independence. By encouraging greater energy conservation and efficiency in both the Federal Government and the private sector, we can begin to move away from complete dependence on finite or unstable sources of energy before a real crisis of supply is upon us.

The Persian Gulf situation has raised awareness of our energy insecurity, and we should not squander this opportunity to address some of the fundamental shortfalls in our energy use patterns and policies.

We have to face the fact that we are hopelessly addicted to foreign oil, and that this particular form of substance abuse is weakening the Nation. As long as we refuse to conserve oil and take other steps to free ourselves from foreign suppliers, we will be caught in the stranglehold of international oil interests.

By promoting least-cost energy plans, as we already do in MAINE; by requiring greater energy efficiency in Federal planning, construction, and procurement; by focusing on home energy efficiency ratings and efficient lighting; by requiring intensified research into more efficient heat engines; and by encouraging greater examination of alternative fuels, S. 324 will push the Federal Government in the right direction.

Now is the time to examine the options that are or should be available to us so that we can reduce our over-dependence on oil, which leads to environmental and energy-related problems. I am very pleased that Senator WIRTH has offered us the opportunity to use that time wisely by reintroducing the National Energy Policy Act, which first passed the Senate last summer. This bill gets us pointed in the right direction, and I hope it will be supported by the full Senate in the near future.

Mr. GORE. Mr. President, I am proud to cosponsor the legislation which has been introduced earlier by the Senator from Colorado, Senator WIRTH, the National Energy Policy Act of 1991.

I wish to commend him on the introduction of this important piece of legislation, and note for the Senate how hard the Senator from Colorado worked in the last Congress on the predecessor to this initiative, and express my hope that we will see this bill signed into law during this Congress.

For many reasons—economic competitiveness, national security, protection and preservation of the environment—this country needs the National Energy Policy Act now.

I am very proud to be the lead cosponsor on this measure. I am very proud that the Senator from Colorado agreed to be the lead cosponsor on legislation entitled the World Environment Policy Act of 1991, which I introduced earlier on the first day of this Congress. We have worked together for quite some time on this set of issues affecting and threatening the global environment, and obviously these issues are going to have to be addressed with more effectiveness because the problems are getting more severe.

Mr. President, for too long we have let the vagaries of world oil prices dictate our attention—and more typically, our inattention—to energy policy. The cost is becoming intolerably high. We are jeopardizing our security, compromising our economic competitiveness, and threatening the Earth's climatic balance.

Over the course of the last decade, we have allowed our investment in clean energy technologies to plummet down to less than 20 percent of the level of commitment we saw early in the last decade. We once led the world in the development of solar and wind technologies, and now we are net importers of those technologies.

The Japanese, for example, are gearing up to exploit the major new market throughout the world in these new technologies. Many of us had hoped that President Bush would provide leadership on this issue.

Indeed, we had every right to expect that he would. Not long ago the President promised the Nation that he would produce a new energy strategy that would enable us to "bequeath a legacy to the next century of a cleaner, more prosperous, and, yes, more secure America." By all accounts that promise has been an empty one. If we are to see a comprehensive policy at all from the White House, it will amount merely to a plan maintaining the status quo—it will not chart a course that is promising both for our economy and our environment. I wish it were otherwise, but the evidence is by now all too clear. On this issue, as on others of critical importance to the continued vitality of our country, it is clear that President Bush is seeking counsel not from experts but from his political cronies in the White House and at the Office of Management and Budget.

White House fervor to resist progress is nowhere more apparent than in the administration's disgraceful handling of the climate change negotiations. Today's headlines may make it appear as though the administration has had an about face and that their intransigence is turning to cooperation and a willingness to act. Unfortunately, that is simply not so. What we are seeing is one more environmental shell game by an administration still trying to fast talk its way out of real commitments.

Yesterday, at the opening session of the negotiations in Chantilly, VA, Michael Deland, the Chairman of the President's Council on Environmental Quality, welcomed the delegates and, in his speech, affirmed that the administration is committed to action, action even in the face of uncertainty. The strong tone of Mr. Deland's address encouraged some delegates who had expected to hear a replay of the administration's oft-repeated refrain that more research is needed before action can be undertaken. That much was chained in the rhetoric. But the euphoria soon faded as it became clear that the actions the administration was committing itself to would accomplish nothing more than holding emissions during a single year, the year 2000, at the levels of 1987.

This is one of the trickiest commitments I have ever heard. That is saying something, Mr. President. But I want to underscore exactly what the administration said and what the language it used means because some mistakenly got the impression that the administration was committing to stabilize our greenhouse gas emissions by the year 2000, holding them at that level for all of the years after 2000.

Most of those who heard the administration's position would be surprised when they read the fine print to find out that it is all a shell game, and that actually the emissions will go up before 2000. They will be stabilized for that one 12-month period, and then after the year 2000 they will continue to go up. How is that possible? Well, the scientists and experts who were there studying the fine print explained how it works.

Before the year 2000, emissions will still be dangerously high because we, unlike nations who have committed to phasing out chlorofluorocarbons well before the year 2000 deadline mandated by the Montreal Protocol, will still be producing these ozone-destroying chemicals throughout the remainder of this decade. They are also potent greenhouse gases.

The administration's plan calls for us to meet our commitment to eliminate CFC's right at the year 2000. That will give us a temporary drop in the overall greenhouse gas emissions right at the turn of the century. But then after the year 2000, our emissions will again soar because the administration's plan does nothing to control carbon dioxide emissions. In fact, it allows CO_2 emissions to rise by some 15 percent by the year 2000.

So it is a shell game. It is a pretense of action. It is not substantive action.

So while it was perhaps more artfully presented, the administration's message is again hollow.

While the White House has been laboring to craft such artful obfuscation, it has taken no time to prepare for the substance of meetings which are now upon us in Chantilly. Indeed, just last Friday, the last business day before the negotiations were to begin, my staff was told by the State Department that it was premature to ask for the administration's position on the critical issues to be addressed. In fact, aside from presenting a paper calling for more research, the administration was preparing to offer not a single constructive new idea.

So, clearly concerns over national security, the environment, public health, competitiveness have not been viewed as pressing enough for either the Bush or the Reagan administration to face up to our energy problems and to work on real solutions. But the threat of global warming and the severe economic and environmental impacts it implies will no longer allow us or any other nation to remain complacent. Nature is forcing us to do what markets and policies thus far have not. We need leadership to meet this problem.

Energy efficiency and conservation are the best, the cheapest, and environmentally safest means for meeting the challenges of continued economic development in the near term. Efficiency gains and conservation will also buy us the critical time required to develop other alternatives and to reduce greenhouse gas emissions. Although great strides were made in the developed world after the oil shocks of the 1970's, U.S. efficiency gains leveled off in 1986. In the past 2 years, U.S. energy demand has increased more than 8 percent. Global and U.S. energy use reached all time highs in 1988 and 1989 and continue to increase. Greenhouse gas emission rates are accelerating, not diminishing. We are in the process right now of doubling CO_2 levels in the atmosphere of the entire world in less than 40 years' time.

Contrary to what the administration would have us believe, the strong implementation of conservational strategies and renewable energy technologies need not come only at the expense of the economic growth. Quite to the contrary, history shows we can both expand the economy and contract energy consumption. During the 13-year period from 1973 to 1986, we achieved a 36-percent increase in gross national product and fueled that dynamic rate of growth with a zero net increase in energy use. Innovative conservation strategies were largely responsible for our strong performance during this period, and if we muster the will to support their development and implementation, conservation and renewables offer even more promise for the future.

Important studies are now showing that we can achieve significant reductions in the carbon dioxide emissions produced by fossil fuels at zero net cost and sometimes at a net savings. The reason is simple. Conserving a unit of energy is often a lot cheaper than constructing or expanding a power plant to produce that unit of energy. It is just these kinds of initiatives that my friend, the Senator from Colorado, offers for our consideration in the bill that he has recently introduced. The legislation is not just a good idea; it is essential to the continued vitality of our environment and our economy, and I urge my colleagues to join us in support of the bill.

Mr. WIRTH. Will the Senator yield?

Mr. GORE. I yield.

Mr. WIRTH. I again thank the distinguished Senator from Tennessee for both his bill and his support of this legislation, and our distinguished colleague from Connecticut, Mr. LIEBERMAN, who has also been of great assistance in this. His comments are right on the button. This has been a shell game downtown. It is really not fair to the future of our children, grandchildren, and everything on the globe that it is our responsibility to preserve. We have to keep pushing on this front. I think it is yet another step in that overall effort. I thank the distinguished Senator from Tennessee.

Mr. GORE. Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, in the areas of energy efficiency and pollution prevention, this Nation has a great need to put its house in order. Our dependence on foreign imports to meet out voracious energy appetite has wreaked havoc with our lives; and the sheer bulk of our energy use has placed great burdens on our fragile environment.

I am proud to be an original co-sponsor of the National Energy Policy Act. I worked on this legislation last Congress with Senators WIRTH and JOHNSTON and I am pleased that the bill incorporates two provisions which I authored in close cooperation with these Senators and the committee.

The volatile situation in the Middle East underscores the continued vulnerability our Nation faces in powering our massive economic engine with imported oil—our energy trade deficit looms ever larger; we are subject to price and supply disruptions outside of our control; and our international competitiveness in new energy technology is in jeopardy. Add to this the continuing stuggle we are waging with our environment, and you have a situation crying out for a solution. Mr. President, a solution is available if we have the will to implement it. We must make conservation, energy efficiency, and alternative clean energy technology the cornerstones of our national strategy if we are to successfully address our growing economic, energy supply, and environmental problems.

The last 10 years have seen an 80-percent decrease in the Department of Energy's funding of research and development in renewable energy sources and energy conservation, at a time when oil imports have increased dramatically, reversing a downward trend in the early part of the decade. This record is appalling. The Federal Government is the largest consumer of energy in this country, spending some $4 billion to power Federal facilities in the United States each year, and it ought to take the initiative. It should be pursuing, right now, a forward-looking energy policy geared toward the early commercialization of clean and efficient alternative sources of energy, using our energy-guzzling Federal facilities as a proving ground. Instead, there has been a declining trickle of Federal support for basic research in renewable and alternative clean energy, and a lack of resolve to follow through with the funds needed to provide the final boost toward commercialization.

Promising technologies now exist which would reduce America's dependence on imported oil, while offering tremendous environmental benefits. Major research advances have occurred in fuel cells, photovoltaic cells, solar thermal systems, and geothermal, wind, and biomass systems. Most of these technologies are pollution-free and compare favorably with traditional energy sources when the very real environmental costs of the latter sources are factored in. For example, fuel cells produce virtually pollution-free energy without combustion, achieving overall efficiencies which can exceed 80 percent, when congenerated heat is recaptured. In contrast, traditional power generating sources have efficiencies in the neigborhood of 30 percent. Yet, fuel cell manufacturers and other innovative energy industries are struggling in this country because they lack the Federal support that prudent energy policy would dictate.

Even as they struggle in this country, however, alternative energy industries form the basis of aggressive energy strategies in Japan and West Germany, countries whose economies are world models for efficiency and productivity. It is no accident that both of these countries have ambitious energy conservation programs and are right now making massive investments in alternative energy technology. Japan plans to satisfy up to 15 percent of its electric power requirements from fuel cell technology by the year 2000. To that end, it is actively pursuing alliances with U.S. companies to capitalize on technological developments which our country pioneered. Japan and West Germany are both enthusiastically embracing solar energy, and each has made major investments in American solar concerns.

It is a time to seek our new ways to meet our energy requirements which are more efficient and less harmful to the environment. This legislation takes very important steps forward to address this situation. I will focus, Mr. President, on the provisions which I authored.

First, section 203 of the legislation amends the National Energy Conservation Act to require Federal agencies to adopt cost-effective energy conservation programs at federally owned or leased facilities. It provides a specific procedure for Federal facility managers to use to enter into shared savings, energy conservation contracts.

In the short term, simple conservation measures hold great promise for improving our energy and environmental picture, with comparatively little effort. And this is the area which is particularly appropriate for Federal leadership. In the wake of Iraq's invasion of Kuwait, President Bush identified energy conservation, for the first time in my memory, as an important step to address potential oil supply shortfalls. It should not take an act of blatant aggression in the international arena to elicit support from the administration for energy conservation. Common sense ought to suffice. The truth is that energy conservation requirements for Federal facilities have been on the books for several years now, and they have been largely ignored.

Our Government has failed to implement conservation measures in its facilities which would ultimately save the taxpayers billions of dollars in energy savings. The Department of Energy has admitted that just reducing Federal lighting energy needs by 25-percent would save taxpayers up to $930 million per year. This is not a pipe dream, Mr. President—savings of this magnitude are easily achievable today, with new compact fluorescent bulbs which use about one quarter as much energy as typical incandescent bulbs and which can be installed in existing fixtures. In addition, various conservation programs sponsored by electric utilities boast large payoffs and are literally available for the asking, because they would involve no up-front costs but would instead provide utilities a share of the savings. Unfortunately, the administration has been slow to implement these and other beneficial programs.

Not only must energy conservation and efficiency be the centerpiece of the Nation's energy policy but they are an integral part of the solutions to our Nation's clean air problems—acid rain, smog, air toxics.

The solutions to acid rain and smog are intrinsically tied to the demand, supply, and consumption of energy. As a result, the line between energy and environmental policy has become blurred.

The demand for and generation of electricity from traditional fuel sources is at the heart of not only the acid rain problem, but also global warming. As the largest single consumer of electricity, the Federal Government is part of the problem. This legislation takes steps to reduce the contribution of the Government to acid rain as well as to overall carbon dioxide emissions.

Energy conservation is, quite simply, the most effective, cost-efficient, and natural resource protective technology available to prevent acid rain. Conservation reduces electric demand. Reduced electric demand leads directly to reduced electric generation. It saves money, reduces our dependence of fossil fuel and foreign sources, and protects the environment. It is that simple.

In the Clean Air Act we have required private industries to reduce emissions. But instead of playing a leadership role, the Government is remaining part of the problem of acid rain and global warming. This legislation directs the Government to do its part by practicing electric energy conservation.

Section 203 may require some upfront investment to implement. But overall, it is a big money-saver. A 25-percent reduction in Federal energy consumption can save the taxpayers $1 billion a year.

The shared savings provisions in the bill—discussed below—can significantly reduce initial investments.

The legislation only requires Federal agencies to adopt conservation measures that are cost effective. It requires each Federal agency to install energy conservation and efficiency improvements that have a pay back time of 10 years of less.

Section 203 directs Federal agencies to use the cost-effectiveness formula developed by the National Institute of Standards and Technology. This formula allows the Department of Energy to incorporate environmental externalities in its life-cycle cost methodology. The determination of these values is an important step that is already being implemented by the New York State Public Utility Commission and is under consideration in other states. Further, the incorporation of environmental externalities is a high priority of the Conservation Committee of the National Association of Regulatory Utility Commissioners. The best incentive for true efficiency in the energy sector is an honest accounting of all costs associated with energy generation. Determining the value of environmental externalities provides the market with the information it requires to meet our energy needs in the most efficient manner.

The problem is that too many perceive these technologies as still being in the idea stage with little application in the real world. We are continually told that these technologies are unproven, prohibitively expensive, and, if they're ever going to be available, it's in the far, distant future. But the truth is that we are much further along. A recent DOE initiative focused on energy conservation in Federal and commercial buildings, solar energy and similar energy saving innovations. DOE projects that, with an investment of $336 million over 5 years, the potential total payback for the country is $32 billion over 20 years. That represents savings of some $100 for every $1 of investment.

The DOE initiative also indicates that it will assist other Federal agencies in developing innovative financing options that would minimize the need for upfront Federal investments. Section 203 establishes a general statutory framework for procurement officials in all agencies to use these innovative share energy savings contracts. For the last 15 years, State and local governments have been retrofitting Government buildings with energy conservation improvements without any capital investment. Our friends at the State and local level have been taking advantage of alternative funding arrangements. However, the Federal Government has only limited involvement in these beneficial public-private partnerships.

Shared savings contracts have two important features that are of particular interest to the Federal Government:

First, an energy services company installs and pays for the energy conservation measures. It does not require an expenditure by the Federal Government; and

Second, it immediately reduces the amount the Federal Government has to pay for electricity.

That is as close to a win/win situation as I've ever seen.

With these contracts, private capital will finance conservation improvements in public buildings, under section 203, with no requirement for a Federal budget commitment. Aggressive energy conservation is good energy policy, and it's good environmental policy. The least we can do is ensure that the Federal Government is a model energy consumer. Section 203 of this bill goes a long way toward making the Federal Government a leader in energy conservation.

Section 221 of the bill also takes some significant steps forward to meet our energy requirements in ways which are both more efficient and less harmful to the environment by providing for the use of fuel cells to meet electrical requirements in Federal buildings.

Fuel cells are essentially large-scale batteries which use hydrocarbon fuels, without combustion, to produce electricity, but they are remarkable batteries indeed. They are superlative energy producers, reaching efficiencies of over 80 percent if heat energy is recovered, compared to about 30 percent for traditional powerplants. They are virtually pollution free and, because of their great efficiency, emit far less carbon dioxide per unit of energy produced than do traditional power-generating devices. They are quiet and modular, making them ideal for use onsite and in situations where variable power demands allow fuel cells to be combined or separated as needed. In short, the widespread use of fuel cell technology promises to reduce the Nation's energy consumption, clean up our air, reduce the threat of global warming, and improve the versatility of our energy base.

Mr. President, these are only some of the numerous benefits offered by fuel cell technology. This section provides that the Secretary of Energy, in consultation with various agencies, to conduct a program to promote the early commercial application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings. Section 221 requires the installation of fuel cell systems to meet energy requirements in at least 10 Federal facilities. This should do much to highlight the attributes of this technology.

The section first requires selected agencies, within 6 months of enactment of the legislation, to provide a list of candidate facilities to the Secretary of Energy. Within 6 months of receiving the list of potential projects, the Secretary, in consultation with other interested officials, is required to select project sites for installation of fuel cell systems. The Secretary is authorized to provide financial assistance to agencies sponsoring projects to acquire and install fuel cells manufactured in the United States and any associated equipment. The bill authorizes $15 million for fiscal years 1992 to 1994. It also requires the Secretary to prepare a comprehensive report detailing the results of the program, so that we are provided information which might point the way to wide-scale commercial application.

Mr. President, I like to think of a day when our Nation comes to grips with our collective energy wastefulness and environmental despoliation. Programs to decrease the consumption of energy are vital, but they are not enough. We need also to increase the efficiency of the energy we do use and to positively influence the environmental consequences of that energy use. Fuel cells are one of the promising technologies that can achieve these goals, if only we reach out for them. With the introduction of this legislation, I hope we can begin to work toward these goals.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Hawaii is recognized.

THE FISCAL YEAR 1992 BUDGET

Mr. AKAKA. Mr. President, the President is preoccupied with the war in the Persian Gulf, as he should be. We expect that the war would receive his full energy and attention at a time when half-a-million American service men and women are stationed overseas.

However, an unfortunate casualty of the war appears to be the Federal budget. The fiscal year 1992 budget is a document without much ambition—or exciting new ideas. It reflects some minor reshufflings, but no bold new initiatives.

If it were not for the unprecedented size of the proposed deficit—$318 billion—it might be called the low-profile budget.

The block grant proposal serves as a good example. It is not big news. Block grants have been around since the early 1970's.

What we are witnessing is an effort to take existing programs and repackage them with different wrapping paper. Despite assurances to the contrary, there is no guarantee that the Federal contribution to fund these programs will continue at the rate initially proposed. It may sound like a good idea now, but States could wake up some day and find that they will have to do the same work with less money in their programs.

True, there are some modest gains in the areas of law enforcement and space programs. But these gains are overshadowed by losses in the area of housing, a number of vital education programs, and programs for the elderly. And in the field of energy, the budget falls far short of what the American public needs, and expects, from Washington.

Over the past decade, renewable energy research was cut by 80 percent. With a floundering energy policy that is adrift, it is no wonder that we are fighting to safeguard Mideast oil supplies.

It is not my intent to question the President's Persian Gulf strategy. I am, however, criticizing the absence of a coherent domestic energy policy. America is preoccupied with the war. But the recession is producing casualties at home. As our troops fight in the Persian Gulf, we must think about getting America in shape for their return.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mr. SIMPSON. Mr. President, I have been listening to some of the debate with regard to global warming. I am very concerned about the environment. I serve on the Environment and Public Works Committee. I have served there for 12 years. It is an interesting place. It gets pretty emotional sometimes. It gets a little partisan sometimes. That is the way we do our work.

As we address the issue of global warming, I think it is very important that we try to maintain a good bit of common sense. It should not develop simply into a "bash the President" exercise, which I have very distinct feelings it is becoming.

I have heard various participants in the debate today speak with some passion about environmental shell games. They assert that the administration says it will do certain things, but, to paraphrase them, that is not true. I guess something that is not true is just like a lie.

We hear a lot of inflammatory rhetoric:

"Some nations are phasing out CFC's faster than the United States." I will challenge that one in a minute. Here's another:

"We are allowing CO_2 emissions to soar." This is the administration that successfully put together a Clean Air Act. I was deeply involved in that legislation as was our majority leader, and Senator BAUCUS, and Senator CHAFEE, and a lot of other Senators on both sides of the aisle who did fine work.

"The administration is crafting artful obfuscation, not offering a single constructive idea." And on and on and on.

That kind of statement makes good copy, but it is not true.

So, as I have said, I am on the committee. I notice those speaking with the most volatility are not on the Environment and Public Works Committee. I wish they would have joined us in our cause as we tried to do the heavy work in so many controversial areas. We do some heavy work in that committee. Chairman QUENTIN BURDICK, Senator JOHNSTON, Senator CHAFEE, the ranking member, you can go through the list of those who participate on the Environment and Public Works Committee and it is a fine cross-section of people in this body.

The reason the global warming issue does not get the attention that those who continue to be obsessed with it would like, is because it is a very difficult issue to deal with, and it gets more difficult the more frustrated one becomes.

It is much like agent orange. One blind alley leads to another. Finally, after frustration you go try to put presumptions together. I see the same frustration with global warming. You just cannot continue to do press conferences. You finally have to do some reasonable legislating. However, the biggest problem with this issue is that there is not enough honest information to rely on.

Scientists do not have a good handle on the role of industrial emissions and what is causing warming. Many scientists disagree about the cause and effect relationships. Models developed so far are incomplete. That is the way it is.

There was some discussion recently that a global warming resolution might be introduced. I do not think one has been presented yet. I believe the Chair could advise me. Has there been a resolution presented before the body?

The PRESIDING OFFICER. No such resolution has been presented.

Mr. SIMPSON. I thought not. Yet that proposed resolution has been circulating for over a week or 10 days. The reason it is still circulating is that there is enough contention and controversy on the other side of the aisle as there is on this side of the aisle on the issue of global warming.

So that is not yet before us in the nature of a resolution. Therefore the frustration level is ratcheted up two notches, or three. But what that controversial resolution says is that there should be reductions in the natural emission of carbon dioxides and other greenhouse gases by a date certain.

I would observe that it is inappropriate for any Senate resolution to set out what U.S. administration policy is in any case. The discussion of the proposed resolution suggests some statements that do not represent a scientific consensus. It is replete with leaps of faith regarding scientific findings about global warming.

We are also ignoring some very positive steps—I think this is very unfortunate—as we discuss this issue. Some very positive steps have been taken by the administration and Congress that will help to address the global warming issue. One of the most important things that this whole activity ignores is the passage of the Clean Air Act last year. That was a noble effort by a lot of thoughtful Democrats and Republicans.

The EPA has estimated the passage of the Clean Air Act can result in the stabilization of greenhouse gases by the year 2000, and that a reduction is possible by 2010.

The proposed resolution seems to call for a unilateral action by the United States without requiring any similar action by other countries. How unfortunate.

Tropical deforestation may actually affect global climate more than industrial activities, and yet this aspect of the issue is not even mentioned in the resolution.

It just does not make sense for the United States to take actions to reduce carbon dioxide when there is no scientific consensus about the cause and effect relationship between industrial and automotive carbon dioxide emissions and global warming.

There are a number of interest groups—and Lord knows, they were present during the Clean Air Act deliberations, huddled in great little enclaves all over the Capitol Building at 2 or 3 in the morning, while we met in the majority leader's office. With his patience, we worked through everyone's complaint about the Clean Air Act, and I mean everyone's complaint.

We would come out of that room at 2 in the morning, and find nine of the heavy-hitter, "big timer" groups out there wailing away on how they were going to exact retribution upon Senator MITCHELL or Senator CHAFEE or Senator BAUCUS or Senator SIMPSON; whoever. Theirs was not to really participate with any great, unselfish interest. Theirs was simply to figure out who they could do in during the next election because they had not followed the particular interest group's agenda.

In fact, we knew there were going to be five votes on this floor where six or seven of us in the core group knew that by those votes we would be listed as the "Dirty Dozen" in America. Well, they did award me that trophy. I'm a member of the so-called Dirty Dozen.

I asked the folks who compiled that list: "Could you tell me how that comes about?"

"Well, your five votes here put you on the scorecard."

And I said, "You know, when you go hit the sack tonight, just remember that for 12 years, we have not had a Clean Air Act. Every year that has passed, progress could have been made toward a 10-million-ton reduction. So why do you not think about that, because I hold you directly responsible for that activity. No one else. It was never good enough for you."

Well, enough of that.

But I can tell you that we did some vitally important things that will be seen when the Clean Air Act cranks in.

I would add, too, that there are a number of these interest groups, and we all know them now; who pride themselves on their zealotry. I believe that is their central and significant activity, zealotry. They have another great attribute. If you do not agree with them, they label you as an idiot or a lightweight or a fool, or one who would befoul the universe.

So I have already been through a lot with them. But they use some of the most extraordinary worst-case scenarios to whip up fear, alarm, anguish, horror, terror—you name it—among the general public about global climate change.

I would also add that the media has been less than responsible about its coverage of this issue. We often read regular doomsday reports—they are almost edged in black—about climate change. They make good copy, but they are not based on scientific fact. And this is a very disturbing trend.

I have said it before, and I will say here one more time, the first duty of a responsible press in a free nation is to educate the public, not to see how they can frighten them, terrorize them, or mislead them.

Then finally, there does a time or two creep in a bit of a partisan angle to all of this. Some would like to indicate that the White House has not responded properly to the concerns of its citizens about the possibility of global climate change.

It was the President of the United States that presented Congress with a clean air bill, and much of its was incorporated into the Clean Air Act that was passed last year. This will result in a phaseout of CFC's. It will reduce CO_2 and SO_2 and other greenhouse gases in a major way.

It is the President who proposed a program to plant a billion trees a year, and that has the potential to reduce net emissions of greenhouse gases by 50 million tons of carbon equivalent by the year 2010.

So let us not fall into this anguish of frustration, the "Chicken Little syndrome." The sky is not falling. And if CO_2 is causing dramatic global warming, we will have a chance to respond by having a worldwide reduction in greenhouse gases, so that the burden is shared. We are already ahead, far ahead of the rest of the world in that regard. And we should demand that others pass their own clean air acts in their own legislatures, in their own nations, and get one as strong as ours before we take any more action.

I am not personally going to ascribe to that, but that is something we could in good faith express if we felt so inclined.

As I wind up my remarks I would say that there are many reputable scientists, such as Lou Ellisiar from Lawrence Livermore Laboratory, who says that it is much too soon to conclude that global warming is here. The temperature increase seen so far is still no greater than the natural year-to-year and decade-to-decade temperature variability.

Global warming is already here, because the Earth has been warming since the Ice Age 10,000 years ago. And this warming occurred in the absence of industrial activity. The problem is trying to separate natural warming from warming caused by human activity. And I think that it is critically important to do that.

Anthropogenic climate change on a global scale has simply not been conclusively demonstrated. I am ready to join in a constructive debate. I promise and pledge to do it.

The possibility, indeed, of increased warming caused by human activities is being taken very seriously by the Bush administration, and certainly is being taken very seriously by the Committee on Environment and Public Works.

I think it was Bertrand Russell who once said that "the most savage controversies are those about matters as to which there is no good evidence either way."

And that is going to be true with the greenhouse debate, just as it was true with regard to acid rain controls. Computer models have not been able to predict with any certainty what will happen to the global climate if greenhouse gases continue to increase. And the geological and ice sheet records do not shed much light on this issue, either.

Scientists will all agree that the planet has warmed slightly over the last century, but they do not know if that is a natural fluctuation, or if it has been increased by industrial activity.

The most recent data show that between 1979 and 1989, average global temperatures did not increase. And, yet, during that same time, man-made pollution did increase. Scientists do tend to agree that if we keep increasing pollution at current rates, obviously some increased warming may ocur. But working groups of international scientists now say that existing uncertainties make it very difficult to determine which responses to potential climate change make sense.

Yet now we hear persons in this Chamber advocating a commitment to unilateral action on the part of the United States with regard to setting CO_2 reduction targets by a date certain. I just do not think that makes any good sense. What we need is enhanced levels of research that will complement what we have already done with regard to the passage of the Clean Air Act. We are already going to phase out CFC's, significantly reducing other greenhouse gases. I have provided those figures. Let us take a close look at tropical deforestation. I am ready to work in that. Deforestation in the Southern Hemisphere could be more significant in terms of global warming than all the industrial activity in the rest of the world. Let us take some steps to help these countries to curb this activity. But let us not indicate that the President of the United States is not concerned or does not care or has not done anything, because that is simply untrue.

THE THIRD PHASE OF THE NATIONAL DRUG CONTROL STRATEGY

Mr. SIMPSON. Mr. President, late last week, the President announced his plan for the third phase of our country's war on drugs. I support the fine efforts of President Bush and Senator STROM THURMOND regarding what needs to be done with regard to the third phase of our national drug strategy and I rise today to voice my strong support and respect for the President's leadership and continuing commitment to eliminate this menace from our society.

This has been our Nation's first comprehensive drug policy—aimed at both the supply side with tougher law enforcement and on the demand side with better treatment and more sources for treatment. The strategy is sound and the strategy works! Communities all across the country are a part of this war on drugs and, as the President told us last week, the signs of progress are unmistakable.

The first phase of the drug strategy was released only 1½ years ago—in that strategy, the President set a number of 2-year goals. We now know that those goals have been met—and in some cases surpassed.

Our young people are turning away from drugs because they are being educated about the danger of drug use. Drug use among high-school age young people is at its lowest point in many years. Current overall drug use is down by 11 percent; current adolescent drug use is down by 13 percent; and current adolescent cocaine use is down by 49 percent.

Drug-related emergencies in our hospitals are down by 18 percent and hospitals are reporting fewer cocaine related deaths.

Frequent cocaine use is down by 23 percent. That is especially significant because the original goal—considered optimistic by some when the strategy was first released—the original goal was to simply reduce the rate of increase by 50 percent. We see now an actual decrease in use by 28 percent.

We are seeing an important and encouraging shift in drug use, but our war on drugs is not over.

The third phase of the President's drug control strategy commits even more resources to the drug war. The President has asked Congress to provide even more law enforcement personnel and resources, more prison space, and more assistance treatment and education.

We should all support the President's plan. I would urge my colleagues—Members who are every bit as dedicated to fighting this war as the President—I would urge them to resist the temptation to play politics with the drug menace or to try and upstage the President's initiatives by simply throwing more money at the problem.

I have often said that the strongest substance addiction in politics is the substance of money—all too often Congress addresses a problem by simply throwing more money at it. That is the drug that poisons this body—the body of Congress.

But money alone, as we know too well, is not a solution. Money is only a tool we give the administration to use to reach a desired objective. President Bush has used the tools we have provided him effectively, responsibly, thoughtfully, and with astounding results.

These are very troubling times for our country. We are at war at home and overseas. Our military battles overseas while we in Congress face yet another battle over the budget. The President has sent a budget to Congress asking for $11.7 billion dollars to continue the war on drugs at home. This is an 11-percent increase from last year and an 82-percent increase since President Bush took office.

Eighty two percent, Mr. President. This is proof that the leadership of our country is strongly committed to winning the war on drugs. I strongly urge my colleagues to resist the urge to play politics with the war on drugs and to join the fight with our President so we can win this war during our children's lifetimes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 340 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. I thank the Chair.

(The remarks of Mr. HEINZ pertaining to the introduction of S. 346 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BENTSEN. Mr. President, America's credit crunch is jeopardizing the recovery and threatening to put our key real estate industry into a deep depression. Bank lending has dried up, causing the money supply to shrink since September. Banks have abandoned the real estate market, dumping assets—compounding the downward spiral in prices. Home prices are being dragged down, cutting household wealth, consumer confidence and hopes for a speedy recovery.

The administration and the Federal Reserve have woken-up to the credit crunch. The longer term answer may rest with the banking reforms being presented to Congress today. But that debate will take time—time we cannot spare. Now, today, banks are reluctant to make loans in the wake of the S&L crisis—a crisis which has spread confusion and conflict among bank officials and regulators.

We need action now—a change in the attitude of skittish bankers and bank regulators—to resolve the credit crunch.

The S&L crisis is the worst financial disaster in American history. When the ledger is finally closed, total taxpayer losses could exceed one-half-trillion dollars—comparable to spending on the Vietnam war, and perhaps a thousand of our 2,500 thrifts will disappear. It makes me angry to contemplate how fruitfully America could be utilizing that money—from drug treatment and AIDS research, to rebuilding our education system and highways.

There is plenty of blame to go around. A decade ago, thrifts pleaded with the White House and Congress for deregulation. They were saddled with long-term, fixed-rate assets—but forced to pay short-term, variable-rates for capital—a sure recipe for bankruptcy during inflation. Diversification into commercial real estate glimmered like a pot of gold. So the White House proposed the Deposit Institution Deregulation and Control Act. At the same time, it threw open the doors to a new breed of inexperienced S&L operators.

The final component of this witch's brew of deregulation was reduced S&L regulatory oversight. Just when the need for prudent oversight increased, the Reagan administration, during its first term, cut financial regulatory staffs by 15 percent. Between 1980 and 1983, the number of audits fell one-third, and the number of audits per-dollar-of-thrift-asset fell a startling 60 percent.

But the pot of gold from deregulation proved ephemeral. The reach of thrifts'—their ability to prudently assess new, deregulated investments opportunities—far exceeded their grasp. Congress bears its share of blame. But, in the poisoned atmosphere where the White House dismissively viewed Congress as just another intrusive regulator, it took years for Congress to ferret out the full magnitude of speculative excesses—and for the self-dealing crooks managing some thrifts to finally be brought to justice.

Most Americans think of the S&L crisis in immediate terms of deeper deficits, higher interest rates, and an erosion of faith in Government. But the most enduring legacy is vast numbers of overbuilt, see-through office buildings—and a credit crunch which has been made worse by regulatory overreaction to the overbuilding.

In the eighties, we added 2.1 billion square feet of top-grade office space, an amount equivalent to more than three New York Cities, 14 Bostons or 28 Seattles. It will take years to absorb that supply. Some analysts expect to see construction drop as much as 90 percent in the next few years. Office rents—and the industry itself—are not expected to rebound until 1993, according to a study by the Real Estate Research Corporation.

Real estate is a cyclical business, its fortune tied to interest rates and the business cycle. America has endured real estate recessions before. Some lasted months; others lasted years. Indeed, real estate—along with autos—is the quintessential credit-dependent industry, at the tip of the monetary policy whip.

But there is a major difference in the real estate cycle this time around. The real estate recession is threatening to turn into a real estate depression, and dramatically slow the recovery. The reason is that, for the first time since the Great Depression, the major source of funds for construction—the banking industry itself—is also in a recession, producing a credit crunch of historic proportions.

Buffeted by overzealous real estate lending, stiff competition from Japan and the commercial paper market, and eroding asset values—bank losses and failures began to soar a year ago. Robert Reischauer, Director of the Congressional Budget Office, predicted last week that 596 banks would close in the next 3 years. Losses may dry up the Federal deposit insurance fund later this year. And perhaps $11 billion in additional congressional appropriations will be needed to carry that bank insurance fund through 1994.

Dr. Reischauer is quick to draw a sharp distinction between the recession in banking, and the collapse of the thrift industry. Even so, alarmed bank regulators have been clamping down hard for nearly a year, reacting to S&L horror stories. Anthony Downs, senior fellow at the Brookings Institution, puts it this way: "The Comptroller of the Currency has tightened the screws of the bank examination process to an extraordinary degree."

Examiners have plenty of incentive to get tough. Banks became lax during the eighties in setting real estate loan standards. They aggressively sought origination fees from optimistic developers, and loaded up with real estate loans. Sixty percent of all bank loans were real estate between 1985 and 1989, compared to the historic rate of 30 percent.

But now, bankers have gone too far in the other direction. Fearing the wrath of bank examiners, most banks have determined that it is better to stop making almost all real estate loans. They are rejecting perfectly sound real estate loan applications and extensions. They are refusing credit to viable transactions, proposed by long-time customers, supported by adequate credit or collateral—transactions such as refurbishing existing, occupied buildings enjoying positive cash flows.

Moreover, banks have been hastily making down collateral to current, illiquid market values—to distressed-sale values. They are ignoring the cyclical nature of real estate and the longer term, inherent earning value in these assets in normal, liquid markets. And banks have labeled collateral assets, uneconomic, on the basis of currently depressed rents and cash flow. As a result, a number of performing loans—which are not delinquent—are being treated as classified assets, giving rise to the infamous category of "nonperforming performing loans." That is, loans which can't be fully serviced from depressed rents are being classified as nonperforming, even when owners continue servicing them, drawing on other income.

Finally, banks are dumping real estate assets, hoping to improve the looks of their balance sheets to market analysts and shareholders.

The Brooking's Anthony Downs describes today's regulatory credit crunch this way:

> This is causing a larger cutback in real estate activity than is fully justified by market conditions alone—although those conditions are admittedly very bad. It also will cause many developers and owners who probably could operate their properties successfully *** to lose those properties to lending institutions, because that restraint was not forthcoming.

When one bank pulls in its horns, it's a local problem. But when they all do it, it's called a credit crunch recession. Indeed, loan-shy banks have caused a credit crunch in housing, commercial real estate and construction so severe that the Nation's money supply itself actually shrank this fall—guaranteeing a recession. Despite repeated cuts in the Federal funds rate and the discount rate, the crunch continues. The lack of liquidity and wholesale dumping of real estate assets by financial institutions is pushing real estate values too low. Prices in today's liquidity-starved market are at unjustifiably low, liquidation levels. That threatens a swift downward spiral for real estate and banking—the credit crunch and falling prices feeding on one another—which can, and should, be headed off by monetary authorities. Alan Greenspan put it this way last Wednesday, "It is the cumulative effect of the credit crunch that I find increasingly disturbing."

The good news is that officials have become alarmed. President Bush touched on it in his State of the Union Address. Secretary Brady, Chairman Greenspan, Comptroller of the Currency Robert Clarke, FDIC Chairman William Seidman and Thrift Supervisor Chief Timothy Ryan met last week to consider action.

The solution is straightforward: Bank regulators must give a green light for institutions to renew lending to real estate and other creditworthy customers. And banks must reverse course and cease the blanket shedding of real estate assets. There should be no misunderstanding: Regulators have no business showing forbearance on bad real estate loans. More rigorous underwriting standards for future real estate lending and investment must be established as well. And, banks should view proposals for new commercial real estate projects with extreme skepticism.

Yet, regulators should caution banks against overreaction. They should make it clear that—while loan values must be written down—they should be tied to longer term values, not to short-term, fire-sale prices typical at the bottom of the real estate cycle. Moreover, banks should examine cashflows over the longer term, not just on the basis of today's short-term, depressed conditions—keeping in mind that the measure of a good banker is the ability to work through short-term problems. And bankers should recognize that refinancing of loans—even on the basis of lower values and longer repayment periods—is preferable in most cases to bankruptcy.

There is something that Congress itself can do to ease the risk of future credit crunches. We have restrictions limiting the ability of pension funds to invest in real estate. Yet, pension funds have long-term liabilities tied to retirements which are 20, 30, even 35 years ahead. They may be in a unique position to invest in long payout assets like real estate. I believe England took a hard look at pension fund investments in real estate back in 1974, and perhaps it is time that the Finance Committee took a look, too.

The depressed real estate markets in New England, on the west coast and the South remind me of Texas in the mideighties. But we learned in the last few years that an economy can rebound and create new jobs even while the real estate cycle is working itself out. Yet, the Texas recovery was slowed dramatically by limited credit availability. We must apply that same Texas lesson to our national experience, and avoid a credit crunch. And we must act quickly.

Census data show that the wealth of American families, except for the richest 20 percent, declined 5 percent in real terms between 1984 and 1988. That is a major reason we saw savings erode, and consumer confidence wane. Home values are being written down in selected markets now. It is clear that the real estate cycle and credit crunch could slosh over to the residential market, and threaten home values. That would magnify the already discouraging drop in family wealth—and dash hopes for a speedy end to the recession.

There is a final reason for quick action. During the eighties, houses became less affordable, as residential construction struggled to keep pace with demand. The rate of home ownership fell across the board for young families—the first drop in home ownership since World War II.

Home ownership is an important part of the American dream. We should be pursuing policies to expand home ownership, not shrink it. And that means, among other things, changing the attitudes of bankers and bank regulators alike, so that we can put the credit crunch behind us.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 349 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS. Mr. President, I yield the floor; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSERVATION: INTO THE SECOND CENTURY

Mr. COCHRAN. Mr. President, this past December I had the great pleasure to be present at an annual dinner of the Boone and Crockett Club annual celebration. This was a dinner they held in the Smithsonian Institution here in Washington. The speaker on that occasion was R. Neil Sampson who is executive vice president of the American Forestry Association. This is an association with offices here in Washington.

I was particularly impressed with his speech on this occasion. Not only was he talking to the members of the club about the good legacy they were leaving to generations of Americans by virtue of their example of conservation, restoring wildlife habitat, conserving big game opportunities throughout America and the world, in fact, but he was also talking about the process we are seeing develop in the environmental and conservation movement that sometimes is unnecessarily adversarial.

I thought he made some good points on that occasion and a few I just want to share with the Senate and then put the entire statement in the RECORD. But he is talking about, at this point in the speech, about the strategy that some develop that is often very adversarial, often acrimonious, in search of solutions to some of the problems we are presented because of the huge explosion of population, the use of land and other natural resources for economic development.

He talks about this process as "a strategy we can ill afford in the future," because "it creates at least three problems. One," of course, "is the huge cost."

Think about the energy and the money that is used to fight each other over some of these issues, most of which we really, basically agree upon. These resources can better be directed to the work at hand, the challenge of proper management of natural resources, and the restoration of damaged ecosystems.

Second, he says that the strategy of constantly fighting, government against industry, group against group, trying to gain the upper hand, win a vote on a key amendment that may be not worth the battle in the long run—that is the point—it tends to focus the attention of the Nation "on political rather than scientific solutions * * * if you can identify a villain, and outvote him in the political arena. * * *" You do force your solution upon your adversary. But is this the best solution? Sometimes it turns out not to be.

The calm, cool search for realistic and rational solutions, he argues, is not easy in the heat of controversy.

And, "Third, and perhaps worse," he says, "is the tendency of these battles to disempower people, who are made to believe that the environment and its problems are the domain of government and industry—that Government and industry are solely at fault" if it is not handled right. "* * * and that only government and industry hold the key to the solutions." This is the misperception that is created.

Individuals are made to feel that they do not have a say-so; that they can't contribute, that it is up to somebody else, the big powers. They do not have the power, and that is wrong.

That's a terrible public attitude to create—one that is both destructive and wrong. But it is the overwhelming attitude, however, of Americans today.

So I share the thoughts that were expressed on this occasion at the Boone and Crockett Hunting Club, and I agree that "Our goal, instead, should be to empower people," and to do that in the environmental and conservation movement; "to help them realize," as individuals, "that they can, and must, make a difference."

I think we are going to be hearing more and more about this theme from the administration of President George Bush as it searches for a way to move Americans to positive action on a wide variety of fronts, including the environmental and conservation effort. It is a theme that the American Forestry Association, Mr. President, has adopted as its own several years ago. They are making great contributions in their Global ReLeaf Program, R-e-L-e-a-f Program, forestry, reforestation, restoration.

I hope we can, as an institution, here in the Senate, learn from examples like this and try to move our country along on this road in a more sensible way in the future.

Mr. President, I ask unanimous consent that the entire speech, "Conservation: Into the Second Century," be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CONSERVATION: INTO THE SECOND CENTURY

(By R. Neil Sampson)

A century or so ago, amind the national euphoria of continental expansion and growth, our great-grandparents decided that a new thrust was needed to counter-balance the all-too-prevalent tendency to use up resources, destroy the land, and then move on. That new thrust was called conservation. Conservation embodies the concept that people have an ethical responsibility to use resources wisely—to fill needs and legitimate desires—while they preserve and protect the basic environmental structures upon which new renewable resources can thrive for generations to come.

There were many aspects to that concept of conservation, as it was applied to specific situations, and many different individuals and organizations who provided the inspirational and scientific leadership upon which it was based. It is a special privilege for me tonight to represent one of those organizations—the American Forestry Association—and its 115-year-old traditions—and to speak to the leadership and members of another of those pioneers—the Boone and Crockett Club. We all have good reason to be tremendously proud of the work of our pioneering fore-runners, and to celebrate the achievements that have followed in the wake of their work.

But we also have to recognize that we have significant challenges of our own today * * * that those challenges are, in many ways, equally or more difficult than those our predecessors faced in the past * * * and that we—as both individuals and organizations, must rise to meet these new challenges if we are to hand over a legacy to our grandchildren that contains a functioning natural resource base * * * an environment that includes wildness and diversity * * * an opportunity for a life that features quality as well as substance.

So my goal in speaking with you tonight is to celebrate our mutual history of achievement, but also to move quickly to try to convince you that we have unparalleled opportunities for new types of service, and partnership, and achievement, in our immediate future.

First, let's briefly review our accomplishments.

Without trying to make it sound like we have discovered the nirvana of natural resource management, let me remind you that Americans have done some amazing things. We meet the food and fiber needs of some 250 million residents of the United States—up from 63 million 100 years ago, along with a significant surplus that we can trade with other nations—and we still are able to see our resource base grow, and thrive.

America's forests are, by many measures, better than at any time in the past century. In the past 25 years, for example, the U.S. has built 46 million new homes and produced 1.7 billion tons of paper products, while increasing the amount of standing timber by 100 billion cubic feet! Clearly, we have demonstrated that the application of scientific management, guided by a conservation ethic, can have a significant effect upon natural resources.

In addition, we have maintained an unparalleled degree of freedom for the owners and managers of America's forest land. There were earnest people in the early years who thought we would need to regulate or nationalize all those resources in order to get good management, but they were proven wrong. We have demonstrated that we can create an atmosphere in which private owners meet their needs while also considering the long-term public good. That is an amazing accomplishment, taken in the context of the history of humankind!

How has this happened? Well, it is a complex story, but part of it has been written by the organizations that we represent here tonight. Our organizations have promoted the concept that responsible use and scientific management are part and parcel of the approach that is needed if we are to maintain a strong, healthy environment.

We promoted a conservation ethic, an entire set of attitudes, that regulated people's behavior much more strongly than any man-made law. You don't indiscriminately kill wildlife; you harvest it humanely and utilize it properly. You self-regulate the amount you take—meeting your legitimate needs, but remembering the needs of others, and of the species itself. You harvest a forest in such a way that the land and water are not violated, and that a new forest is encouraged to emerge.

We don't do those things because they are the letter of the law. We do them because we have been raised to believe that any right-thinking person would act in that manner. We believe, because our fathers and our grandfathers were taught to believe, and, in turn, taught us. We are now called to teach our sons and daughters those lessons, in words and examples that they find relevant in today's world.

A century ago, our two organizations saw the need to set aside public forest lands for multiple use—to provide a constant flow of forest values for both public and private use for generation after generation. The result is a national forest system—191 million acres of marvelously diverse resource land envied around the world. Those national forests contain so many values that the public battles over their management and protection in recent years have tended to obscure the most significant fact of all—we have the privilege of arguing over these values because our forebearers worked hard to set these lands aside, and to place them under the kind of scientific management that could assure not only their future, but their constant improvement.

Our organizations realized that wildlife populations could not withstand unregulated hunting, and helped fight for the establishment of modern wildlife management programs on both public and private lands. We worked for wildlife refuges, and for protection of critical habitats. The results are apparent. Many wildlife species enjoy population levels far higher than were historic. As a result, our generation, and many more to follow, should be able to enjoy hunting and fishing, both for recreation and sustenance.

It would be foolish to suggest that no problems remain. We are constantly challenged to improve the management of land, water, and natural resources. We don't always have the scientific information needed to know exactly what should be done in every situation. People don't always do the right thing, even when they know better, and we need to refine the regulations under which we all live in a civil society. Each generation must meet its conservation challenges in turn.

But it is fair to say that we have accomplished much in the past century—and it is also fair to say that both the Boone and Crockett Club and the American Forestry Association can be proud of the roles that their membership and leaders have played in that time.

But this is no time to rest on merits—no matter how substantial. The challenges ahead are formidable, and once again, our organizations are called to play a significant role. I am also convinced that this is a particularly critical time in history, and that we need to act immediately. Let me tell you why.

This decade, the final decade of the century, creates a significantly heightened sense of expectation in people's minds. We've talked all our lives about "the year 2000," speculating on what things will be like when we reach that magic year. For most of our lives, the turn of the century sounded very far into the future. Today, it does not seem far away at all. It sounds right around the corner. It is not as far into the future as Ronald Reagan's inauguration date is in the past. Think back to that event. How many remember it? Doesn't seem that long ago, does it?

Yet people are looking with great expectation toward the year 2000. And because of those expectations, they are willing to exert energies and force changes, much more than before. People are expecting great things, and many of those expectations deal with the environment, and its quality. In a nutshell, people expect us to reach the year 2000 with a larger population, enjoying a more comfortable and widespread quality of life, while maintaining a healthier, more stable environment.

Can that be done?

To be honest, we don't know. There's never been 5.25 or 6 billion people on this earth before. We don't know how well we will be able to meet their needs, while still retaining biological and ecological systems that function properly.

What we do know, however, is that unless people, and all their institutions, work together to manage natural resources properly, the future is not all that bright. Six billion people, if they are all working to destroy our planet, will succeed. The open question remains, what about 6 billion people who work to live in harmony with the natural world? What are their chances? Better, I would argue.

So this is the basis for a new "Environmental Decade" of the 1990's. Like the pioneering work in the 1890's, it will be pace-setting. It will establish many of the ground rules, and much of the potential, for the quality of life in the 21st Century.

If we are to meet this challenge, we have to change some things significantly. Much of the environmental movement of the 1970's pitted government against industry, or conservation organizations against both. In the process, we heightened awareness about environmental problems, and accelerated the search for solutions, but we did it in an adversarial, often acrimonious, atmosphere. Unfortunately, much of that continues to this day.

That may be a strategy we can ill afford in the future. It creates at least three problems. One, of course, is the huge cost in energy and money that we waste in fighting with each other. Those resources could be far better directed to the work at hand, the proper management of natural resources and the restoration of damaged ecosystems.

Second, it tends to focus our attention on political rather than scientific solutions. If you can identify a villain, and outvote him in the political arena, you simply force your solution upon him. Sometimes that may be the best solution; often it is not. The calm, cool search for realistic and rational solutions is not easy in the heat of controversy.

Third, and perhaps worse, is the tendency of these battles to disempower people, who are made to believe that the environment and its problems are the domain of government and industry, that government and industry are solely at fault for perceived environmental problems, and that only government and industry hold the key to solutions.

Individuals are made to feel that they can't contribute, that the problems are too immense for any one person to address. That's a terrible public attitude to create, one that is both destructive and wrong. But it is the overwhelming attitude of Americans today, according to a Roper Poll conducted just this past spring.

Our goal, instead, must be to empower people, to help them realize that they can, and must, make a difference. You will hear this theme coming more and more from the Bush Administration, as it searches for a message that can move Americans to positive action on a wide variety of fronts. It is a theme that we have been using at AFA in a variety of ways for several years, as we seek to address the environmental challenges of the 1990's. Let me give you two examples.

We have a campaign called Global ReLeaf that calls individuals, organizations, companies and governments into a cooperative effort to address reforestation and tree planting opportunities. We realize that the ills of the environment won't all be solved by planting a tree, but you'd be amazed at how many places exist where this is a positive, badly-needed action. And it is a people-sized action, one that a person can do alone or in combination with friends. Better still, it is an action where young and old can work together, bridging the gap between our history and our future as they plant a living organism that, with proper care and treatment, will outlive not just ourselves, but several generations.

In the process of designing the Global ReLeaf campaign, we wanted to develop a strong role for business and industry, as well as citizens and governments. For many of us, the most potent organization we belong to is the company for which we work. Whether that company is environmentally constructive or destructive is, in fact, an extension of our own lives, and a measure of our personal impact upon this world and its future.

We went to a company like Texaco with the following message. "Look, no matter how hard you work to meet minimal pollution requirements, that won't be enough. If increasing atmospheric carbon dioxide is a problem in connection with the greenhouse effect and global warming, then the use of fossil fuels will continue to contribute to that problem. You can't avoid it. What you can do, however, is become part of the solution. You can work to plant trees, conserve energy, and improve ecosystems."

Their reaction was immediate, positive, and massive. They joined the Global ReLeaf campaign, focusing their efforts on improving urban and community forests, where additional trees are one of the most cost-effective energy saving opportunities open to Americans today. In addition to providing money for purchasing trees in three cities, they called upon Texaco employees to work as volunteers in helping to plant the trees. The result was over 1,600 new tree planting volunteers, and a marvelous boost in the morale and pride within those units of the company.

There was another reaction as well, thousands of citizens in Denver, New Orleans, and Houston got a new view of Texaco. Instead of seeing the company as some huge, monolithic, impersonal "it," they saw Texaco people, all sizes, shapes, and ages of people, who cared about the community, and who could work through the company, in the Global ReLeaf campaign, to do something positive. That company is now more human, more positive, and more committed to solving environmental problems in the eyes of thousands of people. Instead of serving to discourage them from taking action themselves, it is providing positive encouragement.

Texaco is far from alone in this effort, we have over 70 commercial partners in Global ReLeaf at this time, and the number is climbing at the rate of about one each week. Large and small, each has a role that they can play, when we re-define the environmental crisis as an agenda for action rather than a cause for despair.

My second example is a concept we called "Friends of the National Forest." Not a new idea, of course, but one based on the notion that the people who live in and around each national forest constitute a great group of partners who can, if the opportunity is made available, be a great help in supporting the good stewardship of those lands. We have seen several such groups get started, and the results have been just excellent. Where people work together to identify action opportunities, much can be done.

Now, where does this leave us?

The conservation movement has accomplished much in the past, and the natural resources of the United States, as well as many other parts of the world, are better as a result. But the incredible growth of population and demand threatens to outstrip the biological capacity of the earth unless dramatic changes are made. Those changes must be based on new ways of thinking, and new opportunities for positive action, if they are to have any chance of success.

What can our two organizations do in this climate to live up to the history of our forefathers of a century ago? I'd say we can do a whole lot.

Next year, 1991, is the Centennial celebration of the national forest system. We can join as partners to rekindle the sense of dedication and commitment that caused Americans to set these lands aside. We can refocus public attention on the need for scientific resource management, guided by the land stewardship ethic which has become such a strong part of our lives and heritage. We can demonstrate that our vision of multiple use, conservation, and stewardship is as critical to human survival in the 21st Century as it has been critical to framing the quality of life in the 20th.

We can mobilize our members, as individuals, and as members of great organizations. The Boone and Crockett Club has taken tremendous leadership in forming the public's attitude toward conservation and management of big game. Now, you have embarked on some significant habitat enhancement efforts. I hope you will continue and accelerate that effort, until every member gets deeply and personally involved in your mission and its work.

If you run into the need to re-forest ecosystems as a way of restoring environmental stability and quality, and have any hesitancy on how to do it effectively, we hope you will come to us and join as a partner in our Global ReLeaf campaign. We've created ways for everyone to contribute, in amounts that run from $1 to $10 million, and in equally different degrees of involvement. Together, we can show people that the land and its resources, just like the big game populations of North America, can be restored, rebuilt, renewed, and improved.

At the same time, I hope you will continue to work for positive ways in which your members can take their love of the land into the other organizations where they spend their lives. They work for companies and organizations that need to become more active in environmental action. They belong to service clubs, community groups, and alumni associations. The fight for tomorrow's environment is not just a fight for conservation groups to undertake, it is everyone's challenge. Your members, educated by their involvement in Boone and Crockett programs, can become conservation emissaries in many other aspects of their lives.

Conservation in its second century must become more than simply a way of slowing the deterioration of the world's resources, it must become the basis for people to rebuild and restore a new world, one that is far better than the one we inherited. Our history suggests that this is, indeed, possible; our future demands that it happen.

That is the new message, and the new challenge, that separates 1990 from 1890, and, for that matter, 1990 from 1970. Can we meet this new challenge? I think so. But clearly, that optimism is based upon one essential foundation, and that is the belief that you, the people in this room tonight, and your organization, the Boone and Crockett Club, are every bit as dedicated, and far more scientifically and organizationally sophisticated, than your great grandfathers. I'm convinced that this is true, and that together, organizations such as yours and mine can lead a broad coalition of partners to that new height of responsible stewardship upon which the future of all humanity depends.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Kansas.

PROGRESS IN SOUTH AFRICA

Mr. DOLE. Mr. President, the past week has been an historic one in South Africa's movement toward full democracy. Two important events occurred, as a result of the leadership and courage of three men: President de Klerk, Nelson Mandela, and Dr. Buthelezi.

Late last week, in an address to the South African Parliament, de Klerk reaffirmed his commitment to fundamental change, the abolition of apartheid, and the creation of a fully democratic constitution.

More concretely, he announced that his government will introduce legislation to repeal the last remaining legal foundations of apartheid—the Group Areas Act, the Land Acts, and the Population Registration Act.

In asking the Paliament to act swiftly on these proposals, de Klerk said the result will be that, "South Africa's statute book will be devoid, within months, of the remnants of racially discriminatory legislation which have come to be known as the cornerstones of apartheid."

De Klerk also repeated that both this government and the A.N.C. have accepted the principle that a multiparty conference should be convened as soon as possible, to set the stage for the negotiation of a new constitution. That is welcome news, and deserves the encouragement and support of the United States.

Earlier in the week, Mandela and Buthelezi met personally for the first time in nearly 30 years, and called for an end to the deadly cycle of violence that has pitted their followers against each other.

Previously, the A.N.C. had sought to shut Buthelezi out of the negotiations on South Africa's future. But, as the New York Times and other observers have noted, Buthelezi and his Inkatha organization must play a role if there is to be a peaceful transition, and utlimately democracy, in South Africa.

After the Mandela-Buthelezi meeting, the Times editorialized that, "If their appeal for tolerance succeeds, South Africans of every race will be the victors."

So South Africans across the political spectrum continue to take major steps toward the goals we all share—the abolition of apartheid, and the establishment of democracy.

As these momentous steps proceed, the time is fast approaching for the United States to fundamentally reevaluate our policy, to insure that we are doing the most that we can to encourage and support the forces seeking such fundamental reform in South Africa.

If the reforms de Klerk has just announced, and earlier reforms, continue on schedule, soon all of the preconditions set out in United States law for removing the sanctions now in place against South Africa will be accomplished. I believe all of us—the President and the Congress—should begin now to consider whether it is time to respond to these dramatic changes in the real world of South Africa, with equally substantial changes in our own law and policy toward South Africa.

Mr. President, I ask unanimous consent to include in the RECORD the text of the New York Times editorial that I mentioned.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BLACK SOUTH AFRICA'S MOMENT

Two proud black leaders, one a radical and the other a conservative, met in South Africa on Tuesday and called for an end to the murderous clashes between their followers. Nelson Mandela was at his generous best; his rival, Chief Mangosuthu Gatsha Buthelezi, grudgingly sought to score political points. Yet their meeting, the first in nearly three decades, may well turn out to be a defining moment in South African history.

In the last five years, at least 5,000 blacks have perished in township riots between supporters of Mr. Mandela's African National Congress and Chief Buthelezi's Inkatha Freedom Party. Black disunity has caused rejoicing among die-hard supremacists opposed to ending apartheid through negotiations with President F.W. de Klerk. Even so, Mr. Mandela's allies have resisted any meeting that might enhance Chief Buthelezi's claim for an equal seat at the bargaining table.

Wisely, Mr. Mandela decided otherwise. In their meeting in Durban, both leaders promised to tour townships ravaged by violence, to monitor the peace accord and to assure that police are not fomenting trouble. But Mr. Mandela went on to declare that there should be no victors or losers: "Only our people must be the victors, and the only losers should be those whose racist policies are served by the carnage among blacks."

For his part, Chief Buthelezi rehearsed his many grievances with the African National Congress, charging that its violence had been directed against him personally. He scratched the wound that both men vowed to heal. Nevertheless, however prickly the chief, denying him a place at the table would mock the A.N.C's call for a genuine multiracial democracy. It is hard to see how there can be any democratic system that ignores Inkatha and its predominantly Zulu following.

Ending the cycle of violence will take more than words. Once before, a year ago. Mr. Mandela pleaded with his supporters to throw down their weapons; he was ignored. But having come to his rival's stronghold in Natal Province, and having joined with him in a fresh appeal, Mr. Mandela has reconfirmed his own stature without diminishing that of Chief Buthelezi. If their appeal for tolerance succeeds, South Africans of every race will be the victors.

The PRESIDING OFFICER. The Senator from New York.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,152d day that Terry Anderson has been held captive in Lebanon.

The PRESIDING OFFICER. The Senator from Kentucky.

RULES OF PROCEDURE OF SENATE COMMITTEES

Mr. FORD. Mr. President, I wish to remind each committee chairman that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the rules governing the procedure of the committee must be published in the CONGRESSIONAL RECORD no later than March 1, 1991.

THE NATIONAL ENERGY SECURITY ACT OF 1991

Mr. MURKOWSKI. Mr. President, I join my colleague on the highlights of his statement, with particular emphasis on the identification of the progress that has been made as a consequence of a commitment to the environment and ecology, with particular emphasis on the wildlife.

I think it shows—as it has in my State, Mr. President, in the tremendous increase in the trumpeter swan population which, several years ago, was down to virtually a few birds, and now numbers several thousand—that indeed we can, through commitment and conservation and good wildlife management, bring about the recovery of stocks that were thought to be near to extinction.

Mr. President, the purpose of the junior Senator from Alaska in rising today is to comment on the introduction of the National Energy Security Act of 1991, which was introduced today by Senators JOHNSTON and WALLOP. This is a significant undertaking for the Energy Committee and appropriate in view of the concerns and frustrations that have been expressed: Where is our Nation's energy policy? Why do we not have an energy policy?

It is the contention of this Senator that the responsibility to develop a policy now shifts to the Congress. In the overall introduction of this particular piece of legislation there is a wide variety of alternatives.

It will be very interesting, Mr. President, to see if this body will make the hard, tough decisions necessary to form an energy policy. For example, are we willing to commit, like our friends in Japan and our friends in France, that we want to become more dependent on nuclear energy. Are we willing, to reduce our dependence on Mideast crude oil, to enhance the development of resources within our own Nation?

Each time we address the development of an energy policy, from the standpoint of the foundation, we are faced with a decision that is going to require some give and take. It is going to require some decisions. Some of these decisions are not going to be compatible with some of America's environmental community. But I think everyone agrees we have the responsibility to formulate a workable energy strategy.

I commend my colleagues, Senator JOHNSTON and Senator WALLOP, for the introduction of that in the National Energy Security Act of 1991.

As we look at the Mideast, we recognize there is a new dimension related to our dependence on crude oil. Currently, my State of Alaska produces about 24 percent of the total crude oil produced in this Nation. We are currently importing about 50 percent of our oil. A large portion of that, and the increase, has come from the Persian Gulf nations. It is brought into this country in foreign tankers and it is an outflow of some $50 billion.

One can only hope the Energy Strategy Act which has been introduced will give more attention to domestic exploration, which would not only reduce our dependence on Mideast crude oil and imports from other nations, but stimulate the economy.

If we are expending $50 billion on imported oil, one wonders if we spent just one-third of that on energy exploration for oil and gas, how many jobs would that create? What would the additional tax contribution be to our Nation?

As we reflect on and examine this new legislation, we will recognize a couple of things. The cornerstone of the bill is ANWR. I do not think too many of my colleagues are aware of this yet. But if we look at this particular piece of legislation, we will find that about 60 percent of the funding to achieve new innovative technologies is going to come from ANWR. Technologies such as greater utilization of wind power, greater utilization of specific technology to increase automobile mileage, and innovative introductions such as looking at the feasibility of trying to get coal to burn cleaner without the outfall associated with the carbon effluents.

The bill basically provides receipts from ANWR to go into an energy security fund. That money is then used to finance other major initiatives in the bill.

Some of my friends in this body are committed to stripping ANWR out of the bill. If they do they will have to bear the responsibility for killing the national energy strategy.

Because ANWR is the cornerstone of the entire piece of legislation it cannot stand without the revenue sharing to come from ANWR.

This country has been struggling to develop a national energy strategy since 1973. We have suffered through energy shortages and skyrocketing prices. My friends in the Northeast corridor have been subjected to them. And now we have a new dimension, and that dimension is the U.S. troops, some 450,000 plus, who are fighting to combat naked aggression, but also as my friend from Louisiana, the chairman of the Energy Committee, indicated, to keep oil flowing from the Persian Gulf, oil to which the Western World has become addicted.

Mr. President, when I had an opportunity in April to visit Iraq with four of my colleagues and meet with Saddam Hussein, it was very clear what the initiative of this individual was, and that was to control the proven supply of oil in the Persian Gulf. If there is any doubt about what his intentions were, one can simply do a little arithmetic and realize had he been successful in Kuwait and Saudi Arabia, he would have controlled 42 percent of the proven oil reserves of the world, and the significance of that speaks for itself.

It is time to act now, Mr. President. We need this balanced package that addresses energy efficiency, alternative fuels, renewable energy resources, nuclear energy—the list goes on and on, and ANWR must be a part of the package.

However, Mr. President, I think it is important to note this Senator from Alaska finds extreme fault with certain terms and conditions of the package. Conditions that can be construed under no other terms then as a blackmail clause. This basically means that on the issue of revenue sharing which, when the State of Alaska came into the Union, the agreement was the revenue sharing would be 90-10, 90 percent for the State of Alaska and 10 percent for the Federal Government, an agreement upheld in the Mineral Leasing Act.

Mr. President, this particular bill contains a clause that suggests that if the State is successful in litigating its position under the Statehood Act and the Mineral Leasing Act, it will lose because the leases will be canceled anyway. Mr. President, I do not think the issue is whether Congress changes laws here. The issue is whether Congress can take away what they contracted for. The action would deny one of the 50 States, my State of Alaska, the right to defend itself from what is guaranteed in the Statehood Act and in the Mineral Leasing Act.

It seems to me a deal is a deal; the Federal Government said the deal was 90-10. The issue here is clearly not one of good energy policy; it is unrelated and, in my opinion, this blackmail clause is unconstitutional. One can almost say it has gone to the extreme. If we do not like the law, we are going to change it. That reminds me of the attitude of our friend over in Iraq. It is the right of judicial redress that has nothing to do with energy, yet it is in this piece of legislation. I would much prefer to have seen an issue like this come up as an amendment and we could properly address it. Instead, I find it in the bill, and I know my senior colleague, Senator STEVENS, and I feel very strongly about this issue. Why should our State be denied the terms and commitments under which we came into the Union? There is absolutely no excuse for it, Mr. President, and I can assure my colleagues we are going to do everything we can to correct this blackmail clause.

I have introduced a bill, a straight ANWR leasing bill that many of my colleagues have cosigned. I am looking forward to the debate in the committee when we can address the manner in which the blackmail clause has been included in the legislation introduced today.

So as we reflect on what has happened in the case of the State of Alaska, I am reminded somewhat of Alice in Wonderland where the red queen said, "Sentence first, verdict afterwards." That is not just; that is not appropriate; and I hope my colleagues bear with me as we examine that issue and recognize that it does not belong in this legislation. I am pleased to have reason to believe that the administration's energy package will not contain the blackmail clause that is contained in the bill that was introduced today.

I will be looking forward to the extensive debate with regard to the development of an energy policy in this country, the necessity of, I think, understanding the reality that, indeed, ANWR is the cornerstone; it is the linchpin. Without the funding that ANWR will bring in, not only for the new technology aspects but for the conservation and regeneration of many of our waterfowl and the areas in which those waterfowl prosper, why, indeed, it is hard to imagine that we can expect the passage successfully of a bill without ANWR because there would be no funding.

Again, as I have said, I am led to believe that about 60 percent of the funding is to come from ANWR. I intend to, over the next several days, have a series of speeches which I will make from the floor, talking about various aspects of the ANWR issue I hope to enlighten my colleagues in some detail on the various aspects of ANWR, particularly the attitude of our friends in Canada. Hopefully, with these speeches will come a better understanding of the necessity of relieving our dependence on the Mideast crude oil that we currently are committed to and recognize that it is in the national energy security interest to look at the merits of ANWR in an expeditious manner. I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

BUDGET OF THE U.S. GOVERNMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS—PM 12

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on February 4, 1991, during the recess of the Senate, received the following message from the President of the United States, together with an accompanying document; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations and the Committee on the Budget:

I. THE BUDGET MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am pleased to present the *Budget of the United States Government for Fiscal Year 1992*.

The budget is consistent with the 5-year deficit reduction law enacted last fall. It recommends discretionary spending levels that fall within the statutory caps for defense, international, and domestic discretionary programs. It implements the entitlement savings and reforms enacted in the Budget Agreement. It conforms to the new pay-as-you-go requirements.

By holding the overall rate of growth of Federal Government spending to approximately 2.6 percent—below the inflation rate—the budget puts into effect the concept of a "flexible freeze," which is an essential means of bringing the budget into long-term balance.

The longest period of peacetime economic expansion in history has been temporarily interrupted. We can, however, return to growth soon—and proceed on the path to a new era of expansion. With that goal in mind, the budget places special priority on policies that will enhance America's potential for long-term economic growth, and that will give individuals the power to take advantage of the opportunity America uniquely offers.

To this end, I am again proposing tax incentives to increase savings and long-term investment.

On the spending side of the budget, the existence of a cap on domestic discretionary outlays rightly creates a competition for resources. Priorities must be set. This budget proposes that domestic investment be increased in the following key areas:

Education and Human Capital.—The budget proposes investments to prepare children better for school, to promote choice and excellence in our educational system, to improve math and science education, and to increase the access of low-income Americans to higher education.

Prevention and the Next Generation.—The budget includes proposals to help reduce illness and death from preventable diseases, and to reverse the long-term trend of underinvestment in children.

Research and Development and the Human Frontier.—The budget recommends an increase of $8.4 billion in the Federal investment in research and development, with special emphasis on basic research, high performance computing, and energy research and development. It proposes to extend permanently the tax credit for research and experimentation to encourage private sector R&D investment. In addition, the budget reflects the Administration's continued commitment to expanding human frontiers in space and biotechnology.

Transportation Infrastructure.—The budget supports an expansion of the Federal Government's investment in highways and bridges to over $20 billion within 5 years, and proposes substantial increases to improve the condition of the Nation's airports, to modernize the air traffic control system, and to continue to develop the transportation infrastructure for exploration and use of space.

America's Heritage and Environmental Protection.—The budget includes increased funds for the expansion and improvement of America's treasury of parks, forests, wildlife refuges, and other public lands; for the implementation of the Clean Air Act and other key environmental statutes; for the cleanup of pollution at various Federal facilities and at Superfund sites; and for protection and enhancement of coastal areas and wetlands.

Choice and Opportunity.—The budget provides: funds to help give parents greater choice in child care, health care, education, and housing; the resources to allow *all* Americans, especially those with low incomes, to seize the opportunities that such choice provides; and a proposal to establish Enterprise Zones to bring hope to our inner cities and distressed rural areas.

Drugs and Crime.—The budget further increases the Administration's investment in drug prevention, treatment, and law enforcement. And the budget substantially increases the resources available to help the Federal Bureau of Investigation fight crime, the Federal prosecutors prosecute criminals, and the Federal prison system accommodate those convicted of crimes.

To make such investments possible, the budget includes recommendations to terminate or reduce Federal investment in certain low-return programs, and proposes reforms to slow the continuing growth of mandatory entitlement programs and to increase fairness in the distribution of the benefits these programs provide.

In addition, the budget contains a new proposal to fund various programs now carried out by the States through a comprehensive block grant. The States are continuing to develop new and innovative ways to deliver services more effectively. The budget not only highlights several of these innovations; it proposes to reinforce and build upon them.

The budget contains several proposals that reflect my commitment to managing government better. These include measures to improve accountability, to reduce waste, to reform regulation, to employ risk management budgeting in addressing threats to health and safety, and to set clear objectives and measure performance in meeting them.

Finally, consistent with the statutory caps enacted last year, the budget provides the resources necessary to maintain national security, and to better advance American interests abroad. As the budget goes to press, the timing of the resolution of the multinational coalition's efforts to reverse the aggression in the Persian Gulf is uncertain. For this reason, the budget reflects only a placeholder for Operation Desert Shield. A supplemental request for the incremental costs of Desert Shield, which includes Desert Storm, will be forwarded to the Congress in the coming weeks.

The priority investments embodied in this budget will help America prepare for the requirements and opportunities presented by a rapidly changing world. I look forward to working with the Congress in developing a budget that lays the groundwork for a brighter future, protects our national interests, and helps create the conditions for long-term economic growth and prosperity.

GEORGE BUSH.

FEBRUARY 4, 1991

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on February 1, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 556. An act to provide for the Secretary of Veterans Affairs to obtain independent scientific review of the available scientific evidence regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides, and for other purposes.

Under the authority of the order of January 3, 1991, the enrolled bill was signed on February 4, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 2:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 59. A concurrent resolution providing for the adjournment of the two Houses.

The message also announced that pursuant to the provisions of 19 U.S.C. 2211, and upon the recommendation of the chairman of the Committee on

Ways and Means, the Speaker selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 1st of the 102d Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. ARCHER, and Mr. CRANE.

The message further announced that pursuant to section 8002 of the Internal Revenue Code, the chairman of the Committee on Ways and Means designates the following members of that committee to serve on the Joint Committee on Taxation during the 102d Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. ARCHER, and Mr. VANDER JAGT.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 598. An act to amend title 38, United States Code, to improve the capability of the Department of Veterans Affairs to recruit and retain physicians and dentists through increases in special pay authorities, to authorize collective bargaining over conditions of employment for health-care employees of the Department of Veterans Affairs, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-498. A communication from the Deputy Assistant Secretary of the Air Force (Communications, Computers, and Logistics), transmitting, pursuant to law, a report on a study with respect to converting the Military Family Housing Maintenance function at Little Rock Air Force Base, Arkansas, to performance by contract; to the Committee on Armed Services.

EC-499. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, notice that the report on preliminary petroleum price and profit data for the fourth quarter of 1990 is forthcoming; to the Committee on Energy and Natural Resources.

EC-500. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-501. A communication from the Secretary of the Interior, transmitting, pursuant to law, an application by the Schuk Toak District for a loan under the Small Reclamations Projects Act; to the Committee on Energy and Natural Resources.

EC-502. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a report on royalty agreements for oil and gas entered into during fiscal year 1990 which involved unleased Government lands; to the Committee on Energy and Natural Resources.

EC-503. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, the 1991 Update to the National Plan for Research in Mining and Mineral Resources and the 1991 Report on the Mineral Institute Program of the Department of the Interior; to the Committee on Energy and Natural Resources.

EC-504. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-505. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-506. A communication from the Assistant General Counsel of the Department of Energy, transmitting, pursuant to law, notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-507. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-508. A communication from the Deputy Under Secretary of Energy (Policy, Planning and Analysis), transmitting, pursuant to law, notice that the Department of Energy plans to submit certain energy targets for net imports, domestic production, and end-use energy consumption; to the Committee on Energy and Natural Resources.

EC-509. A communication from the Secretary of the Interior, transmitting, pursuant to law, the calendar year 1989 wildfire rehabilitation report for Department of the Interior administered lands; to the Committee on Energy and Natural Resources.

EC-510. A communication from the Secretary of Energy, transmitting, pursuant to law, a comprehensive report on a project negotiated under the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC-511. A communication from the Secretary of the Interior as Chairman of the Migratory Bird Conservation Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1990; to the Committee on Environment and Public Works.

EC-512. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a proposed regulation that will help reduce excessive inflation in the U.S. health care system and provide an alternative simply to cutting Medicare payments to hospitals; to the Committee on Finance.

EC-513. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, a report on development assistance program allocations for fiscal year 1991; to the Committee on Foreign Relations.

EC-514. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of those foreign military sales customers with approved cash flow financing in excess of $100 million as of October 1, 1990; to the Committee on Foreign Relations.

EC-515. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on security assistance allocation for fiscal year 1991; to the Committee on Foreign Relations.

EC-516. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to January 31, 1991; to the Committee on Foreign Relations.

EC-517. A communication from the Chairman of the United States International Cultural and Trade Center Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-518. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-519. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on Senior Executive Service positions in the Department of Housing and Urban Development; to the Committee on Governmental Affairs.

EC-520. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1990; to the Committee on Governmental Affairs.

EC-521. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the United States General Accounting Office for fiscal year 1990; to the Committee on Governmental Affairs.

EC-522. A communication from the Chairman of the Board of Governors of the United States Postal Service, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-523. A communication from the Deputy Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-524. A communication from the Acting Federal Co-chairman of the Appalachian Regional Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-525. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report on instances where a Federal agency did not fully implement a recommendation with respect to contracts, and stating that there were no such instances; to the Committee on Governmental Affairs.

EC-526. A communication from the Secretary to the Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for fiscal year 1990; to the Committee on Governmental Affairs.

EC-527. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, a report on the system of internal accounting and administrative controls in effect during fiscal year 1990; to the Committee on Governmental Affairs.

EC-528. A communication from the Executive Assistant to the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1990; to the Committee on Governmental Affairs.

EC-529. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a proposed plan for the use and distribution of Seminole Nation of Oklahoma judgment funds awarded before the Indian Claims Commission; to the Select Committee on Indian Affairs.

EC-530. A communication from the Chairman of the Council on Environmental Quality, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-531. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC-532. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of an individual for reimbursement of expenses; to the Committee on the Judiciary.

EC-533. A communication from the Chief Justice of the United States, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the United States held in Washington, D.C. on September 12, 1990; to the Committee on the Judiciary.

EC-534. A communication from the Chairman of the Board of Directors of the Future Farmers of America, transmitting, pursuant to law, the annual audit report of the Future Farmers of America for the period ending August 31, 1990; to the Committee on the Judiciary.

EC-535. A communication from the Acting Secretary of Education, transmitting, pursuant to law, final regulations for the Pell Grant Program—Expected Family Contributions for Students With Special Conditions; to the Committee on Labor and Human Resources.

EC-536. A communication from the Acting Secretary of Education, transmitting, pursuant to law, the annual report of the International Research and Studies Program for fiscal year 1990; to the Committee on Labor and Human Resources.

EC-537. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for calendar year 1990; to the Committee on Labor and Human Resources.

EC-538. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to expand eligibility for readjustment counseling services furnished by the Department of Veterans Affairs to veterans who are serving in "Operation Desert Storm" or who served during other periods of armed hostilities after the Vietnam era; to the Committee on Veterans' Affairs.

EC-539. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's comments on the General Accounting Office financial audit of the Department of Veterans Affairs for fiscal years 1988 and 1989; to the Committee on Veterans' Affairs.

EC-540. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 36: An original resolution authorizing expenditures by the referred Committee on Agriculture, Nutrition, and Forestry (Rept. No 102-10), referred to the Committee on Rules and Administration.

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. Res. 34: An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. FORD, for the Committee on Rules and Administration, without amendment:

S. Res. 35: An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

S. Res. 37: An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. Res. 38: An original resolution authorizing expenditures by the Committee on Labor and Human Resources; referred to the Committee on Rules and Administration.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Labor and Human Resources; referred to the Committee on Rules and Administration.

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. Res. 42: An original resolution authorizing expenditures by the Committee on Armed Services; referred to the Committee on Rules and Administration.

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 10: An original concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Ex. B, 95-1. Montreal Aviation Protocols 3 and 4 (Exec. Rept. No. 102-1).

TEXT OF REPORTED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein) That the Senate advise and consent to the ratification of Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, as Amended by the Protocols done at The Hague, September 28, 1955, and at Guatemala City, March 8, 1971 (hereinafter, Montreal Protocol No. 3); and Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929, and Amended by the Protocol done at The Hague on September 8, 1955 (hereinafter Montreal Protocol No. 4), provided that:

(1) the President shall not deposit the instruments of ratification for the United States until he has determined that a satisfactory supplemental compensation plan, as reviewed and approved by the Secretary of Transportation, will be in operation for the United States; and

(2) the President shall give notice of denunciation of these protocols by the United States if, at any time after their entry into force for the United States, he determines that a satisfactory supplemental compensation plan, as periodically reviewed by the Secretary of Transportation in light of new economic or other relevant circumstances, is not in operation for the United States, or that the best interests of U.S. airline passengers are not otherwise served by continued adherence to these protocols by the United States; and

(3) the U.S. Government shall continue actively to seek to negotiate higher limits on the liability of carriers than those provided under these protocols.

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 4, January 10, January 11, January 22, and January 23, 1991 at the end of the Senate proceedings.)

*In the Army Judge Advocate General's Corps there are 4 appointments to the grade of brigadier general (list begins with Thomas R. Cuthbert) (Reference No. 17)

*In the Army Reserve there are 31 appointments to the grade of major general and below (list begins with John W. Cudmore) (Reference No. 18)

**In the Air Force Reserve there is 1 appointment to the grade of colonel (Donald J. Grande) (Reference No. 24)

**In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Charles O. Bruce III) (Reference No. 25)

**In the Army there are 6 promotions to the grade of colonel and below (list begins with Hugh D. Thorfinnson) (Reference No. 29)

**In the Army there are 36 promotions and appointments to the grade of colonel (list begins with Barbara Blatter) (Reference No. 30)

**In the Navy there are 48 appointments to the grade of lieutenant (list begins with Kevin K. Bach) (Reference No. 31)

**In the Navy Reserve there are 23 appointments to the grade of commander and below (list begins with Manuel V. Ordonez) (Reference No. 32)

**In the Air Force there are 1,679 appointments to a grade no higher than captain (list begins with Steven L. Abernathy) (Reference No. 34)

**In the Army Reserve there are 57 promotions to the grade of colonel and below (list begins with James F. Butler, Jr.) (Reference No. 35)

**In the Army Reserve there are 69 promotions to the grade of colonel and below (list begins with Michael J. Bayer) (Reference No. 36)

**In the Army there are 1,146 promotions and appointments to the grade of lieutenant colonel (list begins with Jose C. Abiles) (Reference No. 37)

**In the Navy there are 154 appointments to the grade of ensign (list begins with Lynn E. Acheson) (Reference No. 43)

**In the Air Force Reserve there is 1 appointment to the grade of lieutenant colonel (Fortunato T. Elizaga) (Reference No. 49)

**In the Air Force Reserve there are 13 appointments to the grade of colonel and below (list begins with Donald E. Bayles) (Reference No. 50)

**In the Army there are 12 promotions and appointments to the grade of colonel and below (list begins with Joseph S. Hunter) (Reference No. 52)

**In the Army Reserve there are 17 appointments to the grade of colonel and below (list begins with Ray D. Berringer) (Reference No. 53)

**In the Army Reserve there are 18 promotions to the grade of colonel (list begins with Craig B. Anderson) (Reference No. 54)

**In the Army Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with Thomas E. Batsky) (Reference No. 55)

**In the Army there are 186 appointments to the grade of colonel and below (list begins with Mary P. Celio) (Reference No. 56)

**In the Army Reserve there are 68 promotions to the grade of colonel and below (list begins with Alexander H. Burgin) (Reference No. 57)

**In the Navy there are 242 appointments to the grade of captain and below (list begins with Walter M. Elliott) (Reference No. 58)

*Colonel John J. Cuddy, USA, to be brigadier general (Reference No. 67)

**In the Navy there are 1,837 appointments to the grade of ensign (list begins with Kenneth S. Acfalle) (Reference No. 68)

**In the Army Reserve there are 758 promotions to the grade of colonel (list begins with Robert T. Adams) (Reference No. 69)

**In the Air Force there are 24 appointments to the grade of second lieutenant (list begins with Neil T. Allen) (Reference No. 82)

**In the Navy and Naval Reserve there are 23 appointments to the grade of commander and below (list begins with Michael W. Abraham) (Reference No. 83)

*In the Navy and Naval Reserve there are 46 appointments to the grade of commander and below (list begins with Enrique N. Panlilio) (Reference No. 84)

*Lieutenant General Jimmie V. Adams, USAF, to be general (Reference No. 90)

*Major General William G. Pagonis, USA, to be lieutenant general (Reference No. 91)

Total 6,542.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself, Mr. Lieberman, and Mr. Cohen):

S. 340. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the excess profits of large oil companies, and for other purposes; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. Wallop):

S. 341. A bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON (for himself, Mr. Wallop, Mr. Ford, Mr. Domenici, Mr. Bingaman, and Mr. Craig):

S. 343. A bill to provide for continued United States leadership in high-performance computing; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 344. A bill to establish the Northern Yukon-Arctic International Wildlife Refuge; to the Committee on Environment and Public Works.

By Mr. PELL (for himself and Mr. Chafee):

S. 345. A bill to amend the Small Business Act to provide disaster loan eligibility to small business concerns located in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Small Business.

By Mr. HEINZ (for himself, Mr. Bentsen, Mr. Riegle, Mr. Garn, Mr. Helms, Mr. Kerry, Mr. Hatch, Mr. D'Amato, Ms. Mikulski, Mr. Thurmond, Mr. Lott, and Mr. Shelby):

S. 346. A bill to strengthen the Foreign Agents Registration Act of 1938; to the Committee on Foreign Relations.

By Mr. RIEGLE (for himself, Mr. Garn, Mr. Dixon, Mr. Heinz, Mr. Sarbanes, Mr. D'Amato, Mr. Dodd, and Mr. Sasser):

S. 347. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes.

By Mr. RIEGLE (for himself, Mr. Garn, and Mr. Dixon):

S. 348. A bill to extend the expiration date of the Defense Production Act of 1950 to March 18, 1991; considered and passed.

By Mr. BUMPERS (for himself, Mr. Pryor, Mr. Kasten, Mr. Exon, Mr. Dole, Mr. Kohl, Mr. Hatch, Mr. Harkin, Mr. Cochran, Mr. Reid, Mr. Lott, Mr. Heflin, Mr. Helms, Mr. Boren, Mr. Wallop, Mr. DeConcini, Mr. Gramm, Mr. Shelby, Mr. Burns, Mr. Bryan, Mr. McCain, Mr. Dixon, Mr. Bond, Mr. Breaux, Mr. Craig, and Mr. Kerrey):

S. 349. A bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KOHL (for himself and Mr. Grassley):

S. 350. A bill to amend the Federal Deposit Insurance Act to include foreign deposits and non-deposit liabilities in the assessment base; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself, Mr. D'Amato, Mr. Kennedy, Mr. Lugar, Mr. Adams, Mr. Coats, Mr. Shelby, Mr. Burdick, Mr. Hatfield, Mr. Rockefeller, Mr. Inouye, and Mr. Akaka):

S. 351. A bill to provide participants in private pension plans which were terminated before September 1, 1974, the nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself, Mr. Inouye, and Mr. Adams):

S. 352. A bill to protect the rights of persons to due process of law and equal protection of the laws in guardianship proceedings; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. Metzenbaum, Mr. Reid, Mr. Lieberman, Mr. D'Amato, Mr. Levin, Mr. Moynihan, Mr. Gore, and Mr. Chafee):

S. 353. A bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN:

S. 354. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield; to the Committee on Finance.

S. 355. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Shield; to the Committee on Finance.

By Mr. THURMOND (for himself, Mr. Simpson, Mr. Leahy, Mr. Hatch, Mr. Grassley, Mr. Bond, Mr. Cochran, Mr. DeConcini, and Mr. Heflin):

S. 356. A bill to assure fairness in the allocation and award of antitrust damages; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. Bryan):

S. 357. A bill to convey fee title to Pershing County Water Conservation District, certain Federal lands known as the Battle Mountain Community Pastures, in recognition that the land was initially acquired by the District and subsequently transferred to the United States for the Humbolt River Project; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 358. A bill to establish a temporary program under which perental diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself, Mr. Danforth, Mr. Moynihan, Mr. Chafee, Mr. Pryor, Mr. Grassley, Mr. Sanford, Mr. Kerry, Mr. Lieberman, and Mr. Cochran):

S. 359. A bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference; to the Committee on Finance.

By Mr. ROTH:

S.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relative to campaign expenditures; to the Committee on the Judiciary.

By Mr. FORD:

S.J. Res. 61. Joint resolution to designate June 1, 1992, as "Kentucky Bicentennial Day"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Adams, Mr. Bond, Mr. Bradley, Mr. Burdick, Mr. Cochran, Mr. Conrad, Mr. Cranston, Mr. D'Amato, Mr. DeConcini, Mr. Dixon, Mr. Durenberger, Mr. Garn, Mr. Grassley, Mr. Heflin, Mr. Hollings, Mr. Jeffords, Mr. Levin, Mrs. Kassebaum, Mr. Kasten, Mr. Lautenberg, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Murkowski, Mr. Packwood, Mr. Pell, Mr. Pryor, Mr. Riegle, Mr. Sanford, Mr. Sarbanes, Mr. Sasser, Mr. Specter, Mr. Symms, Mr. Thurmond, and Mr. Johnston):

S.J. Res. 62. Joint resolution to designate the month of March, 1991 and the month of March, 1992 as "Women's History Month"; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. Kasten, Mr. Simon, Mr. Sarbanes, Mr. Pressler, Mr. Cranston, Mr. D'Amato, Mr. Kerry, Mr. Bradley, Mr. Packwood, Mr. Wallop, Mr. Sasser, Mr. Mack, Mr. Biden, Mr. Grassley, Mr. Daschle, Mr. Dixon, Mr. Levin, Mr. Dodd, Mr. Adams, Mr. Mitchell, Mr. Burdick, Mr. Moynihan, Mr. Gorton, Mr. Specter, Mr. Chafee, Mr. Roth, Mr. Gore, Mr. Leahy, Mr. Boren, Mr. DeConcini, Mr. Nunn, Mr. Akaka, Mr. Glenn, Mr. Inouye, Mr. Graham, Mr. Fowler, Mr. Lautenberg, Mr. Metzenbaum, Mr. Pell, Mr. Cochran, Mr. McCain, Mr. Helms, Mr. Garn, Mr. Hatch, Mr. Heinz, Mr. Warner, Mr. Durenberger, Mr. Gramm, Mr. Craig, Mr. Lugar, and Mr. Symms):

S.J. Res. 63. Joint resolution to designate June 14, 1991 as "Baltic Freedom Day"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. Adams, Mr. Bentsen, Mr. Bumpers, Mr. Burdick, Mr. Burns, Mr. Chafee, Mr. Cochran, Mr. Conrad, Mr. Craig, Mr. Cranston, Mr. D'Amato, Mr. DeConcini, Mr. Dixon, Mr. Dodd, Mr. Dole, Mr. Domenici, Mr. Durenberger, Mr. Exon, Mr. Glenn, Mr. Gore, Mr. Gorton, Mr. Graham, Mr. Hatch, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mrs. Kassebaum, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Mr. Murkowski, Mr. Pell, Mr. Reid, Mr. Sanford, Mr. Sarbanes, Mr. Shelby, Mr. Warner, Mr. Wellstone, and Mr. Specter):

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD from the Committee on Appropriations:

S. Res. 34. Original resolution authorizing expenditures by the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. FORD from the Committee on Rules and Administration:

S. Res. 35. Original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; placed on the calendar.

By Mr. LEAHY from the Committee on Agriculture Nutrition, and Forestry:

S. Res. 36. Original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. FORD from the Committee on Rules and Administration:

S. Res. 37. Original resolution authorizing expenditures by the Committee on Rules and Administration; to the Committee on Rules and Administration.

By Mr. KENNEDY from the Committee on Labor and Human Resources:

S. Res. 38. Original resolution authorizing expenditures by the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. GLENN from the Committee on Governmental Affairs:

S. Res. 39. Original resolution authorizing expenditures by the Committee on Governmental Affairs; to the Committee on Rules and Administration.

S. Res. 40. Resolution to express the sense of the Senate of the United States that source reduction in packaging is favorable to the environment and should be promoted; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Mr. Chafee, Mr. Mitchell, Mr. Burdick, Mr. Pell, Mr. Warner, Mr. Inouye, Mr. Domenici, Mr. Jeffords, Mr. Durenberger, Mr. Lautenberg, Mr. Conrad, Mr. Murkowski, Mr. Ford, Mr. Hollings, Mr. Levin, Mr. Adams, Mr. Nunn, Mr. Kerry, Ms. Mikulski, Mr. Cranston, Mr. Pryor, Mr. Gore, Mr. Sasser, Mr. Akaka, Mr. Sanford, Mr. Bumpers, Mr. Moynihan, Mr. Dixon, Mr. Gorton, Mr. Wellstone, Mr. Dodd, Mr. Graham, Mr. Fowler, Mr. Sarbanes, Mr. Symms, Mr. Daschle, Mr. DeConcini, Mr. D'Amato, Mr. Reid, Mr. Thurmond, Mr. Lugar, Mrs. Kassebaum, Mr. Kasten, Mr. Hatch, Mr. Cohen, Mr. Packwood, Mr. Bryan, Mr. Kennedy, Mr. Biden, Mr. Simpson, Mr. Breaux, Mr. Simon, Mr. Boren, Mr. Metzenbaum, Mr. Roth, Mr. Heinz, Mr. Brown, Mr. Grassley, Mr. Rockefeller, Mr. Helms, Mr. Bond, Mr. Exon, Mr. Craig, Mr. Cochran, and Mr. Kerrey):

S. Res. 41. Resolution to establish April 15, 1991, as "National Recycling Day"; to the Committee on the Judiciary.

By Mr. NUNN from the Committee on Armed Services:

S. Res. 42. Original resolution authorizing expenditures by the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. MITCHELL:

S. Res. 43. Resolution to amend paragraph 2 of Rule XXV; considered and agreed to.

S. Res. 44. Resolution to amend paragraph 3(c) of Rule XXV; considered and agreed to.

S. Res. 45. Resolution to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate; considered and agreed to.

S. Res. 46. Resolution to make majority party appointments to Senate Committees under paragraph 2 of Rule XXV for the One Hundred and Second Congress; considered and agreed to.

By Mr. DOLE:

S. Res. 47. Resolution to amend paragraph 4 of Rule XXV of the Standing Rules of the Senate; considered and agreed to.

S. Res. 48. Resolution making minority party appointments to Senate Committees for the 102nd Congress; considered and agreed to.

By Mr. FORD from the Committee on Rules and Administration:

S. Con. Res. 10. Original concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the Chairman of the Committee; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. Lieberman, and Mr. Cohen):

S. 340. A bill to amend the Internal Revenue Code of 1986 to impose a tax on the excess profits of large oil companies, and for other purposes; to the Committee on Finance.

EXCESS OIL PROFITS TAX ACT

Mr. METZENBAUM. Mr. President, I am today introducing legislation on behalf of myself Senators Lieberman and Cohen to impose an excess profits surtax on foreign and domestic oil companies doing business in the United States.

The gouging of American consumers carried out by the oil industry following the August 2, 1990, Iraqi invasion of Kuwait was one of the most shameful episodes in the entire history of the industry.

There was no significant interruption of Middle East oil supplies. Granted, the price of crude oil went up from the pre-invasion price of approximately $20 per barrel to $39 per barrel. But, gasoline prices shot up even faster.

The price of gasoline at the pump went up immediately on August 2, despite the fact that that gasoline had already been refined from pre-invasion oil.

As quick as Saddam raised his sword, the oil companies raised their prices. What was the excuse? According to the industry, gas had to be priced at its replacement cost.

Compare that to what the industry said last spring when the price of crude oil was falling. At that time, the industry said cheaper prices at the wellhead take 1 to 3 months to be reflected at the pump—time presumably needed for transportation, refining, and delivery.

Give the oil industry a dilemma, and they will invent a rationale.

Today, the price of crude is back to the pre-invasion price range of $20–$21 where it has hovered since mid-January.

The price of gasoline is only now beginning to come down. Until last week it was still 20 to 25 percent higher than it was in August. It is still 10 percent or more higher than pre-invasion.

And as a result, the energy companies enjoyed a banner year. They racked up huge profits in the last quarter of 1990.

Look at the facts:

Mobil's profits are up 46 percent—from $447 million to $651 million. Maybe it will be a little less this quarter because of all the ads they are taking, trying to prove that their profits are not excessive. But all those ads are not going to change the facts.

Texaco's profits are up 35 percent—from $287 million to $388 million.

Chevron's profits are up 250 percent—from a loss of $833 million to a gain of $633 million.

Shell's profits are up 69 percent—from $264 million to $446 million.

Arco's profits are up 38 percent—from $403 million to $566 million.

Phillips' profits are up from a loss of $255 million to a gain of $237 million. For the year, profits are up 300 percent from $219 million to $779 million.

Unocal's profits are up from a loss of $26 million to a gain of $38 million. For the year, profits are up 54 percent from $260 million to $401 million.

Amerada Hess' profits are up over 300 percent from $70.8 million to $235.2 million.

The refrain is the same. It goes on and on and on. The oil companies have been taking advantage of the situation and taking advantage of the American consumer.

Amoco's profits are up 69 percent from $319 million to $538 million. Its profit from the sale of crude oil soared up more than nine times over last year, up from $50 million to $474 million.

Pennzoil's profits are up from a loss of $102.5 million to $29.9 million.

Exxon's profits are up 300 percent from $485 million to $1.56 billion. For the year, profits are up 43 percent from $3.51 billion to $5.01 billion.

I have recited all of these facts concerning the oil companies and their specific profits because I had some concern that somebody might think we were picking out just a few selected ones. You can go across the board in the oil industry and you see that they have profited at the cost of the American consumer.

I was a businessman before I came to the Senate. I have nothing against a company making a profit. But this is different. These companies have gained a windfall as a result of Iraq moving into Kuwait, and now they are making a killing while our troops are over there in the Middle East fighting a war, in part, to protect the world's oil supply.

Some of my colleagues have said that the energy industry is only just now recovering from a long slide—that additional profits are needed to pay for domestic drilling for new oil supplies. They say our energy security depends on the discovery of new domestic sources of supply.

Let us take a look at how the industry is performing in this area. The last 2 years have been good for the industry. Net industry income nearly doubled to over $18 billion in 1988, and totaled $15 billion in 1989, the best years since 1983.

What did they do with the profits?

Each year, the Department of Energy issues a report on the energy industry entitled "Performance Profiles of Major Energy Producers." According to the 1988 report, industry capital expenditures were up 43 percent from the previous year.

Did they spend the money on exploration and drilling?

No. They spent it gobbling each other up; 33 percent of the increase—$16 billion—was spent on mergers and acquisitions. Tenneco sold its petroleum assets to Chevron, Amoco, and others, Amoco purchased Dome Petroleum. And Occidential acquired Cain Chemical.

Growth in so-called development and exploration expenditures was used to buy proved acreage, most of which came from these mergers and acquisitions. Again, according to the report, oil and gas reserve additions were essentially unchanged from 1987.

Excluding mergers and acquisitions, capital expenditures were up only 17 percent, and that was the best showing since 1985.

The figures for 1989 were even worse. U.S. exploration and development expenditures declined by $6 billion.

What else did the oil industries do with its profits?

In 1988, they spent nearly $3 billion—a 30-percent increase over 1987—acquiring retail gasoline stations—a business strategy designed in large part to solidify big oil's control over retail gasoline prices.

They increased their dividend payments to stockholders. Amoco, Exxon, Mobil, Chevron, and Texaco, among others increased their stock dividends in 1990. So much for retained earnings and capital investment.

So the facts speak for themselves. The allegation that the major energy companies play a significant role in drilling for new oil is one of the oldest canards in the industry.

Some of my colleagues have said that this bill will hurt the independent drillers. I say to them, "It will not affect them." Just read the bill. This bill applies only to the major energy companies, not the entrepreneurs who do the real work of finding new oil.

Mr. President, this bill is elegant in its simplicity. The surtax would be imposed on the after-tax corporate profits of large energy companies only. The surtax is calculated by taking 40 percent of the amount exceeding the average net corporate profit for the 5 years preceding the current tax year. As a result, the bill ensures that a full 60 percent of the excess profit remains with the corporation.

Specifically, the tax would apply to corporations which control 1 percent or more of either the production or the reserves of oil or refining capacity or petroleum products sales. This is a standard definition used in Department of Energy reporting requirements to define the industry leaders.

Again, the definition does not include the independent drillers.

The tax would be permanent beginning with the 1990 tax year. The revenue would revert to the Treasury for the purpose of deficit reduction.

Mr. President, the revenue estimate for this bill is difficult to determine at this time because many of the energy companies have not reported 1990 full-year earnings. However, I can give an estimate of how the bill would apply to a few companies, and the amount the surtax would recover.

Exxon's 5-year average—1985-89—annual profit equaled $4.7 billion. The 1990 profit estimate equals $5.1 billion. Accordingly, the excess profit equals $400 million, and the surtax would be $160 million.

Mobil's 5-year average annual profit equaled $1 billion. The 1990 profit estimate equals $1.9 billion. Accordingly, the excess profit equals $900 million, and the surtax would be $360 million.

Chevron's 5-year average annual profit equaled $681 million. The 1990 profit estimate equals $2.16 billion. Accordingly, the excess profit equals $1.479 billion, and the surtax would be $591 million.

Again, this bill is very simple. It is completely different from the old windfall profit tax enacted in 1980, which was a tax on oil, and set up categories of new oil, and old oil, and necessitated an entire bureaucracy to administer.

At this point, I believe it is fair to point out that American oil companies have substantial assets at risk in the Middle East today. I do not believe it is unfair to ask them to pay their fair share of the cost of securing these assets.

For example, Mobile has a huge financial stake in Saudi Arabia. According to a New York Times report, Mobil has over $2 billion invested in a refinery and a petrochemical plant in the kingdom—an investment protected by U.S. troops.

Chevron, Exxon, Mobil, and Texaco all are parties to service and personnel contracts with the Saudi Government worth millions of dollars.

It is only fair that they should help pay to protect their own assets.

There is another aspect of this issue to which I would like to address myself. And that is, the oil industry never misses a chance to appear before Congress with a request for a tax break, or some other incentive, to help it do its job of finding more oil.

Again, just last year, as part of the deficit reduction bill, there was a so-called incentives program costing the taxpayers over a half a billion dollars.

Tax credits for oil recovery, tight sands exploration, you name it, if big oil says they need it for exploration, they get it.

Mr. President, during World War II and again during the Korean war, this Nation enacted an excess profits tax. Now we are at war again, and I believe the enactment of this surtax is an appropriate course of action.

Finally, I want to repeat that it is extremely troubling and offensive that our oil companies should profit so greatly from a war in which our troops are being asked to fight and die—a war which is being fought, in part, to protect the world's oil supply.

It is not right. It is not fair. And it should stop now.

I ask unanimous consent that the bill be printed in the RECORD, and urge the support of my colleagues in enacting this measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Excess Oil Profits Tax Act of 1991".

SEC. 2. IMPOSITION OF EXCESS OIL PROFITS TAX.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—TAX ON EXCESS OIL PROFITS

"Sec. 59B. Tax on excess oil profits.

"SEC. 59B. TAX ON EXCESS OIL PROFITS.

"(a) IMPOSITION OF TAX.—In the case of a large oil company, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 40 percent of the excess net profits of such corporation for the taxable year.

"(b) EXCESS NET PROFITS.—For purposes of this section—

"(1) IN GENERAL.—The term 'excess net profits' means the excess (if any) of—

"(A) the net income of the taxpayer for the taxable year, over

"(B) the average annual net income of the taxpayer for the base period.

"(2) NET INCOME.—

"(A) IN GENERAL.—The net income for any taxable year shall be the net income or loss of the taxpayer for such taxable year which is shown on the applicable financial statement of the taxpayer.

"(B) STATEMENTS COVERING DIFFERENT PERIODS.—Appropriate adjustments shall be made in net income or loss in any case in which the applicable financial statement covers a period other than the taxable year.

"(3) BASE PERIOD.—

"(A) IN GENERAL.—The term 'base period' means the 5-taxable year period immediately preceding the taxable year (or, if shorter, the period of existence of the taxpayer preceding such taxable year).

"(B) PREDECESSOR CORPORATION.—For purposes of subparagraph (A), the taxable years of any predecessor corporation shall be taken into account in computing the base period.

"(4) SAME STATEMENTS.—In computing net income or loss for the taxable year and taxable years in the base period, the same type of applicable financial statements must be used for all such taxable years unless the Secretary provides otherwise.

"(c) OTHER DEFINITIONS.—For purposes of this section—

"(1) LARGE OIL COMPANY.—The term 'large oil company' means any person—

"(A) which is identified as a major energy-producing company under section 205(h) of the Department of Energy Organization Act (42 U.S.C. 7135(h)), and

"(B) with respect to which for the calendar year in which the taxable year begins such person's total for any of the following was at least 1 percent of total for the United States:

"(i) Production of oil or gas.

"(ii) Reserves of oil or gas.

"(iii) Oil refining capacity.

"(iv) Sales of petroleum products.

"(2) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable financial statement' means, with respect to any taxable year, any statement covering such taxable year—

"(i) which is required to be filed with the Securities and Exchange Commission,

"(ii) which is a certified audited income statement to be used for the purposes of a statement or report—

"(I) for credit purposes,

"(II) to shareholders, or

"(III) for any other substantial nontax purpose,

"(iii) which is an income statement for a substantial nontax purpose required to be provided to—

"(I) the Federal Government or any agency thereof,

"(II) a State government or any agency thereof, or

"(III) a political subdivision of a State or any agency thereof, or

"(iv) which is an income statement to be used for the purposes of a statement or report—

"(I) for credit purposes,

"(II) to shareholders, or

"(III) for any other substantial nontax purpose.

"(B) EARNINGS AND PROFITS USED IN CERTAIN CASES.—If—

"(i) a taxpayer has no applicable financial statement, or

"(ii) a taxpayer has only a statement described in subparagraph (A)(iv) and the taxpayer elects the application of this subparagraph,

the net income or loss set forth on the taxpayer's applicable financial statement shall, for purposes of this subsection, be treated as being equal to the taxpayer's earnings and profits for the taxable year (without diminution by reason of distributions during the tax year). Such election, once made, shall remain in effect for any taxable year for which the taxpayer is described in this subparagraph unless revoked with the consent of the Secretary.

"(C) SPECIAL RULE WHERE MORE THAN 1 STATEMENT.—For purposes of subparagraph (A), if a taxpayer has a statement described in more than 1 clause or subclause, the applicable financial statement shall be the statement described in the clause or subclause with the lowest number designation. If the taxpayer has 2 or more statements described in the clause (or subclause) with the lowest number designation, the applicable financial statement shall be the one of such statements specified in regulations.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 899, including regulations to prevent the avoidance of such sections through related parties and controlled groups of corporations."

(b) APPLICATION TO FOREIGN PERSONS.—Subpart D of part II of subchapter N of chapter 1 of such Code is amended by adding at the end thereof the following new section:

"SEC. 899. EXCESS OIL PROFITS TAX.

"(a) IMPOSITION OF TAX.—In the case of a taxable foreign person, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 40 percent of the excess net profits of such foreign person for the taxable year.

"(b) TAXABLE FOREIGN PERSON.—For purposes of this section, the term 'taxable foreign person' means any foreign person with respect to which for the calendar year in which the taxable year begins such person's total within the United States for any of the following was at least 1 percent of the total for the United States:

"(1) Production of oil or gas.

"(2) Reserves of oil or gas.

"(3) Oil refining capacity.

"(4) Sales of petroleum products.

"(c) EXCESS NET PROFITS.—For purposes of this section, excess net profits shall be determined in the same manner as under section 59B(b), except that there shall only be taken into account net income and losses from sources within the United States or from the conduct of a trade or business within the United States."

(c) CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"PART VIII—TAX ON EXCESS OIL PROFITS".

(2) The table of sections for subpart D of part II of subchapter N of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 899. Excess oil profits tax."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

Mr. LIEBERMAN. Mr. President, I am pleased to join my colleague from Ohio, Senator METZENBAUM, in sponsoring this bill to enact an excess profits tax on large oil companies.

As the Nation's attention and prayers have been focused on the Persian Gulf, we nonetheless cannot help but notice that oil companies are swimming in profits as a result of the gulf crisis. The oil companies recently announced their fourth-quarter profits—and they are simply astounding. Together, the six largest oil companies in the United States—Amoco, Chevron, Exxon, Mobil, Shell, and Texaco—

earned close to $4 billion in the last 3 months of 1990 alone. And this $4 billion total does not even take out the one-time charges and other accounting tricks used to make profit levels seem lower than they really are. Mobil and Amoco reported fourth-quarter earnings that are, respectively, 46 percent and 69 percent higher than last year. Texaco's fourth-quarter earnings were up $100 million—a 35-percent increase over 1989. Fourth-quarter profits at Exxon were up 300 percent, and Chevron posted an incredible 860-percent increase in earnings in 1990.

The oil companies have gained a tremendous windfall as a result of Iraq's aggression. Kuwait's loss was Big Oil's gain. Amoco, for example, has seen its quarterly earnings in domestic crude oil exploration and production rise from $34 million in the fourth quarter of 1989 to $281 million in the fourth quarter of 1990—an increase of over 830 percent. Mobil saw its profits from domestic exploration and production rise fivefold, to $68 million, while its profits from crude production overseas reaped $505 million in profits in the fourth quarter of 1990—up 72 percent. Other crude oil producers have seen similar windfalls.

I am not against profit—profit is the fuel that drives our free enterprise system. But these profits have resulted in large part because we have sent troops to the Persian Gulf to stop Saddam Hussein and to protect international order. In a time when we are asking the men and women of our Armed Forces to put their lives in harm's way to deter Saddam Hussein's aggression, should not the oil companies be asked to ease the burden we all must bear by either charging us less and limiting their profits to a fair and reasonable level or by sharing the wealth to help bear the burden of supporting our troops in the gulf and cushioning the impact of high oil prices at home?

The rapid decline in crude oil prices since the beginning of Operation Desert Storm was the result of several factors, not least of which was the President's decision to tap the strategic petroleum reserve, a decision I and others had been recommending for months. But the fall of oil prices also exposed the fraud behind their rise over the past 5 months. There has been no supply-and-demand reason for the high price of oil and gasoline over the past 5 months. World markets are awash in oil. They merely injected a dose of reality into the artificial world of oil prices.

I wish that the oil companies would, on their own, contribute their windfall profits to Operation Desert Storm and to energy assistance programs. But wishes won't make it happen. Last December, the National Community Action Foundation and other public citizen groups called on the oil companies voluntarily to contribute to energy assistance programs. With the exception of Texaco, which is still talking with these groups, the response from Big Oil was either a chilly silence or—in the case of Exxon and Mobil—a flat-out "No." That is why we are going forward with our windfall profits tax bill. It will allow the oil companies to make a fair profit, but require them to share their unearned bounty.

This bill will place a 40-percent surtax on the net income of major oil companies that exceeds the average profit earned during the preceding 5 years. The bill will not cover small independents. It also covers net income from all oil-related sources, so that an oil company that makes huge gains in crude oil production but sustains huge offsetting losses in refining or other downstream businesses would not pay an additional tax so long as its overall profits did not exceed the base period level. This formulation rewards the oil company that shows restraint while penalizing the unabashed price gouger.

When we first introduced a profits tax proposal last year as an amendment to the budget agreement, though we had little time to lobby for its passage, we were able to accumulate 33 votes on the Senate floor. That was a decent start, and we are confident that news of massive oil company profits can only help to strengthen our case for this legislation. As designed, our bill would take the windfall profits and use them to reduce the deficit. However, I would add that I am open to other possible uses of windfall profits tax funds, as this legislation goes through the process. We might, for example, choose to use windfall profits to defray part of the cost of Operation Desert Storm, as well as for energy assistance programs. Big Oil must be required to share the fruits they have received as a result of all of our efforts to stop Saddam Hussein.

I look forward to working with my colleague, Senator METZENBAUM, to enact this important legislative initiative. The odds may be long, but I believe we are right and, more important, I believe the American people are behind this.

By Mr. JOHNSTON (for himself and Mr. WALLOP):

S. 341. A bill to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL ENERGY SECURITY ACT

Mr. JOHNSTON. Mr. President, today I am introducing, along with Senator WALLOP, the National Energy Security Act of 1991. This is a comprehensive, balanced bill that we believe can serve as the foundation of a bipartisan national energy policy for the 1990's. We need a national energy policy that integrates the tradeoffs of energy, the economy and the environment. We do not have such a policy now.

I ask unanimous consent that a summary of the bill and its full text be printed in the RECORD at the conclusion of my remarks.

There are 15 titles in this bill. The bill includes all the necessary elements of a national energy policy; energy efficiency and energy production; conventional energy and alternative energy; and renewable energy and nuclear energy.

We have tried to include as many reasonable energy initiatives as possible. We do not want to overlook any energy policy proposals that can be effective in reducing our dependence on imported oil.

REDUCING DEPENDENCE ON IMPORTED OIL

That is the purpose of the bill: reducing our dependence on imported oil. The world is now at war in large part because much of the world economy, especially including our own, relies on the Persian Gulf for supplies of oil. We are asking young men and women to risk injury and death in the Persian Gulf to prevent energy blackmail. We have no right to ask that kind of sacrifice without doing the absolute best we can to put our domestic energy policy in order.

Contrary to what you might hear, the United States does have an energy policy. It can be described in two words: Import Oil. We want to change that policy to one that uses three words: "Made in America."

The debate on this legislation will develop a new "Made-in-America" national energy policy. Enactment of this legislation will put a "Made-in-America" policy in place. Only then can we begin to reduce the need to go to war in order to ensure energy supplies.

HEARINGS

Later this week the Committee on Energy and Natural Resources will announce an extensive series of hearings on this bill. We will hear testimony on the bill in February and March. We are aiming to mark the bill up and report it to the Senate floor in April.

A BALANCED BILL

We will need the participation of Senators, Republican and Democrat, whether on the Committee on Energy and Natural Resources or not. We will need the participation of the Members of the House of Representatives and the administration. We will need the participation of the public.

The legislation we pass must cover the spectrum of energy concerns. We need to include, not exclude. No one energy initiative is capable of freeing us from dependence on imported oil. We need a package of initiatives that reflects the diversity of our energy interests. We are seeking a balanced package. Undoubtedly, we will have votes on how to reach that balance. We ask that Members participate in those votes, but also that they support the package, even though their enthusiasm for individual elements of it may vary. We need to work together.

We are greatly indebted to Secretary of Energy Jim Watkins for the 18 months of effort that has gone into the national energy strategy. The technical help we requested from the Department is clarifying the scope, cost, and impact of various energy options has been invaluable. The Department would not have this capability without the discipline imposed by the NES process.

We expect the administration to submit its NES later this month. No doubt there will be ideas in the NES that we can incorporate into our Made-In-America bill.

CRITICAL HURDLES

A balanced energy policy must contain many components. Key among these is energy efficiency. A sound renewables component is also essential. We have strong provisions in the bill in these areas. We have a consensus on the inclusion of these provisions in the bill. I am hopeful that we can reach a consensus to make them stronger as we move through the process.

As I see it, there are at least five critical hurdles that will be more controversial and that we must clear in committee and on the floor in order to establish a strong, balanced and effective energy policy.

ANWR

Title IX of the National Energy Security Act of 1991 contains provisions concerning oil and gas leasing in the Arctic National Wildlife Refuge in Alaska [ANWR]. Pursuant to these provisions, the Secretary of the Interior would be authorized and directed to undertake a competitive oil and gas leasing program on the 1.5 million-acre coastal plain of ANWR. This area is the most highly prospective onshore oil and gas area remaining in the United States. It is located only 65 miles to the east of the Prudhoe Bay oil fields which currently account for almost 25 percent of total U.S. domestic oil production.

The potential of this area is indeed significant. The mean estimate of oil thought to be recoverable from the coastal plain of ANWR is 3.57 billion barrels. Only two other oil fields ever discovered in the United States, Prudhoe Bay, and east Texas, have contained more recoverable oil. Without question, this strip of land, 100 miles long and 30 miles wide, represents the best chance we have to increase our domestic oil reserves.

I am aware that there is considerable opposition on the part of some to opening the coastal plain of ANWR to oil and gas leasing. I can appreciate and respect many of the arguments which have been advanced in opposition to developing this area. During the past several years, the committee has conducted numerous hearings and markups on this proposal. We have given careful consideration to, and have tried to address as many legitimate concerns as possible in an effort to ensure that the coastal plain is developed in an environmentally sound manner. We have tried to strike a balance between our need for additional oil reserves and the significant fish, wildlife, subsistence and other values present on the Costal Plain.

The specific provisions of title IX of the National Energy Security Act are very similar to those reported favorably from the Energy and Natural Resources Committee last Congress in S. 684. The only significant difference between the bill reported from the committee in March 1989 and the one we are introducing today concerns the use of oil and gas revenues to be derived from leasing in ANWR. The measure reported from the Committee last Congress would have distributed the Federal share—50 percent of the total revenues—among the Land and Water Conservation Fund, wetlands protection and enhancement projects, energy conservation programs, and the Federal Treasury. This year's version earmarks the entire Federal share of ANWR revenues for energy related programs and projects designed to enhance the Nation's energy security and reduce reliance on imported oil.

The specific programs and projects to be funded will be identified and selected by the Secretary of Energy utilizing the guidelines and criteria provided in the legislation. This list of high priority projects and programs is then to be transmitted to the Congress. Unless the list is subsequently modified by law, the Secretary of the Treasury is directed to make funds directly available to the Secretary of Energy to carry out projects identified on the list. Given that this year's ANWR bill is part of a comprehensive national energy package, it seems appropriate that any new Federal revenues generated from leasing in ANWR should be made available for these types of projects.

Mr. President, in the past when we have considered the issue of opening ANWR, many opponents of leasing on the coastal plain have argued that simply looking for and developing new sources of oil are not enough. What is needed, we have been told, is a comprehensive approach which treats increased energy production as but a single component of a broader energy strategy; one that includes conservation and fuel efficiency initiatives, alternative energy programs, and other short and long range solutions. I believe that the National Energy Security Act of 1991 is the broad-based strategy we should enact.

Oil from Prudhoe Bay will soon begin an inevitable and irreversible decline. We simply must find out what lies in geologically similar underground formations in the ANWR right next to Prudhoe Bay. Recent estimates of the Bureau of Land Management of the Department of the Interior have increased the potential for oil recovery from ANWR from 19 percent to 46 percent and the mean resource estimate of ecnomically recoverable oil from 3.23 billion barrels to 3.57 billion barrels. I do not see how we can be willing to send troops to fight in the Persian Gulf, but not be willing to explore the most promising prospect for domestic oil.

On a more practical note, the ANWR provisions supply the major source of revenue in the bill. We are moving in fact, if not in absolute rule, to a pay-as-you-go system of legislating in Congress. The bill provides for direct use of ANWR revenues for: Energy efficiency and energy conservation; initiatives in transportation energy efficiency; renewables—solar, geothermal, biomass, wind and hydro; advanced nuclear technology with passive safety features; and fossil energy—coal, oil and gas.

Without ANWR revenues, the funding of many of these programs will be far more difficult to accomplish.

CAFE

The second hurdle is energy efficiency in the transportation sector. The transportation sector uses 63 percent of the petroleum consumed in the United States. Automobiles and light trucks account for 40 of the 63 percentage points. No program for reducing oil imports can ignore the potential for improving energy efficiency in these vehicles.

On the other hand, improvements in auto and light truck efficiency may come at much greater cost than in the last 15 years. We have doubled new car fuel efficiency since 1975. Much of this was achieved with weight reduction. The next increases in efficiency will be more difficult to achieve.

I do not know precisely what the potential for increase in new car fuel efficiency is. We have drafted our automobile fuel efficiency provision to set up a process to determine this potential. Let me describe more fully what we are doing in the bill, because it could be misinterpreted.

The future corporate average fuel efficiency [CAFE] of an auto manufacturer depends on several characteristics of the fleet of cars sold. The CAFE value depends on what we think will be the mix of cars sold—how many large cars, how many mid-sized cars, and how many small cars. It depends on the safety requirments applied. It depends on the emissions requirements. It depends on what technology we think will be available. It depends on the performance of those cars—speed, power, and load-carrying capacity, for example.

We have written a provision that directs the Secretary of Transportation to derive the potential for CAFE improvement based on certain assumptions about these characteristics. We don't know for certain that these are the best assumptions, although the assumptions seem to us to be reasonable.

In any event, for purposes of introducing the bill we have to start somewhere. In our hearings, we hope to get agreement, first, on whether we have a reasonably complete list of characteristics for the purposes of predicting the CAFE of new car fleets of the future. Then we want to decide what we want to assume about those characteristics.

Do we assume the same size mix of cars as exists today? If not, how might the mix be expected to change?

What technology do we assume?

What emissions or safety requirements?

What level of performance do we expect from cars in the future?

As the committee addresses these questions, we will be learning how to set a CAFE target, and more importantly, what a responsible target might be. The bill we report may well differ from the one we are introducing, because it will reflect the results of the learning process we have enagaged in through our hearings.

Our bill also includes provisions to encourage use of vehicles powered by means other than petroleum—particularly compressed natural gas and electricity.

A comprehensive national energy policy must address oil use in the transportation sector. Even small improvements in energy efficiency in the transportation sector can have dramatic effects on oil consumption.

The trends in auto efficiency in recent years have been discouraging. The average efficiency of new cars has declined for the last 2 years, and the average efficiency of light trucks has decreased 3 years in a row. The total fleet average—cars and light trucks—has declined for the last 3 years, reflecting the individual declines in both vehicle classes as well as an increase in the market share of light truck.

The debate over CAFE standards often centers on arguments over how much the CAFE standard should be increased, which in turn depends on technical analysis of the "maximum feasible fuel economy" that automakers could reach on average by a given year. Such analysis depends critically on certain assumptions. However, some of the assumptions chosen reflect implicity policy choices that must be brought into the open.

To take an extreme example, one could argue that it is feasible for the auto fleet to achieve more than 50 miles-per-gallon. A fleet made up entirely of Geo Metros, the highest miles-per-gallon car available, would achieve that level of fuel economy. But the size and performance of the fleet would decrease dramatically. Another extreme, if one assumes that: First increased CAFE standards will decrease the weight of cars, second, any weight decrease results in lower safety, and third, lower safety is unacceptable, then no increase in CAFE is feasible. Both of these world views are over simplifications. Clearly, an analysis of the "maximum feasible fuel economy" is a much more complex undertaking.

There are eight key categories of assumptions that underlie any analysis of fuel economy potential. First, what technologies will be used by automakers? Does one assume the use of any technology that is currently commercialized in one or more autos, and can be deployed in all autos within a given number of years? Or does one assume the use of any technology that is capable of being commercialized and deployed in one or more autos within a given number of years. A number of emerging technologies promise significant fuel savings, but there is always uncertainty in forecasting which technologies will emerge successfully from prototype or laboratory testing, and become commercial. Experts can disagree sharply on these forecasts.

Second, how much lead time is given before a standard takes effect? Five years is the approximate minimum lead time for the broad application of a new technology in a line of cars. If automakers have a lead time of 5 years, they are limited to currently commercialized technology. If automakers have a lead time of greater than 5 years, they may have a chance of bringing additional technology from the R&D stage to commercialization. The longer the lead time, the better the chances of improved technology and higher fuel economy.

Third, what level of performance will autos attain—that is, horsepower, acceleration, driving "feel"? Holding all else constant, higher performance means lower fuel economy. In recent years, performance has increased and fuel economy has suffered. Therefore, if one is willing to "turn back the clock" on performance to some degree, one can set a relatively higher fuel economy standard.

Fourth, what will be the mix of autos across different size classes of cars—that is, compact, mid-size, full-size? Holding all else constant, larger cars mean lower fuel economy. In recent years, the size mix has shifted somewhat toward larger cars and fuel economy has suffered. The more one is willing to accept shifts to smaller cars, the higher one can set the fuel economy standard. Interior volume is another relevant measure of car size. It remained fairly steady throughout the 1980's.

Fifth, what emission standards will autos meet? The 1990 Clean Air Act Amendments set new standards for auto emissions. Tier I standards are mandatory. EPA has discretion to impose tier II standards as early as 2003. Tier I standards are a certainty and appear to impose a small penalty on fuel economy. Tier II standards might be imposed, and would probably impose an additional fuel economy penalty.

Sixth, what level of safety will autos meet? Safety is one of the most hotly contested issues in the CAFE debate. Advocates of increased CAFE standards argue that high-miles-per-gallon cars can and do meet Federal safety standards, and that safety is not really an issue. Opponents argue that increased CAFE standards mean smaller, lightweight cars which are inherently less safe than larger, heavier cars. There are elements of truth in both arguments.

All cars, including the smallest, meet current Federal safety standards, and safety will undoubtedly improve with more widespread use of airbags and improved side-crash protection. In addition, some technologies can increase fuel economy without reducing size or weight. Nevertheless, if CAFE standards are sufficiently stringent, they may force such reductions, and this may decrease safety. Size reductions can reduce the crash-absorbing properties of areas under the hood and trunk. Weight reductions can mean that a car will fare worse in a collision with another vehicle or a roadside obstruction. However, to some extent, size and weight reductions tend to improve handling and reduce the likelihood of, and severity of injuries in, collisions involving bicycles and pedestrians.

Seventh, what, if any, losses in employment or financial viability in the auto industry are acceptable? Some would argue that no automobile manufacturer should experience significant loss in employment or financial viability due to increased CAFE standards. Others would argue that forecasts of such losses are highly uncertain and should not affect CAFE policy.

Sufficiently stringent CAFE standards could cause serious disruptions in the auto industry. Some firms would suffer if they could not commercialize new technology quickly enough, or if they could not finance necessary investments in retooling and new plants. Forecasts of such impacts are uncertain, but this does not mean they are improbable.

Finally, what, if any, degree of cost effectiveness regarding fuel savings should be required of increased CAFE standards? Should the added costs of CAFE standards be recovered by the car buyer with some minimum payback period? Should the standards meet a broader, societal cost-benefit test? Or, should CAFE standards demand what is technically feasible, and not apply a cost-effectiveness test?

There are policy choices entwined in all of these assumptions—tough policy choices involving what kind of cars people are able to purchase, and how to incorporate the potential for technological change into policy design. These choices, in turn, will help determine our dependence on oil for transportation and, ultimately, our dependence on imported oil.

Congress has two broad choices in CAFE policy: it can simply pick a number for the new CAFE standard that sounds tough, or it can undertake the difficult process of evaluating these policy choices and determining the new CAFE standard after an explicit and well-informed debate. The bill is an attempt to opt for the latter route—the importance of the subject matter demands it.

All CAFE options should be on the table—for example, administrative determination versus congressional determination and percentage increases by manufacturer versus miles per gallon increases by manufacturer, to name just two. I look forward to a spirited debate on the entire range of issues.

The bill also introduces some market-oriented reforms in the CAFE Program. Currently, a firm has very little incentive to ever exceed the fuel economy targets—other than a 3-year carry-forward of CAFE credits. The bill would allow an indefinite carry-forward to reward firms that exceed the standard. CAFE credits also would be tradable among firms. This creates another reward for innovation. Both of these market-oriented reforms make CAFE credits similar to allowances under the acid rain title of the Clean Air Act Amendments of 1990. Both reforms allow an overall fuel economy standard to be met while rewarding innovation and reducing the costs of compliance. I recommend, however, that the tradable credit provision be adopted only if all firms are on a level playing field, that is, each firm should have roughly equal difficulty in generating credits and should not be able to use credits saved up under the old system.

A third market-oriented approach in this bill relates to the consequences of failing to meet the CAFE standard. Currently, if a firm fails to meet the target, either by design or by sudden shifts in consumer preferences, it is breaking the law. I do not believe that people should have to break the law to sell a low miles-per-gallon car any more than they should have to break the law to heat their homes to 80 degrees in the winter. However, they should have to pay a price, and that is just the approach taken in this bill.

Under current law, a firm that fails to meet the CAFE standard pays a rather small civil penalty—$5 per tenth of a mile per gallon for every car sold. The bill would impose a fee instead of a civil penalty, but quadruple the amount to $20 per tenth of a mile per gallon and index this to inflation. The result is a strong economic incentive to meet the standard.

Another issue that must be addressed in a meaningful and comprehensive way is the use of alternative fueled vehicles in fleets. While the bill that we are introducing today does not have a comprehensive fleets provision, this is an issue in which I take greater interest and plan to study carefully before the committee considers this legislation. It is my hope to learn more about potential fuel savings that could result due to the use of alternative fueled vehicles during our committee hearings.

The use of alternative fueled vehicles holds great promise as a means of reducing our Nation's consumption of oil. I believe that vehicles fueled with compressed natural gas [CNG] could be an especially viable alternative to conventionally fueled vehicles. I hope that we can strengthen the bill in this area as we move forward with it.

The Clean Air Act Amendments of 1990 dealt with the fleets issue. That legislation, however, did so from an air quality and emissions perspective. The issue warrants consideration from a fuel economy perspective as well. Clearly, this is an area where we could achieve great savings in terms of our consumption of oil.

NUCLEAR

The third hurdle to achieving a balanced energy policy involves nuclear energy. We have a defacto moratorium on nuclear development in this country, despite the fact that nuclear power is capable of producing electricity cheaply and with negligible impact on the atmosphere.

Nuclear power must remain an energy option. Nearly 20 percent of our electricity comes from nuclear powerplants. Nuclear energy displaces about 740,000 barrels of oil every day—about the same amount as we imported from Iraq and Kuwait before the invasion last August.

The National Energy Security Act devotes three titles to preserving the nuclear option.

Title XII encourages the commercialization of advanced nuclear reactor technologies and refocuses the Department of Energy's civilian nuclear program on this effort. The title authorizes the Department to solicit private sector proposals to demonstrate improved siting, licensing, and financing systems for commercial deployment of new advanced reactors with passive safety features and to demonstrate the licensing, construction, and operation of an advanced reactor. The goal of these efforts is to encourage the commercialization of new reactor designs that are safer, less costly, and easier to build and operate than the present generation of plants.

Title XIII clarifies the Nuclear Regulatory Commission's authority to implement its licensing reform rule (10 CFR part 52). The NRC rule requires resolution of all safety issues before construction of a nuclear powerplant begins and limits any licensing hearing after the plant is built to the question of whether the plant as built conforms with the license. Last November, the U.S. Court of Appeals for the District of Columbia Circuit upheld most of the rule but struck down the all-important provision restricting the post-construction hearing to conformance questions. Title XIII amends existing law to make it clear that the NRC has the authority the court denied it.

The NRC has asked the court to rehear the case. If the court agrees and reverses itself, title XIII will prove unnecessary. Failing that, title XIII will restore the authority the NRC needs to ensure that plants once built can be operated without costly delays—so long as they meet the safety requirements of their licenses.

Finally, title XIV contains the Uranium Enrichment Act of 1991, which was introduced by Senator FORD last month as S. 210. This title is designed to ensure a reliable domestic supply of uranium fuel for nuclear powerplants and our defense needs by restructuring the Department of Energy's ailing enrichment business. The Senate approved legislation similar to this title twice in the 101st Congress and twice in the 100th Congress, but each time the House failed to act. In the budget reconciliation conference last fall, however, the House conferees agreed to give priority to uranium enrichment legislation this year.

We need to take a fresh look at nuclear energy's potential to provide energy in a future that is concerned not only with oil dependence, but also with limiting emissions of NO_2, SO_2, and CO_2 into the atmosphere. This bill is the place for this debate to occur.

PUHCA

A fourth hurdle involves the Public Utility Holding Company Act of 1935 [PUHCA] and its effects on independent production of electric power. Title XV of the bill would remove the obstacles to independent power production contained in the Public Utility Holding Company Act of 1935 [PUHCA]. The effect of this change would be to allow independent power producers [IPP's] to compete in wholesale power markets as a new supply option. It would help to ensure that electric generation is provided to consumers in the most efficient way possible.

For practical and financial reasons, anyone that intends to develop an independent power project—regardless of whether they are a utility or non-utility—must generally create a separate corporate entity to do so. In turn, the developing party becomes a holding company. PUHCA, however, places extensive restrictions on the use of holding companies in electric generation. Without changes to the act, most opportunities for independent power production are therefore precluded. The bill would simply modify the Holding Company Act so as to remove the limitation on the use of holding companies for independent power production. It has been narrowly crafted to achieve this purpose.

I would also like to make clear what the bill does not do.

First, title XV would not force anyone to do anything. The effect of the legislation is to create a new type of electric supply option. It does not require utilities to buy power as in the case of qualifying facilities under the Public Utility Regulatory Policies Act of 1978 [PURPA]. Nor does title XV mandate a particular structure for the electric utility industry.

Second, title XV does not repeal PUHCA. There are those who would argue that the Holding Company Act has outlived its usefulness and become nothing more than a burdensome anachronism. However, the resolution of that issue will have to wait for another day. The bill changes PUHCA only to the extent necessary to allow independent power production to go forward. I believe title XV is necessary to accommodate growing competition in wholesale power generation. The possibility of such direct competition simply was not foreseen by Congress when it enacted PUHCA in 1935. Thus, this legislation represents modernization, rather than repudiation, of regulation under the Holding Company Act.

Third, title XV does not deal with the issue of when market pricing for wholesale power should or should not be permitted. Although the concept of IPP's and wholesale power competition assumes the availability of market pricing, that issue has nothing to do with PUHCA. It arises solely under the Federal Power Act which is administered by the Federal Energy Regulatory Commission [FERC]. At present the only way that an IPP or other seller of wholesale power can receive market pricing is by requesting case specific approval from FERC. In considering such request FERC has demonstrated that it is a vigorous watchdog against the possibility of abuse of market power. Title XV has been introduced with the knowledge that such careful oversight by FERC is required under the Federal Power Act and will continue.

What title XV deals with is a separate problem: the fact that without the ability to develop generation using holding company structures, IPP's—and what they make possible in terms of competition in wholesale generation—are effectively precluded, regardless of the availability of market pricing. There is an emerging consensus that IPP's and competitive acquisition of wholesale power should at least be an option and thus that the separate statutory obstacles to independent power production contained in the Holding Company Act should be removed. The purpose of title XV is the removal of these obstacles for utilities and nonutilities alike.

Title XV is very similar to legislation I introduced last Congress as amendment 267 to S. 406. However, a new provision in title XV would allow utilities to insulate themselves from being required by their State commissions to purchase from exempt wholesale generators [EWG's]—the technical terms used to designate corporate entities exempted from PUHCA by title XV—for specified periods of up to 10 years. A utility's decision to receive the protection of this provision would be irrevocable during the period the utility specifies. During such period the utility would also be precluded from owning an EWG. Certain utilities have voiced strong concerns that State commissions may force them to enter into imprudent contracts with EWG's before the complete implications of the bill have become clear. The new provision included in title XV responds to these concerns.

State commissions for their own part have expressed a continuing desire to obtain changes in their authority over the wholesale purchasing practices of their native utilities. Under the Supreme Court's Mississippi decision, FERC may preempt State commissions with respect to the allocation and prudence of wholesale power costs among operating subsidiaries of multistate registered holding companies. State commissions who regulate registered holding company subsidiaries argue that this decision presents an intolerable situation. Other State commissions fear that the Mississippi decision also creates doubt concerning what is, at present, the generally accepted authority of State commissions to regulate wholesale purchases outside of the registered holding company context. Although the provisions of title XV do not in fact alter the status quo with respect to State regulatory authority, State commissions insist that the legislation would exacerbate existing uncertainty concerning State authority by encouraging more wholesale power transactions.

The resolution of these issues is extremely challenging. In particular, it is difficult to give State commissions oversight of the purchasing activities of a registered holding company's subsidiaries without exposing the registered holding company to an unacceptable risk of inconsistent decisions by such commissions. We have not yet been able to develop a workable solution to this problem and therefore have not addressed it in title XV.

Last, reform of the Public Utility Holding Company Act of 1935 is a complex matter. For that reason I have directed staff to prepare a background paper on the subject. I ask unanimous consent that the paper be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

OIL SECURITY PREMIUM

The last critical hurdle I want to discuss is the program we are proposing in title VII to establish an oil security premium. This provision would establish a requirement on all importers of petroleum into the United States—importers of crude oil and refined petroleum products—that they contribute a portion of their imports to insure oil security for people of the United States. The petroleum contributed—about 9 percent of the amount imported—would be used to fill the strategic petroleum reserve to 1 billion barrels and to provide petroleum products to the Department of Defense.

The provision places an obligation upon all importers of petroleum to supply the Federal Government with a percentage of imports as estimated annually by the Secretary of Energy. Importers would be required to arrange for the delivery to the SPR or to DOD procurement of the types and grades of crude oil or refined petroleum products needed in each case.

This provision will increase—by about 9 percent—the cost of imported oil. Imports will thereby be discouraged. More importantly, importers and consumers of imported oil will be sharing the costs of the insurance we need because of our dependence on those very imports.

In the remainder of this statement I will discuss provisions of the bill on which I believe there may be more consensus, if not always unanimous agreement.

ENERGY EFFICIENCY

The bill we are introducing contains extensive provisions relating to energy efficiency. I think almost everyone agrees that we need a strong package of energy efficiency measures to provide balance in the bill.

Improvements in the efficiency of energy use in the United States have been dramatic since the oil shocks of the early 1970's. These advancements have not only been critical in balancing domestic supply with demand, but have produced significant side benefits such as gains in overall industrial productivity through lower production costs and improvements in environmental quality. Strides in energy efficiency have been made in all sectors of the economy and have resulted in a 25-percent decline between 1972 and 1987 in the amount of energy required in the United States to produce a dollar of gross national product [GNP].

In the residential sector, achievements in building design, materials, and appliance efficiency have kept growth in energy use to 3.5 percent since 1975, despite a 22-percent increase in the number of U.S. households. In the commercial sector, energy efficiency retrofits and improvements in building design have led to a 24-percent decrease in fossil energy use. And in the industrial sector, energy consumption per dollar of GNP has declined 20 percent since 1975.

The Department of Energy estimates that the United States has the potential for annual savings of between 10 and 25 quads of energy, the energy equivalent of 5 to 12 million barrels of oil per day, by the year 2000 if existing energy efficiency technologies and those in the development stage are fully used.

Although conservation has long been a component of this Nation's national energy policy, recent years have brought the dramatic decline in many of these programs and in some cases, complete neglect. The National Energy Security Act would provide the Secretary with considerable financial resources in the form of revenues from leasing in the ANWR to reinvigorate underfunded programs, strengthen existing programs and initiate new programs in critical energy use sectors of the economy. The energy efficiency provisions introduced in this bill will provide a foundation from which to undertake further legislation on energy efficiency in the future.

Title III of the bill encompasses a variety of regulatory and financial measures aimed at increasing energy efficiency in the residential, commercial, and industrial sectors of the economy. Many of the bill's measures are aimed at amending existing law in order to either improve current programs or encourage the expansion of programs that are too narrow in focus. In addition, we recognize the crucial and often interrelated role that Federal and State governments, utilities, and the private sector must play in the development and execution of the energy efficiency and renewable energy programs.

Many of the programs called for in title III had their genesis in the National Energy Policy Act of 1990, which passed the Senate last year. Senator WIRTH deserves the praise of the Senate for his efforts in developing that legislation and for reintroducing the legislation in this Congress.

OCS LEASING

The bill contains an important initiative relating to the Outer Continental Shelf Leasing Program—coastal State and community impact assistance. The bill provides that 37.5 percent of revenues generated by new activity on the OCS would be shared with affected coastal States with priority to be given to aid local areas impacted by OCS development. Money would be distributed based on the same criteria set forth under the Energy Impact Program pursuant to the Coastal Zone Management Act.

Last June, President Bush announced that he was placing large portions of the Outer Continental Shelf off-limits to oil and gas development until after the year 2000. Those of us who feel that development of our vast oil and gas resources on the Outer Continental Shelf are important to this Nation's energy security were deeply disappointed by that decision.

However, in making this announcement, the President indicated that he would develop a legislative proposal to provide impact aid to coastal States and communities. While the administration has not yet transmitted such a proposal, the concept is a good one, and the legislation I introduce today implements that concept.

The oil and gas resources contained on the OCS are too vital to be locked away. Approximately one-fourth of all domestic estimated oil and gas reserves are believed to be contained on the OCS. In addition to the impact assistance provision, the legislation contains a study provision which I hope will develop information that may help to break the logjam that has occurred with respect to the OCS Leasing Program.

WEPCO

The National Energy Security Act of 1991 addresses the so-called WEPCo issue. This refers to the Environmental Protection Agency's administrative interpretation of new source requirements under the Clean Air Act; in particular, EPA's determination of when a physical change at an existing stationary source results in an increase in emissions thereby triggering new source requirements. EPA's skewed methodology for making this determination has created a considerable disincentive for electric utilities and others to make physical changes at their facilities, including changes to reduce emissions, improve efficiency and reliability, and facilitate fuel switching.

Last year, I raised the WEPCo issue during the Clean Air debate. Thirty of my Senate colleagues joined me in a letter to Senator BAUCUS in which we advocated that the conference committee adopt a simplified version of an administration proposal to address WEPCo. Unfortunately, the conference report was silent on WEPCo. Together with seven other members of the Energy Committee, I wrote to the President and urged that he implement the administration proposal by administrative action. Administrator Reilly of the EPA committed to the White House that his agency would do so to the extent permitted under existing law.

Section 5101 of the bill embodies those parts of the administration's WEPCo fix that require new statutory authority. In particular, this section addresses the applicability of new source requirements to electric utility pollution control projects and the determination of best available control technology for nitrogen oxide emissions controls.

The committee intends to monitor closely EPA's implementation of the administration proposal and to explore the broader energy policy implications of the WEPCo policy. For example, how does the WEPCo policy affect fuel switching? How does it affect the ability to improve the efficiency and maintain the reliability of existing electric powerplants? How does it affect the ability to modernize nonutility energy facilities, such as refineries? Should we find that EPA has failed to implement the administration proposal to the fullest extent possible or that a more comprehensive legislative solution is necessary, the committee may expand the WEPCo provisions of the Energy Security Act.

COAL

America is the Saudi Arabia of coal. Every consensus projection of energy use in the United States over the next few decades contemplates substantial use of coal. Coal accounts for a major portion of our Nation's energy resource base. A demonstrated reserve base of more than 475 billion short tons indicates that the United States has enough coal from reserves alone to meet projected energy needs for almost 200 years at current rates of consumption.

Today, approximately 57 percent of the electricity generated annually in the United States is derived from coal. In 1990, U.S. coal production reached the record level of 1 billion tons. Despite this success, we know that new approaches are needed to encourage the use of this important resource in an environmentally sound manner.

The National Energy Security Act provides for research, development, and demonstration programs to develop advanced coal-based technologies, nonfuel use of coal, and coal-fired locomotives. The bill requires a report on technologies for coal fuel mixtures. The bill also establishes a Clean Coal Technology Export Coordinating Council to facilitate and expand the export and use of clean technologies, and requires a plan to expand U.S. coal exports.

In addition, the bill provides for a data base and report regarding coal transportation rates and distribution.

NATURAL GAS

Title X of the National Energy Security Act of 1991 addresses natural gas regulatory issues. Natural gas is an abundant fuel that is available at reasonable prices. Over 90 percent of the natural gas consumed in the United States is produced in the United States. Our neighbor to the north, Canada, supplies almost all of our gas that is not produced here at home. Natural gas can displace imported oil in a variety of applications. Natural gas is clean burning and can make a big contribution to cleaning up our environment. Natural gas can fuel the combined cycle powerplants that will likely supply much of the new electric generating capacity that we will need in the near future.

In view of the contribution that natural gas can make, the purpose of title X is to remove regulatory barriers to natural gas achieving its potential. Title X includes procedures that are intended to simplify and streamline regulatory requirements for the construction of new natural gas pipeline facilities.

The first procedure is patterned after the manner in which interstate oil pipelines and electric transmission lines are constructed. Under this option, a certificate of public convenience and necessity under the Natural Gas Act would not be required as a prerequisite to the construction of an interstate natural gas pipeline. A pipeline constructed under this option would forgo some of the benefits that attach to a Natural Gas Act construction certificate. There would be no Federal right of eminent domain. Also, if the person constructing the pipeline was an existing interstate pipeline, the cost of the new facility could not be included in the pipeline company's rate base. The new pipeline would also be subject to certain rate conditions intended to prevent it from shifting of costs to customers who did not utilize the new facility.

The second procedure amends section 311 of the Natural Gas Policy Act. The on behalf of requirement that currently limits the parties eligible to transport natural gas under section 311 is amended to state that the transportation must merely be "on behalf of another person." In other words, the remaining restriction would be that an interstate pipeline could not transport its own gas under section 311. The other amendment to section 311 is to make clear that natural gas facilities may be constructed under authority of section 311.

These first two procedures are new ideas. I anticipate that there will be some debate as to the relative merits of these options. The important point is that we end up with a procedure that removes the regulatory barriers to market entry in the pipeline business. In the final tally, the Energy Committee may choose to report one of the options, both of them, or to adopt some modified approach.

The third procedure is designed to streamline the traditional mechanism for the authorization of pipeline construction—a certificate under section 7 of the Natural Gas Act. I want to emphasize that section 7 would remain available even when the new procedures for pipeline construction become law.

The third procedure would streamline section 7 certificate proceedings by expediting the environmental review process under the National Environmental Policy Act. This would be accomplished by designating the Federal Energy Regulatory Commission to be the lead agency for purposes of NEPA compliance and authorizing the FERC to set time limits for other Federal agencies' participation in the NEPA process. This procedure also directs the FERC to permit contractors selected by the FERC and paid by the applicant to prepare environmental assessments and environmental impact statements required in order for the FERC to comply with its NEPA obligations. This third procedure would also be available for the NEPA review in connection with the licensing of hydroelectric projects under the Federal Power Act.

Title X also includes provisions which reform procedural requirements governing rates and charges, review of FERC orders, and the utilization of rulemaking procedures in certificate cases. A section on vehicular natural gas jurisdiction confirms that certain activities related to the sale and distribution of natural gas as a vehicular fuel will not cause local distribution companies currently exempt from Natural Gas Act jurisdiction to forfeit such exemptions.

RENEWABLE ENERGY

The bill contains important provisions designed to increase the availability of energy from renewable sources—hydropower, solar, biomass, wind, and geothermal energy. This is an area where we need to come up with the best ideas and move boldly to implement them.

The use of renewable energy resources must continue to play an important role in our Nation's energy policy. Just as energy efficiency can play a major role in helping this country to achieve energy independence and an improved environment, so can renewable energy resources provide economic and environmental benefits. I was especially pleased to observe that the Department of Energy has requested an 18-percent increase in funding for renewable energy and conservation research and development for 1992. This request reflects a renewed commitment on the part of the Department to support current programs and initiate policies in renewable energy and conservation. The committee shares this commitment to a cost-effective renewable energy resource program in the United States. Accordingly, several important renewable energy measures are included in the National Energy Security Act.

HYDRO

The Federal Energy Regulatory Commission and the Department of Energy estimate that an additional 22,000 MW of environmentally and economically sound hydropower is available to be developed in the United States. The bill aims to encourage private and public development of this clean, renewable resource. Section 4201 clarifies that, under section 401 of the Clean Water Act, States may only place conditions on hydroelectric projects that directly relate to water quality. Section 4202 removes certain overlapping Federal agency hydroelectric licensing authorities which have frustrated private development. Section 4203 commissions studies of Federal dams and water projects to identify means to increase and make more efficient use of those facilities' hydroelectric output.

OTHER RENEWABLES

Other renewable energy provisions in the national Energy Security Act seek to overcome the artificial economic and regulatory barriers that have prevented the wide-scale adoption of renewable energy systems. The legislation expands the joint venture program under Senator FOWLER's Renewable Energy and Energy Efficiency Technology Competitiveness Act (Public Law 101-218) to include energy from biomass combustion and cogeneration, geothermal and fuel cells, as well as diesel fuel displacement by photovoltaic, wind energy systems and biomass direct combustion or gasification.

In addition to the joint venture provisions, title IV will strengthen the mandate of the interagency Committee on Renewable Energy Commerce and Trade [CORECT] to promote the spread of commercially viable renewable energy technologies in lesser developed countries. Because domestic renewable technology manufacturers are often unfamiliar with the complexities of international trade and marketing, and policymakers and businessmen in lesser developed countries may be unfamiliar with the range and potential of renewable energy technologies, the CORECT program provides an outstanding opportunity for mutual economic benefit. The legislation builds on the existing CORECT statute by providing funding for expanded training of foreign nationals in energy efficiency and renewable energy technologies and applications, establishing overseas offices in the Caribbean and the Pacific Rim to promote technology transfer and implementation, and rectifying a previous gap in access to prefeasibility funding, a crucial priority within the renewable industry.

Finally, the bill authorizes a new joint venture under Public Law 101-218 to provide for operations and maintenance training on renewable energy equipment for personnel from developing countries using equipment manufactured in the United States. This program will enhance orders for U.S. renewable energy equipment from overseas because of the tendency of persons to recommend purchases of the equipment similar to that on which they have been trained.

OIL PRICE STABILITY AND OCS

There are two issues that we have not addressed in the "Made-in-America" legislation being proposed today.

One is the matter of Outer Continental Shelf drilling—off California, Florida and nearly all the rest of the OCS, except the central and western Gulf of Mexico. The President has taken large areas of the OCS off limits for leasing until beyond the year 2000. This very unfortunate action by the President has effectively hamstrung those of us who support a strong domestic drilling program for the OCS. It is my judgment that inclusion of legislation to overturn the President's decision would not be productive. I think the President is wrong on the OCS, but I do not think we can do anything about it.

The second issue is the matter of price stability in oil markets. An effective energy policy requires long-term planning and investment by a very large number of private entrepreneurs. If the price of energy fluctuates as wildly as it has in the last 20 years, this planning is virtually impossible to carry out. The needed long-term investments will not be made.

An oil price floor set by an import fee is the way to ensure the price stability we need. Senator WALLOP and I have introduced S. 215 to establish such a fee. That bill was referred to the Finance Committee, and because it would raise revenue, the House may insist that the bill must eventually be attached to a measure that arises in the House. These jurisdictional difficulties effectively preclude consideration of oil pricing provisions in the "Made-in-America" bill.

However, we urge the Finance Committee to report S. 215 or equivalent legislation favorably, and we look forward to its speedy passage.

Let me close these remarks by saying that opportunities to make energy policy come in conjunction with crises. Our energy situation seems comfortable to many Americans, and so we resist change. But we are sowing the seeds of great difficulty in the near future with our growing dependence on imported oil, our slow pace in improving energy efficiency, and our delay in developing alternative sources of energy such as nuclear energy and renewables. We see in very stark terms the cost of inaction in the casualty figures from the Persian Gulf.

We simply must act to replace an energy policy that is based on importing more oil. In these times of crisis we have to be bold. I hope this bill is bold enough. There is so much to do.

Mr. President, for the third time in 18 years this country faces an energy crisis. The first crisis occurred in 1973 when I first joined the Energy Committee. At that time, Mr. President, the price of crude oil quadrupled overnight, our economy was put in great difficulty, and an oil embargo was slapped on our country by the countries of OPEC.

In 1979 the second energy crisis happened. Again, the price of oil quadrupled virtually overnight. There were gas lines all around the country. Inflation was rampant, our economy was put at risk and the whole Nation's economy was threatened.

Throughout this time, Presidents of the United States have sought to take some action. In 1973, President Nixon announced Project Independence. Its purpose, he said, was to make this country completely independent of energy imports.

President Ford followed up on President Nixon's proposal. Whereas President Nixon had a lot of windup and no follow through, President Ford's program did not even have the windup. There was nothing to it.

President Carter then came along with his energy policy, which was a mixture of far-sighted idealism, impracticality and policies which were put in place, but which were later repealed by the Reagan administration.

With the Reagan administration, they had this mystical confidence in the free market, that it would solve everything from the common cold to the OPEC cartel. Mr. President, we have seen the results of that.

The fact of the matter is, Mr. President, that imports in the last 5 years have gone up 73 percent while production has gone down 20 percent. That is in the last 5 years.

Today we find the third energy crisis in 18 years.

To be sure, the war in the gulf, the war against Iraq, is more than just about oil; it is about dictatorship, it is about aggression, it is about freedom. It is about all of those things, and I supported the President's policy when he asked for the authority to use force. But, Mr. President, it is an energy crisis. It is about oil. Anybody who does not understand that does not understand world economics, does not understand the importance of oil to this world.

American young men and women are dying in the gulf today because of oil and because we have not been able to get our act together here in this Congress on energy policy and because we have not had any leadership from the White House. That is a fact and that is the truth.

We cannot allow that to continue. That is why today, the distinguished Senator from Wyoming, Mr. WALLOP, and I, are introducing a 264-page bill with 15 titles to establish a National Energy Security Act of 1991 that is going to cover the waterfront, that is going to be comprehensive, that is going to accomplish the job of providing a national energy policy.

All over this country, from the grassroots of Louisiana to the highest levels of our newspapers, our foreign policy institutes, the people in the know—everybody in America is asking why can we not get a national energy policy? We are going to get an answer to that question with this bill.

This bill covers the waterfront. It covers everything from a title on conservation, on energy efficiency, a title on renewable energy, a title on coal—coal technology and electricity. I know my dear friend who is the President of the Senate will be sympathetic to that.

It will cover the Outer Continental Shelf, drilling at the Arctic National Wildlife Refuge in Alaska. It will cover natural gas, and its use in everything from automobiles to steam engines. It will cover transportation and, yes, it will cover CAFE standards on automobiles so we will get higher performance out of our automobiles; advanced nuclear reactor commercialization—or should I say nuclear reactor licensing; uranium unrichment, Public Utility Holding Company Act company reform.

We cover the waterfront. It is going to be controversial, but it is balanced. It serves the interests of environmentalists. It serves the interests of those who want to develop. And it will please neither one. Both will object to sections of it. But in that kind of balance, in serving all parties, we have a comprehensive policy.

We simply cannot have energy policy that is all sweetness and no bite; that is all smoothness and all sugar and no hard message in it. The good news about this bill is that we can enact it into law as a practical measure and not surrender either the American economy or the American lifestyle. There will simply have to be a little change here and there. But broadly across the spectrum we have to do all of it.

So I urge my colleagues, and I urge Americans, to realize that energy policy, a comprehensive policy, is a mosaic. It is not one thing. We do not solve this energy policy, we do not make America independent, we do not keep the troops from going to the gulf by doing one little thing, whether it's the soft path or the hard path; whether it is drilling in Alaska or CAFE standards for automobiles or renewable energy or conservation. We have to do it all, Mr. President.

That is what we do in this bill. Three energy crisis in 18 years constitutes a display of ignorance in action, a colossal failure of national will, and it unacceptably threatens the economy, the very fiber of this Nation, and unacceptably threatens the lives of American men and women in the gulf.

We offer this bill as controversial but balanced, as tough but achievable. Mr. President, it can work. There is nothing here that is impractical. There is nothing here that is unbalanced.

On behalf of myself and the distinguished Senator from Wyoming [Mr. WALLOP] I send to the desk the National Energy Security Act of 1991.

I ask it be printed in the RECORD as well as a summary of the bill. I also ask unanimous consent that it be printed as a separate document.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

S. 341

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "National Energy Security Act of 1991".

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TITLE I—FINDINGS AND PURPOSES

SEC. 1001. FINDINGS.—The Congress finds that:

(1) the achievement of energy security for the United States is essential to the health of the national economy and the maintenance of national security;

(2) as an energy-rich country that nonetheless depends on oil imports for an increasing share of oil use, United States energy security requires that the nation reduce oil consumption, maximize domestic oil production, and, particularly for transportation purposes, encourage use of energy sources other than oil; and

(3) this can be accomplished with no significant adverse effect on the environment, and will stimulate economic growth, improve the competitiveness of United States industry in the global market, and reduce the possibility of global climate change.

SEC. 1002. PURPOSES.—The purposes of this Act are to:

(1) slow the nation's increasing dependence on imported oil over the short-term, and in the long-term significantly reduce that dependence;

(2) encourage more efficient use of energy throughout the economy, including improvements in the industrial, commercial and residential sectors, increasing energy efficiency in Federal energy management, and encouraging more efficient energy use by electric utilities;

(3) encourage development and deployment of renewable energy sources in the United States and on an international basis in lesser developed countries;

(4) streamline the hydroelectric licensing process and encourage hydroelectric development at Federal dams;

(5) enhance the role of coal and clean coal technology in meeting the nation's energy needs;

(6) establish priorities for Federal energy research, development, demonstration, and commercialization;

(7) encourage the development of domestic energy resources on the Outer Continental Shelf;

(8) provide for oil and gas exploration, production, and development in the Arctic National Wildlife Refuge in Alaska in an environmentally sound manner;

(9) encourage increased utilization of natural gas and other domestic energy resources to displace imported oil and meet domestic energy demand in a manner consistent with environmental values;

(10) reduce the consumption of oil in the transportation sector, and encourage development and use of alternative energy sources, particularly for transportation; and

(11) encourage the production and use of nuclear power by providing for the commercialization of advanced nuclear reactor technologies.

TITLE II—DEFINITIONS

SEC. 2001. DEFINITIONS.—As used in this Act the term—

(a) "Secretary" means the Secretary of Energy, unless otherwise provided;

(b) "joint venture" has the same meaning as set forth in section 3 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Pub. L. No. 101-218), and joint ventures authorized herein shall be conducted pursuant to that Act; and

(c) "lesser-developed countries" shall include, but not be limited to, Eastern Europe and the Soviet Union.

TITLE III—ENERGY EFFICIENCY

Subtitle A.—Industrial, Commercial, and Residential

SEC. 3001. BUILDING ENERGY EFFICIENCY STANDARDS.—Title III of the Energy Conservation and Production Act, (48 U.S.C. 6835) is amended by:

(a) In section 304(a)(4), striking the words "Federal buildings" and inserting in lieu thereof, "Federal buildings and public housing,";

(b) striking the existing section 306 and inserting in lieu thereof the following:

"SEC. 306. COMPLIANCE.—

"(a) FEDERAL BUILDINGS.—The head of each Federal agency shall adopt such procedures as may be necessary to assure that the construction of any new Federal building meets or exceeds the applicable energy efficiency performance standards promulgated pursuant to section 304(a).

"(b) PUBLIC HOUSING.—Effective three years after the date of the enactment of the National Energy Security Act of 1991, the Secretary of Housing and Urban Development shall adopt such procedures as may be necessary to assure that any newly constructed public housing unit meets or exceeds the applicable energy efficiency performance standards promulgated pursuant to section 304(a)."; and

(c) redesignating the existing section 308 as subsection (a) and adding at the end thereof, the following new subsection:

"(b) The Secretary may provide financial assistance to the States, and to units of local government that have jurisdiction over building energy conservation standards, and which intend to adopt energy conservation standards consistent with the standards promulgated under this Part for commercial buildings, to assist them in furthering the design and construction of energy efficient commercial buildings.".

(d) CONFORMING AMENDMENT.—Strike section 109 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. No. 101-625) and insert in lieu thereof the following:

"The Secretary of Housing and Urban Development shall, not later than one year after the enactment of the National Energy Security Act of 1991, adopt the energy conservation performance standards for new buildings as promulgated by the Secretary of Energy pursuant to section 304 of the Energy Conservation and Production Act (P.L. 94-385), as amended, for new construction of public and assisted housing and single-family and multifamily residential housing (other than manufactured homes) subject to mortgages under the National Housing Act.".

SEC. 3002. RESIDENTIAL ENERGY EFFICIENCY RATINGS.—(a) AMENDMENT TO NATIONAL ENERGY CONSERVATION POLICY ACT.—Title II of the National Energy Conservation Policy Act (Pub. L. No. 95-619) is hereby amended by adding a new part 6 as follows:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"SEC. 271.—RATINGS. (a) Within twelve months after the date of the enactment of the National Energy Security Act of 1991, the Secretary, in consultation with the Secretary of Housing and Urban Development, shall, by rule, promulgate guidelines for procedures to be implemented by State governments that would enable the assignment of an energy efficiency rating to residential buildings.

"(b) The guidelines under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings can receive a rating at the time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters;

"(4) ensure that the rating system is designed to facilitate its use by lenders and the secondary mortgage markets to promote energy efficiency; and

"(5) ensure that the rating system is consistent with and supports the uniform plan for mortgage financing incentives required under section 946 of the Cranston-Gonzales National Affordable Housing Act (Pub. L. No. 101-625).

"SEC. 272.—TECHNICAL ASSISTANCE.—Within twelve months after the date of enactment of the National Energy Security Act of 1991, the Secretary shall establish a program to provide technical assistance for State and local organizations adopting residential energy efficiency rating systems or building codes.".

(b) CONFORMING AMENDMENT.—The National Energy Conservation Policy Act is further amended by adding in the table of contents at the end of Title II, the following items:

"PART 6—RESIDENTIAL ENERGY EFFICIENCY RATINGS

"Sec. 271. Ratings.
"Sec. 272. Technical Assistance.".

SEC. 3003. IMPROVING EFFICIENCY IN ENERGY-INTENSIVE INDUSTRIES.—(a) SECRETARIAL ACTION.—The Secretary, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other applicable laws, shall—

(1) pursue a research and development program intended to improve energy efficiency and productivity in energy-intensive industries and industrial processes; and

(2) undertake joint ventures to encourage the commercialization of technologies developed under paragraph (1).

(b) JOINT VENTURES.—(1) The Secretary shall—

(A) conduct a competitive solicitation for proposals from specialized private firms and investors for such joint ventures under subsection (a)(2); and

(B) provide financial assistance to at least five such joint ventures.

(2) The purpose of the joint ventures shall be to design, test and demonstrate changes to industrial processes that will result in improved energy efficiency and productivity. The joint ventures may also demonstrate other improvements of benefit to such industries so long as demonstration of energy efficiency improvements is the principal objective of the joint venture.

(3) In evaluating proposals for financial assistance and joint ventures under this section, the Secretary shall consider—

(A) whether the research and development activities conducted under this section improve the quality and energy efficiency of industries or industrial processes;

(B) the regional distribution of the energy-intensive industries and industrial processes; and

(C) whether the proposed joint-venture project would be located in the region which has the energy-intensive industry and industrial processes that would benefit from the project.

(c) AUTHORIZATION.—There is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994, to carry out the purposes of this section.

SEC. 3004. REPORT.—(a) REPORT.—The Secretary, in consultation with the Council of Economic Advisors, shall submit to the Congress within one year after the date of the enactment of this Act, and every three years thereafter through the year 2004, a report setting forth energy efficiency policy options that would both decrease domestic oil consumption and overall domestic energy consumption by one, two, three, and four percent, per-year per-unit of GNP, through the year 2005, below the projected consumption for 2005. The Secretary shall evaluate, describe and rank these policy options according to their cost-effectiveness and their feasibility of implementation.

(b) REPEAL.—Title III of the Energy Security Act (42 U.S.C. 7361, et seq.) is hereby repealed.

SEC. 3005. VOLUNTARY GUIDELINES FOR INDUSTRIAL PLANTS—(a) Voluntary Guidelines for Energy Efficiency Auditing and Insulating.—Within one year after the date of the enactment of this Act, the Secretary, after consultation with utilities, major industrial energy consumers and representatives of the insulation industry, shall establish voluntary guidelines for:

(1) the conduct of energy efficiency audits of industrial facilities to identify cost-effective opportunities to increase energy efficiency; and

(2) the installation of insulation to achieve cost-effective increases in energy efficiency in industrial facilities.

(b) EDUCATION AND TECHNICAL ASSISTANCE.—The Secretary shall conduct a program of education and technical assistance to promote the use of the voluntary guidelines established under subsection (a).

(c) ANNUAL REPORT.—The Secretary shall report annually on activities conducted pursuant to this section, including an evaluation of the effectiveness of these guidelines, and the responsiveness of the industrial sector to these guidelines.

(d) AUTHORIZATION.—There is authorized to be appropriated $750,000 annually to carry out the purposes of this section.

SEC. 3006. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.—(a) DEVELOPMENT OF PROGRAM.—Not later than one year after the date of enactment of this Act, the Secretary shall, in consultation with the National Fenestration Rating Council, industry representatives, and other appropriate organizations, provide financial and technical assistance to support the voluntary development of a national window rating program to establish energy efficiency ratings for windows and window systems. Such program shall set forth information and specifications that will enable purchasers of windows or window systems to make more informed purchasing decisions based upon the potential cost and energy savings of alternative window products.

(b) SECRETARIAL ACTION.—If a national window rating program, consistent with the objectives of subsection (a), is not established within two years of the date of enactment of this Act, then the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, a rating program to establish energy efficiency ratings for windows and window systems under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293).

(c) FEDERAL TRADE COMMISSION RULES.—The Federal Trade Commission (hereinafter in this section, the "Commission") shall prescribe labeling rules under section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) for the rating program established pursuant to either subsection (a) or (b) of this section, unless the Commission determines that labeling in accordance with subsections (a) or (b) of this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions with respect to any type of window or window system (or class thereof).

(d) COVERED PRODUCTS.—For purposes of sections 323 and 324 of the Energy Policy and Conservation Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292) unless excluded by the Commission pursuant to subsection (c).

(e) AUTHORIZATION.—There is authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

SEC. 3007. ENERGY EFFICIENCY INFORMATION.—(a) DATA ON ENERGY EFFICIENCY.—Pursuant to Section 52(a) of the Federal Energy Administration Act of 1974, (Pub. L. No. 93-275) and after consultation with State and Federal energy officials, representatives of energy-using classes and sectors, and representatives of energy policy public-interest or research organizations, the Administrator of the Energy Information Administration shall expand the scope and frequency of the data it collects and reports on energy use in the United States with the objective of significantly improving the ability to evaluate the effectiveness of the Nation's energy efficiency policies and programs. The Administrator shall take into account reporting burdens and the protection of proprietary information as required by law. In expanding the collection of such data to meet this objective, the Administrator shall consider—

(1) expanding data collection to include energy intensive sectors not presently covered in Energy Information Administration surveys;

(2) increasing the frequency with which the Energy Information Administration conducts end-use energy surveys among households, commercial buildings, and manufacturing;

(3) expanding the survey instruments to include questions regarding participation in government and utility conservation programs, the energy efficiency of existing stocks of equipment and structures, and recent changes in the technical efficiency and operating practices that affect energy use;

(4) expanding the time period for which fuel-use data is collected from individual survey respondents;

(5) expanding the sample sizes for fuel-use surveys in order to improve the accuracy of subgroups of energy users; and

(6) expanding the scope and frequency of data collection on the energy efficiency and load-management programs operated by electric and gas utilities.

(b) ANNUAL REPORT.—The Administrator shall report annually to Congress on the energy efficiency in classes and sectors of the economy and on any data resulting from this section.

SEC. 3008. ENERGY EFFICIENCY LABELING FOR LAMPS AND LUMINARIES.—(a) DEVELOPMENT OF PROGRAM.—Not later than one year after the date of enactment of this Act, and in consultation with the National Electric Manufacturers Association, industry representatives, and other appropriate organizations, the Secretary shall provide financial and technical assistance to support the voluntary development of a national energy efficiency rating program for lamps and luminaries. Such program shall set forth information and specifications that will enable purchasers of lamps and luminaries to make informed decisions among the energy efficiency and cost of alternative lamps and luminaries.

(b) Secretarial Action.—If a national energy efficiency rating and labeling program consistent with the objectives of subsection (a) is not voluntarily established within two years of the date of enactment of this Act, then the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, a rating program for lamps and luminaries under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293).

(c) Federal Trade Commission Rules.—The Federal Trade Commission (hereinafter in this section, the "Commission") shall prescribe labeling rules under section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) for lamps and luminaries, except to the extent that the Commission determines that labeling in accordance with subsection (b) of this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions with respect to any type of lamp or luminary (or class thereof).

(d) Covered Products.—For purposes of sections 323 and 324 of the Energy Policy and Conservation Act, lamps and luminaries shall be considered covered products under section 322 of such Act (42 U.S.C. 6292) unless excluded by the Commission pursuant to subsection (c).

(e) Authorization.—There is authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

Sec. 3009.—Commercial and Industrial Equipment Efficiency Standards.—(a) Definitions.—Section 340(2)(B) of Title III Part C of the Energy Policy and Conservation Act (42 U.S.C. 6311) is hereby amended:

(1) by deleting "and" at the end of clause (xiii), replacing the period at the end of clause (xiv) with "; and", and inserting the following new clause:

"(xv) utility distribution transformers.".

(b) Technical Amendment.—Section 342(b)(1) of Title III Part C of the Energy Policy and Conservation Act (42 U.S.C. 6313) is hereby amended by deleting "(other than electric motors or pumps)" and inserting in lieu thereof the following:

", other than electric motors or pumps, electric lights, and utility distribution transformers,".

(c) Study.—Section 342 of Title III Part C of the Energy Policy and Conservation Act (42 U.S.C. 6313) is hereby amended:

(1) by redesignating paragraph (b) as amended, as paragraph (c) and inserting a new paragraph (b) to read as follows:

"(b) Not later than 18 months after the date of the enactment of the National Energy Security Act of 1991, the Secretary shall—

"(1) evaluate electric lights and utility distribution transformers to—

"(A) determine standard classifications with respect to size, function, type of energy used, method of manufacture, or other factors which may be appropriate for purposes of this part;

"(B) determine the practicability and effects of requiring all or part of the classes of electric lights and utility distribution transformers determined under subparagraph (A) to meet performance standards establishing minimum levels of energy efficiency; and

"(C) determine the practicability and cost-effectiveness and potential energy savings of replacing existing utility distribution transformers.

"(2) submit a report to the Congress on the results of such evaluation, together with such recommendations for legislation as he considers appropriate.".

(d) Reevaluation of Electric Motors and Pumps.—Pursuant to section 342 of Title III Part C of the Energy Policy and Conservation Act (42 U.S.C. 6313), the Secretary shall—

(1) conduct a reevaluation of electric motors and pumps to determine the practicability and effects of requiring all or part of the classes of electric motors and pumps determined under subparagraph (A) of section 342(a)(1) of the Energy Policy and Conservation Act to meet performance standards establishing minimum levels of energy efficiency; and

(2) submit a report to Congress on the results of such evaluation, together with such recommendations for legislation as he considers appropriate. The report under this subsection may include the report pursuant to 342(b)(2) of the Energy Policy and Conservation Act.

Subtitle B—Federal Energy Management

Sec. 3101. Federal Energy Management Amendments.—Part 3 of Title V of the National Energy Conservation Policy Act (NECPA) (42 U.S.C. 8251 et seq.), as amended, is further amended as follows:

(a) in section 543:

(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) Energy Management Requirement for Federal Buildings.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. Within two years after the date of enactment of the National Energy Security Act of 1991, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impracticable. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibility of making the desired changes, or the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548, the Federal buildings designated by it for such exclusion. The Secretary shall review such findings for consistency with the impracticability standards set forth herein, and may within 90 days after receipt of the findings, reverse a finding of impracticability, in which case the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(2) In subsection (b):

(A) after the words "subsection (a)," insert the following:

"The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this Part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in lieu thereof "National Energy Security Act of 1991, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following: "and such plan shall include steps to take maximum advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph:

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) as "(5)":

"(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in Section 544, and".

(b) in section 544:

(1) Strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after the word "each", in paragraph (b)(2) and insert in lieu thereof: "agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government leased space constructed after January 1, 1994, shall meet model Federal energy conservation performance standards for new commercial buildings promulgated pursuant to Section 304 of the Energy Conservation and Production Act (Pub. L. No. 94-385).".

(c) in section 545, add after the word "measures" the following:

"as needed to meet the requirements of section 543.".

(d) in section 546, strike subsection (b) and insert in lieu thereof the following:

"(b) Implementation.—To facilitate the financing of energy conservation measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). The Secretary, in consultation with the Secretary of Defense and the Administrator of the General Services Administration, within six months after the date of the enactment of the National Energy Security Act of 1991, shall develop appropriate procedures and methods for use by Federal agencies to select energy service contractors that will achieve the intent of this section in a cost-effective manner. Notwithstanding any other procurement laws and regulations, such procedures and methods shall apply to the selection of energy service contractors by each Federal agency.".

(e) in section 548:

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following: "In addition to the plan required to be sub-

mitted to the Secretary pursuant to Section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

(f) At the end of Part 3, add the following new sections:

"SEC. 552. UTILITY INCENTIVE PROGRAMS.—Federal agencies are permitted and encouraged to participate in programs conducted by any gas or electric utility for the management of energy demand or for energy conservation in Federally owned or leased facilities. Federal agencies may accept incentives designed to encourage energy demand management or energy conservation, generally available from any such utility to its customers, to adopt technologies and practices that are determined to be cost-effective.

"SEC. 553. SHARED ENERGY SAVINGS.—(a) The Secretary shall develop a simplified method of contracting for shared energy savings contract services that will accelerate the use of these contracts and will reduce the administrative effort and cost on the part of the government as well as the private customers.

"(b)(1) In carrying out subsection (a), the Secretary may:

"(A) request statements of qualifications, including financial and performance information, from firms engaged in providing shared energy savings contracting;

"(B) designate from the statements received, with an update at least annually, those firms that are presumptively qualified to provide shared energy savings services;

"(C) select at least three firms from the qualifying list to conduct discussions concerning a particular proposed project, including requesting a technical and price proposal from such selected firms for such project; and

"(D) select from such firms the most qualified firm to provide shared energy savings services pursuant to a contractual arrangement that the Secretary determines is fair and reasonable, taking into account the estimated value of the services to be rendered and the scope and nature of the project.

"(2) In carrying out subsection (a), the Secretary may also provide for the direct negotiation by departments, agencies, and instrumentalities, of contracts with shared energy savings contractors that have been selected competitively and approved by any gas or electric utility serving the department, agency, or instrumentality concerned.

"SEC. 554. FEDERAL PRODUCT SCHEDULE.—Not later than two years after the date of enactment of the National Energy Security Act of 1991, the Administrator of the General Services Administration, in consultation with the Secretary, shall conduct an analysis of significant energy consuming products in the Federal Supply Schedule and develop and implement a method to identify those products which offer cost-effective opportunities to reduce energy consumption and costs. The Administrator shall also issue guidelines for users of the Federal Product Schedule to encourage the purchase of identified energy efficient models.

"SEC. 555. PURCHASE OF FEDERAL VEHICLES.—The Administrator of the General Services Administration, through the Automotive Commodity Center, in evaluating and accepting bids for the purchase of passenger vehicles and light trucks to meet specified requirements, shall consider the fuel efficiency of the passenger vehicles and light trucks offered in the bid, and the probable fuel and cost savings to the Federal government over the expected term of Federal use of such passenger vehicles and light trucks.

"SEC. 556. FEDERAL ENERGY EFFICIENCY PROJECTS FUNDING. (a) IN GENERAL.—Not later than one year after the date of enactment of the National Energy Security Act of 1991, the Secretary shall establish guidelines for the transfer of up to $1 million per project to encourage any Federal agency to undertake energy efficiency projects in Federally owned facilities.

"(b) PROJECT SELECTION.—The Secretary shall establish procedures for the receipt of proposals under this section. The Secretary shall consider the following factors in determining whether to provide funding under subsection (a):

"(1) the cost-effectiveness of the project;

"(2) the proportion of energy and cost savings anticipated to the Federal government;

"(3) the amount of funding committed to the project by the agency requesting financial assistance;

"(4) the extent that a proposal leverages financing from other non-Federal sources; and

"(5) any other factor which the Secretary determines will result in the greatest amount of energy and cost savings to the Federal government.

"(c) REPORTS.—The Secretary shall report annually to Congress, in the supporting documents accompanying the President's budget, on the activities under this section. The report shall include the projects funded and the projected energy and cost savings from installed measures.

"(d) AUTHORIZATION.—For purposes of this subsection, there is authorized to be appropriated, and to remain available until expended, not more than $50 million.".

SEC. 3102. PLAN REGARDING DEMONSTRATION OF NEW TECHNOLOGY.—(a) PLAN.—Within one year after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the demonstration in Federally owned facilities of energy efficiency and renewable energy technologies. The technologies shall be those technologies, as determined by the Secretary, that are ready for commercial demonstration. The Plan shall include:

(1) a listing of those technologies with specific candidate sites for the demonstration;

(2) the energy, environmental, cost savings or other expected benefits;

(3) a timetable for implementation; and

(4) a process for evaluation of the performance of the technologies.

(b) UPDATE.—The Plan shall be updated every two years.

Subtitle C—Utilities

SEC. 3201. ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RECOURCES AND STUDY OF CERTAIN STATE RATEMAKING POLICIES.—(a) AMENDMENT TO THE PUBLIC UTILITY REGULATORY POLICIES ACT.—The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117), as amended, is further amended by inserting the following new paragraph at the end of section 111:

"(7) ENCOURAGEMENT OF INVESTMENTS IN CONSERVATION AND ENERGY EFFICIENCY RESOURCES.—

"(A) The rates allowed to be charged by a State regulated electric utility shall be such that the utility's investment in and expenditures for energy conservation, energy efficiency resources and other demand side management measures are as profitable as its investments in and expenditures for the construction of new generating facilities.

"(B) For purposes of implementing the provisions of this paragraph, any reference contained in this title to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of the National Energy Security Act of 1991.".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report to the President and to the Congress containing—

(1) a survey of all State laws, regulations, practices, and policies under which State regulatory authorities require or permit rates charged by an electric utility to reflect least-cost planning;

(2) an evaluation by the Secretary of whether, and to what extent, least-cost planning is likely to result in:

(A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers;

(B) enhanced or reduced reliability of electric service; and

(C) increased or decreased dependence on particular energy resources; and

(3) an evaluation by the Secretary of whether, and to what extent, ratemaking methodologies implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) DEFINITION.—For purposes of subsection (b), the term "least-cost planning" means any standard, regulation, practice, or policy by which a State regulatory authority considers, or requires a State regulated electric utility to consider or implement, a plan for action (including, but not limited to, the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand-side management measures) to be taken by a State regulated electric utility for purposes of providing adequate and reliable service to its electric customers with the incurrence of lowest costs by such utility and its customers.

SEC. 3202. CONSERVATION GRANTS TO STATE REGULATORY AUTHORITIES.—(a) CONSERVATION GRANTS.—The Secretary is authorized in accordance with the provisions of this section to provide grants to State regulatory authorities in an amount not to exceed $500,000 per authority, for purposes of encouraging the consideration of conservation, energy efficiency resources and other demand side management measures as a means of meeting electric supply needs.

(b) PLAN.—A State regulatory authority wishing to receive a grant under this section shall submit a plan to the Secretary that specifies the actions such authority proposes to take that would achieve the purposes of this section.

(c) SECRETARIAL ACTION.—In determining whether, and in what amount, to provide a grant to a State regulatory authority under this section the Secretary shall consider, in addition to other appropriate factors, the actions proposed by the State regulatory authority:

(1) to consider implementation of the ratemaking standard established in section 111(d)(7) of the Public Utility Regulatory Policies Act of 1978; and

(2) to achieve the purposes of this section.

(d) RECORDKEEPING.—Each State regulatory authority that receives a grant under this section shall keep such records as the Secretary shall require.

(e) RULES.—The Secretary may prescribe such rules as may be necessary or appropriate for carrying out the provisions of this section.

(f) DEFINITIONS.—For purposes of this section, the term "State regulatory authority" shall have the same meaning as defined in section 3 of the Public Utility Regulatory Policies Act of 1978.

(g) AUTHORIZATION.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

Subtitle D.—Used Oil Energy Production

SEC. 3301. PURPOSE.—The purpose of this subtitle is to promote the refining, re-refining and reprocessing of used lubricating oil into fuels and other petroleum products.

SEC. 3302. REQUIREMENTS FOR ENERGY PRODUCTION FROM USED OIL.—Section 383 of the Energy Policy and Conservation Act (42 U.S.C. 6363) is amended—

(1) in subsection (c) by—

(A) striking "As soon as practicable after the date of enactment of this Act" and inserting "Not less than 15 months after the date of enactment of the National Energy Security Act of 1991"; and

(B) striking "National Bureau of Standards" each place it appears and inserting "National Institute of Standards and Technology"; and

(2) by adding at the end thereof the following new subsection:

"(g) MARKET INCENTIVES FOR THE REUSE OF USED OIL.—

"(1) REQUIREMENTS.—(A) Beginning not later than 18 months after the date of the enactment of the National Energy Security Act of 1991, a producer or importer of 100,000 gallons or more per year of lubricating oil shall each year either refine, re- refine, or reprocess into petroleum products, including fuels, using a method described in subparagraph (B), an amount of used oil equal to at least that amount of oil determined by—

"(i) multiplying the lubricating oil produced or imported that year by such person, by

"(ii) the percentage established by the Secretary under paragraph (2).

"(B) A producer or importer of lubricating oil may comply with this paragraph by—

"(i) refining, re-refining, or reprocessing used oil for purposes of producing petroleum products, including fuels; or

"(ii) purchasing credits under the credit system established pursuant to paragraph (3).

"(2) ESTABLISHMENT OF REUSE PERCENTAGE.—The Secretary shall establish, on an annual basis, a percentage for use under paragraph (1). The percentage applicable during the first year that the requirement established by paragraph (1) is in effect, shall be a percentage that is equal to the reuse rate for lubricating oil that exists on the date of the enactment of the National Energy Security Act of 1991. Such rate shall be determined by using data for the most recent year for which data are available. Through the year 2000, the percentage shall be an additional two percentage points higher than the actual percentage for the previous year as determined by the Secretary.

"(3) REGULATIONS.—

"(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the National Energy Security Act of 1991, the Secretary shall promulgate regulations to implement these requirements. These regulations shall cover:

"(i) producers or importers of lubricating oil;

"(ii) generators or collectors of used oil;

"(iii) a system, including permits, by which refiners, re-refiners and reprocessors of used oil may create credits which may be purchased by producers and importers of lubricating oil for the purpose of complying with subparagraph (1)(B);

"(iv) enforcement;

"(v) record-keeping;

"(vi) any other requirement which the Secretary considers necessary for administering the program set forth by this subsection; and

"(vii) prohibitions on the mixing of used oil with hazardous wastes or other physical or chemical impurities not associated with its use as a lubricating oil, and the creation of credits from such mixed used oil.

"(B) Exemptions.

"(i) This subsection shall not apply to a facility:

"(I) that is classified as an S.I.C. number 2911 facility under the Office of Management and Budget Standard Classification Manual and that refines used oil into fuel or other petroleum products, the amount of which is equal to no more than the amount of used oil that the owner of the facility is required to refine or otherwise reuse under paragraph (1)(A).

"(II) that is classified as an S.I.C. number 2899, or S.I.C. number 2992 facility under the Office of Management and Budget Standard Classification Manual and that compounds or blends lubricating base oil into finished lubricant products as its principal activity, provided that such facility has a contract to reprocess a customer's used lubricant, and does not take title to such lubricant, and such reprocessed lubricant product is returned to the customer.

"(ii) This subsection shall not apply to used oil that is generated on-site for on-site energy production activities, including storage, use, and transportation, carried out at a facility that is classified as an S.I.C. number 4911 facility under the Office of Management and Budget Standard Classification Manual.

"(iii) The Secretary shall promulgate regulations establishing requirements for exempt refineries that refine used oil. The regulations shall cover record-keeping, testing, and such other matters as the Secretary determines are necessary and appropriate for refining used oil at exempt refineries.

"(4) DEFINITIONS.—For purposes of this subsection, the term:

"(A) 'credit' means a legal record of used oil refined, re-refined or reprocessed in accordance with this subsection for purposes of complying with paragraph (1);

"(B) 'producer' with respect to lubricating oil means any person who produces a lubricant base stock from crude oil. Such production does not include the re-refining of used oil;

"(C) 'importer' with respect to lubricating oil means any person who imports a lubricant base stock or lubricating oil, except for lubricating oil contained in transportation vehicles or other machinery;

"(D) 'lubricant base stock' means oil from which lubricating oil is made after introduction of additives;

"(E) 'generator' and 'collector' mean any person who collects, stores, accumulates, or otherwise generates used oil. Such terms do not include an individual who generates used oil by removing such oil from the engine of a light duty motor vehicle or household appliance owned by that individual;

"(F) 're-refiner' and 'reprocesser' mean any person who produces lubricating oils, fuels, or other petroleum products through the processing of used oil; and

"(G) 'refiner' means any owner or operator of a facility that is classified as an S.I.C. 2911 facility under the Office of Management and Budget Standard Classification Manual.

"(5) AUTHORIZATIONS.—(a) There is authorized to be appropriated to the Secretary of Energy $2,000,000 to carry out this subsection.

"(b) There is authorized to be appropriated to the Secretary of Commerce for use by the National Institute of Standards and Technology $3,000,000 to carry out its responsibilities under this section.

"(6) REPORT.—One year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit a report to the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the implementation and operation of this subsection.".

SEC. 3303. LISTING OR IDENTIFICATION OF USED OIL.—Section 3001 of the Solid Waste Disposal Act is amended by adding at the end the following:

"(j) USED OIL.—Notwithstanding this Act or any other provision of law, the Administrator shall not list or identify used oil as a hazardous waste under this subtitle, nor shall used oil otherwise be deemed to be a hazardous waste under this subtitle."

SEC. 3304. SUNSET PROVISION.—The provisions of this subtitle expire five years after the date of enactment of this Act.

Subtitle E—Insular Areas Energy Assistance

SEC. 3401. INSULAR AREAS ENERGY ASSISTANCE PROGRAM.—(a) FINANCIAL ASSISTANCE.—(1) The Secretary, pursuant to the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5901), may grant financial assistance to Insular area governments to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy measures which reduce the dependency of the Insular area on imported fuels and promote development in the Insular area.

(2) Any applicant for financial assistance under this section must evidence coordination and cooperation with, and support from, the affected local energy institutions.

(3) In determining the amount of financial assistance to be provided for a proposed project, the Secretary shall consider—

(A) whether the measure will reduce the relative dependence of the Insular area on imported fuels;

(B) the ease and costs of operation and maintenance of any facilities contemplated as a part of the project;

(C) whether the project will rely on the use of conservation measures or indigenous, renewable energy resources that were identified in the 1982 Territorial Energy Assessment or are identified by the Secretary as consistent with the purpose of this section;

(D) whether the measure will contribute significantly to development or the quality of the environment in the Insular area; and

(E) any other factors which the Secretary may determine to be relevant to a particular project.

(4) The Secretary shall require at least 20 per centum of the costs of any project under this section to be provided from non-Federal sources. Such cost sharing may be in the form of in-kind services, donated equipment, or any combination thereof.

(b) DEFINITIONS.—For the purpose of this section, the term—

(1) "Insular area government" means American Samoa government, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, Federated States of Micronesia, Government of Guam,

Republic of the Marshall Islands, Republic of Palau, and United States Virgin Islands; and

(2) "1982 Territorial Energy Assessment" means the assessment prepared by the Department of Energy pursuant to the Omnibus Territorial Act. (Pub. L. No. 96-597, 94 Stat. 3480; as amended by Pub. L. No. 99-213, 97 Stat. 1460).

(c) AUTHORIZATION.—There is hereby authorized to be appropriated for each fiscal year $500,000 to carry out the purposes of this section.

TITLE IV—RENEWABLE ENERGY

Subtitle A—CORECT

SEC. 4001. DUTIES OF CORECT.—Section 256 of Title II Part B of the Energy Policy and Conservation Act is amended by striking subsection (d) and inserting the following in lieu thereof:

"(d)(1) DUTIES.—There shall be established an interagency working group (hereafter in this subsection referred to as the Committee on Renewable Energy Commerce and Trade (CORECT)) which, in consultation with the representative industry groups and relevant agency heads, shall make recommendations to coordinate the actions and programs of the Federal government to promote the export of United States renewable energy and energy efficiency products and technologies. The Secretary of Energy shall be the Chairman of such group. The heads of appropriate agencies may detail such personnel and may furnish such services to such working group, with or without reimbursement, as may be necessary to carry out its functions.

"(2) ADDITIONAL DUTIES.—CORECT shall promote the development and application in lesser-developed countries of renewable energy and energy efficiency resource technologies that—

"(A) promote more efficient use of fossil fuels;

"(B) reduce dependence on the importation of fossil fuels by encouraging the use of sustainable biomass, wind power, hydropower, solar, geothermal and other renewable energy and energy efficiency resource technologies;

"(C) foster rural and urban energy development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies;

"(D) explore mechanisms for assisting in the domestic manufacture, particularly by small business manufacturers, of energy efficiency and renewable energy resource technologies, for export; and

"(E) increase staffing to support the new authority and responsibilities described in this section.

"(3) TRAINING AND ASSISTANCE.—In furthering the purposes of this section, CORECT shall—

"(A) provide aggressive in-country technical training for local users and international development personnel;

"(B) provide financial assistance to support nonprofit institutions designed solely and specifically to support the efforts of domestic renewable energy and energy conservation companies to market their products, and to develop environmentally responsible projects in developing nations;

"(C) establish feasibility and loan guarantee programs to facilitate access to capital and credit; and

"(D) support, through financial incentives, private sector efforts to commercialize and export renewable energy and energy efficiency resource technologies.

"(4) OUTREACH.—CORECT may establish renewable energy industry outreach offices in the Pacific Rim and in the Caribbean Basin for the purpose of providing information concerning renewable energy and energy efficiency technologies and industries of the United States to governments, industries, and others outside of the continental United States.".

SEC. 4002. INFORMATION AND TECHNICAL PROGRAM—Section 256(c)(2)(D) Title II Part B of the Energy Policy and Conservation Act is amended by striking clause (ii) and inserting in lieu thereof the following new clause:

"(ii) information on the specific energy technology needs of lesser-developed countries, the technical and economic competitiveness of various renewable energy and energy efficiency resource technologies, and the status of ongoing technology assistance programs shall be provided. Information from this program shall be made available to industry, Federal and multilateral lending agencies, non-governmental organizations, host-country and donor-agency officials, and such others as the Secretary deems necessary.".

SEC. 4003. COMPREHENSIVE ENERGY TECHNOLOGY EVALUATION.— Section 256 of Title II Part B of the Energy Policy and Conservation Act is amended by adding at the end new subsections (e) and (f) as follows:

"(e)(1) Not later than June 1, 1991, and biennially thereafter, the Secretary shall prepare and submit to Congress a report evaluating the range of energy efficiency and renewable energy technologies available to meet the energy needs of developing countries. This report also shall provide information on the specific energy needs of lesser-developed countries, an inventory of United States technologies and services to meet those needs, and an update on the status of ongoing bilateral and multilateral technology assistance and renewable energy resource programs.

"(2) The report also should include an evaluation of current programs, their priority in meeting program objectives, and recommendations for future programs that:

"(A) develop and promote sustainable use of indigenous renewable energy resources in lesser-developed countries;

"(B) given the credit and capital restrictions in lesser-developed countries, focus on technologies that are both appropriate and economically viable;

"(C) meet the needs of lesser-developed countries for energy rather than creating new needs, in order to ensure immediate income-generating use of the power generated;

"(D) work with local individuals to assure that programs and projects meet specific national and local needs;

"(E) use indigenous materials and associated hardware, wherever possible, in order to reduce costs and ensure project duplication;

"(F) provide examples of cost-effective systems and applications for in-country nongovernmental organizations and project technical personnel;

"(G) provide mechanisms for assisting United States manufacturers, particularly smaller manufacturers, of energy-efficiency and renewable energy technologies, in exporting their goods and services;

"(H) expand technical and administrative training programs, as well as distribution of multilingual technical training manuals and related materials; and

"(I) examine the potential for using economic incentives to promote technology transfer, such as shared savings contracts, loan guarantees, and tax incentives, to lesser-developed countries.

"(f) AUTHORIZATIONS.—(1) There is authorized to be appropriated for purposes of carrying out the programs under sections (d) and (e) $10,000,000 for fiscal year 1992, including $2,000,000 to carry out the purposes of subparagraph (d)(2), and such sums as may be necessary for fiscal year 1993 and 1994 to carry out the purposes of this subtitle except for subparagraph (d)(4).

"(2) There is authorized to be appropriated for the purposes of subparagraph 256(d)(4), in addition to the amount specified in the previous sentence, $2,750,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994.".

Subtitle B—Renewable Energy Initiatives

SEC. 4101. JOINT VENTURES FOR RENEWABLE ENERGY DEVELOPMENT FOR OIL DISPLACEMENT AND TECHNOLOGY EXPORT TRAINING.—(a) Section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Pub. L. No. 101-218) is amended by adding new subsections (f) and (g) as follows—

"(f) Additional Joint Ventures for Renewable Energy Development for Oil Displacement.—

"(1) OIL DISPLACEMENT BY BIOFUELS ENERGY SYSTEMS.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of biofuels energy systems technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for the development of biofuels energy systems for commercial application in uses that have substantial prospects for displacing the consumption of oil.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993 and 1994 to carry out the purposes of this paragraph.

"(2) OIL DISPLACEMENT BY GEOTHERMAL ENERGY.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of geothermal energy conversion technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for the production of geothermal energy for commercial application in uses that have substantial prospects for displacing the consumption of oil.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.

"(3) OIL DISPLACEMENT BY SOLAR WATER HEATING.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of solar water heating technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for solar water heating for commercial application in institutional water heating and process heat uses that have substantial prospects for displacing the consumption of oil.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.

"(4) DIESEL FUEL OIL DISPLACEMENT BY PHOTOVOLTAIC AND WIND ENERGY SYSTEMS.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of photovoltaic and wind energy systems in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for photovoltaic and wind energy systems for commercial application in electric power generation uses that have substantial prospects for displacing the consumption of diesel fuel oil.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.

"(5) DIESEL FUEL OIL DISPLACEMENT BY DIRECT COMBUSTION OR GASIFICATION OF BIOMASS.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the commercialization of technologies for the direct combustion or gasification of biomass in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test and demonstrate critical enabling technologies for direct combustion or gasification of biomass, including waste wood, for industrial process heat and electric power generation for commercial application in uses that have substantial prospects for displacing the consumption of diesel fuel oil.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.

"(6) OIL DISPLACEMENT BY FUEL CELLS TECHNOLOGY.—

"(A) The Secretary shall solicit proposals for and provide financial assistance to at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There is authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.

"(g) RENEWABLE ENERGY AND ENERGY EFFICIENCY TECHNOLOGY EXPORT TRAINING.—

"(1) The Secretary shall solicit proposals for and provide financial assistance to at least two joint ventures for the training of individuals from developing countries at a location or locations in the United States, at least one of which shall be in the operation and maintenance of renewable energy equipment and one of which shall be in the operation and maintenance of energy efficiency equipment, in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to train individuals, including engineers and other professionals, in the operation and maintenance of renewable energy and energy efficiency equipment manufactured in the United States, including equipment for water pumping and the production of electric power in remote areas, in order to enhance the prospects that such equipment can be used to displace the use of diesel fuel oil in developing countries.

"(C) There is authorized to be appropriated to the Secretary not to exceed $6,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) The first sentence of paragraph (b)(1) of such section is amended to replace the phrase "subsection (c)" with the phrase "subsections (c), (f) and (g)".

(2) Paragraph (b)(4) of such section is amended to read as follows—

"(4) DRAFT SOLICITATIONS AND PUBLIC COMMENT.—The Secretary shall issue a draft solicitation for joint ventures under subsection (c) by September 30, 1990 and a draft solicitation for joint ventures under subsections (f) and (g) by September 30, 1991. After any such draft solicitation has been issued, the Secretary shall provide for a period of public comment before the issuance of a final solicitation.

(3) Subsection (d) of such section is amended to replace the phrase "subsection (c)" everywhere it appears by "subsections (c) or (f)".

SEC. 4102. REPORT ON WASTE MINIMIZATION TECHNOLOGIES IN INDUSTRY. (a) REPORT.—Within one year after the date of enactment of this Act, the Secretary shall provide to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report evaluating opportunities to minimize waste outputs from production processes in industries in the United States.

(b) CONTENTS.—The report required by this section shall include—

(1) an assessment of the technologies available to increase productivity and simultaneously reduce the consumption of energy and material resources and the production of wastes;

(2) an assessment of the current use of such technologies by industry in the United States;

(3) the status of any such technologies currently being developed, together with projected time-frames for their commercial availability;

(4) the energy savings resulting from the use of such technologies;

(5) the environmental benefits of such technologies;

(6) the costs of such technologies;

(7) an evaluation of any existing federal or state regulatory disincentives for the employment of such technologies; and

(8) an evaluation of any other barriers to the use of such technologies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary shall consult with the Administrator of the Environmental Protection Agency, any other Federal, State, or local official the Secretary deems necessary, representatives of appropriate industries, members of organizations formed to further the goals of environmental protection or energy efficiency, and other appropriate interested members of the public, as determined by the Secretary.

Subtitle C—Hydropower

SEC. 4201. SECTION 401 CERTIFICATION. (a) STATE CERTIFICATION.—Any State or interstate water pollution control agency that receives a request for certification under section 401 of the Clean Water Act (33 U.S.C. 1341) in connection with an application for a license under Part I of the Federal Power Act, as amended, (16 U.S.C. 791a et seq.) is prohibited from including as a condition of certification any requirement not needed to ensure that any discharge resulting from the issuance of such license, and the construction or operation of a hydroelectric project thereunder, will comply with the applicable provisions of 33 U.S.C. Sections 1311, 1312, 1313, 1316 and 1317.

(b) VIOLATIONS.—Any requirement included in a certification which is determined by the Federal Energy Regulatory Commission to be in violation of subsection (a) shall not be effective.

SEC. 4202. STREAMLINING OF FEDERAL POWER ACT REGULATION.—The Federal Power Act, as amended, (16 U.S.C. Section 791a et seq.) is further amended by:

(a) striking in section 4(e) the following: ", and shall be subject to and contain such conditions as the Secretary of the department under whose supervision such reservation falls shall deem necessary for the adequate protection and utilization of such reservation";

(b) inserting the following new subparagraph at the end of section 10(a)(2):

"(D) In the case of a project located within a reservation, the recommendations of the Secretary under whose supervision such reservation falls concerning the adequate protection and utilization of such reservation.";

(c) striking "and (B)" in section 10(a)(3) and inserting ", (B) and (D)" in lieu thereof;

(d) striking subsection (i) in section 10 and relettering the subsections accordingly;

(e) striking in section 18 the following: ", and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate";

(f) adding at the end of section 23 the following:

"(c) The provisions of this Act shall not apply to any project having a power production capacity of 1500 kilowatts or less.".

SEC. 4203. IMPROVEMENT AT EXISTING FEDERAL FACILITIES.— (a) The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army, shall perform studies of cost effective opportunities to increase hydropower production at existing Federally-owned or operated water regulation, storage and conveyance facilities. Such studies shall be completed within two years of the enactment of this Act and transmitted to the Committee on Energy and Natural Resources in the United States Senate and to the United States House of Representatives. An individual study shall be prepared for each of the Nation's principal river basins. Each such study shall identify and describe with specificity the following matters:

(1) opportunities to improve the efficiency of hydroelectric generation at such facilities through, but not limited to, mechanical, structural or operational changes;

(2) opportunities to improve the efficiency of the use of water supplied or regulated by Federal projects where such improvement could, in the absence of legal or administrative constraints, make additional water supplies available for hydroelectric generation or reduce project energy use;

(3) opportunities to create additional generating capacity at existing facilities through, but not limited to, the construction of additional generating units, the uprating of generators and turbines, and the construction of pumped storage facilities; and

(4) preliminary assessment of the costs of such measures.

(b) There is authorized to be appropriated in each of fiscal years 1992, 1993 and 1994 such sums as are necessary to carry out the purposes of this section.

TITLE V.—COAL, COAL TECHNOLOGY AND ELECTRICITY

Subtitle A—Coal and Coal Technology

SEC. 5001. COAL RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) ESTAB-

LISHMENT.—The Secretary, in consultation with the National Coal Council and other representatives of the public as the Secretary deems necessary, shall, in accordance with the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920), conduct a research, development, and demonstration program within the Department of Energy for advanced coal-based technologies with the goal and objective of achieving the control of sulfur oxides and oxides of nitrogen at levels of proficiency greater than currently available commercial technology. The coal technology development program shall also be designed to assure the timely development of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from the combustion of coal. Such program shall be designed to assure the availability for commercial use of such technologies by the year 2010.

(b) REPORT.—Within two hundred and forty days after the date of enactment of this Act the Secretary shall transmit to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report which shall include—

(1) a detailed description of on-going research and development activities regarding advanced coal-based technologies undertaken by the Department of Energy, other federal or state government departments or agencies and, to the extent such information is publicly available, other public or private organizations in the United States and other countries;

(2) a listing and analysis of current federal and state government regulatory and financial incentives that could further the goals of the program established by this section;

(3) recommendations, if any, regarding additional cost-sharing demonstrations conducted pursuant to the Clean Coal Program established by Public Law No. 98-473, that could assure that the goals of the program established by this section are achieved; and

(4) a detailed plan for conducting the research, development and demonstration program to achieve the goals and objectives of subsection (a) of this section, which plan shall include a description of—

(i) the program elements and management structure to be utilized; and

(ii) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan.

(c) ANNUAL REPORT.—Within twelve months after submittal of the report described in subsection (b) of this section, and every twelve months thereafter for a period of five years, the Secretary shall submit to the Congress a report that provides a detailed description of the status of development of the advanced coal-based technologies and the research, development, and demonstration activities undertaken to carry out the program required by this section.

(d) DEFINITION.—As used in this section, the term "advanced coal-based technologies" means, but is not limited to, the following—

(1) advanced integrated gasification combined cycle;

(2) pressurized fluidized bed combustion technology capable of achieving higher thermal conversion efficiency than can be achieved through on-going demonstration projects;

(3) direct and indirect coal-fired turbines;

(4) coal refining processes capable of efficiently producing or utilizing the energy contained in coal and also utilizing the byproducts thereof;

(5) magnetohydrodynamics;

(6) molten carbonate and solid oxide fuel cells;

(7) coal liquefaction processes; and

(8) other coal-based technologies or processes or systems that are capable of achieving thermal conversion efficiencies equal to or greater than fifty percent.

SEC. 5002. NON-FUEL USE OF COAL.—(a) PLAN.—Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for research, development, and demonstration with respect to technologies for non-fuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) JOINT VENTURES.—As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for non-fuel uses of coal.

(c) PLAN CONTENTS.—The plan under subsection (a) shall address and evaluate:

(1) the known and potential products and processes for the use of coal for products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of co-production of products from coal in conjunction with production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of research results produced by the research program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with non-fuel use of coal.

(d) RESEARCH AND DEVELOPMENT.—The Secretary shall conduct a program of research and development under the plan under subsection (a).

(e) FUNDING.—The Secretary may provide financial assistance for a research project under the plan using funds authorized by section 5007(b) to the extent the Secretary finds that such project—

(1) furthers achievement of the goals and purposes of this Act;

(2) offers promise for commercial application; and

(3) has a reasonable prospect of support in at least 50 per centum of its direct costs from non-Federal funds.

(f) CONSULTATION.—In preparing the plan and carrying out research under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 5003. COAL EXPORTS. (a) PLAN.—Within one hundred and eighty days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Commerce, the Secretary of State, and the United States Trade Representative, shall submit to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a plan for expanding the export of United States coal.

(b) PLAN CONTENTS.—Such plan shall include:

(1) identification of the location, size and projected growth in potential foreign markets for coal produced in the United States;

(2) identification by country of the existence of barriers to United States coal exports, including foreign coal production and utilization subsidies, tax treatment, labor practices, tariffs, quotas, and other non-tariff barriers;

(3) recommendations and an action plan for addressing any such barriers;

(4) an evaluation of existing United States infrastructure, and any new infrastructure requirements within the United States to support an expansion of United States coal exports, including ports, vessels, rail lines, and any other supporting infrastructure; and

(5) identification of opportunities for blending United States coal exports with coal indigenous to the importing country to enhance energy efficiency and environmental performance.

SEC. 5004. CLEAN COAL TECHNOLOGY EXPORT COORDINATING COUNCIL. (a) ESTABLISHMENT.—There shall be established a Clean Coal Technology Export Coordinating Council (hereinafter "Council") which shall seek to facilitate and expand the export and use of clean coal technologies. The Council shall place a priority on the export and use of clean coal technologies in lesser-developed countries.

(b) MEMBERSHIP.—The Council shall consist of the Secretary, who shall serve as its chairperson, the Secretary of Commerce, the Secretary of State (including a designee from the Agency for International Development and the Trade and Development Program), the Administrator of the Environmental Protection Agency, the President and Chairman of the Export- Import Bank and the President and Chief Executive Officer of the Overseas Private Investment Corporation.

(c) CONSULTATION.—In undertaking its responsibilities, the Council shall consult with representatives from the United States coal industry, the electric utility industry, manufacturers of equipment utilizing clean coal technology, members of organizations formed to further the goals of environmental protection or to promote the development and use of clean coal technologies, and other appropriate interested members of the public.

(d) DUTIES.—In furthering the purposes of this section, the Council shall—

(1) facilitate the establishment of technical training for local users and international development personnel;

(2) cause to be established within existing departments and agencies financial assistance programs to support pre-feasibility and feasibility studies for projects that will utilize clean coal technologies and loan guarantee programs designed to facilitate access to capital and credit in order to finance such clean coal technology projects;

(3) develop and execute programs, including the establishment of financial incen-

tives, to encourage and support private sector efforts to export clean coal technologies; and

(4) review ongoing clean coal technology projects and review and approve planned clean coal technology projects, which are sponsored abroad by any Federal government agency to determine whether such projects are consistent with the overall goals and objectives of this section.

(e) Data and Information.—The Council shall be responsible for the development of a comprehensive data base and information dissemination system relating to the availability of clean coal technologies and an ongoing assessment of the potential need for such technologies particularly in lesser developed countries. The Council shall provide a country-by-country assessment of the potential for the use of clean coal technology. The Council shall make such information available to industry, Federal and international financing organizations, non-governmental organizations, officials in countries where such clean coal technologies might be utilized and such others as the Council deems necessary. In developing this data base and on-going assessment, the Council shall consult with the Committee on Renewable Energy Commerce and Trade.

(f) Report.—Within one hundred and eighty days after the Secretary submits the report to the Congress as required by section 409 of Pub. L. No. 101-549, the Council, in consultation with those persons referenced in subsection (c) of this section, shall provide to the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details actions to be taken in order to address those recommendations and findings made in the report submitted pursuant to section 409 of Pub. L. No. 101-549. As a part of the plan required by this subsection, the Secretary shall specifically address the adequacy of financial assistance available from federal departments and agencies and international financing organizations to aid in the financing of prefeasibility and feasibility studies and projects that would utilize a clean coal technology in lesser developed countries.

Sec. 5005. Coal Fuel Mixtures.—Within one year following the date of enactment of this Act, the Secretary shall report to the Committee on Energy and Natural Resources in the United States Senate and the United States House of Representatives on the status of technologies for combining coal with other materials, such as oil or water fuel mixtures. The report shall include:

(1) a technical and economic feasibility assessment of such technologies;

(2) projected developments in such technologies;

(3) an assessment of the market potential of such technologies, including the potential to displace imported crude oil and refined petroleum products;

(4) identification of barriers to commercialization technologies; and

(5) recommendations for addressing barriers to commercialization.

Sec. 5006. Coal Fired Locomotives.—The Secretary shall conduct a research, development, and demonstration program for utilizing "ultra-clean coal-water slurry" in diesel locomotive engines. The program shall address, but not be limited to, the following:

(1) required engine retrofit technology;

(2) coal-fuel production technology;

(3) emission control requirements;

(4) fuel delivery and storage systems requirements; and

(5) other infrastructure required to support commercial deployment.

Sec. 5007. Authorizations.—(a) There is authorized to be appropriated such sums as are necessary for each of fiscal years 1992, 1993, and 1994 for purposes of implementing the program pursuant to section 5001.

(b) There is authorized to be appropriated to carry out section 5002, a total of $20,000,000 for fiscal years 1992 through 1994.

(c) There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, to carry out the purposes of section 5004.

Sec. 5008. Establishment of Data Base and Study of Coal Transportation Rates. (a) Establishment of Data Base.—The Secretary is authorized and directed to establish a data base containing, to the maximum extent practicable, all transportation rates for rail, pipeline, truck, conveyor belt, barge and other modes of transporting domestic coal during the period January 1, 1988 through December 31, 1997. The confidentiality of contract rates shall be preserved and public access to the data base shall be provided under appropriate terms and conditions that protect the confidentiality of specific contract rates.

(b) Study of Coal Transportation Rates.—The Secretary shall study the rates and distribution patterns of domestic coal to determine the impact of the Clean Air Act Amendments of 1990 and other Federal policies on such rates and distribution patterns. The study shall consider, among other factors:

(1) the extent to which coal transportation rate increases occur as a result of the enactment of the Clean Air Act Amendments of 1990 and other Federal policies;

(2) any increases or decreases in the revenue to variable cost ratios of railroad coal transportation rates during the period of the study and the percentage of the delivered price of coal to electric generating facilities that is attributable to coal transportation rates, during this period;

(3) any changes in the distribution patterns of coal among the various regions of the nation during the study period; and,

(4) any electricity rate increases or decreases in the various regions of the nation during the period of study that are attributable to coal transportation costs.

(c) Reports to Congress.—The Secretary shall submit an interim report to Congress on January 1, 1993, and a final report to Congress, together with any recommendations, on January 1, 1995. The Secretary shall submit an additional report to Congress, with recommendations, on January 1, 1998. The Administrator of the Energy Information Administration and the Chairmen of the Federal Energy Regulatory Commission and the Interstate Commerce Commission shall cooperate fully with the Secretary in the development of the data base and studies authorized by this section.

Subtitle B—Electricity

Sec. 5101. Applicability of New Source Review to Existing Electric Utility Steam Generating Units.—(a) Population Control Projects.—For purposes of the Clean Air Act, no physical change in, or change in the method of operation of, an electric utility steam generating unit which is undertaken for purposes of pollution control, including the use of natural gas and clean coal technologies, shall be treated as a modification for a specific regulated pollutant for purposes of part C or D of title I of the Clean Air Act if such change does not increase the potential emissions of the specific regulated pollutant from such source above the potential emissions before the change.

(b) Nitrogen Oxide Control Requirements.—

(1) For purposes of the Clean Air Act, any modification, as defined in section 169(c)(2) of such Act, at an existing electric utility steam generating unit subject to section 165 of the Clean Air Act shall be deemed to satisfy the technology requirements of section 165(a)(4) thereof for nitrogen oxides if it meets the following—

(A) For a unit subject to a requirement promulgated pursuant to section 407 of the Clean Air Act, immediately following the modification, the unit shall be required to meet nitrogen oxide emissions limitation specified for that boiler type pursuant to section 407. In the event that the modification precedes the establishment of nitrogen oxide emissions limitations for that boiler type pursuant to section 407, the unit shall be required to meet the applicable emission limitation upon the date required by the regulation.

(B) For an existing electric utility steam generating unit not subject to section 407 of the Clean Air Act immediately following the modification, the unit shall be required to meet the nitrogen oxide limit equivalent to the limit achievable using "low-NO_x burners."

(2) Any State or local permitting authority shall retain the right to impose more stringent limitations for control of nitrogen oxides.

Sec. 5102. Excess Capacity Study.—The Secretary shall study and report to Congress by June 30, 1992, on any physical impediments to the transfer of excess electrical energy from regions of the country having surpluses to regions of the country having shortages and the reasons therefor.

TITLE VI—RESEARCH, DEVELOPMENT, DEMONSTRATION AND COMMERCIALIZATION ACTIVITIES

Sec. 6001. Energy Research, Development, Demonstration, and Commercialization Priorities.—The Secretary shall establish priorities for research, development, demonstration, and commercialization activities. These priorities shall include consideration of the following criteria:

(a) the potential to increase the Nation's energy independence and thus reduce reliance on imported oil;

(b) the projected cost-effectiveness of the energy or energy efficiency resource to be produced or saved, including an evaluation of the likelihood of the activities contributing to the achievement of commercialization of new energy technologies;

(c) the comparative environmental and public health impacts of the energy to be produced or saved by the specific activities;

(d) the national security impact of the energy produced or saved, including its projected contribution to the reduction of oil imports and to the diversity of the domestic energy resource mix;

(e) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or maintaining technological leadership in the area of energy and energy efficiency resource technologies, including, but not limited to, solar, fuel cells, fusion, nuclear, clean-coal technologies, oil and natural gas recovery and utilization, and hydrogen;

(f) the contribution of a given activity to fundamental scientific knowledge;

(g) the anticipated impact of the results of activities on targeted industries and industrial and manufacturing processes; and

(h) the contribution to United States competitiveness.

SEC. 6002. MANAGEMENT PLAN.—

(a) PLAN PREPARATION.—The Secretary, in consultation with the Energy Advisory Board to the Secretary, shall prepare a management plan for the conduct of research, development, demonstration, and commercialization of energy technologies that is consistent with the purposes of this Act and guided by the priorities set forth in section 6001.

(b) PROPOSALS.—The management plan under subsection (a) shall contain proposals for—

(1) investigation of promising energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to national energy security;

(2) development of contingency energy and energy efficiency resource technologies that have the potential to reduce energy supply vulnerability, and to minimize adverse impacts on the environment, the global climate, and the economy; and

(3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can enhance the Nation's competitiveness;

(c) PLAN SUBMISSION.—Within one year after the date of enactment of this section, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially at the time of submittal of the President's annual budget submission to the Congress.

SEC. 6003. NATURAL GAS END-USE TECHNOLOGIES. (a) PROGRAM.—The Secretary of Energy shall carry out a program to promote the development and commercialization of new and advanced natural gas utilization technologies including, but not limited to, the following areas—

(1) Stationary source emissions control and efficiency improvements including combustion systems, industrial processes, natural gas heating and cooling, and cofiring natural gas with coal and waste fuels;

(2) Natural gas storage including increased deliverability from existing gas storage facilities and new capabilities for storage near demand centers and on-site storage at major energy consuming facilities;

(3) Transportation fuel alternatives and emissions controls including natural gas vehicle commercialization and infrastructure development, and advanced engines and propulsion concepts; and

(4) Electrochemical energy conversion including the commercialization of molten carbonate fuel cells and the development of advanced natural gas-fired fuel cell technologies.

(b) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements under this section.

(c) COST-SHARE.—The Secretary shall not finance more than 50 per centum of the total costs of natural gas utilization technologies selected under this section as estimated by the Secretary as of the date of award of financial assistance.

(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out a program in fiscal years 1992, 1993, and 1994, under this section.

SEC. 6004. NATURAL GAS SUPPLY ENHANCEMENT. (a) PROGRAM.—The Secretary shall carry out a program of research, development and demonstration to increase the recoverable natural gas resource base including, but not limited to, the following areas:

(1) More intensive recovery of natural gas from discovered conventional resources;

(2) Economic recovery of unconventional natural gas resources, including gas from tight sands, Eastern shales, and gas from less permeable formations, coal-bed methane and geopressurized reservoirs;

(3) Surface gasification of coal; and

(4) Recovery of methane from biofuels including municipal solid waste.

(b) COOPERATIVE AGREEMENTS.—The Secretary shall enter into cooperative agreements under this section.

(c) COST SHARE.—The Secretary shall not finance more than 50 per centum of the total costs of a project selected under this section as estimated by the Secretary as of the date of award of financial assistance.

(d) Authorization.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out a program in fiscal years 1992, 1993 and 1994, under this section.

SEC. 6005. HIGH EFFICIENCY HEAT ENGINES. (a) PROGRAM.—The Secretary shall carry out a program of research, development, demonstration, and commercialization on high efficiency heat engines, emphasizing advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and automotive power generation, such as—

(1) advanced combined cycle turbines;

(2) steam-injected gas turbines; and

(3) intercooled steam-injected gas turbines.

(b) JOINT VENTURES.—The Secretary may enter into joint ventures with the appropriate parties to construct and demonstrate high efficiency heat engines.

(c) AUTHORIZATION.—There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994, to carry out the purposes of this section.

TITLE VII—STRATEGIC PETROLEUM RESERVE

SEC. 7001. OIL SECURITY PREMIUM.—(a) Title I of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(1) in section 152, by striking "and Part C" and inserting in lieu thereof ", Part C, and Part D" in the material preceding paragraph (1);

(2) by redesignating Part D as Part E;

(3) by redesignating section 181 as section 191; and

(4) by adding the following new part after Part C:

"PART D—OIL SECURITY PREMIUM

"PROGRAM GOALS

"SEC. 181. The Secretary of Energy shall establish and implement a program for ensuring that crude oil in storage in the Strategic Petroleum Reserve will be increased at an average rate of at least 220,000 barrels per day, and for meeting the petroleum product needs of the Department of Defense by requiring importers to provide petroleum product for such purposes.

"PERCENTAGE DETERMINATIONS

"SEC. 182. (a) The Secretary shall estimate, for each fiscal year—

"(1) the average consumption in barrels per day of petroleum product by the Department of Defense; and

"(2) the average imports of petroleum product in barrels per day into the United States.

"(b) The Secretary shall add the quantity estimated in subsection (a)(1) to a fill rate of 220,000 barrels per day for the Reserve.

"(c)(1) The Secretary shall determine for each fiscal year the percentage that the sum calculated pursuant to subsection (b) represents of the average imports of petroleum product estimated pursuant to subsection (a)(2).

"(2) The Secretary shall have discretion to modify the percentage determined pursuant to this subsection during the course of any fiscal year—

"(A) to reflect changes in the average consumption in barrels per day of petroleum product by the Department of Defense;

"(B) to reflect changes in the average imports of petroleum product in barrels per day into the United States;

"(C) if the Department of Defense is unable to take delivery of petroleum product provided pursuant to this part due to lack of storage capacity or related facilities;

"(D) to reflect any suspension of fill operations pursuant to subsection 159(e) of the Energy Policy and Conservation Act (42 U.S.C. 6240);

"(E) if the Secretary is unable to take delivery of petroleum product provided pursuant to this part due to lack of Reserve storage capacity or related facilities; or

"(F) if the provision of 220,000 barrels per day of petroleum product for the Reserve in any fiscal year would lead to an aggregate of more than one billion barrels of petroleum product in the Reserve.

"PROVISION OF PETROLEUM PRODUCT

"SEC. 183. (a) The Secretary shall provide, through regulations or orders issued under this Part, that each importer (as defined in section 152(2)) shall provide to the United States at no cost in each fiscal year petroleum product in an amount equal to the percentage determined in section 182(c) of the amount of petroleum product—

"(1) which is entered into the United States during any such fiscal year for consumption, use, or warehousing; and

"(2) which is owned by such importer at the first place of storage in the United States.

"(b) Through regulations or orders issued under this part, the Secretary shall reduce the amount of petroleum product deemed to be owned by an importer for purposes of subsection (a) by an amount equal to the amount of petroleum product which is entered into the United States for consumption, use, or warehousing and which is owned by such importer at the first place of storage in the United States and then is refined into another petroleum product and exported from the United States.

"(c) Through regulations or orders issued under this part, the Secretary shall require—

"(1) that petroleum product provided for the Reserve by an importer pursuant to this part be crude oil or other designated petroleum product for which there are authorized storage facilities;

"(2) that petroleum product provided for the Department of Defense by an importer pursuant to this part be designated petroleum product that meets the needs and specifications of the Department of Defense; and

"(3) that petroleum product provided by an importer pursuant to this part be delivered to designated locations at designated times, and be equivalent in fair market value to the amount of petroleum product otherwise required to be provided by such importer pursuant to subsection (b).

"(d) For purposes of this section, the Secretary shall determine the fair market value of the amount of petroleum product otherwise required of any importer pursuant to subsection (b) at the locations and times that such importer entered petroleum product into the United States for consumption, use, or warehousing.

"EFFECTIVE DATE

"SEC. 184. The provisions of this part shall take effect beginning in fiscal year 1992.".

(b) The table of contents of the Energy Policy and Conservation Act is amended—

(1) by inserting at the end of the items for Part C of Title I the following items:

"PART D—PETROLEUM PRODUCT PROVIDED BY IMPORTERS TO THE SPR AND THE DEPARTMENT OF DEFENSE

"Sec. 181. Program Goals.
"Sec. 182. Percentage Determinations.
"Sec. 183. Provision of Petroleum Product.
"Sec. 184. Effective Date.";

(2) by redesignating Part D in the items for title I as Part E; and

(3) by redesignating the item for section 181 as the item for section 191.

TITLE VII—OUTER CONTINENTAL SHELF

SEC. 8001. COASTAL STATE AND COMMUNITY OUTER CONTINENTAL SHELF IMPACT ASSISTANCE.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding a new Title V as follows:

"SECTION 1. SHORT TITLE.

"This title may be cited as the 'Coastal State and Community Outer Continental Shelf Impact Assistance Act'.

"SEC. 2. DEFINITIONS.

"For purposes of this title the term—

"(1) "coastal State" means any State of the United States bordering on the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, or the Gulf of Mexico;

"(2) "coast line" has the meaning given such term under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

"(3) "Secretary" means the Secretary of the Interior; and

"(4) "new revenues" means:

(A) all bonuses paid as a result of lease sales conducted pursuant to the Outer Continental Shelf Lands Act on or after February 5, 1991;

(B) all rents and other moneys payable to the Secretary on or after February 5, 1991 related to a lease issued pursuant to the Outer Continental Shelf Lands Act; and

(C) all royalties attributable to a well or mining operation from which production commenced on or after February 5, 1991 and payable to the Secretary under the Outer Continental Shelf Lands Act;

plus interest thereon.

"SEC. 3. COASTAL STATE AND COMMUNITY OUTER CONTINENTAL SHELF IMPACT ASSISTANCE FUND.

"(a) ESTABLISHMENT.—There is established an interest bearing account in the Treasury of the United States to be known as the Coastal State and Community Outer Continental Shelf Impact Assistance Fund (hereinafter in this Act referred to as "the Fund").

"(b) PAYMENTS TO FUND.—Beginning in fiscal year 1992, the Secretary shall pay into the Fund not later than 60 days after the end of the preceding fiscal year, an amount equal to 37.5 percent of all new revenues, as defined herein, derived during the preceding fiscal year which are attributable to an Outer Continental Shelf lease any part of which is within 200 geographical miles of the coast line.

"SEC. 4. DISPOSITION OF FUND.

"(a) STATE IMPACT ASSISTANCE.—(1) Six months after the end of fiscal year 1991, and annually thereafter, the Secretary shall transmit to the coastal state the revenues payable to such coastal state pursuant to this Title, plus interest thereon.

"(2) The amounts to be paid to coastal states under this subsection shall be, with respect to any such state for any fiscal year, the sum of the amounts calculated, with respect to such state, pursuant to subparagraphs (A), (B), and (C):

"(A) An amount which bears, to one-half of the amount available in the Fund for such fiscal year, the same ratio that the amount of Outer Continental Shelf acreage which is adjacent to such state and which is newly leased by the Federal Government in the immediately preceding fiscal year bears to the total amount of Outer Continental Shelf acreage which is newly leased by the Federal Government in such preceding year.

"(B) An amount which bears, to one-quarter of the amount available in the Fund for such fiscal year, the same ratio that the volume of oil and natural gas produced in the immediately preceding fiscal year from the Outer Continental Shelf acreage which is adjacent to such state and which is leased by the Federal Government bears to the total volume of oil and natural gas produced in such year from all of the Outer Continental Shelf acreage which is leased by the Federal Government.

"(C) An amount which bears, to one-quarter of the amount available in the Fund for such fiscal year, the same ratio that the volume of oil and natural gas produced from Outer Continental Shelf acreage leased by the Federal Government which is first landed in such state in the immediately preceding fiscal year bears to the total volume of oil and natural gas produced from all Outer Continental Shelf acreage leased by the Federal Government which is first landed in all of the coastal states in such year.

"(3) For purposes of making calculations under paragraph (2), Outer Continental Shelf acreage is adjacent to a particular coastal state if such acreage lies on that state's side of the extended lateral seaward boundaries of such state. The extended lateral seaward boundaries of a coastal state shall be determined as follows:

"(A) If lateral seaward boundaries have been clearly defined or fixed by an interstate compact, agreement, or judicial decision (if entered into, agreed to, or issued before the date of the enactment of this paragraph), such boundaries shall be extended on the basis of the principles of delimitation used to so define or fix them in such compact, agreement, or decision.

"(B) If no lateral seaward boundaries, or any portion thereof, have been clearly defined or fixed by an interstate compact, agreement, or judicial decision, lateral seaward boundaries shall be determined according to the applicable principles of law, including the principles of the Convention on the Territorial Sea and the Contiguous Zone, and extended on the basis of such principles.

"(C) If, after the date of enactment of this paragraph, two or more coastal states enter into or amend an interstate compact or agreement in order to clearly define or fix lateral seaward boundaries, such boundaries shall thereafter be extended on the basis of the principles of delimitation used to so define or fix them in such compact or agreement.

"(b) COUNTY AND COMMUNITY IMPACT ASSISTANCE.—The revenues paid by the Secretary to a coastal State under subsection (a) shall be used by such state and its subdivisions, as the legislature of the state may direct, giving priority to those subdivisions of the state socially or economically impacted by development of minerals on the Outer Continental Shelf, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public services.

"SEC. 5. RELATIONSHIP TO OTHER LAW.

"The payment of funds pursuant to this title shall be in addition to any payments made to a State under any other provision of this Act or any other provision of law.".

SEC. 8002. REPORT ON THE AVAILABILITY OF THE OUTER CONTINENTAL SHELF FOR LEASING.

(a) REPORT TO CONGRESS.—Within six months after the date of enactment of this Act, the President shall submit a report to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate containing the President's recommendations and findings regarding the availability of areas of the Outer Continental Shelf for oil and gas leasing, development and production.

(b) REPORT CONTENTS.—Such report shall contain but not be limited to the following findings and information:

(1) oil and gas production potential on the Outer Continental Shelf by region;

(2) historical data regarding oil and gas production on the Outer Continental Shelf by region;

(3) the extent to which production from areas of the Outer Continental Shelf currently under moratoria as a result of the decision of the President announced June 26, 1990 would reduce United States dependence on oil from the Middle East and on oil produced by members of the Organization of Petroleum Exporting Countries;

(4) a comparison by Outer Continental Shelf region and on a national basis of the number of oil spills and amount of spilled oil resulting from Outer Continental Shelf production and the number of oil spills and amount of spilled oil caused by vessels transporting imported oil to the United States;

(5) an estimate by region and on a national basis of the net change in the oil spill risk as imports of oil decrease in response to production from new leases on the Outer Continental Shelf;

(6) at least one proposal for an alternative to the current OCS process that would provide for a staged requirement for environmental information and public comment thereon at critical points in the leasing process and during the post-leasing exploration and development phases. Any such proposal shall assume that a potential lessee will be offered full rights to exploration and development at the time of lease sale subject to cancellation. Any proposal under this paragraph shall specify the criteria to be used for cancellation based on environmental considerations;

(7) an analysis of the compensation criteria for OCS lease cancellation under current law, recommended changes thereto, and recommendations for any changes in such compensation under any proposal under paragraph (6); and

(8) identification of gas prone areas under administrative or legislative moratoria.

TITLE IX—OIL AND GAS LEASING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Subtitle A. Statement of Purpose and Policy and Definitions

SEC. 9101. PURPOSE AND POLICY.—The Congress hereby declares that it is the purpose and policy of this title:

(a) to authorize competitive oil and gas leasing and development to proceed on the Coastal Plain in a manner consistent with protection of the environment, maintenance of fish and wildlife and their habitat, and the interests of the area's subsistence users; and

(b) to provide a new source of funding for energy related programs and projects designed to enhance the Nation's energy security and reduce dependence on imported oil.

SEC. 9102. DEFINITIONS.—When used in this title the term—

(a) "Coastal Plain" means that area identified as such on the map entitled "Arctic National Wildlife Refuge", dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3142(b)(1)) comprising approximately one million five hundred forty-nine thousand acres; and

(b) "Secretary" means the Secretary of the Interior or the Secretary's designee.

Subtitle B. Congressional Determination of Compatibility

SEC. 9201. CONGRESSIONAL DETERMINATION.—Congress hereby determines that oil and gas activities authorized and conducted on the Coastal Plain pursuant to this title so as to result in no significant adverse effect on fish and wildlife, their habitat, and the environment, shall be deemed to be compatible with the major purposes for which the Arctic National Wildlife Refuge was established and no further findings or determinations of compatibility by the Secretary under the National Wildlife Refuge System Administration Act (16 U.S.C. Sec. 668 dd(d)(1)(A)) are required to implement this Congressional determination.

Subtitle C. Coastal Plain Competitive Leasing Program

SEC. 9301. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.—(a) The Congress hereby authorizes and directs the Secretary and other appropriate Federal officers and agencies to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain. Activities pursuant to such program shall be undertaken:

(1) in accordance with the standards for protection of the environment as required by Subtitle D of this title; and

(2) in a manner to ensure the receipt of fair market value by the public for the mineral resources to be leased.

(b) This title shall be the sole authority for leasing on the Coastal Plain.

SEC. 9302. RULES AND REGULATIONS.—(a) The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to protection of the environment of the Coastal Plain, as required by Subtitle D of this title. Such rules and regulations shall be promulgated within nine months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the Coastal Plain related to the exploration, development and production of oil and gas.

(b) In the formulation and promulgation of rules and regulations under this title, the Secretary shall request and give due consideration to the views of appropriate officials of the State of Alaska and the Government of Canada. The Secretary shall also consult with the Environmental Protection Agency and the Army Corps of Engineers in developing rules and regulations relating to the environment.

(c) The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary's attention.

SEC. 9303. ADEQUACY OF DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—(a) The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3142), and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. SEC. 4332(2)(C)), is hereby found by the Congress to be adequate to satisfy the legal requirements under the National Environmental Policy Act of 1969 with respect to actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title prior to conducting the first lease sale.

(b) Except as provided in subsection (a) of this section, nothing in this title shall be considered or construed as otherwise limiting or affecting in any way the applicability of section 102(2)(C) of the National Environmental Policy Act of 1969 to all phases of oil and gas leasing, exploration, development and production and related activities conducted under or associated with the leasing program authorized by this title, nor shall anything in this title be considered or construed as in any way limiting or affecting the applicability of any other Federal or State law relating to the protection of the environment.

SEC. 9304. LEASE SALES.—(a) Lands may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act, as amended (30 U.S.C. SEC. 181).

(b) The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale;

(3) review by the State of Alaska and local governments in Alaska which may be impacted by the proposed leasing; and

(4) periodic consultation with the State of Alaska and local governments in Alaska, oil and gas lessees, and representatives of other individuals or organizations engaged in activity in or on the Coastal Plain including those involved in subsistence uses and recreational activities.

(c) The Secretary shall, by regulation, provide for lease sales of lands on the Coastal Plain. When lease sales are to be held, they shall occur after the nomination process provided for in subsection (b) of this section. For the first lease sale, the Secretary shall, consistent with the requirements set forth in subtitle D of this title, offer for lease those acres receiving the greatest number of nominations, but not to exceed a total of three hundred thousand acres. If the total acreage nominated is less than three hundred thousand acres, he shall include in such sale any other acreage which he believes has the highest resource potential, but in no event shall more than three hundred thousand acres of the Coastal Plain be offered in such sale. Thereafter, no more than three hundred thousand acres of the Coastal Plain may be leased in any one lease sale. The initial lease sale shall be held within eighteen months of the issuance of final regulations by the Secretary. The second lease sale shall be held thirty-six months after the initial sale, with additional sales conducted every twenty-four months thereafter so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

(d) Areas of the Coastal Plain deemed by the Secretary to be of particular environmental sensitivity may be excluded from leasing by the Secretary. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives ninety days in advance of excluding any such areas from leasing. If the Secretary later determines that exploration, development, or production will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, the Secretary shall, consistent with the provisions of subsection (c) of this section, offer such lands for leasing.

SEC. 9305. GRANT OF LEASES BY THE SECRETARY.—(a) The Secretary is authorized to grant to the highest responsible qualified bidder by sealed competitive bid any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary and of such royalty as may be fixed in the lease, which shall be not less than 12½ per centum in amount or value of the production removed or sold from the lease.

(b) The Secretary shall not accept a bid for a lease if the Secretary finds, after notice and hearing, that the bidder is not meeting diligent development requirements on any other Federal mineral lease.

(c) ANTITRUST REVIEW.—(1) Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the Federal Trade Commission, thirty days to review the results of such lease sale, except that the Attorney General, after consultation with the Federal Trade Commission, may agree to a shorter review period.

(2) The Attorney General may, in consultation with the Federal Trade Commission, conduct such antitrust review on the likely effects the issuance of such leases would have on competition as the Attorney General, after consultation with the Federal Trade Commission, deems appropriate and shall advise the Secretary with respect to such review. The Secretary shall provide such information as the Attorney General, after consultation with the Federal Trade Commission, may require in order to conduct any antitrust review pursuant to this paragraph and to make recommendations pursuant to paragraph (3) of this subsection.

(3) The Attorney General, after consultation with the Federal Trade Commission, may make such recommendations to the Secretary, including the nonacceptance of any bid or the imposition of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws. If the Secretary determines, or if the Attorney General advises the Secretary, after consultation with the Federal Trade Commission and prior to the issuance of any lease, that such lease would create or maintain a situation inconsistent with the antitrust laws, the Secretary may—

(A) refuse to accept an otherwise qualified bid for such lease, or refuse to issue such lease, notwithstanding subsection (a) of this section; or

(B) modify or impose terms or conditions on the lease, consistent with advice provided by the Attorney General.

(4) The Secretary may issue a lease notwithstanding adverse advice from the Attorney General, or refuse to impose recommended terms or conditions, if the Secretary makes specific findings that approval of the lease is necessary to carry out the purposes of this title, that approval is consistent with the public interest, and that there are no reasonably available alternatives that would have significantly less anticompetitive effects. In such event, the Secretary must notify the lessee and the Attorney General of such findings.

(5) Nothing in this subsection shall restrict the authority of the Attorney General, the Federal Trade Commission, or any other Federal department or agency to secure information, conduct reviews, make recommendations, or seek appropriate relief.

(d) SECRETARY'S APPROVAL FOR SALE, EXCHANGE, ASSIGNMENT, OR OTHER TRANSFER OF LEASES—No lease issued under this title may be sold, exchanged, assigned, or otherwise transferred except with the approval of the Secretary. Prior to any such approval, the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(e) NO ANTITRUST IMMUNITY OR DEFENSES.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(f) DEFINITIONS.—As used in this section, the term—

(1) "antitrust review" shall be deemed an "antitrust investigation" for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311).

(2) "antitrust laws" means those Acts set forth in Section 1 of the Clayton Act, 15 U.S.C. Sec. 12, as amended.

SEC. 9306. LEASE TERMS AND CONDITIONS.—An oil and gas lease issued pursuant to this title shall—

(a) be for a tract consisting of a compact area not to exceed two thousand five hundred sixty acres;

(b) be for an initial period of ten years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lease or unit area to which the lease is committed or for so long as drilling or reworking operations, as approved by the Secretary, are conducted on the lease or unit area;

(c) require the payment of royalty as provided for in section 9305 of this title;

(d) require approval of an exploration plan, as provided for in section 9307 of this title;

(e) require approval of a development and production plan, as required in section 9307 of this title;

(f) require posting of bond required by section 9308 of this title;

(g) provide for the suspension of the lease during the initial lease term or thereafter pursuant to section 9309 of this title;

(h) provide for the cancellation of the lease during the initial lease term or thereafter pursuant to section 9310 of this title;

(i) contain the terms and conditions relating to protection of fish and wildlife, their habitat, and the environment, as required by subtitle D of this title;

(j) contain such rental and other provisions as the Secretary may prescribe at the time of offering the area for lease; and

(k) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this title and the regulations issued thereunder.

SEC. 9307. EXPLORATION AND DEVELOPMENT AND PRODUCTION PLANS.

(a) EXPLORATION PLANS.—All exploration activities pursuant to any lease issued or maintained under this title shall be conducted in accordance with an approved exploration plan or an approved revision of such plan. Prior to commencing exploration pursuant to any oil and gas lease issued or maintained under this title, the holder thereof shall submit an exploration plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if the Secretary finds that such plan is consistent with the provisions of this title and other applicable law.

(b) OIL AND GAS DEVELOPMENT AND PRODUCTION PLANS.—All development and production pursuant to a lease issued or maintained pursuant to this title shall be conducted in accordance with an approved development and production plan. Prior to commencing development or production pursuant to any oil and gas lease issued or maintained under this title, the holder thereof shall submit a development and production plan to the Secretary for approval. Such plan may apply to more than one lease held by a lessee in any region of the Coastal Plain, or by a group of lessees acting under a unitization, pooling, or drilling agreement, and shall be approved by the Secretary if the Secretary finds that such plan is consistent with the provisions of this title and other applicable law.

(c) REQUIREMENTS APPLICABLE TO EXPLORATION PLANS AND DEVELOPMENT AND PRODUCTION PLANS.—Exploration plans and development and production plans shall include where applicable—

(1) the names and legal addresses of the following persons: the operator, contractors, subcontractors and the owners or lessees other than the operator;

(2) a map or maps showing: (A) the location of a point of reference selected by the operator within the area covered by the plan of operations showing, in relation to that point, existing and proposed access routes or roads within the area, the boundaries of proposed surface disturbance and location of all survey lines; (B) the location of proposed drilling sites, wellsite layout, and all surface facilities; (C) sources of construction materials within the area including but not limited to gravel; and (D) the location of ancillary facilities including but not limited to camps, sanitary facilities, water supply, disposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips. A point of reference selected by the operator within the area of operations shall be marked with a ground monument;

(3) a description of: (A) all surface and ancillary facilities, including but not limited to camps, sanitary facilities, water supply, disposal facilities, pipelines, fuel storage facilities, storage facilities, base of operations, and airstrips; and (B) the major equipment to be used in the operations, including but not limited to equipment and methods for the transport of all waters used in or produced by operations, and of the proposed method of transporting such equipment within the area covered by the plan of operations including to and from the site;

(4) an estimated schedule for any phase of operations of which review by the Secretary is sought and the anticipated date of operation completion;

(5) the nature and extent of proposed operations;

(6) plans for reclamation, including:

(A) the anticipated reclamation work to be performed;

(B) a proposed schedule of reclamation activities to be performed; and

(C) a detailed estimate of reclamation costs;

(7) methods for disposal of all wastes and hazardous and toxic substances;

(8) an affidavit stating that the operations planned will be in compliance with all applicable Federal, State, and local laws and regulations;

(9) contingency plans in case of spills, leaks, or other accidents; and

(10) such additional information as may be required by the Secretary to ensure that the proposed activities are consistent with this title, as well as other applicable Federal and State environmental laws.

(d) PROCEDURES FOR PLAN APPROVAL.—(1) After an exploration or development and production plan is submitted for approval, the Secretary shall promptly publish notice of the submission and availability of the text of the proposed plan in the FEDERAL REGISTER and a newspaper of general circulation in the State of Alaska and provide an opportunity for written public comment.

(2) Within one hundred twenty days after receiving an exploration or development and production plan, the Secretary shall determine, after taking into account any comment received under paragraph (1) of this subsection, whether the activities proposed in the plan are consistent with this title and other applicable provisions of Federal and State law. If that determination is in the affirmative, the Secretary shall return the plan along with a statement of any modifications necessary for its approval. The Secretary, as a condition of approving any plan under this section—

(A) may require modifications to the plan that the Secretary considers necessary or appropriate to make it consistent with this title and other applicable law. The Secretary shall assess reasonable fees or charges for the reimbursement of all necessary and reasonable research, administrative, monitoring, enforcement, and reporting costs associated with reviewing the plan and monitoring its implementation; and

(B) shall require such periodic reports regarding the carrying out of the drilling and related activities as may be necessary or appropriate for purposes of determining the extent to which the plan is being complied with and the effectiveness of the plan in ensuring that the drilling and related activities are consistent with this title and other applicable provisions of Federal and State law.

(e) MODIFICATION OF PLANS.—If at any time while activities are being carried out under a plan approved under this section, the Secretary, on the basis of available information, determines that the continuation of any particular activity under the plan is likely to result in a significant adverse effect on fish or wildlife, their habitat, or the environment, the Secretary, after consultation with the lessee shall—

(1) make modifications to part or all of the plan as necessary or appropriate to avoid the significant adverse effect;

(2) temporarily suspend part or all of the drilling or related activity under the plan for such time as the Secretary considers necessary or appropriate to avoid such significant adverse effect; or

(3) terminate and cancel the plan where actions under paragraphs (1) or (2) will not avoid the significant adverse effect.

SEC. 9308. BONDING REQUIREMENTS.

(a) REQUIREMENT FOR PERFORMANCE BOND.—After approval of an exploration or development and production plan, the lessee shall be required to file with the Secretary a suitable performance bond. The bond shall be conditioned upon compliance with all the terms and conditions of the lease and all applicable laws. Such performance bond is in addition to and not in lieu of any bond or security deposit required by other regulatory authorities or required by any other provision of law. The lessee may file either a surety bond, or a personal bond consisting of cash or negotiable Treasury bonds of the United States. When negotiable Treasury bonds serve as the personal bond, they shall be accompanied by a proper conveyance to the Secretary of full authority to sell such securities in case of a default in the performance of the terms and conditions of the lease.

(b) AMOUNT OF PERFORMANCE BOND.—The performance bond shall be in an amount:

(1) to be determined by the Secretary to provide for reclamation of the lease site in accordance with an approved or revised exploration or development and production plan; plus

(2) an amount set by the Secretary consistent with the type of operations proposed, to provide the means for rapid and effective cleanup, and to minimize damages resulting from an oil spill, the escape of gas, refuse, domestic wastewater, hazardous or toxic substances, or fire caused by oil and gas activities.

(c) ADJUSTMENT OF BOND TO CONFORM TO REVISED PLAN.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond to conform to such modified plan.

(d) DURATION OF BOND.—The responsibility and liability of the lessee and its surety under the bond or security deposit shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable law.

(e) TERMINATION OF LIABILITY. Within sixty days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after consultation with affected Federal and State agencies, shall notify the lessee that the period of liability under the bond or security deposit has been terminated.

SEC. 9309. LEASE SUSPENSION.—The Secretary may direct or assent to the suspension of operations and production under any lease granted under the terms of this title: (1) in the interest of conservation of the resource; (2) where there is no available system to transport the resource; or (3) where there is a threat of a significant adverse effect upon fish or wildlife, their habitat or the environment. If such a suspension is directed or assented to by the Secretary, any payment of rental prescribed by such lease shall be suspended during such period of suspension of operations and production, and the term of the lease shall be extended by adding any such suspension period thereto.

SEC. 9310. LEASE CANCELLATION.—

(a) CANCELLATION OF NONPRODUCING LEASE. Whenever the owner of a nonproducing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be canceled by the Secretary if such default continues for the period of thirty days after mailing of notice by registered letter to the lease owner at the lease owner's record post office address.

(b) CANCELLATION OF PRODUCING LEASE. Whenever the owner of any producing lease fails to comply with any of the provisions of this title, or of any applicable provision of Federal or State environmental law, or of the lease, or of any regulation issued under this title, such lease may be forfeited and canceled by any appropriate proceeding brought by the Secretary in any United States district court having jurisdiction under the provisions of this title.

(c) ADDITIONAL PROVISIONS. (1) In addition to the authority for lease cancellation provided for by subsections (a) and (b) of this section, any lease may be canceled at any time, if the Secretary determines, after a hearing, that—

(A) continued activity pursuant to such lease is likely to result in a significant adverse effect to fish or wildlife, their habitat, or the environment, or is likely to result in serious harm or damage to human life, to property, or to the national security or defense; and

(B) the likelihood of a significant adverse effect will not disappear within a reasonable period of time or the threat of harm or damage will not disappear or decrease to any acceptable extent within a reasonable period of time.

(2) Such cancellation shall not occur unless and until operations under such lease or permit shall have been under suspension, or temporary prohibition, by the Secretary, with due extension of any lease term continuously for a period of five years, or for a lesser period upon request of the lessee.

(3) Cancellation under this subsection shall entitle the lessee to receive such compensation as the lessee demonstrates to the Secretary to be equal to the lesser of (A) the fair market value of the cancelled rights as of the date of cancellation, taking account of both anticipated revenues from the lease and anticipated costs, including the costs of compliance with all applicable regulations and operating orders, liability for cleanup costs or damages, or both, in the case of an oil spill or spill of other hazardous or toxic materials, fines, damages, penalties, or removal costs assessed pursuant to section 9315 of this title or other State or Federal environmental laws, any fees paid pursuant to section 9503 of this title, and all other costs reasonably anticipated on the lease; or (B) the excess, if any, over the lessee's revenues from the lease (plus interest thereon from the date of receipt to the date of reimbursement) of all consideration paid for the lease and all direct expenditures made by the lessee (exclusive of any fines, damages, penalties, or removal costs assessed pursuant to section 9315 of this Act or other State or Federal environmental laws, and any fees paid pursuant to section 9503 of this Act) after the date of issuance of such lease and in connection with exploration or development, or both, pursuant to the lease (plus interest on such consideration and such expenditures from date of payment to date of reimbursement).

SEC. 9311. ASSIGNMENT OR SUBLETTING OR LEASES.—No lease issued under the authority of this title shall be assigned or sublet, except with the consent of the Secretary.

SEC. 9312. RELINQUISHMENT. The lessee may, at the discretion of the Secretary, be permitted at any time to make written relinquishment of all rights under any lease issued pursuant to this title. The Secretary shall accept the relinquishment by the lessee of any lease issued under this title where there has not been surface disturbance on the lands covered by the lease.

SEC. 9313. UNITIZATION.—For the purpose of conserving the natural resources of any oil or gas pool, field, or like area, or any part thereof and in order to avoid the unnecessary duplication of facilities, to protect the environment of the Coastal Plain, and to protect correlative rights, the Secretary shall require to the greatest extent practicable, that lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or like area, or any part thereof. The Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage.

SEC. 9314. OIL AND GAS INFORMATION.—(a)(1) Any lessee or permittee conducting any exploration for, or development or production of, oil or gas pursuant to this title shall provide the Secretary access to all data and information (including processed, analyzed, and interpreted information) obtained from such activity and shall provide copies of such data and information as the Secretary may request. Such data and information shall be provided in accordance with regulations which the Secretary shall prescribe.

(2) If interpreted information provided pursuant to paragraph (1) of this subsection is provided in good faith by the lessee or permittee, such lessee or permittee shall not be responsible for any consequence of the use or of reliance upon such interpreted information.

(3) Whenever any data or information is provided to the Secretary, pursuant to paragraph (1) of this subsection—

(A) by a lessee or permittee, in the form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information;

(B) by a lessee or permittee, in such other form and manner of processing as the Secretary may request, the Secretary shall pay the reasonable cost of processing and reproducing such data and information.

(b) The Secretary shall prescribe regulations to: (1) assure that the confidentiality of privileged or proprietary information received by the Secretary under this section will be maintained; and (2) set forth the time periods and conditions which shall be applicable to the release of such information.

SEC. 9315. REMEDIES AND PENALTIES.—

(a) GENERAL.—Except as provided in section 9316 of this title, the district courts of the United States shall have jurisdiction of cases and controversies arising out of, or in connection with, any lease issued under this title. Proceedings may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located.

(b) ACTIONS FOR RELIEF.—At the request of the Secretary, the Attorney General or a United States Attorney shall institute a civil action in the district court of the United States for the district in which any defendant resides or may be found, or in the judicial district in which the Coastal Plain is located, for a temporary restraining order, injunction, or other appropriate remedy to enforce any provision of this title, any regulation or order issued under this title, or any term of a lease issued pursuant to this title.

(c) CIVIL PENALTIES.—If any person fails to comply with any provision of this title, or any term of a lease issued pursuant to this title, or any regulation or order issued under this title, after notice of such failure and expiration of any reasonable period allowed for corrective action, such person shall be liable for a civil penalty of not more than $10,000 for each day of the continuance of such failure. The Secretary may assess, collect and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.

(d) Criminal Penalties.—Any person who knowingly and willfully: (1) violates any provision of this title, any term of a lease issued pursuant to this title, or any regulation or order issued under the authority of this title designed to protect health, safety, or the environment or conserve natural resources; (2) makes any false statement, representation, or certification in any application, record, report or other document filed or required to be maintained under this title; (3) falsifies, tampers with, or renders inaccurate any monitoring device or method of record required to be maintained under this title; or (4) reveals any data or information required to be kept confidential by this Act, shall, upon conviction, be punished by a fine of not more than $100,000, or by imprisonment for not more than ten years, or both. Each day that a violation under clause (1) of this subsection continues, or each day that any monitoring device or data recorder remains inoperative or inaccurate because of any activity described in clause (3) of this subsection, shall constitute a separate violation.

(e) Liability of Corporate Officers and Agents for Violations by Corporation.—Whenever a corporation or other entity is subject to prosecution under subsection (d) of this section, any officer or agent of such corporation or entity who knowingly and willfully authorized, ordered, or carried out the proscribed activity shall be subject to the same fines or imprisonment, or both, as provided for under subsection (d) of this section.

(f) Concurrent and Cumulative Nature of Penalties.—The remedies and penalties prescribed in this title shall be concurrent and cumulative and the exercise of one shall not preclude the exercise of the others. Further, the remedies and penalties prescribed in this title shall be in addition to any other remedies and penalties afforded by any other law or regulation.

(g) Removal Costs and Liability for Damages.—Notwithstanding any other provision of law, if any area of the Coastal Plain or adjacent State waters has been or is being polluted by discharges of oil or hazardous or toxic substances from exploration, development, or production of oil or gas or related activities, conducted by, or on behalf of, a responsible party, and if the pollution has damaged or is damaging fish or wildlife, their habitat, or the environment of the Coastal Plain or adjacent State waters, or if such pollution is causing a substantial threat of damaging those fish or wildlife, their habitat, or the environment of the Coastal Plain or adjacent State waters, the responsible party shall be jointly, severally and strictly liable for the removal costs and damages specified in this subsection that arise directly out of or directly result from pollution that has damaged, or is damaging or is causing a substantial threat of damaging fish or wildlife, their habitat, or the environment of the Coastal Plain or adjacent State waters. The Secretary shall make a determination with respect to such liability after notice to the responsible party and an opportunity for hearing. Upon failure of the responsible party adequately to control and remove the pollutant or threat, the Secretary, in cooperation with other Federal, State or local agencies, or in cooperation with the responsible party, or both, shall have the right to accomplish the control and removal at the expense of the responsible party. Funds contained in the Coastal Plain Liability and Reclamation Fund, provided for by section 9503 of this title, may be used to accomplish such control and removal until such time as sufficient funds can be recovered from the responsible party. The removal costs and damages referred to in this subsection are the following—

(1) all necessary removal costs as determined by the Secretary;

(2) damages for injury to, destruction of, loss of, and reclamation of natural resources, including the reasonable costs of assessing such injury, destruction, loss or reclamation; and

(3) damages for economic loss resulting from injury to, or destruction of, real or personal property or natural resources, and loss of subsistence use of natural resources by local residents.

Sec. 9316. Expedited Judicial Review.—Any complaint filed seeking judicial review of an action of the Secretary in promulgating any regulation under this title may be filed only in the United States Court of Appeals for the District of Columbia, and such complaint shall be filed within ninety days from the date of such promulgation, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint. Any complaint seeking judicial review of any other actions of the Secretary under this title may be filed in any appropriate district court of the United States, and such complaint must be filed within ninety days from the date of the action being challenged, or after such date if such complaint is based solely on grounds arising after such ninetieth day, in which case the complaint must be filed within ninety days after the complainant knew or reasonably should have known of the grounds for the complaint.

Sec. 9317. Annual Report to Congress.—On March 1st of each year following the date of enactment of this title, the Secretary shall prepare and submit to the Congress an annual report on the leasing program authorized by this title.

Sec. 9318. Interests of the Inupiat Eskimo People.—(a) The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3143) insofar as they have application to lands or interests therein owned by the Inupiat Eskimo people within the Arctic National Wildlife Refuge, but outside the Coastal Plain, are hereby repealed.

(b) The prohibitions and limitations contained in section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. Sec. 3143) insofar as they have application to lands or interests therein owned by the Inupiat Eskimo people within the Coastal Plain are hereby repealed as of the day after the first lease sale is held pursuant to this title. With respect to the lands and interests therein described in this subsection, no exploratory drilling activities shall be authorized until the day after such lease sale.

(c) The substantive provisions of the final regulations issued pursuant to this title which establish environmental stipulations, terms and conditions for oil and gas leasing on the Coastal Plain shall apply to the exploration and development of all subsurface property interests owned by the Inupiat Eskimo people within the Arctic National Wildlife Refuge; provided that prior to issuance of such regulations, oil and gas exploration and development activities on the land and interests therein described in subsection (a), shall be governed by the stipulations set forth in Appendix 2 of the August 9, 1983 agreement between the Arctic Slope Regional Corporation and the United States.

(d) Any claims for money damages or other available relief brought by Arctic Slope Regional Corporation or Kaktovik Inupiat Corporation alleging that the provisions of this title constitute a taking of contract or property rights under the Fifth Amendment to the Constitution of the United States may be brought within 120 days of its enactment. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceedings in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any claim whether in a proceeding instituted prior to or on or after the date of enactment of this title. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

Subtitle D. Coastal Plain Environmental Protection

Sec. 9401. (a) No Significant Adverse Effect Standard To Govern Authorized Coastal Plain Activities.—The Secretary shall administer the provisions of this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment, and that shall require the application of the best commercially available technology for oil and gas exploration, development, and production, on all new exploration, development, and production operations, and whenever practicable, on existing operations.

(b) Site-specific Assessment and Mitigation.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, and the environment;

(2) a mitigation plan be implemented to avoid, minimize and compensate (in that order and to the extent practicable) any significant adverse effect assessed under paragraph (1) of this subsection; and

(3) the development of the mitigation plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

Sec. 9402. Regulations To Protect the Coastal Plain's Fish and Wildlife Resources, Subsistence Users, and the Environment.—

(a) Prior to implementing the leasing program authorized by subtitle C of this title, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken in the Coastal Plain authorized by this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(b) The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program authorized by subtitle C of this title shall require compliance with all applicable provisions of Federal and State environmental law and shall also require:

(1) as a minimum, the safety and environmental mitigation measures set forth in items one through twenty-nine (1 through 29) at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain;

(2) seasonal limitations on exploration, development and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning and migration;

(3) that exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 and that exploration activities will be supported by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods: Provided, That such exploration activities may be permitted at other times if the Secretary determines, after affording an opportunity for public comment and review, that special circumstances exist necessitating that exploration activities be conducted at other times of the year and he finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain;

(4) design safety and construction standards for all pipelines and any access and service roads that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges and other structural devices;

(5) prohibitions on public access and use on all pipeline access and service roads;

(6) stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this title, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures and equipment upon completion of oil and gas production operations: *Provided*, That the Secretary may exempt from the requirements of this paragraph those facilities, structures or equipment which the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and which are donated to the United States for that purpose;

(7) appropriate prohibitions or restrictions on access by all modes of transportation;

(8) appropriate prohibitions or restrictions on sand and gravel extraction;

(9) consolidation of facility siting;

(10) appropriate prohibitions or restrictions on use of explosives;

(11) avoidance, to the extent practicable, of springs, streams and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling;

(12) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(13) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, in accordance with applicable Federal and State environmental law;

(14) fuel storage and oil spill contingency planning;

(15) research, monitoring and reporting requirements;

(16) field crew environmental briefings;

(17) avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users;

(18) compliance with applicable air and water quality standards;

(19) appropriate seasonal and safety zone designations around well sites within which subsistence hunting and trapping would be limited;

(20) reasonable stipulations for protection of cultural and archeological resources; and

(21) all other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(c) In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider:

(1) the environmental protection standards which governed the initial Coastal Plain seismic exploration program (50 CODE OF FEDERAL REGULATIONS 37.31–33);

(2) the land use stipulations for exploratory drilling on the KIC-ASRC private lands which are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States; and

(3) the operational stipulations for Koniag ANWR Interest lands contained in the draft Agreement between Koniag, Inc. and the United States of America on file with the Secretary on December 1, 1987.

SEC. 9403. SADLEROCHIT SPRING SPECIAL AREA. (a)(1) The Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map referenced in section 9102 of this title, is hereby designated to be a Special Area. Such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(2) Pursuant to subsection (d) of section 9304 of this title, the Secretary may exclude the Sadlerochit Spring Special Area from leasing.

(3) In the event that the Secretary leases the Sadlerochit Spring Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(b) The Secretary is authorized to designate other areas of the Coastal Plain as Special Areas if the Secretary determines that they are of unique character and interest so as to require such special protection. The Secretary shall notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives of the Secretary's intent to designate such areas ninety days in advance of making such designations. Any such areas designated as Special Areas shall be managed in accordance with the standards set forth in subsection (a) of this section.

SEC. 9404. FACILITY CONSOLIDATION PLANNING. (a) The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources. This plan shall have the following objectives:

(1) avoiding unnecessary duplication of facilities and activities;

(2) encouraging consolidation of common facilities and activities;

(3) locating or confining facilities and activities to areas which will minimize impact on fish and wildlife, their habitat, and the environment;

(4) utilizing existing facilities wherever practicable; and

(5) enhancing compatibility between wildlife values and development activities.

(b) The plan prepared under this section shall supplement any comprehensive conservation plan prepared pursuant to the requirements of section 304(g) of the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2394).

SEC. 9405. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN. Notwithstanding Title XI of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3161 et seq.), the Secretary is authorized to grant under section 28 of the Mineral Leasing Act (30 U.S.C. 185) rights-of-way and easements across the Coastal Plain for the transportation of oil and gas under such terms and conditions as may be necessary so as not to result in a significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain. Such terms and conditions shall include requirements that facilities be sited or modified so as to avoid unnecessary duplication of roads and pipelines. The regulations issued pursuant to this title shall include provisions regarding the granting of rights-of-way across the Coastal Plain.

SEC. 9406. ENVIRONMENTAL STUDIES. In addition to any other environmental studies required by law, subsequent to exploring or developing of any area or region of the Coastal Plain, the Secretary shall conduct such additional studies to establish environmental information as he deems necessary, and shall monitor the human, marine, and coastal environments of such area or region in a manner designed to provide information which can be used for comparison with any previously-collected data for the purpose of identifying any effects on fish or wildlife and their habitat and any significant changes in the quality and productivity of such environments, for establishing trends in the areas studied and monitored, and for designing experiments to identify the causes of such effects or changes.

SEC. 9407. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS. (A) RESPONSIBILITY OF THE SECRETARY. The Secretary shall diligently enforce all regulations, lease terms, conditions, restrictions, prohibitions, and stipulations promulgated pursuant to this title.

(b) RESPONSIBILITIES OF HOLDERS OF LEASE. It shall be the responsibility of any holder of a lease under this title to—

(1) maintain all operations within such lease area in compliance with regulations intended to protect persons and property on, and fish and wildlife, their habitat, and the environment of, the Coastal Plain; and

(2) allow prompt access at the site of any operations subject to regulation under this title to any appropriate Federal or State inspector, and to provide such documents and records which are pertinent to occupational or public health, safety, or environmental protection, as may be requested.

(c) ON-SITE INSPECTION OF FACILITIES.—The Secretary shall promulgate regulations to provide for—

(1) scheduled onsite inspection by the Secretary, at least twice a year, of each facility on the Coastal Plain which is subject to any environmental or safety regulation promulgated pursuant to this title or such provisions contained in any lease issued pursuant to this title to assure compliance with such environmental or safety regulations; and

(2) periodic onsite inspection by the Secretary at least once a year without advance notice to the operator of such facility to assure compliance with all environmental or safety regulations.

SEC. 9408. FUNDING FOR ENVIRONMENTAL MONITORING AND ENFORCEMENT.—The Congress authorizes and directs that the Secretary of the Treasury shall make available to the Administrator of the Environmental Protection Agency (Administrator) an amount of $5,000,000.00, not later than 60 days after the first lease sale pursuant to Section 9304 and annually thereafter, until 10 years after oil and gas exploration, production and development activities on the Coastal Plain have ceased. The Administrator shall distribute annually to the State of Alaska not less than 25% of such amount. These moneys shall be used for activities, or in support of activities, within the State of Alaska by the Environmental Protection Agency and the State of Alaska for monitoring compliance with, and enforcing, all Federal environmental laws within their jurisdiction applicable to oil and gas exploration, development and production under this title, and monitoring compliance with, and enforcing, all such laws, with respect to owners, operators, and other persons having business in connection with leases granted pursuant to this title. For purposes of this section, all such Federal environmental laws shall include, but are not limited to, the Clean Air Act (42 U.S.C. 7401–7642), the Solid Waste Disposal Act (42 U.S.C. 6901–6987); the Federal Water Pollution Control Act (33 U.S.C. 1251–1376); the Comprehensive Environmental Response, Compensation, and Liability Act (26 U.S.C. 4611 et. seq. and 42 U.S.C. 9601–9675); and the Safe Drinking Water Act (42 U.S.C. 300f–300j–9). The Administrator and the State of Alaska shall enter into a cooperative agreement to coordinate their responsibilities under this section. The Administrator shall consult with the U.S. Department of Transportation and the State of Alaska on the appropriate role of the State of Alaska in monitoring and enforcing the Hazardous Materials Transportation Act (49 App. U.S.C. 1801–1814). The Administrator shall submit annually a report to the Congress on the amount of funds expended and activities carried out pursuant to this section.

Subtitle E. Land Reclamation and Reclamation Liability Fund

SEC. 9501. LAND RECLAMATION.—The holder of a lease or leases on lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands adversely affected in connection with exploration, development, or transportation activities on a lease within the Coastal Plain. The holder of a lease shall also be responsible for conducting any land reclamation required as a result of activities conducted on the lease by any of the leaseholder's subcontractors or agents. The holder of a lease may not delegate or convey, by contract or otherwise, this responsibility and liability to another party without the express written approval of the Secretary.

SEC. 9502. STANDARD TO GOVERN LAND RECLAMATION.—The standard to govern the reclamation of lands required to be reclaimed under this title, following their temporary disturbance or upon the conclusion of their use or prolonged commercial production of oil and gas and related activities, shall be reclamation and restoration to a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary; except that in the case of roads, drill pads and other gravel-foundation structures, reclamation and restoration shall be to a condition as closely approximating the original condition of such lands as is feasible using the best commercially available technology. Reclamation of lands shall be conducted in a manner that will not itself impair or cause significant adverse effects on fish or wildlife, their habitat, or the environment.

SEC. 9503. COASTAL PLAIN LIABILITY AND RECLAMATION FUND.—(a) Within six months of a commercial discovery within the Coastal Plain, the Coastal Plain Liability and Reclamation Fund (the "Reclamation Fund") is hereby directed to be established by the Secretary.

(b) The Secretary shall collect from the owner of any commercially-produced crude oil or natural gas liquids from the Coastal Plain at the time and point where such crude oil first enters the trans-Alaska pipeline a fee of five cents per barrel. The collection of the fee shall cease when $50,000,000 has been accumulated in the Reclamation Fund, and it shall be resumed at any time that the accumulation of revenue in the Reclamation Fund falls below $45,000,000.

(c) All revenues collected under subsection (b) shall be paid into the Reclamation Fund. The reasonable costs of administration of the Reclamation Fund shall be paid from the revenues in the Reclamation Fund. All sums not needed for administration of the Reclamation Fund or making authorized payments out of the Fund shall be invested prudently by the Secretary in income-producing securities. Income from such securities shall be added to the principal of the Reclamation Fund.

(d) The revenues in the Reclamation Fund shall be available, with the approval of the Secretary, for the following purposes:

(1) to compensate promptly any person or entity, public or private, for any damages caused by oil and gas exploration, development and production activities on or in the vicinity of the Coastal Plain;

(2) to reclaim any area of the Coastal Plain not reclaimed in accordance with the standard set forth in section 9502 of this title, by the operator or the holder of a lease or leases;

(3) up to $15,000,000.00 annually to reclaim and restore:

(A) any area of the Arctic National Wildlife Refuge or other North Slope Federal lands affected by past and future oil and gas exploration, development, or production; and

(B) North Slope non-federal lands affected by future exploration, development, or production on the Coastal Plain,

which are not reclaimed and restored in accordance with applicable Federal and State law;

(4) up to $2,000,000.00 annually to the Director of the Fish and Wildlife Service to monitor and conduct research on fish and wildlife species which utilize the land and water resources of the Coastal Plain; and

(5) to reclaim at the conclusion of the period of exploration, development and production, any area of the Coastal Plain and related lands which have not been properly reclaimed by the operator or lease holder.

(e) The United States shall have legal recourse against any party or entity who is responsible for the reclamation of any area within the Coastal Plain, to recover any funds expended under paragraphs (1), (2), (3) and (5) of this subsection due to a failure by the responsible party to reclaim such area as required by this Act: *Provided*, That such right of recovery shall not be available against any Alaska Natives conducting traditional subsistence use activities. Any funds so recovered shall be deposited in the Reclamation Fund.

(f) Any moneys remaining in the Reclamation Fund fifty years after the period of active oil and gas exploration, development, production and reclamation has been concluded in the Coastal Plain shall be paid into the general fund of the U.S. Treasury.

Subtitle F. Disposition of Oil and Gas Revenues

SEC. 9601. DISTRIBUTION OF REVENUES.—Notwithstanding any other provision of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest charges or other income derived from the leasing of oil and gas resources within the Arctic National Wildlife Refuge, Alaska shall be distributed as follows:

(a) 50 per centum to the State of Alaska; and

(b) 50 per centum to the United States.

SEC. 9602. ENERGY SECURITY FUND.—(a) Revenues distributed to the United States pursuant to subsection 9601(b) shall be deposited into a special account in the Treasury which shall be known as the Energy Security Fund. Revenues may be expended from the Energy Security Fund solely as provided in this section.

(b)(1) Not later than 30 days after the date of enactment of this title, the Secretary of Energy shall initiate a process to identify and prepare a list, in descending order of priority, of energy-related projects or programs to enhance this nation's energy security and reduce dependence on imported oil (hereinafter in this subtitle referred to as "the list"). In preparing the list, the Secretary of Energy shall consult with such governmental or non-governmental entities or individuals as the Secretary deems necessary.

(2) Following notice and comment, the initial list shall be transmitted to the Congress as part of the first budget submitted by the President following the initial deposit of funds in the Energy Security Fund.

(3) Thereafter, annual revisions of the list shall be prepared and transmitted in accordance with paragraph 2.

(c) The list shall consist of specific projects or programs (including an estimate of the costs thereof) identified by the Secretary of Energy relating to: energy efficiency and conservation; energy efficiency in transportation; energy research, development, demonstration, and commercialization; fossil energy, including clean coal technology and oil and gas extraction; electrical energy transmission and generation; advanced nuclear reactor programs pursuant to Title XII of this Act; and renewable energy resources, such as solar, geothermal, and hydroelectric power.

(d) In identifying projects or programs for inclusion on the list, the Secretary of Energy shall give special consideration to those which (A) minimize or reduce reliance on imported oil; (B) reduce energy costs to consumers; (C) enhance reliability of energy supplies and national security; (D) foster the commercialization of new energy technologies; (E) increase the efficient use of nonrenewable resources such as coal, natural gas, and oil; (F) have the least potential social costs and adverse impacts on the environment; and (G) enhance the diversification of the Nation's domestic energy supply.

(e) The Secretary of the Treasury shall notify the Congress and the Secretary of Energy on an annual basis as to the amounts available for allocation from the Energy Security Fund.

(f) Unless the list is subsequently modified by law, the Secretary of the Treasury is authorized and directed, without further appropriation, beginning one year after the list is transmitted to the Congress pursuant to paragraph (c)(1), to make funds from the Energy Security Fund directly available to the Secretary of Energy to be used to fund those projects or programs on the list in an amount and in the manner and sequence provided therein.

SEC. 9603. JUDICIAL REVIEW AND NON-SEVERABILITY.—(a) Notwithstanding the provisions of section 9316 of this title, any legal action, including an action for declaratory judgment, to challenge the determination made in section 9601(a) of this title of the State of Alaska's share of oil and gas revenues shall be assigned for hearing and completed at the earliest possible date, shall, to the greatest extent practicable, take precedence over all other matters pending on the docket of the court at that time, and shall be expedited in every way by such court. Any such action shall be brought within ninety days of enactment of this title in an appropriate United States District Court. Such action shall be barred unless a complaint is filed within the time specified. Any review of an interlocutory or final judgment, decree, or order of the United States District Court in such action may be had only upon direct appeal to the Supreme Court of the United States.

(b) Nothing in this section shall be construed to grant causes of action to any person or to waive any defenses which may be available to the United States.

(c) If any action is brought in accordance with subsection (a), no lease sale shall occur under section 9304 of this title until a final nonappealable decision has been issued in any such action.

(d) If the revenue sharing provision of section 9601(a) of this title is held invalid, the remainder of this title shall be void.

Subtitle G. Export Restrictions

SEC. 9701. CRUDE OIL EXPORT RESTRICTIONS.—(a) Notwithstanding any other provision of law, no crude oil produced from lands in the Coastal Plain (except any such crude oil which (1) is exported to an adjacent foreign country to be refined and consumed therein in exchange for the same quantity of crude oil being exported from that country to the United States; such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in subsection (b)(1)(B) of this section, (2) is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States, or (3) is transported to Canada, to be consumed therein, in amounts not to exceed an annual average of 50,000 barrels per day, in addition to exports under paragraphs (1) and (2), except that any ocean transportation of such oil shall be by vessels documented under section 12106 of title 46, United States Code) may be exported from the United States, or any of its territories and possessions, subject to subsection (b) of this section.

(b) Crude oil subject to the prohibition contained in subsection (a) may be exported only if—

(1) the President so recommends to the Congress after making and publishing express findings that exports of such crude oil, including exchanges—

(A) will not diminish the total quantity or quality of petroleum refined within, stored within, or legally committed to be transported to and sold within the United States;

(B) will, within 3 months following the initiation of such exports or exchanges, result in (I) acquisition costs to the refiners which purchase the imported crude oil being lower than the acquisition costs such refiners would have to pay for the domestically produced oil in the absence of such an export or exchange, and (II) not less than 75 percent of such savings in costs being reflected in wholesale and retail prices of products refined from such imported crude oil;

(C) will be made only pursuant to contracts which may be terminated if the crude oil supplies of the United States are interrupted, threatened, or diminished;

(D) are clearly necessary to protect the national interest; and

(E) are in accordance with the provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 and following); and

(2) the President includes such findings in his recommendation to the Congress and the Congress, within 60 days after receiving that recommendation, agrees to a joint resolution which approves such exports on the basis of those findings, and which is thereafter enacted into law.

(c) Notwithstanding any other provision of this section or any other provision of law, the President may export oil produced from lands in the Coastal Plain to any country pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979, or to meet obligations of the United States under the International Energy Program in accordance with voluntary agreements or plans of action under section 252 of the Energy Policy and Conservation Act.

TITLE X—NATURAL GAS

SEC. 10001. OPTIONAL PROCEDURES FOR THE CONSTRUCTION OF NATURAL GAS FACILITIES.

(a) DEFINITIONS.—For the purposes of this section the term—

(1) "Commission" means the Federal Energy Regulatory Commission;

(2) "transportation service" means the transportation in interstate commerce of natural gas by a natural-gas company for itself or any other person;

(3) "rate schedule" means a statement of a rate or charge for a particular classification of transportation in interstate commerce of natural gas, and all terms, conditions, classifications, practices, rules and regulations affecting such rate or charge.

(4) "rate" means a rate or charge demanded or received for a particular classification of transportation in interstate commerce of natural gas, and all terms, conditions, classifications, practices, rules and regulations affecting such rate or charge.

(b) CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.—

(1) CONSTRUCTION.—For the purposes of section 7 of the Natural Gas Act, a certificate of public convenience and necessity is not required for the construction of a facility to provide transportation service: Provided, That the construction of such facility commences after the date of enactment of the National Energy Security Act of 1991.

(2) OPERATION.—Upon the initiation of transportation service rendered by a facility constructed pursuant to paragraph (1), the Commission, pursuant to its authority under section 7 of the Natural Gas Act, shall immediately issue a certificate of public convenience and necessity for such transportation service. The natural-gas company shall accept the certificate. The certificate shall include such reasonable terms and conditions as the public convenience and necessity may require.

(c) RATE SCHEDULES; BOOKS, ACCOUNTS AND RECORDS; AND RATE REVISIONS.—

(1) RATE SCHEDULES.—

(i) Prior to initiating transportation service utilizing a facility constructed pursuant to paragraph (b)(1), the natural-gas company shall file with the Commission the rate schedule for such facility.

(ii) The natural-gas company shall keep in convenient form and place and make open for public inspection the rate schedule for such facility.

(iii) An agreement between the natural-gas company and a person, including itself, who contracts for transportation service to be rendered utilizing such facility, may constitute a rate schedule: Provided, That such agreement is inclusive of all data and information required to be set forth in a rate schedule.

(iv) The rate for a facility constructed pursuant to paragraph (b)(1) shall be established on a stand-alone and incremental basis.

(2) BOOKS, ACCOUNTS AND RECORDS.—A natural-gas company that constructs a facility pursuant to paragraph (b)(1) shall maintain a separate system of books, accounts and records for such facility.

(3) RATE REVISIONS.—

(i) Upon its own motion or upon a complaint by any person, the Commission shall review the rate for a facility constructed pursuant to paragraph (b)(1) to ascertain whether there is a reasonable basis to conclude that such rate may be unjust, unreasonable, unduly discriminatory or preferential within the meaning of the Natural Gas Act.

(ii) If, as a result of such review, the Commission determines that there is a reasonable basis to conclude that such rate may be unjust, unreasonable, unduly discriminatory or preferential, pursuant to its authority under section 5 of the Natural Gas Act the Commission shall initiate a proceeding to determine if the rate is unjust, unreasonable, unduly discriminatory or preferential within the meaning of the Natural Gas Act.

(iii) If, as a result of the proceeding initiated under section 5 of the Natural Gas Act, the Commission finds that such rate is unjust, unreasonable, unduly discriminatory or preferential within the meaning of the Natural Gas Act, pursuant to its authority under section 5 of the Natural Gas Act the Commission shall determine the just and reasonable rate, charge, classification rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order.

(d) RATE BASE TREATMENT.—A natural-gas company may not, for ten years subsequent to the date on which a facility constructed pursuant to paragraph (b)(1) was placed into service, allocate the costs incurred for the construction, operation or maintenance of such facility to any other service rendered by such company.

(e) OTHER LAWS.—Except as expressly provided in this section, facilities constructed under authority of paragraph (b)(1) shall be subject to all applicable federal and state laws.

SEC. 10002. TRANSPORTATION OF NATURAL GAS UNDER THE NGPA.

Section 311 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371) is amended by—

(a) striking "AUTHORIZATION OF CERTAIN SALES AND TRANSPORTATION" and inserting in lieu thereof "AUTHORIZATION OF CERTAIN SALES, TRANSPORTATION AND CONSTRUCTION";

(b) striking "Commission Approval of Transportation" and inserting in lieu thereof "Commission Approval of Transportation and Construction"; and by

(c) striking paragraph 311(a)(1), and inserting in lieu thereof the following:

"(1) INTERSTATE PIPELINES.—

"(A) TRANSPORTATION.—The Commission may, by rule or order, authorize any interstate pipeline to transport natural gas on behalf of any other person.

"(B) CONSTRUCTION.—The Commission may, by rule or order, authorize the construction of facilities to transport natural gas in interstate commerce pursuant to subparagraph (A).

"(C) JUST AND REASONABLE RATES.—The rates and charges of any interstate pipeline with respect to any transportation authorized under subparagraph (A) shall be just and reasonable (within the meaning of the Natural Gas Act).

"(D) NON-DISCRIMINATORY TRANSPORTATION.—Any transportation authorized under subparagraph (A) shall not be unjust, unreasonable, unduly discriminatory or preferential (within the meaning of the Natural Gas Act).".

SEC. 10003. NEPA COMPLIANCE.

(a) LEAD AGENCY.—In cases where Federal Energy Regulatory Commission authorization of the construction or operation of facilities or projects under the Natural Gas Act or the Federal Power Act may be deemed a major Federal action under the National Environmental Policy Act or requires the preparation of other environmental documents, the Commission shall be the lead agency and shall have primary authority for compliance with section 2 and title I of the National Environmental Policy Act. The Commission may set reasonable time limits for consultation with other Federal agencies which participate in the review of a proposed facility or project pursuant to the National Environmental Policy Act to complete their review of any potential environmental impacts of the construction or operation of such facility or project, and for such other agencies to consult and submit comments to the Commission.

(b) ENVIRONMENTAL DOCUMENTS.—Where environmental documents are prepared in connection with applications for authority to construct or operate facilities or projects under the Natural Gas Act or the Federal Power Act, the Federal Energy Regulatory Commission shall permit, at the election of the applicant, a contractor, consultant or other person funded by the applicant to prepare such environmental document. The contractor shall be chosen by the Commission in its sole discretion. The Commission shall establish procedures to assure that the contractor, consultant or other person has no financial or other potential conflict of interest in the outcome of the proceeding. Nothing herein shall affect the Commission's responsibility to comply with the National Environmental Policy Act.

SEC. 10004. RATES AND CHARGES.

(a) NOTICE OF CHANGES.—The first and third sentences of section 4(d) of the Natural Gas Act (17 U.S.C. 717c(d)) are amended by striking "thirty days' notice" and inserting in lieu thereof "sixty days' notice".

(b) REFUNDS OF OVERCHARGES.—The third and fourth sentences of section 4(e) of the Natural Gas Act (17 U.S.C. 717c(e)) are amended to read as follows: "Where changes in rates or charges are thus made effective, the Commission may, by order, require the natural-gas company to furnish a bond, to be approved by the Commission, to refund any amounts ordered by the Commission, to keep accurate accounts in detail of all amounts received by reason of such changes, specifying by whom and in whose behalf such amounts were paid, and, upon completion of the hearing and decision, to order the natural-gas company to refund, with interest, the portion of such rates or charges by its decision found to be not justified. At any hearing involving a rate or charge sought to be changed, the burden of proof to show that the changed rate or charge is just and reasonable shall be upon the natural-gas company, and the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible.".

SEC. 10005. UTILIZATION OF RULEMAKING PROCEDURES.

The first sentence of section 403(c) of the Department of Energy Organization Act (42 U.S.C. 7173(c)) is amended to read as follows: "Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or to the establishment of rates and charges, the issuance of a certificate of public convenience and necessity, or the abandonment of facilities and services under the Natural Gas Act may be conducted by rulemaking procedures.".

SEC. 10006. REVIEW OF COMMISSION ORDERS.

(a) NATURAL GAS ACT AMENDMENTS.—

(1) REHEARING.—Section 19(a) of the Natural Gas Act (15 U.S.C. 717r(a)) is amended by striking "Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application may be deemed to have been denied." and inserting in lieu thereof "Unless the Commission issues a final order on the application for rehearing within sixty days after it is filed, such application shall be deemed denied: Provided, That the Commission may, for extraordinary cause, extend the period for rehearing an additional sixty days.".

(2) COURT REVIEW.—Section 19(b) of the Natural Gas Act (15 U.S.C. 717r(b)) is amended by striking the first through third sentences and inserting the following in lieu thereof: "Any party to a proceeding under this act aggrieved by an order issued by the Commission in such proceeding may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein the natural-gas company to which the order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within thirty days after the order of the Commission upon the application for rehearing, a written petition praying that the order of the Commission be modified or set aside in whole or in part. The petition shall set forth specifically the ground or grounds upon which such petition is based. A copy of such petition shall forthwith be transmitted by the clerk of the court to the chairman of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.".

(b) NATURAL GAS POLICY ACT AMENDMENTS.—

(1) REHEARING.—Section 506(a)(2) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3416(a)(2)) is amended by striking "Unless the Commission acts upon such application for rehearing within 30 days after it is filed, such application shall be deemed to have been denied." and inserting in lieu thereof "Unless the Commission issues a final order on the application for rehearing within 60 days after it is filed, such application shall be deemed denied: Provided, That the Commission may, for extraordinary cause, extend the period for rehearing an additional sixty days.".

(2) COURT REVIEW.—Section 506(a)(4) of the Natural Gas Policy Act (15 U.S.C. 3416(a)(4)) is amended by striking the first through third sentences and inserting the following in lieu thereof: "Any person who is a party to a proceeding under this Act aggrieved by any final order issued by the Commission in such proceeding may obtain review of such order in the United States Court of Appeals for any circuit in which the party to which such order relates is located or has its principal place of business, or in the United States Court of Appeals for the District of Columbia circuit. Review shall be obtained by filing a written petition, requesting that such order be modified or set aside in whole or in part, in such Court of Appeals within 30 days after the final action of the Commission on the application for rehearing required under paragraph (2). The petition shall set forth specifically the ground or grounds upon which such petition is based. A copy of such petition shall forthwith be transmitted by the clerk of the court to the chairman of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code.".

SEC. 10007. LIMITED ANTITRUST RELIEF FOR INDEPENDENT GAS PRODUCER COOPERATIVES.

(a) DEFINITIONS—For the purposes of this section, the term—

(1) "antitrust laws" shall mean the Federal laws defined in section 2(37) of the Natural Gas Policy Act of 1978;

(2) "independent producer" means any person whose natural gas production does not exceed 6 million cubic feet per day: Provided, That any person who is an interstate pipeline, intrastate pipeline or local distribution company, as defined in sections 2(15), (16), and (17) of the Natural Gas Policy Act of 1978, or who is an affiliate of such person, as defined in section 2(27) of the Natural Gas Policy Act of 1978, may not be considered an independent producer for the purposes of this section;

(3) "independent producer cooperative" shall mean any group of independent producers formed and operated for the purpose of pooling natural gas to enable the cooperative members to bargain effectively for the sale of the natural gas to any person: Provided, That such group is not formed or operated for the purpose of raising prices.

(b) LIMITED ANTITRUST RELIEF.—

(1) In any civil action under the antitrust laws, the formation or operation of an independent producer cooperative shall not be deemed illegal per se, but shall be illegal only if the anticompetitive effects substantially outweigh the procompetitive effects.

(2) Nothing in this section shall affect the ability of the United States, any State or a

private party from obtaining an injunction against an independent producer cooperative for conduct that is proven to be illegal under the standard set forth in paragraph (1).

SEC. 10008. VEHICULAR NATURAL GAS JURISDICTION.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term "VNG" means natural gas for ultimate use as a fuel in a motor vehicle, and includes compressed natural gas.

(2) the term "Motor Vehicle" includes any automobile, truck, bus, van, or other on-road or off-road motor vehicle, including a boat.

(b) PERSONS WITH HINSHAW EXEMPTIONS.—

(1) PLACE OF ULTIMATE CONSUMPTION.—For purposes of section 1(c) of the Natural Gas Act, in the case of any sale of VNG, such VNG shall be deemed to be "ultimately consumed" within the state in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another state.

(2) STATE REGULATION.—For purposes of section 1(c) of the Natural Gas Act, certification from a State commission to the Federal Energy Regulatory Commission that such State commission has regulatory jurisdiction over the rates, services and facilities of a person (who receives natural gas from another person within or at the boundary of a State all of which natural gas so received is ultimately consumed within such State) and is exercising such jurisdiction shall constitute conclusive evidence of such regulatory power or jurisdiction even in cases where such State commission does not have jurisdiction by reason of State law, or is not exercising jurisdiction, over the sale for resale or transportation of VNG.

(c) PERSONS WITH SERVICE AREA DETERMINATIONS.—For purposes of the Natural Gas Act—

(1) SALE FOR RESALE.—In the case of a sale for resale of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale shall be subject to the exclusive jurisdiction of the state commission in the state in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another state.

(2) TRANSPORTATION.—In the case of transportation of VNG by the holder of a service area determination under section 7(f) of the Natural Gas Act, such VNG shall for purposes of section 7(f)(2) of the Natural Gas Act be deemed to be "consumed" within the state in which physical delivery of such VNG occurs, whether or not physical combustion of such VNG occurs in another state.

(3) STATE REGULATION.—In case of a sale for resale of VNG, or the transportation of VNG, by a holder of a service area determination under section 7(f) of the Natural Gas Act, such sale for resale or transportation shall be deemed to be subject to the exclusive jurisdiction of the State commission of the State in which such sale for resale or transportation occurs whether or not the sale for resale or transportation of VNG is subject to the jurisdiction of the State commission under State law.

TITLE XI—TRANSPORTATION AND ALTERNATIVE FUELS

Subtitle A—Corporate Average Fuel Economy

SECTION 11001. SHORT TITLE.

This subtitle may be cited as the "Motor Vehicle Fuel Efficiency Act of 1991".

SEC. 11002. DEFINITIONS.

Section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) is amended by adding at the end the following new paragraphs:

"(15) The term 'light truck' means an automobile other than a passenger automobile."

"(16) The term 'vehicle class' means (i) all passenger automobiles; (ii) all light trucks; or (iii) a class of light trucks as determined by the Secretary of Transportation under section 502(b)(4).".

SEC. 11003. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES.

Section 502(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)) is amended by striking subsection (a) and inserting the following:

"(a)(1) Except as otherwise provided in subsection (c), the average fuel economy for passenger automobiles manufactured by any manufacturer in any model year after model year 1984 shall not be less than the number of miles per gallon established for such model year under the following table:

"Average fuel economy standard

"Model year	
"1985 through 1995	27.5 miles per gallon.
"1996 through 2001	Determined by the Secretary under paragraph (2)(A).
"2002 and thereafter	Determined by the Secretary under paragraph (2)(B).

"(2) Not later than July 1, 1992, the Secretary shall prescribe, by rule, for each manufacturer of passenger automobiles, average fuel economy standards for—

"(A) passenger automobiles manufactured by such manufacturer in model years 1996 through 2001; and

"(B) passenger automobiles manufactured by such manufacturer in model years 2002 and thereafter.

"(3) The average fuel economy standard prescribed by the Secretary for any manufacturer under paragraph (2) (A) or (B) shall be set at a level which the Secretary determines is the maximum feasible average fuel economy level for such manufacturer as determined under subsection (d).".

SEC. 11004. AVERAGE FUEL ECONOMY STANDARDS FOR LIGHT TRUCKS.

Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended further by striking subsection (b) and inserting the following:

"(b)(1) The Secretary shall, by rule, prescribe average fuel economy standards for light trucks which are manufactured by any manufacturer in each model year before model year 1996. Such standards shall be set at a level which the Secretary determines is the maximum feasible average fuel economy level which such manufacturers are able to achieve in each model year to which this subsection applies. Any standard applicable to a model year under this subsection shall be prescribed at least 18 months prior to the beginning of such model year.

"(2) Not later than July 1, 1992, the Secretary shall prescribe, by rule, for each manufacturer of light trucks, average fuel economy standards for—

"(A) light trucks manufactured by such manufacturer in model years 1996 through 2001; and

"(B) light trucks manufactured by such manufacturer in model years 2002 and thereafter.

"(3) The average fuel economy standard prescribed by the Secretary for any manufacturer under paragraph (2) (A) or (B) shall be set at a level which the Secretary determines is the maximum feasible average fuel economy level for such manufacturer as determined under subsection (d).

"(4) Any rule prescribed by the Secretary under this subsection may provide for separate standards for different classes of light trucks (as determined by the Secretary).".

SEC. 11005. EXEMPTIONS FOR MANUFACTURERS OF LIMITED NUMBERS OF PASSENGER AUTOMOBILES.

Section 502(c)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(c)(1)) is amended by inserting "for any model year prior to model year 1996" immediately before the period at the end of the first sentence.

SEC. 11006. CALCULATION OF AVERAGE FUEL ECONOMY STANDARDS FOR INDIVIDUAL MANUFACTURERS.

Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended further by striking subsection (d) and inserting the following:

"(d)(1) The Secretary shall determine the maximum feasible average fuel economy achievable for passenger automobiles, light trucks, or class of light trucks manufactured by any manufacturer (i) during model year 1996 through 2001 and (ii) during model year 2002 and thereafter by—

"(A) determining, in accordance with subsection (e)(2), the maximum feasible average fuel economy (in miles per gallon) of all automobiles of such vehicle class manufactured by all manufacturers during such period;

"(B) calculating the percentage increase in the average fuel economy of all automobiles of such vehicle class that the maximum feasible average fuel economy determined in paragraph (1) represents compared to the average fuel economy of all automobiles of such vehicle class manufactured in model year 1990 as determined in accordance with section 503; and

"(C) increasing the average fuel economy of automobiles of such vehicle class manufactured by such manufacturer in model year 1990 by the percentage increase calculated in accordance with paragraph (2).

"(2) The Secretary may apply different percentage increases to different vehicle classes, but shall apply the same percentage increase calculated under paragraph (1)(B) to all manufacturers of automobiles of such vehicle class.".

SEC. 11007. DETERMINATION OF MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) is amended further by striking subsection (e) and inserting the following:

"(e)(1) For purposes of subsections (a)(1), (b)(1), and (c), in determining maximum feasible average fuel economy, the Secretary shall consider—

"(A) technological feasibility;

"(B) economic practicability;

"(C) the effect of other Federal motor vehicle standards on fuel economy; and

"(D) the need of the Nation to conserve energy.

"(2) For purposes of subsections (a)(2) and (3), (b)(2) and (3), and (d), in determining the maximum feasible average fuel economy of all passenger automobiles, light trucks, or a class of light trucks, as the case may be, manufactured by all manufacturers during (i) model years 1996 through 2001 or (ii) model year 2002 and thereafter, the Secretary shall assume that, taken as a whole, the population of automobiles of such vehicle class manufactured by all manufacturers during such model year—

"(A) uses all fuel-saving technologies and designs that are capable of being commercialized by the appropriate period, considering—

"(i) the time at which improved or new technologies and designs could be introduced and the rates at which they might penetrate the market under existing industrial capabilities; and

"(ii) any technical, financial, regulatory, organizational, and marketing limitations to deploying improved or new technologies by such period;

"(B)(i) with respect to passenger automobiles, attains the same performance level (measured by the product of torque and axle ratio divided by curb weight) as passenger automobiles manufactured in model year 1990, taken as a whole; and

"(ii) with respect to light trucks or class thereof, attains performance levels and utility comparable to such class manufactured in model year 1990;

"(C) reflects the same size mix and interior volume as automobiles of such model type manufactured in model year 1990, taken as a whole;

"(D) meets all applicable emission standards; and

"(E) meets all applicable automobile safety standards.".

SEC. 11008. AMENDMENT OF STANDARDS.

Section 502(f) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(f)) is amended—

(1) by striking "subsection (a)(3)" and inserting "subsection (a)(2)" each place it appears; and

(2) by striking "if required by paragraph (4) of subsection (a)," in paragraph (2)(B).

SEC. 11009. PROCEEDINGS.

Section 502(h) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(h)) is amended by striking "Proceedings under subsection (a)(4) or (d)" and inserting "Any proceeding to promulgate or amend a rule under this section".

SEC. 11010. CREDIT TRADING.

(a) CARRYING FORWARD CREDITS.—Section 502(l)(1)(B)(ii) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(l)(1)(B)(ii)) is amended to read as follows:

"(ii) to the extent that such credit is not so taken into account pursuant to clause (i), shall be available to be taken into account with respect to the average fuel economy of that manufacturer—

"(I) for any three consecutive model years immediately following the model year in which such manufacturer exceeds such applicable average fuel economy standard with respect to credits earned for exceeding average fuel economy standards for model years prior to 1996; and

"(II) until used with respect to credits earned for exceeding average fuel economy standards for model years 1996 and thereafter.".

(b) TRANSFERRING CREDITS.—Section 502(l) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(l)) is amended by striking paragraph (3) and inserting the following:

"(3) Credits under this subsection may be transferred among manufacturers and among vehicle classes of a manufacturer in accordance with rules issued by the Secretary under paragraph (4)."; and

(2) redesignating paragraph (4) as paragraph (4)(A) and inserting at the end the following new subparagraph:

"(B) Not later than 24 months after the date of enactment of the Motor Vehicle Fuel Efficiency Act of 1991, the Secretary shall issue rules implementing the credit trading system authorized by paragraph (4).".

(c) CONFORMING AMENDMENTS.—Section 502(l) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(l)) is amended further—

(1) by striking "automobiles which are not passenger automobiles" and inserting "light trucks" in paragraph (2); and

(2) by striking "class of automobiles" and inserting "light trucks" in paragraph (2).

SEC. 11011. CALCULATION OF FUEL ECONOMY FOR LIGHT TRUCKS.

Section 503(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(2)) is amended by adding before the period the following:

"that are based upon the method required by this section for calculation of average fuel economy of passenger automobiles".

SEC. 11012. AIRBAG CREDIT FOR SMALL PASSENGER AUTOMOBILES.

(a) AIRBAG CREDIT.—Section 503(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)) is amended—

(1) in paragraph (1) by inserting ", subject to paragraph (4)," immediately before "be calculated"; and

(2) by adding at the end the following new paragraph:

"(4)(A) If a manufacturer manufactures small passenger automobiles which comply with Federal Motor Vehicle Safety Standard Number 208 by means of airbags for the driver seating position only or for both the driver and front seat outboard seating positions, average fuel economy for purposes of section 502(a) and (c) shall be calculated as provided under subsection (a)(1), except that in the calculation of the sum of terms under subsection (a)(1)(B) the term applicable to any model type of small passenger automobile for which there are automobiles so equipped with airbags shall be determined by adding—

"(i) the fraction that is created by dividing the number of small passenger automobiles of such model type that are equipped with airbags for the driver seating position only, by 105 percent of the fuel economy measured for such model type,

"(ii) the fraction that is created by dividing the number of small passenger automobiles of such model type that are equipped with airbags for both the driver and outboard front seating positions, by 110 percent of the fuel economy measured for such model type, and

"(iii) the fraction that is created by dividing the number of small passenger automobiles of such model type that are not so equipped, by the fuel economy measured for such model type.

"(B) For purposes of this paragraph, the term 'small passenger automobile' means a passenger automobile (i) with a wheel base of less than 100 inches, or with a curb weight of 2,750 pounds or less, and (ii) whose measured fuel economy is at least 35 miles per gallon.".

(b) CONFORMING AMENDMENT.—Section 502(e) of the Motor Vehicle Information and Costs Savings Act (15 U.S.C. 2002(e)) as amended by section 11007 of this Act is amended further by adding at the end the following new paragraph:

"(3) In determining maximum feasible average fuel economy, the Secretary shall not consider the alternative calculation for airbag-equipped passenger automobiles under section 503(a)(4).".

SEC. 11013. EXPLANATORY BOOKLET DISTRIBUTED BY SECRETARY OF ENERGY.

(a) MINIMUM NUMBER OF COPIES DISTRIBUTED.—Paragraph (1) of section 506(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(b)) is amended by adding at the end the following new sentence:

"During the 12-month period beginning on the first day of the first month after the date of enactment of the Motor Vehicle Fuel Efficiency Act of 1991, the Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to 100 booklets as are reasonably requested by dealers from time to time.".

(b) TECHNICAL AMENDMENTS.—(1) Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(b)(1)) is amended further by striking "Administrator of the Federal Energy Administration" and inserting "Secretary of Energy".

(2) Section 506(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(e)) is amended by striking "Federal Energy Administrator" and inserting "Secretary of Energy".

SEC. 11014. EXCESSIVE FUEL CONSUMPTION FEE.

The Motor Vehicle Information and Cost Savings Act is amended by striking section 507 (15 U.S.C. 2007) and inserting the following:

"EXCESSIVE FUEL CONSUMPTION FEE

"SEC. 507. (a) If the average fuel economy calculations reported by the EPA Administrator to the Secretary under section 503(d) indicate that the average fuel economy of any manufacturer does not meet the applicable average fuel economy standards established under section 502(a), (b), or (c), the Secretary shall assess the manufacturer an excessive fuel consumption fee in an amount determined under section 508.

"(b) The amount of the fee shall be assessed by the Secretary by written notice.

"(c) (1) Not later than 30 days after a determination by the Secretary under subsection (a) that a manufacturer has failed to meet any applicable average fuel economy standard under section 502, such manufacturer may apply to the Federal Trade Commission for a certification under this subsection. If the manufacturer shows and the Federal Trade Commission determines that reduction of the fee which the Secretary shall otherwise assess is necessary to prevent a substantial lessening of competition in that segment of the automobile industry subject to the standard with respect to which such fee is assessed, the Commission shall so certify. The certification shall specify the maximum amount that such fee may be reduced. To the maximum extent practicable, the Commission shall render a decision with respect to an application under this subsection not later than 90 days after the application is filed with the Commission. A proceeding under this subsection shall not have the effect of delaying the manufacturer's liability under this section for a fee for more than 90 days after such application is filed, but any payment made before a decision of the Commission under this subsection becomes final shall be paid to the court in which the fee is collected, and shall (except as otherwise provided in paragraph (2)) be held by such court, until 90 days after such decision becomes final (at which time it shall be paid into the general fund of the Treasury).

"(2) Whenever a fee has been assessed and collected from a manufacturer under this section, and is being held by a court in accordance with paragraph (1), and the Secretary subsequently determines to reduce such fee pursuant to section 508(c), the Secretary shall direct the court to remit the appropriate amount of the fee to such manufacturer.

"(d) Any manufacturer assessed a fee under this section may obtain review of a determination (i) of the Secretary to assess such fee or (ii) of the Federal Trade Commission under subsection (c) in the United States Court of Appeals for the District of Columbia Circuit, or for any circuit wherein the manufacturer resides or has his principal place of business. Such review may be obtained by filing a notice of appeal in such court within 30 days after the date of such determination, and by simultaneously sending a copy of such notice by certified mail to the Secretary or the Federal Trade Commission, as the case may be. The Secretary or the Commission, as the case may be, shall promptly file in such court a certified copy of the record upon which such determination was made. Any such determination shall be reviewed in accordance with chapter 7 of title 5, United States Code.

"(2) If any manufacturer fails to pay a fee after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Attorney General shall recover the amount for which the manufacturer is liable in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order assessing the fee shall not be subject to review.

"(e) A claim of the United States for a fee assessed against a manufacturer under this section shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer which arises from an extension of credit before the date on which the judgment in any collection action under this section becomes final (without regard to subsection (d)).".

SEC. 11015. AMOUNT OF THE EXCESSIVE FUEL CONSUMPTION FEE.

Subsections (a), (b), (c), and (d) of section 508 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008(a)-(d)) are amended to read:

"AMOUNT OF THE EXCESSIVE FUEL CONSUMPTION FEE

"SEC. 508. (a)(1) The Secretary shall determine the amount of the excessive fuel consumption fee to be assessed under section 507 with respect to passenger automobiles manufactured in any model year by multiplying the base fee provided in subsection (b) by (i) the number of tenths of a mile per gallon by which the average fuel economy of the passenger automobiles manufactured by such manufacturer during such model year is exceeded by the applicable average fuel economy standard established under section 502(a) or (c), multiplied by the number of passenger automobiles manufactured by such manufacturer during such model year, reduced (at the election of the manufacturer) by (ii) credits available under section 502(l) for such model year.

"(2) The Secretary shall determine the amount of the excessive fuel consumption fee to be assessed under section 507 with respect to light trucks manufactured in any model year by multiplying the base fee provided in subsection (b) by (i) the number of tenths of a mile per gallon by which the applicable average fuel economy standard exceeds the average fuel economy of the light trucks manufactured by such manufacturer during such model year, multiplied by the number of light trucks to which such standard applies manufactured by such manufacturer during such model year, reduced (at the election of the manufacturer) by (ii) credits available under section 502(l) for such model year.

"(b) For purposes of calculating the amount of any civil penalty under this section, the amount of the base fee shall be—

"For model years:

"Prior to 1993	$5.00
"1993	$10.00
"1996	$20.00
"1997 and thereafter	The amount of the fee applicable in the prior model year as adjusted in accordance with the annual implicit price deflator for the gross national product during such model year.

"(c) The Secretary shall have the discretion to reduce the amount of the fee calculated under this section only to the extent—

"(1) necessary to prevent the insolvency or bankruptcy of the manufacturer,

"(2) such manufacturer shows that its failure to meet the standards of section 502 resulted from an act of God, a strike, or a fire, or

"(3) the Federal Trade Commission has certified that reduction of such fee is necessary to prevent a substantial lessening of competition, as determined under section 507(c).

"(d)(1)(A) The Secretary shall, by rule in accordance with the provisions of this subsection and subsection (e), substitute a higher amount for the amount of the base fee which would be used to calculate the fee under subsection (a) in the absence of such rule, if the Secretary finds that—

"(i) the additional amount of the fee which may be imposed under such rule will result in, or substantially further, substantial energy conservation for automobiles in future model years for which such higher fee may be imposed; and

"(ii) subject to subparagraph (B), such additional amount of fee will not result in substantial deleterious impacts on the economy of the United States or any State or region of any State.

"(B) Any findings under subparagraph (A)(ii) may be made only if the Secretary finds that it is likely that—

"(i) such additional amount of fee will not cause a significant increase in unemployment in any State or region thereof;

"(ii) such additional amount will not adversely affect competition; and

"(iii) such additional amount will not cause a significant increase in automobile imports.

"(2) Any rule under paragraph (1) may not provide that the amount per tenth of a mile per gallon used to calculate the fee under subsection (a) be less than the base fee or more than twice the base fee provided by subsection (b).".

SEC. 11016. ESTABLISHMENT OF THE EXCESSIVE FUEL CONSUMPTION FUND.

Section 508 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008) is amended further by adding at the end the following new subsection:

"(f)(1) There is hereby established in the Treasury of the United States a separate fund, to be known as the Excessive Fuel Consumption Fund. The Fund shall consist of all fees collected by the Secretary under this section.

"(2) Subject to appropriation, the Secretary of Energy may make expenditures from the Fund for purposes of—

"(A) providing financial assistance to the States in accordance with section 514; and

"(B) funding other energy conservation programs, to the extent that the amount available in the Fund exceeds the amount needed under subparagraph (A).

"(3) The Secretary of the Treasury shall hold the Fund and, after consulting with the Secretary of Transportation and the Secretary of Energy, shall report annually to the Congress on the financial condition and operations of the Fund during the preceding fiscal year. The budget of the Fund shall be included in the Budget of the United States Government.".

SEC. 11017. SCRAPPAGE OF OLDER VEHICLES.

The Motor Vehicle Information and Cost Savings Act is amended further by adding at the end thereof the following new section:

"SCRAPPAGE OF OLDER VEHICLES

"SEC. 514. (a) The Secretary of Energy shall provide financial assistance to State programs encouraging the voluntary removal from use and the marketplace pre-1980 model year automobiles.

"(b)(1) Within 180 days after the enactment of the Motor Vehicle Fuel Efficiency Act of 1991, the Secretary of Energy, after consulting with the EPA Administrator, shall adopt rules necessary to review and approve State programs that qualify for financial assistance under subsection (a).

"(2) Any rules adopted by the Secretary of Energy under paragraph (1) shall require that to qualify for federal assistance under subsection (a) at least 50 percent of the cost of the program be paid for from State or private funds.

"(c) The Secretary of Energy is authorized, subject to appropriation, to make expenditures from the Excessive Fuel Consumption Fund for purposes of this section.".

SEC. 11018. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DESIGNATION OF THE EPA ADMINISTRATOR.—Section 502 (g)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(g)(1) is amended by striking "Environmental Protection Agency" and inserting "EPA".

(b) ELIMINATION OF THE SECRETARY'S ADJUSTMENT AUTHORITY.—Section 502(l)(1)(B) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002 (l)(1)(B)) is amended by striking "any adjustment under subsection (d) of this section".

(c) DESIGNATION OF THE ENERGY AND COMMERCE COMMITTEE.—Section 503(b)(3)(D)(ii)(II) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(b)(3)(D)(ii)(II)) is amended by striking "Interstate and Foreign Commerce" and inserting "Energy and Commerce".

(d) LEGISLATIVE VETO.—Section 504(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2004(a)) is amended by striking "(or in the case of an amendment submitted to each House of the Congress under section 502(a)(4), at any time prior to 60 days after the expiration of the 60-day period specified in section 502(a)(5))".

Subtitle B—Alternative Fuels

SEC. 11101. MASS TRANSIT PROGRAM.—(a) COOPERATIVE AGREEMENTS AND JOINT VENTURES.—(1) The Secretary, in consultation with the Administrator of the Urban Mass Transit Administration, may, consistent with this Act and the Alternative Motor Fuels Act of 1988 (Pub. L. No. 100-494), enter into cooperative agreements and joint ventures proposed by municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility, including safety of specific vehicle design, of using natural gas or other alternative fuels for mass transit.

(2) The cooperative agreements and joint ventures under paragraph (1) may include in-

terested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(b) COST-SHARE.—(1) The Secretary may not enter into any cooperative agreement or joint venture under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least 25 per centum of the costs of such demonstration.

(2) The Secretary, at his discretion, may grant such priority under this section to any entity that demonstrates that the use of natural gas or other alternative fuels used for transportation would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(c) AUTHORIZATION.—There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

SEC. 11102. TRAINING PROGRAM.—(a) PROGRAM.—The Secretary of the Department of Labor shall establish and carry out a training and certification program for technicians who are responsible for vehicle installation of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas or other alternative fuels alone, or on natural gas or other alternative fuels and either diesel fuel or gasoline, and for the maintenance of such converted vehicles. Such training and certification programs shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with, and provide financial assistance to, under this section, appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) CONSISTENCY.—The program under this section shall be consistent with the Alternative Motor Fuels Act of 1988 (Pub. L. No. 100-494).

(d) AUTHORIZATION.—There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

Subtitle C—Electric Vehicle Technology Development and Demonstration

SEC. 11201. SHORT TITLE.—This subtitle may be cited as the "Electric Vehicle Technology Development and Demonstration Act of 1991".

SEC. 11202. DEFINITIONS.—For purposes of this subtitle, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "conventionally fueled vehicle" means a vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source;

(3) "electric vehicle" means a vehicle powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and that may include a nonelectrical source of power designed to charge batteries and components;

(4) "eligible nonattainment area" means a nonattainment area that the Secretary designates as an eligible nonattainment area under section 1134(b);

(5) "life cycle costs" means all costs associated with the purchase, operation, maintenance, and disposal of a vehicle; and

(6) "nonattainment area" means a nonattainment area identified by the Administrator pursuant to section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

SEC. 11203. IDENTIFICATION OF NONATTAINMENT AREAS.—(a) The Secretary, in consultation with the Administrator, shall identify, not later than thirty days after the date of the enactment of this Act, the nonattainment areas in the United States in which the use of conventionally fueled vehicles contributes significantly to that nonattainment and in which the use of electric vehicles could contribute to attainment of applicable National Ambient Air Quality Standards. The Secretary shall provide notification to those nonattainment areas so identified.

(b) The Secretary, after consultation with the Administrator and not later than thirty days after notification of the nonattainment areas identified under subsection (a), shall designate nonattainment areas eligible to participate in the program authorized by this subtitle.

SEC. 11204. APPLICATIONS FROM MANUFACTURERS.—(a) Not later than thirty days after the Secretary designated the eligible nonattainment areas under section 11203(b), the Secretary shall make an initial request for applications from manufacturers to develop, demonstrate, certify, manufacture, sell, warranty, and service electric vehicles in one or more eligible nonattainment areas. Additional requests for applications may be made if the Secretary determines that the responses to the initial request are inadequate.

(b) The request for applications shall require a manufacturer to identify the following:

(1) any eligible nonattainment area in which the electric vehicles will be sold;

(2) the quantity of vehicles that will be available for sale in each area;

(3) the dealership network or other means to be used by a manufacturer to distribute, market, and sell vehicles;

(4) the type of vehicle (which may include light to medium duty cargo or passenger vehicles);

(5) the specifications and performance characteristics of each vehicle;

(6) the maintenance and other support services that will be available to a purchaser;

(7) the selling price of a manufacturer for varying volumes of production of each type of vehicle;

(8) information regarding the life cycle costs, including projected costs of operating and maintaining an electric vehicle in comparison with operating and maintaining a conventionally fueled vehicle;

(9) the level of involvement (cost-sharing or otherwise), if any, that State or local government entities will have in the manufacturer's proposal, and how that involvement will affect the level of Federal cost-sharing required; and

(10) other information that the Secretary deems necessary.

SEC. 11205. SELECTION OF MANUFACTURERS.—(a) After consulting with the Secretary of Commerce, the Secretary of Transportation, and the Administrator, and not later than one hundred eighty days after the initial request for applications is made under section 11204, the Secretary may select one or more manufacturers eligible to receive reimbursement payments for the development, demonstration, manufacture, and sale of electric vehicles.

(b) The Secretary shall select a manufacturer based upon the overall quality of the proposal, including the following:

(1) The ability of a manufacturer, directly or indirectly, to develop, demonstrate, manufacture, distribute, sell and service a significant number of electric vehicles;

(2) The commitment of the manufacturer to distribute, sell and service electric vehicles in various regions of the country.

(3) The suitability of the vehicles for use as a cargo or passenger vehicle;

(4) The quality of the vehicle with respect to safety and environmental considerations;

(5) The long-term technical viability of the vehicle, and the ability of the manufacturer to incorporate subsequent advancements, modifications, and technology;

(6) The ability and commitment of a manufacturer to reduce the life cycle costs of electric vehicles over a period of five years or less after selection to a level at least equal to comparable conventionally fueled vehicles;

(7) The selling price of a manufacturer for varying volumes of production of vehicles, the proposed discount (as defined in section 11206), and life cycle costs of the electric vehicles;

(8) The extent to which the involvement of state or local government in the program will permit the reduction of the Federal cost share per vehicle to be supported or will otherwise be used to leverage the federal cost-sharing to be provided among a greater number of vehicles;

(9) Other criteria that the Secretary deems necessary.

SEC. 11206. DISCOUNTS TO PURCHASERS.—(a) A manufacturer selected by the Secretary shall offer a purchaser a discount equal to either:

(1) An amount which represents the excess of the estimated life cycle costs of the electric vehicle over the life cycle costs of a conventionally fueled vehicle of comparable type; or

(2) An amount by which the selling price of the electric vehicle exceeds the suggested retail price of a conventionally fueled vehicle of comparable type.

In no case shall the discount be greater than 50 per centum of the selling price by varying volumes of production.

(b) The Secretary, not later than thirty days after a manufacturer has provided notice in the form and manner specified by the Secretary of the sale of an electric vehicle, shall pay a manufacturer a payment not to exceed the discount for each electric vehicle sold.

(c) To be eligible for payment under subsection (b), a manufacturer shall certify to the Secretary the following:

(1) the discount to the purchaser does not lower the selling price of each electric vehicle below the suggested retail price of a conventionally fueled vehicle of comparable type;

(2) the actual selling price of the vehicle is equal to the selling price specified in the manufacturer's proposal to the Secretary reduced by the full amount of the discount received, calculated as specified above, unless the Secretary agrees to a request by the manufacturer to adjust the selling price as specified in the contract to reflect higher costs actually incurred in production;

(3) the vehicle will be used primarily in the eligible nonattainment area in which the vehicle will be purchased;

(4) the purchaser has agreed to provide the manufacturer with information regarding operation, maintenance, and usability of the vehicle for five years after purchase; and

(5) the manufacturer will provide such information regarding the development, demonstration, manufacture, sale, and maintenance of electric vehicles that the Secretary requests for a period of five years, beginning in fiscal year 1992.

(d) The Secretary may enter into contracts with manufacturers of electric vehicles for purposes of carrying out this Act.

SEC. 11207. REPORTS TO CONGRESS.—The Secretary shall report to Congress in fiscal years 1992 and 1994 on the programs and projects supported under this subtitle and the progress being made toward accomplishing the goals of this subtitle.

SEC. 11208. AUTHORIZATION.—There is authorized to be appropriated for purposes of this subtitle $10,000,000 for each of the three fiscal years following the date of enactment of this Act.

TITLE XII—ADVANCED NUCLEAR REACTOR COMMERCIALIZATION

SEC. 12001. SHORT TITLE.

This title may be cited as the "Civilian Advanced Nuclear Reactor Commercialization Act of 1991.".

SEC. 12002. FINDINGS, PURPOSES, AND DEFINITIONS.

(a) FINDINGS.—Congress finds that—

(1) energy generated from nuclear fission now supplants the burning of fossil fuels in an economical fashion and contributes substantially to safe and reliable supplies of electricity while reducing the rate and scope of environmental pollution; and

(2) it is in the national interest for the federal government to provide leadership in encouraging advanced nuclear reactor technologies so that such technologies may be adopted as needed.

(b) PURPOSES.—The purposes of this title are to—

(1) require the Secretary to make decisions that will focus the Department's civilian nuclear programs in a way that will lead toward commercialization of advanced nuclear reactor technologies;

(2) authorize the Secretary to encourage the use where needed of advanced nuclear reactor technologies; and

(3) ensure the timely availability of advanced nuclear reactor technologies, including technologies that exhibit passive safety features.

(c) DEFINITIONS.—For purposes of this title, the term—

(1) "advanced nuclear reactor technologies" includes, but is not limited to, advanced light water reactors; modular high-temperature, gas-cooled reactors; and liquid metal reactors, for the generation of commercial electric power from nuclear fission.

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "Department" means the Department of Energy; and

(4) "Secretary" means the Secretary of Energy.

SEC. 12003. PROGRAM.

(a) The Secretary shall carry out a comprehensive program in accordance with the provisions of this title to encourage the deployment of advanced nuclear reactor technologies that to the maximum extent practicable—

(1) are cost-effective in comparison to alternative sources of commercial electric power of comparable availability and reliability; including consideration of the impact on the rate and scope of global climate change;

(2) utilize modular construction techniques;

(3) facilitate standardized design, construction, licensing, and operation;

(4) exhibit passive safety features; and

(5) incorporate features that advance the objectives of the Nuclear Nonproliferation Act by discouraging diversion of fissile material for use in nuclear weapons.

(b) CERTIFIED DESIGNS.—(1) The program of the Secretary under subsection (a) shall include appropriate steps for the development and submission for certification by the Commission of completed standard designs for commercial nuclear reactors, or the components thereof, that the Secretary determines exhibit some or all of the characteristics set forth in subsection (a).

(2) The Secretary shall provide Congress with an annual report describing the progress in the previous year in certifying standard designs under paragraph (1) and setting forth plans for the certification program for the coming year.

SEC. 12004. DECISIONS BY THE SECRETARY.

(a) PUBLIC MEETINGS.—(1) Within 60 days after the date of the enactment of this title, the Secretary shall commence public meetings to develop information upon which to base the decisions and recommendations required by this section.

(b) PUBLIC MEETINGS ON FUTURE PROGRAM.—These public meetings shall examine—

(1) the need for, and the potential for adoption in the future by electric utilities or other entities of, advanced nuclear reactor technologies that are available or under development for the generation of energy from nuclear fission;

(2) how the federal government, acting through the Secretary (including actions of the Secretary under this title), can be effective in ensuring the availability of these advanced nuclear reactor technologies when they may be needed;

(3) whether the Secretary should solicit cooperation from the private sector in carrying out the advanced nuclear reactor technology commercialization programs authorized in sections 12005 and 12006; and

(4) potential alternative funding sources to carry out the purposes of this title.

(c) In carrying out the public meetings under subsection (a) the Secretary shall offer members of the public an opportunity to provide information and comment and solicit the views of the Commission and other interested parties.

(d) REPORT.—(1) The public meetings shall conclude no later than 180 days after the date of the enactment of this title.

(2) Within 90 days after the conclusion of the public meetings the Secretary shall submit to Congress a report summarizing the results of the public meetings and setting forth the Secretary's plan for carrying out the purposes of this title. The report shall indicate how the Secretary's plan will further the purposes set forth in section 12002(b) and the objectives set forth in section 12003(a). In developing the plan the Secretary shall take into account—

(A) the views received during the public meetings;

(B) the need, as determined by the Secretary, for available commercial electric power supply technologies based on nuclear fission and the time when necessary action to satisfy this need will become urgent; and

(C) the probability that the Secretary's actions under this section will contribute substantially to the availability of commercial electric power from advanced nuclear reactor technologies.

(e) DECISIONS ABOUT FUTURE COMMERCIALIZATION PROGRAMS.—As part of the report under subsection (d) the Secretary shall issue a decision whether or not to conduct the solicitations authorized under sections 12005 and 12006, together with the reasons for this decision.

SEC. 12005. COMMERCIALIZATION OF NUCLEAR REACTOR TECHNOLOGY.

(a) USE OF AUTHORITY OF THE SECRETARY.—The Secretary shall use the authority under this section and other authorities available to the Secretary to encourage the siting, financing, licensing, construction, and operation of facilities for the generation of commercial electric power from nuclear fission in regions where the Secretary, after consultation with appropriate agencies in the affected states, finds a need for additional electric generating capacity.

(b) SOLICITATION.—(1) At any time after publication of the report under section 12004(d), the Secretary, in consultation with the Commission, may solicit proposals for collaboration with one or more private parties who agree to become applicants for necessary permits for the construction and operation of facilities for the generation of commercial electric power from nuclear fission. In any solicitation under this subsection, the Secretary shall offer, in the case of accepted proposals, to—

(A) assist in the identification of private financing arrangements that to the maximum extent practicable under existing law minimize the risk in financing the construction and operation of the proposed facility;

(B) appear on behalf of applicants before any authority, including the Commission or appropriate state and local regulatory authorities, with jurisdiction over the proposed facility;

(C) be responsible for the costs of any new requirements imposed by the Commission after issuance by the Commission of a license for the construction of the proposed facility, provided that the federal government shares equitably in the revenues from operation by the facility; and

(D) otherwise seek to expedite the construction and operation of the proposed facility using authority available to the Secretary.

(2) Any person may petition the Secretary requesting an additional solicitation pursuant to paragraph (1). If the Secretary determines such solicitation would advance the purposes of this title, the Secretary shall solicit proposals.

(c) COMMENT.—The Secretary shall offer an opportunity for interested persons, including the Commission, to comment on any proposal received under subsection (b). The Secretary shall offer technical assistance to any applicant whose proposal shows promise for selection under this section and shall permit such applicant to modify his proposal. The Secretary shall consult with the Commission on ways to improve the prospects for licensing any proposed facility that may be acceptable under this section.

(d) Selection.—(1) Within 180 days after receipt of a proposal under subsection (b), the Secretary shall decide whether to select any proposal submitted under this title.

(2) The decision to accept any proposal shall be transmitted promptly to Congress, and not less than 45 calendar days shall pass before such decision is effective.

(3) The interpretation and application of the selection criteria set forth in subparagraphs (A) through (F) are within the sole discretion of the Secretary. In deciding whether to select a proposal under this section, the Secretary shall take into account—

(A) the extent to which the technology proposed exhibits the characteristics set forth in section 12003(a);

(B) whether acceptance of the proposal will encourage use of a standard reactor design for the technology in question;

(C) the probability that the facility can be successfully financed, constructed, and licensed;

(D) the probability under the proposal that the federal government will receive an equitable share of revenues from operation of the proposed facility;

(E) the importance of the Secretary's contribution under this section to successful construction and operation of the proposed facility; and

(F) the extent to which the successful construction and operation of the facility will improve the availability of nuclear reactor technologies for generating commercial electric power.

(4) If the Secretary determines that no proposals submitted pursuant to subsection (b) are acceptable, the Secretary may solicit additional proposals.

(e) FUNDING.—To the extent provided in advance in appropriations Acts, the Secretary may provide funds to cover costs referred to in subsection (b)(1)(C).

(f) LICENSING.—(1)(A) The facilities covered by any proposal selected under subsection (d) shall be subject to Commission licensing as provided by the Atomic Energy Act of 1954, as amended by Title XIII of this Act, and this paragraph.

(B) The Commission may issue a combined construction permit and operating license for a facility covered by a proposal selected under subsection (d) after providing an opportunity for a hearing under section 189a. of the Atomic Energy Act, if the Commission finds that there is reasonable assurance that the facility will be constructed and will operate in conformity with the application for the facility, applicable provisions of the Atomic Energy Act, and applicable regulations of the Commission. The Commission shall ensure through inspections, tests and analyses that construction is completed in conformity with the combined construction permit and operating license.

(C) Before operation of any facility licensed under this subsection, the Commission shall publish in the Federal Register a notice of the intended operation of the facility, and shall provide a thirty-day period within which any person whose interest may be affected may file a written objection to operation of the facility on the ground that the facility has not been constructed or will not operate in conformity with the license. The objection must set forth with specificity and in reasonable detail the facts and arguments upon which the objection is based, and may be accompanied by a request for a hearing. Unless a prior hearing is granted in accordance with the requirements of this subsection, operation of the facility shall commence and the Commission shall publish a brief statement of any issues raised in the objection and their resolution by the Commission.

(D) The Commission may grant a hearing under this subsection only if—

(i) a showing is made that a substantial dispute of material fact exists that has not been previously considered by the Commission and that cannot be resolved with sufficient accuracy except at a hearing; and

(ii) a showing is made that there has been nonconformance with the combined license that has not been corrected and that could materially and adversely affect the safe operation of the facility. Following completion of any hearing, the Commission shall decide whether or not to modify or condition the license.

(2) Within two years after selection of a proposal under subsection (d), the Secretary shall recommend to the Commission any changes in Commission regulations that would improve, consistent with existing law, prospects for the successful licensing of the facilities covered by such proposal.

SEC. 12006. COMMERCIALIZATION OF ADVANCED REACTOR TECHNOLOGY.

(a) USE OF AUTHORITY OF THE SECRETARY.—The Secretary shall use the authority under this section and other authority available to the Secretary to commercialize promising advanced nuclear reactor technologies for the generation of commercial electric power.

(b) REQUEST FOR PROPOSALS.—

(1) Within 90 days after the publication of the report under section 12004(d), the Secretary, after consultation with the Commission, may issue a draft request for proposals for the construction of a commercial-scale reactor employing advanced nuclear reactor technology that—

(A) exhibits the characteristics set forth in section 12003(a);

(B) minimizes to the extent practicable the volume or toxic lifetime of nuclear waste produced and the cost of nuclear waste disposal;

(C) is reasonably designed to maximize acceptance by the public, the financial community, electric utilities, state electric utility regulators, and the Commission; and

(D) could provide commercial electric power to a utility grid as soon as practicable but no later than the year 2010.

(2) Any proposal under paragraph (1) shall—

(A) set forth the management structure for the project specifying a single entity that will be in control of the project; and

(B) indicate how this structure ensures timely operation of the facility within the budget proposed.

(3) The Secretary shall offer an opportunity for interested persons to comment on the draft request for proposals. The Commission shall comment on such draft request. The Secretary shall consider and publish a summary response to any comments received within 90 days after issuance of the draft request for proposals.

(4)(A) Within 180 days after publication of the report under section 12004(d)(2), the Secretary may issue a request for proposals under this section. Final proposals may be submitted to the Secretary within 180 days after the request for proposals is issued under this paragraph, except that the Secretary may extend this deadline for up to an additional 180 days if the Secretary determines that such extension is necessary to permit promising proposals to be submitted.

(B) The Secretary may provide technical assistance for the development of proposals the Secretary considers promising.

(C) The Secretary may modify and reissue the request for proposals under subparagraph (A) so as to encourage the submission of additional proposals if, in his judgment—

(i) there will be insufficient competition among the proposals received under this section; or

(ii) there are promising advanced nuclear reactor technologies which are not represented in the proposals received and receipt of proposals representing such technologies would foster competition or advance the purposes of this title.

(5)(A) The Secretary shall decide whether to select any proposal received under this section within 180 days after the corresponding initial proposal is submitted.

(B) The decision to accept any proposal shall be transmitted promptly to Congress, and not less than 45 calendar days shall pass before such decision is effective.

(C) The interpretation and application of the selection criteria set forth in clauses (i) through (vii) are within the sole discretion of the Secretary. In deciding whether to select a proposal under this section, the Secretary shall take into account—

(i) the extent to which the advanced nuclear reactor technology proposed exhibits the characteristics set forth in section 12003(a);

(ii) the probability that the commercialization project can be successfully financed, constructed, and licensed;

(iii) the importance of the federal contribution under this subsection to successful commercialization of the technology proposed;

(iv) the extent to which the successful construction of the project will improve the availability of advanced nuclear reactor technologies;

(v) the probability that technology and design features exhibited by the project can be deployed commercially by the utility industry in a timely fashion;

(vi) the probability under the proposal that the federal government receive an equitable share of revenues from operation of the proposed facility; and

(vii) the extent to which selection of the project otherwise furthers the purposes of this title.

(c) FUNDING.—To the extent provided in advance in appropriations Acts, the Secretary may provide funds for construction of a commercialization project under an acceptable proposal selected under subsection (b). Such funds may be provided only if the proposal selected by the Secretary provides for—

(1) at least 50 percentum of project costs to be provided from non-federal sources; and

(2) non-federal financial responsibility for any and all costs in excess of the specific amounts authorized by the Secretary to be paid under the accepted proposal.

(d) LICENSING.—(1) Any project under this section shall be subject to licensing requirements of the Atomic Energy Act of 1954, as amended, as if such project were a commercial utilization facility under such Act, and may be issued a combined construction permit and operating license in accordance with the provisions of section 12005(f)(1).

(2) Within one year after selection by the Secretary of a proposal under subsection (b), the Secretary shall recommend to the Commission any changes in Commission regulations that would improve, consistent with existing law, prospects for the successful licensing of the commercialization project under this subsection.

SEC. 12007. APPROPRIATIONS.

(a) No more funds may be appropriated to carry out the purposes of this title set forth in section 12002(b) than the amounts set forth in subsection (b). This title shall be the exclusive source of authorization for appropriations of funds to support any activities of the Secretary leading to the commercialization of advanced nuclear reactor technologies.

(b)(1) For the fiscal year beginning on October 1, 1992, not more than $100 million may be appropriated for activities described in subsection (a);

(2) For the fiscal year beginning October 1, 1993, not more than $200 million may be ap-

propriated for activities described in subsection (a); and

(3) For the fiscal year beginning October 1, 1994, not more than $200 million may be appropriated for activities described in subsection (a).

SEC. 12008. REPORTS.

(a) Recommendations by the Commission.—

(1) Within two years after the selection of a proposal under section 12006, the Commission, after consultation with the Secretary and opportunity for public comment, shall submit to Congress specific recommendations for changes in law that the Commission finds necessary for the timely licensing, consistent with the public health and safety, of commercial nuclear power reactors whose design is based on the project under section 12006.

(2) The Secretary shall provide Congress with the comments on the recommendations of the Commission submitted under paragraph (1).

(b) Report by the Commission.—

(1)(A) In order to assess whether the purposes of this title may be achieved in whole or in part by the availability in the United States of advanced nuclear reactor technologies already in use or under development in other nations, the Secretary shall review commercial nuclear reactor technologies in use or under development in other nations and, within one year after the date of the enactment of this section, provide Congress and the Commission with an initial assessment of the extent to which any such technologies may exhibit characteristics set forth in paragraphs (1), (2) and (4) of section 12003(a).

(B) If the Secretary finds that a technology reviewed under subparagraph (A) has the potential to exhibit such characteristics, he shall identify the technology and include a thorough discussion of his findings in the assessment under this paragraph.

(2) Within one year after receipt of the Secretary's initial assessment under paragraph (1), the Commission shall report to Congress on the problems of licensing under the Atomic Energy Act of 1954, as amended, of commercial nuclear reactor technologies that the Secretary has identified under subparagraph (1)(B).

(3) Before submitting the report under paragraph (2) the Commission shall make available to the public a draft report and provide opportunity for comment on the draft report.

(4) The report of the Commission under paragraph (2) shall identify specific impediments to licensing under the Atomic Energy Act of 1954, as amended, for each technology considered and shall indicate how, or if, such impediments might be removed by amendments to law or regulation consistent with the public health and safety.

(c) Report by the Secretary.—The Secretary, in consultation with the Commission, shall submit an annual report to Congress on activities under this title assessing the progress during the previous year in achieving the purposes of this title and the prospects for further progress in the coming year.

TITLE XIII—NUCLEAR REACTOR LICENSING

SEC. 13001. SHORT TITLE.

This title may be cited as the "Nuclear Reactor Licensing Act of 1991.".

SEC. 13002. REACTOR LICENSING.

Section 189a. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)) is amended by redesignating paragraph (1) as paragraph (1)(A) and inserting the following:

"(B) In the case of an application for a combined license to construct and operate a facility under subsection 161h., the Commission shall hold a hearing on such application prior to the granting of the combined license. Upon the completion of construction of the facility and upon finding the facility authorized has been constructed and will operate in conformity with the combined license, and in the absence of any good cause being shown to the Commission why operation should not proceed in accordance with the combined license, operation may proceed notwithstanding the pendency before the Commission of a request for a hearing under this section unless:

"(i) a showing is made that a substantial dispute of material fact exists that has not been previously considered by the Commission and that cannot be resolved with sufficient accuracy except at a hearing; and

"(ii) a showing is made that there has been nonconformance with the combined license that has not been corrected and that could materially and adversely affect the safe operation of the facility.

"Any hearing held under this section after the granting of a combined license to construct and operate a facility shall be limited to issues of nonconformance with the combined license.".

TITLE XIV—URANIUM

Subtitle A— Uranium Enrichment

Sec. 14001. Short Title.—This subtitle may be cited as the "Uranium Enrichment Act of 1991."

Sec. 14002. Deletion of Section 161v.—Subsection 161v. of the Atomic Energy Act of 1954, as amended, is deleted and the remaining subsections are relettered accordingly.

Sec. 14003. Redirection of the Uranium Enrichment Enterprise of the United States.— The Atomic Energy Act of 1954, as amended (42 U.S.C. 2011–2296) is further amended by—

(a) inserting at the commencement thereof after the words "ATOMIC ENERGY ACT OF 1954":

"TITLE I—ATOMIC ENERGY"; and

(b) adding at the end thereof the following:

"TITLE II—UNITED STATES ENRICHMENT CORPORATION

"CHAPTER 21. FINDINGS

"Sec. 1101. Findings.—The Congress of the United States finds that:

"a. The enrichment of uranium is essential to the national security and energy security of the United States.

"b. A competitive, well-managed and efficient enrichment enterprise provides important economic benefits to the United States and contributes to a highly favorable foreign trade balance.

"c. A strong United States enrichment enterprise promotes United States nonproliferation policies by requiring accountability for United States enriched uranium.

"d. The operation of uranium enrichment facilities must meet high standards for environmental health and safety.

"e. The operation and management of a uranium enrichment enterprise requires a commercial business orientation in order to engender customer support and confidence, and customers, rather than the taxpayers at large, should bear the costs of commercial uranium enrichment services.

"f. The optimal level of expenditures for the uranium enrichment enterprise fluctuates and cannot be accurately predicted or efficiently financed if subject to annual authorization and appropriation.

"g. Flexibility is essential to adapt business operations to a competitive marketplace.

"h. The events of the recent past, including the emergence of foreign competition, have brought new and unforeseen forces to bear upon the management and operation of the Government's uranium enrichment enterprise.

"i. The present operation of the uranium enrichment enterprise must be changed so as to further the national interest in the enterprise and respond to the competitive demand placed upon it by market forces, while continuing to meet the paramount objective of ensuring the Nation's common defense and security.

"CHAPTER 22. DEFINITIONS, ESTABLISHMENT OF CORPORATION AND PURPOSES

"Sec. 1201. Definitions.— For the purpose of this title:

"a. The term 'Secretary' means the Secretary of Energy.

"b. The term 'Department' means the Department of Energy of the United States.

"c. The term 'Administrator' means the chief executive officer of the United States Enrichment Corporation.

"d. The term 'Corporation' means the United States Enrichment Corporation.

"e. The term 'Corporate Board' means the appointed members of the official advisory panel appointed by the President pursuant to section 1503 of this title.

"f. The term 'uranium enrichment' means the separation of uranium of a given isotopic content into two components, one having a higher percentage of a fissile isotope and one having a lower percentage.

"g. The term 'remedial action' has the same meaning as defined in section 120(24) of the Comprehensive Environmental Response, Compensation and Liability Act.

"h. The term 'decontamination and decommissioning' means those activities undertaken to decontaminate and decommission inactive facilities that have residual radioactive or mixed radioactive and hazardous chemical contamination.

"Sec. 1202. Establishment of the Corporation.—

"a. There is hereby created a body corporate to be known as the 'United States Enrichment Corporation'.

"b. The Corporation shall—

"(1) be established as a wholly owned Government corporation subject to the Government Corporation Control Act, as amended (31 U.S.C. 9101–9109), except as otherwise provided herein; and

"(2) be an agency and instrumentality of the United States.

"Sec. 1203. Purposes.—The Corporation is created for the following purposes:

"(1) to acquire feed material for uranium enrichment, enriched uranium, the Department's uranium previously set aside for commercial purposes, and the Department's uranium enrichment and related facilities;

"(2) to operate, and as required by business conditions, to expand or construct facilities for uranium enrichment or both;

"(3) to market and sell enriched uranium and uranium enrichment and related services to—

"(A) the Department for governmental purposes; and

"(B) qualified domestic and foreign persons;

"(4) to conduct research and development as required to meet corporate objectives for the purpose of identifying, evaluating, improving and testing processes for uranium enrichment;

"(5) to operate, as a commercial enterprise, on a profitable and efficient basis; in order to maximize the long term economic value of the Corporation to the United States Government including the payment of dividends to the Treasury as a return on the United States Government investment;

"(6) to conduct the business as a self-financing corporation and eliminate the need for appropriations or other sources of Government financing after enactment of this title;

"(7) to maintain a reliable and economical domestic source of enrichment services;

"(8) to conduct its activities in a manner consistent with the health and safety of the public;

"(9) to continue to meet the paramount objectives of ensuring the Nation's common defense and security (including consideration of United States policies concerning nonproliferation of atomic weapons and other nonpeaceful uses of atomic energy); and

"(10) to take all other lawful action in furtherance of the foregoing purposes.

"CHAPTER 23. CORPORATE OFFICES

"SEC. 1301. CORPORATE OFFICES.—The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. The Corporation may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

"CHAPTER 24. POWERS AND DUTIES OF THE CORPORATION

"SEC. 1401. SPECIFIC CORPORATE POWERS AND DUTIES.—The Corporation—

"a. shall perform uranium enrichment or provide for uranium to be enriched by others at facilities of the Corporation; contracts in existence as of the date of enactment of this title between the Department and persons under contract to perform uranium enrichment and related services at facilities of the Department shall continue in effect as if the Corporation, rather than the Department, had executed these contracts;

"b. shall conduct, or provide for the conduct of, research and development activities related to the isotopic separation of uranium as the Corporation deems necessary or advisable for purposes of maintaining the Corporation as a continuing, commercial enterprise operating on a profitable and efficient basis;

"c. may acquire or distribute enriched uranium, feed material for uranium enrichment or depleted uranium in transactions with—

"(1) persons licensed under sections 53, 63, 103, or 104 of title I in accordance with the licenses held by such persons;

"(2) persons in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I; or

"(3) as otherwise authorized by law;

"d. may—

"(1) enter into contracts with persons licensed under section 53, 63, 103, or 104 of title I for such periods of time as the Corporation may deem necessary or desirable, to provide uranium or uranium enrichment and related services; and

"(2) enter into contracts to provide uranium or uranium enrichment and related services in accordance with, and within the period of, an agreement for cooperation arranged pursuant to section 123 of title I or as otherwise authorized by law;

"e. shall sell to the Department as provided in this title, and without regard to section 57e. of title I or the provisions of section 1535 of title 31, United States Code, such amounts of uranium or uranium enrichment and related services as the Department may determine from time to time are required: (1) for the Department to carry out Presidential direction and authorizations pursuant to section 91 of title I; and (2) for the conduct of other Department programs;

"f. may grant licenses, both exclusive and nonexclusive, for the use of patent and patent applications owned by the Corporation, and establish and collect charges, in the form of royalties or otherwise, for utilization of Corporation-owned facilities, equipment, patents, and technical information of a proprietary nature pertaining to the Corporation's activities.

"SEC. 1402. GENERAL POWERS OF THE CORPORATION.—In order to accomplish the purposes of this title, the Corporation—

"a. shall have perpetual succession unless dissolved by Act of Congress;

"b. may adopt, alter, and use a corporate seal, which shall be judicially noticed;

"c. may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings;

"d. may indemnify the Administrator, officers, attorneys, agents and employees of the Corporation for liabilities and expenses incurred in connection with their corporate activities;

"e. may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the power granted to it by law may be exercised and enjoyed;

"f. (1) may acquire, purchase, lease, and hold real and personal property including patents and proprietary data, as it deems necessary in the transaction of its business, and sell, lease, grant, and dispose of such real and personal property, as it deems necessary to effectuate the purposes of this title and without regard to the Federal Property and the Administrative Services Act of 1949, as amended;

"(2) Purchases, contracts for the construction, maintenance, or management and operation of facilities and contracts for supplies or services, except personal services, made by the Corporation shall be made after advertising, in such manner and at such times sufficiently in advance of opening bids, as the Corporation shall determine to be adequate to insure notice and an opportunity for competition; *Provided*, that advertising shall not be required when the Corporation determines that the making of any such purchase or contract without advertising is necessary in the interest of furthering the purposes of this title, or that advertising is not reasonably practicable;

"g. with the consent of the agency or government concerned, may utilize or employ the services or personnel of any Federal Government agency, or any State or local government, or voluntary or uncompensated personnel to perform such functions on its behalf as may appear desirable;

"h. may enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its business and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory or possession, or with any political subdivision thereof, or with any person, firm, association, or corporation;

"i. may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and other provisions of law specifically applicable to wholly-owned Government corporations;

"j. notwithstanding any other provision of law, and without need for further appropriation, may use monies, unexpended appropriations, revenues and receipts from operations, amounts received from obligations issued and other assets of the Corporation in accordance with section 1505, without fiscal year limitation, for the payment of expenses and other obligations incurred by the Corporation in carrying out its functions under, and within the requirements of, this title; and shall not be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"k. may settle and adjust claims held by the Corporation against other persons or parties and claims by other persons or parties against the Corporation;

"l. may exercise, in the name of the United States, the power of eminent domain for the furtherance of the official purposes of the Corporation;

"m. shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

"n. may define appropriate information as 'Government Commercial Information' and exempt such information from mandatory release pursuant to section 552(b)(3) of title 5, United States Code, when it is determined by the Administrator that such information if publicly released would harm the Corporation's legitimate commercial interests or those of a third party;

"o. may request, and the Administrator of General Services, when requested, shall furnish the Corporation such services as he is authorized to provide agencies of the United States;

"p. may accept gifts or donations of services, or of property, real, personal, mixed, tangible or intangible, in aid of any purposes herein authorized; and

"q. may execute, in accordance with its bylaws, rules and regulations, all instruments necessary and appropriate in the exercise of any of its powers.

"r. shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the Judgment Appropriation (31 U.S.C. 1304). The provisions of the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671 et seq.) shall not apply to any claims arising from the activities of the Corporation after the effective date of this statute; *Provided*, That this subsection shall not apply to liability or claims arising from a nuclear incident, if such incident occurs prior to the licensing of the Corporation's existing Gaseous Diffusion Facilities under Section 1601 of this title.

"SEC. 1403. CONTINUATION OF CONTRACTS, ORDERS, PROCEEDINGS AND REGULATIONS.—

"a. Except as provided elsewhere in this title, all contracts, agreements, and leases with the Department, and licenses, and privileges that have been afforded to the Department prior to the date of the enactment of this title and that relate to uranium enrichment, including all enrichment services contracts, power purchase contracts and the December 18, 1987 Settlement Agreement with the Tennessee Valley Authority regarding payment of capacity charges under the Department's two power contracts with the Tennessee Valley Authority, shall continue in effect as if the Corporation had executed such contracts, agreements, or leases or had been afforded such licenses and privileges.

"b. As related to the functions vested in the Corporation by this title, all orders, determinations, rules, regulations and privileges of the Department shall continue in effect and remain applicable to the Corporation until modified, terminated, superseded, set aside or revoked by the Corporation, by any court of competent jurisdiction, or by operation of law unless otherwise specifically provided in this title.

"c. Except as provided elsewhere in this title, the transfer of functions related to and vested in the Corporation by this title shall not affect proceedings judicial or otherwise, relating to such functions which are pending at the time this title takes effect, and such proceedings shall be continued with the Corporation, as appropriate.

"SEC. 1404. LIABILITIES.—Except as provided elsewhere in this title, all liabilities attributable to operation of the uranium enrichment enterprise prior to the date of the enactment of this title shall remain direct liabilities of the Government of the United States; with regard to any claim seeking to impose such liability, section 1403 shall not be applicable and the United States shall be represented by the Department of Justice.

"CHAPTER 25. ORGANIZATION, FINANCE AND MANAGEMENT

"SEC. 1501. ADMINISTRATOR.—

"a. The management of the Corporation shall be vested in an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation. The Administrator shall be a person who, by reason of professional background and experience is specially qualified to manage the Corporation; *Provided, however*, That upon enactment of this title, the President shall appoint an existing officer or employee of the United States to act as Administrator until the office is filled.

"b. The Administrator—

"(1) shall be the chief executive officer of the Corporation and shall be responsible for the management and direction of the Corporation. The Administrator shall establish the offices, appoint the officers and employees of the Corporation (including attorneys), and define their responsibilities and duties. The Administrator shall appoint other officers and employees as may be required to conduct the Corporation's business;

"(2) shall serve a term of six years but may be reappointed;

"(3) shall, before taking office, take an oath to faithfully discharge the duties thereof;

"(4) shall have compensation determined by the President based upon the recommendation of the Secretary and the Corporate Board as provided in section 1503 c., except that in the absence of such determination compensation shall be set at Executive Level I, as prescribed in section 5312 of title 5, United States Code;

"(5) shall be a citizen of the United States;

"(6) shall designate an officer of the Corporation who shall be vested with the authority to act in the capacity of the Administrator in the event of absence or incapacity; and

"(7) may be removed from office only by the President and only for neglect of duty or malfeasance in office. The President shall communicate the reasons for any such removal to both Houses of Congress at least 30 days prior to the effective date of such removal.

"c. (1) The Secretary shall exercise general supervision over the Administrator only with respect to the activities of the Corporation involving—

"(A) the Nation's common defense and security; and

"(B) health, safety and the environment.

"(2) The Administrator shall be solely responsible for the exercise of all powers and responsibilities that are committed to the Administrator under this title and that are not reserved to the Secretary under paragraph (1), and, notwithstanding the provisions of section 9104(a)(4) of title 31, United States Code, including the setting of the appropriate amount of, and paying, any dividend under section 1506 c. and all other fiscal matters.

"SEC. 1502. DELEGATION.—The Administrator may delegate to other officers or employees powers and duties assigned to the Corporation in order to achieve the purposes of this title.

"SEC. 1503. CORPORATE BOARD.—There is hereby established a Corporate Board appointed by the President which shall consist of five members, one of whom shall be designated as chairman. Members of the Corporate Board shall be individuals possessing high integrity, demonstrated accomplishment and broad experience in management and shall have strong backgrounds in science, engineering, business or finance. At least one member of the Corporate Board shall be, or previously have been, employed on a full-time basis in managing an electric utility:

"a. (1) The specific responsibilities of the Corporate Board shall be to:

"(A) review the Corporation's policies and performance and advise the Administrator and the Secretary on these matters; and

"(B) advise the Administrator and the Secretary on any other such matters concerning the Corporation as may be referred to the Corporate Board.

"(2) The Board shall have the right to recommend removal of the Administrator. In the event such recommendation is made, it shall be transmitted to the President by the Secretary, together with the Secretary's own recommendation on removal of the Administrator.

"b. Members of the Board shall be provided access to all significant reports, memoranda, or other written communications generated or received by the Corporation. At the request of the Board, the Corporation shall make available to the Board all financial records, reports, files, papers and memoranda of, or in use by, the Corporation.

"c. When appropriate, the Corporate Board may make recommendations to the Secretary concerning the compensation to be received by the Administrator and the ten officers of the Corporation who may receive compensation in excess of Executive Level II as provided in section 1504 a. The Secretary shall transmit such recommendations to the President together with the Secretary's own recommendations concerning compensation. In the event that less than three members of the Corporate Board are in office, recommendations concerning compensation may be made by the Secretary alone. The President shall have the power to enter into binding agreements concerning compensation to be received by the Administrator during his term of office and by the ten officers described in section 1504 a. during their term of employment, regardless of any recommendation received or not received under this title.

"d. Except for initial appointments, members of the Corporate Board shall serve five-year terms. Each member of the Corporate Board shall be a citizen of the United States. No more than three members of the Board shall be members of any one political party. Of those first appointed, the chairman shall serve for the full five-year term; one member shall serve for a term of four years; one shall serve for a term of three years; one shall serve for a term of two years; and one shall serve for a term of one year.

"e. Upon expiration of the initial term, each Corporate Board member appointed thereafter shall serve a term of five years. Upon the occurrence of a vacancy on the Board, the President shall appoint an individual to fill such vacancy for the remainder of the applicable term. Upon expiration of a term, a Board member may continue to serve up to a maximum of one year or until a successor shall have been appointed and assumed office, whichever occurs first.

"f. The members of the Corporate Board in executing their duties shall be governed by the laws and regulations regarding conflicts of interest, but exempted from other provisions and authority prescribed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2).

"g. The Corporate Board shall meet at any time pursuant to the call of the Chairman and as provided by the bylaws of the Corporation, but not less than quarterly. The Administrator or his representative shall attend all meetings of the Corporate Board.

"h. The Corporation shall compensate members of the Corporate Board at a per diem rate equivalent to Executive Level III, as defined in section 5314 of title 5, United States Code, in addition to reimbursement of reasonable expenses incurred when engaged in the performance of duties vested in the Corporate Board. Any Corporate Board member who is otherwise a Federal employee shall not be eligible for compensation above reimbursement for reasonable expenses incurred while attending official meetings of the Corporation.

"i. (1) The Corporate Board shall report at least annually to the Administrator on the performance of the Corporation and the issues that, in the opinion of the Board, require the attention of the Administrator. Any such report shall include such recommendations as the Board finds appropriate. A copy of any report under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate and to the Speaker of the House of Representatives.

"(2) Within ninety days after the receipt of any report under this subsection the Administrator shall respond in writing to such report and provide an analysis of such recommendations of the Board contained in the report. Such response shall include plans for implementation of each recommendation or a justification for not implementing such recommendation. A copy of any response under this subsection shall be transmitted promptly to the President, the Secretary, the Committee on Energy and Natural Resources and to the Speaker of the House of Representatives.

"SEC. 1504. EMPLOYEES OF THE CORPORATION.—Officers and employees of the Corporation shall be officers and employees of the United States:

"a. The Administrator shall appoint all officers, employees and agents of the Corporation as are deemed necessary to effect the provisions of this title without regard to any administratively imposed limits on personnel, and any such officer, employee or agent shall only be subject to the supervision of the Administrator. The Administrator shall fix all compensation in accordance with the comparable pay provisions of section 5301 of title 5, United States Code, with compensation levels not to exceed Executive Level II, as defined in section 5313 of title 5, United States Code; Provided, that the Administrator may, upon recommendation by the Secretary and the Corporate Board as provided in section 1503 c. and approval by the President, appoint up to ten officers whose compensation shall not exceed an amount which is 20 per centum less than the compensation received by the Administrator, but not less than Executive Level II. The Administrator shall define the duties of all officers and employees and provide a system of organization inclusive of a personnel management system to fix responsibilities and promote efficiency. The Corporation shall assure that the personnel function and organization is consistent with the principles of section 2301(b) of title 5, United States Code, relating to merit system principles. Officers and employees of the Corporation shall be appointed, promoted and assigned on the basis of merit and fitness, and other personnel actions shall be consistent with the principles of fairness and due process but without regard to those provisions of title 5 of the United States Code governing appointments and other personnel actions in the competitive service.

"b. Any Federal employee hired before January 1, 1984, who transfers to the Corporation and who on the day before the date of transfer is subject to the Federal Civil Service Retirement System (5 U.S.C. chapter 83, subchapter III) shall remain within the coverage of such system unless he or she elects to be subject to the Federal Employees' Retirement System. For those employees remaining in the Federal Civil Service Retirement System, the Corporation shall withhold pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in chapter 83 of title 5, United States Code. Employment by the Corporation without a break in continuity of service shall be considered to be employment by the United States Government for purposes of subchapter III of chapter 83 of title 5, United States Code. Any employee of the Corporation who is not within the coverage of the Federal Civil Service Retirement System shall be subject to the Federal Employees' Retirement System (5 U.S.C. chapter 84). The Corporation shall withhold pay and make such payments as are required under that retirement system. Further:

"(1) Any employee who transfers to the Corporation under this section shall not be entitled to lump sum payments for unused annual leave under section 5551 of title 5, United States Code, but shall be credited by the Corporation with the unused annual leave at the time of transfer.

"(2) An employee who does not transfer to the Corporation and who does not otherwise remain a Federal employee shall be entitled to all the rights and benefits available under Federal law for separated employees, except that severance pay shall not be payable to an employee who does not accept an offer of employment from the Corporation of work substantially similar to that performed by the employee for the Department.

"c. This section does not affect a right or remedy of an officer, employee, or applicant for employment under a law prohibiting discrimination in employment in the Government on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicap conditions.

"d. Officers and employees of the Corporation shall be covered by chapter 73 of title 5, United States Code, relating to suitability, security and conduct.

"e. Compensation, benefits, and other terms and conditions of employment in effect immediately prior to the effective date of this section, whether provided by statute or by rules and regulations of the Department or the executive branch of the Government of the United States shall continue to apply to officers and employees who transfer to the Corporation from other Federal employment until changed by the Corporation in accordance with the provisions of this title.

"f. The provisions of sections 3323(a) and 8344 of title 5, United States Code, or any other law prohibiting or limiting the reemployment of retired officers or employees or the simultaneous receipt of compensation and retired pay or annuities, shall not apply to officers and employees of the Corporation who have retired from or ceased previous government service prior to April 28, 1987.

"SEC. 1505. TRANSFER OF PROPERTY TO THE CORPORATION.—In order to enable the Corporation to exercise the powers and duties vested in it by this title:

"a. The Secretary, as requested by the Administrator, is authorized and directed to transfer without charge to the Corporation all of the Department's right, title, or interest in and to, real or personal properties owned by the Department, or by the United States but under control or custody of the Department, which are related to and materially useful in the performance of the functions transferred by this title, including but not limited to the following—

"(1) production facilities for uranium enrichment inclusive of real estate, buildings and other improvements at production sites and their related and supporting equipment: *Provided*, That facilities, real estate, improvements and equipment related to the Oak Ridge Gaseous Diffusion Plant in Oak Ridge, Tennessee, and to the gas centrifuge enrichment program shall not transfer under this paragraph except for diffusion cascades and related equipment needed by the Corporation for replacement parts: *Provided further*, That any enrichment facilities retained by the Department shall not be used to enrich uranium in competition with the Corporation. This paragraph shall not prejudice consideration of any site as a candidate site for future expansion or replacement of uranium enrichment capacity;

"(2) at such time subsequent to the year 2000 as the Secretary determines that the Oak Ridge Gaseous Diffusion Plant should be decommissioned or decontaminated, or both, the Secretary shall convey without charge equipment and facilities relating to the Oak Ridge Gaseous Diffusion Plant not transferred in paragraph (1) to the Corporation;

"(3) facilities, equipment, and materials for research and development activities related to the isotopic separation of uranium by the gaseous diffusion technology;

"(4) The Department's stocks of preproduced enriched uranium, but excluding stocks of highly enriched uranium: *Provided*, That approximately two metric tons of the Department's highly enriched uranium shall be loaned to the Corporation as required for working inventory;

"(5) the Department's stocks of feed materials for uranium enrichment except for the quantities allocated to the national defense activities of the Department as of the date of enactment;

"(A) the Department's stockpile of enrichment tails existing as of the date of enactment, shall remain with the Department; and

"(B) stocks of feed materials which remain the property of the Department under paragraph (5) shall remain in place at the enrichment plant sites. The Corporation shall have access to and use of these feed materials provided such quantities as are used are replaced, or credit given, if use by the Department is subsequently needed.

"(6) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases to the extent these items concern the Corporation's functions and activities, except those items required for programs and activities of the Department and those items specifically excluded by this subsection.

The transfer authorized by this section is not subject to the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act.

"b. The Secretary is authorized and directed to grant to the Corporation without charge the Department's rights and access to the Atomic Vapor Laser Isotope Separation, hereinafter referred to as "AVLIS", technology and to provide on a reimbursable basis and at the request of the Corporation, the necessary cooperation and support of the Department to assure the commercial development and deployment of AVLIS or other technologies in a manner consistent with the intent of this title.

"c. The Secretary is authorized and directed to grant the Corporation without charge, to the extent necessary or appropriate for the conduct of the Corporation's activities, licenses to practice or have practiced any inventions or discoveries (whether patented or unpatented) together with the right to use or have used any processes and technical information owned or controlled by the Department.

"d. The Secretary is directed, without need of further appropriation, to transfer to the Corporation the unexpended balance of appropriations and other monies available to the Department (inclusive of funds set aside for accounts payable), and accounts receivable which are related to functions and activities acquired by the Corporation from the Department pursuant to this title, including all advance payments.

"e. The President is authorized to provide for the transfer to the Corporation of the use, possession, and control of such other real and personal property of the United States which is reasonably related to the functions performed by the Corporation. Such transfers may be made by the President without charge as he may from time to time deem necessary and proper for achieving the purposes of this title.

"f. Title to depleted uranium resulting from the enrichment services provided to the Department by the Corporation shall remain with the Department.

"SEC. 1506. CAPITAL STRUCTURE OF THE CORPORATION.—

"a. Upon commencement of operations of the Corporation, all liabilities then chargeable to unexpended balances of appropriations transferred under section 1505 shall become liabilities of the Corporation.

"b. (1) The Corporation shall issue capital stock representing an equity investment equal to the book value of assets transferred to the Corporation, as reported in the Uranium Enrichment Annual Report for fiscal year 1987, modified to reflect continued depreciation and other usual changes that occur up to the date of transfer. The Secretary of the Treasury shall hold such stock for the United States: Provided, That all rights and duties pertaining to management of the Corporation shall remain vested in the Administrator as specified in section 1501.

"(2) The capital stock of the Corporation shall not be sold, transferred, or conveyed by the United States unless such disposition is specifically authorized by Federal law enacted after enactment of this title.

"c. The Corporation shall pay into miscellaneous receipts of the Treasury of the United States or such other fund as provided by law, dividends on the capital stock, out of earnings of the Corporation, as a return on the investment represented by such stock. The Corporation shall pay such dividends out of earnings, unless there is an overriding need to retain these funds in furtherance of other corporate functions including but not limited to research and development, capital investments and establishment of cash reserves.

"d. The Corporation shall repay within a twenty-year period the amount of $364,000,000 into miscellaneous receipts of the Treasury of the United States, or such other fund as provided by law with interest on the unpaid balance from the date of enactment of this title at a rate equal to the average yield on twenty-year Government obligations as determined by the Secretary of the Treasury on the date of enactment of this title. The money required to be repaid under this subsection is hereinafter referred to as the 'Initial Debt'.

"e. Receipt by the United States of the stock issued by the Corporation (including all rights appurtenant thereto) together with repayment of the Initial Debt shall constitute the sole recovery by the United States of previously unrecovered costs that have been incurred by the United States for uranium enrichment activities prior to enactment of this title.

"SEC. 1507. BORROWING.—

"a. (1) The Corporation is authorized to issue and sell bonds, notes, and other evidences of indebtedness (hereinafter collectively referred to as "bonds") in an amount not exceeding $2,500,000,000 outstanding at any one time to assist in financing its activities and to refund such bonds. The principal of and interest on said bonds shall be payable from revenues of the Corporation.

"(2) Notwithstanding any other provision of law, the Corporation may pledge and use its revenues for payment of the principal of and interest on said bonds, for purchase or redemption thereof, and for other purposes incidental thereto, including creation of reserve funds and other funds which may be similarly pledged and used, to such extent and in such manner as it may deem necessary or desirable.

"(3) Notwithstanding any other provision of law, the Corporation is authorized to enter into binding covenants with the holders of said bonds—and with the trustee, if any—under any indenture, resolution, or other agreement entered into in connection with the issuance thereof with respect to the establishment of reserve funds and other funds, stipulations concerning the subsequent issuance of bonds, and such other matters, not inconsistent with this title, as the Corporation may deem necessary or desirable to enhance the marketability of said bonds.

"(4) Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payments of the principal thereof or interest thereon be guaranteed by, the United States.

"b. Bonds issued by the Corporation under this section shall be negotiable instruments unless otherwise specified therein, shall be in such forms and denominations, shall be sold at such times and in such amounts, shall mature at such time or times not more than thirty years from their respective dates, shall be sold at such prices, shall bear such rates of interest, may be redeemable before maturity at the option of the Corporation in such manner and at such times and redemption premiums, may be entitled to such priorities of claim on the Corporation's revenues with respect to principal and interest payments, and shall be subject to such other terms and conditions, as the Corporation may determine: Provided, That at least fifteen days before selling each issue of bonds hereunder (exclusive of any commitment shorter than one year) the Corporation shall advise the Secretary of the Treasury as to the amount, proposed date of sale, maturities, terms and conditions and expected rates of interest of the proposed issue in the fullest detail possible. The Corporation shall not be subject to the provisions of section 9108 of title 31, United States Code. The Corporation shall be deemed part of an executive department or an independent establishment of the United States for purposes of the provisions of section 78c(c) of title 15, United States Code.

"c. Bonds issued by the Corporation hereunder shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of any officer or agency of the United States. The Secretary of the Treasury or any other officer or agency having authority over or control of any such fiduciary, trust, or public funds, may at any time sell any of the bonds of the Corporation acquired by them under this section: Provided, That the Corporation shall not issue or sell any bonds to the Federal Financing Bank.

"SEC. 1508. PRICING.—

"a. For purposes of maximizing the long-term economic value of the Corporation to the United States Government, the Corporation shall establish prices for its products, materials and services provided to customers other than the Department on a basis that will, over the long term, allow it to recover its costs for providing the products, materials and services; repay the Initial Debt; recover costs of decontamination, decommissioning and remedial action; and attain the normal business objectives of a profitmaking Corporation.

"b. The Corporation shall establish prices for low assay enrichment services and other products, materials, and services provided the Department on a basis that will allow it to recover its costs on a yearly basis for providing such low assay enrichment services, products, materials and services, including depreciation and the cost of decontamination, decommissioning and remedial action, but excluding repayment of the Initial Debt and profit. In establishing such prices, the base charge paid by the Department in any given year shall not exceed the average base charge paid by customers other than the Department: Provided, however, That if the imposition of such average base charges as a limitation on the base charge paid by the Department in a given year does not permit the Corporation to fully recover its costs for providing such products, materials and services to the Department then, in subsequent years, the Corporation shall include such unrecovered costs in its prices charged the Department. Base charge shall mean the amount paid by a customer per separative work unit for low assay enrichment services during a given year (exclusive of any credits received under a voluntary overfeeding program), less the portion of such amount which represents the cost of decontamination and decommissioning and remedial action. The average base charge paid by customers other than the Department shall be determined by dividing the estimated total dollar amount of low assay enrichment services sales to customers other than the Department during a given year by the estimated amount of separative work units sold to customers other than the Department during that year. Adjustments between estimated and actual amounts shall be made upon receipt of actual sales data.

"c. The Corporation shall establish prices to the Department for high assay enrichment services on a basis that will allow it to recover its costs, on a yearly basis, for providing the products, materials or services, including depreciation and the costs of decontamination, decommissioning, and remedial action concerning enrichment property, but excluding repayment of the Initial Debt and profit. If the Department does not request any enrichment services in a given year, the Department shall reimburse the Corporation for costs required to maintain the minimum level of operation of the high assay production facility.

"d. (1) In accordance with the cost responsibilities defined in paragraphs (3) and (4), the Corporation shall recover from its customers in the prices and charges established in accordance with subsection (a), amounts that will be sufficient to pay for the costs of decommissioning, decontamination and remedial action for the various property of the Corporation, including property transferred under section 1505 a. at any time. Such costs shall be based on the point in time that such decommissioning, decontamination and remedial action are to be undertaken and accomplished: Provided, That by the year 2000 the Corporation shall have recovered and deposited in the Uranium Enrichment Decontamination and Decommissioning Fund 50 per centum of the estimated total costs of decontamination and decommissioning of all property transferred or to be transferred to the Corporation under section 1505, including the Oak Ridge Gaseous Diffusion Plant.

"(2) In order to meet the objective defined in paragraph (1), the Corporation shall periodically estimate the anticipated or actual costs of decommissioning and decontamination. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including, but not limited to, any changes in applicable environmental requirements. Such estimates shall be reviewed at least every two years.

"(3) For purposes of enabling the Corporation to meet the objective defined in paragraph (1) with respect to the Oak Ridge Gaseous Diffusion Plant, the Secretary shall periodically estimate the anticipated costs of decontamination and decommissioning and the time at which such decontamination and decommissioning is to be accomplished. Such estimates shall reflect any changes in assumptions or expectations relevant to meeting such objective, including but not limited to, any changes in applicable environmental requirements. The Secretary shall review such estimates every two years and convey this information to the Corporation.

"(4) With respect to property that has been used in the production of low-assay separative work,

"(A) The costs of decommissioning, decontamination and remedial action that shall be recoverable from customers other than the

Department in prices and charges shall be in the same ratio to the total costs of decommissioning, decontamination and remedial action for the property in question as the production of separative work over the life of such property for commercial customers bears to the total production of separative work over the life of such property.

"(B) All other costs of decommissioning, decontamination and remedial action for such property shall be recovered in prices and charges to the Department.

"(5) With respect to property that has been used solely in the production of high-assay separative work, all costs of decommissioning, decontamination and remedial action shall be recovered in prices and charges to the Department.

"SEC. 1509. AUDITS.—In fiscal years during which an audit is not performed by the Comptroller General in accordance with the provisions of section 9105 of title 31, United States Code, the financial transactions of the Corporation shall be audited by an independent firm or firms of nationally recognized certified public accountants who shall prepare such audits using standards appropriate for commercial corporate transactions. The fiscal year of the Corporation shall conform to the fiscal year of the United States. The General Accounting Office shall review such audits annually, and to the extent necessary, cause there to be a further examination of the Corporation using standards for commercial corporate transactions. Such audits shall be conducted at the place or places where the accounts of the Corporation are established and maintained. All books, financial records, reports, files, papers, memoranda, and other property of, or in use by, the Corporation shall be made available to the person or persons authorized to conduct audits in accordance with the provisions of this section.

"SEC. 1510. REPORTS.—

"a. The Corporation shall prepare an annual report of its activities. This report shall contain—

"(1) a general description of the Corporation's operations;

"(2) a summary of the Corporation's operating and financial performance, including an explanation of the decision to pay or not pay dividends; and

"(3) copies of audit reports prepared in conformance with section 1509 of this title and the provisions of the Government Corporation Control Act, as amended.

"b. A copy of the annual report shall be provided to the President, the Secretary, the Committee on Energy and Natural Resources of the Senate, and the appropriate committees of the House of Representatives. Such reports shall be completed not later than 90 days following the close of each fiscal year and shall accurately reflect the financial position of the Corporation at fiscal year end, inclusive of any impairment of capital or ability of the Corporation to comply with the provisions of this title.

"SEC. 1511. CONTROL OF INFORMATION.—

"a. The term 'Commission' shall be deemed to include the Corporation wherever such terms appears in section 141 and subsections a. and b. of section 142 of title I.

"b. No contracts or arrangements shall be made, nor any contract continued in effect, under section 1401, 1402, 1403, or 1404, unless the person with whom such contract or arrangement is made, or the contractor or prospective contractor, agrees in writing not to permit any individual to have access to Restricted Data, as defined in section 11 y. of title I, until the Office of Personnel Management shall have made an investigation and report to the Corporation on the character, associations, and loyalty of such individual, and the Corporation shall have determined that permitting such person to have access to restricted data will not endanger the common defense and security.

"c. The restrictions detailed in subsections b., c., d., e., f., g., and h., of section 145 of title I shall be deemed to apply to the Corporation where they refer to the Commission or a majority of the members of the Commission, and to the Administrator where they refer to the General Manager.

"d. The Administrator shall keep the appropriate congressional committees fully and currently informed with respect to all of the Corporation's activities. To the extent consistent with the other provisions of this section, the Corporation shall make available to any of such committees all books, financial records, reports, files, papers, memoranda, or other information possessed by the Corporation upon receiving a request for such information from the chairman of such committee.

"e. Whenever the Corporation submits to the President, or the Office of Management and Budget, any budget, legislative recommendation, testimony, or comments on legislation, prepared for submission to the Congress, the Corporation shall concurrently transmit a copy thereof to the appropriate committees of Congress.

"f. The Corporation shall have no power to control or restrict the dissemination of information other than as granted by this or any other law.

"SEC. 1512. PATENTS AND INVENTIONS.—

"a. The term 'Commission' shall be deemed to include the Corporation wherever such term appears in section 152, 153 b.(1), and 158 of title I. The Corporation shall pay such royalty fees for patents licensed to it under section 153 b.(1) of title I as are paid by the Department under that provision. Nothing in title I or this title shall affect the right of the Corporation to require that patents granted on inventions, that have been conceived or first reduced to practice during the course of research or operations of, or financed by the Corporation, be assigned to the Corporation.

"b. The Department shall notify the Corporation of all reports heretofore or hereafter filed with it under subsection 151 c. of title I and all applications for patents heretofore or hereafter filed with the Commissioner of Patents of which the Department has notice under subsection 151 d. of title I or otherwise, whenever such reports or applications involve matters pertaining to the functions or responsibilities of the Corporation in accordance with this title. The Department shall make all such reports available to the Corporation, and the Commissioner of Patents shall provide the Corporation access to all such applications. All reports and applications to which access is so provided shall be kept in confidence by the Corporation, and no information concerning the same given without authority of the inventor or owner unless necessary to carry out the provisions of any Act of Congress.

"c. The Corporation, without regard for any of the conditions specified in paragraph 153 c.(1), (2), (3), or (4) of title I, may at any time make application to the Department for a patent license for the use of an invention or discovery useful in the production or utilization of special nuclear material or atomic energy covered by a patent when such patent has not been declared to be affected with the public interest under subsection 153 b.(1) of title I and when use of such patent is within the Corporation's authority. Any such application shall constitute an application under subsection 153 c. of title I subject, except as specified above, to all the provisions of subsections 153 c., d., e., f., g., and h., of title I.

"d. With respect to the Corporation's functions under this title, section 158 of title I shall be deemed to include the Corporation within the phrase, 'any other licensee' in the first sentence thereof and within the phrase 'such licensee' in the second sentence thereof.

"e. The Corporation shall not be liable directly or indirectly for any damages or financial responsibility with respect to secrecy orders imposed under sections 181 through 187 of title 35, United States Code.

"f. The Corporation shall not be liable or responsible for any payments made or awards under subsection 157 b.(3) of title I, or any settlements or judgments involving claims for alleged patent infringement except to the extent that any such awards, settlements or judgments are attributable to activities of the Corporation after the effective date of this title.

"g. The Corporation shall keep currently informed as to matters affecting its rights and responsibilities under chapter 13 of title I as modified by this section and shall take all appropriate action to avail itself of such rights and satisfy such responsibilities. The Department in discharging its responsibilities under chapter 13 of title I shall exercise diligence in informing the Corporation of matters affecting the responsibilities and jurisdiction of the Corporation and seeking and following as appropriate the advice and recommendation of the Corporation in such matters.

"CHAPTER 26. LICENSING, TAXATION, AND MISCELLANEOUS PROVISIONS

"SEC. 1601. LICENSING.—

"a. Notwithstanding any other provision of law, with respect solely to facilities, equipment and materials for activities related to the isotopic separation of uranium by the gaseous diffusion technology at facilities in existence as of the date of enactment of this title, the Corporation and its contractors are hereby exempted from the licensing requirements and prohibitions of sections 57, 62, 81 and other provisions of title I, to the same extent as the Department and its contractors are exempt in regard to the Department's own functions and activities. Such exemption shall remain in effect unless and until the Corporation and its contractors receive all necessary licenses for such facilities, equipment and materials as are required under title I.

"b. Within two years of the enactment of this title, the Commission shall promulgate regulations or issue other regulatory guidance under title I for the licensing of facilities described in subsection a. that employ the gaseous diffusion technology.

"c. Within one year after the promulgation of regulations or the issuance of other regulatory guidance under subsection b., the Corporation and its contractors shall make necessary applications for and otherwise seek to obtain such licenses as will remove the exemption provided under subsection a. As part of its application, the Corporation shall submit an Environmental Impact Statement in accordance with the requirements of the National Environmental Policy Act. The Commission shall adopt this statement to the extent practicable under the National Environmental Policy Act. In preparing such statement, the Corporation, and in making any licensing decision, the Commission, shall not consider the need for such facilities, alternatives to such facilities, or the costs compared to the benefits of such facilities. The Commission shall act on licensing requests by the Corporation in a timely manner.

"d. The Corporation shall not transfer or deliver any source, special nuclear or byproduct materials or production or utilization facilities, as defined in title I, to any person who is not properly qualified or licensed under the provisions of title I.

"e. The Corporation shall be subject to the regulatory jurisdiction of the Commission and the Department of Transportation with respect to the packaging and transportation of source, special nuclear and byproduct materials.

"SEC. 1602. EXEMPTION FROM TAXATION AND PAYMENTS IN LIEU OF TAXES.—

"a. In order to render financial assistance to those states and localities in which the facilities of the Corporation are located, the Corporation is authorized and directed to make payments to state and local governments as provided in this section. Such payments shall be in lieu of any and all state and local taxes on the real and personal property, activities and income of the Corporation. All property of the Corporation, its activities, and income are expressly exempted from taxation in any manner or form by any state, county, or other local government entity. The activities of the Corporation for this purpose shall include the activities of organizations pursuant to cost-type contracts with the Corporation to manage, operate and maintain its facilities. The income of the Corporation shall include income received by such organizations for the account of the Corporation. The income of the Corporation shall not include income received by such organizations for their own accounts, and such income shall not be exempt from taxation.

"b. The Corporation shall make annual payments, in amounts determined by the Corporation to be fair and reasonable, to the state and local governmental agencies having tax jurisdiction in any area where facilities of the Corporation are located. In making such determinations, the Corporation shall be guided by the following criteria:

"(1) Amounts paid shall not exceed the tax payments that would be made by a private industrial corporation owning similar facilities and engaged in similar activities at the same location: *Provided, however*, That there shall be excluded any amount that would be payable as a tax on net income.

"(2) The Corporation shall take into account the customs and practices prevailing in the area with respect to appraisal, assessment, and classification of industrial property and any special considerations extended to large-scale industrial operations.

"(3) No amount shall be included to the extent that any tax unfairly discriminates against the class of taxpayers of which the Corporation would be a member if it were a private industrial corporation, compared with other taxpayers or classes of taxpayers.

"(4) In no event shall the payment made to any taxing authority for any period be less than the payments which would have been made to such taxing authority for the same period by the Department and its cost-type contractors on behalf of the Department with respect to property that has been transferred to the Corporation under section 1505 and which would have been attributable to the ownership, management operation, and maintenance of the Department's uranium enrichment facilities, applying the laws and policies prevailing immediately to the enactment of this title.

"c. Payments shall be made by the Corporation at the time when payments of taxes by taxpayers to each taxing authority are due and payable: *Provided*, That no payment shall be made to the extent that the tax would apply to a period prior to the enactment of this title.

"d. The determination by the Corporation of the amounts due hereunder shall be final and conclusive.

"SEC. 1603. MISCELLANEOUS APPLICABILITY OF TITLE I.—

"a. Any references to the term 'Commission' or to the Department in sections 105 b., 110 a., 161 c., 161 k., 161 q., 165 a., 221 a., 229, 230 and 232 of title I shall be deemed to include the Corporation.

"b. Section 188 of title I shall apply to licensed facilities of the Corporation. For purposes of applying such section to facilities of the Corporation:

"(1) The term 'Commission' shall be deemed to refer to the Secretary;

"(2) There shall be no requirement for payment of just compensation to the Corporation, and receipts from operation of the facility in question shall continue to accrue to the benefit of the Corporation; and

"(3) The Secretary shall have the discretion to determine how and by whom the facility in question will be operated.

"SEC. 1604. COOPERATION WITH OTHER AGENCIES.—The Corporation is empowered to use with their consent the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, on a reimbursable basis and on a similar basis to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, and facilities of the Corporation. Further, the Corporation may confer with and avail itself of the cooperation, services, records, and facilities of state, territorial, municipal or other local agencies.

"SEC. 1605. APPLICABILITY OF ANTITRUST LAWS.—

"a. The Corporation shall conduct its activities in a manner consistent with the policies expressed in the antitrust laws, except as required by the public interest.

"b. As used in this subsection, the term 'antitrust laws' means:

"(1) The Act entitled: 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890 (15 U.S.C. 1–7), as amended;

"(2) The Act entitled, 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes,' approved October 15, 1914 (15 U.S.C. 12–27), as amended;

"(3) Sections 73 and 74 of the Act entitled, 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894 (15 U.S.C. 8–9), as amended; and

"(4) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

"SEC. 1606. NUCLEAR HAZARD INDEMNIFICATION.—The Administrator shall have the same authority to indemnify the contractors of the Corporation as the Secretary has to indemnify contractors under section 170 d. of title I. Except that with respect to any licenses issued to the Corporation by the Commission, the Commission shall treat the Corporation and its contractors as its licensees for the purposes of Section 170 of this Act.

"SEC. 1607. INTENT.—It is hereby declared to be the intent of this title to aid the Corporation in discharging its responsibilities under this title by providing it with adequate authority and administrative flexibility to obtain necessary funds with which to assure the maximum achievement of the purposes hereof as provided herein, and this title shall be construed liberally to effectuate such intent.

"SEC. 1608. REPORT.—

"a. Three years after enactment of this title or January, 1993, whichever is later, the Administrator shall submit to the President and to Congress an interim report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. Five years after enactment of this title, the Administrator shall submit to the President and the Congress a final report setting forth the views and recommendations of the Administrator regarding transfer of the functions, powers, duties, and assets of the Corporation to private ownership. If the Administrator, in the final report, recommends such transfers, the report shall include a plan for implementation of the transfers.

"b. Within one hundred and eighty days after receipt of the final report under subsection a., the President shall transmit to Congress his recommendations regarding the report, including a plan for implementation of any transfers recommended by the President and any recommendations for legislation necessary to effectuate such transfers.

"CHAPTER 27. DECONTAMINATION AND DECOMMISSIONING

"SEC. 1701. ESTABLISHMENT.—

"a. ESTABLISHMENT OF FUND.—(1) There is hereby established in the Treasury of the United States an account of the Corporation to be known as the Uranium Enrichment Decontamination and Decommissioning Fund (hereinafter referred to in this chapter as the 'Fund'). In accordance with section 1402j, such account and any funds deposited therein, shall be available to the Corporation for the exclusive purpose of carrying out the purposes of this chapter.

"(2) The Fund shall consist of:

"(A) Amounts paid into it by the Corporation in accordance with section 1702; and

"(B) Any interest earned under subsection b.(2).

"b. ADMINISTRATION OF FUND.—(1) The Secretary of the Treasury shall hold the Fund and, after consultation with the Corporation, annually report to the Congress on the financial condition and operations of the Fund during the preceding fiscal year.

"(2) At the direction of the Corporation, the Secretary of the Treasury shall invest amounts contained within such Fund in obligations of the United States:

"(A) Having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Fund, as determined by the Corporation; and

"(B) Bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to such obligations.

"(3) At the request of the Corporation, the Secretary of the Treasury shall sell such obligations and credit the proceeds to the Fund.

"SEC. 1702. DEPOSITS.—Within sixty days of the end of each fiscal year, the Corporation shall make a payment into the Fund in an amount equal to the costs of decontamination and decommissioning that have been recovered during such fiscal year by the Corporation in its prices and charges established in accordance with section 1508 for products, materials, and services.

"SEC. 1703. PERFORMANCE AND DISBURSEMENTS.—

"a. When the Corporation determines that particular property should be decommissioned or decontaminated, or both, or with respect to the Oak Ridge Gaseous Diffusion Plant at such time as the plant is conveyed to the Corporation, the Corporation shall enter into a contract for the performance of such decommissioning and decontamination.

"b. The Corporation shall pay for the costs of such decommissioning and decontamination out of amounts contained within the Fund.".

SEC. 14004. TREATMENT OF THE CORPORATION AS BEING PRIVATELY OWNED FOR PURPOSES OF THE APPLICABILITY OF ENVIRONMENTAL AND OCCUPATIONAL SAFETY LAWS.—The United States Enrichment Corporation shall be subject to Federal, state and local environmental laws and the Occupational Safety and Health Act (29 U.S.C. 651–678) to the same extent as is the Department of Energy as of the date of enactment. After four years from the date of enactment of this subtitle, the United States Enrichment Corporation shall become subject to such laws to the same extent as a privately-owned corporation, unless the President determines that additional time is necessary to achieve the purposes of title II of the Atomic Energy Act of 1954, as amended.

SEC. 14005. MISCELLANEOUS PROVISIONS.—(a) Section 9101(3) of title 31, United States Code (relating to the definition of "wholly-owned Government corporation") is amended by adding at the end the following: "(N) United States Enrichment Corporation.".

(b) In subsection 41 a. of the Atomic Energy Act of 1954, as amended, the word "or" appearing before the numeral "(2)" is deleted, a semicolon is substituted for a period at the end of the subsection and the following new paragraph is added: "or (3) are owned by the United States Enrichment Corporation.".

(c) In subsection 53 c. (1) of the Atomic Energy Act of 1954, as amended, the word "or" is inserted before the word "grant" and the phrase "or through the provision of production or enrichment services" is deleted in both places where it appears in such subsection.

(d) The Atomic Energy Act of 1954, as amended, is further amended in section 318(1) by striking the period after "activities" and by adding the following:

"(D) any facility owned by the United States Enrichment Corporation.".

(e) Subsection 905(g)(1) of Title 2, United States Code, is amended to include "United States Enrichment Corporation" at the end thereof.

(f) Section 306 of title III of the Energy and Water Development Appropriations Act, 1988, Pub. L. No. 100-202, is repealed.

SEC. 14006. LIMITATION ON EXPENDITURES.—For fiscal year 1991, total expenditures of the United States Enrichment Corporation shall not exceed total receipts.

SEC. 14007. SEVERABILITY.—If any provision of this subtitle, or the application of any provision to any entity, person or circumstance, shall for any reason be adjudged by a court of component jurisdiction to be invalid, the remainder of this title, or the application of the same shall not be thereby affected.

SEC. 14008. EFFECTIVE DATE.—Except as otherwise provided, all provisions of this subtitle shall take effect on the day following the end of the first full fiscal year quarter following the enactment of this title; Provided, however, That the Administrator or Acting Administrator of the United States Enrichment Corporation may immediately exercise the management responsibilities and powers of subsection 1501 a. of the Atomic Energy Act of 1954, as amended by this title and previous Acts.

SUBTITLE B—URANIUM

PART 1—SHORT TITLE, FINDINGS AND PURPOSE, DEFINITIONS

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the "Uranium Security and Tailings Reclamation Act of 1991."

SEC. 14102. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds for purposes of this subtitle that—

(1) the United States uranium industry has long been recognized as vital to United States energy independence and as essential to United States national security, but has suffered a drastic economic setback, including a 90 per centum reduction in employment, closure of almost all mines and mills, more than a 75 per centum drop in production, and a permanent loss of uranium reserves;

(2) during the remainder of this century approximately 20 per centum of United States electricity is expected to be produced from uranium fueled powerplants owned by domestic electric utilities;

(3) the United States has been the leading uranium producing nation and holds extensive proven reserves of natural uranium that offer the potential for secure sources of future supply;

(4) a variety of economic factors, policies of foreign governments, foreign export practices, the discovery and development of low cost foreign reserves, new Federal regulatory requirements, and cancellation of nuclear powerplants have caused most United States producers to close or suspend operations over the past six years and have resulted in the domestic uranium industry being found "not viable" by the Secretary under provisions of the Atomic Energy Act of 1954, as amended;

(5) providing assistance to the domestic uranium industry is essential to—

(A) preclude an undue threat from foreign supply disruptions that could hinder the Nation's common defense and security,

(B) assure an adequate long-term supply of domestic uranium for the Nation's nuclear power program to preclude an undue threat from foreign supply disruptions or price controls, and

(C) aid in the Nation's balance-of-trade payments through foreign sales;

(6) the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901–7942)—

(A) was enacted to provide for the reclamation and regulation of uranium and thorium mill tailings; and

(B) did not provide for a Federal contribution for the reclamation of tailings at uranium and thorium processing sites which were generated pursuant to Federal defense contracts;

(7) the owners or licensees of active uranium and thorium sites and the Federal Government have each benefitted from uranium and thorium produced at the active sites, and it is equitable that they share in the costs of reclamation, decommissioning and other remedial actions at the commingled sites; and,

(8) the creation of an assured system of financing will greatly facilitate and expedite reclamation and remedial actions at active uranium and thorium processing sites.

(b) PURPOSE.—It is the purpose of parts 2 and 3 of this subtitle to—

(1) ensure an adequate long-term supply of domestic uranium for the Nation's common defense and security and for the Nation's nuclear power program;

(2) provide assistance to the domestic uranium industry; and

(3) establish, facilitate, and expedite a comprehensive system for financing reclamation and other remedial action at active uranium and thorium processing sites.

SEC. 14103. DEFINITIONS.

For purposes of this subtitle—

(1) the term "active site" means—

(A) any uranium or thorium processing site, including the mill, containing by-product material for which a license (issued by the Nuclear Regulatory Commission or its predecessor agency under the Atomic Energy Act of 1954, as amended, or by a State as permitted under section 274 of such Act (42 U.S.C. 2021)) for the production at such site of any uranium or thorium derived from ore—

(i) was in effect on January 1, 1978;

(ii) was issued or renewed after January 1, 1978; or

(iii) for which an application for renewal or issuance was pending on, or after January 1, 1978; and

(B) any other real property or improvement on such real property that is determined by the Commission to be—

(i) in the vicinity of such site; and

(ii) contaminated with residual by-product material;

(2) the term "byproduct material" has the meaning given such term in section 11e.(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014(e)(2));

(3) the term "civilian nuclear power reactor" means any civilian nuclear powerplant required to be licensed under section 103 or section 104 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2133);

(4) the term "Corporation" means the United States Enrichment Corporation established under section 1202 of Title II of the Atomic Energy Act of 1954, as amended;

(5) the term "Department" means the Department of Energy;

(6) the term "domestic uranium" means any uranium that has been mined in the United States including uranium recovered from uranium deposits in the United States by underground mining, open-pit mining, strip mining, in situ recovery, leaching, and ion recovery, or recovered from phosphoric acid manufactured in the United States;

(7) the term "domestic uranium producer" means a person or entity who produces domestic uranium and who has, to the extent required by State and Federal agencies having jurisdiction, licenses and permits for the operation, decontamination, decommissioning, and reclamation of sites, structures and equipment;

(8) the term "enrichment tails" means uranium in which the quantity of the U-235 isotope has been depleted in the enrichment process;

(9) the term "reclamation, decommissioning, and other remedial action" includes work, including but not limited to disposal work, accomplished in order to comply with all applicable requirements, including but not limited to those established pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, as amended, or where appropriate, with requirements established by a State that is a party to a discontinuance

agreement under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021). The term shall also include work at an active site prior to the date of enactment of this act accomplished in order to comply with the foregoing requirements;

(10) the term "Secretary" means the Secretary of Energy;

(11) the terms "source material" and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014); and

(12) the term "tailings" means the wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

PART 2—URANIUM REVITALIZATION

SEC. 14111. VOLUNTARY OVERFEED PROGRAM.

(a) The Corporation shall establish, for a period of not less than five years commencing at the beginning of fiscal year 1992, a voluntary overfeeding program which shall be made available to the Corporation's enrichment services customers. The term "overfeeding" means the use of uranium in the enrichment process in excess of the amount required at the transactional tails assay.

(b) The Corporation shall encourage its enrichment services customers to participate in the voluntary overfeeding program as provided in this section. Uranium supplied by the enrichment customer shall be used by the Corporation for voluntary overfeeding in the enrichment process to reduce the amount of power required to produce the enriched uranium ordered by the enrichment services customer. The dollar savings resulting from the reduced power requirements shall be credited to the enrichment services customer.

(c) In the event an enrichment services customer does not elect to provide uranium for voluntary overfeeding to be used to process its enrichment order, the Corporation shall establish a method for such uranium to be voluntarily supplied by other enrichment services customer(s) which have expressed to the Corporation an interest in participating in such a program and the Corporation shall credit the resulting dollar savings realized from the reduced power requirements to the enrichment services customer(s) providing the uranium.

(d) An enrichment services customer providing uranium for voluntary overfeeding shall certify to the Corporation that such uranium is domestic uranium which has been actually produced by a domestic uranium producer after the enactment of this title or domestic uranium actually produced by a domestic uranium producer before the enactment of this title and held by it without sale, transfer or redesignation of the origin of such uranium on a DOE/NRC form 741.

(e) Within ninety days of the date of enactment of this title, the Corporation shall establish procedures to implement this program. Such procedures shall include, but not be limited to, delivery, reporting and certification requirements, and provisions for failure to comply with the requirements of the voluntary overfeeding program. The determination of the voluntary overfeeding credit and sufficient data to support such determination shall be available to the Corporation's enrichment services customers and to qualified domestic producers.

SEC. 14112. NATIONAL STRATEGIC URANIUM RESERVE.

There is hereby established the National Strategic Uranium Reserve under the direction and control of the Secretary. The Reserve shall consist of 50,000,000 pounds of natural uranium contained in stockpiles or inventories currently held by the United States for defense purposes. Effective on the date of enactment of this title, use of the Reserve shall be restricted to military purposes and government research. Use of the Department's stockpile of enrichment tails existing on the date of enactment of this title shall be restricted to military purposes.

SEC. 14113. RESPONSIBILITY FOR THE INDUSTRY.

(a) The Secretary shall have a continuing responsibility for the domestic uranium industry, and shall take any action, which he determines to be appropriate under existing law, to encourage the use of domestic uranium: Provided, however, That the Secretary, in fulfilling this responsibility, shall not use any supervisory authority over the Corporation. The Secretary shall report annually to the appropriate committees of Congress on action taken with respect to the domestic uranium industry, including action to promote the export of domestic uranium pursuant to subsection (b).

(b) ENCOURAGE EXPORT.—The Department, with the cooperation of the Department of Commerce, the United States Trade Representative and other governmental organizations, shall encourage the export of domestic uranium. Within one hundred and eighty days of the date of enactment of this Act the Secretary shall develop recommendations and implement government programs to promote the export of domestic uranium.

SEC. 14114. GOVERNMENT URANIUM PURCHASES.

(a) After the date of enactment of this title, the United States of America, its agencies and instrumentalities, shall only have the authority to enter into contracts or orders for the purchase of uranium which is (1) of domestic origin and (2) is purchased from domestic uranium producers: Provided, that this section shall not affect purchases under a contract for delivery of a fixed amount of uranium entered into before the date of enactment of this title.

(b) Subsection (a) shall not apply to the Tennessee Valley Authority.

SEC. 14115. SECRETARY'S AUTHORITY TO MAKE REGULATIONS.

The Secretary shall issue appropriate regulations to implement the purposes of this subtitle.

PART 3—REMEDIAL ACTION FOR ACTIVE PROCESSING SITES

SEC. 14121. REMEDIAL ACTION PROGRAM.

(a) IN GENERAL.—Except as provided in subsection (b), the costs of decontamination, decommissioning, reclamation, and other remedial action at an active uranium or thorium processing site shall be borne by persons licensed under section 62 or 81 of the Atomic Energy Act of 1954 (42 U.S.C. 2091, 2111) for any activity at such site which results or has resulted in the production of byproduct material.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary shall, subject to paragraph (2), reimburse at least annually a licensee described in subsection (a) for such portion of the reclamation, decommissioning and other remedial action costs described in such subsection as are—

(A) determined by the Secretary to be attributable to tailings generated as an incident of sales to the United States; and

(B) incurred by such licensee not later than December 31, 2002.

(2) AMOUNT.—

(A) TO INDIVIDUAL ACTIVE SITE URANIUM LICENSEES.—The amount of reimbursement paid to any licensee under paragraph (1) shall be determined by the Secretary in accordance with regulations issued pursuant to section 14122 and shall not exceed an amount equal to $4.50 multiplied by the dry short tons of tailings located at the site as of the effective date of this subtitle and generated as an incident of sales to the United States.

(B) TO ALL ACTIVE SITE URANIUM LICENSEES.—Payments made under paragraph (1) to active site uranium licensees shall not in the aggregate exceed $270,000,000.

(C) TO THORIUM LICENSEES.—Payments made under paragraph (1) to the licensee of the active thorium site shall not exceed $30,000,000.

(D) INFLATION ESCALATION INDEX.—The amounts in subparagraphs (A), (B) and (C) shall be increased annually based upon an inflation index. The Secretary shall determine the appropriate index to apply.

(E) ADDITIONAL REIMBURSEMENT.—Provided however, (i) the Secretary shall determine as of July 31, 2005, whether the amount authorized to be appropriated in section 14123, when considered with the $4.50 per dry short ton limit on reimbursement, exceeds the total cost reimbursable to the licensees of active sites for reclamation, decommissioning and other remedial action; and (ii) if the Secretary determines there is an excess, the Secretary may allow reimbursement in excess of $4.50 per dry short ton on a pro-rated basis at such sites that reclamation, decommissioning and other remedial action costs for tailings generated as an incident of sales to the United States exceed the $4.50 per dry short ton limitation.

SEC. 14122. REGULATIONS.

The Secretary shall issue regulations governing reimbursement under section 14121. An active uranium or thorium processing site owner shall apply for reimbursement hereunder by submitting a statement for the amount of reimbursement, together with reasonable documentation in support thereof, to the Secretary. Any such statement for reimbursement, supported by reasonable documentation, shall be approved by the Secretary and reimbursement therefor shall be made in a timely manner subject only to the limitations of section 14121.

SEC. 14123. AUTHORIZATION.

There is authorized to be appropriated for purposes of this part not more than $300,000,000 increased annually as provided in section 14121 based upon an inflation index as determined by the Secretary.

TITLE XV.—PUBLIC UTILITY HOLDING COMPANY ACT REFORM

SEC. 15001. EXEMPT WHOLESALE GENERATORS.

(a)(1) "Exempt wholesale generator" shall mean any person who is engaged directly, or indirectly through one or more affiliates of such person as defined under section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935, exclusively in the business of owning or operating all or part of one or more eligible facilities and selling electric energy at wholesale; *Provided*, That the term "exempt wholesale generator" shall exclude an affiliate of a registered holding company, which affiliate was in existence as of the date of enactment of this title, unless the Commission has consented.

(2) "Eligible facility" shall mean a facility, wheresoever located, used for the generation of electric energy exclusively for sale at wholesale (including inter-connecting transmission facilities necessary to effect such sale at wholesale), but shall exclude any facility for which consent is required under paragraph (3) and has not been obtained. For purposes of this subsection, the term "facility" shall include a portion of a facility.

(3) As of the date of enactment of this title, if a rate or charge for, or in connection with, the construction of a facility, or for electric energy produced by a facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge) was in effect under the laws of any State, consent with respect to such facility shall be required from any State commission having jurisdiction over such rate or charge.

(b) An exempt wholesale generator shall not be considered an "electric utility company" under section 2(a)(3) of the Act and, whether or not a subsidiary company, an affiliate, or an associate company of a holding company, shall be exempt from all provisions of the Act.

(c) Notwithstanding any provision of the Act, a holding company that is exempt under section 3 of the Act shall be permitted without condition or limitation under such Act to acquire and maintain an interest in the business of one or more exempt wholesale generators.

(d) Notwithstanding any provision of the Act and the Commission's jurisdiction as provided under subsection (e), a registered holding company shall be permitted without the need to apply for, or receive approval from the Commission, and otherwise without condition under the Act, to acquire and hold the securities, or an interest in the business, of one or more exempt wholesale generators.

(e) The issuance of securities by a registered holding company for purposes of financing the acquisition of an exempt wholesale generator, the guarantee of securities of an exempt wholesale generator by a registered holding company, the entering into service, sales or construction contracts, and the creation or maintenance of any other relationship in addition to that described in subsection (d) between an exempt wholesale generator and a registered holding company, its affiliates and associate companies, shall remain subject to the jurisdiction of the Commission under the Act; *Provided*, That:

(1) Section 11 of the Act shall not prohibit the ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of where facilities owned or operated by such exempt wholesale generators are located), and such ownership by a registered holding company shall be deemed consistent with the operation of an integrated public utility system; and

(2) The ownership of an interest in the business of one or more exempt wholesale generators by a registered holding company (regardless of where facilities owned or operated by such exempt wholesale generators are located) shall be considered as reasonably incidental, or economically necessary or appropriate to the operations of an integrated public utility system.

SEC. 15002. OWNERSHIP OF EXEMPT WHOLESALE GENERATORS AND QUALIFYING FACILITIES.

The ownership by a person of one or more exempt wholesale generators shall not result in such person being considered as being primarily engaged in the generation or sale of electric power within the meaning of sections 3(17)(C)(ii) and 3(18)(B)(ii) of the Federal Power Act, as amended.

SEC. 15003. ELECTION TO AVOID PURCHASE FROM OR OWNERSHIP OF EWGS.

(a) An electric utility company that intends to avoid purchasing electric energy from exempt wholesale generators may file a declaration of this intent with the Federal Energy Regulatory Commission in such form as such commission may prescribe. Such declaration shall specify a period of no longer than ten years during which such declaration shall remain in effect and shall be irrevocable during the period specified. An electric utility company may file such a declaration from time to time as it finds desirable.

(b) Upon the filing of a declaration under subsection (a), the electric utility company making the filing shall, without the need for action by the Federal Energy Regulatory Commission or any other body, be prohibited from purchasing electric energy from any exempt wholesale generator during the period specified in the declaration.

(c) No State commission shall impose any penalty, directly or indirectly, through exercise of ratemaking authority or otherwise, upon an electric utility company or an affiliate or associate company thereof, on account of the filing of a declaration as provided under subsection (a), either in advance of such filing or subsequently.

(d) Notwithstanding any other provision of this title, no electric utility company that has filed a declaration under subsection (a), nor any affiliate or associate company thereof, shall acquire or own an interest in the business of an exempt wholesale generator during the period in which such declaration remains in effect. Nor shall any such electric utility company, or affiliate or associate company thereof, make any offer, during the period in which such declaration remains in effect, to sell electric energy from an exempt wholesale generator in whose business it would acquire or own an interest after such declaration expires.

(e)(1) Any violation of the prohibitions of this section shall be deemed to constitute a violation of the Federal Power Act, as amended, and the provisions of such Act shall apply to the enforcement, and imposition of penalties for violations, of the prohibitions of this section.

(2) For purposes of the enforcement of the prohibitions of this section, a State commission shall be deemed to be a person under section 314 of the Federal Power Act, as amended.

SEC. 15004. PRESERVATION OF STATE AUTHORITY.

Except as provided in section 15003, nothing in this title shall preempt or otherwise restrict such power as a State commission may have, in accordance with State and Federal law and in the absence of the enactment of this title, to judge the prudence of a purchase of electric energy at wholesale, allow or disallow the inclusion of the cost of such a purchase in rates subject to such commission's jurisdiction, or otherwise exercise its functions.

SEC. 15005. REFERENCES TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

For purposes of this title, all references to "the Act" shall mean the Public Utility Holding Company Act of 1935, as amended. All of the terms used in this title and defined in the Public Utility Holding Company Act of 1935 shall have the same meaning as defined therein.

SUMMARY OF THE NATIONAL ENERGY SECURITY ACT OF 1991

TITLE I.—FINDINGS AND PURPOSES

TITLE II.—DEFINITIONS

TITLE III.—ENERGY EFFICIENCY

Building Energy Efficiency Standards.—Amends ECPA to extend the existing Federal Building Energy Efficiency Standards for new construction to new public housing units, and authorizes the Secretary of Energy (the "Secretary") to provide financial and technical assistance to state and local governments which intend to adopt the Federal Building Energy Efficiency Standards.

Residential Energy Efficiency Ratings.—Directs the Secretary to provide financial assistance to States and local organizations to support a national program to develop an energy rating system for residential buildings. Under this provision, all residential buildings would receive an energy efficiency rating at the time of sale.

Improving Efficiency in Energy-Intensive Industries.—Directs the Secretary to pursue a research and development program and joint venture program to improve efficiency in energy-intensive industries and industrial processes.

Report.—Directs the Secretary to give energy efficiency high priority in the areas of planning, research and development, private assistance, and Federal procurement. The Secretary is directed to prepare a report which evaluates energy efficiency policies and their potential to decrease overall U.S. energy use per unit of GNP.

Voluntary Guidelines for Industrial Plants.—Requires the Secretary, in cooperation with utilities and major industrial energy consumers, to establish voluntary guidelines for the conduct of energy audits, and for the installation of insulation, in industrial facilities for purposes of identifying cost-effective options for reducing energy use.

Energy Efficiency Labeling for Windows and Window Systems.—Requires the Secretary to provide financial assistance to support the voluntary development of a nationwide program to develop energy ratings and labels for windows and window systems and requires the Secretary to develop such a program if it is not developed voluntarily.

Energy Efficiency Information.—Directs the Administrator of the Energy Information Administration to expand the scope and frequency of data collection under the National Energy Information System in order to improve the ability of the Department of Energy to evaluate the effectiveness of energy efficiency policies and programs.

Energy Efficiency Labeling for Lamps and Luminaires.—Requires the Secretary to provide financial and technical assistance to support the voluntary development of a labeling program for light bulbs used in residential applications. The Secretary is required to develop such a program if it is not developed voluntarily by the lighting industry.

Commercial and Industrial Equipment Efficiency.—Amends EPCA by adding utility distribution transformers to the list of covered products and requires the Secretary to conduct a study of electric motors and pumps, electric lights, and utility distribution transformers in order to determine the practicability and effect of establishing performance standards for these products.

Federal Energy Management Amendments.—Amends NECPA to strengthen the existing Federal Energy Management Program by requiring, to the extent funding is available, Federal agencies to install energy efficiency improvements with pay-back periods of 10 years or less. The section also establishes a $50 million Federal Energy Efficiency Project Fund for use in funding these energy efficiency improvements in Federal facilities. In addition, the section directs the General Services Administration (GSA) to identify the energy cost-effectiveness of items listed in the GSA product schedules. Finally, this section directs the Administrator of the GSA to consider fuel efficiency when purchasing government vehicles.

Plan Regarding Demonstration of New Technology.—Requires the Secretary to submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of energy efficiency technologies that have received Federal assistance for research and development and which the Secretary has determined are ready for commercialization.

Encouragement of Investment in Conservation and Energy Efficiency Resources and Study of Certain State Ratemaking Policies.—Adds new ratemaking standard in Title I of PURPA with respect to the treatment of regulated electric utilities by state regulatory authorities. Adds a requirement for the Secretary to perform a study of State laws and policies regarding least cost energy planning.

Conservation Grants to State Regulatory Authorities.—Establishes a grant program for purposes of encouraging the consideration of demand side management by state regulatory authorities.

Used Oil Energy Production.—Amends EPCA to promote the collection, refining, rerefining, and reprocessing of used lubricating oil into fuel for transportation and other petroleum products through market incentives and the removal of legal disincentives.

Insular Areas Energy Assistance Program.—Provides direction to the Secretary, under existing authorization, for providing financial assistance to Insular area governments, for the purposes of encouraging the adoption of energy efficiency and renewable energy measures.

TITLE IV.—RENEWABLE ENERGY

Committee on Renewable Energy Commerce and Trade (CORECT).—Designates additional duties for CORECT to foster U.S. policies which will enhance economic development in lesser-developed countries and promote the U.S. manufacture and export of energy efficient and renewable energy technologies. Directs the Secretary, under CORECT, to develop a comprehensive data base and information dissemination system in order to provide information on country-specific technical and energy needs.

Joint Ventures for Renewable Energy Development for Oil Displacement and Technology Export Training.—Expands the joint venture program under the Renewable Energy and Energy Efficiency Technology Competitiveness Act to include biofuels energy systems, geothermal energy, solar water heating technology, photovoltaic and wind energy systems, biomass direct combustion or gasification and fuel cells technology. Requires the Secretary to conduct a joint venture for energy technology export training.

Report on Waste Minimization Technologies in Industry.—Requires the Secretary to undertake a report evaluating opportunities to minimize waste outputs from production processes in U.S. industry.

Section 401 Certification.—Clarifies limitations on State ability to place conditions on Clean Water Act certification for hydropower facilities.

Streamlining of Federal Power Act Regulation.—Removes overlapping conditioning authority of Federal government agencies with respect to hydroelectric projects for purposes of streamlining hydroelectric licensing process. Removes FERC jurisdiction with regard to hydroelectric projects of 1500 kilowatts or less.

Improvement at Existing Hydroelectric Facilities.—Authorizes studies to increase hydroelectric energy available from existing Federal facilities and projects.

TITLE V.—COAL, COAL TECHNOLOGY AND ELECTRICITY

Coal Research, Development and Demonstration Program.—Directs the Secretary to establish and conduct a research, development and demonstration program to assure development of advanced coal-based technologies, to be commercially available by the year 2010, which control NOx and SO2 and achieve greater energy efficiency.

Non-fuel Use of Coal.—Requires the Secretary to submit a research, development, and demonstration plan and implement a program for technologies for the non-fuel use of coal. Such technologies include the production of coke, carbon-based chemical intermediates, and coal treatment processes.

Coal Exports.—Requires the Secretary to submit to Congress a plan for expanding the export of United States coal.

Clean Coal Technology Export Coordinating Council.—Establishes a Clean Coal Technology Export Coordinating Council to facilitate and expand the export and use of clean coal technologies, with a priority on such transfer and use in lesser-developed countries. Requires the Council to develop a data base and information dissemination system relating to clean coal technologies.

Coal Fuel Mixtures.—Requires the Secretary to prepare a report on technologies for combining coal with other materials, such as oil or water fuel mixtures.

Coal-Fired Locomotives.—Directs the Secretary to conduct a research, development and demonstration program for utilizing "ultra-clean coal-water slurry" in diesel locomotive engines.

Data Base and Report on Coal Transportation.—Requires the Secretary to establish a data base and prepare a report regarding coal transportation rates and distribution.

Applicability of New Source Review to Existing Electric Utility Steam Generating Units.—Addresses the so-called WEPCo issue concerning EPA's interpretation of new source performance standards and new source review in the case of physical changes at existing powerplants. The concern is that EPA's continued adherence to this policy could: (1) increase the cost of compliance with the Clean Air Act Amendments of 1990 by precluding cost-effective compliance options; and (2) dissuade electric utilities from undertaking physical changes to improve powerplant efficiency and maintain reliability. This section embodies those parts of a "WEPCo fix" proposed by the Administration that require new statutory authority: (1) applicability of new source review requirements to pollution control projects; and (2) determination of best available control technology for nitrogen oxide emissions controls.

Excess Capacity Study.—Requires the Secretary to submit report on physical impediments to transfer of excess electrical energy from regions with surpluses to regions with shortages.

TITLE VI.—RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIALIZATION ACTIVITIES

Energy Research, Development, Demonstration, and Commercialization Priorities—Directs the Secretary to set priorities and prepare a management plan for research, development, demonstration, and commercialization activities consistent with the purposes of the Act.

Natural Gas End-Use Technologies.—Authorizes the Secretary to carry out a program to promote the commercialization on a cost-shared basis, of natural gas utilization technologies including stationary source emissions control and efficiency improvements, natural gas storage, transportation fuels, and fuel cells.

Natural Gas Supply Enhancement.—Authorizes the Secretary to carry out a program, on a cost-shared basis, of research, development and demonstration to increase the recoverable natural gas resource base, including efforts in the following areas: Increased recovery from discovered conventional resources, economic recovery of unconventional natural gas resources, surface gasification of coal, and recovery of methane from biofuels.

High Efficiency Heat Engines.—Instructs the Secretary to carry out a program of research, development, demonstration, and commercialization on high efficiency heat engines including advanced gas turbine cycles.

TITLE VII.—STRATEGIC PETROLEUM RESERVE

Oil Security Premium.—Beginning in FY 1992, DOE must implement a program for: 1) filling the Strategic Petroleum Reserve at 220,000 barrels per day; and 2) meeting the petroleum product needs of the Department of Defense. Oil importers would be required to provide petroleum products for these purposes in an amount equal to a percentage of their total imports as determined by the Secretary of Energy.

TITLE VIII.—OUTER CONTINENTAL SHELF

Coastal State and Community OCS Impact Assistance.—Provides impact aid to coastal States and communities affected by OCS leasing and development in the amount of 37.5 percent of "new" OCS revenues, as defined by the bill.

Report on Availability of the Outer Continental Shelf for Leasing.—Requires the President to submit report containing information on OCS potential, the extent to which OCS production could offset U.S. dependence on foreign oil, a proposal regarding current OCS leasing and post-leasing procedures, and an analysis of OCS lease cancellation compensation criteria.

TITLE IX.—OIL AND GAS LEASING IN THE ARCTIC NATIONAL WILDLIFE REFUGE

Leasing Program.—Authorizes a competitive oil and gas leasing program for the Coastal Plain of the Arctic National Wildlife Refuge, Alaska.

No Significant Adverse Effect Standard.—Requires the Secretary of the Interior to implement such a program (through regulations and lease stipulations) so as to result in no significant adverse effect on fish and wildlife, their habitat, or the environment of the Refuge, and to require the application of the best commercially available technology for oil and gas exploration, development and production.

Lease Sales.—Requires the Secretary of the Interior to promulgate regulations to carry out the leasing program no later than 9 months after the date of enactment of the Act; to conduct the first lease sale within 18 months after the issuance of these regulations; and to conduct the second lease sale 36 months after the first sale.

Environmental and Reclamation Provisions.—Provides for site-specific environmental and mitigation measures; land reclamation requirements; and environmental monitoring and enforcement provisions.

Energy Security Fund.—Provides that the federal share (50 percent) of any revenues from ANWR is deposited in a special fund in the Treasury—the Energy Security Fund—to be used, without further appropriation, by the Secretary of Energy to fund energy-related programs and projects designated to enhance the nation's energy security and reduce reliance on imported oil.

Export Prohibition.—Prohibits export of oil produced from ANWR, except under specified limited circumstances.

TITLE X.—NATURAL GAS

Optional Procedures for the Construction of Natural Gas Facilities.—Authorizes the construction of interstate pipeline facilities without a certificate of public convenience and necessity under Natural Gas Act section 7. Facilities constructed under this section would not receive the benefits of a section 7 certificate, *i.e.*, federal right of eminent domain and inclusion in rate base. Authority to construct under this section would be an option to the section 7 process.

Transportation of Natural Gas Under the NGPA.—Natural Gas Policy Act section 311(a)(1) authorizes interstate pipelines to transport natural gas without such service becoming subject to the FERC's jurisdiction under the Natural Gas Act. This section amends section 311(a)(1) to: (1) eliminate the "on behalf" standard as a precondition to section 311 transportation; and (2) confirm authority to construct pipeline facilities to be used solely for purposes of section 311 transportation.

NEPA Compliance.—Designates the FERC as the lead agency for purposes of NEPA compliance in cases where the FERC's authorization of facilities under the Natural Gas Act or the Federal Power Act may be deemed a major Federal action. This section also authorizes the FERC to set time limits for other Federal agencies' participation in the NEPA process and directs the FERC to permit contractors selected by the FERC and paid by the applicant to prepare environmental documents (*i.e.*, environmental assessments and environmental impact statements) required in order for the FERC to comply with its NEPA obligations.

Rates and Charges.—Amends Natural Gas Act section 4 to provide: (1) a 60-day posting requirement for rate change filings (current law provides 30 days); (2) bonding and refund obligations attach to all changes in rates (currently these obligations attach only to rate increases); and (3) the applicant carries the burden of proof on all proposed rate changes (not just rate increases as under current law).

Utilization of Rulemaking Procedures.—Amends Department of Energy Organization Act section 403(c) to state that the FERC shall have authority to utilize rulemaking procedures for certificate proceedings to establish rates and charges under the Natural Gas Act and Federal Power Act and is silent as to certificate proceedings. The purpose of this change is to permit the FERC to expedite certificate proceedings by not being bound to hold a trial-type hearing in contested cases.

Review of Commission Orders.—Under Natural Gas Act section 19 and Natural Gas Policy Act section 506 a party aggrieved by a FERC order must apply for rehearing of that order before seeking judicial review. This section amends section 19 and section 506 to state that the FERC must take final action on an application for rehearing of a FERC order within 60 days of the filing of such application, but may, for extraordinary cause, extend the period for rehearing for an additional 60 days. The purpose of this amendment is to prevent the FERC from avoiding final action on rehearing by issuing a tolling order. This section also shortens the period for seeking judicial review of a FERC order from 60 days to 30 days and requires an appellant's petition for review to state with specificity the grounds on which the petition is based.

Limited Antitrust Relief for Independent Producer Cooperatives.—Provides limited antitrust relief for cooperatives formed by independent producers for the purposes of pooling natural gas to enable effective bargaining for the sale of such gas. An independent producer is defined as one whose production does not exceed 6 million cubic feet per day and excludes affiliates of interstate pipelines, intrastate pipelines and local distribution companies.

Vehicular Natural Gas Jurisdiction.—Confirms that certain activities related to the sale and distribution of natural gas as a vehicular fuel will not cause entities that are currently exempt from Natural Gas Act jurisdiction to forfeit such exemptions.

TITLE XI.—TRANSPORTATION

Subtitle A.—Corporate Average Fuel Economy

New Standards.—Directs the Secretary of Transportation to adopt new corporate average fuel economy (CAFE) standards. Separate standards would be set for each manufacturer, each vehicle class (cars, light trucks, or class of trucks), and for two periods—model years 1996-2001 and model year 2002 and beyond. Each standard would require the manufacturer's vehicle class to achieve "maximum feasible" CAFE.

How New Standards Are Set.—The Secretary of Transportation is to determine the maximum feasible CAFE by assuming that vehicles in each class:

Will use all known fuel-saving technologies that can be expected to be applied;

Will maintain MY 1990 performance levels;

Will maintain the MY 1990 size mix and interior volume;

Will meet applicable emission requirements; and

Will meet applicable safety standards.

The Secretary must then determine the percentage increase in the MY 1990 CAFE of all vehicles in the class necessary to achieve the maximum feasible CAFE for the entire class for each period, and apply that percentage to each manufacturer.

Credit Trading.—Credits for exceeding CAFE standards under current law are made tradable among manufacturers and among vehicle classes. Beginning with credits earned in MY 1996, credits can be carried forward until used, instead of just three years under current law.

Excessive Fuel Consumption Fee.—Manufacturers are assessed an excessive fuel consumption fee if they fail to meet CAFE standards. The amount of the fee is determined by multiplying $20 (increased from $5 in current law) by: (i) the number of tenths of miles per gallon the applicable CAFE standard exceeds the manufacturer's actual CAFE; and (ii) the number of vehicles of the class made by the manufacturer during the applicable model years. Existing law is modified so that exceeding CAFE standards is no longer "unlawful", but the fee for exceeding the standards is quadrupled starting in 1996.

Scrappage Programs.—Funds from the excessive fuel consumption fee may be appropriated to fund state programs designed to take pre-1980 cars off the road. Excess funds may be appropriated for other energy efficiency and conservation programs.

Subtitle B.—Alternative Fuels

Natural Gas and Other Alternative Fuels/Mass Transit Program.—Provides for cooperative agreements and financial assistance to municipal, county, or regional transit authorities in large urban areas to demonstrate the feasibility of using natural gas or other alternative fuels for mass transit. Authorizes $30 million for each of fiscal years 1992, 1993, and 1994.

Natural Gas and Other Alternative Fuel/Training Program.—Establishes a Department of Energy training and certification program for technicians who install equipment that converts gasoline or diesel powered vehicles to those vehicles capable of running on natural gas or other alternative fuels. Authorizes $5 million for each of the fiscal years 1992, 1993, and 1994.

Electric Vehicle Demonstration Program.—Authorizes a $50 million demonstration program to address the cost penalty between electric and conventional vehicles. The program is designed to overcome technical and economic barriers to widespread use of electric vehicles.

TITLE XII.—ADVANCED NUCLEAR REACTOR COMMERCIALIZATION

Selection of Nuclear Technologies.—Requires the Secretary of Energy to undertake a decision process, with full public input, to select nuclear technologies to be supported for commercialization. Criteria to be considered in the selection process would include cost-effectiveness in comparison to alternative sources of electricity; ability to utilize modular construction techniques; adaptability to standardized design, construction, and licensing; use of passive safety features; and presence of features to discourage nuclear proliferation. The Secretary would solicit proposals from the private sector for two kinds of projects under this title.

Demonstration of Institutional Arrangements.—The first type of project would be for purposes of demonstrating improved siting, licensing, and financial arrangements and would be intended for near-term commercialization of advanced technologies. The purpose of federal involvement would be to lend support to the project in developing innovative private financing and in testing a more streamlined licensing process. No federal funds would be expended to finance this project unless new regulatory requirements were imposed after issuance of a construction license.

Commerical-Scale Demonstration of Advanced Technology.—The second type of project would be built for purposes of demonstrating commerical-scale construction, licensing, and operation of an advanced reactor and would be intended for technologies that are further away from commercialization. Federal funds would be available to support this project, but at least 50 percent of the total estimated cost would have to be provided by the private sector. Responsibility for any cost overruns would have to be assumed by the private sector.

Licensing by the Nuclear Regulatory Commission.—Any facility that is selected for either project under this title would be licensed by NRC. Statutory authority is provided for NRC to issue a combined construction and operating license for any project built under this title, codifying NRC's recently-promulgated rule providing for a combined license. The opportunity for a second hearing prior to operation of a project authorized under this title would be quite limited. A second hearing prior to operation would be provided if the NRC determined that it was necessary to ensure safe operation of the facility.

TITLE XIII.—NUCLEAR REACTOR LICENSING

This title would augment the Nuclear Regulatory Commission's licensing rule in 10 C.F.R. Part 52 to limit the opportunity for a post-construction licensing hearing. The Commission's rule in Part 52 provides for a combined construction and operating license, instead of a separate construction license and operating license. The U.S. Court of Appeals for the D.C. Circuit has upheld the major portion of this rule, including the authority to issue a combined license. The court found, however, that NRC lacked sufficient statutory authority to limit the scope of a second pre-operational hearing. This title would provide that statutory authority and limit the scope and opportunity for a second pre-operational hearing.

TITLE XIV.—URANIUM ENRICHMENT

Subtitle A.—United States Uranium Enrichment Corporation

Establishment of Corporation.—Establishes the United States Enrichment Corporation as a wholly-owned government corporation for purposes of taking over the uranium enrichment enterprise operated by the Department of Energy. The Corporation is established as an agency and instrumentality of the United States and directed to (1) perform uranium enrichment and sell this service to the Department of Energy and qualified persons; (2) conduct research and development; and (3) operate as a commercial enterprise on a profitable and efficient basis in order to maximize its long-term economic value. The Corporation would be run by an Administrator, appointed by the President and confirmed by the Senate, and would have a five-member part-time Corporate Board appointed by the President.

Transfer of Property to the Corporation.—Transfers to the Corporation all DOE property related to uranium enrichment except the Gaseous Diffusion Plant in Oak Ridge, Tennessee, and facilities related to the Gas Centrifuge Enrichment Program. The Oak Ridge Gaseous Diffusion Plant will be transferred to the Corporation at the time of decontamination and decommissioning but not earlier than 2000. Facilities related to research and development of the Advanced Vapor Laser Isotope Separation technology are not transferred, but the Corporation is provided access to them for research and development purposes.

Initial Debt.—Sets the initial debt of the Corporation at $364 million and requires that this amount be recovered with interest from enrichment customers over a 20-year period. This amount represents the difference between revenues and appropriations, with interest, from 1969 when the commercial enrichment program began through the end of 1986.

Repeal of Section 16v, of the Atomic Energy Act.—Repeals section 16v. of the Atomic Energy Act of 1954 which contains the current pricing requirements applicable to the uranium enrichment enterprise. Requires the Corporation to set prices for products, materials, and services that recover over the long term the costs of performing and maintaining corporate functions including research and development; depreciation of assets; repayment of the initial $364 million debt and future borrowing; decontamination, decommissioning, and remedial action costs; and reasonable profit.

Decontamination and Decommissioning.—Provides for sharing the costs of decontamination and decommissioning and remedial action for uranium enrichment equipment between commercial customers and DOE on the basis of separative work that has been performed with such equipment for the benefit of either group. A decontamination and decommissioning fund is established, with annual payments into the fund by the Corporation.

Subtitle B.—Uranium

Voluntary Overfeed Program.—Directs the Corporation to establish a voluntary overfeeding program for a period of not less than five years to be made available to enrichment service customers. Overfeeding is the use of additional uranium in the enrichment process, the effect of which is to reduce power costs otherwise incurred by the enrichment enterprise. Under this program, customers supplying additional uranium would be credited with the value of reduced power costs. The overall effect of the overfeeding program should be to produce a modest increase in the demand for domestic uranium.

National Strategic Uranium Reserve.—Establishes a National Strategic Uranium Reserve consisting of 50,000,000 pounds of uranium. Use of the reserve is restricted to military and government research purposes. The amount of uranium provided for the reserve is approximately the same as the amount of uranium which is in current stockpiles and allocated to DOE's national defense activities.

Additional Provisions.—Restricts government purchases of uranium to that which is of domestic origin and is purchased from domestic uranium producers. Establishes a continuing responsibility of the Secretary of Energy for the viability of the domestic uranium industry, including a responsibility to encourage export of domestic uranium. Creates a program to reimburse licensees of uranium and thorium mill sites for the costs of reclamation of uranium and thorium mill tailings generated as a result of sales to the federal government for defense purposes.

TITLE XV.—PUBLIC UTILITY HOLDING COMPANY ACT REFORM

Removes impediments to independent power production contained in the Public Utility Holding Company Act of 1935.

BACKGROUND AND SUMMARY OF TITLE XV OF THE NATIONAL ENERGY SECURITY ACT OF 1991—PUBLIC UTILITY HOLDING COMPANY ACT REFORM

Title XV of the National Energy Security Act of 1991 would remove the impediments to independent power production contained in the Public Utility Holding Company Act of 1935 (PUHCA). This paper outlines the policy basis for such change and the technical workings of Title XV.

I. THE CURRENT REGULATORY SITUATION

Traditional Regulation

Electric generation has traditionally been supplied on a monopoly basis by utilities subject to cost-of-service regulation. Under cost-of-service regulation, utilities are permitted to charge rates that allow them to recover their expenses plus a reasonable return on capital investment (rate base). Wholesale sales between utilities (sales for resale) are generally regulated by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act. Retail sales (sales for consumption) are generally regulated by state public service commissions.

Until the 1970's, factors affecting electric utilities were predictable; the real price of electricity declined; and cost-of-service regulation functioned fairly well. Since then, various changes (high real interest rates, unpredictability of demand, increasing construction costs to name a few) have raised concerns about the current system.

Cost-of-service regulation is intended to simulate the effect of a competitive market. In rough terms, a business in a competitive market expects to receive what cost-of-service regulation provides: recovery of expenses and a profit on capital invested. Nevertheless, in actual operation cost-of-service regulation creates a poor match of risk to reward. It gives utilities a chance of recovering all costs (because of the imperfect substitution of regulators for competitors) while eliminating the possibility that gains from increased productivity can be kept (therefore removing the most potent incentive for efficiency). Or conversely, cost-of-service regulation can be used by regulatory commissions as an arbitrary device for heaping all risks on utilities and penalizing them unfairly.

Lessons and Limitations of the PURPA Experience

Until recently, it was thought that electric generation has the characteristics of a natural monopoly. That is, it was assumed that a single utility in a given market will always be able to reduce costs through economies of scale such that smaller competitors are driven out of business. Experience under the Public Utility Regulatory Policies Act of 1978 (PURPA) has provided reason to question this assumption.

PURPA created a special class of electric generating projects, known as Qualifying Facilities (QFs). QFs must be either cogeneration facilities (facilities that produce electricity and useful thermal energy) or small power production facilities (facilities whose primary energy source is solar, hydropower, waste, biomass, wind or other renewable resources). Both kinds of QFs receive various advantages. The most important of these are: (1) exemption from the Federal Power Act, the Public Utility Holding Company Act of 1935, and state utility regulation; and (2) a requirement (subject to certain conditions) that utilities purchase power offered by QFs at each utility's "avoided cost", the cost that a utility avoids by not generating the power itself or purchasing it elsewhere.

Contrary to original expectations, PURPA has produced an explosion of QF development (approximately 25,000 MW). This process has occurred under increasingly competitive conditions. In the early years of PURPA, state public service commissions (who are charged with implementing the Act) tended to set avoided cost rates for the purchase of QF power at excessively high levels. However, as QFs began to be able to offer more capacity than utilities needed, state commissions began to allow rates paid for QF power to be negotiated down below the purchasing utility's own avoided cost. More recently, a growing number of states (20 by last count) have adopted, or are in the process of adopting, bidding programs for the acquisition of QF capacity by their native utilities.

In bidding programs, avoided costs prices effectively amount to market rates because they are set through direct competition between QFs and any other competing sources of supply. Bidding programs to date have exhibited a high degree of competition among suppliers. Typically, they have resulted in prices and conditions that, for various reasons, are better for ratepayers than what the purchasing utility can offer. While the track record of bidding is not yet well established, it provides some empirical basis for believing that competition in wholesale power markets can benefit consumers significantly. This result is not surprising. Orthodox economic theory generally holds that workable competition is a superior alternative to regulation.

There are, however, practical problems with continued development of QFs under

PURPA. For small power producers, limitations on the economics of renewable resources means that at present these sorts of QFs cannot make major contributions to power needs. Similarly, future development of cogeneration is becoming increasingly restricted as available steam hosts are used up.

Given the possibilities for competition demonstrated by PURPA, a logical step would be to allow such competition to take place free of the technological restrictions of QF status. In addition, it would make sense in a competitive context to remove two of the other distorting aspects of the PURPA regime: restrictions on ownership of QFs by utilities and the facial requirement that utilities purchase all power offered by QFs. In essence, what is left after these changes are made is the concept of an Independent Power Producer (IPP).

II. INDEPENDENT POWER PRODUCERS

In general terms, an IPP is a person (utility or nonutility) who owns a wholesale generating facility and who, because of a lack of market power, is permitted under the Federal Power Act to charge a market-determined price for elecricity that the facility produces. Lack of market power in this context would mean either that: 1) the IPP is not selling to an affiliated company and does not control transmission access to potential buyers of power from the facility; or 2) the IPP is selling to an affiliate, or it controls transmission access to the buyer, but abuse of market power is prevented through regulatory oversight or conditions (example: A market-priced power sale between affiliates is approved because the rate is below a similar arms length transaction between the affiliate-buyer and an unaffiliated entity). These conditons for being an IPP (and therefore being entitled to charge market rates) have been established by FERC in a series of case rulings.

III. THE NEED FOR CHANGES TO THE HOLDING COMPANY ACT

Limitations on IPP Development Under PUHCA

The QF experience under PURPA suggests that consumers could benefit from the existence of IPPs as a supply option. The need for such an option may be more than theoretical. A growing numbr of analysts predict large demands for new generation in the 1990s and note with alarm that much of it has not been planned. More to the point, there are at this moment a number of willing utility buyers and willing sellers (both utility and nonutility) for IPP projects who are stymied in their efforts. The obstacle standing in the way of these projects is not the need to get FERC approval for market rates, but the effective bar posed by the Public Utility Holding Company Act of 1935.

As a practical matter, IPP projects generally must be developed in a holding company format, whether they are to be developed by utilities or nonutilities. First, there is general consensus that the financial markets will require IPPs to be project financed. That is, debt lenders will provide capital only if it is secured by a corporate entity which controls project assets and revenues. Equity participants in turn will demand that their liability be non-recourse (i.e. limited to the value of project assets). The only effective way for these requirements to be met is by creating a separate corporate entity to develop an individual project and thus turning the equity owner into a holding company. Second, for reasons of organizational convenience, corporations generally desire to separate different lines of business into separate subsidiaries, again requiring a holding company structure. Third, to the extent that utilities develop IPPs, regulators will generally require the creation of separate subsidiaries for purposes of risk separation and cost accounting.

Unfortunately, the ownership of an IPP in a holding company format generally makes a parent owner (and its IPP) subject to the Holding Company Act. Under PUHCA, when a corporation owns more than ten percent of a separate corporate entity engaged in the business of electric generation (i.e. an IPP), it generally becomes a "holding company" subject to the provisions of the Act. All holding companies under the Holding Company Act must either become "exempt holding companies" or "registered holding companies."

As the name implies, exempt holding companies are not subject to most provisions of the Holding Company Act. However, in order to be exempt, a holding company must meet one of five criteria set out in section 3 of PUHCA. These criteria variously restrict a holding company's geographical scope of operations, its ability to be engaged in anything other than utility business, or its ability to be engaged in the utility business itself. In addition to the narrow focus of these criteria, other provisions of the Holding Company Act restrict utility (i.e. IPP) acquisitions by exempt companies and give the SEC (which administers the Act) discretion to revoke an exemption in the public interest. Thus, status as an exempt holding company offers only very limited opportunities for IPP development.

In the case of registered holding companies, PUHCA is considerably more restrictive. For those companies that are not currently registered, the burdens of such status effectively preclude it as an option. Among other provisions, the Holding Company Act pervasively regulates the issuance and acquisition of securities by registered companies, requires registered companies to be operated as integrated utility systems, generally prohibits the ownership of utility and nonutility businesses which are not related to the operation of an integrated system, and requires simplification of corporate structures. Even for those companies that are already registered, the provisions of the Act requiring operation as an integrated system and restricting entry into unrelated businesses effectively prohibit most opportunities for IPP development.

In short, whether one is a non-utility, a simple investor-owned utility, an exempt holding company, or a registered holding company, the Holding Company Act stands as a practical bar to most opportunities for IPP development. While there are a few ways in which the restrictions of the Act may be circumvented, they have limited use. Thus, to the extent that positive opportunities for competition in wholesale power generation exist, they will be lost without changes in PUHCA.

The Obstacles To Competition In PUHCA Can Be Removed Consistent With The Public Interest

The problems that the Holding Company Act was originally intended to remedy are today largely prevented by other statutory regimes. When the Act was enacted in 1935, control of the electric utility industry was concentrated in a few large holding companies whose operations were abusive both to investors and ratepayers. Problems included excessive profits from transactions between affiliates, issuance of securities on the basis of unsound asset values, statements of earnings based on paper profits from affiliate transactions, and the use of inconsistent accounting practices. At that time, however, the two federal securities acts and the Federal Power Act had only just been enacted. State utility laws were in their nascent stages and in some cases did not even exist. Since then the regulatory regimes created by these statutes have come into their own and to a large extent provide duplicative protections to those contained in the Holding Company Act. The Holding Company Act in turn has become somewhat superfluous.

IV. SUMMARY OF THE LEGISLATION

Section 15001

Subsection (a)

Title XV uses the term "Exempt Wholesale Generator" (EWG), rather than IPP, to designate entities exempt from PUHCA in order to clarify that the legislation is dealing only with structural problems in PUHCA. The term "IPP" generally denotes an entity that receives market pricing under the Federal Power Act. Since the legislation does not deal with market pricing it adopts different terminology for purposes of clarity.

Under paragraph (1), an EWG is basically a corporate person who is engaged exclusively in the wholesale generation of business. Section 2(a)(11)(B) of PUHCA mentioned in paragraph (1) references downward affiliates. Thus, for purposes of the legislation an EWG could be "EWG holding company" as well as an individual EWG affiliate engaged in developing specific projects.

The definition of an EWG has been drafted so as to permit an EWG to sell wholesale power that it has not necessarily generated itself. It appears that buyers of wholesale power may frequently desire to purchase capacity in increments that exceed what the most economical unit would produce. Consequently, the legislation would permit an EWG, for example, to generate 350 MW and purchase an additional 50 MW in order to meet a purchaser's 400 MW capacity need.

Paragraph (1) excludes affiliates of a registered holding company that are in existence as of the date of enactment from being EWGs, unless the SEC consents. Without this provision a number of existing affiliates of registered companies would automatically become exempt from the Holding Company Act upon enactment and thus be able to circumvent the approvals required for affiliates of registered companies under subsection (e).

EWGs may only own "eligible facilities". Under paragraph (2) of subsection (a), an "eligible facility" is any generating facility which is used exclusively for wholesale generation and for which any regulatory approvals required under paragraph (3) have been obtained.

Paragraph (3) requires approval from the state regulatory authority of any state in which a facility is in retail rate base or generating retail construction work in progress (CWIP) as of date of enactment. In most cases state law is likely to require such approval independently, but it is not clear that this will be true in all cases. Thus, approval is required under the legislation so as to ensure that ratepayers are not disadvantaged by a change in the status of a facility that has received financial benefits (i.e. CWIP or rate base treatment) based on the assumption of dedicated service to such ratepayers. The problem dealt with in paragraph (3) does not arise in the case of pre-existing wholesale facilities because it is clear that any change in the status of such facilities requires FERC approval under the Federal Power Act.

Finally, for purposes of subsection (a) a "facility" includes a portion of a facility.

Thus, a given generating unit could produce power for sale at wholesale and retail, and the undivided portion producing wholesale power could be an "eligible facility" owned by an EWG.

Subsection (b)

Subsection (b) exempts EWGs in their corporate personalities from all provisions of PUHCA. By providing that an EWG is not an "electric utility company" under PUHCA, the legislation also ensures that a company, which is not currently subject to PUHCA, cannot become subject to it by owning an EWG. This follows because the Holding Company Act only regulates "holding companies", and a holding company is defined in relevant part as a company that owns an electric utility company.

Subsection (c)

For exempt holding companies, the chief obstacle to the ownership of EWGs (other than problems covered in subsections (a) and (b)) is the restrictive terms of exempt status as provided in section 3 of PUHCA. Subsection (c) simply makes it clear that section 3 and related provisions do not bar EWG ownership by exempt holding companies.

Subsection (d)

Subsection (d) provides that a registered holding company may without further condition under PUHCA acquire an EWG. In the absence of this provision, the acquisition by a registered company of any securities or interest in any business would require SEC approval.

Subsection (e)

Subsection (e) provides that if a registered holding company wants to: (1) issue securities (e.g. common equity) for purposes of financing an EWG; (2) guarantees the securities (e.g. debt) of an EWG; or (3) enter into service, sales, or construction contracts, or other relationships with an EWG (other than mere ownership), such actions remain subject to the SEC's existing jurisdiction under PUHCA, except that the provisions of section 11 of the Act are effectively negated for such purposes.

Section 11 requires each registered company to be operated as an integrated system and requires all of a registered company's businesses to be "functionally related" to integrated system operation. In the absence of section 11's prohibitions and policies, any approvals required under PUHCA for the creation of relationships between a registered company and an EWG will be made under the SEC's remaining authorities.

One of the advantages available to EWGs is the use of leveraged capital structures (i.e. those with a high proportion of debt) as a possible means of lowering overall capital costs. Typically, non-utility generation to date has employed such leveraging. The intention of title XV is that EWGs owned by registered holding companies have this same opportunity on equal terms. As a matter of regulatory policy, the SEC has generally required registered companies to maintain a 65% debt-equity ratio on a consolidated basis. It is assumed that the SEC will take into account the generally higher debt ratio of EWGs and in considering the consolidated balance sheet of a registered company not automatically and inflexibly apply for 65% ratio. In particular it would not make sense for EWG debt which is nonrecourse with respect to the registered holding company or its utility affiliates to be considered by the SEC in applying the 65% ratio to the consolidated balance sheet. If there are indications after hearing that the SEC will not be flexible in its consideration of these issues, changes in the legislation may be required.

Finally, the Holding Company Act has always been interpreted by the SEC to exclude regulation of electric power sales since such transactions are regulated under the Federal Power Act. The legislation assumes this continuing interpretation.

Section 15002

PURPA limits ownership of QFs to persons not primarily engaged in the generation of electricity (other than by means of QFs). Under FERC's interpretation of this provision, electric utilities may own no more than 50% of a QF. Section 3 ensures that a nonutility company which acquires an exempt wholesale generator is not forced to divest itself of 50% of an existing QF, and is not limited in its ability to own 100% of a new QF, as a result of an argument that it has become primarily engaged in the generation of electric power.

Section 15003

Section 15003 creates a mechanism by which electric utilities can insulate themselves from being required to purchase power from EWGs. Under this section, a utility may from time to time elect to file a declaration with FERC. Upon filing, the utility is irrevocably prohibited from purchasing power from EWGs during the period specified in the declaration (but no longer than ten years). State commissions are prohibited from directly or indirectly penalizing a utility, or any of its affiliates or associate companies, for filing such a declaration. During the period in which a declaration remains in effect, a filing utility and its affiliates and associate companies are prohibited from owning EWGs or making any offers to sell power from EWGs that they might acquire after such declaration goes out of effect. The provisions of section 15003 are subject to enforcement under the Federal Power Act.

Section 15004

Section 15004 is a savings provision which generally maintains the existing division between federal and state jurisdiction over electric transactions. At present, the precise boundaries between federal and state jurisdiction are murky in situations involving registered holding companies. As a result states fear encroachment by FERC into their ratemaking powers. With the exception of matters reserved by section 15003, section 15004 makes clear that the jurisdictional status quo, such as it is, remains unchanged. Given the fact that section 15003 deals only with EWGs and that EWGs will only exist as a supply option if title XV is enacted, section 15003 does not amount to a true intrusion into existing state authority.

Section 15005

Section 15005 provides that references to "the Act" in Title XV are references to PUHCA. Section 15005 also provides that terms used in Title XV and defined in PUHCA shall have the meanings defined therein.

Mr. WALLOP. Mr. President, the role of the intellectual is to interpret the major forces guiding a society. Early last year, there was a popular theory that modern civilization was at the end of history. The great ideological struggle between democracy and communism was over—the Communists had been soundly defeated. Democracy triumphant would be a force of renewal for former Communist and Third World countries. Events of the past 6 months have thrown this theory into the dust bin of history. The collapse of the Berlin Wall did not eliminate hostile, threatening forces. The world is still in turmoil.

For the moment, the turmoil is real—we are at war. Some have tried to reduce the Persian Gulf conflict to the ridiculous equation of blood for oil. This combat is much larger than that simplistic slogan. The Gulf war is part of a pivotal point in the progress of democracy. For the second time in its history, the U.N. Security Council has authorized the use of force to repel aggression. Today's aggressor, Saddam Hussein, is not motivated by religious fervor or by ideology—he is simply a terrorist. If he had succeeded in his seizure of new resources, he would have enhanced his ability to obtain weapons of mass destruction. Soon, the allied forces will end his terrorism.

Some have argued that the Gulf war demonstrates why we should stop using oil from the Middle East. They have made a blind leap of faith, declaring that our energy requirements can be achieved through conservation and efficiency. It is their belief that installing low E windows, flourescent lights, or electronic ignitions for gas stoves and heaters will solve all our energy problems. I remain a skeptic—but remember that skepticism is not the same as atheism or agnosticism. A skeptic sees a broader more complex picture than the true believer.

I agree that we need conservation. In fact, the three examples I mentioned are already in use. Since 1973, we have improved energy efficiency in our homes, our workplace, and our modes of transportation. For the most part, energy conservation is an easy task. It is easy in comparison to improving our ability to produce energy. Some argue that production is not a problem, that renewables and alternative fuels are the solution. They are a solution, but a solution for tomorrow, not today.

Today's solution requires us to produce energy domestically. Even after peace is restored to the Middle East, we will still be dependent for half of our oil supplies from overseas. We cannot change overnight—the homes in the Northeastern States cannot switch to natural gas or electricity, the coal miners from my home of Sheridan, WY cannot ride bicycles to the coal mines in Montana. We have to accept the hard and dirty task of producing energy. It is hard and dirty in that drilling for oil or mining coal and uranium are real jobs requiring sweat and toil under unpleasant conditions.

If we revive our ability to produce energy while expanding conservation efforts, we will achieve energy security. We must recognize that energy security means environmental security and economic security. By enacting this program, we will reduce pollution throughout the world. We will expand technologies that use fossil fuels in an environmentally sound manner. We will develop new energy systems that will reduce carbon dioxide emissions, such as the advanced nuclear reactors.

Economic security is strengthened through the development of our own energy resouces. Economic growth will be encouraged by lessening our dependence on foreign energy resources. Some dismiss economic growth as an excuse for the so-called greenhouse effect. They are irritated that people actually want to prosper. And now they will be frustrated by our proposal which protects the environment as we develop energy resources.

The United States has every basic form of energy in abundant supply. We have the opportunity, and now we must demonstrate the will to obtain this goal. As we develop our energy security, we will enhance our environmental, economic, and military security. Today, Senator BENNETT JOHNSTON and I begin this process by introducing the National Energy Security Act of 1991.

One of the most important tasks facing the 102d Congress is the formulation of a long-term, comprehensive, and consensus-based national energy strategy which fosters both domestic energy production and the efficient use of energy supplies. Our energy problems exists not because there is a shortage of domestic energy alternatives, but because of the lack of a long-term, comprehensive, and consensus-based national energy strategy.

The measure contains energy supply and demand initiatives in five complementary areas, and I emphasize, complementary. It is a balanced mix of energy production and conservation initiatives.

First, the measure provides incentives which foster greater use of domestic supplies of fossil fuels—natural gas, oil, and coal—which we have in abundance. We also have the means to produce and use these domestic energy resources consistent with national environmental concerns. In addition to initiatives in the areas of technology transfer and commercialization of new energy technology, and the removal of regulatory barriers, the measure addresses:

The potential of OCS production to offset our excessive reliance on foreign oil;

The effect of current OCS leasing and post-leasing procedures on the ability of our Nation to achieve this potential;

The exploration, development and production of energy resources beneath the Arctic National Wildlife Refuge without any significant adverse effect on the environment and;

A provision for the use of any Federal ANWR revenues to fund energy-related programs designed to enhance the Nation's energy security.

Second, American industry is encountering increasingly tough international competition. Our trade deficit is partially explained by new foreign competition. The challenge is whether we can be more effective in delivering American developed energy technologies to the marketplace as a source for new businesses and jobs. The advancement of new energy and energy related technologies can serve as a critical component in the growth of the U.S. economy. This measure contains several critical energy production initiatives, including:

An advanced coal research and development program to assure the commercialization by 2010 of technologies which achieve greater energy conversion efficiencies consistent with national environmental control requirements;

A program to commercialize nonfuel, coal technologies, for example, for the production of coke and carbon-based chemical intermediates;

Expansion of the duties of CORECT—the Committee on Renewable Energy Commerce and Trade—to promote U.S. manufacture and export of energy efficient and renewable energy technologies, and;

The establishment of a council to foster the export of clean coal technologies manufactured by American industry.

Third, the measure establishes the commercialization of energy technologies as a priority of Federal energy research and development programs. Since the early 1980's, on a bipartisan basis, the Energy and Natural Resources Committee has actively supported the use of joint ventures with American industry to transfer new energy technologies into the marketplace as consumer goods and services. Initiatives in this area also are supported by the Bush administration. The measure authorizes joint ventures in the areas of advanced nuclear reactor technologies, electric vehicles, renewable energy resources, high efficiency heat engines, and the use of natural gas.

Fourth, this measure encourages the commercialization and greater use of renewable energy and energy efficiency alternatives throughout our economy, in the construction and renovation of buildings, including Federal buildings, and throughout industry. But, while initiatives in the areas of renewable energy and energy efficiency are prudent and should be included in a national energy strategy, we must not delude ourselves into thinking they are an adequate response to existing threats to the economic health and energy security of our Nation. Initiatives in this area include:

A number of programs to foster Federal leadership in the areas of buildings owned and operated by the Federal Government;

A program to foster Federal leadership in the purchase of vehicles that are either more efficient or utilize alternative fuels;

A program to encourage State regulatory commissions to consider demand side initiatives in areas of energy efficiency and renewable energy and;

A more equitable approach than current law for the regulation of automobile fuel economy.

On this last point, I would like to make a few observations. In my view, the CAFE provision is preferable to the Bryan bill because it works. It is market-oriented incentive approach. This bill does provide for more flexibility in the standards. It is technologically feasible, not a utopian wish based on dreams. I fully expect and invite detailed comments on this provision by all interested parties. In particular, I invite thoughts on both improvements and alternatives to this title.

Fifth, an important area, the bill promotes the need for nuclear power as an energy option. It ought to go without saying that until we can once again assure that nuclear power is a viable option in our Nation's energy future, the economic and foreign policy implications of our dependence on imported oil will remain a threat to our Nation's economic health and energy security. The measure we introduce today contains several initiatives which are important if the nuclear power option is to be preserved. The inclusion of initiatives in this area is critical to my support for the legislation, among those included are:

A program to demonstrate improved siting, licensing and financing of advanced nuclear reactor technologies that utilize standardized, modular designs and passively safe features;

A program to commercially demonstrate such advanced nuclear reactor technologies;

A proposed U.S. uranium enrichment corporation to revitalize the Federal enrichment enterprise and;

A provision intended to streamline the NRC's regulatory structure that has effectively stalled any possibility of growth in nuclear power generation.

With our grave national concerns about energy security and the environment, we cannot afford to throw away an option that could provide a virtually limitless, and comparatively benign source of electricity.

Finally, and perhaps the most significant area addressed by this legislation, is the removal of regulatory barriers that unreasonably restrict the availability of domestic energy supplies such as natural gas or hydroelectric power, or constrain the deployment of new, advanced and often more environmentally benign energy technologies. Initiatives to facilitate timely regulatory decisions include:

Streamlining Federal hydroelectric licensing process by removal of overlapping Federal regulatory constraints;

Consolidation of the review and decision process at FERC. Too often, proposed natural gas and hydroproject which require FERC authorization do not because they should not be built, but because FERC remains bogged down in bureaucracy, often for years;

Provisions to give small independent natural gas producers limited antitrust relief so as to enable them to more easily form marketing coops for their natural gas. This is not unlike the marketing coops that small farmers participate in;

Removal of the regulatory quagmire facing utilities as a result of the WEPCO case, a situation some of us attempted to remedy last Congress without complete success. Our intent is to resolve this issue in a manner that will permit sound business decisions on life extension and pollution control projects while doing no violence to the Clean Air Act and;

The reform of PUCHA, which is a very controversial subject. I expect that we will explore this matter in great detail during the hearing process to determine what changes, if any, need to be made in this area.

These regulatory provisions represent a good start at removing regulatory barriers. We are open to suggestions as to how they should be improved, or what other provisions should be added to the list.

I fully recognize that an undertaking of this magnitude will not be without controversy, but the American people deserve that we, their elected representatives, face these issues. The National Energy Security Act of 1991 does just that.

This legislation is comprehensive. Yet, even the sponsors will have reservations about some provisions. I know I do. I would note, for example, that the ANWR provision limiting the ability of the State of Alaska to sue over the 50-50 split on ANWR revenues is one I strongly oppose. If the State of Alaska were to win in court and get 90 percent of the royalty revenues instead of 50 percent the authority to lease ANWR in this bill expires. This is a lose-lose approach for Alaska and the Nation. I will work to have it stricken because the prospect of denying America access to up to 3.5 billion barrels of domestic oil should not be the object of Washington's anti-State's right attitudes.

In conclusion, fundamental to the success of any national energy strategy is that it be sufficiently flexible for all domestic energy supply and demand alternatives to compete in the marketplace. Frankly, the current energy situation provides an opportunity to promote competitive, market-oriented energy policies. Everyone's attention is focused on energy issues, yet we have avoided a crisis atmosphere because supplies are sufficient and prices are stable. This is quite a different situation than the last time we debated a national energy policy in 1978. We acted in crisis situation, and the result was a terrible energy policy. It took Ronald Reagan years to correct the problems created by the 1978 legislation. We cannot make that mistake again.

The legislation we are introducing today clearly addresses our energy problems with workable production and conservation measures. It is a market oriented strategy that relies on the strengths of our energy industry. It is an environmental program as well as an energy strategy. We build on our past successes with energy efficiency which reduces energy demands. We prepare for future energy needs by laying the groundwork for new clean energy sources, such as the advanced nuclear reactor, fusion technology, and renewables. Passage of this legislation will be a lasting legacy of opportunity for the men and women now fighting for freedom in the Persian Gulf and for those who follow us into the 21st century.

Mr. President, the job of tryng to put this piece of legislation together with Senator JOHNSTON, the chairman of the committee, has been pleasant, has been challenging, and has been interesting. His staff and my staff and he and I have worked together. We have yielded to each other on some points, and we find yet some things on which we would let the will of the Senate or the committee work, and that is how it should be.

Mr. President, I have now been 14 years in the Senate and interested in energy policy since my first campaign. I have seen reasons for us to enact it over the course of time and yet I have never seen anybody serious about it.

The first thing that happened in the second of the energy crises to which Senator JOHNSTON referred was an act of revenge on the part of the Senate. We were angry because oil was in short supply and so we took our revenge out in rather shortsighted policies, but it was not energy policies. It was tax policies, constraints on production and drilling, and all kinds of things; but it was not an energy policy.

The thing binding us together now is I think the realization there is more than one threat to this Nation for lack of an energy strategy. We have the security threat that is obvious by our increasing dependence on foreign sources of oil in particular and energy in general. That is not hard to understand, and clearly some portion of the effort in the gulf is directly related to our dependence and our lack of security that comes from that dependence.

But rather is a further angle to this thing which I think some people tend to ignore, and that is a dependence of our children and our children's children being developed by this massive debt that is occurring month by month, year by year, in our balance of payments. The balance of payments is as much a threat to our future as our inability, somehow or another, to produce a sufficient amount of energy for our own needs.

So we have a security threat, we have a financial security threat, and then we say, Mr. President, we have as well an environmental threat to America.

It is obvious by any set of statistics that the transport of oil is far more hazardous to the environment than the production of oil. *Exxon Valdez* was not a production problem that came about out of Prudhoe Bay. It was a transportation problem that came out of Valdez between there and the coast.

There is also a certain level of arrogance in those who say let others produce this oil because we do not want to have it here, because it is not produced with such care and such level of environmental restriction as it is produced in our country.

Neither the coal, nor the oil, nor the uranium, nor their products is produced nearly with so much care and environmental concern in the United States as elsewhere in the world.

What we are saying is let them produce it and if they harm or sully or damage their environment, that is theirs; it is not part of our world. There is an environmental cause for us to begin to develop this energy independence.

Mr. President, let me say one other thing; that it is well and good for some to give us this idylic concept that we can save our way out of this and we do not have to end up paying any attention to the production side. Mr. President, the coal miners in my State and the coal miners in your State will not be able to ride to their jobs on bicycles because of the range of terrain and the distances involved.

Mr. President, if every single acre in America that produces corn today, every single acre, were to be devoted to the production of ethanol—no more hogs fed, no more cows fed, no more Wheaties for breakfast, no more corn flakes, no more Mazola Oil, no more corn sweeteners, anything else—if all of it is devoted to the production of ethanol, we would produce 10 percent of America's energy needs. So alternative fuels of and by themselves is not the answer.

What Senator JOHNSTON and I have proposed and what he has so eloquently stated is a balance between conservation and production, between a concern for the environment and a concern for the economic and military and financial security of our country.

Mr. President, it is inconceivable any other country in the world so rich and so blessed as is America with energy resources and wealth would deny itself so many of those things to the point it put in jeopardy its children's future, its grandchildren's future, and the lives of its current generation. It is not conceivable that we allow that to take place any longer. The American people are entitled to the wealth that they possess and produced in the care and manner in which it will be produced here.

We will continue to consume. We will continue to strive for ways and means to conserve, and the bill represents a good strong balance between not only induced conservation but an encouraged conservation as well as an induced production and an encouraged production.

These things come together at a time and place in history where it just may be the time.

I remind the Congress there are 44 committees and subcommittees in both our Houses which have some say in the turf of the energy battle, whether it is a security one, environmental one, a trade one, or what have you. There are, I think, nine of the President's Cabinet who have some say in energy policy; there are five offices in the Office of the President and seven independent agencies which have some say in this process.

When Senator JOHNSTON says it is controversial, the most controversial thing will be if people will give up their turf long enough to understand the American people are entitled to this policy.

Our staffs have been coordinating with the Department of Energy, Mr. President, and I say we expect the administration's energy strategy within about 2 weeks. In many respects, it will mirror and reflect the effort we have worked on because we have been working with Admiral Watkins, the Secretary. Our staffs have been working together.

But it is time now we do this thing and it is time we put aside the petty battles over turf and look to the interest of the American people. It can be done. And I take my hat off to Senator JOHNSTON and I thank him; it has been a pleasure working with him. If we can get the administration with this, we will end up with an energy strategy for the first time.

Mr. JOHNSTON. I thank my colleague from Wyoming for his comments and for the good work he and the minority staff have done on the Energy Committee, and the majority staff have done as well. It is a monumental effort on their part to put a 264-page bill together. It works well for the Energy Committee this year that we have such an excellent and friendly and cooperative and productive attitude by the distinguished minority member and his staff and all the committee members of the Energy Committee.

Mr. WALLOP. Mr. President, I say once again I thank the Senator. I pointed out there are some things which he would have liked to have had in the bill that are not there; there are some things I would have liked to have had in the bill that are not there. Those will be worked out as the Senate works its will. But what we have put together is what both of us believe will be in the benefit of the people of this country.

Mr. President, I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado, Mr. WIRTH.

By Mr. CRAIG:

S. 342. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions for participants in Operation Desert Storm; to the Committee on Finance.

PENALTY-FREE DISTRIBUTIONS FOR PARTICIPANTS IN OPERATION DESERT SHIELD

• Mr. CRAIG. Mr. President, today I am introducing a bill to make life a little easier back home for the families of our Desert Storm troops.

Many of these families are finding themselves in unexpectedly tough financial circumstances. Those who have put money aside, investing for the future in certain retirement or savings plans, are finding that the tax law will penalize them if they try to make ends meet by withdrawing that money.

That doesn't make sense, at a time when we're searching for ways to ease the special burdens of these families. And, more fundamentally, it's not fair to penalize those who are already making so many sacrifices for our Nation and the world.

My bill recognizes that these are extraordinary times. It would allow individuals who are members of the Armed Forces or Reserves and are active in Desert Storm to withdraw money from annuities, IRA's, and other retirement plans without having to pay the 10-percent Federal tax penalty for early withdrawal. This is a companion bill to legislation being introduced today in the House of Representatives by Congressman TOM CAMPBELL of California.

This bill is not intended to be a comprehensive solution to all the problems faced by our men and women in the Persian Gulf and their families back home. It is my hope, however, that this sensible and fair reform will be included in whatever comprehensive package ultimately passes this body.

Mr. President, our men and women in the gulf are earning every consideration we can give them. Their families back home need to be able to concentrate on providing them the support they need to do the hard and dangerous job we've given them. The very least we can do is prevent them from being penalized for using their own savings to take care of themselves.•

By Mr. JOHNSTON (for himself, Mr. WALLOP Mr. FORD, Mr. DOMENICI, Mr. BINGAMAN, and Mr. CRAIG):

S. 343. A bill to provide for continued United States leadership in high-performance computing; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY HIGH-PERFORMANCE COMPUTING ACT

Mr. JOHNSTON. Mr. President, today I am introducing a bill entitled the "Department of Energy High-Performance Computing Act of 1991." The bill is very similar to legislation reported by the Committee on Energy and Natural Resources in the 101st Congress, and passed by the Senate as title II of S. 1067, the High-Performance Computing Act of 1990. S. 1067 was a related bill dealing with high-performance computing, introduced by Senator GORE and reported by the Committee on Commerce, Science, and Transportation. Our committee worked closely with the Commerce Committee last year to combine our two related bills prior to passage by the Senate. Unfortunately, the House was unable to act on the legislation before adjournment of the Congress.

Today our committee is starting the process anew with the introduction of this legislation. Our bill includes many of the compromises reached at the end of last year between the two committees. As this process moves forward, I expect that the two committees will again work together to create a national high-performance computing initiative that includes an aggressive program within the Department of Energy and establishes a national high-performance computer network. Senator GORE has already introduced S. 272, the High-Performance Computing Act of 1991, and I look forward to working with him as this process unfolds.

The Energy Committee bill would establish a high-performance computing program within the Department of Energy. As part of the program, the Secretary of Energy is directed to establish a national multi-gigabit-per-second computer network. The bill directs the Secretary to promote education and research in high-performance computing. Finally, the Secretary is directed to establish at least two collaborative consortia to undertake research and development of high-performance computing hardware, software, and networks.

The United States invented high-performance computing and continues to lead the world in the development of high-performance computing. However, that lead is being challenged. Some estimate that the Japanese will dominate the supercomputer market in the early 1990's. Yet, the Japanese did not enter the field of high-performance computing until 1983. Today, outside of the United States, Japan is the single biggest market for, and supplier of, supercomputers. Even if our lead was not being challenged, the need for increased emphasis on the development of high-performance computing systems is unquestioned.

It is essential that the United States remain aggressive in the area of supercomputer technology. Last year, I quoted from a report released 5 years ago by the White House Science Council Committee on Research in Very High-Performance Computing. The quote bears repeating:

> The bottom line is that any country which seeks to control its future must effectively exploit high performance computing. A country which aspires to military leadership must dominate, if not control, high performance computing. A country seeking economic strength in the information age must lead in the development and application of high performance computing in industry and research.

Many scientific endeavors would not be possible without the use of supercomputers. For example, the data we collect from outer space can only be understood and visualized by a supercomputer. The superconducting supercollider will require supercomputers to understand the data it produces. Weather forecasting becomes more accurate the more powerful the supercomputer. The human genome project is possible only because of high-performance computers.

According to Dr. William Wulf, the former Assistant Director of the National Science Foundation's Directorate for Computer and Information Science and Engineering, supercomputing and high-speed networking can increase the productivity of many American researchers by up to 200 percent.

Important policy questions depend on high-performance computing. Better models of global climate change would lead to better policies to address global warming. In fact, today's supercomputers are inadequate for some global studies that have been designed. The studies are waiting for sufficiently powerful supercomputers. The outcome of these studies could lead to important policy decisions with substantial implications for the world.

American industry has discovered the benefits of high-performance computers. When Airbus, a European consortium, started using supercomputers to help design more efficient airplanes, Boeing and McDonald Douglass were forced to follow. Boeing then used a supercomputer to design a 30-percent more efficient airplane. This savings offset the cost of the supercomputer and helped Boeing to remain competitive.

Arco used a Cray supercomputer to increase production of its Prudhoe Bay oil field resulting in an additional $2 billion in profits. Alcoa used supercomputing modeling to reduce the amount of aluminum needed in its aluminum cans by 25 percent. This reduction saved billions of dollars from reduced materials, production, and transportation costs.

Historically, the Department of Energy and its predecessor agencies played the lead role in the development of high-performance computing, particularly the supercomputer. The biggest single factor accounting for the development of high-performance computing has been the large computational demands required by defense research, particularly in the area of nuclear weapons design.

Supercomputing originated with the Los Alamos problem, the design of the first atomic bomb. In 1945, researchers at Los Alamos National Laboratory used the first large-scale electronic computer, the ENIAC, to help solve the Los Alamos problem. Subsequent collaborations with supercomputer vendors, such as IBM, Univac [now Unisys], Control Data, and Cray Research, have continued to this day, enabling the United States to become the leader in computational science.

In fact, Cray Research would not exist without the Los Alamos National Laboratory of the Department of Energy. In 1976, Cray offered its first supercomputer to Los Alamos without software or an operating system if the laboratory would develop the technologies needed to operate the machine. The Department of Energy and Los Alamos were crucial in getting the first Cray supercomputer to work. Today, Cray is the biggest manufacturer of supercomputers in the world, and Los Alamos is the most powerful scientific computing center in the world, serving more than 8,000 researchers throughout the Nation via a computer network.

The Department's laboratories have become the world's most demanding, sophisticated, and experienced users of supercomputers. Today, the Department of Energy remains the biggest user of supercomputers with more than 33 unclassified supercomputers. The Department of Energy and its laboratories are in a position to help the United States maintain its leadership, strengthen the U.S. computing industry, and encourage deployment of high-performance computing in analysis, design, concurrent, engineering, and manufacturing.

The bill directs the Secretary to establish collaborative consortia between the Department's national laboratories and other Federal laboratories or agencies, education institutions, and industry. The consortia will undertake basic research and development of high-performance computing hardware, software, and networks. The consortia will carry out its research directed at scientific and technical problems which require the application of high-performance computing resources.

The consortia will create an integrated, cooperative effort among industry, universities, and Government in supercomputing to meet the challenge of foreign competition. Manufacturers of high-performance computers will send new prototype computers to the national laboratories for testing. The laboratories will help the manufacturer identify problems, find solutions for them, and write the unique software packages supercomputers require. At the same time, industrial users will become more familiar with supercomputers and their benefits.

The bill establishes a framework in which Government, industry, and the university community can all come together within to keep the United States at the forefront of this critical technology.

The bill also authorizes the establishment of a multigigabit-per-second national research and education computer network. This network will link Government, industry, and the higher education community. Computer users at universities, Federal laboratories, and industry research centers will have access to supercomputers, computer data bases, and other research facilities.

The Federal network will also act as a catalyst for a much larger effort by the Nation as a whole. As services over the network and the number of users increase, the private sector will begin to demand more and more from the network. Universities and private industry will come to rely more and more on the network. Eventually they may be willing to fund the network itself or contribute to its support.

Initially, Federal agencies and Departments will work together to connect their individual networks. Existing user communities of Federal networks will be expanded. New user communities will be brought into these networks. Network speeds and capabilities will be upgraded as the results of research carried out under this legislation becomes fruitful. Eventually, a national network, operating at over a billion bits of data per second will be in place. Even then, the network will continue to grow, becoming faster, connecting more and broader user communities. It will become much like the telephone system we have in place today.

At the same time, each individual agency will be free to operate its own individual network to meet individual agency mission needs. To the extent an agency can contribute to the national network, it should do so. To the extent individual agency mission needs require autonomy from the national network, that autonomy is preserved.

This national network can only succeed as a cooperative effort of all the interested agencies. We do not know what the network will look like in the coming years. Technology to develop the network envisioned in this legislation is still being developed. This legislation governing the network therefore must be flexible. Instead of creating a rigid, unchangeable management structure, the legislation simply directs the Secretary to establish the network, and to do so in consultation with other Federal Departments and agencies.

This country has lost the lead in a great number of technologies. Today, we are poised at a crossroad. We can continue down the road we are on and eventually lose our lead to foreign competition, and perhaps ultimately, the whole supercomputer industry. We can change our course by taking the actions called for in this bill and put to work the resources found within our national laboratories. If we can make this commitment, this country will maintain its preeminent status in the field of high-performance computing.

I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Department of Energy High-Performance Computing Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that:

(a) advances in high-performance computer science and technology are vital to the Nation's defense, scientific advancement, international competitiveness and long-term prosperity;

(b) the Department of Energy and other Federal agencies have a critical need for a nationwide high-capacity computer network;

(c) the Department of Energy is the Federal agency having the greatest degree of expertise and knowledge in the research, development and use of high-performance computers, associated software and networks;

(d) the Department of Energy's expertise and knowledge is due in part to its ownership and use of the greatest number of high-performance computers of any Federal agency;

(e) the Department of Energy's expertise and knowledge is due in part to its numerous national laboratories that have personnel with particular expertise in the research, design, development and use of high-performance computers, associated software and networks; and,

(f) the Department of Energy is the Federal agency that is particularly well equipped to undertake additional research and development of high-performance computing hardware and associated software, and to design, implement and manage a multi-gigabit-per-second nationwide computer network connecting Federal departments and agencies.

SEC. 3. PURPOSES.

The purposes of this Act are:

(a) to promote the research and development of high-performance computers and associated software; and

(b) to create a multi-gigabit-per-second nationwide computer network for use by the Department of Energy and other Federal departments and agencies.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the term—

(a) "Secretary" the Secretary of Energy;

(b) "Department" means the Department of Energy;

(c) "Federal laboratory" means any laboratory, or any federally funded research and development center, that is owned or leased or otherwise used by a Federal agency or department and funded by the Federal Government, whether operated by the Government or by a contractor;

(d) "national laboratory" means any Federal laboratory that is owned by the Department of Energy;

(e) "educational institution" means a degree granting institution of at least a baccalaureate level; and

(f) "software creation" means any innovation or preparation of new computer software of whatever kind or description whether patentable or unpatentable, and whether copyrightable or noncopyrightable.

(g) "Director" means the Director of the Office of Science and Technology Policy.

SEC. 5. DEPARTMENT OF ENERGY HIGH-PERFORMANCE COMPUTING PROGRAM.

(a) The Secretary, acting in accordance with the authority provided by the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.) shall establish a High-Performance Computing Program (hereinafter referred to as the "HPC Program").

(b) Within one year after the date of the enactment of this Act, the Secretary shall establish a management plan to carry out HPC Program activities. The plan shall—

(1) be developed in conjunction with the Director's overall efforts to promote high-performance computing;

(2) summarize all ongoing high-performance computing activities and resources at the Department that are not classified or otherwise restricted;

(3) describe the levels of funding for each aspect of high-performance computing that are not classified or otherwise restricted;

(4) establish long range goals and priorities for research, development, and application of high-performance computing at the Department, and devise a strategy for achieving them; and

(5) ensure that technology developed pursuant to the HPC Program is transferred to the private sector in accordance with applicable law.

SEC. 6. DEPARTMENT OF ENERGY HIGH-PERFORMANCE COMPUTING PROGRAM ACTIVITIES.

(a)(1) The Secretary shall establish a national multi-gigabit-per-second computer network to be known as the "Federal High-Performance Computer Network."

(2) The Secretary shall provide for the linkage of Federal agencies and departments, and other persons as the Secretary may deem appropriate.

(3) The Network shall be designed, implemented and managed by the Secretary of Energy, in consultation with other Federal departments and agencies.

(4) The Secretary may make use of existing Federal facilities and networks as may be appropriate to carry out the requirements of this section, provided that the Federal department or agency concurs in such use.

(b) The Secretary shall promote education and research in high-performance computational science and related fields that require the application of high-performance computing resources by making the Department's high-performance computing resources more available to undergraduate and graduate students, postdoctoral fellows, and faculty from the Nation's educational institutions.

(c) The Secretary shall establish at least two Collaborative Consortia, and as many more as the Secretary determines are needed to carry out the purposes of this Act, by soliciting and selecting proposals.

(1) Each Collaborative Consortium shall—

(A) undertake basic research and development of high-performance computing hardware and associated software technology;

(B) undertake research and development of advanced prototype networks;

(C) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing resources;

(D) promote the testing and uses of new types of high-performance computing and related software and equipment;

(E) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(F) disseminate information to Federal departments and agencies, the private sector, educational institutions, and other potential users on the availability of high-performance computing facilities.

(2) Each Collaborative Consortium shall be comprised of a lead institution, which has responsibility for the direction and performance of the consortium, and participants from industry, Federal laboratories or agencies, educational institutions, and others, as may be appropriate.

(3) Each lead institution shall be a national laboratory which has the experience in research on problems that require the application of high-performance computing resources.

(4) the consortium may fund research and development associated with prototype computing technology provided that industrial participants in each consortium shall not be reimbursed for costs associated with their own involvement.

(d) The provisions of the National Cooperative Research Act of 1984 (15 U.S.C. 4301–4305) shall apply to research activities taken pursuant to this section.

(e) Each Collaborative Consortium may be established by a Cooperative Research and Development Agreement as provided in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(f) The Secretary shall report annually to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives regarding the HPC Program.

SEC. 7. GOVERNMENT AND PRIVATE SECTOR COOPERATION.

In accordance with applicable law, the Secretary may cooperate with, solicit help from, provide funds to, or enter into contracts with private contractors, industry, government, universities, or any other person or entity the Secretary deems necessary in carrying out the provisions of this Act.

SEC. 8. OWNERSHIP OF INVENTIONS AND CREATIONS.

(a) Except as otherwise provided by the National Competitiveness Technology Transfer Act of 1989 (103 Stat. 1674) and any other applicable law, title to any invention or software creation developed under this Act shall vest in the United States and shall be governed by the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

(b) Trade secrets and commercial or financial information that is privileged and confidential and which is obtained from a non-Federal party participating in research or other activities under this Act may be withheld in accordance with section 552(b)(4) of title 5, United States Code.

(c) The Secretary, for a period of up to 5 years after the development of information that results from research and development activities conducted under this title and that would be a trade secret or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, if the information had been obtained from a non-Federal party, may provide appropriate protection against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United State Code.

SEC. 9. AUTHORIZATION.

There is authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 establishes the short title, "The Department of Energy High-Performance Computing Act of 1991".

Section 2 contains the findings of Congress.

Section 3 contains the purposes of the Act.

Section 4 contains definitions of terms used in the bill.

Section 5 establishes a high-performance computing program within the Department of Energy. The Secretary is directed to establish a management plan to carry out program activities.

Section 6 establishes the program activities. The Secretary of Energy is to establish a national multi-gigabit-per-second computer network to be known as the "Federal High-Performance Computing Network." The Network would link Federal agencies and departments. The Network is to be designed, implemented and managed by the Secretary.

The Secretary is to promote education and research in high-performance computing and related fields. The Secretary is to establish at least two Collaborative Consortia to undertake basic research and development of high-performance computing hardware, software and networks. Also, the Consortia are directed to promote testing and use of new types of high-performance computing, and to disseminate information on the availability of high-performance computing facilities.

The membership of each Consortium would include Federal laboratories, industry, universities, and others. Each Consortium be headed by a Department of Energy national laboratory that has experience in high-performance computing. Industrial participants are not to be reimbursed for costs associated with their own involvement.

Each consortium may be established as a Cooperative Research and Development Agreement as provided by section 3710a of title 15 United States Code. The National Cooperative Research Act of 1984 also applies to research activities undertaken by the consortia.

Section 7 authorizes the Secretary to, in accordance with applicable law, cooperate with and enter into contracts with other Federal agencies and the private sector to carry out the Act.

Section 8 establishes that title to inventions or creations (a defined term which essentially deals with software) vests in the United States in accordance with section 5908 of title 42, United States Code. Trade secrets or commercial or financial information obtained from non-Federal parties is given protection from disclosure.

Section 9 authorizes funding to carry out the purposes of the Act.

• Mr. DOMENICI Mr. President, along with the distinguished chairman and ranking Republican member of the Committee on Energy and Natural Resources, I am pleased to cosponsor the Department of Energy High-Performance Computing Act of 1991.

During the 101st Congress, the Energy Committee reported similar legislation, and worked cooperatively with the Commerce Committee to incorporate the provisions into S. 1067 which the Senate passed unanimously. Unfortunately, the House was unable to act on this bill before adjournment of the Congress.

The legislation we are today introducing contains the two most significant provisions of last year's bill: First, it would create a nation-wide, high-speed computer network; and second, it would create supercomputing collaborative consortia to undertake research and development on high-performance computing hardware and associated software.

Mr. President, this legislation is of national importance because advances in high-performance computing and networking are vital to our economic growth, to our national security and to scientific advancement.

High-performance computing got its start in the late 1940's in the national security field, but today it is ubiquitous. Computers run our telephones; they are used to design automobiles and airplanes; they operate machines on manufacturing lines; they are integral to medical imaging devices; they are used for oil exploration; and they were even involved in the writing of this statement. Computers are now involved in every phase of our everyday life.

Supercomputers are also an integral part of the cutting edge of scientific research. For example, supercomputers are required to run and understand the data created by the superconducting super collider; and the human genome project would only be a dream without a supercomputer; and supercomputers are used to design new drugs to combat illness.

Daily supercomputers are being put to new uses. For example, a recent New York Times article reported that supercomputers were employed to assess the potential damage to the environment of burning the oil that Iraq had spilled into the Persian Gulf. The article also noted that supercomputers are being put to uses such as providing advanced warning of killer storms, predicting changes in global climate and the monitoring of hazardous wastes. I ask unanimous consent that this article be printed at the end of my statement.

Although existing supercomputers are making enormous contributions to our society, in order for these advances to continue today's supercomputer needs to be made tomorrow's home computer.

This legislation would advance supercomputing by creating in the Department of Energy a High-Performance Computing Program—in effect giving the Department a new mission.

Now some may ask why the Department of Energy? The answer is really quite simple: No other Federal agency or organization has the breadth or depth of experience in the use of supercomputers and networks, or in research and development of supercomputers, supercomputer software and allied networks.

High-speed computing was first put to use to design the atomic weapons that were used to end World War II. Today the Department of Energy has more computers than any other Federal agency, and it's National Laboratories are the world's most demanding, sophisticated and experienced users of supercomputers.

If we can harness this knowledge, experience and expertise to develop the next round of supercomputers and associated software—and transfer that technology to private industry—we can materially benefit our society and economy.

The collaborative consortia created by this legislation will be led by the Department's national laboratories, and participants will include private industry, researchers from educational institutions and other Federal laboratories. They will undertake research and development of high-performance computing hardware, software, and networks.

Part and parcel of this effort is the need to interconnect agency supercomputers through a ultra-high-speed-network. That is why this legislation also proposes to create a ultra-high-speed computer network.

Mr. President, it is for these reasons that I cosponsored last year's legislation, and it is for these reasons that I am cosponsoring this legislation. I look forward to working closely with the distinguished committee's chairman and ranking Republican member to move this legislation as quickly as possible.

Mr. President, I ask unanimous consent that the New York Times article mentioned earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1991]

A FRESH EYE ON THE ENVIRONMENT

(By John Markoff)

The world's fastest computers, once used almost exclusively to build nuclear weapons and crack codes, are finding a variety of new uses as environmental tools.

In the Persian Gulf, for instance, supercomputers were employed to assess the damage to the environment from the burning of huge quantities of oil. The computers also make it possible to warn of killer storms further in advance, to understand the forces changing the global climate and to help monitor the disposal of hazardous wastes.

Concerned about the potential environmental damage if Kuwait oil-fields were set on fire, the Pentagon last year commissioned researchers at the Pacific Sierra Research Corporation, a California consulting company, to create a supercomputer model of such an event. Only a supercomputer, which can perform billions of mathematical operations in a second and can store and retrieve large amounts of data, can accurately simulate the complex chemical interactions in the atmosphere.

The scientists found that little of the smoke generated by such fires would reach the upper atmosphere and prevent sunlight from reaching the earth, creating global climate changes and harming agriculture.

Other scientists, who have built supercomputer simulations detailing the climatological effects of a nuclear war, dispute the underlying assumptions of the Pentagon's model. Dr. Richard Turco, an atmospheric scientist at the University of California at Los Angeles, said that under certain circumstances, enough smoke from the fires could reach the upper atmosphere to cause regional cooling.

Another environmental application of the supercomputer involved smog, which scientists thought dispersed each evening, only to form again in the morning. Recently, using a supercomputer. Carnegie-Mellon University scientists demonstrated that smog stays in place high above the ground, moving lower each morning as warming air circulates, compounding the new day's pollution. That knowledge promoted a broadening of anti-pollution policies aimed mainly at car emissions, and led Los Angeles to adopt the nation's strictest pollution controls.

The supercomputer has proved to be a powerful tool for policy makers, who can use it to experiment rapidly by creating a series of hypothetical situations and measuring the effects of isolated changes. For instance, Carnegie-Mellon used the computer to "remove" cars from the streets of Los Angeles, testing what effect that would have on pollution. In this and thousands of wide-ranging applications, the supercomputer has become indispensable for many public-policy researchers, regulators and corporate executives.

"Even in times of fairly tight budget constraints there is going to be money to buy these tools," said Willis E. Greenstreet, the director of administration at the North Carolina research operation of the Environmental Protection Agency. "It leads to more cost-effective regulation."

Supercomputers, which are thousands of times more powerful than a desktop computer, cost $3 million to $30 million each. They were conceived primarily for military purposes that require billions and billions of calculations, such as creating the models of nuclear explosions that are used in the design of weapons.

ANALYZING THE WEATHER

But in the last two years, financing declined for computer-intensive military research programs, including the "Star Wars" missile-defense system. That forced the country's national research laboratories, which historically pursued advanced weapons programs, to look for new projects.

At the same time, the ability of supercomputers to make forecasts has improved to the point where they have become useful for environmental purposes like weather analysis.

Supercomputers can study the weather through the use of mathematical models that account for dozens of factors, like atmospheric pressure, temperature, regional topography and wind direction. by breaking up a large region into many small areas, highly accurate forecasts can be developed.

Unlike satellite whether images, which simply show current conditions, the supercomputer can reliably predict changes in the weather.

In addition to the environmental project in the Persian Gulf, the military is using supercomputer weather forecasts to plan bombing sorties. Indeed, many countries fighting against Iraq are censoring weather forecasts generated by supercomputers to cut off the Iraqis from such information.

In October 1987, a hurricane unexpectedly struck southern England, killing 13 people and causing millions of dollars' worth of damage. The storm was not predicted by the more modest computers used by British weather forecasters. But scientists at the European Community Medium-Range Weather Facility in Reading, England, were able to predict the storm on their Cray supercomputers and issued a warning.

The cost of the supercomputer is peanuts compared to what you can save," said Gregory J. McRae, a chemical engineer at Carnegie-Mellon. His research on smog formation has been used by California air-quality authorities to help choose the most effective pollution-control strategies.

GREENING OF THE SUPERCOMPUTER

Supercomputers are also widely used for dozens of scientific and engineering tasks, including the simulation of automobile accidents to learn how to design safer cars; the creation of aircraft models to improve their aerodynamic efficiency, and the study of the interplay of specific molecules to create more effective medications.

The complexity of creating models of environmental conditions has made the machines essential for serious scientific analysis.

Environmental projects are the largest and fastest-growing business for Cray Research Inc., the nation's top supercomputer maker.

"It represents the greening of the supercomputer," said John A. Rollwagen, chairman and chief executive of Cray. "It now rivals anything that the weapons business has ever had."

At Cray, which is based in Minneapolis, the number of installed multimillion-dollar supercomputers purchased for weather and environmental applications has jumped to 17 at 15 sites, from 4 machines at 4 sites in 1988. Cray said another dozen machines were used substantially for such environmental applications and for other tasks as well. Supercomputers for environmental uses now account for about 20 percent of Cray's annual revenue.

Cray is getting more orders for environmental applications than any other supercomputer maker, but others are benefiting as well. These include I.B.M., Thinking Machines and Convex Computer in the United States, and NEC and Fujitsu in Japan.

Cray was the main beneficiary last year when ETA Systems Inc., a subsidiary of the Control Data Corporation, whose machines were popular with meteorologists, went out of business. But Cray now faces tough competition from NEC. Computer scientists say NEC's new SX-3 supercomputer rivals the fastest Cray machine. In December, the Japanese company announced that it had sold one of the new supercomputers to a meteorological research center in Brazil.

Cray Research was founded by Seymour Cray, who left in 1989 to form a new company, the Cray Computer Corporation. It, too, is benefiting from the growing environmental market. Cray Computer, based in Colorado Springs, recently announced that it had sold its first Cray 3 supercomputer to the Livermore National Laboratory's energy research center.

STUDYING CLIMATE CHANGES

Computer scientists at the laboratory said the new machine, which many scientists think will be the world's fastest for certain applications when it is installed in 1992, will be mostly used to evaluate competing theories about the forces shaping changes in the global climate.

Weapons researchers at Livermore are also exploring how to use software, developed to monitor radiation leaks at nuclear test sites, to simulate problems caused by hazardous waste.

The Livermore laboratory, which has a stable of supercomputers including machines from Cray Research, Bolt Baranek & Newman and Thinking Machines, is perhaps the most striking example of the contrast between the declining fortunes of the weapons designers and the growing advantages of environmental users.

Robert Borchers, head of computation for Livermore, said it was unlikely that even a single large new supercomputer would be purchased this year for the side of the laboratory that deals with classified weapons.

"We don't know where the money would come from," he said.

In contrast, researchers at the Environmental Protection Agency's research laboratories at Research Triangle Park in Chapel Hill, N.C., said that they had received approval to buy two of the world's largest supercomputers but that they had not decided which to buy. The National Weather Service in Camp Springs, Md., is also planning to buy two machines from Cray Research this year.

ACID RAIN SIMULATIONS

The Environmental Protection Agency now uses Cray and I.B.M. supercomputers to run simulations of the formation of acid rain and smog in the eastern United States and southeastern Canada. Besides providing a better understanding of this phenomenon, the supercomputers offer a daily tool to regulatory officials. They use information gleaned from the models to make decisions on what are permissible emissions from large polluters like power plants, and they can order the plants to reduce output.

"In the Northeast corridor, pollutants created in Baltimore and Washington go upstream to Philadelphia and then go to New York, and all of that goes to Boston," said Gary J. Foley, the director of the E.P.A.'s atmospheric rsesearch and exposure assessment laboratory. "We can look at this string of cities and develop better control strategies using our simulations."•

• **Mr. WALLOP.** Mr. President, I am pleased to cosponsor the Department of Energy High-Performance Computing Act of 1991 which Senator JOHNSTON is today introducing.

During the 101st Congress, the Committee on Energy and Natural Resources worked closely with the Committee on Commerce, Space and Transportation to develop comprehensive supercomputing and networking legislation, which unanimously passed the Senate. This occurred too late last year for the House to act on the Senate bill.

I had hoped that we would pick up where we left off last year with the Senate-passed bill, but unfortunately that was not agreeable to the Commerce Committee. So instead, both the Energy Committee and the Commerce Committee each start afresh, and differences will have to be worked out before Senate action can occur.

The bill I am today cosponsoring contains the two key elements of last year's bill. First, it would create supercomputing collaborative consortia to undertake research and development on high-performance computing hardware and associated software. Second, it would create a nationwide, ultra high-speed computer network to interconnect Federal agencies and others.

The legislation assigns responsibility for these activities to the Department of Energy because it is the Federal agency which has the greatest degree of expertise and knowledge in the research, development and use of high-performance computers and networks. The Department of Energy is the Federal agency which makes use of the greatest number of high-performance computers.

High-performance computing and networking is not only essential to our Nation's defense activities, it is also increasingly critical to our economic well-being. Industry is turning to the use of supercomputers for product design, testing and production. I doubt that a decade from now there will be a single product invented or produced—be it a consumer or a military product—without the use of high-performance computers and high-speed networks. The only question in my mind is whether those products will be made here in the United States, or produced abroad.

In the academic and research communities, high-performance computing and networking is likewise increasingly important. There is not a line of scientific inquiry that is either not now using supercomputers, or could not benefit from their use.

Mr. President, it is for these reasons that I am today cosponsoring this legislation. I look forward to working with them and the distinguished chairman of the committee, Senator JOHNSTON, in moving high-performance computing legislation through the Senate.•

By Mr. ROTH:

S. 344. A bill to establish the Northern Yukon-Arctic International Wildlife Refuge; to the Committee on Environment and Public Works.

NORTHERN YUKON-ARCTIC INTERNATIONAL WILDLIFE REFUGE ACT

• Mr. ROTH. Mr. President, I rise today to address our needs as well as our opportunities for international cooperation to protect our world's circumpolar region.

During my years in the Congress I have expressed my sincere ideology concerning mankind's responsibility to the environment. Simply stated, it is that man is bound to serve nature through an environmental ethic. Mankind has the responsibility to pass on a life-giving—life-sustaining—environment to future generations. Our natural and cultural heritage rank high among our most priceless and irreplaceable possessions. To loose any of these possessions would be a loss to all of mankind.

It is often exhibited that all ecosystems—from Alaska to Africa, South America to Saudi Arabia—are inextricably connected. Not only can destruction in one small area bruise the conscience of man, but it can affect the fragile ecological balance of a tiny world appear more vulnerable with each passing day. Perhaps this environmental transcendentalism is nowhere more apparent than in the circumpolar region which serves as a sink for global pollution. It gathers the wastes and fallout from all that surrounds it, and we all know the tragic consequences befalling the fragile ecosystem and biosphere. The wind, water, fish, fowl, caribou, and other animals and plants know no political boundaries. Whether the pollution that threatens their pristine and fragile environment comes from the Soviet Union, Brazil, Eastern Europe, or the United States is of little consequence—especially when the contamination begins to affect the native peoples who depend on the ecosystem.

Likewise, the contamination of this precious international resource poses a threat to the Arctic region as a scientific laboratory for comparisons of the Earth's health. As someone recently put it: "If the Arctic Systems fail, the health and the understanding of the health of the entire planet fails." It is for those and other reasons that I commend proposals that encourage international cooperation to protect the precious Arctic area. The Finnish and Pisces Initiatives and the Beringia Cooperative Agreement are very important steps in this process. Likewise, I'm proud to announce my own piece of legislation, that I am introducing today.

Mr. President, today I am introducing legislation to establish a Northern Yukon-Arctic International Wildlife Refuge. Its purpose is to bring these two great nations together in historic cooperation to permanently protect the last complete Arctic ecosystem in North America, North America's Serrengethi, to fulfill our responsibility as stewards of our land, its resources and the life that depends on it.

This effort will protect all shared wild bird resources native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act. Likewise, it protects wetlands, marine mammals—including seals, walruses, whales, and polar bears; and it maintains our commitment to the principles of caribou management as prescribed under the Porcupine Management Agreement. And it provides for continued protection of marine and anadromous fish species that inhabit the coastal waters of the Beaufort Sea. Finally, it reaffirms the commitments we made to the residents of these lands, to continue to provide them with the opportunity for subsistence uses for the resources of these lands.

Each of these objectives is worthy, and this bill is an important step toward caring for our stewardship in the entire Arctic National Wildlife Refuge as it is currently administered under the National Wildlife Refuge Administration Act. However, most important is that this bill demonstrates the willing spirit and many opportunities nations can take advantage of toward the objective of protecting our environment. It is a first step—an important first step. But it is my hope that it serves as an example of what nations can do with shared objectives, a spirit of cooperation, and a little bit of effort.

It is also my hope that we can build on this effort to actively pursue Arctic agreements that lead to an Arctic refuge protection plan. Such a plan should include international protection for shared lands and waters, cultural and historical sites, and management of fish, birds and wildlife, as well as international cooperative efforts to control the sources of pollutants that affect this fragile environment. The legislation that I am introducing today should be one of the building blocks for this effort.

I ask unanimous consent that a copy of this legislation be placed in the RECORD in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Yukon-Arctic International Wildlife Refuge Act".

SEC. 2. ESTABLISHMENT OF INTERNATIONAL WILDLIFE REFUGE AREA.

(a) ESTABLISHMENT.—

(1) Effective as of the date the conditions stated in subsection (b) are met, there is established an international wildlife refuge area to be called the Northern Yukon-Arctic International Wildlife Refuge, which shall

include the entire Arctic National Wildlife Refuge administered under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) The Northern Yukon-Arctic International Wildlife Refuge is established—

(A) for the purpose of permanently commemorating the long-existing relationship of peace and good will between the people and Governments of Canada and the United States;

(B) for the purpose of permanently protecting in an undisturbed condition the only remaining complete spectrum of Arctic ecosystems in North America;

(C) in fulfillment of our serious responsibility as stewards of our land, its resources, and the life that depends on it;

(D) for the purpose of permanently protecting all shared wild bird resources native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), and wetlands listed as protected under the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, done at Ramsar on February 2, 1971;

(E) for the purpose of maintaining our commitment to the permanent protection of marine mammals, including seals, walruses, whales, and the Beaufort Sea population of polar bears that are protected under the Agreement for the Conservation of Polar Bears, done at Oslo on November 15, 1973 (27 U.S.T. 3918) and mammals listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) for the purpose of maintaining our commitment to the principles of caribou management as prescribed under the Porcupine Management Agreement;

(G) for the purpose of continued international cooperation and commitment to the protection of marine and anadromous fish species that inhabit the coastal waters of the Beaufort Sea, whose nearshore waters and brackish lagoon system provide for those fish—

(i) eastward and westward migration routes;

(ii) feeding areas; and

(iii) important spawning and overwintering areas; and

(H) for the purpose of continuing the opportunity, consistent with sound management principles, for subsistence uses by rural residents of Alaska, including natives and non-natives, on the public lands and by Alaska natives on native lands which are essential to native physical, economic, traditional, and social existence, to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands.

(b) CONDITIONS.—The establishment of the Northern Yukon-Arctic International Wildlife Refuge and the inclusion therein of the Arctic National Wildlife Refuge shall become effective upon—

(1) the enactment by the proper authority of the Canadian Government of a provision similar to this Act respecting the Northern Yukon National Park in or near the Yukon Territory, Canada; and

(2) the issuance of a proclamation by the President declaring that such an enactment by the Canadian Government has been made.

SEC. 3. ADMINISTRATION.

For the purposes of administration and the making of appropriations, the United States portion of the Northern Yukon-Arctic International Wildlife Refuge shall continue to be administered under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as are necessary to carry out this Act.●

By Mr. PELL (for himself and Mr. CHAFEE):

S. 345. A bill to amend the Small Business Act to provide disaster loan eligibility to small business concerns located in States which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days; to the Committee on Small Business.

RHODE ISLAND BANKING CRISIS ASSISTANCE ACT

Mr. PELL. Mr. President, the State of Rhode Island is undergoing a financial crisis that has had a catastrophic effect on the lives of many Rhode Islanders. On January 1, Rhode Island's newly elected Governor Bruce Sundlun was forced to close 45 Rhode Island banks and credit unions. This action affected over half of Rhode Island's depository institutions, containing the deposits of over 350,000 people with an estimated value of $1.3 billion.

Since January 1, just over half of these 45 institutions have reopened for business, but depositors at 15 closed institutions remain separated from their money. Many of these people are retired or were living on a very strict budget and depended on their savings for day to day survival.

The reason behind this crisis is the failure of the private insurer that backed the deposits in all the closed institutions. This insurer, the Rhode Island Share and Deposit Insurance Corp. [RISDIC], failed miserably in adequately protecting the deposits of many honest, hard-working, Rhode Islanders.

There is a great deal of blame to be shared for the failure of RISDIC, but the most immediate and urgent question is the fairest and speediest way to help thousands of abandoned depositors.

Governor Sundlun has moved aggressively to fulfill the State's responsibilities and to provide relief to the depositors. But the State and the people need Federal Government assistance in this unprecedented financial disaster.

Action is required, not only for the relief of the depositors but to prevent broader damage to the entire economy of Rhode Island and the surrounding region. The freezing of deposits, including the funds of many otherwise prosperous small businesses, threatens an escalating and spreading economic slowdown. Both the plight of individual depositors and the danger to the general economy demand action.

That is why I am joining with my colleague Senator CHAFEE in introducing a package of bills to help Rhode Island through this crisis.

I am introducing legislation to provide small businessess with disaster relief loans that are tied directly to the type of economic disaster currently taking place in Rhode Island.

This bill would amend the Small Business Act to provide disaster loans to small businessess located in States in which one-third or more of the depository institutions have been simultaneously closed for a period of at least 5 days.

This bill was authored and introduced in the House of Representatives by Congressman RONALD MACHTLEY and cosponsored by Congressman JACK REED. I am joined today in introducing this legislation in the Senate by my colleague Senator JOHN CHAFEE.

I will also be joining Senator CHAFEE in sponsoring two bills he will be introducing in the very near future.

Mr. President, it is my hope that this package of bills will provide much-needed help for those who have been swept-up in this dreadful crisis.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 345

Be it enacted by the Senate and House of Represenatatives of the United States of America in Congress assembled,

SECTION 1. DISASTER LOANS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph which begins "*Provided*, That no loan", the following new paragraph:

"(3)(A) Subject to the limitations contained in subparagraph (B), the Administration is empowered to make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary to assist, or refinance all or part of the existing indebtedness of, a small business concern located in a State in which, after December 31, 1990, one-third or more of the depository institutions located in such State have been closed simultaneously for a period of at least 5 days resulting in depositors of such institutions being precluded from accessing their funds.

"(B) A loan or guarantee shall be extended to an applicant under this paragraph only if the Administration finds that—

"(i) a substantial percentage of the applicant's funds are held in a depository institution which has closed; and

"(ii) the applicant's need for credit is a direct result of the closing of such institution.

"(C) The Administration may permit deferral of payment of principal and interest for 1 year on a loan extended under this paragraph.

"(D) For purposes of this paragraph, the term 'depository institution' has the meaning such term has under section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C.

461(b)(1)(A)), without regard to clause (vii) of such section.".

(b) CONFORMING AMENDMENTS.—

(1) The material following section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by striking all beginning with the undesignated paragraph which begins "in the administration" through the end and inserting the following:

"Whoever wrongfully misapplies the proceeds of a loan obtained under this subsection shall be civilly liable to the Administrator in an amount equal to one and one-half times the original amount of the loan.".

(2) Section 4(c) of the Small Business Act (15 U.S.C. 633(c)) is amended—

(A) by striking "7(b)(4)," in paragraph (1), and

(B) by striking "7(b)(4), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8)," in paragraph (2).

By Mr. HEINZ (for himself, Mr. BENTSEN, Mr. RIEGLE, Mr. GARN, Mr. HELMS, Mr. KERRY, Mr. HATCH, Mr. D'AMATO, Ms. MIKULSKI, Mr. THURMOND, Mr. LOTT, and Mr. SHELBY):

S. 346. A bill to strengthen the Foreign Agents Registration Act of 1938; to the Committee on Foreign Relations.

FOREIGN AGENTS REGISTRATION ACT

Mr. HEINZ. Mr. President, today I rise to introduce legislation, a somewhat modified version of which I introduced last year to amend the Foreign Agents Registration Act. It would increase disclosure of foreign lobbying and propaganda activity and would improve our ability to achieve that objective through better enforcement. As some of my colleagues may recall, my earlier bill on this subject, which was S. 176 on which this version is based, was the subject of hearings in 1990 but no final action was taken.

The Senator from Rhode Island, the distinguished chairman of the Foreign Relations Committee, Senator PELL, has assured me that it is his intention to act on the bill very early this year, and I am most grateful to him.

Mr. President, the Foreign Agents Registration Act was originally enacted back in 1938 to counteract the efforts of Nazi propaganda and German mercantile interest lobbying to make it possible for the public to understand who was working for German interests, who was working for the Nazis, and how much financial support they were receiving.

The act was not intended to suppress freedom of speech of either Nazi German propagandists or anybody else, or any other rights of such people. It was intended simply as an information gathering and public disclosure device.

Fifty years later we live, of course, in a much different world and that kind of propaganda is no longer the threat it once was. Our main threats today are economic rather than military, and that has led to a growing concern about the role that foreign companies play in American political and economic life.

Our open market and our open investment policy, as well as our continuing trade deficit of well over $100 billion have produced a giant increase in the foreign stake in our economy in the form of sales and profits dependent on imports into the United States and in the form of inward investment. The trade policy actions our Government takes are of critical importance to foreign interests and they maintain an active presence here to monitor and influence those actions.

Pat Choate, formally of TRW, in his book that appeared last fall, entitled "Agents of Influence," provides numerous examples of deliberate Japanese efforts to penetrate our economy—sometimes by illegal means, sometimes not—and then influence our politicians to do nothing about it. An article based on his book was recently published in the Harvard Business Review, and I commend it to my colleagues. It deserves careful reading by all Senators.

I had it reprinted in the RECORD last year. I will not do so again, but I do want to quote one or two particularly compelling paragraphs from his conclusion. Choate says:

> Japan's campaign for the United States is completely legal. It plays the American economic game by American rules. It uses the campaign tactics and methods of American politics. It hires Americans to lobby, educate, and influence other Americans. It is the highest stakes political-economic game in the world today, affecting whole industries, billions of dollars, millions of jobs, and, ultimately, the wealth and power of nations.
>
> It is also deeply corrosive of the U.S. political and economic system. The revolving door of Washington, D.C. breeds cynicism and mistrust. It ultimately represents a form of political corruption—completely legal, completely unethical. The problem, of course, is not in Tokyo, but in Washington, D.C.
>
> Americans have all but lost sight of some of the most basic lessons of civics—chief among them the guiding concept of civic virtue. The value of national service—for an individual to be of service to the country and to work on behalf of the country's interests—has been cheapened by a more mundane coin of the realm: personal advancement, self-interest, big money. As a consequence, the United States is not only selling corporate assets and real estate to foreign bidders; also for sale is U.S. integrity and national honor.

Choate goes on to recommend greater public disclosure:

> In a democracy, the best disinfectant for corruption is sunshine. All foreign agents—those who represent foreign clients, whether lobbyists, journalists, academics, public relations advisers, political strategists, lawyers, or foundations—should provide full disclosure to the Justice Department. No exceptions.

While Mr. Choate's recommendations focus properly on how best to restore the concepts of integrity and public service in Washington, we should not conclude that all foreign activity in this country, because it is usually legal, must therefore be benign. Some efforts do not lead to consequences that are in our interest.

One anecdote told by James Fallows in his article in Atlantic suggests the worst of this:

> The student was an American fluent in Japanese. He had spent the previous three years working at a Japanese-owned electronics plant in Japan. While he was there, the U.S. government accused the plant of dumping its chips, at prices below those permitted under the U.S. anti-dumping law. At that point the company hired two Americans who had just resigned from the Commerce Department. Weeks earlier they had helped draft the anti-dumping agreements that the company was now accused of violating.
>
> "I never felt so humiliated in all my life," the student told my friend. "These guys came in and showed the company how to conceal all the damaging information. They knew exactly how to do it, because they knew where the U.S. inspectors would look. I saw the United States get bamboozled by a Japanese company that was willing to pay a lot of money"—and by Americans willing to do the bamboozling.

This problem can be more directly addressed through revolving door legislation, which Choate also favors, but it makes the point that what the Federal Government does has a big impact on foreign companies, and they are often happy to pay large sums of money precisely to avoid the consequences of our actions.

A noteworthy example relevant to this bill; indeed, one which aroused my interest in this subject, is Toshiba Corp.'s effort to avoid sanctions in the wake of Toshiba Machine's sale to the Soviet Union of precision milling equipment used for the production of submarine propellers. This sale has had a serious adverse impact on the balance of naval power. Not only do the Soviets have the largest submarine force in the world, their ships will now become significantly quieter, and thus more difficult to detect. Estimates of the cost to the United States to compensate for the effects of this sale range from $8 billion to over $100 billion.

While the amount Toshiba spent on representation did not approach those sums, it was still substantial. For example, from 1987 through 1989, the law firm of Mudge, Rose, Guthrie, Alexander & Ferdon reported receiving nearly $11 million from Toshiba to act on its behalf, and they are just one of at least three law firms hired by Toshiba during 1987 for help on this issue.

What further clouds the issue is the fact that only the Toshiba Corp. itself is represented in these numbers. When Senator GARN and I initially proposed sanctions, it is fair to say we did not fully appreciate the diversity and complexity of Toshiba's corporate organization. The company possesses a vast number of holdings around the world, including over 600 subsidiaries and affiliates, a number of which also lobbied on behalf of their parent's interests. One subsidiary, Tokyo Electric Co., paid the Washington law firm of Kelley, Drye, & Warren over $213,000 from 1987 to 1989 to lobby on the Toshiba matter.

Kelley, Drye, & Warren was required to file because Tokyo Electric is clearly a foreign entity, although its subsidiary relationship to Toshiba is less well known to the American public, and it would not be immediately obvious that its efforts were on behalf of the same cause.

We have no idea how many other Toshiba subsidiaries have been actively lobbying on behalf of their parent. Toshiba branches or subsidiaries located within the United States are not generally required to file under FARA. Thus, we see only the tip of what may be a very large iceberg. One indication of the size of that iceberg is my calculation that from 1987 to 1990 the total spent by registered agents for Japanese entities was over $120 million. Choate's estimate of the total spend by Japan annually to influence American opinion, a broader category than what I have been discussing, is $400 million.

Mr. President, I ask unanimous consent that an illustrative list of registered agents for Japanese entities along with their reported expenditures be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEINZ. Mr. President, as a further illustration of the limitations of this law, I would refer Senators to an article that appeared in the March 29, 1990, Wall Street Journal. It tells the story of a consulting firm which was hired by the Department of Energy to analyze the environmental hazards of permitting air shipment of plutonium over Alaska at the same time it had a contract with Japanese utility executives whose companies used the nuclear fuel. This is a relationship our colleague, Senator PRYOR, has called a brazen conflict and a classic example of working both sides of the street.

The head of the firm indicated it had not registered either as a foreign agent or as a lobbyist, despite the obvious lobbying activities detailed in the article.

Without knowing more about the ownership and control of this firm, it is impossible to say whether it should have registered under FARA or whether it would be required to do so under my bill. But it is a dramatic example of a case where the shortcomings in our disclosure laws had a direct impact on policy.

My reading of the law, however, is that it requires registration in a case like this. Apparently the Government did not think so, which by itself is dramatic evidence of the need for Congress to provide clear guidance on registration and disclosure.

Mr. President, I have previously printed in the RECORD a list of American firms which have been identified as representing Japanese companies but which have not so filed under FARA. That list is presently being updated, and I will shortly include it in the RECORD for the information of all Senators.

Let me say this list is compiled on the basis of best information available and should not be considered authoritative, particularly since client relationships change frequently. In addition, since registration is not presently required for most subsidiaries or for clients where the agent did not engage in any reportable activity, the fact that an agent did not register a client does not indicate any violation of FARA has occurred. It does suggest, however, how much we do not know about foreign lobbying activity in Washington.

Correcting this deficiency in filing is the cornerstone of my bill. Right now the Justice Department determines foreign control through an ad hoc approach that focuses on whether the U.S. subsidiary has an actual operational presence here or is just a shell. That approach results in the conclusion that many U.S. companies are not foreign entities even if they are owned and controlled by a foreign party.

This amendment would broaden that approach through use of a control test. Entities that are more than 50-percent foreign owned are presumed under foreign control, and their agents would have to register. Between 20- and 50-percent foreign ownership would also be considered foreign control, subject to presentation of rebuttal evidence. Foreign ownership of less than 20 percent would be presumptively not controlling. The effect of these provisions would be to require the disclosure of activities on behalf of many more U.S. subsidiaries of foreign entities.

The second proposal in my original bill repealed the lawyers' exemption. Currently, lawyers are exempt from registration and disclosure for activities they undertake in the context of administrative or judicial proceedings. While that may have made sense 50 years ago, these days practically all trade policy decisions take place in the context of administrative proceedings like antidumping or countervailing duty cases, or section 301 or section 201 petitions, where few lawyers bother to draw a sharp distinction between formal, on the record proceedings and informal contacts with decision making authorities. Exempting otherwise disclosable activities on behalf of clients in these situations opens up an enormous loophole.

This provision elicited some concern from elements of the trade bar, particularly those with an intellectual property practice, who pointed out that patent filings in the United States under current law are secret. If a lawyer nonetheless had to report under FARA the fact that he had filed an application on behalf of a foreign company, the purpose of our patent law would be defeated. For that reason, in the pending amendment I have modified this provision to maintain the exemption with respect to the filing of patent applications.

The bill's third proposal modifies the reporting timeframe. Currently, agents register initially with the Justice Department containing the provisions of their contract when they begin their representation and then file updates every 6 months thereafter. Unfortunately, the inconsistent reporting dates lead to confusion. Justice is unable to effectively monitor incoming reports, or the lack thereof, nor can anyone conduct effective research. No matter when one reviews the files, there are always reports due in the next few weeks. Unless the information desired is a least 8 months old, it is difficult to track. As a result, my amendment proposes maintaining the initial registration requirement as is, but modifies the procedure so that subsequent filings would be made on January 30 and June 30 of each year. This will ensure greater uniformity of data, will help us track real trends, and will also help Justice to identify missing filings. At the suggestion of the Justice Department, I have added a provision here that permits an entity with a fiscal year other than a calendar year to petition the Justice Department for a different filing deadline.

The fourth provision concerns penalties and enforcement. While the act contains criminal penalties for willful violations, they are rarely imposed because of the difficulty in proving intent and because of their severity. Adding a schedule of civil fines provides a more reasonable option that should encourage compliance. At the suggestion of the Justice Department, I have revised the bill to also provide penalties for late filings and for enforcement through the appropriate U.S. district court rather than a separate administrative proceeding.

It would also help compliance to give the Justice Department authority to summon individuals to appear, testify, or produce records, common authority for agencies enforcing laws that have a public disclosure component. Both these changes were proposed in a 1980 GAO report and again in a report issued last month, but no action has been taken. Mr. President, I ask that the text of the GAO report also be included in the RECORD at the conclusion of my remarks. Again at the suggestion of the Justice Department, I have modified the bill to address the Department's concern that it have administrative subpoena power for its inspection authority under section 5 of the act. The bill will now permit the Attorney General to issue civil investigative demands [CID's] in FARA cases, the same power already provided in a number of other situations.

The final provision of the amendment is new language not contained in S. 176. It clarifies the so-called commercial exemption in order to close a loophole that would otherwise permit U.S. subsidiaries of foreign companies to escape registration. Current law exempts from disclosure agents engaged in bona fide trade or commerce, a term that remains essentially undefined. Without clarification, U.S. subsidiaries whose agents would be captured by the first provision of my amendment could avoid that result simply by switching to the commerce exemption.

In order to limit that possibility, this new provision in my amendment excludes from the commerce exemption any contact with Government officials, other than the initiation of a formal judicial or administrative proceeding or the response to Government requests for information as a part of such proceeding.

Mr. President, the Foreign Agents Registration Act is an important and useful public policy tool. I believe it is in the national interest to maintain a public record of foreign efforts to influence Government policy. We cannot simply assume that because a foreign company has a domestic presence it is automatically pursuing objectives consistent with U.S. policy and national security. This amendment will make the act more effective. Both it and the original act were not designed to punish individuals for their beliefs or representations. They are designed to bring the sunshine of public disclosure onto activities that have heretofore occurred in the dark. Like a lot of things that exist in the dark, sunlight may cause them to shrivel and die, which in my judgment would be a good thing. If not, the amendment will at least provide the public with greater knowledge of lobbying activities in Washington and how policymakers are being influenced, and by doing so will help keep such activities in proper perspective.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STRENGTHENING THE FOREIGN AGENTS REGISTRATION ACT.

(a) Definition of Agent of a Foreign Principal.—Section 1(c) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(c)) is amended by adding at the end thereof the following new sentence: "For purposes of clause (1), a foreign principal shall be considered to control a person in major part if the foreign principal holds more than 50 percent equitable ownership in such person or, subject to rebuttal evidence, if the foreign principal holds at least 20 percent but not more than 50 percent equitable ownership in such person.".

(b) Definition of Serving Predominantly a Foreign Interest.—Section 1(q) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(q)) is amended—

(1) by striking out "and" at the end of clause (ii) of the proviso; and

(2) by inserting before the period at the end thereof the following: ", and (iv) such activities do not involve the representation of the interests of the foreign principal before any agency or official of the Government of the United States other than providing information in response to requests by such agency or official or as a necessary part of a formal judicial or administrative proceeding, including the initiation of such a proceeding.".

(c) Supplemental Registration.—Section 2(b) of such Act (22 U.S.C. 612(b)) is amended—

(1) in the first sentence by striking out ", within thirty days" and all that follows through "preceding six months' period" and inserting in lieu thereof "on January 31 and July 31 of each year file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth regarding the six-month periods ending the previous December 31, and June 30, respectively, or, if a lesser period, the period since the initial filing,"; and

(2) by inserting after the first sentence the following new sentence: "Any agent using an accounting system with a fiscal year which is different from the calendar year may petition the Attorney General to permit the filing of supplemental statements at the close of the first and seventh month of each such fiscal year in lieu of the dates specified by the preceding sentence.".

(d) Limiting Exemption for Legal Representation.—Section 3(g) of such Act (22 U.S.C. 613(g)) is amended by striking out "or any agency of the Government of the United States" and all that follows through "informal" and inserting in lieu thereof "or before the Patent and Trademark Office, including any written submission to that Office".

(e) Civil Penalties and Enforcement Provisions.—Section 8 of such Act (22 U.S.C. 618) is amended by adding at the end thereof the following:

"(i)(1) Any person who is determined, after notice and opportunity for an administrative hearing—

"(A) to have fallen to file when such filing is required a registration statement under section 2(a) or a supplement thereto under section 2(b),

"(B) to have omitted a material fact required to be stated therein, or

"(C) to have made a false statement with respect to such a material fact,

shall be required to pay a civil penalty in an amount not less than $2,000 or more than $5,000 for each violation committed. In determining the amount of the penalty, the Attorney General shall give due consideration to the nature and duration of the violation.

"(2)(A) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation regarding any violation of paragraph (1) of this subsection or of section 5, he may, before bringing any civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

"(B) Civil investigative demands issued under this paragraph shall be subject to the applicable provisions of section 1968 of title 18, United States Code.".

Exhibit 1

SELECTED AGENTS OF JAPANESE ENTITIES

Entities	1987	1988	1989	1990	Total: 1987–90
Akin, Gump, Strauss, Hauer & Feld	$1,028120.28	$984,400.86	$1,583,481.21	0	$3,596,002.40
Anderson, Hibey, Nauheim & Blair	901,427.61	756,118.20	662,702.12	$397,902.83	2,678,150.70
APCO Associates	726.25	0	262.50	25,270.06	26,258.81
Arnold and Porter	30,236.74	15,000.00	22,028.69	147,392.69	214,658.12
Arter & Hadden	88,000.00	199,293.18	444,344.52	274,383.54	1,006,021.20
Charles E. Butler	112,929.22	125,421.00	59,042.00	61,000.00	297,392.22
Civic Service, Inc	224,071.48	422,635.55	529,158.52	243,064.41	1,418,931.00
Daniel J. Edelman, Inc	64,526.67	0	0	0	64,526.67
Dechert, Price & Rhoads	11,000.00	12,000.00	25,500.00	13,500.00	62,000.00
Dickestein, Shapiro & Morin	152,658.39	206,035.69	0	0	358,694.08
Donald G. Lerch Jr	24,231.79	49,737.12	15,154.39	18,392.31	107,497.61
First Associates, Inc	32,271.02	22,769.07	31,820.25	0	86,860.34
Garvey, Schubert & Barer	225,752.72	113,009.35	244,452.11	110,142.78	693,356.96
Graham and James	0	0	45,000.00	68,975.61	113,975.61
Global U.S.A	1,286,284.77	1,626,331.16	1,571,410.12	851,786.52	5,335,812.40
Heron, Burchette, Ruckert & Rothwell	16,111.25	33,204.85	7,366.15	0	56,682.25
H. William Tanaka	266,358.11	310,590.71	352,305.95	748,353.00	1,677,607.80
Hill & Knowlton	1,245,888.33	1,064,506.42	2,906,701.16	2,618,522.00	7,835,617.80
Hogan & Hartson	103,298.75	79,962.81	83,785.65	58,507.46	325,554.67
International Business-Government Counselors Inc	300.00	0	0	0	300.00
Jack McDonald Co	60,480.00	87,240.00	12,773.50	27,425.00	187,918.50
Japan Auto Manufacturers	823,360.00	986,350.00	959,760.00	1,469,147.00	4,238,617.00
Japan Center of Information and Cultural Affairs	3,883,691.00	0	0	0	3,883,691.00
Japanese Economic Institute of America	826,445.00	926,950.00	879,804.00	552,817.14	3,186,016.00
Japan Iron and Steel Exporters Assoc	204,261.93	191,500.00	213,376.99	186,173.55	795,312.47
Japan National Tourist Org	1,935,948.17	2,043,252.20	2,259,999.68	1,357,240.80	7,596,440.70
Japan External Trade Organization (JETRO)	11,300,033.32	10,480,127.54	15,152,435.44	9,217,471.70	46,150,069.00

Exhibit 1—Continued

SELECTED AGENTS OF JAPANESE ENTITIES

Entities	1987	1988	1989	1990	Total: 1987–90
Japan Tobacco	955,000.00	840,000.00	833,000.00	456,000.00	3,084,000.00
Jones, Day, Reavis & Pogue	126,025.00	0	0	0	126,025.00
Kelly, Drye, and Warren	57,104.31	137,738.31	337,171.67	0	532,014.29
Manatt, Phelps, & Rothenberg	25,000.00	173,753.82	172,868.03	125,260.54	496,882.39
Marks, Murase & White	0	229,985.31	354,352.48	277,702.81	862,040.60
Masaoka & Associates	55,398.01	139,940.61	146,504.98	80,097.85	421,941.45
Milbank, Tweed, Hadley & McCloy	15,225.34	0	0	0	15,225.34
Miller & Chevalier, Chartered	112,693.71	73,122.19	0	0	185,815.90
Mintz, Levin, Cohn, Ferris Glovsky and Popeo, P.C	186,521.35	235,315.35	250,000.00	100,000.00	771,836.70
Mudge, Rose, Guthrie, Alexander & Ferdon	1,457,392.00	5,940,029.52	3,517,501.11	2,950,824.00	13,865,746.00
O'Connor & Hannan	62,428.15	19,363.67	193.39	0	81,985.21
O'Melveny & Myers	0	0	0	133,820.88	133,820.88
Parry and Romani Associates	42,000.00	84,000.00	7,000.00	0	133,000.00
Patton, Boggs, and Blow	334,826.38	334,836.38	247,462.31	118,072.79	1,035,187.90
Paul, Hastings, Janofsky, & Walker	66,479.02	0	286,082.16	763,173.38	1,115,734.60
Paul, Weiss, Rifkind, Wharton, & Garrison	917,891.22	102,707.81	956,339.60	1,022,101.72	2,999,040.30
Pettit and Martin	30,000.00	144,567.75	13,257.49	0	187,825.24
Powell, Golstein, Frazer & Murphy	212,506.00	44,001.00	109,003.00	780,084.69	1,145,594.70
Robinson, Lake, Lerer	172,966.71	207,100.00	381,727.01	102,828.78	864,622.50
Sedam and Shearer	400.00	39,560.00	29,443.48	45,000.00	114,403.48
Stafford, Burke	90,000.00	60,000.00	60,000.00	30,000.00	240,000.00
Steptone & Johnson	0	0	56,841.75	0	56,841.75
TKC International, Inc	0	103,578.80	141,282.48	114,213.00	359,074.28
Wald, Harkrader and Ross	32,632.15	0	0	0	32,632.15
Washinton Resources and Strategy, Inc	0	5,500.00	4,522.00	8,500.00	18,522.00
Weil, Gotshal, and Manges	190,548.15	152,404.60	199.00	0	343,151.75
Wilbur F. Monroe Associates	82,844.10	161,066.52	170,444.83	0	414,355.45
William & Jensen	43,218.05	46,099.74	45,080.29	29,533.54	134,398.08
Willkie Farr & Gallagher	224,931.29	58,220.36	205,859.60	1,068,980.33	1,557,991.60
Total	29,397,425.73	29,229,317.50	35,555,801.65	26,653,752.40	120,926,297.28

Mr. RIEGLE. Mr. President, I am pleased to join Senator HEINZ once again in sponsoring legislation to amend and strengthen the Foreign Agents Registration Act. This is much needed legislation and I support its expeditious adoption.

The Foreign Agents Registration Act was originally enacted in 1938 to identify Nazi agents engaged in political activities including the spreading of propaganda on behalf of the Third Reich. The act requires that those representing foreign governments or interests publicly report their activities and finances, in order that our Government policymakers and the public are aware of the nature of those trying to influence their views.

Today, unlike 1938 or during the cold war era, there is increasing concern about those spreading propaganda to influence economic rather than political policies in this country. We must make some changes to the Foreign Agents Registration Act to take account of this new reality.

Today, as never before, our country's national security is based on our economic strength. With the ending of the cold war and despite the Persian Gulf crisis, the challenge confronting America in the 21st century is economic. Our task is to determine how to adopt wise policies that will strengthen our country's ability to compete in the global economic competitive environment now confronting us. It is clear that we must undertake a serious debate about how best to do that.

A problem we confront in engaging in such a debate is that the increasingly integrated nature of the world economy, along with America's large trade deficits, open markets, and open investment policy, have given foreign companies and interests a very large stake in our economy.

As their trade surpluses with our country have mounted and their investments in the United States have increased, foreign firms and nations have become most interested in our country's trade and investment policies. They have hired an army of American lawyers, public relations specialists, and political strategists to assist them in tracking and influencing U.S. Government policy in these areas. Pat Choate, a former vice president of TRW, wrote in his recent book, "Agents of Influence," that Japan alone spends more than $400 million per year to influence United States trade and economic policies in order to safeguard its $50 billion per year bilateral trade surplus with our country. This ongoing trade surplus then gives Japanese companies the dollars and economic strength to purchase major American companies and small entrepreneurial firms which are developing high-technology products that will help their owners gain industrial leadership.

We must be aware, informed, and concerned about the role of foreign influence in our national economic policymaking process. But because of defects in the Foreign Agents Registration Act, we lack accurate data on lobbyists for foreign interests. The deficiencies were pointed up in a report entitled "Foreign Agent Registration: Justice Needs to Improve Program Administration," which was prepared by the General Accounting Office in July 1990. In its study, GAO stated that "the administration of foreign agent registration has remained a problem." The study found that disclosure criteria were unclear; that foreign agents frequently failed to register; and that even when they did register, more than one-half of them omitted required information and failed to meet filing deadlines. Thus, GAO concluded, "the Act's goal of providing the public with sufficient information on foreign agents and their activities was not being completely fulfilled."

The bill that Senator HEINZ and I along with several other of our colleagues are introducing attempts to update the Foreign Agents Registration Act to correct weaknesses identified by GAO and to make other changes to take account of the current economic realities facing our Nation.

First, it broadens the definition of who must register as a foreign agent. The bill requires that American companies owned or controlled by foreign firms be recognized as foreign interests. This is necessary in light of the rash of merger and acquisition activity that has made many American companies subsidiaries of foreign firms. Second, the bill corrects a loophole in current law that excluded the many lawyers who represent foreign clients in judicial or administrative proceedings. While foreign interests certainly have the right to counsel in these cases, we need to recognize that their legal representatives are acting on behalf of foreign interests. Third, the bill restructures filing requirements so that an accurate record of those filing as foreign agents can be maintained. Finally, the bill provides that lobbyists who do not register are subject to both civil and criminal penalties. The Justice Department has been reluctant to mete out the criminal penalties called for in current law, but we believe it will be more likely to impose the less severe civil penalties provided in our bill. This will result, we believe, in greater compliance with the law's requirements.

This bill does not regulate foreign lobbyists. It merely provides for a full and accurate disclosure of activity sponsored by foreign companies and nations. It will not constrain activity on behalf of or by foreign interests, but it will shed light on such activities so that the Government, Congress, and the public are aware of the sources of information presented to them.

Foreigners have the right to voice their views on American policy. Their opinions and perspectives can contribute to national debates on economic policies. Certainly, though, their proposals would not always result in the adoption of policies that serve our national interests. Foreign businesses and nations hold a large stake in our economy, and it is no surprise that they advocate policies that may serve their interests even if they are not in the best interests of our Nation. As the United States grapples with the challenges of maintaining our economic sovereignty, American policymakers and the public must know the extent of foreign lobbying. On March 27, 1990, the Foreign Relations Committee held a hearing on Senator HEINZ' bill during which Senators received testimony from Owen Bieber, president of the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America [UAW]. Mr. Bieber told the committee:

> Foreign countries and companies want access to our market—it's the biggest and most open in the world. They want U.S. policies on trade and economic matters that benefit them, particularly as the world economy becomes more global and as foreign ownership of U.S. assets expands . . . It is important to remember that it's up to America to set the rules for our own political process. If, as I believe, foreign influence is distorting that process, then we need to act to remedy that rather than pointing the finger solely at Japan or other countries which devote huge resources to skillfully manipulate our decisionmaking.

I agree with Owen Bieber. The bill we are introducing today will help us to better identify the scope of foreign lobbying and to recognize positions and strategies being advocated by foreign firms and nations. Most importantly, it will help update the Foreign Agents Registration Act so it can fulfill its purpose of helping to protect the integrity of the U.S. Government's decisionmaking process and enable our people to be aware of views and policies advocated by foreign agents. I am pleased to be a cosponsor of this legislation developed by Senator HEINZ and I urge its speedy passage.

Mr. GARN. Mr. President, I am pleased today to cosponsor legislation being reintroduced by Senator HEINZ to strengthen the Foreign Agents Registration Act of 1938. This law was intended to ensure that those representing foreign interests in the period prior to World War II made their affiliations known in a timely and regular fashion. The need is as great today for those who might be influenced by foreign interests to know who is trying to influence them.

My concern with this issue arose from the same source as that of Senator HEINZ, the debate over Toshiba sanctions in 1987 and 1988. I proposed trade sanctions against Toshiba Corp. and Kongsberg Vaapenfabrik of Norway because of a very damaging transfer of technology by them to the Soviet military. I have never been lobbied more heavily than during the long consideration of my amendment.

I was not suprised at intense lobbying by the involved foreign governments, but it was very troubling to see the array of U.S. legal, political, and business talent recruited to the effort. Everyone seemed to be working on behalf of the wrongdoers with very few taking a stand for U.S. national security. It was even more troubling that when Senator HEINZ attempted to get a complete picture of the effort, he found that the reporting rules were so haphazard that relatively few of those involved had to properly identify themselves and the data was too diffuse to be useful.

This bill would amend the law to make it much more useful. We are not facing the Nazis today but the United States faces important policy challenges whose resolution will directly affect foreign interests, all of whom will be working to influence the outcome. Coming debates over national security priorities, export controls, trade policy, and foreign investment will be the critical policy challenges of the next decade. These debates will require input from abroad but they must be resolved in our national interest.

All Members want to ensure that we first represent the views and needs of our own constituents, then that we balance them against international interests that are clearly identified. To that end, I join Senator HEINZ in proposing needed changes to the Foreign Agents Registration Act and urge speedy action on this bill in the 102d Congress.

By Mr. RIEGLE (for himself, Mr. GARN, Mr. DIXON, Mr. HEINZ, Mr. SARBANES, Mr. D'AMATO, Mr. DODD, and Mr. SASSER):

S. 347. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes; placed on the calendar.

DEFENSE PRODUCTION ACT AMENDMENTS

• Mr. RIEGLE. Mr. President, I rise to introduce legislation to renew and amend the Defense Production Act of 1950. Joining me in this effort are Senators GARN, DIXON, HEINZ, SARBANES, D'AMATO, DODD, and SASSER, all of whom played roles in developing this bill.

The Defense Production Act [DPA] was originally passed to meet the national emergency caused by the Korean war. Only three titles of the original law—I, II & VII—were kept in effect after that war. Title I of the DPA provides to the President the authority to require the priority performance of contracts which have been determined to be necessary for the national defense. Title III authorizes the use of a broad range of economic incentives to assure that American industry will be able to provide the broad range of materials and services that are required for the national defense. These incentives include purchase guarantees, loan guarantees, and loans. Title VII authorizes the President to encourage joint industry undertakings to improve industrial preparedness and give them protection from antitrust suits. That title also gives the President the authority to suspend or prohibit the acquisition, merger, or takeover of a domestic firm by a foreign firm if such action would threaten to impair the national security.

The DPA has been reauthorized and amended numerous times since 1950 and Congress attempted to do that again in the 101st Congress. The bill we are introducing today with minor nonsubstantive technical changes is the exact same legislation that was developed in a House/Senate conference last October that was held to reconcile the differing provisions of H.R. 486 and S. 1379, the respective bills developed by the House and Senate to renew and amend the Defense Production Act of 1950. The Senators sponsoring this legislation are the Senate conferees who signed last year's conference report.

The conference report on H.R. 486, found in House Report No. 101–933 printed on October 23, 1990, was taken up by the House on October 25, 1990, and was passed without objection. Let me repeat that the conference report on H.R. 486 which we are reintroducing today passed the House without objection. It was held up in the Senate by last minute concerns raised by certain individuals within the Department of Defense. At the exact same time the Department of Energy was actively lobbying for its passage.

Last October were were led by DOD officials to believe that the administration had other authorities that could substitute for the DPA and that it did not need the conference bill. That assertion has turned out not to be accurate. As a result, the Federal Government finds itself without emergency authority to allocate supplies of oil among civilian users and without authority to block foreign takeovers of U.S. firms whose ownership by foreigners could threaten the national security. The President also lacks other authorities in the DPA that are needed to safeguard our Nation's national defense and security.

As further evidence of the administration's need for the DPA authorities I note that it recently submitted to the Congress legislation to renew the Defense Production Act. In its transmittal letter the administration stated that "in light of Operation Desert Shield, there is an urgent need to act quickly" on its proposal. The bill submitted by the administration would not only renew the current DPA law, but would also amend it to give the Department of Energy authorities not found in present law to deal with oil shortages that may be occasioned by the Persian Gulf War. These new authorities sought by the administration were in the DPA conference report passed by the House without objection and they are in the conference report bill which we are introducing today.

We believe it is very important to take up and pass this legislation that will, among other things, renew and amend the Defense Production Act. Both Houses of Congress spent countless hours working on this bill and we should get it on the books as soon as possible. This is much needed legislation as certain actions now being taken by our Government to supply our troops with the goods they need could be subject to legal challenge without it.

I believe very strongly that in addition to renewing the current DPA law we need to pass the changes to it that we developed last year and included in the conference report on H.R. 486. Events in the Persian Gulf have demonstrated how important it is for the United States to have the industrial and technical capabilities to develop and produce high-technology weapons systems. These events have made me even more convinced that the legislation we developed last year is needed. Let me explain why.

The steady erosion of America's defense industrial and technology base has been the subject of numerous DOD, industry, GAO, and congressional reports. A 1988 Defense Department report entitled "Bolstering Defense Industrial Competitiveness" stated the problem succinctly:

> Many basic industries of importance to defense production have declined, threatening the responsiveness of our industrial base. Left unchecked, such erosion could rob the U.S. of industrial capabilities central to national security.

These views of the Defense Department were echoed by most witnesses at the seven hearings held on this matter by the Banking Committee during the 101st Congress.

The competitive standing of many industries vital to our military industrial base is in decline. Since 1982 two-thirds of the contractors who sell manufactured goods to the Department of Defense have left as suppliers to the DOD. In 1982 there were more than 118,000 companies providing goods to the DOD in relevant defense sectors. In 1987 only 38,000 companies in those sectors provided such goods. This shrinkage is even more remarkable in light of the fact that the defense procurement budget increased almost twofold during the same 5-year period.

The result of the departure of so many suppliers from the defense business combined with quality and productivity deficiencies in our industrial sector have made us increasingly dependent on foreign suppliers for the procurement of parts, components and systems critical to U.S. national security. Former Secretary of Defense Frank Carlucci emphasized this point during his July 11, 1989, testimony before the committee by stating "one could single out any number of areas where the Department of Defense is dependent on foreign imports for critical components."

It is my belief that growing dependence on foreign suppliers for critical defense components could be detrimental to the national security of the United States since it raises the risk the foreign interests may gain undue influence over U.S. foreign and domestic policy by leveraging our need for their products and technology against their policy objectives.

Of equal concern is our ignorance regarding the extent of U.S. dependence on foreign suppliers. Although a great number of American industry and Government leaders believe the United States is dependent in certain defense-related industries, there is no precise knowledge of what those areas are or the extent to which we are dependent on foreign suppliers for key weapons technologies. There is no single Governmentwide or for that matter DOD-wide system for gathering data that systematically reflects the extent to which defense contractors are dependent on materials provided by foreign sources. Our current knowledge is based on anecdotal information or ad hoc studies of the defense industrial base by Government and nongovernmental organizations. This is not acceptable and the provisions of this bill attempt to deal with it.

The amendments to the Defense Production Act in our bill address the problems I have just outlined. To improve the competitive position of domestic defense suppliers, the act provides the President authority to undertake peacetime projects to preserve and enhance the capacity and capabilities of segments of the Nation's overall industrial and technology base essential to the national defense. To achieve this end, our bill establishes a separate revolving fund to act as a stable source of financing for eligible projects which foster development or utilization of critical technologies. A revolving fund received strong support from both the public and private sectors. This fund is seen as an effective mechanism for reversing a long history of anemic and erratic financing for industrial resource projects.

The conference bill we are introducing also modifies the act's current offset reporting requirements. Section 309 of current law requires the President to annually prepare and submit a report on the impact of offsets on defense preparedness, industrial competitiveness, employment, and trade to the House and Senate Banking Committees. The provisions in the conference report bill are merely designed to improve data gathering procedures so that such reports will better address the effects of offsets on our defense industrial base and nondefense industry sectors, including the effects resulting from technology transfers.

In order to better identify and analyze areas of growing U.S. dependence on foreign suppliers for critical defense components and technology items, which I discussed earlier, the bill establishes a continuous data collection and analysis system with respect to the operations of defense contractors and subcontractors. Such a system has become increasingly necessary as technology development and high technology manufacturing have become global during the 1980's. To the extent the United States builds down its defense posture in response to the thawing of the cold war, our national security will rely increasingly on contingent military capabilities such as our existing industrial and technological potential. It is imperative that we know where our strengths and weaknesses lie in areas of the industrial base that would have to be mobilized to meet a national emergency.

Title IV of the conference bill which we are introducing today is designed to ensure that our financial institutions in foreign markets receive national treatment, that is an equality of competitive opportunity to compete with domestic firms. We treat foreign firms in our country the same as our domestic firms. We do not always receive similar treatment in some important foreign markets. We must give our negotiators strengthened authority to open foreign markets now effectively closed to our institutions. Title IV does so in a very nonthreatening way. Under its provisions Treasury and the banking and securities regulators are not required to take any actions against firms from countries that discriminate. They are required to negotiate with such countries. To strengthen Treasury's hand in any negotiations, the bill permits our banking and securities regulators, in consultation with the Treasury, to deny applications for regulatory approval filed by banking and securities firms from countries that discriminate against U.S. firms. Any denials would not force foreign financial firms to shrink their existing operations, but could limit their opportunities for future expansion. Before regulators could exercise their authority, however, the Secretary of the Treasury would have to publish in the Federal Register a determination that discrimination against U.S. financial institutions is taking place in a given foreign country. Let me stress that no action is mandated by this legislation. This is totally discretionary legislation. The Treasury Secretary and the regulators have complete discretion under it whether to use the grant of authority being given to them and the regulators are expected to use this new authority only in full consultation with the Treasury Department.

New evidence of the Treasury Department's need for this type of leverage in negotiating to open financial markets is provided in its most recent national treatment study submitted to the Congress on December 1, 1990, as required by section 3601 of the Omnibus Trade Bill of 1988. In his letter transmitting the 1990 National Treatment Study to Congress, Secretary Brady noted that Canada and many European countries have made significant progress in removing barriers to full entry of U.S. financial firms but that "only modest progress has been made in many Asian economies [and] numerous Latin American countries still maintain restrictive financial systems." The report itself notes with regard to Japan that:

> * * * despite modest improvements, a variety of factors have kept the Japanese banking market difficult to penetrate and the slow pace of liberalization and deregulation has provided domestic banks with an unfair competitive advantage over foreign banks both in Japan and globally * * * a number of factors including regulated interest rates, restrictive operating regulations, strong ties amoung related firms (keiretsu), excessive compartmentalization of financial markets, and lack of transparency effectively reduce foreign banks' competitive opportunities.

The report also noted with regard to Japan's securities market that:

> * * * foreign firms have been excluded from the $400 billion investment trust (mutual funds) market * * *

Other restrictions on pension fund managers and securities firms mean, according to Treasury's report, that "full and easy access to the Japanese investor base and entire range of securities activities remains difficult" for foreign firms.

On January 29 the New York Times carried an article on the latest negotiations held between United States Treasury and Japanese Ministry of Finance officials about opening Japan's financial markets. According to the Times article the Japanese vice minister of finance warned United States officials that if Congress passed the Riegle/Garn Fair Trade in Financial Services Act and Treasury used the authorities provided in that bill to impose restrictions on the operation of Japanese financial firms in this country as leverage to get fair treatment for our firms there, then "Tokyo would respond by curbing credit to the United States * * *." It astounds me that a senior Japanese finance official believes Japanese banks should continue to enjoy opportunities to grow and expand in our market, where they already control 15 percent of all banking assets, but that our firms should continue to be bottled up in Japan, and that if we seek to give our negotiators more leverage to open up their markets they will drive interest rates up in our country. That sort of threat certainly gives us additional reasons to get our economic house in order. If we were not borrowing from Japan to finance our budget deficits, that country could not use this type of threat. Americans should not be in a position where we have to suffer discrimination without complaining lest if we complain we'll suffer greater mistreatment. This sort of threat makes me even more determined to get this title enacted into law as soon as possible and also makes me more convinced than ever that we must reduce our dependence on foreign capital.

The bill also includes an important study on the interdependence of capital markets. This report will give the Congress and administration needed information about the role of foreign financial institutions in our economy and the impact such growing foreign presence has on our monetary policy and national economic sovereignty. The report will also provide needed information about whether a loss of domestic market share by U.S. financial services firms will have a deleterious impact on certain of our high technology industries such as telecommunications and computers. Having an understanding of the synergies involved in these matters will better prepare us to make good public policy on them.

Let me conclude by saying that the bipartisan cooperation we achieved last year in both Houses of Congress in formulating the conference bill we are reintroducing today signals that there is a strong consensus to deal with the problem it addresses. I urge quick adoption of this bill and ask unanimous consent that the January 29 New York Times article I mentioned above be reprinted in full following my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 29, 1991]

JAPAN'S STERN WARNING ON TRADE SANCTIONS

(By Clyde H. Farnsworth)

WASHINGTON, January 28.—A top Japanese Treasury official warned today that if the United States applied sanctions against his country because of slowness in opening financial markets, Tokyo would respond by curbing credit to the United States, creating a "very, very harmful" situation.

The warning by Makoto Utsumi, the Vice Minister of Finance for International Affairs, was considered unusually blunt, underscoring rising tensions in negotiations that Washington and Tokyo are holding over longstanding American demands for better access to Japanese financial markets for American financial institutions.

It has long been speculated that American sanctions against Japan could lead to Japanese reprisals in the financial sector. But rarely have Japanese officials spoken so openly about consequences for the United States.

DIFFERENCES NOT NARROWED

After a daylong meeting here, Mr. Utsumi and his American counterpart, David C. Mulford, the Under Secretary of the Treasury for International Affairs, failed to narrow any of their differences over the pace of Japanese financial services deregulation. No date was even set to continue negotiations.

Mr. Utsumi's remarks were delivered at a news conference with Mr. Mulford after the meeting. The meeting was a continuation of talks that began in 1984 to remove barriers in Japan's financial services industry.

The talks have assumed rising importance against the backdrop of a strong Congressional push for legislation that would impose sanctions and Bush Administration plans, expected to be announced soon, for reforming the nation's banking system.

The sanctions bill—introduced by Senator Donald W. Riegle, Jr. of Michigan, the chairman of the Senate Banking Committee, and Jake Garn of Utah, its ranking Republican—would authorize regulators to deny bids for expansion in the United States by financial institutions based in countries that bar American companies from comparable competitive opportunities.

The bill is aimed mainly at Japan, which despite some changes over the years, still maintains an elaborate web of laws and practices that Washington believes keeps foreign banks and securities firms from competing on equal terms with the Japanese.

American officials assert, for example, that controls over interest rates allow Japanese banks to compete more successfully for money, giving them substantial advantages when they expand overseas, like in the United States.

NO BUSH SUPPORT

But the Bush Administration opposes the Riegle-Garn legislation, saying that narrow reciprocity as a principle of trade policy would lead to escalating retaliation.

Mr. Mulford told reporters today that the United States was trying to get Japan to "address the changing environment with regard to rising Congressional concerns about deregulation and access in Japan." He spoke of "new forces that could result in a substantial politicization of the process unless there could be very rapid progress in Japan."

Responding to questions about the Riegle-Garn legislation, which almost cleared the last session of Congress and was recently reintroduced, Mr. Utsumi noted pointed that the United States "is experiencing a credit crunch."•

• Mr. GARN. Mr. President, today I join my colleagues on the Banking Committee in reintroducing the conference report 101–933, the Defense Production Act Amendments of 1990. At the end of the 101st Congress, the report passed the House but failed to pass the Senate because of administration and Member objections to several procurement and reporting provisions. I believe that these objections can be worked out with the administration in the near future.

The most important issue addressed by this bill is reinstatement of basic

DPA authorities. The authorities that lapsed in October are needed to ensure full authority for the President to support the war in the Middle East. The conference report also contains important improvements in the law, as requested by the Department of Energy, to help deal with possible disruptions of world energy supplies. The war in the Middle East has now made these authorities extremely critical.

Title 4 of the conference report also incorporates the Fair Trade in Financial Services Act that is intended to give the Treasury negotiating leverage to open up markets for U.S. financial services companies where they are now being denied "national treatment," or equal market access. This is an approach that I have long favored and which is badly needed in light of the Treasury's most recent national treatment study.

I hope that the bill can be taken up soon and that the problems that delayed its adoption last year can be quickly resolved.•

• Mr. DIXON. Mr. President, I rise to introduce the Defense Production Act Amendments of 1991, a comprehensive bill to modernize and strengthen the Defense Production Act of 1950 to meet today's, and tomorrow's, challenges. The bill extends the President's enhanced authorities under the act through September 30, 1993. Today's events convince me that the Senate needs to give prompt and favorable consideration to this legislation.

Following the introduction of this comprehensive bill, I hope the Senate will agree to a unanimous consent request permitting the Senate to consider and pass a short-term extension of the act's current authorities through March 18, 1991.

During its 40-year history, the Defense Production Act has provided to the President an array of authorities with which to mobilize the Nation's productive capacities for national defense purposes, especially during times of national emergency. Provisions of the act are used during peacetime to give priority to contracts for essential national defense requirements. The demands of Operation Desert Shield, and now Operation Desert Storm, have vividly displayed the importance of the authorities provided by the Defense Production Act. Until its authorities expired on October 20, 1990, the Defense Production Act provided to the President and the Secretary of Defense an important tool, possibly even an essential tool, to assure that our forces deployed in the Persian Gulf have the equipment that they need to effectively confront aggression, countering conventional as well as chemical threats.

Unfortunately, the authorities provided to the President by the Defense Production Act were permitted to lapse in the closing hours of the 101st Congress. Representatives of the administration raised a series of concerns that prevented the Senate's consideration of the conference report accompanying the Defense Production Act Amendments of 1990, H.R. 486, which had been filed on October 23 and approved by the House on October 25.

The conference report was a balanced accommodation between the Senate's version of the Defense Production Act Amendments of 1990, S. 1379, which I introduced on July 24, 1989, and the House version, H.R. 486, introduced by Representative MARY ROSE OAKAR on January 4, 1989. Both bills were closely reviewed by Senate and House Banking Committees, which have jurisdiction over the Defense Production Act. Seven hearings were conducted by the Senate Banking Committee. The House Banking Committee conducted 10 hearings through its Subcommittee on Economic Stabilization, chaired by Representative OAKAR.

Both bills were favorably reported by both committees. In the Senate, we worked very closely with the Committee on Armed Services and the Committee on the Judiciary to fashion a measure that accommodated their concerns. The House and Senate versions of the Defense Production Act Amendments of 1990 were ultimately approved unanimously by the full House of Representatives and the Senate.

Throughout the Senate's consideration of S. 1379, Mr. President, this Senator worked hard to accommodate the concerns of the administration. This cooperation extended throughout the legislative process, addressing concerns informally expressed as well as those highlighted in the administration's "Statement of Policy" issued at the time S. 1379 was considered by the full Senate.

I believe that the spirit of cooperation extended into, and persisted throughout, the conference between the House and the Senate. Representatives of the administration were informally provided access to the conference report as it evolved. They were permitted opportunities to express their concerns with provisions that had their origins in either the Senate bill or the House bill. Numerous changes were made.

Mr. President, many of the conferees, this Senator included, thought that the conference report had not only met our objectives but also was generally acceptable to the administration. Apparently, this was not the case. As I said, Senate consideration of the conference report was blocked, but nonetheless good faith efforts continued to find a resolution. Concerns expressed by the Department of Defense relating to the bill's system for the collection of information on the defense industrial base were adjusted to ease the implementational burdens. Other changes were made.

But in the end, the conference report fell because a senior economic adviser to the President and certain Treasury Department officials maintained that the bill contained provisions that looked "protectionist" and smacked on the beginnings of an "industrial policy" for the United States.

For example, one of the sticking points was a provision sponsored by my good friend from Pennsylvania, Mr. HEINZ, the principal cosponsor of the Senate bill, that would provide the President with additional authority to assure a domestic source for critical components needed for the production, operation, or maintenance of weapon systems essential to execute the national defense strategy of the United States.

With the globalization of high technology trade, and deliberate U.S. policies to cooperate with our allies with respect to defense equipment, dependence on foreign source for critical components is rapidly becoming a reality that cannot simply be ignored. This provision provided a beneficial tool to address this problem. The very availability of this tool to the President was deemed unacceptable.

The bill I am introducing today reflects the text of the conference report as well as some of the modifications to address legitimate implementational concerns expressed by representatives of the Department of Defense. I am pleased to be joined by the chairman and ranking minority member of the committee, Senator REIGLE and Senator GARN, as well as Senators HEINZ, SARBANES, DODD, SASSER, and D'AMATO.

Mr. President, I ask unanimous consent that the text of the Defense Production Act Amendments of 1991 be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

Sec. 101. Declaration of policy.

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

Sec. 111. Strengthening of domestic capability.

Sec. 112. Limitation on actions without congressional authorization.

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

Sec. 121. Expanding the reach of existing authorities under title III.

Sec. 122. Defense Production Act Fund.
Sec. 123. Offset policy.
Sec. 124. Annual report on impact of offsets.

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

Sec. 131. Small business.
Sec. 132. Definitions.
Sec. 133. Delegation of authority; appointment of personnel.
Sec. 134. Regulations and orders.
Sec. 135. Technical amendments restoring antitrust immunity for emergency actions initiated by the President.
Sec. 136. Information on the defense industrial base.
Sec. 137. Public participation in rulemaking.
Sec. 138. Waivers of certain employment restrictions.

PART E—TECHNICAL AMENDMENTS

Sec. 141. Priorities in contracts and orders.
Sec. 142. Technical correction.
Sec. 143. Investigations; records; reports; subpoenas.
Sec. 144. Employment of personnel.
Sec. 145. Technical correction.

PART F—REPEALERS AND CONFORMING AMENDMENTS

Sec. 151. Synthetic fuel action.
Sec. 152. Voluntary agreements.
Sec. 153. Repeal of interest payment provisions.
Sec. 154. Joint Committee on Defense Production.
Sec. 155. Persons disqualified for employment.
Sec. 156. Feasibility study on uniform cost accounting standards; report submitted.
Sec. 157. National Commission on Supplies and Shortages.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

Sec. 161. Authorization of appropriations.
Sec. 162. Extension of program.

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

Sec. 201. Procurement of critical components and critical technology items.
Sec. 202. Recognition of modernized production systems and equipment in contract award and administration.
Sec. 203. Sustaining investment.

PART B—MISCELLANEOUS

Sec. 211. Discouraging unfair trade practices.

TITLE III—AMENDMENT TO RELATED LAWS

Sec. 301. Energy security.

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

Sec. 401. Short title.
Sec. 402. Effectuating the principle of national treatment for banks and bank holding companies.
Sec. 403. Effectuating the principle of national treatment for securities brokers and dealers.
Sec. 404. Effectuating the principle of national treatment for investment advisers.
Sec. 405. Financial interdependence study.
Sec. 406. Conforming amendments specifying that national treatment includes effective market access.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

TITLE I—AMENDMENTS TO THE DEFENSE PRODUCTION ACT OF 1950

PART A—DECLARATION OF POLICY

SEC. 101. DECLARATION OF POLICY.

Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a)(1) The vitality of the industrial and technology base of the United States is a foundation of national security. It provides the industrial and technological capabilities employed to meet national defense requirements, in peacetime and in time of national emergency. In peacetime, the health of the industrial and technological base contributes to the technological superiority of our defense equipment, which is a cornerstone of our national security strategy, and the efficiency with which defense equipment is developed and produced. In times of crisis, a healthy industrial base will be able to effectively provide the graduated response needed to effectively meet the demands of the emergency.

"(2) To meet these requirements, this Act affords to the President an array of authorities to shape defense preparedness programs and to take appropriate steps to maintain and enhance the defense industrial and technological base.

"(b)(1) In view of continuing international problems, the Nation's demonstrated reliance on imports of materials and components, and the need for measures to reduce defense production lead times and bottlenecks, and in order to provide for the national defense and national security, our defense mobilization preparedness effort continues to require the development of preparedness programs, domestic defense industrial base improvement measures, as well as provision for a graduated response to any threatening international or military situation, and the expansion of domestic productive capacity beyond the levels needed to meet the civilian demand. Also required is some diversion of certain materials and facilities from civilian use to military and related purposes.

"(2) These activities are needed in order to improve domestic defense industrial base efficiency and responsiveness, to reduce the time required for industrial mobilization in the event of an attack on the United States or to respond to actions occurring outside the United States which could result in the termination or reduction of the availability of strategic and critical materials, including energy, and which could adversely affect national defense preparedness of the United States. In order to ensure national defense preparedness, which is essential to national security, it is also necessary and appropriate to assure the availability of domestic energy supplies for national defense needs.

"(c)(1) In order to ensure productive capacity in the event of an attack on the United States, it is the policy of the Congress to encourage the geographical dispersal of industrial facilities in the United States to discourage the concentration of such productive facilities within limited geographical areas which are vulnerable to attack by an enemy of the United States. To ensure that essential mobilization requirements are met, consideration should also be given to stockpiling strategic materials to the extent that such stockpiling is economical and feasible.

"(2) In the construction of any Government-owned industrial facility, in the rendition of any Government financial assistance for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this or any other Act, each department and agency of the executive branch shall apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of the geographical dispersal of such facilities in the interest of national defense. However, nothing in this paragraph shall preclude the use of existing industrial facilities.

"(3) To ensure the adequacy of productive capacity and supply, executive agencies and departments responsible for defense acquisition shall continuously assess the capability of the domestic defense industrial base to satisfy peacetime requirements as well as increased mobilization production requirements. Such assessments shall specifically evaluate the availability of adequate production sources, including subcontractors and suppliers, materials, and skilled labor, and professional and technical personnel.

"(4) It is the policy of the Congress that plans and programs to carry out this declaration of policy shall be undertaken with due consideration for promoting efficiency and competition.

"(5) It is also necessary to recognize that—

"(A) the domestic defense industrial base is a component part of the core industrial capacity of the Nation; and

"(B) much of the industrial capacity which is relied upon by the Federal Government for military production and other defense-related purposes is deeply and directly influenced by—

"(i) the overall competitiveness of the United States industrial economy; and

"(ii) the ability of United States industry, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve that competitive edge in the future, with respect to military and civilian production.

"(6)(A) The domestic defense industrial base is developing a growing dependency on foreign sources for critical components and materials used in manufacturing and assembling major weapons systems for our national defense.

"(B) This dependence is threatening the capability of many critical industries to respond rapidly to defense production needs in the event of war or other hostilities or diplomatic confrontation.

"(C) The inability of United States industry, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair our ability to sustain our Armed Forces in combat for more than a few months.

"(D) In the event our Armed Forces must face an adversary with a numerical advantage, in the context of a conventional war, it is imperative to preserve and strengthen the industrial and technological capabilities of the United States.".

PART B—AMENDMENTS TO TITLE I OF THE DEFENSE PRODUCTION ACT

SEC. 111. STRENGTHENING OF DOMESTIC CAPABILITY.

Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2071, et seq.) is amended by adding at end the following new section:

"SEC. 107. STRENGTHENING OF DOMESTIC CAPABILITY.

"(a) IN GENERAL.—To assure availability of critical components and critical technology items essential for the execution of the national security strategy of the United States in peacetime and during graduated mobilization, the President shall take action to implement the requirements of subsection (b)(3) within a 5-year period.

"(b) DOMESTIC PRODUCTION OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(1) ESSENTIAL WEAPON SYSTEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall review the inventory of weapon systems and defense equipment and designate as an essential weapon system those items deemed appropriate.

"(B) MAINTENANCE OF LIST.—The President shall maintain a list of such weapon systems and other items of military equipment.

"(2) CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—

"(A) DESIGNATION.—The President, acting through the Secretary of Defense, shall identify critical components, and critical technology items, including those relating to essential weapon systems, utilizing information from the Defense Industrial Base Information System established pursuant to section 722(a) of this Act and other appropriate sources.

"(B) MAINTENANCE OF LIST.—The President shall cause an unclassified list of critical or emerging technologies to be maintained and published at least annually in the Federal Register.

"(3) RELIANCE ON DOMESTIC SOURCES.—

"(A) IN GENERAL.—To assure adequate domestic sources for critical components and critical technology items to meet national security requirements, including those relating to essential weapon systems, the President is authorized to limit procurement of such items to domestic sources.

"(B) AUTHORITY.—The authority under subparagraph (A) may be exercised pursuant to—

"(i) section 2304(c)(3) of title 10, United States Code;

"(ii) section 303(c)(3) of the Federal Property and Administrative Services Act of 1949; or

"(iii) any other provision of law (including section 201 of the Defense Production Act Amendments of 1990).

"(4) CRITICAL INDUSTRIES FOR NATIONAL SECURITY.—The President shall cause—

"(A) a list to be maintained containing any industry (or industry sector) identified or designated as a critical industry for national security; and

"(B) an unclassified version of such list to be published at least annually in the Federal Register.

"(c) USE OF TITLE III AUTHORITIES TO DEVELOP DOMESTIC CAPACITY.—Pursuant to authorities provided by title III of this Act or any other provision of law, the President may provide appropriate incentives to develop, maintain, modernize, or expand the productive capacities of domestic sources for critical components, critical technology items, or industrial resources within an industry essential for national security.

"(d) ASSISTANCE FOR MODERNIZATION.—

"(1) MODERNIZATION OF EQUIPMENT.—Funds authorized under title III may be used to guarantee the purchase or lease of advanced manufacturing equipment, and any related service with respect to such equipment, for purposes of this Act.

"(2) SMALL BUSINESSES.—In providing any assistance pursuant to title III of this Act, the President shall accord a strong preference for projects to be undertaken by business concerns which are small business concerns, in accordance with section 3 of the Small Business Act, who perform as contractors or subcontractors in a critical industry for national security.

"(e) STOCKPILING OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.—The President, acting through the Secretary of Defense, is authorized to stockpile appropriate supplies of critical components and critical technology items to meet the needs of the Department of Defense and the production needs of firms furnishing essential weapon systems to the Department during peacetime and various stages of graduated mobilization, whenever it is determined that necessary quantities of such items cannot be obtained from domestic sources.

"(f) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the Congress by January 31 of each odd-numbered year a report on actions taken to preserve and revitalize the domestic defense industrial base, as described in paragraph (2).

"(2) CONTENT.—The report required by paragraph (1) shall contain, in addition to such matters as the President deems appropriate—

"(A) a detailed description of the specific actions taken, or to be taken, to implement the requirements of—

"(i) paragraphs (1), (2), and (3) of subsection (b);

"(ii) subsection (c); and

"(iii) subsection (e); and

"(B) an assessment of the capability of the domestic defense industrial base to meet the requirements of various stages of a graduated mobilization for a period of 6 months.

"(g) COORDINATION WITH MEMORANDA OF UNDERSTANDING.—

"(1) QUALIFICATION FOR PERMITTED EXCLUSION.—Actions taken pursuant to the authority of subsection (b)(3) shall qualify for any exclusion permitted by an existing memorandum of understanding (including memoranda relating to a specific project or the general conduct of procurement activities between the signatories) for the purposes of maintaining defense mobilization capabilities.

"(2) PRESIDENTIAL AUTHORITY.—The President is authorized, at his discretion, to seek to modify any existing or future memorandum of understanding to give effect to any action taken pursuant to the authority of subsection (b)(3).".

SEC. 112. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 104 of the Defense Production Act of 1950 (50 U.S.C. App. 2074) is amended to read as follows:

"SEC. 104. LIMITATION ON ACTIONS WITHOUT CONGRESSIONAL AUTHORIZATION.

"(a) WAGE OR PRICE CONTROLS.—No provision of this Act shall be interpreted as providing for the imposition of wage or price controls without the prior authorization of such action by a joint resolution of Congress.

"(b) CHEMICAL OR BIOLOGICAL WEAPONS.—No provision of this Act shall be exercised or interpreted to require action or compliance by any private person to assist in any way in the production of or other involvement in chemical or biological warfare capabilities except—

"(1) in time of war, or

"(2) in time of national emergency (A) as declared by joint resolution of Congress, or (B) upon the written authorization of the President, which power to authorize may not be delegated.".

PART C—AMENDMENTS TO TITLE III OF THE DEFENSE PRODUCTION ACT

SEC. 121. EXPANDING THE REACH OF EXISTING AUTHORITIES UNDER TITLE III.

(a) GUARANTEE AUTHORITY.—Section 301 of the Defense Production Act of 1950 (50 U.S.C. App. 2091) is amended—

(1) in subsection (a)(1), by striking "to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense" and inserting "to expedite or expand production and deliveries or services under Government contracts for the procurement of industrial resources or critical technology items essential for the national defense";

(2) by amending subsection (a)(3)(A) to read as follows:

"(A) the guaranteed contract or operation is for industrial resources or a critical technology item which is essential to the national defense;";

(3) in subsection (a)(3)(B), by striking "the capability for the needed material or service" and inserting "the needed industrial resources or critical technology item";

(4) in subsection (e)(1)(A), by striking "Except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in subparagraph (D)";

(5) in subsection (e)(1)(C), by striking "$25,000,000" and inserting "$50,000,000"; and

(6) by adding at the end of subsection (e)(1) the following new subparagraph:

"(D) The requirements of subparagraphs (A), (B), and (C) may be waived during periods of national emergency declared by Congress or the President.".

(b) LOANS TO PRIVATE BUSINESS ENTERPRISES.—Section 302 of the Defense Production Act of 1950 (50 U.S.C. App. 2092) is amended—

(1) in subsection (a), by striking "for the procurement of materials or the performance of services for the national defense" and inserting "for the procurement of industrial resources or a critical technology item for the national defense";

(2) in subsection (c)(1), by striking "No such loans may be made under this section, except during periods of national emergency declared by the Congress or the President" and inserting "Except as provided in paragraph (4), no loans may be made under this section";

(3) in subsection (c)(3), by striking "$25,000,000" and inserting "$50,000,000"; and

(4) in subsection (c), by adding at the end the following new paragraph:

"(4) The requirements of paragraphs (1), (2), and (3) of this subsection may be waived during periods of national emergency declared by Congress or the President.".

(c) PURCHASES AND PURCHASE COMMITMENTS.—

(1) Section 303(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2093(a)) is amended to read as follows:

"(a)(1) To assist in carrying out the objectives of this Act, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale; and

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials.

"(2) Purchases for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced except insofar as such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower, or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation as provided in section 407 of the Agricultural Act of 1949.

"(4) No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than one year after the expiration of this section.

"(5) Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource or critical technology item is essential to the national defense;

"(B) without Presidential action under authority of this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource or critical technology item in a timely manner;

"(C) purchases, purchase commitments, or other action pursuant to this section are the most cost-effective, expedient, and practical alternative method for meeting the need; and

"(D) the United States national defense demand for the industrial resource or critical technology item is equal to, or greater than the output of domestic industrial capability which the President reasonably determines to be available for national defense, including the output to be established through the purchase, purchase commitment, or other action.

"(6) Except as provided in paragraph (7), the President shall take no action under this section unless the industrial resource shortfall which such action is intended to correct has been identified in the Budget of the United States or amendments thereto, submitted to the Congress and accompanied by a statement from the President demonstrating that the budget submission is in accordance with the provisions of the preceding sentence. Any such action may be taken only after 60 days have elapsed after such industrial resource shortfall has been identified pursuant to the preceding sentence. If the taking of any action or actions under this section to correct an industrial resource shortfall would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed $50,000,000, any such action or actions may be taken only if specifically authorized by law.

"(7) The requirements of paragraphs (1) through (6) may be waived during periods of national emergency declared by Congress or the President.".

(2) Section 303(b) of such Act is amended by striking "September 30, 1995" and inserting "a date that is not more than 10 years from the date such purchase, purchase commitment, or sale was initially made".

SEC. 122. DEFENSE PRODUCTION ACT FUND.

Section 304 of the Defense Production Act of 1950 (50 U.S.C. App. 2094) is amended to read as follows:

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

"(a) Establishment of Fund.—There is established in the Treasury of the United States a separate fund to be known as the Defense Production Act Fund (hereafter in this section referred to as 'the Fund').

"(b) Moneys in Fund.—The following moneys shall be credited to the Fund:

"(1) All moneys appropriated after October 19, 1990, for the Fund, as authorized by section 711(c).

"(2) All moneys received after October 19, 1990, on transactions entered into pursuant to section 303.

"(c) Use of Fund.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) Duration of Fund.—Moneys in the Fund shall remain available until expended.

"(e) Fund Balance.—The Fund balance at the close of each fiscal year shall not exceed $250,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If at the close of any fiscal year the Fund balance exceeds such amount, the amount in excess of $250,000,000 shall be paid into the general fund of the Treasury.

"(f) Fund Manager.—The Secretary of the Treasury shall designate a Fund manager. The duties of the Fund manager shall include—

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund to the Secretaries of Defense, Treasury, and Commerce, and to the Congress; and

"(3) reporting to Congress each year regarding fund activities during the previous fiscal year.

"(g) Liabilities Against Fund.—

"(1) In general.—When any agreement entered into pursuant to this title after December 31, 1990, imposes contingent liabilities upon the United States, such liability shall be considered an obligation against the Fund. The total amount of such obligations shall be determined for each fiscal year in accordance with paragraph (2).

"(2) Determination of liability.—For purposes of paragraph (1), the total amount of obligations against the Fund is the amount which is equal to—

"(A) the aggregate outlays required by purchase or purchase commitment contracts or financing agreements; minus

"(B) the sum of—

"(i) the anticipated aggregate receipts from resale of materials purchased with moneys from the Fund; and

"(ii) the anticipated receipts from the direct sale of materials by the producer to customers.

"(3) Treatment of anticipated receipts and reductions.—Anticipated receipts and anticipated reductions in purchase commitments shall be included under paragraph (2) only if a written plan for sale of materials has been developed, specifying probable customers, amount, time of the sales, and sales price.".

SEC. 123. OFFSET POLICY.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by adding a new subsection (a) as follows:

"(a) Offset Policy.—

"(1) In general.—Recognizing that certain offsets for military exports are economically inefficient and market distorting, and mindful of the need to minimize the adverse effects of offsets in military exports while ensuring that the ability of United States firms to compete for military export sales is not undermined, it shall be the policy of the United States Government that—

"(A) no agency of the United States Government shall encourage, enter directly into, or commit United States firms to any offset arrangement in connection with the sale of defense goods or services to foreign governments;

"(B) United States Government funds shall not be used to finance offsets in security assistance transactions except in accordance with policies and procedures that were in existence as of October 20, 1990;

"(C) nothing in this section shall prevent agencies of the United States Government from fulfilling obligations incurred through international agreements entered into before October 20, 1990; and

"(D) the decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved.

"(2) Presidential approval of exceptions.—The President may approve an exception to the policy stated by paragraph (1) after receiving the recommendation of the National Security Council.

"(3) Consultation.—The President shall designate the Secretary of Defense, in coordination with the Secretary of State, to lead an interagency team to consult with foreign nations on limiting the adverse effects of offsets in defense procurement. The President shall transmit an annual report on the results of these consultations to the Congress as part of the report required under subsection (b).".

SEC. 124. ANNUAL REPORT ON IMPACT OF OFFSETS.

Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099) (as amended by section 123 of this Act) is amended—

(1) in subsection (b) (as so redesignated by section 123(1) of this part)—

(A) by striking "(b) Report Required.—Not later" and inserting:

"(b) Annual Report on Impact of Offsets.—

"(1) Report required.—Not later";

(B) by striking the second sentence; and

(C) by adding at the end the following new paragraph:

"(2) Duties of the Secretary of Commerce.—The Secretary of Commerce shall—

"(A) prepare the report required by paragraph (1);

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out the requirements of this section.";

(2) by amending subsection (c) (as so redesignated by section 123(1) of this part) to read as follows:

"(c) Interagency Studies and Related Data.—

"(1) Purpose of report.—Each report required under subsection (b) shall identify the cumulative effects (indirect as well as direct) of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary of Commerce to facilitate the Secretary in executing the Secretary's responsibilities with respect to trade offset and countertrade policy development."; and

(3) by adding at the end the following new subsections:

"(d) NOTICE OF OFFSET AGREEMENTS.—

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished shall be prescribed in regulations promulgated by the Secretary of Commerce. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information. Nothing in this paragraph authorizes the withholding of such information from the Congress.

"(e) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (b) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authorities provided by this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (c);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (d); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary of Commerce.

"(f) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection (b), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.".

PART D—AMENDMENTS TO TITLE VII OF THE DEFENSE PRODUCTION ACT

SEC. 131. SMALL BUSINESS.

Section 701 of the Defense Production Act of 1950 (50 U.S.C. App. 2151) is amended to read as follows:

"SEC. 701. SMALL BUSINESS.

"(a) PARTICIPATION.—Small business concerns shall be given the maximum practicable opportunity to participate as contractors, and subcontractors at various tiers, in all programs to maintain and strengthen the Nation's industrial base and technology base undertaken pursuant to this Act.

"(b) ADMINISTRATION OF ACT.—In administering the programs, implementing regulations, policies, and procedures under this Act, requests, applications, or appeals from small business concerns shall, to the maximum extent practicable, be expeditiously handled.

"(c) ADVISORY COMMITTEE PARTICIPATION.—Representatives of small business concerns shall be afforded the maximum opportunity to participate in such advisory committees as may be established pursuant to the provisions of this Act.

"(d) INFORMATION.—Information about the Act and activities under the Act shall be made available to small business concerns.

"(e) ALLOCATIONS UNDER SECTION 101.—Whenever the President makes a determination to exercise any authority to allocate any material pursuant to section 101 of this Act, small business concerns shall be accorded, so far as practicable, a fair share of such material, in proportion to the share received by such business concerns under normal conditions, giving such special consideration as may be possible to new small business concerns or individual firms facing undue hardship.".

SEC. 132. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended to read as follows:

"SEC. 702. DEFINITIONS.

As used in this Act—

"(1) CRITICAL COMPONENT.—The term 'critical component' includes such components, subsystems, systems, and related special tooling and test equipment essential to the production, repair, maintenance, or operation of weapon systems or other items of military equipment as are identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(2) CRITICAL INDUSTRY FOR NATIONAL SECURITY.—The term 'critical industry for national security' means any industry (or industry sector) identified pursuant to section 2503(6) of title 10, United States Code, and such other industries or industry sectors as may be designated by the President as essential to provide industrial resources required for the execution of the national security strategy of the United States.

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology that is included in 1 or more of the plans submitted pursuant to section 2508 of title 10, United States Code (unless subsequently deleted), or such other emerging or dual use technology as may be designated by the President.

"(4) CRITICAL TECHNOLOGY ITEM.—The term 'critical technology item' shall mean materials directly employing, derived from, or utilizing a critical technology.

"(5) DEFENSE CONTRACTOR.—The term 'defense contractor' means any person who enters into a contract with the United States to furnish materials, industrial resources, or a critical technology, or to perform services for the national defense.

"(6) DOMESTIC DEFENSE INDUSTRIAL BASE.—The term 'domestic defense industrial base' means domestic sources which are providing, or which would be reasonably expected to provide, materials or services to meet national defense requirements during war or national emergency.

"(7) DOMESTIC SOURCE.—The term 'domestic source' means a business entity—

"(A) that performs in the United States or Canada substantially all of the research and development, engineering, manufacturing, and production activities required of such firm under a contract with the United States relating to a critical component or a critical technology item, and

"(B) that procures from entities described in subparagraph (A) substantially all of the components and assemblies required under a contract with the United States relating to a critical component or critical technology item.

"(8) ESSENTIAL WEAPON SYSTEM.—The term 'essential weapon system' shall mean a major weapon system and other items of military equipment identified by the Secretary of Defense as being essential to the execution of the national security strategy of the United States.

"(9) FACILITIES.—The term 'facilities' includes all types of buildings, structures, or other improvements to real property (but excluding farms, churches or other places of worship, and private dwelling houses), and services relating to the use of any such building, structure, or other improvement.

"(10) FOREIGN SOURCE.—The term 'foreign source' means a business entity other than a 'domestic source'.

"(11) INDUSTRIAL RESOURCES.—The term 'industrial resources' means materials, services, processes, or manufacturing equipment (including the processes, technologies, and ancillary services for the use of such equipment) needed to establish or maintain an efficient and modern national defense industrial capacity.

"(12) MATERIALS.—The term 'materials' includes—

"(A) any raw materials (including minerals, metals, and advanced processed materials), commodities, articles, components (including critical components), products, and items of supply; and

"(B) any technical information or services ancillary to the use of any such materials, commodities, articles, components, products, or items.

"(13) NATIONAL DEFENSE.—The term 'national defense' means programs for military and energy production or construction, military assistance to any foreign nation, stockpiling, space, and any directly related activity.

"(14) PERSON.—The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.

"(15) SERVICES.—The term 'services' includes any effort that is needed or incidental to—

"(A) the development, production, processing, distribution, delivery, or use of an industrial resource or a critical technology item, or

"(B) the construction of facilities.".

SEC. 133. DELEGATION OF AUTHORITY; APPOINTMENT OF PERSONNEL.

Section 703 of the Defense Production Act of 1950 (50 U.S.C. App. 2153) is amended to read as follows:

"SEC. 703. DELEGATION AND CIVILIAN PERSONNEL.

"(a) DELEGATION OF AUTHORITY.—Except as otherwise specifically provided, the President may—

"(1) delegate any power or authority of the President under this Act to any civilian officer of the Government appointed by and with the advice and consent of the Senate;

"(2) except with regard to title I, authorize redelegation by that officer to an officer or employee of that officer who—

"(A) if a member of the armed forces, is a general or flag officer; or

"(B) if a civilian, is serving in a position in the grade GS-16 or above (or in a comparable or higher position under any other schedule for civilian officers or employees);

"(3) delegate only to an individual described in paragraph (1) the authority to establish policies and procedures for exercising authority under title I; and

"(4) establish such new agencies as may be necessary to manage Federal emergency preparedness programs.

"(b) Civilian Personnel.—Any officer or agency head may appoint civilian personnel without regard to section 5331(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may fix the rate of basic pay for such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule, as the President deems appropriate to carry out the provisions of this Act.".

SEC. 134. REGULATIONS AND ORDERS.

Section 704 of the Defense Production Act of 1950 (50 U.S.C. App. 2154) is amended to read as follows:

"SEC. 704. REGULATIONS AND ORDERS.

"Subject to section 709, the President may prescribe such regulations and issue such orders as the President may determine to be appropriate to carry out the provisions of this Act.".

SEC. 135. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) Definitions.—For purposes of this Act—

"(1) Antitrust laws.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) Plan of action.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2d sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General, the"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this subsection) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this subsection) by inserting "and publishes such finding in the Federal Register" before the period.

(14) in subsection (f)(2) (as amended by paragraph (11) of this subsection) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission, and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) Defenses.—

"(1) In general.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) Scope of defense.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) Burden of persuasion.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) Exception for actions taken to violate the antitrust laws.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l), by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) Exemption From Advisory Committee Act Provisions.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) Preemption of Contract Law in Emergencies.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 136. INFORMATION ON THE DEFENSE INDUSTRIAL BASE.

The Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) is amended by adding at the end the following new section:

"SEC. 722. DEFENSE INDUSTRIAL BASE INFORMATION SYSTEM.

"(a) Establishment Required.—

"(1) In general.—The President, acting through the Secretary of Defense and the heads of such other Federal agencies as the President may determine to be appropriate, shall provide for the establishment of an information system on the domestic defense industrial base which—

"(A) meets the requirements of this section; and

"(B) includes a systematic continuous procedure to collect and analyze information necessary to evaluate—

"(i) the adequacy of domestic industrial capacity and capability in critical components, technologies, and technology items essential to the national security of the United States; and

"(ii) dependence on foreign sources for industrial parts, components, and technologies essential to defense production.

"(2) INCORPORATION OF DINET.—The defense information network as established and maintained by the Secretary of Defense on the date of the enactment of the Defense Production Act Amendments of 1990 shall be incorporated into the system established pursuant to paragraph (1).

"(3) USE OF INFORMATION.—Information collected and analyzed under the procedure established pursuant to paragraph (1) shall constitute a basis for making any determination to exercise any authority under this Act and a procedure for using such information shall be integrated into the decisionmaking process with regard to the exercise of any such authority.

"(b) SOURCES OF INFORMATION.—

"(1) FOREIGN DEPENDENCE.—

"(A) SCOPE OF INFORMATION REVIEW.—The procedure established to meet the requirement of subsection (a)(1)(B)(ii) shall address defense production with respect to the operations of prime contractors and at least the first 2 tiers of subcontractors.

"(B) USE OF EXISTING DATA COLLECTION AND REVIEW CAPABILITIES.—To the extent feasible and appropriate, the President shall build upon existing methods of data collection and analysis and shall integrate information available from intelligence agencies with respect to industrial and technological conditions in foreign countries.

"(C) INITIAL EMPHASIS ON PRIORITY LISTS.—In establishing the procedure referred to in subparagraph (A), the Secretary may place initial emphasis on the production of parts and components relating to priority lists such as the Commanders' in Chief Critical Items List and the technologies identified as critical in the annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code.

"(2) PRODUCTION BASE ANALYSIS.—

"(A) TOP-TO-BOTTOM REVIEW.—Effective on or after October 1, 1991, the analysis of the production base for any major procurement project which is included in the information system maintained pursuant to subsection (a) shall, in addition to any information and analyses the President may require—

"(i) include a review of all levels of acquisition and production, beginning with any raw material, special alloy, or composite material involved in the production and ending with the completed product;

"(ii) identify each contractor and subcontractor at each level of acquisition and production with respect to such project which represents a potential for delaying or preventing the production and acquisition, including the identity of each contractor or subcontractor whose contract qualifies as a foreign source or sole source contract and any supplier which is a foreign or sole source for any item required in the production; and

"(iii) include information to permit appropriate management of accelerated or surge production.

"(B) INITIAL REQUIREMENT FOR STUDY OF PRODUCTION BASES FOR NOT MORE THAN 6 MAJOR WEAPON SYSTEMS.—In establishing the information system under subsection (a), the President, acting through the Secretary of Defense, shall require an analysis of the production base for not more than 2 weapons of each military department which are major systems (as defined in section 2305(5) of title 10, United States Code).

"(3) CONSULTATION REGARDING THE CENSUS OF MANUFACTURERS.—

"(A) IN GENERAL.—The Secretary of Commerce, acting through the Bureau of the Census, shall consult with the Secretary of Defense and the Director of the Federal Emergency Management Agency with a view to improving the application of information derived from the Census of Manufacturers to the purposes of this section.

"(B) ISSUES TO BE ADDRESSED.—Such consultations shall address improvements in the level of detail, timeliness, and availability of input and output analyses derived from the Census of Manufacturers necessary to facilitate the purposes of this section.

"(c) STRATEGIC PLAN FOR DEVELOPING COMPREHENSIVE SYSTEM.—

"(1) PLAN REQUIRED.—Not later than December 31, 1992, the President shall provide for the establishment of and report to Congress on a strategic plan for developing a cost-effective, comprehensive information system capable of identifying on a timely, ongoing basis vulnerability in critical components, technologies, and technology items.

"(2) ASSESSMENT OF CERTAIN PROCEDURES.—In establishing plan under paragraph (1), the President shall assess the performance and cost-effectiveness of procedures implemented under subsection (b) and shall seek to build upon such procedures as appropriate.

"(d) CAPABILITIES OF SYSTEM.—

"(1) IN GENERAL.—In connection with the establishment of the information system under subsection (a), the President shall direct the Secretary of Defense, the Secretary of Commerce, and the heads of such other Federal agencies as the President may determine to be appropriate to—

"(A) consult with each other and provide such information, assistance, and cooperation as may be necessary to establish and maintain the information system in a manner which allows the coordinated and efficient entry of information on the domestic defense industrial base into, and the withdrawal, subject to the protection of proprietary data, of information on the domestic defense industrial base from the system on an on-line interactive basis by the Department of Defense;

"(B) assure access to the information on the system, as appropriate, by all participating Federal agencies, including each military department;

"(C) coordinate standards, definitions, and specifications for information on defense production which is collected by the Department of Defense and the military departments so that such information can be used by any Federal agency or department which the President determines to be appropriate; and

"(D) assure that the information in the system is updated, as appropriate, with the active assistance of the private sector.

"(2) TASK FORCE ON MILITARY-CIVILIAN PARTICIPATION.—Upon the establishment of the information system under subsection (a), the President shall convene a task force consisting of the Secretary of Defense, the Secretary of Commerce, the Secretary of each military department, and the heads of such other Federal agencies and departments as the President may determine to be appropriate to establish guidelines and procedures to ensure that all Federal agencies and departments which acquire information with respect to the domestic defense industrial base are fully participating in the system, unless the President determines that all appropriate Federal agencies and departments, including each military department, are voluntarily providing information which is necessary for the system to carry out the purposes of this Act and chapter 148 of title 10, United States Code.

"(e) REPORT ON SUBCONTRACTOR AND SUPPLIER BASE.—

"(1) REPORT REQUIRED.—At the times required under paragraph (4), the President shall issue a report which includes—

"(A) a list of critical components, technologies, and technology items for which there is found to be inadequate domestic industrial capacity or capability; and

"(B) an assessment of those subsectors of the economy of the United States which—

"(i) support production of any component, technology, or technology item listed pursuant to paragraph (1); or

"(ii) have been identified as being critical to the development and production of components required for the production of weapons, weapon systems, and other military equipment essential to the national defense.

"(2) MATTERS TO BE CONSIDERED.—The assessment made under paragraph (1)(B) shall consider—

"(A) the capacity of domestic sources, especially commercial firms, to fulfill peacetime requirements and graduated mobilization requirements for various items of supply and services;

"(B) any trend relating to the capabilities of domestic sources to meet such peacetime and mobilization requirements;

"(C) the extent to which the production or acquisition of various items of military material is dependent on foreign sources; and

"(D) any reason for the decline of the capabilities of selected sectors of the United States economy necessary to meet peacetime and mobilization requirements, including stability of defense requirements, acquisition policies, vertical integration of various segments of the industrial base, superiority of foreign technology and production efficiencies, foreign government support of nondomestic sources, and offset arrangements.

"(3) POLICY RECOMMENDATIONS.—The report may provide specific policy recommendations to correct deficiencies identified in the assessment, which would help to strengthen domestic sources.

"(4) TIME FOR ISSUANCE.—The report required by paragraph (1) shall be issued not later than July 1 of each odd-numbered year which begins after 1991, based upon data from the prior fiscal year and such prior fiscal years as may be appropriate.

"(5) RELEASE OF UNCLASSIFIED REPORT.—The report required by this subsection may be classified. An unclassified version of the report shall be available to the public.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President for purposes of this section not more than $10,000,000, to remain available until expended, of which not more than $3,000,000 shall be available for the purposes of subsection (b)(2).".

SEC. 137. PUBLIC PARTICIPATION IN RULEMAKING.

(a) IN GENERAL.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. 2159) is amended to read as follows:

"SEC. 709. PUBLIC PARTICIPATION IN RULEMAKING.

"(a) EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT.—Any regulation prescribed or order issued under this Act shall not be subject to sections 551 through 559 of title 5, United States Code.

"(b) OPPORTUNITY FOR NOTICE AND COMMENT.—

"(1) IN GENERAL.—Except as provided in subsection (c), any regulation prescribed or order issued under this Act shall be published in the Federal Register and opportunity for public comment shall be provided for not less than 30 days, consistent with the requirements of section 553(b) of title 5, United States Code.

"(2) WAIVER FOR TEMPORARY PROVISIONS.—The requirements of paragraph (1) may be waived, if—

"(A) the officer authorized to prescribe the regulation or issue the order finds that urgent and compelling circumstances make compliance with such requirements impracticable;

"(B) the regulation is prescribed or order is issued on a temporary basis; and

"(C) the publication of such temporary regulation or order is accompanied by the finding made under clause (A) (and a brief statement of the reasons for such finding) and an opportunity for public comment is provided for not less than 30 days of public comment before any regulation or order becomes final.

"(3) All comments received during the public comment period specified pursuant to paragraph (1) or (2) shall be considered and the publication of the final regulation or order shall contain written responses to such comments.

"(c) PUBLIC COMMENT ON PROCUREMENT REGULATIONS.—Any procurement policy, regulation, procedure, or form (including any amendment or modification of any such policy, regulation, procedure, or form) issued under this Act shall be subject to section 22 of the Office of Federal Procurement Policy Act.".

(b) SCOPE OF APPLICATION.—Section 709 of the Defense Production Act of 1950 (50 U.S.C. App. 2159), as amended by subsection (a) of this section, shall not apply to any regulation prescribed or order issued in proposed or final form on or before the date of enactment of this Act.

SEC. 138. WAIVERS OF CERTAIN EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Section 208 of title 18, United States Code, is amended by adding at the end the following:

"(e)(1) The President may grant a waiver of a restriction imposed by this section to a special Government employee if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the special Government employee are critically needed for the benefit of the Federal Government. Not more than 50 special Government employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph, of which 25 may be granted only for special Government employees of the Department of Energy for use in discharging the responsibilities of the Department with respect to ensuring adequate energy supplies during the current crisis in the Middle East. A waiver under this paragraph shall not extend to the negotiation or execution of a Government contract with a private employer of an appointee or with any person—

"(A) in which the appointee has a financial interest within the meaning of this section; or

"(B) with which the appointee has an official relationship.

"(2) Waivers under paragraph (1) may be granted only to special Government employees of the executive branch, other than such employees in the Executive Office of the President.

"(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

"(A) the special Government employee covered by the waiver by name and by position, and

"(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

"(4) The President may not delegate the authority provided by this subsection.

"(5)(A) The designated agency ethics official (as defined in section 109 of the Ethics in Government Act of 1978) of the agency which employs a person granted a waiver under this subsection shall prepare, at the termination of that person's service as a special Government employee (with respect to which the waiver was granted), a report stating whether the person has engaged in activities otherwise prohibited by this section, and if so, what those activities were. Before the report is filed under subparagraph (B), the person with respect to whom the report was prepared shall certify that the contents of the report are complete and accurate, to the person's best knowledge and belief.

"(B) A report under subparagraph (A) shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the date of the termination of that person's service as a special Government employee, but in no event later than November 30, 1991.

"(C) If the report required to be filed under subparagraph (B) is not filed, the person who is the subject of the report shall be ineligible for any Federal Government employment until such report is filed.

"(D) If an agency fails to prepare and file a report under this subsection by the date required by subparagraph (B), no employee of that agency may, after such date, be granted a waiver under this subsection until such report is prepared and filed.

"(6) Any waiver granted under this subsection shall terminate on September 30, 1991.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) by striking paragraph (4) of subsection (b);

(2) by striking the last sentence of subsection (c);

(3) in subsection (d), by striking out "needed; and he is" and inserting "needed."; and

(4) by striking the last sentence of subsection (e).

PART E—TECHNICAL AMENDMENTS

SEC. 141. PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials, equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, service, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 142. TECHNICAL CORRECTION.

Section 301(e)(2)(B) of the Defense Production Act of 1950 (50 U.S.C. App. 2091(e)(2)(B)) is amended by striking "and to the Committees on Banking and Currency of the respective Houses" and inserting "and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives".

SEC. 143. INVESTIGATIONS; RECORDS; REPORTS; SUBPOENAS.

Section 705 of the Defense Production Act of 1950 (50 U.S.C. App. 2155) is amended—

(1) in subsection (a), by striking "subpena" and inserting "subpoena";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "$1,000" and inserting "$10,000"; and

(4) in subsection (d) (as redesignated by paragraph (2)), by striking all after the first sentence.

SEC. 144. EMPLOYMENT OF PERSONNEL.

(a) NOTICE OF APPOINTMENT AND FINANCIAL DISCLOSURE FOR EMPLOYEES SERVING WITHOUT COMPENSATION.—Section 710(b)(6) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)(6)) is amended to read as follows:

"(6) NOTICE AND FINANCIAL DISCLOSURE REQUIREMENTS.—

"(A) PUBLIC NOTICE OF APPOINTMENT.—The head of any department or agency who appoints any individual under this subsection shall publish a notice of such appointment in the Federal Register, including the name of the appointee, the employing department or agency, the title of the appointee's position, and the name of the appointee's private employer.

"(B) FINANCIAL DISCLOSURE.—Any individual appointed under this subsection who is not required to file a financial disclosure report pursuant to section 101 of the Ethics in Government Act of 1978, shall file a confidential financial disclosure report pursuant to section 107 of such Act with the appointing department or agency.".

(b) TECHNICAL AMENDMENTS.—Section 710(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2160(b)) is amended—

(1) in paragraph (7)—

(A) by striking "Chairman of the United States Civil Service Commission" and inserting "Director of the Office of Personnel Management"; and

(B) by striking "and the Joint Committee on Defense Production"; and

(2) in paragraph (8), by striking "transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes and regular places of business pursuant to such appointment" and inserting "reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions for which they were

appointed in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code".

SEC. 145. TECHNICAL CORRECTION.

Section 711(a)(1) of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended by striking "Bureau of the Budget" and inserting "Office of Management and Budget".

PART F—REPEALERS AND CONFORMING AMENDMENTS

SEC. 151. SYNTHETIC FUEL ACTION.

Section 307 of the Defense Production Act of 1950 (50 U.S.C. App. 2097) is amended—

(1) in subsection (b), by striking the 2d sentence; and

(2) by striking subsection (c) and all that follows through the end of the section.

SEC. 152. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 153. REPEAL OF INTEREST PAYMENT PROVISIONS.

Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) by striking subsection (b),

(2) by striking "(a)(1) Except as provided in paragraph (2) and paragraph (4)" and inserting "(a) Except as provided in subsection (c)",

(3) by striking in subsection (a) in the parenthetical "and for the payment of interest under subsection (b) of this section", and

(4) by striking paragraph (2) and redesignating paragraph (3) as subsection (b), and

(5) by striking subparagraph (B) of paragraph (4) and redesignating paragraph (4)(A) as subsection (c).

SEC. 154. JOINT COMMITTEE ON DEFENSE PRODUCTION.

Section 712 of the Defense Production Act of 1950 (50 U.S.C. App. 2162) is repealed.

SEC. 155. PERSONS DISQUALIFIED FOR EMPLOYMENT.

Section 716 of the Defense Production Act of 1950 (50 U.S.C. App. 2165) is repealed.

SEC. 156. FEASIBILITY STUDY ON UNIFORM COST ACCOUNTING STANDARDS; REPORT SUBMITTED.

Section 718 of the Defense Production Act of 1950 (50 U.S.C. App. 2167) is repealed.

SEC. 157. NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES.

Section 720 of the Defense Production Act of 1950 (50 U.S.C. App. 2169) is repealed.

PART G—REAUTHORIZATION OF SELECTED PROVISIONS

SEC. 161. AUTHORIZATION OF APPROPRIATIONS.

Section 711(c) of the Defense Production Act of 1950 (as amended by section 143 of this Act) is amended to read as follows:

"(c) There are authorized to be appropriated for each of fiscal years 1991, 1992, and 1993 not to exceed $130,000,000 to carry out the provisions of title III of this Act.".

SEC. 162. EXTENSION OF PROGRAM.

The 1st sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1993".

TITLE II—ADDITIONAL PROVISIONS TO IMPROVE INDUSTRIAL PREPAREDNESS

PART A—ENCOURAGING IMPROVEMENT OF THE DEFENSE INDUSTRIAL BASE

SEC. 201. PROCUREMENT OF CRITICAL COMPONENTS AND CRITICAL TECHNOLOGY ITEMS.

(a) POLICY REQUIRED.—The President, acting through the Administrator for Federal Procurement Policy, shall issue a procurement policy providing for the solicitation and award of contracts for the procurement of critical components or critical technology items in accordance with the requirements of subsection (b).

(b) PERFORMANCE BY DOMESTIC SOURCES.—Except as provided in subsection (c), any solicitation for the procurement of a critical component or a critical technology item shall—

(1) contain a specification that only domestic sources are eligible for award; or

(2) contain provisions that—

(A) specify the minimum percentage of the total estimated value of the contract that is to be performed by 1 or more domestic sources;

(B) provide for the attainment of such requirement by the firm selected as prime contractor or through subcontractors pursuant to a subcontracting plan submitted with the prime contractor's offer;

(C) specify that offers shall be evaluated for award on a basis reflecting the extent that each offer meets or exceeds the specified percentage, such evaluation factor being accorded significant weight (not more than 10 percent of the total value of all evaluation factors to be considered in making the award decision).

(c) WAIVER.—

(1) IN GENERAL.—The requirements of paragraphs (1) and (2) of subsection (b) may be waived in accordance with regulation specifying circumstances under which the contracting officer may make a determination that such restrictions are likely to result in a significant adverse impact on the national interests of the United States.

(2) PROCEDURE.—The determination of the contracting officer shall be—

(A) supported by a specific written finding which justifies such determination; and

(B) approved by the senior procurement executive of the department or agency (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act) or a designee of such officer.

(3) PUBLIC AVAILABILITY.—Copies of waiver determination approved pursuant to paragraph (1) (including the supporting written justifications and approvals) shall be made available upon request to—

(A) the public, consistent with the provisions of section 552 of title 5, United States Code, or

(B) any member, or duly constituted committee, of the Congress.

(d) ACQUISITION REGULATIONS REQUIRED.—Before the end of the 270-day period beginning on the date of the enactment of this Act, the single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act, shall be modified to provide for the solicitation, award, and administration of contracts for the procurement of critical components or critical technology items in accordance with provisions of the policy required by subparagraph (A).

(e) DEFINITIONS.—For the purpose of this section, the terms "critical component", "critical technology item", and "domestic source" have the meanings given to such terms in section 702 of the Defense Production Act of 1950.

SEC. 202. RECOGNITION OF MODERNIZED PRODUCTION SYSTEMS AND EQUIPMENT IN CONTRACT AWARD AND ADMINISTRATION.

(a) IN GENERAL.—The single Government-wide Federal Acquisition Regulation, referred to in section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)), shall be amended to specify the circumstances under which an acquisition plan for any major system acquisition, or any other acquisition program designated by the Secretary or agency head responsible for such acquisition, shall provide for contract solicitation provisions which encourage competing offerors to acquire for utilization in the performance of the contract modern industrial facilities and production systems (including hardware and software), and other modern production equipment, that increase the productivity of the offerors and reduce the costs of production.

(b) AUTHORIZED SOLICITATION PROVISIONS.—Contract solicitation provisions referred to in subsection (a) may include any of the following provisions:

(1) An evaluation advantage in making the contract award determination.

(2) A provision for a domestic contractor to share in any demonstrated cost savings that are attributable to increased productivity resulting from the following contractor actions not required by the contract—

(A) the acquisition and utilization of modern industrial facilities and production systems (including hardware and software), and other modern production equipment, for the performance of the contract; or

(B) the utilization of other manufacturing technology improvements in the performance of the contract.

(c) DOMESTIC CONTRACTOR DEFINED.—For purposes of this section and section 203, the term "domestic contractor" has the meaning given to the "domestic source" in section 702(7) of the Defense Production Act of 1950.

SEC. 203. SUSTAINING INVESTMENT.

It is the sense of the Congress that, in order to encourage investment to maintain our Nation's technological leadership, to preserve the strength of our industrial base, and to encourage contractors to invest in advanced manufacturing technology, advanced production equipment, and advanced manufacturing processes, the Secretary of Defense as part of his implementation of changes to defense acquisition policies pursuant to the Defense Management Review shall consider—

(1) full allowability of independent research and development bid and proposal costs;

(2) appropriate regulatory changes to increase the progress payment rates payable under contracts; and

(3) an increase of not more than 10 percent in the amount which would otherwise be reimbursable to a domestic contractor as the Government's share of costs incurred for the acquisition of production special tooling, production special test equipment, and production special systems (including hardware and software) for use in the performance of the contract.

Part B—Miscellaneous

SEC. 211. DISCOURAGING UNFAIR TRADE PRACTICES.

(a) SUSPENSION OR DEBARMENT AUTHORIZED.—Subpart 9.4 of title 48, Code of Federal Regulations (or any successor regulation) shall be amended to specify the circumstances under which a contractor, who has engaged in an unfair trade practice, as defined in subsection (b), may be found to presently lack such business integrity or business honesty that seriously and directly affects the responsibility of the contractor to perform any contract awarded by the Federal Government or perform a subcontract under such a contract.

(b) DEFINITIONS.—For purposes of this section, the term "unfair trade practice" means the commission of any of the following acts by a contractor:

(1) An unfair trade practice, as determined by the International Trade Commission, for a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

(2) A violation, as determined by the Secretary of Commerce, of any agreement of the group known as the "Coordinating Committee" for purposes of the Export Administration Act of 1979 or any similar bilateral or multilateral export control agreement.

(3) A knowingly false statement regarding a material element of a certification concerning the foreign content of an item of supply, as determined by the Secretary of the department or the head of the agency to which such certificate was furnished.

TITLE III—AMENDMENT TO RELATED LAWS

SEC. 301. ENERGY SECURITY.

(a) Congressional Interest Manifest in Other Laws.—The Congress hereby finds that congressional interest in energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950 has also been expressed in various statutes enacted since the date of the enactment of such Act, including the provisions of Geothermal Energy Research, Development, and Demonstration Act of 1974, the Biomass Energy and Alcohol Fuels Act of 1980, and the Synthetic Fuels Corporation Act of 1985 which relate to geothermal energy, alcohol, and synthetic fuel projects.

(b) Reports Required.—To assist the Congress in discharging congressional responsibility for energy security and the availability of energy for defense mobilization, industrial preparedness, and other purposes of the Defense Production Act of 1950, the President shall prepare and transmit to the Congress, no less frequently than the end of each odd-numbered year, the projected capacity and potential prospects for the use of alternative and renewable sources of energy for such purposes.

(c) Geothermal Energy Program.—Section 203 of the Geothermal Energy Research, Development, and Demonstration Act of 1974 (30 U.S.C. 1143) (relating to period of guaranties and interest assistance) is amended by striking "1990" and inserting "1993".

TITLE IV—FAIR TRADE IN FINANCIAL SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the "Fair Trade in Financial Services Act of 1990".

SEC. 402. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR BANKS AND BANK HOLDING COMPANIES.

The International Banking Act of 1978 (12 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"NATIONAL TREATMENT

"Sec. 15. (a) Purpose.—This section is intended to encourage foreign countries to accord national treatment to United States banks and bank holding companies that operate or seek to operate in those countries, and thereby end discrimination against United States banks and bank holding companies.

"(b) Reports Required.—

"(1) Contents of report.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States banks and bank holding companies—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) Submission of report.—

"(A) In general.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) Most recent report defined.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) Negotiations Required.—

"(1) In general.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States banks and bank holding companies; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States banks and holding companies.

"(2) Negotiations not required.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

"(d) Discretionary Sanctions.—

"(1) Secretary's determination.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States banks or bank holding companies.

"(2) Action by agency.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, any Federal banking agency—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) among the factors the agency considers in evaluating any application or notice filed by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or disapprove the notice.

"(3) Review.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) Preventing Existing Entities From Being Used to Evade This Section.—

"(1) In general.—If a determination under subsection (d)(1) is in effect with respect to a foreign country, no bank, foreign bank described in section 8(a), branch, agency, commercial lending company, or other affiliated entity that is a person of that country shall, without prior approval pursuant to paragraph (3) or (4), directly or indirectly, in the United States—

"(A) commence any line of business in which it was not engaged as of the date on which that determination was published in the Federal Register; or

"(B) conduct business from any location at which it did not conduct business as of that date.

"(2) Exception.—Paragraph (1) shall not apply with respect to transactions under section 2(h)(2) of the Bank Holding Company Act of 1956.

"(3) State-supervised entities.—

"(A) This paragraph shall apply if—

"(i) the entity in question is an uninsured State bank or branch, a State agency, or a commercial lending company;

"(ii) the State requires the entity to obtain the prior approval of the State bank supervisor before engaging in the activity described in subparagraph (A) or (B) of paragraph (1); and

"(iii) no other provision of Federal law requires the entity to obtain the prior approval of a Federal banking agency before engaging in that activity.

"(B) The State bank supervisor shall consult about the application with the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act). If the State bank supervisor approves the application, the supervisor shall notify the appropriate Federal banking agency and provide the agency with a copy of the record of the application. During the 45-day period beginning on the date on which the appropriate Federal banking agency receives the record, the agency, after consultation with the State bank supervisor—

"(i) may include the determination under subsection (d)(1) and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and other reports under subsection (b)(1) of this section among the factors the agency considers in evaluating the application; and

"(ii) may issue an order disapproving the activity in question based upon that determination and in consultation with the Secretary of the Treasury.

The period for disapproval under clause (ii) may, in the agency's discretion, be extended for not more than 45 days.

"(4) Federal approval.—If the transaction is not described in paragraph (3)(A), the entity in question shall obtain the prior approval of the appropriate Federal banking agency.

"(5) Informing state supervisors.—The Secretary of the Treasury shall inform State bank supervisors of any determination under subsection (d)(1).

"(6) Effect on other law.—Nothing in this subsection shall be construed to relieve the entity in question from any otherwise applicable requirement of Federal law.

"(f) National Treatment Defined.—A foreign country accords national treatment to United States banks and bank holding companies if it offers them the same competitive opportunities (including effective market access) as are available to its domestic banks and bank holding companies.

"(g) Person of a Foreign Country Defined.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country, or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(h) Exercise of Discretion.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Federal banking agencies shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Federal banking agencies, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a bank, foreign bank, branch, agency, commercial lending company, or other affiliated entity that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States banks and bank holding companies; and

"(ii) whether that country would permit United States banks and bank holding companies already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's banks and bank holding companies; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 403. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR SECURITIES BROKERS AND DEALERS.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"Sec. 36. (a) Purpose.—This section is intended to encourage foreign countries to accord national treatment to United States brokers and dealers that operate or seek to operate in those countries, and thereby end discrimination against United States brokers and dealers.

"(b) Reports Required.—

"(1) Contents of Report.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States brokers and dealers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) Submission of Report.—

"(A) In general.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) Most recent report defined.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) Negotiations Required.—

"(1) In general.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States brokers or dealers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect,

to ensure that such country accords national treatment to United States brokers and dealers.

"(2) Negotiations not required.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) Discretionary Sanctions.—

"(1) Secretary's determination.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States brokers or dealers.

"(2) Actions by commission.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) Notice required to acquire broker or dealer.—

"(A) In general.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered broker or dealer unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) Commission may extend 60-day period.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) Effective date.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) Review.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) National Treatment Defined.—A foreign country accords national treatment to United States brokers and dealers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic brokers and dealers.

"(f) Persons of a Foreign Country Defined.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) Exercise of Discretion.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to a broker or dealer that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States brokers and dealers; and

"(ii) whether that country would permit United States brokers or dealers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's brokers or dealers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 404. EFFECTUATING THE PRINCIPLE OF NATIONAL TREATMENT FOR INVESTMENT ADVISERS.

The Investment Advisers Act of 1940 (12 U.S.C. 80b-1 et seq.) is amended by adding at the end the following new section:

"NATIONAL TREATMENT

"Sec. 223. (a) Purpose.—This section is intended to encourage foreign countries to accord national treatment to United States investment advisers that operate or seek to operate in those countries, and thereby end discrimination against United States investment advisers.

"(b) Reports Required.—

"(1) Contents of report.—The Secretary of the Treasury shall, not later than December 1, 1992, and biennially thereafter, submit to the Congress a report—

"(A) identifying any foreign country—

"(i) that does not accord national treatment to United States investment advisers—

"(I) according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988; or

"(II) on the basis of more recent information that the Secretary deems appropriate indicating a failure to accord national treatment; and

"(ii) with respect to which no determination under subsection (d)(1) is in effect;

"(B) explaining why the Secretary has not made, or has rescinded, such a determination with respect to that country; and

"(C) describing the results of any negotiations conducted pursuant to subsection (c)(1) with respect to that country.

"(2) Submission of report.—

"(A) In general.—The report required by paragraph (1) may be submitted as part of a report submitted under section 3602 of the Omnibus Trade and Competition Act of 1988.

"(B) Most recent report defined.—If the report required by paragraph (1) is submitted as part of a report under such section 3602, that report under section 3602 shall be the 'most recent report' for purposes of paragraph (1)(A)(i)(I).

"(c) Negotiations Required.—

"(1) In general.—The Secretary of the Treasury shall initiate negotiations with any foreign country—

"(A) in which, according to the most recent report under section 3602 of the Omnibus Trade and Competitiveness Act of 1988, there is a significant failure to accord national treatment to United States investment advisers; and

"(B) with respect to which no determination under subsection (d)(1) is in effect, to ensure that such country accords national treatment to United States investment advisers.

"(2) Negotiations not required.—Paragraph (1) does not require the Secretary of the Treasury to initiate negotiations with a foreign country if the Secretary—

"(A) determines that such negotiations would be fruitless or would impair national economic interests; and

"(B) gives written notice of that determination to the chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and of the Committee on Energy and Commerce of the House of Representatives.

"(d) Discretionary Sanctions.—

"(1) Secretary's determination.—The Secretary of the Treasury may, at any time, publish in the Federal Register a determination that a foreign country does not accord national treatment to United States investment advisers.

"(2) Actions by commission.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, the Commission—

"(A) may include that determination and the conclusions of the reports under section 3602 of the Omnibus Trade and Competitiveness Act of 1988 and paragraph (1) of this subsection among the factors the Commission considers (i) in evaluating any application filed by a person of that foreign country, or (ii) in determining whether to prohibit an acquisition for which a notice is required under paragraph (3) by a person of that foreign country; and

"(B) may, based upon that determination and in consultation with the Secretary, deny the application or prohibit the acquisition.

"(3) Notice required to acquire investment adviser.—

"(A) In general.—If the Secretary of the Treasury has published in the Federal Register (and has not rescinded) a determination under paragraph (1) with respect to a foreign country, no person of that foreign country, acting directly or indirectly, shall acquire control of any registered investment adviser unless—

"(i) the Commission has been given notice 60 days in advance of the acquisition, in such form as the Commission shall prescribe by rule and containing such information as the Commission requires by rule or order; and

"(ii) the Commission has not prohibited the acquisition.

"(B) Commission may extend 60-day period.—The Commission may, by order, extend the notice period during which an acquisition may be prohibited under subparagraph (A) for an additional 180 days.

"(C) Effective date.—The requirements of subparagraph (A) shall apply to any acquisition of control that is completed on or after the date on which the determination under paragraph (1) is published, irrespective of when the acquisition was initiated.

"(4) Review.—The Secretary of the Treasury may, at any time, and shall, annually, review any determination under paragraph (1) and decide whether that determination should be rescinded.

"(e) National Treatment Defined.—A foreign country accords national treatment to United States investment advisers if it offers them the same competitive opportunities (including effective market access) as are available to its domestic investment advisers.

"(f) Persons of a Foreign Country Defined.—A person of a foreign country is a person that—

"(1) is organized under the laws of that country;

"(2) has its principal place of business in that country;

"(3) in the case of an individual—

"(A) is a citizen of that country; or

"(B) is domiciled in that country; or

"(4) is directly or indirectly controlled by a person described in paragraph (1), (2), or (3).

"(g) Exercise of Discretion.—In exercising discretion under this section—

"(1) the Secretary of the Treasury and the Commission shall act in a manner consistent with the obligations of the United States under a bilateral or multilateral agreement governing financial services entered into by the President and approved and implemented by the Congress; and

"(2) the Commission, in consultation with the Secretary of the Treasury—

"(A) shall consider, with respect to an investment adviser that is a person of a foreign country and is already operating in the United States—

"(i) the extent to which that foreign country has a record of according national treatment to United States investment advisers; and

"(ii) whether that country would permit United States investment advisers already operating in that country to expand their activities in that country even if that country determined that the United States did not accord national treatment to that country's investment advisers; and

"(B) may further differentiate between entities already operating in the United States and entities that are not already operating in the United States, insofar as such differentiation is consistent with achieving the purpose of this section.".

SEC. 405. FINANCIAL INTERDEPENDENCE STUDY.

Subtitle G of title III of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5341 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 3605. FINANCIAL INTERDEPENDENCE STUDY.

"(a) Investigation Required.—The Secretary of the Treasury, in consultation and coordination with the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), and any other appropriate Federal agency or department to be designated by the Secretary of the Treasury, shall conduct an investigation to determine the extent of the interdependence of the financial services sectors of the United States and foreign countries whose financial services institutions provide financial services in the United States, or whose persons have substantial ownership interests in United States financial services institutions, and the economic, strategic, and other consequences of that interdependence for the United States.

"(b) Report.—The Secretary of the Treasury shall transmit a report on the results of the investigation under subsection (a) within 2 years after the date of enactment of this section to the President, the Congress, the Securities and Exchange Commission, the Board of Governors of the Federal Reserve System, the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other appropriate Federal agency or department as designated by the Secretary of the Treasury. The report shall—

"(1) describe the activities and estimate the scope of financial services activities conducted by United States financial services institutions in foreign markets (differentiated according to major foreign markets);

"(2) describe the activities and estimate the scope of financial services activities conducted by foreign financial services institutions in the United States (differentiated according to the most significant home countries or groups of home countries);

"(3) estimate the number of jobs created in the United States by financial services activities conducted by foreign financial services institutions and the number of jobs created in foreign countries by financial services activities conducted by United States financial services institutions;

"(4) estimate the additional jobs and revenues (both foreign and domestic) that would be created by the activities of United States financial services institutions in foreign countries if those countries offered such institutions the same competitive opportunities (including effective market access) as are available to those countries' domestic financial services institutions;

"(5) describe the extent to which foreign financial services institutions discriminate against United States persons in procurement, employment, providing credit or other financial services, or otherwise;

"(6) describe the extent to which foreign financial services institutions and other persons from foreign countries purchase or otherwise facilitate the marketing from the United States of government and private debt instruments and private equity instruments;

"(7) describe how the interdependence of the financial services sectors of the United States and foreign countries affects the autonomy and effectiveness of United States monetary policy;

"(8) describe the extent to which United States companies rely on financing by or through foreign financial services institutions, and the consequences of such reliance (including disclosure of proprietary information) for the industrial competitiveness and national security of the United States;

"(9) describe the extent to which foreign financial services institutions, in purchasing high technology products such as computers and telecommunications equipment, favor manufacturers from their home countries over United States manufacturers; and

"(10) contain other appropriate information relating to the results of the investigation under subsection (a).

"(c) Definitions.—As used in this section, the term 'financial services institution' means—

"(1) a broker, dealer, underwriter, clearing agency, transfer agent, or information processor with respect to securities, including government and municipal securities;

"(2) an investment company, investment manager, investment adviser, indenture trustee, or any depository institution, insurance company, or other organization operating as a fiduciary, trustee, underwriter, or other financial services provider;

"(3) any depository institution or depository institution holding company (as such terms are defined in section 3 of the Federal Deposit Insurance Act); and

"(4) any other entity providing financial services.".

SEC. 406. CONFORMING AMENDMENTS SPECIFYING THAT NATIONAL TREATMENT INCLUDES EFFECTIVE MARKET ACCESS.

(a) Quadrennial Reports on Foreign Treatment of United States Financial Institutions.—Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5352) is amended—

(1) in paragraph (3), by striking "and securities companies" and inserting ", securities companies, and investment advisers"; and

(2) by adding at the end the following: "For purposes of this section, a foreign country denies national treatment to United States entities unless it offers them the same competitive opportunities (including effective market access) as are available to its domestic entities.".

(b) Negotiations To Promote Fair Trade in Financial Services.—Section 3603(a)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5353(a)(1)) is amended by inserting "effective" after "banking organizations and securities companies have".

(c) Primary Dealers in Government Debt Instruments.—Section 3502(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (22 U.S.C. 5342) is amended—

(1) by striking "does not accord to" and inserting "does not offer";

(2) by inserting "(including effective market access)" after "the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country"; and

(3) by striking "as such country accords to" and inserting "as are available to".

TITLE V—EFFECTIVE DATES

SEC. 501. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), this Act shall take effect on October 20, 1990.

(b) Special Rules.—(1) No action taken by the President or the President's designee between October 20, 1990, and the date of enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(2) Title IV of this Act takes effect on the date of enactment of this Act.

(3) The acquisition policies required by this Act shall be incorporated as part of the Federal Acquisition Regulation within 270 days after enactment. Such policies shall apply to solicitations issued 60 days after such regulations are issued.

(4) No report under section 107(f) of the Defense Production Act of 1950 (as added by section 111 of this Act) shall be required before January 31, 1993.●

By Mr. BUMPERS (for himself, Mr. Pryor, Mr. Kasten, Mr. Exon, Mr. Dole, Mr. Kohl, Mr. Hatch, Mr. Harkin, Mr. Cochran, Mr. Reid, Mr. Lott, Mr. Heflin, Mr. Helms, Mr. Boren, Mr. Wallop, Mr. DeConcini, Mr. Gramm, Mr. Shelby, Mr. Burns, Mr. Bryan, Mr. McCain, Mr. Dixon, Mr. Bond, Mr. Breaux, Mr. Craig, and Mr. Kerrey):

S. 349. A bill to amend the Fair Labor Standards Act of 1938 to clarify the application of such act, and for other purposes; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT TECHNICAL AMENDMENTS

Mr. BUMPERS. Mr. President, the bill I am introducing today makes a technical correction to the Fair Labor Standards Act to ensure that the intent of Congress to simplify the small business exemption is restored.

Since its enactment in 1938, the Fair Labor Standards Act has provided an exemption for small businesses from Federal minimum wage coverage. Unfortunately, under current law, that exemption does not exist for all practical purposes.

During consideration of the minimum wage in 1989, the Senate agreed to increase the small business exemption from $362,500 to $500,000. The clear intention was to protect the jobs of those who work in the smallest companies from the backlash of a higher Federal wage. However, this small business exemption has inadvertently been rendered useless because of a subsequent conforming amendment.

How did this happen? The bill to increase the minimum wage in the 100th Congress—June 19, 1988—contained an increase in the small business threshold. Legislation introduced in the 101st Congress—January 25, 1989—also contained the $500,000 small business exemption. Then, during committee consideration on March 8, 1989, 9 months after the committee had agreed to the new $500,000 threshold, a conforming amendment was accepted to delete section 13(a) (2) and (4) of the Fair Labor Standards Act.

Our understanding was that this amendment would ensure that the higher small business threshold applied uniformly to all industries. But the actual result of the amendment is that the new law requires coverage of individual employees in otherwise exempt businesses if these individuals engage in interstate commerce. The new exemption is therefore meaningless and has placed additional burdens on these companies.

Small companies must now determine on a weekly basis which employees engaged in interstate commerce activities. Job descriptions in the smallest companies are likely to be very broad. Employees in these businesses typically engage in many different activities on the job, so the weekly determination of their coverage will be a nightmare for the owner who is also likely to be the manager, the bookkeeper, and the payroll clerk. For example, when I owned a hardware and furniture store in Arkansas, I ordered the appliances, sold them, delivered them, installed them, and hoped I could pay my bills.

Employers have no guidelines on precisely what constitutes interstate commerce, and most can't afford a lawyer to advise them. A wrong guess could result in charges of noncompliance as well as back pay and penalties.

Determining whether an employee delivered mail to the local post office, unloaded a truck which has brought goods across State lines, or accepted a credit card—not just every month, but every week—would be a paperwork nightmare.

We have, without intending to do so, given small businesses an exemption which is meaningless and which has added to their problems. Congress intended to exempt small companies from coverage in an effort to employ more people in that sector.

Now we have, in reality, taken away that exemption without debating the issue thoroughly. The impact of eliminating the language in the Fair Labor Standards Act has had an impact contrary to congressional intent.

My amendment to the Fair Labor Standards Act has been drawn as narrowly as possible. It is not my intention to reopen the act. This amendment does not modify the equal pay, sheltered workshops, or industrial homeworker protections of the act. My intention is only to make sure that the exemption actually applies across the board to the smallest companies and to make sure that employers do not eliminate jobs because of a situation we never envisioned.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION . APPLICATION OF FAIR LABOR STANDARDS ACT OF 1938.

(a) MINIMUM WAGE.—

(1) SPECIAL INDUSTRY COMMITTEES.—Section 5(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 205(a)) is amended—

(A) by striking the phrase "engaged in commerce or in the production of goods for commerce, or employed in any enterprise engaged in commerce or in the production of goods for commerce" each time that it appears and inserting in lieu thereof each time the following: "who are: (i) engaged in industrial homework subject to 11(d) and are either (A) engaged in commerce or (B) engaged in the production of goods for commerce; or (ii) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(2) MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking the phrase "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting in lieu thereof the following: "who in any workweek is: (i) engaged in industrial homework subject to 11(d) and is either (A) engaged in commerce or (B) engaged in the production of goods for commerce; or (ii) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(3) WAGE ORDERS.—Section 8(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 298(a)) is amended by striking out "employers in American Samoa engaged in commerce or in the production of goods for commerce or" and inserting in lieu thereof "employers in American Samoa".

(b) MAXIMUM HOURS.—Paragraphs (1) and (2) of section 7(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(a)) are each amended by striking the phrase "who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce" and inserting in lieu thereof the following: "who in any workweek is: (i) engaged in industrial homework subject to 11(d) and is either (A) engaged in commerce or (B) engaged in the production of goods for commerce; or (ii) employed in an enterprise engaged in commerce or in the production of goods for commerce".

(c) SEX DISCRIMINATION.—Paragraphs (1) and (2) of section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) are each amended by inserting after "employees subject to any provisions of this section" the following: "or employees engaged in commerce or in the production of goods for commerce".

(d) HANDICAPPED WORKERS.—Section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)) is amended by inserting after "injury" the following: "and who are engaged in commerce or in the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3 of the Fair Labor Standards Amendments of 1989.

Mr. PRYOR. Mr. President, I am pleased to speak in support of the bill being offered by my good friend and fellow Arkansan, Senator BUMPERS. His bill will restore a key small business provision to the minimum wage law which was enacted in 1989.

It is appropriate and understandable that Senator BUMPERS address this matter given his role as chairman of the Small Business Committee. As always, the senior Senator from Arkansas is vigilant in assuring that small businesses are given a fair shake.

Mr. President, I view this amendment as merely a technical correction that would restore to small businesses an exemption that was originally intended by Congress but inadvertently denied.

Prior to the recent minimum wage increase, the small business exemption, also known as the enterprise test, had a threshold of $362,500. When Congress adopted the minimum wage increase last year, this exemption was upped to $500,000. However, through an unintended deletion of a section of the Fair Labor Standards Act [FLSA], all businesses that had employees engaged in interstate commerce would be covered in full by the FLSA. This means that these employees would be required to be paid the new minimum wage rates of $3.80 this year and $4.25 by next year. While these rates may not seem high, to a mom and pop enterprise operating on a razor thin profit margin, it could be the final wave that takes them under.

This seemingly innocuous omission in wording has in effect precluded almost all small businesses from qualifying for the exemption Congress obviously intended. If any of my colleagues have any doubt about congressional intent, all they have to do is go back and read the RECORD during the debate. Both proponents and opponents laud the small business exemption.

So congressional intent is very clear yet small business is unable to take advantage of the exemption. Why? Because, the Department of Labor has stated that such mundane tasks as unloading trucks that have crossed State lines or processing credit card charges constitutes interstate commerce. I think most everyone would acknowledge that it would be almost impossible to operate any type of business without engaging in some form of interstate commerce. I do not fault DOL for enforcing the law, that is their job. It is Congress that must go back and make the necessary technical correction so its intent is clear to all.

This brings us to the amendment being offered by my esteemed fellow Arkansan, Senator BUMPERS. His amendment very simply clarifies FLSA language to assure small businesses are able to use the exemption we originally had intended them to use.

I believe many of my colleagues supported a minimum wage increase in large part because it provided for an exemption for small businesses. While I did not predicate my vote on the bill based solely on this provision, I was very supportive of its inclusion.

I applaud Senator BUMPERS' effort to clear up this apparent oversight and hope my colleagues will join in support.

Mr. KASTEN. Mr. President, I rise in support of this important legislation which is critical to America's small businesses. Moreover, I want to commend Senator BUMPERS for his leadership on this issue and indicate that I am looking forward to working with him on the Small Business Committee to promote other legislation that will help the small businesses of this country.

The main purpose of the minimum wage bill signed into law in 1990 was to increase the Federal minimum wage to a level of $4.25 per hour by April 1991. The law also raised the enterprise coverage test for businesses from $350,000 annually—$362,500 in the case of retail and service firms—to $500,000. This change was intended not only to help small businesses avoid increased labor costs associated with a higher minimum wage but also to relieve them of the burden of understanding a myriad of confusing tests to determine applicability of the Fair Labor Standards Act.

Instead of broadening the exemption for small businesses, however, conforming amendments to the bill actually applied the law to small retail and service establishments which had been exempt from minimum wage and overtime pay requirements since 1938. So any employee who in any way is engaged in interstate commerce, is for the first time subject to minimum wage and overtime pay requirements regardless of the size of the business.

The practical effect of this change is to wipe out the threshold increase for small businesses. Unless this bill is passed, small retail and service establishments will now be faced with the administrative burden of determining each week whether any of their employees have actually engaged in interstate commerce, or in other words, engaged in trade, commerce, transportation, communication, and on and on.

Translated into real-life terms, here is an example of the nightmarish scenario that would face these small businesses. A mom and pop grocery store in Cable, WI would have to determine each week whether the stock person unloaded a truck, or the cashier answered a telephone call from out of State, or someone handled a sale paid with a credit card issued by an out-of-State bank. The employer would have to keep records of these transactions, trying to figure out whether to pay an employee overtime for going to the post office after hours to pick up an out-of-State letter.

It is clear from the legislative history surrounding the 1989 minimum wage amendments that this result was never intended. The committee report clearly stated that the small businesses whose total volume of sales of business done is less than $500,000 would no longer be covered. And much of the floor debate in both the House and the Senate indicated that the so-called conforming amendments were intended to strengthen the small business exemption.

I urge my colleagues to support the passage of this bill to make sure that small businesses do not have to eliminate jobs in order to comply with provisions that Congress never intended to adopt.

By Mr. KOHL (for himself and Mr. GRASSLEY):

S. 350. A bill to amend the Federal Deposit Insurance Act to include foreign deposits and nondeposit liabilities in the assessment base; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL DEPOSIT INSURANCE FAIR ASSESSMENT ACT

• Mr. KOHL. Mr. President, today I rise to introduce the Federal Deposit Insurance Fair Assessment Act. This legislation is a response to a simple inequity in current Federal regulations: right now the FDIC fully insures the dollar deposits in foreign offices of failed U.S. banks—but it does not charge one cent to those banks for the coverage. My bill would require the FDIC to change that policy and assess insurance premiums on foreign deposits.

My bill also would allow the FDIC to assess premiums on nondeposit liabilities—sophisticated financial instruments used mostly by large banks. Like foreign deposits, these are often covered by deposit insurance, but not charged premiums.

Now this may seem like a fairly narrow, theoretical, perhaps even hypothetical problem. It isn't. It is all too real.

The current policy of providing insurance without charging premiums has created an inequity that threatens the competitive position and, in some cases, the existence of small community, neighborhood banks.

The impact of that inequity was clearly demonstrated by the FDIC's recent bailout of two banks—the National Bank of Washington [NBW] here in the District of Columbia and the Freedom National Bank in Harlem. In the case of NBW, the FDIC decided that its $1.1 billion in deposits made it "too-big-to-fail." That means the FDIC determined that, if the bank closed and only explicitly covered deposits were paid back, the stability of the national banking system would be threatened.

So, the FDIC arranged to cover all NBW deposits. That included $37 million in deposits in NBW office in the Bahamas and $215 million in nondeposit liabilities. These two classes of deposits were covered even though NBW never paid a penny in insurance premiums on them.

Three months after the NBW failure, the Freedom National Bank also went down. With only $91 million in deposits, the FDIC did not consider this institution to-big-to-fail, and deposits over $100,000 were only partially reimbursed. Freedom National's failure has been an enormous loss to the community of Harlem and to many of that bank's large depositors—the United Negro College Fund and the National Urban League, to name just two.

Though the loss of Freedom National is tragic, the inequity that the loss highlights is infuriating. Because it was too small and too community oriented to have money in overseas offices or in sophisticated deposit instruments, Freedom National paid insurance premiums on almost 100 percent of its deposit base. Yet Freedom National received insurance coverage on much less than that.

The National Bank of Washington paid no insurance premiums on its deposits in the Bahamas or on its $215 million in nondeposit liabilities. Yet, when NBW went down, those deposits were covered without argument and without exception.

In a State like Wisconsin, where I believe the FDIC would find no bank too-big-to-fail, our banks pay insurance premiums on almost 100 percent of their deposit base. Contrast that with the Nation's largest nine banks. They hold 51 percent of their deposits in overseas offices. In other words, these big banks pay insurance premiums on less than half of their deposit base, yet they, and their clients, can be confident that 100 percent of their deposits are covered. Community banks in Wisconsin pay a proportionately higher price for less insurance coverage.

And Wisconsin is not unique. I would guess that the vast majority of my colleagues in the Senate represent States in which the vast majority of the banks are small community banks—banks not large enough to open offices in the Bahamas or to hire lawyers to devise creative ways to shield deposits from FDIC premium assessments.

I would also guess that most of my colleagues' constituents use these community banks to hold their savings, their mortgages, and their business receipts. These are the banks that keep credit flowing to local enterprises and families.

It is amazing to me that, despite the importance of community banks to the financial life of our towns and constituents, we have allowed a deposit insurance system to develop that puts community banks at a disadvantage vis a vis their large competitors. How can we continue to justify this blatantly unfair policy?

The simple answer is, we can't. And the simple solution is in my bill: the FDIC ought to charge banks for the insurance they receive.

This solution seems even more sensible in light of recent reports on the weakness of the bank insurance fund. According to CBO, the BIF could be insolvent by the end of this year. William Seidman, chairman of the FDIC, has said the fund needs a $25 billion capital infusion.

According to estimates done by the Independent Bankers Association of America, my legislation would bring $1.2 billion into the fund in 1991 alone. By eliminating the current, inequitable system, we would also raise money for the ailing BIF and perhaps even avoid another taxpayer bailout. In short, my bill rights a wrong and raises money. How many pieces of legislation can you say that about?

Mr. President, fixing the unfairness in our current deposit insurance system must be central to any banking law reform we undertake this year. The current inequity built into the system has put community banks at a dangerous disadvantage. By enacting the Federal Deposit Insurance Fair Assessment Act expeditiously, we can go a long way to erase that disadvantage and that danger.

I ask unanimous consent that the text of the Federal Deposit Insurance Fair Assessment Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Deposit Insurance Fair Assessment Act".

SEC. 2. DEFINITION OF DEPOSIT.

Section 3(l)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1813(l)(5)) is amended—

(1) by inserting ", including non-deposit liabilities," after "such other obligations"; and

(2) by striking "the following" and all that follows through the end of subparagraph (B) and inserting "obligations to a Federal Reserve Bank or a Federal Home Loan Bank shall not be deposits for any of the purposes of this chapter or be included as part of the total deposits or of an insured deposit.".

SEC. 3. FOREIGN DEPOSITS INCLUDED IN ASSESSMENT BASE.

Section 7(b)(5)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(5)(B)) is amended by striking all through "except" and inserting the following:

"(B) any deposits or other obligations which would constitute deposits under section 3(l), and which are received in any office of the depository institution, except". •

• Mr. GRASSLEY. Mr. President, I am pleased to be a cosponsor of the bill introduced by the distinguished Senator from Wisconsin. His leadership on this issue is notable not only in the 102d Congress, but also in the 101st.

Our bill will simply create equity in the banking industry by assessing deposits held in foreign branches of U.S. banks for the insurance protection they are now provided. The bill also allows the FDIC to include nondeposit liabilities in its insurance assessment base.

My commitment to equity in the banking industry is not new. While recent actions by the Federal Deposit Insurance Corporation make this issue especially poignant now, I have long been dismayed with the favorable treatment provided to big banks that is categorically denied to smaller banks. Not only are community banks unable to receive the same benefits, but they ultimately end up paying for the perks enjoyed by big banks.

There are two basic and indisputable reasons why the FDIC should assess deposits in foreign branches of American banks and other liabilities which are not deposit-based.

The first reason is simple fairness. Foreign deposits are currently getting insurance protection without having to pay for it. Depositors in community banks, however, are denied similar protection should their bank fail. The second reason is that assessing foreign deposits will generate much needed revenue for the insurance fund itself. The FDIC projects it will lose $5 billion by the end of this year. FDIC Chairman Bill Seidman further estimates the fund will require an infusion of at least $5 billion in 1991 and as much as $25 billion over the next 5 years.

As I have already stated, the current system is unfair to small banks. By the very nature of the business they do in main street America, the largest share of their liabilities are in domestic deposits, and thus subject to the ever-increasing deposit insurance fee.

Regional banks, on the other hand, are uniquely able to diversify their business into foreign branches and nondeposit liabilities. The FDIC confirms that 51 percent of the deposits of America's nine largest banks are in foreign markets. Mr. President, under the too big to fail policy of the FDIC, this means that big banks are receiving 100 percent protection and paying for only 49 percent of it!

I realize the current economic situation in the real estate industry is taking its toll on many banks in the Northeast section of the country.

But when the Midwest farm economy took a nose dive in the early and middle 1980's, rural banks were allowed to fail in record numbers. Just in my State of Iowa, 39 banks were closed in the period from 1982 to 1988.

While I am very thankful that no Iowa banks have closed in the last 2 years, every depositor with accounts exceeding $100,000 in those 39 banks had to take a loss. Mr. President, we are not talking about rich people here. We are talking about churches, charitable organizations, and retired persons.

I am proud that the rural banks, and their communities, were able to pull themselves out of the economic crisis of the 1980's. But their survival did not happen without lots of pain and misery for lots of people.

I do have sympathy for the banks and depositors now facing economic travesty. But I do not believe that they should receive unlimited assistance from the Federal Deposit Insurance Corporation, assistance that is ultimately financed by the banks which received no assistance a few years earlier.

The current system is unfair and costly to community bankers. And that cost is going up. In 1990 banks were assessed 8.3 cents for every $100 in deposits. This year it is up to 19.5 cents, and next year it is going to go up to 23 cents.

Why is this rate going up? Because more big banks will fail and use up the reserves in the FDIC. These higher bank costs are necessarily passed on to bank customers through lower interest rates on deposits and higher rates on loans.

Less than a week ago, Chairman Seidman said that even with the increase in the assessment rate, the bank insurance fund, now $9 billion, will drop to $4 billion by the end of this year, and to less than $2.5 billion by the end of 1992. And these estimates assume that the recession will end by the middle lof the year.

If the recession continues into next year, the FDIC reserves will be totally depleted by the end of this year and will be $5.8 billion in the hole by the end of 1992. Chairman Seidman estimates that the fund will need an extra $5 billion this year, on top of the insurance premiums it will take in, to handle the anticipated failure.

The Congressional Budget Office conservatively estimates that assessing foreign deposits will bring in $2.16 billion over 5 years to the fund, about 10 percent of what Mr. Seidman estimates the FDIC will need tor that period. Obviously assessing foreign deposits will not provide all of the needed revenue for bank failures, but it will reduce the amount by which community bankers must subsidize them.

The statutory goal for the Bank Insurance Fund is $1.25 in the insurance fund for every $100 of domestic deposits. Right now the fund is at about 70 cents for every $100—nearly half of the goal. If we acknowledge the increased exposure to the insurance fund with the $312 billion in foreign deposits which are insured de facto, the ratio would be even lower.

Mr. President, the bank insurance fund is in trouble, and if we have learned anything from the savings and loan debacle, we have to take action now.

In a nation which prides itself on fairness, we ought not be treating big banks better than smaller banks. This legislation will make things more equitable for the community banks—banks that are the lifeblood of our small towns and cities.●

By Mr. METZENBAUM (for himself, Mr. D'AMATO, Mr. KENNEDY, Mr. LUGAR, Mr. ADAMS, Mr. COATS, Mr. SHELBY, Mr. BURDICK, Mr. HATFIELD, Mr. ROCKEFELLER, Mr. INOUYE, and Mr. AKAKA):

S. 351. A bill to provide participants in private pension plans which were terminated before September 1, 1974, the nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; to the Committee on Labor and Human Resources.

PENSION RESTORATION ACT

Mr. METZENBAUM. Mr. President, I am introducing today a bill to partially compensate an estimated 46,000 individuals who lost vested pension benefits when their plans terminated with insufficient funds prior to the enactment of the Employee Retirement Income Security Act of 1974. These are the people whose losses led to the passage of ERISA and the establishment of a Federal private pension insurance program. The Pension Restoration Act of 1991 would right the wrong done to these people 17 years ago when they were left out of the protection of ERISA.

Prior to ERISA, the obligation of employers to pay earned pension benefits was limited to the assets in the pension plan. If the employer contributed insufficient assets to pay promised benefits there was no insurance fund to back up the employer's promise if the employer went out of business or terminated the plan. The retirees lost the benefits they had worked a lifetime to earn. A Labor Department study in 1972 found that 13,000 plans did not have sufficient funds to pay vested benefits.

Starting in 1974, ERISA's pension insurance program assured pension plan participants that their basic benefits would be paid by the Pension Benefit Guaranty Corporation should the plan collapse. Forty million people are now protected by the PBGC Program, but that program does not protect the very people whose tragic loss of vested benefits motivated Congress to enact ERISA and create the PBGC.

These people include the 500 retirees at the Studebaker plant in South Bend, IN, who reported to work on December 9, 1963 only to discover that they had lost not only their jobs but their pensions. Most of these people had worked a lifetime for Studebaker counting on their pension benefits. As Odell Newburn, the president of UAW Local No. 5 has testified, "suddenly their world dropped from under them."

Other pension losers were robbed of their hard-earned retirement dollars after years of work for such companies as Tandy Hickock in New York, White House Department Stores in California, American Cynamid Explosive Co. in Pennsylvania, Shoe Company of America in Wisconsin and Sterling Aluminum Produce Company in Missouri.

In 1974, there were 115,000 pre-ERISA pension losers who had lost vested benefits. Today, less than half survive. Most are very old, and poor. Mr. President, I believe that these surviving pre-ERISA pension losers deserve most modest compensation 17 years after they were left out of the law which they caused to be enacted.

Mr. President, 46,000 of the original 115,000 pre-ERISA vested pension losers are alive today to benefit from this legislation which would provide them a modest $75 a year for each year that they worked under a pension plan. A retiree who worked 20 years under a plan would receive $1,500 a year. His surviving widow would receive half that amount. Payments would be made once a year beginning with the effective date of the legislation.

The cost of the program would be less than $50 million in 1990 to compensate an estimated 26,674 retirees and 14,392 widows and widowers. This cost would decrease over time. In 1999, there would be 34,000 beneficiaries at a cost of $41.5 million.

The program would be paid for entirely by the investment returns of the PBGC trust funds. These funds are not included in the Federal budget and thus the bill has no impact on the Federal deficit. No increase in current premium levels would be necessary. The PBGC would administer the program.

Mr. President, the Pension Restoration Act of 1991 is long overdue. Most of the pension losers are now very old, many are desperately poor. Like Hazel Sharp, now nearly 90 years old and in a nursing home, they have stretched all the stretch out of their meager Social Security payments. This bill should be enacted as a matter of fairness and justice. I urge my colleagues to support the Pension Restoration Act of 1991.

I ask by unanimous consent the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Restoration Act of 1991".

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) STATE; UNITED STATES.—The terms "State" and "United States" have the meanings set forth in paragraph (10) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(2) EMPLOYER; PARTICIPANT; BENEFICIARY; NONFORFEITABLE; DEFINED BENEFIT PLAN.—The terms "employer", "participant", "beneficiary", "nonforfeitable", and "defined benefit plan" have the meanings set forth in paragraphs (5), (7), (8), (19), and (35), respectively, of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(3) EARLY TERMINATED PLAN.—The term "early terminated plan" means a defined benefit plan—

(A) which is described in subsection (a) of section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) and is not described in subsection (b) of that section, and

(B) the termination date of which (as determined by the Corporation) was before September 1, 1974.

(4) QUALIFIED PARTICIPANT.—The term "qualified participant" means an individual who—

(A) was a participant in an early terminated plan maintained by an employer of such individual, and

(B) as of immediately before the termination of the plan had a nonforfeitable right to benefits under the plan.

(5) QUALIFIED SPOUSE.—The term "qualified spouse" means an individual who is the widow (within the meaning of section 216(c) of the Social Security Act (42 U.S.C. 416(c)) or the widower (within the meaning of section 216(g) of such Act (42 U.S.C. 416(g)) of a qualified participant.

(6) CORPORATION.—The term "Corporation" means the Pension Benefit Guaranty Corporation.

SEC. 3. ENTITLEMENT TO ANNUITY.

(a) ENTITLEMENT OF QUALIFIED PARTICIPANT.—

(1) IN GENERAL.—A qualified participant is entitled, upon approval under this Act of an application therefor, to an annuity computed under section 4(a).

(2) COMMENCEMENT.—The annuity of a qualified participant commences on the day after the later of—

(A) the effective date set forth in section 12, or

(B) the date on which the qualified participant attains 65 years of age.

(3) TERMINATION.—The annuity of a qualified participant and the right thereto terminate at the end of the last calendar month preceding the date of the qualified participant's death.

(b) ENTITLEMENT OF QUALIFIED SPOUSE.—

(1) IN GENERAL.—A qualified spouse is entitled, upon approval under this Act of an application therefor, to an annuity computed under section 4(b).

(2) COMMENCEMENT.—The annuity of a qualified spouse of a qualified participant commences on the latest of—

(A) the effective date set forth in section 12,

(B) the first day of the month in which the qualified participant dies, or

(C) if the qualified participant dies before attaining 65 years of age, the first day of the month in which the qualified participant would have attained such age but for the qualified participant's death.

(3) TERMINATION.—The annuity of a qualified spouse and the right thereto terminate at the end of the last calendar month preceding the date of the qualified spouse's death.

SEC. 4. COMPUTATION OF ANNUITY.

(a) QUALIFIED PARTICIPANT'S ANNUITY.—The annuity computed under this subsection (relating to a qualified participant) in connection with any early terminated plan is equal to the excess (if any) of—

(1) the product derived by multiplying $75 by the number of years of service of the qualified participant under the plan, over

(2) the annual amount which would be necessary to amortize in level amounts over 10 years the sum of—

(A) any lump sums paid to the qualified participant from the plan in connection with the termination, and

(B) the actuarial present value (determined, as of the effective date set forth in section 12, under the assumptions used by the Corporation for purposes of section 4044 of the Employee Retirement Income Security Act of 1974) of pension benefits under the plan (if any) to which the qualified participant retains a nonforfeitable right under the plan.

(b) QUALIFIED SPOUSE'S ANNUITY.—The annuity computed under this subsection (relating to the qualified spouse of a qualified participant) in connection with an early terminated plan is equal to the excess (if any) of—

(1) 50 per centum of the amount determined under paragraph (1) of subsection (a) in connection with such qualified participant, over

(2) the annual amount which would be necessary to amortize in level amounts over 10 years the sum of—

(A) any lump sums paid to the qualified spouse from the plan in connection with the termination, and

(B) the actuarial present value (determined, as of the effective date set forth in section 12, under the assumptions used by the Corporation for purposes of section 4044 of the Employee Retirement Income Security Act of 1974) of pension benefits under the plan (if any) to which the qualified spouse retains a nonforfeitable right under the plan.

SEC. 5. APPLICATIONS.

(a) REQUIREMENTS.—An application for an annuity under this Act in connection with an early terminated plan shall be approved if—

(1) the application includes evidence sufficient to establish that the applicant is a qualified participant or qualified spouse in connection with such plan, or

(2) the evidence included in the application, together with such evidence as the applicant may request the Corporation to consider pursuant to subsection (c), establishes that the applicant is a qualified participant or a qualified spouse in connection with such plan.

(b) APPLICATION FORMS.—The Corporation may by regulation prescribe application forms which may be used by applicants for purposes of subsection (a). Any such forms prescribed by the Corporation shall be made available to the public by the Corporation.

(c) SPECIFIC MATTERS.—In considering applications for annuities under this Act, the Corporation shall consider, on the request of an applicant or the applicant's representative, in addition to any other relevant evidence—

(1) a comparison of employment and payroll records which were maintained under chapter 21 of the Internal Revenue Code of 1986 (relating to Federal Insurance Contributions Act) or under the Social Security Act (42 U.S.C. 301 et seq.) with records maintained by the Internal Revenue Service relating to the qualification status of trusts forming part of a stock bonus, pension, or profit-sharing plan under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to pension, profit sharing, stock bonus plans, etc.), and

(2) records maintained under the Welfare and Pension Plans Disclosure Act of 1958.

(d) PROCEDURES FOR INITIAL DETERMINATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, in making initial determinations regarding applications for annuities under this Act, the Corporation shall follow the procedures prescribed by the Corporation for—

(A) initial determinations of benefit entitlement of participants and beneficiaries under plans to which section 4021 of the Employee Retirement Income Security Act of 1974 applies, and

(B) determinations of the amount of guaranteed benefits of such participants and beneficiaries under title IV of such Act.

(2) NOTICES OF DENIAL.—The Corporation shall send any individual whose application under this Act is denied by the Corporation pursuant to an initial determination a written notice of the denial. Such notice shall include the reason for the denial and shall set forth the procedures required to be followed in order to obtain review under this Act.

SEC. 6. ADMINISTRATIVE APPEALS.

(a) IN GENERAL.—Any individual whose application for an annuity under this Act is denied pursuant to an initial determination by the Corporation is entitled to—

(1) a reasonable time, but not less than 60 days after receipt of the written notice of denial described in section 5(d)(2), to request a review by the Corporation and to furnish affidavits and other documentary evidence in support of the request, and

(2) a written decision and the specific reasons therefor at the earliest practicable date.

(b) PROCEDURES.—Except as otherwise provided in subsection (a), in reviewing initial determinations regarding applications for annuities under this Act, the Corporation shall follow the procedures prescribed by the Corporation for requesting and obtaining administrative review by the Corporation of determinations described in subparagraphs (A) and (B) of section 5(d)(1).

SEC. 7. JUDICIAL REVIEW.

(a) IN GENERAL.—Any individual, after any final decision made under section 6, irrespective of the amount in controversy, may obtain judicial review of the decision by a civil action commenced under this section within 180 days after the mailing to the individual of notice of such decision or within such further time as the Corporation may allow.

(b) VENUE.—Any action commenced under this section shall be brought in the district court of the United States for the judicial district in which the plaintiff resides or in the United States District Court for the District of Columbia.

(c) RECORD.—As part of any answer by the Corporation, the Corporation shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based.

(d) JUDGMENT.—The court shall enter, upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision, with or without remanding the case for a rehearing.

(e) REMANDED CASES.—

(1) AUTHORITY TO REMAND TO THE CORPORATION.—The court shall, on the motion of the Corporation made before the Corporation files its answer, remand the case to the Corporation for further action by the Corporation. The court may, at any time, on good cause shown, order additional evidence to be taken before the Corporation.

(2) RECONSIDERATION ON REMAND.—The Corporation shall, after the case is remanded, and after hearing such additional evidence if so ordered—

(A) modify or affirm the earlier findings of fact or decision, or both, under section 6, and

(B) file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which the Corporation's action in modifying or affirming was based.

(f) FINAL JUDGMENT.—The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions.

SEC. 8. PAYMENT OF ANNUITIES.

(a) FORMS OF PAYMENT.—

(1) YEARLY PAYMENTS.—Each annuity payable under this Act shall be payable as an annual amount.

(2) RETROACTIVE LUMP-SUM PAYMENTS.—Any individual whose claim for an annuity under this Act is approved after the date on which the annuity commences under subsection (a)(2) or (b)(2) of section 3 shall be paid the total amount of the annuity payments for periods before the date on which the claim is approved in the form of a lump-sum payment.

(b) CASES OF INCOMPETENCY.—Payment due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or the claimant's estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who is responsible for the care of the claimant, and the payment bars recovery by any other person.

(c) DIVORCES, ETC.—

(1) ALTERNATIVE PAYEES.—Payments under this Act which would otherwise be made to a person under this Act shall be made (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) NOTIFICATION REQUIREMENTS.—Paragraph (1) shall only apply to payments made by the Corporation under this Act after the date of receipt by the Corporation of written notification of such decree, order, or agreement, and such additional information and documentation as the Corporation may prescribe.

(3) COURT.—As used in this subsection, the term "court" means any court of any State.

(d) INALIENABILITY.—Amounts payable under this Act are not assignable, either in law or equity, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal law.

(e) FORGIVENESS.—Recovery of payments under this Act may not be made from an individual in any case in which the Corporation determines that the individual is without fault and recovery would be against equity and good conscience.

SEC. 9. INTERAGENCY COORDINATION AND COOPERATION.

(a) IN GENERAL.—The Corporation may make such arrangements or agreements with other departments, agencies, or establishments of the United States for cooperation or mutual assistance in the performance of their respective functions under this Act as are necessary and appropriate to avoid unnecessary expense and duplication of functions.

(b) USE OF FACILITIES.—The Corporation may use, as appropriate, on a reimbursable or other basis, the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision thereof, including the services of any of its employees, with the lawful consent of such department, agency, or establishment.

(c) COOPERATION.—

(1) IN GENERAL.—Each department, agency, or establishment of the United States shall cooperate with the Corporation and, to the extent necessary and appropriate, provide such information and facilities as the Corporation may request for its assistance in the performance of the Corporation's functions under this Act.

(2) AVAILABILITY OF RECORDS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide the Corporation with such records, determined by the Corporation to be necessary to carry out the purposes of this Act, as the Corporation may request.

(3) AVAILABILITY OF CONFIDENTIAL TAX RETURNS AND RETURN INFORMATION.—Section 6103(l) of the Internal Revenue Code of 1986 (relating to use of returns and return information for purposes other than tax administration) is amended by adding at the end of paragraph (2) the following new sentence: "Returns and return information shall be open to inspection by or disclosure to officers and employees of the Corporation whose official duties require such inspection or disclosure for the purpose of, but only to the extent necessary in, considering such returns and return information pursuant to section 5(c)(1) of the Pension Restoration Act of 1991, except that such inspection or disclosure shall be permitted only upon written request which sets forth the specific reason or reasons why such inspection or disclosure is necessary and which is signed by the head of the bureau or office of the Corporation requesting the inspection or disclosure.".

SEC. 10. REGULATIONS.

The Corporation shall, before the effective date set forth in section 12, prescribe the initial regulations necessary to carry out the provisions of this Act. Regulations under this Act shall be prescribed by the Corporation in consultation, as appropriate, with the Secretary of the Treasury and the Secretary of Health and Human Services.

SEC. 11. PROGRAM FUNDING.

(a) PAYMENT.—The Corporation shall use moneys from the appropriate revolving funds established under section 4005 of the Employee Retirement Income Security Act of 1974 to carry out its functions under this Act.

(b) TRANSFERS FROM TRUST FUNDS.—The Corporation shall transfer to the revolving funds described in subsection (a) from the trust funds consisting of assets of terminated plans and employer liability payments amounts equal to the amounts needed to carry out its functions under this Act.

SEC. 12. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act shall take effect 60 days after the date of the enactment of this Act.

(b) SPECIAL RULE.—The provisions of sections 10 and 11 shall take effect on the date of the enactment of this Act.

Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of legislation that will compensate a small and seemingly forgotten group of older Americans. I am referring to those 46,000 individuals nationwide who, through no fault of their own, had their pensions terminated between the years 1942 and 1974. Unfortunately, these older Americans were not covered under the Employee Retirement Income Security Act of 1974 [ERISA] and thus have not been able to collect any of their vested pension benefits. The bill that Senator METZENBAUM and I are introducing will once and for all correct this inequity.

As we all know, until ERISA, an employee essentially gambled that upon retirement, his or her benefits would be available. However, when a pension fund became insolvent, the worker was the one to lose. Since ERISA was enacted in 1974, workers have had their basic benefits guaranteed by the Pension Benefit Guarantee Corporation. Tragically, the very people that touched off the battle to establish ERISA are not covered by its umbrella. This is wrong.

The bill we are introducing today is virtually the same bill that I introduced in the 97th, 98th, and 99th Congresses. It is about time that we offer some semblance of financial security to the remaining pre-1974 pension losers—most of whom are very old, and with little money. Our bill would compensate each individual $75 a year for each year worked under a pension plan. Thus, a retiree within 10 years would receive $750 a year; 20 years would get $1,500 a year. Any surviving spouse would receive half the amount. All would be made in one lump sum payment per year. Also, the PBGC would administer and pay for the program without an increase in premiums. This is expected to cost less than $50 million and will only decrease over the coming years.

I cannot stress enough the urgency of this legislation. These "pension losers" need not suffer anymore than they already have. For all of these people we must enact this legislation as a measure of fairness to them. I urge my colleagues to join us in supporting this bill.

Mr. KENNEDY. Mr. President, I am pleased to be a sponsor of the Pension Restoration Act, which will require the Pension Benefit Guaranty Corporation [PBGC] to provide modest pension benefits to workers who never received the pension benefits they were promised by their employers because their pension plans were terminated prior to the enactment of the Employee Retirement Income Security Act [ERISA].

If an employer today is unable to meet its pension obligations, PBGC takes over the obligations and pays the benefits. However, because the ERISA provisions creating the PBGC were made retroactive only to July 1, 1974, workers whose plans were terminated prior to that date—and whose plight was what led to the enactment of the statute—were left unprotected. The number of these pre-ERISA "pension losers" is estimated at 46,000 and will continue to dwindle as the years go by.

Under the bill, retirees who were eligible for benefits at the time their plans were terminated would receive $75 a year for every year they worked under their company's plan, to a maximum of $1,500 a year; surviving spouses of eligible workers would receive half that amount. There is no provision for payment of retroactive benefits; these modest benefits will not recoup the significant benefits already lost; the retirees will receive only a small part of what they would be receiving today had their plans not been terminated. The cost of the Pension Restoration Act is estimated at $50 million for the first year and less each year thereafter.

These elderly retirees have been denied this assistance they deserve for too long. I commend Senator METZENBAUM for his continued commitment to America's workers and retirees. I also commend the Pension Losers Committee, the workers' group formed in 1972 to seek this measure of simple justice, for their perseverance. I look forward to the enactment of this legislation and urge my colleagues to support it.

By Mr. GLENN (for himself, Mr. INOUYE, and Mr. ADAMS):

S. 352. A bill to protect the rights of persons to due process of law and equal protection of the laws in guardianship proceedings; to the Committee on the Judiciary.

NATIONAL GUARDIANSHIP RIGHTS ACT

• Mr. GLENN. Mr. President, today, along with my colleagues, Senators INOUYE and ADAMS, I am introducing S. 352, the National Guardianship Rights Act of 1991. An identical bill is being introduced in the House of Representatives by Congressman EDWARD ROYBAL, chairman of the House Select Committee on Aging. The purpose of our legislation is to provide greater protection against abuse for the nearly 500,000 elderly and disabled Americans who are under guardianships.

Guardianship reform legislation was first introduced by the late Honorable Claude Pepper, chairman of the House Select Committee on Aging's Subcommittee on Health and Long-Term Care, which issued a report, "Abuses in Guardianship of the Elderly and Infirm: A National Disgrace." The findings of this report, along with an extensive investigation by the Associated Press, make it clear that action is needed to reform the process by which guardians are appointed and to monitor the activities of guardians of behalf of their wards.

Being under guardianship means that a person's legal rights, possessions, and decisionmaking power have been transferred to another person because a court, usually a local probate court, has determined the person is unable to handle his or her own affairs. Guardianship is an important protection for those who truly need such far-reaching assistance, but growing concern about the problems and abuses with our current guardianship systems highlights the importance of requiring, at the least, Federal minimum standards to be applied in all guardianship proceedings.

It is also important to point out that many States have already taken the lead in reforming their guardianship laws, and many of the recommendations contained in our legislation are taken from the best practices found throughout the country. I am proud that my own State of Ohio has enacted a guardianship law, now in effect, which improves the criteria used to determine incapacity, requires periodic reviews of guardianships, and provides for limited guardianships to meet individual circumstances.

The legislation we are introducing today addresses many of the problems that have been documented with regard to guardianships, including the following:

Lack of notification to an individual that someone is petitioning the court to have a guardian appointed for that individual;

Use of advanced age as a significant criteria for a finding of incapacity and issuance of a guardianship order;

Lack of consideration of medical evidence in determining incapacity;

No requirement that an alleged incapacitated individual be present when a guardianship proceeding takes place;

No standards for becoming a guardian; and

Lack of oversight of the actions taken by guardians.

The National Guardianship Rights Act of 1991 establishes Federal requirements so that all States must provide due process protections in guardianship proceedings, in accordance with the 14th amendment to the U.S. Constitution. This will ensure that a potential ward is aware of the court proceeding, is informed that he or she has the right to be present and to be represented by court-appointed counsel, and has the right to an evaluation by an independent professional guardianship evaluation team to assess functional ability and the need for assistance. The bill also establishes rights regarding the appointment of competent and trained guardians; provides for appeals and reconsiderations of determinations of incapacity; and requires court supervision of guardians and periodic investigations of the well-being of persons under guardianship.

Guardianship is an important issue—one that is tied to our concern about long-term care for the disabled and for our growing elderly population, particularly the very old. Many of these people may need some assistance because they are in very poor physical or mental health. However, their autonomy and independence should not be taken from them without very good justification and without due process. And when guardians are appointed, there should be an assurance that they are highly qualified and that their actions will be monitored to ensure that they are in the best interests of the person they have been appointed to protect.

The National Guardianship Rights Act of 1991, legislation which sets Federal minimum standards to combat problems and abuses surrounding guardianship proceedings and guardianships, addresses these important issues. I urge consideration and passage of this bill by my colleagues in the 102d Congress.

Mr. President, I ask that the full text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 352

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Guardianship Rights Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) DENIAL OF CONSTITUTIONAL PROTECTIONS.—Thousands of individuals in the United States are being denied, through the imposition of guardianship orders, due process of law and equal protection of the laws as guaranteed under the 14th amendment to the Constitution of the United States.

(2) REMOVAL OF RIGHTS.—Individuals in the United States subject to guardianship orders typically retain fewer rights than are retained by convicted felons, since most guardianship orders remove from the individual basic rights such as the rights to vote, own property, marry, consent to medical treatment, and contract.

(3) SEVERITY OF ACTION AGAINST INDIVIDUAL.—A guardianship order is one of the most severe legal actions that can be taken against an individual in the United States and involves restricting or removing the rights of an individual, often without the individual being present or having the benefit of legal representation.

(4) DIFFICULTY OF DISSOLUTION.—While a guardianship order can be secured with relative ease, the dissolution of a guardianship order is often very difficult, leaving protected persons vulnerable to abuse and with little means of recourse to address their grievances.

(5) LACK OF PROTECTION UNDER STATE LAW.—State laws generally have failed to provide adequate protections against unwarranted and overly restrictive guardianship orders, appointment of unfit guardians, and abusive practices by guardians, as illustrated by the following:

(A) NOTICE OF GUARDIANSHIP PROCEEDING.—Many States routinely allow waiver of notice to the alleged incapacitated individual that someone is petitioning the court to have a guardian appointed for the individual. Moreover, notice to the alleged incompetent individual is often meaningless because the nature of the proceeding and the rights of the individual are not explained to the alleged incompetent individual.

(B) ADVANCED AGE AS BASIS FOR INCAPACITY.—In 18 States, the advanced age of an individual is sufficient cause for a finding of incapacity and issuance of a guardianship order.

(C) MEDICAL EVIDENCE OF INCAPACITY.—Only 10 States require consideration of medical evidence of the incapacity of an individual before the individual may be determined to be legally incapacitated and subject to a guardianship order.

(D) PRESENCE AT PROCEEDING.—Only 16 States require that an alleged incapacitated individual be present when a guardianship proceeding takes place.

(E) STANDARDS FOR GUARDIANS.—No State has minimum standards of experience, education, or intelligence for becoming a guardian.

(F) PROHIBITION ON FELONS AS GUARDIANS.—Only 7 States prohibit convicted felons from being appointed as guardians.

(G) OVERSIGHT OF GUARDIANSHIP ORDERS.—Courts that issue guardianship orders rarely conduct any followup check regarding the orders.

(H) REPORT BY GUARDIANS.—Twenty-two States lack a requirement that the guardian file an annual report regarding the well-being of the protected person.

(I) ACCOUNTING BY GUARDIANS.—Nineteen States lack a requirement that the guardian provide an annual accounting of the assets of the protected person.

(6) NECESSITY OF CONGRESSIONAL ACTION.—Because many States have violated the prohibition of the 14th amendment to the Constitution of the United States against deprivation of the life, liberty, or property of any person without due process of law by allowing the deprivation of personal liberty and lack of control of the property of an individual resulting from a finding of incapacity, it is necessary for the Congress to establish national standards for the protection of the rights of alleged incapacitated individuals.

(b) PURPOSE.—The purpose of this Act is to enforce the guarantee of the 14th amendment to the Constitution of the United States that no State shall deprive any person of life, liberty, or property, without due process of law, as relates to alleged incapacitated individuals, by establishing national standards for the protection of alleged incapacitated individuals and guardianship proceedings involving alleged incapacitated individuals.

SEC. 3. BASIC RIGHTS OF ALLEGED INCAPACITATED INDIVIDUALS.

(a) RIGHT TO NOTICE.—An alleged incapacitated individual and the family of an alleged incapacitated individual shall have the right to be promptly notified that a guardianship petition commencing a guardianship action has been filed and to be fully informed of the potential legal consequences of the filing, as follows:

(1) SERVICE.—

(A) ALLEGED INCAPACITATED INDIVIDUAL.—Notice of a guardianship proceeding shall be personally served on the alleged incapacitated individual not less than 30 working days before the proceeding.

(B) FAMILY OF ALLEGED INCAPACITATED INDIVIDUAL.—Notice of a guardianship proceeding shall be personally served or served by mail, not less than 30 working days before the proceeding, on any spouse, custodian, proposed guardian, adult son or daughter, and parent of the alleged incapacitated individual (if their locations are known or readily determinable).

(2) CONTENTS.—Notice under this subsection shall include the following:

(A) DATE, TIME, AND PLACE OF PROCEEDING.—A statement of the date, time, and place of the guardianship proceeding.

(B) DEFENSE RIGHTS OF ALLEGED INCAPACITATED INDIVIDUAL.—A clear and easily readable statement explaining each of the rights of the alleged incapacitated individual that are established in sections 3 and 4.

(C) TRANSFER OF LEGAL RIGHTS.—A detailed explanation of the potential legal effects on the alleged incapacitated of a guardianship order and a listing and explanation of each of the legal rights of the alleged incapacitated individual that could be restricted or transferred to a guardian by a guardianship order, including, if applicable, the rights to—

(i) marry or divorce;

(ii) vote or hold elected office;

(iii) enter into a contract or make or revoke a will;

(iv) sue and be sued, other than through the guardian;

(v) appoint an agent;

(vi) personally apply for government benefits;

(vii) possess a license to drive;

(viii) own, buy, sell, mortgage, or lease property;

(ix) determine where to reside;

(x) consent to or refuse medical treatment;

(xi) determine who shall provide personal care or assistance;

(xii) travel; and

(xiii) make decisions regarding social environment and other social aspects in the life of the individual.

(3) PROHIBITION OF WAIVER.—An alleged incapacitated individual may not waive the right to notice under this subsection.

(b) RIGHT TO CONVENIENT FORUM.—An alleged incapacitated individual shall have the right to have a guardianship action brought in the county in which the alleged incapacitated individual resides unless the court orders the action to be brought in another specified county. The court may enter an order under this subsection only upon a finding that extreme hardship or prejudice will result to the alleged incapacitated individual unless the action is brought in another specified county, pursuant to a motion by the party alleging incapacity or the alleged incapacitated individual.

(c) RIGHT TO PRESENCE AT PROCEEDING.—

(1) PRESENCE UNLESS INABILITY TO ATTEND.—An alleged incapacitated individual shall have the right to be present at all guardianship proceedings relating to the alleged incapacitated individual unless both of the following occur:

(A) DISABILITY.—The alleged incapacitated individual is unable by disability to attend.

(B) DISABILITY ESTABLISHED.—The inability of the alleged incapacitated individual to attend is established by the independent professional guardianship evaluation team appointed by the court under subsection (e), if the alleged incapacitated individual requested an evaluation team under subsection (e).

(2) LOCATION OF HEARING.—The court may, in the case of an alleged incapacitated individual whose inability to attend a guardianship proceeding has been established under paragraph (1)(B), conduct the guardianship proceeding at the location of the alleged incapacitated individual.

(d) RIGHT TO COUNSEL.—

(1) IN GENERAL.—An alleged incapacitated individual shall have the right to be rep-

resented by counsel in a guardianship proceeding. A guardianship proceeding may not be held without counsel for the alleged incapacitated individual unless the alleged incapacitated individual waives the right to counsel under paragraph (4).

(2) COURT-PROVIDED COUNSEL.—An alleged incapacitated individual shall have the right to have the court provide counsel to represent the alleged incapacitated individual when the alleged incapacitated individual is unable to obtain representation by other means. Counsel shall be provided not less than 20 working days before the guardianship proceeding.

(3) ROLE OF COUNSEL.—Counsel for the alleged incapacitated individual shall act as an advocate for the individual, and shall advise the alleged incapacitated individual in a manner likely to be understood by the individual of all legal options available in a guardianship action and the consequences of such options. Counsel shall zealously advocate the option selected by the alleged incapacitated individual. Counsel shall not act in the role of guardian ad litem of the alleged incapacitated individual.

(4) WAIVER.—The alleged incapacitated individual may waive the right to be represented by counsel only if the alleged incapacitated individual is present at the guardianship proceeding and the waiver is knowing and voluntary.

(e) RIGHT TO INDEPENDENT PROFESSIONAL GUARDIANSHIP EVALUATION TEAM.—

(1) IN GENERAL.—An alleged incapacitated individual shall have the right, upon the request of the alleged incapacitated individual or counsel for the individual (not less than 20 working days before the guardianship proceeding), to have the court appoint an independent professional guardianship evaluation team to examine the alleged incapacitated individual named in the petition and report to the court regarding the alleged incapacitated individual. If requested, the court shall appoint the evaluation team not less than 15 working days before the guardianship proceeding.

(2) PROHIBITION OF INTERESTED INDIVIDUALS.—The court may not appoint to the evaluation team an individual who is related to or involved in a business relationship with any party to the guardianship action.

(3) MEMBERSHIP.—An evaluation team shall consist of the following:

(A) PSYCHIATRIST OR PHYSICIAN.—Not less than 1 licensed psychiatrist or other physician who is skilled in evaluating the particular area of incapacity alleged of the alleged incapacitated individual.

(B) SOCIAL WORKER.—Not less than 1 licensed professional social worker.

(C) OTHER PROFESSIONALS.—Any other professional individuals that the court may consider appropriate, including, but not limited to geriatricians, gerontologists, nurses, community health workers, disability workers, and habilitators.

(4) EXAMINATION.—

(A) IN GENERAL.—If an evaluation team is requested under paragraph (1), each member of the evaluation team shall conduct, not later than 10 working days before the guardianship proceeding and in person, an examination of the alleged incapacitated individual. The counsel for the alleged incapacitated individual, upon request to the court, shall be entitled to notification of and presence at the examination.

(B) LOCATION.—The examination shall take place, whenever possible, at the location or usual environment of the alleged incapacitated individual.

(C) MANNER.—The examination shall be conducted, whenever possible, in a manner designed not to offend the privacy or dignity of the alleged incapacitated individual.

(5) REPORT.—If an evaluation team is requested under paragraph (1), the evaluation team shall submit (not less than 5 working days before the guardianship proceeding) to the court, the alleged incapacitated individual, and the counsel for the alleged incapacitated individual, if any, a written report explaining in detail the results of the examination. The report shall include a statement of capacity and functional limitations and capabilities of the alleged incapacitated individual and the specific behavioral manifestations that form the basis for the determination regarding the capacity.

(6) EFFECT OF FINDING ON GUARDIANSHIP ACTION.—

(A) DISMISSAL.—If the evaluation team determines, based on the evaluation under paragraph (4), that the alleged incapacitated individual is not incapacitated in any area, the court shall dismiss the guardianship action without delay.

(B) REQUIRED AMENDMENT.—If the evaluation team determines that the alleged incapacitated individual is incapacitated in any area other than the areas specified in the guardianship petition, the court shall instruct the petitioner to amend the petition accordingly. If the petition is not so amended, the court shall dismiss the guardianship action.

(7) AVAILABILITY FOR CROSS EXAMINATION.—The evaluation team shall be available at the guardianship proceeding for which the report under paragraph (5) is submitted for cross examination regarding the report if either of the following occurs:

(A) REQUEST BY INCAPACITATED INDIVIDUAL.—The alleged incapacitated individual or the attorney for the alleged incapacitated individual requests of the court that the evaluation team be available.

(B) COURT DETERMINATION.—The court, upon a determination that the availability of the evaluation team for cross examination is necessary to ensure fairness in the guardianship proceeding, calls for the availability of the evaluation team.

SEC. 4. RIGHTS AND PROTECTIONS AT PROCEEDING.

(a) RIGHT TO JURY PROCEEDING.—An alleged incapacitated individual shall have the right, upon demand of the alleged incapacitated individual or counsel for the alleged incapacitated individual, to a jury in a guardianship proceeding.

(b) GENERAL PROCEDURAL RIGHTS.—The alleged incapacitated individual shall have the right in a guardianship proceeding to the following:

(1) PRESENTING EVIDENCE.—To present evidence.

(2) CALLING WITNESSES.—To call witnesses (including expert witnesses) on the behalf of the alleged incapacitated individual.

(3) CROSS-EXAMINATION.—To cross-examine witnesses who appear at the guardianship proceeding, including witnesses called by the court.

(c) STANDARDS IN ISSUANCE OF GUARDIANSHIP ORDER.—

(1) CLEAR AND CONVINCING EVIDENCE.—An alleged incapacitated individual shall have the right not to be placed under a guardianship order, except upon a finding by clear and convincing evidence in a guardianship proceeding that—

(A) the alleged incapacitated individual is incapacitated; and

(B) no less restrictive form of intervention than the intervention ordered in the guardianship order is available to protect the incapacitated individual.

(2) INSUFFICIENT BASIS FOR DETERMINATION OF INCAPACITY.—A finding of incapacitation of an alleged incapacitated individual may not be based on the age of the alleged incapacitated individual.

(3) CONSIDERATION OF FAMILY AND FRIENDS.—In determining the need for a guardianship order, the court shall consider the existence, availability, and capabilities of social services in the community and family and friends of the alleged incapacitated individual who may provide care for the individual.

(d) LIMITED TRANSFER OF RIGHTS BY GUARDIANSHIP ORDER.—

(1) TRANSFER OF RIGHTS.—If an alleged incapacitated individual is found to be incapacitated and a guardianship order is issued, the incapacitated individual shall have the right to have the transfer of the responsibility for the care and protection of the person or the management of the estate of the incapacitated individual limited to the greatest extent possible, as follows:

(A) SCOPE.—Transfer to a guardian of the responsibility for the care and protection of the person or the management of the estate of an incapacitated individual shall be limited to matters within the areas of the incapacities of the incapacitated individual as established in the guardianship proceedings.

(B) DURATION.—Transfer of any authority to a guardian shall not be made for a longer period of time than is necessary to protect the welfare, safety, and interests of the incapacitated individual. In determining the duration for which any authority is transferred to the guardian, the court shall consider the facts of the specific case, including whether the particular incapacity involved is of a temporary or permanent nature. If at any time the purpose for which the guardianship order was issued, as stated in the guardianship order, ceases to exist, the order shall be considered to be dissolved and of no further effect.

(2) RETENTION OF RIGHTS.—An incapacitated individual shall retain the right to manage the affairs of the individual commensurate with the ability of the individual. An incapacitated individual shall retain all rights not specifically transferred by the court in the guardianship order.

SEC. 5. RIGHTS REGARDING APPOINTMENT OF GUARDIANS.

(a) RIGHT TO COMPETENT AND TRAINED GUARDIAN.—

(1) IN GENERAL.—An incapacitated person shall have the right to have a guardian who is found by the court to be of sufficient competence to perform the duties necessary to protect the interests of the incapacitated individual and of suitable character for the disposition of the duties of a guardian.

(2) TRAINING.—An individual appointed by a court to serve as guardian shall receive thorough instructions and training, prior to and during the guardianship, necessary to enable the individual to carry out the responsibilities as guardian. Instructions and training shall relate, to the greatest extent possible, to the following:

(A) FIDUCIARY DUTIES.—The fiduciary duties of the guardian.

(B) AGING PROCESS.—The process of human aging.

(C) SERVICES.—The availability of social and health services in the locality in which the incapacitated individual resides.

(D) LEAST RESTRICTIVE ALTERNATIVE DOCTRINE.—The technique of fulfilling the responsibilities as guardian in a manner that involves using the least restrictive means possible with regard to the exercise of the rights of the protected person while protecting welfare, safety, and interests of the protected person as specified in a guardianship order.

(E) ACCOUNTING AND REPORTING.—Financial accounting and the responsibilities of reporting to the court.

(b) PROHIBITION ON FELONS.—A person who has been convicted of a felony under State law or the law of the United States may not be appointed to serve as the guardian of an incapacitated individual.

SEC. 6. POSTPROCEEDING RIGHTS AND PROTECTIONS.

(a) APPEALS.—

(1) IN GENERAL.—An incapacitated individual or protected person shall have the right to appeal any determination of incapacitation or guardianship order to a State court of competent jurisdiction.

(2) INDIGENT APPELLANTS.—In any appeal under this subsection, an incapacitated individual who is unable to afford any of the following shall be provided with the following:

(A) TRANSCRIPT.—A transcript of the guardianship proceeding or of any other proceeding that may be required for the appeal to be heard.

(B) COUNSEL.—Counsel appointed by the court.

(b) RIGHT OF AUTOMATIC RECONSIDERATION.—

(1) DETERMINATION OF INCAPACITATION OR GUARDIANSHIP ORDER.—An incapacitated individual or protected person or counsel for such shall have the right at any time after the determination of incapacitation to have a prompt reconsideration by the court of the determination of incapacitation or guardianship order for the purpose of modification or dissolution upon a significant change in the status of the incapacitated individual or protected person relating to any of the areas of incapacity that were a basis for the finding of incapacitation.

(2) SELECTION OF GUARDIAN.—An incapacitated individual or protected person shall have the right at any time after the selection of a guardian to have the court reconsider its selection of the guardian and to have a guardian removed upon a showing that the guardian is not performing the duties of the guardian as required under the guardianship order or State law.

(3) EFFECT ON OTHER RECONSIDERATION RIGHTS.—The rights to reconsideration under this subsection shall not affect any other right to reconsideration provided under any Federal, State, or local law or practice.

(c) COURT SUPERVISION OF GUARDIANS.—

(1) REPORT OF GUARDIAN.—The guardian of an incapacitated individual shall report to the court that issued the guardianship order, unless supervision of the guardianship order has been transferred under subparagraph (B)(ii) or (C)(i) of paragraph (5), not less than annually regarding the financial, mental, physical, and personal status of the incapacitated individual.

(2) INITIAL ACCOUNTING OF ESTATE.—A guardian of the estate of a protected person shall file with the supervising court a full accounting of the income and assets of the protected person not later than 90 days after the issuance of the guardianship order establishing the responsibility of the guardian for the estate.

(3) REVIEW OF REPORTS.—The supervising court shall review the reports submitted by a guardian under paragraph (2) and shall take action sufficient to substantiate the reports and to correct any deficiency found. The court shall consider the removal of any guardian who fails to file reports or fails to correct, within a reasonable time, any deficiency found.

(4) INVESTIGATIONS.—The supervising court shall, not less than annually, conduct investigations of protected persons for whom the court supervises guardianship orders to determine the well-being of the persons and to evaluate compliance of the guardian with the guardianship order.

(5) ABSENCE OF PROTECTED PERSON FROM JURISDICTION OF COURT.—

(A) 30-DAY ABSENCE.—If, at any time, a protected person is or is expected to be absent from the jurisdiction of the supervising court for a period of more than 30 days, the guardian shall file a written absence report with the supervising court that includes the expected duration of the absence from the jurisdiction of the supervising court of the protected person, the address and phone number where the protected person may be contacted during the absence, and the purpose for the absence.

(B) 6-MONTH ABSENCE.—If, at any time, a protected person is or is expected to be absent from the jurisdiction of the supervising court for more than 6 months of any 12-month period, the following shall occur:

(i) ABSENCE REPORT.—The guardian shall file an absence report as described in subparagraph (A) with the supervising court.

(ii) TRANSFER OF SUPERVISION.—The court shall request that another court, in the jurisdiction in which the protected person will reside during the absence, supervise the guardianship order during the absence.

(iii) REPORT TO SUPERVISING AND NEW COURT.—The guardian shall file a report of the status of the protected person and the activities of the guardian and the protected person during the period of the guardianship order with the supervising court and the court in the jurisdiction in which the protected person will reside.

(C) 12-MONTH ABSENCE.—If, at any time, a protected person is or is expected to be absent from the jurisdiction of the supervising court for a period of more than 12 months or guardian proposes to permanently remove the protected person from the jurisdiction, the following shall occur:

(i) TRANSFER OF SUPERVISION.—The guardian shall petition the supervising court to have the supervision of the guardianship order transferred to a court in the jurisdiction in which the protected person will reside.

(ii) REPORT TO NEW COURT.—The guardian shall report to the court provided for in clause (i) under the terms of the guardianship order.

SEC. 7. DEMONSTRATION OF STATE COMPLIANCE.

(a) STATE IMPLEMENTATION PLANS.—

(1) IN GENERAL.—Each State shall demonstrate compliance with this Act by submitting to the Attorney General, not less than once every 2 years, a State implementation plan.

(2) INITIAL STATE IMPLEMENTATION PLAN.—Each State shall submit to the Attorney General, not later than 1 year after the date of the enactment of this Act, a State implementation plan.

(3) REQUIREMENTS OF PLAN.—The Attorney General shall determine by regulation the contents of the State implementation plan, which shall include the following:

(A) CERTIFICATION OF COMPLIANCE.—Certification that the State has taken action sufficient to ensure that the State complies with this Act.

(B) DESCRIPTION OF COMPLIANCE.—A detailed description of the actions of the State taken to comply with each provision of the Act.

(C) STATE GUARDIANSHIP LAWS.—A statement of the State laws regarding guardianship proceedings.

(D) COURT INVESTIGATIONS.—A summary of the results of court investigations within the State under section 6(c)(4), including the number and type of deficiencies reported and the anticipated schedule for reducing the number of deficiencies in the State.

(b) ENFORCEMENT.—

(1) WITHHOLDING OF FEDERAL FUNDING.—

(A) IN GENERAL.—Whenever the Attorney General finds that there has been a failure to comply substantially with any provision of this Act, the Attorney General shall, after notifying the State, withhold any payments or portions of payments to be made to the State under Federal law for administrative costs relating to the provision of services or amounts to be paid to elderly and disabled persons. Until the Attorney General is satisfied that there is no longer any failure to comply with the provisions of this Act, no further such payments or portions of payments may be made.

(B) NONWITHHOLDING OF DIRECT FUNDS.—Payments or portions of payments to States withheld under paragraph (1) may not include amounts to be paid to elderly and disabled persons or amounts for direct services provided to elderly and disabled persons.

(C) EFFECT OF WITHHOLDING.—Withholding of payments or portions of payments for administrative costs relating to the provision of services or amounts to be paid to elderly and disabled persons under paragraph (1) shall not effect the availability and delivery of such services or amounts.

(D) DEFICIENCIES AS FAILURE TO COMPLY.—Failure to reduce the number of deficiencies found under section 6(c)(3) within a reasonable time may be considered a failure to comply substantially with the provisions of this Act.

(E) APPEAL OF FINDING OF NONCOMPLIANCE.—The Attorney General shall establish by regulation a process for a State that has been found under subparagraph (A) to have failed to comply substantially with any provision of this Act to appeal the finding of noncompliance.

(2) FEDERAL COURT ENFORCEMENT.—If the Attorney General or United States Attorney for the appropriate judicial district finds a consistent pattern of noncompliance with the terms of this Act by a State, the Attorney General or United States Attorney may bring suit in an appropriate district court of the United States to require the State to comply with the provisions of this Act.

SEC. 8. GRANTS TO STATES FOR COMPLIANCE.

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Attorney General may make grants under this section to States for the purpose of enabling compliance by States with the provisions of this Act. Grants under this section may be used for the following:

(1) PROVIDING COUNSEL AND EVALUATION TEAMS.—To provide counsel and evaluation teams for alleged incapacitated individuals.

(2) TRAINING GUARDIANS.—To provide training for guardians of alleged incapacitated individuals as required by this Act.

(3) TRAINING COUNSEL AND JUDGES.—To provide training for counsel for alleged incapacitated individuals and judges in guardianship proceedings regarding this Act.

(4) MODEL GUARDIANSHIP MATERIALS.—To develop model materials for orientation and training of guardians.

(b) INELIGIBILITY FOR GRANTS.—A State may not receive a grant under this section if the Attorney General finds a consistent pattern of noncompliance with the terms of this Act by the State.

(c) APPLICATION AND SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—To receive a grant under this section, a State shall submit an application to the Attorney General in accordance with the requirements established by the Attorney General.

(2) SELECTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Attorney General shall establish criteria for the selection of States to receive grants under this section.

(B) PREFERENCE FOR INNOVATIVE PROGRAMS.—In selecting States to receive grants under this section, the Attorney General shall give preference to States that will use the grants for innovative programs designed to maximize the use of State and local resources to comply with the provisions of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) ALLEGED INCAPACITATED INDIVIDUAL.—The term "alleged incapacitated individual" means an individual who is subject to a guardianship action under State law.

(2) EVALUATION TEAM.—The term "evaluation team" means the independent professional guardianship evaluation team appointed under section 3(e).

(3) GUARDIAN.—The term "guardian" means a person who has been appointed by a court to have responsibility for the care and protection of the person or the management of the estate of the incapacitated individual, as specified in a guardianship order.

(4) GUARDANSHIP ACTION.—The term "guardianship action" means an action to declare an individual incapacitated or to transfer the responsibility for the care and protection of the person or the management of the estate of an incapacitated individual to a guardian. The term does not include an action to transfer the exercise by a separate individual of the responsibility for the care and protection of the person or the management of the estate of a minor.

(5) GUARDIANSHIP ORDER.—The term "guardianship order" means any order by a court in a guardianship action to transfer the responsibility for the care and protection of the person or the management of the estate of an incapacitated individual to a guardian. The term does not include any order by a court in a proceeding related to the exercise by a separate individual of the responsibility for the care and protection of the person or the management of the estate of a minor.

(6) GUARDIANSHIP PETITION.—The term "guardianship petition" means the pleading that is necessary under the applicable State law to commence a guardianship action.

(7) GUARDIANSHIP PROCEEDING.—The term "guardianship proceeding" means any court proceeding in a guardianship action related to the determination of incapacitation of an alleged incapacitated individual or to the entering of a guardianship order. The term does not include a proceeding related to the exercise by a separate individual of the right to manage the person or estate of a minor.

(8) INCAPACITATED.—The term "incapacitated" means an inability of an individual to effectively manage the person or estate of the individual because the individual lacks the mental or physical capacity to do so due to illness, disability, or other incapacitation.

(9) INCAPACITATED INDIVIDUAL.—The term "incapacitated individual" means an alleged incapacitated individual who has been determined in a guardianship proceeding to be incapacitated.

(10) PROTECTED PERSON.—The term "protected person" means an incapacitated individual for whom a guardianship order has been entered.

(11) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other possession of the United States.

(12) SUPERVISING COURT.—The term "supervising court" means a court that is supervising the guardianship order relating to a protected person and to which the guardian reports under section 6(c)(1).

(13) WORKING DAY.—The term "working day" means any day that is not a Saturday, Sunday, or legal public holiday (as defined in section 6103(a) of title 5, United States Code).

SEC. 10. LIMITATION ON FEDERAL COURT JURISDICTION.

This Act may not be construed to grant to any court of the United States (as defined in section 451 of title 28, United States Code) any jurisdiction in any guardianship action that is not provided or allowed under Federal law on the date of the enactment of this Act.

SEC. 11. PERMISSIBILITY OF ADDITIONAL STATE LAW PROTECTIONS.

This Act may not be construed to preclude or supersede any Federal, State, or local law that imposes requirements of additional or more extensive protections for incapacitated or alleged incapacitated individuals that do not conflict with the requirements of this Act.

SEC. 12. TIME OF COMPLIANCE.

Each State shall comply with the provisions of this Act before the expiration of the 1-year period beginning on the date of the enactment of this Act.•

By Mr. JEFFORDS (for himself, Mr. METZENBAUM, Mr. REID, Mr. LIEBERMAN, Mr. D'AMATO, Mr. LEVIN, Mr. MOYNIHAN, Mr. GORE, and Mr. CHAFEE):

S. 353. A bill to require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes, and for other purposes; to the Committee on Labor and Human Resources.

WORKERS' FAMILY PROTECTION ACT

• Mr. JEFFORDS. Mr. President, in the 1980's, we passed or reauthorized legislation to clean up our Nation's dump sites, waters, and air. We've focused considerable attention on radon, on asbestos, on lead, and on chemicals in our food such as alar. You would think we'd evaluated every environmental risk there is. Unfortunately, Mr. President, this is not the case.

We spend considerable amounts of money on remediating hazardous waste sites even when there is no known exposure. The EPA issues regulations to protect the public which will cost millions of dollars per health effect prevented. Meanwhile, we are neglecting the exposure of our children and spouses to toxic chemicals right in their own homes.

Right now, as I speak, workers in our Nation's industries are unknowingly bringing home toxic chemicals from their place of employment. Lead, mercury, pharmaceuticals, and even radionuclides have been carried home by workers on their clothing where exposure to their families occurs.

I am not talking about a hypothetical problem, but a real problem. In my home State of Vermont, both lead and mercury have been tracked home. In both Vermont incidents, elevated levels of toxics were found in the children of several of the workers. Similar incidents have occurred in the recent past in North Carolina, South Carolina, and Tennessee among other States. Right now, the Agency for Toxic Substances and Disease Registry is investigating similar incidents in North Carolina and Michigan.

The bill I am introducing today with many of my colleagues is designed to prevent future such incidents from occuring. The first step in this process is to increase awareness of the problem. In the 1970's, workers homes were contaminated with lead from smelters. Regulations to prevent future such incidents were issued as a result.

Science and our understanding of toxicology has come a long way since the 1970's. Last year, the Senate Environment and Public Works Committee held a hearing on the effects of chemicals such as lead or mercury. These compounds and others can cause permanent damage to the nervous system. Worse yet, as we learned in this hearing, many more chemicals than we know about may cause similar health effects. Therefore, it is vitally important that we protect the most sensitive of us, our children, from exposure to these chemicals.

Our country's workers deserve not only personal protection, but also protection of their families. We need to reexamine this problem again in light of our current state-of-the-art. We also need to examine the effects of home contamination on the families. Workers' families have reported feeling raped by the contamination. Their families have been ostracized because their friends are afraid they may catch the contamination. The parents suffer incredible anxiety worrying about whether or not their children have been permanently hurt. It's terrible that not only must our workers worry about whether they will have a job in the future, but also if their job will harm their families.

This bill requires the National Institute for Occupational Safety and Health [NIOSH] to sponsor research into the causes and effects of past incidents of home contamination. The resulting studies will help us determine the extent of the problem. Once we determine the extent of the problem, this bill would require the Occupational Safety and Health Administration to issue regulations to prevent future such incidents. Then, hopefully, our families will be safe.●

Mr. REID. Mr. President, I join my colleague, Senator JEFFORDS, in the introduction of the Workers' Family Protection Act of 1990. The insidious link between hazardous chemicals and substances present in the workplace, resulting in contamination of workers' homes, translates into a real health threat to significant numbers of American workers.

The Subcommittee on Toxic Substances, Environmental Oversight, Research and Development of the Environment and Public Works Committee held hearings on worker exposure to toxic chemicals in the aerospace industry. Workers were not only adversely affected by toxic substances while on the job, but were also transporting hazardous chemicals home on their clothing and their person. This may have humorous overtones when watching Homer Simpson coming home with his back pack glowing. When listening to a woman testify that she cannot remember the ages of her children, or in another instance, a woman who was driving with her windshield completely covered and did not realize it, the humor soon dissipates. The stark realization that there is a serious and imminent health hazard takes over.

And in the recent hearings I chaired in that same subcommittee on Wednesday, October 3, Dr. Peter Spenser, the Director for the Center for Research on Occupational and Environmental Toxicology, testified that prolonged exposure in the workplace constituted a significant threat to the health of the workers involved. Yet, the data compiled by the Office of Technology Assessment [OTA] strongly suggests that the National Institute for Occupational Safety and Health [NIOSH] has conducted few studies on neurotoxic effects of the chemical substances in the workplace. In fact, OTA suggested that, "given the magnitude of the problem of exposure to neurotoxic substances in the workplace, the present level of effort will not ensure an adequate database to support the anticipated needs of the Occupational Safety and Health Administration."

Attempts are being made to address the problem of toxic substances in the home and workplace on a broad front. I have introduced legislation to reduce the threat of lead poisoning. Lead is an extremely troublesome neurotoxic substance. It is ubiquitous in the environment and poses a problem in the workplace. However, the lack of input on the part of NIOSH, as well as other Federal research programs involved in the study of neurotoxic chemicals and their link to neurodegenerative diseases, is inhibiting the overall effort to identify, define, and operationalize effective responses to the alarming problem of neurotoxicity.

This legislation will be an important step toward advancing the research being done on the relationship between toxic substances and the adverse effects they are known to have on Americans in the workplace.

By Mr. KASTEN:

S. 354. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Storm; to the Committee on Finance.

S. 355. A bill to amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of mortgages for veterans of Operation Desert Storm; to the Committee on Finance.

VETERANS OF OPERATION DESERT STORM HOMEOWNERSHIP LEGISLATION

● Mr. KASTEN. Mr. President, I rise today to introduce legislation that would make sure that the brave men and women called to duty in the Persian Gulf receive the same State housing benefits that their predecessors from World War II, the Korean war and the Vietnam war enjoyed.

My legislation—the Veterans of Operation Desert Storm Homeownership Act of 1991—would amend the Internal Revenue Code of 1986 to permit mortgage revenue bond financing of home mortgage loans for veterans of Operation Desert Storm.

Two weeks ago, we enacted the Desert Storm Tax Relief Act—an important measure which gave our troops in the Persian Gulf some much deserved tax relief.

But it is important that we recognize that this move is only a first step. I think we ought to make sure that our young men and women of Operation Desert Storm also get the benefits they deserve when they eventually come home. In fact, my bill is designed to make it easier for them to own a home when they return.

Current law does not permit certain States to issue bonds to make home loans to veterans discharged after January 1, 1977—following the Vietnam era. This limitation on veterans mortgage bonds was enacted in the Deficit Reduction Act of 1984.

Congress decided to limit tax-exempt bond funding for these veterans mortgages because it was concerned about the rising volume of bonds being used by a number of States—and therefore about the potential tax revenue loss for the U.S. Treasury.

The issuance of these bonds was cut back to amounts based upon previous volume levels and limited to only those veterans who had served on active duty prior to January 1, 1977. The 1984 act also limited the issuing of those bonds to the five States that were currently participating in this tax-exempt bond program: Wisconsin, California, Texas, Alaska, and Oregon.

Specifically, my legislation would include in the definition of qualified veterans all American service men and women serving in the theatre of hostilities as determined by the President since August 2, 1990.

One version of my legislation would amend the Tax Code to permit tax-exempt State bonding for mortgage loans to Operation Desert Storm veterans living in one of the five aforementioned States. These States were the only ones participating in the program prior to June 22, 1984.

Even though not all 50 States participated in tax-exempt bond funding programs prior to 1984, I believe that my colleagues may wish to extend this measure to veterans of their home States. For this reason, I am also introducing a second piece of legislation today which will allow every State to provide this program to veterans of Operation Desert Storm and prior wars should they so desire.

Once again, the brave young men and women of the Armed Services have taken up the challenge of defending America's ideals. To those who have heeded this call, we as a nation owe the same respect as was shown to veterans of past conflicts. My home ownership bill is an important step in this direction.

I ask unanimous consent that the full text of the bills be included in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORTGAGE REVENUE BOND FINANCING OF MORTGAGES FOR VETERANS OF OPERATION DESERT STORM.

(a) IN GENERAL.—Subsection (1) of section 143 of the Internal Revenue Code of 1986 (relating to additional requirements for qualified veterans' mortgage bonds) is amended—

(1) by striking all matter preceding paragraph (5) and inserting the following:

"(1) ADDITIONAL REQUIREMENTS FOR QUALIFIED VETERANS' MORTGAGE BONDS.—

"(1) VETERANS TO WHOM FINANCING MAY BE PROVIDED.—An issue meets the requirements of this subsection only if each mortgagor to whom financing is provided under the issue is a qualified veteran.

"(2) QUALIFIED VETERAN.—

"(A) IN GENERAL.—For purposes of this subsection, the term "qualified veteran,' means any veteran—

"(i) who served on active duty—

"(I) at some time before January 1, 1977, or

"(II) in Operation Desert Storm, and

"(ii) who applied for the financing before the date 30 years after the last date on which such veteran left such active duty.

"(B) OPERATION DESERT STORM.—For purposes of this paragraph, the term 'Operation Desert Storm' means Operation Desert Storm, Operation Desert Shield, or any related military operation, beginning on August 2, 1990, and ending on the date of the termination of any such operation as determined by the President.", and

"(2) by redesignating paragraph (5) as paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after August 1, 1990.

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORTGAGE REVENUE BOND FINANCING OF MORTGAGES FOR VETERANS OF OPERATION DESERT STORM.

(a) IN GENERAL.—Paragraph (4) of section 143(l) of the Internal Revenue Code of 1986 (relating to additional requirements for qualified veterans' mortgage bonds) is amended to read as follows:

"(4) QUALIFIED VETERAN.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified veteran' means any veteran—

"(i) who served on active duty—

"(I) at some time before January 1, 1977, or

"(II) in Operation Desert Storm, and

"(ii) who applied for the financing before the date 30 years after the last date on which such veteran left such active duty.

"(B) OPERATION DESERT STORM.—For purposes of this paragraph, the term 'Operation Desert Storm' means Operation Desert Storm, Operation Desert Shield, or any related military operation, beginning on August 2, 1990, and ending on the date of the termination of any such operation as determined by the President.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after August 1, 1990.•

By Mr. THURMOND (for himself, Mr. SIMPSON, Mr. LEAHY, Mr. HATCH, Mr. GRASSLEY, Mr. BOND, Mr. COCHRAN, Mr. DECONCINI, and Mr. HEFLIN):

S. 356. A bill to assure fairness in the allocation and award of antitrust damages; to the Committee on the Judiciary.

ANTITRUST CLAIM REDUCTION ACT OF 1991

• Mr. THURMOND. Mr. President, the Antitrust Claim Reduction Act of 1991, which I am introducing today, relates to claim reduction in antitrust cases. It provides for the reduction of a plaintiff's total claim against multiple defendants, by the amount of damages attributable to any defendant who settles and, in a horizontal agreement case, that is, a case involving competitors at the same distribution level, by the amount of damages attributable to any coconspirator who was not sued.

As many of my colleagues are aware, I have been a consistent supporter of this legislation. As I noted in the last Congress when I introduced an identical bill, antitrust claim reduction is designed to more fairly allocate damages in antitrust suits so that antitrust defendants will be more likely to pay their fair share of any damages awarded. It is meant to remedy the abuse of what is commonly known as whipsaw tactics by relieving defendants who do not settle, of the liability for injury attributable to defendants who do settle, and coconspirators who are not sued. This insures equitable allocation of responsibility among joint violators of the antitrust laws.

A simple example will best illustrate the problem. Suppose there is a claim that antitrust violations have occurred in an industry with five companies, each with a 20-percent market share. Suppose also that the estimated damages, if proven, would amount to $20 for each defendant before trebling, or $60 per defendant after trebling. Total liability for all defendants would be $100, or $300 after trebling. If three of the defendants settle for actual damages, the remaining liability for the two defendants is $300 minus the $60 settlement, or $240. If four of the defendants settle, the remaining one defendant is liable for $300 minus the settlement of $80, or $220, 11 times the estimated actual damages.

No matter how convinced of innocence the remaining defendant may be, the litigation exposure is so large that there is no practical alternative but to settle. This is the settlement whipsaw, and there is a general consensus that it is unfair.

There are some who have argued that claim reduction will decrease the deterrent force of the private antitrust remedies system. However, in my view, the opposite is clearly the case. Antitrust claim reduction will help insure that all participants in a conspiracy will be held accountable for at least some damages, and probably damages more closely approximating the proportionate share caused by each conspirator. The current system of incentives that allows some defendants to escape liability entirely, or on the basis of disproportionately low settlements, encourages some defendants to believe that they will not have to pay their fair share. This act makes it more likely that all antitrust violators will be held accountable for damages, while at the same time, it reduces the unfair whipsaw settlement pressure.

Mr. President, I am pleased to be joined in the introduction of this legislation by a number of my colleagues on both sides of the aisle. I urge all my colleagues to strongly support this legislation in the same bipartisan fashion.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"SECTION 1. This Act may be cited as the "Antitrust Claim Reduction Act of 1991."

"SEC. 2. The Clayton Act (15 U.S.C. 12 et seq.) is amended by inserting immediately after section 4H the following new section:

"SEC. 41. (a)(1) The court shall reduce the claim under section 4, 4A, or 4C of this Act of any claimant releasing any person from liability or potential liability for such claim by the greatest of: (1) any amount stipulated for this purpose; (2) the consideration paid for the release; or (3) the actual damages fairly allocable to the person being released from liability or potential liability (or treble such actual damages to the extent such claim is for treble damages) and any interest on such actual damages under section 4, 4A, or 4C of this Act.

"(2) In any action under section 4, 4A, or 4C of this Act based on a contract, combination, or conspiracy among competitors, the court shall conclusively presume that any person whose sales or purchases would otherwise be included in a calculation of damages based on overcharges or underpayments has been released from liability or potential liability if it has not been joined as a defendant and if it is established by the defendant that such person is legally and practically available as a party to the action to recover such damages.

"(b) For purposes of subsection (a):

"(1) Where the claim is based upon a price-fixing agreement among competitors and damages are sustained by reason of overcharges or underpayments resulting from such agreement, damages shall be allocated on the basis of each such competitor's proportionate share of the total of all such competitors' overcharges or underpayments.

"(2) With respect to all other claims, damages shall be allocated on the basis of relative responsibility for the origination or perpetuation of the violation for which damages are being awarded and the benefits derived therefrom, unless the court determines that a more equitable result would be achieved by allocating damages by the method used in paragraph (b)(1).

"(c) Nothing in this section shall affect the joint and several liability of any person for any claim under the antitrust laws, and nothing in this section shall affect whether or not an action may be maintained as a class action under rule 23(b) of the Federal Rules of Civil Procedure.".

EFFECTIVE DATE

SEC. 3. The provisions of this Act shall apply to all actions commenced under section 4, 4A, or 4C of the Clayton Act after the date of enactment of this Act.•

By Mr. REID (for himself and Mr. BRYAN):

S. 357. A bill to convey fee title to Pershing County Water Conservation District, certain Federal lands known as the Battle Mountain Community Pastures, in recognition that the land was initially acquired by the district and subsequently transferred to the United States for the Humboldt River Project; to the Committee on Energy and Natural Resources.

BATTLE MOUNTAIN PASTURE RESTORATION ACT OF 1991

• Mr. REID. Mr. President, in 1934 the U.S. Bureau of Reclamation started work on what we now know as the Rye Patch Dam Project on the Humboldt River.

In the process of developing this important water resource project, several ranches were purchased from private lands to obtain the land and water-rights needed for the construction of irrigation works and acquisition of water. In addition to the purchase and acquisition of water-rights, the acreage of two ranches were purchased—about 30,000 acres.

The Pershing County Water Conservation District of Nevada was consequently formed prior to the approval and authorization of the project, to manage the project and be responsible for the repayment obligation according to reclamation law.

Therefore, the title for the above-mentioned lands, water-rights and Rye Patch Dam are now held in the name of the United States. It has always been understood by all interested parties that title would continue in the name of the United States until repayment for the project was completed.

In the past there has been little particular concern by the Water Conservation District about acquiring title to the lands in question because they were always told by the Bureau of Reclamation that they could obtain ownership (title), to the lands once the obligations for repayment were made.

Mr. President, the Pershing County Water Conservation District completed the water transfers required by the State of Nevada, with the Nevada State Engineers Office in 1956. They completed the repayment to the United States Government in 1978. The title to the lands and water-rights both still remain in the name of the United States.

Because the conveying of title to the Pershing County Water Conservation District for the lands referred to in this proposed legislation required special consideration, I am proposing today to introduce legislation that will convey title of the lands referred to as the Battle Mountain Pastures, paid for by the citizens of the Water Conservation District, to the district to be used as community pasture lands. This will ensure a vital economic stability for the ranchers and livestock operations in the Lovelock Valley, who are depending on this land for summer grazing and allow them to have a livestock operation which would otherwise be impossible.

Thank you, Mr. President, and I ask unanimous consent that the complete text of the bill be printed in the RECORD.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be known as the "Battle Mountain Pasture Restoration Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS. The Congress finds that—

(1) the Rye Patch Dam (formerly known as the Humboldt Project) is a land reclamation and irrigation dam project in Pershing County, Nevada, created pursuant to the Act of June 17, 1902 (32 Stat. 388) and the National Industrial Recovery Act (48 Stat. 195);

(2) the Pershing County Water Conservation District, a quasi-political subdivision of the State of Nevada, entered into contracts in 1934 to purchase all of the lands comprising the Battle Mountain Community Pasture, consisting of approximately 29,884 acres of land, and water rights appurtenant thereto in Lander County, Nevada, consisting of a consolidation of two ranches known as the Filipini Ranch and the Aldous Ranch;

(3) the Pershing County Water Conservation District transferred all of the water rights appurtenant to the Filipini and Aldous Ranches to the Humboldt Project to provide water to make the construction of Rye Patch Dam feasible;

(4) the legislation authorizing the construction of the Humboldt Project provided that title to the Filipini Ranch and Aldous Ranch was to lie within the United States until further Act of Congress;

(5) the Pershing County Water Conservation District assigned its purchase contracts of the Filipini Ranch and the Aldous Ranch comprising the community pasture to the United States in 1934, and in 1936 conveyed the water rights to the United States as required under the terms of the Humboldt Project to make the construction of the Rye Patch Dam feasible;

(6) a repayment contract was entered into with the Department of the Interior, Bureau of Reclamation, on October 1, 1934, to provide the funds necessary for the construction of Rye Patch Dam and Reservoir and to ensure the repayment to the United States of all costs of construction and operation of the Humboldt Project;

(7) the Pershing County Water Conservation District water users have completely repaid the United States all of the costs of the Humboldt Project, including the cost of the purchase of the Aldous and Filipini Ranches, known as the Battle Mountain Community pasture;

(8) the Pershing County Water Conservation District has paid real estate taxes on the Battle Mountain Community Pasture for many years;

(9) the Battle Mountain Community Pasture continues to be required by the Pershing County Water Conservation District to ensure that the waters of the Humboldt River pass through the pasture, and are not diverted or diminished, in accordance with the terms of the transfer of the water rights as provided by the State of Nevada; and

(10) the Pershing County Water Conservation District has an immediate and continuing need for the Battle Mountain Community Pasture.

(b) PURPOSE.—The purpose of this Act is to convey to the Pershing County Water Conservation District fee title to the Battle Mountain Community Pasture in recognition that it was initially acquired by the Pershing County Water Conservation District, and subsequently transferred to the United States for the Humboldt Project, until further Act of Congress and the full repayment of the construction and acquisition costs of the Humboldt Project to the United States.

SEC. 3. CONVEYANCE.

The Secretary of the Interior shall convey to the Pershing County Water Conservation District, subject to all existing rights and interests of third parties upon, in, and over the property, and upon payment of administrative costs not exceeding $20,000 that are incurred in making the transfer, all right, title, and interest of the United States in and to the land described in section 4.

SEC. 4. DESCRIPTION.

The land referred to in section 3 of this Act is described as follows: Portions of those parcels of land described in the warranty deed between Charles S. Aldoux, et ux., and the United States dated January 17, 1935, and in the warranty deed between Filipini Ranching Company and the United States dated January 26, 1935, said lands being in the County of Lander, State of Nevada, and described as follows:

MOUNT DIABLO MERIDIAN

Township 32 North, Range 44 East

Section 1.

Township 32 North, Range 45 East

Sections 3 to 6 inclusive, sections 10 to 14, inclusive, and sections 22 to 24, inclusive; all of section 7, excepting therefrom portions of lots 3 and 4, and southwest quarter more fully described by metes and bounds as follows:

Beginning at the intersection of the centerline of the westbound land of Interstate Route 80, Project I—080-3(12)229, and the west boundary of section 7, at highway engineer's station "Bw" 241 plus 36.69 P.O.C., said point of beginning further described as bearing south 0 degrees 02 minutes 18 seconds west, a distance of 1,571.26 feet from the west quarter corner of section 7; thence north 0 degrees 02 minutes 18 seconds east, along west boundary of section 7, a distance of 379.00 feet to a point; thence south 34 degrees 02 minutes 55 seconds east, a distance of 754.84 feet to a point; thence from a tangent which bears the last described course, curving to the left with a radius of 1,500 feet, through an angle of 34 degrees 06 minutes 42 seconds, an arc distance of 893.04 feet to a point; thence south 68 degrees 09 minutes 37 seconds east, a distance of 731.06 feet to an intersection with the south boundary of section 7; thence south 89 degrees 58 minutes 33 seconds west, along said south boundary, a distance of 1,787.00 feet to the southwest corner of section 7; thence north 0 degrees 02 minutes 18 seconds east, along the west boundary of section 7, a distance of 1,071.65 feet to the point of beginning, said parcel contains an area of 20.91 acres, more or less.

Also excepting therefrom the southeast quarter of section 7. Also excepting therefrom, a strip of land having a uniform width of 30 feet, where measurable at right angles lying within 15 feet on each side of the following described centerline:

Beginning at a point in the south boundary of the northeast quarter of section 7, west, 660.0 feet distant from the east quarter corner of section 7; thence north, 513.0 feet to a point on the south bank of the Reese River, that is south 17 degrees 15 minutes west, 2,223.2 feet distant from the northeast corner of section 7, the sideline boundaries of said strip of land are to be lengthened or shortened as the case may be, so as to begin in the south boundary of the northeast quarter of section 7, and terminate on the south bank of the Reese River, said parcel contains an area of 0.35 acre, more or less.

Section 8, west half;

Section 9, northeast quarter;

Section 15, all that portion lying south of the old channel of the Humboldt River, and containing 340 acres, more or less;

Section 17, southeast quarter, except that portion thereof conveyed to C.W. Burge (deed recorded in Book 52 of Deeds, page 476, records of said Lander County) described as follows:

Beginning at a corner point numbered 1, on the east boundary of section 17, north, 1,015 feet distant from the southeast corner of section 17. Thence north (on section line), 1,625 feet to east quarter corner, section 17. Thence, same course, 1,525 feet to northeast corner numbered 2. Thence south 43 degrees 56 minutes west, 2,019 feet to west angle corner (along wagon road). Thence south 39 degrees 33 minutes east, 2,200 feet to corner numbered 1, place of beginning, containing 50.65 acres.

Section 18, northeast quarter northeast quarter, excepting therefrom, a strip of land having a uniform width of 30 feet, where measurable at right angles lying within 15 feet on each side of the following described centerline:

Beginning at a point in the east boundary of section 18, south, 1,127.9 feet distant from the northeast corner of section 18; thence entering section 18, north 30 degrees 20 minutes west, 1,306.8 feet to a point in the north boundary of section 18, west, 660.0 feet distant from northeast corner of section 18, the sideline boundaries of said strip of land are to be lengthened or shortened, as the case may be, so as to begin in the east boundary, and terminate in the north boundary of section 18, said parcel contains an area of 0.90 acre, more or less.

Section 26, north half north half, and south half northeast quarter.

Township 32 North, Range 46 East

Sections 7 to 11, inclusive, sections 15 to 18, inclusive, and section 20;

Section 1, south half;

Section 2, south half;

Section 3, south 21/40 of south half, containing 168 acres;

Section 4, south 21/40 of south half, containing 168 acres; also in section 4 all that portion of that tract of land containing 39.5 acres deeded on December 13, 1989, by J.H. Crum, and others to James Faris (deed recorded at page 151, in Book 49 of Deeds, records of said Lander County), which is not included in that certain parcel or tract of land deeded May 22, 1903, by James Faris and Annie Faris, to Southern Pacific Company (deed recorded at page 770, in Book 49 of Deeds, records of said Lander County); section 5, south 33/40 of south half, containing 264 acres; section 6, south half south half, north half southeast quarter, and north half southwest quarter (undivided one-half interest);

Section 12, north half;

Section 14, northwest quarter;

Section 19, north half;

Section 21, north half;

Section 22, north half northwest quarter, northwest quarter southwest quarter, and southwest quarter northwest quarter.

Township 32 North, Range 47 East

Section 6, north half south half.

Township 33 North, Range 44 East

Section 12, southeast quarter northeast quarter.

Township 33 North, Range 45 East

Sections 5 to 8, inclusive, sections 17 to 21, inclusive, and sections 28 to 33, inclusive;

Section 9, southwest quarter;

Section 27, southwest quarter;

Section 34, north half northeast quarter, and south half;

Section 35, southwest quarter.

Township 34 North, Range 44 East

Section 36, southwest quarter southeast quarter, and southwest quarter southwest quarter.•

By Mr. INOUYE:

S. 358. A bill to establish a temporary program under which parenteral diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes; to the Committee on Labor and Human Resources.

COMPASSIONATE PAIN RELIEF ACT

• Mr. INOUYE. Mr. President, today I am introducing legislation which is directed to relieving the suffering of a small but significant number of our citizens; patients who are terminally ill with cancer and whose pain has not been effectively mitigated with currently available medications.

For many years, the thought of cancer and its accompanying pain have sent chills of fear through all of us; likewise, the thought of heroin and its addictive qualities produces similar fears. In my judgment, we are in a position now where we can make a logical and thoughtful decision to legalize the therapeutic use of heroin for the terminally ill cancer patient suffering intractable pain while at the same time safeguarding against the diversion of the drug into illicit channels.

The legislation I am introducing today is supported by thousands of Americans and is identical to that which was sponsored by 13 of my colleagues during the 99th Congress. Furthermore, I am pleased to report that to a great extent, it reflects the evolution and thinking of our Nation's health care system as evidenced by the editorial in the January 14, 1982, issue of the prestigious New England Journal of Medicine, which urged more flexibility in the use of addictive drugs in the treatment of pain. This thinking is also present in an official statement made by the American Psychiatric Association which endorses the "principle that the effectiveness of relief of pain in terminal cancer patients should take priority over a concern about 'addiction' of the terminal cancer patient and should take priority over a concern about medication diversion to addicts." A later article in the New England Journal of Medicine of August 23, 1984, by Dr. Allen Mondzac, reviewed the unique characteristics of heroin and its valuable clinical role where it is available.

The need for this legislation is dramatic. Although over the past two decades a great deal of progress has been made in treating cancer, each year an estimated 800,000 Americans are diagnosed as having cancer, and over 400,000 die from the disease. Most of these individuals will have received competent and compassionate medical care, and many will receive adequate relief of pain. Unfortunately, the reality is also that a certain number of cancer patients do not obtain relief of pain from the current available analgesic medication—even the strongest narcotics. An NIH panel that convened in May 1986, heard testimony that 50 to 60 percent of patients with cancer pain lived the last part of their lives with unrelieved severe pain. As a minimal figure, it has elsewhere been estimated that about 20 percent of terminal cancer patients suffer significant pain.

Of this 20 percent, it has been estimated that 10 percent do not obtain relief with presently prescribed medications. In human terms, these percentages mean that as many as 8,000 Americans may die in agony this year because of the intractable pain associated with terminal cancer. I have been assured by my medical colleagues that in many cases this pain can be alleviated with the therapeutic use of heroin, making the last weeks, months, or days of these patients more bearable. These dying patients are not now given the option of dying with dignity because of our Nation's continued and overriding fear of the term heroin. In my judgment, this fear alone has prevented us, the lawmakers of our Nation, from making clear and rational decisions regarding the limited use of this long-proven and already available substance.

Heroin has been proven effective with a number of patients in relieving pain. Research completed at Georgetown University's Vincent T. Lombardi Cancer Research Center has found heroin to be an effective analgesic for the control of cancer-related pain. In particular, it has been reported to be more potent than morphine in relieving cancer pain. Less than half of the dose of heroin produces the same pain relief as a dose of morphine. In the terminal phase of cancer, many patients cannot take medication by mouth, and may require injections. As the disease progresses, individuals may require higher doses at more frequent intervals, to provide relief. This is when it would be desirable to have the option of using heroin in treating pain, since heroin is more potent and more soluble than morphine salts, and an effective dose can be administered in considerably smaller volumes. Thus, doctors have informed me that it is less painful to have such an injection—an important consideration in the emaciated patient with little tissue mass remaining.

Further, the onset of action of the heroin is also more rapid than morphine because of its solubility, giving relief of pain and a sense of well-being sooner. It is most unfortunate that the use of heroin for these patients has not been allowed up to this date. This legislation will enable physicians to treat the dying cancer patient who suffers from intractable pain with a proven, effective medication.

The time has now come to address the issue of why the heroin should not be readily available as a therapeutic medication for our Nation's physicians in very specific situations when we have dying cancer patients who are suffering extreme pain. William Buckley has described our irrational maintenance of the prohibition against such uses of heroin in very real terms.

As he pointed out:

> The irony is that anybody in a major city can acquire the knowledge necessary to buy heroin from a dirty little drug pimp, but licensed doctors may not administer the identical drug to men and women—and children—literally dying from excruciating pain.

Our colleagues on the House Subcommittee on Health and the Environment held hearings on a similar bill on September 4, 1980. At that time, a number of practicing physicians and others asked that the Federal controls on heroin be eased to permit the prescription of heroin for patients for whom more conventional pain killers were inadequate. It was further pointed out that in Great Britain, heroin has been used for years for these patients and that it has been shown to be particularly effective for those 10 percent of terminal cancer patients who require injected medication. British physicians consider heroin to be an indispensable potent narcotic analgesic in the treatment of advanced cancer. Use of heroin in specific situations is also permitted in Belgium, New Zealand, China, and many other civilized nations.

Since this information was made public in the House hearings the editorial writers of our country have taken up the issue, as reflected in supportive statements by, among a number of others, the New York Times, the Washington Post, the Washington Times, the Los Angeles Times, the San Francisco Chronicle, the San Francisco Examiner, the Honolulu Star-Bulletin, the Honolulu Advertiser, the Chicago Sun-Times, the Cleveland Plain Dealer, the Rocky Mountain News, and the Richmond Times-Dispatch. Both National Review and the New Republic have backed the proposal. The American Nurses' Association has come out strongly endorsing this merciful action. Within the past year, as a result of widespread support among physicians and the general public, heroin has become available in Canada for terminal cancer patients.

The bill I am introducing today will give a very high priority to relief from intractable pain for terminal cancer patients. It authorizes the Secretary of the Department of Health and Human Services to establish demonstration programs which will permit the use of heroin by terminally ill cancer patients only, when suffering from pain which is not effectively treated with currently available analgesic medications.

My bill has more than adequate safeguards to prevent the drug from being introduced to the general public. For example, a diagnosis must be made by the attending physician that his or her patient is ill with cancer and is suffering from pain which is not being effectively treated with other available analgesic medications. This diagnosis must be reviewed and approved by a medical review board of the hospital which will dispense the heroin. The heroin used in the program will be from that supply now confiscated under current laws. The Secretary of Health and Human Services is further authorized to establish additional regulations for the safe use and storage of heroin, to prevent its diversion into illicit channels. This program will be in force for a 5-year period and periodic reporting is required of the Secretary on the activities under the bill.

I strongly believe that the proposal will provide substantial benefits to those who are in intractable pain from terminal cancer and I am hopeful that my colleagues on the Senate Labor and Human Resources Committee will give this measure their prompt and most serious consideration.

Mr. President, I request unanimous consent that the text of this bill and attached relevant articles be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Compassionate Pain Relief Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) cancer is a progressive, degenerative, and often painful disease that afflicts one out of every four persons in the United States and is the second leading cause of death;

(2) in the progression of terminal cancer, a significant number of patients experience levels of intense and intractable pain that cannot be effectively treated by presently available medication;

(3) the effect of such pain often leads to a severe deterioration in the quality of life of the patient and heartbreak for the family of the patient;

(4) the therapeutic use of parenteral diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that the drug is a potent, highly soluble painkilling drug when properly formulated and administered under the supervision of a physician;

(5) it is in the public interest to make parenteral diacetylmorphine available to patients through controlled channels as a drug for the relief of intractable pain due to terminal cancer,

(6) diacetylmorphine is successfully used in Great Britain and other countries for relief of pain due to cancer;

(7) the availability of parenteral diacetylmorphine for the limited purposes of controlling intractable pain due to terminal cancer will not adversely affect the abuse of illicit drugs or increase the incidence of pharmacy thefts;

(8) the availability of parenteral diacetylmorphine will enhance the ability of physicians to effectively treat and control intractable pain due to terminal cancer; and

(9) it is appropriate for the Federal Government to establish a temporary program to permit the use of pharmaceutical dosage forms of parenteral diacetylmorphine for the control of intractable pain due to terminal cancer.

SEC. 3. PARENTERAL DIACETYLMORPHINE PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—COMPASSIONATE PAIN RELIEF

"SEC. 399f. PARENTERAL DIACETYLMORPHINE.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than three months after the date of the enactment of this part, the Secretary shall issue regulations establishing a program (referred to in this section as the 'program') under which parenteral diacetylmorphine may be dispensed from pharmacies for the relief of intractable pain due to terminal cancer.

"(2) TERMINAL CANCER.—For purposes of this section, an individual shall be considerd to have terminal cancer if there is histologic evidence of a malignancy in the individual and the cancer of the individual is generally recognized as a cancer with a high and predictable mortality.

"(b) MANUFACTURING.—Regulations established under this section shall provide that manufacturers of parenteral diacetylmorphine for dispensing under the program shall use adequate methods of, and adequate facilities and controls for, the manufacturing, processing, and packaging of such drug to preserve the identity, strength, quality, and purity of the drug.

"(c) AVAILABILITY TO PHARMACIES.—

"(1) REQUIREMENTS.—Regulations established under this section shall require that parenteral diacetylmorphine be made available only to pharmacies that—

"(A) are hospital pharmacies or such other pharmacies as the regulations specify;

"(B) are registered under section 302 of the Controlled Substances Act (21 U.S.C. 822);

"(C) meet such qualifications as the regulations specify; and

"(D) submit an application in accordance with paragraph (2).

"(2) APPLICATION.—An application for parenteral diacetylmorphine shall—

"(A) be in such form and submitted in such manner as the Secretary may prescribe; and

"(B) contain assurances satisfactory to the Secretary that—

"(i) the applicant will comply with such special requirements as the Secretary may prescribe respecting the storage and dispensing of parenteral diacetylmorphine; and

"(ii) parenteral diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) to dispense controlled substances in scheduled II of such Act (21 U.S.C. 812(2)).

"(3) INTENT OF CONGRESS.—It is the intent of Congress that—

"(A) the Secretary shall primarily utilize hospital pharmacies for the dispensing of parenteral diacetylmorphine under the program; and

"(B) the Secretary may distribute parenteral diacetylmorphine through pharmacies other than hospital pharmacies in cases in which humanitarian concerns necessitate the provision of parenteral diacetylmorphine, a significant need is shown for such provision, and adequate protection is available against the diversion of parenteral diacetylmorphine.

"(d) ILLICT DIVERSION.—Regulations established by the Secretary under this section shall be designed to protect against the diversion into illicit channels of parenteral diacetylmorphine distributed under the program.

"(e) PRESCRIPTION BY PHYSICIANS.—Regulations established under this section shall—

"(1) require that parenteral diacetylmorphine be dispensed only to an individual in accordance with the written prescription of a physician;

"(2) provide that a physician registered under section 302 of the Controlled Substances Act (21 U.S.C. 822) may prescribe parenteral diacetylmorphine for individuals for the relief of intractable pain due to terminal cancer;

"(3) provide that any such prescription shall be in writing; and

"(4) specify such other criteria for the prescription as the Secretary may determine to be appropriate.

"(f) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and titles II and III of the Comprehensive Drug Abuse Prevention Control Act of 1970 (21 U.S.C. 801 et seq. and 951 et seq.) shall not apply with respect to—

"(1) the importing of opium;

"(2) the manufacture of parenteral diacetylmorphine; and

"(3) the distribution and dispensing of parenteral diacetylmorphine,

in accordance with the program.

"(g) REPORTS.—

"(1) BY THE SECRETARY.—

"(A) IMPLEMENTATION AND ACTIVITIES.—

"(i) IMPLEMENTATION.—Not later than 2 months after the date of the enactment of this part and every third month thereafter until the program is established under subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing information on the activities undertaken to implement the program.

"(ii) ACTIVITIES.—Not later than 1 year after the date the program is established under subsection (a) and annually thereafter until the program is terminated under subsection (h), the Secretary shall prepare and submit to the committees described in clause (i) a report containing information on the activities under the program during the period for which the report is submitted.

"(B) PAIN MANAGEMENT.—Not later than 6 months after the date of the enactment of this part, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that—

"(i) describes the extent of research activities on the management of pain that have received funds through the National Institutes of Health;

"(ii) describes the ways in which the Federal Government supports the training of health personnel in pain management; and

"(iii) contains recommendations for expanding and improving the training of health personnel in pain management.

"(2) BY THE COMPTROLLER GENERAL.—Not later than 56 months after the date on which the program is established under subsection (a), the Comptroller General of the United States shall prepare and submit to the committees referred to in paragraph (1)(A)(i) a report containing information on the activities conducted under the program during such 56-month period.

"(h) TERMINATION AND MODIFICATION.—

"(1) IN GENERAL.—The Secretary may at any time later than 6 months after the date on which the program is established under subsection (a), modify the regulations required by subsection (a) or terminate the program if in the judgment of the Secretary the program is no longer needed or if modifications or termination are needed to prevent substantial diversion of the diacetylmorphine.

"(2) FINAL TERMINATION.—The program shall terminate 60 months after the date the program is established under subsection (a).".●

By Mr. BOREN (for himself, Mr. DANFORTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, Mr. GRASSLEY, Mr. SANFORD, Mr. KERRY, Mr. LIEBERMAN, and Mr. COCHRAN):

S. 359. A bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference; to the Committee on Finance.

CHARITABLE GIFTS OF APPRECIATION ACT

● Mr. BOREN. Mr. President, since the passage of the so-called Tax Reform Act of 1986, charitable gifts of appreciated property have fallen dramatically. The 1986 act effectively penalized charitable giving by including the appreciated portion of these gifts as a tax preference item in the alternative minimum tax [AMT]. We must not allow this Nation's great institutions of learning, art, and science to languish because our Tax Code punishes the generosity of benevolent Americans. Today, I am introducing legislation along with my colleagues, Senators DANFORTH, MOYNIHAN, CHAFEE, and others which will remove charitable gifts of appreciated property from the AMT. This bill promises a better future for the universities, hospitals, museums, religious organizations, and conservation groups of this country.

THE PROBLEM AND THE NEED

By 1986 provision limited a taxpayer's deduction for a charitable contribution of appreciated property to the basis in the property. Since then, according to the Council for Aid to Education, gifts for capital projects have remained virtually flat, increasing only 0.96 percent in constant dollars. These gifts, by contrast, were growing at an average annual rate of 14.4 percent between 1982 and 1986. Analysis of property giving suggests that the recent decline in donations of appreciated property is not a temporary aberration, but a real and permanent downward trend. The decline cannot be explained by a predictable increase in giving as a response to the 1986 changes or as a decrease due to the stock market problems of recent years.

Mr. President, gifts of appreciated property have traditionally been the centerpieces of capital campaigns and are often the key to repairing and renovating existing buildings as well as the expansion of new research facilities and libraries. However, a recent National Science Foundation survey reveals that for every dollar spent to maintain research facilities in 1990, $4.25 in essential repairs will be put off. For every dollar allocated for construction of new science facilities, $3.11 will be deferred. Current deferred construction is estimated to be $8 billion, an increase of 38 percent since 1988.

Perhaps the crisis caused by the 1986 provision can best be demonstrated by the testimony of leaders of institutions which depend on charitable contributions. In his statement before the House Ways and Means Committee last spring, Joe B. Wyett, chancellor of Vanderbilt University, pointed out that gifts to higher education dropped 7.2 percent in real dollars during the 1987–88 academic year, the first decrease since 1975. Giving for the previous two years, however, had been growing at annual rates well over 10 percent. Chancellor Wyett stated:

> The conclusion seems inescapable: the inclusion of the appreciated portion of the gifts of appreciated property as an item of tax preference in the alternative minimum tax has had a significant negative impact on the flow of gifts of appreciated property to colleges and universities.

CHARITABLE GIVING IS NOT TAX AVOIDANCE

Congress included the charitable contribution of appreciated property as a tax preference item in the AMT among other 1986 changes designed to prevent high-income taxpayers from avoiding income taxes altogether. Theoretically, wealthy individuals could zero-out, pay no taxes, by making a large contribution under the pre-1986 law. However, a 1985 Treasury Department study found that itemized deductions like charitable giving were not significant causes of tax avoidance. Then, as now, deductions for property gifts cannot exceed 30 percent of adjusted gross income.

Some critics of this bill have pointed to past abuses of such deductions where the property was overvalued in order to increase the amount of the deduction. However, overvaluation of gifts was addressed by Congress in 1984 when a series of strict new rules designed to result in accurate appraisal of property gifts were enacted. These new requirements provide for penalties to both the donor and the appraiser in cases of fraudulent overvaluation.

SOME PROGRESS HAS BEEN MADE

Mr. President, some progress has been made on this front. Last year's Omnibus Budget Reconciliation Act removes gifts of tangible property, such as works of art and manuscripts, from the AMT. However, this provision is effective for 1991 only. The legislation we are introducing today will permanently remove all gifts of appreciated property from the AMT. Making the change permanent will allow charitable institutions to make long range fundraising plans instead of an uncertain start and stop approach.

THE BENEFIT OUTWEIGHS THE COST

Mr. President, Americans have a long history of private philanthropy. If not discouraged by Government policy, Americans will continue to give to institutions which serve the public good and the less fortunate. Unfortunately, the 1986 provision does punish such activity. The Government cannot and perhaps should not attempt to address the needs I've outlined through direct spending. We are simply trying to remove the Tax Code as an obstruction. The legislation I am introducing today would result in a relatively small investment on the part of the Government in the form of lost revenue that will spur hundreds of millions in private contributions to charitable organizations.

Mr. President, in September 1990 the Joint Tax Committee conducted a revenue estimate for legislation proposed by Congressman BILL FRENZEL. The committee estimated that this legislation would result in $15 million in lost revenue the first year and $289 million over 5 years. Clearly, the amount of charitable contributions that will be allowed to proceed under the change will dwarf the cost to the Government. Mr. President, I ask unanimous consent that a copy of the Joint Tax Committee's letter to Congressman FRENZEL be printed at this point in the RECORD.

Mr. President, I hope my colleagues will give this bill their most serious consideration and will join us as cosponsors. This change to the Tax Code is supported by schools, hospitals, museums, religious organizations and other charitable organizations across the Nation. I ask unanimous consent that a copy of the bill, statements by my colleagues, Senators DANFORTH and MOYNIHAN, and copies of letters of support from the Salvation Army and the Council for American Private Education be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 57 of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (6) and by redesignating paragraph (7) as paragraph (6).

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1991.

JOINT COMMITTEE ON TAXATION,
Washington, DC, September 13, 1990.

Hon. BILL FRENZEL,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. FRENZEL: This is in response to your request dated June 25, 1990, for a revenue estimate of a proposal to repeal section 57(a)(6) of the Internal Revenue Code, which creates a minimum tax preference for charitable contributions of appreciated property for both individual and corporate taxpayers. We assume your proposal would be effective for tax years beginning after December 31, 1990.

The following table provides the estimated change in Federal fiscal year budget receipts that would result from your proposal:

[In millions of dollars]

Item	Fiscal years—					
	1991	1992	1993	1994	1995	1991–95
Repeal sec. 57(a)(6)	−15	−65	−67	−70	−72	−289

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

RONALD A. PEARLMAN.

COUNCIL FOR AMERICAN
PRIVATE EDUCATION,
Washington, DC, January 28, 1991.

Hon. DAVID L. BOREN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOREN: On behalf of the Council for American Private Education, I want to express support for your legislative efforts to remove gifts of appreciated property from the Alternative Minimum Tax. As you fully recognize, the 1986 Tax Reform Act's change in treatment of such charitable gifts has had a damaging effect.

CAPE is a non-profit, Washington-based coalition of 14 national organizations serving private elementary and secondary schools. There are currently 28 state CAPE affiliates which extend the coalition throughout the country. A list of these groups is enclosed. The CAPE member organizations represent about 70 percent of the 5.3 million children enrolled and 384,000 teachers in private schools.

CAPE applauds the step Congress took through your and Senator Moynihan's efforts to partially restore this important tax benefit for artwork and manuscripts. However, only with the restoration of the previous benefit with appropriate accountability, will charitable organizations and educational institutions be able to have fully functioning development offices. Through gifts of real estate, investments, and tangible personal property, donors can provide important support to fundraising efforts of our schools.

Through your personal efforts and leadership with the Oklahoma Foundation for Excellence, you understand the importance of encouraging private support for education. Your foundation's efforts to assist local public school districts to set up endowments to support the unmet needs of students and teachers are an important and admirable endeavor. In the same sense, the private secondary school community is in need of the tools which will help them build fundraising campaigns to finance capital improvements, financial aid, special projects, and general operations. Your legislation will help restore an important tool.

The charitable contribution deduction has been recognized since 1917 as an appropriate mechanism to encourage and compensate private giving for the public good. CAPE schools, religious and nonreligious, receive little or no public monies. We depend on voluntary gifts without which school budgets cannot be balanced nor can programs be sustained or improved. Tax incentives are one of the most powerful motivations for giving, without which our schools will be forced to reduce services or close.

Again, thank you for your leadership with this legislation. The Council for American Private Education stands ready to assist in any way with the effort.

Sincerely,

JOYCE G. MCCRAY,
Executive Director.

THE COUNCIL FOR AMERICAN PRIVATE EDUCATION MEMBER ASSOCIATIONS

American Montessori Society.
Association of Military Colleges and Schools of the US.
Christians Schools International.
Evangelical Lutheran Church in America.
Friends Council on Education.
Hattie M. Strong Foundation.
Lutheran Church—Missouri Synod.
National Association of Episcopal Schools.
National Association of Independent Schools.
National Association of Private Schools for Exceptional Children.
National Catholic Educational Association.
National Society for Hebrew Day Schools.
Seventh-Day Adventist Board of Education.
Solomon Schechter Day School Association.
United States Catholic Conference.

STATE CAPE AFFILIATES

Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, and Minnesota.

Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin.

THE SALVATION ARMY,
Verona, NJ, October 12, 1990.

Hon. DAVID BOREN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOREN: I am writing to express the strong support of The Salvation Army for your efforts to end the taxation of gifts of appreciated property in the alternative minimum tax.

Since enactment of this provision in 1986, appreciated property giving to The Salvation Army has been seriously affected. An unfortunate truth about this provision is that it seems to hit gifts by those of more modest means as well as property gifts from the wealthy. Donors to The Salvation Army, who are often donating their only appreciated asset, tend to be in this first category.

Fortunately cash gifts to The Salvation Army annual giving campaign continue to increase. However, these funds are sufficient only to support current programs. For new programs or facility construction The Salvation Army must look elsewhere. In the past some of this support came in the form of gifts of appreciated property.

Once again, we greatly appreciate your efforts to restore this important source of funding for the nation's charities.

Sincerely,

KENNETH HOOD,
Colonel, National Chief Secretary.

• Mr. DANFORTH. Mr. President, today I am introducing legislation, along with my colleagues, to remove charitable gifts of appreciated property from the alternative minimum tax [AMT]. The appreciated portion of these gifts was included as a tax preference item in the AMT by the Tax Reform Act of 1986. As a direct consequence, charitable gifts of appreciated property have precipitously fallen since 1986. This bill will eliminate the disincentive to donate appreciated property that resulted from the 1986 Tax Act. More importantly, it will enable colleges, universities, and other charitable organizations to engage in effective fundraising campaigns.

Before the 1986 Tax Act, a gift of appreciated property was fully deductable. However, the deduction for charitable gifts may not exceed 30 percent of adjusted gross income so taxpayers cannot use property giving to avoid taxes altogether. In addition, overvaluation of gifts was addressed by Congress in 1984, with a series of strict new rules designed to result in careful and accurate valuation of donated property. These new rules apply to certain gifts over $5,000 while other gifts remain subject to general substantiation requirements. The new requirements include appraisal and overvaluation penalties for the donor and the appraiser.

As my colleagues will recall, in 1989, the Finance Committee approved removal of all gifts of appreciated property from the AMT for calendar year 1990. However, this amendment was removed on the Senate floor, along with all other provisions which lost revenue. Last year, Congress passed legislation that removed gifts of tangible personal property, such as art objects and manuscripts, from the AMT for the calendar year 1991 only. This bill will remove all gifts of appreciated property from the AMT.

Many sectors of society, including educational institutions, are critically dependent upon philanthropic gifts for support. Appreciated property gifts are often the centerpiece of capital campaigns, and the key to repairing and renovating existing buildings, as well as expanding libraries and funding financial aid. Therefore, any drop in these donations would create significant hardship.

Unfortunately, we are now facing this difficulty. A recent analysis based on data collected by the Council for Aid to Education estimates that increases in gifts for capital purposes, that are often in the form of appreciated property, have fallen off to a mere 0.96 percent in 1985–89 in terms of 1982 constant dollars. This is in sharp contrast with the average increase from 1982–86 of 14.4 percent.

Yet, there is so much need for this funding. In the National Science Foundation's recent survey "Scientific and Engineering Research Facilities at Universities and Colleges; 1990," it was reported that for every $1 spent to maintain research facilities in 1990–91, an additional $4.25 worth of work will be deferred. The amount of deferred repair and renovation work is estimated to reach $4 billion by the end of 1991. In addition, for every $1 planned for construction of needed new science facilities, $3.11 will be deferred. Current deferred construction is estimated to be $8 billion, an increase of 38 percent since 1988.

Colleges and universities also use donations of appreciated property to help pay for financial aid programs for students from low and moderate income families. A number of private institutions now provide higher amounts of financial aid to their students than does the Federal Government. For example, at one large private university in the East, student aid from the Federal Government amounted to $6.4 million in 1980 while the university provided $16.5 million in assistance. Ten years later, in 1990, the university's aid amounted to more than $36 million while the Federal portion was $7.2 million. This university and others are able to provide this level of assistance in large part because of gifts of appreciated property which are used to fund scholarship programs.

Let me assure my colleagues that gifts of appreciated property are not solely the concern of private institutions. Public colleges and universities also need this type of gift. With State governments facing unprecedented revenue shortfalls, and with limited resources at the local government level, public colleges, and universities have found that they, too, are compelled to look to gifts from private donors to fund capital campaigns and scholarship programs and otherwise bolster their academic and cultural programs.

Not only has the loss of this tax incentive affected large universities, it has also impacted hundreds of smaller schools across the country. For instance, one family was considering a donation of artwork to the Forsyth Elementary School in St. Louis. They are unwilling to do so under the current tax law, however, because they will, in essence, be penalized. In addition to reducing this family's net worth, the donation may subject the taxpayer to a greater tax liability. As a result, the school, and its students, will lose out on this seed gift of approximately $10,000 as part of their capital campaign for a new library.

Higher education was not the sole beneficiary of gifts of appreciated property. This type of gift was also made to a number of cultural organizations, museums, libraries, conservation groups, and social service agencies such as the Salvation Army, Catholic Charities, and the Council of Jewish Federations. For example, the St. Louis Art Museum averaged $6.2 million per year in contributions from 1980 to 1985. In 1987, donations declined to $674 thousand and in 1988, the museum reported that contributions were merely $349 thousand. These huge losses in contributions are potentially threatening to the existence of many museums since on average, 80 percent of museum collections are donations of appreciated assets.

These large declines in such donations are clearly a result of the 1986 Tax Reform Act. While tax considerations are not the sole determinative issue for an individual who may contribute appreciated property, they surely are influential. Statistics from the Internal Revenue Service indicate that among upper-income taxpayers, there has been a decline in both average contribution per return and total giving.

This result is consistent with the American Council on Education's report before the Ways and Means Committee on March 5, 1990, "The conclusion seems inescapable: the inclusion of the appreciated portion of gifts of property as an item of tax preference in the alternative minimum tax has had a significant negative impact on the flow of gifts of appreciated property to colleges and universities."

In sum, the existence of gifts of appreciated property as a tax preference item on the AMT is a serious threat to the growth and continuation of the various nonprofit sectors. The removal of this impediment to giving will be a step toward reversing the alarming downtrend in donations.•

• Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleagues, Senator BOREN and Senator DANFORTH, in introducing legislation to fully restore the tax deduction for charitable donations of property to nonprofit institutions. The bill provides for a deduction equal to the fair market value of property given to museums, colleges and universities, hospitals, religious institutions, conservation groups and other nonprofit organizations.

The tax law provided for a full fair market value deduction for gifts of property until the Tax Reform Act of 1986. That legislation, however, modified the alternative minimum tax so that a taxpayer subject to the minimum tax no longer gets a deduction for the amount by which the property has appreciated while he or she held it. Under the 1986 act change, the tax deduction is, in effect, limited to the original cost of the property when it was acquired by the donor.

I believed at the time that this change in the tax treatment of gifts of appreciated property was unwarranted and would undermine our many cultural and educational institutions that are so dependent on private philanthropy. During the consideration and passage of the 1986 Tax Reform Act, I fought the proposal vigorously. It was not included in the Senate version of the legislation. The House bill did contain it, however. As a member of the House-Senate conference on the legislation, I can report that this issue was very contentious and among the last resolved. Nonetheless, in the end the House prevailed, and the deduction for gifts of appreciated property was substantially curtailed. The appreciated portion of a property gift was denied as a deduction for purposes of the minimum tax, with the result that the tax incentive to make such gifts was substantially reduced, or entirely eliminated, in many cases.

The adverse impact on giving to institutions in the fields of higher education, research, medicine, conservation, and social welfare since then has been substantial. Gifts of property are often the large gifts that get buildings built and other capital projects undertaken, and they are critical to museum collections. According to the Association of American Universities, some educational institutions receive as much as 50 percent of their donations from 1 percent of their donors. Data collected from over 1,000 institutions of higher education by the Council on Aid to Education indicates that gifts for capital purposes, which are frequently in the form of appreciated property, declined by nearly 17 percent from 1987 to 1988. The impact on museums has been more dramatic. From 1985 to 1988, gifts of objects to museums dropped by 49 percent, according to a survey conducted by the American Association of Museums of a sampling of 274 of its member institutions. The drop from 1986 was a stunning 61 percent, though that figure may be inflated somewhat by a very high volume of giving in 1986, attributable to donors' anticipation of the change in tax treatment of appreciated property. Several important paintings that had been hanging on museum walls for years—on loan, expected ultimately to be gifts—were taken back by their owners and sold to private, usually foreign, collectors.

I hope that the experience with the appreciated property restrictions will persuade Congress to reconsider the matter this year. We have made substantial progress already. Last fall, during the Senate Finance Committee's consideration of the budget deficit reduction legislation, Senator BOREN proposed as an amendment the bill being introduced today, which would remove the minimum tax restrictions on appreciated property deductions for all types of property—tangible property such as art and manuscripts, intangible property such as stock, and real property. When that proposal failed to win a majority, I offered a compromise: extend the relief only to donations of art, manuscripts and other tangible property that relates to the function of the receiving institution, since the problems being experienced by museums were especially acute. The compromise provision passed the Finance Committee, and was included in the Senate version of the bill. In the conference with the House, the provision was pared back from permanent relief to a 1-year exemption from the minimum tax during 1991, so that Congress could further consider the issue of extending relief to all types of property gifts this year.

The limited relief for 1991 has started to have an impact. I have already heard of gifts prompted by the change, including a gift to the Metropolitan Museum of Art of one of the most important collections of Benin bronzes in the world.

When Congress turns to the issue, I think there are three considerations that bear on the question.

First, the well documented deleterious impact that the restriction on deductions for appreciated property gifts is having. Once a painting goes from museum wall to auction block it is lost for public enjoyment, probably forever. Moreover, the capital needs of higher education, particularly for scientific research, are acute and critical. The National Science Foundation estimates that in 1990, for every $1 spent on maintenance of university research facilities, an additional $4.25 was deferred. As for new construction during the same period, the Foundation reports that for every $1 spent, another $3.11 in needed new construction was deferred. And I hope my colleagues will notice that public universities, as much as private ones, are finding that gifts of appreciated property are an essential component in meeting their capital needs.

Second, I do not believe that there was ever much of a case for making the 1986 Tax Reform Act change in the first place. The alternative minimum tax, of which the restriction on appreciated property gifts was a part, was substantially revamped in the 1986 act in response to the disturbing trend, documented each year by the Treasury Department, of wealthy individuals "zeroing out" of the Federal income tax—that is to say, paying nothing, or virtually nothing, in income taxes despite substantial economic income. Congressman PICKLE asked the Treasury to study the matter, and in 1985 the Department issued a report which posited a number of causes, but on one point Treasury was clear: itemized deductions, including charitable deductions, did not play a significant role in permitting high income taxpayers to escape significant tax liability.

It is not hard to see why. Since 1917, the Tax Code has imposed a limit on the size of a charitable deduction—a percentage of income—that can be taken in 1 year, regardless of the amount given away. For gifts of property, the rule for years has been that the deduction cannot exceed 30 percent of adjusted gross income—disregarding any loss carrybacks. Thus, a gift of appreciated property, no matter what its value, can offset the tax on no more than 30 percent of the year's income. No one is proposing to change this longstanding rule. It has never been possible to substantially eliminate tax liability by making gifts of appreciated property, and further restrictions under the minimum tax were not necessary in 1986 and are not necessary now.

Concerns were also expressed that deductions for gifts of appreciated property—at least for property other than stocks and securities that is not publicly traded—present opportunities for valuation abuses. But Congress addressed the problem of overvaluation of gifts in 1984, enacting strict new rules for valuation—and penalties for overvaluation—which apply to all gifts over $5,000. These rules had scarcely been given a chance to operate when the minimum tax restrictions on appreciated property gifts were passed in 1986.

Finally, although gifts of appreciated property do not allow one to escape paying a significant amount of tax, nor are they likely to result in abuses, I think in addressing this issue we should acknowledge that we are bestowing a tax incentive when we permit a deduction for the appreciated value of a gift of appreciated property. The question is whether it is good public policy to do so. I believe it is.

The United States is unique among the major democracies in the world in the extent to which many of its great educational, cultural and research institutions are private undertakings, separate and independent of Government. Of the 50 largest research universities, well over one-third are private institutions. Almost all major museums outside of Washington, DC are private institutions—and even Washington's own National Gallery of Art cannot use Federal funding for acquisitions. In the field of medical research, the Memorial Sloan Kettering Cancer Center stands as only one example of the contributions of the private, independent sector. What we have in this country is something unique and precious. A part of our culture. The Tax Code is not the source of this, but today it has a vital role to play in sustaining it. We should take care not to lose it.•

By Mr. ROTH:

S.J. Res. 60. Joint resolution proposing an amendment to the Constitution of the United States relative to campaign expenditures; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT RELATIVE TO CAMPAIGN EXPENDITURES

• Mr. ROTH. Mr. President, today I am introducing a proposal to amend the Constitution to overturn impediments to campaign finance reform placed across our path by the Supreme Court decision in Buckley versus Valeo. This is now the third consecutive Congress in which I am introducing my proposal.

I find some irony in the fact that we in Congress debate campaign reform without end, yet proponents of reform oppose constitutional amendments because they take too long to put in place. If proponents of reform would also become proponents of a constitutional amendment, this change would allow Congress to act expeditiously.

I have given the subject of campaign financing reform considerable thought over the years. I recognize that there are countless proposals for reform. The substantial majority of these proposals share a common theme: they would impose restraints on some aspects of political money. In my opinion, any attempt to place a restraint here or there only creates pressure for political money to flow elsewhere. I state this as an objective evaluation. I do not intend to suggest despair or to counsel against reform.

The second irony is the more effective the restraints that reformers may enact, the more necessary will become my constitutional amendment. What I am describing is the waterbed effect of campaign finance reform. As restrictions are placed on today's circumventions of yesterday's reforms, the greater the pressure for political money to flow through those channels forced open by the Supreme Court. Those channels include the right to make independent expenditures and the right of a wealthy candidate to spend as much of his own money on his own campaign as he wishes.

I am well aware that the statutory reforms have attempted to close those channels. But the solutions either allow countervailing private funds to flow more freely—another irony—or call on taxpayer financing to offset the constitutionally protected flow of political money. Neither of these remedies is very comforting. The former is a rejection of the principles that are espoused and the latter embraces the very provision that killed reform in the last two Congresses.

Moreover, the independent expenditure solution, whatever its form, is ineffective whenever such expenditures occur in the critical final days of a campaign. Perhaps even more significant is the fact that the solutions presuppose a certain tidiness that does not always exist in real life. The party making the independent expenditure may, in fact, be truly independent. The political advertisement paid for by the independent party may reflect a third viewpoint supporting neither of the two opposing candidates in full or in part. Or it may support one candidate more than the other but hardly merit the infliction of the suggested remedies. Or it may support one candidate in some areas while condemning him in others.

The purpose and the effect of the independent expenditure may not necessarily coincide. They don't always coincide for the candidates' expenditures, so why should they for independent expenditures? If the independent expenditure is intended to help A but backfires and helps B, which candidate deserves help?

I could go on. But if the members of this body will reflect on this problem, they will understand that there is no acceptable statutory solution to the problem of independent expenditures.

Solutions for the so-called millionarie's loophole are also less then satisfactory. The best of them is, in concept, nothing more than an exemption from reform, just another irony for any reformer to advocate. If reform achieves restriction on contributions and expenditures and then along comes a millionaire who exercises his constitutional right to spend millions of dollars of his own on his own campaign, what can be done? To say that opposing candidates are, in such cases, absolved from campaign finance restrictions is an admission that there is no answer. All that such solutions do is to state that reform does not apply to this area.

This is my point. Complete reform is possible only through a constitutional amendment. Only a constitutional amendment can limit independent expenditures and close the millionaire's loophole.

Mr. President, for the past three Congresses, Senator HOLLINGS and I have introduced proposals to amend the Constitution to achieve the goal of complete reform. However, our proposals, while similar in purpose, have differed in form. While the language differences were once significant, they are now relatively minor.

S.J. Res. 35, the Hollings proposal, refers to elections for "Federal office" while my proposal refers to the "Office of President, Vice President, Senator, Representative, or any other office within its jurisdiction." I prefer my language because it more clearly embraces the Office of Mayor of the District of Columbia, which most people view as a local office. But the Hollings proposal gives local office jurisdiction to the States. What State would set the rules for the District of Columbia? My view is that whether the office is Federal or local, it is, by virtue of article I, section 8, clause 17, within the jurisdiction of the Federal Government. My language is the more appropriate form of reference to the District of Columbia.

Moreover, the reference to local office in the Hollings proposal would mark the first time, if it were ratified, that the Constitution made reference to local office or local government. The Constitution divides powers between the Federal Government and the State governments but leaves to the States how to treat local governments within their jurisdiction. I see no reason to deviate from that tradition here.

Finally, the Hollings proposal focuses on expenditures "by, in support of, or in opposition to" candidates. My proposal treats with expenditures "with respect to" candidates. In view of my earlier discussion of truly independent expenditures, I find the Hollings language too narrow. I do not believe that it is intended to exclude independent expenditures from Congressional limitations, but it could have that effect.

Independent expenditures can not be by a candidate. That is by definition. Beyond that, I can easily imagine independent expenditures that are not in support of or in opposition to a candidate. Does the proposal look to the purpose of the independent expenditure or to its effect?

I am not sure what the Hollings proposal means on this score but I believe that the fine-tuning intended is best left for Congress to decide when, after ratification, it must legislate reasonable limitations. My proposal would allow for such flexibility.

In stating these differences with Senate Joint Resolution 35, I do not intend to obscure our fundamental agreement that the impediments of Buckley versus Valeo must be set aside. I did cosponsor Senator HOLLINGS' proposal in the last Congress, as he did mine. I would hope and expect the same to occur in this Congress. I look forward to working with all of the Senators who support constitutional reform.

In conclusion, it is my hope that those interested in campaign finance reform will overcome the ill-founded notion that one must choose between constitutional and statutory reform proposals. Many aspects of the program can be adequately addressed by statute. I have cosponsored comprehensive legislation that attacks campaign finance reform on many fronts, including PACS, bundling contributions, and soft money. I plan to introduce legislation, similar to what I introduced last year, that would provide free television broadcast time to candidates, thereby sharply reducing campaign costs.

However, for the reasons stated, there are areas, such independent expenditures and the millionaire's loophole, that cannot be effectively addressed by statute. Consequently, complete reform can only be achieved through a constitutional amendment.•

By Mr. FORD:

S.J. Res 61. Joint resolution to designate June 1, 1992, as "Kentucky Bicentennial Day"; to the Committee on the Judiciary.

KENTUCKY BICENTENNIAL DAY

Mr. FORD. Mr. President, it gives me great pleasure to introduce a joint resolution designating June 1, 1992, as Kentucky Bicentennial Day—honoring the day in which Kentucky became the 15th State in the Union nearly 200 years ago. I introduce this resolution 1 day after the 200th anniversary of the passage of the act declaring Kentucky's statehood, February 5, 1991. I am pleased to be joined in this effort by my friend and House counterpart, Congressman WILLAM NATCHER who will be introducing a similar measure in the House tomorrow. And I also recognize the outstanding work of the Kentucky Bicentennial Commission, and the people themselves, who have given tirelessly to prepare community events around the State.

Mr. President, as a former governor of Kentucky, I have always found special enjoyment in exploring and celebrating in our State's history. When frontiersmen such as Daniel Boone and George Rogers Clark led expeditions through the Cumberland Gap in the late 1700's they discovered a world of unmatched beauty and potential. The land attracted the interest of explorers and settlers alike, and many chose to stay and call it home. But that was far from easy. The territory we now know as Kentucky was cherished by Virginians as well. However, the population of Kentucky was increasing at a rapid rate and became neglected. The daughter of Virginia was growing up and began a struggle for statehood.

The early Kentuckians were stubborn and headstrong; fighting for liberty. The majority of the delegates from western Virginia, soon to become Kentucky, opposed the Federal Constitution at the Virginia Convention in 1787. This original Constitution did not guarantee the individual liberties sought by patriots in the struggle for independence. Nevertheless, this objection was historically significant because it contributed to the adoption of our constitutional liberties, the Bill of Rights, in 1791. The protest led to statehood for Kentucky and promoted a free new spirit to meet future conflict.

Kentucky was first to take a stand for its citizens rights. The Kentucky Legislature responded to the people's demand with "The Kentucky Resolutions." Authored by Thomas Jefferson, these resolutions reaffirmed a system of checks and balances established in the Constitution for the protection of individual liberties, and called for the repeal of the Alien and Sedition Acts. Such dedication to freedom and independence characterizes the passionate nature of Kentuckians as they began to mold the State.

In the years that followed, our pioneer farmers made the fields of Kentucky bloom, turning the State into one where agriculture has become the economic mainstay. Today, we are proud to be the Nation's second-ranked tobacco producing State and the Nation's largest producer of both burley tobacco and bourbon whiskey. In addition to our vast agricultural resources, our State finds herself as one of the Nation's largest producers of coal. I can't think of a more appropriate time to recognize such an important energy source.

In Kentucky, we like to think there is room for all, either in agricultural pursuits, mining, the horse industry or other business. Our State is even home to a few famous political figures. Ironically, Kentucky was the birthplace of the Union President Abraham Lincoln, and the Confederate President, Jefferson Davis. The two great men were born in log cabins within 1 year and 100 miles of each other. We are also proud to call Kentuckians such prominent contributors to our Nation's history as Henry Clay—the "Great Compromiser" and three-time Presidential candidate, President Zachary Taylor, and four Vice Presidents, Richard M. Johnson, John Cabell Breckinridge, Adlai Stevenson, and Alben Barkley.

In short, Kentucky's rich history of outstanding accomplishments and constant hospitality is attributable to the past contributions of such prominent individuals and to the continued dedication of hard-working families in every corner of our great State. Mr. President, to me the essence of Kentucky is best summed up in the words of the great Kentucky author, Jesse Stuart, who once said, "If our nation can be called a body, then Kentucky can be called its heart."

Mr. President, as the Kentucky Bicentennial celebration begins to spread its enthusiasm across the State, I would like to take this opportunity to encourage all Americans to visit Kentucky. There is energy and excitement that cannot be matched. From the smallest town to the largest cities, the people of Kentucky are pausing to look back to the accomplishments of the past as they prepare for the bright and promising future.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 61

Whereas on June 1, 1792, President Washington signed a proclamation admitting Kentucky as the Fifteenth State of the Union, separating Kentucky from the Commonwealth of Virginia;

Whereas for two centuries, the people of Kentucky have made substantial contributions to the economic and social well-being of the United States of America;

Whereas the State of Kentucky has become a national leader in agriculture, natural resource industries, and manufacturing;

Whereas beautiful mountains, lakes, trees, and farms of the State of Kentucky are appreciated and preserved, and the quality of life is unsurpassed;

Whereas the history of Kentucky is associated with the history of westward expansion as Daniel Boone and others opened the frontier by clearing the Wilderness Road through the Appalachian Mountains;

Whereas Kentucky is the birthplace of both Union President Abraham Lincoln and Confederate President Jefferson Davis, thus symbolizing the State's dualistic role in the Civil War;

Whereas Kentucky is the Nation's largest producer of coal and burley tobacco;

Whereas Kentucky is the home of Dr. Ephraim McDowell, the first physician to perform internal surgery west of the Allegheny Mountains, and whose statue now graces the United States Capitol;

Whereas Kentucky is home to the thoroughbred horse industry and the world's most celebrated horse race, the Kentucky Derby, held in Louisville;

Whereas bluegrass music originated in Kentucky, the "Bluegrass State", and continues to be a favorite pastime of many Kentuckians;

Whereas Kentucky is the home of "The Great Compromiser", Henry Clay, United States Senator, Speaker of the House of Representatives, and Secretary of State, as well as the home of the twelfth United States President, Zachary Taylor, and four United States Vice Presidents, Richard M. Johnson, John Cabell Breckinridge, Adlai Stevenson, and Alben W. Barkley;

Whereas Kentucky is home to the 101st Airborne Division at Fort Campbell and the Army Armor Center and School at Fort Knox, where the world's largest gold depository is maintained; and

Whereas Kentucky, which represents the ideal in outdoor recreation and maintains one of the Nation's most outstanding State park systems, is home to the only park of its kind, the Kentucky Horse Park in Lexington: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 1, 1992, is designated as "Kentucky Bicentennial Day", and the President is authorized and requested to issue a proclamation calling upon the people of Kentucky and the United States to observe such day with appropriate ceremonies and activities.

By Mr. BRADLEY (for himself, Mr. ADAMS, Mr. BENTSEN, Mr. BUMPERS, Mr. BURDICK, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. CONRAD, Mr. CRAIG, Mr. CRANSTON, Mr. D'AMATO, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. GLENN, Mr. GORE, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. HATFIELD, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. PELL, Mr. REID, Mr. SANFORD, Mr. SARBANES, Mr. SHELBY, Mr. WARNER, Mr. WELLSTONE, and Mr. SPECTER); to the Committee on the Judiciary.

S.J. Res. 64. Joint resolution to authorize the President to proclaim the last Friday of April as "National Arbor Day."

NATIONAL ARBOR DAY

• Mr. BRADLEY. Mr. President, many times in the past, Congress has legislated and the President has proclaimed the last Friday in April as National Arbor Day. For the past 4 years, the

Senate has passed legislation commemorating National Arbor Day, with more than 51 Senators cosponsoring the legislation. Today, I am introducing legislation which will once again recognize this important day. I'm pleased to announce that 44 of my colleagues have joined me today in sponsoring this legislation.

Mr. President, trees are one of our Nation's most important and beautiful natural resources. They not only provide the raw materials for some of our basic industries, they cleanse our environment and add natural gas grace and beauty to our lives. The establishment of a National Arbor Day acts as a modest reminder to all our citizens to appreciate and protect this vitally important natural resource.

We cannot take our trees and forests for granted. Scientists have observed declines, serious damage, and death of a number of species of trees in large areas of Europe and the United States. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the ponderosa pine in southern California. A number of other coniferous species have experienced growth decline in an 11-State region extending from Maine to Alabama. Last Congress, we passed a Clean Air Act to help reverse these sad trends.

Because we are concerned about our forests and trees, we annually designate National Arbor Day to take special note of the importance of trees in our lives. I urge the Senate again to pass this important resolution. I ask unanimous consent to have the joint resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 64

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.•

By Mr. D'AMATO (for himself, Mr. WARNER, Mr. DOLE, Mr. GLENN, Mr. DECONCINI, Mr. THURMOND, Mr. COCHRAN, Mr. BRADLEY, Mr. CRANSTON, Mr. KASTEN, Mr. SARBANES, Mr. INOUYE, Mr. PELL, Mr. SPECTER, Mr. HATCH, Mrs. KASSEBAUM, Mr. HEFLIN, Mr. FOWLER, Mr. PRESSLER, Mr. BOND, Mr. CHAFEE, Mr. DIXON, Mr. SHELBY, Mr. DODD, Mr. JEFFORDS, Mr. BRYAN, Mr. KERRY, Mr. AKAKA, Mr. MOYNIHAN, and Mr. PACKWOOD):

S.J. Res. 65. Joint resolution designating the week beginning May 12, 1991, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

EMERGENCY MEDICAL SERVICES WEEK

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation designating the week of May 12 through 18, 1991, as "Emergency Medical Services Week."

This legislation recognizes those dedicated men and women who have given their time and talents to providing emergency medical services [EMS]. The American College of Emergency Physicians will be sponsoring events across the country during the week of May 12, and they need our full support to give members of every community the opportunity to update their knowledge of emergency medical procedures.

Advancements in the specialty of emergency medicine have contributed to a dramatic reduction in the number of accidental deaths due to injury. Statistics from the National Center of Health Statistics indicated that since 1968, the number of persons per 100,000 who have died from automobile accidents has decreased from 27.5 to 19.8; from accidental falls, 9.4 to 4.8; from fires and burns, 3.7 to 1.9; and from drowning, 3.0 to 1.5.

Improvements in the quality and effectiveness of EMS are especially vital to the elderly. Older Americans are more susceptible than any other group to death due to injury. Moreover, they are less likely than others to recover completely from their injuries. It is critical, therefore, that senior citizens become familiar with the steps to take in an emergency medical situation.

EMS is equally important to the welfare of our children. Accidents are the leading cause of death among children under 14 years of age. When appropriate treatment is administered within the first hour of injury, mortality, morbidity, and residual disability can be greatly reduced. Timely and effective treatment, therefore, is a must.

Of course, prompt treatment depends on adequate manpower—and many concerned citizens have responded to this need. In fact, in some areas of the country, between 50 and 80 percent of all prehospital care is provided by trained volunteer personnel.

Providers of emergency medical services include emergency physicians, nurses, emergency medical technicians, paramedics, educators, administrators, and lay people who have learned CPR and other medical stabilization procedures. These men and women, dedicated to the health and welfare of millions of Americans every day, deserve our recognition.

The dedication of May 12–18, 1991, as Emergency Medical Services Week will help provide our EMS providers with this well-deserved recognition, while creating an important opportunity for greater public education about accident prevention and medical emergency management.

I urge my colleagues to consider the importance of this resolution to the health and well-being of all Americans, and to join me in supporting its prompt passage.•

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Louisiana [Mr. BREAUX], the Senator from Delaware [Mr. BIDEN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 4, a bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 8

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 8, a bill to extend the time for performing certain acts under the internal revenue laws for individuals performing services as part of the Desert Shield operation.

S. 9

At the request of Mr. DOLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 9, a bill to amend the foreign aid policy of the United States toward countries in transition from communism to democracy.

S. 12

At the request of Mr. DANFORTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 12, a bill to amend title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 39

At the request of Mr. ROTH, the names of the Senator from Colorado [Mr. WIRTH] and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 55

At the request of Mr. METZENBAUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 100

At the request of Mr. SANFORD, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 100, a bill to set forth United States policy toward Central America and to assist the economic recovery and development of that region.

S. 140

At the request of Mr. WIRTH, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. BURNS], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 143

At the request of Mr. MCCONNELL, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 143, a bill to amend the Federal Election Campaign Act of 1971 to reduce special interest influence on elections, to increase competition in politics, to reduce campaign costs, and for other purposes.

S. 160

At the request of Mr. MCCAIN, the names of the Senator from Maine [Mr. COHEN], the Senator from Ohio [Mr. GLENN] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 160, a bill to extend the period of unemployment compensation for individuals involuntarily separated from the Armed Forces.

S. 167

At the request of Mr. RIEGLE, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Oregon, [Mr. HATFIELD], the Senator from Illinois [Mr. SIMON], the Senator from Alabama [Mr. HEFLIN], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 175

At the request of Mr. LEVIN, his name was withdrawn as a cosponsor of S. 175, a bill to amend the Resource Conservation and Recovery Act to improve procedures for the implementation of State compacts providing for the establishment and operation of regional disposal facilities for municipal and industrial solid waste, and for other purposes.

S. 193

At the request of Mr. MCCAIN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 193, a bill to provide for the restoration of certain Medicare catastrophic benefits, plus addition of colon cancer screening benefit.

S. 199

At the request of Mr. GLENN, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 199, a bill to amend the Internal Revenue Code of 1986 to exclude from income the compensation received for active service as a member of the Armed Forces of the United States in a dangerous foreign area.

S. 204

At the request of Mr. GLENN, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 204, a bill to amend title 10, United States Code, to provide for certain recalled retired members of the Armed Forces to serve in the highest grade previously held while on active duty.

S. 205

At the request of Mr. GLENN, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 205, a bill to amend title 5, United States Code, to equalize the treatment of members of the Armed Forces of the United States and former employees of the Federal Government for purposes of eligibility for payment of unemployment compensation for Federal service.

S. 215

At the request of Mr. JOHNSTON, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil or refined petroleum products.

S. 221

At the request of Mr. GLENN, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 221, a bill to require the Secretary of Defense to authorize members of the Armed Forces serving outside the United States under arduous conditions pursuant to an assignment or duty detail as a part of Operation Desert Shield to participate in a savings program for members of the Armed Forces assigned for permanent duty outside the United States.

S. 242

At the request of Mr. GLENN, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Georgia [Mr. FOWLER], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 242, a bill to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees and for other purposes.

S. 246

At the request of Mr. LOTT, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from New York [Mr. JOHNSTON], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of S. 246, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 250

At the request of Mr. FORD, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 250, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 255

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. LEVIN], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 255, a bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable.

S. 264

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 264, a bill to authorize a grant to the National Writing Project.

At the request of Mr. COCHRAN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. MCCAIN], the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Mississippi [Mr. LOTT], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 264, supra.

S. 265

At the request of Mr. THURMOND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 265, a bill to establish constitutional procedures for the imposition of the death penalty for terrorist murders and for other purposes.

S. 266

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 266, a bill to prevent and punish domestic and international terrorist acts, and for other purposes.

S. 270

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 270, a bill to require regular reports to the Congress on the amount of expenditures made to carry out Operation Desert Shield and Operation Desert Storm and on the amount of contributions made to the United States by foreign countries to support Operation Desert Shield and Operation Desert Storm.

S. 281

At the request of Mr. KENNEDY, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 281, a bill to provide school-based education and support services and comprehensive family support services to families of members of the Armed Forces of the United States who are serving on active duty, to provide continued coverage under group health plans for the families of members of the Armed Forces serving on active duty during the Persian Gulf conflict, and for other purposes.

S. 284

At the request of Mr. BRADLEY, the names of the Senator from Nebraska [Mr. EXON], the Senator from Delaware [Mr. ROTH], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 294

At the request of Mr. BUMPERS, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 294, a bill to amend the Federal Election Campaign Act to exclude from the definition of "independent expenditures" those expenditures that are not truly independent of the legislative process.

S. 307

At the request of Mr. RIEGLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 307, a bill to amend the Internal Revenue Code of 1986 to permit individuals to receive tax-free distributions from an individual retirement account or annuity to purchase their first home, and for other purposes.

S. 308

At the request of Mr. MITCHELL, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 311

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 313

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 313, a bill to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from a person who engages in torture or extra judicial killing.

S. 316

At the request of Mr. BROWN, his name was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 330

At the request of Mr. MITCHELL, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 330, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to improve and clarify the protections provided by that act; to amend title 38 United States Code, to clarify veterans' reemployment rights and to improve veterans' rights to reinstatement of health insurance, and for other purposes.

S. 334

At the request of Mr. KENNEDY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KERRY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 334, a bill to provide child care services to families of members of the Armed Forces of the United States who are serving on active duty, to provide eligibility for certain health benefits for members who are released from active duty in connection with the Persian Gulf conflict, and for other purposes.

S. 337

At the request of Mr. SIMON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 337, a bill to amend chapter 30 of title 38, United States Code, to provide that certain service by members of the Selected Reserve who are ordered to active duty in connection with the Persian Gulf conflict be deemed to satisfy certain requirements for basic educational assistance under such chapter, to revise the requirements for such assistance applicable to such members, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. SASSER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution expressing the sense of the Congress that the Department of Commerce should utilize the statistical correction methodology to achieve a fair and accurate 1990 census.

SENATE JOINT RESOLUTION 36

At the request of Mr. LEVIN, his name was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

At the request of Mr. PRESSLER, the names of the Senator from Florida [Mr. GRAHAM], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 36, supra.

SENATE JOINT RESOLUTION 37

At the request of Mr. GARN, the names of the Senator from Texas [Mr. GRAMM], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 37, a joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons.

SENATE JOINT RESOLUTION 40

At the request of Mr. THURMOND, the names of the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. COHEN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Connecticut [Mr. DODD], the Senator from North Carolina [Mr. SANFORD], the Senator from Virginia [Mr. ROBB], the Senator from Delaware [Mr. BIDEN], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Illinois [Mr. SIMON], the Senator from Texas [Mr. BENTSEN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 42

At the request of Mr. RIEGLE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Georgia [Mr. FOWLER], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 42, a joint resolution expressing the support of the United States for the independence of Lithuania, Latvia, and Estonia.

SENATE JOINT RESOLUTION 45

At the request of Mr. REID, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Hampshire [Mr. SMITH], the Senator from Tennessee [Mr. SASSER], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 45, a joint resolution to require display of the POW/MIA flag at Federal buildings.

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. INOUYE], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 50

At the request of Mr. BRADLEY, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. BOND], the Senator from Nevada [Mr. REID], the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. FOWLER], the Senator from Kansas [Mr. DOLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. GORTON], the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Hawaii [Mr. AKAKA], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Texas [Mr. BENTSEN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. D'AMATO], the Senator from Tennessee [Mr. GORE], the Senator from Utah [Mr. HATCH], the Senator from Connecticut [Mr. DODD], the Senator from Oregon [Mr. PACKWOOD], the Senator from Illinois [Mr. DIXON], the Senator from California [Mr. CRANSTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Arizona [Mr. DECONCINI], the Senator from Vermont [Mr. JEFFORDS], the Senator from Rhode Island [Mr. PELL], the Senator from Maine [Mr. COHEN], the Senator from Michigan [Mr. RIEGLE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Illinois [Mr. SIMON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate April 6, 1991, as "National Student-Athlete Day."

SENATE JOINT RESOLUTION 51

At the request of Mr. SARBANES, the names of the Senator from Utah [Mr. HATCH], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mr. DOLE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Idaho [Mr. CRAIG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maine [Mr. MITCHELL], the Senator from Alabama [Mr. SHELBY], the Senator from Utah [Mr. GARN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Arkansas [Mr. PRYOR], were added as cosponsors of Senate Joint Resolution 51, a joint resolution to designate the week beginning March 4, 1991, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. DECONCINI, the names of the Senator from North Carolina [Mr. SANFORD], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Washington [Mr. ADAMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Delaware [Mr. BIDEN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Ohio [Mr. GLENN], the Senator from Delaware [Mr. ROTH], the Senator from Maryland [Ms. MIKULSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Idaho [Mr. CRAIG], the Senator from Washington [Mr. GORTON], the Senator from Missouri [Mr. BOND], the Senator from Utah [Mr. HATCH], the Senator from Mississippi [Mr. COCHRAN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Montana [Mr. BURNS], and the Senator from Colorado [Mr. BROWN], were added as cosponsors of Senate Joint Resolution 52 a joint resolution to designate the month of April 1991 and 1992 as "National Child Abuse Prevention Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. GRAHAM, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Nevada [Mr. BRYAN], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maine [Mr. MITCHELL], the Senator from Washington [Mr. GORTON], the Senator from Tennessee [Mr. SASSER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. RIEGLE], the Senator from Wisconsin [Mr. KASTEN], the Senator from Indiana [Mr. COATS], the Senator from Delaware [Mr. ROTH], the Senator from South Dakota [Mr. PRESSLER], the Senator from Montana [Mr. BURNS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of Senate Joint Resolution 53 a joint resolution to designate April 9, 1991 and April 9 1992, as "National Prisoner of War Recognition Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KASTEN], was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to encourage the Angolan peace talks.

SENATE RESOLUTION 17

At the request of Mr. SYMMS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Tennessee [Mr. GORE], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of Senate Resolution 17 a resolution to express the sense of the Senate in support of "Operation Homefront."

SENATE RESOLUTION 22

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. MACK] was added as cosponsor of Senate Resolution 22 a resolution to urge the President to grant full diplomatic recognition to the Republic of Lithuania, Latvia, and Estonia.

AMENDMENTS SUBMITTED

NATIONAL ENERGY SECURITY ACT OF 1991

WIRTH AMENDMENT NO. 1

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. WIRTH submitted an amendment intended to be proposed by him to the bill (S. 341) to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.—This Act, together with the following table of contents, may be cited as the "National Energy Policy Act of 1991".

SEC. 2. TABLE OF CONTENTS.—

Sec. 1. Short Title.
Sec. 2. Table of Contents.
Sec. 3. Findings.
Sec. 4. Purposes.
Sec. 5. Goals.
Sec. 6. Definitions.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A.—National Energy Strategy

Sec. 101. Least-cost Energy Strategy
Sec. 102. Conforming Amendments.

Subtitle B.—Director of Climate Protection

Sec. 111. Appointment.

Subtitle C.—National Academies of Science and Engineering

Sec. 121. Review.
Sec. 122. Report to the Congress.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A.—Energy Efficiency

Sec. 201. Report.
Sec. 202. Energy-Intensive Industries.
Sec. 203. Federal Energy Management.
Sec. 204. Fuel Cells.
Sec. 205. Repeal of Prohibitions on Supply and Installation of Residential Energy Conservation Measures by Utilities.
Sec. 206. Energy Efficiency Labeling for Windows and Window Systems.

Sec. 207. Energy Efficiency Information.
Sec. 208. Compact Fluorescent Lamps in Federal Facilities.
Sec. 209. Demonstration of New Technology.
Sec. 210. Residential Energy Efficiency Ratings.

Subtitle B.—Amendments to the Public Utility Regulatory Policies Act of 1978

Sec. 211. Encouragement of Investments in Conservation and Energy Efficiency Resources and Study of Certain State Ratemaking Policies.

Subtitle C.—Fuel Cells

Sec. 221. Amendment.

TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES

Subtitle A.—General

Sec. 301. Energy Research and Development Priorities.
Sec. 302. Management Plan.
Sec. 303. Joint Ventures.

Subtitle B.—Engine and Vehicle Fuel Research

Sec. 311. Vehicle Engine Fuel Research.
Sec. 312. High Efficiency Heat Engines.
Sec. 313. Natural Gas Cofiring Research, Development and Demonstration.

Subtitle C.—Technology Development Program

Sec. 321. Program.
Sec. 322. Authorizations.

Subtitle D.—Fusion

Sec. 331. Programs.

Subtitle E.—Coal

Sec. 341. Coal Program Goals.
Sec. 342. Non Fuel Use of Coal.
Sec. 343. Authorizations.

Subtitle F.—Natural Gas and Other Alternative Fuels

Sec. 351. Mass Transit Program.
Sec. 352. Natural Gas and Other Alternative Fuel Use in Fleet Vehicles.
Sec. 353. Training Program.
Sec. 354. Vehicle Research, Development and Demonstration Program.
Sec. 355. Natural Gas Recovery Research, Development and Demonstration Program.
Sec. 356. Natural Gas and Electric Heating and Cooling Technologies.
Sec. 357. Vehicle and Battery Research, Development, and Demonstration Program.
Sec. 358. Definitions.

Subtitle G.—Hydropower

Sec. 361. Program.
Sec. 362. Report.

Subtitle H.—Electric Vehicle Technology Development and Demonstration

Sec. 371. Short Title.
Sec. 372. Findings.
Sec. 373. Definitions.
Sec. 374. Identification of Nonattainment Areas.
Sec. 375. Applications From Manufacturers.
Sec. 376. Selection of Manufacturers.
Sec. 377. Discounts to Purchasers.
Sec. 378. Reports to Congress.
Sec. 379. Authorizations.

Subtitle I.—Advanced Nuclear Reactor Study

Sec. 381. Report.

TITLE IV—MISCELLANEOUS

Subtitle A.—Methane Assessment

Sec. 401. Objective.
Sec. 402. Domestic Methane Source Inventory and Control Options.
Sec. 403. International Studies.

Subtitle B.—Committee on Renewable Energy Commerce and Trade

Sec. 411. Duties of CORECT.
Sec. 412. Information and Technical Program.
Sec. 413. Comprehensive Energy Technology Evaluation.
Sec. 414. Joint Ventures in Developing, Demonstrating, and Marketing Energy Efficient and Renewable Energy Technologies in Key Lesser-Developed Countries.
Sec. 415. Authorizations.

Subtitle C.—Fuel Cycle Costs Analysis

Sec. 421. Program.
Sec. 422. Report.

Subtitle D—United Nations Conference

Sec. 431. 1992 United Nations Conference on Environment and Development.

TITLE V—NATURAL RESOURCE POLICY

Sec. 501. Ecological and Environmental Resource Study.
Sec. 502. National Forestation Initiative.
Sec. 503. Urban Forestry and Energy Savings.

SEC. 3. FINDINGS.—The Congress finds that—

(1) scientific evidence indicates that the atmosphere of the earth is being affected by the generation from natural and man-made sources of carbon dioxide and other greenhouse gases;

(2) trends in the concentration of such greenhouse gases in the atmosphere may result in global changes in climate, with potentially significant economic, social and environmental implications for human-kind;

(3) a scientific understanding of the causes and economic effects of global climate change is necessary to formulate effective policies;

(4) the formulation of domestic and international energy and natural resource policies may be necessary in order to reduce the generation of carbon dioxide and other greenhouse gases and mitigate or adapt to potential adverse consequences of human-induced global climate change;

(5) the formulation of such policies by the Government will include an effort involving the private sector and the laboratories of the Department of Energy; and

(6) the United States should pursue a framework convention on global climate change by the year 1992 through the Intergovernmental Panel on Climate Change (IPCC) of the United Nations Environmental Program and the World Meteorological Organization.

SEC. 4. PURPOSES.—The overall purpose of this Act is to establish a national energy policy that will fully consider the contribution of energy use to potential changes in global climate and will include cost-effective strategies to lessen the generation of energy-related greenhouse gases consistent with the achievement of other domestic energy, economic, social, and environmental goals. The specific purposes of the Act are to—

(1) improve scientific understanding of the natural and man-made sources of greenhouse gases and their relative contributions to global climate change;

(2) evaluate the environmental, social, and economic consequences of global climate change;

(3) evaluate the environmental, social, and economic consequences of domestic and international policies for mitigating or adapting to global climate change;

(4) identify the actions required to mitigate current trends in atmospheric concentrations of greenhouse gases and analyze their relative cost-effectiveness;

(5) identify the actions necessary to mitigate or adapt to adverse consequences of global climate change;

(6) identify and evaluate the domestic policies required to mitigate or adapt to the possible adverse social and economic consequences of a reduction or stabilization in the generation of greenhouse gases;

(7) encourage the formulation of effective domestic and international energy and natural resource policies that will mitigate adverse consequences of human-induced global climate change;

(8) foster the development of technologies that will advance the goals and purposes of the Act and the transfer of such technologies to lesser-developed countries; and

(9) establish programs within the Department of Energy for the achievement of these purposes.

SEC. 5. GOALS.—(a) The goals of this Act are to—

(1) foster the identification of an appropriate mix of policies referred to in subsection (b) that have the potential, if fully implemented, to stabilize the generation of carbon dioxide and other greenhouse gases in the United States;

(2) assess the feasibility of further limiting, or reducing, the generation of carbon dioxide and other greenhouse gases not controlled by the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer;

(3) investigate the feasibility and economic, energy, social, and environmental implications of achieving a 20 per centum reduction in the generation of carbon dioxide by the year 2005 as recommended by the 1988 Toronto Scientific World Conference on the Changing Atmosphere;

(4) investigate the feasibility and economic, energy, social, and environmental implications of stabilizing carbon dioxide emissions by the year 2005; and

(5) evaluate the potential social, economic, energy, and environmental implications of implementing the policies mentioned in paragraphs (1), (2), (3), and (4) in order to enable the U.S. to comply with any obligations under an international global climate change framework convention or agreement;

(b) Policies to be considered in section 5(a) for the stabilization or reduction in the generation of carbon dioxide and other greenhouse gases include, but are not limited to, policies that—

(1) implement standards for more efficient use of fossil fuels;

(2) increase the energy efficiency of existing technologies;

(3) encourage technologies, including clean coal technologies, that generate lower levels of carbon dioxide and other greenhouse gases;

(4) promote the use of renewable energy resources, including solar, geothermal, sustainable biomass, hydropower, and wind energy;

(5) affect the development and consumption of energy and energy efficiency resources and electricity through tax policy;

(6) encourage investment in energy efficient equipment and technology;

(7) encourage the development of energy technologies, such as advanced nuclear fission and nuclear fusion, that product energy without carbon dioxide and other greenhouse gases as a byproduct, and encourage the deployment of nuclear electric generating capacity; and

(8) encourage afforestation and reforestation.

(c) The reduction of the generation of chlorofluorocarbons shall be in accordance with the provisions of the Montreal Protocol, unless subsequent Federal legislation is enacted establishing new guidelines for the reduction or elimination of the use of chlorofluorocarbons.

(d) In order to promote international cooperation in addressing potential global climate change, it is the goal of the United States to establish by 1992, an international framework convention on global climate change through the activities of the Intergovernmental Panel on Climate Change of the United Nations International Environmental Program and the World Meteorological Organization and secure the commitment of the community of nations to such convention.

SEC. 6. DEFINITIONS.—For the purposes of this Act, the term—

(1) "Department" means the Department of Energy;

(2) "energy efficiency resource" means energy saved through improvements in the efficiency of energy production, transportation, or utilization;

(3) "energy resources" includes, but is not limited to, supplies of natural gas, crude oil and petroleum products, coal, nuclear energy, and renewable energy;

(4) "global climate change" means changes in the climate of the earth that result from increases in the atmospheric concentrations of greenhouse gases;

(5) "greenhouse gases" means carbon dioxide and other gases such as chlorofluorocarbons, methane, ozone, and nitrous oxides that contribute to global climate change;

(6) "lesser-developed countries" shall include, but not be limited to, Eastern Europe and the Soviet Union; and

(7) "Secretary" means the Secretary of Energy.

TITLE I—ENERGY POLICY INITIATIVES

Subtitle A.—National Energy Strategy

SEC. 101. LEAST-COST ENERGY STRATEGY.—(a)(1) The first National Energy Policy Plan (the "Plan") under section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) prepared and submitted by the President to Congress after the date of the enactment of this Act, and each subsequent such Plan, shall include a least-cost energy strategy prepared by the Secretary.

(2) The Secretary need not prepare and submit a least-cost energy strategy with the National Energy Plan scheduled to be submitted in April of 1991.

(b)(1) The least-cost energy strategy shall identify Federal priorities for the encouragement of the use of energy and energy efficiency resources. In developing the least-cost energy strategy, the Secretary shall take into consideration the economic, energy, social, and environmental consequences of his choices. Such strategy shall be designed to achieve to the maximum extent practicable and at least-cost to the Nation—

(A) the energy production, utilization, and conservation objectives of the Plan; and

(B) the stabilization and eventual reductions in the generation of carbon dioxide and other greenhouse gases mentioned in section 5(a).

(2) The least-cost energy strategy shall include—

(A) a comprehensive inventory of available energy and energy efficiency resources and their projected costs, taking into account all costs of production, transportation, and utilization of such resources, including—

(i) coal, clean coal technologies, coal seam methane, and underground coal gasification;

(ii) energy efficiency, including existing technologies for increased efficiency in production, transportation, and utilization of energy, and other technologies that are anticipated to be available through further research and development; and.

(iii) other energy resources, such as renewable energy, solar energy, nuclear fission, fusion, geothermal, biomass, fuel cells, and hydropower.

(B) a proposed two-year program for assuring adequate supplies of energy and energy efficiency resources under paragraph (1), and an identification of actions that can be undertaken within existing Federal authority; and

(C) recommendations for any new Federal authority needed to achieve the purposes of this Act.

(c)(1) The relative costs of energy and energy efficiency resources under this section shall be determined based upon a comparison of the estimated system costs of other similarly reliable and available resources.

(2) System costs under paragraph (1) are all direct and quantifiable net costs for the resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

(3) When comparing an energy efficiency resource to an energy resource, a higher priority shall be assigned to the energy efficiency resource whenever its estimated system cost is equal to the estimated system cost of the energy resource.

SEC. 102. CONFORMING AMENDMENTS.—(a) Section 801 of Public Law 95-91 is amended in subsection (c)(1) by inserting "cost estimate," after "whatever data and analysis are necessary to support the".

(b) Title III of the Energy Security Act (42 U.S.C. 7361, et seq.) is hereby repealed.

Subtitle B.—Director of Climate Protection

SEC. 111. APPOINTMENT—(a) Within six months after the date of the enactment of this Act, the Secretary shall appoint within the Department, a Director of Climate Protection (the "Director"). The Director shall:

(1) in the absence of the Secretary, serve as his representative for interagency and multilateral policy discussions of global climate change;

(2) monitor domestic and international policies for their effects on the generation of carbon dioxide and other greenhouse gases; and

(3) have the authority to participate in the planning activities in relevant Departmental programs.

(b) Beginning 18 months after the date of the enactment of this Act, and annually thereafter, the Director shall participate in the formulation of the least-cost energy strategy under section 101, research and development priorities under section 301, and the management plan under section 302.

Subtitle C—National Academies of Science and Engineering

SEC. 121. REVIEW.—(a) Within ninety days after his appointment under section 111, the Director, in consultation with the Office of Science and Technology Policy (the "Office"), shall seek to enter into an agreement with the National Research Council to use the services of the National Academy of Sciences and the National Academy of Engineering (the "Academies") to conduct an ongoing review of current knowledge regarding—

(1) trends in the atmospheric concentrations of greenhouse gases, including current capabilities to model such trends with sufficient reliability to support international, domestic, and regional policy formulation;

(2) the causes of global climate change and the relative contribution of various sources of greenhouse gases including, but not limited to, fossil fuel production and use, forest management practices, agricultural practices, and other sources;

(3) the climatic, physical, economic, social and environmental consequences of current trends in atmospheric concentration of greenhouse gases;

(4) actions that might be taken to mitigate or adapt to possible adverse economic, social, and environmental consequences of global climate change and the relative cost-effectiveness of these actions;

(5) the generation and disposition of greenhouse gases into the environment including the relative contribution of the oceans, clouds, and biosphere; and

(6) current knowledge on the relationship between those policies that mitigate or abate stratospheric ozone depletion and those policies that mitigate or abate global climate change.

(b) In conducting such review, the Academies are encouraged to consult with international scientific and technical entities to determine where there is a consensus in current knowledge with respect to paragraphs (a) (1) through (6).

(c) The Secretary, the Secretary of Commerce, the Secretary of the Interior, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Director of the National Science Foundation shall, upon request, furnish to the Office and the National Research Council any information that such Office or Council determines to be necessary for purposes of conducting the review required under subsection (a).

SEC. 122. REPORT TO THE CONGRESS.—(a) Within one year after the date of the enactment of this section and periodically thereafter the Academies shall submit a report containing the findings and recommendations resulting from the review conducted under section 121 to the Office and the Congress. The findings and recommendations contained in such report shall not be subject to any prior clearance or review, nor shall any prior clearance conditions be imposed on the National Research Council, as part of the agreement made by the Office.

(b) Within six months after the transmission of such report to the Congress, the President shall transmit to the Congress his assessment of the findings and recommendations in the report pursuant to subsection (a) and any recommendations therein.

TITLE II—ENERGY EFFICIENCY INITIATIVES

Subtitle A.—Energy Efficiency

SEC. 201. REPORT.—The Secretary, in consultation with the Council of Economic Advisors, shall submit to the Congress within one year after the date of the enactment of this Act, and every three years thereafter through the year 2004, a report evaluating energy efficiency policy options that would be necessary to produce decreases of one, two, three, and four percent per-year per-unit of GNP through the year 2005, below the projected energy consumption for 2005. The Secretary shall evaluate, describe and rank these policy options according to their cost-effectiveness and their feasibility of implementation.

SEC. 202. ENERGY-INTENSIVE INDUSTRIES.—(a) The Secretary, acting in accordance with authority contained in the Federal Nonnuclear Energy Research and Development Policy Act of 1974 (42 U.S.C. 5901-5920) and other applicable laws, shall—

(1) pursue a research and development program intended to improve energy efficiency and productivity in energy-intensive industries and industrial processes; and

(2) in accordance with the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (P.L. 101-218), undertake joint ventures to encourage commercialization of technologies developed under paragraph (1).

(b)(1) The Secretary shall—

(A) conduct a competitive solicitation for proposals from specialized private firms and investors for such joint ventures under subsection (a)(2); and

(B) provide financial assistance to at least five such joint ventures.

(2) The purpose of the joint ventures shall be to design, test and demonstrate changes to industries and industrial processes that will result in improved energy efficiency and productivity. The joint ventures may also demonstrate other improvements of benefit to such industries so long as demonstration of energy efficiency improvements is the principal objective of the joint venture.

(3) In evaluating proposals for financial assistance and joint ventures under this section, the Secretary shall consider—

(A) whether the research and development efforts under this section (i) improve the quality and efficiency of industries or industrial processes, and (ii) reduce the generation of carbon dioxide and other greenhouse gases into the atmosphere;

(B) the regional distribution of energy-intensive industries and industrial processes; and

(C) whether the joint-venture projects are located in the region in which the energy-intensive industries are located.

(c) There is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994.

SEC. 2.3. FEDERAL ENERGY MANAGEMENT.—Part 3 of Title V of the National Energy Conservation Policy Act (NECPA) (42 U.S.C. 8251 et seq.), as amended, is further amended as follows:

(a) in section 543:

(1) Strike subsection (a) and insert the following new text in lieu thereof:

"(a) ENERGY MANAGEMENT REQUIREMENT FOR FEDERAL BUILDINGS.—(1) Not later than January 1, 2000, each Federal agency shall, to the maximum extent practicable, install in Federal buildings under the control of such agency in the United States, all energy conservation measures with payback periods of less than ten years as calculated using the methods and procedures developed pursuant to section 544. By January 1, 1993, each agency shall submit to the Secretary a list of projects meeting the ten-year payback criterion, the energy that each project will save and total energy and cost savings involved. Subject to the availability of appropriated funds, each Federal agency shall have substantially completed at least 25 per centum of the projects on the list or projects on the list that would account for 25 per centum of total energy savings, by January 1, 1995. If any agency has not met this requirement, such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. If any agency has not met the requirements of this section for the year 2000, then such agency shall spend no funds in States where this requirement has not been met for the construction or acquisition of a Federal building except to meet the requirements of this section. The Secretary may waive the requirements of this section if the Secretary finds that an agency is taking all practicable steps to meet the requirement and that the sanctions of this section will pose an unacceptable burden upon the agency. If the Secretary waives the requirements of this section, he shall notify Congress promptly.

"(2) An agency may exclude from the requirements of paragraph (1) any Federal building or collection of Federal buildings, and the associated energy consumption and gross square footage, if the head of such agency finds that compliance with the requirements of paragraph (1) would be impracticable. A finding of impracticability shall be based on the energy intensiveness of activities carried out in such Federal buildings or collection of Federal buildings, the type and amount of energy consumed, the technical feasibiliyy of making the desired changes, and the unique character of many facilities operated by the Departments of Defense and Energy. Each agency shall identify and list in each report made under section 548 the Federal buildings designated by it for such exclusion. The Secretary of Energy shall review such findings for consistency with the impracticability standards set forth herein, and may within 90 days after receipt of the findings, reverse a finding of impracticability, in which case, the agency shall comply with the requirements of paragraph (1). This section shall not apply to an agency's facilities that generate or transmit electric energy, nor to the uranium enrichment facilities operated by the Department of Energy.";

(2) In subsection (b):

(A) after the words "subsection (a)," insert the following:

"The Secretary of Energy shall consult with the Secretary of Defense and the Administrator of the General Services Administration in developing guidelines for the implementation of this Part, and";

(B) strike the phrase "Federal Energy Management Improvement Act of 1988," in paragraph (1) and insert in lieu thereof "National Energy Policy Act of 1991, and submit to the Secretary of Energy";

(C) after the words "high priority projects;" insert the following: "and such plan shall include steps to take maximum advantage of contracts authorized under title VIII of this Act (42 U.S.C. 8287 et seq.), financial incentives, and other services provided by utilities for efficiency investment and other forms of financing to reduce the direct costs to the government;";

(D) at the end of paragraph (2), strike the semicolon and insert the following: ", and update such surveys periodically, but not less than every three years;";

(E) replace paragraph (3) with the following new paragraph;

"(3) using such surveys, determine the cost and payback period of energy conservation measures likely to achieve the goals of this section;"; and

(F) insert a new paragraph (4) as follows, and renumber paragraph (4) as "(5)".

(4) install those energy conservation measures that will attain the requirements of this section in a cost-effective manner as defined in Section 544, and".

(b) in section 544:

(1) Strike "National Bureau of Standards," in subsection (a) and insert in lieu thereof "National Institute of Standards and Technology,"; and

(2) strike all after the word "each", in paragraph (b)(2) and insert in lieu thereof:

("agency shall, after January 1, 1994, fully consider the energy efficiency of all potential building space at the time of renewing or entering into a new lease. Further, all government owned and leased space constructed after January 1, 1994, shall meet model Federal building standards for energy efficiency.".

(c) in section 545, add after the "measures" the following:

"as needed to meet the requirements of section 543.".

(d) in section 546, strike subsection (b) and insert in lieu thereof the following:

"(b) IMPLEMENTATION.—To facilitate the financing of energy conservation energy measures, each Federal agency shall promote the use of contracts authorized by title VIII of this Act (42 U.S.C. 8287 et seq.). The Secretary, in consultation with the Secretary of Defense and the Administrator of the General Services Administration, within six months after the date of the enactment of the National Energy Policy Act of 1991, shall develop appropriate procedures and methods for use by Federal agencies to select energy service contractors that will achieve the intent of this section in a cost-effective manner. Notwithstanding any other procurement laws and regulations, such procedures and methods shall apply to the selection of energy service contractors by each Federal agency.".

(e) in section 548:

(1) strike the word "Each" in subsection (a) and insert in lieu thereof the following:

"In addition to the plan required to be submitted to the Secretary pursuant to Section 543(b)(1), each";

(2) insert the phrase "by April 2 of each year," after the word "annually" in subsection (b); and

(3) insert the words "by each agency", after the words "under this part" in subsection (b)(1).

SEC. 204. FUEL CELLS.—Subsection 6(c) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (P.L. 101-218) is amended by adding a new paragraph (6) as follows:

"(6)(A) The Secretary shall solicit proposals for, and provide financial assistance to, at least one joint venture for the demonstration of fuel cells technology in accordance with the provisions of this paragraph.

"(B) The purpose of joint ventures supported under this paragraph shall be to design, test, and demonstrate critical enabling technologies for the production of electric energy from fuel cells in order to accelerate commercial application of fuel cells.

"(C) There are authorized to be appropriated to the Secretary not to exceed $3,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out this paragraph.".

"SEC. 205. REPEAL OF PROHIBITIONS ON SUPPLY AND INSTALLATION OF RESIDENTIAL ENERGY CONSERVATION MEASURES BY UTILITIES.—Section 216 of the National Energy Conservation Policy Act (42 U.S.C. 8217) is repealed and subsequent sections are renumbered accordingly.

SEC. 206. ENERGY EFFICIENCY LABELING FOR WINDOWS AND WINDOW SYSTEMS.—(a) DEVELOPMENT OF PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary shall, in consultation with the National Fenestration Rating Council and appropriate industry representatives, provide financial and technical assistance to support the voluntary development of a national window rating program to establish energy efficiency ratings for windows and window systems. Such program shall set forth information and specifications that will enable purchasers of windows or window systems to make more informed purchasing decisions based upon the potential cost and energy savings of alternative window products.

(b) Secretarial Action.—If a national window rating program, consistent with the objectives of subsection (a), is not established within two years of the date of enactment of this Act, then the Secretary shall, in consultation with the National Institute of Standards and Technology, develop, within one year, a rating program to establish energy efficiency ratings for windows and window systems under section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293).

(c) Federal Trade Commission Rules.—The Federal Trade Commission (hereinafter in this section, the "Commission") shall prescribe labeling rules, under section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294), for the rating program established pursuant to either subsection (a) or (b) of this section unless, the Commission determines that labeling in accordance with subsections (a) or (b) of this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions with respect to any type of window or window system (or class thereof).

(d) Covered Products.—For purposes of sections 323 and 324 of the Energy Policy and Conservation Act, windows and window systems shall be considered covered products under section 322 of such Act (42 U.S.C. 6292) unless excluded by the Commission pursuant to subsection (c).

(e) Authorization.—There are authorized to be appropriated to the Secretary $750,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the purposes of this section.

Sec. 207. Energy Efficiency Information.—(a) Within one year after the date of the enactment of this section, the Administrator of the Energy Information Administration shall report to Congress on the information being collected or otherwise acquired by the Administrator with respect to the efficiency of energy consumption. The report shall estimate future needs for collection of additional information related to energy efficiency and environmental impacts. The report shall also consider the feasibility of—

(1) increasing the frequency of collection of information on the utilization of energy;

(2) including additional energy-using classes and sectors in surveys conducted; and

(3) collecting additional information to assist in the analysis of barriers to improvement in energy efficiency.

(b) The report shall take into account reporting burdens and the protection of proprietary information under law.

(c) The Administrator shall periodically publish measures of energy efficiency in classes, sectors, and regions that consume significant amounts of energy.

Sec. 208. Compact Flourescent Lamps in Federal Facilities.—Not later than one hundred and eighty days after the date of the enactment of this section, the Secretary shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the generation of carbon dioxide and sulfur dioxide.

Sec. 209. Demonstration of New Technology.—(a) Within one year after the date of the enactment of this Act, the Secretary shall submit a plan to Congress for the demonstration in Federal facilities, or by Federal agencies, of renewable energy and energy efficiency resource technologies that have received Federal financial assistance for research and development. The technologies shall be those that are ready for commercial demonstration but are not widely commercially available. The Plan shall include:

(1) a listing of those technologies with specific candidate sites for the demonstration;

(2) the energy, environmental, cost savings or other expected benefits;

(3) a timetable for implementation; and

(4) a process for evaluation of the performance of the techologies.

(b) The plan shall be updated every two years.

Sec. 210. Residential Energy Efficiency Ratings.—(a) Title II of the National Energy Conservation Policy Act is amended by adding a new Part 6 as follows:

"Part 6.—Residential Energy Efficiency Ratings

"Sec. 271. Ratings.—(a) Within twelve months after the date of the enactment of the National Energy Policy Act of 1991, the Secretary, in consultation with the Secretary of Housing and Urban Development and State governments, shall, by rule, promulgate guidelines for procedures to be implemented by State governments that would enable the assignment of an energy efficiency rating to residential buildings.

"(b) The guideline under subsection (a) shall—

"(1) provide for a numerical rating of the efficiency with which any residential building may be supplied with heating and cooling energy on an annual basis, and evaluate the practicality of including major energy consuming appliances in such rating;

"(2) provide that all residential buildings can receive a rating at the time of sale;

"(3) ensure that the rating is prominently communicated to potential buyers and renters; and

"(4) ensure that the rating system is designed to facilitate its use by lenders and the secondary mortgage markets to promote energy efficiency.

"Sec. 272. Technical Assistance.—Within twelve months of the date of the enactment of this section the Secretary shall establish a program to provide technical assistance for State and local governments adopting energy efficiency rating systems or building codes. The program shall utilize the Federal Government's experience in developing Federal building energy performance standards and shall provide compliance methods, educational materials for builders and code officials, and other technical support.

"Sec. 273. Authorization.—There are hereby authorized to be appropriated such funds as are necessary to carry out the purposes of this subtitle.".

(b) The National Energy Conservation Policy Act should be further amended by adding in the table of contents at the end of Title II—Residential Energy Conservation, the following items:

"Part 6—Residential Energy Efficiency Ratings

"Sec. 271. Ratings.
"Sec. 272. Technical Assistance.
"Sec. 273. Authorization.".

Subtitle B.—Amendments to the Public Utility Regulatory Policies Act of 1978

Sec. 211. Encouragement of Investments in Conservation and Energy Efficiency Resources and Study of Certain State Ratemaking Policies.—(a) The Public Utility Regulatory Policies Act of 1978 (92 Stat. 3117), as amended, is further amended by inserting the following new paragraph at the end of section 111:

"(7) Encouragement of Investments in Conservation and Energy Efficiency Resources.—

"(A) The rates allowed to be charged by a State-regulated electric utility shall be such that the utility's investments in and expenditures for energy conservation, energy efficiency resources and other demand-side management measures are at least as profitable as its investments in and expenditures for the construction of new generating facilities.

"(B) For purposes of implementing the provisions of this paragraph, any reference contained in this title to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of the National Policy Act of 1991.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit a report to the President and to the Congress containing—

(1) a survey of all State laws, regulations, practices, and policies under which State regulatory authorities require or permit rates charged by an electric utility to reflect least-cost planning?

(2) an evaluation by the Secretary of whether, and to what extent, least-cost planning is likely to result in:

(A) higher or lower electricity costs to an electric utility's ultimate consumers or to classes or groups of such consumers;

(B) enhanced or reduced reliability of electric service; and

(C) increased or decreased dependence on particular energy resources.

(3) an evaluation by the Secretary of whether, and to what extent, ratemaking methodologies, implementing least-cost planning adequately take into account the impact of such measures on electric utilities' costs, operations, and rate of return on investment.

(c) For purposes of subsection (b), the term "least-cost planning" means any standard, regulation, practice, or policy by which a state regulatory agency considers, or requires an electric utility to consider, actions (including, but not limited to, the construction of or purchase of electric energy from new generation facilities and investment in or expenditures for conservation, energy efficiency resources, or other demand side management measures) taken by a State regulated utility to provide adequate and reliable service to its electric consumers with the incurrence of lowest costs by such utility and its customers.

Subtitle C.—Fuel Cells

Sec. 221. Amendment.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251–8261) is amended by adding the following new part after section 569:

"Part 5—Fuel Cells

"Sec. 571. Definitions.—For purposes of this subtitle the term:

"(1) 'Federal building' shall mean 'Federal building' as defined by Section 549(6); and

"(2) 'Task Force' shall mean the Interagency Energy Managment Task Force established pursuant to section 547, except that, for purposes of this subtitle, the term 'Task Force' shall include the Environmental Protection Agency.

"SEC. 572. FUEL CELL PROGRAM.—The Secretary, in consultation with the Task Force, shall conduct a program to promote the early commerical application of fuel cell systems for the production of electricity by the demonstration of such systems in Federal buildings.

"SEC. 573. PURPOSES.—The purposes of this program are to:

"(1) improve the efficiency and reduce the environmental consequences of the nation's electric generation capability;

"(2) stimulate the creation of new industries and job opportunities in efficient and environmentally sound energy technologies; and

"(3) develop cost, efficiency, performance, environmental, and reliability data on fuel cell systems used in the production of electricity.

"SEC. 574. IMPLEMENTATION AND ACQUISITION.—(a) In preparing or updating the plan required by section 543(b)(1), each agency on the Task Force shall identify at least two potential projects for the demonstration of the application of fuel cells systems for the production of energy to satisfy electrical and other energy requirements of such buildings.

"(b) Not later than 6 months after the submission to the Secretary of such plan, including the list of potential projects required under subsection (a), the Secretary, in consultation with the Task Force, shall indentify a minimum of ten projects for implementation pursuant to subsection (c) and shall make a report of his selection including the basis therefor, to the Congress.

"(c) The Secretary may provide financial assistance to agencies sponsoring projects, identified under subsection (b), to acquire and install fuel cells systems manufactured in the United States and any associated equipment which may be necessary for the implementation of any of the listed projects. In order to receive financial assistance from the Secretary, a project identified under subsection (b) must meet the ten-year payback criterion of section 543. The calculation of such ten-year payback period shall take account of cost benefits associated with congenerated energy to the extent provided under section 544. In selecting qualified projects for financial assistance, the Secretary, in consultation with the Task Force, shall also consider the cost of the electricity to be generated; the extent of cost-sharing provided by other agencies for the acquisition of new equipment; the appropriateness of the locations, sites, and structures in question; the adaptability of facilities to program requirements; whether Federal building undergoing new construction or renovation offer advantages of cost-efficiency or ease of installation over existing Federal buildings; and such other factors that, in the judgment of the Secretary and the Task Force, may affect the benefits or costs of the fuel cell program.

"(d) Not late than January 1, 1996, the Secretary, in consultation with the Task Force, shall submit a report to Congress on the program authorized by this subtitle, which shall include information comparing the cost, efficiency, performance, environmental advantages, and reliability of fuel cells to other existing technological means of generating electricity, using data obtained from the operation of fuel cells acquired under this program. Such report shall also contain a discussion of all technical and economic issues which, in the judgment of the Secretary, might prevent the commercial use of fuel cells or restrict the use of fuel cells in certain applications and an analysis, including recommendations, of the steps needed to overcome such restrictions. A copy of such report shall be provided to each agency for further implementation of fuel cell projects consistent with the provisions of section 543(a), as appropriate.

"SEC. 575. AUTHORIZATION.—There is authorized to be appropriated to carry out the provisions of this subtitle a total of $15,000,000 for fiscal years 1992 through 1994.".

TITLE III—ENERGY RESEARCH AND DEVELOPMENT INITIATIVES

Subtitle A—General

SEC. 301. ENERGY RESERACH AND DEVELOPMENT PRIORITIES.—The Secretary shall establish priorities for research and development activities. These priorities shall include consideration of the following criteria:

(a) the potential to reduce generation of carbon dioxide and other greenhouse gases sooner than alternative projects;

(b) the projected cost-effectiveness of the energy or energy efficiency resource to be produced or saved, including an evaluation of the likelihood of the activities contributing to the achievement of commercialization of new energy technologies for the purposes of this Act;

(c) The comparative environmental and public health impacts of the energy to be produced or saved by the specific activities;

(d) the national security impact of the energy produced or saved, including its projected contribution to the reduction of oil imports and to the diversity of the domestic energy resource mix;

(e) the obstacles inherent in private industry's development of new energy technologies and steps necessary for establishing or maintaining technological leadership in the area of energy and energy efficiency resources technologies, including, but not limited to, solar, fuel cells, fusion, clean-coal technologies, and hydrogen;

(f) the contribution of a given activity to fundamental scientific knowledge;

(g) the anticipated impact of the results of these activities on special or targeted populations, including low-income or aged persons; and

(h) the contribution to U.S. competitiveness.

SEC. 302. MANAGEMENT PLAN.—(a) The Secretary, in consultation with the Energy Advisory Board to the Secretary, shall prepare a management plan for the conduct of research, development, and commercialization of energy technologies that is consistent with the purposes of this Act and guided by the priorities set forth in section 301.

(b) The management plan under subsection (a) shall contain proposals for—

(1) investigation of promising energy and energy efficiency resource technologies that have been identified as potentially significant future contributors to the least-cost energy strategy under section 101;

(2) development of contingency energy and energy efficiency resource technologies that have the potential to minimize adverse impacts on the environment, the global climate, and the economy and to reduce energy supply vulnerability; and

(3) creation of opportunities for export of energy and energy efficiency resource technologies from the United States that can make a substantial contribution to reducing the impact on the global climate of the energy resource supply and use patterns of foreign nations.

(c) Within one year after the date of the enactment of this section, the Secretary shall submit the first management plan under this section to Congress. Thereafter, the Secretary shall submit a revised management plan biennially at the time of submittal of the President's annual budget submission to the Congress.

SEC. 303. JOINT VENTURES.—Joint ventures authorized under this act shall be conducted pursuant to the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (P.L. 101-218).

Subtitle B—Engine and Vehicle Fuel Research

SEC. 311. VEHICLE ENGINE FUEL RESEARCH.—The Secretary shall establish and carry out a program of research, development, and demonstration on advanced vehicle engine systems (including engine systems that rely on alternative fuels, reformulated gasoline, or advanced, high efficiency materials) that offer the potential to reduce the generation of greenhouse gases and improve the efficiency of energy in transportation uses.

SEC. 312. HIGH EFFICIENCY HEAT ENGINES.—(a) The Secretary shall carry out a program of research, development, demonstration and commercialization of high efficiency heat engines. The Secretary shall emphasize advanced gas turbine cycles, and the incorporation of energy efficient materials in advanced gas turbine cycles for high efficiency electric and automotive power generation, such as—

(1) advanced combined cycle turbines;

(2) steam-injected gas turbines; and

(3) intercooled steam-injected gas turbines.

(b) The Secretary may enter into joint ventures with the appropriate parties to construct and demonstrate high efficiency heat engines.

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 313. NATURAL GAS COFIRING RESEARCH, DEVELOPMENT AND DEMONSTRATION.—(a) DEFINITIONS.—For the purposes of this section, the term—

(1) "cofiring" means the injection of natural gas and pulverized coal into the primary combustion zone of an electric utility unit or an industrial boiler and shall include gas reburn technologies; and

(2) "gas reburn" means the injection of natural gas into the upper furnace region of an electric utility unit or an industrial boiler to produce a fuel-rich zone thereby reducing nitrogen oxide emissions.

(b) The Secretary shall conduct a program of research, development and demonstration of cofiring in electric utility units and large industrial boilers in order to determine optimal natural gas injection levels for both environmental and operational benefits.

(c) The Secretary may provide financial assistance under this section to public entities or interested or affected private firms to perform the research, development and demonstration of cofiring technologies.

(d) The Secretary may enter into cooperative agreements with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of such programs to perform the research, development and demonstration of cofiring technologies.

(e) For purposes of this section, there is authorized to be appropriated to the Secretary not more than $9,000,000 for each of the fiscal years 1992, 1993 and 1994.

Subtitle C—Technology Development Program

SEC. 321. PROGRAM.—The Secretary shall establish a program to develop technologies originating with the Department that is directed at the stage of technology development beyond the basic research stage. The purpose of such program shall be to develop technologies, determined by the Secretary to have significant promise for commercial and public benefit to the Nation, to a point where private industry will undertake further scientific and commercial development. Technology development programs may be conducted at any Department facility and would be intended to enhance the commercial development and transfer to private industry of technologies originating with the Department, consistent with the technology transfer mission of the Department. As a condition for supporting specific projects, the Secretary may require a private sector commitment to future, and wholly non-Federal, funding of commercial development of particular technologies.

SEC. 322. AUTHORIZATIONS.—For the purposes of carrying out this subtitle, there are authorized to be appropriated such sums as are necessary for fiscal years 1992, and 1993, and 1994.

Subtitle D—Fusion

SEC. 331. PROGRAMS.—(a) The Secretary shall conduct research, development, and demonstration programs to address in a timely fashion questions concerning the development of magnetic and inertial confinement fusion for the production of electricity consistent with the purposes of this Act. Such programs shall be designed to demonstrate by the year 2010—

(1) a demonstration of the achievement of ignition conditions in both magnetic and inertial confinement fusion test facilities; and

(2) a demonstration of the technological feasibility of magnetic and inertial confinment fusion for the production of electricity.

(b) In the event such feasibility is determined for a fusion technology pursuant to subsection (a), the Secretary shall prepare a design for a prototype commercial fusion reactor using such technologies, including associated cost estimates and specifications shall be in sufficient detail to permit bids for construction.

Subtitle E—Coal

SEC. 341. COAL PROGRAM GOALS.—(a) The Secretary shall establish research, development, and demonstration goals to assure the timely development of technologies for the production, transportation, and utilization of coal consistent with this Act.

(b) The Secretary shall establish a research, development, and demonstration program within the Department designed to assure the timely development of cost-effective advanced coal based technologies to be available for widespread commercial use after the year 2010, which are capable of achieving the control of sulfur oxides and oxides of nitrogen at levels of proficiency greater than currently available commercial control technology. The coal technology development program shall also be designed to assure the timely development of cost-effective technologies or energy production processes or systems utilizing coal which achieve greater efficiency in the conversion of coal to useful energy when compared to currently available commercial technology for the use of coal and the control of emissions from coal.

(c) The Secretary shall develop the program described herein, for technologies that include, but are not limited to, the following:

(1) advanced integrated gasification combined cycle;

(2) pressurized fluidized bed combustion technology capable of achieving higher conversion efficiency than can be achieved through on-going demonstration projects;

(3) direct and indirect coal-fired turbines;

(4) coal refining processes capable of efficiently producing or utilizing the energy contained in coal and also utilizing the byproducts thereof;

(5) technologies for the cost-effective control and disposition of carbon dioxide produced during the combustion of coal;

(6) magnetohydrodynamics;

(7) molten carbonate and solid oxide fuel cells; and

(8) other coal based technologies or processes on systems that are capable of achieving conversion efficiency greater than currently available technology.

SEC. 342. NON-FUEL USE OF COAL.—(a) Not later than one hundred and twenty days after the date of the enactment of this Act, the Secretary shall submit to Congress a plan for research, development, and demonstration with respect to technologies for non-fuel use of coal, including—

(1) production of coke and other carbon products derived from coal;

(2) production of coal-derived, carbon-based chemical intermediates that are precursors of value-added chemicals and polymers;

(3) production of chemicals from coal-derived synthesis gas;

(4) coal treatment processes, including methodologies such as solvent-extraction techniques that produce low ash, low sulfur, coal-based chemical feedstocks; and

(5) waste utilization, including recovery, processing, and marketing of products derived from sulfur, carbon dioxide, nitrogen, and ash from coal.

(b) As part of the plan under subsection (a), the Secretary may propose specific joint ventures to accelerate the development and commercialization of technologies for non-fuel uses of coal.

(c) The plan under subsection (a) shall address and evaluate:

(1) the known and potential products and processes for the use of coal for products in the chemical, utility, fuel, and carbon-based materials industries;

(2) the costs, benefits and economic feasibility of using coal products in the chemical and materials industries, including value-added chemicals, carbon-based products, coke, and waste derived from coal;

(3) the economics of co-production of products from coal in conjunction with production of electric power, thermal energy, and fuel;

(4) the economics of coal utilization in comparison with other feedstocks that might be used for the same purposes;

(5) the steps that can be taken by the public and private sectors to bring about commercialization of research results produced by the research program recommended; and

(6) the past development, current status, and future potential of coal products and processes associated with non-fuel use of coal.

(d) The Secretary shall conduct a program of research and development under the plan under subsection (a).

(e) The Secretary may provide financial assistance for a research project under the plan using funds authorized by section 343(b) to the extent he finds that such project—

(1) furthers achievement of the goals and purposes of this Act;

(2) offers promise for commercial application; and

(3) has a reasonable prospect of support in at least 50 per centum of its direct costs from non-Federal funds.

(f) In preparing the plan and carrying out research under this section, including evaluating the technical progress, feasibility, and most effective means for utilizing the results of research, the Secretary shall consult with the private sector.

SEC. 343. AUTHORIZATIONS.—(a) There is authorized to be appropriated such sums as are necessary for each of fiscal years 1992, 1993, and 1994 for purposes of implementing the program pursuant to section 341.

(b) There is authorized to be appropriated to carry out section 342, a total of $20,000,000 for fiscal years 1992 through 1994.

Subtitle F—Natural Gas and Other Alternative Fuels

SEC. 351. MASS TRANSIT PROGRAM.—(a)(1) The Secretary, consistent with this Act, in consultation with the Administrator of the Urban Mass Transit Administration, may, consistent with the Alternative Motor Fuels Act of 1988 (P.L. 100-494), enter into cooperative agreements and joint ventures proposed by any municipal, county, or regional transit authority in an urban area with a population over 100,000 (according to latest available census information) to demonstrate the feasibility, including safety of specific vehicle design, of using natural gas or other alternative fuels for mass transit.

(2) The cooperative agreements and joint ventures under paragraph (1) may include interested or affected private firms willing to provide assistance in cash, or in kind, for any such demonstration.

(b)(1) The Secretary may not enter into any cooperative agreement or joint venture under subsection (a) with any municipal, county or regional transit authority unless such government body agrees to provide at least 25 per centum of the costs of such demonstration.

(2) The Secretary, at his discretion, may grant such priority under this section to any entity that demonstrates that the use of natural gas or other alternative fuels used for transportation would not have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(c) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 352. NATURAL GAS AND OTHER ALTERNATIVE FUEL USE IN FLEET VEHICLES.—(a) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (P.L. 100-494), and in consultation with the Administration of the U.S. Environmental Protection Agency and the Secretary of Transportation, shall establish and carry out a program, and provide financial assistance to encourage the development and commercialization of natural gas and other alternative fuels for use in passenger fleets, light-duty trucks, and heavy-duty trucks consistent with the purposes of this Act. Such assistance shall provide for the purchase and construction of vehicles dedicated to the use of natural gas or other alternative fuels and of vehicles dually fueled by natural gas or other alternative fuels and gasoline or diesel, and associated refueling equipment.

(b) Public and private fleets may be eligible for financial assistance under this section.

(c) The Secretary, at his discretion, may grant such priority to those fleets where the use of natural gas and other alternative transportation fuels would have a significant effect on the ability of an air quality region to comply with applicable regulations governing ambient air quality.

(d) To facilitate the use of natural gas and other alternative fueled vehicles, the conversion of a vehicle from either gasoline or diesel alone to natural gas or other alternative fuels alone, or to natural gas or other alternative fuels and either gasoline or diesel, shall not be considered a violation of any anti-tampering provisions of the Federal law and implementing regulations, provided that the conversion complies with emissions standards issued by the Administrator of the Environmental Protection Agency.

(e) Any program established under this section that applies to existing vehicles shall take into consideration the safety of specific vehicle design and the compatibility of natural gas or other alternative fuel use with the original components of such existing vehicles.

(f) There is authorized to be appropriated not more than $30,000,000 for each of fiscal years 1992, 1993, and 1994, for purposes of this section.

SEC. 353. TRAINING PROGRAM.—(a) The Secretary of the Department of Labor shall establish and carry out a training and certification program for technicians who are responsible for vehicle installation of equipment that converts gasoline or diesel-fueled vehicles to the capability to run on natural gas or other alternative fuels alone, or on natural gas or other alternative fuels and either diesel fuel or gasoline, and for the maintenance of such converted vehicles. Such training and certification programs shall provide these technicians with instruction on the correct installation procedures and techniques, adherence to specifications, vehicle operating procedures, emissions testing, and other appropriate mechanical concerns applicable to these vehicle conversions.

(b) The Secretary, may enter into cooperative agreements with, and provide financial assistance to, under this section, appropriate parties to provide training programs that will ensure the proper operation and performance of conversion equipment.

(c) The program under this section shall be consistent with the Alternative Motor Fuels Act of 1988 (P.L. 100-494).

(d) There is authorized to be appropriated not more than $5,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 354. VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—(a) The Secretary shall carry out a program of research, development, and demonstration on techniques related to improving natural gas and other alternative fueled vehicle technology including, but not limited to, the following areas—

(1) fuel injection;
(2) carburetion;
(3) manifolding;
(4) combustion;
(5) power optimization;
(6) efficiency;
(7) lubricants and detergents;
(8) engine durability;
(9) ignition, including fuel additives to assist ignition;
(10) multifuel engines;
(11) emissions control, including catalysts;
(12) novel gas compression concepts;
(13) advanced storage systems;
(14) advanced gaseous fueling technologies; and
(15) the incorporation of advanced materials in these areas.

(b) The Secretary, consistent with the Alternative Motor Fuels Act of 1988 (P.L. 100-494), may enter into cooperative agreements with, and provide financial assistance to, under this section, public entities or interested or affected private firms willing to provide 50 per centum of the costs of such programs to perform the research and development necessary to improve natural gas vehicle and other alternative fuel vehicle technology.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 355. NATURAL GAS RECOVERY, RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secretary shall expand and continue a program of research, development, and demonstration on techniques to increase the availability of natural gas from—

(1) intensive recovery of natural gas in place in discovered reservoirs or formations; and

(2) economic recovery of unconventional natural gas, including gas from tight sands, Eastern shales, gas from less permeable formations, coal-bed methane, and geopressured reservoirs.

(b) The Secretary shall seek to enter into joint ventures with persons engaged in the production, transportation, distribution, or major use of natural gas to implement the program under subsection (a).

(c) There is authorized to be appropriated not more than $25,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 356. NATURAL GAS AND ELECTRIC HEATING AND COOLING TECHNOLOGIES.—(a) The Secretary shall expand the program for research, development, and domonstration for natural gas and electric heating and cooling technologies for residential and commercial buildings.

(b) The natural gas heating and cooling program shall increase research on thermally-activated heat pumps including:

(1) absorption heat pumps; and
(2) engine-driven heat pumps.

(c) The electric heating and cooling program shall increase research on:

(1) advanced heat pumps;
(2) thermal storage; and
(3) advanced electrically-driven HVAC (heating, ventilation, and cooling) and refrigeration systems that utilize replacements for chlorofluorocarbons, including HCFC-22.

(d) There is authorized to be appropriated to the Secretary, not more than $15,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section in addition to current authorizations.

SEC. 357. VEHICLE AND BATTERY RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM.—(a) The Secertary shall conduct a program of research, development, and demonstration on techniques related to improving electric vehicle and battery technology including, but not limited to, the following areas:

(1) high efficiency electric power trains, including advanced motors and hybrid power trains for vehicle range improvement;

(2) light-weight body structures for vehicle weight reduction;

(3) advanced batteries with high specific energy and specific power for electric vehicle application; and

(4) primary batteries and fuel cells for hybrid vehicle application.

(b) The Secretary shall enter into joint ventures with, and provide financial assistance under this section to, public entities or interested or affected private firms willing to provide at least 50 per centum of the costs of the joint ventures.

(c) There is authorized to be appropriated not more than $10,000,000 for each of the fiscal years 1992, 1993, and 1994 for purposes of this section.

SEC. 358. DEFINITIONS.—For purposes of this subtitle natural gas includes natural gas derived fuels.

Subtitle G.—Hydropower

SEC. 361. PROGRAM.—The Secretary, in consultation with the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of the Army, the Secretary of Agriculture, and the Secretary of Commerce shall undertake an assessment of the statutory, economic, and regulatory barriers to expanded hydroelectric capacity development at existing dams. The assessment shall quantify the contribution that expanded hydroelectric power development could reasonably be expected to reduce national energy needs and a reduction in the generation of greenhouse gases.

SEC. 362. REPORT.—The Secretary will submit a report to Congress containing the results of the assessment by December 31, 1991.

Subtitle H—Electric Vehicle Technology Development and Demonstration

SEC. 371. SHORT TITLE.—This subtitle may be cited as the "Electric Vehicle Technology Development and Demonstration Act of 1991".

SEC. 372. FINDINGS.—The Congress finds that:

(1) electric vehicles may be recharged primarily during times of nonpeak use of electricity, which will permit the most efficient utilization of electrical generating capacity, produce economic benefits for purchasers and producers of electricity, and improve the quality of air;

(2) the development, demonstration, and commercialization of electric vehicles in the United States will enhance the energy security of the United States and will encourage electric vehicle production in the United States;

(3) the use of electric vehicles rather than vehicles powered by conventionally fueled internal combustion engines could significantly improve the quality of air by allowing areas of the country that have not attained a quality of air that meets minumum health standards to meet such standards;

(4) because initial production of electric vehicles will not have economies of scale associated with mass production, the price to a user or owner may be so high as to discourage vehicle purchase and use; and

(5) because the substantial potential environmental and domestic energy security benefits that will result from the commercialization of electric vehicles are so great for the United States, it is in the public interest for the United States Government to assist in the development, demonstration, and commercialization of domestically produced, cost competitive, electric vehicles.

SEC. 373. DEFINITIONS.—For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "conventionally fueled vehicle" means a vehicle powered by an internal combustion engine that utilizes gasoline or diesel fuel as its fuel source;

(3) "electric vehicle" means a vehicle powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and that may include a nonelectrical source of power designed to charge batteries and components;

(4) "eligible nonattainment area" means a nonattainment area that the Secretary designates as an eligible nonattainment area under section 374(b);

(5) "life cycle costs" means all costs associated with the purchase, operation, maintenance, and disposal of a vehicle; and

(6) "nonattainment area" means a nonattainment area identified by the Administrator pursuant to section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

SEC. 374. IDENTIFICATION OF NONATTAINMENT AREAS.—(a) The Secretary, in consultation with the Administrator, shall identify, not later than thirty days after the date of the enactment of this Act, the nonattainment areas in the United States in which the use of conventionally fueled vehicles contributes significantly to that nonattainment and in which the use of electric vehicles could contribute to attainment of applicable National Ambient Air Quality Standards. The Secretary shall provide notification to those nonattainment areas identified under this section.

(b) The Secretary, after consultation with the Administrator and not later than thirty days after notification of the nonattainment areas identified under subsection (a), shall designate nonattainment areas eligible to participate in the program authorized by this subtitle.

SEC. 375. APPLICATIONS FROM MANUFACTURERS.—(a) Not later than thirty days after the Secretary designated the eligible nonattainment areas under section 374(b), the Secretary shall make an initial request for applications from manufacturers to develop, demonstrate, certify, manufacture, sell, warranty, and service electric vehicles in one or more eligible nonattainment areas. Additional requests for applications may be made if the Secretary determines that the responses to the initial request are inadequate.

(b) The request for applications shall require a manufacturer to identify the following:

(1) SALES AREA.—Any eligible nonattainment area in which the electric vehicles will be sold;

(2) QUANTITY.—The quantity of vehicles that will be available for sale in each area;

(3) DISTRIBUTION.—The dealership network or other means to be used by a manufacturer to distribute, market, and sell vehicles;

(4) TYPE.—The type of vehicle (which may include light to medium duty cargo or passenger vehicles);

(5) CHARACTERISTICS.—The specifications and performance characteristics of each vehicle;

(6) SERVICE.—The maintenance and other support services that will be available to a purchaser;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of each type of vehicle;

(8) LIFE CYCLE COSTS.—Information regarding the life cycle costs, including projected costs of operating and maintaining an electric vehicle in comparison with operating and maintaining a conventionally fueled vehicle;

(9) STATE AND LOCAL INVOLVEMENT.—The level of involvement (cost-sharing or otherwise), if any, that state or local government entities will have in the manufacturer's proposal, and how that involvement will affect the level of Federal cost-sharing required; and

(10) OTHER.—Other information that the Secretary deems necessary.

SEC. 376. SELECTION OF MANUFACTURERS.—(a) After consulting with the Secretary of Commerce, the Secretary of Transportation, and the Administrator, and not later than one hundred eighty days after the initial request for applications is made under section 375, the Secretary may select one or more manufacturers eligible to receive reimbursement payments for the development, demonstration, manufacture, and sale of electric vehicles.

(b) The Secretary shall select a manufacturer based upon the overall quality of the proposal, including the following:

(1) CAPABILITY.—The ability of a manufacturer, directly or indirectly, to develop, demonstrate, manufacture, distribute, sell and service a significant number of electric vehicles;

(2) GEOGRAPHIC DIVERSITY.—The commitment of the manufacturer to distribute, sell and service electric vehicles in various regions of the country.

(3) SUITABILITY.—The suitability of the vehicles for use as a cargo or passenger vehicle;

(4) SAFETY AND ENVIRONMENTAL BENEFIT.—The quality of the vehicle with respect to safety and environmental considerations;

(5) VIABILITY.—The long-term technical viability of the vehicle, and the ability of the manufacturer to incorporate subsequent advancements, modifications, and technology;

(6) LIFE CYCLE COST REDUCTION.—The ability and commitment of a manufacturer to reduce the life cycle costs of electric vehicles over a period of five years or less after selection to a level at least equal to comparable conventionally fueled vehicles;

(7) PRICE.—The selling price of a manufacturer for varying volumes of production of vehicles, the proposed discount (as defined in section 377), and life cycle costs of the electric vehicles;

(8) STATE AND LOCAL SUPPORT.—The extent to which the involvement of state or local government in the program will permit the reduction of the Federal cost share per vehicle to be supported or will otherwise be used to leverage the federal cost-sharing to be provided among a greater number of vehicles;

(9) OTHER.—Other criteria that the Secretary deems necessary.

SEC. 377. DISCOUNTS TO PURCHASERS.—(a) A manufacturer selected by the Secretary shall offer a purchaser a discount equal to either:

(1) LIFE CYCLE COST DIFFERENTIAL.—An amount which represents the excess of the estimated life cycle costs of the electric vehicle over the life cycle costs of a conventionally fueled vehicle of comparable type; or

(2) PURCHASE PRICE COST DIFFERENTIAL.—An amount by which the selling price of the electric vehicle exceeds the suggested retail price of a conventionally fueled vehicle of comparable type.

In no case shall the discount be greater than 50 per centum of the selling price by varying volumes of production.

(b) The Secretary, not later than thirty days after a manufacturer has provided notice in the form and manner specified by the Secretary of the sale of an electric vehicle, shall pay a manufacturer a payment not to exceed the discount for each electric vehicle sold.

(c) To be eligible for payment under subsection (b), a manufacturer shall certify to the Secretary the following:

(1) PURCHASER DISCOUNT LIMITATION.—The discount to the purchaser does not lower the selling price of each electric vehicle below the suggested retail price of a conventionally fueled vehicle of comparable type;

DISCOUNT PASSTHROUGH.—The actual selling price of the vehicle is equal to the selling price specified in the manufacturer's proposal to the Secretary reduced by the full amount of the discount received, calculated as specified above, unless the Secretary agrees to a request by the manufacturer to adjust the selling price as specified in the contract to reflect higher costs actually incurred in production;

(3) NONATTAINMENT AREA USE.—The vehicle will be used primarily in the eligible nonattainment area in which the vehicle will be purchased;

(4) INFORMATION FROM PURCHASES.—The purchaser has agreed to provide the manufacturer with information regarding operation, maintenance, and usability of the vehicle for five years after purchase; and

(5) INFORMATION FROM MANUFACTURER.—The manufacturer will provide such information regarding the development, demonstration, manufacture, sale, and maintenance of electric vehicles that the Secretary requests for a period of five years, beginning in fiscal year 1992.

(d) The Secretary may enter into contracts with manufacturers of electric vehicles for purposes of carrying out this Act.

SEC. 378. REPORTS TO CONGRESS.—The Secretary shall report to Congress in fiscal years 1992 and 1994 on the programs and projects supported under this subtitle and the progress being made toward accomplishing the goals of this subtitle.

SEC. 379. AUTHORIZATIONS.—There is authorized to be appropriated for purposes of this subtitle $10,000,000 for each of the three fiscal years following the date of enactment of this Act.

Subtitle I—Advanced Nuclear Reactor Study

SEC. 381. REPORT.—Within one hundred and eighty days after the date of the enactment of this Act, the Secretary shall transmit to the Congress a report on whether, and to what extent, continued or increased use of energy generated from nuclear fission can contribute substantially to safe and reliable supplies of electricity and reduce the generation of carbon dioxide and other greenhouse gases in the United States and internationally. The report shall include data on the extent to which additional increments of nuclear-generated electricity can reduce the generation of greenhouse gases and over what period of time. In preparing such report, the Secretary shall consider and make recommendations on the appropriate level of Federal support for research, development, and demonstration of advance nuclear reactor technologies to support these objectives. Such report shall also include the recommendations of the Secretary regarding the necessary restructuring of existing nuclear fission research programs to achieve these objectives and the role of joint funding and cost-sharing in these activities.

TITLE IV—MISCELLANEOUS

Subtitle A—Methane Assessment

SEC. 401. OBJECTIVE.—The objective of this subtitle is to identify and analyze options to reduce the risks of global climate change by—

(1) reducing worldwide generation of methane;

(2) identifying and analyzing the relationships between methane and other greenhouse gases to determine the synergies that may contribute to global climate change;

(3) promoting additional analyses of the factors causing methane concentrations to increase, and of the sources of methane generation, and the opportunities for reducing such generation; and

(4) identifying options for the reduction of methane generation that are economically as well as environmentally advantageous.

SEC. 402. DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS.—(a) Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Congress reports on:

(1) methane emissions from biogenic sources such as

(A) tropical, temperate, and subarctic forests;

(B) tundra; and

(C) freshwater and saltwater wetlands;

(2) changes in the generation of methane from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide;

(3) methane generation associated with natural gas extraction, transportation, distribution, storage and use, including an inventory of methane generation associated with such activities within the United States, information on accidental and intentional methane releases from natural gas and oil wells, pipelines, processing facilities, and gas burners;

(4) methane generation associated with coal extraction, transportation, storage, and utilization, including, but not limited to, an inventory of methane generation associated with such activities within the United States, information on accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal; and

(5) other sources of methane generation associated with human activities that are deemed by the Secretary to be significant.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report that outlines measures that could be implemented to reduce the growth in atmospheric concentrations of methane from sources within the United States. This report shall identify and evaluate technical options for reducing the generation of methane from each of the sources listed in paragraph (a) as well as other sources deemed by the Secretary to be significant, and shall include an evaluation of costs.

SEC. 403. INTERNATIONAL STUDIES.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit to Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane generation associated with the activities listed in section 402(a). The report shall also identify the United States and international lending agency programs, and an itemization of the costs of each category of reductions, that may be used to induce lesser-developed countries to undertake measures that could reduce the generation of methane and the resource needs of such programs.

Subtitle B.—Committee on Renewable Energy Commerce and Trade

SEC. 411. DUTIES OF CORECT.—Section 256(d) of Title II Part B of the Energy Policy and Conservation Act is amended by striking the existing text and inserting the following in lieu thereof:

"(d)(1) DUTIES.—There shall be established an interagency working group (hereafter in this subsection referred to as the Committee on Renewable Energy Commerce and Trade (CORECT)) which, in consultation with the representative industry groups and relevant agency heads, shall make recommendations to coordinate the actions and programs of the Federal government to promote the export of U.S. renewable energy and energy efficiency products and technologies. The Secretary of Energy shall be the Chairman of such group. The heads of appropriate agencies may detail such personnel and may furnish such services to such working group, with or without reimbursement, as may be necessary to carry out its functions.

"(2) ADDITIONAL DUTIES.—CORECT shall promote the development and application in lesser-developed countries of renewable energy and energy efficiency resource technologies that—

"(A) promote more efficient use of fossile fuels;

"(B) reduce dependence on the importation of fossil fuels by encouraging the use of sustainable biomass, wind power, hydropower, solar, geothermal and other energy and energy efficiency resource technologies;

"(C) foster rural and urban energy development and energy self-sufficiency through the use of reliable and economical renewable energy and energy efficiency resource technologies;

"(D) explore mechanisms for assisting in the domestic manufacturer, particularly by small business manufacturers, of energy-efficiency and renewable energy technologies, for export; and

"(E) increase staffing to support the new authority and responsibilities described in this section.

"(3) TRAINING AND ASSISTANCE.—In furthering the purposes of this section, CORECT shall—

"(A) provide aggressive in-country technical training for local users and international development personnel;

"(B) provide financial assistance to support nonprofit institutions designed solely and specifically to support the efforts of domestic renewable energy and energy conservation companies to market their products, and to develop environmentally responsible projects in developing nations;

"(C) establish feasibility and loan guarantee programs to facilitate access to capital and credit; and

"(D) support, through financial incentives, private sector efforts to commercialize and export renewable energy and energy efficiency resource technologies.

"(4) OUTREACH.—CORECT may establish renewable energy industry outreach offices in the Pacific Rim and in the Caribbean Basin for the purpose of providing information concerning renewable energy and energy efficiency technologies and industries of the United States to governments, industries, and other outside of the continental United States.".

SEC. 412. INFORMATION AND TECHNICAL PROGRAM.—Section 256(c)(2)(D) Title II Part B of the Energy Policy and Conservation Act is amended by striking clause (ii) and inserting in lieu thereof the following clause:

"(ii) information on the specific energy technology needs of lesser-developed countries, the technical and economic competitiveness of various renewable energy and energy efficiency resource technologies, and the status of ongoing technology assistance program shall be provided. Information from this program shall be made available to industry, Federal and multilateral lending agencies, nongovernmental organizations, host-country and donor-agency officials, and such others as the Secretary deems necessary.".

SEC. 413. COMPREHENSIVE ENERGY TECHNOLOGY EVALUATION.—Section 256 of Title II Part B of the Energy Policy and Conservation Act is amended by adding at the end a new subsection (e) as follows:

"(e)(1) Not later than June 1, 1991, and biennially thereafter, the Secretary shall prepare and submit to Congress, a report evaluating the range of energy efficiency and renewable energy technologies available to meet the energy needs of developing countries. This report shall also provide information on the specific energy needs of lesser-developed countries, an inventory of U.S. technologies and services to meet those needs, and an update on the status of ongoing bilateral and multilateral technology assistance and renewable energy resource programs.

"(2) The report should also include an evaluation of current programs and their priority for meeting programs objectives as well as recommendations for future programs that:

"(A) develop and promote sustainable use of indigenous renewable energy resources in lesser-developed countries;

"(B) given the credit and capital restrictions in lesser-developed countries, focus on technologies that are both appropriate and economically viable;

"(C) meet the needs of lesser-developed countries for energy rather than creating new needs, in order to ensure immediate income-generating use of the power generated;

"(D) work with local individuals to assure that programs and projects meet specific national and local needs;

"(E) use indigenous materials and associated hardware, wherever possible, in order to reduce costs and ensure project duplication;

"(F) provide examples of cost-effective systems and applications for in-country nongovernmental organizations and project technical personnel;

"(G) provide mechanisms for assisting U.S. manufacturers, particularly smaller manufacturers, of energy-efficient and renewable energy technologies, in exporting their goods and services;

"(H) expand technical and administrative training programs, as well as distribution of multilingual technical training manuals and related materials; and

"(I) examine the potential for using economic incentives to promote technology transfer (e.g. shared savings contracts, loan guarantees, tax incentives, etc.) to lesser-developed countries.

SEC. 414. JOINT VENTURES IN DEVELOPING, DEMONSTRATING, AND MARKETING ENERGY EFFICIENT AND RENEWABLE ENERGY TECHNOLOGIES IN KEY LESSER DEVELOPED COUNTRIES.—(a) FIVE YEAR PLAN.—The management plan under section 9(b) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (Public Law 101-218), shall include a five-year implementation plan for:

(1) pursuing joint ventures with United States manufacturers for the development, demonstration, or marketing of energy efficient and renewable energy technologies for application of use in key lesser-developed countries; and

(2) providing mechanisms to assist U.S. manufacturers, particularly smaller manufacturers of energy efficient and renewable

energy technologies, in identifying and pursuing opportunities for sales or joint ventures.

In developing the implementation plan required under this subsection, the Secretary shall consult with the Agency for International Development.

(b) The Secretary shall solicit proposals for joint ventures in the areas described in subsections (a)(1) and (a)(2) as if such joint ventures were required by, and subject to the requirements set forth in, section 6 of Public Law 101-218. The Secretary shall select a total of at least three joint ventures, except that the Secretary may reduce this requirement to the extent that the proposals received do not meet the Secretary's qualifications.

(c) For the purposes of this section, a lesser-developed country shall be considered a key lesser-developed country if direct export or use of U.S. manufactured energy efficient and renewable energy technologies in such country is inhibited by cultural, or other factors.

SEC. 415. AUTHORIZATION.—(a) Section 256 of Title II Part B of the Energy Policy and Conservation Act as amended, is amended by adding at the end a new subsection (f) as follows:

"(1) There is authorized to be appropriated for purposes of carrying out the programs under sections (d) and (e) $10,000,000 for fiscal year 1992, including $2,000,000 to carry out the purposes of subparagraph (d)(2), and such sums as may be necessary for fiscal year 1993 and 1994 to carry out the purposes of this subtitle except for subparagraph (d)(4).

"(2) There is authorized to be appropriated for the purposes of subparagraph 256(d)(4), in addition to the amount specified in the previous sentence, $2,750,000 for fiscal year 1992, and such sums as may be necessary for fiscal years 1993 and 1994."

(b) There is authorized to be appropriated for the purposes of section 414, in addition to the amount specified in sections (a), $1,000,000 for fiscal years 1992, 1993, and 1994.

Subtitle C—Fuel Cycle Costs Analysis

SEC. 421. PROGRAM.—The Secretary shall undertake a comparative analysis of United States, European, and Asian fuel cycle costs. The analysis shall be undertaken for five fuel cycles: coal, oil, natural gas, nuclear, and renewable energy. The renewable energy fuel cycle shall include solar, hydro, wind, and biomass. The analysis shall be based on comparable assumptions, data, and methodologies and will explicitly address the extent to which environmental and other externalities are, or are not, reflected in the energy prices paid by consumers in the United States, Western Europe, and in the market economies of Asia.

SEC. 422. REPORT.—The Secretary will submit a report to Congress containing the results of the comparative fuel cycle cost analysis by December 31, 1991.

Subtitle D—United Nations Conference

SEC. 431. 1992 UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT.—(a) FINDINGS.—The Congress finds that—

(1) the 1992 United Nations Conference on Environment and Development will play a crucial role in advancing efforts to protect the global environment;

(2) international preparations for 1992 Conference have already begun; and

(3) the effectiveness of U.S. participation in the 1992 Conference would be greatly enhanced by the establishment of a secretariat within the Department of State to coordinate U.S. preparations for the Conference.

(b) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of State for fiscal year 1992, $350,000 for the purpose of establishing within the Department of State a secretariat to prepare for the 1992 United Nations Conference on Environment and Development. Such funds shall remain available until expended.

TITLE V—NATURAL RESOURCE POLICY

SEC. 501. ECOLOGICAL AND ENVIRONMENTAL RESOURCE STUDY.—(a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall conduct a study of the ecological and environmental resources in the United States that could be affected by a global climate change. The study should include implications for wildlife habitat preservation, coastal protection, inland rivers and lakes, irrigation and reclamation, ground water protection, and the natural resources within the boundaries of the Nation's wildlife refuges and parks, national forests, and other Federal lands.

(b) The study should—

(1) include specific regional climatic and resource base information useful in anticipatory and mitigatory planning;

(2) identify actions that, if taken, could help mitigate the effects of global climate change; and

(3) evaluate the cost-effectiveness, including the environmental effects of possible action.

SEC. 502. NATIONAL FORESTATION INITIATIVE.—The Secretary of Agriculture, in cooperation with the Secretary of the Interior, shall report to the President and the Congress on the feasibility of a National Reforestation Initiative. Such report shall include:

(a) in coordination with the Resources Planning Act of 1974, an inventory of Federal, State, and private forested lands;

(b) an evaluation of the status of timber harvesting on those lands, including the extent to which those lands are being reforested;

(c) an assessment of the extent to which Federal, State, and private lands can be reforested, including lands not necessarily suitable for timber harvesting such as urban areas;

(d) an evaluation of the potential of a national reforestation initiative for mitigating climate change, and the measures needed to achieve that potential; and

(e) an assessment of the potential economic and environmental benefits and costs of such an initiative, the measures available to mitigate such costs, and an evaluation of the effectiveness of such measures.

SEC. 503. URBAN FORESTRY AND ENERGY SAVINGS.—(a) The Secretary, in consultation with the Secretary of Agriculture, and other relevant Federal agencies, shall conduct a study of the potential for reducing carbon dioxide emissions by undertaking targeted urban tree and vegetative plantings, including landscaping and the use of natural windbreaks, designed to reduce the air-conditioning and heating needs of buildings. The study shall provide estimates of the cost-effectiveness of such a program and shall outline a range of Federal, State, and local public policies and incentives that would encourage public and private efforts to undertake such plantings.

(b) Within eighteen months after the date of enactment, the Secretary shall complete the study and transmit it to the Congress.

Amend the title so as to read: "A bill to establish a national energy strategy for the United States that reflects concern for the global environmental consequences of current trends in atmospheric concentrations of greenhouse gases, and for other purposes.".

SENATE CONCURRENT RESOLUTION 10—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATIVE TO SERVICE ON THE JOINT COMMITTEE ON THE LIBRARY

Mr. FORD, from the Committee on Rules and Administration, reported the following original concurrent resolution; which was placed on the calendar:

S. CON. RES. 10

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Second Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee of the Congress on the Library in place of the Chairman.

SENATE RESOLUTION 34—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON APPROPRIATIONS

Mr. BYRD, from the Committee on Appropriations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 34

Resolved, That in carrying out its power, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $5,029,959, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $5,208,866, of which amount (1) not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $8,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 35—ORIGINAL RESOLUTION REPORTED PROVIDING FOR MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. FORD, from the the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 35

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Mr. Hatfield of Oregon.

Joint Committee of Congress on the Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

SENATE RESOLUTION 36—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 36

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of the rule XXVI of the Standing rules of the Senate, the Committee on Agriculture, Nutrition and Forestry is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March, 1991, through February 29, 1992, under this resolution shall not exceed $1,996,599, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $4,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) for the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $2,069,273, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $4,000 may be expended for the training of the professional staff or such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchases through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquires and Investigations."

SENATE RESOLUTION 37—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 37

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable, basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $1,521,403, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $1,579,954, of which amount (1) not to exceed $4,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of long-distance telephone calls, or (3) for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and doorkeeper of the Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 38—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KENNEDY, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 38

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $5,423,398, of which amount (1) not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $5,628,440, of which amount (1) not to exceed $30,900 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long-distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 39—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GLENN, from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its power, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1991, through February 29, 1992, and March 1, 1992 through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $5,267,105, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) for the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $5,462,040, of which amount (1) not to exceed $49,326 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $2,470 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3 (a) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate

(1) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of government funds in transactions, contracts, and activities of the government or of government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public.

(2) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(3) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(4) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud and the use of offshore banking and corporate facilities to carry out criminal objectives;

(5) The efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(A) The effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(B) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(C) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(D) legislative and other proposals to improve these methods, processes, and relationships;

(6) The efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(A) the collection and dissemination of accurate statistics on fuel demand and supply;

(B) the implementation of effective energy conservation measures;

(C) the pricing of energy in all forms;

(D) coordination of energy programs with State and local government;

(E) control of exports of scarce fuels;

(F) the management of tax, import, pricing, and other policies affecting energy supplies;

(G) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(H) the allocation of fuels in short supply by public and private entities;

(I) the management of energy supplies owned or controlled by the Government;

(J) relations with other oil producing and consuming countries;

(K) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(L) research into discovery and development of alternative energy supplies; and

(7) the efficiency and economy of all branches and functions of government with particular reference to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(b) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(c) For the purpose of this section the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, is authorized, in its, his, or their discretion (1) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (4) to administer oaths, and (5) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(d) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66 of the One Hundred First Congress, second session, are authorized to continue.

SEC. 4. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1991, and February 28, 1992, respectively.

SEC. 5. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long-distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

SEC. 6. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991, through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 40—RELATIVE TO SOURCE REDUCTION IN PACKAGING

Mr. GLENN submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 40

Whereas the environmentally sound disposal of solid waste is one of the most urgent and fundamental environmental problems facing Federal, State and local jurisdictions today;

Whereas packaging materials constitute a significant portion of the solid waste stream;

Whereas the technology is available to substantially reduce the amount of packaging used in this country;

Whereas reduction of the amount of packaging material in the solid waste stream will reduce the amount that accumulates in disposal facilities;

Whereas systems that promote recycling are increasingly available;

Whereas use of recyclable materials in packaging can reduce the amount of packaging material that accumulates in disposal facilities;

Whereas toxic constituents within packaging materials can impede effectiveness of landfills and incinerators in providing safe disposal of solid waste; and

Whereas the removal of toxic materials from packaging will reduce the accumulation of toxics in the environment:

Resolved, That it is the sense of the Senate that Congress should support the following:

(1) a reduction of the total volume of disposable packaging material generated for domestic, commercial, industrial, and governmental use;

(2) an increase in the recyclability of packaging products that cannot be reduced;

(3) an increase in the recycled material content of packaging products; and

(4) a reduction in the disposal impact of packaging waste by decreasing toxic materials and materials with toxic byproducts in packaging.

• Mr. GLENN. Mr. President, I rise today to introduce a sense-of-the-Senate resolution stating that source reduction in packaging is favorable to the environment and should be promoted. Disposal of solid waste is one of the most urgent and fundamental environmental problems facing Federal, State, and local governments today.

Nationwide, over 3,500 landfills have closed since 1979; only 6,000 landfills remain, 45 percent of which have the capacity to hold less than 5 years' worth of waste. For example, of the 88 counties in my own State of Ohio, 28 have no landfills and 35 have 5 years or less capacity. As our landfill capacity has decreased our waste production has increased. Ohioans now generate 12 million tons of solid waste annually—more than a ton per person. These generation rates are predicted to increase by almost a quarter, to 15 million tons per year, by 1995.

New landfills are increasingly difficult to locate; since 1980, fewer than 2,000 have been constructed. In plain and simple terms, we're running out of space to throw our garbage. It is clear that we must develop alternatives to handle our growing crisis in solid waste management. These alternatives include, but are not limited to, recycling, source reduction, and increased utilization of degradable products.

Since packaging materials constitute a significant portion of the solid waste stream, this resolution seeks to encourage the reduction of the volume of disposable packaging material. Packaging related to product cleanliness or protection should continue to be utilized, but packaging solely for advertising purposes should be minimized to limit the increasing waste volume in our landfills.

I believe that the time has come for us all to realize that we must limit our use of disposable materials. This resolution is an important step in reaching that objective. I urge my colleagues to join me in cosponsoring this measure.•

SENATE RESOLUTION 41—RELATING TO NATIONAL RECYCLING DAY

Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. BURDICK, Mr. PELL, Mr. WARNER, Mr. INOUYE, Mr. DOMENICI, Mr. JEFFORDS, Mr. DURENBERGER, Mr. LAUTENBERG, Mr. CONRAD, Mr. MURKOWSKI, Mr. FORD, Mr. HOLLINGS, Mr. LEVIN, Mr. ADAMS, Mr. NUNN, Mr. KERRY, Ms. MIKULSKI, Mr. CRANSTON, Mr. PRYOR, Mr. GORE, Mr. SASSER, Mr. AKAKA, Mr. SANFORD, Mr. BUMPERS, Mr. MOYNIHAN, Mr. DIXON, Mr. GORTON, Mr. WELLSTONE, Mr. DODD, Mr. GRAHAM, Mr. FOWLER, Mr. SARBANES, Mr. SYMMS, Mr. DASCHLE, Mr. DECONCINI, Mr. D'AMATO, Mr. REID, Mr. THURMOND, Mr. LUGAR, Mrs. KASSEBAUM, Mr. KASTEN, Mr. HATCH, Mr. COHEN, Mr. PACKWOOD, Mr. BRYAN, Mr. KENNEDY, Mr. BIDEN, Mr. SIMPSON, Mr. BREAUX, Mr. SIMON, Mr. BOREN, Mr. METZENBAUM, Mr. ROTH, Mr. HEINZ, Mr. BROWN, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. HELMS, Mr. BOND, Mr. EXON, Mr. CRAIG, Mr. COCHRAN, and Mr. KERREY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 41

Whereas the United States generates over 160 million tons of municipal solid waste each year—almost double the amount produced in 1965, and amounting to about 3.58 pounds per person per day—and the amount is expected to increase to 190 million tons of garbage annually by the year 2000;

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment;

Whereas the Environmental Protection Agency expects that 27 States will run out of landfill capacity for municipal solid waste within 5 years and one-third of the currently operating landfills are expected to close by 1994 either because they are filled or because their design and operation do not meet Federal or State standards for protection of human health and the environment, and waste that is now disposed of in these facilities will have to be disposed through other means;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation and community-based recycling programs;

Whereas recycling can save energy, reduce our dependence on foreign oil, has substantial materials conservation benefits and can avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management and some communities have established recycling programs which provide significant economic benefits to members of the community;

Whereas the current level of municipal solid waste recycling in the United States is low, although some communities have set a much higher rate;

Whereas to reach a goal of increased recycling, more materials need to be separated, collected, processed, marketed and manufactured into new products;

Whereas a well-developed system exists for recycling scrap metals, aluminum cans, glass and metal containers, paper and paper-board, and is reducing the quantity of waste entering landfills or incinerators and saving manufacturers energy costs;

Whereas recycling of plastics is in the early stages of development and considerable market potential exists to increase the recycling;

Whereas yard and food waste is an important part of municipal solid waste and a large potential exists for mulching and composting the waste which would save both landfill space and nourish soil, but only small amounts of this material is currently being recycled;

Whereas Federal, State and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State and local governments should encourage the development of markets for recyclable goods;

Whereas Federal, State and local governments should promote the design of products that can be recycled safely and efficiently;

Whereas the success of recycling programs depends on the ability of informed consumers and businesses to make decisions regarding recycling and recycled products and to participate in recycling programs; and

Whereas the people of the United States should be encouraged to participate in educational, organizational and legislative endeavors that promote waste separation methods, community-based recycling programs and expanded utilization of recovered materials: Now, therefore, be it

Resolved, That April 15, 1991, is designated as "National Recycling Day".

• Mr. LIEBERMAN. Mr. President, I am pleased to introduce, along with Senator CHAFEE and 64 of our colleagues, legislation to designate April 15, 1991, as "National Recycling Day."

This Nation is currently facing a solid waste disposal crisis caused by the growing volume of garbage and the shrinking number of places to put it. Every 5 years, the average American discards an amount of waste equal in volume to the Statue of Liberty. The municipal waste produced in this country in just 1 day fills about 63,000 garbage trucks, which would stretch the distance from San Francisco to Los Angeles. We are truly a throwaway society.

Towns and cities throughout the country are running out of landfill space. The Environmental Protection Agency estimates that 27 States will run out of landfill capacity for municipal solid waste within 5 years and that one-third of the currently operating landfills will by 1994.

Recycling must play a critical part in diverting a significant amount of waste from disposal.

Recycling has important energy savings and materials conservation benefits and can avoid pollution created from extracting resources from our natural environment. For example, it takes only 5 percent of the energy used to make aluminum cans from raw bauxite to turn a used aluminum can into a new one; and recycling 1 ton of recycled aluminum saves 4 tons of raw materials.

A recent report prepared for the Environmental Protection Agency concludes that overall energy savings resulting from recycling of plastics are 92 to 98 percent; steel 47 to 74 percent; and glass 4 to 32 percent. The report found that in addition to energy savings, recycling reduces air and water pollution. Put simply, recycling can play a large part in reducing our dependence on oil because it saves energy and in cleaning up pollution.

The current level of recycling in the United States is low. Last October, the Environmental Protection Agency estimated that 13 percent of municipal wastes are being recycled. The potential for much higher levels clearly exists. I am proud that the State of Connecticut has enacted a recycling law setting a statewide goal of 25 percent recycling each year. The State has designated certain materials as recyclable; landfills and incinerators are prohibited from accepting those materials. Eight recycling centers will exist in the State by the end of 1991. The recycling center in Groton, CT, which has been open for 9 years serves 26 towns in southeastern Connecticut and is the first center of its size in the country.

There is an urgent need for public education campaigns to inform consumers that garbage has very real financial and economic consequences. Successful recycling programs need participation from all segments of society. Product manufacturers, consumers, generators of waste, and public officials need to follow their garbage and realize the impact. Communities and businesses must develop recycling programs, including curbside and apartment-house pickup programs, publicly and privately operated neighborhood drop-off centers to sort, accumulate, process materials, and market them to end-user markets, privately run buy-back centers for particularly valuable materials, and private commercial-waste hauling.

Consistently available markets for secondary materials are also an essential part of the success of recycling programs. The public and private sectors must support recycling by purchasing materials recovered from waste. Governments have a critical role to play in promoting the design of products that can be recycled safely and efficiently and in making certain that consumers have full and accurate information about the products they are purchasing and about recycling.

Recycling programs can provide important economic benefits for communities. It saves municipalities money because it costs less to recycle than to dump in landfills. In Connecticut, for example, 44 leaf composting sites taking in 90,000 tons of leaves from 1.5 million people—one-half of the State's population—saved municipalities $4.5 million in landfill fees. Second, recycling can also provide jobs. In New York City, for example, the city's recycling law calls for establishing in each borough at least one center to which residents can take recyclable material like newspapers in exchange for cash. Such businesses, called buy-back centers, are also intended to create jobs for depressed communities.

In order to deal with the solid waste crisis, we must face the difficult problem of changing human habits and educating people. The president of the Litchfield, CT, League of Women Voters, Marilyn Cann, said it well: "If people aren't educated to recycling, they're not about to do it consistently and effectively. If they're not educated, they're going to throw recyclables away." A national recycling day is needed because the problem requires a concerted effort on the part of individuals, elected officials, and private industry. It is my hope that on April 15, schools and communities will sponsor educational activities and training sessions on how recycling can help us both overcome the crisis we are now facing and help us preserve the Earth's natural resources.•

• Mr. CHAFEE. Mr. President, today I along with Senators LIEBERMAN, WARNER, JEFFORDS, DURENBERGER and others are introducing legislation to designate April 15, 1991 as National Recycling Day. The importance of educating the public about the real benefits to society from recycling cannot be overstated.

Recycling is not a new phenomenon, at least not in concept. America's early settlers recycled as a matter of survival, turning corn husks mattresses and old clothes into quilts. Many of my colleagues will remember the materials conservation efforts during World War II, when aluminum foil was carefully saved, used automobile tires collected, and many other consumer items were recycled and put toward the war effort. In fact, most of us have recycled materials at some point in our lives—typically paper, aluminum, or glass.

While many of us may be familiar with recycling, there is still a need for public education campaigns to inform consumers that garbage does not disappear when the sanitation worker loads it into the truck. Our society must be made aware that there are very real costs, both financial and environmental, associated with the continued proliferation of municipal garbage.

In the United States today we are facing a crisis in solid waste management. The United States presently is generating about 160 million tons of solid waste per year, almost double the amount we produced in 1965. If present trends continue, the United States will generate close to 200 million tons per year by the turn of the century. Towns and cities across the United States are realizing that the city dump will be forced to close its gates in a few short years. Just in the last two decades the number of landfills accepting solid waste has been reduced dramatically—from about 30,000 to 6,000. It is becoming virtually impossible to establish any new landfill sites because of the "not in my backyard syndrome," and the rising value of land and real estate.

When confronting an urgent crisis, such as the threat to human health and the environment from burgeoning mountains of trash, it is tempting to look to technology to provide us with the easy solution. Such technological fixes, however, will not eliminate the undeniable need for significant changes in the way we conduct our daily lives. Not only must we find more environmentally sound ways of handling municipal trash, but we must also greatly reduce the amount of garbage we generate in the first place. This will require a concerted effort on the part of consumers, manufacturers, and government. That is why we are introducing legislation to designate April 15, 1991 as National Recycling Day.

Reducing the amount of household garbage we generate poses the most difficult of public policy problems: changing human habits. The purpose of this legislation is to encourage a public attitude that can allow these needed changes to take place. People must be made aware that their actions do have a critical impact on reducing the amount of garbage entering the waste stream.

My home State of Rhode Island, for example, was the first State to pass a mandatory recycling law. Cities and towns in Rhode Island separate recyclables such as glass, paper, aluminum and plastics for curbside collection.

Recycling also creates employment. According to one recent study 10,000 tons of material spawns 36 jobs compared to six for landfilling the same amount. Some communities have formed working partnerships with workshops for the disabled, developed and administered job training partnerships, or otherwise found work for unemployed labor in recycling programs. In my own State, the Rhode Island Department of Environmental Management estimates that 300 jobs have been created by recycling.

The exciting feature of the battle against solid waste is that it can be won. Other nations are doing far better than we are. No drastic solutions are required, nor are big sacrifices sought. With relatively small changes in habits, educational initiatives, and reasonable laws we can overcome the crisis we now face. I urge my colleagues to help us move closer toward this goal by joining us in designating April 15, 1991, as National Recycling Day.●

SENATE RESOLUTION 42—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. NUNN, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. Res. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1991 through February 29, 1992, and March 1, 1992, through February 28, 1993, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or non-reimburable, basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee for the period March 1, 1991, through February 29, 1992, under this resolution shall not exceed $3,180,965, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1992, through February 28, 1993, expenses of the committee under this resolution shall not exceed $3,291,040, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1992, and February 28, 1993, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, the payment of long distance telephone calls, or for the payment of stationery supplies purchased through the Keeper of Stationery, U.S. Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1991 through February 29, 1992, and March 1, 1992, through February 28, 1993, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 43—RELATING TO THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. Res. 43

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Second Congress as follows:

Strike "19" after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "18".

Strike "19" after "Energy and Natural Resources" and insert in lieu thereof "20".

Strike "19" after "Foreign Relations" and insert in lieu thereof "18".

Strike "16" after "Labor and Human Resources" and insert in lieu thereof "17".

SENATE RESOLUTION 44—RELATING TO THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. Res. 44

Resolved, That paragraph 3(c) of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Second Congress as follows:

Strike "10" after "Indian Affairs" and insert in lieu thereof "16".

SENATE RESOLUTION 45—RELATING TO THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. Res. 45

Resolved, That paragraph 4 of Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking Housing and Urban Affairs and the committee on

Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress served as a member of the Committee on Armed Services, the Committee on the Judiciary and the Committee on Labor and Human Resources, and who serves as chairman of the committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees in paragraph 2.

"(15) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.".

SENATE RESOLUTION 46—RELATING TO THE STANDING RULES OF THE SENATE

Mr. MITCHELL submitted the following resolution which was considered and agreed to:

S. RES. 46

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred and Second Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Fowler, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NEB).

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Adams, Mr. Fowler, and Mr. Kerrey (NEB).

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Dixon, Mr. Glenn, Mr. Gore, Mr. Wirth, Mr. Shelby, and Mr. Byrd.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Cranston, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sasser, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Kerry (MA), and Mr. Bryan.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Robb.

Committee on Energy and Natural Resources: Mr. Johnston (Chairman), Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Wirth, Mr. Conrad, Mr. Akaka, Mr. Fowler, Mr. Shelby, and Mr. Wellstone.

Committee on Environment and Public Works, Mr. Burdick (Chairman), Mr. Moynihan, Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mr. Metzenbaum.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Daschle, and Mr. Breaux.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Kerry (MA), Mr. Simon, Mr. Sanford, Mr. Moynihan, and Mr. Robb.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Kohl, Mr. Lieberman, and Mr. Akaka.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, and Mr. Kohl.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Dodd, Mr. Simon, Mr. Harkin, Mr. Adams, Ms. Mikulski, Mr. Bingaman, and Mr. Wellstone.

SENATE RESOLUTION 47—RELATING TO THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution which was considered and agreed to:

S. RES. 47

Resolved, That paragraph 4 of rule XXV is amended by adding at the end of paragraph (h) the following new sections:

"(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One Hundred Second Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One Hundred Second Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Energy and Natural Resources, may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Second Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs, and the Committee on Finance may, during the One Hundred Second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Foreign Relations and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs so long as her service as a member of each such committee is continuous, but in no event may she serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry, and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who was sworn in on January 10, 1991, may serve as a member of the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition and Forestry, may, during the One Hundred Second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

SENATE RESOLUTION 48—RELATING TO MINORITY PARTY APPOINTMENTS TO SENATE COMMITTEES FOR THE 102D CONGRESS

Mr. DOLE submitted the following resolution which was considered and agreed to:

S. RES. 48

Resolved, That the following shall constitute the minority party's membership on the standing committees for the 102d Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Seymour, and Mr. Grassley.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. D'Amato, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Nickles, Mr. Gramm, Mr. Bond, and Mr. Gorton.

Committee on Armed Services: Mr. Warner, Mr. Thurmond, Mr. Cohen, Mr. McCain, Mr. Wallop, Mr. Lott, Mr. Coats, Mr. Mack, and Mr. Smith.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn, Mr. Heinz, Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Roth, Mr. Domenici, and Mrs. Kassebaum.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. Kasten, Mr. McCain, Mr. Burns, Mr. Gorton, and Mr. Lott.

Committee on Energy and Natural Resources: Mr. Wallop, Mr. Hatfield, Mr. Domenici, Mr. Murkowski, Mr. Nickles, Mr. Burns, Mr. Craig, Mr. Seymour, and Mr. Garn.

Committee on Environment and Public Works: Mr. Chafee, Mr. Simpson, Mr. Symms, Mr. Durenberger, Mr. Warner, Mr. Jeffords, and Mr. Smith.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Durenberger, Mr. Symms, and Mr. Grassley.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. McConnell, Mr. Brown, and Mr. Hatch.

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Rudman, Mr. Heinz, and Mr. Seymor.

Committee on the Judiciary: Mr. Thurmond, Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Specter, and Mr. Brown.

Committee on Labor and Human Resources: Mr. Hatch, Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Thurmond, Mr. Durenberger, and Mr. Cochran.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. PRYOR. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on Monday, February 11, 1991, in Little Rock, AR. The hearing will focus on post office modernization and/or relocation and compliance with State Historic Preservation. The subcommittee will hear witnesses from the U.S. Postal Service, State, and local historic preservation officers, mayors.

The hearing is scheduled for 2 p.m. in the house chamber of the Old State House, Little Rock, AR. For further information, please contact Ed Gleiman, subcommittee staff director, at 224-2254.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on February 21, 1991, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the recent agreement to transfer control of the Yosemite Park and Curry Co. from MCA, Inc. to the National Park Foundation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD–364, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I would like to announce that the Subcommittee on Agricultural Credit, of the Committee on Agriculture, Nutrition, and Forestry will hold a field hearing in Bismarck, ND. The hearing will take place on February 12, 1991, at 9 a.m. and will address credit availability and the effect of the 1990 farm bill on farmers' income and access to credit.

For further information, please contact Suzy Dittrich of the committee staff at 224–5207.

ADDITIONAL STATEMENTS

THE WAR PREVENTION AND ARMS TRANSFER CONTROL ACT

• Mr. GORE. Mr. President, last Thursday, I spoke briefly in this Chamber to endorse a bill which had just been introduced by Senator McCAIN—The War Prevention and Arms Transfer Control Act. I would like to do now what time did not permit then: Discuss my reasons for cosponsoring this legislation.

The War Prevention and Arms Transfer Control Act is a very sweeping measure containing harsh provisions sure to be controversial diplomatically, economically, and perhaps even at the level of constitutionality. This bill would drastically affect the commercial interests of enterprises and of governments continuing to export arms and military technology to certain countries whose enmity toward the United States and whose menace to the peace of international community is well defined.

Normally, Mr. President, I might have hesitated to support a measure as severe as this. But I know that if this war ends without serious attention given to the arms trade, then when this war ends, we will soon be back to business as usual. It would be an outrage to let that happen. Our country cannot be expected repeatedly to raise armies to put down tyrants menacing peace because they have been armed to the teeth by those who put profit above every other consideration in life.

Hopefully, the international community will act in its own best interests. But that hope may be a little more likely to be realized if the U.S. Congress makes it clear that it is otherwise ready to set strict rules—to say: Restrain yourselves or we will cut you out of doing business with the United States, root and branch.

In my opinion, Mr. President, the Congress must act to show the anger of our people, whose sons and daughters are now at risk to Iraq's weapons. It is one thing to sell weapons to those we know can be trusted to buy with restraint and to use power with wisdom and for self-protection. It is another to sell weapons to the rogue states of the world who are steeped in hatred and zealous to harm the United States. The War Prevention and Arms Transfer Control Act says that there must be an end to that, or else.•

SOUTH AFRICA REFORM

• Mr. LUGAR. Mr. President, on February 1, South African State President F.W. De Klerk announced in his address to the Third Session of the Ninth Parliament significant new reforms that will accelerate the process of dismantling the "cornerstones of apartheid" in his country. These proposals should be welcomed by all who believe in racial equality, social justice and human rights. They should be welcomed by South Africans and by citizens all over the world.

Some of us in the Senate had the privilege to meet and talk with President De Klerk during his visit to the United States last summer. He told us that he was committed to abolishing the remaining legal basis of apartheid and that he was intent on healing the social and racial wounds of the past. He reminded us of the enormity of the challenge and the difficulties likely to be encountered as South African society evolved towards a pluralistic racial democracy. He hoped to achieve these objectives with as little violence and bloodshed as possible. His speech on February 1 affirms his commitment and I can only hope that the process of reform will take place and that it will evolve peacefully in the spirit of give and take.

In his February 1 address, President De Klerk proposed the repeal of the Land Acts of 1913 and 1936 which restricted the non-white majority to ownership of no more than 13 percent of the land area in South Africa. He proposed the termination of the Group Areas Act of 1966 and the Black Communities Act of 1984 which strengthened and deepened racial separatism and residential divisiveness in the country. Just as significantly, President De Klerk expressed his intention to abolish the Population Registration Act which classifies all South African people in four racial groupings. Together these proposed reforms, when enacted and implemented, would effectively abolish the last major legal foundations of institutional racism or apartheid in South Africa. Now, the South African leadership task will be to draft a new Constitution which includes political, economic and social guarantees for all people of South Africa.

President De Klerk and his government have shown extraordinary courage, foresight and determination in their decision to transform South African society and bring it back once again into the society of nations. He is keeping his commitment to dismantle apartheid, a commitment begun in earnest last February when he announced the release of African National Congress (ANC) Vice-President Nelson Mandela and other political leaders and the legislation of the ANC and other organized parties opposed to apartheid. As with his proposals of February 1990, these additional reforms constitute a giant step forward in the process of eliminating racial discrimination in South Africa. As President De Klerk said, "There is no room for injustice, tyranny, domination, violence, or for social degradation and economic decline" in South Africa.

No one believes that the reforms in South Africa have been or will be easy or that they are devoid of political dangers and uncertainties. The evolution of South Africa toward a post-apartheid society is clearly fraught with uncertainty. But, it is a brighter future, now full of hope and expectation for all the people of South Africa.

Mr. President, it is my hope that the steps undertaken to dismantle apartheid in South Africa in 1990 and those proposed by President De Klerk last week would be so significant that they would be irreversible. Certainly, we would all hope this to be the case.

I want to take this opportunity to commend President De Klerk and his government for keeping their commitment to end apartheid. At a time when we are absorbed with the war in the Persian Gulf and attentive to uncertain changes in Eastern Europe and the Soviet Union, we should be alert to positive developments elsewhere. South Africa offers the hope that the positive shifts toward market economics and political freedom so evident in 1989 and early 1990 are alive and well in many other parts of the world.•

IN UGANDA, A LIGHT OF LEARNING DIMS

• Mr. SIMON. Mr. President, it is clear that a disproportionately small amount of foreign aid now goes to Africa.

To the credit of Senator PATRICK LEAHY and others, that assistance level has improved, but it is still far below what it ought to be.

I could insert in the RECORD here the statistics on the matter, but they have appeared again and again, and statistics, frankly, do not convince people.

Instead of that, I ask to insert at the end of my comments an article about Makerere University in Uganda that appeared in the New York Times. It was written by Jane Perlez under the gloomy title, "In Uganda, a Light of Learning Dims."

The article is even more grim than the title.

Certainly, this is the kind of an area where we ought to be providing leadership and responding.

The article follows:

[From the New York Times, Jan. 24, 1991]

IN UGANDA, A LIGHT OF LEARNING DIMS

(By Jane Perlez)

KAMPALA, UGANDA, Jan. 19.—Tumusiime Dennis is one of his country's promising engineering students. But things have reached such a low point at Makerere University here, once one of the stellar institutions of higher learning in sub-Saharan Africa, that the talented 23-year-old mathematician cannot afford the space on a page for a margin.

"I have to write from one end of the page to the other because it is wasting paper to have a margin," Mr. Dennis said as he took a break from studying in the campus library where antiquated volumes rot on the shelves and new books have not been acquired in two decades. "Some people are forced to write in small letters."

In one of his course's most critical subjects—structures—the 25 students in third-year civil engineering have no lecturer; many of the other subjects are taught by underqualified tutorial assistants.

With rare exceptions, universities across black Africa fell into rapid decline in the 1980's. Like much else on the continent, the institutions suffered from mismanaged government treasuries, civil wars and corrupt national leadership.

The University of Dar es Salaam in Tanzania, once an exciting center for political science students, was shuttered for months last year and the students sent home because the Government was irritated by wall posters lampooning President Ali Hassan Mwinyi.

At the University of Nairobi in Kenya talented staff members have left in defiance of demands to toe the political line of the single-party state.

But nowhere is the disrepair as forlorn or the morale as shattered as at Makerere, where the contrast between past excellence and current neglect is stark. Founded in 1922 as the first university in East and Central Africa, Makerere was, according to the World Bank, "one of the finest academic institutions in the developing world."

Until the early 1970's when Idi Amin threw the country into violent turmoil, the medical department turned out doctors who practiced around the world. Now, the low standards, owing largely to a persistent brain drain among the teaching staff, preclude a new Makerere medical graduate from a license in many countries. Academics from all departments have fled, even to South Africa, where the money is good.

"There is no motivation for teachers to stay on the campus," said Dr. Sandy Tickodri-Togboa, a senior lecturer in engineering. "If I can't support my own kids in school from my university salary why is it worth my while to stay here?"

After a raise awarded by the Government in 1989, lecturers still receive only about 30,000 Ugandan shillings a month, or about $40. It costs Dr. Tickodri-Togboa about $30 a week to keep his family in food alone.

Dr. Tickodri-Togboa considers himself lucky; he receives a research grant to supplement his slim salary. But most staff members fail to turn up regularly for class because they are busy making ends meet with two or three other jobs, often of a kind demeaning to academics. A staff survey showed petty trading—raising chickens and selling the eggs, for example—to be the most common outside occupation.

For Mr. Dennis and many of the 5,000 other undergraduates, the economics of attending university seem even more perilous than for the staff, although the Government provides free tuition, free accommodation and meals on campus. Like Mr. Dennis, most of the students come from impoverished rural families who cannot afford the relatively small costs the debt-laden Government is now insisting students pay.

In September, the university canceled Government-financed allowances for stationary, texts and transport to rural homes. In response, the students went on strike, an action that ended in the fatal shooting by the police of two students taking part in a campus rally last month.

"Most of us can only get 10,000 shillings"—about $15—"from our family," Mr. Dennis said of the allowance he scraped together to finance his first term costs. "My mother sold some millet and ground nuts to pay for me, but you need 50,000 shillings to be self sufficient for the term."

Mr. Dennis spent one-third of his 10,000 shillings on his precious ream of paper that is his basic necessity for class, one-third on soap, toothpaste, salt and sugar, and one-third on transportation to the campus.

Makerere undergraduates complain bitterly about the food. "It's rice, beans, posho," said Mr. Dennis, the last being a thin porridge. "Having it every day is not conducive to study. You just eat it and pray you don't get sick."

Mr. Dennis' dormitory has no running water. Students rise at 5 A.M. to take jerrycans to an outdoor tap—sometimes the nearest working one is off campus—and then lug the water back. Rooms built for two usually hold four.

Recently there was a new threat. The university administrators, due to reopen the campus on Feb. 2 after first-term vacation, met to discuss how they were going to manage with a 30 percent budget cut ordered for all Government institutions because of increased oil costs. "They're thinking of not opening until June because of a shortage of funds," Dr. Tickodri-Togboa said.

Teachers and students predict a storm of protest if that happens, not least because Makerere, as broken down as it is, still manages to struggle on. It carries a symbolic value, many students say, of past glory and the glimmer, however meager, of a future.•

TRIBUTE TO FORMER CHIEF JUSTICE FREDRICK MOORE VINSON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to a great Kentuckian. Fred M. Vinson was born in 1890 on the banks of the Big Sandy River in the little town of Louisa in eastern Kentucky. His father was the town jailer, and the family living quarters were in the same building that housed the jail. The boy was thus born almost, if not actually, in the jail—a circumstance to which in later life he sometimes humorously referred. The Vinson family knew poverty. The boy, Fred, knew also the stimulus, and opportunities of American life. As a youth, he was a prodigious reader and read all that the Louisa library offered. In the public schools of Louisa and Catlettsburg he excelled in both scholarship and sports.

The family was determined that he should go to college, and he went first to Kentucky Normal College and then, in 1908, on to the study of law at Centre College in Danville, KY. There his academic and athletic feats are legendary. A leader among his fellow students, he graduated as the top ranking student in his class in 1909, won prizes in the law school in 1910 and 1911, and emerged from the law school in 1911 with the unique distinction of possessing the highest academic record in the history of the law school. At the same time he ranked as one of the outstanding college athletes of his day as shortstop and captain of the Centre baseball team for 2 years.

He entered the practice of law in Louisa in 1911, and soon became city attorney. His varied practice in Louisa was interrupted during the First World War with a brief stint of military service ending in Officer's Candidates School.

As a lawyer and a Kentuckian he was naturally interested in politics. He was, moreover, singularly endowed for public service. His ability, integrity, fair mindedness and gentle spirit won an ever-widening circle of friends and admirers. In 1921 he was elected commonwealth attorney for his district. In 1923, at the age of 33, he ran for Congress in the old Ninth District of Kentucky and was elected.

For 14 years Fred M. Vinson served his country in the Congress of the United States. In 1931, in recognition of his demonstrated ability, he was assigned to the critically important Ways and Means Committee of the House of Representatives where he quickly became a key figure. In 1936, despite his lesser seniority, he was named as chairman of the Special Sun-Committee on Revenue Legislation of the House Ways and Means Committee. In all, seven Revenue Acts were passed while Fred Vinson was a member of the committee. Many of the major features of our modern revenue system stem from his work. When the revenue bill of 1938, a wholesale revision of the revenue statute and predecessor of the Internal Revenue Code, was before the House, it was then known that he was leaving Congress for the bench of the Court of Appeals for the District of Columbia. The bill passed almost without debate as a tribute to its guiding spirit and the time was given over instead to heartfelt tributes from both sides of the aisle to this man from Kentucky who had served his country so well.

But he was more than the congressional tax expert, though there are easier subjects. His mastery of intricate revenue legislation, his ability to translate the complex into the understandable, and his talent for conciliation of divergent viewpoints combined to make him a key congressional leader on such important measures as the Vinson-Guffey Coal Acts, the Social Security Act of 1935, the Fair Labor Standards Act, the National Labor Relations Act, and the reciprocal trade legislation. He was in fact one of the architects of the basic social and economic reform legislation of the thirties. He believed in all rights guaranteed by the Constitution. He believed in the importance of all the folks and in the obligation of Government to preserve for all the opportunity to live fruitful, useful and happy lives. To this end as a legislative leader, he devoted his legislative talents and in so doing won deep respect and the abiding friendship of adherents and opponents alike.

In 1937, President Franklin D. Roosevelt appointed Fred Vinson to a position on the bench of the Court of Appeals for the District of Columbia. Resigning from Congress after the passage of the Revenue Act of 1938, he took the oath of office as an associate justice of that court on May 12, 1938. To the bench he brought experience as a lawyer in private practice, extraordinary legislative experience, and most important of all, real understanding and wisdom.

With the advent of World War II and the institution by Congress of a system of price and rent controls, Chief Justice Stone of the Supreme Court was charged with the responsibility of designating a Federal judge to serve as the chief judge of the newly established Emergency Court of Appeals to review administrative rulings of the Office of Price Administration. In 1942, Fred M. Vinson was selected by Chief Justice Stone for this responsibility.

A year later he was asked by President Roosevelt to become the Director of Economic Stabilization, to serve in effect as the President's deputy to stabilize the civilian economy in support of the war effort. With his characteristic willingess to do the job that needed doing, he left the security of the Federal judiciary to become, in the executive department, one of our great wartime civilian leaders. No assignment was too demanding, no task was too hard for "Available Vinson" as he became affectionately known by the press. As Director of Economic Stabilization his was the duty, for 21 months, to fight the fires of inflation and thus help to sustain both the fighting front and home front. Resisting pressures for special dispensation with firmness, he held the line in the national interest. Appointed by President Franklin D. Roosevelt to serve as Federal Loan Administrator in March 1945, he held the post for 1 month. He was then named by the President as Director of War Mobilization and Reconversion, an office charged not only with continued mobilization of resources for the war but also with formulating the basic plans for converting our economy from war to peace.

In July 1945, President Truman appointed Vinson as Secretary of the Treasury. The nomination received the enthusiastic approval of the Senate and for 11 months he served his country in that post.

On June 6, 1946 his service as Secretary of the Treasury was cut short, when President Truman appointed him as Chief Justice of the United States. The Senate unanimously confirmed the nomination and on June 24, 1946, he took the oath of office. For 7 years until his death on September 8, 1953, Fred M. Vinson served as the 13th Chief Justice of the United States. That is not a long time as terms of the Chief Justice have run. But the years of service as Chief Justice presented issues to the Court of transcendent importance to the Nation.

This then is the record of some of the public service in a career of rare distinction. Congressman, judge, war-time administrator, Cabinet officer, Chief Justice of the United States, Fred Vinson graced every role. On the death of this statesman and jurist in 1953, President Dwight D. Eisenhower proclaimed a period on national mourning and in tribute said of Fredrick Moore Vinson:

> A man of exemplary character, he possessed great human understanding, appreciation of our national heritage and a keen mind. He has filled positions of great responsibility in all three branches of government—legislative, administrative, and judicial. In all of them he served with efficiency, dignity, and integrity. He was an outstanding citizen whose death was a loss to America.•

DISPATCHES FROM A DYING GENERATION

• Mr. SIMON. Mr. President, one of the finest and most meaningful pieces of journalism I have read in recent months was the article by Nathan McCall, a reporter from the Washington Post, that appeared in its Sunday, January 13, 1991, Outlook section.

Nathan McCall is an African-American who tells about growing up in a middle-income black neighborhood, but even then, sharing the tragedy and lack of hope that is too much a part of the scene for minorities in this country.

I would like to read just a few sentences from his article:

> Yet somewhere between adolescence and adulthood, something inside us changed. Our optimism faded. Our hearts hardened, and many of us went on to share the same fates as the so-called disadvantaged.

He adds:

> Looking back, the reality may well have been that possibilities for us were abundant. But in Cavalier Manor, we perceived our choices as being severely limited.

Later in the same story he writes:

> Our defiance may have stemmed partly from youthful rebellion, but it came mostly from rage at a world we sensed did not welcome us.

Then, talking about crime that is all too rampant in monority areas particularly he writes:

> When your life in your own mind has no value, it becomes frighteningly easy to try to take another's life.

Obviously, as a society we have to instill hope in all of our people. We have not done that and, particularly, in the last 10 years there has been a slippage in our efforts to provide hope.

There are no simple answers, but two of the essentials are to provide everyone with a chance for quality education and to provide everyone a chance for a job. Things as basic as that are not being provided for all young people and all of our citizens today.

When we perceive a threat in the Middle East, we can in a matter of months galvanize our resources and get over 400,000 troops in that area of the world. No one questions the cost.

Meaning no disrespect to the problems we face in the Middle East, let me say to my colleagues that the threat we face at home has much more to do with the future security of our Nation than anything that has happened in recent months in the Middle East. And yet we find ourselves unwilling and unable to galvanize the resources to do the most obvious, the most minimal kind of effort.

I ask to insert into the RECORD the complete article by Nathan McCall titled, "Dispatches from a Dying Generation."

That very title ought to cause us serious concern. I urge my colleagues in the House and the Senate and their staffs who have not read this article to do so.

The article follows:

DISPATCHES FROM A DYING GENERATION

(By Nathan McCall)

"Make me wanna holler, and throw up both my hands, It make me wanna holler, and throw up both my hands."—

Two Christmases ago, I went home to Portsmouth, Va., and some of the boys from my old days on the block—Tony, Nutbrain and Roger—dropped by to check me out. We caught up on the years, and their stories revealed that not much with the old gang had changed: One had just gotten out of jail, he said, "for doing a rain dance" on his estranged girlfriend. Another had lost his house and family to a cocaine habit. A third friend, they said, had recently gotten his front teeth bashed out with a brick in a soured drug deal.

We learned that another old friend was back in town and decided to pay him a surprise visit. We crammed into my car, stopped at a store and bought a bottle of cheap wine—Wild Irish Rose, I think—just like the old days. I slid Marvin Gaye's classic "What's Going On?" into the cassette player and, while cruising along, it struck me: It really *was* like old times—them passing the wine bottle from hand-to-hand; Roger and Nutbrain arguing and elbowing each other in the back seat; and everybody playing the dozens—trading insults left and right.

When our friend answered the door, he seemed surprised but not glad to see us. Within minutes, we knew the reason for his nervousness. There was a knock, followed by whispers and the stealthy entry of a scraggly-bearded man and a disheveled woman. Clearly, the three of them were about to do some drugs, *just like old times*.

What was different was that we left. And though I made a point of not being judgmental, I wondered, like Marvin Gaye had nearly two decades earlier, what *is* going on?

Lately, with the mounting toll of homicides, drug abuse and prison stints threatening to decimate a generation of young black men, I'm still wondering—not as an outsider but as one who came perilously close to becoming a fatal statistic myself.

These days, my visits home have become occasions for mourning, soul-searching and anger. On one recent visit, I saw a story, splashed across the top of the newspaper about the police busting up a $20-million narcotics ring. Listed in the article were several people I've known most of my life.

I sighed. It wasn't the first time that day I'd been hit with negative news about the neighborhood. And it wasn't the last. Before that day ended, family members and people I met on the streets told tale after tale of homeboys, young black men like me, living lives mired in lunacy.

Every day in D.C., I read dismal accounts of blacks murdered over trivia—drugs, a coat, a pair of sneakers, pocket change. The people in those stories are faceless to me. I peruse the accounts with detached sadness, then turn the page.

But in my hometown, 200 miles south, the names conjure images of real people who lived down the street, around the corner, on the next block.

Trips to my old neighborhood, a large black community called Cavalier Manor, bring a distressingly close-up view of black America's running tragedy. When I'm there, it dawns on me over and over again that this "endangered species" thing is no empty phrase.

Consider this: Most of the guys I hung out with are either in prison, dead, drug zombies or nickel-and-dime street hustlers. Some are racing full-throttle toward self-destruction. Others already have plunged into the abyss: Kenny Banks got 19 years for dealing drugs. Baby Joe just finished a 15-year bit for a murder beef. Charlie Gregg was in drug rehab. Bubba Majette was murdered. Teddy sleeps in the streets. Sherman is strung out on drink and drugs. Since I began writing this story several weeks ago, two former peers have died from drugs and alcohol.

Many of my former running pals are insane—literally; I'm talking overcoats in August and voices in their heads. Of the 10 families on my street that had young males in their households, four—including my own—have had one or more siblings serve time. One of my best buddies, Shane, was recently sent to prison. He shot a man several times, execution-style. He got life.

Often when I go home, as I did this past Christmas season, I prepare with a pep talk to myself and a pledge to focus on the positive—time spent with family and old friends who are doing well, and opportunities to lend a compassionate ear to those not so well off.

I know I will see former buddies. Some are old hoods, hanging on the same corners where I left them 15 years ago. I see in them how far I've come. I'm not sure what they see in me. In exchanges that are sometimes awkward, they recount their hard knocks. I say little about my establishment job or the new life I've found.

What should I say? Get a job? Go to college? Adopt my middle-class success strategies?

The fact is, I know what they've been through. And I understand what they face. I took the plunge myself, several times.

From a shoplifting charge, to stealing an ice-cream truck, to possession of a sawed-off shotgun and, ultimately, to armed robbery, I've had my share of clashes with the law.

Before I was 20, I'd seen people shot and was shot at myself. When I was 19, in a running rivalry with some other thugs, I shot a man in the chest at point-blank range. He survived, and the following year he shot and killed a man and went to prison.

When I read about the shootings in D.C. and at home, I often flash back to scenes in which I played a part. It's hard for me now to believe I was once very much a part of that world. Yet it's all too easy to understand how it came to be.

Many people are puzzled about the culture of violence pervading black communities; it's so foreign to them. Some wonder if there is something innately wrong with black males. And when all else fails, they reach for the easy responses: "Broken homes?" "Misplaced values?" "Impoverished backgrounds?"

I can answer with certainty only about myself. My background and those of my running partners don't fit all the convenient theories, and the problems among us are more complex than something we can throw jobs, social programs or more policemen at.

Portsmouth, a Navy town of nearly 103,000, is not the blighted big city that D.C. is. And Cavalier Manor is no ghetto or lair of single-parent homes. In fact, my old neighborhood is middle class by black standards and has long symbolized the quest for black upward mobility in Portsmouth. There are sprawling homes, manicured lawns and two-car garages. A scenic lake winds through part of the neighborhood. The homeowners are hard-working people who embrace the American dream and pursue it passionately.

Shane and I and the others in our loosely-knit gang started out like most other kids. Ebullient and naive, we played sandlot football, mowed neighbors' lawns for spending change and went to the movies. We devoured comic books, exchanged baseball cards and attended church.

Yet somewhere between adolescence and adulthood, something inside us changed. Our optimism faded. Our hearts hardened, and many of us went on to share the same fates as the so-called disadvantaged.

I'm not exactly sure why, but I've got a good idea.

A psychologist friend once explained that our fates are linked partly to how we perceive our choices in life. Looking back, the reality may well have been that possibilities for us were abundant. But in Cavalier Manor, we perceived our choices as being severely limited.

Nobody flatly said that. But in various ways, inside our community and out, it was communicated early and often that as black men in a hostile world our options would be few.

The perception was powerfully reinforced by what we saw in our families, where we had inherited a legacy of limited choices. My grandmother's parents were unschooled, and she spent her life as an uneducated domestic, working for white families. My stepfather left school after the 10th grade, and my mother, who dropped out after 11 years, did only slightly better. They all managed to exceed the accomplishments of their forebears, but they lagged behind their white contemporaries.

What is not so easy for outsiders to grasp is why we did not follow our parents' lead and try to seize what we could with what we had. For us, somehow, growing up in the '70s, it was different. Our parents tried to insulate us from the full brunt of racism, but they could not counteract the flood of racial messages, subtle and blatant, filtering into our psyches—messages that artists like Richard Wright, James Baldwin and Ralph Ellison have documented, ones you never get accustomed to; the look in white storekeepers' eyes when you enter; the "click" of door locks when you walk past whites sitting in their cars.

Our parents, we believed, had learned to swallow pride for survival's sake. But my more militant generation seemed less inclined to make that compromise. In a curious way, we saw anything that brought us into the mainstream as a copout. We came to regard the establishment as the ubiquitous, all powerful "white man" who controlled our parents' lives and, we believed, determined our fates as well.

I think once we resigned ourselves to that notion, we became a lost and angry lot.

It is difficult to write this without sounding apologetic. But I know many of us could not bear to think about a future in which we were wholly subject to the whims of whites. We could not see a way out of that. Moreover, like many African Americans, then and now, we couldn't make the connections that seem so basic in the world where I now live and work.

For instance, the concept of education as a passport to a better life was vague to us. We saw no relation between school and our reality. That's why it was so easy for my buddies to drop out in our sophomore year. One day, as a group of us were walking to class, someone casually suggested we quit. I did not. (After all, I reasoned, you could find girls in school.) But one by one, the others tossed their books into the trash, just like that.

Still, there were plenty of role models in the neighborhood who were not our parents—teachers, postal workers and a smattering of professionals. But even those we respected seemed unable to articulate, or expose us to, choices they had not experienced themselves.

Besides, they were unappealing to us as heroes. They couldn't stand up to the white man. They didn't fulfill our notions about manhood.

Instead, we revered the guys on the streets, the thugs who were brazen and belligerent. They wore their hats backwards, left their belt buckles unfastened and shoelaces untied. They shunned the white establishment and worshipped violence.

In our eyes, they were real men. We studied their bouncy walk, known as the Pimp, and the slick, lyrical way they talked. Manhood became a measure of who could fight fiercest, shoot hoops best or get the most girls into bed. Our self-perceptions were reflected in the nicknames some of us took on: Dirty Stink, Whiskey Bottle, Bimbo, White Mouse, Turkey, Buzzard, Rat Man, Scobie-D, Gruesome, Frank Nitty, Sweet Wolf, Black Sam, Sack Eye.

Our defiance may have stemmed partly from youthful rebellion, but it came mostly from rage at a world we sensed did not welcome us. And we knew there were countless others out there just like us, armed and on edge, and often all it took was an accidental brush against a coat sleeve or a misunderstood look to trigger a brawl or a shooting.

When your life in your own mind has no value, it becomes frighteningly easy to try to take another's life.

When I think about how to explain the carnage among young blacks in our cities—and how to stop it—I think about my hometown. In Portsmouth, black males are assumed to have three post-high school options: the naval shipyard, the military or college. All of us knew that working in the system carried a price; humiliation on some level. Among us was the lingering fear that the racially integrated work world, with its relentless psychological assaults, was in some ways more perilous than life in the rough-and-tumble streets.

At least in the streets, the playing field is level and the rules don't change.

Even among those of us who opted for college, there was the feeling that it was a place to stall. "We don't know what to do or what we could do," Calvin Roberts, an old school friend told me recently. "We were in uncharted waters. Nobody we knew had been there, and we didn't know what to expect."

Perhaps for the first time in this nation's history, blacks began searching on a large scale for alternatives, and one action of course, was the drug trade, the urban answer to capitalism. "The drug trade is one of the few places where young, uneducated blacks can say, 'I am the boss. This is my corporation.'" says Portsmouth Commonwealth Attorney Johnny Morrison, who has prosecuted some of his former friends for peddling drugs.

Contrary to some assumptions, there is no lack of work ethic in the drug trade. My best friend in school parlayed $20 into a successful drug operation. By the time we were both 18, he had employed a few people, bought a gold tooth and paid cash for a Buick Electra 225 (a deuce-and-a-quarter in street parlance). College students couldn't do that.

My friend didn't get caught, but others who were selling drugs, burglarizing and robbing did. I was one of them.

Often, during my teenage years, I felt like Bigger Thomas, the protagonist in Richard Wright's "Native Son"—propelled down a destructive road over which I had no control.

Seven months after being placed on probation for shooting a man, my journey ended: Nutbrain, Charlie Gregg, and myself were caught after holding up a McDonald's. I was the gunman in the late night robbery, and I came so frighteningly close to pulling the trigger when the store manager tried to flee that my fingers moistened.

We actually got away with the money—about $2,000, I think—and were driving down the highway when several police cruisers surrounded us. After being searched, handcuffed and shoved into the back seat of the police car, I remember staring out the window and thinking that my life, at age 20, was over. How, I wondered, had it come to this? I had the strange, sudden wish that I could go back in time, perhaps to the year of my third-grade spelling bee, when I felt so full of hope.

In a weird way, I also felt relieved, as if I had been saved from something potentially worse. I truly had expected a more tragic fate: to go down in a shootout with police like Prairie Dog, a cross-town hood; to be caught by surprise one day, like Charles Lee, a neighborhood kid who was shot to death while burglarizing a home. When I read stories today in which shooting is involved, I think back to the moment when two lives could have been destroyed if I had put the slightest pressure on a trigger.

I realize that skeptics will say that nothing so concentrates the mind as getting caught. But in fact, that is exactly what happened. I realized that something in my life had gone terribly wrong. Prison was my wake-up call.

For nearly three years, I was forced to nurture my spirit and ponder all that had gone on before. A job in the prison library exposed me to a world of black literature that helped me understand who I was and why prison had become—literally—a rite of passage for so many of us. I sobbed when I read "Native Son" because it captured all of those conflicting feelings—Bigger's restless anger, hopelessness, his tough facade among blacks and his morbid fear of whites—that I had often sensed in myself but was unable to express.

Malcolm X's autobiography helped me understand the devastating effects of self-hatred and introduced me to a universal principle: that if you change your self-perception, you can change your behavior. I concluded that if Malcolm X, who also went to prison, could pull his life out of the toilet, then maybe, I could too.

My new life is still a struggle, harsher in some ways than the one I left. At times I feel suspended in a kind of netherworld, belonging fully to neither the streets nor the establishment.

I have come to believe two things that might seem contradictory; that some of our worst childhood fears were true—the establishment is teeming with racism. Yet I also believe whites are as befuddled about race as we are, and they're as scared of us as we are of them. Many of them are seeking solutions, just like us.

I am torn by a different kind of anger now: I resent suggestions that blacks enjoy being "righteous victims." And when people ask, "What is wrong with black men?" It makes me want to lash out. When I hear that question, I am reminded of something once said by Malcolm X: "I have no mercy or compassion in me for a society that will crush people and then penalize them for not being able to stand up under the weight."

Sometimes I wonder who I endured when so many others were crushed. I was not special. And when I hear the numbing statistics about black men, I often think of guys I grew up with who were smarter and more talented than me, but who will never realize their potential. Nutbrain, a mastermind in the ways of the streets, had the kind of raw intellect that probably could not be gauged in achievement tests. Shane, who often breezed effortlessly through tests in school, could have done anything he wanted with his life had he known what to do.

Now he has no choices.

When Shane was caught in a police manhunt a couple of years ago, I considered volunteering as a character witness, but dismissed the notion because I knew there was no way to tell a jury what I was unable to articulate to a judge at my own trial: How could I explain our anger and alienation from the rest of the world? Where was our common language?

Most people, I'm sure, would regard Shane's fate with the same detachment I feel when reading crime reports about people I don't know. But I hurt for Shane, who will likely spend the rest of his days behind bars and who must live with the agony of having taken a life. I hurt more for Shane's mother, who has now seen two of her four sons go to prison. A divorcee, she now delivers newspapers in Cavalier Manor.

I saw her recently after she tossed a paper onto my parents' doorstep. Her hair had grayed considerably. We hugged and chatted. She seemed proud that I had turned my life around, but I felt guilty and wondered again why I got a second chance and her sons did not.

After an awkward silence, I got Shane's prison address and said goodbye. I wrote to him but got no reply.

For those who'd like answers, I have no pithy social formulas to end black-on-black violence. But I do know that I see a younger, meaner generation out there now—more lost and alienated than we were—and placing even less value on life. We were at least touched by role models; this new bunch is totally estranged from the black mainstream. Crack has taken the drug game to a more lethal level and given young blacks far more economic incentive to opt for the streets.

I've come to fear that of the many things a black man can die from, the first may be rage—his own or someone else's.

For that reason, I seldom stick around when I stop on the block. One day not long ago, I spotted a few familiar faces hanging out at the old haunt, the local convenience store. I wheeled into the parking lot, strode over and high-fived the guys I knew. Within moments, I sensed that I was in danger.

I felt the hostile stares from those I didn't know. I was frightened by these younger guys, who now controlled my former turf. I eased back to my car and left, because I knew this: that if they saw the world as I once did, they believed they had nothing to lose, including life itself.

It made me wanna holler, and throw up both my hands.•

S. 305, THE MONEY LAUNDERING ENFORCEMENT AMENDMENTS ACT OF 1991

• Mr. KERRY. Mr. President, on Wednesday, January 30, 1991, along with my colleagues Senators D'AMATO, RIEGLE, GARN, METZENBAUM, GRAHAM, BRYAN, and DIXON, I introduced S. 305, the Money Laundering Enforcement Amendments Act of 1991.

Due to a clerical error, the text of the bill was inadvertently omitted from the RECORD. I now ask unanimous consent that the complete text of the bill be printed in today's RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Money Laundering Enforcement Amendments of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TERMINATION OF CHARTERS AND INSURANCE

Sec. 101. Revocation of charter of Federal depository institutions convicted of money laundering or cash transaction reporting offenses.
Sec. 102. Termination of insurance of State depository institutions convicted of money laundering or cash transaction reporting offenses.
Sec. 103. Removal of parties involved in currency reporting violations.
Sec. 104. Unauthorized participation.
Sec. 105. Access by State financial institution supervisors to currency transactions reports.

TITLE II—MONEY LAUNDERING ENFORCEMENT

Sec. 201. Identification of financial institutions.
Sec. 202. Prohibition of illegal money transmitting businesses.
Sec. 203. Compliance procedures.
Sec. 204. Nondisclosure of orders.
Sec. 205. Provisions relating to recordkeeping with respect to certain international funds transfers.
Sec. 206. Use of certain records.
Sec. 207. Report on currency changes.
Sec. 208. Report on bank prosecutions.
Sec. 209. Money laundering training team.

TITLE I—TERMINATION OF CHARTERS AND INSURANCE

SEC. 101. REVOCATION OF CHARTER OF FEDERAL DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) NATIONAL BANKS.—Section 5239 of the Revised Statutes (12 U.S.C. 93) is amended by adding at the end the following:

"(c) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—(A)(i) If a national bank has been convicted of any criminal offense described in section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Comptroller of the Currency a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) After receiving written notification from the Attorney General of such a conviction, the Comptroller of the Currency shall issue to such national bank a notice of his or her intention to terminate all rights, privileges, and franchises of such bank and schedule a pretermination hearing.

"(B) If a national bank is convicted of any offense punishable under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Comptroller of the Currency may issue to such national bank a notice of his or her intention to terminate all rights, privileges, and franchises of such bank and schedule a pretermination hearing.

"(C) Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this subsection.

"(2) FACTORS TO BE CONSIDERED.—In determining whether a franchise shall be forfeited under paragraph (1), the Comptroller shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of illegally derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the bank has fully cooperated with law enforcement authorities with respect to the conviction;

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation; and

"(E) whether the bank maintained at the time of the conviction, according to the review of the Comptroller of the Currency, a program of money laundering deterrence and compliance that clearly exceeds federally required deterrence and compliance measures; adequately monitored the activities of its officers, employees, and agents to ensure compliance; and promptly reported suspected violations to law enforcement authorities.

"(3) SUCCESSOR LIABILITY.—This subsection does not apply to a successor to the interests of, or a person who acquires, a bank that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) DEFINITION.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within a national bank, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding voting stock of such bank or its holding company. If the institution is a Federal branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Comptroller shall by regulation specify which officials of a national bank shall be treated as senior management officials for the purpose of this subsection.".

(b) FEDERAL SAVINGS ASSOCIATIONS.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

"(w) FORFEITURE OF CHARTER FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—(A)(i) If a Federal savings association has been convicted of any criminal offense described in section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Director a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) After receiving written notification from the Attorney General of such a conviction, the Director shall issue to such savings association a notice of his or her intention to terminate all rights, privileges, and franchises of such savings association and schedule a pretermination hearing.

"(B) If a Federal savings association is convicted of any offense punishable under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Director may issue to such savings association a notice of his or her intention to terminate all rights, privileges, and franchises of such savings association and schedule a pretermination hearing.

"(C) Subsection (d)(7) shall apply to any proceeding under this subsection.

"(2) FACTORS TO BE CONSIDERED.—In determining whether a franchise shall be forfeited under paragraph (1), the Director shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of illegally derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the association has fully cooperated with law enforcement authorities with respect to the conviction;

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation; and

"(E) whether the association maintained at the time of the conviction, according to the review of the Director, a program of money laundering deterrence and compliance that clearly exceeds federally required deterrence and compliance measures; adequately monitored the activities of its officers, employees, and agents to ensure compliance; and promptly reported suspected violations to law enforcement authorities.

"(3) SUCCESSOR LIABILITY.—This subsection does not apply to a successor to the interests of, or a person who acquires, a savings association that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) DEFINITION.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within a savings association, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding voting stock of such savings association or its holding company. If the savings association is a United States branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Director shall by regulation specify which officials of a savings association shall be treated as senior management officials for the purpose of this subsection.".

(c) FEDERAL CREDIT UNIONS.—Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following new section:

"SEC. 130. FORFEITURE OF ORGANIZATION CERTIFICATE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

"(a) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—(1)(A) If a credit union has been convicted of any criminal offense described in section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Board a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(B) After receiving written notification from the Attorney General of such a conviction, the Board shall issue to such credit union a notice of its intention to terminate all rights, privileges, and franchises of such credit union and schedule a pretermination hearing.

"(2) If a credit union is convicted of any offense punishable under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Board may issue to such credit union a notice of its intention to terminate all rights, privileges, and franchises of such credit union and schedule a pretermination hearing.

"(3) Section 206(j) shall apply to any proceeding under this section.

"(b) Factors To Be Considered.—In determining whether a franchise shall be forfeited under subsection (a), the Board shall consider—

"(1) the degree to which senior management officials knew of, or were involved in, the solicitation of illegally derived funds or the money laundering operation;

"(2) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(3) whether the credit union has fully cooperated with law enforcement authorities with respect to the conviction;

"(4) whether there will be significant losses to the credit union share insurance fund; and

"(5) whether the credit union maintained at the time of the conviction, according to the review of the Board, a program of money laundering deterrence and compliance that clearly exceeds federally required deterrence and compliance measures; adequately monitored the activities of its officers, employees, and agents to ensure compliance; and promptly reported suspected violations to law enforcement authorities.

"(c) Successor Liability.—This section does not apply to a successor to the interests of, or a person who acquires, a credit union that violated a provision of law described in subsection (a), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this section or regulations prescribed under this section.

"(d) Definition.—For purposes of this section, the term 'senior management officials' means those individuals who exercise major supervisory control within a credit union, including members of the board of directors. The Board shall by regulation specify which officials of a credit union shall be treated as senior management officials for the purpose of this section.".

SEC. 102. TERMINATION OF INSURANCE OF STATE DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) State Banks and Savings Associations.—

(1) In general.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

"(v) Termination of Insurance for Money Laundering or Cash Transaction Reporting Offenses.—

"(1) In general.—(A)(i) If an insured State depository institution, including a State branch of a foreign institution, has been convicted of any criminal offense described in section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Corporation a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) After receipt of written notification from the Attorney General by the Corporation of such a conviction, the Board of Directors shall issue to such insured depository institution a notice of its intention to terminate the insured status of the insured depository institution and schedule a hearing on the matter, which shall be conducted in all respects as a termination hearing pursuant to paragraphs (3) through (5) of subsection (a) of this section.

"(B) If an insured State depository institution, including a State branch of a foreign institution, is convicted of any offense punishable under section 5322 of title 31, United States Code, after receipt of written notification from the Attorney General by the Corporation, the Board of Directors may initiate proceedings to terminate the insured status of such insured depository institution in the manner described in subparagraph (A).

"(C) The Corporation shall simultaneously transmit a copy of any notice issued under this paragraph to the appropriate State financial institutions supervisor.

"(2) Factors to be considered.—In determining whether to terminate insurance under paragraph (1), the Board of Directors shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of illegally derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the institution has fully cooperated with law enforcement authorities with respect to the conviction;

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation; and

"(E) whether the institution maintained at the time of the conviction, according to the review of the Corporation, a program of money laundering deterrence and compliance that clearly exceeds federally required deterrence and compliance measures; adequately monitored the activities of its officers, employees, and agents to ensure compliance; and promptly reported suspected violations to law enforcement authorities.

"(3) Notice to state banking supervisor and public.—When the order to terminate insured status initiated pursuant to this subsection is final, the Board of Directors shall—

"(A) notify the State banking supervisor of any State depository institution described in paragraph (1) and the Director of the Office of Thrift Supervision, where appropriate, at least 10 days prior to the effective date of the order of termination of the insured status of such depository institution, including a State branch of a foreign bank; and

"(B) publish notice of the termination of the insured status of the depository institution.

"(4) Deposits uninsured.—Upon termination of the insured status of any State depository institution pursuant to paragraph (1), the deposits of such depository institution shall be treated in accordance with section 8(a)(7).

"(5) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured depository institution that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(6) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within an insured depository institution, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding voting stock of such institution or its holding company. If the institution is a State branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Board of Directors shall by regulation specify which officials of an insured State depository institution shall be treated as senior management officials for the purpose of this subsection.".

(2) Technical amendment.—Section 8(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)(3)) is amended by inserting "of this subsection or subsection (v)" after "subparagraph (B)".

(b) State Credit Unions.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(t) Termination of Insurance for Money Laundering or Cash Transaction Reporting Offenses.—

"(1) In general.—(A)(i) If an insured State credit union has been convicted of any criminal offense described in section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Board a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) After written notification from the Attorney General to the Board of Directors of such a conviction, the Board shall issue to such insured credit union a notice of its intention to terminate the insured status of the insured credit union and schedule a hearing on the matter, which shall be conducted as a termination hearing pursuant to subsection (b) of this section, except that no period for correction shall apply to a notice issued under this subparagraph.

"(B) If a credit union is convicted of any offense punishable under section 5322 of title 31, United States Code, after prior written notification from the Attorney General, the Board may initiate proceedings to terminate the insured status of such credit union in the manner described in subparagraph (A).

"(C) The Board shall simultaneously transmit a copy of any notice under this paragraph to the appropriate State financial institutions supervisor.

"(2) Factors to be considered.—In determining whether to terminate insurance under paragraph (1), the Board shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of illegally derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the credit union has fully cooperated with law enforcement authorities with respect to the conviction;

"(D) whether there will be significant losses to the credit union share insurance fund; and

"(E) whether the credit union maintained at the time of the conviction, according to the review of the Board, a program of money laundering deterrence and compliance that clearly exceeds federally required deterrence and compliance measures; adequately monitored the activities of its officers, employees, and agents to ensure compliance; and promptly reported suspected violations to law enforcement authorities.

"(3) Notice to state credit union supervisor and public.—When the order to terminate insured status initiated pursuant to this subsection is final, the Board shall—

"(A) notify the commission, board, or authority (if any) having supervision of the credit union described in paragraph (1) at least 10 days prior to the effective date of the order of the termination of the insured status of such credit union; and

"(B) publish notice of the termination of the insured status of the credit union.

"(4) Deposits uninsured.—Upon termination of the insured status of any State credit union pursuant to paragraph (1), the deposits of such credit union shall be treated in accordance with section 206(d)(2).

"(5) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured credit union that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(6) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within an insured credit union, including members of the board of directors. The Board shall by regulation specify which officials of an insured State credit union shall be treated as senior management officials for the purpose of this subsection.".

SEC. 103. REMOVAL OF PARTIES INVOLVED IN CURRENCY REPORTING VIOLATIONS.

(a) FDIC Insured Institutions.—

(1) Violation of reporting requirements.—Section 8(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)) is amended to read as follows:

"(2) Specific violations.—Whenever the appropriate Federal banking agency determines that—

"(A) an institution affiliated party committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, unless such violation was inadvertent or unintentional;

"(B) an officer or director of an insured depository institution knew that an institution affiliated party of the insured depository institution violated any such provision or any provision of law referred to in subsection (g)(1)(A)(ii); or

"(C) an officer or director of an insured depository institution committed any violation of the Depository Institution Management Interlocks Act,

the agency may serve upon such party, officer, or director a written notice of its intention to remove him from office. In determining whether an officer or director should be removed as a result of the application of subparagraph (B), the agency shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.".

(2) Felony charges.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended to read as follows:

"(1)(A) Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

"(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

"(ii) a criminal violation of section 1956 or 1957 of title 18, United States Code, or an offense punishable under section 5322 of title 31, United States Code,

the appropriate Federal banking agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the depository institution.

"(B) A copy of such notice shall also be served upon the depository institution. Such suspension or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the agency.

"(C)(i) In the event that a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against such party in connection with a crime described in subparagraph (A)(i), and at such time as such judgment is not subject to further appellate review, the agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution except with the consent of the appropriate agency.

"(ii) In the event of such a judgment of conviction or agreement in connection with a violation described in subparagraph (A)(ii), the agency shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution except with the consent of the appropriate agency.

"(D) A copy of such order shall also be served upon such depository institution, whereupon such party (if a director or an officer) shall cease to be a director or officer of such depository institution. A finding of not guilty or other disposition of the charge shall not preclude the agency from thereafter instituting proceedings to remove such party from office or to prohibit further participation in depository institution affairs, pursuant to paragraph (1), (2), or (3) of subsection (e) of this section. Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the agency.".

(b) Credit Unions.—

(1) Violation of reporting requirements.—Section 206(g)(2) of the Federal Credit Union Act (12 U.S.C. 1786(g)(2)) is amended to read as follows:

"(2) Specific violations.—Whenever the Board determines that—

"(A) an institution affiliated party committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, unless such violation was inadvertent or unintentional;

"(B) an officer or director of an insured credit union knew that an institution affiliated party of the insured credit union violated any such provision or any provision of law referred to in subsection (i)(1)(A)(ii); or

"(C) an officer or director of an insured credit union committed any violation of the Depository Institution Management Interlocks Act,

the Board may serve upon such party, officer, or director a written notice of its intention to remove him from office. In determining whether an officer or director should be removed as a result of the application of subparagraph (B), the Board shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.".

(2) Felony charges.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended to read as follows:

"(1)(A) Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

"(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

"(ii) a criminal violation of section 1956 or 1957 of title 18, United States Code, or an offense punishable under section 5322 of title 31, United States Code,

the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the credit union.

"(B) A copy of such notice shall also be served upon the credit union. Such suspension or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board.

"(C)(i) In the event that a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against such party in connection with a crime described in subparagraph (A)(i), and at such time as such judgment is not subject to further appellate review, the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Board.

"(ii) In the event of such a judgment of conviction or agreement in connection with a violation described in subparagraph (A)(ii), the Board shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Board.

"(D) A copy of such order shall also be served upon such credit union, whereupon such party (if a director or an officer) shall cease to be a director or officer of such credit union. A finding of not guilty or other disposition of the charge shall not preclude the Board from thereafter instituting proceedings to remove such party from office or to prohibit further participation in credit union affairs, pursuant to paragraph (1), (2), or (3) of subsection (g) of this section. Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the Board.".

SEC. 104. UNAUTHORIZED PARTICIPATION.

Section 19(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(1)) is amended by inserting "or money laundering" after "breach of trust".

SEC. 105. ACCESS BY STATE FINANCIAL INSTITUTION SUPERVISORS TO CURRENCY TRANSACTIONS REPORTS.

Section 5319 of title 31, United States Code, is amended—

(1) in the first sentence, by striking "to an agency" and inserting "to an agency, including any State financial institutions supervisory agency,"; and

(2) by inserting after the second sentence the following new sentence: "The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes.".

TITLE II—MONEY LAUNDERING ENFORCEMENT

SEC. 201. IDENTIFICATION OF FINANCIAL INSTITUTIONS.

(a) Title 31, United States Code, is amended by inserting after section 5326 the following:

"§ 5327. Identification of financial institutions

"By January 1, 1992, the Secretary shall prescribe regulations providing that each depository institution identify its customers which are financial institutions as defined in section 5312(a)(2) (H) through (Y) and the regulations thereunder and which hold accounts with the depository institution. Each depository institution shall report the names of and other information about these financial institution customers to the Secretary at such times and in such manner as the Secretary shall prescribe by regulation. No person shall cause or attempt to cause a depository institution not to file a report required by this section or to file a report containing a material omission or misstatement of fact. The Secretary shall provide these reports to appropriate state financial institution supervisory agencies for supervisory purposes.".

(b) Section 5321 of title 31, United States Code, is amended by adding a new subparagraph (a)(7) as follows:

"(7)(A) The Secretary may impose a civil penalty on any person or depository institution, within the meaning of section 5327, that willfully violates any provision of section 5327 or a regulation prescribed thereunder.

"(B) The amount of any civil money penalty imposed under subparagraph (A) shall not exceed $10,000 per day for each day a report is not filed or a report containing a material omission or misstatement of fact remains on file with the Secretary.".

SEC. 202. PROHIBITION OF ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) IN GENERAL.—Chapter 95 of title 18, United States Code, is amended by adding at the end the following section:

"§ 1960. Prohibition of illegal money transmitting businesses

"(a) Whoever conducts, controls, manages, supervises, directs, or owns all or part of a business, knowing the business is in illegal money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

"(b) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizure, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

"(c) As used in this section—

"(1) the term 'illegal money transmitting business' means a money transmitting business that affects interstate or foreign commerce in any manner or degree and which is knowingly operated in a State—

"(A) without the appropriate money transmitting State license; and

"(B) where such operation is punishable as a misdemeanor or a felony under State law;

"(2) the term 'money transmitting' includes but is not limited to transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

(b) CHAPTER ANALYSIS.—The chapter analysis for chapter 95 of title 18, United States Code, is amended by adding at the end the following item:

"1960. Prohibition of illegal money transmitting businesses.".

SEC. 203. COMPLIANCE PROCEDURES.

Section 5318(a)(2) of title 31, United States Code, is amended by inserting before the semicolon "or to guard against money laundering".

SEC. 204. NONDISCLOSURE OF ORDERS.

Section 5326 of title 31, United States Code, is amended by adding at the end the following:

"(c) NONDISCLOSURE OF ORDERS.—No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of or terms of the order to any person except as prescribed by the Secretary.".

SEC. 205. PROVISIONS RELATING TO RECORDKEEPING WITH RESPECT TO CERTAIN INTERNATIONAL FUNDS TRANSFERS.

Section 21(b) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(b)) is amended—

(1) by striking "(b) Where" and inserting "(b)(1) Where"; and

(2) by adding at the end the following new paragraph:

"(2) FUNDS TRANSFERS.—

"(A) IN GENERAL.—Before October 1, 1991, the Secretary, after consultation with the Board of Governors of the Federal Reserve System and State Banking Departments, shall prescribe such final regulations as may be appropriate to ensure that insured depository institutions, businesses that provide check cashing services, money transmitting businesses, and businesses that issue or redeem money orders, traveler's checks or other similar instruments maintain such records of payment orders which—

"(i) involve international transactions; and

"(ii) direct transfers of funds over wholesale funds transfer systems or on the books of any insured depository institution, or on the books of any business that provides check cashing services, any money transmitting business, and any business that issues or redeems money orders, traveler's checks or similar instruments as will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(B) FACTORS FOR CONSIDERATION.—In prescribing the regulations required under subparagraph (A), the Secretary shall consider—

"(i) the usefulness in criminal, tax, or regulatory investigations or proceedings of any record required to be maintained pursuant to the proposed regulations; and

"(ii) the effect the recordkeeping required pursuant to such proposed regulations will have on the cost and efficiency of the payment system.

"(C) AVAILABILITY OF RECORDS.—Any records required to be maintained pursuant to the regulations prescribed under subparagraph (A) shall be submitted or made available to the Secretary upon request.".

SEC. 206. USE OF CERTAIN RECORDS.

Section 1112(f) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(f)) is amended—

(1) in paragraph (1), by inserting "or the Secretary of the Treasury" after "the Attorney General"; and

(2) in paragraph (2), by inserting "and only for criminal investigative or prosecutive purposes relating to money laundering by the Department of the Treasury" after "the Department of Justice".

SEC. 207. REPORT ON CURRENCY CHANGES.

The Secretary of the Treasury, in consultation with the Attorney General and the Administrator of Drug Enforcement, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, not later than 90 days after the date of enactment of this Act, on the advantages for money laundering enforcement, and any disadvantages, of—

(1) changing the size, denominations, or color of United States currency; or

(2) providing that the color of United States currency in circulation in countries outside the United States will be of a different color than currency circulating in the United States.

SEC. 208. REPORT ON BANK PROSECUTIONS.

(a) IN GENERAL.—The Attorney General, after obtaining the views of all interested persons and agencies through public notice and comment procedures, shall determine to what extent compliance with the Money Laundering Control Act (18 U.S.C. 1956 and 1957), the Bank Secrecy Act (31 U.S.C. 5322), criminal referral reporting obligations, and cooperation with law enforcement authorities generally would be enhanced by the issuance of guidelines for the prosecution of financial institutions for violations of such Acts.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall transmit to the Congress a report on such determination.

SEC. 209. MONEY LAUNDERING TRAINING TEAM.

(a) IN GENERAL.—The Secretary of the Treasury shall establish a team of experts to assist and provide training to foreign governments and agencies thereof in developing and expanding their capabilities for investigating and prosecuting violations of money laundering and related laws.

(b) AUTHORIZATION.—There are authorized to be appropriated not more than $1,000,000 to carry out this section.●

HUBERT H. HUMPHREY

• Mr. SIMON. Mr. President, one of the finest public servants I've ever had the privilege to work with was Hubert H. Humphrey.

I am sure that history is going to record that the American people made a great mistake in not electing Hubert Humphrey in 1968. He came so very, very close to winning.

If he had won, we would have been out of the Vietnam war much earlier and would have moved much more vigorously on our social problems. But that is history.

The other day, I had the chance to read a column in Chicago magazine, written by its editor, Hillel Levin.

I am asking that the first part of his column be inserted in the RECORD. It shows a little of the inspiration Hubert Humphrey could be to people. At this point, I ask to insert the article into the RECORD.

The article follows:

Of the People—Here's to Those Who See Politics as Their Vocation—and Their Remarkable Skill in Dealing With the Rest of Us

(By Hillel Levin)

Fortunately, we can look back on our obstinate youth and be grateful for the many things our elders made us do. One such instance for me was when I was summoned by a college professor to an urban affairs seminar conducted by Hubert H. Humphrey. I was less than thrilled by the prospect. Only a few years before, Humphrey had lost the Presidency to Richard Nixon—considering the victor, as noble a defeat as any in the annals of American politics. But he seemed forever tainted to the people who should have been most impressed by his progressive credentials, running as he did with the blessing of the reviled incumbent, Lyndon Baines Johnson. That taint had yet to wear off by the time I was ordered to be in attendance.

Almost worse, it was requested as well that I put on a tie—no easy task for a college student amid the rigidly lax fashion codes of the early seventies. Despite a frantic search made just hours before the seminar, the only neckwear I could scrounge up from my entire dormitory was a clip-on job that barely reached below my sternum. It would do, I figured, as long as I kept my sports jacket buttoned tightly shut and stayed hunched, *Thinker*-like, in a chair as far from the seminar table as I could find.

I was the first to arrive in the tiny conference room and had just assumed my inconspicuous position when the senator from Minnesota burst through the door and strode directly toward me with his hand extended, as though I were the one he had come all that way to meet. Of course, I sprang to my feet, my Oliver Hardy tie flapping outside my jacket. Humphrey didn't seem to notice. "My name is Hubert Humphrey," he said. "Who are you?"

I can barely remember what I mumbled in response, but I do recall that Humphrey appeared genuinely interested in what I had to say. And the experience went uphill from there. If the media ever committed a calumny against the man, it was their portrayal of him as a blitering lightweight who did not know when to stop talking. In fact, he had the sort of substance that kept even know-it-alls like college professors spellbound. His conversation that day ranged from the success of the Marshall Plan to the failure of America's urban renewal programs and what he saw as the inevitable collapse of the Soviet economy. I particularly remember his recitation of the problems Russian farmers had drying grain after it was harvested and his prediction that food shortages, more than any U.S. nuclear arsenal, would be the undoing of Communism.

Of course, time has proved how prescient his comments were. But I also remember that meeting with Humphrey in my first encounter with the vocation that politics can be. It's something people in the press don't talk about much. More of our time is spent examining the negative aspects of the profession: instances of corruption, insincerity, and egomania. As well it should be. If we have any responsibility in this democracy, it's as the perpetual loyal opposition, continually questioning the powers that be. Yet, as a reporter, I found that the more I was exposed to politics, the more I came to respect the majority of politicians. True, there are bad ones, and there is also bad in some of the good ones. But it takes a special personality to contend for the affection of the voters, and those who have it should be more revered than reviled.

Humphrey's ability to speak so knowledgeably about so many topics that day did not stem from the sort of research the academics listening to him might do. Instead, the same easy grace that had him seeking out an awkward student had him talking about grain storage with a Minnesota farmer and later, commiserating with an *apparatchik* in some Soviet collective. At their best, politicians offer a valuable link between disparate views and people.•

A TRIBUTE TO MAYOR FEDERICO PENA

• Mr. WIRTH. Mr. President, I rise today to pay tribute to Mayor Federico Pena, Denver's 37th mayor. I have had the honor and the pleasure of knowing and working with him for 20 years; my respect for him continues to grow.

Federico Pena received both an undergraduate degree and a law degree from the University of Texas at Austin. He moved to Denver in 1972 and in 1978 he was elected to the Colorado House of Representatives where he served two terms. During his first term, he was named as the "Outstanding House Democratic Freshman" by the Colorado Social Action Committee. He was elected as mayor in June 1983 and was reelected 4 years later to serve a second term.

Mr. President, it is my opinion that history will mark Federico Pena as one of Denver's greatest mayors. Even though he faced the toughest economic era in Denver since the Great Depression, his accomplishments are many. Recently, he opened the Colorado Convention Center which is already enhancing tourism in Colorado. In addition, he helped gain Federal support for the new Denver International Airport which is projected to open in late 1993; the FAA predicts that the new airport will become one of the world's busiest. The Pena administration has also been nationally recognized in the area of air quality. Because of Pena's efforts, Denver was named the winner of the prestigious "City Liveability Award" by the U.S. Conference of Mayors. But most importantly is that Mayor Pena's administration has been characterized by a strong commitment to open government and the inclusion of people from every segment of the community.

Clearly, Federico Pena has a great deal to be proud of; his career as Mayor of Denver is exemplary. He has truly demonstrated an outstanding level of commitment to Denver and to Colorado. I would like to commend and congratulate him on a job well done. I have enjoyed Federico's friendship and wish him and his wife, Ellen, and their daughter, Nelia, my very best. In conclusion, Mr. President, I ask to insert the following editorials into the RECORD from the Denver Post, Rocky Mountain News, and Colorado Springs Gazette Telegraph.

The editorials follow:

[From the Denver Post, Nov. 29, 1990]

Pena's Bad Ratings: The Unspeakable Reason

(By Chuck Green)

It seems to be a mystery why, with an impressive list of accomplishments behind him despite nearly a decade of troubled times, Federico Peña hasn't been given due credit for his stewardship of Denver.

There's only one sensible answer, and the reason you haven't heard it mentioned is that it is unspeakable.

Racism.

No other mayor of a city in the economically depressed energy belt of America, and possibly no other mayor of a city anywhere in America, can boast the fine record of Peña. Yet his popularity, when last measured, hovered at the dismal level of 37 percent.

He is untainted by any hint of scandal. His integrity is solidly intact. He has worked extraordinarily hard on the job. He has efficiently managed a big city in bad economic times.

He has succeeded where predecessors failed—presided over the construction of a convention center, the opening of the city's first major retail mall in modern times, groundbreaking of the new airport, cleansing of the city's filthy air, major road-improvement projects, approval of a baseball stadium, and voter acceptance of important bond issues.

His critics have a pathetic list of indictments against his administration: a failure to clean up the mess at Denver General Hospital, vague references to a failure to attract competent staff, an unhealthy dependence on outside consultants, the deterioration of downtown, and an aloof personality.

But any reasonable assessment of the Peña years certainly must conclude: He failed where others had failed, but he also succeeded where others had failed.

He inherited the DGH mess, and it defied any solution by Peña just as it defied solution by former Mayor Bill McNichols. He inherited a deteriorating downtown, and it is as much a symptom of deep economic woes as it is poor city policies. If he's guilty of being aloof, or of not having the best staff in the world, or of hiring too many consultants, that's a political misdemeanor, at worst.

And so with his impressive list of accomplishments, against a rather paltry list of failures, the question goes begging: Why is he so unappreciated?

As the first minority person to be elected mayor of Denver, and as a candidate who defeated a popular, likeable incumbent from an old-line Denver political family, Peña's inauguaration was awash in a sea of resentment.

Denver's old-boy network felt ambushed by Peña's ambitious voter-registration drive and by his strong finish in a run-off election against McNichols. Any chance of forgiveness by the good old boys was dashed when Peña swept their cronies out of City Hall's suites.

And while he was wetting on the leg of the city's political establishment, Peña simultaneously was raising the hopes of blacks and Hispanics in Denver.

His inaugural featured dancing in the streets, mariachi-style, rather than the traditional black-tie gala. And, as if to underscore the winds of change, even the union-boycotted Coors label was banned from the inaugural.

Denver, formerly the capital city of cowboys and Coors, had elected a Hispanic mayor.

But Peña turned out to be a minority who was mayor, rather than a minority mayor. A big difference, indeed. He did not see city government as a minority-jobs program; his first black cabinet member was appointed only this year.

Many Hispanic political activists have been disappointed that Peña hasn't been their captive mayor, blacks have been resentful that he hasn't provided them a higher profile in his administration.

And so, while his accomplishments piled up, his popularity eroded.

His very election to office surprised, and offended the city's traditional white Democratic power structure. And as time passed, his independence aggravated minority constituents.

There is no other compelling explanation of Peña's feeble popularity.

There is no doubt that his record would command more respect if compiled by a mayor 6-foot-2 with eyes of blue.

And so, while it's a dirty job, somebody has to do it. And so it is I who will report the distasteful source of Federico Peña's bad ratings:

Subtle, but real, racism in Denver.

[From the Denver Post, Nov. 29, 1990]

FEDERICO PENA: A GOOD MAYOR

When the next batch of history books on Denver is written, they likely will share one conclusion: Federico Peña was a good mayor.

Certainly Peña, who said Wednesday he wouldn't seek reelection, had his flaws.

During his first term, he was aloof, indecisive, formal, distant, dependent on outside consultants; uneasy with the demands of his new job and surrounded by staff and cabinet members whose competency frequently was called into question.

His leadership skills improved during his second term, but Peña still lacked political clout to get major projects—including the convention center and the new airport—completed without assistance from state lawmakers and Gov. Roy Romer.

He also failed to revive a comatose retailing downtown, despite the priority he assigned the effort.

He even bungled a couple of issues wholely under his control. Denver General Hospital still suffers from financial and administrative problems. And the city still hasn't figured out how to plow the streets properly after a major snowstorm.

Simply put, Peña didn't accomplish as much as he promised.

But rare indeed is the politician who does. When Peña's failures are weighed against Peña's achievements, the balance tips heavily toward a flattering review of his two terms—far more than his continued low rating in popularity polls would indicate.

The on-time and on-budget construction of the convention center; the on-schedule building of the new airport; Denver's much-improved air quality, and the tight fiscal controls under which the city now operates are among his most visible accomplishments.

Yet some of his most important achievements are more subtle.

Under previous contemporary mayors, including Bill McNichols, who served for 14 years until 1983, many public construction projects were built without regard to how they affected human aspects of the city.

But Peña insisted that public works projects be consistent with the ideals of early 20th century Mayor Robert Speer, who foresaw Denver as a "city beautiful" and was responsible for creating many of Denver's wonderful parks and gardens.

So, while many other urban areas are deteriorating into filth and physical decay, Denver will continue to be one of the most liveable cities in America.

Additionally, Peña opened the political process to people who felt shut out of important civic decisions. Denver is more democratic because the mayor involved his constitutents, even when they disagreed with him.

Although metropolitan cooperation remains an elusive goal, this mayor reduced the persistent political warfare between Denver and its suburban neighbors to an occasional skirmish.

And while he was dogged by some moderate scandals, such as his firing of former Police Chief Tom Coogan and more recently hospital chief John Fairman, Peña generally avoided any major disgrace and always conducted himself with personal honor.

That itself is noteworthy, particularly in an era when politicians generally merit less public respect than garbage collectors.

But there was more.

Many politicians put their personal pride and partisan interests ahead of the public good, but Peña always considered Denver's welfare ahead of his own ambitions.

While Denverites many times questioned the mayor's policies—such as using garbage trucks to pack down the snow on side streets after a blizzard—they at least knew his actions were well-intended.

For instance, Peña has been derided because he let Governor Romer carry the campaign that persuaded Adams County voters to let Denver annex land for the new airport.

But the move was graceful and realistic. Peña didn't have the political clout to carry Adams County; his power base is Denver. So instead of letting pride hamper his cause, he corralled his ego and faded into the background until the votes were counted. Many politicians lack that sort of common sense.

Likewise, Peña could have run for a third term, and he might have won re-election.

But like old prizefighters, politicians have to know when it's time to get out of the ring. So Peña walked back to the locker room while he still wore the champion's buckle.

And Peña did all this during the most desperate economic era Denver has endured since the Great Depression. He accomplished more during lean times than his two predecessors did during years of plenty.

Peña imagined a great city. And under his leadership, Denver came closer to being one.

[From the Rocky Mountain News, Nov. 29, 1990]

FEDERICO PEÑA CAN POINT WITH PRIDE TO HIS LEGACY

It speaks well of Mayor Federico Peña and his values that he can so easily step aside. The truly ego-driven person never abandons such a high-prestige occupation—unless in trade for one of even greater cachet.

Few sights are sadder, in fact, than the fellow who clings to his job or craft for too long: Willie Mays with the Mets; J. Edgar Hoover after World War II; Hemingway in the 1950s; Sen. Alan Cranston the day after he was first sworn in.

Not that Peña was in serious danger of joining that unhappy list. Yet remember: Incumbents who keep running for re-election are as hard to beat as Ben Johnson on steroids. What's more, Peña had plenty of other advantages: The local economy is stronger than it was a few years ago; the mayor's core constituency, the city's minority population, continues to grow as a percentage of total voters; most importantly, a number of the goals Peña set for himself, such as construction of the convention center and groundbreaking on the new airport, have come to pass.

There simply was no obvious lever that an opponent could seize to pry Peña from his post.

And yet, to most citizens' shock, the mayor announced yesterday that he will not run for re-election. He says personal reasons, including the sense he'd accomplished what he set out to achieve, prompted Peña to give up what to many people looks like a terrific job.

What will be his legacy? At this point, it is customary to attribute everything that happened during a mayor's tenure either to his wisdom or stupidity. Such an analysis, however, grossly overstates the importance of politics; we suspect the mayor himself would readily prefer a less ambitious accounting.

Clearly the most important contribution any mayor makes is the efficient delivery of traditional services such as street maintenance. In this respect, Peña probably rates a B—at least compared with his predecessor. Several departments are undoubtedly better managed today than they were eight years ago. Still, one or two major agencies are in no better shape; they will present a challenge to the person who succeeds the mayor.

One problem with evaluating Peña is that so much of his reputation is staked upon the success of the new airport, and the verdict on that project won't be delivered for several (or even many) years. But say this much for the mayor's effort on the airport: He was as tenacious and consistent in defense of this dream as anyone could have asked. More than any other construction monument, the airport belongs to Peña.

Two other accomplishments: the fact that Denver is now, if belatedly, investing more in its infrastructure, and that the city's once rancid relationships with the suburbs have been transformed.

Of course, Denver today also boasts a new convention center and glitzy shopping center, and the prospect of a major league baseball team. Peña's role in each of these achievements varies from important, to modest, to negligible.

On the negative side, he and his lieutenants never managed to attract major downtown retailers—but then probably no mayor would have succeeded in that daunting battle. Nor is it clear that another mayor could have stemmed the outflow of middle-class families that continued during the 1980s.

This newspaper was among the first to recognize the mayor's virtues: his drive, intelligence, grasp for details, sincerity. Hence our early endorsement of the former state legislator in 1983. By 1987 we had come to question some aspects of his leadership. But now is hardly the moment to dwell on those misgivings. Now is a time, instead, to wish the mayor well—which we hereby do. May his third (or is it his fourth?) career be no less fulfilling than his current one.

[From the Colorado Springs Gazette Telegraph, Nov. 30, 1990]

PEÑA EXIT AN EXAMPLE FOR OTHERS

Political junkies are still searching for the "real" reason why Denver Mayor Federico Peña decided not to seek a third term, but Peña's official explanation—that eight years in one office is long enough—should be reason enough.

Unlike most politicians, Mayor Peña had the perspective to step aside before age or scandal forced him out. Most of the state's political experts believe he would have been a strong bet for re-election had he chosen to run.

"I'm going to graciously step aside as mayor of this great city and allow a new generation of leadership to take this city into that decade," he said during his surprise announcement on Wednesday. "Sometimes people in public office continue to run and run and run, and I don't think that's what voters want . . . More of us in public office ought to say, 'It's time.'"

Well said, Mr. Mayor.

It's too bad more public officials don't share this same healthy perspective on their public service. Most of them cling to their office as though it were a birthright, not unlike a peerage in the House of Lords. Politicians who have the good sense to voluntarily move on, as Peña and U.S. Sen. Bill Armstrong have done, are still the exceptions rather than the rule.

Eight to 12 years should be plenty of time for any politician to make a mark and serve with distinction. For better or worse, eight years proved plenty of time for Peña to have an impact on the future of Denver. During his tenure, a new convention center was built, a new airport was begun, a baseball-stadium referendum was passed, the Cherry Creek Mall opened and new air-pollution programs were implemented. Whatever one thinks of Peña's policies, it's tough to argue that he did not have a chance to pursue them.

We would encourage every other elected official in Colorado to heed Peña's advice and recognize when it's time to go.•

COLLEGES ARE WORKING FOR EQUAL OPPORTUNITY

• Mr. SIMON. Mr. President, one of the most impressive college leaders in the Nation is William H. Danforth, chancellor of Washington University in St. Louis, MO and the brother of our colleague, Senator JACK DANFORTH.

Recently, he had an op-ed piece in the St. Louis Post-Dispatch in which he talks candidly about a mistake that was made by an Assistant Secretary in the Department of Education on scholarships for minorities.

I could not agree more with the sentiment expressed by Chancellor Danforth.

While we still have a long way to go in providing opportunity for all Americans, relative to many nations we have achieved a surprisingly effective merger of ethnic groups in our country. But we should not be taking it for granted.

I urge my colleagues to read the statement by Chancellor Danforth. At this point, I ask unanimous consent to insert his article into the RECORD:

COLLEGES ARE WORKING FOR EQUAL OPPORTUNITY

(By William H. Danforth)

A high-ranking official of the U.S. Department of Education has said that colleges and universities that receive federal funds cannot offer scholarships designated for minority students. Of more than 25 merit-based scholarship programs at Washington University, six are directed to minority students. One of these, the Patricia Roberts Harris Scholarship Program for "underrepresented groups," is funded by Congress and administered by the Department of Education under Title IX of the Higher Education Act.

Of 645 undergraduates receiving merit-based scholarships at Washington University, about 50 are minority students. It is worth looking at the rationale for such scholarships for minorities.

Since its founding, the United States has wrestled with the integration and lack of integration of ethnic and racial minorities into the mainstream of society. In the American tradition, many institutions have joined in this effort. Despite many difficulties and setbacks, on the whole, the record is one of progress toward more inclusiveness, so that today the United States has perhaps the most successful multi-ethnic society in the world.

That statement may come as a surprise to some, but one only has to look at other countries around the world to see the terrible suffering that is caused by ethnic strife. Today we in this country are fortunate, but not so fortunate that we can relax. We can still slide backward, or we can strive always to be a model for the rest of the world of a just and fair multi-ethnic, multi-religious, multi-racial society.

In addition, one of America's ideals is to judge individuals on their own merits rather than on ethnic, family or social background. Our concepts of justice and fairness are firmly rooted in providing equal opportunities for all. How do we establish a successful multi-ethnic society in the light of our national commitment to fairness to each individual? What role should higher education play?

These are not easy questions with easy answers. These kinds of issues are not limited to colleges and universities. They have been and are being dealt with by decent people of good will in every city, county and state capital and in every school, hospital, large agency, business, indeed, in every institution in our land. No one has been exempt from these trials. Slowly but steadily, progress is being made.

It is surprising that a governmental official would display so little confidence in our nation's institutions and in the American people by trying to take from us the freedom to deal with one of our nation's historic challenges in the most effective way we can devise.

It would be a tragic mistake to stop our progress now and to tell important American institutions that they can no longer wrestle with this program in ways best suited to balance fairness and the development of all our citizens.•

PETERSBURG, IN, VOLUNTEER FIRE DEPARTMENT

• Mr. LUGAR. Mr. President, I take this opportunity to ask my colleagues to join me in saluting the Petersburg, IN, Volunteer Fire Department for their commendable service during a statewide disaster.

In May 1990, the town of Petersburg was inundated with water from the swollen White River. The area was left with no safe drinking water. The Petersburg Volunteer Fire Department, with assistance from neighboring communities, organized and distributed 12 million gallons of safe water to the citizens of Petersburg.

As the Petersburg community began to recover from the devastating effect of the flood, disaster struck again. Tornadoes hit the community. The community suffered millions of dollars in damages and left seven citizens dead. Once again, the volunteer fire department stepped in and spent countless hours aiding citizens in need.

The Congressional Fire Service Institute's Community Service Award, which recognizes fire department for their outstanding community service, will be awarded to the Petersburg Volunteer Fire Department on February 23–24, 1991, during the Indiana Fire Instructors Association's Fire Conference.

The Indiana Fire Instructors Association [IFIA] will also be honored with the Congressional Fire Service Institute's Length of Service Award, IFIA was founded at Purdue University in 1948, and has provided the State's fire service members with quality education. They strive to unite both public and private fire service professions for the benefit of all citizens. They also provide technical information and development in firemanship training, cooperation with other fire prevention agencies, and encouraging high professional standards in teaching fire instructors.

Again, I urge my colleagues to join me in congratulating both the Petersburg Volunteer Fire Department and the Indiana Fire Instructors Association for the receipt of these awards. I wish for them many more years of outstanding service to the people of Indiana.•

ATTAINING THE RANK OF EAGLE SCOUT

• Mr. HEINZ. Mr. President, on Saturday, February 2, 1991, Dominic Perry, Jonathan Truchan, and Matthew Thiry will attain the rank of Eagle Scout, and I would like my colleagues to join me in offering our most sincere congratulations for this most distinguished honor.

These young men have been judged by the Boy Scouts of America of being worthy of that organization's highest honor. As Eagle Scouts, they have dilligently followed the solemn obligation of the Boy Scout oath:

> On my honor, I will do my best to do my duty to God and my country and to obey the Scout law, to help other people at all times, to keep myself physically strong, mentally awake, and morally straight.

While each of these accomplished young men will become Eagle Scouts this weekend, they have each taken different paths to attain this honor.

Dominic Perry, age 17, joined Cub Scout Pack No. 1 in 1981. Upon graduation in 1984, he joined Boy Scout Troop No. 1, where he has served as patrol leader, senior patrol leader, and is currently the squad leader. In addition, Dominic earned several awards and honors since becoming a Boy Scout, including the Arrow of Light Award, 23 merit badges, and 8 skill awards. For his Eagle project, Dominic built directional signs to point the location of the historic Kidd's Mill Covered Bridge in Mercer County, PA which was built in the year 1868.

Jonathan Truchan is 18 years old and joined Cub Scout Pack No. 65 in 1982. In 1987, he earned his varsity letter and became a Boy Scout. Jonathan has served as squad leader, treasurer, and is currently cocaptain of the varsity team. He is a member of Langundowi Lodge No. 46 Order of the Arrow, and has earned 44 merit badges and 8 skill awards. For his Eagle Scout project, Jonathan planned and organized a wonderful dinner banquet for 50 senior citizens for which food was donated by local businesses in Sharon, PA.

Matthew Thiry, age 14, became a Cub Scout in 1984 when he joined Pack No. 45. After transferring to Cub Scout Pack No. 1 as a Webelo, Matthew earned the Arrow of Light Award—the highest honor a Cub Scout can earn. Soon after, he graduated to the varsity team and joined Troop No. 1. Jonathan has served as assistant patrol leader, patrol leader, and is currently senior patrol leader. He has earned 21 merit badges and 12 skill awards. For his Eagle project, Matthew constructed shelves and painted floors, walls, and ceilings at St. Joseph Food Pantry in Sharon, PA.

Mr. President, I ask you to join me, the Scouts' families, their friends, and their Scoutmaster, Jim Perry, in celebrating the achievements of these three young men. We all are especially proud of each of them.●

REDIRECTION OF SDI

● Mr. KERRY. Mr. President, in his State of the Union address last week, President Bush praised the Patriot missile defense system and announced that the SDI program would be refocused to protect against limited ballistic missile strikes. In a February 3 editorial entitled "Patriots Work. Star Wars Won't.", the New York Times pointed out why the success of the Patriot system in the Persian Gulf says very little about the feasibility of ballistic missile defense as envisioned under the SDI Program.

Despite the President's redirection of SDI, its focus will continue to be a space-based defense system, the first phase of which would be centered around the Brilliant Pebbles Program. This program—which has not proceeded much beyond the view-graph stage—will threaten the ABM Treaty long before it threatens the Iraqi Scuds that the Patriots have handled so successfully. However, the Patriot system, which is ground-based, has had nothing to do with SDI; it is an Army air defense program begun in the late-1960's and adopted for ATBM use in the mid-1980's.

Patriot has indeed performed well in defending against Iraqi Scud missiles fired at Israel and Saudi Arabia. But its mission has been a limited one. The Scud is a 1960's vintage, single-warhead missile that travels at a relatively slow speed, and the Iraqis have launched only a few missiles at a time. Because the Patriot was not intended to defend cities, it generally intercepts missiles near the end of their flight, which sometimes results in debris—and even warheads—landing and causing substantial damage.

Further research and development on enhancing the Patriot might enable it to intercept tactical ballistic missiles earlier in flight, destroy them more effectively, and contend with multiple launches. That is why I have supported Patriot enhancement as a means of achieving greater ATBM capability. However, it is important to understand that SDI's mission is much more demanding.

Although the President called for a refocused SDI Program, he still envisions its having the capability to deal with any future threat to the United States, to our forces overseas, and to our friends and allies—hardly a limited task. It would require protecting cities against both strategic and tactical ballistic missiles, missiles equipped with conventional, chemical, nuclear, or biological warheads. The President's SDI system must be able to defeat a barrage attack as well as the countermeasures—such as jamming, decoys, and depressed trajectories—that any determined adversary would likely employ in launching a missile strike.

In the almost 8 years since President Reagan proposed SDI as a means of making nuclear weapons impotent and obsolete, there is virtually no evidence that the United States is any closer to developing a survivable and cost-effective system capable of defending against a large-scale ballistic missile strike. The success of the Patriot in the gulf has demonstrated only that we can defeat a limited, short-range, decoy-free, nonnuclear, surface-to-surface Scud attack. This success should not be used as a justification for the grandiose, costly, and destabilizing SDI Program—most recently reincarnated under the name Global Protection Against Limited Strikes [GPALS]—which the Bush administration continues to pursue.

I thank the chair and ask that the New York Times editorial be printed in the RECORD following my statement.

The editorial follows:

[From the New York Times, Feb. 3, 1991]

PATRIOTS WORK—STAR WARS WON'T

Night after night, television viewers have been stirred by scenes of Patriot missiles rising into the sky to knock down Iraq's Scud missiles aimed at Israel and Saudi Arabia. But now President Bush and Congressional hawks wrongly cite this achievement to justify reviving Star Wars, the ailing program to develop a space-based missile defense.

In his State of the Union message last week, the President praised the Patriots and called for refocusing the Strategic Defense Initiative. His idea is to protect against limited ballistic missile strikes that might threaten the United States, its forces overseas or its friends and allies.

Mr. Bush's call for a new focus is welcome. The original Star Wars goal of defending the United States against an all-out attack by thousands of Soviet warheads no longer seems feasible, or perhaps even necessary. Meanwhile, the threat of limited missile attacks abroad is growing as third world dictators develop small missile forces.

But Mr. Bush and other Star Wars boosters are planning too grandiose a cure for this limited problem. The success of the Patriots proves only that *ground-based* missiles can protect cities against small-scale attacks employing conventional warheads. Nothing so far in the Persian Gulf war suggests the need for costly, technically dubious weapons that would be *based in space.*

The Patriots appear to have intercepted most of the Scuds they have been fired at. But their success should not be exaggerated. Scuds are crude missiles, inaccurate and relatively slow, and the Iraqis have fired only a few at a time. A missile attack could hardly be easier to counter.

The Patriot itself is relatively crude, an anti-aircraft weapon upgraded to intercept missiles and now pressed into a role for which it was not designed, the defense of populated areas. In protecting isolated military sites, a Patriot need only nudge a Scud off course. But in populated areas, the intercepts must be near-perfect. In Israel and Riyadh, the Patriots are intercepting Scuds near the end of their trajectories, allowing debris and even warheads to land and cause damage.

Even so, the Patriots have nullified Iraq's terror weapons—and made it possible for Israel to stay out of the war. Imagine how much worse it would be if all the Scuds hit their targets.

The real lesson of the Patriots is that research is needed to develop even more effective ground-based defensive missiles, with longer range, greater power to demolish the target and the ability to handle many attacking missiles. The Star Wars program announced success with one such missile in a test last week. The Eris, a ground-based interceptor, knocked down a mock warhead from an intercontinental missile when it was still 100 miles away and moving four times as fast as a Scud.

That is the kind of weapon that should be emphasized as Star Wars research is refocused. It could protect American forces and friendly nations in regions already threatened by short-range missiles. And at some future date, it might be needed to protect the continental United States. Only the Soviet Union and China, among potentially hostile powers, have long-range missiles that can reach the United States today. No third world nation is likely to have that capability before the next century.

No plausible threat yet exists that would justify a major effort to develop and deploy space-based weapons. Yet that's what high Defense Department officials want to do in response to Mr. Bush's call for a new focus. They are simply shrinking the grandiose system they have long planned, both in space and on ground. Once they hoped to orbit 4,600 small rockets that would swoop down on enemy missiles. Now they contemplate a fourth as many.

That sounds more like a desperate attempt to salvage the extravagant and chancy old Star Wars program than an effort to meet a genuine need. The best defense would forgo such pie-in-the-sky dreams and remain solidly based on the ground.•

PROPRIETARY SCHOOLS

• Mr. SIMON. Mr. President, there have been some negative stories about proprietary schools, some of them deserved.

But the proprietary schools of the Nation offer aid and educational opportunity to non-college-bound students that is extremely important.

The so-called business schools of whatever variety are making an extremely important contribution to the Nation.

Only about 8 percent of those who do not go on from high school to college get any kind of skills training during their school years.

That's a grim statistic.

I do not suggest that the proprietary schools can or should fill this gap by themselves, but they are making an important contribution.

I ask to insert an article from the Chicago Tribune titled "Proprietary Schools Offer Training, Job Guarantees," written by Merrill Goozner.

The article follows:

[From the Chicago Tribune, Jan. 6, 1991]

PROPRIETARY SCHOOLS OFFER TRAINING, JOB GUARANTEES

(By Merrill Goozner)

College students aren't promised a job after four years of tuition payments. Community colleges are an even dicier proposition for students, if the measurement is a guaranteed job placement at the end of the two-year program.

But proprietary schools are held to that standard. These profit-making educational institutions—usually known for training people in fields like cosmetology, truck driving, electronics and office work—can't offer their students the excuse that at least they got a liberal arts education for their tuition money.

Their only reason for being, and their promise to the students who pay thousands of dollars to attend the schools, is that they hold the tickets to jobs in their fields.

Unfortunately, as numerous government crackdowns and newspaper exposes over the years have shown, very few of them do it right. One Illinois proprietary school regulator, who did not want his name used, despairs of ever being able to clean up the "proprietary school mess."

"You wonder why the kids are going there in the first place, especially when they have community colleges to go to," he said.

However, there are proprietary schools that give their students real value for their money. The good ones:

Have rigorous academic standards for admission into the program. No student is accepted who can't do the work;

Give students a realistic sense of the career and what is expected of them before they enroll in the school;

Constantly update the curriculum so that it is in tune with the needs of the industry; and

Have an active and successful placement program for graduates.

Looking at one proprietary school that does it right provides some valuable lessons for young adults who are considering plunking down their hard-earned cash or taking out a loan to attend one of these schools.

Fox College in southwest suburban Oak Lawn has been training executive assistants for downtown corporations, law and accounting firms since 1957. Housed in a former District 123 elementary school building, the college trains more than 100 students a year in a rigorous curriculum of word processing, shorthand, business math and English and office management.

Before any young woman—and in a world where sex-role stereotyping remains imbedded in the work culture, 100 percent of its students are women—enrolls in the one-year course, school president Edward Kapelinski Sr. encourages the prospective student to contact employers about the school. Graduates can be found at downtown employers like Amoco Corp., National Life Insurance Co., Coopers & Lybrand and First National Bank of Chicago.

"Fox is dedicated to turning out qualified students," said Laura Bellis, a recruitment specialist at Arthur Andersen & Co., one of the firms that recruits from Fox College, "It's been fairly difficult to find skilled, qualified executive assistants because there aren't as many people interested as there were in the past.

"Plus, the grammar and vocabulary skills tends to be lacking in students coming out of school. But Fox doesn't skimp on the program. They don't just pass people through," she said.

Fox requires its students have a high school diploma and a certain level of math and English proficiency before starting the program. The school gives prospective students a battery of tests to ensure they are capable of performing the work.

About half of the student body comes directly from high school, where most were "B" and "C" students. The other half are college dropouts.

"We are really looking for a level of desire when we screen people, not the academic background," said Edward Kapelinski Jr., who is director of marketing for the school.

The desire has to be there because of the rigors of the program. Classes run from 8:30 a.m. to 2 p.m. every day with three hours of typing and shorthand that can be done between 2 and 5 p.m. on the Fox premises.

Fox's academic calendar corresponds to the work world, not the vacation-laden school year. Students are required to dress as if they were headed downtown for a job. The program can be completed in nine months, although most students take up to a year.

"There are some dropouts," said Kapelinski Sr. "If a young lady falls behind on her work, she's given a probation for a month. And if she doesn't catch up, she's dismissed."

Tuition for the program is $4,950 plus an additional $450 for course materials. About a third of the students get government grants and loans. Its default rate is about 5 percent, according to government figures.

Another third accept a loan from the college, which must be repaid within one year. The school charges 9 percent interest on the one-year loan.

When asked how young adults just entering the work force can afford to pay back nearly $5,000 in one year, the Kapelinskis pointed to the salary ranges and placement rates of their graduates. The school says it has placed 100 percent of its graduates in the last year. The average starting pay was $19,000.

It's that kind of salary that continues to draw students to Fox College. Most of whom hear about it by word-of-mouth.

"I heard from my beauty shop that their friends got real good jobs," said Elaine Taidus of Alsip, who at 56 is attending Fox with her 19-year-old daughter Michele. She's hoping in a year's time to leave her job as a cook at Westgate Country Club. Michele wants something better than waitressing.

"These people make or break the executives they work for," said Arthur Andersen's Bellis. "Our starting salary for executive assistants ranges from the upper teens to the low twenties and an executive assistant with experience can earn up to the mid- to upper-thirties."

Despite employer raves for Fox College's program, school enrollment has suffered in recent years. Newspaper reports about abusive proprietary schools have scared away prospective students, Kapelinski Sr. said.

Gary Osga, acting manager of the non-public school approval section of the Illinois Board of Education, said the state passed new rules for proprietary schools in 1989 in the wake of a Chicago Sun-Times investigation of proprietary schools.

Those rules won't be effective for some time. The rules require that all proprietary schools report their government-backed student loan default rates and placement rates to the state. The state then will be able to refuse a license to any school that falls below 50 percent of the state-wide average.

However, the state is still months and possibly years away from developing its database. Moreover, the rules will only eliminate the worst of student loan abusers.

That leaves the relatively unsophisticated education consumers populating the proprietary school marketplace on their own. Osga recommends that prospective students go and spend time talking to the students before enrolling in a school.

They should also get the names of graduates and see where they wound up working.

"Did the kid spend $10,000 to learn auto mechanics and wind up changing oil at a Jiffy Lube?" he said.

"Unfortunately, most of these kids aren't that sophisticated," he said. "I don't know if there is any way to save them from their own gullibility."•

SENATOR PACKWOOD SALUTES DIANA GOLDEN—THE RECIPIENT OF THE 1991 FLO HYMAN AWARD

• Mr. PACKWOOD. Mr. President, today I am honored to tell you about this year's recipient of the Flo Hyman Award, which recognizes those female athletes who best exemplify courage and dedication to their sport. This year, the award goes to Diana Golden, a woman who despite the loss of her right leg to cancer at the age of 12, went on to become one of the best ski racers—disabled or able bodied—this country has ever produced.

As a member of the U.S. Disabled Ski Team from 1979-82 and 1985-90, Diana won 10 World Disabled Ski Championship titles, a 1988 Olympic gold medal in the disabled giant slalom, and 19 U.S. National Event Championship titles between 1981-90. She was the first disabled athlete to be recognized with the most prestigious awards for skiing, including Female Skier of the Year in 1988.

Ms. Golden's skiing accomplishments are phenomenal. She has had an outstanding skiing career, and has earned a place along side some of this country's greatest female athletes—Chris Evert, Martina Navratilova, Jackie Joyner-Kersee, and Evelyn Ashford.

Diana Golden's accomplishments have and will continue to be shared by others. Her pioneering ways have set the stage for other disabled skiers. "Passing the Torch"—this year's theme for National Girls and Women in Sports Day—appropriately symbolizes Diana's role as an athlete who will inspire all who follow her lead to reach for the gold.

Mr. President, on February 7, I will honor the recipient of the 1991 Flo Hyman Award at this year's "National Girls and Women in Sports Day" luncheon. Many of you know the story behind the Flo Hyman Award, but for those of you who do not, I would like to explain how this tradition started 5 years ago. In 1984, I met a special woman by the name of Flo Hyman when she came to lobby Congress. Flo and other Olympic athletes were working with Senators at that time to try to restore landmark civil rights protection for women, minority, and disabled athletes. At a crowded press conference, Flo delivered an inspiring speech about how the Civil Rights Law—title IX—had enabled her to fulfill her dream and "reach for the gold."

Flo Hyman died of Marfan's Syndrome 2 years later on January 24, 1986. I was moved by the sudden death of such a gifted young woman and wanted to do something in her memory. In honor of Flo Hyman, I introduced the resolution to begin "National Girls and Women in Sports Day" because although the history of women in sports is rich and long, there has been little formal recognition of women's athletic achievements.

Five years have passed since the first Flo Hyman Award was given. This year I am pleased that the torch will be passed to such an outstanding and deserving recipient. My congratulations and best wishes to Diana Golden.•

THE DEPARTMENT OF LABOR'S ADVISORY COMMISSION REPORT ON UMW RETIREE HEALTH BENEFITS

• Mr. WALLOP. Mr. President, on November 10 of last year, the Department of Labor's Coal Commission issued a report on the financial problems of the pension and benefit plans of the United Mine Workers of America [UMWA] and the Bituminous Coal Operators Association [BCOA]. The report focused on the growing number of orphan coal miner retirees whose health benefits have been cut off by companies which have gone out of business, quit coal mining or were sold to nonunion companies. The Commission has made a recommendation to the Secretary of Labor that these problems be addressed with an industry-wide tax on coal. This will be one of the first controversies facing the Secretary-designate.

Mr. President, a tax on all coal producers is not the solution to this problem. This problem was created by the companies which are signatories to the UMWA-BCOA agreement which guaranteed benefits to all union workers. Nonunion companies which were not signatories to this agreement should not be forced to pay for promises they neither made nor a system they did not design—a system that has created the problem of the underfunded benefit plans. This is not a regional problem; it is a union versus nonunion problem and one which should be resolved through collective bargaining. The Government does not belong in this dispute.

I would like to call my colleagues attention to a recent column on this report by syndicated columnist Warren Brookes and will ask that it be printed in the RECORD at the conclusion of my remarks. As Mr. Brookes points out, private unionized companies are moving to shift health benefit commitments made by them in collective bargaining to the general taxpayer through a national health insurance scheme or otherwise mandate benefits at a union-based level to all employers. The purpose of this move is straightforward. It is an attempt to level competition by Government fiat. So once again, high-sulfur eastern coal companies which are less competitive will attempt to burden their low-sulfur, western counterparts with their bad union bargains which should, under labor law, be resolved in other ways. This broad-based approach is unfair and would make a sham of the collective bargaining process.

A tax on coal ignores fundamental labor law concepts and it is not the way to resolve pension and benefit problems. I cannot imagine why any business or labor union would seek Government intervention in the collective bargaining process.

Mr. President, legislation was introduced last year which was designed to resolve the financial problems of the UMWA/BCOA agreement by taxing all producers, including those not involved in the contract. I have little doubt that we will revisit this issue in the 102d Congress. Before we do so, however, I sincerely hope that the new Secretary of Labor answers one question I and many others have about the Coal Commission report. Why should American taxpayers shoulder the burden of ill-conceived union bargains with big business?

The column referred to follows:

[From the Washington Times, Jan. 7, 1991]

BIG LABOR'S AGENDA: MANDATED BENEFITS

(By Warren Brookes)

Last week, when Representative William Ford, Michigan Democrat, took over the moribund House Education and Labor Committee, big labor could hardly wait, and big business was right behind it. Mr. Ford is the quintessential big-labor, union-label Democrat.

Mr. Ford's agenda is clear: Both labor and big business want to "level the playing field" on health benefits, where non-union firms now enjoy substantial competitive advantages.

There are two ways this can be done: Shift the entire health benefit burden to the general taxpayers through some kind of national health insurance scheme, or mandate those benefits at a union-based level to all employers. With current fiscal austerity, mandates will be the vehicle of choice.

The opening wedge in this drive is a report of Labor's Advisory Commission on the United Mine Workers of America Retiree Health Benefits, known as the Coal Commission. This report focused on the growing number of "orphan" coal miner retirees, whose health benefits have been cut off by companies that have gone out of business, quit coal mining or been sold to non-signatories to the agreement between the United Mine Workers of America and the Bituminous Coal Operators Association.

Under the BCOA/UMW agreements, these "orphans" are the responsibility of the signatory companies who have seen their health care benefit costs more than double in the last decade and who project a deficit in this fund of more than $300 million by the year 1993, a number that is hotly contested.

While the commission could not reach a consensus on how to deal with this problem, its Chairman William Usery (labor secretary under President Gerald Ford) argues that this can only be solved by an industrywide tax on coal. Seventy-percent of the industry is non-union.

As Mr. Usery told the National Journal recently, "You couldn't hardly take a position that there wasn't a responsibility on behalf of the industry to these people." But Sen. Malcolm Wallop, Wyoming Republican, expressed the unified opposition of the Western coal operators: "I do not see any reason why either Wyoming miners or their companies ought to pay for a problem that is not of their making and to which they had no part in the negotiation."

The spectacle of retired West Virginia coal miners coping with serious illnesses in their declining years, abandoned by runaway corporations, is almost certain to make this a tough issue for the Bush administration. It will be sorely tempted to let Mr. Ford and the forces of UMW/BCOA roll right over them.

Before doing so, however, the administration will want to consider the facts. First and foremost, this problem is entirely the result of bad collective bargaining—mainly on the part of the UMW, which sacrificed workers' jobs to preserve health benefit levels (100 percent coverage of all medical needs). Since 1979, the UMW has lost more than 64,000 jobs. But through 1987, total BCOA contributions to the pension and benefit funds only fell 9 percent (See table.)

HOW BIG COAL AND UMWA GOT IN TROUBLE

	Workers covered	Tons produced (millions)	Total contrib. (millions)	Health contrib. (millions)	Health contrib.	
					Ton	Worker
1979	112,000	350	$706	$134	$0.38	$1,196
1983	74,000	310	672	128	.41	1,729
1987	57,000	324	640	188	.58	3,298
New contract:						
1988	52,000	310	462	196	.63	3,769
1989	48,000	304	255	194	.64	4,042
Percent change:						
1979–87	−49	−7	−9	40	53	175
1987–89	−16	−6	−60	3	10	23

Sources: Energy Department, Mine Safety and Health Administration.

This made Eastern coal less and less competitive, with total benefit costs reaching $2.25 per ton. So in 1988, the UMW accepted management's proposal to shift from a tonnage basis for contributing to the funds to an hourly basis. They got snookered.

Soaring productivity in the mines meant hours would be declining even as tonnage kept rising. As a result, the UMW accepted a 60 percent cut in total benefit contributions (pension and health) precisely at the time when health benefit demands were rising geometrically.

Since 1987, total contributions by the BCOA companies to the health and pension funds fell from 7 percent to 3 percent of the price of Eastern coal. While this reflected two legitimate concerns—the competitiveness of Eastern coal and the overfunding of the UMW pension benefits—it also created a health benefits crisis, in an attempt to force an industrywide solution.

The Private Benefits Alliance (about 70 percent of coal tonnage) argues that had the industry merely maintained health fund contributions at the contractually assumed level, the 1950 benefit trust would be in balance. It says the entire health care deficit could be balanced by raising the cost per ton by 16 cents or 0.6 percent of the cost of Eastern coal.

In a very competitive marketplace, that is not small, but it is certainly too small to warrant federal intervention and industrywide taxes, particularly for a too-generous contract that now costs the BCOA companies more than $4,000 per worker.

As Senator James Jeffords, a liberal Vermont Republican, complained to outgoing Labor Secretary Elizabeth Dole: "How coal operators who have never been party to any United Mine Workers of America contract can be expected to fund the liabilities of their competitors is difficult to understand."

Just as difficult to understand is why Western low-sulfur coal should subsidize Eastern high-sulfur coal. Why should general taxpayers subsidize bad union bargains made with big business? Mr. Ford and Labor Secretary-designate Lynn Martin need good answers.•

WAR IN THE GULF

• Mr. SIMON. Mr. President, all Americans are united in the hope that the gulf conflict will end quickly, with as few casualties as possible. We all support our men and women serving this Nation in the Gulf.

That does not mean that silence should replace discourse.

I believe that I and 46 other Senators voted correctly in urging continued use of sanctions rather than the alternative of force. Many experts believed that sanctions had a real chance of working, including the two immediate past chairmen of the Joint Chiefs of Staff, and six of the seven living former Secretaries of Defense. But following the course laid out in the constitution, Congress authorized the use of force, and the President has acted. Now our only option is to pursue the war vigorously and get it over quickly.

For both social and economic reasons, we should not let the financial burden of this war fall on our children. Other nations should be picking up more of the cost, but the financial balance that remains should be faced squarely. The economic reasons should be obvious; we don't need bigger deficits. But there are social reasons also. Neither the President nor the Congress nor the public should believe that we can enter a war, and the only people who will suffer will be troops in Saudi Arabia and their families here at home. However, small the sacrifice, the costs of war should in some way be shared.

The vote in Congress approving the use of force was the narrowest vote authorizing conflict since the War of 1812, and in percentage terms was the narrowest in our Nation's history. This war carried the Senate 52–47, by 52 percent, the War of 1812 by 19–13, 61 percent. It carried the House this year by 250–183, 59 percent and in 1812 by 79–49, 61 percent.

That 1991 division does not mark a difference on whether tyrants should be resisted. The question was not whether they should be resisted but how they should be resisted. In a meeting several of us had with the President after returning from the Middle East, I urged what President Eisenhower called the courage of patience. I told President Bush that if Libya invades Chad or Mozambique invades Malawi, the President will not send 400,000 troops. But he would authorize the use of sanctions. If we can unite the world on the use of sanctions for every aggressor as effectively as we are for Saddam Hussein, our banners can make tyranny tremble, without firing a shot. And the burden would be a shared international burden, not so lonely and eminently a U.S. role. Our effort should be to use the United Nations more effectively as an instrument for stability.

We will win the war. It is much less clear that we will win the peace. We have entered this fray with too little concern for its aftermath. Saddam is trying, with some success, to portray this as a struggle between Arabs and the West; between Moslems, and the forces of Christianity and Judaism. Already our Peace Corps volunteers have been removed from Moslem countries. Who will ever measure the cost of that? Anti-American crowds have gathered in places as far away as Pakistan and Malaysia. Moslem fundamentalism in many countries has dramatically increased its fervor and activities since January 16.

When the President addressed the Nation only hours after hostilities started, he did not mention casualties on the other side, a far cry from the generosity of spirit shown by Abraham Lincoln when in the midst of the bitter Civil War, he spoke about "malice toward none and charity toward all." It is difficult to send signals of concern at the same time we send bombers, but it must be done.

Thursday's New York Times had a story about growing internal hostility toward President Mubarak because of Egypt's involvement with us in this war. We do not want to face a post-war Middle East with greatly heightened antipathy toward the United States, and a weaker, or worse, Egypt. We should not be planting seeds of discontent in Moslem countries.

The war must be won, and then the peace must be won. The sounds of bombs dare not make inaudible the talk of peace.

Israel and Arab countries have indicated a willingness to meet after the war to write a verifiable treaty outlawing nuclear, chemical, and biological weapons from the Middle East. That can be an important first step toward building trust and diminishing fears. Then we can take the second step of solving the problems of territory and people, with the end result that an area of great conflict can become an area where the resources are used to aid people, not blow them apart. Imagining that, working for that, is no more hopeless a vision and enterprise than that the Berlin Wall would come down, or that President Sadat would address the Knesset.

Our dreams should encompass the Middle East, but more than the Middle East. If we can quickly muster 400,000 personnel and billions of dollars to face a threat 8,000 miles away, we can also muster the personnel and resources to face the threat to millions of Americans of an inadequate education. If we can help the Middle East, we can also help Americans who cry for basic health care. If we can create jobs in Saudi Arabia, we also can on the westside of Chicago where people too often choose crime out of a sense of hopelessness.

We must not learn the wrong lessons from this War. The military lesson is that we should be prepared and continue research; but mindless, almost endless expenditures for MX missiles, star wars, and other exotic forms of destruction make no more sense today than they did on January 14. If we are excessively generous to the military but are unresponsive to desperate domestic needs, we will serve the Nation poorly.

"Let us bind the wounds" Abraham Lincoln admonished us in a tragic war. Indeed. Let everyone in the Middle East understand that our Nation's mission is not simply to shoot people in the name of justice but, also, to help people in the name of justice. And let the socially wounded in this country of all races and religions and sexes and nationalities and regions sense that their Government will not sit in immobile silent splendor while they suffer.•

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

• Mr. FORD. Mr. President, I ask that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the rules of procedure of the Committee on Rules and Administration adopted on January 30, 1991, be printed in the RECORD at this point.

The rules follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 30, 1991)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.•

BLACK HISTORY MONTH

• Mr. RIEGLE. Mr. President, I rise today to commemorate Black History Month.

Until recently, most history books contained a very narrow part and view of our Nation's history as it relates to the contributions of Black Americans. That history was often left unrecorded or completely ignored. Dr. Carter G. Woodson recognized this inequity and in 1926 introduced a week to celebrate the history of Black Americans. Over the years, this celebration has evolved into Black History Month. So, as we celebrate this event, we should also recognize and appreciate the effort, foresight and hard work of Dr. Carter G. Woodson, the "father of Black history."

As Americans, we have set high ideals for ourselves. While we have made much progress toward reaching those goals, much work lies ahead of us. Today, as we fight for justice, we are inspired by the great Black men and women, both in the past and present, who have made tremendous sacrifices to help our Nation live up to its highest ideals. Black History Month provides us with an opportunity to pay tribute to these great people.

We can look to the very beginning of American history to see that Black Americans have made strong contributions to our Nation. One of the first people to die in our Nation's fight for freedom was a Black American—Crispus Attucks—who was shot during the Boston Massacre. Black Americans have served to protect our freedom in every war we have been involved in, despite the fact that their own freedom has often been limited. As war continues in the Middle East today, Blacks are serving with great distinction and pride as evidenced by the leadership of our top military officer, Colin Powell, the Chairman of the Joint Chiefs of Staff.

We need to make sure that every step is taken to support our service men and women in the war zone so they can return safely to their families.

Meanwhile, we have to continue to fight for the rights of those soldiers, and all Americans. In fighting for equal opportunity we are inspired by great Black leaders like Frederick Douglas, a strong moral and intellectual voice who was a leader in the movement to end slavery back in the 1800's. We can also look to Thurgood Marshall, our only Black Supreme Court Justice and, before his service on the Court, a leader in the legal battle to end segregation.

There are a countless number of Black Americans who have enriched our history. I have mentioned just a few of them. Black History Month provides us with an excellent opportunity to expand our knowledge of the contributions of Black Americans and to attain a deep appreciation for the Black experience.●

BILL PLACED ON CALENDAR—S. 347, TO EXTEND THE EXPIRATION DATE OF THE DEFENSE PRODUCTION ACT OF 1950 TO MARCH 18, 1991—S. 348

Mr. MITCHELL. Mr. President, I ask unanimous consent that S. 347, a bill introduced earlier today by Senators RIEGLE, GARN, DIXON, HEINZ, SARBANES, and others, reauthorizing the Defense Production Act, and for other purposes, be placed on the calendar; that the majority leader, after consultation with the Republican leader, may proceed to the consideration of this bill at any time beginning on February 19, notwithstanding the provisions of rule XXII; that upon the entering of this agreement, the Senate proceed to the consideration of S. 348, a short-term extension of the Defense Production Act until March 18, 1991, introduced earlier today by Senators RIEGLE, GARN, and DIXON; that no amendments or motions to commit be in order with respect to this bill; that there be no time for debate on the bill; that statements may be inserted in the RECORD today on this bill as may be appropriate; and that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection it is so ordered.

So the bill (S. 348) was deemed passed as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXTENSION OF DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "March 18, 1991".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on October 20, 1990.

(b) EFFECT OF PRIOR ACTIONS.—No action taken by the President or the President's designee between October 20, 1990, and the date of enactment of this Act shall prejudice the ability of the President or the President's designee to take action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

S. 232 REFERRED TO VETERANS AFFAIRS COMMITTEE

Mr. MITCHELL. I ask unanimous consent that S. 232, a bill to increase the maximum amount of life insurance coverage for servicemen, be referred to the Veterans' Affairs Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT ON THURSDAY, FEBRUARY 14, 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, that committees may file reported Legislative and Executive Calendar business on Thursday, February 14, from 11 a.m. until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJORITY COMMITTEE ASSIGNMENTS—SENATE RESOLUTIONS 43, 44, 45, and 46

Mr. MITCHELL. Mr. President, I send to the desk four resolutions dealing with the majority committee assignments, and I ask unanimous consent that they be considered en bloc, agreed to en bloc, and that the motions to reconsider their adoption be tabled en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions, considered and agreed to en bloc, are as follows:

S. RES. 43

Resolved, That paragraph 2 of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Second Congress as follows:

Strike "19" after "Agriculture, Nutrition, and Forestry" and insert in lieu thereof "18".

Strike "19" after "Energy and Natural Resources" and insert in lieu thereof "20".

Strike "19" after "Foreign Relations" and insert in lieu thereof "18".

Strike "16" after "Labor and Human Resources" and insert in lieu thereof "17".

S. RES. 44

Resolved, That paragraph 3(c) of Rule XXV of the Standing Rules of the Senate is amended for the One Hundred and Second Congress as follows:

Strike "10" after "Indian Affairs" and insert in lieu thereof "16".

S. RES. 45

Resolved, That paragraph 4 of Rule XXV is amended by striking (h)(1) through (h)(15) and inserting in lieu thereof the following:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees list in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees in paragraph 2.

"(15) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.".

S. Res. 46

Resolved, That the following shall constitute the majority party's membership on the standing committees for the One Hundred and Second Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Leahy (Chairman), Mr. Pryor, Mr. Boren, Mr. Heflin, Mr. Harkin, Mr. Conrad, Mr. Fowler, Mr. Daschle, Mr. Baucus, and Mr. Kerrey (NE).

Committee on Appropriations: Mr. Byrd (Chairman), Mr. Inouye, Mr. Hollings, Mr. Johnston, Mr. Burdick, Mr. Leahy, Mr. Sasser, Mr. DeConcini, Mr. Bumpers, Mr. Lautenberg, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Adams, Mr. Fowler, and Mr. Kerrey (NE).

Committee on Armed Services: Mr. Nunn (Chairman), Mr. Exon, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Dixon, Mr. Glenn, Mr. Gore, Mr. Wirth, Mr. Shelby, and Mr. Byrd.

Committee on Banking, Housing, and Urban Affairs: Mr. Riegle (Chairman), Mr. Cranston, Mr. Sarbanes, Mr. Dodd, Mr. Dixon, Mr. Sasser, Mr. Sanford, Mr. Shelby, Mr. Graham, Mr. Wirth, Mr. Kerry (MA), and Mr. Bryan.

Committee on Commerce, Science, and Transportation: Mr. Hollings (Chairman), Mr. Inouye, Mr. Ford, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Bentsen, Mr. Kerry (MA), Mr. Breaux, Mr. Bryan, and Mr. Robb.

Committee on Energy and Natural Resources: Mr. Johnston (Chairman), Mr. Bumpers, Mr. Ford, Mr. Bradley, Mr. Bingaman, Mr. Wirth, Mr. Conrad, Mr. Akaka, Mr. Fowler, Mr. Shelby, and Mr. Wellstone.

Committee on Environment and Public Works: Mr. Burdick (Chairman), Mr. Moynihan, Mr. Mitchell, Mr. Baucus, Mr. Lautenberg, Mr. Reid, Mr. Graham, Mr. Lieberman, and Mr. Metzenbaum.

Committee on Finance: Mr. Bentsen (Chairman), Mr. Moynihan, Mr. Baucus, Mr. Boren, Mr. Bradley, Mr. Mitchell, Mr. Pryor, Mr. Riegle, Mr. Rockefeller, Mr. Daschle, and Mr. Breaux.

Committee on Foreign Relations: Mr. Pell (Chairman), Mr. Biden, Mr. Sarbanes, Mr. Cranston, Mr. Dodd, Mr. Kerry (MA), Mr. Simon, Mr. Sanford, Mr. Moynihan, and Mr. Robb.

Committee on Governmental Affairs: Mr. Glenn (Chairman), Mr. Nunn, Mr. Levin, Mr. Sasser, Mr. Pryor, Mr. Kohl, Mr. Lieberman, and Mr. Akaka.

Committee on the Judiciary: Mr. Biden (Chairman), Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Leahy, Mr. Heflin, Mr. Simon, and Mr. Kohl.

Committee on Labor and Human Resources: Mr. Kennedy (Chairman), Mr. Pell, Mr. Metzenbaum, Mr. Dodd, Mr. Simon, Mr. Harkin, Mr. Adams, Ms. Mikulski, Mr. Bingaman, and Mr. Wellstone.

REPUBLICAN COMMITTEE ASSIGNMENTS—SENATE RESOLUTIONS 47 AND 48

Mr. DOLE. Mr. President, I send to the desk two resolutions and ask they be considered en bloc in reference to committee assignment on so-called A committees and A committee waivers.

The **PRESIDING OFFICER.** Without objection, the resolutions will be considered and agreed to.

The resolutions, considered and agreed to en bloc, are as follows:

S. Res. 47

Resolved, That paragraph 4 of rule XXV is amended by adding at the end of paragraph (h) the following new sections:

(1) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One hundred and second Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(2) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Finance, and the Committee on Governmental Affairs, may, during the One hundred and second Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(3) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Appropria-

tions, and the Committee on Energy and Natural Resources, may, during the One hundred and second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(4) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing and Urban Affairs may, during the One hundred and second Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(5) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Banking, Housing and Urban Affairs, and the Committee on Finance may, during the One hundred and second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(6) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One hundred and second Congress, serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(7) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One hundred and second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(8) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Foreign Relations and the Committee on Labor and Human Resources may, during the One hundred and second Congress, serve as a member of the Committee on Banking, Housing and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(9) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Agriculture, Nutrition and Forestry, and the Committee on Appropriations may, during the One hundred and second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(10) "A Senator who on the last day of the One hundred and first Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the One hundred and second Congress, also serve as a member of the Committee on Agriculture, Nutrition and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

(11) "A Senator who was sworn in on January 10, 1991, may serve as a member of the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry, may, during the One hundred and second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2."

S. RES. 48

Resolved, That the following shall constitute the minority party's membership on the standing committees for the 102d Congress, or until their successors are chosen:

Committee on Agriculture, Nutrition, and Forestry: Mr. Lugar, Mr. Dole, Mr. Helms, Mr. Cochran, Mr. McConnell, Mr. Craig, Mr. Seymour, and Mr. Grassley.

Committee on Appropriations: Mr. Hatfield, Mr. Stevens, Mr. Garn, Mr. Cochran, Mr. Kasten, Mr. D'Amato, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Nickles, Mr. Gramm, Mr. Bond, and Mr. Gorton.

Committee on Armed Services: Mr. Warner, Mr. Thurmond, Mr. Cohen, Mr. McCain, Mr. Wallop, Mr. Lott, Mr. Coats, Mr. Mack, and Mr. Smith.

Committee on Banking, Housing, and Urban Affairs: Mr. Garn, Mr. Heinz, Mr. D'Amato, Mr. Gramm, Mr. Bond, Mr. Mack, Mr. Roth, Mr. Domenici, and Mrs. Kassebaum.

Committee on Commerce, Science, and Transportation: Mr. Danforth, Mr. Packwood, Mr. Pressler, Mr. Stevens, Mr. Kasten, Mr. McCain, Mr. Burns, Mr. Gorton, and Mr. Lott.

Committee on Energy and Natural Resources: Mr. Wallop, Mr. Hatfield, Mr. Domenici, Mr. Murkowski, Mr. Nickles, Mr. Burns, Mr. Craig, Mr. Seymour, and Mr. Garn.

Committee on Environment and Public Works: Mr. Chafee, Mr. Simpson, Mr. Symms, Mr. Durenberger, Mr. Warner, Mr. Jeffords, and Mr. Smith.

Committee on Finance: Mr. Packwood, Mr. Dole, Mr. Roth, Mr. Danforth, Mr. Chafee, Mr. Heinz, Mr. Durenberger, Mr. Symms, and Mr. Grassley.

Committee on Foreign Relations: Mr. Helms, Mr. Lugar, Mrs. Kassebaum, Mr. Pressler, Mr. Murkowski, Mr. McConnell, Mr. Brown, and Mr. Hatch.

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Rudman, Mr. Heinz, and Mr. Seymour.

Committee on the Judiciary: Mr. Thurmond, Mr. Hatch, Mr. Simpson, Mr. Grassley, Mr. Specter, and Mr. Brown.

Committee on Labor and Human Resources: Mr. Hatch, Mrs. Kassebaum, Mr. Jeffords, Mr. Coats, Mr. Thurmond, Mr. Durenberger, and Mr. Cochran.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended by Senate Resolution 100, 101st Congress, appoints the following Senators to the Select Committee on Indian Affairs: the Senator from Illinois [Mr. SIMON], the Senator from Hawaii [Mr. AKAKA], and the Senator from Minnesota [Mr. WELLSTONE].

The Chair, on behalf of the Vice President, pursuant to Senate Resolution 4, 95th Congress, Senate Resolution 448, 96th Congress, and Senate Resolution 127, 98th Congress, as amended by Senate Resolution 100, 101st Congress, appoints the following Senators to the Select Committee on Indian Affairs: the Senator from New Mexico [Mr. DOMENICI], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Oklahoma [Mr. NICKLES].

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware [Mr. ROTH] as vice chairman of the Senate delegation to the North Atlantic Assembly during the 102d Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

THE PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: the Senator from Oklahoma [Mr. BOREN], chairman, the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mr. CRANSTON], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Ohio [Mr. GLENN].

The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: the Senator from Alaska [Mr. MURKOWSKI], vice chairman, the Senator from Virginia [Mr. WARNER], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the

Senator from New Hampshire [Mr. RUDMAN], the Senator from Washington [Mr. GORTON], and the Senator from Rhode Island [Mr. CHAFEE].

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m. on Wednesday, February 6; that, following the time for the two leaders, there be a period for morning business not to extend beyond 1:30 p.m. with Senators permitted to speak therein for up to 5 minutes each; that at 1:30 p.m. there be up to 1 hour of morning business with Senators permitted to speak therein, and that that time be under the control of the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M. TOMORROW

Mr. MITCHELL. Mr. President, if the Republican leader has no further business, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as under the previous order until 1 p.m. on Wednesday, February 6.

There being no objection, the Senate, at 5:30 p.m., recessed until Wednesday, February 6, 1991, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1991:

DEPARTMENT OF STATE

CHARLES R. BAQUET III, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

INTERSTATE COMMERCE COMMISSION

J.J. SIMMONS III, OF OKLAHOMA, TO BE A MEMBER OF THE INTERSTATE COMMERCE COMMISSION FOR A TERM EXPIRING DECEMBER 31, 1995. (REAPPOINTMENT)

PEACE CORPS NATIONAL ADVISORY COUNCIL

MYRON A. WICK III, OF CALIFORNIA, TO BE A MEMBER OF THE PEACE CORPS NATIONAL ADVISORY COUNCIL FOR A TERM EXPIRING OCTOBER 6, 1992, VICE MAUREEN O'HARA.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROLAND LAJOIE [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM A. STOFFT [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM W. CROUCH [redacted] U.S. ARMY.
BRIG. GEN. EDISON E. SCHOLES [redacted] U.S. ARMY.
BRIG. GEN. ARTHUR E. WILLIAMS [redacted] U.S. ARMY.
BRIG. GEN. THEODORE G. STROUP, JR., [redacted] U.S. ARMY.
BRIG. GEN. JAMES A. MUSSELMAN [redacted] U.S. ARMY.
BRIG. GEN. JAMES B. TAYLOR [redacted] U.S. ARMY.
BRIG. GEN. PETER T. BERRY [redacted] U.S. ARMY.
BRIG. GEN. WALTER J. BRYDE, JR [redacted] U.S. ARMY.
BRIG. GEN. JAMES T. SCOTT [redacted] U.S. ARMY.
BRIG. GEN. DENNIS V. CRUMLEY [redacted] U.S. ARMY.
BRIG. GEN. JERRY R. RUTHERFORD [redacted] U.S. ARMY.
BRIG. GEN. JAY M. GARNER [redacted] U.S. ARMY.
BRIG. GEN. EUGENE L. DANIEL [redacted] U.S. ARMY.
BRIG. GEN. ALFRED J. MALLETTE [redacted] U.S. ARMY.
BRIG. GEN. JOSEPH RAFFIANI, JR [redacted] U.S. ARMY.
BRIG. GEN. THOMAS W. ROBISON [redacted] U.S. ARMY.
BRIG. GEN. JOHN H. TILELLI, JR [redacted] U.S. ARMY.
BRIG. GEN. PAUL J. VANDERPLOOG [redacted] U.S. ARMY.
BRIG. GEN. JOHN P. OTJEN [redacted] U.S. ARMY.
BRIG. GEN. HENRY H. SHELTON [redacted] U.S. ARMY.
BRIG. GEN. MARVIN L. COVAULT [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM M. BOICE [redacted] U.S. ARMY.
BRIG. GEN. STEVEN L. ARNOLD [redacted] U.S. ARMY.
BRIG. GEN. DENNIS P. MALCOR [redacted] U.S. ARMY.
BRIG. GEN. JOHN R. LANDRY [redacted] U.S. ARMY.
BRIG. GEN. ROBERT S. FRIX [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM M. MATZ, JR. [redacted] U.S. ARMY.
BRIG. GEN. DENNIS L. BENCHOFF [redacted] U.S. ARMY.
BRIG. GEN. JOHN F. STEWART, JR [redacted] U.S. ARMY.
BRIG. GEN. RICHARD S. SIEGFRIED [redacted] U.S. ARMY.
BRIG. GEN. WILLIAM W. HARTZOG, [redacted] U.S. ARMY.
BRIG. GEN. DAVID J. BARATTO [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. ROBERT F. FOLEY [redacted] U.S. ARMY.
COL. WILLIAM A. WEST [redacted] U.S. ARMY.
COL. ALBERT J. GENETTI, JR [redacted] U.S. ARMY.
COL. JAN A. VANPROOYEN, [redacted] U.S. ARMY.
COL. WILLIAM J. BOLT [redacted] U.S. ARMY.
COL. DAVID L. BENTON, III [redacted] U.S. ARMY.
COL. CARL F. ERNST [redacted] U.S. ARMY.
COL. JAMES J. CRAVENS, JR [redacted] U.S. ARMY.
COL. FRANK H. AKERS, JR. [redacted] U.S. ARMY.
COL. THOMAS J. KONITZER [redacted] U.S. ARMY.
COL. STEPHEN M. BLISS [redacted] U.S. ARMY.
COL. EDWARD G. ANDERSON, III [redacted] U.S. ARMY.
COL. DAVID R.E. HALE [redacted] U.S. ARMY.
COL. ANTHONY C. TRIFILETTI [redacted] U.S. ARMY.
COL. CHARLES H. BAUMANN, [redacted] U.S. ARMY.
COL. NORMAN E. WILLIAMS, [redacted] U.S. ARMY.
COL. TRENT N. THOMAS [redacted] U.S. ARMY.
COL. JOHN A. DUBIA [redacted] U.S. ARMY.
COL. ORLIN L. MULLEN [redacted] U.S. ARMY.
COL. ROBERT H. SCALES, JR. [redacted] U.S. ARMY.
COL. HAROLD E. BURCH, [redacted] U.S. ARMY.
COL. JOE N. BALLARD [redacted] U.S. ARMY.
COL. JOHN E. LONGHOUSER, [redacted] U.S. ARMY.
COL. JOSEPH E. DEFRANCISCO [redacted] U.S. ARMY.
COL. LEONARD D. HOLDER, JR. [redacted] U.S. ARMY.
COL. GEORGE A. CROCKER, [redacted] U.S. ARMY.
COL. ROBERT W. ROPER, JR. [redacted] U.S. ARMY.
COL. RANDOLPH T. POORE [redacted] U.S. ARMY.
COL. THOMAS A. SCHWARTZ, [redacted] U.S. ARMY.
COL. JOHN G. ZIERDT, JR. [redacted] U.S. ARMY.
COL. DOUGLAS D. BUCHHOLZ, [redacted] U.S. ARMY.
COL. PATRICIA R. P. HICKERSON [redacted] U.S. ARMY.
COL. PATRICK M. HUGHES [redacted] U.S. ARMY.
COL. WALTER E. MATHER, JR. [redacted] U.S. ARMY.
COL. LARRY R. JORDAN [redacted] U.S. ARMY.
COL. WILLIAM F. KERNAN [redacted] U.S. ARMY.
COL. DAVID A. WHALEY, [redacted] U.S. ARMY.
COL. JOSEPH K. KELLOGG, JR. [redacted] U.S. ARMY.
COL. WILLIAM L. NASH [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonels

BENJAMIN M. ADAMS [redacted]
RANDAL R. JONES [redacted]
GEORGE L. KECKEISEN, JR. [redacted]
THOMAS E. PARDUE, SR. [redacted]
ANTHONY R. STRICKLER [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO RECOMMENDED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be lieutenant colonel

RAYMOND P. ORWIG [redacted]

ARMY

To be majors

*MARK R. CARRINGTON [redacted]
MARTIN M. MORATZ [redacted]

DENTAL CORPS

To be major

*RANDAL C. KUMM [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

To be major

JOSEPH H. STRIBRNY [redacted]

To be captains

ANGEL L. ACEVEDO [redacted]
ROBERT AGUILERA [redacted]
CAMPBELL D. ALLISON [redacted]
NATALIA ARMSTRONG [redacted]
MARGARET L. BACA [redacted]
JEFFREY L. BAILEY [redacted]
JOHN C. BAKER [redacted]
JOHN W. BAKER [redacted]
SCOTT R. BAKER [redacted]
WAYLAND P. BARBER [redacted]
MARK S. BARNES [redacted]
NELSON G. BARTLEY [redacted]
STEPHEN H. BAYER [redacted]
BRIAN R. BELLI [redacted]
PETER E. BLABER [redacted]
ALLAN R. BOCKRATH [redacted]
WILLIAM L. BOOKS [redacted]
ALLAN S. BOYCE [redacted]
CURTIS D. BOYD [redacted]
PETER E. BRADY [redacted]
WILLIAM W. BRALEY [redacted]
MICHEAL W. BRAY [redacted]
HARALD C. BUCHHOLZ [redacted]
JOHN C. BUCKLEY [redacted]
WILLIAM C. BUHROW [redacted]
SCOTT S. BURGESS [redacted]
MICHAEL R. BURT [redacted]
VICTOR R. BUTERA [redacted]
JAMES M. CAMPBELL [redacted]
RICHARD A. CARLSON [redacted]
CEDRIC O. CARROLL [redacted]
LARRY CARTER [redacted]
JAMES H. CASPER [redacted]
DAVID P. CAVALERI [redacted]
ROSA L. CEDILLO [redacted]
RAFAEL A. CHECA [redacted]
DALE M. CHIK [redacted]
ROBERT E. CHOPPA [redacted]
DAVID J. CLARK [redacted]
GARRY M. COLBERT [redacted]
MARY L. COLE [redacted]
CAROLYN COLOMBO [redacted]
DEBORAH R. COPE [redacted]
MICHAEL A. COSS [redacted]
MARK A. COSTELLO [redacted]
REGINALD L. CRAY [redacted]
MARK A. DAGOSTINO [redacted]
GLENN J. DANIELSON [redacted]
PATRICK B. DAY [redacted]
JEFFREY S. DAVIES [redacted]
WAYNE K. DAVIS [redacted]
CRAIG A. DEDECKER [redacted]
MICHAEL P. DEPUGLIO [redacted]
WILLIAM C. DICKEY [redacted]
DOUGLAS G. DINY [redacted]
JOHN C. DIRENZO [redacted]
MARK E. DRAKE [redacted]
JEFFERY G. DUNN [redacted]
ROBERT C. EFFINGER [redacted]
VICTOR C. ELLIOTT [redacted]
MARK W. ERWIN [redacted]
BOYCE H. EVANS [redacted]
FLORENCE A. EVANS [redacted]
DANIEL J. FAGUNDES [redacted]
SCOTT K. FEHNEL [redacted]
SANDRA M. FICHTER [redacted]
GREGORY M. FIELDS [redacted]
MICHAEL E. FIRLIE [redacted]
ANDREW R. FISCHER [redacted]
FRANKLIN D. FORD [redacted]
ANDREW J. FRANK [redacted]
MARY L. FRANKLIN [redacted]
KENNETH L. GAINOUS [redacted]
MARCUS A. GARDNER [redacted]
WILBUR S. GARY [redacted]
STEVEN W. GAY [redacted]
ALLEN J. GILL [redacted]
JOSE M. GIROT [redacted]
EDWARD V. GOLDEN [redacted]
SAUL A. GRANDINETTI [redacted]
JOHN R. GREENE [redacted]
EDWARD P. GRZYBOWSKI [redacted]
WILLIAM F. HAASE [redacted]
CAROLYN M. HAMILTON [redacted]
GLENN W. HARP [redacted]
MICHAEL A. HARRIS [redacted]
PAMELA O. HART [redacted]
PHILIP HARTSFIELD [redacted]
DEWITT HATHCOCK, JR [redacted]
THOMAS M. HERMAN [redacted]
JAMES W. HICKS [redacted]
MATTHEW HIGGINBOTHAM [redacted]
NEIL A. HIGGINS [redacted]
LAURA L. HILL [redacted]
JERI M. HOLLAND [redacted]
ERIC E. HUNGERFORD [redacted]
RONALD W. HUTHER [redacted]
DARREN L. IRVINE [redacted]
MICHAEL E. JACKSON [redacted]
MICHAEL S. JAJE [redacted]
NIKKI L. JAMES [redacted]
THOMAS E. JENKINS [redacted]
GORDON L. JOHNSON [redacted]
RUSSELL P. JOHNSON [redacted]
GARY R. JONES [redacted]
ROBERT R. JONES [redacted]
JOSEPH H. JUPITER [redacted]
DOUGLAS M. KEEPPER [redacted]
JEFFREY A. KELLY [redacted]
CARLA D. KENDRICK [redacted]
EDRIC A. KIRKMAN [redacted]
JOHN A. KIZLER [redacted]
THOMAS G. KNIGHT [redacted]
KAREN A. KOMAR [redacted]

CRAIG A. KRACHT [redacted]
DOUGLAS D. KUEHL [redacted]
TOMMY L. LANCASTER [redacted]
CURTIS A. LAPHAM [redacted]
STEPHEN A. LAWRENCE [redacted]
SUNG H. LEE [redacted]
JOHN C. LEGGETT [redacted]
MICHAEL K. LEMM [redacted]
STEPHEN G. LIKEVICH [redacted]
STEPHEN D. LINDAHL [redacted]
KENDALL E. LINSON [redacted]
ANDRE K. LITTLE [redacted]
MICHAEL H. LOVITT [redacted]
ALAN L. LUNDSTROM [redacted]
PATRICK J. MACAREVEY [redacted]
CHARLES F. MASKELL [redacted]
STEPHEN J. MAYHEW [redacted]
WILLIAM A. MAYO [redacted]
ROCKY L. MCELWAIN [redacted]
FLOSSIE P. MCGEE [redacted]
JOHN J. MEGNIA [redacted]
ROBERT S. MIKALOFF [redacted]
WILLIAM MELENDEZ, [redacted]
RONALD T. MILLIS [redacted]
DANIEL MORGAN [redacted]
PETER W. MUELLER [redacted]
SAMUEL H. MURRAY [redacted]
RICHARD A. MUSE [redacted]
ROGER E. MYERS [redacted]
RALPH F. NAPLES [redacted]
MATTHEW J. OBERLE [redacted]
JOSEPH K. OGLE [redacted]
DAVID C. OSBORNE [redacted]
KATRINA M. PARSHLEY [redacted]
TERRY J. PAYNE [redacted]
DAMON C. PENN [redacted]
RICHARD G. PISCAL [redacted]
ROOSEVELT PITTS, JR [redacted]
TIMOTHY B. PLATT [redacted]
JAMES C. POLLMAN [redacted]
ROGER A. PRETSCH [redacted]
NANCY L. PRICE [redacted]
CHARLES D. PRUETT [redacted]
CHARLES A. PRYDE [redacted]
TANYA A. PUCHALSKI [redacted]
RONALD J. PULIGNANI [redacted]
PETER T. QUINN [redacted]
ERIC F. RAFOTH [redacted]
FRANK RANDON [redacted]
ROBERT L. REESE [redacted]
PATRICIA E. REID [redacted]
ISRAEL REYES [redacted]
ANGELO RIDDICK, [redacted]
WILLIAM M. RIERSON [redacted]
LARNCE L. ROBINSON [redacted]
RANDY R. ROSENBERG [redacted]
MATTHEW J. ROTHLISBERGER [redacted]
JOHN A. RUTT [redacted]
RICHARD H. SADDLER [redacted]
JOHN E. SALENIUS [redacted]
DAVID S. SANDERS [redacted]
JEFFREY SANDERSON [redacted]
SEAN M. SCALLY [redacted]
MARTIN SCHWEITZER [redacted]
TIMOTHY R. SEEHAFER [redacted]
HEIDI H. SEWARD [redacted]
BRUCE D. SHALON [redacted]
MICHAEL H. SHIELDS [redacted]
RICHARD A. SHORE [redacted]
VIRGINIA SIMONSON [redacted]
RICHARD S. SMARR [redacted]
ANTHONY L. SMITH [redacted]
STEPHEN V. SMITH [redacted]
BERNARD STANSBURY [redacted]
RONALD T. STAVER [redacted]
FRANK D. STEARNS [redacted]
ROBERT M. STICKNEY [redacted]
HENRY M. STPIERRE [redacted]
TIMOTHY S. SULLIVAN [redacted]
DAVID W. SUTHERLAND [redacted]
DOUGLAS A. TAMILIO [redacted]
CLARENCE L. TAYLOR [redacted]
HUGH G. TESTER [redacted]
GARY L. THOMSON [redacted]
ZANE K. TOLLIVER [redacted]
JERRY B. TONEY, [redacted]
WAYNE TUCK, [redacted]
ROBERT W. TURK, [redacted]
JAMES P. ULAND [redacted]
JEFFREY F. VICTOR [redacted]
ALBERT L. VIVIAN [redacted]
TIMOTHY A. VUONO [redacted]
SHERRY A. WALL [redacted]
TIMOTHY J. WALTERS [redacted]
JONATHAN T. WARREN [redacted]
GWENDOLYN WEBSTER [redacted]
DARRELL K. WILLIAMS [redacted]
SANDER J. WILLIAMS [redacted]
RACHELLE M. WILPAN [redacted]
DOUGLAS A. WOJCIK [redacted]
KEVIN M. WOODS, [redacted]
LESLIE WRIGLESWORTH [redacted]
MICHAEL YAMASHIRO, [redacted]
CHARLES S. YOUNG [redacted]
[redacted]

To be first lieutenants

YVONNE L. BAREFOOT [redacted]
BEVAN BENJAMIN [redacted]
BOBBY F. BLACKWELL [redacted]
THOMAS BROUILLETTE [redacted]
GERALD V. BURTON [redacted]
RONALD D. CASILLAS [redacted]
ROBERT P. CERJAN [redacted]
KYLE D. CRAWFORD [redacted]
JUAN A. CUADRADO [redacted]
JOSEPH J. DICHAIRO [redacted]
WILLIAM E. EVANS [redacted]
KELLY D. FEASEL [redacted]
BRIAN J. FROST [redacted]
CHRISTOPHER GIBSON [redacted]
MICHAEL E. HAMILET [redacted]
KRISTINA D. HATTON [redacted]
PHILIP P. HENDERSON [redacted]
ERIC D. HUDSON, [redacted]
ROBERT G. JOHNSON [redacted]
MICHAEL J. JONES [redacted]
JEFFREY P. KELLEY [redacted]
PHILLIP L. KESLER [redacted]
WILLIAM P. KEYES [redacted]
HOWARD D. KIBBLE [redacted]
BARBARA F. KILLIAN [redacted]
JAMES E. KNUTSON [redacted]
DONALD P. LAUZON, [redacted]
TIMOTHY R. LEMONS [redacted]
CLAY M. MARSHALL [redacted]
TONY MARTIN, [redacted]
WILLIAM B. MASON [redacted]
STEVEN D. MATHIAS [redacted]
JOHN R. MILLS [redacted]
MICHAEL R. MULLINS [redacted]
RICARDO NIEVES [redacted]
JOANNE P. NOWAK [redacted]
SCOTT M. PADGETT [redacted]
RANDALL C. PAGE [redacted]
ERIC M. PETERSON [redacted]
GREGORY A. PLATT [redacted]
GROVER W. PRICE [redacted]
VINCENT V. QUARLES [redacted]
MICHELE R. ROBERTS [redacted]
DAVID RODDENBERRY, [redacted]
TANYA F. RODGERS [redacted]
VINCE D. ROSS, [redacted]
MICHAEL G. SEIDEL [redacted]
MARK R. SLAVIK [redacted]
RICHARD C. TRIETLEY [redacted]
PHILLIP A. VIERSEN [redacted]
RONALD M. WALLACE [redacted]
JAMES E. WOODARD [redacted]
JULIE A. WRIGHT [redacted]

To be second lieutenants

CHARLES A. FISH [redacted]
TIMOTHY J. HOLTAN [redacted]
MICHAEL P. SLATTERY [redacted]

MEDICAL CORPS

To be colonel

NICHOLAS E. CASSIMATIS [redacted]

To be lieutenant colonels

ALAN G. MUENCH, [redacted]
WALTER NEWTON, [redacted]
ROMEO P. PEREZ, [redacted]
WILLIAM A. STECHER [redacted]

To be majors

DAVID ELLIS [redacted]
ROYCE E. LOVERN [redacted]

MEDICAL SERVICE CORPS

To be second lieutenants

VINCENT ANTUNEZ [redacted]
DAMON G. BAINE, [redacted]
KEVIN J. BELANGER [redacted]
ANDREA C. BERCEAU [redacted]
WALTER CONNERY, [redacted]
GREGORY FIX [redacted]
LORY M. GURR [redacted]
PHILIP L. HANSEN [redacted]
DAVID J. PARRAMORE [redacted]
BENJAMIN L. POORE [redacted]

DENTAL CORPS

To be colonel

ARTHUR M. KRAKOW [redacted]

To be lieutenant colonels

ELADIO J. DELEON [redacted]
ADRIAN PATTERSON [redacted]

To be majors

WILLIAM BEYERS [redacted]
EUGENE M. BUTEL [redacted]
CARLOS O. DELEON [redacted]
ROGER T. ELLIS [redacted]
CHRIS FINLAYSON [redacted]
JOHN HELLSTEIN [redacted]
PETER I. JUVE [redacted]
JOEL C. KNUTSON [redacted]
EDWARD J. MISTAK [redacted]
DONALD A. MOORE, [redacted]
STANLEY MORRIS [redacted]
DANIEL E. PURVIS [redacted]
JAMES K. SCHMITT [redacted]
MING T. WONG, [redacted]

To be captains

ANN L. BAGLEY, [redacted]
DOUGLAS BAUMGARDNER [redacted]
MICHAEL L. BRACE [redacted]
DAVID BURNETT [redacted]
BENJAMIN T. COOK, [redacted]
KATHRYN CRIPPS [redacted]
DALE L. GIEBANK [redacted]
JEFFREY GRASSER [redacted]
STEPHEN KOMYATI, [redacted]
JAMES J. LIN [redacted]
NATHAN METHVIN [redacted]
JAMES E. PARKER [redacted]
DAVID R. REEVES [redacted]
LARRY ROTHFUSS [redacted]
JOHN R. ROYAL [redacted]
LOIS S. SCOTT [redacted]
GREGORY SHIPMAN [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be captains

GARY J. BROCKINGTON [redacted]
GRAHAM A. CASTILLO [redacted]
ELDWOOD A. CHANDLER [redacted]
WILLIAM F. CONDRON [redacted]
MICHAEL J. DAVIDSON [redacted]
JONATHAN M. HARRISON [redacted]
STEPHEN R. HENLEY [redacted]
RUSSELL S. JOKINEN [redacted]
DARYLE A. JORDAN [redacted]
MICHAEL P. KELLY [redacted]
KEVIN LACHANCE, [redacted]
STEVEN A. LAMB [redacted]
JAMES E. MACKLIN [redacted]
EDITH MEYERS [redacted]
MICHELE M. MILLER, [redacted]
MARITZA S. RYAN [redacted]
KATHRYN STONE [redacted]
RENALDO L. STOWERS [redacted]
MATTHEW E. WINTER [redacted]

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, 532, AND 533:

To be second lieutenant

ROCKY L. MCELWAIN, [redacted]

EXTENSIONS OF REMARKS

IVHS IN DETROIT'S BACKYARD

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. BROOMFIELD. Mr. Speaker, more efficient and safer traffic flow on our Nation's roadways certainly is a worthwhile objective. In Michigan, local government and industry are working to achieve that objective by cooperating to implement a 5-year intelligent vehicle highway system in Oakland County. I am very pleased that the operational testing of this innovative program will occur in my district in the city of Troy.

This traffic program is expected to improve the efficiency of roadway operations by 20 to 30 percent and to impact significantly on traffic management nationally and internationally. The prospects for success are great and I commend the Oakland County program as a model for other cities striving to reduce traffic congestion.

I offer my colleagues an article which appeared in the January 1991 issue of Automotive Industries. The article was written by Jim Haugen who has been involved in the planning phase of the Oakland County program.

[From the Automotive Industries, January 1991]

IVHS IN DETROIT'S BACKYARD

(BY JIM HAUGEN)

The objective is more efficient and safer traffic flow. The means to the objective is Siemen's Ali-Scout system. And it involves the cooperation of a consortium of automotive/electronic companies and public agencies, who are cooperating to put a five-year Intelligent Vehicle Highway System program in place. The effort will have international significance, and it will all take place in northern Oakland County right in Detroit's back yard.

This innovative program focuses on testing and deploying a combined Advanced Traffic Management System and an Advanced Driver Information System (ATMS/ADIS). In other words, the program will simultaneously provide smarter roads (the ATMS function) and smarter cars (the ADIS function).

"We can't build our way out of traffic congestion. But we expect to see a 20 or 30 percent improvement in the efficiency of operation of our roadways resulting from this combined system," says John Grubba, managing director of the Road Commission of Oakland County.

This program is of international importance in a number of respects:

The private portion of the consortium is made up of US, European and Japanese companies.

This international group, in turn, will uniquely work side by side with a public partnership of local, county, state and federal agencies.

The consortium will test and implement an international mix of technologies.

The program will be conducted in the backyard of the US auto industry, giving automotive executive daily exposure to the public significance and private market potential of IVHS.

It's a multi-year program, from operational testing to the deployment of a system that cities can implement and consumers can buy.

Oakland County can be considered a prototype of the modern city—decentralized and auto-oriented city with rapid growth and difficulty in coping with the public's desired automotive freedom.

The international consortium team from the private side consists of five companies: General Motors, Ford, Chrysler, Siemens and Michigan Bell. The public side consists of the Road Commissions of Oakland: the Michigan Department of Transportation; the City of Troy; and two universities—The University of Michigan and Oakland University. The nature of Federal participation is under consideration.

The program consortium team has initiated Phase Zero, Program Planning, which will last until June, 1991. The program planning is concentrated on a six mile by six mile area within the City of Troy. This site has been selected for an operational test because of the variety of alternate travel paths—arterial roads and freeways; the variety of land uses—residential to high rise offices; and the current automobile congestion levels. The planning phase will work out technical details of a text program as well as establish the sources and uses of program funds.

Phase One, the Operational Test, will begin shortly after the completion of Phase Zero. Since each member of the consortium team has the right to decide about its participation on a phase-by-phase basis, the team content could change for the actual Operational Test. The operational test is being planned on the basis of involving up to 1,000 cars, exclusively or predominantly supplied by team members.

Each car will be equipped with Siemens Ali-Scout In-Vehicle Units or IVUs. The IVU is capable of executing three functions: receiving and transmitting data, providing a display of guidance recommendations based on received data, and navigation to locate the vehicle and get it to a desired location.

The vehicle driver is directed to his or her programmed destination through the Ali-Scout vehicle display unit. The unit does this by means of simple graphics, combined with a voice prompt for required turns.

The Ali-Scout system provides dynamic guidance recommendations which are based on knowledge of the current traffic situation. Therefore, it can direct a driver over the current quickest route, bypassing the worst congestion or accident-induced traffic tie-ups. It does this through its link into the roadway infrastructure. Several pieces of equipment are involved in this dynamic route guidance function. Some 20 to 25 percent of the traffic lights in the road network are assigned a fourth color traffic light—an infrared transceiver.

As vehicles pass these infrared units they both transmit travel time from the last beacon passed to the central computer system tracking roadway travel times. The computer uses this data to continually compute optimum travel times for different routes. This information is, in turn, received by vehicles as they pass each IR beacon unit.

The Advanced Traffic Management System is based upon two principles: achieving demand-responsive control of traffic lights, and achieving areawide optimization of traffic flow through the traffic light network. Today, traffic lights are typically timed on a traffic count basis. A traffic count of the number of vehicles using the various lanes is taken and the relative green/red phases set accordingly. But traffic counts are only taken periodically, as much as six months or a year apart. Accordingly, they are unable to reflect the traffic situation of the season, day, hour or minute. New technology, in the form of advanced video cameras, allows instant "smart roadway" knowledge of traffic flow. This new technology will be tested in Phase One, along with sophisticated software for optimizing vehicle flow through multiple traffic lights.

During Phase Two of the Oakland Program, both the ATMS system and the ADIS system will be expanded. Along with this expansion, the number of Ali-Scout systems will also be modified. The modification will reflect feedback from drivers on system performance and features. It will also reflect increased capabilities of the technology, as currently under development. For example, the system can be expanded to include "yellow pages" type tourist information; or provide priority capabilities for transit management; or allow reservation of parking spaces and automatic payment through a debit card.

IVHS concepts must be turned into field trials to demonstrate their reality. Phase One and Two of the Oakland County Program will do this. Important information will be gained of international importance. What performance improvement results at what cost? How much of the performance change is attributable to Ali-Scout and how much to the ATMS system? How much are consumers willing to pay for such equipment in their cars? What improvements to the system are desired to enhance its usability. Hopefully, these answers will lead to a successful Phase Four—the world's first successful operational deployment of an IVHS system. Deployment of a system that enhances the operation of public roadways: that adds to the functionality of the automobile; that is attractive on a cost/benefit basis that consumers want to buy.

"This international cooperative Oakland County Program can establish the momentum to make the Detroit area the center for a whole new industry focused on IVHS technology," says Ron Knockeart, VP of Central Technology for Siemens Automotive.

And that's a real bonus.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

A TRIBUTE TO FRED M. DUMAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Mr. Fred M. Duman. Mr. Duman is resigning as a member of the South County Community College District Board of Trustees which administers both Chabot and Las Positas Colleges, in California's Ninth Congressional District, after nearly 24 years of service. Mr. Duman has served on the board since 1967 and during his tenure, his work on behalf of Chabot and Las Positas colleges has led to the graduation of thousands of residents with associate in arts degrees and with training in more than 50 technical fields.

Mr. Duman is a long-time resident of Hayward, CA. He received his associate of arts in general education and his bachelor of arts in psychology from Boston University. He then received his J.D. from Boalt Hall at the University of California at Berkeley in 1960.

Mr. Duman's legal contributions to the community have been extensive. He has contributed his time to numerous organizations including the California State Automobile Association, the Southern Alameda County Board of Realtors, the American Arbitration Association, the Alameda-Contra Costa County Trial Lawyers Association, the Alameda County Bar Association, the NAACP, the Legal Aid Society, and the States Bar Association.

Mr. Duman has also been a member of a number of civic and professional organizations. He has served as the former director of the California Community College Trustees, the past chairman of the Legislative Committee of the Castro Valley Chamber of Commerce, the past director of the Legal Aid Society of Alameda, CA, and, the past director of the Alameda County Bar Association. He has also been a member of the President's Advisory Committee of the Leukemia Society of Northern California, a member of the Advisory Committee for the Chancellor of California Community Colleges and, a former member of the board of directors of the Clinic for Adults and Children Psychiatric Services, Inc.

Mr. Speaker, I would like to take this opportunity to commend Fred Duman for his numerous contributions to the community over the years. He has been an important regional ambassador to each of the aforementioned local, State, and national organizations. I would also like to extend my appreciation for his nearly 24 years of service as a member of the South County Community College District Board of Trustees.

A TRIBUTE TO ENOLIA McMILLAN

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a truly exceptional person in our community. She has been a leader, an organizer, a teacher, and an administrator. But perhaps more importantly, she has been a groundbreaker in the true sense of the word. Mrs. Enolia McMillan has been a member of the NAACP for 55 years. In each and every one of those years she has worked to build the organization, both in Baltimore, MD and on the national level. Her contributions to the NAACP, and to the people of Maryland have been astounding.

Mrs. McMillan's tenure at the NAACP can be characterized as active and effective. In 1935, she helped reorganize the Baltimore branch and since that time has served with real commitment as its 21-year president and as a faithful member. Mrs. McMillan has shown the same commitment to education in the State of Maryland, as a professional teacher and as an administrator, for over four decades.

Mrs. McMillan was the first woman to head up the Maryland Education Association which pressed for, among other things, equal pay for African-American teachers. She was also the first woman national president of the NAACP. Many years of striving and many years of commitment have proven Mrs. McMillan to be a role-model; for the African-American community, for women, and for individuals who are concerned about the world around them and have the will to affect it. I can hardly think of anyone more deserving of praise and so today I offer this statement of gratitude to Mrs. Enolia McMillan.

PATRIOTISM: THE VITAL COMPONENT OF A SUCCESSFUL NATION

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, I would like to take this opportunity to submit for the RECORD an essay on patriotism which was written by Miss Lori L. Hawk, a senior at Goochland High School in my congressional district. I commend Miss Hawk for her efforts and insight in composing the following essay which is particularly appropriate in light of the war in the Persian Gulf:

"PATRIOTISM: THE VITAL COMPONENT OF A SUCCESSFUL NATION"

"I regret that I have but one life to lose for my country." This statement was made by Nathan Hale, an American patriot and spy during the Revolutionary War. At his execution in 1776, where these famous words were spoken, Hale represented the very definition of patriotism. Patriotism is the love for a country, its documents and its values. It is the fundamental key to the survival of any political state. Patriotism is a vital component of the success of a nation as well as to the definition of good citizenship and to the promotion of liberty.

Essentially, nations are dependent upon patriotism to succeed. Without the support of its citizens, a country is weak and helpless. Furthermore, if no one believes in the statutes of a political community, no support is given. Without love and dedication from patriotic citizens, a nation cannot advance and become powerful. Because of the allegiance of the American soldiers during the Revolutionary War, the "patriots" were able to pull the colonies out from under British control. Since then, because of patriotism, the United States has become and still remains a very powerful Nation. Because of this truth, one can assume that patriotism is necessary and very important for a country to succeed.

In addition to helping a nation prosper, patriotism must also be a part of the definition of a "good citizen." Webster's New World Dictionary defines a citizen as "a member of a state or nation who owes allegiance to it by birth or naturalization." From this explanation, patriotism can be seen as a direct link to "good" citizenship and citizenship as a whole. It is folly to believe that a good citizen is not necessarily a patriot. Patriotism must exceed far beyond the citizenship of a person and deep into his heart and soul. A "good citizen" must have this passion to be called such and must practice patriotism as second-nature. Through the definition of "citizen" and the qualities thereof, it is evident that any such "good citizen" must be a patriot in order to be given this title.

As well as the success of a nation and the making of a "good citizen," patriotism is also the supreme promotion of liberty. A fine example of this concept is the sacrifice of American soldiers throughout American wars. If it had not been for the devotion of thousands of American men, liberty for the United States might be merely a fantasy and communism or other dictatorships a horrifying reality. These men, having hearts filled with patriotism, fought bravely for the freedom of their country and its people. Preserving liberty successfully, through their ultimate deaths, these patriotic soldiers proved that everlasting liberty is attained through love for country and freedom.

Through the evidence cited above, one can clearly note that patriotism is an important part of a nation, a good citizen and the promotion of liberty and freedom. Patriots are a vital part of any successful country anywhere in the world. Even though not all agree on every issue, patriots, in an inclusive manner, all support their country, government and freedoms. More patriots are needed in today's society so that all Americans will be encouraged and spurred to have faith in their country and its actions. To quote from Abraham Lincoln's Gettysburg Address, "It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion * * *"

A TRIBUTE TO UCLA VICE CHANCELLOR ELWIN V. SVENSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding contributions and fine public service of Dr. Elwin V. Svenson, vice chancellor-institutional relations at UCLA. On February 12, Dr. Svenson will be recognized for his 35 years of dedicated service to UCLA and honored as he celebrates his 65th birthday.

Dr. Svenson's roots at UCLA go back over 40 years. He received his B.A. in political science in 1948, and completed graduate studies in education in 1954. Since then, Dr. Svenson has committed much of his adult life to providing better educational opportunities to people in the United States and around the world.

Appointed vice chancellor at UCLA in 1975, Dr. Svenson has major responsibility for liaison with the Federal Government and represents the chancellor in the development and ongoing relations with institutions in foreign countries. Serving on the Administrative Committee for the International Studies and Overseas Programs, he provides valuable guidance and advice to UCLA for agreements involving international institutions. Largely through his efforts, UCLA has past, current, or developing exchange programs in Brazil, Bulgaria, Chile, Czechoslovakia, Japan, Korea, Malta, Mexico, Nigeria, People's Republic of China, Peru, Saudi Arabia, Taiwan, the Philippines, and Yugoslavia.

Over the years, I have been particularly impressed, not only by Dr. Svenson's commitment to education, but his articulation of ideas with a lasting impact upon people and nations alike. Dr. Svenson's concept of debt for equity swaps, and subsequent proposal of this program between the United States and Mexico, is only one illustration of his unique contribution to public affairs. He realizes that America's long-term relations with Mexico are critical; his imagination and vision has played and will continue to play an important role in this developing relationship.

Mr. Speaker, the achievements of Dr. Svenson and his many contributions to UCLA and higher education are literally too numerous to mention. I ask that you join me and our colleagues today in recognizing this innovative, selfless man who has committed his entire adult life to a broader understanding of the world in which we live. As a man, an educator, a Bruin—this man stands alone. His 35 years of dedicated service to UCLA certainly make him worthy of recognition by the House of Representatives.

RETIREMENT OF PETER C. SCRIVNER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. ASPIN. Mr. Speaker, I want to take this opportunity to honor on his retirement Peter C. Scrivner, a very capable and senior member of the committee staff. Peter has completed over 14 years of service to the committee and over 28 years of public service in the House of Representatives, beginning in 1962, when he joined the staff of Mel Price.

I am sure all of the members of the committee will agree that we are indebted to Pete for his years of outstanding service.

Some of you may know that in 1962, Pete joined the office of the late Melvin Price of Illinois as a legislative intern. Pete rose through the ranks quickly and then served as Mel's administrative assistant for 11 years. Epitomizing Chairman Price's style of hiring good staff and giving them wide latitude, Pete virtually ran the office, including Mr. Price's district politics.

For a time, many observers expected Pete to succeed Mr. Price. We understand at one point, as the archetypal congressional staff member, he considered doing so. But, there was no certainty as to when Mr. Price would step down, or, if the Illinois Democrats would support him under any other scenario. Apparently, the thought of cooling his heels in East St. Louis indefinitely did not appeal to Pete. Pete never did return to Illinois.

In November 1976, Pete was drafted onto the committee staff where he was assigned to the Military Construction Subcommittee. Under the subcommittee chairmanship of Lou Nedzi, Pete played a major role in countless MILCON initiatives, many of which we take for granted today. For example, Pete oversaw the upgrade of nuclear weapons storage sites in Europe; the construction of two new Trident submarine bases; the construction of the space shuttle facilities at Vandenburg AFB and Cape Canaveral; the reopening of Fort Stewart and Fort Polk; and the construction of our facilities at Diego Garcia.

With Subcommittee Chairman Jack Brinkley, Pete oversaw the construction of many of our Rapid Deployment Force facilities in Egypt, Morocco and Oman. These facilities are currently supporting the deployment of our forces in Operation Desert Shield.

Finally, under the stewardship of Chairman RON DELLUMS, Pete was involved in improving the quality of life for our soldiers, sailors, airmen and marines.

It was during Pete's years on the MILCON Subcommittee where he earned an almost biblical reputation for fairness with the members.

In 1984, Pete joined the Procurement and Military Nuclear Systems Subcommittee working first for Sam Stratton and then for me. During this time, Pete participated in the oversight of numerous critical acquisition programs. His role in the committee's investigation of the MX missile, the B–1 bomber and most recently the B–2 bomber is legend. Pete was also instrumental in NATO issues. He played an important part in the debates concerning binary chemical weapons and supported the committee's role in the North Atlantic Assembly.

Pete's keen native intelligence, good sense of humor and willingness to make personal sacrifices made his assistance most welcome on any project. It is little wonder that over the years every staff director turned to Pete in difficult circumstances.

On behalf of the Armed Services Committee, the House of Representatives, and the Nation, I want to express our sincere appreciation to Peter Scrivner for his selfless dedication, loyalty, professionalism, and the great contributions he has made to the security of this Nation. We wish him well in his new career.

BAKEHOUSE ARTS COMPLEX: FOURTH ANNIVERSARY CELEBRATION AND OPEN HOUSE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on Sunday, February 10, 1991, the Bakehouse Arts Complex, south Florida's largest working visual arts colony, will be celebrating its fourth anniversary. For 4 years, this struggling arts center has provided a home to over 150 of the area's most recognized and emerging artists as well as the Miami Jewelry Institute, "M" Ensemble, Threshold Gallery, Miami, Chapter of Women's Caucus for Art, and Dade County's largest Haitian artists group. This year, they all have much to celebrate.

The 3.2-acre complex now contains 32,000 square feet of studios, classrooms, meeting rooms, and a theater. An open house is conducted every second Sunday of the month to preview the work of those who create—on all types of mediums.

At the conclusion of the gala preview, the gourmet barbecue will aid in funding the third year of the summer hands-on art programs for neighborhood children at risk. This program helps to channel the energies of talented young artists—many of whom from minority groups may be involved with street graffiti gangs—into constructive creativity.

In addition to the summer programs for children at risk, the Bakehouse offers the community a number of hands-on programs. Classes include ceramics, painting, and printmaking. Whether it is conducting tours for community groups, or career days and cultural art days, at local public and private Dade County schools, Bakehouse artists consistently share their talents with the community.

Mr. Speaker, I congratulate all the Bakehouse artists for enriching our community as they do. My special thanks go out to: Helene M. Pancoast, founder and acting director; Faith Atlass, founder; Harriet Rosso, business manager; Sylvia Shaw, bookkeeper; Donna Wilt Sperow, administrative assistant; Maggie Davis, Claire Garrett, and R. Weston Keane, artist committee chairpersons; Davis Packer, educational programs director; Ellen Kempler Rosen, Summer Arts Program director; Jack Hopkins, Joseph Gedeon, Norma Newman, and Connie Renauld, Bakehouse Artists Exhibition Committee.

IN CELEBRATION OF THE CHINESE NEW YEAR

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. GREEN of New York. Mr. Speaker, as my congressional district includes the area of Chinatown in New York City, I am honored to announce that Friday, February 15 marks the beginning of the Chinese New Year. The Chinese year 4689 is the year of the sheep, elegant, creative and passionate.

For the Chinese, the new year is characterized as a time of kindness and goodness to all. "Hear no evil, think no evil, speak no evil," is the dominant theme.

The Chinese New Year is celebrated on the first day of the first month of the lunar calendar. Preparations begin, however, on the 24th day of the 12th Moon, 7 days before the actual new year. Those last few days of the year are set aside for cleaning house, settling debts, and putting aside disputes.

The Chinese community of New York is a source of immense pride to our city, and brings enrichment to the lives of all New Yorkers. It brings me great pleasure, therefore, to join my colleagues in extending my best wishes for a prosperous new year to the Chinese community of New York City and worldwide.

RAMSEY CLARK: TIME FOR SOME TRUTH-IN-PACKAGING

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. BROOMFIELD. Mr. Speaker, it appears that Ramsey Clark, the Ambassador from Greenwich Village, is on another mission to meet with Saddam Hussein.

It is time for a little truth-in-packaging. Being on a mission implies you are being sent by someone. Mr. Clark has not held public office in 22 years. He has no constituency, other than the occasional reporter who is kind enough to give him a little publicity.

Saddam is looking for signs that America is turning against the President. The danger is that the Iraqi leader will take Mr. Clark's mission seriously. That would only prolong the war.

Saddam should know that the American people are fully behind the President and will not back down until Iraq's brutal armed forces are nowhere to be found in Kuwait.

IMPORT SANCTIONS FOR FOREIGN FIRMS FURTHERING NUCLEAR PROLIFERATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. STARK. Mr. Speaker, we are presently engaged in an extremely costly form of nuclear nonproliferation. We have dealt Saddam Hussein a setback to his nuclear weapons program, just as the Israelis did when they bombed the Osiraq reactor in 1981. But are we ready to go to such great lengths again if and when Iraq resumes its efforts, or when other terrorist states such as Iran, Libya, or Syria reach the threshold of a nuclear capability?

Nuclear proliferation is the nightmare of the 1990's; there is no greater threat to our national security. Imagine if Saddam had the bomb. Under such circumstances would we be willing to attack him at all? It would take only one missile or aircraft evading our defenses, and that would be the end of Tel Aviv. More frightening still, Saddam could use his terrorist agents to plant a bomb in New York City or right here in Washington, DC. He could blackmail us into doing almost anything; would we want to call his bluff?

There is no question that we must act now and make nuclear nonproliferation our highest priority. We know from intelligence as well as extensive published reports that Saddam was following the model Pakistan used to build nuclear weapons: A high-speed centrifuge plant for enriching uranium, using equipment, materials, and technology supplied from Western countries. It took 15 years, but the model worked for Pakistan. Today Islamabad can produce enough enriched uranium to build a nuclear weapon. In a few years, they will have an arsenal. Iraq was perhaps 5 years away when Operation Desert Storm started. How much damage we have done to their program is difficult to tell, but we know that, at present, much of the Iraqis' nuclear weapons program rests in their understanding of the technology involved. We can be certain they have blueprints and other weapons design information stored on computer disks hidden safely away, far from their nuclear facilities.

Iraq is, of course, not the only country we need to worry about. Over the last decade, hundreds of Western European companies have supplied crucial items to the nuclear weapons programs in Pakistan, India, Brazil, Argentina, and South Africa in addition to Baghdad. Some of these countries are of less concern now, but new ones will come along. Assad and Khadafi will not want to be left out of the nuclear-terrorism club.

There are a number of ways we can address these concerns. A comprehensive test ban would greatly strengthen the nuclear nonproliferation regime, as would greater support for the International Atomic Energy Agency. I will speak more about these areas in the coming weeks.

But first we must do something to stop Western companies from continuing to assist the nuclear programs in developing countries all over the world. Without German help, Pakistan would not have a bomb today and Iraq would not even have a program. It's not only the Germans, of course. The Swiss, Austrians, French, Italians, and others have contributed their part as well. Our allies simply have got to tighten their export controls.

Today, my colleague Mr. PENNY and I are introducing legislation that will help prod them in the right direction. Under this bill, any foreign firm that the President determines has contributed to another country's nuclear weapons program will have its imports barred from the United States. We have to hit these proliferation profiteers in the only place they care about—the bottom line.

I introduced similar legislation last fall. It has since been altered to make it more closely correspond to the missile technology sanctions passed as part of the defense authorization bill last fall.

Mr. Speaker, I hope we can move quicky with this legislation. If we do not, it is only a matter of time before dictators like Saddam Hussein are threatening the civilized world with the ultimate weapon.

The text of the bill follows:

H.R. —

Be it enacted in the Senate and House of Representatives of the United States of America assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Non-Proliferation Enforcement Act of 1991".

SEC. 2. IMPOSITION OF SANCTION.

(a) BASIS FOR SANCTION.—The President shall impose the sanction set forth in subsection (c) on a foreign person if the President determines that such foreign person knowingly—

(1)(A) exports, transfers, or is otherwise engaged in the trade of any nuclear materials and equipment or nuclear technology—

(i) which violates paragraph (4) of section 127 of the Atomic Energy Act of 1954 (42 U.S.C. 2156(4));

(ii) which fails to meet all the criteria set forth in section 127 of the Atomic Energy Act of 1954, except that for purposes of this clause references in paragraphs (4) and (5) of such section to the United States shall be deemed to refer to the exporting country; or

(iii) to any non-nuclear-weapon state that does not meet the requirements of non-nuclear-weapon states that are set forth in section 104(d) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3223(d)); or

(B) has knowingly or materially contributed—

(i) through the export, transfer, or other engagement in the trade of any goods or technology that are subject to the jurisidiction of the United States and controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes, or

(ii) through the export, transfer, or other engagement in the trade of any goods or technology that would be, if they were subject to the jurisdiction of the United States, controlled under the Export Administration Act of 1979 pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, because of their significance for nuclear explosive purposes.

to the efforts by any foreign country described in subsection (b) to use, develop, produce, stockpile, or otherwise acquire nuclear weapons; or

(2) conspires or attempts to engage in or knowingly assists in an export, or in a transfer or trade, described in paragraph (1).

(b) COUNTRIES RECEIVING ASSISTANCE.—The countries referred to in subsection (a)(1)(B) are—

(1) any non-nuclear-weapon state that the President determines has, at any time after January 1, 1980—

(A) used a nuclear weapon;

(B) tested a nuclear weapon;

(C) produced a nuclear weapon; or

(D) made substantial preparations to engage in any activity described in subparagraph (A), (B), or (C);

(2) any foreign country which has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons and concluded an agreement with the International Atomic Energy Agency for the application of International Atomic Energy Agency safeguards on all the country's nuclear facilities;

(3) any foreign country which has violated such an agreement with the International Atomic Energy Agency relating to safeguards; and

(4) any foreign country whose government is determined for purposes of section 6(j) of the Export Administration Act of 1979 to be a government that has repeatedly provided support for international terrorism.

(c) SANCTION.—The sanction which applies to a foreign person under subsection (a) is that the President shall prohibit, for a period of at least 2 years, the entry into the customs territory of the United States of any article that is the growth, product, or manufacture of that foreign person.

(d) EXTENSION OF SANCTION TO OTHER ENTITIES.—The President shall impose the sanction imposed on a foreign person under this section on any other entity that controls, is controlled by, or is under common control with, that foreign person.

SEC. 3. ANNUAL DETERMINATIONS BY THE PRESIDENT; APPEAL OF DETERMINATIONS.

(a) DETERMINATIONS.—The President shall, at least once each year, determine which, if any, foreign persons have carried out acts described in paragraphs (1) and (2) of section 2(a). The President shall publish all such determinations in the Federal Register. The President shall impose the sanction required by section 2 upon making such determination.

(b) APPEALS.—Any person who the President determines has carried out any act described in paragraph (1) or (2) of section 2(a), may obtain review of the determination by filing an appeal, within 60 days after the determination is published in the Federal Register, in the United States Court of International Trade, which shall have jurisdiction to review such determination.

SEC. 4. EFFECT OF ENFORCEMENT ACTIONS BY OTHER COUNTRIES.

The sanction set forth in section 2 may not be imposed under such section on a foreign person with respect to acts described in paragraph (1) or (2) of section 2(a), and any such sanction that is in effect against a foreign person on account of such acts shall be terminated, if—

(1) the country from which the export, transfer, or other act originates has in effect laws restricting the export, transfer, or other activity in a manner substantially similar to the restrictions imposed by United States laws or regulations on such exports, transfers, or other acts,

(2) the foreign person is subject to those laws, and

(3) the country has imposed on that foreign person the appropriate penalties pursuant to those laws.

SEC. 5. ADVISORY OPINIONS.

The President may, upon the request of any person, issue an advisory opinion to that person of whether a proposed activity by that person would subject that person to the sanction under section 2. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanction, and any person who thereafter engages in such activity, may not be made subject to such sanction on account of such activity.

SEC. 6. WAIVER AND REPORT TO CONGRESS.

(a) WAIVER.—In any case other than one in which an advisory opinion has been issued under section 5 stating that a proposed activity would not subject a person to the sanction under section 2, the President may waive the application of section 2 to a foreign person if the President determines that such waiver is essential to the national security of the United States.

(b) REPORT TO CONGRESS.—In the event that the President decides to apply the waiver described in subsection (a), the President shall so notify the Congress not less than 20 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver.

SEC. 7. ADDITIONAL WAIVER.

The President may waive the imposition of the sanction under section 2 on a person with respect to a product or service if the President certifies to the Congress that—

(1) the product or service is essential to the national security of the United States; and

(2) such person is a sole source supplier of the product or service, the product or service is not available from any alternative reliable supplier, and the need for the product or service cannot be met in a timely manner by improved manufacturing processes or technological developments.

SEC. 8. EXCEPTIONS.

The President shall not apply the sanction under section 2—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines that the person to which the sanction would be applied is a sole source supplier of the defense articles and services, that the defense articles or services are essential to the national security of the United States, and that alternative sources are not readily or reasonably available; or

(C) if the President determines that such articles or services are essential to the national security of the United States under defense coproduction agreements or NATO Programs of Cooperation;

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction; or

(3) to—

(A) spare parts,

(B) component parts, but not finished products, essential to United States products or production,

(C) routine services and maintenance of products, to the extent that alternative sources are not readily or reasonably available, or

(D) information and technology essential to United States products or production.

SEC. 9. PETITIONS BY INTERESTED PERSONS.

(a) FILING OF PETITIONS.—Any United States person may file a petition, in accordance with regulations issued by the President, requesting that an investigation be conducted to determine whether sanctions are warranted under section 2.

(b) ACTIONS ON PETITIONS.—The President shall conduct an investigation pursuant to a petition filed under subsection (a) if, on the basis of facts set forth in the petition, the President determines that there is a reasonable basis to believe that a foreign person has engaged in any act described in paragraph (1) or (2) of section 2(a).

(c) PETITION DETERMINATIONS.—The President shall, within 20 days after receiving a petition under subsection (a), determine whether to conduct an investigation pursuant to the petition, notify the petitioner of the determination, and publish the determination in the Federal Register, together with the reasons for the determination.

(d) APPEALS.—A person filing a petition under subsection (a) may appeal a determination of the President on the petition by bringing an action for review of the determination in an appropriate United States district court. The court shall review the determination in accordance with section 706 of title 5, United States Code.

SEC. 10. DEFINITIONS.

As used in this Act—

(1) the term "non-nuclear-weapon state" means a non-nuclear-weapon state within the meaning of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, D.C., London, and Moscow on July 1, 1968;

(2) the term "nuclear materials and equipment" has the meaning given that term in section 4(4) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(4));

(3) the term "nuclear technology" means sensitive nuclear technology (as that term is defined in section 4(6) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3203(6))) and Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y));

(4) the term "foreign person" means any person other than a United States person;

(5) the term "United States person" has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2));

(6) the term "person" means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, and any successor of any such entity; and

(7) the terms "otherwise engaged in the trade of" and "other engagement in the trade of" mean, with respect to a particular export or transfer, to be a freight forwarder or designated exporting agent, or a consignee or end user of the item to be exported or transferred.

SEC 11. REGULATORY AUTHORITY.

The President may issue such regulations and orders as are necessary to carry out this Act.

A TRIBUTE TO MR. GEORGE T. SCHMINCKE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor a man who has served the people of Anne Arundel County, MD, for 20 years. Mr. George T. Schmincke is a man who has worked diligently and has done so quietly, preferring to accomplish his goals without the fanfare that many others seek in return for their service. In my estimation it is this type of man, a man who seeks to serve without craving public praise, that is truly most deserving of that praise.

Mr. Schmincke began his service to the public in World War II when he served in the U.S. Navy. Through the course of his military career he received a European Ribbon, an American Ribbon, and a Pacific Ribbon with two stars. Twenty years ago, he began active participation with the Anne Arundel Democratic Party. During this time he served in various positions including a member of the Democratic Central Committee of Anne Arundel County from 1974 to 1978, and for 3 years he was chairman of this committee. In 1977 the citizens of the 32d district elected him to the Maryland House of Delegates, and there he served until stepping down in 1990.

Mr. Schmincke is actively involved in a series of community groups which include the Elks, the Knights of Columbus, and the American Legion. He also serves as the president of the Citizen's Democratic Club. For all of these contributions to the citizens of the Anne Arundel community and for his years of unwavering service, Mr. Schmincke truly deserves our praise and thanks.

THE REINTRODUCTION OF A BILL TO MOVE THE COUNTIES OF CULPEPER, LOUISA, AND ORANGE FROM THE EASTERN JUDICIAL DISTRICT OF VIRGINIA TO THE WESTERN JUDICIAL DISTRICT

HON. D. FRENCH SLAUGHTER, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. SLAUGHTER of Virginia. Mr. Speaker, I rise today to reintroduce a bill which will enhance the access to the Federal courts for some 70,000 residents of the Seventh Congressional District of Virginia. Specifically, the bill will move the counties of Culpeper, Louisa, and Orange from the eastern judicial district of Virginia to the western district of Virginia.

Currently, litigants and lawyers are required to travel some distance to Alexandria or Richmond to access the Federal court. In light of the distance required to attend court, and the traffic and parking problems associated with such travel, there exists a reluctance to use the Federal court. Since these counties, once moved, would be assigned to the Charlottesville division of the western district, travel to a Federal court will be more convenient thereby enhancing utilization of the court.

The bill has the support of the bar associations of the three counties as well as the chief judge of the western district and the resident judge in Charlottesville.

I first introduced the bill late in the 101st Congress, and therefore the House was unable to consider it in the short time which remained in the Congress. However, I look forward to working with the Judiciary Committee to move this bill to enactment and provide the relief necessary for the people of Culpeper, Louisa, and Orange.

A CENTENNIAL TRIBUTE TO THE ARROWHEAD UNITED WAY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a wonderful celebration on February 15 marking the 100th anniversary of the Arrowhead United Way. This gala provides an opportunity to rejoice in the volunteer spirit that has long been a part of the United Way.

For years, people have joined together to help each other and to strengthen our communities. Our deeply rooted spirit of caring—of neighbor helping neighbor—has become a community trademark and indeed, an American way of life. For 100 years, the Arrowhead United Way has exemplified this spirit of community volunteerism in southern California.

Arrowhead United Way has been a contributing force from its first community-wide fundraising campaign by the Associated Charities of San Bernardino [ACSB] in 1891. Today, more than 30 communities in the San Bernardino Valley and Mountain Area raise funds for 58 caring agencies and assisting literally thousands of people in need. The United Way allows volunteers from all walks of life to address and solve community problems.

The Arrowhead United Way has evolved over the years from the ACSB to the Community Chest in 1922, the War Chest during World War II, and the Bernardino Community Chest and Council in 1954. In 1957, the Arrowhead United Fund [AUF] was born. The AUF consolidated the Community Chest group and 14 other agencies and incorporated seven surrounding communities. That same year, the AUF more than doubled the amount raised by the Community Chest.

In 1966, the AUF consolidated with the Arrowhead Social Planning Council, Valley Volunteer Bureau and Health Foundation to form United Community Services [UCS] of the Arrowhead area. The first million dollar campaign was achieved in 1970.

This phenomenal growth in community-based volunteerism has continued over the years. The Big Bear Valley and Morongo Basin Councils were established in 1977 increasing the number of agencies to 43. By 1983, 51 agencies were conducting 130 funded programs. A year later, Arrowhead United Way achieved its first $2 million campaign. Today, 139 programs are being funded through 58 member agencies and the fundraising goal is now $3 million.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the wonderful work and caring spirit of the Arrowhead United Way. For 100 years, the Arrowhead United Way has been a leader in garnering community spirit and providing for the many needs of our citizens. It is only fitting that we pay tribute to the many men and women who make this valuable work possible.

TRIBUTE TO JAMES C. WATERS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. ASPIN. Mr. Speaker, I want to take this opportunity as chairman of the Committee on Armed Services to express a warm farewell to Mr. James C. Waters, an extremely capable staff member. For over 36 years, the American people have benefited from Jim's dedicated public service until his retirement on December 31. Aside from enjoying an outstanding reputation for top-notch investigative work, Jim has proven to be invaluable to the committee in his role in oversight of nearly $22 billion in annual budget authority for the Air Force's operations and maintenance account, the lynch-pin of the Air Force's capability to respond to threats to our national security.

Jim came to the committee in 1980 well-qualified for the tasks he so energetically pursued. Jim graduated in 1958 from Hofstra University with a bachelor's degree in business administration. His educatiion was put to many tests as he worked with the General Accounting Office, the Senate Committee on Labor and Education, the House Agriculture Committee and the Surveys and Investigations Staff of the House Appropriations Committee. He participated in countless investigations including the Billie Sol Estes fraud cases of the 1960's and probes of union corruption. He was a key player in major investigations by the Armed Services Committee including the 1983 bombing of the Marine Corps barracks in Beirut, and the circumstances surrounding the movement of President Ferdinand Marcos from the Philippines to the United States.

We have had the benefit of Jim's talent and hard work on many other issues critical to our national security, including oversight of the enormous defense supply and logistics system and the base operations and logistics systems for the Armed Forces. It is in these areas where his knowledge, understanding, and genuine concern were most evident and often resulted in major defense management reform legislation. It is this day-to-day oversight of these areas that the public is most indebted to this devoted American.

Jim's intellect, sincerity, sense of humor and good fellowship have earned him the respect and affection of all the committee Members and staff colleagues.

The chairman, Members, and staff of the Committee on Armed Services are extremely grateful to Jim Waters for his contributions to the committee, the Congress and to the national security of the United States.

TRIBUTE TO THE EPILEPSY FOUNDATION OF SOUTH FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to share with you a truly disturbing fact. Today, more than 2 million Americans suffer from a diagnosed disorder of the central nervous system known as epilepsy and south Florida is no exception.

Epilepsy does not discriminate. The recurring seizures caused by this disorder which can strike any age group at any time have been a mystery to scientists for years. Recently, though, progress in research has defined a clearer picture for doctors in the field.

Thankfully, we in south Florida are fortunate to have an affiliate of the Epilepsy Foundation of America, the Epilepsy Foundation of South Florida [EFSF], as part of our community to help assuage the needs of those who could not otherwise obtain treatment and/or support. Founded in 1971, EFSF "is a nonprofit organization dedicated to enhancing the personal and social adjustment of individuals with epilepsy and their families," through medical services, education programs, support group and family assistance, rights advocation, and ensuring the community provides necessary support services. EFSF's two medical clinics, Children's Comprehensive Epilepsy Clinic at Miami Children's Hospital, and the Adult Comprehensive Epilepsy Clinic at Jackson Medical Towers provide low cost or free services to over 700 adults and children who could otherwise not afford treatment. They are funded through grants given to the foundation by the State of Florida's Department of Health and Rehabilitation Service and Dade County and they are staffed by University of Miami interns and fellows. It makes me proud to be a board member of such a rewarding cause.

On March 2, 1991, EFSF will be holding their Candlelight Ball and Auction at the Doral Beach Resort in Miami Beach, FL. The event will honor Wendle and Linda Ray—Robert Laidlaw Humanitarian Award, Debora Jeanne Saunders—Helping Heart Award, Jean Schomber—Gladys Wyatt Shining Light Award, Gail P. Ballweg, M.D.—Medical Service Award—and the Dade County Public Schools—Employer of the Year Award.

Mr. Speaker, I would like to recognize those people who make this organization possible. The officers include: Lewis B. Freedman, president; Barbara Carey, first vice-president; Don L. Bendar, second vice-president; Theodore Silver, secretary; and Enrique Lopez, treasurer. The members of the board include: Gail P. Ballweg, M.D., James Champion, Hon. John F. Cosgrove, Emily Cummings-Powel, Patricia Dean, RN,BSM,CNRN, Bruce Foreman, Ph.D., Lawrence S. Foreman, Mark Hirschberg, Valerie Jonas, Muriel Kaye, Michael Kosnitzky, Sheila Logue, Linda Lubin, Michael Mills, Peter McKinney, Robert Rochfort, VMD, Pat Rose, Ed Staffer, Richard Tonkinson, Andrew Tramont, and Hon. Carlos Valdes.

GREER SPRING

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. CLAY. Mr. Speaker, I have introduced legislation to enable the Federal Government to acquire one of Missouri's most spectacular natural sites, Greer Spring. H.R. 472 would amend the Wild and Scenic Rivers Act by changing its boundaries to include the entire 6,900-acre Greer Spring tract.

Greer Spring, in Oregon County, is Missouri's second largest spring, furnishing almost half of the water of the Eleven Point River. The nearly 7,000 acres of wild, natural land surrounding the spring has been in the ownership of the Dennig family for almost 100 years. The unspoiled natural beauty of the Greer Spring site makes it a genuine national treasure and worthy of Federal protection under the Wild and Scenic Rivers Act.

Prior to the passage of the Wild and Scenic Rivers Act, the entire Greer Spring tract was included by the Forest Service in the Eleven Point River Scenic Area. However, the subsequent enactment of the Wild and Scenic Rivers Act established certain acreage limitations which meant that only 2,500 acres of the Greer Spring tract could remain in the Eleven Point corridor. H.R. 472 will amend the Wild and Scenic Rivers Act to include the entire 6,900-acre tract in the Eleven Point Wild and Scenic River corridor, thus enabling the Forest Service to acquire the land.

For many years conservationists from across the southern Midwest have worked to insure that the Dennig family's legacy of protection for this land be continued for the benefit of future generations. Funding has already been appropriated from the Land and Water Conservation Fund to allow the Federal Government to acquire the Greer Spring tract and maintain it for public use and enjoyment.

In the last session of Congress, legislation was offered which would have allowed the Federal Government to acquire the Greer Spring site. However, most of the land would have been excluded from the Wild and Scenic River corridor and therefore would have been subject to commercial logging, road building, and mineral exploration. The owners of the property expressed concern that this legislation might result in the degradation of the scenic and natural values which have been so carefully preserved since the turn of the century. Because the owners were unwilling to sell this property on terms that would risk commercial exploitation, the legislation died in the 101st Congress and the future of Greer Spring remains in doubt.

H.R. 472 is offered as a compromise which satisfies the owner's concerns about continued environmental protections by placing the Greer Spring tract in the Wild and Scenic River corridor. At the same time, the standards for management of the property will be left to the discretion of the Forest Service, within the general limitations of the Wild and Scenic Rivers Act.

A CENTURY OF MUNICIPAL FINANCE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. GREEN of New York. Mr. Speaker, I should like to share with my colleagues the comments of my constituent, Glen R. Sergeon, managing director of Citibank Securities Markets, Inc. It is my hope that you find Mr. Sergeon's statement regarding the future of the municipal bond market of interest. The text of his remarks given before the panel, "A Century of Municipal Finance," follow:

STATEMENT BY MR. GLEN R. SERGEON

It's a pleasure, as a member of this panel, to have the opportunity to offer my view of the future of the municipal finance business.

To tackle that question, I decided to look at the municipal finance business as two parts.

First, there's the traditional business of municipal finance.

Second, there are the new derivative products. I'm speaking, of course, of interest rate swaps, caps, collars, and other innovative instruments.

I think you'll agree that traditional underwriting of municipal borrowings and the business of providing derivative products for financings are two very different activities.

In terms of predictions, the outlook for profitability in the traditional municipal finance business is not significantly different than today's markets for junk bonds, precious metals, or the thrift industry, except that our recession has lasted for four years, and no respite is in sight.

The providers of the traditional, relationship-driven services are fighting each other for business virtually every day.

In the competitive sector, they're battling for underwriting business that's marginally if at all profitable. Meanwhile, in the negotiated area, clients are often dictating the final compensation awarded to the winners.

That's hardly a healthy earnings outlook.

Our industry has been slow to correct for excess capacity. Those conducting the traditional business municipal finance are spending scarce capital on large expense bases, on which the returns are likely to remain poor for some time.

But there are reasons to be optimistic. The municipal finance industry appears to be moving quickly towards a modernization of some products and services.

This move is driving the expansion of the second segment of the municipal finance industry: Derivative products.

Derivatives have become the industry star. They offer a source of real, consistent profit. Naturally, everybody wants in.

But the risks in derivative products are considerable.

And by far, the most critical of these is the long-term, contractual risk assumed by entering into an ongoing relationship with a counterparty.

It is a risk that runs counter to much of our industry culture and standard operating procedure.

Typically, after satisfying current disclosure requirements, traditional underwriters may be able to overlook some poor management, or inadequate basic services, or bankrupt social policies of some state and local governments.

But as the merchant banking trend spreads into municipal finance, we must look much more closely at our customers and their long-term viability.

It's an assessment we must make if we are going to become their counterparties.

It will become the norm for a provider of derivatives to ask such basic questions as:

Are your streets safe?

Does your city's infrastructure support a high quality of life?

Can the average family send its children to your public schools?

If the answers are "No"—as all too often they are—then the viability of the municipality is questionable and access to the money-saving opportunities offered by derivative products will be limited.

As a result, municipalities that need the savings most may be least able to access them.

In short, as municipal finance firms act more-and-more like merchant bankers, they must look at an issuer counterparty with even greater scrutiny than an investor does.

The reason is obvious. An investor in bonds can revise his strategy and opt to sell. However, selling a tax-exempt swap is not so easy.

Issuers are also affected. In the traditional environment, a municipality sells bonds, collects its proceeds and pays its regular debt service.

But, complicated, long-term derivative financings require complicated, long-term contractual relationships.

These kinds of long-term relationships are prompting issuers to ask about us, too.

They ask about our LDC debt, our loans to highly leveraged corporations, and our real estate portfolio. That's a new experience for us.

In summary, this panel was assembled to predict the shape of the municipal market to come.

If we're talking about traditional municipal finance, the answer is an easy one.

As the recession in the traditional business continues, salaries will continue to fall, layoffs will continue to occur, and profits will be squeezed—until, eventually, some balance will return to the industry.

Derivative products represent the source of optimism for us. At Citicorp, we have centered our entire municipal finance effort around derivatives.

But the twin promise of derivative products:

A promise of profitability for the industry; and, a promise of cost savings for issuers; will only be realized by financially-sound counterparties who successfully identify and manage these new long-term risks.

THE MIDDLE EAST CRISIS AND THE FISCAL YEAR 1992 MILITARY BUDGET

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. FRANK of Massachusetts. Mr. Speaker, under the budget agreement adopted last year, there is no question about the flow of funds for the current military operation in the Persian Gulf. Whatever debate takes place on the policy aspects of that operation, the flow of funds which the military deems necessary for the mission it has been given is guaranteed by last year's budget agreement.

The problem that I and others see is the effort by some to use the current war in the gulf as a reason to reverse the policy on which we sensibly began last year of reducing military expenditures over the long haul. That is, there are two separate budgetary questions now facing us. One is the need to pay for Desert Storm. There is no debate in the Congress about the need to pay for it—we will differ among ourselves on how much of these funds should come from elsewhere in the Pentagon, and how vigorously the administration should be pressing our allies who are the beneficiaries of our military action. But no one is moving to deny funds for this effort, since it was authorized by majority votes of both Houses of Congress.

The serious military budgetary debate on which will be soon launched has to do with the great bulk of the military budget which has nothing to do with Desert Storm. And here there is a very grave danger that those who have always been advocates of excessive military spending will try to use Desert Storm in various ways to bolster their arguments. As of now, an examination of the facts lends no support to the argument that those of us who have been pushing for reductions in military spending during the 1980's were incorrect. Specifically, our criticisms of SDI, the MX, and Minuteman missiles, the stealth bomber and the placement of large American forces in Western Europe, Japan, and South Korea are wholly unaffected by what is going on in the gulf. The weapons that are proving useful in the gulf are not the weapons which many of us sought to strike from the budget during the 1980's. The fact that we have large numbers of troops in Western Europe and South Korea not only does not help our deployment into the gulf, it continues to hinder that deployment by competing for scarce resources of men and women and material. The troops we have stationed in Japan and South Korea make absolutely no contribution whatsoever to our concerns in the gulf—nor to anything else except the economies of Japan and South Korea.

Among the organizations that has done an excellent job in trying to draw necessary distinctions between the activities in the gulf and other questions involving the military budget is the Council for a Livable World. During the 1980's, I have been pleased to be able to work with the council in seeking to scale down excessive military spending, especially in the past couple of years when the demise of the international Communist military threat has been so clear. The council has recently issued a series of talking points which underlines the continued relevance of our insistence on reducing the great bulk of the military budget which was instituted to meet that Communist military threat, and I ask that some of these points be printed here.

THE MIDDLE EAST CRISIS AND THE FISCAL YEAR 1992 MILITARY BUDGET

SOME USEFUL TALKING POINTS

1. Under the 1990 budget agreement, the extra military costs associated with Desert Shield and Desert Storm will be counted in a budget category separate from the anticipated $291 billion Bush Administration military budget request.

2. The substantial portion of the military budget devoted to support NATO and to oppose the Soviet military threat can still be substantially reduced. The Pentagon estimated that up to 60 percent of its total budget—about $170-$180 billion—was oriented towards a European mission. While the Soviet Union has adopted more repressive intermal policies, the Warsaw Pact has collapsed as a military alliance and the two Germanies have united under the NATO banner.

3. The segment of the budget spent on strategic nuclear programs—some 12 percent to 15 percent—can be pared back. There is no reason to move to a new generation of land based strategic nuclear missiles. A B-2 stealth bomber at $865 million a copy makes no sense for a conventional role in third world contingencies. The F-117 stealth fighter/bomber, on the other hand, is already performing well. Brilliant Pebbles and other strategic defense initiative technologies are irrelevant to the Middle East.

4. The need to transport quickly personnel and supplies to the Middle East highlights the requirement to make policy choices within the military budget. It is evident that transport planes and fast-sealift ships have a critical role to play in third world conflicts. The Marine Corps pre-positioned ship have been a great success in the Middle East war. In general, though, the Pentagon has starved lift capacity in favor of more glamorous systems. Heavy weapons designed to counter the Soviet threat should be de-emphasized. Weapons choices should be redirected to systems easier to transport. The U.S. could build many ground support or fighter aircraft for the price of one super-sophisticated B-2 designed to evade Soviet air defenses (over 40 F-16 Falcons for the price of one B-2). Minesweepers have also been neglected.

5. The Pentagon should not use the Middle East crisis to evade the sound "fly before buy" management principle. Defense Secretary Cheney, to his credit, emphasized that concept to guide his decision to terminate the A-12 aircraft due to cost overruns and excessive concurrency between development and procurement and cost overruns. A weapons program suffering technical difficulities before the crisis should not be rushed ahead at a higher ultimate cost.

6. The federal budget deficit represents a grave national problem requiring further military budget cutbacks. Immediately before war broke out, the Administration estimated on January 7, 1991, that the federal budget deficit for fiscal year 1991 would climb to between $300 and $325 billion—excluding Desert Shielf and the Social Security surplus. The U.S. thus will have the largest deficit in history despite the painful budget agreement negotiated last year.

7. Protecting U.S. national security means more than spending money on Pentagon weapons programs. Helping Eastern Europen countries to make the transition from communism to democracy is a productive national security expenditure. So too would be renewing our economic competitiveness, nurturing the technology of the future, strengthening our health care and education systems, rebuilding the infrastructure of the country and adopting an energy policy to lessen our dependence on Middle East oil.

SOME IMPORTANT DISTINCTIONS TO MAKE

1. It is necessary to separate B-2 stealth bomber—unused in the Middle East—from F-117 stealth fighter/bomber heavily engaged in combat.

2. It is necessary to separate Patriot and Arrow anti-missile systems designed to destroy tactical or theater missiles from SDI, primary designed to build a nationwide defense against long-range missiles.

3. While conventionally-tipped Tomahawk sea-launched cruise missiles have been successfully used in the Middle East, the nuclear-tipped ones are irrelevant there and remain a danger to future arms control agreements.

WHAT SYSTEMS HAVE BEEN GIVEN A BOOST BY THE MIDDLE EAST WAR?

Smart weapons.

Patriot air-defense missiles, which have knocked down many scud missiles.

Conventionally armed sea-launched Tomahawk cruise missiles, which apparently were successfuly fired from ships early in the war.

Cargo aircraft and ships designed to move quickly troops and weapons to a trouble spot.

Pre-positioned ships.

Chemical weapons defensive clothing and equipment, antidotes, vaccines.

Intelligence satellites and other intelligence-gathering systems.

Electronic warfare planes designed to jam enemy radar and other communications, such as the Navy's EA-6B, the Air Force's EF-111A and the Air Force F-4G Wild Weasel.

WHAT SYSTEMS HAVE BEEN LEFT LAGGING IN THE CURRENT WAR?

The B-2 stealth bomber. Although the news media frequently confuse the stealth fighter F-117 with the B-2 bomber, they are different planes. The B-2 is designed to hit Soviet targets. It is noteworthy that the B-2's predecessor, the B-1 bomber, has not been used in the current conflict.

Other strategic nuclear weapons such as the MX rail garrison mobile system and the Midgetman fade into irrelevancy. Expensive nuclear weapons designed to deter a Soviet nuclear attack are becoming dinosaurs.

The troops and weapon systems deployed in Europe. While up to 70,000-90,000 American troops have been redeployed from Europe to the Middle East, there are still over 200,000 troops there and many weapons. Moreover, it may be the intention of the Pentagon to try to redeploy U.S. troops in Europe after the Middle East conflict is over.

While conventionally-tipped Tomahawk missiles have been successfully deployed, the U.S. could eliminate all nuclear-tipped Tomahawks.

Expensive new aircraft and ships, when a less expensive alternative may be to improve the current generation of platforms by adding upgraded electronics.

Troops and weapons in Japan, South Korea, and the Philippines.

A TRIBUTE TO MR. BILL HUGGINS

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to a man whose presence in the law enforcement community has been an asset to the State of Maryland for many years. Mr. Bill Huggins served as the sheriff of Anne Arundel County for 28 years and during that time developed a unique role for himself as a community leader.

Mr. Huggins has been an active and committed law enforcement officer. He is involved in many community organizations in the county. Statewide, his influence has been felt as the two time president and two time director of the Maryland State Sheriff's Association. Both he and his wife, a longstanding deputy, have long been known for their professionalism. From the onset of his tenure, Mr. Huggins has emphasized first class police officer training both for himself and for his officers.

When in 1980, Mr. Huggins was voted Sheriff of the Year in Maryland, it was not only because of his professionalism in law enforcement, but also for his leadership in the community. For example, he helped found the Maryland State Sheriff's Boy's Ranch and was one of its first contributors. Now, it is with great appreciation that I offer this tribute to Mr. Bill Huggins.

CITY OF MEMPHIS SUPPORTS THE PRESIDENT AND OUR TROOPS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. SUNDQUIST. Mr. Speaker, a few weeks ago we debated the crisis in the Persian Gulf and the very real issues of war and peace. This was not a debate limited to this Chamber and to these members. It was a debate engaged by citizens all across our land.

In my hometown of Memphis, TN, the city council debated the question and then voted unanimously to endorse a resolution offered by my friend, Councilman A.D. Allissandratos. It is a resolution supporting the President and supporting our troops in the gulf, and I request that it be entered into the CONGRESSIONAL RECORD.

CITY COUNCIL RESOLUTION

Whereas, in these last remaining hours of this Nation's emergency crisis and its fervent hope for peace, the City of Memphis must join with the Nation to go on record in support of President Bush and our military forces and his ultimatum of January 15, 1991, for Saddam Hussein to withdraw his military forces from the country of Kuwait to avoid military conflict in the Persian Gulf.

Now, therefore, be it resolved by the Council of the City of Memphis, That the Council go on record as condemning the acts of Saddam Hussein in the suppression of an independent nation, and wholeheartedly supporting President George Bush in the ultimate action which must be taken to free Kuwait from military aggression imposed by Iraqi forces of Saddam Hussein.

Be it further resolved, That the Memphis City Council does earnestly hope and pray for a peaceful solution to this crisis and for the quick and safe return of all American military forces.

Be it further resolved, That copies of this Resolution be forwarded to President George Bush; Secretary of State James Baker; Senators Jim Sasser and Albert Gore; and U.S. Representatives James H. Quillen, John J. Duncan, Jr., Marilyn Lloyd, Jim Cooper, Bob Clement, Bart Gordon, Don Sundquist, John Tanner, and Harold Ford, as the city's official record supporting such action.

THE CONGRESSIONAL PAY RESOLUTION ACT OF 1991

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. KYL. Mr. Speaker, I rise today to introduce the Congressional Pay Reduction Act of 1991.

Mr. Speaker, a year and a half ago the House of Representatives was faced with a choice between increasing its pay and enacting significant ethics reforms, or doing neither. The choice was all or nothing. Many of us ultimately voted for the package because we believed that the ethics reforms—the ban on honoraria and the repeal of the grandfather clause to name a few—were too important to lose. Still, we were uneasy about how much and how fast Members' pay rates were to be increased.

The legislation did defer the raise until after the election had intervened and the voters had had a chance to tell us whether or not we were worth it and should serve another term. Our constituents have since elected us with the knowledge of how each of us voted on the pay raise, and how much we would be making when this new session convened.

But, that does not mean they are not still mad, or that they are not demanding that the raise be repealed or reduced. The size of the raise continues to be troubling to them and to many in the House, particularly with the Federal budget deficit soaring out of control.

Congress not only needs to get serious about the deficit, but it also has to do its part. Rolling back a portion of the pay raise will force us to bear some of the same sacrifice we are asking of other Americans.

When the House originally took up the pay raise, and in the many months since then, many people asked why the raise had to be so large? Why could not we live with the same raises that Social Security recipients receive every year?

Mr. Speaker, that is what I am proposing today, that we roll back the pay raise for Members of the House to the levels that would apply had the Congress received the same COLA as Social Security recipients since 1980. Had the Social Security COLA applied, House Members' pay would amount to $110,000—about $15,000 or 12 percent less than the $125,000 that was approved. I think that is fair.

The Congressional Pay Reduction Act will not affect the important ethics reforms that were enacted a year and a half ago and which were originally linked to the pay raise. The ethics reforms have to remain in place. I think the American people will demand no less.

I would note that the pay levels provided by my bill represent an adjustment for inflation, not a raise based on real or perceived merit. We should think of that only when the House has done its job with respect to the deficit.

Mr. Speaker, I insert the bill in the RECORD at this point, and I ask for my colleagues' support:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Pay Reduction Act of 1991".

SEC. 2. PAY REDUCTION.

(a) IN GENERAL.—Effective with respect to service performed during any pay period beginning after the 30th day following the date of the enactment of this Act, and until thereafter adjusted by or in accordance with law, the annual rate of pay for—

(1) a Member of or Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico, shall be **$110,000**;

(2) the majority leader and the minority leader of the House of Representatives shall be **$125,000**; and

(3) the Speaker of the House of Representatives shall be **$144,000**.

(b) HONORARIA AND RELATED MATTERS UNAFFECTED.—Nothing in subsection (a) shall be considered to constitute a repeal of any provision of section 703 of the Ethics Reform Act of 1989 for purposes of section 603 or section 804(f) of such Act.

INTRODUCTION OF THE GRAND CANYON PROTECTION ACT OF 1991

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. RHODES. Mr. Speaker, today I am introducing legislation similar to that passed but was not finalized by the House and Senate during the 101st Congress, to protect the resources of the Grand Canyon.

This is important legislation which Members of the Arizona congressional delegation helped to craft last year. My hope is the House Interior Committee will act quickly and separately on this legislation so it can be signed into law as soon as possible. The following is an analysis and explanation of the legislation.

GRAND CANYON PROTECTION ACT OF 1991
Section-By-Section Analysis/Explanation

Sec. 1. Provides that the short title of the bill is the "Grand Canyon Protection Act of 1991".

Sec. 2. Directs the Secretary of the Interior to operate Glen Canyon Dam and to exercise other authorities under existing law to protect, mitigate adverse impacts to, and improve the values for which Grand Canyon National Park and the Glen Canyon National Recreation Area were established, including natural and cultural resources.

The Secretary's actions would be undertaken in accordance with the additional criteria and operating plans specified in Section 4 and would be subject to and consistent with the Secretary's responsibility to fulfill allocations of Colorado River water, as set forth in the various compacts, treaties, laws, and decrees which comprise the "Law of the River". This bill is not intended to in any way affect the Secretary's existing authorities and responsibilities regarding Grand Canyon National Park and the Glen Canyon National Recreation Area, nor in any manner affect statutory provisions governing the management of those units of the National Park System.

The section affirms that the Secretary's responsibilities for water storage, allocation, and delivery under the Law of the River are primary responsibilities and control the Secretary's actions under this legislation.

Although the primary purpose of this legislation is to affect changes in the operations of Glen Canyon Dam, the bill acknowledges that the Secretary may "exercise other authorities under existing law" and that he may consider and implement nonoperational measures to mitigate downstream effects of Glen Canyon Dam power operations.

Sec. 3. Directs the Secretary to develop an interim power operating plan and implement it as soon as the current research flow program is completed, but not later than September 1, 1991.

Throughout this Section, the phrase "minimize to the extent reasonably possible" appears. This wording is intended to provide a "reasonableness" test to any action the Secretary may take to "minimize" the adverse impacts of the power operations.

Sec. 4. Directs the Secretary to complete the Glen Canyon Dam Environmental Impact Statement (EIS) within three years, and directs the Comptroller General of the United States to audit the costs and benefits of various alternative management policies and operational procedures identified in the EIS.

Subsection (c) directs the Secretary to adopt criteria and prepare annual plans, separate from and in addition to those described in section 602(b) of the Colorado River Basin Project Act of 1968, that will, together with the exercise of authorities under existing law to ensure that Glen Canyon Dam is operated to protect downstream resources, consistent with the water supply and storage requirements identified earlier in the bill.

Subsection (d) requires the Secretary to submit to Congress, the EIS and a report describing the additional operating criteria and other reasonable mitigation measures taken to protect downstream resources.

Sec. 5. Directs the Secretary to prepare a long-term monitoring and research program to determine the effects of Glen Canyon Dam operations and other measures taken by the Secretary, pursuant to this legislation, on the downstream resources of Grand Canyon National Park and the Glen Canyon National Recreational Area.

Sec. 6. Is a savings clause to affirm that nothing in this legislation is intended to affect in any way the allocations of water secured to the Colorado River Basin States by the Law of the River. Nor does this bill in any way affect any federal environmental law, including the Endangered Species Act (ESA), as amended, and the National Environmental Policy Act (NEPA).

Sec. 7. Provides that the Secretary shall consider to be non-reimbursable, the costs of the EIS, including the purchase of replacement energy necessitated by the research flows, and the costs of the long-term monitoring program. The Secretary is authorized, however, to use power revenues to pay such costs, but he must first credit those revenues against CRSP power customers' repayment obligations.

This section does not provide that increased power costs, if any, which may follow implementation of the criteria promulgated under Section 4, will be considered non-reimbursable, nor does this section apply to costs associated with the Glen Canyon Environmental Studies (GCES), Phase I.

Sec. 8. Authorizes such sums as are necessary to carry out the provisions of this Act.

ADDITIONAL DISCUSSION OF SECTION 7 NON-REIMBURSABLE COSTS

Section 7 attempts to share the cost burdens of the environmental research and long-term monitoring programs the bill sets in place;

Power customers are not the only beneficiaries of the Glen Canyon Dam; thus, power customers should not be asked to pay the full burden, as the bill without Section 7 would do.

The EIS imposed on the operations of Glen Canyon Dam is a national mandate, the costs of which should be shared by everyone—not power customers alone.

Section 7 asks only for broader support for paying for the EIS and the long-term monitoring provisions.

All that is made non-reimbursable are the costs of the EIS, including supporting studies, the additional power costs during the Research Phase which is now underway, and the costs of the long-term monitoring.

Power customers have already paid for the nearly $7 million cost of the Glen Canyon Environmental Studies (GCES) since 1982.

Power customers will pay for additional power costs incurred during the interim flow period and for the purchase power costs that are likely to result after the EIS is completed.

Power revenues will be used to pay for the environmental costs mandated by the bill, but the Secretary is required to first credit those revenues against the power users' capital repayment obligations.

WHAT SECTION 7 DOES NOT DO:

It does not require the BuRec to get an appropriation of funds to continue the EIS or the underlying studies. To assure a timely and adequate source of funds, the bill authorizes the use of power revenues, but specifies that those revenues must first be credited against the power users' repayment obligation. There will be no delay in getting the funds needed for the EIS or the research programs. Power interests want these studies to stay on schedule and are willing to support the use of credited power revenues for this purpose.

(The House of Representatives approved a similar crediting of power revenues before they were used for environmental mitigation purposes associated with the Central Utah Project.)

It does not require an appropriation of funds for the long-term monitoring and research program that will continue after the EIS is completed. Again, power interests are willing to support the use of credited power revenues for this purpose.

It does not relieve power users of the costs of the GCES Phase I studies. Those studies have resulted in costs of over $7 million and have already been paid by power customers and will remain as a cost to power users.

It does not relieve power users of replacement power costs necessitated by interim flows. The interim flow regime mandated during the EIS will require the Western Area Power Administration (WAPA) to purchase more costly replacement power, the costs of which will be borne by power users.

It does not relieve power users of replacement power costs that are likely to result from changes in power operations at Glen Canyon Dam. Those changes will require WAPA to purchase more costly replacement power, the costs of which will be passed on to power users.

SECURITIES REGULATORY EQUALITY ACT OF 1991

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. DINGELL. Mr. Speaker, today Mr. LENT, Mr. MARKEY, Mr. RINALDO and I are introducing the Securities Regulatory Equality Act of 1991 to amend the Federal securities laws to equalize the regulatory treatment of participants in the securities industry. I am authorized to say on their behalf that the leadership of the Committee on Energy and Commerce intends that this legislation provide a strong and responsible framework for functional regulation to strengthen taxpayer and investor protections in the wake of recent decisions allowing banks to expand their securities activities. This legislation is a priority.

Our bill would require banks engaging in securities activities to place those activities in a separate affiliate, which would register with the Securities and Exchange Commission as a broker-dealer and be subject to securities laws and regulations just like any other participant in the Securities business. It would also repeal anachronistic exemptions from SEC registration and reporting enjoyed by banks.

In 1933, when the Federal securities laws and the National Banking Act were passed, the latter excluded banks from the securities business, with the exception of certain very limited activity incidental to the banks' traditional trust activities. Therefore, regulatory coverage of banks under the Federal securities laws was deemed unnecessary, with the exception of the antifraud provisions. Erosion of the legal barriers between the two industries has rendered this lack of regulatory coverage contrary to the public interest.

The Federal Reserve Board's orders authorizing J.P. Morgan, Bankers Trust Co., Royal Bank of Canada, and Canadian Imperial Bank of Commerce to underwrite equity securities, and modifying the operative firewalls based on bank competition, convenience and efficiency rather than safety and soundness—see September 1989 order, p. 14—underscore the degree to which Congress has taken a back seat in the setting of this Nation's financial services policy. Irrespective of whether comprehensive reform occurs in the immediate future, we must recognize that the securities powers granted by the banking regulators require the immediate imposition of statutory safeguards to avert harm to investors and cost to taxpayers.

The impromptu acts of the regulators have been at odds with sound public policy and have needlessly exposed our system of federal deposit insurance to additional risks. By allowing certain securities activities to be conducted within the depository institution, they have in effect exposed the bank—and, by extension, the insurance fund—to the risks of the securities business. At the time of record losses in the securities industry, record bank failures, and uncertainty about the application of the "too big to fail" doctrine, the status quo has become unacceptably risky to the American public.

Although banks have dramatically expanded their brokerage activities and are poised to enter more fully the investment advice arena, the Securities and Exchange Commission is presently powerless to regulate them as either broker-dealers or investment advisers. Right now, neither banks nor S&L's have to register as such with the SEC. They are also exempted from the registration and reporting requirements of the Federal securities laws when they offer their own securities to the public. Finally, they are not subject to the sales practice rules that are critical to the protection of investors. Clearly, the securities activities of banks fall between the cracks in our regulatory system. That is of particular concern when taxpayers confront a $500 billion tab for the savings and loan crisis, thanks largely to inadequate regulation.

The lack of proper regulation not only causes substantial potential regulatory disparities, but presents grave potential danger to investors, who may well assume that a security sold to them by a bank is federally insured. S&L organizations such as Lincoln Savings and Loan and its parent, American Continental [ACC], actively exploited this confusion. Lincoln employees sold junk bonds in its parent company to unsuspecting depositors who assumed or were misled into believing that the bonds were insured or that they were safe because they were sold by an insured institution. Many of those depositors were elderly retirees who placed their entire life savings in these now worthless bonds on that mistaken assumption. The SEC did not have authority to prohibit the sale of ACC securities on the premises of Lincoln because the persons engaging in the sales effort were not required to register as brokers under the Exchange Act. Our bill will end that regulatory gap. It is our hope that we are never again in the position where regulatory failures cost the public so dearly.

I encourage my colleagues to support this legislation when we bring it to the floor of the House.

DESCRIPTION OF THE LEGISLATION

TITLE I—REGULATION OF SECURITIES ACTIVITIES OF DEPOSITORY INSTITUTIONS

Part A—Broker-dealer provisions

Section 101 (Definition of Broker) amends the definition of "broker" in section 3(a)(4) of the Securities Exchange Act of 1934 (Exchange Act) to include banks, with certain specified exceptions. A bank that falls within the definition of "broker" would have to conduct its brokerage activities in a nonbank subsidiary or affiliate, registered with the Securities and Exchange Commission (SEC) and subject to SEC regulation (see section 104) unless otherwise exempted (see sections 103 and 104).

There are two important exceptions. Activities falling within the exceptions could still be conducted in the bank subject to regulation by the appropriate bank regulator. These exceptions permit: (1) most fiduciary securities activities, if the bank does not publicly solicit brokerage business or receive commissions or similar transaction-based compensation (excluding fees calculated as a percentage of assets under management); and (2) transactions in exempted securities (other than municipal securities), commercial paper, bankers' acceptances, and commercial bills.

Section 102 (Definition of Dealer) amends the definition of "dealer" in section 3(a)(5) of the Exchange Act to include banks, with certain specified exceptions. The initial exception is for a person who purchases and sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business. This restates existing law. Two additional exceptions are added: (1) a bank that purchases and sells commercial paper, bankers' acceptances, commercial bills, or exempted securities other than municipal securities; and (2) a bank that purchases and sells securities for investment purposes for the bank or for accounts in which the bank, acting as trustee, is authorized to determine the securities to be purchased or sold.

Section 103 (Power to Exempt from the Definition of Broker and Dealer) amends section 3 of the Exchange Act to add a new subsection (e) authorizing the SEC to exempt any person or class of persons, conditionally or unconditionally, from the definitions of "broker" or "dealer" if such exemption would be consistent with the public interest, the protection of investors, and the purposes of this title.

Section 104 (Bank Securities Activities in a Separate Corporate Entity) amends the general registration requirement for brokers and dealers under section 15(a) of the Exchange Act to prohibit a bank from becoming a broker or dealer, except on an exclusively intrastate basis. This change is intended to require banks that come under the revised definitions of "broker" or "dealer" in the Exchange Act to create a separate affiliate or subsidiary to perform these securities activities. The SEC, consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt any broker or dealer or class of broker or dealers from this requirement or the general registration requirement.

Part B—Bank-investment company activities

Section 111 (Custody of Investment Company Assets By Affiliated Banks) amends sections 17(f) and 26(a)(1) of the Investment Company Act to clarify and strengthen the SEC's authority to adopt regulations governing the conditions under which banks may serve as custodians of affiliated mutual funds or unit investment trusts. Specifically, a registered investment company is permitted to place its assets with a bank that is an affiliated person of such a company only if expressly permitted by rules, regulations, or orders that their SEC may adopt consistent with the protection of investors. Without this provision, as bank could cause its affiliated mutual fund to select the bank as the fund's custodian, thereby depriving the fund of an independent custodian and creating the potential for abuse and self-dealing.

Section 111 makes a similar amendment to section 26(a)(1) where a bank affiliated with a unit investment trust seeks to serve as its trustee.

Section 112 (Affiliated Persons and Transactions) amends section 2(a)(3) of the Investment Company Act to add to the definition of "affiliated person" a new clause (G). Under this clause, the Commission may, by order, rule, or regulation, designate any person or class of persons as "affiliated persons" of an investment company by reason of having had, at any time since the beginning of the last two completed fiscal years of such company, a material business or professional relationship with such company or with any person that is a principal underwriter for, or promoter or sponsor of, such company or any affiliated person of such company.

This section also prohibits an investment company from knowingly acquiring securities during an underwriting where the proceeds will be used to retire indebtedness to an affiliated bank. Specifically, section 10(f) of the Investment Company Act is amended to prohibit a registered investment Company from knowingly purchasing or acquiring, during the existence of an underwriting or selling syndicate, any security (except a security of which it is the issuer) the proceeds of which will be used to retire indebtedness owed to a bank where the bank or an affiliated person thereof is an affiliated person of such registered company.

Section 113 (Borrowing from an Affiliated Bank) prohibits a mutual fund from borrowing from an affiliated bank except as permitted by the SEC. Specifically, section 18(f) of the Investment Company Act is amended to prohibit any registered open-end company from borrowing from any bank if such bank or any affiliated person thereof is an affiliated person of such company, except that the SEC may, by rule, regulation, or order, permit such borrowing which the SEC finds to be in the public interest and consistent with the protection of investors.

Section 114 (Independent Directors) amends two provisions of the Investment Company Act to strengthen its requirements for independent directors serving on the boards of investment companies.

Subsection (a) amends the definition of "interested person" in section 2(a)(19)(A) of the Investment Company Act to include (1) in clause (v), any person that, at any time during the last 6 months, has executed any portfolio transactions for, engaged in any principal transactions with, or loaned money to, the investment company or any other investment company having the same investment adviser, principal underwriter, sponsor, or promoter, or any affiliated person of such a broker, dealer, or person; and (2) in a new clause (vi), any employee of a bank that acts as custodian or transfer agent for such company. Such persons would not be prevented from serving as directors of that investment company; rather, they merely would be considered "interested persons" for purposes of the required percentage of disinterested or independent directors of that investment company. The amendment is effective one year after the date of enactment of the Act.

Subsection (b) amends section 10(c) of the Investment Company Act, which currently provides that no registered investment company may have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank. The amendment extends the prohibition to the officers, directors, or employees of any one bank and its subsidiaries, or any one bank holding company and its affiliates and subsidiaries. This eliminates the potential to circumvent the legislative intent of section 10(c) by a bank operating under a multiple bank holding structure.

Section 115 (Prohibition Against Use of a Bank's Name by an Affiliated Mutual Fund) amends section 35(d) of the Investment Company Act to prohibit under certain circumstances the use by an investment company of a name, title, or logo that is the same as or simliar to the name, title, or logo of any affiliated bank or bank affiliate. If a bank affiliate advises of distributes an investment company with a name or logo similar to that of the affiliated bank, or if a bank or bank affiliate acts as investment adviser to an investment company which has a name or logo which is similar to that of the affiliated bank, investors may be misled into believing that the investment company shares are insured deposits or backed by the bank's resources. Moreover, the resulting link in the public mind between a bank and its mutual fund may damage the bank's reputation and public confidence in the bank if the bank's mutual fund encounters financial difficulty.

In addition, section 35(a) of the Act will continue to prohibit any person from representing or implying that an investment company, or its securities, are guaranteed by the United States.

Section 116 (Definition of Broker) amends the definition of "broker" in section 2(a)(6) of the Investment Company Act to reflect the bill's amended definition of that term in the Exchange Act. As before, the new definition would not include any person (including a bank) solely by reason of the fact that such person is an underwriter for one or more investment companies.

Section 117 (Definition of Dealer) amends the definition of "dealer" in section 2(a)(11) of the Investment Company Act to reflect the bill's amended definition of that term in the Exchange Act. The new definition would continue to exclude insurance companies and investment companies.

Section 118 (Treatment of Publicly Advertised Common Trust Funds) amends section 3(a)(2) of the Securities Act of 1933 (Securities Act), 3(a)(12)(A)(iii) of the Exchange Act, and 3(c)(3) of the Investment Company Act to clarify that a bank common trust fund is not entitled to the exemptions from the registration and reporting provisions of these Acts if the common trust fund is offered to the general public. These provisions would codify in the Acts the original legislative intent of the exemptions, that any publicly-offered common trust fund is the functional equivalent of an investment company and must be regulated as such. See S. Rep. No. 184, 91st Cong., 1st Sess. 27 (1969).

Section 119 (Modification of the Exclusion from the Definition of Investment Adviser for Banks that Advise Investment Companies) amends section 202(a)(11)(A) of the Investment Advisers Act of 1940 (Advisers Act) to delete the current exclusion from the definition of "investment adviser" for a bank or bank holding company that serves as an investment adviser to a registered investment company.

This modification of the bank exclusion is intended to strengthen the SEC's ability to oversee the activities of registered investment companies. It is also intended to subject banks and bank holding companies that advise investment companies to the Advisers Act restrictions on performance fees, as well as agency cross transactions and principal transactions.

Section 120 (Definition of Broker) amends the definition of "broker" in section 202(a)(3) of the Advisers Act to make it identical to the definition of "broker" in the Exchange Act, as amended by this legislation.

Section 121 (Definition of Dealer) amends the definition of "dealer" in section 202(a)(7) of the Advisers Act to make it identical to the definition of "dealer" in the Exchange Act, as amended by this legislation. The new definition would continue to exclude insurance companies and investment companies.

TITLE II—ADMINISTRATION OF SECURITIES LAWS WITH RESPECT TO SECURITIES OF DEPOSITORY INSTITUTIONS

Part A—Amendments To the Securities Act of 1933

Section 201 (Bank-Issued Securities) amends section 3(a)(2) of the Securities Act to delete the exemption for bank-issued securities. Section 3(a)(2) currently exempts from the registration, but not the antifraud, provisions of the Act any security issued by a bank.

Section 201 also amends section 3(a)(2) to delete the exemption for bank-guaranteed securities. Section 3(a)(2) currently exempts securities guaranteed by a bank to the same extent as the bank's own securities. Although banks normally do not issue guarantees of securities issued by third parties, they often issue standby letters of credit backing these securities. The SEC has taken the position that, because bank standby letters of credit are "tantamount to guarantees by [a] bank," securities backed by bank letters of credit need not be registered. Section 201 removes the exemption for securities guaranteed by banks. This change is consistent with the Commission's recommendations set forth in the "Report by the United States Securities and Exchange Commission on the Financial Guarantee Market: The Use of the Exemption in Section 3(a)(2) of the Securities Act of 1933 for Securities Guaranteed by Banks and the Use of Insurance Policies to Guarantee Debt Securities" (Aug. 28, 1987).

Certain types of instruments that are subject to a comprehensive scheme of federal banking regulation designed to ensure financial soundness and protect depositors agaisnt the risk of insolvency, such as federally-insured deposit instruments, generally are not treated as securities under the Securities Act of 1933 and, therefore, are not currently subject to the registration, antifraud, and other provisions of the Act. *See Marine Bank* v. *Weaver*, 455 U.S. 551 (1982). These types of instruments will continue to be exempted from the registration and other provisions of the Act. Moreover, section 104 adds a new subsection (d) to section 3 of the Act, which replaces the section 3(a)(2) exemption with a list of exempt deposit instruments and defines the term "deposit" for purposes of that subsection.

Under the definition of "securitiy" in section 2(1) of the Securities Act, a bank's letter of credit guaranteeing a security is a separate security. Thus, the letter of credit itself must also be registered unless an exemption is available. Although section 201 removes the exemption for securities issued by the bank, the letter of credit will continue to be exempt from registration under new section 3(d) of the Securities Act, added by section 204 of this Act.

Section 201 also effects a technical amendment to section 3(a)(2) by striking the clause: "For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interests or participation in any collective trust fund maintained by a bank; and". This clause is no longer necessary because section 201 removes the exemption for any "security issued or guaranteed by a bank." Section 201 does not, however, affect the exemption in section 3(a)(2) for interests or participants in a bank collective trust fund issued in connection with certain employee benefit plans.

Section 202 (Savings Association-Issued Securities) amends section 3(a)(5) to eliminate the exemption from registration for securities issued by savings associations. However, section 3(d) of the Securities Act, added by section 204 of this Act, contains a list of exempt deposit instruments issued by savings associations. Section 3(a)(5) of the Securities Act currently exempts securities issued by savings associations from the registration, but not the antifraud, provisions of the Act.

Section 202 continues the current exemption from registration for securities issued by farmers' cooperatives exempt from tax under section 521 of the Internal Revenue Code of 1986, corporations described in section 501(c)(16) and exempt from tax under section 501(a) of the Code, and corporations described in section 501(c)(2) of the Code, exempt from tax under section 501(a) of the Code, and organized solely to hold title to property, collect income from property, and turn over income from the property to one of the foregoing types of entities.

Section 203 (Exemption to Permit Transition to Holding Company Structures) amends section 3(a)(9) of the Securities Act to facilitate the establishment of holding company structures as contemplated by this Act. Section 3(a)(9) currently exempts from the registration (but not the antifraud) provisions of the Securities Act securities exchanged by an issuer with its existing security holders exclusively where no commission or other remuneration is paid or given for soliciting the exchange. Section 203 amends section 3(a)(9) to add an exemption from the registration requirements of the Act for certain securities issued or exchanged in the context of a reorganization of a corporation, including a bank, into a holding company. The exemption generally requires that, as part of the reorganization, the security holders exchange their securities of the corporation for securities of a newly-founded holding company with no significant assets other than the securities of the corporation and its subsidiaries, and that the security holders generally receive securities representing the same proportional interest in the holding company as they held in the corporation before the transaction. The rights and interests of the security holders in the holding company also must be substantially the same as those in the corporation before the transaction, and the holding company must have substantially the same assets and liabilities as the corporation had before the transaction. Those conditions are intended to ensure that the exemption is not used to transfer corporate control or substantially alter the proportional interests of shareholders without complying with the disclosure provisions of the Securities Act.

Section 204 (Treatment of Certain Bank and Savings Association Instruments) adds a new subsection (d) to section 3 of the Securities Act. Subsection (d) provides that if any interest in the instruments listed in subsection (d)(1) is otherwise deemed to be a security under section 2 of the Act, the Securities Act will apply to that interest only as expressly provided in the Act. This means that the instruments listed in subsection (d)(1) will be exempt from the registration provisions of the Act, but will continue to be subject to the antifraud provisions in section 17 of the Act. The listed instruments are (1) a deposit account, savings account, certificate of deposit or other deposit instruments issued by a bank or savings association; (2) a share account issued by a savings association if the account is insured by the Federal Deposit Insurance Corporation; (3) a banker's acceptance; (4) a letter of credit issued by a bank or savings association; and (5) a debit account at a bank or savings association arising from a credit card or similar arrangements. However, participations in those instruments (other than those that are direct obligations of a bank or savings association) are not exempted under subsection (d). They constitute separate securities under section 2(1) of the Securities Act. It should be further noted that some of these instruments, e.g., a certificate of deposit, or a participation therein, would be considered a security under section 2(a)(36) of the Investment Company Act.

New paragraph (d)(2) defines the term "deposit" for purposes of subsection (d) to mean the unpaid balance of money or its equivalent received or held by a bank or savings association in the usual course of business (1) for which it has given, or is obligated to give credit to a commercial, checking, savings, time, or thrift account; (2) which is evidenced by its certificate of deposit, a check or draft drawn against a deposit account and certified by a bank or savings association, a letter of credit or travelers check, or by any other similar instruments on which the bank or savings association is liable; (3) which consists of non-pooled assets of individual trust funds received or held by a bank or savings association, whether held in the trust department or deposited in any other department of the bank or savings association; or (4) which is received or held by a bank savings association for a special or specific noninvestment purpose, including escrow funds, funds held as security for any obligation or for securities loaned by the bank or savings association, funds deposited by a debtor to meet maturing subscriptions to United States Government securities, funds held for distribution or purchase of securities, funds held to meet its acceptance or letters of credit, and withheld taxes.

For purposes of subsection (d), the term "savings association" is defined to have the same meaning as in section 3 of the Federal Deposit Insurance Act.

Section 205 (Technical Amendment) amends section 12(2) of the Securities Act.

Section 12 of the Securities Act imposes certain civil liabilities on any person who offers or sells a security by means of prospectus or oral communication which contains an untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements not misleading, if the person knew or should have known of such untruth or omission. Section 12 currently exempts from these provisions securities that are exempted by section 3(a)(2) of the Act. Section 205 amends section 12 by including within the exemption securities that are exempted under new section 3(d) of the Act.

Part B—Securities Exchange Act administration transfer

Section 211 (Amendment to the Securities Exchange Act of 1934) would consolidate the administration and enforcement of the disclosure requirements of the federal securities laws in the SEC.

In 1964, section 12(i) of the Exchange Act transferred to the Federal banking agencies the responsibility for administering and enforcing sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Exchange Act with respect to those banks within the agencies' respective jurisdictions. Jurisdiction over thrift reporting was similarly transferred to the Federal Home Loan Bank Board (now Office of Thrift Supervision) in 1974. All other powers, duties, and functions, including antifraud enforcement of these and other provisions of the Act, with respect to those institutions, resides with the SEC. Section 12 requires registration of securities traded on national securities exchanges or issued by certain issuers. Section 13 requires filing of periodic and other reports concerning these securities and their issuers and filing of disclosure statements by certain beneficial owners of those securities and by issuers that repurchase their securities. Section 14(a), (c), and (f) impose certain disclosure and other requirements concerning solicitation of proxies with respect to those securities. Section 14(d) imposes certain disclosure and other requirements with respect to tender offers. Finally, section 16 requires filings with respect to certain acquisitions and sales of equity securities by officers, directors, and principal shareholders.

Section 211 repeals section 12(i). The effect of this repeal is to return enforcement and administration of those provisions with respect to banks and savings associations from the Federal banking agencies to the SEC. The current division of responsibility for enforcement of the Act is inefficient and has fostered inconsistent standards. Misuse of accounting standards played an extremely large, and in some ways pivotal, role in allowing the rapid and reckless growth of the thrift industry, as well as concealing the depth of its $500 billion problem. By centralizing regulatory responsibility in the agency with greatest expertise in the area, section 211 will help to ensure that investors in the securities of banks and savings associations receive the benefit of full and fair disclosure under the Act.

Part C—Miscellaneous provision

Section 221 (Technical Amendment) amends section 304(a)(4)(A) of the Trust Indenture Act of 1939. Section 304(a)(4)(A) exempts from the Act's provisions certain securities exempted from the Securities Act by section 3(a) of the Securities Act. Section 221 conforms section 304(a)(4)(A) to new section 3(d) of the Securities Act by including securities exempted by section 3(d) within the section 304(a)(4)(A) exemption.

TRIBUTE TO THOMAS PENDLETON PULE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mrs. MINK. Mr. Speaker, far too often it is our task in the Congress to address the problems of this Nation, including the problems facing our young people and the young people of our Nation who have become problems. But today I rise today with pride and admiration to relate to this body an act by Thomas Pendleton Pule, an outstanding young man from the State of Hawaii. It is an act that reminds us, Mr. Speaker, that the vast majority of our young men and women in this Nation are a credit to their generation and are indeed the best young men and women in the world. If any young person of this Nation deserves praise and recognition, it is Thomas Pendleton Pule of Wahiawa, HI, on the island of Oahu. Mr. Pule is a member of the Boy Scouts of America, serving in Life Scout Troop 172. Mr. Speaker, I do not believe there is any finer example of what Scouting means and what today's young men and women of this country are capable of than the act of heroism and selflessness I am about to relate.

In March of last year, Mr. Speaker, Thomas Pule was part of a group of 11 Scouts and 6 adult leaders participating in a survival hike between Laie and Wahiawa, passing over the Poamoho Trail. Late on the second day of their hike, the group was having a hard time of it because of muddy conditions caused by rain that fell the previous day. Bearing his heavy pack, the adult leader in charge of the hike went ahead of the group to clear brush and open the trail. Suddenly he lost his footing in the slippery mud and slid off the trail down onto a small ledge where he grabbed onto tree roots and shrubs, hanging above a 300-foot cliff.

Thomas heard his adult leader's calls for help and without regard to the danger went to the trail's edge and lowered himself down to the ledge to aid his Scout leader. Thomas pulled his leader, appearing to be in shock and unaware of the extreme danger he was in, from the ledge to safety. Thomas then removed the heavy pack his adult leader was carrying and carried the pack up to the trail as his leader followed. Then both of them struggled to reach an established rest stop and waited for the rest of their group to join them.

For his quick reaction and expert use of his basic Scouting skills in the rescue, Life Scout Thomas Pendleton Pule was presented the Heroism Award by Scouting's National Court of Honor.

Mr. Speaker, I recently met this outstanding young man here in Washington. Thomas was part of a select delegation of Scouts that traveled to Washington to present to the Congress the Boy Scouts of America 1991 Report to the Nation. I have no doubt that each Member of this body would be as impressed as I was if given the opportunity to meet him.

Mr. Speaker, I am sure that each and every member of this body has heard the talk of the nay-sayers, those that express their fears of what the future may bring to this country. The nay-sayers would have us believe that the generation soon to assume the reins of leadership will be unprepared. However the heroism of Thomas Pendleton Pule shall always serve as a reminder to me, and I hope to this body, that this Nation's most precious resource, its young people, continues to be unmatched by any other country in the world, thanks in large measure to the Boy Scouts of America and to its outstanding members like Thomas Pendleton Pule.

Mr. Speaker, I would like to submit for insertion in the RECORD this article about Thomas Pendleton Pule in the 1990 annual report of the Aloha Council of the Boy Scouts of America so that my colleagues may learn more about this outstanding young man.

HEROISM AWARD GIVEN TO THOMAS PENDLETON PULE, LIFE SCOUT TROOP 172, LDS-WAHIAWA WARD, MILILANI STAKE

During March of 1990 eleven scouts and six leaders of the LDS-Mililani Stake participated in a survival hike between Laie and Wahiawa, Hawaii passing over the Poamoho Trial. Late on the second day of their hike, the group was slowed down due to muddy conditions caused by rain during the previous day.

The adult leader in charge of the hike, went ahead of the group with his heavy pack clearing brush, and opening the trail. Suddenly, he lost his footing in the slippery mud and slid off the trail down onto a small ledge where, grasping onto tree roots and shrubs, he found himself hanging above a 300 foot cliff, calling for help.

Life Scout Thomas Pule heard his leader's cries for help. Without regard to the dangerous conditions, Pule went to the trail's edge and lowered himself down to the ledge to aid his Scout leader.

Appearing to be in shock, and unaware of the extreme danger he was in, the leader was pulled back from the ledge to safety by Pule. After removing the heavy pack from his leader, Pule carried the pack up to the trail while his leader followed behind him. Together they proceeded to an established rest stop where they waited for the rest of the group to join them.

For his quick reaction and use of basic Scouting skills in the rescue, Life Scout Thomas Pendleton Pule is presented the Heroism Award by the National Court of Honor. He has also been selected by the Boy Scouts of America to participate as a member of the 1991 Report to the Nation Delegation.

INTRODUCTORY STATEMENT ON THE PERSIAN GULF EDUCATION EQUITY ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. RICHARDSON. Mr. Speaker, Operation Desert Storm has taken a new turn and with the possibility of groundfighting beginning, I cannot help think of the extreme disruption we have imposed on our reservists' lives. We have asked them to protect our way of life, to guard access to Kuwaiti oil for ourselves and our allies, and to defend us from the expansionist terrorism of Saddam Hussein.

The commitment our reservists make to our defense demands a willingness to risk one's life; this risk deserves a commitment from us, to at the very least, ease the disruptions that active duty causes in the lives of service members and their families, as well as in their educational and financial commitments. My bill aims at minimizing the disruption to a reservist's life by preventing the loss of payments made for educational courses left unfinished because of participation in the war. The legislation I am introducing has three major components: partial student loan forgiveness, tuition reimbursement, and restoration of GI bill education benefits.

RESTORATION OF GI BENEFITS

Those reservists who qualify for the educational benefits under the current GI bill receive benefits worth $140 per month for up to 36 months in order to help defray the costs of their education. Student reservists who are called to active duty before the end of a semester not only lose credit for that semester, but they also lose that number of months of benefits. Under my bill, students, returning from active duty would be considered as not having used their monthly entitlement during the semester in which they were called to duty. In other words, the monthly educational benefits used during the unfinished semester would be fully restored.

TUITION REIMBURSEMENT

In order to further restore a student reservist's financial standing, my bill mandates that the reservist's school reimburse tuition for the incomplete semester. I recognize and applaud the great number of colleges and universities that have instituted a voluntary policy of reimbursement. Nonetheless, we all know that voluntary compliance does not yield the same results as a Federal mandate. We also know that voluntary compliance does not protect the dedicated reservists who go to schools that declined to institute a reimbursement policy. In fact, this very situation has come to pass in my district.

A young man from Espanola, a town in my district of northern New Mexico, was a college student when he was called to active duty in the Persian Gulf. Despite efforts by his parents and my office, his university has thus far refused to refund the reservist's tuition and fees. Isn't it enough that this young man's parents must worry about the well-being of their son? They certainly do not need the added distress of negotiating with a university bureaucracy and of losing money. My legislation is important because it will protect students like this.

PARTIAL LOAN FORGIVENESS

Lastly, my bill allows for partial forgiveness of members of the Armed Forces who serve in the Combat Zone for under 1 year. Currently, those who serve at least 1 year in the combat zone are entitled to have their Perkins loans reduced by 12.5 percent. Yet, those members who serve in the combat zone for less than a full year, who are taking on the same risk to their lives, do not receive any loan cancellation. My legislation recognizes the risk that these service members take for our protection by incorporating a 12.5 percent pro-rata system of loan cancellation for service in the combat zone for less than 1 year.

The Congressional Budget Office estimates that the loan forgiveness provision will cost less than $1.8 million. In fact, the CBO considers this estimate to be exceptionally high because the CBO was unable to obtain statistics from the Department of Defense on the number of students it has called to active duty. Furthermore, there is no record of the number of student service members who have Perkins loans, making it extremely difficult to predict the actual cost of this provision.

Finally, let me close by emphasizing the importance of supporting the educational goals of our service members. The cost of protecting the educational goals of the members of our Armed Forces is negligible in comparison to the risk they have undertaken. Those reservists who are serving us now deserve to come back to stable circumstances and educational opportunities. The risking of their lives entitles them to pursue their education without setbacks. My legislation will allow them a strong start by ensuring their educational benefits, by preventing loss of tuition, and by decreasing indebtedness.

SALUTE TO LEGION VOLUNTEERS IN MAINE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Ms. SNOWE. Mr. Speaker, I would like to salute and commend American Legion volunteers all around Maine for their initiative to help our troops serving in Operation Desert Storm.

Volunteers at Legion Posts throughout the State are making, by hand, rifle bags to keep sand out of M–16 rifles being used in the Persian Gulf. Without these or similar bags, the desert windstorms that begin in March could result in sand-covered and jammed rifles for our troops.

Legion and Auxiliary members, as well as other Mainers, are helping out at Legion Halls in South China, Madison, Trenton, Bath, Gardiner, Severance, and elsewhere.

I would like to add special commendation to Stephen Alley, of Unity, ME, who is the coordinator of this project in Maine. His work and that of all the volunteers is significant for two reasons: the practical utility of the bags; and the messages they send to our troops that the folks back home truly care for them.

Mr. Speaker, I ask unanimous consent that the following article on the project from the Central Maine Morning Sentinel be included in the RECORD.

[From the Morning Sentinel, Monday, February 4, 1991]

LEGION VOLUNTEERS MAKING RIFLE BAGS

(By Mary Grow)

CHINA.—They're called rifle bags, or M-16 bags, or sand bags—the M-16 goes in, the sand stays out—and they'll probably save some soldier's lives.

The five-foot-long plastic bags are being hand-made by volunteers at American Legion posts in various corners of Maine, because the Pentagon hasn't provided them for U.S. forces in the sandy Saudi desert.

A complete rifle bag includes the plastic rifle sack, a dozen plastic sandwich bags to be used as covers for M-16 magazines and an instruction sheet.

Stephen Alley of Unity, coordinator of the Maine project, said once desert windstorms start in March, soldiers will wake up from a night's sleep with three or four inches of sand over and in everything they own and wear, including their rifles. A sandy rifle will jam when the soldier needs it to fire.

"My bottom line concern is for those young kids over there on the front lines. It's going to be bad enough without this problem," Alley said.

Alley said M-16 bags were issued in Vietnam. The idea of having American Legion and Auxiliary members and over civilians make them for the Gulf war came from retired Major Cresson Kearney of Colorado and a civilian biochemist and professor, Art Robinson of Oregon, he said.

Alley knew the two through working with them on civil defense issues, and at their suggestion began spreading the idea at the Maine Legion's mid-winter conference in Lewiston in January.

At the Boynton-Webber Legion Post in South China, people from China, Unity and Belfest have worked for a week and plan at least another week's work to make 3,500 bags.

Alice Severance, President of Boynton-Webber Auxiliary, said up to 25 people a day have donated time at the long tables, measuring and cutting plastic, sealing the edges of the bags with sealing machines members use for home freezing, checking for leaks, stuffing in the sandwich bags and instructions and rolling and rubber-banding the completed kit.

More volunteers are welcome. People can get information by calling Severance at the Legion Hall, which is listed in the telephone book under American Legion, South China.

Monetary donations are also needed to pay for plastic and sandwich bags. Money should be sent to the M-16 Fund at American Legion headquarters, Post Office Box 900, Waterville, Alley said.

Volunteers are working in Legion halls in Madison, Trenton, Bath and Gardiner, as well as South China, Severance and Alley said.

In addition, Alley said, a Legionnaire arranged for a Maine manufacturing firm—which he was not at liberty to name—to make 200,000 of the rifle bags, without magazine covers.

The first 100,000 are due to be shipped Monday, he said, but he doesn't know whether air shipment has been arranged, if they have to go by sea, he commented, the life-saving bags that were made in two weeks would take four weeks to reach soldiers.

Alley is not sure the volunteer-made bags can be shipped. He plans to take the first 1,300 from South China to Bangor International Airport and see what happens.

"No one wants to take responsibility," he said.

Ally said he "understands" the government is doing something about providing rifle bags, but he hasn't seen any in news reports from the Persian Gulf.

The volunteer effort "shows what industrious people can do. If we're not bogged down by bureaucrats, things can be accomplished," he commented.

CELEBRATING THE BILL OF RIGHTS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. FOGLIETTA. Mr. Speaker, late last year, I delivered a speech to the Pennsylvania Humanities Council on the occasion of the opening of their show paying tribute to the Bill of Rights. I now bring my colleagues attention to this speech:

REMARKS BY HON. THOMAS M. FOGLIETTA

In this New Year, we celebrate the 200th anniversary of our Bill of Rights.

We were the first people to found a nation on the basis of articulated rights. And, ever since, our Bill of Rights has been used as a framework for other emerging democracies.

It is the Bill of Rights that allows me to stand here and speak to you today.

It is that document which enables us to pray—or not to pray—at the church, temple or mosque of our choice.

It is that document which prohibits the police from unreasonably searching our homes and bodies.

It is that document which requires fair trials for criminal defendants—that we have a right to a lawyer, that we have the right to a speedy trial, that we have a right to jury trial where we're judged by our peers and that we cannot be forced to incriminate ourselves.

The Bill of Rights is an elegant, simple, concise document. In fact, it contains only 431 words. But those 431 words are golden, each and every one of them. Their wisdom speaks volumes and their impact has been profound. Over the last 200 years, the Supreme Court has expanded the goals of those words and, sometimes, unfortunately, retreated from their promise.

It is valuable that we commemorate the history of the Bill of Rights and the men who drafted it. More importantly, however, we must focus on its meaning. We must celebrate its intent. And we must preserve the integrity of this precious document.

I make the case to you today that the Bill of Rights has been the victim of unconscionable assaults in recent years—by the cynical motives of right wing politicians. To truly celebrate the Bill of Rights, we must guard against further attacks on its integrity.

In making my case to you, I would like to focus on some recent assaults on the Bill of Rights.

The most dangerous attack occurred in 1989 with the rush to stop people from desecrating the American flag. This came after the Supreme Court held that the First Amendment protected an American's right to make a statement by burning the flag. President Bush waged his campaign partly by touring flag factories—and he rushed to the flag's defense. With a fiery press conference staged among the flags around the Washington Monument, the drive was on to pass a 27th amendment to the Constitution—amending the First Amendment. This would have been the first time the Bill of Rights was diminished by constitutional amendment.

Legislation to pass this amendment came to the floor of Congress and the rhetoric was red hot.

Politically, it was hard to vote against the amendment. How do you go home and explain to war veterans or widows of soldiers, for example, that you had to shield flag burners from going to jail. The First Amendment is an intangible concept. The Flag is a vital symbol of our nation that one can see and feel.

But enough of us had the courage to vote against this amendment. The vote in the House was 254 to 177, and it needed two-thirds of the House to pass. Thus, the effort to amend the Bill of Rights for the first time died.

The most recent assault on First Amendment rights came with efforts to place severe restrictions on grants by the National Endowment for the Arts. There were also calls to put the NEA out of business.

The genesis of this debate was a politician's nightmare. Publicity was given to grants of tax dollars that went to pay for a show of Robert Mapplethorpe's photographs, an artist who recently died of AIDS. The show started right here in my Congressional district at the Institute for Contemporary Arts. The bulk of the Mapplethorpe exhibit was beautiful photographs of flowers and other scenes, but a small portion was homoerotic. Another federal grant went to an artist who, among other things, depicted Jesus Christ in a vat of urine. Quickly, an effort began to curb the NEA.

The argument to preserve artistic freedom and the vitality of the NEA was hard to communicate: that only .05 percent of nearly 90,000 NEA grants resulted in controversy, that there is an historical tradition of public and government support of artists, that we wouldn't be able to enjoy the product of Michelangelo, Mozart or Beethoven without public support, and that censoring the types of art funded by the NEA would breach the First Amendment.

For the right wing, however, the issue was framed simply: your tax dollars were paying for pornography.

Again, the issue hit the floor of Congress. Fortunately, the NEA survived. But not without scars. New restrictions were built in to the process for awarding grants. In awarding grants, the NEA must be, quote, sensitive to the general standards of decency and respect for the diverse beliefs of the American public, unquote. That means that artwork appropriate to South Street must also be appropriate in a small town in Kansas. The result, I believe, will be tentative public support for the arts. I fear that the NEA will only fund the most conventional artists; never will it risk another round with Jesse Helms by funding an artist on the edge. Worse yet, artistic invention and creativity in our nation may be chilled.

This assault on the Bill of Rights has not been confined to the First Amendment. There has also been a drive to curtail the rights of persons accused of crime.

This Fall, the House considered an election year crime bill. Headline-seeking Congressmen offered amendments to make the bill tougher and tougher. The tougher the amendment—and the more contrary to the Bill of Rights—the more votes these amendments would garner. Congress—Democrats and Republicans alike—was going to out-Willie Horton George Bush.

There was a joke on the floor that an amendment requiring the death penalty for scofflaws would pass the House. But the joke wasn't very funny.

There was an amendment to give police wider latitude in conducting warrantless searches, jeopardizing Fourth Amendment rights.

There were a series of amendments to restrict the filing of habeas corpus petitions by death row defendants.

There was an amendment to require juries to invoke the death penalty if the prosecutor presented a single aggravating circumstance.

There was a clearly unconstitutional amendment to extend the death penalty to "drug kingpins" where no killing was directly involved.

I voted against all these politically popular amendments. But all of these amendments passed the House.

Thankfully, a conference committee washed the final bill clean of all of these dangerous provisions.

It is clear what's going on. The 40 year conflict that divided the globe—the Cold War—is over. The red menace is gone. And the right wing looked desperately to find hot button issues to press. They need these issues to advance their political campaigns and their lucrative direct mail fund raising campaigns.

Easy targets were flag burners, the NEA and criminal defendants, recognizing the success the President had in exploiting the case of Willie Horton.

Left vulnerable was the Bill of Rights.

Our society has many goals it strives to achieve. But the greater good of preserving the Bill of Rights requires us to sometimes sacrifice these goals.

Who wants to fight to allow people to burn our flag? But we must: to protect our right of free speech.

Who wants to support an artist who depicts Jesus Christ in a vat of urine? But we must: to protect our right of artistic expression.

Who wants to align himself with criminal defendants like Willie Horton? But we must: to protect the basic rights of a fair trial.

For criminal defendants, we hate what they did.

But we must preserve their rights before they go to jail.

Sometimes we hate what artists paint or sculpt or compose.

But we must preserve their right to express themselves.

And sometimes we hate what writers say.

But we must protect their right to say it.

That is our challenge as we celebrate 200 years of the Bill of Rights. That is our challenge as we look forward to at least 200 more years of the protections that it provides to all of us.

IN SUPPORT OF THE FREEDOM OF CHOICE ACT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. MINETA. Mr. Speaker, the right of choice is a basic human right. It is a right acknowledged and protected by the U.S. Constitution.

Today, millions of American women fear that their right to choose may be infringed, or taken away altogether, when it comes to the question of whether or not to continue a pregnancy.

Mr. Speaker, my good friend and colleague from San Jose, DON EDWARDS, recently wrote an article for the San Jose Mercury News in which he spoke to the dangers of losing the right to choose.

As an original cosponsor of the Freedom of Choice Act (H.R. 25), introduced by Mr. EDWARDS, I strongly recommend this article to all of our colleagues in the House:

KEEP ABORTION SAFE AND LEGAL

(By Don Edwards)

Decisions about procreation are among the most personal and private matters an individual faces. This is the last area into which we should invite the legislators of 50 states to make decisions for us. Yet that is precisely what the Supreme Court did in its 1989 decision in Webster vs. Reproductive Health Services, turning on its head more than 20 years of constitutional law.

In 1965 and 1972, the Supreme Court ruled that decisions about contraception belong with the individual and not the state. In 1973, the Supreme Court ruled that decisions about abortion also belong with the individual. It held in Roe vs. Wade that the constitutional right to privacy includes a woman's right to choose whether or not to terminate a pregnancy.

That federal standard has been the law for nearly two decades, but now the fundamental right to choose is being whittled away, in state legislatures and in the increasingly conservative Supreme Court. But a new piece of federal legislation—the Freedom of Choice Act—promises to protect that right from further tampering.

The Freedom of Choice Act, H.R. 25, would codify the Roe decision so that the right to choose will remain with individual women, not politicians. Like Roe, it protects a woman's right to choose before viability or when her life or health is at stake.

The Freedom of Choice Act is needed because the right to choose is under attack. Since the court's 1989 Webster ruling, anti-abortion bills have been introduced across the country. Bills that were vetoed in Idaho and Louisiana were so restrictive that some rape and incest victims could have been denied abortions. Extremely restrictive bills in Pennsylvania and Guam have been signed into law.

Several states will consider abortion restrictions this year. One of these laws could end up in the Supreme Court as the vehicle to overturn Roe vs. Wade. A federal statute is necessary to prevent the erosion of the right to choose.

If we send reproductive rights decisions to the states, the consequences will go beyond denying some individuals the right to choose. Witnesses testified in a House subcommittee hearing last year that the inevitable checkerboard of varying regulations would have a tremendous public-health impact, as women flood the states that have less restrictive laws, overburdening the health care systems of those states.

Legal and medical experts also testified that outlawing abortion would mean a return to dangerous, illegal procedures for many women in desperate circumstances.

Outlawing abortion doesn't stop abortions—it simply makes safe, legal abortion an option only for the rich. If there is no federal standard protecting choice, a woman's options will vary with her income. Low-income, young, minority and rural women, who often have less access to family planning and health care in general, will have the fewest and least safe options.

The Freedom of Choice Act, cosponsored by a bipartisan group of over 100 members of Congress, would help keep abortion safe and legal. Reproductive choice is a federal issue because the constitutional right to privacy is a federal principle.

This fundamental right should not be left to the political winds and personal whims in local legislatures.

Abortion is an emotional and deeply personal issue. But when confronted with the legal issue of whether childbearing decisions belong with the individual or with the state legislatures, Americans come down squarely on the side of the individual's right to privacy and the right to choose.

The Freedom of Choice Act helps guarantee the preservation of those rights.

IRRIGATION WATER REFORMS NEEDED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. MILLER of California. Mr. Speaker, meaningful reforms to Federal irrigation and reclamation laws are long overdue. Year after year, a small number of large farm operations—mostly in California's Central Valley—continue to cheat U.S. taxpayers by illegally receiving huge quantities of federally subsidized irrigation water.

The following editorial from the Redding Record Searchlight explains the problem. My legislation to correct these abuses overwhelmingly passed the House last year. I intend to vigorously pursue the enactment of reforms early in this Congress.

LET'S MAKE 1991 THE YEAR WATER LAW WAS REFORMED

Bringing balance, fairness and fiscal responsibility to federal water rules would help the north state's recreation industry.

Near the top of any list of New Year's resolutions for the 101st Congress must come significant reform of Western water law.

For too long, huge corporate farms have been able to skirt federal limits on low-cost, taxpayer-subsidized water. For too long, agricultural operations have gotten away with "double dipping" into both crop and water subsidies. For too long, fisheries restoration and recreation enhancement have been unfairly short-shrifted in the unbalanced world of water.

When California communities talk about water-saving programs, it's almost laughable. Domestic users can limit toilet flushing and lawn watering all they want, but the fact is that such conservation steps are of little consequence. There is a veritable tidal wave of water allocated to agriculture—to the detriment of other important needs.

Fully 85 percent of all the water used in California flows to farms. The remaining 15 percent is divvied up among residential, industrial and fisheries mitigation uses.

More than half of all the water in the state is consumed by dairy, rice and cotton farms—all of which are heavily subsidized. With the nation's federal debt at $2 trillion, the time is past due for a hard-headed cost-benefit analysis of all this welfare for farmers.

The good news is that water reforms with real teeth appear likely to become law in the coming year. In fact, California Rep. George Miller's amended version of House Resolution 3613, which is supported by the Shasta-Trinity Water Task Force, was overwhelmingly approved last year in the House on a 316-97 vote. However, Sen. Pete Wilson, R-Calif., who felt the wording of Miller's legislation could end up hurting small farmers, led an opposition that was able to thwart passage in the Senate.

The Miller legislation seeks to close a loophole in the 1982 Reclamation Reform Act through which large farms have been able to receive federal water subsidies meant only for small farms. Written with the intention of encouraging family farming in the water-scarce West, the act permitted farms of fewer than 960 acres to receive cheap irrigation water pumped through federal canals. The problem is that large farms and agribusinesses have been able to receive the subsidies by dividing their holdings into trusts and partnerships composed of multiple 960-acre units.

Miller is insisting that those trusts be dissolved. With Wilson now just days away from becoming California's next governor, a major opponent in the Senate will be out of the way.

The reforms provided for in HR 3613, as amended by Miller, would be good news for the north state—both environmentally and economically. They would require that fisheries be restored, which necessarily would mean that the amounts of water held through the summer recreation season in north state lakes in dry years would be greatly increased.

A more equitable allocation of water would result in higher and steadier levels for Shasta and Clair Engle (Trinity) lakes, thereby giving the north's recreation industry the fair shake that has long been its due.

1991 should be the year that sanity is finally brought to federal water rules.

TRIBUTE TO CONGRESSMAN WILLIAM LEHMAN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

HON. DANTE B. FASCELL

OF FLORIDA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, this coming Sunday, hundreds of people will gather in a downtown Miami hotel at a benefit for Temple Israel. But this evening will be different from the numerous benefits that are held this time of year in south Florida, because it will also be a night to honor our colleague from Miami, WILLIAM LEHMAN, for his 25 years of public service.

Taking part in this gala tribute to Representative LEHMAN will be House Speaker TOM FOLEY who will be the keynote speaker.

Mr. Speaker, I speak today not only on behalf of myself, but for my colleagues who also represent Dade County, Representative DANTE FASCELL and Representative LARRY SMITH. Although I have only served in this Chamber for a short while, BILL LEHMAN is well known to me and all of Dade County for his selfless dedication to greater Miami, his constituents, and his principles. Although Representative LEHMAN and I feel free to disagree on certain issues, there is one area where we, together with Representatives FASCELL and SMITH, work in haromony; that is for the people of south Florida. I know his constituents appreciate him, as I have grown to appreciate him.

Born in Alabama, BILL moved to Miami as a young man and opened up a used car business. He became well known in the 1950's to the residents through his television commercials as "Alabama Bill" and developed a reputation as a straightforward, honest businessman who always treated his customers fairly.

In the early 1960's BILL decided to teach English literature in Dade County public schools, where he gained knowledge and new insight into the problems and challenges in our educational system. In 1966, BILL decided he could contribute more and was elected to the school board, becoming its chairman in 1970.

In 1972, BILL ran for Congress in the newly created 13th District, winning in a crowded field of seven Democrats. Since then, BILL has proven his adeptness in the legislative process and in his ability to bring Federal resources home to Miami, and, indeed, to all of Florida. He played a critical role in the development of Miami's mass transit system, including the bus and rail network. He has been instrumental in funding the restoration of the Kissimmee River and the Miami River, and he is responsible for starting the William Lehman Aviation Center at Florida Memorial College.

BILL LEHMAN's humanitarian missions are legendary. He has won the release of Cuban political prisoners and even smuggled an artificial heart valve into the Soviet Union for a 22-year-old woman who needed it for a life saving operation. As an advocate of Israel, BILL LEHMAN is one of her strongest allies, and he is a champion on behalf of the plight of Soviet Jews.

Mr. Speaker, my colleagues, Representatives FACELL and SMITH, and I want to take this opportunity to thank BILL LEHMAN for his work in the Congress of the United States. We know Representative LEHMAN's work is not done, and that he will continue to serve in the Congress for many years to come. We are delighted to be able to join the friends of Temple Israel in Miami in honoring him for his achievements.

UNFAIR BANKING PRACTICES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. HUBBARD. Mr. Speaker, last month I received a copy of an excellent December 28, 1990, letter sent to President George Bush from Robert L. Chambless, Jr., chairman of the board of Hart County Bank & Trust Co. in Munfordville, KY, which I would like to share with my colleagues.

Bob Chambless has written about issues of great concern to the bankers in Kentucky and elsewhere in the Nation, specifically the unfair practices of the Federal Deposit Insurance Corporation in its regulatory practices. Although this is a most serious time for the President and our Nation, Bob Chambless urges the White House to take a serious look at "a domestic issue of great importance to us both, the FDIC." He urges scrutiny of the FDIC regulatory treatment of all financial institutions and their depositors.

I urge my colleagues to read the excellent comments of this outstanding banker from Kentucky. The letter from Bob Chambless follows:

HART COUNTY BANK AND TRUST CO.,
Munfordville, KY, December 28, 1990.

Hon. GEORGE BUSH,
President, United States of America, The White House, Washington, DC.

DEAR PRESIDENT BUSH: I know that you have your hands full with foreign affairs right now, but I wanted to mention a domestic issue of great importance to us both, the FDIC.

Our little country bank has assets of 26 million dollars and a capital ratio of over nine percent. We serve a county of approximately 14,000 persons, with agriculture as our primary industry. Not only are we getting tired of paying for other people's mistakes, but also we have had problems of our own in the past, due to agricultural land values declining, and we weathered that storm without any outside help. I am hard pressed to see why we should continue to pay the bills for others' mistakes. We know that just the increase in FDIC assessments for 1991 will cost us in excess of $20,000, which results in our paying over two months of our 1991 earnings to the FDIC for that coverage. The fact that the FDIC chooses to fully cover uninsured and unassessed foreign deposits of the big banks is so unfair it escapes me why it is permitted to continue.

I do not need to take you through a history of what brought about the current problems, but there are three key things which come to mind immediately:

1. The deregulation of interest rates paid on deposits.

2. The deregulation of the savings and loan industry.

3. The unwillingness to let national corporations, such as Chrysler Corporation and Continental Illinois National Bank, go under if in fact they were broke.

Had these organizations been permitted to collapse, it would have had an awakening effect on the public and on government, and maybe some folks' eyes would have been opened a little wider towards the future.

Best of luck and prayers to you in your efforts to resolve the many problems confronting this country today.

Yours very truly,
ROBERT L. CHAMBLESS, Jr.,
Chairman of the Board.

THE POSTSECONDARY RECOGNITION, INNOVATION, DEREGULATION, AND EXCELLENCE ACT OF 1991

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. CONTE. Mr. Speaker, today I am introducing the Postsecondary Recognition, Innovation, Deregulation, and Excellence Act of 1991. As you have probably noticed PRIDE is the acronym for this piece of legislation, and proud I am to introduce this act and invite my colleagues to join with me in support of this legislation on behalf of the Nation's postsecondary education system.

I am proud to introduce this act because I know what a fine job most postsecondary schools are doing and what a difference this legislation will make for those institutions and the difference they will make in people's lives. I really do know what a difference education can make because, after all, it was Boston College, together with the G.I. bill, that gave this machinist from Pittsfield, the son of Italian immigrants, the chance to serve in this distinguished House. I have never forgotten the important role education played in my life.

That is why over the years I have championed student aid and other higher education programs. And that is why last year I fought to increase funding for the supplemental educational grant program by $65 million, expand funding for FIPSE the first time in nearly a decade, and to add nearly $100 million for TRIO, to help disadvantaged students realize the American dream just like I have in my life.

While mere words cannot capture the pride I have for what my college education has allowed me to do, I have nonetheless tried to capture that sense of pride in this act. You might say pride is what this act is all about because it will strengthen the sense of pride which our great Nation has in its postsecondary institutions and will foster the feeling of pride within the postsecondary community at a time when the confidence in the system has been shaken by financial difficulties, inconsistent services to students, and abuses in Federal programs.

As ranking member on the Appropriations Committee and its subcommittee that oversees all the Federal education programs, I know how hard it is in a time of fiscal restraint to increase funding for programs that are under a cloud of suspicion and doubt. Even though the vast majority of postsecondary schools have met their noble obligation to educate all children who cross through the proverbial ivy twined gates, the unscrupulous within the postsecondary community have made nearly every program suspect. The cloud of doubt has been a kiss of death when it comes to Federal dollars for student aid and other much-needed programs. It has caused folks to hide behind the facade of bad news and shirk their responsibility to America's youth, the cornerstone of our future.

In recent years, as our efforts to curb abuses have increased, I have been concerned that these system-wide actions, while reducing abuses, may have inadvertently hurt the majority of the institutions. Creating a situation akin to giving castor oil to a sick child and all the other members of his family who are feeling fine, one problem is solved but a whole new set of other problems are created.

While we are not asking the postsecondary schools to take a dose of castor oil, we are asking them to comply with rules and regulations—most of which are targeted at disreputable institutions—that are for the most part difficult to enforce, but by their very existence the laws and regulations require all schools, not just the bad ones, to do extra work complying with requirements most will never even come close to violating. This approach, while effectively eliminating some of the chaff from the wheat, brings the integrity of the entire system into question over the abuses of a few schools. In some cases these regulations are actually a punishment to not just the bad institutions but also the good ones.

Instead of the present blunt-instrument approach to improving postsecondary education, I believe we need to create double-edged-sword-like-laws that cut both ways, like double-edged swords with sanctions and punishments for the abusers, and rewards and incentives for the folks who are doing a good job.

That is why I put language in H.R. 5257 directing the Department of Education to work with the postsecondary community to explore ways of rewarding institutions that have gone beyond the letter and spirit of the law. And that is why I, along with my good friends Representatives Goodling, Coleman, and Ford, asked the Department to commission a study, due later this spring, concerning the onerous nature of regulations imposed on postsecondary institutions.

Those who know me will agree I have never backed away from punishing someone who deserves it. They also know, however, that along with handing out punishment, I have always accepted the responsibility for giving people a pat on the back for a job well done, especially when expectations have been exceeded. When it comes to postsecondary education, we have done a good job of parceling out punishmnent; we do, however, need to give a few more pats-on-the-back.

The good news is our postsecondary system can be strengthened. The antidote to the situation we now find ourselves is "Good News." That is why I am excited about this legislative proposal—it's a good news act. It injects a whole new perspective into the debate over policies concerning postsecondary schools. It establishes programs to recognize academic excellence, stimulate innovation, reduce unnecessary regulatory burdens, and disseminate the kind of information needed to keep our postsecondary system second to none. Like spring follows winter and sunshine follows rain, this is an act whose time has come.

In order to defeat the postsecondary plagues of abuse, doubt, malaise, and inefficiency our vision of what is possible within the postsecondary arena must be expanded. As the ancient Chinese strategist Sun Tzu noted centuries ago, the most effective way to defeat an adversary is destroying not his cities or armies but how he views the world. I cannot deny problems exist. How can a $2-billion-a-year student loan default problem be ignored? Or students who were promised the moon and ended up deep in debt without an education?

My concerns are not over the nature of the enemy. We know who the enemy is. I am concerned over the limited way in which we have been attacking that enemy. We have been viewing the postsecondary world through the blinders of punishment and sanctions, now we must expand our postsecondary world view to include recognition, rewards, incentives, and encouragement.

Let me take this opportunity to highlight the major parts of the act. With this one, what you see is what you get—the kind of education system America deserves.

This act raises many important issues such as: What role should the postsecondary community play in enhancing Federal education programs? How can we make existing Federal laws concerning postsecondary schools more responsive to the changing needs of America? Can the debate over the reauthorization of the Higher Education Act be broadened to explore revolutionary new policy initiatives, or will it be limited to yet another tinkering job on the 26-year-old law? Would postsecondary education be strengthened by field-testing new policy initiatives during the years between each reauthorization of the Higher Education Act? Can creating reward systems for top-notch postsecondary schools serve as a magnet that inspires mediocre schools to improve? To what extent are laws and regulations a hindrance to educating more students to higher levels of achievement?

At the heart of this act is the National Board for Postsecondary Recognition, Innovation, and Improvement. Described in title I, the 21-member Board is Congress' way of empowering the postsecondary community to engage in meaningful debate that ultimately will enhance America's ability to educate all students. The Board, appointed by the Secretary of Education, will consist of a variety of stakeholders—legislators, Governors, presidents of 2- and 4-year institutions, career school presidents, educators, and business leaders. The Board will help establish criterion for the recognition programs in the act, gather data concerning Federal laws and regulations, help identify promising practices for demonstration projects, and generally foster excellence within postsecondary schools.

Title II of the act recognizes institutional efforts to educate all students to their fullest potential by creating two new programs, one providing a meritorious certificate to institutions that meet four out of five reasonably easy to attain criterion. The other, a Baldridge-like award called the Thomas Jefferson Award for Exemplary Postsecondary Institutions, will be quite competitive, with awards going to no more than three institutions each year. If there is any item in this act that I would like to leave as my legacy it would be the creation of the Jefferson Award. Our postsecondary schools do so much good and help so many kids achieve their dreams, just like I have, I want to find a way to recognize their exemplary efforts. Chairman FORD will be hearing from me about this one because it's a winner.

The two programs will recognize the fine efforts of postsecondary schools and send forth some much-needed good news. Just like honey attracts more flies than vinegar, these awards will encourage schools to place greater emphasis on quality teachers, student achievement and improvement, services to students, community service, and difficult-to-educate students.

Title III of the act contains four activities designed to generate ideas and collect data about new and better ways of educating students. One activity expands the TRIO Progam by creating a new supplemental grant program for which current TRIO grant recipients can compete to evaluate and document the effectiveness of certain TRIO practices. In order to be eligible to compete for this grant, institutions will have to commit their faculty and resources to this scholarly endeavor, thus bringing the TRIO Program more into the mainstream of the institution. Plus, the lessons learned from the evaluations will be incorporated by the Department of Education into future TRIO programs.

Title III also creates a State Innovation Endowment Grant Progam that provides capital within each State to support innovation activities that address Federal and State concerns. This program is a beauty. It gives 10 States a million dollars each year for 5 years if they agree to make an appropriate match. All that money then goes into a permanent endowment that remains intact while the State uses the interest to strengthen postsecondary teaching, increases the State's economic competitiveness, or restructure elementary and secondary education. After 5 years the whole program is repeated in another five States.

There is also a provision in Title III for grants for demonstration projects with nationwide implication for Federal higher education assistance programs. In this section the Secretary can establish up to ten 3-year projects, to be carried out between the years in which the Higher Education Act is reauthorized, for the purpose of field-testing promising and innovative ideas for Congress to consider. This type of activity is desperately needed because it will help us move away from the current verbal battle of ideas that are seldom backed up with any supporting data. Just think how different the present debate on the Higher Education Act would be if we could point to 10 experiments that had been initiated 5 years ago.

Title III also amends the Higher Education Act of 1965 to expand the grant authority under the Fund for Improvement of Post Secondary Education [FIPSE] Program. This change creates within FIPSE a new Planning Grant Program, a Developmental Grant Program, and an International Exchange Grant Program. It also expands FIPSE authority to provide grant funds for improving administrative efficiency and operations. FIPSE is one of America's best kept and under funded secrets, and this action will put it on the map in a big way.

Title IV concerns regulatory relief. It requires the Department of Education and the Board to each submit annual reports to Congress about the impact and effectiveness of Federal laws and regulations. The title also establishes an Office of Regulatory Review and Assessment within the Department and gives the Secretary the authority to waive certain regulations if an institution already attains the objectives under which the requirement is imposed. The Secretary also can enter into up to five performances agreements with entities involved in the postsecondary enterprise.

The last season, title V establishes a National Post Secondary Diffusion Network to gather and disseminate information about exemplary postsecondary programs and related research.

Mr. Speaker, as you can tell, I am very excited about this piece of legislation. I want to thank all the folks from the schools in my district as well as representatives of the American Council on Education, American Association of State Colleges and Universities, U.S. Department of Education, National Association of Trade and Technical Schools, National Council for Educational Opportunity Associations, National Association of Independent Colleges and Universities, and the Independent College Association.

I urge everyone to work for the passage of this act.

BURDENSHARING IN THE PERSIAN GULF

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. BROOMFIELD. Mr. Speaker, there has been a great deal of concern in the Congress and on the part of the American people about how the war in the Persian Gulf will be financed.

The American people rightfully expect that the United States should not have to bear both the brunt of the fighting and the cost of the war. The President has stated that he foresees no need for a war tax or supplemental budget request to the Congress to pay for the cost of liberating Kuwait.

Primarily, the President's remarks reflect the financial commitments of our coalition partners to date. For the first 3 months of 1991, $41.7 billion has been pledged to the United States: $13.5 billion each from Saudi Arabia and Kuwait, $9 billion from Japan, $5.5 billion from Germany, and $280 million from Korea. The administration is awaiting expected contributions from other NATO countries.

The combined figures for calendar years 1990–91 bring the total cash and in-kind contributions to the United States to $49.5 billion.

Following is additional information regarding contributions by our coalition partners to fund Operation Desert Shield/Storm:

BACKGROUND

On September 30, 1990, Congress passed a continuing resolution (H.J. Res. 655) which included supplemental appropriations for Operation Desert Shield. This resolution, which became Public Law 101-403 on October 1, established a Defense Cooperation Account to receive contributions for Operation Desert Shield from coalition partners. This U.S. Treasury account is designed to receive money, property, and services from individuals, foreign governments, and international organizations for use by the Department of Defense (DoD) to finance operations relating to Operation Desert Shield/Desert Storm. The law requires that in order for DoD to withdraw from the account, Congress must both authorize and appropriate the withdrawal funds.

The Department of Defense Appropriations Act for FY91 (Public Law 101-511), signed by the President on November 5, 1990, authorized and appropriated DoD's use of the first $1 billion received. On December 21, 1990, DoD notified Congress that it was withdrawing the $1 billion allowed by law. As of December 31, 1990, $6.2 billion had been donated by coalition partners. Since the full $1 billion authorized and appropriated by Congress had been withdrawn, DoD must await further action by Congress before drawing down additional funds.

CASH AND IN-KIND ASSISTANCE CONTRIBUTED TO THE U.S. DEFENSE COOPERATION ACCOUNT

(As of Jan. 30, 1991—information derived from DoD and Embassy sources)

Country	Cash contributions (received)	In-kind assistance (received)
Calendar Year 1990 (Aug. 2 to Dec. 31, 1990):		
Kuwait	$2,500,000,000	$6,000,000
Japan	900,000,000	360,000,000
Saudi Arabia	760,000,000	850,000,000
Germany	300,000,000	70,000,000
UAE	255,000,000	100,000,000
Korea	50,000,000	17,000,000
Total	4,800,000,000	1,400,000,000

Total pledges in CY90 are $7.8 billion. Total contributions received in CY90 are $6.2 billion.

Accordingly, approximately $1.6 billion has been pledged to the account for CY90, but either has not yet been transmitted or, if in-kind assistance, has not been drawn on by the U.S.

Total estimated cost for Operation Desert Shield for CY90 is $10 billion.

Having pledged $7.8 billion to the Defense Cooperation Account, coalition partners are covering almost 80 percent of CY90 costs.

First quarter of calendar year 1991 (Jan. to Mar. 31, 1991)

Country	*Amount*[1]
Kuwait	$13,500,000,000
Saudi Arabia	13,500,000,000
Japan	9,000,000,000
Germany	5,500,000,000
Korea	280,000,000
Total	41,700,000,000

[1] Pledged (cash and in-kind assistance.)

CY91 assistance has been pledged, not transmitted.

The Administration expects pledges from other NATO countries.

The UAE transmitted $300 million to the Defense Cooperation Account on January 2, 1991.

THE INTRODUCTION OF LEGISLATION TO INCREASE FUNDING FOR THE EXPORT ENHANCEMENT PROGRAM

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. GLICKMAN. Mr. Speaker, in a matter of weeks, one of the most important programs to our Nation's farmers will run out of money. The Export Enhancement Program has been critical to the ability of our Nation's farmers to combat unfair trading practices and regain the market share. It is also one of the most important tools we have been able to use to convince our trading partners to negotiate with us on reaching a new agreement on agricultural trade during the current multilateral trade negotiations.

However, with just 4 months in fiscal year 1991 gone, almost 75 percent of the money for the EEP is exhausted. To date, the Department of Agriculture has spent $315 million of the total $425 million appropriated for fiscal year 1991, at this spending rate, USDA will have completely used the entire appropriation for the program before the end of March.

The legislation I am introducing will stop that from happening and will ensure that the program continues through the end of this year. None of us expected to face this crisis when we rewrote and reauthorized the EEP in the farm bill last year, and clearly none of our farmers thought they would see this vitally important program dead in its track scarcely half way through the year.

In addition to my concern about this problem, I want to point out to my colleagues that the administration's budget seeks congressional approval for lifting the $425 million spending limit for fiscal year 1991. In addition, USDA estimates spending $1.2 billion for the EEP in fiscal year 1992.

It is my hope we will act expeditiously on the legislation to make sure that all of the efforts our farmers have made in recent years to regain their valuable export markets do not die on the vine in a matter of weeks. The bill has three components:

First, it will repeal the present spending ceiling of $425 million.

The "Rural Development, Agriculture, and Related Agencies Appropriations Act of 1991" imposed this ceiling on the program by preventing USDA from using funds appropriated by that act to pay salaries of personnel who carry out the EEP if the aggregate amount of funds and commodities exceeds $425 million in fiscal year 1991.

Second, it will authorize a total of $5 billion for the EEP through the end of fiscal year 1996.

From its beginning in 1985, $3.1 billion has been spent on the EEP. However, the 1990 farm bill only authorized $500 million for the EEP for each year of that legislation. The administration's budget projects spending $400 million over that level in the current fiscal year and $700 million over that level in fiscal year 1992. The 5-year $5 billion authorization will ensure adequate funding for the program over the life of the farm bill plus will enable the administration flexibility to use funds during each fiscal year as conditions warrant.

Third, it will permit the Secretary to continue to make commodities owned by the Commodity Credit Corporation available directly to foreign purchasers even if spending caps or restrictions are placed on the EEP.

Current law permits the Secretary to make CCC-owned commodities, available, either directly as commodities or in the form of certificates redeemable for commodities, to exporters or processors of U.S. commodities or directly to foreign purchasers in order to make U.S. farm goods competitive in world markets. To date, USDA has provided bonuses only to exporters, this is not, however, the only way this program may be operated.

In the past, funding restrictions, in the form of limitations on USDA's ability to pay salaries or limitations on authorizations have effectively stopped the operation of the EEP, permitting our competitors to step into our markets and shutting off valuable export markets for our farmers at the same time CCC continued to store enormous surpluses of U.S. commodities. This is very much the scenarios we now face.

The third section of the bill I am introducing would deal with this situation as well as the present funding problem. This provision would expressly state that notwithstanding any other spending restriction, the Secretary could still make CCC-owned, grain available directly to foreign purchasers, thus keeping our markets open and our surpluses down.

After only 4 months into this fiscal year, USDA has already spent over $300 million of the $425 million allocated to the EEP and still exports of wheat and other feed grains are lagging well behind last year's figures by as much as 20 percent. With a market, such as wheat, totally dependent on export activity, prices have also taken a nosedive from a $3.50 per bushel level to a level just over $2. On top of all of this, drastic increases in energy costs could quite possibly be the straw that threatens to break the farmer's back.

If the United States cannot sell this wheat, history of large stockpiles and chronically low prices may threaten to repeat itself on a long-term basis. Simply put, funding the EEP to assist U.S. wheat and feed grain exports, will help diminish the already accumulating stockpiles and strengthen prices. Without the EEP, farmers could face another economic disaster experienced in the mid-1980's, which cost taxpayers nearly $100 billion over 5 years.

Although wheat and wheat flour exports have been two primary beneficiaries of the EEP, USDA has used it extensively to combat trade subsidies against exports of other commodities, including barley, vegetable oil, frozen poultry, eggs, and dairy cattle.

Another aspect of the EEP is its effectiveness in keeping pressure on the European Community to revamp trade-distorting agricultural policies in the Uruguay round of GATT. With the negotiations now at a very critical stage, would it make sense to retire our most effective trade weapon against the Europeans? No. To keep the pressure on, this program must be continued.

From one year to the next, USDA and Congress, unfortunately, cannot accurately predict how much will be needed for the EEP; it is all dependent on world supply and demand factors, which are, to say the very least, highly variable. Last year, for example, world market conditions only warranted the use of $312 million out of the $770 million allocated for the EEP. However, this year, with abundant world supplies of subsidized wheat, world market conditions warrant much more of an expenditure.

Mr. Speaker, as I said, we face a very close deadline to ensure that this program keeps operating. It is important that we take quick action to make sure our farmers keep their export markets and to make sure that conditions in rural America do not worsen.

PRESERVATION OF OUR FORESTS AND TIMBER INDUSTRY JOBS REQUIRES CONGRESSIONAL ACTION TODAY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. WYDEN. Mr. Speaker, at a time when our private timberland acreage is diminishing, and public forest management is being whipsawed by complaints from both the environmentalist movement and the timber industry community, it's up to us to provide programs and incentives which compel better long-term care for our nation's public and private timberlands.

More than the future of our wood products industry depend on this. Preservation of millions of acres of land in forest use for recreation, wildlife habitat and watershed may be at stake.

That is why I and a number of my colleagues, today, introduce legislation which will put our Nation's tax policy on the side of good private forest management, and add support and direction to timber management of public lands in the Pacific Northwest.

With 28 cosponsors, I have proposed the Farm and Woodland Owners Tax Simplification Act of 1991, a bill encouraging aggressive private timber management by returning to tree growers business expensing tax advantages lost in the 1986 tax reforms. And with eight original cosponsors from the Pacific Northwest, I also introduce the Timber Management Improvement Act of 1991, a bill which directs the U.S. Forest Service and the Bureau of Land Management to increase reforestation and timber management efforts on second-growth public timberlands in the Pacific Northwest.

Mr. Speaker, these bills have impressive support from both the environmentalist and timber industry communities, as well as significant bipartisan support from congressional colleagues. And I hope that at a time when much political blood is being spilled over the question of preservation of old growth forests, these bills calling for stronger management of second-growth timberlands may begin to bind some of the wounds between the various warring groups which have a passionate interest in our Nation's forest lands.

The Farm and Woodland Owners Tax Simplification Act cures an unintended problem created by the 1986 Federal tax reform and subsequent Internal Revenue Service rulings. The changes cost private timber growers the ability to make normal business expense deductions on their tax returns. This in turn has discouraged active management of these noncorporate tree farms, and less timber from lands which make-up almost 275 million acres of the Nation's timber-growing forest base. Some forest farmers are converting their timber lands to other uses. These three farms—along with the wildlife habitat they provided—will be gone, forever.

Returning business expense deductibility to these farmers also should encourage three growers to use better forestry practices by allowing them to deduct expenses for the services of a professional forester. Tree growers will be better able to manage their timberlands for sustained yield, as well as make harvest plans which will be sensitive to environmentally delicate areas such as riparian zones.

The Timber Management Improvement Act directs the Secretaries of Agriculture and Interior to earmark more dollars for reforestation on Federal lands in the Northwest. For example, according to a recent inspector general's report, there is more than a 3-year reforestation backlog on BLM lands in western Oregon, alone. Other former public timberlands could be reclaimed for timber production under this bill.

The bill also directs more support for so-called stand improvement—tree thinning and herbicide removal designed to increase ultimate timber yields.

A recent Congressional Research Service report on this subject indicates that we could increase timber production on these lands by hundreds of millions of board feet per year. At a time when we are taking hundreds of thousands of acres out of timber production for the preservation of spotted owl habitat, I believe we have got to do everything we can to make these second-growth forests more productive.

The CRS study noted, for example, that the Forest Service could reforest more than 113,000 acres of former timberland in western Oregon and Washington at a cost of $40 million. The annual sustained yield from these lands eventually would reach 19 million cubic feet—about two-thirds the amount of annual timber yield expected to be lost because of spotted owl closures.

While both bills offer future solutions rather than short-order relief from timber shortages, I note that the legislation would create new jobs almost immediately in timber-dependent communities through increased reforestation and timber management activity.

Organizations supporting the tax rule change include number of State woodland owners associations, the Audubon Society, the 1,000 Friends of Oregon, the National Forest Products Association, the Society of American Foresters and the Sierra Club.

Organizations supporting the reforestation measure include the Oregon Forest Industries Council, the Wilderness Society and the Northwest Reforestation Contractors Association.

Mr. Speaker, I urge my colleagues to join us in support of these bills. I invite my colleagues to contact my office for the full list of interest groups which have endorsed these measures, as well as copies of any of the supporting materials mentioned in my remarks.

THE INTRODUCTION OF A JOINT RESOLUTION REGARDING RURAL SMALL BUSINESS WEEK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. McDADE. Mr. Speaker, today I am reintroducing a joint resolution to honor America's rural small businesses. As I stated when this measure was first proposed last spring, these firms are emerging as the lifeblood of our rural communities and their importance, as well as their nagging problems, need to be recognized by the Congress and citizens of the United States.

During the 1980's, urban areas of the United States enjoyed robust economic growth. Much of the credit for this activity accrues to the small entrepreneur in these metropolitan areas. These overachievers were responsible for roughly 92 percent of the over 10 million small business jobs created during the decade. These jobs helped to lift the American economy from the stagflation recession days of the late 1970's and today remain pivotal in the continuation of the longest peacetime expansion in our country's history. Today, 6 of every 10 U.S. workers are employed in a small firm and nearly 40 percent of our gross national product is generated by them.

The vital role these concerns play in maintaining the health of the American economy is now being emulated internationally. The fall of the Iron Curtain in Eastern Europe and the initial plodding steps toward a mixed economy in the Soviet Union have spurred demand on behalf of the peoples of these nations to own and operate small businesses. The leaders of these countries, recognizing the catalytic impact these firms can have in producing economic growth, have acceded to these demands. Again, the world responds to concepts and practices begun in America.

It is unfortunate, therefore, that the United States itself does not more aggressively apply the lessons learned from the success of small urban U.S. businesses and apply this knowledge to rural areas. During the 1980's, while the rest of the country basked in economic prosperity, over half of all rural counties saw their unemployment rates skyrocket to over 10 percent. And, whereas small businesses located in metropolitan areas created just over 9.5 million new jobs in that 10-year period, nonmetropolitan areas generated only 816,000—this despite the fact that over 24 percent of all U.S. citizens live and work in such locations. If rural America is to survive, given the changing character of the farm economy, more effort and determination is going to have to be expended by all parties concerned—Federal, State, and local governments, as well as rural citizens. It is to help begin this process that I offer this measure.

By focusing the Nation's attention on rural small businesses for a week late this summer, I hope that all Americans will take special note of their importance to the overall health and prosperity of the United States. I urge my colleagues to join me in this tribute.

FRANK S. GUERRA—OUTSTANDING CITIZEN AND WALNUT INDUSTRY DISTINGUISHED SERVICE AWARD WINNER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to an outstanding agricultural producer, Mr. Frank S. Guerra, on his February 7, 1991, receipt of the California walnut industry's 1990 Distinguished Service Award.

Both the California Walnut Commission and the Walnut Marketing Board have selected Frank to receive this award because of his unmatched achievements and contributions to the community and to the California walnut industry. His many years of service have created a legacy that will be hard to match for others in this industry. I can think of no one more deserving for this award than Frank.

Frank moved to Hollister, which is in my congressional district, in 1918 and celebrates his 90th birthday this year. He has long been an active and important member of our community. Since founding the Guerra Nut Shelling Co. in 1948, Frank has been responsible for a number of important innovations in walnut processing, quality control, and marketing. In addition, Frank has been instrumental in encouraging and supporting the participation of others in production research and in maintaining superior quality standards. Knowing the fierce competition of the industry, I admire Frank even more for putting quality and ethics before profit.

Members of the California walnut industry have overwhelmingly supported the selection of Frank for this honor. It is a pleasure to recognize and acknowledge his many years of service and commitment to California agriculture, his community, and to the California walnut industry. Throughout his career, Frank has demonstrated exemplary personal and professional dedication at home, in his work, and in every instance which called for his assistance. As a result, his receipt of the Distinguished Service Award comes as no surprise to his family, friends, and colleagues.

Paying tribute to Frank is a particular pleasure for me because he was a friend of my father. Both drew their heritage from the same part of Italy—Calabria—a region known for hard work, hard living, and hard heads. Both men taught their children commitment, dedication, and love of God and family.

Mr. Speaker, I ask my colleagues to join me now in congratulating Frank S. Guerra on his receipt of the California walnut industry's 1990 Distinguished Service Award. Frank is a man who continued to exhibit incredible intelligence and character. He is a vital asset to his community and the walnut industry.

URGING PRESIDENT HUGH DESMOND HOYTE TO HOLD FREE AND FAIR ELECTIONS IN THE REPUBLIC OF GUYANA

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. DELLUMS. Mr. Speaker, I rise today to focus the attention of this body on a troublesome situation in the Republic of Guyana. The constitution of that nation calls for free and fair elections to be held on May 2, 1991. It has come to my attention, however, that the President of Guyana, Hugh Desmond Hoyte, has argued that his government needs at least 6 months to implement election reforms, including house-to-house voter registration. Therefore, the election will not be held until some unspecified future date.

The decision by President Hoyte to postpone the election has sparked a flurry of debate within the borders of Guyana. Members of the opposition parties, grouped under the Patriotic Coalition for Democracy say instituting the election reforms should take no more than a few weeks, giving the Government plenty of time to organize and hold the election by May 2. Hoyte's opponents point out that the country of Nicaragua, with 3.6 million people, used special registration centers to complete the process in 5 days over a 5-week period. They suggest that Guyana, with a population of about 750,000 people, should be able to complete the task in less time with international support.

President Hoyte has been in office since 1985, but the party that he represents, the People's National Congress, has controlled the country since it gained independence from Great Britain in 1964. Many observers had hoped the May 2 election would be the first free ballot after 26 years of systematic rule by the PNC.

In its annual report, the Guyana Human Rights Association, stated that the slight improvement in human rights during Hoyte's first 4 years in office witnessed a sharp reversal in 1989. The report noted that, until last year, the "enjoyment of rights rested heavily on Government tolerence, since no steps had been taken to ensure greater institutional protection." The GHRA report cited widespread police brutality, including torture, rape and murder.

In view of the Hoyte government's apparent lack of enthusiasm for providing institutional safeguards for Guyanese citizens, his critics question the commitment of the Government to risk losing power in constitutionally mandated elections. The opposition believes the

Government plans to stall the elections until August in the hopes that expected International Monetary Fund credits will boost the country's economy and greatly improve the chances of reelection for the PNC.

Guyana's prospects for holding long-overdue free elections by May appear dim at best, with the PNC enjoying a two-thirds majority in congress, the opposition is powerless to prevent Hoyte from passing a measure by a simple majority, or, for that matter, amending the constitution, to legally change the election deadline and prolong his administration.

Mr. Speaker, at this time, I am calling for immediate free and fair elections in the country of Guyana and I ask my colleagues to join with me in urging the Hoyte administration to adhere to its own constitution and allow the democratic process to rule.

THE NATIONAL GUARDIANSHIP RIGHTS ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. ROYBAL. Mr. Speaker, I am today introducing legislation mandating national safeguards for elderly and infirm Americans facing or under guardianship. The bill, the National Guardianship Rights Act, is designed to combat widespread abuse and neglect uncovered in the Nation's system of guardianship. You may recall this bill is a response to abuses in the guardianship system uncovered by my former colleague, the late Claude Pepper. I am pleased to carry on his work in this important area and to join another pioneer, my good friend and colleague Senator JOHN GLENN of Ohio, who is sponsoring companion legislation in the other body.

This legislation is truly a civil rights measure. It would put an end to the widespread abrogation of rights of our Nation's most vulnerable elderly which our guardianship system today sadly permits. The current system is nothing less than a national disgrace. Unfortunately, many State and local guardianship systems have become sleeping watchdogs of personal liberty to the point where even a convicted felon is guaranteed more rights in many areas than innocent elderly and disabled Americans who are the subjects of guardianship proceedings. Because the imposition of a guardianship is so onerous—one loses the right to vote, own property, marry, make medical decisions, and other basic rights—there must be strong national safeguards against unnecessary and unduly restrictive guardianships. There are over 500,000 Americans under guardianship today.

An investigation and hearing conducted by the Subcommittee on Health and Long-term Care as well as an intensive investigation by the Associated Press exposed guardianship as a system designed to protect the elderly and infirm which had become in too many cases an avenue for abuse. Our work revealed the desperate need for major reforms to the system of guardianship. This bill, which builds upon the best of practices throughout the States and localities, is the culmination of long aims to restore guardianship to a system which does indeed serve to protect our Nation's most vulnerable.

Injustices like that suffered by a 91-year-old retired General Motors executive are the target of this bill. He was placed under a guardianship and stripped of all rights and possessions with no hearing and based only on the testimony of one person, a speech therapist. Although found by an independent psychiatrist to have a "fine and active mind," he was unable to contest the guardianship and died without any rights.

The National Guardianship Rights Act would require that all Americans facing the imposition of a guardianship receive adequate notice of impending guardianship proceedings; be represented by trained attorneys and have counsel provided if they cannot afford one; be afforded an examination by an independent professional team before any guardianship may be imposed; have the right to a jury trial; and have the right to prompt appeal of the decision or choice of guardian. The bill requires that all guardians be of competent character; receive thorough training; provide at least annual reports on the financial and physical well-being of the incapacitated person; and be subject to annual review and automatic removal by the courts. The U.S. Attorney General would be charged with enforcing this civil rights legislation and is authorized to withhold Federal moneys from States found not to be in compliance with the act.

Mr. Speaker, the National Guardianship Rights Act of 1991 was developed with the assistance of our Nation's top legal experts. The American Bar Association, the National Senior Citizens Law Center, the American Civil Liberties Union, and many other organizations and individuals provided excellent assistance when this bill was first crafted. It is my great hope that we can have the cooperation and efforts of these and other groups and individuals this year. It is my intent to hold further hearings before my Subcommittee on Health and Long-term Care of the House Select Committee on Aging on this important matter. It is my hope that the House and Senate Judiciary Committees will also convene hearings on this legislation and will report it out favorably as early as possible this session.

Mr. Speaker, I urge my colleagues to join Senator GLENN and myself in supporting this timely and greatly needed civil rights legislation.

TRIBUTE TO THE FRANKFORT LIONS CLUB ON ITS 50TH ANNIVERSARY

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to honor an important milestone of an equally important service organization in my district, the Frankfort Lions Club.

On February 25, the Frankfort Lions Club will mark its 50th anniversary of fellowship and service to the community. It is the oldest active service organization in the village.

Meeting in what is now the Village Hall, 19 Frankfort men, including my father, George C. Sangmeister, founded the club in 1941. Each of those charter members firmly believed in the Lions' motto: "No one ever stands so tall as when he stoops to help those less fortunate." The club membership has now grown to more than 90, including original members Albert Krusemark Jr., Burt Breidert, Arthur Bauch and Lester Soucie.

Over those 50 years of its existence, the Frankfort Lions Club has fulfilled its motto through numerous community service projects. These projects include the village's first street signs, installation of gas at the Frankfort Public School, readying the grounds and cosponsoring lights for Frankfort's Little League, sponsoring a shelter at the village's public tennis courts and donating park and gymnastic equipment to name just a few. The Lions' initiation of the Sauerkraut Festival has progressed into the Fall Festival, a village-wide celebration of Frankfort's heritage.

The club has also helped provide holiday baskets to the needy, summer camps for blind and deaf youths and has continually strived to serve the various needs of blind and deaf members of the community.

Mr. Speaker, I congratulate club president Phil Budny, his fellow officers and each member, past and present, on their 50 years of service to their community.

HARRIS COUNTY MAYORS' AND COUNCILS' ASSOCIATION SUPPORTS PERSIAN GULF POLICY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. FIELDS. Mr. Speaker, It was a pleasure for me to speak with many of the members of the Harris County Mayors' and Councils' Association by telephone on the evening of January 17. I had been scheduled to address the members of the association in person, but as you may recall, events in the Persian Gulf required me, and my colleagues, to return to Washington from our congressional districts.

The Harris County Mayors' and Councils' Association is composed of the mayors and city council members of the 28 cities located within Harris County, TX. Developments in the Persian Gulf were clearly on the minds of the 135 men and women who attended the association's January 17 meeting.

Based on the comments made, and the questions asked of me, I thought I detected widespread support for the policies enunciated over the last several weeks and months by President Bush, and for the actions our president has undertaken to address Iraq's invasion of Kuwait.

Nonetheless, I was surprised to receive recently a proclamation in which the Honorable Wilson Archer, member of the Humble City Council, on behalf of the Harris County Mayors' and Councils' Association, offers our support of the efforts of the U.S. military service personnel and offer our prayers for the men and women serving during this conflict. The proclamation points out that by unanimous vote of the membership of the Harris County Mayors' and Councils' Association we strongly support the actions of President Bush and the United States Congress relating to the Persian Gulf conflict.

Mr. Speaker, I simply want to applaud publicly the members of the Harris County Mayors' and Councils' Association for taking this unequivocal stand in support of those American men and women who are currently serving our Nation in Operation Desert Storm. Those brave men and women cannot help but be heartened to know that the vast majority of Americans are united in supporting Operation Desert Storm, and in praying for the safe return, as quickly as possible, of all our Armed Forces personnel from the Persian Gulf region.

I would like to include in the RECORD the full text of the association's proclamation:

PROCLAMATION

Whereas, the Harris County Mayors' & Councils' Association, an Association which represents 28 cities in Harris County, held their regular meeting on January 17, 1991. The meeting was attended by 135 people which included Mayors, Council Members, spouses and guests; and

Whereas, the Honorable Jack Fields, Jr., United States Congressman District 8, a resident of Humble, Texas, delivered a message via telephone from Washington, DC, advising our members on the current conditions of the war effort in the Persian Gulf; and

Whereas, the Association is very appreciative of Congressman Fields in taking time from his schedule during this crisis period in order to speak to the membership and to respond to their many questions; and

Whereas, by unanimous vote of the membership of the Harris County Mayors' & Councils' Association we strongly support the actions of President Bush and the United States Congress relating to the Persian Gulf conflict;

Now, therefore, I, Wilson Archer, by the authority vested in me as President of the Harris County Mayors' & Councils' Association, offer our support of the efforts of the United States military service personnel and offer our prayers for the men and women serving during this conflict.

In witness whereof, I have hereunto set my hand and have caused the official seal of the Harris County Mayors' & Councils' Association to be affixed this 18th day of January, 1991.

Signed: Wilson Archer, President

Attest: A. Lee Smith, Secretary/Treasurer

INTRODUCTION OF A GOOD WILL DOG SLED RACE BILL, "HOPE 91"

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. YOUNG of Alaska. Mr. Speaker, it is my privilege to introduce legislation today supporting the creation and implementation of a good will dog sled race in 1991 involving the United States and the Soviet Union.

The Committee on Physical Culture and Sports of the Chukotka Executive Committee of the Soviet Union and the Iditarod Trail Committee Inc. of the United States recently signed an agreement to organize and promote an American-Soviet dog sled race entitled "Hope 91." The Nome-to-Provideniya good will mission of 1988, along with the many other cultural exchanges between the United States and the Soviet Union, has provided the impetus for this historic sporting event.

The inaugural "Hope 91" race—also known as the Alaska-Chukotka Great Race—is scheduled to begin in Nome, Alaska, during the first week in April 1991. The 900-mile race will follow a trail from Nome to Teller to Wales, Alaska, across the Bering Sea to Uelen (Whalen), along the coast of the Soviet Union and ending in Anadyr. Race officials from both countries are expected to extend about fifty invitations to qualified dog mushers from different countries. This international event is being cochaired by Alaskan Leo B. Rasmussen, President of the Iditarod Trail Committee Inc., and Soviet representative Victor Orlav, Chairman of the Sports Committee for the autonomous Chukotka Region.

As you may know, dog mushing is foreign to most members of the Soviet society. However, through such a unique race as "Hope 91," the sport of dog sled racing will help generate warmth and good will between the peoples and countries of the Arctic region. Mr. Speaker, I urge my colleagues to support this historic international event and to join me in cosponsoring this legislation.

THE DESERT STORM FAIRNESS ACT

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. CAMPBELL of California. Mr. Speaker, I am sure we all agree the men and women participating in Desert Storm should not suffer tax penalties for their service to the country. It is for that reason that today I am introducing the 1991 Desert Storm Fairness Act.

The legislation would allow individuals who are members of the Armed Forces or Reserves and are active in Desert Storm to withdraw money from annuities, IRA's, and other retirement plans without having to pay Federal tax penalty for early withdrawal. Under current law, those who make early withdrawals from IRA's or annuities must pay an additional 10-percent Federal tax on that withdrawal. The Desert Storm Fairness Act would allow Desert Storm participants to make penalty-free withdrawals up until 90 days after their service in Desert Storm has ended.

Many Desert Storm participants are undergoing financial difficulty as a result of their service. In particular, a large number of reservists who have been called to active duty are paid less money than they made in civilian life. Under current law, those reservists cannot withdraw money from an IRA or annuity to make up the difference and support their families—unless they are willing to pay a 10-percent penalty. That is not fair, and it is not in keeping with the spirit of the IRA regulations, which allow for early withdrawal in cases of hardship.

I am proud to join the efforts of Idaho Senator LARRY CRAIG, who is today introducing companion legislation on the Senate side. He is a staunch supporter of America's armed services and veterans.

Mr. Speaker, our men and women participating in Desert Storm are already making tremendous sacrifices for our country. Let's make sure they don't also have to sacrifice a part of their retirement plans.

HONORING MOUNT SAN ANTONIO COLLEGE, WALNUT, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. TORRES. Mr. Speaker, the month of February 1991, is National Community College Month. It is a time to pay special tribute to the many community colleges, and reflect upon the vast changes and contributions which they have made to the educational system of this nation and state. In addition, I pay special recognition to Mount San Antonio College, Walnut, CA, a distinguished college whose institution of postsecondary education has produced the highest quality of education.

Mr. Speaker, education is an extremely important subject to me. Since the founding of Mount San Antonio College nearly 50 years ago, the college has exploded both in size and stature. The college opened its doors in 1946 with a staff of 32 people and 600 pioneer students. Today, the college is home to 301 certificated full-time faculty members and 25,000 undergraduate students. It serves 38,000 residents in 12 cities and 4 unincorporated communities.

The college offers 2-year degree programs, transfer education, career preparation, basic skills education, and continuing education and is one of the most single comprehensive college districts amongst the California Community Colleges. Further, Mount San Antonio College enjoys a special partnership with the business community, industry, and government. This has been a few of its most important assets to the local economy as the college has provided a window of economic opportunity for all.

Mount San Antonio College has also been an innovative leader by bridging the gap of educational opportunity between our local elementary and high schools in the area that it serves. The college has fostered an excellent quality of instruction at all levels of education. It additionally has been a creative and vital resource for community services, which includes cultural programs, educational and career counseling, and special events for the entire family.

Mr. Speaker, it is with honor and pride that I rise to recognize Mount San Antonio College in its celebration of National Community College Month, February 1991, in honor of this Nation's educational system and its role in offering educational and employment opportunities for all. I ask my colleagues in the House to join me in extending best wishes and congratulations to Mount San Antonio College and the community colleges of our Nation.

TRIBUTE TO OTTIS ANDERSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. PAYNE of New Jersey. Mr. Speaker, on Sunday, January 27, 1991 a citizen of Orange NJ, was voted "Most Valuable Player of Superbowl XXV." Ottis Anderson, No. 24 of the "New Jersey" Giants, dazzled the audience and his colleagues with his performance on the football field. He scored the second touchdown in Superbowl XXV. The oldest active running back in the National Football League proved once again that age is only a number.

Ottis, known by some as O.J. Anderson, started his professional career with the St. Louis Cardinals with a number familiar to the O.J. initials No. 32. The famous running back O.J. Simpson also wore the No. 32 when he played for the Buffalo Bills. Ottis, a Florida native, attended the University of Miami where he was an outstanding player for the school. He was drafted into the National Football League and has played professionally each year since 1979.

In 1986 Ottis Anderson joined the Giants. In 1989 he rushed for over 1,000 yards, helping to lead the Giants to another successful year. To date he has rushed for a career total 10,200 yards, including 6 years of rushing for over 1,000 yards. These statistics have given him the rank of eight in all time National Football League running backs. It is his inate ability to cut and find openings in the opponents line, when other running backs would have been stopped that has contributed to Ottis' outstanding career.

I ask my colleagues to join me in congratulating Ottis Anderson, one of my constituents, who is going to be honored on Wednesday, February 20, 1991 by the city of Orange, his neighbors and friends, for the outstanding job he did in Superbowl XXV. He has made the citizens of Orange, the citizens of the 10th Congressional District and the citizens of New Jersey very proud.

DEATH OF LANCE CPL. JAMES LUMPKINS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. GRADISON. Mr. Speaker, the death of Marine Lance Cpl. James Lumpkins of New Richmond, OH, which is located in my district, and 10 other Marines this past Tuesday has brought home the personal tragedies of war. Corporal Lumpkins death has forced us to recall the great truth that freedom is not free and that the burden of defending freedom is not borne equally. Obviously, there is no way we can adequately thank Corporal Lumpkins and others who make the ultimate sacrifice in order to make the world a better place.

Lance Corporal Lumpkins is not the first from New Richmond to die in the service of our Nation. In 1983, two New Richmond men were killed in the terrorist bombing of the Marine headquarters in Beirut. The deaths of these three brave men have been a tremendous blow to this small, deeply patriotic community.

The outrages perpetuated daily by Saddam Hussein are a reminder that the news from the Persian Gulf is going to get worse before it gets better. It is inevitable that more soldiers will be called to lay down their lives in the defense of freedom and that more families will receive visits from defense personnel. My thoughts and prayers are with the soldiers carrying out their mission in the Persian Gulf with bravery and determination and the families who await the return of their loved ones.

A RALLY IN SUPPORT OF OUR TROOPS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. YATRON. Mr. Speaker, here in the Capitol over the past few weeks most of our energy and attention has been focused on the war in the Persian Gulf. Brave and courageous U.S. soldiers are engaged in a struggle with Saddam Hussein's forces, and I know that every one of my colleagues is keeping our soldiers in their prayers. Congress, a body divided by design, has cast aside its partisanship, has joined with the President, and is fully cooperating to make sure that the valiant U.S. soldiers in the gulf have everything they need in both material and moral support to prevail and triumph over Hussein's brutal aggression.

More important to the troops, perhaps, is the knowledge that Americans across our great country support them. Every day Americans gather around the flag to keep faith with U.S. forces. Americans are coming together to pledge to the troops, and to all veterans of past wars, that we will not forget them for their sacrifices in maintaining and preserving the democratic principles and respect for liberty that America has come to symbolize. The courageous American troops are putting their lives on the line to protect the freedoms that we now enjoy. They are our common heroes, and we must make sure they know that we are indebted to them for their selfless acts in defense of our freedom.

Mr. Speaker, on Saturday, February 9, 1991, the Combined Veterans Council of Berks County, PA, will rally in Reading City Park in support of our troops. The Combined Veterans Council of Berks County is comprised of soldiers of our most recent wars—World War II, the Korean war and the Vietnam war. These veterans, along with many Gold Star Mothers and other patriotic Americans, are gathering to demonstrate their solidarity with the troops and with President Bush. They will also pay tribute to all veterans, past and present, and to show those soldiers still missing in action and their families that they have not been forgotten.

I rise today to commend the Combined Veterans Council of Berks County for holding the rally and all those who will attend this gathering of patriots. The bold and heroic soldiers fighting for America need to know that they have our love and our support, and that we will not forget them in their hour of need. The Combined Veterans Council of Berks County is sending that message loud and clear, and I am deeply honored to be able to share that message with my colleagues here in the House of Representatives.

THE PALESTINIAN PROBLEM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mrs. LOWEY of New York. Mr. Speaker, last week, Secretary of State James Baker and Soviet Foreign Minister Bessmertnykh issued a joint communique on the Persian Gulf war that created uncertainty and confusion as to whether a new policy on the gulf war was emerging—a policy that seemed to embrace the concept of linkage between the war with Iraq and the Palestinian problem.

Those of us who understand that any linkage is dangerous and wrong—and who have supported the administration in its opposition to any linkage—were not surprised to see the administration insisting, only hours later, that the communique did not represent a change in U.S. policy.

Efforts to equate Saddam Hussein's unprovoked aggression against a sovereign nation and Israel's capture of territory while defending itself amount to nothing less than appeasement of Iraq's aggression.

In the future, the administration should consult with Israel in advance of issuing statements on the Middle East peace process, and the administration and Congress should remain firm in their opposition to any linkage between the gulf war and the Palestinian problem.

INTRODUCTION OF THE OPERATION DESERT STORM CONTRIBUTION ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. HORTON. Mr. Speaker, today I am introducing legislation which will allow individuals to direct part or all of their Federal income tax refunds to Operation Desert Storm.

Over the past 6 months we have heard of the costs that will be incurred by the U.S. Government during Operation Desert Shield and Operation Desert Storm. While I am encouraged to hear that the allied nations will be bearing their share of those costs, some of the financial burden will undoubtedly be borne by the United States. My legislation will not only grant taxpaying Americans the opportunity to assist their Government in reducing the cost of Operation Desert Storm, but also allow our constituents the opportunity to show both their moral and economic support for the many men and women currently serving their country in the Persian Gulf.

I urge my colleagues in the House of Representatives to cosponsor this legislation that will allow their constituents to do their part for Operation Desert Storm.

LEGISLATION TO HELP AMERICA'S SMALL BUSINESS COMPETE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. SCHULZE. Mr. Speaker, currently, the overwhelming majority of all U.S. exports to the rest of the world are accounted for by a regrettably small handful of U.S. corporations—mostly large in size. While these large corporations deserve praise for the role they play in mitigating the enormous U.S. trade deficit, we must encourage America's entrepreneurial small- to medium-sized firms to pursue and seize overseas sales opportunities, as well.

Today, I am introducing legislation to stimulate smaller American businesses to enter foreign markets by granting subchapter S corporations the right to setup foreign sales corporations. A foreign sales corporation [FSC] is a mechanism that Congress created in order to provide a tax benefit to spur exports, while not being in violation of the General Agreement on Tariffs and Trade [GATT]. This would make this valuable incentive available to what in the future could be our most competitive exporters.

I am firmly convinced that at a time when we should be enhancing our ability to export and compete in world markets, everything possible must be done to facilitate the entry of smaller American businesses into these lucrative markets. Granting subchapter S corporations the right to set up FSC's clearly would help further this goal.

We must recognize that our nimble, innovative and energetic small businessmen and women can and want to make significant contributions to the exports side of the trade equation by exploiting overseas sales opportunities. But first, we must do our share by providing these entrepreneurs with the tools essential to penetrating fiercely competitive global markets. In short, we in Congress must give them a fighting chance.

I urge my colleagues to help America's small businesses compete by cosponsoring this legislation.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1991

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 11 through No. 17 on Wednesday, January 23, and Tuesday, January 29, 1991. Had I been present on the House floor I would have cast my votes as follows:

Rollcall No. 11—"Yea" on House Concurrent Resolution 41, to condemn the Iraqi attack on Israel.

Rollcall No. 12—"Yea" on House Concurrent Resolution 48, to condemn the Iraqi treatment of allied prisoners.

Rollcall No. 13—"Yea" on House Resolution 4, the IRS extension for Persian Gulf troops.

Rollcall No. 14—"Yea" on House Resolution 3, veterans' compensation amendments.

Rollcall No. 15—"Yea" on House Concurrent Resolution 40, condemning the Soviet use of force in the Baltic States.

Rollcall No. 16—"Yea" on House Resolution 556, Agent Orange Act.

Rollcall No. 17—"Yea" on House Resolution 555, Soldiers' and Sailors' Civil Relief Act amendments.